

**Legitimacy, Identity and Conflict:
The Struggle for Political Authority in Southern Sudan, 2005-2010**

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Doctor of Philosophy in Arab and Islamic Studies

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2010

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The Struggle for Political Authority in Southern Sudan, 2005-2010**

Submitted by Sarah Lykes Washburne, to the University of Exeter as a thesis for the degree of
Doctor of Philosophy in Arab and Islamic Studies, May 2010.

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Abstract

The consolidation of political authority over Southern Sudan has never been achieved, nor has the region ever experienced a comprehensive, uniform system of governance. No one political group, external or internal, has ever been able to present itself as the legitimate representative of the populace of Southern Sudan. These, however, were the objectives which the Sudan People's Liberation Movement (SPLM) sought to achieve from 2005 to 2010. The main contention of this thesis is that the success or failures of the SPLM at post-conflict state-building can be measured through the conceptual framework of legitimacy.

As a rebel movement, the SPLM fought a war of liberation against the government of Sudan from 1983 to 2004. Yet, the SPLM was not fighting for the secession of the South, as its predecessor had, but for the liberation of the country and for the creation of a 'New Sudan' where all the politically marginalised groups of Sudan would be political equals. The movement based its rationale on a 'revolutionary ideology', but this form of ideological legitimisation was insufficient to gain Southern-wide support for its cause. The movement failed to establish rebel governance structures, was accused of abuses against the local population, and generally looked to external actors for support. Yet, through a peace agreement largely propelled forward by the United States, the SPLM 'won' the war and was tasked with constructing a semi-autonomous state in Southern Sudan.

The successes or failures of the SPLM in developing the Government of Southern Sudan were largely dependent on its ability to create effective institutions and consolidate legitimacy. In order to accomplish this, the SPLM would have to shed its militaristic ethos and revolutionary ideology and thereby enable it to govern not as a rebel movement but as a political party. This, however, did not take place. The new Southern Government, which was supposed to be developed along the lines of a decentralised system of governance, remained centralised. The state and county governance institutions did not undergo the necessary capacity-building and were, subsequently, not able to provide for the security, development or welfare of the Southern populace. Thus, the government failed to consolidate eudaemonic legitimacy. In light of this shortcoming, government officials and the SPLM leadership promoted civic and revolutionary

ideology as means to consolidate support. While ideological legitimation was successful to a certain extent, the majority of the Southern populace was illiterate and living in poverty; concepts such as democracy, civic responsibility or SPLM successes during in the peace process were not as appealing as the provision of basic services and development. Thus, the inability of the government to provide for the needs of the citizens jeopardised the attempts at ideological legitimation. As long as the government remained centralised and paralysed in providing for the welfare of the Southerners, it was unable to be considered as the true representative of the populace.

Acknowledgements

I am greatly indebted to my supervisor Professor Tim Niblock who has provided me with invaluable comments, direction and support. His guidance was essential and I would like to express my sincere gratitude for all his patience and constructive criticisms.

I am especially thankful for the support of my father and mother. I know that they were not always happy with my resolve to travel to dangerous areas in Sudan, but they never deterred me from doing so. I would not have been able to complete my thesis without their material and emotional support.

The research process in Southern Sudan was not easy. I arrived first in Juba without knowing anyone, but was able to make contacts which facilitated my interviews. I am grateful to all my contacts in Sudan, both inside and outside of the government, who helped me secure interviews. Also, a number of NGO workers, UN peacekeepers and missionaries were kind enough to take pity on me, provide me with transportation and, occasionally, a home-cooked meal. Their efforts were very much appreciated. I would also like to acknowledge that I was the recipient of the HRH Prince Alwaleed Al Saud Award, which was used for my research in Khartoum. Of course, special thanks go to the interviewees who were kind enough to find time to talk to me. Their input was essential for my research.

Finally, a million thanks to KJL, who listened to all my rants.

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List of Acronyms

ABC- Abyei Boundaries Commission
CBO- Community-Based Organisation
CPA- Comprehensive Peace Agreement
CRE- Christian Religious Education
DUP- Democratic Union Party
EDF- Equatorian Defence Force
GoSS- Government of Southern Sudan
ICC- International Criminal Court
IDP- Internally Displaced Person
IGAD(D)- Inter-Governmental Authority on Development (and Drought)
IGO- Inter-Governmental Organisation
JAM- Joint Assessment Mission
JIU- Joint Integrated Unit
KPA- Khartoum Peace Agreement
LINCS- Localising Institutional Capacity in Sudan
LRA- Lord's Resistance Army
MDG- Millennium Development Goal
NCA- Norwegian Church Aid
NCP- National Congress Party
NDA- National Democratic Alliance
NEC- National Elections Commission
NGO- Non-Governmental Organisation
NIF- National Islamic Front
NSCC- New Sudan Council of Churches
OAG- Other Armed Group
OAU- Organisation of African Unity
OLS- Operation Lifeline Sudan
PCA- Permanent Court of Arbitration
PCU- Primary Care Unit
SAF- Sudan Armed Forces
SANU- Sudan African National Union
SCC- Sudan Council of Churches
SHD- Sustainable Human Development
SINGO- Sudanese Indigenous Non-Governmental Organisation
SPLA- Sudan People's Liberation Army
SPLM- Sudan People's Liberation Movement
SPLM-DC- Sudan People's Liberation Movement-Democratic Change
SSDF- South Sudan Defence Force
SSDF- South Sudan Democratic Forum
SSDF- South Sudan Democratic Front
SSIM- South Sudan Independence Movement
SSLA- South Sudan Legislative Assembly
SSLM- South Sudan Liberation Movement
SSPS- Southern Sudan Police Services

SSRA- South Sudan Rehabilitation Association
SSRRC- South Sudan Relief and Rehabilitation Commission
SSTV- South Sudan Television
TMC- Transition Military Council
UDSF- United Democratic Salvation Front
UDF- United Democratic Front
UN- United Nations
UNDP- United Nations Development Programme
UNHCR- United Nations High Commissioner for Refugees
UNICEF- United Nations International Children's Education Fund
UNMIS- United Nations Mission in Sudan
USAID- United States Agency for International Development
USAP- United Sudan African Party
WFP- World Food Programme

Chapter 1: Introduction

I. Introduction and Rationale

This thesis contends that the successes and failures of an armed socio-political movement, as well as the viability of post-conflict governance in the aftermath of a peace agreement, should be understood through the theoretical lens of political legitimacy. Legitimacy refers to the notion that the ruled accept the authority and authenticity of the ruling regime or elite. This traditionally state-centric and Western-oriented conceptual framework can and should be expanded to non-state actors such as armed movements and nascent governments emerging after ethno-political conflict. The evaluation of the internal and external actions of an insurgency or rebel movement must be defined through the types of legitimacy upon which it relies. Similarly, the transition of a rebel movement to a recognised political party after the end of an armed conflict, as well as the development of governmental institutions at all levels of governance, is best understood through the manufacturing of political legitimacy by the various state actors. The strength of the structural and eudaemonic legitimacy of government institutions, and confidence of local communities in that legitimacy, helps to determine the future stability of the state. Similarly, the ability of the former insurgents (who often become political leaders of a post-conflict government) to move away from ‘revolutionary legitimacy’ and embrace forms of legitimacy which reflect the visions of the various sections of society, will establish the viability of their political party as well as the future options for a stable peace.

The general success of a peace agreement and subsequent capacity-building of governance institutions is often measured from a quantitative perspective. The focus of most post-conflict studies centres on what can be considered as tangible results, such as the statistics from developmental activities; the creation of a constitution, legislative body or government ministries; the return of displaced persons; or even the number of arms collected from the population and rehabilitated soldiers. Thus, the analysis concentrates on what can be measured quantitatively and from an institutional-based perspective. While these results are of course of importance, they do not necessarily provide for the long-term political stability of the system. By approaching this problem from the conceptual viewpoint of legitimacy, however, one begins to obtain a more vivid idea of what these statistics signify

at a community-based level of politics. A good report card from the international community does not mean that the populace supports the new government or the authorities in charge of it. Moreover, a qualitative approach sheds light on the impressions of the people for whom the peace agreement is meant to help. The local perspective is crucial. For this reason, this thesis aims to look at how a post-conflict state either succeeds or fails from such a viewpoint.

The history of the Sudan People's Liberation Movement (SPLM), the rebel movement which fought the central Sudanese state from 1983 to 2004, provides a particularly interesting and multifaceted case study on rebel legitimacy and post-conflict governance. This is so for many reasons. The complex, and at the time the longest-running civil war in the world, was exemplified by switching alliances, unprecedented international humanitarian aid involvement, and rebel militias led by commanders with PhDs. The choice of most commanders was to reach out to external state actors, either from Northern Sudan, neighbouring countries, or the international community in search of support. This was done at the expense of the local populations, who suffered gravely at the hands of the men who claimed to be fighting for their interests. The SPLM, through 'winning'¹ the war in a negotiated peace settlement, claimed to have come to power on the waves of a sort of 'revolutionary legitimacy'. Since then, the group's inability to adapt has caused a myriad of problems and confusion within the party and has hampered its attempts at post-conflict governance. The timeframe set out by the Comprehensive Peace Agreement (CPA) demanded that the SPLM shift its legitimising mechanisms, so as to reach out to a broad and diverse spectrum of Sudanese society.² Within the space of a six-year interim period the SPLM, along with other Southern Sudanese political parties, was tasked with developing a government from scratch; asserting political and military control over a vast area that lacked any sort of infrastructure and was completely underdeveloped; campaigning and holding national, state and local elections; working as the 'peace partner' in the Government of

¹ In fact, there was no clear winner in this conflict. The peace agreement was largely pushed forward by external actors. This lack of a clearly defined winner has caused problems which will be discussed later.

² While the SPLM primarily aimed to reach out to the Southern Sudanese community, its desire to transform the political system of all of Sudan, as well as its somewhat unreasonable goal of winning nation-wide elections at all levels, in all parts of the county meant that it was indeed reaching out to all Sudanese through its rhetoric.

National Unity; and, finally, holding a referendum on possible independence of the Southern region.

The SPLM's ability to address the above challenges would determine whether or not the populace of Southern Sudan considered it to be the legitimate holder of political authority. The successful development of government institutions would also establish the nascent Government of Southern Sudan as an effective system through which the citizens' post-conflict needs and welfare would be met. Yet, constructing legitimacy of both the system and the authorities faced many shortcomings. One of the key problems for the SPLM as it tackled the stipulations of the peace agreement was the lack of clear identity and ideology. In the South it proclaimed that it was a party for Southerners. In the Northern regions it painted itself as a national party working for the interests of all the marginalised people of Sudan. The party was also having trouble moving away from its militaristic ethos and the promotion of its revolutionary legitimacy. This was in part the result of the incessant insecurity continuing to flourish in Southern Sudan and the border regions, as well as the fact that the majority of the Southern ministers, governors and executive leaders were military commanders.³ Tribalism challenged the group's ability to come to terms with its past injustices and perceived favouritism of the Dinka tribe. The lack of clear direction from within the movement suggests that it was either unwilling or unable to shift its modes of legitimisation after the CPA was signed.

This thesis contends that the inability of the SPLM to shift its legitimising tactics was a major failure of the party and, subsequently, seriously undermined the stability of the Government of Southern Sudan which was, at the time of research, basically an extension of the SPLM. This was due to the fact that other Southern parties were left out of the peace agreement and that elections were only held in the last year of the interim period. In order for the Southern region to remain stable, especially in light of potential independence in 2011, the SPLM must be conceptually separate from the government and, more importantly, from the Southern army. As long as the government remained an extension of the SPLM, the system itself lacked structural or legal legitimacy. Further, weak government institutions precluded the government, and by extension the SPLM, from establishing social eudaemonic legitimacy, which shows the commitment of the government to the welfare of the populace.

³ For example, of the ten Southern state governors, eight held military ranks during the interim period.

In many areas of the political sphere, politicians remained dependent on tribal and personal ties. This prevented the authorities from establishing legitimacy among a wide portion of the Southern populace and led the society down a path of insecurity and violence. Since a large percentage of the government budget continued to focus on supporting and developing the military capacity of the Southern army, the Sudan People's Liberation Army (SPLA), this was indicative of the SPLM's continued reliance on raw power or force over political legitimacy. The forms of legitimacy it promoted must be acceptable to the wide variety of tribal, religious, cultural and civil groups within the South.

A study like this is imperative for a number of reasons. Sudan has undergone vast changes in the first decades of the new millennium, yet academic attention has been lacking. Certainly, there has been a significant amount of media attention directed towards the country in recent years, but this focus has largely been on the conflict in Darfur and the creation of a purely negative image of the whole country. In fact, the political scene in Sudan is multifaceted and should be studied appropriately. Sudan has been passing through a vital period in its post-colonial history. Firstly, the exportation of oil has brought unprecedented wealth, prosperity and political influence to the country. Secondly, the crisis in Darfur has brought unwelcome international media attention to the country. For one reason or another, this particular conflict has captured the international imagination more than similar ones in the South, the southern Blue Nile, the Eastern region or the Nuba Mountains. Thirdly, the central leadership is facing a serious challenge from the international community over the issue of Darfur.⁴ The decision by the International Criminal Court (ICC) to pursue the sitting president, Omar Al Bashir, constituted a formidable challenge, though largely symbolic, to his leadership. Fourthly, the regime is being challenged internally by the SPLM, which is a political force to be reckoned with in both the South and the North. The elections prescribed by the internationally-brokered agreement presented an internal challenge to the regime, as did the fact that the Sudanese

⁴The National Islamic Front (NIF) regime, later named the National Congress Party (NCP), is led by Omar Al Bashir. There was an internal coup attempt in 1999, but Al Bashir quickly consolidated his authority over the more radical Islamists in the party, led by Hassan Al Turabi.

government was no longer based upon one-party rule.⁵ Finally, Sudan is on the verge of a split which would break into two the largest country in Africa.

For the South, more specifically, this interim period represents the first time in its history that the Southerners have been their own political leaders, discounting the loose tribal structures that were dominant during the pre-colonial era.⁶ A failure of this experience with self-rule will undoubtedly turn the South on its head and result in renewed conflict, perhaps between the North and South, and most certainly between the Southerners themselves. For this reason, this thesis contends that it is vital to understand the current processes of government formation and identify its shortcomings. This is done from the perspective of creating a legitimate government. The Southern Sudanese have shown that they can endure many inequalities, underdevelopment and hardships. However, if they do not see the Southern government as working for them, or even belonging to them, then this attempt at state-formation will fail. The heart of the problem is whether or not this new government, which is part of a one country-two systems rule, can be considered as legitimate to the Southern population. If not, the potential for a stable Southern Sudanese state after the referendum remains doubtful. If the Southern population does vote for independence in 2011, then the new state might be a failed state from its inception.

The primary question this thesis seeks to answer is, though an examination of legitimacy of the government and political authorities, what is the potential for a future Southern Sudanese state which is accepted by the Southern population as its legitimate representative. The main areas of inquiry are: how the SPLM acquired legitimacy as a rebel movement; what affect the international community had on the characteristics of the war and on the peace agreement; how effectively the government institutions and decentralisation developed; if the Southern population was successfully mobilised around ideological legitimacy; what public opinion on the Southern government and the SPLM said about their legitimacy; how tribal and civil institutions filled a gap in the civilian-government relationship; and how the formulation of the relationship between the South and external

⁵ While the NCP remained in control of the Sudanese government after 2005, the presence of other political parties in the government led to an opening-up of the political dialogue within the country. The NCP had to, at least symbolically, include other political parties in the governing process.

⁶ The peace agreement which ended the first civil war in 1972 provided the South with a regional government. However, this government did not resemble the semi-autonomous Southern government founded in 2005 since the central government's influence was quite substantial in the South in 1972.

actors further served the SPLM's domestic legitimacy cultivation. All of these areas of research are channels through which the legitimacy of the Southern Sudanese governmental system and regime can be examined. An evaluation of the past actions and ideology of the SPLM as a rebel movement, the development and effectiveness of the Government of Southern Sudan, and the transition of the SPLM to a political party will help to determine what shortcomings the (potentially) new Southern Sudanese state will face from 2011. Finally, the observations rendered from this investigation will highlight possible lessons for the new government in consolidating legitimacy past the referendum.

II. Conceptual Framework

a. Conceptual Origins of Legitimacy

The concept of political legitimacy, as an understanding of the dynamics of state power, can be traced back to Max Weber, whose social theories sought to explain the basis of political authority.⁷ Weber writes, "the system of authority voluntarily limits itself to the appeal to material or affectual or ideal motives as a basis for guaranteeing its continuance."⁸ Thus, certain morals and values link the populace to governance. There is a distinction, however, that Weber does not explicitly make, and that is between the system of governance and those involved in governing.⁹ These should be considered as two separate objects of support and they interact with varying degrees of importance.

David Easton writes, "[i]f we are to understand the function of support, we must begin by clearly recognizing that a system consists of numerous subsystems and aspects, some of which are more important and some less so from the point of view of support."¹⁰ These objects of support include the system and the regime. For Easton, it is vital to understand the interaction of these objects as means for understanding system viability and political change. The system is defined through governmental institutions and the constitutional order; this system consists of values, norms and structure. The regime, or the political authorities, are

⁷ Max Weber, *The Theory of Social and Economic Organization*, trans. A.R. Henderson and Talcott Parsons (London: William Hodge and Company, 1947).

⁸ *Ibid.*, 298.

⁹ Though, Weber does show how legitimacy can be based upon systemic or individual grounds. This will be highlighted later when his categories of legitimacy are discussed.

¹⁰ David Easton, *A Systems Analysis of Political Life* (New York: John Wiley & Sons, Inc., 1965), 171.

the occupants of government positions but are different from the roles themselves. Legitimacy is concerned with the sentiments bestowed upon the system itself and those individuals who give meaning to the system. According to Easton, legitimacy is traditionally applied to the power of political authorities. Objects for consideration are the persona of the rulers as well as the norms and structures of the regime. Here, societal attitudes confer legitimacy, which provides for the stability of the political regime.

At this point, it is clear that there are two options for evaluating legitimacy: a systems analysis or a community-based analysis. That is, the conceptualisation of the viability of political authority is evaluated either from above or from below. A systems analysis reveals the effectiveness of the government itself. However, this does not presuppose that concrete successes of a government, or the authorities, are vital for the system to be considered legitimate. Even if effective, if the political system does not cater for the interests of a significant part of society, then it cannot be considered legitimate. For S. M. Lipset, the efficacy of a government is not in and of itself representative of its legitimacy.¹¹ He considers a breakdown in the values of a government as an important factor in the legitimacy of a system. For him, legitimacy “involves the belief that the existing political institutions are the most appropriate ones for the society.”¹² Thus, the values of the populace connect it to the system. By granting such a large amount of importance to the ‘beliefs’ of a group of people, this points to the importance of the community-based analysis in explaining the viability of the government.¹³

Another area of analysis addresses why legitimacy should be considered at all outside of the democratic setting.¹⁴ Here, the very core nature of legitimacy must be evaluated. Easton states that “[t]he inculcation of legitimacy is probably the most effective device for regulating the flow of diffuse support in favour both of the authorities and of the regime.”¹⁵ Indeed, since no rule can be enforced by power or coercion alone, the process of cultivating legitimacy and its continued promotion is of vital importance to the survival of any system

¹¹ Seymour Martin Lipset, *Political Man: The Social Bases of Politics* (London: William Heinemann Limited, 1960).

¹² *Ibid.*, 77.

¹³ The difference between measuring the efficiency of the political system versus evaluating public opinion will be discussed in more detail in the following section on methodology.

¹⁴ Indeed, most of the authors quoted in this section have sustained their analysis within a Western democratic setting.

¹⁵ Easton, *A Systems Analysis of Political Life*, 278.

or government. This is especially applicable within an authoritarian setting where the government does not enjoy electoral justifications for its rule. While legitimacy does depend on power, it is of the political, non-coercive kind. Arthur L. Stinchcombe identifies reserve sources of power as a means for a regime to fend off opposition.¹⁶ One reserve power might be public opinion, while another is the obedience of subordinates. Maintaining rule through force is not necessary if a government can rely on these sources of non-coercive power.

It is clear that legitimacy is an important theoretical perspective both within and outside of the confines of Western democracy. In fact, it provides evidence as to why a system or regime, considered 'illegitimate' from the Western perspective, endure. Moreover, if the system or those engaged in ruling do not allow for the political freedoms that are so dearly valued in a democratic setting, then it becomes clear that any systems analysis of certain regimes is ineffective. The system itself, which might not be democratic, does not have to validate the ruler if he or she can rely on alternative forms of legitimacy such as ideology or traditions. There is something else which maintains legitimacy in an 'illegitimate' setting; this is the sentiments of a necessary portion of the populace. Members of society accept a regime as legitimate. There is the perception of the authorities meeting the needs of the populace and the acceptance that the current system is the most compatible one for their society. There is a connection to the authorities that goes beyond pure legality. For this reason, the community-based approach is of immense significance.

While the societal-based perspective is important, this does not mean that the analysis should focus purely on public opinion, but rather on the process which creates certain sentiments of public opinion. John H. Schaar sees this process as promoted through a system designed to persuade the followers of the appropriateness of the regime.¹⁷ This is done through the creation of rules, policies and symbols which create faith in a regime. Thus, the emphasis of any analysis must be on the process which links the elites to the populace. As such, societal attitudes are given significance through the process which binds them to regime values and norms. The actions of the elites and of the populace will be examined later. For now, however, the next section looks to the specific categories of legitimacy. The

¹⁶ Arthur L. Stinchcombe, *Constructing Social Theories* (New York: Harcourt, Brace and World, Inc., 1968), 160-162.

¹⁷ John H. Schaar, *Legitimacy in the Modern State* (New Brunswick, New Jersey: Transaction Books, 1981), 21-23.

type of legitimacy that is relied upon reveals how the elites act to promote their rule and how this process of legitimation influences the perceptions of the followers.

b. Categories of Legitimacy

The process of identifying the categories of legitimacy reinforces the importance of a community-based level of analysis within the conceptualisation of legitimacy. The type of legitimacy that is promoted by a system or a ruler is given meaning and substance only in relation to the individual or populace at large. That is, without considering the perceptions of and acceptance by the populace, the very categories of legitimacy become irrelevant. By utilising a sociological perspective, this indicates that the theoretical perspectives of legitimacy must continually explain both the nuances of the human psyche and the political climate. Thus, it is imperative to examine the evolution of the types of legitimacy, their shortcomings in explaining various political situations and how this conundrum might be resolved.

Weber seeks to classify legitimacy to explain the modes of exercising power and the types of compliance that they might render.¹⁸ Here, the validity of claims to authority is based upon rational, traditional, or charismatic grounds. The legal, or legal-rational legitimacy, implies obedience to an impersonal order or system; this can be extended, however, to the level of the individual ruler by virtue of the legality of his or her rule within the accepted system. Secondly, traditional authority derives its legitimacy from the presence of ‘immemorial’ traditions and the ability of the ruler to operate under them. Finally, charismatic authority rests on a trust in the person based upon his or her charisma.

Building upon Weber’s analysis, Easton develops three categories of legitimacy that, although similar, provide a broader perspective.¹⁹ He identifies three main sources of legitimacy: ideology, structure and personal qualities. He relates each source to the objects of legitimacy: the regime and the system. Ideological legitimacy is concerned with moral convictions about the validity of the regime and the authority roles. Structural legitimacy, similar to Weber’s legal-rational argument, examines the independent belief in the validity of the structure and norms and, thus, the roles of the authorities operating in such structures.

¹⁸ Weber, *The Theory of Social and Economic Organization*, 300-334.

¹⁹ Easton, *A Systems Analysis of Political Life*, 287-304.

Finally, personal legitimacy expands upon Weber's concept of charisma. With regard to the structure, personal legitimacy is determined by the leaders' ability to conform to the system. In terms of the leaders themselves, a great deal of emphasis is placed upon their personal qualities. All of these categories reinforce the importance of the individual; by highlighting the role of morals and beliefs, Easton places a great deal of importance on perceptions.

c. Limitations of the Conceptualisations of Legitimacy

The previously mentioned categories of legitimacy provide for a useful conceptual foundation, but are limited in a contemporary context. Significantly, the evolution of the political system, both within and outside of the modern democratic setting, has necessitated alternative categorisations. The problem of state legitimacy in African states cannot be appreciated through a Western-based theoretical understanding of legitimacy. This theoretical shortcoming is highlighted by Christian Lund²⁰ and Michael Schatzberg.²¹ One aspect of African politics is that of extra-governmental, public authority. This implies that there are traditional institutions outside of the realm of state governance which lay claim to citizen loyalty. Lund explains that the state qualities of governance are not exclusively part of government institutions. They can include chieftaincies, associations and organisations which exercise their own political power. Their negotiations with state institutions also work to bolster their legitimacy. Therefore, in Africa "public authority becomes the amalgamated result of the exercise of power by a variety of local institutions and the impositions of external institutions, conjugated with the *idea* of a state."²² Additionally, in Africa one finds the convergence of the state and modernity on the one hand and tradition, identity and locality on the other. Often, the latter conveys legitimacy to the former. This blurring of institutional boundaries has certain implications for political legitimacy as it has to be continually re-negotiated through conflict and conciliation. In order to be legitimate, Lund contends, institutions must convey meaning to acts of authority. Schatzberg focuses on indigenous African understandings of power. Here, the importance of paternal imageries in

²⁰ Christian Lund, "Twilight Institutions: Public Authority and Local Politics in Africa," *Development and Change* 37, no. 4 (2006).

²¹ Michael Schatzberg, *Political Legitimacy in Middle Africa: Father, Family, Food* (Bloomington: Indiana University Press, 2001).

²² Lund, "Twilight Institutions: Public Authority and Local Politics in Africa," 686.

the political landscape cannot be underestimated. For the African citizen, his or her relationship with the state is conceptualised as that between a father and the extended family. As such, local vernaculars influence how legitimacy is understood. Concepts such as democracy need not necessarily conform to Western conceptions of political freedoms or free elections. Instead, democracy can be understood as ‘eating well’ or consensus within the community. The blurring between the public socio-political realm and the private life is an issue that affects the legitimacy of the African state.

Other limitations found in Weber’s and Easton’s foundations of legitimacy are pertinent to the Arab world. In fact, little has been written on the legitimacy of the Arab state. Certain aspects of this system, such as development through oil wealth, cannot be ignored. This theoretical shortcoming is highlighted by Hesham Al-Awadi, who believes that the reliance on ideological or traditional explanations simply misses the point.²³ Drawing on a case study on legitimacy in Egypt, Al-Awadi notes a significant fault in Easton and Weber’s categorisations. They simply do not, he writes, provide for the survival of the Mubarak regime. He quotes a Middle Eastern political analyst who sees problems with Western notions of legitimacy: “When it comes to Arab regimes, they simply identify everything that they could not comprehend as charismatic or rational-legal, as being ‘traditional’.”²⁴ Instead, writes Al-Awadi, internal legitimacy relies on promises to the populace in terms of welfare. He calls this ‘populist legitimacy’.²⁵

Indeed, Weber’s and Easton’s understanding of legitimacy does not explain the rise of the welfare state. Gianfranco Poggi²⁶ believes that there are new political problems in the post-liberal state which are not accounted for in these traditional conceptualisations of political legitimacy. He writes, “some institutional premises and expressions of legal rationality become eroded. . . . Second, some developments displacing the state/society line increase the political leverage of social forces.”²⁷ As such, the state looks for new ways of generating legitimacy. This adds another category of legitimacy to the framework: ‘social

²³ Hesham Al-Awadi, *In Pursuit of Legitimacy: The Muslim Brothers and Mubarak, 1982-2000* (London: Tauris Academic Studies, 2004).

²⁴ From author’s interview with Wahid Abdul Majid, quoted in Al-Awadi, *Ibid.*, 8-9.

²⁵ *Ibid.*, 9.

²⁶ Gianfranco Poggi, *The Development of the Modern State: A Sociological Introduction* (London: Hutchinson & Co., 1978), 132-134.

²⁷ *Ibid.*, 132.

eudaemonic'. Poggi borrows this term from A. Gehlen,²⁸ and believes that it can help account for the appearance of 'private' concerns of the individual consumers in the 'public' arena. States seek legitimacy through assisting the economic system and through providing goods and services to the populace. Accordingly, the impact of the welfare state is explained. The concept of the welfare state in Africa is also highlighted by Pierre Englebert.²⁹ He argues that state legitimacy in Africa is better for economic development than societal or ethnic coherence and even stable social capital. Conversely, the best way for a leader to retain legitimacy is through pursuing effective economic policies, even though leaders often mistakenly chose neo-patrimonialism over sustained economic development. However, most African regimes fall short in the provision of welfare; this can seriously undermine their authority. Bratton and Chang, in their overview of state-building in sub-Saharan Africa, find that "on average, fewer than 1 out of 10 adults turns to official agencies to address a range of basic needs [which] reveals a lack of popular confidence in the welfare capacities of the state."³⁰

Thus, the previous conceptualisations of legitimacy point to five categories which should be considered in any analysis.³¹ These include ideological, traditional, personal, eudaemonic and democratic or structural legitimacy. Authorities depend on these types of legitimacy to ensure regime survival; a mixture of them might be utilised depending on historical, socio-economic and political factors.

d. Legitimacy Cultivation and Promotion

The analysis of political authority makes it necessary to look at the actions of the political elites in creating and sustaining a system of political legitimacy. While certain types of legitimacy are relied upon, the means of legitimacy cultivation and promotion reinforces their acceptance by the populace. Rodney Barker identifies three tactics of legitimacy: ritual, propaganda and education.³² Firstly, acts such as voting (be it free and fair

²⁸ A. Gehlen quoted in *Ibid.*, 134.

²⁹ Pierre Englebert, *State Legitimacy and Development in Africa* (Boulder: Lynne Rienner, 2000).

³⁰ Michael Bratton and Eric C. C. Chang, "State Building and Democratization in Sub-Saharan Africa: Forwards, Backwards, or Together?" *Comparative Political Studies* 39, no. 9 (2006), 1068.

³¹ These five categories are clearly laid out by Niblock in his study on legitimacy in Saudi Arabia. See Tim Niblock, *Saudi Arabia: Power, Legitimacy and Survival* (London: Routledge, 2006), 10-13.

³² Rodney Barker, *Political Legitimacy and the State* (Oxford: Clarendon Press, 1990), 145-149.

or not) and ritual pomp work to guarantee the loyalty of a populace. These ritual acts symbolically link the ruled to the rulers and impart concepts of public duty and civil order. Secondly, propaganda through media, political discourse and carefully placed public symbols helps to reinforce the sense of duty, special qualities of the regime, and justice of its causes. Rhetoric from official speeches is a particularly effective means of developing and promoting a political identity. Thirdly, a system of education enables the state to reinforce its ideology and promote mass legitimacy during an individual's earliest intellectual development. These types of mechanisms are also linked to what Lipset terms 'national rituals'.³³ From his perspective, national symbols reveal the extent to which a state has developed a "secular political culture" and they include rituals, national holidays, and honouring national heroes. Symbols are especially pertinent to certain cultural resonances, according to Michael N. Barnett. He writes that they are derived "from a shared historical memory, language, and culture, [and] are rooted in political community and bound up in identity."³⁴ In the Arab world, the promotion of symbols of nationalism is often linked to religion. Akbarzadeh and Saeed write, "[t]he incorporation of Islamic symbols and lexicon manifested in state power is justified by reference to the inseparability of Islam and national identity."³⁵ Thus, the state has a variety of options to reinforce its legitimacy via the populace. The means of legitimacy cultivation and mechanisms of promotion both work to elucidate the type of legitimacy upon which the state relies.

e. Crisis of Legitimacy

Just as legitimacy is cultivated and promoted by governments, actors or groups outside of the state can challenge this legitimacy. Lipset³⁶ sees a crisis of legitimacy as a 'crisis of change'. When change occurs, the system itself can be in crisis as the result of a structural change and, subsequently, those left out of the political sphere might challenge the right of the authorities to rule. When this happens, the excluded group might look to gain entry into the political system. Dahl writes that they do this "(1) by engaging or threatening to engage

³³ Lipset, *Political Man: The Social Bases of Politics*, 80.

³⁴ Michael N. Barnett, *Dialogues in Arab Politics: Negotiations in Regional Order* (New York: Columbia University Press, 1998), 43.

³⁵ Sharhram Akbarzadeh, "State Legitimacy," in *Islam and Political Legitimacy*, ed. Sharhram Akbarzadeh and Abdullah Saeed (London: Routledge, 2003), 169.

³⁶ Lipset, *Political Man: The Social Bases of Politics*, 78-79.

in ‘abnormal’ political activity- violence, for example; (2) by threatening to deprive groups already within the arena of that legitimacy; or (3) by acquiring legitimacy, and hence motivating the in-groups to incorporate the out-group.”³⁷

This is significant as it means that the analysis of legitimacy in a divided society or state must not be state-centric. Indeed, this framework can be applied to non-state actors which challenge the state. These include political opposition groups, social movements and insurgency groups. Al-Awadi, for example, uses the concept of legitimacy as a starting point for explaining the development of a social movement, the Muslim Brotherhood.³⁸ One shortcoming of this approach, however, is that the concepts of legitimacy are state-centric. As such, one might apply the same modes of legitimacy to entities with different levels of resources, which presents a problem of (dis)proportionality. Still, al-Awadi concedes that it can provide for an interesting perspective since “comparison between the two levels of legitimacy or levels of power is then plausible, if legitimacy is seen in terms of public recognition and not just in terms of resources and capabilities.”³⁹ Thus, the following section turns to those groups that challenge the legitimacy of a state and looks to how the conceptualisation and categories of legitimacy might be appropriately applied to a non-state entity.

f. Legitimacy Extended to Insurgency: Rebel Governance and Beyond

This section seeks to extend the concept of legitimacy beyond its traditional, state-centric analysis. The interest here is how the notion of legitimacy can be extended to a rebel or insurgency group. While there are many theoretical aspects of rebellion, such as theories of recruitment, rationale choice theory, or greed vs. grievance, the primary concern here is with how best to conceptualise the movement itself so as to enable a comparison to the state. Rebel movements see the governments they fight as ‘illegitimate’ while they are the true legitimate representatives of their community. The movements will then try to establish institutions that resemble those of a government. Often, this is done to establish legitimacy and cultivate a decent working relationship with the local population. These movements see

³⁷ Robert Alan Dahl, *A Preface to Democratic Theory* (Chicago: Chicago University Press, 1963), 138.

³⁸ Al-Awadi, *In Pursuit of Legitimacy: The Muslim Brothers and Mubarak, 1982-2000*, 17.

³⁹ *Ibid.*, 17.

themselves as an appropriate alternative to the ruling regime. This perspective sheds light on how armed groups come to form an acceptable alternative to the 'legitimate' political authority.

The two dominant models of insurgency, as identified by Jeremy Weinstein,⁴⁰ treat an insurgency as either a social movement⁴¹ or as a state.⁴² He argues that accounts which adopt the view that an insurgency performs state-like functions adequately address the issue of organisation. Weinstein writes, "[t]hese accounts see rebel organizations as legitimate competitors for the mantle of sovereign control of territory and explain that they begin to perform the functions of government even before they take power."⁴³ Thus, the provision by the rebels of collective goods leads to a situation of multiple centres of political authority. As such, rebel groups offer collective benefits in return for support; these actions challenge the state's legitimacy and, through this process, create alternative avenues of legitimate political authority.

As a rebel organisation can be seen as 'state-like', this lends itself to Charles Tilly's concept of 'multiple sovereignties', or a situation of dual power where all competing groups or political blocs claim to be the legitimate holder of authority and possess means of coercion to further this claim.⁴⁴ Irregular warfare also leads to what Stathis Kalyvas terms a 'fragmentation of space'.⁴⁵ Territorially-based armed conflict breaks down the local monopoly on the use of violence. This, Kalyvas contends, alters the nature of sovereignty within war zones. Jeff Goodwin builds on this concept in arguing that:

a state is perhaps best defined as an organization, or set of organizations, that attempts, and claims the right, to monopolize the legitimate use of violence in an extended territory. It follows that armed revolutionary movements are a type of state-in-formation or, put differently, a type of state-building, since armed revolutionaries are attempting to construct an organization that can monopolize the principle means

⁴⁰ Jeremy M. Weinstein, *Inside Rebellion: The Politics of Insurgent Violence* (New York: Cambridge University Press, 2007).

⁴¹ Or, as a collective action tied to common motivation. For example see: Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia and China* (Cambridge: Cambridge University Press, 1979); Ted Gurr, *Why Men Rebel* (Princeton: Princeton University Press, 1970).

⁴² This approach applies the tenets of neorealism to insurgency. See, for example, Christopher Clapham, "Introduction: Analysing African Insurgencies," in *African Guerrillas*, ed. Christopher Clapham (Oxford: James Currey, 1998); Michael E. Brown, "The Causes and Regional Dimensions of Internal Conflict," in *The International Dimensions of Conflict*, ed. Michael E. Brown (Cambridge, MA: The MIT Press, 1996).

⁴³ Weinstein, *Inside Rebellion: The Politics of Insurgent Violence*, 37.

⁴⁴ Charles Tilly, *From Mobilization to Revolution* (Reading, MA: Addison-Wesley Publishing Company, 1978).

⁴⁵ Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006).

of coercion in a territory. The state like character of revolutionary movements is especially evident when they are able to control and govern ‘liberated territories’ within a national society.⁴⁶

Nowhere is this more evident than in areas where government authority has been replaced by insurgent governance institutions. The conceptualisation of insurgent groups as state-like in their behaviour and organisation leads to an analysis of insurgent legitimacy comparable to the previous overview of legitimacy within the framework of the state.

g. The Transition From a Rebel Movement to a Political Party

An insurgency movement may be said to have a sort of ‘pre-legitimacy’⁴⁷ since it is acting as a state-in-waiting. This, according to Claire Metelits, is the “popular acceptance based upon the hope that it [rebel movement] will deliver” on its promises.⁴⁸ In one respect, it is the promise of eudaemonic legitimacy which pushes supporters to an insurgency movement. As a rebel movement makes the transition to a political party, securing legitimacy becomes all the more crucial for the group’s leadership. This transition, however, is often littered with problems as the group struggles to shift from a militaristic to a civilian ethos. The imperative for legitimacy among the local population becomes more pronounced as a rebel organisation transforms, in a post-conflict situation, from a rebel movement to a recognised political party.

As this thesis examines both the SPLM as a rebel movement and its role as the leader of the Government of Southern Sudan, the proper functions of a former rebel organisation in a post-war situation must be identified. To begin with, there are many aspects of the implementation of peace settlements in a post-conflict environment. These include provision of security, economic and infrastructure development, building state institutions, developing local governance, civil society development, developing an independent judiciary, reforming education and healthcare, implementing DDR&R (disarmament, demobilisation, reinsertion and reintegration) programmes and so on. This process is quite extensive, involving a

⁴⁶ Jeff Goodwin, *No Other Way Out: States and Revolutionary Movements, 1945-1991* (Cambridge: Cambridge University Press, 2001), 12.

⁴⁷ This term is taken from Guglielmo Ferrero, *The Principles of Power: The Great Political Crises of History* (Salem, NH: Ayer, 1942).

⁴⁸ Claire Metelits, "Reformed Rebels? Democratization, Global Norms, and the Sudan People's Liberation Army," *Africa Today* 51, no. 1 (2004).

variety of local, regional, and international government and non-government actors. To meet these requirements, the rebel movement must be able to transition to a political party that is recognised as the legitimate holder of power in a post-conflict setting. The previously mentioned aspects of post-conflict management determine how well the new government is doing its job, which enhances its consolidation of eudaemonic legitimacy. For a former rebel group to be effective at these tasks, it must shift the internal make-up of the group, from militarism in favour of a more open, democratically oriented structure.

The issue of rebel movement to political party transformation is addressed by Jeroen de Zeeuw.⁴⁹ He maintains that the key factor for a successful end to war is the ability of a rebel group to transform itself into a ‘normal’ political organisation. At the same time, this is one of the most difficult peace-building challenges since it “compels former rebel leaders to change their military struggles into political ones and to reorganize their war-focused military organizations into dialogue-based political entities.”⁵⁰ De Zeeuw contends that the two main factors in the transformation are structural and attitudinal change:

First, there is a need for behavioural or attitudinal change within the rebel group, entailing the democratization of decision-making as well as the adaptation of organizational strategies. Second, the rebel group will have to undertake a structural-organizational change, which is here defined as the demilitarization of organizational structures as well as the development of party organization.⁵¹

These structural changes also include effective DDR&R programmes for former combatants; the creation of a party constitution and political programme; and an adaptation in the relationship between party elites and other members of the organisation. Other attitudinal changes include shedding the group’s militaristic ethos in favour of a civic ideology. Furthermore, a group which is able to meet the requirements of a comprehensive recovery plan will consolidate popular support as society completes its post-war transition.

Hence, a rebel movement often comes to power on the wave of what Metelits calls ‘revolutionary legitimacy’, or the “power attained through a movement’s capture of the

⁴⁹ Jeroen de Zeeuw, ed., *From Soldiers to Politicians: Transforming Rebel Movements after Civil War* (Boulder: Lynne Rienner Publishers, 2008).

⁵⁰ ———, "Understanding the Political Transformation of Rebel Movements," in *From Soldiers to Politicians: Transforming Rebel Movements after Civil War*, ed. Jeroen De Zeeuw (Boulder: Lynne Rienner Publishers, 2008), 1.

⁵¹ *Ibid.*, 5.

state.”⁵² There is intense pressure for a movement to live up to the ideals which it promoted through its revolutionary ideology. If a group continues to rely on this revolutionary ideology alone after power is won, the new leaders will be unable to deliver on their development and governance promises. Thus, the key task of a group after assuming power is to transform that revolutionary legitimacy into civic legitimacy.⁵³ In other words, this implies a transition from ideological to structural and eudaemonic legitimacy. This transformation is vital for the long-term stability of a post-conflict state. Mimmi Söderberg Kovacs writes that a rebel movement’s organisational legacies as a political-military group can seriously undermine its appeal to the population at large.⁵⁴ While certain segments of the population might have supported the armed group, others did not. Thus, the group must maintain the loyalty of their base while shifting their legitimising mechanisms so as to appeal to other groups within the general public.

Another concern for rebel movements, especially ones like the SPLM, is the conflicting reliance on domestic legitimacy versus international support. Many rebel movements gain recognition through their interaction with the international community during negotiations over aid delivery or peace agreements. However, once the movement has become a legitimate holder of power domestically, Kovacs queries, “Does the process of international legitimization...of certain warring parties always comply with the perceptions and opinions of the domestic audience whose political future is at stake?”⁵⁵ Certainly, there is the concern that former rebel movements which have sought out substantial international support will be more likely to construct their policies with these international actors in mind.

h. Post-conflict Governance, Institutional Development and Elections

Often, the legacy of the peace process hinders the transition from war to democracy. Anna Jarstad identifies four dilemmas: horizontal, vertical, systemic and temporal.⁵⁶ Firstly,

⁵² Metelits, "Reformed Rebels? Democratization, Global Norms, and the Sudan People's Liberation Army," 67.

⁵³ *Ibid.*, 76.

⁵⁴ Mimmi Söderberg Kovacs, "When Rebels Change Their Stripes," in *From War to Democracy: The Dilemmas of Peacekeeping*, ed. Anna K. Jarstad and Timothy D. Sisk (Cambridge: Cambridge University Press, 2008), 155.

⁵⁵ *Ibid.*, 150

⁵⁶ Anna K. Jarstad, "Dilemmas of War-to-Democracy Transitions," in *From War to Democracy: Dilemmas of Peacekeeping*, ed. Anna K. Jarstad and Timothy D. Sisk (Cambridge: Cambridge University Press, 2008), 21-26.

the horizontal dilemma pertains to which elites to include in the peace process. While it is assumed that it is easier to reach a compromise between select and small groups of elites, this lack of comprehensiveness means that the peace is less likely to be long-lasting since not all warring parties have a stake in post-conflict developments. Secondly, the vertical dilemma highlights the choice between legitimacy and efficacy, in terms of the relationship between the elites and the masses. While the legitimacy of a new government increases when more people have ownership of the peace process, through employing a non-public process, the negotiators can accomplish more during the arbitrations. Thirdly, Jarstad discusses the systemic dilemma, which addresses the issue of local versus international ownership of the peace agreement. While international actors are necessary for effective negotiations, the involvement of local actors may be needed for long-term democratic development. Fourthly, the temporal dilemma draws attention to the short-term need for a stable peace versus the long-term need for democratisation. If stability is chosen over political participation, this might hinder the long-term development of democracy and, thus, the legitimacy of the emerging state.

There are many challenges to state legitimacy cultivation aside from the legacy of the peace negotiations and agreements. Derick Brinkerhoff highlights some of these complexities:

Reconstituting legitimacy in post-conflict states involves expanding participation and inclusiveness, reducing inequities, creating accountability, combating corruption and introducing contestability (elections). Delivering services, which links to the effectiveness dimension is also important for establishing legitimacy; it demonstrates government willingness and capacity to respond to citizens' needs and demands. Further, this category includes constitutional reform, re-establishment of the rule of law and institutional design (e.g. checks and balances, allocation of functions and authorities across branches and levels of government), as well as civil society development.⁵⁷

This provides a useful checklist again which one can grade the (re)establishment of legitimacy, especially in a place like Southern Sudan. One of the key starting points for addressing the challenges in a society transitioning from conflict is the lack of a legitimate monopoly over violence. Stability is a precursor to establishing a legitimate governing system and regime. Kristine Höglund writes, "in countries emerging from war, the state

⁵⁷ Derick W. Brinkerhoff, "Rebuilding Governance in Failed States and Post-Conflict Societies: Core Concepts and Cross-Cutting Themes," *Public Administration Development* 25 (2005), 5.

institutions frequently lack legitimacy and the necessary resources to deal effectively with violence.”⁵⁸ Furthermore, the level of violence and prevalence of arms in such societies, coupled with the army’s willingness to commit human rights abuses to ensure security, seriously undermines the legitimacy of the state. International peacekeeping forces often fill this role, further detracting from the institutional stability of the armed forces.

A vitally contentious issue in the process of post-conflict state-building is the holding of free and fair elections. This constitutes one of the critical stages of the rebel-to-political party transition as elections are a fundamental indicator of structural and institutional legitimacy. However, they present dilemmas of their own, often in the forms of incompatible objectives, such as the need for stability versus representation or short-term versus long-term goals. Some studies have shown that democracy and stability do not always go well together. Benjamin Reilly notes that, “while post-war elections have become an integral element of contemporary peace agreements, they can also themselves become the focus of increasing tension and renewed violence.”⁵⁹ Even though elections are needed to create a more legitimate government, institutional and administrative weaknesses work to undermine the credibility of the electoral process. Elections often lead to ‘outbidding’, where the various political parties distort their message into extremist rhetoric, leading to heightened ethnic tensions. However, Reilly concedes that this does not necessarily mean that elections, which can create short-term problems of stability, are not beneficial in the long-term. If the internal tensions of the society can be overcome during the electoral process, then the elections will be a key factor in constructing a “legitimate governing authority.”⁶⁰

III. Methodological Approach

a. Evaluating How Legitimacy is Produced: Discourse Analysis

⁵⁸ Kristine Höglund, "Violence in War-to-Democracy Transitions," in *From War to Democracy: Dilemmas of Peacekeeping*, ed. Anna K. Jarstad and Timothy D. Sisk (Cambridge: Cambridge University Press, 2008), 94.

⁵⁹ Benjamin Reilly, "Post-War Elections: Uncertain Turning Points of Transition," in *From War to Democracy: The Dilemmas of Peacekeeping*, ed. Anna K. Jarstad and Timothy D. Sisk (Cambridge: Cambridge University Press, 2008), 157.

⁶⁰ *Ibid.*, 161.

The most effective way to understand what the state, or indeed a rebel movement, sees as key to its own political survival is to examine the discourse and policies produced by the elites and leaders of these political entities. Policies are revealed through government documents, actions, images and words. Of particular importance is how elites respond to challenges through their rhetoric, or interviews and speeches. As discourse frames and constrains any given course of political action and is controlled by powerful members of society, it offers a unique analysis into how the political reality is manipulated by elites to protect their own interests.⁶¹ Thus, discourse is a vital instrument used to generate and legitimise political programs. It represents a set of policy ideas and values as well the primary means for the state to connect with its citizens. The investigation of political discourse is undertaken with two objectives in mind. The first objective is to uncover the discursive strategies of government discourses in the construction of a political and ideological identity. Secondly, the analysis links the micro-level discursive trends, understood here as legitimising tools, to the macro-level political context. Aside from discourse analysis, interviewing members of the political elites also provides the researcher with evidence on how leaders respond to governance challenges. Open-ended interviews are appropriate in this context as they allow the researcher to “get at the contextual nuance of response and to probe beneath the surface of a response to the reasoning and premises that underlie it.”⁶²

b. Measuring Legitimacy: Public Support

While the political elites are involved in creating means of legitimation, the effectiveness of this process can only be evaluated with regards to the individual members of the populace. That is, the symbols, rituals, propaganda and education, themselves a system of the state, only gain significance in the processes by which they are received by the individual. This brings up the problem of measuring legitimacy in general, and among individuals within society more specifically. While the efficiency of a political system can be measured using socio-political indicators such as levels of political participation and

⁶¹ Peter Burnham et. al, *Research Methods in Politics*, (New York: Palgrave MacMillan, 2004).

⁶² Joel D. Aberbach and Bert A. Rockman, "Conducting and Coding Elite Interviews," *Political Science and Politics* 35, no. 4 (December 2002), 674.

freedom of civil society, this sheds little light on the actual legitimacy of that system and those actors within the system. Thus, the perceptions of the populace must be considered. This measurement involves understanding the psychological impact of the process of legitimation on the individual.

In order to understand just how 'perception' can be measured, and the theoretical viability of this, it is prudent to examine a few studies which have measured political legitimacy. Although they focus primarily on the American political system, their conceptualisations of personal and political components of legitimacy provide a useful starting point for thinking about personal perceptions of political authority outside of the democratic Western system. Edward N. Muller conducted a survey of citizens' beliefs on the US Congress and the Supreme Court.⁶³ His measurement scales were developed to calculate the level of covert support of the political system; this incorporated the concept of structural legitimacy. Attitudes towards regime values helped to explain the instances of ideological legitimacy. Here, the main area of investigation was whether or not the regime values coincided with peoples' own ethical principles. Finally, the respondents' trust of political authorities and perceptions of their personal qualities was examined. Muller also measured behavioural intention to support or contest the government. A similar study was conducted by John Fraser.⁶⁴ He divides his indicators into two categories: those associated with political support and those associated with the sense of legitimacy. The indicators concerned with political support were political trust, political efficacy, political cynicism and the morality and necessity of violence. The factors which determined the 'sense' of political legitimacy included: expressions of worry about democracy, perceived unused government power, feelings that politicians are malevolent, and the ability of governmental powers to do bad things.

These two surveys fail to adequately move beyond a predominantly systems analysis; the focus is primarily on the macro level of politics as seen from the eyes of the populace. M. Stephen Weatherford endeavours to link the concept of political legitimacy found in both

⁶³ Edward N. Muller, "Correlates and Consequences of Beliefs in the Legitimacy of Regime Structures," *Midwest Journal of Political Science* 14, no. 3 (1970).

⁶⁴ John Fraser, "Validating a Measure of National Political Legitimacy," *American Journal of Political Science* 18, no. 1 (1974).

macro- and micro-level theories.⁶⁵ He proposes “an operational means of integrating traditional macro concerns more systematically with the methodology and agenda of behavioural research by conceptualizing the components of legitimacy as part of a multidimensional construct.”⁶⁶ He looks at systems-level aspects of legitimacy for the identification of the macro-level indicators. These indicators fall into two categories: representational procedures (including accountability mechanisms and attentiveness of officials) and government performance (including official’s competence and efficiency, civic pride, and fairness of the political process). The grass-roots approach to legitimacy, or examining public opinion, provides Weatherford with certain micro-level indicators. These include political involvement (political interest, civic duty and subjective political competence) and interpersonal assurance (interpersonal trust and personal efficacy).

The previous limitations bring into question the specific type of methodological approach that is most appropriate for addressing the question of legitimacy at both the state and sub-state levels. While a quantitative approach through the use of a survey provides for a scientifically-based approach that can render certain indicators, this falls short of adequately showing how the populace *feels* about higher authority. Thus, it is prudent to examine the benefits of using a qualitative approach that tackles the problem from an ethnographically-based perspective. Ethnography describes the nature of people being studied. While ethnography as a methodological approach is more commonly associated with anthropological or sociological studies, its benefit to the political sciences should not be undervalued. Geertz writes that the ethnographic methodological approach endeavours to make sense of how others understand the world around them, while the research method itself employs participant observation.⁶⁷ In terms of politics, this specific methodology elucidates what Neumann calls the “microphysics of power.”⁶⁸ It is especially useful for evaluating grassroots political participation as well as how governance is developed in an informal, post-conflict setting such as the one found in Southern Sudan from 2005. This approach is also appropriate with regard to how rebel organisations, or even former rebel

⁶⁵ M. Stephen Weatherford, "Measuring Political Legitimacy," *The American Political Science Review* 86, no. 1 (1992).

⁶⁶ *Ibid.*, 150.

⁶⁷ Clifford Geertz, *Local Knowledge: Further Essays in Interpretive Anthropology*, Third Edition ed. (New York: Basic Books, 2000).

⁶⁸ Iver B. Neumann, "A Speech That the Entire Ministry May Stand for, Or: Why Diplomats Never Produce Anything New," *International Political Sociology* 1, no. 2 (2007), 192.

groups, operate at the community-based level. Jeremy Weinstein writes that an ethnographical approach enabled him to move beyond elite renditions of rebel movements.⁶⁹ In his research, conversations with civilians helped to shed light on the internal, informal characteristics of rebel organisations. Similarly, Elizabeth Jean Wood's research methods helped her to identify grassroots participation in rebel movements. This was possible, she contends, because participant observation allows the researcher to develop a relationship with the interviewee that "is more personal than is possible in survey research."⁷⁰

Thus, while an ethnographic approach is not as scientifically-based as the utilisation of a survey, it provides insight into the problem of legitimacy in a more nuanced manner. Certainly, there are shortcomings found in the decision to not include survey-based research in this thesis. Time and resource restraints were, admittedly, one of the reasons for this. Similarly, the situation in Southern Sudan, which is home to unstable, remote and inaccessible regions, meant that conducting a proper survey that included an acceptable cross-section of society was nearly impossible. Further research should be conducted, and this can be compared to the results stemming from open-ended interviews, focus groups and participant observation. Within the context of the aims and goals of this thesis, one which focuses on the perceptions of a given community, the decision to adopt and promote an ethnographic approach is one which the researcher believes will provide a unique rendering of Southern Sudanese politics.

IV. Overview of Research, Fieldwork and Limitations

The field research was conducted in Southern Sudan over the course of six months, during 2008 and 2009. The sites visited included the towns of Juba, Akobo, Wau, Bor and Akobo (see Figure 1 for the location of towns listed here). As well, research was conducted in villages in the areas surrounding these towns when access was available. One month was spent in Khartoum in March 2009. Finally, two months were spent in Nairobi and Cairo, in 2008 and 2009 respectively, interviewing GoSS representatives and Southern Sudanese

⁶⁹ Weinstein, *Inside Rebellion: The Politics of Insurgent Violence*, 351.

⁷⁰ Elizabeth Jean Wood, *Insurgent Collective Action and Civil War in El Salvador* (Cambridge Cambridge University Press, 2003), 32.



Figure 1

refugees. Over the course of a year I interviewed 150 individuals, including government officials working in the national, regional, state, county and *boma* (village) governments; political party leaders; traditional leaders, including one king and multiple chiefs and elders; indigenous civil society organisation employees; church officials; UN and international non-governmental organisation (NGO) staff; refugees and returnees; and citizens in the local towns and villages.⁷¹ Additionally, a questionnaire was responded to by eight local civil society development organisations.⁷² Finally, my research is also based upon a number of government and political party documents as well as speeches from key political leaders.

Southern Sudan is a region with remarkable contrasts and challenges; my research certainly mirrored these contradictions. The lack of experience, technology, and know-how means that administration of the government was not yet formalised. Government documents and laws were not readily available. As such, the majority of the research had to be based on first-hand interviews. This was not a hindrance, however, since the ‘newness’ of the government meant that access to top government officials was open if I had the right connections. While I was able to access government officials, the process of making an appointment and going through with the interview was normally very lengthy and frustrating. Firstly, the government buildings were difficult to find since the roads were not named and the buildings were in the process of being built. Secondly, Southern Sudanese perceptions of time and obligations were frustrating. Interviews were often held two or three hours late or cancelled without prior notification. One of the more amusing reasons for the cancellation of interviews was that it was raining. Thirdly, one of the more annoying aspects of my fieldwork was being considered a spy by many Southerners. I was not connected to any international organisation. My ‘single white female travelling alone’ status was regarded with suspicion by many government officials.

Outside of the government interviews, there were other environmental challenges to my fieldwork. First, access to many areas was a challenge. The poor infrastructure and lack of roads meant that in some areas I was forced to take alternative means of transportation, such as a canoe, or walk half a day to my desired location. Second, the weather was often

⁷¹ See Appendix I for a complete list of interviewees.

⁷² See Appendix II for a copy of the questionnaire.

disruptive. Unfortunately, most of the time I spent in Southern Sudan was during the rainy season. The state of the roads in the towns on rainy days made them intolerable to walk on. The rains further damaged the dirt roads connecting villages and towns; some of the areas I wanted to travel to were simply cut off when the rains came. Finally, the rising cases of armed conflict and insecurity in the region while I was there meant that many areas I was originally planning to visit were not safe.

In spite of these constraints, I managed to conduct interviews with a wide-array of individuals and groups. While most government officials were very guarded in their responses, there were many, especially at the county level, who were frank about their feelings and frustrations. Interviews with individuals outside of the government were quite successful. Civil and traditional leaders were considerably more outspoken and forthright. Local communities, though difficult to access, were a wealth of information after I was able to gain the trust of individuals living there. It was easier to access 'ordinary' community members in the smaller towns and villages such as Akobo; this fact is reflected in the sections on public opinion.

The informality of the interviews, although frustrating initially, ended up being a great asset. No single interview remained private. One-on-one interviews turned into focus groups halfway through the interview, since most interviews with community members were conducted outside under trees, attracting the attention of passers-by. Similarly, no government office was immune to interruption by secretaries or even friends of the official being interviewed. These friends would often stay in the office and offer their 'two-cents'. This created an atmosphere of debate and gave the interviews a unique characteristic.

The most obvious limitation to this process of collecting data was that it could not render scientific results. I chose not to employ a survey since it would have been a logistical nightmare; gaining statistics through my own research was nearly impossible. This means that while my research focused on certain communities, many others were left out. Opinions on the government varied from community to community, from state to state, from tribe to tribe. Thus, the results presented here do reflect, what I believe, to be the concerns of the general part of the Southern Sudanese populace. There were of course opinions which differed from the norm. However, quantifying opinions by percentages was not something which could be realised in a feasible manner.

In addition to interviews and focus groups, I utilised news articles, political speeches and government documents. Parts of this study employ a discourse analysis of speeches made by prominent SPLM leaders. Hundreds of speeches were analysed covering the years from 1983 to 2010. These represented the construction of SPLM rhetoric and ideology. While discourse analysis was not my primary area of enquiry, the rhetoric serves to support the sources used and reinforces my own observations.

V. Literature Review and Limitations of Literature

Very few scholars have examined the political climate in Sudan from the perspective of legitimacy. Indeed, the very fact that conflict, military coups and instability are endemic in this country seems, for many scholars, to point to a lack of legitimacy of any Sudanese government or organisation. Sudan as a whole is portrayed as a failing state that is guided by an Islamic rationale. During its first decade in power, the Bashir-Turabi regime relied on Islamism and militarism for its consolidation of power. This has led to the construction of a very specific image among the academic community. While Judith Miller sees the regime as “a garden-variety police state,” its Islamic vocabulary differentiates it from other authoritarian regimes in the Arab world.⁷³ The regime’s Islamic orientation gives it a certain flavour. Edgar O’Ballance calls the regime “an Islamic fundamentalist military dictatorship”⁷⁴ while, similarly, Warburg sees it as a “fundamentalist Muslim dictatorship.”⁷⁵ De Waal and Abdel Salam describe the leadership as emulating a “neo-fundamentalist logic”⁷⁶ while Woodward maintains the leadership promotes an “Islamic militarism”.⁷⁷

When examining the problem of legitimacy in Sudan, previous researchers have tended to look at the issue in terms of a ‘periphery vs. centre’ problem. It is certainly true that the various conflicts within the boundaries of the state have often been a product of the political

⁷³ Judith Miller, “Global Islamic Awakening or Sudanese Nightmare”, in *Spokesman for the Despised: Fundamentalist Leaders of the Middle East*, ed. R. Scott Appley (Chicago: University of Chicago Press, 1997), 211.

⁷⁴ Edgar O’Ballance, *Sudan, Civil War and Terrorism, 1956-1999* (London: MacMillan, 2000), 207.

⁷⁵ Warburg, “Mahdism and Islamism in Sudan,” 219.

⁷⁶ Alex de Waal and A.H. Abdel Salam, “Africa, Islamism and America’s War on Terror,” in *Islamism and Its Enemies in the Horn of Africa*, ed. Alex de Waal (Bloomington: Indiana University Press, 2004), 245.

⁷⁷ Peter Woodward, *The Horn of Africa: State politics and international relations* (London: I.B. Tauris, 1996), 54.

and socio-economic imbalances between the central ruling elite and the minority groups. Yet, in addressing the issue of endemic conflict, researchers tend to insist that it is a clear-cut case of a marginalised group fighting an illegitimate government. This is misleading for two reasons. On the one hand it assumes that the Sudanese regime holds no legitimacy. These renditions imply that the ruling regime is somehow weak, failed or illegitimate. However, the Bashir government maintains sufficient support among the 'riverine elite' to control the central government while ignoring the political disenfranchisement other groups in peripheral parts of the country. It can be inferred that the only means of maintaining legitimacy is through the promotion of Islamist logic, racism and violence. This is how Jok Madut Jok understands the continued reign of the 'riverine elite' in Sudan's post-colonial history, writing that Sudan is a place where a "racially and religiously inspired ruling elite have capitalized on the threats of fragmentation and disintegration to consolidate their legitimacy through further violence."⁷⁸ In actuality, legitimacy in all parts of Sudan is constructed by many groups and on the basis of more ingrained political indicators and loyalties. Furthermore, one can find groupings far into the peripheries of the country which are supportive of Omar Al Bashir and the ruling NCP. On the other hand, academics contextualise the conflicts between the centre and periphery, and the North and South in particular, as one homogenous group deciding not to support the government. Yet, within these conflicts it is not only the government which is being challenged. The rebel groups do not always have wide-spread support among the local populations. The tribal nature of Sudanese society means that within the conflict area itself, there are different marginalised groups who are not only fighting the central government, but are also competing amongst each other for legitimacy among their own people. This influences the characteristics of the conflict significantly.

Turning more specifically to the South, the body of literature on the Southern region and the SPLM is quite broad, though there are few academic works which devote themselves adequately to the South. Scholars such as Johnson,⁷⁹ Lesch⁸⁰ and Khalid⁸¹ approach the Southern problem through a historically-based understanding of the North's domination

⁷⁸ Jok Madut Jok, *Sudan: Race, Religion and Violence* (Oxford: One World Publications, 2007), 28.

⁷⁹ Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars*, 2nd ed. (Oxford: James Currey, 2004).

⁸⁰ Ann Mosley Lesch, *The Sudan: Contested National Identities* (Bloomington: Indiana University Press, 1998).

⁸¹ Mansour Khalid, *War and Peace in Sudan: A Tale of Two Countries* (London: Kegan Paul, 2003).

over the South. Other writings on the SPLM focus purely on the development of the movement. Still, this perspective is recognised by many as limiting due to the secretive nature of the movement as well as the logistical problems of collecting data in a warzone. Rolandsen, for example, does an excellent job in presenting the events of the SPLM's first national convention.⁸² This is a key work on how the SPLM responded to the need to be more 'democratic' and enhance its legitimacy following internal strife. However, he recognises that the lack of official materials on the convention makes his analysis difficult. Additionally, the effect of the convention on the common Southerner's perception of the SPLM is not considered. Other sources on the SPLM come from the Southerners themselves.⁸³ Many of these writers had been leaders in the SPLM,⁸⁴ so there is a certain bias in their writings. Still, their accounts often help explain the development of the movement from an insider's perspective. There are also personal accounts by journalists⁸⁵ and the 'Lost Boys',⁸⁶ a group of refugee youth, which provide insights into experiences of the war from outside of the SPLM, even though they are often non-academic in nature.

Overall, most academic literature produced on Southern Sudan during the second civil war, from 1983 to 2005, focuses on the Southern identity and struggle vis-à-vis the North. In other words, the SPLM's struggle is defined as one against a government perceived to be illegitimate. This perspective only defines the group as opposed to the North, to its enemy. Few researchers have approached the SPLM as a rebel movement from the perspective of the Southerners themselves. The literature fails to examine whether or not the SPLM was seen as the legitimate representative of the Southerners. The poor relationship between the SPLM soldiers and the populace, as well as the lack of support for the SPLM from the local population is often mentioned. Yet, few academics have been able to provide concrete

⁸² Øystein H. Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990's* (Uppsala, Sweden: Nordiska Afrikainstitutet, 2005).

⁸³ Francis Mading Deng, *War of Visions: Conflict of Identities in the Sudan* (Washington D.C.: The Brookings Institute, 1995); Peter Nyot Kok, *Governance and Conflict in the Sudan, 1985-1995: Analysis, Evaluation and Documentation* (Hamburg: Deutsches Orient Institute, 1996).

⁸⁴ Peter Adwok Nyaba, *The Politics of Liberation in South Sudan: An Insider's View*, 2nd ed. (Kampala: Fountain Publishers, 2000); Mansour Khalid, ed., *John Garang Speaks* (London: Kegan Paul International, 1987).

⁸⁵ Deborah Scroggins, *Emma's War: Love, Betrayal and Death in Sudan* (New York: Harper Collins Publishers, 2002); Gabriel Meyer, *War and Faith in Sudan* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2005).

⁸⁶ John Bol Dau, *God Grew Tired of Us* (Washington D.C.: National Geographic, 2007); David Eggers, *What Is the What: The Autobiography of Valentino Achak Deng* (San Francisco: McSweeney's, 2006).

community perspectives of the SPLM. One notable exception to this is Hutchinson, who looks at the effects of the South-South conflict on the Dinka and Nuer populations.⁸⁷

Research on the formation of the Southern Sudanese government since 2005 is extremely limited in its scope and quantity. The end of the war is fairly recent and there has not been a large amount written on this topic. Only a handful of academics have broached the issue, though a number of think tanks and NGOs have contributed.⁸⁸ Researchers have appraised the post-conflict environment through analyses of the following: the development of governance institutions; the transition of the SPLM from a rebel movement to a political party; improvements in socio-economic indicators; and the relationship between the NCP and SPLM.

Firstly, the development of governance institutions and the efficacy of the SPLM as a political party are nearly the same topic since the SPLM effectively controlled the Southern government. The two were not separate political entities during the interim period, from 2005 to 2011. Researchers have considered the SPLM's development as a political party and as the main stakeholder in the Government of Southern Sudan. This has been through an institutional analysis, though, rather than considering a grassroots approach. John Young manages to address the difficulties of the SPLM's political transformation through taking into account the problem of legitimacy.⁸⁹ However, in considering whether or not the SPLM had become a legitimate political party he focused solely on indicators of 'good governance' and 'democracy' rather than on public support. Øystein Rolandsen also considers the institutional challenges the SPLM faced in 2005.⁹⁰ Yet, his focus is on the Southern leaders' setbacks in reforming the party. Rolandsen's general assessment of this process is that the "SPLM as a political party at the state and local levels still is very much at the infant

⁸⁷ Sharon Elaine Hutchinson, "Nuer Ethnicity Militarized," *Anthropology Today* 16, no. 3 (2000); Sharon Elaine Hutchinson, "A Curse from God? Religious and Political Dimensions of the Post-1991 Rise of Ethnic Violence in Southern Sudan," *The Journal of Modern African Studies* 39, no. 2 (2001).

⁸⁸ See, for example, International Crisis Group, Small Arms Survey, Rift Valley Institute and National Democratic Institute.

⁸⁹ John Young, "Sudan: The Incomplete Transition from the SPLA to the SPLM," in *From Soldiers to Politicians: Transforming Rebel Movements after Civil Wars* ed. Jeroen De Zeeuw (Boulder: Lynne Rienner Publishers, 2008).

⁹⁰ Øystein H. Rolandsen, "From Guerrilla Movement to Political Party: The Restructuring of Sudan People's Liberation Movement in Three Southern States," in *PRIO Papers* (Oslo: International Peace Research Institute, 2007).

stage.”⁹¹ Thus, he does not consider the activities of the party or of the Southern government beyond Juba. While these two accounts of the SPLM highlight the difficulties the rebel movement faced as it undertook its transformation into a political party, the effect these shortcomings had on public opinion and the group’s legitimacy is not taken into account.

Secondly, researchers have considered enhancements in security or in development to answer the question of whether or not the CPA is being implemented successfully. Some of these accounts examine the peacekeeping challenges, primarily from the perspective of reconstruction, development and human security.⁹² The consolidation of security through civilian disarmament and reigning in disgruntled militia leaders is also a factor for authors such as Young.⁹³ These issues are considered since they highlight improvements in or a deterioration of the livelihoods of the Southern Sudanese. However, the effect these indicators have on the government’s legitimacy and public opinion is not gauged.

Thirdly, recent scholarly research has focused on the aspects of the events in Southern Sudan as they pertain to the stability between the North and South. Researchers are concerned with the macro-level context. Of interest is how the CPA is being implemented by the various Northern and Southern political actors who have vested interests in the agreement. The main sources of tension between the SPLM and the NCP, such as border demarcation, the status of Abyei, the census or the elections, are seen as indications of whether or not the peace agreement will succeed.

The majority of the literature on Southern Sudan, however, fails to take a community-based approach. The peace agreement implementation and post-conflict governance of the South is only seen through the eyes of the elites. While these issues are of course important in measuring the efficacy of the SPLM and nascent Southern government, they do not reveal how the populace views these political developments. In disregarding the perspective of the local communities, the concept of legitimacy is not broached. The ultimate stability of the Government of Southern Sudan will be determined by whether or not the populace accepts

⁹¹ *Ibid.* 19.

⁹² Adam Branch and Zachariah Cherian Mampilly, "Winning the War, but Losing the Peace? The Dilemma of SPLM/A Civil Administration and the Tasks Ahead," *Journal of Modern African Studies* 43, no. 1 (2004); Mariam Jooma, "Feeding the Peace: Challenges Facing Human Security in Post-Garang South Sudan," in *Situation Report* (Pretoria: Institute for Security Studies, 2005); John Young, "The South Sudan Defence Forces in the Wake of the Juba Declaration," in *HSBA Working Paper* (Geneva: Small Arms Survey, 2006).

⁹³ Young, "The South Sudan Defence Forces in the Wake of the Juba Declaration."

this institution as its legitimate government and recognises the SPLM as its representative in that government.

Most of this thesis focuses on the South alone; this is not an approach that is common in the scholarly research reviewed above. While it is important to understand the political problems in the Sudanese periphery as part of an organic whole, Southern Sudan is moving in a direction of self-determination. For this reason, it is vital to examine the issue of legitimacy within the Southern regional context to determine what this future state might look like and what challenges it will face. While it might be premature to predict the emergence of a new country, nothing short of renewed civil war will prevent eventual Southern statehood. Events in Southern Sudan affect how other regions perceive their options and the SPLM is emerging as a viable alternative to Bashir's NCP. As such, it is prudent to evaluate the cultivation and promotion of legitimacy within Southern Sudan. This evaluation must take into account local narratives to fully understand the shortcomings of the SPLM and the challenges the government faced in cultivating legitimate. While there are many approaches to this problem of political authority and conflict in Sudan, this is one that will provide a unique perspective on Southern Sudanese politics and help to better understand the emerging country in the South.

VI. Chapter Overview

The chapters of this thesis present varying perspectives on legitimacy cultivation and promotion both during and following the civil war; accounts of public opinion uncover the extent to which these endeavours at legitimation were successful. The second chapter is concerned with the foundation and development of the SPLM, covering a time period from 1983 to 2004. It examines how the group was formed; how it sought to consolidate legitimacy as a rebel movement; and how it failed to gain support from the majority of the Southern Sudanese population. Early on the rhetoric of the SPLM was not relatable to the Southern populace, first referring to socialism in its Manifesto and then developing the concept of a 'New Sudan' as its rationale for rebelling. This discourse was not appealing to the uneducated, isolated populations in the South. Further to this, the SPLM failed to establish adequate civilian governing structures and SPLM soldiers were freely abusing the civilian population. These two aspects of the group tarnished the relationship between the

SPLM and the local communities, leaving a difficult legacy for the movement to overcome. More than anything, the movement preferred appealing to international actors for support over consolidating internal legitimacy within the South. Since the South did not have the necessary resources to support the rebellion, and neighbouring countries were willing to provide assistance, it was easy for the leadership of the SPLM to disregard the needs of the Southern population.

The third chapter evaluates the international aspects of the conflict, looking to how and why international actors became involved in the Southern Sudanese conflict, whether through the provision of humanitarian aid or sponsoring peace negotiations. John Garang's⁹⁴ own international standing and his relationship with outside actors is also considered. This chapter provides an overview of the UN-led Operation Lifeline Sudan (OLS) - a massive relief effort based in Lokichoggio, Kenya- as well as a chronology of the attempts at peace negotiations. While the East African nations initiated the ultimately successful 'Naivasha Process', it was not until the United States became involved that the CPA was eventually signed. The chapter examines how this agreement came about, through exploring the rationale for the involvement of the negotiators and of the warring parties' willingness to come to an agreement.

Chapters four and five highlight the development of the Government of Southern Sudan (GoSS) and the transition of the SPLM from a rebel movement into a political party. This analysis is developed through the perspective of the types of legitimacy they tried to cultivate and on which they eventually relied. The fourth chapter examines the primary stipulations of the CPA for the institutional development of the GoSS. Here, the attempted attainment by the Southern government of both eudaemonic and structural legitimacy is considered through institutional capacity-building and the implementation of a decentralised system of governance. However, challenges such as endemic poverty, the inability of the government to provide services and development, corruption, and insecurity meant that consolidating eudaemonic legitimacy was impossible. Chapter five examines the attempts at mobilising the populace in light of the institutional failures of the government around the construction of ideological legitimacy. Both the SPLM and the Southern government relied on developing ideologies which would appeal to the populace and garner their support.

⁹⁴ John Garang was the leader and founder of the SPLM.

However, this was not completely successful since, in the end, being taken out of poverty was more important at this critical stage to the Southern populace than listening to rhetoric on revolutionary and civic ideology. In this period of crisis various political parties and leaders reverted to promoting themselves and gaining support through leaning on personal and traditional forms of legitimacy. This was detrimental, however, and meant that meaningful connections between the civilians and the government could not be established.

Chapter six takes into account the non-governmental institutions which provided an alternative to the Southern government and how their actions could aid the government in the consolidation of eudaemonic legitimacy. There was a significant disparity between what the government wanted to achieve, such as development and decentralisation, and what was actualised. The failures of the government and of the SPLM left a gap between the civilian population and the government at the local level of governance. Tribal and civil organisations filled this gap. In other words, these institutions, namely indigenous civil society organisations, churches and traditional authority structures, provided an essential link between the civilian population and the government. Often, these civil and tribal organisations were the only local groups Southern communities could rely on to meet their ever-increasing needs. The government, though, did not effectively engage these institutions. Where successful in meeting the populace's needs, these groups took legitimacy away from the government; however, when the government helped these organisations this worked to legitimise the government.

Finally, chapter seven considers the efforts of the GoSS at the regional and international levels. Although this thesis is primarily concerned with internal events in the South, it is interesting to examine how the government and the SPLM began re-orienting their role in both Northern Sudan and in North-East Africa. Through engaging with external actors the SPLM could claim to be working in the interest of the South, which in effect bolstered its domestic legitimacy. The SPLM was never a popular force in Northern Sudan; aside from the Nuba Mountains and southern Blue Nile, the movement was not able to encourage rebellion among other marginalised groups. In Khartoum, the group formed secret cells; these cells later became the Northern Sector of the SPLM. As a political party in the North, the SPLM developed differently than in the South. As well, it was tasked with battling the NCP politically over the implementation modalities of the CPA, including the

passing of legislation, the census and border demarcation. Regionally, the SPLM, through the GoSS, was also finding its way diplomatically. The SPLM had forged strategic alliances with Ethiopia, Kenya and Uganda during the war. The Southern government's foreign relations reflected a continuation of these policies. The primary diplomatic efforts of the government were the hosting of peace talks between the Lord's Resistance Army (LRA) and the Ugandan government; resolving security and border issues with East African countries; and developing trade and diplomatic relations with Egypt. These diplomatic efforts point to the Southern government as preparing for eventual statehood.

Chapter 2: History and Formation of the Sudan People's Liberation Movement (SPLM), 1983-2004

This chapter examines the political and ideological development of the SPLM as a rebel movement and whether or not it was able to legitimise itself among the Southern Sudanese population. In its most legitimate form, a rebel movement such as the SPLM should manage to replace government authority in certain geographical areas with its own insurgent authority and, through providing security and welfare, gain the support of the local populace. The extent to which the SPLM was able to consolidate legitimacy and maintain support among the communities it controlled is assessed here. The first section of this chapter looks at the development of the SPLM from 1983 to 1991. John Garang, the founder and leader of the movement, cultivated a very specific ideology centred on socialism and 'Sudanism'. 'Sudanism' rested upon the idea that the SPLM would liberate the entirety of the country and develop a 'New Sudan' in which the South would no longer be politically marginalised. However, the ideological paradigm Garang promoted was not well-received within the South, which led many observers to suggest that he was prioritising the need to gain material support from an outside source, Ethiopia, over developing domestic legitimacy.

The SPLM faced an internal crisis of legitimacy in 1991, which is discussed in the second section. Top leaders within the movement were displeased with Garang's autocratic ruling style and his insistence on fighting for the unity of the country over Southern secession. The ensuing chaos resulted in the creation of numerous armed splinter groups and put the safety of the Southern civilians in jeopardy. The third section then assesses how the SPLM interacted with the local population in the South through the development of local administrative structures. In spite of this tentative attempt to govern the Southern Sudanese, the insecurity resulting from the 1991 split; an increase in tribal-oriented violence; and abuses of civilians by SPLM soldiers meant that the local population was not overly supportive of the SPLM. It seems evident that the SPLM was unable to establish ideological and eudaemonic legitimacy. However, by 1994 the movement leaders realised that it was experiencing a serious crisis and Garang decided to improve the movement's image and 'liberalise' its internal governing mechanisms.

Thus, the SPLM held its National Convention, which is evaluated in the fourth section. The final section of this chapter looks to the repercussions of the National Convention on both the ideological outlook of the movement as well as on its relationship with the local populace. While the SPLM was able to gain legitimacy and reunite in 2002, the actions of disparate militias and other armed groups precluded it from securing wide-spread support among the civilian population.

I. The Political and Ideological Development of the SPLM, 1983-1991

a. Foundations of the SPLM's Political and Ideological Stance

The origins of the Sudan People's Liberation Movement (SPLM)¹ can be traced back to a mutiny of Sudanese army soldiers in the Southern towns of Bor and Pibor on 16 May, 1983. The soldiers' defection was based on not being paid their wages and the integration of Southern forces into the Northern army. This was the immediate casual effect of the rebellion. However, their dissent also mirrored the more widely-held grievances of the Southerners which were rooted in severe strains in the relationship between the central and regional governments in Khartoum and Juba, respectively. Following the initial mutiny the group fled to Ethiopia. It was not until after the emergence of Colonel John Garang de Mabior, who joined the group after being ordered to attack them as an officer of the Sudanese army, that the substance and rationale of the movement came into being. Garang was to be the face of the SPLM for the following twenty-two years, using his doctoral-level education to develop an ideology that promoted the creation of a 'New Sudan', which constituted an overhaul of the political system and espoused a socialist, democratic transformation of the entire country.

The start of the second civil war between the South and the North was essentially a continuation of the first civil war.² Claiming the Addis Ababa Agreement had not been

¹It should be noted that the Sudan People's Liberation Movement was the name given to the political wing of the Sudan People's Liberation Army. For purposes of this thesis, only the term 'SPLM' will be used as reference to both the political wing and the armed rebel group. This is the most practical approach since this thesis is concerned with the political maneuverings of the movement rather than its tactical actions on the battlefield. Of course, the two cannot always be separated.

²The first civil war was fought between government forces and the Anyanya movement from 1955 to 1972. The primary reason for the conflict was a claim by the Southern fighters that they were not given proper representation in the government after Sudanese independence from the British. As such, Anyanya was

honoured by the Sudanese president Jafar Al Numeiri, Southern fighters took to the bush. The first civil war was a separatist war. While many of the rebelling officers in 1983 remained committed to this goal of a separate Southern Sudan, Garang challenged the old assumption that the only viable option for the South would be complete independence. He argued for a united Sudan in the SPLM Manifesto, which he authored two months after the initial army mutiny. The SPLM Manifesto describes the reasons for inequality in all regions of the country; counts the missteps that led to the political and military crisis; provides an overview of how the SPLM came into being; and the laid out the processes through which the SPLM would lead the revolution.

The primary ideological perspective of the SPLM Manifesto was socialism. The Manifesto states: “The SPLA/SPLM program is based on objective realities of the Sudan and provides a correct solution to the nationality and religious questions within the context of a United Socialist Sudan.”³ As well, there were numerous references to socialism in Garang’s early speeches. He called the SPLM a “revolutionary armed struggle” and a “struggle of the masses.”⁴ He promised that, with victory, “[w]e shall have a socialist state.”⁵ Socialism was understood by Garang as the economic system which would redeem Sudan through solving the problem of the political marginalisation of the masses. The Manifesto is littered with Marxist jargon and attacks the neo-colonialism of the Arabs over the Africans in Sudan.

Another primary theme of Garang’s ideology was insisting on the unity of the country; he claimed that the SPLM was firmly against the secession of the South. Garang developed and relied significantly on the abstract notion of ‘Sudanism’ and the conceptualisation of a ‘New Sudan’, which were based around the appeal for unity. Johnson describes the ‘New Sudan’ as “genuine autonomous or federal governments for the various regions of the Sudan, a restructuring of the central government, a commitment to fight against racism...and tribalism.”⁶ This ‘Sudanism’ led to the creation of a political programme that

fighting for an independent Southern Sudan. That war ended with the signing of the Addis Ababa Agreement which, while giving the South a supposed semi-autonomous government, failed to create an independent country. Secession had been the main goal of the Anyanya movement.

³*SPLM Manifesto*, 31 July, 1983.

⁴ "Sudanese Strategy Set out in Radio Commentaries: War to Spread," *BBC Summary of World Broadcasts*, 18 January, 1985.

⁵ "SPLA Leader on Objectives of Rebel Movement," *BBC Summary of World Broadcasts*, 12 February, 1985.

⁶ Johnson, *The Root Causes of Sudan's Civil Wars*, 65.

espoused unity over separation. This was a hotly contested topic during the formation of the movement as well as a source of discord cited by rebellious SPLM officers during the 1991 split of the movement. Despite the fact that many Southerners most likely preferred secession, Garang did not betray his loyalty to his 'New Sudan'. He repeatedly linked the struggles of his movement to those of the wider Sudanese population. This is one particular area where he shifted away from the commonly-held perception that the South would have to be independent in order to combat political and socio-economic marginalisation. Garang did not see the 'Southern problem' as unique to the South alone. As such, the SPLM's aim was to "liberate all the Sudanese masses."⁷ Elsewhere, Garang said that "Sudan's problem, which other people for their wickedness call the Southern problem, is truly a national problem."⁸ This, in a way, justified the insurgency's violence by ensuring that it was not seen as a limited or isolated movement. The movement could not be written off as a 'Southern' development, but rather a struggle for the benefit of all Sudanese. This was, in part, aimed at garnering support among the Northern population and members of the Northern political opposition groups. Support at this level, while insignificant in material terms, lent legitimacy to the movement from widely recognised and popular Northern sectarian parties. This quest for legitimacy was also apparent when Garang accused the Northern governments of secessionism, saying that "[s]eparatism is a form of reaction and opportunism"⁹ Thus, the concept of a unified Sudan ensured support from within and outside of Sudan, though not necessarily among local Southern groups.

The SPLM's political stance was a refusal to participate wholeheartedly in negotiations with the various governments in Khartoum, whether they were democratically elected or not. Even when a democratically-elected government under Sadiq Al Mahdi came to power in 1986, Garang refused to negotiate in earnest. This is quite paradoxical since the SPLM was, according to Garang, fighting for a democratic Sudanese state. From the beginning, Garang's policy was an adamant stance against genuine negotiations, even though he always sent delegates to peace talks. His political philosophy, De Waal contends, "was to capture

⁷ "Sudanese Strategy Set out in Radio Commentaries: War to Spread."

⁸ "SPLA Denies Reported Readiness for Talks with Sudanese Government," *BBC Summary of World Broadcasts*, 7 September, 1985.

⁹ "Sudan: SPLA Leader on Coup D'état and New Regime's Attitude to Peace Process; SPLA's Four-Point Peace Plan," *BBC Summary of World Broadcasts*, 17 September, 1989.

state power and then use it as an instrument for social transformation from above.”¹⁰ It might be said, then, that Garang’s political goals were contingent upon the realisation of his military objectives. While the SPLM did engage in many rounds of negotiations during the war, up until 2002 these were largely ineffective. More than anything they were symbolic, proving that the rebels could sit down as political equals at the negotiating table, in front of an international audience. This does not mean that the SPLM was willing to give up any of its military gains or political aims during these negotiations. The SPLM’s negotiating stance was so firm that SPLM representatives refused to budge on any key issues; thus the negotiations went nowhere.

The issue of religion is another topic of discussion in the development of the SPLM. Some authors, taking their cue from the SPLM’s discourse, do not see religion as a key feature of the SPLM. Whereas the NIF claimed a Muslim identity, Kalpakian believes that the identity espoused by the SPLM was based on “a territorial entity whose inhabitants have rights and responsibilities on the basis of political citizenship rather than religion.”¹¹ Others, however, see Christianity as a key part of the Southern Sudanese identity. Prunier shares this perception, insisting that the SPLM shed its socialist ethos after the collapse of the Soviet Union and was reincarnated as a Christian guerrilla movement.¹² Characterisations of the war by the media and popular sources as “waged by the Muslim fundamentalist Northern government against the rebellious Christian and animist South,”¹³ are all too common and point to the importance of religion, at least on an international scale in propagandising the conflict. Similarly, Woodward observes an increase in the importance of religious identities as the conflict intensified.¹⁴ Khartoum was increasingly supported by radical Muslims while evangelical Christians from the United States and Norway were welcomed to conduct missionary activity in the South by the SPLM.

¹⁰ Alex De Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa* (Oxford: James Currey, 1997), 96.

¹¹ Jack Kalpakian, "War over Identity: The Case of Sudan," in *Big African States*, ed. Christopher Clapham, Jeffery Herbst, and Greg Mills (Johannesburg: Wits University Press, 2006), 47.

¹² Gerard Prunier, *Darfur: The Ambiguous Genocide* (London: C. Hurst and Co., 2005).

¹³ William Shawcross, *Deliver Us from Evil: Warlords and Peacekeepers in a World of Endless Conflict* (London: Bloomsbury, 2000), 253.

¹⁴ Peter Woodward, "Peacemaking in Sudan," in *Ending Africa's Wars: Progressing to Peace*, ed. Oliver Furley and Roy May (Aldershot: Ashgate, 2006), 168.

The active promotion of a Christian identity by the SPLM is questionable. Even in his Manifesto, Garang blasts missionaries for only teaching religious education while neglecting the other needs of Southern Sudanese children. While the SPLM was supportive of the creation of the New Sudan Council of Churches (NSCC) in 1989, Rolandsen points to the fact that the SPLM often looked upon the churches with suspicion.¹⁵ This was in part because, according to Deng, the churches were “a source of material, social and spiritual support in contrast to national leaders.”¹⁶ Nonetheless, on a personal level Christianity was an important factor for many Southerners as well as people from the Nuba Mountains. The treatment of the Southern population by the Northern elites propelled many towards conversion to Christianity. Johnson notes that there were more converts to Christianity during the war than through all the missionary activities during the Anglo-Egyptian Condominium, from 1898 to 1956.¹⁷ Religion cannot be separated from politics in Southern Sudan. Shandy describes how Christianity was one of the only sources of education through religious missions; education was the only way to access opportunities within politics.¹⁸ Deng concurs with this perspective, noting that “Christian education had fostered a new sense of identity that transcends tribal loyalties and created a Southern nationalist sentiment.”¹⁹

Early on, Garang developed mechanisms to take his message to the local populations of the South and beyond. He recognised that the SPLM should attempt to become a legitimate group. In the Manifesto, he specifies the policies of the SPLM which will “win the confidence and support of the masses of the people.”²⁰ He discusses the need to create an effective propaganda machine; establish political offices in foreign countries and pursue diplomatic relations; establish an institute for Revolutionary War studies so as to train his soldiers in proper political orientation; politicise the ‘peasantry’; and open lines of communication with Northern opposition groups. All of these were aimed at gaining as much support as possible for the group, from within the South, the North and abroad. The mechanisms would ideally act to disseminate his revolutionary ideology.

¹⁵ Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990's*, 76.

¹⁶ Deng, *War of Visions: Conflict of Identities in the Sudan*, 217.

¹⁷ Johnson, *The Root Causes of Sudan's Civil Wars*, xvi.

¹⁸ Dianna J. Shandy, *Nuer-American Passages: Globalizing Sudanese Migration* (Gainesville: University Press of Florida, 2007), 41.

¹⁹ Deng, *War of Visions: Conflict of Identities in the Sudan*, 210.

²⁰ *SPLM Manifesto*, 31 July, 1983.

Garang understood the value of good media and, subsequently, propaganda. *Radio SPLA* was created as a mechanism for promoting the SPLM's viewpoint, and thus enhancing its legitimacy. In its inaugural radio broadcast, the SPLM spokesman stated that "*Radio SPLA* will revolutionise the Sudanese people's mass media in a manner unknown and unheard of before in our country." Conversely, the radio in Khartoum was "an instrument for the dissemination of the lies to deceive and mislead the Sudanese people."²¹ Thus, discourse was seen as a means of promoting the SPLM's viewpoint as well as a tool for the education of the masses. Garang also saw the radio station as an alternative source of information, one which countered the 'lies' stated by government-owned media in Khartoum. In another broadcast, Garang said he was using the radio as a means for "effectively combating the enemy's obnoxious lies and propaganda and correctly informing the Sudanese people and educating them in the realities of the new Sudan we aim to build."²² Thus, speeches made during the first decade of the movement's existence, primarily over *Radio SPLA*, revealed an attempt to legitimise the aims and goals of the SPLM among a wider Sudanese audience.

While distinguishing the need for all forms of support and patronage from within the South, Garang's ideology was not always well received or understood by the Southern populace. This has led some observers to question the rationale behind developing an ideology based on principles, such as a united Sudan or socialism, which were not supported or comprehended by the Southern populace. The following section explains how the ideological leanings of Garang were formed and examines the arguments put forth by researchers on who Garang's intended audiences were.

b. What Factors Influenced Garang's Ideology?: Domestic Versus International Audiences

The intended audience for Garang's ideology is a topic which has been debated significantly; Garang is either painted as a shrewd tactician willing sell out to the nearest benefactor or as a freedom fighter who truly believed that the implementation of his goals would bring about a better Sudan. The first perspective comes from those researchers who

²¹ "Sudanese Rebels Inaugurate Radio SPLA," *BBC Summary of World Broadcasts*, 6 November, 1984.

²² "Garang Address to Sudanese People: Views on New Khartoum Regime Unchanged," *BBC Summary of World Broadcasts*, 28 May, 1985.

have taken a rather pessimistic view and believe that Garang intentionally developed the socialist ideology and promotion of a united Sudan to attract the support of the Mengistu regime in Ethiopia. Peter Nyaba, an SPLM insider, is especially critical of Garang's inability to develop an ideology which the Southern Sudanese could understand or support. In his reflections on the development of the SPLM, he insists:

...it appears the SPLM manifesto was not intended for the people of South Sudan... but rather to gain acceptability in the eyes of outsiders. It seems in the manifesto the SPLM/A was endeavouring to convince the Northern Sudanese that a new brand of socialist South Sudanese, who believed in the unity of the Sudan, had emerged.²³

The "outsiders" Nyaba was writing about were Northern Sudanese and the Mengistu regime in Ethiopia. Ethiopia at the time of the Southern mutiny was heavily supported by the Soviet Union. The socialism which Garang espoused was in line with the Marxist ideology of the Mengistu regime. Ethiopia provided the SPLM military bases from which to conduct operations into Sudanese territory and from which to broadcast radio programmes. Additionally, the movement was given a substantial amount of arms and ammunition by Ethiopia. Thus, the adoption of this particular ideology by Garang appeared to be for the benefit of Ethiopia as it gave the SPLM a significant strategic advantage. Obtaining this advantage was the rationale for developing a socialist ideology in particular, but it was not a true reflection of Garang's own intellectual leanings, according to Burr and Collins. They contend that "the Ethiopian connection necessitated a certain amount of Marxist rhetoric, but Garang was never the Marxist or socialist ideologue his enemies...made him out to be."²⁴

In addition to the socialist ideology, the persistence of the concept of a 'New Sudan' was viewed as another tactic to gain the support of outsiders in both neighbouring countries and in Northern Sudan. The Mengistu regime, while no friend of Khartoum, was against supporting an armed group which espoused separatist ideals. Fighting his own Eritrean separatists, Mengistu could not support a group bent on secession. Garang's concept of a unified, 'New Sudan' was thus appealing and a tactical necessity. This concept was also utilised to develop alliances with groups in Northern Sudan. Garang wanted the SPLM to be a national movement and for his ideology to stir up rebellion in all of the marginalised areas

²³ Nyaba, *The Politics of Liberation in South Sudan: An Insider's View*, 33.

²⁴ J. Millard Burr and Robert O. Collins, *Requiem for the Sudan: War, Drought, and Disaster Relief on the Nile* (Boulder: Westview Press, 1995), 18.

as well as within Khartoum itself. Yet, Lesch points out that this ‘New Sudan’ was not consistent with the majority of the Southerners’ desire for self-determination. While Garang held onto his aspiration for a unified Sudan, the war created an intense reaction in the South against unity; this response was “expressed in renewed demand for secession and political independence.”²⁵ Thus, according to certain researchers the socialist rhetoric and the ‘New Sudan’ ideology were developed for the benefit of outsiders rather than those in the South.

The second perspective is more forgiving of John Garang as it assumes that he did truly believe the ideals he espoused in the Manifesto and in his rhetoric. Even though Garang was able to gain backing from Ethiopia, it was merely coincidental that the Mengistu regime favoured socialism as well as a united Sudan. Instead of seeing the SPLM’s ideology as created for the benefit of outside support, some observers maintain that Garang did in fact believe that socialism was the best system for the South. Garang’s academic background and his doctoral thesis on the agricultural development of Southern Sudan point to a firm dedication to socialism. Garang’s position on a united Sudan was also praised by Sudanese intellectuals such as Mansour Khalid or Francis Deng. Mansour Khalid writes that Garang “chose to be an exemplar of national rejuvenation and a new brand of unity.”²⁶ Similarly, Francis Deng sees this position as revolutionary:

What is remarkable about this ambitious goal is the extent to which the SPLM-SPLA shifted the Southern outlook from that of a minority, struggling for recognition and a degree of autonomy in a marginalized corner of the country, to one of self-assertiveness, pride, and dignity in the struggle for a democratic Sudan.²⁷

Other researchers, such as Johnson and Shandy, believe that Garang did make an effort to relate the goals of the SPLM to the Southern Sudanese experience. Johnson insists that since Garang’s speeches over *Radio SPLA* presented the main arguments of the Manifesto without ideology, Garang was speaking “directly to the real experiences of many Sudanese.”²⁸ This perspective is reinforced by Dianna Shandy, a social anthropologist, who observed that leaders in the SPLM used “representations of history to underscore their claims to political legitimacy.”²⁹ In other words, SPLM officers relied on relating a common

²⁵ Lesch, *The Sudan: Contested National Identities*, 156.

²⁶ Khalid, *War and Peace in Sudan: A Tale of Two Countries*, xxiv.

²⁷ Deng, *War of Visions: Conflict of Identities in the Sudan*, 19.

²⁸ Johnson, *The Root Causes of Sudan's Civil War*, 64.

²⁹ Shandy, *Nuer-American Passages: Globalizing Sudanese Migration*, 22.

history, which could imply traditional legitimacy, to gain support from the Southern Sudanese.

The most logical understanding of the development of Garang's ideology was that he was sincere in his writings but his hubris precluded him from considering whether or not they were meaningful to the Southern Sudanese. While the majority of the Southern population wanted an independent South, Garang remained adamant that a 'New Sudan', one where the Southerners had equal political rights and representation, was possible. He saw himself as the leader who could achieve this 'New Sudan'. Garang was overly confident in the strength of the SPLM among the Sudanese population. For example, after the mass demonstrations against Numeiri in 1985, the SPLM took partial responsibility, stating that the protests were "complementary to the revolutionary armed struggle waged by the SPLA."³⁰ The popularity of the movement was also emphasised. During an anniversary speech, Garang said that while "we were only several hundred," five years later the "membership of the movement runs into the tens of thousands." Furthermore, "with our military victories, our political victories grew and multiplied"³¹ Thus, it can be inferred that Garang believed that the ideology he espoused was the right path for the South; further, he was adamant that the SPLM could not only win the war in the South but also march to Khartoum and overthrow the government. He was stubborn when it came to appealing to the local population; he thought he knew what was best for them and they, he assumed, agreed with him.

The lack of consistency in the SPLM's ideological formation was also a problem, but it was more the result of the lack of the political development of the SPLM than changes in Garang's own core beliefs. Young contends that the inconsistent ideological leanings of the movement were due to the fact that they never figured prominently in its political development.³² The weak political development of the SPLM was a consequence of the priority given to the military organs of the group. The political wing of the SPLM did not have a significant role in the first decade of the rebellion.

³⁰ "Sudan Garang Gives Speech on Anniversary Founding of SPLM/SPLA," *BBC Summary of World Broadcasts*, 18 May, 1988.

³¹ "Sudan Garang Says SPLA Is 'Stronger Than Ever before'," *BBC Summary of World Broadcasts*, 15 July, 1988.

³² Young, "Sudan: The Incomplete Transition from the SPLA to the SPLM."

Still, Garang was pragmatic, which is evident through fluctuations in his ideological outlook when the situation necessitated it. More often than not, shifts in the international sphere made changes in Garang's ideology compulsory. While he was stubborn in maintaining his concept of a 'New Sudan', he justified it through different terminology depending on the international audience. When the international climate shifted in 1991 with the disintegration of the Soviet Union and the fall of the Mengistu regime, the SPLM found that the socialist-bent ideology had no contextual relevance. Here, there was an observable alteration in the ideological leanings of Garang. Instead of the 'New Sudan' being socialist, it became democratic and respectful of human rights and freedom of religion.

Thus, it can be inferred that Garang was indeed committed to the ideology he developed; however, when the survival of the SPLM was at stake, he was willing to make slight adjustments. This is within the context of appealing to an international audience, which he prioritised over consolidating domestic legitimacy during this time period. This is for two reasons. Firstly, the South did not have the resources the SPLM needed to fight the war; material support was needed from an outside source. Secondly, Garang had a certain perception that there was wide-spread support for the SPLM in the South. The SPLM was fighting for the Southerners, so in his mind, of course they would support the movement. Whether this was an illusion or mere window dressing is not known. The fact of the matter is, though, that the SPLM did not require the support of the local population during the first decade of its struggle against Khartoum. The movement was performing successfully on the battlefield, had captured a significant amount of territory and key towns in the South, and had materials and resources from an outside source. Still, Garang's autocratic manner and his insistence on a unified Sudan did create discord within the SPLM. Thus, the first major challenge to Garang came not from the Southern populace but from within the movement; this was a serious challenge to the survival of the SPLM.

II. Internal Challenges to the SPLM's Legitimacy

a. The 1991 Split

The SPLM initially gained support among the Southern population through the mere fact that it was fighting a war against the North. This support was not guaranteed, however, and

many leaders in the movement began to feel left out of the decision-making processes. The legitimacy the SPLM had gained from fighting a common enemy was not enough to prevent an internal split in the movement, which subsequently led to the creation of numerous splinter groups and militias that threatened to reverse the earlier successes of the SPLM in the 1980's. Garang himself lacked complete support within the movement and this was aggravated by his autocratic ruling style and by the unity vs. secessionism debate. This is evident in the events of 1991, when high-ranking officers led by Riek Machar, Lam Akol and Gordon Kong Chuol instigated a 'coup' and created their own splinter SPLM. In their own Manifesto, they focused on the issue of independence: "It is evident that the only feasible course of action to bring about peace is for all to accept the fact that the North and the South need... a period of time of separate existence."³³ Douglas sees the factionalism within the SPLM as a consequence of its structure writing that the "SPLA's military organization was the foundation of its success on the ground... The political price of the policy was that the leadership relied on force rather than persuasion to maintain cohesion."³⁴ Nyaba, who was among the rebelling officers, reinforces this perspective, writing that "because of the neglect of the objective laws of the people's war and national liberation, the SPLA sometimes posed like an anti-people military machine."³⁵

The primary grievances were against Garang himself, who was accused of tribalism, authoritarianism, Dinka domination of the movement, and mass human rights violations. Garang's leadership was, in fact, an issue of focus throughout the existence of the SPLM. Young notes that Garang ensured a lack of institutionalisation so that his power could not be limited.³⁶ Young continues, "[w]ithout a functioning party, Garang continued to monopolise power, and without a functioning party the rebels had few means to collectively challenge his authority."³⁷ Others, such as Lesch, maintain that the split was more the result of disagreements on ultimate goals rather than leadership quality.³⁸ Fortunately for Garang, the 'Nasir group',³⁹ as the rebelling officers came to be known, was unable to consolidate

³³ Manifesto quoted in Lesch, *The Sudan: Contested National Identities*, 157.

³⁴ Johnson, *The Root Causes of Sudan's Civil Wars*, 191.

³⁵ Nyaba, *The Politics of Liberation in South Sudan: An Insider's View*, 2.

³⁶ Young, "Sudan: The Incomplete Transition from the SPLA to the SPLM."

³⁷ *Ibid.*, 168.

³⁸ Lesch, *The Sudan: Contested National Identities*, 165.

³⁹ The break-away SPLM faction were informally called the 'Nasir group' since they were based in the Upper Nile town of Nasir.

legitimacy since its members engaged in the same practices for which they chided Garang.⁴⁰ While the 1991 split in the SPLM had its origins in grievances against the political objectives and the leadership style of John Garang, it quickly turned into a conflict characterised by tribal elements. This tribalism manifested itself into intense violence across the Southern region.

b. The Formation of Southern Other Armed Groups, 1991-1994

The initial split within the SPLM led to the formation of the SPLA-United group, led by Riek Machar and Lam Akol. However, political infighting produced a domino effect of splintering armed factions among the rebelling officers. In 1994 the SPLA-United held a convention in Akobo and renamed the group the South Sudan Independence Movement (SSIM). At this convention, Lam Akol left the part when he protested a proposal for self-determination for areas outside of the South. He created his own movement, which operated primarily in the Shilluk areas and retained the name SPLA-United. This group was not very effective. Meanwhile, the leaders of SSIM were in constant conflict with Machar and as each one left the movement, they formed their own regionally-based tribal groups. In the western part of the South, Kerubino Bol formed the SPLM Bahr El Ghazal Group. Paulino Matiep, a Bul Nuer, formed the South Sudan Unity Movement (SSUM) and maintained a strong hold over the oil-rich region surrounding Bentiu. Numerous other groups sprang up during this period. They were clandestinely supported by the Bashir regime, which maintained separate links with each group and gave them arms in return for their continued fighting against the SPLM. These groups continued to fight each other and the SPLM until the signing of the Khartoum Peace Agreement (KPA) in 1996. This agreement brought these armed groups, excluding the SPLM, together under the loose affiliation of the South Sudan Defence Force (SSDF), which is discussed below in section V.

The 1991 split and development of other armed groups (OAGs) along tribal lines resulted in chaos and violence; the local communities were stuck in the middle of a highly-contested fight. The SPLM continued its struggle against the Sudanese army while simultaneously fighting with the OAGs, which were given weapons by the North for control

⁴⁰ A comprehensive account of the split, detailing the actions of the rebelling officers, can be found in Scroggins, *Emma's War: Love, Betrayal and Death in Sudan*.

of key Southern towns. This led to an intricate web of alliances and counter-alliance which is difficult to present in a clear manner, especially at the local level. For example, Akobo, Jonglei State has a complex history that highlights the chaotic state of the militias and their activities during the war. The town of Akobo, made up of the Nuer tribe, initially supported the SPLM when it arrived in 1984. When the SPLM initially returned from Ethiopia to begin its rebellion it crossed the Sobat River at a location within Akobo County. During the early years of the SPLM, Akobo was caught up in the fighting between the Northern army, the Sudan Armed Forces (SAF) and the SPLM. While people in the town were compelled to appease both sides, most people supported the SPLM because it was a Southern group.⁴¹ However, as the war continued the community in Akobo became disenchanted with the SPLM's tactics. For the women of the town, the recruitment of their children was a major problem.⁴² Government soldiers captured the town in 1989. However, after the split within the SPLM the town was taken over by the SSIM in 1991; most townspeople were supportive of Machar's faction. The local population was very welcoming due in part to the promises made by Machar that he was fighting for independence as well as the tribal (Nuer) links. However, the abuse of civilians by SSIM soldiers led the community to become disillusioned with Machar. For the following ten years no one armed group could keep its rule over Akobo. The control of the town vacillated between Garang, Machar, the SAF and community militias. The local population, meanwhile, was forced to provide resources to all of these groups. Each time the SAF or one of the militia groups or the SPLM retook the town, the population fled into the forests, only to return once the security situation had improved. This brief overview of Akobo reflects the volatile nature of the conflict between the Southern factions while at the same time highlighting the continued struggle of the Southerners to protect themselves from the SAF, the SPLM and SPLM splinter groups.

III. Local SPLM Administration, Civilian Support for the SPLM, and Legitimacy, 1983-1994

a. Rebel Governance Structures in the 'Liberated Areas'

⁴¹ Researcher interview, Nuer male, 8 June, 2008, Akobo.

⁴² Researcher focus group with Presbyterian Church leaders, 16 June, 2008, Akobo.

The state of the local administration of the SPLM before 1994 is a disputed issue: it is seen as quite minimal; as systematically institutionalised through SPLM administrators; or as varied, depending on the local context. The first perspective is supported by Alex De Waal, who perceives the local SPLM structures as nominal.⁴³ Citing the SPLM's policy of putting military victories before political mobilisation, De Waal describes the SPLM administration as "violent and extractive."⁴⁴ This outlook is also taken by Lesch, who writes that "military officers ruled their areas of operation, which caused tension with indigenous civilian leaders and accusations of arbitrary behaviour against the population."⁴⁵ Similarly, a report published by the European-Sudanese Public Affairs Council,⁴⁶ challenges the claim of the SPLM to have established political and legal administration in the territory it controlled.⁴⁷ Drawing on accounts from former SPLM members and international observers, the report insists that the SPLM claims of civilian administration were a 'sham' aimed at "its international supporters to point towards some sort of political legitimacy for the organisation."⁴⁸

The opposite point of view, put forward by Johnson, is that the SPLM did implement a comprehensive and uniform administration.⁴⁹ While the SPLM employed chiefs through the old structures of the colonial 'Native Administration', the primary management of territory was under SPLM commanders who also acted as civilian administrators. The SPLM also formed the Sudan Relief and Rehabilitation Association (SRRA), which was a political organisation that acted as a local administrator of aid and as well as being the liaison between the SPLM and international NGOs. Still, Scroggins notes that this organisation "was notoriously thieving and incompetent."⁵⁰

The middle ground in this argument presents a view of the SPLM governance as extremely varied, depending on the local SPLM commanders and environment. Where possible, the local SPLM officers relied significantly on the already established local tribal

⁴³ De Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa*.

⁴⁴ *Ibid.*, 96.

⁴⁵ Lesch, *The Sudan: Contested National Identities*, 158.

⁴⁶ It should be noted, however, that this institution is funded by the government in Khartoum and thus biased, though not necessarily completely mistaken, in its account of the SPLM.

⁴⁷ "The SPLA: Fit to Govern?," (London: The European-Sudanese Public Affairs Council, 1998).

⁴⁸ *Ibid.*, 15.

⁴⁹ Johnson, *The Root Causes of Sudan's Civil Wars*.

⁵⁰ Scroggins, *Emma's War: Love, Betrayal and Death in Sudan*, 133.

structures and civil institutions such as churches. This perspective is supported by Rolandsen, who insists that “the nature of local administrations probably varied considerably, and was shaped by local circumstances and personalities.”⁵¹ The degree of control the SPLM had over the administrative structures was not very strong as the SPLM lacked a central, geographically stable administrative body from which to govern. Even if there had been a coherent policy for civilian administration of ‘liberated areas’, implementing it was nearly impossible. Commanders in remote regions often acted on their own initiative; the involvement of the local population in the SPLM administration was very much dependent upon these commanders.

Rolandsen contends that the role of the tribal chiefs, left over from the system of indirect rule, flourished in regions where other structures had collapsed.⁵² While chiefs and elders were valued by some commanders, other more authoritarian SPLM officers would replace the chiefs who did not support the SPLM completely or provide enough food to the soldiers. If a commander was not pleased with the local leader, he would find a ‘collaborator’ within the village and replace the existing chief with him.⁵³ Thus, the extent to which the local commanders utilised the traditional authority structures was not consistent. In highly volatile areas, it was difficult for the SPLM to develop a local administration. In Akobo, for example, the town was contested by the SAF, the SPLM, SPLM-United, SSIM, and other militias. The local townspeople do remember that when the SPLM was in control of the town, the local commander was not a very effective administrator.⁵⁴

Conversely, in the village of Lohutok, Eastern Equatoria State, the administration of the community by the SPLM was mutually beneficial; the local population appeared to have had a stable and respectful relationship with the SPLM commander. He had taken the initiative to form local committees and welcomed the participation of the village chief, elders, pastors and other educated individuals.⁵⁵ One such village council, for example, was in charge of sustaining the primary school. This council implemented a policy requiring that each family in the village send their eldest daughter to the primary school.⁵⁶ Much of this good

⁵¹ Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990's*, 71.

⁵² *Ibid.*

⁵³ Researcher interview, NGO staff, 29 May, 2009, Juba.

⁵⁴ Researcher interview, Nuer male, 12 June, 2008, Akobo.

⁵⁵ Researcher interview, SPLA ‘Commander Robert’, October 2004, Lohutok, Eastern Equatoria State.

⁵⁶ Researcher interview, Lopit male, October 2004, Lohutok, Eastern Equatoria State.

relationship between the village and the SPLM was the result of the actions taken by ‘Commander Robert’, who professed a desire to improve the region through his own actions. As such, the relationship of the local population with the SPLM was very much dependent on the actions of individual SPLM commanders, rather than the implementation of an overarching policy. The result was that the rebel-civilian relationship was strong in some areas, while harmful in others.

The second type of local institution utilised by the SPLM was local, indigenous church organisations. Rolandsen writes that in many areas the churches represented the only other significant organisational structure, aside from the traditional leaders, at the local level.⁵⁷ While churches were independently established they were overseen by the NSCC, a multi-denominational group of six churches which was formed in 1990 in the Gambella refugee camp in Ethiopia. The various churches, in collaboration with the SPLM, were involved in providing welfare services and education to Southern Sudanese children in the refugee camp. By 1990, the “need for more formal expression of the Churches’ unity became apparent.”⁵⁸ From the very beginning, the SPLM sought to use the NSCC as its spiritual wing. The creation of the NSCC was formally announced over *Radio SPLA* without permission from the church leadership. The churches did not want the use of the word ‘new’, since this converged with John Garang’s concept of a ‘New Sudan’, an overly politicised term. As time passed, the NSCC sought to distance itself from the SPLM and even criticised its authoritarian methods and ideology, which created tensions with the movement and problems for clergy operating in ‘liberated areas’. African Rights describes that while the SPLM claimed the NSCC as its ‘spiritual wing’, the churches themselves had a strong role apart from their spiritual and moral reflections.⁵⁹ Their unique role in Southern Sudanese civil society meant that they were, collectively, one of the main organisations providing relief, education, health and local peace-making initiatives. And, while the churches maintained an official position of neutrality, many local church leaders say that they were fully involved in the struggle.⁶⁰

⁵⁷ Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990’s*,

⁵⁸ Roland Warner, William Anderson, and Andrews Wheeler, *Day of Devastation, Day of Contentment: The History of the Sudanese Church across 2000 Years* (Nairobi: Paulines Publications, 2000), 533.

⁵⁹ African Rights, *Food and Power in Sudan: A Critique of Humanitarianism* (London: African Rights, 1997).

⁶⁰ Researcher interview, AIC pastor, 12 May, 2009, Torit; Researcher interview, Episcopalian Bishop, 3 July, 2008, Wau.

Nonetheless, this organisation also posed problems of legitimacy for the SPLM since “the Movement had seen church organization, NSCC in particular, as a potential threat and competitor for the position as the legitimate spokesperson of the Southern people.”⁶¹ The SPLM’s vacillation between support and suspicion of this group shows the movement’s inability to create an effective policy to deal with civil organisations, often at the expense of the recipient communities. Yet, this interaction with the churches, and declaring that the NSCC was the ‘spiritual branch’ of the movement, shows an intention by the movement to embrace the Christian faith, albeit hesitantly. The relationship between the churches and the SPLM was advantageous at times, though when the churches were seen as working against the SPLM they too suffered abuses from the SPLM commanders.⁶² Thus, the churches were responsible for the welfare of the local population. The extent to which the SPLM worked with church leaders depended on the local situation and commanders.

It should be noted that the local administration was quite robust in the Nuba Mountains. Although this area is geographically part of the North, it was another front in the war. Not much has been written about the Nuba Mountains during this period, perhaps due to its geographical isolation, but researchers do recognise the uniqueness of this region during the war. De Waal writes that self-determination was strong in the Nuba Mountains as “it is a process whereby ordinary people are able to discuss and debate, influence their civil and military leaders, and begin to control their political destiny.”⁶³ This perspective is reinforced by one of the only Western accounts of the Nuba Mountains during the war. Gabriel Meyer explains how the Nuba in 1992 persuaded the SPLM to form a full array of civilian institutions.⁶⁴ Meyer goes so far as to say that the “non-government areas of the Nuba Mountains...[constitute] the only place in Sudan where there is an active functioning democracy today.”⁶⁵ The Nuba had a parliament where civilians outnumbered soldiers, the Advisory Council Conference, which had been meeting since 1992.

⁶¹ Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990's*, 76.

⁶² For example, when the SPLM captured Torit in 1986 the Catholic bishop who had stayed in the town when the SAF controlled it was arrested and publicly beaten. He was accused of acting in collaboration with the Northern government.

⁶³ Alex de Waal, quoted in Meyer, *War and Faith in Sudan*, 91.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*, 90.

b. Problems of Tribalism and Abuses Against Civilians

Tribalism presented a paradox of traditional legitimacy.⁶⁶ The Dinka, Garang's tribe and the most populous tribe in Southern Sudan, were intensely loyal to the SPLM and its objectives. While this support was necessary for the movement, it made the SPLM look like a Dinka organisation, which prevented other tribes from seeing it as their legitimate representative. The threat of tribal domination led many to oppose the SPLM while the conflict among the Southerners reinforced this aggressive expression of tribal discontent. Young notes that the problem with the Dinka tribe was "not that it has assumed a dominant position, but that it has done little to fully embrace other tribes, thereby leaving it [the SPLM] exposed to factionalism and strife."⁶⁷ The fear among the other tribal groups of political marginalisation fanned the flames of discontent. Southern Sudan had always been a region dominated by tribal politics and low-intensity fighting, which was normally the result of cattle-raiding. The introduction of modern weaponry and the militarisation of tribal ideology, however, led to unprecedented violence between the tribes and sub-clans. Mohammed Salih sees the conflict between Southern groups as an expression of 're-tribalisation', a term which he borrows from A.A. Mazuri.⁶⁸ His assessment of the warring Southern factions is that "they are not only dependent on the perpetuation of tribalism for their support but that they have actually strengthened its hold."⁶⁹

The effects of this were devastating as the conflict between the various armed Southern groups accounted for more deaths than attacks by the Northern army. One harrowing journalistic account of the Nuer-Dinka conflict is provided by Deborah Scroggins, who describes the massacres of villages, forcible relocations and use of emaciated children as pawns to gain humanitarian aid.⁷⁰ Her main focus is on the unwillingness of the leadership in both the Dinka and Nuer camps to take into account the human cost of the people they were supposedly fighting to 'liberate.' Reports by human rights groups and other non-profit organisations point to the hardship faced by Southern communities at the hands of the

⁶⁶ The nature of tribalism in Southern Sudan is discussed in detail in chapter 6.

⁶⁷ John Young, "Sudan: Liberation Movements, Regional Armies, Ethnic Militias and Peace," *Review of African Political Economy* 30, no. 97 (2003), 425.

⁶⁸ M. A. Mohamed Salih, "New Wine in Old Bottles': Tribal Militias and the Sudanese State," *Review of African Political Economy* 45/46 (1989).

⁶⁹ *Ibid.*, 172.

⁷⁰ Scroggins, *Emma's War: Love, Betrayal and Death in Sudan*.

SPLM, as well as other armed groups claiming to fight for the Southern people. In a report by Amnesty International, the SPLM was reported to have been “responsible for abuses against the civilian population, including arbitrary killings, the looting of villages and the diverting of humanitarian aid intended for famine victims.”⁷¹ In a letter released by Human Rights Watch, the SPLM was accused “of diverting relief food intended for famine victims.”⁷² This practice was coupled with arbitrary arrests and summary executions of suspected dissidents.

Hutchinson and Jok investigate the experiences of the rural Southern population from a community-based perspective, highlighting how this particular form of violence differed from the ‘normal’ practice of cattle-raiding, which was an economically-based form of violence as oppose to a political one.⁷³ Traditionally young men improved their standing in society through raiding cattle from neighbouring villages. However following the 1991 split a new form of conflict emerged, one where social norms were dismissed, which led to the targeting of civilians along tribal lines. According to one former Dinka soldier, both SPLM factions encouraged this shift in warfare: “Mixing political differences with economic competition, and emphasizing to each group the danger presented by the other, is the only way Riek and Garang can get us to fight their wars for them.”⁷⁴

The rising insecurity led most communities to harbour intense feelings of vulnerability. There was the perception among the Southern populace that none of the armed groups, the Sudanese army, the SPLM or its splinter groups, were concerned about protecting the civilians. One Nuer man recounted this lack of worry on the part of the warring parties for the local populace: “The Government controls the towns. Rebels control other areas. The leaders are there to fulfil their dreams.”⁷⁵ This left the rural populations “politically paralysed” as they felt they were caught up in a war of the educated elite,⁷⁶ a war that did not belong to them. This effectively led to “a deepening regional subculture of violence, where the unchecked predations of local military leaders have radiated outwards to the

⁷¹ <http://www.amnesty.org>

⁷² <http://www.hrw.org>

⁷³ Jok Madut Jok and Sharon Elaine Hutchinson, "Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities," *African Studies Review* 42, no. 2 (1999).

⁷⁴ *Ibid.*, 133.

⁷⁵ Shandy, *Nuer-American Passages: Globalizing Sudanese Migration*, 40.

⁷⁶ Both John Garang and Riek Machar held doctorates from universities in the United States and England, respectively.

furthest reaches of community and family life.”⁷⁷ This was a situation that local chiefs and military leaders were unable to prevent or manage, leading to an overwhelming militarisation of Southern communities and formation of regional militias.

This desperation of some Southerners led to an arming of local communities and ‘re-tribalisation’; most tribal groups reacted to the brutalities by forming their own militias. Although members of these militias were against the policies of the Northern government, they willingly received military aid from Khartoum; the government in the North developed a ‘divide-and-conquer’ policy through the arming of different groups which were fighting the SPLM. Jok and Hutchinson note that the conflict escalated out of the hands of the quarrelling SPLM commanders. While the internal dispute was initially between John Garang and Riek Machar, as they began to play the ‘ethnic’ card, “from there the conflict spiralled downward into numerous independent warlords, each preying upon one another’s civilian populations.”⁷⁸ The ensuing chaos damaged the legitimacy of the SPLM as it was not able to provide for either the security or welfare of the local populations.

c. Civilian Support for the SPLM

Initially the SPLM had the opportunity to gain support from the local population due to the mere fact that it was fighting on behalf of the Southerners against the North. Young maintains that the SPLM did retain a certain level of legitimacy, not because of what it was fighting for but rather what it was fighting against. Young continues, “the civil war for most Southerners was a kind of tribal war...that involved the expulsion of Arabs from Southern Sudan.”⁷⁹ Indeed, the September Laws of 1983,⁸⁰ Burr and Collins point out, propelled many towards the SPLM’s cause as these laws were seen as representative of the rising tide of Muslim fundamentalism.⁸¹ The inability to develop an ideology which was relatable to the populace did not always deter supporters. Put bluntly, Garang’s “main task had always been to mobilize the anger of the Southern Sudanese against the government of the Sudan,

⁷⁷ Jok and Hutchinson, "Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities," 135.

⁷⁸ *Ibid.*, 128.

⁷⁹ Young, "Sudan: The Incomplete Transition from the SPLA to the SPLM," 160.

⁸⁰ The September Laws, implemented by President Numeiri, instituted *sharia* in the whole of the Sudan.

⁸¹ Burr and Collins, *Requiem for the Sudan: War, Drought, and Disaster Relief on the Nile*, 16.

and in attempting that task he found that the Southern Sudanese had little interest in ideology.”⁸²

The discursive tactics of the SPLM were clearly aimed at mobilising the population’s frustration at the Northern governments. The creation of the ‘Other’ was accomplished through the vilification of the enemy. In one commentary, *Radio SPLA* said that Numeiri “falsely propagates”⁸³ views about the war in the South. The Transition Military Council (TMC), which held power between Numeiri and Sadiq Al Mahdi, was nothing more than a “gang” and “opportunistic bourgeoisie.”⁸⁴ Elsewhere Garang called them “ruthless and clawless” and “fascist thieves and criminals.”⁸⁵ The democratically elected government of Sadiq Al Mahdi did not escape sharp criticism. Mahdi, Garang insisted, had a “war policy of genocide”⁸⁶ and was vying “to establish a semi-feudal, pseudo-capitalist, theocratic, civilian dictatorship.”⁸⁷ He called Mahdi’s coalition government “butchers,” “thugs,” and a “cancerous government.”⁸⁸ Garang saved his harshest discourse for the Bashir regime, however. Even though all the previous governments supported the September Laws, which institutionalised *sharia*, Garang relentlessly focused on the Islamist credentials of the NIF. He accused them of creating “a grim atmosphere of terror unleashed by the fundamentalist Islamic junta” and named them as “bigots” with “delusions of grandeur”⁸⁹ This rhetoric was especially useful since it enabled Garang to present his movement as a counter to the Islamist forces in the North. Through portraying Khartoum as the villain, this more than made up for the lack of a relatable ideology. While this was certainly appealing, other factors caused local support to wane over time.

Wide-spread civilian support for the SPLM was not attained throughout the South because the SPLM failed to develop adequate governing structures and the movement fell short of providing for the security and welfare of the local population. De Waal contends

⁸² Douglas H. Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism," in *African Guerrillas*, ed. Christopher Clapham (Oxford: James Currey, 1998), 54.

⁸³ "Sudanese Rebel's Comment on 'Official Media Lies and Distortion'," *BBC Summary of World Broadcasts*, 26 January, 1985.

⁸⁴ "SPLA Comment on Current Disturbances: 'Coups Not Always a Solution'," *BBC Summary of World Broadcasts*, 3 April, 1985.

⁸⁵ "Garang Address to Sudanese People: Views on New Khartoum Regime Unchanged."

⁸⁶ "Sudan Garang Gives Speech on Anniversary Founding of SPLM/SPLA."

⁸⁷ "Sudan Garang Says SPLA Is 'Stronger Than Ever before'."

⁸⁸ *Ibid.*

⁸⁹ "Sudan SPLA Leader Garang's New Year Message: Federalism System Rejected," *BBC Summary of World Broadcasts*, 7 January, 1991, "Sudanese Rebel's Comment on 'Official Media Lies and Distortion'."

that support for the movement was weak and this was due to the SPLM's brutal tactics. He writes that the military tactics of the SPLM created food shortages by requisitioning food, livestock and labour as well as blockading and stealing relief supplies. Victims fled SPLM areas "because the SPLA made no provisions for the relief of citizens."⁹⁰ Young also points out that since the guiding ideology of the SPLM was at odds with the sentiments of the traditional-minded Southern pastoralists and peasants, this might have made it easier to employ violence against the civilians.⁹¹

Local perceptions of the conflict within the South and of the SPLM highlight the difficulties that the SPLM faced in terms of garnering support from the Southern communities. Many in the South felt that the SPLM was not truly fighting for them. When the war first began, SPLM soldiers were undisciplined and this left the Southern villages unprotected. SPLM soldiers would go to villages and take food by force; if villagers left their compound, they would be shot.⁹² They were forced to support the SPLM; if they did not provide the soldiers food they would be accused of supporting the Arabs from the North.⁹³ People living in towns controlled by the Northern army were not excused from suspicion on part of the SPLM. For example, when SPLM soldiers took the town of Torit in 1986, many locals were accused of collaboration with the enemy.⁹⁴ Even the Catholic Church was not immune; the Bishop of Torit was imprisoned and beaten. Millions of Southerners fled to neighbouring countries rather than subject themselves to these abuses. SPLM abuses have left a legacy that has been difficult for many Southerners to forget.

As for the development of a local administrative structure, the effectiveness of this had the potential to connect the populace to the SPLM soldiers and this would have in turn cut down on the abuses of the local population. Where the SPLM officers and soldiers saw a community as a source of food and nothing more, the local population generally harboured negative feelings towards the SPLM. However, in the areas where the local SPLM commanders developed a solid, mutually beneficial relationship with the local populace, the SPLM had a significant amount of support. In Lohutok, the local population was an

⁹⁰ De Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa*, 96.

⁹¹ Young, "Sudan: The Incomplete Transition from the SPLA to the SPLM."

⁹² Researcher focus group, 7 June, 2008, Old Akobo, Jonglei State; Researcher interview, Didinga female, 2 May, 2009, Torit.

⁹³ Researcher interview, Nuer male, 6 June, 2008, Burweil, Jonglei State.

⁹⁴ Researcher interview, Lotuka male, 27 April, 2009, Torit.

Equatorian tribe, the Lopit; they supported independence and did not understand what socialism was. The villagers were nonetheless very supportive of the SPLM's cause. This was because the community and the local commander worked together for the well-being of the village. The soldiers were based just outside of the village and provided it with security. The villagers gave the soldiers food. Thus, in Lohutok there was a symbiotic relationship which resulted in the community supporting the movement.

Another important factor which determined levels of domestic support was the tribal identity of the SPLM. To begin with, the SPLM was seen as a Dinka-dominated group which precluded many from outside this tribe from supporting it. The Dinka and their closest 'relatives', the Nuer, were always suspicious of each other since they were in constant conflict over resources. As the internal power struggle within the SPLM can be seen as part of a broader struggle between the Nuer and Dinka tribes, the issue of ethnicity must be taken into account when considering civilian support for the SPLM. Shandy recognises that it "is not possible to disentangle the ethnic elements of the struggle from the political ambitions of the leaders."⁹⁵

Other aspects of the SPLM, namely the nature of its leadership and ideology, were counted as further reasons for the distrust by local communities. Nuer representations of Garang reinforced animosity towards Garang. One interviewee stated that Garang "was like Bashir. The enemy."⁹⁶ Others contended that the lack of support for Garang, especially in the early years, was less determined by ethnicity than by Garang's political ambitions. Burr and Collins, while recognising the problem of ethnicity, write that "few Southern politicians rallied to the SPLM, and most questioned the movement's aims"⁹⁷ such as unity and frequent uses of Marxist jargon. Indeed, often the SPLM lost support because Garang would not give up his vision of a united Sudan.

d. The SPLM and Its Lack of Legitimacy: What Factors Hindered the SPLM's Consolidation of Legitimacy?

⁹⁵ Shandy, *Nuer-American Passages: Globalizing Sudanese Migration*, 37.

⁹⁶ *Ibid*, 39.

⁹⁷ Burr and Collins, *Requiem for the Sudan: War, Drought, and Disaster Relief on the Nile*, 14.

A disconnect developed between the SPLM and the Southern population during the war; the SPLM was not able to cultivate widespread legitimacy among the local communities during this period from 1983 to 1994. Garang and the SPLM were concerned about projecting a positive image at home and abroad. The inaugural *Radio SPLA* broadcast stated, “[t]he SPLA is concerned for the life of the citizen above anything else.”⁹⁸ In actuality, though, the SPLM’s reliance on various international actors resulted in placing the movement’s relationship with the Southern Sudanese in a secondary position. Many of the dissenting SPLM officers maintained that Garang was blind to the needs of the Southerners. Certainly, the ideology created by Garang, which promoted both socialism and a ‘New Sudan’, was not relatable to the majority of the rural, illiterate Southern population. The tenets of socialism were not applicable to a region which had not yet progressed past a subsistence-based livelihood. The concept of fighting for the total creation of a New Sudan and liberating the entirety of the country was also not appealing since a majority of the Southerners were separatists. Yet, Garang stood by his ideology. Garang did not see himself as having to choose between the support of the Southern Sudanese and international actors. He did not perceive choosing between domestic legitimacy and international support as mutually exclusive.

Still, the lack of ideological legitimacy was not the underlying reason for the SPLM’s unpopularity. If Garang had changed the ideology of the SPLM, it is doubtful that the SPLM would have gained more supporters since it failed to develop an effective local administration and prevent abuses against civilians. While a rebel movement, first and foremost, is fighting against an external enemy, internally it has to be seen as the legitimate representative of the community it claims to be fighting for; the SPLM was not able to secure this status among the local population. The fundamental problems the SPLM faced in cultivating legitimacy were its inability to develop an effective civilian administrative structure and the regular abuse of civilians by SPLM soldiers. These two factors precluded the SPLM from consolidating eudaemonic legitimacy since the movement could not provide for the welfare or the security of the communities living in the ‘liberated’ rebel-held

⁹⁸ "Sudanese Rebel Strategy Set out in Radio Commentaries: War to Spread," *BBC Summary of World Broadcasts*, 18 January, 1985.

territories. Firstly, the SPLM was involved in a situation of ‘multiple sovereignties’,⁹⁹ where different groups, such as the Northern government and Southern militias were all competing groups or political blocs claiming to be the legitimate holder of authority. According to Weinstein’s theory of rebel governance, the SPLM should have taken over the sovereign control of a certain territory and begin to perform the function of a state. This would have enabled the SPLM to be seen as the legitimate holder of political authority. The provision by the SPLM of collective goods such as welfare through local administrative structures would have given the Southern population benefits in return for their support.

Secondly, the SPLM could not maintain a monopoly over the use of force in the ‘liberated areas’. The widespread abuse of civilians led many communities to arm themselves and form militias to contravene the SPLM. Actions by the rebel fighters against the local population severely disrupted the movement’s consolidation of legitimacy and its reputation as a force for good. In many areas, populations that were formerly supportive of the SPLM turned against the movement. While the SPLM was fighting the SAF, it was also fighting Southerners themselves. Thus, the SPLM was not able to consolidate eudaemonic legitimacy.

While the SPLM failed to establish legitimacy during its first ten years of existence, this was not a priority for the movement during this time period. This in part had to do with the fact that Southern Sudan had little to offer the movement, other than recruits and moral support. The SPLM did not even have the need to establish a base in Southern Sudan. As material support such as arms, money and eventually food was lacking in Southern Sudan, gaining international support became all the more imperative. This support, naturally, carried with it certain conditions that account for discursive shifts in the SPLM’s policies.

However, during the period from 1991 to 1994 the SPLM’s very survival was at stake. Firstly, the movement was challenged from within by dissenting officers. Secondly, the tribal violence and abuses against civilians had done irrefutable damage to the SPLM’s image. Thirdly, the Mengistu regime in Ethiopia was overthrown. Not only did the SPLM lose its source of arms, but it lost its military base. This event coincided with the 1991 split. Fourthly, the government launched its largest offensive to date against the SPLM in early 1992, capturing the towns of Bor and Kangor. Thus, by 1994 it was clear that victory against

⁹⁹ Tilly, *From Mobilization to Revolution*.

Khartoum was not an immediately achievable goal. These events forced the SPLM to re-evaluate its position in the South and allowed Garang to consider the need to strengthen the movement. The necessity of more domestic support was contemplated by the movement's leadership. Lesch notes that around this time Garang set up a High Command to review SPLM accountability and civilian administration.¹⁰⁰ Further, as means to make the movement seem more democratic and consolidate political authority over 'liberated areas', the SPLM held its first National Convention.

IV. The 1994 National Convention: Seeking to Improve the SPLM's Image

The 1991 split provided the SPLM with an imperative to instigate reform and focus more on developing a local system of governance. The movement leaders believed that if the SPLM was liberalised and democratised then this would enable it to re-establish the authority which it had lost following the 1991 split. The recognition of this need by Garang led him to convene the 1994 National Convention, the first ever in the movement's history. Øystein Rolandsen addresses the crisis facing the SPLM in his detailed analysis of the 1994 National Convention.¹⁰¹ The convention was meant to be seen as a turning point for the SPLM and "as a symbol of a new start, when old errors were admitted and new practices adopted."¹⁰² The leaders were trying to shift the movement's internal workings and give the SPLM's members a chance to participate in a more 'democratic' movement.

The resolutions produced at the convention called for the adoption of political reforms; the establishment of civilian government structures; the democratisation of the movement through elections and accountability; and the promotion of a 'New Sudan'. The SPLM's role was clearly defined as separate from that of the SPLA. Dan Connell sees the convention in a positive light.¹⁰³ He calls the political convention "remarkably open" and points to the vital role that the 'liberation councils' would assume in fostering the institutionalisation of political participation.¹⁰⁴ Rolandsen, however, concludes that most of the proceedings were

¹⁰⁰ Lesch, *The Sudan: Contested National Identities*, 158.

¹⁰¹ Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990's*.

¹⁰² *Ibid.*, 111.

¹⁰³ Dan Connell, "Field Report: What's New in the New Sudan?," *Middle East Report* 212 (1999).

¹⁰⁴ *Ibid.*, 3.

symbolic rather than resulting in actual reforms.¹⁰⁵ Similarly, Claire Metelits writes that while the convention “would signal SPLA acceptance of civilian power and a turn toward greater reciprocity in social relations of the insurgency,” this was done “without clearly articulating the conceptions of ‘liberation,’ ‘legitimacy,’ and ‘democratization’ The SPLM has not clearly translated nor defined itself according to these more liberal terms.”¹⁰⁶

V. The Political Maturation of the SPLM and Continued Conflicts in the South, 1994-2004

a. Shifts in Ideological and Political Orientation of the Movement

While the SPLM was slow in adopting the reforms put forth in the National Convention resolutions, the very shift in rhetoric demonstrated that the movement acknowledged the need to change its legitimising tactics. The resolutions produced at the convention were only observably implemented towards the end of the 1990’s. By 2000 there was a strengthening of the local civilian administration in the more tranquil areas controlled by the SPLM. The abuses against civilians and inter-communal violence lessened as well.

By the end of the 1990’s, the movement began to be seen as more legitimate by the local populace. Also, reforms in local administrative structures and the decreases in civilian abuses enhanced the movement’s image abroad. From this point onwards, Johnson notes, the SPLM improved its diplomatic and political position considerably.¹⁰⁷ The rhetoric aimed at the Southern Sudanese, which still promoted the ‘New Sudan’ concept and the need for unity, changed significantly during these years. While ‘New Sudan’ was still his goal, Garang began to recognise the Southerners’ right to self-determination. There was a more ‘liberal’ outlook than before and this is due in part to an end in Garang’s use of a socialist ideology. Terms such as ‘human rights’, ‘democracy’ and ‘political pluralism’ was commonplace in Garang’s rhetoric. The rhetoric showed that the group was looking to promote ideas of welfare, both in the socio-economic and political spheres. This helped its political position within the country.

¹⁰⁵ Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990’s*.

¹⁰⁶ Claire Metelits, "Reformed Rebels? Democratization, Global Norms, and the Sudan People's Liberation Army," *Africa Today* 51, no. 1 (2004), 66.

¹⁰⁷ Johnson, *The Root Causes of Sudan's Civil Wars*, 100.

The change in local political administration, however, was not matched in the upper echelons of the movement. Garang remained an authoritarian leader, controlling the High Political Bureau and Liberation Council as well as continuing to imprison those who spoke out against him. He was the SPLM and the SPLM was Garang. At one point during this time period, his deputy Salva Kiir made a snide remark, asking if Garang carried the SPLM in his briefcase when he travelled abroad. Indeed, at the top level of the movement, the only recognisable change was in the adoption of a more liberal rhetoric.¹⁰⁸

The SPLM's diplomatic stance also changed at the end of this time period; it became serious about participating in peace talks with Khartoum. Garang's speeches from 1999 showed willingness, for the first time, to accept a negotiated settlement to the war. However, the rhetoric vacillated between acceptance and refusal depending on the context. In August 1999, the Egyptian-Libyan Initiative was rejected outright by the SPLM which said that it did not go far enough concerning changes in the constitution, ending the state of emergency, and improving freedom of speech and movement.¹⁰⁹ In September of the same year he expressed an interest in the East African-led Inter-Governmental Authority on Development and Drought (IGADD) peace process, which is discussed in chapter 3.¹¹⁰

b. The South Sudan Defence Force (SSDF): A Challenge to the SPLM's Legitimacy

While the SPLM was attempting to improve its image after 1994, it continued to lack legitimacy among a number of groups in the South. The majority of the leaders who had broken away from the SPLM remained adamantly against reconciliation. More than anything, these leaders named Garang's dictatorial leadership style as the primary reason for continuing to fight the SPLM. One of the groups that incessantly challenged the SPLM was the South Sudan Defence Force (SSDF). The SSDF was the product of the 1996 Khartoum Peace Agreement (KPA). The KPA was an agreement signed between the Bashir regime, Riek Machar and other Southern leaders who had broken away from Garang's SPLM. The

¹⁰⁸ Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990's*, 124.

¹⁰⁹ "Garang Meets Egyptian Officials to Discuss Sudan Peace Plan," *Associated Press Worldstream*, 31 August, 1999.

¹¹⁰ "Rebel Movement Backs Egyptian-Libyan Initiative 'in Principle'," *BBC Summary of World Broadcasts*, 3 September, 1999.

SSDF was a loosely-affiliated umbrella organisation of disparate militias operating throughout the South, with the Nuer Paulino Matiep at its helm.¹¹¹ The SSDF brought together the various SPLM splinter groups which had been forming since the 1991 split. As well, the SSDF also included community militias which had formed in response to the SPLM's abuse against civilians, such as the Equatorian Defence Force (EDF) or Michael Wal Duany's South Sudan Liberation Movement (SSLM) in Akobo. While these OAGs were symbolically linked together under the auspices of the SSDF, Khartoum maintained separate links with the groups, preventing true consolidation of their efforts against the SPLM. The result was the development of 'fiefdoms' surrounded around the political influence of a single, autocratic militia leader. The commanders in charge of their 'fiefdoms' preserved a significant amount of autonomy over the areas under their control.

The SSDF presented a severe challenge to the SPLM's supremacy over the Southern Sudanese population. The SPLM and OAGs were not only fighting each other on the battlefield, but they were also vying for the support of local communities in their search for recruits and material goods. Since the OAGs were tribally- and regionally-based, they were often seen by the local communities as their representatives and protectors. While the SPLM's presence was often tolerated, the community-based militias were accepted as being from the area and this held more clout with the local populace. However, many OAGs were not always able to maintain the support of the local population. The SSLM in Akobo was one such instance. Wal Duany's militia, like many others through the South, was formed as a response to the continued insecurity wrought by the fighting among the SAF, the SPLM and the SPLM splinter groups. The town of Akobo, discussed above, was continually threatened, attacked and controlled by these armed groups. As means to protect themselves, the local community formed a militia with the help of Wal Duany. However, after allying himself with Khartoum under the SSDF, this hurt his own legitimacy within the town once the community discovered that Khartoum was giving him weapons. The SSLM maintained control over Akobo from 2001 to 2003. After this, the reunified SPLM took control of the town once again.¹¹²

¹¹¹ For a more in depth analysis of the SSDF, see Young, "Sudan: Liberation Movements, Regional Armies, Ethnic Militias and Peace"; Young, "The South Sudan Defence Forces in the Wake of the Juba Declaration."

¹¹² Researcher interview, Nuer male, 20 June 2008, Akobo.

c. Reunification of the SPLM, 2002

The SPLM was reunified in 2002; the more liberalised approach of the movement encouraged many dissenting leaders to mend their relationship with Garang. After a meeting in Kenya, Garang resolved the problems separating himself from Riek Machar and Lam Akol. The reasons both these men give for returning to the SPLM point to the fact that the SPLM had changed and was considered more legitimate. The movement had also increased the amount of territory it controlled as well as civilian support for the SPLM. As such, Akol and Machar had tactical reasons for rejoining the SPLM. They had been sidelined over the years. Akol was living in Khartoum and Machar was in Nairobi; neither had retained significant political support in the South. Publicly, though, both men were adamant that they only came back to the side of the SPLM because of the shift in rhetoric and political administration mentioned above. In an interview for this thesis, Machar said that the differences between himself and Garang narrowed when he agreed to adopt the principles of self-determination and democratise the SPLM's internal structures.¹¹³ Lam Akol was more detailed in the account of his decision to return:

They began to have some form of political structures for the movement. Also the issue of self-determination was picked up. There was acknowledgment of the gross violations of human rights that were taking place. So as far as we were concerned, by early 1999, the main concerns that we raised were being acknowledged by the other side. So now, with these objectives coming closer, there was no reason not to be one body again.¹¹⁴

The reconciliation of the Garang, Machar and Akol enabled the SPLM to move forward. Within the South, this newly invigorated group was able to consolidate more control over a larger part of the Southern territory. Previously, Khartoum played one armed group off the other and this managed to cause instability in the South. Thus, the violence between the tribal groups lessened, which helped the populace feel more secure. The SPLM was also able to provide a unified front in the newly re-invigorated IGADD peace negotiations held in Kenya. Thus, it was a very important step for the movement and enabled it to consolidate legitimacy. Yet the movement could not sway all the other armed

¹¹³ Researcher interview, Riek Machar, 16 June, 2009, Juba.

¹¹⁴ Researcher interview, Lam Akol, 3 March, 2009, Khartoum.

groups to join the SPLM. The South Sudan Defence Force, especially, continued to challenge the SPLM.

VI. Conclusion

The findings from the analysis of the SPLM's political and ideological developments show that the SPLM struggled with creating an identity that could appeal both to international and domestic audiences. The concepts of 'socialism' and 'Sudanism' were not immediately attractive to the local population. This ideology was useful in gaining the backing of Ethiopia, however. In spite of this international backing, Garang did not develop his ideology with this purpose in mind. It was simply fortuitous that his ideology matched the needs of the Mengistu regime. He was nonetheless slightly disconnected from the reality on the ground in Southern Sudan since he believed that this ideology would help the SPLM gain domestic legitimacy in the South. While a significant number of Southerners did support the SPLM, as a group fighting against the Arabs, the ideology was not sufficient to maintain this support. The Southern population was interested in their material well-being over the ideological orientation of the SPLM. No matter the ideology of the SPLM, the movement would never achieve legitimacy until it ended the abuses against civilians and developed effective local administrative structures. During the first decade of the civil war, though, Garang was more concerned with military victories than instituting administration over the areas 'liberated' by the SPLM.

By 1994 the SPLM was facing a serious crisis of legitimacy and the rhetoric from this time period reflected the need to reorient the movement's outlook. The discursive use of 'socialism' by Garang disappeared in favour of concepts such as democracy and human rights. Certainly, this was for the benefit of potential Western supporters. The United States became not only a covert backer of the SPLM through funnelling military aid through East African states, but it also was the country which pushed both Khartoum and the SPLM to effective peace negotiations. After the fall of the Mengistu regime, Garang travelled to the United States often. However, this does not mean that Garang completely ignored the needs of the Southerners. While his rhetoric was focused on an international audience, the SPLM began to implement reforms from the National Convention, albeit slowly. The movement's internal structures became more democratic and it set up civilian administrative structures.

As well, the political goals of the SPLM changed, which was very appealing to the Southern population. While Garang was initially adamant that the SPLM would spear-head the creation of a 'New Sudan' and the South would remain part of unified Sudan, towards the end of the 1990's Garang began talking about self-determination for the South. He stopped putting the South within the context of the entirety of the country and began discussing just how the South itself would move forward. As well, in 2002 the SPLM began negotiating in earnest with the NCP in Kenya. The military option, the takeover of the entire country, was no longer viable. Garang recognised this, turned his focus to the South, and began looking for a political solution. By the time the SPLM reached the end of the negotiations in Naivasha, discussed in the following chapter, the SPLM had cultivated revolutionary legitimacy and found itself to be overwhelmingly supported by a majority of the Southern Sudanese population.

Chapter 3: International Interest in Southern Sudan, Operation Lifeline Sudan and the IGAD Peace Process, 1986-2004

This chapter appraises the various facets of international involvement in the conflict in Southern Sudan. The interaction of the Sudanese warring parties with international actors often reflected the situation of their domestic legitimacy. The previous chapter contends that John Garang was more concerned about promoting the SPLM internationally rather than within the South. He felt that the more international recognition the group might maintain, the more successful it would ultimately be in winning the war and, thus, in gaining legitimacy in Sudan. Garang himself was normally found in a country outside of Sudan rather than on a battlefield. He was more of a statesman than a military commander; the latter job he left to his second-in-command Salva Kiir. This chapter, building on the premise that Garang was more interested in the international image of his group, asks the question of how and why international actors became involved in the conflict in Southern Sudan. This involvement might be attributed to the statecraft of Garang; however there were other reasons, such as either looking to alleviate civilian suffering or initiating a peace process based on strategic grounds.

Another primary area of exploration is the exact effect these actors, be they individual countries or Inter-Governmental Organisations (IGOs), had on both the conflict and the warring parties. In some cases the actions of these international forces influenced the SPLM; at other times it was the SPLM that affected the external actors' role in the South. The latter pertained to Operation Lifeline Sudan (OLS), discussed in the first section of this chapter. Humanitarian aid delivery was thwarted or controlled by the warring parties whose own interests in feeding their soldiers were prioritised over the needs of the local population.

The second aspect of international involvement which is examined is the role of external actors in the peace process. From the onset of the war peace negotiations were considerably unsuccessful as neither side to the conflict was willing to give up on their primary goals. It was not until after 2002 that the international community made a concerted effort to resolve the conflict through sponsoring the negotiation process which had been dormant since 1994. These efforts were spear-headed by the East African-led Inter-Governmental Authority on Development and Disaster (IGADD), but they were not initially successful. Once the United

States, along with Britain and Norway, pushed the two sides towards settlement, the war finally came to an end. This chapter asserts that the peace was on American terms rather than the SPLM's or the NCP's. While most countries involved did so for humanitarian and moral reasons, to end the suffering of millions of Southern Sudanese, the United States' rationale was more complex. For this reason, this chapter devotes a significant amount of space to investigating the mixture of moral imperative and international security issues that propelled President George Bush to make ending this conflict his priority.

While the majority of this thesis examines the legitimacy of the SPLM and the internal development of governance, it is important to include analysis on how and why international actors influenced the conflict and how these actions ultimately culminated in the Comprehensive Peace Agreement (CPA). This document was not a home-grown one, but rather a product of a post-9/11 world. It constituted a peace thrust upon the two warring factions. It was a product of American international dominance. It divulged that the two Sudanese sides of the conflict were both in a precarious situation at home, always having their legitimacy questioned. As a result of this weakness, it was clear that they had to accept whatever was thrust upon them by the West and by the United States in particular. While Garang's character did influence international involvement in Southern Sudan, he did not shape the entire peace process. The residual limitations of the CPA and its legacy in the structural flaws of the emerging Southern government are then discussed in chapter 4.

I. Operation Lifeline Sudan, 1989-2004

The history of the formal relationship between the SPLM and the foreign aid community began in 1989 with the implementation of Operation Lifeline Sudan (OLS). OLS represented an attempt, for the first time in the UN's humanitarian history, to deliver aid to both rebel- and government-held areas in a civil war. In spite of this novelty, OLS was not without various shortcomings. Volker Riehl quite succinctly summed up the problem of OLS when he asked, "[i]s New Sudan actually the first NGO-istan?"¹ During the war UN agencies and NGO's working under the umbrella of OLS were responsible for providing most of the welfare to the Southern Sudanese both outside and inside the country. War

¹ Volker Riehl, *Who Is Ruling Southern Sudan?: The Role of NGOs in Re-Building Socio-Political Order* (Stockholm: Nordiska Afrikainstitutet, 2001), 4.

conditions and the SPLM's prioritising of military affairs over civilian ones were partially to blame for this. Jooma writes, "the vacuum created by the weakness of the SPLM structure for local governance was partially filled by individuals and NGO's."² Furthermore, as a result of the UNHCR³ taking over for the care of the exiled Southern population, Branch and Manipilly write that the UNHCR effectively "has allowed the SPLM/A to put off dealing with its internal ethnic exclusivity for over a decade."⁴ In other words, during the war the international humanitarian community took care of the populations that were displaced by internal tribal fighting between the Dinka-dominated SPLM and other Southern militia groups. While the international community, under the auspices of OLS, became increasingly responsible for the Southern Sudanese population, the SPLM distanced itself further from its supposed supporters through a wide-spread manipulation of aid. The problem of aid manipulation has been thoroughly detailed by a number of non-profit groups.⁵ The weaknesses in the OLS relief are not discussed here, and indeed there were many weaknesses.⁶ The concern rather is the effect the operation had on the status of the SPLM. First, the manipulation of aid enabled the SPLM to maintain a degree of control over 'liberated' territories. Secondly, the confiscated food aid helped the movement feed its soldiers. Finally, and perhaps most importantly, OLS as an institution provided the SPLM with international recognition. All of these factors enabled the SPLM to ignore the needs of the Southern populace over the course of the war.⁷

The UN's involvement in providing emergency aid for the Southern Sudanese population came from the moral duty of an international body responsible for the well-being of those in a crisis situation. OLS was a massive involvement of foreign aid organisations and countries. At one point \$1 million were being spent every day on the delivery of aid to

² Mariam Jooma, "Feeding the Peace: Challenges Facing Human Security in Post-Garang South Sudan," in *Situation Report* (Pretoria: Institute for Security Studies, 2005), 15.

³ United Nations High Commissioner for Refugees.

⁴ Adam Branch and Zachariah Cherian Mampilly, "Winning the War, but Losing the Peace?, The Dilemma of SPLM/A Civil Administration and the Tasks Ahead," *Journal of Modern African Studies* 43, no. 1 (2004), 10.

⁵ See, for example, Human Rights Watch, Amnesty International and Africa Rights.

⁶ For more on the shortcomings of OLS see David Keen, *The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983-1989* (Princeton: Princeton University Press, 1994); Mary Anderson, *Do No Harm: How Aid Can Support Peace- or War* (London: Lynne Rienner Publishers, Inc., 1999); Mark Duffield, *Global Governance and New Wars* (London: Zed Books, 2001); Larry Minear, *Humanitarianism under Siege: A Critical Review of Operation Lifeline Sudan* (Trenton, New Jersey: The Red Sea Press, 1991).

⁷ The long-term effects, however, were less beneficial to the legacy of the SPLM.

the South. The delivery of aid soon became political and served the purposes of the SPLM more, perhaps, than it did the non-combatants.

The SPLM's ability to control the influx of aid is normally seen as a negativism. The practice of aid manipulation made local populations dependent on the SPLM, which enhanced the group's patrimonial tendencies. This observation normally employs an institutional-level perspective. At the local level, control of aid often benefited local leaders. Findings by the researcher during travels to Eastern Equatoria in 2004 revealed that local authorities significantly increased their standing among the local population through their ability to 'bring in the UN' and, subsequently, food into their town or area. This helped to strengthen the status of local leaders as well as SPLM commanders if they happened to control the area and had the support of the local leaders. The controlling of the food aid also helped the SPLM to feed its soldiers, which was beneficial given the fact that there was very little agricultural production in the region during the war. As a result, the SPLM could rely less on the local population's assistance in feeding the soldiers.

This manipulation of food aid reflects the fact that the delivery of aid was on the terms of the SPLM and the SAF. The UN had to receive permission from both sides of the warring parties prior to food drops or distributions; this allowed the Sudanese government and the SPLM to limit who saw what and where the food would go. Thus, the entire operation became politicised. This gave the SPLM a great amount of leverage over the UN. Similarly, at the institutional level OLS afforded the SPLM a form of recognition. OLS was unique in that it provided aid to civilians in both government- and rebel-held territories. As such, the UN negotiated access with both sides of an internal conflict, including a rebel movement. Diplomatically, the UN was placing the SPLM on an even level with the government of Sudan, thus recognising the right of the SPLM to exist. Negotiations between the UN and the SPLM were a form of international recognition and offered the SPLM political leverage through this policy. Scroggins notes that in dealing with the SPLM, the UN essentially recognised the movement and this in turn "was a violation of a member state's sovereignty."⁸

⁸ Deborah Scroggins, *Emma's War: Love, Betrayal and Death in Sudan* (New York: Harper Collins Publishers, 2002), 128.

On an institutional level, OLS attempted to stay above the political. However, it was required to assume a political role “because the Sudan’s political institutions had failed to meet people’s needs.”⁹ Simultaneously, OLS gave distinction to the insurgents. Rebel commanders used OLS negotiations to gain status as legitimate holders of power over regions or civilian populations.¹⁰ Since the livelihood of the SPLM depended more on regional or international support than domestic legitimacy, OLS was (politically) a sound deal. Since the group siphoned off aid, this meant that the SPLM could rely even less on the local communities for support. However, the manipulation of aid hurt the overall political program of the SPLM in terms of public opinion.

II. The Peace Process, 1986-2002

a. Failed Peace Initiatives

Aside from the distribution of humanitarian aid, the second area of external involvement in the Southern Sudanese war was through peace negotiations. While there were various efforts at peacemaking throughout the conflict they had, according to Woodward, a “depressing record.”¹¹ The first concerted effort at bringing the two sides together at the negotiating table was at Koka Dam, Ethiopia in March 1986. The meeting resulted in the Koka Dam Declaration which laid down certain prerequisites for peace such as the abolition of *sharia* and a constitutional conference between the SPLM and main political parties in the Mahdi government. While these principles were positive in theory, any hope for peace failed due to lack of will and commitment by the coalition government in the North which felt that the SPLM was effectively in the pockets of the Ethiopian government. As for the SPLM, its leaders felt that the Northern government would never truly let the marginalised groups in Sudan participate in the central government as political equals. Deng writes that these two positions reinforced a hard-line perspective that perpetuated the cycle of violence over the following years. These inflexible positions, he contends, “could also be ascribed to a gap of communication and mutual

⁹ Minear, *Humanitarianism under Siege: A Critical Review of Operation Lifeline Sudan*, 65.

¹⁰ Anderson, *Do No Harm: How Aid Can Support Peace- or War*, 50-51.

¹¹ Woodward, “Peacemaking in Sudan,” 168.

understanding... This communication gap was progressively developing into a confusing credibility gap between the government and opposition groups, particularly the SPLM.”¹²

The experience at Koka Dam set a precedent for future interaction between the SPLM and the Sudanese government. Subsequent negotiating efforts were led by a diverse groups of international actors, including former US President Jimmy Carter, the Organisation of African Unity (OAU), Libya and Egypt, Nigerian, Ethiopia and, eventually, the Inter-Governmental Authority on Development and Drought (IGADD), a consortium of East African countries. Each of these actors had certain prerogatives for ending the conflict. For some, such as Jimmy Carter, their undertakings were a moral imperative led by the desire to end human rights abuses. Others were less altruistic. Egypt’s reasons for hosting negotiations were strategic since it focused on the potential, unwanted break-up of Sudan and the effect that would have on safeguarding the Nile waters. As for neighbouring African countries, they came to see the conflict as one that was characterised by the persecution of black Africans by an Islamic, Arab entity, one that could threaten the stability of their own countries. Sudan was seen by some in the Arab world as the gateway through which Islam would pass into sub-Saharan Africa. This was perceived as a threat by Sudan’s southern neighbours.

In spite of the myriad of efforts throughout the 1980’s and 1990’s, both warring parties continued to negotiate in bad faith since, according to Robert Collins, neither side “could accept the ideology of the other or even compromise on fundamental issues without denying the fundamental reasons for their hostilities.”¹³ Writing about the failed negotiations in 1999, Collins contends that there were no common grounds for diplomacy; the only issue that could be agreed upon was that they would continue to wage war. This would not change unless there could be significant external pressure to reach some sort of common understanding.

b. Inter-Governmental Authority on Development: An African Initiative

¹² Francis Mading Deng, "Hidden Agendas in the Peace Process," in *Civil War in the Sudan*, ed. M. W. Daly and Ahmed Alawad Sikainga (London: British Academic Press, 1993), 196.

¹³ Robert O. Collins, "Africans, Arabs, and Islamists: From the Conference Tables to the Battlefields in the Sudan," *African Studies Review* 42, no. 2 (1999), 113.

The primary focus of this chapter is on the successful negotiation efforts led by IGADD, later renamed the Inter-Governmental Authority on Development (IGAD), which had the backing of the 'Troika', made up of the United States, Britain and Norway. IGADD was created in 1986 as a response by East African countries- Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda¹⁴ - to the severe droughts and famines which affected the region in the 1970's and 1980's. While the mission of the group was to address food security and environmental protection, the mandate was eventually expanded to humanitarian, peace and security issues when it attempted to negotiate a settlement to the Sudanese civil war.¹⁵ In 1994 IGAD became involved in negotiations, and although it was in competition with an Egyptian-Libyan Initiative, the IGAD process won over both sides in the end. Initially the negotiations got off to a poor start since the Bashir government refused to negotiate until it had gained territory during its dry season offensive in early 1994.¹⁶ At the same time the SPLM began a diplomatic push for support among East African countries, using Southern Sudan's common ancestral heritage, linking the Dinka and Nuer to the Lou tribe in Kenya, as well as the cross-border links between the Acholi tribe in Uganda, as grounds for favouritism by the IGAD mediators.¹⁷ The SPLM also held its first National Convention in Chukudum, hoping to mobilise much of the domestic support that it had lost over the previous years since the fierce split in 1991. While the conference was aimed at a domestic audience, the rhetoric emanating from the 'revived' SPLM helped to paint a softer version of the movement. It was easier for IGAD countries to back the SPLM once its image was a more compassionate one.

The first IGAD meeting was held on 17 March, 1994, followed by three others over the course of the year. Negotiations were delayed since the agendas for both sides were not congruent. While the SPLM was interested in discussing possible constitutional changes, Khartoum limited its discussions to a possible interim period. The IGAD meetings did manage to draft a Declaration of Principles (DOP), which called for a secular, democratic and unified Sudanese state; if that was not viable, the South would have an option of self-

¹⁴ Eritrea became a member of IGADD in 1993 after gaining independence from Ethiopia.

¹⁵ For history of IGAD see www.igad.org.

¹⁶ Collins, "Africans, Arabs, and Islamists: From the Conference Tables to the Battlefields in the Sudan."

¹⁷ It should be noted that during the 1990's and early 2000's many SPLM leaders and commanders had residences in Uganda or Kenya where their families resided. The SPLM was also allowed to open offices in Kampala and Nairobi to further its diplomatic cause and provide support to Southern Sudanese refugees.

determination in a referendum.¹⁸ Although this was a breakthrough of sorts, neither side took the document seriously and continued their fight with no end in sight.

From 1994-1999, IGAD experienced formidable setbacks according to Iyob and Khadiagala.¹⁹ The negotiations continued through seven rounds, with both sides unable to come to agreement on the most basic of terms. The SPLM maintained a severe distrust of Khartoum. On the government side, negotiators were displeased with the unwavering attitude of the SPLM on the issue of religion and state. Additionally, another concern voiced by the head of the government's negotiating team was that the SPLM continued to increase "the geographical area for self-determination for the South to include territories that are an integral part of the North."²⁰ As for non-African countries, their commitment to this new peace initiative was dubious; IGAD was dismissed since the international community appeared "to have become so accustomed to the notion that African political initiatives need not be taken seriously."²¹ These concerns were not entirely baseless. IGAD was led by a group of countries that had little or no experience in conflict negotiations. According to one of the representatives on the Sudanese government's side, the negotiation methods during this time were quiet ineffective. Both government and SPLM delegates were kept in separate rooms where each would present their position on a particular issue to the IGAD mediators. After the mediators studied each position they would draw up a third position and then brought the two sides together to discuss this specific position. Under this method there was no chance to develop the primary issues. By September 2000, however, the negotiators changed their strategy. The IGAD Secretariat would first present its own independent position on a particular issue and then the two sides would discuss it together. Thus, there was greater opportunity to develop the topic face-to-face rather than be sequestered in two different rooms. This, according to the official, was the real beginning of serious work.²²

The Declaration of Principles was finally accepted and adhered to by both sides in 2000. This was aided by growing international interest from the United States and Norway,

¹⁸ "Declaration of Principles," 20 July, 1994, Nairobi, Kenya.

¹⁹ Ruth Iyob and Gilbert M. Khadiagala, *Sudan: The Elusive Quest for Peace* (Boulder: Lynne Rienner Publishers, 2006), 107.

²⁰ Mohammed El-Amin Kalifa, *Ten Years of Peace Making in Sudan, 1989-1999*, trans. G.G. Ali El-Julla (Khartoum: University of Khartoum Press, 2003), 264.

²¹ "Sudan: The IGADD Peace Process," *Review of African Political Economy* 22, no. 63 (1995), 137.

²² Researcher interview, Director of Peace and Humanitarian Affairs Department, Ministry of Foreign Affairs, Government of National Unity, 17 March, 2009, Khartoum.

which saw this particular peace initiative as the best hope for an end to the conflict. Woodward contends that the situation in 2000 was “ripe for resolution” due to the military deadlock, lack of political advances, and domestic crises for the leadership of both warring parties.²³ In 1999 there was a split within the NIF as Bashir led a ‘palace coup’ against his former mentor and Islamist ideologue Hassan Al Turabi. The government also opened up the oil pipeline to the Red Sea that same year; SPLM attacks on the pipeline disrupted economic activity soon after it became operational (see Figure 2 for a map showing the oil pipeline). As for the SPLM, local conflicts and the civil war were causing insurmountable suffering and insecurity. The military situation was no longer favourable for either side of the conflict. Once there was more international pressure for a peaceful end to the violence both the SPLM and the NCP were in a position to sit down at the negotiating table with more sincerity than during previous discussions. The following section provides an overview of exactly how this international pressure came about, specifically through the involvement of the Bush Administration, and how it ultimately shaped the structure of the CPA.

III. The Election of George Bush and US Policy towards Sudan, 2001-2004

a. Lobbying Efforts: The Religious Right and the Black Caucus

Many commentators place great emphasis on the lobbying powers of the Religious Right, a coalition of evangelical Republicans who seek to influence American government policies. This group reportedly put a significant amount of pressure on Congress and the Bush Administration with regards to the humanitarian situation in Southern Sudan. This was not the Religious Right’s first flirtation with the Sudan issue, however; nor was it the first time an American administration had been pressured to address the inequalities and conflicts in this country. Immediately after Numeiri was overthrown in 1985, then-Vice-President George Bush (Sr.) made a trip to Khartoum to ensure that US-Sudanese relations would not be affected. Accompanying him were Moral Majority²⁴ leader Jerry Falwell, Jimmy Swaggert and Pat Robinson. While little came of this visit, Gayle Smith writes that it

²³ Woodward, "Peacemaking in Sudan," 169.

²⁴ The Moral Majority is the official name of a large evangelical coalition.

represented “the relatively quiet entry of America’s religious right into Africa.”²⁵ Though the evangelicals had normally focused their efforts on domestic American issues such as abortion, gay marriage, the death penalty and even gun laws, their global missionary activities in the 1990’s gave them a more international outlook, especially with regard to the persecution of Christian minorities in countries such as Sudan.²⁶

The influence of the more right-wing Christian groups over George W. Bush was not something which can be disregarded. In the 2000 US Presidential elections evangelicals made up a significant voting bloc that supported George Bush. It has been estimated that 40% of Republicans, George Bush’s political party, considered themselves to be evangelicals.²⁷ This group, along with the Black Caucus, put great pressure on President Bush to address what they saw as a conflict of Arabs killing blacks, Muslims massacring Christians. The Black Caucus had different reasons for demanding an end to the civil war; theirs was an issue of race rather than religion. Still, both groups worked together along with human rights groups such as Human Rights Watch and anti-slavery groups such as Christian Solidarity International to pressure both the President and US Congress into ending the Southern Sudanese conflict.

These groups tended to see the conflict in very black and white terms. The South was portrayed by the American media as homogeneously black and Christian. Of course this was not the case; most Southerners at the time adhered to traditional beliefs. Many Southerners were Muslim and had ‘Arab’ blood in them. Furthermore, some of the most brutal fighting and aerial bombings took place in the Nuba Mountains, not even in the geographical South, where the ethnicity and religion of the population was mixed. Still, the simplistic media renderings of the war made it easier for these groups to conceptualise the conflict in a way that suited their moral imperatives. To the SPLM’s credit, it was adept at reinforcing these stereotypes. Ultimately, these interest groups in the United States saw the SPLM as the force for good, fighting a Muslim, Arab enemy. This unlikely alliance of civil rights activists, evangelicals and human rights groups was very effective in pressuring Congress and the President to end the war and suffering of the Southern Sudanese. The President, for his part,

²⁵ Gayle Smith, "George Bush in Khartoum," *MERIP Reports* 135 (1985), 25.

²⁶ Asteris Huliaras, "Evangelists, Oil Companies, and Terrorists: The Bush Administration's Policy towards Sudan," *Orbis* 50, no. 4 (Autumn 2006).

²⁷ "The Triumph of the Religious Right," *The Economist*, 11 November, 2004.

was also said by many in his administration to see ending this conflict as his own moral duty.

b. Oil

Sceptics of the Bush Administration's commitment to end the plight of the Southern Sudanese look to an alternate narrative of American involvement: oil. A US Embassy official in Khartoum, in 1985, was quoted as saying: "we're in no hurry to bring that oil up now- there's a glut. We'll need it later."²⁸ Oil was discovered by the American company Chevron in 1978 and while it conducted significant exploration in the South it sold its concessions in 1992 after three of its expatriate workers were killed. By 1998 the main company operating in the oilfields in Blocks 1 and 2 concessions of the western Upper Nile area was Talisman Energy, a Canadian-based company. Only a year after oil export began in August 1999, the Sudanese government had earned \$2.2 million. At the time, Talisman had estimated that those two concessions alone would provide the government of Sudan with around \$3-5 billion.²⁹ While venturing into Southern Sudan was turning out to be profitable for Talisman, it faced many complaints from human rights groups and some governments for its complicity in the Sudanese government's war efforts. Oil company airstrips were allegedly being used by the SAF to conduct bombing campaigns. Additionally, oil revenues were used to increase the military's arsenal. With the prospect of increasing the government's revenue, Jok Madut Jok contends that the "control the government had over the oil areas only emboldened them into wanting to bring more areas under their control so that they would be able to invite more foreign oil companies to take up new concession areas."³⁰ As of 2001, state- and privately- owned oil companies from Canada, China, Malaysia, Sweden, Qatar, Austria, France and Sudan had control of concessions throughout the country, though mostly in the South (see Figure 2).

In the United States, public outcry and government sanctions meant that American oil companies were left out of this oil frenzy. Still, the Bush Administration's connections to the oil industry left many critics sceptical of the length oil lobbying efforts would go to in order 'exploit' Sudan's oil reserves. The Sudan Peace Act of 2002, which sought to penalise

²⁸ Smith, "George Bush in Khartoum," 26.

²⁹ Jemera Rone, "Sudan: Oil and War," *Review of African Political Economy* 30, no. 97 (2003).

³⁰ Jok, *Sudan: Race, Religion and Violence*, 203.



Figure 2

the Sudanese government for its complicity in the war, initially had a clause preventing shares of foreign oil companies which operated in Sudan from being traded on Wall Street. After Bush threatened to veto the bill based on this clause, Congress had to exclude it from

the law.³¹ Part of the reason for this was that the American oil industry was quite concerned with China's new influence in Sudan; China's national oil company was buying up concessions in Sudan. Thus, while the US efforts to end the war may not have been entirely driven by economic interests, they certainly played an important factor. One issue these companies most likely considered was that if the war ended and the South somehow became an independent country, American businesses, no longer constrained by sanctions, would be free to operate in Southern Sudan.

c. US-Sudanese Relationship and the Bush Administration's Involvement in the IGAD Peace Process

There were various reasons for the Sudanese policy reappraisal made by President Bush immediately after he took office.³² The key motivation behind this imperative to end the conflict remains unclear. However, in the early days of the administration it seemed that ending a conflict such as this would have been an appropriate way to define Bush's role in the international arena. Those working with Bush at this time say that he felt it was his destiny to end the war. His deep religious sentiment influenced this understanding of what his presidency should mean.³³ Both President Bush and Secretary of State Collin Powell mentioned Sudan in speeches made after taking office. In June 2001 President Bush said of the conflict in the South that "[t]here is perhaps no greater tragedy on the face of the Earth today."³⁴ US Secretary of State Colin Powell called Southern Sudan "a disaster area for all human rights"³⁵

From this point onwards an efficacious peace process became crucial for the Bush Administration, which put pressure on both sides of the conflict to come to a negotiated settlement. The rhetoric of the Bush Administration pointed to a preference for the SPLM, it was seen as the victim in the conflict. The administration, along with Congress, voiced

³¹ "U.S. Business Gears up to Derail Sudan Delisting Law," *Financial Times*, 20 June, 2001.

³² The Bush Administration's policy on Sudan differed greatly from the previous one. The Clinton Administration took a very tough stance against Sudan, developing a policy that included tough economic sanctions, keeping Sudan on the list of state sponsors of terrorism, and even bombing a suspected target in Khartoum in 1998. For more on the Clinton Administration's relationship with Sudan, see Don Petterson, *Inside Sudan: Political Islam, Conflict and Catastrophe* (Boulder: Westview Press, 1999).

³³ Personal communication, State Department official.

³⁴ "Politics-US: Fight Brewing on Sudan Policy," *Inter Press Service*, 1 June, 2001.

³⁵ *Ibid.*

concerns over the human rights abuses and the humanitarian disaster perpetuated by Khartoum. This led to the passing of the Sudan Peace Act in 2002. The Act's stated aim was to "facilitate famine relief efforts and a comprehensive solution to the war in Sudan."³⁶ The wording of the act was overly-biased against the government of Sudan since the government was accused of grave human rights abuses, using divide-and-conquer tactics, promoting slave-raiding, and preventing humanitarian aid from reaching certain Southern areas. Essentially, the American government condemned Khartoum, implying that it was undertaking a "policy of low-intensity ethnic cleansing."³⁷ Nothing was said of the actions of the SPLM and other Southern-based militias who used similar tactics. The SPLM was accused of not having engaged in the peace negotiations in good faith, but none of its other misdeeds were mentioned in the Act.

Congressional documents such as the Sudan Peace Act and the rhetoric of the Bush Administration followed the logic of the Clinton Administration's policies of isolating the Sudanese government. At the same time, however, the American policy towards Sudan revealed a paradox; while there was a preference for the South, the administration ended America's policy of pseudo-isolationism against Khartoum. Geo-political events following 9/11, the exportation of oil by Sudan, and the ousting of Turabi and the more radical Islamists from the government created a situation where the Bush Administration could more readily engage Khartoum rather than castigate it. Observers such as Khalid do not observe an outright support for the SPLM, stating instead that the US was looking to engage both sides of the conflict, sometimes preferring engagement with Khartoum over the interests of the SPLM.³⁸ This was partly because of the oil situation and the 'War on Terror'. Khalid notes that Bush was finding it difficult to reconcile his rhetoric with real changes taking place in the US-Sudanese relations; he did not support the harsher provisions of the Sudan Peace Act, such as not allowing oil companies operating in Sudan from trading their shares on Wall Street. The US also decided not to renew UN sanctions against Sudan in 2001. The American government "became more inclined to engage the regime constructively"³⁹ as a result of Khartoum's cooperation on security issues after 9/11. Other

³⁶ "Sudan Peace Act," Public Law 107-245, 107th Congress, 21 October, 2002.

³⁷ *Ibid.*

³⁸ Khalid, *War and Peace in Sudan: A Tale of Two Countries*.

³⁹ *Ibid.*, 493.

possible reasons for this were that US oil interests did not want to be left out of the increasingly competitive oil exploration in the South. Also, America's main ally in the region, Egypt, was opposed to the break-up of Sudan. President Mubarak warned that any dissolution of the country would "tear the region to shreds."⁴⁰ Egypt was wary of any outright support for the SPLM. Thus, Khartoum's negotiating stance with the US was more strategically advantageous than the SPLM's. Still, the SPLM had the powerful and convincing rhetoric of Garang on its side.

Regardless of his reason for supporting the IGAD process and his preference for one side over the other, once Bush had committed himself to pushing for an end to the conflict there was no delay in talks. Bush may have had a personal preference for the SPLM over the NCP, but there was no favouritism in the peace process. In fact, the Bush Administration put enough pressure on both sides so that they would not repeat the same vacillation as in previous talks. On 6 September, 2001 President Bush appointed US Senator John Danforth as a special envoy to Sudan. It was decided that the US would support the ongoing IGAD peace process rather than develop its own. Danforth then came up with a series of proposals as he "decided to test the parties' commitment by submitting to them a series of concrete proposals that would challenge them politically while at the same time reduce the suffering of the Sudanese."⁴¹

These proposals set in motion a four-step plan which would uncover the level of commitment of the warring parties to not only ending the hostilities, but to protecting Southern civilians. The first proposal required a cease-fire and increased relief efforts in the Nuba Mountains region. The second proposal created 'days of tranquillity' where the warring parties would put aside their arms and let relief workers dispense much needed medical treatment and aid. Thirdly, Danforth asked that aerial attacks against unarmed civilians be stopped immediately. Finally, Danforth added an anti-slavery initiative since he felt that, aside from attacks on civilians, this was the issue which concerned the American public the most. Immediately following Danforth's report and its acceptance by both Khartoum and the SPLM, the IGAD process was once again reinvigorated with the signing of the Machakos Protocol (20 July, 2002) and the Memorandum of Understanding (18

⁴⁰Quoted in Dan Connell, "Peace in Sudan: Prospect or Pipe Dream?," *Middle East Report* 228 (2003).

⁴¹ "Report to the President of the United States from John C. Danforth, Special Envoy for Peace: The Outlook for Peace in the Sudan," 26 April, 2002.

November, 2002) These ultimately laid the grounds for the Comprehensive Peace Agreement (9 January, 2005).

IV. Embracing the Peace Process by the SPLM and the NCP, 2002-2004

a. The SPLM and Its Interests: How Effective Was Garang's Diplomacy?

The SPLM's approach towards the negotiation process revealed how John Garang perceived the role of his movement in Sudan, both politically and diplomatically. Before 2002, Garang saw the peace negotiations as more of a symbolic act rather than as a means to end the conflict. Garang had always insisted that the military option (a total overthrow of the regime in Khartoum) was his preferred choice. Still, he sent SPLM members to negotiations on a regular basis for diplomatic ends. Peace talks were a chance for the SPLM to promote its agenda abroad. Moreover, it was an opportunity for the SPLM to sit down as 'equals' across from the negotiating table with the Sudanese government. Yet another aspect of Garang's attitude towards the peace process can be seen through who he sent as the SPLM's representative and why. Garang himself would not attend negotiations unless they were attended by the head of state of Sudan. If a lower-level representative was sent by Khartoum, such as the vice-president or a government minister, Garang would send one of his subordinates who he felt was equal in status. This points to the idea that Garang saw himself as the *de facto* head of state in Southern Sudan; his SPLM was the 'Southern Sudanese government'.

The SPLM did not begin to negotiate in earnest until 2002. Garang's discourse showed that he was reaching out to the sponsors of the talks around this time. Garang maintained that he wanted the creation of a 'New Sudan'. The 'New Sudan' would be a country that guaranteed a democratic, pluralistic society and political equality. The rhetorical promotion of 'religious freedoms' was especially pertinent after the United States became involved in the negotiations. One of the key issues during this period was whether or not the SPLM attempted to promote its supposed Christian identity as a way to gain international support. Indeed, this would appear to be the case considering the intense pressure the 'Religious Right', and even the American media, put on the Bush Administration to end the conflict. On the issue of religion, Garang never said that the

SPLM was a 'Christian' organisation. It was, however, fighting against the brand of Islamism found in Khartoum. In one speech from 2003, Garang said that he "will not sit in Khartoum if *sharia* is in force."⁴² During a tour of Southern Sudan, Garang stated that Muslims were wrong to claim that Sudan was their ancestral home. By this extension, the supposed opposite of Islamism was a Christian alternative; this was never stated explicitly, though. By and large, the issue of religion, specifically Christianity, was a personal rather than political matter for a Southern Sudanese; it became political for those intervening international actors.

While the SPLM was focused on the international negotiations, events in the peace process aided the consolidation of domestic legitimacy within the South. To begin with, successes at the negotiation table translated into increased support for the SPLM in the South. Gains in the peace process made it seem as though the movement was working for the people of Southern Sudan to end their suffering through obtaining peace. Secondly, as the negotiators pushed for the 'self-determination' and 'referendum' clauses in the peace agreement, Garang began accepting the reality of an independent South. At a speech made in the United States during his 2002 visit Garang admitted to the possibility of two separate states.⁴³ This concept was immensely popular among the Southern Sudanese. Thirdly, the movement turned its attention solely to peace in the South, rather than continuing to call for an overthrow of the regime in Khartoum. While Garang had always insisted that any peace agreement approach the problems plaguing the entirety of the country, his tactics shifted as peace neared. Though he recognised the injustices of the conflict in Darfur, Garang prioritised ending the war in the South over a truly comprehensive peace. He told the UNSC in November 2004 that the "only way to avert this tragedy [in Darfur] is to expedite the Naivasha process"⁴⁴ even though this process was limited to talks between the North and the South. As such, Garang fell into dealing with the conflict as if it were only a 'Southern problem', a concept he so distained in earlier years. This appealing, though, to many Southerners. These factors enabled the SPLM to gain more support within the South; the successes at the negotiating table translated to an increased awareness of the promotion of

⁴² Lucas Barasa, "VIP Welcome for Garang in Campaign for Peace Pact," *The Nation*, June 14, 2004.

⁴³ Todd Dvorak, "Sudan Rebel Leader Returns to Alma Mater," *The Associated Press State and Local Wire*, 22 March, 2002.

⁴⁴ "UN Security Council Discusses Darfur, Shuns Rebels," *Agence France Presse*, 18 November, 2004.

domestic legitimacy. In one speech in 2004, Garang was introduced as the “greatest liberator, the greatest fighter for justice.”⁴⁵

The rhetoric in the speeches given during and after the signing of the CPA symbolised the SPLM and its leaders as heroes and saviours of the Southerners. The movement had more legitimacy at this point than ever before. Garang was able to use the successful ending of the war as an indication of the movement’s eudaemonic legitimacy. Peace was equivalent to the security and welfare of the Southern Sudanese. At the signing ceremony of the CPA, Garang told the Sudanese people that “we have delivered to you a comprehensive peace” and it is “a gift for the Sudanese people.”⁴⁶ Importantly, Garang was able to move around the problem of his insistence for unity, which had always been a problem in securing support for the SPLM in the South. Garang remained a staunch unionist until the day of his death; the populace was widely supportive of independence. The text of the CPA resolved this issue since it called for ‘self-determination’ and ‘making unity attractive’. While Garang wanted to see a Sudan that was politically transformed he conceded, through negotiations, that the South should have the *right* to secede. Further, the CPA stated that the two signatories should endeavour to make unity attractive through working together and developing the South; thus the Southern populace would see the ‘peace dividend’ and vote for unity. As such, the document never explicitly called for an independent South, but allows for it at the end of a six-year period.

Still, the SPLM lost out on one vital part of its political programme when it signed the CPA; this was the issue of a secular state. One of the problems the movement always complained about was the implementation of the September Laws which had brought the county under *sharia*. Garang was adamant that any agreement bring an end to the Islamist state in Sudan. While the CPA guaranteed religious freedom in all of the country, it said that *sharia* would remain in the North and, more importantly, in Khartoum. This was one area where the CPA did not reflect the objectives of the movement. Not achieving a secular state was a severe blow to Garang, who saw this as essential to the achievement of his ‘New Sudan’ vision.

⁴⁵ Beatrice Debut, "Rebel Leader Tours War-Ravaged South Sudan to Explain Peace Deals," *Agence France Presse*, 9 June, 2004.

⁴⁶ Mohamed Osman, "Sudan's President Starts Tour of South to Celebrate Peace Treaty," *Associate Press Worldstream*, 10 January, 2005.

Some academics see Garang as a shrewd politician, able to manipulate his words in order to obtain international support. Garang's actions portray him as very adept at gauging the international climate; he saw that outside actors wanted very much to characterise the conflict in terms beneficial to their own agenda. When Ethiopia wanted to support his group, he overplayed the already existent socialist rhetoric that he had adopted during his studies at university. When the African countries of IGAD saw an opportunity to transform their organisation into a more meaningful body, Garang embraced his African roots; he made the Southern issue a cause for African liberation. And when Christian groups made appeals to help all the Christians being persecuted and enslaved by the Muslims, Garang maintained that his movement was fighting against radical Islam. More than being in the right place at the right time, Garang perhaps saw what people wanted from him and was, like any good diplomat, able to play to their desires. This thesis suggests that Garang gave precedence to his diplomatic skills though he was less adaptable in addressing the needs of the Southerners. While willing to engage a number of regional and international actors, as well as the NCP, there were many Southern-based groups and communities which Garang ignored.

Whether or not Garang's diplomatic skills were eventually the sole factor leading to the backing his group needed to negotiate a lasting peace agreement with Khartoum is debatable. There were many external factors which led the United States to pressure both sides to an agreement. The time was ripe for peace, internally, as well. Khartoum wanted the sanctions lifted so that it could export oil; both sides suffered from war weariness. Both parties to the conflict needed a push, which was provided by the Bush Administration. In the end, though, Garang did not overly sway the outcome of the negotiations. While the South was recognised as deserving of a separate political entity, the transformation of the country was left undone. Further, the Northern government remained Islamist. Thus, while Garang succeeded at internationalising his cause and the conflict, the final wording of the peace agreement was heavily influenced by outside actors.

b. The NCP and Its Interest: What Motivated Khartoum to Negotiate?

No discussion of the IGAD peace process would be complete without looking at the other side of the negotiating table to the government of Sudan and the ruling party, the National Congress Party. While most of the focus of this chapter is on the SPLM's relationship with external actors and the international community's specific involvement in Southern Sudan, the NCP's own perspective and how this affected the dynamics of the peace process was also important.

Many factors figure in the NCP's willingness to sit down at the negotiating table; some of these were more complex than SPLM's reasons for negotiating. There was the export of oil, which began in 1999; an internal coup that saw the ousting of Hassan Al Turabi, the regime's primary Islamist ideologue; the high cost of the war; the re-emergence of a conflict in Darfur; and, what many believe to be the most significant factor, 9/11 and the US-led 'War on Terror'. Khartoum also experienced some regional events that strengthened its position. For example, in February 1999 there was a renewed outbreak of fighting between Ethiopia and Eritrea. This meant that Ethiopia was too busy with its own war to help the SPLM fight its conflict.⁴⁷ Secondly, it gave Sudan and Ethiopia a common enemy, Eritrea. Ronen writes that this event in particular contributed to a significant improvement in Sudan's foreign relations in the Horn and East Africa.⁴⁸

Khartoum's actions with regard to the peace negotiations and diplomatic efforts were not as immediately obvious as those of the SPLM. Some scholars see Sudanese President Bashir as pushed into a corner, which meant that negotiations were his only option. Maundi et al. contend that Khartoum only negotiated when the military option was not favourable as the government preferred a "zero-sum outcome of the conflict,"⁴⁹ or a united Islamist state. On the other hand, there were many positive diplomatic steps taken by the regime from 1999 onwards which strengthened its position vis-à-vis the SPLM and led to an improvement in US-Sudanese relations. By this time, the SPLM had not re-gained its pre-1991 strength. Yet, the tone in Khartoum towards the conflict and its potential non-military resolution had already shifted.

⁴⁷ Although the Ethiopian regime led by Mengistu helped the SPLM overtly, it was overthrown in 1989. At this time the SPLM lost support from Ethiopia. However, subsequent Ethiopian governments did eventually provide the SPLM with covert support, which was a tactical move against Khartoum.

⁴⁸ Yehudit Ronen, "Ethiopia's Involvement in the Sudanese Civil War: Was It as Significant as Khartoum Claimed?," *Northeast African Studies* 9, no. 1 (2002).

⁴⁹ Mohammed O. Maundi et al., *Getting In: Mediators' Entry into the Settlement of African Conflicts* (Washington D.C.: United States Institute of Peace Press, 2006), 133.

A shift in the rhetoric of Bashir is visible around 1999, when he fought his way past an internal coup. From the inception of the regime in 1989, then called the National Islamic Front, Bashir was seen mainly as a figurehead. He was a military man and his backers, hard-line Islamists, were led by Turabi; Turabi was thought to be the real man in power. The identity of the Bashir-Turabi regime relied heavily on the promotion of Islamism based upon Northern Arab elitism, populism, anti-sectarianism, a monopoly of over the use of force, and a stringent policy of isolationism. Up to 1998 these were the common themes in the regime's discourse. This mentality was embodied in a speech Bashir delivered in response to a US missile attack on the Shifa pharmaceutical plant. He said, "America is attacking us because we are the guardians of Islam" and "[w]e have tasted the sweet flavour of jihad and martyrdom and what we seek now is to die for the sake of God."⁵⁰ Still, from the beginning of his time in office Bashir did show hints of pragmatism; this benefited him greatly from 1999 onwards once he was in full control of the government. Islamism was replaced with hints of national unity and reconciliation between religions. Populist rhetoric was isolated while the state discourse became more capitalistic in nature as Bashir spoke of opening up the economy and attracting foreign investment. Anti-sectarianism gave way to dialogue with opposition leaders in exile.

When compared to 1998, the discourse of 1999 provided a drastic shift. This discourse accompanied the power struggle within the regime. The speeches Bashir delivered immediately following his palace coup against Turabi dropped the Islamist line. By this time Bashir had solidified his power and guaranteed his position as the primary ruler of Sudan. Through ousting Turabi, Bashir was able to improve relations with his neighbours who viewed him as preferable to Turabi. Bashir turned his back on the international Islamism and terrorism preferred by the hard-line Islamists. In other words, turning Turabi into part of the political opposition improved Bashir's status abroad. The benefits of this, such as a normalisation of relations with Egypt or the dropping of sanctions, were immediately obvious as the country opened up oil exportations.

Many commentators have written that the clash between Turabi and Bashir was not an ideological one, but rather one based purely upon political power. While this does appear

⁵⁰ "Sudan's president whips up crowd against U.S.," *The Associated Press*, 22 August, 1998.

to be the case the shift in state ideology was immediately apparent. Looking towards subsequent policy and rhetoric, it was clear that once Turabi was safely out of the government Bashir's outward ideological stance shifted dramatically, well before international events necessitated it. While it seemed that at times after the internal coup Bashir was backed into a corner, much of the improvement in the relationship with the international community and the SPLM was of his own doing and calculations. This softened line made Khartoum more amenable to serious negotiations with the SPLM.

From 2001 onwards the primary diplomatic issues which concerned the NCP were the aftermath of the terrorist attacks on the United States and reaching a peace deal with the SPLM. These two items, though not immediately connected, did in fact influence each other. In the aftermath of 9/11 Bashir found himself on the side of the West in the 'War on Terror'. While this was beneficial for the regime (it did not turn into another Afghanistan), the ultimate sacrifice was the loss of a key negotiation stance in the peace process with the SPLM. The regime's discourse on the war in the South had never been favourable, even as its stance softened in other areas. The opening up in its foreign relations was not accompanied by a shift in domestic politics. By the end of 2004, though, Bashir was referring to the SPLM leader Garang as a 'brother' and began tactically embracing the black African section of Sudan.

This shift in the regime's relationship with the outside world, and the United States in particular, was quite dramatic especially since it was followed by the signing of a peace agreement with terms to which the past Bashir-Turabi regime would never have agreed. In many ways the US-led 'War on Terror' facilitated this. A prerequisite to being the United State's ally was ending the so-called war between Christians and Muslims in Southern Sudan. Immediately before the signing of the CPA, Bashir's discourse arrived at a point furthest from the old party line as any time since 1999. The slow progression of Bashir's rhetoric from 1999 to 2004 enabled him to enact policy that would have been unthinkable in 1998. While no one reason can account for the eventual success of IGAD, this internal change in the balance of power in Khartoum cannot be discounted. Thus, the NCP ended up negotiating a peace agreement which could lead to the dissolution of the country. In signing the CPA, the NCP jeopardised its nation-wide Islamisation project as well as put the integrity of the country at risk.

V. An Overview of the Documents Produced at the IGAD Negotiations, 2002-2004

Various rounds of talks held in Kenya from 2002 to 2004 led to the signing of protocols which provided the framework for chapters and appendices of the Comprehensive Peace Agreement. The first major breakthrough in the IGAD talks began with the Machakos Protocol, signed on 20 July, 2002.⁵¹ This protocol was an agreement on the general principles of governance and self-determination. The protocol stipulated that unity should be made attractive during an interim period, though the South had a right to self-determination through a referendum at the end of this six-year interim period. While the protocol stated that the national constitution would guarantee freedom of religion, all areas outside of Southern Sudan would have *sharia* as the source of legislation. The Machakos Protocol was followed by the Memorandum of Understanding (MoU) between the Sudanese government and the SPLM, signed on 18 November 2002.⁵² It determined, in more depth, the make-up of the Government of National Unity, including a bicameral National Legislature with equal representation of the Southern Sudanese in each chamber. The document also laid grounds for a national census, the creation of independent commissions and elections during the interim period.

The third protocol was on security arrangements during the interim period.⁵³ It clarified the status of two armed forces, the SAF in the North and the SPLA in the South. It stipulated that both SAF and SPLA forces would be re-deployed back to their home regions, except for those making up the Joint Integrated Units (JIUs) which were joint SPLA-SAF forces. They would be the nucleus of any future post-referendum army in a unified Sudan. These unified units would be deployed in Southern Sudan, the Nuba Mountains, southern Blue Nile, Khartoum and Eastern Sudan. The agreements on wealth sharing⁵⁴ and power sharing⁵⁵ during the interim period were signed on 7 January, 2004 and on 26 May, 2004,

⁵¹ “Machakos Protocol,” 20 July, 2002, Machakos, Kenya.

⁵² “Memorandum of Understanding between the Government of the Sudan and the Sudan People’s Liberation Movement/Army on Aspects of Structures of Government,” 18 November, 2002, Nairobi, Kenya.

⁵³ “Agreement on Security Arrangements during the Interim Period,” 25 September, 2003 Naivasha, Kenya.

⁵⁴ “Agreement in Wealth Sharing During the Pre-Interim and Interim Period,” 7 January, 2004, Naivasha, Kenya.

⁵⁵ “Protocol between the Government of Sudan and the Sudan People’s Liberation Movement on Power Sharing,” 26 May, 2004, Naivasha, Kenya.

respectively. The Agreement on Wealth Sharing covered the division of oil and non-oil resources, the management of the oil industry, the monetary system, and reconstruction of war-affected areas. Oil revenues would be split evenly between the Northern and Southern governments. The Protocol on Power Sharing promoted a decentralised system of governance. It creates a national government, the Government of National Unity, which included politicians from both Northern and Southern Sudan. The Government of Southern Sudan would be in charge of the ten states within the borders of Southern Sudan. Government authority, according to the protocol, would be concentrated at the state and local levels of governance. The protocol also reviewed the powers of the various governments over issues such as foreign policy as the sovereign right of the Government of National Unity and the autonomy of the Southern government. It also presented an overview of the political and legal rights of Sudanese citizens.

Other protocols that were signed dealt with the conflicts outside of Southern Sudan, namely in Abyei,⁵⁶ Southern Kordofan and the Blue Nile States.⁵⁷ While these regions were technically outside of the South, a significant portion of the local population had joined the SPLM in its fight against the government of Sudan. Any future agreement would have to end the fighting in these areas so as to promote stability; their eventual status, however, would be decided at a future date. Finally, the ‘Naivasha Process’ ended with the signing of an agreement on a permanent ceasefire⁵⁸ and on implementation modalities,⁵⁹ on 30 October, 2004 and on 31 December, 2004, respectively. These two agreements would later become the appendices of the CPA.

VI. Conclusion

The main question this chapter has sought to answer is how international involvement shaped both the conflict and the CPA. For the most part, international efforts

⁵⁶ “Protocol between the Government of Sudan and the Sudan People’s Liberation Movement on the Resolution of Abyei Conflict,” 26 May, 2004, Naivasha, Kenya.

⁵⁷ “Protocol between the Government of Sudan and the Sudan People’s Liberation Movement on the Resolution of Conflict in Southern Kordofan/ Nuba Mountains and Blue Nile States,” 26 May 2004, Naivasha, Kenya.

⁵⁸ “The Permanent Ceasefire and Security Implementation Modalities and Appendices,” 30 October, 2004, Naivasha, Kenya.

⁵⁹ “The Implementation Modalities and Global Implementation Matrix and Appendices,” 31 December, 2004, Naivasha, Kenya.

were hindered or manipulated by the warring parties. This pointed to the ability of the SPLM to manipulate and sway international actors. The movement was able to use OLS to serve its own purposes; similarly failed and farcical negotiations enabled Garang to project the SPLM as internationally legitimate. Both sides were continually insistent during most of the war that only all-out destruction of the other side would end the conflict. Yet, the CPA was a product of the post-9/11 environment. It was made possible by a number of external and internal factors mentioned in this chapter. In the end the CPA was not itself a product of the SPLM or the NCP; rather, it was a peace forced upon each side. While there was most likely a preference for the SPLM in the talks, which were led by East African countries whose heritage was closer to the Southerners and which were sponsored by an American president who identified more with the struggle of the Southern ‘Christians’, both sides were coerced into forfeiting their goals. The SPLM gave up on a secular Sudanese state while the NCP forfeited the integrity of country. These sacrifices, though, were eclipsed by the legitimacy the CPA bestowed upon both the NCP and the SPLM amongst the Sudanese populace.

According to De Waal any successful peacemaking activities in Sudan must find a balance between the shifting stakeholders in the centre and periphery as well as the neighbouring countries. The necessary preconditions are: “(a) solidification of central decision-making, so that the centre is not constantly shifting, (b) cohesive leadership of the provincial insurgency, (c) containment or resolution of conflicts in neighbouring states, and (d) a cohesive international approach.”⁶⁰ The CPA was the closest that any peace process had come to ending the Southern conflict. This was the outcome of a number of specific political circumstances that made the situation ripe for resolution. This chapter has shown that the major parties involved, the NCP, the SPLM and the United States, were able to come to agreement based on the political alignment of their needs and the make-up of their leadership. De Waal writes that, on the part of the NCP, Bashir had from 1999 to 2000 solidified the primacy of his leadership in Khartoum. Further, since China was not yet a major investor in Sudan, Bashir was looking to open up to the West and the United States; this enabled him to respond positively to American interests immediately following 9/11.

⁶⁰ Alex De Waal, "Sudan: International Dimensions to the State and Its Crisis," *Occasional Paper* no. 3 (2007), 15.

Bashir was also pleased with the Bush Administration's acceptance of a government of national unity that included the NCP. As for the SPLM, by 2001 Garang was able to bring back a number of dissenters to his movement. His renewed supremacy in the South and his dominant international standing provided a useful context for engaging both the United States and Khartoum. Finally, there was what De Waal describes as a "common approach"⁶¹ from within the major international actors or the Troika, made up of the United States, Britain and Norway. This set the stage for an acceptance of a new American policy towards Sudan and "Bush's predilection for setting simple policy goals and persistence in pursuing them."⁶²

The peace process and other forms of international involvement were not without long-term consequences, though. The CPA was not the panacea that everyone had hoped it to be. On paper the CPA seemed to be an appropriate framework for resolving the core problems of political inequalities between the South and the North. It also provided the SPLM with what Metilis terms 'revolutionary legitimacy'.⁶³ Still, legitimacy could only be maintained if the SPLM effectively transitioned from a rebel movement to a political party. This would require, according to De Zeeuw, both structural and attitudinal changes, such as moving beyond 'revolutionary legitimacy' and shedding its military ethos.⁶⁴ Yet, the effects that the war had over the mentality of the SPLM leadership and on the Southerners' negative perceptions of the movement were difficult for the SPLM to overcome.

The legacy of the war, the exclusion of other Southern-based armed groups, and Garang's prioritisation of international actors over internal ones were weaknesses that would follow the SPLM into the interim period. Further, De Waal contends that the viability of this agreement was under threat due to the fact that the central political elites would make compromises knowing full well that they could regain their footing at a later date.⁶⁵ As for internal Southern issues, the SPLM had to deal with the untimely death of Garang a mere six months after the signing of the CPA. Added to this was the problem of uniting all Southerners and developing a government in a vastly underdeveloped area lacking even

⁶¹ *Ibid.* 17.

⁶² *Ibid.*, 17.

⁶³ Metelits, "Reformed Rebels? Democratization, Global Norms, and the Sudan People's Liberation Army."

⁶⁴ Jeroen De Zeeuw, "Understanding the Political Transformation of Rebel Movements," in *From Soldiers to Politicians: Transforming Rebel Movements after Civil War*, ed. Jeroen De Zeeuw (Boulder: Lynne Rienner Publishers, 2008).

⁶⁵ De Waal, "Sudan: International Dimensions to the State and Its Crisis."

basic infrastructure. The next chapter looks to how the SPLM tried to overcome the challenges mentioned above as it implemented the stipulation of the CPA in terms of the institutional development of the Southern government.

Chapter 4: Government Formation, the Consolidation of Political and Military Authority, and Eudaemonic Legitimacy, 2005-2010

This chapter assesses the attempts made by the SPLM at government formation and the consolidation of political and military authority through the implementation of the Comprehensive Peace Agreement (CPA). The successes or failures of these attempts would determine whether or not the government and SPLM¹ could consolidate eudaemonic legitimacy. The first section explores the challenges the SPLM faced in 2005 when it took over political and military control of the South. The situation in Southern Sudan was abysmal at the time the CPA was signed; insecurity and underdevelopment were endemic to the region. As well, the SPLM was not well-suited, internally, to deal with these problems. The movement faced a crisis of leadership after John Garang died unexpectedly in a helicopter crash on 30 July, 2005. Within the movement, the militaristic ethos and lack of democratically-based decision-making processes further limited the movement's ability to move forward as the leader of the new Southern government. The legacy of the negotiation process also created significant problems. Other armed groups (OAGs) and Southern political forces were not included in the Naivasha Process; neither were civil society or traditional authority leaders consulted. Thus, the CPA lacked ownership beyond the SPLM. The final challenge the SPLM faced was the NCP. Since there was no clear victor in the war, this meant that both the NCP and the SPLM would continue to challenge each others' political authority. As means to consolidate legitimacy in the South, the SPLM would have to deal effectively with these numerous problems.

The second section examines exactly how the SPLM implemented the CPA as means to establish legitimacy in the South. In the months after the signing of the CPA, the SPLM took over control of the Southern garrison towns from the SAF. Further, the Government of Southern Sudan (GoSS) was established in Juba while state and local level governments were instituted in all ten Southern states. Aside from the capacity-building of the

¹ During the early stages of the development of the Southern government, it was not possible to make a clear distinction between the SPLM and the Government of Southern Sudan. The SPLM had a 70% control of the government. Thus, the strength of the governmental institutions very much influenced the legitimacy of the SPLM. While this thesis attempts to differentiate the two where possible, often the terms 'GoSS' and 'SPLM' are interchangeable.

government, the SPLM focused its attention on the insecurity in the region. Since the CPA negotiations did not include the OAGs (mostly from the SSDF), they continued to fight the SPLA, which was by then the Southern army.² Thus, the SPLA and the SSDF signed the Juba Declaration in 2006, which integrated SSDF forces into the SPLA. This greatly improved the internal security situation in the South and can be counted among one of the SPLM's best achievements at this time. Then, in 2008, the Southern government successfully held the population census throughout the South.

The SPLM was less successful at implementing a decentralised system of governance, which is discussed in the third section. Decentralisation through the establishment of local government was an essential ingredient for the legitimacy of the Southern government. This government policy would help the government officials connect with the populace through direct interaction and establish institutions that would help the populace with their post-war needs. These mechanisms were vital for the government's and SPLM's consolidation of eudaemonic legitimacy. However, the establishment of the local government administration was incomplete. This meant that in many rural areas there was no government presence at all and the populace did not receive much-needed services and welfare from the government.

I. Challenges Facing the SPLM in 2005

a. Challenges in Addressing the Lack of Security, Prevalence of Tribalism and Needs of the Populace

After the signing of the Comprehensive Peace Agreement, the SPLM officially inherited responsibility over the administration of a vast territory plagued with a plethora of difficulties, some of them endemic to the region, others caused by the war. The SPLM leaders, as self-described 'victors', promised that they would bring peace, stability and development to the populace of Southern Sudan. While they had gained revolutionary legitimacy through the peace process, any continuation of this legitimacy was entirely dependent on how successfully the SPLM transitioned from a rebel movement to a political

² The term 'SPLA' is used to describe the Southern army while the term 'SPLM' is used to describe the rebel movement (pre-2005) and political party (post-2005).

party and consolidated political and military authority. This would be enhanced by the group's ability to address the concerns of the citizens and the myriad of impediments to the implementation of the CPA. In 2005, the challenges the SPLM faced included: endemic insecurity, tribalism, underdevelopment and poverty. All of these problems tested the embryonic government's ability, ultimately, to reverse the decades of neglect experienced by the Southern Sudanese. In the minds of the people, making the region secure and providing for the citizens' basic needs were crucial for it to be seen as both effective and deserving of eudaemonic legitimacy. While the expectations of the Southern Sudanese focused mainly on the improvement of their own livelihood, the SPLM saw improving its military strength as central to its plan.

Consolidation of military authority was the first challenge that the SPLM had to face. Addressing the insecurity and implementing voluntary disarmament was how the movement sought to address the military aspect of strengthening its power. There was a large build-up of arms and artillery that was centred on the possibility of fighting another war with the North, rather than protecting civilians in the South during the interim period. During the war, many communities armed themselves for protection from SPLM abuses. Thus, there was a significant proliferation of arms among militias as well as civilians. Many people opted to keep their weapons after the signing of the CPA, not trusting that the peace was permanent. The distrust of the SPLA also led many communities to be hesitant to hand their weapons over to the army. Accordingly, the SPLM's security concerns were two-fold: consolidating its monopoly over the use of force in the South and developing an army able to stand up to the SAF as military equals. These objectives were not mutually exclusive, though.

Aside from disarming civilians, the SPLM's most immediate security concern was obtaining the loyalty of the other armed groups (OAGs), which was the name given to the militias that had fought under the umbrella of the South Sudan Defence Force (SSDF) against the SPLM during the war. These groups were left out of the peace negotiations, a fact which offended many of their leaders. Nor did it help that Garang refused to negotiate an acceptable way to disarm or integrate the militias into the SPLA. If the Northern government ultimately desired to destabilise the region, as it had during the war, then it would look to these groups to do so. Reconciliation between the militias and the SPLM

seemed unlikely in 2005 and this posed a significant threat to the implementation of the CPA.

Secondly, the problem of tribalism and the history of resource-based conflict also continued to plague the region. Cattle-raiding had always been a reality in Southern Sudan and resources were scarce due to the harsh environment across much of the region. The effects of the war pushed people already living at a subsistence-level livelihood into even deeper poverty. The resettlement of refugees and IDPs at the war's end also created instability as people came to claim back the land that they had abandoned. One of the coping mechanisms for many tribes in Southern Sudan was cattle-raiding; this was also traditionally a way to increase one's wealth. This was normal for the region and, in the past, not necessarily predicated on extreme violence.³ Decades of war, however, had weakened the traditional leaders' prestige and put the weapons in the hands of disparate youth and ex-soldiers who no longer respected the authority of the chiefs and elders. In places like Warrap State former soldiers failed to integrate into the SPLA and began acting as "protectors of cows," forming their own armed groups.⁴ The youth were also prone to be influenced by individuals with political objectives. According to the SPLA Chief of Staff, the youth were only concerned with capturing cows and securing access to scarce resources. Though their aims were not political in nature, these youth were pulled into a proxy war.⁵ This was aggravated by the easy access to guns and ammunition which were still coming into the South through the porous borders. Thus, cattle-raiding and resource scarcity at the end of the war had the potential to develop into a complex and violent political situation if left unchecked.

Thirdly, the general public was eager and expectant that their lives would drastically improve in a short period of time. The citizens demanded enhancements in development, education, health services, access to clean water and infrastructure. This, many government officials said, was a problem since the Southern Sudanese's expectations were too high immediately following the signing of the CPA. According to one state minister, "people

³ For more on the cattle culture of the pastoralist tribes of Southern Sudan, see chapter 6.

⁴ Researcher interview, Director of Peace Committee for Warrap State, 4 July, 2008, Wau.

⁵ Researcher interview, SPLA Chief of Staff, 28 May, 2009, Juba.

expect more from the government, they always expect more.”⁶ The returnees, especially, had different, higher expectations based on their experiences living abroad.⁷ The government tended to discount the complaints of the people as not seeing the benefits of the CPA; they saw this dissatisfaction as stemming from unreasonable anticipation of immediate change.

At the signing ceremony in Kenya, Garang outlined the areas in economic and infrastructure development, service delivery, welfare and security that the SPLM would be addressing during the interim period. He emphasised that “[w]hat we are launching by signing the CPA today is a multi-dimensional revolution: political, administrative, economic, social and moral.”⁸ Garang saw the potential for the SPLM in accomplishing the promises it made as a rebel movement. This would aid in consolidating the group’s eudaemonic legitimacy. While the SPLM relied substantially on revolutionary legitimacy, this sort of legitimacy, according to Metelis, is based on the premise that the group will ultimately deliver on its promises.⁹ This theoretically leads a rebel movement down a certain path as it assumes governmental powers. The legitimising mechanisms of the group shift, from making promises to the populace through its discourse (revolutionary legitimacy) to instituting concrete changes (eudaemonic legitimacy). Essentially, the SPLM was making a number of promises following the CPA, in part as a result of their own success in ‘winning the peace’. As the next section shows, the SPLM was not equipped to follow through on these promises, which severely threatened the consolidation of legitimacy by both the Southern government and the SPLM.

b. The SPLM’s Internal Organisational Shortcomings and Crisis of Leadership

As a means to address the obstacles mentioned above, the SPLM had to transform itself into a legitimate and efficient political party competent enough to manage the post-conflict environment. However, accomplishing this was complicated by the SPLM’s lack of

⁶ Researcher interview, State Minister for Gender, Social Welfare and Religious Affairs, Eastern Equatoria State, 9 April, 2009, Torit.

⁷ Researcher interview, UNDP official, 7 July, 2008, Wau

⁸ “SPLM Chairman’s Address to Signing Ceremony of the Sudan Comprehensive Peace Agreement,” 9 January, 2005, Naivasha, Kenya, 16.

⁹ Metelits, “Reformed Rebels? Democratization, Global Norms, and the Sudan People’s Liberation Army.”

an effective internal organisational structure and a crisis of leadership. Firstly, this sort of a transition, according to De Zeeuw, required both attitudinal and structural changes so that the SPLM could be a “dialogue-based political entity.”¹⁰ Understanding the direction the SPLM should take and evaluating how the group would deal with the pressing problems was complicated for the leadership since the SPLM lacked administrative experience and the capacity to govern effectively. When it was a rebel movement, the SPLM was not known for its tact in dealing with local populations nor for its prioritisation of civilian administration during the war. A large number of the new civil servants and politicians were former rebel commanders and soldiers; many had little education, having lived in the bush over the past 20 years. This meant that the movement was unprepared to develop the adequate institutional capabilities over a geographical area roughly the same size as a third of western Europe. The lack of resources and poor infrastructure hampered the efforts of the SPLM to build the Government of Southern Sudan. What little infrastructure did exist, built by missionaries, the British, the Northern government, or the previous Southern government during the 1970’s, was nearly all destroyed during the war. Further, in 2005 there were only ten kilometres of paved roads in the South; most of the dirt roads that did exist were in urgent need of re-grading. This meant that outside of the major towns establishing county-level offices was a massive task. Thus, a major challenge for the SPLM was to utilise what little experience it had to create an effective government administrative system from scratch.

Secondly, this dilemma was made all the more difficult by a crisis of leadership early on in the establishment of the Southern government. At the most inopportune time the Southern Sudanese President John Garang was killed in a mysterious helicopter crash on 30 July, 2005. Garang, while a divisive figure during the war, had gained an enormous amount of respect following the signing of the CPA. Even those who fought against the SPLM during the war admired him for “bringing the CPA to the South.”¹¹ As a charismatic figure, Garang was seen as the only personality who could unite the Southern Sudanese after the war. Through his ability to negotiate a peace deal, though not necessarily his ideology, Garang had developed substantial personal legitimacy among the Southern Sudanese, both domestically and amongst Southern Sudanese refugees living abroad. With his death, many

¹⁰ Jeroen de Zeeuw, ed., *From Soldiers to Politicians: Transforming Rebel Movements after Civil War* (Boulder: Lynne Rienner Publishers, 2008), 1.

¹¹ Researcher interview, Nuer male and former SSIM fighter, Akobo, 8 June, 2008.

Southerners doubted whether his successor Salva Kiir would be able to fill Garang's shoes. At the time of Garang's death, Salva Kiir was second-in-command of the SPLM and Vice-President of Southern Sudan. During the war he was considered to be an excellent commander; he was a military man and not the political tactician that Garang was. While Garang was verbose, Kiir concealed himself from the limelight. Many had misgivings over whether Kiir could transform himself into an effective politician along the line of Garang. While the SPLM was controlled by military commanders in civilian positions, including its leader, the ability of the group to actualise the necessary behavioural and structural changes remained questionable.

c. Weaknesses of the Comprehensive Peace Agreement

For many in Southern Sudan the CPA was a success by the mere fact that it represented the most effective and realistic attempt at ending the war in the South. Immediately following the signing of the agreement, many Southern Sudanese were very optimistic about its prospects and saw it as the key to change in their country. Garang said shortly before his death that after the CPA, "Sudan will never be the same again."¹² Iyob and Khadiagala see the CPA as addressing the core problems of the conflict: it presents the "convergence of multiple actors playing contemporary...roles to steer a complex conflict into a maturity that allows the core parties to gradually rediscover points of agreement."¹³ A significant amount of clout was given to the document, both by the international actors who helped to formulate it and by the SPLM leaders who looked to implement it. In theory it represented the first time in that the Southern Sudanese- the 'Black Africans'- were accepted by the Northern elite as political and social equals. It gave them the authority to rule themselves. As well, the CPA was meant to set up a system of governance that was ideally suited to the complex social and political environment of Southern Sudan.

Still, inherent flaws in the negotiating process meant that the durability of the document was questionable. Woodward, commenting on the CPA, writes, "[i]f making peace had been hard enough, implementing it looked an even more difficult process."¹⁴ He fears that a

¹² "Sudan Former Rebel Leader Becomes First Vice President," *Agence France Presse*, 9 July, 2005.

¹³ Iyob and Khadiagala, *Sudan: The Elusive Quest for Peace*, 124.

¹⁴ Woodward, "Peacemaking in Sudan," 176.

negative peace will emerge, leading to renewed conflict. Similarly, Rigalo and Morrison maintain that the CPA did not address the underlying causes of the conflict.¹⁵ The weaknesses in the peace process left a number of reservations about the stability of the CPA. These included the lack of mechanisms to ensure the implementation of the CPA; low levels of trust between the two signatories, the SPLM and the NCP; and the exclusion of other Southern political and armed groups in the negotiations.

Firstly, while the CPA did present a solution to the problem of political and legal inequalities between the North and the South, there were no mechanisms to ensure that the Northern government adhered to the provisions of the agreement. One of the lingering questions after the signing of the CPA was just how committed the signatory parties were to its full implementation. As discussed in chapter 3, both the NCP and the SPLM were theoretically committed to creating a situation that would make unity attractive. This would involve not only implementing the CPA in an effective and timely manner, but also constructing a political environment devoid of suspicion. Yet, while the CPA set out a timetable for implementation, hindrance from both sides delayed this timeline. There were no enforcement mechanisms in the document.

Secondly, persisting animosity between the former enemies left sentiments of deep-seated mistrust. Many SPLM officials, citing racism, said that they were concerned about being accepted as political equals in the Government of National Unity. This led many to support the idea of independence, which created rifts in the North-South relationship. The key aspect of the CPA for most Southerners was that it recognised the right to self-determination. However, the purpose of the six-year interim period was to make unity attractive; this is what proper and full implementation of the CPA would achieve. In theory, this concept adhered to the *stated* goals of both the NCP and the SPLM. The government of Sudan had fought against Southern insurgencies to maintain the territorial integrity of the country. According to Garang's discourse, the intentions of the SPLM were to construct a new, united Sudan. The provisions of the CPA were meant to lead to such a democratic transformation. In reality, the majority of Southern Sudanese desired independence¹⁶ and

¹⁵ Krista Rigalo and Nancy Morrison, "Operation Lifeline Sudan," in *Zones of Peace*, ed. Landon E. Hancock and Christopher Mitchell (Bloomfield: Kumarian Press, Inc., 2007).

¹⁶ At the time of writing, no official opinion polls had been conducted concerning the issue of independence. Scientific surveys that include a proper cross-section of society were nearly impossible in Southern Sudan.

this was the private aspiration of much of the upper echelon of the SPLM, such as Riek Machar and Salva Kiir.¹⁷ While the document itself appeared to promote unity, there were few incentives for either side to do so. Many Southerners said that they were holding their breath until the referendum in 2011. The NCP, wary of the SPLM's actual commitment to unity, endeavoured to undermine the development of Southern governance through destabilisation.

There was no clear winner in the North-South war, no victor to claim outright authority over the opposing side. This fact left a number of issues unresolved between the NCP and the SPLM. The central source of conflict between the two signatories was the official boundary dividing the North and South. It had not been officially set in the CPA; nor was the status of Abyei determined. Abyei was seen by both sides as belonging to them culturally; the fact that the area was oil-rich complicated this. The area is made up of Ngok Dinka, a Southern tribe, while the Misseriya and other nomadic Northern tribes claimed grazing rights in the area. The Protocol on the resolution of the conflict in Abyei declared that it would have special administrative status with representation in both the Northern and Southern legislatures.¹⁸ The eventual status of the area would ultimately be decided in a separate referendum. In spite of this, there were low-level conflicts between the SPLA and the SAF in Abyei following 2005; this highlighted the fragility of the peace along the border. As for the border issue, the Government of National Unity set up a Border Commission designed to determine the exact demarcation. Issues such as these led both sides to drag their feet in implementation of the agreement for fear that they might lose ground during the interim period. This mistrust also led the SPLM to walk out of the Government of National Unity a number of times and accuse the NCP of arming groups in Southern Sudan. The interaction of the NCP and SPLM at the national level is discussed in more detail in chapter 7.

Geographical isolation, lack of infrastructure and proper transportation, and suspicion of outsiders prevented proper surveys from being conducted. However, based on the researcher's interviews and informal conversations in six different geographical locations, as well as with refugees living in Kenya, the United States, and Egypt, around 90% of Southern Sudanese would be supportive of a referendum on independence.

¹⁷ While keeping his views to himself about unity, for example, Salva Kiir finally made his choice for self-determination known in November 2009 when he made a public request at a church sermon in Juba to the people of Southern Sudan to vote for independence.

¹⁸ "Protocol between the Government of Sudan and the Sudan People's Liberation Movement/Army on the Resolution of Abyei," 26 May, 2004, Naivasha, Kenya.

Finally, a number of Southern tribal, civil, political and armed groups were not included in the peace negotiation. The only signatories to the CPA were the government of Sudan and the SPLM. A number of groups were left out of the peace process; similarly, the issue of Darfur was not even addressed. Indeed, the term ‘comprehensive’ was a misnomer. This revealed the prioritisation of short-term gains in the negotiation process over the long-term stability in the South. This dilemma is highlighted by Jarstad, who writes about how the legacy of a peace process can often hinder the transition from war to democracy.¹⁹

The first relevant problem is what Jarstad terms the ‘vertical dilemma’, which emphasises the trade-off between the legitimacy of the new government through its ownership by the masses and the efficacy of the government, which is accomplished through a non-public peace process. The Naivasha Process was one which included the Sudanese elites alone; the masses, represented by civil society and tribal organisations, were not included. Thus, while the CPA recognised the importance of ‘ownership’ of the government by the people through its promotion of decentralisation, in reality there were few safeguards to ensure this. The total dismissal of the role of civil society and traditional organisations in the development of the government meant that an entire part of society was disregarded. Civil and tribal organisations in Southern Sudan were excluded from the peace process and there were no provisions in the CPA for their role in the future Southern government.²⁰ Since many groups felt that the SPLM disregarded their concerns during the peace process, this left the legitimacy of the agreement open to discussion.

The peace process also faced a ‘horizontal dilemma’, where the mediators decided to only include a small, select group of elites. This lack of comprehensiveness, Jarstad maintains, prioritised the need to reach a compromise over the long-term stability of the agreement. Non-SPLM political and armed groups in Southern Sudan were not admitted to the negotiations in Naivasha. It was believed that these groups would hinder the negotiations with their own agendas. Their narrative was quite different, however. Many of the Southern militia groups, such as those led by Riek Machar and Lam Akol, moved their political headquarters to Khartoum and became partners with the Sudanese government during parts of the war. The SPLM and many other Southerners saw them as traitors, saying that they

¹⁹ Jarstad, "Dilemmas of War-to-Democracy Transitions."

²⁰ For more on the interaction between the government and tribal and civil organisations, see chapter 6.

were being used as puppets by President Bashir for fanning the flames of tribal conflict in the South. The militia leaders who moved to Khartoum, however, preferred to see their role as influencing the Sudanese government in reaching a negotiated settlement. In 1997, these leaders signed the Khartoum Peace Agreement (KPA) with the government of Khartoum. The agreement had provisions for the creation of a Southern Sudanese regional government in Juba, called the Coordinating Council of Southern Sudan, and an eventual referendum on self-determination for the South. It also brought the various Southern militia groups together under the guise of the South Sudanese Defence Force (SSDF) and created its political wing, the United Democratic Salvation Front (UDSF).

The SPLM wrote off the KPA as a mere ploy tactic and, indeed, by the end of the war the agreement was no longer operational even though Khartoum never officially renounced it.²¹ Outside observers viewed the KPA as a sort of smoke screen developed by the government for the benefit of the government's economic interests. The agreement was "what the government needed to show foreign oil investors that it had supposedly put an end to the war."²² Though never fully implemented, many of the Southern signatories insisted that this particular document laid the grounds for the CPA since it was the first time that Khartoum accepted the concept of self-determination for the South.²³ While they were proud that they were able to push this document into existence, many leaders such as Lam Akol²⁴ and Gabriel Changson²⁵ were displeased that their groups were excluded from the IGAD negotiations. They saw the KPA as the precursor to the CPA, as the document which provided the wording that was later to be the foundation and framework of the CPA. Changson described the mentality of the Southern signatories to the KPA:

We are the pioneers of the right of self-determination because UDSF, the Khartoum Peace Agreement, was very instrumental in compelling Khartoum to accept the right to self-determination, which was included in 1998 Constitution of the Sudan. We also, in that peace agreement, it was also agreed that the South should be an entity. Even under the agreement, there should be two governments. The concept of Southern Sudan was also contained in KPA. The democratic process was also again, the democratic transformation started with the KPA. The rights, the human rights

²¹ Young, "Sudan: Liberation Movements, Regional Armies, Ethnic Militias and Peace."

²² Rone, "Sudan: Oil and War," 506.

²³ While the wording on 'self-determination' was first presented in the Declaration of Principles (1994), Khartoum did not accept these ground rules until much later.

²⁴ Researcher interview, Lam Akol, Khartoum, 3 March, 2009.

²⁵ Researcher interview, Gabriel Changson, Juba, 19 May, 2009.

and the respect for human rights, and freedom of expressions, were also contained in KPA. The government of the South, all the current institutions, federal, were also contained in the KPA. So, actually, KPA was the backbone of the CPA.²⁶

Thus, these Southern politicians felt cheated out of the credit they were deserved. Many were resentful that they were not included in the negotiations despite the relationship that they had established with the government of Sudan. Further, the politicians who remained outside of the SPLM felt defrauded; their parties, numbering around six, were given only a 15% share in the Southern parliament while the SPLM received 70%. Leaders of other political parties failed to see the SPLM as deserving of near-total control of the GoSS; their political parties were just as legitimate in their minds.

Hoping to speed-up the negotiation process, the international community felt that these groups would come round and be integrated into the political process in due time. It was assumed that the NCP and the SPLM would integrate the disgruntled political and armed groups while the international aid and development community would know how to effectively deal with civil organisations. The following two chapters examine the influence of these groups and consider how they provided a resistance to the development of the legitimacy of the SPLM as a political party and leader of the GoSS. At times they undermined the nascent government; they also provided an alternative to a political group and system that they perceived as failing the Southern population.

Similarly, the National Democratic Alliance (NDA), a coalition of minority political parties in Northern Sudan which had aligned with the SPLM, was left out of the negotiations. This left a sense of bitterness; while they would participate in the future Government of National Unity they would not be accorded the amount of influence they felt they deserved. Other ethnic groups, in the Nuba Mountains, southern Blue Nile and Eastern Sudan fought alongside the SPLM. However, their status was not negotiated and their role in any future government was not fully developed. By 2004 a newly ignited war in Darfur was also threatening the stability of the country. Contrary to its name, the Comprehensive Peace Agreement was not very 'comprehensive' since it prioritised the North-South issue while disregarding the conflict in Darfur and beyond.

²⁶ *Ibid.*

i. The Comprehensive Peace Agreement vs. the Addis Ababa Agreement

Though there were flaws in both the CPA and the process through which it was born, the situation following the signing of the CPA was not entirely negative. Although there were many imperfections in the CPA it was still considered the best hope for peace in the South since 1955 when the first Southerners rebelled in Torit. When compared to the Addis Ababa Agreement (27 March, 1972) that ended the first civil war between the Southern Anyanya movement and the government of Sudan led by Jafar Al Numeiri, the CPA seemed to be a far more stable document. The Addis Ababa Agreement set up a system of autonomy similar to that of the CPA. The basis of this autonomy was set forth in the Regional Self-Government Act. However, the agreement did not hold. Many of the problems faced by the Southern regional government were similar to those confronted by the GoSS. Among them was a shortage of funds, corruption, tribalism, natural disasters, lack of communications and infrastructure, poor development of administration and, most importantly, obstruction from the Numeiri government.²⁷ Kasfir contends that while this agreement did manage to end war, it created new problems in addition to solutions. He writes, “[t]he agreement provided novel but untested procedures for the Southern Region, but the development of the new relationship between the North and the South implicit in these rules has not been easy to achieve nor entirely successful.”²⁸

The concerns of Northern interference in Southern affairs after 1972 proved justified by a number of developments. First, there was the proposed construction of the Jonglei Canal which would have displaced a significant number of Southerners living in that area. Secondly, Numeiri divided up the Southern region into three states: Equatoria, Bahr El-Ghazal and Upper Nile. This was seen as a move to politically weaken the Southern region. The straw that broke the camel’s back, at least for the Southerners in the Sudanese army, was not being paid by the Sudanese government and forced deployment to Northern areas. The Southern public, generally speaking, became supportive of the mutinying soldiers when Numeiri declared the implementation of *sharia* in late 1983. All of these acts were seen as

²⁷ Richard P. Stevens, "The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy," *The Journal of Modern African Studies* 14, no. 2 (January 1976).

²⁸ Nelson Kasfir, "Southern Sudanese Politics since the Addis Ababa Agreement," *African Affairs* 76, no. 303 (April 1977), 143-44.

an imposition of Northern identity and policies on the Southern region. The core reason for the failure of the Addis Ababa Agreement was the meddling by the government of Numeiri in Southern affairs. The agreement was not solid enough so as to create mechanisms to dissuade this.

While there were many parallels to the situation in the 1970's and early 1980's, the CPA was meant to ensure that there would not be Northern involvement in the running of Southern affairs. Lam Akol,²⁹ the former Sudanese Foreign Minister, believed that some safeguards would guarantee that the outcome of CPA implementation would be different. For example, in the 1970's the Southern regional government did not have financial or military independence. Also, the Northern government was involved in selecting the Southern leadership. This was not the case with the CPA since the document clearly outlined two distinct governments. If the CPA were to fail, he maintained, it would be more the fault of the Southerners than anyone else. All in all, the endurance of the CPA and its ability to keep the peace depended entirely on the commitment of the signatories. While the CPA was not perfect, it did provide a better opportunity for a successful peace *if* adhered to.

II. Effectiveness of SPLM Governance and the Development of the Government of Southern Sudan

a. Implementation of the CPA

i. Make-up of the Government of Southern Sudan

The CPA effectively set up a system of dualities. While the NCP and the SPLM were 'peace partners' participating together in the Government of National Unity in Khartoum, the SPLM was put in charge of a nearly autonomous government in Juba. Among other things, the Southern government was responsible for a developing legislation, controlling a separate army, and a establishing a banking system. In addition to this, the GoSS was allowed to conduct its own foreign relations and establish foreign missions separate from Sudanese embassies. The agreement on wealth-sharing was meant to reflect the commitment to the devolution of powers and decentralisation of development, governance and service

²⁹ Researcher interview, Lam Akol, Khartoum, 3 March, 2009.

delivery.³⁰ Part of the logic was to ensure that the framework for sharing oil revenues would be balanced with needs of reconstruction and development in the South. To finance its activities, the GoSS was guaranteed 50% of the net oil revenues while the national government in Khartoum would get the other 50%. All of these were the telltale signs of a state within a state. Many educated Southerners viewed this new government as their own and did not associate their state with that of the North. As one Southern MP commented, the coming elections would be the first time that the Southerners would vote for their own government, not a *jallaba*³¹ government.³² The autonomy of the Southern government was key to its independent development; Southern governance reflected the standards and values of the people living there.

At the heart of the power-sharing agreement was the aim that “decentralisation and empowerment of all levels of government are cardinal principles of effective and fair administration of the country.”³³ The CPA architects envisaged a decentralised system that would put power into the hands of the people. The government in Juba (GoSS) would create policies, programmes and legislation which would then be enacted by state and county governments. While the GoSS was set up to develop laws for the entire Southern region the CPA asserted that the state governments, seen as closer to the citizens, should be the authorities to enact the laws and render services directly to the people. The CPA also called for the development of local government at the county, *payam* and *boma*³⁴ (village) levels. Thus, governmental legitimacy was linked to the effectiveness of the state and local institutions. Much importance was initially given to the creation of local government since it was believed that this was the avenue for direct citizen participation and ownership of the government. Not only would the government be legitimate through its actions, but it would also be legitimate through perceived ownership by the people.

³⁰ “Agreement on Wealth Sharing During the Pre-Interim and Interim Period”, 7 January, 2004, Naivasha, Kenya.

³¹ *Jallaba* refers to Arabs.

³² Researcher interview, MP in the Southern Sudan Legislative Assembly, 12 June, 2009, Juba.

³³ “The Comprehensive Peace Agreement, “Preamble”, 11.

³⁴ The concept of a *boma* is very important to the SPLM. After fleeing to Ethiopia and re-grouping, the SPLM crossed back into Sudan and the first village that it took from the government was the village of Boma. The SPLM maintained control over this village during the entire war, setting up administrative structures. Thus, the administrative area of a village is now known as the ‘*boma*’.

Immediately following the signing of the CPA, however, the SPLM focused most of its energy on assembling the government in Juba. This level of government served as the main link between the Government of National Unity and the South and as the main authority over the state government. The GoSS was responsible for extensive activities which would test the SPLM's legitimacy as the main stakeholder through its ability to govern. Among other things, the GoSS was accountable for: the adoption of a Southern Constitution; the creation of security, military and police forces; legislation and planning for the delivery of services such as education, health and welfare; reconstruction and development in the South as a whole; borrowing money and maintaining financial resources; taxation and revenue raising; the development of a budget; and developing venues for state-run media operations, information dissemination and telecommunications.

While the peace process did not include Southern political forces outside of the SPLM, the CPA did endeavour to include them in the new government. Similarly, the Southern Sudanese NCP politicians were also given positions in the government, which was a controversial issue for many Southerners. Southerners loyal to Bashir's political party were viewed as traitors. While many switched their loyalties back to the SPLM or another Southern political party, a core group remained with the NCP. The legislature, the First Southern Sudan Legislative Assembly (SSLA), was comprised of 70% SPLM, 15% NCP and 15% other Southern political parties. The other political parties included: SANU, UDF, UDSF, SSDForum, SSDFront, and USAP.³⁵ These other political parties were not satisfied with their share in the parliament. Most of the parties had been operational, either in Khartoum or abroad, during the war. Party members felt that they had more popular support than they were given credit for; they saw the SPLM as overstating its popularity amongst the population.

In the executive branch, both the presidency and the vice-presidency were given to the SPLM. A Council of Ministers was established, made-up of 23 ministers from various parties. The president's ability to implement a cabinet reshuffle, however, meant that he and the SPLM had the ultimate say over the composition of the executive branch and subsequently the government. Since most of the governmental powers ultimately rested with the executive, the legislature and judicial branches of government were not fully developed,

³⁵ The development and activities of these political parties are discussed in chapter 5.

the executive was the branch that held most of the political authority. Further, it was believed that a government should be in place before attempting something as complex as holding elections.³⁶ This meant that leaders were not necessarily directly accountable to the citizens as their elected officials; thus the unelected government lacked democratic or structural legitimacy.

A great deal of authority rested in the office of the presidency. He was also the individual who received the greatest amount of criticism when the government, legislature or ministries were accused of any wrongdoing. For example, the issue of corruption was a commonly spoken-about topic in Southern Sudan. While President Salva Kiir was not believed to have misused funds or embezzle money himself, he was often blamed when SPLM ministers and politicians did. It was assumed, looking back to the authoritarian past of the SPLM during the war, that the leader of the SPLM, and by extension the president of the GoSS, had a strong hand over those beneath him. While Kiir could not necessarily control the actions of his ministers, he took the blame when they messed up. According to an official at the Anti-Corruption Commission, established in 2006, this body was not allowed to operate according to its mandate. As of 2009, no officials had been charged with corruption. According to him, the government did not want to address this mounting problem until after the 2011 referendum.³⁷ Thus, when cases of corruption or misuse of government positions did occur, the system was not blamed but rather the authorities were. The prominence of personalities over the regime and political community meant that the object of support in the minds of the Southern Sudanese was the authorities rather than the system.³⁸

The state governments began developing more slowly than the central government in Juba. Most of the state capitals had been garrison towns during the war. Some towns, such as Bor or Rumbek, were heavily contested during the war and most of the buildings had been destroyed. Other state capitals, such as Torit or Wau, had a decent infrastructure at the time of the hand-over of power. In Torit there were a few derelict buildings that had housed the 'Southern Sudan Coordinating Council' during the war. Wau was one of the major towns

³⁶ Elections were originally scheduled for 2008. They were eventually delayed until April 2010.

³⁷ Researcher interview, official, Southern Sudan Anti-Corruption Commission, GoSS, 14 May, 2009, Juba.

³⁸ For more on objects of support, please refer back to Easton's argument on the political community, regime and authorities in the Introduction.

that had not been under siege by the SPLM since it held no strategic importance.³⁹ In this town there was a reasonable airstrip and improved dirt roads as well as a large number of permanent buildings. Most state governments, however, had a strenuous challenge ahead of them in rebuilding and establishing government building and offices; they were not helped significantly by the GoSS.

According to the text of the CPA, and adhering to the commitment to decentralisation, the state governments were meant to be responsible for all of the executive, legislative and judicial concerns within their states. They were also in charge of the creation of the local government at the sub-state levels. The composition of the legislature and ministries was slightly different than in Juba. The state governments were comprised of 70% SPLM members, 10 % NCP members and 20% from other Southern political parties. The state governments were responsible for a wide array of matters, among them: town and rural planning, traditional and customary law, local government, primary and secondary education, social welfare, cultural matters, provision of health care, regulation of business, local development and works, regulation of lands and agriculture, and population policy. In theory, this was the level of government responsible for providing services directly to the citizenry.

Since the CPA envisioned a decentralised system, the GoSS was the institution accountable for the direction in which the country developed. Its mandate was to construct the legislation and policies; the state governments were to implement them. This, presumably, put the state governments closer to the people as they were in charge of executing the GoSS policies on social welfare, education, health and development projects. The CPA did, however, say that when the state governments were not able to effectively deal with their responsibilities, the GoSS would be allowed to intervene. Decentralisation would still be the key goal; the GoSS would supply the states with the tools and financial resources from oil revenue to be effective. Contrary to the CPA, though, the GoSS was built up much more heavily than the state governments during the interim period and this severely disrupted the ability of the states in realising their duties. Eventually the GoSS bypassed the states; this is discussed below on the section on decentralisation and local government.

³⁹ Researcher interview, Deputy-Governor Western Bahr El Ghazal State, 2 July, 2008, Wau.

ii. Hand-over of Garrison Towns

The process of implementation of the CPA officially began in 2005. This was neither an immediate nor smooth process. Initially Juba was still controlled by the Northern government and was thus not suited to be the capital. The Southern capital was established in the town of Rumbek, which had been captured by the SPLM in 1997 and had served as a main base of operations for the SPLM throughout the remainder of the war.⁴⁰ There were few buildings to house the government, though. At this time the Northern government was still in control of a number of garrison towns, namely Juba, Wau, Bor, Malakal and Torit. Even though the war technically ended in January 2005, Northern officials did not vacate these towns swiftly. The County Commissioner of Torit County, for example, was not given his office until November 2005.⁴¹

Not only was the transition process delayed, but it also resulted in violence. While many of the local residents had fled those towns during the war, others had stayed and were often considered by the displaced to be collaborators with the North. Many of the people who stayed said that they were forced to support the NCP during the war because of “politics of food.”⁴² Similarly, those who stayed thought poorly of the returnees, since they had fled the hardships as refugees to a neighbouring country or Khartoum. Sometimes there was violence when refugees or Internally Displaced Persons (IDPs) returned and claimed back the land they had abandoned. Another source of tension was between the departing SAF and the incoming SPLA troops. The hand-over of power was not even; in many towns there were both SPLA and SAF barracks. This often led to fighting between the two. In Bor, throughout 2005 and into 2006, there were gunfights between the two in the middle of the town. Still, by 2006 the new government had been established and began consolidating its power in earnest.

iii. Formation of the Government, 2005

The first order of business for the new Southern government was to move its operations to Juba and the state capitals, secure them, put their own officials into place, and

⁴⁰ "Sudan Ex-Rebels Prepare to Set up Provisional Capital," *Sudan Tribune*, 10 January, 2005.

⁴¹ Researcher interview, Torit County Commissioner, 14 April, 2009, Torit.

⁴² Researcher interview, Dinka male, 7 July, 2008, Wau.

begin developing the destroyed infrastructure. Once this was done the GoSS could, in theory, focus on implementing the rule of law and constructing a decentralised system of governance throughout the South. Even though the CPA and Interim Constitution maintained that the new government was to be a decentralised one, the initial improvement in governmental resources was at the GoSS level. The Interim Constitution was very clear on the direction of government growth. In explaining the political objectives of the new government, the constitution states:

Governance in Southern Sudan shall promote democratic principles and political pluralism, and shall be guided by the principles of decentralisation and devolution of power to the people through the appropriate levels of government where they can best manage and direct their affairs.⁴³

In maintaining loyalty to the stipulations of the CPA, the new constitution prioritised decentralisation. By the end of 2005, though, government institutions were being established at a very slow pace. Resources and man-power remained in Juba for the most part and in the state capitals to some extent. Launching government offices at the county and local level was all but absent.

Other key government documents such as the Legal Framework for the Southern Sudanese States Constitutions and the Local Government Act were not passed until later (2006 and 2009, respectively, and they are discussed below). These documents were essential to the effective realisation of the transference or devolution of political authority. Yet, in 2005 the primary focus was on the consolidation of power in Juba. This meant that the system of governance began developing in a centralised manner, contrary to the CPA. Also at this time very little effort was made to establish government offices at the county and local levels. The SPLM had set up bases in rebel-held territory during the war. Sometimes these bases were located in remote areas, at the *boma* level. Once the war ended, SPLA soldiers were redeployed to more prominent areas such as state capitals and county seats. They were not replaced, however, with any sort of civilian administrative structure. For example, the *boma* of Lohutok in Eastern Equatoria State was home to a SPLM base during the latter part of the war. The barracks were located at the head of the dirt road leading into the valley where the collection of villages was located. They provided protection to the civilians as they safeguarded the only way in and out of the valley. Once

⁴³ “The Interim Constitution of Southern Sudan,” 2005, III, 39 (I).

the CPA was signed these troops were withdrawn, assuming that the area would be peaceful and their services were no longer needed. No government officials were ever sent to the *boma* to replace the existing soldiers, leaving the civilians to wonder what had happened to this new government that had been created to help them.⁴⁴

While the government focused its attention on establishing SPLA bases initially, there was little effort to launch county offices in the more remote areas. County offices were constructed very slowly and when they were established they lacked fundamental resources, such as satellite phones, computers, electricity or staff. Similarly, there was little effort by the county directors to send officials to all the *bomas* in their areas. If people from the town of Lohutok needed help or guidance from the government then they would have to send someone on a two hour walk to the county office in Imehejek. More often than not, someone from this office would have to find a car or motorcycle and drive six hours to Torit, the state capital, for more guidance.⁴⁵ In the villages surrounding the town of Akobo, Jonglei State there were not any visits by state- or county-level officials in the years following the CPA.⁴⁶ Thus, local authority still rested, albeit informally, in the hands of traditional leaders and many villagers believed that the government had simply abandoned or forgotten about them.

b. The Juba Declaration, 2006

The first priorities for the government, discussed above, were establishing governmental institutions and addressing the problem of insecurity. The CPA called for the integration or disarmament of the OAGs since their continued activity was one of the single largest threats to the stability of the South. The most prominent of the OAGs was the loosely affiliated SSDF, an umbrella organisation of disparate militias throughout the South, with the Nuer Paulino Matiep at its helm. The SSDF, discussed in chapter 2, and its political wing, the UDSF, were left out of the peace negotiations. This group had a clear vision of separation of the South, saying that it was the primary political aspiration of the Southern Sudanese and should be recognised as such by the SPLM. This clashed with Garang's 'New Sudan'. It was for this reason, among others, that they were not invited to participate in the

⁴⁴ Researcher interview, *Boma* Chief of Lohutok, 15 April, 2009, Lohutok, Eastern Equatoria State.

⁴⁵ This is in the dry season. If one wishes to travel this road during the rainy season, it is often impassable.

⁴⁶ Researcher interview, Nuer male, 7 June, 2008, Old Akobo, Jonglei State.

peace process. The international community was concerned they would slow down the process and the SPLM feared that the SSDF and the UDSF would undermine its singular authority. During the formation of the GoSS the UDSF was given four seats in the Southern Assembly and a ministerial office. While the political wing of the main Southern opposition joined the government, the SSDF initially showed a lack of commitment to the GoSS; this was one of the key concerns of the GoSS in 2005. Aside from the security issue, Matiep's forces also controlled a significant part of the Bul Nuer area that was a known oil-rich territory; they had given refuge to SAF soldiers operating in that area in return for material support from the North (even though these forces were pro-secession). Any further exploration of the oil resources in this part of the South could only be undertaken if the militias accepted the authority of the new government.

While Garang was president the task of OAG integration into the SPLA seemed farfetched. Garang had a personal and bitter rivalry with Paulino Matiep. Matiep contended that the peace process would never be final until all Southern Sudanese political and military forces were included.⁴⁷ Garang saw Matiep as a traitor since he was once a commander in the SPLM and then left to form his own militia. Garang was wary to accept rivals into the SPLA until he had asserted himself as the indisputable leader of Southern Sudan. Reconciliation, disarmament and integration seemed unlikely. After Garang's death, Kiir was more willing to give concessions to the militia leaders and this led to the Juba Declaration.

The "Juba Declaration on Unity and Integration" came about after talks held from 6-8, January, 2006. The document was officially announced on the first anniversary of the CPA. It was the first real test for the Southern government on its ability to win over disgruntled armed groups in the South. The declaration called for the "complete and unconditional unity between the SPLA and the SSDF."⁴⁸ It integrated the two forces into a single non-partitioned army, the SPLA. Initially the Juba Declaration was a success. John Young calls it a "diplomatic triumph" for Salva Kiir.⁴⁹ Kiir's own legitimacy increased following the signing of the declaration since reining in the OAGs was the precursor to

⁴⁷ Ken Ramani, "New Southern Group Mounts Pressure on Garang," *Sudan Tribune*, 27 December, 2004.

⁴⁸ "Juba Declaration on Unity and Integration between the Sudan People's Liberation Army (SPLA) and the South Sudan Defence Forces (SSDF)," 8 January, 2009, Juba, 2.

⁴⁹ Young, "The South Sudan Defence Forces in the Wake of the Juba Declaration," 11.

increased stability in the region and consolidating the government's monopoly over the use of force, itself a sign of legitimate statehood. On the part of the OAGs, it was easier to proclaim loyalty to Kiir than Garang. According to SPLM leaders, this reconciliation was made possible because it was they who had achieved the CPA. For the individual militia leaders, however, their reasons for returning to the SPLA and recognising the authority of GoSS varied. Some gained respect for the achievements of the SPLM in the peace process. Other gave up their fight because the SPLM was no longer a direct threat to their communities or their fighters were experiencing battle weariness. Personal gain was also a factor; many militia leaders were given prominent positions in the government or the SPLA.

The majority of the SSDF soldiers were integrated into the SPLA and their leader Matiep became Kiir's deputy in the SPLA. According to Changson, chairman of UDSF, the Juba Declaration "is now the basis for a stable South. Otherwise, if they [SSDF] were left at large, we would not be here now, because they would be used by the enemy to destabilise the government in the South."⁵⁰ Further, through integrating these forces the SPLA effectively took away leverage that the SAF had in the Upper Nile and Unity States and took control of key oil fields. Although not stated in the document itself, Matiep retained a significant amount of clout over the deployment of forces in these oil-rich areas.⁵¹

Still, the ability of this document to construct a viable peace between the various Southern forces remained questionable. It should be noted that a small number of individuals chose not to enter into the Juba Declaration with the rest of the SSDF. The NCP, comfortable with its policy of divide-and-conquer, was quick to hold onto the allegiances it had forged during the civil war. Those commanders who remained aligned with the SAF, namely Gordon Kong, Atom Al-Nour, Thomas Mabior and Gabriel Teng Yangi, continued to receive arms and refuge from the North. Other key militia leaders, such as Ismael Kony and Clement Wani, decided to join the government after being given prominent positions. Kony became the Presidential Advisor for Peace and Reconciliation Affairs while Wani was appointed Governor of Central Equatoria State. In other areas such as Wau, it was up to the state government to entice militia members to lay down their arms. A year after the Juba Declaration was signed the SPLM, rather than forcefully disarm Ferit militia soldiers

⁵⁰ Researcher interview, Gabriel Changson, 19 May, 2009, Juba.

⁵¹ Small Arms Survey, "Armed Groups in Sudan: The South Sudan Defence Forces in the Aftermath of the Juba Declaration," *Sudan Issue Brief*, no. 2 (October 2006).

operating in Western Bahr el Ghazal State, was able to appeal to them through the concept of brotherhood. These forces were subsequently integrated into the police forces and army.⁵² Those leaders that remained loyal to the SAF commanded a very small following and, for the most part, resided in Khartoum. These rump SSDF forces, small as they were, still had the means to cause insecurity in areas such as Upper Nile. It was reported that the Northern security forces were still supplying the remaining OAGs with weapons, which in turn were used to assassinate tribal chiefs.⁵³

There were also isolated incidents of outright fighting between forces loyal to the remnants of the SSDF and the SPLA in the years following the Juba Declaration. In November 2006 Gabriel Teng Yangi was behind clashes in Malakal, Upper Nile State which resulted in the deaths of 150 soldiers and civilians. After this he was asked to leave the South and was relocated to Khartoum. Although an arrest warrant was subsequently issued for him, he remained under the protection of the Northern government. Again in February 2009, Teng was said to be responsible for another gun battle in Malakal that killed 57 people. Though a wanted man in the South, he was flown into Malakal by the Northern army and given refuge at the local SAF barracks where Northern soldiers were stationed as part of the JIUs. Both the SPLA and UNMIS⁵⁴ peacekeepers asked him to leave. Fighting subsequently erupted, after which Teng was flown back to Khartoum.⁵⁵ This presented a clear indication of attempts by the NCP to destabilize the South. Further, these incidents also reflect the continued support that leaders such as Teng and Kong had in the region. In many cases, such as when there were even reports of the impending violence in Malakal, a number of townsmen would rush to the SAF barracks for protection. After the rumours of impending crisis were over, civilians could be seen leaving the barracks.⁵⁶ Still, according to the Chief of Staff of the SPLA, while these groups were still operational after the Juba Declaration and causing problems, they lacked the influence that they had enjoyed during the war. The

⁵² Researcher interview, Secretary for Political Affairs, SPLM State Secretariat for Western Bahr El Ghazal State, 7 July, 2008, Wau.

⁵³ "Main Southern Militia Joins SPLA," *Reuters*, 11 January, 2006.

⁵⁴ United Nations Mission in Sudan, the UN-led peacekeeping force deployed to Southern Sudan during the interim period.

⁵⁵ James Gatdet Dak, "Sudan's Machar Confirms 57 People Died in Malakal Fighting," *Sudan Tribune*, 27 February, 2009; Manyang Mayom, "Heavy Fighting in Malakal Upon Return of Militia Leader," *Sudan Tribune*, 24 February, 2009.

⁵⁶ Researcher interview, UN official, 15 May, 2009, Juba .

primary reason for this was that they could not establish bases since the “SPLA is everywhere.”⁵⁷

More worrying, though, were the continued clashes between the SPLA and former SSDF members who had integrated into the SPLA. The stability of the Juba Declaration and the allegiances of the signatories remained dubious. Organisational and institutional problems abounded. The Juba Declaration was a short document (4 pages) and did not give explicit instructions on how this process of integration should be implemented. This created a number of problems, including: the assignment of ranks to former SSDF officers; the redeployment of former SSDF soldiers to areas away from their homes and families; the lack of provisions for the new soldiers; and the ability of the SPLA to reform and be based on loyalty to a state rather than an individual.⁵⁸ The SPLA itself was threatened by an internal struggle between Garang loyalists and those who preferred to align themselves with Kiir.⁵⁹ One of the main issues of contention between these two groups was the issue of independence or unity. When the SSDF entered into the SPLA, this created another dimension of strife. Thus, the SPLA risked internal conflict from both tribal and ideological sources.

Most SSDF leaders and commanders were given important positions in the government or army to placate them, whether or not they were qualified for the job. It was hoped that by providing these individuals with some sort of recognition they would keep their own tribes or clans in check. These acts of patronage revealed the difficulty the government had in moving beyond traditional legitimacy and tribalism. As tribal clashes began to increase at the end of 2008 and throughout 2009, SPLA officers and soldiers often divided along tribal lines; remnants of the SSDF could be seen protruding from the fault lines in the army. One of the more severe products of internal SPLA rivalry came about in October 2009 when fighting broke out between SPLA bodyguards loyal to SPLA Deputy Commander Paulino Matiep and Unity State Governor Taban Deng Gai. These two men were from different tribes and were each vying for power in the oil-rich region. Matiep had repeatedly asked Salva Kiir to remove the governor; he accused the governor of instigating

⁵⁷ Researcher interview, Chief of Staff, SPLA, 28 May, 2009, Juba.

⁵⁸ Young, "The South Sudan Defence Forces in the Wake of the Juba Declaration."

⁵⁹ Survey, "Armed Groups in Sudan: The South Sudan Defence Forces in the Aftermath of the Juba Declaration."

the attack on his men at their base in Bentiu. Eight SPLA soldiers and four civilians were killed in the fighting.⁶⁰ Following the incident Matiep said that the Juba Declaration had “trapped [me] under the SPLA to do away with me in an uncouth old fashioned manner.”⁶¹ Other former militia leaders who were given important posts in the GoSS were still looked on with suspicion by many in the government. Ismail Kony, a Murle who was given the position as a presidential advisor, still wielded a considerable amount of influence over his tribal region from Juba. Other Murle politicians, committed to the SPLM, maintained that he was not trustworthy and was continuing to arm his supporters.⁶²

The issue of continued insecurity pointed to a severe shortcoming in the implementation of the peace process. There was the lack of a clear winner; this conflict was not a winner-take-all scenario. Further, there was not any effort by the government to implement a justice and reconciliation process, as there has been in South Africa. The Justice and Reconciliation Commission has been credited with helping the post-Apartheid society in its transition. In Southern Sudan, however, there were not any efforts made to heal the wounds or bring the perpetrators of violence against civilians from the SAF, the SPLA or the OAGs to justice. Those who instigated human rights abuses still held onto power. This hurt the legitimacy of the system being developed. Finally, the authorities themselves could not claim that they had created a stable environment in which the populace could prosper through freedom of movement and trade, limiting the leaders’ eudaemonic legitimacy.

c. The Census, 2008

In April 2008 the entire country held a census, the first in fifteen years, and the most extensive ever carried out in the South. It was a seminal moment for the South for three reasons. To begin with, this was the first chance the nascent government had to interact with the entirety of the Southern populace. In some areas people reported never to have met a government official before and many only thought of the government as an abstract entity. Thus, the census gave the government a chance to reach out to every single Southern Sudanese. It also provided part of the populace with a chance to mobilise themselves for the

⁶⁰ Opheera McDoom, "Fighting within South Sudan Army Kills 14," *Reuters*, 3 October, 2009.

⁶¹ "South Sudan's Matip Says SPLA Plotted Attack on His Guards," *Sudan Tribune*, 11 October, 2009.

⁶² Researcher interview, Speaker of Legislative Assembly, Jonglei State, 7 August, 2008, Bor.

government; many of the census takers were part of the youth and they were proud of the role they had played. Thirdly, the success or failure of the census would be indicative of the feasibility of the upcoming elections. It was a test for the government's institution structures. Finally, the census process helped to identify how the government and traditional authority systems could interact beneficially. The government employed the use of tribal chiefs, which revealed how the relationship between the government and traditional leaders could be effective if cultivated properly. One state minister related to the researcher that the chiefs in his state were instrumental for the realisation of the enumeration. This was indicative that, even as the government developed, the relevance of the traditional system remained and could complement the nascent institutions.⁶³ Overall, the census as a process was a victory for the Government of Southern Sudan. It was the first real test of the government's ability to mobilise its resources across the South and interact with the populace.

There were, naturally, challenges during this process and this led many to question the census results. Non-SPLM Southern political parties were adamant that the census not take place due to logistical problems.⁶⁴ As well, hundreds of thousands if not millions of Southerners still remained in Khartoum; the SPLM was adamant that they be counted as Southerners. An evaluation report filled by census officials highlighted the logistical difficulties: early rains and insecurity made many areas inaccessible; the influx of returning refugees led to a shortage of questionnaires; and poor mapping meant that not all communities were counted.⁶⁵

Aside from these logistical issues, aspects of the census-taking process were not effective. The census takers were not all properly trained and they counted many foreign NGO workers and missionaries as Southern Sudanese. Also, not all Southern Sudanese wanted to be counted. As one lady from a remote, mountainous region of Eastern Equatoria said, people there did not understand what the census was for or what the government would do with it: "Counted for what reason?"⁶⁶ Not only did people in remote areas fail to understand the purpose of the census since they were not previously told about it, but many were sceptical of the census-takers who were seen as outsiders. They did not know why the

⁶³ Researcher interview, Minister of Local Government and Law Enforcement, Jonglei State, 8. August, 2008, Bor.

⁶⁴ Researcher interview, UDF Political Bureau member, 18 May, 2009, Juba.

⁶⁵ "South Sudan: Report Highlights Census Obstacles," *Agence France Presse*, 7 November, 2008.

⁶⁶ Researcher interview, Didinga female, 2 May, 2009, Torit.

government would want to know how many children they had. Children were like guns and cattle, a commodity. For many Southern Sudanese it was a weakness to tell outsiders how many children they had. This revealed, very early on, a lack of mistrust on the part of the lesser-educated Southerners towards the government. It also showed the government's inability to establish a dialogue with the more remote populations. The government officials expected to be accepted with open arms by the Southern populace since the census was beneficial to them. However, there was no preparation that could have led to this result and no prior attempts to make contact with many villages throughout the South.

In addition to problems in the lead up to and during the census, there were many within Southern Sudan who were displeased with the outcomes. Some counties, people believed, were given preference over others. Communities in Jonglei State reported that the populations of the Bor Dinka areas were padded. Since these results were the basis for setting the constituencies for the elections, there was a perceived favouritism towards the Dinka. The GoSS also contested the overall figure of the Southern population, which was put at 8.2 million, far below the 15 million figure estimated by Southern officials. The political outcomes, which are discussed in chapter 7, further widened the rift between the Northern and Southern political leaders.

Overall, though, the implementation of the census was impressive considering it was the most comprehensive one ever conducted in Southern Sudan and the process was run by a government that was just over two years old. From a purely logistics and administrative perspective, the census was a success and showed the competence of the government. As a precursor to the elections, it was a good litmus test of the ability of the government to undertake such a vastly challenging task.

d. Decentralisation and Local Government Development

i. History of Decentralisation in the Sudan

Government in Sudan is divided into central, regional, provincial and local levels. The concept of decentralisation dates back to the British colonial era (1898-1956). Sudan, as the largest country in Africa and as one home to hundreds of tribes, was always difficult to rule. The British hoped that through integrating local leaders into the government the

resources needed to govern such a country would be diminished. The British relied on indigenous administration to ease this task. As time went by more educated Sudanese began to demand responsibilities in the government, which led the British to implement a system of local government based not on tribal leaders but on these new civil servants.⁶⁷ The first attempt at developing decentralised governance was the implementation of the Local Government Ordinance of 1951 which established Local Government Councils that had authority over matters related to finance, education, public health, agriculture and public order. After independence the Provincial Administration Act of 1961 created Province Councils. While the Province and Local governments had the same authority, the Province Councils set the standards to be followed by local governments; they were not meant to interfere in the Local Councils unless the Local Government Authority was unable to render services. These acts were repealed in 1966.⁶⁸

Devolution of powers was attempted again, according to Rondinelli, during the presidency of Numeiri.⁶⁹ This was the product of the Socialist philosophy espoused by the people who led the 'May Revolution' in 1969. Numeiri saw decentralisation as a priority for stability and as indicative of the realisation of the socialist rationale of the regime. The People's Local Government Act of 1971 created and regulated provincial and local authority. The powers of the local authorities, though, were quite limited. People's Executive Councils, established at the provincial level, had authority over the Local Councils. The Province Commissioner could suspend decisions taken by these councils.⁷⁰ The central government, in turn, wielded a strong hand over the provincial commissioners, who were "not to represent a local constituency as much as to organise local residents to be 'responsive to the general policy of the Government'."⁷¹ Thus, local government was a mechanism through which the central government could spread its socialist programme. Finally, the Regional Government Act of 1980 divided the Sudan into regions; these regions

⁶⁷ Robert O. Collins, *Shadows in the Grass: Britain in the Southern Sudan, 1918-1956* (New Haven: Yale University Press, 1983).

⁶⁸ Carey Gordon, "The Legal Regime of Public Finance in the Sudan: The Legacy of Nimeiri," *Journal of African Law* 30, no. 1 (Spring 1986).

⁶⁹ Dennis A. Rondinelli, "Administrative Decentralisation and Economic Development: The Sudan's Experiment with Devolution," *The Journal of Modern African Studies* 19, no. 4 (December 1981).

⁷⁰ Gordon, "The Legal Regime of Public Finance in the Sudan: The Legacy of Nimeiri."

⁷¹ "The People's Local Government Act," 1971, ch. III, sec. 6 (I), quoted in Dennis A. Rondinelli, "Administrative Decentralisation and Economic Development: The Sudan's Experiment with Devolution," *The Journal of Modern African Studies* 19, no. 4 (December 1981), 602.

only had limited powers. The regional governments were only given the authority that the central government delegated to them. Further, the legislation was unclear on the division of power, on which government level was responsible for what. The national government had the ultimate authority.⁷²

All of this legislation left a complicated legacy with regards to the devolution of political authority in the Sudan. Previous governments, from the British onward, had declared that they were committed to developing local government. In most cases this was a means to overcome the challenges of a lack of resources and the inability of the central government to exercise control over such a vast territory. In reality, the central authority was always careful not to give up its absolute authority; true decentralisation lacked political will. The local governments were not meant to put power into the hands of the people. While the Local Government Act of 2009 was created with that very concept in mind, the legacy of a strong central government was difficult to overcome. A further issue for the Southern government was that the comprehensive development of local and provincial government never took hold in the South. While GoSS officials had chosen this method of governance, the experience level was quite low.

In the South a number of administrative and resource challenges prevented the British from establishing the same sort of control that it had in the North. An educated, indigenous civil service did not begin to develop in earnest until much later than in the North; the British relied entirely on a system of indirect rule through traditional authority leaders such as tribal chiefs and kings. The administrative challenges during the interim period were reminiscent of the ones the British faced. The British colonialists' rationale for setting up an administrative structure in this area also differed from the North. The people of Southern Sudan were seen as 'wild', 'turbulent' and resistant to outside authority, according to Collins and Herzog. They were primarily this way because of feuds over women and cattle; the unchecked powers of chiefs were also seen negatively by the British. British interest in governing Southern Sudan was not economic as it was in the North. Instead, the

⁷² Gordon, "The Legal Regime of Public Finance in the Sudan: The Legacy of Nimeiri."

British saw their mission there as ending inhumane practices, such as slavery, and bringing peace to the area. From this perspective, the British were not successful.⁷³

The relationship between the British and the Southern tribes was often contentious. From an administrative viewpoint, it has been described as a “crude military operation.”⁷⁴ The British had few soldiers and civil servants in the South. The British were very much at the mercy of the distrustful Southerners, who could not quite grasp the concept of governance beyond their own tribal traditions. The tribesmen desired a personal relationship with the local administrators as these officials were, in their minds, the government themselves:

In most cases the attitude of the tribes towards the government depended on the personal relationship between the District Commissioner and the tribesmen. To the peoples of the Southern Sudan the local administrative official was the government. Certainly the success or failure of the administration rested on the need for personal affirmations of rule and friendship on the part of the government officers.⁷⁵

Often, the local administrators had to accept that the chiefs ruled according to their own tribal customs.⁷⁶ The experiences of the British are helpful in understanding how the Southern Sudanese, whose society and conceptualisation of ‘the political’ had remained the same over the subsequent decades, identified with the rule of ‘government’. The desire for a personal connection to local administrative staff revealed that the government gained legitimacy not through the actions of the distant, unseen administration. Instead, the personal connection was what conveyed legitimacy. The inability of the British to overcome these tribal problems left a poor legacy for the development of local government since “[t]he system of native administration, inherited from British colonial rule, had given religious, tribal, and influential family elites substantial control over local affairs... The powers of provincial and local governments were undermined by central ministries.”⁷⁷

Further attempts at administration had also failed in the South. While acts regarding local and provincial governments were being passed by successive governments in Khartoum, war in the South prevented any establishment of governance outside of the major

⁷³ Richard Herzog and Robert O. Collins, "Early British Administration in the Southern Sudan," *The Journal of African History* 2, no. 1 (1961).

⁷⁴ John Howell, "Politics in the Southern Sudan," *African Affairs* 72, no. 287 (April 1973), 163.

⁷⁵ Herzog and Collins, "Early British Administration in the Southern Sudan," 124.

⁷⁶ 'Report on Yambio District, Dec., 1910', Mongalla, 1/5/32, quoted in *Ibid.*, 128.

⁷⁷ Rondinelli, "Administrative Decentralisation and Economic Development: The Sudan's Experiment with Devolution," 599.

towns controlled by the government. The only real chance that the South had of self-rule was in 1972, when the Southern Provinces Regional Self-Government Act was passed. It gave the South a certain degree of autonomy and established a Provisional High Executive Council in Juba. However, a shortage of resources and administrators impeded the new government. By October 1973, two-thirds of the regional ministerial posts were vacant. In the ministries, only 18-25% of technical posts were filled.⁷⁸ Northern interference in the Southern government finally led to its failure.

After this the South fell into warfare again, impeding the development of government beyond the garrison towns and what little civilian administration the SPLM developed. This thesis has established that the SPLM did not prioritise civilian administration over military affairs.⁷⁹ Those interviewed for this thesis were generally unable to recall SPLA attempts to establish local administrative structures; the only SPLA representatives in their area were either military commanders or agents of the SRRA. The National Convention, held in 1994, did attempt to introduce reforms with regard to this issue; actual implementation was not forthcoming, though. The establishment of the Civil Authority of New Sudan was, according to Rolandsen, hindered by the authoritarian manners of Garang, a lack of communications, a lack of resources and a shortage of educated personnel.⁸⁰ So, this central administrative structure was isolated from the local levels, where SPLM commanders were in charge of controlling or administrating the civilians living in rebel-held territories.

The 1994 SPLM National Convention called for the development of local structures separate from military authority which would include the local populations in decision-making processes through local political bodies. Two years after this convention, the SPLM held a conference that defined the role of the “Created Authority of New Sudan.” In his opening remarks at this conference, Garang stated that

The most important task and challenge facing the Movement today is the establishment of an effective, democratic, participatory and accountable civil authority, the central purpose of which is empowerment of the civil population to become productive and the driving force of our struggle.⁸¹

⁷⁸ Kasfir, "Southern Sudanese Politics since the Addis Ababa Agreement."

⁷⁹ See Chapter 2.

⁸⁰ Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990's*.

⁸¹ John Garang, quoted in "The Local Government Framework for Southern Sudan," Local Government Board, Juba, 9.

Since no legal structures were actually produced at this conference, however, formal structures were never implemented.

While Rolandsen does recognise that reform happened at different paces depending on the local situation, the lack of rigid oversight from a centralised structure was actually beneficial in some areas. He writes that this “might have encouraged local adaptations and a more pragmatic approach, which again made implementation more feasible and the system more viable.”⁸² Most areas that did house SPLM officials and soldiers were home to a rebel commander that controlled both civilian and military affairs. The effectiveness of the commander’s administrative achievements was entirely dependent on his own governing style. For example, in Lohutok the SPLM commander who had established himself in the village kept soldiers were stationed just outside the town. While the local civilians did come to him if there was a quarrel within the village, there was not any formal structure to either administer the area or deal with issues arising from internal or external problems. If problems did exist there was normally a meeting or consultation between this particular commander, village chiefs and elders, and other prominent men in the community.⁸³

ii. Local Government Act, 2009

Although Southern Sudan has never experienced the successful implementation of local governance beyond tribal structure, the SPLM maintained that it would be committed to the creation of a system of governance based on devolution of political authority. This system was the type that government officials hoped the populace would see as being legitimate; this would be a result of its proximate location to the citizens. From a theoretical perspective, decentralisation is key to understanding legitimacy in a place like Southern Sudan. Anthropological studies and reports from British administrators show that the Southern people needed to experience a personal connection to authority figures. The Southern Sudanese understood political authority as something that is tangible, not unseen. They desired a personal connection or relationship with political leaders similar to the ones they had with the traditional leaders. This relationship enhanced the reputation of the government. This was the legacy of the tribal system, which involved consultations with the

⁸² Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990's*, 158.

⁸³ Researcher interview, Lopit male, October 2004, Lohutok, Eastern Equatoria State.

local population. People needed to *see* the government in action. Interviewees constantly questioned: What is the government doing for me? Most Southern Sudanese related to the concept of local government; this was their connection to a central administrative structure that was both foreign and distant. If able to speak to government officials, give them their input, voice their concerns, and be involved in the governance process, then this enhanced the image and legitimacy of the government.

The GoSS set up a presidential advisor body with ministerial functions, the Local Government Board, to ensure that this objective be met. It appeared that the government understood the necessity of community participation in governance. The main rationale for the government, according to the Local Government Board, was that: “[t]he people of Southern Sudan demand self rule for self governance. This requires the devolution of authority to a level of government closest to the people.”⁸⁴ It was also assumed that local government would ease the administrative challenges in the post-conflict environment. The Local Government Board recognised that there were two systems operating at the community level in Southern Sudan: statutory and traditional. It was the intended goal that local government would incorporate the traditional authorities and their mechanisms.

The Local Government Act, signed into law in April 2009, was the legislation that set out a clear path for decentralisation and devolution of powers. It set up three levels of local governance, the county, *payam* and *boma*. The purpose of this act was to “encourage the involvement of communities and community based organisations in local governance and promote dialogue among them on matters of local interest”⁸⁵ In achieving this, the Act set up the preconditions for the formation of Local Government Councils which would be autonomous entities based on the principles of decentralisation, democracy and devolution of power and authority. As this was the level of government closest to the people, the Act described the Local Government Councils as “community government.”⁸⁶

The question of the role of traditional authority leaders, kings, chiefs and elders was also addressed in the Local Government Act. As the British experience showed, any imposed political structure had to bargain with the already institutionalised tribal system. The traditional leaders, although weakened during the war, were still the most respected

⁸⁴ “Framework for Local Government in Southern Sudan,” Local Government Board, 2008, Juba, 5.

⁸⁵ “Local Government Act”, II, 12 (2), 2009.

⁸⁶ “Local Government Act,” II 6 (1-2), 2009.

authority figures throughout much of the South. In addition to that, most Southern Sudanese lived under a system of customary law; while the chiefs were not so much political head figures they were the ones who administered justice and kept order. The Local Government Act endeavoured to incorporate this tradition into the newly emerging political institutions.⁸⁷ The Act stated that the traditional authorities, many of whom were elected by their communities, would be semi-autonomous authorities who would continue to administer customary law. They would also perform administrative functions at the *boma* level. The state ministries of Local Government and the state judiciaries would cooperate with the chiefs and kings to ensure that traditional authority would be incorporated into the emerging judicial system.⁸⁸ Chiefs were expected to be involved at all levels of local governance, as there was a corresponding hierarchy, and to be paid by the government for their services.⁸⁹ The sub-chiefs and executive chiefs were part of the *boma* administration. At the *payam* level, there was the head chief. Finally, at the county level there was a paramount chief. During the first years of the interim period, however, the chiefs and kings often represented the only authority figure at the *boma* and *payam* level. For many, they symbolised the only sort of governance institutions that existed. State and county officials admitted that they employ chiefs to pass messages to communities in their jurisdiction rather than send government workers to the *bomas*.⁹⁰ The role of the traditional leaders in the newly formed government and the possibility that they filled a gap which formed between the government and the populace is discussed in chapter 6. While their role was of importance, they were meant to aid the government in the development of governance rather than be the only form of political authority in the *payams* and *bomas*. The delay in the development of local government hampered the development of governmental legitimacy at the local level.

⁸⁷ It should be noted that while customary law and traditions were allowed to influence local government, the Act stated that religious beliefs would not be permitted to be used as a source of legislation. One might question, however, what the exact difference is in a region where the majority of the populace are considered to adhere to traditional beliefs.

⁸⁸ Researcher interview, Judge, Constitutional Court, 17 March, 2009, Khartoum.

⁸⁹ Researcher interview, Director-General, Ministry of Local Government, Eastern Equatoria State, 9 April, 2009, Torit.

⁹⁰ Researcher interview, Torit County Commissioner, 14 April, 2009, Torit; Researcher interview, Deputy-Governor, Western Bahr El Ghazal State, 2 July, 2008, Wau; Researcher interview, Deputy-Governor, Jonglei State, 8 August, 2008, Bor.

iii. Shortcomings of Local Government Implementation

This thesis contends that the development of an effective and inclusive local government was the key to the legitimacy of the Government of Southern Sudan. This concept, however, was massively underestimated by government and SPLM officials. Although documents show an understanding of the importance of community mobilisation, by 2010 local government was still stagnant. In most areas the traditional system was the only one in place and visits by government officials were rare. Of course, developing a comprehensive system of governance was a massive administrative task and strain on resources. Certainly, GoSS and SPLM officials understood the challenges this assignment required. Yet, even passing the legislation for decentralisation was delayed considerably, which put into question the extent of commitment to this political project.

Offices were established at the country level but there was not any effort to do so at the *payam* or *boma* levels. The idea that the local government would be of the people and for the people was limited by the county commissioners' absolute authority in the counties. In Akobo County, for example, the Commissioner was appointed rather than elected. While the local County Council was meant to be made up of representatives chosen by the people, they were in fact chosen by the chiefs. The Commissioner's bias also came into question. In addition to being the head of the County Council and Chairman of the County, he was also the Chairman of the local SPLM chapter.⁹¹

One issue of contention made by state and local government officials was that the central government had not followed through on its promises. This revealed a clear lack in the commitment to the decentralisation project. Edward Thomas writes, "[n]ew financial allocations to states were meant to reverse decades of neglect [but]... financial allocations (which lack transparency) appear to be used to support current expenditure- salaries in towns, rather than services and development projects in the countryside."⁹² From the perspective of the government, the lack of funding, resources and qualified staff were to blame. While the price of oil fluctuated significantly from 2006 to 2009, the GoSS was receiving anywhere from \$50-800 million a month in oil revenues alone; this provided

⁹¹ Researcher interview, county official, Akobo County, 10 June, 2008, Akobo.

⁹² Edward Thomas, "Decisions and Deadlines: A Critical Year for Sudan," (London: Royal Institute of International Affairs, 2010), 11.

around 98% of the government's budget. In October 2008, for example, the GoSS received \$234.42 million in direct revenue.⁹³ This was down from the \$800 million, more or less, that the Southern government received in 2006.⁹⁴ The 2009 international financial crisis weakened the price of oil, which meant that the government was receiving considerably less for its budget than before. According to the UN, the GoSS collected \$364.86 million in oil revenues from January to June, 2009.⁹⁵ Still, considering these vast sums, many began asking why so little money was leaving the GoSS. Most state and county government officials complained that the money remained in Juba; it was suppose to reach the state governments at the very least. Chiefs said the local government was failing them while the county governments blamed the state governments. The state governments in turn blamed the GoSS.

Chiefs interviewed for this thesis constantly questioned where the government was and why it was failing time and time again to include community consultations into the decision-making processes. This was stipulated by the Local Government Act. Decisions were being made by the state governments that affected the *bomas* and they were not predicated on local requirements. One chief said that there was the problem of the government not listening to his community. When NGOs consulted the state government, the state governments told them where to go; these organisations never contacted the chiefs or communities themselves. One chief wondered how the needs of his community could be met if no one was asking his what they were.⁹⁶ In Lohutok, the government failed to consult the community before it put in a bore hole.⁹⁷ The government dictated the location while it never asked the community where they needed it. As a result the bore hole over a mile outside of the village, far away from the community.⁹⁸

At the county level, the governments were paralysed because the state governments insisted on being involved in county affairs. For example, the Torit County Commissioner had many complaints about the state's activities. He said that while the county government was meant to be an independent body the state had taken over its responsibilities in the areas

⁹³ "Sudan Oil Revenue for October Surpasses \$600 Million," *Sudan Tribune*, 3 December, 2008.

⁹⁴ "South Sudan Oil Revenue Rises to \$865 Mln," *Sudan Tribune*, 3 November, 2006.

⁹⁵ "Report of the Secretary-General on the United Nations Mission in the Sudan," (United Nations Security Council, October 21, 2009).

⁹⁶ Researcher interview, Head Chief, Torit Payam, Eastern Equatoria State, 29 April, 2009, Torit.

⁹⁷ Water well.

⁹⁸ Researcher interview, Executive Chief, Lohutok, Eastern Equatoria State, 15 April, 2009, Lohutok.

of primary education and healthcare provision. Further, the state government had taken over other powers of the county, including taking 70% of local taxes and distributing land without consulting the Commissioner. Thus, the county government was left crippled, never having the financial resources to develop a budget.⁹⁹

The state governments, for their part, blamed Juba for the lack of development in governance. The primary complaint was that the money was staying in Juba.¹⁰⁰ The states had county commissioners in place, but they were completely ineffective and weak due to the lack of funds. While Juba sent money to the state governments, this was not enough to cover their own budgets or pay state administrators. In Jonglei State, the largest and one of the poorest, the lump sum sent to the state government by Juba could not even cover the functioning of the state ministries.¹⁰¹ The lack of funds obstructed local government development significantly. In order for these governments to be successful not only did they need office equipment and staff, but they required an effective system of communication. According to an official at the Ministry of Local Government in Eastern Equatoria State, the county governments would not flourish until they installed radios, built feeder roads, and connected the *bomas* to the main roads.¹⁰² While the GoSS previously controlled the state ministries, state officials saw the recent Local Government Act as ushering in a period of decentralisation. Without funds though, the states could not take up their responsibilities.¹⁰³

Aside from the issue of funds, government officials in Juba seemed more than willing to get involved in state-level and even county-level issues. According to one Local Government minister, the GoSS had taken away all the powers and the states were starving. Centralisation, contrary to the promise of decentralisation, was impeding development and draining manpower from the states because the only jobs were in Juba.¹⁰⁴ Officials complained that the central government was bypassing the states and counties and directly

⁹⁹ Researcher interview, Torit County Commissioner, 14 April, 2009, Torit.

¹⁰⁰ Researcher interview, Deputy-Governor, Western Bahr El Ghazal State, 2 July, 2008, Wau.

¹⁰¹ Researcher interview, Deputy-Governor and Minister of Local Government, Jonglei State, 8 August, 2008, Bor.

¹⁰² Researcher interview, Director-General, Ministry of Local Government, Eastern Equatoria State, 9 April, 2009, Torit.

¹⁰³ Researcher interview, Minister of Gender, Social Welfare and Religious Affairs, Eastern Equatoria State, 9 April, 2009, Torit.

¹⁰⁴ Researcher interview, Deputy-Governor and Minister of Local Government, Jonglei State, 8 August, 2008, Bor.

taking control of schools and hospitals; this was not part of its responsibilities according to the Interim Constitution and the CPA.

The Ministry of Gender, Social Welfare and Religious Affairs provided a particularly noteworthy example of this. Interestingly enough, the ministry directly interacted with members of the community. This ministry was in charge of aiding the disabled, blind, amputees, orphans and others in dire need. Once a week the minister's office in Juba was open to take claims from these individuals. Instead of going to the state ministry, people travelled directly to Juba. Once the minister approved the claim, social workers in the Social Welfare Department took care of the cases. If an individual required a large amount of monetary assistance then this claim was taken all the way up to the Council of Ministers. While this was certainly a positive step in addressing the needs of the community and even gave them a sense that the government was working directly for them, the process was terribly inefficient. Dealing individually with people on a case-by-case basis was very costly and many in need, who could not go directly to the ministry, failed to receive much needed assistance. Certainly, this job should have been the responsibility of the county, or even state governments.

Chain-of-command was also a problem in the Southern Sudan Police Services (SSPS). Under the CPA, the SSPS was created as a security force under civilian administration, not the army's. At the same time, the army (the SPLA) was meant to be ultimately subject to the authority of the GoSS. However, throughout most of the interim period the police force was not able to administer its job properly and the central government was not in control of the SPLA. As a result of these factors, the SSPS turned to the SPLA to do its job. According to Human Rights Watch, "the SPLA does not have the legal authority to fulfil these functions unless directed by civilian government officials. However, GoSS has not demonstrated to ensure civilian oversight of law enforcement operations conducted by military."¹⁰⁵ There was a blurring of lines over which government branch should be in control of policing and security. Where security should have been a county issue, the army would get involved. Yet, the army was not subject to the control of the county or state governments.

¹⁰⁵ "There Is No Protection': Insecurity and Human Rights in Southern Sudan," (New York: Human Rights Watch, 2009), 22.

A final example of GoSS interference in state and county affairs can be seen in a cabinet reshuffle enacted by Salva Kiir in June 2009. Aside from changing many of the GoSS ministers, Kiir was directly involved in sacking state- and even county-level officials, which went beyond the authority of his office. This angered one particular community in Longechuk County which was disappointed at not being consulted. They petitioned the president, who rescinded the appointment.¹⁰⁶ Later that month, Kiir once again reshuffled state cabinets and parliaments in Warrap and Eastern Equatoria States. He also relieved a number of county commissioners of their positions.¹⁰⁷

All of these complaints and actions by the government in Juba indicated the development of a centralised state even though there was a supposed commitment to decentralisation. This followed the historical trend discussed at the beginning of this section. There was a lack of political will on part of the Southern politicians to adequately institutionalise the decreed system of governance. Kasfir describes how institutionalisation will only take place when “members of a polity value a political structure sufficiently to respect a decision adverse to their own interests.”¹⁰⁸ In Juba, however, there was a lack of altruism. There was also an internal debate going on within the government as to what type of system would be the most effective. While the government had committed to decentralisation in the Interim Constitution, the Local Government Act and its rhetoric, officials still questioned its necessity. Arguments were made for both strong local government and a consolidated central government in Juba, according to a joint report by the World Bank and the GoSS.¹⁰⁹ On the one hand, local government at the county level was linked to the vision of the SPLM. “The view is that of counties as effective instruments for service delivery closely linked to communities. The role of counties has been central to the SPLM thinking on governance.”¹¹⁰ However, many believed that the strength of states and the central government was indispensable to the SPLM’s vision. The thinking was that the

¹⁰⁶ James Gatdet Dak, "Salva Kiir Withdraws a Presidential Decree on Appointment," *Sudan Tribune*, 9 June, 2009.

¹⁰⁷ Isaac Vuni, "South Sudan's Kiir Reshuffles Cabinet, Parliament of Warrap and E. Equatoria," *Sudan Tribune*, 28 June, 2009.

¹⁰⁸ Kasfir, "Southern Sudanese Politics since the Addis Ababa Agreement," 165.

¹⁰⁹ World Bank and Government of Southern Sudan, "Making Decentralization Work," in *Strategic Options Paper No. 1* (February 2008).

¹¹⁰ World Bank and Government of Southern Sudan, "Making Decentralization Work," in *Strategic Options Paper No. 1* (February 2008). 2.

GOSS would prefer a stronger hand in developing its political, security and development agendas. While this debate had yet to be resolved during the interim period, the outcome of promoting a decentralisation vision in rhetoric while keeping the debilitated central government involved in local issues only added damage to the image of the government. Both institutional and eudaemonic legitimacy faltered as a result.

III. Conclusion

While the CPA presented the most promising hope for a stable Southern Sudan, its actual implementation was problematic. Many government officials interviewed for this thesis said time and time again that they were doing the best job possible given the circumstances; they had basically created a government from scratch.¹¹¹ There have been, however, honest assessments of the government's shortcomings in addition to its successes. In 2008, the GoSS issued a report outlining the progress and limitations that the government had experienced. It based its evaluations on the guidelines set out in the document "A Framework for Sustained Peace, Development and Poverty Eradication." This framework was written by the Joint Assessment Mission (JAM), comprised of the World Bank and the UN, with guidance from the GoSS and the SPLM, in March 2005. Its aims were to develop targets for Southern Sudan based on the results of a year-long assessment of the recovery and development needs of the South. In its progress report, the GoSS cited a severe shortfall, \$901 million, in the projected revenue as affecting its ability to fund projects. The report continues,

These factors must be taken into account when comparing actual progress against the expectations contained in the JAM. Generally, the planning and institution-building targets in the JAM have largely been met. Progress has been slower against some of the targets for programme implementation. This is a reflection of the factors cited above- the need to establish institutions that can deliver these programmes, and funding shortfalls. But while progress may have not consistently lived up to the high expectations in the JAM, this report shows that much has been achieved and the Government of Southern Sudan and its donor partners have much to be proud of.¹¹²

¹¹¹ This common comment was slightly overstretched; the North had government administrations in the garrison towns and Juba.

¹¹² "Progress in Southern Sudan: An assessment of progress since 2005 against the Joint Assessment Mission report," Ministry of Finance and Economic Planning, GoSS, 2008, 5.

The GoSS's general assessment of progress as of 2008 was that the government had made strides in most benchmarks concerning policy creation, though there was still a fair amount of progress to be had in its realisation. In public administration, while ministries and commissions had been established, the judicial and parliamentary oversight of these institutions was weak. There was progress in public financial management capabilities; accountability, though, was hampered by budget problems and corruption. As for economic functions, the development of local industry was yet to be attained. The report also cites improvements in the education and health systems. Primary school enrolment was rising and vaccines and drugs were reaching more remote areas. There was still a lack of payroll for health workers and teachers as well as delayed construction of hospitals and schools. The report also acknowledged deficiencies in infrastructure development. Perhaps the greatest advance was in the realm of security. According to this report,

Creating a secure environment is a prerequisite to achieving many other priorities. Progress in this sector has been one of GoSS's most important achievements. All armed forces targets in the JAM were met; a large number of troops from different groups have been integrated and peace has prevailed in most parts of southern Sudan since the signing of the CPA.¹¹³

In addressing the government's shortcomings, the report admitted that there was considerable progress required for these problems to be rectified. Key would be decentralisation and better coordination between the GoSS and the other levels of government.

To be fair, the SPLM faced an insurmountable task in 2005. The SPLM had to develop government in a region that had never been properly governed outside of the major towns. Further, the SPLM was implementing a system of decentralisation in an area that had always been directly ruled by a centralised government in Khartoum; or, indeed, by no government at all. Yet, by the end of 2009 decentralisation was stagnant. The GoSS began replicating the tactics used by the strong, centralised regime in Northern Sudan. For example, the budget mirrored "the centralism of Khartoum, with most money going to the centre and not the states: almost 90% of the salaries and over 67% of the development expenditure were assigned in 2008 to the central government, based in Juba, a capital with well under half a

¹¹³ *Ibid.*, 7.

million inhabitants.”¹¹⁴ This meant that state autonomy could not be achieved until it had economic independence. This was aggravated by the fact that the powers of the central government and the states were not clearly defined through policy.¹¹⁵

The most worrying difficulty challenging the embryonic government was that of security. While the situation appeared promising in 2007 and most of 2008, there was a sharp deterioration in the security situation in 2009. According to a UN report, there were 54 clashes and 316 deaths from July to October, 2009. These were the result of inter-tribal fighting, clashes between SPLA soldiers, LRA¹¹⁶ attacks and general banditry.¹¹⁷ The precondition for establishing an effective system of governance was always ensuring a secure environment. Yet, this was taken as a given by many in the government and when small clashes began to appear they were largely ignored or written off as isolated incidents of banditry. Government officials expected the support of the Southerners following the signing of the CPA to continue unabated. This thesis contends, though, that officials were so overly concerned with North-South issues that they ignored the South-South problems arising during mid- to late-2008. Coupled with financial problems and a general lack of political will, this put the stability of the decentralisation project into question.

As a means to connect the populace to the government, decentralisation has an important effect on legitimacy. A significant portion of the rural, illiterate Southern Sudanese population was not looking for the creation of a representative government but rather for one that could feed and education them. The government needed to act in a paternalistic way to gain legitimacy. This goes back to Christian Lund’s conceptualisation of the convergence of the state and modernity with the traditional social and tribal institutions in Africa.¹¹⁸ The qualities of the latter give legitimacy to the former. Thus, legitimacy does not necessarily come from democracy but rather through the populace being taken care of by the state in a fatherly way. The decentralisation project gave the Southern government the opportunity to

¹¹⁴ Edward Thomas, "Against the Gathering Storm: Securing Sudan’s Comprehensive Peace Agreement," (Chatham House, 2009), 27.

¹¹⁵ Traci D. Cook, "Inter-Governmental Relations in Southern Sudan: Findings from Interviews with Government Officials and Legislatures at the Goss and State Levels," (National Democratic Institute, 30 September, 2008).

¹¹⁶ Lord’s Resistance Army, a rebel movement from Uganda that was active in the south-western part of Southern Sudan.

¹¹⁷ "Report of the Secretary-General on the United Nations Mission in the Sudan."

¹¹⁸ Lund, "Twilight Institutions: Public Authority and Local Politics in Africa."

employ this concept. The local government could have been intimately connected to the populace; local officials knew the needs of the citizens and, largely, how the most basic of needs could have been met. The authoritative hand of the central government precluded this from occurring, though. Local government officials also had a better knowledge of the local restrictions that might arise in the process of government formation and consolidation. As of 2010, however, the centralised government had taken hold of resources and personnel. Few resources left Juba; what did manage to go to the states and counties often times remained under the control of GoSS ministries.

One observes in Southern Sudan a nascent government facing an insurmountable problem with few resources and skilled civil servants. One also sees incompetence, corruption and a lack of political will. This left a tarnished legacy, resulting in shortcomings in administration, security and political consolidation. The structural and institutional constraints of the government impeded its ability to consolidate eudaemonic legitimacy. The next chapter looks at attempts by the GoSS, the SPLM and other political parties to mobilise the population through ideology in the face of these shortcomings. The subsequent chapter also examines public opinion and ideological legitimation, looking to whether or not this new government was able to establish itself as the legitimate representative of the people of Southern Sudan in light of these efforts at mobilisation.

Chapter 5: The Attempt to Establish Ideological Legitimacy and Mobilising the Population, 2005-2010

This chapter investigates the attempts by the Government of Southern Sudan and the SPLM to construct ideological legitimacy and mobilise the Southern populace around that ideology. Chapter 4 observed that the lack of institutional capacity precluded the government and the SPLM from relying on eudaemonic legitimacy; in light of this failure, government and SPLM officials began to rely on ideological constructs as an alternative venue for support. This chapter looks to the attempts made by the Southern government, the SPLM and other political parties at securing popular support through three means of ideological legitimation: identity, civic ideology and revolutionary ideology. The receptiveness of the populace to these efforts is measured through public opinion. The first section examines the efforts made by the central and state governments to amass support. Government officials attempted to develop policies and legislation which adhered to the 'Southern' identity and could thus appeal to the general public. The construction of a certain identity through policies was itself a form of ideological legitimation by the government. However, the very nature of the 'Southern' identity was inconsistent; this lack of consistency is explored through dissimilarities found between the elites and the masses; rural and urban populations; the educated and the illiterate; Muslims and Christians; and those who stayed during the war and the returning refugees. In addition to identity and policy, government officials attempted to mobilise the Southern populace through popular media outlets. Through these, the government hoped to 'introduce' itself to the populace and legitimise its institutions through the development of a civic ideology. However, there were problems in mobilising the population and gaining support through the construction of a civic ideology.

The SPLM attempted to rely on an ideological paradigm, which is reviewed in the second section. The SPLM made efforts to mobilise the population in anticipation of the national elections, held in 2010. The party held its second National Convention, which it claimed was indicative of the democratic outlook of the SPLM, and organised numerous political rallies throughout the South. However, the party found it difficult to legitimise Salva Kiir as the leader of the SPLM. Further, the inability of the party to fully transform

from a rebel movement to a political party hurt its ability to govern the South. Thus, the SPLM continued to rely on a revolutionary ideology to legitimise itself.

The third section looks to the possible alternatives to the SPLM through a discussion of the other Southern political parties' and the NCP's activities in the Southern political sphere. These parties sought to define themselves through political programmes and ideologies. However, as they were underdeveloped and underfunded, they were not able to provide a reasonable substitute to the SPLM. Public opinion in the South as reflected in the researcher's open-ended interviews is referred to throughout this chapter to assess the effectiveness of the construction of ideologies.

I. Government Policy Development, Interaction with the Populace and Civic Ideology

a. Southern Sudanese Identity and Government Policy Formation

The Government of Southern Sudan had to develop policies, legislation and programmes which respected and represented the identity of the Southern Sudanese. Identity can be used as an ideological construct. If it is a contested concept, as it is in Southern Sudan, then identity is something around which people rally; thus, it becomes a form of ideology itself. If the government can relate to the populace's identity through utilising its policies then this helps to connect it to the local communities and gain citizen loyalty. If the government passes legislation and implements policies which do not accommodate identity or traditions, then the populace will see the government as a distant, foreign entity. However, there were many inconsistencies in policy development which mirrored the reality of a lack of a single, consistent Southern Sudanese identity. The result was conflicting narratives presented by the government, some which appeared to favour one group over another and which further disrupted the government's ability to establish political authority.

Identity is a sensitive subject in Sudan. A crisis of identity was seen by many as the primary catalyst for insecurity throughout the country and the defining difference between the North and the South.¹ For the country as a whole, Jok maintains:

...the Sudanese remain divided on the issue of what the country's cultural outlook, its racial self-perception, its system of government, the citizen's loyalty to their ethnicity or region versus loyalty to the state, and above all, whether ethnic, racial, and religious diversity is to be embraced as a source of strength or to be attacked and eliminated as a source of weakness.²

Identity in the South during the interim period was just as contested. There was no clear-cut way to describe the people who were collectively understood as 'Southern Sudanese'; people's own self-identification was itself an organic, shifting perception.

Traditionally, Southerners identified themselves along a number of fault lines which were situated along geographical, racial, religious and tribal boundaries. Even these social confines were fluid, though. At the highest level, Southerners tended to categorise themselves along the North-South divide as they had during the war. Deng writes that the Southern identity is one based on resistance; it developed in response to confrontation against an internal colonialism.³ This is a basic understanding that merely scratches the surface, black as opposed to Arab, the oppressed defining themselves in response to the oppressors, or the 'Other'. Yet, along the North-South border even these African-Arab lines were blurred by intermarriage and comingling. Another basic form of identification was Christian or pagan as opposed to Muslim; Islam was seen as an oppressive religion from the North. Even here, though, Southerners could not really identify themselves as completely non-Muslim. There were mosques in all major towns and Islam was observably prevalent in places like Wau. A more microscopic view of identity was found in the tribal nature of the region. While people identified themselves as 'Southern Sudanese' outside of Sudan, within the South people tended to characterise themselves along tribal lines. Even those who were born in and grew up in Juba would still identify themselves as Dinka, Nuer, or Azande. The clan divide was also sharp. The Dinka alone have thirteen sub-groups who fight each other for resources and political power.

¹ See, for example, Francis Mading Deng, "War of Visions for the Nation," in *Sudan: State and Society in Crisis*, ed. John O. Voll (Bloomington: Indiana University Press, 1991); Lesch, *The Sudan: Contested National Identities*; Kalpakian, "War over Identity: The Case of Sudan."

² Jok, *Sudan: Race, Religion and Violence*, 275.

³ Deng, "War of Visions for the Nation."

The war created two new sources of identification. First, there was a clear distinction between those who stayed in the South and those who fled to Khartoum or neighbouring countries during the war. The refugees, later returnees, were looked upon with certain disdain by those who endured the war since they had fled the hardships. Conversely, a majority of the returnees saw themselves as superior since they were often more educated, which is a sign of status in Southern Sudan. Second, there was a divide between those who fought for the SPLM and those who did not. These sub-levels of identity began to cause friction during the interim period.

There was also a dichotomy between the rural population and the political elites; government leaders were not able to relate to the experiences of the local communities and as a result the legislation passed in Juba did not mirror the realities in the rural areas. Writing about the Southern political elite in 1973, John Howell notes the vast difference between them and the 'common man':

Even those who have been bitterly divided over policy still constitute a class distinct from the ordinary Southern people. English-speaking, mission-educated, enthusing in contemporary political sophistry, they are demonstrably different from the great majority, largely animist, speaking pidgin-Arabic, whose most sophisticated talk revolves around cattle-ownership, bride-wealth, and grazing rights.⁴

Not much changed in the thirty years after Howell wrote this. The war further aggravated the relationship. During the war, there was a conflict between two different sections of the SPLM, mentioned in chapter 2. This conflict was called the 'war of PhDs' since the main rebel and militias leaders, John Garang, Riek Machar, and Lam Akol, all held doctorates. The split in the SPLM was perceived by the civilians as "the war of the educated."⁵ It was seen as a war between elites, not their war at all. Much can be said of the Southern Sudanese interim government. While politicians claimed to have the same identity as their constituents and as able to relate to their experiences, this was certainly not the case. The political leadership had a completely different livelihood as they had lived mostly abroad or in Juba. One woman remarked that when female politicians went to Juba, they became comfortable there and forgot about the problems of the women in the villages.⁶

⁴ Howell, "Politics in the Southern Sudan," 168.

⁵Nuer chief quoted in Jok and Hutchinson, "Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities," 131.

⁶ Researcher interview, Nuer female, 20 June, 2008, Akobo.

The Interim Constitution of Southern Sudan provided the primary roadmap for the formation of the Government of Southern Sudan's policies. Yet this supplied only a very vague direction for the government. It named the sources of identity within the South which would be the basis for policy construction. Theoretically, this document attempted to tackle the problems of multiple sources of identification mentioned above. Yet, the foundation of legislation for the Southern government was not as clearly defined as in the North, which based its legislation on Islamic law. The government in the South, according to the Interim Constitution, was meant to encompass the standards put forward by the constitution, which was drawn up with a modern government in mind. As well, customs, traditions and popular consensus were other areas upon which legislation could be based.⁷ The Interim Constitution stipulates, "[t]he authority of government at all levels in Southern Sudan shall derive from the people and shall be exercised in accordance with their will, this Constitution and the law."⁸ However, the cultural, religious and educational divide between the civilians meant that the vision of the government was continually open for debate and interpretations varied according to identity. While the government in Juba was responsible for creating overarching policies, the state and (theoretically) county governments were tasked with implementing these policies. However, the policies were not always consistent with the identity of the local population.

The dilemmas of developing policies and legislation which were appealing to specific communities are found in both the education policy and in the perceptions of land ownership. The education policy of the government was important not only for lowering the illiteracy rate but also for the legitimacy of the government. Education, according to Barker, is one of the three tactics of legitimation; it is an important vehicle through which the government can promote its identity and agenda.⁹ It also aids the government in reinforcing its ideology during an individual's earliest intellectual development. While not explicitly stated, the Southern government was attempting to distance itself from the Arab, Muslim North. The education policy reflected this, though this was against the constitution. The constitution states that that education should be conducted in both English and Arabic;¹⁰ it

⁷ "The Interim Constitution of Southern Sudan," 2005, ch. I, 5.

⁸ "The Interim Constitution of Southern Sudan," 2005, ch. I, 2 (2).

⁹ Barker, *Political Legitimacy and the State*.

¹⁰ "The Interim Constitution of Southern Sudan," 2005, I, 6 (3-4)

also called for a secular state, one where religion and the state were separate. However, the policy produced in Juba did not adhere to these stipulations. All primary schools taught in the local tribal dialect and English. Arabic was being phased out in the public school system. Even though Arabic was not meant to be discriminated against, the Southern government was trying to “wash Arabic out.”¹¹ This caused considerable confusion for children who spoke only their tribal dialect and Juba Arabic; many adults opposed this policy according to some education officials.¹² Another area of contention was the teaching of Christian Religious Education (CRE). The government’s new curriculum produced by the GoSS in 2008 was, according to one county education director, Christian-based since it provided for a CRE course.¹³ However, many schools later chose to include both Christian and Islamic courses according to student needs so as not to create friction.¹⁴ While CRE was officially part of the curriculum, it faded away so that eventually both Islam and Christianity were taught in some areas. Other aspects of the curriculum, found in textbooks, tended to vilify the North. In an English language book aimed at primary students one of the reading passages was the story of a girl being captured by Arab slave traders and taken to the North. Thus, through the education policy the government was trying to re-develop the populace’s identity into something that cut language and religious ties with the North and shifted the population’s attention southwards towards East Africa. This was not well-received in towns like Wau, where there was a substantial Muslim, Arabic-speaking population.

As to land ownership, there was dissimilarity between the laws based on normative standards and customary law based on traditions. This problem meant that the legislation passed in Juba could not satisfy all of the population. Legislation considered both tradition and modernity but this created confusion. One such example was the introduction of a divorce law; the issue of property ownership provided another. While the constitution called for individual property rights, many Southerners based their insight of this upon cultural traditions or perceptions based on the role of women. Through focus groups conducted by

¹¹ Researcher interview, Director-General, Ministry of Education, Western Bahr El Ghazal State, 8 July, 2008, Wau.

¹² Researcher interview, Director of Secondary Education, Ministry of Education, Eastern Equatoria State, 24 April, 2009, Torit.

¹³ Researcher interview, County Education Deputy Director, Akobo County, 9 June, 2008, Akobo.

¹⁴ Researcher interview, Director-General, Ministry of Education, Western Bahr El Ghazal State, 8 July, 2008, Wau.

the National Democratic Institute,¹⁵ it was found that many people thought land should be owned collectively as a family (which would then be a sub-clan) or by the government because “the community is the government and the community is under the government.”¹⁶ Others believed that land should be owned by a single person. As for women, many people believed a woman’s earnings belonged to her father or husband; her acquisition of land would be invalid under the same edict. Educated women, however, disputed this. Thus, it was not possible to develop legislation which adhered to the beliefs of a broad section of society.

In order for the government to be accepted by the populace its policies and legislation had to be seen as taking into account and incorporating the populace’s identity. While the government institutions were largely ineffective, the officials could still be seen as working for their communities as long as the policies respected the people’s identity. This could have aided in the legitimation of the government. The reality, however, was that there was a disconnect between the various types of identity and the policies of the government. While the role of the Southern politicians was to produce a government that focused on the inclusion of all citizens, this was not the path it was taking. The most worrying consequence of this was that the government being developed in Juba was an entity which was entirely different from and foreign to the majority of the population.

b. Disseminating the Government’s Message

The means by which the Government of Southern Sudan interacted with the populace and disseminated its message, identity, policies and actions was indicative of how the political elites created and sustained a system of political legitimacy. The three tactics of legitimacy cultivation, as identified by Barker, are propaganda, ritual and education.¹⁷ The dilemmas of implementing a consistent education policy have already been discussed; rituals are explained in more detail below in the section on the SPLM’s legitimacy cultivation. Of interest in this section is the means of disseminating propaganda across the South. Propaganda through the media, referring back to the introductory chapter, aids in reinforcing

¹⁵ The National Democratic Institute is a US-based NGO that promotes democracy world-wide.

¹⁶ Male from Ikotos quoted in Traci D. Cook, "A Foundation for Peace: Citizens Thoughts on the Southern Sudan Constitution," (National Democratic Institute for International Affairs), 22.

¹⁷ Barker, *Political Legitimacy and the State*.

a sense of duty, highlights the special qualities of the regime, and reinforces the justice of its cause. The various levels of government in Southern Sudan had to develop mechanisms for delivering the government's ideology to the citizens which enabled "state elites to engage with the population, many of whom have entirely coercive experiences of the state."¹⁸

The Ministry of Information and Broadcasting was the main government body responsible for setting up communications, both media and telecommunications, and was tasked with disseminating the government's messages to the populace. In one particular speech Salva Kiir stressed the importance of developing media for interaction with the populace when he stated, "[g]iven the prevalence of high illiteracy rates in Southern Sudan, emphasis shall be placed primarily on radio and television as the main media for information dissemination."¹⁹ Within the ministry, the government officials perceived their job as telling the populace that *this* government was different from the regime in the North. The ministry's responsibility was to spread this message.²⁰

From the inception of the government, the Ministry of Information and Broadcasting was one of the more successful GoSS ministries, counting among its achievements the creation of a radio station, South Sudan Radio, and a satellite television channel, Southern Sudan Television (SSTV), by the end of 2008. The efforts by the Ministry of Information and Broadcasting were also essential for one of the more immediate challenging operations the government was tasked with, preparing the South for elections. Radio programmes and TV shows reflected this priority in their programming. The radio broadcasts were in English and the local tribal languages; in Jonglei State, for example, the broadcasts were conducted in six tribal languages.²¹ SSTV was on offer locally and internationally through various satellite providers. The programmes were in Arabic and English. They featured numerous shows on news, culture, a women's forum, civic education, 'get to know your leaders', music, business innovation, and interviews with members of the public and the government. Some of the shows allowed people on the street to ask their politicians a question, which was then answered on air. There was a concerted push to develop programming that informed the populace about the CPA, the elections and the meaning of democracy. There

¹⁸ Thomas, "Decisions and Deadlines: A Critical Year for Sudan," 10.

¹⁹ Government statement via *Sudan Tribune*, 11 April, 2006.

²⁰ Researcher interview, Minister of Information and Broadcasting, Government of Southern Sudan, 24 June, 2008, Juba.

²¹ Researcher interview, Jonglei state official, 6 July, 2008, Bor.

were also plans to develop a website that would broadcast SSTV; this would be an effective way to reach the Diaspora worldwide. These mechanisms represented the primary means of government communication with the community. While communication with the populace was theoretically more feasible for the county and local governments, the development of radio programmes and SSTV meant that the state and GoSS levels could disseminate messages, albeit indirectly. Combined with the influx of mobile network operators from neighbouring countries, this was the first time the South had ever had any sort of communications network.

The pace of development of the communications infrastructure varied from town to town; not all of the Southern populace was immediately reached. While the government in Jonglei State delayed in installing a broadcasting station for the state radio and only had one mobile service operator in 2008,²² other towns like Wau, Torit and Juba were quicker to generate a telecommunications infrastructure. The state government in Torit had a local radio station built in 2007 which sent out state and GoSS broadcasts in fourteen local languages and covered three-quarters of the state; by 2009 there were five mobile phone operators in the state.²³ The rate of expansion varied from state to state. Other considerations were whether or not people had access to these communications. Most television sets were found only in towns; there the televisions were in local bars, hotels and (sometimes) NGO offices. Most state government offices lacked televisions, save perhaps the governors' offices. Radios were given out in rural areas through a USAID programme. They were powered by solar panels and winding gear. Still, more marginalised people, primarily women, had their radios confiscated by husbands or brothers as these items were seen as a symbol of prestige. Some aid workers handing them out also reported them being forcefully confiscated at gunpoint by bandits or even tribal leaders and SPLA soldiers.

Aside from the Ministry of Information and Broadcasting, the Ministry of Parliament was also charged with civic education. Along with the British government and Skills for Southern Sudan, an independent NGO, the parliament developed a programme aimed at promoting multi-party democracy and good governance through enhancing potential voters'

²² Researcher interview, Director-General, Ministry of Information and Broadcasting, Jonglei State, 6 July, 2008, Bor.

²³ Researcher interview, Director-General, Ministry of Information and Broadcasting, Eastern Equatoria State, 17 April, 2009, Torit.

understanding of the electoral process. The ministry produced a Voter Education Guide and trained facilitators to disseminate the information in this guide. It provided the voter with basic concepts about democracy, elections and discussed the electoral process. Facilitators travelled to the state governments and trained state officials on how to go to the villages and talk to the local population about the elections and the citizen's responsibility in the electoral process. The objective of this voter education programme, according to the pamphlet, was to "empower Sudanese to use their inherent power to transform their society by electing leaders they want to govern them through informed choices based on programmes that will protect and promote their welfare."²⁴

c. Civic Ideology

Looking at the accomplishments of the GoSS ministries, it is clear that the message the government was looking to disseminate was one based upon a civic ideology. While the government could not lay claim to structural or eudaemonic legitimacy, it began to develop an ideology centred on the *potential* for it to be democratic and on the *promises* of elections. This was a civic ideology. As an institution, the top officials wanted the government to be viewed as democratic even though no officials had been elected. As the main vehicle for reaching the population, these ministries focused considerable effort on issues of civic education. This was in part to convince the populace that the government was committed to a free and fair political society. It was also in preparation for the upcoming nation-wide presidential, parliamentary, state and local elections. The topic of elections was endemic in the daily discourse of the educated class. The educated saw the holding of elections as the most important marker for measuring the commitment of the government to the well-being of the citizenry. For the majority of the Southern Sudanese, however, the concept of electoral responsibility was foreign. If the government was to legitimise itself through a successful electoral process leading to a vibrant democratic system (on the surface, achieving structural legitimacy seems to be its goal), then the 80-90% of the populace which was illiterate needed to understand how to vote and what it meant for them to be able to do so.

²⁴ "The Vote is My Future: A common guide to voter education," Ministry of Parliamentary Affairs, Government of Southern Sudan, Juba, 2009.

In the case of Southern Sudan, the government was looking to develop an ideological legitimacy based around the concept of what was hypothetically being given to the populace: political and civic rights. The elections and political reforms were continually delayed. Thus, the constant barrage of rhetoric on elections, civic education and democracy was part of the construction of an ideology based on what could be, rather than what was. This sort of ideological legitimacy harkened back to the concept of the ‘New Sudan’ ideology. This time, though, the focus was not on the entirety of the country; instead, it was the promise of a ‘New South Sudan’.

d. Public Opinion of the Government

In spite of the attempts by government officials to consolidate legitimacy through ideological constructs, the populace was not receptive. The government was unable to legitimise itself ideologically because of its institutional shortcomings. The populace was displeased with the government over delays in the delivery of services and development as well as the corruption and favouritism practiced by government officials; these factors undermined the attempts by the government to legitimise itself through alternative, ideological means. The lack of the government’s eudaemonic legitimacy prevented the populace from accepting its civic ideology. Firstly, a significant majority of respondents interviewed for this thesis said that three or four years after the signing of the CPA, their lives were exactly the same as they had been before the war ended. This fault was placed squarely on the shoulders of the government, which they felt was not doing any work at all. People said over and over again that they did not see the results of peace. They were upset that the government failed to address their needs through consultation: “We face a lot of problems, but the government does not ask us what they are.”²⁵ In light of this, the failure to provide for the citizens’ needs undermined the government’s civic ideology

The second issue which hurt the credibility of the government was the frustration people voiced over favouritism and corruption; this too weakened the government’s ideological stance. Many believed that civil servants were hired based on tribal affiliation or because they were soldiers with the SPLA. One respondent believed that one of the largest threats facing the government was the problem of Dinka domination in the government since “they

²⁵ Researcher interview, Nuer male, 12 June, 2008, Akobo.

have a spirit of segregation.”²⁶ The favouritism left no jobs for the younger returnees: “A Sudanese youth will study in Nairobi and get an education and then have to drive around a SPLM minister who has no idea what he is doing.”²⁷ For many, they believed that money had changed things; people only gave jobs to their own clan members. One former SPLM soldier said that he no longer liked the government; everyone wanted their cut. The corruption disgusted him so much that he lost interest in politics and could no longer stand to read a newspaper or listen to the radio.²⁸ Thus, while the government officials maintained that they were committed to developing a democratic, inclusive system of governance, the corruption and favouritism prevented this rhetoric from being accepted by the populace.

Thirdly, women were especially displeased with the government over its failure to implement the 25% policy.²⁹ While the door to politics opened for them it was not always easy to participate because of the corrupt practices and favouritism. As well, there were not enough educated women to fill the seats in state- and GoSS- level parliaments and ministries. As such, the 25% quota had not been reached, which angered many women. One respondent reacted to this issue by saying that “[e]ven if the 25% is implemented, is it our choice? The men nominate women, so it is not representative.”³⁰

Fourthly, the returning refugees were especially critical of the government; this group understood the concept of civic ideology better than the populace which had remained in the South during the war. Of the refugees that returned to Southern Sudan, they were nearly unanimous that the situation in the South was unacceptable. They based their opinions upon their own observations from their host countries such as Kenya, Uganda, Ethiopia, Egypt, Britain, Cuba, Canada or the United States. Even those returning from a refugee camp (and the situation in those camps can be considered as squalid) professed a desire to return to the camps. There, the security situation was better. Explaining his preference of the refugee camp he left, a returnee stated that in “the refugee camp at least we were sitting in a quiet place and were protected by the UNHCR”³¹.³² In the camps, there was also food security,

²⁶ Researcher interview, Fertit male refugee, 1 January, 2009, Cairo.

²⁷ Researcher interview, Dinka male returnee, 28 May, 2008, Juba.

²⁸ Researcher interview, former Lotuka soldier, 9 April, 2009, Torit.

²⁹ Women were given 25% of the seats in GoSS and state governmental positions; this was, according to the SPLM, a recognition for all their suffering during the war and contribution to the SPLM’s cause.

³⁰ Researcher interview, Fertit female, 11 July, 2008, Wau.

³¹ United Nations High Commissioner for Refugees.

³² Researcher interview, Nuer male returnee, 12 June, 2008, Akobo.

medical services and schools. In the South these were either non-existent or ineffective. Most importantly, there was no secondary education and no job opportunities which were two things the returning youth needed. One returnee, speaking of the Kakuma refugee camp in Kenya said, “life in Kenya is much better than this.”³³ Finally, many refugees had witnessed the benefits of a democratic system and saw it as a desired outcome for the South. Although the government promised this was its intended goal, this was not always accepted by the returnees.

These criticisms led people to drastically lower their expectations of the government’s abilities while simultaneously voicing their growing criticisms. According to one local NGO worker, people did not know that the government was around, and they were not sure of the government’s role. The government expected things of the populace, the populace of the government. Yet, neither served the other adequately. People would only go to the government for help if they knew that they can get a solution; if not, they did not bother. Expectations were low, he explained.³⁴ In the large towns there was significant discontentment with the government’s ineptitude. Aside from the provision of services, another problem was the pile up of garbage. This, said one interviewee, took open space away from livestock and agriculture upon which many were dependent on for survival.³⁵

Still, some respondents preferred to give the government the benefit of the doubt. While they were displeased with the lack of improvement in their own lives, they saw that the government was so new that it was incapable of being effective without the help of outsiders. According to one respondent: “The South Sudan government is like a baby. It can only crawl. If it wants to walk, it needs to be propped up by someone.”³⁶ Other respondents were forgiving as well. According to one former soldier, “[t]here is a lot of mess, but this is better than nothing.”³⁷

The government attempted to make up for these faults through the development of the civic ideology discussed in the previous section. However, galvanising public support around this type of ideology was difficult in a place where the understanding of civic responsibilities and democracy were so low. In fact, very few people living in rural areas

³³ Researcher interview, Nuer male returnee, 6 June, 2008, Akobo.

³⁴ Researcher interview, Nuer male returnee and NGO employee, 6 June, 2008, Akobo.

³⁵ Researcher interview, Fertit female, 9 July, 2008, Wau.

³⁶ Researcher interview, Nuer male returnee, 9 June, 2008, Akobo.

³⁷ Researcher interview, Nuer male, 12 June, 2008, Akobo.

were concerned with politics. One pastor said of his congregation that few understood the elections or the role of the government. Still, though, they became concerned about the government when they had problems at home. For this reason they needed civic education, so they could understand why these elections were important.³⁸ Educated women, in particular, voiced the need for civic education aimed at women in rural areas. Most women, they maintained, were ignorant about the government and elections. There was a fear that women would vote the way their husband told them to or not vote at all. Yet, according to one community organiser women “will vote when they understand.”³⁹ For the most part, though, people would have preferred to hear from the government “we brought you sorghum”⁴⁰ as opposed to “we brought you elections.”

Thus, there was a great deal of apathy towards the government, based largely around its inability to deliver services and establish a decentralised system of governance. While the government attempted to gain legitimacy through the construction of a civic ideology, this was not well-received by a significant portion of the rural, illiterate populace. Even among many educated people, this was seen as a farce since, while they understood the role of the government, they also knew that the politicians were “in it for themselves” rather than for helping their constituents. Thus, failure to consolidate eudaemonic legitimacy trumped any attempts to promote ideological legitimacy.

II. The SPLM as the Ruling Regime and Its Legitimacy Cultivation

a. The SPLM Leadership Crisis: Salva Kiir’s Failure to Cultivate Personal Legitimacy

When John Garang signed the CPA in January 2005 he was by far the most popular individual in Southern Sudan. Garang’s charisma and ability to ‘win’ the war both furnished him with a considerable amount of personal legitimacy. However, once he died inexplicably in July 2005 the SPLM faced a crisis of leadership. The succession of Salva Kiir to the head of the SPLM following the death of Garang was important for three reasons: it enabled a

³⁸ Researcher interview, AIC pastor, 12 May, 2009, Torit.

³⁹ Researcher interview, Lotuka female and head of women’s association, 21 April, 2009, Torit.

⁴⁰ Sorghum is the main grain staple in Southern Sudan.

reconciliation of the SPLA with OAGs; it left the SPLM with a leader who lacked the charisma of Garang; and it was detrimental to the SPLM's standing in Northern Sudan. These issues revolved around Kiir's personality and lack of political experience. Firstly, Kiir was not the authoritarian figure that Garang was; he was even critical of Garang's leadership style during the war. In an SPLM meeting in Rumbek shortly before the CPA was signed Kiir remarked, "[t]here is no code of conduct to guide the movement's structures. When the chairman [Garang] leaves for abroad, no directives are left and no one is left to act on his behalf. I don't know with whom the movement is left; or does he carry it in his own briefcase?"⁴¹ Kiir did not appear to have the same ruling techniques as Garang. He was open to accepting criticism, had fewer personal enemies and was more willing to reconcile with the SPLM's enemies in the South. In terms of SPLM's relationship with other armed groups in the South, Kiir enabled reconciliation whereas Garang refused. This led to the Juba Declaration, which made the Southern region more secure. Kiir was also willing to admit mistakes. At a chiefs conference in 2009 he publicly admitted that the SPLM mistreated many chiefs during the war. He then addressed the chiefs and traditional leaders, telling them, "I apologise to you on my own behalf as leader, and on behalf of the SPLA and on behalf of our Movement for all those bad things we did to you."⁴² Yet, while Kiir's personality was suited for ending political disputes or placating militia leaders, it did not lend itself to galvanise popular support the way Garang's charisma did. Kiir was intelligent and thoughtful, but was not a politician.

Secondly, Kiir had to present himself as an acceptable leader to the Southern populace; this was difficult for him to accomplish. Kiir was known and admired for his abilities as a military commander, not as a politician. According to a UNMIS official, Kiir

found himself in a position he had never expected... he was a commander, not a politician. And his is usually very quick to say that. Most times you meet him he says, look, he says 'because I am not a politician, I'm a soldier. That gives me the chance to say the truth. Politicians, usually they don't say the truth. But me, I tell the truth.' And then he tells the truth.⁴³

⁴¹ Jacob J. Akol, "Kiir's Humility Secured the January Peace Deal," *East Africa*, 23 August, 2005.

⁴² "Keynote Speech of H.E. Gen. Salva Kiir," Southern Sudan Kings, Chiefs and Traditional Leaders Conference, 15 May, Bentiu.

⁴³ Researcher interview, Senior Political Affairs Officer, UNMIS, 9 June, 2009, Juba.



Figure 3

While his personality enabled reconciliation, he was lacking in the area of experienced political leadership. In terms of charisma and personality, he was not able to fill the void left by Garang. Unlike Garang, Salva Kiir could not connect with the populace on the same level, which was essential through the turbulent interim period. Thus, the SPLM had to somehow ensure his legitimacy as a leader. At the 2nd SPLM National Convention all the posters depicting Kiir also had pictures of Garang in the background (see Figure 3). These posters, along with banners, were placed all around Juba and other Southern towns. Rarely was Kiir's face on a poster or banner alone. Kiir needed the memory of Garang and visible link to Garang to legitimise his own rule. In his speeches, Kiir evoked the memory of Garang, calling him the "Martyr of all Martyrs."⁴⁴

Another problem for Kiir was that there seemed to be almost a cult being developed around the persona of Garang following his death. Still, Kiir was the sole survivor of the original founders of the SPLM and was the head of the SPLA, the most important institution in the South. Thus, Kiir controlled the army and derived a revolutionary or ideological legitimacy from his past as a commander. Yet, this was not always enough to present himself and the SPLM as the acceptable leaders of the South.

The third consequence that Kiir's assumption of power had was on the relationship between the North and the South. Kiir's problem was that he was not Garang. He did not enjoy the kind of support that Garang had in the North; upon taking office Kiir was a relatively unknown figure in the North. Garang was well respected by many Northerners who admired his aims and his charisma as well as his sincere commitment to unity. Garang said shortly before his death that "voluntary unity will be established through the right of self-determination."⁴⁵ Northerners viewed Kiir with suspicion as he was widely believed to be a separatist. In trying to reach out to the Northerners, Kiir continually maintained he was for the unity of the country. However, this facade broke down in late 2009 when Kiir told a church congregation in Juba that "[w]hen you reach your ballot boxes the choice is yours:

⁴⁴ "3rd Anniversary of the Martyr's Day Speech," 30 July, 2008, Juba.

⁴⁵ "Sudanese Leaders Hint on Why Unity Is Attractive," *Panafrican News Agency*, September 4, 2005.

you want to vote for unity so that you become a second class citizen...If you want to vote for independence so that you are a free person in your independent state that is your choice.”⁴⁶ For many in the South ‘making unity attractive’ would be achieved only by the election of Garang as Sudanese president, which many Southerners saw as realistically feasible. This seemed to have been the only precondition for staying with the North, having a Southerner as president. Upon Garang’s death, the goal of unity died too. Among those interviewed for this thesis, there was a near unanimous support for the separation of the South. Some respondents said that they would have supported unity if Garang were alive; after he died, though, they could not trust the Arabs.⁴⁷ Still, a few respondents voiced concerns about tribalism and the ability of the GoSS and the SPLM to govern the country. One respondent said that if the South were to become free, he would be worried that the GoSS would become a Dinka-dominated government.⁴⁸ Though the SPLM continued to maintain this official line of preferring unity to independence, it was clear that unless another Southerner could be elected as president then this would not be the favoured choice.

Thirdly, Kiir was not as strong as Garang within the context of the relationship between the NCP and the SPLM. In the South, many did not feel that he could stand up adequately against the NCP. Southerners thought that the Arabs in the North were willing to work with Garang; not so with Kiir. He had to work effectively with the NCP in the Government of National Unity of which he was, in fact, Vice-President.⁴⁹ Yet, Kiir was though too weak to fulfil his duties in the office of the national executive and many in the South believed that he could not stand up to the NCP. This in turn hurt his credibility in the South. One such instance of Kiir’s perceived complacency was over the issue of the control of the Ministry of Energy and Mining in the Government of National Unity. In 2005, the SPLM and the NCP were negotiating over which party would head each national ministry. Kiir let the NCP have the ministerial position of the Ministry of Energy and Mining, which controlled the vital petroleum industry. The Southern media accused Kiir of giving in to the demands of the NCP. Kiir maintained, though, that he had capitulated to avoid returning to war: “Our people are blaming me for having sold out, but we did not think that it was worth

⁴⁶ Mohamed Osman, "South Sudan Leader Calls for Southern Secession," *The Associated Press*, 1 November, 2009.

⁴⁷ Researcher interview, Lotuka male, 18 April, 2009, Torit.

⁴⁸ Researcher interview, Fertit male refugee, 18 December, 2008, Cairo.

⁴⁹ More on this relationship is discussed in chapter 7.

going back to war over this.”⁵⁰ Thus, Kiir was caught in the difficult position of advocating the rights of the SPLM in the national government and safeguarding the CPA implementation modalities while at the same time keeping a cordial relationship with the SPLM’s former enemies, the NCP. At times he gave in to the NCP’s demands, but he was also willing to make his discontent with the NCP known. In one speech Kiir attacked the NCP’s failure to fully implement the CPA, saying that it “ensured a radical change in Sudanese politics and equitable and transparent share of wealth and resources. Has this happened? The answer is incredibly no!”⁵¹

Thus, Kiir had to take on multiple identities to please his audiences: Chairman of the SPLM, Commander-in-Chief of the SPLA, President of Southern Sudan and Vice-President of Sudan. There was a clear path for the SPLM, an adherence to Garang’s vision. Yet, this vision was severely challenged by what was perceived as a disingenuous ‘peace partner’ determined to ensure that the CPA and the vision of the ‘New Sudan’ would not come to fruition. Kiir as the representative of the Southern people and as the leader of the SPLM, often two indistinguishable roles, had to fight against the NCP’s actions so as not to appear weak. Kiir was also the Vice-President of Sudan and, at least when in Northern Sudan, could not overly criticise the Northern government. Further, if Kiir’s discourse was too harsh, then this could disrupt the entire peace implementation. In trying to accommodate the NCP he risked alienating Southerners. In accommodating Southerners on the issue of separation, he risked estranging Northerners who might have otherwise voted for the SPLM in the general elections.

The case of Kiir’s public reaction to the ICC ruling against Bashir was instructive of how Kiir had to navigate through his multiple roles. Kiir was required by his post as vice-president to remain loyal to his boss, President Bashir. Yet, as an SPLM commander he certainly witnessed first-hand the very crimes the ICC accused Bashir of; this was the same man who had allegedly committed these war crimes in Southern Sudan. Overwhelmingly, the Southern population supported the ICC position. Kiir could not, though, embrace these sentiments if he had wished to because this would have completely thrown away the peace agreement implementation process. His rationale for supporting Bashir was that: “Brother

⁵⁰ David R. Sands, "'Peace Dividend' Not Seen in South; No 'Development' Leaders Says," *The Washington Times*, November 5, 2005.

⁵¹ "Sudan; Public Clash between Leaders Exposes Chasm," *The East Africa Standard*, 10 January, 2007.

Bashir is not only the head of the National Congress Party, he is also the President of the Sudan. As such, all Sudanese are hurt by accusations against him.”⁵² Kiir was safeguarding the CPA through his support of the presidency. Thus, Kiir found himself in a tight situation. He had to maintain good relations with the NCP in the Government of National Unity so as to keep to the framework set out by the CPA. Still, he could not appear weak in the eyes of the Southerners.

Thus, the cultivation of personal legitimacy by the SPLM was not immediately successful. Kiir’s leadership style was beneficial in terms of making amends with other armed groups as well as non-SPLM politicians. However, he lacked the charisma of Garang. He was also torn between the multiple identities which he had adopted as leader of the South, as the commander-in-chief of the Southern army, as the head of the SPLM or as partners with Omar Al Bashir. Through trying to stay loyal to these various identities, Kiir could not please all segments of society. Thus, while Kiir was perhaps more suited to fix internal problems within the Southern government, he would never obtain the same level of personal legitimacy as Garang had when he signed the CPA. Thus, the SPLM, unable to cultivate eudaemonic or personal legitimacy, relied on ideological constructs to gain popular support. The attempts at promoting civic and revolutionary ideologies are discussed below.

b. The Second SPLM National Convention, 2008

The SPLM organised its national convention in May 2008; this was only the second one ever held, the first being in 1994 at Chukudum. The purpose of this convention was for the SPLM to put forward a clear post-war vision and ideology for the party as well as to define its newly-assumed role in the South. In his opening speech to the convention delegates, Salva Kiir stated that they should “congratulate [themselves] in the SPLM for having shown to the Sudanese people that we are a democratic party destined to lead this nation as a people’s party.”⁵³ For many local and state party leaders it was also a chance to show the SPLM’s commitment to democracy through example. Ideological constructs utilising ‘democracy’, ‘elections’ and other references to ‘Western’ governmental ideals formed a significant part of the SPLM’s rhetoric and attempts at legitimation during the

⁵² "Sudan; Statement by Salva Kiir on the ICC Announcement," *AllAfrica*, 4 March, 2009.

⁵³ “The SPLM 2nd National Convention Opening Statement made by Salva Kiir,” 15 May, 2008, Juba, 28.

conference; discourse utilising revolutionary ideology through highlighting the successes of the SPLM during the war was also prevalent. From the perspective of the SPLM, the political transformation in Southern Sudan was initiated by their party when they went to the counties to undertake democratic elections for the National Convention. Others saw it as the true impetus of the internal makeover of the party; this was when the SPLM would truly commence its transformation from a rebel movement to a political party.

The central theme of the convention was centred on Garang's 'New Sudan' construct. The convention slogan was: "No to War-Yes to the New Sudan." The intention of this convention was to show that the SPLM remained committed to Garang's 'New Sudan' vision and that it alone was the party that, though example, could democratically transform the entirety of the country. This concept was central to the ideology of the party during the interim period. This ideology was thought to be able to legitimise the SPLM and the national convention was the venue through which this could be accomplished. Once the SPLM could adopt internal democratic structures then the logic was that the rest of the country would follow this example and the 'New Sudan' would be achieved.

The SPLM continually reinforced the idea that it was democratic by highlighting the processes through which the delegates were chosen in the lead up to the convention. In April and May of 2008 the SPLM held state congresses to choose the state representatives for the convention. The process prior to these congresses entailed drawing delegates from the local level SPLM Secretariats up to the state level where there would be elections. The elected delegates were then sent to the convention in Juba. At all levels there was a Liberation Council and a Secretariat responsible for overseeing these elections.⁵⁴ This process was considered by SPLM officials to be indicative of the transformation of the party through free and fair elections from the *boma* to the national levels.

The SPLM National Convention was an opportunity for the SPLM to promote its civic ideology, develop a positive image and galvanise its support base. Internally, though, it was not able to emulate this ideology in the top echelons of the party leadership. Out of the public eye there was reportedly a significant amount of infighting amongst the party elite over the leadership of the SPLM; the decision of who should be the leader of the party was

⁵⁴ Researcher interview, Secretary for Political Affairs, SPLM State Secretariat for Western Bahr El Ghazal State, 7 July 2008, Wau.

not 'democratic', as the party maintained it was through its ideology. While there was not the massive power-struggle that some predicted, there was considerable tension. According to Lam Akol, "[t]he convention was consumed by who should get out, by who should stay-the leadership."⁵⁵ At the beginning of the convention Kiir's support was very much limited to the military and people from his Dinka clan in Warrap state. There was significant wrangling between the elites who generally fell on one side or the other, the Garang camp or the Kiir camp. Though Garang had passed away many still sustained his vision, a vision they believe Kiir only half-heartedly supported. While much of this squabbling was over the issue of independence versus a unified 'New Sudan', the primary problem was caused by a conflict of personalities and who should lead the party.

Riek Machar and Nhial Deng Nhial formally declared their candidacy for Chairman of the SPLM, which was Kiir's position. Other contenders for his position reportedly included Lam Akol and Rebecca Garang, wife of the late John Garang. Some observers reported that Riek Machar was poised to take power from Kiir during the convention and that if the convention had been truly democratic he would have. It seems evident that there was a lot of backroom dealing and negotiation (both Machar and Deng withdrew their candidacy during the convention) so that in the end Kiir was re-nominated, unopposed, as party chairman. He was forced to establish offices for three deputy-chairmen to placate his rivals, though. The determining factor in the outcome struggle was who had power over the army, according to one UNMIS official.⁵⁶ Kiir controlled the army, which was the greatest asset of all; this was why he retained his position.

The public image of the convention was the one which promoted the movement's civic ideology. The convention animated the SPLM's base and resulted in the passing of numerous documents. Impressively, the convention brought together 2,500 delegates from all twenty-five Sudanese states, including the three states in Darfur. Much of the scene in Juba was described as euphoric: "it was amazing; I mean you find that everybody is so excited. You know, you can hardly control anything. Everybody wants to dance and you are so happy that you can actually have people work together towards a common goal without

⁵⁵ Researcher interview, Lam Akol, 3 March, 2009, Khartoum.

⁵⁶ Researcher interview, Senior Political Affairs Officer, UNMIS, 9 June, 2009, Juba.

fighting. We were very happy.”⁵⁷ According to delegates, the convention was successful in preparing for the elections and promoting a new message that would then be carried by the SPLM members to the general population. Although no clear policy was articulated because of the infighting, the SPLM was able to refurbish its vision. The delegates passed resolutions, a new SPLM manifesto, a constitution and a five-year political plan. The political programme, which would later be passed by the National Liberation Council, was to act as a guide for SPLM politicians in the executive and legislative branches. It was the first time that the SPLM had a political guide and would provide a framework on the specific programmes the SPLM wanted implemented following the elections.⁵⁸

The resolutions, constitution and manifesto all focused on promoting the SPLM as “a democratic, mass political movement and Party” that is “against any form of institutionalized tribalism, exclusivism, or ethnic chauvinism.”⁵⁹ These documents were concerned with developing an ideology based on the movement’s guiding principles: democracy, political pluralism and a commitment to the ‘New Sudan’. The party continued to rely on the ‘New Sudan’ concept, one which was incredibly important to Garang, although the new manifesto was more geared towards the 21st Century. The Marxist undertones were no longer visible; instead, the document promoted human rights, internationalism, decentralised governance, environmentally sustainable development and a free market economy.⁶⁰ These concepts advanced a certain image of the SPLM, perhaps, a self-perception of how the party wished to identify itself. While educated Southern Sudanese were appreciative of these ideas, many realised that the SPLM had not achieved them. In addition constructing this civic ideology, the SPLM leaders continued to rely on a revolutionary ideology in their speeches, one centred on what the movement had achieved during the war.

c. Campaign Rallies and the Construction of Rituals

The SPLM continued to promote both civic and revolutionary ideology through rallies and in the construction of rituals by the SPLM throughout the South. These tactics

⁵⁷ Researcher interview, Deputy Secretary-General for the SPLM Southern Sector, 1 June, 2009, Juba.

⁵⁸ Researcher interview, Deputy Secretary-General for the SPLM Southern Sector, 1 June, 2009, Juba.

⁵⁹ “SPLM Constitution,” May 2008, Juba, 11.

⁶⁰ *SPLM Manifesto*, May 2008, Juba.

represent the final legitimising tactic discussed by Barker.⁶¹ These are defined as the creation of rituals. These national rituals include national holidays, honouring heroes and developing a “secular political culture.”⁶² These rituals, according to Barnett, are constructed from a “shared historical memory” and have significant cultural resonance.⁶³ This aids the ruling regime in the consolidation of ideological legitimacy. SPLM rallies and rituals were constructed around the myth of the revolution, around the persona of John Garang, and centred on the fact that the SPLM had brought the CPA to the South. As means to reach out to the population, the SPLM attempted to solidify its legitimacy through these tactics. The primary mechanisms discussed in this section are the general mobilisation campaign (2007), the elections campaign (2009-2010), and the creation of GoSS holidays.

At the state level the SPLM leaders began a general mobilisation campaign in early 2007. Their aim was to reach the grassroots level through holding rallies at the county level. At these rallies party officials handed out copies of the CPA and the Southern Sudanese constitution; there was a great deal of focus on civic education.⁶⁴ In Eastern Equatoria the SPLM Secretariat developed mapping, planning and assessment in preparations for the elections. This included holding large meetings in communities around the state, explaining the role of the SPLM and asking the community members about the issues that affected them the most: poverty, security, and gender- and youth-specific issues. The SPLM state officials saw themselves as the watchdog for the government; this was accomplished through these ‘town hall’-like meetings.⁶⁵

Throughout the South, the SPLM commenced its official election mobilisation campaign in mid-2009.⁶⁶ The slogan for this campaign was: “Taking SPLM to every house and hut.” Officials at the SPLM Secretariat in Juba saw the problem in promoting their message at the grassroots as a technological issue; they did not recognise that not all of the populace understood the ideology being promoted by the SPLM. Ann Itto, the Deputy

⁶¹ Barker, *Political Legitimacy and the State*.

⁶² Lipset, *Political Man: The Social Bases of Politics*, 80.

⁶³ Barnett, *Dialogues in Arab Politics: Negotiations in Regional Order*, 43.

⁶⁴ Researcher interview, Secretary-General, SPLM Secretariat for Jonglei State, 7 August, 2008, Bor; Researcher interview, Secretary for Political Affairs, SPLM State Secretariat for Western Bahr El Ghazal State, 7 July, 2008, Wau.

⁶⁵ Researcher interview, Assistant Secretary for Political Affairs and Mobilization, SPLM Secretariat for Eastern Equatoria State, 17 April, 2009, Torit.

⁶⁶ Although the electoral law stated that political party campaigning was not allowed until three months before the elections, the SPLM began preparing for the elections through rallies well before this.

Secretary for the SPLM Southern Sector, said in an interview that she believed that “all the people in the rural areas identify with the liberation struggle to which they have contributed their sons and daughters and their food and their money and that this is the SPLM and this same liberation movement brought CPA.”⁶⁷ According to her, the SPLM had by 2009 registered five million people nation-wide. The problem was not in the SPLM’s vision, but rather in reaching those remote, isolated and, generally speaking, illiterate people. This problem of geography she thought could be circumvented through sending taped messages by bicycle or on foot as well as setting up mobile theatres which would then travel from village to village. Although the logistical issue was of course important, SPLM officials interviewed for this thesis never thought that there was a lack of support for the SPLM’s vision at the grassroots level. This was misleading, though, since the many of the communities did not have a full comprehension of what civic ideology meant and did not relate to the revolutionary rhetoric.

Part of the campaigning for the elections was the holding of political rallies in the state capitals. The slogans of one such rally in Torit⁶⁸ were about how the SPLM was the only party able to govern the South: “Prepare for positive change under the SPLM” or “Support SPLM for Progress”. While the focal point of these rallies was meant to be on the upcoming elections, most of the discourse promoted a revolutionary ideology since the speeches centred on the SPLM as a rebel movement. Many of the speeches given at this event, which was geared towards youth, focused on the successes of the SPLM during the war as well as the ‘winning’ of the CPA. SPLM officials spoke of how the SPLM relieved the Southerners from oppression or of how the SPLM went to the forest to fight to liberate the people and their land. The SPLM was said to be the only force ever able to stand up to the regime in Khartoum. Other parts of the speeches even continued to maintain the SPLM’s revolutionary line, such as how the SPLM would never surrender its people or how the liberation struggle must continue. The head of the SPLM Youth League even went so far as to say that if they went back to war, the youth league would lead the schoolchildren to fight. Out of the ten speakers, not one discussed the SPLM’s future political programme or the policy the leaders would enact if elected.

⁶⁷ Researcher interview, Deputy Secretary-General for the SPLM Southern Sector, 1 June, 2009, Juba.

⁶⁸ This section takes its observations from the SPLM Youth League Political Rally, held in Torit, Eastern Equatoria State, 25 April, 2009, Torit.

Rituals were developed through holidays commemorating the death of John Garang, Martyrs Day, and the anniversary of the founding of the SPLM; these provided the SPLM with other avenues for cultivating its revolutionary ideology. During major GoSS holidays, which were in effect commemorations of the SPLM, there were political rallies at Garang's mausoleum in Juba. While these rallies were marking an official government holiday, the speakers were SPLM officials and much of the rhetoric focused on the achievements of the SPLM during the war. These events were, as Kiir said in one speech during the 'SPLA Day' ceremonies, "to acknowledge the tremendous contribution made by our gallant SPLA forces."⁶⁹ During these occasions, there were full days of speeches as well as a show of military strength: tanks, anti-aircraft weapons, soldiers and other displays of SPLA arsenal. It was obviously important to show that while the SPLM was developing a democratic system, at the same time the SPLA was prepared for war. Much of the rhetoric from SPLM officials at these events suggested that the SPLM was ready for war, since a severe distrust of the NCP existed, but it would only consider the military option if attacked first. Thus, while the SPLM's identity was geared towards democratic transformation and the 'New Sudan', the SPLM also held on to its revolutionary past. The two ideologies, civic and revolutionary, were not consistent. The political party, in trying to legitimise itself, was being pulled in two different directions.

d. The SPLM's Legitimacy Cultivation

The first part of this section examines how the SPLM constructed legitimacy. Then the second half considers, based on this analysis of legitimacy, whether or not the SPLM was able to gain the support of the Southern populace and what this potential signified to the party. To begin with, the SPLM relied significantly on consolidating ideological legitimacy. As a political party in charge of the Southern government, the SPLM was not able to rely on either structural or eudaemonic legitimacy for the reasons discussed in chapter 4. The section on Salva Kiir concluded that he did not have the charisma needed to obtain widespread support from the populace. Thus, in light of the inability for the SPLM to rely on successes during the interim period or a strong leader, it turned to developing ideologies centred on what it had done as a rebel movement and what it could do in the future to

⁶⁹ "Salva Kiir Calls for Consolidation of Peace in Sudan," *BBC Monitoring Middle East*, 18 May, 2007.

democratically transform the South. The SPLM continued to rely on the revolutionary ideology it had obtained through the signing of the CPA and also began to construct a civic ideology based on the internal democratic transformation of the party. The revolutionary ideology was prevalent in the SPLM leader's daily discourse. It was painted as the only political force in the South which was able to 'win' the war over the North. SPLM rhetoric constantly alluded to the SPLM's victories during the war and how the movement was continually fighting for the people of Southern Sudan against injustices wrought by the North. The crux of the argument laid out by the SPLM, the one which promoted its revolutionary ideology, was that this was the group which brought the South the CPA.

While the government was not yet democratic, the SPLM developed a civic ideology which promoted itself as the only political party which would be able to ensure the proper implementation of the CPA as well as the democratisation of the country. It was making promises to the Southern populace through this ideology. On the surface, the SPLM began promoting itself as an internal model of democracy that the rest of the Sudanese political system should emulate. The process of choosing delegates for the SPLM 2nd National Convention was the prime example of this internal democratic transformation of the party. The SPLM also publicly maintained its role as supporting international norms such as human rights, freedom of speech and civil liberties.

Yet, the SPLM had difficulties in using these two ideologies to secure broad support from the population. This was for two reasons: an inability to meet the populace's expectations and needs and the insistence to retain the vision of a united Sudan while the majority of the Southerners were secessionists. To begin with, the SPLM could not meet the needs of the populace, which were very high following the end of the war. Garang understood the necessity of this. In a paper drafted two years before the signing of the CPA he wrote about the institutional shifts the SPLM would have to undertake in order to be able to rule the South effectively. He asserted that the SPLM Civil Authority would face the challenge of the 5Rs: repatriation, reconciliation, resettlement, rehabilitation, and reconstruction. In addressing these challenges Garang recognised that the Southern communities would have high expectations of the SPLM, writing, "[m]anaging these expectations undoubtedly requires urgent action to enhance the ability of the SPLM to manage the war-to-peace transition by gradually moving from the present institutional

environment of a liberation war to that of formal democratic governance.”⁷⁰ Yet, during the interim period the SPLM did not make addressing these problems its priority.

Instead of gaining strength through a legitimacy based on development and democracy, the group continued operating as it had during the war, preferring to build up its army and defences over developing infrastructure and enhancing the government’s institutional capacity to deliver services. According to a report by Small Arms Survey, “negotiations for major new SPLA arms acquisitions began in early to mid-2006, forming part of a longer-term process of developing the SPLA’s post-war capacities.”⁷¹ The SSLA even passed a bill allowing the SPLA to form an air force. The SPLM’s inability to follow through on its promises in the areas of development and service delivery made it less legitimate than it was following the signing of the CPA. Ideology was not enough of a replacement for development, service delivery and social welfare. Since the SPLM was strongly linked to the GoSS (it controlled it), failures of the government in these areas were ultimately a reflection of the SPLM. Thus, while the CPA bestowed an enormous amount of legitimacy upon the SPLM, the inability of the group to show the people the ‘peace dividend’ took away this credibility.

Secondly, SPLM leaders continued through their rhetoric to promote the feasibility of a united Sudan. This was a contention that damaged the SPLM’s credibility. The SPLM publicly stood by the call for unity while this was not what the majority of the Southern people wanted. This stance revealed an inability to appeal to a broad spectrum of the population on the issue of independence. At the state level this concept was altered slightly depending on the contextual situation. When interviewed in Wau, SPLM officials were adamant that they wanted unity.⁷² Some of the population in that state wanted to remain with the North because of cultural or religious ties. The SPLM, insisting that its aims were unequivocally a united Sudan, was then appealing to the population there. In the more southern states, though, there was barely any desire to remain united with the North. Thus, the state SPLM Secretariats were placed in an awkward position. In Jonglei State, an SPLM official skirted the issue in an interview by saying that this was up to the people to decide

⁷⁰ Garang, John, “SPLM Preparations for War-to-Peace Transition,” November 3, 2003.

⁷¹ Mike Lewis, "Skirting the Law: Sudan's Post-CPA Arms Flows," (Geneva: Small Arms Survey), 35.

⁷² Researcher interview, Secretary for Political Affairs, SPLM State Secretariat for Western Bahr El Ghazal State, 7 July, 2008, Wau.

and the party would accept the issue of independence based 100% on public opinion.⁷³ This was a paradox, indeed, though the SPLM never viewed this as a problem that needed immediate attention.

All officials maintained that the SPLM was the most popular political party in the South⁷⁴ (some even said in the North⁷⁵) by an overwhelming majority; however, public opinion did not support this assumption. A significant portion of the populace and even some SPLM members were disgruntled with the SPLM; this was largely due to the two issues mentioned above. A third reason for the SPLM's inability to galvanize support among the rural populace was the low level of civic education. Civic education and understanding of elections was especially low in the rural areas and among women. One interviewee, when asked of people's opinion of the SPLM in her village, responded that while the SPLM was the only political party of influence in her village, many people did not even know what the SPLM was or who Salva Kiir was. She said there was little knowledge of the government because it did not have any presence there.⁷⁶

The SPLM commanded tremendous legitimacy following the signing of the CPA. In 2005 the people revered the movement and had begun talking about themselves as 'Southern Sudanese'. Perhaps as a result, the SPLM leadership became relaxed, believing that they could coast to the elections simply on the basis of revolutionary legitimacy and the attainment of the CPA. The SPLM leadership believed that their political party was overwhelmingly the most popular party and this pointed to a misplaced confidence and complacency. Yet, the simplest of things were not taken care of in terms of placating the populace; by 2009 the Southern Sudanese were jaded and cynical of the SPLM's ability to govern. This gap in confidence and trust, in a way, led people to revert to tribalism; this was aggravated by opportunistic politicians, chiefs and criminals.

Another question to consider is if the SPLM would have an internal crisis of legitimacy as it had in 1991. Certainly, the leadership was able to maintain the unity of the party in the aftermath of the death of Garang and during the National Convention. During the interim

⁷³ Researcher interview, Secretary-General, SPLM Secretariat for Jonglei State, 7 August, 2008, Bor.

⁷⁴ Researcher interview, Deputy-Secretary General for the SPLM Southern Sector, 1 June, 2009, Juba; Researcher interview, Riek Machar, Vice President of the Government of Southern Sudan, 16 June, 2009, Juba.

⁷⁵ Researcher interview, Minister of Labor, Public Service and Human Resource Development, Gezira State, 10 March, 2009, Khartoum.

⁷⁶ Researcher interview, Didinga female, 2 May, 2009, Torit.

period the animosity against the Northern government won out over criticism of the SPLM. This was the consensus from members of the SPLM. The glue holding the party members together was their common fight during the war and the realisation of the CPA. The main issues that bound them together were their continued political struggle against the North. However, by 2009 there were the beginning signs of cracks and internal discord. Lam Akol broke away from the SPLM (again) and formed his own party, the SPLM-Democratic Change (SPLM-DC), in 2009. His efforts were generally seen as a failure, especially after some of his top officials returned to the SPLM.

The electoral process in 2010 presented the SPLM with three challenges from within. First, there was discontent over the process through which the party chose its candidates. Candidates were chosen by the SPLM High Political Bureau and were not chosen by SPLM members. The second challenge was largely caused by the first one. Many leading SPLM officials ran as independents against incumbent SPLM governors in the Southern States. These included Presidential Advisor Alfred Ladu Gore; Angelina Teny, Vice President Riek Machar's wife; and Peter Nyaba, an SPLM minister in the Government of National Unity. They were displeased with the lack of internally democratic procedures for choosing candidate for the elections. Finally, the decision to pull Yasir Arman out of the presidential race infuriated many SPLM officials and members alike who accused Salva Kiir of making a secret deal with the NCP which supposedly guaranteed a presidential win for Bashir in return for guarantee of a referendum in the South.

Issues and policies would become much more complex after the elections, though, and especially after the referendum. Many people in Juba believed that those in the government were just holding their breath until 2011. Once the situation was less ambiguous, war or no war, unity or independence, then the real work would supposedly commence. Most likely there would be greater fault lines between the Kiir and Garang camps; or another political party might emerge that seriously challenges the supposed popularity of the SPLM. Yet, during the elections the SPLM won overwhelmingly in the South. Kiir won 93% of the vote and the SPLM won nine out of ten governor's seats. Assuming that the elections were not rigged, this points to the fact that while the SPLM had not completely consolidated eudaemonic legitimacy, the ideology it constructed was enough, at the time, for it to win the elections. However, this meant that the group might continue to rely on its revolutionary

ideology. If so, then the group's transformation to a political party would ultimately be incomplete; the SPLM would continue to make the same mistakes it had in the interim period and ultimately lose its legitimacy.

e. The SPLM's Transformation from a Rebel Movement to a Political Party

The SPLM's continued reliance on a revolutionary ideology while simultaneously constructing a civic ideology, presented a paradox as it transitioned from a rebel movement to a political party. Comparing the SPLM's progress to the theoretical components of the transitional process from an armed group to a legitimate political party, it seems evident that this transformation was only partial as the interim period came to an end. The conceptual framework in chapter 1 examined the necessary steps in this rebel to political party transformation. According to De Zeeuw any rebel movement must undergo a structural and attitudinal change.⁷⁷ The first step, organisational change, was initiated during the National Convention in 2008. Certainly, at the local and state levels secretariats the SPLM introduced a democratic process of choosing representatives. This was the most that the SPLM changed, though. At the upper echelons power was still concentrated in the hands of a few who were in charge of the decision-making processes of not only the political party, but of the government and the army as well.

The second change, in terms of attitude, was not met by the SPLM as it failed to shed the group's militaristic ethos and replace it with a civilian one. The SPLM, though in the process of constructing a civic ideology, continued to rely on the revolutionary legitimacy that it had gained at the signing of the CPA. The first indication of this was through the movement's rhetoric; SPLM leaders constantly spoke of the SPLM's military struggle in their speeches while rallies in Juba showcased the military might of the SPLA. Since much of the SPLM's political efforts were centred on political disputes with their old enemies in the North, the return to war was always a possibility. As such, the SPLM's rhetoric spoke of going back to war if necessary. Secondly, the group continued to place military commanders in important political positions. For example, out of the ten state governors, eight had military ranks. Thus, it was difficult to distinguish politicians from their military roles,

⁷⁷ De Zeeuw, "Understanding the Political Transformation of Rebel Movements."

especially when governors controlled the armies in the states. One such case of a governor abusing his control of the army came about during the elections. When he was down in the polls, Unity State governor Taban Deng seized control of the state elections commission office where the votes were being counted. Thirdly, through keeping the army name as the ‘SPLA’, the army was directly linked to and controlled by a single political party, the SPLM, rather than to the government as a whole. Thus, while official documents focused on concepts such as democracy, equality, and what the party and the government *could* become (civic ideology), SPLM discourse, slogans, symbols and policies focused on revolutionary ideology.

Metilis writes that if a rebel movement cannot move past its reliance on revolutionary ideology after the conflict is over, then it will not be able to deliver on its governance and development promises.⁷⁸ This is the only way a rebel movement can then begin appealing to all the citizenry, through this structural and eudaemonic legitimacy. The ability to consolidate eudaemonic or structural legitimacy, though, was to shift how it constructed its ideology. This was especially true in the case of the SPLM. The SPLM did not enjoy widespread support during the civil war. As it began forming the new government one of the greatest imperatives for the group was to expand its support base through legitimising itself beyond the narrow confines of its successes in the ‘revolutionary struggle’. Thus, another aspect of this transformation was keeping up with people’s expectations as they emerged from conflict; this was intrinsic for the group’s legitimacy. This was not accomplished, though, since the party tended to take its electoral support for granted.⁷⁹ Thus, meeting the populace’s needs was not prioritised. If the needs of the Southerners were not met, then this would undermine the SPLM’s ideology.

III. Alternatives to the SPLM: The Development of Other Political Parties

a. Southern Political Parties’ Development

The emergence of other political parties provided the populace with an alternative to the SPLM. Yet, the attempts by these parties to legitimise themselves fell short. First, there

⁷⁸ Metelits, "Reformed Rebels? Democratization, Global Norms, and the Sudan People's Liberation Army."

⁷⁹ "Prospects for Peace in Sudan: April 2008," (London: Justice Africa, 9 April, 2008).

were not any leaders within these parties which had the recognition that Garang had. Secondly, they could not consolidate eudaemonic legitimacy; while they were part of the same government as the SPLM, their small minority precluded them from differentiating their actions apart from the SPLM's. They did not have the attainment of the CPA to legitimise themselves since the SPLM was the only Southern group admitted to the negotiations (although the UDSF leaders signed the KPA, which they claimed set the foundations for the CPA). Thirdly, these political parties attempted to develop ideologies which would be attractive to the Southern populace. Much of their ideologies were similar to the SPLM's civic ideology; as well, the promotion of an independent Southern state by most of the other Southern parties was especially attractive. However, the lack of resources and mobility meant that the policies and ideologies were not well-known in the rural areas.

The interim constitution allotted 15% of the parliamentary seats to an assortment of other Southern political parties before the 2010 elections. These other political parties gained 15% of the ministerial posts as well through consultation with the SPLM following the signing of the CPA. The inclusion of these political parties in the 'coalition government' was contingent upon the approval of the SPLM. In all, seven parties were part of the GoSS: United Democratic Front (UDF), United Democratic Salvation Front (UDSF), United Sudan African Parties (USAP I and USAP II), Southern Sudan Democratic Forum (SSDFForum), Southern Sudan Democratic Front (SSDFront), and Sudan African National Union (SANU).

These political parties did not have the experience needed to present themselves as an acceptable alternative to the SPLM; some of these parties had been dormant for years while others formed during the war had factitious histories. Some parties, such as SANU, had a long history in the South; however, through years of inactivity they were only re-establishing themselves in the South. SANU was the oldest political party in the Southern Sudanese parliament. It was formed in Uganda in the early 1960's by Southern Sudanese politicians in exile during the first civil war; it was affiliated with the Anyanya rebel movement.⁸⁰ It was non-operational following the renewed violence in 1983. Other political parties, however, were newer and were formed during the war; many of them came about in reaction to the SPLM's violence against Southerners and were based in Khartoum where they had an uneasy relationship with the NCP. The UDSF, for example, was the product of

⁸⁰ Howell, "Politics in the Southern Sudan."

the Khartoum Peace Agreement (KPA). Following this agreement Southerners in Khartoum rallied behind Riek Machar, forming the UDSF with Machar as the chairman. After a disagreement with Omar Al Bashir, though, Machar fled Khartoum, leaving the party 'headless'. The party's convention in 2001 led to a split; the convention delegates elected Peter Sule as their chairman. Following this Joseph Malwal contested Sule's leadership. From the perspective of Sule's supporters, Malwal was backed by Bashir, who declared the previous convention null and void.⁸¹ So they formed their own party, the UDF. Other Southerners remained in the UDSF since they believed that Sule had damaged the formation of the party structures, which was unconstitutional. Thus, the UDF members went their own way and began cooperating with the SPLM. Those within the UDSF, however, were not immune from another split within the party. In April 2009 UDSF members in Juba held a convention against the wishes of its leader Malwal, elected Gabriel Changson as their chairman, and formally registered the party in Khartoum. However, Malwal continued to maintain his supremacy as the head of the party in Khartoum.

These political parties represented the primary opposition to the SPLM; yet, the leaders faced difficulties in presenting their parties as suitable alternatives to the SPLM because of their lack of experience and short histories, their poorly developed ideologies, and a lack of resources. Firstly, these parties' experience of interacting with the Southern populace was fairly new. Some parties, such as SANU, had a rich history but through decades of inactivity did not have the experience of operating in the South. Others, such as the UDF or UDSF, were characterised by infighting during the interim period, which hampered their leaders' ability to establish the parties outside of Juba. Parties such as USAP had not even moved their headquarters from Khartoum. Others were young; the SSDForum had only been formed during the interim period. Secondly, they had underdeveloped ideologies. Much of their discourses and manifestos were similar to the SPLM's civic ideology. They called for effective governance, decentralisation, protection of human rights, female empowerment (all the things that one expects of a democratic system) and the effective implementation of the CPA. Finally, these groups had a small membership and were underfunded in comparison with the SPLM. While the SPLM received money from the United States and used GoSS funds for the National Convention (at least \$1 million a day

⁸¹ Researcher interview, member UDF Political Bureau, 18 May, 2009, Juba.

was spent on accommodation for the SPLM delegates alone), these groups had to rely on their members to fund their conventions and campaign events.

Yet, these parties offered an alternative to the SPLM based on three issues. The one aspect of their ideology that differed from the SPLM was their call for an independent Southern Sudan. The USDF maintained that it was “the pioneer of the right of self-determination” through the negotiation of the KPA.⁸² The other political parties followed suit, except for SANU which advocated unity. This was the most important means of appealing to the populace. Another advantage these groups had was through their criticisms of the SPLM. They were especially critical of the SPLM’s supremacy over the political system. SANU, for example, was not given any ministerial or advisor positions in the GoSS which they maintained was because “the SPLM would like to control the base.”⁸³ One UDF party official said that the SPLM was “not clear to the people, they have got hidden agendas.”⁸⁴ Other criticisms were of the lack of security, lack of provision of services, and a general slow pace of the development. Finally, these groups were a minority in the government; as such they did not have to take responsibility for the mistakes and failures of the GoSS during the interim period.

The ideology constructed by these political parties was attractive for many in the South who wanted independence and were disenchanted with the SPLM and its perceived ineffectiveness. Still, these parties faced a challenge in campaigning and reaching out to the rural population. Most party leaders said that they were very popular in all of the states but this overstretched the reality that many rural communities were aware of the SPLM but not of other political parties. While there were educated villagers who supported these parties they were only a handful in each village or town. At the national level, these political parties planned to put in candidates at all positions for the elections; many had a stated desire to challenge the SPLM for every county commissioners’ post. There was a risk that this multitude of parties would split the vote during the elections. This was why they were planning to put forward a single candidate to run against Salva Kiir. In the end, though, the ambitions of these parties were too great and they were not able to fulfil this goal. They failed to put up a nominee for the Southern presidential office. The only opposition in the

⁸² Researcher interview, USDF Chairman, 19 May, 2009, Juba.

⁸³ Researcher interview, SANU Chairman, 28 May, 2009, Juba.

⁸⁴ Researcher interview, UDF State Chairman for Eastern Equatoria, 29 April, 2009, Torit.

Southern presidential elections was Lam Akol who ran against Kiir under his new SPLM-DC party. Lam Akol, though, was not a very popular politician since he had spent much of the war and most of the interim period in Khartoum. Had the opposition parties been able to find a suitable candidate to run against Kiir, then the results might have been different.

The attempts by these groups to become established parties outside of Juba had many hindrances, primarily logistical. Most of the parties had yet to establish party offices in all state capitals during the interim period. While there were plans for party members to go door-to-door in the *bomas* and hold rallies in the run-up to the elections, this did not happen. Each party held a convention but the discourse produced at these conventions was not widely heard outside of Juba. There was also competition between these parties and the SPLM that bordered on intimidation and violence. Still, in some states the party leaders were actively working to prevent this through developing a greater understanding between the parties. In Torit, for example, the various political parties began a weekly meeting to promote inter-party dialogue; each week one party would be allowed to present its history and objectives followed by a question and answer session with participants from the other political parties, including the SPLM and the NCP. This programme proved to be incredibly successful. UNMIS named this state as the state with the greatest political freedom and cooperation between political parties.

b. The NCP in Southern Sudan

The NCP was another active party in Southern Sudanese politics; it was given a 15% share of parliamentary seats and ministerial posts as well as the governorship of Upper Nile State. Since the party's ideology was very much tied to the Northern government and Omar Al Bashir, Southern NCP party officials were hard-pressed to present themselves as an acceptable alternative to the SPLM. The history of NCP activity in Southern Sudan dates back to the creation of civilian government structures in Southern garrison towns in 1994. In 1994, after the South was divided into ten states, parliaments were formed in these states and Southerners loyal to the NCP were installed as governors and MPs. From the perspective of the SPLM, these individuals were traitors and collaborators. Those individuals who joined, however, often saw the SPLM as betraying the Southerners through their use of violence against civilians. They maintained that while in power in these garrison towns, Southern

NCP members were able to ensure safety of Southerners from the SAF, gave food to civilians in SPLM-controlled areas,⁸⁵ and were influential in getting the NCP to sit down at the negotiating table in Kenya.⁸⁶

Still, the legacy of the war was difficult for the Southern NCP members to overcome. Many NCP members left the party and joined the SPLM after the signing of the CPA. Some of these only half-heartedly supported the NCP out of necessity. Others, though, remained loyal because of a hatred of the SPLM, due to their belief in unity of Sudan, or because of their Muslim faith.

While party members felt that the failures of the SPLM made the NCP more popular, the stigma of association with Arabs loomed over the party. According to one NCP state official, “people still have a hangover” from the war.⁸⁷ This made it difficult for the NCP to campaign for the elections; harassment made it hazardous. In many areas during the interim period NCP offices were burned down and NCP officials were threatened with guns.⁸⁸ This led some top NCP to regret not distancing themselves from Bashir and forming their own, pro-unity party. While few Southerners remained loyal to the NCP following the signing of the peace agreement, many accepted its existence in the South as a political party because of the projects it funded during the interim period.

The NCP continued to pour money into development projects in the South, hoping this might move people towards its side. In Akobo, for example, the NCP gave money to help construct a new wing for the primary school and to the hospital. This was done with the hope that Southerners, while not necessarily voting for the NCP in the elections, would see the benefits of remaining united and thus not vote for independence in 2011. Yet, according to most respondents, while this funding for development projects in the South was met with some acceptance, this did not mean that people would want to stay unified or vote for the NCP in the elections. One respondent, echoing a widely held sentiment said, “I do not mind receiving money from the NCP, but do not expect my vote.”⁸⁹ Thus, the NCP was not completely unpopular even though it was the party of Omar Al Bashir. The development

⁸⁵ Researcher interview, Deputy Chairman, NCP Secretariat for Eastern Equatoria State, 30 April, 2009.

⁸⁶ Researcher interview, NCP MP in Southern Sudan Legislative Assembly and former governor of Eastern Equatoria State, 25 May, 2009, Juba.

⁸⁷ Researcher interview, Political Affairs Officer, NCP State Secretariat for Eastern Equatoria State, 30 April, 2009.

⁸⁸ Researcher interview, Deputy Chairman, NCP Secretariat for Western Bahr El Ghazal, 7 July, 2008.

⁸⁹ Researcher interview, Nuer male, 12 June, 2008, Akobo.

projects it funded helped its image. However, the NCP did not represent a substantial political challenge to the SPLM in the South.

Although the SPLM's own legitimacy was not secure during the interim period, the political parties discussed above were not a significant threat to the SPLM. Given the opportunities and resources to develop, these parties could have gained support based simply on the shortcomings of the SPLM. Still, since they were under-funded and sometimes intimidated, their reach in the rural areas and the delivery of their political messages were quite limited. In the run-up to the elections, and indeed during the polling, it was apparent that the main political threat to the SPLM came from within the party rather than from those political parties listed above. Many SPLM officials decided to run as independent candidates; the most significant win was by Joseph Bakosoro, who beat the SPLM incumbent governor in Western Equatoria State.

IV. Conclusion

Many within the Southern government believed that the SPLM was legitimate simply because it had won the peace and achieved the CPA. Southern officials, recognising the shortcomings of the government in development and social welfare, believed that they did not have to rely on these issues to gain the support of the Southern population. Instead, the CPA as an ideal was, in the eyes of many officials, a sufficient base for support. Thus, the SPLM attempted to legitimise itself through the construction of an ideology which promoted the concept of bringing the CPA to the Southern populace. It continued to rely on a revolutionary ideology as its main premise for legitimacy. This concept was left over from the war; it highlighted the actions and achievements of the SPLM as a rebel movement. The party then developed a civic ideology based on what could hypothetically be accomplished if the CPA was fully implemented. The Government of Southern Sudan also utilised this civic ideology through civic education and preparing the citizens for the elections.

This ideology, while appealing to parts of the populace, was largely undermined by the institutional failures of the government discussed in chapter 4. Certainly, the revolutionary ideology has resonance among the populace. In Bor,⁹⁰ especially, the popularity of the SPLM could be seen in the naming of the hotels and restaurants which had words like

⁹⁰ Bor was the home area of John Garang.

‘liberty’, ‘victory’ or ‘Garang’ in their names. One hotel named all its rooms after SPLM ‘martyrs’ who had fought and died during the war. The ‘liberation’ of the South by the SPLM was not yet forgotten by most Southerners.

However, if the ‘peace dividends’ were not seen by the Southerners then eventually the promotion of the CPA as a panacea for the ills which plagued the South would no longer be accepted by the populace. The people’s patience began to wear thin as the interim period came to an end. They insisted that they were not asking for much. Their needs following the end of the war amounted to clean drinking water and food at the most basic level. Primary schools and health clinics, maybe dirt roads, were the more extravagant requests. These topics dominated interviews and informal conversations. This led many to disregard the SPLM as the legitimate leader of the government.

Nonetheless, the ideology promoted by the SPLM and the government still held with it certain promises. This is one explanatory factor for the successes of the SPLM in the elections (assuming that they were not rigged). The populace, while certainly disenchanted with the SPLM, was willing to give it a chance to realise its civic ideology. Another view is that there were no acceptable alternatives. The other political parties in the South simply lacked the resources and experience to mobilise the population around their ideologies. Most likely, the SPLM’s ideological legitimisation was successful to a certain point and, in the absence of another strong, well-organised Southern political party this led to an SPLM victory. However, two factors might undermine the SPLM’s success in the elections.

First, the SPLM’s continued reliance on revolutionary legitimacy will prevent its full transformation into a political party. Secondly, electoral successes might make the SPLM complacent. Thus, the failures in developing the South and meeting the populace’s needs will continue. Eventually, this will undercut the ideological legitimacy that the SPLM was able to maintain from the signing of the CPA to the holding of the elections. In order to prevent this, the government will have to work with civil and tribal organisations to strengthen its ability to provide for the governance, security and welfare of the Southern populace. By working with these organisations, the government can consolidate eudaemonic legitimacy, which will also ensure the continued relevance of both the SPLM’s and the government’s ideologies. The potential in the relationship between the government and the civil and tribal institutions in the South is discussed in the following chapter.

Chapter 6: Filling the Gap: The Role of Tribal and Civil Organisations, 2005-2010

This chapter considers the consequences of the institutional shortcomings of the GoSS in terms of security and development as well as the role played by tribal and civil organisations in light of these failures. The limitations of the government institutions prevented it from establishing security in the South and providing welfare to the Southern populace; these two factors took away from the government's consolidation of eudaemonic legitimacy. Further, the SPLM needed an effective government to ensure an acceptance of its ideological legitimacy. The lack of legitimacy also created a gap between the government and the local populace, one which was filled by tribal and civil organisations. These organisations had the potential to assume the responsibilities of the government in terms of security, governance and welfare. Thus, if utilised and nurtured these organisations could help the government in establishing legitimacy. The first section of this chapter examines the weaknesses of the government in terms of combating the insecurity which began to ravage the South in the latter half of the interim period. Much of this insecurity was centred on resource-based conflicts which were aggravated by tribalism. These tribal clashes prevented the Southern government from gaining a monopoly over the use of force.

The second section then explores the specific shortcomings of the government in the areas of development and welfare. Since the governmental institutions were weak, as discussed in chapter 4, UN agencies and international NGOs took up the responsibility of providing for the needs of the populace. However, in doing so they created a dependency between international institutions and the government. The government relied on external actors to fulfil its duties; at the same time very few international organisations were committed to capacity-building projects targeting the government institutions outside of Juba. Thus, there was no imperative for the GoSS to encourage the capacity development of local government since NGOs and the UN were effectively doing their job for them. This further jeopardised the government's legitimacy.

The last two sections of this chapter consider the tribal and civil institutions to which the populace turned to for help when the government was not able to follow through on its mandate. A large gap began to develop between the populace and the government, one which led to distrust on the part of the populace. The rationale for the policy of

decentralisation, as discussed in chapter 4, was to develop mechanisms through which the government could interact directly with the populace. In light of the failure by the government to develop local administration, this led the populace to look to tribal and civil institutions for their needs; these institutions came to provide an essential link between the civilians and the government. The tribal system was well-established in the South. Traditionally, kings, chiefs and elders were a source of spiritual and political authority; they also assumed judicial roles during times of inter-tribal discord. The traditional leaders understood that their role was to advocate on behalf of their community and serve as a vital link between their people and the local government. While the Southern government recognised the importance of these traditional leaders in the governance process, the government had yet to formally institutionalise the administrative use of chiefs and kings.

Finally, the role of civil organisations, including indigenous civil society and church groups, is reviewed. Many of these groups had been established during the war and were very effective at providing for the needs of the civilians in the war-torn areas of the South. The further development of these institutions, however, was limited during the interim period. The influx of international aid agencies often took away from the work of the local agencies. Moreover, the government was slow to recognise the potential that the Southern community-based organisations could have for its overall political programme. These institutions, though, were best placed to provide aid to the local populace and to advocate on its behalf. Thus, similar to the tribal organisations, the civil organisations provided yet another central link between the populace and the government.

I. Tribalism as a Source of Insecurity

a. The Problem of Insecurity in Southern Sudan

The insecurity in Southern Sudan during the interim period limited the government's ability to consolidate eudaemonic legitimacy. The main security success of the Government of Southern Sudan was in addressing the problem of insecurity through the Juba Declaration, disarmament and the redeployment of SAF soldiers to the North. Creating a secure environment in the South was essential for the legitimacy of the government and was a foundation for future state-building efforts. Having a monopoly over the use of force is

one of the fundamental indicators of a sovereign state. According to Höglund, in states emerging from war, when governmental institutions lack legitimacy they will not have the effective means to deal with violence.¹ Further, as a government loses its supremacy over the use of force and as other armed elements in society challenge this right to the use of force, then the government will lose legitimacy further. This is precisely what happened in Southern Sudan over the course of the interim period. The government and the SPLA lost their command over Southern security.

The issue of security was endemic to the daily discourse of the Southern Sudanese during the interim period. During the first round of interviews in 2008, the government was praised for accomplishing the task of creating a safer environment. A group of Nuer living outside of Akobo cited the improvements in security as the only area where the government was taking any action to improve their lives.² By 2009, though, the security situation had degenerated and confidence in the government's ability to protect the populace had worsened. Many respondents were wary about giving up their guns during civilian disarmament and voiced concern that the government did not care about their security unless there were numerous deaths. Thus, increases in violence seemed outside of the control of the government, further limiting the government's ability to consolidate eudaemonic legitimacy.

While the violence between the North and South had all but abated (except around Abyei) and the militias were generally disarmed or integrated into the SPLA, localised violence was on the rise year after year during the interim period. The nature of this insecurity was determined by four factors. Firstly, the legacy of the war was especially difficult for many communities to overcome. Much of Southern Sudanese society had been militarised. The reintegration of youth, who were formerly combatants for the SPLA or other armed groups, was incomplete. There was also a proliferation of arms throughout the South. Secondly, Southern society was incredibly tribal. Southern Sudan had largely remained cut off from the outside world and tribal identity prevailed over a sense of national unity. Thirdly, the remote communities in Southern Sudan were wary of outsiders. This wariness manifested itself in suspicions over the intentions of government officials and soldiers. Finally, a significant number of the Southern tribes were pastoralists (the Dinka and

¹ Höglund, "Violence in War-to-Democracy Transitions."

² Researcher focus group, 6 June, 2008, Burweil, Akobo Country.

Nuer among them, who also happened to be the most populous tribes). Their livelihoods centred on cattle; the dependency on cattle led to resource-based conflicts. All these factors, coupled with ineffective government institutions and abuses of SPLA soldiers, led to an explosion of tribal clashes and a destabilisation of the South.

The communities which took up arms initially did so as a coping mechanism in a bid to improve their livelihoods and, later, as means to protect themselves against attacks from neighbouring communities. This was a response to the ineffectiveness of government institutions in providing for the welfare and security of the populace. The groups that took up arms tended to validate their violence through tribal justifications. Stealing from another tribe was not conceptualised as an act of ‘criminality’ when placed in the context of tribal competition. Thus, there was an over-reliance on the tribe as an institution; when manipulated this element of tribalism worsened the increasingly deteriorating situation. While the traditional authority institutions provided a system of governance in the rural areas (which is discussed in the second half of this chapter), dependency on traditional legitimacy and manipulation of tribalism by political leaders destabilised the region. The politicians in Juba maintained that the ‘New Sudan’ they were creating was free of tribalism, but when these individuals could not gain support based on government success or through appealing ideology they looked to their own tribe and clan for backing. Southern society was defined by the tribe; there was a multitude of tribal groups vying for political influence and resources. Thus, while the tribe as an institution was a necessary political organisation in Southern Sudan, tribalism was a subversive force.

b. Cattle Culture as an Explanatory Factor

The primary cause of insecurity for a number of pastoralist tribes in Southern Sudan was competition for cattle. The Nuer was one tribe which was known for its intense interconnectedness with cattle. In his comprehensive anthropological account of the Nuer, Evans-Pritchard maintained that the Nuer social and spiritual life revolves around cows. He writes,

[s]o many physical, psychological, and social requirements can be satisfied from this one source that Nuer attention, instead of being diffused in a variety of directions,

tends, with undue exclusiveness, to be focused on this single object and to be introvertive, since the object has a certain identity within themselves.³

Further, the Nuer's relationship with their neighbours is entirely based on this identity and through their desire to acquire cattle. Similarly, for the Murle, the "path to social prominence begins with amassing a sizeable cattle herd."⁴ In fact, anthropological accounts of pastoralist tribes from all over the South place a significant amount of importance on the issue of cattle and symbolic wealth.

Cattle continued to be revered in the interim period since there were few means of securing a decent livelihood due to the lack of development of the region. In interviews conducted in 2008 and 2009 it seems evident that cattle held more importance than women and children, though their value was determined by their ability to 'buy' wives. The cows constituted symbolic wealth; they represented an arbitrary monetary system. They were used primarily for obtaining a wife and were valued over hard currency in a bank. A man would give his future father-in-law a minimum of 15 to 20 cows for his daughter. This number fluctuated depending on the qualities of the girl, such as looks, height, education or her family's status. The cows obtained through a dowry were divided up among the daughter's relatives. Distant relatives the girl had never met were also given part of this dowry. If the potential husband did not have enough cows he would ask for a loan from members of his extended family. Thus, cows were moved around from family to family within the same clan. Cows were also used as payment for wrongdoing. They were taken by the police as a fine or as compensation for the murder of an individual.

Cattle defined the worth of a family or an individual but it was not material well-being as might be understood it in the West. A family could have hundreds of cows and be considered wealthy by Southern Sudanese standards but this did not mean that they lived in descent conditions. In spite of the cattle, which could potentially produce a great monetary benefit by being sold, families' socio-economic indicators remained sub-standard. Children in families such as these suffered from malaria, malnutrition, parasitic infections, and dysentery and were generally not sent to primary school. Selling a cow, even to pay for the

³ E. E. Evans-Pritchard, *A Description of the Modes of Livelihood and Political Institutions of a Nilotic People* (Oxford: Oxford University Press, 1969), 40-41.

⁴ Elizabeth H. Andretta, "Symbolic Continuity, Material Discontinuity, and Ethnic Identity among Murle Communities in the Southern Sudan," *Ethnology* 28, no. 1.

betterment of children, was considered dishonourable. Similarly, cows were only slaughtered for special occasions and rituals. Only a very desperate family would take a cow to the market to be sold, though this trend was starting to change during the interim period. Further, cattle were never used for any sort of manual labour, such as pulling a plough or cart. Instead the women were left to cultivate a large field by hand or carry 40-pound jugs of water on their heads. The cattle, meanwhile, were a symbolic though under-utilised wealth, left to graze all day long. While cattle represented status, people were hesitant to reveal the exact number of cows that they owned. As with children, individuals did not like to tell any authority figure how many they had. One interviewee responded that “[y]ou hide how many cows you have because it would be showing your wealth.”⁵ According to another respondent, “[i]f you hurt someone then you might be in trouble with the police. But if you hurt a cow...that is your life gone.”⁶ This intense reverence for cattle indicates both the important position they occupied in Southern Sudanese society as well as the potential devastating effect competition for them could have.

In Jonglei State, the issue of cattle was particularly contentious according to the state’s governor.⁷ The state is low and flat, so it floods during the lengthy rainy season, making crops fail. As agriculture was not reliable people depended on their cattle to survive. During the interim period there were an estimated seven million cows in Jonglei State. Since the level of development was so low and unemployment so high, people resorted to using arms to secure cattle, both for their survival and as a bride-price. This also aggravated the competition for resources such as land and water, especially during the dry season. The powerful inter-connectedness felt by the pastoralist tribes, namely the Nuer and the Dinka, also led to an intense competition for land resources and grazing grounds during the dry season. In an article written on the British experience in Southern Sudan, Collins and Herzog note:

But cattle, unlike a currency (even of spearheads), are difficult to guard, and that such a commodity was the most important asset in the land made stealing frequent and the attendant violence inevitable. Moreover, in a land of swamp and forest, grazing land was in short supply particularly during the rainy season. This shortage naturally heightened the tension among the tribes.⁸

⁵ Researcher focus group, 6 June, 2008, Akobo.

⁶ Researcher focus group, 6 June, 2008, Akobo.

⁷ Researcher interview, Governor of Jonglei State, 15 August, 2008, Bor.

⁸ Herzog and Collins, "Early British Administration in the Southern Sudan," 120.

The issue of cattle was one of the most-often cited reasons by government officials for the continual violence in Southern Sudan. According to the Chief of Staff of the SPLA, bands of youth were responsible for a significant amount of violence during the interim period.⁹ The armed youth were partially left over from the ‘White Army’ militia; they formed their own command and did not respond to their chiefs. The armed youth were especially active in the rural areas. After the peace was signed they went back to their home villages with their guns. They used their guns to acquire wealth, especially cows, and began to fight over land, water and resources. For these youth there were no political issues that they cared about; they only wanted to acquire cattle. Still, this particular brand of fighting took on characteristics beyond mere competition for resources. Chiefs were no longer effective and there was no rule of law; this was why the violence escalated to such a degree during this period.

The cattle, then, were at the root of the violence, according to civilians and government officials alike. Not only were poor, young men raiding cattle camps so that they could acquire wealth for marriage, those individuals with cattle were often involved in an intense competition over grazing rights and access to water. Yet, while cattle-raiding was superficially the reason for instability it was merely symptomatic of the wider socio-economic woes and political rifts. When coupled with a deterioration of tribal norms and a continued proliferation of arms, the issue of cattle resulted in an overly violent and politicised atmosphere which seriously undermined the government’s ability to exercise security over the region.

c. Societal Norms and Increases in Violence

The Southern Sudanese interviewed for this thesis were fond of reverting to anthropological explanations for why the internal Southern security situation was as it was. At the most basic level, people’s modes of livelihoods do explain some of the over-arching conflicts between the Equatorians on the one hand and the dominant tribes of the Dinka and Nuer on the other. One interviewee stated that the mentalities of Southerners put them at odds with each other. He explained that Southerners could be placed into two different

⁹ Researcher interview, SPLA Chief of Staff, 28 May, 2009, Juba.

categories: 'pastoralists' and 'agriculturalists'. The agriculturalists created things, they cultivated. The pastoralists depended on their cows; they had a desire to control. For them, things were given to them by God. There was little understanding of private property; they thought that they automatically had the right to rule. Following the creation of the Southern government, there was an observable clash between these two cultures.¹⁰ Yet, there were also more localised inter-communal disagreements during the interim period.

From an anthropological point of view the pastoralist tribes such as the Nuer or Dinka, whose livelihood relied significantly on cattle, had a long tradition of cattle-raiding and violence. Traditionally, though, this violence was governed by a code of ethics and symbolism. Cattle raids would result in a few dead tribesmen, did not target women, children or elders, and eventually the communities' leaders would meet and resolve the issue. However, the kind of violence that came about during the interim period was not simple cattle-raiding. Observers point to the British colonial period as the beginning of the breakdown in traditional societal norms which governed violence and inter-communal interaction. Johnson, in his discussion of the Nuer-Dinka relationship, wrote that preceding the Anglo-Egyptian Condominium the Dinka and Nuer "have been marked by progressive amalgamation and the resolution of conflicts through the mutually accepted conventions of mediation" based on a standard code of conduct between communities supported by religious sanctions.¹¹ Yet, the colonial policies widened the gulf between these two communities as the British implemented a policy of separation through the creation of administrative units.

The civil war accelerated the breakdown of societal norms, resulting in intense inter-communal competition. Hutchinson, writing about the inter-tribal conflicts during the war, maintains that there was a shift in modes of warfare. She writes of a rapid polarisation and militarisation of Dinka and Nuer ethnic identities which led to an abandonment of restraints normally held by combatants. Before the 1991 split in the SPLM, combatants did not intentionally kill women, children and the elderly. Moreover,

[a]cts of homicide within each ethnic group... were governed by a set of complex cultural ethics and spiritual taboos aimed at the immediate identification and purification

¹⁰ Researcher interview, NGO worker, 29 May, 2009, Juba.

¹¹ Douglas H. Johnson, "Tribal Boundaries and Border Wars: Nuer-Dinka Relations in the Sobat and Zaraf Valleys, C. 1860-1976," *The Journal of African History* 23, no. 2, 201.

of the slayer and at the payment of blood wealth cattle compensation to the family of the deceased.¹²

The inter-tribal violence that accompanied the war led to an unravelling of these restraints, resulting in an escalation of violence against non-combatants. This intensification of brutality, Hutchinson maintains, was aided by the rejection of a 'performative' concept of ethnicity over a 'primordialist' one.¹³ This mentality carried over into the interim period. The insecurity during the interim period engulfed entire communities; retribution ignored the ingrained societal ethics. Further, the inter-communal violence of this period also besieged the agricultural societies of Equatoria which had traditionally been considered to be less concerned with cattle and not as prone to cattle-raiding and violence as the pastoralist tribes.

d. Tribal Clashes During the Interim Period

This section discusses the tribal clashes which plagued the South during the interim period. The violence following the signing of the CPA was largely the result of a continued proliferation of small arms and cattle-raiding. Although the government implemented voluntary and involuntary disarmament starting from 2005, arms remained overwhelmingly in the hands of civilians. By 2008 the security situation was abysmal in many regions. Not only was tribe fighting tribe, but clans within certain tribes, especially the Nuer in Jonglei State and the Dinka in Warrap State, began clashing over cattle and land. While there is not enough space here to discuss in detail the various tribal clashes, a brief overview of them will be given.

The situation in the Lakes State, one of the relatively secure regions during the war since it was an SPLM stronghold, began to experience small-scale disputes attached to cattle-raiding and access to resources in 2006. A Small Arms Survey report found that out of 670 individuals interviewed 35% admitted to owning firearms, including AK-47s, revolvers, pistols and even rocket-propelled grenade launchers. One-third of the respondents believed

¹² Hutchinson, "Nuer Ethnicity Militarized," 8.

¹³ *Ibid.*

that the security situation had actually deteriorated since the signing of the CPA.¹⁴ This region was considered one of the safest in the South; other states faced an even greater amount of insecurity, which was often the result of tribalism aggravated by limited resources and small arms proliferation.

In Warrap State, two Dinka clans began feuding in early 2008. Traditionally, conflict over resources was between tribes, not within them. Thus, this fighting in Warrap State was a rarity, that the Dinka would fight other Dinka. According to the director of a peace committee set up by the office of the GoSS presidency, the state was in crisis and the people had succumbed to looting, burning, killing, rapes and abductions.¹⁵ One of the key problems leading to this conflict was that many former soldiers failed to integrate into the SPLA and began acting as ‘protectors of cows’, forming their own militias.¹⁶

Other clashes were reported between communities in Equatoria which were not normally known for inter-communal violence. In mid-2009 the Bari and Mudari, who share a similar language and cultural heritage, began fighting in and around the Southern capital, Juba. Gunfire consisted of heavy artillery, suggesting that SPLA soldiers joined the fray along ethnic lines.¹⁷ Other disagreements amongst the Acholi, Bari, Lolubo and Madi over ownership of a piece of land between Nyolo and Kit bridges along the Juba-Nimule road led to violence in 2009. According to individuals in the Southern Sudanese parliament, patterns of displacement and resettlement created disagreements over resource ownership and, when complicated by political factors, this produced violence.¹⁸

The greatest level of violence during the interim period, however, was between the Dinka, Nuer and Murle tribes in Jonglei State. Most of the conflicts in this state were between three groupings of competitors: Lou-Nuer and Dinka, Lou-Nuer and Murle, and Lou- and Jikany-Nuer. According to a report by the International Crisis Group a forcible disarmament left around 1,200 Lou-Nuer dead in 2006; in May 2007, 20,000 head of cattle

¹⁴ "Persistent Threats: Widespread Human Insecurity in the Lakes State, South Sudan, since the CPA," in *Sudan Issue Brief* (Geneva: Small Arms Survey, 2006).

¹⁵ President Salva Kiir, who was from Warrap State, set up a peace committee to resolve the violence through a grassroots peace initiative.

¹⁶ Researcher interview, Director of Peace Committee for Warrap State, 4 July, 2008, Wau.

¹⁷ "Bari, Mundari Groups Reportedly Clashed North of S. Sudan Capital," *Sudan Tribune*, 29 April, 2009.

¹⁸ Isaac Vuni, "Community Border Row in Equatoria to Be Addressed by Committee," *Sudan Tribune*, 9 March, 2009.

were allegedly stolen from the Lou-Nuer by the Dinka.¹⁹ According to a local organisation in the state, the Community Security and Small Arms Control, at least 1,800 civilians were killed in Jonglei State as the result of cattle-raiding from January to August, 2009. Additionally, 340 children were abducted, 280 people were wounded, and over 847,000 cattle stolen.²⁰ In one instance in May 2009, Lou-Nuer targeted a cattle camp occupied by women and children from the Jikany-Nuer. Cattle were stolen and those sleeping outside were shot at point-blank range. In all, seventy-one people were murdered and fifty-seven were wounded.²¹ A hijacking of WFP boats in June 2009 by Jikany-Nuer left Lou-Nuer in places like Akobo without food since the only way to access the area during the rainy season was by the Sobat River. The violence in this state was manipulated by political leaders for their own ends: "Politics and the personalities driving them in Jonglei may also be related to a broader competition for control in Juba and across the South."²² Thus, small, localised conflicts over resources transformed during the interim period into highly politicised incidents, which only fanned the flames of discontent among the various communities. Dozens and dozens other small, concentrated instances of violence and cattle-raiding occurred throughout the South, especially towards the end of the interim period.

e. Government Efforts to Combat the Violence

By 2010 there was an observable challenge to the state's monopoly over the use of force, one which the government faced difficulties in combating. The various clashes described above reveal a serious rift in Southern Sudanese society. More worrying, they were being politicised which, according to Thomas, "may indicate that the tribes are still seen as a military resource."²³ Though these were restricted clashes the government and the SPLA were often helpless to stop them. The government initiated various rounds of civilian disarmament operations from 2005 to 2009. Some of them were voluntary and others were involuntary; most were ultimately unsuccessful. In the troubled Jonglei State, the initial

¹⁹ "Jonglei's Tribal Conflicts: Countering Insurgency in South Sudan," in *Africa Report* (Crisis Group, 2009).

²⁰ "2009 Jonglei's Death Tolls Is 1,800: Report," *Sudan Tribune*, 31 December, 2009.

²¹ "Promise and Peril in Sudan: South Sudan May Get Independence in 2011, but Could Start Life as a Prefailed State," *The Economist*, 13 June, 2009.

²² "Jonglei's Tribal Conflicts: Countering Insurgency in South Sudan," i.

²³ Thomas, "Decisions and Deadlines: A Critical Year for Sudan," 11.

disarmament, from December 2005 to May 2006, lacked direction. After requesting grazing rights to Dinka lands, Lou- and Gawaar-Nuer civilians were asked to turn in their weapons. As their neighbours were not being asked to disarm, the Nuer refused. This led to minor clashes between the Nuer and the SPLA. Eventually 1200 Nuer militiamen, remnants of the 'White Army', were killed along with 400 SPLA soldiers and hundreds of civilians. Villages were burned while cattle and goats were stolen, which led to chronic food shortages.²⁴ Subsequent disarmament attempts in 2007 and 2008 were more successful but often were carried out in only certain communities, leaving them vulnerable to their armed neighbours. According to the GoSS Advisor for Peace and Reconciliation Affairs, the government took 1863 guns from the Murle in 2007. In Akobo during this period 1500 guns were collected.²⁵ By 2008, though, arms were once again widespread within these communities.

The porous borders and influx of small arms enabled communities to rearm very quickly. Other individuals would simply hand in one gun to the SPLA while keeping another hidden in their *tukuls* or huts. In other cases certain communities, left vulnerable by giving up their arms, would simply demand their guns back after they had been attacked by their neighbours. The disastrous disarmament in Jonglei State in 2006 proved so unsuccessful that the Lou-Nuer communities demanded back their arms and were allowed to re-collect them. Again, they were disarmed in 2008. Yet, the Murle community to the south was not. Many communities in and around Akobo said that they experienced an increase in cattle-raiding by the Murle following the 2008 disarmament. One chief interviewed for this thesis said that one week after giving the SPLA their guns, 500 cows were stolen from his village. Taking responsibility, he regretted his decision to listen to and comply with the government because it had failed to disarm the Murle at the same time. He had lost faith in the government over this issue.²⁶

Combating the rising insecurity was ultimately the responsibility of the Southern security forces. The SPLA's inability to cope with the rising cases of insecurity was complemented by a nascent and inept police force, the Southern Sudan Police Service (SSPS). SSPS was in the early stages of its development during the interim period. The

²⁴ "Anatomy of Civilian Disarmament in Jonglei State: Recent Experiences and Implications," in *Sudan Issue Brief* (Geneva: Small Arms Report, 2007).

²⁵ Researcher interview, General Sultan Ismael Kony, Presidential Advisor for Peace and Reconciliation Affairs, Government of Southern Sudan, 2 June, 2009, Juba.

²⁶ Researcher interview, Head chief, 17 June, 2008, Burwil.

policing of the South should have been the responsibility of the SSPS, not the SPLA; yet the SSPS was not equipped to respond to security problems for two reasons. The first difficulty faced by this force was logistical and tactical: lack of infrastructure, no clear chain of command, little effective communications and transportation, and shortages in manpower. According to a Human Rights Watch report, in 2007 there were only 700 policemen in the Lakes State; this state had a population of over 350,000.²⁷ Secondly, the police force was not properly trained to interact with civilians. Most of the police were former soldiers, lacked basic education and were illiterate. The police force contributed to the insecurity as many of the SSPS policemen were themselves responsible for violence and human rights abuses. The police force, a civilian unit, was accused by the civilians of using unnecessary force during disarmaments. There was an inability for the police, former SPLA soldiers, to shed their militaristic ethos. UNMIS peacekeepers implemented a programme to teach the police how to interact with the populace and treat civilians. However, most of these police forces retained a legacy of intimidating civilians rather than working constructively with the communities they were policing.

The inability of the government to adequately disarm and protect various communities led many to create community militias like those seen during the civil war. This meant that the government, while able to control towns, lost its influence and monopoly over the use of force in rural areas. This issue was especially pertinent to the government's ability to forge eudaemonic legitimacy through the protection of internal security. This also leaves in doubt the future potential for state-building after the referendum. Goodwin writes that a 'state' is best defined as an organisation which "claims the right to monopolise the legitimate use of force in an extended territory."²⁸ If unable to secure a monopoly over the use of force, then any future Southern state would undoubtedly lack the legitimacy and security to develop its governmental institutions properly in the rural areas.

II. Lack of Development and the Southern Government's Reliance on Foreign Assistance

²⁷ "'There Is No Protection': Insecurity and Human Rights in Southern Sudan."

²⁸ Goodwin, *No Other Way Out: States and Revolutionary Movements, 1945-1991*, 12.

a. Government Shortcomings in Development, Service Delivery and Social Welfare

The ability of the SPLM to provide for the people of Southern Sudan was a test of its new political responsibilities and would (if successful) enable the GoSS to develop legitimacy. As Andrew Natsios²⁹ has observed, “[t]he legitimacy of the new government will be judged in part by its ability to deliver needed services to its people.”³⁰ In this respect, as shown in chapter 4, institutional shortcomings precluded such advancement. Aside from the security problems discussed in the previous section, the lack of development and provision of services was the ‘Achilles Heel’ of the new government and the SPLM. While chapter 4 highlighted the shortcomings of the government in establishing effective institutions, this section then looks at the exact results of these institutional weaknesses.

Initially, there were a few immediate benefits of peace, what Edward Thomas calls ‘peace-dividends’, such as increased mobility of the population, improvements in primary school enrolment and maternal health, and increased resettlement.³¹ However, these positive steps were by and large the result of the end of the war and not the direct result of governmental policy. The end of the violence allowed more movement: of children to schools, of NGOs to remote areas and of mothers to hospitals. Overall, there was not a coherent effort on the part of the government to initiate social welfare projects on its own. This section examines this challenge of legitimacy through an institutional analysis, highlighting the post-conflict reconstruction needs of the populace; the government attempts to address these needs; and the over-reliance by the SPLM and the GoSS on international agencies.

The state of the poverty and underdevelopment in the South presented a massive challenge to the government. The most pressing reconstruction issues were laid out by Peter Blunt’s assessment of the sustainable human development (SHD) in Southern Sudan which

²⁹ Former US Envoy to Sudan.

³⁰ Andrew Natsios, "Implementing the Comprehensive Peace Agreement in Sudan," *Yale Journal of International Affairs* Summer/Fall (2005), 94.

³¹ Edward Thomas, "Against the Gathering Storm: Securing Sudan's Comprehensive Peace Agreement," (London: Royal Institute of International Affairs, 2009).

he carried out shortly before the signing of the CPA.³² Both health and education were at a minimal or non-existent level. Income and livelihoods were subsistence-based and most physical infrastructure was in a serious state of disrepair. Blunt's appraisal was bleak; there was a "magnitude of development needs and severity of development problems."³³ When the Government of Southern Sudan was formed it committed itself to achieving the Millennium Development Goals (MDGs) set out by the UN as means to measure its success in addressing chronic poverty and underdevelopment. The MDGs included the following: eradication of extreme poverty and hunger; universal primary education; gender equality and female empowerment; reduction in child mortality; improvement in maternal health; combating HIV/AIDS, tuberculosis, and malaria; and environment sustainability. In order to reach these benchmarks the government focused its activities on developing the Southern physical infrastructure; promoting agriculture and private sector development; restoring peace and the delivery of basic services; and regenerating social capital, especially through the promotion of education. A report on the MDGs in Southern Sudan, published shortly before the signing of the CPA and based on the available statistics, presented a "grim picture of South Sudan's present status in the attainment of the MDGs."³⁴ Towards the end of the war 98% of the population lived in rural areas, 90% lived below the poverty line, and less than one-third had access to clean drinking water. The child enrolment in primary schools was 20%; girls only made up 27% of this. The literacy rate was at 24%, the lowest in the world after Niger. Most schools were held outside under trees and health clinics were stocked with only the most basic of medicines. Thus, the government's job of providing for the populace was complicated by these already low socio-economic indicators.

The government was tasked with addressing the following: building infrastructure, encouraging agricultural improvements, developing the private sector, and delivering basic services such as education, health and access to clean water. The first concern, in terms of infrastructure, was creating a situation that would increase the mobility of the population. Mobility would be essential to the success or failure of the livelihood systems in Southern Sudan following the war as the socio-economic relationships would depend on "restoring

³² Peter Blunt, "Governance Conditions, Roles and Capacity-Building Needs in the Rebel-Held Areas of Southern Sudan," *Public Administration Development* 23 (2003).

³³ *Ibid.*, 132.

³⁴ New Sudan Centre for Statistics and Evaluation, "Millennium Development Goals: Interim Report for South Sudan 2004," ed. New Sudan Centre for Statistics and Evaluation (2004).

trade, developing new markets, and promoting the exchange of opportunities that are part of a functional economy.”³⁵ When the war ended the only paved roads in the South were in Juba. While new roads were built over the subsequent five years, these roads did not extend beyond the capital. Some improvements of dirt roads were accomplished (specifically of the main roads linking towns), but heavy rains often nullified these efforts. As for the roads in the counties, the government made no effort to improve them, leaving many villages stranded during the rainy season. While road improvements were generally the responsibility of the county and state governments this task effectively fell to the GoSS since the other levels of government lacked sufficient experienced workers and machinery. The GoSS, in turn, tended to rely on UN agencies and foreign contractors for road improvements. According to one report put out by the UN, the GoSS provided the WFP with \$30 million in 2007 to undertake road projects.³⁶ The government did not have the capacity, equipment or qualified engineers to improve the dirt roads itself.

Secondly, agriculture development was also a priority for the nascent government. UN agencies such as the WFP professed a need to move from emergency assistance and relief to recovery. The foreign institutions which had provided humanitarian assistance to the Southern Sudanese population during the war began reorienting their programmes from food handouts to food for work programmes and agriculture promotion. Chronic insecurity and poor rains, especially during 2009 and 2010, hampered this shift. The government was not equipped to deal with the rising rates of malnutrition and lack of food. Most food production continued to be based upon subsistence-level farming which was seen more as a supplement to livestock rather than as an acceptable alternative. Large-scale agricultural projects had not been developed by the government or by the private sector. In the first months of 2010 the WFP reported that the number of hungry Southerners had quadrupled. While the number of people requiring food assistance was one million in 2009, it reached 4.3 million in 2010.³⁷ This amounted to half of the Southern population.

Thirdly, private sector development was another important step in the progress of the South. The government did not fully encourage private business growth; foreign direct

³⁵ Statistics and Evaluation Southern Sudan Centre for Census, "Southern Sudan Livelihoods Profiles: A Guide for Humanitarian and Development Planning," (Nairobi: Southern Sudan Centre for Census, Statistics and Evaluation, 2006), 24.

³⁶"Sudan Humanitarian Overview," (UN OCHA, 1 August- 31 August, 2006).

³⁷ "Number of Hungry Quadruples in Southern Sudan," *Sudan Tribune*, 2 February, 2010.

investment was lacking as a result of this. In an article in *The Economist* the lack of foreign investment was considered to be representative of the political instability, corruption, a poor local work ethic, and general logistical issues.³⁸ There was also very little guarantee of contracts issued by the Ministry of Commerce, Trade and Supply. Local entrepreneurs continued to be wary of the stability of the GoSS and paternalism practiced by this institution. When there was a cabinet reshuffle in 2009, for example, the Minister of Commerce, Trade and Supply was removed from his post. Southern businessmen flocked to the ministry the following week to ensure that the new minister would honour the previously negotiated contracts, though this was not always the case.

Finally, the provision of basic services, health and access to clean water remained poor. The one area that the government did improve in was that of education. While the government did not meet the MDG of universal primary education, education statistics from the interim period showed a marked improvement. The enrolment in primary education rose from 1,127,963 in 2007 to 1,380,580 in 2009. Of these, girls accounted for 30%, up from 27% during the war. Still, the majority of schools remained located in semi-permanent locations such as tents or under trees.³⁹ Thus, by 2010 the pace of development, infrastructure construction and service delivery was not sufficient to meet the MDGs or the expectations of the populace.

The global economic crisis in 2009 further hampered the government's ability to fund development projects. In his report on the state of development in Southern Sudan, UN Secretary-General Ban Ki Moon stated:

The current budgetary crisis in Southern Sudan, the result of falling oil prices and revenues and the global economic downturn, continues to hamper the anticipated transition from humanitarian to early-recovery programming...the emergence of critical gaps in the provision of essential services remains a significant risk.⁴⁰

The Southern government's reliance on oil income (98% of the South's non-aid income came from oil during the interim period⁴¹) proved to be unreliable. Through relying on a commodity dependent on international markets, the government had tied its ability to fund

³⁸ "Looking for Laws: A Would-Be Country Drives Away Foreign Investment," *The Economist*, 4 February, 2010.

³⁹ Education Management Information Systems Unit, "Education Statistics for Southern Sudan, 2009: National Statistical Booklet," (Juba: Ministry of Education, Science and Technology, 2009).

⁴⁰ "Report of the Secretary-General on the United Nations Mission in the Sudan," 11.

⁴¹ Barney Jopson, "South Sudan Uses Oil to Ease Secession Fears," *Financial Times*, 9 February, 2010.

development projects to fluctuations in the market. The GoSS budget for 2009 was based on the oil revenue received in 2008; oil prices in 2008 were exceptionally high but then fell in 2009. Thus, by the first half of 2009 the government simply ran out of money. Civil servants and SPLA soldiers were not paid their salaries for months on end. Still, overall revenue was not lacking. The South received about \$8 billion in oil revenue from 2005 to 2010.⁴² This led many Southern Sudanese to question where the money had gone and why it had not been spent on improving service delivery, development projects and infrastructure improvements.

For their part, many politicians in the Southern Sudanese government realised the shortcomings of the government, though would seldom say so in public. On rare occasions, GoSS officials accepted blame. In his speech at the SPLM National Convention, Salva Kiir admitted that,

we have not realised the aspirations of our people. Why? Peace, comrades, has no meaning without providing our people with their basic needs...Our people want shelter, health care, education, clean drinking water and decent means of livelihoods. They want to know how efficiently we have used the resources to meet those needs. That, with regret, did not happen.⁴³

In another speech later that year, Kiir confessed that “[w]e need to do more.” He continued, “[t]he expectations of people are high. But I am convinced that with the level of progress that I am seeing today, we will be able to live up to their expectations.”⁴⁴ As with many GoSS officials, Kiir tended to excuse the low level of achievements on the grounds that he and his government were starting from scratch, beginning development from zero.⁴⁵ At the same time the government looked past its own institutional shortcoming, preferring instead to rely on the actions of the international aid and development community for help.

b. Foreign Assistance in the Post-Conflict Development of Southern Sudan

As the SPLM moved firmly into the ‘legitimate’ side of politics it needed to switch from a reliance on external to domestic support to consolidate legitimacy. Clearly, the ability of the political party to provide for its citizens after two decades of war was a complex task.

⁴² *Ibid.*

⁴³ Opening statement of the Second SPLM National Convention, 14 May, 2008, 22-23.

⁴⁴ "Sudan; Southerners Return Home," *UN IRIN*, 24 November, 2008.

⁴⁵ "Keynote Speech of H.E. Gen. Salva Kiir," Southern Sudan Kings, Chiefs and Traditional Leaders Conference, 15 May, 2009, Bentiu.

One aspect of this transformation, important for the purposes of this thesis, was switching the SPLM's legitimacy from an ideological-bent perspective to a social eudaemonic one. At this point in the SPLM's history the group was struggling to shift from appealing to international actors towards domestic communities. However, in enhancing this legitimacy the role of foreign aid groups was necessary. This raised a problem: the independent humanitarian and development efforts detracted from the SPLM's and the Southern Sudanese government's own reputation for capacity-building. These organisations adopted the role that the government should have assumed in caring for the Southern populace. There was a massive influx of aid organisations into the South following the signing of the CPA. While the aid was vitally needed considering the ineptitude of the government and the massive development challenges, the long-term effect of aid dependency was also a concern.

Branch and Manipilly stress two possible negative outcomes of the influx of foreign aid into Southern Sudan.⁴⁶ If the local administration had little control over the aid this could lead to a loss of legitimacy and capacity of local political authority. The opposite scenario could see political groups inserting themselves in between the donors and recipients; this form of manipulation was experienced during the war. They write that government officials needed to find a balance between two contradictory imperatives: on the one hand, a recognition that a degree of foreign aid would be necessary if the local administration were not to lose support due to popular dissatisfaction with continued poverty and lack of services; on the other, the understanding that a long-term dependence upon foreign aid might undermine the social and political coherence of the South. This warning was also given by Jooma, who writes that in "the context of rebuilding it will be essential for the GoSS to co-operate with international donors and agencies, without allowing state ownership of the reconstruction agenda to be weakened."⁴⁷ However, within this context there was always the probability that the government, preferring not to address its shortcomings during the interim period, would become dependent on aid agencies. It was easier to focus governmental efforts on military build-up and let the international community take care of the welfare of the populace. While aid agencies profess to have "a strong rhetorical commitment to strengthening local institutions," according to Minear, "the

⁴⁶ *Ibid.* 14.

⁴⁷ Jooma, "Feeding the Peace: Challenges Facing Human Security in Post-Garang South Sudan," 16.

humanitarian enterprise has proven itself better at delivering life-saving assistance than at strengthening local capacity.”⁴⁸ In Southern Sudan this reality led to a dependency on international aid and development organisations.

During the interim period the GoSS was heavily dependent upon foreign development aid and, by extension, the priorities of donors. The sustainability of the government’s ability to undertake projects and uphold its own institutional capacities in the delivery of services was weakened. This thesis has established that the institutional capacity of the government was not effective enough to provide for the delivery of services and welfare. Further, the dependency on international organisations left doubt as to whether or not the government would be able to expand its capacity so as to eventually take responsibility for social welfare projects from these international aid agencies. Abbink reinforces this concern, writing that the “danger of massive NGO and donor-country onslaught...is that local people are bypassed and urged to follow foreign agendas.”⁴⁹ At the same time the populace began to see foreign agencies as their providers, as opposed to the government.

c. International Aid Organisations and Southern Public Opinion

The perceptions of the Southern populace reveal what effect aid dependency might have on the long-term viability of the GoSS as a representative government. Local insights provide an appreciation of how the population understood the role of the government vis-à-vis providing for their general welfare. The county-level provided the greatest opportunity for interaction between the government and the local population. The responsibilities of the government at this level included providing for security and welfare but these activities were limited due to financial and capacity constraints. One such example comes from Akobo County.⁵⁰ The Commissioner’s office itself was ill-equipped and had been given a grant for renovation from USAID channelled through a local NGO. The main link between NGOs and the government was the South Sudan Relief and Rehabilitation Commission (SSRRC). In theory, the local population would make appeals to the SSRRC office; then the staff

⁴⁸ Larry Minear, *The Humanitarian Enterprise: Dilemmas and Discoveries* (Bloomfield: Kumarian Press, 2002), 55.

⁴⁹ J. Abbink, "Reconstructing Southern Sudan in the Post-War Era: Challenges and Prospects of 'Quick Impact Programmes'," *ASC Working Paper 55* (2004), 6.

⁵⁰ Since most of the county-level research was conducted in Akobo County, it is the focus of this section.

would go to the state SSRRC office which then passed them on to international NGOs. In actuality, the process was not effective and poor security prevented SSRRC officials from travelling into the surrounding communities to assess needs. Interviews confirmed that members of the community made direct appeals to international NGOs and community-based organisations (CBOs) instead. The UN presence in Akobo County was limited to WFP food distributions and the UNMIS visits during civilian disarmament operations. INGOs included the Carter Centre, International Medical Corps, and VSF (Vétérinaires Sans Frontières). National NGOs were also present and were funded by foreign donors. Interviews with the staff of these NGOs revealed that these aid organisations were the main providers for the health, education, food security, peace-building and water and sanitation projects. The county government itself often appealed to these organisations for help. The renovation of the Commissioner's office was one example.⁵¹

Lack of communication between the state and county governments also limited the functioning of the county educational staff as they had to travel over impassable roads to the state capital, Bor, to receive salaries and instructions from the government. While materials were provided by UNICEF, the local government was unable to undertake construction for new schools, thus encouraging local communities to do so on their own initiative.⁵² Another area taken over by aid organisations was in the realm of security as NGOs were the main impetus for reconciliation and peace-building activities.

The lack of capacity of the Southern government had serious consequences in terms of public support. Traditionally, the Nuer in this community had been resistant to outside authority and Akobo County was an area that had an uneasy relationship with the SPLM during the war. The county government had very little authority within the area and had to rely on tribal chiefs and elders to implement its policies. Support for the government was very tentative if people did not see the results of peace, namely, development and improvements in their own livelihoods. While many knew that the government was present, a lack of civic education meant that few in the town were aware of the government's role and expected the government to act as the UN and NGOs had during and after the war.⁵³

⁵¹ Researcher interview, county official, Akobo County, 10 June, 2008, Akobo; Researcher interview, county official, Akobo County, 10 June, 2008, Akobo.

⁵² Researcher interview, Deputy Director, County Education, Akobo County, 10 June, 2008, Akobo.

⁵³ During Operation Lifeline Sudan, discussed in chapter 3.

They did not feel that the government had done this at all. As such, there was more of a tendency to go to the international aid agencies for help rather than to the county or state governments.⁵⁴

Many in this area had high expectations following the signing of the CPA; the government was unable to live up to these expectations. This was especially true with the recent returnees who said that they were lied to about the services and infrastructure in Akobo town by government officials so that they would return for the census. Others were more forgiving, however. One respondent likened the government to a baby that has to be propped up to be able to walk. It was propped up by the international aid community. However, he continued, once organisations began to leave these responsibilities to an ill-equipped government, a government that cannot walk will not have any support from the people.⁵⁵ All in all, the main observation from the various interviews was that the citizens were not willing to support the GoSS and the SPLM as long as nothing was done to improve their livelihoods. Moreover, this issue was far more important to the local population than the holding of elections.

Outside of the town in the *payams* and *bomas* the support for the government was even less. The area of Akobo County was very remote and there was little NGO and UN presence at all. There were a few Primary Care Units (PCUs) and outdoor schools funded by World Relief and UNICEF, but in some villages there had not been any UN or NGO presence since 2005. This means that at the lowest levels of governance chiefs and elders remained the only authority while the international aid community remained the only provider of welfare and peace-building. In terms of legitimacy the government had very little standing in Akobo County. This led many interviewees to comment that “[t]he war has not ended for us yet.”⁵⁶ For the respondents, however, the lack of legitimacy was not the result of a need for a democratic system of governance. Instead, the main issues that were mentioned time and time again were those of welfare and security. If these problems could be addressed then support for the government and, subsequently, the SPLM would increase dramatically. The government’s capacity at these levels of governance had yet to be developed. After four years of peace, many said they were becoming impatient.

⁵⁴ Researcher interview, Nuer male, 6 June, 2008, Akobo.

⁵⁵ Researcher interview, Nuer Male, 9 June, 2008, Akobo.

⁵⁶ Researcher interview, Nuer male, 8 June, 2008, Burwil, Jonglei State.

At the GoSS- and state-levels, there was an effort by the international aid community to focus on capacity-building of the GoSS. However, at the lower levels of governance, this practice was all but absent. This means that the government's long-term ability to provide for the welfare and security of Southerners in the rural areas was under-developed. As such, consolidation of governmental authority was absent outside of the major towns while people in these communities continued to rely on traditional leaders, community-based organisations and the international aid community. One interviewee remarked, "NGO's are good; they supply our needs."⁵⁷ The same was rarely said of the government.

The problems in terms of development during the interim period were two-fold. On the one hand, the expectations of Southern Sudanese were very high. Many expected immediate changes in the fields of education, health and infrastructure in their towns or villages after the end of the civil war. On the other hand, the government capacity-building was not comprehensive enough at the state- and local-levels of governance to meet such expectations. This meant that the provision of development and welfare in most regions fell into the hands of international aid agencies and local NGO's funded through international grants. The international aid and development activities were effectively pointing out that the government was not able to accomplish its job; this detracted from the Southern government's legitimacy.

First and foremost, it was the immediate responsibility of UN agencies and NGOs to provide aid and development to people in distress. The needs of the Southern Sudanese people had to be provided for as they continued to live in a precarious position. However, in the long term ensuring an effective government was vital for continued political stability. As the government remained dependent, then this weakened the resolve of the politicians to enable the government institutions to take over the duties and responsibilities from these international agencies.

Thus, the stability of governance comes into question. The responsibilities of the international aid community towards the people of Southern Sudan were clear. However, the responsibility of the GoSS, and by extension the SPLM, was more ambiguous. The SPLM was the most coherent political organisation that represented the Southern Sudanese

⁵⁷ Nuer woman from Mading, quoted in Cook, "On the Threshold of Peace: Perspectives from the People of New Sudan," 37.

population. The SPLM was at the head of the GoSS and, for that reason, the survival of this group was necessary to ensure stability and CPA implementation. If the SPLM was in some way sidelined, even by the UN or in terms of public opinion, this could potentially be problematic in the pseudo-democratic, post-conflict setting. Many politicians and civil servants recognised that the government was at its infant stage and had a long path to follow with respect to reconstruction and development. However, this recognition of the shortcomings in the government's own capacity led to excessive reliance on the international community.

III. Tribal Institutions and Traditional Authority Leaders as a Remedy to Governance and Security Challenges

a. Benefits of Tribal Institutions and the Role of Kings, Chiefs and Elders

The review of tribal violence in Southern Sudanese during the interim period reveals that the government was often inept at preventing the violence produced by tribalism. While tribalism showed that it had the potential to seriously undermine the government's capacity to provide for the security of its citizens, within the tribal system there existed an untapped potential for resolving local disputes and indirectly extending the influence of the government. Tribal systems are often viewed as somewhat backward and contradictory to a modern, Western-style democracy. It is difficult for a government to legitimise itself when the loyalty of the populace is commanded by their traditional leaders. This argument, though, severely limits the boundaries of what democracy can or might be. Leonardi, for example, does in fact see a way for chiefs to complement a democratic system in Southern Sudan since the tribal systems in many areas were in and of themselves fairly democratic.⁵⁸ For many Southern Sudanese tribes the position of chief is not a hereditary one. Traditional leaders are chosen by the community through popular consultation. Further, in many tribes the community has the right to dismiss its chief if he was thought not to be working in the best interest of the community. The experiences of these forms of community actions, it can be argued, have the potential to provide the populace with a precursory experience of democracy and elections.

⁵⁸ Cherri Leonardi, "Violence, Sacrifice and Chiefship in Central Equatoria, Southern Sudan," *Africa* 4, no. 77.

This, of course, does not mean that the tribal system provided any sort of panacea to the shortcomings in governance faced by the Southern government during the interim period. The role of the traditional authority leaders, even the extent of their political influence over their populace, varied significantly from tribe to tribe. There are well over 60 tribes and countless sub-tribes in the South. The following provides a brief anthropological overview of the political systems of a few Southern tribes and highlights the possible benefits and pitfalls of utilising these tribal institutions, which was encouraged in the Local Government Act. The remainder of the section then delves into the state of the tribal institutions during the interim period and how the government failed or succeeded in engaging traditional authority leaders in its quest to consolidate its authority and deter civilians from taking up arms and fighting neighbouring communities.

While societies in Southern Sudan were governed primarily through a system of tribal organisations, the influence of these bonds varied from community to community. Many of the Southern Sudanese tribes had loose political systems. This meant that the chiefs' primary role was spiritual rather than political. However, it was common in most tribes for the chiefs to take on a judicial role in resolving internal communal disputes. Some tribes, the Shilluk and Zande for example, were kingdoms and had very strong central political administrations. The Shilluk had a hereditary king, or *reth*, who acted as the political and religious head of the Shilluk nation. This individual performed rituals and ceremonies but he also settled disputes and maintained the peace among the Shilluk clans.⁵⁹

Other tribes, such as the dominant Nuer and Dinka tribes, only formed loose alliances with others from the same tribe. They preferred to conceptualise their own identity through affiliation with the clan or sub-clan rather than with the tribe as an integrated unit. In his exploration of the Nuer, Evans-Pritchard describes the political system as an "ordered anarchy."⁶⁰ The chiefs and elders in this tribe had more of a spiritual role rather than a political one. He observes a lack of political control as people tended to identify more with their individual communities over their tribe unless there was a greater threat from outside the tribe. As such, "political values are relative and that the political system is an equilibrium between opposed tendencies towards fission and fusion, between the tendency

⁵⁹ L. Lewis Wall, "Aniak Politics, Ecology, and the Origins of Shilluk Kingship," *Ethnology* 15, no. 2.

⁶⁰ Evans-Pritchard, *A Description of the Modes of Livelihood and Political Institutions of a Nilotic People*, 6.

of all groups to segment, and the tendency of all groups to combine with segments of the same order.”⁶¹ Similarly, the Murle never formed centralised chiefdoms. Their leaders, according to Andretta, were religious rather than political. However, unlike the Nuer or the Dinka, there was not much inter-communal violence between different Murle clans. The Murle, who were divided into pastoralists and horticulturalists, shared a common and overarching ethnic identity in spite of their varied means of livelihoods and cultural practices. They maintained a collectively-held social construct that subsumed historical and material conditions within it.⁶²

Some tribes such as the Anuak lacked political organisation altogether. The Anuak depended completely on the village as a political unit; there were traditionally few mechanisms for interaction between Anuak communities. Wall describes them as confined to the village unit, which acted as the limit to their social world. Thus, “no mechanisms exist for obtaining compensation for deaths occurring in fighting between villages.”⁶³ The leader of the village, the headman, was not an autocratic hereditary ruler. Instead, he only remained in office as long as his rule benefited the community or as long as he fulfilled his obligation of distribution of food and gifts to the people. The village, then, was guided by consensus.⁶⁴

It can be inferred from this brief overview that some tribes, specifically those with kings and a centralised political organisation, were better equipped in controlling inter-communal violence. Those societies, though, that had a system based on consensus were theoretically better situated to engage in democracy. Thus, the variety of make-up of the political systems and role of the leaders meant that there was no single solution for how tribal leaders interacted with those individuals under their control. Some leaders had direct political control; others, though, were more spiritual leaders.

Traditional leaders also had roles beyond their own community in resolving inter-tribal conflicts and through mediating with government authorities. Firstly, the leaders often called meetings between communities and, through lengthy discussions, were able to resolve conflicts. During the civil war chiefs, kings and elders held peace conferences between warring communities. Their role was one of a mediator and judge rather than as politician.

⁶¹ *Ibid.*, 147-148.

⁶² Andretta, "Symbolic Continuity, Material Discontinuity, and Ethnic Identity among Murle Communities in the Southern Sudan."

⁶³ Wall, "Anuak Politics, Ecology, and the Origins of Shilluk Kingship," 152.

⁶⁴ *Ibid.*

One example of the chiefs' role in mediation during the civil war was when, as a response to inter-tribal fighting, Dinka and Nuer chiefs met in Lokichokio, Kenya in 1997 and in Wunlit, Bahr El Ghazal in 1999. They negotiated mutually binding grassroots peace agreements.⁶⁵ Secondly, during the interim period they also played a role as the link between the government and society. Leonardi argues that this was generally a positive role, as they can still be relevant when a modern government is established: "Their ideal role...has been one of speaking and converting between the ways of the government and the ways of the community."⁶⁶ The traditional leaders were the voice and representatives of their communities. While some leaders countered the government's political authority, a significant number of them saw themselves as the intermediary between the government and their community. This perception, as acting on behalf of their people through interactions with government officials, is discussed below.

b. The Perspectives of Kings, Chiefs and Elders

The traditional leaders' role was one of maintaining the internal cohesion of their communities as well as acting as a mediator with surrounding communities. By extension, after the signing of the CPA they took on a role as what they perceived as acting as the primary link between the government and their community. The Local Government Act stated that these leaders would be integrated into the local government institutions. During the interim period chiefs and other authority leaders not only took on the role as liaison for the government but also assumed responsibility and blame when implementation they undertook on behalf of the government went wrong.

The primary role of the chiefs, according to their responses in interviews, was acting on behalf of the community, as the connector between the community and the government. When there was a problem in a certain community, that village would send a runner to the sub-chief. The sub-chief would then take the information to the head chief and it would eventually be passed on to the paramount chief or, in some cases, the king. The paramount chief or king would then deliver the message to the county commissioner for review.

⁶⁵ Hutchinson, "Nuer Ethnicity Militarized."

⁶⁶ Leonardi, "Violence, Sacrifice and Chiefship in Central Equatoria, Southern Sudan," 539.

Traditional leaders also held local peace conferences after the cattle-raiding became unbearable. The paramount chiefs would call for a reconciliation conference and send invitations to *boma* chiefs from around the area. The *boma* chiefs would ask the village elders to choose representatives for the event. The community representatives then met, discussed the mistakes being made and looked to how to mediate the conflict or judge crimes. The chiefs acted as arbitrators. If the problem was too complex or they found themselves in a deadlock, the chiefs would go to the county government for guidance.

The chiefs understood that they were acting on part of the government in terms of implementing the provisions of the CPA. Chiefs were actively involved in civilian disarmament, the 2008 census and educating the public about the upcoming elections. According to a Lotuka king, he believed it was his job to enlighten the community about the CPA, civic education and the activities of the government.⁶⁷ One chief described himself as the “mobiliser” of his community; if not for his actions, then, the community would not be ready for the elections.⁶⁸ Yet another chief, speaking of civic education and mobilisation for the elections, believed this task alone was up to him. He responded, “this is my people...who is to organise? It is me.”⁶⁹ Another chief explained that, as chiefs, they understood the elections. It was then their responsibility to talk to their community about the elections. He did admit, though, that since the community already had the experience of choosing their own traditional leaders the concept of elections was not a completely foreign one.⁷⁰

Many of the traditional leaders felt that they were operating disproportionately in comparison to the government’s own actions. One group of elders and chiefs in Jonglei State said that while they would go to the county commissioner for help, more often than not either he or SPLA soldiers would come to the chiefs for assistance. They insisted that the commissioner needed the chiefs more than they needed him.⁷¹ Chiefs also felt betrayed by government officials on certain occasions. Since the government required the help of chiefs in the disarmament operations, it was often the chiefs who explained the disarmament process and convinced the populace to give up their arms to the SPLA. However, if the

⁶⁷ Researcher interview, Lotuka King, 29 April, 2009, Torit.

⁶⁸ Researcher interview, Head chief, Kudo Payam, 29 April, 2009, Torit.

⁶⁹ Researcher interview, Head Chief, Himondongee Payam, 29 April, 2009, Torit.

⁷⁰ Researcher interview, Head Chief, Torit Payam, 29 April, 2009, Torit.

⁷¹ Researcher focus group, seven Nuer chiefs and elders, 7 June, 2008, Old Akobo.

disarmament resulted in violence or left a community vulnerable the chiefs normally took the blame.⁷²

Many leaders believed that the government did not respond adequately to their requests for help for their communities. One chief in Eastern Equatoria stated that the government had not done anything to help his community. He would appeal to the county commissioner for aid but the commissioner never responded; more often than not it was the government officials who expected more from the chiefs. The commissioner told this particular chief that it was his responsibility to build roads, for example. While the government's expectations of the chiefs were very high, the government had not provided the chiefs with any sort of training for implementation of such developmental projects or local capacity-building.⁷³ This lack of action on the part of the government severely undermined the chiefs' credibility. People expected results from the chiefs, especially after the war ended. Another chief said that when he was elected, his community challenged him to go to the government to demine their area. He travelled to Torit three times a month but the government did not respond to his appeal; his community was subsequently angry with him. Since the mines were located around the school, many had left the village.⁷⁴ While the tribal leaders continued to lead their communities during the interim period, the ineffectiveness of the government further undermined the chiefs' and elders' authority since they were the ones communicating with the government officials and asking for help which rarely materialised.

c. Government-Tribal Relations

By the end of the interim period, government officials began tacitly to utilise kings, chiefs and elders in the areas of governance and resolving inter-communal conflicts. Though the Local Government Act, discussed in chapter 4, provided an official role for the traditional authority leaders in terms of governance, they were largely under-employed in this area. Informally, though, traditional leaders were asked by the government on numerous occasions to help in matters that had gone beyond the capacity or control of the government or the SPLA. Examples of this included disarmament and the census. The chiefs, elders and

⁷² Researcher interview, Head Chief, Bruwil, 16 June, 2008, Bruwil.

⁷³ Researcher interview, *Boma* Chief, 14 April, 2009, Lohutok.

⁷⁴ Researcher interview, Head Chief, 29 April, 2009, Torit.

kings were instrumental in the implementation of these events as they delivered messages from the government officials to their communities and aided the government in the coordination of its activities.

Many state government officials interviewed for this thesis recognised the value of chiefs even though the government in Juba had not yet implemented formal mechanisms for engaging traditional authority leaders. Their value, according to the Deputy Governor of Jonglei State, was due to the fact that since the chiefs were in possession of the wealth and cattle of a community they were very much in control of the citizens. He considered them to be very instrumental in the areas of development and law enforcement. They mediated between the government and the people during clashes and could be considered as the *only* medium for informing the citizens.⁷⁵ The Deputy Governor of Western Bahr El Ghazal State commented that the chiefs were “part of the government”; they served as the bond between the people and the government. State and county governments relied significantly on the chiefs to drop information down to the citizens.⁷⁶ In Jonglei State one official maintained that it was up to the chiefs to convince the people that the SPLA was there to protect, rather than to harm them, during the process of disarmament.⁷⁷ These officials also recognised that the role of the chiefs would not diminish as the government developed. More and more, the chief’s role was becoming institutionalised as they took on the role of judges and began to receive salaries; the village elders were consulted in court cases as well. Even before the Local Government Act was passed, Jonglei State implemented a Traditional Leaders Forum which advised the office of the governor on issues of local authority. Many county commissioners held meetings with paramount chiefs and kings on a monthly basis.

As the most pressing matter was the issue of security, the chiefs began to be consulted to help end the endemic cattle-raiding. Although the SPLA was the primary instrument the government employed for solving the problem of insecurity, the situation finally came to a head in 2009 and the kings, chiefs and elders from all Southern counties were summoned to a conference in Bentiu to discuss their role in ending the insecurity. The purpose of this conference was to address the violence plaguing the region and examine how these traditional leaders might aid in abating the tribal violence. The conference produced a

⁷⁵ Researcher interview, Deputy-Governor, Jonglei State, 8 August, 2008, Bor.

⁷⁶ Researcher interview, Deputy-Governor, Western Bahr El Ghazal State, 2 July, 2008, Wau.

⁷⁷ Researcher interview, Speaker of Jonglei State Legislative Assembly, 7 August, 2008, Bor.

number of resolutions aimed at encouraging the traditional authority leaders to become more involved in issues of governance. The resolutions also recommended that subsequent conferences be held on an annual basis. Yet, not all GoSS officials viewed the conference as a complete success. While the government was given an opportunity to voice its concerns and tell the chiefs, elders and kings how to become more involved in governance and security issues, it did not provide ample time to hear from the perspectives of these leaders. According to GoSS Vice-President Riek Machar:

Halfway, the message has been [heard by the traditional leaders]...they did not have time among themselves. They were not given that time to discuss among themselves how to resolve certain issues. Which was unfortunate. The organisers did not leave the room for them, for example, the Murle and the Nuer would talk about the problems, the problems they went through, or the people went through and give us the perspective on how they would resolve this. That opportunity was not given. So, in a way, although we gave them the message, they did not speak back.⁷⁸

While local government acknowledged the importance of the traditional authority leaders, at the GoSS-level this relationship was overly one-sided. The Southern Sudanese government tended to dictate terms to these leaders; there was little chance for kings, chiefs and elders to be heard. Further, when given the opportunity to provide the government with their input at the local- or state-levels, the general weakness of these governments meant that certain issues brought up by the traditional authority leaders went unresolved.

d. Community Perceptions of and Challenges to Traditional Leaders

Chiefs have normally been assessed by their community based upon their own actions concerning the internal workings of the community and, perhaps, with regard to the relationship with neighbouring tribes. However, the additional dynamic of having an institutionalised government with which the chiefs were expected to work added a new dimension to the chiefs' authority. While most kings, chiefs and elders occupied a spiritual role, during the interim period Southerners began demanding that they take on more of a political role as the representatives of the community to the nascent government. In a report based on focus groups conducted by the National Democratic Institute, they found that most

⁷⁸ Researcher interview, Vice President Riek Machar, Government of Southern Sudan, 16 June, 2009, Juba.

respondents favoured a role for their chiefs in the parliament or government, presupposing they did not take advantage of their situation for personal gain. Some thoughts that were recorded in the focus groups included: “The government should support chiefs to take care of their communities.”⁷⁹ Chiefs were seen as able to communicate the people’s needs to the government and then facilitate the government in development “because they know what the people want.”⁸⁰ Thus, chiefs during the interim period were expected to accomplish certain things for their community, such as convincing the government to demine an area, bring in development projects or ensure food security. However, these leaders were ultimately dependent on the ability and competence of the government. While the chiefs went to local government officials, passed on messages from their populace and made requests on behalf of their communities, the government did not always return in kind. This seriously undermined the authority of the chiefs within their communities.

Additionally, the war had severely weakened the chiefs’ authority. The younger generation, especially those who fought for the SPLM or in militias, had lost respect for their elders and chiefs, making it difficult for the local leaders to control certain segments of Southern Sudanese society. Bands of armed youth no longer felt obligated to adhere to the tribal norms. A second problem was that the traditional leaders’ relationship with the SPLM, as discussed in chapter 2, was often problematic. During the war there was not any common formula enforced by the SPLM with regard to how to engage the traditional leaders. Some SPLM leaders, Leonardi states in her paper on chiefdoms, recognised the importance of the chiefs in tax collection and in helping to preserve the social order. Towards the end of the war some SPLM commanders also believed that developing a useful relationship with the chiefs could allow “for some degree of local legitimization of their claims to state power.”⁸¹ Other SPLM commanders and soldiers, though, undermined the chiefs’ authority and, by extension, the legitimacy of the tribal system through *ad hoc* replacements of chiefs with their own preferences. Chiefs who remained complacent towards the SPLM or in collusion with the sometimes abusive rebels lost their own authority as a result. SPLM abuses of local communities also left a legacy of distrust by the chiefs towards the new government. Thus,

⁷⁹ Quote from Dinka female in Rumbek, from: Cook, "On the Threshold of Peace: Perspectives from the People of New Sudan," 29

⁸⁰ Zande man, Yambio, quoted in ———, "A Foundation for Peace: Citizens Thoughts on the Southern Sudan Constitution."

⁸¹ Leonardi, "Violence, Sacrifice and Chiefship in Central Equatoria, Southern Sudan."

while the chiefs could potentially aid the government in carrying out its policies, many were either unwilling or unable to enforce these programmes.

Other developments following the end of the civil war also presented challenges to the chiefs' authority. According to one state official from Eastern Equatoria, the chiefs and kings in that state had less power during the interim period; most of the opposition to the traditional leaders' authority came from the returnees. Returning refugees were more educated and, from their experiences based on living in countries such as the United States, Ethiopia, Kenya or Uganda, they began demanding a more modern government in contrast to the chieftainship system.⁸²

The tribe as an institution in Southern Sudan, thus, presented a dichotomy. On the one hand, tribal identification and the symbolic importance of cattle ensured a continuation of violence beyond the end of the civil war. Yet, for a government that was incredibly underfunded and had limited institutional capacity, the tribal system provided it with a way to govern through indirect means. Traditional authority leaders served as a link between the citizens and the government (see Figure 4). The implication for the Government of Southern Sudan and the SPLM, then, was for them to find constructive ways to harness the influence of the traditional authority leaders without reverting to tribalism and, subsequently, allow political leaders to lean on traditional legitimacy, which often led to violence.

IV. The Role of Civil Organisations in the Provision of Welfare and Development

a. Southern Sudanese Indigenous NGOs and Their Importance in the Post-Conflict Environment

As with the tribal institutions discussed above, indigenous civil organisations provided a viable link between the community and the government. They embodied a local civil society that was acting apart from the government and on the own initiative of educated Southerners. According to the London School of Economics' Centre for Civil Society:

[c]ivil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from

⁸² Researcher interview, Director-General, Ministry of Local Government, Eastern Equatoria State, 9 April, 2009, Torit.

those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power.⁸³

For purposes of this thesis, the focus of civil society is on the Sudanese Indigenous NGOs (SINGOs) that were founded and run by members of the Southern Sudanese population.⁸⁴ These included a wide range of what is commonly referred to as ‘community-based organisations’ (CBOs), including women’s associations, youth groups and development organisations, as well as indigenous religious institutions.

The development of civil society within the context of post-conflict peace-building is important for a number of reasons. The most obvious reason is that it provides services and aid to communities which are emerging from conflict. Aside from these immediate benefits, however, a healthy civil society also provides a link between the political and private spheres. Civil society empowers the community and can help foster citizens’ understanding of how the government should act. Pouligny writes that civil society organisations themselves can act as monitoring and lobbying organs which encourage the state to fulfil its responsibilities towards its citizens. He continues, “[t]hese motivations and attempts are praiseworthy, particularly as they finally reintegrate the state-society relationship as a central dynamic in the process of both rebuilding a state apparatus and recreating a ‘new’ society out of the ashes of conflict.”⁸⁵

These organisations can also foster democratic participation: “the democratization of civil society... helps open up the framework of political parties and representative institutions.”⁸⁶ Finally, civil society is necessary for the development of post-conflict governance; the delivery of services is vital to prove the effectiveness of a state and enhancement of legitimacy. Government support to civil society “demonstrates government willingness and capacity to respond to citizens’ needs and demands.”⁸⁷ If the government

⁸³ <http://www.lse.ac.uk/collections/CCS/introduction/default.htm>

⁸⁴ According to this definition, tribal institutions could also be considered as part of civil society. However, for clarity the two- civil society and tribal organisations- are discussed separately.

⁸⁵ Béatrice Pouligny, "Civil Society and Post-Conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building ‘New’ Societies," *Security Dialogue* 36, no. 4 (2005), 496.

⁸⁶ Jean L. Cohen and Andrew Arato, *Civil Society and Political Theory* (Boston: Massachusetts Institute of Technology, 1994), 19.

⁸⁷ Brinkerhoff, "Rebuilding Governance in Failed States and Post-Conflict Societies: Core Concepts and Cross-Cutting Themes," 5.

contributes to facilitating the development of civil society, as well as aiding it in its delivery of services to the population, this proves the political leaders' commitment to its citizens. Successful public service depends on more than merely the government. This is where a industrious civil society aids in the creation of stable governance and the consolidation of eudaemonic legitimacy.

b. The Development and Role of Southern SINGOs and Church Organisations During the Civil War

During the civil war, indigenous civil society operated with a very limited capacity. Operation Lifeline Sudan, the humanitarian aid consortium of United Nations agencies and approximately 35 international NGOs, filled the role that would normally be occupied by local civil society.⁸⁸ Thus, there was little operational space for local civil institutions. The SPLM was initially suspicious of these indigenous organisations' political agendas; this severely limited their operations. However, as time passed there was greater acceptance of civil society in the 'liberated areas'. This was due, according to Rolandsen, to the lessened political competition with SPLM commanders and greater territorial security/stability in the South from 1995 onward.⁸⁹ The relationship between the SPLM and civil society was quite pragmatic. Local NGOs relied on the SPLM for securing access to Southern communities while the SPLM could point to its tactful support of these NGOs as proof of its humanitarian goodwill towards the community.

The first time that the SPLM formally recognised the role of local civil organisations was eleven years after the war began during the Chukudum Conference in 1994. The more enlightened understanding of civil society on the part of the SPLM was further solidified at the 1996 'Civil Society and the Organisation of Civil Authority in the New Sudan Conference'. In addition to furthering the creation of the civil administrative structures of the SPLM, the conference examined how the SPLM could foster the growth of independent civil institutions. The conference outlined the potential role of civil society in 'liberated areas' and how the SPLM could facilitate civil society development. Whether or not these

⁸⁸ Operation Lifeline Sudan was discussed in chapter 2.

⁸⁹ Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990's*.

resolutions were sincerely adopted is suspect.⁹⁰ The legacy of tacitly engaging Southern SINGOs left a legacy that damaged the relationship between the new Southern government and civil society.

While local NGOs functioned in a limited area, often they were able to do what international organisations could not. Local organisations, employing local staff, remained in dangerous areas while their international counterparts would pull out their staff in times of emergencies and instability. This meant that Southern civil society played a very unique role. Additionally, the CBOs were few in number but well-organised and well-staffed. For the most part, the international donor community was aware of their value and funding was readily available for the groups. However, the most effective section of civil society was the indigenous churches, led by the New Sudan Council of Churches (NSCC).⁹¹ African Rights states that while the SPLM claimed the NSCC as its ‘spiritual wing’, the churches had a strong role apart from the spiritual and moral reflections.⁹² Its unique role within Southern Sudanese civil society meant that it was one of the main organisations providing relief, education, health and local peace-making initiatives. As well, funding for the churches was readily available from foreign missionary organisations.

c. The Activities of Southern SINGOs During the Interim Period

While civil society was highly involved in organising and implementing local peace initiatives throughout the war, it were excluded from the IGAD peace talks and there were no stipulations regarding the role of civil organisations in post-conflict peace-building. It was the view of the IGAD countries that civil society would only be effective *after* the international community became involved in the post-conflict development.⁹³ In other words, all parties to the peace talks viewed civil society as an afterthought, something that international agencies and NGOs would deal with during the interim period. The

⁹⁰ African Rights, *Food and Power in Sudan: A Critique of Humanitarianism*.

⁹¹ The development of the NSCC was discussed in chapters 2 and 3.

⁹² African Rights, *Food and Power in Sudan: A Critique of Humanitarianism*.

⁹³ Hassan Abdel Ati, "Untapped Potential: Civil Society and the Search for Peace," *Accord: An international review of peace initiatives*, no. 18 (2006).

Government of Southern Sudan turned its focus to the international community and NGOs for service delivery and development; this left local organisations vulnerable.

The role of local churches changed significantly after the signing of the CPA. The Sudan Council of Churches (SCC)⁹⁴ became a body that dealt more with facilitation, while the individual churches were involved with implementation.⁹⁵ With the influx of international organisations, many churches went back to focusing on the spiritual aspect of their mandate. Simultaneously, church attendance was in decline after the end of the war. The churches were perceived less as instruments of relief distribution and more as organisations which should be contributing to the healing of a devastated society. While they still ran programmes focused on health, education, veterinary services, food security, shelter and community empowerment, many churches began to focus more on reconciliation and trauma healing. The Catholic Archdiocese, for example, began conducting workshops on peace-building for women and youth, healing wounds and mitigating tribal conflict.⁹⁶ Other churches like the evangelical sects coming from Kenya and Uganda, as well as the Pentecostal church, decided to emphasise spiritual messages over material welfare.⁹⁷ This left a gap that could be filled by Southern SINGOs. However, churches had a more successful history of providing for education and health in remote areas and their activities were often better consolidated and more effective than the emerging CBOs.

The development and effectiveness of local NGOs, also termed ‘community-based organisations’, fell short of community expectations. Southern Sudanese civil society faced an insurmountable number of challenges and roadblocks according to the groups examined for this thesis. The CBOs which responded to questionnaires focused their activities on youth development, education, sports activities, peace-building, water and sanitation, health, HIV/AIDS awareness, gender promotion, community development, civic education, agriculture, relief to vulnerable groups, food security, and civil society capacity-building.⁹⁸

⁹⁴ During the war there were two separate bodies, the NSCC which operated in rebel-held territories and the SCC which operated in government areas. In 2005 the two merged together under the name of the SCC.

⁹⁵ Researcher interview, Program Director, Sudan Council of Churches, 7 May, 2009, Juba.

⁹⁶ Researcher interview, Secretary General for the Catholic Archdiocese, 8 May, 2009, Juba.

⁹⁷ Researcher interview, Pentecostal Pastor, 8 May, 2009, Juba.

⁹⁸ There is not enough space here to discuss each individual CBO. The CBOs which were interviewed and responded to the questionnaire were the following: Nile Hope Development Forum, Sports for Hope, Ruweng Association for Development, Rural Action Against Hunger, Nasir Community Development Agency, Mundri Relief and Development Association, Institute for Promotion of Civil Society, Bor County Youth Association,

The most immediate obstacle these organisations faced was operating in an insecure environment. High rates of cattle-raiding and robbery affected the organisations' operational capacities. There was also a widespread lack of skilled, qualified staff, limited logistical equipment, a low visibility to donors, and mixed levels of cooperation from local government and tribal authorities. The qualified staff that worked in the civil society sector during the war was recruited to government and international agency employment. They were replaced by lesser-qualified individuals. A surge in the establishment of organisations during the interim period meant that they faced a high degree of competition and lack of cooperation. This led to an overlapping of projects and, since they were not familiar with the procedures and culture of the international donor community, the staff was unable to adequately write grants and proposals. Hence funding was limited for some CBOs and nearly nonexistent for those local NGOs which were unable to ask for funds according to international standards. Finally, most Southern SINGOs employees said that challenges in delineating organisational boundaries and engaging government bureaucracies severely limited their effectiveness. On the one hand, local leaders meddled in the operations of the organisations. They tried to use tribalism and favouritism to ensure that NGOs operated in specific areas only. On the other hand, there was no clear government policy and support for civil society organisations.

As a means to deal with these hindrances, the Southern SINGOs formed the Southern Sudanese Indigenous Forum, whose goals were to aid the transformation of civil society through networking. The forum was made up of over seventy-five organisations from all ten Southern states. Established in March 2008, the main idea behind the creation of the forum was to get the organisations to convene in Juba so that the members could exchange information with each other. The forum was also working to coordinate activities of the groups for fundraising from international donors. While a mass meeting was planned in Juba on a bi-monthly basis, and on a monthly basis in each of the ten states, lack of communication and transport made this process difficult. The problem of organisation in a region such as Southern Sudan was detrimental to the forum; a year after its inception CBOs were already failing to participate. Aside from the previously mentioned issues of transport

and communication, the forum did not receive any help from the government. The chairman of the group said this was because the government did not fully recognise the potential of civil society.⁹⁹

The relationship between the government and civil society was, therefore, not fully developed during the interim period. The government was more inclined to reach out to international NGOs and the UN rather than coordinate activities with the nascent, yet burgeoning civil society. County- and state-level governments were better placed to initiate contact with civil society, but had their hands tied by the government in Juba which had not released sufficient funds and often bypassed these levels of government in spite of the government plan to institute decentralisation. The SSRRC, which operated in the states and counties, was meant to coordinate NGO activities. However, these offices were underdeveloped; county offices lacked desks, office materials and were staffed by individuals who only had a secondary-level education.

At the GoSS-level civil society interacted with the ministry whose operations were closest to its interests. More often than not, local NGOs often went to the GoSS ministries for help since county- and state-level governments lacked the capacity to deal with their needs. While many ministries played their part, albeit informally, the Ministry of Gender, Social Welfare and Religious Affairs was the primary ministry that interacted with civil society. Within the ministry, there were sub-offices for gender, social welfare, religious affairs and child welfare. While there was no formal plan for aiding the development of civil society, both the religious and gender affairs directorates saw their role as facilitating civil society through capacity-building, which is discussed below. Interestingly, this ministry directly interacted with members of the community. This ministry was in charge of aiding the disabled, blind, amputees, orphans, and others in dire need. Once a week, the minister's office was open to take claims from these individuals.¹⁰⁰ Dealing individually with people on a case-by-case basis was very costly and many in need (who could not travel to the ministry) would fail to receive assistance. Instead, a more cost-effective model would have been to build the capacity and financial assets of the Southern SINGOs which worked directly in the rural areas and with a wider cross section of the population.

⁹⁹ Researcher interview, Executive Director Nile Hope Forum, 15 May, 2009, Juba.

¹⁰⁰ The process of addressing claims by the ministry was discussed in chapter 4.

The ministry was beginning to implement civil society capacity-building projects through conferences and workshops by the end of the interim period. One such initiative focused on interfaith dialogue between Christian and Muslim religious leaders, aimed at increasing communication to end discrimination. Such conferences included one held in 2008 entitled “If you don’t know my religion, you don’t know your own,” and another held in 2009 entitled “Heal the wounds of this nation.”¹⁰¹ However, because of the formal separation of church and state, support for religious organisations remained indirect. However, many church leaders complained that they were not consulted by the government in areas where they had considerable experience, such as education.¹⁰²

The office for gender affairs was more involved with civil society development. Ministry efforts in aiding the development of women’s CBOs culminated in the 1st Women’s Association Conference, held in Juba in May, 2009. In the 1970s the government in Khartoum formed a Women’s Union and built three women’s centres in the South. During the civil war a parallel association developed under the auspices of the SPLM. At the end of the war the goal was to bring the two associations together and harmonise the activities of all women’s groups throughout the South, from the *boma*-level to the GoSS-level. Most women’s groups at the *boma*-level were informal, not politically active and were involved in a number of activities focused on improving women’s livelihoods through wealth-generating, health, education, gender-based violence and general empowerment programmes. These groups were asked to assemble a committee and elect a leader. Their representative was sent to the *payam*-level, where the same process was replicated, and again at the county- and state-levels. Sixty representatives were sent from each state to the national conference. The whole congress was given the task of forming an executive body made up of seventeen women and a chairlady.

While the conference did experience the problem of political wrangling, it represented a coherent attempt at creating a network of women’s groups and provided the participants with an important example of a democratic process. The ministry, with the help of international donors, planned to build a women’s centre in Juba where the executive council would meet, research would be conducted and women’s groups could meet and undergo

¹⁰¹ Researcher interview, Director-General for Religious Affairs, Ministry of Social Welfare, Gender and Religious Affairs, Government of Southern Sudan, 5 June, 2009, Juba.

¹⁰² Researcher interview, Secretary General for the Catholic Archdiocese, 8 May, 2009, Juba.

training courses. It would represent a venue where the government and a facet of civil society could meet on a regular basis. Similarly, if international NGOs wanted to implement training or capacity-building programmes, the ministry could use this centre to call representatives from the organisations together.¹⁰³

This was one of the most comprehensive attempts at encouraging the development of one sector of civil society in Southern Sudan by the Southern government. Still, it was a far cry from an overarching governmental policy on civil society. As of 2009, the government had failed to develop such a comprehensive policy or framework. There was no specific funding for the local NGOs, CBOs and religious institutions; this continued to come from international institutions. The ministry on its own did not have the sufficient capacity to be overly involved in civil society development. While there was an expressed desire to keep civil society separate from politics, civil society was in danger of floundering if it did not have a firm commitment and support from the government in the long-term. The international community such as the UN and NGOs, it was commonly said, would not be in Southern Sudan forever. Yet, the need for their programmes would remain. As long as the government found it difficult to reach the rural population and provide satisfactory coverage of healthcare, education, clean water, sanitation, relief and other social services, these local groups were best placed to carry out certain functions of the nascent government. Southern SINGO development was in the government's best interest to guide the strong creation of civil society and consolidate eudaemonic legitimacy.

d. The Potential for Civil Society in Southern Sudan

The relationship the Government of Southern Sudan developed with Southern SINGOs was weak; still, the need for a healthy, effective civil society was an imperative. Donor funds, initially promised to the government, had not been fully provided. Additionally, there was a level of fatigue among the donor community which felt that the government needed to walk on its own two feet by the end of the interim period. The government, infected with widespread corruption and general inefficacy, was nowhere near able to provide for the

¹⁰³ Researcher interview, Director-General for Gender and Child Welfare, Ministry of Social Welfare, Gender and Religious Affairs, Government of Southern Sudan, 10 June, 2009, Juba.

needs of its citizens. Alternatively, civil society represented an entity that could fill the role that the government was either unwilling or unable to accomplish.

However, local NGOs were caught in a difficult operating space between the government and international NGOs and IGOs. The government remained weak and claimed that it should be separate from civil society. The reality was that this was a difficult proposition. Many local NGOs had members and staff who were involved in local politics. Likewise, local NGOs had to continually negotiate with traditional and political leaders in their area. The international community, which was claiming to work for these organisations, was not much better. While they expressed the need to develop local communities, few of the international organisations were actually involved in capacity-building. On the ground, the effect of NGOs and IGOs on the local economy was also problematic for CBOs. Many lost their staff to these organisations, which paid a much higher salary. Furthermore, the operating costs were raised as merchants and suppliers hiked-up their prices, which international organisations could pay.

The activities of these international organisations should not be completely discredited, however. In a place like Southern Sudan they were often the only lifeline rural people had since international NGOs and IGOs provided much-needed services that the government was unwilling or unable to offer. Once these organisations moved on, though, local civil society would be responsible for the gaps in development and service provisions. For this reason, it was prudent that the international community left a positive legacy: capacity-building based upon local knowledge and resources. Funding was another key issue. As most of these Southern SINGOs failed to meet international standards of grant-writing and proposal preparation, this required the donor community to imbed themselves more into the rural communities and seek out these unknown organisations.

Some international organisations recognised the challenges that local civil society faced and focused their programmes on improving training and interaction between local NGOs and CBOs in addition to encouraging communication between civil society and the government. PACT Sudan, for example, searched out local NGOs operating in rural areas, informed them of funding opportunities and aided the organisations in grant-writing.¹⁰⁴ Norwegian Church Aid engaged 32 CBOs from 2005 to 2009, teaching them how to operate

¹⁰⁴ Researcher interview, Field Coordinator, PACT Sudan, 29 May, 2009, Juba.

as watchdogs and advocates for their communities.¹⁰⁵ The Localising Institutional Capacity in Sudan program (LINCS), coordinated by Mercy Corps and the International Rescue Committee and funded by USAID, generated a series of conferences targeting grassroots civil society groups. Not only did this programme focus on technical training for the organisations, but it also invited government representatives to these events.

Civil society development was crucial during the interim period and would remain essential in any future Southern state. De Waal writes that the sustainability of a peace agreement in Southern Sudan would rely on the demilitarisation of governance; this in turn was related to how social groups become involved in the settlement and governance. Thus, civil politics and social mobilisation through civil society should be a priority since the groups which are helped by those organisations, namely women, youth and the poor, have the highest stakes in the peace. He continues, “as civil society grows in confidence, and different stakeholders are able to mobilize themselves and ensure their voices are heard, it will be more and more difficult for militarists and warmakers to have their way.”¹⁰⁶ Development of these organisations was also important for governance because, like the tribal institutions, they provided a much needed link between the government and the populace (see Figure 4). Southern SINGOs knew the needs of the citizens and would go to county-, state- and GoSS-level offices for assistance with community projects. They communicated the populace’s needs to the government. Cooperation between CBOs and the government had the potential to be a mutually beneficial relationship. Not only would the organisations have the resources to enact their projects, the government would be seen as working for the people. This would help it to develop itself as a legitimate institution.

V. Conclusion

In addition to its own institutional and ideological shortcomings, the Southern Sudanese government, and by extension the SPLM, faced challenges to its legitimacy through its inability to adequately address the problems of insecurity, underdevelopment and poverty.

¹⁰⁵ Researcher interview, Coordinator for Peace, Reconciliation and Civil Society, Norwegian Church Aid, 29 May, 2009, Juba.

¹⁰⁶ Alex De Waal, *Demilitarizing the Mind: African Agendas for Peace and Security* (London: Justice Africa, 2002), 114.

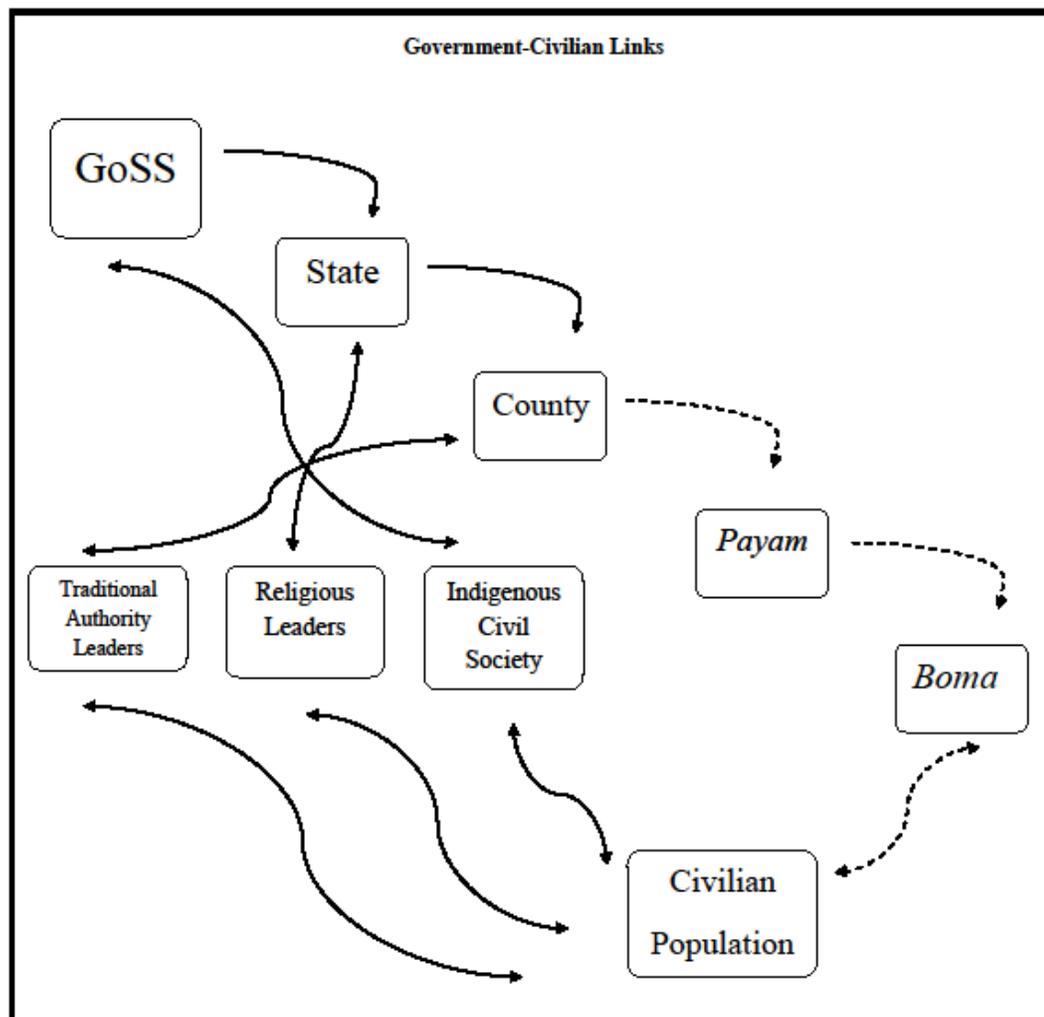


Figure 4

The government lacked the resources, funding and experience to deal with a myriad of obstacles and difficulties throughout the interim period. This severely damaged the legitimacy that the SPLM, as the leader of the GoSS, had gained through the signing of the CPA. More than anything, the government needed help in carrying out its governance and development obligations towards the populace. There was a potential for resolving these problems through an effective, productive and mutually beneficial relationship between the government and tribal and civil organisations. This was for two reasons. Firstly, the organisations could help in the realms of governance and development; these two areas could help improve the security situation as well. The tribal and civil institutions present in Southern Sudan were better-established than the embryonic government as they had been operational during the war and had already developed a relationship with the populace.

These organisations had the manpower and experience, as well as knowledge of the local situation and communities, which state and county governments often lacked.

Secondly, the institutions could help the government consolidate its legitimacy by providing an essential link between the populace and the government. During the interim period, these groups provided a link between the government and the Southern populace (see Figure 4). Chapters 4 and 5 showed how a gap developed between the local population of the South and the government. The Southern Sudanese, building upon their experiences with tribal rule, demanded that a government had to be experienced by the populace to be considered legitimate. Interviewees constantly questioned: “Where is the government?” The tribal and civil organisations essentially provided the link between the government and civilians. Still, for the government to benefit from these groups it had to work with them and provide them with support through enacting policies and programmes. If left on their own to operate, the tribal and civil institutions would instead detract from the government’s own efforts at securing the loyalty and support of the populace.

This brings up the question of whether or not the Southern Sudanese authorities recognised the advantage of utilising such groups. The SPLM had seen these organisations as competition during the war and little effort was made to employ them for the advantage of the government during most of the interim period. By 2009, though, the potential for developing a relationship with the tribal and civil society leaders began to emerge. This can be seen through the chiefs conference held in Bentiu and through the Women’s Association conference held in Juba. Though in an infancy stage, formal mechanisms for interaction between the non-state and governmental groups had the potential to aid the government in consolidating legitimacy. In order for the relationship between these organisations and the government to improve further, though, the government had to recognise the potential within these institutions at accomplishing what the state and local governments could not do in terms of development and governance. If these institutions remained apart from the government, then they would carry out their functions in a manner which might detract from the government’s own bid for legitimacy. However, if the government could be seen as funding these organisations and nurturing their development then this would enhance the image of the government as working for the populace and, thus, its legitimacy.

The tribal and civil institutions supply this thesis with an alternative view of governance beyond the government and the SPLM. They presented the Southern government with a dilemma. It has been established that the connection between the citizens and the government had yet to be adequately established during the interim period. The civil and tribal institutions, though, had a relationship with government officials and often acted as the go-between for the government and populace. Furthermore, these organisations often did what the government was unable to do: provide for political authority, security, welfare and development. While the activities of these organisations were complimentary to those of the government they could also detract from the public's positive perceptions of the government. The prevalence of tribalism, when misused, challenged the government's monopoly over the use of force. Tribal leaders, through traditional legitimacy, were seen as the legitimate representatives of the people in many remote, rural areas. Where the 'tribe' provided the only form of political institution in rural areas this was beneficial for the Southerners. However, where tribal links and violence were manipulated and encouraged by unsavoury leaders, tribalism was a destructive force. Many saw their loyalty to their tribal leader or clan as greater than their allegiance to the government. Similarly, foreign and indigenous aid agencies had the potential to either detract from or enhance the eudaemonic legitimacy of the government. In light of the development failures by the government, much of the populace turned to the local aid agencies for succour. These organisations were seen by the community as being able to provide for their welfare, as opposed to the failed efforts of the government. However, if government officials at the local level encouraged and cooperated with these agencies, this was mutually beneficial for both the Southerners and the government.

Chapter 7: The Government of Southern Sudan's and the SPLM's National and International Relations

This chapter reviews the interactions between Southern political forces and external actors. Both the SPLM and the GoSS developed relations with actors external to the Southern Sudanese political sphere, both in Northern Sudan and in the North-East African region, as a means to defend the interests of the South. This in turn reflected back on domestic support for and the legitimacy of the Southern government. While the bulk of this thesis explores the internal development of the GoSS and the SPLM's attempts at consolidating domestic legitimacy, there was also an endeavour by the SPLM to gain support outside of the South, both by operating as a political party in the North and as the leader of a semi-autonomous state seeking diplomatic recognition. These actions help the party gain domestic legitimacy as well. In both cases, successes emanating from these relationships improved the image of the party and the government within the South. The first section of this chapter reviews the SPLM as a rebel movement and as a political party operating in Northern Sudan. The SPLM established secret cells in Khartoum but never gained a broad measure of support among the Northern population. The exception to this lack of support was found in the areas of the southern Blue Nile and the Nuba Mountains where the SPLM operated militarily. After the signing of the CPA, the SPLM faced the challenge of developing into a legitimate political party which could spar politically with the NCP. This would guarantee the protection of Southern interests. The various political clashes between the SPLM and the NCP over the passing of legislation in the National Assembly, disputes over the census results, border demarcation and the status of Abyei are then discussed in the second section. The asymmetry between these two political parties became obvious when the NCP failed to honour the implementation modalities of the CPA.

Finally, the last section appraises the Southern government's diplomatic efforts made through the GoSS Ministry of Regional Cooperation. These included negotiating with neighbouring countries on border issues; hosting peace talks between the Lord's Resistance Army and the Ugandan government; and cooperation with the Egyptian government on economic and development issues. These interactions represented the development of a foreign policy based on cooperation with regional countries for the benefit of security and

development in the South. While Southern Sudan was not yet an independent state, endeavours at gaining diplomatic recognition demonstrated that the government was acting like a state-in-waiting; preparing its foreign relations policy was a precursor to statehood.

I. North-South Relations and the Government of National Unity: The SPLM's Alliance with the NCP

a. The SPLM in Northern Sudan before 2005

While Garang's ideology aided the movement's ability to gain international support, Garang also hoped that it would appeal to the Northern populace. This would have enabled the movement to extend its (limited) legitimacy as an armed movement beyond the South and transform itself into a nationally-recognised group. Garang always maintained that the SPLM was fighting for the liberation of the whole country and the creation of a 'New Sudan'; still, the movement never accomplished the goal of 'bringing the war to Khartoum'. The SPLM proclaimed that its primary aim was to wage an armed struggle "beginning in the south and extending northwards to end up in the capture of Khartoum."¹ The SPLM sent delegates to various parts of the country, especially to the marginalised regions, looking for groups which would be receptive to the movement's ideology and aspirations. One such area was Darfur, in the western part of the country. The SPLM leadership was confident that, given the gross inequity of the 'African' populace there, many tribes would choose to join the SPLM's fight and open up another front in the war. This goal was never achieved though the SPLM found supporters in other peripheral areas, namely in the Blue Nile and Southern Kordofan States. However, the movement failed to make inroads in the centre of the country.

In the Nuba Mountains in Southern Kordofan and the southern Blue Nile, the SPLM managed to gain a significant amount of popularity for the cause of creating a 'New Sudan'. This was the result of the experiences of underdevelopment and racism as opposed to a common political goal. Rather than be prompted by the political manifesto of the SPLM, Young writes, "the peoples of these regions feel closer to the South now than at any time in

¹ Philippa Scott, "The Sudan Peoples' Liberation Movement (SPLM) and Liberation Army (SPLA)," *Review of African Political Economy*, no. 33 (August 1985), 71.

the past, ... due [to] the fundamental character of the Sudanese regime, which has pushed its particular version of Arabism and Islamism on them."² Other factors which helped the SPLM to gain support were that it developed more comprehensive administrative structures than in the South and abuses against local populations were minimal. The SPLM maintained its popularity in these areas even after the war ended; the former SPLM commander Malik Agar was elected as governor of the Blue Nile State in the 2010 elections.

However in the 'heartland' of the North in the area in and around Khartoum (home to the 'riverine elite') the SPLM never gain substantial political influence, nor did it have a military presence. Many Northerners living in Khartoum during this time admitted to knowing very little about the war and even less about the SPLM aside from government propaganda following a military victory in the South. The only effect that the war had in Khartoum was the presence of around one to two million Southern IDPs who fled to the capital area. Even then, these Southerners primarily resided in slums on the outskirts of the city; few Northerners were aware of these IDP camps.³ These IDPs were a problem that was largely ignored by the government. Those living in squatter settlements did not have access to health, education or sanitation. Nor did the Southerners have any official status. Many settlements were demolished to make room for urbanisation projects.⁴ Thus, while there was a significant Southern presence in and around Khartoum, these IDPs were marginalised and living in a precarious position on the outskirts of society. Barely able to survive in these slums, they were not politically active and, thus, did not represent a strong political base for the SPLM in the North.

Though the SPLM was not a well-known group in Khartoum it did manage to establish secret cells and build up a small group of supporters. Most of these individuals were well-off Southerners living in Khartoum; there were, however, a handful of Northerners who found the SPLM's message appealing. Of the few Northern supporters of the SPLM many were academics. Academia in Northern Sudan traditionally constitutes a space for vibrant political debate. While some Northern academics were receptive to the SPLM's message, their reasons for supporting the SPLM were not the same as for the

² Young, "Sudan: Liberation Movements, Regional Armies, Ethnic Militias and Peace," 424.

³ For more on the IDP camps around Khartoum see Scroggins, *Emma's War: Love, Betrayal and Death in Sudan*.

⁴ Anthony Shadid, "Lurking Insecurity: Squatters in Khartoum," *Middle East Report*, no. 216 (Autumn 2000).

Southerners. One Arab member who joined the SPLM in 1988 said he was part of a group of ten academics from the University of Khartoum who were invited by the SPLM to attend a symposium in Addis Ababa to hear about the mission of the movement. This interviewee said that after this meeting he viewed the SPLM's vision of a unified Sudan with justice, democracy and a pluralistic society as the best way to save the country. This would ensure the survival of his own group, the Arabs, who were the political elites but were also a minority in the country.⁵

Aside from a small group of secret members though, very few Northerners voiced their direct support for the SPLM. Scott, writing twenty months after the founding of the SPLM, observes that while "Northern Sudanese witnessed a significant deterioration in their way of life, they have shown considerable reluctance in providing anything more than moral support for the SPLA."⁶ This was due in part to the repressive nature of both the Numeiri and Bashir regimes and the lack of freedom of association. Other factors influenced this lack of support, however. Generally speaking, the Northern population had a negative stance on Southern armed movements as they were generally thought of as separatists. Further, the conflict was normally characterised as Arab/Muslim versus African/Christian/animist. Although this was an overly simplistic rendering of the conflict, it was promoted by the regimes in Khartoum "to exploit the religious feelings and emotions of the Northern masses" against the South.⁷ This perception left a difficult legacy for the SPLM as it tried to promote itself as a legitimate political force in the North working for the interests of Northerners as well as Southerners.

More publicly, the SPLM formed an alliance with the NDA, a coalition of Northern political parties which had been banned by the NIF. Through this alliance the SPLM hoped to further promote the cause of the Southerners and the political goals of the SPLM within the North. In 1989, as a counter to the take-over of the Sudanese government by Omar Al Bashir, sixteen opposition political parties and fifty-one trade unions formed the National Democratic Alliance (NDA). The SPLM's relationship with the NDA is worth analysing. The NDA was a conglomerate of Northern political parties, primarily the Democratic Union

⁵ Researcher interview, SPLM Northern Sector member, 10 March, 2009, Khartoum.

⁶ Scott, "The Sudan Peoples' Liberation Movement (SPLM) and Liberation Army (SPLA)," 74.

⁷ Salah Hassan, "The Sudan National Democratic Alliance (NDA): The Quest for Peace, Unity and Democracy," *Issue: A Journal of Opinion* 21, no. 1/2 (1993), 15.

Party (DUP), the Umma Party and the Communist Party. The coalition's charter, signed on 21 October, 1989, outlined its various objectives:

to combat the fundamentalist regime; to establish a pluralistic democracy based upon multiparty liberal democratic principles; to respect international norms of human rights; individual and collective liberties and the rule of law; and to restore the economy and pursue a serious policy of economic and social development.⁸

The charter was amended in Cairo in March 1990 when the SPLM joined. The SPLM became the *de facto* military wing of the NDA since the group itself had no means of fighting the Bashir regime.

This was the first time that a Northern political movement had the backing of a major Southern force. In the past, Northern political charters were created without taking into consideration Southern political perspectives. Yet the NDA charter proved, at least to the SPLM, that its aims and goals could be accepted by the North. This 'acceptance', the SPLM leadership believed, would help the movement transform itself into a legitimate 'Sudanese' group rather than simply a 'Southern' group. Thus, this would signify that the aspirations of the Southerners had a place within the Sudanese political discourse. For many in the NDA, though, this association was more of a political manoeuvre than an actual acceptance of the SPLM as a political force. The relationship with the NDA was always problematic, Lesch contends, since the two groups generally differed on the issues of religion and state relations as well as on the issue of self-determination.⁹ It seems that the relationship was one of necessity. Peter Kok maintains that the NDA's inclusion of the SPLM was 'self-serving'.¹⁰ By 1993, "the opposition's efforts to overthrow the regime became more urgent."¹¹ Thus, the NDA's support for the SPLM's efforts was not necessarily because its members agreed with the SPLM's cause, even though the SPLM worked hard to create a political stance that would appeal to Northern political groups. Young also rightly points out that the deep separatist sentiments held by many Southerners ultimately prevented the SPLM from making lasting and meaningful alliances with the NDA.¹²

⁸ *Ibid.*, 15.

⁹ Lesch, *The Sudan: Contested National Identities*.

¹⁰ Peter Kok, "Sudan: Between Radical Restructuring and Deconstruction of State Systems," *Review of African Political Economy* 23, no. 70 (1996), 560.

¹¹ Lesch, *The Sudan: Contested National Identities*, 187.

¹² Young, "Sudan: The Incomplete Transition from the SPLA to the SPLM," 165.

The SPLM's development in Northern Sudan, then, was substantially different than the SPLM in the South. Aside from strategic alliances few Northerners supported the SPLM directly; those that did worked underground and were always in fear of being arrested. Its activities with the NDA were generally through talks held in neighbouring countries since many of the Northern political leaders had gone into exile. The very nature of the environment in which the SPLM cells developed in Khartoum limited the group's activities. The avenues for information about the movement and even the war were limited to the universities and educated Southerners, many of them academics themselves. Even among the one to two million Southern IDPs, they did not have access to information about the SPLM's efforts. According to one member of the SPLM Northern Sector, "in terms of vision and mission, we don't have any difference, we are the same [as the Southern Sector]...but in terms of environment we are different."¹³

The secret cells established in Khartoum during the war laid the basis for the Northern Sector; after the CPA was signed they began working in public and opened their membership up to all Sudanese in the North. There were two main secret offices in Khartoum when the CPA was signed. Garang mandated that they come together and build the entire Northern Sector. Initially this office was under the supervision of Abdul Aziz Hilul, a well-know commander from the Nuba Mountains; later the leadership was transferred to Yasir Arman, a Northern Sudanese from Gezira State.

b. The SPLM Northern Sector and the Government of National Unity

After the signing of the CPA the SPLM became part of the Government of National Unity. In the National Assembly the NCP was allotted 52% of the seats, the SPLM was given 28%, and other Northern and Southern parties received 14% and 6% respectively.¹⁴ The same percentage was applied to the national executive branch. Further, around 20-30% of the civil service posts were to be given to Southern Sudanese.¹⁵ The SPLM leadership saw the party's role as twofold: first, to develop into a legitimate political party in the North

¹³ Researcher interview, Secretary for Training, Research and Planning, SPLM Northern Sector, 12 March, 2009, Khartoum.

¹⁴ CPA, II, 2.2.5.

¹⁵ CPA, II, 2.6.2.1.

and, second, to safeguard and defend the interests of the Southern populace. In order to defend Southern interests the SPLM had to be taken serious by the Northern political parties and populace alike. Thus, gaining legitimacy in the North, which strengthened the party's ability to defend Southern interests, in turn acted to strengthen the SPLM's legitimacy among the Southerners as their 'guardian' or 'protector'.

As stated above, the SPLM developed very differently in Khartoum than it did in the South during the war. This pace of development continued along a dissimilar path following the signing of the CPA. In spite of the restrictions on political activities under the Bashir regime, by the time the CPA was signed political parties had begun to return from exile and were operating openly throughout the capital. Political parties in Sudan have a very rich, diverse and long tradition; this thesis maintains that in many ways Khartoum was a more conducive, sophisticated environment in which the SPLM could mature than was the South. The culture of political activism, especially in academia, was beneficial to the new political party which had little experience of politics. Even the better infrastructure in the Sudanese capital suited the growth of the political party. Further, the Northern Sector was not hindered by the militarism found in the SPLM Southern Sector. The populace in Khartoum could not be won over by tales of military victory of the SPLM over the SAF. In order to gain legitimacy in Northern Sudan, the SPLM had to shape its message to suit the audience. Thus, the Northern Sector developed in parallel to the Southern Sector. In the minds of the Northern Sector members the SPLM also had the opportunity in the North to provide the populace with a fresh, new political party. One Northern Sector member recounted the problems with the well-established political parties: the NCP was the most hated party in the history of Sudan; the Umma Party had lost support since its main base was in Darfur; the Communist Party was seen as elitist and appealed only to the educated; and the Democratic Unionist Party's support base in the east was being challenged by the Beja Congress.¹⁶ Thus, the SPLM provided an alternative narrative for Sudanese politics and its reputation had not been tarnished in the North.

¹⁶ Researcher interview, SPLM Northern Sector member, 10 March, 2009, Khartoum.

The Northern Sector set its sights high for the 2010 elections; initially it planned to campaign in every county in the North.¹⁷ In 2009 it began door-to-door campaigning, held workshops on political party education and conducted political rallies.¹⁸ The SPLM Northern Sector saw its role as quite unique. There was the perception within the sector that it was the SPLM that brought true change not only to the South but also to the political climate in the North. The members of the SPLM in the North believed that it was their role to educate the populace about the SPLM's ideology and the potential it could have if applied properly. While in the South the party appeared focused on the referendum, during the interim period the SPLM in Northern Sudan was primarily concerned with the democratic transformation of the government and finding its place within Northern political dialogue.

While the SPLM was only a minority in the government, it perceived its role as to change the government from within through acting as a 'watchdog'. SPLM leaders believed that their group was the party which had pushed for the CPA and desired a complete democratic transformation of the government. The NCP, from the perception of the SPLM, was disingenuous about its commitment to the CPA. Thus, the SPLM was a guardian over the national transformation from a dictatorship to a democracy. Moreover, the SPLM felt that through its own experience it was capable of bringing peace to Darfur, where conflict had flared up in 2003. SPLM delegates travelled to Darfur in hopes that they could find a solution where the NCP had failed. As of 2010, though, no inclusive peace deal had been established between Khartoum and all of the Darfurian rebel groups.

Although the public relationship between the NCP and the SPLM was frequently argumentative, civil servants from the South found a positive reception in the Government of National Unity from their Northern counterparts. More than anything, they conceptualised the government as a coalition government, not simply one run by the NCP. One Southerner working in the Ministry of Foreign Affairs, where there were around 100 Southern civil servants, said that when they first arrived there were differences between the Southerners and Northerners. As time passed, and the Northerners realised that the war was not going to re-ignite, they started cooperating with Southern civil servants for the welfare of the country.

¹⁷ This intention was changed when the SPLM pulled out its candidate for presidency, Yasir Arman, and boycotted elections in the North, except for Southern Kordofan and Blue Nile State.

¹⁸ Researcher interview, Secretary for Training, Research and Planning, SPLM Northern Sector, 12 March, 2009, Khartoum.

After some time he began to feel accepted. He perceived this integration of Southerners into the ministries in Khartoum as having a great impact on the North and South coming together.¹⁹

At the highest level, the SPLM ministers were often the most vocal about differences between NCP and SPLM policies. The SPLM held ministerial positions in the Ministries of Foreign Affairs, Foreign Trade, Investment, Cabinet Affairs, Education, Higher Education, Roads and Transport, Health and Humanitarian Affairs. Some ministers such as Lam Akol, the former Foreign Minister, were seen as too close to the NCP. His replacement Alor Deng, however, was accused of being too biased against the government. The reality of the situation, though, was that these ministers were often figureheads and the real work and policy formulations were conducted by the undersecretaries (or deputy-ministers), who were from the NCP.

Certainly, the SPLM had to navigate a thin line between working with the NCP for the benefit of the CPA implementation and publicly disagreeing with it for the very same reason, ensuring that the CPA was implemented in full. The SPLM understood its role as safeguarding the interests of the Southern Sudanese. While the SPLM had a minority in the government it readily used its voice to complain about certain elements of the government or the slow pace at which legislation was being passed. Yet, the SPLM also showed hints of loyalty towards the NCP. When the ICC arrest warrant was issued for President Bashir on 4 March, 2009, the SPLM as a political party stood by Bashir for fear of the repercussion his arrest could have on the CPA's implementation.

While the SPLM claimed that it had a significant role to play in the national government, according to Peter Nyaba²⁰ an asymmetric relationship formed between the NCP and the SPLM.²¹ He insists that while Garang was concerned with the creation of a 'New Sudan', Kiir and those around him were more apprehensive about developments in the South. Furthermore, Kiir did not have the same political clout as Garang in the North. Thus, an unequal relationship formed within the office of the presidency. This led to a power gap

¹⁹ Author interview, Director for International Laws and Treaties, Ministry of Foreign Affairs, Government of National Unity, 4 March, 2009, Khartoum.

²⁰ Peter Nyaba was the Minister of Higher Education and Scientific Research in the Government of National Unity during the interim period.

²¹ Peter Nyaba, "SPLM--NCP Asymmetrical Power Relations Jeopardise Implementation of the CPA and the Future of Sudan," in *International Sudan Studies Conference* (Pretoria).

developing between the SPLM and the NCP in the National Assembly as well. Instead of working as a 'peace partner' the NCP used its position to drag its feet, implement aspects of the CPA as it saw fit and exploit SPLM weaknesses. Dissimilarities and arguments between the two parties became very public during the interim period and put the CPA at risk of falling apart. These are discussed below in section II.

c. Northern Perceptions of the SPLM and the South

After the signing of the CPA the SPLM, notably John Garang, gained a significant amount of recognition in Northern Sudan. While only a handful of Northerners were members of the SPLM, a great number of people from the North began to embrace the SPLM as a political party. When Garang travelled to Khartoum in 2005 he was met by massive crowds of Southerners and Northerners alike. The peace provided him with substantial credibility and he was thought to be a significant contender in the upcoming presidential elections. At this time, Garang's charisma and personality won over Northerners both inside and outside of Khartoum. He even travelled to villages in the North whose tribes made up about 80% of the Sudanese army. There, large crowds listened to him explain the tenets of the SPLM's vision. During the first half of 2005 the SPLM began to consolidate legitimacy in Northern Sudan.

There were two issues, however, which limited the party's ability to gain support among the Northern populace. The first problem was the death of John Garang on 30 July, 2005. This hampered the SPLM's capability of building up a strong support base in the North. Immediately following his death Southerners in Khartoum rioted; this resulted in extensive destruction of property and the deaths of at least 130 people. The rioting, called 'Black Monday', began in the commercial districts of Khartoum and then spread to the outskirts of the city where the migrants from the South and other areas of the country lived. There was looting in the middle- and upper-class neighbourhoods of Bahri and Riyadh. The worse-hit areas, though, were in the working-class neighbourhoods. The violence took on ethnic and racial dimensions as a significant portion of the rioters were said to have been from Darfur and Kordofan. These events "laid bare the structural tensions that persist"

between the SPLM and the Khartoum government.²² While many of the rioters were themselves not from Southern Sudan, the aftermath of this incident hurt the Northern image of the Southern Sudanese and, thus, the SPLM. Many Northerners had accepted the SPLM as a legitimate political party because of its progress in the peace agreement. After ‘Black Monday’ the favourable impressions of the SPLM and of Southerners began to dissipate. The riots were manipulated by Islamists to further their own agenda. According to John Young, Islamists used the mosques to preach messages of hate; “they held that Christian and pagan Africans were at the gates and should be fought.”²³ Even those who had not taken a harsh stance towards the SPLM began to see the situation differently. Medani writes of how, in the days following the riots, Arab residents began talking of the necessity of an ‘Arabised’ Sudan with closer ties to Egypt.²⁴ Even moderate Northerners were questioning the viability of a genuine union between the North and South. They “sometimes concluded that it was neither possible nor desirable to have southerners or northerners under one roof.”²⁵ Throughout the remainder of the interim period Northern perceptions of the SPLM and views on the South remained problematic.

Secondly, the SPLM was burdened by a number of adverse perceptions in Northern minds, especially that it was a Christian, Southern political party; this impaired its ability to find strong support in the lead up to the elections. The main obstacle the party faced was convincing the Northerners that it was not a party for Africans, Christians and Southerners only. According to an SPLM Northern Sector official, “we have the problem, some Northerners, especially Islamists, believe that that SPLM is only a political party for Christians and non-Muslims. And we say no: the SPLM is a party for everyone in this country.”²⁶

Another impediment to the SPLM’s consolidation of support in the North was that, despite its rhetoric, Northerners thought that the SPLM really wanted the separation of the South. The Northern Sector spokesperson disputed this in an interview, however,

²² Khalid Mustafa Medani, "Black Monday: The Political and Economic Dimensions of Sudan's Urban Riots," *Middle East Report* (9 August, 2005).

²³ John Young, "John Garang's Legacy to the Peace Process, the SPLM/A and the South," *Review of African Political Economy*, no. 106 (2005), 537.

²⁴ Medani, "Black Monday: The Political and Economic Dimensions of Sudan's Urban Riots."

²⁵ Young, "John Garang's Legacy to the Peace Process, the SPLM/A and the South," 538.

²⁶ Researcher interview, Secretary for Training, Research and Planning, SPLM Northern Sector, 12 March, 2009, Khartoum.

maintaining that “for the SPLM to be in the North, this is a strong message that it is looking for unity.”²⁷ This was not entirely convincing, though, for many Northerners. The supposed call for separation was one of the issues that hurt the SPLM’s credibility in the North the most. When Garang was alive his vision of a new, united Sudan was attractive; with his death many Northerners believed this vision died as well. More and more, people in the North believed that the Southerners, led by the SPLM, would vote for independence. This created mixed reactions which also affected the popularity of the SPLM.

Northern political parties were not consistent in their views on Southern independence or on the SPLM as a political party. Thus, the SPLM could not be guaranteed political backing from other opposition parties in the National Assembly. Those to the far right, the Islamists, had been adamant about maintaining the integrity of the country during the war. Yet, with the prospects of elections which could potentially alter the country significantly, and tired of the effort it took to hold onto the South, they began suggesting that the South be sacrificed so that an Islamist state could be maintained. Thus, the SPLM would be appeased in return for the continued dominance of Islam in the North. The Communist Party, on the far left, had the opposing view. It saw the SPLM as a potential ally and was adamantly against the secession of the South. The sectarian political parties, the Umma and DUP, had been allies of the SPLM in the NDA. Yet they remained equivocal and were unable to either formulate or enact a comprehensive policy on the South. In all, these differing views on the role of the SPLM and on the separation of the South were reflected in the general public’s attitude. The SPLM was an anomaly; many were not sure if it was to be trusted or if its actions were, in the end, only for the benefit of the South.

II. NCP-SPLM Political Clashes

The SPLM’s ability to confront the NCP over key political issues affected its legitimacy within the South. The SPLM gained support in the South when it defended Southern interests through its interactions with the NCP. The SPLM continually blamed the NCP for destabilising the South, arming militias and withholding much-needed oil revenue needed for development purposes. While the various disagreements and accusations are too

²⁷ Researcher interview, Spokesperson for the SPLM Northern Sector and Secretary for Culture, Information and Communication, 16 March, 2009, Khartoum.

numerous to list here, the three primary issues which had the potential to affect the primary CPA implementation milestones will be examined. These were disagreements over the passing of legislation in the National Assembly, the census results, and the border demarcation and status of Abyei. All three of these were vital to the elections and referendum, both essential steps in the peace process implementation and issues on which the SPLM sought to base its civic ideology. The National Assembly's delays in passing the election law, as well as repealing a number of laws which limited freedom of association and of the media, meant that the necessary preconditions for the elections were not in place on time. The census results would determine constituencies for the elections as well as the amount of oil revenue which would be given to the Southern government. Finally, the border demarcation held significant repercussions for the future stability between the North and the post-referendum South. These three areas of contention are discussed below.

a. Delays in Legislation and SPLM Protests

There were a number of prerequisites for the eventual democratic transformation of Sudan through the holding of nation-wide elections. These included the holding of the census (discussed below); the passing of laws pertaining to the elections and political parties; the establishment of commissions; and the repealing of laws which were unfavourable to the elections and democratic process. The execution of each one of these preconditions was delayed through political wrangling or stalling by the NCP in the National Assembly. Each impediment had a domino effect, further pushing back the CPA implementation timetable. The census, for example, was held two years later than it should have been. The census was necessary for demarcating the constituencies for the elections. Yet, the census was held around the time when the elections were initially scheduled to take place in 2008. By the time the results were released in May 2009 the elections had been rescheduled twice.

The final section of the CPA concerns the implementation modalities of the agreement and provided a timeline for these modalities.²⁸ Aside from the census, passing essential legislation and establishing commissions lagged behind the schedule set in the CPA. The

²⁸ "The Implementation Modalities of the Machakos and Power Sharing Protocols," 31 December, 2004, Naivasha, Kenya.

Political Parties Act, which was supposed to be passed immediately following the adoption of the Interim National Constitution in mid-2005, was not passed until 2007. The National Electoral Law and the establishment of the National Elections Commission (NEC) were scheduled for mid-2005 as well. They did not go through the National Assembly until July 2008. The Referendum Law was delayed by over two years and was passed in late-December, 2009. The Human Rights Commission was established four years behind schedule. Finally, the nation-wide elections which were mandated to take place in 2009 and originally scheduled for 2008 were postponed twice and eventually held in April 2010. There was also a significant amount of concern over laws that the NCP had instituted before the CPA was signed. These laws were seen by the opposition parties as limiting the context in which the elections and democratic transition could take place. This legislation primarily pertained to civil service, national security, the press, freedom of association and trade unions. The SPLM repeatedly called for the abrogation of these anti-democratic laws.

The first wave of protest from the SPLM centred on delays in the implementation modalities and occurred on 11 October, 2007. The party withdrew eighteen ministers and deputy-ministers as well as three presidential advisors from the national government. Their complaints were primarily that they did not have any real influence over policy.²⁹ The six grievances the party listed were: lack of border demarcation, no resolution on Abyei, the slow withdrawal of SAF troops from the South, lack of transparency in the oil sector, shortcomings in healing and transforming the country, and lack of allocation of resources for the census. While the SPLM MPs in the National Assembly did not walk out of the legislative body they refused to consider draft legislation during this boycott. The SPLM pointed to the delays in the passing of key legislation as one of its reasons for the boycott, whereas a pro-NCP newspaper countered that this action by the SPLM in and of itself prevented the drafting and passing of laws.³⁰ Throughout this two and a half month boycott both political parties argued that the other was not honouring the peace agreement and was working to delay the implementation of the CPA. The SPLM rejoined the national executive late-December 2007. With a major political crisis averted, it appeared that the CPA was indeed resilient. According to Healy, this was due to the fact that both sides had

²⁹ “North-south divide: A peace deal in Sudan is starting to fray,” *The Economist*, 15 October, 2007.

³⁰ “Sudanese legislator says absence of SPLM ministers impedes passage of bills,” *BBC Monitoring Middle East*, 1 November, 2007.

more to gain from peace than war. Further, for the Southern politicians “the limited access to power and resources had materially improved their fortunes.”³¹ There was more that Southern elites could achieve through the CPA implementation as opposed to a return to war.

The SPLM’s second boycott was in 2009; this proved to be more of a spectacle than the previous event. On 19 October, 2009 the SPLM pulled its MPs out of the National Assembly. The criticisms voiced by the party were over two pieces of legislation. The first was the delay in the passing of the Referendum Laws for Abyei and the South. The second concern was over the draft National Security Law which gave the security forces the right to detain, arrest and search without reasonable cause. This, according to the SPLM, was against the Interim National Constitution and the Bill of Rights.³² During this boycott twenty opposition parties called for a protest outside of the National Assembly on 7 December. Present were Pagan Amum, Secretary-General of the SPLM and Yasir Arman, Deputy Secretary-General for the SPLM Northern Sector (and the eventual SPLM candidate for the presidency).³³ The two men were arrested by security forces. Arman maintained that he was beaten while in custody. The aftermath of this event was felt even in Southern Sudan where a group of SPLM supporters burnt down the NCP state secretariat building in Wau.³⁴

b. Disagreements over the Census Results

The 5th Population and Housing Census was held 22-30 April, 2008. The results of the nation-wide census were vital to the political and financial interests of the Government of Southern Sudan and the SPLM. The CPA allocated both oil revenue and national parliamentary seats to the South based on assumed population proportionality. It was presumed that the Southerners made up at least one-third of Sudan’s 40 million inhabitants. This led the authors of the CPA to assign a 28% share of the Government of National Unity to the South. Further, the South was given 50% of the oil revenues. When the census was

³¹ Sally Healy, "Lost Opportunities in the Horn of Africa: How Conflicts Connect and Peace Agreements Unravel," (London: Royal Institute of International Affairs, 2008), 33.

³² "SPLM continues to boycott parliamentary session," *Sudan Tribune*, 26 October, 2009.

³³ Although, Yasir Arman later pulled out from the presidential race one week before the elections were scheduled to take place in April 2010.

³⁴ "Sudan SPLM arrest spark southern unrest," *BBC News*, 7 December, 2009.

held most international observers maintained it was, overall, a success. However, as the time came near to releasing the results, which were delayed, Southern leaders began to hint that the results would not be accepted. Before the results were released Salva Kiir and other GoSS officials stated that they would not accept the results if they were unreasonable or put the Southern population under 15 million.

The results estimated the Southern Sudanese population at 8.2 million. This was entirely unacceptable in the eyes of the SPLM, which became extremely vocal over its disbelief. Immediately following the release of these results the Southern Sudanese government stated that they should not be used as a basis for power or wealth sharing. Further, GoSS representatives wrote a letter to the NEC in Khartoum pleading that the results not be used for allocating constituencies. While media reports stated that the presidency had approved the results Kiir, who was part of the three-man presidency, maintained that he had never endorsed the results.³⁵ This was yet another case of the office of the presidency outmanoeuvring and disregarding the wishes of the Vice-President. Southern officials echoed complaints made well before the conducting of the census to prove their point that the results were inaccurate. The issue of Southern IDPs in Khartoum was one such grievance. In 2007 Issiah Chol Aruai, the chairman of the South Sudan Commission for the Census and Statistics, accused the NCP of “preventing IDPs from returning to the South as a means of skewing the division of national government resources.”³⁶

The census results were fundamental to the amount of influence that the South would continue to have in the National Assembly. According to the Interim National Constitution, a political party or bloc required 25% of the parliamentary seats to block a presidential veto. While the SPLM was allocated 28% of the seats by the CPA, the new results gave the South only 21% of the population. This was unacceptable for the SPLM. Although the party was poised to fight the validity of the results, they were broadly endorsed by the UN agencies which had provided technical support to and observed the process.³⁷

c. Border Demarcation and Abyei

³⁵ Dak, James Gatdet, “South Sudan government rejects census results,” *Sudan Tribune*, 4 July, 2009.

³⁶ John Young, “Emerging North–South Tensions and Prospects for a Return to War,” (Geneva: Small Arms Survey, 2007), 40.

³⁷ Thomas, “Decisions and Deadlines: A Critical Year for Sudan.”

Finally, the SPLM and the NCP were not able to come to an agreement on the North-South border demarcation and the status of Abyei. This issue was the most contentious because the demarcation of the borders and the status of Abyei as a Northern or Southern town would determine whether the known oil fields were located in the North or the South. Abyei held cultural significance to tribes from both the North and the South. For these tribes the status of Abyei would determine access to grazing lands and water sources as well as which possible country they would be citizens of after the Abyei referendum. For the SPLM and the NCP the oilfields were the real prize. Oil production in this area made up around 11% of Sudan's total output.³⁸ The status of Abyei was seen by many as the single most problematic aspect of the peace process, one which could lead to renewed conflict between the North and South. Johnson writes, "[i]f, as the legendary Ngok Dinka Chief Deng Majok once claimed, the thread that stitches the north and south of the Sudan together runs through Abyei, then this narrow patch of land now threatens to unravel the Comprehensive Peace Agreement (CPA) and, with it, the rest of the country."³⁹ Failure to resolve this one disagreement between the NCP and the SPLM had the potential to destroy the entire peace implementation.

The South was adamant that the 1956 borders drawn by the British be recognised; the NCP would not accept this as it would have placed a significant amount of the oil fields in the South. The area of Abyei, and its nine Ngok Dinka chiefdoms, though, was put under Northern administration in 1905. This area was also part of the grazing area for the nomadic, Arab Misseriya tribe from the North. The SPLM said that since the area was inhabited by Dinka it should be considered as part of the South; the Misseriya could keep their grazing rights though. The issue was so controversial that the CPA negotiators refused to address it in the text of the CPA. Instead, they opted to recommend that the two sides set up an independent commission to further investigate the claims of both the NCP and the SPLM.

During the peace process the Abyei Boundaries Commission (ABC), made up of local representatives, international experts and led by former US Ambassador to Sudan Don Petterson, was established to determine the status of Abyei. In addition, the government set up a Border Commission to determine the 2100km-long boundary between the North and

³⁸ "Line drawn: A border dispute in Southern Sudan is resolved," *The Economist*, 23 July, 2009.

³⁹ Douglas H. Johnson, "Why Abyei Matters: The Breaking Point of Sudan's Comprehensive Peace Agreement?," *African Affairs* 107, no. 426 (2008), 1

South. The ABC issued its report in July 2005; this report stated that all of Abyei belonged to the nine Ngok Dinka chiefdoms.⁴⁰ When it submitted its findings, they were rejected by the NCP. In an interview Douglas Johnson, one of the international experts, said that the NCP accused the ABC of exceeding its mandate. The NCP took the report to the Northern Misseriya tribe and, according to Johnson, also claimed “that we [the ABC] were allocating to the Ngok Dinka territory that we had not allocated...And then the Misseriya quite naturally objected to this and said they refused to accept the report.”⁴¹ All sides- the SPLM, the NCP, the Ngok Dinka and the Misseriya- became steadfast in their positions on the status of the area.

The issue lay dormant without an acceptable solution in the years following the issuing of this report. During this period the North-South Border Commission was also at a standstill. According to the SPLM the NCP had denied this commission any funding and, as such, it was simply not able to carry out its mandate.⁴² In 2008 the situation flared up again. At this point there was a joint SAF-SPLA battalion in Abyei as part of the JIU. On 14 May, 2008 there were small clashes reported between the SPLA and the SAF soldiers in the market in the town.⁴³ As the situation escalated, both the SPLA and the SAF reportedly redeployed other forces to the area. The result was the near-destruction of the town. According to a Human Rights Watch report, around 60,000 Ngok Dinka fled south and 100 civilians were unaccounted for and assumed dead.⁴⁴ Shortly after this conflict the NCP and the SPLM signed the Abyei Roadmap (7 June, 2008) and decided to refer the case of Abyei to an international body for resolution.

Following this outbreak of fighting both the SPLM and the NCP recognised that the problem of Abyei could not be decided internally. Thus, the issue was recommended to the Permanent Court of Arbitration (PCA) at The Hague. The results were released on 22 July, 2009. In the tribunal’s summary of its report, it stated:

⁴⁰ “Abyei Boundaries Commission Report,” 14 July, 2005, Khartoum.

⁴¹ “Interview with Douglas Johnson, expert on the Abyei Boundary Commission,” *Sudan Tribune*, 29 May, 2006.

⁴² “SPLM minister says NCP delaying Sudan peace deal,” *Sudan Tribune*, 5 July, 2006.

⁴³ Lewis, David, “Clashes break out in Sudan's oil-rich Abyei region,” *Reuters*, 14 May, 2008.

⁴⁴ Hafiz Mohamed, “Abyei: Beyond the Arbitration Decision,” in *Sudan Briefing* (London: Justice Africa, 13 August, 2008).

ABC Experts' decisions regarding the eastern and western boundary lines were in excess of mandate for failure to state sufficient reasoning. For the Tribunal, the selection of the western boundary line by the ABC Experts was entirely unreasoned; indeed the ABC Experts made no specific pronouncement regarding the western boundary at all, merely stating in summary fashion that "[a]ll other boundaries ... shall remain as they are." The eastern boundary coincided with the easternmost claim of the SPLM/A and was supported by a sketch map that the ABC Experts themselves regarded as "inconclusive." The Tribunal concludes that it was plainly contradictory for the ABC Experts to draw conclusions from evidence that they themselves considered inconclusive.⁴⁵

Maintaining that the ABC had indeed exceeded its mandate, the tribunal redrew the boundaries established by the ABC. The eastern border was placed 60km west of where the ABC said it should be. The northern boundary was redrawn further south while the western boundary was pushed east. As such, the tribunal took away nearly one quarter of the territory that the ABC had mandated to be part of Abyei; this land would not be part of any territory breaking away from the North through a referendum in 2011. The significance of this was that the eastern (oil-rich) part of Abyei was awarded to the North. In other words, even if the populace of Abyei voted for independence in their own referendum then the critical oil fields of Heglis and Bamboo would remain in the Northern state of Southern Kordofan. Both sides initially celebrated a victory when the ruling was released; crowds in the South held rallies claiming triumph. In reality, though, the ruling was clearly in favour of the North since it more clearly defined the boundaries of Abyei and placed key oilfields in Southern Kordofan. There appeared to be confusion within the SPLM as to whether the ruling was favourable or not. While both sides maintained that each was the winner in this matter, cracks between the two parties began to show shortly after.⁴⁶

By 2010, both the issue of Abyei and the North-South border remained contentious and left the stability of the referendum process in doubt. The Southern Border Commission, responsible for determining the border, was not able to complete its task. Young writes that the officials working for this commission continued to observe a myriad of economic issues that could retard their ability to come to a final determination:

These officials anticipate problems in the oil-producing areas of Unity state in Heglig, Karsana, and Kaliek; in Hoffra, near Raja in WBEG, where deposits of copper and uranium have been reported; in Wodakuna, north of Renk, and near the Adar oilfields; in

⁴⁵ "PCA Press Release, Abyei Arbitration: Final Award Rendered," 22 July, 2009, The Hague.

⁴⁶ Mohamed, "Abyei: Beyond the Arbitration Decision."

Kaka, north of Melut, a centre of gum Arabic production; and in the *dura*-producing areas of southern Blue Nile.⁴⁷

The question then facing Southern officials was, if the borders could not be agreed upon, then what exactly might this mean for the referendum. The Referendum Bill was eventually passed in December 2009, nearly three years later than the CPA mandated that it should have been. This was seen by some officials as too late to set in place the mechanisms to hold the referendum by 9 January, 2011. The lack of a clear resolution on the borders complicated the issue further. This led some Southern officials to state that if the referendum was not held on time the South would simply declare independence. Thomas quotes one GoSS official as maintaining that a “UDI [unilateral declaration of independence in Southern Sudan] will be increasingly likely because the referendum is virtually impossible.”⁴⁸ This sort of declaration could lead to renewed war between the North and South.

In many ways, discord between the two sides on these vital issues had the potential to enhance or detract from the legitimacy of the SPLM. When the SPLM challenged the NCP this aided the party in galvanising its political base and consolidating legitimacy among its constituency. The SPLM could accuse the NCP of not wanting to make unity attractive. This was particularly beneficial for the SPLM, pointing to the disingenuous nature of the NCP as a compelling reason for separation. However, this discord often highlighted the fact that Kiir was not competent in his interaction with the NCP. Many Southerners believed that Kiir was not able to compete with the NCP in ensuring proper CPA implementation. Nyaba writes:

According to the CPA all decisions affecting the structure of power in the country would be resolved by consensus in the institution of the presidency. This of course would obtain on the assumption the SPLM leader, the First Vice President, would effectively exercise his role and responsibilities in the presidency to keep power equilibrium.⁴⁹

This was presumed to be an acceptable accommodation to the drafters of the CPA since Garang was known for his keen political abilities. With Kiir in the office of the vice-presidency, though, this was certainly not the case. The SPLM, in an asymmetric relationship, continued to focus its frustration at the NCP and its continual blocking of the

⁴⁷ Young, "Emerging North–South Tensions and Prospects for a Return to War," 32.

⁴⁸ Thomas, "Decisions and Deadlines: A Critical Year for Sudan," 8.

⁴⁹ Nyaba, "SPLM-NCP Asymmetrical Power Relations Jeopardise Implementation of the CPA and the Future of Sudan," 5

CPA implementation modalities. The difficulties found within this relationship could possibly be seen as a precursor to a return to war. In one report, John Young states that when Southern officials spoke of a possible renewal of conflict, the “nearer one moves to the North–South border, the more such predictions are heard.”⁵⁰

III. The Ministry of Regional Cooperation and the Foreign Policy of the Government of Southern Sudan

The Government of Southern Sudan began to conduct its own international affairs through the Ministry of Regional Cooperation and the foreign missions established abroad. The purpose of these foreign relations was to improve the security of the South and bring in more foreign assistance and development. Though the CPA clearly stipulated that the national government was responsible for foreign affairs, international representation and the issuance of visas, it also endowed the GoSS with certain concurrent executive powers. According to the CPA both the national and Southern governments had the right to “the initiation, negotiation and conclusion of International and Regional Agreements on culture, sports, trade, investment, credit, loans, grants and technical assistance with foreign governments and foreign non-governmental organizations.”⁵¹

According to the GoSS Presidential Advisor on Diplomacy, Southern government officials “know that the CPA has given us a limited space to be an entity, not a state. We cannot do things states do, but we can play certain roles.”⁵² Through playing certain roles and conducting its own affairs, the GoSS could seek to develop as a state within a state, conferring upon itself the legitimacy to act on its own behalf in the international sphere. This section scrutinises the construction of the foreign policy of the Government of Southern Sudan and contends that through formulating and implementing a separate foreign policy GoSS officials saw their role within an autonomous government as consistent beyond the South’s own borders; obtaining some form of international recognition was vital to their ultimate goal of preparing the South for statehood. This international recognition could enable the Southern government to better defend the interests of a newly-independent

⁵⁰ Young, "Emerging North–South Tensions and Prospects for a Return to War," 30.

⁵¹ CPA, II, Schedule D.

⁵² Researcher interview, Alfred Ladu Gore, Presidential Advisor on Diplomacy, Government of Southern Sudan, 20 May, 2009, Juba.

Southern state following the referendum. Further, if able to defend the interests of the South this would enhance the GoSS's internal eudaemonic legitimacy.

**a. The Development of the Ministry of Regional Cooperation and GoSS
Foreign Missions**

The Interim Constitution of Southern Sudan stipulated that the GoSS had the right to its own 'Regional Cooperation' though it was not explicitly described as 'Foreign Affairs' since this would have been in direct opposition to the national sovereignty and rights of the national executive alone to conduct foreign affairs. Instead, this 'Regional Cooperation' was described as follows:

The Government of Southern Sudan shall establish, develop and maintain good relations and cooperation with foreign governments, foreign non-governmental organizations and associations for mutual advantage in trade, investment, culture, sports, education, credit, loans, grants, technical assistance and other fields of development cooperation.⁵³

Although the official title of the ministry in charge of these operations, the Ministry of Regional Cooperation, implied that its activities were only to cover the area of North-East Africa, the international affairs of the GoSS far exceeded that. It began to develop its own bilateral relations with countries globally and even allowed the GoSS missions abroad to issue its own form of visas to foreigners.

Throughout the interim period the Ministry of Regional Cooperation was very active in promoting relations with its immediate neighbours through trade and ensuring mutual security along the national borders. One of the results of the colonial drawing of state boundaries was that many tribes were cut apart by international boundaries. Many tribes, such as the Acholi or Nuer, also reside in Uganda and Ethiopia, respectively. Further, the borders between Southern Sudan and its neighbours remained incredibly porous after the CPA was signed. Armed groups in neighbouring countries had the potential to cause insecurity in Southern Sudan. Similarly, if the South were to revert back to war this would undoubtedly have a negative impact on the other East African states. As such, the Minister of Regional Cooperation travelled often to Ethiopia, Kenya and Uganda for talks on security and economic issues. These countries had developed alliances with the SPLM during the

⁵³ "Interim Southern Sudan Constitution," III, I, 46.

war; the activities of the ministry were simply an extension of these relations and aided the GoSS in the development of a foreign policy prior to the referendum.

When the SPLM was a rebel movement it had set up a number of offices in East African countries to further consolidate support for the movement and to provide succour to Southern Sudanese living abroad. These offices also issued travel permits to foreigners travelling to rebel-held territories. These were not internationally accepted, of course; they were simply pieces of paper which were not attached to a passport. After the signing of the CPA these SPLM offices were converted into GoSS missions, or liaison offices. As of 2010 the number of these missions worldwide had grown to cover the following countries: Ethiopia, Eritrea, Egypt, Uganda, Kenya, the Democratic Republic of Congo, Zimbabwe, South Africa, the European Union, Britain, Norway, the United States, Canada, India and Australia.⁵⁴ The missions were given a number of responsibilities which concerned primarily financial matters such as trade, investment and development in Southern Sudan. The GoSS liaison office in Cairo was tasked with encouraging Egyptian and Arab governments and businessmen to invest capital in various investment fields in the South; it was also given the responsibility of providing help to Southern Sudanese living in Egypt.⁵⁵ In Brussels the mission of the liaison office was to “enhance the cooperation with the European Union, the European Commission and, promote bilateral cooperation with all EU member states for mutual benefit of our people.”⁵⁶ At one of the more important offices in the United States, officials promoted bilateral contacts with the US Presidency, the US Congress as well as the United Nations.⁵⁷

GoSS officials asserted that these missions were not working against the interests of the Sudanese government. This insistence can be seen in a brochure produced by the GoSS mission in Egypt, which states that “[t]he liaison offices are not in contradiction with the Sudanese embassies’ tasks all over the world, but they complement each other.”⁵⁸ Yet, many of the activities of these offices were contradictory to the stipulations of the CPA. The

⁵⁴ Researcher interview, Director, Bilateral Relations, Ministry of Regional Cooperation, Government of Southern Sudan, 21 May, 2009, Juba.

⁵⁵ www.gossegypt.com

⁵⁶ www.goss-brussels.com

⁵⁷ www.gossmission.org

⁵⁸ Government of Southern Sudan Liaison Office: For Arab Republic of Egypt, Middle East, Gulf States and the League of Arab Nations brochure.

issuance of visas is one such case. With the end of the war, it was rumoured that the travel permits issued by SPLM foreign offices would no longer be valid. Nowhere in the CPA did it give the Southern government the right to issue visas or travel permits. Thus, anyone wishing to travel to Southern Sudan would have to obtain a Sudanese visa from a Sudanese embassy. This was the right of the national government, to issue visas. However, the GoSS continued this practice. This reveals one instance of the GoSS going beyond its allowances and giving itself powers which only a sovereign country might have.

Similarly, a wide array of countries set up consulates in Juba during the interim period. These were regulated by the GoSS Ministry of Regional Cooperation. The countries included all East African countries, the United States, Australia, South Africa, Britain, Norway, the Netherlands, Germany, Italy, Libya, Egypt, Turkey, India, Japan, Malaysia, Ethiopia and Eritrea. According to the Ministry the number of consulates in Juba was indicative of the diplomatic effort of the Southern government and of the commitment of foreign countries to the implementation of the CPA. Most of these countries were development partners; the consulates were charged with aiding the implementation of infrastructure projects, building schools, and enhancing the agricultural capacity of the South.⁵⁹ These projects were essential for the government, considering its own institutional shortcomings.

b. The Government of Southern Sudan as Regional Peace Negotiator

One and a half years after being formed, the Government of Southern Sudan sponsored peace negotiations between the Lord's Resistance Army (LRA) rebels and the government of Uganda. This is significant for two reasons: first, it showed that the government was beginning to carve out a role for itself in the East African region and, secondly, that the government was working in the interests of the Southerners to improve security along the borders. As the third chapter revealed, much can be inferred from how and why a particular country undertakes to support peace negotiations between two warring enemies. At times it can be the result of a moral imperative; at other times it is a strategic necessity. Certainly there were strategic reasons for sponsoring these talks. LRA rebels,

⁵⁹ Researcher interview, Director, Bilateral Relations, Ministry of Regional Cooperation, Government of Southern Sudan, 21 May, 2009, Juba.

once given material support by Khartoum and encouraged to fight the SPLM during the war, had continued to terrorise the citizens of Western Equatoria State. Some in the Southern government accused the NCP of continuing to fund the group in return for creating chaos in the South during the interim period. Aside from the strategic security interest, the hosting of negotiations also point to the Southern leaders' own self-perception of their newly-assumed role in the region. Through sponsoring these talks the SPLM was moving away from a rebel movement to a legitimate political group that could itself end a neighbouring conflict. The GoSS was endeavouring to define its diplomatic role in East Africa through these negotiations held in Juba.

The talks began in Juba in July 2006; they were not successful. Southern government officials believed that through their experiences in the Naivasha Process they had the necessary skills to sponsor these peace talks. For nearly two years a shaky ceasefire was all the LRA and Ugandan government could agree to; there were no concrete results. The primary reason for this, according to the Sudanese commentator John Akec, was that the vital ingredients which led to the success of the Naivasha process were not present in this one. These included a neutral mediator, international pressure and the presence of the rebel leader. The GoSS Vice-President Riek Machar was the chief peace negotiator. Since ending this war was a strategic imperative for the GoSS, and since the SPLM had an alliance with the Ugandan government during the North-South war, Akec writes, “[i]t became impossible for the GoSS to resist the urge to cut corners in order to force the LRA to accept things deemed harmful to their struggle and cause. By falling into this temptation...[the GoSS] was no longer seen as neutral and thus not fit for the mediation role.”⁶⁰ Further, the international community failed to put pressure on Ugandan President Museveni. The LRA was vilified and expected to be the only party to make concessions. Finally, LRA leader Joseph Kony never travelled to Juba to attend the talks. Prior to the talks the ICC had issued an arrest warrant for him for war crimes; he did not believe that the GoSS could guarantee his safety from arrest. Instead, the LRA negotiators were largely made up of Acholi Ugandans who

⁶⁰ Akec, John A. “Why Naivasha success story could not be repeated in Uganda talks?” *Sudan Tribune*, 9 April, 2007.

had been part of the Diaspora. These men resided in London and Nairobi and included “a teacher, a lawyer and a businessman.”⁶¹

The talks eventually produced a draft “Final Peace Agreement” in April 2008. While Kony continually said that he would travel to Juba to sign it, he never showed up. By 2010 most of the LRA rebels had been pushed out of Northern Uganda and many of the top commanders had either been killed or had accepted an amnesty from the Ugandan government. Small cells of LRA soldiers, though, continued to plague civilians and peacekeepers in the Democratic Republic of Congo, Central African Republic and Southern Sudan. This was a diplomatic failure for the GoSS and a security problem for the SPLA since it was unable to protect civilians living in the western part of the South. However, the very attempt at talks was largely symbolic for the Southern government. While not able to stop the hostilities, the negotiations disclosed how the government and the SPLM conceptualised their newly assumed role in the region. GoSS officials were proud of Kiir’s role in holding the talks and in bringing the issue of the LRA to international attention.⁶² Additionally, the negotiations were a public symbol of the government’s commitment to the security of the Southern border.

c. Egyptian-Southern Sudanese Ties

Another vital aspect of the Ministry of Regional Cooperation’s role was in cultivating a relationship with Egypt; this proved to be especially beneficial to the GoSS since the Egyptian government committed resources to development projects in the South and to capacity-building of the GoSS. Egypt was especially nervous concerning the potential secession of the South. Egypt, along with Sudan and other countries through which the Nile passes, had signed the Nile Basin Treaty in 1959. This treaty secured the Nile waters for Egypt. During the war Egypt, along with Libya, promoted its own initiative to end the North-South war. It wanted to maintain the integrity of the Sudan, fearing the impact of an independent Southern Sudan on the water issue. Egypt worried that a newly independent South would not honour the Nile Basin Treaty and put its main water source in jeopardy.

⁶¹ “A rumble in the jungle: The Lord’s Resistance Army tries to explain itself,” *The Economist*, 20 July, 2006.

⁶² Researcher interview, Alfred Ladu Gore, Presidential Advisor on Diplomacy, Government of Southern Sudan, 20 May, 2009, Juba.

Once the CPA was signed Egypt's strategy changed. While still maintaining its preference for a united Sudan, it began to court the Southern government. In a lecture the former US Ambassador to Ethiopia David Shinn observes that

Egypt changed its approach...Egypt has reached out to southerners by establishing a consulate in Juba and said that it will spare no effort to help develop the south. It has agreed to provide two power plants for lighting the cities of Wau and Juba and plans to open a branch of the University of Alexandria in Juba. Egypt also intends to establish 30 general and technical secondary schools in southern Sudan. This is smart Egyptian policy. It gives Egypt a platform to monitor developments in southern Sudan and, if necessary, to influence them in a direction of its choice.⁶³

More than other regional countries, Egypt made a massive commitment to infrastructure projects in the South. It was responsible for building electricity plants in Wau and Juba and committed to building more in Malakal, Rumbek, Bor and Yambio. Egypt also built a number of primary and secondary schools in the South. Further, the government in Cairo sponsored a number of training programmes for Southern Sudanese civil servants. One such programme was aimed at the Ministry of Information and Broadcasting. In 2008 Gabriel Changson, the Minister for Information and Broadcasting, visited his Egyptian counterpart in Cairo. The Egyptian government committed itself to providing technical assistance to Southern Sudanese civil servants in the ministry. In addition, they set up an exchange programme for Southern Sudanese reporters in radio and television.⁶⁴

This desire by Egypt to secure the Nile waters gave the Southern Sudanese government leverage over Egypt; this was used by GoSS officials to encourage Egypt to implement the projects mentioned above. During the war, the SPLM was not supported by any Arab or Islamic countries; these countries' loyalties gravitated towards the regimes in Khartoum. However, during the interim period the GoSS was eager to change this pattern to its advantage. In an interview with Egyptian journalists in Khartoum, Salva Kiir told them that the support of Egypt and the Arab world through development projects in Southern Sudan would make unity more attractive for the South.⁶⁵ Thus, the Government of Southern Sudan also began forging productive diplomatic relations with countries beyond East Africa.

⁶³ Shinn, David, "Nile Basin Relations: Egypt, Sudan and Ethiopia", George Washington University, July 2006, Washington D.C.

⁶⁴ Gibia, Rota, "Egyptian Nilsat to host South Sudan satellite TV," *Sudan Tribune*, 12 October, 2008.

⁶⁵ "Salva Kiir says Sudan unity is fundamental option of Southerners," *Sudan Tribune*, 9 June, 2008.

IV. Conclusion

The SPLM sought to solidify itself as a legitimate political party in the national government. Through this effort it could fight for the political rights of the Southerners and for the implementation of the CPA. When they felt that they were not being given the influence they deserved, SPLM leaders were vocal about their discontent. This allowed the SPLM to portray itself as a party willing to stand up against the NCP and as a party that was sincere about its goal for a democratic transformation of the entirety of the country. This was also a mechanism for deflecting the Southern populace's attention away from problems within the South, although this was not always successful. The SPLM ultimately needed the NCP as its partner to further its own goals within the South, primarily the holding of the referendum in 2011.

The SPLM's public support of President Bashir after the ICC issued an arrest warrant for him is a good example of the intricacies in the relationship between the NCP and the SPLM. The ICC issued an arrest warrant for Bashir on 4 March, 2007 over the Sudanese government's actions in Darfur. The court charged Bashir with five counts of crimes against humanity (murder, extermination, forcible transfer, torture and rape) and two counts of war crimes (intentionally directing attacks against civilian population as such or against individual citizens not taking direct part in hostilities and pillaging).⁶⁶ While many SPLM officials might have liked the idea of Bashir being arrested this could have seriously undermined the CPA's implementation. Thus, the SPLM stood behind the president. This decision put the SPLM in a precarious position. Supporting Bashir could hurt the party's legitimacy in the South. While many in the South and the SPLM agreed with the ICC position, the movement could not abandon its peace partner for fear that the CPA would fall apart. According to one official from the SPLM Northern Sector, "[w]e cannot support the ICC, we cannot support Bashir."⁶⁷ Kiir, though, was more prone to supporting the office of the presidency since the SPLM too was part of the Sudanese regime. He headed a crisis committee to exert diplomatic efforts to defer the arrest warrant. There was the thought from

⁶⁶ "ICC issues a warrant of arrest for Omar Al Bashir, President of Sudan," International Criminal Court press release, 4 March, 2009. www.icc-cpi.int.

⁶⁷ Researcher interview, Spokesperson for SPLM Northern Sector, 16 March, 2009, Khartoum.

many observers that the SPLM would take all means necessary to ensure the holding of the referendum. Supporting Bashir in this instance would further this goal.

An independent South was all but a given by 2010, assuming that the NCP did not impede referendum process. The SPLM ended up taking its presidential candidate, Yasir Arman, out of the race one week before the elections. Further, the SPLM did not run in most of the local and state elections in the North. Officially, the SPLM said this was because a 'free and fair' electoral process could not be guaranteed in the North. In the Sudanese media there were reports of the SPLM making a deal with the NCP; the SPLM gave up on its bid for the presidency in return for no interference from the NCP on the issue of Southern independence. The SPLM vehemently denied this. Arman, speaking about the elections being flawed, was quoted as saying, "[t]he election for president is made for one person, it is not made for a democratic process or for the Sudanese people, it was only made to save General Bashir from the ICC."⁶⁸ Still, many commentators said that this was merely a smokescreen. Even if the SPLM did not make an explicit agreement with the NCP behind closed doors the party most likely did not want to jeopardise the referendum in any way possible. It seems evident that the SPLM and the NCP, though enemies at times, were ultimately in an uneasy relationship with each other to assure the furtherance of each party's agenda. Their history of conflict and mistrust made it difficult to work with each other. However, in the interest of maintaining the export of the oil upon which each party relied (given that renewed war would stop the flow of income) both the NCP and the SPLM eventually found a way to develop a somewhat stable relationship.

Throughout all of this political wrangling the SPLM and the GoSS were already beginning to further their diplomatic relations in anticipation of eventual statehood. If the South were to gain independence but maintain poor relations with Khartoum, then the new Southern state would need as many allies as possible in the region. Reflecting on an independent South, Salva Kiir's advisor on diplomacy stated that the GoSS was already starting to develop "a whole policy based on this premise."⁶⁹ Firstly, this would involve maintaining close relations with the East African countries which helped the SPLM during

⁶⁸ "Arman denies any secret deal between SPLM and NCP over his withdrawal," *Sudan Tribune*, 4 April, 2010.

⁶⁹ Researcher interview, Alfred Ladu Gore, Presidential Advisor on Diplomacy, Government of Southern Sudan, 20 May, 2009, Juba.

its struggle. Secondly, it would necessitate the forging of close relations with countries that could help GoSS to institutionalise the new state and gain knowledge about democracy.

The performance of the Ministry of Regional Cooperation and the GoSS liaison offices aided the government's creation and implementation of its foreign policy. The GoSS began to take on diplomatic functions, such as sending delegates to negotiate on economic issues, discussing border security and holding regional peace talks. These were meant to symbolise the government as becoming a legitimate East African state. In other words, the status that the GoSS cultivated with and through international relations and diplomacy pointed to its future statehood. Further, the ICC arrest warrant put Salva Kiir in a particularly beneficial position. The ICC arrest warrant did not put the CPA in jeopardy, as many had feared. Instead, it gave Kiir more of an international profile. Since President Bashir was not able to travel abroad to states that were signatories of the Rome Statute for fear of arrest, Kiir often went in his place. This gave him, and subsequently the SPLM, more of an international profile.

Conclusion

The purpose of this thesis has been to evaluate the processes through which the SPLM and the Government of Southern Sudan consolidated and promoted legitimacy throughout the interim period. The rationale for this was to appraise the potential for a future, stable state that is both institutionally effective and is accepted by the Southern population as its legitimate representative. The findings presented in the thesis were not encouraging. While the SPLM as a rebel movement failed to gain the broad support of the Southern populace during the war, it became apparent that the group did not learn from its mistakes. Instead of committing to the decentralisation of governance throughout the South, the SPLM as the main caretaker of the GoSS was prone to maintaining a centralised structure in Juba. The movement, more importantly, did not move beyond its revolutionary legitimacy. Official rhetoric focused on what the SPLM had accomplished during the war rather than cultivating legitimacy based on concrete successes post-2005. The transition from a rebel movement to a political party was not complete and this hindered the ability of the SPLM to fulfil the promises of creating a 'New Sudan'. According to De Zeeuw one of the prerequisites for a successful end to a war is the transformation of a former rebel movement into a legitimate political organisation; this requires both structural and attitudinal changes.¹ In spite of the National Convention process, the internal structures of the movement did not alter to more democratic ones. This affected the behaviour of the group, which maintained its militaristic ethos and reliance of revolutionary ideology.

The ineptitude of the Government of Southern Sudan and the SPLM, which were effectively the same entity, precluded them from consolidating eudaemonic legitimacy. Instead, both the government and the SPLM relied on ideological legitimacy. For the SPLM this ideology conceptualised the political party as the saviour of Southern Sudanese people. In a speech given during the elections Kiir reinforced the SPLM's reliance on the past when he said, "I urge you all to vote for the SPLM Candidates because it is the only party that delivered you the CPA."² This was the basis for the SPLM's claim to be considered the legitimate representative of Southern Sudanese society. As for the Southern government, it

¹ De Zeeuw, "Understanding the Political Transformation of Rebel Movements."

² "SPLM Presidential Candidate Talking Point Points of the Elections Campaign Message," 10 April, 2010, gurtong.net.

attempted to develop an ideological stance centred on a civic ideology. These ideologies, while accepted by a portion of the populace, did not persuade the mostly-rural populace who had yet to experience the 'peace dividend'. Thus, a gap developed between the rulers and the ruled. This gap was filled by tribal and civil institutions which advocated on behalf of the populace.

The material insecurity felt by the populace led many Southerners to rely on tribal leaders. This was not a negative trend. The authority of traditional leaders was in many areas the glue which held society together. Civil society, then, took on the responsibilities of advocating for the populace and initiating development and social welfare projects. However, these civil and tribal institutions did not have broad material support from the local, state or regional governments. In the few instances where the government made an effort to include these organisations, such as the census, disarmament or a conference, there were successes. A continued and concerted push to support these groups was lacking, though. As a result people's livelihoods were often at great risk. This bred desperation and the desperation led to insecurity. Many individuals, clans or tribes turned to cattle-raiding, criminality and banditry to secure their livelihoods. Such actions challenged the government's monopoly over the use of force and led many to question its legitimacy. The Southern populace in the rural areas which were plagued with insecurity and poverty wondered where the government and the SPLM had gone.

The general feeling among the populace was that the government officials were holding their breath until the elections and referendum. The elections would legitimise the SPLM officials who had, from 2005-2010, only been appointed. They had not been chosen by their constituencies. As for the referendum, officials did not see the benefit in developing an infrastructure if the South was just going to go back to war. Thus, building up the South's military strength was prioritised over development. After the referendum, though, government officials assumed that development and decentralisation would be fast-tracked. The problem was, however, that the government institutions which were being developed were so flawed that many questioned whether or not they could be fixed. As well, people questioned the willingness of the SPLM leadership to make the party more transparent and democratise the movement's internal decision-making processes.

The elections, held in April 2010, were a defining moment in Southern Sudan. Their conduct and the results provided a glimmer of hope for the stability of the government and the future of the SPLM as the leader of the South. Firstly, the conduct of the elections had the potential to destabilise an already tenuous security situation. According to Reilly, post-conflict elections, though needed to create a more legitimate government, can lead to a situation of 'outbidding' by the competing political and ethnic groups.³ This has the potential to create a situation of increased tension and violence. Certainly, the circumstances in Southern Sudan, such as arms proliferation, intense tribalism and poorly disciplined soldiers, had the potential to create a situation like that seen in the aftermath of the Kenyan elections of 2007. Amazingly (for some observers), this was not the case.

There were some problems though. International election monitors observed that the elections in the South did not meet international standards. Voters were frustrated by poor organisation as many polling stations delayed in opening or names were missing from the registration lists. In some states there were allegations of ballot papers being burnt and ballot boxes being stolen. Some polling officials were reported to have told illiterate voters to choose the symbol of the SPLM.⁴ More worrying for the legitimacy of the electoral process were the deployment of security personnel near the polling stations and the bullying of voters. Summarising the observations from their local and international monitors, the Carter Centre put out a statement on the elections in the South:

The elections in the South experienced a high incidence of intimidation and the threat or use of force. There were numerous instances of the Sudan Peoples' Liberation Army (SPLA) intimidating voters and being stationed too close to polling stations. State interference in the campaigns of opposition candidates was widespread in the South.⁵

The aftermath of the elections developed into a precarious situation, primarily in Unity and Western Equatoria States. In these two states there were reports of violence, kidnapping and shootings. In Unity State the incumbent governor Taban Deng took over the state NEC office by force when he was not leading in the ballot count. Monitors for the opposition candidate Angelina Teny were prevented from entering the polling centre by SPLA soldiers. Taban was later declared the winner which led opposition supporters to claim that the results

³ Reilly, "Post-War Elections: Uncertain Turning Points of Transition."

⁴ Since such a large portion of the Sudanese populace is illiterate, party and candidate names on ballot papers were accompanied by symbols.

⁵ www.cartercenter.org

had been rigged. When the opposition supporters held a rally in the state capital of Bentiu, two of the protesters were killed by soldiers. In Western Equatoria State the campaign manager for the incumbent SPLM governor was seen deploying SPLA soldiers and threatening state NEC officials. While they were still tabulating the results in the closely-contested gubernatorial race two state NEC officials were kidnapped, allegedly by plainclothes security personnel, in Yambio. Other opposition candidates such as Lam Akol claimed that some of their agents had been shot. This, however, was never confirmed.

Full-scale eruptions of violence or mass protests against the result, however, did not occur. Thus, while the electoral process was flawed it was just as successful as it needed to be. The elections represented an important step in the democratic transformation of the GoSS. Before the elections the image many Southerners held was that the SPLM controlled the Southern government. It was the party that made all of the political appointments; even ministers from opposition parties had to be approved by the SPLM. In people's minds, the GoSS was not understood as an institution but rather as part of a political party. The electoral process enabled the government as an institution to distance itself from the SPLM as a political party. The concept that the government is chosen by the people will certainly aid it in cultivating legitimacy.

As for the SPLM, the results were generally favourable for the party in the South. Salva Kiir won 93% of the Southern vote over Lam Akol and was re-elected as the GoSS president. The party also won nine out of ten gubernatorial seats. However, there were cracks within the party in the run up to the elections. Firstly, the decision to withdraw Yasir Arman from the presidential election was met with anger by top SPLM officials, many of them from Northern Sudan. It seemed to them that the SPLM had given up on solidifying its position in Northern Sudan. There was also discontentment within the SPLM Southern Sector. Many potential candidates thought that the process of choosing SPLM candidates was unfair and not democratic since the decision of who would be allowed to run under the SPLM ticket came from the SPLM Political Bureau alone. As such, many SPLM politicians decided to run as independent candidates. While maintaining their loyalty to the SPLM, it seems evident that these candidates, including presidential advisor Ladu Gore, Riek Machar's wife Angelina Teny or Peter Nyaba, an SPLM minister in the Government of

National Unity, wanted to distance themselves from the SPLM in order to win seats as governors.

Secondly, some of the results were a testament to the discontent of the certain constituencies at the local level. Three key SPLM ministers lost their parliamentary seats. Kosti Manibe, the Minister of Cabinet Affairs in the national government and Oyai Deng Ajak, Minister of Regional Cooperation in the GoSS, both lost to non-SPLM candidates. John Luk, the GoSS Minister for Energy and Mining, lost his parliamentary seat in Akobo. The loss of top SPLM politicians reflected the resentment felt by the populace towards certain leaders who were seen as acting in a dictatorial fashion and as unable to reverse the poverty of their constituents. While it can be inferred that the election results legitimised the SPLM as the ruling party of Southern Sudan (assuming they were not rigged), another narrative points to the fact that there simply was not an attractive alternative. Yet another possible explanation of the election results was that while the Southerners were unhappy with their government and the SPLM, as shown through their daily discourse, they were willing to give the SPLM a chance to follow through on the many promises it made during the electoral campaign. One of the main concerns, however, is that the SPLM will see its overall victory as a mandate to continue along the same path; its potential complacency could lead it to run the government as it did during the interim period, which was anything but successful.

More than anything the SPLM is looking to the referendum, hoping that if the South can just gain its independence somehow many of the woes it experienced during the interim period will simply vanish. Since the SPLM pulled its candidates from the elections in this North this is indicative that the SPLM has abandoned its project to create a New Sudan. Although Yasir Arman formally withdrew from the presidential elections, it was so late that his name remained on the ballots. Results in the South showed that an overwhelming majority still voted for Arman. Yet, in a news article analysing this situation it stated that the SPLM Secretary-General Pagan Amum maintained “that the party is not keen on the national presidency pointing out that even if Arman wins, he will not take up the position.”⁶

⁶ “Bashir’s victory may not be as decisive as originally thought,” *Sudan Tribune*, 23 April, 2010.

Thus, it appears through these actions and remarks that the SPLM is completely focused on the referendum and an independent state.

Yet, the odds of the referendum taking place and the North accepting the results remains questionable. Many in the South are doubtful that the North will let the South declare its independence without a fight. This is the rationale for the intense investment in the military strength of the SPLA. If the process of secession is smooth, however, then the matter of good relations between the Sudanese government and this future country comes into question. According to De Waal the model of potential governance after secession would not be sustainable. The desired outcome, in the case of separation of the South, is that it will implement a sovereign barrier between the North and South. In reality, “it is unlikely that any barrier will be strong enough to prevent continuation of existing patterns of political bargaining between Sudan’s centre and periphery that reaches across international borders. Separation is more likely to resemble incomplete decolonization than partition.”⁷

Finally, *if* the South becomes independent, and there significant indication that this process might not happen smoothly, then the question becomes: will it be a failed state before it has had the opportunity to be a state? Writing on the prospect of an independent South, Alex Perry ponders whether or not Southern Sudan will have the status of being a “pre-failed state.” He queries, “[h]ow can southern Sudan become an independent nation when it possesses so little of what defines one?”⁸ Many of the preconditions for a successful post-independent state are lacking. The elections, though, were a good starting point. While they were not perfect they did not result in insecurity as many had projected. Considering the intense tribal nature of Southern Sudanese society, the aftermath of the elections could have mirrored the violence witnessed in Kenya following the national elections in 2007. Thus, there is reason for optimism. A number of issues will need to be addressed in earnest after the referendum has been completed. Once the Southerners have their independence guaranteed then many assume their government will commence fixing the internal problems rather than focusing all its efforts on the North-South concerns discussed in chapter 7. Yet, if the government and the SPLM proceed down the current path the viability of a stable state is doubtful.

⁷ De Waal, "Sudan: International Dimensions to the State and Its Crisis," 15.

⁸ Perry, Alex, "South Sudan: Can This be the World's Newest Nation?," *TIME*, 19 April, 2010.

This analysis of the interim period, the development of governance and difficulties in consolidating legitimacy was conducted with an independent Southern state in mind. The investigation into legitimacy and political authority in Southern Sudan provides the reader with an understanding of the problems the (potential) future state will face and how it can best avoid falling back into chaos. First, the governance institutions outside of Juba will need to be strengthened and the decentralisation process implemented in full. Building and sustaining government offices in the local-levels of governance (country, *payam* and *boma*) will help the government connect with the populace. In order for the government to be trusted, corruption and patronage will need to be combated. As for the SPLM, it needs to further its objective of transforming itself into a political party through shedding its militaristic ethos. The firm separation of the Southern army from the SPLM is essential for this to occur. At the same time, the police force will have to be built-up and trained; it should be the primary security organ to combat the cattle-raiding and tribal violence. Finally, and most importantly for consolidating legitimacy, the government will have to devote its resources to development, infrastructure projects and the provision of welfare to the populace. Security and social welfare are the two most pressing concerns of the populace; the new state's legitimacy will depend mainly on keeping the populace safe and bringing it out of poverty.

All of this certainly requires the help of the international community but the experiences from the interim period have revealed problems in an over-reliance on foreign aid. Thus, if the government is to reverse its course it has to sincerely and effectively engage indigenous tribal and civil institutions. With proper resources and guidance on governmental policy these non-state organisations can support the local governments with the tasks ahead. The main lesson learned from the mistakes made during the interim period is that in order for the government to be legitimate it needs to be seen as working with and for the populace. The SPLM's own legitimacy will still be very much tied to government successes or failures.

Beyond the case of Southern Sudan, the findings from the thesis have resonance. They reveal mistakes and shortcomings of a government in a post-conflict environment which should not be repeated. There are a plethora of rebel movements and discontented citizens throughout the world, notably on the African continent. While most of these conflicts will

probably not end in the creation of a new state such as Southern Sudan some could result in peace agreements which endow regional autonomy. Putting aside the issue of a new state, the experiences from the interim period alone provide lessons on post-conflict regional governance. It is commonly said that a peace process should have local ownership; post-conflict governmental institutions, in order to be legitimate, should also be owned by the local population. Legitimacy as applied to the African government was discussed in the introduction. A legitimate state in Africa must take into account a number of sections of society (chieftaincies, associations and organisations) which seek to undertake negotiations with the government. Additionally, in Africa one finds the convergence of the state and modernity on the one hand and tradition, identity and locality on the other. The latter conveys legitimacy to the former. Finally, local vernaculars influence how legitimacy is understood. In places like Southern Sudan, 'democracy' can be understood as 'eating well' or as a consensus within the community. The blurring between the public socio-political realm and the private life is an issue that affects the of the African state and beyond to other tribal societies. The case of Southern Sudan shows that when these local vernaculars are not taken into account, destabilisation is often the result. Indeed, consolidating legitimacy and political authority in a post-conflict environment is not something which can be forced or imposed from above. Instead, legitimacy is provided by the populace, by the local community. Peace processes and agreements frequently miss this point; they are negotiated by the primary political actors who claim to be acting on behalf of a certain community. In reality, though, the needs and wants of the local communities living in a post-conflict environment are sacrificed over what the political elites see as more immediate requirements. If anything, the lesson from Southern Sudan is that without pleasing the populace and establishing legitimacy, the future stability of the government and society will be put in jeopardy.

Appendix

I. Interviewee List

Name	Date	Position/ Affiliation	Location
Government Officials			
Government of National Unity			
Lam Akol	3/03/2009	Fmr. Foreign Minister; leader DC-SPLM	Khartoum
Ambassador John Simon Yor	4/03/2009	Director, International Laws and Treaties, Ministry of Foreign Affairs	Khartoum
Government of Southern Sudan			
Riek Machar	12/06/2009	Vice President	Juba
Gabriel Changson	24/06/2008	Minister of Information and Broadcasting	Juba
Alfred Ladu Gore	20/05/2009	Presidential Advisor on Diplomacy	Juba
Elisama Wani Daniel	14/05/2009	Director-General for Corruption Prevention and Education, Southern Sudan Anti-Corruption Commission	Juba
Doboul Lualweng Woul	21/05/2009	Director, Bilateral Relations, Ministry of Regional Cooperation	Juba
Major-General James Hoth Mai	28/05/2009	Chief of Staff, SPLA	Juba
Ismael Kony	2/06/2009	Presidential Advisor for Peace and Reconciliation Affairs	Juba
Moses Telar	5/06/2009	Director-General for Religious Affairs, Ministry of Social Welfare, Gender and Religious Affairs	Juba
Regina Ossa Lullo	10/06/2009	Director-General, Gender and Child Welfare, Ministry of Gender, Social Welfare and Religious Affairs	Juba
Aida Eriminio Wandé	12/06/2009	MP, Southern Sudan Assembly,	Juba
State Governments			
Dr. Mohamed Yousef Al Mustafa	11/03/2009	State Minister of Labor, Public Service and Human Resource Development, Gezira State	Khartoum
Awad Juma Aman	2/07/2008	Deputy Governor Western Bahr El Ghazal State	Wau
Mathew Chan Majok	3/07/2008	SSRRC Director, Western Bahr El Ghazal State	Wau

Abdullah Ali	8/07/2008	Director-General, Ministry of Education, Western Bahr El Ghazal State	Wau
Elijah Magot	6/08/2008	Director-General, Ministry of Information and Broadcasting, Jonglei State	Bor
Jodi Jonglei Boyoris	7/08/2008	Speaker of the Legislative Assembly, Jonglei State	Bor
Hussein Mar Nyuot	8/08/2008	Deputy Governor and Minister of Local Government and Law Enforcement, Jonglei State	Bor
Kuol Manyang	15/08/2008	Governor, Jonglei State	Bor
Rachael Nyadak Pawl	15/08/2008	Minister of Social Development, Jonglei State	Bor
Abdallah Hassan Famai Adidi	9/04/2009	Director-General, Ministry of Local Government, Eastern Equatoria State	Torit
Patrick Lodinga	9/04/2009	Minister of Gender, Social Welfare and Religious Affairs, Eastern Equatoria State	Torit
Lango Oya Tito	17/04/2009	Director for Roads and Bridge, Ministry of Physical Infrastructure, Eastern Equatoria State	Torit
Alex Locor	17/04/2009	Director-General, Ministry of Information and Broadcasting, Eastern Equatoria State	Torit
Joseph Abuni	24/04/2009	Director Secondary Education, Ministry of Education, Science and Technology, Eastern Equatoria State	Torit
	27/04/2009	Director of Land and Survey, Ministry of Physical Infrastructure, Eastern Equatoria State	Torit
County Governments			
David Gatkuoth Kong	9/06/2008	County Education Deputy Director, Akobo County	Akobo
Johanas Pal	10/06/2008	Controller of Accounts, Akobo County	Akobo
Issac Tut Both	10/06/2008	Administration and Finance, Akobo County	Akobo
Jimem Riek	10/06/2008	SSRRC County Director, Akobo County	Akobo
Massimino Allam Tiyaha	14/04/2009	Commissioner of Torit County	Torit
Political Parties			
Abdullah Mohammed	12/03/2009	Secretary for training, research and planning, SPLM Northern Sector	Khartoum

Professor Phillip Yona Jambi	18/05/2009	GoSS Minister for Cooperation and Rural Development; UDF Political Bureau member	Juba
Gabriel Changson	19/05/2009	UDSF chairman	Juba
Dr. Toby Maduot Parek Machar	28/05/2009	SANU Chairman	Juba
Dr. Ann Itto	3/06/2009	Deputy Sec-Gen. SPLM Southern Sector	Juba
James Kiir	7/07/2008	Secretary for Political Affairs, SPLM Secretariat, Western Bahr El Ghazal State	Wau
Paul Atuk Chauu	7/07/2008	Deputy Chairman, NCP Secretariat, Western Bahr El Ghazal State	Wau
Boutch Chuol	7/08/2008	Secretary-General, SPLM Secretariat, Jonglei State	Bor
Keji Jermalili Roman	16/03/2009	Spokesperson for SPLM Northern Sector and Secretary for Culture, Information and Communication	Khartoum
Anisia Karlo Acheng	17/04/2009	Assistant Secretary for Political Affairs and Mobilization, SPLM Secretariat for Eastern Equatoria State	Torit
Ana Akelo Gabriel	27/04/2009	Chairwoman, SPLM Women's League, SPLM State Secretariat, Eastern Equatoria State	Torit
Virginia Leju	27/04/2009	SPLM Women's League, SPLM State Secretariat, Eastern Equatoria State	Torit
Mark Lolimo	27/04/2009	Assistant Secretary for Popular and Syndicated Organisation, SPLM State Secretariat, Eastern Equatoria State	Torit
Obwaha Claude Akasha	29/04/2009	Chairman SPLM Youth League, SPLM State Secretariat, Eastern Equatoria State	Torit
Clement Otto Kullo	29/04/2009	State Chairman UDF, MP for UDF, Eastern Equatoria State	Torit
Antony Fermato	30/04/2009	State Deputy Chairman NCP, Eastern Equatoria State; former Commissioner, Torit County	Torit
	30/04/2009	NCP Political Affairs Department, Eastern Equatoria State	Torit
Caesar Baya Loyala	25/05/2009	MP, Deputy Chairperson for Legal Affairs, Southern Sudan Legislative Assembly; NCP member	Juba
Traditional Leaders			

Focus Group	7/06/2008	Group of 7 elders and chiefs	Old Akobo Akobo County
Head Chief, Bruwil Payam	17/06/2008	Chief of Bruwil Payam	Bruwil, Akobo County
Boma Chief Arkaidio Hakem	14/04/2009	Chief of Lohutok	Lohutok, EES
King Victor Oduho	29/04/2009	King of Lotuka	Torit
Enrico Jacob	29/04/2009	Head Chief, Torit Payam, EES	Torit
Mauris Okello	29/04/2009	Head Chief, Imuro Payam, Torit County, EES	Torit
Raphael Otwari	29/04/2009	Head Chief, Kudo Payam, Torit County, EES	Torit
James Marham Odwa	29/04/2009	Head Chief, Himodongee Payam, Torit County, EES	Torit
Indigenous Civil Society			
Luka Ruach	6/06/2008	Health Co-coordinator, Nile Hope Development Forum	Akobo
Wal Makuach	6/06/2008	Food Security Coordinator, Nile Hope Development Forum	Akobo
Chuol Deng	8/06/2008	Logistics Coordinator, Nile Hope Development Forum	Akobo
Linus George	12/06/2008	Administrator of local Carter Center	Akobo
Presbyterian Church focus group	16/06/2008	9 Church leaders from Akobo and Nasir County	Akobo
Bang Gatkuoth	17/06/2008	Primary health care center	Dilule, Akobo County
	17/06/2008	Headmaster, Bruwil primary school	Bruwil, Akobo County
Bishop General Martin Maker	3/07/2008	Bishop, Episcopalian Church	Wau
Reverend David Modi Canon	3/07/2008	Development and Security Coordinator, Episcopalian Church	Wau
James Bol Adiong	4/07/2008	Director of Peace Committee, Warrap State	Wau
Linda Ferdinand	9/07/2008	Director, WOTAP (Women's Training and Promotion)	Wau
Lina Elis	9/07/2008	Program Coordinator, Women's Development Forum	Wau
Marianna Biri	9/07/2008	Director, Women's Development Forum	Wau
Regina Edward	9/07/2008	Accountant, Women's Development Forum	Wau

Unis	2/05/2009	Civil society leader from Didinga Hills, EES	Torit
Romano Obuma	12/04/2009	Pastor, African Inland Church	Torit
Clementina Hwari	21/04/2009	Head of Eastern Equatoria Women's Organization, EES	Torit
Priest Dario Hakim	21/04/2009	Priest, Catholic Diocese of Torit	Torit
Bishop Bernard Oringa	21/04/2009	Bishop, Episcopalian Church	Torit
Nelson King	7/05/2009	HIV/AIDS Program Director, Sudan Council of Churches, Equatoria Region Office	Juba
Reverend Martin Ochaya Lino	8/05/2009	Secretary-General Catholic Archdiocese of Juba	Juba
Reverend Raphael Kenyi	8/05/2009	Reverend, Pentecostal Church	Juba
Paul Biel Otuang	15/05/2009	Founder and Executive Director, Nile Hope Development Forum	Juba
Paul Biel Otuang	15/05/2009	Chairman, Southern Sudanese Indigenous Forum	Juba
Community			
Dinka male	27/05/2008		Juba
Focus group, 3 Nuer men	6/06/2008		Burwil, Akobo County
Nuer male	9/06/2008		Akobo
Nuer male	12/06/2008		Akobo
Nuer female	12/06/2008		Akobo
Nuer male	12/06/2008		Akobo
Nuer male	15/06/2008		Akobo
Nuer female	20/06/2008		Akobo
Yithaya Ayuel Deng	7/07/2008	Dean of College of Economics and Social Science, University of Bahr El-Ghazal	Wau
Focus group	11/07/2008	8 female political and community leaders	Wau
Anonymous	9/04/2009	Former soldier	Torit
Anonymous	18/04/2009	Former soldier	Torit
University student focus group	18/05/2009	10 University students involved in political activities on campus	Juba
Refugee focus group	24/05/2008	10 southern Sudanese refugees living in Kenya	Nairobi
Refugee focus group	30/01/2009	6 southern Sudanese refugees living in Egypt	Cairo
Pasquali Thomas Boi Mandar	18/12/2008	refugee; Fertit community leader; head of refugee education program at St Andrews church	Cairo

International Organisations/ NGOs			
Dr. Pascal Ngoga	9/6/2009	Senior Political Affairs Officer, UNMIS	Juba
Mary Rose Mariano	7/7/2008	UNDP officer	Wau
Djafar Baraka	16/08/2008	UNRCO officer	Wau
Paul Opio Both	29/05/2009	Field Coordinator for Greater Upper Nile, PACT Sudan	Juba
Livia Ndurua	29/05/2009	Field Coordinator for Greater Equatoria, PACT Sudan	Juba
Lewi Aleigo Mursale	29/05/2009	Coordinator for Peace, Reconciliation and Civil Society, NCA	Juba

II. Questionnaire for Indigenous Sudanese Non-Profit Organisations

Your Name:

Position in your organisation:

1. Information on your organisation

Name of organisation	
Year founded	
Location of operations	
Organisational structure	
Number of employees	
Mission statement	
Programmes and activities	

2. Organisational challenges

What were the main challenges in the development of your organisation?	
What was the process of creating your organisation like? (ex: going to the government, discussions with the community, finding funds)	
Currently, what are the main difficulties your organisation faces?	

What have been the main successes of your organisation?	
Have your employees received any sort of training? If so, please describe.	
Does any NGO or international institution support your work? If so, please describe.	

3. Relationship with government

Do you have regular contact with the county-level government? If so, please describe?	
Do you have regular contact with the state-level government? If so, please describe?	
Do you have regular contact with the GoSS-level government? If so, please describe?	
Has the government been supportive of your organisation's work? If so, how?	
Has the government in any way delayed or held back your organisation's work? If so, how?	
Do you feel that the government could do more to help your organisation? Please give examples.	

4. The community you work in

What are the main needs of the communities in which you work?	
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How receptive are they to your activities?	
Is the community involved in your organization's work? How?	
What do you think will be the main challenges for the community over this next year?	

5. Comments

If you would like to add any more comments about your organisation, please do so below:

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Bibliography

I. Books

- 1) Adar, Korwa. "Ethno-Religious Nationalism in Sudan." In *Shifting African Identities*. Pretoria: Human Science Research Council, 2001.
- 2) Ahmed, Abdel Ghaffar Mohamed, and Samia El-Hadi El-Nagar. "When Political Parties Fail: Sudan's Democratic Conundrum." In *African Political Parties: Evolution, Institutionalisation, and Governance*, edited by M.A. Mohamed Salih. London: Pluto Press, 2003.
- 3) Akbarzadeh, Sharhram. "State Legitimacy." In *Islam and Political Legitimacy*, edited by Sharham Akbarzaheh and Abdullah Saeed. London: Routledge, 2003.
- 4) Al-Awadi, Hesham. *In Pursuit of Legitimacy: The Muslim Brothers and Mubarak, 1982-2000*. London: Tauris Academic Studies, 2004.
- 5) Al-Mubarak, Khalid. *Turabi's "Islamist" Venture: Failure and Implications*. Cairo: el Dar el Thaqafia, 2001.
- 6) An-Na'im, Abdullahi Ahmed. "Constitutional Discourse and the Civil War in the Sudan." In *Civil War in the Sudan*, edited by M. W. Daly and Ahmed Alawad Sikainga. London: British Academic Press, 1993.
- 7) Anderson, Mary. *Do No Harm: How Aid Can Support Peace- or War*. London: Lynne Rienner Publishers, Inc., 1999.
- 8) Appleby, R. Scott, ed. *Spokesman for the Despised: Fundamental Leaders of the Middle East*. Chicago: University of Chicago Press, 1997.
- 9) Ayubi, Nazih N. *Political Islam: Religion and Politics in the Arab World*. London: Routledge, 1991.
- 10) Baker, Bruce. "Post-Settlement Governance Programmes: What Is Being Built in Africa?" In *Ending Africa's Wars: Progressing to Peace*, edited by Oliver Furley and Roy May. Aldershot: Ashgate, 2006.
- 11) Barker, Rodney. "Introduction." In *Studies in Opposition*, edited by Rodney Barker. London: Macmillan Press Ltd., 1971.
- 12) ———. *Political Legitimacy and the State*. Oxford: Clarendon Press, 1990.
- 13) Barnett, Michael N. *Dialogues in Arab Politics: Negotiations in Regional Order*. New York: Columbia University Press, 1998.
- 14) Bekher, Simon, Martine Dodds, and Meshack Khasa, eds. *Shifting African Identities*. Pretoria: Human Science Research Council, 2001.
- 15) Bengio, Ofra, and Gabriel Ben-Dor, eds. *Minorities and the State in the Arab World*. Boulder: Lynne Rienner Publishers, 1999.
- 16) Bronner, Stephen Eric. *Peace out of Reach: Middle Eastern Travels and the Search for Reconciliation*. Lexington: The University Press of Kentucky, 2007.
- 17) Brown, Michael E. "The Causes and Regional Dimensions of Internal Conflict." In *The International Dimensions of Conflict*, edited by Michael E. Brown. Cambridge, MA: The MIT Press, 1996.
- 18) Burgat, Francois. *Face to Face with Political Islam*. London: I.B. Tauris, 2003.
- 19) Burnham, Peter, and Et al. *Research Methods in Politics*. New York: Palgrave

- McMillan, 2004.
- 20) Burr, J. Millard, and Robert O. Collins. *Requiem for the Sudan: War, Drought, and Disaster Relief on the Nile*. Boulder: Westview Press, 1995.
 - 21) ———. *Revolutionary Sudan: Hasan Al-Turabi and the Islamist State, 1989-2000*. Leiden: Brill, 2003.
 - 22) Cheadle, Don, and John Prendergast. *Not on Our Watch: The Mission to End Genocide in Darfur and Beyond*. New York: Hyperion, 2007.
 - 23) Clapham, Christopher. "Introduction: Analysing African Insurgencies." In *African Guerrillas*, edited by Christopher Clapham. Oxford: James Currey, 1998.
 - 24) Clark, Gordon, and Michael Dear. *State Apparatus: Structures and Language of Legitimacy*. Boston: Allen and Unwin, Inc., 1984.
 - 25) Cohen, Jean L., and Andrew Arato. *Civil Society and Political Theory*. Boston: Massachusetts Institute of Technology, 1994.
 - 26) Collins, Robert O. *Shadows in the Grass: Britain in the Southern Sudan, 1918-1956*. New Haven: Yale University Press, 1983.
 - 27) Cramer, Christopher. *Civil War Is Not a Stupid Thing: Accounting for Violence in Developing Countries*. London: Hurst and Company, 2006.
 - 28) Dahl, Robert Alan. *A Preface to Democratic Theory*. Chicago: Chicago University Press, 1963.
 - 29) Daly, M. W. *Darfur's Sorrow: A History of Destruction and Genocide*. Cambridge: Cambridge University Press, 2007.
 - 30) ———. *Darfur's Sorrows: A History of Destruction and Genocide*. Cambridge: Cambridge University Press, 2007.
 - 31) Dau, John Bol. *God Grew Tired of Us*. Washington D.C.: National Geographic, 2007.
 - 32) De Waal, Alex. *Demilitarising the Mind: African Agendas for Peace and Security*. London: Justice Africa, 2002.
 - 33) ———. *Famine Crimes: Politics and the Disaster Relief Industry in Africa*. : James Currey, 1997.
 - 34) ———, ed. *Islamism and Its Enemies in the Horn of Africa*. Bloomington: Indiana University Press, 2004.
 - 35) De Waal, Alex, and Julie Flint. *Darfur: A Short History of a Long War*. London: Zed Books, 2005.
 - 36) De Waal, Alex, and A.H. Abdel Salam. "Africa, Islamism and America's War on Terror." In *Islamism and Its Enemies in the Horn of Africa*, edited by Alex De Waal. Bloomington: Indiana University Press, 2004.
 - 37) ———. "Islamism, State Power and Jihad in Sudan." In *Islamism and Its Enemies in the Horn of Africa*, edited by Alex De Waal. Bloomington: Indiana University Press, 2004.
 - 38) De Zeeuw, Jeroen, ed. *From Soldiers to Politicians: Transforming Rebel Movements after Civil War*. Boulder: Lynne Rienner Publishers, 2008.
 - 39) ———. "Understanding the Political Transformation of Rebel Movements." In *From Soldiers to Politicians: Transforming Rebel Movements after Civil War*, edited by Jeroen De Zeeuw. Boulder: Lynne Rienner Publishers, 2008.
 - 40) Deng, Francis Mading. "Hidden Agendas in the Peace Process." In *Civil War in the*

- Sudan*, edited by M. W. Daly and Ahmed Alawad Sikainga. London: British Academic Press, 1993.
- 41) ———. "War of Visions for the Nation." In *Sudan: State and Society in Crisis*, edited by John O. Voll. Bloomington: Indiana University Press, 1991.
 - 42) ———. *War of Visions: Conflict of Identities in the Sudan*. Washington D.C.: The Brookings Institute, 1995.
 - 43) Duffield, Mark. *Global Governance and New Wars*. London: Zed Books, 2001.
 - 44) Easton, David. *A Systems Analysis of Political Life*. New York: John Wiley & Sons, Inc., 1965.
 - 45) Edelman, Murray. *The Symbolic Uses of Politics*. Urbana: University of Illinois Press, 1964.
 - 46) Eggers, David. *What Is the What: The Autobiography of Valentino Achak Deng*. San Francisco: McSweeney's, 2006.
 - 47) El-Din, Ahmed Kamal. "Islam and Islamism in Darfur." In *War in Darfur and the Search for Peace*, edited by Alex De Waal. London: Justice Africa, 2007.
 - 48) Englebert, Pierre. *State Legitimacy and Development in Africa*. Boulder: Lynne Rienner, 2000.
 - 49) Esposito, John L., and John O. Voll. *Islam and Democracy*. Oxford: Oxford University Press, 1996.
 - 50) Evans-Pritchard, E. E. *A Description of the Modes of Livelihood and Political Institutions of a Nilotic People*. Oxford: Oxford University Press, 1969.
 - 51) Ferrero, Guglielmo. *The Principles of Power: The Great Political Crises of History*. Salem, NH: Ayer, 1942.
 - 52) Fuller, Graham E. *The Future of Political Islam*. New York: Palgrave MacMillan, 2003.
 - 53) Furley, Oliver, and Roy May. *Ending Africa's Wars: Progressing to Peace*. Hampshire: Ashgate, 2006.
 - 54) Geertz, Clifford. *Local Knowledge: Further Essays in Interpretive Anthropology*. Third Edition. New York: Basic Books, 2000.
 - 55) Gilson, Michael. *Recognizing Islam: Religion and Society in the Modern Middle East*. London: I. B. Tauris, 2005.
 - 56) Goodwin, Jeff. *No Other Way Out: States and Revolutionary Movements, 1945-1991*. Cambridge: Cambridge University Press, 2001.
 - 57) Gurr, Ted. *Why Men Rebel*. Princeton: Princeton University Press, 1970.
 - 58) Haag, Ernest van den. *Political Violence and Civil Disobedience*. New York: Harper Torchbooks, 1972.
 - 59) Harragin, Simon. "Relief and an Understanding of Local Knowledge: The Case of Southern Sudan." In *Culture and Public Action*, edited by Vijayendra Rao and Michael Walton. Stanford: Stanford University Press, 2004.
 - 60) Hofheinz, Albrecht. "Sudan." In *Anti-Americanism in the Islamic World*, edited by Sigrid Faath. Princeton: Markus Wiener Publishers, 2006.
 - 61) Höglund, Kristine. "Violence in War-to-Democracy Transitions." In *From War to Democracy: Dilemmas Peacekeeping*, edited by Anna K. Jarstad and Timothy D. Sisk. Cambridge: Cambridge University Press, 2008.
 - 62) Holt, P.M., and M. W. Daly. *A History of the Sudan: From the Coming of Islam to the*

Present Day. Harlow: Longman, 2000.

- 63) Hudson, Michael C. *Arab Politics: The Search for Legitimacy*. New Haven: Yale University Press, 1977.
- 64) Iyob, Ruth, and Gilbert M. Khadiagala. *Sudan: The Elusive Quest for Peace*. Boulder: Lynne Rienner Publishers, 2006.
- 65) Jarstad, Anna K. "Dilemmas of War-to-Democracy Transitions." In *From War to Democracy: Dilemmas of Peacekeeping*, edited by Anna K. Jarstad and Timothy D. Sisk. Cambridge: Cambridge University Press, 2008.
- 66) Jarstad, Anna K., and Timothy D. Sisk, eds. *From War to Democracy: Dilemmas of Peacebuilding*. Cambridge: Cambridge University Press, 2008.
- 67) Johnson, Douglas H. "Darfur: Peace, Genocide and Crimes against Humanity in Sudan." In *Violence, Political Culture and Development in Africa*, edited by Preben Kaarsholm. Oxford: James Currey Press, 2006.
- 68) ———. "North-South Issues." In *Sudan after Nimeiri*, edited by Peter Woodward. London: Routledge, 1991.
- 69) ———. *The Root Causes of Sudan's Civil Wars*. 2nd ed. Oxford: James Currey, 2004.
- 70) ———. "The Sudan People's Liberation Army and the Problem of Factionalism." In *African Guerrillas*, edited by Christopher Clapham. Oxford: James Currey, 1998.
- 71) Johnson, Douglas H., and Gerard Prunier. "The Foundation and Expansion of the Sudan People's Liberation Army." In *Civil War in the Sudan*, edited by M. W. Daly and Ahmed Alawad Sikainga. London: British Academic Press, 1993.
- 72) Jok, Jok Madut. *Sudan: Race, Religion and Violence*. Oxford: One World Publications, 2007.
- 73) Kaldor, Mary. *New and Old Wars: Organized Violence in a Global Era*. 2nd ed. Cambridge: Polity Press, 2006.
- 74) Kalifa, Mohammed El-Amin. *Ten Years of Peace Making in Sudan, 1989-1999*. Translated by G.G. Ali El-Julla. Khartoum: University of Khartoum Press, 2003.
- 75) Kalpakian, Jack. "War over Identity: The Case of Sudan." In *Big African States*, edited by Christopher Clapham, Jeffery Herbst and Greg Mills. Johannesburg: Wits University Press, 2006.
- 76) Kalyvas, Stathis N. *The Logic of Violence in Civil War*. Cambridge: Cambridge University Press, 2006.
- 77) Kaplan, Robert D. *The Coming Anarchy*. New York: Vintage Books, 2000.
- 78) Keen, David. *The Benefits of Famine: A Political Economy of Aid Relief in Southwestern Sudan*. Princeton: Princeton University Press, 1994.
- 79) Khalid, Mansour. "External Factors in the Sudanese Conflict." In *The Search for Peace and Unity in the Sudan*, edited by Francis Mading Deng and Prosser Gifford. Washington D.C.: The Wilson Center Press, 1987.
- 80) ———, ed. *John Garang Speaks*. London: Kegan Paul International, 1987.
- 81) ———. *War and Peace in Sudan: A Tale of Two Countries*. London: Kegan Paul, 2003.
- 82) Kok, Peter Nyot. *Governance and Conflict in the Sudan, 1985-1995: Analysis, Evaluation and Documentation*. Hamburg: Deutsches Orient Institute, 1996.
- 83) Kovacs, Mimmi Söderberg. "When Rebels Change Their Stripes." In *From War to*

- Democracy: The Dilemmas of Peacekeeping*, edited by Anna K. Jarstad and Timothy D. Sisk. Cambridge: Cambridge University Press, 2008.
- 84) Leites, Nathan, and Jr. Charles Wolf. *Rebellion and Authority: An Analytical Essay on Insurgent Conflicts*. Chicago: Markham Publishing Company, 1970.
- 85) Lesch, Ann Mosley. *The Sudan: Contested National Identities*. Bloomington: Indiana University Press, 1998.
- 86) Lipset, Seymour Martin. *Political Man: The Social Bases of Politics*. London: William Heinemann Limited, 1960.
- 87) Marlowe, Jen. *Darfur Diaries: Stories of Survival*. New York: Nation Books, 2006.
- 88) Marty, Martin M., and R. Scott Appleby, eds. *Fundamentalisms and the State: Remaking Politics, Economics and Militancy*. Chicago: University of Chicago Press, 1993.
- 89) Maundi, Mohammed O., I. William Zartman, Gilbert M. Khadiagala, and Kwaku Nuamah. *Getting In: Mediators' Entry into the Settlement of African Conflicts*. Washington D.C.: United States Institute of Peace Press, 2006.
- 90) McAdam, Doug, Sidney Tarrow, and Charles Taylor. *Dynamics of Contention*. Cambridge: Cambridge University Press, 2001.
- 91) Meyer, Gabriel. *War and Faith in Sudan*. Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2005.
- 92) Miller, Judith. "Global Islamic Awakening or Sudanese Nightmare." In *Spokesman for the Despised: Fundamentalist Leaders of the Middle East*, edited by R. Scott Appleby. Chicago: University of Chicago Press, 1997.
- 93) Minear, Larry. *The Humanitarian Enterprise: Dilemmas and Discoveries*. Bloomfield: Kumarian Press, 2002.
- 94) ————. *Humanitarianism under Siege: A Critical Review of Operation Lifeline Sudan*. Trenton, NJ: The Red Sea Press, 1991.
- 95) Moussalli, Ahmed S. *Moderate and Radical Islamic Fundamentalism: The Quest for Modernity, Legitimacy and the Islamic State*. Gainesville: University of Florida Press, 1999.
- 96) Niblock, Tim. *Saudi Arabia: Power, Legitimacy and Survival*. London: Routledge, 2006.
- 97) Nyaba, Peter Adwok. *The Politics of Liberation in South Sudan: An Insider's View*. 2nd ed. Kampala: Fountain Publishers, 2000.
- 98) O'Ballance, Edward. *Sudan, Civil War and Terrorism, 1956-1999*. London: McMillan Press Ltd., 2000.
- 99) O'Sullivan, Megan. *Shrewd Sanctions: Statecraft and State Sponsors of Terrorism*. Washington D.C.: Brookings Institution Press, 2003.
- 100) Olson, Mancur. *Power and Prosperity: Outgrowing Communist and Capitalist Dictatorships*. New York: Basic Books, 2000.
- 101) Peterson, Roger D. *Resistance and Rebellion: Lessons from Eastern Europe*. Cambridge: Cambridge University Press, 2001.
- 102) Peterson, Scott. *Me against My Brother: At War in Somalia, Sudan and Rwanda*. New York: Routledge, 2001.
- 103) Petterson, Don. *Inside Sudan: Political Islam, Conflict and Catastrophe*. Boulder: Westview Press, 1999.
- 104) Poggi, Gianfranco. *The Development of the Modern State: A Sociological*

- Introduction*. London: Hutchinson & Co. , 1978.
- 105) Pritchard, E.E. Evans. *The Divine Kingship of the Shilluk of the Nilotic Sudan*. Cambridge: Cambridge University Press, 1948.
- 106) Prunier, Gerard. *Darfur: The Ambiguous Genocide*. London: C. Hurst and Co., 2005.
- 107) Prunier, Gerard, and Rachael Gisselquist. "The Sudan: A Successfully Failed State." In *State Failure and State Weakness in a Time of Terror*, edited by Robert I. Rotburg. Cambridge, MA: World Peace Foundation, 2003.
- 108) Reilly, Benjamin. "Post-War Elections: Uncertain Turning Points of Transition." In *From War to Democracy: The Dilemmas of Peacekeeping*, edited by Anna K. Jarstad and Timothy D. Sisk. Cambridge: Cambridge University Press, 2008.
- 109) Riehl, Volker. *Who Is Ruling Southern Sudan?: The Role of Ngo's in Re-Building Socio-Political Order*. Stockholm: Nordiska Afrikainstitutet, 2001.
- 110) Rigalo, Krista, and Nancy Morrison. "Operation Lifeline Sudan." In *Zones of Peace*, edited by Landon E. Hancock and Christopher Mitchell. Bloomington: Kumarian Press, Inc., 2007.
- 111) Rolandsen, Øystein H. *Guerrilla Government: Political Changes in the Southern Sudan During the 1990's*. Uppsala, Sweden: Nordiska Afrikainstitutet, 2005.
- 112) ———. "Sudan: The Janjawiid and Government Militias." In *African Guerrillas: Raging against the Machine*, edited by Kevin C. Dunn and Morten Bøås. Boulder: Lynne Rienner Publishers, 2007.
- 113) Ronin, Yehudit. "Religion and Conflict in Sudan: A Non-Muslim Minority in a Muslim State." In *Minorities and the State in the Arab World*, edited by Ofra Bengio and Gabriel Ben-Dor. Boulder: Lynne Rienner Publishers, 1999.
- 114) Rothstein, Robert L. "Fragile Peace and Its Aftermath." In *After the Peace: Resistance and Reconciliation*, edited by Robert L. Rothstein. Boulder: Lynne Riener Publishers, 1999.
- 115) ———. "In Fear of Peace: Getting Past Maybe." In *After the Peace: Resistance and Reconciliation*, edited by Robert L. Rothstein. Boulder: Lynne Rienner Publishers, 1999.
- 116) Roy, Olivier. *The Failure of Political Islam*. Cambridge, MA: Harvard University Press, 1994.
- 117) Schaar, John H. *Legitimacy in the Modern State*. New Brunswick, New Jersey: Transaction Books, 1981.
- 118) Schatzberg, Michael. *Political Legitimacy in Middle Africa: Father, Family, Food*. Bloomington: Indiana University Press, 2001.
- 119) Scroggins, Deborah. *Emma's War: Love, Betrayal and Death in Sudan*. New York: Harper Collins Publishers, 2002.
- 120) Shandy, Dianna J. *Nuer-American Passages: Globalizing Sudanese Migration*. Gainesville: University Press of Florida, 2007.
- 121) Shawcross, William. *Deliver Us from Evil: Warlords and Peacekeepers in a*

- World of Endless Conflict*. London: Bloomsbury, 2000.
- 122) Shay, Shaul. *The Red Sea Terror Triangle: Sudan, Somalia, Yemen, and Islamic Terror*. Translated by Rachel Liberman. New Brunswick: Transaction Publishers, 2005.
- 123) Sidahmed, Abdel Salam. *Politics and Islam in Contemporary Sudan*. Surrey: Curzon Press, 1997.
- 124) Skocpol, Theda. *States and Social Revolutions: A Comparative Analysis of France, Russia and China*. Cambridge: Cambridge University Press, 1979.
- 125) Spear, Joanna. "Disarmament, Demobilization, Reinsertion and Reintegration in Africa." In *Ending Africa's Wars: Progressing to Peace*, edited by Oliver Furley and Roy May. Aldershot: Ashgate, 2006.
- 126) Steidle, Brian. *The Devil Came on Horseback: Bearing Witness to the Genocide in Darfur*. New York: Public Affairs, 2007.
- 127) Steiner, Kristian. *Strategies for International Legitimacy: A Comparative Study of Elite Behaviour in Ethnic Conflict*. Lund, Sweden: Lund University Press, 1996.
- 128) Stinchcombe, Arthur L. *Constructing Social Theories*. New York: Harcourt, Brace and World, Inc., 1968.
- 129) Tilly, Charles. *From Mobilization to Revolution*. Reading, MA: Addison-Wesley Publishing Company, 1978.
- 130) Voll, John O., and Sarah Potts Voll. *The Sudan: Unity and Diversity in a Multicultural State*. Boulder: Westview Press, 1985.
- 131) Warburg, Gabriel. *Islam, Sectarianism and Politics in Sudan since the Mahdiyya*. London: Hurst and Co., 2003.
- 132) Warner, Roland, William Anderson, and Andrews Wheeler. *Day of Devastation, Day of Contentment: The History of the Sudanese Church across 2000 Years*. Nairobi: Paulines Publications, 2000.
- 133) Weber, Max. *The Theory of Social and Economic Organization*. Translated by A.R. Henderson and Talcott Parsons. London: William Hodge and Company, 1947.
- 134) Weinstein, Jeremy M. *Inside Rebellion: The Politics of Insurgent Violence*. New York: Cambridge University Press, 2007.
- 135) Wickham-Crowley, Timothy P. *Guerrillas and Revolution in Latin America: A Comprehensive Study of Insurgency*. Princeton: Princeton University Press, 1992.
- 136) Wood, Elizabeth Jean. *Forging Democracy from Below: Insurgent Transitions in South Africa and El Salvador*. Cambridge: Cambridge University Press, 2000.
- 137) ———. *Insurgent Collective Action and Civil War in El Salvador*. Cambridge: Cambridge University Press, 2003.
- 138) Woodward, Peter. *The Horn of Africa: State Politics and International Relations*. London: I. B. Tauris, 1996.
- 139) ———. "Peacemaking in Sudan." In *Ending Africa's Wars: Progressing to Peace*, edited by Oliver Furley and Roy May. Aldershot: Ashgate, 2006.

- 140) ————. *U.S. Foreign Policy and the Horn of Africa*. Hampshire: Ashgate, 2006.
- 141) Young, John. "Sudan: The Incomplete Transition from the SPLA to the SPLM." In *From Soldiers to Politicians: Transforming Rebel Movements after Civil Wars* edited by Jeroen De Zeeuw. Boulder: Lynne Rienner Publishers, 2008.

II. Journal Articles

- 1) Abbas, Ali Abdalla. "The National Islamic Front and the Politics of Education." *Middle East Report* 172 (1991): 22-25.
- 2) Abbink, J. "Reconstructing Southern Sudan in the Post-War Era: Challenges and Prospects of 'Quick Impact Programmes'." *ASC Working Paper* (2004).
- 3) Abdelkarim, Abbas, Abdulla El Hassan, and David Seddon. "From Popular Protest to Military Take-Over: An Analytical Chronology of Recent Events in Sudan." *Review of African Political Economy* 35 (1985): 82-89.
- 4) Aberbach, Joel D., and Bert A. Rockman. "Conducting and Coding Elite Interviews." *Political Science and Politics* 35, no. 4 (December 2002): 673-76.
- 5) Anderson, Dwight G. "Power, Rhetoric, and the State: A Theory of Presidential Legitimacy." *The Review of Politics* 50, no. 2 (1988): 198-214.
- 6) Andretta, Elizabeth H. "Symbolic Continuity, Material Discontinuity, and Ethnic Identity among Murle Communities in the Southern Sudan." *Ethnology* 28, no. 1: 17-31.
- 7) Angstrom, Jan. "The International Dimensions of Ethnic Conflict." *Studies in Conflict and Terrorism* 24 (2001): 59-69.
- 8) Aspinall, Edward. "The Construction of Grievance: Natural Resources and Identity in a Separatist Conflict." *Journal of Conflict Resolution* 51, no. 6 (2007): 950-72.
- 9) Ati, Hassan Abdel. "Untapped Potential: Civil Society and the Search for Peace." *Accord: An international review of peace initiatives*, no. 18 (2006): 68-71.
- 10) Bates, Robert, Avner Greif, and Smita Singh. "Organizing Violence." *Journal of Conflict Resolution* 46, no. 5 (2002): 599-628.
- 11) Bhavnani, Ravi, and Michael Ross. "Announcement, Credibility, and Turnout in Popular Rebellion." *The Journal of Conflict Resolution* 47, no. 3 (2003): 340-66.
- 12) Blunt, Peter. "Governance Conditions, Roles and Capacity-Building Needs in the Rebel Held Areas of Southern Sudan." *Public Administration Development* 23 (2003): 125-39.
- 13) Bob, Clifford. "Marketing Rebellion: Insurgent Groups, International Media, and Ngo Support." *International Politics* 38, no. 3 (2001): 311-34.
- 14) Bradbury, Mark. "Sudan: International Responses to War in the Nuba Mountains." *Review of African Political Economy* 25, no. 77 (1998): 463-74.
- 15) Branch, Adam, and Zachariah Cherian Mampilly. "Winning the War, but Losing the Peace? The Dilemma of SPLM/A Civil Administration and the Tasks Ahead." *Journal of Modern African Studies* 43, no. 1 (2004): 1-20.
- 16) Bratton, Michael, and Eric C. C. Chang. "State Building and Democratization in Sub Saharan Africa: Forwards, Backwards, or Together?" *Comparative Political Studies* 39, no. 9 (2006): 1059-83.
- 17) Brighouse, Harry. "Civic Education and Liberal Legitimacy." *Ethics* 108 (1998): 719-45.

- 18) Brinkerhoff, Derick W. "Rebuilding Governance in Failed States and Post-Conflict Societies: Core Concepts and Cross-Cutting Themes." *Public Administration Development* 25 (2005): 3-14.
- 19) Bulliet, Richard W. "Rhetoric, Discourse, and the Future of Hope." *Annals of the American Academy of Political and Social Science* 588, no. Islam: Enduring Myths and Changing Realities (July 2003): 10-17.
- 20) Callan, Eamonn. "Liberal Legitimacy, Justice and Civic Education." *Ethics* 111 (2000): 141-55.
- 21) Collier, Paul, and Anke Hoeffler. "Resource Rents, Governance, and Conflict." *Journal of Conflict Resolution* 49, no. 4 (2005): 625-33.
- 22) Collins, Robert O. "Africans, Arabs, and Islamists: From the Conference Tables to the Battlefields in the Sudan." *African Studies Review* 42, no. 2 (1999): 105-23.
Connell, Dan. "Field Report: What's New in the New Sudan?" *Middle East Report* 212 (1999): 2-3.
- 23) ———. "Peace in Sudan: Prospect or Pipe Dream?" *Middle East Report* 228 (2003): 2-7.
- 24) De Waal, Alex. "Sudan: International Dimensions to the State and Its Crisis." *Occasional Paper* no. 3 (2007).
- 25) Dettman, Paul R. "Leaders and Structures in 'Third World' Politics." *Comparative Politics* 6, no. 2 (1974): 245-69.
- 26) Fearon, James D., and David D. Laitin. "Ethnicity, Insurgency, and Civil War." *American Political Science Review* 97, no. 1 (2003): 75-90.
- 27) Fraser, John. "Validating a Measure of National Political Legitimacy." *American Journal of Political Science* 18, no. 1 (1974): 117-34.
- 28) Gates, Scott. "Recruitment and Allegiance." *Journal of Conflict Resolution* 46, no. 1 (2002): 111-30.
- 29) Gilley, Bruce. "The Meaning and Measure of State Legitimacy: Results for 72 Countries." *European Journal of Political Research* 45 (2006): 499-525.
- 30) Gordon, Carey. "The Legal Regime of Public Finance in the Sudan: The Legacy of Nimeiri." *Journal of African Law* 30, no. 1 (Spring 1986): 20-50.
- 31) ———. "Recent Developments in the Land Law of the Sudan: A Legislative Analysis." *Journal of African Law* 30, no. 2 (Autumn 1986): 143-74.
- 32) Hassan, Salah. "The Sudan National Democratic Alliance (NDA): The Quest for Peace, Unity and Democracy." *Issue: A Journal of Public Opinion* 21, no. ½ (1993): 14-25.
- 33) Heraclides, Alexis. "Janus or Sisyphus? The Southern Problem of the Sudan." *The Journal of African Studies* 25, no. 2 (1987): 213-31.
- 34) Herzog, Richard, and Robert O. Collins. "Early British Administration in the Southern Sudan." *The Journal of African History* 2, no. 1 (1961): 119-35.
- 35) Hetherington, Marc J. "The Political Relevance of Political Trust." *The American Political Science Review* 92, no. 4 (1998): 791-808.
- 36) Hilhorst, Dorothea, and Mthijis Van Leeuwen. "Grounding Local Peace Organizations: Case Study of Southern Sudan." *Journal of Modern African Studies* 43, no. 4 (2005): 537-63.
- 37) Howell, John. "Politics in the Southern Sudan." *African Affairs* 72, no. 287 (April 1973): 163-78.

- 38) Huliaras, Asteris. "Evangelists, Oil Companies, and Terrorists: The Bush Administration's Policy towards Sudan." *Orbis* 50, no. 4 (Autumn 2006): 709-25.
- 39) Hurd, Ian. "Legitimacy and Authority in International Politics." *International Organization* 53, no. 2 (1999): 379-408.
- 40) Hutchinson, Sharon Elaine. "A Curse from God? Religious and Political Dimensions of the Post-1991 Rise of Ethnic Violence in Southern Sudan." *The Journal of Modern African Studies* 39, no. 2 (2001): 307-31.
- 41) ———. "Nuer Ethnicity Militarized." *Anthropology Today* 16, no. 3 (2000): 6-13.
- 42) Jackson, Robert H., and Carl G. Rosberg. "Popular Legitimacy in African Multi-Ethnic States." *The Journal of Modern African Studies* 22, no. 2 (1984): 177-98.
- 43) Jenkins, J. Craig. "Resource Mobilization Theory and the Study of Social Movements." *Annual Review of Sociology* 9 (1983): 527-53.
- 44) Johnson, Douglas H. "Political Ecology in the Upper Nile: The Twentieth Century Expansion of the Pastoral 'Common Economy'." *The Journal of African History* 30, no. 3: 463-86.
- 45) ———. "Why Abyei Matters: The Breaking Point of Sudan's Comprehensive Peace Agreement?" *African Affairs* 107, no. 426 (2008): 1-19.
- 46) ———. "Tribal Boundaries and Border Wars: Nuer-Dinka Relations in the Sobat and Zaraf Valleys, C. 1860-1976." *The Journal of African History* 23, no. 2: 183-203.
- 47) Jok, Jok Madut, and Sharon Elaine Hutchinson. "Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities." *African Studies Review* 42, no. 2 (1999): 125-45.
- 48) Justice Africa. "Sudan: Prospects for Peace." *Review of African Political Economy* 30, no. 97 (2003): 489-497.
- 49) Kalyvas, Stathis N. "'New' And 'Old' Civil Wars: A Valid Distinction?" *World Politics* 54 (2001): 99-118.
- 50) ———. "The Ontology Of "Political Violence:" Action and Identity in Civil Wars." *Perspectives on Politics* 1, no. 3 (2003): 475-94.
- 51) Kalyvas, Stathis N., and Matthew Adam Kocher. "How "Free" Is Free Riding in Civil Wars?: Violence, Insurgency, and the Collective Action Problem." *World Politics* 59, no. 2 (2007): 177-216.
- 52) Karawan, Ibrahim A. "Monarchs, Mullahs, and Marshals: Islamic Regimes?" *Annals of the American Academy of Political and Social Science* (1992): 103-19.
- 53) Kasfir, Nelson. "Southern Sudanese Politics since the Addis Ababa Agreement." *African Affairs* 76, no. 303 (April 1977): 143-66.
- 54) Kaufman, Stuart j. "Spiralling to Ethnic War." *International Security* 21, no. 2 (1996): 108-38.
- 55) Kaufman, Stuart J. "Symbolic Politics or Rational Choice?: Testing Theories of Extreme Ethnic Violence." *International Security* 30, no. 4 (2006): 45-86.
- 56) Keen, David. "The Economic Function of Violence Civil Wars." *Adelphi Papers* 320 (1998).
- 57) Kingma, Kees. "Demobilization of Combatants after Civil Wars in Africa and Their Reintegration into Civilian Life." *Policy Sciences* 30 (1997): 151-165.

- 58) Kok, Peter. "Sudan: Between Radical Restructuring and Deconstruction of State Systems." *Review of African Political Economy* 23, no. 70 (1996): 555-562.
- 59) Laver, Michael, Kenneth Benoit, and John Garry. "Extracting Policy Positions from Political Texts Using Words as Data." *The American Political Science Review* 97, no. 2 (May 2003): 311-331.
- 60) Leonardi, Cherri. "Violence, Sacrifice and Chiefship in Central Equatoria, Southern Sudan." *Africa* 4, no. 77: 535-58.
- 61) Lipsky, Michael. "Protest as a Political Resource." *American Political Science Review* 62, no. 4 (1968): 1144-58.
- 62) Luckham, Robin, and Dawit Bekele. "Foreign Powers and Militarism in the Horn of Africa." *Review of African Political Economy* 30 (1984): 8-20.
- 63) Lund, Christian. "Twilight Institutions: Public Authority and Local Politics in Africa." *Development and Change* 37, no. 4 (2006): 685-705.
- 64) Lusk, Gill. "Democracy and Liberation Movements: The Case of the SPLA." *Middle East Report* 174 (1992): 30-31.
- 65) Mawson, A. N. M. "'Bringing What People Want': Shrine Politics among the Agar Dinka." *Africa: Journal of the International African Institute* 61, no. 3 (1991): 354-69.
- 66) Medani, Khalid Mustafa. "Black Monday: The Political and Economic Dimensions of Sudan's Urban Riots." *Middle East Report* (9 August 2005).
- 67) Merelman, Richard M. "Learning and Legitimacy." *The American Political Science Review* 60, no. 3 (1966): 548-61.
- 68) Metelits, Claire. "Reformed Rebels? Democratization, Global Norms, and the Sudan People's Liberation Army." *Africa Today* 51, no. 1 (2004): 65-82.
- 69) Moore, Clement Henry. "The Northeastern Triangle: Libya, Egypt and the Sudan." *Annals of the American Academy of Political and Social Science* 489 (1987): 28-39.
- 70) Muller, Edward N. "Correlates and Consequences of Beliefs in the Legitimacy of Regime Structures." *Midwest Journal of Political Science* 14, no. 3 (1970): 392-412.
- 71) Natsios, Andrew. "Implementing the Comprehensive Peace Agreement in Sudan." *Yale Journal of International Affairs* Summer/Fall (2005).
- 72) Niblock, Tim. "The Regional and Domestic Consequences of Sanctions Imposed on Iraq, Libya and Sudan." *Arab Studies Quarterly* 23, no. 4 (2001): 59-67.
- 73) ———. "Sudan's Economic Nightmare." *MERIP Reports* 135 (1985): 15-18.
- 74) Nikkel, Marc R. "Aspects of Contemporary Religious Change among the Dinka." *Journal of Religion in Africa* 22, no. 1 (1992): 78-94.
- 75) O'Fahey, R. S. "Islam and Ethnicity in the Sudan." *Journal of Religion in Africa* 26, no. 3 (1996): 258-67.
- 76) Ogunbedeje, Oye. "Qaddafi and Africa's International Relations." *The Journal of Modern African Studies* 24, no. 1 (1986): 33-68.
- 77) Olzak, Susan, and Kiyoteru Tsutsui. "Status in the World System and Ethnic Mobilization." *Journal of Conflict Resolution* 42, no. 6 (1998): 691-720.
- 78) "Party Strategies on the Political Crisis in the Sudan and on the Southern Question." *Review of African Political Economy* 32 (1985): 79-85.
- 79) Poggi, Gianfranco. "A Main Theme of Contemporary Sociological Analysis: Its

- Achievements and Limitations." *The British Journal of Sociology* 16, no. 4 (1965): 283-94.
- 80) Pouligny, Béatrice. "Civil Society and Post-Conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building 'New' Societies." *Security Dialogue* 36, no. 4 (2005): 495-510.
- 81) Prendergast, John. "The Political Economy of Famine in Sudan and the Horn of Africa." *Issue: A Journal of Opinion* 19, no. 2 (1991): 49-55.
- 82) Razi, G. Hossein. "Legitimacy, Religion, and Nationalism in the Middle East." *The American Political Science Review* 84, no. 1 (1990): 69-91.
- 83) "Report from the South: Khartoum's Greatest Challenge." *MERIP Reports* 135 (1985): 10-14.
- 84) Rivera, Sharon Werning, Polina M. Kozyreva, and Eduard G. Eduard G. Sarovskii. "Interviewing Political Elites: Lessons from Russia." *Political Science and Politics* 35, no. 4 (December 2002): 683-88.
- 85) Röling, Bert V. A. "The Legal Status of Rebels and Rebellion." *Journal of Peace Research* 13, no. 2 (1976): 149-63.
- 86) Rondinelli, Dennis A. "Administrative Decentralisation and Economic Development: The Sudan's Experiment with Devolution." *The Journal of Modern African Studies* 19, no. 4 (December 1981): 595-624.
- 87) Rone, Jemera. "Sudan: Oil and War." *Review of African Political Economy* 30, no. 9 (2003): 504-10.
- 88) Ronen, Yehudit. "Ethiopia's Involvement in the Sudanese Civil War: Was It as Significant as Khartoum Claimed?" *Northeast African Studies* 9, no. 1 (2002): 103-26.
- 89) Rouleau, Eric, Diane James, and Jim Paul. "Sudan's Revolutionary Spring." *MERIP Reports* 135 (1985): 3-9.
- 90) Salih, Kamal Osman. "The Sudan, 1985-9: The Fading Democracy." *The Journal of Modern African Studies* 28, no. 2 (1990): 199-224.
- 91) Salih, M. A. Mohamed. "'New Wine in Old Bottles': Tribal Militias and the Sudanese State." *Review of African Political Economy* 45/46 (1989): 168-74.
- 92) Scott, Philippa. "The Sudan People's Liberation Movement (SPLM) and Liberation Army (SPLA)." *Review of African Political Economy* 33 (1985): 69-82.
- 93) Seligman, B. Z., and C. G. Seligman. "The Bari." *The Journal of the Royal Anthropological Institute of Great Britain and Ireland* 58: 409-79.
- 94) Shadid, Anthony. "Lurking Insecurity: Squatters in Khartoum." *Middle East Report*, no. 216 (Autumn 2000): 6-8.
- 95) Skocpol, Theda. "What Makes Peasants Revolutionary?" *Comparative Politics* 14, no. 3 (1982): 351-75.
- 96) Smith, Benjamin. "Oil Wealth and Regime Survival in the Developing World, 1960-1999." *American Journal of Political Science* 48, no. 2 (2004): 232-46.
- 97) Smith, Gayle. "George Bush in Khartoum." *MERIP Reports* 135 (1985): 25-26.
- 98) Stevens, Richard P. "The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy." *The Journal of Modern African Studies* 14, no. 2 (January 1976): 247-74.
- 99) Stillman, Peter G. "The Concept of Legitimacy." *Polity* 7, no. 1 (1974): 32-56.

- 100) "Sudan: The IGADD Peace Process." *Review of African Political Economy* 22, no. 63 (1995): 137-38.
- 101) Svensson, Isak. "Fighting with Faith: Religion and Conflict Resolution in Civil Wars." *Journal of Conflict Resolution* 51, no. 6 (2007): 930-49.
- 102) Wall, L. Lewis. "Aniak Politics, Ecology, and the Origins of Shilluk Kingship." *Ethnology* 15, no. 2: 151-62.
- 103) Warburg, Gabriel. "Mahdism and Islamism in Sudan." *International Journal of the Middle East* 27, no. 2 (1995): 219-36.
- 104) Weatherford, M. Stephen. "Mapping the Ties That Bind: Legitimacy, Representation, and Alienation." *The Western Political Quarterly* 44, no. 2 (1991): 251-76.
- 105) ———. "Measuring Political Legitimacy." *The American Political Science Review* 86, no. 1 (1992): 149-166.
- 106) Weede, Erich, and Edward N. Muller. "Rebellion, Violence and Revolution: A Rational Choice Perspective." *Journal of Peace Research* 35, no. 1 (1998): 43-59.
- 107) Weinstein, Jeremy M. "Resources and the Informational Problem in Rebel Recruitment." *Journal of Conflict Resolution* 49, no. 4 (2005): 598-624.
- 108) White, Stephen. "Economic Performance and Communist Legitimacy." *World Politics* 38, no. 3 (1986): 462-82.
- 109) Woodward, Peter. "Somalia and Sudan: A Tale of Two Peace Processes." *The Round Table* 93, no. 375 (2004).
- 110) Ylönen, Aleksi. "Grievances and the Roots of Insurgencies: Southern Sudan and Darfur." *Peace, Conflict and Development: An Interdisciplinary Journal* 7 (2005): 99-134.
- 111) Yongo-Bure, Benaiah. "Sudan's Deepening Crisis." *Middle East Report* 172 (1991): 8-13.
- 112) Young, John. "John Garang's Legacy to the Peace Process, the SPLM/A and the South." *Review of African Political Economy* no. 106 (2005): 535-48.
- 113) ———. "Sudan: Liberation Movements, Regional Armies, Ethnic Militias and Peace." *Review of African Political Economy* 30, no. 97 (2003): 423-34.
- 114) Zald, Mayer N., and Michael A. Berger. "Social Movements in Organization: Coup D'état, Insurgency, and Mass Movements." *The American Journal of Sociology* 83, no. 4 (1978): 823-61.

III. News Sources

- 1) "2009 Jonglei's Death Tolls Is 1,800: Report." *Sudan Tribune*, 31 December, 2009.
- 2) Akec, John. A. "Why Naivasha success story could not be repeated in Uganda talks?" *Sudan Tribune*, 9 April, 2007.
- 3) Akol, Jacob J. "Kiir's Humility Secured the January Peace Deal." *East Africa*, 23 August, 2005.
- 4) "Arman denies a secret deal between SPLM and NCP over his withdrawal." *Sudan Tribune*, 4 April, 2010.

- 5) "A rumble in the jungle: The Lord's Resistance Army tries to explain itself." *The Economist*, 20 July, 2006.
- 6) Barasa, Lucas. "VIP Welcome for Garang in Campaign for Peace Pact." *The Nation*, June 14, 2004.
- 7) "Bari, Mundari Groups Reportedly Clashed North of S. Sudan Capital." *Sudan Tribune*, 29 April, 2009.
- 8) "Bashir's victory may not be as decisive as originally thought." *Sudan Tribune*, 23 April, 2010.
- 9) Dak, James Gatdet. "Sudan's Machar Confirms 57 People Died in Malakal Fighting." *Sudan Tribune*, 27 February, 2009.
- 10) ———. "South Sudan government rejects census results." *Sudan Tribune*, 4 July, 2009.
- 11) ———. "Salva Kiir Withdraws a Presidential Decree on Appointment." *Sudan Tribune*, June 9, 2009.
- 12) Debut, Beatrice. "Rebel Leader Tours War-Ravaged South Sudan to Explain Peace Deals." *Agence France Presse*, 9 June, 2004.
- 13) Dvorak, Todd. "Sudan Rebel Leader Returns to Alma Mater." *The Associated Press State and Local Wire*, March 22, 2002.
- 14) "Garang Address to Sudanese People: Views on New Khartoum Regime Unchanged." *BBC Summary of World Broadcasts*, 28 May, 1985.
- 15) "Garang Agrees to Lead Sudan's 'Free Officers'." *BBC Summary of World Broadcasts*, 29 April, 1985.
- 16) "Garang Meets Egyptian Officials to Discuss Sudan Peace Plan." *Associated Press Worldstream*, 31 August, 1999.
- 17) "Garang Sets Stage for New Sudan." *The Nation*, 13 June, 2005.
- 18) Gibia, Rota. "Egyptian NileSat to host South Sudan satellite TV." *Sudan Tribune*, 12 October, 2008.
- 19) "Interview with Douglas Johnson, expert on the Abyei Boundary Commission." *Sudan Tribune*, 29 May, 2006.
- 20) Jopson, Barney. "South Sudan Uses Oil to Ease Secession Fears." *Financial Times*, February 9, 2010.
- 21) "Kiir Vows to Work for Unity after Becoming Sudan's New VP." *Agence France Presse*, 11 August, 2005.
- 22) Lewis, David. "Clashes break out in Sudan's oil-rich Abyei region." *Reuters*, 14 May, 2008.
- 23) "Line drawn: A border dispute in Southern Sudan is resolved." *The Economist*, 23 July, 2009.
- 24) "Looking for Laws: A Would-Be Country Drives Away Foreign Investment." *The Economist*, 4 February, 2010.
- 25) "Main Southern Militia Joins SPLA." *Reuters*, 11 January, 2006.
- 26) Majtenyi, Cathy. "Do They Really Want Peace in the Sudan?" *East African*, 4 August, 2003.
- 27) Mayom, Manyang. "Heavy Fighting in Malakal upon Return of Militia Leader." *Sudan Tribune*, 24 February, 2009.
- 28) McDoom, Opheera. "Fighting within South Sudan Army Kills 14." *Reuters*, 3 October, 2009.

- 29) "New Sudanese First Vice-President Pledges to Cooperate with Government." *BBC Summary of World Broadcasts*, 9 January, 2005.
- 30) "North-south divide: A peace deal in Sudan is starting to fray." *The Economist*, 15 October, 2007.
- 31) "No More Time to Make Unity Attractive- Salva Kiir." *Sudan Tribune*, 14 September, 2009.
- 32) "Number of Hungry Quadruples in Southern Sudan." *Sudan Tribune*, 2 February, 2010.
- 33) "Opposition Radio Broadcasts Final Communiqué of Asmara Meeting." *BBC Summary of World Broadcasts*, 23 January, 1996.
- 34) Osman, Mohamed. "South Sudan Leader Calls for Southern Secession." *The Associated Press*, November 1, 2009.
- 35) ———. "Sudan's President Starts Tour of South to Celebrate Peace Treaty." *Associate Press Worldstream*, 10 January, 2005.
- 36) Ottaway, David B. "Wielding Aid, U.S. Targets Sudan." *The Washington Post*, 10 November, 1996.
- 37) Perry, Alex. "South Sudan : Could This be the World's Newest Nation?" *TIME*, 19 April, 2010.
- 38) "Political Parties Disagree on Ways of Solving Crisis." *BBC Summary of World Broadcasts*, 10 December, 1999.
- 39) "Politics-US: Fight Brewing on Sudan Policy." *Inter Press Service*, 1 June, 2001.
- 40) "Promise and Peril in Sudan: South Sudan May Get Independence in 2011, but Could Start Life as a Prefailed State." *The Economist*, 13 June, 2009.
- 41) Ramani, Ken. "New Southern Group Mounts Pressure on Garang." *Sudan Tribune*, 27 December, 2004.
- 42) "Rebel Movement Backs Egyptian-Libyan Initiative 'in Principle'." *BBC Summary of World Broadcasts*, 3 September, 1999.
- 43) "Salva Kiir Calls for Consolidation of Peace in Sudan." *BBC Monitoring Middle East*, 18 May, 2007.
- 44) "Salva Kiir says unity is fundamental option of Southerners." *Sudan Tribune*, 9 June, 2008.
- 45) Sands, David R. "'Peace Dividend' Not Seen in South; No 'Development' Leaders Says." *The Washington Times*, 5 November, 2005, A06.
- 46) Smith, Tanalee. "Rebel Leader Returns to Massive Welcome in Khartoum after Two-Decade Absence." *Associated Press Worldstream*, 8 July, 2005.
- 47) "South Sudan Leader Says Members of Northern Congress Soliciting for Arms." *BBC Monitoring Africa*, 20 November, 2007.
- 48) "South Sudan Leader Slams 'Enemies of Peace'." *BBC Monitoring Middle East*, 18 June, 2009.
- 49) "South Sudan Oil Revenue Rises to \$865 Mln." *Sudan Tribune*, 3 November, 2006.
- 50) "South Sudan: Report highlights census obstacles." *Agence France Presse*, 7 November, 2008.
- 51) "South Sudan's Matip Says SPLA Plotted Attack on His Guards." *Sudan Tribune*, 11 October, 2009.
- 52) "SPLA's Garang Says Lakes Province a 'Liberated Area'." *BBC Summary of World Broadcasts*, 10 March, 1986.

- 53) "SPLA Comment on Current Disturbances: 'Coups Not Always a Solution'." *BBC Summary of World Broadcasts*, 3 April, 1985.
- 54) "SPLA Comments on 'Power Vacuum' in Khartoum." *BBC Summary of World Broadcasts*, 17 July, 1985.
- 55) "SPLA Denies Reported Readiness for Talks with Sudanese Government." *BBC Summary of World Broadcasts*, 7 September, 1985.
- 56) "SPLA Leader on Objectives of Rebel Movement." *BBC Summary of World Broadcasts*, 12 February, 1985.
- 57) "SPLA Statement on Movement's Structure: Attack on Peace Committees." *BBC Summary of World Broadcasts*, 30 March, 1985.
- 58) "SPLM continues to boycott parliamentary session." *Sudan Tribune*, 26 October, 2009.
- 59) "SPLM Presidential Candidate Talking Points of the Elections Campaign Message." *Gurtong*, 10 April, 2010.
- 60) "Statement on Sudanese Rebel's Meeting with Southern Politicians." *BBC Summary of World Broadcasts*, 27 August, 1987.
- 61) "Sudan's Foes Sign Deals Crucial to Ending 21 Years of Civil Conflict." *Channel News Asia*, 26 May, 2004.
- 62) "Sudan's Garang Urges Full Implementation of Nairobi Peace Accord." *BBC Summary of World Broadcasts*, 30 April, 2005.
- 63) "Sudan's Kiir Accuses Ruling Party of Backing Militias." *BBC Monitoring Middle East*, 3 April, 2006.
- 64) "Sudan's Kiir Reportedly Says Secession That Brings Peace Better Than Unity." *BBC Monitoring Middle East*, 12 July, 2009.
- 65) "Sudan's Salva Kiir Pledges Commitment to Peace Accord." *BBC Monitoring Middle East*, 6 August, 2005.
- 66) "Sudan Cabinet Holds First-Ever Meeting in South." *Agence France Presse*, 24 July, 2005.
- 67) "Sudan Ex-Rebels Prepare to Set up Provisional Capital." *Sudan Tribune*, 10 January, 2005.
- 68) "Sudan Former Rebel Leader Becomes First Vice President." *Agence France Presse*, 9 July, 2005.
- 69) "Sudan Garang Gives Speech on Anniversary Founding of SPLM/SPLA." *BBC Summary of World Broadcasts*, 18 May, 1988.
- 70) "Sudan Garang Says SPLA Is 'Stronger Than Ever before'." *BBC Summary of World Broadcasts*, 15 July, 1988.
- 71) "Sudan Leader Addresses Conference in Ethiopia." *BBC Summary of World Broadcasts*, 31 March, 1986.
- 72) "Sudan Oil Revenue for October Surpasses \$600 Million." *Sudan Tribune*, 3 December, 2008.
- 73) "Sudan Peace Bid Final Leg." *Africa News*, 6 June, 2004.
- 74) "Sudan Rebels Vow Fight until Peace in Southern Sudan." *Xinhua General News Service*, 16 June, 2002.
- 75) "Sudan SPLA Leader's Address to Graduating SPLA Officers in 'Test Broadcast'." *BBC Summary of World Broadcasts*, 25 October, 1991.

- 76) "Sudan SPLA Leader Garang's New Year Message: Federalism System Rejected." *BBC Summary of World Broadcasts*, 7 January, 1991.
- 77) "Sudan SPLM arrest sparks southern unrest." *BBC News*. 7 December, 2009.
- 78) "Sudan: Bashir to Meet Mirghani as Garang Urges Arabs to Lend Him an Ear." *Mideast Mirror*, 25 September, 2000.
- 79) "Sudan: Foreign Minister Says Rebels in Control of Two Towns in the South." *BBC Summary of World Broadcasts*, 8 June, 2001.
- 80) "Sudan: Garang Urges Southern Factions to Reconcile." *Africa News*, 20 April, 2005.
- 81) "Sudan: Rebel Leader Garang Proposes Negotiations on Confederation." *BBC Summary of World Broadcasts*, 24 May, 2002.
- 82) "Sudan: Speech of Vice President Kiir at Ruling Party NC, SPLM Leadership Meeting." *BBC Monitoring Middle East*, 28 May, 2006.
- 83) "Sudan: SPLA Leader on Coup D'état and New Regime's Attitude to Peace Process; SPLA's Four-Point Peace Plan." *BBC Summary of World Broadcasts*, 17 September, 1989.
- 84) "Sudan; Public Clash between Leaders Exposes Chasm." *The East Africa Standard*, 10 January, 2007.
- 85) "Sudan; Southerners Return Home." *UN IRIN*, 24 November, 2008.
- 86) "Sudan; Statement by Salva Kiir on the ICC Announcement." *AllAfrica*, 4 March, 2009.
- 87) "Sudanese Leaders Hint on Why Unity Is Attractive." *Panafrican News Agency*, 4 September, 2005.
- 88) "Sudanese legislator says absence of SPLM ministers impedes passage of bills." *BBC Monitoring Middle East*, 1 November, 2007.
- 89) "Sudanese Rebel's Comment on 'Official Media Lies and Distortion'." *BBC Summary of World Broadcasts*, 26 January, 1985.
- 90) "Sudanese Rebel Leader's Anniversary Address." *BBC Summary of World Broadcasts*, 8 April, 1986.
- 91) "Sudanese Rebel Leader's Threat to Continue Struggle." *BBC Summary of World Broadcasts*, 11 April, 1985.
- 92) "Sudanese Rebel Strategy Set out in Radio Commentaries: War to Spread." *BBC Summary of World Broadcasts*, 18 January, 1985.
- 93) "Sudanese Rebels Inaugurate Radio SPLA." *BBC Summary of World Broadcasts*, 6 November, 1984.
- 94) "Sudanese Sources Predict Split in Rebel SPLM." *BBC Summary of World Broadcasts*, 25 November, 2004.
- 95) "Sudanese Strategy Set out in Radio Commentaries: War to Spread." *BBC Summary of World Broadcasts*, 18 January, 1985.
- 96) Taban, Alfred. "Death to Unity." *BBC Focus on Africa* 2005, 20-22.
- 97) "The SPLM Will Emerge Stronger after the Convention – Arman." *Sudan Tribune*, 9 May, 2008
- 98) "The Triumph of the Religious Right." *The Economist*, 11 November, 2004.
- 99) "U.S. Business Gears up to Derail Sudan Delisting Law." *Financial Times*, 20 June, 2001.
- 100) "UN Security Council Discusses Darfur, Shuns Rebels." *Agence France Presse*, 18

- November, 2004.
- 101) Van Oudenaren, Daniel. "SPLM Seeks Partners at South-South Dialogue Conference." *Sudan Tribune*, 12 November, 2008.
 - 102) Vuni, Isaac. "Community Border Row in Equatoria to Be Addressed by Committee." *Sudan Tribune*, 9 March, 2009.
 - 103) ———. "South Sudan's Kiir Reshuffles Cabinet, Parliament of Warrap and E. Equatoria." *Sudan Tribune*, 28 June, 2009.
 - 104) Wax, Emily. "Guns Stop 'Crying' in Southern Sudan: Rebel Return Home with Peace Deal." *The Washington Post*, 24 January, 2005.
 - 105) "We Are Committed to Democratic Change, Unity- Sudan's Garang." *BBC Summary of World Broadcasts*, 18 June, 2005.
 - 106) Wheeler, Skye. "South Sudan lawmakers approve creation of air force." *Reuters*, 24 June, 2008.
 - 107) "With Interest in Sudan, Talisman Might Take Heed of Rebel Leader's Comments." *National Post*, 18 June, 2001.

IV. Reports and Conference Proceedings

- 1) "Abandoning Abyei: Destruction and Development." New York: Human Rights Watch, 2008.
- 2) "Anatomy of Civilian Disarmament in Jonglei State: Recent Experiences and Implications." In *Sudan Issue Brief*. Geneva: Small Arms Report, 2007.
- 3) "Armed Groups in Sudan: The South Sudan Defence Forces in the Aftermath of the Juba Declaration." In *Sudan Issue Brief*: Small Arms Survey, October 2006.
- 4) Bank, World, and Government of Southern Sudan. "Making Decentralization Work." In *Strategic Options Paper No. 1*, February 2008.
- 5) Cook, Traci D. "A Foundation for Peace: Citizens Thoughts on the Southern Sudan Constitution." National Democratic Institute for International Affairs.
- 6) ———. "Inter-Governmental Relations in Southern Sudan: Findings from Interviews with Government Officials and Legislatures at the Goss and State Levels." National Democratic Institute, September 30, 2008.
- 7) ———. "On the Threshold of Peace: Perspectives from the People of New Sudan." National Democratic Institute for International Affairs.
- 8) De Waal, Alex. "Sudan: What Kind of State? What Kind of Crisis?" In *Occasional Paper 2*. London: Crisis State Research Centre, 2007.
- 9) Evaluation, New Sudan Centre for Statistics and. "Millennium Development Goals: Interim Report for South Sudan 2004." edited by New Sudan Centre for Statistics and Evaluation, 2004.
- 10) "Food and Power in Sudan: A Critique of Humanitarianism." London: African Rights, 1997.
- 11) "Framework for Sustained Peace, Development and Poverty Eradication." In *Joint Assessment Mission*: United Nations and World Bank, 2005.
- 12) Giustozzi, Antonio. "The Debate on Warlordism: The Importance of Military Legitimacy." In *Discussion Paper*, 1-23. London School of Economics: DESTIN, 2005.
- 13) "God, Oil and Country: Changing the Logic of War in Sudan." Brussels: International Crisis Group, 2002.
- 14) Healy, Sally. "Lost Opportunities in the Horn of Africa: How Conflicts Connect and

- Peace Agreements Unravel." London: Royal Institute of International Affairs, 2008.
- 15) "Jonglei's Tribal Conflicts: Countering Insurgency in South Sudan." In *Africa Report*: Crisis Group, 2009.
 - 16) Jooma, Mariam. "Feeding the Peace: Challenges Facing Human Security in Post-Garang South Sudan." In *Situation Report*. Pretoria: Institute for Security Studies, 2005.
 - 17) Lewis, Mike. "Skirting the Law: Sudan's Post-CPA Arms Flows." Geneva: Small Arms Survey.
 - 18) McEvoy, Claire. "Armed Violence and Insecurity in South Sudan." Geneva: Small Arms Survey, 2007.
 - 19) Mohamed, Hafiz. "Abyei: Beyond the Arbitration Decision." In *Sudan Briefing*. London: Justice Africa, 13 August, 2008.
 - 20) Nyaba, Peter. "SPLM-NCP Asymmetrical Power Relations Jeopardise Implementation of the CPA and the Future of Sudan." International Sudan Studies Conference. Pretoria, 2009.
 - 21) Nyang'oro, Julius E. "Local Level Intergroup Peacebuilding in Southern Sudan: An Assessment of Effective Practices." Washington D.C.: USAID, 2001.
 - 22) "Persistent Threats: Widespread Human Insecurity in the Lakes State, South Sudan, since the CPA." In *Sudan Issue Brief*. Geneva: Small Arms Survey, 2006.
 - 23) Phelan, Jake, and Graham Wood. "An Uncertain Return: Report on the Current and Potential Impact of Displaced People Returning to Southern Sudan." Surrey: Ockenden International 2006.
 - 24) "Prospects for Peace in Sudan: April 2008." London: Justice Africa, 2008.
 - 25) "Report of the Secretary-General on the United Nations Mission in the Sudan." United Nations Security Council, October 21, 2009.
 - 26) Rodgers, Dennis. "Making Danger a Calling: Anthropology, Violence and the Dilemmas of Participant Observation." In *Working Paper Series*, 1-21. London School of Economics: DESTIN, 2001.
 - 27) Rolandsen, Øystein H. "From Guerrilla Movement to Political Party: The Restructuring of Sudan People's Liberation Movement in Three Southern States." In *PRIO Papers*. Oslo: International Peace Research Institute, 2007.
 - 28) Shinn, David. "Nile Basin Relations: Egypt, Sudan and Ethiopia." George Washington University. July 2006, Washington DC.
 - 29) Southern Sudan Centre for Census, Statistics and Evaluation. "Southern Sudan Livelihoods Profiles: A Guide for Humanitarian and Development Planning." Nairobi: Southern Sudan Centre for Census, Statistics and Evaluation, 2006.
 - 30) "The SPLA: Fit to Govern?" London: The European-Sudanese Public Affairs Council, 1998.
 - 31) "Sudan's Comprehensive Peace Agreement: Beyond the Crisis." In *Africa Briefing 50*. Brussels: International Crisis Group, 2008.
 - 32) "Sudan Humanitarian Overview." UN OCHA, 1 August- 31 August, 2006.
 - 33) "'There Is No Protection': Insecurity and Human Rights in Southern Sudan." New York: Human Rights Watch, 2009.
 - 34) Thomas, Edward. "Against the Gathering Storm: Securing Sudan's Comprehensive Peace Agreement." Chatham House, 2009.
 - 35) ———. "Decisions and Deadlines: A Critical Year for Sudan." London: Royal Institute of International Affairs, 2010.
 - 36) Unit, Education Management Information Systems. "Education Statistics for Southern Sudan, 2009: National Statistical Booklet." Juba: Ministry of Education, Science and Technology, 2009.
 - 37) Watch, Human Rights. "Behind the Red Line: Political Repression in Sudan." New York: Human Rights Watch, 1996.

- 38) Weinstein, Jeremy. "The Structure of Rebel Organizations: Implications for Post-Conflict Reconstruction." In *Dissemination Notes*, 1-4. Conflict Prevention and Reconstruction Unit: World Bank, 2002.
- 39) Young, John. "Emerging North-South Tensions and Prospects for a Return to War." Geneva: Small Arms Survey, 2007.
- 40) ————. "The South Sudan Defence Forces in the Wake of the Juba Declaration." In *HSBA Working Paper*. Geneva: Small Arms Survey, 2006.

V. Government Documents, SPLM Documents, Official Speeches, and Peace Agreements

1. "3rd Anniversary of the Martyr's Day Speech." 30 July, 2008. Juba.
2. "Abyei Boundaries Commission Report." 14 July, 2005. Khartoum.
3. "Agreement on Security Arrangements during the Interim Period." 25 September, 2003. Naivasha, Kenya.
4. "Agreement in Wealth Sharing During the Pre-Interim and Interim Period," 7 January, 2004, Naivasha, Kenya.
5. "Declaration of Principles." 20 July, 1994. Nairobi, Kenya.
6. "Juba Declaration on Unity and Integration." 8 January, 2006. Juba.
7. "ICC issues a warrant for Omar Al Bashir, President of Sudan." International Criminal Court. 4 March, 2009, The Hague
8. "Keynote Speech of H.E. Gen. Salva Kiir, Southern Sudan Kings, Chiefs and Traditional Leaders Conference." 15 May, 2009,.Bentiu.
9. "Machakos Protocol." 20 July, 2002. Machakos, Kenya.
10. "Memorandum of Understanding between the Government of the Sudan and the Sudan People's Liberation Movement/Army on Aspects of Structures of Government." 18 November, 2002. Nairobi, Kenya.
11. "PCA Press Release, Abyei Arbitration: Final Award Rendered." 22 July, 2009. The Hague.
12. "Progress in Southern Sudan: An assessment of progress since 2005 against the Joint Assessment Mission report." Ministry of Finance and Economic Planning. GOSS. 2008. Juba
13. "Protocol between the Government of Sudan and the Sudan People's Liberation Movement on Power Sharing," 26 May, 2004, Naivasha, Kenya.
14. "Protocol between the Government of Sudan and the Sudan People's Liberation Movement on the Resolution of Abyei Conflict," 26 May, 2004, Naivasha, Kenya.
15. Protocol between the Government of Sudan and the Sudan People's Liberation Movement on the Resolution of Conflict in Southern Kordofan/ Nuba Mountains and Blue Nile States," 26 May 2004, Naivasha, Kenya.
16. "Report to the President of the United States, from John C. Danforth, Special Envoy for Peace: The Outlook for Peace in the Sudan." 26 April, 2002.
17. "SPLM Chairman's Address to Signing Ceremony of the Sudan Comprehensive Peace Agreement." 9 January, 2005. Naivasha, Kenya.
18. "SPLM Constitution." May 2008. Juba.
19. *SPLM Manifesto*. 31 July, 1983.
20. *SPLM Manifesto*. May 2008. Juba. (2nd Ed.)
21. "SPLM Preparations for War-to-Peace Transition." 3 November, 2003. Rumbek.
22. "Sudan Peace Act." Public Law 107-245, 107th Congress, 21 October, 2002.

23. "The Comprehensive Peace Agreement between The Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army." January 9, 2005. Naivasha, Kenya.
24. "The Implementation Modalities and Global Implementation Matrix and Appendices," 31 December, 2004, Naivasha, Kenya.
25. "The Interim Constitution of Southern Sudan." 2005.
26. "The Local Government Act." 2009.
"Local Government Framework for Southern Sudan." Local Government Board. 2008. Juba.
27. "The Permanent Ceasefire and Security Implementation Modalities and Appendices," 30 October, 2004, Naivasha, Kenya.
28. "The SPLM 2nd National Convention Opening Statement made by Salva Kiir." 15 May, 2008. Juba.
29. "The Vote is My Future: A common guide to voter education." Ministry of Parliamentary Affairs, GoSS. 2009. Juba.

VI. Websites

1. www.amnestyinternational.org
2. www.cartercenter.org
3. www.goss-brussels.com
4. www.gossegypt.com
5. www.gossmisson.org
6. www.hrw.org
7. www.icc-cpi.int
8. www.igad.org
9. www.lse.ac.uk/collections/CCS/introduction/default.htm
10. www.splmtoday.com
11. www.usaid.gov