NEGOTIATING STATEHOOD
IN THE REPUBLIC OF SOUTH SUDAN

Agnes Koppelman

3245217

Utrecht University

27 July 2012

A thesis submitted to the Board of Examiners in partial fulfilment of the requirements of the degree of Master of Arts in Conflict Studies & Human Rights.

Name of supervisor: Mr. Dr. Chris van der Borgh

Date of submission: 27 July 2012

Programme trajectory: Internship (15 ECTS) and Research & Thesis writing (15 ECTS)

Word count: 15 263 words

Table of Contents

Abbreviations

CPA	Comprehensive Peace Agreement
GoSS	Government of South Sudan
HSBA	Human Security Baseline Assessment
IEC	Interim Executive Commission
ICG	International Crisis Group
NCP	National Congress Party
OECD/DAC	Organisation for Economic Cooperation and Development /Development Assistance Committee
PCC	Political Consultative Council
SAF	Sudan Armed Forces
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 Forces
SSDM/A	South Sudan Democratic Movement/Army
SSIM/A	South Sudan Independence Movement/Army
SSLA	South Sudan Liberation Army
SSLM	South Sudan Liberation Movement
UN	United Nations
UNMISS	United Nations Mission in South Sudan

I.   Introduction

1.1 Statebuilding

The relationships between violent conflict, the performance of states and development have been an important focus of peace and conflict research. Central is the idea that a fragile state leads to violent conflict and a lack of development, which can eventually lead to state collapse. The central objective of the international community's policy approach in fragile states is statebuilding, which will "contribute to human security, development and international stability" (OECD 2008: 7, 9). "Statebuilding (…) is presented as sustainably strengthening state institutions in addition to enhancing the capacities of state actors for control, regulation and implementation, particularly in the core fields of statehood, namely internal security, basic social services, rule of law and legitimacy of government" (Schneckener 2007: 9 in Volker Boege et al. 2009: 16). It basically aims to rebuild the bureaucratic apparatuses of fragile states, geared towards the western-style modern state (Englebert and Tull 2008; Volker Boege et al. 2009: 16). The new Republic of South Sudan is one of those countries that is identified as a fragile state. The OECD approach to South Sudan is "to help national reformers to build effective, legitimate, and resilient state institutions, capable of engaging productively with their people to promote sustained development" (OECD 2011: 63). South Sudan has been working on "a new administration at all levels to ensure that key institutions of the state can perform, including implementation and adherence to international treaties" (OECD 2011: 19). The UN Mission in South Sudan (UNMISS) that started on 9 July 2011 is also mandated to foster longer-term statebuilding, and to thereby strengthen the capacity of the government to govern effectively and democratically[1].

Conventional statebuilding along the lines of western-style modern states is promoted as the best means of achieving sustainable development and peace within all societies. Major donors not only see statebuilding as strengthening state institutions, but also as contributing to development assistance because development requires effective state institutions (Volker Boege et al. 2009: 16). Recent research on the political economy of development however argues that good governance is not a precondition for development. Sustainable development is rather achieved through economic

---

[1] UN Resolution 1996, Article 3.

transformation, but this process is not always supported by the spread of democracy. Democratisation enhances competition between already fragmented political elites, that eventually need to seal alliances in a clientelist manner to remain in power, because they cannot live up to the promises made during elections and will lose their mass following (Booth 2012: 3). Although politicians may want to take actions for the collective good, their direct political incentives do not provide the situation to pursue those actions. According to the research on the political economy of development in Africa the emphasis on building institutions thus does not provide for development.

Statebuilding as a good instrument for peace is also contested. The idea that the liberal state is the ultimate model for all states is short-sighted because it ignores the historical context of states (Volker Boege et al. 2009: 18). Western state forms have been used almost as blueprints in many parts of the developing world short after decolonalisation. This led to states as empty shells, because no state formation processes had taken place. The implementation of Weberian state institution without having achieved a certain level of developed political, social, economic and cultural structures as were established in the history of the European state, is not sustainable (Volker Boege et al. 2009: 19). New states need to be formed; they do not exist by just building the state institutions. The history of modern states in Europe shows that the process of state formation was inherently violent. When trying to establish a monopoly on violence, those actors that became the state had to expropriate the means of violence from other social groups that contested the emerging state (Weber 1988: 511 in Volker Boege et al. 2009: 18). In his work on statebuilding in Europe, Charles Tilly argues that statebuilding in Europe involved struggles and bargaining between different social groups and popular rebellions would leave distinct marks on the states (Tilly 1992: 26).

1.2 Research focus

Building state institutions according to a western model is one part of the story. The other part are the complex social processes of state formation that take place on the ground and can have a big influence on the state. The debate on statebuilding has focused mainly on how international donors can 'do' statebuilding best, and on alternative approaches to statebuilding such as 'victor's peace', 'local ownership', the 'good enough' approach and 'hybrid political orders' (Paris and Sisk 2009, Luttwak 1999, Narten 2009, Richmond 2009;

Volker Boege et al. 2008). This thesis instead tries to make a valuable addition by focussing on the processes that take place on the ground and by looking at how these processes of state formation take form. How is statebuilding contested and by whom? What is the influence of these groups on the statebuilding process?

The case that I use is the Republic of South Sudan, the world's youngest state. South Sudan achieved independence as recent as 9 July 2011 and embarked on a process of statebuilding. In the build up to the referendum of January 2011, in which the citizens of Southern Sudan voted overwhelmingly for secession from the North, different armed insurgencies erupted within Southern Sudan. The majority of them have been led by former Sudan People's Liberation Army (SPLA) commanders in the Greater Upper Nile region (Upper Nile State, Unity State and Jonglei State, see Annex A). These rebel movements have "directly or indirectly caused the deaths of thousands of South Sudanese, provoked mass displacement of communities and challenged the government's ability to secure this strategic and volatile region" (Small Arms Survey 2011: 1). Several of these armed rebellions emerged in Unity State, which is situated along the North-South border and atop of much of the South's known oil deposits (ICG 2011: i). They claim to seek systemic changes to the Juba-based government, or to overthrow it, and therefore seem engaged in a contestation against the statebuilding project that is taking place in South Sudan (Small Arms Survey 2011: 1). This research looks at the activities of one of the rebel groups in Unity State: the South Sudan Liberation Movement/Army (SSLM/A). It assumes that this movement is engaged in a process of negotiating statehood in its interactions with the Government of South Sudan (GoSS), which is dominated by the Sudan's People Liberation Movement/Army (SPLM/A). By looking at the interactions between the SSLM/A and the SPLM/A, this research aims to shed a light on how statehood is negotiated in South Sudan, and broader the contestation of statebuilding that is taking place.

1.3 Research approach

The question that I attempt to answer in this thesis is *In what ways is statehood negotiated between the SSLM/A and the Government of South Sudan between April 2011 and April 2012?* In order to answer this question I make use of the Negotiating Statehood framework, by Hagmann and Péclard (2010). Chapter II elaborates on this framework and looks at the

theoretical propositions that are underlying it. The framework is used to my interpretation, and the choices I have made come forth out of conscious consideration. The chapter further explains my choices. Chapter III provides the (historical) context to place this research in. The events that happen today in South Sudan do not stand on their own, but have a strong legacy in the long Sudanese Civil Wars. The context chapter focuses on three events in particular that have shaped the current situation: the split within the SPLA in 1991 that led to an internal southern war, the Comprehensive Peace Agreement of 2005 that ended the Second Sudanese Civil War and started a statebuilding project in Southern Sudan, and the independence of 2011. Chapter IV focuses on the structures, resources and repertoires of the SSLM/A and the SPLM/A. Chapter V assesses the process of negotiation that has taken place between April 2011 and April 2012, and finds that two dimensions of negotiation are taking place. Finally I will end with a conclusion in Chapter VI.

II. The negotiating statehood framework

For this research the negotiating statehood framework by Hagmann and Péclard (2010) is used, which refers to "dynamic and partly undetermined processes of state formation and failure by a multitude of social actors who compete over the institutionalisation of power relations". This is not an attempt to explain state formation; it is rather a tool to look at the dynamics of the phenomenon (Hagmann and Péclard 2010: 544).

For a great part the negotiating statehood framework comes forth out of dissatisfaction with globally dominant perceptions of the 'state'. Some states in the developing world have been the scene of harmful unrest since the end of the Cold War. In the policy world these states have been described as 'fragile' or even 'failing' states[2]. This identification has been part of the 'securitisation' of development policy, in which fragile states are perceived to pose an international security threat because they provide a breeding ground for terrorism and cause large migrations flows, civil war, and international drug and weapon trade (Debiel and Lambach 2009: 22, Von Einsiedel 2005: 13). Shortcomings in governance structures are seen as the main reason for these problems, and the logical response for the international community in fragile states has been the rebuilding of these failing bureaucratic institutions (Englebert and Tull 2008: 106, OECD 2008). Hagmann and Péclard identify that arguments about state failure are subject to growing criticism (Hagmann and Péclard 2010: 540). They propose that scholars generally look at state politics from a perspective of an ideal-type notion of the state: as having the monopoly on legitimate physical violence, as an autonomous bureaucratic entity, as the embodiment of popular sovereignty, as a territorially coherent entity (Schlichte 2005: 6, in Hagmann and Péclard 2010: 540). States are approached in an instrumentalist manner, which means seeing states as given sets of institutions and outcomes of a linear process that emphasises order and stability. "Most observers implicitly and falsely assume that in the long run all states will converge towards a model of Western liberal democracy" (Hagmann and Péclard 2010: 541). Consequently, the success or failure of a state is measured in comparison to the ideal model of a Western liberal democracy that is derived from European historical experience. In reality however, political regulation, accumulation and institutionalisation occur at the local level, beyond the reach of the state (Ibid.). It could

---

[2] For example: OECD (2007) 'Principles for Good International Engagement in Fragile States & Situations'.

thus be argued that "the complexities of empirical statehood call for alternative ways of conceptualising state and political authority" in developing states (Hagmann and Péclard 2010: 542).

This chapter describes the negotiating statehood framework and my motivations to use it for this research. It starts out by looking at the concept of the 'state' and discusses why the state should be seen as a social construct by focussing on Migdal's state-in-society approach (2001). The second part of this chapter looks at how the state works as a social construct. It elaborates on various forces within and beyond the borders of the state, and how these forces are able to influence statehood. In the final part of the chapter I take a look at how the framework is constructed and explain my choices in the use of it for this research.

2.1 The state

Hagmann and Péclard identify four arguments about the state in existing literature that have achieved a certain consensus, from which I draw the view that the state is a dynamic social construct, continuously subject to change, rather than a bordered and fixed entity (Hagmann and Péclard 2010: 542-3). The first argument is that states must be seen as historical processes. In this view there should be awareness of their historical trajectories. Hagmann and Péclard mention Bayart (2006) and Mamdani (1996), who emphasize that the state - in Africa in particular - is not an imported product and that the importance of colonial legacies in African politics should not be underestimated. An example of that legacy is the "reproduction of decentralised, racialised 'despotism'" (Hagmann and Péclard 2010: 542). As mentioned in the introduction, the Western state forms that were used almost as blueprints in many parts of the developing world short after decolonisation have had an impact on how those states are (un)able to function properly today. The second argument is that states are deeply embedded in society, as is proposed in Migdal's 'state-in-society' approach (2001). This means that state power is not autonomous, but that 'the state' is done by different state and non-state actors. Migdal (2001) clearly steps away from the Weberian idea of the state:

> The assumption that only the state does, or should, create rules and that only it
> does, or should, maintain the violent means to obey those rules minimises the rich

negotiation, interaction, and resistance that occur in every human society among multiple systems of rules (Migdal 2001: 15).

Rather, the state has a dual character. On the one hand there is the image of the state, which generally is quite the same from state to state: a dominant, autonomous entity that controls all the rule-making in a given territory. The image includes a social boundary that separates the state from non-state actors. The state needs to conform to the requirements of a modern nation-state in order for it to legitimately represent a nation in the international state system (Gupta 1995: 393). On the other hand are the actual practices of the state, which may reinforce the image but might as well weaken it (Migdal 2001: 17-8). An example of a practice that might be conflictive with a state's image is patronage: a set of rules that might empower or enrich personally. When parts of the state ally with other (non-state) parts to further their own goals, these state parts in fact promote a different set of rules that neutralises the social boundaries (Migdal 2001: 20). In this view the state is made up by images and practices, and society can be part of the practices. The boundaries between state and society are therefore ill-defined. Migdal's definition of the state is:

> The state is a field of power marked by the use and threat of violence and shaped by
> (1) the image of a coherent, controlling organisation in a territory, which is a
> representation of the people bounded by that territory, and (2) the actual practices
> of its multiple parts (Migdal 2001: 15).

Migdal concludes that the state is in reality a contradictory entity, which can dismantle its bordered image by its own practices that blur its boundaries. Moreover, practicing the state is done by state and non-state actors, in cooperation and competition (Arnaut and Højbjerg 2008: 20, in Hagmann and Péclard 2010: 543).

The third argument that is recognised is that states are for a large part made up by images, symbols and discourses. The government exists because of its bureaucratic practices (materiality), but also because "people imagine and represent the state in their everyday lives" (Gupta 1995). This argument emphasises that besides tangible state actions there is an abstract idea of the state, as is visible in Migdal's state-in-society approach. The fourth argument states that the formation of a state is foremost a process of institutionalisation and legitimisation of physical coercion and political power. Both state

and non-state actors must legitimise their authority in order to be accepted (Abrams 1988: 76, in Hagmann and Péclard 2010: 543). This argument, the state as a product of social interaction, is elaborated upon further in the next paragraph because of its importance to this research.

The state can thus be seen as a social construct: the state is a product of history; a product of society, because 'it is done' by state and non-state actors and made up by materiality and social images; and a product of social interaction because it is formed by a legitimization process between state and society.

2.2 The state as a product of social interaction

Hagmann and Péclard's fourth argument about the state contends that the formation of the state is a process of institutionalisation and legitimisation of physical coercion and political power. The institutionalisation of power involves more than a process of state building, defined by Berman and Lonsdale (1992: 5) as 'a conscious effort of creating an apparatus of control'. Building institutions is part of the process, but also involves the struggle for social control as identified by Migdal (1998). With that comes the process of legitimising power, which involves a whole range of interactions that is emphasised by the negotiating statehood framework.

In their work *Political Power Beyond the State: Problematics of Government* (1992), Rose and Miller put an emphasis on the difference between state and government and ask to what extent the state actually is manifested through government activity (Rose and Miller 1992: 177). The political vocabulary has centred on divides between state and civil society, public and private, and so on. This discourse however does not reflect the diverse ways in which rule is exercised in practice, even in advanced liberal democracies. Rose and Miller argue that political power is exercised through shifting alliances between a variety of authorities, which govern a variety of aspects of the state, ranging from economic activity to social life and individual conduct (Rose and Miller 1992: 174). "Individuals are not subject to power but play a part in its operations" (Ibid.). The state is not only manifested by government activity, but by interaction with a variety of authorities. Migdal (1998) describes the manifestation of the state as struggles for social control; it cannot be seen as a fixed entity subjecting the population to its power. According to Migdal, the role of the state as rule-maker for public affairs and private life has been

taken for granted. Political leaders have striven for an accepted extent of stateness that would make the state "an organisation that is composed of numerous agencies that are led and coordinated by state's leadership and has the ability or authority to make and implement binding rules for all the people as well as the parameters of rule-making for other social organisations in a given territory, using force if necessary to have its way" (Migdal 1998: 19). Although state leaders have tried to uniform the social control within the state's boundaries, other social organisations have striven to maintain their own prerogatives (Migdal 1998: 28). These social organisations are "the settings in which people have structured, regularised in interaction with others, that have used a variety of sanctions, rewards and symbols to induce people to behave according to certain rules" (Migdal 1998: 25). The state is a social organisation, one among many that may be in conflict with each other over different views of the rules of the game (Migdal 1998: 28-9). According to Migdal:

> The very purposes for which leaders employ the state in seeking predominance through binding rules automatically thrust it into conflict with other organisations over who has the right and ability to make those rules (1998: 31).

Basically political leaders employ the state to control power, but by doing so interact with other social groups over the legitimisation of that control. That struggle is part of how the state is manifested.

Migdal's work *State in Society: Studying How States and Societies Transform and Constitute One Another* (2001) further elaborates on the impact that struggles over social control have on the state. The major struggles that take place in new states are over who has the right and ability to make the rules that guide people's social behaviour. Will the state be able to displace other organisations in society that make rules that are conflicting with state leaders' wishes? Accommodations that have been reached between states and other powerful organisations in society bring forth subtle political changes (Migdal 2001: 64-5). Struggles may move society toward integrated dominations, in which the state or other social forces widely establish their power. However, they may also lead to dispersed domination, meaning that neither the state nor any other social organisation manages to achieve broad domination (Migdal 2001: 100). More specific, the particular instances of struggles between components of the state and other social forces can produce a range of

outcomes; Migdal identifies three ideal-typical results. The first is total transformation, in which social forces are subjugated to the state's domination. Second is the state incorporation of existing social forces, which appropriates existing social organisations and forces changes on the part of the state's components. The third outcome is existing social forces' incorporation of the state. This means that the organisation and symbols of the state's components are appropriated by the local dominating social forces. In most cases the state and other social forces have been engaged in mutually transforming struggles (Migdal 2001: 126-7). Important to note is that in the midst of the struggles the boundaries may shift, for example when social forces take up parts of the state or when the state takes up powerful social figures. Another reason for boundaries to shift in these struggles is that state officials can play multiple roles, besides representing the state; they can be part of another social organisation because of their membership of a tribal group.

Shifting boundaries between state and society come forth out of constant evolving relations of control and consent, power and authority (Munro 1996: 148). The process is dynamic, and relatively undetermined. State institutions are never definitively formed, but a constant process of state formation takes place. Even if some institutions seem to survive, that "does not mean that nothing is happening" (Lund 2006: 697-8). According to Mbembe we should remember "to see in the confusing and often chaotic landscape of institutions, coalitions and conflict, efforts aimed at establishing new forms of legitimate order and gradually restructuring formulas of authority"(Mbembe 2001: 76 in Lund 2006: 700).

2.3 The negotiating statehood framework

The negotiating statehood framework is based on the idea that a state is manifested through social struggles over the institutionalisation and legitimisation of power. Based on these ideas, Hagmann and Péclard formulate four theoretical propositions that form the basis of the framework:

1) Negotiating statehood refers to the dynamic, and partly, undetermined processes of state (de-)construction. The framework "attempts to explore the constant interplay between processes of statebuilding and state formation" (Hagmann and Péclard 2010: 545).

2) Variegated actor groups compete by diverse strategies, both successfully and unsuccessfully, over the institutionalization of power relations into distinct forms of statehood. Human beings are not only shaped by power and government, but themselves shape power and government techniques (Ibid.).

3) The nature of the state is profoundly contested and inherent in defining statehood are a host of conflictive interactions. Instead of shedding a light on how state institutions are established (statebuilding), the negotiating statehood framework "draws attention to the power differences that inhabit these processes" (Ibid.).

4) Statehood's starting point should be empirical rather than judicial. The objective of the negotiating statehood framework is "to understand the transformations of power that find their expressions in distinct forms of statehood as well as to grasp how non-state powers engage and disengage with the existing state"(Hagmann and Péclard 2010: 546). The framework uses the definition of statehood as proposed by Schlichte (2005: 106):

> A field of power whose confines are decided upon with means of violence and whose dynamics are marked by the ideal of a coherent, coercive, territorial organisation as well as by the practices of social actors (via Hagmann and Péclard 2010: 546).

The objective of the negotiating statehood framework is "to better understand how local, national and transnational actors forge and remake the state through processes of negotiation, contestation and bricolage" (Hagmann and Péclard 2010: 544). The framework poses three main questions that can be divided in sub-questions: by whom and how is state domination fashioned, where do these processes take place, and what are the main outcomes and issues at stake.

Hagmann and Péclard divide the first question into three sub-questions: who negotiates statehood, what are the resources that those individuals or groups have at their disposal and what are the competing repertoires that the individuals or groups mobilise in their interactions (2010: 547). This question more or less is an analysis of the capacities of the groups that are subject to research. In order to make the answer to the first sub-question more tangible, I look at two things: the foundation of the groups and their organisational structure. These two features provide me with knowledge on how the groups are

composed and what their origin is. The second sub-question concerns resources and is defined by Hagmann and Péclard as the material bases of collective action, including tangible and intangible assets. They give a list with suggestions of resources to look at, of which I chose bureaucratic capacities, support base and control over physical violence (Hagmann and Péclard 2010: 547). The information on these groups is scarce, and a part of it is not accessible due to sensitivity issues. My choice for these three aspects is based on the information available. The third and final sub-question concerns the repertoires that the groups use in their interaction, defined by Hagmann and Péclard as "the symbolic repertoires that are used to further their interests to mobilise support and to give meaning to actions" (Ibid.). This sub-question is divided in oral and non-oral discourses and modes of communication. Repertoires could also involve clothing or rituals. For the same reason as the previous sub-question, I have chosen to focus only on the written discourses that are used by the groups.

In my analysis, I look at the popular recurrent phrasings in the statements of the groups. The first question is answered in Chapter IV. The second question of the framework concerns the places where the negotiations take place. It is divided in negotiation arenas and negotiation tables. Negotiation tables are formalized settings where contending social groups decide upon key aspects of statehood over a given period of time, whereas statehood is negotiated in negotiation arenas in a less formal way. Negotiation arenas are difficult to locate geographically as they are embedded in social relations between contending groups (Hagmann and Péclard 2010: 551). In order to decide whether during the negotiations use was made of negotiation arenas or tables, I look at the aspect of formality to make the distinction. This is done in Chapter V. Thirdly, the negotiating statehood framework looks at the outcomes and issues at stake by focussing on the objects of negotiation. These are defined as certain dimensions of statehood that are subject to negotiation (Hagmann and Péclard 2010: 553). My approach to answer this question is to look per object of negotiation what is at stake and how it is negotiated over in Chapter V.

III. Context

This chapter highlights three moments that are important for understanding where South Sudan stands today. As discussed in the previous chapter, one of the assumptions that is a starting point for this paper is that the state is a historical product. The coming chapters will focus on the interaction between state and society, the (historical) context to place current manifestations in is discussed here.

The three moments that are discussed in this chapter are the split within the SPLM/A in 1991 (the SPLM/A was then known as SPLA, and will be referred to as SPLA in the first paragraph); the post-Comprehensive Peace Agreement (CPA) period and Independence. Since these are all major events, my focus lies on the tensions within and surrounding the SPLM/A.

3.1 SPLA split 1991

The SPLA was founded in 1983 to fight against the government of Sudan. Its leader was Dr. John Garang, a member from the Dinka community – the largest tribe in Southern Sudan. During the early years, the SPLA tactically allied with Mengistu's Ethiopia, who provided the army with training and weapons. This support established the SPLA as the only credible and strongest rebel movement in the South. In April 1991 however, Mengistu's army was overrun by Ethiopian rebels and a new government was formed under the command of Meles Zenawi who had received support from Khartoum (Natsios 2012: 97). This meant that all of a sudden the SPLA lost its external base of support. In August of the same year Riek Machar (a Nuer), Lam Akol (a Shilluk) and Gordon Kong (a Nuer), members of the SPLA high command, announced that they had taken control over the SPLA, but did not receive enough support to actually take over the liberation movement. Instead they caused a split within the SPLA along tribal lines. Machar, Akol and Kong went on to be known as the 'Nasir Faction' with mainly Nuer in its central command. The Nasir Faction did not get the amount of support that they expected and hoped for, which meant they needed other strategies to rally support besides political appeals. They established a tactical alliance with the government on which they had declared the liberation war: the government of Sudan. It was attractive for Khartoum to encourage divisions within the South, because it would weaken the southern liberation struggle as a whole (Deng 1995: 229). Furthermore, the Nasir Faction started using

ethnicity to rally support mainly amongst Nuer. They criticised the SPLA of being Dinka-dominated (Jok 2007: 36). This led to the militarisation and polarisation of the two largest ethnic groups in Southern Sudan, the Nuer and the Dinka, centred on Dr. Riek Machar and Dr. John Garang, and led to an internal war that cost approximately 300,000 deaths from 1991 to 1999. The fighting concerned mostly "targeting the civilian population along ethnic lines" (Hutchinson 2000: 6). The conflict mainly took place in the Western Upper Nile (now Unity State), Bahr-el-Ghazal and Jonglei provinces, with the most intensive fighting occurring in late 1991. A stalemate was reached in late 1992 but outbreaks of inter-ethnic violence kept occurring (Ibid.). Khartoum also became involved in the southern conflict, and "fanned the flames" by pursuing a proxy war strategy against Garang and the SPLA. Especially the Western Upper Nile province was of interest to the North because of the abundant oil deposits (Ibid.). The Nasir Faction transformed in SPLA-United in 1993 and into the Southern Sudan Independence Movement/Army (SSIM/A) in 1994. Machar did not have any means to resupply his troops and "was drawn deeper and deeper into the government's net" (Hutchinson 2000: 7). This eventually led to the Khartoum Peace Agreement of 1997, during which the SSIM/A and other southern forces became the Southern Sudan Defence Forces (SSDF) and were officially allied with the forces of the Government of Sudan to coordinate assaults against Garang (Ibid.). Khartoum further instigated problems by causing "political rivalries and armed confrontations among allied Nuer and Dinka SSDF commanders (Human Rights Watch 1999 & 2000 in Hutchinson 2000: 7).

The 1991 SPLA split had serious consequences for course of the civil war, and its legacy is still felt in Unity State. As mentioned in the above, the ethnic card was played only after the split had happened, so there have been other reasons for the dissatisfaction of the three commanders. Two arguments have been brought up in the literature about this case. The first is that there were ideological differences between the two camps, emphasised by Deng (1995) and Jok (2007). The objectives of Garang were based on unification: "the liberation of the whole country any prejudices based on race, religion, culture, language or gender" (Deng 1996: 230). The objectives of the Nasir Faction on the other hand were "separation of the South, democratisation of the SPLA, and respect for human rights in the movement" (Ibid.).

The second argument is that the split arose out of issues over power. Natsios mentions that external circumstances combined with "a resentment of Garang's autocratic leadership" have caused the split (Natsios 2012: 97). He argues that Machar, Akol and Kong saw an opportunity in the end of the Ethiopian support. They had been unhappy with Garang's autocratic leadership and the end of support from a country backed by the Soviet Union meant an opportunity for European and American support. Natsios argues that some 'Western advocacy groups', that he does not further define, encouraged the internal SPLA rebellion, which might have enlarged the confidence of Mach, Akol and Kong that the split would be backed by European and American support (Natsios 2012: 98). Young (2003) agrees that there had been a resent of Garang's autocratic leadership, and argues that the splits in the movement "have not been over ideological issues but over power" (Young 2003: 426).

In my view the ideological and power issue are related because they are both part of the SPLA system and I therefore argue that the SPLA system of governance has contributed to the dissatisfaction that has led to the split in 1991.The analysis of Young (2003) proves my point. He argues that the problem of institutionalising functional and accountable systems of leadership within the SPLA is linked to the lack of an ideological basis from which to direct their struggle. The trivialisation of ideology has served to promote the leadership role of Garang and to strengthen the militarist nature of the movement, thereby making short work of the civil administration (Young 2003: 426). Young states that the Bor Dinka hold a disproportionally large number of posts in the SPLA leadership, which is a problem because they have done little to fully embrace other tribes, "leaving it exposed to factionalism and strife" (Young 2003: 425). Although the party established formal structures of governance during its first convention in 1994, in practice this system remained weak and Garang kept his overwhelmingly dominant position within the leadership. "There is a yawning gap between the formal structures of authority in the SPLA and accountability and the capacity of Garang to operate independently" (Young 2003: 425-6).

3.2 Post-Comprehensive Peace Agreement

The Comprehensive Peace Agreement is the agreement between the National Congress Party (NCP) of the North and the SPLM/A of the South, which ended the Second Civil

War in 2005. The CPA is important to discuss here, because it started a process of state building in the South and paved the way for the South's independence. The implications for the North-South relations are not worked out here; instead there is a focus on the southern processes.

It is generally believed that the CPA has hardly been implemented successfully. The proposed reason for this is that the cooperation between the NCP and the SPLM/A was based on strong personal ties between Garang and the vice-president Taha. Garang's death in July 2005 immediately changed the political conditions that were favourable of implementation of the CPA (Belloni 2011: 413). Belloni (2011) argues that, not long after signing the CPA, the NCP discouraged SPLM/A interest and involvement in Sudan-wide issues which found support in the South. The division within the SPLM/A between those who envisioned a united Sudan and those who favoured secession resurfaced (Ibid., Schomerus and Allan 2010). Schomerus and Allan argue that the CPA was signed by a disunited SPLM that had divergent ideas, combined with intense international pressure. It was because of Garang that a view of a publicly unified goal was maintained, after his death the lack of ideology of the SPLM/A became more significant (Schomerus and Allan 2010: 25).

As part of the peace agreement the South was granted a considerable degree of self-government. A process of statebuilding was started and the Government of South Sudan (GoSS) was constructed. Sudan was one of the nine countries in an OECD/DAC (Organisation for Economic Cooperation and Development / Development Assistance Committee) pilot initiative on applying the Principles of Good International Engagement in Fragile States. Efforts in Southern Sudan have focused on three main areas: donor coordination mechanisms; international support to statebuilding; international support to peacebuilding, with an emphasis on implementing the CPA of 2005 (Pantuliano 2009: 1). The third OECD principle refers to a 'focus on statebuilding as the central objective' and emphasises international engagement in two central areas: legitimacy and accountability of states, and capability of states. Legitimacy refers to issues as democratic governance and human rights, whereas capability refers to security and justice, service delivery, and so on. Both processes include the building of state institutions as well as building the relationship between state and society. The principle emphasises the role of civil society in relation to building the legitimacy and capability of states (Haslie and Borchgrevink

2007: 24). In their analysis of the international efforts in the area of statebuilding, Haslie and Borchgrevink conclude that the international engagement in Southern Sudan has put statebuilding high on the agenda, with a focus on building the institutional capacity of GoSS (Haslie and Borchgrevink 2007: 29). The focus was on "building the state from above, from the centre", donors have for example supported financial management capacity, anticorruption and technical capacity assistance to different ministries (Haslie and Borchgrevink 2007: 25). The international engagement put a lower priority on building the state's legitimacy by supporting democratic relationships between state and society. The attention for local government institutions and building a strong and autonomous civil society was limited (Haslie and Borchgrevink 2007: 26). This approach to statebuilding is exactly the one that has been subject to criticism, because it has focussed on building strong state institutions. Legitimacy and accountability have been a low priority. This is the implementation of statebuilding following the assumption that "there are a considerable number of countries in which the weakness of Western-style state institutions is the root cause of their inability to meet exogenously derived goals like the Millenium Development Goals" (Debiel and Lambach 2009: 23). Also known as the "Institutional Transfer Fallacy" (Englebert and Tull 2008: 112). Call and Cousens (2008) mention that statebuilding processes that enhance the power and institutional reach of the national state can undermine peace by creating the perception of exclusion among alienated groups. "Where external actors channel resources to corrupt, predatory central governments in the name of strengthening state institutions, state-strengthening only advances abusive authority and fuels resentment and armed resistance" (Call and Cousens 2008: 10). Statebuilding that focuses on strengthening central state institutions can thus count on (armed) contestation by groups that feel excluded. These groups could get involved in a process of negotiating statehood.

In Southern Sudan, the emphasis on strong institutions has worked "counter-productively, as the very same institutions lack accountability particularly at the local level", "in combination with the political manipulation of the 'tribal' label (…) decentralised government structures have in reality begun to resemble ethnic fiefdoms" (Schomerus and Allan 2010: 6). Furthermore it is argued that the implementation of the CPA has been too much focused on the North-South relationship and the state building process too much focused on building government capacity to deliver services in the

future instead of instant service delivery (Schomerus and Allan 2010: 10). Unger and Wils (2007:11) agree that "the widespread perception of insecurity is one key pattern affecting politics in current Southern Sudan". They argue that SPLM/A leadership is not inclusive but instead follows a security-dominated military approach, which might "foster the mistrust of those regions, communities and groups that already feel excluded within the power structures to oppose the current government – which would, in turn, increase insecurity" (Ibid.). Other issues identified are that the governing system has become much centralised, while at the same time authority to impose order remains unclear (Schomerus and Allan 2010: 6-8).

On a more positive note, one of the centrepieces of the CPA was the promise of a referendum for South Sudanese citizens to decide whether they favoured a united Sudan or an independent South Sudan. Although there were fears that the Government of Sudan would disturb the process, the referendum took place in January 2011.

3.3 Independence

The people of the South overwhelmingly voted for separation from the Republic of Sudan. Nearly four million of the 4.8 million Southern Sudanese allowed to vote went to the polls and 98.83% of them voted in favour of independence. South Sudan officially became an independent state on 9 July 2011, when the interim period of the CPA ended. The four-year transitional constitution has been signed and thereby came into effect on 9 July 2011. The new government however was not announced until 25 August. On 8 July 2011 the Security Council adopted Resolution 1996, which determined that the situation continued to threaten international peace and security in the region. The Security Council established the United Nations Mission in the Republic of South Sudan (UNMISS) for an initial period of one year, starting on 9 July 2011. Article 3 of the UN resolution decides that the mandate of UNMISS helps to establish the conditions for development in the Republic of South Sudan with a view to strengthening the capacity of GoSS to govern effectively and democratically. Support for peace consolidation and longer-term statebuilding is to be done by: 1) Providing good offices, advice, and support to the Government of the Republic of South Sudan on political transition, governance, and establishment of state authority, including formulation of national policies in this regard, and 2) Promoting popular participation in political processes, including through advising

and supporting the Government of the Republic of South Sudan on an inclusive constitutional process; the holding of elections in accordance with the constitution; promoting the establishment of an independent media; and ensuring the participation of women in decision-making forums (UN Resolution 1996 Art. 3a). Since South Sudan embarked on this statebuilding process only a year ago, there is no clear overview of how it has taken place. The conflict between Sudan and South Sudan has been the focus of international attention, the statebuilding process less, which makes it difficult to comment on it. However below I try to give an overview of the challenges that were identified in the wake of the new state.

The International Crisis Group (2011) identified two factors that can shape the transition period: the degree to which the SPLM allows an opening of political space; and the will to undertake democratic reform within the SPLM. The first great challenge for the Republic of South Sudan has been to establish a

Figure 1: cartoon by GADO, 7 July 2011 (http://pambazuka.org)

transitional government, which is to make decisions both on transitional and permanent systems of government, structures, operations and centres of authority. President Salva Kiir and other senior SPLM officials stated in February 2011 that the SPLM intended to establish a more broad-based transitional government from July on. It is however questionable if this intention has been realised. The transitional constitution has expanded the presidential powers and created a new legislative body that incorporated South Sudanese that had legislative positions in the Sudan's former government. It also provided for the SPLA, the armed wing of the SPLM, to be turned into the national armed forces (Human Rights Watch 2012). The SPLM/A is known to be Dinka-dominated. When the new government was announced in August, it occurred to be largely a list of loyal and long-serving SPLM members receiving their rewards. The currently most prominent leaders of two of three biggest ethnic groups, the Nuer and the

Shilluk, were not included in government (Dowden 2011). Different opposition movements accuse the SPLM of bad leadership, but these movements are weak. They are loosely organised, often with a lack of clear support. Resources are scarce and the party bases are limited to a specific region or ethnic dimension. Furthermore, the SPLM has little respect for opposition parties and has not allowed space for them to grow. There is mistrust towards the opposition as a legacy of the war (ICG 2011: 16). Some of the opposition parties have stated that they will wait for their opportunity to challenge the SPLM when elections will take place, such as the SPLM-DC of Lam Akol. Other formations however have been active in challenging the SPLM since independence. In particular three movements have been active in armed contestation of the government: the South Sudan Democratic Movement/Army (SSDM/A), a mainly Murle militia that was led by George Athor until he was killed in December 2011; the South Sudan Defence Forces (SSDF) of Gordon Kong; and the South Sudan Liberation Movement/Army (SSLM/A) of Peter Gatdet in Unity State. The next chapter zooms in on the SSLM/A.

IV. Profile, resources, repertoires

In this chapter the negotiating statehood framework is used to guide the analysis of the SSLM/A and the SPLM/A. The Human Security Baseline Assessment of April 2012 identifies the SSLM/A together with the South Sudan Democratic Movement/Army (SSDM/A) as the two most prominent rebel militias in South Sudan, and the SSLM/A as currently representing the greatest internal threat to the SPLA (Small Arms Survey 2012: 5). The second group that is discussed in this chapter is the SPLM/A, involved in the negotiating statehood process because of its control over the Government of South Sudan. The SPLM/A represents the government that tries to control state power and is therefore engaged in the negotiations. Hagmann and Péclard (2010) make a couple of remarks about the actors that are engaged in the negotiating statehood process. First of all, the process involves actors outside of the modern state, such as rebel movements. Second, the frontiers between state and non-state actors are often very fluid, due to clientelism. Third, actors involved in negotiating statehood require resources in order to be active (Hagmann and Péclard 2010: 549). The negotiating statehood framework describes two bases of action: material and symbolic, that can be analysed by looking at the resources available for the groups and the repertoires that they use. This chapter uses the negotiating statehood framework in such a way that it is divided into three sections: the profile of the groups, meaning their foundation and their organisational structure, the resources and the repertoires. As mentioned in the introduction, these choices are based on the availability of information. Literature on the SSLM/A in particular is scarce, and the knowledge that is existing can hardly be shared because of the sensitivity of the subject.

4.1 Profile

The South Sudan Liberation Movement (SSLM) was founded in 1999, when most Nuer in Unity State formally broke away from the government (Johnson 2003: 123-5). The Khartoum Agreement of 21 April 1997 had led to the formation of the South Sudan Defense Forces (SSDF) that brought together various militias. Soon however there was a lot of factional fighting within the group, and in 1999 a few Nuer militias aligned with the SPLM/A, but most broke away (Young 2003: 431). The official press release on the formation of the SSLM is dated 31 January 2000. The SSLM's goal in 2000 was "total

liberation for the people of South Sudan from the yoke of Arab domination and oppression", that was to be accomplished by conflict resolution through a negotiated settlement and through armed struggle (SSLM Press Release 2000: 1). In April 2011, the SSLM was brought back to life by Peter Gatdet, who had just defected from the SPLM/A

(Sudan Tribune 13 November 2011). There is not much known about the activities of the SSLM between 2000 and 2011, but in the first years of the new millennium they have released some press statements, which speak of attacks by the SPLA on the SSLM/A (1 February 2000, 6 July 2001, Common Sense #1 January 2002, 11 March 2002). On 11 April 2011 the Mayom Declaration was released, that states the objectives that the SSLM/A is currently intending to achieve which will be discussed later on.

Figure 2: Symbol of the SSLM (http://en.wikipedia.org/wiki/South _Sudan_Liberation_Movement)

The SPLM/A was founded in 1983 by John Garang, out of a dissatisfaction with the abandonment of the Addis Ababa Agreement that had ended the First Sudanese Civil War (Natsios 2012:66). As a rebel movement the SPLM/A fought the Sudanese government during the Second Sudanese Civil War (1983-2005). From 2005 until 2011 the SPLM/A has been the main constituent of the semi-autonomous government of Southern Sudan. Under Garang's leadership the stated objective of the movement was the formation of a 'New Sudan': a vision of a reformed, but unified Sudan. This vision however was not reflected in the views of the members of the SPLM/A, who rather saw secession as the end goal (Young 2003: 424). This divide caused problems within the party, as we have seen in the previous chapters. After
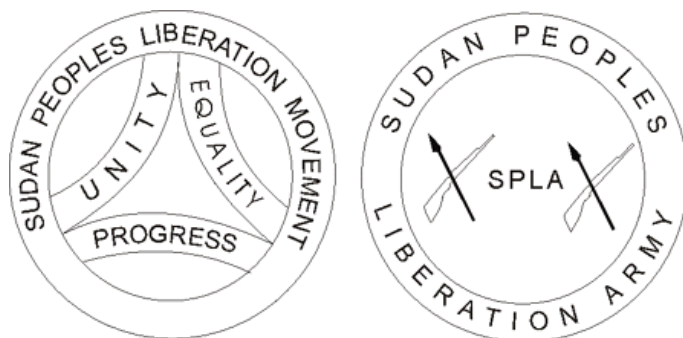
Garang's death in 2005, the leadership has been taken over bij Salva Kiir Mayardit, who openly advocated for secession (Natsios 2012: 175-6). After independence in 2011 the Government of South Sudan has still been dominated by the

Figure 3: Symbols of the SPLM/A (http://en.wikipedia.org/wiki/File:Seal_of_SPLM)

SPLM/A. The SPLM/A in its turn is still dominated by South Sudan's largest ethnic group, the Dinka (Tesfaye Haile 2012).

In the SSLM's foundation statement of 2000, the organisational structure is laid out (for details see Annex C). It consists of the Political Consultative Council (PCC) which is the highest legislative organ of the Movement, and the Interim Executive Committee (IEC) which is its executive organ (SSLM/A Foundation Declaration 2000). It is not clear to what extent these organs have ever functioned, or whether these organs are still in place today. Besides this organisational structure, the Movement has a military wing named the SSLA. The SSLM/A is led by Maj. Gen. James Gai Yoach, also Head of the SSLM/A Military High Command. He has four deputies: Maj. Gen. Bapiny Monytuil is the Deputy Head, Maj. Gen. Philip Bipean Machar is the Chief of Staff, Maj. Gen. Kolchara Nyang is Operational Commander and Maj. Gen. Matthew Puljang is Operational Commander.The areas of operation are broken into three areas, Kolchara is commanding the Bentiu sector, Bipean is command the sector in Mayom and areas to the south (Small Arms Survey 2012: 5, 10).

The SPLM consists of organs at different levels: national, state, county, payam and boma (see Annex D for the organisational structure of the SPLM/A). Payam means district in Dinka, and boma means village in Dinka. The SPLM's chairman is Salva Kiir Mayardit, its Secretary-General Pagan Amum. Kiir is also in charge of the SPLA. The SPLM/A has since 2005 been transforming from a military movement into a political party. Many senior party and GoSS positions are occupied by military personnel, because there is a general sense among those who engaged in combat during the Second Sudanese Civil War that they deserve the entitlement (ICG 2011: 12-3)

4.2 Resources

Resources refer to "the material bases of collective action, they include tangible and intangible assets", that are "distributed unequally among competing actor groups, which partly accounts for the ability of some groups to dominate others politically" (Hagmann and Péclard 2010: 547). I have subdivided the resources into: bureaucratic capacities, support base (including finances) and control over physical violence. This selection is based on the information that was accessible.

Bureaucratic capacities

The first capability to assess is whether the actors are able to take the actions that will produce the intended outcomes: their bureaucratic capacities. The analysis of the bureaucratic capacities is based on the work of Huber and McCarthy (2003) that states that if groups are incapable of taking the right actions to produce the intended outcomes, there are often problems such as a lack of service delivery, corruption, patronage and nepotism (Huber and McCarty 2003: 2). The SPLM/A has up to date not been able to deliver required services such as education, health care, markets, and most importantly security (Al-Jazeera 2011). Furthermore, from all the state money, only a small percentage goes to the ten states of South Sudan. The rest is said to disappear in the pockets of the government, and also nepotism plays a large role (Ibid). The opposition furthermore claims that there is little distinction between GoSS and SPLM finances, which can be ascribed to the fact that there is little distinction to be made between GoSS and SPLM structures. Moreover, patronage systems seem to be in place, for example the transitional constitution has expanded the presidential powers and created a new legislative body that incorporated South Sudanese that had legislative positions in the Sudan's former government. It also provided for the SPLA to be turned into the national armed forces (Human Rights Watch 2012). When the new government was announced in August, it occurred to be largely a list of loyal and long-serving SPLM members receiving their rewards. The SPLM controls 26 of the 29 Ministries, 94% of the seats in Parliament and nine of the ten governorships. The most prominent leaders of two of three biggest ethnic groups, the Nuer and the Shilluk, were not included in government (Dowden 2011).

In the case of the SSLM/A it is less clear to what extent corruption takes place. It is however obvious loyalties are constantly changing. An example of this behaviour is former leader Peter Gatdet, whose "loyalties changed multiple times over more than two decades of conflict" (Small Arms Survey 2011: 4). Concerning the SSLM/A's ability to act after their promises, proof is scarce. The SSLM/A does aim to provide for security in Unity State, because in their eyes the SPLM/A is not able to do so. However with providing security comes insecurity. In an attack in the beginning of 2011 for example, more than 250 people were killed and more than 20 000 replaced, as a direct result from

SSLA/SPLA fighting (Small Arms Survey 2011: 5). Furthermore, it is believed that the SSLA is actively laying landmines in Unity State (Small Arms Survey 2011b: 3).

Support base

The second capability to assess is the support base of the two actors, I hereby look at the international networks they have and to what extent they have access to state resources and can mobilise funding. During the war the SPLM/A received a lot of military support from different actors, amongst others Libya, Eastern Bloc countries, Uganda and the military regime in Ethiopia (Young 2003: 426, Natsios 2012: 173). Furthermore it has been able to dominate the external aid during the war (Young 2003: 427). Since 2005 there has been quite some support from the United States (US) and the United Kingdom (UK). In the US government policy statement on Southern Sudan (2009) there is no specific reference to the SPLM/A, although US engagement in defence transformation since 2006 "has been significant". Estimates of the cost of US initiatives in 2010 were between USD 150 million to USD 300 million (Rands 2010: 32). The UK also supports the GoSS, although its financial commitment is smaller and "not likely to exceed USD 10 million up to the end of 2012" (Rands 2010: 36). As mentioned above, opposition groups claim that most of GoSS money ends up in the pockets of SPLM/A individuals[3]. This is quite credible, considering that GoSS is for the most part made up of SPLM/A members. Part of the SPLM/A's finances consequently come from the oil sector; at least it did until the closing of the oil tabs in May 2012.

There is not much information available about the SSLM/A's international networks and financial support bases. Support from Khartoum is denied by one and confirmed by the other. However the Small Arms Survey discusses some indicators that point to support from Khartoum, which will be discussed later on (HSBA 2012: 5-6). Furthermore SSLM/A Deputy Commander Bapiny has told the Small Arms Survey in December 2011 that the SSLM/A has representatives that travel to Ukraine to purchase weapons (Small Arms Survey 2012: 7). Sudanese President Omar al-Bashir denies these allegations (BBC

---

[3] Grievance stated by Dr. Justin Ambago Ramba, the Secretary-General of the United South Sudan Party (USSP) in the Sudan Tribune, 19 November 2011: "Come, join and offer the missing leadership for the Republic of South Sudan". This is also expressed in the Al-Jazeera featured documentary "Sudan Fight for the Hearth of the South", aired on 8 July 2011 (see: http://www.youtube.com/watch?v=X-h2RQ-tPdU).

News 1 July 2011), so do the SSLM/A saying that if they had received SAF backing, they could have long captured Unity State (Sudan Tribune 13 November 2011).

Control over physical violence

The third factor that contributes to the overall capabilities of the two groups is their control over physical violence. The SPLA started as the armed wing of the rebel movement SPLM. With the CPA however, the SPLM became part of the Government of Southern Sudan and its troops had to be transformed into a reliable government force. This process of transformation has started in 2006 and has had mixed results. Although a military structure has been installed a lot of issues remain, such as the lack of an overarching defence strategy, capacity limitations and a continued war mentality (Rands 2010: 46). The CPA of 2005 resulted out of negotiations rather than an absolute victory and many Southerners felt that a true victory of the North and a true peace would only come with secession. According to Rands, "this belief has played a major role in the design and implementation of defence transformation and security sector reform as a whole" (Rands 2010: 8). On the other hand, a thorough transformation of a former rebel force into a reliable government force is bound to be a long-term process.

The SPLA has approximately 210,000 soldiers and holds an estimated 250,000 small arms and light weapons, although the latter is hard to confirm. SPLA has made public statements saying that it will disarm and demobilise half of its force by 2017, but at the same time continues to buy weapons and military equipment. The amount and types of military acquisitions is not clear, because: 1) South Sudan does not report on its arms imports, 2) the SPLA is unlikely to have a coherent arms procurement strategy given its highly decentralised structure, 3) it is difficult to make informed decisions about its forces' materiel needs because it does not maintain a comprehensive inventory of its weapons (Small Arms Survey 2012: 1-2). The SSLA claims to have 8000-12,000 soldiers, but UNMISS officials and security analysts estimate their force numbered about 1,800 in November 2011. Since the majority of its forces relocated to Kharasana (about 40 km north of Abyei) at the end of 2011, the SSLA is believed to have grown in size. (Small Arms Survey 2012: 5). It is estimated that they hold 2500 small arms and light weapons (Small Arms Survey 2012: 9).

As mentioned in the above, the subject that has gained renewed attention is the proxy arming that is taking place in Sudan and South Sudan. According to the Small Arms Survey of the Human Security Baseline Assessment of April 2012, Ukraine has been the most prolific exporter of small arms and light weapons the South Sudan in the period 2005-2011. The issue brief suggests three partners that are likely to contribute to South Sudan's expanding of military holdings through purchases on the global arms market in the near future: the United States has indicated that it will consider exports of defence articles on a case-by-case basis, Russia has expressed interest in enhancing military trade relations with South Sudan, and the SPLA has a large amount of Chinese-manufactured ammunition in its stocks, indicating recent procurement and import from China (Small Arms Survey 2012: 3). The arms are brought into South Sudan with the support of countries such as Kenya, Ethiopia and Uganda (Small Arms Survey 2012: 2). The SSLM/A publicly claims to get its ammunition from SPLA soldiers that have defected, and a part is captured in battle with the SPLA (Small Arms Survey 2012, Sudan Tribune 10 May 2011). The Government of South Sudan, SSLA commanders and Sudan observers however claim or suggest that the SSLA receives support from Sudan (BBC 1 July 2011[4], Small Arms Survey 2012: 5). Although no one seems to be able to confirm the alleged support from Khartoum to the South Sudanese and SSLA in particular, there are indicators that it is taking place. "(…) the type and condition of weapons, the correlation between militia and SAF stocks, claims from current and former senior rebel representatives, and the fact that China and Iran are Sudan's top two exporters of weapons, all point to Sudan as a significant supplier of arms and ammunition to the SSLA" (Small Arms Survey 2012: 6). The HSBA Small Arms Survey brief points to Asmara as a likely intermediary for Sudan to get the weapons to the rebels in the South (Small Arms Survey 2012: 7). Furthermore most rebel leaders, amongst whom Peter Gatdet, live or have lived in Khartoum "where they enjoy the patronage and security" that the Government of Sudan offers (Enough Project 2011: 10, Small Arms Survey 2012: 5).

---

[4] Interview with EJ Hogendoorn: Sudan analyst and observer of the International Crisis Group (ICG).

4.3 Repertoires

The negotiating statehood framework refers to repertoires as 'symbolic', to "further interests, to mobilise popular support, and to give meaning to actions", they thereby use the idea of repertoires as discursive genres (Bayart 2005 [1996]: 110 in Hagmann and Péclard 2010: 547). To find out what the repertoires are that the SPLM/A and the SSLM/A make use of, this section looks at the used discourses.

The SSLM/A's discourse consists of six recurrent popular phrasings: liberation struggle, failure in good governance, extreme levels of corruption, deviation from the path set by the CPA, tribal favoratism, and violation of international human rights. With the exception of the latter, all six of the phrasings have occurred for the first time in the Mayom Declaration (Sudan Tribune 11 April 2011) that declares the SSLM/A's struggle against the Government of South Sudan. In its later press and public statements, the SSLM/A often refers to the Mayom Declaration by using the exact same phrases to describe the problems that they see.

The first recurrent phrasing is described in the Mayom Declaration as "our liberation struggle against unjust rule by our sons and daughters in the SPLM led government". They refer back to the liberation struggle in a public statement on 6 September 2011, "the SSLM/A stared war of liberation in March"; 24 November 2011, "the SSLA will fight a war which is unprecedented in the history of Unity State to liberate the people of South Sudan from corruption lords in Juba"; 26 March 2012, "the SSLA calls upon all the people of South Sudan to prepare themselves for liberation" (Sudan Tribune 06/09/2011, 24/11/2011, 26/03/2012). Second, the issue of failure in good governance by the SPLM is addressed in the Mayom Declaration as "our nation has groomed a monster that will swallow generation after generation in terms of bad leadership", and recurs in an interview with (former) spokesman Bol Gatkuoth Bol on 20 May 2011, in which he accuses the South Sudan government of not doing anything to prevent cattle raiding from Warrap state into Mayom county of Unity State; in a public statement of 4 August 2011, "a centralized dictatorship based on bribery and coercion would not generally prove to be a viable means of state-building in South Sudan, since centralised dictatorship could only be imposed through violence"; 6 September 2011, "we have made it clear that the government in Juba does not care about the welfare of the people of South Sudan"

(Sudan Tribune 20/05/2011, 04/08/2011, 06/09/2011).Corruption is addressed in the Mayom Declaration by stating that an "extreme level of corruption (…) poisons our values and tradition that rejects thefts in our midst". It recurs in the public statement of 4 August 2011 in the same wording; 6 September 2011, "since the signing of the CPA in 2005, $7 billion dollars had been stolen by the corrupt guerrilla elites"; 24 November 2011, "the SSLA will launch Operation Ending Corruption in the entire Unity State"; 22 April 2012, "under the leadership of Salva Kiir, South Sudan cannot achieve peace because the only thing Salva Kiir specialised in is corruption" (Sudan Tribune 04/08/2011, 06/09/2011, 24/11/2011, 22/04/2012). The Mayom Declaration mentions that "what we saw in the six years of the interim period was a complete deviation from the path set by the CPA", which is repeated in the same wording in the public statement of 4 august 2011 (Sudan Tribune 04/08/2011). The fifth recurrent phrasing is that of tribal favoritism, which is not mentioned very often. In the Mayom Declaration it is said that the police forces' Special Branch is "one ethnic group", furthermore in an article of 3 November 2011 it is said that "the SSLM claim the president of South Sudan, Salva Kirr, established a tribal state where his clansman dominated power in a way worse than Arab domination of the old Sudan" (Sudan Tribune 03/11/2011). Finally, the last popular phrasing of international human rights violence occurs for the first time in a press statement of 23 October 2011: "The SSLM/A has a right in international law to defend the innocent people of South Sudan from a regime which is flagrantly violating human rights to an extent which shocks human conscience" (Sudan Tribune 23/10/2011).

SPLM/A discourse when it comes to South Sudan's rebel movements in general and the SSLM/A in particular is centred around the allegation that Khartoum is supporting rebel movements to destabilise South Sudan. These accusations are not new; they have been made throughout the Second Sudanese Civil War. Soon after the rise of the SSLM/A in April 2011, statements by the SPLM/A were saying that: "The SPLA allege that Gatdet is backed by the Sudan's northern army, (…), in a bid to destabilise the region ahead of its independence in July", and "The militias were implementing a SAF strategy of laying land mines in South Sudan (…)" (Sudan Tribune 10 May 2011). After independence these allegations have not disappeared but are still the central phrasing that the SPLM/A uses regarding the southern rebel movements. "According to Military spokesman Philip Aguer, the rebels were organised and trained in South Kordofan, (…), saying that they

were supported by Khartoum" (Sudan Tribune 29 October 2011). "Aguer said that, 'Khartoum is busy recruiting mercenaries consisting of southern forces who previously belonged to SAF to destabilise South Sudan for the past one month'" (Sudan Tribune 13 November 2011). Besides these allegations there are no other clear statements by the SPLM/A or GoSS about the rebel movements, accept for the proposal and insistence that the rebel movements should integrate into the SPLM/A.

In sum, the SPLM/A exists much longer than the SSLM/A, which was founded in 2000 but has probably been in its current composition since 2011, whereas the SPLM/A has existed since 1983 with little changes in its leadership. Furthermore, the SPLM/A has steady access to finances because of its strong support bases and apparently full access to GoSS money. The SSLM/A on the other hand is vague about its support bases. It is accused by GoSS of being supported by Khartoum, but the SSLM/A and Khartoum both deny this. There are no indications of any other support base of the SSLM/A. Although the SPLM/A has a force that is about a hundred times as big as the SSLM/A's force, the SPLM/A does not have the monopoly on physical violence. To mobilize popular support, the SSLM/A uses six recurrent popular phrasings: liberation struggle, failure in good governance, extreme levels of corruption, deviation from the path set by the CPA, tribal favouritism, and violation of international human rights. The SPLM/A's discourse when it comes the rebel movements in general and the SSLM/A in particular is centred around the allegation that Khartoum is supporting rebel movements to destabilize South Sudan. There are no other clear statements by the SPLM/A, or GoSS more generally, about the SSLM/A. The SPLM/A is thus materially the stronger actor in negotiations because it has better resources and exists much longer than the SSLM/A. However when it comes to symbolic capabilities, the SSLM/A has more mobilising repertoires that express grievances towards the government.

V. Negotiations

As mentioned in the first chapter, the primary focus of the negotiating statehood framework is on the range of interactions that take place within a process of legitimising power. The thought behind this is that the struggles for social control and power are part of defining the state. Leaders employ the state to get certain predominance through imposing a set of rules on the population, which naturally causes resistance. The result can be a conflict between state leaders and other groups over who has the right and ability to make the rules. Part of forming a state and defining statehood are the efforts aimed at establishing new forms of legitimate order, and thereby restructuring existing expressions of authority.

This chapter looks at the interaction between the SPLM/A and the SSLM/A, by unravelling two things: where the negotiations take place, and what the objects of negotiation are. To find out where the interactions take place a distinction can be made between negotiation arenas and negotiation tables. The negotiation table is a formalised setting in which the contending groups negotiate aspects of statehood, based on an existing procedure in which all parties see their counterparts as legitimate stakeholders in the negotiation. Negotiation arenas are less structured, "they are embedded in social relations between contending groups and are characterised by certain informality" (Hagmann and Péclard 2010: 551). They condition the inclusion and exclusion of social actors in the negotiation process and represent "the political space in which relations of power and authority are vested" (Ibid.). In short, negotiation tables are formalised, procedural settings to decide upon certain aspects of statehood. Negotiation arenas are broader spheres in which the contention over power and authority takes place. The second part of the interaction that must be looked at are the objects of negotiation. Objects of negotiation are described by Hagmann and Péclard as the issues at stake that are "manifest at the boundary of state and society, private and public, legal and illegal, indigenous and foreign, collective and individual" (Hagmann and Péclard 2010: 554).

Interesting in the case of SSLM/A versus the state leaders of South Sudan (SPLM/A) is that there are two layers, or dimensions, of negotiation that are taking place. One is the broader negotiation of statehood that is a struggle over legitimate power and authority in Unity State specifically, and broader in South Sudan. The other is the motivation of

individual rebel leaders to literally negotiate their way into state institutions. They aim for personal gains: a high position in government or the state army. In the latter case sometimes the rebel leaders bring a group of rebels with him to be integrated into the government army, the SPLA. This distinction between elites and mass in the social groups that are involved in negotiating statehood is not mentioned in the framework of Hagmann and Péclard. The two different dimensions of negotiations imply different incentives, it seems that individual rebel leaders find different things to gain in the rebellion than that they state in their repertoires with which they mobilise popular support. This chapter is divided by these two layers of negotiation. The first part looks at the broader negotiations for legitimate power and authority in Unity State and South Sudan more general, and assesses where and what is negotiated. The second part zooms in on the individual rebel leaders and their quest of gaining high level positions in the government and state army, and also assess where and what is negotiated.

5.1 SSLM/A negotiations

This paragraph focuses on the SSLM/A that is negotiating statehood with the Government of South Sudan, ruled by the SPLM/A. I have identified three main objects of negotiation of the SSLM/A in the period between April 2011 and April 2012, these are first of all the institutional structure of the state, second the security provision, and the third is corruption. This selection is based on the information that I have collected from the newspaper Sudan Tribune and press releases of the SSLM/A that are circulating on the Internet. The objects differ from the previous explained repertoires, which should be seen as the 'sexy' phrasings used to mobilise support, while the objects of negotiation the actual issues are that are negotiated over.

The first object is the institutional structure of the state in general and more specifically at the local level in Unity State. In the Mayom Declaration (April 2011) the SSLM/A calls for the dissolution of the Government of South Sudan, that is to be replaced by a government that is to be supported by all South Sudan political parties. This issue is negotiated over through armed resistance, as the SSLM/A states in its press statement of 4 August 2011 "(…) the South Sudan Liberation Movement/Army has never declared a ceasefire with the government of South Sudan because the reasons why we took up arms have not been met"; "we took up arms because we realised that our nation had groomed a monster (…)

of bad leadership" (Sudan Tribune 4 August 2011). The second part of this first object relates to the issues the SSLM/A has with the local government in Unity State (ICG 2011: i). During the Second Sudanese Civil War, Unity State was divided along ethnic or sub-regional lines and around prominent personalities with short-term objectives. This legacy is still "evident in local politics and the instability of the present" (ICG 2011: 4). The central subject of these local government issues is Governor Taban Deng Gai. Quick after his instalment in 2005 he was accused of being imposed by Juba. Furthermore, opponents now state that Taban stays in power through coercion, access to state resources and institutions, and patronage, instead of popular legitimacy. Up to date the grievances that the population of Unity State holds regarding Taban have remained unaddressed, and the power in Unity State has increasingly been centralised around Taban (ICG 2011: 4). The SSLM/A particularly accuses Taban of violating international human rights. Their strategy is to cause unrest in Unity State through popular uprisings and the use of force to resist Taban's regime. "The SSLM/A is calling upon all NGOs and UN personnel to leave Unity State within a week for their own safety because the people of the state will violently resist the regime of Gov. Taban Deng through popular uprisings that may include the use of force. The SSLA will give international NGOs and UN personnel one week to evacuate from Unity State" (Sudan Tribune 27 October 2011). Armed violence and popular resistance is used to display the dissatisfaction with the power and authority as is vested in Unity State, with the ultimate aim of removing Taban.

The second object of negotiation is the issue of security provision. The SSLM/A has claimed in May 2011 that it took up arms to help Unity State citizens to protect their properties, since the GoSS was not able to do so. Spokesman of the SSLM/A, Bol Gatkuoth Kol, declared that the attacks of May 2011 against the SPLA were due to the disarmament campaign that was carried out in Mayom County. He stated that the SPLA had disarmed civilians in Mayom County but not in neighboring Warrap State, which allowed raiders to steel cattle and other property. Furthermore, he accused the Government of South Sudan of not doing anything to prevent cattle raiding from Warrap State into Mayom County of Unity State. "Our coming to the area was to help the civilians protect their properties" (Sudan Tribune 20 May 2011).

The third object that is negotiated over is improvement of service delivery to Unity State and thereby ending the corruption within the GoSS. In the Mayom Declaration it is stated

that one of the aims of the SSLM/A's struggle is to bring all those involved in corruption into account (Mayom Declaration April 2011). In the press statement of 4 August 2011 the SSLM/A mentions that the reasons for taking up arms have not been met, amongst other they mention corruption as a reason for taking up arms (Sudan Tribune 4 August 2011). In a statement of 6 September 2011 the SSLM/A mentions that the origin of its rebellion is the failure of 'Juba's elites' to deliver peace dividends to the people (Sudan Tribune 6 September 2011). In November 2011 the SSLM/A announced the launch of 'Operation Ending Corruption' in the entire Unity State, which was to be "a war which is unprecedented in the history of Unity State to liberate the people of South Sudan from corruption lords in Juba" (Press release 24 November 2011). Operation Ending Corruption was started on 26 March 2012, when SSLA forces captured the SPLA military base in Northern Pariang County. The press release states that "five paramount chiefs of Unity State called Maj. Gen. James Gai Yoach and declared their allegiance to the SSLM/A" (Sudan Tribune 26 March 2012). On 22 April 2012 again is referred to Operation Ending Corruption by stating that "the gallant forces of SSLA defeated the forces of corruption" and they are "calling upon remaining SPLA forces to join the forces of change to liberate our country from corruption" (Sudan Tribune 22 April 2012).

The general strategy that the SSLM/A has taken up to negotiate over these issues is engaging in armed violence in Unity State until their wishes are met. Negotiations do not occur in the formalised settings of a negotiation table, but rather in the broader sphere of negotiation arenas. The negotiation arena in the case of SSLM/A and SPLM/A negotiations is situated in Unity State, mainly in Mayom County. They take place in the military sphere, although Unity State civilians are the victim of these negotiations because they often get involved in the fighting or have to flee from their homes. The groups that have access to these negotiations directly are the SPLA and SSLA, who are engaged in the armed violence. I would like to argue that indirectly the support bases that arm these groups also have access to the negotiations, because they increase the resources and thereby capabilities of these groups. Especially the arming of the SSLA by Khartoum is interesting in this regard, because South Sudan and Sudan are currently engaged in a negotiation process. The gains that the SSLM/A gets out of these struggles over legitimate power and authority, and thereby negotiating parts of statehood, are not visible at this point. Governor Taban Deng Gai for example is still in his position, as well

as President Salva Kiir. The latter has recently addressed the issue of corruption by sending a letter to his government's officials, saying stolen money should be given back to the government (NRC 7 Juli 2012). However, this is a weak attempt at ending corruption and does not structurally bring changes; especially not for the population of Unity State. It is furthermore to be called in question whether the SSLM/A's contestation has led to this letter.

With their armed struggle the SSLM/A is striving to change 'the rules of the game' that the SPLM/A is imposing on South Sudan. The SPLM/A aims to displace the SSLM/A that is trying to make rules that are conflicting with the SPLM/A's wishes. In this process accommodations can be reached that are able to bring forth subtle political changes. Migdal identifies three ideal-typical outcomes of this interaction. The first is total transformation in which social forces are subjugated to the state's domination. In the case of South Sudan it would mean that the SPLM/A would achieve monopoly on physical violence, for example the SSLM/A would be demobilised and disarmed. The second outcome is state incorporation of existing social forces, which means that existing social organisations and forces change on the part of the state's components. The SSLM/A would in this case be integrated in SPLM/A structures. The third outcome that Migdal mentions is the existing social forces' incorporation of the state, whereby the organisation and symbols of the state's components are appropriated by the local dominating social forces. In the case of South Sudan I imagine that this outcome would lead to a 'state within a state' situation with an autonomous Unity State. Migdal recognises that in most cases the state and other social forces are engaged in a mutual transforming struggle, where social forces take up parts of the state or the state takes up powerful social figures (Migdal 2001: 126-7).

5.2 Personal interests

Besides the SSLM/A struggle over defining statehood, I identify another layer of negotiation that is started under the banner of the broader struggle, but in fact is a different process. Rebel leader Peter Gatdet has made use of the grievances that existed in Unity State, started a rebellion that caused a good amount of unrest in the province and used it not to achieve the stated aims but to get personal gains.

Peter Gatdet, a Bul Nuer from Unity State, has fought against the SPLA during the Second Sudanese Civil War, but was integrated in the SPLA at a high-ranking post in 2006 (Small Arms Survey 2011b: 1). Gatdet did not join the first wave of armed contestations against the government that started in April 2010; instead he waited to see what promotions were given to former militia fighters. "When it became clear that powerful former militia leaders had been overlooked for promotion, while lower-ranking, mainly Dinka, officers were given higher ranks, Gatdet became concerned"; he viewed his position as beneath him and resented serving as deputy to a Dinka division commander (Small Arms Survey 2011: 4). Gatdet defected from the SPLA in March 2011 to start a rebellion with the SSLA, his motivation likely stemming from his frustration with his position in the SPLA (Ibid.). Although the Mayom Declaration taps into more general grievances such as GoSS' undemocratic leadership, corruption, and lack of service delivery, Gatdet's personal grievances seemed to revolve around the corruption and mismanagement within the SPLA. He claims that before he started his rebellion, he had appealed for army reform multiple times, without any results (ICG 2011: 12). Heavy fighting under Gatdet occurred in April and May 2011, however Peter Gatdet himself spent most time in Khartoum and the border area out of reach of the SPLA 4th division in Bentiu (Small Arms Survey 2011: 5).

Negotiations between Gatdet and the SPLM/A started relatively quick after the start of his rebellion. In June the first negotiation attempt took place, started by private international actors to initiate dialogue between the key rebels of broader Upper Nile region and GoSS. The objective was to develop a common agenda and undertake joint negotiation with GoSS leaders, but this attempt failed (ICG 2011: 15). In July Gatdet travelled to Jordan, where he met with a 'trusted British emissary' who was send by President Kiir. The objective was to get Gatdet back in the fold (Ibid.). Gatdet accompanied him to Nairobi where he further negotiated his terms in a formalised setting. When his security was guaranteed, as well as a private meeting with Kiir, Gatdet travelled to Juba to sign a ceasefire on 3 August 2011 (Ibid.). Gatdet specifically desired to negotiate directly with Kiir to avoid the divisions and animosity that existed in the SPLA over the reintegration policy carried out by the SPLM (ICG 2011: 14). Gatdet brought some forces in for the negotiations, but not all SSLA forces. The remaining SSLM/A were quick to react and issued a five page press statement saying that they were not part of the

ceasefire. In fact, they claim that no soldier has joined Gatdet and his spokesman Kol to Juba (Sudan Tribune 4 August 2011). The ICG report however states that the integration of Gatdet's forces started in mid-August 2011, but was not completed yet in October due to divisions between SPLM, that wants the reintegration and the SPLA, that is reluctant to support it (ICG 2011: 16). SPLA officials see Gatdet's rebellion as another of his familiar tactical defections, and are therefore hesitant to accept him back (ICG 2011: 13). Divisions existed within the SPLM and SPLA over the policy concerning the rebellion. President Kiir issued an official pardon to all armed groups in South Sudan for the first time in the end of 2010 (Enough Project 2011: 3). On 9 July 2011, during his independence day speech, Kiir issued another amnesty call, appealing to "all those who may have taken up arms for one reason or another to lay down those arms and come and join your brothers and sisters to build this new nation" (Small Arms Survey 2011: 9).

GoSS attempted to create a single process for all militias, but has not been in able to carry this out. Instead it has been making individual deals with the leaders of the militias (Enough Project 2011: 9). The SPLA is for several reasons concerned about the integration of the militias into their forces. First of all financial rewards are often promised to integrating militia members, that the SPLA is not able to pay. Second, there is no plan to assign ranks to incoming militia members. How to assign a rank to a militia member that has had a high rank in the militia but is not able to get that rank in the SPLA? How do you explain to SPLA members that an integrating militia member will get a higher rank? Third, integrating militias that bring with them a culture of impunity may worsen the already bad discipline within the SPLA (Enough Project 2011: 7-8). Fourth, some rebels promise to integrate but use the temporary ceasefire to improve their position or to recruit further (ICG 2011: 11). Besides that, the SPLA itself has a lot of unresolved internal issues. For example it remains divided along tribal and ethnic lines, and the fact that its transformation into a civilian-led professional army is extremely slow and has not achieved satisfactory levels makes effective integration impossible (Small Arms Survey 2011: 9). In the meantime "sizeable groups of armed men are being forces to wait for undetermined periods of time for poorly planned and executed integration", which will lead to tensions that can escalate (Small Arms Survey 2011:10). The status of these integration attempts and thus results of negotiations have been meagre, although rebel

leaders have received high ranks, all planned militia integration processes had reached a stalemate or collapsed (Ibid.).

In the above I have shown that a distinction has to be made between the negotiating objectives of the SSLM/A in general, and the personal interests of its leaders. Their motivations to engage in the rebellion and the negotiation process are different, but do these come forth out of different incentives? The SSLM/A rebels seem to be mobilised through the used repertoires that address grievances about the legitimacy of the governance of the state leadership. The state is the target, because it does not fulfil its role of satisfying basic needs. Following Azar's protracted social conflict theory (1990), it can be argued that the SSLM/A is involved in a protracted social conflict: "the prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions and economic participation" (Azar 1990: 93). The rebel leaders on the other hand want to gain high positions in the SPLM/A. Their motivations follow Collier's greed theory (2000). Collier states that the risk of conflict is the feasibility of predation that can manifest in the form of greed, lust for power or subjective grievances. Objective measures of social grievances such as inequality, lack of democracy and ethnic divisions have little systemic effect on the risk of war (Collier 2007: 199-200).

Neither of these theories on their own explain the underlying motivations for the SSLM/A rebellion. SSLM/A rebel leaders seem to have subjective grievances, but they could not start a conflict on their own. In order to negotiate their personal interests, they mobilised Unity State population by addressing their objective grievances. It is interesting to see that the rebellion keeps on existing while Peter Gatdet has negotiated his way into the state. The rebel leaders are replaceable; therefore the importance of objective grievances should not be underestimated. This distinction between elites and mass is not made in the negotiating statehood framework while it is an important factor in the SSLM/A negotiations in South Sudan.

VI. Conclusion

This research has pitched in on the on-going debate about statebuilding as the approach of international community in fragile states. I have attempted to provide a contribution by shedding a light on the processes that in fact takes place 'on the ground', in this case the struggles over the control and legitimisation of power, instead of focussing on how international donors can 'do' statebuilding best. The negotiating statehood framework served as an instrument to zoom in on the process of contestation that is taking place in Unity State in the Republic of South Sudan.

Based on the analysis of their profile, resources and repertoires, it can be said that the two actors are not equal to each other in power. This reflects the third theoretical proposition of Hagmann and Péclard, who mention that the process of statebuilding involves power differences. The SPLM/A is the stronger actor concerning material resources, since the SPLM/A and GoSS can hardly be distinguished as two different entities. This position provides the SPLM/A with finances and a certain international credibility. Furthermore, the SPLM/A has a much larger armed force than the SSLM/A, however the SPLM/A does not have the monopoly on armed violence. Furthermore, the SSLM/A has more mobilising symbolic repertoires that express grievances towards the government than the SPLM/A.

The research has looked specifically at the interaction between the two groups in the period of April 2011 to April 2012. I found that there are two dimensions to the negotiation process in this case. On the one hand there is the negotiation of statehood that is a struggle in Unity State specifically, and broader in South Sudan. On the other hand are the personal interests of the movement's leaders that make them negotiate their way into state institutions. The broader negotiations have taken place in the arena of Unity State and armed violence has been the tool used by the SSLM/A to get their demands met. Rebel leader Peter Gatdet has negotiated in a more formalised setting and thereby received a personal high position in the SPLM/A.

Possible outcomes of the negotiation could be that the SSLM/A is subjugated to the state's domination, or that the SSLM/A is fully incorporated in the state structures as happened to Peter Gatdet. It is less likely that the SSLM/A will incorporate the state

considering its size and sphere of influence that is mainly in Unity State. The SSLM/A could be involved in a protracted social conflict, that will not stop when greed incentives of rebel leaders have been met because new leaders with greed incentives will appear that thrive on the grievances of the population. In this case there will not be a definite outcome of the negotiation process, which is line with the proposition of Hagmann and Péclard who argue that the state is never definitely formed and the outcomes of the processes undetermined.

The state is a construct of society and the interaction of different groups who negotiate over power, which means that especially the building of state institutions that establish and formalise power is naturally subjected to contestation. Different existing power relations between state and non-state actors should be taken into serious account when embarking on a process of statebuilding. Even when the non-state actors are only 'a local source of instability', they can be a serious threat to the government in Juba[5].

---

[5] "The rebel groups are not a threat to the government in Juba, but are a local source of instability,", EJ Hogendoorn, Sudan analyst and observer of the International Crisis Group, BBC 1 July 2011

Bibliography

Published and unpublished sources

Abrams, P. (1988 [1977]) 'Notes on the Difficulty of Studying the State', *Journal of Historical Sociology* 1 (1): 58-89.

Arnaut, K. and C. K. Højbjerg (2008) 'Gouvernance et ethnographie en temps de crise: de l'étude des ordres émergents dans l'Afrique entre guerre et paix' ['Governance and Ethnography in Times of Crises : Studying Emerging Orders in Africa between War and Peace'], *Politique Africaine* 111 : 5-21.

Azar, E. (1990) *The Management of Protracted Social Conflict : Theory and Cases*. Aldershot: Darmouth.

Bayart, J.-F. (2005 [1996]) *The Illusion of Cultural Identity.* Chicago, IL: University of Chicago Press.

Bayart, J.-F. (2006) 'De quel legs colonial parle-t-on?' ['What Colonial Legacy Are We Talking About ?'], *Esprit* December: 134-160.

Belloni, R. (2011) 'The Birth of South Sudan and the Challenges of Statebuilding', *Ethnopolitics* 10 (3-4): 411-429.

Berman, B.J. and J. Lonsdale (1992) *Unhappy Valley: Conflict in Kenya and Africa*. Oxford: James Currey.

Booth, D. (2012) 'Political Economy of Development in Africa', n.d. Presented at the Copenhagen Conference on the Political Economy of Development in Africa, Copenhangen 30 March 2012.

Call, C.T. and E.M. Cousens (2008) 'Ending Wars and Building Peace: International Responses to War-Torn Societies', *International Studies Perspectives* 9: 1-21.

Collier, P. (2007) 'Economic Causes of Civil Conflict and Their Implications for Policy', in: C.A. Crocker F.O. Hampson, and P. All (eds.) *Leashing the Dogs of War: Conflict Management in a Divided world*: 197-218. Washington D.C.: United States Institute for Peace.

Debiel, T. and D. Lambach (2009) 'How State-Building Strategies Miss Local Realities', *Conflict, Security and Development* 21(1): 22-28.

Deng, F. (1995) *War of Visions: Conflict of Identities in the Sudan.* Washington D.C.: Brookings Institution.

Dowden, R. (2011) 'South Sudan: Newborn State in a Nasty Zone', available through: http://africanarguments.org/2011/09/05/south-sudan-newborn-state-in-a-nasty-zone-by-richard-dowden/.

Englebert, P. and D.M. Tull (2008) 'Postconflict Reconstruction in Africa: Flawed Ideas about Failed States', *International Security* 32(4): 106-139.

Enough Project (2011) 'South Sudan's Militias', available through: http://www.enoughproject.org/files/SouthSudanReport_0.pdf.

Gupta, A. (1995) 'Blurred Boundaries. The Discourse of Corruption, the Culture of Politics, and the Imagined State', *American Ethnologist* 32(2): 375-402.

Hagmann, T. and D. Péclard (2010) 'Negotiating Statehood: Dynamics of Power and Domination in Africa', *Development and Change* 41(4): 539-562.

Haslie, A. and A. Borchgrevink (2007) 'International Engagement in Sudan after the CPA: Report on the Piloting of OECD/DAC's 'Principles for Good International Engagement in Fragile States' for the Case of Sudan'. Paper No. 174. Norwegian Institute of International Affairs.

Huber, J.D. and N. McCarthy (2003) 'Bureaucratic Capacity, Delegation and Political Reform', n.d.

Human Rights Watch (2012) 'South Sudan', *World Report*: 173-178.

Hutchinson, S. (2000) 'Nuer Ethnicity Militarized', *Anthropology Today* 16(3): 6-13.

International Crisis Group (2011) 'Compounding Instability in Unity State'. Africa Report No. 179: October.

Johnson, D. H. (2003) *The Root Causes of Sudan's Civil Wars*. International African Institute.

Jok, J.M. (2007) *Sudan: Race, Religion and Violence*. Oxford, Oneworld.

Lund, C. (2006) 'Twilight Institutions: Public Authority and Local Politics in Africa', *Development and Change* 37(4): 685-705.

Luttwak, E. (1999) 'Give War a Chance', *Foreign Affairs*, July/August.

Mamdani, M. (1996) *Citizen and Subject: Contemporary Africa and the Legacy of Colonialism* . Princeton, NJ: Princeton University Press.

Mbembe, A. (2001) *On the Postcolony*. Berkeley, CA: University of California Press.

Migdal, J.S. (1998) *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World*. Princeton, NJ: Princeton University Press.

Migdal, J.S. (2001) *State in Society: Studying How States and Society Transform and Constitute One Another*. Cambridge: Cambridge University Press.

Munro, W.A. (1996) 'Power, Peasants and Political Development: Reconsidering State Construction in Africa', *Comparative Studies in Society and History* 38(1): 112-148.

Narten, J. (2009) 'Dilemmas of Promoting "local ownership": the Case of Postwar Kosovo', in: Paris, R. and T.D. Sisk (2009) *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations.* Routledge Security and Governance Series: 252-284.

Natsios, A.S. (2012) *Sudan, South Sudan and Darfur: What Everyone Needs to Know*. Oxford University Press.

OECD (2008) 'Concepts and Dilemmas of State Building in Fragile Situations, from Fragility to Resilience': 11-51. Paris: OECD.

OECD (2011) 'Report on International Engagement in Fragile States: Republic of South Sudan'. Paris: OECD.

Pantuliano, S. (2009) 'International Engagement in Fragile States: Lessons from South Sudan'. Overseas Development Institute Opinion No. 135.

Paris, R. and T.D. Sisk (2009) *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations.* Routledge Security and Governance Series.

Rands, R. (2010) 'In Need of Review: SPLA Transformation in 2006-2010 and Beyond', HSBA Working Paper No. 23. Geneva: Small Arms Survey. November.

Richmond, O. (2009) 'A Post-Liberal Peace: Eirenism and the Everyday', *Review of International Studies* 35: 557-580.

Rose, N. and P. Miller (1992) 'Political Power Beyond the State: Problematics of Government', *British Journal of Sociology* 43(2): 173-205.

Schlichte, K. (2005) *Der Staat in der Weltgesellschaft: Politische Herrschaft in Asien, Afrika und Lateinamerika* [*The State in World Society: Political Authority in Asia, Africa and Latin America*]. Frankfurt and New York: Campus.

Schneckener, U. (2007) *Internationales Statebuilding. Dilemmata, Strategien und Anforderungen an die Deutsche Politik* [*International Statebuilding. Dilemmas, Strategies and the Requirements of German Politics*]. Berlin: Stiftung Wissenschaft und Politik (SWP).

Schomerus, M. and T. Allan (eds.) (2010) 'Southern Sudan at Odds with Itself: Dynamics of Conflict and Predicaments of Peace', London School of Economics.

Small Arms Survey (2011) 'Fighting for Spoils: Armed Insurgencies in Greater Upper Nile'. HSBA Sudan Issue Brief No. 18: November.

Small Arms Survey (2011b) 'Peter Gadet's Rebellion'. June.

Small Arms Survey (2012) 'Reaching for the Gun: Arms Flows and Holdings in South Sudan'. HSBA Sudan Issue Brief No. 19: April.

Tesfaye Haile, E. (2012) 'South Sudan's Post-Independence Challenges: Greed or Grievance'. University for Peace & Conflict Monitor, Analysis II, available through: http://www.monitor.upeace.org/innerpg.cfm?id_article=855.

Tilly, C. (1992 [1990]) *Coercion, Capital and European States*, *AD 990-1992*. Wiley-Blackwell.

Unger, B. and O. Wils (2007) 'Systemic Conflict Transformation and Inclusive Governance in South Sudan', Berghof Foundation for Peace Support.

United Nations Resolution 1996, available through:
http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1996(2011).

Volker Boege et al. (2009) 'On hybrid political orders and emerging states: What is failing – states in the global south or research and politics in the West?', in M. Fischer and B. Schmelzle (eds) *Building Peace in the Absence of States: Challenging the Discourse on State Failure*, Berghof Handbook Dialogue Series no.8, Berghof Research Center for Constructive Conflict Management, Berlin, 15-31.

Von Einsiedel, S. (2005) 'Policy Responses to State Failure', in: Chesterman, S., Ignatieff, M. and R. Thakur (eds.) *Making states work: State failure and the crisis of governance.* 13-35. Tokyo: United Nations University Press.

Weber, M. (1988) 'Politik als Beruf' ['Politics as Profession'], *Gesammelte Politische Schriften.* 5th Edition. Teubingen: Mohr-Siebeck: 505-560.

Young, J. (2003) 'Sudan: Liberation Movements, Regional Armies, Ethnic Militias & Peace', *Review of African Political Economy* 97: 423-434.

Press

Al-Jazeera (2011) Featured Documentary 'Sudan: Fight for the Heart of the South', 8 July 2011 available through: http://www.youtube.com/watch?v=X-h2RQ-tPdU.

AP News Article 1 February 2000 'South Sudanese Group forms New Movement in Upper Nile Region', available through:
http://southsudanfriends.org/News/SSLM1.html.

BBC News 1 July 2011 'South Sudan's Enemy Within', available through:
http://www.bbc.co.uk/news/world-africa-13977178.

Common Sense #1 January 2002 'A Call for Reconciliation, Peace and Unity through Confederate Cooperation in Promoting Dialogue, Building Peace, and Restoring Civil Society Among Peoples of South Sudan', available through:
http://southsudanfriends.org/issues/CommonSense1.pdf.

NRC Handelsblad 7 juli 2012 'Hoe een jonge staat zich leeg eet'.

SSLM Press Release 2000, available through: http://sudaninfonet.tripod.com/sia3100.txt.

SSLM/A Foundation Declaration 2000, available through:
http://sudaninfonet.tripod.com/SSLM_Declaration.htm.

SSLM Press Release 6 July 2001 'Egyptian-Libyan Peace Initiative is a Derailment to
IGAD peace process', available through:
http://southsudanfriends.org/News/Update010707a.html.

SSLM Press Release 11 March 2002,available through:
http://southsudanfriends.org/News/spla_attacks_sslma_at_mawut.htm.

SSLM/A Press Release 11 April 2011 'Mayom Declaration', available through:
http://www.sudantribune.com/The-Mayom-Declaration,38605.

SSLM/A Press Release 26 March 2011 'SSLA Captured SPLA Barrack in Parieng',
available through: http://www.southsudannewsagency.com/news/press-
releases/rebel-group-claims-to-have-captured-spla-base-vows-to-liberate-other-towns.

SSLM/A Press Release 4 August 2011 'No Peace Talks are Taking Place between SSLM/A
and the Government of the Republic of South Sudan', available through:
http://www.sudantribune.com/South-Sudan-Liberation-Army,39732.

SSLM/A Press Release 6 September 2011 'SSLM/A Condemns Unity State Gov't for
Planting Anti-Personnel Mines', available through:
http://www.sudantribune.com/SSLM-A-CONDEMNS-UNITY-STATE-GOV-T,40061.

SSLM/A Press Release 27 October 2011 'SSLM/A Condemns Unity State Gov. Taban
Deng Gai', available through: http://www.sudantribune.com/STATEMENT-SSLM-A-
condemns-Unity,40554

SSLM/A Press Release 24 November 2011 'SSLA Captured SPLA Colonel and Forty Five
Soldiers', available through: http://www.southsudan.net/sslacaptures.html.

SSLM/A Press Release 22 April 2012 'SSLA Forces are Advancing Towards Bentiu
Town', available through: http://www.sudantribune.com/SSLA-FORCES-ARE-
ADVANCING-TOWARDS,42349.

Sudan Tribune 10 May 2011 'SPLA 'kill 84' in Attacks on Gatdet's Militia in Unity state', available through: http://www.sudantribune.com/SPLA-kill-84-in-attacks-on-Gatdet,38854.

Sudan Tribune 20 May 2011 'S. Sudan: Nine Killed and over 80 Wounded in Clash Between SPLA and Gatdet's Militia', available through: http://www.sudantribune.com/S-Sudan-Nine-killed-and-over-80,38971.

Sudan Tribune 29 October 2011 'Death Toll of Mayom Clashes put at 75 Amid Mutual Claims of Victory', available through: http://www.sudantribune.com/Death-toll-of-Mayom-clashes-put-at,40572.

Sudan Tribune 3 November 2011 'South Sudan Rebels Claim Clash Victory and Allege UN Involvement', available through: http://www.sudantribune.com/South-Sudan-rebels-claim-clash,40618.

Sudan Tribune 13 November 2011 'Unity State Rebels Refute Accusations of North Sudan Backing', available through: http://www.sudantribune.com/Unity-state-rebels-refute,40713.

Annex A

Map of the Republic of South Sudan

Source: International Crisis Group Report 'Compounding Instability in Unity State'. Map by Agnes Blasselle, October 2011.

Note: The map and boundaries represented are unofficial. They are meant for informational purposes only and do not claim to be definitive.

Annex B

Map of Unity State

Source: International Crisis Group Report 'Compounding Instability in Unity State'. Map by Agnes Blasselle, October 2011.

Annex C

Organisational Structure SSLM

THE ORGANIZATIONAL STRUCTURE OF SSLM

The organizational structure of the South Sudan Liberation Movement (SSLM) is simple and functional. It consists of the Political Consultative Council (PCC) which is the highest legislative organ of the Movement, and the Interim Executive Committee (IEC) which is its executive organ.

A.   The Political Consultative Council comprises the following:

    i.   The IEC
    ii.   The representatives of the Districts
    iii.   The representatives of the Military
    iv.   The representatives of elders and chiefs
    v.   The representatives of Women, Youth, the Disabled and Intellectuals
    vi.   The representatives of the Church and Religious Associations
    vii.   The representatives of Traders, Artisans, NGOs, and Cooperative Societies

B.   The Interim Executive Committee comprises the following:

    i.   The Chairman
    ii.   The Deputy Chairman
    iii.   The Secretary for External Relations
    iv.   The Secretary for Military Affairs
    v.   The Secretary for Civil Administration and Legal Affairs
    vi.   The Secretary for Finance, Commerce and Trade
    vii.   The Secretary for Information and Publicity
    viii.   The Secretary for Education and Health Care
    ix.   The Secretary for Agriculture and natural resources
    x.   The Secretary for Women Affairs and Child welfare
    xi.   The Secretary for Relief, Resettlement and Rehabilitation
    xii.   The Secretary for Human Rights
    xiii.   The Secretary for Organization and Political Mobilization

Source: SSLM Declaration (http://sudaninfonet.tripod.com/SSLM_Declaration.htm)

Annex D

Organisational Structure SPLM/A

According to the May 2008 Constitution, the organizational structures of the SPLM are as follow:

1. **National Organs**
   1. The National Convention
   2. National Liberation Council
   3. The Political Bureau
   4. The General Secretariat (including SPLM Chapters)
2. **State Organs**
   1. The State Congress
   2. State Liberation Council
   3. State Secretariat
3. **County Organs**
   1. The County Congress
   2. County Liberation Council
   3. County Secretariat
4. **Payam Organs**
   1. The Payam Congress
   2. Payam Liberation Council
   3. Payam Secretariat
5. **Boma Organs**
   1. The Boma Congress
   2. Boma Liberation Council
   3. Boma Secretariat

Source: http://splmtoday.com/index.php/structure