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The War(s) in South Sudan: Local Dimensions of Conflict, Governance, and the Political Marketplace

Flora McCrone in collaboration with the Bridge Network



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The Bridge Network is a group of eight South Sudanese early career researchers based in Nimule, Gogrial, Yambio, Wau, Leer, Mayendit, Abyei, Juba PoC 1, and Malakal. The Bridge Network members are embedded in the communities in which they conduct research. The South Sudanese researchers formed the Bridge Network in November 2017. The team met annually for joint analysis between 2017-2020 in partnership with the Conflict Research Programme.

About the Conflict Research Programme

The Conflict Research Programme is a four-year research programme hosted by LSE IDEAS, the university's foreign policy think tank. It is funded by the UK Foreign, Commonwealth and Development Office. Our goal is to understand and analyse the nature of contemporary conflict and to identify international interventions that 'work' in the sense of reducing violence or contributing more broadly to the security of individuals and communities who experience conflict.

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Acronyms

AAA	Abyei Area Administration
AJOC	Abyei Joint Oversight Commission
APDF	Abyei People's Defence Force
ARCSS	Agreement on the Resolution of Conflict in South Sudan (2015)
AU	African Union
CPA	Comprehensive Peace Agreement (2005)
CRP	Conflict Research Programme
CWG	Community Watch Group
DRC	Danish Refugee Council
GRSS	Government of the Republic of South Sudan
HSBA	Human Security Baseline Assessment
IDP	Internally Displaced Person
NGO	Non-governmental organisation
NSS	National Security Service
PoC (site)	Protection of Civilians (site)
PSC	Peace and Security Council
R-ARCSS	Revitalised-Agreement on the Resolution of Conflict in South Sudan (2018)
SAF	Sudan Armed Forces
SPLA-IO	Sudan People's Liberation Army-In Opposition
SPLM/A	Sudan People's Liberation Movement/Army
SSOA	South Sudan Opposition Alliance
SSPDF	South Sudan People's Defence Force
UNISFA	United Nations Interim Security Force for Abyei
UNMISS	United National Mission in South Sudan

Glossary of Terms

Bany bith – meaning 'master of the fishing spear,' a Dinka community spiritual leader

Boma – an administrative sub-division, beneath the level of *payam*

Gojam – eastern Nuer community militia

Gol leader – Dinka term, meaning leader of five clans

Payam – an administrative sub-division, beneath the level of county

Toc – an area of highly prized grazing land

Wuot – Dinka term literally meaning 'cattle camps,' which denotes a form of territorial land division used by different grazing communities

Executive Summary

This report explores the dynamics of local conflict and governance through the recent civil war across South Sudan, using five 'case study' locations: Gogrial, Malakal, Leer, Nimule, and Abyei. Evident through this research was that, while public authority – both formal and informal – and political marketplace dynamics, varied considerably across the five research sites, a number of important commonalities also emerged in some or all locations, regarding their evolving roles through the conflict(s) and relationships with South Sudan's centre of power.

1. The civil war since 2013 has provided a vehicle for localised violent conflicts over land, business and natural resources. In the second Sudanese civil war, it was expected that resolving the 'problem' with the north would resolve the conflict. In the recent war, that assumption has shifted to focus on resolving the problem in Juba. But as this research has made clear, there is no singular 'war in South Sudan' that radiates out of Juba. Rather, the 'peripheries' across the country are bound up with a conflict rooted in the politics of the centre but also in their own localised conflicts. Resolving these will take a lot more than just the R-ARCSS – however, an alternative forum has not been proposed under the agreement.
2. Gubernatorial conflict emerged as a major conflict driver in recent years. At the time of writing, final decisions around the allocation of certain states to the warring parties and their appointments for the governors' role, were still in question. In the near future we should anticipate that such decisions could precipitate tension or violent conflict and ongoing contestation. Nonetheless, the warring parties' recent agreement to restore the ten-states system, rather than pursuing subdivision into 28 or 32 or more states, could arguably contribute to the non-violent resolution of conflict. Further administrative sub-division risks contributing to a new wave of conflict, over the demarcation of new boundaries, as well as further diluting the public authority and stretching the availability of public goods for effective local governance. The research suggests that further decentralisation proposals in the future should be carefully monitored with an eye on the extent to which it contributes to violent conflict.
3. On the other hand, we have also seen that decentralised governance even under South Sudan's ten-state system still holds a number of significant violent conflict triggers and creates a climate in which the political marketplace can flourish or become further embedded locally. In future, the introduction of local electoral politics planned under the R-ARCSS, will likely add another layer of local contestation. Based on these findings, one mitigation strategy for this would be to attempt to de-link local governance units and positions from particular 'ethnic fiefdoms', to prevent the further sectarianisation of local politics.
4. South Sudan's chiefs and other local governance actors are often highly militarised and politicised and have participated directly in conflict through the recruitment of local youth into armed groups or the coordination of attacks on neighbouring communities. Moreover, the public authority and legitimacy of chiefs and other local actors has been degraded in recent years. Much local peace-building work to date has emphasised working with chiefs as a blanket approach, who are seen as the most legitimate and capable partners through which external organisations can do peace work at the community level. The CRP's research suggests that South Sudan's peace-building partners should recognise the complexity and potentially problematic nature of working with some actors, looking to other forms of public authorities to engage in peacebuilding work: teachers, local journalists, and other actors could be considered alternative suitable peace partners.

5. A contemporary strain of elite-driven cattle conflict is becoming a key symptom of the political marketplace. That is, this research indicates that wealthy elites - in the government and military, based in Juba and elsewhere - belonging to some cattle-keeping communities attempt to foment land-based conflict in order to expand their cattle herds, grazing land and territorial control, coordinating and mobilising conflict using cash, mobile phones and social media. However, the role of elites, money and technology and other 'outside' or urban influences within these conflicts remains under-examined. In the absence of in-depth context analysis, outsiders have commonly assumed that localised conflict is simply 'traditional' and 'inter-communal', leading external partners to undertake traditional approaches of local peace meetings which, in the case of such variants of conflict, will be at best ineffective and at worst may feed into the conflict by providing legitimacy or resources to problematic actors. The priority therefore with emerging 'local' conflicts is first to *analyse*, because poorly formulated peace-building efforts will likely be ineffectual or could even worsen the conflict.
6. The conflict dynamics described above could also play into processes of political decentralisation, in that land-based conflicts and efforts for territorial control (often involving cattle and herders) will be exacerbated by disputes over administrative boundaries and attempts to gain territorial control over new administrative units. Again, real-time research and analysis into the shifting interests over land and territory, that keeps abreast of the ongoing implementation of the R-ARCSS, will be necessary in order to understand and respond to emerging 'local' conflicts.
7. South Sudan's colonial experience, and subsequently the first and second civil wars, drove a tribalisation or sectarianisation of communities; propagating this version of community identity served as a means for conflicting elites to invoke legitimacy and influence, in lieu of providing more tangible public resources. In this context, through the first two civil wars, the ethnic affiliations of the conflicts' leaders became a powerful means to invoke the support of communities. However, this research tentatively indicates that in locations which have produced some of South Sudan's most senior leaders, the ethnic affiliation of their home communities, and the once-powerful narrative of 'liberation', appear to hold increasingly less sway among communities, in the absence of public service provision by the GRSS. We might expect to see that, as the GRSS and its citizenry matures, communities' expectations of public service provision will likely increase, leading to greater dissatisfaction with government. In this light, the research suggests that fostering future stability will require concerted efforts by South Sudan to improve the GRSS' capacity for public service provision.
8. Relatedly, stark inequalities have been produced by decades of conflict and the burgeoning elite-dominated political marketplace. 'Peace' following the CPA resulted in huge dividends for a small handful of elites, but very little for communities, which continue to exist in a state of chronic underdevelopment. External partners need to find other ways to make local peacebuilding 'stick', which should focus on addressing these deep inequalities produced by the burgeoning elite-dominated political marketplace. For a future, more robust peace, the living circumstances of ordinary communities must be improved. The research indicates that coupling peace-building efforts with more tangible dividends - infrastructure programming or enforceable local contracts over resources - creates the credible incentive structure that is needed to encourage cooperation towards a peaceful environment.

Introduction

This report explores the dynamics of local conflict and governance through the recent civil war across South Sudan. It employs a comparative political ethnography approach, co-designed by a team of Conflict Research Programme (CRP) researchers and implemented by South Sudanese researchers embedded in five 'case study' locations: Gogrial, Malakal, Leer, Nimule, and Abyei.¹ The five locations were chosen due to their respective relationships to the national political marketplace (See Box 1), their diverse ethnic make-ups, local economies, histories of violence and armed groups, the geospatial distances among sites, and because they have been the focus of varying degrees of international intervention over time. The analysis in this report draws upon a combined total of 343 interviews, observation reports and transcripts, gathered between April 2018 and September 2019.

Limitations to the research included the relatively small size of the field team and the challenges of access to certain locations, such that the themes and volume of data were not collected systematically across the five locations. Nonetheless, the data provides detailed snapshots of perspectives at the community level, which have been interpreted alongside participant-observations, deliberations, and joint analyses undertaken by the wider CRP team. Combined and analysed through the lens of the CRP's two interlocking framings, of 'public authority' and the 'political

marketplace' (See Boxes 1 and 2), they offer an enhanced comparative understanding of the contours of South Sudan's experiences of government, political contestation, and violence.

In South Sudan, Juba matters, but it is just one seat of power and contestation; the spatial and temporal variation of violence, power, and governance across the rest of the country equally needs to be understood. As such, the value and timeliness of this report's analysis is underscored by the agreement made in February 2020 between South Sudan's warring parties – the Government of the Republic of South Sudan (GRSS), the Sudan People's Liberation Army-In Opposition (SPLA-IO) and the South Sudan Opposition Alliance (SSOA) – regarding the (re)division of the country into ten states and 79 counties. This agreement came after years of prevarication and contestation, since the GRSS unilaterally decreed that the country be subdivided into 28 and then 32 states, to the protest of many.² In June 2020, the warring parties further agreed on which party would be allocated the right to nominate a governor for each of the ten states, giving that party *de facto* control of the state itself.³ This issue remained unresolved throughout the conflict and peace processes and was a key sticking point in the 2018 Revitalised-Agreement on the Resolution of Conflict in South Sudan (R-ARCSS) negotiations. Parties fought over how many political units the country should be divided into and who should assume control over these, as this determines the demarcation and allocation of power and

1 The research was co-designed by Rachel Ibreck, Naomi Pendle, and Hannah Logan. The South Sudanese researchers formed the Bridge Network in November 2017. The team met annually for joint analysis between 2017–2020, including with Flora McCrone and Matthew Benson in January 2020. In order to protect the identities of the CRP researchers in the case study locations, as well as the identities of all respondents in this research – whom, combined, have provided invaluable but often highly sensitive information and perspectives – all direct quotes and other information provided has been cited collectively as 'CRP research participants', and other identifying details have also been omitted.

2 The SPLA-IO, South Sudanese civil society, and international partners opposed this decree.

3 At the time of writing (October 2020), SSOA was contesting, but the overall agreement appeared to be holding. Al Jazeera (2020) South Sudan leaders reach key deal on control of states. 17 June.

<https://www.aljazeera.com/news/2020/06/south-sudan-leaders-reach-key-deal-control-states-200617162203652.html>

shapes dynamics of violence across the country. Protracted contestation over South Sudan's administrative sub-division also speaks to a longer history in which multiple states have sought to construct, conflate, and geographically transfix ethnicity to territory in South Sudan.⁴

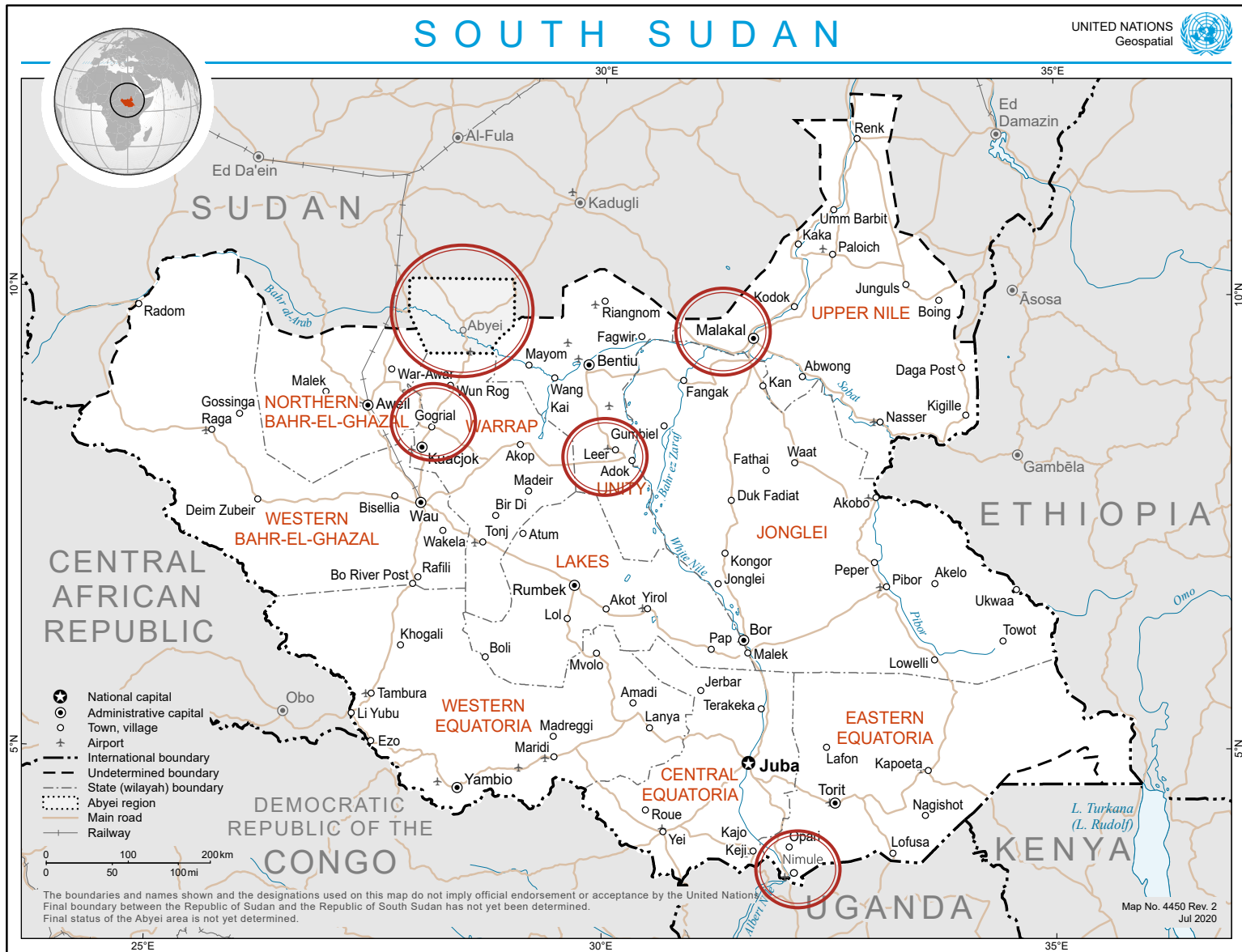
The first section of this report provides a detailed case study account of the experience of conflict within the five research sites. Each case study opens with a brief historical background of that location as provided by key secondary literature sources, which is followed by an account of contemporary conflict and political marketplace dynamics, and an analysis of public authority. The second section provides a comparative analysis across the case studies of the following themes: comparisons of the nature of public authority over space and time; patterns in local political markets; and, land as a resource within political conflict. The report concludes with recommendations to inform policy responses to conflict, governance, and transition in South Sudan.

Political Marketplace: South Sudan's political crisis and conflict can best be understood as rooted in a system of violent transactional politics, a 'political marketplace.' As such, the CRP's South Sudan Synthesis Paper (2017) explains that in South Sudan the gaining and maintaining of power is based upon a "speeded up, dollarised mode of transactional politics," in which its nascent state-level institutions are subordinate to bargaining for political gain among a narrow group of elites. Moreover, the political marketplace is not static; through the recent civil war, the political marketplace has fluctuated and fragmented.

Public Authority: Public authority is a widely applicable term when seeking to understand the functioning of power and institutions – both formal and informal – in Africa. Lund's (2006) framing of public authority captures both organisations and actors that are outwardly 'political' or 'government,' but also those that are ostensibly neither, and yet still participate in the negotiation of power and governance. In South Sudan, Ibreck and Pendle (2016) argue that public authorities "frequently draw legitimacy from traditional beliefs, and display 'embeddedness,' while also engaging in predation or violence...But the legitimacy of public authority also relies upon public goods provision."

⁴ See Leonardi, Cherry (2020) Patchwork states: the localisation of state territoriality on the South Sudan-Uganda Border 1914-2014. Past and Present.

Map of Research Locations



Source: United Nations Geospatial Information Section

Gogrial

Gogrial sits within Warrap state. To the east of Gogrial town, a strip of territory known as the *toc* is highly sought-after among its proximate pastoralist communities for grazing livestock. During South Sudan's second civil war (1983–2005), Gogrial gained prominence because it produced many of the SPLA's, and subsequently the GRSS', top politico-military elites, not least President Salva Kiir. So while it might initially appear geographically remote or peripheral, in many ways it is politically 'close' to the centre.

Background

Gogrial is inhabited by a range of different communities but dominated by five Dinka sub-sections: Apuk, Aguok, Kuac, Awan Chan, and Awan Mou. These ethnic groups were territorialised by the British administration, which initiated the first of successive processes of administrative subdivision; the colonial power co-opted the Dinka concept of the *wuot* – a term literally meaning 'cattle camps,' which denotes a form of territorial land divisions used by different grazing communities – to demarcate Gogrial into administrative units intended to align with the different ethnic communities. The historian and anthropologist Zoe Cormack notes that this process has given rise to many of Gogrial's conflicts between these communities in the decades since.⁵ During the second civil war, under the Sudan People's Liberation Movement/Army (SPLM/A), Gogrial was further divided into counties, *payams*, and *bomas*.⁶ The appointment of new chiefs and other government-community positions accompanied every new phase of subdivision. As seen elsewhere in South

Sudan, the SPLM/A administration also actively integrated the chieftaincy into new militarised structures; for instance, Gogrial's chiefs were tasked with mobilising contributions of tax, food, cattle, and new recruits to the rebel movement.⁷

According to the anthropologist Naomi Pendle, war and displacement through the second civil war contributed to new areas of community settlement, market trade, and interaction in Gogrial, which fostered relations between the Apuk, Aguok, and Kuac Dinka.⁸ However, the 2005 Comprehensive Peace Agreement (CPA) ushered in new dynamics in intra-Dinka community relations. In particular, the CPA's creation of ten South Sudanese states contributed to a new wave of claims over land, and the associated resources (namely, grass), notions of community belonging, and government access.⁹

Contemporary conflict dynamics

The national conflict in South Sudan from December 2013 did not directly reach Gogrial. According to an Apuk Dinka CRP research participant, his community initially resisted the SPLA's efforts to mobilise local youth, in part because they knew that many of the youth would never return home:

"When the 2013 conflict started, there was so much reservation from local people, especially the Apuk and people from Twic, who hosted Nuer IDPs [internally displaced persons] because they believed that the fight was not their fight...they fight directly over their cattle but they saw the crisis as a government fight...the SPLA came in 2016 to mobilise youth from this

⁵ Cormack, Zoe (2016) Borders are galaxies: interpreting contestations over local administrative boundaries in South Sudan. *Africa* 86 (3) 2016: 504–27.

⁶ Cormack, Zoe (2016) Borders are galaxies: interpreting contestations over local administrative boundaries in South Sudan. *Africa* 86 (3) 2016: 504–27.

⁷ Cormack, Zoe (2016) Borders are galaxies: interpreting contestations over local administrative boundaries in South Sudan. *Africa* 86 (3) 2016: 504–27.

⁸ Pendle (2018) describes the Mayen Rual market, a cosmopolitan trade centre within SPLA territory, as an exemplar of this trend.

⁹ According to Naomi Pendle, the new South Sudanese constitution and 2009 Land Act also commercialised notions of land rights and changed its value in line with growing economic opportunities provided by land ownership.

*community but the chiefs did not want to contribute. But then things shifted when Dinka were killed around Wau in August 2016, people from Tonj especially began quietly joining the SPLA."*¹⁰

That being said, Alan Boswell writes for Small Arms Survey that many of Gogrial's Apuk youth joined recruits predominantly from Aweil in former Chief of Staff Paul Malong's private militia, the Mathiang Anyoor, who have been at the frontline of some of the recent war's (2013-2018) most active fighting.¹¹

At the same time, the period since South Sudan's 2005 CPA has been characterised by sporadic violent land-related conflict. Spates of violence erupted between the Apuk and the Aguok, and latterly the Kuac, centred around access to the *toc* grazing lands, in 2007-08, which has included shifts in the nature of violence exacted within communities in which women and children were increasingly targeted from 2016 to 2018.¹² Speakers in a 2018 peace conference in Gogrial estimated that this particular conflict has resulted in more than 4,000 fatalities since it began.

Distraction and a deepened culture of impunity created by the national conflict since 2013 may have created a climate in which this localised conflict could flourish: while this fighting is seen as distinct from the national conflict, numerous respondents in Gogrial were vocal about the central role that Juba-based elites in the GRSS have played in this conflict, though no specific actors were named. Land conflicts in *toc* sit within a wider trend of shifts within South

Sudan's political marketplace since the CPA, whereby the country's politico-military elites from pastoralist communities have come to own disproportionately large herds of cattle, acquired using wealth obtained from massive oil revenues. According to an Apuk chief interviewed:

*"But today is very different because people fight as if there won't be peace in [the] future and the war is also fuelled by the unknown source. That is why we are accusing the government in this fight between Apuk and Aguok. The current conflicts are beyond our capacity because they originate from urban areas. When there wasn't much political attachment during those years, it could be easier for us to solve this in a day!"*¹³

This has in turn changed the nature of cattle-related conflict. According to Pendle: "Elites armed their kinsmen to defend their herds, while cattle herders believed that there was an implicit expectation on them to raid to ensure that each herd remained large. The elite leadership used these herds to build relationships, for patronage..."¹⁴ Elites based in Juba and elsewhere – originally from Gogrial – coordinate this using mobile phones and social media, which allowed them to remotely control conflict in Gogrial and other home areas. During a peace conference in April 2018 held to resolve the conflict, one speaker said:

"We have been pointing our fingers to Juba, that our problems originated from Juba... Then it is realised recently that people have started to fight for the so-called land, while we have always

¹⁰ CRP research participant, Nairobi, January 2020. As noted above, in order to protect the identities of the CRP researchers in the case study locations, as well as the identities of all respondents in this research – whom, combined, have provided invaluable but often highly sensitive information and perspectives – all direct quotes and other information provided has been cited collectively as 'CRP research participants,' and other identifying details have also been omitted.

¹¹ Pendle, Naomi (2018) *Wartime trade and the reshaping of power in South Sudan: learning from the market of Mayen Rual*. Rift Valley Institute, London, UK. For more information on the Mathiang Anyoor, see: Boswell, Alan (2019) *Insecure Power and Violence: The Rise and Fall of Paul Malong and the Mathiang Anyoor*. HSBA.

¹² The CRP researcher in Gogrial also noted that it is rumoured that there is oil in the *toc* area. Pendle, Naomi (2018) *Wartime trade and the reshaping of power in South Sudan: learning from the market of Mayen Rual*. Rift Valley Institute, London, UK.

¹³ CRP research participant, Gogrial, April 2018.

¹⁴ Pendle, Naomi (2018) *'The dead are just to drink from': recycling ideas of revenge among the western Dinka, South Sudan*. Africa 88 (1) 2018: 99–121.

*been knowing that land belongs to all of us and we never fight due to land disputes. This emergence of new conflict is fuelled by the educated people themselves where civilians are being pushed to fight for nothing."*¹⁵

It was widely believed among speakers at the peace conference that the use of mobile phones and social media had fomented and facilitated the mobilisation of this violent marketplace dynamic, by allowing elites in Juba to directly communicate with the cattle camp youth from afar and 'remote control' the conflict:

*"This scaremongering act of conflict between Aguok and Apuk originates from town, either by the youth in town or the leaders in towns from Aguok and Apuk... These people sitting here, the chiefs are completely overlooked and under-estimated... it is all through mobile phones in Juba and Kuajok or elsewhere [that] rules are dictated."*¹⁶

Such comments are striking because they reveal commonly held fears of external influences, which include: urbanisation, (western) education, and digital technology. This trend in the cattle economy has also impacted customary forms of public authority and altered traditional Dinka rites of bridewealth and blood compensation. For example, elites are now able to pay several hundred cattle rather than the traditional 50 to 100, which in turn devalues the spiritual weight of the cattle and has disrupted traditional practices led by customary authorities around marriage, compensation, and revenge.¹⁷

*"What has happened today is that many bany bith turn their magic into business, hence being bribed with cows and release the youth to the war and get killed there."*¹⁸

Local authorities expressed their distaste for these changes – in Gogrial a chief complained:

*"Marrying as far as paying over one hundred cows is nonsensical. We have a law which states that the marriage isn't buying and that bringing in someone into your family and leaving her family is very simple to compensate but it shouldn't reach beyond thirty cows. The rest being practiced today is a joke."*¹⁹

Contemporary public authorities

Despite the 2011 arrival of a new government and subsequent efforts to increase government presence in Gogrial, CRP respondents reported that governance had deteriorated since British occupation, the SPLM/A during the second civil war, and then again under the GRSS. A chief interviewed summarised the negative changes brought about by decentralisation and poor governance:

*"Our government during the colonial times wasn't like this... today, the government is becoming so greedy. I really don't know if they are following the system in the past, or the current leaders are the ones ruining us! At the same time, the government was centralised at that time, but now, everyone is almost becoming a leader, which has created terrible scarcity in our few resources we have."*²⁰

15 CRP research participant, Gogrial, April 2018.

16 CRP research participant, Gogrial, April 2018.

17 Pendle, Naomi (2018) 'The dead are just to drink from': recycling ideas of revenge among the western Dinka, South Sudan. *Africa* 88 (1) 2018: 99–121.

18 CRP research participant, Gogrial, April 2018.

19 CRP research participant, Gogrial, April 2018.

20 CRP research participant, Gogrial, April 2018.

Gogrial's communities share prominent linkages with South Sudan's centre of power since President Kiir is from Gogrial, as is Minister of Finance Salvator Garang, former Minister for the Interior Salva Mathok, and presidential advisor Tor Deng. Though communities in Gogrial may have an ethnic and political affinity with senior members of the GRSS, this does not necessarily ensure their satisfaction with the government in general. A broad sense that local communities feel deeply marginalised by the government was observable. A CRP research participant explained that:

*"Gogrial has more generals and politicians than anywhere else in South Sudan...The wider community is very marginalised, even Kiir's own father's village is inaccessible.... Kiir has done nothing for Gogrial's schools, hospitals, roads. People from Gogrial West still like Kiir but he has done nothing for them. Other elites are also not doing anything for Gogrial except their families. The Governor's secretariat is a rented house, the GRSS hasn't even built him a house."*²¹

Some respondents called for a greater deployment of the South Sudan People's Defence Force (SSPDF) – formerly known as the SPLA, but rebranded in 2018 – in the area, in order to quell further violence and restore stability. At the same time, the SSPDF-led disarmament campaign initiated by Kiir and Governor Victor Atem Atem, as a response to the outbreak of conflict in 2016-18, invited heavy criticism from a majority of respondents, describing it as abusive and ineffective:

"What has emerged today is rather a looting than disarmament. Girls are being raped and if you ask the commanding officer to bring such

*unscrupulous soldier to book, then they keep hiding such culprit... They have stopped doing the intended task but switched to looting."*²²

Gogrial's governorship is a highly contentious and potentially inflammatory issue. In recent years there has been a particularly high turnover of the role, with three changes of governor since 2016: first, Abraham Gum; second, Gregory Basili (Kiir's brother-in-law), who unseated the incumbent by inciting violence to make Gum appear ineffective at maintaining security; and third, Victor Atem Atem, who was appointed by Kiir after Basili was unable to curtail the insecurity. One CRP researcher reported that Gogrial's governorship is supposed to be rotated between the five Dinka sub-tribes, and so "politicians used that conflict as a card, by mobilising their community."²³ The researcher added that the governors have always been Apuk, while members of the other sub-tribes never successfully secured the position. A local chief corroborated:

*"...it happened that whenever a person wants the post of governorship, he starts coming up with what will make the incumbent leader to fall – to discredit him as [an] inferior leader... then you claim the problem is with the chiefs, but you are really with the problem, you, the authorities! Those people who had been saying that if this problem is to be ended, then there should be division of land, [but] where are they? These are the people who fuel the crisis in our community... The devil which is killing us is within you, the authorities."*²⁴

Atem Atem, the incumbent, elicited a mixed reaction from respondents. One CRP researcher noted that Atem Atem's house

21 CRP research participant, Nairobi, January 2020.

22 CRP research participant, Gogrial, April 2018.

23 CRP research participant, Nairobi, January 2020.

24 CRP research participant, Gogrial, April 2018.

was burned down in December 2019 and though the culprits are unknown, this was said to be an indication of his unpopularity within some parts of the community.

Atem Atem's backing of the SSPDF-led disarmament exercise invited both praise and criticism from community members.

County commissioners, like chiefs, have proliferated in Gogrial following successive rounds of administrative subdivision, resulting in a dilution of their purview and influence. According to a CRP researcher, the commissioners lack resources, depending on the collection of small taxes in the markets, which many reportedly keep for themselves. The researcher explained that many local people reject the appointments of new commissioners, because those appointed lack experience and education.²⁵ The interference of political elites and the military in local affairs has further interrupted their influence.

Gol leaders sit below the chiefs and sub-chiefs and represent groupings of five clans. Their legitimacy as a form of public authority is derived directly from the community. They are chosen by the clans they represent, and they must know every household in each clan. The *gol* leaders' role was explained as being to implement and enforce the rulings of the chiefs among the households in their remit, but not to make decisions themselves. As such, they could be described as horizontally influential (at the household level) but not vertically.²⁶ Cattle camp leaders were also mentioned by respondents; these positions are elected by the community based on a number of factors including their ability to defend against raids or attacks. Cattle camp leaders may also work alongside the *gol* leaders to mobilise conflict or recruits for armed groups, if instructed from above by the chiefs or *bany bith* – a customary spiritual role that translates as

'master of the fishing spear.'²⁷ Their roles within decision-making around conflict was described as follows:

*"[Conflict] is not suggested by heads of cattle camps, but mostly by the chiefs in the community. Then they consult heads of cattle camps, asking them about emerging problem and show them war tactics and ask them if the youth at the camp are ready to launch the war. That is one. Another one is when we are attacked by enemies, we fight in defence that moment and there is no suggestion if to fight or not, you resist. Suggestion about the war also comes when war had been launched on us before but we didn't go for revenge, then people would be asked if there would be revenge, if there is, then that is suggested by the chiefs and then the bany bith are involved spiritually to win the war against enemies. So, heads of cattle camps are always there as coordinators because they are the one who know every youth living in the camps."*²⁸

South Sudan's post-CPA period has created economic and political opportunities that have given rise to a proliferation of actors who use 'new money' – largely obtained from South Sudan's oil production – to negotiate and straddle the realms of business, politics, and the military. CRP researchers observed this in Gogrial and other research sites:

"There have been people in Gogrial who are very wealthy in cattle, through hard work and bridewealth. But now people just get rich out of nowhere, because they do some work with the government. Much of this money then leaves the country, it is not even being invested in cows. Children of

²⁵ CRP research participant, Nairobi, January 2020.

²⁶ CRP research participant, Nairobi, January 2020.

²⁷ *Bany bith* is alternatively spelled *beny biith*. For more information, see: Pendle, Naomi (2018) 'The dead are just to drink from': recycling ideas of revenge among the western Dinka, South Sudan. *Africa* 88 (1) 2018: 99–121.

²⁸ CRP research participant, Gogrial, August 2018.

generals get sent to schools abroad. Also, investments in property are made in Kenya. There is one businessman who is donating cars to the state government, for example to a new commissioner and built a nice county office in Kuac South. He probably gets GRSS contracts, so is doing this to please them."²⁹

Respondents noted a businessman called Makiir Gai, an exemplar of the marketplace logic, who is related to Salva Kiir. A CRP researcher relayed Makiir's story:

"He is a businessman in the same market [Mayen Rual] selling cows back in 1998-9. Kerbino was also there. He went to join GANTRY, and told Kerbino, 'I am a businessman so the Arabs in Wau know me.' Kerbino gave Makiir lots of bulls that he had looted, to [sell to the] Arabs in Wau. Makiir kept the

money and ran away to Khartoum and started a new business there. He stayed there until Kerbino was killed. When Kerbino was killed, he went to [Omar al-] Bashir after the CPA and told him that 'Kiir is my cousin' and that he would kill Kiir for him for some money. Bashir paid him, so Makiir went to Juba and showed Kiir the money and said he wouldn't kill him, so Kiir gave him more money, and Kiir said he could take any office in government and given a lot of government contracts. He also used his money to supply conflicting groups from 2005-2018 between Aguok and Apuk community clashes, supporting the Aguok."³⁰

However, another CRP researcher added that Makiir is apparently no longer being granted government contracts, and therefore has presumably fallen out of favour with the GRSS leadership.³¹

29 CRP research participant, Nairobi, January 2020.

30 CRP research participant, Nairobi, January 2020.

31 CRP research participant, Nairobi, January 2020.



A military checkpoint in Gogrial.

Source: UNMISS / Isaac Billy

Malakal

Malakal is the capital of Upper Nile, geographically positioned on the White Nile, and has been bound up in more than a decade of violent contestation over the east and west Nile banks between the Padang Dinka and Shilluk. Oil fields on Malakal's eastern Nile bank area have also played a key role in political and military calculations through the CPA period and recent civil war.

Background

According to researcher Joshua Craze, the Shilluk and the Padang Dinka have coexisted on the banks of the White Nile in a relationship historically marked by shared land usage and "intermarriages and migratory flows between the two groups."³² During the second civil war, many Shilluk fled either to northern Sudan or to the west bank of Nile, while some Padang moved into Shilluk areas on the river. Prominent Shilluk elites that emerged from the area during the second civil war and CPA period have included breakaway political leader Lam Akol, former SPLM negotiator for the CPA and latterly member of the SPLM-Former Detainees group Pagan Amum, and commander of the Aguelek Shilluk militia, Johnson Olonyi.³³ For the Padang Dinka, the majority of their prominent SPLA members came from Abyei (and thus more focused on the 'Abyei question'), while Padang elites from Upper Nile only came to the political fore after the CPA, led by Stephen Dau Dheui, former Minister of Finance (2016-18).³⁴

In 2003, oil was discovered in Palioch on the Nile's east bank, which subsequently became the country's single most productive oil field. The Padang-Shilluk

land dispute along the Nile escalated after the 2005 CPA was signed, as peace encouraged many Shilluk to return to the Nile's east bank, which contributed to tension between the two groups. Both sides made exclusionary claims to areas on the east bank and violent clashes emerged in 2006.³⁵ Within Malakal city, disputes between the Padang and Shilluk briefly emerged during the second civil war, but these did not become violent until 2005-06 and 2009. In 2010-11, the SPLM/A responded to the electoral success of Lam Akol's SPLM-DC party by launching an operation on the west bank that was ostensibly a disarmament campaign. In reality, the attacks razed Shilluk villages and featured widespread killing and rapes of communities. These attacks fuelled the emergence of subsequent rebellions between 2010-13 led by Olonyi and other Shilluk militants.³⁶

Contemporary conflict dynamics

Post-2013 conflict dynamics have revolved around continued localised competition between the Shilluk and Padang over territory on the banks of the Nile as much, if not more so, than they have around national-level competition between the GRSS/SPLA and SPLA-IO. Palioch is of particular significance in this contest, as it holds the country's single most productive oil field. Along with smaller oil fields on the east bank towards Maban, money derived from Palioch has been one of the key sources of political budgets through the CPA and post-independence periods. The rapid monetisation of South Sudan's economy has been a key factor behind Malakal's political and military significance, intensely violent competition between the SPLA and SPLA-IO, and at the

³² The Padang Dinka, which comprises several sub-sections, migrated into the Malakal area in waves, in the 12th and 16th centuries, while the historical claims of communities of the Shilluk Kingdom, led by a Shilluk King, date back to the 15th century. Craze, Joshua (2019) *Displaced and immiserated: the Shilluk of Upper Nile in South Sudan's civil war 2014-19*. HSBA. p18.

³³ Lam Akol was a member of the SPLA until 1991 when he and Riek Machar formed the breakaway SPLA-Nasir faction. After several more shifts in allegiance, Akol rejoined the SPLM/A in 2003, but left again in 2009 to form the opposition group SPLM-Democratic Change (SPLM-DC) and later the National Democratic Movement (NDM), participating in the R-ARCSS negotiations under the umbrella of the South Sudan Oppositional Alliance (SSOA).

³⁴ HSBA (2016) *The Conflict in Upper Nile State: Describing events through 8 March 2016*.

³⁵ Craze, Joshua (2019) *Displaced and immiserated: the Shilluk of Upper Nile in South Sudan's civil war 2014-19*. HSBA.

³⁶ HSBA (2016) *The Conflict in Upper Nile State: Describing events through 8 March 2016*.

community level between the Shilluk-Dinka community-level since 2013. Other factors tied to monetisation and conflict include the strategic value of the Nile for fishing and transport, and the rising salience of the agricultural land surrounding Malakal for gum arabic production and export.³⁷

Small Arms Survey details the events since 2013: after the outbreak of the national conflict, Malakal city changed hands between SPLA and SPLA-IO repeatedly, each time bringing greater destruction and violence against its resident communities.³⁸ The SPLA's efforts to establish military control over Malakal and nearby oil-producing areas were supported by Olonyi's Shilluk Aguelek forces through 2014, whose interests lay in driving the SPLA-IO out of Shilluk areas, which happened to align with the SPLA's own interests of winning back territory from the SPLA-IO.

The SPLA then mobilised youth militias of the Padang to buttress their territorial control of Palioch and elsewhere. This soon brought them into contact with Olonyi's Aguelek forces, which triggered in-fighting between the two rival groups and the Padang militia turned on the Aguelek on the east bank. As a result, in May 2015 Olonyi terminated his allegiance with the SPLA and captured Malakal city and announced his allegiance with the SPLA-IO in July 2015, though Aguelek forces proceeded to operate largely autonomously.³⁹ The SPLA responded with successive efforts to starve Shilluk communities from the west bank by blocking incoming humanitarian supplies to weaken Olonyi's base.⁴⁰

Conflict over Upper Nile's administrative divisions and associated positions are far more than 'ethnic' conflicts and are more

adequately explained within the political marketplace context. Recently, these ostensibly 'ethnic' disputes have centred around competition for the control of the bureaucratic and administrative offices attached to the wider territory, and the resources that can be accessed through control of these structures.⁴¹ For example, in October 2015, President Kiir's unilateral decree for South Sudan's subdivision into 28 new states saw Upper Nile divided into three new states. Nuer communities were consequently parcelled into the new Latjor state and effectively cut off from the oil-producing areas and the east bank of the Nile, which the Shilluk had historically claimed, was annexed to the new Padang Dinka-dominated Eastern Nile state.⁴² This move entrenched identity politics between the Shilluk and Padang and reinforced the Padang's increasingly absolutist and exclusionary claims to and increased occupation of parts of the east bank, including Malakal.

Contemporary public authorities

The current Shilluk King, Kwongo Dak Padiet, has reigned since 1992. In the recent conflict, though Shilluk actors such as Olonyi, Lam Akol, and other political or military elites have played a more central role, the Shilluk King has retained relevance. A CRP researcher explained that, while the Shilluk community largely continue to support him, his position *vis-à-vis* the GRSS has been ambiguous. In 2015 Padiet was one of several Shilluk elites who attempted to mediate between the GRSS and Olonyi, and the King's subsequent failure to openly reject Kiir's 28 states decree generated resentment among Shilluk who supported Olonyi's stance.⁴³

37 CRP research participant, Nairobi, January 2020.

38 Through this period the SPLA was also reliant on the Mathiang Anyoor Dinka Militia and SPLA-Tiger Division, both of which draw membership from Bahr el Ghazal, and therefore were not directly invested in the outcome of conflict in Upper Nile.

39 HSBA (2016) *The Conflict in Upper Nile State: Describing events through 8 March 2016*.

40 Luedke, Alicia (2017) *Congestion in the Malakal Protection of Civilian (PoC) site, South Sudan*. Danish Refugee Council.

41 Craze, Joshua (2019) *Displaced and immiserated: the Shilluk of Upper Nile in South Sudan's civil war 2014-19*. HSBA.

42 HSBA (2016) *The Conflict in Upper Nile State: Describing events through 8 March 2016*.

43 HSBA (2016) *The Conflict in Upper Nile State: Describing events through 8 March 2016*.

As seen in other locations, the governorship based in Malakal (over Upper Nile state) has emerged as a critical factor within wider political dynamics through this conflict. Simon Kun, a Nuer, was governor of Upper Nile state from 2010 to 2015. Kiir replaced Kun in August 2015 with a Padang SPLA general called Chol Thon. Then, under Kiir's 28 states decree, Thon was appointed governor of the new Eastern Nile state, which reinforced Padang, and GRSS/SPLA, control over the area. According to a CRP researcher, Thon was an aggressive leader who forged ahead with the creation of the new state, despite the GRSS' agreement that they would put the process on hold. Kiir decided to remove Thon and appoint a more moderate governor, a Dinka priest called Tor Monykuich. Monykuich appointed some Shilluk to his administration, presumably to mollify tensions.⁴⁴

According to the CRP research, the authority of the GRSS' county commissioners and chiefs has been dented through the recent conflict, because their constituencies have either been displaced or fell to SPLA-IO control. For both commissioners in GRSS/SPLA controlled territory and SPLA-IO territory, any influence they have held would be based on their efforts to protect or mobilise their community. Mobilisation initiatives include arms provision and coordinated attacks on other communities when requested by the senior GRSS/SPLA or SPLA-IO leadership.⁴⁵

When fighting reached Malakal in late December 2013, communities ran to the nearby United Nations Mission in South Sudan (UNMISS) base for safety. In an unprecedented move, UNMISS opened its gates in Malakal, and its other bases around the country. By early 2016 UNMISS provided shelter to approximately 40,000

IDPs displaced by successive battles for Malakal and across Upper Nile.⁴⁶ The UNMISS camps were labelled Protection of Civilian (PoC) sites. Malakal PoC site is host to a relatively mixed population, including Shilluk, Nuer, and Dinka communities. The 28 states decree in October 2015 fomented tensions between these communities within the PoC site as well as outside.⁴⁷ The ethnic composition in the PoC was altered dramatically by February 2016 events in which some SPLA and Padang militia members entered and launched an assault on communities within the site using small arms and grenades, which spurred violent clashes between communities within the sites and resulted in the razing of majority of Nuer and Shilluk shelters, with 19 dead and 108 injured.⁴⁸ UNMISS peacekeepers reportedly failed to intervene.⁴⁹ The incident prompted a mass Dinka exodus from the site, and since 2016 the resident population has remained almost entirely Shilluk and Nuer.

Under the 2011 Status of Forces Agreement between UNMISS and the GRSS, UNMISS is not permitted to establish any parallel form of government or justice system. But practically speaking, with hundreds of thousands of IDPs under UNMISS' formal authority countrywide, UNMISS has worked with the IDP community leadership to establish forms of authority to help govern and manage swelling populations in their custody. Existing CRP research has extensively documented the nature of community-based public authority within the PoC sites, including the customary chief's courts which arbitrate the majority of disputes within the site.⁵⁰ Other community authorities in Malakal's PoC site noted within this research include the Peace and Security Council (PSC), the Community Watch Group (CWG), women's groups, youth

44 CRP research participant, Nairobi, January 2020.

45 CRP research participant, Nairobi, January 2020.

46 HSBA (2016) *The Conflict in Upper Nile State: Describing events through 8 March 2016*.

47 Luedke, Alicia (2017) *Congestion in the Malakal Protection of Civilian (PoC) site, South Sudan*. Danish Refugee Council.

48 Luedke, Alicia (2017) *Congestion in the Malakal Protection of Civilian (PoC) site, South Sudan*. Danish Refugee Council.

49 HSBA (2016) *The Conflict in Upper Nile State: Describing events through 8 March 2016*.

50 Ibreck, Rachel, Pendle, Naomi and Logan, Hannah (2017) *Negotiating Justice: courts as local civil authority during the conflict in South Sudan*. Justice and Security Research Programme.

groups, sector and block leaders, and the church. These community authorities and UNMISS share a mutually reliant form of authority as neither can operate effectively without the permission of the other. The PSC is the highest level of community authority in the Malakal PoC site, comprising leaders elected from each of the resident ethnic communities, mandated to act as the link between the communities, UNMISS, and the camp management organisation, Danish Refugee Council (DRC). The authority of the PSC came into contention with UNMISS in February 2018, following a disagreement with UNMISS after the Mission allowed Governor Monykuich to visit the site, apparently without the permission of the PSC, which sparked outrage and protest by communities in the site, to which UNMISS responded by temporarily disbanding the PSC, which has since been reinstated.⁵¹ Respondents noted several other occasions in which the PSC and other community authorities, particularly youth groups, have clashed with UNMISS and DRC, highlighting the competing layers of authority in this unique judicial, governmental, and social space created by the PoC sites.

The CWG also enjoys considerable authority, acting as the community police within the site, though any formal criminal arrests, detention, or punishment remains the responsibility of UNMISS. The CWG must be highly responsive to the needs of the community in order to retain authority and support, as seen in the case of an Ethiopian trader living in the PoC site who was attacked by some youths:

*"The community was genuinely concerned about my safety and annoyed by what happened. To prove this, they campaigned for a better watch group. Just yesterday they swore in a new young sober group with new intelligence; this act has made me feel at home again. The previous Sector 2 watch group has been basically impeached with various emerging cases against them from the community, including theft at night and some [were] trialled by the community justice centre for using the power given to them by the community against it."*⁵²

Members of women's groups and youth groups interviewed also noted their own authority as peace makers within the communities in the site. The churches in the site were likewise said to play a role in peace-making:

*"I would like to say that credit should be put where it belongs, the church has basically saved various communities from tearing each other apart... The various churches kept on communicating and tried hard to engage the youth in various topics to solve problems related to violence. When the PoC was under lockdown, we also tried hard to communicate with the external churches for possible reunification of our people under a common umbrella of love and unity."*⁵³

The actions of the CWG and the church in the Malakal PoC site indicate that these kinds of institutions have created what the CRP understands as 'pockets of civiness'.⁵⁴ Although the PoC site remains subject to many of the conflict's and the political marketplace's broader dynamics,

51 CRP research participant, Nairobi, January 2020.

52 CRP research participant, Malakal PoC site, February 2019.

53 CRP research participant, Malakal PoC site, March 2019.

54 The CRP's 2017 South Sudan Synthesis Paper describes 'pockets of civiness' as being "territorial (local ceasefires, or inclusive local authorities), social (civil society groups helping the vulnerable or countering sectarian narratives, or customary courts solving disputes fairly) or external (interventions that regulate flows of political finance)." P3.

as evident in the February 2016 attack, it has simultaneously created space for counter-sectarian civil action. Other instances of civicness within the PoC site include a learning centre in which Nuer, Shilluk, and Dinka mutually learn one another's languages; a games club with an elected leadership, where youths members of all the different communities play together; and, a Dinka SPLA-defector who described how he was welcomed and cared for by Nuer and Shilluk communities in the PoC site.⁵⁵

Since the R-ARCSS was signed, both the GRSS, SPLA-IO, and UNMISS have encouraged IDPs in the PoC sites to return home.⁵⁶ Despite this, returns to Malakal remain limited, partly because of ongoing concerns around security but also because the remaining standing homes and other structures in the city are now occupied by members of the SPLA/SSPDF and the Padang Dinka, who refuse to vacate. This issue looms as another potential local conflict risk on the horizon.

⁵⁵ CRP research participant, Malakal PoC site, March 2019; February 2019; September 2018.

⁵⁶ Presumably driven by a desire to rapidly repopulate their constituencies in preparation for any census, elections, or referendum. CRP (2019) *The future of protection of civilians sites: Protecting displaced people after South Sudan's peace deal*. Memo, February 2019.



A trader sells books at a PoC site in Malakal.

Source: UNMISS / JC McIlwaine

Leer

Leer sits on the eastern edge of Unity state and is Vice President Riek Machar's home area. Leer is geographically dominated by the Dok Nuer and the region physically includes grazing land, swampy waterways, and the White Nile which connects to Juba. The broader Unity state is home to pastoralist communities from other sub-sections of the Nuer, as well as Dinka communities to the north. Unity is also oil rich, which adds to its significance within the national political economy. Since December 2013, Leer, and Unity state more broadly, have been one of the most violent conflict sites.

Background

The seeds of Leer's post-2013 conflicts date back until at least South Sudan's second civil war, if not before. Small Arms Survey (2016) argues that during the 1970s and 1980s, the Khartoum regime used militia forces that had been recruited from Arab pastoralists from Kordofan to attack southern communities in the border zone.⁵⁷ These raids intentionally sought to displace the southern population rather than destroy the SPLA militarily so as to allow Khartoum to control the border zone, which included Unity's oil-producing areas of Guit, Koch, Mayom, Pariang, and Rubkona.

Small Arms Survey also reports that this policy was expanded during the second civil war, as successive Khartoum regimes recruited Nuer militias to secure their control of oil-producing areas to foment discord in the south. Many of the commanders of these militias changed sides multiple times, as the number of organisations and factions proliferated during

the 1980s and 1990s.⁵⁸ Protracted contestation between Bul Nuer commanders (led by Paulino Matiep, Joseph Nguen Monytil, and Matthew Puljang) against Nuer political leaders (headed by Riek Machar and the divisive Taban Deng Gai) combined with the ways in which their collective relations with both Juba and Khartoum fluctuated to determine conflict dynamics in Leer and across Unity through the second civil war (1983–2005), CPA period (2005–2011), and the recent conflict (2013–2018).⁵⁹

Contemporary conflict dynamics

The December 2013 conflict spread quickly to Unity and was triggered by the massacre of Nuer civilians in Juba. Unity's post-2013 conflict dynamics decoupled from Juba's as local territory and violent cattle accumulation by Unity's political and military elites drove some of the most intense fighting in enduring ways that are "delinked from negotiations in Juba, and from a vision of the future South Sudanese state."⁶⁰

The SPLA-IO controlled Leer town in the first few weeks of the conflict but were driven out in January 2014 by an SPLA offensive. Oil production swiftly ceased. Leer has changed hands repeatedly between the SPLA/SSPDF and SPLA-IO, between 2014 and 2018, through a series of military assaults. Bul Nuer fighters sided with SPLA forces during the offensives against the SPLA-IO and other Nuer communities and *gojam* militias across Unity. By 2015, 90% of Unity's population was internally displaced and the majority, some 150,000 people, sought shelter in the Rubkona UNMISS PoC site.⁶¹ During the 2015 and 2018 offensives in Leer both SPLA forces and

⁵⁷ Craze, Joshua, Tubiana, Jerome, and Gramizzi, Claudio (2016) *A State of Disunity: Conflict Dynamics in Unity State, South Sudan*, 2013–15. HSBA.

⁵⁸ Craze, Joshua, Tubiana, Jerome, and Gramizzi, Claudio (2016) *A State of Disunity: Conflict Dynamics in Unity State, South Sudan*, 2013–15. HSBA.

⁵⁹ Craze, Joshua, Tubiana, Jerome, and Gramizzi, Claudio (2016) *A State of Disunity: Conflict Dynamics in Unity State, South Sudan*, 2013–15. HSBA.

⁶⁰ Craze, Joshua, Tubiana, Jerome, and Gramizzi, Claudio (2016) *A State of Disunity: Conflict Dynamics in Unity State, South Sudan*, 2013–15. HSBA.

⁶¹ Craze, Joshua, Tubiana, Jerome, and Gramizzi, Claudio (2016) *A State of Disunity: Conflict Dynamics in Unity State, South Sudan*, 2013–15. HSBA.

allied militias deliberately targeted and killed civilians, which included women, children, the elderly, and people with disabilities. Civilians were killed by gunfire, burned alive in their homes, hanged from trees and rafters, run over by armoured vehicles, and hunted down after fleeing into nearby wetlands and rivers.⁶²

Contemporary public authorities

Since December 2013, territory across Unity, including Leer, has changed hands repeatedly. Leer town itself is largely SPLA-held, while the SPLA-IO has latterly maintained control over rural Leer. With the expulsion of the Bul Nuer communities in Mayom county, the SPLA-IO broadly enjoys popular support from communities thanks to the affiliation of the Nuer to its senior leadership.

One CRP researcher explained that the SPLA-IO has established its own local political structures as well as military. For instance, there is an SPLA-IO governor and county commissioners who officially operate in parallel to GRSS structures and the SPLA-IO administration has collected some local taxes from the White Nile port and local traders. Unity governorship has long been highly contested even prior to this conflict and disputes over the governorship are the catalyst of much of the historical division among Matiep, Monytuil, and Deng Gai. Until the ten states agreement was reached in June 2020, this had been further complicated by the fact that the SPLA-IO had taken Unity as one state, under the governorship of Tor Tunguar, as part of the ten-state system. Whereas the GRSS had occupied the Unity area as two states: North Leich, under Monytuil, and South Leich, under Takar Riek.

In Leer, the SPLA-IO installed one commissioner in 2016, Mawich Nhial, while the GRSS installed several commissioners

into their sub-divided version of the counties. Mawich was described by the CRP researcher as enjoying strong popular support from Leer's communities, having been an SPLA-IO area commander from 2013 to 2015, and having a reputation for bravery and an ability to unite the *gojam*. Under the agreement, the GRSS was allocated Unity state and Monytuil was decreed governor; a move that is presumably due to the GRSS' maintaining of control over Unity's oil fields, rather than an existing affiliation or alliance with the local communities.

As highlighted in other locations, the authority of Leer's chiefs is heavily shaped by their relationship to local armed forces; in this case, the SPLA-O and the *gojam*, as well as customary or administrative capacities. As one chief from Leer explained:

*"I work hand in hand with other chiefs and the county commissioner in settling disputes within the community. I led my people against external aggressions and mobilised them to defend our land and our people. When Dinka came for our cattle, I led in mobilisation of youth in the year 2014, and I fought with my people in frontline and we defeated the enemies and had our cows back."*⁶³

As also evident in other locations, chiefs' authority has been eroded through the recent war (and developments prior). The evolving role of the eastern-Nuer *gojam* militias is particularly problematic for the chiefs' authority.⁶⁴ Clan organised Nuer cattle keeping youth who fought alongside the SPLA-IO to defend their communities' territory, claim SPLA weapons in the process of repulsing them. This has shifted as they deflect SPLA offensives alongside the SPLA-IO, namely in that the *gojam* have become increasingly heavily armed with large automatic weapons

⁶² Amnesty International (2018) *Anything that was breathing was killed: war crimes in Leer and Mayendit, South Sudan*.

⁶³ CRP research participant, Leer, July 2018.

⁶⁴ Community militias from the eastern Nuer are locally called *gojam*, whereas from the western Nuer such militias are called the White Army – though the term White Army is sometimes applied to both.

rather than spears, arrows, and small arms.⁶⁵ Though they are not as well-armed, the SPLA-IO has had some military success in Unity due to *gojam* support.⁶⁶ The *gojam* are simultaneously viewed by the community and its authorities as being defenders against external attack and 'community police,' as well as a source of internal insecurity, as they have turned to crime, cattle theft, and infighting, and reject the authority of the authorities. According to one youth leader:

*"There are changes now as we speak. People are not respecting the authority, especially the youths. This is due to the intensive wars that were fought recently. Properties were lost and the livelihood is through struggle...You can never go and tell a youth who managed to get himself cattle to release back. It will be a war between you. But there is a hope the authority will gain its powers due to this peace and all shall be well, hopefully."*⁶⁷

The relationship between the SPLA-IO and *gojam* was further fortified in 2015 via the commissioner's decision to award some *gojam* leaders the military title of colonel.

Nuer prophets, particularly a local Leer prophet named Gatluak Gatkuoth, continue to hold high levels of customary authority. For instance, CRP research respondents frequently mentioned Gatkuoth's central role in localised peace-making in Leer as he reduced indiscipline and infighting within the *gojam* and resolved domestic disputes. In each instance, Gatkuoth provided advice to the concerned parties and local authorities such as the county commissioner, as well as led traditional Nuer reconciliation rituals. Gatkuoth's authority was reportedly fully contingent upon popular support from communities as opposed to official SPLA-IO or GRSS endorsement.

As evident in other CRP research sites, the survival and success of Leer's business community through the recent war has seemingly been contingent on their successful negotiation with the turbulent local administration, armed groups, and community authorities. This suggests that these forms of authority are inseparable from the South Sudanese political marketplace. A trader in Kok, Leer, explained his own approach:

*"The challenge was insecurity because of tribal and political differences, high taxation, high prices, and poor transportation...I ensure that I make friendship with local authority, sometimes I bring them gifts and then our relationship becomes great – especially the authority at the checkpoints and the area commissioner. For example, I brought a new phone to the area commissioner and because of such gift the commissioner directs the people at checkpoints not to charge me based on the number of goods I brought, but just to pay [a] quarter [of the] charges [on] my goods, which absolutely helped my business so much [...] As a businessman, I became so famous and influential because I can bring goods from far ends and [I am] in a position to help so many people in our area, like when we had food shortage I was able to give three sacks of sorghum to the commissioner and he was very happy. At one point when things were difficult the local chief also asked people to help me in carrying my goods where I could hide them, and he did this because we became friends when I brought him and his three wives four dresses in 2016."*⁶⁸

⁶⁵ For more information, see: Luedke, Alicia and McCrone, Flora (2017) "They left with spears and came back with guns": armed youth, cattle raiding and community (insecurity) in southern Unity state, South Sudan. Justice Africa.

⁶⁶ Craze, Joshua, Tubiana, Jerome, and Gramizzi, Claudio (2016) *A State of Disunity: Conflict Dynamics in Unity State, South Sudan, 2013–15*. HSBA.

⁶⁷ CRP research participant, Leer, April 2019.

⁶⁸ CRP research participant, Leer, June 2018.

Nimule

Nimule is in Eastern Equatoria state along South Sudan's border with Uganda. Nimule is renowned within South Sudan because of the tarmac road that connects Ugandan trade routes all the way to Juba. Since South Sudan has one of the world's poorest road networks, the Nimule transit route has become a key supply route for most imports and some military logistical support. The town's cross-border trading opportunities and its perceived safety also benefit borderland communities, who have previously fled to Uganda in the event of conflict. Borderland communities also regularly access public services in Uganda, such as education and healthcare. Like other parts of South Sudan, Nimule is ethnically diverse but is considered a Madi stronghold. Nimule is also rapidly urbanising.

Background

Schomerus and Allen detail Nimule's experience through the second Sudanese civil war. From the start of the war, Nimule was held under Sudan Armed Forces (SAF) and a Khartoum-aligned Madi militia's joint control.⁶⁹ Nimule fell to the SPLA in 1989, who then occupied the town. Madi locals were then perceived as Khartoum aligned, which led the majority of the community to flee to refugee camps in Uganda and, to some extent, Kenya. The 1991 Bor Massacre, led by Machar's then-SPLA-Nasir faction, and subsequent Nuer White Army attacks on Bor Dinka communities through the early 1990s, prompted waves of displacement of Bor Dinka communities to Nimule, who sought safety in the SPLA garrison town.⁷⁰ In the late 1990s, the SPLA approached refugees from Nimule in Ugandan and Kenyan camps and encouraged them to return and repopulate the town. Between 1997 and the 2005 CPA, Madi communities returned to Nimule in large numbers. In 2011 there was

another mass Madi repatriation effort, as the SPLA sought to rebuild its local constituencies ahead of the independence referendum. Madi returnees found that the structures and land they had left behind had been occupied by the SPLA, Dinka IDPs, and cattle herds, which generated tension. For instance, some Dinka IDPs had resided in Nimule for up to two decades and the SPLA consequently argued that they had a rightful claim to Nimule since they had 'liberated' it from Khartoum.⁷¹

Contemporary conflict dynamics

CRP research indicates that in August 2013, just before violence erupted in December 2013, the Juba-backed Eastern Equatoria state government upgraded Nimule's administrative status from a *payam* to a town council. This transition rendered the town to different local governance systems, which much of the Madi communities in the area disapproved of since they had not been consulted. Complicating matters further, under the town council system, Nimule-sourced revenue, including from its lucrative Ugandan border checkpoint, went to the Eastern Equatoria state government, rather than to Nimule at the *payam* level. Their head chief, Ajugo Livio, spoke out against the decision and respondents in the CRP research claimed that he was killed under mysterious circumstances just two months later, while other community members were detained without charge for over six months. Despite this violent resistance, a town clerk was installed as the highest level of administrator and a land survey was scheduled as part of the official transition to allocate land titles. This detail of the transition was especially contentious and blocked by members of the Madi community, who feared that their existing land rights would be undermined and that the survey process would be corrupted.

⁶⁹ Allen, Tim and Schomerus, Mareike (2011) *Southern Sudan at odds with itself: dynamics of conflict and predicaments of peace*. London School of Economics. The leader of this militia, Joseph Kebulu, was reportedly killed in 1986 by an SPLA officer originally from the neighbouring Acholi tribe, which created a localised Acholi-Madi division that persists today, though this has not caused active conflict.

⁷⁰ Allen, Tim and Schomerus, Mareike (2011) *Southern Sudan at odds with itself: dynamics of conflict and predicaments of peace*. London School of Economics.

⁷¹ A degree of peace between the Madi and Nimule's Dinka was achieved through the 'Nimule Agreement' (facilitated by Catholic Relief Services and the International Organization for Migration), however the contention over land was never fully resolved and persists today.

The outbreak of the December 2013 war did not reach Nimule directly, however, it enabled localised conflict dynamics that related to land, business revenue, and cattle. Eventually, following the July 2016 collapse of the Agreement on the Resolution of Conflict in South Sudan (ARCSS), the national conflict reached Nimule, which escalated and intensified localised conflicts. After July 2016, Martin Kenyi, a local Madi SPLA General from Pageri, defected to the SPLA-IO. Kenyi's stated grievances included the occupation of Madi community land. According to the CRP's research, Kenyi organised violent ambushes on the Juba-Nimule road. The SPLA retaliated through attacks on Pageri county, which included the killing and rape of community members and mass property destruction, which was justified on the basis that the local Madi community were Kenyi and SPLA-IO sympathisers. Kenyi is presumed to have been killed by the SPLA in Western Equatoria in 2017.⁷² Security forces' ongoing presence has ensured that it remains a garrison town. Killings of community members by 'unknown gunmen' and a general increase in armed criminality is evident, which CRP research respondents report is perpetrated in part by SPLA soldiers deserting their posts, as well as soldiers not receiving their salaries alongside the broader conflict-induced economic downturn. National Security Service (NSS) actors have also used intimidation, arrest, detention without charge, and disappearances.⁷³

*"When the crisis came in, because of one of our brothers who went in the bush, that is Martin Kenyi, we found ourselves as Madi in very difficult situations. You talk to any other tribes they say: 'it is your husbands in the bush.'"*⁷⁴

The post-July 2016 environment permitted certain localised, frequently violent, political marketplace dynamics involving Nimule's business community to flourish. In 2016, two Madi businessmen who had supported the state government's plans to turn Nimule into a town council were assassinated by 'unknown gunmen.' According to CRP researchers, rumours circulated Nimule around the deaths, which suggested that they were killed by fellow Madi who felt that the businessmen had betrayed their community in favour of the GRSS and Dinka IDPs. Another explanation suggested that the GRSS arranged the killing because the businessmen had evidence of the illegality of the process by which the town council creation was undertaken. Progress towards the town council paused following the assassinations, though the town clerk position and revenue collection system remain.

Violence also displaced parts of the local community, including Madi businessmen, who were targeted by the SPLA as Kenyi supporters and left a local political vacuum which was quickly filled by an influx of foreign businesspeople from Darfur, Eritrea, and elsewhere in the region. These newcomers have been met with resentment by other parts of the business community, who point to GRSS authorities for failing to regulate their activities or giving them preferential treatment:

*"If you look, 95% of the businesspersons are non-citizens...but on my side I can blame the authority at the higher level in the Ministry of Commerce. In most cases, when those people come, they present letters which show that they are granted permission from the Ministry of Commerce national level. A few months ago, I called for a meeting to find out the facts, but all the non-citizens presented documents approved from above."*⁷⁵

⁷² Boswell, Alan (2017) Spreading fallout: the collapse of the ARCSS and new conflict along the South Sudan-DRC border. HBSA Issue Brief Number 28. Small Arms Survey.

⁷³ Human Rights Watch. 2015. South Sudan: Arbitrary Detention, Torture. 18 May: <https://www.hrw.org/news/2015/05/18/south-sudan-arbitrary-detention-torture>.

⁷⁴ CRP research participant, Nimule, August 2018.

⁷⁵ CRP research participant, Nimule, October 2018.

Nimule's business community carries weight within the GRSS, through the revenue it generates as well as direct political payments made by some influential members. As such, many have been drawn into Nimule's political marketplace insofar as the allocation of land titles to businesses has become a highly politicised and increasingly monetised issue. According to the CRP research, foreign businesspeople have an interest in the land survey proceeding so they can purchase land, as opposed to rent it from the Madi community, who generally do not want to sell. The foreigners were said to have influence with the state government because they pay taxes and make direct payments to political allies. For example, one CRP research participant reported that there is evidence that businessmen and politicians from the state-level and Juba contributed funds to encourage the state government to create the town council.⁷⁶ Not only do foreign businesspeople support the town council process, some Madi businesspeople reportedly are in favour as well.

At the same time, as a result of the recent national conflict, Nimule was subject to waves of IDPs from Jonglei, Bahr el Ghazal, and Central Equatoria, many of whom brought large herds of cattle which move freely across the land with them. Many IDPs were assigned land by local authorities out of the town, such as from nearby Melijo, while others remained within Nimule. This post-2013 influx created further tensions with the Madi host community, though these have not yet escalated into violence. Political marketplace logics are evident here too; a significant, though unknown, proportion of the cattle that arrived in Nimule since 2013 and 2016 are owned by SSPDF generals and political elites in Juba, who task their relatives with looking after the cattle. In contrast, many herders in Nimule do not own any cattle themselves. The

cattle are kept in Mugali, a camp just outside of Nimule, which is guarded by armed herders "like a barrack."⁷⁷

Key GRSS elites believed to currently own cattle in Nimule include the former governor of Jonglei state, Philip Aguer, and GRSS Minister for Information Michael Makuei, who is from Bor. In 2017, President Kiir decreed that cattle should be returned to "homelands," but this has not been implemented and there have been two subsequent decrees that unsuccessfully called for the return of cattle.⁷⁸ The governor of former Imatong state attempted to remove the cattle, with support from UNMISS and the SPLA, but was reportedly soon bribed and threatened, and ceased his efforts. And, according to a CRP researcher, GRSS actors initiated a proposal to create two new counties within current Pageri county, so that the headquarters of each new county could be surveyed and divided into plots. The impetus for this shift was reportedly so that Dinka elites, many of whom are Juba-based and own large cattle herds, can claim this land. The commissioner allegedly forced the chief of Nimule to sign the proposal document in December 2019 and rounded up community members who refused to agree to it. The status of this proposal since the ten-state system was restored is unclear. There has also been suspected bribery of the SPLA commanders in Nimule who are officially responsible for returning the herds. For example, the Tiger Division was requested to escort the cattle back to Jonglei, to protect the people and herds, but again, the move was suddenly halted, and the cattle were escorted to nearby areas just outside of the town.

Latterly, Makuei has apparently begun to support moves to return cattle from Nimule to Bor, because Bor has been largely deserted, so they want cattle and people to return, repopulate the constituency, and fill the

⁷⁶ CRP research participant, Nairobi, January 2020.

⁷⁷ CRP research participant, Nairobi, January 2020.

⁷⁸ VOA (2017) *South Sudan president tells cattle keepers to go home*. 30 October. <https://www.voanews.com/archive/south-sudan-president-tells-cattle-keepers-equatoria-go-home>.

current security vacuum with no cattle or (armed) cattle keepers. CRP researchers also report that there are fears that Murle could easily attack Jonglei. At the community level, Dinka IDPs have reportedly paid local Madi community members to pretend that they own the cattle. The local cattle driving committee, which is comprised of Madi, Kuku, Bari, Acholi, and Lolubo community members that were affected by cattle encroachments, met with cattle keepers in late 2019. The latter responded that they cannot take their cows to Jonglei, because the cattle were bought locally and in Uganda, and would therefore die if they return to Bor because of disease and poor water access.

Contemporary public authorities

Louis Lobong has been the Torit-based Governor of Eastern Equatoria since 2010. His governorship included Nimule until Kiir's 28 states decree, under which Nimule fell within the new Imatong state, governed by Natisio Loluke Manir. Since the ten-state system has been restored, Lobong is once again the Governor for Eastern Equatoria, including Nimule. Lobong's authority is contingent on his close working relationship with the military and ongoing alignment with elite GRSS interests, as well as Eastern Equatoria's members of state parliament, who apparently also have economic interests in Nimule's transition to a town council.

Through Nimule's transition from *payam* to town council in 2013, the highest level of authority within Nimule officially shifted from the *payam* head chief to the town clerk. The town clerk position is responsible for overseeing revenue collection, is the chairperson for security in the town, and is endowed with the authority to oversee land demarcation initiatives. The town clerk also assigns land to investors and community

members. But after the 2013 death of the *payam* head chief, the Madi community objected to elections to install a town clerk for four years and a vacuum emerged in which neither form of authority figure was in place.⁷⁹

Eventually, a town clerk was appointed in 2017, but contentions over the land survey and title apportioning processes led to three subsequent changes in the town clerk. In the first instance, the town clerk was reportedly perceived as an agent of elites and businessmen and had dissident community members detained.⁸⁰ The community subsequently raised complaints and successfully had him replaced. The second town clerk had better relations with the community and managed to hold elections to replace the head chief but was soon fired as a result. The third town clerk was appointed in late 2017. Each time the town clerk was removed and reappointed by state governor decree, despite formal rules outlining that the town clerk position should be elected.⁸¹ The Madi community, led by the new head chief, continue to resist efforts to form the town council and install town councillors, creating an impasse in which progress has been stymied.

CRP research found that tensions between the Madi community and the government, and among the Madi and IDP communities, has increased criminal violence. Likewise, the heavy presence of security forces has impinged on the authority of Nimule's other local governance structures, notably county commissioners and chiefs. The Pageri county commissioner was displaced to Nimule town, since Pageri was destroyed during the fighting in 2016.⁸² For instance, community members interviewed reported a general inability for local government to address violence and crime in the area:

⁷⁹ CRP research participant, Nairobi, January 2020.

⁸⁰ CRP research participant, Nairobi, January 2020.

⁸¹ CRP research participant, Nairobi, January 2020.

⁸² CRP research participant, Nairobi, January 2020.

"In most cases, those government officials who attend the cluster meetings say they do not have the power to stop some things happening. That is the bitter truth which they tell us. They don't have the power to stop the killings, arrests."⁸³

Meanwhile, chiefs are also forced to grapple with increased violent criminality and the incapacity of other local authorities to ameliorate it since the outbreak of conflict:

"There is difficulty in movement of people from one place to another. There are cases of illegal disappearance of community members, some people were killed. There is forceful displacement. This has made hard life for me as being a leader...I always give the report to those people who are in the higher authority than me, though the feedback may be there or not... [Government authorities] also do complain that sometimes they do not have resources to facilitate their activities. So, the answer is not definite."⁸⁴

As noted, CRP research highlighted how the conflict since 2013 has reinforced Nimule's existing status as a garrison town and increased security forces' physical presence and the general climate of securitisation. Security forces have now arguably become the town's most powerful public authorities. An interview with a senior member of local government highlights the reach of the military into Nimule's governance structures to the extent that several members of government were prepared to speak out against the security forces, including a local member of the SPLM:

"...people used the opportunity [of war] to harass party members and also community members. That is why people hear of unnecessary tortures, loss of

property, and vandalism of property. All these are what I see as challenges, because that is not the ideas of the [SPLM] party...Ours is to the political wing. Some of these things are done by other wings like the military wing. For this to be improved, the military bases should not be there...Yes, there is security meeting done under the commissioner authority. Sometimes we go in the barracks to talk to the commanders with the chiefs and sometimes we take some victims in the barracks to testify. We sometimes talk to them over phones, when military men cause problems, things happen in the community. But the army always talk of commands, so as a civilian I do not understand how the commands operate."⁸⁵

The SPLA's Presidential Guard, the Tiger Division, has a strong presence in Nimule. The Tiger Division is largely recruited from Kiir's home area in Warrap and understood as one of the more elite and effective SPLA forces, despite rampant indiscipline. A senior member of local government that the CRP's researchers interviewed provided the following critique of the Tiger Division's conduct:

"We are trying to protect those facilities, those assets, but yet our commanders, basically let talk of Tiger [Division], I don't fear anything. Tiger proved to be stubborn, whatever we agree and he is member of security committee, he is supposed to give directives to his soldiers, because these are soldiers who are doing those such things [such a looting and destroying property]. Nowadays the commander is sometimes not feeling to come and attend with us meeting because we always challenge him."⁸⁶

⁸³ CRP research participant, Nimule, October 2018.

⁸⁴ CRP research participant, Nimule, April 2018.

⁸⁵ CRP research participant, Nimule, October 2018.

⁸⁶ CRP research participant, Nimule, June 2018.

The Tiger Division was deployed to Nimule officially to find Martin Kenyi. A CRP researcher explained that the Tiger Division follows no define mandate, but rather involves itself in all security-related activities in Nimule:

*"Tiger Division does border control, also do patrolling with police, [respond to] any rumours about rebels approaching... [They] do security meetings with all other Nimule authorities, with commissioner, public prosecutor, NSS, town clerk, criminal investigation department. They would get involved in minor clan-based skirmishes, arrest people, intervene even before police. Any sound of gunshot, they are the first ones to go there. Sometimes the community appreciates their presence, sometimes they don't."*⁸⁷

87 CRP research participant, Nairobi, January 2020.

88 CRP research participant, Nimule, April 2019.

The security forces' purview also extends to border revenue collection, in that, following the Sudanese system, not that of the East African Community bloc, customs officers are officially considered part of the police, not the civilian government. This is evidence of the changing nature of South Sudan's political marketplace whereby security services increasingly find ways to control revenue sources other than oil. According to a customs officer:

*"The challenges we face are based on powers that we have because all military issues depend on orders, so I have little powers and I cannot change anything being done by my superiors otherwise I can also be in problem, so we have many challenges but you cannot respond to them."*⁸⁸



Cattle on the outskirts of an IDP camp in Nimule.

Source: United Nations Photo/Tim McKulka

Abyei

Abyei, officially known as the Abyei Administrative Area, straddles Sudan and South Sudan's border and was a central site of contention throughout Sudan's first and second civil wars, which continued into South Sudan's recent war.

Background

Abyei's history is marked by contestation and failed peace agreements. Locally, an ongoing violent power struggle between the largely southern-facing Ngok and the northern-backed Misseriya nomads has played out, while at the same time conflict dynamics are also part of a high-level territorial tug-of-war between Khartoum and Juba.⁸⁹ Misseriya and Dinka violence has transitioned from historical patterns of dry season grazing-related conflicts in the 1970s to extreme acts of politicised violence, in part because notions of shared land were abandoned in favour of a more fixed and territorialised understanding of ethnicity and land.⁹⁰ This trend is not unique to Abyei and is also evident in other CRP research sites. The South Sudanese scholar and public intellectual Luka Biong Deng Kuol argues that these acts of violence in Abyei were one of the key drivers of Sudan's broader second civil war, as well as factional divisions within the southern liberation movement.⁹¹ Several Dinka Ngok became prominent leaders as well as a substantial proportion of soldiers within both key groups that initiated the second war, the reconstituted Anyanya II and the nascent SPLM/A.⁹²

The CPA did not resolve Abyei's status. Armed clashes in April 2011 – which threatened to spark a wider north-south war and derail the possibility of a peaceful independence for South Sudan – prompted the June 2011 establishment of a 'stopgap' peacekeeping force, the United Nations Interim Security Force for Abyei (UNISFA). UNISFA established a security cordon around the centre of Abyei to protect Ngok communities, which allowed Misseriya to use the seasonal grazing land that surrounds it to prevent their encroachment into Ngok agricultural land.⁹³

Khartoum refused to cooperate with the CPA and African Union (AU) proposed referendums over Abyei. The Ngok then unilaterally organised a referendum, in which only they participated, voting to join South Sudan, but the outcome was not formally recognised by the AU, Khartoum, or Juba.⁹⁴ The June 2011 agreement also created the Abyei Joint Oversight Committee (AJOC), which was supposed to oversee the administration of the area but became dysfunctional after around two years.⁹⁵ During the continued impasse, Abyei fell under the *de facto* government of an Ngok body called the Abyei Area Administration (AAA), which has continued to push the issue of Abyei's status, which is stymied by the fact that official decision-making must be undertaken between Khartoum and Juba under the AJOC.⁹⁶

⁸⁹ For more background, see Luka Biong Deng Kuol (2014) and Douglas Johnson (2007).

⁹⁰ Johnson, Douglas (2007) *Why Abyei matters: the breaking point of Sudan's Comprehensive Peace Agreement?* African Affairs, 107/426, 1–19.

⁹¹ Kuol, Luka Biong Deng (2014) *Political violence and the emergence of the dispute over Abyei, Sudan, 1950–1983*, Journal of Eastern African Studies, 8:4, 573–589.

⁹² Johnson, Douglas (2007) *Why Abyei matters: the breaking point of Sudan's Comprehensive Peace Agreement?* African Affairs, 107/426, 1–19.

⁹³ HSBA (2015) *Update on Abyei: describing events through 1 July 2015*. <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/abyei/HSBA-Abyei-July-2015.pdf>.

⁹⁴ Kuol, Luka Biong Deng (2014) *Political violence and the emergence of the dispute over Abyei, Sudan, 1950–1983*, Journal of Eastern African Studies, 8:4, 573–589.

⁹⁵ Reliefweb (2011) *Agreement between The Government of the Republic of Sudan and The Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area*, <https://reliefweb.int/report/sudan/agreement-between-government-republic-sudan-and-sudan-peoples-liberation-movement>.

⁹⁶ HSBA (2015) *Update on Abyei: describing events through 1 July 2015*. P4. <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/abyei/HSBA-Abyei-July-2015.pdf>.

Contemporary conflict dynamics

Since the outbreak of war within South Sudan in December 2013, Abyei has not been subject to the direct violence of the national conflict. Both Khartoum and Juba have apparently been distracted by their respective internal conflicts rather than Abyei's status. At the time of writing (July 2020), South Sudan's warring parties had not agreed on the allocation of Abyei and nomination of its governorship, which is a role that was previously known as the Abyei Area Administrator. Nor was a future referendum to resolve Abyei's status set. UNISFA's force size was also reduced within the past two years and there is pressure within the UN Security Council to end the mission.⁹⁷ It is generally agreed that UNISFA's security cordon in Abyei has been effective in reducing large-scale inter-communal clashes, with outright violence between the Misseriya and Ngok replaced by anonymous attacks by 'unknown gunmen'.⁹⁸ Violence has recently erupted between the Misseriya and the Ngok, which includes a January 2020 incident with 36 fatalities and hundreds of Ngok displaced.⁹⁹

Contemporary public authorities

Public authority in Abyei takes many forms and has transformed and shifted in recent decades due to successive waves of conflict. Diverse forms of public authority emerged in the CRP's field research, some of which emanated from within the security arena, the official structures of government, and individual actors from the community. Respondents in Abyei said that UNISFA was the most powerful authority overall regarding security, thanks to its force size and mandate:

*"UNISFA are the most powerful people in Abyei, much more powerful than [the] SPLA, who are restricted to [a] small area."*¹⁰⁰

UNISFA's presence as a public authority since 2011 has to some extent displaced the authority previously held by community chiefs. In so doing, it has shifted Misseriya and Ngok communities while simultaneously reducing large-scale inter-communal clashes. Whereas previously the Misseriya would negotiate with the Ngok over the seasonal grazing routes they took through Abyei during annual grazing meetings, since the cordon, such events have ceased, which effectively closed the space for customary authorities within the two communities to exercise their public authority through negotiation. According to the Human Security Baseline Assessment (HSBA), grazing meetings have also served as negotiating forums between the two communities, in which debts for thefts and killings were settled and migratory routes agreed upon, "as part of a complex calculus of alliances, kinship, and shifting ecological conditions."¹⁰¹

In Abyei, the SPLA appears to enjoy continued symbolic public authority thanks to the participation of Ngok in the leadership and rank-and-file through each of the wars. At present, the SPLA's relatively small physical force size and the demilitarisation and restrictions in movement enforced by UNISFA means that the SSPDF can actively exercise relatively limited public authority in Abyei than it can elsewhere in the country.

As with the SPLA/SSPDF, the SPLM/GRSS holds a symbolic public authority in Abyei, as it is still seen as the liberators of the south, which many of the Ngok favour over Khartoum. And yet, this does not necessarily

97 United Nations (2019) Security Council Extends Mandate of United Nations Interim Force for Abyei until Mid-May, Unanimously Adopting Resolution 2497. <https://www.un.org/press/en/2019/sc14019.doc.htm>.

98 Foreign Policy (2018) *Conflict in Abyei could reignite South Sudan's civil war*. 6 June. <https://foreignpolicy.com/2018/06/06/conflict-in-abyei-could-reignite-south-sudans-civil-war/>.

99 VOA (2020) *UN Urges Calm After Deadly Attack in Disputed Abyei Border Area Between Sudan and South Sudan*. 25 January. <https://www.voanews.com/africa/un-urges-calm-after-deadly-attack-disputed-abyei-border-area-between-sudan-and-south-sudan>.

100 CRP research participant, Nairobi, January 2020.

101 HSBA (2015) *Update on Abyei: describing events through 1 July 2015*. P2. <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/abyei/HSBA-Abyei-July-2015.pdf>.

secure the unwavering goodwill of Abyei's community; for instance, CRP research respondents decried the GRSS' lack of physical presence, failure to provide public services, and nepotism in Abyei:

*"I cannot do anything because government is the one who holds our necks, it is very hard to blame the person above you and also is the one holding your neck...the government doesn't give right to the citizens, the government has forgotten the children of people who were killed during the war...The children whom their parents were killed by Misseriya and Arabs; they [will] not be able to pay public school."*¹⁰²

Respondents also suggested local government structures were key public authorities in Abyei. The governor in particular is a key figure and his authority rests on several factors, including his relationship with President Kiir, personal role in the second civil war, extended relationship with the security forces, and local popularity:

*"Governor Arop Moyak is the most powerful because he is selected by the President. Usually, governors are elected locally but presidential decree put him in place. The SPLA Division 3 sits under him. He is a former soldier, guarded by the police...the Governor is very popular with the people, he would likely have been elected anyway. He is friendly, flexible, open, not corrupt. Kiir selected him because he is well liked and is known as a good fighter."*¹⁰³

Similarly, Abyei's county commissioners appear to derive their public authority in part from their relationship to the military and the second civil war:

*"All commissioners in Abyei are also former SPLA. For example, in Agok, the commissioner was an SPLA Major. They are the ones who liberated Abyei, so they feel they have earned their position and also they don't trust others who weren't in the liberation."*¹⁰⁴

While the Ngok Dinka chiefs once followed a comparatively centralised, hierarchical structure in which the Paramount Chief was the highest form of public authority, this has been damaged throughout the last century by efforts of repression, including assassinations, by the Misseriya and regimes in Khartoum. During the recent war since 2013, respondents explained that the wider net of Ngok chiefs served as a pivot between the SPLA and the communities, which organised cattle and food contributions and new recruits from the communities. While the paramount chief position remains today, Ngok chiefs, and sub-chiefs, have a more decentralised structure than other Dinka sub-tribes, and have close relations with the communities they represent. However, their key role as negotiators of peace or defenders from conflict with the Misseriya is hamstrung by UNISFA's presence.

As in Gogrial, Abyei's Ngok communities have *gol* leaders, which sit beneath the sub-chiefs. During the recent war and previous wars, *gol* leaders participated in organising the recruitment of youth to the fighting forces. Equally, when humanitarian organisations and non-government organisations (NGOs) approach communities, *gol* leaders are considered appropriate decision-makers regarding which households receive aid. A CRP Abyei field researcher reported that:

*"A gol leader is unpaid. Officially, they don't expect money for their role. But they are the most powerful people in the community as they know everybody."*¹⁰⁵

102 CRP research participant, Abyei, May 2019.

103 CRP research participant, Nairobi, January 2020.

104 CRP research participant, Nairobi, January 2020.

105 CRP research participant, Nairobi, January 2020.

One CRP field researcher relayed that another little-known community defence group exists in Abyei's security arena today, the Abyei People's Defence Force (APDF). The researcher claimed that the APDF draws its membership entirely from the local Ngok community, which protects them from attacks by 'unknown gunmen' and presumably enjoys community support, while maintaining SPLA-links without UNISFA oversight:

*"There are boundaries that mean SPLA and UNISFA cannot travel around freely with guns. In these territories, unknown gunmen and Misseriya come and kill people. So local people sat down to talk about these problems and established their own defence force in 2018... but before that since 2008 they had something called the Mobile Force, which was officially linked to SPLA, but leader called Ayuel Kiir, colonel in the SPLA, was arrested by GRSS in 2015, accusing him of joining the [SPLA-]IO, which was false. When Ayuel was being investigated in Juba, Arabs and gunmen came and ambushed Abyei. Ayuel was released in 2018, returned to Abyei and then the community said they wanted a protection force again – it is voluntary and there are maybe more than 1,000 members. UNISFA is not aware of this force...Arabs stopped killing people once this force was re-established, until November 2019 they came and killed six people, so APDF went and killed many more people in revenge. They are armed because they are linked to the SPLA. They have t-shirts."*¹⁰⁶

Research respondents reported that prominent local businessmen were also significant public authorities within Abyei. Following major spates of violence between the Misseriya and Ngok in 2008 and 2011, local businessmen used their own resources to aid communities, supported them with food, and assisted in the rebuilding of destroyed property. On the whole, the business community did not express an interest in engaging in formal politics, despite their resources and popular support. For example, one CRP researcher reported that:

*"One businessman called Monlyluak. He was supplying SPLA [in the 1980s] with food in Warrap. This made him popular. Also, he was cultivating a large area of land, able to sell food to hungry communities. In 1994, GANTRY [a splinter group from the SPLA, led by Kerubino Kuanyin Yol] looted Monlyluak, so he went to Luach, in Tonj... he was buying cattle there, had a big farm and many cattle, but the cattle were taken by Nuer militias, so he approached the SPLA and told them, and they helped him to boost his business, gave him some more cows. In 2002, he went to Abyei, to Aniet area, where the market was empty, so he established it. Then the SPLA came and settled in that market, so it kept expanding. He was in charge of the market. He depends on both the market and his farm, growing sorghum. WFP [World Food Programme] bought food from him...He doesn't want to be a politician – he was asked to be a commissioner, but he refused. He just wants to do business. He is trusted and well liked because he has a big farm where he employs many people, has a lot of customers, and treats people well."*¹⁰⁷

¹⁰⁶ CRP research participant, Nairobi, January 2020. However, the field data from Abyei does not reveal any more information about the APDF, nor has it been mentioned in media reporting.

¹⁰⁷ CRP research participant, Nairobi, January 2020.

Comparative Analysis

Comparisons on the nature of public authority over space and time

Evident through this research was that, while both formal and informal public authorities varied considerably across the five research sites, a number of important commonalities also emerged in some or all locations. These illustrate their evolving roles within South Sudan's conflicts and relationships to South Sudan's centre of power.

The CRP's research challenges several popular assumptions; foremost of which is that 'Dinka stronghold' areas, such as Abyei and Gogrial, are closely aligned to the SPLM/GRSS due to the number of political and military elites that hail from those ethno-regional communities. Crucially, our research indicates that, while the SPLM/GRSS may continue to wield some symbolic power, discontent with the current senior GRSS leadership is rife. A historical perspective on South Sudan's experiences through the 20th century, through colonialism and subsequently the first and second civil wars, drove a reification of tribal identity – and by extension, sectarian division – among the country's communities. Propagating a tribalised version of community identity served as a means for conflicting elites to invoke legitimacy and influence, in lieu of providing more tangible public resources. In this context, through the first two civil wars, the ethnic affiliations of the conflicts' leaders became a powerful means to invoke the support of communities. This research illustrated however that, as an example, interviewees in Gogrial, President Kiir's home area, and Abyei, which is the home of several senior liberation-period leaders, were vocal about their dissatisfaction at the GRSS' inadequate record of public service delivery. Interviewees in these areas were conscious and openly critical of the ethnicised framing of the current conflict, which pits Dinka communities against neighbouring Nuer. It appears that increasingly,

an ethnic affiliation, and the narrative of 'liberation,' are less able to secure the full support of communities in these areas.

To some extent, the CRP's research suggests that the same is also true in Leer and wider Unity State despite ethnic linkages to some of the most senior members of the SPLM/A and SPLA-IO, Riek Machar and Taban Deng Gai. The clear absence of public goods provision and investment in those communities by their elites has eroded public trust in the state and undermines the perception that identity politics are easy to instrumentalise in South Sudan. The act of 'liberation' is increasingly insufficient to secure government support among communities and demands for improved public service delivery have increased.

In fact, respondents across all five research sites were openly critical of the SPLA; again, this included areas that were under SPLA control or the supposed 'Dinka stronghold' areas that have contributed much of the military's senior leadership as well as rank and file. Complaints across the locations ranged from the SPLA's incapacity to maintain security and control (Abyei, Gogrial, Malakal, Nimule); to its abuse of the communities and indiscipline (Gogrial, Malakal, Leer, Nimule); and, its illegal targeted detentions and disappearances (Nimule). As with the SPLM/GRSS, it appears that a liberation narrative, ethnic or identity affiliation, or official control of an area, does not necessarily guarantee that the military is seen as a legitimate authority among communities. While this research only covered one SPLA-IO controlled area, Leer, in which the SPLA-IO's control is only in the rural areas, vocal support for the opposition military group was notably absent from interviews with Leer's communities. This further supports the research finding that the SPLA-IO's authority might be waning.

State governorships were also highly divisive across research sites. Governors' authority in certain states constantly fluctuates and

remains tenuous due to high turnover rates and the recent pattern in which new governors have been appointed by Juba rather than locally elected by their constituents. In the CPA period and from 2013-onwards, gubernatorial contestation has been one of the single most conflict-triggering issues in Gogrial, Leer, and Malakal. We should accordingly view the very recent agreement on the allocation of governorships and allocations of governors across the ten states as a significant albeit potentially inflammatory step. At the time of writing, gubernatorial posts had not yet been formally announced by any party. Upper Nile State had been allocated to the SPLA-IO, but they had not yet appointed a governor, and SSOA had contested the decision and claimed that they should have been allocated the state. This project's research findings suggest that we should expect the final allocation of states and gubernatorial appointments will remain potentially divisive and might alienate either the state's Padang Dinka, Lour Nuer, or Shilluk populations. The allocation of Unity state to the GRSS and appointment of Bul Nuer Joseph Monytil as governor also appears likely to contribute to contestation as the country heads into the R-ARCSS' implementation period.

A commonality throughout rungs of local governments in the states, from governor, to county commissioners, to chiefs, is that much of their authority derives from their relationship with the military and their ability to mobilise defensive or offensive violence among their constituent communities during the recent conflict. This was visible to varying extents in all five research locations since 2013, but the approach is not new. Rather, it represents continuity from the second civil war; for instance, the historian Nicki Kindersley writes that in Northern Bahr el Ghazal, "Customary authorities and chiefly families have been co-opted into—and have made themselves indispensable to—military administrations and economies from which they have also gained

material benefit [...] since the British period and particularly during the Anyanya and SPLA wars."¹⁰⁸ This statement may be applicable to the other parts of South Sudan that this project surveyed, including Gogrial, Malakal, Abyei, and Leer. Consistent with the findings of the CRP research, Kindersley charts this trajectory in which the militarisation and 'modernisation' of local authorities has increased since the CPA period: "Communities also removed long-standing chiefs through elections or reappointments, often in favour of younger and militarily connected men with government or NGO experience, who had knowledge of the language and networks of this new militarised SPLA government."¹⁰⁹

The post-CPA proliferation of administrative divisions and associated governance structures has broadly diluted local public authorities' authority, such that each commissioner and chief have a smaller purview but also fewer resources under their control. Several factors beyond proliferation have further diminished or at least reconfigured chiefly authority at the community level. First, elites practicing political marketplace logics have degraded both the administrative authority and the customary authority of the chiefs across the different locations. We see the former in Nimule, where the head chief's role has been superseded by the new town clerk position and the GRSS-driven process of turning Nimule into a town council, against the wishes of the Madi community. In Gogrial and Leer, the erosion of the chiefs' customary authority has augmented the cattle economy and disrupted customary cattle rites. The related ascendancy and formal militarisation of community militias and cattle keeping defence groups, which have historically been under the control of the chiefs, also threatens chiefs' authority. In Gogrial, it was noted that the Apuk and Agok armed cattlekeeping groups increasingly operated beyond chiefly oversight and instead answering to distant elites in Juba

¹⁰⁸ Kindersley, Nicki (2018) *Politics, power and chiefship in famine and war: a study of the former northern Bahr el Ghazal state, South Sudan*. Rift Valley Institute. P40.

¹⁰⁹ Kindersley, Nicki (2018) *Politics, power and chiefship in famine and war: a study of the former northern Bahr el Ghazal state, South Sudan*. Rift Valley Institute. P42.

and elsewhere. Leer's *gojam* militia, which has become extremely well-armed, increasingly undisciplined, and somewhat distant from the Nuer community chiefs through their participation alongside the SPLA-IO when they repulsed SPLA offensives in Unity, is a key example of this trend.

Finally, another post-2013 development that has significantly reconfigured and often damaged chiefs' authority is conflict-driven displacement; in many areas, chiefs officially govern areas that have been almost entirely depopulated and destroyed, which rendered them effectively obsolete. Many of these communities have also been displaced to the custody of UNMISS PoC sites, where the roles of chiefs has been reconfigured such that they hold informal authority, but have been stripped of their formal authority.¹¹⁰

The CRP's research otherwise illustrates that spiritual leaders' authority, such as Nuer and Dinka prophets and *bany bith*, is more resilient and adaptable to the recent conflict, although this appears to be contingent on those figures' *personal* ability to mediate conflict. Naomi Pendle has documented these dynamics in detail, and observes that elites such as Riek Machar have approached the prophets through the recent conflict, which is a testament to the prophets' enduring authority.

The UN's footprint, at least in the guise of UNISFA in Abyei since 2011 and UNMISS bases and PoC sites across the country since 2013, has variously dented or reconstituted local public authority. At the same time as a public authority, the UN, has provided only partial protection to communities. Evidence includes its inability to prevent SPLA and Padang militia attack within the Malakal PoC site in February 2016. Whereas in Abyei, UNISFA has largely curtailed active clashes between Misseriya and Agok Dinka communities but has failed to prevent targeted forms of violence against the community by 'unknown gunmen.'

Patterns across local political markets

The HSBA wrote of Unity state that, "like the second civil war, the current war has allowed elite commanders to pursue a form of power that is delinked from negotiations in Juba, and from a vision of the future South Sudanese state."¹¹¹ In fact, this statement could apply across much of the country, including Gogrial, Leer, Malakal, and Nimule.

The post-2013 conflict has contributed to localised wars over land, business, and natural resources. Fighting over Leer was part of Unity state-wide dynamics whereby elites from some Nuer sub-sections within the SPLA-IO and SPLA used the national conflict to recruit Nuer *gojam* militias and support their efforts to acquire territorial control over key areas of the state and pursue agendas that predate the recent conflict. In Gogrial, the conflict over the *toc* between the Aguok and Apuk Dinka through 2016-17 is often understood as divorced from the national conflict, but the timing of the two levels of conflict are unlikely to be coincidental. Since they were coordinated by GRSS elites in Juba, the *toc* conflict no doubt benefited from the impunity, chaos, and distraction created by the national conflict.

Malakal, and wider Upper Nile state, also typify this trend. Once again, the national conflict provided a vehicle through which Padang and Shilluk elites could exact their long-standing grievances and desire to control the Nile's west and east banks, to benefit from the resources and revenues they hold. Whereas in Nimule the national conflict likely created a conducive environment for GRSS elites who were backed by the SPLA to encroach upon Nimule's local administrative structures and physical territory for the lucrative border revenue and commercial opportunities and grazing land that it offers. Abyei is the exception to this rule, where the impending resolution of its status and the presence of UNISFA appear to have put any significant political and conflict developments on hold.

¹¹⁰ Ibreck, Rachel, Pendle, Naomi and Logan, Hannah (2017) *Negotiating Justice: courts as local civil authority during the conflict in South Sudan*. Justice and Security Research Programme.

¹¹¹ Craze, Joshua, Tubiana, Jerome, and Gramizzi, Claudio (2016) *A State of Disunity: Conflict Dynamics in Unity State, South Sudan, 2013–15*. HSBA.

Under the logic of seizing control of natural resources and sources of political finance, we have seen that violence is readily deployed, even in areas the recent war did not directly reach. Coinciding with the conflict since 2013, the 4,000 deaths in Gogrial through the *toc* conflict, and the frequent 'disappearances' within Nimule town, illustrate that violence does not just take place on the key 'battlefields.' We have seen that violence oscillates between overt attacks against women and children and elders, who had previously not been considered legitimate targets, and more surreptitious attacks by 'unknown gunmen' and disappearances. In any case, violence appears to be the central currency within South Sudan's political marketplace logic.

On the other hand, this research did provide a few cases where the violent elite-driven dynamics of the political marketplace do not always override other forms of public authority and negotiation. Even in the midst of the most intense versions of this, there are still some spaces for more moderate negotiations of power. Modest examples include the GRSS' replacement of the governor in Malakal in 2016, from the aggressive and divisive SPLA general Chol Thon to a more moderate Dinka priest. Another example includes Nimule's Madi community leadership's efforts to resist the progression of town councils. When interpreted alongside the instances of community cohesion fostered within the Malakal PoC site, Madi community resistance can be understood as 'pockets of civiness' and are powerful exceptions to violent logics of South Sudan's political marketplace.

Throughout this research, there are examples in which the post-2013 national conflict has also created conditions in local-level political marketplaces for politically and military-connected businesspeople to thrive. Arguably, their operations provide the clearest view of how government 'works' in South Sudan. This project found contemporary examples in Abyei,

Gogrial, and Nimule. Comparatively wealthy, well-connected elites who straddle South Sudan's political, military, and commercial realms are nothing new; the shift appears to be due to the ways in which these actors have proliferated in the post-CPA period. The increase is likely due to the influx of 'new money' from oil revenues and other commercial opportunities created by the country's independence.

In fact, to describe them as 'local' actors is a misnomer since their success heavily hinges on their connections to the centre. Their fortunes wax and wane according to the strength of these connections. Moreover, these actors' tendencies to spend their money outside South Sudan, in Kenya and beyond, renders them simultaneously actors on the local, national, regional, and international stages, while simultaneously exacerbating inequities within home communities in South Sudan. Given that much of South Sudan's elites' authority, both business and political, derives from post-CPA period oil money, the question of what happens to these actors when the oil money runs out is deeply salient. Might this reconfigure the elite and centre-periphery relationships that dominate South Sudan's political marketplace?

It is also worth noting that several examples provided through this research suggest such actors are not necessarily always nefarious. For instance, several prominent businessmen in Abyei whose interests appear to support or protect local communities, exhibit forms of public authority that might not contribute to violent political marketplace logics. The Leer trader, who has worked to maintain connections with the government and security forces for his business to continue operating through the recent conflict, is one example of the strategies that are often essential for survival, equally or more so than for personal gain.¹¹²

112 For further discussion of the role of traders and entrepreneurship in this context, see Twijnstra, Rens (2015) 'Recycling oil money': procurement politics and (un)productive entrepreneurship in South Sudan. *Journal of Eastern African Studies*. 9:4, 685-703.

Land as a resource in political conflict

As these case studies have demonstrated, struggles for control over South Sudan's natural resources have been significant components of conflict dynamics across the country. The CRP's research draws attention to the ways in which ethnicity is increasingly territorialised across South Sudan. This appears to be a highly political, often violent process that instrumentalises identity politics through notions revolving around ethnicity, fabricated 'homelands,' and increasingly absolutist and exclusionary claims over land.

In 2010, Schomerus and Allen observed that:

"Access to land is one of the most common triggers of local violence. In Southern Sudan the problematic nature of access to land and its link to the exacerbation of hostilities manifests itself in issues regarding new administrative boundaries, local borders or clashes between residents and IDPs."¹¹³

According to the CRP's research findings, the occupation and use of land has been one of, if not the central, cause of contemporary conflict in all five research locations. It has been noted that the nature of claims and competition over land has shifted, with notions of shared land usage and access being abandoned in favour of more exclusionary claims posed by one ethnic group or sub-group against another. This was a major driver of the conflict in Malakal since 2013, as well as in Gogrial, where conflict over the *toc* is based on the fact that grazing land cannot be shared by the different western Dinka-sub-tribes. In Abyei, the Misseriya and Ngok Dinka are unwilling and unable to share territory, while in Nimule, land-related competition is increasingly framed as Madi versus Dinka.

Specifically, competition for land in the five research locations has been driven by what that land has on or under it: oil, pasturelands, agricultural lands, cattle, administrative structures, and infrastructure such as roads. The role of oil as a natural resource driving conflict and the political marketplace is well documented. In contrast, the roles of land as resources within the political marketplace is underexplored. The role of cattle in South Sudan's conflict dynamics has principally been viewed insofar as they contribute to local cattle-raiding with poverty, bride price, and an absence of government suggested as key drivers.¹¹⁴ In contrast, as the CRP research and other contemporary studies highlight, there is an emerging need to expand our understanding beyond violent raiding, to understand the roles of cattle ownership, grazing access and related issues, within the politics of South Sudan's violent political marketplace. Such dynamics around cattle-keeping are therefore also increasingly bound up within long-running historical processes of constructing local territories by local actors and governments.¹¹⁵

In a country in which some of the most populous and powerful communities are pastoralist, many contemporary land conflicts centre around cattle ownership and grazing right that are driven by elite interests. As Pendle observes, the influx of 'new money' to South Sudan since the CPA has expanded the number of elites and the wealth they hold; in this case, mainly Dinka and some Nuer elites. Much of the cattle wealth that is monetised appears to make its way outside of South Sudan. Whereas the main way to spend non-monetised cattle wealth within South Sudan is via the accumulation of vast cattle herds, which serves the purpose of a Western notions of a 'bank account' in which wealth, some of which is ill-gotten, is hard to trace. This

¹¹³ Allen, Tim and Schomerus, Mareike (2011) *Southern Sudan at odds with itself: dynamics of conflict and predicaments of peace*. London School of Economics. P53.

¹¹⁴ Allen, Tim and Schomerus, Mareike (2011) *Southern Sudan at odds with itself: dynamics of conflict and predicaments of peace*. London School of Economics.

¹¹⁵ Leonardi, Cherry (2020) *Patchwork states: the localisation of state territoriality on the South Sudan-Uganda Border 1914-2014*. Past and Present.

practice also underscores the material wealth and power of that elite to his pastoralist home community. In such cases, elites hire their typically comparatively poorer relatives in their home areas to care for cattle herds and participate in violent efforts to expand available grazing territory accessible to that community and its elites, and to further augment the herd through cattle raiding.

An advantage of this approach is that it largely still resembles traditional notions of cattle keeping and conflict, even though its linkages to the centre of power and political marketplace are difficult to discern, hence the continued use terms such of 'inter-communal' and 'traditional' conflict. The CRP's research suggests that the expansion in mobile phone usage in remote rural areas might contribute to these kinds of contemporary cattle rustling forms.¹¹⁶ Elites can consequently coordinate the activities of young cattle herders remotely from Juba or elsewhere. Whether and how this circumvents local authorities, such as chiefs, community elders, and the *bany bith*, and their ability to regulate conflict and engage in other rites requires further study.

Land competition driven by a desire to capture control of administrative units was also prevalent across this research – a process referred to by Cherry Leonardi as a "localisation of state power."¹¹⁷ Items at stake in such contests are the borders of the administrative units, the county headquarters, and the associated administrative positions. Such conflicts belong to a wider political marketplace logic in that, by gaining control over administrative units, either through waging conflict, political appointment, or local election, these in turn provide access to key resources and revenues.

Nimule provides some of the clearest illustrations of this dynamic. Examples include the GRSS's 2019 proposal to divide Pageri county into three new counties, which the CRP research participants speculated was so that the headquarters of each new county could be surveyed and divided into plots and allow political or military elites to claim them. The CRP also found that much of the conflict in Gogrial and Malakal was precipitated by changes to administrative units and competition to establish control over them. Competition for administrative units may also be overlaid with competition over grazing territory, so that they are mutually re-enforcing.

Against this interlaced backdrop, local elections could become a significant conflict driver in the foreseeable future. Electoral politics in South Sudan have already contributed to conflicts. Examples include the 2010 gubernatorial and legislative elections that fed into several localised rebellions. The December 2013 conflict was in part triggered by Riek Machar's decision to run for SPLM chairman in advance of planned 2015 national elections.¹¹⁸ This research underscores the ways in which local government elections have seldom been used, while political appointments have become increasingly common throughout the recent conflict. The R-ARCSS specifies that elections, a census, and referendums must take place. This is despite evidence that some elites are trying to claim certain ethnic constituencies. For instance, other CRP research underscores this tendency.¹¹⁹ This research found instances in which Jonglei elites encouraged Bor Dinka IDPs to depart Nimule with their cattle to assert rival claims.

¹¹⁶ Incidentally, in December 2013 when fighting initially broke out in Juba, the extremely rapid spread of the conflict to other, highly remote parts of the country is attributed in part to the message being spread through mobile phones.

¹¹⁷ Leonardi, Cherry (2020) *Patchwork states: the localisation of state territoriality on the South Sudan-Uganda Border 1914-2014*. Past and Present. P4.

¹¹⁸ Brosche, Johan and Hoglund, Kristine (2016) *Crisis of governance in South Sudan: electoral politics and violence in the world's newest nation*. Journal of Modern African Studies, 54, 1.

¹¹⁹ CRP (2019) *The future of protection of civilians sites: Protecting displaced people after South Sudan's peace deal*. Memo, February 2019.

Conclusion

South Sudan's colonial history, and subsequently the civil wars of the 20th century, contributed to the tribalisation or sectarianisation of communities; that is, conflicting elites actively espoused this version of community identity, as a means to invoke legitimacy and influence, instead of providing more tangible public resources. In this context, through the first two civil wars, the ethnic affiliations of the conflicts' leaders became a powerful means to invoke the support of communities, such that ethnic or tribal was successively (re)produced by war and other efforts to assert control by the country's leaders. While the recent war since 2013 has too been painted by many as a war driven by ethnicity, in fact we have observed that more accurately, the recent conflict has principally served as a vehicle for localised violent conflicts over land, business, and natural resources.

In the second Sudanese civil war, it was expected that resolving the 'problem' with the north would resolve the conflict. In the recent war, that assumption has shifted to a focus on resolving tensions in Juba. But as this research makes clear, there is no singular war in South Sudan that radiates out of Juba. Rather, the 'peripheries' across the country are bound up with a conflict rooted in the politics of the centre but also engaged in their own localised conflicts. In fact, localised, territorialised conflicts have dominated South Sudan's living history, and resolving these will arguably take more than just the R-ARCSS.

In locations which have produced some of South Sudan's most senior leaders, the ethnic affiliation of their home communities, and the once-powerful narrative of 'liberation,' appear to hold increasingly less sway among communities in the absence of public service provision by the GRSS. As the GRSS and its citizenry matures, expectations of, and corresponding dissatisfaction with, public service provision will likely increase.

Gubernatorial conflict emerged as a major conflict driver in recent years. At the time of writing, final decisions around the allocation of certain states to the warring parties and their appointments for the governors' role, were still in question. In the near future, related decisions might contribute to tension, conflict and ongoing contestation. Further administrative sub-division could contribute to a new wave of conflict tied to new boundaries and might dilute public authority and stretch the public goods available for effective local governance.

Conversely, South Sudan's ten-state system still holds a number of potentially significant conflict triggers in which the violent political marketplace logics could flourish at the local level. Even the reversion from 32 to ten states has caused discontent among key actors and their supporters who have lost positions as a result of the contraction. One mitigation strategy for this could be to more meaningfully de-link local governance units and positions from particular 'ethnic fiefdoms' in which violent identity politics flourish. The introduction of local electoral politics planned under the R-ARCSS could add another layer of contestation at this level.

Much local peacebuilding work to date has emphasised working with chiefs as a blanket approach, since these individuals are seen as the most legitimate and capable partners through which external organisations can do peace work at the community level. But this literature often ignores the reality that South Sudan's chiefs, and other local governance actors, have often been militarised and politicised. They have also frequently been active participants to the conflict by recruiting local youth into armed groups or contributing to coordination of attacks on neighbouring communities. And, as this project indicates, the public authority and legitimacy of chiefs and other local actors has been severely degraded in recent years, rendering them potentially unsuitable peace partners.

A far more meaningful area for future peacebuilding work is to identify where it can provide support, not necessarily in monetary form, to pockets of civiness in South Sudan; that is, the spaces and the public authorities which allow for diverse communities and different types of public authorities to resist conflict and political marketplace rule and provide space for civil action, non-violent dispute resolution, and counter-sectarian narratives.

External partners also need to find other ways to make local peacebuilding 'stick,' which should focus on addressing the stark inequities produced by decades of conflict and the burgeoning elite-dominated political marketplace that also contribute to identity politics and violent political marketplace logic. For instance, post-CPA 'peace' in South Sudan resulted in huge dividends for a small handful of elites, but very little for communities which this project surveyed. Even Gogrial, which is President Kiir's own village, continues to exist in a state of chronic underdevelopment. As such, for a future robust peace, the living circumstances of ordinary communities

must be improved. Coupling peacebuilding efforts with more tangible dividends, such as infrastructure programming or enforceable local contracts over resources, creates a credible incentive structure that is necessary to encourage cooperation towards a peaceful environment. In fact, as has been highlighted by other research, the aid system prevalent in South Sudan is one which privileges Juba-based structures and organisations, and reinforces existing centre-periphery dynamics and inequalities.¹²⁰

Finally, a priority with emerging 'local' conflicts in South Sudan is to improve analyses. Detailed local conflict analysis has been used sparsely through South Sudan's conflicts. In their absence, outsiders have commonly assumed that localised conflict is simply 'traditional' and 'inter-communal.' Improved understandings of local political and military elite influence and their connections with Juba as well as to the wider region and international ties are needed. Likewise, the role of money and technology such as mobile phones and social media within localised conflicts are also poorly understood and require further study.

¹²⁰ Moro, Leben, Pendle, Naomi, Robinson, Alice and Tanner, Lydia (2020) *Localising humanitarian aid during armed conflict: learning from the histories and creativity of South Sudanese NGOs*. London School of Economics.



IDPs sit under trees in Abyei.

Source: Enough Project

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