'I found the report fascinating and also disturbing in equal measure. …While state building efforts are rightly focused on building up structures from the ground they fail to address the primary need to ensure that such institutions are properly reformed to become independent and impartial institutions…To address these pressing issues and to maximise the positive momentum generated from the elections and the international focus on Southern Sudan at this time, these issues needs to be discussed publicly with all key states, governments and civil society stakeholders who hold the future of Southern Sudan in their hands. I would urge action sooner rather than later.'
Akbar Khan, Director, Legal & Constitutional Affairs Division, Commonwealth Secretariat

'The great strength of the report is the accuracy of its voicing of common concerns – it forms an excellent representation of people's perceptions and experiences, making an important corollary to the current focus on high-level political negotiations and structures. As the report emphasises at the outset, the current focus of Sudanese governments and their international advisors on the technicalities and procedural aspects of planning for the referendum and its outcome needs to be countered by the more holistic approach advocated by this report.'
Cherry Leonardi, Durham University

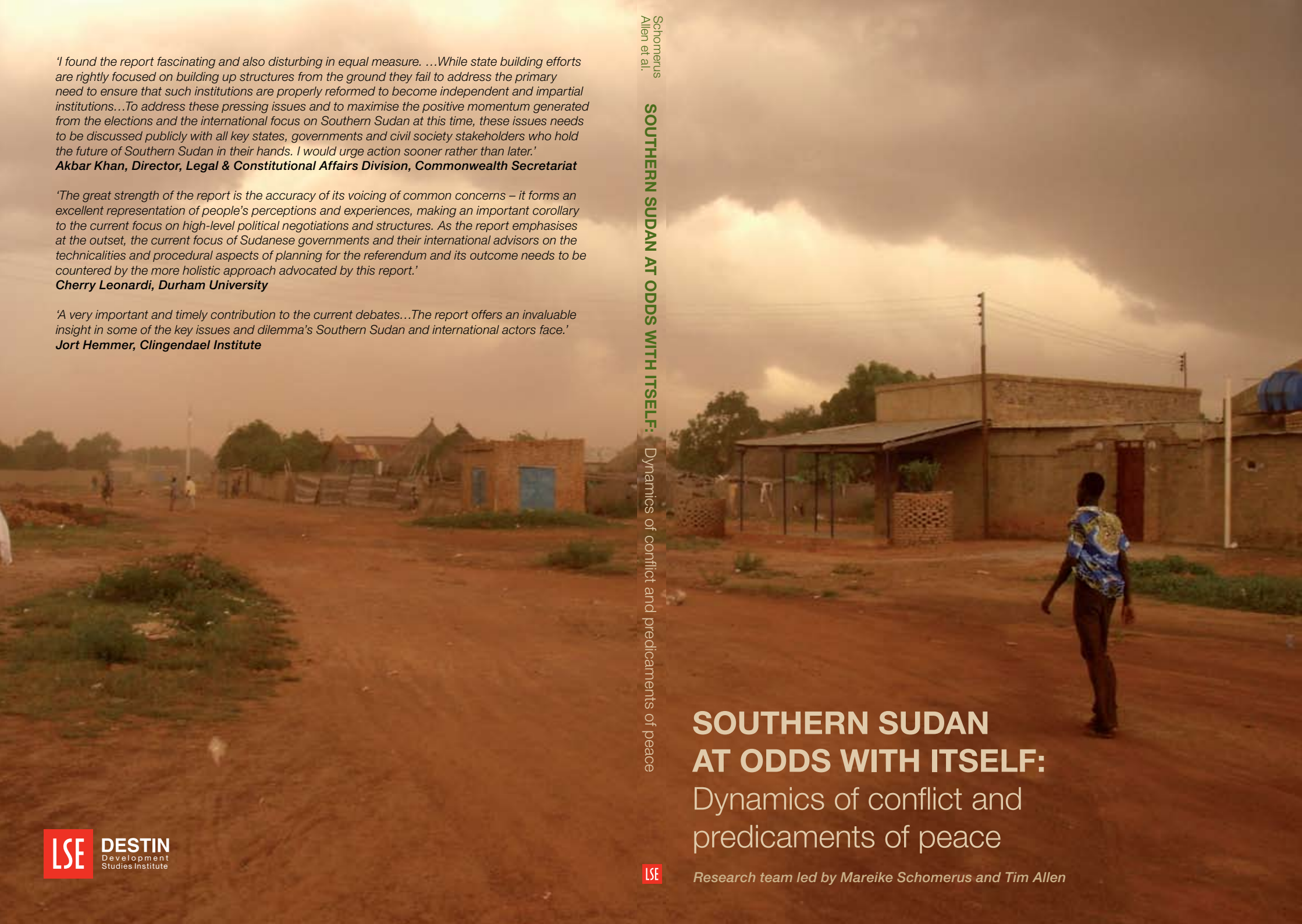
'A very important and timely contribution to the current debates…The report offers an invaluable insight in some of the key issues and dilemma's Southern Sudan and international actors face.'
Jort Hemmer, Clingendael Institute

LSE DESTIN Development Studies Institute

Schomerus
Allen et al.

SOUTHERN SUDAN AT ODDS WITH ITSELF: Dynamics of conflict and predicaments of peace

LSE



SOUTHERN SUDAN AT ODDS WITH ITSELF:
Dynamics of conflict and predicaments of peace

Research team led by Mareike Schomerus and Tim Allen

The research undertaken for this report, commissioned by Pact Sudan through DfID, was led by Mareike Schomerus (project director and principal author) and Professor Tim Allen (lead researcher) of the London School of Economics and Political Science (LSE) Development Studies Institute (DESTIN). The LSE team worked in partnership with Juba University's Centre for Peace and Development Studies (CPDS) and the south Sudan Peace Commission (SSPC). Contributing authors to this report were Rachel Flynn, Aoife McCullough, Adam O'Brien, Krisana Pieper, Sophie Rutenbar and Liana Simmons.

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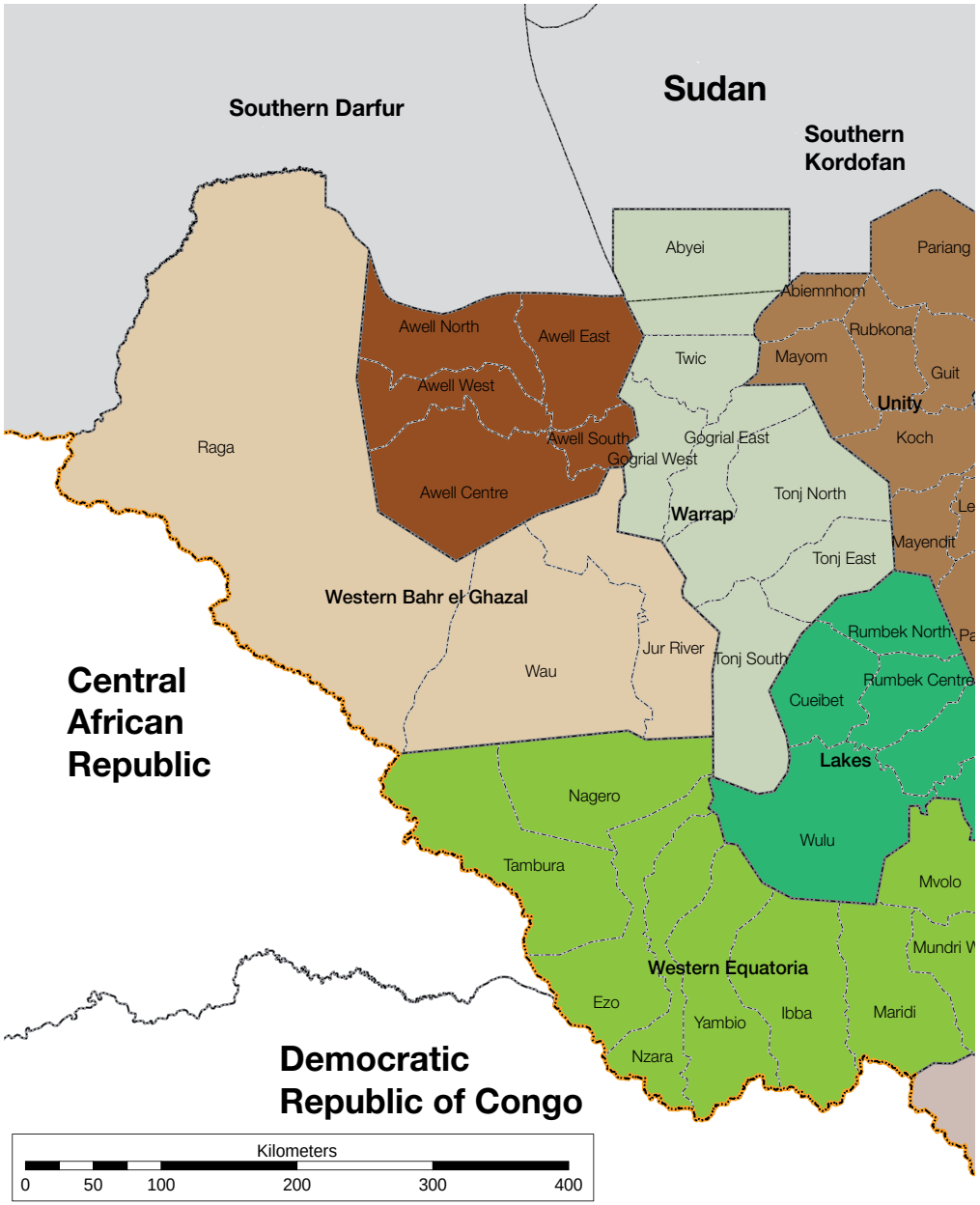
Sudan
Southern Darfur
Southern Kordofan
Abyei
Pariang
Abiemnhom
Rubkona
Guit
Unity
Koch
Mayom
Twic
Awell North
Awell East
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Awell Centre
Raga
Gogrial East
Gogrial West
Warrap
Tonj North
Tonj East
Tonj South
Mayendit
Rumbek North
Rumbek Centre
Cueibet
Lakes
Western Bahr el Ghazal
Jur River
Wau
Central African Republic
Nagero
Tambura
Wulu
Mvolo
Mundri W
Western Equatoria
Ezo
Yambio
Ibba
Maridi
Nzara
Democratic Republic of Congo
Kilometers
0 50 100 200 300 400


Blue Nile
Renk
Manyo
Melut
Fashoda
Maban
Upper Nile
Malakai
Panyikang
Baliet
Longochuk
Canal (Khor Fulus)
Fangak
Nyriol
Luakpiny/Nasir
Maiwut
Ulang
Ayod
Ethiopia
Duk
Uror
Akobo
Panyijar
Jonglei
Twic East
Pochalla
Yirol East
Bor South
Yirol West
Awerial
Pibor
Terekeka
Lapon
Kapoeta North
Kapoeta East
Mundri West
Mundri East
Eastern Equatoria
Juba
Central Equatoria
Kapoeta South
Lainya
Torit
Budi
Yei
Ikotos
Kajo-Keji
Magwi
Kenya
Morobo
Uganda

ACRONYMS

CPA	Comprehensive Peace Agreement
CBO	Community-based organisation
CPDS	Centre for Peace and Development Studies/Juba University
DDR	Demobilisation, disarmament, reintegration
DESTIN	Development Studies Institute of the LSE
DoT	Diocese of Torit
EES	Eastern Equatoria State
GoNU	Government of National Unity
GoS	Government of Sudan
GoSS	Government of Southern Sudan
HDI	Human Development Index
IDP	Internally Displaced Person
INGO	International non-governmental organisation
JDO	Joint Donor Office
JIU	Joint Integrated Unit
LRA	Lord's Resistance Army
LSE	London School of Economics and Political Science
MDTF	Multi-donor trust fund
M&E	Monitoring and Evaluation
NBeG	Northern Bahr el-Ghazal State
NCP	National Congress Party
NGO	Non-Governmental Organisation
NIF	National Islamic Front
OAG	Other Armed Group
SAF	Sudan Armed Forces
SNGO	Sudanese NGO
SSLA	Southern Sudan Legislative Assembly
SSRRC	Southern Sudan Relief and Rehabilitation Commision
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SPLM-DC	Sudan People's Liberation Movement-Democratic Change
SSPC	Southern Sudan Peace Commission
SSR	Security Sector Reform
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNMIS	United Nations Mission in Sudan
UNS	Upper Nile State
UNDP	United Nations Development Programme
WBeG	Western Bahr el-Ghazal State

EXECUTIVE SUMMARY

With Sudan's elections over, this is the moment to refocus on challenges that lie ahead for Southern Sudan in the coming few months. The tremendous task of conducting elections as part of what was agreed in the Comprehensive Peace Agreement (CPA) has placed an emphasis on technical aspects and shortcomings of that process. It is likely that in the coming months attention will be concentrated on similarly technical aspects of the referendum on Southern Sudan's independence, which is planned to take place in 2011.

In contrast, this report focuses on some of the broader and more conceptual issues. Its main undertaking is to deliver information that clarifies the reasons for increased intra-south violence. By reflecting on how people living and working in Southern Sudan have experienced events since the CPA, the report looks at ways in which intra-southern structures and international approaches have created some of the current predicaments of peace, and have contributed to the dynamics of ongoing conflict. It questions established narratives about the influence of the government of Khartoum or 'tribalism' being at the heart of the region's problems. The report finds that other issues, some of which have been ignored or underemphasised – such as the lack of internal border demarcations – have a direct impact on local violence. It also identifies problems with the development/reconstruction/peace-building approach that have exacerbated tensions. In particular, current attempts to establish state institutions, notably at the local level, are actually making outbreaks of violence more likely. Above all, the report demonstrates the importance of moving away from simplistic categorisations in order to arrive at a more multi-faceted analysis, one that takes into account the complexities on the ground.

The past five years have seen tremendous progress in Southern Sudan as peace between north and south has largely been maintained. Building up a government from scratch is an impressive achievement. Yet, the new government structures do not reach the majority of people interviewed for this report and violence is part of everyday life for many Southern Sudanese. Gains are fragile and will be put to the test in the coming months as Southern Sudan prepares for the final CPA milestone and the time beyond. This difficult period also creates an opportunity for a coordinated and necessary effort to put in place structural changes.

OBJECTIVE AND METHODOLOGY

The objective of this report is to provide evidence that will inform key actors in Southern Sudan in consulting Southern Sudan's citizens and in designing, implementing and prioritising policies and activities that support peace and stability. Three research teams, comprised of researchers from the Southern Sudan Peace Commission (SSPC), the London School of Economics and Political Science Development Studies Institute (LSE/DESTIN) and Juba University's Centre for Peace and Development Studies (CPDS), spent a month gathering data in Eastern Equatoria, Upper Nile and Greater Bahr el-Ghazal in October and November 2009. The teams conducted close to 300 extended qualitative interviews with local government officials, NGO and UN staff as well as individual or focus group discussions with local leaders and residents. In addition, several methods were used for triangulation, including 354 questionnaire-based surveys administered to randomly selected individuals, drawing competitions in schools and participatory exercises with women, youths and elders. In addition further follow-up research was conducted during the elections in April 2010.

FACTUAL FINDINGS

Despite great achievements, neither the Government of Southern Sudan (GoSS) nor the international agencies working in Southern Sudan have achieved what they set out to do during the Interim Period. Accountable government structures on all levels, reliable service delivery, civic education, security and a coordinated effort among development agencies remain elusive goals. Serious shortcomings have emerged that need to be addressed.

Major themes:

Scape-goating Khartoum
A default explanation for violence is the interference of the Government of Sudan (GoS). Theories put forth by respondents from local government, army or civilians range from blaming Khartoum for bringing Uganda's outlawed Lord's Resistance Army (LRA) to Western Bahr el-Ghazal, to assumptions that the recent increase in cattle-raiding is part of a northern strategy of destabilisation. Such sentiments ferment anti-north opinions and contribute to unease and tension in the run up to significant political decisions. However, testimony given by local authorities or civilians to support Khartoum's direct involvement in local conflicts tends to be anecdotal, based on rumours and unsupported by actual events on the ground. One poignant example is the continued rumour and accusation that the nomadic Amborroro/Fellata are functioning as an armed militia of the Khartoum government. However, no actual violent incidents were known even by local civilians or the government which accuses the Amborroro of being Khartoum's agents.

Creating 'tribal conflicts'
The second most common explanation is that 'tribal hatred' drives local violence. The 'tribal' label is applied to anything from family disputes, clashes within sub-clans of the same tribes, to attacks by criminal gangs or marauding former soldiers. As an explanation for violence, the term is meaningless, particularly as violence is as often intra-tribal as it is inter-tribal. It is simply a lazy and misleading interpretation of reasons for violence. This does not mean that many people do not assign tremendous importance to their tribal belonging, or that ethnicity cannot be manipulated by politicians wanting a local power-base. But, for peace-building programming to be successful, clashes between groups need to be more comprehensively investigated and explained, taking into account competition for resources as well as the underlying motivations of local leaders and other elites.

Establishing state structures that support conflict
Major issues that emerged as reasons for local violence are either structural or can be found in a troubled, somewhat paradoxical relationship between the state and its citizens. The current state-building approach emphasises the creation of strong institutions; an emphasis on decentralisation addresses Sudan's legacy of marginalisation. At the same time, this approach works counter-productively, as the very same institutions lack accountability particularly at the local level where most violence is caused. In combination with the political manipulation of the 'tribal' label, what are meant to be accountable, decentralised government structures have in reality begun to resemble ethnic fiefdoms.

It seems that with Khartoum's influence on southern violence overestimated and the label 'tribal conflict' too broad to deliver any useful insights, it is in the structure of the fledgling state that it becomes apparent that Southern Sudan is, in a way, at odds with itself.

DRIVERS OF CONFLICT OR SOUTHERN SUDAN AT ODDS WITH ITSELF

The period immediately succeeding the signing of the CPA was characterised by an enthusiasm for changing times in Southern Sudan. After five years of the CPA and unfulfilled expectations, war-like behaviour and opportunism have resurfaced. Factors that contribute to the increase in tensions and acts of aggression include the failure of delivering services according to what is commonly referred to as a 'peace dividend', combined with an intense political contest down to the local level, and an absence of institutions with the capacity to control violence. The process of establishing institutions to stem local violence presents opportunities for gaining positions of power and authority.

Competing structural approaches
Approaches to state-building in Southern Sudan stand in direct competition with the need to control violence. Violence can only be reliably supressedthrough strong and reliable state structures yet these do not exist or where they do, might be perpetrators of violence themselves. For GoSS this creates a problem of deciding on prioritising approaches to either build the state or control violence.
New government structures are being created while at the same time there is a reliance on governance systems that are not readily linked to a vision of Southern Sudan's possible future as an independent state, or even as an autonomous region. While theoretically, Southern Sudan aims to be decentralised, it has in reality become an extremely centralised system. The Interim Period has fostered a certain lack of clarity among CPA actors, including donors and NGOs. A focus on CPA milestones has contributed to a murky understanding by those interviewed of the precise ambition or vision for Southern Sudan. This is evident in the vast range of ways people interviewed for this report described their understanding of the current situation.
International organisations might be clear about their own organisations' goals, but are restricted by short-term funding cycles which prohibit long-term and multi-faceted planning. The result is a lack of depth in programming which fails to combine conflict mitigation with peace-building and development.

- *State-building and controlling violence*

Patronage politics and a proliferation of government structures have lessened governmental accountability and intensified the violent struggle over access to resources and political space. At sites researched, law enforcement was very weak. State actors are not held to account and thus do not administer punishment to those who commit violent acts in a transparent way. Violence is perpetrated either by non-state actors or state actors who behave in ways that exacerbate further violence. Personal political agendas support deliberate attempts to avoid controlling violence and prevent state-building, as credible and accountable structures may usurp the authority of those currently in power. Southern Sudan is an example of how difficult it is to introduce democratic models in a nascent state, where a monopoly on the use of force by that state is far from guaranteed. While on paper, responsibilities for imposing order are clearly laid out, lack of implementation of structures established in the CPA and the Interim Constitution has created an empty space.

- *Citizen versus subject*

A democratic state-building framework suggests a need for politically responsible *citizens* and this vision of integration into a democratic and responsible state resonates with those interviewed. However, current trends suggest that much of the population will be treated more as *subjects*.[1] This is most evident in places where many people speak neither English nor Arabic. Away from the bigger towns, the population lacks political voice and is largely disconnected from governmental processes. Those interviewed generally expressed high expectations for what would happen after the referendum and indicated hopes of becoming engaged citizens in the future. It was difficult, however, to discern how they believed these expectations might be met. Views were often contradictory. Many respondents suggested that the GoSS was actually an impediment to state-building because resources were not being distributed in an equitable manner, something that was repeatedly highlighted as crucial for the establishment of a lasting peace.

Unclear authorities
Unclear authority structures are most often cited as the biggest obstacle to preventing

and controlling violence. The research team found numerous examples of situations where individuals appeared to act without reference to established conventional notions of social restraint, openly taking resources for their own personal gain, acting in ways that violated ideas about moral probity or in ways that were simply criminal or unconstitutional. They did so without any expectation of facing repercussions.
New governance structures of community-based administrators are implemented half-heartedly and aid agencies exacerbate the confusion by turning to 'chiefs' as default community representatives for programming. Yet it is not clear how a 'chief's' position currently relates to government structures. Part of the reason for this nebulous role is that no distinctions are drawn between different types of 'chiefs', of which there are many and whose authority and legitimacy among communities varies widely.

- *Governmental reform versus strengthening indigenous structures*

A major contributor to local violence is the lack of accountable and reliable entities to deal with violence when it occurs. One reason why a responsibility gap has opened is that currently two different approaches attempt to establish such structures.
While consideration of local indigenous structures is important and necessary in establishing a forum for political conflict, it is problematic if local indigenous structures are strengthened without questioning their political accountability in connection with violent conflict. In addition, linkages between formal government and putative traditional authorities have not been clarified and strengthened where appropriate. Currently, the proliferation of new government structures in addition to an emphasis on old governance systems has created a situation in which it is not clear where authority lies and ultimately who can take charge of dealing with violent conflict. Currently, with these issues undefined, responsibility for conflict resolution is unclear. Government officials refer to chiefs, but chiefs mostly refer back to government officials, or perhaps to the Southern Sudanese army, the SPLA. As a result, locals have started taking the law into their own hands and no one, it seems, has the authority or capacity to impose order.

'Tribalism'
The description of local conflicts as tribal in nature is ubiquitous but is in many respects superficial and unhelpful. To a large extent, it conflates symptoms of underlying problems with their causes. Although there are situations in which cattle-raiding, competition over pastures, or claims over land were found to be associated with tribal groupings, that was by no means always the case. Also, what appeared to be a localised dispute was usually on closer examination found to have links with various kinds of political grudges, governmental failures, or resource disputes which had little to do with assumed divisions between 'tribes'.
An example for this would be cattle-raiding in Greater Bahr el-Ghazal, which is commonly intra-tribal and fuelled by increased disconnection between citizens and the government.

It is no coincidence that some of the worst violence has occurred in drought-prone regions. Competition for resources in these areas becomes intense; young men, often staying together in camps, end up raiding each other, sometimes with a shocking lack of constraint. Among other things, cattle-raiding provides a potential for immediately improving their livelihoods. As noted above, such incidents do not always relate to tribal divisions; rather, the adoption of tribal and clan affiliations may provide opportunities that some individuals exploit. Previously weak or relatively unimportant distinctions between social groups suddenly take on a new significance, and the process is also exacerbated and facilitated by the availability of small arms. These problems have, to some extent, been rooted in the particular history of groups. But matters have been exacerbated by the notable absence of benefits from the CPA and by the weakness of GoSS. The latter resorts to un-monitored decentralised administration which effectively encourages localised politics that exaggerate the notion of tribalism as the main source of division.

Defining violence in Southern Sudan as 'tribal conflicts' has led to a pervasive flawed logic. This logic has informed local peace initiatives with their emphasis on 'tribal' issues and 'tribal' reconciliation. Counterproductively, these often involve chiefs whose authority may be enhanced by emphasising the very 'tribal' divisions they are supposed to be ameliorating. In other words, there is a failure to address underlying political and structural issues. Some of the solutions on offer just make things worse.

Dynamics of conflict

Tensions over borders, both real and imagined, are escalating
The CPA refers to the 1956 borders between the north and south. However, the team was told repeatedly that *county*, *payam* and *boma* borders also need to be reverted to the way they were in 1956 as a way of dealing with disputes. Contrary to popular opinion in Southern Sudan, detailed maps, showing demarcated boundaries at such local levels as they were at independence, do not actually exist. Even if they did, using such maps to solve present day problems disregards the fact that the social and political landscape has been drastically changed by decades of war and displacement. Expectations that local border demarcation will bring peace are tremendously high. Yet internal border demarcation is far from being a problem-solver, but rather triggers conflicts as groups on all sides of boundaries seek the legitimisation of land rights which accelerates division of Southern Sudan into ethnic fiefdoms.

Administrative division
The CPA and Interim Constitution commit to administrative, political, and fiscal decentralisation and devolution of power. However, the goal of breaking power down into small administrative units while simultaneously seeking to portray and build a strong central state combines two approaches at odds with one another, pulling Southern Sudan into opposite directions.

Decentralisation, while theoretically the best way to govern Southern Sudan, has in reality often become an instrument to entrench 'tribal' lines over competition for resources, manifesting itself in a proliferation of new counties. Momentum for increased administrative fragmentation is developing while decision-making power is being firmly held at the centre, thus voiding the entire idea of devolution of power through decentralisation. Theoretically, decentralisation and localised responsibility are necessary in Southern Sudan; practically, the implications of continued administrative division can be dangerously far-reaching and damaging.

Locally, there exist two main schools of thought regarding this fragmentation: one posits that this is a natural process in emerging democracies, based on local-level power struggles both at the representative and at the grassroots level. The alternative view foresees this fragmentation as undermining unity in the south because it fosters ethnicisation of authority structures, and fuels populist patronage politics. While decentralisation could be an effective way to increase accountability and dilute nepotism, it currently mimics and reinforces damaging arrangements at the national level, rather than providing an alternative to them.

Motivations for cattle-raiding have altered with changed circumstances in Southern Sudan
Cattle-raiding is mostly carried out by young men based at cattle camps who appear to have minimal respect for either governmental or traditional authorities. It is said this is because they are unschooled, grew up as orphans, have no employment, are just used to fighting, or know that that nothing will happen to them even if they are caught in the act. Compounding the problem of lack of authority is extreme poverty, uneven distribution of wealth, inflation in bride-price, historical intergroup tensions and the proliferation of arms. Cattle-raiders are often better armed than the police or even the army. Modern weapons also make fatalities much more likely than in the past and limit the possibilities of using traditional mediation and compensatory measures to contain the violence. In addition, there are indications that in some locations armed bands of young men, ostensibly raiding for cattle, are

linked to political machinations of former militia commanders and other political figures in search of constituencies.

PREDICAMENTS OF PEACE

Some conflicts are a result of the CPA
The CPA has exacerbated certain conflicts. Competition involving returnees is often intense and bitter. A strong sense of victimisation is felt across all groups in Southern Sudan, creating a condition in which certain people feel justified in using violence to rectify what is considered an unfair distribution of 'peace dividends'. Disarmament is exemplary of the widespread feeling of victimisation: almost every community asked about disarmament claimed that while they had been disarmed, their neighbouring community had not.

The CPA does not address local conflicts, but only sets up institutions that, upon their maturity, are supposed to address some of the local drivers of conflict. Priority in CPA implementation, however, has been on maintaining a working relationship between north and south. This is in part also due to the state-building approach, which has prioritised building government capacity to deliver services in the future over more instant service delivery. As a result, communities and individuals committing violence feel they have little to lose through violent behaviour – they do not even have to fear punishment. In the scramble for resources and local political space, potential for violence is also readily manipulated for wider political interests.

Perceptions of peace
For Southern Sudanese, living in peace seems to come with two major expectations: personal security and access to resources. Witnessing development and experiencing a changed quality of life through services is vital, and the absence of tangible development in many areas has made the notion of peace insignificant and encouraged violent behaviour familiar to southerners from war times. Tangible development progress, such as building of hospitals or gaining access to education, are seen as vital in establishing peace and this realisation needs to be at the heart of peace-building activities.

Peace conferences and peace agreements have been ineffective in resolving local conflicts
By framing political and resource insecurity as tribal conflict, peace conferences have focused on working with traditional authorities that often lack the capacity and credibility to resolve complex disputes. Usually facilitated with outside help, the proliferation of peace conferences has created a paradoxical situation for many local leaders in which their power is expressed by the ability to fundraise for a local conference and gather support of an aid agency, yet simultaneously undermining their own authority to solve local problems without outside help. By defining conflicts as local and tribal, peace conferences have neglected the broader political context. Indeed, one could argue that local conflict resolution cannot take broader politics into account, but this in turn requires rethinking of local conflict resolution approaches.

Without able actors and clear implementation mechanisms, peace conferences often yield many resolutions and few results. Though there may be limited value in the communication channels that are established between groups at such meetings, these tend to break down soon after if there is no long-term strategy to follow up. In general, a long-term local peace-building strategy is needed that will culminate in a broadly inclusive conference that is a *product* of peace-building – rather than just a dominant peace-building activity which becomes an end in itself.

Approaches to aid and development are confusing
GoSS officially sees the country in the stage of development, rather than in a state of humanitarian emergency, and there is a general perception among NGOs that donors are now pushing for more engagement in capacity building of GoSS and local civil society organisations. NGOs have themselves raised concerns about short-term funding as it focuses on visible short-term interventions that might not be most conducive to establishing lasting peace.

Nevertheless aid programming remains affected by short-term funding and funding mechanisms that better suit humanitarian assistance. There is a reluctance to move away from the humanitarian approach completely because the current political climate is unpredictable; there is increased volatility in the region; it is often easier to secure funding for humanitarian situations; and finally there are areas which are in need of humanitarian aid. In addition, it is important to keep in mind that a transition such as the one in Southern Sudan does not follow clear 'stages' and the practical implications of the overlap between aspects of emergency assistance and the promotion of various forms of longer-term development needs to be dealt with more adequately.

The uncertainty about what 'mode' Southern Sudan is in creates institutional confusion that manifests itself in contradictory approaches to aid and donors seem unable to provide much needed strategic direction. Due to uncertainty surrounding the referendum, donors are unable to share their political scenario planning, which in turn means that they are prevented from publicising their future development plans. Representatives from the donor community argue that there is long-term thinking within the donor community but due to the current political situation, it is not visible.

Disharmony between donors prevents them from being able to coordinate effectively. While it was reported that donors are active in trying to align their approaches to ensure mutual accountability, the World Bank, which is in control of a large amount of funds, was perceived as unreceptive, making it difficult to make joint decisions. Those criticising the World Bank from within the donor community mentioned lack of capacity and political will as a possible reason for the World Bank's lack of pro-activeness.

It is recognised that there are downsides to deciding on a unified southern-wide approach as it might fail to take into account different circumstances in different parts of the country. However, donors need to agree on a clear general policy.

Although quite substantial funds have been allocated by donors to Southern Sudan, much of it has not yet been spent, and a very high portion has been used by GoSS for recurrent expenditure rather than investment. A consequence is that in several of the areas in which research was carried out, the CPA is viewed as a point at which assistance for the population declined. The withdrawal of food aid in particular was often mentioned.

THE WAY FORWARD

A principle finding from the research was the interconnectedness between conflict triggers. While the search to identify the most burning issue that would help mitigate current violence is pressing, the complicated and fluid situation in Southern Sudan does not allow for a straightforward prioritisation of concerns. The great disconnection most citizens feel from their government, competition for resources, absence of representation, a lack of credible social reconciliation, a perception that international aid is being withheld, all throw light on what is happening. The simultaneous tasks of establishing accountable government structures, delivering services, promoting civic education and providing security may have been unmanageable. Expectations of what would be possible in a short and politically tense time may have been too high. Ongoing violence will not automatically fade away and there is no panacea to deal with atrocities.

Nonetheless, serious shortcomings in current programmes and policies urgently need to be addressed. There is an obvious requirement to clarify the overarching vision for Southern Sudan. There are reasons why that has been difficult, but with the referendum approaching it is ever more important. An aspect of that vision will be a more explicit recognition of the acute tensions between democracy and state-building. It will inevitably take a long time to build the necessary accountable institutions for the former, but peace requires functional means of imposing and maintaining order now. That is a basic dilemma, and needs be openly confronted.

Grappling with pervasive local violence will require a strengthening of constructive – rather than divisive – local mechanisms and the delivery of tangible peace benefits. Amongst other things, this will mean facilitating and holding to account government structures and clarifying the responsibilities of relevant authorities. Also, without indications that life is improving, there will be a growing crisis of expectations. Those expectations must be carefully managed, or they will have seriously adverse consequences. One strategy for doing so is likely to be provision of food and other resources, probably in cooperation with international agencies. That may be effective in alleviating tensions, particularly in the many areas where livelihoods are very fragile.

To respond effectively and to monitor appropriately, an overarching vision needs to be related to each specific situation. Southern Sudan is a vast and socially diverse region. Searching for solutions for its multiple, overlapping and interrelated violent conflicts requires an understanding of the unique and idiosyncratic nature of each situation. General recommendations about broad approaches too easily gloss over the very issues that make problems so apparently intractable. GoSS, donors and agencies have to subscribe in earnest to the view that each location of upheaval calls for detailed and nuanced analysis, and may necessitate particular, even unique, responses. Simplistic approaches to pacification will either be oppressive and/or ineffective.

In order to develop appropriate solutions that work in each specific local context, a renewed emphasis on working with the affected populations is needed. This requires continuous long-term programming and funding, committed regardless of CPA milestones and their outcomes.

We recommend a focus on four main areas:

1. Providing a 'peace dividend' which emphasises the improvement of the infrastructure to bring visible and tangible peace benefits.
2. Scrutinising the process of decentralisation which has caused division and 'tribalisation' of administrative units through the creation of ethnic fiefdoms.
3. Addressing the lack of clarity of political structures and development approaches.
4. Putting into practice an ongoing and inclusive commitment to make peace-building a long-term, accountable and multi-faceted endeavour.

A school child's depiction of life before the CPA

VIOLENT CONFLICT AFTER THE CPA: CASE STUDIES EXAMINED IN THE REPORT

Eastern Equatoria State (EES):

- 'Resource conflicts' in Lopit
- Border conflicts between Acholi and Bari
- Legacies of violence in Budi County
- International borders between Toposa and Turkana
- Land disputes in Nimule

Upper Nile:

- The Atar/Khorflus agreements
- Dinka, Shilluk and internal borders
- Lou Nuer and Jikany Nuer
- Arms and the attack on the WFP barge

Greater Bahr el-Ghazal:

- Cattle-raiding in Mapel, Warrap and Lakes States
- Strategic peace-making between Dinka Malual and Rizeigat
- The presence of the Lord's Resistance Army
- The tensions between Fellata and long-term WBeG residents
- Marginalisation in Raja County

INTRODUCTION: SOUTHERN SUDAN AT CROSSROADS

With Sudan's elections completed, it is necessary to refocus on challenges that lie ahead for Southern Sudan in the coming few months. In the lead up to the elections, the tremendous task of conducting them as part of the Comprehensive Peace Agreement (CPA) placed an emphasis on technical issues regarding the conduct and logistics of elections, rather than their political significance. Management concerns took centre stage. In the coming months, the focus will inevitably shift towards similarly technical aspects of the upcoming referendum on Southern Sudan's independence in 2011. The fact that this milestone is now so near and seems reachable is a tremendous achievement, and looking back over the last eight years since the CPA process began makes very clear how much has been accomplished in regards to largely maintaining the peace between north and south and building a government from scratch. The emphasis on achieved success and the final CPA milestone, however, is precisely why there is a danger that complex and long-running issues might again be overlooked. This report tackles some of these broader and more conceptual issues. Its main undertaking is to deliver information that clarifies reasons for a puzzling development: increased intra-south violence, particularly since 2009. Everyday security has become one of the major challenges for Southern Sudan's citizens, yet analysis has often been reduced to citing the more obvious reasons for local violence, such as the lack of state reach and access to rural areas, availability of small arms and lack of economic opportunities. This report urges to refocus from obvious answers to understanding the web of causes and effects of violence. The objective is to identify what appear to be more holistic solutions.

In order to achieve this and to attempt continuous and constructive peace-building, it is necessary to look beyond established narratives and terminology, and we aim to reflect on how those living and working in Southern Sudan have experienced conflict and peace-building since the CPA. Looking at problematic intra-southern structures and dynamics, we identify predicaments of peace and dynamics of conflict and map how local violent processes link to broader structural causes.

Local violence and its causes

What are the reasons for local violence? Two explanations are most commonly given:

a) Southern Sudanese and their leaders are willing to blame the 'hidden hand' of Khartoum for all ills and unexplained local phenomena.[2] Indeed southerners credit Khartoum with the ability and desire to exert power over even the most banal of issues. The more serious accusations focus on weapons dissemination, continuing support for militias (including the Lord's Resistance Army), and the buying of political support. Yet evidence about this 'hidden hand' is scarce to non-existent and this stance has become less important since the elections made clear that southern political dynamics and power struggles carry great potential for conflict. Even before elections, local violence in Southern Sudan seemed to be largely disconnected from the power politics in Khartoum. During the first two months of 2010, more people were killed in relatively small Warrap State (WS) than in any other state, however northern influence is acknowledged to be minimal in WS.[3] During this research, many respondents acknowledged that within the south, there was great potential for people to incite hate and violence without encouragement from the north.

This leads to the second most common explanation:

b) Local violence in Southern Sudan is driven by conflicts between tribes. The tribal label is applied to anything from family disputes, to disputes within tribes, to attacks by criminal gangs or marauding former soldiers. Both, the 'hidden hand' explanation and the 'tribal clashes' explanation overlook that there are very delicate and complicated underlying issues that cause local violence which are not driven by Khartoum or tribal belonging.

A closer look at evidence and a more detailed analysis of incidents of local violence shows that the 'hidden hand' and 'tribal' explanations are too simple. Major issues that emerged as reasons for local violence are either structural or can be found in a troubled, somewhat paradoxical relationship between the state and its citizens. On the one hand, the state is not strong enough to be able to suppress local violence. On the other, whenever state institutions are too strong and coercive, this causes renewed conflict which is at the heart of local violence.[4] This is exacerbated by the development emphasis to build state institutions. Yet as these new institutions lack accountability, particularly at the local level where most violence is caused, the development-aid supported structures turn into a structural cause for violence.

It seems that with Khartoum's influence on southern violence overestimated and the label 'tribal conflict' too broad to deliver any useful insights, it is in the structure of the fledgling state that it becomes apparent that Southern Sudan is, in a way, at odds with itself.

Major findings in brief

This report finds that political and administrative developments have heightened tensions over territories, administrative units and border demarcation. To claim administrative units, 'tribal' identities are used and often manipulated as the primary marker of separation between groups. At the same time, economic and environmental change and population migrations have increased pressure on land and competition over access to resources, emphasising again group dynamics that often manifest in seemingly 'tribal' conflicts.

On a broader level, these often very localised tensions remain unaddressed by a central government, creating a vacuum of responsibility that can only partially be addressed through current peace-building programming and development approaches which are in themselves struggling to establish continuous peace-building processes. Since the CPA, the GoSS has been unable to regulate or monitor equitable distribution of access to resources or to achieve demobilisation or systematic disarmament. In addition, a 'peace dividend' is manifestly lacking in the places where research for this report was carried out. Instead, a very weak administration has resorted to forms of decentralised administration that encourage 'tribal' politics, and dangerously links 'tribal' politics to holding power over specific territories.

Some of the issues discussed in this report might at first seem only vaguely connected to local violence. One such issue is the importance of internal border demarcation. In the current period of transition, momentum for the formal demarcation of Southern Sudan's borders at all levels is huge, and a key reason for 'ethnicising' conflicts. The movement toward final and legally defined borders, inevitably linked with permanently coded access and usage rights, is creating tension in a region where boundaries have tended to be contested and often ambiguous. While this may seem like a distinct issue, we argue that connections need to be drawn that are less than obvious. Despite the complexity of each issue, we aim to identify entry points for possible solutions. It is vital that measures will be put in place to mitigate local violence in tandem with preparations for the referendum.

Establishing a solid evidence base for general findings is extremely challenging in Southern Sudan. Robust data is still

largely non-existent and the situation is so multi-faceted and diverse that for each point made, a counter-example suggesting the exact opposite can easily be found. However, the report draws on several hundred interviews in addition to existing scholarship on Southern Sudan (see Appendix for research methodology) and presents as general findings only issues that resonated in all three research sites.

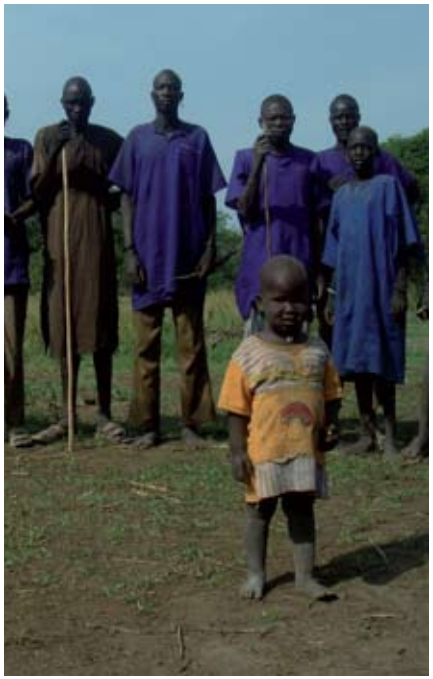
STRUCTURE OF THE REPORT

This report is divided into three parts, each discussing specific issues and using local case studies to emphasise how these issues manifest themselves.

'Southern Sudan at odds with itself' examines how ethnicity has become the default explanation for local violence in Southern Sudan and how this has created a simplified and misleading understanding of violence. The section looks at the tension created through current state-building, development and peace-building approaches, which have essentially created a situation in which Southern Sudan is at odds with itself. The meaning of the referendum for the Southern Sudanese is examined. This section also gives some background as to how the current experience of Southern Sudan links to its history and what might be learned from this.

'Dynamics of conflict' analyses how tension over administrative and territorial boundaries is perpetuating violent behaviour, particularly in areas where economic change is happening across such boundaries, manifesting itself in violent behaviour that is often simply labelled as 'tribal'.

'Predicaments of peace' dissects the local experience of current peace-building initiatives, including some of the approaches that have developed as a consequence of issues discussed in previous sections, such as administrative decentralisation.



RESEARCH SITES

Upper Nile

An oil-producing border area, Upper Nile was the frontline of Sudan's civil war from 1983-2005 as well as the fault line of Southern Sudan's split into internal strife in 1991. Saturated with small arms and proxy militias during the war, Upper Nile has continued to be a volatile flashpoint during implementation of the CPA. The current trends in Upper Nile are troubling, and the state's strategic geography, valuable natural resources, volatile ethnic mix, and fractured political landscape are likely to be catalysts for future conflict. The possibility of this came into sharp focus on April 30 2010, when guns were fired within the SPLA barracks as a result over dissatisfaction with the elections.

The state's capital Malakal reflects and reinforces the tensions that run throughout the state. Before the second Sudanese civil war, Malakal was a heavily arabised town with a distinctly northern and Islamic identity. During the war, it was a garrison stronghold of the northern Sudan Armed Forces (SAF) that served as a central funnel of arms, ammunition, supplies and soldiers into the south via military intelligence. Since the signing of the CPA, the northern influence has receded – albeit very slowly with Upper Nile having been governed by governors of the National Congress Party (NCP) until the elections – and created an opening for competition over control of Malakal's resources. Since 2005, Malakal has twice erupted into heavy fighting between SAF and SPLA elements of the Joint Integrated Units (JIU), the hybrid troops of SAF and SPLA established as part of the CPA. While control of the town is not officially the JIU's mandate, in reality control over the tense town is currently divided between the two factions.

The northern side of Malakal is marked by tension between Shilluk, Dinka, and Nuer, each of which is trying to stake claim. In other parts of Upper Nile, the legacy of a ferocious intra-Nuer war continues to reverberate in the form of fighting between the Lou and Jikany. In an attempt to understand the conflict between the two groups, the research team spent time in Nasir, then took a boat to Akobo, stopping along the way at Torkech and Wanding. A post-CPA conflict between the Dinka and Shilluk over land has added a new layer of instability which erupted into violence in January 2009 and has continued into the elections and beyond. Currently, tensions between officials of the leading party, Sudan People's Liberation Movement SPLM, its supporters and those who support or hold office for Lam Akol's SPLM-DC (Democratic Change), continue. To investigate the dynamic and likely trends of this conflict, the research team went to Dolieb Hills, Atar, Fangak, Kodok, Melut, and Paloich.

Eastern Equatoria

Eastern Equatoria State is situated in a region that experiences chronic armed conflict and frequent cattle-rustling with weak institutional structures for imposing the rule of law.[5] The state is bordered by Ethiopia, Uganda and Kenya which adds difficult cross-border dynamics.[6] Sudan's second civil war devastated parts of the state, setting back development gains made during the period of regional autonomy.[7] The limited infrastructure of the state was destroyed by frequent aerial bombardment, military attacks and fighting which also created widespread displacement.

Administrative fragmentation over the last decade means that the state currently consists of eight counties. The region is experiencing increasingly harsh environmental conditions and reduced or failing crop yields. Combined with a lack of basic services, weak or absent state institutions and failing local economies, high levels of conflict – often over access to scarce resources – are not unexpected. Cattle-rustling has become embedded as a survival strategy; however, recent years have seen a change in the ferocity and frequency of raids as a result of the widespread availability and use of small arms as well as severe drought experienced in the last two years. Attempts to resolve conflicts and improve security in the region have been undermined by political manipulation of identities and few opportunities for imminent development because of depressed local economies and lack of aid.

The border town of Nimule is struggling with tense relations between a Dinka 'Internally Displace Person' (IDP) community and Madi 'returnees' despite the 'Nimule Agreement' that supposedly solves issues of land ownership at the heart of this tension. The wider political landscape in Torit has a broad impact on local level conflict dynamics in the state, including a concern with the governance gap between state government and *Monyomiji*—the greater Equatoria governance system based on age-sets. In Kapoeta East County, conflict is, for example, fuelled by the issue of cattle-raiding between the Toposa and Buya in Kapoeta, Machi I and II, Camp 15 and Kapoeta north. Exacerbating factors include scarce resources, the presence of arms, the changing role of 'chiefs', perceptions of justice systems and unsuccessful peace meetings. One peace meeting that had repercussions was the Lauro Conference in Budi County, held between the Didinga, Toposa and Buya. In Lafon and Lopa, intra-tribal (particularly between the Mura and the Tennet) and inter-tribal (between the Lopit and Pari) tensions are increasing, while in Magwi County, the research team examined land disputes between the Lotuko in Palotaka and the Acholi in Obbo; the Panukuara and Agoro in Orobo and the Acholi and Bari in Kit/Ayii and how they are embedded in the broader socio-political context.

Greater Bahr el Ghazal

Western Bahr el Ghazal stretches from Darfur in the north to the borders of Warrap State in its south eastern corner. The state is divided into a contentious small number of counties; Raja County in the north, Wau County in the middle and Jur River County in the south east. Jur River County and Wau County are characterised by savannah, planted extensively with sorghum, groundnut and sesame. Further north, towards Raja, the climate is cooler, the vegetation denser and larger trees, such as mahogany, more widespread. Western Bahr el Ghazal has historically benefitted economically from its strategic location between north Sudan and Equatoria. During the 19th century, Arab slave traders made huge profits from the unplundered populations in Equatoria and ivory from the Central African Republic.[8] Today, mahogany is felled from surrounding forests and sold mostly by Ugandan, Kenyan and Arab businessmen in neighbouring countries. Western Bahr el Ghazal's second biggest town, Raja, depends almost entirely on trade with Khartoum.

The population of Western Bahr el Ghazal is divided into three main groups; the Jur, the Fertit and a Dinka minority. Fertit is a term used by the Jur and Dinka to describe roughly 15 different groups.[9] The Fertit never joined the SPLA in large numbers. Today, political affiliations among the Fertit are divided. The growing political and military divide between the Fertit, Jur and Dinka resulted in the segregation of the capital Wau into two areas – one for Fertit, one for Dinka and Jur – in the early 1990s. The SPLA eventually attacked Wau town in 1998; however the town remained under GoS control until the CPA was signed and it was not until 2007 that the SPLA officially arrived in Raja Town.

Focussing on the political dynamics in a state that has divided political affiliations, the research team examined perceptions of political voice among people who feel marginalised in an SPLM-led Southern Sudan, due to their political history with the north. The team also spent time investigating the meaning of youth gangs for security. As the east of the state recently suffered from cattle-raiding, the team examined the dynamics of local cattle-raiding and the history of the peace and reconciliation process between the Jur, the Dinka and the Fertit. Following the trail of cattle-raiding, the team travelled to Tonj in Warrap and Cueibet in Lakes State to speak to cattle-keepers who are accused of raiding the Jur in Mapel.

Visiting areas around Korgana, Bisselia and Marial Bei, the frictions between the residents of Western Bahr el-Ghazal state become clear. Grievances and CPA disappointments were tangible in tensions between the Fertit, Dinka and Jur and are particularly poignant in the group that has been one of the most maligned tribes in Southern Sudan in recent years: the Fellata (or Ambororo). The current state of the Fellata provided a multi-faceted insight into Southern Sudan's aspirations of statehood, the use of scapegoats to cover government shortcomings and the direct impact of unclear administrative structures.

Raja County occupies a unique place in Southern Sudan, mainly because it is hardly connected to the rest of Southern Sudan. Roads to Raja Town are impassable for most of the year and the local community's experience with both SPLA and SPLM is limited, having been entirely northern-run during the war. Facing an uncertain future as a border town or the centre of Sudan, Raja Town provided an interesting case study to understand the connections between politics of state-building and identity. In addition, Raja County has recently been under attack by the Ugandan Lord's Resistance Army.

One of the most prevalent issues in discussions with respondents was the north-south border. In Aweil North in Northern Bahr el-Ghazal, residents continue to be threatened by nomadic tribes who cross the contested north-south border to graze their cattle in the dry season. Recent interventions have aimed to develop a strategic peacemaking approach to solve the ongoing tension between Dinka Malual and Rizeigat.

SOUTHERN SUDAN AT ODDS WITH ITSELF

RETHINKING 'TRIBALISM'

'Tribalism' has become the default explanation for increased local violence in Southern Sudan. The description of local conflicts as tribal in nature is ubiquitous, but is in many respects misleading.[10] The term 'tribal clash' is applied with a broad brush, referring also to antipathies *within* a tribal group (such as the ongoing conflict between Dinka Gok and Dinka Rek in Warrap and Lakes States) or to a situation in which supposedly hostile tribes align to raid a common enemy. Even within those intra-tribal clashes it is usually specific gangs that commit violence rather than an entire tribe.

When interrogating the tribal label in connection to specific incidents of local violence, it seems clear that the 'tribal' affiliation is at best only one component of a complex web of political power, marginalization, competition over resources and unaccountable government structures. Although it is the case that there are situations in which cattle-raiding, competition over pastures, or claims over land were found to be associated with tribal groupings, that was by no means always the case. Sometimes localised disputes on closer examination were found to have links with, variously, political grudges, governmental failures or resource disputes having little to do with traditional divisions but more with new political realities. To a large extent, an emphasis on tribalism conflates the symptoms of underlying problems with their causes.

'Tribalism' as a political tool

However, the 'tribal' label is extremely powerful, particularly for those who have an interest in rallying groups against each other to strengthen their own support base. Political power is an extremely scarce and highly valuable resource, available only periodically under specific conditions. In Southern Sudan, the Interim Period has provided those conditions. When particularly local politicians 'tribalise' their struggle for power – a phenomenon widely visible in the lead-up to the elections – ethnicity can become a contestable social resource and hence a possible catalyst for group strife and violent conflict. The sense that tribal divisions were deepening as politicians consolidated their positions was expressed in all research sites.[11] This happens in two ways: some local politicians aimed to strengthen their power base by emphasising their tribal affiliation in opposition to another local tribal group. Or, tribal connections are used to emphasise direct lines to the central government.

cattle market near Tonj

Groups who feel that they have lost out in the 'tribal' favouritism driving the government are experiencing a deepening sense of disconnection from what they expected Southern Sudan to become. This is compounded by an obvious and visible connection between power and wealth, which has resulted in widespread disillusion with some parts of the SPLM at both the political and population level. People who joined the movement with the expectation of being appointed to a position of power and failing to secure one are now returning to their original parties, such as NCP and USAP, or, as evident in the elections, attempted to secure power as independent candidates.[12]

Fear of tribal domination and territorial expansion

Differing perceptions of the contributions of each group to the CPA cause deep divisions and it is easy to see how the politicisation of such feelings occurs. Indeed, in contested areas, many activities typically associated with Dinka identity become politicised. An example of this can be seen in Wau, where political power remains highly contested. Each cattle-raid that occurred in this region was portrayed by non-Dinka informants as an assertion of political supremacy by Dinka tribes. While this fear appears to be rooted in 'tribal' suspicion, closer analysis and discussion reveals that it is often driven by a governance vacuum and tensions over territory. A female leader who runs a local NGO in WBeG commented:

You know, our Dinka, during the war, there was nothing. After CPA, they start fighting. I went to Mundri, there was a big farm. And Dinka of Bor took their cattle there. They ate everything. But the payam administrator said we have no choice. Dinka says it belongs to them and they have a gun. I went to Torit and I heard that there is now a payam in Nimule called Bor [Dinka town and Garang's home] payam…For me I am thinking that they are thinking this Southern Sudan belongs to them. So they want to cover all the small tribes.[13]

Among smaller tribes, fears of a Dinka-dominated national government and Dinka territorial expansion are pervasive. Historical grievances may explain this perception. In the lead up to the signing of the CPA, the SPLA was dominated by the Dinka – despite the fact that prominent and rank-and-file non-Dinka have always been part of the SPLA – while other militia groups were excluded from negotiations. This helped consolidate a sense of entitlement among the Dinka. A group of Ndogo elders in Bisselia in WBEG described how before the war, Dinka cattle-keepers would request permission from the chief before grazing their cattle. Now they reportedly come and graze without asking, often damaging crops. The Ndogo attribute the change in behaviour to the SPLA's dominance: 'It was the formation of the SPLA that changed relations… The Dinka now disregard the law.' [14]

The 'main chief' at Korgana in WBeG explained that: 'The Dinka did not come here before the war. They have their own river, fish, and cattle. There is no reason why they should come here other than a pretext to cause ethnic tensions.'[15]

Of course, a lot of tensions visible in Southern Sudan apparently contradict the idea that most 'tribal' tensions are the result of political manipulation. Even members of small tribes are acutely aware that a key element of Southern Sudan's future is the ongoing tensions between, and within, the Nuer and Dinka populations. While this is a long-standing conflict that seems to be clearly demarcated along tribal lines, it is also the best example of such politisation of identities in which tribal belonging is emphasised whenever politically useful. Ideas about Nuer hegemony were, for example, enhanced when the historian of Southern Sudan, Douglas Johnson, brought back a ceremonial stick or *dang* in May 2009.[16] The *dang* had been looted by British troops 80-years-ago, and belonged to the prophet Ngundeng Bong, who predicted a Nuer leader would rule an independent Southern Sudan.[17] The *dang* is now described by some as a potent sign that will reinforce Nuer power. Such reassertion of authority is precisely the kind of manipulation evident on many levels and is cited regularly as a factor in inciting local violence. Jur Luo interviewed in WBeG, for example, expressed the belief that following the return of the stick, Nuer from Unity State

would move into Dinka territory in Warrap, pushing the Warrap Dinka cattle-raiders into WBeG Jur Luo areas. This is a fear that is clearly related to territory and resources, yet is explained with the tribal label. Some Nuer respondents expressed a renewed sense that they should be the ones leading the struggle. When asked, Equatorian respondents said that they do not believe in the prophecy, but they sometimes mentioned it as catalyst in the struggle for leadership, as both the Nuer and Dinka leaders feel entitled to lead Sudan.

'Tribal fighting' versus 'tribalism'

When fighting was not obviously about territory, those interviewed had complex and often contradictory ideas about the reasons for putative 'tribal' fighting. Many seemed to make a conceptual distinction between conflicts in which protagonists divided along traditional 'tribal' lines and those involving 'tribalism'. This distinction was not precise or consistent and might have at times been based on an individual translator's view. Nevertheless, the notion of 'tribalism', or of tribal motivations being the main factor behind conflicts, tended to be viewed as something brought from outside the immediate community. In other words, many respondents perceived tribalism as a negative development that is not necessarily intrinsic to tribal relations.[18]

The failure to build a functioning, democratic state was often attributed to 'tribalism'.[19] Some of those interviewed went further and explicitly stated that 'tribalism' had become a political tool used by those in power. This view was expressed during a group discussion with Dinka residents of Marial Bei in WBeG: 'Tribalism is not for the old and illiterates like us in the villages but [the] educated like you who come from towns are the ones bringing tribalism.'[20] When asked about relations with neighbouring tribes, the same respondents tended to base their evaluations on local *group* rather than *tribal* relations.

Tribal relations and views of the 'other'

Opinions about neighbouring groups differed widely and were quite the opposite of entrenched 'tribal' hostility suggested by applying the label of 'tribal conflict'. For example, a group of women in Marial Bei, WBeG, described their relationship with their neighbours, the Jur Luo, as 'good' because they had been displaced together and intermarriage was possible. Their neighbours on the other sides – the Zande – were also regarded as 'good' because the former Zande Minister of Agriculture often came to inform the women about farming.[21] However, discussion with the male elders of Marial Bei revealed different views. At first they asserted that there were really only two tribes: northerners and southerners. Any further division into tribal groups was understood as something introduced by government. As one man put it: 'The people in the offices are the right people to talk about tribalism.'[22] Yet, when asked about neighbouring tribes, elders seemed to possess certain preconceived tribally-based notions after all. They described the Jur Luo and Fertit as good people who allowed intermarriage but the Zande as: '…very bad people. They kill us and torture us when we go there.'[23] Marial Bei was one of several places in which we found divergent opinions within a group.

Committing 'tribal' violence

Those who actually perpetrate 'tribal' violence are mostly young men.[24] In several locations, young men were quite open about their need or demands for a range of things, from education to money, cattle and access to water. Occasionally they were disconcertingly straightforward about how they intended to secure such assets.

It is thus no coincidence that some of the worst violence has occurred in drought-prone regions with a scarcity of water points and grazing lands. Here competition for resources becomes intense and animals are concentrated. In these places, young men, often staying together in camps, end up raiding each other, sometimes with a shocking lack of constraint. Among other things, cattle-raiding is potentially an immediate way of improving their livelihoods.

Such incidents do not always relate to tribal divisions – as discussed in the section on cattle-raiding – but the adoption of tribal and clan affiliations may provide opportunities that some individuals exploit. Previously weak or relatively unimportant distinctions between social groups suddenly take on new significance. The process is also exacerbated and facilitated by the availability of small arms.[25] Automatic rifles were observed to be readily available to those who wanted them although in some cases they had to raid more cows first in order to pay for them. Other areas prone to 'tribal' clashes are those in which land rights remain unclear, for example in the town of Nimule.

CASE STUDY: NIMULE: A CASE OF 'TRIBALISM' OR A LAND DISPUTE?

As a vibrant border town populated by Dinka IDPs, Madi returnees and SPLA soldiers, Nimule presents an example of the tensions resulting from post-war re-settlement, and could superficially be described as a tribal conflict. According to the narrative provided by a long time resident, Nimule fell to the SPLA in 1989. Before this, it had been under the control of Madi militias opposed to the SPLA. The Madi opposition to the SPLA reached its climax when Joseph Kebulu, an MP campaigning for elections, was killed at the Opare junction whilst travelling from Torit to Opare. The SPLA soldiers who killed Joseph Kebulu were Acholi, creating a division between the Acholi and Madi palpable to this day, particularly in Opare. The fall of Nimule to the SPLA in 1989 led to a Madi exodus into Uganda.

During the 1990s, Dinka groups started fleeing Jonglei state and came to settle in Nimule. According to the chief of the Bor Dinka community, most settled from 1991-3, following the attacks by the Khartoum-supported militia group 'White Army' under Riek Machar at Bor. Dinka interviewees stated they were told that Nimule town had been inhabited by Ugandan refugees from Idi Amin's rule and that these had returned to Uganda, leaving the land unoccupied. Nimule became a garrison town, predominantly inhabited by SPLA soldiers and Dinka IDPs. After the CPA, Madi returnees started resettling in Nimule again and tensions increased. A common expression, explained a Madi elder, that is used to explain land disputes is that of a Madi seeing someone else: '…sitting under the mango tree I planted' and harvesting its fruits.[26] Nimule is not only attractive for its cross-border trade and a growing economy but also for its proximity to 'safety' as a strategic border town and access to education facilities in Uganda. The 'Nimule Agreement', designed to assist the return of Dinka IDPs (facilitated by Catholic Relief Services CRS and the International Organization for Migration – IOM), is considered relatively successful in soothing tensions. However, the Madi community feel the land issue has not been resolved because they are unable to occupy land that was historically theirs, as, for example, pointed out in an anonymous questionnaire response from Nimule: 'It has not been resolved; peace for Madi will come only when Dinka leave. You have no rights if you have not fought. There is good business at the border, so they stay and trade and claim land.'[27] Despite official statements reporting smooth transitions to peace, tension simmers.

CASE STUDY: CATEGORISING CONFLICTS: BETWEEN GROUP IDENTITY, RESOURCES AND CIVIL WAR

In southern Upper Nile, tensions continue to exist between the Lou Nuer and Jikany Nuer. On the surface, the conflict between the Lou and Jikany seems to be centred on control over resources. The towns of Nasser in the south-eastern corner of Upper Nile state, and Akobo, in the north-eastern part of Jonglei, are connected by the Sobat and Pibor Rivers, which mark the border with Ethiopia. Before the conflict began, Jikany territory extended as far south along the Pibor River as the village of Wanding near the border with Jonglei state and closer to Akobo than to Nasser. Traditionally during the dry season, with the acquiescence of local Jikany, the Lou took their cattle from Akobo north to Wanding, where water and grazing land were more plentiful.
Conflict first began between the two tribes in 1993 as several factors coalesced. First, the fall of Mengistu in Ethiopia in 1991 meant the sudden loss of the SPLA safe haven in western Ethiopia. Within days, the refugee camps there were emptied as hundreds of thousands of Southern Sudanese refugees crossed the border. The sudden influx of refugees to Nasser and Akobo counties placed significant pressure on local land and local food stores. Increasing population pressure was compounded by a severe humanitarian crisis caused by drought in 1992 and 1993, leading to some Lou to attempt to settle more permanently at Wanding. With the Jikany under similar pressures, tensions escalated and eventually turned violent.

The split of the SPLA in 1991 also contributed to rising tensions between the two groups. The schism within the SPLA, combined with weak management by Riek Machar, Lam Akol, and Gordon Kong, led to insecurity in the area around the new faction's Nasser headquarters. Loose control of local commanders helped the rise of local warlords, worsening the security situation. Once fighting commenced, the disintegration of authority in the area as a result of the SPLA split made it difficult to address the conflict and protect the local population. In the past few years, the Jikany have been gradually driven out of Wanding. However, Lou population movements are not a straightforward land grab. The land south of Akobo in Jonglei state has been undergoing a gradual change in its water supply over the past several decades with no surface water available during dry season. As a result, the Murle roam widely in the area, pushing the Anuak into Ethiopia and putting pressure on the Lou. A lack of security also impacts traffic along the rivers to 'landlocked' Akobo. With their roads in poor shape or inaccessible and their river traffic vulnerable to problems upriver, the Lou feel isolated, under siege and excluded from the newly-built Southern Sudan.
The issue of Wanding itself remains unresolved, even though its administration was officially returned to Nasir County of Upper Nile State in a January 2009 ceremony. A multitude of issues feed into this conflict including population pressures, displacement, access to water, changing political loyalties and a history of warlordism. Compounding these tensions is a lack of local authority resulting from the legacy of conflict, a changing environment, a lack of infrastructure and lack of broader political participation in the state-building endeavour. The complexity and intersection of issues above demonstrates that classifying conflicts as instances of tribal or ethnic violence may produce an oversimplified understanding, and obscure issues that require deeper consideration.

Using 'tribalism' or 'tribal hatred' as a simple explanatory device for local violence has a doubly damaging effect: it obscures the realities of conflict and shapes attempts to solve them. Defining violence in Southern Sudan as 'tribal conflict' has led to pervasive flawed logic. This logic has informed local peace initiatives, causing an emphasis on 'tribal' issues and 'tribal' reconciliation, often with 'chiefs' whose authority, in turn, stems from emphasising such tribal divisions. Underlying political and structural issues that have evolved as a result of the space the CPA has opened up are not fully addressed.

COMPETING ADMINISTRATIVE STRUCTURES

Southern Sudan's journey from 2002, when CPA negotiations started, to 2010 has been remarkable. It has gone from being a full-blown war zone to a semi-autonomous region with achievements in creating a new government, building infrastructure and generally maintaining a state of no fighting between north and south. All of these developments took place under extremely difficult conditions. It is important to keep this in mind when addressing the numerous challenges ahead and analysing the reasons for continued local violence. In fact, one reason why local violence has increased lies in the work that is being done in Southern Sudan, some of which has created contradictions that have inadvertently created, rather than stemmed, violence.

Currently, Southern Sudan is experiencing a combination of development approaches and emergency aid, of state and peace-building activities, of creating of new government structures while strengthening old governance systems. This breadth of activity has created competing or unclear ideas of what goal is to be achieved with each activity and ultimately over Southern Sudan's future.

Such lack of clarity over the future is not surprising, considering that a major aspect of the CPA is to decide on the future. However, it also stems from the way the CPA came about. As a document, the CPA did not establish an identifiable way forward and it was signed for the southern side by a disunited SPLM with divergent ideas and under intense international pressure. In fact, all actors involved in the CPA, including donors and implementing agencies or NGOs, remain unclear as to what exactly the overarching ambition is beyond the ticking off of CPA milestones such as census, elections and the referendum.[28]
There are two distinct reasons for this:
a) the complexity of Southern Sudan puts an emphasis on CPA milestones as these are much easier to assess than more multifarious developmental processes and
b) the CPA represents the lowest common denominator of what was acceptable not only between north and south but also within the SPLM.[29] Despite Marxist tendencies, a lack of clear ideology has always been characteristic of the SPLM, yet Garang's leadership infused the party with a semblance of a publicly unified goal.[30] Since his death, the lack of ideology has become a more significant issue. Critics of the election process have pointed out that it brought to light that the SPLM's main plan was forced consolidation of power, with a path towards democracy remaining distinctly ambiguous.

'Government in a briefcase'
It is widely discussed in academic literature that the SPLM's ideas about governing a civilian population in peace and democracy are not fully formed. 'The SPLA was not planned from day one,' said one government employee in the WBeG State Ministry for Education. 'It was a spontaneous war with no proper documentations such as how they want the government to look like.'[31] Another respondent, a former SPLA child soldier, stated that Garang's vision had never been clear: 'Dr John moved with his government in his briefcase. Now that he died nobody knows what he wanted and Salva Kiir has inherited little.' [32]

The incredibly challenging transformation of political leadership in Southern Sudan is made yet more complex by the political history of Southern Sudan. Conflicting reconstruction approaches of peace and state-building and very difficult elections may

have added to a certain disconnect between citizens and their government. This creates an overwhelming sense of political volatility as was expressed during a focus group discussion with youth in Bisselia, WBeG:

During the war, the government was very strong. Now there's no respect. The conflict between the north and the south was the only conflict...now you go to the next village and people will hassle you. Is this the way we will lead ourselves? Why aren't our leaders leading in a good way?[33]

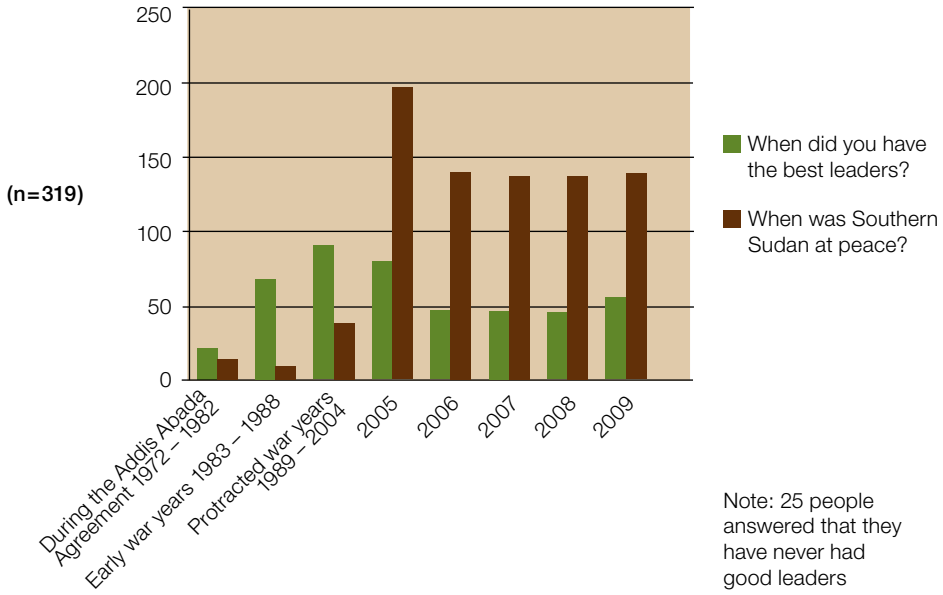
This question is crucial to understanding current violence. A large majority of people in the three research sites believe that the best future for Southern Sudan lies with GoSS yet,there was also an overwhelming consensus that GoSS was struggling to mitigate conflict and, juggling various inter-party or personal tensions and donor relationships, might even increase volatility.[34]

While government structures are being established, these do not necessarily reflect existing power relationships.

As actual power is played out, administrative confusion arises, namely over which level of government is responsible for which kind of issue. The dissonance is growing between the government's aspirations as the best representative of its citizens' interests, as expressed in the Interim Constitution, and how Southern Sudanese experience their government. Most respondents expressed some doubt about government capacity and citizens were less than confident that their government could build peace despite expressing hope for improvement post-referendum.[35] Such lack of confidence creates space for behaviour that translates into increased local violence, behaviour that was suppressed during the war by powerful military leadership.

We asked 319 respondents when they had the best leaders compared with when people thought Southern Sudan was at peace. The data indicates that respondents perceived war leadership – namely John Garangs but also on a local level – as distinctly better than peace leadership.

CHART: WHEN DID SOUTHERN SUDAN HAVE THE BEST LEADERS?



Note: 25 people answered that they have never had good leaders

Despite the passage of years since the CPA was signed, the political leadership is still seen as delivering mixed messages on governance and broader visions. Even a respondent from the SSPC, the government authority mandated to deal with local conflicts, expressed little confidence that the government is pursuing peace and equality for all its citizens: 'There is no focus on peace at all.'[36]

Contradictory approaches

The lack of focus on establishing a peaceful and democratic society does not necessarily reflect an overall reluctance of the SPLM to allow for a process of democratisation, as the approaching referendum is without a doubt the major motivation for consolidation of power. But it nonetheless adds to reasons for current incidents of local violence and several conflicting issues remain that need to be addressed.

Partly, the Interim Period has been and is treated as a time for *state-building*, an endeavour that includes establishing a new political democratic culture, government service delivery and an accountable state that honours the human rights it sets out in its Interim Constitution.[37] Up to the elections, political appointments were naturally driven by personal connections, and a proliferation of unclear political structures has challenged the credibility of the nascent state. The elections, touted as the moment when Southern Sudanese citizens could voice their political preference, have fallen short of stabilising the path to democracy as state-building measures have been largely overrun by power consolidation. Essential tools of an accountable and democratic state remain elusive, namely the monopoly on violence and means of recourse for citizens.

This makes *controlling violence* near impossible. As concepts, both state-building and controlling violence should be mutually reinforcing. But in Southern Sudan things do not work like that. Southern Sudanese often claim that the very introduction of human rights as part of state-building has made controlling violence impossible, as quick capital punishment is no longer the 'effective' option it once was. During the war, localised random violence was less common because the army usually executed perpetrators without trial. While civilians suffered under army violence, the SPLA also protected civilians from such crimes as cattle-raiding. In addition, local violence tended to be more controlled during war times because people were joining together locally against bigger enemies. Today, the bigger enemy is harder to define and no credible actor exists to administer punishment in an accountable way. This means that violence is controlled or that conflicts are managed either by non-state actors or by state actors who do not follow the rules of law.

Personal local political agendas in some cases support deliberate attempts to *avoid* controlling violence and in turn to prevent state-building as credible democratic structures might usurp the authority of those currently in power. So while state-building and controlling violence ought to be two sides of the same coin, they currently often contradict each other. Further tension is created through a current emphasis on *reform*, evident in new government structures and democratic elections, while at the same time reinvigorating traditional *indigenous structures* with appointed or inherited leaders, commonly referred to as 'chiefs'.[38] This is driven by a belief, grounded in the integration of traditional leaders into local government and Local Government Law and perpetuated by donors and NGOs, that structures seen as 'indigenous' need to be supported unquestionably. While this is partly true, it is problematic if it is done without challenging the accountability of such structures. Due to unclear governance structures both 'traditional' and 'modern' representatives can be given the same responsibilities, including the resolution of violent conflict.[39] In addition, both 'traditional' and 'modern' leaders stand to lose if the attempted government reforms are accomplished, which has created a situation in which those who do hold power – from the very local to the state-level – are very reluctant to change the status quo. While theoretically, traditional and state authorities are joined in government, in reality they often play out as various versions of governance.

The combination of 'modernisation and 'traditionalisation', change and status quo, has left the population confused about the role and boundaries of power of authorities. One striking example is the confusion that exists around judicial matters. While in some areas modern and traditional authorities are working together constructively to improve security, in others the lack of clarity regarding responsibilities has created a situation in which there is no credible actor to solve issues of local conflict and violence.

Ultimately, a combination of various approaches and personal interests has created a tension in what the GoSS demands of its citizens. While the democratic state-building framework, and particularly the recent call to the ballot, creates a theoretical need for politically responsible *citizens*, the leadership's interest in maintaining the status quo degrades the citizens to *subjects*, using Mahmood Mamdani's language.[40] The degradation to *subject* results in a lack of political voice and a disconnect with the government. In many ways, this degradation to subject and government-citizen disconnect is, however, not an *aberration* of the governance system, it *is* in fact the continuation of a governance system that is firmly rooted in Sudan's recent history.

Southern Sudan's more recent experience of political administration is one of intense marginalisation. With power firmly held in Khartoum, decision-making became a centralised affair and interest in the periphery was mainly focused on controlling the margins in order to avoid challenges to the centre's power. This was mainly done through maintaining selected tight connections to local elites. It seems that currently, the model is being replicated as the southern political establishment solidifies an elite network in order to control the new periphery i.e. any place outside the new centre of power, Juba.

The systematic disconnection between citizens and government sentiment is widely echoed in civil society criticism of how the elections were conducted, despite the fact that expectations of the level of accountability the elections could achieve were consistently lowered.[41] It is, however, also important to note that election violence was a lot less than might have been expected locally and some genuine democratic processes were evident in which leading political figures were voted out of office.

While the goals of *state-building* and *controlling violence* or modernisation and traditionalisation aim to achieve conflicting outcomes, they are not a matter of clear opposites. Nuances make each goal both a *precursor* to and a *result of* the accomplishment of the other. This highlights the difficulty in establishing an appropriate entry point for any activity that controls local violence and the circularity is mirrored in future expectations of conflict.

Expectations of further war and conflict

Khartoum is commonly used as a scapegoat for explaining local conflict, including cattle-raiding or localised violence. However, in contrast with allocating blame to Khartoum, respondents to a survey conducted in the three research sites had almost the same level of expectation of future south-south violence as north-south violence. An example of why attention should turn to south-south dynamics was given by the Sudanese head of a Sudanese NGO struggling with cattle-raiding in Greater BeG:

Is Khartoum interested in taking the cattle? [The SPLA] know who is taking the cattle, but they are pointing the finger. If the guns are coming from the north, then you can control the borders. How can a person from Khartoum incite a local chief here?[42]

We asked 319 people whether they expected further war with the north and further conflicts within the south even after the referendum, regardless of its outcome. We also asked respondents whether they expect fighting to break out among southern groups after the referendum. Despite Khartoum being blamed for much local conflict, the answers indicate southerners are aware of their own potential for violence.

CHART: WILL THERE BE ANOTHER WAR WITH THE NORTH?

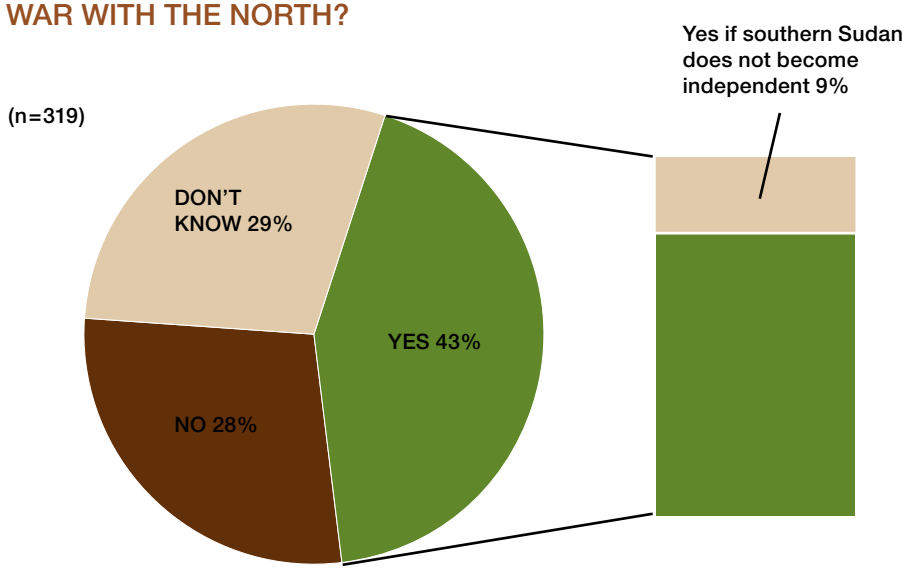
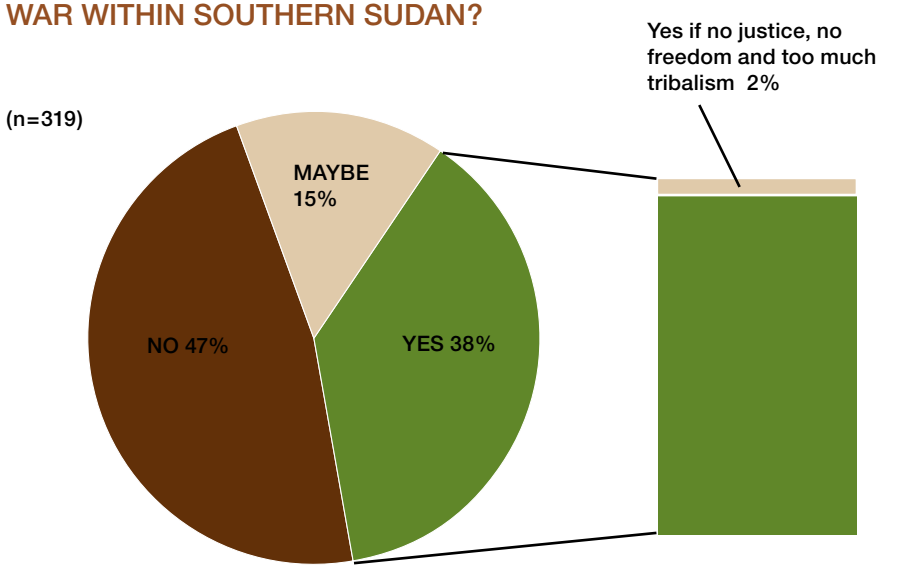


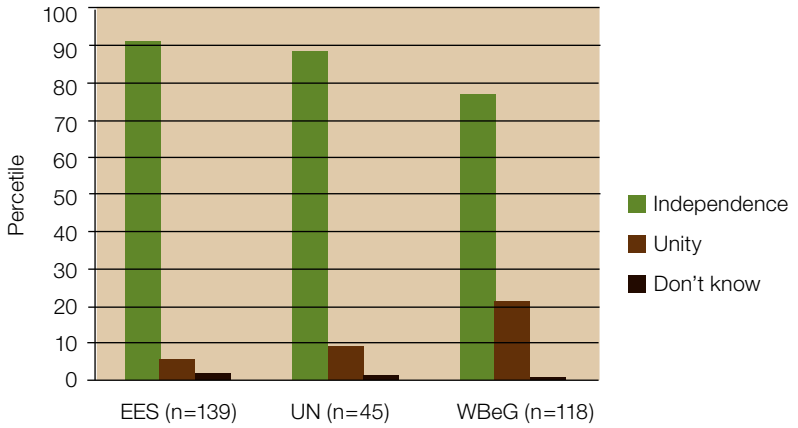
CHART: WILL THERE BE ANOTHER WAR WITHIN SOUTHERN SUDAN?



REFLECTIONS ON THE REFERENDUM

Expectations of south-south conflict are fuelled by the fact that no unanimous consensus exists among southerners regarding what is in the best interests of their country. The vision of what the referendum ought to deliver features prominently in this assumption. In reality, while a majority vote in favour of unity is improbable, desires diverge with regard to secession, particularly in areas with strong connections to the north. In WBeG, concerns about continued northern oppression versus the perceived administrative weaknesses of GoSS make the decision increasingly complex, and one fifth of respondents in Greater Bahr el-Ghazal stated that they would vote for unity.[43] In both Upper Nile and Eastern Equatoria, the vote for independence was clearer.

CHART: WILL YOU VOTE FOR UNITY OR INDEPENDENCE?



In general, respondents saw potential for violence with each possible outcome of the referendum.

TABLE: VIOLENCE POTENTIAL OF REFERENDUM OUTCOMES

This table is based on responses or scenarios given during fieldwork conducted for this report

OUTCOME	POTENTIAL FOR VIOLENCE
Overwhelming vote for separation	North will return to war, different groups of southerners will fight for political representation
Overwhelming vote for unity	SPLA will start fighting the North and some southerners seen as traitors
Separation with limited support	North will employ violence, southerners will fight each other
Unity with limited support	SPLA will fight against north and southern tribes will fight each other

Each scenario holds potential for intra-south violence and fighting among southerners seems widely expected. Remarkably, those wanting to vote for unity came from many different tribes, including Dinka from WBeG who said that they felt better in a unified Sudan. Interviewees in EES on the other hand, who are often assumed to be very critical of an SPLM-led unity,[44] seemed convinced that the referendum would result in an independent Southern Sudan, while a negative vote on the referendum was locally synonymous with the failure of the CPA and a need to take up arms against the north again. This assertion was made consistently with a number of respondents stressing that if independence was not achieved by vote, it would be achieved by violence. This view is expressed, for example, in the following answers:

There must be an independent south, violently or not, otherwise we will be enslaved again.[45] (Response on an anonymous questionnaire)

The referendum can bring an eruption of conflict. If they impose Islam, then there will be war.[46] (Director of the Toposa Development Association)

The government said they collected enough guns; they left the others so we can use [them] for an eventual dispute with the north.[47] (Kapoeta north boma 'chiefs')

It is thus too simplistic to assume that tribal allegiance or a history of alienation between Nilotic and Equatorian tribes dictates political beliefs. What seems instead to be needed is a reinterpretation of the meaning of the referendum because it is rather the case that the referendum is seen as a hugely important symbolic and dynamic event for Southern Sudan.

Referendum as a moment for change

Indeed, some respondents pointed out that the single-issue debate, centred on the question of whether the outcome would be unity or separation, was misleading. The referendum is viewed as an opportunity to incite, push and support lasting change within the south. Indeed, some pointed out that GoSS was muffling its own support for separation by pitting the referendum debate solely against the north, rather than encouraging a credible and diverse political system to foster political debate and give a glimpse of a different political culture. Criticism about the way elections were conducted has made this point even more important.

Just as expectations of violence come with each possible referendum scenario, some respondents expressed that either way they would lose out. Such sentiments are particularly strong in Raja County where people are very aware that they will be voting to be either a county in the centre of Sudan or on the frontier of a new sovereign state. Separation might escalate local conditions, said a UN officer in Raja Town, leading to closure of the borders.[48] Respondents in Raja made clear that voting for unity or separation meant voting to cut off or keep their supply lines. As a local SPLM official put it, 'If there is no separation, Raja will suffer. If there is separation, Raja will suffer.'[49] Yet for some, the symbolic strength of a clear vote for separation is more important than immediate economic improvement and development. 'Chiefs' in Northern Bahr el-Ghazal, for example, were less than enthused about the revival of the railway between Khartoum and Aweil. Rather than hail it as a big step towards establishing a transport infrastructure, in their minds it expresses a threat and tightens a connection with the North that they do not want – and it brings back memories of Rizeigat fighters riding the trains to attack and abduct children.[50]

However, a Fertit elder in Wau pointed out that some Fertit felt the strict binary identity of north versus south was counterproductive in supporting the idea of a diverse Sudan, and indeed was simply not applicable to them because: '…many families…have members from the north and south' and thus feel neither distinctly southern nor northern.[51]

CASE STUDY: CAUGHT IN THE MIDDLE: RAJA COUNTY

In Raja, the most northerly town in Western Bahr el-Ghazal, people expressed serious concerns about southern secession. Four issues were highlighted in interviews and discussions: 1) Raja's history as an NCP stronghold 2) the area's close cultural and economic connection with the north 3) the perception among the population that they are not benefiting from the CPA and 4) the remoteness of the SPLM administration.[52] The SPLA entered Raja Town for a brief period in 2001 and were fought back by SAF. Under the CPA, SPLA troops only arrived in Raja in 2007. During a group discussion, a youth leader argued that by staying together with the north, the south would fulfil Garang's vision: 'When Dr John started the movement, he wanted to rule all of Sudan from Nimule to the border with Egypt. So what is better now?' asked a youth leader in Raja Town. 'He wanted to liberate Sudan, not Southern Sudan. It is SPLA, not SSPLA. So Sudan is one, Sudan is unity. When your father has started something and he passes away, you have to finish.'[53] SPLM officials echoed that view: 'Dr John's vision is calling for unity and we are working for unity. If not unity, we are going on to liberate our people in the North. Let the Arabs agree with what we want. Let's first make Southern Sudan independent and then we take the North. When those of East and West call for their rights, we will unite Sudan.'[54]

A local religious leader pointed out that independence had less political meaning, but strong practical implications for everyday living: 'Independence also means being independent from outside resources,' he said,[55] echoing what had been expressed by the mainly northern traders in the market: 'I think dividing Sudan will make us suffer more, there is no factory in Southern Sudan, so where will traders get goods from? It will make our life difficult. One Sudan will excel in business and cross-state taxes will not be there.' [56] The local NCP chairman also emphasized the strength of a united economy: 'If we don't vote for unity, every single company here comes from the North, every business. If we will separate, where will we get our goods?'[57]

However, others point out that this line of reasoning just means that the north now uses the systematic underdevelopment of the south as an argument against its independence. 'My opinion is if Sudan is divided into two, factories are not created by God, they can only be created here,' said one man. 'Now they are not here because of northerners but it can be created.'[58]

Closely connected with perceptions of separation and unity are issues of identity. In Raja, a place of close alliances with Darfur and tenuous connections with Juba, people are very aware that separation could possibly mean cultural isolation for them in a newly independent Southern Sudan and indeed leave them exposed without protection. Residents in Raja speak an Arabic dialect closer to the northern dialects and distinctly different from Juba Arabic.

'We only take small culture from south and big culture from Darfur,' explained a religious leader in Raja.

'And Southern Sudan is very big. When people come from Juba, they think I am an Arab. I wear a Jallabiah and I pray in the mosque. Our culture is not really like southern culture, it is more like northern.'[59]

A woman's group in Raja lamented the fact that they did not see any connections between them and southern women and having only spoken Arabic until very recently, saw no way of bridging the divide:

'We can differentiate: we look like Arab women and even if we are called to Juba, we are different. We are like Arabs and we want to be like African women, so we need to have someone teach us. When we go to Juba, nobody insults us, but we ourselves are in a different culture. We are ashamed of ourselves. We cannot link up with other women because language is a problem. But from here to north is far. From here to south is far. We are in between.'[60]

Because GoSS has failed to deliver services, hopes were high that voting for unity in the referendum would mean that the north, which is seen as having stronger government capacity, could no longer continue its politics of under-serving the south and ultimately, the south would benefit from unity. This view seemed quite separate from any personal opinions held about President Bashir. The perception was that a streamlined political system would mean a much stronger national voice for the electorate. One youth leader put it like this: 'The advantage is the national election, so Bashir will not rule forever. Bush comes, Bush goes, Obama comes, and Obama goes.'[61]

DEVELOPING GOVERNMENT STRUCTURES

The CPA gave two tasks to the GoSS: establish southern government institutions and make unity attractive. This was a contradictory endeavor from the start as these are essentially two opposing projects. This contradiction might have helped create the current government's unclear structures which have a direct impact on local violent conflict. Current activities of state-building, pacification, modernisation and traditionalisation have created a transitory situation in which it is not clear how conflicts should be handled now or how they will be handled in the future. One problem is that actors that were set up to institute peace within Southern Sudan have unclear roles and responsibilities. An obvious example of this is the undefined relationship between two of the more prominent peace actors, the Southern Sudan Legislative Assembly (SSLA) Peace and Reconciliation Committee and the SSPC. The lack of clear mandates and job descriptions has resulted in confusion of what the roles are. Many interviewees had rather abstract and idealised views of the SSPC's responsibility, for example. When asked in a ranking exercise who the best is at bringing peace to Southern Sudan, many respondents voted for the SSPC but were then unable to describe what the SSPC really was and how it could bring peace.[62] By remaining such an abstract entity, it is difficult for local authorities and communities to support the actions of the SSPC or to hold it accountable. One reason for this lack of vision in regards to government structures and responsibilities might be found in a lack of lessons from the past.

Background: The lack of viable historical models for Southern Sudan's future

Of models from the past that might shape Southern Sudan's future, two dominate the discussion: an autonomous region and native administration. Both are frequently mentioned by those interviewed and both are imbued with a degree of mythical status.

An Autonomous Region

This more recent and perhaps more obvious model is derived from memories of what occurred after Southern Sudan was established as an autonomous state following the Addis Ababa Agreement of 1972. A plethora of aid agencies became involved in what was only the second mass voluntary return of refugees assisted by the United Nations.[63] At the time, international support for returning refugees was a sensitive matter due to Cold War tensions and the Palestine/Israel issue. So, when it became possible to support a mass return movement by allowing an ad hoc extension to the powers of the High Commissioner for Refugees, there was a great deal of interest in making it work. Despite problems with the delivery of assistance, it was nevertheless deployed quickly and sustained for several years.[64] Indeed, in some parts of Southern Sudan, aid agencies remained very active right through the outbreak of war in 1983. This was especially true in parts of the Equatorias, where similarities with populations in Uganda and Kenya and large numbers of English speakers, made for more straightforward aid work relative to areas in Northern Sudan. This situation was not, however, without consequences.

The concentration of aid activities in places such as Yei, Torit and Juba during the l970s and early 1980s was a factor that fed tensions between Southern Sudanese groups and contributed to the ultimate failure of regional autonomy. On the one hand, educated people from the Equatorias enjoyed most of the employment opportunities afforded by NGOs and UN agencies and thus resented any efforts to redirect resources away from their areas.[65] Ambitious Equatorians complained bitterly about 'Dinka' domination in the Regional Assembly and there was talk of a 'Nilotic' faction allegedly dominating Southern Sudanese politics which was seen to be an obstacle to progressive change. On the other hand, groups in the greater Upper Nile region and Bahr el-Ghazal felt that peace benefits (which later would be somewhat mistakenly renamed 'peace dividends'[66]) had largely accrued in the Equatorias.

These divisions became ever more intense during the late 1970s. They were compounded by competition for scarce funds, as more and more of the budget that was supposed to be supplied by Khartoum to the regional government in Juba went largely unpaid, year on year. By the turn of the 1980s, political factions in the north were openly manipulating conflicts in the south, and president Nimeri himself, who had pushed through the Addis Ababa Agreement despite intense opposition from many northern Sudanese politicians, was forced into alliances with opponents of southern regional autonomy and enthusiasts of Islamisation.[67] Nimeri and his new allies began supporting demands from a group of Southern Sudanese politicians for division of the south into three regions. This group became known as the 'Equatoria faction', though members also included representatives of Bahr el-Ghazal and Upper Nile (including some Dinka representatives). Arguing that a more decentralised government would be more accountable and effective at absorbing aid, the Equatoria faction also expected that re-division would break the power of a particular group of Dinka who were seen to be exploiting the existing regional administration for their own interests. Re-division was pushed through, even though a majority of southern parliamentarians were opposed to it. Almost immediately, Dinka traders were expelled from Juba, which in part triggered the Bor mutiny that led to the formation of the SPLA.

Generally, there is a tendency to blame the collapse of the Addis Ababa Agreement on politicians in Khartoum and to assume that in the present context, full independence will lead to better results following the referendum. The failure of the regional autonomy experiment and the southern divisions that opened up at that time helps explain why a return to the kind of solution attempted in the 1970s and 1980s is now rarely mentioned. Yet there are indications that some of the issues that emerged during the years of regional autonomy are resurfacing, such as the inability or unwillingness of southern politicians to put regional interests above their own, which opened the space for Khartoum to work against southern unity. People returning from exile in East Africa fluent in English continue to secure the majority of well-paid jobs with aid agencies and civil service, and concerns about Dinka domination are commonly expressed.[71] There are other lessons from the challenges of the early 1980's, especially regarding the dangers of ethnic politics and of concentrating economic opportunities in certain places or among certain groups – namely among the elites congregating in Juba.[72] If Southern Sudan becomes independent and gains recognition by the government in Khartoum, then a common hostility towards the north will no longer serve to ameliorate the dangers of intra-south divisions by uniting it.[73]

Native Administration

If the Addis Ababa period is not a viable model, can a system of administration be derived from the period of colonial rule, as has been done, with varying results, in countries such as Kenya, Tanzania or Uganda? To a surprisingly large extent, it is indeed to this earlier period that reference is frequently made, or from which ideas about today's governance are drawn. To some extent, this is a consequence of the CPA itself, because it mentions borders in place at independence in 1956. But reference is now made persistently to the 1956 borders in ways that relate to much more than the demarcated 'north' and 'south' and greater Upper Nile, Bahr el-Ghazal and Equatoria regional borders, i.e., those boundaries specifically mentioned in the CPA. The boundaries and references to 1956 are linked to an idea that the clock has to be put back and everything begun again. Old administrative divisions are frequently mentioned and are associated with the districts once administered by British officials. There is an assumption that county and newly created sub-county boundaries should follow those old boundary lines.

This perspective poses several problems. There are no maps available from this period to show where demarcations occurred at county and sub-county level, and conspiracy theories circulate about where the maps are and who has hidden them.[74] Research indicates that no such maps existed for most of Southern

Sudan from the mid 1950s, and those available from the Sudan Archive in Durham from the 1940s were, for the most part, drawn much earlier and lack sufficient detail.[75]

Of greater concern is the emphasis on what the situation was like in 1956, which evokes both an overly romantic version of British rule and links these alleged 1956 borders with tribal categories. It is as if there was a kind of stable or 'correct' ethnic grid that needs to be recovered to resolve current claims on territory and resources. Matters are compounded by an emphasis on the role that putative 'traditional chiefs' should play in everything from resolving conflicts and disarmament to dealing with marriage disputes and monitoring the delivery of services.[76]

Given the current emphasis on how things are thought to have been before independence, it is worth reflecting briefly on what Southern Sudan was actually like in the first half of the twentieth century. What is commonly referred to as 'the period of British rule' was technically no such thing. Following the demise of the Mahdist state at the battle of Omdurman in 1898, Sudan did not become a colony or a protectorate but rather something unique: the Anglo-Egyptian Condominium. The reason for this was that Egypt had laid claim to Sudan before the rise of the Mahdi, and the claim was recognised by the British in the Anglo-Egyptian treaty of 1899. Britain was to administer Sudan on behalf of the King of Egypt, who was himself under British domination.[77] The British Governor General reported to the Foreign Office through its resident agent in Cairo, rather than to the Colonial Office in London. However, in practice he directed the condominium government from Khartoum as if it were a colonial administration.

In what is now thought of as Southern Sudan, Anglo-Egyptian administration was minimal in the early decades of the twentieth century. British officials tried to locate 'chiefs' who would make tribute payments to the government, and there was a good deal of forced conscription into the army in some areas. Raiding and confiscation of property such as cattle was punishment for those who resisted. One challenge was that some groups such as the Nuer, who persistently opposed British authority, did not have 'chiefs' in the way that British officers imagined all Africans should. Some of the last British African campaigns of violent pacification occurred as a result. In 1917, for example, a punitive expedition was launched against the Lou Nuer. It is reported that 108 male prisoners were taken in addition to 4,496 cattle, 3,000 sheep and a large quantity of millet.[78] Attacks of this kind continued until the late 1920s, when the Lou Nuer were ordered to settle in two locations, and all those who refused were considered fair game for marauding army patrols. Several Nuer leaders were killed, including the most important prophet, and the people were forced into submission.

From the end of the 1920s, British administration became more intensive in other parts of Southern Sudan and Christian missionaries were encouraged to extend their activities.[79] British officials adopted a strategy to minimise Egyptian influence, which was formalised in 1930 when the British Civil Secretary of the Anglo-Egyptian government enacted the 'Southern Policy'.[80] Ostensibly, the policy was a response to the discovery of clandestine slave-raiding taking place in Bahr el-Ghazal by northern traders. The aim was to 'protect' the African, non-Muslim population from their Arabised northern neighbours by building up: '…a series of self-contained racial or tribal units with structure and organisation based upon… indigenous customs, traditional usage and beliefs.'[81] As in other parts of Africa under British control, a system of indirect rule was set up which was commonly referred to as 'native administration' in Sudan. In Southern Sudan this policy was taken to extremes in an attempt to prevent the spread of Islam and to allow the 'primitive' populations to adjust to the modern world gradually while preserving their customary way of life. The tension between local government and the 'traditional' systems has existed ever since.[82]

In the north of Sudan, efforts had been made to re-establish the families of those who held positions of authority before the Mahdist uprising against Turkish/Egyptian rule. Individuals from these families were recognised as 'chiefs' and sultans. Where possible, such a strategy was replicated in the south, but in many cases 'chiefs' needed to be 'created' because no such traditional figures existed. It was also discovered that 'racial or tribal units' were both more varied and difficult to discern than anticipated. Confusingly, the Shilluk and the Azande had large kingdoms. If these were to be called 'tribes', could they be compared with the many different Nuer and Dinka clan clusters? Is each of these clan clusters 'tribes'? Was the Shilluk *reth* (king) the equivalent of a chief? And then what about all the numerous smaller groups, often speaking different languages? Was each of these a separate tribe? The result was the invention of hybrid 'traditional' systems, drawing on local customs and responding to the requirements of the government, which had to be tailored to fit local circumstances.

Someone appointed as a Shilluk chief could do little without reference to the Shilluk *reth* (king) whereas someone appointed as a Dinka chief might have considerably more authority if he was accepted as a leader by his clan. In either case, such a figure was only accessible to the British officials in the dry season. He would migrate with the cattle during the rains to places that government officials could not easily reach. Meanwhile, particularly in what became the Equatorias, neighbouring groups could be tremendously diverse. For example, among some groups, those appointed as 'traditional chiefs' were linked to rain-making and other ritual capacities, while other groups organised themselves along age set systems, and a chief's authority might only by accepted by his own age cohort. In places where 'chiefs' (and the courts at which they were required by the government to raise taxes and impose fines) were accessible all year round, British administrators closely monitored what was happening. Under these conditions, mostly in Equatoria, increasingly complex bureaucracies evolved during the later decades of the Condominium, including local parliaments of elders. However, such arrangements were entirely absent elsewhere.

In general terms, the effects of the 'southern policy' included acute limitations on economic and educational development as compared to the north or other parts of British Africa. In order to 'protect' the southerners, even labour migration was restricted. Additionally, the use of tribal categories and the cooption of 'chiefs' tended to reify particular indigenous customs and promote practices and beliefs associated with selected male hierarchies. Certain ethnic identities were fostered, formalised and exaggerated. The approach to administration was somewhat altered from the late 1940s, by which time it was becoming apparent that the Condominium arrangement with Egypt might not be sustainable. Rumbek received a secondary school in 1947 and various investments were made in economic development projects. One notable example of this was the Zande scheme – a pilot project which attempted to raise tribal living standards by: '…the promotion of a 'healthy market' and the establishment of manufactures throughout the Southern Sudan'.[83] Yet, it proved impossible to reverse the policy of effectively cocooning Southern Sudan before independence in 1956.

Thus, unlike some other territories that have sought or achieved recognition as states, Southern Sudan does not have a historical template that can be readily evoked to promote a cohesive southern identity. Memories of regional autonomy and the current mythologising of the Condominium era do not provide an ideal starting point for the formation of a new nation. More readily they seem to provide a precedent for a system of localised or decentralised governance, and ominously, a system that could shift readily towards the establishment of ethnic fiefdoms by equating ethnicity with government structures and access to resources.[84]

DYNAMICS OF CONFLICT

When asked about their personal safety, respondents expressed two parallel experiences. While day-to-day life has generally become safer, a sense of increased uncertainty and continued threat among interviewees was noticeable in all three research sites.[85] This threat is not constant but it is noticeably less predictable than during wartime when insecurity was common and respondents were prepared for violence. Since the CPA, a continuing but unpredictable threat of violent attack has created a permanent, low-level anxiety, as, for example, expressed by a group of women in EES: 'We live in fear. Is it true that this peace will exist? There is no day that you do not hear gunshots.'[86]

Fifty-three per cent of 319 survey respondents stated that they currently have an enemy they consider a threat to their personal security. This upsurge in internal conflict in Southern Sudan was particularly disturbing to many respondents because of the perception that the violence had taken a more intense form and that new trends were emerging. Women and children were more readily targeted during attacks, such as in Upper Nile in 2009, or attacks were well-planned and carried out in military style, such as in EES's Lauro in 2007.[87] Changes in the style and tactics of attacks must indicate that people are aware when an attack by their own group is impending. For example, it is quite unlikely that hundreds of Lou youth in Upper Nile could go missing from the Akobo area without local government and traditional leaders at the very least being aware, if not actively assisting, their activity.[88] Indeed, an INGO respondent stated that there are no doubts about awareness among community and government leaders, stating that 'chiefs' and/or commissioners: '…know and also communicate with each other, and sometimes intervene.'[89] Such intervention can take the form of supporting or trying to stop an impending attack.

Respondents also reported the perceived increase of outside threats, such as the Lord's Resistance Army, the Fellata or the Kenyan army on the Eastern Equatoria international border. Yet most violence is not executed by large-scale attack by outside threats but is based on simmering local conflicts, many of which are rooted in challenging administrative developments.

HOW DECENTRALISATION AND ADMINISTRATIVE DIVISION FUELS CONFLICT

Both of the Sudanese wars were fought over marginalisation of the periphery through political and economic centres of power; the CPA and many government documents emphasise the need for decentralisation and devolution of power. There are obvious and indisputable benefits to decentralising government in such a vast and diverse territory.[90] But decentralisation is certainly not undisputed in its ability to stem conflict and in fact, evidence from, for example, Uganda, shows that decentralisation rather fuels conflict on the local level.[91] The same is currently happening in Southern Sudan because decentralisation is not pursued convincingly and is abused for local power struggles which cause violent conflict.

The strong emphasis on decentralisation has made the challenges in implementing it even more pronounced, said, for example, an international employee of an INGO: 'GoSS was very clear about devolution…but it has not happened in practice.'[92]

A donor representative pointed out the tremendous challenges in decentralising a fledgling government because achieving decentralisation: '…is difficult, given they do not even have a central government. They are just doing it because it is in the CPA and in the Interim Constitution.' In many ways, the new government, having had to start from the centre, has created a new periphery within the south.

However, theory and practice are currently at odds with each other as the emphasis on decentralisation has in many areas become instrumental in entrenching 'tribal' lines over competition of resources. In many ways, smaller counties can be seen as the ultimate manifestation that decentralisation works to devolve along political lines. Yet the current state of decentralising political powers in Southern Sudan exemplifies how theory and reality of politics pulls Southern Sudan in opposite directions. Momentum for increased administrative fragmentation is developing at the same time as decision power is firmly held at the centre, creating a situation in which decentralisation seems to primarily signify a localised power grip over resources, rather than localised political decision-making.[94] While some county and state governments are more active than others, it was generally seen as a problem that state and county-level decision-making is not as strong yet as it could be.

In a group discussion with a collection of chiefs in Wau, one representative explained the reality of the current situation from a local perspective: 'Now everything starts from the top. Every law is handed from the President to the Governor to the Commissioner. Nothing is coming from Commissioner; everything is coming from the top.'[95] With the tacit understanding – so prevalent in most of the south – that any real change or decision can only come from the President, those at the top as well as the bottom inadvertently boycott the idea of a multi-tiered government.[96] For citizens, meaningful *political* decentralisation is invisible due to Juba's role as power centre, while decentralisation has become synonymous with dividing up and claiming ownership of land of local government authorities who act in the interest of their own community. The local situation is further confused by competing authorities between government and party representatives, as an international officer of an INGO explained:

A major problem is that in payams *there are two village leaders, one who is the local authority and another who has been assigned by the SPLM. This causes problems as both people are vying for authority and often times neither person has the single legitimate authority.*[97]

Two schools of thought dominate the local narrative on administrative division. One says that this is a natural process in emerging democracies based on local-level power struggles both at the level of representation and at the grassroots. Ultimately, this is seen as a settling process as groups of people are represented by leaders with whom they identify. Some respondents pointed out that the current divisions are a northern legacy and were not carried out along lines that make sense to local people. This group believes that fragmentation is a realisation of Garang's vision to take the town to rural areas, a belief expressed, for example, by a group of elders in Jur River County in WBeG: 'It is important to have new counties because we want to take power to the people. Everyone should have a responsibility in the area where they are so they can develop this area by themselves.'[98]

The alternative view is that this fragmentation will undermine unity in the south and make it less feasible to govern Southern Sudan as an independent state. A Sudanese NGO director summed up this sentiment: 'everyone wants their own county, each tribe wants their own commissioner, Southern Sudan is dividing but it is unity we need.'[99] Some advocates of this position believe that the main driver of fragmentation is patronage politics from Khartoum used to secure support or as an extension of the 'divide and rule' policy implemented during the war. Others believe that it is the ethnicisation of politics at the local level, where counties are being drawn along tribal lines, that is fuelling nepotism and patronage in politics.

BORDERS AND CONFLICTS

For those groups vying for political space by having their own defined county, having ill-defined and threatened borders means an ill-defined and threatened state of being. This is true on the state level, but also applies to borders at the local level and unclear territorial demarcation is creating conflict flash points.[100] Debates about undefined borderlines, controversial naming of territory as well as shifting fault lines and narratives of territorial besiegement infuse the everyday existence of many Southern Sudanese.[101]

Borders have the potential to enable peace by providing clarity and stability over disputed land; but where disputed, borders can exacerbate conflict and foment tension. The pivotal role of borders is recognised throughout Southern Sudan. In fact, the majority of interviewees in this research expressed the need to address confusion about borders and clearly demarcate them. Varying opinions were found regarding the value of borders: many spoke about shifting territories that are being claimed by different groups; others described how they saw the border as either a valuable resource or a threat. Such problems are particularly acute in areas where water points are near the borders, such as along the border of Warrap and Lakes States.

Border disputes are now arising on multiple levels – between *payams*, counties, states, and the north and south. Expectations that border demarcation will signal the end of many local problems are evident all across Southern Sudan. 'Demarcation of the borders will bring conflict, but once demarcation is done there will be [rule of] law,' said NBeG Deputy Governor Josephine Moses Lado.[102] Yet, contrary to the line often touted by local government officials, internal border demarcation is far from being a problem-solver. Throughout the research sites, internal border demarcation was cited as a primary trigger of conflict as groups on all sides of boundaries seek legitimisation of their territories through defined border lines and new counties.

Blurring borders between ethnic and administrative boundaries

The creation of new counties and drawing up of constituencies has fomented confusion regarding local administration structures, causing a number of problematic socio-political dynamics.[103] The issue of internal borders is fraught with distrust and struggles over power and resources. On the one hand, many citizens welcome the idea of dividing Southern Sudan into more counties in order to gain better political representation. Interviewees acknowledge that citizens feel they would be better represented at state level through tribally demarcated counties. Decentralisation is immediately associated with improved access to resources and development, said one Sudanese working in a local NGO doing peace work: 'If you have your own county, you can get development. For this representation at the state level is more important than representation at GoSS level.'[104] On the other hand, GoSS is seen as carving up the country in order to gain power. Continued fragmentation of administrative borders fuels fear that GoSS is emphasising 'tribalism' by creating counties based on tribal territories.[105]

Dividing people into counties can break down traditional forms of kinship ties, which in return breaks down informal ways of peace-building and conflict mitigation techniques. Demarcating land can separate or unite those within the area. In other words, people can be brought together because they have a common sense of the 'other' or rifts can be created as a result of labelling a border a division.[106]

These dynamics create a two-pronged effect. On the one hand, GoSS has reinforced tribalism by equating administrative boundaries with ethnic identities – a situation which was strongly visible in all research areas. A member of the Council of Elders in Upper Nile elaborated on this issue:

New administrative structures have been created since the CPA was signed… In drawing the boundaries, there has been confusion and some counties have expanded. The counties were drawn along tribal lines. Tribes were given counties, which has caused competition over resources and boundaries.[107]

Despite the fact that many tribes support and even demand drawing counties along tribal lines, this approach does not take into account the manner in which local social and demographic aspects have evolved since the ceasefire in 2002. Towns, *payams* and *bomas* are increasingly home to a mixture of tribal groups, often because returnees and IDPs have decided to settle in areas with better resources, rather than automatically going back to their original homes. The increased diversity means it is more important that border demarcations are done in such a way that resources are equally distributed between counties and to its constituents. Where this is not happening, differing ethnic tribes are vying for their own counties.

Political appointments can ignite political and ideological tension. The selection of county commissioners, who play a significant role in Southern Sudan's decentralised system, has also been shaped by tribal calculations – a post-CPA development which obviously contradicts what had been promised to Southern Sudan's citizens. Respondents in a youth focus group discussion in Upper Nile said: 'Dr Garang set up an initial system of caretakers. He made that arrangement to diffuse tribalism. When he died, the leadership broke Garang's arrangement… They came with an ideology that counties should be based on tribes. That has led to tribalism and nepotism…We need to return to Garang's ideology of caretaking.'[108] In Atar, an anonymous response on the questionnaire read: 'They should mix administrators and governors. They should make them administer other people – Garang had that policy. Now they bring sons of the soil to administer their own areas'.[109]

Creating ethnic fiefdoms

Another administrative policy, which has exacerbated divisions, is GoSS' unofficial preference that county commissioners have a military background or close connections to the military, ostensibly to give them greater authority. This monopolisation of power through local leaders who gain power through military connections was seen as extremely problematic, especially by the younger generation.[110] The two approaches translate into a militarily-controlled tribal local administration. This has created a situation in which county commissioners with a military background may preside over ethnic fiefdoms, often criticised for acting out of personal rather than public interests in community development. Students at Western Bahr el-Ghazal University also added that this has entrenched the military government on the local level and put military loyalists with low literacy rates in positions of leadership.[111] In Upper Nile, representatives of youth pointed out that the position of commissioner was often self-serving: 'County commissioners just think about their own safety and disregard the community. If Southern Sudanese want to protect what they fought for, they need to go back to Dr Garang's manifesto and focus on freedom, liberty, and self-determination.'[112]

Lastly, the issue of border demarcation, county creation and county administration has caused doubt in GoSS's leadership, decision-making, and vision. Students at Western Bahr el-Ghazal University described it as an authoritarian policy. Upper Nile's SSRRC director said that this policy needs to be countered by standardising the rules for every county position in the Constitution: 'The problem is that when the government takes a position, people don't see it as the government position. They see it as a personal decision made along tribal lines or based on party politics.'[113] According to youth in Kodok: 'When the SPLA went into the bush, the north recognised that the south had an agenda to fight for. Our relatives sacrificed their own children for the sake of freedom. Now, south Sudan is divided by tribalism, and each group is divided into its own county.'[114] For many, GoSS has both created the problem of tribal counties and lacked the political will to address the issue before the referendum. As stated by a local government official in Upper Nile: 'Some intellectuals and politicians are creating hatred between the tribes in the south…I blame the government even though I am part of the government'.[115]

Finally, it can be seen that internal border demarcation is a politically thorny and ethnically sensitive process. Indeed, internal border disputes are a festering problem. The issue will likely get worse as groups seek to secure territorial claims before a likely secession.

CASE STUDY: AN EXAMPLE OF 'ETHNIC' ADMINISTRATIVE DIVISION IN EES

Until relatively recently, EES comprised of two districts: Torit and Kapoeta. However, Greater Kapoeta is now divided into four counties. Initially, it was split into Kapoeta and Budi, separating the Toposa (Kapoeta) and Buya-Didinga (thus the name BU-DI was coined). Then Kapoeta itself split into three counties: Kapoeta North, Kapoeta south and Kapoeta Eastern. The people of Kapoeta Eastern are Toposa and Nyangatom, while the people of Kapoeta south and north are Buya and Didinga. In the former Torit District, first Magwi (Acholi and Madi) broke away, then Ikotos (Dongotona and Lango), and finally Lafon/Lopa (Lopit and Pari). This process looks set to continue as the Acholi and Madi, Lopit and Pari, and Buya and Didinga have all made applications to split their counties.[116]

County headquarters tend to be located in the main town of the dominant tribe of each county, thus the proximity of the county capital is seen to be accompanied by improved disbursement of funds for basic services. Access to affordable food and available medical services and schools are seen to be a product of having the 'government' nearby, exacerbating feelings of marginalisation among other groups. There is a strong perception among people that the provision of basic services in villages is directly correlated to the degree of their tribal representation within local government. As such, people associate a lack of services not with a failure of accountability but rather a failure of political representation and access to political power. This is exacerbated by the fact that government authorities are usually recruited from their home communities. The reasons for this are obvious; they have local knowledge and speak the local language. However, the downfalls are clear and reiterate why John Garang's vision had been to recruit local government staff from outside the community to be administered: having local staff contributes to fragmentation along group identities.

Theoretically, the argument for decentralisation remains a strong one, particularly considering the damaging history of the heavily centralised government model which located power exclusively in Khartoum. Yet certain measures may need to be put into place to disconnect local government staff from their personal local networks in order to improve representation and accountability. Both would be improved with democratic decentralisation. However, the current reality of a process of fragmentation, which models 'one county, one tribe' in a bid for representation, is unsustainable. For example, within counties dominated by a single tribe, there are still those who feel marginalised, causing divisions along sub-tribe or clan lines to begin to emerge. In situations of inequality or limited access to resources, people assert whatever aspect of their identity differentiates them from those competing to access resources. As a result, the process of fragmentation has the potential to be divisive. Nevertheless, respondents were overwhelmingly in favour of fragmentation and, in most cases, could not imagine a viable alternative. Yet what does it mean to have centralisation of power alongside fragmentation of administrative units? In reality, it is unclear what kind of financial resources local administrations have to implement changes for citizens, and resources differ vastly depending on how active a county is engaged in trade. Despite this, as long as local structures remain weak and gain their legitimacy from their relationship with GoSS and line ministries, the peripheries will remain upwardly accountable in order to compete for power.

TABLE: RESPONDENT PERCEPTIONS OF PROS AND CONS OF ADMINISTRATIVE DIVISION

PERCEIVED ADVANTAGES	PERCEIVED DISADVANTAGES
Division of work capacity; increased employment opportunities	Capable personnel may be divided or lost
Expands representation within the state	The creation of a county without meeting the proper criteria creates more problems (forcing the process induces conflict)
Promotion of trade between counties	
Safeguards cultural heritage (each county speaking own language and maintains own traditions)	Division of people; relationships are cut; people will become selfish with their ideas and resources. 'We are going to lose some of our friends'
Increases autonomy and justice	Risk of corruption and decreased service provision capacity
Allows for resource sharing	Some counties lose resources (particularly at the border)

CASE STUDY: COUNTIES CAUSE CONFLICT IN EASTERN EQUATORIA

The current conflict between the Lopit and the Pari highlights access to services as a driver of fragmentation. While it initially appears that the conflict is over the name of the county, ultimately the issue is the location of the county headquarters. The name is important because the name of the county would indicate where the headquarters should be located – if the county is Lafon, then the administrative centre should be in Lafon, if it is Lopa then it can be argued that the headquarters should be in Imehejek. Some voices from Eastern Equatoria:

Almost everyone knows about the headquarter issue…It is an issue of power sharing.[117] (Youth chairman in Lafon)

People are very angry that the headquarters were taken there. The Lopit and Pari cannot speak to each other. If Imehejek were to become the head quarters, it will bring war. People will fight. There is already a plan. We will not accept Imehejek to be headquarters.[118] (Pastor in Torit)

The then-Governor informed the research team that the county is Lopa (from Lopit and Pari) and its capital is Imehejek;[119] however at a conference several weeks later, he stated that the county is Lafon and the capital is Lafon. Thus, the ambiguity and confusion at the local level is replicated among government officials. The Pari argue that a 2004 resolution signed by Garang identifies Lafon as the county name and headquarters while the administrative buildings of the county are situated in Imehejek. At the time of writing, an application had been submitted to the local government board to establish two separate counties. This motion is strongly supported by both communities and the Governor as the two communities are deemed unable to co-exist peacefully within a single county.

The issue has been so divisive that cross-cutting ties encompassing kinship and marriage, friendship, and trade between the two groups have been completely cut off. This is to the great disadvantage of the both populations for their subsistence and survival, yet no serious effort for reconciliation has been made.[120]

CASE STUDY: INTERNATIONAL BORDERS BETWEEN TOPOSA AND TURKANA

Over a decade ago, journalist Peter Kamau referred to the border area of Sudan, Kenya and Ethiopia as: 'the border area that defies security'.[121] Since then, little along the Sudan/Kenya border has changed. At the time of research, the situation was so tense that the County administrators used the term 'entry point', explaining: 'These days we can't even call it a border, the situation is too volatile, so we are calling it the entry point.'[122] Due to the difficulty of reaching the border and analysing the understanding of events according to the Turkana, only the version of events espoused by the Toposa is here below presented.

The Toposa version of events

Tensions along the border began mounting in the months leading up to September 2009 for several reasons. For one, the Kenyan Government began to ask Toposa for passports and travel permits to cross the border in July 2009.[123] Heightened tension is also based on the belief that in August 2009 a Kenyan Minister, having been refused entry to Sudan because no high level official was at the border to meet him as is deemed customary, returned to Lokichoggio and: '…ordered the army and police to arrest and beat any Sudanese in the market...many people were badly beaten.'[124]

During the period of research, the border between the Toposa and the Turkana was particularly contentious with fighting reported between the Toposa and the Kenyan Government on 18, 23 and 24 October, resulting in the closing of the border-crossing for a number of days. This specific period of fighting is believed by community leaders to have been provoked by the Kenyan Army erecting a Kenyan flag in Nadapal because: '…this was an act of war, they came with their army and their flag to take our land'[125] The Toposa say they issued the Kenyan Government with an ultimatum to withdraw and sent word to Juba to alert GoSS that if the situation was not remedied within five days, they would attack the Kenyan Army.[126] The community leaders believe that the Kenyan Army refused to withdraw and that no response was received from GoSS. Thus on 23 October, a number of Toposa launched an attack on the Kenyan Army barracks in Nadapal. Reports about the number of casualties and on which side are inconsistent, with reports in Narus relayed by the Diocese that: '…the Toposa killed 16 Kenyan soldiers and captured a machine gun with only two injured'[127] while news outlets were reporting that the Kenyan Government was claiming no casualties. Regardless of the veracity of the numbers reported injured and killed, what is clear is that there was a conflict between Toposa nomadic pastoralists and the army of a sovereign state over what is considered, at least by the Toposa, to be a disputed border.

Ultimately, this is an issue that has been playing out over a long period of time between the Toposa of Sudan and the Turkana of Kenya, two groups bound by ethno-linguistic ties and practising nomadic pastoralism as their main livelihood activity. The crux of the issue is that because nomadic pastoralism is their main livelihood and they live in regions increasingly prone to drought, these groups need to share dry season pasture and water points.[128] In times of severe drought, or in order to meet bride-price requirements, there has been habitual raiding of one another's cattle, which occasionally resulted in the death of the person or persons guarding the herd.[129] Local people are frustrated because historically these conflicts were managed by the Toposa and the Turkana.

The movement of people and cattle from one affected area to another is a recipe for tension. While conditional agreements used to be reached among the groups for temporary sharing, as the frequency and duration increase the strains become much greater. According to the Toposa interviewed, the involvement of the Kenyan Government has changed this relationship. The gravity of the issue was transformed, from being perceived as a localised struggle between two communities over access to land and water points, as was explained by locally based staff of the SSPC: 'Civilians should know that they cannot attack another country's army but the Kenyans should come with a civilian administration, the Toposa saw it as an occupation.'[130] This has had implications for Toposa/Turkana relationships as before the escalation of this conflict there was intermarriage, dry-season reciprocal arrangements and high levels of cross-border trade. At present all of these activities have been suspended with Toposa reporting no contact with family across the border for a number of months as a result of this conflict and the ceasing of trade between the two tribes.

As opposed to an occupation, one aspect of the situation seems to be that GoSS made an arrangement with the Government of Kenya that they could move their customs post to Nadapal to facilitate the administration of customs duties. However the Toposa were not consulted about this, nor were they informed after the fact. Thus, they saw the establishment of official Kenyan structures on what has traditionally been their land as evidence of the Kenyan Government supporting the Turkana in the ongoing struggle over access to grazing land and water points. In addition, there was a perception among a number of respondents that this conflict, and other similar ones, have escalated of late because of a commercialisation of cattle-raiding. A number of respondents believe that local politicians and/or businessmen are funding raids as a commercial enterprise.

Opinions about the role of GoSS in this conflict tended to be polarised and somewhat contradictory. In one respect the Toposa were disgruntled that they had not been involved or notified of changes in cross border arrangements: 'There was an a agreement signed that customs post should be moved closer to Nadapal but the Toposa were not consulted or informed, they think the government does not mind about them.'[131] Toposa youth at Narus expressed the impatience felt by some of the community towards GoSS, explaining that: '…people of Nadapal and locals say 'it is better for Kenyans to finish us then to wait until we're dead and then for GoSS to come.'[132] On the other hand there is a sense locally that this historical conflict over access to scarce resources is being exploited by politicians with a strong belief that the Government in Khartoum had a hand in escalating the tensions to this level. There are many questions surrounding the militarisation of these conflicts with some hypothesising that NCP is 'the invisible force' fomenting tensions between groups. While some respondents expressed frustration that GoSS were not engaging more heavily, or at least more visibly, others believed that GoSS were strategically avoiding becoming involved in an international border dispute in the run up to elections and the referendum. A group of young men in Naurs market said: 'The GoSS are refraining from action because they know it is a strategy to distract them from elections'[133]

Regardless of the impetus for this border dispute, it is an extremely volatile and potentially explosive issue for GoSS. Inhabitants of the region are feeling insecure and it is believed locally that there has been an increase in the number of civilians carrying arms, as expressed by a group of Madi women: 'This thing, it is making us feel so insecure, the gunshots are reminding us of Sudan some time ago, when we were running, sometimes naked, from the war.'[134] Along with others, this weakly defined international border represents a serious challenge for GoSS.

Relying on an illusion?
The 1956 borders[135]

As previously discussed, communities often disagree on the location of their ethnic and administrative borders. Yet there remains a misinformed consensus that the CPA calls for internal border demarcation to be based on the boundaries created by the British that existed at Sudan's independence on 1 January 1956. The CPA refers to these borders only with respect to demarcation of the north/south border. Respondents, however, refer to 1956 borders as the tool that could be used when settling local territorial disputes or separate two competing groups today – for example in the case of Agar and Gok in Lakes State. The response given by a group of 'chiefs' in Korgana in Western Bahr el-Ghazal was echoed all across the south: 'People should stick by the 1956 boundaries. This shows the boundaries between states, counties, *boma*, and *payam*.'[137] Elders in Eastern Equatoria felt that the ongoing problem of cattle-raiding needs to be: '… solved according to pre-independence tribal boundaries', claiming that tribal boundaries were clearly laid out during colonial times and that the only way to make peace now is by returning to previous boundaries.[138]

Borders are important for consolidating power and presenting the impression that all entities within this boundary are unified. This was particularly evident in Upper Nile; for most state officials interviewed in Malakal and Juba, the only border issue that needs to be addressed before the referendum is demarcation of the north/south '1956 border'. In July 2008, the county commissioners of Melut, Maban, and Renk counties held a conference in Paloich to discuss internal borders. The main resolution of the conference was to postpone dealing with the issue until after the referendum. The logic is clear: GoSS's main goal is to keep the south united by a common desire for independence and a collective fear of the north long enough to make it to the referendum and achieve statehood.

The widespread perception that a reversion to the 1956 borders is the solution to local territorial problems is problematic; both in terms of applicability and legal validity, as it is based on a particular interpretation of the CPA that was not intended to refer to all borders. The major problem, however, is that these historical boundaries may not exist.

School buildings, Upper Nile

Applicability

It is not clear where detailed, useful maps of the 1956 borders within Southern Sudan could actually be found.[139] In addition, all known information seems to point to the fact that before 1956 the vast majority of internal Sudanese boundaries were never marked on the ground or defined by administrative text. The mapping conducted under British administration is probably the most coherent definition of boundaries, but while parts of Sudan have been mapped in great detail, it was not applied consistently all over Sudan. Geographical data used was gathered in the 1920s and 1930s.

Nonetheless, the fact that the '1956 maps' have not been consulted is seen by some local officials as proof of a conspiracy, rather than lack of existence. In addition, the legal validity of maps as evidence in boundary disputes is not always clear-cut. Maps simply reflect administrative realities, so boundaries need to be defined in more legally-binding sources such as administrative records and reports. However, in the absence of other documentation a map can be very influential, so much so that the '1956' historical map has shaped people's opinions on where new boundaries and administrative capitals should lie in present day Southern Sudan and what area each tribe would be allowed to call home.[140]

Using past maps or past boundaries to solve present day problems, however, disregards that the social and political landscape has been drastically altered by decades of war and displacement. Many people no longer live where they used to live in the 1920s when the data was collected, and those in a better position with respect to the amount of land they occupy and the amount of natural resources to which they have access share a vested interested in maintaining the status quo rather than reconstructing an illusory past. How difficult it is to adjust to current realities is evident, for example, in the Lou-Jikany conflict in Upper Nile. In addition, GoSS has created an array of *payams* and counties within the south that did not exist in 1956. Therefore, GoSS' motivations and method of implementation of these divisions need to be held to account. It underlines the fuzziness of definition of what Southern Sudan is that the boundary issues remains undefined, despite the fact that it is at the heart of numerous local conflicts.

CASE STUDY: THE ATAR/ KHORFLUS AGREEMENTS

The conflict between neighbouring Dinka groups now resident in Atar and Khorflus of Upper Nile has been addressed at two conferences. The fighting between Dinka sub clans has focused on the location of an administrative centre for, and the name of, a new county. At a conference held in December 2008, the dispute was resolved when the two communities of Atar and Khorflus 'unanimously agreed after lengthy and consultative discussions' to relocate the county headquarters away from Khorflus to Wunaruop, located between the two communities.[141] They also agreed to call the new county 'Canal'. At the end of the meeting 'the two communities' thanked various facilitators of the meeting, including the United Nations Mission in Sudan (UNMIS), for facilitating it. They also formally expressed thanks: '…to themselves for their commitment to peace and willingness to settle their differences'.[142]

Despite these assertions, outbreaks of fighting have reoccurred and cattle-raiding persists. A further meeting was therefore called and funding sought from various agencies, including Pact Sudan. Various problems arose over support for this second meeting, which took place in April 2009, and the text of the agreement has not been widely circulated. It is omitted from the Upper Nile Consolidated Peace Conference Resolutions, compiled by Pact Sudan and published in September 2009. The main reported difference from the first meeting was that the name chosen for the new county was 'Pigi'.

The research team visited Atar on 4 November and a focus group was carried out with a group of seven young men, all of them working for the *payam* administration or at the dispensary. All of them were Dinka, and had settled in the area since the CPA. They explained that they will build homes at Atar permanently. When asked what had happened to the Shilluk who were living in the area in the 1980s, it was explained that: 'The Shilluk have moved to the west bank of the Nile due to the war. Some may come back, but that will not be a problem.'[143] The young men claimed that they had no conflicts with the Shilluk and that fighting that had occurred in Malakal town and elsewhere had no affect on them. As far as current enemies were concerned, they explained that: 'We are enemies among ourselves. Our neighbours are our enemies, but it is just about cattle…They are Dinka like us. It was (also) about the name of the county.' They admitted that cattle theft continues on a small scale.

On 8 November, a few days after the research team's visit, fighting took place in Atar between resident Dinka and a group of Shilluk, resulting in several deaths. An article, published on 14 November made the following comments:

The recent clashes which broke out at seven o'clock in the morning on Wednesday between Shilluk from Upper Nile and Dinka who are at Jonglei State's territorial borders caught both State governments by surprise as there had never been tribal fight between Padang Dinka in Jonglei and Shilluk in Upper Nile State. A group of armed men reportedly identified as members of Shilluk tribe from Upper Nile State attacked a Dinka village of Pigi county in the extreme east of Malakal town on Wednesday on the other side of Jonglei. The attackers killed a teacher with two policemen and wounded two other members of Southern Army forces, said the SPLA in the area. Eight, from attackers reportedly identified by the tribal marks on their heads as members of Shilluk tribe, got killed while two other Dinka gunmen in the same village were also killed late in the evening of Wednesday in an ambush.[144]

On November 15, the Sudan Tribune published a response from a Shilluk writer who was convinced that the interpretation of these events was biased by the alleged Dinka loyalties of the author. According to the respondent, the report was misleading because: 'Pigi is not and will never be a Dinka village of Jonglei state because it has been and it will always be a Shilluk area according to 1956 administrative territorial maps.' The Atar area was: '…one of the major fishing points for the Shilluk before the Dinka started fishing here as well.'[145]

The response goes on to make similar points to those heard by the research team from Shilluk people interviewed in Upper Nile. It explains that the provocation for the Shilluk attack was the Dinkas' abuse of power: 'Part of what ignited the fight that took place on Wednesday in Canal area (Pigi) was the brutal abuse of a Shilluk fisherman by some Dinka elements in police uniform stationed in a post there. They stopped his boat and tried to take his fish by force without pay. When he protested, they shot him dead on the spot.'[146]

This is not the place to discuss the veracity of these claims, or the counter claims that have been made in subsequent articles.

However, it is important to note the reference to the '1956 administrative territorial maps'. Also, it is not disputed that Shilluk lived in the area of Atar in the early 1980s. The current Dinka population has settled recently, and it would appear that an aspect of the two peace conferences – at which there were no Shilluk representatives – was to provide an official imprimatur for permanent Dinka occupation. Whatever the value of the meetings in resolving Dinka sub-clan disputes, they were obviously antagonistic to nearby Shilluk. It is hard to avoid the conclusion that local political activists were seeking to draw UNMIS and later Pact Sudan into the process. Pact Sudan has wisely distanced itself.

The remains of Atar Senior Secondary School, Upper Nile

CASE STUDY: THE LEGACY OF THE '1956 BORDER' BETWEEN ACHOLI AND BARI

There is a belief throughout much of Eastern Equatoria that the '1956' borders must be reverted to solve these border issues despite complex, convincing and entirely contrasting local opinions of where these borders are. The disputed border between the Acholi and Bari at Kit, or Ayii on the Juba to Nimule road is an example of this. The contrasting historical narratives, dating back to the British era, are extremely powerful and expressed passionately by Acholi and Bari locals in a bid to legitimise ownership of the land.

According to the Bari chief at Kit, the main road (passing through Kit from Juba to Nimule) was dug in 1949 by a British engineer named Mujaranga. As the nearest people to the road were Bari, Mujaranga employed Bari headmen. The Acholi came after the road was opened, in the mid 1950s; their population increased with the growth of services offered by the British (schools and a hospital). The Bari chief stated: 'The Acholi ran and came to Bari land and stayed here… now they are saying it is theirs?'[147] This unlawful 'grabbing' of land by the Acholi – as seen by the Bari -began with the Acholi chief instigating support among the Acholi to send Bari returnees to settle on different land.

The Acholi history holds that the land up as far as the border with Central Equatoria State has always been Acholi land and in the 1930s or 40s the Acholi chief married a Bari woman. She gave birth to two brothers with one child staying with the Acholi family and the other moving to stay with the Bari after the mother's death. Both these sons then laid claim to the Acholiland for their clan. This was exacerbated locally by the British saying that the border was the road, which is believed by the Acholi to be deep in their land, rather than the border. The Acholi call the area 'Ayii', saying that this is the Acholi age-old name for the river running through the region, a river that the Bari call 'Kit' river: 'This is our [Acholi] place, the landlord is still alive and has been recognised before by the Bari people…everyone knows this is Acholi land, there can be no fight over the border, everyone recognises it'[148] The Bari chief, however, countered that:

We can tell you because we've been here longer. A long time ago, there was nothing called Ayii here. It was called Kit. The name of the river is Kit. It comes from 'Kiteru' which means something like 'sweeping all the dirt away from the river' (when it rains it becomes dirty).[149]

The Acholi trace the Bari claim of the land to a prominent senior local politician, a Bari and the speaker of the south Sudan Legislative Assembly – allegedly making statements about the piece of land and erecting signposts to state that the land is part of Labone Payam. It is believed that he wants this piece of land to be included in Juba County to boost the number of Bari in his constituency, increasing the likelihood of his election success. In addition, it is believed that the ultimate goal is to create a separate Bari-dominated county. In this respect, Igga has supposedly been making speeches declaring the area part of Juba County and fomenting a sense of marginalisation among the Bari at the hands of the Acholi. Regardless of the competing histories and entrenched views of where the land belongs, the area is currently being administered under Magwi County.

The strength of belief in each of these opposing histories with each group stating that the other is welcome to stay on 'their' land as long as they respect the other, is potentially explosive and as an issue has been exacerbated through the emphasis on ethnically divided administrations. This belief enables each group to vindicate violence if necessary to assert their ownership over the land. Diametrically opposed interpretations of the border, which are supposedly rooted in historically-legitimate accounts, have caused a number of violent clashes between the two communities. This has resulted in a souring of relations among some groups of Acholi and Bari with one Acholi compound reported to have been demolished by some Bari last May, the beating of the former Acholi boma Chief and another violent conflict resulting in the continued hospitalisation of a local man. The new boma Chief has been moving throughout the community and reports that the majority are: '…living peacefully together, most are knowing this is an issue of the politicians'.[150] The land dispute dividing the Acholi and Bari escalated in May of 2009 when two households fought over one plot, leading to the burning of a hut and violence between youth. The tension between the Acholi and Bari also came to the fore in an ongoing dispute over the signpost resulting from the identification of the name as Kit or Ayii.[151] Currently, the land dispute lies at a standstill as the communities wait for the response of the government since the meeting that was held to discuss the land dispute in April 2008, which involved the commissioner and governor of both Eastern Equatoria (Magwi) and Central Equatoria (Juba). Hope for solving this local land dispute is based on an illusion of the clarity of the 1956 border, as the Bari chief reiterated:

They [politicians] say they will bring that old map to show old border lines from British, but they are saying it belongs to Bari. If they change that map and make different borders, there will be continued conflict in the community.[152]

It is evident that within the Bari community, there is a strong assumption that a careful analysis of history and an objective study of the map will provide clarity to the communities.

CASE STUDY: DIFFERENT MEMORIES: DINKA, SHILLUK AND INTERNAL BORDERS

The Dinka and Shilluk in Upper Nile have diametrically opposed recollections of where the border between the two communities was in 1956. According to many Dinka political and traditional leaders, the middle of the Nile River is the boundary between the Dinka and Shilluk; while the Shilluk unwaveringly state that they have historically occupied both banks of the Nile and that the border is east of the river. As Shilluk began returning from northern cities, mainly Kosti and Khartoum, after 2005, they found Dinka occupying areas east of the Nile. Tensions as a result of land occupation seethed slowly until they were sparked by the clash on January 9 2009 over competing claims of ownership of Malakal town. The Shilluk

claim that the Dinka are using their dominant position in the government and military to consolidate territorial expansions made during the war. 'The problem started in 1991,' claimed Kodok's *payam* administrator. 'The current Minister for Information and Communication used to have a SAF-aligned militia around Binthieng. Shilluk 'chiefs' told him to stay there, allowing Shilluk civilians to fall back to the other side of the river. Now the Dinka are refusing to leave these lands and claiming them as their own.'[153]

The impression that a cabal of Dinka politicians is instigating violence in an orchestrated strategy to drive Shilluk from their historical homes is rooted in a deep sense of marginalisation and victimisation among the Shilluk. Socially, the Shilluk occupy a distinct space in Southern Sudan's social fabric. With a clear, hierarchical social structure anchored by a quasi-divine king, the Shilluk have a firmly rooted sense of collective identity, social order, and historical ancestry. Unlike the Dinka and Nuer, the Shilluk are not a semi-nomadic, acephalous society of cattle-keeping pastoralists. The Shilluk also occupy a physical landscape that is conducive to centralised social and political organisation. Protected by mountains to the west and rivers to the east, the Shilluk kingdom enjoys high population densities in a favourable geography of fertile soil and easy access to waterways that facilitate communication and trade.

Politically, Fashoda County, the centre of the Shilluk kingdom, has not been an SPLM stronghold. Shilluk areas were controlled by SAF for most of the war. While the Shilluk did not form proxy militias armed by Khartoum, like the Murle or Toposa, they sat on a geographic and strategic fence for most of the war. Located along the border between oil-producing Upper Nile and the north, the Shilluk area is also the home of Lam Akol, architect of the SPLM split in 1991, subsequent SAF affiliate and recent founder of the political party SPLM-DC.

In contrast, peace has not brought prosperity or development to Kodok, the headquarters of Fashoda County. As opposed to Melut, a mainly Dinka area that produces oil and has witnessed substantial growth since 2005, Kodok does not even have a functioning mobile phone network. The disparity in development has bred resentment among many Shilluk, creating an opening for SPLM-DC. As residents of Kodok said: 'The leadership of GoSS has increased tribalism and is not favouring the entire community. We the Shilluk are very marginalised. The community has no political say. Our political representation is low. We are being intimidated by security apparatuses'.[154] Consequently, many Shilluk interviewed expressed the view that they feel territorially besieged, developmentally undermined, and devoid of a political voice. 'If we cross the river, we will be killed,' said a Shilluk chief in Kodok.[155]

LAND AND OTHER RESOURCES

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. The access issue manifests itself in various ways: in creating new administrative boundaries, as discussed above, in contesting local borders or in clashes between residents and IDPS. Land is now often in possession of those who stayed at home during the war, and did not join the SPLA, or, as in the case of Nimule, where land is occupied by former SPLA soldiers who feel that their struggle to 'liberate the land' gives them the right to occupy and own it. The hopes hinged on the Land Act, which reiterates community ownership of land, are extremely high. It is viewed as the panacea for all land disputes, with the expectation being that once land officially belongs to the 'community', all problems will be resolved, as an SSPC staff member said.[156] This is problematic as each 'community' in the administrative sense is rather diverse. In addition, this is likely to magnify conflict as land administration demands solid community administration structures in order to prevent conflict. These remain entirely unclear and the struggle over access to land continues. In Ayii/Kit, EES, despite a peace meeting being held in 2008 where resolutions were drafted, the Acholi and the Bari are still struggling over access to land. A group of elders and community leaders were despondent: '…it's under the GoSS assembly, it's almost one year now but we have no power, we just have to wait for them.'[157]

CASE STUDY: LOPIT: HOW A 'RESOURCE CONFLICT' SPREADS INTO POLITICS

In Lopit villages in Eastern Equatoria, conflict erupted when it was reported that the Logonwati attacked Lehinyang around Christmas day of 2008 over a tract of fertile land that both communities claim. A message was sent to the neighbouring Mura community by the people of Lehinyang for help and resulting in a number of Mura running to their aid. This culminated in the shooting dead of one Mura man while another was seriously injured. The following day, people from Mura village attacked the Commissioner's convoy coming from the village of Tennet, as it was said that injured Logonwati were being transported in one of the cars. On inspection, this was found not to be the case and 10 men were killed in this attack resulting in the arrest of twelve Mura who were imprisoned in Imehejek. These individuals attempted to escape so they were moved to a 'container' in the town, an action that is believed to have been sanctioned by the Commissioner as he was present during this period. The prisoners were kept in this shipping container for a number of weeks resulting in the deaths of five of the detainees over the course of a week. The eight surviving prisoners were then moved to Torit and were reported, as the payam administrator said, to have been released without trial at the end of October.[158] This issue has been politically disastrous for the current Commissioner who is believed by the *payam* administrator to be on: '…an island of trouble'[159] as the Mura are annoyed about the deaths of the five prisoners while the Tennet are also annoyed that the remaining eight have been released without charge. In addition, it is believed by the acting paramount chief that there is strong anti-SPLM (the commissioner's party) sentiment in Mura and that the NCP are now targeting Mura: '…when they (NCP) see this insecurity they will capture these areas, this is an opportunity for them.'[160] Thus a conflict seemingly based on resource access has implications for regional security as local issues became increasingly politicised.

CATTLE-RAIDING AS A RESOURCE CONFLICT?

Cattle represent both a source of livelihood and a symbol of prestige for many Southern Sudanese.[161] Dinka Gok cattle-keepers in Cueibet described their cattle as: '…the same thing as life. We eat from them and we get married from them. They are our property.'[162] In recent years, cattle have also become one of the major catalysts for intra-south conflict. Cattle-raiding has become synonymous with what are often termed 'tribal clashes', a euphemism which does little to explain the reasons for cattle-raiding. To understand cattle-raiding, one needs to examine the social and economic context.[163]

Cattle-raiding is not a new phenomenon in Southern Sudan; Burton described cattle-raiding as characterising 'inter-tribal' relations before the British administration.[164] Many cattle-keepers talked about how cattle-raiding has become more intense and violent, but many also referred to the conflict between groups as long-standing. To quote youth in Narus: 'The Turkana/Toposa conflict over cattle-raiding is historical. Our people have been fighting for a long time. We will have peace today, and tomorrow you will see they are fighting again'.[165] South of Tonj in Warrap State, the Dinka Thony described the ongoing cattle-raids between them and the Dinka Apuk/Yar as historical tensions, which had continued throughout the war and until today. Thus, it is likely that some groups are more likely to raid old enemies in an attempt to survive drought and poverty.

However, not all conflicts have such historical roots. In many cases the war caused a change in relations between groups, which is now manifesting itself in the form of cattle-raiding. It is widely reported that, since the signing of the CPA, the incidence of cattle-raiding in certain areas has increased. For example, in Lakes State, the Cueibet county vet commented that: 'Between 2005 and 2009, cattle clashes increased and became serious, more intense.'[166] 'Chiefs', elders and administrators of Jur River County in Western Bahr el Ghazal described 2009 as: '…the worst year… We have experienced rape, killing, stealing cattle in thousands.'[167] Similarly, respondents in EES felt that the frequency and ferocity of cattle-raiding was increasing. In Greater Bahr el Ghazal, 56 per cent of the attacks since the CPA reported by interviewees were cattle-raids.

It is not surprising that people feel there has been an increase in cattle-raiding since the end of the war, since during the war, movement was restricted, raiding was punished by the army, and more crucially, many of the youth were in the SPLA and did not stay in cattle camps. Nonetheless, it is difficult to establish whether the incidence of cattle-raiding since the CPA is higher than before the war. What is more easily substantiated is that the nature of the violence associated with cattle-raiding has changed. For one, the proliferation of guns makes raiding easier and more violent. With the availability of guns, smaller numbers of people can execute a large cattle raid; before the arms proliferation, victory was based on male strength.

Furthermore, there is a noticeable disregard for certain rules of engagement, namely that fighting should take place outside the village and women and children should not be targeted. Cattle-raiders are beginning to use what could be described as guerrilla terror to spread fear among rival cattle camps. According to women from Jonglei state: 'It used to be they wouldn't kill women and children, but now they do'.[168] This could also be due to the fact that cattle-raiding is carried out by gangs, that sometimes form across 'tribal' divisions, and which award respect and honour on the basis of courage shown during a raid. Dinka Gok youth in cattle camps in Cueibet County, Lakes State, described the new tactics being employed by Dinka Rek cattle-raiders: 'The raiding nowadays happens at night. They come and kill people in their sleep.'[169] Similar types of violence were reported in cattle camps in Eastern Equatoria's Budi County where in October 2009, two boys aged 12 and 13 had their throats cut as they slept in their corral. As a Budi County official explained: 'They slaughtered those two young boys in cold blood, as if they were chickens'.[170] It is likely that war experiences and the breakdown of social norms are also contributing to changes in the type of violence being carried out during cattle-raiding.

Examining the causes of cattle-raiding

Opinions vary widely on the 'root causes' of cattle-raiding and associated increase in violence. However, many felt that addressing such a complex and multi-layered issue is inappropriate during a time when focusing on a single-issue approach better serves the interest of the future of Southern Sudan. [171] The idea that Southern Sudanese problems need to be on hold until the big problem – the relationship with the North – is solved is omnipresent and this approach is advocated for by the state-building element of current developments. As an SPLM official in Raja Town insisted: 'People with cattle are a second problem, let us solve our big problem and then solve this from inside. We can sit on that one'.[172] A closer look at the issues related to cattle-raiding reveals the possibility that cattle-raiding may partially be a product of weaknesses in the building of Southern Sudan, possibly also a lack of services and a disregard of the role of young men in Southern Sudan.

Poverty

For nomadic pastoralists, cattle represent units of wealth. In the aftermath of war, those desperate to survive understandably target these units of wealth in the community. In Cueibet County in Lakes State, Dinka Gok youth remember having good relations with the Dinka Rek before and during the war: 'Before the war, the Rek came and reared their cattle here and we had our cattle there. We intermarried. During the war, we intermingled. We went to Aweil and fought together there'.[173] Dinka Gok youth attributed the outbreak of continuous raiding between the groups after the war to the actions of desperate 'robbers': 'It was robbers that started the raids. Robbers increased because of a lack of things, lack of food.'[174]

In Eastern Equatoria, hunger was most often cited as the main cause of cattle-raiding and in both Eastern Equatoria and Lakes it was reported that raided cattle are often transported to the large town markets and sold as quickly as possible. With prices per head of cattle around $300 and sometimes much higher, a successful raid can be worth thousands of dollars to the participants. In Upper Nile, residents of Dolieb Hills and Fangak respectively explained that those who raid do so for money and food. 'They want money. They take the cattle they've raided to sell them.'[175] Others in Fangak state that: 'Cattle-raiders are not enemies… They are thieves and they are forced by hunger'.[176]

It is tempting to arrive at the conclusion that economics explain cattle-raiding. Indeed, a group of interviewees at Machi, Eastern Equatoria asserted: 'When there is food, there is no cattle-raiding'.[177] However, the increase in cattle-raiding is more than a simple correlation with an increase in poverty. In NBeG, people suffered comparable levels of poverty after the war, and, despite the preponderance of cattle-keepers in the state, there is a notable absence of cattle-raiding. A key difference between NBeG and other states is that NBeG is more homogenous. It is thus possible that the pressure of poverty is played out along existing fault lines; i.e. divisions between groups.

Bride-price

Many interviewees related the increase in cattle-raiding to the increase in bride-price; bride-price has been cited as one of the reasons for raiding for at least the past century. Before the war, interviewees in Greater Bahr el-Ghazal reported that bride-price ranged from 10 cattle to 30 cattle. In 2009, the highest price that interviewees had heard of was 300 cattle, with the average seemingly closer to 70. Young cattle-keepers in Cueibet County, Lakes State thought that to get a 'good' bride, one had to pay 150 cattle. They also estimated that young men on average own about 50 cattle each. As such, it is easy to jump to the conclusion that young men must raid in order to secure a suitable marriage partner. However, the dowry system is not simply a form of payment: it is more a system of circulation of cattle through the camp. Young men wait until their sisters get married before using her bride-price to make a proposition for their marriage.[178] Dinka Gok cattle-keepers emphasised that not everyone can participate at the highest

levels of this system: 'This kind of marriage is not for everyone. It is done by competitors who want to show off their wealth.'[179] During this research, when young Dinka Gok men were asked if they felt pressure to raid to pay the current high prices, they answered: 'We don't raid cattle for brides'. In another conversation, the young men explained: 'In the process of loving you will collect your relatives to help you. We do not raid for bride-price.'[180] Unfortunately, it is likely that the tradition of shunning raided cattle for bride-price has come under some strain with a general breakdown in structures and prescripts. It is thus easy to imagine how some youth break the rules and raid to quickly increase their wealth and enable them to participate in the higher-end market for wives.

Weak governance and policing

Compounding the problem of poverty, uneven distribution of wealth and historical intergroup tensions, is a weak government that has demonstrated little to no capacity for punishing the perpetrators of cattle-raids or the taking of women without bride-price. Though there were some instances of county commissioners[181] attempting to return cattle, and an example of the Shilluk king reportedly jailing some of his soldiers for raiding 30 goats before providing compensation to their Dinka owners,[182] there is no systematic attempt to address cattle-raids. Thus, revenge-raiding has become widespread across the region. Dinka youth in Western Bahr el-Ghazal commented that: 'Other people are also settling old grudges by doing bad things to the people they had problems with. The raids and counter raids have become a big source of conflicts'.[183] Part of the problem, of course, is the powerlessness of punitive systems in the face of modern weapons. In addition, in some areas such as Lakes and Warrap State, respondents commented that the 'chiefs' were implicitly complicit in the raiding because they were instrumental in negotiating high bride-price for their relatives in some communities.

Social change, war legacies and lack of future perspectives

Many respondents agreed that most serious forms of violence occur in cattle camps with youth who reportedly do not respect either civilian or traditional authorities. Illiteracy, lack of religious teaching and lack of other economic opportunities, were seen as exacerbating violent raiding practices. For many of these youth, cattle-keeping and increasing their cattle are the only visions they have for their own future and indeed the only things to do. Going to school or getting an income elsewhere is a far-fetched notion for most and no infrastructure exists that could offer them different perspectives. Raiding, which is also seen as a competition, is also a way to stave off boredom and have an adventure.

In addition to these factors, animosity among certain groups has been exacerbated by the changing use and function of the local environment resulting from the war. For example, elders in Mapel talked about a lake that people from Lakes and Jonglei used to share, before fighting in the area. During the war, the presence of the northern militia of the Public Defence Force, forced those who had used the lake to search for new sources of water; this is turn caused pressure further west in Warrap and Lakes States.[184]

Cattle-raiding has also become entangled with territorial expansion, as a woman leader from Mapel explained: 'They came to Mapel from Tonj and they say Mapel belongs to them… Now they say Luo of Mapel, this belongs to us.'[185] The Toposa make similar complaints about the Turkana, while numerous other Equatorian tribes complain that the Toposa use raiding to displace people and occupy the land, as is believed to have occurred in Lauro.

Raiding and politics

Many respondents implicated high-level politicians and businessmen in the proliferation of local cattle-raiding. The intricate connections between guns, cattle and politics are at the heart of the challenge to tackle the problem.[186] In WBeG, local 'chiefs' drew a connection that links their own experience of cattle-raiding to the highest level of government where they feel tensions between Dinka and Nuer cattle-keepers are not addressed:

The people who work in government, some were soldiers and are now in government, they will collect guns and take their cattle. If government is working they should collect guns, even from Nuer, people are now running from Nuer… What happened now in Dinka area, some people do not work in government, but they only have cows, but somebody who works in government can take all the cows, that is why the Dinka now run away.[187]

Youths in Marial Bei in Western Bahr el-Ghazal pointed out that since there is an overlap between military and political power, cattle-raiding is not only closely linked to high level military, but also political actors. One young man pointed out that the involvement of army generals in the raiding by way of supplying guns and ammunitions to their people intensified the conflicts.[188]

After the recent spate of attacks, there has been a growing perception that these may be part of an 'invisible insurgency'. Kenya's The Nation reported that: '…people are beginning to see the attacks as not merely tribal, but as a result of a sinister political motive aimed at, as the leaders often say, presenting Southern Sudan as ungovernable.'[189] Many people embraced this view. For example, a Dinka man in Melut in Upper Nile said in an anonymous questionnaire response: 'As long as the south stays with the north, the north will continue instigating conflict. They want to show that southerners aren't capable of being independent'. Yet some believe problems originate closer to home, echoing the idea that most violence in Southern Sudan is home-grown.

A number of respondents attribute the escalation of conflict in places such as Lauro to the commercialisation of cattle-raiding. These posit that local politicians and/or businessmen are funding raids as a commercial enterprise, as a national staff member of UNMIS explained:

Our leaders try to knock communities' heads together. This raiding does not end, because these leaders have cattle in villages and they are willing to give arms to grass roots to go and retrieve the cattle. I think the government has a hand in the violence of the youth. We suspect the hands of politicians are there. We hear people saying, 'We fight because our leaders are the ones who are fuelling us.'[191]

POLITICS OF CATTLE HERDERS VERSUS FARMERS

Although raiding is the most *obvious* problem in connection with cattle, the most *common* problem is the clash of lifestyles between cattle-keepers and agriculturalists. The challenge of harmonising land usage so that farmers and cattle-keepers can peacefully co-exist is a recurring problem reported each year towards the end of dry season, when cattle are taken to graze on planted fields. Clashes are also reported at water sources, where people and cattle share the same access and cattle-keepers and fishermen compete for the best spots.[192]

The resolution of this problem is intimately connected to issues of land and political influence. Many agriculturalists believe that the government does not want to take on cattle-keepers in order not to upset Dinka leaders, thus allocating less importance to farmers. Some respondents assumed that senior Dinka leaders encourage cattle-driving towards the farms because: 'Warrap state is very dry grazing site,' explained one respondent in Mapel. The problem persists despite, as a Wau SSRRC official explained: '...a written agreement between governors.'[193] Farmers who have only seen inactivity from the government mentioned the possibility of taking up arms as they cannot see who might protect them.

CASE STUDY: A NEW EXPERIENCE OF CATTLE-RAIDING IN MAPEL

Mapel is a town in the far south east corner of Western Bahr el-Ghazal inhabited mostly by Jur-Luo (known as Jur Chol to Dinkas). The Jur-Luo are mainly cultivators but some also keep small herds of cattle. During the war, Mapel was a target for aerial bombing and horse raids by northern Sudanese. With the signing of the CPA in 2005, the people of Mapel looked forward to peaceful times. They describe the good things about the peace: 'There is no army, no bombing, no mistreatment, we can move now.'[194] However in 2005, cattle-keepers from the states of Lakes and Warrap started to raid cattle, loot food and rape women. The attacks took the Jur-Luo by surprise and caused outrage in the town and surrounding villages. The raiding and looting have continued each dry season since then. The Jur-Luo blame the Dinkas, including the Luoch, Muak, Yar, Rek, Apuk and most importantly the Gok. The Gok came in March 2009 and carried out what Mapel elders called the worst raiding. The women at Mapel described a raid as follows: 'The raiders tie the male members of the household with ropes. After that they drive away the goats, cows, and rob any food they can find. There are many that come, maybe 40 or 60. They come at night.'[195]

The problem of cattle-raiding in Western Bahr el-Ghazal's Mapel where the Jur live is actually linked to a breakdown of relations between the Dinka Gok and Dinka Rek from Lakes and Warrap State after the war. The tension between the two groups meant that neither could graze their cattle on each other's land. This resulted in a shift in their seasonal movements; the Rek Kongor started bringing their cattle to Mapel to take advantage of the good grass which grows there during the dry season and the Gok started moving their cattle towards Western Equatoria. It is likely that the Rek were responsible for some of the raiding and looting that started in Mapel in 2005. However, in March 2009, according to Gok youth, the Rek Kongor crossed from Mapel into Lakes, raided 300 head of cattle belonging to Gok and killed seven young men.[196] The Gok followed the Rek back to Mapel where they raided, looted and raped women in 'revenge' for the actions of the Rek. Gok claim that they only attacked the Rek and were not interested in stealing from the Jur-Luo. Despite their claims, Mapel became a secondary battle ground for a conflict in which the residents were not originally involved.

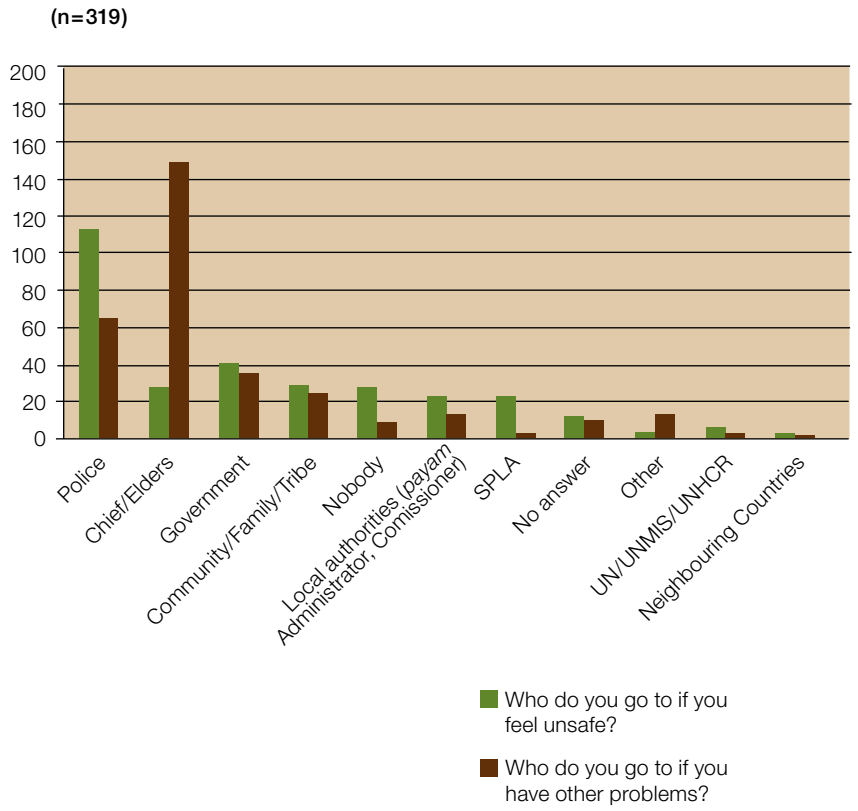
PROTECTION

In Southern Sudan, the monopoly on violence by the state, deemed by Weber to be the core characteristic defining state, has not been achieved.[197] Protection agencies – such as the police and the army – have not been sufficiently strengthened, an issue now contributing to the very same violence these agencies ought to prevent. In the case of the army, an ill-prepared DDR programme and half-hearted military transformation have reinforced perceptions and realities that soldiers present the greatest threat. In fact, in most of the research sites, the greatest local violence experienced was committed by soldiers against the civilian population. Furthermore, the broader security sector reform programme has been weak and somewhat scattered.

Protection of civilians from violent crime was somewhat counter-intuitively more effective during the war, because of the relatively tight control exerted by army and state authorities, as a Sudanese coordinator of a local NGO explained: 'During the war, we had a very strong law. You do [something bad] and you will be penalized. But now after the peace, the army is not in one place and everybody has a gun and nobody respects anybody.'[198] The protracted process of establishing judicial structures has expanded the vacuum of law and order that is ubiquitous in Southern Sudan. This has necessitated local power structures taking charge according to their own rules, often to the detriment of civilians because: 'when there is no law, somebody will apply law by their own hands.'[199]

CHART: INSTITUTIONS PROVIDING PROTECTION AND PROBLEM SOLVING IN SOUTHERN SUDAN

The chart below shows the institutions that Southern Sudanese turn to for protection and for problem solving.



The two most cited institutions offering protection were the 'police' (p=35 per cent) and the government (p=13 per cent). While police is clearly defined as uniformed 'police officers', it is not clear what exactly is seen as 'government'. Community/family and 'chiefs'/elders are considered a source of protection by a much smaller percentage of the population (p=9 per cent). This result indicates that people perceive the state as providing more protection than the older community-based structures. However, conclusions drawn from this data should be qualified by the observation that many people who said they would go to the police also commented that the police are ineffective, despite the fact that they are the largest body of public officials. Neither the SPLA nor the UN feature as major institutions for protection in the responses.

In contrast, 46 per cent of respondents reported that they go to their chief/elders for help in solving other problems such as family and community disputes. This indicates that such structures still play a role in the resolution of smaller disputes, but are not considered significant in providing protection.

It should be noted that the responses to the question on protection are more widely distributed than the responses on problem solving. Furthermore, eight per cent of respondents responded that nobody offered them protection, whereas only three per cent of respondents thought that nobody could help solve their problems. These results show that there is more disagreement among people as to who provides the best protection, indicating an underlying sense of uncertainty about who *should* be providing protection.

The lack of reliable protection structures creates a cycle of violence that is hard to break. As the state does not establish security, groups act to ensure their own safety, often sparking a cycle of attacks and counterattacks. For example, there is a clear logic of proportional justice in what the Lou term 'collective revenge.' After a group has committed enough small-scale attacks and cattle-raids, the Lou mobilise into large groups and inflict a single attack in retribution. In the absence of the rule of law and justice, community justice mechanisms of revenge and retaliation are likely to proliferate.

Police, wildlife authority and the SPLA

A striking result of the survey was that the vast majority of interviewees said that they turn to the police when they feel unsafe. They said this even if they feel the police are ineffective or unresponsive. While there have been efforts to improve the capacity of the police force,[200] in most cases police lack weapons, communication equipment, transportation, and basic training. Outside of the larger population centres, police presence is generally nonexistent. Lack of education and widespread illiteracy among the police forces are frequently cited as major institutional weaknesses. Although the police are popularly viewed as the foundation of community security, in practice they are largely absent or incompetent. For example, a priest in Imehejek stated: 'There are 70 police in this county, that's nearly how many villages we have and the presence of police alone cannot create security.'[201]

To counter this ineffectiveness, GoSS has increasingly infused the police force with generally older SPLA soldiers who simply swap fatigues for uniforms. While this short-term strategy provides a much-needed surge in numbers, it comes with costs. Militarising domestic law enforcement by relying on soldiers obscures the important distinction between police and army, which is the cornerstone of any state's security infrastructure. Its absence highlights the structural tension in Southern Sudan. In stand-offs between police and army, respondents generally reported that the army has the upper hand, making it impossible to pursue legal recourse against members of the army. Furthermore, the SPLA's respect for human rights, training, command and control have all come under scrutiny, both during and after the war. There is no reason to believe that changing uniforms will cast off questions about the levels of professionalism.

The role of the SPLA in most citizens' views remains unclear. There is confusion as to whether they are a government army, a national army, the armed wing of a political party, the de facto police or a loosely bound collection of local militias with local allegiances bound to fracture under pressure. The close relationship between the army and the ruling party makes distinctions blurry and creates discomfort. It is problematic that neither SPLM nor SPLA tend to refer to the army as a national army for Southern Sudan, which reinforces the uneasy relationships between the army and civilians that have prevailed since the founding of the SPLA. It is also worth noting that the SPLA is seen primarily as a 'Dinka-army'. While this perception is somewhat skewed as the actual numbers do not seem to confirm a Dinka majority in the SPLA, the perception might still mean that a policy that shifts soldiers to the police force risks alienating non-Dinka populations from both security apparatuses.

CASE STUDY: THE SPLA, SECURITY AND LEGACIES OF UNSOLVED VIOLENCE IN BUDI COUNTY

In Budi County in EES, the legacy of the 'Lauro Massacre' and recent responses highlight the challenges of protection and the role of the SPLA. The attack was allegedly carried out, said a group of community leaders, to either: '…displace the Didinga and gain access to local resources (pastures and gold)' or as a: '…revenge attack due to the Didinga's refusal to join a political alliance with the Toposa and Buya.'[202] An army barracks was established in Lauro as an inducement for the community to return from living in the hills, yet the involvement of the SPLA as a protection force in a volatile environment has led to a security trade-off for local residents. A group of Didinga women drew out the true nature of the military-civilian relationship: 'We are safe in one way, from the Toposa, even though they still tried to come with the army. But now there is the worry of having the boys in green here.' In addition to regular beatings of local men by soldiers, the primary concern was the sexual assault of young women, which has made the women flee to the mountains: 'When there is a dance, the girls will be going back and they [the soldiers] waylay. This was regular. Look now and you see no girls here; they have all gone to the mountains because they are fearing.'[203] The army commander denies any form of tension: 'Relations between the community and the army are good. They live together without any problem. If anything happens, they raise a complaint and we address it.'[204]

Several dynamics directly challenge the security situation and the SPLA's capacity to protect the population. Firstly, the SPLA must integrate former foes that have become ambiguous allies and have the potential to challenge the SPLA's southern army monopoly. The integration of powerful commanders can only happen if credible incentives are offered – such as high ranks, prestigious positions or good pay – which in turn has alienated long-standing SPLA members who are not offered incentives. Secondly, the SPLA must create a national army that includes a mosaic of militias primarily concerned with the narrow interests of their home community. 'If the SPLA had to fight a war tomorrow we estimate that only 30 per cent of their forces would answer the call to mobilise,' said an international UNMIS official.[205]

Weakened by its own 'ethnic divisions', the SPLA must tread carefully into local violence. 'The SPLA is caught in the middle and they're afraid of being associated with certain tribes,' said an employee of a local NGO in WBeG.[206] This may explain the government's reluctance to involve the SPLA at the local level as it could prove counterproductive for the army by exposing SPLA's inner tension. An international UN security officer explained: 'Salva Kiir has smartly avoided interfering in tribal clashes because he knows that this will cause the SPLA to break along tribal lines. Instead, the SPLA is coming in after the fighting to secure the area and act as a buffer.'[207]

The role of the wildlife authority is equally problematic. Mandated to preserve wildlife and protected areas, in some areas the wildlife authority clearly stick to this mandate while in others, there is little distinction between police and wildlife authorities. During the elections, wildlife authorities were dispatched as police. Furthermore in some areas the wildlife authority seems to have developed into a praetorian guard for county commissioners. The county commissioner in Fangak, for example, was observed to have his compound protected by heavily armed wildlife authority personnel.

CASE STUDY: ARMS AND THE WFP BARGE ATTACK

An example of the complex effects of the proliferation and use of arms – widely documented in recent research – was the events that occurred in June 2009, when a convoy of WFP barges was carrying food aid from Malakal to Akobo along the Sobat River in Upper Nile. The barges needed to pass through the Jikany town of Nasir. Officials in Nasir say that they were tipped off that some of the boats were carrying ammunition sent from Dr Riek Gai, a Lou Nuer presidential advisor to Omar Bashir. When the boats arrived, they were guarded by a large contingent of SPLA from Dolieb Hills, which was apparently not standard operating procedure for humanitarian relief convoys. When officials in Nasir checked the waybill for the convoy, they found that three boats were not officially listed but did bear WFP flags.

A group led by the local SSRRC official and including some local youth attempted to search the boats: 'We started checking the boats, but the SPLA commanders stopped us. …I think the WFP logistics people were given money to allow the boats to carry WFP flags, and some SPLA commanders were given money to ensure that the boats went through uninspected. This was the first time that the SPLA guarded a WFP barge.'[208]

The leader of the youth group who had inspected the boat claimed that: 'I checked the barge…the first boat we checked had SAF military uniforms. We were unable to check the rest. People on board were trying to bribe us not to check the boats… We got seven boxes of ammunition from the boat, and we used these to fight the SPLA. The SPLA sunk the suspected boats. We also found tents and blankets aboard the boats.'[209]

The barges were released from Nasir after being detained for a week. Nasir County officials were reportedly ordered by Dr. Riek Machar, the GoSS Vice President, to allow all the boats to pass. Many of the SPLA who were on the barges in Nasir disembarked and followed on foot along the river, fearing that the boats would be ambushed as soon as they departed. The boats were attacked and sunk soon after leaving Nasir, and at least 50 SPLA were killed.

Whether the boats were actually carrying ammunition has not been confirmed, although UNMIS did send divers to search the wrecks. According to UN officials, the water was too cloudy to determine whether there were any crates of ammunition or other military supplies on the barge. In May, Lou had attacked Torkech and killed 75 Jikany women and children, and many in Nasir were not predisposed to sit by passively while they perceived the international community to be assisting and strengthening a group they see as hijacking their land and massacring their people.

OTHER ARMED GROUPS AND OUTSIDERS

Militias

As with weapons inflows, it is hard to verify claims of renewed militia activity as the reason for local violence. Nonetheless, the perceived threat that stems from militias – current or former – is palpable. When investigated, most reports are based on loose conjecture and weak evidence. Even if there aren't large mobilised militias active, there are suggestions that the legacy of militia activity continues to make individuals and communities feel threatened.

In Upper Nile, a host of former militia leaders – Gordon Kong, Tanginya, Lam Akol, Simon Gatwich, Ismael Konye, and others – create a general apprehension that old northern proxy militias who are now part of the JIU in Malakal could be rapidly reactivated to destabilise the region. Gordon Kong, the former SSDF commander who joined SAF after the Juba declaration and is currently based in Khartoum, told sources that he was responsible for ordering the attack on the WFP barge.[210] In remote areas, local SPLA is often comprised of former militia groups who are still loyal to their old commanders. This is the case for example in Boro Medina near the Darfur border where residents are very aware that the SPLA sent for their protection is only loosely connected to any central SPLA command.[211]

The state of other personal militias is unclear. The forces of the former leader of the SPLA Bahr el-Ghazal faction, Karabino Kuany Bol, are said to be: '…basically spent in Abyei' although concrete evidence is missing. The Al Fursan militia along the Darfur border is supposedly integrated into the SPLA, but at times reports suggest otherwise.[212] The proximity to the border causes concerns among residents there, as was expressed during a group discussion with local leaders: 'We fear those people because they might be friends of those with horses.'[213]

Almost everyone questioned in WBeG about the state of 'Quart Salam', the militia formerly commanded by Major General El Tom Anour, expressed doubt that the force had given up its weapons and fully demobilised.[214] Only the governor himself was adamant that with a presidential declaration ordering Quart Salam to align, the bulk joined the SPLA after a public rally in Wau's Freedom Square.[215] The UN tells the story of the Quart Salam's disarmament quite differently because demobilisation happened under SAF auspices without UN involvement or verification. Several other sources, including a government official, confirmed that Quart Salam: '…went home with their guns.'[216] While only few former Quart Salam fighters are known to be in the SPLA or SAF, the general story is that, as told by Sudanese staff in a local NGO: 'Tom Anour was able to be convinced to send half his forces to SPLA and half to SAF, but they are still branded as NCP or Jellabahs.'[217] The fate of militia members who went to neither SPLA nor SAF is entirely unclear; they were described by international UN staff as being merely: '…a fatigued non-Dinka, non-Luo force.'[218] Most Wau residents asked did not seem comfortable talking about them, emphasising the conclusion of UN staff that the Quart Salam ought not to be written off too quickly.[219]

Militias operating under the guise of 'youth groups' seem to be present in Upper Nile, where SPLM-DC, state government officials, and several county commissioners are all reported to have their own armed groups. When a group of youth in Akobo were asked whether they used to be part of the white army, one replied: '…no, we *are* white army…but we don't have weapons anymore'.[220] Interestingly, the same youth explained that a group of 26 Lou youth purchased weapons from an unknown source in Malakal to collectively conduct revenge attacks on other groups.

Youth gangs

Several youth gangs are emerging in Southern Sudan; the 'Niggaz' and 'Outlaws' are two of the best-known youth gangs in Southern Sudan, with the term 'Niggaz' describing both members of a specific gang as well as generally bad behaviour by groups of young people. Members of the gangs model themselves on US-rap stars such as Jay-Z, 50 Cent, Lil Wayne and 2Pac. They wear baggy trousers, loose t-shirts and sunglasses and are said to be drunk and lascivious at parties they organise in the bush.[221] A large proportion of the members are reportedly women who wear short

Niggaz and Outlaws posing for the camera

skirts, tight jeans and have been accused of killing.[222] The older generation decries the activities of the groups (likened by a Wau SSRRC official to 'Sodom and Gomorrha')[223] and criticise the dress style. The reverend of the Diocese of Torit laments: 'The trousers down the buttocks, is it a good dress? They are copying the black Americans who move half naked around the streets killing people.'[224] Seen as major threat, the Niggaz and Outlaws are accused of owning guns and committing crimes.[225] There are also allegations linking the Niggaz to the SPLA – or rather criminal activities carried out under SPLA guises, as voiced by a large group of chiefs in Wau. The 'chiefs' from Wau County believed that: 'Some soldiers are supporting the Niggaz and guns are not collected from there.'[226] Others echo the use of 'youth groups' by militia leaders and suspect that the Niggaz and Outlaws also answer to a military or political leader, as expressed by a Wau correction officer: 'One reason why [the judges] don't prosecute [Niggaz for their crimes] is there might be something political behind it.'[227]

The formation of the Niggaz and Outlaws in the years following the end of the civil war can be interpreted in several ways. On one level, they are a symptom of the drastic social change within Southern Sudanese society as it struggles to return to a state of peace modelled on Sudan before the war whilst embracing and incorporating its citizens who do not remember the old Sudan. Many youths have experienced another type of life, either in the army or abroad as refugees and do not wish to return to an old way of life. Members of the Niggaz in Korgana explained: 'We just want to lead our lives, not be forced to marry who your parents says… we just want to be modern.'[228] At the same time, they expressed concern regarding the manner in which they were treated by the chief who is: '…very hard on us. We do not get to do anything or else the chief will lock us up in an abandoned house.'[229]

At another level, the Niggaz and Outlaws could be interpreted as a result of the vacuum produced by a breakdown in social structures combined with a weak state that fails to monopolise force. According to a prison officer in Wau, 32 Niggaz were arrested in October 2009 for: '…collecting young ladies, pitching tents by the riverside and using the ladies there.'[230] All members were able to arrange the required SDP1,000 (£270) to post bail.[231] Similar arrests and posting of bail have occurred in Torit and Juba. Such groups of alienated and unoccupied youths are easily manipulated and mobilised and thus could pose a serious threat to urban and rural stability in Southern Sudan.

The Lord's Resistance Army (LRA)

The LRA has been present in Sudan for close to 20 years now; EES has particularly suffered from a legacy of distrust, violence and LRA movement. From 2006 onwards, the location of the LRA shifted to Western Equatoria. The year 2009 marked another significant development. The LRA is now scattered across Sudan, DRC and Central African Republic (CAR) by the ill-fated 'Operation Lightning Thunder', a joint military operation launched, after peace talks failed, by the Ugandan, Congolese and US armies and, to some extent, the SPLA.[232] The LRA has since continued to attack civilians in the DRC, the CAR and Sudan.

The current strength of the LRA and the exact whereabouts of LRA leader Joseph Kony remain unknown. Some reports suggest that troops have moved into Chad and Darfur, others point out that there are no troops left to speak of. In the lead-up to the Sudanese elections, the SPLA announced that it was expecting large-scale attacks in

Greater Bahr el-Ghazal, but there seemed to be no hard evidence for this. Based on eyewitness accounts of civilians who have suffered through attacks, the number of Sudanese commanders in the LRA seems to have increased tremendously. UN staff commented that the perception is that high-ranking Sudanese are in the LRA by choice, rather than by force.[233]

The lack of reliable information and comprehensive military strategies have brought a few things to light that are important for understanding some of the security and conflict perceptions shaping Southern Sudan today. WBeG recently regularly reported LRA movement. The validity of the information is impossible to verify, but the content of the reported movement is in itself telling. After the attack on Boro Medina on October 21 2009, the state government initiated a visit to the area on October 30 to investigate. Even though three policemen were killed in the attack, the police commissioner declined to join the investigation. During the visit, facilitated by the UN, the government delegation was controlled by the SPLA which did not allow the delegation to talk to people who had witnessed what happened. The army only supplied its own information to the delegation, including the SPLA's success in freeing those abducted, although the army was not clear whether it had killed or rather captured three LRA.[234]

None of the people involved in the attack interviewed for this report had provided information about the attackers to anyone else or had been interviewed by government officials or the army. The lack of interest displayed by authorities to pursue detailed information about LRA attacks is striking. Overall, the SPLA kept a very tight lid on information, presumably because details about attacks might expose SPLA behaviour and whereabouts as well as expose failures in Southern Sudan's protection mechanisms.

Fellata

Similarly shrouded in mystery are the nomadic Ambororo, or the Fellata, a name often used interchangeably for a group about which little is known, yet many suspicions have been circulating for years.[235] Numerous respondents cited the Ambororo and Fellata as the biggest threat to peace and this sentiment is certainly echoed in the Sudanese press. Currently, accusations about the Ambororo and Fellata are creating a backlash, with the groups being blamed for uncounted conflicts and violent incidents,to the extent that communities in Western Equatoria and Western Bahr el-Ghazal use violence to prevent the Ambororo and Fellata from passing through or settling in the area. In the Nile region of Sudan, 'Fellata' is used by Arab groups as a derogatory term associated with ignorance, disease and shiftiness. [236]

Over the last few years, numerous public allegations have been made specifically against the Ambororo, following a campaign by the GoSS to remove the Ambororo from Western Equatoria State. The thinly veiled suspicion of external support in the media was often openly aired in interviews conducted by the research team. An SSRRC official at Wau reported that the Ambororo are being used by the North to terrorize the people in Southern Sudan.[237] A coordinator of a local peace-building NGO commented that people think that the Fellata are *janjaweed.*[238] Again and again, interviewees reported that the Fellata were armed and that they carried satellite phones, signifying the need for communication with outsiders. International UNMIS staff confirmed that the Ambororo are: '…considered a high security risk on the higher political level, yet local reports seem to suggest that there are actually very few problems. So the question is: why is this such a political issue?'[239] Indeed when asking those who blamed the lack of peace on the Ambororo to name a specific violent incident involving the accused groups, only one UN official could refer to two incidents.[240] One answer why the issue is so politicised could be that the Fellata are a welcome scapegoat for local authorities who accuse the Fellata of violence in order to cover up their own administrative shortcomings or failure to prevent LRA attacks.[241]

For the Fellata, life in Southern Sudan is challenging, as explained by a Fellata elder in Wau:

There is peace, but not for everyone. We do not benefit from it. We have no school, no water. We cannot move out from here or we will be killed…We need to be home by 7pm, otherwise it is dangerous, even walking to the cattle camp is now dangerous in a group, we cannot even take motorbikes because the motorbike owners will tell somebody we are taking the motorbike and they will betray us and attack us… The government wanted to open schools but were told by other people 'if you allow Fellata to go to school, there will be problems…We are not bad people, we have not killed a single Fertit. If they say we are unapproachable that is a lie. But so many of our people are killed.[242]

At the community level in WBeG, perceptions of the Fellata were more positive. It was noted that they were no longer bringing their animals to town, thus causing less destruction.[243] One chief from the Wau area pointed out that dealing with the Fellata regarding cattle on the fields was much less complicated than dealing with the Dinka:

The Ambororo, the Fellatas, they are also cattle-keepers, but they have a good understanding if you talk to them, they understand. The most destruction comes from those people of Warrap State.[242]

The Fellata interviewed for this report were clear about their aspirations. In Korgana, their message for GoSS was 'the Fellata in Korgana are Southern Sudanese. We're blacks. In the north, that's how we are looked at.'[245] The Fellata settled in Wau reported more problems than those at Korgana and expressed more uncertainty about their position. As participants in one focus group put it: 'We are afraid of the government because they discriminate us. We don't think there is a government.'[246]

It is difficult to conclude whether there is any truth in the allegations made against the Fellata or indeed to understand the connection between the settled Fellata and the nomadic Ambororo. It is clear that the Fellata that look after cattle in the bush carry guns as the Fellata elders openly talked about it – although the group in Korgana claimed to have no guns – and even those suspicious of the Fellata confirm that: 'In the bush you cannot walk without a gun.'[247] The allegation that they are carrying out subversive activities on behalf of the Khartoum government is hard to corroborate. Information on the Fellata is so sketchy that all understanding is rather limited, leading to accusations and misinterpretations. The broader implications of this are important as there are several groups in Southern Sudan who are already extremely vulnerable because little is known about them. As a result, they are less likely to benefit from government in the future, regardless of whether they will live in a united or divided Sudan.

Fellata women

PREDICAMENTS OF PEACE

The functionality of *peace* based on *peace agreements* is a contentious issue. This is particularly important in Sudan, where peace agreements form the basis of many levels of government from the national to the very local. Despite the prevalence of positive achievements since the CPA, it is clear that for many interviewees 'living peacefully' is a remote concept. Because violence can happen at any point, people do not perceive their environment as peaceful. Women representatives in Wau noted that: 'Social attitudes around violence have not changed. People do not have a positive attitude.'[248] The unpredictability of supplies and security post-CPA has made experiences of peace unsteady. Often respondents pointed out that their personal security was 'better' during wartimes, or rather more 'predictable'.

To gain an understanding of what defines life during peace as opposed to war, drawing competitions were held in several schools throughout the three states, asking children to draw their impressions of life before and after the CPA. In portrayals of life before the CPA, a common image is recruitment to fight with the SPLA, dilapidated, destroyed houses and aerial bombing. The exact breakdown of themes and depictions in the drawings can be seen on the next page:

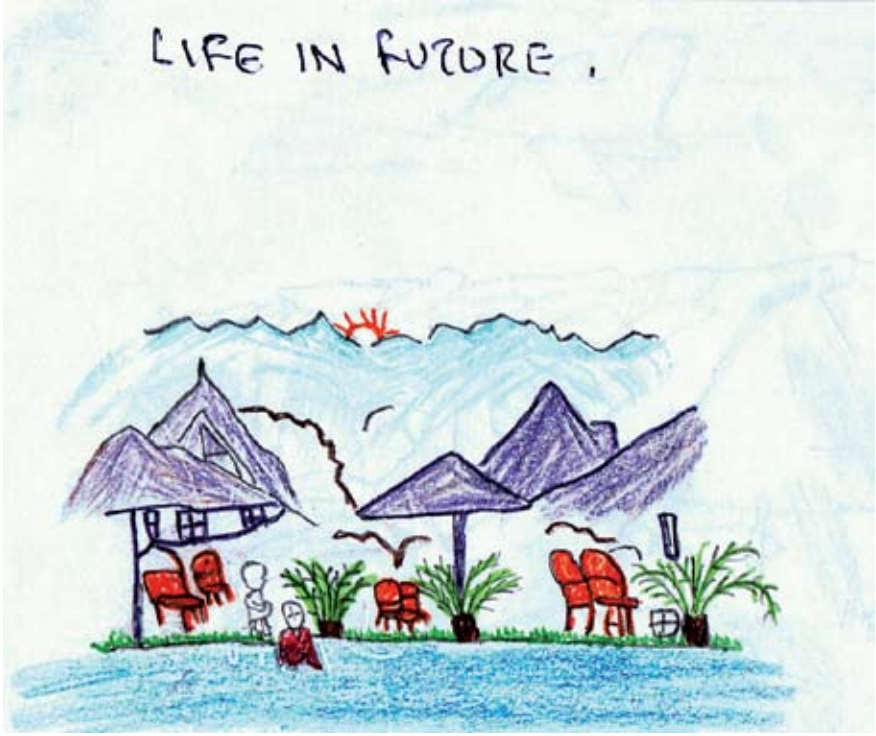


CHART: THEMES IN DRAWINGS DEPICTING LIFE BEFORE THE CPA

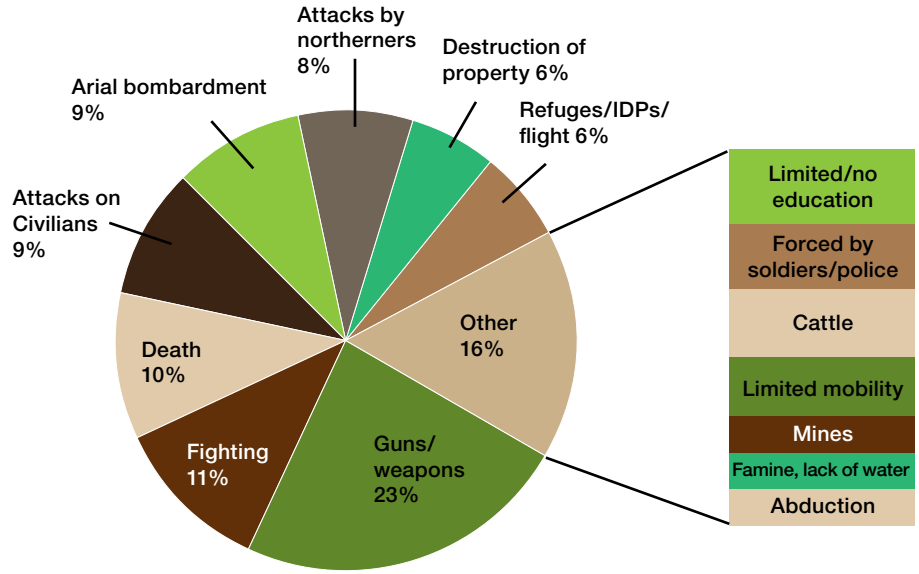
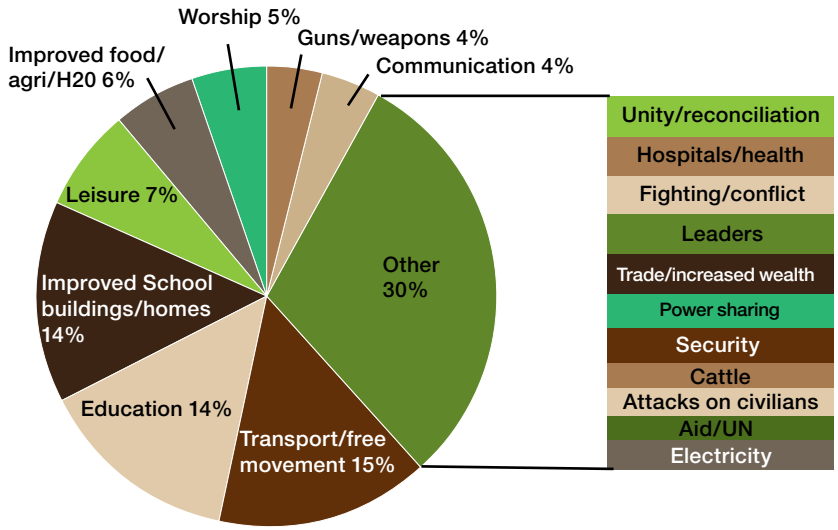


CHART: THEMES IN DRAWINGS DEPICTING LIFE AFTER THE CPA

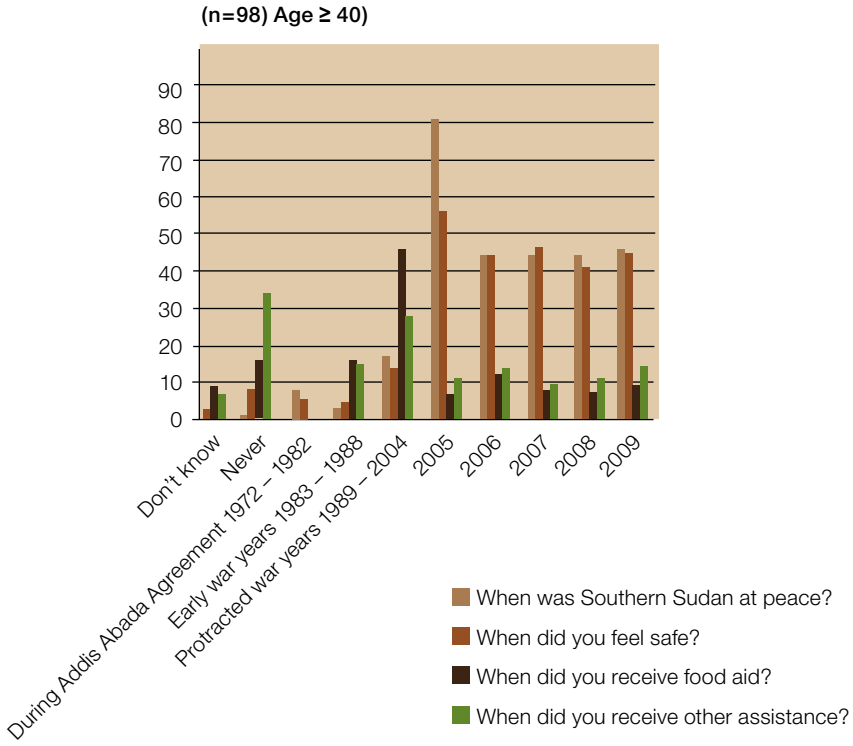


The recurring themes in children's views of life under the CPA serve as an illustration of what seems to be the most important elements of peace, or more precisely what people most expect as 'peace dividends' – for example, free movement, education, and better access to food and water. A dominant trend in images portraying life after the CPA concerned the increase in school attendance, probably unsurprising for a competition held among school children.

Services and peace

Along the same lines, survey results indicate that aspects of life associated with peace concern personal security, and receiving aid are important aspects of peace. By correlating perceptions of personal security, memories of receiving aid and perceptions of peace, we gain an insight into how so-called peace times are experienced. The data indicate that Southern Sudanese experienced war as a time of increased food aid and assistance from the international community, and peace as a time of reduced assistance and food aid. The perception that food aid and assistance under the CPA fell below levels of the early war years – coupled with the lack of a peace dividend – does promote a sense that instability creates better aid delivery.

CHART: PERCEPTIONS OF PEACE, SECURITY AND AID FROM 1972 – 2009



The data in the chart on the previous page depicts the numbers of people who reported perceiving peace, feeling safe, and receiving food and other assistance along a timeline from 1972 to 2009. It depicts a high correlation between perceptions of peace and perceptions of personal security (r= .95). The number of respondents who perceived peace in Southern Sudan increased from 17 (p=17%) during the protracted wars years to 81 (p=83%) when the CPA was signed in 2005. The number of respondents who perceived an increase in their personal security also increased from 14 (p=14%) during the protracted war years to 56 (p=57%) when the CPA was signed. After 2005, perceptions of both peace and personal security decreased, reflecting the rise in conflict in some areas. The correlation between perceptions of peace and perceptions of personal security is especially strong during the years since the CPA. The difference in the numbers of people who perceived peace in 2005 compared to personal security suggests that while people associate peace with the signing of the CPA (i.e. formal contracts at a national level), security is more intimately linked to the reality on the ground. This suggests that as a measure of lack of conflict, assessing personal security may be more accurate. It should be noted however that perceptions of peace may have influenced the increase in perceptions of personal security in 2005.

It is clear from almost all interviews that better access to services is seen as a vital ingredient of peace. Lack of development in infrastructure impacts quality of life as it hinders trade and movement, but respondents pointed out that being connected by road symbolised more than a simple infrastructure requirement. In parts of EES, being able to travel along the road safely was the most remarkable aspect of being in peace,[249] while in Raja County, one religious leader pointed out that the road was also the gateway for information and knowledge, both desperately needed by the Southern Sudanese to become informed citizens.[250]

Furthermore, groups tended to judge their own peace benefits in direct comparison to that of other groups, reinforcing an 'us versus them' attitude. A sense of marginalisation – highlighted by the overwhelming sense of victimisation expressed in many interviews – was widely experienced and seen as connected to government policies that deliberately excluded some from benefiting from peace. For instance, the Lopit at Iboni in EES feel the government has 'forgotten' them or is intentionally performing politics of exclusion. Members of the peace committee argued that there is a clear bias towards other tribes within the government, and that NGOs and funds are being directed elsewhere:

Even the government says that to the Lopit they are blind. If the government knew we were his people, he would have divided the food and employment equally between all the tribes. We are forgotten from the government.

There are some communities who are saying that aid should not come to the Lopit. Do not listen to them. The nearest counties, the politicians and people working in government are telling NGOs not to be bringing development to the Lopit.[251]

The direct relationship between perceptions of peace, services and lack of government credibility points to a larger problem within the building of Southern Sudan. The state-building framework dictates the strengthening of government institutions to deliver better services in the future; yet peace-building requires these better services now so that people can experience peace as a benefit and adjust violent behaviour. While people are hopeful for the future, at present the sentiment that GoSS is not meeting the expectations of the people of Southern Sudan is overwhelming.

GoSS faces a serious challenge in addressing this credibility gap, particularly because currently the main strategy seems to be to pressure INGOs to fill the service vacuum; these are often reluctant to take it on due to the aim of building government capacity and avoiding a shift of accountability away from the domestic government to international actors. The situation warrants a close analysis of priorities, asking whether the priority should lie in building government capacity

or in delivering services through NGOs to establish peace benefits. Allowing the government to rely on other actors may currently be the price that needs to be paid for life saving services.

International NGO staff pointed out that: 'We as NGOs are basically state-building which is outside our normal mandate… and this means we are essentially providing what the GoSS should be providing in terms of service delivery in many locations, including very remote ones.'[252] This perception ultimately situates NGOs as an alternative or additional government branch. Numerous respondents indicated a tendency to hold the international or the NGO-community more accountable for their welfare, which deflects accountability away from GoSS. This is particularly acute in Eastern Equatoria where for much of the war and the late 1970s and early 1980s, INGOs, especially those of Norwegian origin, were the de facto governing body of that region. This could provide a stabilisation model for the region today, albeit a model that would require radical shifts in donor strategy. As such, frustration about the lack of services was directed towards NGOs – and even donors – and not the government. Donors acknowledged that there is a perception that GoSS is not providing for the community and stated that GoSS is keen to change this, but they also feel that GoSS' priority is with streamlining payroll and accounting systems,[253] implicitly underscoring the belief of many Southern Sudanese that GoSS is more self-serving than citizen-serving.

PEACE-BUILDING: A PALLIATIVE CURE?

When dealing with complex and multi-layered conflicts, it is often not obvious how 'peace-building' works. At the moment, anything from family disputes to massacres is lumped together under one 'conflict' headline. In turn, various approaches to 'peace-building' also merge. This causes widely differing expectations of the outcomes of peace-building activities. Identifying an entry point for conflict resolutions, in terms of prioritising issues and actors is a quasi-insurmountable task. For many people who have experienced violence since the CPA, there is confusion over who the appropriate authorities should be. This was aptly summed up by the leader of a youth peace-building association in NBeG who stated that: 'One root cause of conflict is that it is unclear who solves conflicts.'[254]

Several respondents attribute the inadequacy of conflict resolution to the lack of analysis of the causes of violence. 'Conflict analysis is a tool', said a Sudanese NGO leader – one that many felt was underutilized in an effort to provide conflict resolution. Yet with the confined CPA time frame of six years, there is pressure to show results rather than analysis and an extremely slow process.[256]

There is a vague expectation that the government is in charge of providing both analysis and solutions, but this is made more complicated by the equally vague understanding of what government *is*. Five years after the signing of the CPA, lack of clarity, misinterpretation of conflict as mainly 'tribal' and the vague notion of what Southern Sudan might become, seem to have disempowered the conflict-solving potential at every government level. 'We have to teach people the use of government,' one youth leader in WBeG emphasised: 'When people know their role and duties, people cannot be confused easily.' In addition, citizens have observed time and again that conflict resolution seems to be equated with 'forgive and forget', rather than bringing justice, or even more crucially in the Sudanese context, compensation for stolen property or lost lives, rather than a much more encompassing approach involving restitution, punishment, deterrence, tolerance and compensation.[257] Ideally, it involves a strategy that gives each party to the conflict an incentive to solve the conflict.

CASE STUDY: STRATEGIC PEACEMAKING BETWEEN DINKA MALUAL AND RIZEIGAT

Clashes between lifestyles are readily apparent on the north-south border where nomadic people venture south during dry season in search of pastures. The two nomadic groups who have been caught up in conflict are the Misseriya of southern Kordofan and the Rizeigat of south Darfur. The history between nomadic people and the residents of the border areas in Northern Bahr el-Ghazal and Unity State is long and diverse.[258] Throughout long periods, nomadic cattle-keepers and settled residents co-existed with agreed sharing of resources.[259] During the war, Misseriya and Rizeigat were named in the same breath, both as northern allies, yet recent years have seemingly seen increased political division between the two. During war years, the nomadic tribes abducted thousands of people from NBeG, Unity or from the Nuba. Many people remember massacres. Memories of the infamous 'Wau Train' are still strong:[260] When Khartoum wanted to move the train along the tracks to Wau, they gave the Misseriya licence to kill or take anything they could find along the train lines.[261]

Current conflict between the nomadic people and residents of the border – with a closer look here at Rizeigat and Dinka Malual – is about pastures and water, but just as much about the history of child abduction by nomadic people and a cycle of revenge. Currently, there is increased anxiety in Northern Bahr el-Ghazal because limited rains have decreased pastures and water supply. The ongoing problems draw on issues such as unclear border demarcation, failure to compensate and lack of reconciliation for families who have had a relative abducted or killed. Uncertainty about the origins of heavy weapons carried by the nomads and continued militarisation of groups adds to the confusion.

Continuous peacemaking

With the long history of conflict between nomadic tribes and settled Dinka along the north-south border comes a long history of conflict resolution. Several peace conferences have been held since an outbreak of violence involving Misseriya in spring 2008 to re-establish peaceful co-existence and sharing of resources. In addition to the very prominent peace meetings, local residents, NGO staff and government employees point out that there is something uniquely different in their attempts to prevent future clashes: each conference has been followed up through further initiatives to keep communication open. While communication is tentative and unreliable, local government officials also point out that in 2009 violence has been confined to isolated small incidents.

Local officials, while admitting that fundamental issues have not yet been resolved, credit the ongoing process for relatively confined violence. An NGO employee involved in the Rizeigat-Dinka process explained how each side had formed a committee of 75 people to assure continuity in the dialogue, and a meeting of the committees took place in January 2010.[262] The commissioner of Gok Machar explained how since he first opened dialogue with Rizeigat leaders unofficially in 2008, he has gradually built up communication, culminating in a first meeting in Darfur's Nyala in autumn 2009. His approach is to underline that for people who rely on resources on both sides of the border, changed geopolitics could have a devastating effect unless local cross-border contacts are strong: 'We are sharing water and grain…we want to assure we are not [the] enemy.'[263]

Local NGO staff says that the combination of pushing for involvement of communities by using the two committees has been equally important as official strategies.[264] Traditional leaders were involved, but not asked to be the main brokers of a peace deal, but given a very specific task of solving property issues resulting from cattle-raiding, so: '… we do traditional courts with… 'chiefs' from Rizeigat and Dinka. Five 'chiefs' from Rizeigat came, five from Dinka.' This was also seen as necessary in order to not alienate community members who felt that closing the border to nomadic movement would be the only way to prevent violence.

Shared strategic interests

Several respondents underlined the approach to peacemaking between Dinka and Rizeigat based on the concept that the two had more in common than divided them. Both sides need the water and open trade routes between north and south because, as a local peace-building officer state:, 'Khartoum is closer than Kampala.'[266] While residents in Gok Machar were less than enthusiastic to facilitate more contact with the Rizeigat, on the government level the strategy for peace is to use the relationship between the groups and neutralise triggers for violence. The commissioner in Gok Machar explained that:

We want to divide Misseriya and Rizeigat. We are in dialogue with them and then we will divide them. How? We have tactics. Every human being has an interest. …the Rizeigat are poor people, like the people of NBeG. In our vision of SPLM, there are marginalized people in southern Darfur like Southern Sudan…they don't have development in their area. So we should build our relationship as marginalized people…because the needs of Rizeigat are not the needs of Khartoum. They need water and grazing. This need can be used so I say I give you your need and security, so don't come with gun…we are now challenging the mentality of people, this is our duty…And we train these to understand the benefits of peace.[267]

In finding a shared ground – marginalisation through Khartoum and need for the same resources – local peacemaking attempts to shift political alliances by providing a seemingly more fruitful alliance. The political ambitions of this redefined relationship go even further: by finding common ground with Rizeigat, the SPLM of Gok Machar also aims to shift dynamics in the war in Darfur. Some Rizeigat clans have been deeply involved in the Darfur war, while others refused to fight on the government side, citing marginalisation as a reason. According to the SPLM, the alliance would strengthen a front against Khartoum by uniting groups in Southern Sudan and Darfur.

A further incentive to stop violence and underlines official involvement for peaceful co-existence has been the recent taxation strategy used by the commissioner. The commissioner is allowing Rizeigat, who sometimes take their cattle across the border to evade taxation in northern Sudan, to graze cattle without paying taxes. Queried by the Ministry of Finance on this independent taxation policy, he explained that if he was:

Taking taxes from cows, Rizeigat can cause problems for people in Gok Machar, not in Juba. So why bring trouble to Gok Machar to give money to Juba? I said give us good policy and peace and then [explain these policies at a] conference about good taxing.[268]

While it would be premature to evaluate lasting success of peacemaking between Dinka Malual and Rizeigat, both local officials and residents generally seemed more hopeful than in other areas that solutions could be found to prevent future violence. Furthermore, given the lack of standardised efficient mechanisms for dealing with local level conflicts, these issues become a matter of personality politics – when a strong popular leader challenges the status quo and implements sound policies real advances, meaningful outcomes for local people can be achieved.

The meaning of peace-building

Though there exists a general perception among local communities and NGOs that Southern Sudan has witnessed a proliferation of peace-building activities, few NGOs interviewed implemented programmes specifically targeting conflict mitigation and peace-building. 'Conflict-sensitive' programming is interpreted by most NGOs interviewed as attempting to distribute their services equally so as not to cause tensions. None of the NGOs interviewed, however, had done formal research into the potential effects of their interventions on conflict dynamics or into ways in which to mitigate them. These results resonate with what has been found in the Rift Valley baseline study of local peace processes in Sudan from 1980-2006.[269] The study addresses the lack of a shared understanding between donors and intended audiences over what peace-building projects are intending to achieve. This confusion remains. The lack of clarity within and between organisations about what 'peace-building' entails as well as the lack of common objectives among organisations supporting peace processes has damaging effects on governance infrastructure. This ultimately pulls Southern Sudan in different directions by simultaneously strengthening different authorities to perform identical tasks.

NGO-sponsored peace-building activities could potentially usurp state roles and local efforts by exerting donor-driven agendas and controlling disbursement of funds according to formulaic and inorganic activities. Contrary to service-delivery NGOs, whose roles are rather different in bringing tangible benefits, these conditions have the potential to construct a 'peace' that is divorced from the realities and complexities on the ground.[270]

The proliferation of peace activities has the potential to stifle creative alternatives in peace-building. According to a number of respondents, programming is undermining community-based conflict resolution by creating dependency on external actors to create 'peace'. For example, the Buya in Budi County of Eastern Equatoria stated that although the conflict with the Logir had reached a dangerous level, there: '…is no budget for a peace meeting; we are waiting for funds for peace,' while simultaneously exhibiting nostalgia for times when external actors did not 'interfere' in local conflicts.[271]

Such contradictory statements about usefulness and uselessness of peace-building activities underline the importance of abandoning standardised peace-building activities. This realisation is widely shared among interviewees, yet implementation is difficult when pressure to disperse funds and to be seen to 'do something' makes organising a public peace meeting the obvious choice.

TABLE: PEACE MEETINGS AS A RESPONSE TO CONFLICT

The following schematic table presents findings on the perceived importance of peace meetings for resolving conflict.

Out of 319 respondents, 184 people report being attacked at least once (58%)

Of those who report being attacked, 121 (66%) report being attacked since the signing of the CPA

Of those who reported being attacked since the CPA, 52 conflicts were followed by peace meetings

Only 17 respondents who had attended a peace meeting to resolve a conflict thought that the conflict would not come back

'Talk about peace'-building
Peace activities, including peace conferences which focus on mediation, negotiation and dialogue, have gained wide currency within the vocabulary of even the most remote villages. For many respondents, 'peace', 'conflict resolution', 'peace conference' and 'peace-building' are almost interchangeable terms. When agencies are under pressure to act – or indeed to spend money – the quickest and most visible way to do so is by organising visible peace meetings or 'capacity building' workshops.

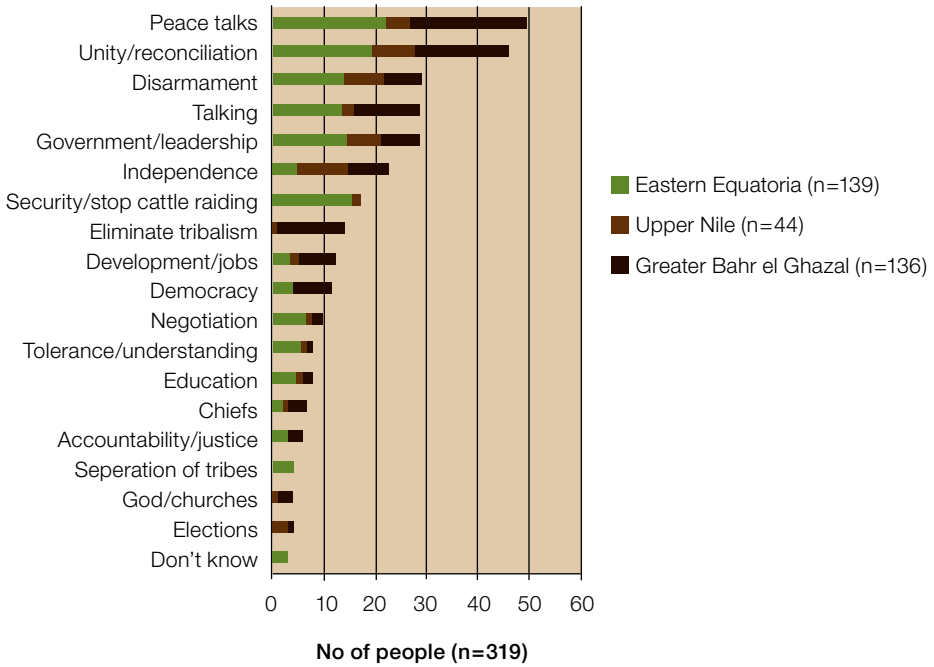
A number of NGO respondents exhibited a high level of self-awareness about the pitfalls of this approach. For example, one employee of an INGO that supported a peace conference in Western Bahr el-Ghazal said:

It felt like we were almost funding conflict. The peace-building exercise was like a precursor to the conflict breaking out. There is too much rush to have a peace-building exercise without really understanding and doing appropriate analysis of why the conflict existed. In the end all the community got out of it were bikes and blankets. It is a bit of a fad because everyone else is doing it so we need to be seen doing it as well.[272]

Descriptions of peace meetings emphasise centrality of dialogue, compromise, forgiveness and negotiation – an approach that creates disjointed peace efforts by excluding issues of governance, such as accountability, justice, restitution, law enforcement and broader national peace processes despite better knowledge that these are vital for a comprehensive process. In fact, a number of respondents felt that peace meetings undermine the establishment of a strong rule of law, especially conferences that assumed that people could reconcile without a justice or reparation component. In contrast, programmes that address the structural causes of conflict and include addressing shortages in resources or infrastructure are more positively received by communities and are deemed to have long-term meaningful outcomes in conflict mitigation programming. Yet finding resolutions to local problems is a complex give-and-take process between local actors, government and facilitating NGOs. It is clear from interviews that a key factor facilitating the successful implementation and follow-up of the resolutions would have been access to resources for longer-term engagement, resources that are often not available to the NGO itself.

Local conflict resolution appears to provide positive results in communities where the chief remains a respected authority with a clear mandate and in cases of disputes that involve small groups of people.[273] This was echoed in the survey response that showed that a majority of people turn to the chief to solve family disputes. A group of elders in Bisselia were adamant that local peace initiatives in their experience had worked best when not taken to government level. Giving the example of a conflict resolution between the Jur and Ndogo in November 2006, they argued that issues must be solved at the grassroots level and involve respected 'chiefs'.[274] Others are not so sure that the elders can do much if a dispute crosses tribal lines. A group of Ndogo women was adamant that elders are powerless outside their own tribe and indeed they had seen the Jur – their perceived enemy – attacking their chief. Their expectation remains that the government needs to be in charge of solving all conflicts because: ' 'Chiefs' are powerless as they cannot give strong warnings and orders so people will always disobey.'[275]

CHART: WHAT IS THE BEST WAY TO GET PEACE?



The above chart depicts the mechanism respondents named as the best way to get peace. There is a wide distribution of responses reflecting a range of opinions on the best way to get peace. Despite the wide range, several results are of note. Although not forming a large portion, it is interesting to note that respondents were most likely to mention peace meetings as the best way to get peace (p=16%). A large number of respondents also thought that talking is the best way to get peace (p= 9%). The results indicate that people value face-to-face contact as a way to resolve conflict. However, this result is also very reminiscient of the outcome of the question of protection. When asked who do they go to for protection, most answered 'police', qualifying their answer by saying that the police, however, never did anything. The answer to this question was at times similar: 'talking peace' was the most readily available answer, but it was often qualified by saying that problems must be resolved for peace, such as access to water. The differences between the states regarding the best method to achieve peace reflect the different types of conflict that are being played out at the local level. In Eastern Equatoria, increased security (p=12%) was a priority for securing peace. In Greater Bahr el Ghazal, respondents perceived tribalism (p= 10%) as a major block to peace. In Upper Nile disarmament (p= 18%), unity (p=18%) and reconciliation were considered important factors in the peace-building process.

Questioning the sustainability of peace meetings

Those who criticised the idea of peace meetings or conferences felt that they only provided a snapshot of a conflict situation and often lacked strategic aims or indeed rarely sought to address structural causes of local conflict. The short-term nature of resolutions is noted by numerous observers and participants in peace conferences, such as the head of the Toposa Development Association: 'The peace will be there for six months to a year. Without anyone monitoring it, conflict will return.'[276] Illustrating the connection of issues outlined in this report, just months after the January 2009 ceremony handing the village of Wanding from the Lou Nuer back to the Jikany Nuer, Lou 'chiefs' at Akobo said: 'We are not aware of any peace agreement between the Lou and Jikany that gives them Wanding. There was a reconciliation conference, but there was no demarcation of the borders.'[277]

Others were even harsher in their criticisms: 'Nobody followed the resolutions of the conference. When you finish the conference, you go home…Sometimes you take a conference and the same day, you have conflict again. So you need to find another strategy,' said the commissioner of Aweil North in NBeG, pointing out that it was often unclear who is responsible for implementation and follow-up.[278]

Speaking about the 'Bentiu conference for Kings, Chiefs and Traditional Leaders' held in May 2009 with 1,400 leaders in attendance, one chief from Wau pointed out that results of the conference were still unclear to them despite the fact that a final communiqué had been passed. 'What is the challenge for me is the result of the Bentiu conference. Because people meet, but they don't establish mechanisms. When you come up with a resolution, you create a mechanism. If the CPA did not establish many mechanisms, we cannot achieve peace'.[279]

In certain cases, peace meetings are believed to have resulted in renewed conflict as the meetings refresh memories about old grudges. Numerous meetings that one or more of the antagonists did not attend were highlighted during the research. Ultimately this can worsen relations between groups, a negative outcome that could have been avoided with adequate planning to either ensure that all parties attended or to postpone a meeting until it was clear that all key actors in the conflict would attend. One donor representative, after having funded and facilitated the drafting of numerous peace agreements, pointed out that in her experience, local peace agreements were: '…intangible and there are intangible benefits' and that lack of follow-up was: '…devastating to the whole project.' [280]

Furthermore, many of the resolutions that communities agree on are related to the security situation and need to be implemented by government actors. In EES, the reluctance by some top-level government officials to implement resolutions is believed by some to be a function of high-level involvement in the funding and instigating of cattle-raiding.

'Our leaders try to knock communities' heads together. This raiding does not end, because these leaders have cattle in villages and they are willing to give arms to grass roots to go and retrieve the cattle.'[281] *(UNMIS staff)*

'I suspect that this raiding has become commercial, the cows from far away end up in the market here, how?'[282] *(EES politician)*

Though there is widespread recognition that the outcomes of peace meetings have a history of becoming unsustainable, agencies were quite open that in most cases they have made few revisions to how the conferences are organised. 'People talk all the time, but there is no implementation,' said a local NGO worker, summing up a fairly typical reply.[283]

CASE STUDY: A FRAGILE 'PEACE' AT LAURO

The conference held in Lauro in July 2009, in response to 'the Lauro massacre', is continually highlighted as an example of a successful peace conference which is meant to have brought the cessation of hostilities between the Buya, Didinga and Toposa. The conference lasted seven days and concluded with the resolution to re-establish the border between the Didinga and Toposa. According to the Didinga, Toposa from Kapoeta East had encouraged Toposa of Budi County to recognise the border and reach a compromise with the Didinga over access to grazing land during the dry season. The mediation and facilitation was provided by numerous peace actors, including members of Pact Sudan, officials from GoSS and administrative representatives. The conference culminated in the burial of ammunition as a symbolic act of all members' commitment to peace. Notably, the task of monitoring implementation was handed to a committee with a wide base in the community: 'chiefs', police, the army, commissioner, women and youth.

The positive reporting and official portrayal of the Lauro conference give credence to peace meetings and the power of dialogue, negotiation and compromise between communities pursuing harmonious relations. Although shortly after the conference there was an incident of Buya raiding Toposa,[284] the incidents of cattle-raiding are described as having drastically decreased after the peace meeting. Didinga explain that relations with their neighbours have vastly improved: 'Up until now, the Toposa are living peacefully; some of them even stay here.'[285] PACT programme manager states that since the conference, there has been no reported violence.[286] The achievements of the peace conference must however be re-examined in light of the fact that raiding tends to be seasonal, with fewer raids occurring during rainy season and that there is now a strong army presence in the town. Upon closer analysis, it is clear that the peace conference was largely symbolic and took place during a period of seasonally low-raiding and after 'peace' had been enforced by the presence of a law enforcement institution in the village, bringing into sharp focus the need to look at peace-building and law enforcement as complementary activities, emphasised by local responses:

If the soldiers were not here, the peace would not be here. The peace is just maintained because of the army. If the army is pulled out, and police and wild life come, then we might have peace.

If the army isn't here, we wouldn't come down from the mountain...If soldiers leave, we will run away. We know definitely the Toposa will come back and attack[287] *(Didinga community leaders)*

Even so, the army barracks are no guarantee of dissuasion; as a number of attacks have been carried out on the soldiers, the presence of the army maintaining peace highlights the importance of the government establishing a monopoly of force in the south. The implementation of bye-laws, established by the two communities, codifies this peace as enforced by the presence of the army. In effect, the conference was a hat-tip to traditional adjudication of conflict and peace-building.

The Lauro conference also highlights the neglected 'politics of peace'. In a context where peace meetings are so embedded within the governance discourse it is not surprising that political wrangling occurs. The Speaker of the EES Interim Legislative Assembly spoke passionately about having been excluded from the Lauro Conference. As the highest ranking representative of the Didinga community in EES, she felt that the meeting was held at short notice in her absence. She believes this was a strategic action by the Chairman of the Peace Commission – a Toposa – to ensure that the peace meeting was not too demanding on members of his tribe in terms of concessions and potential reparations for the attack. The Speaker was scathing about the political manipulation of this issue and extended her criticism of the Peace Commission to a number of other peace initiatives that failed to involve Members of Parliament and the Parliamentary Committee on Peace, including the lack of representation of the legislative body in Toposa-Turkana conference scheduled for late 2009 and ultimately postponed.

A look at local peace agreements

More than 10 years ago, a journalist wrote: 'One problem that has bedevilled the peace process in the region is lack of follow up. Whenever peace pacts are concluded, there are no funds to facilitate follow-up meetings to ensure resolutions agreed on are implemented.'[288] This points to two issues: firstly, a lack of clarity on whether it is the government that needs to follow-up, the parties to the agreement or the NGO that initiated the peace meeting. Secondly, for an NGO, follow-up might be hard to realise due to lack of resources and funding procedures that often do not allow for longer term presence and multi-sectorial funding required for this kind of programming.

Compounding the problem of follow-up is the fact that the resolution ofen does not make clear what is agreed on and hence, what needs to be followed up. Resolutions tend to be broad-brushed. An example is Eastern Equatoria's Kamuto Declaration (July 2004), which is very rich in rhetoric. Resolutions include: 'Create and strengthen all institutions or activities that shall deepen the sentiments of unity and harmony amongst our respective communities.' However there is no elaboration on whose responsibility this is or what institutions or activities might promote unity and harmony. A similar vagueness was apparent at the November 2009 conference in Torit where resolutions were added in an ad hoc manner with a familiar impetus toward containing common development jargon such as 'participation', 'ownership' and 'gender-balance'. Indeed, towards the end of the resolution-writing session one attendee brought it to the attention of the room that nowhere in the resolutions had 'human rights' been mentioned. The resolutions were duly revised and a notion about adhering to 'human rights' slotted into an existing resolution.

Nowhere in the document is there an elaboration of how these resolutions might be implemented. Calls by a female participant to explicitly outline who should be responsible for follow-up went unanswered. Without elaboration of mechanisms with the potential to make these 'wish-lists' a reality, the disconnection between resolutions and reality is not surprising. Many resolutions from peace conferences and meetings are: '…on the shelves', said an INGO staff member in Kapoeta.[289] They lack practical, implementable, and 'grounded' activities to ensure that resolutions are met and, importantly, this is believed to be particularly acute with resolutions that involve government intervention or threaten the activities of elites.

In the resolutions of a conference held in Western Bahr el-Ghazal's Mapel in 2005 a plan was laid out to form a joint committee, which would meet annually to monitor and settle border disputes. It was not specified who would make up the committee, how it would be connected to government institutions, whether it would use customary or judicial law and finally, who would fund such an endeavour. More critically, the committee was never mentioned as playing a role in resolving the border dispute at Mapel or Fongu River. Ultimately, the core weaknesses of the Mapel Peace Conference were the lack of an outline of how the resolutions would be achieved and the lack of a designated body responsible for the follow up. In fact most of the resolutions were about infrastructure, much of which depends on GoSS. As one elder at Mapel commented: 'There is no peace without food and water, road, school and health service but we are only concentrating on peace and reconciliation.'[290] As GoSS is unable or unwilling to provide these resources, peace conferences act as a superficial salve for deep wounds – or, strategically, can only be one component of a larger approach that absolutely has to involve development, justice and security. Currently, however, with many of the other components not in place, peace conferences seem to be counterproductive and taken out of context.

Alternative approaches

How to achieve peace and peaceful co-existence of communities is the great challenge of Southern Sudan and approaches to peace need to be rethought. What became clear during this research is that peace is not a prize in itself; it needs to be connected with tangible benefits. Hence, peace-building activities need to move far beyond common approaches of talking about issues in an open forum and need to be tightly connected to bringing solutions to the problems that, without fail, each community underlined during the course of this research: 'peace' holds a meaning far beyond 'peacefulness' or simply 'absence of conflict' and for most respondents included better infrastructure, better resources, better opportunities, demarcated borders and reliable government structures. It also means tolerance and peaceful co-existence of different groups through an ongoing process, rather than an event.

For peace-building activities, this could mean changing the approach. Rather than making it a priority to bring together groups of people, priorities might need to shift towards tangible improvement of the living situation and anchoring long-term processes on individual community members who can act as conduits. The concept of peace committees, which has been used intermittently in Sudan, has reflected this approach, assigning individual community members the task of peace making. Yet often the approach was not pursued with enough building of capacity of the individual appointed to the peace committee. Such individualised attempts at peace could, for example, include building individual connections between groups through long-term exchange programmes between members of different communities. This will not bring results quickly but build a sustainable base with capable individuals who can be drivers of long-term local processes. It is important to turn individualised peace-building into a different kind of 'talking about peace' and include such elements as learning common languages to make sure that communities are able to talk to each other without a problem. An example of such local exchange programmes to acquaint communities with each other is organised by the Don Bosco community in Tonj. The radio station of the mission broadcasts in five languages with simultaneous translation and the community facilitiate visits of Jur of Mapel in WBeG to 'Dinka country' Tonj for football games. The Twic Olympics in Warrap State are seen as a great and continuous attempt to connect communities. Such kind of activities also make programming a lot more manageable and hand over positions of responsibility to individuals, which in turn creates a sense of opportunity and takes away the burden of peace-building from the 'chiefs'.

In addition, coupling each peace-building activity with a tangible attempt at solving a problem is necessary. If thorough conflict analysis shows that competition over water is at the heart of local violence, a peace-building activity has to address this with all its complications, even if it involves tackling such politically contentious issues as internal border demarcation. If revenge cattle-raiding is at the heart of ongoing violence, compensation must be worked out. If a local peace agreement involves an element of problem solving, such as negotiating access to water points, it needs to be binding and reinforced. Without such a comprehensive approach, however, localised snapshot activities are doomed to fail.

Peace can only be built through improved living situations, so pairing peace with infrastructure programming or enforceable local contracts over resources, creates the credible incentive structure that is needed to create a peaceful environment. This may mean that high-level political decisions are necessary, both on donor and GoSS level, on how services can best be delivered quickly in order to facilitate conditions for peace. Waiting with service delivery until security has arrived takes the wrong starting point.

‘CHIEFS’ AND PEACE-BUILDING

Many organisations working in peace-building assign tremendous importance to ‘chiefs’, utilising them as the primary entry point into the community, pointing out that working with ‘chiefs’ means having relatively transparent and respected partners. At the same time, many acknowledge that in reality, it is not clear whether using the ‘chiefs’ for peace-building has been a successful strategy. The impulse to rely on ‘chiefs’ as the primary peacemakers in a conflict partly stems from the inherited notion that ‘chiefs’ are the most legitimate leaders in the community and can adequately represent the community’s needs. It also adds to the confusion of approaches.

One issue is, for example, that the push to increase women’s representation in politics clashes with support to reinstate customary law held by ‘chiefs’, which often excludes women. Focusing on ‘chiefs’ also overlooks the realities and nuances of governing *citizens*, rather than administering *subjects*. The use of a network of ‘chiefs’, which is, with few exceptions, a highly patriarchal system, highlights that the focus on empowering women is in most respects mere rhetoric.[291] In reality, government and NGOs need a representative or gate-keeper as a point of entry to communities, but the reinvigoration of a potentially outdated and patriarchal system, or indeed in some cases the creation of ‘tradition’, is not productive or progressive. This sentiment was echoed throughout all research sites with numerous respondents indicating that ‘chiefs’ should be elected, particularly as ideas of democratic representation are becoming more widely accepted. Undoubtedly, changing supposed ‘traditional’ structures will meet with resistance from those with vested interest in maintaining the status quo but it is a necessary development if Southern Sudan’s subjects are to be engaged meaningfully and democratically as citizens.

In theory, ‘chiefs’ are held in high esteem and respected; however, interviews and focus group discussions indicate that, currently, the position of ‘chiefs’ as mediators and enforcers of law and order is tenuous. For many, the war weakened the authority of ‘chiefs’ as too often their communities had to witness how the army abused or disobeyed the chief without fear of retribution.[292] A youth in Bisselia described how the war weakened the ability of a chief to retain his status: ‘Before the peace, the chief would collect taxes in the form of food. During the war, the chief also suffered, people shared food with him and his family…now he is also a beneficiary of NGO programmes.’[293]

A key area of authority, which was eroded during the war years, was the authority of the community leader to protect. During the war, previously respected ‘chiefs’ were often unable to protect their community and had to hand over protection-duty to the youth. Today, just over 20 per cent of survey respondents said they would turn to ‘chiefs’ if they felt unsafe. There was a general acknowledgement that, whatever the deficiencies of the police and local government, ‘chiefs’ were unable to offer protection.

However, ‘chiefs’ still clearly have a role to play in their communities. Survey answers show that 46 per cent of respondents turn to their ‘chiefs’ to solve disputes, particularly family disputes over dowries or neighbourhood arguments. Youth representatives in Mapel noted that the chief can: ‘unite the people’. ‘The chief is there with his people’, said one youth leader,[294] ‘the ‘chiefs’ cooperate with the people’, said another.[295]

Thus, while the chief still commands authority in the area of local dispute resolution, an over-reliance on ‘chiefs’ as peace-builders may be problematic. In fact, a reverse mechanism of establishing and using authority has set in: ‘chiefs’, rather than using their authority to disseminate a peace-building message, use the peace-building message – which is usually linked to an international agency – to legitimise the fragile authority that has been bestowed on them by the government and international actors.

Proliferation of chiefs

The term ‘chief’ is less clear in its meaning than it seems. While we use the term for ease of reading, it is important to keep in mind that it can describe very different kinds of power in different communities. One reason for that is that administrative divisions also create leadership divisions with a corresponding proliferation of ‘chiefs’.[296] The war confused roles by creating, in some areas, up to three sets of ‘chiefs’ for the same people: ‘chiefs’ who stayed at home in SPLA areas, ‘chiefs’ in IDP camps who represented the same community during displacement and ‘chiefs’ who were instated by the Khartoum government to control politics.[297] In some *payams*, SPLM and NCP established parallel chieftainships, which creates tension. Given the already flexible understandings of their powers in many communities, this proliferation of ‘chiefs’ further obscures the distinction of roles and undermines authority. ‘These differences haven’t been resolved. Until that is sorted out, [the ‘chiefs’] will not have authority and they need to be given authority,’ said one UNMIS officer, emphasising that it is unsound for peace-building strategies to be the remit of ‘chiefs’, given that there is no systematic approach to deciding who of the many ‘chiefs’ will be responsible.‘Often the three ‘chiefs’ are cousins so all are legitimate. But just because one is SPLA doesn’t mean that he is the best guy. People somehow will have to decide who the best is but that will be a nightmare to sort out.’[298] Representation of community interests is thus a major community challenge, but also one of the great challenges for those looking for an entry point into a community to build peace.

‘There have been reports of traditional *payam* boundaries being changed,’ explained an international NGO employee, ‘confusing the traditional leaders and ultimately weakening their legitimacy based on inheritance’.[299] In some areas, ‘chiefs’ have been demoted in consultation with the community[300] to solve the problem of the confusing multiplicity of ‘chiefs’. Khartoum’s policy of establishing civilian authority in controlled areas from 1994 onwards clashed with the existing traditional structures – which were themselves often an introduction of the condominium administration. These structures are now seen by some to have legitimacy, especially by those who benefit.[301]

CASE STUDY: *MONYOMIJI*

The age-set systems of greater Equatoria are deemed by some to be a traditional governance mechanism that could help bridge the divide between the government and the community.[302] Engaging the *monyomiji* is an important endeavour as these young males, traditionally the community ‘warriors’, are alienated from government and indeed are usually the individuals carrying out the increasingly violent cattle-raiding discussed elsewhere. However, reinvigorating the *monyomiji* system and attempting to engage the entire community through them faces similar problems, as does relying on ‘chiefs’ to be community gatekeepers. Like ‘chiefs’, *monyomiji* systems vary in terms of scope of authority and legitimacy but most importantly they are systems based on the exclusion of large sections of communities, which further limits their representativeness and potentially entrenches undesirable power structures, such as patriarchy. Therefore, while engaging the *monyomiji* youth is important, engaging with them as *monyomiji* is simultaneously problematic as it revitalises an undemocratic and unrepresentative system. Instead of romanticising tradition, government bodies and organisations that want to engage with the youth who have traditionally comprised the *monyomiji* might engage with them as part of a broader hybrid structure that is representative of all community members.

Tension between chiefs and government structures

While it is believed that 'chiefs' also have a judiciary role to play, it is unclear what role that might be, and where powers of 'chiefs' and the judiciary intersect. There is consensus that customary law is important and needs to be refined or improved, but how exactly that should be done is less clear.[303] It is also important to note, however, that in some areas the legal structures in which the 'chiefs' operate are not 'traditions' that have emerged organically over long periods of time but instead are rather new and perhaps a remnant of war-time leadership; in many places customary law was hardly practised in non-war times. The lack of clarity over the remit of 'chiefs' and the judiciary was often cited as an issue by respondents, particularly because it was felt that this lack of structure creates ambiguity, resulting in violence and mob justice when communities take justice into their own hands. A youth leader working on peace-building in Northern Bahr el-Ghazal explained how:

Before the war ['chiefs'] could make decisions at the level of the judge. Now people focus on modern judicial system and ['chiefs'] get no salary. If they fine people before, they get a percentage of the fine as incentive, their families depend on them. But they lose socially and financially, with dialogue between the government and judiciary [about] what cases should be handled by 'chiefs'. Citizens now lose confidence in 'chiefs', although through dialogue the judiciary system and 'chiefs' can decide which cases or serious offences should be judged by a judge. Domestic cases can be judged by chief, maybe small criminal cases like beating, but this needs to be identified through dialogue.[304]

Several government-facilitated initiatives have sought to establish 'chiefs' as guardians of customary law and mediators of peace. One such initiative was the conference for all the traditional leaders of Southern Sudan held in Bentiu in May 2009. The 'chiefs' collaborated extensively to produce a document detailing customary laws for which they should be responsible. GoSS subsequently failed to disseminate the document to 'chiefs'. The lack of follow up and of respect for the 'chiefs' efforts undermined them in their respective communities. This issue was for many representative of the government's true position on 'chiefs'. One chief from Wau described his emasculating lack of power: 'If someone comes to me, I am like a lady, I have no power. When a man comes with power, I am weak.'[305] A sense of disillusionment and helplessness was palpable among many of the 'chiefs' interviewed. For example, when a group of 'chiefs' in Wau were asked what they can do about the problems they are facing, they responded: 'This is your work; you came to let us know what the 'chiefs' can do... You the researcher, you talk to the government,' adding that there was 'nothing at all' that the 'chiefs' could do to bring about peace.[306] Such ambiguity is also problematic with regard to the political hierarchy of Southern Sudan, as both 'chiefs' and local politicians compete for the same political space. Many respondents acknowledged that the unclear dual structure creates additional conflict as 'chiefs' try to maintain their grip on power by undermining local political positions or vice-versa. This collision of two loosely defined governance structures threatens both political and chief cohorts as well as credible decentralisation. For example, *boma* and *payam* administrators, installed by GoSS since the CPA, decrease the responsibilities and authority of the 'chiefs' who expressed during this research that they saw themselves as the last link in a centralised government chain needed to implement policies and directives specifically on community security, as a chief from Wau explained:

The president should bring the order to the governor and give security to the governor and also head of JIU and everyone. No governor should work without the president's order, from his own law. Let the word come from Salva. This case [of community violence] needs to be brought to the president so he can give us [the 'chiefs'] order. We 'chiefs' see what is going wrong in our community.[307]

This ambiguity of remits has implications for attempts to establish peace. There was a strong sense in all research sites that political leaders use conflict as a means of rallying their constituency behind them, often conflating political identities with ethnic ones. Nonetheless political leaders are rarely invited to local peace talks. For example, in Upper Nile, one expat respondent explained how: 'Local peace conferences have been somewhat helpful, but the problem is that these issues are political. If you just involve 'chiefs' and not the politicians, you will have limited results.'[308]

Aside from the focus on 'chiefs' detracting from the involvement of key government actors, the fetishisation of 'chiefs' has another more insidious side-effects with numerous respondents indicating that certain 'chiefs' can foment tensions to advance their own interests. Even a simple refusal to get involved can retard conflict resolution. This was reported by a group of youth in Raja County who felt that they had no way to solve problems of intermarriage between tribes because: 'Their 'chiefs' also refuse to cooperate with our 'chiefs' in marriage related issues.'[309] Numerous respondents felt that 'chiefs' were a problem as opposed to a solution and it is clear that with ill-defined roles, whether a 'chief' is a positive or negative force within the community is largely based on personality. Yet, this also means that the power assigned to 'chiefs' creates a space for capable individuals to maintain order. In some research areas where government-provided order was absent, it was acknowledged that the local conflict resolution done by the chief was one of few stabilizing factors for the community, as for example, pointed out by an SSRRC official in Wau: ' 'Chiefs' used to call all the parties to come and sit together to resolve the problem that arises. They are still doing it.'[310]

The parallel structures of local leadership – chiefs and government administrators – pull in two different directions. There exist, however, models for hybrid systems that combine using local structures and government structures. An obvious place to look for inspiration for this approach is in neighbouring countries. The Ugandan local councils, for example, have been very effective and the Ugandan model was already used as inspiration for Southern Sudan following the SPLM civil society conference in the mid 90's, but never implemented. Initially called 'resistance councils', these were introduced throughout Uganda in 1986. Each village elected its own council, which had to include women representatives. The village councils would then elect from among themselves representatives to articulate their views at county level. Subsequently, the councils were incorporated into the Ugandan civil service, but initially they were a parallel arrangement, and to some extent monitored and regulated local government officials – including 'sub-chiefs'. Perhaps a system of local councils, with women's representatives, could be created in Southern Sudan. Their chairmen and chairwomen could then sit with 'chiefs' as equals. This would certainly be a more representative and participatory way of accessing a community's views than the current system of engagement through 'chiefs'.

CASE STUDY: HYBRID STRUCTURES AND THE LOCAL GOVERNMENT ACT

The precise role of 'chiefs' needs scrutiny to find ways of supporting positive aspects of their role without overburdening them, exaggerating gendered hierarchies, or promoting the polarisation of ethnic identities. There is, in essence, a need for a hybrid structure. In theory, the Local Government Act (2009) outlines how this hybrid structure can be created by incorporating a Customary Law Council into Local Government. Leaving aside challenges of implementation, there are a number of issues that undermine the value of the Act.

On paper, it seems that traditional or customary authority will continue to operate as a parallel system to 'modern' governance mechanisms. The Act states that traditional authorities will administer customary law, yet it is still unclear what does and does not fall under the category of 'customary law'. Ultimately this is not a truly 'hybrid' system, but rather a new way of organizing and conceptualizing existing governance mechanisms. The Act, which could have been used as an opportunity to break with the patriarchal status quo with regard to male-dominated 'chieftainships', further institutionalises women's marginalised position. While there are references to a 25 per cent quota for women, the lowest level of traditional leader is described as the 'headman' upon whom the other levels are built. This is an intrinsically male system into which females will most likely be slotted to meet the quota. An inherently male-dominated system accommodating women for image reasons does little to empower these women and those they represent. In this regard, it might have been beneficial to refer to 'community representatives' (or likewise) in a bid to move away from the language of 'chiefs' and 'chieftainships'.

The Act does little to address the weaknesses of relying on traditional authorities to govern certain aspects of life and resolve conflicts. The fact that members of the Customary Law Council are not able to hold positions on either of the other councils precluded 'traditional' leaders from engaging in legislative and executive affairs.[311] This highlights the ambiguity of the Act. In fact, it becomes difficult to assert that the Act is a genuine and meaningful attempt to engage with traditional authorities in a 'hybrid' governance system.

POLITICAL VOICE

So far, Southern Sudan is failing to elevate most of its *subjects* to the status of *citizens*.[312] The majority of the people are at best 'vote casters' without valid political voice or meaningful representation. The widespread criticism voiced against the conduct of the elections has made this point very clear.

The state's failure to engage the population was perceived by a number of respondents to be in stark contrast to NGO activities and, when talking about taking on a role as a citizen – which includes making informed political choices, using political structures to voice grievances and having access to a reliable voting system – many respondents made it clear that NGOs were more helpful than the government because, as a group of women in Mapel explained: 'They have been involved in capacity building' and have thus taught people the tools of citizenship.[313] This exposes the striking dissonance between the role of the state and the role of NGOs: the current situation is one in which the state is seen as a hindrance to citizenship, with NGOs seen by some to be facilitating this process. Being a *citizen* with rights vis-à-vis the state is inextricably linked in people's minds with 'peace', thus the government's reluctance to grant the population the status of citizen and the concomitant rights, means that some respondents saw the state as an impediment to a lasting peace.

For some, the promise of peace had involved the promise of being elevated from the 'poor' to the level of *citizen*. However, the current situation is closer to a 'military peace' determined by military personnel and behaviour. Many members of civil society uphold a belief that: 'The war was a war for participation in government' as described by a Fertit elder. Yet the multi-layered power structures make it much harder for citizens to feel represented as both official and unofficial power is concentrated in the hands of few. One international NGO employee summed up a general sense that it is misleading to talk about civil society and grassroots: '…as if their views actually matter.'[314]

Civil society's political voice is weakened at the exact moment it should be strengthened. The connection between this lack of political voice and increasing violence was an obvious one for some interviewees, as, for example, explained by the Sudanese leader of a local NGO in Wau: 'The nature of conflict is now becoming worse. Before, culturally, when people fight among the communities, the elderly people, the women, the children were not to be killed. The houses were not to be burnt,' he explained. 'But now they are even killing elders and burning houses. That is the result of one community feeling that they have nobody representing them in government. Because of the bitterness they have in their heart, mainly young people, they do this.'[315]

The almost ubiquitous failure of representation was highlighted with regard to local conflict resolution and reinforces the idea that the south is essentially creating its own enemies within. Respondents in all research sites expressed concern that they were not clear who represents them, so problems and grievances remain unaddressed. This lack of faith in the political system was re-emphasised by a group of 'chiefs' and elders in the same state who pointed out that in the current system whole groups of people have no meaningful political representation.[316] The majority of respondents felt they were entitled to contribute to state-building beyond being a passive recipient of government programmes, based on their own contribution during the war. Women often point out that without their support, the soldiers would not have been able to fight. One man recalled his times as a student in Khartoum, when he was one of the first people to raise the SPLA flag in the capital. His experience is indicative of what those who see themselves as part of the non-military educated elite experience:

When we came back, we were not accommodated in this new government. So now you are dividing people into classes – the people who were military are supported and the people who contributed in other ways are sidelined. But you need to give also other people positions; you

have a generation who understands the north better. But the SPLM decided to only give political positions to the military. This means you are creating your enemy within yourself.[317]

Five years of limited peace and development, coupled with a controversial election has for many respondents voided the idea of 'government'. During the elections, widely reported intimidation through government security agents emphasised the current skewed interpretation of what 'political voice' means. Vast amounts of voters experienced the first expression of their political voice as a confusing, often coercive process. Those running for political office reported on campaigns of intimidation and abuse, rather than political discussion. The amount of complaints by independent or opposition party candidates underscores this and in some of the areas researched for this report, the elections and the immediate aftermath were extremely volatile, with position-holders threatening opponents with violence if their seat becomes contested.

This real-life manifestation of the concept of 'political voice' has created a limbo situation in which people have lost trust in the ability of their government – and with that in what Southern Sudan might become – while continuing to keep up the hope that change will come. Hope, however, has turned into either a paralysing factor, as people have resigned themselves to being subjects, or has contributed to an escalation of violence as people take law, order and violence into their own hands. Some point out that this is a temporary state until the government has the capacity to assume its duties, for others such a state seems wishful thinking.

Access to news media

The geography of the south contributes to a deepening chasm between government and citizens. Rural isolation and a weak infrastructure often make it impossible for citizens to gain access to their leaders or vice versa. The government is physically disconnected from many of its citizens.[318] When asked about accessing information, a large number of those interviewed stated that they relied on the radio. An important rising trend in the use of radio is reflected in the graph on the next page.[319] In the over 40 and under 25 age groups, the numbers of people listening to radio increased year on year following the signing of the CPA. In the 25 to 39 age group, there is a substantial increase in radio listenership during 2005, the year the CPA was signed. Given the absence of newspapers, and what are thought to be very low levels of literacy in some areas, the radio is the most effective means of communicating with the population of Southern Sudan. It is from the radio that people will hear about matters such as immunisation campaigns and political events.

CHART: WHEN DID YOU LISTEN TO THE RADIO FOR INFORMATION?

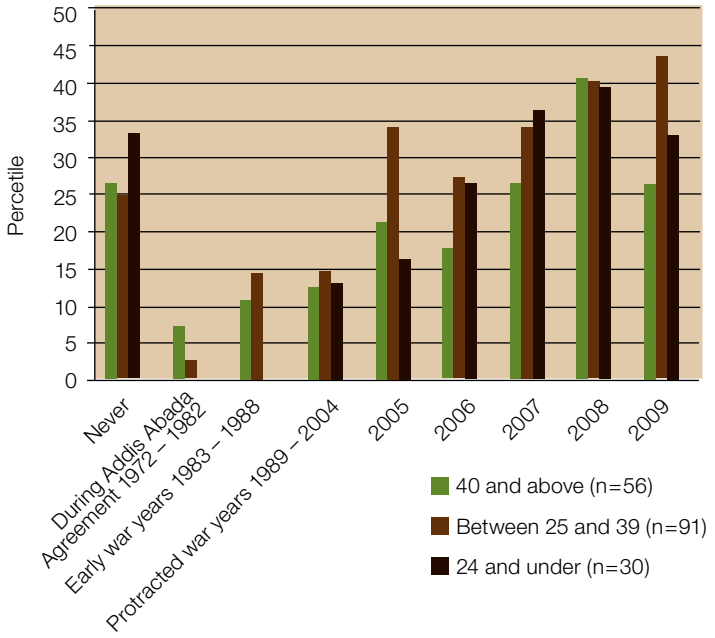
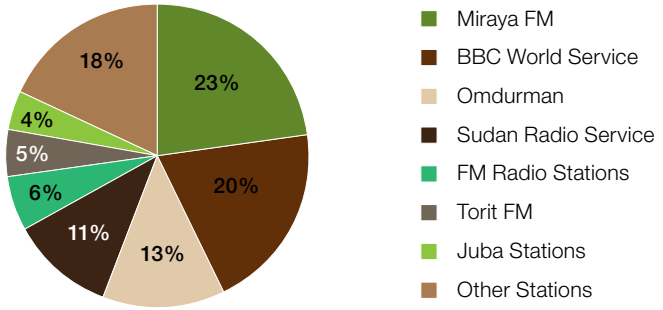


CHART: WHICH RADIO STATIONS DO YOU LISTEN TO?



In terms of reported radio access, the data are promising. In some locations, there is quite a wide choice of stations. The following pie chart depicts a breakdown of the stations interviewees reported listening to. Choice of programme relates in part to another factor that limits access to broadcasted news media. Many of those who spent the war in Southern Sudan do not speak either English or Arabic. They may therefore listen to the radio for music and, where available, programmes in their own mother-tongue, such as Dinka.

It is likely that radio use will continue to rise in the coming years and be a key resource in mobilising the population to participate in political decisions. At present, access to key information via this medium is good for some people in some areas, but is far from universal. It is important to note that more than 25 per cent in all age groups stated that they never listened to radio. This is something that came up in focus group discussions, especially with women. To sit and listen to the radio is a sign of status in itself. Women would sometimes laugh when asked why they did not do so, even when there was a radio in the compound. They explained that they were too busy to listen or that they could not sit where men were sitting. Most stated that information came from their men-folk, the chief or public meetings.

Not surprisingly, the issues facing women in accessing news via radio are similar with regard to television. Southern Sudan television news media is of a good standard, but sets are usually located in bars or places where men socialise, and are mainly used to show football or music videos. However, several examples of television being used for news were observed in the research sites. In Fangak, Upper Nile, news programmes were shown in the evening on a television at the commissioner's residence. It was, however, behind a fence, and could only be watched by invited people – almost all of whom were senior men from the neighbourhood. They would then impart the information to others.

Key issues that need to be considered in relation to the development of media in Southern Sudan include censorship and propaganda. Experience has shown the dangers of radio being used for propaganda, and a free press may not be acceptable to a ruling party.[320] However, concerns about news media should not focus on press freedoms alone. Southern Sudan is politically fragile and the drive towards ethnic polarities is troubling. Unrestrained radio development, particularly in local languages, may be having destabilising effects. What is actually said on air will need to be monitored closely, and restrictions on certain kinds of inflammatory statements are essential. At present, no such monitoring is attempted and it is unclear who should do it.

THE EFFECTIVENESS OF AGENCIES: FUNDING, COORDINATING AND TARGETING

The effectiveness of agencies – both UN and NGOs – in Southern Sudan is subject to divisive debate. In regards to UN agencies, this debate is primarily focussed on effectiveness as well as the strength of the mandate. NGOs have come under scrutiny for seemingly limited engagement with evidence-driven programming while showing limited progress. The debate is made even more complex by lack of structured information that in addition is often complex and contradictory, reflecting the contradictory realities. A donor representative stated that:

The cost benefit analysis for projects is very low. Even taking into consideration how expensive goods and services are in the country, money isn't being spent well. With all the funds being spent the human development index remains very low; NGOs still tout their achievements but are unable to show these results as there is little monitoring and evaluation.[321]

Donors are equally responsible for the low levels or wrong kinds of monitoring and evaluation (M&E). Before 2007, standard M&E procedures were not required and credible M&E is currently impaired by short-term funding for processes that do need long-term approaches.[322] On the other hand, some NGOs say it is simply too difficult to quantify and show results, because baseline data needed for monitoring does not exist and carrying out necessary surveys is too expensive and too difficult.[323] During the course of this research, it is evident that respondents display a certain assessment fatigue: the sentiment that NGOs only ever come to ask questions which do not lead to improvement was expressed in almost every interview. Indeed, difficulties in obtaining data and need for visible results are two reasons for the prioritisation of visible peace conferences over long-term engagement that might take years to produce tangible results. These can be conducted at the expense of joint planning and prioritisation of interventions, along with a more thorough analysis of a situation, including an analysis of risks and threats that come with short-term approaches.

Funding in an unforeseeable future

High levels of funding uncertainty make it extremely difficult to undertake long-term planning, as outlined in the GoSS aid strategy:

On current estimates, donor funding is projected to decline by 62 per cent between 2008 and 2011. This sharp decline in estimated funding up to 2011 reflects the continuing short-term nature of many donor commitments to Southern Sudan.[324]

Agencies are drawing on future scenario mapping done by organisations like USIP[325] but ultimately – with ambiguity about the outcome of the referendum – planning is based on hypothetical predictions. Many key players in development aid cannot be factored into planning without making assumptions about the future. For example, a southern secession would alter the mode of engagement of the European Commission and the World Bank, which would vastly modify the 'aid landscape' of Southern Sudan's development trajectory. The European Commission is unable to contribute further to Sudan as a whole, through its main bilateral funding instrument, as Sudan had not ratified the Revised Cotonou Agreement by the legal deadline of 30 June 2009.[326] This means the European Commission will not disburse the pledged 300 million which was promised to Sudan between 2008 and 2013.[327] The suspension of these further funds by the EC and the unforeseeable future affecting other donors' aid strategies has therefore resulted in a decline in funds promised to Sudan until the referendum and beyond, which makes planning difficult. This uncertainty is exacerbated by the physical disconnection with donors, who are mainly based in Khartoum or visit only Juba when travelling to the south.

Furthermore, several complaints about current funding conditions were expressed by NGOs because they exacerbate levels of uncertainty and undermine long-term programming: 'It's really discordant,' said an international NGO representative. 'When a bunch of instruments all play out of tune, that's what it's like.'[328] The short-term nature of most funding is a source of great frustration for NGOs. Many respondents stated that longer-term funding would lend itself to more conflict-sensitive programming because staff spend prolonged time in the field, make better assessments and commit the time needed to do extremely time-consuming conflict mitigation work which will only show results after considerable engagement. One INGO operations manager pointed out that:

INGOs are struggling to do this job [of service delivery] by patching together many small and large grants… and are handicapped by the short-term nature of these and the fact we are constantly looking for the next grant…until donors really decide to invest genuine large amount of money in Sudan long-term then these essential services and the corresponding peace dividends will be scanty.[329]

In response to questioning on why funding cycles are so short, NGOs thought that donors did not want to invest large amounts over a long-term because the situation was volatile and in addition donors wanted the flexibility to change their position. In agreement with Wakabi, a main problem is the lack of, and unpredictable nature of, funding.[330]

CASE STUDY: THE MULTI DONOR TRUST FUND (MDTF)

One example of how agency work has been hindered by mechanisms established in the donor community is the MDTF. The MDTF is the largest of the pooled funding mechanisms in Southern Sudan.[331] MDTF was set up to provide longer-term funds to facilitate effective donor co-ordination and harmonisation in providing support to the GoSS to develop and implement recovery programmes aimed at rebuilding and consolidating peace and development in Southern Sudan.[332] The World Bank is the managing agent of the Multi-Donor Trust Fund (MDTF) while UN, government and non-governmental actors implement MDTF-funded projects.[333]

The UK Associate Parliamentary Group for Sudan reported that by the end of 2009: 'Only $181m of the $524m had been spent… More than four years into the fund's six-year lifespan, $343m has yet to be used. Last year donors diverted $181m that would have gone into the MDTF to three other funds under their control.'[334] At the current trajectory of spending, all the funds pledged to the MDTF are unlikely to be used before the planned referendum, which has repercussions for NGO planning. This failure to disperse funds is believed to be partly a result of the MDTF not having any senior staff based in Juba. Staff had little experience of post-conflict countries, which meant that projects were simply not approved quickly enough.

In addition, procurement and compliance obligations are deemed to be too stringent with little support to GoSS to meet these obligations. Donors are beginning to realise that putting a majority of their funds in one mechanism is not optimal and therefore in some cases are not providing their planned funds to the MDTF from 2010. On the other hand, NGOs have found that MDTF procedures were designed to accommodate private sector contractors. As such, they are not compatible with NGO mandates and ways of working, posing a barrier to accessing timely funds for basic service delivery. As a result, few international NGOs have succeeded in accessing MDTF funding directly and the majority of national NGOs have little hope of doing so.[335]

When the MDTF failed to deliver, many NGOs were forced to continue to use short-term humanitarian funding, which is ill-suited to support service delivery and other multi-year recovery activities.[336] To these criticisms the World Bank has commented that: 'The design of the Trust Fund does not take sufficient account of poor counterpart implementation in a fragile environment like that of Southern Sudan but in defence of the Bank, the main implementer, GoSS, can do more to keep funds moving. In addition, due to the decrease in matched funding contributed from GoSS due to decreased oil revenues, less donor funds were also spent which resulted in an overall decrease in MDTF expenditure.'[337]

Importantly, there has been a concerted effort from the World Bank to take these criticisms on board and improve its performance. However, the general consensus among contributing donor and NGO respondents continues to be 'too little, too late'. How MDTF will improve its operations and disperse much-needed funds is to be seen. If the situation arises where Southern Sudan became independent, there is a question mark over whether GoSS should allow the World Bank to establish a large fund, e.g. the Afghanistan model post-succession, as donors, NGOs, and GoSS are all disillusioned with how it managed the MDTF.[338]

Ensuring accountability

The disappearance of millions of Sudanese pounds of donor funding, which came to light in 2008, placed the issue of accountability at centre stage.[339] This was addressed in the Juba Compact (June 2009) whereby GoSS made a verbal commitment to tackle corruption GoSS committed to appointing an auditor general and to carry out investigations of any allegations. There was a sense among donors that for now they must give GoSS the benefit of the doubt but it remains to be seen if any changes will take place. Regardless of all the concerns there is a feeling that some progress is being made, as explained by a donor representative: 'The glass is absolutely half full, rather than half empty. Southern Sudan has come a long way'[340]

Another major concern of NGOs was the ever-increasing donor bureaucracy. While it was understood that process is important for accountability, burdensome red-tape is impeding the delivery of services. The tendering to distribution process for the present drug-allocation through the MDTF took two years.[341] A staff member from a medical INGO said that to ensure that the supply of drugs are uninterrupted past the referendum, it is vitally important that decisions are made immediately on who, how and where drugs will be procured and who is managing and paying for the next distributions. At the moment, indecision – as donors wait to see what the future aid architecture will look like in light of the referendum result – coupled with technocratic donors' overemphasis on getting the funding process and mechanisms right – could disrupt the supply.[342] This bureaucracy, aimed at safeguarding against fraud, only adds to the perception that widespread corruption in the region cannot be fought with paperwork alone.

Coordination challenges

Theoretically, NGO activity is coordinated by the SSRRC. From the NGO's point of view, this can add to the already great challenges in implementing programmes. Rather than ensuring that activities are pursuing an overarching objective and complementing one another while not overlooking vulnerable populations, NGOs feel that with ever-increasing programming, demand on the SSRRC is simply unmanageable. As a result, coordination and communication is frustrating for the SSRRC, NGOs and GoSS. The notable lack of coordination between actors planning and implementing projects might be typical for the aid industry, yet in a fragile environment operating under a certain time pressure, this can be even more damaging.[343]

At the local government level, lack of cooperation in planning and NGO advocacy were also identified as a problem. Water projects, for example, tend to be donor driven rather than based on needs assessments. This has dotted the countryside with 'monuments'. 'No one knows how many bore holes there are, whether they are working,' explained one international NGO worker. 'There is no inventory; no knowledge of what each other is doing and lots of chaos.'[344] With water being most commonly mentioned as a reason for conflict, the implications of this are far-reaching.

Both the international community and GoSS recognize that more can be done to streamline development efforts. There will be an increased effort to approve donor projects through the GoSS Interministerial Appraisal Committee to ensure that all parties are more informed and involved in proposed projects. These projects will also be compiled in the compilation of a yearly 'Donor Book' managed by the Ministry of Finance and Economic Planning with the help of donors and NGOs to enable better reporting on donor projects in operation.[345] Donors and NGO representatives are also involved in Budget Sector Working Groups and Quarterly Donor Forums to ensure that all are involved in GoSS' planning and prioritisation. The Southern Sudanese NGO Forum[346] aims to represent over 200 indigenous and international NGOs to increase information flows and coordinate efforts among the NGO community while prioritising improved engagement with GoSS. However, with the realisation that local violence is caused by an intricate combination of processes, targeting programming that will directly mitigate local conflict is extremely

challenging for all actors involved as they decide on appropriate entry points.

THE POLITICS OF THE DEVELOPMENT SECTOR

Local partnerships and appropriate entry points

The choice of partners for development projects is wrought with political tension that often passes unnoticed. Tensions between groups over access to resources are described by the administration in Magwi in Eastern Equatoria, for example, as being exacerbated by pre-planned NGO interventions that do not consult local governments, are not sensitive to local issues or engage with 'chiefs' that act as gatekeepers, rather than entry points.

A similar misunderstanding might be at play with regard to the position of the *payam* administrator. In NGO head offices, often the importance of the *payam* administrators was stressed, which in reality underlines a common disconnection between agency policy and the realities of implementation. Locally, *payam* administrators seemed to play no significant part in the community's perception of agencies. Paradoxically, despite such emphasis on the *payam* administrator and 'chiefs' as agents of change, NGO respondents also named 'chiefs' and *payam/boma* administrators as the biggest impediment to change, based on a lack of capacity, pursuit of personal agendas and bias, as explained for example by an international field coordinator in NBeG: ' "Chiefs" only want things to be done their way and if it's done another way they will complain that their authority is eroding or being challenged.'[347]

The politics of hiring

The tension within the government/NGO relationship is further exacerbated by the composition of personnel. Broadly speaking, the parallel structures of NGO and government are divided along educational, ethnic and geographical lines with each side having had a very different experience of the war and a different sense of entitlement of the peace. Government officials tend to be individuals who remained in the south during the war, often fought in the SPLA, or have a very close affiliation with the SPLA. In many cases, education – both in English or Arabic – was sacrificed for fighting. In general, this makes government staff more likely to be Dinka or Nuer.

NGOs tend to employ Sudanese with good English and a solid education and these are more likely to be Equatorians because more Equatorians than Dinka or Nuer went to school in Kenya or Uganda. The division is well known and was outlined by a donor representative: '[Dinka] government staff and communities call [those who did not stay in Sudan during the war] 'kawajas', they are said to be foreigners not having stayed during the war and therefore are not part of Southern Sudan. For some Equatorians this makes it difficult to work.'[348]

Politics of uneasy partnerships

Although there is a clear recognition of the Sudanese Non-governmental Organisations' (SNGOs) role in development, tension in the partnership between SNGOs and INGOs exists. One can argue that the international community and GoSS make assumptions about the political motivations and capabilities of local development actors. An international employee of an INGO discussed how they often avoid working with local organisations because: 'SNGOs have often been misappropriating money for their own gains.'[349] This was repeated in a UN Habitat assessment: 'SNGOs face considerable credibility challenges, one of which is the perception held by INGOs that SNGOs have politically motivated links that may compromise their operating principles of neutrality and partiality.'[350] The combination of mistrust of SNGOs with their perceived lack of organisational capacity means that donors often fund INGOs directly, or in the attempt to 'build local civil society's capacity' while limiting potential 'risks', provide SNGOs with funding through INGOs. As a result, many SNGOs feel that they are unequal partners in the development of their own country. Moore (2009) discusses how SNGOs are eager for INGOs to engage with them as equal partners albeit in the form of capacity building.[351] Hilhorst and van Leeuwen (2005) argue that international actors need to be realistic and conscious of how the external and internal political, social, economic, and historical strains can pull and push CBOs' or SNGOs' growth process.[352] They find that it is of paramount importance that the international community does not simply take the easy route and broadly brush off CBOs and SNGOs as being marred by political tensions.

In both instances political tensions are not understood in-depth and groups are generalised under the same terms. INGOs and GoSS often reduce the risks of working with SNGOs by carrying out capacity assessments of local organisations or by assessing the local context However, the political will and funds needed for these time-consuming activities are often lacking.

The pitfalls of capacity building

The activities of NGOs within a post-conflict situation inevitably involve capacity building. It is widely believed that capacity building is necessary and interviewees had strong opinions of which institutions should be responsible for this. However, they did not always agree and many feel that not enough progress has been made, as was stressed in a recent report: 'There is still no strategy for increasing involvement and no common understanding of the role NGOs can and should play in the recovery and development of Southern Sudan.'[353]

Many interviewees from international NGOs believed that the responsibility of building the capacity of GoSS at national and state level should largely lie with the UN. In congruence with this perception, UNDP viewed their role as building state institutional capacity to prepare the field for NGOs to deliver services and monitor programmes. Other NGOs felt that although NGOs might not have the resources, they have the responsibility to build the capacity of county level government staff simply because the UN does not operate at that level.

While there is a sense amongst NGO and donor-respondents that with international state-building support GoSS has advanced impressively within four years, the progress is still too slow. There has been criticism from NGOs, expressed here by the country director of an INGO, that UNDP's state-building efforts – even after five years of the CPA – have been: '…mainly providing assets and capital rather than building skills.'[354] Few donors believe that the state has been adequately built.

The main criticism levelled at NGOs by GoSS, donors, and the UN is that some NGOs are not doing enough to build capacity of either government staff or local organisations. This is reflected in the funding approach of donors where some NGOs are being actively pushed to integrate capacity building components into their programming. On the other hand, NGOs feel that the short-term nature of their project funding, usually 12 to 18 months, is not conducive to credible capacity building. In reality it leads to local partnerships that fulfil the capacity building component on paper only. NGOs feel that there is a trade-off between provision of quality services and building capacity of GoSS and local organisations and that donors are undecided how much trade-off they will accept, as outlined by an INGO country director: 'If they want us to build capacity then they need to be prepared for us to deliver less and deliver it more slowly.'[355] Whether that is acceptable is entirely dependent on how donors ultimately define their own strategies. Some NGOs are reluctant to work with government institutions, particularly on lower level, as they are perceived to be an impediment to programming. High turnover of staff in state and local government results in weak institutional memory, thus necessitating continued and costly 'capacity building' with few tangible programming results, as an INGO staff member explains: 'Government have a high staff turnover so when you build their capacity they leave or immediately become managers leaving no lower and middle rung administrators.'[356] However, the risk that the newly capacity-built government staff will take on better paid positions in an INGO is an inherent problem in a country where skilled workers are desperately needed.

CONCLUSION

At first sight, increased local violence in Southern Sudan might appear to be a problem caused by centrally managed manipulation by Khartoum, or that local clashes are based on entrenched 'tribal' hatred and are thus impossible to avoid. However, a closer look and in-depth interviews with a vast range of actors and civilians, reveals a different, yet no less challenging reality. Local violence is in many ways intricately connected to broader issues that are being played out at the local, state, GoSS or indeed the donor level.

The ambition to build institutions of a state – as put forward by GoSS and donors – and the acknowledgement of time needed to embed these institutions, is in stark contrast with the immediate need to put strong measures into place that control local violence. More importantly, perhaps, is a stark contrast that exists between the theory of some of the development programming and the reality. Decentralisation is a poignant example: while acknowledged to be the only viable path to accountable and representative government, it currently supports division along ethnic lines because access to resources is limited and various unaccountable power structures are being entrenched.

This report has shown that a wide range of factors have an impact on local conflicts and can turn them violent. This realisation is vital in the coming months as Southern Sudan moves towards the moment of referendum. A clear realisation and expression of the intricacy of issues and the need to address even seemingly less urgent matters, such as local borders, needs to be pursued instead of a misplaced emphasis on the referendum as 'decision day' after which all other points can be addressed. Expectations for improvement of local conflicts immediately after the referendum and the change it will bring run high. They are bound to be disappointed.

There is still time to avoid such disappointment, but action is required. There is an urgent need for clarification of development and government goals. That will require a more robust and better informed engagement with local realities, including a rethink of current peace-building initiatives. An honest stock-taking and assessment of capacity is needed – by the GoSS, by donors and by implementing agencies. Crucially, there is a requirement to plan beyond the referendum. The moment to do that is now.

Women participating in a ranking excercise

APPENDIX: METHODOLOGY AND INTRODUCTION TO RESEARCH SITES

RESEARCH CHALLENGES

This report outlines the weaknesses of engaging communities through certain structures but often these were the same structures used by the researchers to access communities, highlighting both the lack of alternatives and the self-perpetuating nature of such structures. While criticising NGOs for working through 'chiefs', this research is also guilty of accessing community members through 'chiefs'. All attempts were made to reduce bias in the questionnaires, however the sample is not representative and all results are presented with the caveat that rather than representing the outcome of a statistically robust quantitative study, they are instead an additional method used to support the qualitative findings of this research. That said, the researchers are satisfied with the veracity of these results and feel they are a fair representation of common views, as much as they exist, in the research sites.

Working through translators presents challenges in terms of obtaining verbatim translations and not translators' interpretations. This can be particularly challenging in areas where translators are known to respondents and try to 'help' them. A certain amount of reluctance was encountered among government officials about the research. To some extent this was to be expected, given that elections were due to be held and elected officials did not want conflicts – ipso facto, governance failures -highlighted in their constituencies. In addition, one official alluded to the hubris of a research team spending just four weeks in the State, being able to understand conflict dynamics and make recommendations to ameliorate existing conflicts or prevent future ones:

We have tried our best, we use peace agreements, the hostility does not stop, we use voluntary disarmament, it doesn't stop, we then go beyond and use force, and still it is not stopping...your recommendations will have to be magic...and who then will implement these magic 'recommendations'?

One of the major difficulties faced by the research teams was trying to speak to people about often unfamiliar and intangible concepts such as elections and referendum during a period of what is being described locally as famine. Many respondents became frustrated with the line of questioning when it became apparent that the research was not focusing on their primary concern – hunger.

As with much primary research of this nature it was not possible to establish the veracity of many of the statements herein or to establish how well-founded the opinions of respondents were, but to a certain extent that is not relevant as what is most important is that these statements and opinions reflect local perceptions of situations. For these people, these perceptions are reality and much hearsay is repeated as fact, particularly in the absence of formal channels of communication. Word of mouth is one of the most powerful forms of communication, however under circumstances where formal channels of communication are weak or non-existent a nefarious form of word of mouth – rumour -can supplant fact with concomitant negative outcomes, thus unsubstantiated information should not be neglected.

Often respondents referred to 'other areas' as being most marginalised, neglected or, for example, not counted in the census. While all three teams travelled extensively throughout their research sites, the research teams faced the same problems as other actors – NGOs, government, etc – in reaching the most marginal communities.

FIELDWORK METHODOLOGY

Research was conducted over the course of seven weeks in October and November 2009. During the first two weeks the team worked in Juba conducting preliminary key informant interviews. During two workshops, one before and one after the field work, the research team presented preliminary research findings to members of the NGO community and government staff.

Three teams then spent a total of four weeks in Eastern Equatoria; Upper Nile and Jonglei; and Western Bahr el-Ghazal, Northern Bahr el-Ghazal, Lakes State and Warrap State. Additional research was carried out by the project director during the elections.

Qualitative interviews
In total, the three research teams conducted 272 qualitative interviews with key informants across the three sites. Interactions with key informants were usually in English or Arabic with translation from Sudanese researchers. Some interviews were conducted in local languages and translated by locally hired research assistants and translators. Key informants included inter alia governors, commissioners, NGO-workers, religious leaders, community leaders, youth and women's representatives. Interviews were typically open-ended and lasted between 20-200 minutes. The rationale and background of the research was explained at the beginning of the interview, with the opportunity for respondent questions at the end. Focus group discussions were also conducted in all research sites, primarily with community leaders ('chiefs'), women's groups and youth groups.

School drawing exercises
In all three sites, the research teams ran drawing competitions, visiting 18 schools in total. Children were asked to draw a picture representing life before and after the CPA, before and after the referendum, or of their immediate surroundings.

Ranking
In various group settings, the research teams carried out ranking exercises. These were usually conducted on the ground with

pieces of paper with the choices placed on the soil. Each participant was given a pebble to cast their vote by placing it on the paper.

Questions asked during ranking exercises were:

1) Who protects you the best? Suggested categories: SPLA, Police, UNMIS, Community Police, Chief, Relatives, nobody.

2) Who is the best at bringing peace? Suggested categories: GoSS, GoS, GoNU, Governor, Commissioner, Payam Administrator, Chief, Peace Commission, Parliamentary Committee on Peace, UN, NGOs, Relatives.

3) What would be the best future for Southern Sudan? Suggested categories: Living under GoSS, Living under GoNU, Divide Sudan into many parts, UN Administration/Peace-keeping, War

4) Who has been of most help to you? Suggested categories: GoSS, GoS, GoNU, Governor, Commissioner, Payam Administrator, Chief, Peace Commission, Parliamentary Committee on Peace, UN, NGOs, Relatives.

Results from the ranking exercises are displayed as graphs with text-based tables for more detailed illustration of the answers.

University seminars
At the University of Western Bahr el-Ghazal, the researchers conducted a workshop with undergraduate students of different disciplines on border issues. Students and faculty at Upper Nile University discussed issues of peace and international justice with the lead researcher.

Questionnaire
A total of 354 questionnaire-based surveys were conducted across the three research sites, often by locally-recruited researchers. Attempts were made to randomly sample in the research sites. Questions, which had been developed during a workshop in Juba, intended to solicit answers about perceptions of safety over time and whether or not people felt as if their views were represented at a variety of government levels. The best way of soliciting information pertinent to the assessment, it seemed, was to ask a series of questions under a 'time-line' of Sudanese events, broken down into six-month periods for the time since the signing of the CPA. The answers from the questionnaires were coded into a database and analysed using quantitative graphs.

Questionnaire questions

When was Southern Sudan in peace?

When were you safe?

Who do you turn to if you feel unsafe?

Who do you go to when you have other problems?

Who is your member of parliament?

When did he/she come to speak?

About what?

Will Southern Sudan become an independent country?

Will you vote for unity or independence?

What will the government look like?

What would you like the government to look like?

Were you counted in the census?

Will there be another war with the north?

Will there be wars within the south?

Do you have enemies?

When were you attacked?

By whom?

When did it start?

How was it resolved?

Did you have a peace meeting?

What happened afterwards?

Will the conflict come back?

What is the best way to get peace?

When did you go hungry?

When did you receive food aid?

From whom?

When have you received assistance from an aid agency?

What kind of assistance?

When did your children go to school?

When did you listen to a radio for information?

Which station do you listen to?

When did you have the best leaders?

Who were they?

NGOs
A total of 11 NGOs were interviewed in Juba and 13 outside of Juba. 80 per cent of these NGOs were international while 20 per cent were SNGOs or CBOs. Six donors were interviewed, all located in Juba.

REFERENCES

AbouShouk, Ahmad Ibrahim and Anders Bjorkelo. The Principles of Native Administration in the Anglo-Egyptian Sudan, 1898-1956. Omdurman/ Bergen: Abdel Karim Mirghani Cultural Center/ Center for Middle Eastern and Islamic Studies, 2004.

Allen, Tim. 'Ethnicity and Tribalism on the Sudan-Uganda Border'. In Ethnicity and Conflict in the Horn of Africa, edited by Katsuyoshi Fukui and John Markakis. London: James Currey, 1994.

Allen, Tim. 'Full circle? An Overview of Sudan's southern problems since independence.' Northeast African Studies. 11, 2 (1989): 41-66.

Allen, Tim and Nicole Stremlau. 'Media policy, peace and state reconstruction'. In Media & Glocal Change: Rethinking Communication for Development, edited by Oscar Hemer and Thomas Tufte: Nordicom, 2005.

Antwi-Boateng, O and GM O'Mahony. 'A framework for the analysis of peace agreements and lessons learned: The case of the Sudanese comprehensive peace agreement.' Politics & Policy. 36, 1 (2008).

Associate Parliamentary Group for Sudan. 'On the brink: Towards lasting peace in Sudan/A report on the role of the international community in supporting Sudan's Comprehensive Peace Agreement and beyond'. London: UK Parliament, March 2010.

Awet Akot, Daniel. 'The imperative of decentralization'. In Accord: Peace by Piece: Addressing Sudan's Conflicts, edited by Mark Simmons and Peter Dixon. London: Conciliation Resources, 2006.

Baxter, PTW and Audrey Butt. The Azande, and related peoples of the Anglo-Egyptian Sudan and Belgian Congo. London: International Africa Institute. 1953.

Borchgrevink, Axel and Anita Haslie. 'International Engagement in Sudan after the CPA, Working Paper 714'. Oslo: Norwegian Institute of International Affairs, 2007.

Bradbury, Mark, John Ryle, Michael Medley and Kwesi Sansculotte-Greenidge. 'Local Peace Processes in Sudan: A Baseline Study'. Rift Valley Institute, 2006.

Branch, Adam and Zachariah Cherian Mampilly. 'Winning the war, but losing the peace? The dilemma of SPLM/A civil administration and the tasks ahead.' The Journal of Modern African Studies. 43, 1 (2005): 1-20.

Bryden, Matt and Jeremy Brickhill. 'Disarming Somalia: lessons in stabilisation from a collapsed state – Analysis.' Conflict, Security & Development. 10, 2 (2010): 239 – 62.

Burton, JW. 'Ghost Marriage and the Cattle Trade among the Atuot of the Southern Sudan.' Journal of the International African Institute. 48, 4 (1978): 398-405.

Collins, Robert O. Eastern African History. Princeton: Markus Wiener Publishers, 1990.

Collins, Robert O. Shadows in the Grass: Britain in the Southern Sudan, 1918-1956. New Haven/ London: Yale University Press, 1983.

Daly, MW Imperial Sudan: The Anglo-Egyptian Condominium, 1934-1956. Cambridge: Cambridge University Press, 1991.

Deng, Francis M. 'Sudan: a nation in turbulent search of itself.' Annals of the American Academy of Political and Social Science. 603, January (2006): 155-62.

Deng, Francis M. 'Customary Law in the Cross Fire of Sudan's War of Identities'. United States Institute of Peace, 2006.

Deng, Luka Biong. 'The Challenge of Cultural, Ethnic and Religious Diversity in Peacebuilding and Constitution-Making in Post-Conflict Sudan.' Civil Wars. 7, 3 (2005): 258 – 69.

Duffield, Mark. 'Aid and Complicity: the case of war-displaced southerners in the northern Sudan.' Journal of Modern African Studies. 40, 1 (2002): 83-104.

Fenton, Wendy and Melissa Phillips. 'Funding mechanisms in Southern Sudan: NGO perspectives.' Humanitarian Exchange Magazine. 42, (2009).

Gatdek Dak, James. 'Sudan's 1956 North-South border map is non-existent – committee' Sudan Tribune, 29 June 2008.

Green, Elliott. 'Decentralization and Conflict in Uganda.' Conflict, Security and Development. 8, 4 (2008): 427-50.

Harrell-Bond, Barbara. Imposing Aid: Emergency Assistance to Refugees. Oxford, New York, Nairobi: Oxford University Press, 1986.

Hilhorst, D and M van Leeuwen. 'Grounding local peace organisations: a case study of southern Sudan.' Journal of Modern African Studies. 43, 4 (2005).

Holt, PM and MW Daly. A History of the Sudan: From the coming of Islam to the present day. Harlo: Longman, 2000 (5th edition).

Human Rights Watch. Famine and human rights: HRW background paper on the 1998 famine in Bahr el Ghazal, Sudan. Washington, DC, 1998.

Human Rights Watch. ' 'It's an Everyday Battle': Censorship and Harassment of Journalists and Human Rights Defenders in Sudan'. New York HRW, 2009.

Hutchinson, SE. 'The cattle of money and the cattle of girls among the Nuer, 1930-83.' American Ethnologist. 19, 2 (1992): 294-316.

Idris, Amir. Conflict and Politics of Identity in Sudan. New York: Palgrave/ Macmillan, 2005.

Johnson, Douglas. Nuer Prophets: A History of Prophecy from the Upper Nile in the Nineteenth and Twentieth Centuries. New York: Oxford University Press, 1997.

Johnson, Douglas. The Root Causes of Sudan's Civil Wars. ed. International African Institute, African issues. Oxford: James Currey, 2003.

Johnson, Douglas. 'Why Abyei Matters: the Breaking Point of Sudan's Comprehensive Peace Agreement?' African Affairs. 107, 426 (2008): 1-19.

Kalpakian, Jack V. 'The narrow prospects of the SPLA/M's transition into a political party in the short term.' South African Journal of International Affairs. 15, 2 (2008).

Kamau, Peter. 'Border area that defies security.' The Nation 1999.

LeBrun, Emile and Claire McEvoy. 'Uncertain Future: Armed Violence in Southern Sudan'. Geneva: Small Arms Survey, 2010.

Leitch, Robert A, Aleu Akechak Jok and Carrie Vandewint. 'A Study of Customary Law in Contemporary Southern Sudan'. Nairobi: World Vision International, 2004.

Leonardi, Cherry. ' 'Liberation' or 'capture': Youth in between 'Hakuma' and 'home' during civil war and its aftermath in Southen Sudan.' 106, 424 (2007a): 391-412.

Leonardi, Cherry. 'Violence, Sacrifice and Chiefship in Central Equatoria, Southern Sudan.' Africa 77, 4 (2007b).

Leopold, Mark. 'Trying to Hold Things Together'. In The Charitable Impulse, edited by Ondine Barrow and Michael Jennings. Oxford: James Currey, 2001.

Lokuji, Alfred Sebit, Abraham Sewonet Abatneh and Chaplain Kenyi. Wani. 'Police Reform in Southern Sudan – Measuring the public's sense of security'. North-South Institute, 2009.

Maitre, Benjamin. 'What Sustains Internal Wars; the Dynamics of Violent Conflict and State weakness in Sudan.' Third World Quarterly. 30, 1 (2009).

Mamdani, Mahmood. Citizen and Subject: Contemporary Africa and the legacy of late colonialism. Princeton: Princeton University Press, 1996.

Matia, Apollonia. 'South Laws Contradict Laws of Constitutions.' The Juba Post 12 October 2006.

Matus, J. 'The future of food security in the Three Areas of Sudan.' Disasters. 31, 1 (2007): 91-103.

Mawson, Andrew. 'Murahaleen raids on the Dinka, 1985-1989.' Disasters. 15, 2 (1991): 137-49.

McEvoy, Claire and Ryan Murray. 'Gauging Fear and Insecurity: Perspectives on Armed Violence in Eastern Equatoria and Turkana North'. Geneva: Small Arms Survey, 2008.

Mulumba, Badru. 'Clashes in South Sudan no longer inter-ethnic conflict.' The Nation, 28 September 2009.

Norris, MW. 'Local Government and decentralization in the Sudan.' Public Administration and Development. 3, 3 (1983): 209-22.

Nyaba, PA. The Politics of Liberation in South Sudan. Kampala: Fountain Publishers, 1997.

OCHA. 'Cumulative figure of persons killed during conflict incidents in 2010 by county.' 28 February 2010.

Okuk, James. 'Pigi belongs to Shilluk in Upper Nile not Dinka of Jonglei.' Sudan Tribune, 16 November 2009.

'The Resolutions.' Paper presented at the Khorfulus and Atar Peace and Reconciliation Conference, Khorfulus, Jonglei State, 19-21 December 2009.

Sanderson, Lillian and Neville Sanderson. Education, Religion and Politics in Southern Sudan, 1899-1964. London/ Khartoum: Ithaca Press/ Khartoum University Press, 1981.

Santandrea, Stefano. A tribal history of the Western Bahr el Ghazal. Bologna, 1964.

Schomerus, Mareike. 'Perilous border: Sudanese communities affected by conflict on the Sudan/Uganda border'. London: Conciliation Resources, November 2008a.

Schomerus, Mareike. Violent Legacies: Insecurity in Sudan's Central and Eastern Equatoria (Working Paper 13). Human Security Baseline Assessment. Geneva: The Small Arms Survey, 2008b.

Schomerus, Mareike and Kennedy Tumutegyereize. 'After Operation Lightning Thunder: Protecting communities and building peace'. London: Conciliation Resources, 2009.

Sharkey, Heather J. 'Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity, and Race.' African Affairs, (2007).

Sharp, Heather. 'Sudanese gangs afflict Cairo streets' BBC News, 25 July 2007.

'South Sudan asks to restore security to allow smooth voter registration.' Sudan Tribune, 14 November 2009.

Sudan Democracy First Group. 'Sudan's rigged elections: the post election implications on Sudan's stability'. 4 May 2010.

TAMAM, Sudan Domestic Election Monitoring and Observation Programme (SuDEMOP) and African Centre for Justice and Peace Studies. 'Open Letter: Sudanese Civil Society Leaders Urge African Union and Special Envoys to Confront the Failure and Implications of Recent Elections in Sudan'. Khartoum, 5 May 2010.

Thomas, Edward. 'Decisions and Deadlines: A Critical Year for Sudan'. London: Chatham House, 2010.

The media and the Rwanda genocide. ed. Allan Thompson. Toronto: Pluto Press/ Fountain Publisher, 2007.

United States Institute for Peace. 'Building blocks for citizenship and a peaceful transition in Sudan'. Washington, DC: 2009.

Wakabi, Wairagala. 'Peace has come to Southern Sudan, but challenges remain.' World Report The Lancet. 368, (2006).

Walraet, Anne. 'Governance, violence and the struggle for economic regulation in South Sudan: the case of Budi County (Eastern Equatoria).' Afrika Focus. 21, 2 (2008): 53-70.

Weber, Max. 'The fundamental concepts of sociology'. In The Theory of Social and Economics Organisation, edited by Talcott Parsons. New York: Free Press, 1964.

Wheeler, Skye 'Hundreds welcome prophet's rod in South Sudan'Juba: Reuters: 16 May 2009

Young, John. 'Sudan: a flawed peace process leading to a flawed peace.' Review of African Political Economy. 103, (2005): 99-113.

Young, J John. 'Garang's Legacy to the Peace Process, the SPLM/A & the South.' Review of African Political Economy. 106, (2005): 535-48.

ENDNOTES

[1] This distinction and its definition is derived from Mahmood Mamdani, Citizen and Subject: Contemporary Africa and the Legacy of late Colonialism, (Princeton NJ: Princeton University Press, 1996.)

[2] Maitre discusses, for example, how the regime uses 'warlord politics' to divide the country and weaken institutions to demolish any competing power base. See Benjamin Maitre, 'What Sustains Internal Wars; the Dynamics of Violent Conflict and State weakness in Sudan.' Third World Quarterly 30, 1 (2009).

[3] OCHA, 'Cumulative figure of persons killed during conflict incidents in 2010 by county.' (2010).

[4] Matt Bryden and Jeremy Brickhill have identified a very similar set of problems in Somalia and called it Somalia's 'state-building paradox': it describes the situation in which the restoration of state institutions creates further conflict, as restored institutions become repressive. Matt Bryden and Jeremy Brickhill, 'Disarming Somalia: lessons in stabilisation from a collapsed state – Analysis.' Conflict, Security & Development 10, 2 (2010): 239 – 62.

[5] Claire McEvoy and Ryan Murray. Small Arms Survey. 'Gauging Fear and Insecurity: Perspectives on Armed Violence in Eastern Equatoria and Turkana North'. Geneva: 2008.

[6] Mareike Schomerus. Conciliation Resources. 'Perilous border: Sudanese communities affected by conflict on the Sudan/Uganda border'. London: November 2008a.

[7] Mareike Schomerus, Violent Legacies: Insecurity in Sudan's Central and Eastern Equatoria (Working Paper 13). Human Security Baseline Assessment (Geneva: The Small Arms Survey, 2008b).

[8] Stefano Santandrea, A tribal history of the Western Bahr el Ghazal. (Bologna: 1964).

[9] Fertit – an umbrella term given to a group of tribes – originally meant 'fruit eaters'. While it is commonly used in WBeG, some respondents also mentioned that they found the term derogatory. The tribes, some of which are very small, grouped under the term are proud of their harmonious co-existence, yet these days, respondents most commonly identify themselves using their tribe, rather than the group term. Generally, the following tribes are grouped under the term Fertit: Golo, Ndogo, Sere, Tagbu, Bai, Belanda (Bviri and Boor), Bongo, Feroge (Ya-ndiri-ka, Togoyo, Kaliki, Nyoolne, Bugwa, Ngbandala, Dongo), Kresh (Ngbongbo, Naka and Gbaya), Woro, Gbaya, Binga, Yama, Yulu, Banda. Originally, Zande in the state were also grouped under the term Fertit.

[10] The academic literature relating to identity politics and tribal conflicts in Sudan is substantial (recent contributions are Deng, 2005, 2006; Idris, 2005, and Sharkey, 2007). For some analysts the term 'tribe' is itself unhelpful. We have kept it here because it is the term universally used by respondents. As is explained later in the report, there are many inconsistencies in the ways in which tribal labels are used in practice, with relatively small groups in the Equatorias being referred to as separate tribes, while the Dinka, despite numbering in the millions, are called just one tribe (although sometimes there are also references to separate Dinka tribes). Essentially, tribal identities are those associated with traditional groupings that were recognised as such under the Anglo-Egyptian Condominium administration.

[11] The fall-out of political manipulation is evident in the current tension between the Acholi of Obbo bomo and the Lutuho of Iyire payam. The two communities' versions of the conflict are diametrically opposed with each group claiming contested land as historically theirs and laying blame on the other community for the escalation of conflict. The Lutuho have sought to have Iyire payam registered as part of Torit County as they feel they 'have been marginalised by the Acholi', the dominant tribe in Magwi County. The Acholi are adamant that the land inhabited by the Lutuho is Acholi-land. Given how strongly each group believes in their entitlement to the land, it is difficult to fathom a peaceful resolution to this issue. Irrespective of these entrenched positions, both groups acknowledged that in the past relations were positive between them, only changing after the CPA. It was commonly stated at both county and state level that this particular issue has arisen as a result of political manipulation of tribal affiliations in the run up to elections. More precisely, the issue can often be traced back to the visit of an 'intellectual', a politician or an aspiring politician.

[12] For a more detailed discussion on challenges in transforming the SPLA/M into a political party, see Jack V Kalpakian, 'The narrow prospects of the SPLA/M's transition into a political party in the short term.' South African Journal of International Affairs 15, 2 (2008).

[13] Interview with respondent 6: Woman leader (name withheld). Wau: 21 October 2009.

[14] Focus group discussion with focus group 6: elders. Bisselia, Western Bahr el-Ghazal: 29 October 2009.

[15] The term 'ethnic tension' was the term offered by the translator. Focus group discussion with focus group 7: main chief, Bai chief, Shat chief and head of parent-teacher council. Korgana, Wau County, Western Bahr el-Ghazal: 31 October 2009.

[16] Skye Wheeler 'Hundreds welcome prophet's rod in South Sudan' Reuters, Juba, 16 May 2009

[17] For more details on Nuer prophecies, see Douglas Johnson, Nuer Prophets: A History of Prophecy from the Upper Nile in the Nineteenth and Twentieth Centuries. (New York: Oxford University Press, 1997).

[18] Maitre explains that how wars start is not what sustains them and the common perception of 'ethnicity' as the single cause of conflict and its sustenance is too simplistic. He says conflict is sustained by 'warlord politics' that aim to divide the country rather than ancient tribal hatreds. Benjamin Maitre, 'What Sustains Internal Wars; the Dynamics of Violent Conflict and State weakness in Sudan.' Third World Quarterly 30, 1 (2009).

[19] Women in Raja attributed their continued marginalisation to the problem of ethnicity: 'We feel the government in Wau is behind the delay in building the road because the Fertit are not ruling.' Focus group discussion with women's group. Raja Town, Raja County, Western Bahr el-Ghazal: 29 October 2009.

[20] Focus group discussion with focus group 4: Marial Bei residents. Marial Bei/Western Bahr el-Ghazal: 27 October 2009.

[21] Focus group discussion with women's group. Marial Bei, Western Bahr el-Ghazal: 26 October 2009.

[22] Focus group discussion with focus group 4: Marial Bei residents. Marial Bei/Western Bahr el-Ghazal: 27 October 2009.

[23] Focus group discussion with focus group 4: Marial Bei residents. Marial Bei/Western Bahr el-Ghazal: 27 October 2009.

[24] Elders and 'chiefs' in some locations complained that their youth no longer listened to them, and although that is doubtless a complaint of elders everywhere in the world, it is probably the case that some of the former social controls on the behaviour of youths have been eroded by the years of war and population migration.

[25] Both the Small Arms Survey and Safer World have published extensive research about the availability and origins of small arms in southern Sudan.

[26] Interview with respondent 5: Madi Elder. Nimule, Eastern Equatoria: 20 October 2009.

[27] Questionnaire response from Madi returnee. Nimule, Eastern Equatoria: 19 October 2009.

[28] Such confusion arises because the CPA is in many ways a relic, a reflection of its own time. It has initiated changes, but then has proven unable to accommodate

them. The basic idea of an interim period to initiate changes creates the opposite of the stability and transparency many southern Sudanese crave. While this emphasises the tension discussed between state-building and conflict management, between modernisation and traditionalisation, it is crucial to remember that the document was based on a vision for Sudan that has since become largely irrelevant. Developments within Sudan, such as the continuation of the war in Darfur since the CPA or the death of Garang have pushed things in different directions. The dichotomy between independence and unity was established without clarification what each of these would mean. It may not be realistic to expect a peace agreement to spell out each vision in detail – and hence the CPA only states that the GNU has to make unity attractive while the GoSS needs to demonstrate its capacity as a regional government. The lack of clarity has been pointed out in several articles published as part of the vast range of literature on the CPA over the last few years.

[29] The CPA has been broadly criticised for its lack of inclusiveness and its failure to emphasise a democratic transformation over reaching the milestone elections as a symbol of democracy, rather than a realization. See, for example, Young John, 'Sudan: a flawed peace process leading to a flawed peace.' Review of African Political Economy 103 (2005): 99-113. O Antwi-Boateng and G. M O'Mahony, 'A framework for the analysis of peace agreements and lessons learned: The case of the Sudanese comprehensive peace agreement.' Politics & Policy 36, 1 (2008).

[30] Young credits Garang with keeping the SPLA/M alive and giving it a vision, while at the same time establishing a tight hegemony within the part. J John Young, 'Garang's Legacy to the Peace Process, the SPLM/A & the South.' Review of African Political Economy 106 (2005): 535-48.

[31] Interview with Mathew Mawien Akon, Director for Linguistics (Ministry of Education, Western Bahr el-Ghazal State). Wau Town, Western Bahr el-Ghazal: 27 October 2009.

[32] Interview with respondent 18, former SPLA soldier. Juba: 15 November 2009.

[33] Focus group discussion with focus group 12: youth leaders in Bisselia. October 2009.

[34] A recent report covering similar issues is Emile LeBrun and Claire McEvoy. 'Uncertain Future: Armed Violence in Southern Sudan'. (Geneva: The Small Arms Survey: 2010.)

[35] The Southern Sudan Peace Commission (SSPC) has been met with much goodwill, but it is universally acknowledged that its contribution to peace-building and conflict resolution to this point has been minimal. This is not aided by the fact that the mandate of the SSPC remains unclear.

[36] Interview with respondent 19: SSPC Official. Name, location and date withheld.

[37] Thomas argues that such processes have neglected to engage with the reality of everyday life in Sudan and have thus contributed to further violence as the state and the experience of the ordinary citizen drift further apart. Edward Thomas. Chatham House. 'Decisions and Deadlines: A Critical Year for Sudan'. London: 2010.

[38] This reversion to 'tradition' is often simply a throwback to reforms of another era rather than restoration of a somehow organic structure of society –see further discussion on chiefs in this report.

[39] Taxation provides a good illustration: In some areas, collecting taxes has long been the chief's role. As such, it was a localised process, often disconnected from a national authority or social contract with government.

[40] Mahmood Mamdani, Citizen and Subject: Contemporary Africa and the Legacy of late Colonialism, Princeton NJ: Princeton University Press, 1996.

[41] See, for example, TAMAM, Sudan Domestic Election Monitoring and Observation Programme (SuDEMOP), and African Centre for Justice and Peace Studies, 'Open Letter: Sudanese Civil Society Leaders Urge African Union and Special Envoys to Confront the Failure and Implications of Recent Elections in Sudan' (Khartoum: 2010) , Sudan Democracy First Group. 'Sudan's rigged elections: the post election implications on Sudan's stability'. 4 May 2010.

[42] Interview with Respondent 1: Coordinator of local NGO (name withheld). Wau, Western Bahr el-Ghazal: 17 October 2009.

[43] In Greater Bahr el-Ghazal, the majority of fieldwork was conducted in Western Bahr el-Ghazal, with some work in Northern Bahr el-Ghazal and Warrap.

[44] Adam Branch and Zachariah Cherian Mampilly, 'Winning the war, but losing the peace? The dilemma of SPLM/A civil administration and the tasks ahead.' The Journal of Modern African Studies 43, 1 (2005): 1-20.

[45] Questionnaire response. EES. 16 October 2009.

[46] Interview with Respondent 2: Director of the Toposa Development Association. Narus: 23 October 2009.

[47] Focus group boma 'chiefs'. Kapoeta north: 27 October 2009

[48] Interview with Respondent 4: UN officer (name, title and location withheld). 31 October 2009.

[49] Focus group discussion with Focus Group 2: SPLM officials (names withheld). Raja Town: 2 November 2009.

[50] Focus group discussion with focus group 3: chiefs in Gok Machar. Gok Machar/ Northern Bahr el-Ghazal: 6 November 2009.

[51] Interview with respondent 3: Fertit elder (name withheld). Wau: 23 October 2009.

[52] The delicate balance between those supporting unity and those favouring separation was expressed in an interview with a local NGO worker who pointed out that 'previously it was said that more than 52 per cent were for the North, now seems to be 50/50. It could be more if we were not cut off from the south but strong tribal links to the North and Darfur remain.' Interview with Field Officer/INGO (name and title withheld). Raja Town: 31 October 2009. Others mentioned that during the August 2009 Governor's Forum, it was reported that currently the SPLM's support was diminishing and that this made a clear vote for secession less likely.

[53] Focus group discussion with youth leaders (four men and two women). Raga Town, Raga County, Western Bahr el-Ghazal: 29 October 2009.

[54] Interview with SPLM officials (names withheld), Raja Town, 2009, 256.

[55] Interview with local priest (name and church withheld). Raja: October 2009.

[56] Interview with Correction services official (name and title withheld). Wau: 23 October 2009.

[57] Interview with Joseph Lino, NCP chairman Raja County. Raja Town: 30 October 2009.

[58] Interview with Correction services official (name and title withheld). Wau: 23 October 2009.

[59] Interview with Imam (name and mosque withheld). Raja Town: 1 November 2009.

[60] Focus group discussion with women's group. Raja Town, Raja County, Western Bahr el-Ghazal: 2009 186.

[61] Focus group discussion with youth leaders (four men and two women). Raga Town, Raga County, Western Bahr el-Ghazal: 29 October 2009.

[62] Four of these ranking exercises were conducted: with women and youth in Mapel, with women in Bisselia and with women in Raja Town. Each time, the SSPC featured prominently as 'peace-bringer' when asked who would be the best to bring peace on the local level, yet in no instance could respondents explain why they felt this way. Indeed, the women in Mapel pointed out that it was chiefly due to the word 'peace' in the name of the commission.

[63] The first was the return of refugees to Algeria in the mid 1960s.

[64] For a further discussion, see Barbara Harrell-Bond, Imposing Aid: Emergency Assistance to Refugees. (Oxford, New York, Nairobi: Oxford University Press, 1986). and Mark Leopold, 'Trying to Hold

Things Together,' in The Charitable Impulse, ed. Ondine Barrow and Michael Jennings (Oxford: James Currey, 2001).

[65] Tim Allen, 'Ethnicity and Tribalism on the Sudan-Uganda Border,' in Ethnicity and Conflict in the Horn of Africa, ed. Katsuyoshi Fukui and John Markakis (London: James Currey, 1994).

[66] The term 'peace dividend' has come to mean any benefits associated with no longer being at war. Originally, however, the term referred to the re-allocation of funds from a no longer needed defense budget.

[67] Tim Allen, 'Full circle? An Overview of Sudan's southern problems since independence.' Northeast African Studies 11, 2 (1989): 41-66.

[68] Douglas Johnson, The Root Causes of Sudan's Civil Wars. ed. International African Institute, African issues (Oxford: James Currey, 2003) 62.

[69] Robert O. Collins, Eastern African History. (Princeton: Markus Wiener Publishers, 1990).

[70] PM Holt and MW Daly, A History of the Sudan: From the coming of Islam to the present day. (Harlo: Longman, 2000 (5th edition)) 171.

[71] Douglas Johnson, The Root Causes of Sudan's Civil Wars. ed. International African Institute, African issues (Oxford: James Currey, 2003) 51-52.

[72] PA Nyaba, The Politics of Liberation in South Sudan. (Kampala: Fountain Publishers, 1997) 21.

[73] See, for example, Emile LeBrun and Claire McEvoy. Small Arms Survey. 'Uncertain Future: Armed Violence in Southern Sudan'. Geneva: 2010.

[74] James Gatdek Dak, 'Sudan's 1956 North-South border map is non-existent – committee ' Sudan Tribune, 29 June 2008.

[75] The implications of this are discussed in more detail in the section on Borders and conflicts For details about maps of southern Sudan we are grateful to the historian Douglas Johnson who has provided information in personal communications and to John W Donaldson of the University of Durham.

[76] Please see section 'Chiefs' and peace-building for a more detailed discussion on the current role of 'chiefs'.

[77] For a more detailed history, see MW Daly, Imperial Sudan: The Anglo-Egyptian Condominium, 1934-1956. (Cambridge: Cambridge University Press, 1991).

[78] For discussion of these early years of the Anglo-Egyptian Condominium, see Douglas Johnson, The Root Causes of Sudan's Civil Wars, James Currey, Oxford, 2004, especially chapter 2.

[79] Lillian Sanderson and Neville Sanderson, Education, Religion and Politics in Southern Sudan, 1899-1964. (London/ Khartoum: Ithaca Press/ Khartoum University Press, 1981).

[80] See Robert O. Collins, Shadows in the Grass: Britain in the Southern Sudan, 1918-1956. (New Haven/ London: Yale University Press, 1983).

[81] '1930 Memorandum on Southern Policy', Civil Secretary's Office, Khartoum, January 25 1930.

[82] See, for example, Ahmad Ibrahim AbouShouk and Anders Bjorkelo, The Principles of Native Administration in the Anglo-Egyptian Sudan, 1898-1956. (Omdurman/ Bergen: Abdel Karim Mirghani Cultural Center/Center for Middle Eastern and Islamic Studies, 2004).

[83] PTW Baxter & Audrey Butt. 1953. The Azande, and related peoples of the Anglo-Egyptian Sudan and Belgian Congo. London: International African Institute: 24.

[84] Please refer to the section on How decentralisation and administrative division fuels conflict, for a further discussion.

[85] Thirty-three per cent of survey respondents reported that they had been attacked at least once since the signing of the CPA. Of those who reported having been attacked, 80 per cent said that the most recent attack had happened in 2009.

[86] Focus group discussion with focus group 14: women's group. Narus, Eastern Equatoria: 25 November 2009.

[87] See for example Mareike Schomerus, Violent Legacies: Insecurity in Sudan's Central and Eastern Equatoria (Working Paper 13). Human Security Baseline Assessment (Geneva: The Small Arms Survey, 2008b).

[88] Focus group discussion with focus group 15: 'chiefs'. Akobo, Jonglei: 10 November 2009.

[89] Respondent 20, INGO employee in report feedback session. Details and date withheld.

[90] See for example, Daniel Awet Akot, 'The imperative of decentralization,' in Accord: Peace by Piece: Addressing Sudan's Conflicts, ed. Mark Simmons and Peter Dixon (London: Conciliation Resources, 2006) as one of numerous articles outlining the need for decentralising the south.

[91] Green has shown how decentralisation in Uganda – while reducing conflict on the national level – created conflict at the local level, as leaders struggled over local leadership positions and newly-created administrative units alter established relationships between groups. Elliott Green, 'Decentralization and Conflict in Uganda.' Conflict, Security and Development 8, 4 (2008): 427-50. What is currently witnessed in Southern Sudan echoes his findings.

[92] Interview with respondent 12, coordinator of INGO (name and title withheld). Juba: 2009.

[93] Interview with respondent 13, donor Democracy and Governance Officer (name and title withheld). Juba: 14 November 2009.

[94] For example, at a conference in Malpel, WBeG, in 2005, participants agreed on six counties and a municipality of Wau for WBeG: The idea was agreed on but never reached the leadership for approval, but now they have made an assessment of resources of each county. Focus group discussion with Focus group 11: Chiefs, Elders, Administrators and Court Personnel. Mapel/ Jur River County/ Western Bahr el-Ghazal: 20 October, 2009.

[95] Focus group discussion with focus group 12: 17 chiefs from Wau and surrounding areas. Wau, Wau County, Western Bahr el-Ghazal: 23 October 2009.

[96] One reason for this is that funds are distributed from the centre through line ministries rather than through to the State leaving GoSS fully in charge of 70 per cent of the revenues and states only upwardly accountable to the president.

[97] Interview with Respondent 14: Programme Manager of INGO (name withheld). Wau: 19 October 2009.

[98] Focus group discussion with Focus group 11: Chiefs, Elders, Administrators and Court Personnel. Mapel/ Jur River County/ Western Bahr el-Ghazal: 20 October 2009.

[99] Interview with Respondent 1: Coordinator of local NGO (name withheld). Wau, Western Bahr el-Ghazal: 17 October 2009.

[100] A key issue of the CPA is the lack of clarity on the borders along the three areas (cf. O Antwi-Boateng and G. M O'Mahony, 'A framework for the analysis of peace agreements and lessons learned: The case of the Sudanese comprehensive peace agreement.' Politics & Policy 36, 1 (2008)., Young John, 'Sudan: a flawed peace process leading to a flawed peace.' Review of African Political Economy 103 (2005): 99-113., J Matus, 'The future of food security in the Three Areas of Sudan.' Disasters 31, 1 (2007): 91-103.) Although the protocol provides a strong framework, the details of critical issues such as land reform, decentralisation and the devolution of authority, managing imbalances in development and underdevelopment, and the participation of the people in government, are still in the process of being worked out. J Matus, 'The future of food security in the Three Areas of Sudan.' Disasters 31, 1 (2007): 91-103. However, Johnson (2008) provides valuable insight into the difficulties of reaching agreement on such politically and economically important areas. Johnson was part of a team of experts nominated by the NCP and SPLA to provide an objective account of where borders should be drawn. Bashir

rejected the report, known as the Abyei Boundaries Commission report, outright. Douglas Johnson, 'Why Abyei Matters: the Breaking Point of Sudan's Comprehensive Peace Agreement?.' African Affairs. 107, 426 (2008): 1-19.

[101] Borders have always played a crucial role in the north-south conflict. While this applies to state and county borders as well, the north-south border provides the most prominent cases of border issues, such as Abyei. Since independence, several areas that used to be considered Southern have been annexed to the north, mainly as a result of oil or mineral deposits, such as in Hufrat Al Nihas and Kafir Kanji in Raja, Heglig north of Bentiu and Wad Kona in Upper Nile.

[102] Interview with Deputy Governor Josephine Moses Lado. Aweil Town, Northern Bahr el Ghazal State: 5 November 2009.

[103] For a history of the changing authority and importance of local government, see M.W. Norris, 'Local Government and decentralization in the Sudan.' Public Administration and Development 3, 3 (1983): 209-22.

[104] Interview with Respondent 7: Deputy Coordinator local peace-building NGO [name withheld]. Wau: 17 October 2009.

[105] Border issues are intimately connected with conflict dynamics and other issues discussed in this report -such as government structures. This became clear in Greater Bahr el-Ghazal where weaker groups i.e. those that felt politically underrepresented saw territorial demarcation as a way to assert control and thus avoid conflict. Groups that felt stronger politically seemed to put less emphasis on demarcation and more on using justice mechanisms to resolve conflict.

[106] It is important to note that in most cases, people are not unified in their local approach to a new county, which creates further confusion. In Deim Zubeir, a village on the border between Western Bahr el Ghazal and Northern Bahr el Ghazal, for example, some residents were mostly concerned with wanting the town's original tribal name 'Uyuku' back. At the same time, some residents wanted to join Aroyo County near Aweil in Northern Bahr el-Ghazal while others wanted to stay with Western Bahr el Gezal because they speak a similar language (Luer). In the end, the chief of Deim Zubeir went to Aroyo county, some people stayed behind and chose a new chief. Interview with Respondent 7: Deputy Coordinator local peace-building NGO [name withheld]. Wau: 17 October 2009.

[107] Interview with respondent 9, Member of Council of Elders (name withheld), Malakal: 19 October 2009.

[108] Focus group discussion with focus group 8: youth in Malakal. Malakal : 27 October 2009.

[109] Questionnaire response. Atar: 4 November 2009.

[110] Focus group discussion with Focus group 9: Students at the University of Western Bahr el-Ghazal. Wau: 4 November 2009.

[111] Focus group discussion with Focus group 9: Students at the University of Western Bahr el-Ghazal. Wau: 4 November 2009.

[112] Focus group discussion with focus group 10: youth in Kodok. Kodok, 27 October 2009.

[113] Interview with Respondent 10, SSRRC director, Malakal, 21 October 2009.

[114] Focus group discussion with focus group 10: youth in Kodok. Kodok, 27 October 2009.

[115] Interview with respondent 11: local government official, Kodok, 26 October 2009.

[116] Email communication with Professor Eisei Kurimoto, Osaka University: 29 September 2009.

[117] Interview with respondent 15: chairman of youth. Lafon, Eastern Equatoria: 02 November 2009.

[118] Interview with respondent 16: Assistant Pastor Inland Church and Civic Educator. Torit, Eastern Equatoria: 01 November 2009.

[119] Interview with respondent 17, Governor of EES. Torit, Eastern Equatoria: 19 October 2009.

[120] Email communication with Professor Eisei Kurimoto, Osaka University: 29 September 2009.

[121] Peter Kamau, 'Border area that defies security,' The Nation 1999.

[122] Interview with Commissioner East Kapoeta. Narus, Eastern Equatoria: 22 October 2009.

[123] The Toposa also reported that the Kenyan government was 'fiddling' with the Thuraya satellite to change where satellite phones read 'Thuraya Sudan' and 'Thuraya Kenya'. It is said that up until 2008 a satellite phone would read 'Thuraya Sudan' as far as Lokichoggio whereas now it reads 'Thuraya Kenya' as far as Nadapal and sometimes to Narus. While Thuraya is in fact owned by a Middle Eastern company, this underscores the perception that the Kenyan government is trying to intervene in Toposa territory.

[124] Focus group discussion with focus group 16: community leaders. Narus, Eastern Equatoria: 23 October 2009.

[125] Focus group discussion with focus group 16: community leaders. Narus, Eastern Equatoria: 23 October 2009.

[126] Focus group discussion with focus group 16: community leaders. Narus, Eastern Equatoria: 23 October 2009.

[127] Interview with respondent 21: Diocese of Torit staff. Narus, Eastern Equatoria: 23 October 2009

[128] This conflict set-up is mirrored in many places, such as in the conflict between Dinka Malual and Rizeigat.

[129] See section on cattle for more on proliferation of cattle-raiding.

[130] Interview with respondent 22: EES SSPC staff. Torit, Eastern Equatoria: 19 October, 2009.

[131] Interview with respondent 23: SPLM staff. Torit, Eastern Equatoria: 19 October 2009.

[132] Focus group discussion with focus group 17: Toposa youth. Narus, Eastern Equatoria: 24 October 2009.

[133] Focus group discussion with focus group 18: Toposa males. Narus, Eastern Equatoria: 23 October 2009.

[134] Focus group discussion with focus group 19: Madi Woman's Group. Narus, Eastern Equatoria: 25 October 2009.

[135] We are indebted to Douglas Johnson and John W Donaldson for their input into this section.

[136] 'In respect of the Southern Sudan, there shall be a Government of Southern Sudan (GoSS), as per the borders of 1/1/56' (CPA, Section 3.1 of the power sharing protocol).

[137] Focus group discussion with focus group 7: main chief, Bai chief, Shat chief, and head of parent-teacher council. Korgana, Wau County, Western Bahr el-Ghazal: 31 October 2009.

[138] In Bisselia, the bitterness about having lost old boundaries was particularly strong. Residents pinned their hope for peace on having their own local peace agreement implemented – an agreement that in reality is full of unrealistic demands – and on all other tribes accepting the 1956 Ndogo boundaries. Interview with respondent 24: local elder (name withheld). Bisselia, Western Bahr el-Ghazal: 29 October 2009.

[139] The corresponding map present in the British Library archives has no boundaries located lower than provincial level but rather only shows the demarcation between north and south. Furthermore, the Interim National Constitution of the Republic of Sudan (2005) reiterates this language and refers twice to the 'inviolable' 'January 1, 1956 line between north and south Sudan.' Nothing in the CPA or the Constitution suggests that old maps might hold the key to solving local territorial disputes. A known problem with using the '1956 maps' as a guide is that they were in fact originally produced in the late 1930s. In terms of geographic features such as towns, roads and infrastructure, they are based on surveys that date back to the 1920s, 1930s and sometimes even earlier.

[140] Community members in Bisselia in WBeG are waiting for the decision on whether the governor in Wau will grant them the honour of becoming the county headquarters if a new county is created. When asked how likely this will be, interviewees responded that this was extremely likely given that during British colonial rule Bisselia was the county headquarters (Interview with Chief of Bisselia, 29 October 2009).

[141] 'The Resolutions' (paper presented at the Khorfulus and Atar Peace and Reconciliation Conference, Khorfulus, Jonglei State, 19-21 December 2009).

[142] 'The Resolutions' (paper presented at the Khorfulus and Atar Peace and Reconciliation Conference, Khorfulus, Jonglei State, 19-21 December 2009).

[143] Focus group with youth. Atar, Upper Nile: 4 November 2009.

[144] 'South Sudan asks to restore security to allow smooth voter registration,' Sudan Tribune 2009.

[145] James Okuk, 'Pigi belongs to Shilluk in Upper Nile not Dinka of Jonglei,' Sudan Tribune, 16 November 2009.

[146] James Okuk, 'Pigi belongs to Shilluk in Upper Nile not Dinka of Jonglei,' Sudan Tribune, 16 November 2009.

[147] Interview with respondent 25: Bari chief. Kit, Eastern Equatoria: 12 November 2009.

[148] Interview with respondent 26: Acholi chief. Ayii/Kit, Eastern Equatoria: 12 November 2009.

[149] Interview with respondent 25: Bari chief. Kit, Eastern Equatoria

[150] Interview with respondent 26: Acholi chief. Ayii/Kit (EES):12 November,2009.

[151] According to the Bari chief since before the 1980s there has been a sign post identifying the area as: 'Kit boma, Lobonok Payam'. This was recently pulled down by the Acholi at night; after two months, the Acholi, supported by police forces and wildlife authorities replaced the sign with their own signpost reading: 'Ayii boma, Magwi Payam, 56 km' and threatening to kill anyone who would try to stop them. The Acholi version of these events is almost identical, however the roles of perpetrator and victim are reversed with the Bari playing the lead role in antagonising the conflict.

[152] Interview with respondent 25: Bari chief. Kit, Eastern Equatoria: 12 November 2009.

[153] Interview with respondent 27: payam administrator. Kodok, Upper Nile: 27 October 2009.

[154] Focus group discussion with focus group 20. Kodok, Upper Nile: October 2009.

[155] Focus group discussion. Kodok, Upper Nile: 27 October 2009.

[156] Interview with Local Peace Commission Official. Wau: 18 October 2009.

[157] Focus group discussion with focus group 21: elders, community leaders and teachers, Ayii/Kit: 12 November 2009.

[158] Interview with respondent 29: Payam Administrator. Imehejek: 1 November 2009.

[159] Interview with respondent 29: Payam Administrator. Imehejek: 1 November 2009.

[160] Interview with respondent 30: Acting Paramount Chief. Imehejek. 1 November 2009.

[161] The cattle-keeping areas visited for this research were Kapoeta East in Eastern Equatoria state, Tonj in Warrap, Cueibet in Lakes, Nasir in Upper Nile and Akobo in Jonglei.

[162] Focus group discussion with focus group 25: Dinka Gok youth at cattle camp. Cueibet, Cueibet County, Lakes State: 11 November 2009. These sentiments echo the findings of Evans Pritchard and Sharon Hutchinson in their analyses of the relationship between the Nuer and their cattle. Pritchard, in particular, described the bonds of 'identification' uniting a young man with the ox of initiation and the 'substitution' of 'the life of an ox' for that of a 'man' in Nuer sacrificial acts.

[163] In their 2008 report, McEvoy and Murray write that 'traditional livestock raiding, aided by firearms and influenced by commercial, political and military interests, has degenerated into free-for-all vicious attacks and revenge attacks, often involving large numbers of cattle and significant loss of life.' Claire McEvoy and Ryan Murray. Small Arms Survey. 'Gauging Fear and Insecurity: Perspectives on Armed Violence in Eastern Equatoria and Turkana North'. Geneva: 2008.

[164] JW Burton 'Ghost Marriage and the Cattle Trade among the Atuot of the Southern Sudan.' Journal of the International African Institute 48, 4 (1978): 398-405.

[165] Focus group discussion with focus group 17: youth. Narus: 24 October 2009.

[166] Interview with respondent 35: veterinary officer (name withheld). Cueibet, Cuebeit County, Lakes State: 10 November 2009.

[167] Focus group discussion with Focus group 11: Chiefs, Elders, Administrators and Court Personnel. Mapel/ Jur River County/Western Bahr el-Ghazal: 20 October 2009.

[168] Focus group discussion with focus group 26: women, Malakal, 20 October 2010.

[169] Focus group discussion with focus group 25: Dinka Gok youth at cattle camp. Cueibet, Cueibet County, Lakes State: 11 November 2009.

[170] Interview with respondent 36: county officials, Budi County: 26 October 2009.

[171] In a few cattle-keeping areas, cattle-raiding seems to be less of a problem. When asked why this was the case, local cattle-keepers in Northern Bahr el-Ghazal offered two explanations. They felt that the distance from Warrap or Lakes State was too far for outsiders to come into their state. Secondly, they themselves did not want to cause insecurity as they are keenly aware of the proximity of their major enemy – the North – and in-fighting would only weaken them vis-à-vis the border and northern militias.

[172] Focus group discussion with Focus Group 2: SPLM officials (names withheld). Raja Town: 2 November 2009.

[173] Focus group discussion with focus group 25: Dinka Gok youth at cattle camp. Cueibet, Cueibet County, Lakes State: 11 November 2009.

[174] Focus group discussion with focus group 25: Dinka Gok youth at cattle camp. Cueibet, Cueibet County, Lakes State: 11 November 2009.

[175] Focus group discussion with focus group 27, Dolieb Hills, Upper Nile state, 22 November 2009.

[176] Focus group discussion with focus group 27, Fangak, Upper Nile state, 5 November 2009.

[177] Focus group discussion with focus group 28. Machi 15: 27 October, 2009.

[178] Hutchinson (1992) found that raided cattle were not considered suitable for dowries among the Nuer during research in the 1980s, so at least during that time, bride-price was not the main motivation for raiding.

[179] Focus group discussion with focus group 25: Dinka Gok youth at cattle camp. Cueibet, Cueibet County, Lakes State: 11 November, 2009.

[180] Focus group discussion with focus group 25: Dinka Gok youth at cattle camp. Cueibet, Cueibet County, Lakes State: 11 November, 2009.

[181] E.g. the Commissioner of Cueibet county, Lakes State.

[182] Interview with respondent 37: government official, Melut, Upper Nile, 30 October 2009.

[183] Focus group discussion with focus group 29: youth Marial Bei, Wau County, Western Bahr el-Ghazal State: 28 October 2009.

[184] Focus group discussion with Focus group 11: Chiefs, Elders, Administrators and Court Personnel. Mapel/ Jur River County/ Western Bahr el-Ghazal: 20 October 2009.

[185] Interview with respondent 6: Woman leader (name withheld). Wau: 21 October 2009.

[186] Anne Walraet also makes this point, elaborating how raiding has become part of the local economy, including 'raiding to order' (p62), which implicates 'big men' as being the driving and commanding force behind cattle-raiding. She identifies them as 'profiteering and well connected' military-commercial elite that in a context of war managed to link local assets with

international markets.' Anne Walraet, 'Governance, violence and the struggle for economic regulation in South Sudan: the case of Budi County (Eastern Equatoria).' Afrika Focus 21, 2 (2008): 53-70.

[187] Focus group discussion with focus group 12: 17 chiefs from Wau and surrounding areas. Wau, Wau County, Western Bahr el-Ghazal: 23 October 2009.

[188] Focus group discussion with focus group 29: youth Marial Bei, Wau County, Western Bahr el-Ghazal State: 28 October 2009.

[189] Badru Mulumba, 'Clashes in South Sudan no longer inter-ethnic conflict,' The Nation, 28 September 2009.

[190] Questionnaire response, Melut, Melut County, Upper Nile state, 29 October 2009.

[191] Interview with respondent 38: of civil affairs representative in UNMIS (name and title withheld). Torit: 04 November 2009.

[192] Focus group discussion with focus group 7: main chief, Bai chief, Shat chief, and head of parent-teacher council. Korgana, Wau County, Western Bahr el-Ghazal: 31 October 2009.

[193] Interview with respondent 39: SSRRC official (name and title withheld). Wau: 23 October 2009.

[194] Focus group discussion with focus group 30: youth leaders. Mapel, Jur River County, Western Bahr el-Ghazal: 23 October 2009.

[195] Focus group discussion with Focus group 31: women from Mapel. Mapel, Jur River County, Western Bahr el-Ghazal: 24 October 2009.

[196] Focus group discussion with focus group 25: Dinka Gok youth at cattle camp. Cueibet, Cueibet County, Lakes State: 11 November 2009.

[197] Weber, M. (1964) The Fundamental Concepts of Sociology in Talcott Parsons, ed., The Theory of Social and Economic Organisation. New York, Free Press.

[198] Interview with Respondent 1: Coordinator of local NGO (name withheld). Wau, Western Bahr el-Ghazal: 17 October 2009.

[199] Interview with UN officer (name and title withheld). Raja Town: 2009, 236

[200] For an analysis of police reform in Southern Sudan see: Alfred Sebit Lokuji, Abraham Sewonet Abatneh, and Chaplain Kenyi. Wani. North-South Institute. 'Police Reform in Southern Sudan – Measuring the public's sense of security'. 2009.

[201] Interview with respondent 40: priest. Imehejek: 1 November 2009.

[202] Focus group discussion with focus group 32: community leaders. Lauro: 28 October 2009.

[203] Focus group discussion with focus group 33: women. Lauro: 28 October 2009.

[204] Interview with respondent 41: SPLA commander. Lauro: 27 October 2009

[205] Interview with respondent 42: UN Officer. Juba: 8 October 2009.

[206] Interview with respondent 43: NGO worker (name withheld). Wau; 10 November 2009.

[207] Interview with respondent 44: UN field security Officer. Juba: 8 October 2009.

[208] Interview with respondent 46: SSRRC Field Officer. Upper Nile: 6 November 2009.

[209] Focus group discussion with focus group 34: youth. Nasir: 7 November 2009.

[210] Interview. Juba with who? 15 November 2009.

[211] Interview with respondent 47: local priest (name and church withheld). Raja Town: 30 October 2009.

[212] Interview with respondent 48: UN staff. Wau: 18 October 2009.

[213] Focus group discussion with sub-'chiefs' and youth Tharkueng, Jur River County, Western Bahr el-Ghazal: 26 October 2009.

[214] Tom Anour's Quart Salam ('Peace Forces') was a Fertit-based militia aligned with the north operating in the area between Wau and Raja. Many residents describe the Quart Salam as the only force that has ever offered them reliable protection from SPLA and Dinka neighbours: 'His men were helpful to the community unlike the SPLA soldiers who are more than enemies to us.' Interview with various government officials and local sources (names withheld). Wau: 23 October 2009. The militia worked in conjunction with SAF, including for intelligence gathering. When the SPLA entered Raja Town in 2001, Quart Salam fought with SAF to regain the town.

[215] Interview with Governor of Western Bahr el-Ghazal State. Wau: 2009.

[216] Interview with government officials and local sources , Wau, 2009, 173).

[217] Interview with Respondent 1: Coordinator of local NGO (name withheld). Wau, Western Bahr el-Ghazal: 17 October 2009.

[218] In Raja, reportedly 3000 guns were collected from members of Quart Salam, although it is not clear where these are stored. Interview with respondent 3: Fertit elder (name withheld). Wau: 23 October 2009. At the same time, respondents in Raja also stated that Tom Anour was still recruiting in 2008, including organising weapons drops in Mangayat. Interview with Peace-building Officer/INGO (name and title withheld). Aweil Town: 5 November 2009. The rumours that guns are still being dropped for Quart Salam members were persistently mentioned between Mapel and Raja, along with rumours that Quart Salam was teaming up with the LRA.

[219] Interview with respondent 48: UN staff. Wau: 18 October 2009.

[220] Focus group discussion with focus group 35: youth. Akobo: 10 November 2009.

[221] They also model themselves on Sudanese gangs prevalent in the refugee community in Cairo. Heather Sharp, 'Sudanese gangs afflict Cairo streets ' BBC News, 25 July 2007.

[222] Interview with respondent 39: SSRRC official (name and title withheld). Wau: 23 October 2009., Interview with Respondent 49: Correction services official (name and title withheld). Wau: 23 October 2009.

[223] Interview with respondent 39: SSRRC official (name and title withheld). Wau: 23 October 2009.

[224] Interview with respondent 50: Reverend of Diocese of Torit. Torit: 19 October 2009.

[225] Interview with respondent 39: SSRRC official (name and title withheld). Wau: 23 October 2009.

[226] Focus group discussion with focus group 12: 17 chiefs from Wau and surrounding areas. Wau, Wau County, Western Bahr el-Ghazal: 23 October 2009.

[227] Interview with Respondent 49: Correction services official (name and title withheld). Wau: 23 October 2009.

[228] Rather than being a nationally organised group, the criminal gangs operating in Juba, Wau and Torit are very different from the small group of young people in Korgana, who in fact asked the interviewer if they had any tips on how to become better Niggaz and Outlaws.

[229] Focus group discussion with focus group 36: three male members of Niggaz youth gang. Korgana, Wau County, Western Bahr el-Ghazal: 1 November 2009.

[230] Interview with Respondent 49: Correction services official (name and title withheld). Wau: 23 October 2009.

[231] Interview with Respondent 49: Correction services official (name and title withheld). Wau: 23 October 2009.

[232] Mareike Schomerus and Kennedy Tumutegyereize. Conciliation Resources. 'After Operation Lightning Thunder: Protecting communities and building peace'. London: 2009.

[233] Interview with respondent 42: UN Officer. Juba: 8 October 2009.

[234] Interview with Respondent 4: UN officer (name, title and location withheld). 31 October 2009.

[235] In Southern Sudan, the word 'Fellata' and 'Ambororo' are used interchangeably to refer to the Fellata, however, Ambororo is more commonly used for the less accessible groups who remain nomadic. Fellata is in fact the group name and Ambororo is a sub-group of the Fellata. In Northern Sudan, it is less likely that these terms are used interchangeably,

since Northern Fellata are considered distinctly different from the Ambororo.

[236] Duffield, M (2002). 'Aid and complicity: the case of war-displaced Southerners in the Northern Sudan', Journal of Modern African Studies, 40: 1, 83-104.

[237] Interview with respondent 39: SSRRC official (name and title withheld). Wau: 23 October 2009.

[238] Interview with Respondent 7: Deputy Coordinator local peace-building NGO [name withheld]. Wau: 17 October 2009.

[239] Interview with respondent 42: UN Officer. Juba: 8 October 2009.

[240] One reportedly happened near the Ambororo camp in Lokol Okoni. Allegedly an argument between SPLA and Ambororo cattle traders ended in the Ambororo man stabbing the SPLA soldier to death. In 2007, another incident was reported from Northern Bahr el-Ghazal where a Dinka man was allegedly killed by Ambororo and relatives of the Dinka killed a few Ambororo in revenge. Interview with UNMIS official (name withheld). Wau: 18 October 2009.

[241] Duffield's argument is important here. He describes the process of the undermining of Southerner's positions in the north by successive post-colonial regimes as parallel with the erosion of the Fellata's political status. (Duffield, 2002) The continued narrative that the Ambororo are not approachable erodes their political status – yet Western Equatoria officials who had maintained that the Ambororo had refused to communicate only recently admitted that the authorities had actually never pursued the proper communication channels.

[242] Focus group discussion with focus group 38: Fellata elders. Wau: 26 October 2009.

[243] Focus group discussion with focus group 39: youth leaders (four men and two women). Raja Town, Raja County, Western Bahr el-Ghazal: 29 October 2009.

[244] Focus group discussion with focus group 12: 17 chiefs from Wau and surrounding areas. Wau, Wau County, Western Bahr el-Ghazal: 23 October 2009.

[245] Focus group discussion with focus group 40: youth. Korgana, Wau County, Western Bahr el-Ghazal: 31 October 2009.

[246] Focus group discussion with focus group 38: Fellata elders. Wau: 26 October 2009.

[247] Interview with respondent 39: SSRRC official (name and title withheld). Wau: 23 October 2009.

[248] Focus group discussion with focus group 40: Women's Development Group. Wau: 21 October 2009.

[249] This point was made by groups interviewed along the road north of Nimule in October 2009. By no means everyone thought movement was now possible. Many said that peace had not yet come to the area, because roads were still not completely safe. Amongst other dangers, landmines had not all been cleared.

[250] Interview with respondent 50: Imam (name and mosque withheld). Raja Town: 1 November 2009.

[251] Focus group with focus group 41: Peace Committee. Iboni: 31 October 2009

[252] Personal email with feedback on Juba research workshop from respondent 20 (name withheld). 4 December 2009.

[253] Interview with respondent 51: donor Democracy and Governance Officer (name and title withheld). Juba: 14 November 2009.

[254] Interview with respondent 51: Chairperson of a Youth Peace-building Association. Aweil Town, Northern Bahr el-Ghazal: 5 November 2009.

[255] Interview with Respondent 1: Coordinator of local NGO (name withheld). Wau, Western Bahr el-Ghazal: 17 October 2009.

[256] The most prominent examples of successful local conflict resolution that CRMA found was with extremely confined and very clearly defined problems, such as access to a water source. If it involved two relatively small communities, local mechanisms like water committees who decided who would gain access, whether the borehole needed to be fenced or allocating human and animal access seemed to work. These tend to be run by women, rather than 'chiefs'. Interview with respondent 52: Crisis Recovery Mapping Analyst (CRMA), UNDP. Wau: 26 October 2009.

[257] There is an overwhelming sense among respondents that those who have committed crimes need to pay compensation. In many communities, the rates of compensation are fixed and widely known – a group of youth leaders pointed out that: 'if you kill someone, you should pay wither 16 cows or 39,000 SP. Among the Dinka, you should pay 31 cows, money is not acceptable.' While local reconciliation ceremonies exist, people are acutely aware that these are meant for disputes among individuals, such as the ceremony called 'kac bol' used among the Dinka and Jur communities, which respondents made very clear: 'cannot work outside the community and can only work for individual cases.' If it was a case of conflict between groups: 'how can we go and make reconciliation with them? It needs to be the government of Southern Sudan.' Focus group discussion with focus group 30: youth leaders. Mapel, Jur River County, Western Bahr el-Ghazal: 23 October 2009.

[258] See for example Andrew Mawson, 'Murahaleen raids on the Dinka, 1985-1989.' Disasters 15, 2 (1991): 137-49.

[259] Douglas Johnson, 'Why Abyei Matters: the Breaking Point of Sudan's Comprehensive Peace Agreement?.' African Affairs. 107, 426 (2008): 1 – 19.

[260] Human Rights Watch, Famine and human rights: HRW background paper on the 1998 famine in Bahr el Ghazal, Sudan. (Washington DC: 1998).

[261] The 'Wau Train' was usually accompanied by several thousands of Misseriya on horseback. The movement of the train and the destruction caused by Misserya was largely stopped in 1998 through the 'War-Awar Peace Accord' 1998 signed by current governor Malong. With the Misseriya no longer a readily-available fighting force for the Government in Khartoum, mobilising sufficient troops became more challenging. Some see this as having been a major motivator for GoS to sign the CPA. Interview with Respondent 4: UN officer (name, title and location withheld). 31 October 2009.

[262] Interview with respondent 53: Peace-building Officer/ INGO (name and title withheld). Aweil Town: 5 November 2009.

[263] Interview with respondent 54: Commissioner Aweil North. Gok Machar: 7 November 2009.

[264] Interview with respondent 53: Peace-building Officer/ INGO (name and title withheld). Aweil Town: 5 November 2009.

[265] Interview with respondent 54: Commissioner Aweil North. Gok Machar: 7 November 2009.

[266] Interview with respondent 53: Peace-building Officer/ INGO (name and title withheld). Aweil Town: 5 November 2009.

[267] Interview with respondent 54: Commissioner Aweil North. Gok Machar: 7 November 2009.

[268] Interview with respondent 54: Commissioner Aweil North. Gok Machar: 7 November 2009.

[269] Mark Bradbury et al. Rift Valley Institute. 'Local Peace Processes in Sudan: A Baseline Study'. 2006.

[270] Interview with respondent 55: INGO Country Director (name and title withheld). Juba: 20 November 2009.

[271] Interview with respondent 56: local man. Budi: 26 October 2009.

[272] Interview with Respondent 12: Programme Officer/INGO (name and title withheld). Juba: 12 November 2009.

[273] A group of youths in Wau County explained that disputes between the Fertit and the Fellata regarding destroyed crops had been solved by the 'chiefs' of the Bai and the Fellata. They described their 'chiefs' as instrumental in their use of traditional courts. However, the youth pointed out that with support from the police, the traditional courts of the 'chiefs' could be even more efficient. They cited the arrival of the SPLA in the area as a point when solving disputes through the court became more efficient because: 'the soldiers enforce the arrest

of armed criminals who would otherwise resist the 'chiefs'.' Focus group discussion with focus group 29: youth Marial Bei, Wau County, Western Bahr el-Ghazal State: 28 October 2009.

[274] Focus group discussion with focus group 6: elders. Bisselia, Western Bahr el-Ghazal: 29 October 2009.

[275] Focus group discussion with focus group 43: Ndogo women. Bisselia: 29 October 2009.

[276] Interview with respondent 57: Toposa Development Association Financial Advisor. Torit. 23 October 2009.

[277] Focus group discussion with focus group 44: Luo 'chiefs'. Akobo:November 2009

[278] Interview with respondent 54: Commissioner Aweil North. Gok Machar: 7 November 2009.

[279] Interview with Respondents 58: Secretary General and Chairperson of local peace-building association. Aweil Town, Northern Bahr el-Ghazal: 5 November 2009.

[280] Interview with respondent 59: international donor representative (name withheld). Juba: 15 October 2009.

[281] Interview with respondent 60: advisor to Civil Affairs UNIMIS,.Torit: 4 Novermber 2009.

[282] Interview with respondent 61: Speaker of the EES Interim Legislative Assembly. Torit: 3 November 2009.

[283] Interview with Respondent 7: Deputy Coordinator local peace-building NGO [name withheld]. Wau: 17 October 2009.

[284] Buya from Machi 15 explain that this was an isolated incident; the Buya who raided was a revenge for his wife being raped by a Toposa.

[285] Focus group discussion with focus group 45: Didinga community leaders in Lauro 27 October 2009.

[286] Interview with respondent 63: INGO Program Coordinator Eastern Equatoria 26 October 2009.

[287] Focus group discussion with focus gropu 46: Didinga community leaders in Lauro 27 October 2009.

[288] Peter Kamau, 'Border area that defies security,' The Nation 1999.

[289] Interview with rspondent 64: INGO staff. Kapoeta South. 22 October 2009.

[290] Interview with respondent 65: Local SPLM representative. Mapel: 24 October, 2009.

[291] Many NGOs put great faith in women as peace-builders, but those women interviewed who found themselves being asked to perform such a role stated that they felt out of their depth. When a group of women were asked whether they could tell men to stop fighting, they responded: 'Yes, we can stand up and tell them stop fighting, we don't want to fight. But we do not have the freedom to do that. We tell our husbands, don't fight, we have children. Our children will be orphaned. But the husbands see what is happening and the need to defend.' In Hai Gebelker, in Western Bahr el-Ghazal, a women was chosen as a chief, bringing into focus the tension between old and new rules, as the payam administrator asked the Women's Development Group, which had supported the woman in her campaign, to pay for her salary.

[292] Interview with respondent 66: local elder (name withheld). Bisselia: 29 October 2009

[293] Focus group discussion with focus group 47: youth. Bisselia, Wau County, Western Bahr el-Ghazal: 30 October 2009. However, it is worth keeping in mind that just as much as the understanding of the chiefs' role might be skewed, so is the understanding of the position of the 'youth' towards their own responsibilities in families and communities. For a more detailed discussion, see Cherry Leonardi, ' 'Liberation' or 'capture': Youth in between 'Hakuma' and 'home' during civil war and its aftermath in Southen Sudan.' 106, 424 (2007a): 391-412.

[294] Focus group discussion with focus group 48: youth leaders. Wau, Wau County, Western Bahr el-Ghazal: 21 October 2009.

[295] Focus group discussion with focus group 48: youth leaders. Wau, Wau County, Western Bahr el-Ghazal: 21 October 2009.

[296] Interview with respondent 53: Peace-building Officer/ INGO (name and title withheld). Aweil Town: 5 November 2009.

[297] For a detailed and insightful discussion of the types of issues this can create see Cherry Leonardi, 'Violence, Sacrifice and Chiefship in Central Equatoria, Southern Sudan.' Africa 77, 4 (2007b).

[298] Interview with UNMIS official (name withheld). Wau: 18 October 2009.

[299] Interview with Respondent 14: Programme Manager of INGO (name withheld). Wau: 19 October 2009.

[300] Interview with Respondents 58: Secretary General and Chairperson of local peace-building association. Aweil Town, Northern Bahr el-Ghazal: 5 November 2009.

[301] Interview with respondent 53: Peace-building Officer/ INGO (name and title withheld). Aweil Town: 5 November 2009.

[302] Conference 'Bridging the governance gap between Monyomiji and Government'. Torit, 2009.

[303] A vast body of literature and coverage exists on this issue, some examples are Francis M. Deng. United States Institute of Peace. 'Customary Law in the Cross Fire of Sudan's War of Identities' 2006. ;Robert A Leitch, Aleu Akechak Jok, and Carrie Vandewint. World Vision International. 'A Study of Customary Law in Contemporary Southern Sudan'. Nairobi: 2004. ;Apollonia Matia, 'South Laws Contradict Laws of Constitutions,' The Juba Post 12 October 2006.

[304] Interview with Respondents 58: Secretary General and Chairperson of local peace-building association. Aweil Town, Northern Bahr el-Ghazal: 5 November 2009.

[305] Focus group discussion with focus group 12: 17 chiefs from Wau and surrounding areas. Wau, Wau County, Western Bahr el-Ghazal: 23 October 2009.

[306] Focus group discussion with focus group 12: 17 chiefs from Wau and surrounding areas. Wau, Wau County, Western Bahr el-Ghazal: 23 October 2009.

[307] Focus group discussion with focus group 12: 17 chiefs from Wau and surrounding areas. Wau, Wau County, Western Bahr el-Ghazal: 23 October 2009.

[308] Interview with resondent 67: UN staff. Malakal: 24 November 2009.

[309] Focus group discussion with youth (four men and two women). Raja Town, Raja County, Western Bahr el-Ghazal: 29 October 2009.

[310] Interview with respondent 39: SSRRC official (name and title withheld). Wau: 23 October 2009.

[311] Indeed, in particular 'chiefs' and 'Kings' with the most legitimate power and influence would not be in a position to abdicate their roles thus excluding the most influential traditional leaders from the executive and legislative governing of Southern Sudan.

[312] See: Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism. Mahmood Mamdani. (Princeton NJ: Princeton University Press, 1996).

[313] Focus group discussion with Focus group 31: women from Mapel. Mapel, Jur River County, Western Bahr el-Ghazal: 24 October 2009.

[314] Personal email with feedback on Juba research workshop from respondent 20: Operations Manager of INGO (name withheld). 4 December 2009.

[315] Interview with Respondent 1: Coordinator of local NGO (name withheld). Wau, Western Bahr el-Ghazal: 17 October 2009.

[316] Focus group discussion with Focus group 11: Chiefs, Elders, Administrators and Court Personnel. Mapel/ Jur River County/ Western Bahr el-Ghazal: 20 October 2009.

[317] Interview with Respondent 1: Coordinator of local NGO (name withheld). Wau, Western Bahr el-Ghazal: 17 October 2009.

[318] The consequences of this are expressed clearly in isolated areas, such as Raja County in Western Bahr el-Ghazal and Lauro in Budi County EES.

[319] These are results from individual interviews. A similar pattern emerged in focus group discussions.

[320] Media's power to spread hate speech is obvious. In Sudan, the impact of new media on dissemination of hate speech is visible every day in the user forum of the online publication Sudan Tribune, where hate speech is taken to almost a new level. The most prominent example of a radio station broadcasting propaganda and inciting violence remain Rwanada's RTLM. For a most comprehensive examination of the role of media in inciting hatred during the genocide in Rwanda, see The media and the Rwanda genocide. ed. Allan Thompson (Toronto: Pluto Press/ Fountain Publisher, 2007). The Don Bosco radio station in Tonj, for example, never reports news of local attacks in order not to incite revenge attacks. On the current situation of journalists working in Sudan, including a section on harassment of journalists in Southern Sudan, see for example Human Rights Watch. HRW. 'It's an Everyday Battle': Censorship and Harassment of Journalists and Human Rights Defenders in Sudan'. New York 2009. . On the costs and benefits of a free media in post-conflict states, see Tim Allen and Nicole Stremlau, 'Media policy, peace and state reconstruction,' in Media & Glocal Change: Rethinking Communication for Development, ed. Oscar Hemer and Thomas Tufte (Nordicom, 2005).

[321] Interview with respondent 59: international donor representative (name withheld). Juba: 15 October 2009.

[322] Interview with respondent 59: international donor representative (name withheld). Juba: 15 October 2009.

[323] Interview with respondent 68: NGO representative. Juba: 9 October 2009.

[324] Presentation given by Aggrey Tisa Sabuni, Under Secretary, Planning, MoFEP, GoSS GoSS Aid Strategy: Current implementation & future challenges March 2009.

[325] United States Institute for Peace. 'Building blocks for citizenship and a peaceful transition in Sudan'. Washington, D.C: 2009.

[326] The revised Cotonou Agreement is the only binding legal instrument including an ICC-related clause.

[327] http://ec.europa.eu/development/icenter/repository/sudan-final-non-ratification-faq-200908.pdf

[328] Interview with respondent 68: NGO representative. Juba: 9 October 2009.

[329] Personal email with feedback on Juba research workshop from respondent 20: Operations Manager of INGO (name withheld). 4 December 2009.

[330] Wairagala Wakabi, 'Peace has come to Southern Sudan, but challenges remain.' World Report The Lancet 368 (2006).

[331] Currently, pooled funding mechanisms make up 34 per cent of all donors funds whereas bi-lateral funding makes up 66 per cent.

[332] Fenton, Wendy Funding Mechanisms in Southern Sudan: NGO perspectives 20 February 2008.

[333] In fact, one reason given for the MDTF's slow disbursement is the rivalry between UNDP and the World Bank. See Axel Borchgrevink and Anita Haslie. Norwegian Institute of International Affairs. 'International Engagement in Sudan after the CPA, Working Paper 714'. Oslo: 2007.

[334] Associate Parliamentary Group for Sudan. UK Parliament. 'On the brink: Towards lasting peace in Sudan/A report on the role of the international community in supporting Sudan's Comprehensive Peace Agreement and beyond'. London: March 2010.

[335] Wendy Fenton and Melissa Phillips, 'Funding mechanisms in Southern Sudan: NGO perspectives.' Humanitarian Exchange Magazine 42 (2009).

[336] Wendy Fenton and Melissa Phillips, 'Funding mechanisms in Southern Sudan: NGO perspectives.' Humanitarian Exchange Magazine 42 (2009).

[337] Personal email with feedback on MTDT with respondent 69: World Bank staff (name withheld). 20 December 2009.

[338] Interview with respondent 59: international donor representative (name withheld). Juba 15 October 2009.

[339] At the time of writing it is still unclear exactly how much has been misappropriated. GoSS reported that it contracted SDG 6.26 bn for 50 mn bags of grain. They have thus far paid SDG 504mn. The government has done an internal investigation but this still has to be presented to the SSLA. It has been suggested, but not confirmed, that the liability is around SDG 2bn.

[340] Interview with respondent 59: international donor representative (name withheld). Juba 15 October 2009.

[341] Interview with Respondent 70: Country Director/ Medical INGO (name and title withheld). Juba: 12 November 2009.

[342] Interview with Respondent 70: Country Director/ Medical INGO (name and title withheld). Juba: 12 Novembe, 2009.

[343] NGO respondents felt that with limited funding to Southern Sudan, NGOs needed to compete for funding which meant that they often worked in silos and lacked coordination.

[344] Interview with respondent 71: INGO. Torit: 5 November, 2009

[345] As a UN/NGO initiative, this was not initially welcomed by GoSS.

[346] http://www.ngoforum.info/

[347] Interview with Respondent 72: Field Coordination/ INGO (name and title withheld). Gok Machar, Northern Bahr el-Ghazal State: 7 November 2009.

[348] Interview with respondent 73: Donor Coordinator/ Programme Manager (name and title withheld). Juba: 11 November, 2009.

[349] Interview with Respondent 14: Programme Manager of INGO (name withheld). Wau: 19 October 2009.

[350] Karen Moore (UN-Habitat supported by UNDP) Mapping/ Capacity Assessment of Local Organizations involved in Community Driven Development/Recovery (CDD/CDR) Mapping in Southern Sudan, May 25 2009.

[351] D Hilhorst and M van Leeuwen, 'Grounding local peace organisations: a case study of southern Sudan.' Journal of Modern African Studies 43, 4 (2005).

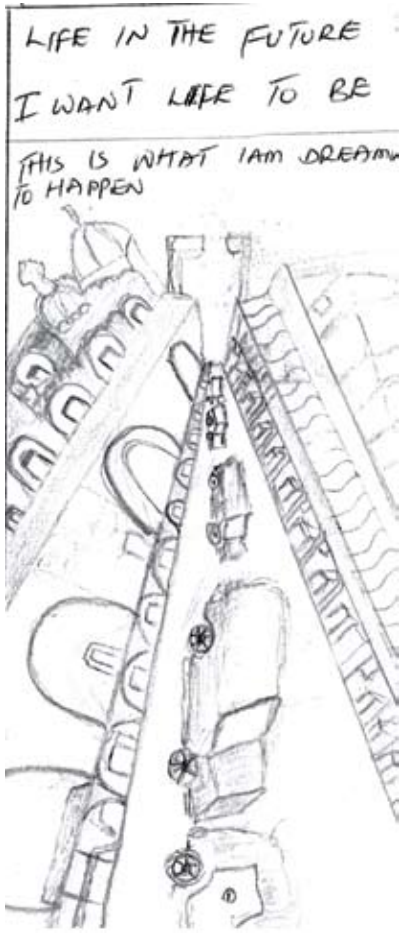
[352] D Hilhorst and M van Leeuwen, 'Grounding local peace organisations: a case study of southern Sudan.' Journal of Modern African Studies 43, 4 (2005).

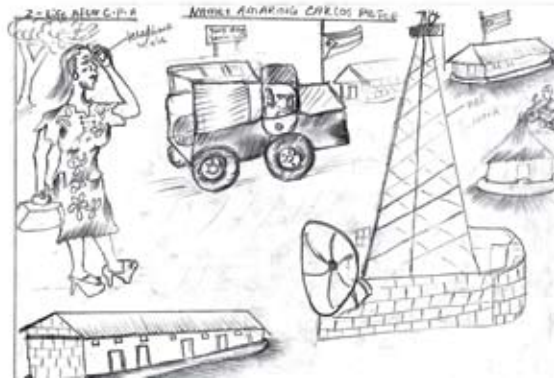
[353] Wendy Fenton and Melissa Phillips, 'Funding mechanisms in Southern Sudan: NGO perspectives.' Humanitarian Exchange Magazine 42 (2009).

[354] Interview with respondent 55: INGO Country Director (name and title withheld). Juba: 20 November 2009.

[355] Interview with respondent 55: INGO Country Director (name and title withheld). Juba: 20 November 2009.

[356] Interview with respondent 12: RRP coordinator of INGO (name and title withheld). Wau: 3 November 2009.





A better future: a selection of school children's drawings