Building on Sand: The Sudan People's Liberation Movement / Army (SPLM/A) and State Formation in South Sudan

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Declaration:

This dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration except as declared in the Preface and specified in the text.

It is not substantially the same as any that I have submitted, or, is being concurrently submitted for a degree or diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the Preface and specified in the text.

I further state that no substantial part of my dissertation has already been submitted, or, is being concurrently submitted for any such degree, diploma or other qualification at the University of Cambridge or any other University of similar institution except as declared in the Preface and specified in the text

This dissertation is 76,462 words and does not exceed the prescribed word limit for the Human, Social and Political Science Degree Committee.

Acknowledgement:

This thesis is the culmination of an academic and a personal journey that occurred in an extra-ordinary period in the history of South Sudan. The interest in pursuing a doctoral program in politics began in 2012 while I was serving in the Office of the Minister of National Security in the Office of the President. At the time, the newly independent South Sudan presented a hopeful future to the outside world, but the management of the public affairs increasingly disillusioned those of us who were working inside the government. This caused me to consider reflecting deeply on the transformation that was taking shape before my own eyes. I am particularly thankful to my uncles, Dr. Lual Deng and late Elijah Malok, who encouraged me to do a doctoral program as a way of reflecting on our recent history. This dissertation is the product of such reflection.

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Abstract:

This thesis examines the state formation process in South Sudan through an in-depth, historicized analysis of the exercise of power of the rebel Sudan People's Liberation Movement/Army (SPLM/A). It explores key elements of the trajectories of state formation in South Sudan by examining the nature of internal decision-making within the SPLM/A before and since the country's independence and how that affected the evolution of its coercive, extractive, and administrative (core) capabilities to perform state-like governance. Empirically, the study draws on a unique and substantial body of elite interview data, as well as primary documents, to assess critical events, structures and processes, and the strategic interactions they created among the politico-military elites of the SPLM/A with a particular focus on period between 1983 and 2013.

The thesis departs from numerous existing studies on South Sudan, which either focus on ethnic or elite conflict during the civil war and after the 2005 Comprehensive Peace Agreement (CPA), or the militarized elites' appetite for corruption amid insolvency to explain the trajectories of state formation in South Sudan. The thesis also builds in a new direction from the current literature on rebel governance, which either emphasises rebels' acquisition of capabilities to perform governance as a starting point, or debates whether social or economic endowments account for the variation in rebel governance. Instead, this thesis argues that an insurgency's acquisition of functional capabilities to perform governance outcomes is a by-product of its internal structures for decision-making. That is, the extent of inclusivity and cohesion of an armed group's internal structures for decision-making – the organizational systems and processes within which strategic decisions are taken – determines its ability to build effective mechanisms of coercion, extraction, and civilian governance. In pursuing this line of inquiry, the thesis argues that the SPLM/A's failure to resolve its problems of internal decision-making and its reliance on the deployment of violence to manage the rebel movement retarded its acquisition of core capabilities and created recurrent factionalisation and cyclical violent crises from which the current trajectories of state formation can be understood.

Acronyms

BLC	Boma Liberation Congress
CANS	Civil Authority of New Sudan
CCSS	Coordinating Councils of Southern Sudan
COC	Convention Organising Committee
CPA	Comprehensive Peace Agreement
GFSCC	General Field and Staff Command Council
GIB	General Intelligence Bureau
GONU	Government of National Unity
GOS	Government of Sudan
GOSS	Government of Southern Sudan
GDP	Gross Domestic Product
EC	Economic Commission
FPA	Fashoda Peace Accord
EPLF	Eritrean People's Liberation Front
HEC	Higher Executive Council
ISB	Internal Security Bureau
IDP	Internally Displaced Person
JAM	Joint Assessment Mission
JOSS	Judiciary of Southern Sudan
KPA	Khartoum Peace Agreement
LURD	Liberians United for Reconciliation and Democracy
NC	National Convention
NCP	National Congress Party
NEC	National Executive Committee
NISS	National Intelligence and Security Service
NLC	National Liberation Council
NSPS	National Security Policy and Strategy
NSS	National Security Service

NPFL	National Patriotic Front of Liberation
NRM/A	National Resistance Movement/Army
NGO	Non-Government Organisation
OAG	Other Armed Groups
OAU	Organisation of African Unity
OLS	Operation Lifeline Sudan
PMHC	Political-Military High Command
PEC	Provisional Executive Committee
RPF	Regional Protection Force
SSR	Security Sector Reform
SAF	Sudan Armed Forces
SCC	Sudan Council of Churches
SSDP	South Sudan Development Plan
SSLA	Southern Sudan Legislative Assembly
SSLM	Southern Sudan Liberation Movement
SSLM/A	Southern Sudan Liberation Movement /Army
SPLA	Sudan People Liberation Army
SPLM	Sudan People Liberation Movement
SPLM-FDs	Sudan People Liberation Movement – Former Detainees
SPLM/A-IG	Sudan People Liberation Movement/Army – In Government
SPLM/A	Sudan People's Liberation Movement / Army
SPLM/A-IO	Sudan People Liberation Movement/Army – In Opposition
SRRA	Sudan Relief and Rehabilitation Association
UNSC	United Nations Security Council
TPLF	Tigray People's Liberation Front
TGONU	Transitional Government of National Unity

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"Therefore everyone who hears these words of mine and puts them into practice is like a wise man who built his house on the rock. The rain came down, the streams rose, and the winds blew and beat against that house; yet it did not fall, because it had its foundation on the rock. But everyone who hears these words of mine and does not put them into practice is like a foolish man who built his house on sand. The rain came down, the streams rose, and the winds blew and beat against that house, and it fell with a great crash."

Jesus of Nazareth, Matthews 7: 24-27

1 Introduction:

Southern Sudan, in the years after the 2005 Comprehensive Peace Agreement (CPA) and before the region's independence as a new sovereign state in 2011, was abuzz with plans and preparations. Yet, in the end, they amounted to little. As a World Bank Economist in Southern Sudan (later South Sudan after the independence) from August 2009 to December 2011, I advised the Government of Southern Sudan (GOSS) on economic policy. One of the major initiatives undertaken by GOSS during this period, particularly as it transitioned into a state, was the drafting of its first and, until now, only Development Plan. The South Sudan Development Plan (SSDP) was described as the "nation's response to core development and state-building challenges during the first three years of independence."[1] The planning process involved all the agencies of national government, state governments, donors and NGOs. The SSDP was intended to be highly prioritised and costed, and with measurable indicators. Instead, it ended up being a wish-list with 20 top priority areas, each consisting of additional five priority activities.[2] Some of the elements in this wish-list included demobilising over 78,000 militants from the security forces through DDR by 2013; increasing the percentage of population with access to health care from 13 per cent in 2011 to 40 per cent in 2013; increasing primary school enrolment rate from 46 per cent in 2011 to 63 per cent in 2013; and building over 2,000 kilometres of trunk and feeder roads.[3] The wish-list made it impossible to put a realistic price tag on the plan and develop plausible indicators upon which its implementation could be monitored. Nearly every government agency fought for its main activity to be considered as a national priority. The Ministry of Gender, for instance, fought vigorously for its plan to provide cash transfers to children under the age of five across the country to be considered a national priority. In addition, nearly every donor and every NGO also fought for whatever issue it cared about to be made a national priority. On top of it all, the government

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[1] Government of the Republic of South Sudan (2011: xiii). *South Sudan Development Plan 2011-2013: Realising freedom, equality, and justice for all.*
[2] Government of the Republic of South Sudan (2011: 43). *South Sudan Development Plan 2011-2013: Realising freedom, equality, and justice for all.*
[3] Ibid.

immediately abandoned the plan after it was adopted. The government expenditures continued regardless of what was planned or budgeted in the approved budget as long as revenues were available.

I left the World Bank soon after and joined the Office of the President as the Coordinator of Policy and Strategy in the Office of the Minister of National Security. The newly independent South Sudan was embroiled in an array of disputes with the Sudan, primarily over border demarcation and the transit fees for the access of South Sudan's oil to international markets. These disputes escalated and South Sudan closed down its entire oil production in February 2012. Soon after, the two countries were engaged in border hostilities. On 10 April 2012, South Sudan's military seized control of Heglig (known as Panthou in South Sudan), a disputed oil-rich border town claimed by both Sudan and South Sudan. That same day, the Minister of National Security, in his capacity as the Secretary of the National Security Council, called for a meeting of the heads of South Sudan's security and intelligence agencies. It emerged from the meeting that the Chief of Staff of the army had not ordered the military to attack Heglig and no one could explain how our armed forces ended up there. However, it also emerged that the President had ordered for the forces in Heglig, now that they were there, to be reinforced. I asked the Minister of National Security after this meeting a question: "What is our strategic objective with the Heglig operations? Are we using Heglig as a bargaining chip or are we resolving the border dispute through the use of force?" He could not provide me with an answer, but reinforcements were sent. That same week, I had dinner with the Minister of National Security and the former Chief of Staff of the Ethiopian Defence Forces. The Ethiopian General shared stories of how the war between Ethiopia and Eritrea started and advised us to draft a National Security policy and Strategy (NSPS) that would establish a clear national security architecture to streamline decision-making within the security sector. A year and half later, in September 2013, a committee that was established by South Sudan's Cabinet to draft the NSPS, on which I served as secretary, submitted a draft to the President. But it was simply shelved.

While serving at the Office of the President, I was also invited to assist the Sudan People Liberation Movement's (SPLM) Secretariat with the meeting of its National Liberation Council (NLC) in March 2012. The NLC is the legislative body of the SPLM and the National Convention of the delegates across the country, the highest organ of the Movement, elects its members. In the hierarchy of the SPLM organs, the NLC is between the National Convention and the Political Bureau, which is the Executive organ of the SPLM. The objective of the meeting was to review the SPLM's performance during the CPA's 'interim period' (2005 to 2011) and to recommend revisions to the SPLM Constitution, the SPLM Manifesto, and its Code of Conduct. The revisions were aimed at bringing the SPLM documents in line with the 2011 South Sudan Transitional Constitution so that the party could be registered in the newly independent South Sudan. The meeting lasted three days and the NLC members did much of the work. Our objective as the Secretariat was to synthesise what had already been agreed and submit it to the Political Bureau. However, the SPLM Chairman was unhappy with the work of the Secretariat and formed committees from the Political Bureau to revise the work the Secretariat had submitted. Three issues were at the heart of the Chairman's displeasure: the nomination of delegates to the SPLM convention, voting mechanisms at the SPLM convention, and the appointment of senior SPLM officers such as the Deputy Chairman, the Secretary General and the members of the Political Bureau. The committees that the Chairman pulled together produced a draft contrary to what had been agreed during the NLC meeting, which the Secretariat had submitted to the Political Bureau, and suggested that the Chairman could appoint 5 percent of the delegates to the convention, that the voting at the convention would be through a show of hands as opposed to a secret ballot, and that only the post of Chairman would be elected and the rest of the officials would be appointed by the Chairman. This created vociferous disagreements within the Political Bureau and ruptures that later plunged South Sudan into civil war in December 2013 after the NLC backed the new draft following the walkout from the meeting by the President's critics.

These three vignettes highlight my experience of the exercise of authority by, and decision-making within, the Sudan People's Liberation Movement / Army (SPLM/A) during the time in which it became the government, army and state in South Sudan. At times, it appeared as if the government was acting in direct contradiction to its stated policy or was actively undermining its very own core interests. Inter-tribal conflicts characterised by cattle raiding, child and women abductions rocked many communities consistently during the supposedly "peaceful" post-CPA era (Ajak 2015; Abatneh and Lubang 2011), yet these problems of insecurity were not adequately addressed. Large-scale looting of government resources was taking place across the civil service, the army, and the party with troubling impunity[4], but the leadership did nothing (or even directly encouraged it in some cases) to hold its officials accountable. A government-commissioned Comprehensive Evaluation of GOSS (to which I contributed) concluded that the government lacked the capacity to perform basic tasks of governance, but its recommendations were ignored (GOSS 2011b). The Comprehensive Evaluation was launched under the leadership of Pricilla Nyanyang Joseph Kuch, who was the Minister-Without Portfolio in the Office of the President. It was financed entirely with the government's resources and a number of rising South Sudanese scholars from the diaspora were brought to help out with it. But in the end, the recommendations of the report, which included massively reducing the civil service and the army, reorganising the government, reducing the number of ministries, and devolving more powers to the states were largely ignored. The size of the SPLA was getting out of control in 2012 and the poorly managed integration of Other Armed Groups (OAGs) had kept tribal militias intact, which threatened national security; the leadership ignored this threat. The intelligence agencies were operating without law or policy guidance for a long period (I was a member of the committee that produced the first draft of what became the National Security Act), yet this was considered

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1   [4] In May 2012, Salva Kiir wrote a letter to 75 officials that included nearly all of his cabinet, former ministers, military officials, and governors to return USD 4 billion that they allegedly stole during the interim period. See more at: https://www.theguardian.com/world/2012/jun/05/south-sudan-president-accuses-officials-stealing. South Sudan president accuses officials of stealing $4bn of public money

normal. At the same time, critical services such as education and health were not reaching the population, youth unemployment was ever-growing, the country lacked roads, bridges, and other critical infrastructure, yet the government showed no attempt to address these problems. In short, the SPLM/A's exercise of authority is puzzling given its stated objective to liberate South Sudanese from oppression, poverty, disease and ignorance. Instead, it presided over massive corruption before plunging the country into civil war, which precipitated economic collapse, famine, and mass displacement of the population.

In short, South Sudan's government of liberation and independence proved within a short period of time that it was wholly unable to provide security and development for its citizens. In August 2016, the United Nations Security Council (UNSC) passed resolution 2304, authorising the deployment of up to 4,000 Regional Protection Force (RPF) troops in South Sudan to provide security to civilians.[5] This was after the leaders of South Sudan, President Salva Kiir, and his former vice president, Riek Machar, plunged the country back to war for the second time in three years only a few months after forming a government of national unity. Troubling allegations of human rights violations committed by the South Sudanese security forces were reported[6]. Similarly, South Sudan's government was unable to collect taxes from the population or invest in activities that would increase the overall societal productivity. It relied largely on oil revenues, which it mainly used to fuel patronage networks. Nearly the entire budget of the government was now spent on salaries and operation costs. The capital expenditures – the investments that a government makes in advancing the welfare of its society – were virtually eliminated. Whatever little services available in the country have come to be financed through donor support. At the same time, the public administration systems of the government were dysfunctional or virtually non-existent in many cases, although they drained the country's resources. All that said, the exercise

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[5] On 12 August 2016, UNSC adopted resolution 2304, which extended the mission of the UN Mission in South Sudan (UNMISS) and authorised additional forces to bolster civilian protection. See https://www.un.org/press/en/2016/sc12475.doc.htm

[6] The African Union Commission of Inquiry on South Sudan conducted by AU experts under the leadership of Nigerian former president. Olesegun Obasanjo, details the human rights violations by the armed groups. See: http://www.peaceau.org/uploads/auciss.final.report.pdf

of authority by the country's political leadership appeared to be encouraging or entrenching this dysfunctionality instead of reversing it. The fundamental premise of the study that follows is that we cannot really understand what is happening in South Sudan today without digging deeper into the evolution of organs and power structures within the SPLM/A. We cannot explain the puzzles of the post-CPA exercise of authority without understanding the exercise of authority within the rebel SPLM/A.

The central research question of this dissertation is: How does an understanding of the SPLM/A's exercise of political authority in historical perspective help to explain the trajectory of state formation in South Sudan? This question is focused on the nature of authority within the SPLM/A as a liberation movement and rebel army and how it helps us to understand the challenges of a formative state. The historical analysis of the rebel SPLM/A is central to understanding its exercise of authority in the post-CPA period. For one, as scholars have argued, patterns of relationships and organisational practices traversed the artificial 'war/peace' boundary (Keen 2000). As William Faulkner famously once wrote, "The past is never dead. In fact, it is not even past". The past and the present are deeply interlinked; one cannot possibly understand the present without excavating the past that lies within it. The SPLM/A has had a dominant impact on the course of state formation in South Sudan. It is thus essential that we better understand how the wartime exercise of authority within the SPLM/A affected the way that authority was exercised after the CPA and the troubling political trajectories that arose with this.

1.1   The Existing Knowledge

A brief backround on South Sudan and the SPLM/A would be useful in situating our analysis. South Sudan gained its independence from Sudan on July 9th, 2011 after nearly 99 percent of its population voted for secession in an internationally-monitored referendum conducted earlier in January of the same year. The referendum was made possible by the 2005 Comprehensive Peace Agreement (CPA) that ended the then longest-running conflict in Africa between successive Sudanese governments in

Khartoum and the SPLM/A. The CPA had provided a formula for power and wealth sharing between Khartoum and the SPLM/A, and a political road-map that ended with the conduct of the referendum. The reader can find a more comprehensive account of the conflict and South Sudan's transition to independence in Eddie Thomas' and Jok Madut Jok's works (Thomas 2015; Jok 2017).
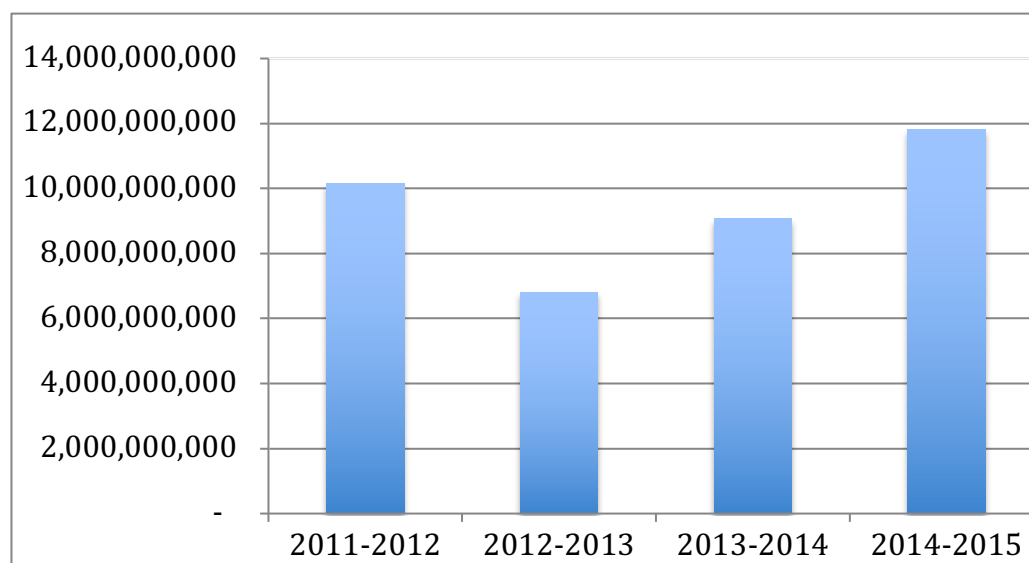
The Sudan People's Liberation Movement / Army is a former rebel group that emerged in Southern Sudan in the early 1980s and led a civil war against successive regimes in Khartoum for two decades that resulted in the independence of South Sudan (Johnson 2011). While the SPLM/A attracted support from many different parts of the Sudan, it mainly relied on southern Sudanese, its primary consitutuency, for support. The SPLM/A positioned itself as a champion of a united the Sudan on new principles of secularism and democracy, but its efforts ultimately resulted in the partition of the Sudan into two countries.

The existing knowledge on the SPLM/A and South Sudan is insufficient to understanding the on-going trajectory of state formation in South Sudan. The existing literature emphasises either ethnic or elite conflict during the civil war and after the 2005 Comprehensive Peace Agreement (CPA), the militarised elites' appetite for corruption amidst insolvency, or the failure of international peace-making to explain the trajectory of state formation in South Sudan. Yet, state formation is a process that is shaped by the impact of elite politics on institutions for projecting authority. This means that to understand state formation in South Sudan, we have to explain how the nature of internal decision-making within the SPLM/A affected the interaction among Southern elites and influenced the Movement's acquisition of functional capabilities to perform governance outcomes. In this section, we review the existing knowledge on South Sudan and the SPLM/A, and link it to the broader literature on state formation and exercise of authority in Africa.

De Waal (2014) argues that a "political marketplace" put in place by the SPLM/A after taking power in Southern Sudan explains its exercise of authority. South Sudan's

kleptocracy is militarised and the use of force or the threat of force is a bargaining chip to which actors at all levels resort. The bargaining allows them to access governmental seats, which exist only for the purpose of furnishing cash to those occupying them. This monetisation of governance through militarised patronage is the governance system in South Sudan, and the 2012 oil shutdown made it insolvent and resulted in the on-going civil war (de Waal 2014). While de Waal (2014) provides interesting details on how the kleptocracy operates, he reduces larger transformational dynamics within the SPLM/A and South Sudan to money. He also provides no account of the dynamics that produced the "militarised kleptocracy" in the first place. More importantly, as Figure 1 shows below, the empirical evidence does not support de Waal's argument. While the oil shutdown did cause public expenditures to drop significantly, South Sudan had sufficient reserves and it managed to finance modest level of public expenditures. Moreover, its oil economy had sufficiently recovered by the time the conflict broke out. The monthly oil output soared to over 240,000 barrels per day[7] and generated hundreds of millions of dollars on a monthly basis that could have kept its "kleptocracy" solvent.

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[7] In fact, South Sudan was beginning to attract attention from investors just before the conflict broke out. See more details: "South Sudan declares itself open for business: The world's youngest nation hosts its first major investment conference, after claims of unparalleled growth" *Al Jazeera*, Tom Law, 12 December 2013. http://www.aljazeera.com/indepth/features/2013/12/south-sudan-declares-itself-open-business-2013121163038495720.html.

Figure 1: South Sudan Fiscal Outturns, 2011-2015

Source: South Sudan Ministry of Finance & Economic Planning, 2015

Moreover, de Waal's argument builds on a body of literature that overemphasises "greed" as the cause of conflict, including Collier (2000) and Collier and Hoeffler (2004). These works have been criticised for economic reductionism by Cramer (2006) and Richards and Helander (2005), and for failing to see actors in conflict as nothing but "bandits devoid of any political agenda" (Boas and Dunn 2007:1). Schlichte (2009) argues that attributing rebellion and political instability to a single cause such as greed or ethnicity is too simplistic and reductionist. As this thesis will argue, political actors are motivated by other factors that go beyond greed. This does not mean that economic resources are insignificant, but rather that they are not the only motivation. By emphasising material resources alone, de Waal underplays other factors including social, ideological, and political motivations that may be even more consequential conflict drivers. Hence, further investigation is needed in order to provide a more persuasive explanation of the SPLM/A's exercise of authority.

Clemence Pinaud (2014: 193), who pays more attention to the historical evolution of authority within the SPLM/A prior to the CPA, contends that the SPLM/A's exercise of authority should be understood in the context of "a system of a class domination based on war-time predation." The dominant class is the new military elite that

ascended to power through capture of resources during the Sudan's North-South civil war. Pinaud argues that this class expanded its dominance during peacetime through kinship networks and nepotism, and therefore positioned itself as a "military aristocracy". The aristocracy's extreme corrupt practices triggered popular resentment that brought back old ethnic hostilities among various factions of the "military aristocracy," leading to the outbreak of conflict in December 2013 (Pinaud 2014). While Pinaud helps identify how a "military aristocracy"[8] was formed in South Sudan during the north-south war and how it reproduced itself following the CPA, it falls short of establishing why the same aristocracy that thrived on predation fractured and turned against itself. The war, after all, erupted when the SPLM/A political elites, the so-called "military aristocracy," fragmented. While ethnic hostilities exist between different groups in South Sudan, they do not alone explain the fragmentation among the ruling elites in South Sudan that led to the civil war. Hence, we still do not adequately understand SPLM/A's exercise of authority.

For the historian Douglas Johnson (2014), disputes over political vision and direction within the rebel movement-turned-government, rather than mere greed, explain the descent into civil war. He argues that disagreements within the SPLM over the direction of the party and within the SPLA over the integration of OAGs explain SPLM/A's fragmentation. Johnson provides detailed accounts of disagreements within the party after Salva Kiir took over the helm of the Movement in 2005. He captures the anxieties of many SPLM cadres who worried that "the party had lost direction since the independence referendum and had no real vision or programme for national development and national unity" (Johnson 2014: 303). Johnson also traces the security dilemmas within the SPLA back to the 1991 split and explains how the integration of the OAGs in the post-CPA period exacerbated them. Johnson (2014: 305) contends that the "character of the army changed" with the endless integration of the OAGs and the dismissal of many veterans who never defected from the Movement. While Johnson's historical analysis provides detailed data of contentious events and disputes

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[8] I take no issue with the use of "military aristocracy" since it is not central to the direction of the thesis.

within the SPLM/A, it does not provide a comprehensive argument that encompasses the detailed empirical accounts of the disputes he narrates. While these narratives offer new insights, narratives alone without wider explanation of what connects them are insufficient. This is not surprising given the historical approach that Johnson's research takes, which focuses on providing nuances in historical events.

Similar to Johnson's argument, Oystein Rolandsen (2014) contends that cleavages within the ruling SPLM amid weak governmental systems explain the behaviour of the SPLM/A in South Sudan that ultimately plunged the new nation into conflict. Rolandsen argues that the SPLM/A was overwhelmed by the enormous challenges it faced in the post-CPA context, which included the responsibility to administer the South and continuously negotiate with the National Congress Party (NCP) over the implementation of the CPA among other things. The absence of strong governmental structures on top of many challenges that faced the SPLM/A intensified factional wrangling. This encouraged patrimonial networks and made it difficult for the SPLM/A to govern and to transform the party and the army, whose fragmentation rapidly fuelled the conflict. While Rolandsen's account provides interesting historical analysis of the evolution of politics and factionalism within the SPLM/A since the start of the north-south war in 1983, it amounts to an apology on behalf of the SPLM/A elites overwhelmed by the legacies of conflict and underdevelopment. This study will go on to show that there is always a complex relationship between history, structures and agency.

Finally, in a provocative book, Sharath Srinivasan (2020) contends that the SPLM/A's exercise of authority after the CPA is explained by the manner that international peace-making in the Sudan entrenched, exacerbated, legitimised and resourced violent political contestation. Instead of ushering in a "new dawn," the CPA brought in an externally "fabricated" political beginning that was aimed at achieving a preconceived notion of a Southern statehood, but without creating the necessary political space for Southern Sudanese to "found" such a state (Srinivasan 2017). Srinivasan argues that the CPA legitimised the SPLM/A and gave it the resources to co-opt potential rivals.

As a result, the SPLM/A consolidated power in Southern Sudan by monopolising coercion, which incentivised the instrumentalisation of violence at the expense of non-violent politics to guarantee participation in politics. Srinivasan contends that his argument does not take away political responsibility from South Sudan's political elites, but only assesses how peace-making enabled or constrained the possibilities for "non-violent civil politics," which was critical for Southerners to "found" a polity. Despite Srinivasan's interesting critique of international peace-making, it is unclear how South Sudanese could have had such "possibilities for non-violent civil politics" in the middle of a civil war. The international peace-making that he criticises is what created the environment in Southern Sudan that made non-violent politics a plausible option to begin with. Once this opportunity was created, it was up to the Southern Sudanese elites to seize it. Moreover, just as the inability to end the internal conflicts in the South can be blamed on the Southern political elites, so can the inability to positively maximise the political environment created by the CPA to forge a truly new political beginning for the South. Hence, the focus on the failures of the international peace-making efforts understates the responsibility and the agency of Southern political elites in shaping the destiny of their country, regardless of the circumstances.

Despite these interesting and important explanations of the SPLM/A's exercise of authority provided by different studies, they fall short of a comprehensive and persuasive analysis. Other existing scholarship on South Sudan has focused on historical accounts of its long wars (Arnold and LeRiche 2013; Jok 2007; Johnson 2011; Rolandsen 2011a, Johnson 2012), futuristic analysis of its politics (Natsios, et al 2012), the significant role of traditional authorities (Leonardi 2015) and the transformation of its ruling political party from a guerrilla movement to a conventional political party (de Alessi 2013; Rolandsen 2007; Young 2008).

In this dissertation, the term "exercise of authority" refers to the use of political, coercive, extractive, administrative or other forms of power to command, direct, govern, police, rule, and/or supervise people towards achievement of agreed outcomes in a particular territory. Like any other organisation, individuals created the SPLM/A,

and as such, the capabilities, motivations, ideologies and the nature of these individuals shaped the SPLM/A and how it operated. Aside from the founding members, people joined and left the organisation throughout its history, constantly shaping the instruments by which the SPLM/A exercises authority. They have affected the SPLM/A's very exercise of authority. Therefore, the nature of elite politics within the SPLM/A and its acquisition of capabilities has changed as the organisation mutated and actors changed over time. Even as this mutation was taking place, the SPLM/A was also simultaneously exercising power by fighting a civil war and/or administering people under its territory. This makes the exercise of political authority within the SPLM/A the appropriate vantage point from which to understand the manifestation of the SPLM/A's authority on the trajectories of state formation in South Sudan. This perspective allows us to understand the elite bargaining that influences politics within the SPLM/A; the structures that this bargaining produces and how these structures acquired capabilities to exercise governance functions; and the performance of these structures and their consequences on political outcomes.

In this dissertation, capabilities refer to capacities, whether technical or administrative, and ability, whether political or institutional, of organisations to effectively execute tasks with which they are assigned. The acquisition of capabilities is essential, as power cannot be projected in the absence of instruments for discharging it. Yet, the acquisition of capability is done through established structures for the purpose of realising agreed outcomes. Since such outcomes and structures have to be agreed, the acquisition of capabilities involves bargaining and politics. Hence, the nature of politics and elite bargaining affects the capabilities of an organisation. Nevertheless, the organisation may be unresponsive to some or all of its outcomes since effective response requires a certain level of capability. Moreover, the acquisition of capabilities is constrained by other contextual factors, such as geography and the capacities of individual actors involved in the process among others. Therefore, it is important to historically assess the nature of elite bargaining within the SPLM/A and its effects on the acquisition of functional capabilities by the SPLM/A during the conflict and since the CPA. This has to be done while mindful of the geographical and other constraints

that undermined the acquisition of coercive, administrative, and administrative capabilities.

In building our approach for conducting this inquiry, it is important to understand how the literature on state formation and exercise of authority in Africa deals with elite politics and its impact on acquisition of state capabilities. Likewise, it is important to understand how the literature on rebel-to-political party transformation deals with elite unity and its effects on political outcomes. These two groups of literature can inform our understanding of the SPLM/A's exercise of authority by identifying factors that have featured prominently in other contexts. The literature on state formation and exercise of authority in Africa is divided into three main schools of debate.

The first line of debate argues that the historical legacy of colonialism explains most trajectories of state formation and exercise of authority witnessed in independent Africa (Mamdani 1996; Young 1994; Ayittey 1993; Rodney 1981; Alemazung 2010). Scholars in this group argue that the institutions set out by the European colonialists explain the current trajectories of state formation in Africa (Mamdani 1996; Young 1997; Ekeh 1998; Lange 2004). They maintain that while the colonial regimes retained many African social institutions (Chazan 1988; Young 1994; Rodney 1981; Mamdani 1996), in many cases, colonialists greatly altered the nature of authority and its relation to the citizenry, producing absolute forms of control with minimal checks. These new institutions were for the purpose of serving the colonial material interests such as collection of taxes, labour for plantation and roads maintenance, etc., but not for delivering public goods to the citizenry (Mamdani 1996; Young 1994; Nelson 1994; Rodney 1981; Ayittey 1993). The native authority was given absolute power to do all within its reach to deliver on issues at the centre of colonialists' interests (Mamdani 1996; Nelson 1994). This form of absolutism became susceptible to abuses, about which the colonialists were unconcerned (Mamdani 1996; Young 1997; Fanon 1963). Following independence, the African states retained colonial institutions, which have only reinforced their despotism, resulting in the present dictatorial nature of authority in many parts of the continent (Mamdani 1996).

The colonial legacies analysis offers great insights on how expectations of power and authority were formed between the would-be-rulers and the would-be-subject: the would-be-rulers could exercise power with impunity and the would-be-subject must obey or face blunt punitive measures. However, given an environment of weak and nascent governmental institutions and high expectations associated with independence, this line of debate has come under criticism for not providing alternatives to how authority could have been managed (Herbst 2000; Jackson and Rosberg 1982; Herbst 1990; Young 2012). Since the colonialists had no real desire in building long-term governmental institutions in most parts of Africa (Ayittey 1993; Biko 1987; Fanon 1963; Nelson 1994), they resorted to these forms of authority to maximise rent collection given the little resources they were willing to commit (Mamdani 1996; Young 1994; Rodney 1981). Cooper (2002) argues that the post-colonial African states needed the structures established by the colonialist to survive. In the case of South Sudan, the customary authorities, which were created during the colonial period, continue today as the primary mechanisms through which the population relate to the state (Leonardi 2015). However, the authority of customary authorities has evolved throughout the history. While it did shape the context in which the SPLM/A operated, its impact on the nature of politics within the SPLM/A was limited.

The second line of debate argues that "state-society" relations explain the logic of contestation over authority and the specific configuration of control and legitimacy that emerges in the design of the African state (Bayart 1993, 2000; Chabal and Daloz 1999; Andreski 1968; Arthur 2000; Chabal 1986; Kaplan 1994; Alemazung 2010). While there are several strands imbedded in this literature –ranging from the neo-patrimonial characteristics of the society upon which elites depend and produce to manipulation of politics by elites –these strands are best combined since the effects on the exercise of authority feature general similarities. This is because the state-society dynamic serves as one of the strategies by which neo-patrimonial systems consolidate control for the purpose of extracting rents and funnelling resources to their networks.

Chabal and Daloz (1999: xix) stress that politics in Africa is instrumentalised. They argue that "the process by which political actors in Africa seek to maximise their returns on the state of confusion, uncertainty, and sometimes even chaos." As Clapham (1996: 5) puts it, the political survival of African leaders is not the only goal, but the "precondition for pursuing any other goal," which means "seamanship often mattered more than navigation." The desire to remain in political power (Nugent 2004; Chabal and Daloz 1999; Lemarchand 1988; Allen 1995) and use it to loot public coffers (Alamazung 2011; Acemoglu and Thiery 2004; Nyamnjoh 2007; Guest 2005; Sardan 1999), rig elections and intimidate rivals (Grundy 1971; Gurr 1970) shapes the behaviour of African elites. This means of sustaining power turned the state into the primary producer of inequality through "marketing boards, overvalued currencies, and the allocation of public expenditures" (Bayart 1993: 63), which advanced the interests of big men who wield it (Cohen 1972; Sandbrook 1975; Le Vine 1980). Bayart (1993) labels this manifestation of elite power as "the politics of the belly," where "the social struggles which make up the quest for hegemony and the production of the State bear the hallmarks of the rush for spoils in which all actors participate in the world of networks" (Bayart 1993: 235). While Bayart (1993) argues that the pressure to exercise authority in this way comes from the bases of support on which the big men rely, their control of political power allows the big men to instrumentalise the state and maximise their returns on the state of chaos.

The persistent institutional weakness in African states is a critical feature of state-society relations, where weak states compete with strong societies in defining and delivering common goods (Migdal 1988; Roessler 2016). The ethnic and tribal diversity of South Sudan makes this point relevant to the nature of elite fragmentation that has affected the development of structures and their acquisition of capabilities within the SPLM/A. In many parts of Africa, organisational institutions based on tribe, ethnicity, and other "clientelistic" networks predate any sort of class formation based on shared economic interests (Migdal 1988; Pitcher et al 2009; Le Vine 1980, 86). Thus, various clientelistic networks compete for control of the state apparatus (Mann 1988, Jackson and Rosberg 1982; Medard 1982), which, despite its weakness,

remains the source of sovereign power and applies the state's coercive systems to hold other networks in check or mediate across other competing networks (Forrest 1988; Azarya and Chazan 1987; Bayart 1993; Bayart et al 1999; Roessler 2016; Williams 2016). Such a phenomenon has resulted in the confinement of politics to the sphere of personal and factional struggles for power (Jackson and Rosberg 1982, 1982b; Arthur 2000; Erdmann 2002). The blunt application of force by African elites in dealing with critics and rivals, combined with legitimate grievances of other sections within a state, often produces civil wars and violence (Roessler 2016; Reno 1998, 2011; Gurr 1970; Rotberg 1962, 71, 2002; Thomson 2010; Williams 2016).

The state-society literature offers enormous value in analysing the SPLM/A's exercise of political authority in South Sudan. Within this literature, there are strands that attribute a significant role to the agency of political elites and leaders, while others emphasise the constraints that the traditional clientelist networks impose on action. The literature on state-society captures the essential features of how political authority has been manifested in South Sudan. It emphasises the importance that clientelistic networks based on tribe and ethnicity play in the elite bargains as vehicles for mobilising support. Moreover, the state-society literature demonstrates the contradictory nature of building state structures when the elites prefer to keep them weak in order to instrumentalise the state. However, this literature exaggerates the extent to which African leaders act purely for the purpose of instrumentalising the state. As this thesis will show, there are certain leaders who act to strengthen state systems instead of leaving them vacuous, but they are constrained by the nature of the elite politics and bargaining within which they operate. Finally, the clientelist networks through which elites compete for power are also shaped, to a certain extent, by the warfare led by the SPLM/A and the reality it created. Hence, this dissertation builds on, but critically so, the state-society literature.

The third line of debate stresses the structural constraints imposed by context, arguing that leaders exercise authority in response to constraints imposed by geography and the prevailing system of states (Herbst 2000; Clapham 1996; Hibbs and Olsson 2004;

Ross 2003; Griffith 1994; Simon 1992; Diamond 1999; Austen 1987). Africa has vast land, largely inhospitable due to scarcity of water and extremity of climate, making it difficult for large-scale settlements to develop (Herbst; 2000; Iliffe 2007; Griffith 1994; Simon 1992; Diamond 1999; Austen 1987). The challenges associated with the climatic conditions of Africa have affected economic activities and means of communication between different communities on the continent (Austen 1987; Griffith 1994). These conditions have had impact on the emergence of political societies and the means of extraction that are central to the development of states (Clapham 1996; Herbst 2000). Due to scarcity of population settlements in relation to the resources available for sustaining large numbers of people, the value of land was limited. This produced systems of constant mobility in pursuit of more pleasant areas for the sustenance of livelihoods (Austen 1987; Bates 1983). This dynamic is in contrast with the European experience, where competition for territorial control, aided by the availability of capital in the Europeans capitals (Tilly 1975, 1990; McNeill 1982; Lachmann 1989) provided motivation for war-making and was complemented by the strengthening of extractive means and the liberalisation of governance arrangements (Tilly 1975, 1990; Hintze et al 1975; Lane 1958, 1979).

For Africa, population density remained extremely low and states came into existence before their capital cities reached maturity to perform similar functions to Europeans cities in respect to their hinterlands (Bates 1983; Simon 1992; Newman 1995; Herbst 2000; Clapham 1996). As Herbst (2000: 18) puts it, the African cities "did not serve as the basis of state creation in the same manner as occurred in Europe because the colonisers were not interested in duplicating the power infrastructure which bound cities to hinterlands in their home countries." So, new strategies of exerting control over territories had to be developed. In this regard, the limitation imposed by geography and the prevailing system of states shape the exercise of political authority by African leaders, who made rational decisions in consideration of the costs of authority, the nature of buffer mechanisms established by the state and the nature of regional state system (Herbst 2000; Clapham 1996). The nature and size of costs varies depending on how far the power is to be projected (Boone 2003; Herbst 2000; Hibbs

and Olsson 2004). While the challenges of geography and low population density resonate in the experience of South Sudan, they still provide a range of possibilities for certain political outcomes to be realised. Moreover, despite its inherent constraints, geography made it possible for South Sudan to sit on top of billions of barrels of oil reserves, which furnished the fledgling republic with unprecedented high levels of income at the time of its independence. Table 1 below shows the comparison of South Sudan's Gross Domestic Product's (GDP) per capita to its neighbours when it gained its independence. As such, while geography imposes certain constraints, it also offers certain advantages, thus providing a range of possibilities to occur. The challenge of this dissertation is to explain why one particular outcome was realised and not any other.

Table 1: South Sudan's Per Capita Income at Independence relative to Neighbours

Country	GDP Per Capita, 2011	
	USD Dollars	**PPP Dollars**
Central African Republic	495	819
Democratic Republic of the Congo	217	345
Ethiopia	371	1164
Kenya	839	1723
South Sudan	**1822**	**2203**
Sudan	2048	2658
Uganda	528	1407

Source: Cust and Harding (2013: 5)

The literature on rebel to political party transition mainly focuses on the question of why some ex-rebel groups transform better than others into successful political parties (Zeeuw 2008; Curtis and Zeeuw 2009; Ishiyama and Bata 2011; Soderberg Kovacs and Hatz 2016; Berti 2016; Dudouet 2012). Indeed, successful transformation from a

rebel group into a political party requires the adoption of "political struggles" over military ones and the application of dialogue-based approaches instead of battle-based tactics (Zeeuw 2008; Allison 2006, 2010; Manning 2007). Other scholars stress the importance of internal dynamics within ex-rebel groups in determining the outcome of transition, particularly as the new ways of doing things in post-war context exert pressure on patterns of behaviour established during the conflict (Ishiyama and Bata 2011; Dudouet 2012). The approaches and the structures that leaders deploy to handle these internal dynamics either build or erode consensus required for successful transition. Yet, other scholars have focused on why victorious ex-rebels tend to transform into authoritarian political parties once they militarily assume power (Lyons 2016).

Indeed, scholars have applied the lenses of rebel-to-party transition to the analysis of the SPLM/A and South Sudan. De Alessi (2013) argues that the division between the "Sudan unionists" and the "Southern nationalists" factions within the SPLM/A impeded its transition into a political party in the post-CPA period. Without this transformation, the SPLM/A was unable to "de-verticalise" its decision-making structures and it remained a "movement" that wielded power through its rebel structures (de Alessi 2013). This phenomenon resulted in depoliticisation that created an ephemeral peace that could not be sustained due to the inability to transform the SPLM into a viable political party. Young (2008: 170) argues that SPLA's transition into SPLM failed mainly because "Salva Kiir was leading Garang's party without Garang." The difference in the style and priorities of the two men had an enormous impact that stunted the evolution of the SPLA into SPLM. Young (2008) also contends that the SPLA faced security concerns during the interim period from the Sudan Armed Forces (SAF), particularly around the time of the referendum, that reinforced the old rebel nature of the SPLA (Young 2008). Lack of accountability and corruption reinforced militarism and undermined civilian leadership.

While these factors are relevant to this inquiry, they are not at the heart of the matter, which is how the exercise of authority by the rebel SPLM/A affected the rebels'

acquisition of capabilities. De Alessi (2013) places an exaggerated emphasis on the role of ideology within the SPLM/A and Young (2008) exaggerates the significance of style difference between the two leaders. In contrast, this thesis will demonstrate that ideological divisions were used simply to appeal for support among rival factions, but they did not have any real impact on the mobilisation efforts of the Movement. Also, de Alessi's (2013) and Young's (2008) studies of the SPLM/A follows patterns established in the study of other former insurgent movements (Zeeuw 2008; Curtis and Zeeuw 2009; Ishiyama and Bata 2011; Soderberg Kovacs and Hatz 2016; Berti 2016; Dudouet 2012). While this approach works in the context of other rebel groups that fight to take up established state structures, it may not entirely capture the significance of the SPLM/A in the context of Southern Sudan. The SPLM/A created a forum for which Southern Sudanese could interact and unite efforts to build a new political identity after the collapse of the regional government. As such, it not only affected the political structures in South Sudan, but also shaped how such political structures were built, including the coercive, extractive, and administrative organs. Therefore, a better explanation is needed of state formation in South Sudan by examining the link between the wartime and peacetime exercise of authority by the SPLM/A.

As it can be seen, some of the existing lines of debate on what shapes the exercise of political authority in Africa offer insights that can inform our interrogation of the history of the SPLM/A and trajectories of state formation in South Sudan. The first line of debate that emphasises the importance of colonial legacy brings to fore the role of customary authorities in the nature of elite politics within the SPLM/A. This school of thought also stresses the impact of other colonial legacies such as underdevelopment that impacted the capacity of personnel in the SPLM/A. The second line of debate emphasises the role individual political actors play and the constraints their clientelistic or patronage networks place on their behaviours. This is an important consideration in assessing the behaviours of political and military elites within the SPLM/A and how they related to their bases of support. The third line of debate stresses the significance of geographical constraints on the nature of politics and acquisition of state capabilities within the SPLM/A. The large size of Southern Sudan (later South Sudan) imposed

important limitations that are worth exploring in our analysis. Hence, we build on these three lines of debate to inform our analytical model for studying the manifestation of SPLM/A's authority on the trajectories of state formation in South Sudan. The historical background of the SPLM/A as a guerrilla movement and the significance of its internal politics and institutions in the emergence of South Sudan will allow us to explore these elements in the existing literature on state formation and exercise of authority in Africa, as well as offer insights that will illuminate some of the arguments in this literature.

1.2   Conceptual Framework:

This section provides the conceptual framework that informs our study into the key question posed in this thesis: How does an understanding of the SPLM/A's exercise of political authority in historical perspective help to explain the trajectory of state formation in South Sudan? The dissertation focuses on the functional roles of the state, as it is through efforts to discharge such functions that institutions are formed and the necessity of the state is realised. This means that the nature of political bargaining that forges elite unity and its effects on the acquisition of state capabilities is essential to the understanding of state formation. The unique history, context and the process through which South Sudan emerged as a state justify the dissertation's reliance on the state formation theories of Mancur Olsen (1993, 2000) and Charles Tilly (1985, 1990). While South Sudan has geographically appeared as part of some state (Anglo-Egyptian Sudan and independent Sudan) since the Scramble for Africa, its experience with formal state structures has been largely limited to interaction with customary authorities (Leonardi 2015) until the advent of the SPLM/A. Accordingly, a significant proportion of its citizenry had existed without much interaction with each other until Sudan's second civil war when the emergence of the SPLM/A heralded a new beginning (Hutchinson 2001). In addition, the existence of different independent Southern rebel groups in the borders of Ethiopia showed that the Southern Sudanese entrepreneurs of violence, who were seeking to challenge the Khartoum government, could not overcome the problem of collective action to centralise their efforts. These

factors raise questions about how various independent armed actors overcome the problem of collective action and centralise their efforts to create a state. They also emphasise the significance of understanding how the structures they establish acquire functional capabilities that are central to any meaningful understanding of state formation in South Sudan. Since the civil war that the SPLM/A waged was critical to the acquisition of state structures in South Sudan, the literature on rebel movements provides insight that contextualises the theory and conceptual thought of Olsen and Tilly. In the empirical chapters (Chapter 2 through 5), the dissertation draws on this literature in interrogating the nature of politics within the SPLM/A that was manifested in the exercise of authority witnessed within the Movement during the war and since the CPA.

Max Weber (1978: 54) defines a state as a political entity that "successfully uphold[s] the claim to the monopoly of the legitimate use of physical force in the enforcement of its order." This occurs within a specifically demarcated area where a state enjoys the "monopoly of binding and permanent rule-making" (Mann 1986: 37). But why does a state exist in the first place and how does it acquire capability to deploy force to enforce its will? One answer to this question comes from an elite and individual focused analysis on bandits as rational actors who come to be state-makers. The presence of anarchy creates the incentives for individuals to band together in groups to provide collective defence, facilitating the emergence of tribes and villages (Olsen 2000). While a tribe or a village provides general stability that ends anarchy within its domain, it has limited control over dynamics outside its immediate control. This creates opportunities for the deployment of violence against other tribes or villages to steal their accumulated wealth, which facilitates the emergence of roving bandits who deploy violence to loot (Olsen 1993, 2000). However, the competitive thieving that comes with such banditry creates disincentives for production, which decreases the overall stock of wealth available for bandits to steal. According to Olsen (1993, 2000), instead of roving, the bandits are forced to settle down and create governmental structures through which they orderly steal from the population, while creating incentives for production. Olsen

provides the starting point for the functional roles of the state –the end of anarchy and the establishment of order.

Olsen's (1993, 2000) contention shares important features with Oppenheimer's observations (1975), which links the initial formation of states to nomadic herdsmen's invasion of peasant farmers' territory. Despite the initial violence, the herdsmen eventually realised "that a murdered peasant can no longer [plough]…. In his own interest, then, wherever it is possible, he lets the peasant live and… appropriates only the surplus of the peasant" (Oppenheimer 1975: 26). According to Oppenheimer (1975), this interaction in which the conquering herdsman recognised the peasants' rights to life and property, led to ordered exploitation of the peasant and gave rise to states. Unlike Oppenheimer, Olsen's theory addresses how to overcome the problem of collective action among many "thieves," whose thieving causes the society's productivity (including their own) to fall. As Schelling (1984) long recognised, competitive stealing leads to excessive levels of crime (anarchy) that undermines productivity. As this thesis will go on to show, the various independent Southern rebel groups that operated in the border of Ethiopia could not overcome the problem of collective action nor centralise their efforts, until the emergence of the SPLM/A.

Hoijer (2004: 36), however, takes issue with Olsen's theory by contending that the initial unrestricted theft "represents an equilibrium condition, where there exist no incentives for any thieves to restrict theft so that theft would become monopolised." Hoijer argues that Olsen fails to provide for how the society transitions from an equilibrium of anarchy to the equilibrium of a stationary (monopolist) bandit, given the underlying incentives. Hoijer (2004) wonders why any thief would have the incentive to monopolise theft and become the stationary bandit. He notes that "Olsen would need to show how the collective action problem encountered under kleptocracy could be solved so that competitive and excessive theft might be restricted" (Hoijer 2004: 33). He argues that "we cannot assume that only one (monopolist) exists," but accommodates the existence of a residual claimant (Hoijer 2004: 34). He expounds:

If a *residual claimant* exists whose personal incomes from theft co-varies with the theft incomes from the entire group of thieves in society, he would have sufficient incentives to effect a move from the condition of unrestrained competitive theft towards a condition of restrained and monopolised theft. Such a residual claimant might nevertheless only be one among several thieves, explaining why it is still conceptually possible that important collective problems could exist, and why their solution under the residual claimant's leadership could constitute the relevant process of state-formation (Hoijer 2004: 36).

Hoijer's (2004) critique clarifies an important aspect of Olsen's (2000, 1993) theory that his untimely death left unrevised. The role of a residual claimant is central to the process in which bandits form into a coherent entity that pursues calculated material interests. However, questions still remain regarding what such a process of state formation under a residual claimant actually looks like. After all, the stationary bandit represents a band of actors that respond to his commands. This underscores the importance of internal politics critical to bandits' acquisition of coercive, extractive, and administrative capabilities that allow bandits to exercise authority. In the case of Southern Sudan, the role the SPLM/A played came to represent that role of a residual claimant that helps the bandits overcome the problem of competitive thieving. Hence, the SPLM/A led the process of overcoming the problem of collective action among many different rebel groups of Southern Sudan. As such, the process through which the bandits organise and develop capabilities is critical to understanding state formation. The thesis will go on to show the soundness of Olsen's theory through the experience of SPLM/A in South Sudan.

The evidence from other contexts supports Olsen's theory. Charles Tilly's (1985, 1990) war-makes-states theory illuminates Olsen's intuitions on how such organisation and capability-building processes occurred in the experience of Western Europe. Tilly (1990: 20) argues that "efforts to subordinate neighbours and fight off more distant rivals create state structures in the form not only of armies but also of civilian staffs that

gather means to sustain armies and that organise the ruler's day-to-day control over the rest of the civilian population." This is because the sustenance of considerable hostility requires the development of means to wage war: taxation, predictable supply routine, and administration of people in the captured territories that survive the duration of hostility (Tilly 1990: 20). But more importantly, warfare and preparation for warfare compel actors in a particular territory to centralise their efforts in pursuit of shared interests. This process is also critical to the emergence of a stationary bandit who is a monopolist of the means of violence. The dreadfulness of war compels domestic elites to unite their efforts against external enemies, which leads to the acquisition of coercive, extractive, and administrative capabilities. This is because coercive instruments are the primary means through which warfare is waged. As Tilly (1990) argued, the sustenance of a lengthy period of hostilities requires resources. In the experience of European states, they acquired these resources through taxation of the domestic population, and the capability to tax and spend resources also paved the way for administrative capabilities such as redistribution of goods and services to be created. Accordingly, warfare and preparation for warfare explain the emergence of the modern state and the political process that shaped its acquisition of coercive, extractive, and administrative capabilities.

However, Tilly has come under intense criticism for emphasising war over politics in explaining state formation in Europe. Gladstone (1991) argues that Tilly overlooks the role ideology played in the making of the modern European states. Similarly, Adams (2005) and Gorki (2003) stress the importance of elite politics over wars in the centralisation of European states. They argue that the concerns of elites over their political privileges and the political deals that emerged out of these concerns affected state formation in significant ways (Adams 2005; Gorki 2003). This suggests that centralised bureaucracies were not only the accidental creations of rulers' desire to survive attacks or conquer their neighbours, but a conscious process produced through elite bargain. In a similar fashion, Baldwin (2004) faults Tilly for falling short of explaining the formation of public administration in 14th Century France. Ertman (2005) contends that central bureaucracies in Europe did not emerge due to war alone,

suggesting that state formation in Europe before 1450 focused on cooperation with vassals in which offices where bought, sold, and inherited in the typical feudal and ecclesiastical fashions. Hence, he cautions against overemphasising the role of war in the making of the modern bureaucracies. Spruyt (1994) builds on Ertman's (2005) work, using the case of France under Capetian kings to reject Tilly's emphasis on war as the driver of state formation. According to Spruyt (1994), Capetian kings had centralised France before the advent of the intense warring periods that started around 1400. The kings found support from burghers, which allowed them to acquiesce the nobility through payoffs and tax exemptions to support centralisation. Hence, Spruyt (1994) contends that the formation of modern France appears to have little to do with war-making, but more to do with elite politics.

Without disregarding the merits of criticisms against Tilly, it is important to note that none of them actually undermines the core tenets of Tilly's theory. The notion that he overlooks other factors is simplistic, considering that Tilly explores European history spanning one thousand years (990-1990). The attempt is not to explain each and every case in detail, but to look at what is constant across time and space in the mutation of European state institutions. Tilly's (1985, 1990) argument is that state-making, war-making, protection, and extraction interacted and were all contingent on a "state's tendency to monopolise the concentrated means of violence" (Tilly 1985: 172). The four reinforced one another and jointly produced particular kinds of organisations: war-making produced standing armed forces and supporting services; state-making produced instruments of surveillance and control (e.g. police); protection produced criminal justice and representative systems symbolised by courts and parliaments; and, extraction produced fiscal and accounting structures (Tilly 1985). As such, Tilly (1985, 1990) does not deny the role politics through elite bargaining and ideological orientation played or the intention of European state-makers to create the kinds of institutions that emerged. Rather, the argument is that war-making and efforts to prepare for war underpinned elite politics, ideological orientation, and the intention to create the kinds of institutions that were responsive and resilient to war-making.

Tilly supports Olsen's theory that elite unity forged the way for the state to acquire coercive, extractive, and administrative capabilities. As Mann (1986) argues, societies contain overlapping sources of economic, political, and ideological power through which elites relate. The reordering in each source of power affects the society's social structure. Tilly's (1985, 1990) argument is that war-making was the single-most important factor that ordered these sources of power. After all, as Mann (1986) insists, state formation is a process in which these various centres of power become concentrated and unified in the overall authority of a single sovereign. The mobilisation of the means of violence through conquests drove such centralisation in Europe. As Lachman (2010) pointed out, this does not mean that modern state structures came into being when one set of elites eliminated another, but rather when elites centralised their efforts through evolving interactions, which are aimed at pursuing common interests. Lachmann (2010: 63) argues that state formation "was the inadvertent by-product of multiple elites coming together to gain leverage in their conflicts against other elites and peasants." As subjects rebelled and discovered new methods for evading taxation and conscription, warlords had to learn and develop better mechanisms (Kiser and Linton 2002). Hence, Tilly (1985, 1990) provides a convincing account of how societies evolve from the dead weight of roving banditry to higher levels of social welfare under a secured autocrat. As he points out: "War wove the European network of national states, and preparation for war created the internal structures of the states within it" (Tilly 1990: 76).

Despite the robustness of Tilly's theory, its use to understand state formation in non-Western contexts has been criticised. Johnson (1995) takes issue with the application of Tilly's model to post-colonial states, arguing that the European state model is not the best fit for the newly independent states. Johnson (1995) contends that Tilly's model allowed elites of the newly independent states to violently suppress their political and ethnic rivals through the use of American and Soviet arms. While Johnson (1995) raises a legitimate issue regarding the soundness of Cold War policies, his criticism has little to do with the robustness of Tilly's theory. His critique seems rather more concerned with the use of American and Soviet arms to suppress political dissent, which has little

to do with Tilly's theory. Tilly emphasises the importance of war in pressuring rulers to strike important compromises with their domestic elites. This not only allowed them to survive external attacks, but to build effective coercive, extractive, and administrative systems. In echoing Johnson (1995), Centeno (2002) argues that state formation in Latin America varied from the experience of Western Europe since Latin American wars were too short and discontinuous to have lasting effects on public administration. What's more, the elite fighting them had little interest in state building and faced much lower risks to their survival than European counterparts (Centeno 2002). Scholars have raised a similar critique regarding the applicability of Tilly's model to state formation in Africa (Herbst 2000; Jackson and Rosberg 1982). Nevertheless, Tilly (1990) was only accounting for the experience of European states and the role warfare played in their evolution. That the model does not explain state formation in other contexts is immaterial.

It is Mampilly (2011) that questions the application of Tilly's and Olsen's models to the study of contemporary civil wars. Mampilly (2011: 36) argues that the use of these models risks seeing a "state where none exists." He contends that Tilly and Olsen were concerned with the emergence and consolidation of embryonic states in contexts much different from the current era in which the existing international order gives states distinct advantages from insurgents (Mampilly 2011). But as many other scholars have pointed out, the nature of politics and the exercise of power by rebels, in many cases, represent embryonic state-formation that mirrors Tilly's and Olsen's models (Pegg 1998; Ottaway 2003; Tull 2004; Stokke 2006). Ottaway (2003: 247) develops what she calls "raw power de facto state," which enjoys no international recognition, but which enforces authority. Ottaway (2003) and Andrews *et al* (2016) criticise this approach of turning *de jure* failed states into Weberian-like states for ignoring the historical evolution of the modern state. According to Ottaway (2003), the control of territory through armed conflicts makes the internal reconstruction of the state possible. Raw military power can be built through an armed movement and slowly transformed into institutions and other governance capabilities (Ottaway 2003).

The case of the SPLM/A represents an embryonic state, which eventually mutated into a full sovereign state. The collapse of the Addis Ababa Agreement and the proliferation of armed groups in the South in the early 1980s created an environment of competitive thieving that resembles Olsen's (1993, 2000) roving banditry. Aside from the newly mutinous forces as of May 1983, other rebel groups operated in the South. The SPLM/A – in assuming the role of a residual claimant – embarked on the process of monopolising violence in Southern Sudan and in creating Ottaway's (2003) "raw power de facto state." As this dissertation will show, while this process involved some elite bargaining, it was largely shaped by coercion. This deployment of violence affected the evolution of coercive, extractive and administrative capabilities within the SPLM/A. The failure of the SPLM/A to fully embrace elite bargaining in order to centralise its elites' efforts has trapped South Sudan in roving banditry characterised by repeated warfare. This thesis will show that in the absence of this elite unity, the coercive, extractive, and administrative capabilities established within the SPLM/A were built on a shaky foundation. As such, Olsen and Tilly provide appropriate models for studying state formation in South Sudan.

Leading a process of centralising the efforts of other bandits does not automatically mean success. As Tilly (1990) shows state formation was not linear, and efforts to escape roving banditry do not directly result in stationary banditry. The process through which bandits centralise their efforts under the leadership of a residual claimant, as they transition to stationary bandit status, is reversible. This is important to keep in mind in the case of the SPLM/A, which led the effort to centralise Southern Sudanese elites. Societies can revert back to roving banditry or be trapped in roving banditry, particularly when bandits attempt to move away from competitive thieving or when they have exhausted their monopoly as stationary bandits (Olsen 1993, 2000). As Scheidel's (2009) study of ancient China indicates, when leaders revert to roving banditry, the productive capacity of the society declines and previous surpluses disappear. The autocrat's self-interest engenders a long-term view that incentivises maintaining law and order, leading to increased productivity (Olsen 2000). This increase in the autocrat's earnings is only realised through taxation of growth from

long-term investments. This long-term view is as vital in the initial acquisition of capabilities as it is when authority has been monopolised. It is precisely because of this long-term view that war-making produced the kinds of institutions that epitomise modern states.

Despite incentives, some autocrats prioritise short-term gains over long-term returns. By taking the short-term view, the autocrat maximises gain by pursuing short-term goals that offer immediate reward (Olsen 1993, 2000). These actions, which may include expropriating subjects' wealth, dishonouring private contracts, and printing money, decrease productivity and recreate the incentives evident during roving banditry. Even if the autocrat promises to ensure law and order, such assurances are not credible since no other authority within the society exists to check these actions. Moreover, dictatorship naturally breeds succession crises since the autocrat cannot set up an independent body that can organise orderly succession since such a body could remove the existing dictator (Olsen 2000). Aside from the lack of confidence in what the present autocrat actually says, an end to the autocrat's rule could usher in another autocrat, whose commitment to enforcing property rights and long-term contracts is uncertain (Olsen 2000). It follows that the population would "want a greater security of property and contract rights than can be provided by a system that reverts to roving banditry" (Olsen 2000: 29).

In applying Olsen (1993, 2000) and Tilly (1985, 1990) to the study of state formation in South Sudan, this dissertation focuses on the political bargaining of elites joining their efforts under the leadership of a residual claimant. In the context of South Sudan, the SPLM/A assumed the role of residual claimant and embarked on a process to bring about other Southern-armed groups under its leadership. This process is similar to the coming together of roving bandits in order to transition to stationary bandits under an autocrat. The SPLM/A wanted to monopolise violence among Southerners in order to establish a new political order. Such elite bargaining opens doors to the acquisition of coercive, extractive, and administrative capabilities, which are essential for pursuing the bandits' material interests. Yet, elite bargaining is continuous and

provides checks to prevent elite fragmentation and the return (or the entrenchment) of roving banditry. Hence, this bargaining naturally focuses on power-sharing. Power-sharing prevents one individual (i.e. chief executive) from emerging as an autocrat; and limitations on power prevent the chief executive from eliminating his rivals once he assumes power. These two phenomena culminate in a limited executive and stronger property and contract rights necessary for economic growth (Olsen 2000).

The process of elite-bargaining has its own problems, however, since it is inherently contentious as actors are involved in making "discontinuous, public, collective claims on each other" (Tilly 2003: 26). Whether it occurs while the bandits are still centralising their efforts or after they have exerted their monopoly, the process involves serious risks. According to Tilly (2003), social relations characterised by exploitation and opportunity hoarding – which depicts the relations between an autocrat and his subjects – give rise to contentious politics, including collective violence. This emphasises that state formation is not a linear process, but a dynamic one. In Tilly's (2003: 10) account, exploitation occurs when a powerful group that enjoys access to resources from which it generates productivity denies a weaker group the full value of outputs produced through its own efforts. Opportunity hoarding occurs when "members of a categorically bounded network acquire access to a resource that is valuable, renewable, subject to monopoly, supportive of network activities, and enhance the network's modus operandi" (Tilly 2003: 10). Since governments are exploitative and hoard opportunity, they produce inequalities based on control, which encourages the use of collective violence (Tilly 2003). The contentious nature of elite politics highlights the challenge in overcoming the problem of collective action, as the case of the SPLM/A would show. The inability to foster efforts that nurture elite unity encourage the use of collective violence to resolve disagreements.

Collective violence occurs because political actors are rational and they exercise political authority to achieve certain outcomes. In *Ethnic Politics and State Power in Africa: The Logic of the Coup-Civil War Trap*, Philip Roessler (2016) presents the dilemmas of power-sharing that face autocrats. While power-sharing inspires confidence that

prevents reversion to roving banditry, it also brings potential rivals closer to core instruments of power, where they may "unseat the ruler by force or other unconstitutional means" (Roessler 2016: 5). This fear encourages the autocrat to marginalise these potential rivals, which sets off strategic manoeuvring among rival elites for control of the state, which may result in an ethnic civil war that creates opportunities for political entrepreneurs. These political entrepreneurs exercise critical "influence over the presence, absence, form, loci, and intensity of collective violence" that is critical in such contentious politics (Tilly 2003: 34). They activate existing boundaries, connect violent supporters to non-violent allies, oversee the execution of violence, and claim themselves as spokesmen for their constituents to promote collective violence (Tilly 2003). The political entrepreneurs who are also violent specialists are more successful in increasing the intensity of collective violence when "organised violence opens paths to political and economic power" (Tilly 2003: 41). According to Tilly and Tarrow (2007), contentious politics brings together contention, collective action, and politics – three conspicuous phenomena of social life.

Power-sharing and limitations on power open ways to contentious politics that involve the staging of contentious performances (Tilly 2008), including collective violence (Tilly 2003; Roessler 2008, 2016). This, once again, reinforces the significance of Tilly's (1985, 1990) war-makes-states theory in the evolution of state institutions. Since contentions also involve contesting the legitimacy claims of those who wield power, it is perhaps inevitable that these contentions are resolved through the use of violence in environments where non-violent means of resolving them are weak. The question of legitimacy is vital to the success or failure of centralising elite efforts. After all, the Weberian notion of legitimacy rests on three ideal-type modes of authority: rational grounds in which the commands of those in the position of authority are accepted because they ascended to those positions through legally agreed mechanisms; traditional grounds in which the commands of those in authority are obeyed because of the "sanctity of immemorial traditions" to which they owe their origin; and charismatic ground in which the authority of those in power is accepted because of their "exceptional sanctity, heroism or exemplary character" (Weber 1978: 215). This

is, of course, problematic in an environment where diverse sets of elites come together to overcome the problem of collective action. The claim to legitimacy rests on the notion of "voluntary compliance" (Weber 1978: 212), while contentious politics involves the contestation of such legitimacy.

As this thesis goes on to show, as the SPLM/A tried to overcome the problem of collective action among Southern rebel groups, its legitimacy to do so was contested. It is this contestation that has continued to fuel disunity among the political and military elites of the SPLM/A. This dissertation, therefore, focuses on the politics and acquisition of capabilities of a formative state along the theoretical lines of Olsen and Tilly. As clarified in this section, Tilly stresses the significance of elite unity in the mobilisation of the means of warfare. This process is critical to how the band of bandits form into a coherent entity that pursues certain material interests. Tilly's work on contentious politics also provides insights on why violence breaks out even when the situation of anarchy has been removed. The dissertation interrogates the organisational and capability-building processes that inform the performance of collective violence and discharge of state functions. This is based on the unique situation of South Sudan as a formative state, forged through the experience of war. The process of warfare in which elites came together under the SPLM/A and the post-war context of the SPLM/A's exercise of authority was shaped by contentious politics, which involved the deployment of collective violence.

This dissertation takes interest in three essential competencies central to the performance of key state functions that justify the necessity of the state: coercive, extractive, and administrative capabilities. The thesis recognises the centrality of elite unity in the pursuit of collective action, which provides the impetus for acquisition of these capabilities that are essential for the management and deployment of means of violence; extraction and deployment of resources; and public administration. Hence, this dissertation takes the process by which elites centralise their efforts as an entry point to assess how the success or the failure of such elite bargaining affects the acquisition of the above-mentioned three capabilities.

1.3   Key Arguments:

Having clarified the conceptual framework, I now provide the primary arguments of the thesis. In this dissertation, I make two main interventions as follow:

First, I argue that an insurgency's acquisition of functional capabilities to perform governance outcomes is a by-product of its internal structures for decision-making. That is, the extent of inclusivity and cohesion of an armed group's internal structures for decision-making – the organisational systems and processes within which strategic decisions are taken – determines its ability to build effective mechanisms of coercion, extraction, and civilian governance. In pursuing this line of inquiry, the thesis argues that the SPLM/A's failure to resolve its problems of internal decision-making and its reliance on the deployment of violence to manage the rebel movement retarded its acquisition of coercive, extractive, and administrative capabilities and created recurrent factionalisation and cyclical violent crisis from which the current trajectory of state formation can be understood.

Southern leaders who gathered to form the SPLM/A did not give sufficient time to elite bargaining when attempting to centralise their efforts. Instead, they resorted to the deployment of violence against their perceived rivals when faced with problems of internal decision-making. This coercive manner in which the SPLM/A was established as an organisation created an exercise of authority that relied on violence and systems of decision-making that were exclusive of diverse political views. These autocratic patterns of authority and decision-making effectively narrowed the political space for forging consensus, leaving the dissatisfied groups with no avenues to express grievances. While various opportunities for creating more inclusive and more legitimate systems presented themselves at various critical junctures in the evolution of the Movement, they were generally wasted due to contextual constraints (such as military setbacks) and the opportunistic nature by which various elements within the

SPLM/A attempted to exploit them, allowing the authoritarian exercise of authority to be repeatedly reproduced.

This thesis emphasises that the single most important feature of the SPLM/A's exercise of authority has been a failure to address the internal problems of decision-making – that is, to centralise elite efforts. Violence was the basis for managing the rebel movement. This approach led to critics either resorting to silence or to the use of violence to challenge the leadership. As such, violence became the mechanism by which the Movement was managed, as well as the instrument by which it was challenged. This prevented the SPLM/A from moving from the equilibrium of competitive thieving in Olsen's model. While the 2004 Rumbek meeting, at which Salva Kiir and John Garang were reconciled after rising tensions, brought in dialogue for the first time (the previous disagreements were largely resolved violently) as a mechanism for resolving divergent views inside the Movement, the new approach was short-lived since it was not institutionalised. For a while, the new leadership instrumentalised governmental positions and oil revenues to co-opt potential rivals into the SPLM/A's systems without addressing the underlying problems of internal decision-making. However, financial resources and access to positions in the government were eventually insufficient to keep the peace as rival elites faced a "commitment problem" – a state of uncertainty among rival elites with joint access to means of coercion and who fear the other side's first strike capability. The reciprocal manoeuvring that ensued led to the leadership and rivals once again reverting to the deployment of violence to settle differences. Hence, without addressing the problem of decision-making, the SPLM/A's systems repeatedly reverted to roving banditry.

Secondly, and as a direct consequence of the first point, the SPLM/A was unable to acquire capabilities necessary to discharge state-like functions. In the absence of alternative sources of legitimacy, the coercive apparatus that was created to be the war machine against an external enemy ended up being used to deploy violence against the Movement itself and its constituents. Because of the historical factors that shaped the particular ways in which the Movement was formed and which denied it of

widespread legitimacy across the South, the SPLM/A relied on the war machine to exert control and mobilise war efforts. While its leader John Garang sought to consolidate his grip on the Movement by pushing for the professionalisation of the coercive apparatus, several zonal commanders undermined this effort. Instead, they cultivated personal and paternalistic relationships with soldiers under their command, which encouraged indiscipline and facilitated violent fragmentations within the SPLM/A. As a result of the strategic interactions that undermined its professionalisation, the coercive apparatus was used to deploy violence to resolve power struggles, which further factionalised elites and prevented them from centralising their efforts. The endless fragmentation of the SPLM/A elites amounts to the scenario of competitive thieving in Olsen's model. This further undermined the acquisition of effective coercive capabilities as the factionalism created a legacy of a factionalised coercive apparatus. The strategic manoeuvring of the post-CPA context among the SPLM/A elites and President Kiir's instrumentalisation of disorder exacerbated this problem.

If the Movement was unable to build coercive capabilities, then it was also unable to build extractive capabilities. From the start, the SPLM/A relied on external patrons and violence to mobilise resources. This dependence on external actors and coercion prevented it from establishing systems of accountability and, instead, encouraged corruption and predation. The absence of accountability mechanisms made predation lucrative for the SPLM/A's largely autonomous zonal commanders since they did not have to remit extracted resources to any central entity. Moreover, the widespread availability of food aid following the Operation Lifeline Sudan (OLS) intensified corruption and extraversion as the Movement became dependent on international NGOs. This wartime corruption and mind-set of dependency was continued after the CPA, as the Movement allocated its bountiful new oil revenues to the security sector and invested insufficiently in the development and rehabilitation of society and economy, which it largely left to donors. The strategic manoeuvring among the elites who faced a "commitment problem" in the post-CPA era inflamed corruption and lack of accountability. The widespread corruption and the failure to address the issues

of accountability further exacerbated fragmentation and impeded elite unity. Hence, these factors laid the foundation for the post-CPA realm to revert to roving banditry.

Similarly, the inability to get internal decision-making right undermined the Movement's quest to build administrative capabilities. The SPLM/A's inability to create civil structures due to the internal power struggles that led to the creation of the Political-Military High Command (PMHC) reinforced the autonomy of zonal commanders, undermined the emergence of centralised public administration mechanisms, and contributed to the Movement's problems of internal decision-making. The absence of such structures impeded the Movement's acquisition of capabilities to provide civilian governance and exacerbated its reliance on violence to project authority. Although the Movement later created civil structures after the 1994 Convention, which was the first political gathering of the SPLM/A and its supporters to review its objectives and structures, these newly crafted structures could not thrive due to resistance by zonal commanders.

These civil structures, particularly the Civil Administration of New Sudan (CANS), were also deliberately retarded in the post-CPA period, notwithstanding their lack of effectiveness and overreliance on NGOs. This was largely due to the strategic manoeuvring among the SPLM/A's factions, particularly as President Salva Kiir deployed the strategy of disorder to consolidate control. Afraid of the influence of Garang's former allies, Salva Kiir embarked on a process of dismantling the SPLM/A organs he had inherited. The deliberate retardation of these structures during the formation of the Government of Southern Sudan (GOSS) made governance effectively impossible for the Movement. The absence of effective systems for public administration encouraged widespread corruption that exacerbated elite fragmentation and denied the SPLM/A widespread legitimacy.

Therefore, the SPLM/A has been unable to centralise the efforts of South Sudanese elites. This is largely due to the inability of its leaders to give ample time to elite bargaining. The Movement's reliance on coercion to manage itself and project

authority explains both its exercise of authority and the on-going trajectory of state formation in South Sudan.

1.4 Research Design, Methods, Data Collection, Limitations, and Ethics:

In seeking to explain the impact of the exercise of authority of the SPLM/A, as a rebel Movement and since the CPA, on the trajectory of state formation in South Sudan and in putting the conceptual thoughts of Charles Tilly and Mancur Olsen to the test in order to do so, this dissertation examines how decision-making structures affected the Movement's acquisition of coercive, extractive, and administrative capabilities. Empirically, the study draws on a unique and substantial body of elite interview data, as well as primary documents, to assess critical events, structures, and processes, as well as the strategic interactions among the politico-military elites of the SPLM/A with a particular focus on the period between 1983 and 2013. This approach offers the most plausible way to assess the nature of internal decision-making in the SPLM/A and interrogate the extent of inclusivity of decision-making structures since any meaningful data that may be available could only be obtained from historical records and living witnesses that can speak about the events of the past. Hence, most data used in the analysis were collected through elite interviews in which I treated the interviewees' perspective not as facts, but interesting perspectives that provided insights on the past, as scholars advise (Harvey 2011; Aberbach and Rockman 2002; King et al 1994). As Richards (1996) and Aberback and Rockman (2002) encourage, I was generally flexible in my role as a researcher in order to allow participants to tell their stories. At the same time, I did not hesitate to provide structure to the interviews when it was necessary. However, we very carefully evaluated the sources to assess their credibility and only relied on the information we could verify from other interlocutors.

Most of the data used in this inquiry were collected between February 2015 and May 2016. However, there were instances in which I was able to collect some additional data outside of the above-mentioned timeframe. This is because I travelled frequently

between the East Africa region and Cambridge during the course of this research. The nature of my research, as mentioned above, made it necessary that I focus on qualitative data. This is because I am primarily concerned with elite politics within the SPLM/A and how it shaped its acquisition of capabilities to perform state-like functions. As such, I focused on those who held (or have held) senior positions within the SPLM/A during its historical evolution.

Since my data collection occurred in the middle of a civil war that fragmented the SPLM/A, I made sure to reach out to interlocutors in all factions. These factions include: the Sudan People's Liberation Movement/Army − in Government (SPLM/A-IG) under the leadership of Salva Kiir Mayardit, which remained the mainstream faction that controlled the government; the Sudan People's Liberation Movement/Army − in Opposition (SPLM/A-IO) under the leadership of Riek Machar, which took up arms to oppose the government of Salva Kiir; and the Sudan People Liberation Movement − Former Detainees (SPLM-FDs) under the leadership of Pagan Amum Okech and a group of other senior SPLM/A leaders who were detained following the initial outbreak of clashes in December 2013. Interviews targeting the SPLM/A-IG were mostly conducted in Juba, while those targeting SPLM/A-IO and SPLM/A-FDs were conducted in Arusha, Tanzania, Nairobi, Kenya, and Addis Ababa, Ethiopia. In July 2016, the resurgence of violence led to a split within the SPLM/A-IO into two factions led by Riek Machar and Taban Deng Gai. While Taban replaced Machar as the First Vice President (FVP) as part of the Transitional Government of National Unity (TGONU) created by the 2015 peace deal, Riek Machar controls the most dominant faction which continues to fight against the Salva Kiir government (with Taban as FVP).

The interviews were semi-structured, flexible, and in-depth. I began each interview by overviewing what I hoped to accomplish in the course of the interview, but signalled my flexibility to any other issues that the respondent may have wanted to share. The interviews lasted about three hours on average. The shortest interview lasted one hour and the longest interview was eight hours over the course of two days. A total of 41

interviews were conducted. A significant limitation to my research was the fact that it took place in the middle of a civil war. This made it difficult for me to be on the ground inside South Sudan, as the university could not allow me to be based in Juba. As a result, I had to live in Nairobi. This made it difficult for me to reach out to respondents and obtain a large sample size. Secondly, conflict naturally breeds suspicion. Hence, some of the respondents who would have granted me interviews ultimately declined my requests. One example is the widow of the late John Garang Mabior, Madam Rebecca Nyandeng de Mabior, who initially agreed to provide me with personal archives of her late husband on top of an interview with her. But when the conflict started, she changed her mind because, according to her private secretary, she could not trust me. When the civil war started, my father, who is a general in the SPLA, sided with Salva Kiir, while Madam Rebecca threw her support behind the SPLM-FDs. According to her secretary, Madam Rebecca was upset by remarks my father made while addressing troops in Bentiu, Unity State in early 2014.[9] However, I was able to interview a large segment of SPLM/A politico-military elites.

Likewise, some of the staunch supporters of President Salva Kiir also declined my requests. One of them is Lt. Gen. Akol Koor Kuc, Director General of Internal Security Bureau of the National Security Service (NSS). In a written reply to my request, he mentioned that he could not grant me an interview due to the sensitivity of his work. However, I was able to learn from sources closer to him that the primary reason was due to my views on the conflict, particularly after penning an opinion piece in the New York Times (which can be found on the web) in which I criticised the government and called for international sanctions on the warring parties. Also, I was denied access to the SPLM/A archives in Nairobi after being assured earlier (in September 2013) that I would have access. Although I managed to get the Minister of Defence, Kuol Manyang Juuk, to intervene directly with the President so that I could be given access, the officials at the Embassy in Nairobi still denied me access.

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[9] Interview with Michael Mabior Deng Mabior, Secretary to Madam Rebecca Nyandeng de Mabior, 12 May 2015, Nairobi, Kenya.

Therefore, the ongoing civil war has severely limited the scope and the nature of data I could collect.

My intricate involvement with the SPLM/A politico-military elites raises questions about potential biases in the research. As Malterud (2001) pointed it, the position and the background of the researcher influences the types of people he or she interviews and the analysis of the evidence among other things. However, as many other scholars, including Malterud (2001) have pointed out, understanding the perspective of the research to assess potential areas for bias is critical to research design (Cloke et al 2000). This makes reflexivity essential to limiting these potential biases. As I mentioned, my father is a Major General in the SPLA and was a former commander in the SPLM/A. He joined the Movement as a member of the Koriom battalion in 1983 and remained in the mainstream SPLM/A until the CPA. He has remained in the army since. My father in-law is the former Chief of General Staff of the SPLA. He was a member of the first batch of SPLA intelligence officers along with Gen. Oyay Deng Ajak. Owing to my large family, I am connected with a significant segment of South Sudan's elites. Additionally, and as mentioned in the introduction, I have extensive experience in the SPLM/A and in the government. Because of this background, I knew everyone that I interviewed and they all knew my family and me. Several of them were my commanders when I was in the Red Army – a group of former child soldiers during the North-South war. This made things easier for me to obtain quality data. My experience in the SPLM/A also made it possible for me to possess a significant degree of knowledge on the subject, which make it difficult for respondents to abjectly lie (Richards 1996; Harvey 2011). During the interviews, I asked the participants if they wanted to be kept anonymous or cited for attribution. Many of them were more than happy to speak freely and to be recorded. They wanted to tell the story as they saw it as a service to the future generations of South Sudanese. Many of them were also happy to be talking to one of their own – a South Sudanese with history in the liberation struggle. However, four respondents requested anonymity. The list of the interviewees is provided in the references.

Despite the constraints imposed by the on-going civil war, I was able to access the top brass of the SPLM/A across the three factions. I interviewed senior cabinet officials, former cabinet officials, senior military leaders, intelligence officials, and party officials. I was also able to access some governmental documents that provided additional insights to the interviews. Many respondents agreed to be taped, but a good number objected to taping. I took notes during the interviews and listened to taped interviews again when drafting the dissertation. While I was unable to transcribe all the interviews, I have summarised all of them. As such, despite the limitations associated with elite interviews and the issue of my potential subjectivity, I believe that our approach adequately addresses the issue of reflexivity and provides the most logical approach to the research and the analysis of the evidence for drawing up the core arguments of the thesis.

1.5 Scope and Background

This dissertation focuses on the exercise of authority of the Sudan People's Liberation Movement / Army (SPLM/A) from its formation in 1983 until the eruption of civil war in December 2013. It explores key elements of the trajectory of state formation in South Sudan by examining the nature of internal decision-making within the SPLM/A before and since the country's independence; and, how that process affected the evolution of the SPLM/A's coercive, extractive, and administrative capabilities to perform state-like governance. While the dissertation takes the formation of the SPLM/A as its starting point, it also acknowledges the historical events and developments that preceded the formation of the Movement. This historical background is important in understanding the particular ways in which the SPLM/A formed, which affected the structuring of its decision-making mechanisms. This section provides a brief overview of this background.

Map 1. South Sudan
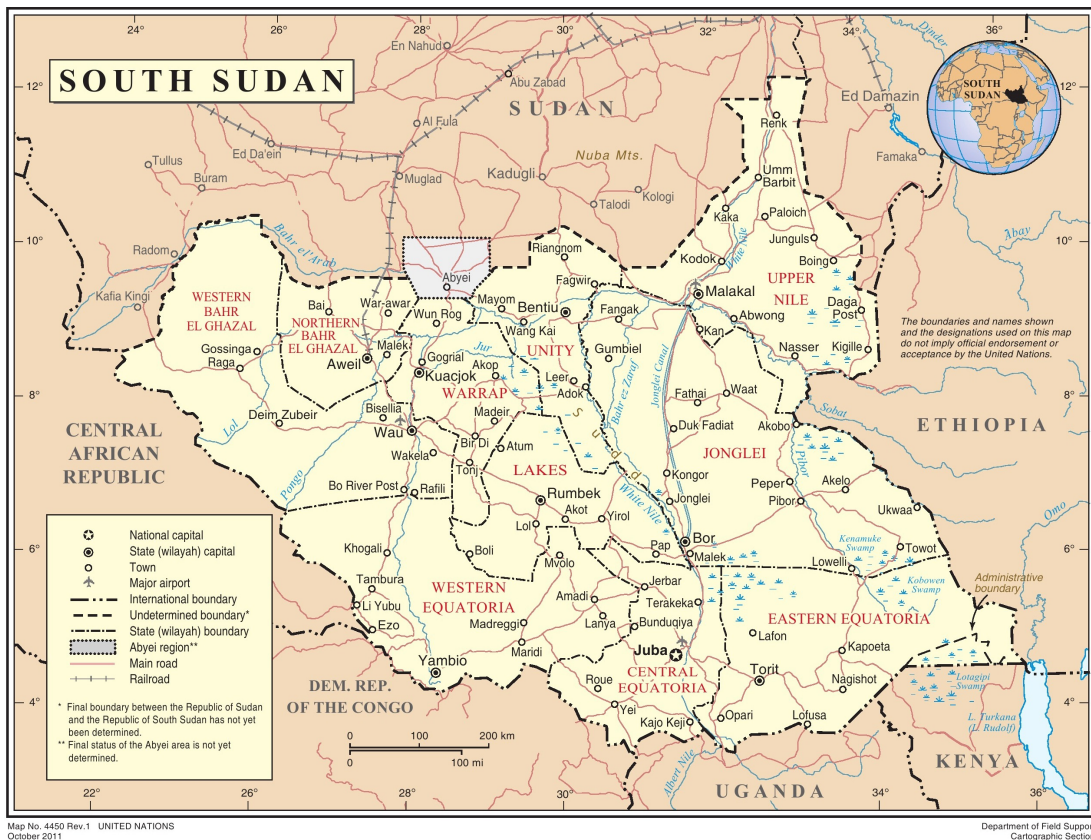
Source: Global Research Center

The SPLM/A was formed at a time of weak political consensus amongst Southerners caused by the legacies of colonial and post-colonial oppression. The Anglo-Egyptian Condominium government that ruled Sudan from 1899 to 1956 neglected the South and almost exclusively confined investments and state building initiatives to the North (Shepherd 1966; Oduho and Deng 1963). Schools, health facilities, mechanised agricultural schemes, railways, and other development projects were all concentrated in the North while the South was largely disregarded. In 1946, due to rising Sudanese Arab nationalism in the north, the Condominium government decided to bring the two regions under a single administration as part of putting Sudan on the path towards self-government (Wai 1980; Kyle 1966). It was also part of Britain's strategy for preventing Egypt from reclaiming sovereignty over the Sudan, which it had claimed since the conquest of the Sudan by Mohamed Ali of Egypt in 1822 (Holt and Daly 2000). As such, the British colonial administrators, who were actually responsible for

day-to-day management of Sudan, decided to placate the Northern Sudanese as a strategy of foiling Egyptian influence in the Sudan in the twilight years of the British empire (Johnson 2003). This decision to unite the two regions under one administration was meant to placate the northern Sudanese Arabs, but essentially amounted to placing Southerners under the control of the Northerners. The Northerners saw Southerners as lacking in culture and civilisation, and with the independence of Sudan, they embarked on a process of converting them to Islam and Arab culture (Nyquist 1965; Oduho and Deng 1963; Badal 1976). Hence, the colonial legacy and the reality of underdevelopment of the South relative to the North is an important factor that influenced the context within which the SPLM/A emerged.

The second factor that influenced the context in which the SPLM/A was formed is the first civil war between the North and South, which is widely known in Southern Sudan as the *Anya Nya* War. The separatist Southern rebels called themselves *Anya Nya*, a word that refers to "deadly snake venom" widely used in the South Sudan-Congo border region, and fought against the newly independent government of Sudan to create a separate Southern state. The Southern intellectuals of the time, who had been educated in Christian missionary schools and who came to represent the voice of the South as the Sudan approached independence, roundly rejected Islam and Arab culture, precipitating a series of events that culminated in the Torit mutiny of 18 August 1955. The munity was plotted by Southern soldiers with tacit support of Southern politicians (Rolandsen 2011), many of whom had become disillusioned with the indigenisation of public service in Sudan. This process led to many Northerners deployed in the South, but only four Southern Sudanese were appointed in the entire civil service (Oduho and Deng 1963). As the presence of Northerners in the South increased and the government began to openly articulate a vision of the Sudan that virtually excluded the Southerners, the soldiers in the garrison town of Torit took matters into their own hands and opened fire on their Northern compatriots. The government forces quickly suppressed the mutinying Southern forces, but remnants fled to the bush and re-emerged under the name *Anya Nya* in 1963 (Johnson 2003; Rolandsen 2011). The Southern rebels demanded self-determination for the South,

but there was a great deal of division among Southern politicians about what self-determination actually meant. These divisions and rivalries among Southern leaders paved the way for Joseph Lagu, an ex-officer in the Sudan Armed Forces (SAF), to emerge as the undisputed leader – both as the Commander-in-Chief (C-i-C) of the *Anya Nya* (which later changed its name to Southern Sudan Liberation Army or SSLA) and as the Chairman of the Southern Sudan Liberation Movement (SSLM). But Lagu assumed control of the SSLM/A at a time when the rebels faced the risk of losing their main source of foreign support (Lagu 2006). Israel had been the main external backer of the Southern rebels and it funnelled aid through Uganda. However, this support was abruptly threatened when Uganda's Idi Amin severed his country's ties with Israel and moved closer to the Islamic world (Ladouceur 1975; Lagu 2006).

The divisions among the Southern politicians, including Joseph Oduho, Deng Nhial, Aggrey Jaden, and others led to the emergence of Joseph Lagu (Rolandsen 2011). Lagu had been a relatively junior figure in the *Anya Nya* military wing, but quickly emerged as a well-known commander. After uniting various *Anya Nya* factions under his leadership, he merged the political and military wings of the Movement under his control as the C-i-C and the Chairman of the SSLM/A. As this thesis will show, the precedent that Lagu established provided a critical lesson that would not be lost on the founders of the SPLM/A. Moreover, the separatist ideology of the *Anya Nya*, which denied it any substantial support from African governments after the Organisation for African Unity's (OAU) charter recognised the legitimacy of colonial borders (Rolandsen 2011), was another experience from which the SPLM/A founders learned. Hence, the *Anya Nya*, its organisational structures, and the tensions among its leadership, including how they were addressed, formed the backdrop to the SPLM/A's approach to the design of its structures. The leaders of various factions that came to form the SPLM/A had been prominent figures in the *Anya Nya* rebel organisation, while others had been junior officers. Their individual participation in that war and the debates during of the period informed how they established the structures of internal decision-making in the SPLM/A.

The third factor that shaped the SPLM/A was the signing and implementation of the Addis Ababa Agreement of 1972, which fractured the rebel leadership when some factions refused to recognise the agreement and remained in the bush. Jaafar Numeiry, who had taken power in Khartoum via military *coup d'état* in 1969 and wanted to build broader legitimacy for his regime, distanced himself from the policies of previous governments and approached Southern rebels to negotiate an end to the conflict. The previous military government of Ibrahim Aboud and various unstable Parliamentary governments had given the military a free hand in handling the crisis in Southern Sudan, which had increased polarisation of the two regions of the Sudan. The roundtable conference of 1965, which provided an opportunity for addressing the series of grievances that the South had against the North, failed to address the problem. However, it led to divisions within the *Anya Nya* and further undermined any sense of shared political strategy among the Southern elites. After seizing power, Numeiry chose a Southerner, Abel Alier, to lead the government's delegation in negotiations with the SSLM/A. Lagu, increasingly worried about divisions within the Southern leadership in the bush and the pressures from Amin's regime to end the war, compromised on self-determination and settled for Regional Government for Southern Sudan within the context of one Sudan. But the manner in which Lagu signed the agreement left many members and factions of the SSLM/A feeling inadequately consulted (Ladouceur 1975; Kasfir 1977). Senior *Anya Nya* figures such as Akwot Atem de Mayen, who once served as Minister of Interior in one of the *Anya Nya* governments in the bush, refused to recognise the Addis Ababa agreement. John Garang, who was then a captain in *Anya Nya*, wrote a blistering critique of Lagu's approach to negotiations, but ultimately backed the accord.[10]

The fourth factor that influenced the political context of Southern Sudan in the early 1980s was the rising tensions between Dinka and Equatorian elites. Despite the united Southern opposition to Numeiry, there were political rivalries between the two

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[10] In a letter to Lagu, John Garang, one of the plotters of the 16 May 1983 mutiny in Bor, asked Lagu to keep pushing for separate *Anya Nya* forces as the only means to ensure implementation of the agreement. See for more details: https://paanluelwel.com/2011/10/09/captain-john-garang-letter-to-gen-joseph-lagu-of-anyanya-one/

signatories of the Addis Ababa Agreement: Abel Alier, representing the Dinka block, and Joseph Lagu, representing the Equatoria block. This pitted the Dinka elites of Upper Nile and Bahr el Ghazal regions against the elites from Equatoria region. While various tribal and regional differences had always existed between Dinkas and Equatorians, they reached particularly toxic levels during the presidency of Lagu (Johnson 2003). Due to criticism facing Lagu's government, including from Dinkas who had voted for him, he retreated from representing the whole South to solely focusing on Equatoria (Johnson 2003). After Idi Amin's fall in 1979, many Southerners in Uganda returned along with a number of Ugandans who had been displaced. Lagu overtly welcome these Ugandans to "their second home," raising fears among Dinkas that Lagu was planning to incorporate them into his own constituency. The result was a transformation of tribalism as Lagu's government overtly promoted an "anti-Nilotics" ideology reminiscent of Idi Amin's own "anti-Nilotics" propaganda (Johnson 2003: 52). The return of Alier to the presidency of the High Executive Council (HEC), the highest executive organ of the Southern regional government, only aggravated matters. According to Johnson (2003), Alier didn't appreciate Equatorians' grievances sufficiently, especially after he appointed ethnic Dinkas to half of his cabinet posts, including those from the opposition. From this point onwards, Lagu campaigned for a separate Equatoria free of "Dinka dominance." Hence, the divisions between Dinkas and Equatorians was another important backdrop to the emergence of the SPLM/A.

Finally, the fifth factor affecting the SPLM/A's formation was the disillusionment of the former *Anya Nya* soldiers with the political elites of the South, whom they saw as acting on the whims of Numeiry. As Numeiry fomented divisions among Southern politicians, he planned to transfer various *Anya Nya* (SSLA) battalions[11] to the North for re-training after first being disarmed. These transfers were to be followed by additional relocations of Southern units[12] to the North. These plans ignited anger in the South among former SSLA (*Anya Nya*) officers who realised that Numeiry was planning to leave the South vulnerable. Since the political leaders were blinded by

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[11] 105 Battalion (Bor), 110 Battalion (Aweil), and 117 Battalion (Kapoeta).
[12] 104 Battalion (Nasir), 111 Battalion (Rumbek) and 116 Battalion (Juba).

political competition among themselves, some junior officers from the South started plotting to assume leadership in dealing with Numeiry (Scott 1985). According to Scott (1985), these ex-SSLA officers prepared for the resumption of hostilities between North and South. On 16 May 1983, the government's forces attacked the ex-SSLA 105 Battalion in Bor, which had refused transfer to the North (Scott 1985; Johnson 2003). After fighting for two days in which they ran out of ammunition, the 105 withdrew and headed towards the Ethiopian border. Dr. John Garang de Mabior also headed to the Ethiopian border around this time with members of 105 battalion and new recruits looking to join a new armed resistance. As the next Chapter will show, the most dominant leaders in the SPLM/A would come from the military wings, while the political leaders of the Regional Government were largely marginalised.

Therefore, colonial legacy, the *Anya Nya* war, the Addis Ababa Agreement, the tensions between Dinkas and Equatorians during the implementation of the agreement, and the divide between the political and military leaders of Southern Sudan formed the historical context in which the SPLM/A emerged. The colonial legacy created Sudan and amplified the inequality between the North and the South that deprived the South of a trained workforce and a developed territory. The *Anya Nya* war introduced debates concerning the objectives of a Southern armed struggle and led to divisions between those arguing for outright separation and those favouring federalism. The incessant fragmentation among the Southern elites during the *Anya Nya* also provided lessons that informed the SPLM/A's approach to organising itself and which wings of its struggle to emphasise. The Addis Ababa Agreement disappointed many factions within the SPLM/A, particularly those calling for outright independence of Southern Sudan. While the Agreement ended the war in the South, the *Anya Nya* factions that rejected it continued to operate in the bush. The tensions between Dinkas and Equatorians enormously constrained the ability of the SPLM/A to recruit from Equatoria and how it was perceived in the region. Likewise, the disillusionment of the military leaders with the politicians also shaped how the SPLM/A organised itself.

1.6   Thesis Structure:

The rest of the thesis proceeds as follows:

Chapter Two, **Internal Organisation and Decision-Making of the SPLM/A**, explores the formation of the SPLM/A and the genesis of its problems of internal decision-making. The chapter focuses on the issue of elite unity and what prevented the SPLM/A from successfully executing its role as a residual claimant and helping South Sudan's politico-military elites from overcoming the problem of collective action that faced them. The chapter engages the literature on armed movements and factors that account for variations in their internal coherence. In implementing Olsen and Tilly's model, the chapter focuses on the nature of elite bargaining that is essential to elite unity and the factors that prevented it in the SPLM/A. The chapter argues that while the violent confrontation that marked the birth of the Movement may explain its initial fragmentation, it was the leadership's lack of political will to develop coherent political structures that prevented them from forging consent. Instead, they entrenched the deployment of violence as a management strategy. This reliance on violence to manage the SPLM/A reproduced fragmentation among its elites. The commitment problem among the elites in the post-CPA context, particularly after the 2004 Rumbek meeting, led to an exercise of authority that reproduced the problem of internal decision-making. This culminated in the outbreak of the conflict in December 2013.

Chapter Three, **SPLM/A's Management and Deployment of Means of Violence**, explores the SPLM/A's acquisition of coercive capability in the absence of elite unity. It examines the establishment of the Movement's coercive apparatus and its management of violence against Khartoum and Southern rivals. Similar to Chapter Two, it also engages the literature on armed groups as well as specifically on the logic and outcomes of violence during civil wars. While Tilly and Olsen stress the importance of coercive instruments as essential to the acquisition of other functional capabilities, the analysis shows the limitations of acquiring functional capabilities in the absence of elite unity. The chapter contends that the considerable autonomy of top commanders in overseeing areas under their command exacerbated the problems of

indiscipline among the armed forces because commanders lacked the commitment to implement a penal code and discipline their troops. This was their strategic reaction to the absence of inclusive structures for decision-making, which they feared might victimise them one day. The leadership embraced this wartime indiscipline and unprofessionalism of the coercive organs in the post-CPA era as it engaged in strategic manoeuvring with other factions within the SPLM/A, eventually opting to substitute the risk of a *coup d'état* for the risk of a civil war.

Chapter Four, **The Impact of the SPLM/A's Resource Mobilisation on its Organisational Coherence**, explores the impact of the SPLM/A's wartime resources and their mobilisation strategies on its efforts to unify the elite. Similar to Chapters Two and Three, this chapter examines the SPLM/A's acquisition of extractive capabilities in the absence of elite unity. The chapter engages the armed group literature and revisits debates surrounding the importance of economic and social endowments in forging cohesion within armed groups. As both Olsen and Tilly argue, the pursuit of material resources by bandits and the use of taxation by Europeans state-makers to raise revenue make the acquisition of extractive capability essential to state formation. The chapter argues that the Movement's reliance on external actors and violence to mobilise resources undermined the establishment of extractive and accountability instruments and encouraged corruption. The influx of oil revenues in the post-CPA context exacerbated corruption and impeded the development of accountability mechanisms. Hence, it was unable to build effective structures of extraction.

Chapter Five, **SPLM/A's Public Administration and Civilian Governance**, explores the SPLM/A's creation of public administration systems for civilian governance. While the chapter continues engagement with the literature on rebel governance, it also engages the state-building literature. Similar to the other three chapters, it argues that power struggles within the Movement prevented it from establishing civilian administration systems, which impeded its acquisition of capabilities to perform governance functions. The SPLM/A was unable to build

effective administrative capability in the absence of elite unity. In the post-CPA context, Salva Kiir's strategy of disorder, in which he deliberately retarded public administration systems, prevented GOSS from acquiring governance capabilities. It only exacerbated corruption and poor governance, which intensified the Movement's reliance on violence and further fragmented its elites.

Chapter Six, **The Thesis Conclusion**, summarises the main arguments advanced in the dissertation. The analysis concludes that through reliance on Olsen and Tilly and the approach we took in the research, we provide a plausible answer to the central question of this dissertation. That is, the inability of the SPLM/A to create inclusive structures for internal decision-making prevented it from forging elite unity and from acquiring coercive, extractive, and administrative capabilities essential to fulfilling the functional roles of the state. Hence, the inability by the SPLM/A to build these capabilities due to its consistent failure to establish inclusive structures for internal decision-making explains the on-going trajectories of state formation in South Sudan.

2   Internal Organisation and Decision Making of the SPLM/A:

This chapter argues that the SPLM/A's problems with internal decision-making prevented peaceful centralisation of elite efforts and resulted in the deployment of violence against those advocating different views from the leadership, making violence the cornerstone of managing the rebel movement. This approach led to critics either resorting to silence or to the deployment of violence to challenge the leadership. As such, violence became the mechanism by which the Movement was managed as well as the instrument through which it was challenged. While the 2004 Rumbek meeting – a special gathering of the senior leadership of the SPLM/A at which Salva Kiir and John Garang were reconciled amid intensifying internal tensions – brought in dialogue for the first time as a mechanism for resolving divergent views inside the Movement, the new approach was short-lived since it was not institutionalised. The new leadership instrumentalised governmental positions and oil revenues to co-opt potential rivals into the SPLM/A's systems without addressing the underlying problems of internal decision-making necessary for elite unity. However, financial payoffs and access to positions in government could no longer placate rival elites who faced a "commitment problem" to keep the peace. The reciprocal manoeuvring that ensued led to leadership rivals once again reverting to the deployment of violence to settle differences.

Generally, scholars agree that the SPLM/A was hardly ever cohesive as an organisation. Since its formation, the Movement's structures only existed on paper, and decision-making over strategic direction of the Movement rested exclusively with the Chairman (Rolandsen 2005; LeRiche and Arnold 2013; Prunier 1994; Johnson 1998; Young 2005). The lack of inclusivity in decision-making promoted authoritarianism at the expense of institutional growth (Young 2003; Rolandsen 2005; Nyaba 1997), which created a "debilitating cycle of dissension and suspicion" (LeRiche and Arnold 2013: 80). Despite the progress the rebel organisation made on the battlefield, its "politics… was in disarray," especially as its Chairman, Dr. John Garang de Mabior, became more reliant on violence to secure his supremacy (Rolandsen 2005:

29). Notably, the deployment of violence against internal rivals to settle differences has endured within the Movement long after Garang's demise.

Building on the scholarship on the SPLM/A, our inquiry into the Movement's internal organisation and decision-making, and its relations to the SPLM/A's exercise of authority is guided by the following questions: In what ways did the SPLM/A's problems with internal decision-making influence the role of violence in managing the rebel movement? Moreover, in what ways did the legacies of violence in the rebel SPLM/A shape internal decision-making in its successor institutions following the signing of the Comprehensive Peace Agreement (CPA) in 2005? In exploring these questions, we will assess the arguments advanced by leading scholars on the SPLM/A and its organisational structures in the context of larger arguments in the political science literature. We will then build on this scholarship to put forward more plausible arguments that address the above questions.

Many scholars have written on the SPLM/A's failure to create political structures and to facilitate inclusive internal decision-making. While there is a great deal of agreement in the scholarship, there are subtle differences in the arguments put forth by John Young, Oystein Rolandsen, and Douglas Johnson. Young (2003, 2005) attributes significant influence to agency - represented by the actions of the leadership - as having retarded institutional growth and collective decision-making; Rolandsen (2005) provides a more nuanced approach, attributing the problem of organisational structures and decision-making to a multiplicity of contextual factors, such as lack of finances and the military setbacks of the SPLM/A; Johnson (1998; 2003), however, argues that the membership profile of the Movement has been the source of internal upheavals limiting its success. We expand on these arguments below.

According to Young (2003: 428), the SPLM/A's confidence in its instruments of violence convinced it that a quick military victory was possible and prevented it from developing robust political structures. He argues that the Movement only accepted internal reforms after the 1991 split created a precarious situation that nearly led to its

downfall (Young 2005: 540). However, these structures were unable to perform because "Garang had always fought to minimise institutionalisation in the movement" (Young 2005: 540). According to Young (2003: 426), Garang's sweeping powers were not accountable to any entity, and he "micro-managed" the organisation, creating a "gap between the formal structures of authority and accountability" and the *de facto* operation of things. This means that Garang's control over the means of violence enabled him to resist demands for addressing the problems of internal decision-making as he consolidated personal power. When Garang died in a plane crash in 2005, Young (2005) contended that with Salva Kiir (Garang's successor) at the helm, the SPLM/A could become more responsible and accountable while overcoming "the divisions between the disparate communities of South Sudan" (546). He praised Salva for championing "reforms and accountability of the army in the face of Garang's opposition" (Young 2005: 545).

The course of events in the decade after Garang's death has undermined Young's argument. The problems of internal decision-making, political structures, accountability, and inclusivity in the SPLM/A have remained as challenging (if not more so) as they were during Garang's tenure (Johnson 2014; Rolandsen 2015). Despite the enabling environment created by the CPA, the SPLM/A has been unable to create effective institutions through which it could responsibly, accountably, and effectively exercise authority. As such, the significance that Young attributes to the agency of an individual leader, whether it is John Garang or Salva Kiir, has not been evident. The problem of cyclical fragmentation continues to plague the Movement. While one could still argue that both Garang and Kiir were unsuitable leaders, Young appears to exaggerate the role of agency in the complex environment of institution building that faces a formative state.

Rolandsen (2005), on the other hand, argues that while Garang did exercise a great deal of authority over the Movement, there was room for others to influence things. This directly contests Young's (2003) claims of micro-management and opposition to institutionalism by Garang. According to Rolandsen (2005: 63), the decision to hold

the National Convention (the first large political gathering of SPLM/A and its constituencies) came from the Political-Military High Command's *ad hoc* committee formed by Garang. The same committee recommended the dissolution of the PMHC and suggested the creation of the General Field and Staff Command Council (GFSCC) in February 1993 (Rolandsen 2005: 63). Moreover, the Convention Organising Committee (COC) and its individual members had a great deal of influence on the conduct and scope of the Convention. For instance, Mario Muor Muor (a member of the COC) was instrumental in pushing the Convention Organising Committee (COC) to accept a broad representation of the population; he also suggested adding drafting the SPLM/A Constitution and the separation of the military and civilian structures to the agenda for the National Convention (Rolandsen 2005: 91-94).

While Rolandsen (2005) acknowledges the dysfunctional structures of the Movement (especially after the National Convention), he refrains from putting the blame solely on Garang. He contends that the institutions created in the aftermath of the 1994 National Convention did not restrain or check the authority of Garang (Rolandsen 2005: 150-151). According to Rolandsen (2005: 151), the most significant change resulting from the National Convention was the "very establishment of a formal structure and the requirement that the Chairman's decisions were made subject to the approval by a different body". But since this other "body" never questioned the decisions of the Chairman, it raises the question as to why such structures were created in the first place. According to Rolandsen (2005: 39-40), the National Convention provided an opportunity for the SPLM/A to gain the support of Southerners and foreigners in the midst of a propaganda war and competition with the breakaway Nasir Faction of Riek Machar and Lam Akol. Therefore, the reason for creating the structures was not to change the process of internal decision-making, but to undercut the Nasir Faction's internal and external support.

Rolandsen blames the lack of finances, the military setbacks the SPLM/A experienced after the split, and poor infrastructure and communication networks for the SPLM/A's failure to adequately implement the resolutions of the National Convention (2005:

137-8). In fact, Rolandsen (2005) suggests that the somewhat limited implementation of the Convention's resolutions was made possible by the improvement in the SPLM/A's military fortunes. While he blames the lack of finances and donors' reluctance to fund the SPLM/A's civilian structures, Rolandsen (2005: 136) also concedes that the Movement was unwilling to allocate its scarce resources away from the conduct of the war to civilian structures it created on paper following the Convention. Rolandsen (2007) seems sympathetic to the leadership's unwillingness to move resources and personnel from its core priority (the conduct of the war) to developing political structures. However, he does not tell us why the Movement was unable to create effective institutions for decision-making prior to its military misfortunes of 1991, when it still enjoyed the patronage of Mengistu's Ethiopia. Still, Rolandsen's (2005) rich empirical analysis provides a detailed understanding of the evolution of SPLM/A's structures in the wake of the National Convention, highlighting a number of factors that aided or impeded institutionalisation.

Johnson (1998) is more sympathetic to the SPLM/A's approach to the design of its structures. He contends that the merger of the political and military leadership in one person was based on lessons learned from the experience of the *Anya Nya* I[13] (Johnson 1998: 56-7). In his view, such an approach was critical for building a cohesive and effective organisation that, in turn, resulted in the SPLM/A's unprecedented record of achievement. Johnson (1998: 57) credits the leadership of the Movement for being much more aware of the opportunities to forge alliances across the marginalised Sudanese than the rank and file. While he concedes that the propaganda of "United Sudan" presented difficulty to forging Southern unity, he dismisses most of the *Anya Nya* II, those who broke away from Garang during the formation of the SPLM/A, as "opportunistic bandits" (Johnson 1998: 57). Therefore, Johnson (1998) sees the SPLM/A as having adapted to its contextual realities quite well and credits its success to such adaptation.

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[13] This is the first civil war between the North and the South (1955-1972)

Moreover, Johnson (1998: 60-1) argues that the internal challenges faced by Garang largely came from the deployment to other parts of the country of soldiers from certain areas, who joined the Movement due to "local grievances or from the motive of protecting their homes". According to Johnson (1998: 60), Garang wanted to avoid "localism" and "parochialism" and he deployed forces and transferred them throughout areas under his control. While Johnson (1998) strongly suggests that Garang's approach was right, he seems not to take any issue with the lack of inclusivity in decision-making, particularly the fact that Garang alone was the one making such decisions without consulting with others. Johnson (1998) contests the notion that Garang's centralisation of power is to blame for ruptures within the Movement, contending that the defections in 1991 by Riek Machar and Lam Akol "highlight the implicit problems of too much (rather than too little) local autonomy of commanders" (Johnson 1998: 61). In Johnson's view, the "autonomy of command can lead to fragmentation" (1998: 70). Therefore, Johnson (1998) seems to blame the membership profile of the Movement for the internal challenges that Garang faced, suggesting that commanders had been opportunistic and the members had been motivated by parochial interests. While one may concede that perhaps the SPLM/A did indeed incorporate the lessons of *Anya Nya* I and that it attracted parochial elements, it leaves one wondering if there were no other way to better organise internal structures for decision-making to encourage elite unity.

Despite shortcomings in the three views explored above, each offers important elements that could be helpful to our inquiry in understanding how the Movement's struggles with internal decision-making shaped the significance of violence as a tool for managing the organisation. From Young, we learn the significance of individual leaders and the role Garang played in perhaps impeding the development of political structures; from Rolandsen, we understand the importance of contextual factors and the constraints they exerted on the actions of leaders; and from Douglas Johnson, we learn the importance of membership profile and the risks presented by the autonomy of regional commanders. Despite the apparent contradictions, these three views emphasise Karl Marx's (2000: 32) contention that while men make history, "they do

not make it as they please in circumstances they choose for themselves; rather they make it in present circumstances, given and inherited." This is consistent with the experiences of European state-makers, who faced various structural and contextual constraints to centralising the efforts of their elites to forge modern state institutions (Tilly 1990).

Contextual constraints impose additional challenges on elite efforts to overcome the problem of collective action in nascent political environments in which political structures are being negotiated and deployed for the first time. This is particularly so when mechanisms for building consent and achieving Weberian legitimacy do not exist or are contested. Yet, overcoming the problem of collective action in the equilibrium of competitive thieving (Olsen 1993, 2000) provides a critical starting point for the pursuit of any other objective. Despite inherent contestation, elite politics enables state formation to occur under the leadership of a residual claimant (Hoijer 2004). However, in many nascent contemporary political cases, the success of such elite bargaining is often doubtful, which explains recurrent reversion to roving banditry. The literature on armed groups and fragile governments provides interesting insights into why such elite unity fails in ways that contextualises Olsen (1993, 2000) and Tilly (1985, 1990). The works of Jeremy Weinstein, Patrick Johnston and Philip Roessler offer interesting arguments through which we can better understand this collective action problem. Weinstein's (2007) and Johnston's (2008) analyses focus on internal organisations of armed groups, which are relevant for our inquiry into the rebel SPLM/A. Roessler's (2011) scholarship focuses on internal decision-making inside a government, which is pertinent for our inquiry into the SPLM/A after the signing of the peace agreement.

In *Inside Rebellion: The Politics of Insurgent Violence*, Weinstein (2007) identifies material constraints, recruitment of participants, and support from the civilian population as potential impediments to building a coherent rebel organisation. He argues that rebel leaders deploy economic and social endowments to confront these challenges (Weinstein 2007: 7). Economic endowments come from a range of sources, such as extraction of natural resources, taxation of the civilian population, and external

support; social endowments include shared norms and beliefs within a "certain ethnic, religious, cultural or ideological" group (Weinstein 2007: 7). According to Weinstein (2007), participants join rebel groups based on the incentives of the act of joining the rebellion, which emanates from either economic or social motives. This means that there are two types of potential participants: "investors" and "consumers." The "investors" are most committed to the ideals of the rebellion and join for the "promise of rewards in the future" whereas "consumers" do not really care about the ideals of the rebellion and join for the purpose of reaping immediate gains. While individual recruits know their motivations, the leadership does not know this information (Weinstein 2007: 9).

According to Weinstein (2007: 10), based on their initial endowments, rebel groups can either attract "activists" or "opportunistic" participants.[14] The type of members a rebellion attracts affect "its internal organisation and the strategies it pursues in war" (Weinstein 2007: 10). The key challenges facing rebel leaders are how to ensure compliance with orders and how to extract resources from civilians without exhausting them entirely (Weinstein 2007: 10). Therefore, the initial endowments determine the profiles of recruits, internal discipline, and how rebels exercise violence, which ultimately affect their approaches to governance and relations with the civilian population. According to Weinstein (2007), reliance on social endowments leads to the strategic use of violence, whereas reliance on economic endowments leads to indiscriminate use of violence against civilians. Once a violent relationship is established with civilians, it initiates "a cycle of civilian resistance and retribution by group members that spirals quickly out of control" (Weinstein 2007: 10-11). This makes it difficult for rebels to operate and often creates patterns of reciprocal violence that persist throughout the duration of the conflict (Weinstein 2007: 11). Thus, the strategies of violence that rebel groups pursue derive from their internal organisation, which relies on either economic or social endowment (Weinstein 2007: 14).

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[14] The activists correspond to investors while the opportunistic correspond to consumers.

Although Weinstein (2007) offers a provocative theory backed up by a host of empirical evidence, the theory has important shortcomings. As Kalyvas (2007: 1147) points out, the analysis leaves out the "interactions between rebels and civilians and between rebels and state forces." The civilians can simply flee rebel-held areas or join a government's counterinsurgency to fight against the rebels. Moreover, "If the presence of resources produces violent rebels, shouldn't it also produce violent soldiers" (Kalyvas 2007: 1147)? As Kalyvas (2007) argues, Weinstein's (2007) path-dependent argument leaves out the strategic interaction of war and the importance of adaptation during the course of hostilities. Therefore, Kalyvas (2007) rejects Weinstein's (2007) argument that only the initial endowments matter and that once participants are recruited nothing else changes, even if the endowments change.

Despite the criticism, Weinstein's (2007) analytical model offers elements that could be helpful to our inquiry. In particular, the membership profile of an organisation is crucial. This is the same point that Johnson (1998) stresses in his analysis of the SPLM/A internal dynamics. In a given organisation, there are "activist" and "opportunistic" participants at the various levels of the organisation. These participants exercise violence differently, which raises the importance of effectiveness of oversight mechanisms in ensuring discipline. In addition, the emphasis on "social endowments" is important in setting and shaping norms in a group. The extent to which leadership taps into these shared norms and beliefs could enhance the cohesion of the group and relations with civilians, regardless of resource endowments.

In his study of the civil wars in Liberia and Sierra Leone, Johnston (2008) contends that "U-form" (unitary) structures produce inclusive institutions, while the "M-form" (multi-divisional) structures produce neo-patrimonial units. The U-form is integrated, and it is coordinated from the centre while the M-form delegates authority to division heads (Johnston 2008). According to Johnston (2008: 109) geography and communication technology shape insurgents' decision on which type of model to adopt (Johnston 2008: 109). U-form types are likely to feature in small territories with good communication technologies, while the M-form predominates in large territories. In

analysing the organisation patterns of the National Patriotic Front of Liberation (NPFL) and the Liberians United for Reconciliation and Democracy (LURD), Johnston (1008) contends that the efficiency embedded in the U-form models turns into ineffectiveness as the territory under rebels' control expands. This means that even in small territories, if the insurgents quickly expand before consolidating the U-form structures, they suffer the consequences of a M-form model. According to Johnston (2008), insurgents in large territories are forced to adopt M-form structures, which make them incoherent since regional commanders are unlikely to understand the group's overall vision. These knowledge gaps are exploited to undermine the group's cohesion due to the prevalence of principal-agent problems (Johnston 2008). In M-form structured rebel movements, opportunism is much higher and regional commanders divert resources to their own objectives instead of the group's goals (Johnston 2008).

Johnston's (2008) contention mirrors the argument put forth by a group of scholars that emphasise geographical and structural constraints in explaining exercise of authority and state formation in Africa. However, Johnson's (2008) analytical model fails to reasonably stand up against the empirical cases the author examined in Liberia and Sierra Leone. By including other factors, such as whether the leader accumulates managerial qualities in the initial U-form model and /or whether he punishes the misbehaviour of line commanders, Johnston (2008) overloaded his analysis with so many independent variables that we are left wondering which one actually explains the trajectory of institutional formation. Many variables that affect internal organisation and decision-making in an insurgency simultaneously interact in theatres of conflict. Mampilly (2011) argues that the pre-conflict state-society relations, the ethnic make-up of the insurgents[15], and their ultimate objectives shape the group's design of structures for decision-making. But, even when such structures are put in place, Mampilly (2011) argues that they are constantly changed by the conditions endogenous to the conflict. Aside from the cohesion of the rebel group, these conditions also include the behaviour of the sitting government and the interaction of

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[15] Also see Fearon and Laitin (2003).

rebel leadership with international actors (Mampilly 2011; Kalyvas 2007). Despite the shortcomings, however, Johnston's model provides a plausible attempt for understanding the role that geography plays in the formation of institutions in an insurgency.

On the problems of decision-making within a government, Roessler (2011, 2016)[16] argues that civil wars are a result of power bargaining between elites with joint access to the means of coercion, but who face a "commitment problem" to cooperate and jointly hold on to power (Roessler 2011: 301-302). This argument is more relevant for our inquiry into the internal decision-making and organisation of the SPLM/A after it transitioned into a Government of Southern Sudan (GOSS), a political party (SPLM), and a regional army (SPLA). Roessler argues that the elites risk losing their hold on power if one of the factions with access to means of coercion defects and "conspires to usurp power" (2011: 302). The uncertainty produced by this dilemma sets off "reciprocal manoeuvring" among the factions, with each seeking to guard its interest against the "others' first strike capabilities," which ultimately destroys trust and makes the elimination of "one's rival a vital imperative" (Roessler 2011: 302).

According to Roessler (2011: 302), leaders seeking to foil potential usurpation of power by rivals "employ an exclusive strategy to neutralise the existential threat posed by those inside their regime and to secure their grip on power." The exclusion of perceived rival groups, while it reduces the likelihood of a *coup d'état*, makes the occurrence of a civil war likely. Roessler (2011: 302) contends that faced with "high immediate costs of the *coup d'état* versus the threat of ethnoregional rebellion in distant future, the ruler chooses a political strategy that substitutes civil war risk for coup risk". But as Van de Walle (2009: 6) noted, "elite accommodation," which is contrary to "exclusive strategy," offers enormous gains to the ruler and ethnic power holders and serves as the basis of peace. It is therefore puzzling that a ruler would jeopardise this

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[16] Roessler's book, *Ethnic Politics and State Power in Africa: The Logic of the Coup-Civil War Trap (2016)* builds on an earlier paper, "The Enemy Within: Personal Rules, Coups, and Civil Wars in Africa" (2011). Since the book does not add anything substantively different from the paper, we focus on the paper from here onwards.

arrangement, which makes his regime inclusive and legitimate, while consolidating his rule through clientelism. This is because the co-opted elites gain access to state resources for which they build their own patronage networks and power at the national level and funnel support to the ruler (Herbst 2000; Clapham 1996). But as Roessler (2011) argues, this neat "win-win" arrangement falls apart with the threat of a *coup* and the "commitment problem" faced by the ruler and his rivals. Roessler's analysis, this chapter will show, is useful for understanding why societies revert back to roving banditry, particularly in the absence of mechanisms for internal decision-making (or when those mechanisms fail) as the case of SPLM/A between the CPA era and the eruption of civil war in December 2013 demonstrates.

As such, the three main arguments offer useful guidance for our inquiry into how the SPLM/A's problems of internal decision-making influenced the instrumentalisation of violence as a management strategy. From Weinstein (2007), we learn that membership profile of an organisation and whether participants are "activist" and "opportunistic" can shape the internal organisation of an insurgency and how it uses violence. We also learn from the same scholar the importance of "social endowments" in forging group cohesion, yet we shall not overemphasise the causal influence of these factors. From Johnston (2008), we understand the constraints that geography imposes on organisational models that insurgents adopt, yet we must also be aware of historical and contextual factors that dynamically influence rebel institutions. From Roessler (2011), we learn the "commitment problem" that leaders in power face from rivals with joint access to the means of coercion. As we appraise Young's, Rolandsen's, and Johnson's arguments against available evidence, this chapter builds on Weinstein's, Roessler's, and Johnston's assessment of impediments to organisational coherence in rebel groups to provide a better explanation of how the SPLM/A's problems of internal decision-making influenced the role of violence as a management strategy.

The rest of the chapter is divided into four sections that follow the evolution of the SPLM/A. The first section explores the genesis of the Movement's problems of decision-making, which preceded its birth, and the initial deployment of violence

against those holding different views. This "original sin" created the precedent for the use of violence to resolve internal deadlocks and disagreements, which quickly became entrenched. In the second section, we argue that such use of violence became the mechanism for how the organisation was managed. While this silenced some critics, it led others to mobilise their own means of violence to challenge the leadership, which resulted in the fragmentation of the Movement. While the second fragmentation forced the SPLM/A to finally create inclusive structures to resolve the problems of internal decision-making, they were only on paper and there was neither sufficient will nor pressure to make them functional. This means that the problems of internal decision-making lingered, which nearly produced another rupture in the Movement in 2004. But, this time, the Movement embraced dialogue to address internal disagreements. The third section explores the Movement's new strategy of using dialogue to resolve internal problems. It argues that the new approach was short-lived as the leadership employed finances and positions to co-opt potential rivals without addressing the underlying internal problems. As the elites faced "commitment problems" from rivals with joint access to means of violence, elite accommodation faltered. As the competing factions manoeuvred for power, they resorted to the old habit of deploying violence to resolves internal rivalries. The final section provides the chapter's conclusion.

2.1   In the Absence of Elite Unity

In this section, we establish that the SPLM/A's problems of internal decision-making and the deployment of violence to resolve internal disagreements pre-date the formation of the rebel organisation. Assessing why this was the case, we engage arguments in the literature. However, since the arguments that Young (2003; 2005), Rolandsen (2005) and Johnson (1998) put forth to explain the SPLM/A's internal incoherence only cover later periods after the Movement was formed, we turn to Johnson's highly regarded history of the civil war (2003, 2011). Johnson, in assessing the bloody formation of the SPLM/A, argues that "the split in the leadership was thus based on ideological and personal differences" between the contending factions

spearheaded by Dr. John Garang de Mabior, comprised of recent ex-officers in the Sudan Armed Forces (SAF), and by Akwot Atem de Mayen, drawn from older *Anya Nya* leaders (2011: 65). Moreover, Johnson (2011: 65-66) argues that the Ethiopian army's attack on *Anya Nya* II bases triggered the actual split and violence that followed. He rules out ethnicity as a factor in the split (Johnson 2011: 65).

However, the SPLM/A has come under heavy criticism for lacking a strong ideological foundation (Young 2003: 426-7; Young 2005: 539; Nyaba 1997: 6-8), which challenges Johnson's (2011) account. In addition, one wonders whether either or both of the factions lacked some elements of "personal differences" among their leadership? If so, then it raises a question whether such personal differences have to manifest themselves in splits? It would seem that a critical element of organisational success implies management of such personal differences, which are bound to occur in any organisation. If the bandits are to escape roving banditry, then they must find ways to work out the differences that would undoubtedly emerge among themselves. Moreover, the split that occurred among the Southern leadership immediately took an ethnic line, pitting the Dinka against the Eastern Jikany Nuer, and sowed the ethnic divisions that later engulfed the Movement in the wake of the 1991 split (LeRiche and Arnold 2013: 66; Nyaba 1997: 45-6). This raises another question: If the reasons that led to the split had no ethnic foundation, why is it that the violence that ensued took an ethnic line? Also, what prompted the Ethiopian military – whose objective was to nurture a formidable insurgency against the Khartoum government – to lead a violent split in the same organisation it sought to build? In assessing Johnson's arguments against the evidence and exploring the above questions, we make use of Weinstein's (2007) framework, where relevant.

Weinstein (2007) argues that the membership profile of an organisation affects the group's cohesion. Whether a rebellion attracts "activist" or "opportunistic" participants determines whether members are able to subordinate their individual interests to the achievement of the group's objectives. In our case, we can infer that whether the would-be Southern Sudanese rebel leaders were "activist" or

"opportunistic" is central to understanding the split and why Southern leaders were unable to resolve their differences without resorting to violence. While we lack the evidence to ascertain the motivations each Southern leader had for joining the rebellion, we know that Kerubino Kwanyin Bol, the commander of the mutinying 105 Battalion stationed in Bor, was under investigation for "misallocation of funds and poaching" (Johnson 2011: 62). This does not necessarily mean that he only rebelled to flee the investigation since he was among a core group of plotters who masterminded the rebellion (LeRiche and Arnold 2013: 61; Johnson 2011: 62-3), but we cannot disregard such information in light of the popular maxim that "the best predictor of future behaviour is past behaviour" (more on this later). Besides, we know that older *Anya Nya* leaders such as Akwot Atem were already in the bush, and Johnson (1998) has described them as "opportunistic bandits." This means we cannot rule out resources as a motivating factor, with various leaders jockeying to maximise their access to them.

Moreover, the personal differences that Johnson (2011) asserts rest on three factors that point, instead, to power struggle. Firstly, the *Anya Nya* II leaders had been fighting against the SAF forces commanded by William Nyuon (the commander of 104 Battalion) and Kerubino before the duo defected. According to Johnson, Nyuon and Kerubino had been "uneasy about their reception by their former enemies" (2011: 65). This uneasiness enabled them to enthusiastically back Garang's leadership (Johnson 2011: 65). But this argument implies that there was contestation over leadership and the personal differences only explain why the two commanders sided with Garang. The second factor involves disagreement on whether the old seniority in the *Anya Nya* I should be restored (Johnson 2011: 65). This would have made Garang and his ex-SAF officers, including Kerubino and Nyuon, junior to the older *Anya Nya* officers and politicians, such as Samuel Gai Tut, who previously held military ranks. Again, this issue cannot be classified as a personal difference, but a signal of a power struggle among Southern leaders. The third factor points even more to leadership contests, as Johnson asserts that Garang was younger, highly educated, and more "experienced than other contenders." Therefore, using Johnson's (2011) own establishment of

events, we can dismiss personal differences as a cause for the split since the facts point to rivalry and power struggle.

On the question of ideology, Johnson (2011: 65) argues that the older *Anya Nya* officers wanted "independence for the South," while Garang preferred a united new Sudan. The resumption of hostilities between North and South committed the older *Anya Nya* leaders to the cause of independent Southern Sudan. However, the SPLM/A did not adopt separation because its immediate priority was to overthrow Numeiry, which required building a broad coalition with others in the North (Johnson 2011: 62). The Movement also needed the support of Ethiopia, which was fighting its own separatist rebels. This is why the July 1983 SPLM/A Manifesto expresses the grievances of marginalised areas instead of those of the South alone (Johnson 2011: 63; Scott 1985: 77). However, Johnson (2011: 62-5) writes of the SPLM/A (of this period) and former *Anya Nya* leaders as if they were distinct entities with discrete ideologies, which is misleading. This error has misled other scholars to insinuate that the SPLM/A and the *Anya Nya* II had been separate entities when they met Mengistu, each trying to present itself as the most viable.[17]

I conducted interviews with numerous veterans of the early SPLA/SPLM, including James Kok Ruea, Oyay Deng Ajak, and Thokwath Pal. James Kok Ruea, was a Nuer former high school student in Bor who fled with Keurbino's forces to Ethiopia. He rose through the ranks to become a commander, before defecting with Riek; he returned before the CPA and continued to hold senior posts in the SPLM/A. Oyay Deng was a Shilluk former young commander in *Anya Nya* II of Pakede who represented Pakede's faction during the formative meetings. He rose through the ranks to become one of the top commanders. Oyay became the first SPLM/A Chief of General Staff in the post CPA period. Thokwath Pal was a Nuer former Ethiopian intelligence officer who served as the Secretary General of Ethiopia's Workers Party in Gambella and who received Southern leaders as they entered Ethiopia. According to these veterans and many other Southern Sudanese who were present during this period, various

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[17] See LeRiche and Arnold 2013: 64.

dissatisfied Southern groups, including ex-SAF officers (the mutinying and defecting forces from across Southern Sudan), the leaders of *Anya Nya* II, and Southern politicians dissatisfied with Numeiry's regime, were all collaborating to forge a common outfit to challenge the Numeiry regime.[18] This means that until the split, they were essentially one group without discernible ideological differences. Moreover, the SPLM/A Manifesto, which articulates the vision of united Sudan, was drafted in Nazare, Ethiopia before the fallout.[19] While one may concede that perhaps Akwot Atem and Gai Tut preferred outright separation instead of the unity of the Sudan, their participation in the drafting of the Manifesto suggests that they came to embrace the vision of a united Sudan. But if there were no discernible ideological differences, where did this misunderstanding come from? Moreover, what then explains the split?

The misunderstanding on the issue of ideological differences stems from the discourses that followed the fallout. This is because the two sides had incentives to exaggerate the role ideology played in the split as they appealed for support. The older *Anya Nya* leaders had an incentive to argue that they defected from Garang due to their commitment to an independent Southern Sudan since many Southerners were sympathetic to separation. They hoped that as champions of Southern independence, Southerners dissatisfied with the Northern Arabs would flock to them. Likewise, Garang had an incentive to advance this narrative on ideological differences since he wanted to disprove Khartoum's characterisation of his Movement as separatist. He also wanted to distinguish himself from Akwot Atem, Gai Tut and William Abdallah Chuol, whom he labelled as "reactionaries" fighting for independent Southern Sudan. This explains his rhetoric that "this time the insurrection is led by revolutionaries fighting as the vanguard of the whole people" in contrast to the reactionary challenges of the past (Garang and Khalid 1985: 23). It can be argued that Garang was keen to emphasise the alleged ideological differences for the purpose of attracting Northern Sudanese into the Movement. Therefore, this revision of history fit perfectly into

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[18] Interviews with James Kok Ruea, Arusha, Tanzania, 12 February 2015; Oyay Deng Ajak (Part I), 3 December 2015, Addis Ababa, Ethiopia; Thokwath Pal, 17 April 2015, Nairobi, Kenya.
[19] Interviews with Oyay Deng Ajak (Part I), 3 December 2015, Addis Ababa, Ethiopia; Thokwath Pal, 17 April 2015, Nairobi, Kenya.

Garang's narrative as the champion of a united socialist New Sudan and Akwot Atem's narrative as the advocate of Southern separatism.

What then explains the split? The evidence we have leaves a lot to be desired. This is because most of it comes from interviews that rely on memories, which could be faulty. However, we can corroborate the information from more than one respondent. Moreover, we can use such evidence from interviews to analyse published sources in ways that can allow us to contribute to this question. Johnson (2011: 65-6) provides evidence that suggests that the split was due to a power struggle between Garang and the older *Anya Nya* leaders without explicitly stating it. Building on his research, we believe that power struggle indeed instigated the split. After the munity in Bor in May 1983, Garang spent some time in the Twich East area of the Jonglei region, where he eluded the Sudanese soldiers looking for him, before heading to Ethiopia with some of the mutinying soldiers.[20] Then in early June, according to Ayuen Alier Jongroor, who served as the agricultural extension worker in Ayod during this time period, SAF forces attempted to attack the 104 Battalion in Ayod, but they were outmanoeuvred and captured.[21] New reinforcements arrived from Malakal and the 104 withdrew and also headed towards the Ethiopian border with their forces intact.[22]

Akwot Atem, who had been a Minister of Interior in the previous *Anya Nya* rebel governments and who opposed Joseph Lagu's signing of the Addis Ababa agreement, was operating in the Gambella region of Ethiopia, where the newly mutinous 105 and 104 Battalions were headed. Akwot had been in contact with Southern leaders such as Garang, Abdallah Chuol and Gai Tut as early as 1982 (Johnson 2003). According to the former head of Ethiopian intelligence in Gambella, Thokwath Pal, the Ethiopian government had been providing support to southern rebels known as *Anya Nya* II since 1976.[23] However, the leaders of these rebels had no discipline. They interfered in civilian affairs, planted landmines randomly, and often raided cattle from Ethiopian

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[20] Interview with Mariano Deng Ngor, former agricultural expert in Jonglei and also the former South Sudan Ambassador to Kenya, 13 April 2015, Nairobi, Kenya.
[21] Interview with Ayuen Alier Jongroor, Juba, South Sudan, 24 March 2015.
[22] ibid
[23] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.

civilians. According to Thokwath Pal, the Ethiopian forces had to disarm these *Anya Nya* II groups twice by 1982.[24] The Ethiopian intelligence was hoping that much more capable individuals would be coming to the border after the events in Bor and Ayod. According to Thokwath Pal, they deployed agents to be on the lookout. After a while, they received information that Garang was on the way. The Ethiopian intelligence had already reportedly been informed by Edward Lino, a former intelligence official who was part of the conspiracy with Garang and others, via their embassy in Khartoum that a certain Colonel of high calibre named Dr. John Garang de Mabior was on the way to the Ethiopian border to lead a new armed rebellion.[25] Thokwath Pal and his soldiers went all the way to Burbei on Southern Sudanese side of the border to receive Garang and escorted him all the way to Adura in the Gambella region.[26]

What followed was a crucial chapter in the formation of the SPLM/A in which we can come to understand some of the key factors that would shape the interaction of the Southern Sudanese elites that formed the SPLM/A and which influenced the exercise of authority within the Movement thereafter. According to Thokwath Pal, after leaving Garang in Adura, he returned to Gambella to brief his superiors, which included the Ethiopian Vice President Fishea Desta and regional governor Simone (who also served as the First Secretary of the ruling party and also as chief of party in Gambella). Also present at the time in Gambella were Gen. Mesfin (Deputy Chief of Staff for Operations), Gen. Zode (the Chief of Police), Gen. Marshal Sekela (Deputy Minister for Internal and External Security), and Gen. Mogus (Deputy Minister for Public Security). Thokwath then arranged for Garang to meet with the Ethiopian high-level delegation at the Ethiopian Hotel in Gambella. According to Thokwath, the Ethiopian authorities asked Garang and his colleagues why they rebelled and what they wanted to achieve.[27] After stimulating discussions, the Ethiopian authorities asked them to put their grievances and aspirations in writing. Following the meeting, the Southern leaders immediately sent a word out to all the *Anya Nya* II groups to converge in Itang

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[24] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.
[25] This information has been corroborated by Thokwath Pal, Edward Lino, Lam Akol, Majak D'Agoot and many others within the SPLM/A.
[26] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.
[27] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.

for a meeting to discuss the objectives of the rebellion and how to unite themselves.[28] According Thokwath, Salva Kiir, who was a military intelligence captain at the time, Chagai Atem Biar, a businessman who had been a party to the conspiracy for Southern rebellion along with Garang and others, and Alfred Akuoch, who was also a high profile contact among the conspirators, coordinated with all the factions and ensured that they all came or sent representatives for the meeting.[29]

In early July 1983, Thokwath was ordered to bring the southern leaders to Addis Ababa. He left Gambella by helicopter with Akwot Atem, Garang, Gai Tut and Salva Kiir. According to Thokwath, Ethiopian intelligence also arranged for Joseph Oduho, a veteran Southern Sudanese politician since the independence period who was in Nairobi at the time, to be flown to Addis Ababa.[30] The group was taken to Nazare where they drafted a manifesto for the movement. An Ethiopian intelligence analyst named Aberra, typed as Garang dictated what became the SPLM/A's first manifesto, but Akwot Atem, Gai Tut, Oduho, and Salva Kiir also contributed to it.[31] After they finished the draft manifesto and structures, they were booked for an appointment with Mengistu. According to Salva Kiir, while they were in a bus heading to the meeting with Mengistu, they realized that they had not organized their leadership.[32] They started discussing the matter. According to Salva Kiir, Garang told the politicians that he and Salva Kiir were soldiers and would focus solely on military affairs. As such, the three politicians, Akwot Atem, Gai Tut and Oduho had to agree on how to organise the political leadership. They agreed on a rotational leadership, but not on specific details of how this would actually look. However, this story does not appear plausible since one would expect the Southern Sudanese delegation to have adequately organised itself before such a high-stakes meeting. The version from Oyay Deng, former representative of the Pakede's faction of the *Anya Nya* II, that the group decided

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[28] Interviews with Oyay Deng Ajak (Part I), 3 December 2015, Addis Ababa, Ethiopia.

[29] Interviews with Oyay Deng Ajak (Part I), 3 December 2015, Addis Ababa, Ethiopia; Thokwath Pal, 17 April 2015, Nairobi, Kenya.

[30] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.

[31] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.

[32] Statement to the leaders of Red Army leaders during a meeting at the Presidential Palace (J1), Juba, South Sudan, 31 March 2016. The details of the meeting were relayed to members of the Red Army by Deng Bol Aruai Bol, Chairman of the Red Army, during a red army meeting on 2 April 2016.

to endorse Akwot Atem as leader when the delegation left Gambella seems more plausible. At the time, Akwot Atem and Gai Tut were better known than Garang among Southerners.

According to Thokwath Pal, Mengistu was very impressed with Garang during the meeting.[33] He had also read about Garang following Edward Lino's mention of him to the Ethiopian intelligence operatives in Khartoum. After the meeting finished, Mengistu allegedly asked Garang to remain behind.[34] It is unclear what they discussed, but it immediately raised suspicions among his colleagues. According to Thokwath, who accompanied them, Mengistu's strong connection with Garang, then a Colonel, unsettled the politicians who felt entitled to lead the new revolution. But Thokwath was not surprised by Mengistu's connection with Garang.[35] According to Thokwath, since the 16 May 1983 mutiny in Bor, Ethiopian spies in Gambella had been on the lookout for Garang. When the helicopter was dispatched to Gambella, Ethiopian authorities were specifically looking for Garang.[36] As such, while Ethiopian authorities where naturally connected to Garang, it seemed that Akwot Atem was the head of the delegation. Nevertheless, their meeting with Mengistu was a success and they were assured of Ethiopian support. The group headed back to Itang to fully organise and embark on armed struggle against Khartoum.

But as Johnson (2011: 65) argues, the old *Anya Nya* leaders wanted the seniority in the *Anya Nya* Movement to be restored in the new rebellion. Moreover, Akwot Atem, Gai Tut, and Oduho were much older than Garang and had championed the cause of Southern Sudan for a longer time. Oduho had been at the centre of South Sudanese politics since the independence era. Akwot Atem had been a prominent *Anya Nya* leader and one of the few who refused to recognise the Addis Ababa agreement, remaining in the bush to continue the struggle (Johnson 2011). Likewise, Gai Tut was a senior officer in the *Anya Nya* war, who became a prominent Southern politician in

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[33] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.
[34] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.
[35] Interviews with Thokwath Pal, 17 April 2015, Nairobi, Kenya; Edward Lino, 15 February 2015, Arusha, Tanzania.
[36] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.

the Addis Ababa agreement period. Garang, on the other hand, had largely been studying abroad, and during the periods he was in the country, he was too junior to have had a significant impact. Despite his efforts in providing much of the ideas and strategy outlined in the Manifesto, the politicians wanted Garang to defer political leadership to them (Johnson 2011: 65).

But why did the power struggle result in violence? In addition, what prompted the Ethiopian army to initiate a violent split (Johnson 2011: 65-6) in a rebel organisation they sought to build? Moreover, if the split had no ethnic basis, why did the conflict mirror ethnic lines? Again, the evidence at hand has significant limitations for similar reasons mentioned before. However, we believe that while the evidence may not sufficiently settle the debate on this issue, it could certainly allow us to contribute to it. According to Thokwath Pal, Mengistu asked Garang to remain behind after meeting the entire Southern delegation.[37] While it is only Garang and Mengistu who know the content of this meeting, Garang, who had only cared about the military activities until then, became interested in politics as well. According to Kok Ruea, James Hoth Mai, an Eastern Jikany-Nuer young leader who was present at the time, and Kuol Deng Abot, an Abyei-Dinka former student who was present in these meetings, Garang was most active in explaining the Manifesto to the Southern Sudanese gathered to form the armed Movement after the delegation returned to Itang. During long discussions on the Manifesto held at a secondary school in Itang, it became increasingly clear that only Garang had truly internalised the vision outlined in the Manifesto.[38] As such, he began to gain support among ex-students and recent graduates who had little trust in the politicians due to the disappointing experiences of *Anya Nya* I and the Addis Ababa agreement era.

However, Akwot Atem and Gai Tut saw Garang as lacking internal legitimacy. Akwot Atem and Gai Tut, who had formed an alliance at this point (Akwot as the leader and

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[37] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.
[38] Interviews with James Hoth Mai, Juba, South Sudan, 13 December 2015; Kuol Deng Abot, Juba, South Sudan, 5 April 2015; Ayuen Alier Jongroor, Juba, South Sudan, 24 March 2015; James Kok Ruea, Arusha, Tanzania, 12 February 2015.

Gai as his deputy)[39], had the support of Nuers,[40] who were the overwhelming majority among those in Itang at the time (LeRiche and Arnold 2013: 66). The Eastern Jikany-Nuer straddle the Ethiopia-South Sudan border and had dominated the *Anya Nya* II (Johnson 2011: 65). Akwot Atem and Gai Tut wanted the leadership rivalry addressed through popular elections of those present in Itang. Garang and his team, sensing their low numbers, boycotted these elections, which prompted Akwot Atem and Gai Tut to claim victory.[41] According to Ayuen Alier Jongroor, a Bor-Dinka former secretary to William Nyuon, Garang and Salva Kiir worked on Nyuon, who had the largest forces in Itang, to back them. According to Ayuen Alier, Garang and Salva Kiir allegedly tried to convince Nyuon by insisting that the emerging movement had better chances of success under Garang's leadership than under Akwot Atem and Gai Tut. They pointed to the previous shortcomings of *Anya Nya* II that led to their disarmament by the Ethiopian forces while emphasising Mengistu's attention to Garang. While it is unclear what exactly convinced Nyuon, it is worth pointing out that his Gaweer-Nuer community had historical rivalries with the Lou-Nuer section from which Gai Tut hailed. Before Nyuon declared his position, he and Ayuen Alier met with *Anya Nya* II leaders several times to persuade them to concede leadership to Garang, but they insisted that Nyuon should instead join them.[42] Nyuon's decision to support Garang and the Ethiopian military deployment of forces in Itang to quell the rising tensions among the Southern Sudanese factions encouraged Gai Tut and Akwot Atem to peacefully withdraw to Bilpham, located a few kilometres from Itang.[43] Not long afterwards, Nyuon's forces and the remnants of Kerubino's troops attacked the *Anya Nya* II bases in Bilpham with the backing of Ethiopian forces.[44] The objective was to

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[39] Johnson (2011: 65) erroneously suggests that Gai Tut was to be the head of the military. The proposed line-up by the older *Anya Nya* leaders had Akwot Atem as Chairman, Gai Tut was deputy, Gordon Koang as Minister of Defense, and John Garang as Chief of Staff.

[40] Interview with James Kok Ruea, Arusha, Tanzania, 12 February 2015.

[41] Interviews with James Hoth Mai, Juba, South Sudan, 13 December 2015; Kuol Deng Abot, Juba, South Sudan, 5 April 2015; James Kok Ruea, Arusha, Tanzania, 12 February 2015; Ayuen Alier Jongroor, Juba, South Sudan, 24 March 2015.

[42] Interview with Ayuen Alier Jongroor, Juba, South Sudan, 24 March 2015; Kuol Deng Abot, Juba, South Sudan, 5 April 2015; James Kok Ruea, Arusha, Tanzania, 12 February 2015.

[43] Interview with Ayuen Alier Jongroor, Juba, South Sudan, 24 March 2015; Kuol Deng Abot, Juba, South Sudan, 5 April 2015; James Kok Ruea, Arusha, Tanzania, 12 February 2015.

[44] Interview with Ayuen Alier Jongroor, Juba, South Sudan, 24 March 2015.

seize control of Bilpham for strategic training purposes.[45] As such, contrary to Johnson's (2011: 65-6) suggestion that the Ethiopian army initiated the split by attacking the *Anya Nya* II bases, the split had already occurred and it was Nyuon's forces who initiated the attack, although the Ethiopian army aided it.

This still leaves us wondering why the Ethiopian military engaged in such hostilities in the first place. Why couldn't they reconcile the two sides since Ethiopia and the Southern Sudanese had a shared goal in building a formidable rebel army to challenge the Sudan Government and its army? According to Thokwath Pal, who coordinated the Ethiopian support, the decision by Akwot Atem and Gai Tut to mobilise for the elections angered the Ethiopian leadership. Their electoral campaign exposed the secret of Ethiopia's promised support to the emerging rebellion.[46] This allegedly embarrassed Mengistu, who was also serving as the Chairman of the OAU at the time. According to Thokwath Pal, Akwot Atem and Gai Tut were "not obedient or disciplined and wanted things done their way", which reminded the Ethiopian leadership of bad experiences with the *Anya Nya* II. Therefore, the Ethiopian leadership took their indiscipline as "blackmail" and angrily reacted by helping Garang's forces expel them.

While Thokwath Pal's explanation exaggerates the significance of the embarrassment that Mengistu might have felt for the disclosure of his support for Sudanese rebels, it also reveals his preference for Garang. After all, Ethiopia had previously made it clear to Numeiry's leadership that it would support Sudanese rebel groups to punish Sudan for supporting Eritrean and Tigray rebels (Johnson 2011: 59). We can infer that perhaps Mengistu feared that Garang might lose to older *Anya Nya* leaders. According to Thokwath Pal, the *Anya Nya* II leaders had performed poorly and Ethiopia has had to disarm them due to their lack of discipline and "liberation ethos".[47] Therefore, we can conclude that Ethiopia believed that Garang had better chances of building and

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[45] Interview with Ayuen Alier Jongroor, Juba, South Sudan, 24 March 2015.
[46] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.
[47] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.

leading an army that could succeed in punishing Sudan's government, and it intervened to ensure that Garang's faction decidedly won the leadership duel.

As such, we have established that a power struggle fractured the Southern leadership and created problems of internal decision-making before the Movement was formed. We have also established that the initial problems of decision-making were resolved with violence prior to the formation of the organisation and with the military aid of an external power that had confidence in Garang as an individual. While the older *Anya Nya* leaders preferred democratic means for resolving the leadership contest since they believed they could easily win, Garang resorted to violence knowing that the Ethiopian military would offer aid and his faction would emerge victorious. Therefore, he was not hesitant to use violence to settle the leadership contest. In addition, while Akwot Atem and Garang were both Dinkas, we have established that ethnicity was indeed an issue as the overwhelming majority of the Nuer population in Itang sided with Akwot Atem. This is because his Nuer supporters, particularly, Gai Tut, Gordon Koang, and others mobilised the population along ethnic lines.

In the next section, as we explore the role violence played in the management of the Movement, we will build on the precedence the deployment of violence to settle internal differences had on exacerbating problems of internal decision-making. This will become crucial since the structures the Movement established following the split had to be instituted in a hurry and without adequate foresight. But for now, it suffices to say that the "original sin" of deploying violence to resolve internal disagreement created a precedence that would have long lasting consequences on the evolution of the Movement.

2.2   The Internal Upheavals and Logics of Violence

Building on the argument we established in the previous section that the problems of internal decision-making were resolved through the deployment of violence (and with the aid of Ethiopian forces) before the Movement was formed, we now interrogate the

role of violence in the management of the Movement as the SPLM/A organised and embarked on its programs. We establish in this section that violence became the most significant mechanism for managing the organisation and for resolving problems of internal decision-making. This meant that those with divergent views had to either embrace silence or mobilise their own means of violence to put forth their divergent views. This raises a number of questions: First, why was violence adopted as a management strategy and why did actors with divergent views from the leadership also embrace violence as a mechanism for expressing their dissatisfaction? Second, what impact did this style of management have on the Movement's process of internal decision-making? Third, how did the Movement survive in the absence of elite unity? In exploring these questions, our inquiry will start by tackling the first question, which would naturally allow us to address the second and third questions. We turn to the literature to help us interrogate these questions.

Young (2003; 2005), Rolandsen (2005), and Johnson (1998) offer interesting perspectives with subtle differences in regard to the first question. Young (2003; 2005) argues that the deployment of violence as a management strategy stems from the dictatorial tendencies of the SPLM/A leader, Dr. John Garang de Mabior. This means that Garang wanted unchecked power and used his position as Chairman and Commander-in-Chief (C-i-C) to foil the development of "viable civil, political and military institutions" (Young 2005: 540). Rolandsen (2005) argues that although the leadership lacked the political will to establish the needed institutions, a number of other contextual constraints such as lack of communication infrastructure, finances, and the military threat from the enemy conspired to prevent the Movement from developing robust mechanisms for internal decision-making. Johnson (1998) contends that the structures that the Movement established were in fact suitable to Southern Sudan's unique historical experiences and explained its success on the battlefield. Instead, he attributes internal problems within the Movement to parochial participants and commanders who opportunistically exploited the autonomy that Garang gave them (Johnson 1998: 61, 70).

As we interrogate these arguments and explore the role violence played in the management of the SPLM/A, we make use of arguments provided by Weinstein (2007) and Johnston (2008). Weinstein (2007) argues that initial endowments determine the membership profile of a rebel organisation, which affects its organisational coherence. This is useful in exploring Johnson's view of the parochial participants that the Movement attracted and in exploring Young's contestation that Garang was the main problem. We can interrogate: was it the participants (Johnson 1998) or Garang himself who had opportunistic motivations (Young 2003; 2005)? And what were the origins of these motivations? Conversely, Johnston (2008) argues that the size of the theatre of conflict and the prevalence of communication technologies shape the types of institutions for decision-making that an insurgency is able to build. Combining this with Weinstein's (2007) resource argument, we can interrogate Rolandsen's (2007) contention that contextual constraints are also to blame for the incoherence of the Movement's structures. With such frameworks and arguments, we can then start our inquiry by assessing the structures for decision-making that the SPLM/A established and why these structures were unable to resolve the problem of internal decision-making. We then proceed to explore how and why violence became the critical management strategy for resolving the problems of internal decision-making.

The conventional literature on the SPLM/A argues that following the early split with the *Anya Nya* leaders, Garang established the Political-Military High Command as the central structure for decision-making in the Movement (Johnson 2011: 91; Rolandsen 2005: 29). This is contrary to the writing of Philippa Scott, who produced one of the earliest accounts on the SPLM/A and its organisational structures. In fact, Scott (1985) makes no mention of the PMHC at all. Instead, Scott (1985: 72) argues that "four hierarchical committees" oversaw the implementation of the Movement's activities through coordination with seven other working committees. While Scott (1985: 72) only provides the names of two of the seven working committees, she mentions the four hierarchical committees as the National Committee, Central Committee, Political Committee, and Executive Committee without providing their hierarchy. The two

working committees she mentions include the Political and Foreign Affairs Committee and the People's Justice and Public Administration Committee under the chairmanship of Oduho and Justice Martin Majier Gai, respectively. Oduho and Majier, along with Garang, are mentioned as "the trio" comprising the political leadership of the Movement[48]. Garang is referred to as the Chairman of the Provisional Executive Committee of the SPLM and the C-i-C of the SPLA forces. Garang, Oduho, and Majier, "together with Lt. Col. Kerubino Kwanyin and Lt. Col. William Nyuon, comprise the five members of the Provisional Executive Committee" (Scott 1985: 71).

Scott's (1985) account of the Movement's structures in this period is compelling and interesting. Her evidence relies on nearly all the early documents of the SPLM/A and interviews with the Movement's representative in London. The sympathetic tone and analysis of Scott (1985), including her assertion that the "Movement has gradually become politically and militarily well organised," which is an astonishing exaggeration, and the claim that the SPLM/A had "no quarrel" with foreign companies suggest that the piece was written to portray a positive image of the Movement to foreigners. In addition, her access to nearly all the documents of the Movement during this period suggests that high-level interlocutors coordinated with Scott (1985). This means that Scott's accounts represent how the Movement liked to be seen from outside as it appealed for external support. The detailed references to SPLA military victories, its organisational structures (at least as they might have been on paper) and sympathetic presentation of its ideology, vision, and aims shows that the SPLM/A wanted to be taken seriously. While all the committees mentioned in her work might not have been functional, their portrayal expresses the aspirations of the Movement in regard to organising its internal structures and conducting its business.

Scott's (1985) analysis is also interesting for our inquiry into SPLM/A's problems of internal decision-making and deployment of violence because it helps us to understand the questions of hierarchy and responsibilities within the Movement. While Garang is

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[48] Scott (1985) carefully writes about the SPLM And the SPLA as distinct entities.

the Chairman of the Provisional Executive Committee of the SPLM, we are told that "political leadership comes from Joseph Oduho," who chaired the Political and Foreign Affairs Committee (Scott 1985: 71). This makes sense for an organisation seeking to legitimise itself to outsiders since Oduho was a former *Anya Nya* leader and had been a dominant force in Southern politics since Sudan's independence. Garang, on the other hand, was largely unknown to outsiders. Similarly, stressing the significance of Majier, a former Deputy Speaker of the Southern Assembly during the Regional Government, serves the same purpose. However, if such was the state of organisational affairs, or the Movement's organisational aspirations, then it raises the question of how things actually worked in practice. Was Oduho really providing the Movement with political leadership? Regardless of the answer to this question, did such delineation of responsibilities represent the Movement's organisational aspiration? In addition, what roles were Garang, Kerubino and Nyuon to play? Moreover, where did the PMHC, which the conventional literature emphasises as the central leadership organ, come from? Interrogating these questions would explain why coercion featured prominently in the management of the Movement in this early period and for most of its existence.

The evidence has limitations, as it consists of primarily of interviews with SPLM/A elites. In addition, we cannot say much about the committees Scott (1985) mentions, except that most of them, particularly the National and Central Committee, never became functional.[49] Despite limitations, the evidence allows us to contribute to the debate on internal dynamics of the Movement during this period. According to Majak D'Agoot, a former high school student who joined the SPLM/A in October 1983 and rose through the ranks to become the Deputy Director of National Intelligence and Security Services (NISS) in the post CPA-period, Oyay Deng, and Kok Ruea, Garang was the chairman of the Military Committee (one of the working committees Scott mentions) in addition to his role as the Chairman of the Provisional Executive

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[49] Interviews with Lam Akol, former SPLM/A Zonal Commander of Northern Upper Nile (Shilluk Kingdom) and member of PMHC, Juba, South Sudan, 5 March 2015; Majak D'Agoot, former SPLM/A senior commander in the SPLM/A and former deputy head of intelligence in Sudan (2005-2011), Kenya, 20 April 2015.

Committee of the SPLM and the C-i-C of the SPLA. In the Military Committee, Kerubino deputised him, and other members included Nyuon, Salva Kiir, and Arok Thon.[50] This means that three (Garang, Kerubino, and Nyuon) of the five members of the Provisional Executive Committee of the SPLM came from the Military Committee. The Military Committee was responsible for the conduct of the war, including recruitment, training, logistics, deployment and operations, and military administration.[51] This means that the core business of the Movement was conducted through the Military Committee, of which Oduho and Majier were not members.

The responsibilities under the Military Committee had serious political, administrative, and judicial implications. For instance, recruitment involves political mobilisation; training involves political indoctrination; logistics involves sound financial management; combat operations involve interaction of soldiers with civilians, which comprises political, judicial and administrative issues; likewise, decisions on deployments locations, or which zones of conflict are prioritised, or who leads particular operations have political implications. All of these issues were left to the control of the Military Committee, leaving Oduho and Majier practically marginalised. While Majier developed the Penal Code, its application rested entirely on the military personnel. He had no judicial and administrative bureaucracy of his own since all recruits had to first undergo military training, and once trained, they serve under the military hierarchy at the behest of the Military Committee. According to Isaiah Chol Aruai, former secretary to Arok Thon Arok, this militarisation of cadres was instituted to accommodate the insecurities of Kerubino and Nyuon.[52]

Moreover, expeditionary taskforces, commanded by army officers (Scott 1985: 73-5), and political commissars led the political mobilisation and indoctrination of recruits. This left Oduho and Majier without any practical functions. Aside from the problem

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[50] Interview with Majak D'Agoot, Nairobi, Kenya, 20 April 2015; Interview with James Kok Ruea, Arusha, Tanzania, 12 February 2015; Interviews with Oyay Deng Ajak (Part I), 3 December 2015, Addis Ababa, Ethiopia.
[51] Interview with Majak D'Agoot, Nairobi, Kenya, 20 April 2015.
[52] Interview with Isaiah Chol Aruai (Current Chairman of the National Bureau of Statistics), Juba, South Sudan, 30 March 2015.

of redundancy, Majier's and Oduho's concerns regarding the establishment of robust political, judicial, and administrative structures were unheeded.[53] Their complaints about summary executions within the Movement irked their military colleagues who were responsible for these abuses. The decision of Oduho and Majier to exert their "political" seniority ignited a debate on which "committee" was senior, with Kerubino and Nyuon leading the charge that they were senior given their membership in the Military Committee. [54] According to Oyay Deng, former head of the combat intelligence who also served as SPLA Chief of Staff (2005-2009), Kerubino and Nyuon pressured Garang to clarify the issue of seniority between them and Oduho and Majier. Garang relented and demoted the duo, making Kerubino and Nyuon senior to Oduho and Majier. [55] This was humiliating for Oduho and Majier, who immediately began to conspire against Garang, leading to their detention.[56] According to Majak D'Agoot, the downfall of Oduho and Majier paved the way for the Provisional Executive Committee and the Military Committee to be merged into the Political-Military High Command (PMHC) since other committees did not exist in practice.

Whether Majier and Oduho actually conspired is uninteresting for our analysis since our inquiry concerns the incoherence of the Movement's structures. From the evidence gathered, it seems that only a number of committees actually ever became functional. Moreover, the practical delineation of responsibilities was overlooked. This means that the structures established after the initial split were not well thought out and were not really intended to resolve the problems of internal decision-making. The insufficient clarity of roles in the discharge of organisational duties created frictions that perpetuated the deployment of coercion to resolve disagreements. While Oduho did not actually have sufficient forces loyal to him, Majier, who hails from Bor district of

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[53] Interviews with Oyay Deng Ajak (Part I), former Head of Combat Intelligence, former SPLA Chief of Staff (2005-2011), and former Minister of National Security (2011-2013), 3 December 2015, Addis Ababa, Ethiopia.

[54] Interview with Majak D'Agoot, Nairobi, Kenya, 20 April 2015.

[55] Interviews with Oyay Deng Ajak (Part I), 3 December 2015, Addis Ababa, Ethiopia.

[56] Interview with Majak D'Agoot, Nairobi, Kenya, 20 April 2015; Interview with Oyay Deng Ajak (Part I), 3 December 2015, Addis Ababa, Ethiopia.

Jonglei, was wildly popular in his area. In fact, Majier's detention was followed by the arrest of many senior officers from Bor district on the allegation that they were party to Majier's conspiracy.[57] As such, the downfall of Oduho and Majier established that coercion was continued as a management strategy in the Movement.

On the surface, the experience of Majier and Oduho seems to support Young's (2003; 2005) argument that Garang's dictatorial tendencies impeded the organisational development of the Movement. After all, Garang ordered their arrest, which occurred after they attempted to exercise their responsibilities. While Garang ordered their arrest, the pressure came from Kerubino and Nyuon, but Garang was the Chairman and his position gave him the authority to reject Kerubino's and Nyuon's advice. While this was technically the case, a closer look at the evidence suggests otherwise. Johnson (2011: 66) argues that while Garang had stellar academic qualifications, his military experience was largely untried. Until the formation of the Movement, his only field experience consisted of just 10 months in which he served with the *Anya Nya* before the Addis Ababa Agreement (Johnson 2011: 66). Nyuon, on the other hand, ended the *Anya Nya* war as a Major.[58] This means that the foot soldiers in the 105 and 104 battalions had served with Kerubino and Nyuon for a long time before their mutiny and were personally loyal to their commanders. Following the formation of the SPLM/A, the 105 and 104 battalions were merged and re-trained, but deployed under the command of Kerubino. The first newly recruited battalion of Jamus (Buffalo in Arabic) was deployed under the overall command of Nyuon. This means that the *de facto* control of the military rested with Kerubino and Nyuon during the early periods.

Does this mean that Kerubino and Nyuon overruled Garang's decisions? The evidence suggests that they indeed did overrule Garang when their interests were directly threatened. According to Madut Biar Yel, former Lt. Colonel in *Anya Nya* II of Northern Bahr el Ghazal who became a signalist in the SPLM/A, Kerubino and

[57] Interviews with Majak D'Agoot, Nairobi, Kenya, 20 April 2015; Ayuen Alier Jongroor, Juba, South Sudan, 24 March 2015; Oyay Deng Ajak (Part I), 3 December 2015, Addis Ababa, Ethiopia.
[58] Nyuon was, however, integrated into the SAF following the agreement as a sergeant since he was uneducated. Nyuon had to rise again through the ranks, largely by containing the *Anya Nya* II forces, to become a Major on the eve of 1983 rebellion (Johnson 2011: 66).

Nyuon rejected Garang's proposal to make Lt. Col. Francis Ngor Deputy Chairman of the Military Committee.[59] Francis Ngor was a widely praised former head of SAF Military Intelligence in Malakal, under whom Salva Kiir served.[60] He was senior to everyone else in the Movement except for Garang.[61] Garang's proposal to make him his deputy was overruled by Kerubino and Nyuon. Garang had to refrain from including him in the Military Committee altogether in order to avoid stirring trouble with the duo. The intensity of Kerubino's and Nyuon's opposition to Francis Ngor, whom they saw as threatening to their positions, is revealed by the decision of the two to refuse him military reinforcement when he was encircled by *Anya Nya* II forces. After three days of fighting, Francis and his forces ran out of ammunition. He was killed. Hence, the evidence suggests that Kerubino and Nyuon did veto Garang's preferences and Garang was not as powerful in this early period as many scholars allege.

Moreover, some of Oduho's and Majier's complaints, including over the issue of summary execution were largely related to Kerubino's and Nyuon's behaviour. According to Isaiah Chol Aruai, former secretary to Arok Thon, Nyuon summarily executed Bol Kur, one of the founders of *Anya Nya* II, who was traveling with him in the junction of Damadolla (between Gambella and Itang). It is important to note that Isaiah Chol Aruai was later detained by Nyuon with Garang's orders along with his boss, Arok Thon Arok, which may explain for some potential bias towards Nyuon. However, Nyuon's excesses have been confirmed by other interlocutors. Nyaba (1997: 68-9) reports many occasions of mass summary executions by Kerubino, Nyuon and other commanders. Thokwath Pal calls the two commanders "anarchists" who used terror to exert their authority. Besides carrying out summary executions, they poached wildlife and looted cattle from Eastern Jikany-Nuer populations under the guise of

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[59] Interview with Madut Biar Yel (Former Minister of Telecommunications, RSS), Nairobi, Kenya, 10 April 2015.

[60] Interview with Madut Biar Yel, Nairobi, Kenya, 10 April 2015; Interview with Majak D'Agoot, Nairobi, Kenya, 20 April 2015.

[61] Johnson (2011: 92) erroneously suggests that Arok Thon Arok had been senior to John Garang in the Sudan Armed Forces (SAF). This is not true as Garang was a full Colonel and Arok was only a Major at the time of the 16 May 1983 munity. However, Arok was indeed senior to Kerubino Kwanyin, William Nyuon, and Salva Kiir, but he was made junior to them in the SPLM/A's hierarchy on the grounds that he arrived in Gambella late.

fighting *Anya Nya* II.[62] According to Thokwath Pal, Kerubino and Nyuon also did not respect Ethiopian sovereignty and repeatedly interfered in the administration of the local communities on the Ethiopian side of the border. All of these violations were reported to Garang, but he could not do anything. The behaviour of the two commanders seems to support Johnson's (1998) contention that the SPLM/A's internal upheavals partly stemmed from a parochial membership profile. Does this mean that only Kerubino and Nyuon exercised violence in the Movement? Were they the only ones able to suppress others? The evidence shows that the members of the PMHC were able to use violence with impunity (Johnson 2011: 93; Nyaba 1997: 67-8; LeRiche and Arnold 2013: 71).

Eventually, Garang did place Kerubino and a number of other commanders under detention (Johnson 2011: 92). What explained this change of strategy in dealing with commanders? In the case of Kerubino, his arrest came after he solicited the support of Mengistu to topple Garang. Mengistu lured him to Addis Ababa, arrested him, and handed him over to Garang (Johnson 2011: 92; Johnson 1998: 60). Likewise, Garang arrested Arok Thon, Kawac Makuei, Faustino Atem Gualdit, and a number of other commanders for allegedly conspiring to topple him (Johnson 2011: 92-5). It seems that Garang was quick to use coercion when his position was on the line. This means that Garang resorted to violence when the matter concerned a power struggle.

The arrest of Kerubino and Arok and the deployment of other senior officers in the PMHC as zonal or axis commanders across the country meant that Garang was singlehandedly responsible for decision-making in the Movement. In fact, since the formation of the PMHC after Oduho's and Majier's arrest, the organisation did not meet until after the 1991 split. Johnston's (2008) contention that geography and poor communication technologies inhibit organisational growth seems relevant. This is because the members of the PMHC were deployed as far as the Nuba Mountains and

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[62] Interviews with Isaiah Chol Aruai, Juba, South Sudan, 30 March 2015; Madut Biar Yel, Nairobi, Kenya, 10 April 2015; Majak D'Agoot, Nairobi, Kenya, 20 April 2015; James Hoth Mai, Juba, South Sudan, 13 December 2015; Kuol Deng Abot, Juba, South Sudan, 5 April 2015; Ayuen Alier Jongroor, Juba, South Sudan, 24 March 2015; James Kok Ruea, Arusha, Tanzania, 12 February 2015.

Northern Bahr el Ghazal; others were in Equatoria; and Garang was based at the Movement's headquarters in the Gambella region of Ethiopia. As Johnston (2008) contends, delegation of authority to regional commanders under an M-form model fuels the principal-agent problems that breeds opportunism. This opportunism becomes fatal when fanned by a genuine demand for internal debate and collective decision-making, especially in the face of dissatisfaction. Nyaba (1997: 8) contests that "when the organisation is starved of political and ideological debate, the contradictions are forced to emerge along personal and tribal lines." This becomes precisely so when the dissatisfied commanders are in charge of troops from their own ethnic group. As Fearon and Laitin (2003) argue, ethnically heterogeneous rebel groups face significant risk of defections. Once again, the problems of internal decision-making within the Movement were manifested in the deployment of violence in the splits that ensued.

According to Johnson (2011: 93), a number of commanders were discontented with the Movement. Many were concerned over lack of accountability, human rights violations, lack of civilian governance, and the overall issue of decision-making (Nyaba 1997; Malok 2009; Johnson 2011). According to Johnson (2011: 93), while many wanted to raise these concerns, they lacked a forum in which they could be rigorously debated. However, Lam Akol and Riek Machar did eventually raise these concerns with Garang in 1990 and 1991 in Addis Ababa (Johnson 2011: 93). South Sudan's First Vice President, Taban Deng Gai[63], recalled that while James Wani Igga, who was also an alternate member of the PMHC accompanied Machar and Lam Akol, he allegedly did not say anything in the meeting, claiming that he "did not know the agenda."[64] Lam Akol believes that James Wani's ambivalence during the meeting hurt their message and made it appear as if he and Machar were trying to undermine Garang.[65] But Nyaba (1997: 1) dismisses their concerns, contending that the two had been partly responsible for the Movement's excesses and only began to agitate for reforms after they fell out of favour with Garang. According to Lam Akol, while

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[63] a former close ally of Riek Machar who broke away along with the Nasir Faction, but who split from Machar's SPLM/A-IO faction and succeeded him as First Vice President in 2016

[64] Interview with Taban Deng Gai, First Vice-President of South Sudan, 19 February 2016, Juba, South Sudan.

[65] 65 Interview with Lam Akol, Juba, South Sudan, 5 March 2015.

Garang was defensive in the face of the concerns they raised, he promised to call for a meeting of the whole PMHC for these issues to be discussed.[66] But the events were moving rapidly in Ethiopia and the Tigray People's Liberation Front (TPLF) and Eritrean People's Liberation Front (EPLF) converged on Addis Ababa and deposed Mengistu's regime. The loss of Mengistu's support made the SPLM/A and Garang vulnerable, especially after losing his rear bases and logistics. As Garang struggled with crises unleashed by the sudden change of events (e.g. refugee crises, loss of bases, relocation of the Movement's headquarters), Lam Akol and Machar began to orchestrate a *coup* against Garang (Johnson 2011: 93-4; Nyaba 1997: 81-3; Malok 2009: 72). The 1991 split had massive consequences on the movement and led to the loss of territory, bases, and a number of civilians under the SPLM/A's control (Rolandsen 2005: 38). Yet, the split highlights the problems of elite unity that Southern leaders faced. On the one hand, serious contentious issues that caused dissatisfaction were occurring, but could not be addressed in an inclusive manner due to Garang's focus on the war. On the other hand, when such contentious issues were raised in a small meeting, as it occurred between Garang and Machar and Lam Akol, the issues could not be sufficiently addressed, and the meeting itself became a source of suspicions. It is precisely in such cases when underlying contentions could not be addressed or mechanisms for addressing them are contested that actors resort to collective violence to resolve them (Tilly 2003; Tilly and Tarrow 2007).

How shall we understand the 1991 split? Was it a necessary, although ill-executed, action to remove a dictator bent on consolidating power (Young 2003; 2005)? Or was it an opportunistic action staged by line commanders with too much autonomy (Johnson 1998)? Or was it the unavoidable consequence of rebel operations in a large territory (Johnston 2008)? LeRiche and Arnold (2013: 78) describe the 1991 split as an "opportunistic move carefully calculated to secure leadership from Garang" at his most vulnerable hour. Hutchinson (2001: 320) believes that Garang's faction fired the first shots against the Nasir faction, backing Lam Akol's claims (Akol 2001). Prunier (1994:

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[66] Interview with Lam Akol, former member of PMHC of the SPLM/A, Juba, South Sudan, 5 March 2015.

12) contests this narrative, arguing that the Bor Massacre was an unprovoked attack by the Nasir faction (cited in Rolandsen 2005). According to Oyay Deng, who was responsible for Combat Intelligence in the Office of the SPLM/A Chairman during this time, Garang had been aware that Lam Akol and Machar were planning a *coup*. However, he was reluctant to act against them because he thought that Machar would not succumb to Lam Akol's machinations.[67] If this account by Oyay is true, then it would have marked the first time that Garang had been aware of plots against him and refrained from taking actions. While it is unclear what Garang actually knew before Riek Machar and Lam Akol made their declaration, it seems entirely uncharacteristic for him to be aware of such grave danger and not act. Garang instead called for the first ever meeting of the PMHC, but Machar and Lam Akol refused to attend and issued their Nasir Declaration in which they declared Garang dismissed. Moreover, the two commanders (Nasir Faction) immediately entered into a tactical alliance with the Khartoum government against Garang (Rolandsen 2005: 37; Johnson 1998: 64, 66-67; LeRiche and Arnold 2013: 85; Nyaba 1997: 91-2). As such, the actions of the Nasir Faction mirror the opportunism of the M-form model (Johnston 2008) and gives credence to Johnson's (1998) contention that the SPLM/A's internal upheavals have roots in its parochial membership profile.

How did the split shape the Movement's problems of internal decision-making and its deployment of violence to suppress divergent views as a management strategy? The examination of evidence suggests that the 1991 split did have far-reaching impact on the Movement's deployment of violence against internal critics, although it did not resolve the problems of internal decision-making. According to Rolandsen (2005: 39-40), the Movement organised the 1994 SPLM National Convention (NC) while it faced significant military and political setbacks from the joint onslaught of SAF and Nasir Faction. The NC generated a political revival for the Movement and ushered in civilian structures, such as the National Liberation Council (NLC), National Executive Committee (NEC), and the Civil Administration of New Sudan (CANS) and paved the way for the creation of a Judicial branch (Rolandsen 2005: 122). The dissolution of the

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[67] Interview with Oyay Deng Ajak (Part II), 28 March 2016, Nairobi, Kenya.

PMHC in 1992 allowed for the creation of these new structures (Rolandsen 2011: 59-61).

Scholars have hailed the NC as a step towards democratisation (Kok 1996: 560; Warner 1998: 200-201; Rolandsen 2005: 81; Johnson 1998: 69). However, Prunier (1994) has been more sceptical, arguing that the NC displayed "old style command politics, complete with 'pre-selected' delegates, Dinka ethnic over representation, 'prepared' motions and enthusiastic unanimous re-election of the old surviving main SPLA Political Military High Command (PMHC) leaders to their 'new' leadership positions" (cited in Rolandsen 2005: 82). Prunier dismisses the event as nothing more than a propaganda show that provided little change. But Prunier (1994) fails to consider that after the 1991 split, the Dinka and Nuba were indeed the main stakeholders in the SPLM/A since the majority of the Nuers and Shilluks had defected with Nasir Faction and Equatorians had been sceptical of the Movement since its formation. While Rolandsen (2005) favours Prunier's view and contends that the delegates did not really represent the people, he also credits the NC for moderating the Movement's focus on militarism. He rejects Prunier's assertion that the aim of the Convention was to impress external actors (Rolandsen 2005: 85). Yet, he concedes that aside from "liberal rhetoric," little changed in regard to the Movement's decision-making at the strategic level (Rolandsen 2005: 124). The 2004 Rumbek meeting, which occurred 10 years after the NC, and at which Garang was criticised for "his autocratic style of leadership, failure to consult, ethnic favouritism, and the corruption of those nearest him" (Young 2005: 541), suggests that the SPLM/A's problems of internal decision-making lingered on. What explains this recurring failure to address this challenge?

Once again, the evidence we have leaves a lot to be desired, but it can nevertheless allow us to contribute to solving this puzzle. Rolandsen (2005) contends that contextual factors, especially the lack of finances, prevented the SPLM/A from implementing the NC resolutions. But Rolandsen (2005: 136) concedes that the Movement had been unwilling to allocate its own resources to make its newly created structures functional.

Moreover, the leadership did not have sufficient political will to convene the NLC meetings (Rolandsen 2005: 154). According to Rolandsen (2005: 153), the NLC met in 1994, 1997, 1998, 1999, and these meetings did not involve debates, but were convened to endorse decisions already made by Garang. According to Kosti Manibe Ngai and Richard Ken Mulla, former members of the NLC who served in the post-CPA cabinets, the final meeting of the NLC occurred in 2005, and it was convened to endorse the Comprehensive Peace Agreement (CPA). Additionally, the Chief Justice and the Court of Appeals were formally appointed in 1999, although the proposal had been made since 1996 (Rolandsen 2005: 157). According to the SPLM/A's first (and former) Chief Justice of the Court of Appeals, Ambrose Riiny Thiik, and his deputy, Bullen Panchol Awal, Garang was reluctant to formally separate the judiciary from the executive. [68] This seems to support Young's (2003; 2005) account that Garang purposefully undermined reforms in order to secure his grip on power, especially after creating the Leadership Council in place of the NEC, which was seen as a significant "setback for democratic reforms" (Rolandsen 2005: 158).

The reasons why the problems of decision-making continued to plague the Movement were complex. While the SPLM/A did have its own resources from the sale of gold, timber, and coffee (Johnson 2011: 165-6), these resources had to be allocated to many priorities, especially to the conduct of the war. The Movement's priority was to recover from the setbacks of the 1991 split, when it faced a near defeat (Young 2003; Rolandsen 2005; LeRiche and Arnold 2013). Moreover, Johnston's (2008) and Herbst's (2000) emphasis on geographical constraints should be appreciated more. After regaining the lost territories and taking the war to Blue Nile, the SPLM/A once again came to control a territory nearly the size of France, but which had limited infrastructure and communication technologies. As such, one can imagine the difficulty of organising regular meetings of the NLC since members were spread out across a vast territory. Similarly, Garang invested a great deal of time and resources in

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[68] Interviews with Ambrose Riiny Thiik, former Chief Justice of the Supreme Court of Southern Sudan (2005-2007), 6 December 2015, Juba, South Sudan; Bullen Panchol Awal, former deputy Chief Justice of Court Appeals, member of the Constitutional Court of Sudan (2005-2011), member of Supreme Court of South Sudan (2011-present), 2 December 2015, Juba, South Sudan.

reuniting old rivals that broke away, which allowed the Movement to present itself as the true representative of the marginalised regions (Rogier 2005: 56). The emergence of the SPLM/A from factional warfare as a united entity is credited among the factors that led to the CPA (Rolandsen 2011: 553).

It should also be mentioned that while the 2004 crisis that resulted in the Rumbek meeting raised concerns related to the problems of internal decision-making, its motivation came from elsewhere. Young (2003: 425) contends that the Movement had failed to deal with competition over leadership. The crisis was precipitated by a power struggle, particularly when rumours spread that Garang planned to dismiss Kiir as deputy.[69] These rumours were created and spread by officers who had fallen out of favour with Garang, particularly Aleu Ayieny Aleu, Dominic Dim, and Salva Mathok.[70] These officers hailed from Kiir's region of Warrap in Bahr el Ghazal and used their differences with Garang's as an evidence of systematic targeting of people from their region to push Kiir to confront Garang. Despite the lack of evidence that Garang actually intended to remove Kiir, the issue was fuelled by a host of other grievances that Kiir held against Garang, such as Garang's inability to cater for the expenses of Kiir's family.[71] However, Garang did indeed marginalise his deputy since he worked directly with Kiir's subordinates.[72] But according to Lual Achuek Lual Deng, former economic advisor to Garang, Kiir lacked skills in governance and development, which were needed as the Movement transitioned to the new era of peace. According to Lual, Kiir refused to benefit from attending various training programs within the Movement to develop the needed skills.[73] Indeed, Lual had been influential in organising some of these training programs for many former senior SPLM/A officials, including Majak D'Agoot, Malual Ayom and others, which makes

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[69] "Minutes of Historical SPLM Meeting in Rumbek, 2004" available at http://www.sudantribune.com/spip.php?article26320.

[70] Interview with former Inspector General of the Police, Pieng Deng Kuol (Part II), Juba, South Sudan, 7 December 2015; Interviews with Oyay Deng Ajak (Part II), 28 March 2016, Nairobi, Kenya; James Hoth Mai, Juba, South Sudan, 13 December 2015.

[71] Interview with Dr. Luka Biong Deng Kuol, Juba, South Sudan, March 13, 2015

[72] Interviews with Pieng Deng Kuol (Part II), Juba, South Sudan, 7 December 2015; James Hoth Mai, Juba, South Sudan, 13 December 2015.

[73] Interview with Dr. Lual Achuek Lual Deng, Juba, South Sudan, 2 March 2015.

his account authentic. As such, while the problems of decision-making had remained, there was no pressure on Garang to resolve this issue. Moreover, Garang's change of strategy away from violence meant that people could still disagree with him without violence being deployed against them. The resolution of the 2004 crisis through dialogue, rather than violence, demonstrates a significant break from established patterns in the Movement.

As it can be seen, we have established in this section that the precedence of deploying violence to resolved problems of internal decision-making became rooted as a mechanism for organisational management. This occurred due to the creation of amorphous decision-making structures that were not well thought out and which did not adequately function. These organisational defects confused roles and lines of authority between various committees while others never became fully functionally. We have also established that the deployment of violence or coercion to resolve problems of internal decision-making occurred largely when the leadership position of Garang was challenged. This can be seen clearly in the fact that the arrest of members in leadership occurred when they attempted to challenge Garang.

We have also established in the section that Garang by no means enjoyed unquestioned authority in the SPLM/A. His subordinates resisted some of his important decisions because he had not consolidated his grip on the means of violence. Even when he consolidated his control over the instruments of violence, he only deployed them when his position was challenged. However, in the case of 1991 split, it was the defecting Nasir Faction's commanders who first resorted to violence against Garang. While the Nasir commanders claim to have feared arrest by Garang, their collaboration with Khartoum's forces indicate that they had no intention of reconciling with Garang at the time. Despite the setbacks brought by the split, it led to the establishment of more thorough organisational structures through the NC that separated the military and the civil structures. Yet, a combination of factors, such as the expansive territory, the prioritisation of military recovery, and lack of pressure on Garang, culminated in slow implementation of the NC resolutions. While Garang

moved away from the deployment of violence to resolve rivalry over leadership, the problems of internal decision-making within the Movement persisted. In the next section, we will explore how this problem was addressed in the era of peace and interrogate why the deployment of violence to resolve the problems of internal decision-making and its corresponding roving banditry returned.

2.3 "Commitment Problem" and Manoeuvring to Control the Means of Violence

In the previous section, we established that the deployment of violence, which started before the SPLM/A was formed, became rooted as the Movement faced problems of internal decision-making. Violence became embedded as a mechanism for settling rivalries, engendering bloody fragmentations that nearly led to the SPLM/A's downfall, but which also precipitated the establishment of more inclusive structures to resolve the problems of decision-making. While these structures did not become functional, they minimised the deployment of violence to resolve disagreements and promoted dialogue. In this section, we argue that the SPLM/A's new approach of resolving internal problems through dialogue was only temporary. This was because rather than violence being replaced by genuine dialogue, the new leadership used financial incentives and governmental positions to co-opt rivals while leaving the problems of internal decision-making unaddressed. Thus, elites faced "commitment problems" as they competed for power, which once again revived the deployment of violence as a mechanism for resolving internal rivalries.

The approach for organisational management the new leadership adopted raises a number of questions. Firstly, why did the leadership resolve to buy-off potential rivals instead of actually building on the precedent of the 2004 Rumbek dialogue to address the internal problems of decision-making once and for all? Second, how did this strategy affect internal decision-making in the organisations (SPLM, GOSS, and SPLA) into which the Movement transitioned? Thirdly, since the new leadership showed disinterest in addressing the problems of internal decision-making, why did it

allow potential rivals joint access to the means of violence? These questions provide guidance for our inquiry in this section as we explore the Movement's problems of internal decision-making and the re-deployment of violence as a management strategy after the CPA and Garang's death. Similar to our approaches in the previous sections, we rely on the existing literature to ground our inquiry and apply evidence to challenge arguments and to fill the gaps in the literature.

Alex de Waal (2014: 348) contends that while Salva Kiir inherited a neo-patrimonial system from Garang, he transformed it into a militarised kleptocracy, allowing the elites to "indulge their appetite for self-enrichment" as a strategy to prevent his CPA partner, Sudan's President Omar El Bashir, from renting them to sabotage Southern independence. It follows that the determination of the predatory "military aristocracy" (Pinaud 2014) to get rich as quickly as possible meant that Kiir had to resort to the "politics of marketplace" to ensure that the Movement's secessionist agenda was achieved (de Waal 2014: 349). De Waal further exerts that the post-war system of corruption and patronage that South Sudan established, owes its origins to Khartoum's rule in the South, which was reproduced in the rebel SPLM/A. The argument infers that the SPLM/A functioned through rentier politics while in the bush, a claim for which de Waal provides no evidence. While the SPLM/A did mobilise resources from the war economy (Johnson 2011: 145-6), the finances at its disposal were not comparable to Khartoum's. Khartoum could have bought nearly all of the SPLM/A's commanders if indeed commanders sought to sell their "services to the highest bidder," as de Waal (2014: 352) argues. But even if we accept de Waal's contention that the SPLM/A "was compelled to compete with the National Congress Party (NCP)" as an explanation for Kiir's new management strategy in the post war era, we still need to explain why the purchase of loyalties was not complemented with dialogue to resolve problems of internal decision-making.

African leaders have used "elite accommodation" (Bayart 1993) to establish peace in their countries and ensure the survival of their regimes (Migdal 1988) long before the SPLM/A. The wisdom of such a strategy stems from the understanding that ethnic,

religious, and/or regional exclusion leads to civil wars (Horowitz 1985; Gurr 1993, 2000; Wimmer, Cederman, and Min 2009; Cederman, Wimmer, and Min 2010) – a point that the historical experience of the Sudan would have made clear to Kiir. The accommodation of elites in itself offers little gains to the population (Van de Walle 2009), but it gives the co-opted elites and their patronage networks access to resources through which they mobilise support for the regime (Herbst 2000; Clapham 1996). Indeed, Kiir's "big tent" approach allowed the SPLM/A to consolidate power (Srinivasan 2017; LeRiche and Arnold 2013; Ylonen 2016; Pinaud 2014) and paved the way for South Sudan's independence. However, Kiir's accommodation of elites did not last long as evidenced by his dismissal of the entire Cabinet barely two years after the birth of the new republic. The internal problems of decision-making that Kiir's dismissal of the Cabinet brought to fore were once again resolved through violence. How do we reconcile this turn of events with Kiir's "big tent?"

Roessler's (2011) contention of the "commitment problem" that faces elites as they engage in "reciprocal manoeuvring" for control of the means of coercion offers interesting insights for understanding the logic of the "big tent" and the fragmentation that later ensued. Since the early *coups d'état* of the 1960s, African politics has revolved around the control over the means of coercion as the most viable mechanism for ensuring regime survival (Horowitz 1985; Decalo 1976). The swiftness and unpredictable nature of a *coup d'état* (Luttwak 1968), and the physical danger[74] it presents to the ruler (Goldsmith 2001), made it necessary for rulers to develop "coup proofing" strategies (Horowitz 1985). Such strategies included frequent reshuffling[75] of cabinet ministers and security officers to prevent threatening centres of power from emerging (Roessler 2011: 309). However, if key stakeholders believe that the ruler is shutting access to the "apex of regime" through "ethnic stoking" by appointing

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[74] Goldsmith (2001) notes that one in four African heads of state deposed were killed in a coup.
[75] Salva Kiir reshuffled his Cabinet four times in 6 years. See (South Sudan President Reshuffles Cabinet, 3 July 2007. http://www.sudantribune.com/spip.php?article22670; Salva Kiir Reshuffles South Sudan Cabinet, 1 June 2009. http://www.sudantribune.com/Salva-Kiir-reshuffles-South-Sudan,31343; South Sudan's Kiir Announces New Cabinet, 21 June 2010; http://www.sudantribune.com/South-Sudan-s-Kiir-announces-new,35460; Kiir forms first cabinet of independent South Sudan, 26 August 2011. http://www.sudantribune.com/Kiir-forms-first-cabinet-of-the,39962.

members of his ethnic group to sensitive positions in the security institutions, the prevailing stability could fall part (Enloe 1980; Roessler 2011). This "ethnic stoking" could be perceived by rivals as proof of a ruler's intent to construct a "shadow state" and consolidate his grip on power (Reno 1998). Those excluded then fear that as the "shadow state" grows stronger, they will be effectively denied access to power and resources, or even arrested or killed (Roessler 2011: 310). In anticipation that the ruler and his "shadow state" may strike at any moment, the excluded elites work to develop their own "networks and parallel security forces" to protect their privileged positions (Roessler 2011: 311).

We argue that the manoeuvring over the control of means of violence to further the survival of his regime explains the logic of Kiir's "big tent" and his failure to resolve the problems of internal decision-making, which later manifested through violent fragmentation. Likewise, Roessler (2011) offers insights from which we can better understand Riek Machar's decision to challenge Kiir through violence. Rolandsen (2011: 559) contends that contrary to the facade of all-inclusive accommodation, Kiir immediately sidelined some of the prominent SPLM/A cadres (who later became known as "Garang Orphans/Boys") once he assumed power. Rolandsen (2011) argues that the power struggle within the SPLM/A between Kiir and the "Garang Boys" began immediately after Garang's death. Roessler (2011) contends that incumbent leaders employ exclusion to elites inside their governmental systems in order to guard their own hold on power. This is illuminating in light of Kiir's complaint of marginalisation during the 2004 meeting, which suggests that the "Garang Boys" controlled the political and coercive apparatus of the SPLM/A despite Kiir's position as Deputy Chairman, Deputy C-i-C and Chief of Staff. According to LeRiche and Arnold (2013), the monetised "big tent" strategy substituted for Kiir's personal inadequacies. Lacking a grand vision around which to mobilise people and a domineering personality necessary to coerce people to his preferred outcomes, Kiir "focused on balancing interests and co-opting people privately" (LeRiche and Arnold 2013: 117). This infers that Kiir deployed an exclusionary policy to undermine the "Garang Boys" and buttressed his personal control of the coercive apparatus through

the co-option of the SPLM/A's former enemies, the Southern Sudan Defence Forces (SSDF).

Kiir's approach can be understood best in the context of 2004's rift between him and Garang. Despite the Rumbek dialogue, Kiir remained deeply suspicious of his comrades who had been closer to Garang and whom he envied. This motivated him to employ money, military ranks, and cabinet positions to forge new alliances with the SSDF militias and NCP stalwarts as a strategy to change the character of the Movement. The idea was to assemble new political and coercive forces in a reconstructed SPLM/A that would be totally loyal to him, and to unravel the SPLM/A he inherited due to his suspicion that it was loyal to his primary rivals, the "Garang Boys." Despite the destabilising effect of endless processes of defection and reintegration (LeRiche and Arnold 2013: 160), its logic is consistent with the politics of regime survival in which disorder is instrumentalised through violence to exert authority (Williams 2016: 2). Within a short time, Kiir was able to fundamentally change the character of the armed forces he inherited from Garang. While this allowed him to marginalise the "Garang Boys", the fact that the overwhelming majority of SSDF forces came from the Nuer ethnic group meant that the success of the "big tent" in consolidating Kiir's control was ephemeral. The "Garang Boys" turned Kiir's success into vulnerability after changing tactics and used Machar to challenge Kiir, especially after the death of the former SSDF commander, Paulino Matip Nhial. This prompted Kiir to change his strategy to "ethnic stoking" and he created a "shadow state" comprised of parallel security forces to regain strategic advantage in the ensuing reciprocal manoeuvring.

Our evidence, which comes from interviews with the SPLM/A political and military elites, allows us to contribute to a better understanding of this debate. According to Oyay Deng, former Chief of General Staff of the SPLA, the total number of Southern militias in Khartoum's service as of late 2005 was estimated at about 15,000.[76] But following the Juba Declaration agreed between Kiir and Paulino Matip, over 60,000

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[76] Interviews with Oyay Deng Ajak (Part II), 28 March 2016, Nairobi, Kenya.

SSDF forces were integrated into the SPLA. Moreover, Alfred Lado Gore, a self-proclaimed leader of a rival Equatorian Defence Forces (EDF), flew to Juba from Kampala, where he had been lecturing at Makerere, and recruited 4,000 people inside Juba and had them also integrated into the SPLA.[77] Likewise, Abdel Bagi Ayii from Northern Bahr El Ghazal, Murle leader Ismail Konyi, and others came with thousands of militiamen, who were integrated into the SPLA.[78] Aside from their inflated numbers, the manner in which these forces were integrated is also revealing. Gen. Oyay Deng, as the SPLA Chief of Staff at the time, worked with three committees[79] to develop a technical plan for integration.[80] This plan was supposed to be submitted directly to President Kiir for his action. However, Kiir ordered Oyay Deng to first give the plan to Paulino Matip for his review and promised that Matip's inputs would be reviewed in a joint meeting. Nevertheless, Kiir worked directly with Matip and issued the integration directive in a message to all units without consulting with Oyay Deng and the committees.[81] Kiir's integration directive not only inflated the size of the militia forces, but it also increased the number of senior officers to the extent that the militias being integrated received more Major Generals than those already existing within the SPLA.[82] Lt. Gen. Pieng Deng Kuol, who headed one of the three committees, Gen. James Hoth Mai, who served as one of Oyay Deng's deputies, and others, have confirmed Oyay Deng's account.

Moreover, Kiir prevented the SPLA from undertaking fresh recruitment until a year after the independence. Therefore, between 2005 and 2012, the SPLA only integrated militias while it also transferred large numbers of veterans to the police, prisons service and other organised forces (Abatneh and Lubang 2011: 97). Kiir justified this

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[77] Interview with Cirino Hiteng, Addis Ababa, Ethiopia, 15 February 2017.

[78] Interviews with Pieng Deng Kuol (Part II), Juba, South Sudan, 7 December 2015; James Hoth Mai, Juba, South Sudan, 13 December 2015; Interview with Anonymous 1 (member of NSS), Juba, South Sudan, 6 April 2015.

[79] The committees were headed by Gen. Biar Atem Ajang, Gen. Pieng Deng Kuol, Gen. Augustino Jadalla.

[80] Interviews with Oyay Deng Ajak (Part II), 28 March 2016, Nairobi, Kenya; Pieng Deng Kuol (Part II), Juba, South Sudan, 7 December 2015; and James Hoth Mai, Juba, South Sudan, 13 December 2015.

[81] Interview with Anonymous 3, Juba, South Sudan, 21 February 2016.

[82] Interviews with Oyay Deng Ajak (Part II), 28 March 2016, Nairobi, Kenya; Pieng Deng Kuol (Part II), Juba, South Sudan, 7 December 2015.

moratorium on fresh recruitment by citing financial constraints,[83] yet money was never an issue as far as integrations were concerned. This demonstrates that Kiir purposefully sought to change the character of the military he inherited from Garang. Since these militias had been on the payroll of Khartoum for a long time, it followed that their loyalty to Kiir came at a price. The political leaders of the militia forces were incorporated into the SPLM and appointed to cabinet positions in GOSS. An exception was Paulino Matip, who preferred to remain in uniform as Deputy C-i-C of the SPLA. The SPLM, as a political party, was marginalised in these processes of internal decision-making. One of Kiir's staunchest allies, Justin Yach Arop, who served as GOSS's first Minister of Cabinet Affairs, is alleged to have proclaimed the SPLM dead after Garang's demise.[84] Until February 2006, it was unclear if Pagan Amum, former Secretary-General of the SPLM and a close ally of Garang, would play any role in the transformation of the SPLM into a political party.[85] Moreover, the SPLM Political Bureau (the highest echelon of the party) could not meet until long after the Juba Declaration had been finalised. Similarly, the "Garang Boys" were deliberately undermined in the GOSS, prompting some of them to resign[86] altogether from the Government.

As Kiir consolidated control over coercive organs, the survival of his regime became more assured. However, the death of Paulino Matip[87] in 2012 created a vacuum in Nuer politics, leaving his relatively junior commanders in search of a new patron. This naturally played into the hands of Machar, who declared[88] his intention to challenge Kiir in the next SPLM party elections. Yet, the neglect of the party for the better part of the interim period meant that the inter-party electoral rules were to be agreed in an

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[83] Interview with Ayuen Alier Jongroor, Juba, South Sudan, 24 March 2015.

[84] Interview with Luka Biong Deng Kuol, Juba, South Sudan, 13 March, 2015.

[85] Interview with Deng Alor Kuol (South Sudan's Minister of Foreign Affairs), Nairobi, Kenya, 19 February 2015.

[86] Nhial Deng Nhial, one of the "Garang Boys" resigned as GOSS Minister of Regional Cooperation in May 2006. http://www.sudantribune.com/+-Nhial-Deng-Nhial,833-+.

[87] South Sudan's Paulino Matip dies in Kenya, 22 August 2012. http://www.bbc.co.uk/news/world-africa-19346831

[88] In an interview with The Guardian, Riek Machar declared his intention to unseat Kiir through party elections. See "South Sudan: Two years old but with nothing to celebrate," 4 July 2013. https://www.theguardian.com/world/2013/jul/04/south-sudan-two-years-on

environment of factional manoeuvring. Threatened by the alliance of "Garang Boys" and Machar, Kiir – who had become more fearful of possible *coup* attempts – frustrated SPLM internal processes[89] and recruited parallel forces from his community.[90] Moreover, Kiir fired his entire Cabinet and formed a new one excluding the "Garang Boys" and Machar. According to Roessler, incumbents facing security dilemmas act to "mitigate the perceived threat posed by his rival by demoting or removing him from a position of influence" (2011: 311-312). While the removal or demotion is aimed at reducing the influence of the rival(s), Roessler argues that the strategy greatly raises the stakes:

> For the rival and his allies, including coethnics, military subordinates, party members, and disciples, whose fate is often linked to that of their patron, such a loss of power and prestige is an incredible act of betrayal by the ruler (Roessler 2011: 312).

As the incumbent consolidates his or her grip on power through ethnic exclusion, the excluded rivals are prompted to mobilise their own parallel forces to protect their privileged positions (Roessler 2011: 315), which paves the way for the deployment of violence to settle the rivalry. According to African Union Commission of Inquiry on South Sudan, the logics of such dilemmas produced by reciprocal manoeuvring prompted the violence on 15 December 2013, which led to the outbreak of the civil war.[91] Therefore, the "big tent" and fragmentation that plunged South Sudan into a civil war can be understood from the perspective of "commitment problems" faced by the elites, as they engaged in reciprocal manoeuvring for the control of the coercive instruments of the state. The dilemma of the "commitment problem" stems from failure to resolve the internal problems of decision-making, which underpin power

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[89] Kiir suspended SPLM Secretary-General, Pagan Amum and refused pleas to convene a meeting of the SPLM Political Bureau as inter-factional tensions escalated.

[90] According to the African Union Commission of Inquiry, chaired by the former President of Nigeria, Olesugun Obasanjo, Kiir recruited an ethnic militia from his stronghold of Northern Bahr El Ghazal without the knowledge of his Nuer SPLA Chief of General Staff, Gen. James Hoth Mai. See http://www.peaceau.org/uploads/auciss.final.report.pdf.

[91] See full report at: http://www.peaceau.org/uploads/auciss.final.report.pdf.

struggles that are eventually resolved through deploying violence. It highlights the failure of elite unity that reverts the society to roving banditry.

As it can be seen, we have established that the new policy of elite accommodation that Kiir employed once he assumed control of the SPLM/A was aimed at marginalising his perceived rivals within the Movement. This is why it had to rely singlehandedly on purchasing loyalties through money, ranks and positions since the strategic objective was to create new alliances for the personal benefit of Kiir. Building on the 2004 Rumbek dialogue was therefore not compatible with Kiir's strategy since he had no intention to resolve the problems of internal decision-making, but simply to give himself a strategic advantage. Therefore, violence was not replaced by dialogue, but payoffs, which left the problems of decision-making unaddressed. We have also established that the downfall of the "big tent" stems from the same logic of reciprocal manoeuvring to control the means of violence. The death of Paulino Matip positioned Machar as the undisputed patron of Nuer politics. None of the other commanders could compete with him, and they all embraced him as the champion of their ethnic interest. As Kiir realised the vulnerability of his "big tent" policy, he resolved to create "ethnic stoking" to create a "shadow state," which escalated the security dilemmas, culminating in renewed deployment of violence as both the mechanism for ensuring regime survival and as the instrument to topple the regime. Therefore, the descent into civil war was not due to the insolvency of the kleptocracy, but rather to politics of exclusion that initiated strategic manoeuvring among elites with joint access to the means of violence, but who had consistently failed to address their problems of internal decision-making.

2.4   Chapter Conclusion

We have argued in this chapter that the "original sin" of rivalry over the leadership entrenched violence as the mechanism through which the SPLM/A's problems of internal decision-making were resolved. Its deployment often came in the midst of a power struggle between various individuals angling for control of the Movement.

These power struggles characterised the incoherence of the SPLM/A's structures for decision-making. We have also argued that violence was the mechanism through which those challenging the leadership expressed their challenge, with the 2004 crisis resolved through dialogue being the only exception. These leadership challenges have consistently led to fragmentation. However, as we argued, the use of dialogue to resolve internal disagreements in 2004 was only a brief interlude and, after Garang's death in 2005, the new leadership strived to consolidate the means of violence while leaving the Movement's problem of internal decision-making unaddressed. The lack of investment in robust structures for decision-making prompted the security dilemmas that characterised various factions' manoeuvring, which led to the resumption of conflict in 2013.

The leaders in the Movement have sought to consolidate their control over the means of violence as a stratagem for obtaining personalised control of the organisation. While one may excuse Garang for the initial poor design of the SPLM/A's structures, there were certainly opportunities along the way to improve them, particularly as it became clear that the structures were not working. However, instead of creating forums that could have better addressed the problems of internal decision-making and consolidated elite unity, he acted to consolidate his control. The inability to create structures that involved others in the decision-making precipitated repeated violent contestations leading to divisions. While the fragmentations of the early 1990s pressured Garang to create structures that could allow others to participate in the decision-making process, he lacked the political will to sufficiently invest in the newly created structures and continued to centralise authority. Nevertheless, the newly created structures saved the Movement from another violent fragmentation on the eve of the signing of the CPA. Luka Biong Deng has argued that Garang's decision to allow the Movement's structures to resolve his problem with Kiir signifies his transformation into a statesman.[92] This transformation allowed him to understand the importance of gaining legitimacy through persuasion and dialogue, and the limitations of coercion for forging consent and political legitimacy.

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[92] Interview with Luka Biong Deng Kuol, Juba, South Sudan, March 13, 2015.

The idea of transformation suggests that Garang was something else before he became a statesman. Clearly, he was unable to internalise the importance of cohesive leadership for forging an inclusive political community. Garang instead mounted resistance to the creation of inclusive structures, fearing that politics would distract the Movement from the war. He capitalised on the enthusiasm of the civil population for war and used it to defer decision-making to a military hierarchy with him at the top. One can see the wisdom of Martin Majier's and Joseph Oduho's contention that the subordination of politics to a military hierarchy would shatter any sense of inclusive decision-making for maximising the larger political processes that were taking place in the South alongside war. According to Edward Lino, former head of SPLM external security, Garang was married to his own ideas and did not want to listen.[93] This prompted him to apply coercion to eliminate or neutralise potential rivals. Therefore, we have to partly agree with Young (2005: 545) that while Garang's leadership kept the SPLM/A alive during difficult periods and won it allies internally and externally, he was dictatorial and refused to establish necessary institutions to resolve internal problems of decision-making. However, we must also recognise the larger contextual constraints that impeded institutionalism. Johnston's (2008) contention regarding the constraints of geography is quite relevant. The spread of the members of the NLC across the country meant that serious impediments had to be overcome even if Garang had decided to hold regular meetings of the NLC. Similarly, as Rolandsen (2005) argued, it is difficult to put sufficient attention to the design of political structures when a military defeat appears imminent. As such, while we can fault Garang to a certain extent, we must be mindful of the legitimate contextual constraints the impeded institutionalisation within the SPLM/A.

If Garang had transformed into a statesman by the time he signed the CPA, Kiir had not. Kiir's decision to refuse training opportunities during the war meant that he was insecure and inadequately prepared. This made him more paranoid than Garang,

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[93] Interview with Edward Lino, Arusha, Tanzania, 15 February 2015.

which explains his strategy to forge new alliances with former enemies, while excluding his former comrades. As we have argued, Kiir sought to consolidate his control over the means of violence as a mechanism for securing his tenure in power. This strategy effectively pushed politics within the organisation to the margins while increasing the "commitment problem." The unique vulnerabilities it created fuelled "reciprocal manoeuvring", facilitating violent contestation. This is because coercion alone cannot forge a political community (Arendt 1970; Srinivasan 2017). Despite its successes in fighting the war and achieving independence for South Sudan, the Movement has been unsuccessful in forging a consensus for establishing the new state. This failure occurred despite the SPLM/A's access to petro-dollars, recognition in the international system of states, and the financial and technical support of the international community. This failure owes its origins to the failure to create structures through which internal decisions could be made. Instead, deployment of violence was entrenched as the mechanism for exerting control. The result was cyclical fragmentation that effectively entrenched roving banditry.

3   SPLM/A's Management and Deployment of Violence

This chapter argues that in the absence of alternative sources of legitimacy, the coercive apparatus, which was created to be the war machine against an external enemy, ended up being used to deploy violence against the Movement itself and its constituents. Because of the historical factors that shaped the particular ways in which the Movement was formed and which denied it of widespread legitimacy across the South, the SPLM/A relied on the war machine to exert control and mobilise war efforts. Garang sought to consolidate his grip on the Movement by professionalising the coercive apparatus, but several zonal commanders undermined this effort. Instead, they cultivated personal and paternalistic relationships with soldiers under their command, which encouraged indiscipline and facilitated violent fragmentation within the SPLM/A. As a result of these interactions that undermined its professionalisation, the coercive apparatus was used to deploy violence to resolve power struggles, which reinforced the SPLM/A's problem of decision-making and continued elite fragmentation.

We established in the previous chapter that the SPLM/A elites resolved their problems of internal decision-making through violence. We argued that immediately after its formation, militarism became the focus of the SPLM/A. While the violent confrontation that marked the birth of the Movement may explain this initial necessity, we argued that the leadership lacked the political will to develop coherent political structures that could have forged consent-based decision-making. This entrenched the deployment of violence as a management strategy. Moving from the focus on leadership in the previous chapter, the focus of this chapter is the use of the coercive apparatus to deploy violence against the Movement's constituents. The following questions guide our inquiry: in what ways did the SPLM/A's efforts to build a coercive apparatus in the absence of elite unity produce or reproduce the Movement's problems of internal decision-making? What explains the SPLM/A's use of a coercive apparatus to deploy violence against the civilian population it purportedly fought to liberate?

Examining the existing literature on the SPLM/A offers two possible explanations. The first argument is that the exclusion of other tribes in the composition of the coercive apparatus explains how violence was managed and distributed. Young (2003: 425) argues that the Dinka dominated the Movement, and that the SPLM/A failed to bring in other tribes, which "exposed it to factionalism and strife." This infers that the marginalisation of other tribes inspired factionalism, which led to the use of violence against elements within the Movement from other ethnic groups. This raises a question: to what extent can the ethnic composition of the Movement be blamed on its leadership? Additionally, Young's argument appears to be contradictory. If other tribes were excluded from the SPLM/A, how can that explain the factionalism within the organisation? And if they were inside the Movement, how could they have been excluded? Besides, Young (2003) doesn't provide any evidence to substantiate his claim that the Dinka failed to bring in other tribes. After all, the Movement sent recruitment expeditions to different parts of the country to recruit forces from other tribes (Johnson 2011: 70).

Despite the loopholes in Young's (2003) argument, his point regarding ethnicity is worth exploring further. One plausible way to explore it is to inquire whether the domination of Dinka in the make-up of the SPLM/A's coercive apparatus shaped how violence was deployed against non-Dinka civilians. We can interrogate this by assessing the behaviour of coercive units composed of soldiers from one tribe or clan and how their deployment of violence against civilians from other tribes compares to their deployment of violence against their own people. This would suggest that sheer ethnic hostility motivated the deployment of violence against civilians. As such, analysing the question of ethnicity would offer insights into how violence was managed and deployed in different areas.

The second argument is that SAF's attempt to de-legitimise the SPLM/A as a Dinka army and its recruitment and use of tribal militias engendered a violent response from the SPLM/A. These militias not only pinned the Movement down for a long time, but they also disrupted its supply lines, making it difficult to move recruits and logistics to

and from the SPLM/A's bases in Ethiopia (Johnson 2011: 67-70). This forced the SPLM/A to violently confront them in order to save its war strategy. In Johnson's view, Khartoum's divide-and-rule policy explains the ethnic dominance of Dinka in the SPLM/A and shaped its use of violence against the civilian population. But if Khartoum's de-legitimisation of the Movement had created the initial patterns of violence, what did the SPLM/A actually do to reverse the established pattern? In addition, what explains the deployment of violence against civilians in areas in which hostile militias did not exist?

Violence and its deployment have attracted lively debates among scholars. Hannah Arendt (1970: 79) contends that the instrumental nature of violence makes its use rational when only applied to the pursuit of short-term goals. This instrumental nature, Arendt argues, allows violence to "dramatise grievances and bring them to public attention." While Arendt considers violence as a means to an end, she admits that the fear of losing power encourages actors to deploy violence to protect power (1970: 54). Arendt's argument lends support to both Young's (2003) and Johnson's (2011) contentions. That is, militias deployed violence against the SPLM/A to express dissatisfaction /marginalisation (Young 2003) and the SPLM/A deployed violence to secure its hegemony from challengers. Indeed, revolutionary movements have deployed (and continue to deploy) violence against internal "enemies" and the civilian population (Kalyvas 2006; Weinstein 2007) long before the SPLM/A. Trotsky (1961: 58) argues that revolutionary violence "kills individuals and intimidates thousands." In similar fashion, Mao Zedong and Che Guevarra sanctioned the deployment of violence against internal enemies consisting of traitors and enemy collaborators, including those who leaked information. Consistent with Arendt's contention, this infers that violence is deployed "to shape the behaviour of a targeted audience by altering the expected value of particular actions" (Kalyvas 2006: 26).

The tactical use of violence not only eliminates a particular threat, but it also instrumentalises the terror that violence instils (Grossman 1995: 207; Schroeder 2000: 38) for the purpose of deterring unwanted behaviour (Dupuy 1997: 161). Tactical

violence also suggests careful distinction between the targets and the victims of violence (Walter 1969: 9). Yet, the distinction between victims and perpetrators of violence is blurry since past perpetrators may become victims in the present and vice versa (Joshi 2003: xiii). Kalyvas (2006: 22) argues that this complexity of violence requires a dynamic understanding that "distinguishes between violence as an *outcome* and violence as a *process*" (emphasis in the original). Such distinction makes it possible to investigate the "sequence of decisions and events that intersect to produce violence" and a better understanding of the "invisible actors who partake in the process and shape it in fundamental ways" (Kalyvas 2006: 22).

According to Kalyvas (2006: 12), armed actors deploy violence strategically to encourage collaboration with the civilian population and discourage the likelihood of civilian defections. The strategic deployment of violence includes the use of a war machine to protect civilians against rival armed entities and to deploy selective violence to shape collaboration. According to Kalyvas (2006: 12), civilians are motivated to enhance their chances for survival and collaborate with the armed entity that exercises hegemonic control in the areas they live regardless of their political preferences. Kalyvas (2006: 14) also contends that localised motivations, including settling scores and disputes shape the dynamics of violence and account for its intimate nature during civil wars. This means that actors instrumentalise the war machine to destroy local enemies as an extension of local rivalries (Kalyvas 2006: 14). These localised motivations drive the alliances between the national armed actors and the grassroots local actors: the local actor supports the national actor in order to "prevail in local conflicts" and the national actor offers support to the local actor in order to obtain resources to wage war at the national level. While this supports Johnson's (2011) argument, we will interrogate the effects of localised motivations on how the Movement deployed violence and the extent to which the SPLM/A was strategic in its deployment of violence.

In the last chapter, we explored Weinstein's (2007) contention that initial endowments determine how insurgents deploy violence. He argues that organisations that rely on

economic endowment deploy violence indiscriminately, whereas those that rely on social endowments deploy selective violence. However, as we argued in the previous chapter, a given rebel organisation attracts both opportunistic and activist participants, who respond to different incentives. Also, as Kalyvas (2007) pointed out, endowments are not static, and adaptation is a critical factor of war that cannot be explained by initial endowments alone. As it would be seen in the case of the SPLM/A, the organisation deployed violence sometimes indiscriminately and sometimes selectively, depending on a number of factors.

Humphreys and Weinstein (2006: 430) argue that rebel organisations composed of participants motivated by private goals, organised into ethnically or religiously diverse units, and lacking mechanisms for internal discipline are coercive and abusive to civilians. On the other hand, rebel formations composed of participants motivated by shared common goals, organised into ethnically or religiously homogenous units, and with mechanisms for imposing internal discipline are less abusive and forge positive relationships with civilians (Humphreys and Weinstein 2006: 430). However, the three sets of variables (motivation, composition, and internal discipline) ascribed to rebel groups are not static and could very well change during the course of hostilities. That is, participants who join initially for private reasons may eventually internalise the political goals of a group; rebel groups that start as ethnically homogeneous or heterogeneous may mutate into something else during the course of the conflict; and mechanisms for imposing internal discipline may change over the course of the conflict as well. This means that assembling these variables and assigning them explanatory power for the variation in the degree of abuse by rebel groups does not sufficiently advance our understanding of such variation.

Lidow (2016) provides a typology for explaining the deployment of violence against civilians, which is based on the interaction of rebel leaders and their top commanders. He argues that insurgents' cohesion and their protection of civilians depends on a leader's ability to incentivise top commanders, which enables them to train their troops and instil discipline. The rebel leaders are able to "exert effective control over their

commanders when they offer on-the-spot cash payments and credible promises of future rewards" (Lidow 2016: 6). Lidow (2016) argues that such rewards incentivise commanders to better train and discipline their forces in pursuit of the leader's objectives. However, if the leader is unable to provide these rewards, the commanders "are less likely to train and discipline their forces and have greater incentives to use group resources for opportunistic ends" (Lidow 2016: 6). Lidow's (2007) theory rests on the experience of Liberia, but the experience of the SPLM/A shows that commanders defect and deploy violence against their colleagues and civilians for reasons beyond their immediate economic interests. Nevertheless, Lidow's (2016) contention is worth weighing against the evidence.

Lidow's (2016) argument relies heavily on the assumption of a collective action problem and the need to resolve it through private rewards. Lidow (2016) builds on the studies of rebel mobilisation that focus on the costs of personal participation (Collier 2000; Wood 2003; Roger 1995: 204), and, by extension, the private rewards that encourage participation (Collier and Hoeffler 2004). However, as Elster (1989) pointed out in his study of social norms, the core founders of any social movement are political entrepreneurs with a high appetite for risk. Similarly, Kalyvas and Kocher (2007) contend that the world does not lack any new Che Guevaras ready to launch a civil war, but "mass followers willing to take the necessary risks" of participation (Kalyvas and Kocher 2007: 182). This suggests that the application of a collective-action-problem framework to the inner core of an insurgency may be misplaced.

Swedenburg (1995) offers another framework for understanding fragmentation and intra-insurgency violence that emphasises local rivalries and disputes. In his study of the Palestinian rebellion against the British, Swedenburg (1995: 138-170) noted that insurgents' mobilisation and maintenance of homogenous units in their military structures converted existing divisions between the groups into new disputes that transformed the rebellion against an external enemy into an intra-insurgency civil war. This is particularly revealing for the experience of the SPLM/A, especially during its fragmentations. According to Swedenburg (1995), while the Palestinians started out

with high morale and unity against the British, the wrangling between commanders and their units soon led to factional infighting, resulting in many troops deserting their units and defecting to the British forces. Swedenburg's (1995) account of the interaction between ethnic rivalries and military organisational structures seems to support Young's (2003) account. While it falls short of accounting for the larger macro-level politics of civil war violence, its contention on the effects of local rivalries is relevant for our inquiry.

Building on Swedenburg's work, Kalyvas's (2006) framework seems most relevant for analysing the dynamics of violence within the rebel SPLM/A. It disaggregates three levels of analysis for understanding the production and deployment of violence: the macro-level of the war between the government and the insurgency; the interface between political actors and the population they govern; and the interactions between small groups and among individuals. As Kalyvas (2006) pointed out, political and insurgent leaders and the communities they represent are not monolithic and have different preferences. After all, any group of people could be divided into families, clans, and other factions (Tilly 1964; Yang 1945) that have histories of competition and rivalry that is helpful in understanding factional dynamics during conflict (Kalyvas 2006). The response of individuals to the intrigues of political actors depends on dynamics within such groups. Kalyvas, thus argues, that these three levels ought to be integrated into analysing civil war violence in order to provide a comprehensive understanding of its processes and outcomes.

For a post-CPA analysis of the SPLM/A's coercive apparatus, Roessler's (2011) "commitment problem" and the strategic manoeuvring it engenders among elites with joint access to the coercive apparatus seems most relevant. Such strategic manoeuvring in the context of the Security Sector Reforms (SSR) that shaped post-conflict reconstruction efforts has explanatory value for understanding the mutation of the coercive apparatus during the interim period and after independence. Roessler (2011) argues that when faced with a *coup* risk, the leader takes a set of decisions that replace this risk with a civil war risk. This includes instrumentalisation of disorder and chaos

(Chabal and Daloz 1999; Williams 2016) to exert control and prevent the rise of rival centres of power (Roessler 2011). The disintegration of the Movement's coercive apparatus following the December 2013 crisis makes this framework highly relevant for our analysis of the post-CPA SPLM/A.

Therefore, our inquiry applies Kalyvas's (2007) framework to weighing Young's (2003) and Johnson's (2011) arguments in explaining the SPLM/A's use of a coercive apparatus to deploy violence. The inquiry proceeds as follows: first, we analyse the organisation and development of the SPLM/A's war machine and its deployment of violence against the Khartoum government and its Southern allies. This way, we weigh Young's (2003) ethnic argument and Johnson's (2011) hostile militias argument and interrogate the role ethnicity played in the composition of the SPLM/A's coercive apparatus and how it deployed violence. Second, we analyse the interaction of the SPLM/A's politico-military actors with civilians in zones of their deployment and the dynamics produced in this interaction. This allows to us assess Lidow's (2016) and Kalyvas' (2006) contentions through how the SPLM/A forces behaved towards the civilian population and how its politico-military elites oversaw this interaction. We then switch to Roessler (2011) and the SSR literature to explore the legacy of this wartime behaviour on the evolution of the coercive apparatus in the post-conflict context. This approach allows us to thoroughly explain the role that the Movement's coercive apparatus played in reproducing the SPLM/A's problems of internal decision-making and elite fragmentation while integrating strategic manoeuvrings at the national, regional (group), and individual levels that shaped the processes and outcomes of violence during the war and in the post-war context.

The rest of the chapter is organised as follows: The first section explores the creation, composition, and organisation of the Movement's coercive apparatus and its management of violence against Khartoum and Southern rivals. It argues that the SPLM/A initially could only attract participants from particular tribes and clans and of particular intellectual capacity due to the historical factors that preceded the onset of hostilities. Due to problems of indiscipline and bad commanders, the desire to loot

resources, the need to deter civilians from supporting rival armed actors, and local rivalries among tribes and clans, the SPLM/A deployed both indiscriminate and selective violence against sections of the civilian population. The second section explores the interaction of the top SPLM/A commanders with civilians in the zones of their deployment. It argues that the considerable autonomy of top commanders in overseeing areas under their command exacerbated the problems of indiscipline. This is because the commanders lacked the commitment to implement the penal code and discipline their troops. Instead, they sought to build personal control of the troops, which undermined professionalisation and enabled fragmentations that continued to be reproduced. The third section explores the evolution of the coercive apparatus after the CPA. It argues that the new leadership embraced the wartime indiscipline and unprofessionalism of the war machine in the strategic manoeuvring that characterised the post-CPA era. Instead of pushing to professionalise the coercive apparatus as the previous leadership had done, the new leadership encouraged wartime indiscipline as a strategy to deal with the "commitment problem" that characterises power struggles.

3.1   The   Creation,   Composition,   and   Organisation   of   SPLM/A's Coercive Apparatus

Douglas Johnson argues that the composition of the SPLM/A's coercive apparatus and its deployment of violence against civilians was shaped by Khartoum's attempts to de-legitimise the Movement as a "Dinka-army" and its recruitment of militias from other tribes (2011: 69-70). Following the mutiny in Bor in 1983, the government used anti-Dinka politicians[94] to organise militias, which raided and harassed Dinka civilians. Moreover, Khartoum used the eruption of violent confrontations between the SPLM/A and the *Anya Nya* II to recruit and arm Nuer militias. John Young (2003) contests Johnson's (2011) account of what motivated the Movement's deployment of violence against certain sections of the population. He argues that the problem was not simply that the Dinka dominated the SPLM/A, but that the Movement's soldiers

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[94] According to Douglas Johnson (2011: 67), Joseph Lagu and Joseph Tembura were reportedly among key politicians orchestrating these efforts.

lacked discipline, its commanders were corrupt, and the SPLM/A's "practice of living off the land caused resentment in areas it occupied" (Young 2003: 430). This motivated many communities, particularly those in Equatoria and Western Bahr El Ghazal, to set up local self-defence militias to protect their communities from the SPLM/A's predatory war machine (Pinaud 2014). Young also argues that while the SPLM/A is dominated by the Dinka tribe, it "has done little to fully embrace other tribes" (2003: 425). This marginalisation of other tribes prompted them to set up militias in order to contest the SPLM/A's power.

Both Johnson (2011) and Young (2003) agree that Khartoum used the Southern militias against the SPLM/A as part of its divide and rule strategy, but they offer two different accounts that explain the militias' conflicts with the SPLM/A. These two accounts provide opposing narratives for the SPLM/A's deployment of violence against the civilian population. Yet, both Johnson (2011) and Young (2003) agree that ill-discipline among the Movement's forces is partly to blame (Johnson 2011: 70; Young 2003: 425). This raises a number of questions: can the SPLM/A violence against civilians be explained by the indiscipline of forces and the opportunism of commanders (Lidow 2016), or was there a strategic (Kalyvas 2007) logic for deploying violence? If indiscipline and sheer opportunism are to blame, then how do we explain the variation (as this chapter will establish) in the distribution of violence in the areas under the SPLM/A's control? Moreover, why were forces and commanders not sufficiently disciplined since the Movement had access to the Ethiopian military's training facilities? And if violence was deployed strategically to achieve certain goals, what were they? And if they were achieved, why was violence, which is only instrumental (Arendt 1970), continually deployed?

The evidence at our disposal has notable limitations since it consists largely of interviews with SPLM/A politico-military elites, which could be faulty since it is based on memory of events that occurred two-to-three decades ago. Moreover, since many of the interviewees were directly involved in the deployment of the SPLM/A's violence, including against civilians, it is natural to expect that they have incentives to

present themselves in the best possible light, or to understate events attributable to them, and/or exaggerate events associated with their rivals.[95] However, we only depend on information that we were able to corroborate with multiple informants. Moreover, my background as a witness and participant in some of the events that occurred in the Movement mitigated, I hope, abject falsehood on the part of respondents, and also made it easier to corroborate information that may be doubtful. Finally, we use this information from interviewees to illuminate what is already available in published sources. As such, despite the shortcomings, the evidence obtained can certainly allow us to contribute to this debate.

Contrary to Johnson's (2011) and Young's (2003) claims, the SPLM/A was initially composed of mainly Nuer soldiers (LeRiche and Arnold 2013: 66) despite the split with *Anya Nya* II. Among the first three battalions – namely 104/105, Jamus, and Tiger-Timsaa – only Jamus was predominantly Dinka.[96] Due to the historical factors that preceded the formation of the Movement, the SPLM/A was deeply unpopular in Equatoria and it struggled to attract recruits from there until the early 1990s when it gained a foothold in Western Equatoria through the Zande ethnic group. However, the Movement attracted widespread following in the Greater Upper Nile and Greater Bahr el Ghazal (Johnson 2011: 70; Nyaba 1997: 8). This means that Dinka and Nuer comprised the overwhelming majority of forces during the early periods, although other smaller tribes such as Anyuak, Murle, and Shilluk had troops in various battalions. The intensification of the war between the SPLM/A and the *Anya Nya* II changed the ethnic make-up of the Movement. For example, the killing of Gai Tut in March 1984 while traveling to Bilpham to reconcile with the SPLM/A (Nyaba 1997: 35) precipitated mass desertion of Nuer soldiers.[97] The SPLM/A forces under the command of Kerubino acted on faulty intelligence from William Nyuon and Thon

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[95] This is particularly concerning since the eruption of a factional war within the SPLM/A in December 2013, which still rages.
[96] According to Majak D'Agoot, 105/104 battalion was about 60 percent Nuer and 40 percent others; Jamus was about 60 percent Dinka and 40 percent others; and Tiger-Timsaa was about 70 percent Nuer.
[97] Interview with Majak D'Agoot, Nairobi, Kenya, 20 April 2015.

Agoot that Gai Tut was planning to attack the SPLM/A headquarters in Bilpham.[98] Gai Tut was ambushed and after he was killed, Kerubino ordered Gai Tut's body not to be buried (Nyaba 1997: 35). This angered Nuers in Kerubino's force and led to mass desertion of Nuer soldiers from the SPLM/A.

Moreover, Koriom and Muor Muor, the next two battalions of the SPLM/A, were overwhelmingly Dinka. They were by far the largest battalions in the history of the SPLM/A with each comprised of over 10,000 soldiers.[99] The concentration of the Movement's firepower on *Anya Nya* II, which was now predominantly Nuer, fuelled the ethnic dimension of the conflict. The *Anya Nya* II was ambushing Dinka SPLM/A recruits from Bor and Bahr el Ghazal on their journey to the bases in Ethiopia. According to Johnson (2011: 69), the "SPLA retaliated indiscriminately against the Lou, Gajaak and other Jikany Nuer" civilians for these offenses. As the SPLM/A (now overwhelmingly Dinka) pursued *Anya Nya* II militias into villages and cattle camps, it victimised innocent civilians. Aside from summary executions, civilian properties, particularly cattle and goats, were forcefully taken. This victimisation of the entire population, including the innocent, encouraged the Nuer youth to join *Anya Nya* II in large numbers. As Kalyvas and Kocher (2007: 183) argue, violence in civil war "select[s] nonparticipation for victimisation" and incentivises individuals who were not inclined to take up arms to do so in order to better protect themselves. Whilst participation does not remove personal risk associated with participation in the processes of violence (Collier 2000; Wood 2003), it allows individuals to better manage it (Kalyvas and Kocher 2007: 183). Therefore, the SPLM/A's deployment of violence against sections of the Nuer population encouraged them to join the rival *Anya Nya* II. A similar situation occurred in the SPLM/A's confrontation with the Mundari, Murle, Toposa, and Fertit militias. The indiscriminate deployment of violence encouraged civilians in those areas to join the militias against the SPLM/A.

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[98] Interview with Majak D'Agoot, Nairobi, Kenya, 20 April 2015.
[99] Interviews with Lt. Gen. Kuol Manyang Juuk, Minister of Defense and Veteran Affairs, RSS, 15 March 2015, Juba, South Sudan; Oyay Deng Ajak (Part II), former SPLA Chief of Staff, 28 March 2016, Nairobi, Kenya.

Johnson (2011) and Young (2003) attribute the deployment of indiscriminate violence against civilians to poor training and poor conduct by commanders. The SPLM/A admitted that it wanted "to transform the Southern Movement from a reactionary movement led by reactionaries and concerned only with the South, jobs and self-interest to a progressive movement led by revolutionaries and dedicated to the socialist transformation of the whole country."[100] The soldiers of 104/105 battalion were largely illiterate since they consisted of former *Anya Nya* troops integrated into the SAF after the Addis Ababa Agreement.[101] Moreover, before the Bor mutiny and their defection, they fought as part of the SAF against *Anya Nya* II, and committed all sorts of abuses against civilians they considered sympathetic to the *Anya Nya* II rebels. Their overall commanding officer, William Nyuon, was considered by some to be a "trouble-maker"[102] who caused chaos through deployment of arbitrary violence (Nyaba 1997). While Ethiopian instructors trained Jamus, Tiger-Timsaa, Koriom, Muor Muor and other battalions, these units still demonstrated a large degree of lawlessness. This lawlessness partly stemmed from the behaviour of commanders, such as Kerubino, Arok Thon, Machar, and Lam Akol, who often ordered mass summary execution, including of their own troops (Nyaba 1997: 68-9; Johnson 2011: 93). Moreover, many of these forces joined to obtain weapons to defend their homes against local rivals, but not to pursue a liberation agenda (Johnson 2011: 69; Johnson 1998: 61, 70). For instance, Koriom battalion, mostly from Bor, joined to obtain weapons to fight against Murle and Muor Muor battalion, from Northern Bahr el Ghazal, joined to seek weapons to defend their homes against Misseriya and Risaigat (Nyaba 1997: 24).

Aside from a lack of discipline and poor quality of commanding officers, a closer look at the evidence reveals other explanations for the ferocious deployment of violence against civilians. First, "hostile" civilian population provides insurgents with the excuse to loot their properties (Lichbach 1995). Through confrontation with hostile tribal

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[100] SPLM Manifesto, July 1983.
[101] Interviews with James Kok Ruea, Arusha, Governor of Western Bieh state and former SPLA commander from Jamus Battalion, Tanzania, 12 February 2015; Majak D'Agoot, former SPLA commander and former Deputy Minister of Defence, Nairobi, Kenya, 20 April 2015.
[102] Interview with Thokwath Pal, former head of Intelligence in Gambella, 17 April 2015, Nairobi, Kenya.

militias, the SPLM/A was able to raid Lou Nuer, Jikany Nuer, Mundari, and Toposa cattle, which provided food supplies for soldiers.[103] Secondly, the SPLM/A wanted to send a message to other communities to refrain from setting up militias against the Movement. According to Johnson (2011:83), the ferocity of the SPLM/A's attacks on civilians, including against Nuer, Murle, Toposa, Mundari and Fertit "served to inhibit the formation of militias elsewhere." This means that the deployment of ferocious violence was aimed at deterring civilians against forming and supporting rival militias (Kalyvas 2006). Thirdly, settling local scores seems to have played a role in how commanders deployed violence against civilians. For instance, William Nyuon, who hails from Gaweer Nuer, was particularly ruthless in deploying violence against Lou and Jikany Nuer, who have a long history of rivalry with his Gaweer clan. When he first rebelled from Ayod, Elijah Hon Tap, who hails from Nyuon's home area, advised him to first exact revenge on Lou Nuer before joining up with Garang and other officers in Ethiopia.[104] This local rivalry partly explains Nyuon's manipulation of intelligence that led to the killing of Gai Tut, who hails from Lou Nuer. Similarly, Deng Aguang, a former senior commander in the combat intelligence, was also ruthless in deploying violence against Toposa[105] due to the Toposa's raiding of cattle from Bor Dinka (Johnson 2011: 66), from which Deng Aguang hails.

Therefore, the variables that explain the SPLM/A's deployment of violence against certain sections of the population include: the problem of undisciplined soldiers and bad commanders; the Movement's desire for loot; deterring civilians from supporting rival armed actors; and problems of local rivalries among commanders and soldiers. These challenges continued to face the Movement for the entire duration of the war. This is because the Movement was unable to resolve the problem of indiscipline among soldiers and bad commanders; it never obtained sufficient resources to quench the need for loot; it never obtained a monopoly of violence or widespread legitimacy to dissuade civilians from supporting a rival armed entity; and, it never demilitarised or

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[103] Interview with Kur Garang Deng, former solider in Deng Aguang's unit, 27 December 2016, Nairobi, Kenya.
[104] Ayuen Alier Jongroor, former agricultural officer in Ayod who became Secretary to William Nyuon, Juba, South Sudan, 24 March 2015.
[105] Interview with Kur Garang Deng, 27 December 2016, Nairobi, Kenya.

overcame local rivalries among its commanders. Violence was perpetually deployed because the desired results were never achieved; and they could not be achieved as long as the pursuit of such objectives relied on violence alone. This does not mean that the Movement did not try other strategies to overcome these challenges, but they could not succeed because the bigger problem of internal decision-making was not addressed. This kept the Movement dependent on violence.

One strategy to overcome the challenge of undisciplined soldiers and bad commanders included building core competences that could allow the Movement the necessary oversight to instil discipline and deal with bad commanders. Combat intelligence, political commissariat, signal unit, and commando special forces were set up as elite units that would pave the way towards professionalisation of the forces. The officers of combat intelligence wrote reports to the zonal or axis commanders and to the C-i-C on all sorts of issues taking place in the field, including the cohesion of the forces, behaviour of the commanders, and relations with the civilian population.[106] The political commissars gave frequent lectures to the troops on the objectives of the war as spelled out in the SPLM/A Manifesto to keep the troops focused and disciplined.[107] They also liaised with chiefs and local civilian populations to obtain food for the SPLM/A's soldiers without necessarily resorting to violence. They also held rallies with the local population to explain the objectives of the war and to develop legitimacy in the eyes of the local civilian population.[108] The signal officers sent coded messages to the headquarters on all matters taking place in the field, including the behaviour of the zonal commanders.[109] The members of the elite commando unit demonstrated greater discipline in the execution of their military operations.[110] Despite initial successes, these efforts came up short.

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[106] Interview with Maj. Gen. Kuol Deng Abot, former senior officer in Combat Intelligence, former deputy director of National Intelligence and Security Service (NISS) in South Sudan, and the current Director General of International Diplomacy at the Ministry of Defence, Juba, South Sudan, 5 April 2015.

[107] Interview with Lt. Gen. Kuol Diem Kuol, Acting Undersecretary of the Ministry of Defense and Veteran Affairs, August 14-15, 2015, Juba, South Sudan.

[108] Interview with Anonymous 4, Officer in the NSS and former SPLA officer, 15 April 2015.

[109] Interview with Anonymous 1, Officer in the NSS, 6 April 2015, Juba, South Sudan.

[110] Interviews with Oyay Deng Ajak (Part II), former SPLA Chief of Staff, 28 March 2016, Nairobi, Kenya; Julius Tabuley, Officer in NSS, 8 March 2015.

Although the reports of the combat intelligence allowed the SPLM/A to act against certain officers, they were ignored in many other cases. One instance in which intelligence reports were acted upon was the case of Major Thon Ayii Jok, who was arrested, tried and executed by firing squad on reports provided by the combat intelligence.[111] Major Thon had used SPLM/A forces to raid Mundari civilians and used the loot for his personal benefit. The trial of Major Thon was possible because Major Thon, the zonal commander, Kuol Manyang Juuk, and the C-i-C, Dr. John Garang de Mabior, all came from Bor. In particular, Garang wanted to set an example that lawlessness would no longer be tolerated by sacrificing one of his own kinsmen. However, Kerubino and Nyuon, who were responsible for numerous violations involving mass summary executions and looting, could not be held accountable despite intelligence reports.[112] As one former SPLA commissar recalls, they executed political commissars in their own units for "lecturing at them."[113] For example, one senior officer recalled that Kerubino, while in Blue Nile, shot a solider called Diin Jerebin from Twich East in the head. As for Nyuon, he even shot women, including some who had been raped.[114] Therefore, Garang's desire to "mould the SPLA/M into a political entity more polished and presentable to the international community clashed with parochial approaches of William Nyuon and Kerubino Kwanyin" (LeRiche and Arnold 2013: 84). Mengistu's support to Garang by placing his "security network at Garang's service to contain internal dissent in the SPLA" (Johnson 1998: 60) allowed Garang to obtain a firm grip.

Another strategy to contain the deployment of violence against civilians was to make peace and co-opt rival militias into the SPLM/A (Johnson 2011: 83) and recruit, often through conscription, from other tribes. The peace with *Anya Nya* II in 1987 allowed

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[111] Interview with Gabriel Alaak Garang, Former SPLM Secretary for Finance and Economic Affairs, 29 March 2015, Juba, South Sudan.
[112] Interview with Kuol Deng Abot, Juba, South Sudan, 5 April 2015; Interview with Lt. Gen. Kuol Diem Kuol, August 14-15, 2015, Juba, South Sudan.
[113] Interview with Lt. Gen. Kuol Diem Kuol, August 14-15, 2015, Juba, South Sudan.
[114] Interviews with Isaiah Chol Aruai, former Secretary to Arok Thon Arok and Chairman of the National Bureau of Statistics, Juba, South Sudan, 30 March 2015; Anonymous 2, Juba, South Sudan, 20 February 2015; Anonymous 4, Officer in the NSS and former SPLA officer, 15 April 2015.

the SPLM/A to consolidate its control in Greater Upper Nile. The same strategy was applied to other militias in Equatoria with varying success. The SPLM/A gained a foothold in Western Equatoria due to the strong support of the Zande area commander, Samuel Abu John. Despite failures in certain areas, these efforts contradict Young's (2003) contention and show that the Movement was trying other mechanisms to obtain legitimacy and to bring others into its fold. In addition, as several former officers recall, Garang took the direct command of certain key field operations, starting with the Bright Star campaign to liberate Eastern Equatoria in 1988.[115] While forces from different zones were assembled in Equatoria for the campaign, Garang also brought along his highly trained and capable commando forces for the operation. The proximity of Garang to the areas of operation improved the flow of information and handling of accountability issues. The co-optation of rival militias, recruitment from other tribes, and Garang's direct command of operations allowed the Movement to advance rapidly and to take control of many areas in Southern Sudan prior to the split. However, violence remained the primary currency on which the Movement mobilised resources and exerted control. The unity of elites remained elusive.

As demonstrated, the creation, composition, and organisation of the Movement's coercive apparatus reveals that the majority of its initial membership came from the Nuer tribe. Due to the historical factors that preceded the formation of the SPLM/A, the Movement could only attract participants from tribes in Upper Nile and Bahr el Ghazal while Equatorians remained sceptical. The intensification of hostilities with *Anya Nya* II, particularly the killing of Gai Tut and the dishonouring of his corpse, precipitated mass defection of Nuer soldiers, and fuelled ethnic tensions between Nuer and Dinka tribes. Because of the marginalisation of the South, most of the recruits were illiterate, which exacerbated indiscipline within the forces. The problem of bad commanders, who pursued parochial interests instead of the Movement's objectives, partly explains the deployment of violence against the civilian population. The SPLM/A's objectives of looting resources from "hostile" communities and deterring

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[115] Interviews with Oyay Deng Ajak (Part II), 28 March 2016, Nairobi, Kenya; Majak D'Agoot, Nairobi, Kenya, 20 April 2015.

civilians from joining rival militias were also responsible for the deployment of violence. Finally, local rivalries between clans and tribes explain the ferocious nature by which some commanders deployed violence against civilians from certain clans or tribes.

We have established that the SPLM/A also changed course and pursued peace with militias, recruited from other tribes, and deployed its C-i-C to the field. Its investment in building combat intelligence, political commissariat, signal unit, and commando special forces showed efforts to build core competences to professionalise the coercive apparatus. However, as argued, the parochial nature of some of its top commanders impeded the success of these efforts. But the decision of Garang to take to the field also helped to rein in his commanders and forces, which allowed the Movement to liberate large swathes of territory in Southern Sudan. However, the absence of the elite unity among SPLM/A leaders prevented the centralisation of their efforts to build effective coercive instruments. Garang's failure to address the underlying problems of internal decision-making prevented this unity and undermined efforts to professionalise the forces. In the next section, our focus turns to the interaction of the SPLM/A top commanders with civilians in zones of their deployment. We analyse how their considerable autonomy in overseeing areas under their command exacerbated the problems of indiscipline and enabled violent fragmentations.

3.2   The Variation in the Implementation of the Penal Code

We established in the previous section that the SPLM/A formed as a majority Nuer organisation, but the intensification of the conflict with *Anya Nya* II precipitated mass defection of Nuer soldiers from the SPLM/A. We also established that the Movement faced the problems of undisciplined soldiers and bad commanders. As we build on these arguments, this section focuses on the interaction of the SPLM/A commanders with civilians in areas under their command. The section argues that the irregular implementation of the penal code across zones under the Movement's control, which exacerbated the problems of indiscipline, stemmed from the desire of some

commanders to cultivate personal loyalty, primarily from their troops and, where possible, the support of the civilians living in their zones. This is because in most cases, the commanders, the soldiers, and the civilians all came from the same tribe or clan. The commanders courted support of their troops to better position themselves for internal power struggles, or to mount a challenge to the leadership. This approach reinforced indiscipline, which worsened after the 1991 split for the split precipitated the relaxation of the penal code altogether.

According to Weinstein (2007: 44), exercising control over members and motivating them to behave in a way that promotes a rebel group's chances of success is a challenge that faces any rebel organisation. Aside from robust political and military training, exerting control depends on the extent to which command is centralised and the implementation of a code of conduct (i.e. penal code) (Weinstein 2007). However, centralisation of command is difficult in a large territory where M-form structures function (Johnston 208). This means that implementation of the penal code becomes even more important. The deployment of the members of the Political-Military High Command (PMHC) to the field as commanders to conduct military operations and mobilise recruits was meant to provide such control. It allowed the commanders and their troops to interact directly with civilians living in the zones, which were now under SPLM/A management. In what ways did the interaction of the SPLM/A's top commanders and civilians in their zones of command aggravate the problems of undisciplined soldiers, bad commanders, and the internal problems of decision-making? This question guides our inquiry into the role that the coercive apparatus played in exacerbating SPLM/A's problems of internal decision-making and its dearth of legitimacy.

Lidow (2016) argues that top commanders discipline their soldiers and protect civilians only when the rebel leader is able to pay them cash on the spot and promise them credible future payments. This infers that in the absence of cash payments from Garang, the zonal commanders lacked motivation to discipline their troops and protect civilians. Lidow (2016: 7) contends that the leader's inability to channel cash payment

to his commanders inhibits him from exerting sufficient control over the organisation. Without cash payments from the leader, commanders are left to fend for themselves through looting and predation. This is because the principal-agent problems in a rebel organisation are exacerbated by the lack of externally enforceable contracts (Lidow 2016). This means that immediate cash payments and credible promises of future rewards become critical in incentivising the commanders to implement the group's goals. According to Lidow (2016: 7), civilian welfare rests on the discipline of rebel soldiers, which depends on the financial incentives the rebel leader is able to offer his top commanders. However, as this section will show, Lidow exaggerates the role material incentives play in ensuring robust command and control of forces and in fostering cohesion among rebel groups.

In contrast to scholars who emphasise the collective action problem, Kalyvas and Kocher (2007: 183) contend that the notion of a collective action problem as applied to civil wars is "both descriptively inaccurate and analytically misleading." They argue that violence in civil war "select[s] nonparticipation for victimisation" since wars are equally, if not more, dangerous for nonparticipants than for participants (Kalyvas and Kocher 2007: 183). This suggest that while grievances may not lead one to take up arms (Tullock 1971), the risks associated with civil war violence encourages one to participate as a way of managing the risks. This is because in any given pool of people targeted for victimisation, the innocent are more likely to be abused since combatants "have access to skills, resources, and networks," which improves their chances of survival (Kalyvas and Kocher 2007: 188). From Kalyvas and Kocher (2007), we can infer that perhaps commanders joined the SPLM/A in order to protect their communities from civil war violence that often victimises the unarmed. [116] This suggests that the commanders implemented the penal code only when doing so advanced the objective of protecting their communities. It is necessary to weigh this argument alongside Lidow's (2016) to understand the interactions of commanders and

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[116] While we have established such motivation in the case of Koriom (Bor) and Muor Muor (NBG) battalions, who joined to obtain weapons to protect their homes, we now assess this in regard to the decision-making of the commanders.

civilians in their zones of command and the associated impact on the behaviour of troops and the internal problems of decision-making.

According to Johnson, the irregularity in the application of the penal code was sometimes due to the lack of qualified judges or enough copies of the legal ordinances or "pens and paper with which to keep records" (1998: 68). Johnson (1998: 68) argues that the composition of general court martials (GMCs) of members without knowledge of the penal code or customary laws led to arbitrary application of law in Bahr el Ghazal. As a result, instead of strict application of the SPLM/A penal code, "soldiers accused of crimes against civilians were increasingly tried according to customary laws and subjected to series of fines and compensations" (Johnson 1998: 69). Aside from Bahr el Ghazal, the penal code was not rigidly implemented in Equatoria, which soured the SPLM/A's relations with local communities where it was initially treated with suspicion (Johnson 2011: 70). In Northern Upper Nile (Shilluk Kingdom), the penal code was rarely implemented when Lam Akol served as the zonal commander (from 1987 to 1988). According to Nyaba (1997: 82), soldiers looted properties, raped women, and even attempted to assassinate the King of Shilluk.

In contrast to the situation in Bahr el Ghazal, Equatoria and Northern Upper Nile, African Rights noted that the penal code was strictly applied in the Nuba Mountains, often with firing squads (cited in Johnson 1998: 69). African Rights attributed the rigid application of the penal code to the effectiveness of the zonal commander, Yusuf Kuwa Meki. The strict application of the penal code led to the reduction of crimes and improved civil-military relations in the region. Aside from the Nuba Mountains, the penal code was also strictly implemented in Bor after Kuol Manyang was appointed the zonal commander with specific orders to vigorously implement the SPLM/A's revolutionary laws.[117] The previous commander, Arok Thon Arok, did not apply the penal code, which led to lawless behaviour by the troops.[118] Given that our informant

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[117] Interview with Lt. Gen. Kuol Manyang Juuk, Minister of Defense and Veteran Affairs, RSS, 15 March 2015, Juba, South Sudan.
[118] Interview with Gabriel Alaak Garang, Former SPLM Secretary for Finance and Economic Affairs, 29 March 2015, Juba, South Sudan.

for this information is a distant cousin of Arok Thon and was deployed in Arok's zone during that period, it is probable that this account is credible. Similarly, in Western Upper Nile, under the command of Riek Machar, the penal code was implemented and the SPLM/A effectively stopped intra-communal raiding between Nuer and Dinka tribes (Johnson 1998: 69-70).

The irregular implementation of the penal code raises questions: if lack of capacity had been the challenge, as in the case of Bahr el Ghazal, why didn't the zonal command request for transfer of judges so that the penal code could be implemented? According to Johnson (1998: 69), Garang transferred forces throughout the zones, and could have provided judges if doing so would have led to the implementation of the law. Moreover, why didn't Garang push the commanders to rigidly implement the penal code? In the areas in which it was implemented, could the implementation be attributed to the effectiveness of the zonal commander as African Rights suggested? Despite the limitations in the evidence previously mentioned, we can certainly contribute to these questions.

Young's (2003) argument that the Movement failed to bring in other tribes suggests that ethnicity could have played a role, particularly in the case of Equatoria. This insinuates that the majority Dinka forces had little regard for the Equatorian civilians. However, Dinka soldiers also behaved violently against Dinka civilians and Nuer soldiers also behaved violently against Nuer civilians. Besides, the forces in Equatoria were under the command of an Equatorian, James Wani Igga.[119] While the factor of ethnicity cannot be rule out entirely, a closer look at the evidence suggests that the SPLM/A was generally heavy-handed with civilians in areas where local militias operated, including among the Dinka of Twich Mayardit following Kerubino's defection (Deng 2010). As Kalyvas and Kocher (2007: 186) noted, combatants often hide among civilians, which creates a problem of distinguishing combatants from regular civilians. Armed actors resort to "group profiling" based on ethnicity, age, and sex to solve this identification problem (Kalyvas and Kocher 2007: 186). It follows that

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[119] Interview with Anonymous 4, Officer in the NSS and former SPLA officer, 15 April 2015.

commanders of an armed entity may be reluctant to hold soldiers accountable for alleged abuses committed against civilians of a group profiled as hostile to its activities. By targeting the civilian populations in the areas in which opposing militias operate, they weaken the opposition, as well as loot civilian property.

If hostility against the Movement explains disinterest in implementing the penal code, what explains the non-implementation of the penal code in Bahr el Ghazal, Shilluk Kingdom and Bor during the reign of Arok Thon Arok? After all, the SPLM/A received overwhelming support from these areas throughout the 1980s. While the issues of capacity faced the Movement throughout its history, the evidence confirms African Rights' reverse argument that commanders lacked personal commitment to implement the penal code. As Johnson (1998) noted, the zonal commanders had a large degree of autonomy since Garang delegated to them the management of the zones. This raises another question: was the absence of personal commitment to implement the penal code due to lack of incentives for commanders in the form of cash payments and promises of future rewards from Garang (Lidow 2016), or was it due to a mismatch between the implementation of a penal code and the commanders' desire to protect their communities against civil war violence (Kalyvas and Kocher 2016: 2007)?

While commanders received material support in the form of diverted food aid,[120] cash payment was rare. This is because the SPLM/A did not have regular access to cash, although food aid was easily convertible into cash.[121] In most cases, commanders diverted and sold aid without Garang's knowledge,[122] which Operation Lifeline Sudan (OLS) exacerbated (Rolandsen 2005; Young 2003). In the 1990s, the SPLM/A was able to receive some financial support from friendly countries and Garang was able to give more cash to his top commanders. For instance, one former commander alleges that Garang received $1 million from Nigeria's President Olusegun Obasanjo and began distributing this money among his top commanders while on the plane back to

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[120] Interview with Dr. Luka Biong Deng Kuol, Juba, South Sudan, March 13, 2015.
[121] Interview with Achuil Malith Bangol, 7 March 2015, Juba, South Sudan.
[122] Interview with Lt. Gen. Kuol Diem Kuol, August 14-15, 2015, Juba, South Sudan.

the region.[123] While we are unable to confirm the veracity of this information, it is not surprising since Garang depended on material support from a number of external patrons. However, in the 1980s, cash payment to commanders was generally unheard of, although Garang was able to send them on occasional visits abroad. This was the case for those who successfully implemented the penal code and those who didn't. While we cannot rule out the significance of cash payments, it does not sufficiently explain the variation in the implementation of the penal code.

The evidence reveals that commanders who failed to implement the penal code did so when a mismatch existed between implementing the penal code and strengthening their individual positions. Lam Akol's experience as zonal commander in which he did not win the support of his troops or that of the community is unique. According to Nyaba (1997: 82), Lam Akol's heavy-handedness with his troops precipitated mass defection in his army and his non-implementation of the penal code led civilians to flee to government-controlled areas. While Nyaba (1997) is generally biased against Lam Akol because of events related to the 1991 split, the case suggests inexperience. As for the case of Arok Thon, the soldiers he commanded came from Bor and the havoc they wreaked was against civilians from Bor. This placed Arok Thon in a dilemma since he sought the loyalty of his troops and simultaneously the support of the Bor community.[124] Thus, instead of strictly applying the penal code, which would have made him unpopular among both the troops and leaders of particular sections of the community (for being harsh on their sons), he applied lenient sentences and tried to persuade his troops to change their behaviour.[125] Arok Thon needed the support of Bor soldiers and the community in the power struggle that was taking place within the PMHC.[126] He had been very bitter about his demotion when the Military Committee (and later PMHC) was constituted.[127] Daniel Awet Akot of Lakes and Martin Manyiel

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[123] Interview with James Kok Ruea, former Commander and head of SPLM/A peace commission, Arusha, Tanzania, 12 February 2015. He alleges that he was with Garang on this particular mission.
[124] Interview with Gabriel Alaak Garang, 29 March 2015, Juba, South Sudan.
[125] Interview with Gabriel Alaak Garang, 29 March 2015, Juba, South Sudan.
[126] Interview with Dr. Luka Biong Deng Kuol, March 13, 2015, Juba, South Sudan.
[127]Interviews with Kuol Deng Abot, Juba, South Sudan, 5 April 2015; Anonymous 1, Juba, South Sudan, 6 April 2015.

Ayuel of Northern Bahr el Ghazal faced a problem similar to that of Arok Thon. They commanded troops that came largely from their home areas and that were committing atrocities against their own people. Similar to Arok Thon's troops, these soldiers misbehaved, and commanders were also lenient.

By not implementing the penal code, the commanders prevented their units from acquiring high levels of discipline, which is the hallmark of military professionalism. This meant that the commanders could use ethnicity and regionalism to influence troops and thwart the orders of the leadership in the course of factional power struggles, which characterised the disunity of the SPLM/A elites. While civilians did suffer from the abuses inflicted by soldiers, the customary mechanisms that the commanders employed (as opposed to the penal code) to address these abuses served an important function in helping the commanders walk the tight robe of appealing to both the soldiers and the civilians for support. After all, civilians only knew the customary law and its application partly addressed their concerns, while the non-application of the penal code kept the soldiers personally loyal to the commander instead of the system. In the absence of loyalty to the system, it is unsurprising that the Movement kept experiencing fragmentation in its coercive apparatus.

Daniel Awet's and Martin Manyiel's failure to uniformly implement the penal code alienated the civilian population, whose cattle and goats were forcefully taken. According to Kuol Diem Deng, former director of the Political Commissariat, the corruption and bad behaviour of the SPLM/A soldiers and commanders in these zones were so rampant that civilians used to console themselves with a saying, "palke keek, aye mith lueel baai," which means "forgive them, they are children in pursuit of liberation" in Dinka. But the predation on the civilian populations endeared the commanders to their soldiers and created paternalistic relations with them (Pinaud 2014), which emphasised their personal control. While Garang recalled Arok Thon to the general headquarters and redeployed Martin Manyiel to Shilluk Kingdom to take over Lam Akol's command, he kept Daniel Awet in place. This allowed Daniel Awet to consolidate personal control to the extent that he initially wanted to "sit out the

contest between Garang and his rebellious commanders" (Johnson 1998: 64) in the wake of the 1991 split. Still, the commanders in Lakes and Northern Bahr el Ghazal were able to gain the support of civilians in those areas since they provided protection against Misseriya militias and the SAF's troops. The commanders were able to cultivate personal loyalty among the forces by allowing them to indulge their misbehaviours. This exacerbated indiscipline and impeded the professionalisation of the forces.

If these explanations suffice, what then explains the firmness of senior commanders such as Kuol Manyang Juuk, Yusuf Kuwa Mekki and Riek Machar? The evidence suggests that these commanders, in applying the penal code, sought to build support for the Movement instead of individual support. African Rights credits Yusuf as a highly organised commander who sought to build institutions, including a disciplined army (cited in Rolandsen 2005). Garang's rhetoric of New Sudan appealed to him. Similarly, Kuol Manyang was also concerned that the lawlessness of troops in Bor was weakening the Movement, and by extension, Garang.[128] While Arok Thon had been concerned about his own personal support, Kuol Manyang was more concerned about Garang.[129] Similarly, Machar owed his rapid rise in the hierarchy of the Movement to Garang's favour. The loyalty of these commanders to Garang and their commitment to the objectives of war explain their implementation of the penal code. While Yusuf Kuwa faced no challenger from his Nuba constituency, Kuol Manyang and Machar were competing with a number of local rivals, including a few who were senior to them. Garang's favour allowed them to rapidly rise and they returned that favour by helping him consolidate control over the Movement's coercive apparatus.

If Riek Machar had been loyal to Garang, what explains his defection and collusion with the SAF in the wake of the 1991 split? According to Nyaba (1997: 83), Machar "had harboured some wild beliefs that he was destined to lead the people of South Sudan." This ambition for leadership made Machar an easy target for Lam Akol's

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[128] Interview with Lt. Gen. Kuol Manyang Juuk, 15 March 2015, Juba, South Sudan
[129] Interview with Gabriel Alaak Garang, 29 March 2015, Juba, South Sudan

machinations. After his fallout with Garang, which led to his redeployment to the field, Lam Akol was particularly unhappy with Garang and engineered a plan to oust him and replace him with Machar (Nyaba 1997: 44, 81-2). This unhappiness stemmed from the existing problems of internal decision-making that faced the SPLM/A since before its formation. Lam Akol feared that Garang was consolidating personal control over the means of violence.[130] The collapse of Mengistu's regime made Garang vulnerable and created the opportunity for ousting him (LeRiche and Arnold 2013). After meeting Garang along with Lam Akol and James Wani Igga in February 1990 to demand internal reforms, Machar returned to his bases and Lam Akol joined him soon after.[131] Machar began to now focus on building his own personal following instead of cultivating support for the Movement. He began to recruit and train independently in his zone,[132] contrary to the SPLM/A's policy of centralising training at bases in Ethiopia. Machar's behaviour focused on garnering the support of the Nuer, which included emphasising the earlier grievances from the *Anya Nya* II conflict.[133] The implementation of the penal code effectively ceased. As such, while Machar started out with commitment to the SPLM/A's objectives and implemented the penal code, his ambition for leadership changed his approach.

As mentioned in the previous chapter, the 1991 split also had serious implications on the SPLM/A and led to total relaxation of the penal code. While the 1994 National Convention's (NC) resolutions explicitly stated that "there shall be no authority, military or civil, that shall be involved in any illegal commandeering or confiscation of property" (cited in Rolandsen 2005: 113), the said crimes actually increased after the convention. Although the penal code had been irregularly implemented prior to the 1991 split, it was no longer implemented at all after the split. This is because the split weakened Garang and rigid implementation of the penal code could have provoked another split. After all, the commanders from Lakes and Northern Bahr el Ghazal, which now controlled a large number of forces, had no interest in implementing the

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[130] Interview with Oyay Deng Ajak (Part II), 28 March 2016, Nairobi, Kenya.
[131] Interview with Lam Akol, 5 March 2015 Juba, South Sudan.
[132] Interview with Oyay Deng Ajak (Part II), 28 March 2016, Nairobi, Kenya; Interview with Anonymous 1, Juba, South Sudan, 6 April 2015.
[133] Interview with James Kok Ruea, 12 February 2015, Arusha, Tanzania.

penal code and had resisted its implementation before the split. The relaxation of the penal code exacerbated the problems of indiscipline and bad commanders. Due to the geographical vastness of the land, these commanders enjoyed autonomy in their areas of command, which allowed this problem to be continually reproduced. By mid-1997, warlordism had become a serious problem in Bentiu and Northern Bahr el Ghazal,[134] where earlier failure to rigidly implement the penal code had nurtured a culture of impunity among forces and local commanders.

As it can be seen, the SPLM/A's problems of internal decision-making kept it hostage and impeded the implementation of the penal code. The application of the penal code would have produced disciplined soldiers, good civil-military relations, and strengthened the overall control of the Movement. Instead, commanders tactically paid lip service to the implementation of the penal code in order to cultivate their own personalised control of the forces and the support of their kinsmen. This is because they wanted to strengthen their positions in light of the power struggles that consumed the Movement, and which were resolved violently. Therefore, instead of encouraging Garang's consolidation of the coercive apparatus, they subtly undermined it so that they could entrench themselves personally and make themselves indispensable. In the case of the 1991 split, Machar's cultivation of his own support from the Nuer allowed him to mount a challenge against Garang. This proved the wisdom of developing personalised control of soldiers instead of institutionalising discipline. After all, it is easier to get undisciplined soldiers to defect than the disciplined ones. However, the same problem of indiscipline later destroyed his Nasir Faction.

We have established in this section that strategic manoeuvring of commanders to strengthen their positions in the wake of violent power struggles motivated the irregular implementation of the penal code. For the commanders, establishing personal control over soldiers and cultivating support among kinsmen were more important than institutionalising discipline and professionalising the conduct of soldiers. By imposing their individual control, they made themselves indispensable by securing the support

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[134] Interview with Kuol Deng Abot, 5 April 2015, Juba, South Sudan.

of soldiers from their tribes or clans. While the approach checked Garang's authority, it reinforced indiscipline, birthed warlordism, and fuelled the problems of internal decision-making within the SPLM/A.

3.3 Unprofessional Coercive Apparatus and Strategic Manoeuvring in the post-CPA Era

We established in the previous section that many zonal commanders lacked the personal commitment to impose the penal code as a strategy of strengthening their individual positions and making themselves indispensable. For them, it was strategically more important to establish personal control over soldiers (who mostly came from their tribes or clans) and forge personal support among kinsmen instead of institutionalising discipline and professionalising the conduct of soldiers. Their approach prevented Garang from monopolising the means of violence and undermined the development of a professional coercive apparatus. Instead, it reinforced indiscipline and engendered warlordism, which continued to be reproduced. In this section, we explore the evolution of the coercive apparatus after the CPA and under a new leadership. The section argues that contrary to Garang's approach of endeavouring to professionalise the coercive apparatus, the new leadership embraced the wartime indiscipline and unprofessionalism in the strategic manoeuvring that characterised the post-CPA era. We argue that the new leadership resisted security sector reforms that could have professionalised the coercive apparatus and, instead, encouraged the wartime indiscipline as a strategy of managing the "commitment problem" in its power struggles against elites with joint access to the means of coercion. While the new strategy allowed Salva Kiir to contain the influence of the "Garang Boys", it created new problems that enabled the violent fragmentations that plunged South Sudan into a civil war. Contrary to de Waal's (2014) claim of a "political marketplace" and Pinaud's (2014) contention of a "military aristocracy," Salva Kiir considered the professionalisation of the coercive organs to be a direct threat to his leadership position. As this section will show, this was because he enormously

distrusted the coercive apparatus he inherited from Garang, which he saw as being under the control of Garang's *protégés*, the "Garang Boys."

Both the Joint Assessment Mission (JAM) of 2004 and the SPLM Strategic Framework for War to Peace Transition (2004) identified security sector reform as a top priority for post-conflict reconstruction. A successful SSR process is considered essential for sustaining peace and improving democratic governance (Sedra 2010; Gordon 2014; Yasutomi and Carmans 2007; Sahin and Feaver 2013). This is because SSR is critical in ensuring that "security sector authorities function effectively and efficiently" and that the authorities exercise democratic oversight of the functions of the security sector institutions (Yasutomi and Carmans 2007: 110). The effectiveness and oversight of the security institutions makes it possible for security to be provided and for the public to have confidence in the security and justice sectors (Gordon 2014; Jaye 2006; Gordon et al 2011). Put simply, the key to SSR is transitioning from military structures to institutional or civilian oversight. However, the SSR process in South Sudan was largely a failure (LeRiche and Arnold 2013; Warner 2013). The lack of local ownership and the inability to link the "wider security sector reforms and the design of the new state" (LeRiche and Arnold 2013: 163) undermined the success of the SSR process in South Sudan. As such, the excitement over the SSR process turned out to be nothing (Abatneh and Lubang 2011: 95) in the absence of local ownership.

It is widely believed that local ownership[135] of SSR is crucial for its success (Mobekk 2010; Baker 2010; Nathan 2007). The absence of local ownership of the SSR process may precipitate the collapse of post-conflict peace and result in the resumption of hostilities (Hohe 2005). South Sudan's relapse into conflict in 2013 is evidence of this failure. Aside from challenges in the military (SPLA), the police remain weak and absent in many rural areas across the South (Abatneh and Lubang 2011: 95). At independence, assessments were conclusive that South Sudan's police "faces significant challenges in becoming an effective, accountable and professional organisation"

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[135] That is the ownership of the process by the security institutions, civil society, and broader public of the host country.

(Abatneh and Lubang 2011: 95). The civilians continued to be better armed than the police and "coordination among security institutions is weak" (Abatneh and Lubang 2011: 95). This reality has only worsened since the eruption of the civil war in 2013. But if "meaningful and inclusive ownership of the SSR programmes" (Gordon 2014: 126) by the local authorities is essential for sustaining peace, why don't local authorities provide such ownership? Why would local actors choose the sets of outcomes that increase the risks of conflict and fragility instead of the outcomes that entrench peace and effective governance?

According to Sahin and Feaver (2013: 1060-1), local political actors view post-conflict reconstruction and SSR in the perspective of local political dynamics in which they compete for power. Chabal and Daloz (2010: 9) contend that "it has never been in the interests of African elites to work for institutionalisation of the state apparatus. They benefit more from its disorder." The absence of institutionalisation allows the elites to "maximise their returns on the state of confusion, uncertainty, and sometimes even chaos" (Chabal and Daloz 2010: 1). However, Chabal and Daloz overgeneralise their chaos argument. As we argued in the previous section, Garang wanted to push for institutionalisation, but uncooperative commanders undermined his efforts. Despite the presence of disorder under his rule, the creation of disorder was not his preferred outcome. This is in contrast to Kiir's strategy of embracing disorder as the governance policy, which supports Chabal and Daloz's argument. The approach the new leadership took raises a question: in what ways did the new leadership's approach to the management of the coercive apparatus reinforce the SPLM/A's problems of internal decision-making? This question guides our inquiry in this section.

In the previous chapter, we explored Roessler's contention that rival elites with joint access to the means of coercion engage in "reciprocal manoeuvring" to protect themselves from the "others' first strike capabilities" (2011: 302). This is because each faction believes that the other seeks to control the coercive apparatus and use it to consolidate its grip on power. This belief sets out a series of strategic interactions in which factions compete to enhance their control over the coercive organs. Roessler's

(2011) contention offers a useful framework for understanding the evolution of the coercive apparatus in the post-CPA era. As argued in the previous chapter, the 2004 crisis between Garang and Kiir launched a power struggle that shaped Kiir's approach to governance in the post-CPA era. Worried about the control by the "Garang Boys" over the coercive apparatus of the SPLM/A, Kiir sought to change the character of the SPLM/A into a force truly loyal to him. As argued in the previous chapter, this meant forging alliances with rival militias (SSDF) and integrating them into the SPLM/A, while preventing the SPLA from fresh recruitments.

But in what ways does the integration suggest that the new leadership embraced unprofessionalism? Why shouldn't it suggest that Kiir wanted peace? Indeed, the Juba Declaration was initially proclaimed as a significant victory for preventing South-South violence (Young 2006: 10). However, the repeated issuance of amnesties and endless pursuit of integration "created strong incentives for armed-group commanders to renew their rebellion" and for newly integrated soldiers to defect and pursue higher ranks and resources in the anticipated subsequent integration (Warner 2013: 45). According to LeRiche and Arnold (2012: 151), "there was little to stop this kind of behaviour; incentives remained high, and sanctions almost non-existent." The particular ways in which it was pursued suggest that preventing the South-South conflict was not the only objective. Moreover, the new leadership prevented the army from conducting fresh recruitment.[136] A former general lamented that "When you want to recruit, you are told there is no budget, but there was always budget for integration".[137] In absence of fresh recruitment and continuous integration of mostly illiterate militias, the overall capacity of the army was greatly diminished.[138] The General Command of the SPLA decided at a meeting chaired by the President that there shall be no more integration, but the President continued to send militias to the

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[136] Interview with former Inspector General of the Police, Pieng Deng Kuol (Part II), Juba, South Sudan, 7 December 2015; Interviews with Oyay Deng Ajak (Part II), former SPLA Chief of Staff, 28 March 2016, Nairobi, Kenya; James Hoth Mai, former SPLA Chief of Staff, Juba, South Sudan, 13 December 2015; Ayuen Alier Jongroor, 24 March 2015, Juba, South Sudan.
[137] Interview with Ayuen Alier Jongroor, former SPLA Deputy Chief of Staff for Training, 24 March 2015, Juba, South Sudan.
[138] Interview with Ayuen Alier Jongroor, 24 March 2015, Juba, South Sudan.

SPLA to be integrated.[139] According to Ayuen Alier Jongroor, "When the President comes to the Defence Council, he would agree with the generals, but when he returned to the palace, he does not follow things up".[140] This comments from General Ayuen Alier Jongroor, whose technical recommendations on the integration of militias were often disregarded by the president, underscores the contentious relations between the president and his generals who became frustrated by his new approach.

While the endless amnesty and integration allowed Kiir to reduce the influence of the "Garang Boys," the death of Paulino Matip in 2012 meant that the dominance of integrated Nuer militias in the SPLA presented a *coup* risk, especially as Kiir faced off against Machar. This is because previously integrated Nuer generals, such as Gen. Peter Gatdet Yak, defected and were reintegrated several times, each time with entirely new recruits. Kiir once again embraced disorder (Chabal and Daloz 2010) to deal with the dominance of Nuers in the military. Kiir and his allies feared that Machar would resort to the use of the military, which was now about 70 per cent Nuer, to wrestle power from the President. Gen. Paul Malong Awan, the SPLA Chief of General Staff fired in 2017 and who was then the governor of Northern Bahr El Ghazal, was instructed to recruit an entirely Dinka[141] force from Northern Bahr El Ghazal and Warrap without the knowledge of the then Chief of General Staff, Gen. James Hoth Mai, a Nuer.[142] The Office of the President directly funded the training of this new force. At the same time, the Office of the President selected ethnic Dinkas of Bahr El Ghazal from various security organs (SPLA, NSS, Police, Wildlife, and Fire Brigade) and took them to Luri for a special training. This force, consisting of several hundred men, became known as "Dot Beny" which means "rescue the president" in Dinka and played a prominent role in the Juba Massacre that followed the eruption of conflict in

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[139] Interview with James Hoth Mai, 13 December 2015, Juba, South Sudan.

[140] Interview with Ayuen Alier Jongroor, 24 March 2015, Juba, South Sudan.

[141] The force, which became known as "Mathiang Anyor," was recruited to defend the border against Khartoum and consisted of about 15,000 troops. See the article describing its origin. https://radiotamazuj.org/en/news/article/generals-say-juba-massacres-done-by-private-militia-not-spla.

[142] See Clemence Pinaud contention on the origin of the crisis in an op-ed. https://theconversation.com/whos-behind-south-sudans-return-to-fighting-if-it-isnt-kiir-or-machar-62352

December 2013.[143] The approach Kiir took since the CPA is thus consistent with the "reciprocal manoeuvring" that characterises commitment problems that face elites with joint access to a coercive apparatus (Roessler 2011).

Aside from undermining the capacity of the SPLA, the manner in which the President approached the creation of the National Security Service and the development of a National Security Policy and Strategy (NSPS) suggests that he had no interest in professionalising the coercive apparatus. Following the independence of South Sudan, Kiir dissolved[144] the security organs that had operated in the South during the interim period and transferred their senior officers to the SPLA general headquarters. He then promoted and appointed relatively junior officers as the Directors General (DGs) of the General Intelligence Bureau (GIB) and the Internal Security Bureau (ISB) of the NSS. These appointments were made before a Minister of National Security in the Office of the President was appointed. However, according to the Transitional Constitution of South Sudan, 2011, the two DGs are supposed to be appointed after recommendation by the Minister of National Security. The Minister, Gen. Oyay Deng Ajak, was appointed two months later.[145]

Furthermore, as advisor to the Minister of National Security, the author witnessed first-hand how the President undermined Gen. Oyay Deng's efforts to implement SSR programs at the NSS. These efforts included professionalising the intelligence agencies, establishing a legal framework and doctrine that carefully defined their mandate, and creating the national security architecture to ensure effective coordination and governance of the security sector. Gen. Oyay Deng formed a committee to draft the White Paper on Intelligence and National Security, which was intended to delineate

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[143] The activities of "Dot Beny" a.k.a. "dot ke beny" are described in the AU Commission of Inquiry, page 18. http://www.peaceau.org/uploads/auciss.separate.opinion.pdf.

[144] Salva Kiir dissolved the Special Branch (SB) and Public Security (PS) before establishing the NSS consisting of General Intelligence Bureau (GIB) and the Internal Security Bureau (ISB). See this article for more details: http://www.sudantribune.com/Kiir-dissolves-national,39655.

[145] The author was appointed immediately afterwards as advisor to the Minister of National Security, and was appointed by the Council of Ministers as member and secretary of committees to draft the White Paper on Intelligence and Security, the National Security Act, and the National Security Policy and Strategy.

the mandate, structures and the doctrine of the intelligence organs. While the committee finished its work, the two DGs, who were junior to the Minister, effectively rejected the draft. Gen. Oyay Deng sought Kiir's intervention in the face of this insubordination, but Kiir sided with the two DGs. This decision demonstrated that the two DGs were essentially in charge and Gen. Oyay Deng was only a figurehead. The author advised the Minister to resign after this embarrassment, but the Minister refused, opting to forge ahead with other SSR priorities.

Another SSR initiative that Kiir undermined was the development of the NSPS. (The reader should be warned that the author's personal experience might cloud careful analysis and judgment. Therefore, in this paragraph, facts are presented based on personal recollection.) The Minister formed a committee comprised of personnel from all security institutions (SPLA, police, NSS) and other departments of the government, alongside coordination with provincial authorities, to draft the NSPS. The NSPS was supposed to lead to the establishment of a national security architecture and improve coordination within the security sector and across the entire government in pursuit of human and state security. After two years of intense work, and consultations with over 5,000 people that included all paramount chiefs in the country, women and youth groups, governors and state executives, state legislators, national parliament, judiciary, the SPLA command, police command, the NSS, and all departments of the government, the committee finally produced a draft. This draft was presented to the President for his inputs before it could be tabled at the Cabinet, but the President simply sat on it and nothing was ever heard from him. Instead, the intelligence agencies continued to operate outside of their mandate, conducting arbitrary arrests[146] and assassinations of political opponents.

As it can be seen, the President's management of the coercive apparatus after ascending to the helm of the SPLM/A was contrary to his push for the establishment

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[146] Amnesty and other human rights organisations have called on South Sudan to cease arbitrary arrests. See: https://www.amnesty.org/en/latest/news/2016/04/south-sudan-government-must-end-arbitrary-detentions-by-the-intelligence-agency/.

of a professional security sector during the 2004 Rumbek meeting.[147] Instead, he embraced the indiscipline that impeded Garang's push to professionalise and consolidate control over the coercive apparatus as a strategy to ensure survival of his regime. The SSR process was contrary to Kiir's revealed preferences, which rested on embracing chaos and disorder to project authority. It allowed him to reduce the influence of "Garang Boys" who had substantial control over the coercive apparatus and prevented the rise of a professional army as a potentially threatening centre of power. However, the same strategy that allowed him to check the influence of the "Garang Boys" played into the hands of his chief rival, Machar. The dominance of Nuer in the army strengthened Machar's position in a power duel with Kiir. Kiir, nevertheless, continued to iterate his disorder strategy by introducing more disorder. This included recruitment of ethnic militias outside the jurisdiction of the SPLA Chief of Staff and recruitment of the Dot Beny unit. Despite the fragmentation that this management of the security sector produced, it allowed Kiir to replace a potential *coup* risk with a civil war risk. This state of disorder now characterises the coercive apparatus of South Sudan.

3.4   Chapter Conclusion:

This chapter has established that the coercive apparatus of the SPLM/A reinforced its problems of internal decision-making and fragmented its elites. This is because it was used to deploy violence against the Movement and its constituents. The "original sin" of deploying violence to resolve power struggles initiated this instrumentalisation, which entrenched dependency on violence for managing the Movement. The use of violence to settle leadership rivalries transformed the coercive apparatus from a majority Nuer force to a largely Dinka outfit. The defection of Nuers from the Movement and the scepticism of Equatorians denied the SPLM/A widespread legitimacy across Southern Sudan. Moreover, squaring local and communal disputes,

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[147] During the Rumbek meeting, Salva Kiir asked: "what have we done in training our military cadres so that they meet the standard of their counterparts in the integrated army?" The endless integration of the militias and resistance to SSR are a sharp contrast to this statement. See the full minutes at http://www.sudantribune.com/spip.php?article26320.

foiling the SAF's use of communal militias, obtaining loot, and prevailing indiscipline among the forces shaped how the Movement deployed violence. The deployment of violence victimised innocents and encouraged them to join rival militias against the SPLM/A. This made the Movement even more dependent on violence to mobilise war efforts and exert control.

While the Movement embarked on a merger strategy and co-opted many of the rival militias, it was unable to address the problem of indiscipline and bad commanders. The failure to fix the problems of internal decision-making and the use of violence to resolve leadership rivalries provided disincentives for commanders to encourage professionalisation of the coercive organs. This is because a professional coercive apparatus would have consolidated Garang's control over the Movement. But by refusing to strictly apply the penal code, the commanders opted to forge personal relationships with troops under their command and made themselves indispensable. While this foiled Garang's monopolisation of the coercive apparatus, it encouraged factionalism and warlordism, which came to characterise the SPLM/A.

In an environment where institutions are being established from scratch and where no consensus among various constituent groups exists, it seems obvious that such institutions would be contested. It matters less if the establishment of institutions is based on some solid logic or otherwise. This contestation is a critical part of a process in which different groups with divergent interests forge mutual conciliation. However, it is also this contestation that prevented the SPLM/A's coercive apparatus from professionalising since a combination of factors prevented the creation of inclusive structures for conciliating recalcitrant individuals and groups. It seems that there was a belief that a strong coercive apparatus would eventually give way to a more inclusive political order, yet there was a fear of establishing such order. The politico-military leadership believed in coercion as the primary tool for liberation and saw politics as destined to cause confusion and chaos among the rank and file. However, the push to professionalise the coercive apparatus was undermined precisely because of the need to protect individual and communal interests in the absence of a political consensus.

The ascension of Kiir to the SPLM/A's top leadership in the midst of a power struggle reversed attempts to professionalise the coercive institutions. Instead, a sustained dismantling of the coercive apparatus ensued with a series of amnesties and presidential diktats to integrate militias. This new strategy rested on instrumentalising disorder to maintain power. Kiir embraced the indiscipline and warlordism that Garang sought to break, encouraging it in order to consolidate his control. This was in light of his fears of a *coup* against his government. As such, the SSR process was of no interest to Kiir as he tried to prevent exactly what the SSR process sought to accomplish. He directly undermined his generals and ministers who sought professionalisation and entrenched disorder and indiscipline in the coercive apparatus. The lack of professionalism encouraged endless defections and integrations that eventually plunged the country back into war. The CPA gave the SPLM/A a great opportunity for forging national consensus and for establishing a professional coercive apparatus, but the Movement's leader decided to approach the post-CPA era by focusing exclusively on the 2004 power crisis. This left the opportunity created by the CPA unexploited. Rather, South Sudan reverted to roving banditry and the fledgling republic turned into a failed state in which power is managed through chaos and disorder.

4   The Impact of the SPLM/A's Methods of Resource Mobilisation on State Formation

This chapter argues that the inability of the SPLM/A elites to resolve their problems of internal decision-making and centralise their efforts also prevented them from establishing effective systems of accountability, resulting in disturbing episodes of corruption and predation. Just as the commanders obstructed Garang's efforts to build a more professional coercive apparatus, they also undermined efforts to establish more accountable and effective mechanisms of extraction. The absence of accountability mechanisms made predation lucrative for the SPLM/A's largely autonomous zonal commanders since they did not have to remit extracted resources to any central entity. Their resources allowed the commanders to further consolidate their own areas of hegemonic control, while undermining the cohesion of the rebel Movement. Moreover, the widespread availability of food aid following Operation Lifeline Sudan (OLS) intensified corruption and extraversion as the Movement became dependent on international NGOs. This wartime corruption and mind-set of dependency continued after the CPA, as the Movement allocated its oil revenues to the security sector and insufficiently invested in the development and rehabilitation of its people, a task that it largely left to donors. The strategic manoeuvring among the elites who faced a "commitment problem" in the post-CPA era inflamed corruption and lack of accountability. These dynamics further exacerbated the internal problems of decision-making, power struggles, and elite fragmentation.

In the previous chapter, we argued that the use of the SPLM/A's coercive apparatus to deploy violence against the Movement and its constituents reinforced the SPLM/A's problems of internal decision-making. We established that it encouraged strategic manoeuvring among the politico-military leaders of the Movement that undermined the implementation of the penal code, prevented the professionalization of the coercive organs, and aggravated the SPLM/A's dearth of legitimacy. This strategic manoeuvring worsened after the CPA, with the new leadership actively sowing and entrenching disorder within the coercive organs as a strategy for maintaining power.

In this chapter, we turn our focus to the SPLM/A's mobilisation of resources and its impact on the Movement's internal cohesion and the trajectories of state formation in South Sudan. We ask, in the absence of inclusive structures for decision-making, how did the SPLM/A's strategies for mobilising resources exacerbate elite fragmentation? This question guides our inquiry in this chapter.

The literature on the SPLM/A provides a great deal of knowledge about its sources of material resources. It is well established that the SPLM/A benefited greatly from the patronage of Mengistu Hailemariam (Johnson 1998, 2011; Rolandsen 2005; Young 2003; Prendergast and Mozersky 2004; Nyaba 1997). Its extraction of domestic resources via customary authorities (Johnson 1998, 2011; Rolandsen 2005) and through commerce and taxation of humanitarian aid (Young 2003; Rolandsen 2005; Johnson 1998, 2011) are also well covered in the literature. Pinaud (2014) argues that wartime predation initiated the formation of a military aristocracy that consolidated and entrenched itself in the post-war era. De Waal (2014) traces the origin of 'kleptocracy' in South Sudan to the SPLM/A's wartime extraction and argues that the bankruptcy of the SPLM/A-led government due to the 2012 oil shutdown precipitated the eruption of civil war in 2013. However, the impact of resource mobilisation strategies on the internal cohesion of the rebel SPLM/A has surprisingly received little attention. This knowledge gap makes it difficult to draw any definitive conclusions regarding the role of resources on the peacetime organisational cohesion of the SPLM/A and serves as another reason to doubt de Waal's (2014) contention. This is because any attempt to systematically explain the impact of material resources on organisational behaviour and patterns of authority must take account of the historical effects of resources. De Waal's and Pinaud's contentions attempt to explain the factors that underpin elite fragmentation in South Sudan through the lens of oil revenues even though these factors had existed long before the advent of oil. The dysfunction of the post-CPA political order in South Sudan precedes the advent of petro-dollars.

The larger social science literature has devoted considerable attention to the role of material resources in civil wars. Collier (2000) argues that the extraction of resources

is the main purpose for which rebellion is staged, which accounts for its quasi-criminal nature. Grossman (1995, 1997, 1999) contends that rebellion is an industry that generates revenues through looting and asserts that "insurgents are indistinguishable from bandits or pirates" (Grossman 1999: 269). Collier and Hoeffler (2004) argue that natural resource extraction, diaspora financing, and foreign governments provide funding that creates opportunities for rebellion. Angoustures and Pascal (1996) noted the significance of funds from Tamil diaspora residing in North America in sustaining the activities of Tamil Tigers. Byman et al (2001: 50) estimate that Velupillai Prabhakaran, the Tigers' leader, received $50 million on an annual basis from the Tamil diaspora and the group's international partners. Lidow (2016: 10) found that over 75 percent of rebels that were strong enough to capture and hold territory between 1980 and 2003 depended on external patrons. While the importance of material resources in environments of conflict is widely recognised, attempts to overplay its role as the single motivational factor has been effectively challenged. This is because the nature of contentious politics that manifests itself in the use of collective violence revolves around political entrepreneurs whose motivations cannot be limited to material resources alone.

Two studies, Weinstein (2007) and Lidow (2016), which were explored in previous chapters, provide much clearer links between resources and the internal coherence of rebel organisations. Here, we focus on their specific insights relevant to this chapter. Weinstein (2007) argues that rebel organisations with substantial resources are incoherent and suffer from indiscipline, while those that are resource-poor build cohesive structures and forge disciplined rebel armies. This is because the resource-rich rebels attract opportunistic participants who are motivated by short-term goals and the resource-poor rebels attract activist participants who are motivated by long-term goals. Contrary to Weinstein (2007), Lidow (2016) contends that resource-rich organisations are able to project greater organisational coherence and internal discipline than resource-poor groups. He argues that rebel organisations are unlikely to mobilise substantial resources in the absence of external patrons. Lidow (2016) also contends that internal resources extracted in rebels' zones of operation are unlikely to

give the leader the control needed to forge cohesion, since those resources are extracted through the commanders themselves. This means that the rebel leader has to rely on external sources beyond the reach of his commanders. Lidow's resource argument, however, only emphasises on-the-spot payments to commanders as key to organisation coherence. His argument makes no mention of the use of resources to improve organisational performance, such as the provision of high-quality training or enhanced communication among the commanders.

Since resources have an impact on the cohesion of organisations during war and in post-conflict settings, it is important to link rebels' mobilisation of resources and Weinstein's and Lidow's arguments with broader theories of state formation. In "State Making and War Making as Organised Crime," Charles Tilly (1985) famously argues that the process of extracting resources to finance wars led to the development of fiscal and accounting structures of modern states.[148] Similarly, Mancur Olsen (1993) argues in "Dictatorship, Democracy, and Development" that roving bandits who relied on loots transitioned into stationary bandits and established governments in order to maximise material accumulation through taxation of their subjects. Tilly's (1985, 1990) and Olsen's (1993) state-formation models are increasingly applied to the extraction and disbursement of resources by rebel groups. It has been argued that rebels' extraction and use of resources in areas under their control represent embryonic state-formation that mirrors Tilly's (1985, 1990) 'war-makes-states' model and Olsen's (1993) bandits model (Pegg 1998; P. Jackson 2003; Tull 2004; Kingston and Spears 2004; Stokke 2006). The rebels' economic self-interest and their focus on material accumulation are seen as a replica of the processes that produced the modern state (Pegg 1998; Tully 2004; Stokke 2006).

Stationary bandits formed states not because they intended to do so, but because they came to realise that they could maximise economic extraction by becoming stationary rather than solely relying on looting (Olson 1993: 568). According to Olsen (1993:

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[148] Tilly expanded these arguments and included large empirical evidence in a book, *Coercion, Capital and European States, AD 990 − 1992*, published in 1990.

568), the looting-by-roving bandits provided disincentives for production since any goods produced could be expropriated anytime, which offered minimal extractable gains for the bandits themselves. In order to maximise looting, the bandits were forced to settle down and establish governments through which they sustained looting by taxation, and created incentives for increased production, since the victims knew that only a portion of their production would be taken as taxes (Olsen 1993). Similarly, modern state structures emerged not only because the European warlords intended to do so, but because the process of fighting successful wars compelled them to continually innovate and create such structures (Tilly 1990). Tilly (1990: 20) argues that waging wars requires developing means and structures for prosecuting it, such as taxation, predictable supply routine, and public administration. It is the iteration of such a process that resulted in Tilly's contention that "war makes states and states make wars."

Similarly, rebels rarely seek to create state structures, but only establish what they need to achieve their immediate aims. Whether they are bandits (Grossman 1999), racketeers (Collier 2000), state-building or reformed rebels (Reno 1999, 2011), the warfare with which they are engaged forces them to create structures for mobilising war efforts. While the processes of warfare that produced the modern state (Tilly 1990) and gave rise to a transition from roving to stationary banditry (Olsen 1993) took centuries, modern civil wars are much shorter and take place in an entirely different context (Mampilly 2011). Yet, some scholars argue that civil wars should be allowed to take their course (Luttwak 1999) since the lack of a full-fledged war-makes-states experience has produced states that are unstable (Thies and Sobek 2010). In the African context, in particular, scholars have argued that allowing belligerents to fight it out would challenge them to focus on acquiring sovereignty or ultimately losing to rivals who are able to do so (Herbst 2000; Joseph 2002; Tull 2004). Instead, the internationalised context of juridically fixed but empirically weak sovereign states (Jackson and Rosberg 1982; Clapham 1996) allows hosts of other state and non-state actors to participate in civil wars of other countries in various roles, which affect the types of structures that emerge during civil wars and the processes through which they

are created. Indeed, rebels often incorporate NGOs into their systems as they mobilise war efforts and build legitimacy with domestic constituencies (Mampilly 2011). But this often undermines the effectiveness of their own systems.

In *Rebel Rulers: Insurgent Governance and Civilian Life during War*, Zachary Mampilly (2011: 36) argues that the banditry and war-makes-states models "transpose the state-formation framework onto an actor that actively resists the state's attempts to project order within its ascribed territory." While this is true, rebels also engage in creating "raw de facto powers" (Ottaway 2003) and often aspire to perform state-like functions. So, while the SPLM/A resisted the authority of the state in the context of the Sudan, it also sought to "be like" or "replace" the state in Southern Sudan. While the Movement's publicly stated objective was to take power and unite Sudan under a new political order, its war-making process resulted in the birth of a new state. The structures it established to mobilise war efforts became the skeleton structures upon which independent South Sudan was established. As it fought against the Sudan government, the SPLM/A also sought to monopolise power in Southern Sudan and use it to extract resources. According to Olsen (1993: 569), the entrepreneur of violence uses his monopoly of coercion to "obtain the maximum take in taxes and other extractions." Since the stationary bandit has an "encompassing interest" in ensuring public order and providing other goods, Olsen contends that "he is not like the wolf that preys on the elk, but more like the rancher who makes sure that his cattle are protected and given water" (1993: 569).

Despite these SPLM/A skeleton structures, the Movement struggled throughout the duration of the war (and continues to struggle) to monopolise the means of violence in Southern Sudan. Since the territories it controlled changed hands several times during the conflict, the structures it established were often cut short. Additionally, the presence of humanitarian actors during the conflict and oil revenues in the post-conflict setting affected the SPLM/A's resource-extraction calculus, since it could maximise its extraction without necessarily investing in the productive capacity of the population under its control or the systems for extracting rents. The Movement extracted vast

amounts of its material resources from external patrons and from natural resources, and only a miniscule fraction from the population under its domain. Nevertheless, the banditry and war-makes-state models provide important insights. Therefore, our integration of Weinstein's (2007) and Lidow's (2016) contentions regarding the impact of material resources on the cohesion of armed groups into Olsen's (1985) and Tilly's (1985) models of state formation will allow us to interrogate the impact of resource mobilisation on the SPLM/A's organisational cohesion and state formation in South Sudan. This also includes the SPLM/A's relations with civilians as it sought to establish fiscal and accounting structures (Tilly 1985) to maximise extraction and investment in the productive capacities of its subjects (Olsen 1993), both during the war and in the post-conflict setting.

The rest of the chapter proceeds as follows: the first section explores the impact of the SPLM/A's wartime resources and their mobilisation strategies on its organisational cohesion. It argues that the Movement's initial fragmentation and inability to establish inclusive decision-making mechanisms left it reliant on Mengistu's Ethiopia, diversion of aid, and violence to mobilise resources. This elite disunity impeded the creation of effective mechanisms of accountability due to the resistance of the nearly autonomous zonal commanders who were more interested in using corruption and predation to entrench their own influence. The second section explores the effects of post-war resources on the mutation of the SPLM/A's organisational structures. It argues that the influx of oil revenues during strategic manoeuvring in the post-CPA context exacerbated corruption and impeded the development of accountability mechanisms, which reinforced the Movement's problems of internal decision-making. The inflow of billions of dollars of donor aid following the CPA aggravated the problem of extraversion and provided weak incentives for establishing fiduciary structures. The section also argues that the availability of petro-dollars and the opportunity for corruption intensified the fragmentation of SPLM/A elites since the control of state power offered enormous opportunities for corruption. The final section concludes by synthesising the chapter's argument that in the absence of structures for decision-

making, elite unity remained elusive and the SPLM/A could not establish effective mechanisms of extraction.

4.1 Wartime Predation, Corruption, Extraversion and Organisational Incoherence

Critical elements of Olsen's (1985) and Tilly's (1985, 1990) models are the establishment of structures for extraction and for ensuring accountability. This is because a roving bandit settles down and becomes a stationary bandit in order to maximise extraction (Olsen 1993). Similarly, waging a successful war against a neighbour requires successful extraction (Tilly 1990). Yet, successful extraction is not possible without effective systems that not only ensure that the extracted rents reach the central leadership, but that also prevent anyone else within the organisation from diverting the rents to his or her own private purpose. Such systems make it possible for extraction to produce fiscal and accountability structures (Tilly 1985) and for the stationary bandit to establish mechanisms that allow him to extract and invest in augmenting the productive capacities of his subjects (Olsen 2000). Analysing such systems provides the starting point for our inquiry into the impact of resource mobilisation on the internal cohesion of the SPLM/A. We ask: what systems of extraction and accountability did the SPLM/A establish to mobilise resources and ensure that such resources reached the leadership? Despite the general limitations on our data noted in the previous chapters, we believe that the available evidence allows us to contribute important new insights to this debate.

As mentioned in the introduction to this chapter, the SPLM/A mobilised resources outside and inside Southern Sudan. The SPLM/A's chairman, Dr. John Garang, largely led the external mobilisation of resources. Garang and Ethiopia's Mengistu developed a special relationship early on and Ethiopia's support in the form of arms, uniforms, medicine, and food was directly channelled through Garang and his key subordinates.[149] In addition, Garang's role was essential in securing early support from

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[149] It seems that Mengistu did not provide direct cash payments to Garang and the SPLM/A.

Libya. According to Dr. Col Dau Diing, a member of the Southern Sudanese student-led mission to Libya in early 1984, Garang's role was critical in securing Libyan aid.[150] While the delegation negotiated arms and uniform assistance reportedly worth $20 million from the former Libyan leader, Muammar Gaddafi, the assistance could not arrive in Gambella until after Garang's visit to Tripoli.[151] Later in the 1990s, the SPLM/A received financial support from other African governments such as Nigeria, Eritrea and Kenya, which was channelled through Garang. While the Movement did not design a system for securing external assistance, Garang's personal leadership made it possible for the SPLM/A to continually receive support from outside Southern Sudan.

Since Garang's stature and relationships were essential for obtaining external support, this allowed him to extend his personal influence in the Movement. Although Arok Thon Arok was the SPLM/A Deputy Chief of Staff for logistics until his arrest in 1988, the actual allocation of logistics was under the Chairman's responsibility.[152] This information from Arok Thon's former secretary has been widely confirmed by other officials in the SPLM/A, including South Sudan's current First Vice President, Taban Deng Gai, who contends that "Garang ran foreign policy, the stores, and every aspect of the SPLM,"[153] and it helps to explain how Garang was able to assert his control over the Movement within a short time. The control of resources made zonal commanders personally dependent on Garang for the supply of weapons and ammunitions since it was difficult to secure major victories without such supply, which could only be allocated by Garang. The fact that Garang was the main source of arms and ammunitions allowed him to project considerable control over the SPLM/A. This seems to support Lidow's (2016) contention that external support allows the rebel leader to consolidate control over commanders, although on-spot cash payments to commanders - which are central to Lidow's (2016) argument - were largely non-

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[150] Interview with Dr. Col Dau Diing, 30 March 2015, Juba, South Sudan.
[151] Interview with Dr. Col Dau Diing, 30 March 2015, Juba, South Sudan.
[152] Interview with Isaiah Chol Aruai, former Secretary to Arok Thon Arok, 30 March 2015, Juba, South Sudan.
[153] Interview with Taban Deng Gai, First Vice President of South Sudan, 19 February 2016, Juba, South Sudan.

existent. However, while the provisions of arms and ammunitions probably kept commanders in check and discouraged them from defection, it did not automatically lead them to implement the penal code and build disciplined rebel units.

A closer examination of the evidence suggests that Garang's distribution of arms and ammunitions undermined the minimal structures under the Political-Military High Command (PMHC) and fermented discontent against him. The deputy chief of staff for logistics had no authority over the allocation of logistics, which rendered his position meaningless. Moreover, some commanders who did not perform well on the battlefield complained that their failures were due to Garang's insufficient allocation of logistics to them. According to Daniel Awet Akot, a former member of the PMHC and the zonal commander of Lakes region of Bahr el Ghazal, Kerubino Kwanyin often complained that Garang sabotaged his operations by apportioning him insufficient supplies.[154] According to Daniel Awet, Isaiah Chol Aruai, Majak D'Agoot, and many other former SPLM/A commanders, Kerubino Kwanyin was a poor commander who often wasted ammunitions.[155] Kiir later repeated the same charge against Garang during the fateful 2004 Rumbek meeting, which addressed the Movement's leadership crisis, by claiming that Garang was neglecting forces outside his headquarters from a fair share of supplies. The accusation of favouritism and concerns over allocations of logistical supplies stuck with Garang throughout his tenure and fuelled internal discontent.

Contrary to Lidow's (2016) contention, the SPLM/A's reliance on external resources provided little incentive for establishing accountability mechanisms. The SPLM/A did not face any pressure from external supporters to institute accountability mechanisms in the management of material assistance. According to Thokwath Pal, former chief of Ethiopian intelligence in Gambella, Ethiopia did not push the SPLM/A to account for the aid it received because the movement was "capturing a lot of territory in a very

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[154] Interview with Daniel Awet Akot, 20 March 2015, Juba, South Sudan.
[155] Interviews with Daniel Awet Akot, 20 March 2015, Juba, South Sudan; Isaiah Chol Aruai, 30 March 2015, Juba, South Sudan; Edward Lino Abyei, 15 February 2015, Arusha, Tanzania; Interview with Majak D'Agoot, Nairobi, Kenya, 20 April 2015.

short time."[156] This demonstrated to the Ethiopian authorities that the aid was being used for the purpose for which it was requested. The authorities in Ethiopia also believed in "organisational independence" and thought that it was up to the SPLM/A to introduce the administrative systems that would allow it to succeed.[157] According to Nhial Deng Nhial, SPLM former Secretary for External Affairs and a cabinet minister in the post-CPA governments, the movement also received financial support from other foreign governments, including $5 million from Nigeria under President Ibrahim Babangida.[158] No demands for accountability accompanied these kinds of assistance.

Similarly, internal financiers and supporters such as the Sudan Council of Churches (SCC) and Total Oil Company did not pressure the SPLM/A to establish accountability mechanisms.[159] According to Kosti Manibe Ngai, former Secretary General of the SCC and a minister in the post-CPA governments, the organisation was not interested in accountability measures because any evidence of SCC's support to the Movement would have landed it in trouble with authorities in Khartoum. In addition, "there was a lot of trust in what the SPLM was doing."[160] As such, while the SSC provided financial support to the SPLM/A through the Sudan Relief and Rehabilitation Association (SRRA),[161] Kosti was not asked to provide any evidence that the funds reached the SRRA. Moreover, according to Nhial Deng, the French oil company, Total, provided annual dues of $75,000 to the SPLM/A.[162] The close relationship between Garang and Nhial Deng implies that he had a good chance of knowing such information and makes it likely to be credible. Since these finances came in bulk and went directly into the Movement's central accounts, it was easy for the Movement to obtain them without any problem. However, this was not the case for

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[156] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.
[157] Interview with Thokwath Pal, 17 April 2015, Nairobi, Kenya.
[158] Interview with Daniel Awet Akot, 20 March 2015, Juba, South Sudan.
[159] Interview with Kosti Manibe Ngai, 12 February 2015, Arusha, Tanzania.
[160] Interview with Kosti Manibe Ngai, 12 February 2015, Arusha, Tanzania.
[161] The SRRA – an agency the insurgency established in the late 1980s for coordinating humanitarian response in SPLM/A controlled areas – was the only non-military organ within the Movement after the creation of the PMHC, although most of its personnel were mostly former military officials. It was used as an instrument for diverting humanitarian aid and was nominally accountable to donor agencies.
[162] Interview with Nhial Deng Nhial, 2 April 2015, Juba, South Sudan.

the resources extracted from the population, which rarely ever reached the SPLM/A's coffers. The accountability mechanisms needed to ensure a transparent flow of resources extracted from the population and transferred to the Movement's coffers did not exist. Despite the importance of such structures, the SPLM/A did not have an official system for handling finances besides the SRRA until after the 1994 Convention when the Secretariat for Finance was finally created (Rolandsen 2005: 157). This raises a number of questions: how did the SPLM/A extract local resources and ensure accountability before the establishment of the Secretariat for Finance? And what difference did the creation of a Secretariat for Finance make in how the SPLM/A extracted and accounted for resources?

The extraction of domestic resources was decentralised to the zonal commanders, who were expected, I suppose, to ensure accountability by using common sense and punishing violators through the implementation of the penal code. Since the SPLM/A's bases were in Ethiopia, and Southern Sudan lacked (and continues to lack) communications infrastructure that can support large-scale logistics, the SPLM/A could not rely on a supply of food from the headquarters to different parts of the country where troops were conducting operations. The forces relied on the population for food, and the political commissars liaised with chiefs to extract resources from civilians.[163] These resources came in the form of grains, goats and cows.[164] According to James Kok Ruea, former SPLA senior commander, if the chiefs and the population refused to cooperate with the forces by providing resources, the forces were expected to use violence to obtain the rents.[165] While this seems to support Weinstein's (2007) contention that material resources encourage predation, a closer look reveals that the SPLM/A actually relied more on local food supplies than it did on external supporters. According to Dr. Lam Akol Ajawin, a former member of the PMHC and a zonal commander in Shilluk Kingdom, there were no clear guidelines on how to extract food from the local population to feed the army.[166] That meant that zonal commanders

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[163] Interviews with Lt. Gen. Kuol Diem Kuol, 14-15 August 2015, Juba, South Sudan; James Kok Ruea, 12 February, Arusha, Tanzania.
[164] Interview with Edward Lino Abyei, 15 February 2015, Arusha, Tanzania.
[165] Interview with James Kok Ruea, 12 February, Arusha, Tanzania.
[166] Interview with Dr. Lam Akol Ajawin, 5 March 2015, Juba, South Sudan.

were largely at liberty to extract resources in ways that worked for them. This made it possible for opportunistic commanders to exercise predation on the population. Contrary to both Weinstein (2007) and Lidow (2016), this predation is explained by other reasons such as local disputes, indiscipline, and strategic manoeuvring by commanders. As argued in the previous chapter, the implementation of the penal code was irregular across zones, which prevented uniformity of accountability, exacerbated predation and fuelled corruption.

Several zonal commanders established markets, introduced in-kind taxation for goods the civilian population produced in areas under their command, and organised their troops to engage in farming. Lam Akol recalled that he established Kaka in Northern Upper Nile as a market centre and taxed all goods sold there.[167] He also recalled instituting in-kind taxation of goods produced by civilians, hunted wildlife (gazelles, hippos, etc.), organised his soldiers to farm, and embarked on the collection and marketing of gum Arabic (gum acacia) to sustain his troops.[168] Similarly, Daniel Awet, former SPLM/A commander in the Lakes region, asserted that he organised executive chiefs in his zonal command and introduced an elaborate extraction scheme. Each executive chief was asked to bring three bulls every month and each household was taxed a tin of grains every month.[169] Daniel Awet remembered ordering sub-commanders to coordinate with the chiefs and ensured compliance with his directives. Likewise, similar strategies were said to have been employed in Central Upper Nile (Bor) under Arok Thon Arok, and his successor, Kuol Manyang Juuk.[170] Although these recollections are prone to narrative license by the interviewees concerned, a consistent pattern appears in which zonal commanders exercised relative autonomy in how they mobilised resources locally. While there were some variations, commanders also deployed violence to institute extraction of resources from civilians across all zones. However, the reliance of commanders on their own resources encouraged independence and led them to cultivate their own personal bases of support instead of

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[167] Interview with Dr. Lam Akol Ajawin, 5 March 2015, Juba, South Sudan.
[168] Interview with Dr. Lam Akol Ajawin, 5 March 2015, Juba, South Sudan.
[169] Interview with Daniel Awet Akot, 20 March 2015, Juba, South Sudan.
[170] Interview with Gabriel Alaak Garang, 29 March 2015, Juba, South Sudan.

building support for the Movement. Until the creation of the Secretariat for Finance, which remained at infancy around the time of the CPA in 2005, the zonal commanders did not have to remit resources to any central body. As such, they kept what they extracted and used it as they saw fit. This accumulation of resources and the irregular implementation of the penal code allowed them to entrench themselves.

Separately, the SPLM/A's Economic Commission (EC) engaged in various efforts to raise finances for the Movement. The EC operated directly under Garang's office and was composed of officers that Garang appointed directly. According to Luka Biong Deng, one such former official at the EC, the Commission "engaged in trade, bartering cattle, and other food items to get fuel and other logistics from markets in the Congo" and Uganda.[171] These goods were sometimes received from some area commanders or obtained directly by the EC from the population through bartering. The EC also harvested coffee, which it sold to Uganda, and taxed goods sold in markets across Western Equatoria.[172] According to Gabriel Alaak Garang, another former official at the EC, the entity reportedly purchased about 20 kg of gold per month around Kapoeta from civilians.[173] However, given the SPLM/A's initial failure to establish accountability mechanisms, it is not possible to determine how resources the EC extracted were used, despite the claims of the SPLM/A's former officials that the proceeds were used to advance the Movement's agenda. According to Gabriel Alaak, revenues from the sale of gold were used to purchase ammunitions and other logistics to facilitate war efforts. Yet, Gabriel Alaak admits that "William Nyuon came and took the gold that was in Pageri (a Movement base in Eastern Equatoria) for his personal use" after the 1991 split.[174] The lack of accountability mechanisms encouraged such abuse of resources.

The great famine of 1988 (Minear 1991) precipitated the influx of international NGOs into Southern Sudan through the Operation Lifeline Sudan (OLS) (Mampilly 2011;

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[171] Interview with Dr. Luka Biong Deng, 13 March 2015, Juba, South Sudan.
[172] Interview with Daniel Awet Akot, 20 March 2015, Juba, South Sudan.
[173] Interview with Gabriel Alaak Garang, 29 March 2015, Juba, South Sudan.
[174] Interview with Gabriel Alaak Garang, 29 March 2015, Juba, South Sudan.

Riehl 2001), which further undermined the establishment of accountability mechanisms. According to Gabriel Alaak, "food that was brought in the name of civilians was partly used by the military; some of this food was sold and abused by officers."[175] Both citizens and internally displaced persons (IDPs) were expected to contribute food to the SPLM/A (Rolandsen 2005). Luka Biong readily admits, "The selling of relief aid was a serious source of finance for the SPLM/A."[176] These allegations are supported by the 1996 comprehensive review of OLS, which details the nature of complex problems associated with its operations.[177] The relief food fuelled corruption, which was already a growing problem in the movement.[178] The SRRA insisted that it must directly distribute aid, which allowed the SPLM/A to divert significant portions of it. As Nhial Deng stated, "there has never been a case in which a freely donated food has not found itself in the market" in the liberated areas.[179] A former SRRA official admits that the organisation was unaccountable and opaque in its operations.[180] "People [commanders] were taking food items for personal use; commanders were selling cars and guns and whatever else they could loot."[181] The diversion of aid in the SPLM/A controlled areas became so commonplace that "humanitarian organisations came to accept that a certain portion of any aid given was taken by the insurgency or competing violent militias" (Mampilly 2011: 152).

The OLS "ground rules", agreed in 1995, formalised the SPLM/A's prerogative to tax Southern Sudanese employees of aid agencies, including those working for the UN (Crossley 2004). According to Johnson (2011: 147-8, 152), the Movement levied a 20 per cent tax on food aid received by internally displaced persons (IDPs). And despite the "ground rules," the commanders often commandeered vehicles and other equipment such as radios, either for personal use or for military purposes (Mampilly

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[175] Interview with Gabriel Alaak Garang, 29 March 2015, Juba, South Sudan.
[176] Interview with Dr. Luka Biong Deng, 13 March 2015, Juba, South Sudan.
[177] The report, "Operation Lifeline Sudan – A Review" can be found at:
https://www.researchgate.net/profile/Susanne_Jaspars/publication/284727714_Operation_Lifeline
Sudan-_A_review/links/56584a7308aeafc2aac2c80d.pdf
[178] Interview with Kuol Deng Abot, 5 April 2015, Juba, South Sudan.
[179] Interview with Nhial Deng Nhial, 2 April 2015, Juba, South Sudan.
[180] Interview with Isaiah Chol Aruai, 30 March 2015, Juba, South Sudan.
[181] Interview with Isaiah Chol Aruai, 30 March 2015, Juba, South Sudan.

2011: 152). The Movement also had an unofficial policy of *musadad* (which means "assistance") to soldiers and commanders. Each commander in charge of logistics could give out assistance in the form of food items to a soldier or an officer, which the assisted soldier or officer could sell for his personal use. According to Luka Biong, there was no guiding policy on how such assistance was given out.[182] According to Nhial Deng, Gen. Oyay Deng Ajak and other commanders "used to give food items to soldiers for their personal benefit."[183] This comment is particularly interesting given the nature of power-struggle among the "Garang Boys" particularly between Nhial and Oyay, as they competed for Garang's attention in the twilight years of Garang's leadership, and reveals hints of Nhial attempting to delegitimise Oyay's known popularity with forces. But these subtle tussles aside, the issue of *musadad* had become an instrument for all kinds of commanders to earn a reputation for generosity, earn money and build patronage. The enormity of corruption partly contributed to the Bahr El Ghazal famine in the 1990s, in which over 100,000 civilians were killed (Autesserre 2002). The commanders took food provided by humanitarian agencies to the market for sale while civilians starved *en masse*.[184]

The empirical evidence provided above is not new (as it confirms a widely-known story of OLS), but it offers the foundation for analysing the impact of humanitarian aid on the internal cohesion of the SPLM/A. Due to the lack of accountability mechanisms within the Movement, the widespread availability of aid and opportunities for diverting it exacerbated elite disunity and undermined the creation of effective accountability structures. It allowed zonal commanders to increase the resources under their control by diverting aid, which complemented their predatory extractive measures on the population. This substantial increase in the revenues accruing to zonal commanders allowed them to strengthen their patronage networks in the areas under their command. The increase in the influence of the commanders strengthened them to resist Garang's efforts to build centralised structures for exercising the Movement's authority. But at the same time, the Movement was unable to overcome the problem

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[182] Interview with Dr. Luka Biong Deng, 13 March 2015, Juba, South Sudan.
[183] Interview with Nhial Deng Nhial, 2 April 2015, Juba, South Sudan.
[184] Interview with Nhial Deng Nhial, 2 April 2015, Juba, South Sudan.

of internal decision-making, which encouraged the commanders to strengthen their own personal power bases. Hence, as each commander scrambled to strengthen his influence to avoid potential victimisation by Garang, and as Garang pushed to assert his personal control over the Movement, elite fragmentation continued and effective mechanisms for extraction and accountability could not be built.

What impact, then, did the creation of the SPLM Secretariat for Finance have? The evidence suggests that the creation of the Secretariat for Finance and other oversight institutions in the wake of the 1994 Convention did little to change behaviour within the SPLM/A. James Wani Igga, the first SPLM Secretary for Finance who went on to become a Vice President of independent South Sudan, complained during his tenure that the Secretariat did not receive a penny from the counties, which were expected to remit finances to the Secretariat (Rolandsen 2005: 158). By 1998, Arthur Akuein, who succeeded Wani Igga, disclosed that the National Executive Council (NEC) had decided that 70 per cent of taxes collected at the county level should be remitted to the Secretariat, but counties did not remit any money (Rolandsen 2005: 158). Essentially, commanders had no interest to do so since they knew they could not be held accountable, unless they directly challenged Garang. They simply enriched themselves and used the resources to expand patronage networks. Similar to the Secretariat for Finance, other mechanisms created after the 1994 Convention did not work. According to Kosti Manibe, a former member of the Humanitarian Relief Committee of the NLC, which was supposed to oversee humanitarian operations, the Committee never actually met until it was dissolved in the post-CPA era.[185]

In the absence of accountability mechanisms, corruption inside the movement simply deepened. During the fateful 2004 reconciliation meeting between Garang and Kiir in Rumbek, on the verge of the final signing of the CPA, Kiir complained about the extent of corruption in the SPLM/A, stating plainly:

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[185] Interview with Kosti Manibe Ngai, 12 February 2015, Arusha, Tanzania.

> Corruption, as a result of the lack of structures, has created a lack of accountability which has reached a proportion that will be difficult to eradicate…. At the moment some members of the Movement have formed private companies, bought houses and have huge bank accounts in foreign countries. I wonder what kind of system we are going to establish in South Sudan, considering how indulged we are in this respect.[186]

Kosti Manibe and Lual Achuek Lual Deng contend that Kiir's argument at the Rumbek meeting was on point. However, it appears that most of the commanders were involved in corruption in one way or another (although some were getting richer than others). According to Lual Deng and Kosti Manibe, even the former SPLM/A Secretary-General Pagan Amum was harvesting teak timber around Yei and taking the goods to markets in Uganda.[187] While Pagan Amum was carrying out this activity in his capacity as the Secretary for Commerce in the NEC, there were no mechanisms for ensuring accountability over his operations. In addition, sources asserted that the SPLM/A was collecting taxes on Yei-Kaya road;[188] Sector 2 command under Oyay Deng was harvesting teak;[189] a number of senior commanders were selling weapons and ammunitions;[190] Paul Malong Awan, a prominent commander in Northern Bahr el Ghazal who later became the SPLA Chief of General Staff after independence, was collecting taxes from Wanh Alel market in Northern Bahr el Ghazal and pocketing all the proceeds; and a number of commanders were engaged in the old practice of raiding cattle from civilians.[191] Along with Bona Malwal Madut, Akec Tong Aleu, and Kiir, himself, Paul Malong was also engaged in a conspiracy to scam money from Baroness Barbara Cox and her Christian Solidarity International (CSI), which was meant for "redeeming" slaves.[192] This host of corrupt and predatory practices, including

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[186] Minutes of the SPLM Historical Meeting in Rumbek held November 29 to December 1, 2004 available at http://www.sudantribune.com/spip.php?article26320.

[187] Interview with Kosti Manibe Ngai, 12 February 2015, Arusha, Tanzania; Interview with Dr. Lual Achuek Lual Deng, 2 March 2015, Juba, South Sudan.

[188] Interview with Kosti Manibe Ngai, 12 February 2015, Arusha, Tanzania.

[189] Interview with Madut Biar Yel, 10 April 2015, Nairobi, Kenya.

[190] Interview with Dr. Lual Achuek Lual Deng, 2 March 2015, Juba, South Sudan.

[191] Interview with Gabriel Alaak Garang, 29 March 2015, Juba, South Sudan.

[192] Interview with Madut Biar Yel, 10 April 2015, Nairobi, Kenya; Interview with Lt. Gen. Kuol Diem Kuol, 14-15 August 2015, Juba, South Sudan; also see the Declan Walsh's "The great slave

hijacking of humanitarian aid, reveals the extent to which corruption had consumed the Movement. But according to Luka Biong, some commanders, such as Deng Alor Kuol, were living lavish lives while officers senior to them such as Kiir were struggling.[193] According to this senior figure and observer, such inequality was also exacerbating tensions within the Movement.

The 2004 Rumbek meeting was not the first time Garang heard of corruption in the movement. According to Gen. James Hoth Mai, a one-time SPLA Chief of Staff, "Garang was aware that corruption was happening."[194] During the 1995 command and staff conference of Beddan Falls, a village in Eastern Equatoria near the Ugandan border, the issue of corruption and accountability in the movement were discussed at length. An artist named Samuel Bullen drew a painting of a big crocodile that was eating up everything, which he named *Koor-Mayuaal* (which means an extremely hairy lion).[195] The painting symbolised corruption and how it was tearing the movement apart. According to the former head of the Political Commissariat of the SPLM/A, the command and staff conference declared corruption a vice that must be uprooted at all costs.[196] However, the leadership did not take meaningful action to fight corruption because it was afraid that taking harsh accountability measures would encourage defections to Khartoum.[197] Other senior officials such as Hoth Mai, Oyay Deng, Nhial Deng and many others have confirmed this information. Afraid of another 1991-like split, Garang left people alone as long as they remained loyal to the Movement, the former SPLA Chief of Staff recalled.[198] If this information is true, then it highlights the constraints to Garang's own power with regard to his officers, particularly as they consolidated their own sources of support. This made it tricky for Garang to discipline them, despite knowing that their behaviour was harmful to the

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scam" in the Irish Times, available at http://www.irishtimes.com/news/the-great-slave-scam-1.1051560.

[193] Interview with Dr. Luka Biong Deng, 13 March 2015, Juba, South Sudan.

[194] Interview with Gen. James Hoth Mai, 13 December 2015, Juba, South Sudan.

[195] Interview with Lt. Gen. Kuol Diem Kuol, 14-15 August 2015, Juba, South Sudan; Interview with Gen. James Hoth Mai, 13 December 2015, Juba, South Sudan.

[196] Interview with Lt. Gen. Kuol Diem Kuol, 14-15 August 2015, Juba, South Sudan.

[197] Interview with Dr. Lual Achuek Lual Deng, 2 March 2015, Juba, South Sudan.

[198] Interview with Gen. James Hoth Mai, 13 December 2015, Juba, South Sudan.

Movement. Although OLS predation and corruption allowed the SPLM/A officers to enrich themselves, the SPLM/A as an entity remained poor since the commanders retained the rents. Even more problematic, the SPLM/A was unable to build effective systems of accountability. The SPLM/A's poverty and reliance on NGOs encouraged dependency and extraversion (Bayart 1993). According to Gabriel Alaak, "people became dependent on relief" and developmental activities could not be undertaken without donor funding .[199] Even the internal travel of SPLM/A commanders was dependent on support from the Norwegian People's Aid (NPA) and USAID, who hired planes to move commanders around.[200]

Why then was the SPLM/A unable to establish effective instruments of accountability? According to Peter Adwok Nyaba, a former minister in South Sudan's government and a scholar of the SPLM/A's history, the failure to introduce accountability mechanisms in the management of resources was due to Garang's inexperience with public administration. Garang "was largely unaware of the importance of sound organisation."[201] The movement was not very organised because Garang hampered a move towards sound organisation. [202] According to Edward Lino, Garang was reluctant to soundly organise the SPLM/A because "those who joined first were illiterate."[203] While Garang wanted to organise the movement, he was worried that the illiterate would take it over.[204] According to Achuil Malith Banggol, the objective of the SPLM/A was not accountability, but to ensure basic survival.[205] Dr. John Gai Yoh, Presidential Advisor on Education, argues that the legacy of separatist ideology of the *Anya Nya* (SSLM/A) and its unionist philosophy clashed and undermined SPLM/A efforts to effectively organise itself.[206] These views show varying contentions among the

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[199] Interview with Gabriel Alaak Garang, 29 March 2015, Juba, South Sudan.
[200] Interview with Pieng Deng Kuol, 3 December 2015, Addis Ababa, Ethiopia, and 7 December 2015, Juba, South Sudan.
[201] Interview with Dr. Peter Adwok Nyaba, 14 February 2015, Arusha Tanzania.
[202] Interview with Edward Lino Abyei, 15 February 2015, Arusha, Tanzania.
[203] Interview with Edward Lino Abyei, 15 February 2015, Arusha, Tanzania
[204] Interview with Edward Lino Abyei, 15 February 2015, Arusha, Tanzania; Interview with Dr. Lam Akol Ajawin, 5 March 2015, Juba, South Sudan.
[205] Interview with Achuil Malith Bangol, 7 March 2015, Juba, South Sudan.
[206] Interview with Dr. John Gai Yoh, Presidential Advisor on Education, 7 March 2015, Juba, South Sudan.

SPLM/A's Politico-Military elites about why the Movement could not establish sound systems for extraction and accountability. Clearly, Peter Adwok wants to paint Garang as naïve, dictatorial and inexperienced with management of complex systems. This is consistent with his writings and criticisms of Garang, particularly since Peter Adwok was one of the architects of the 1991 split. But Edward Lino, who was Garang's chief for external security, defends Garang and blames the "illiterate" supporters. This also makes sense given the factional nature of relations within the Movement and Lino's staunch support for Garang. The perspective of Achuil Malith characterises the views of the majority of the rank and file of the Movement. The rank and file were generally more interested in the conduct of the war and paid little attention to the need to build effective systems of authority. The diversity of perspectives on this question is symptomatic of the elite fragmentation facing South Sudan and the SPLM/A.

The evidence presented offers a number of insights. While warfare exerts pressure to create instruments for extraction (Tilly 1990), the pressure is not as intense when external patrons provide the most essential materials for waging it. Since the SPLM/A received arms, ammunitions, uniforms, and medicine from external patrons, it only needed soldiers and food domestically. The receipt of bulk transfers of finances from internal and external actors also does not provide incentives for creating extraction and accountability systems. Although the extraction of rents from the population provides incentives for building such systems, they depend on the consolidation of the coercive organs. As Olsen (1993) noted, it is the monopoly over the means of violence that gives the stationary bandit the monopoly over theft and allows him to charge taxes on everything under his domain. The SPLM/A as an entity and Garang as the head of the bandits did not achieve such a monopoly in Southern Sudan. The factors that impeded the professionalisation of the Movement's coercive apparatus (explored in the previous chapter) made it impossible for the SPLM/A to develop elaborate taxation and accountability systems. In the areas in which it was treated with hostility, the Movement used force to extract resources, which made it no different from the roving bandits. In the areas in which it exerted control, the strategic manoeuvring of commanders could not allow it to become a stationary bandit, and as such, it acted

like a roving bandit. In the absence of structures for internal decision-making, it is difficult to see how structures of extraction and accountability could be established.

The lack of infrastructure within a territory the size of France also meant that goods extracted from certain parts could not be easily moved to others. This is why the EC performed better in areas near the border because the transportation costs for taking goods to the market were relatively cheaper. The geographical and infrastructure constraints echo the contentions that Herbst (2000) and Johnston (2008) have put forth. These constraints affect costs. They make the creation of taxation and accountability mechanisms appear much costlier to the extent that the expected rents do not justify the expenditure. This makes it easier to rely on external rents and bulk transfers that are easier and cheaper to reap. Likewise, the diversion of humanitarian aid appears much cheaper than the extraction of food items from the population. While it may generate dependency, such 'extraversion' offers cheaper capture of rents (Bayart 2000). This is particularly so in the face of strategic manoeuvring by commanders.

We have established in this section that the Movement's reliance on external patrons, diversion of aid, and violence for mobilising resources impeded the creation of effective mechanisms of extraction and accountability. They exacerbated its problems of internal decision-making and encouraged corruption. The lack of a professional coercive apparatus prevented the Movement from monopolising theft in areas under its control. The decentralised nature of domestic extraction encouraged predation since commanders had a lot to gain and virtually nothing to lose. We have also established that the widespread presence of humanitarian organisations, the availability of easily extractable natural resources such as timber, and the significant influence of commanders in their zones deepened corruption and encouraged extraversion. The relatively easy diversion of humanitarian aid further impeded the incentives for creating robust mechanisms for local extraction and accountability.

4.2 The SPLM/A's Oil-fuelled Corruption, Extraversion and Internal Discord in the post-CPA era

In the previous section, we established that the SPLM/A's reliance on external patrons, violence and diversion of aid impeded the establishment of instruments for domestic extraction and accountability. This institutional failure encouraged predation, corruption, and dependency; it also contributed to the Movement's problems of internal decision-making. In this section, we explore the SPLM/A's post-CPA mobilisation of resources and the impact it had on its organisational coherence. (In the post-CPA era, the SPLM/A transitioned into the SPLM, the SPLA, and the GOSS, which were theoretically distinct. However, since these three organisations remained intricately linked, we maintain the use of 'SPLM/A' except when referring specifically to one of the three entities.) We argue that the influx of billions in oil revenue, in the absence of structures for accountability, exacerbated corruption and undermined incentives for establishing effective accountability instruments. This is because the arbitrary allocation of oil rents became the main tool for consolidating control amidst power struggles within the Movement. Despite the SPLM/A's cash windfall, the wartime dependency worsened, as the Movement allocated most of its resources to the security sector and only paid "lip service" to development and public investments. The strategic manoeuvring among the SPLM/A's elites who faced a "commitment problem" in the absence of fiduciary systems inflamed corruption and intensified the SPLM/A's problems of internal decision-making.

As the peace negotiations that culminated in the signing of the CPA approached success, the United Nations and the World Bank, with the guidance and the participation of the Government of Sudan (GoS) and the SPLM/A, carried out a Joint Assessment Mission (JAM) that would be the main international donor framework for post-agreement statebuilding and peacebuilding.[207] Building on the *SPLM Strategic*

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[207] The Sudan Joint Assessment Mission (JAM) was a comprehensive report that outlined post-conflict reconstruction efforts in the Sudan and was carried out jointly by the World Bank and the United Nations, and with the full endorsement, guidance and participation of the Government of Sudan (GOS) and the SPLM/A. In addition, 17 UN agencies, 10 bilateral donors, 7 multilateral

Framework for War-to-Peace Transition (referred to as the *Framework* hereafter), the JAM identified "developing physical infrastructure; prioritising agriculture, and promoting private sector development; restoring peace and harmony (including through access to basic services); regenerating social capital (including safe return and reintegration of IDPs and refugees); and developing institutional infrastructure for better governance"[208] as vital priorities for the SPLM/A-led Government of Southern Sudan (GOSS). In addition to international donor funds, oil revenues were to be used to finance these priorities since the CPA's Wealth Sharing Protocol had apportioned to the SPLM/A 50 per cent of oil revenues from wells located in Southern Sudan. The priorities identified in the JAM and in the *Framework* suggest that the Movement was prepared to part ways with its wartime roving banditry and transition into building the institutional structures and programmes of a stationary bandit. A stationary bandit, Olsen explains, maximises his material accumulation by taking an "indefinitely long view" that requires investing in the productive capacities of his subjects and sustaining their confidence (Olsen 1993).

The SPLM/A, however, did not pursue the priorities outlined in the *Framework* and in the JAM. Instead, it channelled its finances towards the military and encouraged large public sector employment that only strengthened patronage networks (de Waal 2014). The Movement neither exerted serious efforts in creating the infrastructure for better governance nor invested meaningful finances in developing physical infrastructure or in improving the productive capacities of the population. Financial resources circulated in the form of "ghost names" (names that do not exist in real life but are paid salaries), inflated contracts, and abject theft (Larson et al 2013). It was the external donor agencies that invested resources in the priorities outlined, including constructing South Sudan's only paved road that links the capital, Juba, to Uganda. The donors poured in billions of dollars of developmental assistance that funded infrastructure, education, health, agriculture, and even development of the Government's capacity

organisations, and numerous other Sudanese and international stakeholders participated in a wide-ranging consultation process.
[208] World Bank/United Nations, Joint Assessment Mission (JAM) Sudan (2005), 'Framework for Sustained Peace, Development and Poverty Eradication: Volume I: Synthesis'. Khartoum, Sudan, p.48.

(Larson et al 2013). The SPLM/A's allocation of its own resources in the post-CPA era raises questions: why didn't the SPLM/A invest resources in the priorities it outlined in the *Framework* and in the JAM? What was the impact of the SPLM/A's resource allocation on its organisational coherence? These questions guide our inquiry in this section.

Alex de Waal (2014: 348) provides one possible explanation, contending that the SPLM/A allocated massive amounts of money to the security sector to "make it too expensive for Sudanese security officers to rent Southern militia." According to de Waal, such expenditure was necessary in order to prevent the Sudanese authorities from jeopardising the conduct of the 2011 referendum that would lead to the independence of South Sudan. Moreover, de Waal (2014: 348) argues that the military expenditure also represented a "political budget" with which Kiir exerted control over the SPLM/A's elites by indulging "their appetite for self-enrichment." However, as we argued in the last two chapters, the integration of militias was aimed at reconstituting the character of the SPLM/A in order to weaken the control of the "Garang Boys." This is because reforming the security sector does not contradict safeguarding the conduct of the 2011 referendum in any way, and as we established in the previous chapter, Kiir undermined security sector reforms. Furthermore, deploying resources and positions to win support is the epitome of elite accommodation (van de Walle 2009). While Kiir deployed resources to forge a supporting coalition, we maintain that strategic manoeuvring to deal with a "commitment problem" (Roessler 2011) instead of elite accommodation (van de Walle 2009) better explains his approach.

Another potential explanation is that the Movement needed to consolidate its control over the means of coercion before investing in other sectors. As Olsen (1993) noted, it is the monopoly over the means of coercion that gives the stationary bandit the monopoly over theft in the territory under its domain. Scholars argue that the CPA handed the SPLM/A the political basis for a military monopoly in Southern Sudan that, practically, it did not possess (Srinivasan 2017; Young 2005, 2003). Cognisant of such criticism, an argument can be made that the Movement allocated most of its

resources to the security sector in order to monopolise violence. This would include developing and organising the security institutions so that it could exert control over its territory. However, as argued in the previous chapter, the integration of the SSDF militias was not aimed at monopolising the means of violence, but at reducing the influence of "Garang boys" over the coercive apparatus. The disorderly fashion in which the integration was carried out reveals that Kiir had no interest in professionalising the security organs, but rather to use disorder to maintain control. Also, as argued, Kiir directly sabotaged the security sector reforms aimed at professionalising and augmenting the capability of the coercive apparatus.

We may thus conclude that strategic manoeuvring over the control of the coercive organs explains the ways in which the SPLM/A prioritised its resource allocation. The "commitment problem" between Kiir and the "Garang Boys," both of whom had access to the means of coercion, explains the allocation of massive resources to the security sector, without any improvement in the capabilities of the coercive apparatus. The objective was not to improve the capability of the coercive organs, but to dilute them so that any potential *coup* risk (Roessler 2011) could be eliminated. The investment of resources in the priorities outlined in the *Framework* and in the JAM would have required bolstering the capabilities of the SPLM/A organs that Kiir inherited. However, the "Garang Boys" controlled these organs, which included the Civil Administration of New Sudan (CANS) and the SPLA. In order to prevent a potential usurpation of power by the "Garang Boys," vast sums of money had to be spent on the security sector in ways that actually diluted centralised control. Moreover, since disorder was the means to do this, there was limited interest in establishing accountability mechanisms. As a result of this strategic manoeuvring, Kiir instrumentalised disorder (Chabal and Daloz 1999) in order to consolidate control and weather political competition. But if so, what was the impact of this on the SPLM/A's organisational coherence? Despite the limitations of our evidence previously mentioned, we can still contribute to this debate.

In the first place, this strategic use of disorder intensified corruption, which had already taken root during the war. Corruption was not limited only to the security sector, but it engulfed the entire GOSS. The government's lack of budget discipline fuelled corruption. The budget plans and the actual budget outturns significantly deviated, as most agencies consistently overspent. As long as the revenues were there, money was spent regardless of whether the expenditures had been budgeted. The internal Comprehensive Evaluation of GOSS (to which the author contributed) found that some agencies had overspent their budgets by as much as 4,000 per cent in a single fiscal year.[209] One example of spending outside the budget included the large procurement of grains that later produced a scandal locally known as the *dura* (meaning sorghum) saga. According to the former GOSS Undersecretary of the Ministry of Finance and Economic Planning, Aggrey Tisa Sabuni, the scandal started when GOSS announced that significant food shortfalls were forecasted to occur in the former Lakes, Warrap, and Northern Bahr el Ghazal states in the year 2009.[210] In order to avert hunger, private contractors were invited to submit bids to procure grains for these states. However, the Office of the Minister of Finance directly awarded the contracts, many of which were given to companies that did not exist.[211] Within a span of only a few months, the tendering was extended to all the former 10 states of Southern Sudan, and GOSS committed over $1.5 billion dollars to procuring grains.[212] Most of this money was paid and the *dura* was never delivered in most cases.

Another example of spending outside the budget and the irregular awarding of contracts includes the construction of the Aweil-Maram Road. According to the Minister of Defence and Veteran Affairs, Kuol Manyang, who served as the Minister of Roads in the CPA-created Government of National Unity (GONU), a contract of $288 million was awarded to Hayat, a construction company based in Khartoum,

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[209] GOSS (2011b). *The Comprehensive Evaluation of GOSS* (in the possession of the author).
[210] Interview with Aggrey Tisa Sabuni, Presidential Advisor on Economic Affairs (2012-2013, 2015-Present), Minister of Finance and Economic Planning (2013-2015), Undersecretary for the Ministry of Finance (2007-2012), 20 March 2015, Juba South Sudan.
[211] Interview with Aggrey Tisa Sabuni, 20 March 2015, Juba South Sudan.
[212] Interview with Aggrey Tisa Sabuni, 20 March 2015, Juba South Sudan.

immediately after the formation of GOSS.[213] According to the former Governor of Northern Bahr el Ghazal, Madut Biar Yel, the company was awarded this contract to build a 165-km road linking Northern Bahr el Ghazal with South Darfur.[214] However, the contract was awarded without any feasibility studies and without public tendering. [215] According to Madut Biar, President Kiir, GOSS Finance Minister Arthur Akuein, and businessman Garang Deng Aguer arranged the deal in collaboration with President Bashir and his small circle.[216] The former Governor of the Central Bank of Southern Sudan (CBOSS), Elijah Malok Aleng, tried to block the deal, but he "was advised to stay away" from involving himself.[217] According to the former Minister of Roads, Kuol Manyang, the money was paid in full and the company commenced and finished its work without any supervision. This story is widely known in South Sudan and has been confirmed by many respondents. The author recalls taking up an internship position at the Ministry of Finance and Economic Planning around the time of this particular scandal. Although Arthur Akuein was later arrested, his clansmen had him released at gunpoint and the case lapsed.[218]

The Southern Sudan Legislative Assembly (SSLA), the regional parliament of Southern Sudan prior to its independence, was unable to provide oversight in the Government. According to Richard Ken Mulla, Minister of Federal Affairs, the SSLA was filled with mostly uneducated people,[219] who were often intimidated when they tried to assert themselves.[220] One victim of intimidation was the former Member of Parliament (MP) representing Terekeke, a town north of Juba, who raised a motion that the names of people suspected of corruption be made public. According to

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[213] Interview with Lt. Gen. Kuol Manyang Juuk, 15 March 2015, Juba, South Sudan.

[214] Interview with Madut Biar Yel, Former Minister of Telecommunications, 10 April 2015, Nairobi, Kenya.

[215] Interview with Lt. Gen. Kuol Manyang Juuk, 15 March 2015, Juba, South Sudan.

[216] Interview with Madut Biar Yel, 10 April 2015, Nairobi, Kenya.

[217] Interview with Lt. Gen. Kuol Manyang Juuk, 15 March 2015, Juba, South Sudan.

[218] In an op-ed in the Foreign Policy, the author disclosed the corrupt features of Southern Sudan's system, including Arthur Akuein's case. http://foreignpolicy.com/2015/02/20/a-second-chance-for-south-sudan/.

[219] All the members of the SSLA were handpicked by Salva Kiir

[220] Interview with Richard Ken Mulla, Minister of Federal Affairs, 16 February 2015, Arusha, Tanzania.

Richard Mulla, the MP in question was called to the house of former Speaker of the SSLA, James Wani Igga, where he was put on the phone with President Kiir.[221] According to Ken Mulla, who learned this story from the MP in question, Kiir asked the MP to withdraw the motion. The MP complied and the motion was withdrawn. According to Akol Paul Khordit, South Sudan's Deputy Minister of Information, Telecommunications, and Postal Service, there was a contradiction between "implementing the CPA and fighting corruption."[222] Accordingly, ensuring the complete implementation of the CPA required a united SPLM/A; this unity would have been jeopardised if the government seriously fought corruption. But this seems implausible since the prevalence of corruption fuelled the internal discord that encouraged divisions instead of fostering elite unity. Kiir's control of the coercive organs through his alliance with Paulino Matip and his dismantling of the coercive apparatus he inherited meant that there were no significant checks on him. Parliamentary oversight was ineffectual. After his fallout with Machar, Kiir threatened to "dissolve the parliament and make the lawmakers roam in the streets" if they did not promptly approve his nominee to replace Machar as vice president, Wani Igga.

The massive looting, and the reluctance of President Kiir to curtail it, fuelled internal discord within the Movement. According to the former Deputy Director General of National Intelligence and Security Service (NISS) in the Sudan, Dr. Majak D'Agoot, while Kiir was provided with intelligence on corruption that was taking place in Southern Sudan, he "did not appreciate the intelligence because most of it was touching on his allies and himself."[223] Despite the dissatisfaction with Kiir, the SPLM/A's political and military elites swallowed their frustrations and waited for Southern Sudan to attain independence. However, when Kiir expressed interest in continuing as the chairman of the SPLM and disclosed intentions to contest the next elections, several members of the SPLM political bureau, the party's highest echelon, expressed interest in challenging him for the SPLM chairmanship. De Waal (2014: 365) scorns these contenders, suggesting that they only needed to "reorder the

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[221] Interview with Richard Ken Mulla, 16 February 2015, Arusha, Tanzania.
[222] Interview with Akol Paul Khordit, 14 February 2015, Arusha, Tanzania.
[223] Interview with Majak D'Agoot, Nairobi, Kenya, 20 April 2015.

hierarchy of kleptocracy in their favour" and that "the financial payoff required to keep the challengers in line was more than Kiir could afford" (de Waal 2014: 365). But this reductionist logic ignores the factional power struggles within the SPLM/A, which were not only motivated by greed. As we argued in the previous chapters, these factional power struggles had existed long before the advent of petro-dollars in the post-CPA era. Moreover, de Waal's (2014) analysis overlooks the fact that Kiir, regardless of his talents, had no interest in reforming the system. The strategy of disorder was working, and his substitution of *coup* risks for a civil war risks makes this apparent.

Similar to experiences during the war, the SPLM/A was unable to transition into a stationary bandit in the post-CPA era despite the political legitimacy the CPA provided. According to Olsen (1993), the rule of law and macroeconomic stability characterise the long-term view of the stationary bandit (Olsen 1993: 571). These measures allow his subjects to invest their own capital in the accumulation of material gains through which the autocrat maximises long-term taxation. However, the stationary bandit is only able to take such a long-term view if his position and monopoly of theft are secured. As we have argued, the case of Southern Sudan demonstrates that the head of the bandits, Kiir, had no such security and had no interest in monopolising non-oil theft. The oil revenues provided vast amounts of money that dwarfed the non-oil rents. The monopolisation of the means of coercion, while it would have augmented the capacity of the state to expand its taxation and control, would also have amplified the "commitment problem" and presented potential *coup* risks (Roessler 2011). As such, Kiir decided to depend on oil earnings and sabotaged the professionalisation of the coercive organs to prevent the rise of a challenging centre of power. In this way, he remained a roving bandit.

The monetisation of the deficit to cover fiscal gaps demonstrates the myopia of Kiir's regime and its roving banditry. The printing of up to 800 million South Sudanese Pounds (SSP) per month (Jefferis 2015) to fund budget shortfalls precipitated a large

increase in inflation, which soared to over 650 per cent in July 2016.[224] The currency depreciated from trading at 1 USD = 3.16 SSP to 1USD = 160 SSP (On 22 April 2017, while the author was visiting Juba, the exchange rate was 1USD = 200 SSP). This short-sightedness meant that Kiir was more concerned with maximising rents he could extract within a short timeframe. According to Olsen (1993: 571), a short-sighted autocrat maximises his gains by "expropriating any convenient capital asset" and "from forgetting about the enforcement of long-term contracts, from repudiating his debts, and from coining or printing new money that he can spend even though this ultimately brings inflation." While these measures maximise the autocrat's short-term material accumulation, they undermine the confidence of his subjects and discourage them from production and material accumulation. The conditions are no different from the state of anarchy that preceded the era of a stationary bandit. According to Olsen (1993: 571), "when an autocrat has no reason to consider the future output of the society at all, his incentives are those of a roving bandit and that is what he becomes."

Therefore, we have established in this section that the inflow of vast sums of oil rents amidst wrangling over power within the SPLM/A deepened corruption and undermined incentives for establishing accountability mechanisms. The revealed preferences of the SPLM/A leadership were divergent from the stated priorities articulated in the JAM and in the *Framework*. The priority was to dilute the character of the coercive organs, which necessitated the allocation of billions of dollars to the security organs, but which was not meant to improve the capability of the sector. The strategy rested on instrumentalising disorder to exert control and consolidate power. This disorder was extended to all parts of the government. The logic of Kiir's operations is remarkably similar to that of a roving bandit, since he saw no incentive to invest in providing public order and improving the productive capacities of the population. Instead, corruption was cultivated as a strategy of doing away with any

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[224] According to South Sudan's National Bureau of Statistics (NBS), the consumer price index increased by 661.3% from July 2015 to July 2016. See the NBS press release for more details: http://static1.1.sqspcdn.com/static/f/750842/27183869/1470660592700/CPI-July+2016_Press+Release.pdf?token=Up0qhtNRXWWJufA96UZeGYxRCBA%3D.

potential *coup* risks in the face of the 'commitment problem' his regime encountered. While unchecked corruption and the inability to develop the apparatus of the state exacerbated the Movement's problems of internal decision-making, Kiir was able to hold on to control through disorder and roving banditry.

4.3   Conclusion

This chapter first established that during the war the rebel SPLM/A's reliance on foreign support and violence for mobilising resources prevented it from establishing systems of accountability and encouraged corruption and predation. Since the fallout over the leadership before the formation of the organisation, the problem of internal decision-making remained a constant challenge for the Movement. It prevented it from establishing an effective coercive apparatus as well as from creating instruments for domestic extraction and accountability. Without professional coercive organs, the SPLM/A could not monopolise the means of violence necessary for it to transition from a roving to a stationary bandit. As such, the absence of accountability mechanisms made predation lucrative for the SPLM/A's largely autonomous zonal commanders since they did not have to remit extracted resources to any central entity. They became innovative at inventing predatory methods for accumulating wealth and building patronage networks to cultivate individual loyalty. The establishment of oversight mechanisms after the 1994 Convention made no difference since these mechanisms only existed on paper.

We have also established that acquiring external support was much easier for Garang since the aid went directly to central coffers he controlled. On the other hand, extracting domestic resources in a territory the size of France and in the absence of effective coercive organs was much more challenging. Garang's direct control of logistics contributed to elite disunity and bolstered accusations against him that he had centralised all decision-making in the Movement. But despite these accusations, his control of arms and ammunition supplies made it difficult for rivals to challenge him without succumbing to Khartoum's influence. The case of the breakaway Nasir

Faction of Lam Akol and Riek Machar makes this point explicit. However, the control over arms and ammunitions made no difference in how commanders implemented the penal code. So, while it left Garang's position secured, other commanders carved out spheres of influence to protect and entrench their relevance. They diverted aid and extracted resources from the population to strengthen their power, which shielded them from Garang's potential punishments. Since the SPLM/A could not professionalise the coercive apparatus due to the manoeuvring of the zonal commanders, it was difficult for it to centralise extraction from the population. The absence of effective instruments of extraction meant that it was much more valuable to divert and commandeer relief food, which the OLS made widely available. While this diversion made it easier for the SPLM/A to feed its troops and for its commanders to get rich, it intensified corruption, extraversion, and prevented it from establishing structures for effective domestic extraction and accountability.

The cash windfall from oil rents greatly exacerbated wartime corruption and dependency in the post-CPA era. This is because the strategy of the new leadership rested on the instrumentalisaton of disorder to exert control and weather political challenges. As such, the Movement allocated its oil revenues to the security sector instead of the priorities of development and rehabilitation of its people articulated in the *Framework* and in the JAM. The enormous spending on the security sector was not meant to improve it, but to dilute it in order to mitigate potential *coup* risks. The arbitrary allocation of resources that the strategy of disorder required conflicted with the need to establish accountability mechanisms. As a result, budget indiscipline and corruption thrived, as the Movement continued its roving banditry. The rule of law was directly undermined, and coercion was employed to intimidate those who pushed for it. The widespread corruption and lack of any interest to address it aggravated the internal problems of decision-making and intensified internal power struggles. These power struggles have continued to characterise the elite disunity that has reverted South Sudan's state formation processes to roving banditry.

5   SPLM/A's Public Administration and Civilian Governance

This chapter argues that the SPLM/A's problems of internal decision-making that fermented disunity among Southern elites and prevented the Movement from acquiring effective coercive and extractive mechanisms also undermined the establishment and acquisition of functional administrative systems. The nature of power struggles that led to the establishment of the Political-Military High Command (PMHC) impeded the creation of political and administrative structures that were separate from the military control. The absence of such structures hindered the Movement's acquisition of capabilities to provide civilian governance and exacerbated its reliance on violence to project authority. Although the Movement finally created civilian structures outside of the military after the 1994 Convention (largely on paper), the newly crafted structures could not thrive due to resistance by the zonal commanders. In addition to the civilian structures' lack of effectiveness and overreliance on NGOs, they were deliberately undermined in the post-CPA period. President Salva Kiir tactically hindered the emergence of effective administrative structures due to the strategic manoeuvring among the SPLM/A's factions, particularly as he deployed disorder to consolidate control. The deliberate smothering of these structures during the formation of the Government of Southern Sudan (GOSS) and the subsequent efforts to prevent newly created structures from gaining capabilities undermined the ability of the Movement to effectively govern. Instead, it only encouraged the disunity of the Southern elites, which has continually prevented Southern Sudan from escaping roving banditry.

In the previous chapter, it was argued that the Movement was unable to transition from the status of a roving to a stationary bandit during the war and in the post-CPA era. Its wartime reliance on external patrons, violence, and diversion of humanitarian aid provided disincentives for establishing robust instruments of domestic extraction and accountability. In the post-CPA era, its dependence on oil rents and Kiir's strategy of disorder for consolidating control played the same role. The corruption that ensued and the leadership's disinterest in tackling it aggravated internal problems of decision-

making and invigorated power struggles. In this chapter, we turn to the Movement's public administration systems and its governance of the civilian population. This is because the stationary bandit's "encompassing interest" to provide public goods cannot be realised without public administration systems that ensure effective governance (Olsen 1993). Similarly, war-making produced modern state structures through systems of extraction, adjudication, protection, and production (Tilly 1990: 96-7). As such, the question arises as to how the SPLM/A sought to administer the civilian population under its control and in what ways did this exacerbate its problems of internal decision-making? If we find that the Movement's administration of the civilian population rested on the coercive apparatus under the control of the zonal commanders, then we can better understand why the SPLM/A was unable to build effective and centralised bureaucratic systems, instead only reinforcing its problems of internal decision-making. This question guides our inquiry in this chapter.

There is a general consensus in the literature on the SPLM/A that the Movement did not create public administration systems until after the 1994 Convention (Young 2003, 2005; Rolandsen 2005; Nyaba 1997; Johnson 2011; Mampilly 2011). Instead, it is acknowledged that the SPLM/A co-opted existing customary authorities to provide civilian governance and mobilise war efforts (Rolandsen 2005; Johnson 1998). While chiefs have been vital in providing order throughout the history of Southern Sudan (Leonardi 2013: 175), their co-optation by the SPLM/A, which occurred as early as 1985, evolved with the creation of the Civil-Military Administration (CMA) that closely linked the military officers to the population through chieftaincies (Rolandsen 2005: 30; Johnson 1998: 67). According to Johnson (1998: 67), zonal commanders deployed officers to the CMA, who worked with the chiefs to oversee "recruitment (labour and paramilitary), tax collection, distribution of relief, and adjudication of disputes under customary law." Although the Movement created civil and political structures after the 1994 Convention, Rolandsen (2005: 124) argues that the newly created civil structures did not become functional at the national level. What prevented these structures from thriving at the national level and how did this affect the SPLM/A's internal cohesion?

Customary authorities are by no means a substitute for a centralised public administration. Their authority is generally limited since they are local and oversee particular clans or tribes, which are confined to particular geographical areas. While customary authorities have served as essential elements of local administration (Mamdani 1996), they are separate from central administration. If the SPLM/A was "mentally and physically prepared to fight a long war in order to completely destroy all the institutions of oppression that have evolved in Khartoum to oppress the masses of the Sudanese people" (Garang and Khalid 1985: 27), it raises a question about the kinds of institutions the Movement was prepared to offer as a replacements. The wide variation in the SPLM/A's administration of its zones, depending on the individual commander in a particular area and his relationship with the customary authorities (Leonardi 2013: 175), reveals that Garang hadn't seriously thought about such a question. Since not every rebel group creates structures for public administration, the ability to incorporate civilians into rebel structures demonstrates the capacity of the insurgencies that do so (Weinstein 2007: 44). After all, some rebels refuse to take up governance altogether, preferring to remain mobile (Branch 2007), while others expel civilians in the areas they capture (Mamdani 2001), and still others decide to provide governance and win the support of the civilian population (Weinstein 2007). The approach that rebel movements adopt undoubtedly affects their internal cohesion and how they relate with the civilian population under their control.

Protecting private property, enforcing long-term contracts, ensuring macroeconomic stability, and increasing the productive capacities of the population require effective systems of public administration (Olsen 1993: 571). Olsen's 'stationary bandits' created these systems in order to maximise extraction of material resources. Likewise, waging successful wars required the creation of public administration structures that not only effectively extracted resources from the population, but also facilitated the production and distribution of resources (Tilly 1990: 96). As previously argued, the bandits and the European warlords did not create such structures to intentionally produce modern state structures, but only to maximise their short-term objectives of extraction and war-

making. While parochial and warlord rebels (Reno 1998) show little interest in actually winning a war, reformed rebels and other insurgencies engage in protracted violence with the intention of gaining undisputed control of the state (Kasfir 2008: 4) and they create systems for logistical support in order to wage successful armed rebellions (Parkinson 2013: 418). The successful prosecution of wars allows rebels to gain control of substantial territory, which paves the way for them to exercise governance (Weinstein 2007; Kasfir 2002). The is best demonstrated by the experience of Uganda's National Resistance Movement/Army (NRM/A), Eritrean People's Liberation Front (EPLF) and the Tigray People's Liberation Front (TPLF), which not only waged successful armed conflicts, but also built elaborate systems of administration (Young 1996; Kasfir 2005; Mampilly 2011).

According to Huang (2008: 8), rebel governance is a "political strategy of rebellion in which rebels forge and manage relations with civilians across civil wars." Revolutionaries such as Mao Zedong and Che Guevara emphasise the importance of such a political strategy in the overall prosecution of civil war violence. Mao urges a less violent strategy that focuses on governance and mobilisation of the peasant population (1961), while Guevara (1969) emphasises the creation of civil administration to facilitate the delivery of public goods in order to generate collaboration with the civilian population. These thinkers and practitioners of civil war emphasise the vitality of political processes that aim to forge consent as pathways to the creation of administrative systems. As has been argued so far in this thesis, the structures of internal decision-making that an organisation establishes function as critical elements of a political process that builds consent and ensures elite unity. Effective rebel organisations recognise that violence is only an instrument (Arendt 1970) and develop structures for internal decision-making that allow for elite unity to emerge among its leadership.

Mampilly (2011: 62) proposes an effectiveness typology for assessing the nature and strength of rebel governance that consists of: (1) provision of strategic services such as police and judicial services; (2) social services, such as health and education; and (3)

feedback mechanisms that incorporate civilian representation. According to Mampilly (2011), these three categories of service provision correspond to the core functions of modern states, namely, security, welfare, and representation. As a rebel group takes over territory, its fighting forces can easily be converted into a police force, which facilitates the creation of a judicial mechanism. The presence of police and judiciary allow the insurgency to create a degree of normalcy in territories under its control and establish governance functions (Guevara 1969; Mampilly 2011). Despite the linkages between the means of violence and the acquisition of other governmental capabilities, the discussion has thus far demonstrated that these linkages are not automatically manifested. The use of rebel fighters to perform the role of the police requires a degree of discipline and professionalism within the coercive apparatus that is often difficult to realise in the absence of elite unity. Likewise, civilian representation is often meaningless in the absence of robust decision-making mechanisms that incorporates diverse views, and which forms the basis for elite unity. However, due to power struggles and other fears associated with inclusive decision-making, many rebel leaders adopt exclusive decision-making; yet, they try to build effective coercive, extractive, and administrative capabilities. These efforts often fail due to the inability to unite elites to work towards the same objectives. The elite disunity often manifests itself in violent fragmentation that undermines any move towards meaningful rebel governance.

The debates explored in previous chapters are relevant to the analysis presented here. Johnston's (2008) contention on the limitations that geography imposes on rebel groups is relevant to the development and functioning of public administration structures. This is because it is difficult to organise communications and deploy personnel, both of which are essential for oversight and management of administrative systems in large territories. Likewise, strategies of violence advanced by Kalyvas (2006), Kalyvas and Kocher (2007), Weinstein (2007) and Lidow (2016) are relevant to rebels' approaches to civilian governance. This is because the factors that motivate rebel commanders to either discipline or not discipline their troops are essential to how violence is used against the civilian population, which affects the type of relationship that emerges between the insurgents and the civilians. Similarly, Roessler's (2011)

"commitment problem" and strategic manoeuvring among elites who instrumentalise disorder (Chabal and Daloz 1999) to exert control is pertinent to the analysis of post-CPA civilian governance. These discourses complement the state formation theories of Olsen (1993) and Tilly (1985, 1990), which offer the direction for this analysis.

Mampilly (2011: 15) contends that "variation in civilian governance provision by insurgents emerges from a combination of the initial preferences of rebel leaders and the interaction of insurgent organisations with a variety of other social and political actors active during the conflict itself." Due to these factors, rebel governance is "an evolutionary process in which the outcome cannot be predicted by a single variable" (Mampilly 2011: 15). However, depending on the dynamics within the leadership, the "initial preference of rebel leaders" may be in direct contradiction to one another. As we have argued so far, rebel leaders face conflicting ideas on how to organise. These contradictory ideas can emerge in the absence of mechanisms for forging consensus or for marrying such incompatible opinions into a coherent strategy. As we have argued thus far, the disagreements within the SPLM/A's leadership emerged out of competition for power before mechanisms for resolving them were created. Since the rivalry was resolved through violence, it created a precedent in which disagreements on organisational structures were conflated with power struggles, which entrenched the role of violence as a management strategy. This makes it difficult to objectively assess how the preference of rebel leaders relates to the kinds of structures in which they exercise authority. Moreover, conceding that no "single variable" shapes rebel governance due to the endogenous dynamics in the theatre of conflict does not advance our understanding of rebel governance. Rather than look for such a variable, our aim should be to understand the strategic logic that guides rebels' interface with the host of "social and political actors" in the theatres of conflict that affect governance outcomes. This is because rebels are rational actors who strategically engage with such dynamics in order to maximise certain outcomes.

One of the implications is that, for the purpose of analysis, one may need to separate the rebel leader and the commanders since they seek different outcomes based on the

internal dynamics within the group. As argued in Chapter 3, while John Garang wanted to build a professional coercive apparatus, some commanders preferred non-professional units that allowed them to entrench themselves and enhance personalised control. This allowed these commanders to create some insurance against potential deployment of violence against them since they could defect with their units. As such, the preferences of Garang and the commanders were conflicting. The organisational incoherence, created by the problems of internal decision-making within the SPLM/A, explains this difference. Similarly, the nature of internal cohesion within an insurgency provides the strategic logic that shapes how the rebel leaders and commanders interact with actors and the dynamics within the theatre of conflict that affect rebel governance. According to Kasfir (2005: 274), insurgent leaders find it challenging to balance governance with meeting the demands of war since it requires a trade-off not only in terms of material resources, but also in the deployment of personnel. Rebel leaders often prioritise military objectives over civilian governance, although they sometimes redirect resources away from military to civilian governance (Mampilly 2011: 61). This balance encourages rebel leaders to forge a strategy in which they carve out areas they could govern, but which they can also quickly abandon in the event the tide of the conflict turns against them – a skill critical to the survival of the organisation itself (Mampilly 2011). Thus, different perceptions of, and interests in, the trade-offs between war and governance may affect strategic interactions between the rebel leader and his commanders, and thus the overall cohesion of the organisation.

Mampilly (2011) contends that effective rebel governance is likely to occur in areas where the state was strong prior to the eruption of the civil war. A critical feature of a strong state includes the existence of a taxation system. The existence of a taxation system signifies the presence of public administration mechanisms. Our analysis in the previous chapter made it clear that Southern Sudan did not have strong taxation systems. While this problem is rooted in the colonial and post-colonial realities of the Sudan, it was exacerbated during the conflict by the SPLM/A's reliance on external actors, such as foreign governments, NGOs, corporations, and religious groups. These actors influence the types of governance structures that emerge in the environments of

conflict (Stein and Lobell 1997; Callaghy, Kassimir and Latham 2001; Gleditsch 2007). According to Nordstrom (2004), the material resources that these actors provide have the potential to make the rebel entity dependent on them for support, which may undermine the legitimacy and the capacity of governance structures (Tvedt 1994) the insurgents adopt. As argued in the previous chapter, aid ended up strengthening patronage networks, as various actors funnelled it to their supporters. We build on this argument in this chapter and contend that not only is rebel governance harder in weak states, but also the presence of international actors can encourage dependency and impede the emergence of organic structures.

Similar to material dependency, the reliance on external actors to buttress governance systems can also deepen in the post-conflict setting. The strategic manoeuvring among competing factions can divert the attention of the organisation entirely away from governance. As argued in the previous chapters, such strategic manoeuvring among elites with joint access to the means of violence (Roessler 2011) can produce an exercise of authority that rests on the instrumentalisation of disorder. The use of disorder extends beyond competition for the control of coercive organs to also preventing rival centres of power from arising. This includes impeding the emergence of an effective civil service that resists political pressure (Chabal and Daloz 1999: 5), since such civil service would provide an anchor for an orderly exercise of authority. As a result, the state may be left vacuous and ineffectual: vacuous because the state "did not consolidate but fell prey to factional struggles and practices" that starves it of professionalism and legitimacy; and ineffectual because the elites actively work to undermine the state since "they benefit more from its disorder" (Chabal and Daloz 1999: 5). While Chabal and Daloz (1999) overgeneralise their analysis to the entire continent, which is problematic in many ways since several African states had always (and continue to be) committed to developmental outcomes (Mkandawire 2001), their analysis should be taken seriously in the context of ex-rebel governments. This is because many insurgencies do not address the problems of internal decision-making, which subjects them to factional infighting that prevents them from acquiring

governance capabilities (Clapham 1998). Consequently, the dependence on external actors deepens as factions instrumentalise the state.

The rest of the chapter proceeds as follows: the first section explores the SPLM/A's attempts at creating public administration systems for civilian governance during the civil war. It argues that the Movement's failure to address problems of internal decision-making impeded its ability to create and acquire administrative capabilities to provide civilian governance. While the SPLM/A subsequently established civil structures in the wake of the 1994 Convention, the contradictions that existed between Garang's and his commanders' preferences (Garang wanted to build effective organs, while the commanders wanted to strengthen their own control) constrained the capabilities of the newly created mechanisms. The second section explores the SPLM/A's transformation after the signing of the CPA into the Government of Southern Sudan (GOSS). It shows how strategic manoeuvring among SPLM/A elites faced with a "commitment problem" led Kiir to deliberately retard the nascent capabilities of the Civil Authority for New Sudan (CANS) – the rebel civil service he inherited along with other SPLM/A's structures. Instead of building on the CANS, Kiir integrated CANS personnel into the notoriously corrupt and incompetent Coordinating Councils of Southern Sudan (CCSS) – the civil service in the government-held territories during the war – which President Kiir embraced as the foundation for the civil service of GOSS. This strategy further retarded the acquisition of capabilities and exacerbated corruption and poor governance, which together intensified the Movement's reliance on violence amid internal problems of decision-making and power struggles.

5.1 The SPLM/A's late start to Public Administration and Civilian Governance

The SPLM/A's initial inability to create public administration structures prevented it from acquiring capabilities to provide governance for the civilian population in areas under its control. Although the Movement originally created multiple committees,

including the People's Justice and Public Administration Committee under the leadership of Martin Majier Gai, the power struggle within the Provisional Executive Committee (PEC) led to the arrest of Martin Majier and Joseph Oduho. This paved the way for the creation of the PMHC, which entrenched militarism within the rebel organisation. Rolandsen (2005) argues that the Sudan Relief and Rehabilitation Association (SRRA), which the SPLM/A used to divert relief assistance, had served as the *de facto* government of the insurgency until the creation of the Civil Authority for the New Sudan (CANS) in the 1994 Convention (Rolandsen 2005: 30). Although the scope and nature of the Convention changed throughout the planning period, the decision to hold it cannot be separated from the split and its aftermath. This is because prior to the split, the SPLM/A had prioritised the takeover of power in Khartoum at the expense of civilian governance (de Waal 1997: 96-100).

The Civil-Military Administration's (CMA) co-optation of the native administration to fill the void of authority in the rural areas and to mobilise war efforts (Johnson 1998: 676-7) was sufficient for the SPLM/A's purposes. It allowed it to pacify many areas of Southern Sudan, including effectively ending inter-tribal cattle raiding (Johnson 1998: 66). Moreover, the belief that "peace was imminent," particularly as the SPLM/A rapidly seized territory in the late 1980s (de Waal 1997: 97; Rolandsen 2005: 31), provided disincentives for redirecting resources and personnel away from military operations to civilian governance. The catastrophic split of 1991 made the Movement realise that a quick victory was no longer possible and a change of strategy was necessary (Rolandsen 2005: 38). Since this change of strategy was required to ensure the survival of the Movement, the newly created structures were constrained by the existing logics of authority within the SPLM/A. In what ways did the inability of the newly created structures (i.e. CANS) to thrive exacerbate the problems of internal decision-making within the rebel SPLM/A? This question provides guidance for our inquiry in this section.

Mampilly's (2011) typology for assessing the nature and strength of rebel governance emphasises the provision of security and judicial services, social services, and

representation of civilians in rebel structures. This section focuses on the nature and strength of public administration structures, namely the CANS, which the rebel SPLM/A created to provide public administration in Southern Sudan. As stated in the previous chapters, the evidence at our disposal has certain limitations. This is because it primarily consists of elite interviews with the politico-military leaders of the SPLM/A. However, as we have done throughout this study, we use information we are able to corroborate from multiple respondents. In addition, we use it to provide fresh analysis in conjunction with the existing material in the published sources.

Rolandsen (2005) contends that the lack of financial resources and the SPLM/A's precarious military position after the 1991 split prevented it from implementing the resolutions of the 1994 Convention. But as argued previously, the SPLM/A could have devoted its own resources to the Secretariat to ensure the success of the proposed institutions if it had sufficiently prioritised them. According to Edward Lino, former chief of the SPLM/A's external security, CANS was always cash-starved and its officials often complained that Garang and zonal commanders were "stealing money."[225] However, the prioritisation of the military over governance in the wake of the military setbacks of the early 1990s could have been seen as justified by the leadership since the SPLM/A faced a potential defeat (LeRiche and Arnold 2013). Yet the lack of commitment to civilian structures arguably ran deeper, and higher. According to Luka Biong Deng, a former aide to Garang in the rebel SPLM/A and the first GOSS Minister of Presidential Affairs, Garang was not sufficiently convinced of the need to establish CANS and other institutions (NLC, CLCs, BLCs) created in the wake of 1994 Convention while the Movement faced a potential military defeat.[226] Garang's "inner voice was not convinced that you could establish a government under a tree."[227] Garang's own son, who argues that his father wanted to fight the war to its logical conclusion, supports this view.[228] Garang's prioritisation of military recovery has led scholars like John Young (2003, 2005) to contend that Garang actively fought

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[225] Interview with Edward Lino, former chief of SPLM/A external security, 15 February 2015, Arusha, Tanzania.
[226] Interview with Dr. Luka Biong Deng, 13 March 2015, Juba, South Sudan.
[227] Interview with Dr. Luka Biong Deng, 13 March 2015, Juba, South Sudan.
[228] Interview with Mabior Garang de Mabior, 14 April 2015, Nairobi, Kenya.

against institutionalisation within the SPLM/A. However, Young's (2003, 2005) contention exaggerates the power of Garang since the zonal commanders exercised a great deal of influence that checked his authority. As we argued in chapter 3, zonal commanders thwarted Garang's attempt to professionalise the coercive organs. Therefore, their agency over the development of institutions within the SPLM/A should not be ignored.

The prevailing logics of authority within the SPLM/A, which revolved around zonal commanders and the control of the coercive apparatus, thus constrained CANS' acquisition of capabilities. Regardless of Garang's preference, the zonal commanders were used to being in charge since they had entrenched themselves through their control of coercive organs within their zones. They had no interest in ceding authority to the newly created public administration structures. A strong centralised public administration would certainly have strengthened the authority of Garang and weakened the control of the zonal commanders in their specific zones of deployment. Secondly, the creation of the CANS came as a result of the Convention, which the Movement held in the wake of a propaganda war with the breakaway Nasir Faction (Rolandsen 2005). As such, the commitment of the Movement to invest in the CANS and other post-Convention structures, at least in the beginning, was irresolute since they were created to outcompete the Nasir Faction and to gain legitimacy in the eyes of external actors. These factors hindered the development of CANS and reinforced the SPLM/A's internal incoherence, which was managed through violence.

One former senior military officer recalled that the military still had the upper hand despite the creation of CANS after the 1994 convention.[229] While Edward Lino and others argue that this was due to the nature of the war[230], other SPLM/A officials argued that the challenge to CANS stemmed from the absence of a culture of

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[229] Interview with Edward Lino, former chief of SPLM/A external security, 15 February 2015, Arusha, Tanzania.
[230] Interview with Edward Lino, 15 February 2015, Arusha, Tanzania; Interview with Kuol Deng Abot, 5 April 2015, Juba, South Sudan.

centralised governance in Southern Sudan.[231] According to Kuol Manyang Juuk, South Sudan's Minister of Defence and a former zonal commander for Central Upper Nile, it was a challenge for the SPLM/A to build public administration systems since Southern Sudan lacked sufficient interaction with such systems.[232] Due to the lack of experience with centralised governance, it was difficult for the senior rebel commanders to appreciate the importance of sound administration.[233] However, the experience of state formation in Europe (Tilly 1990) suggests that war-making was the mechanism through which administrative systems were built in places where they had not previously existed. In addition, the transition from roving to stationary banditry occurred in the absence of systems for exercising centralised authority, since the transition led to the creation of such systems. Hence, whether the culture of centralised governance had existed or not, the preparation for war and the execution of the war should have led to the emergence of such systems within the SPLM/A. The fact that these systems had not existed beforehand is not a sufficient explanation for why the SPLM/A's warfare could not result in their creation.

The inability to develop CANS not only left the Movement's problems of internal decision-making unresolved, but it exacerbated them since zonal commanders continued to consolidate personalised control. Aside from the prosecution of the war, the zonal commanders also lacked sufficient interest to develop effective public administration. This is because a sound public administration system would have constrained their ability to unilaterally extract and distribute resources within their zones of control. Their discretion in the implementation of the penal code would also have been undermined. Moreover, an effective public administration system would have limited their authority only to military affairs. According to Johnson (1998: 67), the zonal commanders exercised the "overall responsibility for the civil administration" in their zones of deployment. This authority gave them executive,

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[231] Interview with Nhial Deng Nhial, Special Advisor to the President, 2 April 2015, Juba, South Sudan; Interview with Lt. Gen. Kuol Manyang Juuk, Minister of Defense, 15 March 2015, Juba, South Sudan.
[232] Interview with Lt. Gen. Kuol Manyang Juuk, Minister of Defense, 15 March 2015, Juba, South Sudan.
[233] Interview with Dr. Peter Adwok Nyaba, 14 February 2015, Arusha Tanzania.

judicial, and security functions that allowed them to entrench their positions through the cultivation of patronage networks. According to Ambrose Riiny Thiik, the SPLM/A's former Chief Justice, the zonal commanders obstructed the work of the Judiciary of Southern Sudan (JOSS) – an entity the SPLM/A created following the 1994 Convention to serve as an independent judiciary, although it largely existed only on paper – and often ordered him to refrain from reporting directly to Garang.[234] Justice Riiny Thiik's former deputy, Justice Bullen Panchol Awal, confirms the interference of zonal commanders in the work of JOSS. Daniel Awet Akot, the former zonal commander for the Lakes region and the then SPLM/A Secretary for Law Enforcement and Public Administration, reportedly wanted the Chief Justice to report to him instead of reporting directly to Garang.[235] Hence, the creation of CANS introduced another dimension in the strategic interaction between Garang and his commanders. The commanders essentially did not want to foster the development of CANS since it threatened to limit their power and reduce Garang's reliance on them.

Though the Convention recognised the authority of the customary authorities and entrenched their positions (Johnson 1998; Leonardi 2013), the zonal commanders often intervened and overturned the chiefs' rulings (Sundnes 2004; Mampilly 2011). This kept the military courts as the *de facto* SPLM/A judiciary for dealing with cases among parties from different ethnic groups (Leonardi 2013; Mampilly 2011). Similarly, the commanders often intervened in the elections for chiefs and for the members of the Boma Liberation Congresses (BLCs) – the lowest-level administrative units of civilian representation in the SPLM/A. According to Johnson (1998: 68), although communities exercised a large degree of agency in electing chiefs, the commanders frequently intervened in the elections and manoeuvred for their allies to be elected. The 1996 SPLM Conference, which assessed the Movement's separation of military and civilian structures two years after the Convention, conceded that the traditional authorities have been "overlooked and marginalised by the Movement and

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[234] Interviews with Ambrose Riiny Thiik, former Chief Justice of the Supreme Court of Southern Sudan (2005-2007), 6 December 2015, Juba, South Sudan; Daniel Awet Akot, 20 March 2015, Juba, South Sudan.
[235] Interview with Ambrose Riiny Thiik, 6 December 2015, Juba, South Sudan.

the authorities it has created" (cited in Leonardi 2013: 187). Numerous figures with experience of this period corroborated this view that commanders expanded rather than ceded their control by manipulating community authorities. According to Madut Biar Yel, former SPLM/A commander in Northern Bahr el Ghazal, the intervention of Paul Malong Awan, who was also a key local commander in Northern Bahr el Ghazal, in the elections of the customary authorities allowed him to consolidate personal control in the area.[236] Aside from intervening in local elections, Paul Malong's control of resources allowed him to marry many wives and thus build support among the communities of Northern Bahr el Ghazal. A former senior officer in the Combat Intelligence of the SPLM/A contends that the intervention of commanders in community affairs led to the emergence of warlordism in the former Unity State and in Northern Bahr el Ghazal.[237] This exacerbated factionalism within the SPLM/A's controlled areas.

As the SPLM/A's zonal commanders lacked real ownership of the post-Convention structures, they undermined or instrumentalised them to obtain resources from external NGOs. While this approach allowed them to maximise extraction through extraversion, it intensified the Movement's dependence on NGOs.[238] Rolandsen (2005: 135) believes that the SPLM/A regarded the training of its administrators as the responsibility of NGOs. According to Isaiah Chol Aruai, a former SSRA official, the CANS and the SRRA were dependent on donors for funding, including for occasional workshops for their officials.[239] The Movement was effectively unwilling to allocate its own resources to its Secretariat and public administration.[240] This dependence on the NGOs stemmed from their role in encouraging the Movement through economic incentives to create civilian administration in the first place (Rolandsen 2005: 46, 51). The NGOs believed that the creation of civilian administration would lead to respect for human rights (Rolandsen 2005: 51).

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[236] Interview with Madut Biar Yel, 10 April 2015, Nairobi, Kenya.
[237] Interview with Kuol Deng Abot, 5 April 2015, Juba, South Sudan.
[238] Interview with Gabriel Alaak Garang, 29 March 2015, Juba, South Sudan.
[239] Interview with Isaiah Chol Aruai, 30 March 2015, Juba, South Sudan.
[240] Interview with Edward Lino, 15 February 2015, Arusha, Tanzania; Interview with Isaiah Chol Aruai, 30 March 2015, Juba, South Sudan.

According to Mampilly (2011), while the SPLM/A succumbed to the influence of the NGOs and created civilian structures, it then co-opted the same NGOs into the very structures it created. Hence, the operations of the NGOs in the SPLM/A-controlled areas occurred within the confines of the post-Convention structures. This allowed the Movement to devote limited resources to development and humanitarian efforts, while still giving it a large degree of control over the structures (Mampilly 2011). Whereas this approach allowed the SPLM/A to build a degree of legitimacy, it prevented it from building its own public administration systems.

As can be seen, despite the creation of the post-Convention civil governance structures, the logic of authority within the SPLM/A prevented these structures from taking root. Neither Garang nor his top commanders had any real interest in devoting time and resources to their development. Garang's focus was on reversing the losses the Movement sustained after the 1991 split. In addition, the creation of these structures was partly motivated by competition with the Nasir Faction. Hence, the newly created structures struggled against the established logic of authority within the Movement. The commanders only used these structures to further cement their control and entrench their positions in their zones of deployment. Without sufficient ownership, the development of these structures was largely left to the NGOs. While the SPLM/A's incorporation of NGOs into these structures allowed it to gain a certain degree of legitimacy through service delivery, it retarded its acquisition of capabilities necessary for the provision of effective public administration. In the absence of robust public administration structures, the leadership relied more on violence to manage the Movement, mobilise war efforts, and exercise authority in areas under its control. This reinforced the power of local commanders at the expense of centralised structures of authority, which further exacerbated elite fragmentation. In the next section, we explore how these structures mutated in the post-CPA era. It is argued that instead of building on the structures created during the war, Kiir instrumentalised disorder and further hindered the development of effective public administration systems in Southern Sudan as a strategy for maintaining power.

5.2   SPLM/A's Governance of Disorder in the Post-CPA Period

In the previous section, we argued that despite the establishment of post-Convention structures, the SPLM/A did not allocate the resources and authority necessary to make the newly created systems effective. This is because the zonal commanders did not want to cede authority to the newly established institutions. Yet the Movement managed to incorporate the external NGOs into these structures in order to maximise extraversion and claim credit for the NGOs' delivery of services to the population. While this allowed the SPLM/A to inexpensively gain a certain degree of domestic legitimacy, it prevented the rebel Movement from acquiring administrative capabilities necessary to provide civilian governance. In this section, we explore the transition of CANS in the post-CPA era. We argue that following the 2004 Yei crisis and its aggravation of a factional feud within the Movement, the new leadership of Kiir embarked on a strategy to lessen the influence of the so-called "Garang Boys" over the SPLM/A structures in order to consolidate control. Kiir wanted to prevent rival centres of power that could remove him from power. This strategy rested on the instrumentalisation of disorder not only aimed at diluting the quality of the coercive apparatus, but also at undermining the effectiveness of the nascent CANS administrative structures. The new strategy impeded the development of effective public administration systems in Southern Sudan, retarded the ability of the SPLM/A to govern, and increased the dependence of the Movement on external actors to deliver services to its population.

In *South Sudan's Capability Trap: Building a State with Disruptive Innovation*, Greg Larson et al (2013) contend that the post-CPA state-building experience in Southern Sudan generally failed. Echoing arguments on the 'façade' of stateness in neopatrimonial politics by scholars such as Chabal and Daloz (1999) and Medard (1982), they argue that this failure is due to "isomorphic mimicry" – a technique of failure in which countries imitate "the forms of modern institutions but without functionality" (Pritchett et al 2012: 12). According to Larson et al (2013), the SPLM/A embraced this technique of failure when it transitioned from war to peace, which trapped South Sudan in a low-level equilibrium in which its institutions neither worked nor acquired capabilities. The

distinction between the "Fake Ministry" of Finance and the "Real Ministry" of Finance elucidates this imitation of form without functionality. According to Larson et al (2013: 17), "The 'Fake Ministry' is the one working with the donors and technical advisors on budget allocations, promoting the outward appearance of high functionality, while the 'Real Ministry' is operated through backdoor dealings between South Sudanese officials, concealed from donor view." The experience of post-conflict state-building efforts in South Sudan raises a number of questions. Firstly, why did the SPLM/A resort to imitate the form of functional institutions instead of focusing on actually building capabilities? And secondly, how did the SPLM/A's failure to build functional institutions exacerbate its problems of internal decision-making and elite disunity? The answers to these questions are relevant to this thesis because they would provide important linkages between deliberate actions of those in power and their effects on institutional formation.

It is not only South Sudan that is ensnared in a capability trap. According to Andrews et al (2012), many countries in the developing world are trapped in a similar low-level equilibrium of institutional inefficiency. These countries attempt various reform initiatives aimed at improving institutional performance, but these initiatives consistently fail (Andrews et al 2013). They fail because institutions only change their outward appearance instead of what they actually do. According to Andrews et al (2013: 6), escaping a capability trap "involves focusing on improved government functionality as the key to improved state capability." Instead of emphasising the form of the organisations, countries should focus on the "constant process through which agents make organisations better performers" (Andrews et al 2013: 6). However, this focus on performance is politically challenging because political actors "seek organisational survival, continued budgets and rents" (Andrews et al 2013: 3) for which they can consolidate control, but which are antagonistic to institutional performance. Moreover, once institutions are trapped in a low performance equilibrium, the inefficiency creates vested interests with incentives that are contrary to improving functionality (Pritchett et al 2013). This reduces the ability to innovate and provide better ways of doing things.

Southern Sudan initially had a chance to minimise wartime vested interests following the signing of the CPA, however, these vested interests have now been firmly established by more than a decade of isomorphic mimicry and dysfunctional institutions. Notwithstanding Leonardi's (2013) argument concerning the significance of customary authorities as the face of the state in Southern Sudan during the colonial and the post-colonial periods, the region's public administration was nascent at best. As argued in the previous section, the conditions of the war and the intransigence of the zonal commanders impeded CANS from acquiring capabilities. As such, the CANS structures relied heavily on external NGOs to deliver services to the population in the Movement-controlled areas. In the Southern territories under the Government of Sudan's control, the Coordinating Councils of Southern Sudan (CCSS) served as the civil service, but it was up to the SPLM/A to determine the fate of the CCSS in the post-CPA era. Nonetheless, the strategic manoeuvring between the "Garang Boys" and Kiir shifted the focus away from cultivating institutional functionality to power struggle. The focus was not on creating an effective public administration system, but on weakening the influence of perceived rivals. Acting to secure the survival of his regime and to consolidate control, Kiir sidelined CANS and favoured the CCSS in a fashion similar to his dilution of the SPLA with endless integration of the former SSDF militias. The counterargument here is that the CCSS was more administratively robust and had better trained bureaucrats than the CANS. But as this section will show, the competence of the CCSS was very questionable and it was probably more ineffectual than the CANS. Another potential counterargument is that perhaps Kiir built on the CCSS as part of an appeasement effort that had some genuine value. While we cannot rule this out, the evidence we have suggests that the use of CCSS as the foundation of the GOSS civil service is consistent with Kiir's instrumentalisation of disorder.

President Kiir's embrace of the CCSS as the core civil service of the CPA-created Government of Southern Sudan (GOSS) demonstrates his instrumentalisation of disorder as a strategy to project authority. According to Aggrey Tisa Sabuni, former Director-General for Planning in the Bahr el Jebel's (Central Equatoria) CCSS

Ministry of Finance and who went on to become Undersecetary and Minister in the post independent South Sudan's Ministry of Finance and Economic Planning, "the government's control in the South was dictated by war; there was no governance."[241] This means that the hiring of personnel in the CCSS was not done based on qualifications or public good, but as one of many elements for waging the war against the SPLM/A. This is because the employment of people in the CCSS prevented them from defecting to the SPLM/A. The CCSS was created as a part of the 1997 Khartoum Peace Agreement (KPA) that Machar signed with Al Bashir's government. The personnel in the CCSS were mostly illiterate and generally unqualified.[242] According to one senior SPLM/A official familiar with the CCSS, "the CCSS was a very corrupt system in which employment was done to prevent people from joining the war" instead of based on performance.[243] James Kok Ruea, former head of the SPLM Peace Commission, contends that President Kiir's core allies, especially the late Justin Yach Arop, pushed him to embrace the CCSS[244], which had been dissolved by Garang during his short tenure as the President of GOSS.[245] It seems that Justin Yach was concerned that the CANS were under the control of Garang's former allies, and given the 2004 dispute, they could use it to undermine Kiir. Another former SPLM/A official close to Garang, who served as the former chief of SPLM/A external security, confirmed that the "CCSS was the only thing in Salva's mind" when he formed GOSS.[246] While Kiir did not directly reinstate the CCSS, he ordered the formation of GOSS with nearly identical ministries as those that had existed under the CCSS. According to Aggrey Tisa, President Kiir then ordered the non-implementation of Khartoum's civil service laws in the recruitment of personnel on the grounds that they

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[241] Interview with Aggrey Tisa Sabuni, Presidential Advisor on Economic Affairs (2012-2013, 2015-Present), Minister of Finance and Economic Planning (2013-2015), Undersecretary for the Ministry of Finance (2007-2012), Director-General for Planning, Ministry of Finance, GOSS (2005-2007), Director-General for Planning, Bahr el Jebel Ministry of Finance, CCSS (2001-2005), 20 March 2015, Juba South Sudan.

[242] Interview with Aggrey Tisa Sabuni, 20 March 2015, Juba South Sudan; Interview with Madut Biar Yel, 10 April 2015, Nairobi, Kenya.

[243] Interview with Madut Biar Yel, 10 April 2015, Nairobi, Kenya.

[244] Interview with James Kok Ruea, Governor of Western Bieh State (2015- Present), former Head of Peace Commission (2001-2005), Minister of Humanitarian Affairs (2010-2012), 12 February, Arusha, Tanzania.

[245] Interview with Aggrey Tisa Sabuni, 20 March 2015, Juba South Sudan.

[246] Interview with Edward Lino Abyei, 15 February 2015, Arusha, Tanzania.

contained elements of Sharia law.[247] This meant that no public service law or regulation guided the hiring of personnel. Nearly all of the former CCSS employees were rehired in their corresponding GOSS ministries regardless of qualifications.

The hiring of the former CCSS officials in the newly created GOSS occurred while the CANS officials were still dispersed all over Southern Sudan. According to Kuol Manyang, former member of the SPLM Leadership Council and current member of its Political Bureau, after Garang's dissolution of the CCSS, the Movement sent an advance team that was "supposed to take over from the CCSS and wait for CANS."[248] The SPLM/A was "preparing policies for running the government and it was training cadres" in order to establish an effective civil service.[249] Many of these cadres were sent to South Africa while others were attached to international organisations, such as the World Bank and the International Monetary Fund (IMF).[250] However, the death of Garang changed everything. As one former senior member of the SPLM/A leadership recalled, the policies, which had been prepared, were not implemented.[251] Many former SPLM/A officials, including Richard Ken Mulla, South Sudan's Minister of Federal Affairs, recall that relatives, including wives and girlfriends were offered senior positions in the government.[252] The failure to implement the SPLM/A policies exacerbated the problem of "ghost names", which the SPLM inherited from the CCSS[253]. In addition, military ranks in both the SPLA and SSDF were translated into civil service grades, which resulted in senior positions in the civil service being handed to former army personnel without qualifications.[254]

Aside from embracing CCSS as the core of the GOSS civil service, only later integrating CANS, President Kiir exerted no efforts to ensure performance. According

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[247] Interview with Aggrey Tisa Sabuni, 20 March 2015, Juba South Sudan.
[248] Interview with Lt. Gen. Kuol Manyang Juuk, 15 March 2015, Juba, South Sudan.
[249] Interview with Lt. Gen. Kuol Manyang Juuk, 15 March 2015, Juba, South Sudan.
[250] After the signing of the Permanent Ceasefire, South Africa began training SPLM/A cadres. See more at: http://reliefweb.int/report/sudan/department-foreign-affairs-co-host-training-programme-sudanese-peoples-liberation.
[251] Interview with Lt. Gen. Kuol Manyang Juuk, 15 March 2015, Juba, South Sudan.
[252] Interview with Richard Ken Mulla, 16 February 2015, Arusha, Tanzania.
[253] Interview with Lt. Gen. Kuol Manyang Juuk, 15 March 2015, Juba, South Sudan.
[254] Interview with Aggrey Tisa Sabuni, 20 March 2015, Juba South Sudan.

to Kosti Manibe Ngai, SPLM former head of the JAM technical committee, Kiir was more focused on disrupting performance instead of improving it. In contravention of an SPLM decision, President Kiir reportedly removed 80 per cent of SPLM officials from leading institutions whose plans they had developed as part of the Joint Assessment Mission (JAM).[255] The Movement had agreed during Garang's tenure that SPLM/A officials appointed to lead departmental planning as part of the JAM would be kept in those positions in order to leverage the experience gained as part of the JAM process.[256] However, Kiir came in with a new team and reshuffle. Luka Biong, first GOSS Minister of Presidential Affairs, recalled that this new team, which consisted of Justin Yach Arop (first GOSS Minister of Cabinet Affairs), Dominic Dim Deng (first Minister of SPLA Affairs), Aleu Ayieny (former Minister of Internal Affairs), Telar Ring Deng (long-time legal Advisor to President Kiir), and others, felt that the only sure way to defeat the "Garang Boys" was to destroy the SPLM/A's institutions that Kiir inherited.[257] Doing so necessitated a significant shift away from institutional performance. When the World Bank provided a 2009 evaluation of procurement practices in GOSS, which was damning since basic requirements were not met, a ministerial committee formed by the President killed the report.[258] According to the SPLM's Advisor for Popular and Syndicated Organisations, Achuil Malith Bangol, the Movement became unresponsive to institutional reforms aimed at improving performance.[259] This is remarkably consistent to the interpretation of the former Director of National Intelligence and Security Services in Southern Sudan and the current Director-General for International Diplomacy at the Ministry Defense, who contends that things were simply "allowed to get worse on people's watch."[260]

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[255] Interview with Kosti Manibe Ngai, 12 February 2015, Arusha, Tanzania.
[256] Interview with Deng Alor Kuol, 20 February 2015, Nairobi, Kenya.
[257] Interview with Dr. Luka Biong Deng, 13 March 2015, Juba, South Sudan.
[258] Interview with Dr. Luka Biong Deng, 13 March 2015, Juba, South Sudan.
[259] Interview with Achuil Malith Bangol, 7 March 2015, Juba, South Sudan.
[260] Interview with Maj. Gen. Kuol Deng Abot, Juba, Director of National Intelligence and Security Service (NISS) in Southern Sudan (2005-2011), Director-General of International Diplomacy, South Sudan's Ministry of Defense and Veteran Affairs (2011-Present), Chairman of South Sudan National Security Policy and Strategy Drafting Committee (2011-2013), South Sudan, 5 April 2015.

The incompetence of the GOSS intensified corruption, nepotism, and tribalism, which already existed within the Movement. GOSS was unable to implement its slogan of "taking towns to the people." Wage bills consumed the overwhelming majority of its resources. The lack of performance and President Kiir's reluctance to push for performance increased factional tussles for power within the Movement. The Chairman of South Sudan's National Bureau of Statistics remembered that various groups with contradictory agendas fought to control Kiir.[261] According to Ambrose Riiny Thiik, former Chief Justice of Southern Sudan, these factions were largely motivated by the desire to curtail the influence of their perceived opponents.[262] It seems that Kiir vacillated between these factions, as he essentially encouraged factional infighting, which further diminished focus on governmental performance. The corruption and institutional inefficiency continued unabated. This exacerbated the wartime reliance on external NGOs to provide services to the civilian population. The donor agencies seconded technical personnel to GOSS ministries, however, these technical personnel only facilitated the problem of isomorphic mimicry since only limited capacity was transferred to the government. Yet, their presence encouraged the outward appearance of functionality, but changed little in how institutions actually acted (Larson *et al* 2013). President Kiir's instrumentalisation of disorder emboldened other SPLM/A factions who believed they could do a better job in building effective institutions to become more vocal in their criticism of Governmental policies. In particular, Vice President Machar's criticisms of GOSS's terrible performance under Kiir became regular, especially after the independence of South Sudan. As such, not only did the instrumentalisation of disorder encourage corruption and exacerbate dependency on external actors, it also fuelled fragmentation of the Movement's elites.

As can be seen, the nascent CANS structures established during the war were essentially discarded in the post-CPA era. Instead, the CCSS, which had operated in Khartoum-controlled areas, was embraced as the core of GOSS civil service despites its ineffectiveness. Kiir was acting to sideline perceived rivals he considered to wield

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[261] Interview with Isaiah Chol Aruai (Current Chairman of the National Bureau of Statistics), 30 March 2015, Juba, South Sudan.
[262] Interview with Ambrose Riiny Thiik, 6 December 2015, Juba, South Sudan.

influence over the CANS. This strategy prevented the emergence of an effective civil service and paved the way for the instrumentalisation of disorder to consolidate control. The imitation of the form of institutions without functionality allowed GOSS to project an outward appearance of an organised system, which created opportunities for extraversion. However, this exercise of authority exacerbated the elite fragmentation that prevented South Sudan from escaping roving banditry. As much as disorder allowed Kiir and his allies to instrumentalise the state, it also invigorated the rival factions to challenge his leadership and to wrestle power from him. In the absence of public administration mechanisms, the SPLM/A under Kiir was unable to improve the productive capacities of the population under its control. Since Kiir's leadership lacked widespread legitimacy, it continued to singularly rely on violence to hold onto power. As such, the Movement remained in the equilibrium of roving banditry without "encompassing interest" to ensure law and order in the areas of its control (Olsen 1993), which subjected it to the cyclical fragmentation that explains the ongoing trajectory of state formation in South Sudan.

5.3   Chapter Conclusion

This chapter has established that the SPLM/A's inability to address its problems of internal decision-making due to power struggles prevented it from initially establishing civilian structures and impeded its acquisition of capability to provide governance in Southern Sudan. Without effective mechanisms for delivering social services, the Movement continued to rely on violence to project authority. Although it later established the Civil Authority for New Sudan (CANS) following the 1994 Convention, the newly created civil administration could not thrive. It was mainly starved of resources and personnel due to the SPLM/A's prioritisation of war over governance. In addition, the commanders acted to undermine it the same way they thwarted Garang's push for the professionalisation of the coercive apparatus. The commanders had no interest in ceding authority to the newly created civilian structures since that would have curbed their own influence in the areas of their command. The exercise of

virtually unchecked authority in their zones allowed them to forge patronage networks that reinforced their control and authority.

The inability to invest in CANS led to the abdication of responsibility for actual civilian governance to external NGOs during the war. The Movement integrated the NGOs into its structures, which allowed it to gain some limited degree of legitimacy. Nevertheless, it continued to rely on violence to project authority within the liberated areas. However, reliance on NGOs also prevented the Movement from devoting attention to the development of civilian structures. Aside from the careful balance in the allocation of resources to the war and governance efforts, Garang had no intention to upset the delicate balance between him and his commanders. The commanders could do whatever they wanted in their zones as long as they remained loyal to Garang and oversaw military operations. Unwilling to cede their authority to the civilian structures, the commanders instrumentalised the newly created mechanisms to entrench their own power at the local level. This prevented the emergence of an effective public administration structure.

In the post-CPA period, the new leadership of President Kiir treated the SPLM/A's institutions he inherited from Garang with suspicion. He embarked upon a strategy to change their character. In the case of CANS, this meant sidelining the institution in its entirety and integrating it into the hopelessly dysfunctional Coordinating Councils of Southern Sudan (CCSS). While the strategy was aimed at reducing the influence of "Garang Boys", whom he suspected of controlling the CANS, it effectively eviscerated prospects for creating an effective public administration system in Southern Sudan. The retardation of the civil service became an integral element of President Kiir's instrumentalisation of disorder to consolidate control, which ensnared the government in a capability trap. The corruption and mismanagement of resources that resulted from a dysfunctional civil service allowed Kiir to deploy rents to create a coalition loyal to him to wither the factional infighting within the SPLM/A. The ineffectiveness of GOSS public administration structures further encouraged dependence on external actors to deliver services to the population. Hence, the absence of a functional

governance system under Kiir further reinforced the Movement's reliance on violence to maintain control and project authority. Therefore, the Movement's failure to initially create public administration structures prevented it from developing governance capabilities during the war and reinforced its reliance on violence. Its failure to create functional institutions in the post-CPA era also foiled its acquisition of capabilities to exercise governance and fuelled its problems of internal decision-making. In the absence of alternative sources of legitimacy, the SPLM/A became ever more dependent on violence to hold on to power.

The SPLM/A's inability to address its problems of internal decision-making subjected it to cyclical fragmentation and strategic interactions among its commanders that undermined the acquisition of functional capabilities. This problem prevented purposeful unity of the elites and created a logic of authority in which various factions tried to eliminate their perceived rivals. Tilly's (1990) and Mann's (1986) accounts of European state formation suggested that state formation involved the centralisation of elite efforts rather than their fragmentation. The harsh consequences of European wars, which included the annexation of the loser's territories, meant that leaders took the preparations for war seriously. They knew that winning these wars required the support of local populations (Lachmann 2010; Tilly 1990), which they could only obtain through centralising the efforts of their elites. These efforts allowed warfare to shape the evolution of the European state. However, in the case of the SPLM/A, Garang believed he could avoid politics in the form of collective decision-making, which he saw as a potential distraction to war efforts. Yet, by doing so, he undermined the emergence of unity among Southern elites, who were wary of the exclusive nature of decision-making within the Movement. As a result, they acted to preserve their own influence instead of encouraging acquisition of functional capabilities necessary for escaping roving banditry.

6   Thesis Conclusion

This study began with the author's personal experience of incredulity and frustration at the vast gap between the vision and reality of the SPLM/A and GOSS, right at the time that it secured its prized objective of 'liberation' of the long-oppressed Southern Sudanese. The puzzling manner in which the SPLM/A exercised authority, which I personally witnessed, motivated an enquiry into its provenance and logics, which could then allow for a closer analysis of its implications for the dire trajectory of state formation in South Sudan. What the Movement articulated and what it practiced were different, if not directly contradictory. Despite the talk about improving the living conditions of South Sudanese, which had initiated the rebellion that resulted in independence, no genuine efforts were actually being exerted to realise this aspiration. The political, coercive, extractive, and administrative systems under the SPLM/A only existed in name. In practice, the SPLM/A was highly factionalised, and its coercive, extractive, and administrative mechanisms lacked the functional governance capabilities necessary for it to improve the living conditions of South Sudanese. The chaotic exercise of the SPLM/A's authority, which impeded its structures from gaining capabilities, manifested itself in contentious politics that produced collective violence. This violence and its associated by-products (economic collapse, famine, and mass displacement) were putting South Sudan on a path of state failure or disintegration. And while such a trajectory of state formation was a direct consequence of the SPLM/A's exercise of authority, the existing literature on South Sudan did not adequately address how the Movement's puzzling exercise of authority explained the trajectory of state formation that South Sudan was experiencing. The SPLM/A has had a significant impact on the emergence and the evolution of state structures in South Sudan, so it is right that the inner workings of the Movement through its history be given much closer scrutiny. The key question that this dissertation examined, then, concerned how the SPLM/A's exercise of authority in a historical perspective explains the path of institutional development that South Sudan was, and is, charting.

The unique historical context of South Sudan necessitated understanding how states initially form. Mancur Olsen's (1993, 2000) theory provided the foundation on which we approached our inquiry since Southern Sudan of the 1980s was infested with many different rebel groups who were unable to overcome the problem of collective action. These rebels were unable to unite their forces and jointly challenge the hegemony of Sudan's government in the South. The 16 May 1983 mutiny in Bor initiated a series of actions that led to the creation of the SPLM/A. This new group represented the equivalence of a residual claimant among Southern Sudanese rebel factions. Its leadership to unite various Southern rebel groups, which could not overcome the problem of collective action, demonstrates this. The SPLM/A did try to build consensus among different rebel factions and centralise the efforts of their leaders under its overall leadership. However, the inability of Southern Sudanese elites to agree on a leadership that was acceptable to different factions, and the inability of the elites to come up with a method for resolving the standoff that was agreeable to both factions, led to the deployment of violence to resolve crises. The use of violence and the factionalisation that ensued demonstrated that the SPLM/A, as a residual claimant, was unable to succeed in unifying various factions. Hence, it could not become a stationary bandit.

The armed conflict provided another opportunity for the SPLM/A to unite the efforts of Southern Sudanese elites. Charles Tilly's (1990) study of European state formation shows how warfare allowed European elites to overcome the problem of collective action. Waging and preparing for war forced European warlords to negotiate with their domestic elites to centralise their efforts and defend themselves from external aggressions. In the case of Southern Sudan, Garang believed that he could militarily defeat the *Anya Nya* II, but as the conflict became increasingly ethnic, it became necessary to find a peaceful end to it. While this was achieved and allowed a brief unity among the elites of the two factions, the underlying problems of internal decision-making that initially created the problem were not addressed. The crucial point that this study underscored was that Garang was very much more focused on securing a military victory than on building inclusive structures within the SPLM/A. The

inability to create inclusive structures for decision-making created the environment for the 1991 split. While Garang pushed to develop a professional and disciplined coercive apparatus, his commanders undermined him. They built forces that were only personally loyal to them and which could defect with them should such an option becomes necessary. This allowed commanders to entrench themselves, while also impeding the development of professionalism within the Movement. As Olsen (1993) warned, overcoming the initial problem of collective action does not mean that the system that emerges cannot revert to roving banditry. The escape from roving banditry occurs when the residual claimant, under whose leadership the bandits unite their efforts, recognises the influence of other bandits with whom he joins forces. Hence, if state formation is a process through which elites unite their efforts, then the nature and inclusivity of structures for internal decision-making are critical to the unity of the elites.

Charles Tilly's (1990) study of European history shows the importance of this elite unity in allowing the European state-makers to successfully wage war and prepare for warfare, which shaped the development of the kinds of structures that characterise the modern state today. Since the SPLM/A-led war took place in the context of a civil war and in a different international system, our analysis had to incorporate the armed groups' literature and the new international context. However, our analysis built a new direction from this literature on rebel governance, which either emphasises rebels' acquisition of capabilities to perform governance as a starting point or debates whether social or economic endowments account for the variation in rebel governance. Instead, we argued that an insurgency's acquisition of functional capabilities to perform governance outcomes is a by-product of its internal structures for decision-making.

We also built in an entirely different direction from the literature on the rebel-to-party transition. As we argued in the introduction, the unique role of the SPLM/A as an insurgency as well as a forum for building a political consensus among Southern Sudanese to forge a new political future after the failure of the Addis Ababa era makes it different from other insurgents. Moreover, our central line of inquiry focuses on how

the exercise of authority within the SPLM/A affect the trajectories of state formation in South Sudan with a particular focus on coercive, extractive, and administrative capabilities.

The brutal nature of the European wars, where losers faced terrible consequences, pressured European state-makers to build internal support and take preparation for warfare seriously. Hence, they embarked on a process to centralise the efforts of their domestic elites so that they could jointly defend themselves from external aggressions. These efforts involved compromises that made it possible for elite unity to occur. Some of these compromises included power-sharing and limitations on the authority of Europeans monarchs. They were manifested in constitutional provisions that strengthened the role of parliaments and independent judiciaries, which greatly limited the authority of chief executives. They also involved agreement on succession so that potentially disruptive succession battles could be avoided. In short, these efforts involved power-sharing among elites and placing important limitations on the authority of chief executives. The civil war offered the SPLM/A an opportunity to centralise the economic, social, political, and ideological sources of power by uniting the efforts of the elites of Southern Sudan. But because of the inability of the SPLM/A elites to give more time to elite bargaining, the instruments of coercion, extraction, and administration they created were all built on sand; they crashed when elite disunity manifested itself in violent fragmentations.

The SPLM/A's elites had many chances to address this problem, but they failed to do so. Garang feared that inclusive structures in the SPLM/A would plunge the Movement into destabilising politics that could undermine the war efforts. He was very much convinced of his ability to guide the Movement to the extent that he did not find it problematic that he was the only one with the decision-making powers in the SPLM/A. By focusing only on the military wing of the struggle, Garang was able to turn the Movement into a rigid military hierarchy, atop which he sat. This exclusive focus on the coercive aspect of the war prevented the Movement from forging unity among its elites and integrating other sources of power into the military power. This is

because the Movement's exclusive focus on the military prevented the social, ideological, and political sources of power from being developed and combined with the military power under a single authority. While Garang was able to hold on to a stronger faction and continued to fight against the Sudanese government, he was unable to overcome the problem of collective action among Southern Sudanese elites. His main faction, the equivalent of a residual claimant in the Southern Sudanese case, was unable to monopolise competitive thieving and establish itself as stationary bandit.

The 1991 split almost destroyed the Movement, and in order to survive the split, Garang finally agreed to review the Movement's structures. This is consistent with the behaviour of European state-makers who made concessions to their domestic constituencies in order to gain wider support for their war-making activities (Tilly 1990). Although the 1994 convention led to the creation of civilian structures in the SPLM/A, these structures were unable to gain capabilities. They came to exist largely in name, but they did not exercise any meaningful functionality. The military remained the most dominant force in the society. But even this military was not properly disciplined or professional. While it was able to fight the Sudan government's army, it was unable to inspire confidence from many segments of the Southern Sudanese population. While geography, particularly the large and undeveloped territory of Southern Sudan, imposed important constraints on the activities of the SPLM/A, the setbacks that the Movement suffered following the split also prevented it from implementing the new structures adopted after the 1994 convention. The SPLM/A was nearly defeated, and it needed to focus on reversing its losses. This meant focusing on the coercive organs of the Movement. Hence, while the civilian structures were created, the coercive apparatus remained the priority, and as a result, the Movement was unable to meaningfully develop these structures. Despite the prioritisation of the coercive apparatus, it was still unable to develop meaningful discipline or professionalism. Nonetheless, it allowed the SPLM/A to regain territories that had been lost. As such, the problems of internal decision-making continued to face the SPLM/A.

The 2004 fallout between Garang and Kiir confirmed the existence of the problems of internal decision-making in the SPLM/A ten years after the 1994 convention directed the creation of civilian structures. This factionalism almost produced violence, which had been the mechanism through which the SPLM/A had historically resolved its problems of internal decision-making. This time, instead of violence, the Movement reconciled Garang and Kiir through dialogue. Notably, in addition to the reconciliation, there was another commitment from Garang and his close associates to improve the decision-making architecture within the SPLM/A. While many SPLM/A interlocutors believe that Garang was personally transforming from a rebel leader into a statesman, questions remained about the extent of Garang's commitment towards addressing decision-making problems in the Movement. The SPLM/A averted a potential disaster, but it was clear that serious divisions remained between Kiir and close allies of Garang, whom Kiir accused of marginalising him from participating in the decision-making despite his seniority.

The sudden death of Garang in July 2005 elevated Kiir to the helm of the SPLM/A, but his conflict with Garang's former allies intensified. Fearing that the "Garang Boys", who controlled the SPLM/A structures, may usurp power from him, Kiir embarked on the process of retarding the capabilities of the SPLM/A's organs he inherited. Hence, thousands of former SSDF militias were integrated into the SPLA in order to turn it into a coercive apparatus loyal to Kiir, but without sufficient capacity to pose a threat to Kiir's position. Likewise, the CCSS was used as the core of Southern Sudan's civil service instead of the CANS, which the SPLM/A had established during the war. Kiir's deployment of a strategy of disorder to deal with the "commitment problem" intensified strategic manoeuvring among South Sudanese elites, exacerbating power struggles. The absence of inclusive decision-making structures allowed suspicion between the factions to grow, particularly as each side feared that the other might violently strike first. It is this interaction that manifested itself in violence in December 2013.

While the CPA created an international architecture that gave the SPLM/A what it could not achieve by itself in Southern Sudan – a successful residual claimant who became the stationary bandit – it was unable to maintain the kinds of conditions necessary to sustain stationary banditry. It was unable to achieve the unity of domestic elites that is critical to state formation. This is because state formation did not occur when one sets of elites eliminated another, but when the elites joined their forces. This unity of elites could not occur without ensuring inclusive structures for internal decision-making. Historically, it is the inclusivity of these mechanisms for internal decision-making that allowed for power-sharing and the placing of limitations on the authority of the chief executive. But by not addressing the problems of internal decision-making, the new SPLM/A leadership of Kiir was not prepared to centralise the efforts of Southern elites. Its main interest was preventing potential unconstitutional usurpation of Kiir's power, which required reducing the influence of the "Garang boys" in the coercive organs. The use of a strategy of disorder to hold on to power resulted in a near-exclusive attention to short-term issues. This prevented any focus on the conditions needed to ensure long-term economic growth, including the prevalence of rule of law, stable macroeconomic conditions, and enforcement of contract and property rights. As Olsen (1993) points out, an autocrat sometimes has a short-term view instead of a long-term view. With a short-term perspective, the autocrat maximises his gain by expropriating his subjects' incomes, creating inflation, and dishonouring contract and property rights. Similarly, South Sudan under Kiir has faced hyperinflation, the destruction of oil facilities, a largely non-existent rule of law, and expropriation of some properties of political rivals. Hence, the inability to address the problems of internal decision-making prevented Southern Sudan from transitioning into stationary banditry under Garang in the pre-CPA period. Subsequently, even with the enormous advantage provided by the CPA to unify elites, Kiir's strategy of disorder reverted South Sudan to roving banditry.

Therefore, as Tilly (1990) argues, the states that took warfare and preparation for warfare seriously were able to thrive, but the ones that were unable to do so ceased to exist. Warfare made it an imperative that European elites in each country centralise

their efforts to protect themselves against external attacks. Moreover, as Michael Mann (1986) argues, state formation is a process through which political, social, economic, and ideological sources of power become concentrated in the authority of a single sovereign. Such concentration, which lays the foundation for peace and prosperity, occurs only when elites are able to bargain and forge inclusive institutions (Acemoglu and Robinson 2012). However, the SPLM/A's elites were unable to forge the elite unity critical to centralising these sources of power in the authority of a single sovereign. The violent contestation of leadership that resulted from the inability of the SPLM/A's elites to address their problems of internal decision-making led to the creation of organisational structures that were ill-thought out and which did not address disagreements. The shortcomings of these structures led to power struggles among various committees of the SPLM/A, which were once again addressed through deployment of violence. Hence, the Movement was managed through violence, which subjected it to violent fragmentation that kept reverting South Sudan to the equilibrium of roving banditry.

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7.5   Primary Sources:

Interviews:

S/N	Name of Respondent	Positions Held	Location of the Interview	Date of Interview
1	Kosti Manibe Ngai	Former Deputy Secretary General of the Sudan Council of Churches, Former member of the SPLM NLC, Political Bureau, Former Minister of Finance in the Government of South Sudan (2011-2013), member of the SPLM-FDs	Arusha, Tanzania	12 February 2015
2	James Kok Ruea	Governor of Western Bieh State; Former member of Jamus Battalion and former SPLA Commander; Defected with Nasir Faction in 1991 and returned back to the Movement in 2000; Former head of the SPLM Peace Commission; Former Minister of Disaster Management.	Arusha, Tanzania	12 February 2015
3	Peter Adwok Nyaba	Former Minister of Higher Education; Member of the SPLM/A-IO; One of the Architects of 1991 split.	Arusha, Tanzania	14 February 2015
4	Akol Paul Khordit	Deputy Minister of Information, Telecommunication, and Postal Service; Former Chairman of the SPLM-Youth League.	Arusha, Tanzania	14 February 2015
5	Edward Lino	Member of the SPLM/A-IO; Former Chief Administrator of Abyei Region; Former Head of External Security of the SPLM/A.	Arusha, Tanzania	15 February 2015
6	Richard Ken Mulla	Minister of Federal Affairs; former member of the SPLM NLC; Member of the Parliament.	Arusha, Tanzania	16 February 2015

7	Lual Achuek Lual Deng	Managing Director of Ebony Centre for Strategic Studies (ECSS); former Economic Advisor to John Garang; Former Minister of State in GONU.	Juba, South Sudan	02 March 2015
8	Lam Akol Ajawin	Chairman of National Democratic Movement (NDM); former Minister of Agriculture; former Minister of Foreign Affairs of GONU; former SPLM/A Zonal Commander in Shilluk Kingdom; former member of the PMHC.	Juba, South Sudan	05 March 2015
9	John Gai Yoh	Presidential Advisor on Education; former Ambassador to Turkey.	Juba, South Sudan	06 March 2015
10	Achuil Malith Banggol	SPLM Advisor on Popular and Syndicated Organisations; Former member of the COC; former SPLA commander.	Juba, South Sudan	07 March 2015
11	Luka Biong Deng Kuol	Former Minister of Cabinet Affairs of GONU; First Minister of Presidential Affairs of GOSS, former member of the SPLM EC.	Juba, South Sudan	13 March 2015
12	Kuol Manyang Juuk	Minister of Defence and Veteran Affairs; former Governor of Jonglei State; former member of PMHC; former zonal commander of Central Upper Nile (Bor).	Juba, South Sudan	15 March 2015
13	Aggrey Tisa Sabuni	Presidential Advisor on Economic Affairs; Former Minister of Finance & Economic Planning; Former Undersecretary of Finance & Economic Planning in GOSS;	Juba, South Sudan	20 March 2015

		Former DG of Finance for Bahr el Jebel State, CCSS.		
14	Daniel Awet Akot	Former deputy Speaker of Southern Sudan Legislative Assembly (SSLA); Former Minister of Interior, GOSS; former member of PMHC; former zonal commander in Lakes.	Juba, South Sudan	20 March 2015
15	Ayuen Alier Jongroor	Former SPLA Deputy Chief of Staff for Training; Former commander in the SPLM/A; Former Secretary to William Nyuon Bany.	Juba, South Sudan	24 March 2015
16	Gabriel Alaak Garang	Former SPLM Secretary for Finance & Economic Affairs; Former member of EC.	Juba, South Sudan	29 March 2015
17	Col Dau Diing	Medical Doctor and Member of the Student delegation to Libya; Close Advisor to John Garang.	Juba, South Sudan	30 March 2015
18	Isaiah Chol Aruai	Chairman of the National Bureau of Statistics (NBS); former Secretary to Arok Thon Arok; former administrator with SRRA.	Juba, South Sudan	30 March 2015
19	Nhial Deng Nhial	Senior Advisor to the President; Member of the SPLM Political Bureau; Former Minister of Foreign Affairs; Former SPLM Governor in Bahr el Ghazal.	Juba, South Sudan	2 April 2015
20	Kuol Deng Abot	Director-General of International Relations and Diplomacy at the Ministry of Defence and Veteran Affairs; former senior commander in the Combat Intelligence of the SPLM/A.	Juba, South Sudan	5 April 2015
21	(Anonymous 1)			6 April 2015

22	Madut Biar Yel	Member of the SPLM-FDs; Former Minister of Telecommunications and Postal Service; Former Governor of Northern Bahr el Ghazal.	Nairobi, Kenya	10 April 2015
23	Mariano Deng Ngor	Former South Sudan's Ambassador to Kenya.	Nairobi, Kenya	13 April 2015
24	Mabior Garang Mabior	Son of John Garang; former Minister of Water Resources.	Nairobi, Kenya	14 April 2015
25	Thokwath Pal	Former Head of Ethiopian Intelligence in Gambella; Former Secretary of Ethiopia's Workers Party in Gambella.	Nairobi, Kenya	17 April 2015
26	Majak D'Agoot	Former Deputy Minister of Defence and Veteran Affairs; Deputy Director-General of NISS; former commander in the SPLM/A.	Nairobi, Kenya	20 April 2015
27	Kuol Diem Kuol	Acting Undersecretary of the Ministry of Defence & Veteran Affairs; Former Head of the Political Commissariat.		14-15 April 2015
28	Oyay Deng Ajak	Former Minister of National Security; former Minister of Investment; former Minister of Regional Cooperation; Former Chief of General Staff of the SPLA; former Head of the Combat Intelligence; Former representative of Pakede *Anya Nya* II faction in the formative meetings.	Part I (Addis Ababa) Part II (Nairobi Kenya)	3 December 2015 28 March 2016
29	Pieng Deng Kuol	Former Inspector-General of the Police; Former SPLA Deputy Chief of General Staff; Former commander in the SPLM/A.	Part I (Addis Ababa) Part II (Juba,	4 December 2015 7 December 2015

			South Sudan)	
30	James Hoth Mai	Former Chief of General Staff of the SPLA; former commander in the SPLM/A.	Juba, South Sudan	13 December 2015
31	Ambrose Riiny Thiik	Former Chief Justice of Judiciary of Southern Sudan (JOSS).	Juba, South Sudan	6 December 2015
32	Taban Deng Gai	First Vice President of South Sudan; Former Minister of Mining; Former Governor of Unity State; Former commander in the SPLM/A; Defected with Machar in 1991 and in 2013; Broke off from Machar in July 2016 and became First Vice President.	Juba, South Sudan	19 February 2016
33	(Anonymous 2)			20 February 2016
34	(Anonymous 3)			21 February 2016
35	Kur Garang	Protocol Officer, South Sudan Embassy in Kenya; former SPLA officer and bodyguard to John Garang.	Nairobi, Kenya	27 December 2016
36	Michael Mabior Deng Mabior	Personal Secretary to Madam Rebecca Nyandeng de Mabior.	Nairobi, Kenya	12 May 2015
37	(Anonymous 4)			16 April 2015
38	Julius Tabuley	Former Officer in the Combat Intelligence. Officer in the NSS.	Juba, South Sudan	8 March 2015
39	Bullen Panchol Awal	Justice at the Supreme Court of South Sudan; Former deputy Chief Justice of JOSS.	Juba, South Sudan	2 February 2015
40	Deng Alor Kuol	Minister of Foreign Affairs; Member of the SPLM Political Bureau; Former member of the SPLM/A Commissariat; Close ally of John Garang.	Nairobi, Kenya	19 February 2015

41	Cirino Hiteng Ofuho	Former Minister in the Office of the President; Former Undersecretary of the Minister of	Addis Ababa, Ethiopia	15 February 2015

Meetings:

Deng Bol Aruai, Chairman of Red Army Foundation, 2 April 2016, Red Army House, Juba, South Sudan. Also present were: David Garang Kuot Kuot, Simon Yak Deng, Lado Philip Jembeke, and nearly 60 other participants.