

Facing Frontiers

Everyday practice of state-building in South Sudan

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Thesis

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'a story always sounds clear enough at a distance,
but the nearer you get to the scene of events the vaguer it becomes'
George Orwell, Shooting an Elephant (1936)

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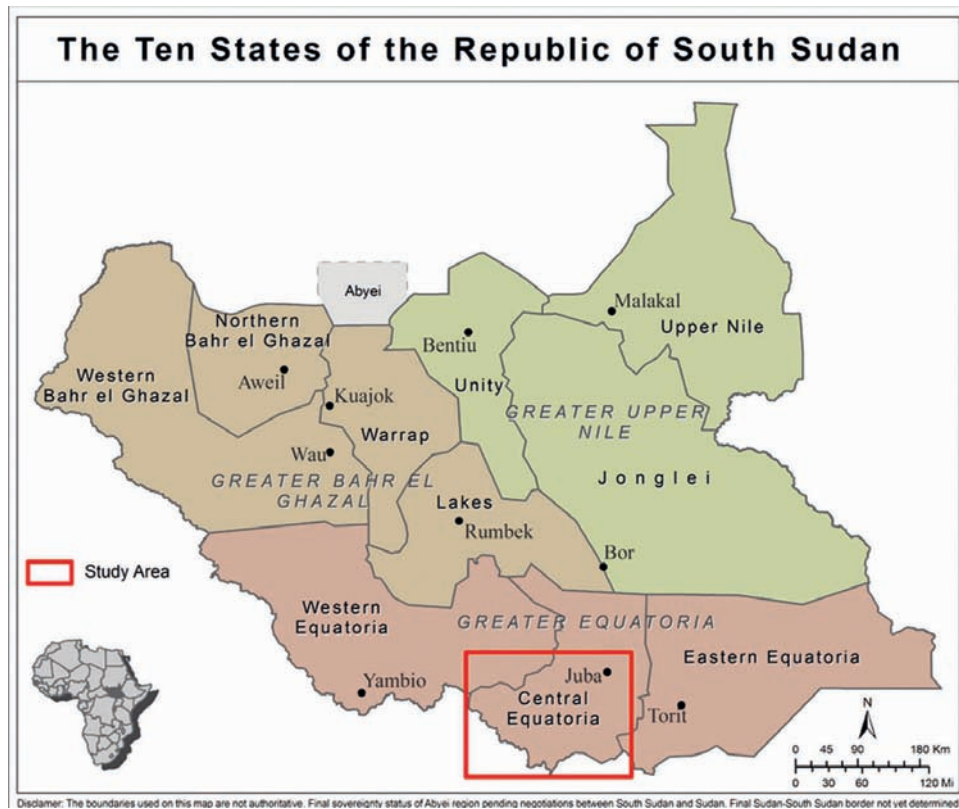
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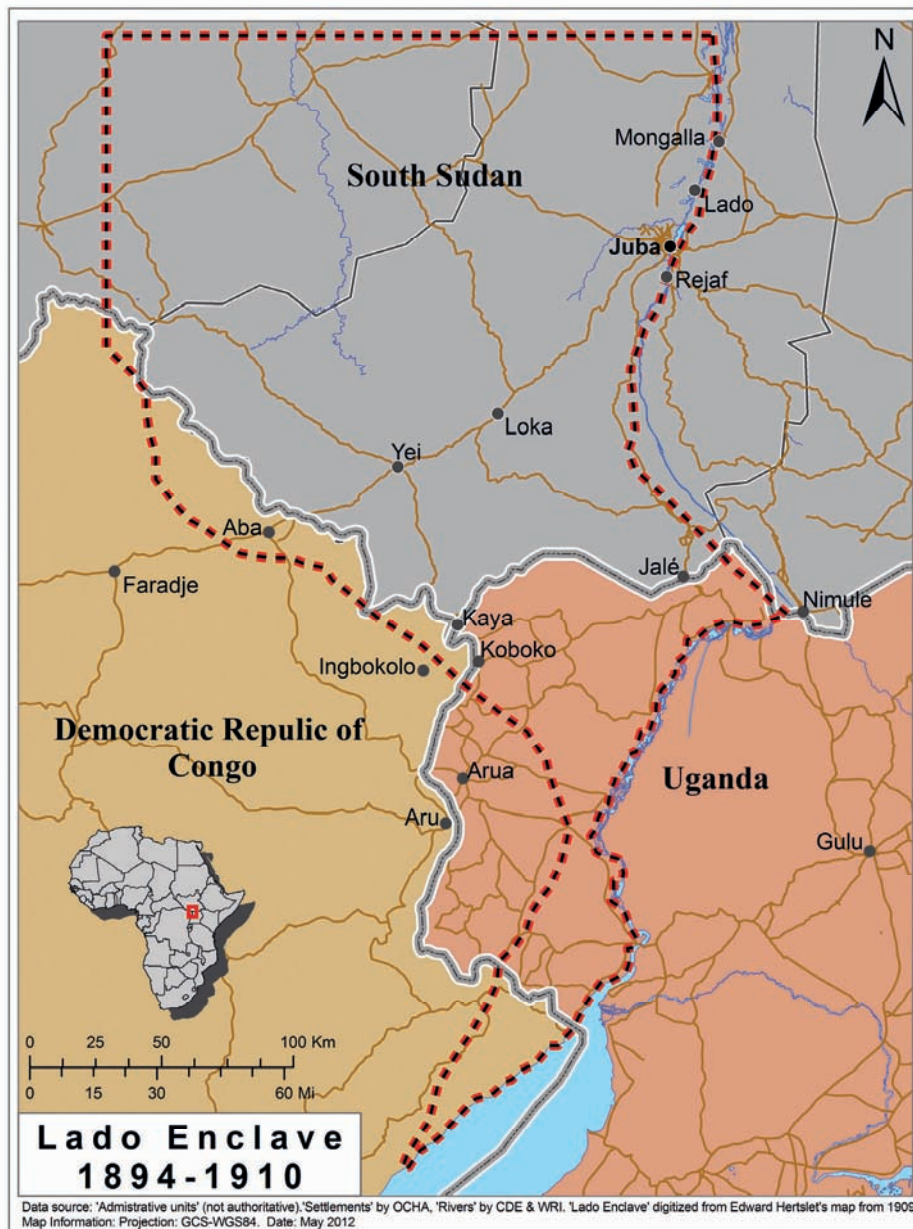
Lotje de Vries

MAPS

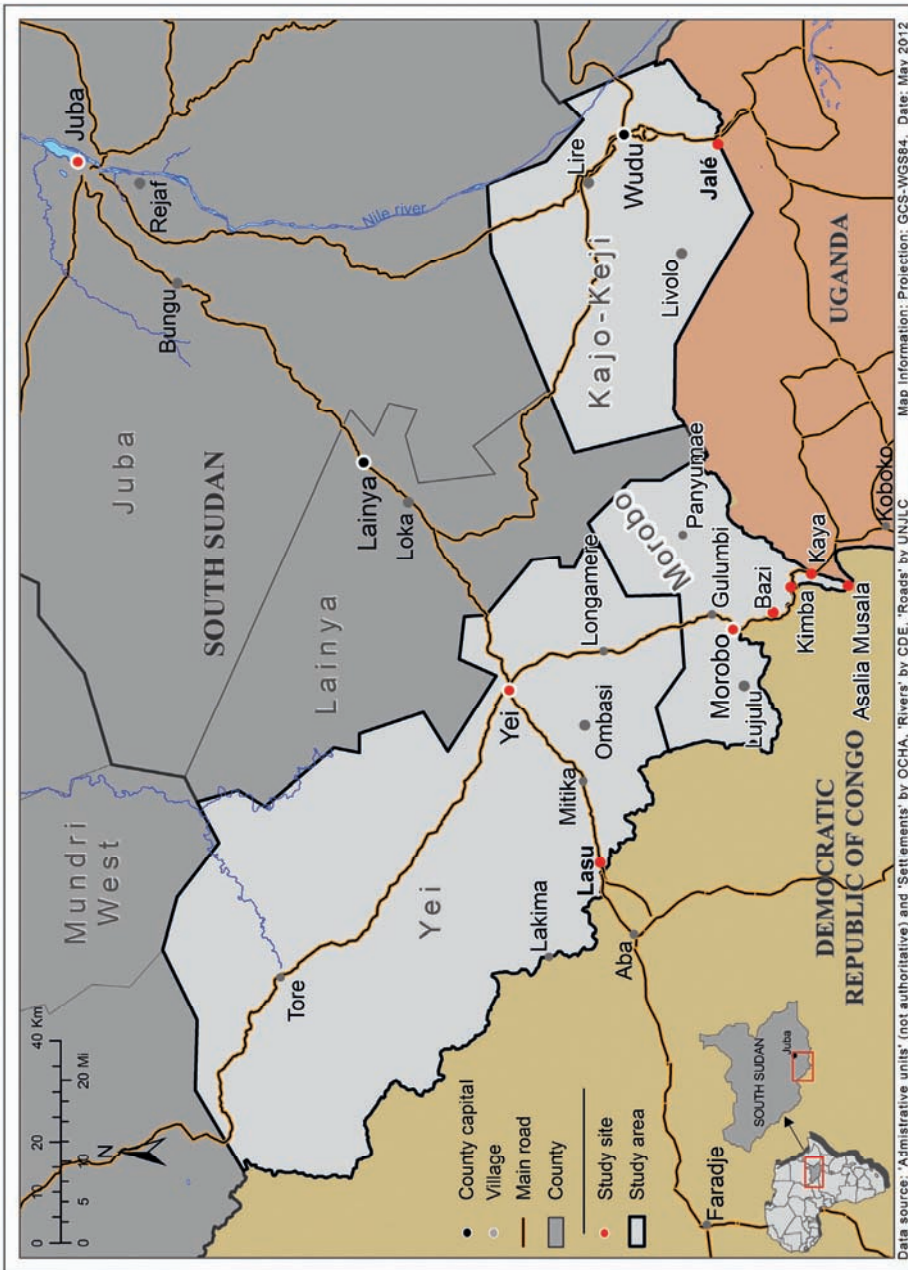
Map 1: Overview of the ten states and the three 'greater' regions of South Sudan



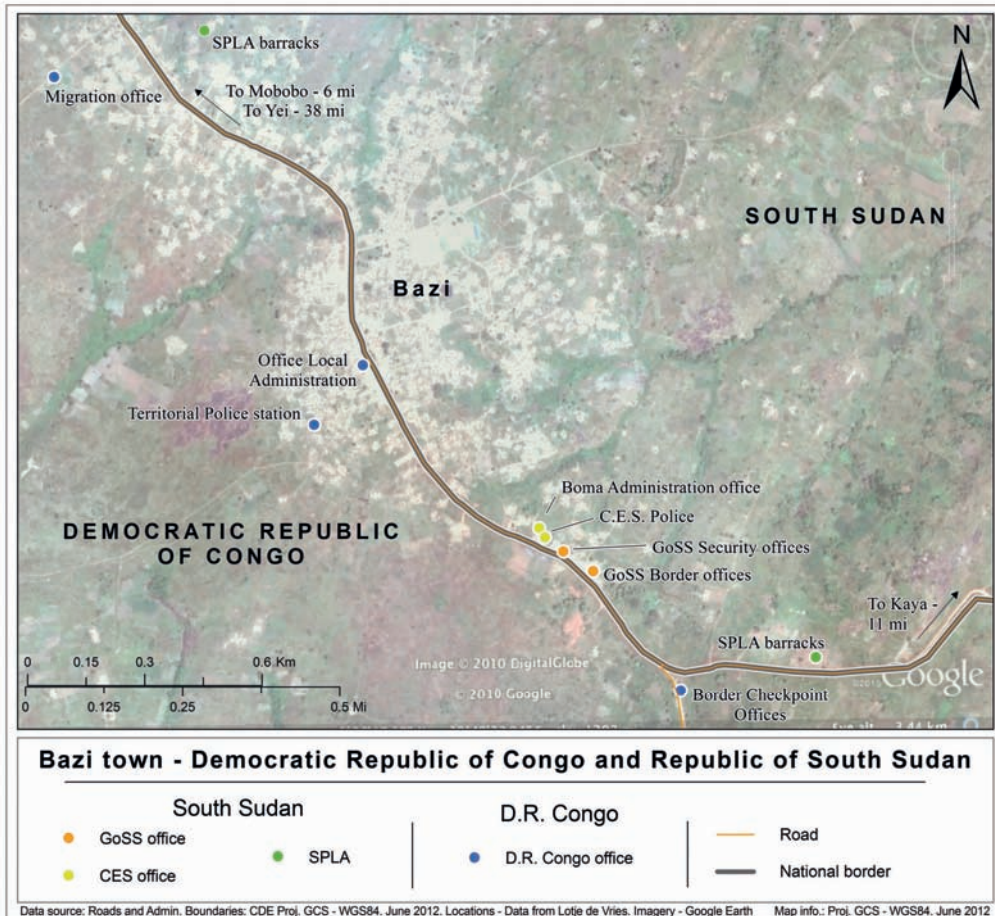
Map 2: The Lado Enclave of the Belgian King Leopold II



Map 3: Overview of study area



Map 4: Bazi village lying on both sides of the Congo-South Sudan border



LIST OF ACRONYMS

CANS	Civil Administration of the New Sudan
CAR	Central African Republic
CES	Central Equatoria State
CID	Criminal Investigation Department
CMA	Civil/Military Administrator
CPA	Comprehensive Peace Agreement
DRC	Democratic Republic of Congo
FARDC	Armed Forces of the Democratic Republic of Congo
GoNU	Government of National Unity
GoS	Government of Sudan
GoSS	Government of Southern Sudan
HEC	High Executive Council
IGAD	Intergovernmental Authority on Development (since 1997)
IGADD	Intergovernmental Authority on Drought and Development
IGP	Inspector General of Police
JDT	Joint Donor Team
JOSS	Judiciary of Southern Sudan
LGB	Local Government Board
LRA	Lord Resistance Army
MI	Military Intelligence
MP	Member of Parliament
MOLACD	Ministry of Legal Affairs and Constitutional Development
NC	National Convention
NCP	National Congress Party
NISS	National Intelligence and Security Services
PS	Public Security
RDC	Resident District Commissioners (Uganda)
RSS	Republic of South Sudan
SPLM/A	Sudan People's Liberation Movement / A
SRA	State Revenue Authority
SRRA	Sudan Relief and Rehabilitation Association
SSLA	Southern Sudan Legislative Assembly
SSRRC	South Sudan Relief and Rehabilitation Commission
UPDF	Ugandan People's Defence Force
UNMIS	United Nations Mission in Sudan
WES	Western Equatoria State
WFP	World Food Program
WNBF	West Nile Bank Front

1. Introduction

By establishing a territorial boundary and exercising absolute control over movement across it, state practices define and help constitute a national entity. Setting up and policing a frontier involves a variety of fairly modern social practices – continuous barbed-wire fencing, passports, immigration law, inspections, currency control and so on. These mundane arrangements, ..., help manufacture an almost transcendental entity, the nation state. This entity becomes much more than the sum of the everyday activities that constitute it. (Mitchell 1991: 94)

The protagonists in this drama are the statesmen and peasants, ministers and mayors, custom officials and smugglers, and generals and deserters who together participated in the making of France and Spain in the Cerdanya. (Sahlins 1989: xvi)

DRAWING THE RESEARCH BOUNDARIES

Everyday state-building practices in Southern Sudan are at the centre of this research project, with a focus on localities along the borders with the Democratic Republic of Congo and Uganda where state agents are actively performing the powers of the semi-autonomous Southern Sudanese state. It also investigates the ways in which these ‘mundane arrangements’ practised at the ‘territorial boundary’ (Mitchell 1991) feed into the process of state-building in Southern Sudan, particularly in relation to the main hub of state-building in Juba. The emphasis lies on those protagonists who represent the various levels of the Government of South Sudan (GoSS) at the border checkpoints. These state agents are simultaneously conducting and shaping Southern Sudan in their everyday doings.¹ The analysis of

¹ The Comprehensive Peace Agreement (CPA), which was signed on 9 January 2005, granted a semi-autonomous status to the southern part of the Sudanese territory. This included the Government of Southern Sudan, with a president for Southern Sudan and its own armed forces, namely the SPLA. This thesis describes the situation until the end of 2010, shortly before the referendum on self-determination and, unless otherwise mentioned, treats Southern Sudan as a country (see Paragraph 1.3 in this chapter). On 9 July 2011, the semi-autonomous Southern Sudan became the independent Republic of South Sudan. This thesis is thus about ‘Southern Sudan’. On the rare occasions that it deals with the situation after the secession of the South, I speak about South Sudan.

silent and open manifestations of state powers at the border, related to yet partly disconnected from those in the capital Juba, serves to increase our understanding of the state-building process in Southern Sudan that started with the signing of the Comprehensive Peace Agreement (CPA).

An alternative illustration is provided to the big state-building 'drama' (Sahlins 1989) staged in politico-administrative theatres like Juba, Khartoum and an occasional state capital. Numerous actors large and small joined in the negotiations over the political, economic and development resources that accompanied the CPA, 'when peace broke out' in the South. Actors on the main stage of the state-building theatre (Goffman 1959) include not only 'state actors' such as the GoSS and other levels of government.² The play also comprises other players like the 'North',³ (para) military forces, the international community in all its diversity, business people from all over the world, the numerous tribes of Southern Sudan, Arab traders, religious institutions and many others. The drama is played out against the backdrop of a long history of war and marginalization, a complex colonial history, the US-brokered Comprehensive Peace Agreement, oil resources, and tales of communal fighting and ethnic tension among Southerners.

The capacities of the actors in the state-building exercise are usually evaluated against a policy agenda of 'failed' or 'fragile' states, international development and peace building. In academic literature, this type of analysis often departs from a top-down discourse of development and peace- and state-building interventions in which context-specific factors are conveniently ignored. Collier (2007) is the most influential representative of an interventionist ideology to 'fix' states (see also Fukuyama 2005). Despite increasing critique of the normative and unworkable concepts of failed states (Call 2008; Englebert & Tull 2008), the spotlight remains on the main stage where the central 'state and non-state actors' perform the play of a transition from 'war' to 'peace' with predetermined landmarks such as a population census, multiparty elections and, in the case of South Sudan, a referendum in the concluding act. The output of such predetermined efforts was expected to be a democratic state (van Reybrouck 2011). The drama on the main stage has predominantly been played out in Juba and therefore receives most attention. For the same reason, this research does not focus on the above-mentioned actors and their resources. By taking a different vantage point, this thesis lifts the curtains on another

² Southern Sudan knew four levels of government; the Government of National Unity in Khartoum (GoNU); the semi-autonomous Government of Southern Sudan in Juba (GoSS); ten federal states headed by a governor; and the fourth level, local government at county level was subdivided into *payams* and *bomas* (see Chapter 6).

³ The 'North' mostly refers to the National Congress Party's regime (NCP) headed by Omar el Bashir but can also mean the region north of the border between today's South Sudan and Sudan.

theatre, presenting the stage of state performance beyond the spotlight on the capital.

At the fringes of the Southern Sudanese territory, a different type of play is being performed. There are parallels and connections here with the main stage, yet the actors are locally embedded, their repertoires rooted in personal trajectories and their resources more modest (Hagmann and Péclard 2010). Three counties in the border triangle with the DR Congo and Uganda are at the heart of this study. Fieldwork was carried out in Morobo, Yei and Kajo Keji counties and in Juba, all of which are in Central Equatoria State (CES). The border checkpoints, several small border villages, the county headquarters and the large town of Yei formed the main scene. The investigation of manifestations of state powers at the border allows insight into the negotiations between levels of governments within South Sudan and with neighbouring authorities. The border thus provided the vantage point from where I could build this analysis of Southern Sudan's state-building process.

It is argued that the roots and logic of state-building of the newly established Government of Southern Sudan are much older than the CPA and do not originate in Juba. In 2005, when the GoSS was newly established and officially became responsible for the control of the southern international borders on behalf of the Government of National Unity (GoNu), the Sudan People's Liberation Movement/Army⁴ (SPLM/A) controlled this border region and had been doing so since its 'liberation' in 1997.⁵ The border area thus contrasts with Juba, which the Sudan Armed Forces only withdrew from after the signing of the CPA, and where the young GoSS suddenly became the highest authority. The state-like organization of the SPLM/A guerrilla government (Rolandsen 2005) that had operated from Yei and later Rumbek was extended to Juba where it had to merge with the remnants of 'Northern' government structures that had survived the war. This was the point when the GoSS was established out of the political-military elite, while the SPLM/A had already been the *de facto* authority in large parts of the Southern territory for nearly a decade.

The first time I stepped onto the stage of state performance in Southern Sudan was in June 2008. Juba's international airport is a jumble of state agents who work on passport control, check travel permits, photocopy documents and manually check luggage. Final authorization to leave the congested space in which all these

⁴ The SPLM/A is an explicit reference to the guerrilla army and movement. It is referred to as one, as the people inside the movement used to do. After the CPA, the SPLM/A was divided into the political party of the SPLM and the Southern army, the SPLA. References to the SPLM/A always refer to the period before the GoSS was established and the division between the party and the army.

⁵ 'Liberated' is the word used for the areas that were taken from the Sudan Armed Forces and came under the control of the SPLM/A. I have chosen to use it in the same way in this thesis.

tasks are being performed is granted by security agents at the door, but only if one can show a white chalk mark issued by the luggage checkers. The airport operates as a border zone with police, customs, immigration, the SPLA, the intelligence services and numerous assistants, all of whom perform specific tasks in the proceedings.

Throughout the CPA interim period, instead of requesting an official Sudanese visa, the GoSS issued travel permits for entry into the South. This was an official visa-like document exclusively used in the South. An official visa for Sudan was not a prerequisite but this travel permit was and had to be obtained from the GoSS office in Kampala, which was not an official embassy.⁶ There I had a short conversation with a GoSS official who asked to see the letter of reference from my academic institute and inquired about the reasons for my stay in Southern Sudan. Entering the South directly was much easier than arriving via Khartoum⁷ but, as the conversation in the GoSS liaison office in Kampala indicated, the GoSS kept an eye on who came onto its territory.

On my second visit, I entered Southern Sudan from Arua in Uganda. In October 2008, after a meeting organized by Pax Christi, I had the opportunity to travel to Yei with them. Entering Southern Sudan at Kaya's border crossing was easy. SPLM flags fluttered everywhere and a big billboard welcomed us to Southern Sudan. There were no visible references to the Republic of Sudan. We bought our travel permit in a tiny wooden kiosk that turned out to be the immigration office. Little was asked about our plans and when we mentioned we were from Pax Christi, the immigration officer simply marked 'Church' where my occupation had to be noted. We crossed the border without further questions. Kaya town was lively, mushrooming around border-related activities and home to a myriad of government offices, uniformed and non-uniformed state agents sitting around in the shade, various hotels, shops and money changers working on the black market.

From Kaya we travelled another 75 km to Yei, the town that had been the seat of the SPLM's secretariat during the war. Yei had turned into a booming trading hub and still hosted quite a few former SPLM New Sudan, and now GoSS, offices despite the fact that the SPLM's guerrilla government had become the official Government of South Sudan with its seat in Juba. Shortly after leaving Kaya, we were stopped by the South Sudanese police at another roadblock. The passports and travel permits of the two white women in the car were taken inside the *makhtab* (office in Juba Arabic) and after a couple of minutes we could proceed without any

⁶ Before the CPA, the SPLM had representations in Addis Ababa, Nairobi and Kampala. These GoSS offices were transformed from SPLM offices.

⁷ The government in Khartoum strictly controlled the arrival and departure of foreigners. Obtaining a six-month multiple entry visa and a research permit to study state-building in Southern Sudan would have been virtually impossible.

trouble. One side of the road was DR Congo and the side of the *makhtabs* was Southern Sudan. A Congolese flag was flying from a big flagpole 200 m away and a few brick constructions on the other side of the road housed the GoSS offices. The straw huts in the village stretched into both countries, separated by the road from Kaya to Yei (see Map 4).

On arriving in Yei after taking three hours to cover the last 60 km, I learned that the roadblock where we had been stopped was in the village of Bazi. In January 2008, it had been the scene of skirmishes between Southern Sudan and DR Congo. The clash seemed an interesting entry point to investigating the balance of power between the Southern Sudanese and the Congolese, especially since Kaya's vital border crossing with Uganda was only 15 km away. One fieldwork location had been defined (see Map 3) and the challenge in the visits that followed was to make sure the state agents at the roadblock in Bazi would allow me to stay and do my research rather than urging me to proceed after checking my passport.

The above impression of the field of study already raises numerous questions. This introductory chapter first explains how choices were made in the perspective of South Sudan before placing the research questions in an analytical framework that allows an unravelling of the multifaceted process of state-building in South Sudan.

DELINEATING CHOICES

Researching state-building from the perspective of the border resulted in a number of choices being made in the course of my fieldwork and during the writing up of this thesis. Both state-building and Border Studies are fields of research in their own right and, combined, they provide the background to my interpretation of a (multidimensional) reality. Two choices deserve a mention here: studying the state from the border, and the focus on state agents. The following chapters account for my observations when encountering socio-anthropological theories of power and practice, but here I first explain my understanding of the concepts and theories used.

The first implicit choice was to take the border as an entry point to analyze how the state functioned in South Sudan, instead of making a cross-border analysis of the local dynamics between the three countries, despite my interest in cross-border cooperation from previous work in the Senegambie Méridionale (Abdoul and de Vries 2007; Enda Diapol 2007). Analytically, this fascination was rooted in the idea that borders, despite being historically imposed barriers, potentially provide 'conduits and opportunities' to the people operating and inhabiting border regions (Nugent and Asiwaju 1996; Asiwaju 1985). This has led to an interesting

body of empirical work that looked into how largely informal trade networks in Africa make use of and operate beyond national borders (Titeca 2006, 2009; MacGaffey 1991; Roitman 2004, 2005; Raeymaekers 2007, 2010; Walther 2008). Others have looked into cross-border management, the use of and conflict over natural resources in the region (Hoehne & Feyissa 2010; Mkutu 2008; Mburu 2003) and into the proliferation of protracted cross-border conflicts in a regional context (Debos 2008a, 2008b; Prunier 2004; Richards 1996). An interesting contribution with an explicit cross-border analysis of locally produced economic opportunities and security risks intertwined with and connected to politics and power in neighbouring states could have been made. Yet apart from insights into the local force field of relations between the Southern Sudanese and the Congolese authorities in Bazi, the cross-border dimension of this research gradually decreased. The Southern Sudanese borders with Congo and Uganda however remained at the centre of this investigation. Consequently, what is left of the cross-border perspective is explicitly used to strengthen my analysis of the South Sudanese state-building process as it is seen from its borders.

This choice was methodologically and theoretically motivated. From a methodological perspective, limiting the research to the Southern Sudanese side of the border, and from there to unpack the practice of state-building in Southern Sudan was daring enough. Taking the borders as the site from where to observe the performance of the state confronted me with the complexities of the transition from war to peace, from guerrilla governance to the GoSS administration, from being soldiers to state agents against the backdrop of ethnic and regional tensions and competing versions of what mattered about the past.

The decision also had a theoretical motivation. The role of the state in the enforcement of the border and the position of state agents in performing their powers have been understudied. In attempts to counter-balance the state-centred orientations of political scientists in which dichotomies such as 'legal and illegal' and 'formal and informal' are prevalent, a body of research has developed a perspective on legitimacy in analyzing practices along the African borders. The state and its border are seen as 'resources' (Hagmann and Péclard 2010) that can be mobilized to the benefit of the actors involved. In this perspective, the state agents often take part in 'illegal' yet 'legitimate' practices (Roitman 2004, 2005). And if the state is unable to govern, 'governance without government' will emerge (Menkhaus 2006/2007), i.e. the vacuum of state authority will be filled with state-like forms of organization. As is shown in work on the Congo-Uganda and Chad-Cameroon borders, state agents equally take part in filling the ungoverned space (Raeymaekers 2007, 2009; Titeca 2006, 2009, 2010; Roitman 2004, 2005). In many of these studies the state and its powers are secondary to the negotiable and fluid reality of the border regions. Alternatively and arguably too easily, state powers are seen as

extractive, criminal (Bayart *et al.* 1999; Reno 1998, 2001) or are just understood from an everyday perspective (Blundo and Olivier de Sardan 2006; Olivier de Sardan 2008; Chabal and Daloz 1999).

Although extremely rich and interesting, these studies tend to overlook the 'structuring' effect (Giddens 1984) of the presence of state agents and the performance (or non-performance) of state powers at the border and the ways in which this feeds the state-building process at higher levels. The border is a privileged site to investigate the articulation of state powers and this study therefore takes the everyday perspective but aims to extend its insights into an analysis of the state as a 'structural effect' (Mitchell 1991: 94).

Empirically too the choice was justified. Researching state-building at the border proved extremely interesting because the presence of the full range of Southern Sudanese government agencies at all levels of government resulted in contestation and negotiation. With the exception of Bazi, authorities of the neighbouring countries were not necessary to create a force field in which the border could be exercised. In addition, the roots of the SPLM/A's transformation from a guerrilla movement to a state-like governing body in the areas under its control were found in this border area. After liberation, the SPLM/A established checkpoints resulting in the development of state-like authority, with artefacts such as flags, uniforms, signposts and offices affirming the symbolic performance of their authority (Lincoln 1994). Yei became the seat of the SPLM secretariat of the New Sudan. The SPLA/M started not only to control the area militarily but also to build civil and governmental structures (Rolandsen 2005), levy taxes and develop a customs system. Some SPLA soldiers were given civilian functions.

The process of state-building in the area thus started well before the signing of the CPA and the establishment of the GoSS in 2005. The ways in which this relates to the performance of the Southern Sudanese semi-autonomous state is central in this research. It will be argued that the change of the official status of these performers of authority as a result of the peace agreement did not fundamentally change the logic, manifestations and powers of the 'performers' of authority. State-building should not be seen as something exclusively confined to formal state institutions. Studying the state-building process in Southern Sudan implies that the SPLM/A's state-like governance in the liberated areas be seen as being an integrated part of the process. The theoretical implications of this perspective are discussed in the next section but the second delineation should first be made explicit.

The second choice was to focus on state agents in their everyday performance of state authority because the individuals representing the powers of the Government of South Sudan have a 'structuring effect', even if performed in a very

specific context. The individual agents⁸ represent the range of organizations of the South Sudanese government at various levels, all of them present and operating at the border. These agents often successfully claim or impose authority beyond or incongruently with the powers of their institutions, which themselves are constantly being redefined. Anthropology and development sociology historically demonstrate sympathy towards people vulnerable to external shocks and subject to the insatiable quest for power and wealth by the ruling elites of a predator state. Increasingly, attention was given to the agency and the knowledgeable ability of the individual (Long 2001, 1991) and their 'weapons' to fight dominance (Scott 1985, 1990). In Border Studies, there is also a focus on coping strategies of inhabitants of (peripheral) border areas to operate beyond the state, subject to state authorities imposing artificial boundaries and their powers on the people in the border region (Asiwaju 1985).

The focus on agents representing and performing government powers might wrongly suggest a clear distinction between, on the one hand, those wielding power and, on the other, those subject to power. As will become clear, the dichotomy is never that sharp. The dividing line between the two is fluid and quite informal factors can be key to the capacity of individuals to make claims of authority or perform state powers. Indeed government agents occasionally operate with rent-seeking objectives and in doing so they may try to evade the powers of the state. But in their everyday activities and claim-making, they shape, mould and transform the 'state effect', whether they intend to or not. The practice of the state is 'every bit as local in their materiality and social situatedness as any other' argue Ferguson and Gupta (2002: 992). The agents performing their powers are an integral part of the local in their various forms. They are locally embedded and combine tasks as, for instance, a bureaucrat or a security agent with other roles in life such as citizen, cattle keeper, ex-combatant or IDP. My choice to explicitly focus on the practice of the individual within the state, on how the government functions in practice and how this resonates in the process of state-building is therefore methodologically and theoretically motivated.

This holds true particularly at South Sudan's borders because the powers of the GoSS, i.e. the formal authority, are allocated to or are being built on individual military accomplishments and networks of (ethnic) elites (Walraet 2008a, 2010; Branch and Mampilly 2005). 'Such figures of local authority represent both highly personalized forms of private power *and* the supposedly impersonal or neutral authority of the state. It is precisely because they also act as representatives of the state that they are able to move across – and thus muddy – the seemingly clear divide separating legal and extralegal forms of punishment and enforcement' (Das

⁸ By agents I only imply the role of individuals representing a government institution.

and Poole 2006: 14). Chalfin (2010: 43) argues that ‘an agential orientation, addressing not only how state representatives enact power but the specific ways they configure, replicate, and renew their ability to rule, makes it possible to trace how the aura of sovereign ultimacy is sustained and internalized by those considered to be its source’. While many of the individual state agents representing the GoSS at the border base their claim to authority on past accomplishments, this means they do not just move across the divides of legal and extralegal legitimizing logic but also between and beyond capacities assigned to specific levels of government institutions.

NUANCE IN SOUTHERN SUDAN’S ‘STATE-BUILDING PROCESS’

Analytically, Southern Sudan is treated as a state-like entity, as if it was already independent.⁹ This was despite the fact that it was formally an integral part of Sudan’s sovereign territory, with the Government of National Unity (GoNU) in Khartoum as the highest authority. Although juridically problematic, the GoSS could be seen as the government of an independent state, with a standing army (the SPLA) and one political party (the SPLM) defining and dominating the political space. This analytical lens does not exclude the fact that attention is paid to the relations, negotiations and sources of contention between the North and South but asserts the fact that the process was studied at the level of what could be considered an independent state.

But if it is argued that state-building is not something exclusively confined to formal state powers and the agents practising the state using logic rooted in the guerrilla period, then how should the process of transforming powers and its contribution to state-building in Southern Sudan be described? How should the status of territory, administrative power and the agents performing official tasks on behalf of a semi-autonomous government en route to separation and independence be understood?

Of course one could argue that South Sudan’s state-building is an integral part of a bigger Sudan-wide state-building process. But from 2005 onwards, few people within the Government of Southern Sudan or within the international community acted as if the state-building agendas in the North and the South were one.¹⁰ The international community, donors and NGOs alike started separating the Northern

⁹ This research did not choose a specific time in South Sudanese history from where the analysis departed and most of the empirical material that is used starts in the early 1990s. The study ends with the referendum in January 2011.

¹⁰ The ‘Make Unity Attractive’ agenda that was formally adopted by both parties after the CPA never really took off, particularly after the death of Dr John Garang. The late chairman of the SPLM/A always had a pro-unity agenda and favoured the idea of a truly New Sudan (Garang 1987).

and Southern diplomatic efforts and development agendas. The UN, the World Bank, the Joint Donor Team and bilateral donors all worked with the GoSS on building a transparent, accountable, democratic government at every level throughout the Southern Sudanese territory, as if it were already an independent country. The GoSS employed state-like discourses too, suggesting an almost independent Southern Sudan.

State-building is therefore not necessarily only associated with independent nation states, nor does it imply state-building from scratch but rather the continuation of earlier achievements of the SPLM/A that negotiated the CPA (Johnson 2011). A signature of the leader John Garang was all that was required to reframe the guerrilla SPLM/A into the legitimate military and political representation of the Southern Sudanese. From a state-building perspective, how should we then understand this pre-CPA period? Were the SPLM/A's attempts to establish governance in its liberated territory to be seen as something 'beyond the state'? After all, it was a guerrilla movement fighting a war against the Government of Sudan. It thus belonged to the category of non-state actors or guerrilla movements but was taking on attributes usually associated with 'statehood' (Clapham 1998: 148). In summary, the signing of the CPA upgraded the status of the SPLM/A from that of an outlaw movement controlling vast territories in a logic seen as 'governance without government' (Menkhaus 2006/2007, 2008; Doornbos 2000; Bradbury 2008) to a legally legitimate authority with semi-autonomy inside the Southern territory.

In 2005 when the SPLM/A 'came out of the bush',¹¹ it had to be divided into an army and a political party. It also had to form the Government of Southern Sudan that would officially be in charge of steering the state-building exercise. On paper, this is what happened but in practice, this is an over-simplification of a much more complex reality. The SPLM/A used its organization to build the GoSS. Some of the institutions that were established existed under a different form as an SPLM/A secretariat, while others started from scratch. Officially, the South secured the Southern territory, levied taxes at the borders and enforced immigration laws on behalf of the GoNU. In practice though, the South developed a system largely based on what the SPLM/A had used as a system of governance over the years, disconnected from the government in Khartoum. The process of state-building thus started in the period well before the CPA. Hagmann and Péclard (2010: 545) saw state-building as 'the conscious effort of creating an apparatus of control', which was clearly the SPLM/A's ambition.¹² As far as the SPLM/A's liberated ar-

¹¹ 'The bush' is a reference to the war when the SPLA guerrillas were still fighting.

¹² In fact, SPLM/A governance ambitions started in the late 1980s or early 1990s when they first had large territories under their control (Rolandsen 2005).

areas are concerned, the distinction between the pre- and post-CPA period in terms of a state-building process is largely irrelevant.

Other parts of Southern Sudan, Juba included, had however never been under SPLM/A control. In these areas, the establishment of the GoSS, dominated by the SPLM/A's mode of governance, led to tension between the agents that had operated 'inside' the system in the North and the 'outsiders' who came from within the SPLM/A (Badiy 2011). Contention not only arose as to who knew how to deal best with certain issues but also, and importantly, about the resources that came with the CPA. In addition, it was not the entire South that had been aligned behind one united SPLM/A. Differentiations and ambivalent internal relations characterize Southern Sudanese history, affecting current developments in the political and military fields, and challenging peace and security in various parts of Southern Sudan.

Officially, the SPLM is not the same as the GoSS¹³ but, in practice, the two are considered to be interchangeable. Interestingly, on signing of the CPA, many dissidents, militia leaders and others that had fought against the SPLA for years all wanted to become part of the SPLM and share in the ideological, political and financial benefits of victory.¹⁴ The governor of Central Equatoria State (CES) offers an example of how an individual trajectory deserves nuance in the use of labels such as political and military affinity, ethnic background and formal positions. He was governor in Juba when it was still a Northern-held garrison but was allowed to stay in his position after the CPA when he became an SPLM/A member, which indicated not only his personal clout but also the possibility of multiple interpretations of his past.¹⁵

The proposed focus on state agents is similarly complex. At the borders with Uganda and DR Congo, the agents representing state and local levels of government predominantly operate in the region where they originate from and have different personal trajectories than most of the agents representing the powers of the GoSS. Many of those active in the GoSS are ex-SPLA soldiers who often come from the greater Upper Nile and greater Bahr el Ghazal (see Map 1) and are now

¹³ The CPA had provisions for power sharing between political parties. Before the general election in Sudan in April 2010, percentages were fixed. In the South Sudan Legislative Assembly for instance, 70% of the seats were allocated to the SPLM, 10% to the National Congress Party (the dominant party of President Bashir in Khartoum) and the remaining 20% to other Southern political parties.

¹⁴ Especially after the death of Dr John Garang, the new president of the South, Salva Kiir, adopted a more conciliatory approach, offering militia leaders the opportunity to integrate into the SPLA, in some cases with attractive deals to ensure their loyalty.

¹⁵ During the 2010 general election he was the official SPLM candidate in the CES and beat an independent candidate, Mr Lado Goré, in a contested victory.

performing state powers at the border.¹⁶ In subsequent sections I refer to them as 'GoSS agents' or 'state agents representing the central level of government', but many of them consider themselves as (former) SPLA, or Dinka. Obviously not all GoSS agents are ex-SPLA and Dinka but both are examples of aspects of identities that apparently matter, although officially should be irrelevant to the functions individuals might have today. All such issues of personal trajectory and identity influence the way individual state agents perceive and carry out their tasks and thus their contribution to the state-building process. The same is true of agents representing lower levels of government.

The border villages I studied presented an overview of the wide variety of agents that represent the new levels of government in the semi-autonomous Southern Sudan. I perceive these localities as 'pockets' in which the state is being performed. I define 'pockets of state performance' as spatially defined areas where state agents actively perform their powers. There are pockets of 'dense' state performance, which does not imply that performance is effective but only that many state institutions are present. In contrast, there are also pockets where few institutions are operating and which are therefore less 'dense'. Pockets with dense statehood locally host large numbers of state agents that embody the *deconcentrated* powers of central state institutions, thus the GoSS (and the SPLA) headquarters in Juba. These GoSS agencies operating at border checkpoints play a very different role in the articulation of state powers than the state agents representing the *decentralized* levels of local government. The difference between the deconcentrated and decentralized powers of state agents allows an understanding of the nature of the negotiations between them (Ribot 2001; Bizet 2002).

Following the idea that state-building started with the SPLM/A's attempt to create an apparatus of control in its liberated territories, many of the agents operating in the GoSS's deconcentrated institutions at the border are in fact SPLA soldiers who took up civilian functions in the pre-CPA administration of the New Sudan. In that same period, the decentralized agents operating under the SPLM/A administration were partly recruited from locally mobilized chiefs and *boma* administrators. Many were later integrated into local government staff with agents who were working in the administration upheld in Khartoum-held areas and towns. The dynamics in these pockets of state performance at the border thus allow the observation of relations between the Southern Sudanese decentralized and deconcentrated government agencies, which helps in the analysis of the contestation and negotiation between the levels of government and how this impacts on

¹⁶ 'Greater' in Upper Nile and Bahr el Ghazal is a reference to the old Southern division into three large regions. The ten states of Southern Sudan used to be divided into three regions with Juba, Malakal and Wau as their regional capitals. See Map 1.

the everyday practice of state-building (Walraet 2008a, 2008b, 2010; Leonardi 2011; Chalfin 2010).

Understanding this multifaceted process requires analysis of personalized competition between and within governing structures, situations explicitly aiming towards personal benefits, and the immense challenges in building up capacity at all levels. And yet, '[a]ttempting to understand states for what they are and do instead of what they fail to achieve presupposes that one takes "official" state representatives seriously' argue Haggmann and Péclard (2010: 548). I can only agree, which is why I chose to focus on smaller arenas of state-building, for example at the border with DR Congo and Uganda where state agents exercise control over one of the key features of the modern state, namely its international borders.

This study is an attempt to do justice to the complexity of the variety of powers in transition, the changes in the formal positions before and since the CPA, combined with people's official functions that are rooted in and derive from positions in the past. The result is a complex story that builds on both the characteristics of this specific region and its history of war, and the personal trajectories of the individuals on the stage.¹⁷ The central question is: What are the ways in which the Southern Sudanese state is simultaneously being performed and shaped in the border triangle with Uganda and Congo against the backdrop of the transition from guerrilla movement to the semi-autonomous Government of Southern Sudan? The sub-questions are:

- How do the everyday contestations and negotiations relate to the process of state-building?
- What are the characteristics of, on the one hand, the decentralized powers of the local government and, on the other, the deconcentrated powers of low-level state agents representing the GoSS?
- What are the forces at play within the various villages on the border, between these villages and in relation to the centres of power in Yei and Juba?
- How have state agents' personal trajectories, their repertoires, resources and claims of authority evolved in relation to changing force fields of power and perceptions of legitimacy?

These questions will lead to a political-anthropological understanding of power and authority in a process of state-building in a post-conflict society.

¹⁷ The study largely ignores nuances and complexities characterizing other regions in the South regarding the internal divisions within the SPLA and ethnic militias before and after the CPA. See Hutchinson (1996); Jok & Hutchinson (1999); Young (2008, 2003); Arnold (2007); Schomerus & Allen (2009) and Johnson (2003).

CONCEPTUAL DEMARCATIONS

The state at its borders

The African state is a field in which a small number of renowned academics have dominated the debate since the late 1980s (Bayart 2006; Chabal 2005, 2009; Chabal and Daloz 1999; Mbembe 2001). There is often a bias towards the functioning of the state in political centres and on how political elites reaffirm their networks of power internally and in the international system (Herbst 2000; Clapham 1996, 1999; Reno 1998). Many of these scholars are trying to answer either why the state in Africa seemingly functions along different lines to the bureaucratic Weberian notion of the state, which is founded on the premise that the state is a unique entity that is entitled to legitimately use physical force (Weber 1948: 78). This concept, which broadly characterizes the state in Western Europe, supposes that the organization of state power is rational and organized along bureaucratic lines in which patrimonial systems have largely been ruled out. In other words, it is a state that has 'emancipated' itself from the society it is ruling (Chabal and Daloz 1999).

Development agendas usually presuppose a state to be democratic and able to provide services such as healthcare and education to the people, in addition to its vital function of ensuring control over its territory and the legitimate use of force. A state 'fails' or is 'fragile' when it does not have control over its territory and/or the capacity to protect its civilians (Fukuyama 2005). This is, however, a diagnosis that fails to do justice to the sophisticated ways in which political elites and regimes manage to control territories through proxies or the deliberate spread of insecurity (Cramer 2006; Debo 2008a, 2011). Throughout the wars in Sudan and arguably even today, the regimes in Khartoum have organized violence through proxies (Johnson 2003; de Waal 2009a). More problematically, as pointed out by de Waal's analysis of the political market place, it complicates value-free analyses in which differentiation is needed between types of threats and security challenges. A threat to the people, although deeply worrying, is analytically different from a threat to the central state authority (de Waal 2009b: 6).

If control over the territory is vital, it is also an important element in understanding the process of state-building. How should we differentiate between types of threats and the use of violence? The protracted violence, in the form of cattle raiding, tribal clashes and militias, that characterizes parts of greater Upper Nile and greater Bahr el Ghazal is not prominent in Central Equatoria State where I conducted my research. There, the Southern Sudanese state is largely in control. But how then can other forms of violence be understood in this context, for instance intimidation? What determines control and order? As is illustrated below, even in a small area within a county there are variations as to how control is en-

sured and power is exercised. Or does the mere presence of county commissioners, customs officers and the army across the territory imply that the central government is in control? What is considered a threat to the state, and what is a security concern to the people? And, most importantly, who decides on the mobilization and legitimization of the use of violence? What is understood as a security concern and an appropriate response varies over time and place and depends on the authority concerned as the state is not a particularly united, clearly defined institution but an amalgamation of powers and institutions manifesting themselves and being played out in various forms. And consequently, so is order.

Instead of testing one of the various academic diagnoses of Africa's neo-patrimonial, workable, fragile, weak, predatory or criminal state, I depart from an analysis of process to one of a dynamic field of negotiation and contestation. My intention is to develop a lens (Doornbos 2010) that allows one to connect with the practices of individuals towards the larger processes of state-building (Arnaut and Højbjerg 2008). Such a lens requires looking beyond the 'apparently binary world we inhabit, where reality seems to take the two-dimensional form of individual versus apparatus, practice versus institutions' (Mitchell 1991: 94). What is key in this connection is Mitchell's argument (*Ibid.*: 78) that 'the elusiveness of the state-society boundary needs to be taken seriously' because the two produce and reproduce one another. The state should not be seen as a structure but as a *structural effect* of practices that make these structures exist (*Ibid.*: 94). The state as the structural effect of practices is a study of processes of power, disciplinary methods and techniques, both at the level of institutions and that of the individual as the representation of authority (Migdal 1988). Understanding the material and symbolic reality the state and its effect produce on the ground should then be the starting point of the analysis.

This perspective leads to the questions as to how the state, as a conceptual interpretation of power, is represented and becomes manifest throughout the national territory, and by whom it is performed and enforced. This research particularly studied how on the fringes of the territory as it is at a country's borders that the state becomes real in its effects through its performance by state agents. There are many variations in the ways in which borders become manifest but the basis of enforcement lies in the silent and active performance of state powers. Mitchell sees the enforcement of a territorial frontier as an example of 'governmentality', the border as an important characteristic of the modern state (Mitchell 1999: 90; Foucault 2000: 201-222). It needs to be materialized and exploited by agents who are given or who have claimed the legitimate right to enforce such a border.

Most importantly however, Mitchell's 'mundane arrangements' (1991) performed at the border as a characteristic of the modern state are not confined to states alone. The production of the border is a technology of governance performed

by individuals controlling an area and, as a result, has produced a form of state-building in Southern Sudan. The two are mutually constitutive. The frontiers are upheld by (the threat of) force and the production of symbolic meaning by the use of artefacts such as flags, uniforms and roadblocks. The powers are effective by virtue of those individuals, institutions and administrations defining, ascribing meaning to, and practising the border. As such, it places the border right at the centre of the analysis of the state-building process in Southern Sudan.

Related to the question of how symbolic meaning and effective enforcement are produced is the question about who performs and practices the borders. Who is entitled to claim authority? To understand the 'drama' requires understanding its 'protagonists' Sahlins (1989) claims in his analysis of the making of France and Spain at their borders. Approaching state-building as a drama or play that is being performed in and conditioned by its actors facilitates insight into the linkages between individual practice and the state effect. In his famous book on the presentation of the Self in everyday life, Goffman (1959: 17) starts his chapter on performance as follows: '[w]hen an individual plays a part he implicitly requests his observers to take seriously the impression that is fostered before them. They are asked to believe the character they see actually possesses the attributes he appears to possess, that the tasks he performs will have the consequences that are implicitly claimed for it.' Drewal (1991: 3) defines performance as the 'practical application of embodied skills and knowledge to the tasks of taking action in everyday social life'. Performance is a central theme because, as Goffman argues, it allows the observer to see the everyday practice and performance and place it into a larger context of the symbolic meaning it produces. In this case, the articulation of power and authority at border checkpoints is performed by agents who contribute to the state-building process in Southern Sudan.

Power and authority are key elements in the understanding of performance. Both notions, power in particular, are heatedly debated among social scientists. Here I conveniently limit myself to the admittedly limited take on power that roughly follows Foucault's approach. Power should first of all be understood in the set of relationships and the context in which it is exercised, and secondly perceived as a productive force. Authority too should be seen as a relational concept (Lincoln 1994; Barnett 2001; Lund 2006). Authority, Lincoln (1994: 4) argues, 'is best understood in relational terms as the effect of posited, perceived, or institutionally ascribed asymmetry between speaker and audience that permits certain speakers to command not just the attention but the confidence, respect, and trust of their audience, or – an important proviso – to make audiences act *as if* this were so'. After all, the agents performing their power and imposing their authority contribute to the building of the state by moulding, applying, manipulating and ignoring the

state they are building. The actors, state agents and others, through their performances, jointly structure the state (Giddens 1984; Migdal 1988).

Power, repertoires and force fields

Hagmann and Péclard (2010: 544) have developed a heuristic frame with the objective to 'better understand how local, national and transnational actors forge and remake the state through processes of negotiation, contestation and bricolage'. They look into the 'diverse strategies by which variegated actor groups compete, both successfully and unsuccessfully, over the institutionalization of power relations' (*Ibid.*: 545). These negotiations are not necessarily inclusive processes between equal parties: 'Rather it engages heterogeneous groups with highly differentiated assets, entitlements, legitimacy and styles of expression' (*Ibid.*: 545). They distinguish between actors, resources and repertoires to explain the force field of negotiated statehood in Africa, seeing 'resources' as the material basis of performance and action and 'repertoires' as symbolic meanings that can be mobilized and compete in interaction between actors (*Ibid.*: 547). Although they use their framework for a larger arena of negotiation and contestation, I believe they provide a useful set of conceptual tools to describe the very forces and competing claims that characterize a microanalysis of the power arena that are the pockets of state performance I studied. The state agents operating, performing and shaping the borders of the South Sudanese territory in a context of transition can be observed through the 'lens' (Hagmann and Péclard 2010; Doornbos 2010) of unevenly distributed resources and potentially competing repertoires.

This ethnography of everyday state-building at Southern Sudan's borders with Uganda and Congo also requires an understanding of power that allows the linking of individual practices to the powers of the state. In an attempt to frame the analytical steps in decoding these links, I distinguish between individual practice, rooted in repertoires on the one hand and 'force fields' (Nuijten 2005) on the other in which these repertoires are used to exercise claims of authority. The investigation and observation of the resources and repertoires that various groups of actors use in the interaction between them thus facilitate the analysis of locally negotiated power, which subsequently feeds the state-building process in Southern Sudan.

The ways in which the various state agents interpret their role in the functioning of the state can be observed in acts of both active and symbolic performance. It results from the framework of technologies of power provided by the state and the various repertoires an individual embodies. Hagmann and Péclard (2010: 547) consider the repertoires of groups of actors as symbolic references to, for instance, development agendas or different identities as a way of giving meaning to actions or to challenge or defend vested logics of statehood or power. Although I see the

value of their framing of repertoires, I understand them more precisely. They involve meaning and claims and refer to a logic that is recognized at a wider level than just the individual. In addition, a repertoire is geared towards legitimizing action and is embodied in individuals who share values, ascribe meaning to certain actions and recognize logics of authority. It thus entails more than merely an identity: there is an action and performance dimension involved. For instance, the easy resurfacing of guerrilla logic partly as one of the 'repertoires' at play in the South Sudanese force fields of power relations can, in certain circumstances, surface and come to define the actions of state agents.

The way I understand and use repertoires resembles Bourdieu's habitus, and is summarized by Bourdieu (1977: 78) himself as 'history turned into nature'. Habitus can be shared by a group or a class and is embodied in the individual through 'internalized structures, schemes of perception, conception and action' (*Ibid.*: 86). Seen from this perspective, the 'guerrilla repertoire' is an example that is highly relevant to the state-building process in Southern Sudan. It includes dispositions such as the recognition of former hierarchies, the supremacy of security over the rule of law and the application of military values in the performance of a civil task. Other examples are repertoires of traditional authority or ethnic identity. Repertoires cannot be precisely defined as they are fluid and transformative in nature, yet are commonly shared and understood. State agents can also 'shop' between the various repertoires they have at their disposal, which is where a repertoire differs from habitus. However, a repertoire entails more than only driving individual acts of performance, it is embodied and therefore has repercussions on practice. People embody more than one repertoire in the same way that a person has several social roles to play in life (Goffman 1959; Drewal 1991). And because repertoires are shared, they can also be ascribed to others, which impacts on (inter)action.

A state agent at the border with DR Congo was, for example, given the position of immigration officer under the SPLM's New Sudan Administration in the late 1990s. This meant that he took up a task in the civilian wing of the SPLM/A after having been active as an SPLA soldier since he was a child. His past as a SPLA soldier imparted elements of the guerrilla repertoire on him. And his position as an immigration officer became official after the CPA when the guerrilla government was upgraded to that of the semi-autonomous Southern Sudan. These positions were part of a new chain of command in a different organizational set-up and with other requirements for performance. This individual developed another repertoire alongside and partly in congruence with that of the guerrilla soldier's and guerrilla state agent's. In addition to these prominent repertoires, he also has an ethnic identity that includes modes of relating to others, symbolic performance and meaning. The boundaries between the different registers are not always clear-cut and, depending on the situation, bits and pieces of various repertoires will resurface and

be used. This individual and with him many others performing one or more powers of the state today embody the complexity of the Southern Sudanese state-building process. Nuance with regard to the potential ambivalence of the various repertoires present in an individual allows a better understanding of the local contentions. Significantly, it also shows the inherent ambivalence of the transitions that the GoSS has been trying to bring about.

Linking the repertoires of individuals to the state-building process is possible with what are called 'resources' in Hagmann and Péclard's heuristic framework. The performance of the state and the exercise of authority are produced not through repertoires alone but mostly require and combine a material base too, including bureaucratic capacities, the ability to mobilize funding, knowledge and control over physical force and access to state resources (Hagmann and Péclard 2010: 547). These 'technologies of power' are indeed central in negotiated state-building. The set of rules and the knowledge with which state agents operate and also their knowledge gaps regarding procedures and indeterminacies in rules between border crossings are resources that can be activated or mobilized in the force fields that this thesis describes (see Moore 1978).

With the signing of the CPA, access to the state and the technologies of power this produces have become the most important assets or resources in Southern Sudan. This contrasts with the pre-CPA period when the performative elements of the state-like SPLM/A were already present but not accompanied by large financial resources deriving from oil revenues and donor funds. As the border is an intrinsic and essential part of the state, it should be seen through the same lens, although it is a separate resource. In this micro-scale analysis of state-building, the border provides some of the key assets and tools to the practice and performance of the state because it comes with a distinct set of hardware and offers technologies of power. There is also a more unspecified, soft dimension to the resource element. A shared identity, ethnic background or military history related to repertoires should also be understood as a resource. Shared repertoires, as will be shown, provide an essential asset to gaining access and to be allowed into the force field where the state is being negotiated. This highly subjective yet vital resource can only be accessed if one has access to the people with the power to determine which repertoires are dominant. This is how subjective thinking or the idea of ethnic dominance could also be understood. Such soft resources are required to use hard resources. A nuanced appreciation of the repertoires, the resources and the (groups of) actors allows an understanding of the negotiated balance of power between them. This is conceptualized in the notion of 'force field' (Nuijten 2003, 2005).

Force fields of powers in transition

The arenas where actors perform state powers in a context of negotiations involving repertoires and resources are called 'force fields'. I use the idea of force field to bridge individual performance, based on resources and repertoires, to the state-building process in Southern Sudan. The everyday practice of state-building can be understood through the notion of force field, which differs from pockets of state performance because they are not spatially bounded. Nuijten (2005: 2) uses force fields 'to refer to more structural forms of power relations. Force fields cohere around certain problems and resources and lead to forms of ordering in which socio-political categories with differing positions and interests define themselves.' Force fields, just as repertoires, are not fixed but fluid entities. The idea of force fields resembles what Moore (1973) called a semi-autonomous social field but they are more dynamic and fluid. Yet, as she argues regarding her semi-autonomous social fields, force fields have 'rule-making capacities' (*Ibid.*). Nuijten argues that force fields transform social and spatial boundaries and the multiple force fields illustrate the variety in power dynamics. 'In a force field certain forms of dominance, contention and resistance may develop, as well as certain regularities and forms of ordering' (Nuijten 2003: 12). In this analysis of pockets of statehood along the borders with Uganda and DR Congo where state powers are performed, force fields provide the conceptual arena in which space for action and the differential pace of developments are negotiated and defined. The output of these force fields is locally valid but has a structuring (side-) effect on the process of state-building in South Sudan because they can overlap and feed into the larger force fields extending towards the centre of power in Juba, and also to a lesser extent in Yei.

The product of the above mix of actors, repertoires and resources in the force fields is statehood that is produced by powers of a different nature that have evolved over time and space. For these powers to be effective, they need to be acknowledged by their constituents either by force, by law or by authority. In an attempt to understand Foucault's reading of power and domination, Lemke (2003) distinguishes between three types of power relations. 'Power as strategic games' refers to human interaction and negotiated relations between individuals or groups (Nuijten 2005: 2). Everyday interaction amongst individual state agents and in relation to the village and its subjects could be read through this lens. Especially in the somewhat disconnected pockets of state performance, individual interaction largely impacts on the force field with a structuring effect. Yet a clear distinction with the next category is difficult. This is 'government' and implies 'more or less systematized, regulated and reflected modes of power (a "technology")' (*Ibid.*: 5). This 'institutional power' links to the concept of governmentality in which the practice of government results from technologies combined with the rationality of

procedures (Nuijten 2005: 2). In this category, the question is what different types of logic are behind what is considered rational or legitimate? And who has the power to define the logics being applied? These are fundamental questions that deserve to be unpacked and analyzed based on empirical evidence. Lemke's last category is 'domination', or 'structural power' in Nuijten's words (*Ibid.*). It is the 'type of power relationship that is both stable and hierarchical, fixed and difficult to reverse' (Lemke 2003: 5). Foucault uses 'domination' to refer to the idea of the state as a stable entity. Understanding domination this way risks confusion with what is often simply called power. Domination includes asymmetry, while the second category reflects acceptance of the rationality of power.

Observing the situation in Southern Sudan along these lines, one could argue that the GoSS and the SPLM/A are forces of domination. And although the GoSS powers are fairly stable and clearly hierarchical, the other two categories are better suited to grasping the rationalities of power relations in South Sudan today. Unpacking the 'strategic games' in connection with technologies and rationality of procedure seems more appropriate when analyzing the state-building process in South Sudan. The first two categories of power seem to determine the force fields between individuals and institutions while domination still appears more a reflection of an *idea* of the state towards which the South Sudanese ruling elite is working. The old SPLM/A, now transformed into the GoSS, represents this ideology. Yet for the moment, individual claims, discursive practices and the structural effects of everyday performance form the nucleus of Southern Sudan's state-building process.

The categorization helps to understand 'the fine meshes of the web of power' that characterize social life (Foucault 1977 in Faubion 2000: 117), yet a few related concepts deserve more explanation. Authority is one connecting element that is closely linked to power but is more subtle and fragile in its effectiveness (Lincoln 1994; Barnett 2001; Lund 2006). There is a 'grey zone' (Sikor and Lund 2009) between power and authority that has been filled with negotiable space between the rights of individuals and what they have access to. It is in these 'indeterminacies' (Moore 1978) between formal and informal arrangements that authority is an essential element because of its relational character. Neither power nor authority are necessarily individual but can also be held by institutions. 'Clout', by contrast, is used to refer to individual leverage that is imposed and accepted. It is a subjective but useful concept in the description of the every practice of the state, especially because the influence of one individual can, to large extent, determine local force fields. In line with Weber's 'charismatic authority' (Weber 1948: 248), clout thus refers to the effective output of the influence of an individual, based on the repertoires and resources at his/her disposal. The descriptions of the force fields in the pockets of state performance demonstrate that the claims to authority that indi-

viduals make are based on a mixture of domination, technologies and rationalities, but importantly on the clout of their repertoires filling the grey area of indeterminacies that still characterizes much of the everyday articulation of state powers in Southern Sudan.

One of the complicating factors in the understanding of powers and authority is the fact that this is the study of a process. The transition of the SPLM/A into the GoSS as the government of the semi-autonomous Southern Sudan adds to the fluidity of the process. The transition from guerrilla movement to the separation of tasks between the army, the party and the government is difficult because they emerge from the same military elite (de Zeeuw 2007; Clapham 1998, 1996).¹⁸ What types of transitions characterize South Sudan's state-building process? The first was the military guerrilla movement that started to develop civilian (guerrilla) governance, which started in the 1990s. The objective of the civil authority was to support the military objectives of the guerrilla, notwithstanding lip service to democratic intentions and the provision of services to the people. Since the signing of the CPA however, this has implied a separation between the army and the government. In practice, this implied a split in the responsibilities of the SPLM/A's ruling military-political elite into two pillars of a state. The Southern army, the SPLA, could legitimately continue to prioritize internal and external security but the establishment of the GoSS imposed more institutionalized commitment on a decentralized and inclusive vision of society. Many government officials and people in the SPLA saw the CPA more as a ceasefire agreement than as a lasting peace accord. Military objectives risked being prioritized at the expense of the development of public services. Unlike in the pre-CPA phase, the GoSS could be 'officially' held accountable by both the people of South Sudan and the international community. From the same guerrilla movement, and closely related but still different, came the political party, the SPLM, that was supposedly distinct from the army and the GoSS.

The SPLM/A's transition into the GoSS, the SPLA and the SPLM party is occurring in a context in which other transversal issues are also affecting the state-building process in South Sudan.¹⁹ One source of contention in this scheme has been the competition between deconcentrated and decentralized powers. The deconcentrated powers of the GoSS, which are particularly performative at the borders, have claimed the authority and supremacy to protect the often undefined interests of Southern Sudan. Ethnicity and regional affinities, but also generational

¹⁸ Liberation movements took power in, for example, Uganda and Zimbabwe, and guerrillas successfully fought for secession in Eritrea.

¹⁹ The most important external dynamic influencing the transitions is the role of the international community. Its importance may be evident but this thesis has investigated the internal dynamics that were driving the state-building process.

and educational fault lines have impacted on the process of state-building because they are an element in repertoires and, as such, feed into the negotiated force fields. It is essential therefore to understand and analyze who is entitled to define the meaning of a 'legitimate claim' because in everyday practice this results in the constant questioning, testing and redistribution of the powers of the state.

OUTLINE OF THE BOOK

The conceptual framework described above provides the tools to answer the central research question about how the Southern Sudanese state is simultaneously being performed and being shaped at its borders against the backdrop of a transition from guerrilla movement to being the semi-autonomous Government of South Sudan. To provide an answer, each chapter explores a specific element in the transitions that characterize the state-building process in South Sudan. Chapter 2 is methodological in nature and describes the ways in which this research was carried out and the double reflexivity I developed. It allowed me to observe my main role as a researcher, but also as a subject of state performance and of my own fieldwork. At the same time, the chapter provides a first illustration of the way the Southern Sudanese state is being shaped and performed through the lens of the ways in which state agents at various levels interpreted and dealt with my presence. Chapter 3 specifies the geo-historical context in which this research was carried out. Although it by no means aims to be comprehensive, it highlights those elements required to understand the subsequent chapters. Importantly, it contextualizes the Equatorial region and its borders with Uganda and DR Congo in the wider Southern Sudanese context. The importance of ethnic identities, war records and education levels is introduced and linked to the region's complex relationship with the Nilotics, particularly the Dinka and Nuer.

Chapter 4 demonstrates the differential ways in which the state is performed in the various pockets on the border. By focusing on performance, I argue that various forms of state articulation can be observed that differ in nature. These can be understood by considering the resources and repertoires of the state agents in these villages. The second part of the chapter provides a detailed description of Bazi and the interaction between the GoSS agents and their Congolese neighbours and local authorities. Chapter 5 then focuses on the proliferation of state institutions and the way they contribute to, or undermine, the articulation of statehood. This adds a network dimension to the analysis of the previous chapter, as linkages to powers in Juba and Yei show. The convenience of indeterminacies in fuzzy organizational structures and large discretionary powers are illustrated by describing the ways in which government institutions are used, constructed or sidelined to

not only manifest the state but also to allow room for rent-seeking entrepreneurship by state agents and their networks at the centres of power. The chapter particularly focuses on Kaya on the border with Uganda where, despite the fuzziness and the numerous indeterminacies in the force fields described in Chapters 4 and 5, there are also signs of the post-CPA impact of new forces on the border areas. One element where this impact can be observed is at the level of local government, especially the county. Chapter 6 starts with an analysis of the local, decentralized level of government and the second part offers a more detailed analysis of Morobo County, mainly through the lens of the new county commissioner. The close connections between the local government and the SPLM as the political party are also illustrated.

The three chapters demonstrate a highly diversified but workable and determined state coming into being. The fact that the area was under SPLM/A control after 1997 gave the various government institutions time to take root, although everything is still very much in transition. Compared to the force field of powers of the state in Juba, however, the border counties are demonstrating more state-like stability than the frontier society that characterizes the political and administrative life in Juba. This is the topic of Chapter 7, which details the indistinguishable linkages between personal connections, institutions, economic interests vs. security concerns, internal or external threats to the government, the party and/or the army and how they are amalgamating to form a booming frontier town. The argument is that state-building is more rooted at the borders than at the ultimate frontier in the political administrative and military centre of the country in its capital, Juba. This paradox paves the way for the conclusions in Chapter 8 where the research questions are answered and the implications of these conclusions for engagement with South Sudan's state-building process are developed.

2. Subject to investigation

An account of fieldwork

INTRODUCTION

Starting socio-anthropological work in a new 'field' is essentially as much an encounter with the self as one with the new subject of study. Past experiences help. The researcher has the confidence that previously developed capacities and coping strategies will once again ensure the building of relations of trust that are needed to fill the blank pages of his/her notebook with understanding, insights and knowledge. When I first set foot in the dusty promise of what is today an independent South Sudan, I quickly realized that it would feel as if I was starting from scratch. This chapter presents my journey of discovery and serves a double purpose: it is first of all an account of my fieldwork choices and methodology but it also provides an initial insight into the performance of Southern Sudanese statehood on a micro scale. The ways in which agents representing the Southern Sudanese state related to me, and subsequently the ways in which I related to the multitude of representations of the Southern Sudanese state, were illustrative of the process of state-building.

My personal experiences allowed insights into my own unavoidable transition from 'outsider' observing an unknown world around me, to a situation in which I was able to comprehend my observations and, more importantly, where I felt accepted by the people I was researching. This personal transition laid bare some of the indeterminacies in the everyday practice of state powers and the relations between the agents performing them. But more importantly, it raised a number of fundamental questions about doing fieldwork in an environment like this. To what extent was I able to steer my own transition from 'outsider' to 'insider'? What was the validity of my data when people were suspicious about me and had the capacity to condition my research? Such questions will be addressed in the second part of this chapter when I discuss the double reflexivity this evokes, but let us start with the beginning of this journey of discovery.

I had previous fieldwork experience from West Africa. I knew I was able to understand what I was observing, to build relations and learn the basics of the local language. I thought the 'fieldwork repertoire' I had developed in my years in Senegal would ease any confrontations I might have with this new study area. The geopolitical situation in this part of Africa was largely unknown to me but what was more important was, in fact, my lack of experience in a (post-)conflict society. I had never before been confronted with people who had lived through or fought wars. Until my immersion here, I could not imagine the impact chronic insecurity and violence could have on people. In less than two days I realized I would need to develop a new fieldwork repertoire to depart from and build on in order to be able to do my research. My first impressions of Juba and the constellation of people that lived there resembled more my imagination of a refugee camp than the capital of a semi-autonomous country. It was the first place I had seen in Africa where children hardly ever played football, and I never saw a wedding or a funeral taking place in any of the residential areas. To me, this seemed to illustrate the difficulties society was in then and at the same time marked the frontier character of the town: it was not a town to bring your family to but a place to do business and make money. This was all on 23 June 2008 and my first impressions evolved logically over the years. I managed to comprehend at least some parts of the highly complex and diverse Southern Sudanese society. With time, I also developed the required repertoire to relate myself to the people and their concerns revolving around me.

Between June 2008 and April 2010 I spent 13 months in Southern Sudan starting with two one-month periods in 2008 to develop my research ideas. From January to May 2009 I was in Juba, Yei, on the border with Congo and Uganda, and briefly in Western Equatoria. I then went back in September 2009 and stayed until the end of April 2010. I carried out fieldwork in the same border counties, and this allowed me to strengthen the relationships of trust I had started to develop on my first visit (see Map 3). In addition, I had the opportunity to make a few other trips that gave me a geographical overview of the country but also more insight into the political dynamics. I visited Khartoum as it was, after all, the formal capital of the country beyond the level of the semi-autonomous South and visited the North-South border and western Bahr el Ghazal in early 2010.¹ The other months were divided between Juba, Yei and Morobo.

I had a series of questions and topics in mind but as soon as I arrived in the field I realized that these were only going to be of limited use. Initially I started interviewing people within the international community in Juba and, as soon as I

¹ I made an assessment trip along the North-South border with a peace-building NGO called Concordis International in February 2010 and was an election observer for the Carter Center during the general elections in April 2010.

had built up a small network, some Southern Sudanese too. During my visits to Juba I established relations of trust and friendship with many people in the GoSS, Parliament, the SPLA, the CE state government, various revenue-collection institutions and local officers in the Juba county administration. In general, people were quite welcoming and prepared to explain cross-border relations, the history of the border regions, the histories of their wars and the challenges they faced. These first contacts allowed me to sharpen my ideas and to develop my general understanding the political situation in Southern Sudan at that time. Outside Juba, I had planned to adopt the skirmish between the Southern Sudanese and Congolese forces along the border in Bazi a year earlier as an entry point to starting discussions about the work of state agents, the challenges they were facing and their relations with neighbouring authorities and with different levels of government. This was to be more complex than I had imagined.

Unlike Juba, the border villages I planned to visit were not flooded with *khawadjas* (white people in Juba Arabic) working for numerous NGOs, donors or the United Nations Mission in Sudan (UNMIS). While most of my interviewees in Juba were quite free to talk about their jobs and their positions in the hierarchy of their organizations, the border area turned out to be much more complicated as the local agents there were rather suspicious of a white woman, the only one in the area, who claimed to be doing academic research. The agents I met on the border were also low in the hierarchy of their organisations. Of course here too relations evolved over time but things at first seemed much more challenging to me.

Rather than doing straightforward interviews, I tended to mainly work through informal conversations with people as they often preferred just to chat. In the text I therefore make a distinction between 'interviews' and 'conversations' in the footnotes.² In addition to endless chats, interviews and moments of exchange over a beer or a game of chess, much of what is presented here is derived from my observations of the world around me while I was gathering data but also while driving around on my motorbike, walking, sitting and waiting inside or in front of the numerous *makhtabs* (offices) along the border and in Yei and Juba. By the end, I had gathered a rich set of data containing interviews, life histories, observations and conversations but also rumours and personal experiences on themes as wide-ranging as the role and responsibilities of the GoSS, the history of Southern Sudan and the SPLA, the balance of power between the various tribes and potential animosity between them, the difference between formal powers and legitimate claims, the practical room local agents had to manoeuvre, the perceptions of Congolese and Ugandan officers of their Southern Sudanese counterparts and smuggling

² I do not give the names of the people. In some cases it is possible to deduce who I am referring to because of the individual's function but I have deliberately made people untraceable where necessary.

practices. The challenge that came after fieldwork was to distance myself from the data and separate it from my personal connection to the stories behind the facts and practices I had observed. At the same time, these feelings are a source of data in their own right and therefore I should also do them justice and take into account my own role and position towards my material (see Hume and Mulcock 2004). The question that arose eventually was had I been a subject of my own research while carrying it out? What are the academic repercussions of a partly chosen but also partly imposed path in which 'the field' orientates the researcher? These are two questions that need to be answered in this chapter.

REFLEXIVITY RESOURCES AND REPERTOIRES

This investigation fits in a tradition of social anthropology that is inspired by the Manchester School, which built its academic relevance around theorizing by looking at 'the social' (Evens and Handelman 2006). Indeed my fieldwork was based on well-thought-out ideas while it was at the same time essentially intuitive in its execution. But then the question about how to 'extend' and generalize from it arises. Following Max Gluckman's tradition, the Manchester School puts ethnographic detail at the heart of a reflexive analysis in which the researcher plays an integral role (Gluckman 1958, 2006; Burawoy 2009). Gluckman (2006: 17) argues that looking into (a series of) incidents that affect the same group of people or individuals, especially when this is extended over a period of time, allows insight in the changing system of their social relations. Mitchell makes a distinction between a social situation as a collection of connected events taking place over a short period of time on the one hand, and the extended case study in which 'the same actors are involved in a series of situations in which their structural positions must continually be re-specified and the flow of actors through different social positions specified' (Mitchell 2006: 28-29). He proceeds to stress that the particular significance of the method is its processual aspect.

This research works out situational analyses and places them in a time and space perspective. For instance, the same actors constantly renegotiate their position towards others in a rapidly changing socio-political environment. This not only amplifies the processual aspect of the thesis's relevance but also allows reflection on state-building, which is a process of negotiation, transformation and structuration in its essence. Each chapter in this book takes a different angle to observe and unpack the various elements of the process of state-building in comprehensive pieces over time and place. Although this volume is not written as an extended case method but as a collection of 'social situations' that are described in detail, Burawoy's four 'extensions' of the extended case method are a useful

thread throughout the chapters. This chapter describes the first extension, namely the intervention into the life of the participants in the study (Burawoy 2009: 45). The other extensions he describes are over time and space (Chapters 4, 5 and 6), from micro to macro forces (implicitly discussed in Chapters 5 and 7) and finally the extension of the theory (Chapter 8).

This chapter focuses on the extension into the participants' lives. It requires a reflexivity on the part of the observer on the role s/he potentially played in the very situations that were the subject of study. The repertoires of the state agents and how they influence the state-building process is the topic of this research. This also called for me to reflect on my own repertoires and the resources at my disposal during fieldwork (Hagmann and Péclard 2010, cf. Chapter 1). Seen from this perspective, the researcher is an integral part of the field of study, with a personal repertoire that potentially overlaps the repertoires and resources of his/her interlocutors. As with any repertoire, my 'Southern Sudan repertoire' developed over the years, combining locally acquired knowledge, experience, social interaction with values and symbolic claims. It evolved from individual and shared experiences and was constantly developing, based on practice, encounters and confrontations with myself, with others, with groups and with institutions.

I also became more aware of my own 'resources'. In interviews with state agents I could make use of several letters that government institutions had written for me, I used to ride a small motorbike, I learned a bit of Arabic and could legitimately sustain the low-profile image of a PhD student which I thought would be useful given the suspicions state agents seemed to have of me. Quickly I discovered that I had other 'resources' that turned out to be useful too but that I would have never guessed would be of importance. First of all, one ground rule in Southern Sudan is, especially among cattle-rearing people, the taller the better as being tall makes one look strong. Tall, strong women are said to give birth to tall, strong warriors. Being a tall woman, this resulted in people being curious about me despite of the hesitance among people to talk freely with me or grant me an interview. The other resource that facilitated interaction with some state agents was the game of chess. Unexpectedly, there were quite a few young state agents, predominantly Dinka ex-SPLA, who had learned to play chess by 'watching our commanders playing in the bush'. It turned out to be an excellent way of killing the hours and spending time together. Some of the things I thought to be a resource turned out, in fact, to be counterproductive. I will discuss these in more detail later on in this chapter. The ways in which I could value my assets and resources thus developed alongside the maturing of my repertoire.

To embed my own resources and repertoires in the constellation of force fields described in this thesis, double reflexivity is needed. 'Extending into the life of the participant' is not enough. Obviously reflection on the performance and behaviour

of one's subjects of study is needed, which will be discussed in this book. The rest of this chapter however reflects on the impact of this researcher's presence on the behaviour of the state agents encountered and adds a layer of reflexivity to the inverse situation, namely the impact of the *field* on the *researcher* and the way it affected my research path and analysis. The arrival and departure from the field are 'seismic interventions' according to Burawoy (2009: 42), and 'even the most passive observer produces ripples worthy of examination' (*Ibid.*: 44). It is time to account for some of the explicit and unexpected choices I made.

THE TRANSFORMATIVE CHALLENGES OF FIELDWORK

Any anthropological study is likely to face difficulties in organization and conduct. Doing fieldwork in Southern Sudan, as it was then called, could be arguably even more challenging because of its violent history and the volatile situation there at the time. The impact of the civil wars was felt at all levels and in all corners of society. Carrying out fieldwork outside the main towns, in the rural areas or on the border was even more challenging because of the rudimentary conditions, the constant need to assess the level of risk and the volatility of the environment due to arms proliferation and the misconduct of individuals. As a researcher, one is responsible for three different tasks that are separately demanding, extremely tiring and potentially risky in combination. First and foremost, one is responsible for collecting data, which has to be done in accordance with professional anthropological standards, such as transparency, including the informed consent of participants and without putting people in danger. Yet in Southern Sudan, as in many 'awkward spaces' (Hume and Mulcock 2004), the seemingly clear divide between good and bad, safe and dangerous, and manageable and irresponsible becomes blurred. Choices that seemed logical turn out to be irrelevant and people who seem useless become indispensable. It is difficult to keep track of the numerous implicit choices one has to make, often based on serendipity,³ and to understand the implications.

This is additionally challenging in combination with the two other key tasks of a field researcher: organizing logistics and keeping track of security.⁴ The lines between these three tasks are blurred and part of the challenge faced in terms of logistics and security feeds into or becomes an integral part of data collection. Nevertheless it is important to be precise about the separate nature of these tasks

³ The concept of serendipity is based on the idea of the occurrence of unexpected events by chance, yet one that is beneficial to the person who values it. See van der Geest (2007) on the relevance and value of serendipity in medical anthropological fieldwork.

⁴ In 2008-2010 NGOs operating in Southern Sudan had staff employed to organize logistics and other staff members focusing exclusively on security.

and the complexity that may arise from mixing them. During fieldwork one combines these tasks and the repercussions deserve some explanation. I will therefore now explain how these two additional tasks influence what is supposed to be the core business of the researcher.

Logistics and serendipity

Deciding on where to do fieldwork in a context like Southern Sudan results from explicit choices that are methodologically and empirically motivated and on the external risks that might emerge while in the process of decision-making. While preparing for my fieldwork I met a researcher at the Clingendael Institute for International Relations who told me about a skirmish between the Southern Sudanese and the Congolese along the border that had taken place and been resolved just a few weeks earlier.⁵ It was this event that I stumbled on by accident (serendipity) and my fascination with the suggested power of the state through performance and the security threat of the LRA that brought me to focus on the border triangle of Southern Sudan, Uganda and Congo.

The question remaining, however, was how to organize the logistics. Depending on whether I was in Juba, Yei or in the various border villages, I was dependent on many different individuals, NGOs and Southern Sudanese government institutions at various levels that were willing to help. There are numerous details that could be mentioned here about the way my fieldwork was organized. Generally speaking though, it is important to note that there was a system in place in Southern Sudan that facilitated the presence and activities of NGOs and donors who organized their own logistics and transport, including flights.⁶ There were hardly any individuals like me, without the institutional backing of an NGO.⁷ Outside the capital there were no *khawadjas* (white people) operating without an organization behind them. Consequently, I relied on the willingness of those organisations with an operating system in place to take me under their wing, drive me to the border and pick me up again, book me a flight or send me the UN security updates that were only allowed to be read by NGOs and the UN itself. In a place like Southern Sudan, most NGO staff and other agencies understood the difficulties I faced, including the high costs of travel and accommodation, and were therefore willing to help me. Without this generous support, I would not have been able to do fieldwork at all.

⁵ This was a meeting with a Clingendael researcher and the documents he subsequently sent me drew my attention to the fieldwork location. Interview with Evert Kets, The Hague, 27 February 2008.

⁶ The World Food Programme and the UN mission had regular flights by plane and helicopter to the various airstrips in Southern Sudan.

⁷ There were a few independent journalists in Juba and the occasional consultant moving about under the cover of an organization with an office there.

Let me detail one element of serendipity that was important in terms of logistics. Through connections, I was able to get a lift from Juba to Yei with the head of the Norwegian People's Aid Mine Action Programme (NPA) I was about to start fieldwork on the border in the village where the skirmish had taken place but had yet to find somewhere to stay. The five-hour drive to Yei answered all my concerns because not only did the NPA apparently have the logistical means to drive me up and down to Bazi on a regular basis, which was at least another 2 hours' drive from Yei, but more importantly they had a female demining team active in Bazi on the Southern Sudanese side of the village. They had built a camp up the hill and NPA Mine Action promised to give me a tent (Picture 2.1). 'That is by far the safest place to stay in Bazi with only female deminers and security guards at night,' said the programme manager.⁸ A remark that besides solving my accommodation concerns also indicated his personal view of the environment I was intending to do fieldwork in. It was thanks to this lift and the NPA being prepared to help me that I managed to start my fieldwork safely.⁹ I received a lot of support and assistance from many NGOs. This was much appreciated but the NPA was indispensable and it was thanks to them in particular that I could carry out fieldwork on the border in Kaya and Bazi.

There is, however, one issue about linking up with NGOs and being associated with some of them, even if they just provide transport. The question is how the image of the NGO reflects on the researcher. It is an element to take into consideration and yet one is not always in the luxurious position of being able to choose and balance the various public images of an organization before deciding to take a ride or not. In this particular case, I was lucky. The NPA had a long history in Southern Sudan, and had openly taken the side of the SPLM/A. To date, this has given the organization an exceptional legitimacy not only in the eyes of SPLM/A leaders in Juba but also amongst the junior (ex)soldiers and security personnel on the border. Had I not arrived in an NPA vehicle and stayed in a tent at their camp, the people at the checkpoint in Bazi would have been even more suspicious of me than they were. And the mistrust only started when they found out I was not actually an NPA employee but a PhD student. At the time, I was given a ride from Juba to Yei I was not able to see the consequences of what would follow afterwards, but it all worked out to my advantage in the end. Clearly, the management of logistics concerning housing and transport depends on a certain flexibility and being able to grab an opportunity when it arises. In a situation such as that in Southern Sudan, one can only hope that one will see the value of opportunities when they come

⁸ Conversation in the vehicle with NPA programme manager, 28 February 2009.

⁹ Throughout my fieldwork in 2009 and 2010, NPA Mine Action Programme based in Yei allowed their vehicles to drive me up and down the roads to Morobo and Kaya to drop me off and pick me up.

along. Support of the kind I received is invaluable in a situation like this. I will return to the image management and security component in logistical arrangements in the next section. Let me first explain another important logistical – and safety – prerequisite.

This concerns the official authorization to be allowed to do fieldwork. In many countries, formal permission is required and, once in the field, one needs letters to locally underline the approval of the higher authorities. I had not, however, been to the field area before and therefore had a hard time imagining the institutions that would allow such legitimacy. I had little idea then about how suspicious state agents at the border would be towards me. In an environment like the border areas of Southern Sudan this turned out to be even more important and, on several occasions, I was told in encounters with different authorities that it was thanks to my letters that they had not arrested me. I had by chance managed to obtain letters from some authorities that were legitimate enough in the eyes of the local deconcentrated state agents that I was allowed to proceed. The way I managed to get these *warragas* (letters or papers in Juba Arabic) was by no means part of a formal procedure. This is one of the elements that the formalization of procedures that accompany the state-building process had not yet touched upon.¹⁰ The Deputy Principal of Juba University, for instance, could not tell me where I had to get research permission or any other form of authorization.

Since I officially did not seem to need any authorization, I could also not violate any rule. And yet it would have been very difficult to arrive at the border without any official statement signed by an under-secretary on GoSS letterhead. I had to get a letter of some sort to demonstrate I had made the effort. But more importantly, it had to be one that would provide me with some sort of legitimacy in the field. The university had suggested the Ministry of Education but I decided to try the GoSS Ministry of Regional Cooperation as it had a desk for multilateral relations and international NGOs, I knew one name and all NGOs had to go and register in this department. I went to ask if the person in charge could write me a letter of endorsement. Although the department was not relevant to the topic of my research or the types of authorities I would be confronted with in the field or during interviews in Juba, the under-secretary signed a letter endorsing my research.¹¹ The Office of the Security Advisor to the Governor of Central Equatoria State offered to write me another, based on my first *warraga* with its official GoSS

¹⁰ On the need for Southern Sudan to implement the Southern Sudan Research Council Act (SSRC Act, see <http://www.sudantribune.com/The-Urgency-of-Implementing-the,38268>. Accessed 19 May 2011.

¹¹ When the official at the Multilateral Desk at the GoSS Ministry of Regional Cooperation gave me the letter, he said goodbye and ‘good luck with your research and be very very careful. Make sure you dress decently and don’t walk around after dark because in those areas at the border you never know. It is sexual harassment I’m afraid of.’ Conversation, Juba, 23 February 2009.

ministry stamp. This second letter was addressed directly to the commissioners of the counties I wanted to visit on fieldwork and would help ensure access to these commissioners.

My encounters with the various deconcentrated GoSS security institutions on the border made me realize however that the letters allowed me to be tolerated but came with no guarantee that I would be trusted. In summary, they did not arrest me thanks to my letters but it quickly became clear that the local security people in Kaya and Bazi did not consider the GoSS Ministry of Regional Cooperation to be in a position to judge security along the border. The letter from the security advisor to the CES Governor was more legitimate in their eyes because of the commissioner's handwritten approval but it did not represent permission from any of the security services that were relevant to them.¹² Reactions to these letters made two things very clear to me. First of all, they saw me as a security concern but secondly a letter of approval written by the GoSS Ministry of Regional Cooperation was not seen as trustworthy in the eyes of agents representing the Southern Sudanese security institutions on the ground. It was my first insight into the supremacy of military/security concerns over political-administrative judgements.

At the beginning of my second fieldwork period I therefore decided to make sure I had an additional letter. I hesitated between asking the SPLA, which was responsible for the border regions and concerned with military issues, or the police that were responsible for civilians like myself. The latter seemed the best option. Through my network in Juba, I was able gain access to the Inspector General of Police (IGP) at the GoSS Ministry of Internal Affairs who wrote another letter in which he endorsed my presence. This added significantly to my credibility in the field. The Public Security, the Criminal Investigation Department and others all fell under the responsibility of the IGP. They now had a letter from their highest boss in Juba that cleared them of their responsibility for judging potential threats. Each of the three letters cleared different paths of potential objection that locally operating authorities might have had regarding my presence. In addition to the letters, I was occasionally advised/forced in no uncertain terms to organize other 'clearances' to bridge the gaps between the different security agencies.

Although letters and authorization are part and parcel of the logistics to be arranged during fieldwork, they illustrate a few characteristics of the ways in which the state performed in the then semi-autonomous Southern Sudan. Firstly there was the practical need for authorization in a letter despite the absence of any formal procedures for getting one. Secondly, the quest for letters largely depended on a personal, mostly informal network. I was able to organize my own procedures

¹² In a county, the commissioner is in charge of security. The local agents working for the central government in Juba also work under the commissioner (see Chapter 6).

because research permission was one of the indeterminacies in the system. When I came back with the letter from the IGP, the state agents in Bazi in particular felt happier with the situation. With the letters and the help of NGOs, especially the NPA, and others who occasionally provided transport or support, the basic logistics surrounding my fieldwork were covered. This brings us to the second element that a field researcher is responsible for aside from gathering data, namely security.

Personal safety and emotional security

The previous section mentioned the issue of security in various contexts as it relates to perceptions of suspicion and violence but also to real threats and the most elementary tasks of the state in providing security. I make a distinction here between my personal safety and the security situation in Southern Sudan on the one hand, and the ways in which the state agents, my subject of study, considered me a 'security concern' on the other. The latter will be discussed in the next section as it is part of one of the levels of reflexivity mentioned at the beginning of this chapter. Here, I explain the impact of constantly keeping an eye on my own safety and the risks that I encountered while trying to do so.

The difficulty of doing fieldwork in Southern Sudan outside the towns, especially when operating without organizational backing, was that if there were an emergency, nobody would be responsible for my safety or for evacuating me from the area. This resulted in me being in a permanent state of alertness and developing an emotional and logistical flexibility that helped in my new 'Southern Sudan fieldwork repertoire'. I never managed, however, to become completely used to the instant emotional fragility that occasionally hit me. Trivial encounters with suspicion, conflict or sometimes simply days when things went differently than planned could have a disproportionate resonance in the hours and days that followed. Losing one's balance might result not only in losing sight of real-time risks but could also jeopardize the most important research tool, i.e. yourself (Lecocq 2002). Ultimately the only person responsible for managing relations, weighing up risks and taking decisions (including the one to pull out if things became too difficult) was me. There was always the need to keep track on the 'frog in the water' principle where somebody loses sight of the risks being taking.¹³ There is no need for something bad to actually happen for it to feel as though one is being confronted with risks and potential insecurity, a situation that is extremely tiring and at times very confusing too. In the end, the most important security risk is the researcher's emotional balance.

¹³ If a frog is thrown into boiling water it will jump out again immediately, yet if a frog is put in cold water that is then brought to the boil, it will die without noticing what is happening to it. http://en.wikipedia.org/wiki/Boiling_frog. Accessed 17 May 2011.

Alongside my emotional security, there were real risks to be assessed and the biggest I was taking was the fact that I was alone in an environment where people had little reason to trust me. As explained earlier, I was staying in a tent in the female demining camp a little outside the village of Bazi, I did not have a vehicle and the telephone connection was poor. The camp allowed me a relatively easy place to start finding my way in a village where relations between the authorities were tense and my understanding of the complexity still limited. It took me some time to realize that suspicion is often the point of departure in social interaction in Southern Sudan, with occasionally the production of violence as its consequence. The violence I encountered in Bazi was not a physical violation of any kind, but the verbal and symbolic manifestation of their claimed superiority had an impact on me and on occasions made me feel unsafe.

In their introduction to *Fieldwork under Fire*, Robben and Nordstrom (1995) argue that violence is culturally constructed and therefore becomes an integrated dimension in people's lives. Violence does not occur in fixed manifestations. It is transformative and variable depending on the people and cultures materializing, employing, suffering and defying it. According to Robben and Nordstrom following Gramsci (*Ibid.*: 7), 'Violence, force, and power are sublimated in social institutions and cultural conceptions of hierarchy'. I had to find a way to cope with it. I also learned to deal with the fact that my phone was being tapped and became used to waiting for a moment until I heard a 'click' before I could start talking. The impact went beyond technicalities even though that I had nothing to hide. Alcohol was another factor I had to cope with. People drank heavily. In Bazi one Sunday afternoon, the whole village appeared to be drunk. Interviewing state agents in Jalé on the border with Uganda had to start by 14:00 at the latest otherwise many of them would be too drunk to be interviewed.

These challenges, although I learned to deal with them, influenced my research. They impacted on the questions I dared to ask and there were confrontations I tried to avoid. Interestingly, my ignorance at the beginning helped me to start my fieldwork with an open frame of mind. Only later did some self-censorship emerge. This resulted in fieldwork that was carried out under constant reassessments of my emotional stability and ideas of vulnerability towards the state agents representing the powers of the Southern Sudanese state that I was studying in its every practice, including its practices towards me.

The LRA deserves a mention here as a real threat in addition to the argument that security and safety are partially perceptions of vulnerability (Schomerus 2010).¹⁴ Firstly, the LRA's presence limited my potential fieldwork areas. Secondly,

¹⁴ There is an extensive literature on the history of the LRA, but see Vlassenroot and Allen (2010) for an edited volume with the most accurate collection of articles. After the LRA crossed the River Nile from

it affected my emotional balance in two distinct ways and finally, it played a role in narratives on security in the area where I was doing fieldwork, as is discussed in more detail in Chapter 5. On 14 December 2008 after the Juba peace talks between the LRA and the Ugandan government collapsed, Operation Lighting Thunder was launched by the Ugandan People's Defence Force (UPDF) and their partners, namely the SPLA and the Forces Armées de la République Démocratique du Congo (FARDC). The LRA broke up into different sub-groups, with most of them, including the leader Joseph Kony, going to the west of Garamba National Park in the northeastern part of DR Congo. The violence that followed, and still persists today, closed the door on any fieldwork in Western Equatoria in villages along the Southern Sudanese borders with the Central African Republic and Congo.

A small group however fled east in the direction of Aba and Faradje in Congo. During the night of 6 March 2009, the LRA attacked Lutaya, just a few kilometres from the compound where I was staying in Yei. Six people were killed and the people in the area ran into town, carrying their belongings, to stay with family or to camp out in Yei's Freedom Square. The threat of the small group of LRA had already led to a stream of Congolese refugees and a small UNHCR camp across the border in Southern Sudan on the road from Yei to Aba. Now the threat had come even closer to Yei: it restricted the movement of vehicles, UN security levels were heightened and NGOs extended their hours of curfew. The result of being confronted with open violence and the fear in people's eyes were noticeable. Arguably more disturbing for me were the reactions of the county authorities (see Chapter 4) and the realization that I was lucky to be living in a secured compound and had the means to leave the area and go home if necessary. The morning after the attack I felt the impact of insecurity but I had no doubts about the fact that I was safe.

Although the LRA never came closer in physical terms than on this occasion in early March 2009, the threat of its violence played a role throughout and even after my fieldwork because of other people's associations that connected the border area with the LRA. Morobo County, the border area where I was doing research, is on the other side of Yei from where the LRA was and security was not considered an issue there. My risk assessment was based on UN security reports, discussions with the security advisor to the Governor of Central Equatoria State, discussions with NPA Mine Action who helped me to get to Morobo County and many others. Yet friends and people in the international community in Juba saw the fact that I was planning to go to the border as a very risky undertaking, and with the LRA's presence there, the image of the risks only intensified. Although I did not consider my assignment as unrealistic, the constant questioning by people in Juba had an

east to west in 2006, they set up camp in the forests in Garamba National Park in Haut Uelé District in Congo.

impact. I felt I was doing something on the edge of my capacity. Especially in the beginning and shortly after the LRA attack near Yei, I had a hard time convincing myself that I was not being irresponsible. I found myself persuading people of something I was not entirely sure of myself.

This section has argued that although the key task of a fieldworker is to collect data through interviews, conversations and observations, much of my energy and effort were in fact put into its organization, logistics and my emotional security and safety. In the meantime however, I did manage to collect the data presented in this thesis.

RIPPLE IN THE POND OR SECURITY CONCERN

Impressions and data gathering mainly involved sitting, spending time with and interviewing people. In Juba this happened fairly anonymously as there were so many *khawadjas* working in the capital. On the border by contrast, life was rather boring, the number of state agents was high (see Chapter 4) and I was also the only white person in the area. People were happy to have a ripple in their pond as little else was happening most days. At the same time, many of them thought I was a spy. Such an allegation was ridiculous from my ignorant perspective then but later on I understood it when I was indeed openly requested to 'occasionally send an email with relevant information, numbers of troops, movements, locations, nothing special'.¹⁵ But this understanding was lacking when I started out.¹⁶ I naively thought that if I explained my intentions, the state agents would understand and I would then be able to start doing the things I had planned to do.

At the end of my second day in Bazi, I was ordered into the *tukul* (straw hut in Juba Arabic) of the security and intelligence forces, some 100 metres from the checkpoint. There were four desks in the hut, each representing a different office. Three desks were occupied and I was summoned to sit on the wooden bench.¹⁷ Military Intelligence (MI), Public Security (PS) and the National Intelligence and Security Service (NISS) started to question me about what I was doing in Bazi, the questions I intended to ask, the answers I was expecting and how was I going to organize my work. I tried to answer their questions as precisely as I could and took

¹⁵ It goes without saying that I refused this request. Interview with a military attaché in an embassy, September 2009.

¹⁶ On my first few trips to Bazi I was accompanied by a research assistant from Yei. There was little need for translation though as most people spoke some English and, more importantly, his presence only made my relations with the state agents more difficult because of the different backgrounds of the state agents and the assistant. I quickly decided to not take him with me on future visits.

¹⁷ The empty desk represented the GoSS Criminal Investigation Department (CID). This officer had already stopped me the day before.

the opportunity to request interviews with these agents. I believed the skirmish between the Congolese and the Southern Sudanese a year earlier was a good way to introduce my research topic. Although they never refused to talk to me, they did not answer any of my questions. There was just silence, and blank pages in my notebook. What I thought to be a good topic to win their trust and explain my intentions was in fact an issue related to the power balance between the Southern Sudanese state agents and their Congolese counterparts, and was therefore highly sensitive.

The men who were asking questions all seemed young and junior in rank. They were not wearing uniforms, which people working in intelligence prefer, and were serving in the army and the police. There were many state agents in Bazi, predominantly from other regions of Southern Sudan and some had lived in the village since it was liberated by the SPLM/A in 1997. They were part of the liberation movement and now served in other functions, such as migration, customs, police or taxation. They were performing these tasks often without training except for the military training they had received when they joined the SPLM/A. 'Research' and 'student' were not part of their repertoires, which were dominated by the guerrilla logic on which they had been brought up.

I was forced to detach myself from the somewhat distant socio-anthropological position of an outsider observing a field of study. There is nothing exceptional about a researcher being asked about his/her work and how it would be useful to the subject of the study. In this situation however, the answers determined the extent to which I would be able to do the fieldwork. These young men were in a position to have me leave the village. All of a sudden I had to step into the reality of Southern Sudanese state performance: I became a subject of my own research. My carefully formulated explanation of intentions, research topic and motivations were listened to with attention, my letters carefully studied. It started to dawn to me that being the PhD student with genuine intentions was not going to be enough to calm their suspicions. But what was most significant in this situation, and similar ones I later experienced, was that I was being subjected to *their* investigation rather than the other way around.

One taxation officer understood my ignorance and helped me to at least win some trust among his fellow representatives in the GoSS offices. A year later he told me to that he was also the CID officer at the time, something I had not realized. Like most of the others, he had been a child soldier but had later managed to receive primary-school education. For reasons unknown to me, he was less suspicious about 'research' and saw no danger in an investigation into relations with the Congolese and the way the Southern Sudanese organized governance. He explained that he understood that my intentions were genuine and apparently he had some authority over the other agents from the various GoSS offices at the

checkpoint, including those involved in security and intelligence. Thanks to his trust, I was tolerated. He later told me also that in both Kaya and Bazi he constantly had to keep explaining to his fellow state agents what I was doing. His trust resulted in some sort of friendly relationship with the others as well, and after the initial interrogation we found a way of getting on with each other. After all, I had also provided them with a ripple in their pond.

Another ingredient that softened relations between me and the state agents was the chess board. Being tolerated did not mean that I really talked to, let alone interviewed them on the issues I was interested in. But we at least spent time together playing chess. Earlier in Juba, I had played a couple of games with young Dinka guys who explained that chess was a game about war and certainly not about strategy. In Bazi too it was the Dinka men who knew how to play. They instructed me in their approach: chess should be played fast and assertively and the ground rule was *never* to give anything for free. This pro-active, aggressive way of playing was completely different from my understanding of the game. What was most confusing was their willingness to give up important pieces when it could be avoided. Playing chess provided a platform through which we exchanged ideas on the world around us, politics in Africa and the US, Arab dominance in the South and the ways to fight a war. The chess board became a vital and funny tool that allowed me to sit and chat with men who were also partly conditioning my research in Bazi, Kaya, Yei and Jalé. Chess made me 'one of them' and although irrelevant from an academic perspective, it should be mentioned, I never managed to beat any of them in any of the border villages except for one old Dinka soldier in Bazi.

In the other villages too I was confronted with suspicion but because of my first experience I was able to see their questions and interrogation from a different angle. On several occasions when I arrived in an office or a new place, the agent behind the desk would start by stating that he already knew all about me and that I had nothing to explain. I also heard reports of my presence in Kaya via officers in Juba who were told that 'that white lady who says that she's a student, she's very kind and open, pays US\$ 45 for information and likes to eat Ethiopian *enjara* with lentils'.¹⁸ The report was right on every count except for the US\$ 45 and demonstrates not only the effective control of the intelligence services over oddities like myself, but also the constant communication between the centre and the border regions.

By doing fieldwork, the control of state powers could be felt demonstratively and silently. I did not feel threatened anymore towards the end. I developed a way of explaining what I was doing that made it easier for people to understand and

¹⁸ Conversation with MI officer, Juba, 17 December 2009.

yet I stayed conveniently naïve as well. For instance, I once went to visit the superior of the young CID agent who had defended me in Bazi. I thought he wanted me to meet his boss who he respected very much, but only later did I realize that it was probably his boss who had ordered him to bring me in so that he could assess me and my work for himself. Marcus (1998: 122) described the shifting power relations between the researcher and those who are the subject of study. He noted that the field worker may occupy 'a marked subordinate relationship to informants', which impacts on the terms, and thus the limits, of the ethnography. I might have found a way of coping with the situation but to what extent did it compromise my integrity as a researcher that I chose to accept their terms and my inevitable alignment (see Chalfin 2010: 16-17)?

CRITICAL ADJUSTMENTS

The 'extension into the life of the participant', which is Burawoy's (2009) first step in the extended case method, in this case also involved the extension of the participants in my research. It is only through physical and emotional distance that I came to realize the points explained above. My methodological coping strategy, linked to concerns about personal safety, was supposed to be fundamentally distinct from the analysis I subsequently developed. As in any anthropological study, this necessitates a process of dissociating personal relations from the field and its actors from the critical analyses of the observations of which one is part. What was the extent of my presence or impact on the field I was studying? And to what extent did the field impact on me and subsequently steer my research? Clearly the answer to the first question here is fairly well demonstrated. My presence mobilized agents into action. They interrogated and followed me and by doing so I was able to see an aspect of state performance in Southern Sudan that derived from my presence and that would have been difficult to observe had I not been figuring in it. The second question is more challenging. Obviously the stress I felt while doing fieldwork, by being followed, having my phone tapped and being questioned about my movements had an impact on the choices I made. One example is the use of rumours in my data. I heard countless stories about cases of corruption, family connections between agents at the border and directors in Juba, hotels in Kaya owned by generals in the SPLA, etc. Only a few of these rumours have found their way into this account because I never dared to ask about the truth. I was afraid of putting my position in jeopardy if I was seen as being too critical.

In addition to explaining some of my other experiences to complete the picture of my fieldwork, this section has also narrated two important moments of realization that I had and that illustrate the transition I made while doing fieldwork.

Encounters beyond Bazi's security agents

Much of what is described above is based on my initial encounters with my research topic and its protagonists. These influenced the ideas I developed but later I realized that my first views deserved to be adjusted and put into perspective. The steep learning curve I encountered in Bazi allowed me to fine-tune the way I did fieldwork in Kaya and Kajo Keji. Spending time with people instead of interviewing them and being a friend rather than a researcher were factors that resonated in building up other relationships. I learned to see suspicion as part of my research rather than as something threatening or as an obstacle to progress.

What is interesting in this respect is the relationship I developed with the Congolese authorities in Bazi. They formally had sovereign power over one side of the road that bisects the village. The Congolese did not see any threat in answering my questions. Quite the opposite, they seemed happy that somebody was showing an interest in their situation in this remote border region. I hoped to develop good relations with each group of authorities¹⁹ but it required formulating other questions and using different tones when addressing people. Unlike the Southern Sudanese security personnel at the border checkpoint, it was easy to befriend and at the same time interview the Congolese and local Southern Sudanese authorities. However the dominant behaviour of the GoSS agents sometimes impacted on the answers of the local authorities who, for instance, lowered their voices or left out details of stories and rumours when talking to me. The deeply rooted distrust and often discordant relations between GoSS state agents and the other two groups were in fact not only a subject of investigation but also an obstacle to research. My good relations with everybody created added suspicion in the eyes of the GoSS security agents. One could wonder why the Southern Sudanese were so keen to demonstrate only their power over me while the other authorities were more cooperative (de Vries 2011).

The Congolese authorities did in fact have their own ways of demonstrating their power over me. Their motivation was however primarily driven by the potential financial benefit I brought through violation of their law because I was officially on their territory without a visa. They invited me to sit in a bar and talk with a delegation that had especially come to visit Kingezi-Base, as they call it. In the course of a fairly friendly discussion they claimed, after about an hour, that I would have to pay a US\$ 500 fine for being on Congolese territory illegally. We were, in fact, negotiating the price of their goodwill and willingness to provide me with a document they were imposing on me. They clearly did not see me as poten-

¹⁹ I distinguish between the deconcentrated powers of the GoSS active on the border crossing, the decentralized local authorities of Southern Sudan and the Congolese authorities where those representing the national and decentralized powers were combined.

tial threat to Congolese security. They understood that I was doing research and were open to explaining their relationship with their Southern Sudanese counterparts. The difference between the way the Southern Sudanese and the Congolese authorities represented their respective governments is illustrative and indicates the differences in culture of rule and systems of government that were meeting in one little village that straddled the border of two countries. The drivers of these differences are discussed in Chapter 4 and it was particularly due to my regular visits to the village that I was able to observe the changes taking place.

Observations in Bazi were 'extending over time', but they also extended over space. This was Burawoy's (2009: 46) second step in the extended case method. My first visit to Kaya was eased by the fact that I had a connection that could help me get started and by the relative ease of doing research in Kaya, as will be argued in this thesis, which was related to the different character of this busy border town. The performance of the state in Kaya fitted in the new dynamics characterizing state-building in Southern Sudan since the CPA (see Chapter 5). When I started interviews in Kajo Keji, my fieldwork repertoire had developed in such way that I knew how to deal with the inevitable questions and suspicions that my presence generated. In Jalé on the border in Kajo Keji County things were very different once again, but in different ways. I only went there during my second fieldwork period and I felt much more confident in presenting my intentions and myself by that time. Furthermore, I had developed a network of people in the security agencies in Juba and Yei that would be willing and able to help me if necessary. Unlike in Bazi, here I was able to interview the deconcentrated state agents that represented the GoSS. The county police commander did not permit me to start working without the approval of the county commissioner who was away for a few days. I was stuck in the village without permission to work so went to the border in Jalé to meet the state agents and explain that I was going to come to interview them but that I needed authorization first. They all understood my position and started discussing it while we played chess. When I came back a few months later, I had the commissioner's approval and was able to interview them without any trouble. This is another example of serendipity.

Towards the end of my stay in 2010, I finally had the feeling that I was able to steer my fieldwork in the direction I wanted it to go. This was accentuated by two factors that deserve attention as they marked the final step in my understanding of the Southern Sudanese state agents' behaviour towards me, and the extent to which I had integrated the Southern Sudanese perspective in my own thinking about my observations. By the time I was due to return home, my fieldwork repertoire was finally operational.

Confronting 'the North'

In the introduction I explained how easy and convenient it was to consider the South as if it were an independent country, which at the time of my fieldwork was not yet the case. The North did not seem much of a factor anymore in people's daily lives, at least not in this part of Southern Sudan. Relations between North and South were focused on high-level politics on the main stage of the political theatre in Juba and Khartoum. The political elite in the GoSS was well aware that Khartoum's role in the South would only end after separation but to people like me, this was a minor issue. In addition to my visit to Khartoum and conversations with shopkeepers in Juba, I had had little contact with Northerners or the role they were still playing in the South. When I was interrogated by the National Intelligence and Security Services (NISS) in Kajo Keji, I realized how my discourse had become GoSS-oriented when explaining my research to others.²⁰ Without necessarily being aware of it, being confronted with suspicion and the subsequent inquiries by security agents in the South had resulted in the expression of my good intentions. This was more than lip service: I had developed a lot of sympathy for the Southern Sudanese, including their state agents and their efforts to perform their duties.

This was the discourse I put forward when two young Southern boys working for the local NISS office came to my lodge²¹ in the early evening to interrogate me for more than an hour. I explained what I was doing and heard that they had followed me throughout my two visits to Kajo Keji County. I thought my story convinced them of my intentions but they nevertheless ordered me to report to their office the following morning. I was questioned for another hour but this time the major who interviewed me was from the North. He interrogated me in Arabic but my answers were in English so his Southern assistants translated them when necessary. While explaining what I was doing I realized the extent to which I had become used to expressing a Southern perspective. I felt unmasked by this man who in my view embodied the North. All of a sudden, I was thrown back to the first confrontation I had had with the security agents in Bazi when I did not have a story to present. The difference was that in Bazi my sympathy for the South was to an extent a conscious choice I had made, while here in Kajo Keji, I was being confronted with my internalization of this sympathy. I felt at risk again facing this man from the North who I thought was seeking a different explanation of my in-

²⁰ The NISS was one of the services that were still operating under the Government of National Unity, like Customs. In practice, this meant that the two were operating largely separately but officially they were one organization.

²¹ 'Lodge' is the local reference to a small business renting very basic rooms.

tentions than most of his Southern colleagues. Once again the researcher-subject relationship was being turned upside down.

The other interesting realization from this interrogation was that at some point he ordered some papers to be brought. His questioning continued based on information they had found on the Internet. They had googled me and had thus read my research presentation and an abstract I had prepared for an academic conference in 2009 that had been written before I had even started fieldwork. It was thoroughly studied and I had to account for my understanding of 'peripheral' since, according to this man, Kaya and Bazi were not peripheral at all. The mere fact that the security forces can hold researchers accountable based on whatever can be traced on the Internet is something that further blurs the lines between researcher, the subject and the research topic. In this particular case, Google helped me out as the interrogation finished with an open-ended remark; 'an intelligence agent can know from somebody's answers whether that person is telling the truth. I wish you good luck with your studies'.²²

I had done a good job apparently and had told the truth. The question is however whether the truth is all that matters in a situation like this. Could my story also have been seen as invalid? The interview made me realize once more the shaky situation I was in. What if he had not believed me? Or if he had just not liked my story? Being in Southern Sudan without institutional backing not only complicated the logistics and security assessments, it also suggested that I lacked a legitimate reason for being there.²³ But at moments like this, the absence of an organization to fall back on is what feels most problematic. One needs to have one's own vision and make sure that others are convinced of its legitimacy.

The transition from PhD student to researcher

This account of my methodology demonstrates the ambivalence that characterizes fieldwork in a situation like the one I was in. The interrogation described above was one confrontation with the limitations of my capacity to control all aspects of it. Another confrontation with the situation in which I found myself was when I suddenly saw myself through the eyes of the soldiers in front of me.

After a few months in the field trying to explain who I was, I realized that people's distrustful looks were not directed at me as a person. I then understood that the profound suspicion that prevailed was as deeply rooted as my own profound

²² Interrogation, NISS office in Wudu, Kajo Kejo, 5 February 2009.

²³ I felt the difference when I was travelling with Concordis International on an assessment mission along the North South border. This arguably was an even more contentious area but the fact that we were an organization with a small team that had come with an objective made us much more 'legitimate' in the eyes of the state agents we visited than if I had come alone.

confidence in the good intentions of the other. Both formed an opposite but equally valid logic behind the social interaction. Taking two opposite points of departure did not necessarily mean an obstacle to meeting at some point in the middle, at some sort of mutual understanding and acceptance. Once I realized this, my interaction with the people around me felt more balanced. I accepted their suspicions of me as a given rather than trying to convince others how unnecessary their distrust was. It turned out to be a much more effective strategy.

The final step on this journey was when I heard myself explaining who I was to a group of SPLA soldiers in January 2009. Since my first fieldwork period in Southern Sudan, I had expected people to be suspicious of me and therefore found it very convenient that I could introduce myself with as low a profile as possible: I was 'just a student'. Even with the 'PhD' part of the student I was cautious, although I would often add it in the second sentence. Many in Southern Sudan know what a PhD was as some of the most prominent leaders have a PhD and are commonly referred to as 'Dr John' or 'Dr Riek'. This did not imply, however, that people understood what I was researching or the fact that I, at my age, was still a student. In fact I did not want to adopt a higher profile than (PhD) student as it only fed any existing suspicions about me.

After almost a year in Southern Sudan I finally understood why people, especially the security forces, saw me as a potential threat. People had few alternative pictures in mind for a *khawadja* (white person) than an NGO or UN aid worker being driven around in a four-wheel drive. On top of that, I claimed to be a student even though I had made it all the way to Southern Sudan and clearly had the means to buy a motorbike too. All of a sudden it dawned on me how ridiculous it must have sounded to people when I told them I was a student.

In January 2010 I made the transition from 'PhD student' to 'researcher', upgrading my own profile. It was during the CPA celebrations in Yambio that some SPLA soldiers came over to my table and asked if I was a journalist. After all I was writing notes in a hotel where senior SPLA officers were also staying. When I replied that I was a PhD student, I realized how absurd I must sound: being in that particular place at that time was inconsistent with the way I kept presenting myself. If I had been in the soldiers' position, I would not have believed my story either! It was a moment that, in retrospect, allowed me to better understand the way I was being approached. What I had thought was sensible and unobtrusive, namely adopting and keeping a low profile, had instead had the opposite effect.

CONCLUDING REMARKS

This chapter aimed to explain the ways in which I organized my fieldwork, including certain methodological considerations, but also to illustrate how certain characteristics of the Southern Sudanese state-building process resonate in interactions with an outsider like me. I reflected on the crucial balance of combining three tasks: first, the logistical organization of the fieldwork process; second, making risk assessments and understanding security concerns; and third, collecting data, which, after all, is supposedly the key task of a researcher. As already mentioned, the first two had an impact and were a challenge to data collection. Serendipity and flexibility proved essential in the organization of my work. With time, I developed a 'fieldwork repertoire' suitable for the situation in Southern Sudan along the border with Congo and Uganda. This repertoire, combined with the 'resources' I had at my disposal, shaped but also conditioned the way my fieldwork was organized.

The first level of reflexivity that deserves a mention relates to the impact I had on my field of study. My interest in the everyday practice of state-building implied that I had to build relationships with state agents that imposed dominant claims to power and authority in the localities where they were operating. My presence had an impact on their performance as they started to assess, follow and interrogate me. And my coping mechanism for dealing with suspicions about me and the intimidating ways in which I was occasionally approached impacted on the questions on the process of state-building in Southern Sudan that I asked others – and myself.

My anxiety started to condition the questions I asked, which is where double reflexivity comes in. What was the impact of the field of study on the researcher and therefore on the research and the data collected? The fact that I was being confronted with the suspicion of others also fascinated me. I wanted to understand where it came from and I began to find other ways of getting in touch with the GoSS, predominantly former SPLA, state agents. Methodologically, I moved towards making observations rather than interviewing people. I started to play chess and spend time with the individuals I felt nervous being with in attempt to understand them. My association with them embodied a paradox: I had decided that these agents were the ones that deserved to be at the centre of my analysis because of their role in the state-building process but part of this was motivated in my anxiety not to have them feel antagonistic towards me.

This reflection needs to be taken one step further. Was it maybe the other way around and were the state agents in power determining the limits of what I was able to research? Occasionally yes, as for instance when I was not allowed to start interviewing without permission. And in more subtle ways too, this might have

been the case but more importantly, they were just telling me what they would allow me to know. Only with time and thanks to a few individuals who trusted me was I able to learn more about what happened with the Congolese during the border skirmish or how clearance activities were taking place in daily practice. A last dimension to reflections on the relationship between researcher and the subjects of research is that, on occasion, this relationship was almost reversed. When they were interrogating me, I was being subjected to *their* investigation.

Being reflexive in retrospect and taking some distance from the field to be able to interpret the data was not easy. It elicited sentiments of disloyalty towards the agents who had accepted and trusted me. This might seem to suggest an element of Stockholm Syndrome, which is clearly not the case, yet writing this dissertation implies a critical reflection of their behaviour while I am also seeking ways to do justice to the motivation behind their suspicions towards me. This ambivalence is part of the fieldwork process in a difficult place like the border of Southern Sudan with Congo and Uganda, and apparently also part of the analysis afterwards.

The type of state performance I encountered in Bazi was illustrative of elements in the everyday performance of statehood found in various localities. Part of my initial ignorance allowed me to observe the prevalence of a certain logic in behaviour, the degree of suspicion towards me, the territorial dimensions to this and the changes seen over time. As a consequence, the fieldwork conditions and my encounters with the authorities partly determined the direction of my research. The idea that the researcher masters his/her field of study as this way they control the parameters of data collection is always debatable, but in the case of studying the everyday practice of state-building in Southern Sudan this was often an illusion. This leads us to the question of the validity of my data. Although people opened up when I had managed to gain their trust, how valid were their answers? Were my observations conditioned by my stress? The way I deal with this in the following chapters is by contextualizing the data as much as possible and including perceptions of what was observed as part of the analysis. This might suggest the easy way out of a complexity that deserves a stronger stance. But trying to contextualize my findings and observations does, I believe, do justice to the transformations taking place in Southern Sudan's state-building effort and the individuals navigating this process. This study therefore documents a discovery of everyday practices of power and authority in which the researcher played the role of observer, participant and subject.

3. Setting the scene

Contextualizing continuities

Sudan, it may be argued, has no single history; it has multiple histories, a clamour of competing versions of what matters about the past. (Ryle and Willis 2011: 8)

INTRODUCTION

To allow an understanding of the historical and geographical features that have influenced the contemporary social political dynamics of state-building in what is today South Sudan, this chapter emphasizes what matters from the past today. It provides the geo-historical background to the research. Trying to understand Sudan's past starts by acknowledging that there is no one single history (Ryle and Willis 2011). Multiple interpretations of the past can be given to explain today's transformations in South Sudan. Far from being comprehensive, this chapter provides a reading of these numerous histories, in which two main arguments are presented. First of all, relations of dominance and extraction have characterized the socio-political dynamics in Sudan since time immemorial. This marginalization has repercussions in today's state-building process and the history of the Equatorial region is particularly interesting in this respect. The position of Central Equatoria State in South Sudan's political force field today will be discussed in connection with historically rooted ethnic and educational diversity.

Secondly, the chapter discusses how the roots of the SPLM/A's civilian administration can be found in the Equatorial regions and how this has formed the basis of its transformation from a guerrilla government to the Government of South Sudan since 2005. When the Equatoria border area was liberated in 1997, the border checkpoints became pockets of 'state-like' performance by the SPLM/A. The Equatorial region and its borders are, therefore, the centre of this geo-historical contextualization. Its more recent history, especially since independence in 1956, is partly narrated through the life histories of two men. Not only their personal trajectories but also their narratives illustrate these 'competing versions of what matters about the past'.

Today's independent Republic of South Sudan has been the outcome of, at best, very tense relations between the northern and southern parts of what used to be Africa's largest country. There is an abundant literature on Sudan and its early history (Moore-Harell 2010; Johnson 2003; Collins 1971, 1968, 1962a, 1962b, 1960; Fabunmi 1960). Following Sudan's independence in 1956, the South's quest for self-determination was accompanied by war and violence. But long before independence, '[i]n both pre-colonial and colonial history, there was a political construction of Sudan's non-Arab territories, especially the southern region as territories for violent exploitation of resources for the benefit of the imperial occupiers (Turco-Egyptians and the British) and for the economy of the Sudan's Arab north' (Omeje 2010: 172). Even today, discourses on internal politics demonstrate 'path dependent' elements (Mahoney 2000; Greener 2005) such as resentment regarding dominance and the extraction of natural resources by a (military) elite that can be traced back to Southern Sudanese relations with the politically dominant forces of the Turco-Egyptians, the British colonial powers or the Northern political, administrative and military elite (Oduho and Deng 1963).

The vast territory of the South has historically been divided into three regions with occasional competition in the balance of power between them. Greater Upper Nile and Greater Bahr el Ghazal are home to numerous predominantly cattle-rearing populations that belong to the various clans that make up the two biggest ethnic groups in the South, namely the Dinka and the Nuer¹ The Greater Equatorial region by contrast is predominantly seen as a farming area inhabited by mostly sedentary people. Central Equatoria State is mainly Bari-speaking with tribes such as the Bari, Kakwa and Kuku but also the cattle-rearing Mundari.²

The South has been the scene of two civil wars that were fought against the North but that also included intense internal fighting between Southerners. The first war, referred to as Anyanya I, started with a mutiny in Torit a year before independence from the Anglo-Egyptian powers on 1 January 1956. It lasted from roughly 1955 to 1972 and was followed by the 1972 Addis Ababa Peace Agreement that granted the South a degree of regional autonomy. The second war started in 1983 with the founding of the SPLA and ended in January 2005 with the signing of

¹ Johnson (2003: xv) rightly evokes concern regarding the use of the word 'tribe' as it has been discarded in anthropology for being pejorative. Yet in Sudan, it is frequently used and sometimes seen as a reference to a political identity. Johnson defines a tribe as 'the largest unit of political combination of smaller, affiliated, sections' (*Ibid.*). Although in popular discourse in Southern Sudan people often refer to the 'Dinka' or 'Nuer as a tribe, in reality these are large, heterogeneous ethnic groups comprising a number of different tribes at the same time. In the case of the Kakwa, the word tribe seems justified as it is one political identity and part of a larger ethnic group of Bari speakers.

² The Azande and Moro farmers dominate in Western Equatoria. Eastern Equatoria, which borders Kenya and Uganda, has a mixture of farming and cattle-keeping tribes.

the Comprehensive Peace Agreement (CPA). This war was caused by grievances towards the North regarding unresolved issues in the peace agreement and developments in the late 1970s and early 1980s but was also rooted in internal Southern divisions and controversy. These last few paragraphs will have already highlighted some of the complexities in Sudan's history. This chapter aims to root present-day South Sudan and especially its Equatoria region in the past.

THE QUEST FOR CONTROL

For centuries, the vast, empty, swampy territories of Southern Sudan were a patchwork of ethnic groups, tribes, clans, sections and chieftaincies with varying degrees of mutual relations and fluid loyalties depending on the current threat. Few of these tribes were permanent fixtures, although the kingdoms of the Shilluk, the Anuak and the Azande had stricter hierarchical structures (Johnson 2003: xv). Other tribes were organized around lineages, for instance around spear masters among the Dinka and rain makers among the Kakwa. It was Egyptian power that managed to break through the lines of the warrior tribes like the Shilluk in the Upper Nile and the Dinka and Nuer along the River Kiir and started exploring southwards around 1840. The Turco-Egyptian regime started to explore the Southern region 'bringing in its wake European, Egyptian and northern Sudanese merchants and adventurers for the commercial exploitation of the South' (Johnson 2003: 4). They returned not only with reports of the harshness of the climate and the hostilities they encountered but also with news of the region's economic potential, such as an abundance of ivory, copper, gold and iron. Exploration was led by the Ottoman viceroy and ruler of Egypt and was aimed at sustaining their military build-up with slaves and gold from the Southern territories (Moore-Harell 2010; Johnson 2003). Around 1850, the main stations along the White Nile – Gondokoro and Rejaf – that are relatively close to present-day Juba were opened (*Ibid.*).

The demand for labour (slaves) increased in the nineteenth century as a result of reforms in taxation and land reforms imposed by the Turco-Egyptian regime. Domestic slavery, which was a new practice, became widespread in Northern Sudan and slave-raiding and trading continued on a massive scale, reaching a peak in the 1870s (Johnson 2003: 5). It had become a system in which the commercial and military elites joined hands in the exploitation of the South and it was in this period that the foundations for the later North-South divide were laid (*Ibid.*). The Turco-Egyptian regime was defeated by the jihadist army of the self-declared Mahdi whose regime ruled Sudan, including the Equatorial region, between 1883 and 1898. Relations with the South followed the same pattern; and incursions and exploitation of Southern resources continued. The British administration of Southern

Sudan started in 1899 when the Anglo-Egyptian condominium government was established in Khartoum, a year after the final defeat of the Mahdists at the Battle of Omdurman. As early as 1894 however, the British leased part of the Equatoria region to the Belgian King Leopold II.

In short, the first fifty years of external influence in Southern Sudan can be characterized by 'the exploitative nature of the central state towards its rich, but uncontrolled hinterland, [and] the coercive power of the army in economic as well as political matters' (Johnson 2003: 7). It laid the foundations for the subsequent British-Egyptian and the short Belgian rule that followed.

The Lado Enclave 1894-1910

The first state-like government that dominated parts of the Equatorial region was established during the rule of Belgian King Leopold's in Congo Free State. It comprised most of today's Central and Western Equatoria State and West Nile District in Uganda (see Map 2). The southern part of Sudan, the importance of the River Nile and the potential for exploitation of the game and mineral resources, and human labour force did not remain unnoticed by Leopold who had established his own private reign over the Congolese territory.³ The Congo and Nile water divide was explored by the Belgians in the late 1880s (Collins 1962b). In the last decade of the nineteenth century, the territories of Southern Sudan were subjected to European military politics. Leopold's aspirations were conditioned by the two most important European powers on the continent, namely the French and the British. Fashoda in the Upper Nile region represented the intersection between French ambitions to control Africa from Dakar in Senegal to Djiboubi and the British aiming for the Cairo-Cape Town axis. The British government agreed to allow the Belgian king access to the Nile in 1894 (Collins 1962b: Chapter 3). The area became known as the Lado Enclave, named after one of the earlier stations along the Nile north of Rejaf that had become the terminus for the Nile steamers from Khartoum, Cairo and Alexandria.

In practice, this implied that between 1894 and 1910, the British leased the Belgian king a strip of land roughly 350 km long and about 160 km at its widest along the west bank of the Nile with a southern frontier along the shore of Lake Albert in present-day DR Congo (Foran 1958: 125). The parts of Southern Sudan and Uganda's West Nile territory were to be exploited by the king for as long as he wanted them and even when the Congo formally became a Belgian colony in 1906,

³ In 1876 he had established the African International Association to explore Central Africa. Stanley was commissioned to set up some posts along the Congo River. In 1884 at the Berlin Conference, the European powers recognized the flag of the association as a 'friendly state' and a year later the Belgian Parliament endorsed Leopold's personal sovereignty over the Congo Free State (Taha 1977).

the agreement concerning the Lado Enclave between the British and King Leopold was maintained at his personal request (Collins 1968).

Establishing an effective Belgian administration in the area was complex and the Congolese administration only controlled the immediate surroundings of the fifteen stations they established along the river and the roads in the Enclave, as well as a few others in Yei and Kajo Keji. One of the priorities was to link their stations in Congo to the Nile, which resulted in the development of a road from Rejaf to Yei and the Belgian posts in Aba, Dungu and Faradje in present-day DR Congo (Stigand 1923: 37).⁴ 'The king's road was maintained by three permanent labor gangs of twenty-five men each' (Collins 1971: 150). In the end, only three cars ever reached the Enclave and just one completed the journey from Rejaf to Loka (*Ibid.*). The Belgians also developed farms and plantations (Godo 2010), especially in the immediate surroundings of the stations. People had to work as porters and perform other heavy labour. They introduced a 'forty-hours-per-month rule', either comprising labour or an equal value in rubber or ivory or anything else of a value equal to forty hours of labour or Belgian Francs 14 (Collins 1960: 197). The local people tried to avoid both forced labour and the payment of taxes and knew how and where to cross the borders unofficially. The Bari people in Rejaf and Lado for instance played off the Belgian colonial administration on the west bank of the Nile against the Ugandans on the east bank. Collins (1972: 140) noted that: 'frequently the bulk of the tribe ... would live on Congo side to avoid paying hut taxes to the Ugandan Protectorate, while keeping their cattle on the opposite bank to avoid paying tribute to the Congolese'.

The Lado Enclave was renowned for its lawlessness. The officers stationed there were ruthless and their troops were beyond control. The area was particularly well known for its unregulated elephant hunting and poaching in the memories of local people and hunters. In the late nineteenth century, elephant hunting became increasingly restricted all over Africa and confined to certain areas (Leopold 2005a: 112). However the Lado Enclave was an area where poaching was prevalent and few controls were in place. In 1906 King Leopold signed a new agreement with the British to provide for the termination of the Enclave after his death. As a result, further investment in the area stopped and the unpopularity of the station among administrators only increased. By 1907 most of the posts in the Enclave had been abandoned with only five still remaining; Kiro, Lado, Rejaf, Loka and Yei (Collins 1960: 200). Between 1906 and 1907, the strength of the garrisons

⁴ It is remarkable to note the differences in the current road quality with a little more than a century ago. The road from Yei to DR Congo's Aba is extremely bad today. The roads have deteriorated to such an extent that the one connecting Aba and Dungu no longer even exists. These days, especially since late 2008, news about Aba, Dungu and Faradje is always linked to the Lord's Resistance Army hiding in the barely governed and impenetrable regions of northeast DR Congo.

was 'reduced from 30 officers and 1500 troops in 1906 to only 14 officers and 450 men', divided over the five remaining stations (Collins 1971: 156). The rest of the Enclave was abandoned and its final years left bitter memories for the people in the area with hunters and poachers burning villages and using local people as forced labour in an attempt to benefit from the last opportunities for an ivory rush (Leopold 2009). 'It became a playground, and a killing ground, for white adventurers, the last place in Africa in which unrestricted, unregulated elephant hunting was possible' (Leopold 2005a: 10). On 16 June 1910, six months after the death of King Leopold, the territory known as the Lado Enclave was transferred back to Sudan. 'From that date the inhabitants of that territory owed allegiance to the Sudan Government.' (Taha 1977: 78) and it fell to the British to govern this unruly territory.

Enforcing colonial boundaries

The condominium authorities found the Lado Enclave a bit problematic (Leopold 2009: 486). British administrators were facing resistance to their rule in the other regions of the South, particularly among the pastoralists along the rivers Nile, Kiir and Sobat. In the Equatoria area of the Lado Enclave the challenges were different, namely sleeping sickness and border control and enforcement.

Caused by the tsetse fly, sleeping sickness was a major challenge all over Central Africa in the early twentieth century. It was prevalent in the equatorial forests and posed a risk to people all over northeast Congo and the Enclave as it was difficult to control (Lyons 1985a, 1985b). The disease often coincided with food shortages and heavy labour so the colonial powers that exhausted their subjects with forced labour in effect contributed to its spread. Major operations had been launched during Belgian rule in an attempt to control sleeping sickness and this was one of the first challenges the colonial powers faced before the health of the local people became an economic constraint. The British launched a programme to fight sleeping sickness in the border regions with Uganda and Congo by relocating villages and restricting the carriers (both people and cattle) of the disease to where they originated from in Southern Sudan. Attempts were made in 1911-1912 to maintain an eight-km strip along the border between Sudan and Uganda to contain the disease and limit its spread. The area was to be policed and illegal cross-border movements were to stop. Implementing such a zone was more complex than expected and the local people did not respect restrictions in their movement and the scheme was discontinued in 1914 (Adefuye 1985: 56).

In the early years of the British colonial administration in the area, border demarcation and the control of cross-border movements were problematic. The concept of borders and legal boundaries was not a reality that could effectively be

imposed on the local people who had kin and ancestors over a large area and were used to shifting cultivation across the new borders in what they considered their homeland. The Kakwa were the tribe that then inhabited the centre of the Lado Enclave but today are divided between DR Congo, South Sudan and Uganda. The biggest concentration of Kakwa was, and still is, in South Sudan but their ancestors are buried in Uganda's Koboko⁵ (Adefuye 1985). The colonial power had difficulties in preventing the Kakwa from travelling to the land of their forefathers.

A few years into his administration of the former Enclave, which was then part of Southern Sudan, Major Stigand was the person who advised the British-Egyptian condominium government to transfer today's Ugandan West Nile District, which used to belong to Sudan, to the Uganda Protectorate in 1914 when the borders between the three countries were formally changed for the last time. The Ugandan territory east of the Nile at Rejaf, where the Bari people were trying to avoid hut taxes, was exchanged with the southern part of the Lado Enclave's territory belonging to Sudan. A joint commission was formed by the two governments to demarcate the boundary and on 1 January 1914 its suggested boundary was recognized (Collins 1962a: 145; Taha 1977), with the Kaya River forming the border between Sudan and Uganda.

The Kakwa people, instead of being at the centre of the Lado Enclave, suddenly became divided between three different colonial powers as they also extended westwards into the Congo.⁶ In 1922, chiefs representing the Kakwa people in the three countries planted three mango trees on a hill on the border between Sudan and Uganda to symbolize the division of their one people over three countries (Picture 3.1).⁷ In Oraba, on the Ugandan side of the border, the trees still symbolize the divide that became permanent in 1914 when the greater Equatoria region took on its current form.

THE BRITISH 'SOUTHERN POLICY'

The early British administration in Southern Sudan was characterized by 'British civil servants and military men [who] sought to administer order through a strange amalgam of power, understanding, common sense, humanitarianism, and a knowledge of the strange and diverse peoples they governed' (Collins and Herzog 1961: 126). Yet a slow consolidation of basic administration took place throughout

⁵ Koboko in today's Uganda West Nile was the birth place of Uganda's former dictator, the Kakwa Idi Amin Dada who ruled from 1971-1979.

⁶ The Kakwa people in Congo's Haut Uelé District can be divided into two relatively small groups compared to those in Uganda and Sudan: the Kakwa of the Aba area southwest of Yei and the Kakwa in the Kumuru area to the west of Kaya.

⁷ Interview with the LC I chairman of Oraba, Uganda, 17 November 2009.

the three regions of Southern Sudan. Particularly in the regions of the Upper Nile and Bahr el Ghazal '[a]dministration thus took the simplest form of maintaining government prestige and authority through the continuation of coercive politics... [C]attle were extracted not primarily for their economic value, but as a practical demonstration of government authority and as an obligatory sign of submission by the pastoralist peoples' (Johnson 2003: 11). Control was thus limited and based on suggestion more than on effective power over the people.

The British started their 'Southern Policy' in the 1930s when the administration of Southern Sudan had to develop along 'African' lines. It was suggested that the future of the Southern territories ultimately lay with the British East African countries (*Ibid.*). The British approached the South in a similar way to most of their overseas territories, namely through indirect rule, although this differed from the way Khartoum and the North were governed. With the Southern Policy, the already existing divide was reinforced and translated into administrative choices. English was the official language and the weekly day of rest was Sunday whereas Arabic was the official language in the North where Friday was the day of rest. Governance in the North focused on economic development and education of particularly the riverain people around Khartoum, while the emphasis in the South lay on maintaining law and order (Oduho and Deng 1963: 12-13). The colonial power in the South sought to assert control through indigenous structures of authority through chiefs and kings but this was not easy as the majority of the Southern Sudanese had few hereditary authority structures (Leonardi 2007). In attempts similar to present-day efforts to build up a civil society to ensure a legitimate counterpart in development agendas, the British administration 'committed to working through native structures.... felt that they had to create suitable structures in the first place' (Johnson 2003: 12).

Education was neglected, with the only attempt to educate the Southerners being at some missionary stations that taught the sons of chiefs in their own languages (Oduho and Deng 1963). Yet in the eyes of the British, there was the risk of cutting children off from their tribal customs to prepare them to be effective future chiefs in the native administration. Particularly in pastoralist communities, there were hardly any schools except for those run by the Anglican Church Mission Society (CMS) that Christianized and educated people in Bor District from 1905 onward. Among the sedentary tribes in Equatoria and parts of Bahr el Ghazal it was fairly common to receive education at the various missionary schools across Equatoria (Pierli *et al.* 1998), which gave the region a relatively large educated elite compared to the other two areas in the South.

The governments in Khartoum and London decided in 1946 that, contrary to what had been British policy until then, the Southern part was to remain part of Sudan and be governed from the capital in Khartoum. Shortly after World War II,

the British and Egyptians renegotiated their treaty that involved not only Sudan but also the Suez Canal and military bases in Egypt. Egypt claimed sovereignty over the Sudan and Sudanese nationalists, with Egyptian support, pushed for a unity agenda. The British started to transfer their colonial structures in the South to Sudanese nationalists from the Northern elite (Johnson 2003: 21-25) and with the unity agenda came the need for a Southern representative elite to respond to the idea of Sudan's independence and unification with the North. Consent needed to be organized but such an elite barely existed in the South and the few people who did understand what was happening opposed the unity agenda.

The disparity in the educational system and the uneven recruitment into the Native Administration started to be problematic in a context of one Sudan. In an attempt to compensate for the lack of an educated group of people, the British gave quotas to the chiefs all over the South who then started to send boys to school. Most of those who were literate were from Equatoria and they were recruited into the civil service, the police and the army and it was in this capacity that many people from the Equatorian educated elite contributed to the pacification and administration of the pastoralist regions (Johnson 2003).⁸

The British organized the Juba Conference in 1947 to include the views of Southerners in their new policy in preparation for the unification of Sudan. It was merely an exercise and never intended to be more than a suggestion for Southern consent to join the North (Johnson 2003; Oduho and Deng 1963; Okeny 1991). Later, the conference was framed as the moment when the South decided to agree to unification but, in the eyes of many Southerners, unification formalized Northern political domination (Oduho and Deng 1963). The Juba Conference marked the first step in a process that frustrated attempts to have a federal system in which Southerners could safeguard their autonomous status. In the same period, the policy of 'Sudanization' started in an attempt to transfer the administrative and political positions to Northern Sudanese nationals as preparation for independence. Of the 800 positions that were Sudanized, only four minor posts at assistant district commissioner level went to Southerners (Oduho and Deng 1963: 25). Relations between Northerners and Southerners deteriorated steadily from 1953 onwards due to effective Northern obstruction of the South's wish for regional autonomy and the right to self-determination (Johnson 2003: 27). On 1 January 1956, Sudan became independent. The roughly 100 years of external involvement in the Southern territories, brought Southerners little more than a contentious rela-

⁸Even today many Equatorians proudly refer to their long educational background. According to many, their privileged merit-based position at the time of Sudan's independence is little reflected in the contemporary political-military power balance in the South. Equatorian grievances at the loss of their political and administrative dominance still linger today.

tionship with the dominant political elite in Khartoum and memories of exploitation and marginalization.

THE ANYANYA WAR

It happened because the Sudanese Defence Forces wanted to send one battalion of the Equatorial Corps, a group of Southern soldiers who were well-trained by the British, to Khartoum. They had the feeling it was an ambush so instead of going to Khartoum they started fighting. It happened in the morning at dawn. By the end of the afternoon the news had reached Yei. This was done through Radio Transmitters. In the evening in Yei, huts were burning. Shops of the Arabs were burned down and fighting started. Yei was left by its people fleeing to other areas. All the administrators at the time were Arabs and some British. This included the police, administrators, prison guards etc.⁹

On 18 August 1955, mutiny broke out in the garrison of Torit where British officers of the Equatorial Corps had gradually been replaced by Northern Sudanese officers. Tensions had been rising for weeks (Johnson 2003: 27-29) and the violence that followed in other towns marked the beginning of what would later be called the Anyanya Insurgence.¹⁰ Equatoria Province was more affected by the disruption caused by the mutiny than Bahr el Ghazal and Upper Nile because it was predominantly educated Equatorians who were involved. In the other provinces, the large numbers of Equatorial police and soldiers were not regarded with much sympathy. 'Equatorians were not necessarily seen as colonial collaborators and oppressors, but they had been part of the coercive apparatus of the colonial administration. Thus, while the mutiny was an expression of anxiety throughout the South, the mutineers themselves were unable to mobilize that discontent behind their leadership' (Johnson 2003: 28).

The Anyanya movement could be considered as part of Equatoria's regional consciousness. Although violence occasionally erupted in other provinces too during the war, the biggest impact of the first war was felt in Equatoria and many people fled to Uganda and Congo. The man telling his life history had been at school in Yei on the day of the mutiny, which turned out to be his last school day before the school closed. A few years later he would join the Anyanya himself after being recruited from a refugee camp in Uganda. In Central Equatoria, Anyanya veterans are highly respected and seen as the founders of the Southern struggle

⁹ The life history of the security advisor to the CES Governor, Anyanya veteran, (Late) Retired Major General Sudan Armed Forces, Juba, 1 October 2009.

¹⁰ *Anyanya* means 'venom' in Madi.

and consciousness.¹¹ I have met more people in CES who themselves or whose relatives were in the Anyanya movement than Equatorians who fought in the SPLA. Throughout Equatoria, people now see themselves as SPLM but sympathy for this first movement is more deeply rooted.

Although the Torit Mutiny is often framed as the starting point of the first civil war in Sudan, Rolandsen (2011a) argues that the first few years after the 1955 mutiny were a period of increased political tension, with occasional eruptions of violence. Only from the 1960s onwards did the Anyanya insurgency slowly emerge as the armed expression of increased Southern political consciousness and dissatisfaction (Rolandsen 2011b). Anyanya became accepted as referring to several armed groups active in different regions of Southern Sudan, including the Upper Nile region bordering Ethiopia from 1963 onwards. In the early years, the loosely connected guerrillas had little internal organization and no external support. They had difficulty aligning behind one political message: some sought a federal solution to their grievances while others had secession as their goal. The disunity among the military and political leaders of the Anyanya movement also had elements of contention between the three Southern regions once again.

In the 1960s, the lingering conflict in South Sudan became integrated in Cold War politics and the increased self-consciousness of newly independent African states. Uganda and Congo supported elements of the Anyanya guerrilla movement whose political leaders were operating from Kampala and Kinshasa.¹² In the mid-1960s, the military strength and internal cohesion of the Anyanya slowly increased as a result of external international factors. The government in Khartoum tried to support Congo's Simba movement that was operating in the far eastern region of the Congo by shipping weapons overland but the Anyanya captured them and the guerrillas found themselves with vital weaponry they had been previously lacking (Johnson 2003: 31). Idi Amin overthrew Uganda's President Obote in 1971 with the help of a number of Southern Sudanese Kakwa. The Israelis then supported Idi Amin and developed increased interest in the Southern cause after Khartoum's belligerent position in the Six-Day Arab-Israeli War in 1967. Israel's support for Southern Sudan was part of its Middle East strategy and they started to channel arms through Uganda to Joseph Lagu, who was their main beneficiary (Adefuye 1985: 64).

¹¹ In Kajo Keji, an Anyanya War Veterans' Day was being organized for the first time while I was there and was unofficially part of the SPLM's political campaign. The Governor of Central Equatoria was present as were several of his staff who were all veterans themselves (Picture 3.2). Kajo Keji, 6 February 2010. See Chapter 6 for details of the close relationship between the party, government and administration at the local level.

¹² The political support, in particular for the Congo, is remarkable because in the second war, the Sudanese armed forces used Congo as their rear base to fight the SPLA (Prunier 2004).

This external support helped Lagu to unite the movement under the Southern Sudan Liberation Front in the early 1970s. In this capacity, they engaged in negotiations with the Khartoum government in Ethiopia. President Nimeiry, who came to power in Khartoum in a military coup in 1969, used his Minister for Southern Affairs, the Dinka lawyer Abel Alier, to draw up a plan for regional autonomy in the South. A peace agreement was signed in Addis Ababa in February 1972 that allowed the South to establish regional self-government and Abel Alier became the first president of the regional, autonomous South's High Executive Council (HEC).

The Addis Ababa Agreement and the years of peace

Frankly speaking, we were not satisfied with the Addis Ababa Agreement. It was signed on the basis that Sudan was one and we did not want that. Most of our people were taken to the North and Northerners were brought here. South Sudan was given an autonomous government but everything was controlled from Khartoum.¹³

The Addis Ababa Agreement was not seen as a satisfactory accord despite the regional autonomy it introduced, with the security component being the most contentious. Southerners proposed two separate regional armies in addition to a national army, a suggestion that was turned down by the government in Khartoum.¹⁴ The South was not allowed to have its own security forces and the Anyanya fighters were subsequently to be integrated into the Sudan Armed Forces. This was easier said than done and led to frustration among former rebels. While recounting his life history, the Anyanya veteran explained how difficult it was to be integrated into an army that he had been fighting against just a few months previously.

During the integration process there was a chief that came from the North who was registering and evaluating the capacities of the Anyanya. When I joined the SAF I was a Second Lieutenant but in Anyanya I had the rank of Major.¹⁵

But there were also advantages:

While we were fighting we were fighting as independent units according to our tribe, and were not mixed. But when Addis came, we were mixed with other tribes. We worked together then.¹⁶

¹³ Life history of the security advisor to the CES Governor, Anyanya veteran, the late Retired Major General Sudan Armed Forces, Juba, 4 October 2009.

¹⁴ In the 2005 CPA, the SPLA made sure its wishes in this regard would be included.

¹⁵ Ibid.

Others veterans refused to be integrated in the Sudan Armed Forces and went into exile.¹⁷ It was not only the security provisions of the 1972 agreement that were considered unsatisfactory by the Southerners. The regional government was confronted with limited economic autonomy and little capacity to develop the South's resources. Nor were they granted legislative capacities.

Although many were dissatisfied with the results of the Addis Ababa Agreement, both parties were committed to making it work for a few years (Kasfir 1977). The autonomy granted to the South was too limited however and the North did not keep its financial and political promises, and Southern dissatisfaction gradually grew over the years. When oil was discovered south of the regional border in 1979, the Khartoum government started to push the border southwards and Khartoum had a renewed interest in increasing its grip on the South. President Nimeiry increasingly alienated the South in the early 1980s with debates on the division of the South into provinces again, the dismantling of the powers of the HEC and the introduction of Sharia law. He also effectively stirred up the internal divides in the South by arming the tribal militias, a policy that Khartoum still employs in the country's other peripheral regions.

Along with increasing confrontations with the government in Khartoum, tensions were also growing in the South and skirmishes between Equatorians and the Nilotics, particularly involving the Dinkas, increased (Johnson 2003: 43). The Equatorians were also having difficulties with the Dinka-dominated HEC government as they felt that their leading role in the Anyanya movement was not reflected in South Sudan's internal balance of power. The HEC's first president was the Dinka intellectual Abel Alier. In 1947 when the British realized that there were hardly any well-educated Southerners apart from Equatorians, other tribes in the South were encouraged to catch up and with the establishment of the HEC in 1972, this newly educated elite could finally get a position in the regional government. This started to propagate the provincial 'redivision' of the South known as *Kokora* after the Bari word for 'division'. One Dinka man working as a clerk in the HEC explained it as follows:

There was a group who said that the Dinkas were running the South, that there were too many of them in Juba. The political situation became rough and people were talking. In the same period, the Arabs were trying to Islamize the South. From here, the political talk came up, especially among the Equatorians, led by Joseph Lagu. The *Kokora* movement started. At the end of the 1970s these talks became too much. Then

¹⁶ Ibid.

¹⁷ Some Anyanya I veterans went into exile in Ethiopia's Gambella region where other mutinous groups started to join them from about 1975 onwards. Anyanya II never was very successful militarily (Johnson 2003: 60).

Nimeiry decided that the Addis Ababa Agreement was not the Bible and not a Koran so it could be dismantled.¹⁸

The number of Dinkas in the HEC government, administration and security forces led other Southerners to claim that the Dinkas were over-represented. Yet their numbers had been disproportionately low in the years prior to independence and only increased after 1972 when Abel Alier became President of the HEC. Until then, the Equatorians and people from Western Bahr el Ghazal were still over-represented in the civil service, including the police force across the South. Johnson (2003: 52) concluded that 'for those used to the pre-war pattern, the sudden jump in the number of Dinka in government service thus looked unnatural and contrived'. In the words of the Anyanya veteran:

In the beginning we thought that things might stay OK. But of course, later they went wrong. Nimeiry was OK in the beginning but later he started to work on Kokora. Then we found ourselves suddenly divided. Equatorians were left with Equatorians. Dinkas had to move back to their state. Nimeiry dissolved the HEC and turned it back into three states.¹⁹

The issue of Dinka dominance was on the Southern agenda and would remain there throughout the second war and afterwards. Tensions were thus rising on all fronts between 1980 and 1983. An increasing number of people, including soldiers and police from different regions in the South, went to Ethiopia to join the Anyanya II guerrillas who by then had received support from the Derg regime in Ethiopia. After the initial hopes of the Addis Ababa Agreement and the first years of the HEC, renewed conflict was unavoidable. The outbreak of war did not therefore surprise Southerners. In May 1983, a mutiny occurred in the barracks in Bor-town and the Sudan People's Liberation Army was established shortly afterwards.

THE SPLM/ A AND THE WAR IN THE SOUTH

My days in Khartoum were in the period when Dr John [Garang, LdV] was doing his PhD in the US. When he got back, we were together in Khartoum. We were all from Bor and knew each other. The war happened to start in Bor because of a mutiny. Arab forces were moving down to crush the mutiny. When the town was demolished by the gov-

¹⁸ Life history of an honourable member of the Local Government Board who is a Dinka from the Bor area where he went to the CMS primary school in Malek. Interview, Juba, 9 October 2009.

¹⁹ Life history of the security advisor to the CES Governor, Anyanya veteran, the late Retired Major General Sudan Armed Forces, Juba, 4 October 2009.

ernment, I took my wife and my children and went to the village. I left them there and went to Ethiopia. Walking from Bor to the village took two days, from there to Pibor, then from there to Pochalla [on the Ethiopian border LdV]. Many people were coming from everywhere, you would find a group of people, you'd sleep in the forest and continue, until we crossed the border and joined the movement. I was trained as a military officer.²⁰

Dr John Garang and some fellow (mainly Dinka) intellectuals and Anyanya veterans had already been talking about a new movement and launching a rebellion. Although the mutiny occurred earlier than had initially been planned, Garang and others were ready for it. They established the SPLM/A and went to Ethiopia where they joined the remnants of the Anyanya II who had refused to be integrated into the SAF after the first war. The new war developed fast. About 2500 Southern soldiers had defected to the SPLA base by July 1983 and the SPLM/A was ready to launch its spring offensive. About 15,000 Northern troops arrived in the South in the same period (Johnson 2003: 63).²¹

As in the first war, it took a few years to accommodate the various visions under one message and movement and leadership issues had to be resolved in the first few months too. By the end of the summer, John Garang had however emerged as the SPLM/A's chairman. The biggest bone of contention was the South's desire for secession from the North. This was difficult because the SPLM/A were receiving support from Mengistu's Derg in Ethiopia. Struggling with the Eritrean secessionist agenda at home, Mengistu was not going to support a similar ambition by the SPLA. Garang thus developed the idea of a 'New Sudan' that would be realized by regime change in Khartoum. Although his vision became more or less accepted over the years, many Southerners had an explicitly secessionist agenda.

The government in Khartoum were effectively playing with the South's internal grievances, which were related to politics but also a scarcity of resources and cattle raids. The Nimeiry government had had a policy of putting Southerners in command of SAF troops to fight the SPLA. The Equatorian veterans of the Anyanya War who had been integrated in the SAF were thus sent off to fight their fellow Southerners who were now active in the new SPLA war against Northern oppression. To them, the establishment of the SPLA and the start of the new war in 1983 were difficult and created feelings of ambivalence. It was seen as a 'Dinka army' with a complicated objective, while many Equatorians wanted an independ-

²⁰ Life history, honourable member of the Local Government Board, Juba, 9 October 2009.

²¹ There is an abundant literature on the war that started in 1983. See Scott (1985); Johnson (1998, 2003); Johnson and Prunier (1993); Young (2003); Tedt (1994) and a special issue of the *Horn of Africa* (1985 8: 1), including the SPLM's 1983 manifesto.

ent South. There were also still grievances about Dinka domination in the political developments in the South in the years of the HEC (Johnson 2003: 67-69). At the same time they had previously had difficulties being integrated into the Sudan Armed Forces. With the new war they were mobilized.

Physically the body was with Nimeiry but the heart was with the guerrillas. I led five operations. I went to Kapoeta, Torit and Bor, to Yei twice and to Kajo Keji. But my reason for going was not to kill. I would not go to look for them. I would go on the way and if I was attacked I had to defend myself. I was not doing anything to fight them. I was asking God why I was being used to fight my own people. And God listened; he has always listened; I never had to shoot anyone.²²

This officer took study leave and stayed in the SAF headquarters in Khartoum for almost all of the war. Another Anyanya veteran from the Equatorian Mundari tribe who was integrated in the SAF later became the Governor of Central Equatoria State. He established a Mundari militia that received arms from the government in Khartoum, which developed the policy of supporting proxies instead of fighting the SPLA. The Mundari militia allegedly fought the SPLA near Juba. This is one of numerous stories of which different versions circulate:

Clement [the CES Governor, LdV] did something people never knew. Only God knows, Garang knows and he knows. The Arabs would have killed the people in Juba if Clement had not had his forces, pretending to be fighting the SPLA under the cover of protecting the Southerners in Juba. People were against us because they thought we were with the SAF but we were with the SPLA. Clement formed his militias in about 1989 when the movement was moving successfully.²³

It should be clear from this account that it was not easy for Anyanya veterans to fight their fellow Southerners who were fighting for a cause they shared too.

At the same time, the SPLA was not making itself popular in large parts of Equatoria. The maltreatment of civilians by ill-disciplined SPLA troops in Equatoria in 1985 contributed to the unpopularity of the SPLM/A in areas already known for their strong anti-Dinka sentiment (Johnson 2003: 70). The SPLA was seen as an army of occupation (Johnson 1998: 70; Allen 1996). In the late 1980s, the SPLA started to make progress through areas in eastern Equatoria and along the west bank of the Nile.²⁴ The SPLA's successes on the ground came however at the ex-

²² Life history of the security advisor to the CES Governor, Anyanya veteran, the late Retired Major General Sudan Armed Forces, Juba, 4 October 2009.

²³ Ibid.

²⁴ For military purposes, the SPLA divided Equatoria into the West Bank, currently Central Equatoria State and Western Equatoria State, and the East Bank, which is now called Eastern Equatoria.

pense of the local people who had to supply them with recruits, supplies, hiding places and, most importantly, food. When the war arrived in Yei in 1990, two church leaders organized a massive exodus just before it was taken by the SPLM/A. Many moved to Koboko in northern Uganda's West Nile District,²⁵ while others went to Congo. The border area with Uganda and Congo became a no man's land from 1990 onwards.

By 1991, the SPLA controlled large areas of the South but the tide was starting to turn with the fall of the Mengistu regime in Ethiopia in May. SPLA camps had to be evacuated as the movement lost one of its main military and political supporters. In August the same year, three SPLA commanders broke with the SPLM/A mainstream. This was one of the most decisive moments in the history of the movement and had long-lasting consequences in the decade that followed. Riek Machar, a Nuer from today's Unity State, Lam Akol, a Shilluk from Upper Nile, and Gordon Kong, a Nuer from Nasir in Upper Nile, created the 'Nasir Faction'.²⁶ As in earlier controversies, the causes lay in leadership struggles and the unity or secessionist agenda of the movement. All of a sudden, the different factions started fighting each other. The size of the area held by the SPLA decreased quickly and the SPLA's military strength and their already limited political legitimacy eroded (Ofkansky 2000: 200). The commanders who staged the split sought a more democratic leadership and had an explicitly separatist agenda. It quickly became clear that the SPLA-Nasir faction was receiving support from Khartoum. Although their claims may have been valid, they raised their concerns in a counterproductive way that ended up having long-term consequences (Lusk 1992: 31). The combination of internal conflict and fighting that followed caused enormous suffering.²⁷ The widespread fighting in the South has left deep wounds in today's society, including grievances concerning South Sudan's political leaders.²⁸ The Northern policy of stirring up the South's domestic fires proved effective but the split also laid bare the heart of the movement's problems in the early 1990s. It was an authoritarian organization with an unpopular unionist agenda and violent practices. Changes were needed.

²⁵ This is the inverse of a decade earlier when Idi Amin was ousted and many Ugandan Kakwa fled to Southern Sudan.

²⁶ There is an extensive literature on the split and the role of ethnic identities and militias in the war. See Johnson (1998); Jok Madut Jok and Hutchinson (1999); Hutchinson (1996); Young (2003) and Scroggins (2002) on its consequences.

²⁷ The Bor Massacre in November 1991 is the best known.²⁷ Forces loyal to the Nasir faction killed an estimated 2000 people and displaced the entire population of Bor and Kongor. Internal fighting affected the west bank of the Equatorial region to a much lesser extent.

²⁸ The most important example is Dr Riek Machar who became the Vice-President of the GoSS in 2005, and was held accountable for the Bor Massacre by many of the Dinka-Bor.

CIVILIAN AMBITIONS OF A MILITARY MOVEMENT

There was a gap between the SPLM and the people. The army was suppressing the communities. The leadership became aware of the gap and it was decided that a separation between the army and the civil administration was needed. Having a convention was recommended.²⁹

When the SPLA controlled substantial parts of Southern Sudan in the early 1990s, Garang realized that they had to provide some sort of administration.³⁰ In the early years of the SPLM/A, civil administration had not been a priority for the movement's command. And throughout the 1980s the SPLM/A had developed in terms of organization, working on a political message and focusing on its military progress. The issue of the need for a civilian administration never arose because it did not control large swathes of territory. This changed in the early 1990s when it briefly controlled sizeable areas of Equatoria and other parts of the Upper Nile and the Nuba Mountains. Although its military achievements did not last, the question of civil administration was now on the agenda for the first time.

The SPLM/A started to work with the civil military administrators (CMA) in the areas it controlled.³¹ Local populations were jointly organized and administered according to an SPLM/A structure by chiefs, local administrators and CMAs. At the top of the hierarchy were the zonal commanders who handled all aspects of military affairs (Johnson 1998: 67). The type of administration provided by the SPLM/A varied greatly over both time and space (Rolandsen 2005: 65) and had as its primary objective the provision of supplies of various sorts for the troops (Allen 1996: 233). In some areas, what the SPLM/A provided was more than had ever previously existed, as was explained by one of the civil military administrators:

In 1990 I was deployed in the Boya area in eastern Equatoria. I spent at least eighteen months with them. The SPLA was all over Southern Sudan and it was a good moment to start administering the area. There was nothing – no judiciary, no local courts, no

²⁹ Life history, honourable member of the Local Government Board, Juba, 1 April 2009.

³⁰ The administrative vacuum left by the North was limited since it was never seriously committed to the development of local government.

³¹ Rolandsen (2005: 64-71) discusses the question of whether the SPLM/A provided any type of administration in the areas under its control. There are two lines of thought: firstly that there had never been any substantial administration in the SPLM/A-held areas; and secondly, and especially supported by Douglas Johnson, that little is known about the political administrative system of the SPLM/A, which is not the same as there being an absence of a system as such. The SPLA-held areas were in control and not in anarchy, which implies that there must have been a system, according to Johnson (1998).

administration at all. I was the first person to come and administer the area since the British.³²

This quote illustrates the SPLM/A's shift towards providing some form of administration for the people. The intellectuals who joined the movement were given military training and the ones with experience as local government officers were deployed as CMAs in SPLM/A-held areas. In his position as the CMA, he functioned as the intermediary with the movement's command but was also able to make plans to help the people in the area at the same time. Together with an NGO, he established a school-feeding programme that contributed to the SPLM/A's legitimization in the area. Whatever the nature of local government was, 'the nature of local administration probably varied considerably, and was shaped by local circumstances and personalities' (Rolandsen 2005: 71).

Despite this, Garang had to acknowledge that the SPLA's military successes were not accompanied by increased popularity of the SPLM/A among the people. A committee of elders was thus formed with the mission of going to the areas that were liberated to establish what local chiefs and people thought of the SPLM/A, its ambitions and the idea of holding a convention. The same CMA was sent as 'an elder'. It is interesting to note how the SPLM/A used its intellectuals for a variety of non-military tasks. The life history of the honourable member of the Local Government Board illustrates this. After his military training, the local government officer became a CMA in the years prior to the convention, only to be called in as 'an elder' when an appeal needed to be made to the more traditional values and priorities than military dominance of the movement alone.

The first SPLM/A convention in Chukudum in Eastern Equatoria in April 1994 marked an important moment in the history of the SPLM/A (Rolandsen 2005: 98-106). It united around 500 delegates from all over Southern Sudan and the Nuba Mountains, including some of the local chiefs and representatives from the refugee camps in Uganda and Kenya.³³ The movement's internal organizational structure was on the agenda, as was the South's wish for self-determination. At the convention, the need for a civil administration alongside the new military structure was acknowledged and measures were taken to implement this (Johnson 2003: 205). The movement was given legitimacy, not only internally but also by the outside

³² Life history, honourable member of the Local Government Board, Juba, 1 April and 10 October 2009.

³³ Rolandsen (2005: 98-106) discusses the organization of the convention at length, including draft lists of invitees and delegates that he compares with the positions and functions of the 516 people who actually made it to the convention. He concluded that, despite the aim of demonstrating and enhancing the movement's civilian legitimacy, the overwhelming majority of the representatives at the convention were SPLA military.

world, in the South and the Nuba Mountains, which was needed to mobilize sufficient support.

Despite discussions about the SPLM/A's role as a popular movement with civil orientations, its military objectives dominated the discussions. One example of the tension between the two was the issue of chiefs and the judiciary, which was hotly debated during the national convention when the *ad hoc* committee for justice and legal affairs stressed the need for an independent judiciary to protect civilians (Rolandsen 2005: 117). The military wing of the convention opposed this, arguing that there was too little manpower available to establish a functioning judiciary and, more interestingly, that an independent judiciary was not feasible in wartime (*Ibid.*). Rolandsen quotes Salva Kiir, who was at that time the deputy commander-in-chief after John Garang, who said at the convention that 'the New Sudan is not yet available. Let us make laws that are suitable for a Movement not a Government.' The primary objective of the SPLM/A remained military. Nevertheless it succeeded in discussing controversies and suggesting inclusiveness of civilian objectives and the convention became the symbol of a new start. 'The first few years following the National Convention were a transitional period during which the newly established civil government structures had to compete for authority with the two already established organisational structures of the SPLA and the SRRA [its relief wing, LdV]' (Rolandsen 2005: 160). Under cover of the 'New Sudan', a political message and civilian-oriented vision were added to the movement's objectives. This additional layer of civil administration managed to develop more effectively from 1997 onwards when there was relative peace in some of the liberated areas. The SPLM/A was making the transition from being a rebel army to becoming a popular movement (SPLM 1998). The people in Equatoria slowly started to support the SPLM/A, although local contestations were still prevalent (Branch and Mampilly 2005).

LIBERATING THE BORDER TRIANGLE

In the camp, Ugandan rebels from the West Nile Bank Front were looting and disrupting life generally. Refugees were running here and there. God heard the crying of the people in the camp. The news that the SPLA was fighting in Kaya came as a dream; we could not believe it. When confirmation came that Kaya was liberated and the SPLA were proceeding to Yei, refugees started to self-repatriate. Most of them left on foot or on bicycle, leaving behind most of their possessions.³⁴

³⁴ Interview with a local administrator for Bazi, Juba, 24 January 2010.

The SPLM/A launched a major offensive against the SAF in March 1997 and gained control of the Central Equatorial border areas of Kaya, Bazi, Morobo, Yei and Kajo Keji. Throughout the 1990s the area had been the scene of the Sudanese civil war but with a regional dimension. Fighting between the SPLA and the Sudan Armed Forces in the border area became intertwined with armed movements in West Nile Province in Uganda and a civil war in Zaire, as today's DR Congo was then called. Two groups of allies were active in the region. On the one hand there was the SAF that was collaborating with Mobutu's forces in Zaire fighting Laurent Kabila in the east, and the Ugandan West Nile Bank Front, which was fighting Museveni's regime in Kampala (WNBF) (Prunier 2004). This alliance controlled the area from the Ugandan border to Yei and Bazi was occupied by the WNBF. The second group of allied forces was made up of the SPLA and the Ugandan People's Defence Force of President Museveni and the Kabila rebels in Zaire.

The tide turned in March 1997 in favour of the SPLA. It arrived in Kaya on 9 March and, following heavy fighting, the enemy dispersed within three hours.³⁵ Two days later, the SPLA liberated Bazi. There was little resistance and about 600 WNBF rebels and one SAF company fled in the direction of Morobo and Yei, which would be liberated a few days later. Liberating the border area was vital strategically for the SPLA as it opened up a route to the western part of Equatoria. The Kaya-Bazi area was thus placed under tight SPLA control, including areas in Congo, a situation that was maintained until the signing of the CPA (see Chapter 4). As the previous quote indicates, the SPLA managed to regain some credibility among the local people, many of whom were living in camps in Congo and Uganda. This was helped by the fact that refugee life in Uganda was not easy either (Allen 1996). The Ugandan rebel groups, the Lord's Resistance Army on the east bank and the WNBF on the west bank of the Nile, were receiving support from Khartoum and were attacking the Southern Sudanese refugee camps in northern Uganda. People thus started to return to their homes in Morobo and Yei. Although the SPLM/A could not provide much for the returning refugees, its relief wing, the Sudan Relief and Rehabilitation Association (SRRA), welcomed them back. When the area stabilized further, the SPLM/A moved its headquarters and administration to Yei at the intersection of the roads to Uganda and Western Equatoria. This became the centre for the movement's relief and political operations that had previously been based in Kenya. The SPLM moved part of its administration from Nairobi to Yei and the town became the unofficial capital of the SPLM/A's New Sudan and slowly developed some semblance of organization, with 'secretariats'

³⁵ This account was given by the brigadier general who commanded the operation in 1997. He was an MP in the GoSS between 2005 and 2010.

functioning as state-like ministries, a customs and taxation department and the laws of the New Sudan.

Even though the SPLM/A had adopted political reforms and introduced civilian structures, it was evident that those in charge had no intention of losing their control of its military objectives or of allowing any opposition to its leadership. Local administration or local government was first and foremost a military affair, combined with a powerful relief wing (the SRRA) that was managing all foreign aid. The former CMA and later the commissioner of Morobo County summarized the tension between the civilian and military objectives as follows:

A civilian administration was established but of course the army still had the upper hand. We had to gradually explain that the army had to be there to oversee security issues and that the civilian administration was there to actually govern the area.³⁶

There was a certain ambiguity between the SPLM/A's military objectives and its provision of a civilian administration under the New Sudan. In some localities people started to organize their own local administration under the movement's civilian administration. '[I]t is within the framework of a functioning civil administration throughout SPLA-controlled territory that one can find the answer to the overall success of the SPLA in securing and holding on to large sections of the rural civilian population ..., despite the overwhelming military nature of the movement' (Johnson 1998: 65). It is in this border area, with Yei as its capital, that some of the characteristics of today's government were laid. Unlike in other parts of Southern Sudan, the west bank of the Equatorial region was fairly stable from 1997 onwards.

HEADING TOWARDS THE CPA

Factional fighting intensified in the rest of Southern Sudan in the years after the split in 1991, especially among various Nuer groups in Jonglei, Upper Nile and Unity States where fighting was particularly fierce. Khartoum supported all the belligerent parties, with the aim of sustaining unrest amongst them (Johnson 2003: 111-126). From 1993 onwards there were several attempts at peace and mediation. The Intergovernmental Authority on Drought and Development (IGADD)³⁷ initiated an attempt at mediation but without much success (Young 2007). At the time, the SPLM/A was mainly trying to recapture places in Equatoria and parts of Bahr

³⁶ Interview with former commissioner of Morobo County, Yei, 24 April 2009.

³⁷ The IGADD changed its name to Intergovernmental Authority on Development (IGAD) in 1997. Members of the Djibouti-based body are Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda. The Republic of South Sudan became a member in December 2011.

el Ghazal from the SAF, while other factions were in control in the rest of the territory. Riek Machar, who had led the SPLA-Nasir faction after 1991, negotiated a peace agreement with the government in the North but this Khartoum Peace Agreement of April 1997 never gained much legitimacy, partly because the SPLA never joined it (Johnson 2003: 122). The agreement did have one important clause, namely the right to self-determination for the South, which would turn out to be important in later negotiations. The agreement was, however, not successful, which led to the further decline of Machar's position in the South Sudanese political military arena. This finally led to reconciliation between Garang and Machar in 2002, eleven years after their original falling out. But it also brought the issue of self-determination back among the ranks of the SPLM/A. Garang stuck to his vision for a New Sudan, while Machar was determined to give the Southerners the right to self-determination. How to accommodate the two visions was still a matter of internal debate.

When the Bush administration in the US started to see the conflict in Sudan as part of its War on Terror after 9/11 (de Waal 2002), peace negotiations, which had started under the auspices of the IGAD and led by Kenya, were revitalized. These talks, combined with global interests in Sudan's oil reserves in the border area between North and South Sudan resulted in the first protocols of the upcoming CPA. The Khartoum Peace Agreement's note on the right to self-determination was used in the so-called Machakos Protocol of July 2002 (Johnson 2011) although its precise interpretation still needed to be worked out (Johnson 2003: 178-179). After a few more years of intense negotiations, the Comprehensive Peace Agreement was signed between the SPLM and the Government of Sudan on 9 January 2005.

A six-year interim period then started in which the SPLM/A had to transform itself into a political party and a conventional army and form the semi-autonomous Government of South Sudan (GoSS). Other provisions in the agreement were that the SPLM/A would join the Government of National Unity (GoNU) in Khartoum; the President of South Sudan would have the position of First Vice-President of the GoNU; and national elections would be organized in 2008. Most importantly, at the end of this six-year period, a referendum was to be held when the South could opt for secession. John Garang was sworn in as Vice-President of Sudan on 9 July 2005, six months after the signing of the CPA. Three weeks later he died in a helicopter crash in the mountains of eastern Equatoria after visiting Uganda's President Museveni. Salva Kiir, his deputy in command, replaced him as President of the GoSS and Vice-President in the GoNU.

With the CPA, a period of peace 'broke out' in the Southern territories. The SPLM/A had signed an agreement that the two parties would try to address the shortcomings of the Addis Ababa Agreement of 1972. The GoSS was to receive 50% of national oil revenues and was responsible for the security of the South and its

borders on behalf of the Government of National Unity. At the same time, the Southern challenges were huge, especially in terms of security, demobilization and disarmament. The CPA proposed the integration of the 'other armed groups' into either the SPLA or the SAF and Salva Kiir managed quite successfully to accommodate most of the larger militias and integrate them into the SPLA (Johnson 2009: 47; Rands 2010).³⁸ The young party and the government also faced challenges of governance at all levels and in all fields. These are discussed in the following chapters. General elections took place in April 2010, two years after the originally intended date, and Salva Kiir became the elected President of South Sudan, with Riek Machar as his Vice-President. With the death of John Garang, the contentious issue of the unity agenda was replaced by an openly propagated secession. To the surprise of many, the referendum was held on time and the Republic of South Sudan was born on 9 July 2011.

CONCLUDING REMARKS

The voices of the two men presented in this chapter illustrate their different personal trajectories and how this divergence resonates in the way they see South Sudan's history and the developments that have taken place there since the CPA. They were both able to go to school, one in Yei area, the other in Bor. The Kakwa joined the Anyanya and when it later integrated into the Sudan Armed Forces he had to live with the idea that others might blame him for having once fought against the SPLA. When listening to his account, the pain of these facts and the integrity with which he tried to deal with the situation is evident. The Dinka was one of the few who had the opportunity to go to school since education was less common in the Upper Nile region. He then worked as a clerk in the HEC government and was one of the new Dinkas who began to dominate the political scene in Juba in the years of peace that followed the Addis Ababa Agreement. The way the two men see themselves compared to the way they risk being perceived by others shows the nuances in the challenges in South Sudan today.

This chapter aimed to provide the geo-historical background needed to fully understand the following chapters. Two important arguments were clarified: firstly, the regional specificity of the border area and the Equatorial region compared to the other two regions of South Sudan; and, secondly, the history of the SPLM/A and the developments taken towards establishing civil governance in the areas under their control as well as the movement's military objectives. This chapter illustrated how the roots of South Sudan's state-building process can be found

³⁸ The most important were the Bul-Nuer forces of Paulino Matip from Unity State, who himself was given the position of deputy commander-in-chief.

in the guerrilla's governance of the 'New Sudan' that emerged in those parts of Equatoria that were liberated by the SPLM/A in 1997.

The Southern territories, i.e. present-day South Sudan, have always been characterized by an absent state. During colonial rule, little if any investment was made in infrastructure, education or healthcare facilities, a situation that still persists today. The South was used as a territory for extraction – from slaves and ivory in the nineteenth century to gold and oil, which was discovered in 1979, today. This has led to deep-rooted feelings of marginalization that still linger. At independence in 1956, there was barely a system of government and no Southern elite to take on the tasks of administering the South. In Migdal's (1991) classic terms, the 'state was weak', it had limited capacity to control the people, let alone to provide them with even basic services. Southern Sudanese society, on the other hand, had a much stronger cohesion but was characterized by regional and ethnic affinities. This is still a persistently dominant lens through which both the South Sudanese and the international community view South Sudan today. The role of regional or ethnic identities is undeniably a factor in state-building (Branch and Mampilly 2005; Berman 1998). But they need to be carefully contextualized to allow a more nuanced perspective than simple accusations of 'Dinka dominance'. There are still questions today as to who has been on which side, when, and to what extent these positions were justifiable. They are debated in discussions about and among politicians but also impact on relations between people. Divided the Southern Sudanese may be but they have always been united in their feelings against the North. Paradoxically, everybody sees themselves as an SPLM member today and everybody fought for a free and independent South Sudan despite the fact that during the war Southern militias and factions fought amongst themselves too.

In the Equatorial region, the national borders and colonial powers saw changes around the turn of the twentieth century. The borders were fixed in 1914 and the British governed the territory under the Anglo-Egyptian condominium. The area and the people were relatively easy to control then compared to those in the Upper Nile and Greater Bahr el Ghazal region. This was reflected, for instance, in the relatively large group of educated people there compared to the rest of the Southern territories. As a consequence, in the first years following independence, the Equatorial educated elite were dominant in administrative and security functions but this dominance came under pressure during the 1970s when many Equatorians felt the Dinka were dominating Southern regional politics. With the HEC, the number of Dinka in Juba and in the administration increased significantly. This is a perspective that many Equatorians also projected onto the SPLM/A and, since the CPA, on the GoSS.

The roots of the SPLM/A's civilian administration were also contextualized in this chapter. The border area, which was once ruled by King Leopold II and where

sleeping sickness was a serious health issue, was later abandoned during wars in Uganda and South Sudan. However after 1997 the area was where the SPLM/A's civilian administration began to develop and Yei became the seat of the SPLM's New Sudan Secretariat. As will be demonstrated in the following chapters, elements of the GoSS state-building process that emerged after the CPA are in fact rooted in the guerrilla governance that developed in the research area after its liberation in 1997.

4. Pockets of performance

The invention of incidents in Bazi

INTRODUCTION

This chapter zooms in on the various forms in which the South Sudanese semi-autonomous state manifests itself along the borders with Uganda and DR Congo. After the historical overview in the previous chapter, this chapter starts with a description of the border region by sketching the characteristics of the villages and towns investigated. The spatial features of the border are demonstrated and put in a context in which the state agents operate and shape the powers of the Southern Sudanese state. According to Sahlins (1989: 2), it is at the limits of a territory that the 'state's territorial competence finds its ultimate expression'. The presence of the border does indeed allow for the representatives of the state to enact, conduct and manifest the types of state power. This chapter illustrates how the area and the border itself show the various ways in which the state is expressed in different localities.

These localities are conceptually defined as 'pockets of state performance', by which I mean those places where the powers of different levels of the state can be observed. The idea of pockets in Development Studies is linked to 'effective agencies' (Leonard 2010; Roll 2011) but I have a different understanding: pockets of state performance are spatially defined areas where state agents actively perform their powers. These pockets are found in the middle of a territory where the state is 'distant' (Bierschenk and Olivier de Sardan 1997). There are pockets of dense state performance, which does not mean that they are effective, only that many state institutions are present in contrast to other pockets where few institutions are working and are thus less dense.

This chapter is divided into two parts. The first provides an overview of the pockets of state performance along the border and shows the different paces that can be observed in the various pockets. I also try to define what is needed for the state to be performed. The presence of a checkpoint would seemingly provoke activity but then there are still large variations in the local force fields in which these

state powers are demonstrated and performed. How are, for instance, pockets connected to other pockets where the state is performed, or can they also operate in isolation? Pockets of state performance are characterized by a differential pace, often despite their proximity. And they consequently illustrate different aspects of the state-building process.

The second part of this chapter focuses on one of the pockets of dense state performance: the role of state agents in Bazi in the production and negotiation of statehood. This is detailed in the specific context of the border with DR Congo as a space at 'the intersection of state and society' (Sahlins 1989: xvi). The presence of Congolese authorities contributes to the force field, which favours situations in which the Southern Sudanese state agents perform their powers. The dynamics between the different (categories of) actors are detailed to allow an understanding of the ways in which state agents need to invent or create situations that legitimize the exercise of their authority. As will be shown, this authority is not necessarily derived from the formal powers that the institutions in which they are active provide but is rooted in a logic that was dominant in the SPLM/A guerrilla in which they were active and that allowed them to achieve the position in which they now perform the GoSS powers. In this logic, the issue of security turns out to be a powerful legitimizing force. This will be detailed through an analysis of an afternoon of skirmishes between the Congolese and the Southern Sudanese. The mixture of state agents on both the Congolese and Southern Sudanese sides with divergent interests in producing or manifesting their respective states creates a negotiation dynamics in which all 'protagonists' (Sahlins 1989) play a distinct and mutually reinforcing role.

The chapter also demonstrates how the performance of the state, through its agents, is connected to the border. The variations between these pockets along the Ugandan/Congolese border are shown. How do these different pockets of state density along the border relate to the centres of power in Juba and Yei? The chapter concludes by arguing that the border provides an excellent scene to study the performance of locally crafted authority. The agents operating in these pockets on the border base their claim to authority not solely on their formal powers but mix it with locally produced and negotiated claims. The mere fact that the state is being exercised on the border, irrespective of whether this performance contributes to or undermines the authority of the state, feeds into the process of state-building. State agents use different sets of legitimate claims depending on the connectivity of their particular locality to the centres of power. Through an analysis of the various characteristics of state performance, it will be shown that guerrilla logic and the new developments in Southern Sudan since the CPA express differential paces in Southern Sudan's state-building depending on where they are observed.

(DIS)CONNECTED POCKETS OF STATE PERFORMANCE ALONG THE BORDER

Before detailing the way statehood is manifested and being performed in Bazi, a journey is taken past the other border posts that were studied in this research. Different forces are often at play in the villages despite their proximity. There are human and spatial characteristics that contribute to and condition the production of statehood. The regulations surrounding these are part of the strategies agents use to allow access (or not) (Sikor and Lund 2009). Border posts and checkpoints are resources that demand regulation, selection and enforcement. This access entails more than who is allowed in or out of the country and includes access to the force field among the range of state agents and institutions representing the central and local levels of government that, by default, contribute to regulating the border, in other words, the arenas where rule-making capacities are negotiated and divided (Moore 1973). The individual interests related to such access are to be seen through the perspective of people's personal trajectories. To understand the ways in which this plays out in the villages along the Southern Sudanese border, it is necessary to focus on the resources and the repertoires of the actors there (Hagmann and Péclard 2010).

It is argued that the powers of the state are not only being executed by individual state agents but that they are, at the same time, also being shaped by these agents. In the context of Southern Sudan, the disconnect between the institutional framework by design and what actually happens in daily practice is as relevant as it is in many African states (Bierschenk and Olivier de Sardan 1997; Blundo and Olivier de Sardan 2006; Chabal and Doloz 1999; Chalfin 2010; Roitman 2005). What is more interesting in this particular case is that, due to the CPA and the semi-autonomous status of the Government of South Sudan, various systems of governance were to merge into one structure. Remnants of a government system designed in Khartoum had to be combined with the SPLM/A civil governance structures that emerged under the New Sudan administration in the liberated areas (see Chapter 3). This should be seen against the backdrop of an area where, in practice, very little governance had been in place. The numerous 'indeterminacies' in the state powers merging into one system of government (Moore 1978: 50) thus gave officers extensive discretionary powers.

The powers provided by the central government enrolled over the territory are not necessarily fading as distance from the centre increases or limited due to a lack of control. Instead, there are pockets of performance in the midst of spaces of non-performance. These are not just territorial but can also be legal or personal. An explicit view on the ways in which state agents therefore contribute to these powers by performing them allows an understanding of the ways in which the central government attempts to effectively enhance its authority over the territory, which

seems to be only modestly embedded in more 'formalized', reproducible and 'legible' ways (Scott 1998).

The active performance of statehood is not only confined to state agents of various sorts but is equally ensured by an ensemble of artefacts such as flags, ropes, uniforms and ranks. These silent manifestations contribute to the performance and also produce the 'state effect' (Mitchell 1991). Silent performers become relevant when they are 'legible' and are understood by others who are supposed to read the message from their signs. The three mango trees planted by the Kakwa chiefs of the three countries in the border triangle at the top of a Ugandan hill in the early 1920s are a good example of a very early indication of state consciousness by people living along the border. The powers of the state in an area, for instance demonstrated by the border, are thus not only effective because of the people enforcing them but also legitimized by those who endorse the authority of the state agents, as the examples of the chiefs in 1922 demonstrates. The result is a pocket of dense statehood, often surrounded by territory where the state is technically ruling but is not performed by state agents or symbolic representations, in other words is less 'dense' or even 'absent'. The spatial analysis of the borders of Southern Sudan with Uganda and DR Congo demonstrate how the state is produced and how space, access and resources impact on authority and power.

Kaya

Coming from the trade and smuggling hub of Arua in West Nile, Uganda (Titeca 2006; Titeca and de Herdt 2010; Meagher 1990) and passing the Kakwa's ancestral land of Koboko where Idi Amin came from (Leopold 2005, 2006), one arrives in Oraba where the border with South Sudan is at the bottom of the slope. Sometimes there are long lines of trucks waiting for clearance to cross into the booming import economy of Southern Sudan (Picture 4.1).¹ On the other side of the bridge over the Kaya stream, a signpost welcomes people to Southern Sudan. Until separation and the independence of the South on 9 July 2011, entering the territory officially meant entering the Republic of Sudan. A visitor unaware of the situation could however easily ignore this reality because there is no reference anywhere to Sudan or its government in Khartoum. This is the case in Kaya but also in any other village or town in this border area that was liberated by the SPLA in 1997.

¹ South Sudan has six formal border crossings with neighbouring DR Congo, Kenya and Uganda. Most goods, especially food and household items, enter Southern Sudan from Uganda. Nimulé and Kaya are the two main border crossings. The important one with Kenya is in Nadapal. Goods going to Juba mainly go via Nimulé as this is the shortest route from Kampala to Juba via Gulu. In early March 2009, the bridge over the Nile was not operational and all goods had to enter the country via Kaya. Picture 4.1 was taken at this time. As Southern Sudan itself produces very little, most trucks return empty.

While a tiny wooden kiosk still served as the immigration office in 2010, new offices were in the process of being built. At the time, the new building mainly served only to provide shade for off-duty officers. A little further ahead there is a big parking area providing space for the two key events in Kaya; trucks waiting to be cleared, and wooden kiosks and containers serving as offices for the numerous clearance agencies. Just behind the parking area hangs the rope that is lowered when people and vehicles are allowed in or out of the country. Not only the immigration office is new, the customs and traffic police have new offices too. Signposts indicate the various offices and flowers have been planted in the little gardens in front of the new customs building. Peace in Southern Sudan and the vast increase in trade have had an impact on this border town. There is a lot of money around and these new offices are just one expression of progress and the town's wealth.

Kaya still shows continuity in the way most of the other institutions are housed and their organizations function. Behind the new customs buildings are the old ones. And in fact it is only the Director of Customs who has already moved to his new office.² The rest, such as those of his deputy and of the Ministry of Finance's Taxation Department, Public Security and the CID just have a spartan wooden desk. Military Intelligence, on the other side of the road, is also housed in a less stylish building. From the old office infrastructure, one can see that this border crossing was important long before the CPA. The newly built offices demonstrate the continuation of Kaya's importance in Southern Sudan today. This not only holds for government infrastructure as the rest of the village breathes dynamics too.

The somewhat older brick buildings are now being replaced with new ones and there are numerous shops and many lodges. Ugandan women and Ethiopians and Eritreans run the hotels and the infrastructure generally is characteristic of a town with a transitory population. Most of the hotels survive by providing accommodation for GoSS staff, many of whom have permanent rooms. An economy has developed around the substantial numbers of state agents, the vast majority of whom originate from other regions in Southern Sudan and represent the different GoSS agencies in Kaya. Kissira is, for instance, the ultra-thin, folded sorghum pancake that is eaten in Upper Nile. In Juba it can be found in some of the small restaurants behind the GoSS ministries but I have never seen it in Yei and Bazi despite the presence of a Dinka community there. In Kaya though, you can eat it in the three biggest lodges. The place also has numerous black-market money exchangers (Picture 4.2). As in Juba and Yei, these are mostly young Dinka boys who provide the cheapest exchange rate to petty and large-scale traders from all over

² This new office looks very similar to the newly established government offices in Juba, with big wood-like desks, large sofas, heavy curtains, plastic flowers and air-conditioning.

East and Central Africa. At the smaller border crossings, they are absent but people in Bazi needing dollars just go to Kaya. There is no demand for dollars in the little villages nearby.

In addition to the organization of space at the border and the administration related to it, a local administration is functioning there to enforce the authority they have alongside the numerous GoSS agents. Just next to the rope over the street, the *boma* administration and the local police can be found. Unlike the GoSS institutions geared towards goods and people entering Southern Sudan, there is a feeling of permanence in the office of the *boma* administration: the local authorities deal with the people who live in Kaya. Foreigners who want to open a business in Kaya have to register with the local authorities who also mediate between local businessmen, ensure security in the village and, if necessary, collaborate with the local police in Uganda. If there is a serious incident, for instance a group of Mundari fighting with members of the Dinka community over the price and/or quality of a cow, the county commissioner is called to calm relations between the different communities. The state agents representing the GoSS, as well as foreigners, are thus also part of Kaya's village life. Some of them request a plot of land to build a *tukul* (hut) from the local authorities and/or to marry a second wife from among the local Kakwa. To the local authorities, these people are one of the parameters they deal with. Since many are from all over Southern Sudan and the wider region, the *boma* office is much livelier than the administrative headquarters in the village of Kimba a few km down the road.

Uganda is on the other side of the bridge. The two neighbouring local authorities know each other quite well and cooperate when required to do so. The Congolese border is not far from the village either. It takes about half an hour by motorbike to reach the border point that connects South Sudan, Uganda and Congo at a place called Asalia Musala, which means 'the place where the three cooking stones meet'. There is no evidence of a border but the local administration has a *tukul* with a small SPLM flag on the table indicating that this is South Sudan (Picture 4.3).³ A few weeks before my visit, a woman was found dead on empty land near Asalia Musala. She had been collecting firewood when her head was cut off but the reason for the attack was unknown. The villagers feared new violence and the local police had not managed to find the attackers, who fled to DR Congo. The *boma* administration decided to dispatch five police officers to Asalia Musala to secure the area.⁴ Although the police capacities without transport are limited, the suggestion of control and a state presence made the local people feel safer in this somewhat remote area.

³ Interview with local headmen and chief, Asalia Musala, 19 November 2009.

⁴ Interview with Kaya *boma* administrator, Kaya, 16 November 2009.

All in all, the border town of Kaya has the ingredients of a lively town representing wide interests, resources and large numbers of authorities of various kinds seeking access to and control of these resources. Unlike its administrative headquarters in Kimba, the state is densely performed in Kaya.

Kimba

The village of Kimba is the *payam* headquarters responsible for Kaya. It is situated between Kaya and Bazi along the main road connecting the border to Yei and Juba and resembles Asalia Musala more than Kaya. A few policemen smoke cigarettes and on the ground there are plastic sachets of 'hunters' gin' or 'royal wodka' that are prohibited but widely consumed and small plastic South Sudan flags sit on the little desks in the office. *Payam's* director – one of five in Morobo County – explains that his main task is visiting Kaya because of its strategic importance, or going to Morobo to see the commissioner. Besides managing Kaya and visits from Juba to the county headquarters, administering Kimba is not very demanding. When asked to describe his tasks on a typical day in the office, the answer was 'filling out the attendance sheets'.⁵ The calm rural life here is remarkable compared to Kaya, and it is only occasionally interrupted by big trucks passing on their way to the next checkpoint 6 km away in Bazi.

One could almost forget that Kimba is a border village. It has a market twice a week that attracts people and goods from the surrounding areas, including DR Congo. The Congolese people who want to sell their goods at the market have no additional obligations to fulfil other than the market fees that are also paid by the Southern Sudanese. The GoSS authorities do not control the movement of local people in the area. In fact, the GoSS's central authorities are absent in Kimba except for the silent presence of the Southern flag outside the *payam* headquarters.

Although Kimba lies almost exclusively on the Southern Sudanese side of the road, it has a shared border with DR Congo and there are even remnants of a border conflict between the local authorities. The colonial powers had set up concrete markers to visualize the border but the local people removed them. When the border issue between DR Congo and Southern Sudan was resolved following an afternoon of skirmishes in Bazi in January 2008 (see Paragraph 4.4), one spot remained unresolved according to the area's Congolese chief. Much to his irritation, a 100-metre strip of land running the length of the village of Kimba was not given back to Congo when they renegotiated the border after the skirmishes in Bazi (de Vries 2011). The Congolese claim to this land was not an issue, not because the South Sudanese were not aware of it but simply because nobody was interested in Congolese concerns. The *payam* director knew about the chief's frustrations but

⁵ Interview with *payam* director, Kimba, 15 March 2009.

was indifferent towards them. The strip of land lacked the actors and the resources needed to make it a stake for the GoSS state agents or the local authorities. This was not contended since Southern Sudan did not seem to care about either having or losing it. Even redressing the issue was not worth the effort considering its minor importance.

In short, Kimba does not have a checkpoint and does not host any government agencies beyond the local level, which means there is a big difference between it and the neighbouring dense state manifestations in Kaya and Bazi. Kimba exudes the tranquillity and peacefulness of any rural village disconnected from the border and the few state dynamics this involves.

Lasu in Yei County

Lasu, on the road between Yei and Aba in DR Congo, has an official border crossing but despite this, little 'stateness' is being produced or performed. The previous two sections on Kaya *boma* and its *payam* administration in Kimba showed two extremes on a continuum of central state performance. This might lead one to think that a checkpoint is the basic prerequisite for the manifestation of statehood. Lasu proves this assumption false since it has a border checkpoint. The road was of such bad quality that trade was close to impossible. Congolese businessmen make day trips by bicycle from Yei to Aba with their various products, especially second-hand clothes. The place looked empty. There were no signposts, no offices and no state agents. The SPLA was easy to find as their huts were up the hill where the head of the army company, a major from Unity State, was playing cards with some of his troops. When the LRA became a threat in the area in late 2008 and 2009, security concerns rose and more SPLA were stationed on the border.

The major in command explained that everything had fallen quiet again and that the only challenges the SPLA was facing were the same as those of anybody else living in the area, i.e. a lack of transport, deplorable road conditions, and a lack of communication equipment and network coverage. A heavy shower of rain ended the conversation⁶ and after the rain we found the only state agent to be representing the Government of South Sudan in the area in five years. He was a CID officer who at the same time held the position of immigration officer, another sub-department under the Inspector General of Police (IGP) in Juba. As usual, my letters were studied closely, after which I was briefly informed that nothing special was happening in Lasu, that security was fine, that all trade was petty and the

⁶ We took shelter in the nearest army hut and spent another hour chatting about life in Unity State where one of the local elders from Lasu had been deployed during the Anyanya War. Conversation with the SPLA detachment in Lasu border, 3 December 2009.

market days were Tuesdays and Fridays.⁷ His suspicions about me explained why his answers were so clear-cut and why I was prohibited from walking down the road to see the actual road block with DR Congo (see Chapter 2). Despite my limited view of the Lasu border, the impression of the stretch of huts, the absence of administrative offices and only one small beer seller left little to my imagination. Beyond some petty trade, the activities along this border were limited. There was only one agent representing the state, which is not enough to negotiate a force field or to create a self-amplifying dynamic of state performance among state agents themselves.⁸

The Lasu border, however, has a different element than the other villages mentioned in this chapter, namely the presence of the LRA (see Chapter 2).⁹ Problems with Joseph Kony's group led some 5000 refugees from Congo to cross the border and seek refuge in Southern Sudan. As a result, Yei County and the GoSS were confronted with the need to protect their own civilians and to host refugees from DR Congo. This situation allowed me insight into one of the key tasks of a state, i.e. protecting its civilians.

The camp's security was the joint responsibility of the Yei County Police and the extra SPLA company that had been sent to the border. UNHRC had been distributing relief items and food to the Congolese people. When the LRA threat led to fear and death across the South Sudanese border close to Yei, the SPLA and the county authorities were not able to protect their civilians along the border between Lasu and Yei.

The local authorities and the army had their own explanations for this. The SPLA tried to control the border, which is not easy when soldiers are stationed in one place without a vehicle, while small groups of the LRA crossed the border through the forest.¹⁰ The Yei county commissioner agreed with the SPLA that there was little they could do to guarantee the protection of civilians. The day after the LRA attack that killed six people not far from the town, the commissioner went to Yei's Freedom Square where he called on the citizens to protect themselves. When I asked him whether that was what he meant, he responded with a smile and said:

Yes I talked to the people and told them to protect themselves. And the Governor was there and he promised some bullets.¹¹

⁷ Interview / conversation with CID / immigration officer on the Lasu border, 3 December 2009.

⁸ This is the case in Bazi and Jalé where, irrespective of the amount of work, performance takes place through negotiations among the state agents themselves.

⁹ Various state agents in Morobo County used the threat of the LRA as justification for checkpoints (see Chapter 6).

¹⁰ Interview with SPLA brigadier in charge of the division, Yei, 15 November 2009.

¹¹ Interview with the county commissioner, Yei, 9 March 2009.

The commissioner's remark was interesting since he seemed to admit the inability of the Southern Sudanese government and its army to control the territory and protect its citizens. He was effectively inviting people to arm themselves, which is something most governments would usually try to avoid. Civilians in Southern Sudan are not supposed to carry a weapon.¹² Since the CPA, there have been numerous attempts to disarm the people and now the highest authority of the county was suggesting that his people protect themselves by carrying a weapon.¹³ The quote also refers to a remark by the governor of Central Equatoria State who promised to send ammunition, which raises the questions of where these bullets would come from, not to mention the criteria or forms of organization related to their distribution to the people.¹⁴

The LRA threat and the government's recognition that it would not be able to protect the people indicate a characteristic of the production of statehood in terms of order and control. In the eyes of the authorities, the LRA threat did not apparently challenge the territorial integrity of the semi-autonomous Southern Sudan and there were no resources at stake. This was not the result of an internal struggle over political power and the proliferation of the threat appeared to be in areas that are considered peripheral from a state and (rent-seeking) resource perspective. Lasu was a quiet border area and the agents representing the South Sudanese state had little personal interest in it. The forces in the field were thus limited and the density of state performance was modest. The LRA threat did not alter the situation. At the border there was a checkpoint and a rope but no customs and no trade and only one GoSS state agent. Little was happening there and there was therefore little statehood to be negotiated.

Jalé in Kajo Keji County

The last place in this overview of the border of Central Equatoria State provides an interesting mix of the others in terms of its characteristics. Jalé is only a checkpoint and not even a real village on the border between Uganda's Moyo County and Kajo Keji County in Southern Sudan. Jalé operates somewhat separately from the main supply lines to Juba, Yei and the other towns in Southern Sudan. Kaya and Nimulé are much more important border crossings. The road from this part of northern Uganda (Moyo) towards Juba is still under construction. Passing Jalé and

¹² One of the women in the NPA's demining activities bought a bow and arrows in Kaya before she returned to Yei, Bazi, 15 March 2009.

¹³ In Yei and the border towards Lasu, the LRA threat was lessening and no vigilante type of group ever emerged as it had in Western Equatoria where the Arrow Boys protected the local people from the LRA.

¹⁴ I never heard whether the bullets actually arrived.

Wudu, it is in an excellent state but it later turns into a rocky track with minefields on both sides and the Kaya River prevents most traffic from passing during the rains. For a land cruiser or a motorbike, it is possible to cross the river at most times of the year but trucks have difficulties. A bridge is being constructed but is not yet finished.

The checkpoint itself looks similar to that in Bazi, with large numbers of state agents representing GoSS institutions related to border and security matters. More importantly, they resemble the limited activity at the checkpoint. The products cleared in Jalé mainly go to Wudu, the commercial centre of Kajo Keji County. Despite limited clearance activities, the GoSS agencies are very visible and performance is suggested (Picture 4.4). There are signposts, officers, a rope over the road, security agencies and nice office buildings while others are housed in *tukuls*, but this does not exclude a well-organized office (Picture 4.5). Jalé is small in the sense that it consists of little more than the GoSS agents and their families. Some officers prefer to stay in Wudu town. The chief of customs in Jalé and his deputy live in Moyo in Uganda, 15 km from the border, and cross it in a private vehicle on a daily basis. But most of the roughly 36 state agents live in the *tukuls* on both sides of the road.¹⁵ As in Bazi and Kaya, here too most of the state agents originate from Greater Upper Nile or Greater Bahr el Ghazal. Besides the state agents, there are two shops selling beer and basic necessities.

The Ugandan authorities are on the other side of a no man's land about 1 km wide, which means that they do not necessarily interact on a daily basis. The local *boma* administrator does not live in the same place but down a narrow feeder road among the local people of the area. As a consequence, the performance of the GoSS agents in Jalé takes place in isolation and is mainly directed towards the people crossing the border. It is operating separately from the other levels of the Southern Sudanese government or the Ugandan authorities. The activities of the state agents are concentrated on the few, mostly local people who go to Moyo for schooling, shopping or family visits, in total a few clearance activities per week (see Chapter 5). The border checkpoint in Jalé seems not to be embedded in a larger force field of contention and negotiation as observed elsewhere. In practice, this meant that many of the state agents drink their days away while playing chess and cards. This again gives the state performance a different character compared to the other pockets of statehood along the Ugandan-DR Congo border.

This section has demonstrated the contextual characteristics of the various pockets where state authorities are present but operating in diversified settings

¹⁵ The security personnel and state revenue authority excluded, Jalé has 5 traffic police, 5 taxation, 8 customs, 5 commerce and supplies and 13 immigration officers. In addition, customs and immigration have employed 4 and 5 staff respectively themselves. This was the situation in late January 2010.

depending on the resources available and the stakes to be protected. Kaya breathes activity and performance, Kimba does not have a checkpoint and the border does not thus seem to play a role in the daily lives of the people. Lasu has a checkpoint but the absence of a customs office makes it very different from other border crossings. Apparently the threat of the LRA alone is not enough to raise the stakes for the government. Interestingly, in the middle there is the statehood that is produced in Jalé, which resembles Bazi most but acts in a different manner because of the checkpoint's isolation. It can therefore be concluded that it is not just a decent road and a checkpoint that allow for the manifestation of statehood. The presence of the central state authorities is also needed to ensure minimum performance. When more agents are present, a force field will emerge through negotiations of power amongst themselves and with the fields around them. In short, there need to be interests and/or positions at stake to ensure negotiation. It is time to tune in to Bazi.

BAZI, A VILLAGE BEYOND BORDERS

Bazi represents a state-building dynamic that is somewhat disconnected from the rapid changes that can be observed in the centres of economic interest and political dynamics like Yei and Kaya. Bazi has certainly been affected by the political and administrative developments in Southern Sudan but locally the force field of powers is largely maintained through claims of authority rooted in guerrilla logic negotiated in the years after liberation in 1997. This force field is negotiated between the Congolese authorities that feel inferior to their neighbours, a local population that returned from refugee camps in Uganda soon after liberation, and the last group of predominantly ex-SPLA who are today's GoSS state agents. Many of these GoSS agents at the same time belong to the Dinka community of about 200 people in the village. The external forces to this local power balance changed over the course of my research. How this affects the local force field in Bazi will be detailed in the last part of this chapter, after some initial description.

Bazi cannot be found on maps of Southern Sudan as this is not its official name: Kili Kili Boma is the administrative reference. The Congolese opened a trading hub close to Kingezi Mountain in the far northeast of Oriental Province in the early 1970s¹⁶ and called the commercial centre Kingezi Base, which degenerated into Bazi on the Sudanese side. At the time, it was a booming trading centre with Arab traders bringing cars, consumer goods and other products from Port Sudan all the way to the other end of the country in exchange for coffee, beer and tobacco. In Kingezi Base's heyday, there were brick buildings, shops, hotels and bars along the road

¹⁶ The Congolese administrative unit is Itturi District, Territoire d'Aru, Chefferie de Kakwa.

into Congo¹⁷ and towns like Yei and Mundri were supplied from Congo instead of Uganda.¹⁸ Today, all the buildings from this era have gone. Trade from the 1970s is the reason why the village still has a border checkpoint between Southern Sudan and DR Congo. The reasons for the decline in this trade lie in the war, partly in Congo and also in Southern Sudan. I will start with the view from the Congolese side of the border.

Congo's periphery

What used to be a lively trading hub in the 1970s has changed into a quiet village with an overrepresentation of state agents from both Southern Sudan and DR Congo. Despite Congo's supplies coming into Southern Sudan in the 1970s, this area along the Southern Sudanese border are the remote areas of Congo's Oriental Province, extending all the way to the Central African Republic. A few hundred metres beyond the Congolese checkpoint, the road becomes a track over rocky and hilly slopes. The road was mainly used by bicycles and motorbikes but was wide enough for the only car we observed that day to pass. The vehicle belonged to the Kenyan-Somali petrol sellers from Bazi who went to the opening of a new petrol station in Ingbokolo. The Congolese lands were vast and empty. The only meaningful form of organization observed was a tobacco cooperative, which is the main cash crop in this part of DR Congo and northeast Uganda. Compared to Southern Sudan, this part of the DR Congo seems to have been forgotten by its government in Kinshasa and by donors, and there were no visible signs of NGOs in the area.

Ingbokolo is the nearest town with administrative offices but it is almost 30 km away (see Map 2).¹⁹ It lies 3 km from the court building and the administrative head of the *chefferie* in Kumuru.²⁰ The role of the Kakwa chief in Kumuru is vital in relations with the Southern Sudanese. Despite the different hierarchies, his position resembles that of the commissioner of Morobo County, who is in charge of security in the area. From Ingbokolo, connections with the territorial capital of Aru

¹⁷ Conversation with Congolese officer from the Office Congolais pour le Control, Bazi, 12 November 2009.

¹⁸ Western Equatoria was provisioned from Congo too. Currently there is very little trade between Yambio and Dundo in Congo, and what there is is mostly done by bicycle or motorbike due to the bad condition of the roads. Since 1997 Western Equatoria has been supplied from Uganda.

¹⁹ I took the road into DR Congo twice. Once I went to visit the chief in Kumuru and the second time I just made a tour by motorbike of the villages surrounding Kingezi Hill.

²⁰ There are two types of lowest levels of government in Congo. Those without hereditary traditional chieftaincies are called *collectivité locale*. They elect their chief. And then there are those with a clan-based traditional authority called a *chefferie* that have a hereditary chief who heads the administration in the locality. The counterpart of the *chef de chefferie* are the *boma* or *payam* administrators. The villages and towns in the area neighbouring Bazi are called Rumu, Ingbokolo and Kumuru where the chief heads the administration. Visits to Rumu, Ingbokolo and Kumuru, 18 March 2009.

are limited. A journey to the district headquarters in Aru usually has to be made via Uganda due to the deplorable condition of the roads.

Following the skirmishes between DR Congo and Southern Sudan (see next section), the Congolese authorities established their offices in Bazi. Before 2008, the nearest Congolese authorities were to be found in Rumu, 6 km from the border. Since the agreement signed between the two neighbouring governors, the territorial and border police and immigration services established offices on the Congolese side of the village. The local delegate of the Congolese chief administration in Kumuru is the *chef de Bureau de Centre*, who mainly deals with issues like land and taxes. If there are incidents between the Congolese and the Sudanese, he plays the role of the chief's representative. His counterpart on the Sudanese side is the local chief but since the decentralization system differs between Sudan and Congo, he is also in touch with the local administrator of the Southern Sudanese local government. A soldier, customs, immigration and the *Service d'Hygiène* are present at the Congolese checkpoint (Picture 4.6). In the agreement signed between the two governors after the skirmish, it was decided that the nearest Congolese army company would remain in Rumu.

The Congolese authorities operate under a hierarchical structure that seems to give them few discretionary powers. In Bazi this weakens their position as any potential decision or reaction in response to the behaviour of the Southern Sudanese authorities has to be discussed at a higher level before they can even react verbally to a provocation. In practice, this paralyzes the functioning of the daily government, not only because of inefficient bureaucracy but also due to practical obstacles. Direct lines of communication with superiors are barely possible. Congolese telecommunication is very poor at the border in Kingezi-Base. With the exception of Bazi's local representative of the chief in Kumuru who uses a motorbike, local administrators do not have any means of transport. The lack of support from higher levels of authority for the agents on the border is also illustrated by the shortage of basic stationery, pens and paper²¹ and they have no telephone credit or fuel either. The Congolese state is distant in its commitment to ensuring the proper exercise of its powers by means of its agents in this peripheral border area.

Accounts of robberies by armed men in uniform and police or army misconduct are a source of contention between the South Sudanese and the Congolese. Whether true or not, there seems to be a consensus, even among the Congolese authorities in Bazi, that the Congolese armed forces are difficult to control. Congolese state agents are often unpaid or receive extremely low salaries, much lower

²¹ When I crossed the border into Congo I gave my pen to the immigration officer since the only remaining element in his ballpoint was the ink pattern.

than their South Sudanese colleagues on the other side of the road.²² They are paid in Congolese francs, a currency of limited value and reach. In Congo, for example, even at the weekly markets in the border area people prefer to use Ugandan shillings (UGX) or Sudanese pounds (SDP). Even 'official' payments to the Congolese authorities, for instance my *laissez-passer* into DR Congo, had to be paid in shillings or pounds. Basic items in Bazi, such as breakfast, will cost SDP 2 or 3, a beer is SDP 4 and the cheapest (Supermatch) cigarettes are SDP 1. Life is not easy in Bazi for those Congolese on a salary of roughly SDP 125.

The limited financial means and political back-up of the local Congolese agents affect the local force field. The South Sudanese GoSS agents are aware of the limited financial, administrative and political *marge de manoeuvre* of their Congolese counterparts. The Congolese suggestion of authority and control is just thin varnish, which, as will be explained later in this chapter, impacts on the balance of power. This leads to the question as to what the Southern Sudanese side of the same village is like.

Bazi's appearance and the New Sudan

To the Southern Sudanese, the strategic relevance of Bazi has its roots in the war. Since the liberation of the west bank of the Nile by the SPLA in 1997, Uganda has taken over Congo's position of main supply line to Southern Sudan's Central and Western Equatoria. The Bazi customs checkpoint was opened based on the situation in the 1970s, in the hope that trade would flourish again.²³ Yet Congo fell into decay and Uganda emerged as the stable flourishing East African economy. Bazi never regained its old position due to the poor road into DR Congo and the further marginalization of the Congolese hinterland. At a political level, the SPLM/A enjoyed a good relationship with the Ugandan President Museveni who supported the SPLA in their fight against the government in Khartoum, while relations with Congo were characterized by suspicion. The Congolese government in Kinshasa allowed the Sudan Armed Forces to use the peripheral border area of Oriental Province as their rear base (Prunier 2004). Until the end of the CPA period, relations were somewhat ambivalent. In 2009 rumours were circulating about SAF special forces in Congo's border region and key figures from the National Intelligence Security Services (NISS) in Khartoum visiting West Nile in Uganda and Oriental Province in Congo. For the state agents and security personnel in Bazi,

²² By comparison, in Southern Sudan, a regular policeman or a private in the army earns SDP 300 a month. The Congolese officials all earned the Congolese franc equivalent of about US\$ 50 dollars, which roughly equals SDP 125.

²³ Interview with the CES Commissioner for State Revenue Authorities, Juba, 27 January 2010.

this fed their existing mistrust towards their neighbour. The state agents in Bazi thus see their position as defenders of GoSS security interests as their key task.

Arriving in Bazi from Yei, there is little that indicates that the place is divided between two countries (Map 4). At Sita, a Congolese flag fluttered next to a *tukul* where an attentive passerby might remark a little signpost indicating the Congolese immigration office (Picture 4.7), while on the Sudanese side of the road a somewhat hidden SPLA company could be seen. A second flag flutters at Saba, the Congolese checkpoint (Picture 4.8).²⁴ Between the two flags, the village stretched along both sides of the road. The centre has a few bars, a small number of shops, some local restaurants and four lodges, a lot of motorbike traders and a local market. The Congolese have an office in the centre of the village and their national police are somewhat hidden between the huts about 200 metres off the main road.

The Dinka Episcopal Church that was built after liberation is also on the Congolese side of the road but between the church and the Congolese checkpoint the land is unoccupied due to the threat of landmines. The land south of Bazi was heavily mined during the war by the allied forces of the SAF and WNBF. These landmines are one example of the ways in which the national border can have repercussions on the daily lives of the people and the spatial development of the village.²⁵

The different Southern Sudanese authorities have their *makhtabs* (offices) on the other side of the road (Picture 4.9). The local government of Morobo County is represented by the *boma* administrator, the police (including the local CID) and the chiefs representing the judiciary. They have their offices prominently at the bend in the road heading towards the checkpoint. The open shelter next to the *boma* office is used for meetings and for voter registration at elections (Picture 4.10). Any task related to Southern Sudanese citizens, for example the settlement of land or family disputes, local taxes and petty crime, is dealt with by this level of government. The local authorities also become involved in the numerous border-related incidents. This implies, just as in Kaya, that there is close contact with the commissioner in Morobo as issues quickly move 'beyond the capacity' of the local authorities.

On the edge of the village, about 300 metres from the Congolese checkpoint and the road towards Congo lies the GoSS checkpoint including customs, immigration and other related agencies. The full range of GoSS offices is present, covering

²⁴ Sita and Saba are two different spots around Bazi indicating the distance from the administrative headquarters in Morobo. Sita lies nearly 10 km from Morobo and is at the start of the village.

²⁵ The Southern Sudanese side of the road was being demined by the NPA during the spring of 2009, but the mandate and programme only foresaw mine-clearing activities in Southern Sudan and not in DR Congo. The NPA only had an agreement with the GoSS and not with the Congolese authorities.

all border and security-related institutions of the central powers in Juba.²⁶ Locally, this large number of agents is involved in creating space to negotiate authority in the force field with the Congolese. The next section illustrates how they combine their formal authority today with the historically rooted military powers as ex-SPLA, especially regarding their concerns about 'security'.

Bazi has two important characteristics that deserve more attention because they are remnants of the liberation period and the years after it and are impacting on today's force field. Unlike other places in the border area, like Kaya and Yei where the peace agreement accelerated infrastructural and administrative development, Bazi did not develop much after the signing of the CPA. People who had left the area returned in 1997-1998 and the somewhat marginal position of the checkpoint became clear in the years after it was set up in 1999.

The first remnant of the period after liberation is the Dinka community of about 200 who now live in the village. Quite a number of them helped to liberate the area and stayed there after Sudan's government forces were ousted and others arrived in subsequent years. The SPLA also fought on the Congo side of the road and still considers that side of the road as liberated territory. On the Congolese side, they found about 200 huts of the (Ugandan) West Nile Bank Front (WNBF) and installed themselves there. The early developments in Bazi from 1997 onwards were thus logically concentrated on the Congolese side of the road. The Dinka in the village have their own infrastructure and places where they meet. Today there are two lodges managed by Dinka and the above-mentioned Dinka Episcopal Church on the Congolese side of the road. Many of the Dinka who live and spend time on the Congolese side of Bazi work as GoSS state agents in one of the offices. To the irritation of the Congolese, they carry their guns even on foreign territory. The guns and the Congolese preoccupation with this is one example of the arena of negotiation extending beyond the checkpoint and office hours. It had led to tensions between the authorities before the skirmishes in January 2008. In August 2007, for instance, the CES governor ordered the Southern Sudanese to abide by Congolese law or to move to the Southern Sudanese side of the road.²⁷ Locally, however, members of this Dinka community feel they have every right to live on the Congolese side and reaffirm this if provoked.

²⁶ To illustrate the numbers, the checkpoint had 22 customs officers in the spring of 2009; five people for commerce and industrial supply, six immigration department staff, three for taxation, four traffic police officers, two military intelligence, two public security and two CID staff. The state tax authorities had three people. In addition there was a group of GoSS police and an army company. It should be noted that the situation at the checkpoint changed over the course of my fieldwork, with the most important difference being the rope that was removed from the road (see Chapter 5).

²⁷ Resolution No. SG/SGC/GO/CES/J 26/2007 signed by the CES governor, Juba, 6 August 2007. Copy with this author.

Secondly, and related to the liberation, there are numerous references to the New Sudan, the vision of the SPLAM/A's leader, the late John Garang. Since the CPA and the death of Dr John, the GoSS have actively worked towards an independent South Sudan rather than his idea of a New Sudan. These references can barely be seen in Juba since it was a garrison town under SAF control until the signing of the CPA. In towns like Yei and Kaya, some references to the New Sudan remain but the rapid developments and construction since the CPA have had an impact on the visual references to the idea of a New Sudan. There are still many references to this vision in Bazi however. It is the name of a lodge on the Congolese side of the village, it is written on shops (Picture 4.11), is the name of an insurance company and is on the number plates of many motorbikes in the area. These number plates are particularly interesting as the Central Equatoria State's traffic police managed to enforce new number plates in Juba and Yei, but the powers of the CES's traffic police have not yet reached Bazi. Bazi's numerous references to the New Sudan indicate not only the ideological connection of the people in the village with Dr John's vision but also sheds light on the different pace of change in Bazi compared to Kaya and Yei. Bazi lost the strategic vitality it had shortly after liberation and has become a bit outdated, like the idea of a New Sudan.

Based on the above, it would seem that besides contention between the authorities representing two different countries, the border has minimal impact on life in Bazi. The minefield on the Congolese side is one example and another is the official one-hour time difference between the Congolese and Southern Sudanese sides of the village. The notion of time is apparently not very important since the Congolese authorities were convinced they had the same time as the Southern Sudanese side of the village and nobody was aware of the supposed one-hour time difference there either. Not only in time but also in space the border often seemed distant in people's daily lives. Many Southern Sudanese farm on the Congolese side of the road and every family in Bazi has relatives in Congo and Uganda. Women move freely across the border selling their local produce at the weekly Congolese markets and vice versa.²⁸ Unlike the border zone between Kajo Keji County and neighbouring Uganda, where local politics and land conflicts occasionally lead to clashes between the people and the local authorities, the people in Bazi and Morobo County generally have no local conflicts with their Congolese neighbours.

²⁸ Customs officials at the checkpoint in Jalé explained that they did not charge people for transporting products on their head or by bicycle. These were petty traders, for instance women who collect and sell firewood or young boys buying a crate of beer in Uganda to sell in Southern Sudan. 'We do not charge these people, they should be encouraged in their activities,' explained the customs officer, Jalé, 9 December 2009.

The cross-border linkages are not only limited to the local people from the area but also to those who could be considered outsiders. The Dinka community use the Congolese hospital in Adi, which is close to Ingbokolo, just as the other people in Bazi do. Despite the bad conditions of the road and the potential difficulties with passing Congolese roadblocks, the Southern Sudanese prefer to travel to the hospital closer to their homes than to the one in Yei. Congolese pupils also attend the schools in Bazi that have been set up with the help of NGOs in Southern Sudan. The Sudanese pound is accepted and even preferred by the Congolese authorities as the currency for immigration and other fees. This local cross-border cooperation involves all the inhabitants of Bazi and the surrounding Congolese and Southern Sudanese area. Yet the border is also an artefact and a legally defining line that can be a source of contention.

BAZI: INCIDENTS AND CONTENTION AS LOCAL FORCE FIELD

This last section illustrates the particularities of the actors, resources and repertoires that are jointly shaping the force field of negotiated statehood in Bazi. This is done by describing an afternoon of skirmishes that occurred between the Congolese army and the Southern Sudanese SPLA and state agents on 24 January 2008. These skirmishes were the result of a decade of local frustration between the Congolese and Southern Sudanese authorities and occurred against a backdrop of mistrust of the Southern Sudanese towards the Congolese government. DR Congo no longer accepted the SPLA's daily presence at a small checkpoint in Rumu, 6 km inside Congolese territory. Following the event and the subsequent negotiations between the two state governors of Central Equatoria State (CES) in Southern Sudan and Oriental Province in DR Congo, DR Congo regained control of its territory that had been under the *de facto* control of the SPLA since March 1997 when they liberated the area from the Sudan Armed Forces. The events, the tensions that preceded the incident and the consequences for the local force field and balance of power between the authorities are used to illustrate the everyday elements in the process of state-building in Bazi. The dynamics in Bazi are illustrative of a specific tempo in the state-building process, which has proceeded at a different speed from similar dynamics in neighbouring Kaya.

The skirmish and its roots

On the morning of 24 January 2008, a Congolese delegation made up of the highest local authority, namely the Kakwa chief of Kumuru, the police and some officers from the Congolese national army, arrived on the road bordering Southern Sudan. The delegation had brought a letter to the Sudanese authorities and intended to

put the barrier of their checkpoint back at the place where it used to be before the war and when the place was a lively trading hub. The SPLA and GoSS state agents that had gathered at the checkpoint objected and claimed that they could not allow the Congolese to move the barrier back to its original position without consulting their superiors in the military, the police and the state governor. By chance, the SPLA brigadier general who had liberated the area in 1997 was in Bazi that morning for personal reasons. Although he had left the army and become an MP in Parliament in Juba, he was the highest-ranking officer around that day. When he arrived, he strongly objected to the Congolese intentions: 'You will not make me leave this land, you don't know who liberated this area'.²⁹ He called the SPLA chief of staff in Juba who ordered him to stay in the area and refrain from using violence. At the same time, other chains of command were being informed and the local SPLA company commander in Bazi contacted the division command in Yei and the *boma* administrator called the county headquarters in Morobo that passed on a message to the governor's office in Juba. The Morobo County commissioner, who was in Juba that day, immediately returned to Bazi bringing the State's commissioner general of police. The SPLA also sent a team from Juba.

A tense period of waiting for superiors from Juba and Aru (DR Congo) began in Bazi while both sides started to prepare for the fighting that lasted from 13:00 to 16:00. Most of the stories confirm that the Congolese started the shooting but that, according to the MP, 'in 15 minutes we destroyed them and brought them up to Kingezi Mountain'. He ordered the Southern Sudanese back to their territory and left for Juba as soon as the SPLA division commander arrived in Bazi. When the teams from Juba finally arrived, the Congolese army base in Rumu – 6 km from the border – was surrounded by the Southern Sudanese and 'both sides were digging trenches preparing for war'.³⁰

A permanent solution had to be found for the 'SPLA's illegal occupation of Congolese territory'.³¹ The Morobo commissioner and his Congolese counterpart, the administrator of the *Territoire d'Aru* agreed that they would refrain from war and that their respective governors should settle the issue. A meeting between the governor of Central Equatoria State of Southern Sudan and his Congolese counterpart in Oriental Province based in Kisangani in DR Congo was organized in Kaya.

²⁹ Interview with the GoSS MP and brigadier general, Juba, 11 February 2010. To the frustration of many in Equatoria, not just on the border but also in Yei and elsewhere, (ex-)SPLA used this claim to legitimize the presence or land use by the SPLA soldiers occupying the land of people who had not been fighting. See Branch and Mampilly (2005) and Walraet (2008).

³⁰ Interview with former county commissioner in Morobo, 24 April 2009.

³¹ According to the *chef de chefferie* of Kumuru in Congo, these were the words of the CES governor during the meeting.

The two brotherly governors have deeply emphasized much about the relationship between the two neighbouring sisterly African countries.³²

And they resolved that:

The boarder [sic] [sic line [sic] must be determined respected [sic] as it was demarcated long time ago by the colonial powers [sic].³³

The two governors officially raised the Congolese flag at three different points along the road that from then onwards officially demarcated the border. It was also agreed that the Congolese authorities would be allowed to open offices on their side of the village because, until 2008, the Congolese police and army had been operating from Rumu.

Locally both the Congolese and the Southern Sudanese had anticipated the skirmishes that broke out in January 2008 as both sets of authorities were frustrated about the numerous incidents flaring up between them. The Congolese felt something had to be done to change their relationship with the Southern Sudanese authorities, in particular the GoSS state agents, to make them respect the Congolese authorities and their territorial integrity. They indeed succeeded in reclaiming their territory but did the skirmish lead to a shift in the local balance of power between the authorities in the two countries? Or was this localized manifestation of statehood by both sides an integral part of ongoing negotiations between types of authority at different but connected levels of governments in Southern Sudan and DR Congo?

Liberation logic in a stilled force field

The skirmishes illustrate the contentious local relations between the two neighbouring states that date from when the areas came under SPLA control in 1997. What does this tell us about state-building in Southern Sudan? In an attempt to understand the shifts in the articulation of state powers in the area since liberation, two issues deserve a closer look. Firstly, why were the SPLM/A in control of the neighbouring territory since 1997?

SPLA troops suggested that they did not know that they controlled parts of Congo. The MP who was in command at the time explained: 'I was assuming that wherever the enemy had been was Sudan. I even started to deploy my forces up Kingezi Hill'.³⁴ The SPLM/A spring offensive that led to the liberation of the bor-

³² 2 February 2008, Agreement signed by the governor of Oriental Province (DR Congo) and the governor of Central Equatoria State. Copy with this author.

³³ Ibid.

³⁴ Interview with the GoSS MP and brigadier general, Juba, 11 February 2010.

der area took place in the period when Kabila's forces were assuming power in Congo. The new Congolese president 'lost sight of this remote part of his Democratic Republic of Congo'.³⁵ This was to the advantage of the SPLM/A who allowed the local Congolese to return but insisted that the army and police remain beyond Rumu, 6 km inside Congolese territory.³⁶

In contrast to the Congolese government in Kinshasa, the local authorities had not forgotten about this part of their territory that was under SPLM/A control and started lobbying for their departure shortly afterwards. The SPLA zonal commander ignored the lobbying using the excuse that he was too junior to take the decision to withdraw his troops. In 1999 and 2000 several meetings were held between the Congolese authorities and the SPLA's military command. The military command in Yei used the same tactic as the local commander, arguing that only the SPLA's commander-in-chief, Dr John Garang, was entitled to take the decision to withdraw. In reality however, as the MP explained, zonal commanders did have the freedom to take such decisions. The SPLA did not want to leave Congo because they felt they needed to keep an eye on what had been a rear base of the SAF.

The SPLM/A civil-military administration effectively managed to discourage the Congolese claim to their land. The Congolese stopped lobbying for a solution from about 2000 onwards and only resumed after the GoSS had been installed. With the CPA, the SPLM/A was transformed into the semi-autonomous Government of Southern Sudan, and became officially responsible for governing the Southern territory on behalf of the Government of National Unity in Khartoum. Congo could then formally take the issue to the South Sudanese authorities instead having vague negotiations with the guerrilla commanders in the late 1990s. In practice though, the Congolese started with the same strategy.

Although borders are the responsibility of a national government, these margins of the state are often left to local forces and authorities to secure and govern. The issue of hierarchy made it difficult for the Congolese chief to address the correct level of government in Southern Sudan. The local Southern Sudanese authorities also lacked the powers and the political leverage to take up such an issue with the GoSS and at state level.³⁷ This was in addition to the fact that the SPLA's withdrawal had to be decided in the Southern Sudanese SPLA headquarters in Juba. After a long and fruitless period of lobbying, Congolese provocation to force the intervention of South Sudanese authorities at a higher level proved much more successful. This is why they did what they did that morning in January 2008.

³⁵ Interview with the Congolese commander of territorial police, Bazi, 17 March 2009.

³⁶ Interview with the *chef de chefferie* of Kumuru (DR Congo), 18 March 2009.

³⁷ There were rumours about a visit from the Congolese governor to Khartoum that angered the Southern Sudanese. See de Vries (2011b: 49-50).

And it was the state governor who settled the issue instead of the zonal commanders that were in control of the area at the time.

This leads to the other important detail in the events that took place in January 2008, namely the role of former and non-active SPLA soldiers in the skirmishes. The most detailed accounts of that day were given by two people who fought but were not part of the SPLA standing force. One had been in command in 1997 but had become an MP after the CPA and the other was an ex-SPLA second lieutenant who had become a member of staff in the taxation department of the GoSS's Ministry of Finance. He proudly explained that during the events he commanded the group that surrounded the Congolese behind Kingezi Hill. But non-active and/or (ex-)SPLA are not supposed to fight.³⁸ This is exactly what happened in Bazi however. Two groups of troops engaged in the fighting, the local SPLA company deployed in Bazi and a group of ex-SPLA who were working at one of the GoSS offices at the checkpoint and were therefore not supposed to take up arms.

Most of these state agents had started their administrative careers with the guerrilla government when they were soldiers in administrative positions. Although in practice not much has changed in their daily tasks, they have become civil servants who now work for the GoSS. On the day of the skirmishes, they immediately turned back into soldiers because the majority still saw themselves as such. Their role as taxation or customs officers working for the GoSS could easily be combined with their SPLA repertoire and soldier's mindset. For instance, those officers who had previously had the most senior rank in the SPLA took the lead, irrespective of their position in the government or Parliament in 2008. The role these people played in the events on that January day illustrates the slow transformation of a rebel movement into a government with a regular army where each had distinct tasks and responsibilities. It was a slow process with eruptions of old logics and hierarchies. In the eyes of those state agents who fought that day, they were simply doing their duty as soldiers. The ex-SPLA office bearers at the checkpoint work with their repertoires of administrators under the GoSS but the course of events that morning suggests that old repertoires still remained and that the various repertoires in their eyes cohere around the same logic and that former hierarchies can instantly become relevant again.

The question remaining to be answered is how the skirmishes of early 2008 can be understood in the context of the local power balance in Bazi. Was it just the most confrontational afternoon among many? Skirmishes like these are quite exceptional along the Southern Sudanese border with DR Congo and Uganda. The event seemed more like a continuation of daily negotiations over power but by other means. Tensions or conflicts usually arose over incidents involving passen-

³⁸ Interview with SPLA division commander, Yei, 15 November 2009.

gers travelling to the neighbouring country where they were mistreated or taxed. Quite often, the actions of one state agent were in retaliation for misconduct by a neighbouring officer or force.³⁹ The force field in Bazi consisted of three categories of authorities that had basically been dealing with one another since liberation. Locally, the balance of power did not seem to have changed much between the Congolese, the ex-SPLA liberators predominantly from Upper Nile and Bahr el Ghazal and representing the GoSS and the local authorities. This was despite the changing institutional environment, the signing of the CPA, the establishment of local government and the GoSS and thus the changing position of state agents and their framework of operation. The same people were negotiating the contentious but somewhat stilled force field in Bazi.

Contempt and contention

What types of contention occur in a setting like this? This section illustrates in more detail the ways in which the three categories of authorities negotiate their powers through incidents that occur in the village. In fact, the question is how Southern Sudanese GoSS state agents deal with the other two categories and how the Congolese and local government administrators perceive the dominance of ex-SPLA GoSS agents. At first glance, it would seem that GoSS agents are more concerned with the Congolese but a closer look also sheds light on the internal positions of the various Southern Sudanese authorities in the village. The tensions with the Congolese not only reinforce the supremacy of the GoSS state agents but also serve as a legitimizing force in relations with their superiors in Juba.

'Nous avons beaucoup à avaler' is how the Congolese local government representative summarized their sentiments towards their Southern Sudanese counterparts at the GoSS checkpoint.⁴⁰ Congolese officials feel disrespected in their legitimate authority to represent the Congolese government on their sovereign territory. The most important source of frustration is related to the behaviour of people from the Dinka community, which generally means with the state agents in the GoSS offices. And the most important places where the Dinka agents spend their time happen to be on the Congolese side of the road, historically in the WNBH huts that

³⁹ The frequency and variety of mutual frustrations is demonstrated in the numerous narratives told by local people when asked about the immediate reason for the skirmishes. Stories ranged from a truck accident on DR Congo territory that was settled by the Sudanese authorities but that the Congolese also wanted to gain something from it; problems between the Sudanese authorities and Congolese motor-bike smugglers; and the Congolese army that came to buy beer on Sudanese territory and returned drunk. Examples illustrating this type of trouble occur often, causing tensions between the state agents of the two countries.

⁴⁰ 'We have a lot to swallow' (author's translation). Interview with Congolese *chef du centre*, Bazi, 15 April 2009.

they occupied in 1997. Some live in these huts or in one of the lodges on Congolese side of the border where they keep their uniforms, and also their guns. '*Ils se baladent avec leurs armes comme s'ils se trouvent chez eux*'⁴¹ said the Congolese police commander who had been dealing with his 'Dinka brothers' for four years.⁴² According to the local authorities from the two sides, this violates a mutually agreed arrangement; no foreign arms are allowed on DR Congo territory. But more importantly when they carry their Kalashnikovs they openly disrespect the Congolese authority on their side of the road. The latter suggests being in control of that side of the village, something that in practice seems fragile. In the eyes of the Southern Sudanese state agents, weapons are simply part of their daily equipment and something they might need at any instance, as the skirmishes described above demonstrated. They see it as their right to keep them and refer to those who liberated the area when asked to consider the matter from a Congolese point of view. The issue of guns but also other provocations lead to tensions or fighting at one of the local bars. These are times when former SPLA or GoSS agents become verbally violent and recall how the Congolese did not even fight for their own land. Alcohol is often a trigger but the real issue is their contempt for their Congolese counterparts.

Sometimes silent provocation becomes open violation of Congolese authority over their side of the village, which then illustrates Congolese difficulties in reacting properly. On the Congolese side of the road is the famous Haemorrhoid Treatment Centre that belongs to one of Southern Sudan's best-known doctors who treats this very common affliction. The doctor was trained in Congo and mainly treats Southern Sudanese, including quite a number of the SPLA generals. In the summer of 2009, the SPLA's deputy commander-in-chief, 1st Lt General Paulino Matip, came for treatment.⁴³ He arrived with a large group of soldiers and checked into the New Sudan Lodge on the Congo side of the road. His troops positioned themselves at 10-metre intervals between Sita and Saba and called for all the security agents in the village to come and see their commanding officer. The security agents in Bazi were told that Matip's soldiers would not move and that they were the ones who would be responsible for everything related to security during

⁴¹ 'They walk around with their guns as if they are at home' (author's translation). Interview with Congolese police commander, Bazi, 17 March 2009.

⁴² *Ibid.* In the years before the skirmishes, the Congolese police commander operated from Rumu.

⁴³ Paulino Matip is a Bul-Nuer from Mayom County in Unity State. He used to be the leading commander of the South Sudan Defence Forces, one of the most important militias that, with support from Khartoum, continued fighting against the SPLA until the CPA was signed. In the Juba Declaration of January 2006, Matip and his troops were integrated into the SPLA where he became the deputy commander-in-chief.

his stay there. 'We did not sleep those two nights,' recalled the CID officer at the checkpoint.⁴⁴

Strictly speaking this situation had nothing to do with the balance of power between the authorities locally but indicated the little consideration the Southern Sudanese had for the Congolese claim to that side of the village and that understandably led to frustrations amongst the Congolese authorities. The provocation illustrated once again the way the Congolese authorities function. When I asked the Congolese police two months later what their reaction had been, they replied that they had reported the issue to Ingbokolo, from where it was taken to Aru. They had not yet received a formal reaction from the Congolese authorities.⁴⁵

The situation with Matip was an exception but it illustrates the isolation in which the Congolese authorities are forced to operate, which is being felt by Goss state agents and the SPLA. The contempt of the predominantly Dinka state agents was not only expressed in bars and other places but was also to be seen in the everyday performance of state powers. In my presence, for example, a trader went to Congo by motorbike taxi for business and a second motorbike returned with his goods. The man had a flat tyre but was unable to warn the trader. Night fell and the trader went to the GoSS immigration agents and the CID where he accused the Congolese driver of theft. When the following day the driver arrived with the goods, he was arrested and beaten by the CoSS security agents. This led to anger among the Congolese but also among the local Southern Sudanese authorities. After all, there was clearly no case to answer when the young man finally arrived with the goods and a valid explanation. The local CID officer argued that theft is a local matter that is not supposed to be handled by GoSS agencies. The GoSS agents took the opportunity to demonstrate their self-claimed powers and, in the end, the local police and *boma* administrator were called in to calm the situation.

While tensions rose and the various authorities were going up and down between their offices, I tried to find out what was going on. I was chatting with a Congolese border agent in French when the local SPLA military intelligence officer passed by and asked why we were standing there and what we were talking about. He did not wait for us to answer but started shouting 'go go', ordering us to leave and waving his arms about. We both quickly went off in our different respective directions.⁴⁶ Our reactions demonstrated the balance between the two agents representing their governments and my judgement of my own position towards this soldier. Although the real power of this young man was limited, the authoritarian

⁴⁴ Conversation with GoSS CID officer, Bazi, 7 November 2009.

⁴⁵ Conversation with Congolese police commander, Bazi, 7 November 2009.

⁴⁶ Conversation with Congolese officer from the *Office Congolais pour le Control*, Bazi, 9 November 2009.

way in which he forced us to stop talking left little room for objection despite our right to talk and the fact that there was nothing secretive about our conversation.⁴⁷

The provocations and incidents described above are illustrative of the way the power balance between the authorities is negotiated. This had very little to do with any formal powers of these people and much more to do with the acclaimed and ascribed authority based on violent behaviour, a situation that was then calmed by the local *boma* administrator and in cases of more serious incidents by the Congolese chief in Kumuru or the county commissioner. The negotiation arena is seemingly defined and the main contenders are the Congolese and GoSS state agents. This is not the complete picture, however; as part of the tension lies in the relations between the local authorities of the *boma*, the police and GoSS state agents. They feel passed over when small issues are aggravated by the checkpoint officers rather than being left for investigation by the local police or the administrator.

To the local authorities, police and *boma* administration, the daily management of incidents and conflicts required a constant balancing exercise with the other authorities. What happened in this case seemed less relevant than the demonstration of authority that came with it. Many such incidents were supposed to be solved by local government officers but instead they had to mediate between GoSS state agents and the Congolese administrator and police. A few individuals, all of them ex-SPLA GoSS state agents at the checkpoint, had a tendency to move small local issues into the bigger cross-border negotiation arena, often legitimizing this with a reference to security in general. By doing so, they not only imposed their authority on the Congolese but also demonstrated their claims to power and superiority over local government officials in the emerging state of Southern Sudan.

The contention between those representing the local authorities and the people representing the GoSS and the SPLA shows the resurfacing of old sources of contention that divided the SPLA and the people of Southern Sudanese during the war. The SPLA's guerrilla logic and its supremacy over civil powers was an issue throughout the 1990s when the SPLM/A was trying to establish civil governance in liberated areas. Military concerns always dominated. Here too, the former SPLA soldiers now in civilian positions in the GoSS enter the force field based on their superiority related to military dominance. The emancipation of the local authorities, as a result of changes in their formal powers since the CPA, has not challenged the dominance of a small group of people claiming powers based on guerrilla repertoires.

⁴⁷ Language also played a role in the confusion. The MI official did not speak French and could not have known what we were talking about, which made our conversation suspicious.

Claims of authority were based on the logics of power rooted in the SPLA/M liberation administration. It formed the basis of relations with the local people in the village and in neighbouring Congo. The changes in the political-administrative environment in Southern Sudan have supposedly transformed the context in which the authorities perform their tasks in GoSS offices but concerns for security and the maintenance of Bazi's strategic position have remained. The new tasks were instead used as an additional tool in the performance of key tasks, the protection of the military but also their personal interests in the village (see Chapter 5). Positions in the GoSS served as a pretext for maintaining existing power hierarchies. The force field was not negotiated based on current official powers but largely derived from old logics of legitimacy that were valid at the time of the war and embodied in a few individuals. The foundations for the perceived and sustained asymmetry among the Southern Sudanese authorities and with the Congolese were laid soon after liberation and seem to be changing only slowly.

Shifting the balance of power

The above might give the impression that the factor of time has had no effect on the force field in Bazi but this deserves some extra explanation. While I was away from the village between April and October 2009, the *boma* administrator was transferred to Juba and replaced by someone new; the number of customs officers was reduced from 22 to 5; the ranks of the people operating in the various police departments were reassessed and the rope that used to be the most performative and symbolic representation of the authority of the state agents was removed from the road. In six months, the Southern Sudanese government at various levels had taken general measures in the organization of its functioning that were disconnected from the situation in Bazi but were certainly having an impact locally.⁴⁸

The general transfer in local government in Central Equatoria State and the re-assessment of ranks and transfers of the police officers changed the force field in Bazi and reduced tensions. These two measures affected two of the main protagonists in Bazi's local force field, a GoSS officer in the immigration department and the *boma* administrator. Both had been in the village since or shortly after liberation and were examples of the stilled relations between the various authorities.

The *boma* administrator originated from Morobo County and had been a key figure in the local administration in Bazi for many years. In 1983 the chiefs in Bazi asked him to take on the position of secretary in the local judiciary since he was one of the few people able to read and write.⁴⁹ In 1997 he returned soon after the SPLA liberated the area to become involved in the civil administration. After he

⁴⁸ The one exception is the removal of the rope from the checkpoint (see Chapter 5).

⁴⁹ Interview with *boma* administrator, Juba, 24 January 2010.

had passed the exams for local government officer he was appointed as the *boma* administrator. In this position and due to his long-standing relationship with some of the SPLM/A agents on the border, he was involved in mediating in numerous cross-border incidents. 'When you work in this environment you need to know how to carry a plate of eggs. If you don't take care, they will all break immediately'⁵⁰ was how he explained the situation at the border, the checkpoint and with the Congolese. According to GoSS agents and the Congolese authorities, he indeed knew how to carry a plate of eggs. If the *boma* administrator was not around for three days to calm, mediate and translate, tensions used to rise between the Congolese and GoSS agents.

When the new *boma* administrator arrived, he called a meeting of all the GoSS departments and explained that he would not allow interference by GoSS agents on the Congolese side of the border and that in cases of emergency he would call the commissioner directly.⁵¹

The former administrator solved things locally, not by contacting the county. Now the new one will just call the commissioner. He's tough. If he stays a long time, he will defeat the old one in the administration.⁵²

This breath of fresh air in the local administration with a new person with no roots in the local power balance and who had been in the area since soon after the liberation meant a new force in the field. His authority was not based on local path-dependent relations but on an outsider's perspective. The new administrator did his job as laid down in the Local Government Act, and in close collaboration with the Commissioner's Office. The former *boma* administrator was transferred to Juba to work in a *payam* sub-office in a local market. He smiled when he explained that he was learning a lot from the way things were dealt with in town and that it would have helped him at the border.⁵³ He too had become more aware of the powers of the local administration in a new context without the burden of the past.

The other key person in Bazi's old power balance was a relatively young Dinka man who arrived at the time of liberation and had stayed. He served in the SPLM/A's administration of the New Sudan as a first lieutenant (two stars) in the immigration department and since 2005 was an immigration officer in the GoSS police service. As a result of the time he has spent in the village, he is seen by his fellow GoSS agents as an authority on relations with the Congolese and the local administration. Some of his Dinka friends described him as the one 'who stood up

⁵⁰ Interview with *boma* administrator, Bazi, 14 March 2009.

⁵¹ Interview with *boma* administrator, Bazi, 18 November 2009.

⁵² Interview with one of Bazi's chiefs, Bazi, 10 November 2009.

⁵³ Interview with *boma* administrator, Juba, 24 January 2010.

in security'.⁵⁴ Whenever there is an issue between the two countries in Bazi, he is involved in finding a (peaceful) solution, sometimes by stirring things up but also then settling the issue. In October 2009, he was on a visit to Juba where officers' ranks were reassessed. The two-star officer was demoted to the rank of non-commissioned officer (NCO) and he and two other immigration officers working in Bazi were transferred to Juba in March 2010. The GoSS's police immigration department in Juba decided that new people were to run the immigration office in Bazi. His departure also had an impact on the local force field. According to one of Bazi's chiefs, 'He was the one spoiling the border. Since he's gone, it's been quiet.'⁵⁵

What seemed to have been a stilled force field since liberation started to change due to decisions and policies decided in Juba but that had a clear local impact. This did not eliminate occasional tensions, for instance when the Congolese army started to do their morning training on the Kaya-Yei road, but the appropriate reactions were less affected by the old power balance. The old, legitimate claims of authority started to erode and the local force field could be defined again by the new people responsible for performing state powers. New repertoires of government could start redefining statehood.

CONCLUDING REMARKS

This chapter has looked at the ways state powers are articulated in various localities along the border with DR Congo and Uganda through the performance of powers by its agents. It concluded that for statehood to be performed along the border, a few characteristics are needed. First of all, local government institutions alone are not enough to build a force field that includes the central dynamics of state performance, as was shown in Kimba. Secondly, personalized interests impact on the performance of the state, or rather the inverse was demonstrated with the absence of personalized interests resulting in non-performance, as in Lasu. Lastly, when various GoSS agencies are present, even if they are not very active, the mere fact of their presence creates an environment in which a force field is negotiated, and this then impacts on the state-building process (see Chapter 5).

The description of the pockets of state performance showed that sometimes the presence of the state was expressed symbolically, for example by a sign in an office, an SPLM flag or the *tukul* of the *boma* administration. In other cases, there was active performance with the local police or a GoSS agent keeping an eye on people

⁵⁴ Conversation with three Dinka GoSS agents, Bazi, 16 March 2009. I was never able to really talk to this man as he did not answer my questions when we had agreed to an interview (Bazi, 19 March 2009) and he remained suspicious of me throughout my stay.

⁵⁵ Interview with one of Bazi's chiefs, Bazi, 10 November 2009.

crossing the border. Through the symbolic expression and the active performance of the border, the Southern Sudanese state is simultaneously enforced and shaped.⁵⁶ This process of building, enforcing and shaping the state did not start when the CPA was signed but has developed in SPLM/A-held areas since liberation in 1997. Signs of this rooted civil governance can be read in the details observed in the villages, the old offices, shop names and references to New Sudan under the SPLM/A guerrilla administration. The dynamics of statehood in the different pockets of performance vary and are characterized by a different pace in interaction and relations with other towns and neighbours and in life more generally. Kaya represents the new character of Southern Sudanese state performance through commercial activities connecting the border to the centre of power in Juba. This is contrasted with the little that is happening in Lasu and Jalé despite their checkpoints. They operate in isolation, disconnected from the speed of change that characterizes Kaya.

Bazi was studied more closely because of the skirmishes there with the Congolese. It was one of the pockets of dense state performance while at the same time articulating that state powers had different characteristics (see Chapter 5). Various elements in the force field, the types of incidents and the changes over time were unravelled and it was concluded that Bazi's statehood still largely exudes a guerrilla logic. Although Bazi had relatively large numbers of state agents, it seemed that the everyday practice of state powers and claims of authority were taking place almost in isolation. The local force field was composed of the border, three groups of authorities that had been interacting in the locality since liberation and cultivated incidents that served as security stakes to defend. Unlike Kaya where negotiations between the various GoSS offices take place with and in connection to the headquarters in Juba and Yei, Bazi's character is rather incongruent with the pace of developments in Southern Sudan since the CPA.

Statehood in Bazi is rooted in what was established in the area after 1997 when the SPLM/A liberated it. Some GoSS state agents in Bazi were part of this liberation process. They stayed and later joined the civilian wing of the SPLM/A guerrilla government of the New Sudan. The origins and ethnicity of majority of these agents were elements that fed the tensions in this pocket of dense state performance. The guerrilla repertoire and the concerns for security prevailed in the interaction between GoSS agents and the Congolese and the Southern Sudanese local authorities. What was observed in Bazi was the negotiation of social order

⁵⁶ Compared to the rest of the vast Southern territory, this part of Equatoria seems somewhat better organized than other more peripheral areas, but even along roads in Western Bahr el Ghazal Unity and Upper Nile, the state always has some form of presence. Depending on the importance of the area, there may be a stronger civilian or a more prominent military presence but there always is some form of control.

and the navigation of individuals in this force field to sustain their power base. Agents could still locally claim legitimacy and supremacy based on their role during the war. The balance of power seemed stilled, and the localized statehood that derived from it too. Yet the relevance of these claims has started to erode due to external influences. The pockets of statehood described in this chapter, including that in Bazi, are subject to the new dynamics of state-building in Southern Sudan.



Picture 2.1 Norwegian People's Aid's female manual deminers at the morning appeal, 16 March 2009



Picture 3.1 Three mango trees up the hill in Oraba/Kaya planted in 1922, symbolizing the Kakwa divided between Southern Sudan, Uganda and DR Congo, 17 November 2009



Picture 3.2 Anynya I War Veterans Day, Kajo Keji County, 6 February 2010



Picture 4.1 Trucks waiting on the Ugandan side of the border with South Sudan in Kaya, 6 March 2009



Picture 4.2 Black market currency exchangers along the road in Kaya, 10 April 2009



Picture 4.3 The Boma office at the border point of Southern Sudan, Uganda and DR Congo, called 'Asalia Musala', 19 November 2009



Picture 4.4 Signposts of the GoSS and State offices at the border checkpoint in Jalé, 8 February 2010



Picture 4.5 Office of Commerce and Industry; the most organised *makhtab* at the checkpoint in Jalé, 4 February 2010



Picture 4.6 Office of the Congolese immigration department in the black suitcase, Bazi, 18 March 2009



Picture 4.7 Congolese flag and immigration office at Sita, close to Bazi, 16 March 2009



Picture 4.8 The Congolese border checkpoint in Bazi, 17 April 2009



Picture 4.9 The South Sudanese checkpoint's offices on a rainy day in Bazi, 16 April 2009



Picture 4.10 Voter registration at Bazi's Boma office, in front the vehicle of the election commission, 6 November 2009



Picture 4.11 Zebra Smart Kiosk in the centre of Bazi referring to the 'New Sudan', 14 March 2009



Picture 5.1 County police forces in Morobo, 25 November 2009



Picture 5.2 County police forces at the Boma office in Bazi, 9 November 2009



Picture 6.1 Welcome board at the Morobo/Yei County border, 8 April 2009



Picture 6.2 The road from Yei to Morobo, 16 November 2009



Picture 6.3 Administrators travelling to the County headquarters by motorbike and bicycle for a meeting, Morobo, 12 March 2009



Picture 6.4 The Secretary of the SPLM County Chapter in his office, Morobo, 24 November 2009

5. Convenient indeterminacies

Pulling the ropes in Kaya

INTRODUCTION

This chapter turns the focus of analysis to the multitude of government agencies operating on the fringes of Southern Sudan's territory. It illustrates the ways in which the various agencies perform their tasks in relation to, and occasionally in competition with, other offices, agencies or levels of government. The resources mobilized and revenue generated in the performance of the state at the border are subject to the positioning and negotiation of state agents at various levels of government. The numerous indeterminacies and the need for situational adjustments (Moore 1978: 39) create an environment in which the individual and collective interests are under constant negotiation. Such an environment is very convenient for those agents who have been able to ensure a position in this context of institutional multiplicity that allows for rent-seeking behaviour and an entrepreneurial approach to state-building.

The analysis in this chapter will demonstrate the importance of extra-local connections to power and authority situated in Juba and Yei. These co-determine the legitimacy of claims that are made. Due to the high economic stakes and the large numbers of state agents, Kaya is the scene of institutional multiplicity *par excellence*. The previous chapter showed the dynamics of state performance in Bazi and the pace before the CPA when there were limited economic activities and a focus on localized security concerns. Kaya, by contrast, showcases the new opportunities that arrived with the economic boom that followed the signing of the CPA and the establishment of the GoSS. At the same time, the agencies performing in Bazi are the same as those in Kaya, the personal trajectories of many of the agents are similar and although they know each other, the character of state performance is different because there are fewer benefits from the new dynamics.

Since the signing of the CPA, all these institutions have been in a process of regularization (Moore 1978) with attempts to harmonize the co-existing systems of government. From 2005 onwards, the laws and agencies of the New Sudan, de-

signed by the SPLM/A secretariat in Yei (see Chapter 3), had to merge with the remnants of the system in the government of Sudan that was deployed in garrison towns like Juba. These institutions, which date from various periods in Southern Sudanese history, had slowly to be transformed into the new organizations of the GoSS. Some were reorganized due to the new political-administrative reality, for example the customs service. Individuals too were affected by adjustments within the organizations themselves, for instance the reassessment of ranks and positions in the police (see Chapter 4). As a result, a highly fluid institutional landscape emerged making it difficult for both insiders and outsiders to understand which organizations were supposed to be carrying out what type of responsibilities and to keep track of changes in the organizational chart. At the same time, any negotiations and contestations had an impact on the process of state-building. Not only did the practice contribute to the image of the state, the negotiations also had a 'structuring' effect (Giddens 1984).

This chapter starts with a description of two 'social situations' (Mitchell 2006) in an attempt to demonstrate the competition between different government agencies. Then the range of government offices, their tasks and responsibilities are described in relation to the border's two key tasks, namely the economic performance of the checkpoint, and the role of the security agencies in performing state powers. It will be argued that the indeterminacies create an environment in which entrepreneurial state agents and others operating in the same force field find opportunities to obtain resources. As in the previous chapter, there is logic in the negotiation of power that is rooted in the guerrilla repertoire shared by many state agents. This old logic is effectively put to use in the new situation of economic opportunity in which it is combined with the official powers as they are designed under the GoSS system of government following the CPA. The numerous indeterminacies in these formal powers are convenient and facilitate the fluidity of the negotiations while at the same time reaffirming the importance of the past SPLM/A logic of authority in the Southern Sudanese state-building process.

THE PERFORMANCE OF POWER

Two illustrations are given of situations related to ropes across the road in Kaya and Bazi. The ropes constitute the checkpoints with neighbouring DR Congo and Uganda in Bazi and Kaya respectively. The rope is the most important symbolic element of a checkpoint as it is the visible demonstration of an authority that preserves the right to let people, vehicles and goods proceed (or not) into the country. It plays a performative role on its own. Even without the presence of state agents, the rope manifests powers and suggests control. Practically, the rope has an impor-

tant task too, blocking the free passage of cars, motorbikes and trucks. Until a policeman or soldier appears to either let the vehicle pass or to tell the driver to go and report to the GoSS offices, a traveller can only stay put. Across Southern Sudan there are many ropes, pieces of wood and other removable obstacles serving as checkpoints. In Morobo County, the numbers have decreased since the arrival of the new county commissioner (see Chapter 6). Only in the two border villages were the ropes still operational and, as will be seen, sources of contention.

Who pulls the rope at Checkpoint Kaya?

This first illustration provides insight into the power dynamics between the central and local levels of government in a 'pocket of dense state performance' (see Chapter 4). In fact, it is a story about the rope hanging across the street in Kaya that marks the Southern Sudanese-Ugandan border. The seemingly innocent action of lowering the rope is of symbolic importance, after all it involves letting people in and out of the country. In this case, however, it more importantly allows for a transaction between the traveller and the GoSS agent operating the rope. The transfer of a few pounds is institutionalized to the extent that many drivers have their notes of SDP 5 ready as they approach it.¹ Debate occasionally arises as to the amount or because a driver refuses to pay. It is common practice to pay and yet there are practical norms to respect (Olivier de Sardan 2008). Once as I was crossing at a checkpoint with my family, a policeman started to negotiate with our driver. The agent who had accompanied us quickly and discretely intervened and we did not pay. As this intervention demonstrates, there are practical norms and unwritten and unspoken codes of conduct related to who to ask for money and who not. Although the example shows a consciousness of the fact that this lucrative practice is common but prohibited, it colours the everyday practice of state-building at the border. The contentious question was related to a different matter, namely who is entitled to raise the rope in Kaya. In other words, who has access to this resource?

The authorities in charge at the checkpoint are the customs and traffic police, both of which come under the GoSS Ministry of Interior's Inspector General for Police (IGP). They thus jointly share access to this important additional source of revenue. The local authorities, i.e. the *boma* administrator and the local police, instigated a discussion with their GoSS counterparts among the traffic and customs police who were responsible for the rope. The local authorities have their office next to the checkpoint, which means that the local police are whiling away their

¹ It is often given and received without a word, involving just a brief exchange out of sight of the inattentive passerby. The sum ranges from SDP 5 to SDP 20 depending on the size of the vehicle and who is in the car.

days watching their colleagues from the GoSS accessing the institutionalized practice of *kito kidogu*,² generating a continuous flow of resources. The chains of command and the lines of responsibilities are very different between the local *boma* police sent by the county, and the GoSS police that serve in one of the GoSS police departments such as immigration or traffic.³ As in Bazi, the activities of the local police are disconnected from Kaya's vibrant cross-border dynamic, including the economic opportunities related to it. The local police may be disconnected from this field of activities in Kaya but they see the GoSS police generating revenue to which they themselves do not have access, which is a source of frustration.

They started arguing that the local police should also be responsible for looking after the rope and the checkpoint. The GoSS police officers never reacted seriously to this request. According to the *boma* administrator, they just laughed. The local police were told that opening the gate was a national responsibility that was beyond their capacity and that the task of the *boma* police was only to take care of security in the *boma*. The rope is a national security concern and therefore was not their responsibility. Although this is indeed true, the real issue at stake, namely access to the revenue generated by the rope, was never a topic of discussion. Was it the sense of responsibility that motivated the GoSS agents to claim this task or rather their direct interest in the unofficial revenues related to the activity?

Clearly the greatest source of frustration among the local police was their lack of access to the resources that the border and the checkpoint offered. According to the *boma* administrator, the issue perfectly demonstrated the injustice between the different levels of authority.⁴ In the discussions with the administrator and the other local authorities, they never made any reference to the *a priori* illegality of this practice.⁵ Only while explaining the *boma* police's motivation for participating in the checkpoint did the administrator realize that his argument on injustice was in a way undermined by the more fundamental concern regarding the authorities taking money from citizens without a legitimate reason. On the other hand, the position of local authorities is understandable. Kaya vibrates with economic opportunities related to administrative actions and the extent to which officials have and take the opportunity to benefit from this varies between the type of office and the

² *Kito kidogu* means a 'small thing' or a 'little something' in Kiswahili. It is generally used to refer to the payment of a (small) bribe. As far as I know, there is no equivalent in the Sudanese language and in the border areas everybody knows what it refers to. I have to admit that I never heard a Sudanese officer use this term.

³ They are assigned from the state police department to the counties from where they are deployed over the *payams* and *bomas*. They report to the county commissioner of police who reports to the state inspector for police.

⁴ Interview with *boma* administrator, Kaya, 16 November 2009.

⁵ Focus-group discussion with local authorities, Kaya, 17 November 2009.

character of the individual. One thing is obvious however and that is that by and large the majority of those with the opportunity to access this sort of revenue belong to the GoSS authorities.

This relates to the other source of frustration that is found in the feelings of inferiority among the local *boma* administration and police. Access to such revenue underlines the fact that GoSS police agents have more powers. But what frustrated their fellow officers at the local level was the lack of respect GoSS agents demonstrated towards them. They felt subordinated or, to be more precise, intimidated by the implied superiority of the GoSS agents. Their self-consciousness derives from their guerrilla repertoire and their predominantly nilotic background. As became clear in the previous chapter, the unspoken balance of power is not just based on formal tasks and defined frameworks for operation but is negotiated through behaviour, rank, uniform, language and ethnic identity. The local authorities clearly do not have the clout to pull the (right) strings in Kaya.

The competition for access to resources is not just confined to Kaya but can also be found in GoSS institutions in different villages. One victim of this internal GoSS negotiation, under the pretext of building up the system, was the checkpoint in neighbouring Bazi, which is our second rope-related story.

Who pulls the rope at Checkpoint Bazi?

On 31 August 2009 the chief of customs in Bazi received a letter from his colleague, the chief of customs in Kaya. The letter ordered the chief of customs in Bazi 'to only concentrate strictly on vehicles from DR Congo, not the ones from Kaya' because '[o]n many occasions, travellers, goods and vehicles are detained in your station for one reason or the other'. The head of the station in Bazi was therefore 'ordered to stop this unnecessary checking at [his] station' or 'the administration will take some tough measures against you'.⁶ Although the letter only demanded that he concentrate on vehicles from Congo, the result was that the rope that marked the Bazi checkpoint disappeared from the street.

Although the border checkpoint was supposed to control Congolese-Southern Sudanese trade activities and security issues, most state agents were mainly cross-checking the clearances that had just been made in Kaya. As a result of the letter from the chief of customs in Kaya, they were ordered to stop this cross-checking, which meant that their locally negotiated extra fees for tasks such as letting down the rope and payments for additional stamps on clearance and immigration papers disappeared overnight. Besides the immediate impact of the letter on the local dy-

⁶ Unpublished letter dated 31 August 2009 in Kaya. Copy with this author. When asked what these 'tough measures' could be, the chief of customs was unable to answer the question.

namics in the village,⁷ it is fascinating for several other reasons. It raises the question as to whether the chief of customs in Kaya officially has the power to order such thing from a peer, such as the chief of customs at another checkpoint. The letter also affected the range of other GoSS agencies at the checkpoint. The reasons for arguing against the decision were illustrative from a state-building perspective and there was confusion as to who actually made decisions related to the checkpoint and the way it was endorsed. All these elements relate to institutional complexity inherent to the process of state-building and to the negotiated practice of decision-making. It is time to unpack these questions.

First of all, what was the impact of the letter on force field among the GoSS agencies in Bazi and the powers they claimed over the organization of the checkpoint? They lost their dominant position as the agency on the border. This was less straightforward than it seemed because the checkpoint formally still existed and so did customs. If someone wanted to import goods from Congo, customs would still undertake the procedures. However as a result of the letter, the situation changed. People felt less need to stop without the rope. After the rope was removed, the authority of the GoSS agencies had to be imposed by different means. Although the letter was addressed to customs alone, it had huge consequences on the other agencies as well and implied a reshuffle of the balance of power.

Where customs was the dominant agency in terms of numbers of staff and its authority to stop vehicles, this position was now adopted by the traffic police. This was the only agency with the right to stop vehicles and to check papers and vehicle quality. When I first came to Bazi, the traffic police were barely visible but as soon as the rope went they started to stop trucks and public buses. This allowed the immigration officers to continue requesting papers from passengers in vehicles. Formally, the immigration department, just like customs, was only allowed to check passengers crossing the international border with DR Congo. The emerging performance of the traffic police combined with the ignorance of many travellers allowed the immigration department to still operate. Some of the other agencies, for instance the State Revenue Authority and the Office for Commerce and Industrial Supplies, ceased almost all their activities.

Secondly, the letter impacted on GoSS agencies operating at the border and the road tolls office of the GoSS Ministry of Finance was closed in the weeks after the rope was removed. Two state agents responsible for the office in Bazi lobbied at

⁷ There were fewer people staying in the lodges and there were fewer people in the bars. Truck drivers, for instance, did not need to stay the night anymore. According to the head of the Congolese immigration office, only 5 of the original 25 Congolese *femmes libres* (prostitutes) remained (Conversation with Congolese immigration officer, Bazi, 10 November 2009). In short, the disappearance of the checkpoint affected the village's economy and fewer people were spending money in Bazi's small businesses. (Conversation with a businessman, Bazi, 9 November 2009.)

two different levels for the closure of their office as they wanted to be transferred to Kaya. Initially they discussed the impact of the departure of the rope with their boss, the director general for taxation at the Ministry of Finance in Juba. What was more interesting though was their lobby at the level of the chief of customs in Kaya who also contacted the DG of taxation in Juba to pressure the two men to come to Kaya. Kaya's chief of customs had no formal linkages with the taxation department in Juba, especially not regarding the management of human resources at road toll offices.

According to the director, the transfer of staff follows general criteria that are approved by the under-secretary of the Ministry of Finance. The idea guiding these general transfers is that agents do not build up relations with the people frequently travelling along the roads, a policy that is also employed in immigration and customs offices. The director of taxation explained that it is impossible to negotiate transfers or stations as they follow official procedures.⁸ Yet the practice in reality turns out to be difficult to monitor and transitions can be negotiated.

What is more important, however, is the fact that as a consequence of the local lobby, the road toll office closed in Bazi. The motivation behind this seemed to be found after the event: there was little work after the rope had been removed. Connections with and networks of powerful GoSS agents proved effective, crosscutting the various departments. They did not even have to belong to the same department or agency. Linkages between the people in the offices on the border and those in charge in Juba resulted in shifts in the institutional field and thus the appearance of the state. This is much more important than the practical impact, namely that the few vehicles from Congo first have to travel to Kaya to pay a road toll.

Obviously, the customs office and other GoSS agents in Bazi objected to the letter and started to lobby for the rope to stay. Since they could not mobilize support using the argument that part of their personal revenue had been reduced, they claimed the rope had been indispensable for security purposes. According to the chief of customs and other authorities in the village, the LRA was a threat and there was also the issue of the illegal trafficking of goods and mysterious products like mercury. The second claim that in their eyes legitimized the checkpoint was that it had to remain open to keep an eye on the corrupt practices of custom officers in Kaya and Yei. Being the station between two big custom offices, they could see the differences in the real value and the estimated value of goods. They knew about the deals that were being made in Kaya (see below).⁹ The relatively unimportant custom station in Bazi was a potential threat to the network of customs stations linking Kaya to Yei and Juba. In Yei, all papers had to be checked and

⁸ Interviews with the Director General of Taxation, Juba, 12 October 2009 and 31 March 2010.

⁹ Interview with custom officers, Bazi, 11 November 2009.

stamped before being allowed to proceed to Juba, Rumbek or elsewhere. The Bazi customs officers' claim is interesting since it would make them partly responsible for benefitting from the same deals. They had to be kept quiet.

The two reasons that could legitimize the rope and the checkpoint were not strong enough to reverse the decision. The state agents in Bazi were clearly not able to pull any strings. They went to see the Morobo County commissioner, objected to the chief of customs in Kaya and to the deputy director of customs who came from Juba on a field visit. They also sent a copy of the letter to the director general of customs in Juba. Despite their efforts, the rope was removed from the road on 29 September 2009 and officials stopped cross-checking the papers of vehicles from Kaya four weeks after they first received the letter.

The last question remaining to be answered was who made the decision about the checkpoint's rope in Bazi. Was it the decision of the chief of customs as the letter suggested? Did he actually have the power to write such a letter and impose his decision on his colleagues at the next border station? And finally, were customs in Kaya interested in removing the rope in Bazi? After taking office in January 2009, the commissioner of Morobo County decided that the checkpoints in his county had to be removed (see Chapter 6). He only had the powers to order his county police to take down their roadblocks but the Bazi border checkpoint was beyond his power. To ensure that the checkpoint in Bazi would stop crosschecking the papers from Kaya and only focus on vehicles from DR Congo, he went to talk to the chief of customs in Kaya. According to the commissioner, the closing of the checkpoint was his decision and because his powers were limited he contacted the chief of customs in Kaya who had the clout to take up the issue at the customs headquarters in Juba. A formal request would have been impossible from an institutional perspective but his approach was successful.

The chief of customs in Kaya never mentioned the commissioner in his account and claimed he could no longer allow the situation in Bazi to continue, which is why he used his authority to write the letter. He was very firm about his verdict on the various GoSS agents in Bazi: 'most agents in Bazi are corrupt, not just the customs'.¹⁰ He explained how he used to receive up to twenty phone calls a day from drivers complaining about the checkpoint in Bazi where the customs refused to release vehicles until they had received SDP 20 to SDP 40 from a trader. Whether it was the influence of the commissioner or the chief's leverage that was more decisive in this matter is not important here but what counts is that both men contributed to the departure of the checkpoint in Bazi. At the same time, the chief of customs in Kaya removed a potentially disturbing factor in the efficient chain of connected customs offices.

¹⁰ Interview with the chief of customs, Kaya, 17 November 2009.

What is more interesting is that neither of these men had the formal powers to take such a decision. The commissioner knew he did not have the capacities, which is why he went to see the chief of customs. The chief of customs was 'only' in charge of the office in Kaya, which gave him the same position as that of the chief of customs in Bazi. But Kaya was a much more important station than Bazi, and the chiefs had different ranks; a colonel in the police headed the customs office in Kaya compared to a lieutenant colonel in Bazi. Arguably the most important difference between the two was their respective networks that were rooted in their personal trajectories during the war years. The chief of customs in Kaya worked in the SPLA procurement office in Mombasa while the chief in Bazi served as a customs officer in the North during the war. The rank of colonel was a remnant of the war while the officer in Bazi had obtained his rank while serving in Sudan's customs service.

Nevertheless they both were head of a customs station and technically therefore had the same position. A chief of station cannot order a colleague to abandon an activity only because he says so. This was the type of decision that would have to be taken by the director general of customs in Juba. Not surprisingly, but to the regret of the GoSS state agents in Bazi, the director general of customs in Juba endorsed the decision taken by his subordinate, possibly because they shared an interest in sidelining the Bazi station. It was clear where power was concentrated and who was pulling the strings.

The two ropes shared the characteristic of facilitating the generation of revenue aside from the taxes levied by the state agents operating at the border. The two examples also indicate that the effectiveness of the state and its various claims to power and legitimate action are highly negotiable. Competing interests and indeterminacies in the organization will turn out to be more vital, as the next paragraph illustrates. The chains of command within one organization but also between the range of government agencies are far from clear.

INSTITUTIONAL MULTIPLICITY AT THE BORDER

There seems to be a continuous struggle between the pressure toward establishing and/or maintaining order and regularity, and the underlying circumstance that counteractivities, discontinuities, variety and complexity make social life inherently unsuited to total ordering. (Moore 1978: 39)

The multitude of agencies previously mentioned indicate the wide range of institutions taking part in the performance of the state. At all levels of government in the South, thus the GoSS, state and local government, these institutions have been sub-

ject to many changes since the signing of the CPA, sometimes in their internal structure but also in transfers of tasks between central agencies or shifts between levels of government. As also became clear in the previous paragraph, one of the drivers of these changes was the numerous stakes related to the political-administrative framework. It turned out to be impossible to develop a coherent and precise picture of how the border-related institutions, the sharing of responsibilities between them and relations with the centre of power were working. In fact I became convinced that no such picture exists and that even those agents performing the state were unable to tell the full story. And in cases where things seemed clear, there were locally negotiated powers or even invented institutions that impacted on the institutional landscape and the local force fields at the border. The rough lines of institutional complexity are not easy to draw because the institutional organization is changing all the time, which has consequences for the ways in which the process of state-building is understood.

Economic performance: Customs as its driver

This customs of ours is going to collapse soon.¹¹

This remark was made in a conversation with a customs officer over a beer while talking about the difficulties in customs, more precisely about corruption in the system. It was said with indifference, as if it was a simple statement of fact leading to this unavoidable conclusion. What is clear from the above quote is that the customs system in Southern Sudan was suffering from a number of problems and indeterminacies facilitated rent-seeking behaviour. Even to the people operating in it, the system and who was responsible for what was not entirely clear, besides the fact that customs fell under the responsibility of the Government of National Unity in Khartoum.¹² On paper thus, the South had a director of customs who was responsible for the organization and for revenue collection in the South on behalf of the government in Khartoum. Beyond this however, there was the more undefined reality of customs performance, accommodating different groups of customs officers and a range of practices and procedures that varied according to the customs station.¹³

¹¹ Conversation with a custom officer, Yei, 4 December 2009.

¹² As a consequence, all revenue generated through customs clearances was part of Southern Sudan's revenues, as was oil. These sources of income were to be collected in Khartoum and then divided fifty-fifty.

¹³ The reference to 'officer' instead of 'official' is deliberate and means that all officials working in customs have a rank. Non-commissioned officers and privates are not allowed in the customs service unless they have been given a star or two.

There are challenges related to understanding the organization of the customs' authorities and challenges related to the contents of the work. Regarding the organizational set-up, there are three types of customs officers, each of whom represents a period in the development of the customs system. The merging of these three loosely defined systems forms the basis of the customs organization.

The first category is the group of officers who were trained in the system set up by the SPLM/A in the 1990s, a task that was steered by a customs officer who had been trained in the North and had joined the SPLM/A in the late 1980s.¹⁴ This person designed forms and procedures based on his experience in several customs stations in the North and South and started training officers in Kajo Keji. Due to developments in the war, initial progress was disrupted (see Chapter 3). When the SPLM/A had its secretariat in Yei and customs activities resumed, they received support from USAID to professionalize the system.¹⁵ They opened six custom offices along the border.¹⁶ This group of customs officers was thus mostly ex-SPLA who took 'another position in the government'. This formulation is not an error but a reference to the way many GoSS agents see their work, namely as a continuation of their position as SPLA soldiers (see also Chapter 4). In their eyes, there is no difference between working for the government and being a soldier in a guerrilla movement.¹⁷ The book of tariffs used at customs stations at border checkpoints was another reference to the pre-CPA period when there was no difference between the government and the army. They were using the book of tariffs from 2000 that was signed by the Secretary of Finance of the New Sudan.¹⁸ The cohort of customs officers that learned their profession under this SPLM/A New Sudan system was the one dominant at the checkpoints.

The second cohort had a different background and included those custom officers who were working in the North during the war. This group is important because they received training in the official customs system of Sudan and worked at places like the airport in Khartoum or in Port Sudan. The first cohort valued the capacities of this group of officers because 'they really know what they are doing'. But they were also regarded with suspicion (Badiy 2011). After all, 'they never fought' but instead operated in the North and were thus part of the system of government there, something that is quickly perceived as collaboration with the

¹⁴ Interview with ex-SPLM officer who designed the customs system, Juba, 27 January 2010.

¹⁵ Interview with USAID officer responsible for this programme in the late 1990s, Juba, 9 October 2009.

¹⁶ The customs offices in those years and that still exist today were Nadapal, one in the Ikotos Mountains, Kajo Keji, Kaya, Bazi and one in Yei. After the CPA, another opened in Juba as well.

¹⁷ I recently talked to a contact in South Sudan working in military intelligence who was considering 'doing away with government business'. Personal communication by phone, The Hague, 8 October 2011.

¹⁸ This was Kuol Manyang, the current governor of Jonglei State.

Khartoum government. Their knowledge of the system was appreciated and needed, and yet these people clearly did not pull any strings within the customs service in the South, except as a deputy or in the less important customs stations like the one at Bazi.

This divide between staff with knowledge and others who could safeguard the interests of individuals within the customs system became obvious in the headquarters in Juba. On several occasions I tried to arrange an interview with the director of customs in Juba. He first welcomed me into his office after which, as often happened in meetings with Dinka officials, we talked about marriage and cows for at least thirty minutes. Despite the fact that I met the director again on several occasions, I was never able to interview him about the organization he was in charge of. Several customs officers in different stations told me from the beginning that I had to talk to his deputy because 'the director of customs had absolutely no clue what customs was about'.¹⁹ Others worded it more politely by saying that the deputy was better informed and could provide me with the information I needed but the message was clear: the director of customs knew nothing about customs. His deputy was knowledgeable though as he had been trained and had worked in the North during the war. He explained the system on paper and offered insight into the general challenges. He also indicated that he was not going to answer my questions regarding politicized topics such as flaws in the system and allegations of corrupt practices. A similar situation existed in Kaya. The chief of customs there had his roots in the SPLM/A and had been in charge of SPLA procurement in Mombassa. His deputy was known as a knowledgeable customs officer who, again, had been trained in the North. At the head of the important customs offices in Kaya, Yei and Juba were men who had all been part of the SPLM/A during the war and who knew each other quite well.²⁰ The deputies in Kaya and Juba were officers who had been properly trained as customs officers. This remark by one of the chiefs of customs summarizes the various explanations mentioned above: 'I was in the struggle, I must be considered first'.²¹

There was one last group of customs officers active on the border that is generally referred to as 'the ones who were recruited by Machar'. The Vice-President was apparently in charge of customs for a while. I never managed to find out when precisely but during this period the last cohort of customs officers were appointed and trained. The others regard this group with some suspicion, partly because they were new to the system and partly because Riek Machar is a controversial figure in South Sudan (see Chapter 3), especially in the eyes of the Dinka who have promi-

¹⁹ Conversation with a customs officer, Yei, 4 December 2009.

²⁰ I do not know who was in charge of customs in Nimule and Nadapal.

²¹ Interview with one of the chiefs of customs, Yei, 3 November 2009.

ment positions in the customs service. In any case, in everyday practice it is hard to find out who is from which group of customs officers, although the first category is more outspoken about their background than the others. They perform the same sets of tasks, which are negotiable.

If the Office of the Vice-President was not in charge of customs anymore, then who ultimately was? The Ministry of Finance seemed to be responsible for the transfer of Southern collections to the North. Clearly the Ministry of Internal Affairs also has a certain responsibility because all custom officers were operating as police officers, which explains why they all have a rank. This included a mystery related to whether or not there was a separate border police force. This was explained by some as a private hobby of the former Inspector General of Police, while others claimed that all custom officers could also be called border police, yet in other interviews such a police force was said not to exist. Yet because the Southern Sudanese customs office was part of the GoNU customs with its headquarters in Khartoum, the police forces were part of the GoSS exclusively and it was not the GoSS Ministry of Internal Affairs that was solely in charge of customs either. In short, there were various versions circulating about where customs came within the ministries of the GoSS.

Apparently it is hard to draw clear boundaries around the organization of customs in Southern Sudan. The interesting point about this is the different periods in the institutional development of the organization over both time and space, and how superimposed orders merged into one institution that deals with large sums of money on behalf of a government whose functions nobody seemed able to explain.

The built-in confusion also resurfaced in the everyday organization of the customs work. Within and among stations there were discrepancies in the way tasks were understood and organized. The same rules did not apply everywhere and there was always room to negotiate a deal. Once in Jalé for instance, I ran into a clearance agent I knew from Kaya²² who had come to clear two vehicles (a Hummer and Toyota land cruiser). The rules of the game in Jalé differed from those in Kaya because the negotiation arena was different and this created opportunities for all the parties involved. Over a beer, I was told that customs in Kaya offered many opportunities to make deals on a daily basis but that for a relatively small case like these two cars, there would be little interest in doing a favour as the sum involved was too modest.

²² Clearance agents have the role of intermediary between traders and custom officers. They also represent traders in Mombassa who only send their drivers.

Various clearance agents explained how they would negotiate a good deal.²³ The trick lies in the estimated value of the goods that are being imported. For instance, these two vehicles were second-hand, which implied some negotiation about the value involved. Once an agreement is reached, a good clearance agent will discretely propose another value to be put on the final papers. The difference in the real estimated value and the value taxed and stated on the papers is shared between the three parties concerned – the customs officer, the trader and the clearance agent. One of the characteristics of a good clearance agent is knowledge about which customs officer to approach and where to go for specific products. In this case, the Jalé station had a more favourable way of calculating one specific tax compared to Kaya, and the agent knew this. In Jalé, very few clearances were taking place due to its isolated position and so agents there were much more open to reaching a deal to their advantage using an opportunity like these two cars.²⁴ Altogether the difference in the price paid was worth the six hours' drive from Kaya, via Uganda, to Jalé and the two days of his time.

The close linkages between the clearance agents and the customs officers and the symbiotic relationship between the two is summarized in the following quote from the letter of the Agency Union clearance in Kaya that was addressed to the chief of customs.

We also think that even the customs operation should totally be investigated because we think that no clearing agent can single handily release a vehicle of goods without the involvement of a network within the custom system, most blames are on the clearing agents and yet some custom officers and security agents might be involved.²⁵

This particular letter was written after one of the clearance agencies was accused of forging customs receipts, stamps and even the signature of the chief of customs. After this, all clearance agencies operating in Kaya were closed pending investigation. This letter was a reaction to this decision, which affected all the agencies, including the 'good ones'. The letter is interesting as it quite openly suggests practices of corruption and yet at the same time condemns the forgery by the one clearance agency. The letter shows that there are unwritten, unspoken codes of conduct that should be respected in a context of mutual complicity. The practical norm (Olivier de Sardan 2008) is to make deals, but practices beyond the commonly shared but undefined boundaries are firmly rejected as unethical. The chief

²³ Conversations with clearance agents, Yei, 3 November 2011; Kaya, 16 November 2009 and Wudu, 4 February 2010.

²⁴ Conversation with a clearance agent, Wudu, 4 February 2010.

²⁵ Letter from the Agency Union to the chief customs officer in Kaya, 23 October 2009. Copy with this author.

of customs understood the concerns after assessing all the official papers of the agencies and their agents.²⁶ Those with the correct papers were allowed to continue operating in Kaya and beyond as long as the unwritten rules were respected. But the customs stations were not the only agencies involved in the process of valuing goods and allowing them into Southern Sudan. The locally understood practice of undervaluing vehicles and goods, as the quote indicates, involves a network of agencies within but also outside the customs system, which deserves some more attention.

The values, prices and taxes on the taxation sheets determine the payment of other fees and taxes to two other agencies because they charge a fixed percentage of the duty. The practices described above thus affected the collection of revenue for the Department for Commerce and Industrial Supplies and the State Revenue Authority, and they noticed the practice because they see the official papers and know the value of the products. Although this could have led to protests because they have insight in the entrepreneurial nature of the operation, I never heard any complaints by GoSS agents working at the Department of Commerce and Industrial Supplies. The agents possibly had a way of compensating this office among themselves.

The State Revenue Authority (SRA), operating as the state taxation agency, did however complain. Officers working for the SRA are also subject to the customs' valuations and argued that their revenue declined as a result of lower taxation. As the value of goods and vehicles are already fixed and official once on the customs receipt, they have no room to negotiate.²⁷ The internal solidarity that I suspect existed amongst the GoSS agencies operating with this system of the custom receipts may have been absent at this state level of government. The resentment of the people working in the SRA was similar to that among the *boma* police who wanted to join in the collection of revenues generated by the rope, but also more generally. This reveals feelings of subordination and envy. Commenting on the practice of GoSS agents quickly resorted to complaints about the dominance of Dinka agents in GoSS agencies, open rent-seeking practices and the lack of solidarity from the GoSS agents with their colleagues working at the level of the state and in local government. The SRA is the only agency except occasionally for state-level security personnel in the police that joins the force field of GoSS agencies in the performance of state powers at checkpoints. It is the lack of respect for their authority combined with their desire to access the resources produced by the border and the indeterminacies in the system that frustrates these state revenue agents.

²⁶ 21 of the original 27 agencies and only 18 of the original 58 staff turned out to have the proper documents and were allowed to reopen. Interview with the chief of customs, Kaya, 17 November 2009.

²⁷ Interview with SRA officers, Jalé, 4 February 2010.

Invented rules

The customs and related agencies are not the only ones involved in letting people, their vehicles and goods in and out of Southern Sudan. Traffic and security-related agencies deserve some explanation because they were equally critical of the smooth functioning of the steps in the process of allowing goods and people into Southern Sudan. One of the compulsory steps is a stamp from the CID before a truck can leave the parking area. This is what the GoSS CID officer operating in Kaya claimed: 'Of course I have to check all the vehicles, you never know if there is something illegal being smuggled into the country'.²⁸ Military Intelligence (MI) plays a similar role. It is evident that vehicles in Kaya cannot be released without their approval²⁹ although I did not observe this practice in Bazi and Jalé. There were barely any trucks cleared in those places so there was little to observe. With the CID and MI stamp come transaction costs, and although they do not give receipts, they are part of the border formalities. A similar situation exists with regard to vehicles imported into Southern Sudan or trucks transporting goods. The procedure seems straightforward. One needs a licence from the traffic police and to pay the road toll at a department of the Ministry of Finance, Directorate for Taxation. Both agencies have fixed prices hanging up in their offices and printed forms, and they provide receipts.

The issue of receipts may seem clear-cut but this is not always the case. I had a few other experiences with modes of transport in Southern Sudan that demonstrate how unclear certain procedures can be and how difficult it is to get an overview of the steps that need to be taken. In Juba, I joined a friend on his journey through a procedural jungle to ship a vehicle to Malakal. He needed several stamps and forms to be filled out and since he worked for an NGO he needed to account for his expenditures. Then he had to pay another SDP 100 in another office and when he requested written proof, the only answer we got was; 'this is public security; we don't do receipts'.³⁰ I also encountered confusion at Central Equatoria State Traffic Police when I tried to register my motorbike.³¹ This procedure took the whole day and each transaction required another SDP 20 to SDP 40, in most cases without any receipts being issued. The weight of the range of formalities related to goods and vehicles, and the different departments within each of these agencies is significant. This results in a 'fat government' that is geared towards optimizing the number of transactions in order to fulfil the entrepreneurial ambitions of the state

²⁸ Conversation with a CID officer, Kaya, 20 November 2009.

²⁹ Conversation with a clearance agent, Kaya, 16 November 2009.

³⁰ Observations, Juba, 21 January 2009.

³¹ This is not the same level as the traffic police that operate in Kaya under the GoSS.

agents operating in the force field. Although most of the transactions involved are not official, they cannot be avoided and, as such, become part of the system.

Besides the goods and vehicles, the border has a key role to play for people wanting to enter the territory. Issuing and checking the travel permits needed to enter Southern Sudan is the domain of the immigration department. Obtaining a travel permit, which in practice serves as a visa for South Sudan, was never very difficult. At first sight, there also seemed to be little to negotiate as prices were fixed. In Kampala and Nairobi where many foreigners get their permits, any money needs to be paid directly into a GoSS account at the bank. At the border this is not possible and there one pays the same price but in cash to the agents behind the desk, receiving a numbered permit valid for three months³² and a numbered receipt in return.

Not everyone travelling in and out of the country is a traveller, truck driver or NGO staff. In fact most people crossing the border do not buy or have such an official travel permit. This is because they have family on the Sudanese side of the border, they just want to stay for a few days, they go to school there or they have another reason why an official travel permit seems not only too official but is also too expensive, especially for local people. It will not come as any surprise that in these situations a deal can be arranged on the spot. The immigration office in Jalé used a semi-official paper with a photocopied computer printout with a heading of the GoSS Immigration Department of the Ministry of Interior. The sheet did not have a serial number and was photocopied in a local shop. SDP 5 or SDP 10 were the usual sums paid in these types of situations. As the official travel permits leave few options for the immigration officers to negotiate, their locally invented paper as a 'means to facilitate the people' enabled them to negotiate themselves with people crossing the border.

Once I observed a local trader from Wudu, Kajo Keji, negotiating with the immigration officer in Jalé. He had some family members from Uganda working in his shop for a few weeks but did not want to pay for the official permit at the official fixed price of US\$ 50. Since this permit was for people who were coming to work, he had to pay SDP 40 per person instead of almost SDP 150 for an official one. The usual SDP 10 for a short-term visit was not negotiable. The paper this immigration office used was perfectly valid in this particular local force field. It had the official stamps and was guaranteed by all the local immigration officers. But one would not be able to show it at any other immigration office. They argued that they had informed their department in Juba about the difficulties they were facing with all the local people who wanted to cross the border. However the min-

³² At some point they did not change the price of the permit but the length of its validity was reduced from three to only one month.

istry was unaware of the local solution they had to the problem. When I asked how they accounted for the substantial amounts of revenue they collected this way given the number of permits involved, the answer was short and significant: 'we use it for stationery'.³³

The state agents and their organizations in the local force field thus determine rules that are designed to serve their personal or collective interests. To the people, travellers and clearance agents, this occasionally leads to frustration but it also opens up opportunities for those who have the courage to engage in negotiations. In the case of customs, the advantages are shared with the client and the clearance agent. The immigration officers negotiate direct revenues while the people crossing the border do not have to pay the full sum. The GoSS and other agents that enter into the negotiating arena enforce and shape the Southern Sudanese state powers, if only because the people who live up to their conditions perceive them as an integrated part of the state powers they impose and represent. Yet at the same time, the rules are changing all the time, which makes it difficult for citizens or traders dealing with these agents who invent certain aspects of the rules. But it also gives agents in the system a sense of insecurity, as was shown at the start of this chapter. The examples given were connected with the GoSS but I have also come across organizations that seem official but in fact only exist because a few individuals with sufficient clout claim them to be compulsory and legitimate.

Invented institutions

In addition to invented rules, institutions or branches of agencies were also being invented in pockets of dense state performance. The first example is more of a rumour than a verifiable story but it deserves mention because it shows the thin line between official and fictional institutions. The director of the Taxation Department of the GoSS Ministry of Finance in Juba decided that an office had to be opened at the border in Jalé, Kajo Keji. On his arrival, the officer discovered that the Department of Taxation had already opened an office at the checkpoint a few months earlier. Another young Dinka man who worked in the same department turned out to be in charge of an office that formally did not yet exist and that was to be established by the person coming from Juba.³⁴ How was this possible?

It was suggested that the Taxation Department's office in Yei played a key role in the confusion, although this is where the rumours started. The taxation office in Yei was part of the Ministry of Finance in Juba but was left over from the time when the New Sudan's Secretariat for Finance operated from Yei. After the CPA when the GoSS developed its ministries in Juba, this office in Yei remained respon-

³³ Interview with an immigration officer, Jalé, 8 February 2010.

³⁴ Interview with an informant, 3 February 2010.

sible for the collection of taxes in Morobo, Yei and Kajo Keji, which meant that all the financial reports from the border checkpoints in Bazi and Kaya were sent to this office before being transferred to Juba. It was said that they simply decided to open an office in Jalé without the approval of and without even informing the headquarters in Juba. It was an invented institution under the flag of the GoSS. The Taxation Department in Juba tried to centralize the reporting of all the offices, although the office in Yei refused to cooperate. This was another indication of the interest of individuals there to maintain the status quo, which was rooted in the SPLM/A administration. I knew the officer who unofficially opened the Jalé office but when I asked him about it he simply confirmed that he was indeed the person who went and had to return to Kaya after a few months.³⁵ The director of taxation in Juba also ignored my questions by explaining how they decided to open an office on the Ugandan border in Kajo Keji County in Jalé.³⁶ The two never mentioned any controversy regarding the office in Yei. The indeterminacies in the system allowed such things to happen but also facilitated solutions. By the time I was in Jalé, the taxation department was up and running.

Another example of a semi-official agency was the South Sudan Drivers' Association. It was created with the aim of favouring Southern Sudanese drivers by finding work for them transporting new vehicles to destinations in Southern Sudan. Most of these unregistered cars were brought from Mombasa by Kenyan or Ugandan drivers. The importers of the vehicles had the choice of either paying a Southern Sudanese driver from the association to drive the vehicle or, as compensation, to pay a US\$ 50 or US\$ 100 fee per car, depending on the nationality of the driver. The association had stamps, forms and membership cards, in fact everything they needed to look official. Drivers who wanted to become a member had to pay SDP 25 for an identity card. A few young Southern Sudanese were trying their best to represent the organization and they had a container for an office in the Kaya parking area amongst the clearance agencies. These agencies knew that the organization was not an official government one but sympathized with the idea of helping the Southern Sudanese drivers. They integrated the association and its taxes into their clearance activities and started to pay the fees in Kaya. 180 drivers were members but they had never had a meeting or seen anything of the funds collected.³⁷ Despite their container and the 180 members, nothing happened after the initiative was launched. The drivers explained they had collected SDP 25,000 since they started in May 2009 but their bank account only had SDP 3000 in it. The rest had been 'eaten' by the association's board.

³⁵ Conversation with agents from the Taxation Department, Kaya, 16 February 2010.

³⁶ Interview with the Director General of Taxation, Juba, 31 March 2010.

³⁷ Interview with representatives of the Drivers' Association, Kaya, 16 February 2010.

If the tax was not official and the drivers were not benefitting from the organization, who was? The association was run as a private business by three men who represented the board. I knew them as two of them were working in the president's security agency. When we met in Kaya, they also informed me that they already knew who I was (see Chapter 2). We met in Kaya while his security office was in Yei so when I asked what had brought them to Kaya, the answer was 'business'. I thought it was a security-related matter but later understood why they were in Kaya so often. They kept a close eye on the revenue generated by their association. They used their security agency's vehicle and driver to drive them up and down between Yei and Kaya and it looked as if they were handling important security issues.

The three board members had thus invented a semi-official organization that was collecting contributions on behalf of Southern Sudanese drivers with one prime objective: generating revenue for themselves. One of the three had come up with the idea of the association and claimed that he wanted to help the Southern Sudanese drivers and regretted the way the situation had developed.³⁸ The other two, both Dinka from Rumbek, never spoke about their association. One was a colonel in the police who used to be the head of the county police in Yei. He was however relieved of the duties pending a court case after being charged with beating a man to death. The other was in charge of the security agency's office covering Yei, Morobo and Kajo Keji. He could not read or write but had the rank of major and was a distant relative of the President of South Sudan.

This account is a little extreme because the association, under the cover of a good cause, is run as a private business by a few individuals who believed they could not be touched.³⁹ In short, the people running the South Sudan Drivers' Association managed to successfully build up an agency that others in Kaya started to respect and pay, while there was nothing official about the tax introduced. To facilitate their private business, they made use of the vehicle, the driver and also the clout of their security office to keep the association running.

Security agencies

The issue of security is, as already mentioned, part of the field of border transactions related to values, goods and people. It is evident that in the setting of a checkpoint, smooth economic transits go hand in hand with the agencies concerned with intelligence, and the safety and security of people, goods and vehicles.

³⁸ Conversation with one of the founders of the Drivers' Association, Yei, 13 February 2010.

³⁹ The major in charge of the office in Yei was transferred to headquarters in Juba in early 2010. There had been problems with his performance. The reasons were not related to the drivers' association but the example shows that despite powerful connections there are lines that should not be crossed.

The issue of security is also subject to internal confusion, creative inventions and negotiations. The separation between this section and the previous ones suggests that the security agencies can be separated from the clearance of goods and people, but this is clearly not the case. In the previous paragraphs some of these were mentioned, for example the CID and the MI. It is treated as a separate topic because security conditions the fluid and negotiable rules described in the previous sections. If security is at stake, other issues become subordinate. But security concerns, suspicion and threats are loosely defined concepts that serve many purposes in the context of Southern Sudan where a guerrilla movement is slowly re-establishing itself as a government.

Especially at the border, one deals with internal and external threats. Insecurity to the people is not the same as a threat to the vested powers and interests of the government. Chapter 4 showed that state agents have the capacity to produce functional notions of suspicion and insecurity to allow the need for security agencies to exist and remain powerful in their contribution to state performance. Clearly the main preoccupation with security by the various agencies is oriented towards potential threats to the state or to personal room for manoeuvre. Security and intelligence agencies operating in Southern Sudan are either connected to the police or the military. A second important categorization is the difference between the *deconcentrated* agents who represent the central powers at the local level on the one hand, and the *decentralized* forces operating at the level of the Central Equatoria State or the county on the other. A full range of agencies at all levels of government can be found at the border. This section does not provide a comprehensive overview of all the agencies operating in these fields but instead illustrates the adaptive capacity of their internal organization and the contention between them.

Within Southern Sudan there is an undefined but commonly shared understanding of the capacities of the various security forces and intelligence agencies, and the importance of the personal trajectories and loyalties for their position since the CPA. One of the first challenges facing the newly established government of Southern Sudan was the demobilization of members of the SPLA and the integration of troops that had been loyal to one of the militia leaders in the South Sudan Police Service or one of the other para-military forces like wildlife protection, the prison service or the fire brigade. The change of uniform and the shift from the Ministry of Defence to the Ministry of Internal Affairs or Wildlife did not necessarily imply a transfer of loyalty and identity of the people towards their new functions, which is arguably not even required. The responsibilities of the different forces were not seen as mutually exclusive under the current system of loosely defined tasks against the backdrop of the need for a standing army under the CPA in

an interim period that focused on a cessation of hostilities rather than lasting peace.

Paramilitary forces could thus partly be perceived as an extension of the SPLA but this did not mean that they were seen as having the same level of quality. The army was considered the most professional force, followed by the police. Other uniformed troops were regarded as less important, at least from the army's perspective. In discussions about the police, people were quick to mention that the less capable SPLA soldiers were sent to the police and other services. A colonel in the SPLA told me how he requested a transfer to the South Sudan Police Services when the CPA was signed. He wanted to contribute to the construction of the civilian component of the security sector instead of staying in the military. He was not allowed to leave the SPLA as he was considered 'too good to go to the police'.⁴⁰ The SPLA wanted to keep their best people in case there was a new war. Military capacity was the yardstick even if the tasks between the police and the military could be considered fundamentally different from a state-building perspective. The difference between the capacities of the forces was given a price in Western Equatoria in May 2009. UNHCR and other agencies were not allowed to travel without an armed escort due to the LRA threat. In practice, this meant that a truck with armed paramilitary forces drove behind UN vehicles and there was a market of paramilitaries to choose from. The SPLA was worth double the price of a police or wildlife force; SDP 20 versus SDP 10 a day per person respectively with the vehicle to be provided by UNHCR. In terms of the level of protection, there was not much difference.

The above demonstrates the perceptions of various forces but what is shown in the example of the *boma* police in Kaya is the contentious issue of personal trajectories within the police service and between the departments. As in the customs services, the South Sudan Police Services are a mixture of SPLA soldiers and former soldiers who were given positions in the police of the New Sudan on the one hand, and on the other, policemen and officers who were trained in or by the North and operated in the Government of Sudan Police Services in the North or in one of the SAF garrisons like Juba or Wau. Like the customs, the officers that were best educated in the particularities of the police service were the ones who were trained and operated in the Northern system. They had knowledge of procedures, the law and the task of providing security for the people, but they were perceived with suspicion and were often thought to be collaborators (see Chapter 7). The colonel in the police who was running the Drivers' Association as his own private business and who was charged with murder, and who was not the most credible individual, openly commented on the new brigadier general who was sent from

⁴⁰ Conversation, with an SPLA colonel, Juba, 20 October 2009.

Juba to replace him. Pending the investigation, the former commissioner of police in Yei spent his days sitting in front of the police office in Yei explaining to this capable new commissioner that he was a cheat because he had been in the North during the war.⁴¹

Besides the regular police forces that operate in a decentralized system divided into state, then county and finally *payam* level, there are six departments that have a separate chain of command and report directly to the Inspector General of Police (IGP) at the GoSS Ministry of Internal Affairs. These six departments are immigration, public security, customs, the criminal investigation department, the traffic police and the prison service. Most of these departments were operating at the border crossings in Kaya, Jalé and Bazi, and did so independently of the local antennas of the same departments, but under the state police. The way their tasks are divided on the ground depends on the extent to which the central government is represented through its deconcentrated agents. For instance, when entering Southern Sudan at Kaya, the traffic police that provide the road licence are part of the GoSS traffic police department. Passing Bazi, there is the likelihood of being stopped again by the same GoSS traffic police. Arriving in Morobo where the county headquarters are, the local traffic police will check your papers and the local public security staff will check the contents of your truck with the aim of earning a few SDP from the driver.⁴² Beyond the border checkpoints, the decentralized local police are the ones looking after security (Pictures 5.1 and 5.2). For an outsider, it is not easy to know which type of agent one should deal with, representing which level of government and which particular agency.

An additional complexity in trying to understand which type of agent one deals with is the confusing recruitment system and the double functions of some agents. Some combine two positions, others work with fake identities and then there is a group of staff that are unofficially hired by the deconcentrated security agencies in Jalé or Kaya. In Lasu the CID officer also worked as the immigration officer, both of which are departments in the GoSS police service. The CID agent in Bazi was at the same time in charge of road tolls, which belonged to the Ministry of Finance. This young man's former commander was in charge of the CID office in Yei, and had asked for him because he was looking for a trustworthy person. His primary function was as taxation officer for the Ministry of Finance but he was serving in the CID as well. When the road toll office was closed in Bazi in September 2009, he requested a more junior man to look after the CID tasks on his behalf. If something came up, he could call the agent in Kaya. The person who took over

⁴¹ Conversations, Yei, 4 November 2009.

⁴² The only place I saw this happening was at the crossroads in Morobo. In Kaya I never saw PS staff manning a checkpoint.

the CID job was also running one of Bazi's local lodges on behalf of an important major general at Juba's SPLA headquarters, while the person who moved to Kaya was still in charge of the office and reported to his commander in Yei.⁴³ At county level, there was a CID agent working with the local police at *boma* level who was doing his job under a false identity. The young man managed to get the position by using the identity of a friend so that he could work for the government.

In other agencies too I encountered confusion in tasks and who performed them. For example, in the office of public security in Morobo, a few staff members were young men who were not formally enlisted as PS staff. They were performing tasks such as taking notes at investigations, checking vehicles and other low-level tasks but without an official position or salary. The customs and immigration department in Jalé had a similar policy of recruiting local staff. The person in charge of the office in Jalé explained that they had 18 staff, of whom five were local recruits. These locally recruited staff received a low salary based on the revenues collected via the locally officialized and negotiable immigration fees of local visitors.⁴⁴ The proliferation of agents in double or semi-official positions in which they performed a state function contributed to the 'state effect' of the Government of South Sudan and the performance of its powers at several levels along the border.

One of the most important issues as far as all these agencies were concerned was keeping an eye on any potential irregularities in their areas. I was one of these concerns (see Chapter 2). But voter registration, elections, Congolese smugglers, rumours of Northern intelligence agents operating in northeast Congo and West Nile in Uganda, and mysterious airplanes flying over early one Sunday morning also received a lot of attention from the various intelligence and security staff. The indeterminacies convenient to operators in the field of cross-border trade are different to the operators in the security sphere. And although financial transactions are certainly involved in the CID, MI and Public Security, the security agents are not part of the range of institutions deriving their legitimacy from ensuring the environment in which trade can operate smoothly. Even if a financial reward is given in return for a stamp or a seal, the heart of the agencies' work does not lie in stamps. The security agencies derive their legitimacy from elsewhere and to justify their presence and importance, an entrepreneurial approach to insecurity occasionally proves helpful. It has a local impact as it allows a demonstration of authority while also having a legitimizing side-effect. The chains of command may

⁴³ Conversation with a CID officer, Kaya, 19 November 2009.

⁴⁴ The head of the immigration office confided to me in another conversation that he also worked as a security agent. He was drunk when he told me this while adding that he was not supposed to say anything about it. He might thus also have a double function. Interview with the immigration department, Jalé, 8 February 2010.

not always be very clear to an outsider and, in practice, the control of responsibilities is organized in such a way that security is always tightly controlled.

CONCLUDING REMARKS

This chapter has demonstrated the loosely defined and often negotiable components of the institutional framework of the Southern Sudanese state as it was coming into being and as it was observed at the border. The two illustrations of situations with ropes at the checkpoint highlight some of the confusion in the institutional set-up and the extent to which the Southern Sudanese state is being negotiated locally in the pockets of state performance like Kaya and Bazi. The personal interests of individual agents can impact on state density, as was shown in Bazi after the rope was removed from the road and an office was closed down after lobbying by its agents. The state became less dense. Two bones of contention lay at the basis of these negotiations of power and access to resources. These were, firstly, the sidelining of those agents who were seen as collaborators because they had served in the administration in the North during the war but who were in fact needed and discretely appreciated because of their knowledge and capacities, and, secondly, the competition between the police and the military and between the decentralized security forces such as the state and county police and the deconcentrated police serving under the GoSS Ministry of Interior's Inspector General of Police. In both cases, the individuals who had been in the SPLM/A behaved in a superior manner to the local police. They also had a network at the central level to back and reinforce their authority. The majority of the people operating in this seemingly loosely defined system of institutional multiplicity knew how to walk the thin line between hierarchical loyalty and *de facto* discretionary power. Rank and personal connections to the centre of power embodied by the GoSS were key assets to asserting legitimate claims in a localized pocket such as Kaya.

The context of institutional multiplicity, numerous indeterminacies and invented procedures characterize state performance. It impacts on the image the state projects by means of its agents and thus impacts on what Mitchell calls 'the structural effect' of the state; as the product of practices that mean these structures exist (Mitchell 1991; 94). Possible divergences from the 'official' institutional set-up of state powers are irrelevant at the local level because what is performed is accepted as the state. During the war, it was the SPLM/A steering the performance of these agents but since the CPA it has been the GoSS. The effect produced has not necessarily been very different. As was the case before the CPA, there is still room to manoeuvre, adjust and adapt to local circumstances and specific situations today. The level of discretion is large and the indeterminacies in the set-up, both locally

and centrally, create a space in which agents perform their powers based on an amalgamation of locally established 'practical norms' (Olivier de Sardan 2008), directives from Juba and negotiated relations with other agencies. Personal interest is an important driver in this process too.

Confusion in the everyday practices of state-building have made it difficult to have an overview of how the various agencies articulating the Southern Sudanese state were supposed to operate from an official perspective. Although one could argue about the relevance of such an overview because state powers were locally negotiated and produced anyway, there is one methodological consideration to take into account. My hesitance in openly investigating the organizational structures of, for example, the security agencies and the division of responsibilities between them might have influenced the limitations of this overview (see Chapter 2). It seems fair to conclude, however, that there were usually no all-encompassing organizational frameworks that clearly defined the sub-departments in organizations like taxation or customs, or that clarified chains of command and lines of accountability. At best, there were several interpretations of the responsibilities that were all valid as long as they were considered relevant by individuals with enough clout and legitimacy to validate the system or procedures. It is partly thanks to the indeterminacies at the border and partly because of the transitional nature of the GoSS, that the entrepreneurial state agent at the border could maintain a situation in which rent-seeking tendencies flourish in resonance with the SPLM/A's dominant trajectories that are rooted in the war years.

6. The emergence of civilian authority

Local government in Morobo County

INTRODUCTION

This chapter illustrates the slow emancipation of civilian authority in local government albeit and in connection with continuities in the logic of rule that were dominant during the war when the SPLM/A governed the area. This is demonstrated by zooming in on the powers of the county commissioners and local administrators against the backdrop of changes in the political-administrative realities since 2005. As was shown in the previous two chapters, the central and personal interests in the resources connected to state performance at checkpoints and the multitude of security forces operating in diffuse chains of command impact on the way local government is evolving.

Elements of old repertoires of governance of the SPLM/A in the pre-CPA period can equally be found in the organization of the local administration. The importance of the SPLM as the dominant political party in the everyday governance of the county is one example that is described in this chapter, which focuses on Morobo County where a young county commissioner represents the civilian authority. It is argued that the civilian authority is slowly freeing itself of the guerrilla logic that is articulated in the performance of the state at checkpoints. The role of the commissioner in this process also reveals the importance of personal trajectories in this process.

The presence of the border, or more precisely the presence of GoSS checkpoints along the border, is an additional challenge for local government because local administrators have to relate to deconcentrated state agents representing the GoSS who often originate from other regions in the South. The local authorities in the border counties not only have to manage occasionally tense relations with neighbouring counties but also those with the representatives of the GoSS. These pockets of dense state performance along the border provide a challenge for the county authorities, in particular the commissioner.

Local government is a primary component when it comes to rooting state-building in society because, as stated in the GoSS Local Government Act, it is 'the level of government closest to the people within a State in Southern Sudan' (GoSS MoLACD 2009: 4). The local level of government has to deliver services to the people, levy taxes and is responsible for the judiciary. However, Chapter 3 discussed how 'the people' were never a priority in the past for any of the ruling elites, be they the Belgians, the British or the Northern administrators. During the two wars, first the Anyanya I war lasting from 1955-1972 and the second SPLM war from 1983-2005, remnants of the local administration that used to exist started to fade. Local authorities were part of a larger force field in which other power holders and authorities became dominant. When the SPLM/A governed the area, the primary focus of civilian governance was support for the movement's military objectives.

This chapter starts with a description of the tasks and responsibilities of the lowest levels of government and the importance ascribed to local government by the GoSS in Juba. This is done by describing the Local Government Board and the Local Government Act. The general background contextualizes the rest of the chapter that focuses on Morobo County. More specifically, it looks into the role and position of the commissioner in the political-military force field at the border checkpoints that include remnants of guerrilla logic. The everyday practice of local government is closely related to the transition of the SPLM/A into the GoSS, an army and a political party that started after the signing of the CPA. The emancipation of local government power from military-political power is still ongoing. The space for this remains limited however and requires strong individuals that fit the logic that is part of this transition.

LOCAL GOVERNMENT SINCE THE CPA

Understanding local government in South Sudan today requires more than simply knowing the formal system as it was formulated after the CPA in 2005. The daily practice of county administration and local politics includes flexibility towards the system and the logics of the past used in the present. The inverse is also true however and to comprehend the everyday practice of local government, one needs to understand how it is organized. Local government in Southern Sudan since the CPA has been a combination of the post-colonial system of local government as it was under the Khartoum government, and the civil administration that the SPLM/A established in the areas it liberated.

Between the signing of the CPA in January 2005 and Southern independence on 9 July 2011, the Southern Sudanese territory had a semi-autonomous status and

was governed by four levels of government.¹ Local government was the lowest level, followed by the state, the GoSS and the Government of National Unity (GoNU) in Khartoum as the highest government authority.² The semi-autonomous South had ten states under the responsibility of the GoSS. Juba lies in Central Equatoria State (CES) and served as the capital of both Southern Sudan and CES. The federal states each had, and still have, elected governors, a legislative assembly and ministries that are responsible for policy development at state level along the lines set out by the ministries of the GoSS in Juba. The fourth administrative level, namely local government, was again subdivided into lower administrative structures.

Local government encompassed all the administrative processes of government that took place at the level of the county and below. It was subdivided into counties, *payams* (districts) and *bomas* (the level of village). *Payams* form 'the second tier of the local government which is the coordinative unit of a County and which exercises delegated powers from the county executive council' (Local Government Act 2009: 4). In the rural areas, the lowest level of administrative unit is the *boma*, which is the better-known name of the lowest level of local government.³ Yei, Morobo and Kajo Keji counties were all liberated in 1997 and came under the administration of the SPLM Secretariat that was based in Yei from 1998 onwards (see Chapter 3). The local government system as it took shape after the signing of the CPA was in several respects a continuation of the situation in the liberated areas. The tensions that existed within the SPLM/A were due to its democratic ideas about principles of decentralization and the devolution of power to the people on the one hand and how to deal with an unruly reality of diffuse power relations and dominating military hierarchies and a strong pre-occupation with security matters on the other. These can still be observed in today's commitment to local government. The overall objective of the SPLM and the GoSS, which was to bring Southern Sudan peacefully to the end of the CPA interim period, included hesitation about handing over powers to lower levels of government because they wanted to keep control at the centre of power. This ambivalent position towards

¹ The situation in the Republic of South Sudan (RoSS) today is no different from the system under the semi-autonomous government. However, as is explained in Chapter 1, the political-administrative situation described here refers to the period before the referendum in January 2011, six years after the signing of the CPA in 2005.

² The two partners in the GoNU were the signatories to the CPA, namely the National Congress Party (NCP) of President Hassan Omar el Bashir, and the Sudan People's Liberation Movement (SPLM). The latter provided the GoNU's first vice-president, Salva Kiir Mayardit. In the southern part of Sudan, the Government of Southern Sudan (GoSS) is the highest authority.

³ The system was a bit different in cities and towns. Below the *payams*, the lowest level of administration was the quarter council, which was the basic administrative unit of a city, municipality or town council and exercised deconcentrated power similar to the rural *boma*.

the lower levels of government by the military elite that formed the GoSS is illustrated in the position of the Local Government Board.

The Local Government Board

The Local Government Board (LGB) was established in May 2006 with the goal of developing ideas about the functioning of local government in Southern Sudan and preparing the Local Government Act. The new institution came under the Office of the Presidency. The chairperson had ministerial status and the LGB was made up of honourable members with experience in local government. But despite having ministerial status, a chairperson is powerless without their own ministry. The LGB did not have its own annual budget, a proper office or, more importantly, the political leverage to properly engage in planning or other activities (Harragin 2007: 7). The organization, its challenges and daily functioning were illustrative of the difficulties many newly established government institutions faced in Southern Sudan.

Local government was one of the government institutions having the luxury of some experienced staff, which has been a widespread challenge elsewhere in Southern Sudan.⁴ The LGB enjoyed the experience of local government officers who had received training in Khartoum in the 1960s. One of the members was the first district commissioner in Juba after the British departed in 1956. The five honourable members of the LGB have extensive experience and a deep commitment to what they truly believe is the way forward for Southern Sudan. Due to their age, they face physical challenges and some are ill and even hospitalized from time to time. The only member who still has the mental and physical capacity to be active is overworked and has numerous meetings and fieldtrips with one of the international partners supporting the LGB.⁵

Although some of these LGB members have good connections with the GoSS, they have had a difficult time convincing others of their agenda concerning the devolution of power to where it belongs in their eyes; namely at the level of the people. In this respect, the CPA was more of a continuation of the decades before its signing.⁶ As in many of the institutions that were created after the CPA, its members are a mixture of the various 'camps' within the South. Some were active

⁴ At all levels of government in Southern Sudan, including the GoSS ministries, there has been an urgent shortage of capable and trained staff with the capacity to design, develop and implement policies. In many fields there are simply very few people who actually know what to do.

⁵ The most important support the LGB received between 2008 and 2011 came from GTZ and the INDP's Local Government Recovery Programme.

⁶ To their regret, 'local government was neglected by the military regime of Nimeiry and by the time the war started again in 1983, it was dead'. Conversation with two members of the LGB, Juba, 29 January 2009.

in the SPLM/A while others were NCP members and/or worked as local government officers in the SAF-held garrison towns (see Chapter 7). Within the LGB, they hoped to be able to use their experience to rebuild the system after the war when the GoSS was in a position to finally bring power to the people. The central government in Juba, however, had other priorities and was reluctant to tackle the matter of decentralization and local government. Some of the LGB members had strong feelings about how their agenda was progressing:

[t]he fat state is choking local government ... I wanted them to be lean but our governments are fat. Development is choked.⁷

This was also the complaint at the lower levels (counties and states) of the GoSS.⁸ In Southern Sudan about 70% of the budget was spent by the GoSS, with the remaining 30% being shared between the state and local government.⁹ The bulk was used for salaries and allowances and hardly any funds remained for service delivery and development, a task that was primarily taken up by international donors, NGOs and UN agencies active in Southern Sudan. Another complaint by the grand old men on the LGB was that, in the current system, all local government officers exclusively worked within their own state rather than all over the Southern territory.

As a local government officer you have to work for the whole country not just for the area you are from. It allows the people to easily recognize you and you cannot be tempted to favour your own clan or people since you don't know anybody.¹⁰

The GoSS showed little interest in giving the LGB the mandate and human resources to push forward an agenda for the transfer of power to the level of the people. The role of the LGB in the development of local government has therefore remained somewhat abstract.

One of the more structural built-in difficulties of local government in general is its institutional discontinuity. At the level of the state, local government falls under the state Ministry of Local Government and Law Enforcement but the state ministry reports to the GoSS Ministry of the Interior, which has no responsibility regarding supporting the establishment of local government across the territory. This complicated the LGB's lobby and today there is still no Ministry for Local Government. It took the LGB three years before the Local Government Act was

⁷ Interview with one of the LGB members, Juba, 20 October 2010.

⁸ <http://sudantribune.com/spip.php?article28808>. Accessed 16 January 2012.

⁹ Interview with the secretary of the LGB, 18 October 2010.

¹⁰ Conversation with two LGB members, Juba, 29 January 2009.

finally passed by the South Sudan Legislative Assembly on 22 April 2009. Despite the Act, the political will to give power to the state and local government remained contested and the capacities of local government to provide services to the people remained a challenge that was taken up by NGOs.

Responsibilities of local government

The core task of local government is to administer the territory and the people of the counties. But what does this entail in practice and what are the linkages with the powers in Juba and the numerous NGOs carrying out the tasks of local government? There are three elements that deserve a closer look. Firstly, there is the issue of service delivery to the people, the collection of taxes and other administrative tasks. Secondly, local government also includes the judiciary and, finally, it is responsible for providing the territory's internal security.¹¹ Although service delivery and the role of the chiefs in the judiciary are not central in this study, it is useful to say a few words about them.

Service delivery includes general public goods such as healthcare, education and security, and, according to the Act, is supposed to be channelled to the people through local government. In a village like Bazi this means that roads would be maintained, the market place cleaned and the quality of products checked, i.e. that schools are operating and the local administrator is present. For instance in the run-up to the general election in April 2010, *boma* administrators oversaw the process of voter registration in the village and, with the chiefs, mobilized people to register. *Boma* administrators and *payam* directors are also responsible for collecting fees and taxes, such as animal taxes and market fees. Of those collected, 40% are sent to the next administrative level up, while the other 60% are used to pay staff who clean the market place, youth who work on the roads and for other vital local services.

The financial and human capacities of the county and *payam* administrations are too modest to organize services like education and healthcare and these tasks are taken care of by the numerous NGOs active in Southern Sudan (Riehl 2001). NGOs started working in Yei, Morobo and Kajo Keji counties before the signing of the CPA, which means that services in Central Equatoria State are relatively well developed compared to other regions. There were barely any policies in place on how to channel and organize external support. In practice, when an NGO decides to build a school in a county, it will go to the commissioner to discuss their plans,

¹¹ The third key responsibility of local government, namely the provision of security, is not considered separately because it was covered in Chapter 5 and is also dealt with in the second part of this chapter when the role of the commissioner is discussed.

possibly in combination with the SPLM/A relief wing, depending on its local powers. It will then be decided where school(s) will be built in the county. The voice of the commissioner is decisive in many cases. The next step is to organize land and the NGO talks to the chiefs in the area that was designated by the commissioner. Many NGOs try to create local ownership by demanding a contribution from the beneficiaries, i.e. the village people, for the building of the school by providing, for example, locally made bricks. In such cases, the *boma* administrator helps with mobilizing the people.

State ministries of education need to be engaged to decide where and what kind of schools are needed based on the policies set out by the GoSS Ministry of Education. This system is not functional however because capacities in the ministries are too low. Counties are pleased when an NGO comes with the funds to support the development of basic service provision.¹² It is a process that very much affirms the position of the county commissioner since without the approval of the highest political authority, nothing happens. This leads to a process in which both sides are critical of the other. NGOs often have tight schedules and invest little in the local situation, which strengthens the position of the commissioner because it allows him to steer decisions.¹³ Another consequence of the role of NGOs in service delivery is the little incentive there is for state and GoSS ministries to improve their capacities and policies in key sectors, such as education and health.

The other important pillar of local government is the judiciary, which remains the domain of the traditional authorities. The importance of the traditional authorities for local government has been rising since international interest in good governance in the 1990s. Traditional authorities are seen as a substitute in the absence of the state, as being legitimate in representing the voice and needs of the people, and democratic in terms of governance. In the case of Southern Sudan, the issue of chiefs and traditional authorities has been the subject of debate among NGOs and international agencies. It is seen as one of the few structures that remained relevant throughout and after the war. It is also seen as an entry point for building on local governance and ensuring the engagement of the people in build-

¹² For instance, one of the few hospitals in Southern Sudan was financed by the NPA in Yei. When it announced that it would continue supporting the hospital but that 25% of the budget would have to be put forward by the state, the hospital risked closure. As far as I know, it is still functioning but this demonstrates organizations' dependency on external funds and support.

¹³ Another concern for NGOs is the length of time commissioners remain in their posts in some states. Compared to other states in Southern Sudan, the commissioners in Central Equatoria State are quite stable, with Yei having had the same commissioner since 2004. Morobo first had a former SPLM/A civil/military administrator and has changed commissioner once since then. Kajo Keji is slightly different having had three or four commissioners since the CPA.

ing up the local level of government. Numerous NGO reports have been written on this issue since 2004.¹⁴

Traditional authorities are not uncontested and the position of chiefs in the different ethnicities, clans and tribes in Southern Sudan varies considerably. In the case of the Kakwa in Yei and Kuku in Kajo Keji, the chiefs traditionally had limited powers and were mainly empowered by the British to serve as intermediaries between the people and the colonial powers. In Central Equatoria State, they were historically seen as part of the domain of the government, the *Hakuma* (the government) rather than the domain of the people (Leonardi 2007a, 2007c). During colonial times, chiefs mediated between the colonial powers on the one hand and the people on the other. And in the SPLM/A era, chiefs were either elected from among refugees in the camps after an area was liberated or, if necessary, they were appointed by the SPLM/A to ensure that somebody took responsibility for playing an intermediary role between the movement and the people. Today's extensive use of the word 'traditional', which has often been used to differentiate the chiefs, headmen and elders as the legitimate local authority from the formal structure of government, is somewhat misleading (Leonardi 2007a).

Under the current Local Government Act, ample attention is paid to the role of the chiefs in the judiciary. The 'chief courts' at *boma* and *payam* level hear civil cases and, in exceptional situations, criminal ones too. The Act also raises questions and leaves a number of issues undecided, especially regarding matters of citizenship (Hoehne 2008). It is, for example, unclear where the powers of the chief end or who comes under which chief in a *boma*. Not all local administrative units have a homogeneous population but host various tribes as there are small communities of tribes from other areas living in the towns and villages along the border. This may be because they stayed after they liberated the area or because they work as agents in one of the GoSS offices at the checkpoint. The question is who is responsible for these people. Is the Kakwa Chief of Bazi responsible for the Dinka residents? Or do they fall under the responsibility of the *boma* chief because they live in the same neighbourhood? Or perhaps not because they are part of another ethnic group? Are they legally obliged to respect a chief's ruling in a case of conflict? Answers to these questions need to be found in the coming years as the system develops.

Despite some ambiguity in the Local Government Act, the system has been locally adapted and seems to function. The Chief of Bazi explained how family cases are settled when different customary laws are involved. For instance, someone found guilty of adultery is fined ten goats under Kakwa customary law and seven cows in customary Dinka law from the Bahr el Ghazal region. The settlement is a mixture of customs among the families involved. Local solutions are also found in

¹⁴ See for instance World Vision (2004); Harragin (2007); Hoehne (2008) and Leonardi *et al.* (2010).

cross-border cases. When a Dinka man was once found dead on Congolese territory close to Bazi, the Dinka community claimed fifty head of cattle, which was the price of compensation used in their customary law. The chiefs in Bazi organized a settlement but instead of fifty cattle, the Congolese paid the family 25 cows. Locally the system functions in a way that makes adjustments between the communities in the village and any lacuna in the law. Clearly the judiciary is an important part of local government and the role of the chiefs is an integral part of it. Traditional authorities are therefore part of the force field of local politics in a community and in relation to the local authorities.

Remnants of the SPLM/A's relief wing

The roots of the organization of today's service delivery in Central Equatoria State can predominantly be found in the SPLM/A's relief wing, the Sudan Relief and Rehabilitation Association (SRRA), which was very active during the war. It served as the intermediary between the military command of the SPLM/A and the relief community of NGOs in the liberated areas and was responsible for organizing and administering the return of people to their home areas (see Chapter 3). The organization was additionally important because relief was one of the few sources of revenue the movement had. Without the approval of the SRRA, an NGO was not allowed to operate in SPLA-controlled areas. The SPLM/A's relief wing registered all the NGOs and individual aid workers in the liberated areas.

After the CPA, the SRRA altered its name to South Sudan Relief and Rehabilitation Commission (SSRRC) but its key role did not change in the rural areas. At the GoSS level however, its influence did decline as its job was taken over by the GoSS ministries. It still looked after the repatriation of refugees in partnership with the International Organisation for Migration, but lost its key role as the committee overseeing relief. This task was taken over by the Ministry of Regional Cooperation and its Department of Multilateral Cooperation.¹⁵ At the central level, the SSRRA still had one other key role, namely as an agency that booked flights. Access to the internal flights of the World Food Programme (WFP), which was one of the few ways of travelling around the South, was complicated by the absence of private airlines. One needed to have an account with US\$ 5000 in it, something that NGOs had but individual South Sudanese did not. The SSRRC had such a WFP account and could thus book flights for people who knew the right individuals within the organization. I myself was one of the lucky few as I happened to know the chairperson of the SSRRC and he told his staff to book my flight from Juba to Yambio.

¹⁵ This is the same office that provided me with my initial letter of acceptance in Southern Sudan for research purposes (see Chapter 2).

The fictitious reason for my flight was stated as an 'assessment for IDP's and displace [sic] people, an SSRRC mission consultancy'.¹⁶

In the rural areas, the SSRRC is still very important in some cases. I experienced the impact of this system when I arrived in Morobo County for the first time. I was questioned at length by a local *payam* director about why I had not reported to the SSRRC, the organization that was responsible for all *khawadjas* (white people in Juba Arabic) and that monitored the activities of foreigners on Southern Sudanese territory.¹⁷ I was an anomaly; I had not come as a relief or development worker as the other foreigners in the area had but, according to this official, I should have reported my presence to the SSRRC. Reporting to the SSRRC was indeed what I was requested to do when I visited Yei for the second time in October 2008. I thought it was important to register at the immigration office in Yei, which is what I had to do in Juba within three days of arrival. This time I had come by road through Kaya and did not know where to report. The immigration office in Yei did not understand what I came to do and referred me to the only office that, in their eyes, could have been responsible for my registration. Arriving at the SSRRC office in Yei, it turned out there was no need to register after all.

The SSRRC appeared much more important at the local level than at that of central government in Juba as far as NGOs were concerned. An NGO worker explained that in certain rural areas where local government works quite effectively and NGOs are fairly free to carry out their activities, this is often due to a strong SSRRC. This was certainly the case in Yei and Morobo where I suspect that the SSRRC's strength also included, although not openly, an intelligence component. In preparation for the elections in 2010 for instance, it was the SSRRC that discussed democratization and voter-education activities with the relevant NGO. The SSRRC may have become weaker at the GoSS level but at local-government level it still played an important role. It was the only organization that had the clout and capacity, in collaboration with the county authorities, to work effectively with NGOs.¹⁸

Although they have different histories, the first part of this chapter presented two examples of institutions that needed to define their positions in the setting of the CPA: the LGB and the SSRRA. Although the LGB was only established after the CPA was signed and the SSRRC clearly had its roots in the SPLM/A's civilian administration, both organizations provide an illustration of the slow shifts in everyday practice of state-building. The SSRRC's importance is declining despite its key role in the rural areas, while the LGB sought to be of influence but could not

¹⁶ Copy with this author, Juba, 29 April 2009.

¹⁷ Conversation with a *payam* director and SSRRC officer, Morobo, Morobo County, 12 March 2009.

¹⁸ Interview with CRS staff, Juba, 30 June 2008.

find a place for itself in the GoSS. The impact of the picture painted here resonates in the development of Morobo County over the past few years. It is time now to zoom in on a discussion of daily practice of the local state in a larger field of political forces beyond the lowest level of government.

THE EMERGENCE OF MOROBO COUNTY

Morobo County was set up in 2004 when Yei District was subdivided into the three smaller counties of Yei, Morobo and Lanyia (on the road to Juba). At the time of liberation, Morobo and Lanyia were *payams* in Yei District. One of the motivations for splitting the larger district of Yei was to ensure the different areas had their own administration so as to attract NGOs. Morobo County, with its 'inland port'¹⁹ in the border town of Kaya, is important to Southern Sudan. The presence of the border with two neighbouring countries gives the Morobo County administration an important additional responsibility compared to most counties in South Sudan, namely managing border relations with the authorities in neighbouring DR Congo and Uganda (see Chapter 4). But as mentioned earlier, what is at least as important is the management of relations between the various levels of government and GoSS agencies within the county, all of which are present to perform the border and protect the Southern Sudanese and occasionally their personal interests too (see Chapter 5). The second part of this chapter discusses how the logic presented in the previous chapters impacts on the county authorities and the position of commissioner.

Morobo: Land of peace and prosperity

As one crosses into Morobo County, a big billboard states 'Welcome to Morobo County, Land of Peace and Prosperity' (Picture 6.1). The land here is slightly hilly and fertile, rainfall is favourable and the nights are cold. Just as in Yei and Kajo Keji counties, people engage in small-scale subsistence farming and some households have a few cattle, sheep or goats. The people are predominantly Kakwa or are from other smaller tribes, particularly the Keliko, who have cultural connections with the Ugandan Lugbara and Madi. When Morobo *Payam* became Morobo County, it was divided into five *payams*.²⁰ The three important towns in the county are Morobo and Bazi in Gulumbi *Payam* and Kaya in Kimba *Payam*.

¹⁹ Interview with the county commissioner, Morobo, 12 March 2009.

²⁰ The *payams* in Morobo are Bazi, Gulumbi which includes Morobo town, Kimba which includes Kaya, Panyume over towards Lainya County, Lujulo which borders DR Congo and Wudabi towards DR Congo and Yei County.

The county is on the road between Yei and Uganda, with the distance between Yei and the county headquarters in Morobo being about 48 km. The distance from Morobo town to the Ugandan border in Kaya is another 25 km. The road connecting the border to Yei is vital for supplies of goods to Western Equatoria and Bahr el Ghazal but, as with all roads in South Sudan, the quality varies significantly between seasons. At some times during the rainy season in 2006, the road deteriorated to such an extent that it could take a full day to travel from Yei to Kaya while in 2008, 2009 and 2010 the 74 km between the two centres of state density only took about three hours. When it rains heavily, parts of the road turn into slippery slopes and trucks loaded with goods frequently become stuck (Picture 6.2) while in other places it can be 'almost like tarmac'.²¹

The commissioner's office is about 1.5 km outside Morobo town and is where county meetings are held and the occasional high-ranking official, such as a state minister or the governor, is welcomed. The county headquarters houses all the sections of the local-government administration including an executive director, a finance department, the SSRRC and education, agriculture and health offices. There is also a meeting room. Local police are seated on plastic chairs at the entrance guarding the office, and cleaning and support personnel and other people sit on wooden benches next to the policemen, whiling away their days. The commissioner's office is in the middle of the building and is by far the busiest, full of people waiting to see the commissioner for a variety of reasons. The other offices were often empty while administrators were having lunch in Morobo town or sitting outside under the trees.

When senior officials visited the county offices, large colourful tents were put up so that people would be able to sit in the shade. On such occasions, all the administrators from the various *bomas* and *payams* were requested, often only a day or two in advance, to come to county headquarters (Picture 6.3). These were opportunities not to miss because such occasions offered local administrators the chance to meet each other and share ideas and experiences. And in the run-up to the elections and the referendum, many of the meetings included a campaign and SPLM/A component too. Besides these *ad hoc* events, there were no regularized meetings organized. One administrator mentioned the idea of quarterly meetings with all the directors of the *payams* but this had not started when I was there. Similar plans were mentioned for regular communication between the *boma* administrators in one *payam* but had not started yet. Officially, lines of communication would go from *boma* level to the *payam* and from there to the county's executive director to whom the *payam* directors were directly accountable. In prac-

²¹ Detailed information on the condition of the road over the years came from an NGO worker. Personal communication, 25 August 2011.

tice, and especially in the border villages like Kaya and Bazi, local *boma* administrators would get in touch directly with the commissioner if an important issue arose. The system of local government functions in such a way that the highest political actor is crucial for the position of the *boma* administrators and *payam* directors.

A similar relationship exists between the county commissioners and state governors. At state level, the Ministry for Local Government and Law Enforcement is responsible for the deployment of local government officers in the counties and the support of the commissioner is essential for their functioning. Although county commissioners supposedly report to the state Ministry of Local Government for administrative issues, politically they are accountable to the state governor. In practice, this means that the state ministries of local government and law enforcement have little contact with the commissioners and local administrators. In addition to the governor, as was the case before the signing of the CPA, the only individual with the authority to settle border issues with the neighbouring Congolese and Ugandan authorities or representatives of other levels of Southern government is the county commissioner. The vital role of the highest political position is a characteristic that dominates the functioning of government in South Sudan in general.

The role of the commissioner

The commissioner in a county is pivotal for people who have an issue to resolve or want to lobby another authority within the county's territory concerning the state and/or the GoSS authorities. Today the commissioner is still appointed by the office of the governor and is endorsed by presidential decree. The idea is that future county commissioners be elected by the people in local-government elections. For the moment though, both the GoSS and the state authorities are happy that they have the power to change the commissioner as it allows the highest authorities to maintain control over who is in charge in the counties. Loyalty to the governor and the GoSS are more easily ensured this way, which is convenient given the attempts by the SPLM-dominated government to control the lowest level of government. The one-party model of control with close linkage between levels of government is thus guaranteed.

Such loyalty occasionally means micro-management. During one election campaign I was talking to the Morobo County commissioner when the governor called him because he had heard from an MP that the American missionaries in Morobo County were wearing campaign t-shirts supporting his opponent. He checked whether the commissioner had been aware of this and requested that he ask the missionaries not to wear the shirts anymore. As was described in previous chapters, managing loyalties is important for political survival.

Throughout my fieldwork, I came across examples of the crucial role the commissioners play in decisions that need to be taken at county level. In Kajo Keji I was not allowed to start doing my research without the signature of the commissioner, who had just left for Juba. I went to the police instead to provide the letter of approval from this local officer's highest superior, the Inspector General for Police in Juba, who serves directly under the Minister of the Interior. The police lieutenant did not, however, allow me to proceed without the approval of the county commissioner.²²

Another illustration of the commissioner's role was in Yei. He had decided to widen the roads and consequently had to cut down some mango trees, which led to widespread protest. The British had planted these trees along the roads and in the outskirts of Yei town in 1919 and they were the town's most recognizable landmark. The trees provided fruit for the children and shade for numerous businesses, motor taxis and local courts for some of the chiefs. When they started work in August 2009, there were protests from people all over town. The decision to cut the trees down was taken by the commissioner instead of being submitted to the local council for approval. It would have objected.²³ Different citizens, chiefs and NGOs from Yei came to the commissioner's office to object or propose another solution, such as cutting down the trees on only one side of the road instead of on both. There was no way the decision was going to be reversed: the commissioner claimed it was a prerequisite for development.²⁴ His office manager argued that 'those trees were planted by the British; we want to plant our own trees'.²⁵ There was no response to the citizens' complaints and no alternative proposal. The commissioner's order had been issued and within two months over 900 trees were cut down, 630 of which were mango trees.

The two examples above illustrate more than just the key role of the commissioner in a county. They also show how the chain of command within a county needs to be respected. The policeman in Kajo Keji did not want to risk taking a wrong decision regarding the presence of a researcher. In the case of Yei, another element seems to be at stake, namely the fact that the decision was taken, which made it an end in itself. It was as if reconsidering it would undermine the position of the commissioner because it would imply a bad initial decision. In such situations, possible counter-arguments are not considered, not because they are invalid but because the point of no return has been passed. In short, in Yei, as in Morobo, Kajo Keji and other counties in Southern Sudan, politics and decision-making

²² Conversation in the office of the county police, Kajo Keji, 8 December 2009.

²³ Interview with the deputy speaker and member of Yei local council, Yei, 4 December 2009.

²⁴ Interview with the county commissioner, Yei, 2 November 2009.

²⁵ Conversation with the commissioner's office manager, Yei, 2 November 2009.

processes very much depend on the individual commissioner. The exception to this rule can perhaps be found in the state capitals, like Juba. There the situation seemed to be somewhat different because there was a higher political figure, which meant that the weight of political decision lay in the governor's office instead or even ultimately with the president of the GoSS (see Chapter 7). But in places like Yei and Morobo, little will happen without the approval of the commissioner.

This raises questions related to the favoured profile of the county commissioner in the eyes of the state and GoSS levels of government and, on the other hand, in the eyes of the people. To take Yei as an example once again, it was seen as one of the best-functioning county administrations in Southern Sudan.²⁶ According to people working with the LGB, Yei had a strong county commissioner. Most have a background in the SPLM/A and others without any military background were assigned a rank. It is said that during the SPLM/A's New Sudan administration, most commissioners were given the rank of colonel to ensure they would be respected by SPLA zonal commanders. Rumour has it that the Yei commissioner received his rank this way. I am not sure whether this was formal policy and what happened after the signing of the CPA but its military aspect and weight was clearly important despite the civilian nature of the job.

Morobo has had two commissioners since it became a county. The first was a military man who had the rank of colonel when he was the CMA in Lanya. Coming from Gulumbi, he was appointed commissioner of the new Morobo County in 2004. Many county commissioners have a somewhat similar profile: they are men in their fifties with the rank of colonel and a history in the movement. Some had been civilian military administrators, while others, especially in the other states in Southern Sudan, had fought in the SPLA or in one of the other movements. Now when it was necessary to keep the stronger men on board, the position of county commissioner proved suitable.

When asking local people what kind of commissioner they wanted for their county, a somewhat different profile emerged. The former commissioner of Morobo for instance was seen as 'a typical military man' according to many people. He apparently had a slightly authoritarian character and allowed very little room for manoeuvre once decisions were taken. The people started to protest against this. It was not uncommon for commissioners to be subject to criticism by the people in the county for a variety of reasons. The often-heard critique was that commissioners spend a lot of their time in Juba rather than at home with their peo-

²⁶ Interview with GTZ staff member on their local government programme, Juba, 1 April 2009.

ple.²⁷ The Kajo Keji commissioner was accused of being in Juba too often and for too long. Another critique circulating in the various counties was the little value given to the opinions of the chiefs. Indeed there seems to be an integrated tension in the loyalties of the commissioners. Politically, they depended on the governors and politicians at the state and GoSS levels in Juba but the people in the counties were the ones who were supposed to benefit from their work. It was not easy to find commissioners who combined the profile of higher political authority in the state and central government with the wishes of the people. In Morobo it seems that an exceptional but promising example had been set with the appointment of the new commissioner in late 2008.

Morobo's new county commissioner

I was requested by my people to apply for the position. I refused three times until after a year I agreed to be on the list of nominees. I never expected to be selected. I'm too junior, relatively low ranking in the military, have little education and come from a minority tribe in the county.²⁸

Before arriving in Morobo I had heard about the new commissioner who was said to have a different profile from the general picture sketched in the previous paragraph. It was a surprise to see him enter the office on the morning of my arrival in his county. I had arrived in Bazi the day before and had come to Morobo on the motorbike that my assistant and I had rented from Bazi's chief (for SDP 25 a day, about US\$ 9), covering the 11 km in 45 minutes. We had to wait in the office manager's office where several staff were performing their duties. There was a (lady) messenger, the office manager was at one desk and the staff member in charge of IT was at the other. There was also a couch and three chairs. We arrived about 9:00 and soon learned that in a rural county like Morobo, the people, including the commissioner himself, do not usually arrive before 9:30. The number of people waiting for him grew rapidly in the 30 minutes we were there. The atmosphere was welcoming; people greeted each other and us the unknown guests when entering the office.

When the commissioner arrived, everybody, including his staff, stood up to greet him and pay respect to the county's highest representative. He shook everyone's hand and walked on into his office. The man seemed very young indeed. After a few minutes we were the first to go in and explained the reason for our

²⁷ This was also mentioned with regard to the new commissioner in Morobo who, besides travelling to Juba quite often, was taking a distance-learning course on public administration in Uganda and sometimes had to go there to sit an examination.

²⁸ Interview with the commissioner, Morobo, 12 March 2009.

visit. This first meeting with the new commissioner had a different character from what I would encounter later that same day with GoSS state agents in Bazi (see Chapter 2). He was not suspicious of me and demonstrated a transparent authority. He read my letters with care, asked me to explain my intentions and started to talk about what he thought would be of relevance for my research. Towards the end of the meeting, I asked him about his background and how he had become commissioner.

As is clear from the quote at the beginning of this section, he did not have, in his view, the political experience to take on this task but various people had kept inviting him to take up the challenge. He explained that he was 29 when it was announced by presidential decree on 17 December 2008 that he would be the new commissioner in Morobo.²⁹ He was the youngest commissioner in Southern Sudan at the time. The Local Government Act, signed four months after he took the oath of office, states that a county commissioner is eligible for office if he is at least 30 years of age.³⁰ The fact that the people in Morobo requested his appointment indicated his popularity but what is more interestingly in this analysis of the state-building process in daily practice is the fact that the CES Governor and the GoSS President were confident about appointing him.

At the time of our first interview, he had been in office for just three months and was busy introducing his various plans for the county. He had organized a meeting with the NGOs operating in the county in collaboration with the SSRRC to gain an overview of their activities and plans for the near future. He had already met his Ugandan counterpart and the Congolese Chief of the Kakwa across the border. And he had ideas for ensuring better means of communication in the county and had been to Juba to lobby mobile network providers to invest in Morobo and upgrade the existing network.³¹ He had also banned any unnecessary roadblocks established by the local *boma* police. He was preparing to build a commissioner's residence while staying in the meanwhile at a *tukul* with the Sudan Christian Outreach Ministries, American missionaries who had huts for rent on their compound. In short, this ambitious young man considered himself a leader

²⁹ There are provisions in the LGA for commissioners to be voted into office in general elections by the people in the county (LGA 48-2; 30). In the interim period however, all commissioners were appointed by the governor of the state and confirmed by presidential decree. In the 2010 general election, the state governors were elected for the first time.

³⁰ GoSS MoLACD Local Government Act 2009, Provision 49-c: 30. Even though the Act was signed after his appointment, his case fell within the law and he turned 30 in the period between his appointment and taking the oath of office.

³¹ He went to Vivacel, the booming network provider in Juba and the surrounding areas. The first time I was in Morobo County, the only network exclusively operational in the South was Gemtel, a provider that was owned by the then GoSS Minister of Information. The Gemtel network was using the Ugandan and not the Sudanese country code.

and had eagerly taken up the job of commissioner. Prior to his appointment, he was the deputy director for statistics at the Ministry of Social Welfare and Gender. As a child, he had been forced to flee into exile in Uganda where he attended primary school before becoming a child soldier. He became an SPLA 1st lieutenant in 2003 and then a captain in 2007.

The rank of captain is considered a relatively low rank in the SPLA but the position of county commissioner is a civilian task. The commissioner's quote indicates continuity with the guerrilla logic of the SPLM/A at the time when a civil military administrator in liberated areas needed a certain military respect because without a proper rank, SPLA commanders would refuse to listen to commissioners with a civilian task. The commissioner's remark about his low rank indicates that one still needed military clout to be respected as a commissioner. Although the position of the local army commanders changed in the official system of government, military rank is an important indicator of the respect one receives in daily practice when decisions need to be taken.

The system of ranks was an important force in the daily Southern Sudanese practice of statehood.³² Although the symbols and stars on a uniform indicate an individual officer's powers, another decisive factor is the respect one receives and this is the force in which one is active. After the CPA, the number of SPLA soldiers had to be reduced and large paramilitary forces were formed. Although hard to confirm, it is generally clear that the prison, fire brigade and wildlife services, in addition to the police, are seen as weaker versions of the SPLA, which means that the ranks in any of these forces are also viewed with less respect. The commissioner of Morobo County was operating in Military Intelligence (MI) where he was given the rank of captain. When I asked him why he was not given the rank of colonel like most commissioners, he replied that in the MI they did not like to have too many middle-level officers and he would thus remain a captain. In the unwritten hierarchy of (para)military forces, MI was certainly one of the more respected forces within the SPLA. The fact that the commissioner felt comfortable with his rank of captain might very well have been related to his MI background.

The commissioner's challenges

The Morobo County commissioner is mainly occupied with security and border-related issues. These two challenges often overlap because, as explained in Chapter 4, many GoSS agencies are involved in security matters too, which adds to the complexity of the commissioner's tasks. Being in charge of security within the territory is one of his key tasks and at all levels of government, weekly security

³² Learning the military ranks by heart was one of the first things I did when I started fieldwork and I subsequently addressed people by rank. This helped a great deal, especially at the first meeting.

meetings are organized by the authority in charge of security in a particular territorial unit. GoSS weekly meetings take place on Saturdays and are chaired by Vice-President Riak Machar. At the level of the state, it is the governor and his advisor on security affairs that have weekly meetings. At county level, commissioners chair these weekly meetings at which operations and issues of concern are shared and discussed. Meetings in Morobo are held on Wednesday mornings when the police, as the agency of law enforcement, are present as are military and paramilitary forces. The SPLA commander in the area is a colonel who heads the forces in Morobo and Kajo Keji, and comes under the division commander in Yei. Those in charge of wildlife, the fire brigade and the prisons in the county also attend the meetings, as do public security and special branch, which is the intelligence agency that answers to the President of Southern Sudan.

At county level, there is a differentiation between the security forces and the intelligence agencies and the forces representing the central GoSS agencies (see Chapter 5). In principle, all security forces are supposed to inform the commissioner on security matters in the county, even if they operate in one of the deconcentrated agencies like military intelligence or immigration. They have their separate chains of command and do not report to the commissioner but are supposed to inform him on matters. The commissioner could not confirm whether they always do so but explained that they have their own issues to look after too. Against the background of a long history of war in which suspicion has proven to be an effective lens for the military, it would seem fair to say that the commissioner is not always fully informed on security matters. He may be the head of security in the county but he is far from the only authority concerned with security concerns.

The presence of the border and ambivalent relations between Southern Sudan and DR Congo only increase the intelligence services' interests in security matters. The border and border-related issues make up an important part of the county's daily management tasks. The types of issues can be divided into regular border-related matters, such as the maintenance of relations between the populations living on both sides, and the need to establish working relations with neighbouring authorities. Issues like smuggling and the uncontrolled movement of people and illegal goods are the concerns of the commissioner who sees the smooth transit of goods and people entering South Sudan as part of his key responsibilities (see Chapter 5).

One element that is related to the presence of the border, or more precisely to the performance of the state, is the number of incidents that occur in the villages of Kaya and Bazi that involve state agents representing one of the GoSS agencies at the checkpoint (see Chapters 4 and 5). To prevent the risk of amplifying incidents, the commissioner sees the maintenance of good relationships with the Congolese and Ugandan authorities as one of his main tasks. This not only ensures good

cross-border relations but also the local representation of the Government of Southern Sudan and its interest in maintaining good relations with neighbouring countries. Within two months of becoming commissioner, he had therefore met the Ugandan Resident District Commissioner (RDC). Relations between Uganda and the SPLM/A-dominated GoSS are good and longstanding, and they are equally friendly and collaborative at local level. However the situation is more contentious concerning DR Congo. According to the commissioner, 'The friendship with Congo is less clear. They do not have such a positive response to us'.³³ As explained in Chapter 4, this has its roots partly in the history of the war, when the Mobutu regime supported the Sudan Armed Forces but the Kabila father and son also allowed Northern forces to operate from the Congolese hinterland. From an official perspective though, the Morobo commissioner's counterpart is based in Aru in DR Congo. His most immediate counterpart is thus the local chief of the Kakwa who is based in Kumuru. The absence of a counterpart of the same political weight complicates collaboration between the local authorities. Uganda's system of decentralization is similar to that of the Southern Sudanese, which facilitates interaction between commissioners and the RDCs.

Facilitating the easy passage of goods and people from both Uganda and DR Congo through Morobo County towards inland destinations as far as Yei, Juba, Yambio or Wau gives all performers of government powers in the county, be that the commissioner or the deconcentrated GoSS agencies, a shared responsibility. Decisions regarding the checkpoint in Kaya and security incidents are jointly taken up by GoSS security, taxation, customs and police (traffic, immigration, CID) agencies, the SPLA and the police. But, as argued in the previous chapters, this has at times had the opposite effect. Some of the troubles at the border, such as the evasion of taxes or roadblocks, are the result of incidents provoked by one of the state agents or a GoSS agency. In such situations, the commissioner imposes his authority on the other agencies despite his age, rank and his executive powers. He does not avoid taking harsh measures when these are needed. For instance, he decided when he took up office to abolish all the roadblocks that had been erected by the army and the local police.

We conducted a meeting with the Ugandan authorities, the business community and the RDC who came up to Morobo at my invitation. They told us that the business communities were suffering, getting frustrated by this creation of multiple taxes. The government of the county had to respond by scrapping the roadblocks because they had become sources of robbery. I had to scrap them They became another source of betrayal of the government's name.³⁴

³³ Interview with the county commissioner, Morobo, 12 March 2009.

³⁴ *Ibid.*

The fact that the roadblock in Bazi was no longer authorized was a major source of frustration to the people at the checkpoint (see Chapters 4 and 5). What is important here is that, within a year of taking up office, the county commissioner had had the courage to take controversial decisions that directly affected the lives of some of deconcentrated state agents representing authorities beyond his level of local government because 'they became a source of betraying the government's name'. He was not impressed by the reasons given by the state agents who tried to convince him to reverse his decision.

Some lame excuses came up such as the LRA, and the proliferation of weapons in the wrong hands. I closed my ears really. The county had not seen any signs of the LRA and there are no examples of looting with guns here in Morobo. These are lame excuses. Travellers and business people are the ones in trouble. We are fighting these manoeuvres.³⁵

The commissioner's remarks reveal important considerations. First of all, he was taking responsibility for his commitment to the neighbouring states and the business community and also making use of his authority and taking unpopular decisions that would affect the rent-seeking behaviour of other power holders. He saw it as his responsibility to protect the government's name from 'the manoeuvres' of other state agents. His civilian authority was used to impose orders affecting other state agents, including the security forces. His success was an indication of his personal capacities and natural charisma and authority, but it also modestly suggests an increase in concern and respect for civilian rule at the expense of those who used to be in power during the guerrilla government. He started ambitiously three years and is still the serving county commissioner.³⁶ He has managed to successfully perform a balancing act between the citizens, the state authorities and the governor in Juba, the two neighbouring countries and the deconcentrated GoSS agents in Morobo County.

The SPLM party and daily county governance

We were able to educate the people about the elections and make them vote for the right party.³⁷

³⁵ *Ibid.*

³⁶ Personal communication with the county commissioner by email, 16 January 2012.

³⁷ Interview with the security advisor to the CES governor, Juba, 15 October 2010.

There is one final factor that influences local government in the county and that deserves attention, namely the role of the SPLM as a political party in local politics. The close connections between the party, the government and the army are often mentioned in discussions about the SPLM/A's transition during the CPA period (Young 2008; Lacher 2012). These connections can also be observed at the level of local government. The SPLM has chapters organized at all levels of the Southern administration, even at *boma* level. The party's position in performing government tasks became very clear during voter registration in late 2009 and the election campaign in 2010 when the SPLM played an active role in mobilizing people to register and vote. And as the above quote indicates, they also successfully managed to make people vote for the right party. There is no irony intended in this remark: it accurately illustrates the perception of many officials of the role of the SPLM in the functioning of the government. In short, many feel that being a government officer naturally implies that one supports the SPLM/A as well. The two cannot be separated. Being an SPLM member is not compulsory: you just *are* an SPLM supporter.

In Morobo, as in each of the counties in Southern Sudan, the party has a secretariat and a chairman. In most cases, the chairman of the local SPLM chapter is at the same time the commissioner, which is the case in Yei and Kajo Keji. In Morobo, however, the chairperson of the SPLM county chapter is the former commissioner.³⁸ This is not problematic but has led to confusion about who is in charge of what. The former commissioner's office manager explained that 'the chairperson of security in the county is the chairperson of the SPLM'.³⁹ The young man insisted that the chairperson of the SPLM's local chapter automatically made him the chairperson of one of the key responsibilities of the commissioner, namely being in charge of the county's security. This is not true as it is the county commissioner who is in charge of security, but in practice the two positions are often combined in the person of the commissioner.

The people active in local administration and politics have difficulty explaining the difference between the position of the commissioner as the executive and his key role as a political figure.⁴⁰ This could be seen as an indication of people's limited understanding of the differences between the functioning of government and the party but, more importantly, it illustrates the convergence of the two. It also explains why the commissioner has such a central position in everything that happens in the county. There is little disconnect between the commissioner being the

³⁸ He was elected to this position during the second SPLM convention that was held in Juba in May 2008.

³⁹ Interview with a staff member of the former commissioner, Morobo, 13 March 2009.

⁴⁰ Neither the party secretary nor the staff member of the former commissioner could explain the difference.

executive power ruling over all citizens regardless of their political beliefs on the one hand, and being the key local figure of the ruling party on the other.⁴¹

Another illustration of the entangled connections of party and local government is the attendance of the SPLM party secretary at the weekly security meetings mentioned earlier (Picture 6.4). In addition to the commissioner, the SPLA, the police and all the other security and intelligence agencies, the SPLM party secretary attends the meetings at which all security concerns are discussed. According to the commissioner, this is normal because he is not the chairman of the SPLM in the county. This may be an indication of a risk-avoidance strategy. According to him, the presence of the ruling party at these meetings is important. He explains:

As the ruling party we are trying to say that the SPLM should be involved in the security meetings as well as in the executive meetings. The party that I'm in has to know what we're doing. It is very important.⁴²

In the eyes of the party's secretary, it is also logical that he attends these meetings. In his opinion, the SPLM as a political party is responsible for guaranteeing peace and stability and his presence at such meeting helps to ensure this. When I inquired about the difference between the task of local government being to ensure peace and stability and the role of the SPLM, he did not understand what I was talking about. The SPLM plays an important role in the county:

We have meetings with the communities here in order to maintain peace in Sudan. We need to establish good government through the local politicians on the ground. In the current situation, the SPLM deals with politics. It stands firm as a party. The struggle was done by the SPLA that was using guns. Now we use only words.⁴³

Good government equals the SPLM in the words of the party's secretary. The SPLM has a Party County Council of 35 members with representations in all the *bomas*. Its members are community leaders such as teachers and chiefs.

The party council was established in 2008. Its task is to debate the problems the communities are facing. They are the eyes of the SPLM on the ground. When you call a meeting, these people come and discuss. In discussions, you can look for solutions. Our people have been in the war. We have to teach the people the importance of the party. They don't know politics so we have to teach them.⁴⁴

⁴¹ At state level, there is a similar structure and GoSS President Salva Kiir is at the same time the SPLM's chairperson.

⁴² Conversation with the commissioner, Morobo, 24 November 2009.

⁴³ Interview with the SPLM's secretary, Morobo, 24 November 2009.

⁴⁴ Ibid.

When asked about the difference between the SPLM's party council and the county's local council, he explained that the party council deals with politics and the local council deals with the county's development. This technically sounds like the right answer but in practice the local council was not yet functioning in Morobo. And in Yei, where it was already operating, their leverage was limited as was shown by the example of the mango trees. The only political party that is allowed to operate in Morobo aims to debate 'the problems the communities are facing' and to 'teach the people the importance of the party'. The party's presence in the county not only occurs as a separate structure that resembles the county's administrative organization but is also caught up in its daily functioning with the support of all the party and local government authorities involved.

In Bazi, I once met a woman MP for Central Equatoria State who recognized the sensitivity of mixing politics and her task as the appointed representative of all the people in her constituency in the state parliament. She understood that I risked perceiving her activities from a different angle. During one of her visits to the village, she requested the youth come to a meeting in one of the churches. The two of us had also agreed that we would meet so when I heard she had arrived and convened a meeting I went there too. She explained that she wanted to talk about the dreams and perspectives of the youth in Bazi and to listen to them to see what she could do for them. Shortly before it started, she stood up and requested that I follow her. When outside she lowered her voice and asked me to leave, arguing that the local youth might not feel comfortable to speak freely in my presence. I did not believe her but I could only respect her request. Later that afternoon I learned about the content of the meeting: it had been the unofficial kick-off of her election campaign. At that moment, voter registration was being held and she was encouraging the youth to register and vote for the SPLM and for her in the upcoming elections.

The SPLM is all encompassing in the political administrative life at local level. The commissioner sees the need for a party representative in his security meetings; the SPLM Women's League meets for electoral campaign celebrations in front of the commissioner's office where he joins in and gives a few words of motivation; and the party secretary in the county feels responsible for educating people about politics after all these years of war. As mentioned earlier, the period of voter registration was ongoing in November 2009 and the connections between the party and the administration were resurfacing even more clearly. There were constant rumours about the National Congress Party (NCP) people buying up voter registration cards with money from Khartoum to ensure votes for President Bashir's party. An NCP member in the county was arrested, beaten and put in prison. After a few days he was freed and left for Juba. If rumours resurfaced, sto-

ries were easily combined, for instance when a Congolese boy was arrested by Southern Sudanese GoSS agents in Bazi for stealing a motorbike but allegedly also had voter registration cards in his pocket.⁴⁵ Whether all the rumours were true was hard to confirm but the NCP was clearly welcome in the political arena in Morobo County.

What was most interesting was that neither the local ruling elite nor the GoSS agents at the border saw the (limited) distance between local government and the party as problematic. On the contrary, it was a very legitimate and necessary way of ensuring peace and stability at local level. My questions expressing some concern about entwined relations were not considered critical, undermining or dangerous: they were just seen as irrelevant.

CONCLUDING REMARKS

This chapter has focused on the dimension of local government in the process of state-building, in particular at county level. The organization of local administration as it developed since the signing of the CPA was discussed in relation to the pre-CPA period and the everyday practice of state performance. The following conclusions can be drawn. First of all, the perspective of the GoSS towards local government is still very much influenced by the old mechanisms of prioritizing military objectives over civilian ones. The central government in Juba was hesitant about transferring its powers to state and county level, not only regarding financial resources but also in political and administrative terms. At GoSS level, many saw the CPA as a ceasefire agreement rather than the start of lasting peace. The ruling military/government elite therefore favoured control over most powers at the local level at the expense of veritable development of the civilian authorities in the counties, including the resources this would require. An appropriate transfer of civil powers and capacities to the state and county could lead to lower levels of authority with a power base large enough to challenge the central government. The slow progress of the Local Government Act and the limited capacities of the Local Government Board were indicators of this reluctance. The situation had a parallel with the past when the guerrilla government accepted the development of its civilian wing but only to the extent that the supremacy of its military objectives was guaranteed.

Secondly, the daily manifestations of state powers in the county are supposedly based on official capacities as designed in the system of government since the CPA but, as shown in the previous two chapters, they have been combined with

⁴⁵ The rumour was recounted by the teacher in Bazi who was called in to translate in the case, Kaya, 19 November 2009.

repertoires that are rooted in the SPLM/A guerrilla governance. The role of the SPLM as the omnipresent political party that mingles in the daily governance of the county was used to illustrate the continuity of this logic. Old values rooted in the guerrilla logic and in the repertoires of many of the state agents were integrated in the functioning of the county office. Unwritten values and logic still prevail, as was shown for instance with the expected military rank of colonel for a county commissioner despite its civilian function, or the presence of the SPLM at the county's weekly security meetings. To both the people in the party and the county authorities, the mingling of tasks and roles between the county authorities, the party and the security agencies is seen as natural. A differentiation in tasks and formal responsibilities between these institutions that are each performing a different task in the state-building process is not required.

Lastly, the county commissioner is the key figure in this local force field, balancing the local administration and relations with neighbouring authorities and GoSS agents operating in the county. Attention started to be given to civilian concerns. For instance, the Ugandan business community was prioritized at the risk of conflict with GoSS representatives at the checkpoints. The commissioner knew that he had the formal authority to take such a decision and was not afraid of being confronted with other state agents' interests and their personal connections with individuals at other levels of the semi-autonomous government. The effect was a modest emergence of a local government that looks after the needs of its citizens. Paradoxically, this emancipation is partly rooted in the personal trajectory of the young commissioner who can legitimately claim authority based on his background in the SPLM/A. He embodies the repertoires of the guerrilla that is needed to be legitimate in the eyes of the state and GoSS powers in Juba and their deconcentrated agents operating in the county. However he also shares the repertoire of the local people who are seeking civilian government in which their concerns and worries are taken seriously and services are delivered. The developments in Morobo County regarding checkpoints, relations with their neighbours and those with the state and central government show a direction in the state-building process that promotes civilian ambitions over military ones. Since liberation in 1997 and initial guerrilla governance, local government in the Government of Southern Sudan, which emerged after the CPA, has started to take root.

7. Juba: Southern Sudan's new frontier

Competing interests in the performance of the state

INTRODUCTION

No analysis of state performance on Southern Sudan's borders would be complete without considering the centre of power and the country's densest pocket of state performance, namely its capital Juba.¹ This chapter thus provides insight into the everyday governance of the town since the GoSS became the highest authority in Juba and the rest of Southern Sudan. The arrival of the SPLM/A and the recently established powers of the GoSS in interaction with the old administration that was rooted in the government in the North during the war mirror to a certain extent the situation on the border where the SPLM/A started to govern from after liberation. After the signing of the CPA, Juba quickly transformed itself from being an SAF-held garrison under SPLA siege to the 'frontier' of South Sudanese state-building.

A frontier is a concept generally understood as 'empty' territory, a space that is being explored and allows for demographic, political and/or economic expansion (Baud and van Schendel 1997: 214). The arrival of a new ruling elite, significant oil revenues, the presence of an international community and extensive donor funds dramatically altered the force field of actors, resources and repertoires compared to the situation before 2005 when the town was a state capital under siege. Kopytoff (1987: 7) argues that the idea of the frontier helps to apprehend the 'forging of a new social order in the midst of an institutional vacuum'. This is what happened in Juba after the signing of the CPA. The remnants of the war-time administration were to be combined with the guerrilla logic of the newly established GoSS. The arrival of the SPLM/A and foreigners created a new social order in Juba. The situation was different at the border where the power dynamics analyzed in Chapters 4

¹ Some of the data presented here were collected during a mission for VNG International in October 2010 to assess whether Juba town was the capital of a fragile state. See also de Vries (2011).

and 5 did not change fundamentally after 2005. The previous chapter showed the emergence of civilian powers as a force alongside the guerrilla logic that had long dominated governance in the border areas. But this happened beside and in conjunction with the existing repertoires that developed after the liberation of the area in 1997.

The governance of Juba town embodied competition between levels of government and agents who stayed in the town during the war and the SPLM/A elite who suddenly arrived and introduced the GoSS. Although the situation in Juba was different from that observed on the border, similar bones of contention could be observed. Yet in Juba, because the changes occurred over a fairly short period of time, the resources at stake were much more important and the new level of government, the GoSS, was imposed on South Sudan, with Juba as its capital. As at the border, personalized interests, suspicion and frustration impacted on the negotiation process between and within levels of government over resources. Southern Sudanese policy and law-making institutions were all concentrated in Juba and these negotiations were carried out under different rules.² The repertoires were numerous and more often in competition with each other, the resources were more important and, as a consequence, the actors operated in a more complex force field. Juba's transition from being a garrison town under siege to being the capital of the now independent South Sudan entailed more than a mere shift from war to peace. It marked the start of an uncomfortable period of cohabitation between Juba's pre-CPA elites, for instance the Bari landlords and administrators of Central Equatoria State, and the newly established GoSS dominated by SPLM/A guerrilla commanders. Different political logics, values and administrative cultures merged into a comprehensive body of government that was capable of dealing with the challenges faced in the booming town of Juba. Badiy (2011: 28) describes the implications of the different personal trajectories of administrators and politicians in the everyday organization of governance in Juba town. Those who were 'insiders' in the state government during the war felt they were being ousted by the newly arrived 'outsiders', namely government officials with their roots in the SPLM/A. The latter never fully accepted the authority of those who stayed in Juba during the war and worked under the Khartoum administration. As was shown, mutual suspicion and resentment was not limited to Juba alone but was also prevalent in the border pockets of state performance where state agents from different backgrounds jointly negotiated the force field (see Chapter 5). Due to the rapid transformation of Juba since the CPA and the arrival of a new powerful elite, the

² Juba is the seat of government of South Sudan but also the state capital of Central Equatoria State. Juba County also has its offices in Juba and manages the town's *payams* and local councils, which are similar to the *boma* offices in the rural areas.

resentment of the old elite rose rapidly, especially when the resources related to the new political constellation started to be visible. The issue of land in particular led to debate about whether Juba should be the capital of South Sudan, as it was one of the most valuable resources of the old elite in negotiations with the GoSS.³

In the absence of a clear policy on inclusiveness, state-building in Southern Sudan was challenged by deeply rooted suspicions and allegiances from the long years of war. This chapter starts with some illustrations of everyday state performance in Juba focusing on the areas of contention between the different levels of government. The second part of the chapter describes more subjective elements, such as issues of resentment and 'accommodating practices' that influence Juba's daily government and go hand in hand with the state-building process. In addition, there are grey areas where power and access to resources were negotiated and these show the frontier character in the forging of a new social order in Juba.

THE DECLINE OF THE LOCAL

Juba was founded in the early 1920s when the British decided to move their colonial administration from Rajaf on the east bank of the Nile to the west bank. The old centre of the town, including the current CES parliament building, the prison, the police and Juba's teaching hospital all date from this period. The second time the development of the town was boosted was when the 1972 Addis Ababa Peace Agreement was signed and the provincial capital became the seat of the High Executive Council (HEC) (see Chapter 3). Many of the buildings currently used by the GoSS, such as the ministries, were constructed in the years following this agreement. When the second war started in 1983, Juba became a garrison town under the tight control of the Government of Sudan (GoS) and the Sudan Armed Forces. People were not allowed to move around freely and the only way to leave was by plane to Khartoum. All roads in and out of town were blocked and there was a night-time curfew to prevent shelling by the SPLA, which controlled most of the surrounding areas.

Juba has expanded enormously since the signing of the CPA, growing tenfold since 2003.⁴ The number of people currently living in Juba is not known but is es-

³ Over the course of 2010 and 2011 there were heated debates on whether the capital of South Sudan should remain in Juba or not. The late Dr John Garang proposed relocating the Southern capital to Ramciel in Lakes State at the geographical centre of the territory. In September 2011 the Government of South Sudan decided to move the capital because of the "protracted stalemate" between the national and state governments over the status of Juba as the capital which has hampered development of the city' (*Sudan Tribune*, 3 September 2011). <http://www.sudantribune.com/South-Sudan-relocates-its-capital,40027> Last accessed 30 April 2012.

⁴ Interview with CES Ministry of Physical Infrastructure, Survey Department, 25 October 2010.

estimated to be between 400,000 and 500,000.⁵ The city stretches for about 15 km and is expanding rapidly along the roads to Yei and Maridi. There has been a substantial growth not only in the number of inhabitants but also in their origins and backgrounds, which has posed an extra challenge to the daily governance of the town and service delivery.

Since the signing of the CPA, outsiders of various kinds have dominated the outlook of Juba in the form of offices, streets, restaurants, bars and markets. It is not only the GoSS that has imposed itself on this provincial town as it was emerging from war. With the CPA, the UN set up a big mission in the centre of the town until it was moved to near the airport. Donors started building residences in the areas where IDPs lived in small *tukuls* and NGOs opened offices and imported vehicles for their operations. Ugandan and Kenyan business people, housekeepers and prostitutes began to arrive in large numbers too. Most of these newcomers, adventurers and the international community started their lives disconnected from the lower levels of government that had administered the town during the war. Diplomatic services and NGOs registered their presence at the GoSS's newly established Ministry of Regional Cooperation. Most of them had their own water and power supplies and satellite Internet connections and the only local element they dealt with was a landlord who rented them a compound. Many of the houses were renovated by the NGOs themselves and staff ate in restaurants and hotels owned by South African, Kenyan or European businessmen. The traffic police never stopped their vehicles and if they needed a driver's licence they sent their local staff to arrange one with the lower levels of the traffic police administration.

In short, the international community organized large parts of its functioning in connection with the newly established GoSS, occasionally with the state government but hardly ever with the county authorities. The same was true for the large numbers of staff working at the GoSS ministries and for the SPLA officers and soldiers. They did not register with the local administration and only dealt with the newly established GoSS level of government. Many of these state agents and army officers initially lived in one of the quickly constructed hotels along the River Nile. Juba has become a town that accommodates groups of inhabitants that organize their lives independently of others. Juba's citizens, NGOs, businesses, the government elite and SPLA commanders all have areas where they can meet privately and publicly. Obviously every town has its sub-cultures but it is striking to

⁵ The results of the 2009 population census were highly contested and seem unrealistically low. The 1983 survey estimated the population of Juba to be 83,787, while Survey Department estimates in 2005 suggested 163,442 residents and 87,000 internally displaced persons (IDPs) (Pantuliano *et al.* 2008: 7). These numbers when combined are higher than the results of the most recent census, which would seem unlikely given the obvious growth of Juba. The director of Kator *payam* had a different figure and stated that the population in Kator might be three times higher (Interview, 18 October 2012).

see the impact the GoSS and the international community have had on Juba's development over the years since the CPA. Various newcomers have jointly developed the frontiers of the 'empty' space of Juba in which rules and regulations were to be defined partly by these same groups of new actors. The remnants of regulations, the previous administration and the concerns of the insiders who were there during the war were part of a different reality for the new inhabitants. They have become irrelevant to a large extent.

Yet to the local people who lived in Juba during the war, the situation was different. What has happened to the people who were living their lives in Juba before the SAF left and the CPA was signed? Many lived in IDP camps spread across the town but in early 2009 the state government, in collaboration with the GoSS, removed all the squatter camps to allow Juba's master plan to develop. It resettled an estimated 30,000 people in the outer areas of town and on the other side of the river. The local administration, which was partly a continuation of the structures that had existed during the war, still had relevance to the daily lives of these people, in a similar way to the *boma* offices in the rural areas along the border.

Most South Sudanese claim that everyone suffered from the war years in one way or another. 'We are all soldiers' is another often-heard reference to the ways in which each Southern Sudanese contributed to the struggle in his/her own manner. Studying abroad to bring back knowledge when peace came, supporting the SPLA from the camps in Uganda and lobbying for support of the Southern Sudanese case in Western countries were activities seen as legitimate and as important contributions to the struggle. However, beyond this tolerant idea looms a deeply rooted suspicion among South Sudanese about who was where and what they did during the struggle. The administration in Juba that operated during the war did so under the Khartoum government. Many of the administrators and police who were knowledgeable and professionally trained have been sidelined, for instance in the position of deputy, and seen as controversial because they 'collaborated' with the government of the North (see Chapter 5 on the customs and the police). This has fed the resentment of the 'insider' administrators and citizens who did not have the opportunity to flee and rejected the idea of being seen as allies of the North. They felt marginalized during the war, and still felt so after the CPA.

There were people within Juba town who supported the SPLM/A's struggle from inside. For instance, a major in the police force explained how he joined the 'SPLA internal movement [within Juba LdV] under the command of the Hon. Speaker of Parliament Lt General James Wani Igga'.⁶ One of the decisive moments in this collaboration between the SPLA and the SPLA cells in Juba resulted in the town's capture in 1992. It failed however and resulted in numerous arrests, repri-

⁶ Written autobiography, a major in the Central Equatoria police service, Juba, January 2010.

sals and greater repression for the people there. The major was arrested too and interrogated in a military prison for 21 days.⁷ He feels he contributed to the movement throughout the war in various ways and suffered in the process. Yet since the CPA, he has felt a lack of acknowledgement of his efforts or, even worse, is considered a collaborator by people whose history is in the SPLM/A and who now dominate the GoSS. Instead of receiving recognition for their contributions and acknowledgement of their suffering, these insiders are seen as suspect. To many of the older citizens of Juba, life has not become easier since the CPA despite its important transition from being a town under siege to a city existing in peace time. Frightening dark nights have changed into peaceful and illuminated ones accompanied by music and alcohol.

The transition from war to peace included negotiations over dominant claims on the value of social and political capital. Local elites and the people in town felt they were losing out because the superposed orders had been redefined. The force field has tipped towards the GoSS level of government that dominates the political reality. New political and administrative repertoires have had to merge into a new system of government. The abundance of new financial resources has made the negotiation process about how the systems should merge all the more contentious.

GOVERNING A BOOMING TOWN

Only since the signing of the CPA in 2005 has Juba changed from being an isolated garrison town to the political and economic centre of South Sudan (Pantuliano *et al.* 2008: 7). It became the capital of the GoSS in addition to being the capital of Bahr el Jabal State, the old name of Central Equatoria State. The new name was adopted in April 2005, a few months after the CPA was signed and the town of Juba was then part of Juba County. Administratively, the organization of the services in town is complex due to the various levels of government involved in their daily management. The three *payams* that jointly make up the town of Juba have a somewhat different status compared to their rural counterparts in Juba County.⁸ Before the war, the town of Juba had a municipal council and a separate administration for

⁷ *Ibid.*

⁸ Juba County is a mixture of rural and urban *payams*. The town of Juba was administratively part of Juba County which had 16 *payams* in total. It comprised of three town *payams*; Juba Town *Payam*, Kator *Payam* and Muniki *Payam*. The others were rural *payams*. The old town, which was built by the British, is part of Juba Town *Payam*, and houses most government buildings and has a big residential area. Juba's main markets are in Kator *Payam* (Customs market and Konyo Konyo market). Muniki has grown substantially over the past few years and has become a major residential area.

the rural areas surrounding the town.⁹ It then became one county during the war including the surrounding rural areas. As a consequence, Juba County, the administrative pivot between the state and the local levels of administration, combined rural and urban government. This internal diversity within the county has added to the already complex administrative relations between the state and the GoSS.¹⁰

In practice, it has not always been clear who was responsible for what and which level of government was expected to carry out which task. Similar to what was observed at the border, it is a challenge in Juba too to know exactly where the various responsibilities of the GoSS, state and local government start and end. From 2005 onwards, the town dealt with these three levels of government that jointly tried to provide the vital functions of the town and deliver services to the people. Water and electricity supplies, infrastructure development and land surveying were responsibilities of the state government that were carried out by their various departments and the local levels of government, while the GoSS also wanted to leave a hallmark, especially on the issue of roads.

This has impacted on the way different categories of people, local elites, government officials, returnees and others perceive and deal with the governance of the town. Citizens and newcomers alike complain about the lack of services, insecurity, the limited government communication on projects that affect the lives of the people and the unclear and rising number of taxes. On the other hand, compared to the rest of South Sudan, Juba certainly has the best roads, the best hospital and a university. Electricity and water provision by the state has started to improve slowly and towards the end of the interim CPA period, some understanding about which level takes care of what had developed.

Three sources of contention between the levels and performers of statehood will be illustrated by looking at the challenges observed in the daily management of Juba town. Some frustrations were aggravated as a result of indeterminacies in tasks or responsibilities and a lack of information and communication between the levels of government, while part of its disfunctionality could also be to people's advantage within the system. Infrastructural development is one such example. The next two sections discuss the more contentious topics of revenue collection and access to land.

⁹ In early 2011, the old town of Juba was restored and became a municipal county, which gave it a distinct position with regards to the other rural counties (Badiey 2011: 38). A mayor of the three town *payams* was appointed by the governor.

¹⁰ Interview with the secretary of the Local Government Board, Juba, 18 October 2010.

Infrastructural development

It was the GoSS that took the lead in the infrastructural developments in the capital of the semi-autonomous Southern Sudan because it would indicate progress in the town that had been under SAF control throughout the war. One badly deteriorating tarmac road went through the old town and the market until the summer of 2008. In the second half of 2009, road construction expanded rapidly after an initially slow start. This construction led to confused responsibilities between the departments concerned within the GoSS Ministry for Roads and Transport on the one hand, and the CES Ministry for Physical Infrastructure on the other. One former GoSS under-secretary for roads and transport explained that when they started to tarmac the roads, he invited the CES Ministry of Physical Infrastructure to send engineers to work with the GoSS and the contractors at street level to gain experience. After all, he added, it was the state government that was responsible for the maintenance of the roads and the GoSS would not take responsibility for that too. But no staff were ever sent to get firsthand experience of the process: infrastructural development is the responsibility of state governments and Central Equatoria State should thus have been happy with the road network provided by the GoSS. Other state capitals have not had such privileges. The very least they should have done was to send engineers to learn the job: 'They [CE State] don't want to get what GoSS is giving them because they feel competition'.¹¹

The absence of a proactive state ministry for the provision of roads in Juba town is not only potentially problematic for future maintenance but also leads to gaps in information flows towards the lower levels of government. There is no intermediary facilitating communication between the GoSS and local government. Local administrators complained that they had not been informed about any construction in the area under their administration. Little information on what is decided at higher levels trickles down to the lowest levels and due to an absence of mechanisms in place, administrators feel neglected. Road construction is not a responsibility of *payam* directors but it directly affects their work, for example, they cannot reach their office by car or market fees cannot be collected due to blocked roads. Some early signs of improvement have been observed however. The GoSS Ministry of Roads, in collaboration with the CES Ministry of Physical Infrastructure, organized a meeting on new construction plans and properties affected¹² and the directors of the three town *payams* were all invited. This was the first time such a meeting took place and, more interestingly, it was jointly organized by the state and the ministries of the GoSS, an indication that relations between the two levels of government are improving.

¹¹ Interview with the former GoSS undersecretary for roads and transport, Juba, 26 October 2010.

¹² These meetings took place in the week of 18-22 October 2010.

This illustration of infrastructural development shows the search for a division of responsibilities and has suggested an element of competition between central and state levels of government, and the limited information flows towards local government. Although these challenges need to be resolved, this example did not involve much contention. This is different with taxation where responsibilities between local, state and central government are also undefined in places but access here to revenue has a direct impact on relations between government levels and their relative power related to the resources involved.

Revenue collection

Revenue collection is a source of contention in the everyday performance of the levels of government because it is largely the domain of local government but increasingly the CES's revenue authority and the taxation department of the GoSS Ministry of Finance have also started to levy taxes. There is confusion about which level of government is entitled to collect what taxes, and this reveals shortages in information flows. In addition, the collection of taxes involves access to resources and because most revenues stay at the level where they were collected, contention easily arises.

Citizens and small businesses are supposed to pay their 'town rates' and 'ground rents' to the *boma* and *payam* level of local government and apply to them for trading licences.¹³ The procedures for local tax collection are laid down in the Local Government Act of 2009. It does not detail however how revenue is to be used and shared between levels of government. According to several inspectors of revenue in Juba, there is a system in which 60% of the money should stay at the level of government where it was collected, with the remaining 40% is sent to the next level, and so on. This is a system similar to the one applied in Morobo and Kajo Keji counties. In practice, virtually no revenue at all is being sent from one level of government to another. Throughout Central Equatoria State, most of what is collected stays at the level where it was collected.¹⁴

Local tax collections are done on behalf of Juba County, which in practice plays a modest role regarding the issue of taxes. In the everyday organization of Juba County, the rural and town *payams* are separate, although this does not seem to be official policy. The reason is that the three *payams* in the town of Juba generate a lot of income compared to their rural counterparts. The types of revenue they collect in town also differ from those in the rural areas. The county office does not claim

¹³ See Chapter VIII of the Local Government Act 2009, p. 47.

¹⁴ In 2009 a total of SDP 1 m was sent from the counties to the state but SDP 5 m or SDP 6 m were expected. contributions from the counties were not included in this year's budget. Interview with Commissioner General of the State Revenue Authorities, Juba, 16 October 2010.

the money collected. The executive director of Juba County suggested that the county was a victim of negligence by the *payams*: 'they [the *payams*] are supposed to pay their 40% but it is not forthcoming'.¹⁵ According to a director of one of the town *payams*, the reason they did not send the money was because 'the county got relaxed'.¹⁶ It later became clear that the county too had an interest in keeping things this way. Officially, payment of certain levels of staff is the responsibility of the county but in the three town *payams*, the *payam* directors pay their own staff's salaries and cover expenditures. In this respect, the suspension of the rule that 40% of revenue should be transferred to the county is not a formal policy applicable to the whole county; 'It is just the way it works in Juba'.¹⁷ It allows the county, for example, not to take responsibility for garbage collection and the town *payams* have the funds and capacity to organize this key task themselves.¹⁸ The organization of revenue collection at the level of Juba County is based on a shared understanding of the practical norm between the *payams* and the county in which the indeterminacies are convenient to all parties involved.

The debate surrounding revenue collection is not limited to the level of the county but becomes more heated between county level and the state and GoSS authorities. The Business Profit Tax, for instance, is now collected at state level.¹⁹ Local staff complained that this tax used to be the responsibility of the *payams* but 'the state took it back during the war'.²⁰ According to local government officers in the account sections, the State Revenue Authority (SRA) only has the right to collect stamp duty. The inspectors of accounts in the *payams* criticized interference by the SRA and the GoSS taxation department in what they feel is their own source of revenue. Some of their complaints were closely related to the limited information flows as the *payam* staff were, for instance, never informed about why the state 'took back' the Business Profit Tax.

In Juba Town *payam*, the same complaint revealed another source of frustration, namely that some businesses in Juba were refusing to pay tax to their local collectors. This administration only has a small market but there are many big hotels, which are refuse to pay their taxes to the local collectors 'because they feel more important'.²¹ Most of the hotels that mushroomed along the River Nile are franchises run by a foreign investor and a South Sudanese with clout, either from

¹⁵ Interview with the Executive Director, Juba County, Juba, 18 October 2010.

¹⁶ Interview with *payam* director, Juba, 18 October 2010.

¹⁷ *Ibid.*

¹⁸ The town *payams* prepare their annual budget but the county never formally approves these budgets. This too is not the way it is supposed to be but it is the way it works according to *payam* staff.

¹⁹ For details on the taxes collected in Juba, see de Vries (2011).

²⁰ Interview with the accounts section, Muniki *Payam*, Juba, 25 October 2010.

²¹ Interview with a local government officer, Juba, 19 October 2010.

the local Bari elite or a wealthy SPLA and/or government official.²² The frustration was real but it seems that big businesses do not have to pay taxes to the local authorities. Several restaurant and hotel owners in Juba all sketched the same picture; they do have to pay a lot of taxes to GoSS inspectors, and on top of that the rules keep changing but they do not have any connection with the local authorities for licences or any form of taxation. Even if the *payam* were to collect taxes at this level, the large businesses that emerged after the CPA function under the logic of the frontier society where the clout of the newly arrived elite protects them from local interference by administrators operating with a repertoire that has its roots in the garrison repertoire of the war when the SAF was in command.

Confusion and controversy as to which institution collects which taxes and who keeps what also is a bone of contention between the states and the GoSS. The GoSS Ministry of Finance's taxation department and the SRA both acknowledged their weak capacities and the need for institutionalized information sharing between different levels of revenue collection.²³ They also accused each other of levying taxes that belonged to the other. According to the SRA, there is a problem between the GoSS and the states because the responsibilities between the deconcentrated and decentralized agencies are not clearly established (see Chapter 5). For instance, the traffic police service has a state level service but the GoSS traffic police occasionally check cars in Juba. The GoSS taxation department in turn suggested that the revenues collected by the state traffic police are a direct source of revenue for the Governor's Office and that the SRA has no information about what is being collected. This rumour was more or less confirmed by the SRA. Put simply, most of the revenues stayed where they were collected. The case of the state traffic police is delicate as it suggests a direct link to the governor and involves large sums of money because of all the traffic licences and annual vehicle registration fees that have to be paid by the ever-increasing number of vehicles on the roads today.

The point of mutual contention relates to the issue of transparency. At all levels of government, offices have little interest in transparency because it will reveal the amounts they collect. Knowing what the state or the taxation department collects could imply that one should be able to account for the way it was used. The indeterminacies in the system are to the benefit of those with access to it. In attempts to probe the controversy surrounding tax collections and the issue of transparency, the staff of the revenue departments at the three levels of government summarized

²² The same pattern can be observed in Kaya: the hotels are built and owned by (ex) SPLA officers and run by Ugandan managers.

²³ Interviews with the Commissioner of the SRA, Juba, 16 October 2010 and an agent at the taxation department of the GoSS Ministry of Finance, Juba, 24 October 2010.

the situation as 'anything that has to do with the division of resources is just politics'. Taxes are an important resource and the issue of who has the right to make claims regarding these revenues is subject to constant negotiation and redefinition between the various levels of government. The local and state levels of government seem particularly frustrated with the GoSS because this new level of government invented the rules that allow the skimming off of parts of their revenue at a time when collections were increasing significantly. In addition, this level in the GoSS was dominated in their eyes by Dinka and Nuer, which contributed to their frustration even though they were not directly involved in local revenue collection. The issue of Dinka dominance always looms in the background of any discussion about the GoSS in Central Equatoria State. In Juba, land more than taxation exposes this complexity between resources and logics of power.

Land

The issue of land is arguably the biggest source of tension and conflict in Juba, not only between the levels of government but also between the Southern Sudanese living in Juba. Land affects all inhabitants as it is extremely difficult to obtain a plot of land and very expensive to find a place to live in the booming capital. The issue of land summarizes many of the lingering conflicts that Juba hosts involving access to land, tribal conflicts and competition between elites and ordinary citizens. All over South Sudan, land is a contentious subject since it touches on issues of belonging, rights, identity and the recent history of war. The CPA says that 'the land belongs to the people'. Many saw this as a smart move by John Garang to ensure that Northerners would not be able to claim land in the South without consulting local communities (Rolandsen 2009). But after the CPA, it raised a lot of questions across South Sudan. In Juba, if the land belongs to the people, who are these 'people', the local communities alone or all Southern Sudanese? And how can the new government access the land it needs for development? The land issue in Juba embodies many of the challenges of state-building that South Sudan is facing.²⁴ It touches on the indeterminacies in regulations, contentions between the levels of government and the community, the transition of the SPLM/A towards the GoSS and the effect of individual networks and personal clout. It has also become the centre of the discourse of resentment towards the newly arrived elite and has come to symbolize the frontier dynamics in Juba because the institutional void quickly led to the occupation of the physically empty space.

²⁴ This should be the subject of several PhD projects alone. This section can only highlight some of the key issues.

Generally speaking, requesting land from Southern communities is not problematic, according to the CES's survey by the Department of Physical Infrastructure and Land Government. A business or an individual can request land from the community by approaching the chiefs and landlords. If they agree, these local traditional authorities will allocate a plot that should then be formally accorded by the paramount chief.²⁵ This customary system prevails in most of the rural areas but in the urban areas pressure on land is high and larger areas are thus allocated to the state authorities in order to start surveying and gazetting plots. The community has to hand over the allocation of plots in the urban areas to the government authorities. It has however become very difficult in Juba, where demands for land have only increased, to negotiate deals between the GoSS and the state government on the one hand and the local Bari elite who are the owners of the land. Land has become a major political asset in negotiations between actors in the force field in Juba. At stake are financial resources, political influence and the governorship of Central Equatoria State.

Acquiring land is the responsibility of the CES government. The GoSS has no right to land in Juba as long as it is in hands of the community.²⁶ The chiefs and the communities in the areas around Juba are very aware of their power in this respect. The state government needs to create goodwill among the communities and meet their conditions before they will be able to gain access to land for the development of the town. The state governor, however, is not from the same tribe as the local Bari elite in Juba.²⁷ Many Bari had hoped for a Bari governor and were using land in an attempt to achieve this. Until the referendum in January 2011, the president of the GoSS managed to call upon their responsibilities towards South Sudan and occasional crises surrounding land were solved without a shift in the position of the governor.²⁸ The demand for land is always growing though and the problem will return.

Once the land is in the hands of the CES and has been surveyed and registered, the next level of political difficulties arises between the state government and the GoSS. The GoSS needs to access land that is controlled by the state government to fulfil their administrative tasks, house all the ministries and departments but also to provide MPs, army officers and ministers with plots. Here, the power lies in the hands of the CES government that is dominated by the Equatorian elite among whom quite a number of people were insiders working in the administration un-

²⁵ Interview with the survey department, Juba, 25 October 2010.

²⁶ Interview with the Under-Secretary of the GoSS Ministry of Housing, Juba, 21 October 2010.

²⁷ Governor Clement Wani Konga is a Mundari from Terekeka. He was already in this position when Juba was still a garrison town and has been the only person to occupy this post since the signing of the CPA (see Chapter 3).

²⁸ Interview with the secretary of the Local Government Board, Juba, 18 October 2010.

der the Khartoum government during the war. Many of them feel that the GoSS dominates the town and the government too much (Badiy 2011). The land issue is at least one important area of resources in which the GoSS depends on the state. It provides the state, just as the Bari, with a strong asset in negotiations with the GoSS. The land thus represents more than an issue of contention between the two levels of government and the local elite: it is used as a means of playing out grievances between old and new elites.

Beyond the politics of acquiring land, there are individual conflicts over plots looming all over Juba. 'Land grabbing' refers to a large range of situations in which more than one individual or family claims the same tract of land. The reasons can be multiple but, in most cases, people returned after the war and found somebody occupying or building on what they considered to be their plot of land.²⁹ Other examples are cases where people are allocated plots without any official papers and/or when the same piece of land is assigned to more than one person.³⁰ As a consequence, many feel denied their rights as the owners of a plot. There does seem to be a procedure to follow, which most importantly involves sending a demand to a committee that is responsible for allocating plots.³¹ But this is a fragile system subject to manipulation by those who can impose their personal influence on the committee. By far the most efficient way of obtaining land is to go to the Governor or the CES Minister of Physical Infrastructure and Land and negotiate directly with them. They can approve an individual claim to a piece of land, possibly in exchange for a favour.³² In other words, the emerging political and military elite in Juba depend on the CES minister and/or the Governor to access plots of land for the construction of their businesses and residences. The official procedure is not effective and the way it works is far from transparent at best, and corrupt at worse. As a consequence, conflicts over land are occurring all over Juba.³³

The installation of the GoSS in Juba and the subsequent reshuffling of tasks and responsibilities between levels of government, which are rooted in either the remnants of the Northern administration in Juba or the New Sudan secretariat of the

²⁹ Since many documents were lost during the war, these cases are hard to solve but generate tensions amongst the people since the rule of law cannot easily be applied due to a lack of evidence. Other rules tend to be used.

³⁰ In Munuki *Payam*, the director explained that previous administrators caused confusion by assigning one plot to several people.

³¹ Prices have risen substantially over the past few years. A first-class plot (30m by 40m) in a recently surveyed area on the Yei road about 8 km out of town costs SDP 8000 (about US\$ 3200). These plots are a long way out town and such amounts of money can only be afforded by upper-class Sudanese.

³² At least three people working in the CES government and GoSS made reference to this.

³³ While I was inquiring about land issues, I was told about a death that occurred as a result of a land conflict. A Dinka man was killed by an Equatorian in one of the residential areas of Juba, ThongPing, on 23 October 2010.

SPLM/A has posed a number of political-administrative challenges in Juba, as well as in South Sudan. This is partly due to the undefined roles and responsibilities and partly to a lack of capacities, knowledge and information flows. And lastly, there is an element of convenience in the indeterminacies to the people operating the system who have the opportunity to bend the rules in their own favour. It provides a space not to respect the rules or to stick to formal responsibilities, and it allows for rumours and suggestive accusations to impact on the force field between the authorities. The issue of land is Juba's hottest topic in this regard. For instance, many Equatorians operating in the state government use the land issue to affirm their complaints of Dinka domination and politics of 'accommodation' and 'containment'.

Alongside the confusion and convenience of discontent as a negotiation tool, all levels of government are trying to achieve maximum power at their own particular level. There is little trust in the capacities and intentions of the other levels and a great deal of competition between them.

PERCEPTIONS OF A CONTENTIOUS FRONTIER

Nowhere in South Sudan is state power so prominently manifested as in Juba. It radiates the powers of the GoSS and the SPLM and the town became the centre of the South's quest for independence. While Yei and the border towns continued to also radiate the SPLM/A's spirit and Garang's old idea of the New Sudan (see Chapter 4), Juba symbolized the new political order in the South with the installation of the GoSS. It is also the only town in South Sudan that had to ensure the merging of co-existing political orders from various periods in history so rapidly. This can be observed in the open and silent expressions of state performance across the town.

The silent reading of shifting powers

Everywhere in Juba one is confronted with the prominence of symbols and artefacts that affirm the rule of the Government of South Sudan and the SPLM political party (see Chapter 3). The SPLM flag flutters at the airport, on the presidential residence and office and on the ministries. Signposts indicating offices such as ministries or newly established GoSS commissions have mushroomed along recently tarred road.³⁴ The omnipresence of the Government of South Sudan cannot be ig-

³⁴ For instance, the South Sudan Anti-Corruption Commission or the South Sudan Human Rights Commission. The founding of these commissions seems another indispensable step in the process of state-building by design. At the same time, it creates space for people who should be given an honour-

nored in Juba. During the election campaigns, billboards were put along the road from the airport to town, first to sensitize people to the upcoming elections and referendum. And later came posters promoting the SPLM and the separation.

At the airport, an older sign is visible in a corner welcoming people to Bahr el Jabal State, the former name of Central Equatoria State under the Government of Sudan. It had the same text in Arabic and clearly dated from the time of the war when Juba was a state capital under the control of the Northern government. The state government used to be the highest authority in town but this is now only visible if one looks closely. The CES governor's office is located in a prominent building close to the main roundabout. It was built by the British and, like all buildings from this period, needed serious renovation. Hidden along smaller roads of old Juba town, the state's ministries and parliament building can be found thanks to the remnants of dusty signposts. Even more tucked away in Juba's administrative mapping are the local government offices, which are small and hidden in residential areas. In short, all layered orders of government can be observed throughout town but one will need to take a close look. At first and even second glance, all that Juba radiates is the fact that it is the capital of South Sudan and host to its semi-autonomous government.

The newly established Government of South Sudan has tipped the power balance in Juba from the state to GoSS level. In any of the other state capitals when somebody refers to a minister, it is without doubt a reference to the state minister instead of the GoSS ministry.³⁵ Juba is the only place where this does not hold true. The only times when I ran into ministers of Central Equatoria State and where they were treated with the highest regard was during my fieldwork in Morobo and Kajo Keji. In the force field in Juba, there are only two political figures at state level that are a factor of concern to the GoSS, firstly the CES Governor and the CES Minister for Physical Infrastructure and Land on whom the political and military elite depend to access plots of land for the construction of their own businesses and residences.

Not only offices and signs silently indicate the power balance, the traffic in Juba also allows a similar reading. The SPLA and the central and state levels of government have number plates on their vehicles. A quick check of the vehicles driving around town shows the large number of GoSS vehicles. Different GoSS institutions have their own plates too, as do the judiciary and GoSS Members of

able position, but one without too much actual power, in the new government because of their role in the war,

³⁵ In addition to Juba, I had the opportunity to visit Yambio (May 2009, January 2010), Bentiu (February 2010), Malakal (March 2010) and Wau (April 2010).

Parliament.³⁶ The CES government used CEG plates, also for motorbikes used by the state government.

In addition to the prominence of the different licence plates, one can 'read' the power of the GoSS and others in the quality and colours of their vehicles. They are all newly imported, tax-free and are predominantly Toyota land cruisers, particularly the 'big balloon' type, which also indicates the large oil revenues the GoSS receives. The CES government has older and less expensive vehicles, with the exception of the 'big balloons' for the governor and commissioners, which are recognizable by a little flag on the front of the bonnet.³⁷ The state level of government does not have access to the same level of revenue as the GoSS.

The police and the SPLA have their own blue and green coloured vehicles respectively, while security agencies, like the special branch and national security, drive around in khaki-coloured Toyota pick-ups. These vehicles assert silent respect and the SPLA and their vehicles are equally interesting in this respect. The rank of the officer can be recognized according to the type of vehicle as the different ranks are entitled to different vehicles. These silent indicators of position and clout are invisible at first but the signs are clear to other agents operating in the government system. They are indicators of stratification and dimensions of power and are visible by the SPLA or police uniforms, vehicle colours and licence plates. Those who are able to read these signs will likely adjust their behaviour towards these individuals. Pictures, for example, are not taken of certain places when a khaki-coloured security pick-up is in sight. The traffic police would only stop an SPLA officer's vehicle if something serious had happened, not to just check the driver's papers as might happen with regular vehicles. One high-ranking military officer in Juba still drives around with an (old) New Sudan number plate. Although this is prohibited, he refuses to switch to those of the Central Equatoria State traffic police. His justification is that he fought for John Garang's New Sudan and not for Central Equatoria State and his number plate is a reflection of the importance he attributes to this. Despite the fact that New Sudan number plates were supposed to be replaced, he will not be reprimanded because his rank and position are too senior to be challenged by a private or non-commissioned officer in the CES traffic police. The police and he are both well aware of this.³⁸

Just as at the border, Juba is a pocket of dense state performance. All components of the levels of government can be observed in the presence of state agents, politicians, administrators and security personnel. In addition to the new negotiations between levels of government, for instance, on who has the right to collect

³⁶ JOSS for the Judiciary of Southern Sudan and SSLA for the South Sudan Legislative Assembly.

³⁷ If the highly ranked official is not inside, the flag is covered over.

³⁸ Conversation with a military officer, Juba, 19 October 2009.

which taxes and why, there is a silent but penetrating symbolic power radiating from flags, closed gates, signposts, number plates and types of vehicles. It has silenced the state powers and tipped the force field in favour of the newly established GoSS.

Confidential critique

Before the six years to finish, there already were a lot of sinful events that took place in the South, especially visible ones in Juba as the capital of Southern Sudan. When the government of Southern Sudan was formed and started its system of rule, a lot of things occurred... Most of these criminal and political crimes are characterised by greediness and selfishness.³⁹

This quote is an expression of the strong resentment felt towards the way things have been progressing in Juba since 2005. The writer is concerned with 'criminal acts' and the appointment of high-ranking but illiterate officers, which only serves the politics of accommodation. In his view, the security organs such as the police, prison and wildlife staff are made up of people from one tribe, and Dinka and Nuer dominate all military institutions. This, he argues, 'may lead Southern Sudan into bad dreams'.⁴⁰ This person's concerns are understandable. Indeed, the frontier dynamics of Juba include a certain disdain for what used to be in place. To many state agents active in the GoSS ministries or the SPLA, these complaints are heard with minimal understanding for the position of Equatorians. Especially those Equatorians who used to work in the administration before the CPA are frustrated as they feel little acknowledgement of their knowledge, contribution to the SPLM/A's struggle and the suffering they endured during the long years of war.

It is easy to get the various CES government agents to talk about their resentment of the dominance of the GoSS on Juba and South Sudan at large, and the tribes associated with this dominance. However there are few people in government with the capacity to unite people in an uncontroversial charismatic authority while at the same time maintaining respect for their track record during the war.⁴¹ The two are in contradiction. Many Equatorian agents and citizens make statements like 'first we will do away with the North and then we will settle our internal problems' because 'there is no way that we, the Equatorians will accept this Dinka dominance'. Others argue that South Sudan will not be peaceful unless

³⁹ Extract from an autobiographic document written as a substitute for my request for a life history by a major in the CES police, Juba, January 2010.

⁴⁰ Ibid.

⁴¹ In some circles, violent behaviour is seen as heroic. Remarks of admiration on the toughness of their commanders were often heard, especially among ex-SPLA state agents at the border.

a peace-loving Equatorian instead of a war-loving Nilotic leads the GoSS. The frustrations the agents of the local and state government feel towards their GoSS counterparts are expressed in a similar narrative as that by the local administrators in Chapters 4 and 5 on the GoSS agents at the checkpoint. But the situation in Juba differs from that on the border. The dominant behaviour of the state agents in Bazi, for instance, is only relevant in that the specific force field can flourish thanks to Juba's limited interest in the border village. The agents in Kaya are allowed to operate within the margins of their powers allocated to them by more important patrons in Juba. In the politico-military centre of power, clout and claims of authority are real rather than suggested and the highest authority is never far away.

Illustrations of these resentments, at least beyond vague accusations of corruption, bad behaviour and land grabbing, are complicated and delicate. Tangible examples are limited and, if provided, are surrounded with secrecy, lowered voices and expressions of confidence about my ability to understand the situation and eventually to do something about it. For example, the local head of one of the security agencies in Morobo County confided in me about misconduct by officers in Kaya. He stopped sending reports as it put his position at risk and knew that when his reports reached the critical level in Juba, 'they will end up in drawers'.⁴² Most of what he explained was public knowledge, and yet the issue was treated as if it was highly classified and confidential.

Another example was the CES police services staff who objected to the fact that the highest-ranking police commissioners at state level were always the 'sons of another state' and their salaries were much higher.⁴³ They formulated a complaint to the Anti-Corruption Commission of Central Equatoria State. Indeed a policy was in place for officers from the rank of Lieutenant Colonel upwards to be deployed all over the Southern territory.⁴⁴ Nevertheless, in the CES police this resulted in a Dinka always leading their forces, according to the ones who filed the complaint. Although elements in the allegations are understandable they become quickly mixed up with opinions and resentment, which makes it difficult to objectify, and explains the secrecy. Furthermore, as the complaint to the CES Anti-Corruption Commission indicates, there is a need to inform agents of government policies about deploying officers all over the Southern territory. The state police officers had sent their report to the Anti-Corruption Committee at state level, while this organization is less effective than its counterpart at GoSS level. The South Sudan Anti-Corruption Commission is an organization with limited powers but has

⁴² Interview with the head of one of the security agencies in Morobo County, 25 November 2009.

⁴³ The official (anonymous) complaint to the CES Anti-Corruption Commission. Details available with this author.

⁴⁴ This was the case in Yei for instance where a Dinka colonel used to be in charge of the county police (see Chapter 5).

the capacity to investigate and denunciate government staff and agencies. The example shows, once again, that the boundaries between levels of government are widely respected and difficult to cross. The people within the CES police services respect their hierarchies instead of making sure their complaints are heard at the most suitable level, despite the fact that the topic of the complaint regard the overarching organization of the police services, involving the deployment of police inspectors from the central level to the state. It indicates a respect for higher authority that is not just found in the state police service. It was also observed among officers in Bazi when their rope had to be removed from the road (Chapter 5). This respect for hierarchy could be seen as a blessing, facilitating the everyday performance of state powers despite contention and controversies.

There is a paradox in the way allegations of rent-seeking behaviour and malpractice on the one hand are part of public discourse in Juba and on the other hand the secretive way in which examples are shared, detailing the content of the precise frustration. Part of this might be due to the difficulties faced in providing examples that move beyond suggestions and perceptions. The examples are illustrations of the new order in South Sudan in which the old SPLM/A elites, largely Dinka and Nuer, dominate the new force field at the expense of the CES government elite. Since 2005, new repertoires have been dominant and other assets are considered valuable in a context in which the resources at stake have significantly increased.

Understanding accommodating practices

Individual interests in the financial revenues from oil and donor funding are part of the transition from a guerrilla movement to a transparent and accountable state in the making. Besides the resentment expressed above, some state officials understand the logic of the frontier mentality that dominates in this rapid transition of the force field in Juba and South Sudanese state-building in general. They see the need for a period of 'liberation politics' when those who were involved in the struggle are rewarded by allowing them to 'eat', i.e. some politics of accommodation in which individuals who were important during the war need to be accommodated in an honourable position. This is crucial in the case of South Sudan and the politics of containment, in which opposition figures with military clout needed to be kept on board by the SPLA ranks in order not to derail the process towards independence and beyond. Such an understanding of the situation in Juba and the GoSS is helpful but will not last forever.

These things are very understandable in a situation like ours. If only they knew how to invest all that money to at least create jobs and wealth, but instead they make bad use of the money they take. Many of them lose all of it.⁴⁵

This remark concerns the large sums of money that have gone missing over the course of the years. The GoSS says it is committed to fighting corruption but has little interest in making a genuine effort to halt it. There is a risk in starting applying rules designed by the same GoSS. What will happen if accommodation and containment politics are replaced by a system of zero tolerance? First, there needs to be a decent system in which the rules are clear but at least as important are a means to enforce them and an independent and competent judiciary. None of these are in place. But the real advantage of the GoSS's accommodation and containment strategy would disappear: until the end of the CPA interim period, dissident voices with military clout could make use of the indeterminacies and flaws in the system in silent exchange for loyalty to the SPLM, the SPLA and the GoSS. The peace-building and peacekeeping elements of this policy risk evaporating if the resources involved in the system dry up. In addition, a fight against corrupt practices would imply a drop in personal revenue for many government officials.

People inside the system are benefiting from the current indeterminacies but are critical of the situation and their own role in it. An intelligent young man originally from Bor (a Dinka) had returned after years studying in the West and explained how it works. His main revenue-generating activity is laundering money for some of 'the big guys', friends and relatives of his father who died during the war.⁴⁶ Money laundering is an easy job that only requires an 'investment company' with a bank account in Nairobi and South Sudan, and perhaps Switzerland too. Foreign passports help in the process but these are easily obtained. For US\$ 1000 he bought a Ugandan passport to add to his collection that already included one Western and three African passports.

At the same time, he had long and passionate complaints about how the government and military elite were stealing money belonging to the people of South Sudan who had suffered enough through the war years. 'They are all thieves; me too I'm a thief!'⁴⁷ he stated. He fully acknowledged the ambivalence of his activities with his appeal for justice and equity but justified it with the argument that he was making good use of it while it was still possible. He too had to think of his future after all, he argued. He is not the only one; there are many smart young people who have returned from exile who lean on their fathers' and uncles' old networks,

⁴⁵ Interview with an official from the SRA, Juba, October 2010.

⁴⁶ Conversations with a young Dinka man in Juba at various times between October 2009 and March 2010.

⁴⁷ Ibid.

the same networks that allowed them to leave and go to the West in the first place. With this frontier mentality, they set up businesses, bid on tenders and try to build a future in conjunction with the GoSS and the military elite. They are in 'the business of government' through procurement deals and money laundering and, as a consequence, are contributing to the process of state-building in South Sudan.

In a way, the system described here is rooted in the fact that many people benefit from it in one way or another, not only the Dinka-dominated government. The examples above might involve large sums of public money but as long as 'the government', be it local, state or central, is one of fields where money is involved, the use of facilities that come with the resources can be observed at all levels and not necessarily with bad intentions. In Juba for instance, a CES government vehicle drops off children at school in the morning and the Governor's Office provides transport for burials. Public funds are also used to benefit those who manage to acquire access to them but this is simultaneously a source of frustration as a collective coping strategy in which envy towards others with more successful claims influence perceptions towards others in the system.

CONCLUDING REMARKS

Juba was an SAF garrison under siege until the very end of the war. After the signing of the CPA, it was very quickly transformed into a vibrant community driven by oil money and donor funds with few roots in the local order that had characterized the garrison town during the war years. The SPLA entered Juba after the signing of the CPA and immediately had to set up the GoSS. Within a few months, the new government mushroomed everywhere. A new layer of formal authority was added to the remnants of the existing state government and this resulted in an 'institutional vacuum' (Kopytoff 1987) and a new force field in which the powers between the various authorities had to be negotiated. This frontier dynamic that characterized the developments in the town benefited the actors that arrived after the CPA. Numerous indeterminacies could be negotiated based on clout and leverage in a political context in which the SPLM/A was undoubtedly the leader. The resource that provoked the frontier dynamic in Juba was not a mineral such as gold or coltan. What motivated the 'gold rush' in Juba was the semi-autonomous government that was starting from scratch, bringing with it business adventurers from East and South Africa, Lebanon and elsewhere and an international community with a predetermined agenda for building the fragile state by means of the CPA road map.

The frontier dynamics quickly resulted in new modes of organizing, administering and legitimizing the issues at stake, especially regarding competing claims to land or revenue collection. While the GoSS and its new order were still being

constructed, existing administrative structures were subdued. The new way of doing government business not only openly influenced the negotiation arena through daily interaction but was also manifested silently in the appearance of the town. The local dynamics were pushed to one side, only visible and relevant to the local people who were living in one of the residential areas.

This led to frustration among the Bari elite and the people who had been in Juba during the war. It also led to confusion as to who was responsible for what and why. The issues of infrastructural development, revenue collection and land were used to illustrate this. But more fundamentally this confusion has also exposed the underlying contention between levels of government. The GoSS ruling elite leans strongly on the SPLM/A including its historical roots in the Dinka and Nuer ethnic identities. In the perception of Equatorians, the new order fails to do justice to their role during the war, their capacities and their right to have Juba as their capital. Moreover, the state agents and people who were in Juba during the war are seen as suspect, as if their presence equals endorsement of the Northern regime.

This is amplifying the frustrations of the local state agents because their loyalty to the victorious cause is being questioned while they do not have access to the new sources of revenue in town, the money generated by the GoSS and the donor community. The governor is the only one who manages to combine the two worlds. The abundance of new financial revenues coming into the South from oil and donor funds has created a gold rush. Those who were able to make a legitimate claim to these revenues either because they 'were in the bush' with the SPLM/A or conversely because they still formed a threat to the SPLM/A and prevent it from reaching its goal of independence have managed to gain access to these funds. Many of the Equatorian elite have lost out in most of these negotiations.

As a result, the various levels of the GoSS are not functioning in an integrated and comprehensive manner in Juba or elsewhere. At the border, this may lead to discontent and occasional frustrations but in Juba the dissatisfaction is being amplified since all the key political figures are operating in one town. The delicacy of perceptions behind many of the difficulties and contentions is partly rooted in the personal trajectories of people during the war and is resulting in the government being oriented towards access to the political and administrative resources the frontier town of Juba has generated since the birth of the GoSS in 2005. In Morobo, Kajo Keji and Yei counties where the SPLM/A have been in power since 1997, the situation is less extreme. Although similar criticism regarding Dinka dominance and the functioning of the GoSS can be heard there too, it is having less impact on the daily lives of the state agents operating there. The force field was negotiated and has occasionally been adjusted since 1997. However the resources involved

were much less important, especially before the signing of the CPA. After liberation in 1997, the frontline of the SPLM/A's state-building effort lay in the three border counties but since the CPA its frontier has moved to Juba.

8. Conclusion and discussion

Building the state from the borders

Will the tribes of the South stay together? Eat together? Share equal duties of Southern governance together? Be brothers and form a strong black force to manage their land without selfishness in governance or any authoritarian share? Will there be peace prevailing among southerners? No killing each other as brothers, corruption, nepotism, sectarianism or any tribal conflict? All these kind of questions I had been asking myself.¹

INTRODUCTION

Variations on these questions linger at the back of the minds of everyone engaged with South Sudan. They are certainly also in the minds of many South Sudanese who risk being confronted with violence, are fighting the challenges of poverty and are dealing with a government that seemingly has little interest in sharing the abundant revenues that were generated in the context of peace. The doubts and questions also highlight the need for respect of essential values in society and demonstrate disappointment at the way things have progressed since 'peace broke out' in January 2005. Hopes were high after the CPA but peace has not yet brought the longed-for dividend. The challenges related to providing peace, security, basic services and development to the people in the South are easily formulated as failure by the Government of Southern Sudan (GoSS). The GoSS was assembled soon after the signing of the CPA and meant reorganizing a guerrilla movement, namely the Sudan People's Liberation Movement/Army, into a semi-autonomous government, an army (the SPLA) and a political party (the SPLM). In theory, each had to perform a fundamentally different function in what together was seen as a (semi-autonomous) state. In practice, the three were inseparably linked. The transi-

¹ Extract from an autobiographic document, written as a substitute to my request for a life history by a major in CES police, Juba, January 2010.

tion of the guerrilla movement into the government of the independent Republic of South Sudan as of 9 July 2011 was a multifaceted process and deserves close scrutiny.

With the aim of contributing to the understanding of this multifaceted process, this study has taken the particular vantage point of the border in an attempt to understand the everyday practice of state-building in the context of South Sudan. The descriptive central research question was: What are the ways in which the Southern Sudanese state is simultaneously being performed and shaped in the border triangle with Uganda and Congo against the backdrop of the transition from guerrilla movement to the semi-autonomous Government of Southern Sudan? The study looked explicitly into the negotiations between the multitude of government agents claiming authority and the division of the powers of and resources related to government.

The position of the border in the process of state-building in South Sudan was analyzed with Hagmann and Péclard's heuristic framework of negotiated statehood in which the arena of actors, resources and repertoires is analyzed (Hagmann and Péclard 2010). The inherent focus on the process aspect in this framework facilitated answering questions about the transition from guerrilla logics of power towards the GoSS. What are the contestations and negotiations impacting on the transformation process? This study thus considered the expression of the state through practice in settings along the border. These study sites were called 'pockets of state performance' and through observations of the silent and active performance of the 'mundane arrangements' related to the border and the actors involved (Mitchell 1994), resources and repertoires were distinguished.

Analysis of the performance of the state agents at the border in relation to each other, their subjects and their directors in Juba was expected to provide insight into how power as a productive force works throughout the territory. In question was how the powers of the central state were being articulated in the peripheries at the border. This thesis shows, however, that the oppositional perspective is at least as relevant. Power and authority performed at the border not only historically anchor today's process of state-building in Juba, but through everyday practice they also shape and influence the process. It was assumed that the daily performance of state powers taking place in locally negotiated force fields was not as fuzzy as it seemed and that local performance had 'structuring' implications at the central level. In other words, everyday practice at the border is not just the result of state-building in Juba but also informs and shapes the state-building process itself. This chapter concludes by reflecting on the questions and discussions evoked by the material presented.

PERFORMING THE STATE AT THE BORDER

The borders in the triangle where this study was situated had been subject to negotiation around the turn of the twentieth century when the colonial powers tried to enlarge their sovereign influences in territories overseas. A century later, the same border triangle was not subject to negotiation between states but provided a setting in which a guerrilla movement started to develop forms of governance with state-like traits that would, fifteen years later, result in the birth of the Republic of South Sudan.

When the SPLM/A liberated large parts of today's Central Equatoria State (CES) in 1997, the local people who had fled to refugee camps in Uganda and Congo started to return. Despite occasional resentment resurfacing towards the SPLM/A that still had a stronger Dinka and Nuer than Equatorian influence, the returning populations also embraced the movement and its New Sudan administration. This included a capital in Yei, border controls at the checkpoints in Kaya, Bazi and Kajo Keji, the signing of laws and the appointing of commissioners. In the early 1990s, the movement's military command realized that it needed to strive for better relations with the South Sudanese people if it wanted to be a popular movement with broad support for its vision of the New Sudan. In short, the Equatorian border region provided the setting where the SPLM/A could develop traits of civilian governance alongside their military objectives. Between 1997 and 2011, the official status of the territory changed several times, as did the formal positions of the people performing the state-like activities that later became official government offices. In practice, the impact of these changes on performance was minimal.

State powers are manifest in a variety of symbolic and active ways throughout the territory. The border is one of those places where state agents, through the active enforcement of control, contribute to the articulation of the state. This study has demonstrated that where state powers at the border could be observed, an active demonstration of these is required for the border to be asserted. Silent performance in the form of flags and uniforms is activated only in interaction with people crossing, traders importing and smugglers avoiding or, as in Bazi, being in contention with neighbouring authorities. Firstly, therefore, state agents are present to make the border effective. Without the presence of representatives of the central government in particular, not only the notion of the border becomes irrelevant but the state also becomes invisible. If state agents are present, does this imply that they imply stateness? Does the presence of an agent representing state power automatically lead to the emergence of state performance in any given village or point on the border? No, not necessarily. When controlling a border checkpoint where few people pass and no trade is taking place, agents have no interest in enforcing the border. Resources of some sort are needed in addition to state agents.

When 'nothing is happening', there is little at stake and nobody to negotiate with, and the 'density' of the state is low. Secondly, in addition to agents representing the state, resources and (personal) interests are important drivers of practices that lead to the emergence of state performance.

In those villages where state performance could be observed, agents (the actors in the negotiations) had an interest in performing and enforcing their powers (the stakes or resources). In Jalé and Bazi, local contestation between the various state agencies usually involved claims of authority based on positions of other than the formal ones of the agencies involved. The local negotiations in Bazi, for instance, had resulted in a force field in which the local police were often sidelined by GoSS agents, despite their formal tasks in certain cases. Such negotiations took place without much external influence of travellers or traders or interventions from Juba, and a locally contested and negotiated logic was followed. This was demonstrated, for instance, when the dominant role of the customs was taken over by the traffic police and immigration services when the checkpoint's rope was removed from the road in Bazi. Although formally nothing changed in the tasks and powers of the agencies, the balance of power shifted.

The Bazi case study showed another important dimension of the border as a means of negotiating state powers: the issue of repertoires. Repertoires are understood as commonly shared values and internalized structures that define and legitimize specific courses of action in contexts in which these are acknowledged and thus can be asserted. The most important repertoire in this study, and one that often appeared dominant, was the guerrilla-rooted logic shared by (ex-)SPLA soldiers, many of whom had become agents in one of the GoSS offices. The recently assigned role as GoSS officer in immigration or customs supposedly involved an additional repertoire in which the tasks related to these positions are developed and embodied. Yet the old repertoires were more firmly anchored than the new ones and the former guerrilla logic can thus easily resurface at any time. This was shown in the clash between the Congolese forces and the SPLA in Bazi that was rooted in Congolese frustrations with the SPLA's presence on their territory. It was not just the SPLA that was fighting that afternoon in January 2008, Bazi's deconcentrated GoSS state agents were also fighting and performed what they felt was their main task, namely to protect the Southern Sudanese territory. Old hierarchies and ranks became instantly relevant again. The guerrilla repertoire proved highly effective in its operation, irrespective of the formal distinctions between the SPLA, the GoSS and the SPLM.

The formal transition from SPLM/A to GoSS, which started after the CPA, included a varnish of new tasks and formalities but offered little legitimizing force to the young state agents. In their view, they were still protecting the border as if they were SPLA soldiers. They needed to affirm their indispensable contribution to se-

curity, even if there was no need to, as was demonstrated when an immigration officer secretly informed me that he was also in charge of security in the locality. Although he was drunk when talking to me, he was hoping to upgrade his importance in my eyes. The GoSS agents thus created incidents that would allow them a space to claim authority and demonstrate their powers. Especially in the villages where little else was happening, they had an interest in maintaining the pre-CPA negotiated force field in which GoSS agents could occasionally reaffirm their powers based on old claims derived from the guerrilla repertoire. Vaguely defined concerns about security were the main resource to legitimizing claims of power and authority, but these had evolved in the context of the CPA and their new roles had little to offer the ex-SPLA.

In summary, the pockets of state performance at the border provided a setting for the process of state-building to take root. This happened through negotiations between state agents representing deconcentrated and/or decentralized state powers that derived their claims to authority from various sources linked to their powers at that moment or from during the war when the still-valid guerrilla logic was dominant. Depending on the further characteristics of the 'force field' (Nuijten 2005), there is a stronger or weaker connection with the state-building process as it has developed in Juba since the CPA.

THE STRUCTURING EFFECT OF NEGOTIATION

If the border does indeed allow the state to be performed, it is in negotiations between the state and its subjects, levels of government and within the multitude of institutions that the state is becoming shaped. The border provided the 'central margin' (Raeymaekers 2009) where state powers were contested and negotiated in practice, starting with the SPLM/A's control of the border in 1997 and developing into an important zone of commercial trade towards Yei, Juba and other towns on the west bank of the Nile. The context favoured inconsistencies and indeterminacies and yet it was in this context that 'the structural effect of practice' (Mitchel 1991) could be observed. Patterns of negotiation can solidify into rules, and upheavals rooted in contestation can result in directives from Juba.

While relations in Bazi were locally negotiated and founded in balances of power dating from before 2005, the authorities in Kaya clearly functioned in connection with the new state-building dynamics that were centred on Juba. Thanks to the CPA and the subsequent developments in trade and commerce, agents in Kaya were able to create opportunities for themselves with colleagues at other checkpoints and customs stations. The agencies operating under the GoSS created

resources while enforcing the border, and everyday practice was organized around facilitating and protecting their interests.

Many of the agencies at the checkpoint base their performance on an amalgamation of rules and regulations derived from administrative backgrounds and episodes before and after the CPA. In addition, state agents operating from their various repertoires apply this multitude of rules in differentiated ways depending on the time, the type of checkpoint and opportunities. Rules and regulations are thus to a large extent locally produced. The indeterminacies are convenient to the agents as they help to generate more or new resources. These can result in fictional institutions, for instance the South Sudan Drivers' Association, incoherence in the application of specific duties to be paid at different customs stations, and the creation or closure of offices at certain checkpoints such as Bazi's toll office. This creates a context of institutional multiplicity in which people operating in a seemingly fuzzy system know exactly where to go to make the best deal given the indeterminacies.

The GoSS has taken measures to increase its grip on the various deconcentrated powers operating at the border, as was shown by the revaluation of police ranks that were assigned during SPLA times and the downscaling of staff numbers at customs posts. These were measures that had a direct impact on the locally negotiated force fields because a few individuals were replaced. Although indeterminacies in the application of the rules are still numerous, solidification is taking place, with official tariffs and taxes now on show in the offices of the traffic police in Kaya. However local negotiations are hard to control and everybody benefits from the negotiated space. The central state is trying to increase its impact on local force fields by organizational restructuring. If people go beyond the unspoken boundaries of corrupt practices, they are removed from the force field where they crossed the undefined line. For instance, to all operators in Kaya, state agents, business people and clearance companies alike, the falsifying of the customs director's signature and stamp clearly crosses such a line. This interaction between the centre and the border in the everyday performance of state powers has resulted in the solidification (or 'structuration') of rules but also in a production of meaning and legitimacy. It is in negotiations within local force fields but also in connection with the larger force field including the powers in Juba that legitimization is being redefined and solidified.

The formal upgrading of the status of the guerrilla movement to the independent Republic of South Sudan has not fundamentally changed the nature of everyday practice, claims of legitimacy, the importance of personal trajectories and the need for resources in order for a force field to emerge. The same logic of structuring negotiations and contestations regarding resources and repertoires (Hagmann and Péclard 2010) still reigns. Although this might suggest a stagnant

situation, the opposite is true. Despite the continuity in repertoires and logic, resources are evolving and legitimacies are fading while others are developing. State powers at the border are being performed in a seemingly fuzzy and negotiated reality against the backdrop of an important transformation in which a guerrilla movement is working towards becoming the government of an independent state. In the border area, this has resulted in a situation where the consolidation of locally anchored government could be observed and reinforced by rules and regulations from the centre of state-building in Juba, while the capital became the frontier of the state-building process.

TRANSFORMATION THROUGH PERSONAL TRAJECTORIES

With the signing of the CPA in 2005, the centre of gravity of the state-building process, which used to be rooted in various forms and places throughout the liberated territories, moved to Juba. This required the division of the SPLM/A into the GoSS, the SPLA and the SPLM political party. All levels of government had to deal with the rapid transition it underwent from being a guerrilla government to the GoSS, dividing itself into a government, an army and a party. This has not been a linear process. A number of characteristics can be distinguished that have accompanied the process.

One is the preoccupation with security and the tendency to centralize power to ensure control. This can be seen for instance in the GoSS's hesitation about actually transferring powers from the central government to state and local levels. The reasons are to be found in security concerns but there might well have been a financial dimension as well because it would imply a transfer of vast funds from the central level to state governments. The profits of peace, which in the case of South Sudan have been amplified by oil revenues and donor money, were all channelled through the highest authority in South Sudan, the recently established GoSS. Transferring powers to lower levels of government implied a transfer of financial and political resources and the chance to control how they are used. This might be the reason why little progress has been made on the decentralization agenda.

Nevertheless, it is at the border that the grip of the state and the GoSS is slowly increasing while the focus on the security aspects of government is becoming less central to everyday practice. The emergence of civilian governance was allowed alongside the natural focus on security concerns. When the president appointed a young ambitious new commissioner in Morobo County in January 2009, the local government slowly started to free itself from the guerrilla logic that dominated at the Bazi and Kaya checkpoints. He removed, for example, the checkpoints that used to be justified for 'reasons of security' and shared, in part, the guerrilla reper-

toire of GoSS agents because he had also been in the SPLA during the war. This has greatly facilitated his position in the power arena where the GoSS's deconcentrated power claims on security tend to overrule any local civilian authority. The commissioner managed to create a bridge between the predominantly Dinka-ex-SPLA-GoSS state agents looking for ways to sustain their positions in the local force field in a context of quickly changing, interest-driven networks of power on the one hand, and on the other, his local administrative staff in the *boma* and *payam* offices and the local police who resented GoSS agents.

Paradoxically, the example of the commissioner at the same time shows the second characteristic of the transformations, namely the importance of personal trajectories and the political-military clout derived from them. Progress on the civilian side of government is being made thanks to an individual's personal trajectory in the SPLA, and a shared repertoire, which gives him authority. Claims are not only made on the basis of somebody's formal position but are also connected to a personal trajectory. Individuals who are most able to make legitimate claims on power are dominant in the force fields and influence decisions and regulations. Clout silently but openly influences the force field. If someone with a higher rank, a more heroic past or a better position comes along, the force field changes and the clout of an individual then subsequently shifts. The letter written by the chief of customs to his colleague in Bazi showed how this works in practice. The networks and alliances built in the 1980s and 1990s formed the basis for the positions people could claim or were given after the CPA.

This brings us to a related issue, namely the position of people who have different repertoires and no clout. Many local authorities and police were not 'in the bush' with the SPLA. In a setting in which the SPLM/A determined virtually all facets of political and military life, such personal trajectories were seen as suspect. State agents never fought but instead worked for the local government, had low ranks or came from different ethnic backgrounds; in other words their repertoires were different from those of most GoSS state agents. In everyday interaction, they operated at the same checkpoints but the force field was clearly dominated by individuals sharing the dominant repertoire, even if formally the *boma* administrator or local police force was supposed to be in charge in specific situations. Within government agencies, similar tendencies can be observed, with the dimension of knowledge and capacity being particularly relevant. Administrators, the police and others who worked under the Khartoum administration during the war are viewed with suspicion by the SPLM/A-dominated elite. Many of these people in taxation, police and customs had received training and were well qualified. They were therefore indispensable in the everyday practice of state performance because the GoSS needed their capacities but they appointed as the deputy more often than as the chairperson, director or chief of an organization.

To summarize, the characteristics of transformation taking place in the state-building process are rooted in the guerrilla logic due to the dominance of the SPLM/A in the GoSS. In addition, many of the elements described above are likely to continue to determine the process. The imprint of the SPLM/A logic in daily state performance and negotiations between the various authorities is still high and state agents at all levels embody the inseparable relations between the army, the party and the government, which are rooted in the SPLM/A. This defines their repertoire. Nevertheless, new repertoires of administration and civilian governance are slowly starting to gain legitimacy.

This can be observed in the border area in particular where, from 1997 onwards, the guerrilla government started to develop civil authority, levy taxes and perform other state-like activities. Again this area served as the place where the newly established powers of the GoSS could grow from its roots in the SPLM/A's New Sudan guerrilla government. The separation in tasks between the county authorities, the SPLA and the SPLM political party is perceived locally as non-existent, as the presence of the party secretary in weekly security meetings at the county headquarters demonstrated. And yet it is precisely because there is little need to formally separate the various functions of state powers locally that the transformation from the SPLM/A to the GoSS is taking root in everyday practice.

Individual clout, former chains of command and old loyalties thus impacted on the organizational framework of the state as it came into being because they provided the only legitimate and trusted frames of reference that combined on the one hand the need to protect the greater interests by successfully bringing the South towards secession while on the other hand protecting the personal interests of the individuals steering the process. Developing more inclusive politics, for example through decentralization and democratization, would imply a transfer of control, which could potentially affect the vested interests of the old SPLM/A elite and the individuals that they have allowed into the arena on their terms. Just as the border was a resource for the generation of revenues through state-like performance a decade earlier, the CPA created a state that has itself become the most important resource in guaranteeing access to the interests attached to the state-building process.

DISCUSSION

Although the border seemed an unlikely entry point to studying the process of state-building, Timothy Mitchell and Peter Sahlins, who were both quoted at the beginning of Chapter 1, correctly consider the border and the 'mundane arrangements' (Mitchell 1991) performed by 'protagonists' (Sahlins 1989) as essential in

any analysis of a state-building process. As has been shown in the case of Southern Sudan, this focus is justified by the fact that the SPLM/A's roots of governance first started to be articulated at the border. Control over the border area allowed the guerrilla movement to develop 'stateness' through everyday performance of state-like practices. How can the findings described above of an interpretative analysis of practice and performance at the border be related to the 'pocket of state performance' in Juba where the big 'drama' (Sahlins 1989) of state-building has been negotiated since 2005?

The SPLM/A only started to dominate the political-military-administrative force field in Juba after the signing of the CPA. When the Government of Southern Sudan was officially installed, it immediately became the highest authority in the South, and was centred on Juba. All of a sudden, in 2005, the state authorities, the Governor's Office and the state ministries, although operating in a largely rudimentary way, were expected to accept a higher authority in a political space that they had dominated throughout the years of war, even when the military space was dominated by the Sudan Armed Forces. The SPLM/A not only filled the political space as the only legitimate power in an official administrative manner but symbolically too their dominance became visualized in the tarred roads, signposts, number plates and the vehicles driven by government employees. Juba became the new frontier of statehood in Southern Sudan. The personalized rule that could be observed in Kaya and Bazi and the networks in which these individuals operated were extended into Juba. The logic of interaction, negotiation and the strength of shared repertoires emerged as well.

The vast revenues that started to come in straight after the CPA influenced the contestations surrounding the negotiation of state powers between the levels of government. The frontier of the state-building process moved from the borders towards the political administrative centre in Juba and one of the most important drivers of this process, namely financial revenues and the stakes involved, also shifted to this zone of opportunity that the new frontier represented. The parallel systems of government, which had cohabited uncomfortably in one town, had to merge. In everyday practice, this implied tough negotiations with the local elite over access to the abundant financial resources and land and resulted in competition between the networks of power allocating, accessing and using these resources that were related to the latest income-generating activity, the Government of Southern Sudan.

In Juba, as well as at the border and elsewhere in South Sudan there are three elements that form part of the negotiations and could potentially be considered underexposed in this research: the contested history of individuals who all consider themselves SPLM/A; the issue of rent-seeking behaviour; and the ethnicity factor. These are, without doubt, important topics, as was reflected in the questions

posed at the beginning of this chapter. The issues are all highly relevant and topical yet I did not consider them to play a central role in the process of state-building. To be more precise, by conceptually translating, for instance, the issue of ethnicity as part of the repertoires and rent-seeking behaviour through networks of power as a resource, they become more useful to analytically unpacking the contested political-military force field of state-building in everyday practice. This analytical way of solving a subjective factor of importance is empirically justified, although the resentment deserves to be understood. Nuance is needed, as is shown for instance with ex-SPLA operating as GoSS agents who are abusing power but who also feel marginalized by their directors in Juba when their ranks are devalued and shared ethnic identities are ignored if they worked for the North during the war. There are also negative feelings among many Bari in Juba towards the Dinka president of South Sudan. Even though he may be less resented than a Mundari would be. And a Bari would be preferred as governor of Central Equatoria State. Too much focus on the contentious dimensions of the South Sudanese state-building process risks simplifying more complex histories that include nuances of marginality, stages in the war, the transformative powers of fluid loyalties and the understandable resentment any combination of these factors may induce. And most importantly, such a focus would risk overlooking the structuring effect of the negotiations involved in this country's complex history.

These elements undeniably exist, however, and they contribute to and are shaping the state-building process. Rent-seeking behaviour and politics of liberation and containment were indeed integral parts of the emerging GoSS, as with many guerrilla movements that have come to power elsewhere. Ethnicity is one of the elements the repertoires of the individual agents use in their everyday practices and it influences their perceptions of others. The fluid loyalties (Debos 2008a) and the power of identification with the winner and its vision are understandable in the context of South Sudan. These issues are relevant because, when seen through the lens of actors, resources and repertoires, they inform the practice by which they produce the 'state as a structural effect'. They are an integral part of social interaction and, as such, feed the negotiated force fields instead of determining them.

The border provided an excellent site for observing the productive force of state powers in transition performed by agents of various kinds, and the setting up of checkpoints facilitates the articulation of power. Borders have rightfully become a subject of academic research in their own right, but the wider impact, political consequences and structural effects of state agents' activities in the setting of a border are too easily ignored in research. State agents are perceived as being corrupt, subject to or a vehicle of another more dominant force such as trade networks in which the personalized interests of the agents occupy a central role. Yet, the active performance of state power, or the absence of it for that matter, and the role of

state agents in the control of borders have an impact beyond the locally negotiated force field. The extent to which this shapes and contributes to the state-building process deserves more attention. As this study has shown, the everyday performance by state agents furthers the state as a structural effect and deserves to be taken into account.

Understanding processes of state-building in South Sudan or other African states requires a balanced perspective in which the negotiated aspect of state power is not ignored, while the structural effects of negotiation and contestation should also be a focus of analysis. Theories of the African state would benefit from a more open approach to the relational and negotiable dimensions of power and authority and their impact on state performance, as argued by Hagman and Péclard (2010). However, adopting such an approach carries the risk of overemphasizing the negotiated and fluid dimensions to this process, which is why there is a need to focus more on relations between the actor, his resources and repertoires on the one hand, and the structuring consequences of the negotiations on the other. The African state as a 'structural effect of practices' (Mitchell 1991) deserves to be studied in more depth. In the case of South Sudan, the structural effects of contestations and controversies that are accompanying the process of state-building also deserve closer study, because after all, they 'help [to] manufacture an almost transcendental entity, the nation state' (Mitchel 1991: 94).

A focus on 'the protagonists of the drama' (Sahlins 1989) who craft and shape powers through choices and practices not only allows an understanding of the local complexity in which they occur but also illuminates an important part of the process beyond everyday negotiation and contestation. If state-building is seen as a process of accumulated structural effects, the individuals claiming power and authorities and the force fields in which they choose to make these claims based on the resources and repertoires at their disposal should be at the centre of any analysis. State-building in South Sudan is not unambiguous, without faults or abuses of power and there is a need to work towards a more inclusive future in which the dividends of peace are shared. Despite controversies, contestation and indeterminacies, the South Sudanese have jointly managed to negotiate a transcendental entity of a nation state.

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SUMMARY

This research project deals with everyday state-building practices in semi-autonomous Southern Sudan up until the referendum in January 2011. By focusing on localities along the country's border with the Democratic Republic of Congo and Uganda that have been under the control of the Sudan People's Liberation Movement/Army (SPLM/A) since 1997, it investigates the ways in which the everyday performance of state agents fed into the process of state-building in Southern Sudan. The emphasis was on the powers of state agents representing the Government of South Sudan (GoSS) that were operating their deconcentrated powers at the border, such as the central security and intelligence forces, and immigration, customs and taxation departments in relation to other decentralized levels of government.

It is argued that these state agents simultaneously conducted and shaped Southern Sudan through their everyday operations. An analysis of silent and open manifestations of state powers at the border in relation to, yet partly disconnected from, what is taking place in the capital Juba serves to increase our understanding of the state-building process in Southern Sudan that started years before its secession from Khartoum in July 2011. The descriptive central research question was what are the ways in which the Southern Sudanese state is simultaneously being performed and shaped at the border triangle with Uganda and Congo against the backdrop of its transition from guerrilla movement to being the semi-autonomous Government of Southern Sudan.

Contrary to more common analyses of state-building processes, the checkpoints, the remote villages on the border and the county headquarters provided a vantage point from where a perspective of Southern Sudan's state-building process could be developed. The manifestations of state powers along the border allowed insight into the contestations and negotiations within and between levels of government internally and with neighbouring authorities. It is argued that the mere fact that the variety of ways in which state power is being exercised at the border contributes to how the state is being shaped. Agents operating at border checkpoints claim their authority not solely as a result of their 'official' powers but mix it with locally produced and negotiated claims. They use different sets of legitimizing reasons to justify their actions depending on their personal trajectories and these are adapted to specific situations.

This study forms part of an increasing body of academic work focusing on the border and theoretically adopts two key ideas that should be seen in their interaction. First of all, I use the heuristic framework for negotiating statehood that was developed by Hagmann and Péclard (2010) in which they distinguish between ac-

tors, resources and repertoires to analyze the undetermined and fluid 'force fields' (Nuijten 2005) where state powers are negotiated. This framework is used in close connection with Mitchell's idea of the state as a 'structural effect' of practice (Mitchell 1991, 1999). Although clearly the indeterminacies and inconsistencies in the everyday performance of state powers dominate the local and central political arena, the outcomes solidify and can have a 'structuring' impact, which in return affects the force field of negotiation.

After the general introduction in Chapter 1, Chapter 2 gives an account of the fieldwork undertaken and the methodological choices made along the way and their implications. It demonstrates that the manner in which fieldwork unfolded was in fact indicative of the functioning of the Southern Sudanese state at the border and how state agents were performing their powers. This resulted in situations in which the relationship between the researcher and the subject were at times reversed, when I (the researcher) became the subject of investigation. The chapter explains how this impacted on the data collected and how it induces a double reflexivity regarding my position as researcher in a field like this. It also shows how state agents' past histories as SPLA soldiers provide the dominant repertoire in relating to outsiders, which also explains their preoccupation with security in their everyday doings.

Chapter 3 considers the geo-historical context of Southern Sudan in general and the research area in more detail. Importantly, it contextualizes the Central Equatorial Region and its borders with Uganda and DR Congo in the larger Southern Sudanese historical context. It explains how ethnic identities and regional affinity have influenced Southern Sudan since colonialism. By narrating two life histories of older Southern Sudanese men, the complexity of the past and the competing versions of what matters about it are illustrated. More importantly, the roots of the SPLM/A's governance ambitions and the first administration in the areas under its control are explained. When the SPLM/A took over control of large parts of the South in 1997, it started to concentrate on the civilian side of government in addition to its military objectives. Yei became the capital of the SPLM's New Sudan administration, which started to levy taxes, install border checkpoints and introduce new laws. The SPLM/A developed state-like traits and the roots of the state-building process were formed.

The later chapters unravel specific dimensions in the everyday practice of state-building. Chapter 4 does this by describing the pockets of state performance along the border, showing the differential ways in which state powers are manifested in various localities. Through a focus on performance, the different forms of state articulation are observed through analysis of the resources and repertoires of state agents in these villages. It becomes clear that for the border, and consequently the state, to be articulated, state agents need to actively perform their powers, which

requires stakes and resources being protected. A detailed description of Bazi, a village on the border between South Sudan and DR Congo, further analyzes the force field of interaction between GoSS agents and their Congolese neighbours and other local authorities. This leads to the conclusion that most GoSS state agents performing state powers today see protecting the territory and their former role as SPLA soldiers as still their key tasks: this is their most dominant repertoire.

Chapter 5 focuses on the proliferation of state institutions and the way they contribute to, or undermine, the articulation of the state. This adds a network dimension to the analysis, as linkages to powers in Juba and Yei are shown. It is evident that the indeterminacies of fuzzy organizational structures are convenient as they give freedom to agents to perform their discretionary powers. This is illustrated with a description of the ways government institutions are used, constructed or sidelined to not only manifest the state but also to allow room for rent-seeking entrepreneurship by state agents and their networks in the centres of power. This chapter focuses in particular on Kaya on the border with Uganda. By illustrating two incidents related to the ropes that constitute the checkpoints in Kaya and Bazi, the importance of individual clout and personal trajectories becomes clear.

Yet at the same time there are signs that interaction between everyday practices along the border and the grip of various levels of government on what is happening are tightening. In Chapter 6 this is shown by focusing on local government, especially the county. The administrative framework for local government and the tasks it is supposed to carry out as the form of government closest to the people are described, showing that the GoSS is hesitant about pushing the decentralization agenda too strongly. However at the same time, there are signs locally of an emancipation of civilian government regarding the deeply rooted, highly centralized preoccupation with security and control. This is demonstrated in a detailed analysis of Morobo County, particularly through the lens of the new county commissioner. The close connections between the local government and the SPLM are also illustrated, and once again the importance of personal trajectories is stressed. It is concluded that the ideas of what the tasks of local government should be are accompanied by actions and measures taken, sometimes at the expense of the deconcentrated GoSS agents that are operating at the checkpoints but who nevertheless accept the authority of the county commissioner.

Chapters 4, 5 and 6 demonstrate a highly negotiable but workable state coming into being. The fact that the area was under the control of the SPLM/A since 1997 has given the various government institutions time to take root. The border counties demonstrate more state-like stability than the frontier society that characterizes the political and administrative life in Juba since the signing of the Comprehensive Peace Agreement. This is the main topic in Chapter 7 where the indistinguishable linkages between personal connections, institutions, economic interests versus se-

curity concerns, internal or external threats to the government, the party and/or the army are amalgamating to form a booming frontier town. It shows the uncomfortable cohabitation of the SPLM/A and local Equatorian elites and their competing claims for land, resources and political influence. The guerrilla repertoire quickly became dominant after the GoSS was established in Juba, sidelining the people who had been working in the garrison administration during the war. The paradoxical conclusion is that state-building in South Sudan is more developed along its borders than in Juba at the ultimate frontier in the country's political, administrative and military centre.

This paradox paves the way for the conclusions in Chapter 8. Here, the various dimensions of the everyday practice of state-building in South Sudan have been assembled to conclude that the locally negotiated force fields were not in fact as fuzzy as they may have seemed. Moreover, the outcome of negotiations had a structuring effect beyond the local level. In other words, the everyday practice at the border is influencing, shaping and forging the state-building process. This chapter also concludes that the articulation of state powers in everyday practice largely depends on the interests of power holders within government institutions to perform the state and that personal trajectories of state agents are essential to understanding the leverage of individual claims of authority that subsequently contribute to the state-building process. In summary, an important part of the roots and logic of state-building in South Sudan are much older than the CPA and do not originate in Juba but come from the border area with Uganda and DR Congo.

SAMENVATTING

Dit onderzoeksproject gaat over de dagelijkse praktijk van staatsopbouw in het semi-autonome Zuid-Soedan, tot aan het referendum dat plaatsvond in januari 2011 waarin de Zuid Soedanesen kozen voor afscheiding van Soedan. De geografische focus van het onderzoek ligt op de grenzen van Soedan met Oeganda en de Democratische Republiek van Kongo. Een gebied dat sinds 1997 onder controle van de rebellenbeweging de 'Sudan People's Liberation Movement/Army (SPLM/A) stond. Het proefschrift geeft inzicht in hoe de dagelijkse beoefening van staatsmacht door mensen die deze macht op de grens representeren, van invloed is op het proces van staatsopbouw. De nadruk ligt daarbij op 'agenten', hun relaties tot elkaar en tot vertegenwoordigers van lagere overheden. Deze agenten zijn vaak jongens die voorheen actief waren bij de SPLM/A en nu de centrale macht van de staat in opbouw vertegenwoordigen, bijvoorbeeld als douane- en immigratieambtenaar of als functionaris van een van de veiligheidsdiensten. Een basisaannname in het onderzoek is dat deze agenten niet alleen staatsmacht vertegenwoordigen en uitoefenen, maar daardoor tegelijkertijd ook bijdragen aan de vormgeving van de staat in opbouw.

Om te begrijpen hoe dit vorm krijgt, en hoe een dergelijk proces al gaande was lang voordat Zuid-Soedan zich afscheidde van Khartoem in juli 2011, is gekozen voor een analyse van de verborgen en openlijke manifestaties van macht op de grens. Vaak staan deze machtsuitoefening in relatie tot netwerken en besluitvorming in de hoofdstad Juba, maar soms ook los daarvan. De hoofdvraag is; op welke manier wordt de Zuid-Soedanese staatsmacht tegelijkertijd zowel uitgeoefend als vormgegeven in de grensdriehoek met Kongo en Oeganda, tegen de achtergrond van de SPLM/A's transitie van rebellenbeweging naar de overheid van Zuid Soedan?

In tegenstelling tot meer gebruikelijke analyses van staatsopbouw, die zich veelal richten op hoofdsteden en nationale overheden, vormen juist afgelegen dorpen, grensposten, soldaten met lage rang en lokale bestuurscentra het gezichtspunt van waaruit het onderzoek is opgebouwd. De manifestaties van staatsmacht op de grens leiden niet alleen tot inzicht in de onderhandeling en wedijver tussen en binnen overheidsorganen, maar ook met naburige autoriteiten in Kongo en Oeganda. Een belangrijk perspectief is dat agenten die op de grensposten opereren hun autoriteit niet enkel claimen op basis van de aan hen formeel toegewezen functie, maar ook op lokaal geproduceerde en in hun professionele en/of etnische achtergrond gewortelde claims. Ze gebruiken verschillende redenen om hun handelen te legitimeren, afhankelijk van hun persoonlijke trajecten en de mogelijke toepassingen in specifieke situaties.

Deze studie past in een groeiende categorie van academisch werk dat focust op grenzen. Het stelt twee theoretische sleutelideeën centraal die in relatie tot elkaar beschouwd moeten worden. In de eerste plaats heb ik gebruik gemaakt van het heuristische model voor 'onderhandelbare statelijkheid' van Hagmann en Péclard (2010) waarin actoren, en hun middelen en repertoires centraal staan om een analyse te maken van de fluïde en onafgebakende 'krachtenvelden' (Nuijten 2005) waarbinnen staatsmacht wordt uitonderhandeld. Dit model staat naast het tweede element, namelijk Mitchell's idee van de staat als resultaat van het 'structurerende effect' van praktijk (Mitchell 1999). Dit houdt in dat ondanks dat onduidelijkheden en tegenstrijdigheden kenmerkend zijn voor de dagelijkse beoefening van staatsmacht in de lokale en centrale overheidsarena's, de resultaten niettemin een 'solidifiërend' en structurerende impact kunnen hebben. Deze structurende impact conditioneert dan vervolgens weer het krachtenveld van de 'onderhandelbare statelijkheid'.

Na de introductie van het proefschrift in hoofdstuk 1, waarin bovenstaande uitgebreid wordt behandeld, gaat hoofdstuk 2 verder met een verslag van veldwerk en de methodologische keuzes die tijdens het onderzoek gemaakt werden. Dit hoofdstuk heeft tot doel te laten zien dat de manier waarop veldwerk plaatsvond in feite een illustratie was van de manier waarop de Zuid-Soedanese staat functioneerde en hoe staatsagenten hun macht vormgaven en uitoefenden. Op diverse momenten tijdens veldwerk resulteerde dit in een omgekeerde relatie tussen onderzoeker en diegene die onderwerp van onderzoek waren. De vertegenwoordigers van staatsmacht maakten mij meermaals tot *hun* onderwerp van onderzoek. Het hoofdstuk legt verder uit hoe dit gegeven van invloed is geweest op het verzamelde materiaal, welke impact het had op de onderzoeker, en daarmee op de interpretatie van de uitkomsten. Het laat tevens zien hoe de geschiedenis van de overwegend ex-guerrilla soldaten, die nu staatsmacht vertegenwoordigen, nog steeds van grote invloed is op hun handelen in relatie tot buitenstaanders, bijvoorbeeld zichtbaar in hun achterdocht jegens mij.

Hoofdstuk 3 geeft vervolgens een algemene geo-historische achtergrond van Zuid-Soedan en richt zich op het veldwerkgebied. Het hoofdstuk plaatst de Centraal Equatoriaanse regio en zijn grenzen met Oeganda en Kongo in de bredere Zuid Soedanese context. Het laat tevens zien hoe etnische achtergrond en regionale affiniteit van invloed zijn geweest op de geschiedenis van Soedan sinds de koloniale tijd. Met behulp van delen van de levensverhalen van twee Zuid-Soedanese mannen wordt de complexiteit van het verleden en de discussie over welke elementen daarbinnen belangrijk zijn, geïllustreerd. Tevens worden de wortels van de vroegste civiele ambities van de guerrillabeweging uitgelegd. Met name vanaf 1997 had de SPLM/A een groot deel van het zuiden onder controle en begon ze met het uitbreiden van de bestuurlijke en civiele componenten van haar ambities waarvoor

de basis in de vroege jaren negentig werd gelegd, naast de militaire prioriteiten. Yei werd de hoofdstad van de SPLM/A's 'Nieuw Soedan' administratie. Er werden belastingen geïnd, grensposten opgericht en nieuwe wetten geïntroduceerd. Kortom, de SPLM/A kreeg staatsachtige karaktertrekken en langzaam begon het proces van staatsopbouw wortel te schieten, hoewel dat pas vanaf 2005 officieel van start zou gaan.

De daarop volgende hoofdstukken ontrafelen elk een specifieke dimensie van de dagelijkse praktijk van staatsopbouw. Hoofdstuk 4 beschrijft de karakteristieken van de verschillende grensposten, in dit proefschrift gedefinieerd als 'pockets', en de diversiteit aan manieren waarop verschillende typen autoriteit en staatsmacht uitgeoefend worden. Met behulp van een focus op de *performance* worden verschillende manieren van machtsarticulatie geobserveerd en geanalyseerd. Het wordt beargumenteerd dat er actieve uitoefening van macht door staatsagenten nodig is om de grens tot uitdrukking te laten komen, hetzelfde geldt bij gevolg voor de staat. Om voor staatsagenten belang te zien in deze uitoefening, zijn middelen en belangen een voorwaarde. Essentieel daarbij is dat de individuele staatsagenten een wezenlijk of persoonlijk belang zien in die uitoefening en beschikking hebben over geëigende middelen. Het hoofdstuk zoomt vervolgens in op het dorp Bazi, op de grens met Congo, waar de interactie en het krachtenveld tussen de Zuid-Soedanese vertegenwoordigers van de centrale macht, de Kongolese bestuurders en de Zuid-Soedanese lokale autoriteiten wordt geanalyseerd. Een middag van schermutselingen op de grenspost dient ter illustratie, al blijkt ook dat men soms incidenten verzint om de machtsverhoudingen nog weer eens te bestendigen. Het hoofdstuk concludeert dat het merendeel van diegene die de centrale macht in Juba lokaal vertegenwoordigen, het als hun belangrijkste taak zien het land te beschermen, ook al is men ondertussen geen soldaat meer en bijvoorbeeld actief als belastingambtenaar. Hun voormalige rol als SPLM/A soldaat staat nog steeds centraal in de uitoefening van een nu civiele macht; het vormt kortom het meest dominante repertoire van veel staatsagenten.

Hoofdstuk 5 richt zich op de proliferatie van staatsinstituties en de manier waarop deze een bijdrage leveren aan de articulatie van staatsmacht, of juist aan de ondermijning daarvan. Het hoofdstuk gebruikt de situatie in Kaya, op de grens met Oeganda, om het belang van individuele invloed en de persoonlijke achtergrond in de guerrilla duidelijk te maken. Er wordt een netwerkbenadering toegevoegd aan de analyse: de connecties met de centra van de macht in Juba en Yei worden beschreven. Het wordt inzichtelijk hoe de vele onduidelijkheden rondom de onvolgroeide organisatiestructuren ook een voordeel bieden aan diegenen die toegang tot de macht en de netwerken hebben. Staatsagenten hebben grote discretionaire bevoegdheden. Dit alles wordt geïllustreerd aan hand van beschrijvingen van verzonnen, genegeerde of uiterst belangrijk gemaakte

overheidsinstituten en regels, die niet alleen tot doel hebben om de staat te manifesteren, maar juist ook ruimte te laten voor de ondernemende staatsagenten en hun machtsnetwerken.

Hoewel uit hoofdstuk 4 en 5 blijkt dat er lokaal grote onderhandelingsruimte bestaat en dat de guerrillalogica van grote invloed is op hoe de staat vandaag de dag vorm krijgt, zijn er ook signalen dat de nieuwe politiekadministratieve realiteit meer grip krijgt op de verschillende bestuurslagen en op de staatsagenten die daarbinnen werkzaam zijn. Hoe dit proces in zijn werk gaat wordt in hoofdstuk 6 geïllustreerd door middel van een focus op het laagste overheidsniveau, het district, met aan het hoofd de districtscommissaris. Het hoofdstuk begint met een korte beschrijving van de taken van het lokale bestuur en de manier waarop de lage overheid institutioneel ingebed is in het politieke centrum in Juba. Het wordt duidelijk dat er op centraal niveau aarzelingen bestaan om het lokale bestuur echt de ruimte te geven. Niettemin blijkt er op centraal niveau wel meer aandacht te ontstaan voor civiele taken in vergelijking met de militaristische manier van machtsuitoefening die aan de grens overheersend lijkt. Ook op het niveau van lokaal bestuur is er sprake van een emancipatie ten opzichte van de autoritaire vertegenwoordigers van de centrale macht en hun achtergrond in de SPLM/A. Het hoofdstuk zoomt vervolgens in op het Morobo district, waarin zowel Kaya als Bazi liggen. Vooral de positie en het profiel van de nieuwe districtscommissaris worden uitgediept. Evenals de rol van de SPLM als politieke partij in het lokale bestuur. Ook in dit hoofdstuk wordt duidelijk dat de persoonlijke trajecten en de in de guerrilla gewortelde autoriteit van groot belang is, ook in de uitvoering van civiele taken.

De drie empirische hoofdstukken 4, 5 en 6 laten een relatief goed functionerende staat-in-wording zien die in hoge mate onderhandelbaar is. Met name het feit dat het gebied al onder controle van de SPLM/A stond sinds 1997, heeft de verschillende overheden en bestuurslagen de kans gegeven om wortel te schieten. De grensdistricten laten kortom meer stabiele statelijkheid zien dan de *frontier*-stad Juba, waar sinds het vredesakkoord in 2005 een heel nieuwe politieke en administratieve werkelijkheid ontstond. Juba en deze nieuwe werkelijkheid zijn onderwerp van hoofdstuk 7. Hierin wordt een veelheid aan connecties, persoonlijke netwerken, de nieuwgevormde overheid, de complexe rol van de SPLM als politieke partij en de SPLA als leger naast de regering en afwegingen tussen economische belangen en veiligheidsoverwegingen beschreven. Gezamenlijk versmelt dit alles tot een snelgroeiende *frontier*-samenleving waarin vele Zuid-Soedanezen en anderen nieuwe kansen zoeken. Het laat ook de ongemakkelijke cohabitatie zien tussen de nieuwe centrale overheid van Zuid-Soedan en de lokale Equatoriaanse elite, en hun wedijver over land, middelen en politieke invloed. De guerrillalogica overheerste al snel in de manier waarop politiek en bestuur bedre-

ven werd in Juba, ten koste van de ambtenaren die actief waren in de administratie ten tijde van de oorlog. Dit alles leidt tot de paradoxale conclusie dat het proces van staatsopbouw verder is gevorderd aan de zuidelijke grenzen van Zuid-Soedan dan in de ultieme *frontier* van 's land's politieke, administratieve en militaire centrum.

Deze paradox vormt dan ook de basis voor de conclusie in hoofdstuk 8, waarin de verschillende dimensies van de dagelijkse praktijk van staatsopbouw bij elkaar komen. Het wordt duidelijk dat de lokaal uitonderhandelde krachtenvelden minder ambigu zijn dan ze op het eerste gezicht lijken. Ook blijken de uitkomsten van dergelijke onderhandelingen een structurerend effect te hebben op andere niveaus dan enkel de lokale krachtenvelden. De dagelijkse praktijk van machtsuitoefening door staatsagenten draagt dus bij en geeft vorm aan het proces van staatsopbouw. De articulatie van staatsmacht in de dagelijkse realiteit is in grote mate afhankelijk van de persoonlijke belangen van individuen die deze macht uitoefenen. Ook blijken de persoonlijke achtergronden van staatsagenten cruciaal om te begrijpen in hoeverre zij aanspraak op autoriteit kan maken. Beide elementen dragen ieder op eigen wijze en in grote mate bij aan het proces van staatsopbouw in Zuid-Soedan. Tot slot volgt de conclusie dat een belangrijk deel van de staatsopbouw dateert van ver voor het vredesakkoord van 2005, en zijn wortels niet heeft in Juba, maar juist aan de grens met Kongo en Oeganda.

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Facing Frontiers; Everyday practice of state-building in South Sudan

This study investigates daily performance of power in a post-conflict society and argues that the overall process of state-building in South Sudan cannot be properly understood in separation from the ways in which state power is locally exercised. It specifically analyzes South Sudan's political transformation from the vantage point of the everyday practice of state agents in the border area with DR Congo and Uganda. Competition between government agencies and confrontations with counterparts across international borders continuously shape how the South Sudanese state manifests itself. Also, state agents' claim to authority is rarely only based on formal mandate but blended with negotiated claims originating in their personal trajectories. The research concludes that state-building in South Sudan started long before the Comprehensive Peace Agreement of 2005. The roots of this process do not originate in the political centre Juba, but in the border area where the SPLM/A established control nearly a decade earlier.

Biography

Lotje de Vries (1979) works at the African Studies Centre in Leiden, the Netherlands. She has a master degree from Wageningen University where she studied development sociology. She's concerned with issues of state-building, borderlands, social dynamics in (post-conflict) societies and the performance of power and authority in everyday practice. She has research experience in West Africa and South Sudan.

Cover: Checkpoint Bazi at South Sudan's border with DR Congo, 6 November 2009. Layout by Matthias Verhelst