Trajectories of Change, from Armed Struggle to Politics:

The Transformation of Sudan People's Liberation Movement (SPLM) from a Liberation Movement into a Political Party

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Abstract

The end of the Cold War catalysed a range of civil wars and separatist conflicts that battled for government control around the globe. Most of them were resolved through peace agreements which led rebels to lay down their arms and adopt political strategies to pursue their goals. A primary challenge for any resistance or liberation movement is how to win legitimacy and support from the population. This thesis is a case study on the transformation of the Sudan People Liberation Movement/Army (SPLM/A) from a liberation movement to a political party and, later, government. It provides a context-specific understanding and analysis of how the liberation movement garnered legitimacy by tapping into local and international support in the liberation war. The analysis uses legitimacy as the optic for exploring the historical narrative and process-tracing to unearth multifaceted and interactive mechanisms, and strategies facilitating the liberation movement's quest to consolidate domestic and international legitimacy during the period of struggle.

The study employs a theoretical framework focusing on the concept of *legitimacy* as developed by Max Weber and other scholars. The theoretical approach expands the application of the term 'legitimacy' by including concepts such as revolutionary ideology, and performance, or eudaemonic legitimacy. *Revolutionary ideology* plays a vital role in helping a liberation movement to garner support and political legitimacy from the population during a conflict. It also arises through the invocation of universal values such as freedom, equality, and social justice democracy. Equally important is *performance* or *eudaemonic legitimacy*, which is measured by the ability of a former liberation movement to fulfil its revolutionary promises in the aftermath of (violent) conflict. Such a process entails the fulfilment and deliverance of ideals of liberation earlier promised during a struggle period.

The promises may include the provision of security, public goods, and welfare to the citizens. However, in comparison to motives, objectives and aspirations of the SPLM/A during the liberation war against the central government in Khartoum, key findings on SPLM/A's trajectory from a rebel movement to a government in the post-conflict period are not encouraging. The optimism, the hard-won jubilation, and the revolutionary legitimacy that catapulted the SPLM/A to power and the subsequent secession and independence in July 2011 quickly began to wane. The study found that SPLM/A's legitimacy in the post-CPA and independence period continues to decline, and the South Sudanese do not enjoy the fruits of the liberation struggle. The findings also indicate that the SPLM/A is stuck in a political limbo: it retains many traits of a liberation movement, while its free ride during the CPA-mandated interim period en route to forming South Sudan's first government has in effect worked against its aspiration to transform into a legitimate political party.

Keywords: *Rebel, Resistance or Liberation Movement, Transition, Transformation, Legitimacy and South Sudan*

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Abbreviations and acronyms

ABC	Abyei Boundary Commission
AU	African Union
CPA	Comprehensive Peace Agreement
DDR	Disarmament, Demobilisation, and Reintegration
DoPs	Declaration of Principles
DUP	Democratic Unionist Party
ESRC	Economic and Social Research Council Frame for Research Ethics
GoNU	Government of National Unity
GoSS	Government of Southern Sudan
HEC	High Executive Council
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Right
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDDRP	Interim Disarmament Demobilisation and Reintegration Program
IDDRS	Integrated Disarmament, Demobilisation and Reintegration Standards
IDP	Internally Displaced Person
IGAD (D)	Inter-Governmental Authority on Development (and Drought)
IUNDDRU	Integrated United Nations Disarmament, Demobilisation and Reintegration Unit
JELI	Joint Egyptian-Libyan Initiative
JIU	Joint Integrated Unit
LRA	Lord's Resistance Army
LSP	Local Security Plan
NALU	National Army for the Liberation of Uganda
NCP	National Congress Party
NDA	National Democratic Alliance
NDDRCC	National Disarmament, Demobilisation and Reintegration Coordination Council
NGO	Non-Governmental Organisation

NIF	National Islamic Front
NLC	National Liberation Council
NSCC	New Sudan Council of Churches
MYDDRP	Multi-Year Disarmament, Demobilisation and Reintegration Program
OAGs	Other Armed Groups
OAU	Organisation of African Union
OLS	Operation Lifeline Sudan
SAF	Sudan Armed Forces
SANU	Sudan African National Union
SCC	Sudan Council of Churches
SINGO	Sudanese Indigenous Non-Governmental Organisation
SPLA	Sudan People's Liberation Army
SPLM/A	Sudan People's Liberation Movement/Army
SPLM-DC	Sudan People's Liberation Movement-Democratic Change
SSDF	South Sudan Defence Force
SSDDR	South Sudan Disarmament, Demobilisation and Reintegration Council
SSLM	South Sudan Liberation Movement
SSRA	South Sudan Rehabilitation Association
SRG	Southern Regional Government
SSDF	South Sudan Defence Forces
SSUM	South Sudan Unity Movement
UDHR	Universal Declaration of Human Rights
UNDP	UN Development Programme
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UPDA	Uganda People's Democratic Army
UK	United Kingdom
US	United States of America

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1. Introduction

> *"We are fighting for a United but a reformed New Sudan" and "We will squeeze them (the North) until they vomit us out (John Garang cited in Deng 2012: 15)."*

The emergence of non-state armed liberation or resistance movements that lead to bloody wars with the governments in power is a universal phenomenon. In Africa, the prevalence of these insurgencies in most cases highlights contested political legitimacy in the presence of minority domination, communal grievances over, endemic inequalities and underdevelopment, violent suppression by entrenched regimes, and other manifestations of (internal) colonialism (cf. Clapham 2012, de Zeeuw 2008, Dudouet 2014, Mimmi 2008, Njuguna et. al. 2011).

One prominent case is the Sudan People's Liberation Movement/Army (SPLM/A)[1] that fought against Sudan's[2] central government from 1983 onwards and managed to gain political power through a negotiated peace agreement known as the Comprehensive Peace Agreement (CPA) in 2005.

John Garang, the founding leader of the Sudan People's Liberation Movement/Army (SPLM/A), epitomised the continuation of a half-century-long struggle for South Sudan's independence. The war started in 1955, just one year before Sudan gained its independence from the Anglo-Egyptian condominium (Deng 2012: 15). Various factors triggered and intensified the first civil war waged by the southern *Anyanya* rebels that ended with the Addis Ababa Peace Agreement in 1972. These included the unfair distribution of resources, marginalisation, and alienation of the southerners by the central government in Khartoum (cf. Rolandsen 2005). Other factors include the religious and racial divisions between the Arab Muslim North and the increasingly Christianized African South, identity, in this case, providing cover for colonially constructed inequalities (cf. Bereketeab 2018a: 70ff, cf. Deng 1995, Deng 2010, Idris 2013: 123, Johnson 2003: 17-19, Jok 2008: 2f).

The eruption of the civil war's second phase was sparked by the central government's reversal of the Southerners' federal status. Technically, the South was guaranteed a degree of regional autonomy by the Juba Conference of 1947. This was not seriously implemented until the Addis Ababa Peace Agreement ushered a decade of peace after the first civil war. The government in Khartoum eventually defaulted on its commitments by violating the peace accord's core tenets.

[1] The abbreviation SPLM/A describes both the Sudan's liberation movement and their army, and will be used interchangeably in this research study.

[2] In this research study, the name Sudan will be used referring to a country with a capital city Khartoum, whereas South Sudan is the newly seceded country with Juba as its capital city hosting its governmental administrative units. In expounding on the events that transpired before the secession of South Sudan, the thesis refrain on the name Sudan in referring to the united country.

Also, it shifted the boundaries of the oil-rich areas in the South to benefit the northern part of the country. The imposition of a brutal version of Sharia Law in Sudan in September 1983, later referred to as the September Laws, further undermined the fragile state of peace (Bereketeab 2018a: 69-78, Johnson 2016, De Waal 2015: 42f, LeLiche et al. 2013).

As a result, the southerners felt disfranchised and resentful, and this provided the foundation for the formation of the SPLM/A in 1983. Under the leadership of Colonel John Garang, the SPLM/A fought against the central government in Khartoum for a united but reformed "New Sudan", eventually triggering the 22-year long second civil war (1983 - 2005). Unlike the *Anyanya*, which had fought for self-determination, the SPLM/A's main objective was to achieve a united but reformed New Sudan based on equality, democracy and secular governance for all the citizens of Sudan (Bereteab 2018a: 80, Johnson 2003, Deng 2012: 33f, de Mabior 1996: 6-16, Rolandsen 2005).

The two decades of bloody civil war[3] between the SPLM/A and the government of Sudan had horrific and devastating effects on the southern population. Between 1983 and 2005, the Sudanese hardly enjoyed any peace, and the country faced a massive humanitarian crisis. The civil war resulted in more than 54,000 battle-related deaths, and an estimated two million people lost their lives as a consequence of violence, famine and disease. Some countries in the Great Lakes region, including Kenya, Chad and Uganda, experienced a massive influx of refugees from Sudan's war zones. Occasionally, the conflict spilt over to other nation-states such as Ethiopia, Eritrea, and Uganda, which became direct partisans in accelerating the conflict by providing extra-territorial bases and the supply of arms (cf. Lemarchand 2009: 20, Mengisteab 2018: 45).

In early 2000, the United States (US), Norway and the United Kingdom forced President Omar al-Bashir's National Congress Party (NCP) regime and the leadership of the SPLM/A to the bargaining table. Peace negotiations started in 2002, eventually leading to the signing of the Comprehensive Peace Agreement (CPA) on 9th January 2005. The signing of the CPA marked the end of the protracted civil war and the start of a vital political transformation in Sudan's state structures and power relations. It strengthened the legitimacy of the SPLM/A and halted the historically exclusive social, economic, and political hegemony of northern Sudan. The CPA

[3] The study uses the term civil war per Hanlon's definition, which understands civil war as the "collective killing for some collective purpose, mainly within one country, and where the fighting is primarily between people of that country (Hanlon 2006a: 22)." For other definitions see Fearon 2007: 2, cf. Gersovitz et al. 2013, Small et al. 1982: 210.

outlined a detailed transition procedure over a six-year interim period, in which the parties would address several issues, such as power-sharing and security arrangements.[4]

The CPA also paved the way for an autonomous southern government, nationwide democratic elections, which took place in April 2010, and the 2011 South Sudanese independence referendum on whether the region should remain a part of Sudan or become independent. A majority favoured South Sudan's secession, which resulted in the creation of an independent South Sudanese state on 9th July 2011 (ICG 2011: 1ff, Iyob et al. 2006: 111ff, cf. Khalid 2015, Walraet 2008: 53).

Without international diplomatic pressure, the SPLM/A would not have succeeded through military resistance alone. SPLM/A founder John Garang[5] became the country's first President. The South Sudanese armed resistance movement had transformed itself into a political party legitimated by the people's vote for independence. Garang's ideological vision based on a united but reformed 'New Sudan', however, was now limited to the South (cf. Bereketeab 2018a, Khalid 2015, Jumbert 2013: 1, Moro 2018: 90, Zwan 2011: 11).

1.1 The Rationale of the Study

Against the above background, this thesis analyses the transformation trajectory of the Sudan People's Liberation Movement (SPLM/A) from a liberation movement to a political party through a theoretical lens based on the concept of legitimacy. The study of SPLM/A's trajectory allows us to extend the concept of legitimacy beyond the traditional and state-centric conceptual framework to armed non-state actors for the following reasons.

First, the evolution of the SPLM/A not only offers an interesting example of how legitimacy can be applied to armed non-state actors, but it has also opened a new Pandora box with regard to the strategies, tactics, and means that such actors (can) use to gain the domestic and international legitimacy needed to reinforce their popular support. Secondly, the case of SPLM/A offers an opportunity to assess whether its strategies, tactics and means (which eventually invoked the national liberation war) were appropriate. It also requires that we evaluate whether or not these strategies contradicted the initial expectations generated by the movement in the post-liberation period (Salih 2018: 17-32).

[4] This also included the resolution of ongoing conflicts in Abyei, Southern Kordofan and Blue Nile State. However, no agreement was reached with regard to the demarcation of the border in the contested oil-rich region of Abyei.

[5] John Garang succumbed in a helicopter on 30th July 2005, seven months after signing the Comprehensive Peace Agreement that ended the 22-year civil war. His death was seven months after becoming the president of the autonomous region of Southern Sudan and the first vice-president of Sudan (cf. Khalid 2015, Rolandsen 2015).

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Finally, the secession and subsequent independence of South Sudan in 2011 have raised various important questions and observations. The widespread international recognition of the independent Republic of South Sudan represents a watershed in the adherence of the Organisation of African Union (OAU) to its "sacrosanctity principle[6]", which in the past has delegitimised various quests for self-determination in other African states.[7] SPLM/A's case undermined African unity since the establishment of South Sudan was not a colonial creation. On the contrary, the country managed to gain state sovereignty despite being an integral part of the Republic of Sudan at the time of the country's independence (cf. Bereketeab 2018a, Bereketeab 2018b, Moro 2018: 90, Mengisteab 2018: 38-49).

In the case of South Sudan, the consolidation of legitimacy was significant in gaining domestic and international support, which is closely associated with perceptions of legitimacy amongst individuals or groups that would support such a liberation movement. In most occasions, support and conferment of legitimacy revolve around shared beliefs and values – formally enacted or unwritten rules and conventions – between the subordinate and the authoritative figures within a given society. Importantly though, the enactment of a right to authority or rule presupposes the omission of coercive means to individuals subjected to it (more details in chapter four, cf. Arendt 1983, Beetham 1991, Bottoms et al. 2012: Coicaud 2002: 13ff).

In societies in which (large) parts of the population are facing oppression, social, cultural, economic or political exclusion, (armed) resistance or national liberation movements can quickly gain legitimacy when they are considered as the only powerful instance in place, and when there seems to be no alternative to it. Equally important, popular support - and hence political legitimacy - of such movements during conflict periods are enhanced by revolutionary ideology: promises of a bright and better future, including the provision of security, goods and welfare to the broader society. The establishment of democracy, social justice, and economic development is typically emphasised to sway the population to support the insurgency (De Zeew 2008: 1, Kovacs 2008: 155, Metelits 2004: 76).

[6] The word sacrosanct in this context means inviolability of colonially inherited borders. In 1964, the Organisation of African Union (OAU) embraced and converted the colonial geopolitical map in Africa into international boundaries. It also declared that any endeavours of seceding from an existing state is a criminal act, whatever the legitimacy of their legitimacy. The assumption behind was based on the fact that colonially produced African states would not subsist once identity groups were allowed to break away (Bereketeab 2018a: 3ff, Farley 2010: 802).

[7] Some of the notable unsuccessful secession wars include those in Katanga region in former Zaire, Biafra in Nigeria and Somali-inhabited Ogaden region of Ethiopia and North Eastern province of Kenya. Nonetheless, the defeat of these secession forces was as a result of military defeat instead of the influence of the Organisation of African Union (OAU) doctrines. The only case on self-determination that has received political support from the continental body has been that of Western Sahara, whose efforts have not been successful (Mengisteab 2018: 38f).

In the quest for power, resistance or liberation movements thus employ the invocation of universal values, such as human rights, democracy, and freedom. Causes and outcomes of (armed) resistance vary widely, from calls for outright political sovereignty in terms of national liberation to territorial autonomy within an existing nation-state while at the same time invoking universal values such as freedom, equality, social justice, and democracy. These factors play a vital role in helping a liberation movement to garner support, and political legitimacy from the population. However, the success of armed resistance is not only based on its ability to win political legitimacy during a conflict situation but also its ability to fulfil its revolutionary promises in the aftermath of (violent) conflict.

Furthermore, the enactment and maintenance of legitimacy is closely associated with input and output legitimacy. Input or procedural legitimacy comprises rules and mechanisms that streamline the state's system of governance. Procedural rules enhance mutual participation, strengthens accountability measures between the rulers and the wider population and establishes the connection between the state and society. The process also involves ending or changing the existing oppressive and marginalising structures, as well as the enhancement of tenets of democracy founded on equal and fair representation (more in details in chapter 4, cf. Clements 2008, de Zeeuw 2008: 13f, Kelsall 2008, OECD 2010: 23, Puritt 1970: 111).

Moreover, the success of former armed resistance movements to maintain and extend political legitimacy in post-conflict contexts can be measured through its adherence to the constitution, enhancement of its political responsibility, and the accountability of its decision-makers vis-à-vis its citizens. Responsibility and accountability encompass aspects such as transparency, checks and balance, unbiased media coverage, and freedom of expression. Also, upon successful capture of power, a former liberation movement must shed its revolutionary legacies, mentalities, and attitude. The measure includes the establishment of a radically different political system, for instance, liberal democracy, and the structural overhaul of its wartime institutions. Military ethos is replaced with a civic ideology based on transparency, checks and balances and freedom of expression (cf. Clapham 2012, de Zeeuw 2008: 13f).

Output or performance legitimacy is of utmost importance in the post-conflict environment, particularly for a liberation movement that acquires power successfully after an armed conflict. This aspect of legitimacy entails the delivery of services and goods (such as social welfare services) as well as economic and infrastructure development that benefit the wider population. It also involves the establishment of democratic institutions, law and order, reduction of inequalities, the establishment of a robust civil society, decentralisation of power, war on corruption and the

initiation of a free and fair democratic process (Brinkerhoff 2005: 5, Hyman 2013, Lyons 2004, Zeeuw 2008: 13f, more details in Chapter 4).

The maintenance of legitimacy by victorious former resistance or liberation movements in a post-conflict setup is often a daunting task. Once in power, leaders tend to be pragmatic and rarely adhere to the revolutionary ethos and ideologies that supported their legitimacy during times of armed conflict (Bareketeab 2018b: 10f). Because their leaders are products of the movement's political culture, transition tends to be a challenging process (ibid.).

In many cases, new post-conflict governments incline to perform abysmally. New regimes may defy the conventional concept of a voluntary transfer of power through party politics and elections or peaceful popular elections. They tend to hang on to power[8] and invoke a new set of values revealed in their dictatorial tendencies, corruption, nepotism, negative ethnicity, and violence to silence opposition groups or the wider population (cf. Bereketeab 2018b). These new values controvert the revolutionary ideology that the liberators had earlier embraced during the struggle to attract the support of the masses. The resultant effect is the erosion and loss of political legitimacy in the post-conflict period as the political leadership of the post-conflict setting resorts to structural violence against those that challenge the legitimacy of the movement. It does this as a way of upholding power or end up instituting one party and authoritarian regime (Leys et al. 1994: 146, Melber 2003: xivff, Markakis 2018: 35f, Southall 2013: 1).

1.2 Background to the Research question

> *Considering that border problems constitute a grave and permanent factor of dissention…*
>
> *Considering further that the borders of African States, on the day of their independence, constitute a tangible reality;*
>
> *SOLEMN DECLARES that all Member States pledge themselves to respect the borders existing on their achievement of national independence (AHG/Res. 16(1)).*

The early 1950s saw the accession of African states to independence. Noting that the colonial boundaries had divided many ethnic groups into several states, the new African leadership was conscious of potential challenges accompanying the right of self-determination by several states and ethnic identities. Considering that this would potentially disrupt the post-independent states,

[8] With an exemption of Nelson Mandela, a former liberation leader of ANC in South Africa, most leaders of African liberation movements have not relinquished their power decades after coming into power. These leaders include, Mele Zenawi of Ethiopia who remained in office until his death, and Robert Mugabe who was removed by a military coup decades after Zimbabwe's independence. Others include Paul Kagame in Rwanda, Yoweri Museveni in Uganda, Isaias Afwerki of Eritrea, and Salva Kiir in South Sudan, just to mention a few of the former revolutionaries who never relinquished their power decades after coming into power.

the Assembly of African Heads of States and Governments convened in Cairo between 17th and 21st July of 1964, in the first ordinary session of the *Organisation of African Union* (OAU) issued the statement above on the sanctity of national borders.

The summit oversaw the ratification and adoption of the resolution by all members' states, vowing to respect the existing colonial borders once they attain independence. The ratification of this resolution aimed at preventing territorial re-adjustments by post-colonial states or the emergence of political actors that would trigger a plethora of conflicts leading to the fragmentation of the continent's nascent states (AHG/Res. 16(1), Small 2017: 68-88, Mengisteab 2018: 38).

Therefore, upon the independence of African states and the decolonisation process, the OAU's resolution transformed the earlier colonial administrative boundaries into international borders with international legal status (Shaw 1986: 183ff). The United Nations (UN), international bodies, together with other conventions, recognised the legitimacy of the OAU Resolution. At the same time, "new" African states became recognised as legal entities and members of the international state system. Not only did the OAU condemn secessionist movements as criminal acts, but the UN and international conventions did the same. Consequently, the consent of a parent state became a precondition for regional and international acknowledgement of secession (Bereketeab 2018a: 10, 235, Blay 1985: 150ff).

Scholars such as Touval (1967) and Keller (2007) argue that the ratification and embracement of the OAU Resolution has played a central role in the reduction of secession wars and conflicts intertwined with territorial claims and border disputes. Kadine Mengistead (2018: 38) agrees, stating that secessionist wars in Africa are relatively few compared to the large number of ethnic groups divided by colonial boundaries. Given the significance assigned to colonial borders, and bearing in mind that the OAU resolution recognised the colonial geopolitical map of Africa, the secession and independence of South Sudan under the SPLM/A has triggered numerous critical questions concerning the post-colonial status quo of national units in Africa (Bereketeab 2018a: 3, Farley 2010: 802).

The nascent Republic of South Sudan is a rare example of successful secession triggered by armed resistance and civil war, eventually legitimised by an internationally brokered peace agreement that allowed for an independence referendum outside colonial borders.[9] The case study of South Sudan

[9] The only other known case is that of the Eritrean People's Liberation Front (EPLF) that waged an armed struggle for independency from Ethiopia during the 1960s and 1970s. Eritrea seceded from Ethiopia in the early 1990s after the military victory of the EPLF. The secession of Eritrea from Ethiopia was justified on the basis that it was a colonial state independent from Ethiopia which was afterwards linked as a protectorate into which it was finally incorporated (Deng 2010: viii).

is interesting since it disrupted the state-centred order, achieving its sovereignty by seceding from Sudan, which was an internationally recognised state. The successful recognition of secession of South Sudan under the flagship of the SPLM/A constituted a radical departure from the founding principle of the OAU and its successor, the *Africa Union* (AU), that affirmed the doctrine of non-violability of colonial borders, which has governed African borders and statehood for more than half a century (Deng 2010: viii).

SPLM/A's success is a clear indicator that the respect of territorial integrity of African states as well as the principle of *uti possidetis* or *uti possidetis juris* - that the colonial borders shall be sacrosanct, a principle that used to delegitimise the quest for secession and self-determination, has ceased to be absolute.The SPLM/A is one of the first armed groups in Africa to successfully secede from an internationally recognised post-colonial state. As such, the case of South Sudan under the flagship of SPLM/A epitomises a watershed in the observance of the regime of colonial borders because it was an integral part of Sudan at the time of independence (Bereketeab 2018a: 4, 33, 43, Dersso 2012: 17, Faray 2010: 802ff, McCorquodale 2010: 381f, cf. Ndulo 2010).

Southern Sudan came to see secession as the only option for averting the flagrant mistreatment by the Khartoum government, and its rejection of any form of a genuine self-governance in southern Sudan.[10] In these circumstances, while waiting for independence, self-determination became the South's most realistic course of action. The long-term process involved a shift from violent prosecution of the liberation war to the rise of internecine conflict and factional struggles that resulted in bloodshed and internal displacement among the civilian population. The fear and mistrust generated by internal tensions and the defection of influential SPLM leaders and commanders complicated both the war and the transition from insurgency to governing the new state of South Sudan.

External political support and financial assistance played a significant role in the liberation war and the negotiations leading to secession. The discovery of oil in parts of South Sudan and the northern government's support of international terrorism also contributed to Southern aspirations for secession. These factors reinforced the international support and the legitimacy of the Southern decades-long movement for self-determination that led to the SPLM/A's secession from Sudan (cf. Bereketeab 2018a, Copnall 2014, Freeman 1999: 80ff, Khalid 2015, Kreuter 2011: 290, Trycinski 2004, White 1981: 153- 161f, Young 2012). While the support of Western governments and

[10] The political phenomenon of secession has gained momentum in the contemporary world, especially after the aftermath of the fall of the Soviet Union. This thesis embraces Trzcinski's (2004) and Tuttle's (2004) definition of secession which postulates that this measure entails political withdrawal which leads to territorial disintegration through severance of an already established state (cf. Trycinski 2004).

development assistance continued into the post-independence era, sustaining the SPLM's legitimacy during the transition from liberation movement to a political party responsible for governing the new nation has proved to be a more problematic proposition. Many of the issues plaguing the insurgency during the final phase of the war resurfaced after independence.

This in-depth case study on *how the SPLM/A transformed from a guerrilla/liberation movement to a legitimate political party* is the primary research problem addressed in this thesis. Clapham (1998) provides a comparative insight into the generic issues of transition affecting a range of insurgencies and rebellions in Africa. Political legitimacy is one of the primary determinants of a successful transition from movement to government, but sustaining legitimacy during the aftermath presents new challenges. This problem is intrinsic to this analysis of the case of South Sudan.

Pursuing a comprehensive analysis of the SPLM/A's transformation process is like chasing a rolling ball. South Sudan's politics, social arena, and economic sectors have been the loci of a succession of conflictive events occurring in a highly dynamic environment. To this end, the study focuses on the developments and events driving the SPLM/A's trajectory from its inception in 1983 until the period following South Sudan's independence in 2011, with a view towards exploring in detail the process linking political transition to popular legitimacy.

On one level, South Sudan's pursuit of self-determination is a story of legitimacy gained and legitimacy lost. But such a conclusion fails to take into account the long view of the region's historical trajectory. The south has been the victim of predatory raiding, slavery and abduction, and the opportunistic exploitation of its natural resources since the mid-nineteenth century (Sacks 1979). The colonial interlude was a period of extended stasis in the south, while the infrastructural development and the creation of state structures in the north acted to widen the gap between the predominantly Arab population and the isolated African communities inhabiting the country's periphery. It is hardly surprising that the accumulated differentials between the two polities resurfaced as a driver of conflict following independence in 1956.

Additional factors, including management of the Nile River's waters, the discovery of oil, the opportunistic drivers of political ideologies, and the influence of external states across the region and abroad, further complicated the post-independence governance of Africa's largest nation. Even under the best of conditions, these factors would present significant challenges for Sudan's political leadership. The deep historical roots underpinning the divide between the Dinka and Nuer (Kelly 1985), the south's largest ethnic blocks, presented another set of problems for the liberation movement that were addressed following the 1991 split in the SPLM/A, only to be re-energised in the post-independence milieu (Hutchison 1996).

All of these factors pose questions for how we assess distinctive aspects of legitimacy and the temporal dimension of the 'rolling ball' problem in the African context. To this end, this study represents an empirical foundation for further exploration of the transactional political economy dynamics eroding the legitimacy of governments in the Horn of Africa (DeWaal 2017). In respect to this, the legitimacy deficit problematising governance in South Sudan may be extreme, but it is hardly unique. This is why the issues requiring further research identified in the conclusion mark the logical endpoint of this study.

1.3 Structure of the study

An analysis based on the transformation of the SPLM/A from a liberation movement to a legitimate political party is the main thread running through the chapters of this thesis, which unfold according to the sequence outlined below.

Chapter two provides a conceptual exposition on secession and self-determination. It also expounds on terminologies and definitions used in the study. The chapter outlines the formation and types of armed non-state actors, discusses their significance, and reviews the existing literature, including the body of work on SPLM/A's liberation struggle.

This is followed by the overview of the study's methodological framework presented in chapter three. The content of this chapter includes the rationale behind the selection of the case of South Sudan, a review of data sources, data collection in the field, and a presentation of the analysis. It concludes with observations pertaining to its validity and reliability, ethical considerations, and the study's scope and limitations.

Chapter four outlines the conceptual framework and theoretical operationalisation of the legitimacy concept based on the work of Max Weber, who, among others, explores different forms of legitimacy, its limits, and how a state or rebel movement can acquire legitimacy during and after a civil war.

The historical context framing the origins, objectives, and cause of the SPLM/A campaign is outlined in chapter five. It covers the struggle and transformation periods of the SPLM's political and ideological development while explaining how the movement consolidated its legitimacy before discussing the leadership failures that contributed to its loss of the same. This chapter builds upon the historical background of the SPLM/A's evolution to focus on the structural and ideological reforms enacted to overcome its shortcomings and consolidate legitimacy. Discussion of the SPLM/A's transformational dynamics sets the stage for further analysis of the transition from a resistance movement to a legitimate and democratic political party in South Sudan.

Chapter six explores SPLM/A's strategic use of domestic and regional dynamics to initiate ideologies to win support from the local populace and other armed groups in Sudan. It also examines how international stakeholders became involved in the conflict. This part of the study integrates, analyses, and evaluates three variables, namely: a) internal dynamics, b) inter-party dynamics, and c) systemic and international factors.

This provides a deeper context for examining the peace processes initiated by the international community during the conflict between the SPLM/A and the National Islamic Front (NIF) regime in chapter seven. It highlights the challenges encountered and the signing of the Comprehensive Peace Accord before proceeding to analyse the various integrative factors, processes, and mechanisms leading to the referendum that resulted in the secession and independence of South Sudan.

Chapter eight highlights SPLM/A's achievements, its transformation from liberation politics to government and its failures, including the inability to fulfil its promises on democracy, development, human security, social peace, cohesion, and injustices that spurred the national liberation struggle.

The last chapter gives a summary and final remarks on the study's salient features arising from the case study. In addition to providing an understanding of SPLM's transformation from a guerrilla movement into a government, this study also illuminates the trajectory of rampant violence and probable sources of insecurity that have hindered peace, tranquillity, and development in South Sudan. It highlights the challenges it faces in post-liberation peacebuilding, statebuilding, nationbuilding, the crisis of legitimacy and also points to other areas for future research.

2. Terminology and definitions

This chapter introduces definitions of the essential concepts used in this study. It begins by elaborating on the concepts of self-determination and secession and follows up by focusing on questions of 'transition' and 'transformation'. Afterwards, it presents the definitions of liberation/resistance movements, rebels/guerrilla movements and insurgent groups. The chapter aims to establish a common understanding of the key terms used in this thesis. The section also explains the criteria for selecting these concepts. Finally, it presents a literature analysis on the transformation of rebel movements to politics followed by a state-of-the-art review on the SPLM/A's liberation struggle.

2.1 Self-determination

The concept of self-determination has elicited numerous scholarly debates, and there is no commonly agreed definition of the term. On the contrary, several different interpretations of the concept exist. There exist challenges in the political, legal and international dimensions of the conception, ranging from leftist Marxist[11] to liberal and conservative (cf. Anaya 1996, Bereketeab 2018a, Bereketeab 2018b, Castelino 2008: 501, Ferdous 2007, McCorquadale 2010, Mayall 1999).

Self-determination is often associated with the right to form a state (Freeman 1999: 360ff). However, such an understanding neglects the fact that self-determination applies to a much broader set of rights. Considering the above, this case study adopts the concept of self-determination from Robert McCorquoaldale (2010). It states that the right of self-determination (or the right to self-determination) applies to a broader set of rights such as the right of individuals, communities or nations, economic, cultural[12] or political rights to autonomy, independence or union (ibid. 366f).

Furthermore, self-determination revolves around the idea that individuals, communities, or nations in a territory (including non-colonial) faced with exploitation, marginalisation, violation of human rights, alien subjugation, threats of extermination and domination; have a right to choose their political status and are free to pursue their political, economic, social and cultural development (Bunick 2009: 1013ff, Gudeleviciute 2005: 49-58, 149, Kreuter 2011: 363ff, McCorquodale 2010: 340, 366f). The concept of self-determination postulates that nations have the right to decide on

[11] For instance, the leftist (Marxist) holds the view that self-determination, as well as secession, are rights of oppressed nations and classes. They argue that calls for self-determination and secession are related to class relations, materialism, and it supports the view that the interest of the working class should streamline this process (Lenin 1974, Luxemburg et al. 1976 cited in Bereketeab 2018a: 5).

[12] Cultural distance suggests that once the cultural gap between the subordinate and superordinate segment of the populace is enormous, and if it is circumvented by general suffering of the minority groups (some time even majority groups), then the situations accords a population a moral political imperative to pursue secession legitimately (Bereketeab 2018a: 9f).

their sovereignty and hence, international political status without external pressure or intrusion (Kuwali 2018: 21).

Moreover, in international legal terms, self-determination is viewed through the prism of people's human rights to determine their future. The *Charter of the United Nations* (UN Charter) confers the right to self-determination within the framework of international law and diplomacy. As such, Article 1(2) of the United Nations Charter aims to develop friendly relations between nations founded on deference for the principle of equal rights and self-determination of peoples. It also aims to embrace the necessary measures to reinforce global peace (Dersso 2012: 18).

Regarding human rights, Article 15 of the *Universal Declaration of Human Rights* (UDHR) changed the principle of self-determination to a legal right. The article safeguards any person's right to a nationality and states that no one should not be arbitrarily dispossessed of or denied the ability to change it (Universal Declaration of Human Rights cited in Kuwali 2018: 20, cf. Ouguergouz 2004: 879-883). The declaration is further reinforced by Article 1 of the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (Kuwali 2018: 21). These two conventions provide that all people have a right to self-determination, freely choose their political status, and pursue and enhance their economic, social, and cultural aspects (Gudeleviciute 2005: 49, cf. Shaw 1986).[13]

Within this framework, the significant development entails recognising and articulating internal self-determination through the espousal of various institutional arrangements and prerogatives regulating relations between states and sub-national groups. For instance, a population occupying a territory or administrative entity that shares a similar culture or language is allowed a certain level of autonomy or self-governance. The negotiation of the status is mainly among them and authorities of the state in which they inhabit (Dersso 2012: 2).

In some instances, self-determination through secession can be fortified under international law when a population's human rights are violated, and the state authorities hinder them from the free exercise of internal self-determination. Article 8 of the *African Charter on Human and Peoples Right* articulates that all people have a right to self-determination, exist, and freely pursue political, economic, and social development according to the existing policies (Kuwali 2018:22). This perspective differs from the familiar state-centred approach; nonetheless, it has faced criticism as

[13] Hereby, the term 'people' represents the entire population in a certain territorial unit. This can either be (1) the whole population of an independent state that is ungoverned in a certain way that it represents the entire population; (2) the whole population of a non-self-governing territory; (3) the entire population of a certain occupied territorial unit residing under foreign military occupation; (4) the whole or unrepresented, marginalised or oppressed section of a certain territorial unit. In this explanation, it highlights the main link between peoples and territory (Gudeleviciute 2005: 53-66, cf. Shaw 1986).

it does not offer measures of nation-state building, which is a critical problem in Africa (Freeman 1999: 360, Zongwo 2010).

Although the right to self-determination is entrenched in law and practice, it does not indicate if the process will result in independence, federation, protection, autonomy, or assimilation. The principle on the right to self-determination does not articulate what states should be or what comprises a state. Nonetheless, the vital aspects that facilitate a full realisation of self-determination include the availability of necessary provisions. These range from the legal, institutional, and political surety that empowers people to elect a government of their choice freely. The government is supposed to provide them with security, consolidate peace and security, and account for its decisions and undertakings (Kuwali 2018: 21f).

In sum, despite various incongruences on the definition of self-determination, its tenets are anchored in the philosophical assertion of human efforts to translate aspirations into reality, seconded by postulates of innate human equality (cf. Anaya 1996). Noteworthy, not all forms of self-determination end in calls for secession. In some instances, calls for self-determination end in the creation of a new independent state, integration with a sovereign state or free association with independent states.

The UN Charter and other resolutions do not emphasise full independence; neither do they contain an implementation mechanism. Besides, new states are usually recognised by the legal doctrine of *uti possidetis juris.* In other words, old administrative boundaries change to international borders when they achieve independence, even though they have little significance to linguistic, ethnic and cultural boundaries (Anaya 1996: 80ff, Kuwali 2018:22, McCorquadale 2010: 375, White 1981: 147ff).

Moreover, self-determination involves two facets concurrently embraced by southern Sudan during the liberation struggle. First is internal *self-determination* or *autonomy*, which aids the people to freely conduct political decisions and pursue economic, social, and cultural enhancement in their territories. However, internal relationship and administration remain the same in the state, and there is no change in external relations. Attempts by southern Sudan were not successful during the two civil war in Sudan (1955 to 1972 and 1983 to 2005). The second is the *external self-determination* that entails the separation from an existing parent state through the creation of an independent country. The SPLM/A achieved external self-determination when it seceded from Sudan in 2011 (Cassese 1995: 140-145, Dersso 2012), an issue addressed in the next section.

2.2 Secession

The end of the Cold War and the subsequent disintegration of the Soviet Union catapulted secession into the global arena (Engelbert et al. 2003, Lehning 1998). The concept of *secession* entails the political withdrawal of a territory from an existing state (Farley 2010: 795, Trzcinski 2004). It involves a territorial change that occurs once an independent state or non-self-governing territory separates from a parent country, followed by recognition of its independence by the international community (Bederman 2006: 60ff, Crawford 1979: 266, cf. Trzcinski 2004).

Factors that can induce calls for secession may substantially differ. People may apply ethnic, religious, and cultural reasons in their quest for secession. Past glories, oppression, and the threat of extermination may also be invoked, especially if a group resides in a unified territory. Importantly, if there is no option for self-determination, a group may opt for secession, as was the case with South Sudan (Bereketeab 2018a, Lehning 1998:1ff, Tryzinski 2004: 208). However, a successful secession is not straightforward; instead, it relies on various conditions and closely interlinked aspects. For instance, a state has to meet the four requirements of statehood as outlayed by the *Montevideo Convention* of 1933, namely:

1. a permanent population;
2. a defined territory;
3. government and;
4. the ability to enter into relations with other states (Montevideo Convention 1933).

Besides, successful secession is further reinforced by political recognition of the seceding and independent states through external recognition, legitimacy, and support by the international community, especially the United Nations. The reason is that a parent state's objection and declaration of secession as illegal and illegitimate under domestic law may be redundant if the international community acknowledges and confers external legitimacy to a seceding state (Akerhurst 1997: 79, Cassesse 195: 108, Gudeleviciute 2005: 67f).

Other factors include the will, motives and interests of powerful and influential states, attitudinal inclination of a central government towards a secessionist movement and the strategic significance of the seceding territorial unit. The economic importance of the seceding region to the economy of the parent state plays a significant role in its quest for secession. Finally, the geographical location of a seceding entity is a vital aspect since it can either hinder or enhance secession. It arises from the notion that secession is supposed to bring development, peace, security, stability, and respect for human rights not only within its geopolitical domain but also to its neighbours and beyond (Caney 1998: 169, cf. Lehning 1998). When unfulfilled, these preconditions may hamper support, recognition, and international legitimacy for a seceding group (Anaya 1996, Faray 2010: 793ff,

Gudeleviciute 2005: 67f, Lemay-Herbert 2009: 33, Tryzinski 2004: 208, Tuttle 2004, Worster 2009: 120).

In sum, secession, and the emergence of a new state, must have prospects of bringing peace, security, stability, and adherence to human rights standards as well as development. Also, it should foster regional security and stability (cf. Anaya 1996, Crawford 2006, Horowitz 2003, Spears 2010). However, independent South Sudan has not realised any of the above. Instead, as documented in Chapter 9 of this thesis, secession has set the country on a perilous path that has procreated insecurity, instability, social exclusion, poor governance, imminent bloody conflicts, violation of human rights and violence.

2.3 Transition and Transformation

For one to understand the SPLM/A's trajectory, it is essential to expound on the concepts of "transition" and "transformation" insofar as they are, in most cases, used synonymously. The concepts are generally used figuratively to express the ambition to move from analysing and apprehending problems to ascertaining channels and solutions for desirable social change (Hölscher et al. 2018:1, Patterson et al. 2016).

The concept of transition means 'going across', and it aims to analyse the processes and dynamics that produce patterns of change to expound on 'how' the non-linear change from one state to another is aided or obscured (cf. Brand 2014). The concept refers to the transition from war to peace or from a concrete form of a non-democratic regime – in particular, authoritarian or totalitarian regime – to a concrete form of a democratic regime. The concept only deals with a democratic regime change within the political sphere. The start and end of transitions are identifiable and limited to a clearly defined phase of an immediate establishment of a democratic political system (Egger 2007: 154ff).

In the field of political science, transformation refers to a system change. However, it does not solely refer to a political change, but rather to the simultaneous occurrence of multiple interdependent processes within a particular framework where all social subsystems tend to face a radical and comprehensive change (Egger 2007: 154, Grin et al. 2010: 1, Hölscher 2018: 1-3, cf. Patterson et al. 2016, Pickel 2005: 105-114).

Etymologically, transformation refers to a 'change in shape', and it illustrates 'what' it is that changes from evolving designs of change and what are the results at a systemic level (Folke et al. 2010). These aspects entail positive change aimed at creating a safe and just operating space to hinder undesirable system change (Raworth 2012). Also, it includes large scale societal change, the conversion of the economy from the plan to the market, and the transition from dictatorship to

democracy at a political level. In a nutshell, transformation entails the capacity to change the stability, setting itself to become a diverse system. As such, it intends to establish a fundamentally new system when economic, political, or social structures make the existing system untenable (Brand 2014, Egger 2007: 154, Folke et al. 2010: 26ff, Raworth 2012).

The vital difference between the two concepts is that transformation does not only means a political change, but rather a shift of one economic, political, and social system type to another (Egger 2007: 154f, UNDP 2005: 3). The second difference lies in the actual meaning of the terms. A transition is an ending process, it has no open-ended output, and its stages are asymmetrical. It involves a change from an authoritarian or totalitarian regime into a concrete, democratic regime, which takes a considerable duration of time. Just as the transition process, transformation, is finite; however, its open-ended nature is decisive (Schmitter 2012: 2ff).

Even though the objectives and actions of actors are connected at the normative level with the establishment of a new political, economic, and social order, a transformation is ultimately the result of different levels. Consequently, its diverse interdependencies are principally open (Egger 2007: 155). Therefore, this thesis embraces the term transformation since it is a more open-ended process.

2.4 Names Matter: Armed Non-State Actors

This research focuses on how the SPLM/A transformed from a liberation movement to a legitimate political party. The definition of such a movement has elicited debate amongst several analysts and practitioners. In essence, it is difficult to define such a movement since it can embrace different characteristics and names, and in certain instances, does not fulfil certain requirements.[14] The designation of non-state armed groups can have a positive or a negative connotation that can either enhance or hinder its political, legal, moral legitimacy and the possibility of gaining material, political or diplomatic support (Bereketeab 2018b: 7).

In some cases, a "liberation movement" may be referred to as a "*non-state armed group*", "*rebel movement*", or an "*insurgency*". These terms are somehow neutral labels since they circumvent biases and moral judgement inherent in ambiguous terms such as "terrorist organisations" or "freedom fighters" (cf. Bereketeab 2018, Dudouet 2009, cf. Grävingholt et al. 2011, McCartney 2006, Ricigliano 2005, Schlichte 2009, Schneckener 2007).

Nevertheless, based on varied literature, some of the terms used are inaccurate. For example, the term '*non-state*' disregards the desire of certain movements that want to create a separate state. In some instances, it ignores their quasi-governmental characteristics as a state. Therefore, the study

[14] The subsequent sub-chapter 2.5 highlights on different typologies of armed non-state actors.

omits the designation of a *guerrilla group*. This is because guerrilla groups mostly operate in the countryside in small, mobile, and malleable groups, and they attack frontiers through hit-and-run tactics to contest the power of a state. However, they may sometimes adapt to other forms of modern warfare techniques. Also, they focus on establishing their rule and governance in regions where the central government has lost the monopoly of force and control (Clapham 1998:1, Suttner 2004: 6f).

Insurgent groups slightly differ from guerrilla groups due to the modalities which they embrace in conducting warfare. Daniel Campgon (1998) asserts that insurgent groups mainly aim to overthrow the government or even, to some extent, challenge the action of a state. However, in their quest to overthrow the government, insurgent groups do not articulate social-economic or politico-cultural goals that will benefit the wider population (ibid. 74).

The term '*armed groups*' was not suitable because it does not outline the multifaceted means of political action, being armed and unarmed, which surfaces depending on the settings and tactical considerations. Therefore, for brevity, this study has adopted the term 'liberation movement'. This arises from the criteria outlined by literature which varies from broad to more circumscribed definitions that capture goals, structure, and geopolitical environment. Typical definitions mostly comprise groups with a hierarchical organisation with a basic command structure and who employ violence to achieve their political goals.

However, the interests, aims and objectives of liberation movements vary as these groups yearn for outright political sovereignty, cultural and or territorial autonomy within an existing state. Resistance/liberation movements may also seek to change oppressive and exclusionary state structures to attain equitable representation for pluralist identities. Mostly, this entails systemic reforms or calls for regime change. In other instances, the group's objective is to liberate a social class or a nation either by overthrowing a government, calling for self-determination, seceding from a particular geographical location, or sometimes attempting to bring down an occupational or colonial power. Thus, by pursuing political, social-revolutionary or ethno-nationalistic agenda, these groups perceive themselves as 'future armies' of the population whose freedom they seek.

Furthermore, these groups are independent from state control and, to some extent, exercise territorial control over some regions. They depend on the local population for logistical and moral support. Nevertheless, much of their support comes from other external actors, such as foreign governments and at times, from different non-state actors who furnish them with technical know-how, financial means, safe havens as well as weapons and other resources (Bereketeab 2018b, Bruderlein 2000, cf. Schneckner 2007).

Notably, there are two broad conceptual categories in the literature on liberation movements. These include political and armed liberation movements, which embrace various channels to achieve their goals and objectives. In most instances, the former employs a political form of struggle, and the latter uses violence to attain its goals (Bereketeab 2018b). Although Clausewitz (1997) describes war as a political struggle conducted through other channels, there is a need for a distinction. In a similar vein, Policzer (2005) observes that liberation movements compete with states to control the monopoly of legitimate coercive force.

Considerable differences nonetheless exist. For instance, if a movement encompasses a political form of struggle, then it is likely that it initiates and embraces a clear set of principles, objectives, plans and strategies. This aims to define the political aspirations of the movement. In such a scenario, it is essential to note that individual single-handed efforts cannot culminate in the overall success of the projected results (Suttner 2004: 6f). In occasions where an armed struggle precedes political struggle, there will be deficiencies in the development of a political plan. This paves the way for the prioritisation of military tactics and strategies aimed at establishing and expanding the capability of a movement in conducting war. This herald the prioritisation of military tactics and strategies aimed at establishing and expanding the capability of a movement to conduct a war.

The tendency of military campaigns against an enemy leads to a full or partial exclusion of important social-political goals, such as the mobilisation and organisation of a civilian population. As a result, the mobilisation of the masses is side-lined. Lack of a well-articulated organisational strategy defining the relationship between different ethnolinguistic groups in most occasions ends up in divisions, and internal disputes within a liberation movement before sovereignty is achieved. Inducing the wider population to support the movement is vital for the final objectives and results of the movement, but the lack of unity impedes the liberation struggle. Cooperation between the combatants and the general population requires a clear articulation of purpose, programme, rules and principles. Therefore, a clear ideology is an essential aspect in the success of a liberation movement (Bereketeab 2018b: 4).[15]

Notwithstanding the plethora of definitions describing '*liberation*' and '*rebel movements'*, this research adopts the definition by Recigliano (2005), who identifies these groups as non-state organisations with clear political aims and objectives that compete with governments for legitimate monopoly over the use of armed force to reform, oust, or separate from an existing state regime or control a particular territory (ibid., cf. de Zeeuw 2008). The definition is crucial since it demarcates the scope of analysis. It emphasises the political use of force and omits groups like criminal

[15] More details in chapter 5 and 6 on the case of South Sudan.

organisations, drug cartels or private agencies that are mainly pursuing private agendas instead of political, economic, or social goals.,

Furthermore, Recigliano incorporates important explanations, such as the assertion that these non-state groups are active within state borders and use violence to challenge or alter the balance of political and economic power. This happens as a way of avenging historical injustices or controlling resources, territory, or institutions for the advantage of a given ethnic or social group. In other words, a liberation movement presages significant socio-political transformation in place of neo-colonial or foreign domination (cf. Bereketeab 2018b, Recigliano 2005, Schneckner 2007).

Recigliano also excludes groups sponsored by a state, like paramilitary organisations or transnational actors and networks which are active across borders but never claim control of a specific geographical area. Al-Qaeda is one example of a non-state group that is not interested in establishing an alternative government. The case study embraces the terms *liberation*/*resistance movements* because they encode positive connotations that provide political, legal, and moral legitimacy. This perceived legitimacy also enhances the likelihood of the movement acquiring material, political and diplomatic support as was the case with SPLM/A (de Zeeuw 2008, Bereketeab 2018b: 7, Dudouet 2009: 5f, cf. McCartney 2006, Wallenstein et al. 2003, Zartman 1995).

The main consequences of labelling and designation can be summed up as follows. First, these are conceptual and theoretical instruments. According to the tradition of Max Weber, it can be indicated descriptively that they enhance apprehension (*verstehen*) and interpretation. However, labels and designations surpass descriptions once they sub-serve a concrete political objective.

Second, these labels and designations encompass normative values that restrain or enhance reputations. For instance, an armed group can gain legal and international support if it is termed as a people's movement or liberation movement. This may lead the international community to compel the warring parties to find an amicable, just, and democratic solution to the conflict. On the contrary, in instances where a movement is labelled as separatist, narrow, chauvinist, or terrorist, it is likely that the movement will not get international legitimacy and legal support (cf. Bereketeab 2018b). The Eritrean National Liberation Movement (ENLM), Anyanya I in South Sudan's first civil war, and the Biafra secession in Nigeria are examples of this problem.

Finally, names and designations denote legal and moral codes that aid in the evaluation of movements globally in according or withholding legitimacy, support, and sympathy since they are perceived as moral and legal or otherwise unlawful, illegitimate and decadent. Therefore, the question of who has the right to label or designate a liberation movement is essential. Should the legality and legitimacy of a given movement be determined by the people who pay the ultimate

price for their beliefs, or is it the prerogative of third-party actors, including politicians, journalists, or disconnected academicians?

What defines 'objectivity' in these circumstances, predetermined conceptual and theoretical tools for querying the validity of 'subjective' opinions or the values of the indigenous parties supporting a given movement? The questions are important because conferring unconstrained legitimacy on a subjective basis may result in undermining a state's territorial integrity as well as national building efforts, leading to recurrent conflicts and divisions (Bereketeab 2018b: 10f).

The next chapter outlines various mechanisms that underlie the formation of liberation/resistance movements. These include spin-off mechanism, ad-hoc mechanism, as well as massive violence. Besides, the section provides an insight into the four different typologies of rebel groups such as liberation insurgencies, sometimes referred to as anti-colonial nationalist movements, warlord, separatist and reformist insurgencies.

2.5 Formation and types of armed non-state actors

This section highlights the mechanisms that underlie the formation of such groups. Schlichte (2009: 31, 54) identifies three mechanisms that come into play. First, as we shall observe in Chapter 5, groups faced with *massive violence* from repressive regimes regularly results in political opposition adopting armed resistance. Leaders of such groups often lack military experience. Many of them acquire their leadership positions through "descent, formal education, and long political activity" (ibid. 31). Lack of legitimacy is usually not a problem for groups that suffer from oppression under repressive governments. In most cases, they garner support from the population, especially if they can guarantee effective protection and provision of goods and services. These groups also profit from social ties and legitimate forms of organisations, which caused and heralded the outbreak of violence (ibid. 54).

Second is the *ad-hoc mechanism* is mostly initiated when neo-patrimonial setups face crises. This mechanism is weak since it comprises individuals who intend to overthrow a government because they feel excluded from a clientelist network of a political class. They are established because of circumstances instead of relations that are cultivated over time. However, faced with better conditions, such as support from other countries, these groups can institutionalise and conquer the government in power (ibid. 31, 54).

Finally, the *spin-off mechanism* relates to groups that rely on state resources in their early stages of development. These groups are informally created by a state during a war to attain specific objectives that regular government forces are unwilling or unable to achieve. Even though internal hierarchies of these groups remain uncontested, they have massive problems in evading the

delegitimising effects of the violence that they use in most cases. Schlichte (2009) observes that "their retrogressive discourse is seldom able to raise popular support (ibid.)."

Despite divergent outcomes, these different groups have similar characteristics. For instance, the three processes of establishing these armed groups are, to some extent, internationalised. Other countries are involved in most cases, and experts in violence partly learned their skills from institutions abroad. Also, political ideology[16] around a group's program is oriented to a long-standing international history, and the creation of these groups sometimes occurs in other continents or countries. Furthermore, global historical timings hold a significant role in these dynamics (Schlichte 2009: 54). On several occasions, some African countries have experienced a different form of armed struggle perpetrated by either an armed group or non-state actor during or in the post-independence period.

Armed insurgent groups that have taken arms against governments and eroded numerous countries around the globe with civil wars have gradually become an essential factor in African politics. It is especially so after the end of the Cold War, the rearrangement of the geopolitics, the crunches of the African neo-patrimonial state, and the advent of a duo conflict region in Africa. In the rise of violent conflicts, armed non-state actors manifest themselves in different forms and shapes. In some cases, these groups see themselves as and are perceived by their supporters as "liberation fighters" or, in some occasions, as "national resistance movements". Their designations occur irrespective of the interpretations and apprehension of the subject in that victims, in most cases, are "denied the agency of defining and labelling themselves (Bereketeab 2018b: 7)."

In various occasions, the governments that these groups fight and challenge, view, or label them as "*terrorists*". For instance, the US Congress termed South Africa's African National Congress (ANC) as a terrorist organisation, even after the ANC came to power in 1994 (Bereketeab 2018: 7). This term has frequently been used after the 9/11 attacks and in the subsequent global war on terrorism. The labelling is, on most occasions, related to complex relations between the names accorded to conflicts or movements as well as the prospect and channels of resolving them.

The evaluation and value of judgement in labelling is used to legitimise or delegitimise a liberation movement or resistance group socially. Therefore, this tendency evokes bitter struggles amongst the forces that contend over them. The biases in academia and designation and partialities in international relations streamlined by politics of geostrategic interests can have extensive, unfavourable political and development of significances for liberation movements since they mirror entrenched ideological and political interests (ibid. 9).

[16] Chapters five and six will highlight SPLM/A's embracement of a political ideology, that is, socialism.

Therefore, it is vital to highlight and distinguish different characteristics, forms, or types of armed groups to ascertain their goals and aspirations in the conflict period (Bøås et al. 2007, Swiss 2015, Zunzer 2005: 4). Christopher Clapham (1998) exceptionally outlines and categorises insurgent groups in Africa into four categories: *Liberation insurgencies, Separatist insurgencies, Reform insurgencies, and warlord insurgencies.*

Liberation insurgencies are movements encoded with anti-colonialism sentiments. They aim to capture state power by rallying for independence from colonial settlers or the minority rule of their power status. Some of the cases where minority ruled include Algeria, Angola, Mozambique, and Guinea-Bissau. Settler cases include countries such as Kenya, Namibia, Zimbabwe, and South Africa. This category is characterised by anti-colonialism sentiment, which involved insurgency tactics in pressuring the colonial government to cede and transfer power to the majority (ibid. 6).

Separatist insurgencies epitomise the ambitions, and identity of certain ethnic groups or territorial zones. They either call for secession from a certain state or demand for independence. Africa has witnessed two successful separatist insurgent groups. This includes the Eritrean People's Liberation Front (EPLF), which seceded successfully from Ethiopia with the help of the Ethiopian People's Revolutionary Front (EPRDF), which also led to a coup against the Dirge regime's central government in 1991. Similarly, as we shall observe from chapter five to seven, Sudan's People Liberation Movement (SPLM) waged a secessionist war which led to the creation of a new country of South Sudan in July 2011. Other examples, although unsuccessful, were the Somali irredentist movements against Ethiopia and Kenya; and the Casamance movement in Senegal (Clapham 1998: 6, Boas 2007:9). The presence of "*unplunderable*" natural resources, including crude oil, gas and gold, which are located in a geographic, ethnic homogenous area, led to calls for secession, arising from unattended ethno-political grievances around marginalisation, inequitable sharing of resources and discriminating government policies. As a result, most insurgent groups in this category rally behind their collective identity such as creed, ethnicity, religion, or a mix in calls for secession (cf. Ballentine et al. 2003).

Reform insurgencies seek radical reform of the central government. Examples of such movements include the Yoweri Museveni led National Resistance Movement (NRM) in Uganda, Rwanda's Patriotic Front led by Paul Kagame, the Ethiopian People's Revolutionary Front (EPRDF) and the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL or ADFLC). Unlike their insurgent counterparts in East, South-East Asia and Latin America, most African insurgents lack a revolutionary ideology. This can be explained by different levels of development (and especially self-evidently class establishment), and diverging kinds of external domination and regional conflict, particularly in a Cold War background (Clapham 1998: 7).

Warlord insurgencies arise in most cases in conditions created by long-lasting civil wars. They are organised by individuals or groups who do not necessarily have an ideology or a reforming agenda. Their actions and motivations are driven by selfish and self-centred goals aimed at creating a chaotic environment or prolonging the conflict to enrich themselves. This group primarily relies on its armies to obtain power, exploit natural resources such as gold, alluvial diamonds, and tropical timber, primarily for global markets. In some instances, they also engage illicit activities, including drugs, as was the case with Colombia and Afghanistan, where they looted and forcefully taxed the local population (cf. Clapham 1998). Warlords' objectives lack social ideologies beyond ethnic identity and are not interested in establishing a different state or government.[17] Instead, they are typically concerned with creating private territorial fiefdoms that are detached from the current state structures and boundaries (Clapham 1998: 7f, cf. Bereketeab 2018, Bøås et al. 2007, cf. Hoffman et al. 2011). These categories require that we expand the analysis to the literature on the transformation of liberation movements into legitimate political parties.

2.6 Literature on the transformation of liberation or resistance movements to politics

The import of the transformation of liberation or resistance movements has increasing gained scholarly attention and interest. The rise of insurgent or non-state groups waging armed resistance against the central government or other factions is not a new phenomenon. In the Post-World War II period, the prevalence of armed non-state actors continues to dominate conflict environments. Many states have experienced revolutions, civil war, and other violent intrastate disputes perpetrated by armed non-state actors competing with governments to control political space and pursue autonomy or self-determination (cf. Anaya 1996, Engelbert et al. 2003, Lehning 1998).

These rebellions arise from several factors. They range from an unfortunate history of domination, mismanagement of the economy and or the governance structures, winner-takes-all zero-sum politics, exploitation, and state decay, as well as unrepresentative or autocratic regimes of the newly independent regimes (cf. Bereketeab 2018b). Other issues include colonisation, and enslavement by colonial powers and, in some instances, by the natives. The rise of non-state actors challenging the government may also result from persistent errors committed during the decolonisation settlements, which rendered some constituencies and regions as foreign, illegitimate, and therefore side-lined by a state authority (ibid.).

[17] Some infamous warlords in Africa include Charles Taylor's National Patriotic Front of Liberia (NPFL), Foday Sanko's Revolutionary United Front (RUF) in Sierra Leone, Mohamed Farah Aidid's Somalia National Alliance (SNA) and Somalia Salvation Alliance, UNITA in Angola led by Jonas Savimbi. Another example is Renamo in Mozambique, which embraced capitalism and liberal democracy to garner international support. After overthrowing their opponents, these groups hardly created effective regimes, and this led to the collapse of the state (cf. Bereketeab 2018, Bøås et al. 2007, cf. Hoffman et al. 2011).

The reorganisation of geopolitics, the weakening of African states through structural adjustment programs, the crisis of the African neo-patrimonial state, emergence of weak and ineffective states, have increased rebellions, comprising many small-arm rebel movements and militias ready, and willing to challenge the state for power. Remarkably, most armed non-state actors are willing to use violent means as a strategy to pursue their objectives.

During the post-World War II period, 627 dyads have been active in 286 armed conflicts in 158 zones around the world. Between 1989 and 2018, 385 dyads were active in 179 armed conflicts in 96 locations (Harbom et al. 2010, Petterson et al. 2019: 589f, UCDP 2016).[18] According to a study conducted by the Uppsala/PRIO Armed Conflicts project, since 1946, two-thirds of the intrastate wars involved non-state actors fighting central governments, the rest being categorised as territorial conflict (Gleditsch 2002: 619). Noteworthy, in the last two decades, main armed conflicts have occurred within the borders of a single state. Of these, 30 out of 33 have been between the government and non-state insurgency groups. Nine of these have been territorial disputes, while 21 of them resulted from political power struggles. In the post-cold war setup, the rate of secession and intrastate conflicts have increased histrionically. In contrast, interstate conflicts have taken a downward trend (Center for Systemic Peace 2019, Dupuy et al. 2017, Harbom 2008: 73, Kavanagh et al. 2017: 16ff).

A survey by the Uppsala Conflict Data Program (UCDP) on armed conflicts (1946 to 2016) identified 285 distinct armed conflicts that occurred in the post-World War II setup. The study found that in 2017, the total sum of armed conflicts globally was 49, a decline from the post-Cold War peak of 53 in 2016. In 2016, 34 countries experienced an intrastate war as opposed to 37 in 2016. In contrast, there was only one interstate conflict (between India and Pakistan) over a territorial dispute over Kashmir (cf. Center for Systemic Peace 2019, Kavanagh et al. 2017).

Two trends emerge in the number of conflicts and type around the world. First, colonial and interstates conflicts, which represented half of the armed conflicts in this period, have sharply declined. Additionally, there has been an upsurge in the numbers of civil and intrastate conflicts that peaked in the early 1990s, followed by a downward trajectory. Noteworthy, most of the intrastate conflicts in 2017 and the subsequent year were internationalised. In this period, nineteen from a total of fifty intrastate conflicts, powerful and foreign state actors, also referred to as Foreign Direct Interventions (FDI), contributed troops to support one or both sides in the conflict. They contributed troops to support one or both sides in the conflict. As a result, the duration and lethality

[18] Harbom and Wallensteen (2010) define dyads as a pair of parties that are involved in a conflict and at least of the main actors has to be a government of a state. In interstate wars, the parties involved in the conflict are government states. However, in intrastate wars is characterized by the government army and a rebel group that challenges the government (Harbormet. al. 2010: 501, Gleditsch et al. 2002: 2, Petterson et al. 2019: 589).

of the conflict increased. More alarmingly, support of foreign state actors in intrastate conflicts has come at a gigantic price (UCDP 2016 cited in Dupuy et al. 2017, cf. Kavanagh et al. 2017, Petterson et al. 2019: 590).

The civil population is no longer excluded from the occurrences at the battle zones, but instead, it is constantly faced with threats emanating from internal armed conflicts. Indirect deaths caused by the effects of the conflict have significantly outstripped battle deaths. Countries that have been affected by intrastate wars include Syria, Yemen, South Sudan, Pakistan, Afghanistan, Iraq, Rwanda and Somalia (cf. Balcells 2010: 295ff, Bruderlein 2001: 22, cf. Dupuy et al. 2017, Fearonet et al. 2003, Gates et al. 2016, Haer 2015, Harff 2003, Kavanagh et. 2017: 21-35, Krause 2016: 113 -126, Mc Evoy et al. 2017, Widmer et al. 2016: 5, von Einsiedel 2017).

In light of the above, intrastate wars between a government and armed non-state actors such as resistance and liberation movements have garnered a lot of interest amongst scholars in their quest to explore the organisational and strategic shifts from armed rebel groups to stakeholders in peace negotiations and post-war conventional politics and the attainment of (shared) state power (Berghof 2008, Ricigliano 2005, Kovacs 2007, Sriram 2008, De Zeeuw 2008, Dayton et al. 2009, Dudouet 2008).

Academic studies that deal with various disciplines of liberation/resistance movements are categorised into multiple categories. The first field of literature review falls into three main categories: humanitarian, juridical, and human development, focusing on the roles and dynamics of liberation/resistance movements. Scholars in this discipline focus on enlightening dilemmas that the international community (for instance, the United Nations - UN, NGOs and relief agencies) encounter when dealing with actors of violence perpetrated by non-state actors due to limits imposed by international laws. They embolden these groups to conform to international human rights and humanitarian norms, such as the Geneva Call and other NGOs on matters like landmines or child soldiers (Bruderlein 2000, Grävingholt et al. 2007).

Several scholars in the field of *international relations*, *security* and *strategic studies* share the notion that states are not the sole actors in the international arena since their sovereignty emanates from both "above" (that is, international organisations, transnational actors) as well as from "below" (non-state actors). Some of the studies have been published following the form of modern insurgency movement in the context of the US foreign policy on the "war on terror" (Shultz et al. 2004) or with the shifting pattern of conflicts in the post-cold war period (Reno 1998, Rotberg 2004, Mehler 2004) and war economies (Berdal et al. 2000, François et al. 2003). These publications focus on the establishment, mobilisation, and internal dynamics of rebel movements. This ranges from a micro-level perspective to the wider geopolitical environment where they are

active and extends to issues of cross-border connections, diasporas, failing states, and the privatisation of violence (Weinstein 2007, Dudouet 2008: 8).

The focus of scholars in *international relations* and *security studies* is to enlighten policy engagement with liberation/resistance movements. Such scholars include Heiberg et al. (2007), whose research on the effect of different policies on the developmental patterns of violent rebel groups advocate for national and international policy guidelines to enhance the creation of conditions that are needed to shift from militant to nonviolent strategies (ibid.). Scholars in *political science* and *democratisation studies* compare conflict transformation to the process of the advent of multi-party democracy. They concentrate on the organisation and transformation of liberation movements into conventional political parties (Bareketeab 2018, Deonandan et al. 2007, Kovacs 2007, Manning 2004, Nissen et al. 2006, Zahar 1999). They tend to analyse the challenges of institutionalisation and operational adjustment "from bullets to ballots" (for instance, from operating clandestinely to openness, coercion to persuasion, and ideological rigidity to pragmatism, vertical to horizontal structures) (Dudouet 2008: 9).

These scholars also attempt to elucidate why some movements are successful after agreeing on a power-sharing pact or in a system of majoritarian democracy, as was the case for the African National Congress (ANC) in South Africa. In contrast, others continue to be in marginalised positions, or worse, tend not to change into viable political parties like Revolutionary United Front (RUF) in Sierra Leone or Khmer Rouge in Cambodia. Mimmi Kovacs (2007) outlines one of the most detailed analytical frameworks that is categorised into three levels: interparty (which entails the level of internal solidarity during the peace process period,); party population (involving the level of grassroots support amongst the broader population); and party-international (the level of international legitimacy throughout the transition period) (Kovacs 2007, Dudouet 2008: 9).

Lastly, *conflict transformation* scholars recognise the critical role played by liberation or resistance movements in peace processes. However, they put more emphasis on external (third-party) engagement other than on the inner dynamics and direct contribution of such groups to social and political change. In some cases, researchers and practitioners concentrate on the "moderates" in a conflict system, i.e., those perceived as having the capability of generating and implementing a peaceful change. Most scholars in this field acknowledge the importance of engaging with a wider range of influential stakeholders, including armed groups, whose aptitudes to cause and or block macro-political change uplifts them to main actors in conflict transformation (Dudouet 2008, Maharaj 2008).

Clingendael Institute (De Zeeuw 2008) outlined comparative findings of eight cases of "rebel-to-party" transformations, and they analysed structural dynamics (i.e., demilitarising of organisation

structures and the establishment of party structures) and attitudinal changes (i.e., the democratisation of decision making and adaptation of strategies and goals). They aimed at describing full, partial, or failed transitions through several internal and external causal factors. They put themselves in a position of lending policy advice to the international community on how to improve support to the demilitarisation and political transformation of these groups. Dayton and Kriesberg (2009) have outlined developments that cause groups to challenge existing power structures through violent means. They also describe factors that facilitate de-escalation and participation of challengers in peaceful political activities, and factors and developments that can uphold and nurture this transformation.

2.7 State of the Art: SPLM/A liberation struggle

Regarding SPLM/A's liberation struggle, many researchers concentrate on the southern identity and struggle against the North, i.e., from 1983 to 2005. In these studies, SPLM's struggle is highlighted as a war against the illegitimate government in Khartoum. Very few researchers have analysed the SPLM as a movement from a South Sudanese point of view. The literature does not investigate if SPLM is a movement that is a legitimate representative of the people of South Sudan. It is often mentioned that SPLM soldiers had a poor relationship with the local population, thus leading to a lack of support from the Southerners.

However, a few scholars have outlined a tangible community view of the SPLM. This includes Cherry Leonardi, who expounds on the role of traditional authority in South Sudan (Leonardi 2015). In his seminal work, he outlines the role of chiefs since the mid-nineteenth century and their relationship with the urban frontier, which is compounded along with the dangers and opportunities of chiefship; as a protector or scapegoat victim, which takes a more valuable role as a negotiator, interpreter as well as a peace broker. The other trajectory enlightens on change whereby individuals mostly with trivial origins, and a limited legitimate authority, mainly associated with a predatory state, are associated with the main definitions of community, law and tradition. The chiefs were recently integrated into the process of building the nascent nation in South Sudan in the twenty-first century (cf. Leonardi 2015). Notably, his seminal work highlights the role of chiefs during the years of struggle, and it enhances a deeper understanding of legitimacy in the African setup through an outline on the amalgamation and interdependence of power and authority between the state and the society (mostly referred to as periphery) (ibid.).

Adopting a community perspective of SPLM in South Sudan, Sharon Hutchinson (2000/2001) examines the effects of South-South conflict on the Dinka and Nuer populations (Hutchinson 2000, Hutchinson 2001). In the same vein, Edwards Thomas (2015) provides a lucid and a multi-layered analysis that concentrates on the contingencies of the renewed, long and unfinished South Sudanese

war of liberation that is characterised by violent raids, massacres and ethnic animosity (between Nuer and Dinkas) that has engulfed most of the oil-rich Jonglei State (Thomas 2015). Paanluel Wël (2013) adds to this in his analysis of and compilation of speeches of the founder of SPLM, John Garang (Wël 2013). Mathew LeRiche and Matthew Arnold (2013) chronicle the transformation of Southern Sudan into independent South Sudan. However, their scholarly work does not explore on various dynamics that the SPLM/A embraced in transforming from a guerrilla force to a legitimate political party/government. Their account investigates the events that underlie the analysis of contemporary history and the fundamental structures of the state through a review of the contested identities, political security, and social dynamics that influence the immediate prospect of the nascent independent state (LeRiche et al. 2013).

John Young (2008) outlines the challenges of SPLM by focusing on and highlighting the issue of legitimacy. Nevertheless, instead of examining if SPLM has transformed into a legitimate political party or not, he concentrates on indicators of 'good governance' and 'democracy' instead of Southerner's support (Young 2008). Øystein Rolandsen and M. W. Daly (2016) document the history of South Sudan from the arrival of the Turco-Egyptian, the Mahdist revolution, and accords special attention to Sudan since independence from the Anglo-Egyptian condominium in 1956. They provide a historical account on Southern Sudan disaffection from 1960 to 1972, and from 1983 until the transition to South Sudan's independence in 2011. However, their account on the transformation process of SPLM/A to a government is sketchy (Daly et al. 2016).

Rolandsen's (2005) earlier scholarly analysis of the SPLM/A transformation outlines the institutional challenges that SPLM encountered in 2005. He concentrates on the Southern leaders' failures in reforming the party. His argument is that "SPLM as a political party, at the state and local levels, is at a very infant stage (Rolandsen 2005: 19)." Peter Adwok Nyaba (2000) gives a personal account based on an insider's perspective as a member of SPLM/A before his defection to the Nasir faction in 1991 and later on consequent return to the SPLM/A (cf. Ayaba 2000).

Also, Lam Akol, leader of SPLM for Democratic Change, Riek Machar and Gordon Kong Chol, both SPLM/SPLA Political-Military High Command members, initiated an internal coup against the SPLM/A leader that subsequently led SPLM/A to split in 1991. Lam Akol provides an insider's first-hand information and an account of events that culminated in the split of the movement in 1991 and the subsequent split of the SPLM Nasir (Akol 2003). However, Akol's work is marred by inconsistencies, biases and whitewashing his personal as well as his colleagues' role when tackling the split of SPLM/A in 1991. Akol (2014) further documents the roots of problems of Sudan (more importantly in Southern Sudan) and the North-South conflict right from the condominium to the early years of independence.

Kuir Garang (2014) presents an Afro-centric perspective in his analysis of the tribal social-democracy, SPLM ideologies and the time-frozen leadership in what he terms as Juba corruptocrats and Khartoum theocrats. He concretes on the hegemonic and deeply rooted irrational adherence of tribal politics in the post-conflict Sudan, where tribal politics continue to thwart development and economic growth. Like Kuir Garang, James Copnal (2014) provides an in-depth analysis of the complex history, culture economics and the cause of conflict between Sudan and South Sudan. They outline the turmoil that each state continues to experience and the treachery and mutually exclusive ambitions of political elites in South Sudan. Mansour Khalid (2015) provides an objective assessment on the negotiation and the implementation of the Comprehensive Peace Agreement (CPA) signed by the Government of Sudan and the SPLM/A's leader, John Garang, in January 2005, ending the longest civil war in Africa. Hilde F. Johnson (2016)[19] provides a devastating insider account as an active participant on broken promises, greed and abuse of power, grand corruption and bad governance by the post-war political elites in South Sudan.

Although Young, Rolandsen, Nyaba, Akol, Mathew LeRiche and Matthew Arnold, Khalid, Johnson Copnal and Garang outline the challenges that SPLM faced during its transformation to a political party, its impact on the public and group's legitimacy is hardly discussed. Besides, there is a lack of systematic information about how the SPLM/A garnered international support and legitimacy that paved the way for independence from Sudan. This bearing the fact that the SPLM/A circumvented the earlier OAU stipulations on respect of territorial integrity of African states, and the principle of *uti possidetis* or *uti possidetis juris* - that the colonial borders shall be sacrosanct. Furthermore, empirically, there are immense gaps regarding the analysis of SPLM's performance in the post-conflict period and only scattered empirical results have been published by a few researchers.

As such, this case study of SPLM/A substantially contributes to understanding the situation in South Sudan and gives insights into the transformation of a liberation/resistance movement into a political party and elected government. Hence, the thesis aims to fill the previously identified research gap by combining the strength of different inter-disciplinary fields of political and social science with legitimacy theory.

[19] Hilde Johnson is the former Special Representative of the UN Secretary-General, and Head of the United Nations Missions in the Republic of South Sudan (UNMISS) from July 2011 until July 2014.

3. Methodology and research design

This chapter introduces the methodological framework used to tackle the research topic on the case of South Sudan. It is divided into sub-chapters as follows: The first section expounds on the methodological framework used in analysing the case of South Sudan. The subsequent chapters illuminate the rationale for the choice of South Sudan and data collection procedures prior, during and after the field and desk research phases. The section also presents issues related to reflexivity and positionality. It also explains the choice of research participants, sampling, data collection techniques, data analysis and presentation, validity and reliability, the scope of the study, and the ethical and confidentiality factors that the researcher considered during desk and field research. A summary will follow this.

3.1 The methodological framework for analysing the case of South Sudan

The transformation of the SPLM/A from a guerrilla movement into a political party is hardly explored in academic circles, particularly in peace and conflict studies. A thorough and intensive analysis is hence needed to create a better understanding of the case.

The case study is founded on a descriptive and interpretative analysis using qualitative data analysis.[20] Qualitative research allows the use of a mixture of empirical analysis that facilitates creative discovery and understanding of social phenomena and its context (cf. Snape et al. 2003). The methodology is suitable for examining complex processes and developments that occurred over a specific time, as in the case of South Sudan (ibid. 5). Hence, qualitative data analysis is used to achieve 'thick descriptions' of people's experiences and perceptions within their natural environment (Bryman 2008, Berg 2009, Geertz 1973). As such, it accentuates inductive logic, seeks views, individual accounts, and construal of participants. Although this approach did not focus on the generalisation of the broader population, it aided in understanding the contextual background and in conducting the analysis (cf. Berg 2009: 319, cf. Giorgi 2009, Gray 2004: 21ff, 28).

In both the desk review and the field research, the researcher embraced an inductive logic based on a qualitative methodology because of its ability to answer the intricate nature of the research question. As such, it enables the description and apprehension of the phenomena by seeking participants' views, personal account, and interpretation within the context of South Sudan (cf. Gray 2004: 21f, 28, Leedy et al. 2005: 94).

[20] According to Denzin and Lincoln (2000), qualitative research is an interpretive and naturalistic approach to the world. It arises from an assumption that qualitative researchers make analyses in their natural environment in a bid to understand or interpret an occurrence in terms of the meaning an individual or persons bring to them (ibid. 3). According to Gray, qualitative data analysis revolves around a phenomenological perspective with several characteristics (Gray 2004: 21ff, 28).

The combination of contextual description and historical analysis of the establishment and evolution of the SPLM aided the researcher to highlight people's perceptions within their natural environment.[21] Qualitative research methods facilitated a detailed description and revealed unique and unexpected events, accounts, and witness reports. Against such a background, the sequence under which the concepts outlined above takes a historical approach. Scott Gordon (1991) argues that the scholarly debate revolves around the notion of 'covering the law of model' of history. This idea, which Carl Hempel initially advocated, asserts that a causal explanation of certain specific empirical occurrences consists, on the one hand, of a statement on the 'cause' of an incident; and on the other, an accurate detail on the 'conditions' under which 'a cause operated' (Gordon: 1991: 396). In this light, the case study integrates three 'conditions': social, economic, and political factors to examine and analyse the 'cause' of SPLM's uprising. The embracement of a historical analysis helps to investigate the causes and consequences of SPLM/A's uprising.

Indeed, it is also essential to acknowledge that a researcher's worldview influences the execution of a study. David Gray (2004) asserts that a researcher's epistemological position affects the research methodology. Accordingly, the method also influences the choice of research methodology (ibid; 4). Gray's argument depicts the rationale behind the assumption that the kind of validity that a researcher can contribute should clearly be outlined both at the onset and during the research. Also, a researcher's view on ontology, or the theory of existence, streamlines one's perspective of the world. However, this research does not seek to resolve or provide competing thoughts on epistemological and ontological perspectives (cf. Bryman et al. 2013, Gray 2004).[22]

Rather, the study aims to investigate the dynamics that underlie the SPLM/A's transformation from a liberation movement to a political party, and it intends to understand the factors and conditions that enhanced the success and or failures of the SPLM/A. Hence, in addressing the research question, the study uses the triangulation method, mostly used in qualitative social sciences, for validating empirical findings. The method is an amalgamation of a variety of data collection methods the researcher used during data collection and analysis to mitigate contradictions and

[21] It is important to mention that during the fieldwork phase, the collection of data was bent on the analysis of the contextual framework of the case. Therefore, the researcher gathered information at different times and locations which the researcher originally retained and allocated a meaning on a certain situation within the larger context. To achieve such an undertaking, the researcher used a fieldwork diary to bridge this gap or tackle the issue of the data collected if any considerations arose afterwards.

[22] The term epistemology as cited by David Gray denotes 'what it means to know' and he perceives as an epistemological issue as a query 'what is (or should be)' perceived as knowledge which can be readily embraced in a certain field of study. However, the main bone of contention in epistemology is if social questions can be examined in regards to the same concepts that are featured or termed as natural science questions (Gray 2004, Bryman et. al. 2003: 13f, 26, 74-81, 467, 471). According to Gray, the ontological term is concerned in investigating the study of being or the nature of existence. The main ontological question is whether the world is unchanging and permanent or formless and chaotic. Important to note is that both of these terms are philosophical in nature (Gray 2004: 16ff).

biases emanating from single sources. This technique enabled the study to attain high levels of rigour. It consists of several approaches, such as the use of an analytical method, theory, examiner and data source triangulation, which aided in scrutinising the findings (cf. Denzin et al. 1994: 1-45, Leedy et al. 2005: 12, Sahovic 2007: 89, Yin 2003: 14).

The study employs freestanding, historical narrative and process-tracing analysis that is composed of qualitative, empirical research founded on theoretical prescriptions. These methodologies aid in analysing and interpreting data that the researcher collected in the fieldwork phase. The study employs qualitative methods such as focus group discussions, document review, expert interviews, and interviews with distinctive persons involved with the SPLM during the struggle period.

The researcher also interviewed various individuals in different capacities who were or are still actively engaged in the Sudanese state- and nationbuilding projects in the post-conflict period. Integrating the explanation of events from the actor's frames of reference facilitates a better understanding of factors, dynamics and conditions that led to the transformation of SPLM's from a liberation movement to a political party. Besides, it helped the researcher gather information that was not obtainable from the already existing literature and ascertain the disparities of the events and processes examined.

Moreover, in addressing the research question and SPLM/A's performance in the post-conflict period, the case study integrates and embeds a research methodology based on the operationalisation of legitimacy theory. The concept is vital for enhancing a better understanding of the undercurrent of state power through its explanation of political authority; in other words, the right to rule. The reason is that the form of legitimacy embraced in any social setup and promoted by a system or rule is usually accorded meaning and substance according to an individual or the wider population. However, the main objective of this study is not to use the theory to test its validity but to utilise the theory's explanatory value to examine and enhance our conceptual understanding of the case study. Notably, this is because the form of legitimacy that is embraced in any social setup and promoted by a system or a rule is usually accorded meaning and substance solely concerning a person or the wider population (more details in chapter 4).

3.1.1 Type of case study

The research design is based on a single case study. It was applicable since it enhances an intensive analysis of a single unit and a comprehensive understanding of an individual case, which allows hypothesis generation rather than hypothesis testing. Besides, a single case study provides the possibility of an in-depth analysis and a "thick analysis" of the transformation of SPLM/A from a liberation movement to a political party. This approach creates a far more detailed and variegated picture of the case under examination (Bryman 2008, cf. Collier et al. 2004: 248, Muno 2009: 121).

However, there exists criticism that single case studies are suggestive, subjective, investigative, opportunistic, and unscientific. As such, they have limitations on external validity. Besides, a specific case study cannot be generalised and thus claim universal applicability, which is one of the fundamental criteria in positive research tradition (cf. Buchanon 1999, Bussman 2007: 187, Flyvbjerg 2006). Nevertheless, the approach allows the formulation of "middle-range" statements and merging different theoretical levels (cf. Blatter 2006).

Moreover, single case studies are not just mere samples of several different cases; they produce different kinds of generalisations than statistical studies. Case studies focus on analytical generalisations, and the researcher attempts to generalise the outcome of a particular case for a wider theory instead of an anticipated broader population (cf. Yin 1994).

A comparative study of more than two cases (cross-unit analysis) could have increased the complexity of the study. However, it could have hindered the researcher from analysing, and examining the other cases in sufficient detail. Also, a comparative methodology was less viable due to restraints on time, cost, and access to information. Therefore, the outlined factors cumulatively informed the researcher's choice of a single study and process-tracing[23] to discern changes over time, as well as to enhance contrasts within the case (George et al. 2005: 205-232, Collier 1993: 8-11, 110-112, Mayntz 2002: 24ff). Moreover, the study embraced a narrow focus on the case of South Sudan since it offers a learning opportunity on aspects of the case that have not been rigorously examined. It also illuminates the current situation in the country and provides new directions for understanding the case as well as prospects for future research (cf. Leedy et al. 2015: 135).

The study embraced a single case study, a pattern similar to a 'case exploration' since the case study embeds the concept of legitimacy by Max Weber amongst other scholars. The use of the theory enables the exploration and refinement of the theory. Thus, it will use results from the process-tracing, and within-the-case comparison to examine the effectiveness of the theoretical approach in empirical research (cf. Bennet et al. 2005, Sahovic 2007: 83f).

A single case study is useful in analysing the multifaceted complexities in the transformation of guerrilla/liberation movements to political parties. It allows for the investigation of sub-units (the different variables such as internal, intra dynamics and the role of the international community in conflict, garnering support, power, legitimacy, and authority) in the case of SPLM's transformation. Besides, a single case study is essential since the results and lessons provide a

[23] The 'process-tracing' is an attempt of identifying a causal process, causal chain or causal connection between an independent variable with the result of a dependent variable. This approach is also referred to as process analysis (cf. Muno 2009: 125, Schimmelpfenning 2006).

learning opportunity for understanding the factors that may play a significant role in the transformation of guerrilla movements to political parties in other contexts, which is why the case of South Sudan presents a compelling exemplar.

3.1.2 The rationale behind the case study of South Sudan

The considerations motivating the research in this case study are derived from different aspects. To begin with, the choice of topic arose from the researchers' general interest in the factors, and conditions that enhance the transformation of liberation movements into political parties. Second, the case of the SPLM/A's transformation has received insufficient attention in the scholarly world, and information on the same is not accessible from the public record. The researcher's previous work in various parts of southern Sudan and with Sudanese in refugee camps in Kenya facilitated an understanding of the dynamics of the SPLM/A during the liberation struggle. Also, the researcher had established contacts with senior liberation leaders in the SPLM/A, and southern Sudanese, who were vital for researching this scarcely studied case. This network of various SPLM/A stakeholders and local south Sudanese both facilitated the researcher's access to the field and allowed for the collection of first-hand information from the people who had actively participated in the liberation war.

Third, there are many well-researched cases of transformation from a liberation movement to a party, for instance, the African National Congress (ANC) in South Africa, the Front for the Liberation of Mozambique (FRELIMO), the National Resistance Army (NRA) in Uganda, the Movement for the Liberation of Angola (MPLA) in Angola, the Euskadi Ta Askatasuna (ETA), in Spain which means Basque Fatherland and Liberty in the Basque language, the Revolutionary Armed Forces of Colombia (in Spanish: Fuerzas Armadas Revolucionarias de Colombia (FARC)), Farabundo Martí National Liberation Front (FMLN) in Salvador, Sandinista National Liberation Front (FSLN) in Nicaragua, Fatah and Hamas in Palestine, Sinn Fein (SF) in North Ireland and the Sudanese People's Liberation Movement (SPLM) in South Sudan, a comparative empirical study would have been more viable (cf. Bereketeab 2018b, Njuguna et al. 2011).

A comparative study on all the cases mentioned above from different continents would highlight the systematic uniqueness, similarities, and differences amongst all the single cases (cf. Lauth 2008: 17). Besides, it would have offered an opportunity to contrast the common factors that may significantly contribute to establishing a new theoretical instrument in studying the transformation of guerrilla movements into political parties. By doing this, one can create and test hypotheses and theories regarding their causal relationships (cf. Bereketeab 2018a, Bereketeab 2018b, Njuguna et al. 2011).

There are several reasons why this study did not employ such a comparative approach. Unlike the liberation movements mentioned above, which eventually gained power through military victories, the SPLM's capture of power was exogenously driven through its ability to acquire international legitimacy, and the international pressure culminated in a negotiated settlement through the signing of the Comprehensive Peace Agreement (CPA). Notably, the movement transformed into a party that to date runs the government affairs of South Sudan. As such, it constitutes an interesting and rich environment that offers great learning opportunities for a study investigating the transformation of liberation movements into political parties. It also provides cautionary insight into the challenges such a rebel movement can experience after successfully transforming into a political party.

Furthermore, the SPLM/A faced shifting alliances, and unprecedented involvement of humanitarian assistance from Western donors during what ended up being the longest civil war on the African continent (1983 to 2005). The recent international recognition of the independent Republic of South Sudan marshalled in a new era of self-determination and secession (cf. Bereketeab 2018a, Bereketeab 2018b, Faray 2010: 801ff, Ndulo 2010). It offers a complex but rich and interesting case study regarding rebel legitimacy, and it also a useful case study of the complex transition from rebel to governing legitimacy.

Finally, the case serves as a watershed in upholding the regime of colonial borders. South Sudan's independence is an aperture of the Organisation of African Unity (OAU) Charter, which was ratified and has governed African border and statehood issues for more than 50 years. Nonetheless, South Sudan was accorded recognition in contrast to the OAU Charter of preserving the territorial integrity of an existing state's borders with international legal status, unlike Somaliland, which has been advocating for recognition without success for the last 20 years (cf. Bereketeab 2018a, Bereketeab 2018b, Faray 2010: 801ff, Ndulo 2010).

3.1.3 Data collection procedure: the fieldwork

The study's sample included 69 carefully selected respondents from the United Nations (UN), staff from international non-governmental organisations, scholars, regional experts, politicians (former and current), journalists, South Sudanese refugees, South Sudanese government officials and politicians. The researcher also consulted former and current rebels, the civil society, the South Sudanese Diaspora community and opinion leaders from Kenya, the Netherlands, Canada, and the US. The research utilised primary data from friends and contacts that the researcher had established from previous volunteer activities with international NGOs in Kenya, South Sudan, and the Netherlands. These contacts brought an in-depth knowledge of South Sudan's conflict to the study.

Furthermore, through other referrals by South Sudan's politicians, friends in the NGO world, the researcher attained excellent access to primary and secondary data.

The field research was carefully planned, always taking into consideration security concerns of the South Sudan violent conflicts of 2013 and 2016. The aim was to ensure the safety and security of the researcher and respondents at any time. Safety measures entailed conducting *a Local Security Plan* (LSP) on the envisaged field research in South Sudan. The researcher's participation in a workshop in Mombasa, Kenya, organised by a German NGO *AGIAMONDO*, formerly, *Association of Development Association (AGEH)*, informed the analysis incorporated in the LSP. Other sources included internet research in the form of policy briefs, advice from researchers, South Sudanese colleagues residing in Kenya and other parts of the world. It also entailed consultations with various expatriates (previously) working in South Sudan.

The LSP included an institutional ethics requirement (a research permit), a situation analysis, context analysis and risk assessment on the South Sudan situation, and a framework for analysing context-related aspects that may have impacted the safety and security while conducting field research. The researcher also considered threats, ranked the risks, and put in place security strategies based on the identified risks. In addition to the LSP, the researcher developed *Standard Operational Procedures* (SOPs), which aided in mitigating risks and ensuring safety and security. It also helped identify redlines or potential taboo topics, especially those related to the regime's stability or the regime's focal legitimising narrative.

Observing the safety situation in South Sudan and depending on the interviewees, the researcher buffered the sensitivity of interview questions by framing them in a neutral and depoliticised form.[24] (Re)framing the questions enabled the researcher to obtain appropriate answers without eliciting uncalled attention to the research topic (more details on ethical considerations in sub-section 3.1.8.1).

After presenting and discussing the LSP and SOPs with the supervisor, the researcher got an approval letter to conduct his fieldwork research in South Sudan. The approval letter encompassed a recommendation from the Center for Peace and Conflict Studies Marburg, highlighting the researcher's topic of study and affiliation to the institution. With approval from the university, the researcher conducted a feasibility assessment on the bureaucratic process of obtaining a visa and researcher permit from the South Sudanese authorities. Due to the lack of a grant-making institution

[24] For instance, instead of using the word "corruption", the researcher asked about the "allocation of funds", to learn more about the government's institutional weakness the researcher wanted to learn about "the efficacy of the government."

or a permit system that offers a research visa, the researcher eventually entered the country with a visa labelled purpose of visit 'official'.

Notably, the recommendation letter highlighting the researcher's topic and affiliation to the university is behind the success of obtaining a travel visa to South Sudan. Also, the process of getting the permit enormously benefited from the researcher's investment in social capital founded on trust and building of good relationships with South Sudanese contacts. [25]

The researcher collected primary and secondary data for about 18 months through desk research and fieldwork in East Africa and Germany. During these 18 months, the researcher spent three months in South Sudan in Juba and its outskirts from September 2016 to early November 2016. The researcher also collected data from rebels, exiled South Sudanese and politicians living in Nairobi and its environs, and this happened concurrently with intensive fieldwork and follow-up on contacts for other possible interviews.

The researcher also regularly shared the bibliographic and field research findings with the research team at the Centre for Peace and Conflict Studies at the University of Marburg. The colloquium gave the researcher more insight, feedback and '*constructive critic*' on how to streamline the case study effectively. Between March 2019 and June 2019, through the ERASMUS+ Program, the researcher was stationed at the Catholic University of Eastern Africa (CUEA); it also facilitated the collection of more data for the case study.

Data collection employed an ethnographic approach, mainly through informal talks on the situation in South Sudan. The method suited the prevailing insecurity, sensitivity, and challenges in accessing specific locations and offices. In Kenya, this method was suitable since the South Sudanese refugees, rebel, and politicians could openly discuss the historical and current issues of South Sudan.

3.1.4 Reflexivity and positionality

In qualitative research, researchers are the central point of referral in the data collected through in-depth interviews, semi-structured interviews, focus group interviews, observations, and or review and evaluation of documents (cf. Wood 2012).

[25] Around the globe, societies operate through social networks and its intensity vary. For example, in the western world, social networks may be less significant than in most other societies, and in some occasion, it is possibly easy to get an elite interview purely on an expertly written email, and through some follow up phone calls. However, in the global south, networks of trust are based on daily interactions. Therefore, obtaining important information from strangers especially is very unlikely. Especially, conducting research in a militaristic or authoritarian government, and a state that had previously been ravaged by a conflict is very challenging. Trust obstacles in conducting field research in an authoritarian context range from suspicion, ideological hostility and fear from the respondents (Glasius et al. 2018: 53ff).

Following the advice of Ratner (2002), a researcher as a primary instrument of data collection and analysis must acknowledge his or her own biases and side-line those biases as much as possible to assess data neutrally and make accurate interpretations. A researcher needs to understand his or her setting from the perspective of the chosen participants. It is vital to consider potential biases which may arise from the researcher's ascriptive traits such as nationality, ethnic background, age, gender, culture, and ideologies. These aspects provide a filter for a researcher's understanding of the condition under study (cf. Doucet et al. 2003, Ratner 2002, Swartz 1997: 295).

Therefore, a self-analysis, reflection, self-awareness and acknowledgement of ones' biases, interest, perspectives, and values are archetypal reflexive qualities of a good qualitative researcher. Besides, an explicit self-aware meta-analysis aids in the apprehension of the researcher-participant dynamic that influences knowledge production. Thus, a researcher, as an active participant, should embrace a fact-finding, non-judgemental positioning by learning what is happening in specific situations or backgrounds, analysing, interpreting and comprehending idiosyncratic inclinations, perceptions or beliefs of the individuals concerned (cf. Biggerstaff et al. 2008, Cresswell 2003, D'Silva et al. 2016, Finlay 2002: 209, McMillian et al. 2000, Sultana 2007: 376).

Positionality affects the results of research and interpretation as an individuals' position within the social world influences how he or she sees it (Temple et al. 2004: 164). As such, positionality arises from the notion that one's position in society, identity construction(s), cultural background and whether one is an 'insider,' or an 'outsider' streamlines his or her worldviews. For instance, status can influence participants' opinions of the researcher and how researchers perceive their study participants. Therefore, a researcher has to recognise and analyse how his or her positionality facilitates explicit forms of understanding and inhibits others (D' Silva et al. 2016, McCorkel et al. 2003: 28, O'Brien 2011).

In this study, the researcher analyses and articulates how the respondents perceived him since this could influence the research. Acuities of the respondents enabled the researcher to contextualise and understand the respondents' non-verbal cues better. It helped by keeping in check subjectivity, emotion, and unconscious interference about, for instance, the relationship that developed between the researcher and the respondents. Such aspects could influence not only the researcher's views but also data collection techniques. For instance, the researcher experienced power dynamics, such as government officials versus rebels and youths versus older participants. However, the researcher realised that these potential sources of bias could be essential sources of acumen once recognised and scrutinised. Nevertheless, the researcher's experiences facilitated an understanding of the social-cultural conditions experienced during the fieldwork period.

Field experiences varied depending on the age, region and country of the respondents. Respondents in South Sudan perceived the researcher as Ethiopian. The researcher, who has dual citizenship (Kenyan-German), chose to use his "Kenyan identity", since most of the South Sudanese interviewees were either born, grew up in or had resided in Kenya during two civil wars in Sudan. As such, they were more comfortable around Kenyans and understood the Kenyan culture, and Kenya's national language, Swahili.

Despite the researcher posing questions in English, respondents in South Sudan, mostly government officials and scholars, would midway switch to Swahili since they felt connected to Kenya, and were keen to perfect their Swahili skills. At that time, Kenya's Supreme Court had just nullified the results of the disputed presidential elections, leading the opposition leader to swear himself as the people's president. As a result, the South Sudanese sometimes drifted into discussions about Kenya's politics. It would sometimes derail the interviews, but the researcher was patient, and upon reverting to the interview, the respondents comfortably gave the required information on South Sudan's social-political and economic situation.

Moreover, an introduction letter from the University of Marburg's Center of Peace and Conflict, showing that the researcher is a PhD student in Germany, facilitated a more explicit introduction to the respondents. Some respondents would enquire about the process of either going to Germany or studying at a German University. It earned the researcher respect as a scholar both in South Sudan and Kenya, where the interviewees were interested in the topic and proud to give the needed information.

In sum, the researcher put much effort into establishing a relationship/atmosphere of mutual respect, cooperation, and equality with the insiders (interviewees). In South Sudan, the researcher was perceived as an outsider cooperating with insiders.

3.1.5 Research participants, sampling techniques and data sources

As pointed out above, the study comprises 69 carefully participants. The participants include professionals and people with diverse, in-depth knowledge of the origin and dynamics sources of support, politics, and power play within the SPLM/A during the liberation struggle and independence.

The respondents include former government officials 'host parties' that supported the SPLM in Ethiopia during the struggle period. These former SPLM rebels now hold government posts in South Sudan. However, some of these respondents recently rebelled against the government of South Sudan and joined opposition groups. The justification on the choice of the first respondents

revolves around the assumption that they had first-hand insider 'perspective' arising from their involvement in the liberation struggles and managing affairs in the nascent country.

Other respondents include non-citizen experts previously or working in South Sudan, such as scholars, civil society activists, journalists, and staff of international NGOs. Other respondents are traditional leaders, such as chief or village elders, as well as clergymen. The inclusion of various sets of respondents was essential in enhancing the richness and diversity of the collected data. As such, it led to what Latham et al. (2005) calls a "360 degree or multisource feedback" (ibid. 80). It also enhanced a deeper understanding and facilitated the triangulation of informers. The table below provides an overview of individuals who contributed to this study, their professions and nationality, respectively.

Research Participants	***Total: 69***
Former government officials 'host parties' for SPLM/A in Ethiopia	4
Former SPLM/A Rebels now in government	15
Rebels current opposing the SPLM/A government	19
Senior Kenyan military (Peacekeepers during the 2013 civil war)	4
Traditional authority (chief and elders)	2
South Sudanese and international Scholars	5
International Aid workers	9
Clergymen (Mainly Catholic Priests from South Sudan)	6
Activists, journalists, and Bloggers	5

However, it is essential to mention that these sampling techniques have flaws. The selection of only a segment of the population means that their insights and contributions can never represent the entire population in a study. Unfortunately, a researcher cannot ensure that each component of the populace is represented in the sample when using purposive sampling (Leedy et al. 2005). As Cohen et al. (2007:115) argue, this purposive sampling is intentionally and blatantly selective and biased. Therefore, some members of the populace have little or no prospects of being sampled.

Random sampling could have been used in the study to mitigate this flaw. However, random sampling also has its flaws. It may be of little benefit if a significant section of a random sample is ignorant or not able to offer the information required in the study. Therefore, even though purposive

sampling may not be representative, and views of the participants may not be generalised, that should be the main issue of concern. Instead, the primary concern should be to acquire in-depth knowledge from individuals who can offer it (Cohen et al. 2007: 115).

3.1.6 Data collection techniques

This section illuminates the multiple techniques used to collect data and sources of data for the study. The study obtained primary data through face to face in-depth interviews (n=33), focus group discussions (n=2), Facebook (n=9), WhatsApp calls (n=16), Skype calls (n=9) and observation. The study used triangulation to enhance study validity. The researcher organised data to identify trends and themes that surfaced during the data collection process.

3.1.6.1 In-depth interviews

In-depth interviews are methods of data collection that entail direct, one-to-one engagement with participants to get their views on a particular idea, program, or phenomenon. The interviews can either occur face-to-face or on some occasions over the phone, Skype, or social media platforms (cf. Boyce et al. 2006, Colson 2017). In-depth interviews are characterised by open-ended questions that prompt depth of information. Therefore, wording the questions enable the respondents to give details instead of 'yes' or 'no' answers. It also accords participants the liberty to respond to the questions using their statements, and it permits the interview to explore the participants' feelings and views on a topic more deeply (cf. Byrman 2008, Guion et al. 2011).

Structured interviews proved to be cumbersome as they entail a rigid pre-formulated set of questions, which obscure one from them, circumventing more even if relevant information is readily available. Also, due to the study's sensitivity and security concerns, the researcher employed informal conversations, unstructured and semi-structured interviews. Depending on the respondent, the researcher presented a different set of questions to the participants before the interviews.

The goal of the interviews was to understand the origin, evolution, and transformation process of the movement without predetermined questions for following up on explicit topics. The use of semi-structured interviews facilitated an in-depth exploration of the case study, provided a good balance between richness and replicability and allowed respondents to give details in their own words. The interviews permitted the insertion of follow-up that ensured further input and generation of information as necessary.

Despite massive security concerns, the researcher conducted fifteen one-on-one in-depth interviews with former rebels who are currently government officials in South Sudan, and four with former Ethiopian government officials that hosted the SPLM during the struggle period. Other respondents

included nineteen rebels now opposing the government in South Sudan, with whom the researcher conducted in-depth interviews in Nairobi, Kenya. Due to dilapidated infrastructure, insecurity, high transport costs (other parts of the country are only accessible by air), the field research was conducted mostly in the capital Juba, where most government and military officials are based. Interviews were the primary sources of data, as most information was not obtainable from existing published documents since the war had destroyed the SPLM/A's archives.

The respondents also comprised scholars and clergymen (mainly Catholic priests from South Sudan), journalists working in South Sudan, and four senior Kenyan military officials on a peacekeeping mission in South Sudan after the relapses of the 2013 conflict. At the side-lines of conferences on South Sudan organised by international organisations such as the *AGIAMNDO, formerly, Association of Development Cooperation (AGEH)*, the researcher conducted nine in-depth semi-structured interviews with local and international aid workers working in South Sudan. These respondents were useful in ascertaining disparities and mitigating biases on the information collected from the government officials and other (former and current) SPLM/A rebel fighters.

The researcher collected data on the internal, intra and international dynamics that conferred legitimacy to the SPLM/A during the second civil war. It also included data on the current state of South Sudan, especially after signing the Comprehensive Peace Agreement in 2005 and the referendum, as well as data on social, political and economic dynamics in the post-independence period. Due to the sensitivity of the topic, most participants in the in-depth interviews preferred their identities concealed. Therefore, this explains the use of pseudonyms to quote direct passages from the interviews. Overall, the in-depth interviews provided the researcher with highly relevant first-hand information, much of which had before been inaccessible due to conflict dynamics at the time. However, in-depth interviews have their merits and demerits.

On the plus side, the interviews allow the interviewer to pose follow-up questions, examine additional information, and circle back to the main questions afterwards to generate an in-depth understanding of the case of study. Moreover, an interviewer can establish a relationship with participants to make them feel more comfortable, leading to better responses, especially in a sensitive case like this one. In-depth interviews mitigated derailment, distraction and disruption as the researcher experienced in the two focus group discussions.

On the downside, in-depth interviews are time-consuming. To avoid bias, the process of choosing participants takes a longer time; also, the arising data must be transcribed, organised and then analysed. Also, the technique is expensive in the case of one-on-one interviews since the researcher, at times, must travel to the study locations (cf. Colson 2017), and all these problems highlight the utility of focus group discussions.

3.1.6.2 Focus group discussion

A focus group discussion is a form of qualitative research method and data collection technique, in which selected participants (in addition to a moderator) sit together to discuss a specific topic in-depth (van Eeuwijk and Angehrn 2017). The aim is to use interaction within the group to construct meaning mutually and generate more elaborative data for a comprehensive study based on the goals and objectives of the research (cf. Breen 2006, Byram 2008: 694f, Denzin et al. 2005, Morgan 1996).

The method allows the researcher to solicit participants' attitude and opinions, in-depth knowledge, and experiences over a specific topic. Dynamics in the focus group process aids in the identification, and clarification of shared knowledge which would be otherwise challenging to acquire with a sequence of individual interviews (cf. De Vos et al. 2005). However, not all information is shared equally among the group or community as there is a conjoint underlying homogenous knowledge. Instead, a focus group discussion allows the researcher to solicit the narrative shared by the participants and their dissimilarities in relations to experiences, insights, opinions, and their respective worldviews in such open discussion circles (cf Angehrn et al. 2017).

The researcher conducted two focus group discussions, each with ten participants at a peace workers' meeting organised by AGIAMONDO, formerly the *Association of Development Association (AGEH)* in Mombasa, Kenya. All participants brought in-depth knowledge and experience to the research topic. One group comprised Catholic priests from South Sudan and leaders of local NGOs, while the other group consisted of international aid workers working in South Sudan. The researcher sent the discussion questions to the participants before the focus group discussions. These questions focused on SPLM/A's evolution, dynamics, and the social, political and economic affairs of South Sudan.

The discussions took around 70 minutes in a pre-arranged time and location. The researcher ensured a conducive environment by giving all participants an equal chance to express their views and opinions. The homogenous quality of the groups enhanced an open communication about their experience during the struggle period and the post-secession period (from 2011 onwards). The researcher documented the discussion in a notebook while simultaneously functioning as a facilitator to check group dynamics while ensuring an interactive and participative environment.

The two focus group discussions were characterised by vibrant group dynamics, which allowed the researcher to collect divergent views within one location. The conflict in South Sudan was ongoing, and this encouraged some individuals to use the forum to discuss politics. Some participants either supported rebels or the government, while some reserved their views due to the sensitivity of South

Sudan's conflict. Nonetheless, the study complemented these focus groups with other data collection techniques.

3.1.6.3 Observation

According to Marshal et al. (1989), participant observation is a method of data collection based on "the systematic description of events, behaviour, and artefacts in the social setting chosen for study" (ibid. 79). The technique also consists of the utilisation of five senses in producing a "written photograph" of a condition under study (Erlandson et al. 1993). The method assists researchers to learn and gain knowledge about the activities of the individuals under research in the natural setting or participants' world by observing and, in some instances taking part in those activities (De Walt et al. 2002, Kawulich 2012). Through observation, a researcher can gain knowledge about a topic in which the participants may be having difficulties to talk about because the topics may be perceived as impolite or (in) sensitive for the participants to discuss (Marshall et al. 1995).

Collecting data through observation takes three forms: First is the *participant observation,* which entails a researcher being in the setting under study both as an observer, and a participant. This allows the researcher to understand participants' worlds by actively engaging in activities that participants are conducting. Observations enable the triangulation of data to verify the findings from one data source with those from other sources or methods of data collection.

The second one is *direct observations,* which entails observing without interacting with the objects or the individuals under investigation. However, a researcher needs to position him or herself to ensure the validity of the study as the quality of data and the relationship of those observed can be affected by the researcher's positioning within the research setting. The last form is *convert observations,* which happens when the subjects are unaware that the researcher is observing them, especially in public spaces or forums (cf. Kawulich 2012).

In the case study, the researcher used direct and convert observations, mainly through social media platforms, by joining various networks of shared interests comprised of scholars, bloggers, politicians, activists, journalist and organisations working in South Sudan. These observations aimed to enhance a better understanding of the case study by focusing on different positions, arguments, and points of view regarding the history and current state of affairs in South Sudan. Personal observation arising from fieldwork in South Sudan facilitated further insight into the case of study. The researcher attended several functions and conferences organised by the South Sudanese community and politicians in Nairobi, Kenya. The functions facilitated reflections on documented, verbal and non-verbal information from participants. The observations provided an opportunity to note down detailed descriptions of the social setting, improved interpretation, and

aided in developing questions that the researcher later posed to interviewees (cf. DeMunck et al. 1998, Kawulich 2012).

Observation as a tool for collecting data and analysis has advantages and limitations. The method can facilitate the validation of a study since observations may aid a researcher to understand the context or a certain phenomenon better. It also enables a researcher to access various aspects of a social setting that are not discernible to the public (cf. DeWalt et al. 2002, Kawulich 2012).

At the same time, participant observations have their pitfalls. Gender, age, class, ethnicity, or origin influence access to certain information or individuals. Choosing this method, the researcher determines the extent to which he or she becomes involved in the daily lives of participants. For instance, if one is researching a sensitive case like that of South Sudan, there is a need to develop a closer association to gain peoples' trust to facilitate the divulgence of information. Observations can be biased as they are carried out by a biased human, who also acts as the tool for data collection (cf. De Walt et al. 2002, Kawulich 2012, LeCompte et al. 1999).

3.1.6.4 Electronic media

Contemporary digital media methods include using social media platforms such as Skype, Facebook, and WhatsApp, amongst others. Modern research that embraces the digital media method takes a 'computational turn', recognising that computational approaches are increasingly common in various disciplines, including arts, humanities and social sciences (Jonathon 2016: 1-6). Thus, electronic media has revolutionised the education and research processes as the Internet has become a vital tool for everyday communication. It enables answers to different questions, messages, and documents to be swiftly accessed across the world. Hence, electronic media has undoubtedly become one of the most powerful communication tools globally (cf. Jonathon 2016, Kennedy 1997: 5, Salmons 2016).

Fast media communication tools have made individuals and group discussions become less expensive. Also, digital information is accessible from anywhere without having to be physically in contact. The research used email correspondence and social media (mainly Facebook) with networks of scholars, bloggers, politicians, activists, journalists, and organisations working in South Sudan. Electronic qualitative research accorded the researcher an opportunity to observe comments of other users as well as interact and communicate directly with participants in and out of South Sudan (cf. Salmons 2016).

Before the beginning of the study, the researcher sent an introduction email or a Facebook message requesting respondents' participation. Upon their acceptance, the researcher sent open-ended questions either through email or Facebook messenger. Five scholars residing in different countries

took part in the survey through email and later opted for a skype interview on a pre-arranged date after receiving pre-formulated questions. Twenty-one South Sudanese in the diaspora took part in this study through Facebook messenger (call function), WhatsApp, and Skype.

The approach had its advantages and disadvantages. Communication through electronic media facilitated simultaneous collection and transcription of data. The respondents had enough time to go through the questions and respond at their convenient time. However, the researcher experienced challenges such as being blocked out of social media networks for suspicion of being a government or rebel spy. Besides, this data collection method was time-consuming as some participants took time to reply, while others did not respond despite several reminders.

3.1.6.5 Document reviews

The case study also draws on extensive systematic review and evaluation of scientific contributions from different scholars published in the past years relevant to the topic (cf. Bowen 2009). The process entailed going through press releases from various stakeholders in the South Sudanese conflict. It also involved surveying different papers and academic journals from various scholars to identify existing information and areas of controversy.

The researcher gathered information from John Garang's political speeches memos, confidential letters, press releases and other documents from the SPLM/A's archives. The researcher also collected data from some government officials in South Sudan and South Sudanese rebels and politicians in Nairobi, Kenya. Also, the researcher reviewed academic papers on violence, the causes of civil war, mechanisms behind its endurance, how to end the war and means of acquiring sustainable peace, peacebuilding and statebuilding (cf. Clapham 1998, Collier 2000, Deng 1995, Daly et al. 2016 et al., De Waal 2014, Hutchinson 2001, Johnson 2003, Johnson 2016, Khalid 2015, LeRiche et al. 2013, Rolandsen 2005, Schlichte 2009, Tvedt et al. 2000, Young 2008, Young 2013).

Furthermore, the study integrates "analysis by analysts", mainly political science scholars, policy, legal experts, and media houses following the socio-political developments in South Sudan. The study also incorporates secondary literature from different organisations, academic journals, scientific journals (for instance, the International Crisis Group (ICG) and NGOs working on South Sudan, such as the Gurtong Trust, Heinrich Boell Foundation, African Rights Watch, the Sudd Institute, Rift Valley Institute, Horn International Institute for Research and Strategic Studies, and the United Nations. A review, analysis, and evaluation of these documents and other sources, triangulation aided the researcher in understanding and converging facts on the conflict better. This enhanced credibility since it mitigated the possible biases that can exist in single data sources. (Denzin 1970: 291, Eisner 1991: 10).

Document reviews are relatively economical and can act as a good source of contextual information or provide other information on issues that have hardly been noted by other means. However, this technique can be time-consuming in collecting, reviewing, and analysing many documents. Furthermore, unsystematic, unobtainable information might be out of date, partial or imprecise (cf. ETA 2009).

3.1.7 Data analysis

The word data refers to the information collected systematically, prepared, and chronicled for the reader to interpret appropriately (Antonius 2003: 2). Data analysis entails the procedure utilised by a researcher to condense raw information into a story. It also involves organising and condensing a large volume of raw data collected through the creation of categories as well as identifying and linking it together in terms of leitmotifs, relationships according to the research purpose (cf. Best et al. 2006: 270, LeCompte et al. 1999, Marshall et al. 1999: 150, Patton 1987, Patton 2002: 432, Neuman 1997, Stringer 2007).

LeCompte and Schensul (1999) recommend conducting a data analysis concurrently with data collection or immediately after data collection or when the researcher has returned from the field research. As far as the qualitative data presentation and analysis is concerned, it entails using various approaches that depend on the purpose and design of the study. Therefore, there exists no universally accepted method of analysing or presenting qualitative data (Clandinin et al. 2000, Neuman 2011: 518). It depends on how one conducts it, and abides by the matter of appropriateness for the purpose. In other words, the type of data analysis has to be suitable for the kind of data gathered, and this streamlines the form of analysis to be conducted on the data since it influences the method in which analysis is written up (Cohen et al. 2007).

Since this case study involves analysing the origins of the SPLM/A and its transformation from a liberation movement to a legitimate political party in South Sudan, the study undertook a phenomenological approach in analysing the case. It involved a trend analysis based on epochal procedure, which entails laying out assumption pertaining to the phenomenon under study, bracketing, imaginative variation (examining the phenomenon from different angles), and first- and second-order knowledge (cf. Kawulich 2005). The data analysis in this study revolves around hermeneutics or interpretive analysis of the political speeches of the movement's leaders, as well as SPLM/A's press releases and other documents.

The study obtained data through primary and secondary sources and analysed it through constant comparative analysis. The technique aided coding and categorisation of findings. Data analysis aimed at constructing meaning from the unstructured data transcripts and field notes consisting of in-depth interviews, two focus group discussions, document review and observations. The process

included identifying patterns, transcribing, and coding transcripts in terms of the major themes that surfaced during the field research. It also entailed a thematic analysis of qualitative data based on the main themes related to the transformation trajectories of the SPLM/A (cf. Bryman 2008: 699ff). This process followed the advice of Glaser (1978), which entails posing questions such as *What is happening here? Which circumstances catalysed these occurrences? What category does this occurrence illuminate?*

The coding process was manual, going through the transcripts, marking relevant repeated phrases, and looking out for consistency, frequency, and specificity of opinions and comments recorded during the interviews and field notes. It also included criterions such as respondents' similarities and differences in terms of an overall impression of views and opinions of situations in South Sudan, corresponding patterns, themes, narratives, and perceptions as to what they perceived as important or alluded by the respondents. The process was also steered by a constant literature review that complemented participants' point of view through interviews and observations on the case of South Sudan (Cohen et al. 2007: 461, Marshall et al. 1999: 150, Orb et al. 2000: 93ff).

In the final step of data analysis, the study integrated the codes to create categories or topics for the study. It entailed reviewing and analysing initial code linkages between groups identified above in terms of causality, context, and coherence. The elements were selected and identified for comparison purposes, contrasting, and connecting to the research questions and the main topic or 'key linkage' that might occur (Neuman 2011: 510ff).

3.1.8 Validity and reliability

To achieve the research objectives, the researcher considered various aspects to fully analyse the data collected during the research. It was vital to investigate specific issues that occurred during the desk and field phase to guarantee the study's objectivity. *Reliability* means that findings from distinctive researches executed at different periods should be replicated with matching results and summaries (cf. Cohen et al. 2007, Yin 1994). However, despite challenges such as insecurity in South Sudan, the researcher ensured the reliability of the study through an audit trail entailing a careful, and detailed recording and keeping journals in the form of field notes or a research diary. It involved documentation of everyday's thoughts, problems encountered, and other fieldwork experiences (Robson 2002: 174ff).

Validity raises the questions if one's view recognises or evaluates what one says he or she is (cf. Bryman et al. 2003: 287, LeCompte et al. 1982). The researcher's choice of data analysis and validation arose from the following elements. First, the internal validity revolves around the idea of the high quality of correlation on a researcher's views and the theoretical concept that they create.

However, since the researcher collected data singlehandedly, internal validation played an insignificant role in data analysis. Secondly, external validity is an analytical generalisation and its eyes on the degree to which the generalisability of certain findings on a case can be generalised at various contexts (Yin 1994: 37).

The research design and the kind of data analysis technique embraced in a research influences the degree to which the findings can be generalised. Therefore, the researcher combined several qualitative methods in data analysis. The process entailed complementing and cross-checking other data sources by reviewing existing documents (hard or soft copies), including journals, among other secondary documents. Besides, the researcher consulted experts on South Sudan, carried out focus group discussion, as well as in-depth interviews at different settings with diverse categories of key knowledgeable respondents both in Eastern Africa and among the diaspora community (the US, Canada and the Netherlands). Thereby, the process of triangulation based on different sources and data collection techniques facilitated interpretations and enhanced a robust study (Bryman 2008: 699ff, cf. Cohen et al. 2007, Mertens 1998: 354).

The study approach ensured a deeper understanding of the research objective and its authenticity. Of equal importance is the respondent validity, which entails an examiners' validation of individual accounts by providing conclusions of a study to individuals who participated in the research. The researcher reviewed the respondents' answers and contents by qualitatively analysing them through a pattern-matching technique regarding the emerging topics and ideas in unearthing dynamics of the conflict. Also, the researcher thematically analysed the data collected through a thick description and a careful process tracing on subjects ranging from SPLM/A's origin and evolution factors based on internal, intra and international dynamics and the negotiation process of the CPA in 2005. The thematic analysis also entailed the subsequent referendum that resulted in independence in 2011 and the current situation and challenges of South Sudan in the post-independent period.

The technique sought to unearth features of data obtained by determining various descriptions, and formulations. The procedure spearheaded a critical consideration on the background of the data collected and, after that, selecting a depiction that better suits the data at hand. Such an undertaking ensured the attainment of internal validity through the avoidance of flawed causal accounts. Besides, the study considered all these patterns, and paralleled them against the preliminary theoretical ascriptions to identify patterns and combine various factors that initiated the formation of SPLM and after that analysing and evaluating the SPLM/A's transformation process from a liberation movement to a legitimate political party.

Issues related to ethics during a research are of paramount importance in any study. In this light, the following section revisits the ethical considerations observed during the desk and field research.

3.1.8.1 Ethical considerations

> "The war robbed us of our loved ones, family and inflicted pain and eternal hatred for those within and outside South Sudan, please in your research, handle the case with uttermost respect (Remarks from a Chief Elder in South Sudan during an interview on 10.11.2017)."

The researcher reflected upon these words from a Chief Elder in South Sudan while conducting field research in Juba, South Sudan. Many people were, and are still traumatised by their various experiences during the civil war. Hence, it was essential to observe the utmost care and respect for ethical considerations during field research. In this light, the researcher ensured professional responsibility by enhancing the study participants' protection, dignity, and well-being.

As depicted by various scholars, researchers must take into account ethical considerations. Thus, the research process should be guided by a set of principles and codes of practice that underpin and streamline the mode of conduct in certain situations. Ethical issues on field research revolve around two key questions, that is: *How should researchers interact with study subjects*? And: *Is a researcher supposed or not supposed to participate in activities of the research subjects*? (cf. Bryman et al. 2003: 535ff, Orb et al. 2000, Mertens 2010, Robson 2002, Thomas 2009).

Accordingly, the researcher carefully considered if the study could elicit ethical issues and be prone to encounter moral risks, especially when collecting primary data. This is compared to other methods, for instance, randomised trials using questionnaires where the information obtained is incongruent and essentially shallow. Qualitative interpretive studies involve a close examination of the interviewees' knowledge on a particular aspect. Such an undertaking is closely associated with the possibility of identifying the subject's origins, immediate family members and close associates and institutions (McLeod 2003: 54).

Bearing that moral and ethical questions in a case study mainly revolves around the interviewee, one must bear in mind that the researcher is also exposed to some extent. Therefore, there is a need to accord proper attention to ethical issues as this could enhance the establishment of moral space. Thus, the situation enables a conducive and effective inquiry environment where both the interviewee and the interviewer feel secure enough to use his or her knowledge and understanding maximally (McLeod 2003: 55).

Against this background, at the onset of planning and implementation of stages of the study, the researcher was conscious that data collection techniques and choice of research methods were inextricably associated with ethical issues. Therefore, the researcher did not perceive ethical

principles as an afterthought or burden but observed and adhered to ethical guidelines outlined by the *Economic and Social Research Council Frame for Research Ethics* (ESRC) (cf. ESRC 2015, Hearne n.d. 4, Mertens 2010: 2, cf. Richardson 2005: 4).

Besides, ethical considerations are not only limited to the primary measures of collecting data, as ESRC argues but as well as when using the already available secondary materials or data sets in research. Therefore, the data collection research procedure has to be accompanied by a '*light touch ethics review*' (ESRC 2015: 4ff, emphasis added). Hence, the research methodology of this study oriented itself on the ESRC ethical guidelines and principles, which were vital and helpful in carrying out such a study. The ESRC Framework of Research Ethics encompasses six principles (ESRC 2015: 4f).

The first ESRC principle states that participants in a research study should participate *voluntarily* and without undue pressure to participate in a study. The rights and dignity (when needed) and the participants' autonomy should be guaranteed and aptly safeguarded.

The second ESRC principle integrates a '*do no harm approach'*; that is, the researcher's objective should aim towards maximising the benefit of the research, and much caution should be taken to mitigate potential harm either to the participants and the researcher. The third ESRC principle indicates that the researcher should provide the *appropriate information* pertaining to the rationale, methods and objectives, the use of the research, and a clear indication if there are any risks and benefits to consider while participating in a study. Fourth, ESRC calls for respect and the assurance of individual and group participants' preferences for *anonymity* and *informed consent*. Fidelity, which entails confidentiality in personal information and data, is vital.

Fifth, the baseline in a research execution should be *trust, dependability, good faith* and data collected should not be distributed to third parties. The principles assert that research design should safeguard integrity as well as ensure quality and transparency. Finally, it also calls for transparent and independent research, void of any conflicts of interest, and partiality should be explicit ESRC 2015: 4, cf. Cohen et al. 2011, Hearne n.d. 9f, McLeod 2010: 56, McNiff et al. 2010, Thomas 2009, see also Appendix 1 and Appendix 2).

Therefore, during the field research, the study embraced ethical concepts. The first one was a *nonmaleficence* concept that entails aspects of 'no harm', and the reduction of potential danger, whether psychological, emotional, professional and personal damage or exploitation, in pursuit of new knowledge. This concept, also referred to as the '*costs/benefits ratio'* dilemma, entails an assessment of potential social benefits accumulated from the research against the personal costs to the person participating in an interview (cf. Cohen et al. 2011, Hearne n.d., cf. McLeod 2010, cf. Thomas 2009: 152ff).

The second one was the aspect of *beneficence*, which, to some extent, relates to the 'do no harm' approach. This element outlines the notion that research should be worthwhile and valuable with an aim to contribute to the wellbeing of the individual and society at large (McLeod 2010). The third aspect is related to *autonomy*, whereby an interviewee has the right of action and is free to select to participate in a study without being coerced. On certain occasions, researchers should respect the right of an interviewee to withdraw from an interview at any time before or during an ongoing interview and be in a position to identify any non-verbal indication of the need to discontinue in an interview if a person has difficulties in airing his or her intentions orally (Cohen et al. 2011: 90f, Mertens 2010: 342, Richardson 2005, NCGE 2008: 9).

Due to the sensitivity of the case of South Sudan, the researcher observed all these aspects and ensured personal security and confidentiality of the interviewees involved in the study as well as high professional standards, academic conduct and fidelity.

3.1.8.2 Scope and limitation of the study

As Rajendran (2001) suggests, researchers using qualitative methods or sets of tools should 'acknowledge and take into account their own biases as a method of dealing with them' (ibid.). Likewise, the researcher encountered several limitations in the deskwork, and the field research phase that have to be acknowledged.

The use of primary data was challenging in the deskwork phase since the case of South Sudan is relatively new and hardly tackled in academic circles. Therefore, the progress of the desk study phase was slow, and a comprehensive analysis of the case could not be easily attained. The field research phase in South Sudan was equally challenging, as the civil war had destroyed most of the primary data in the SPLM/A's archives. The researcher faced difficulties in the acquisition of data as the civil war had resumed in 2013 and 2016. In addition, high levels of insecurity, violence and destroyed infrastructure across the country impeded movement.

Therefore, the researcher confined the fieldwork research to Juba (Equatoria State) as it was relatively secure. Also, due to renewed conflict, the researcher feared being perceived as a spy by government officials, rebels, and other politicians, which posed a challenge in accessing them. Furthermore, data collection was challenging as it was solely in the hands of specific individuals in the militaristic government that controlled communication and mass media institutions.

Eventually, the three months envisaged for the field research were curtailed to two months because of rampant insecurity and violence, especially in areas outside Juba. In addition, extensive research on the case was hampered by the unwillingness of SPLM/A's officials to provide in-depth

information on certain topics. The reason was that the information was and still is perceived as highly confidential and could not be readily made available, especially to outsiders.

However, with time, the researcher made significant efforts in obtaining primary data through extensive in-depth interviews with various individuals who were actively engaged in the SPLM/A struggle and current state affairs in the nascent country. Furthermore, despite getting into contact with some high-ranking government officials, other challenges surfaced while conducting interviews in South Sudan. Lateness or cancellation of scheduled interviews was a problem. In the event of successful appointments, the one-on-one interviews were frustrating, sometimes turning into focus-groups discussions because of interruptions by friends or colleagues. Nonetheless, despite these hurdles, the interviews provided a significant source of information and for referrals to other individuals who had first-hand information on a specific topic.

Furthermore, in a bid to circumvent challenges experienced in South Sudan, the researcher conducted more interviews in Kenya, where a majority of the rebels and high-ranking South Sudanese reside. The researcher bridged the information gap by attending high-level meetings held in Kenya by international NGOs working in South Sudan. These conferences facilitated snowball sampling leading to the identification of an additional set of individuals who gave more information on SPLM/A's dynamics, and the current situation in South Sudan. Furthermore, building a relationship based on trust facilitated access to information.

Moreover, as envisaged, best practice in fieldwork should be characterised by thorough documentation of the field process to increase the reliability of records (cf. McConville 2009). It is expected from a researcher to outline his or her deeds so that any other hypothetical research on the same issue can reproduce the study exactly and achieve the same results and conclusions (cf. Yin 1994: 36f). Nevertheless, as mentioned above, the challenges and interviewees' aversion in the documentation of the interviews as there ongoing, or what the researcher later learnt as "the fear of power and pen," made it difficult to document everything. However, the researcher relied on memory and documented the interviews sessions afterwards in the field research diary.

South Sudan is a patriarchal society, and militarised masculinities dominate influential leadership positions. The role of women tends to be limited to specific gender roles such as looking after children, cooking and so forth. However, women's role was vital during the liberation war as it ranged from potters, cooks, spies, amongst other duties (cf. Rolanden 2005). Unfortunately, the researcher could not ascertain their roles, contributions, and insights in the post-conflict period. A social norm attributes this within the society, where women speaking to strangers is prohibited. Thus, this hindered the researcher's endeavours from ascertaining women's role during the liberation war and in the post-independence period. The study incorporated scholarly views of other

women on the case of Sudan, although most of them were foreigners (cf. Johnson 2016, Hutchinson 2000, Hutchinson 2000).

Finally, the provision of a comprehensive analysis of the SPLM/A is like chasing a rolling ball. South Sudan's political, social, and economic sphere is mirrored by a conflagration of various events and ripostes to them swiftly shift. Therefore, the study only examines significant occurrences and events of SPLM/A's trajectory upon its inception in 1983, the transition and the post-independence period. However, the study will enhance a better understanding of SPLM/A's liberation struggle, and its performance in the post-conflict or post-independent period.

Summary

This chapter has highlighted the methodological framework to be used to address the research question. It has also expounded on the type of case study provided, and justified its rationale. Besides, it has presented the field research process, explained the subjectivity, and positionality of the researcher. Furthermore, it has illuminated exigent aspects and the justification for selecting research participants, sampling techniques, data collection, and demonstrated how all these were compiled and applied in the study.

Moreover, it has outlined the methods used in analysing and ensuring the authenticity and accuracy of the data collected, and measures to curb threats of validity. Finally, the chapter concluded by giving an account of the set of ethical principles and considerations observed when carrying out the research, the scope of analysis, and the study's limitations.

The following chapter provides an insight into the theoretical ascriptions and operationalisation of the concept of legitimacy.

4 Theoretical and conceptual framework of legitimacy

The emergence of armed non-state actors and rebel groups challenging the legitimacy of state institutions and central governments has dramatically impacted international relations, and politics. Examples of the transition from challengers to governors have yielded significant insights into how these groups' actions lead to political legitimacy at the state level and in the global political arena. Legitimacy, specifically 'political legitimacy', is of both theoretical and practical significance. Therefore, this chapter integrates various discourses aimed at theoretically conceptualising the concept of 'political legitimacy'. These theories aid in enhancing a better understanding of the undercurrents state power through their explanation of the political authority - the right to rule. Various studies discuss the legitimacy of states (cf. Bukovansky 2002, Hurd 2007, Keohane et al. 2005: 29-43).

Notably, attention on opposition armed rebels and other insurgent groups,[26] on the African continent as elsewhere around the globe, which attempt to acquire legitimacy as a pathway for the achievement of political goals, is scarcely handled (cf. Jo 2015, Stanton 2009, Bob 2005, Zartman 1995). In most cases, rebel groups are regarded as "*terrorists*" even when they are fighting oppressive and repressive central governments. For instance, the United States pejoratively used the word terrorist to discredit the Africa National Congress (ANC) when it was fighting the apartheid regime in South Africa (cf. Bareketeab 2018).

This chapter examines the concept of legitimacy, and it is divided into four sections as follows; the first section introduces different theoretical debates embracing an extensive conceptual discourse with the empirical study of legitimacy. It enables us to understand the different forms of legitimacy and examine how it applies to armed non-state actors, such as rebel groups. The second section introduces and conceptualises features on legitimacy, namely revolutionary ideology, and eudemonic legitimacy. Additionally, it analyses and scrutinises factors that can create, sustain, cultivate, and confine legitimacy. Also, it reviews the transformation trajectories of a liberation movement into a legitimate political party followed by a summary.

[26] One of the focal scholars on how rebels can acquire legitimacy is Hyeran Jo. However, his scholarly work is mostly focused on comparative analysis that is based on an examination of state and non-state actors in the adherence of international norms in their pursuit of legitimacy. In his statistical analysis, he examines the behaviour of the government and that of rebel groups when in granting permission to detention centres to International Committee of the Red Cross (ICRC) between 1991 and 2006 in Sudan (cf. Jo 2015). Zartman (1995) also provides a good overview of the political calculus of armed non-state actors who attempt to seem legitimate (ibid.7).

4.1 Unpacking the concept of legitimacy

Legitimacy has gained theoretical and practical significance amongst policymakers and practitioners in development cooperation, international relations, and scholars of social sciences. "*Legitimacy*" is one of the oldest intellectual debates in the history of western civilisation, and it continues to resurface as a factor in the transition from liberation movement to government in Africa as elsewhere around the globe. In essence, the concept of legitimacy is elusive and multifaceted; it is neither new nor generally extolled in the social sciences. Its definition faces ambiguities, controversies, inconsistencies, and numerous different connotations across diverse cultural and geographical setups. It is continuously re-conferred, and in some instances, scholars perceive it as an ill-defined, non-universal, or 'squashy' concept. Criticisms from scholars point to the fact that empirical analysis on legitimacy is scanty and that the concept is magical, only used once our ability to describe it has failed (Huntington 1993: 46, McEwen et al. 1986: 258, cf. OECD 2010, Tyler 2006: 375, Zelditch 2001).

This ultimately leads to the question of what legitimacy actually is? Scholarly debates emanate from western traditions based on political, philosophical (Thomas Hobbes, John Locke and Jean-Jaques Rousseau), and political science and sociology (Max Weber and David Easton). However, there exists a difference in opinion regarding empirical and normative perspectives of legitimacy amongst intellectuals. The empirical view is concerned with the beliefs that people have about political authority. It gives rise to a new area of study that examines widespread feelings towards and support for rulers (Barker 2001: 8, Hahn et al. 2010: 7).

Max Weber defines legitimacy as "the probability that to a relevant degree the appropriate attitudes, i.e., the acknowledgement of the validity of the power-holder's assertions of being a valid authority, will subsist, and the matching practical behaviour (obedience) will emanate (Weber 1978: 214)." He asserts that in modern societies where the legal-rational form of legitimate domination holds sway, the main type of legitimacy entails belief on legality and obedience with formally right enactments established conventionally (ibid. 37). Therefore, an order does not imply its legitimate domination since it is also vital that the "command is accepted as a 'valid' norm (ibid. 946)."

Notably, Weber's conceptualisation of legitimate domination does not necessitate citizens' acknowledgement of the validity of the powerholders' assertions to legitimacy. Instead, any ensuing behaviour of obedience must be solely shaped by the belief in the legitimacy of the institution (Weber 1978: 214). Also, he indicates that certain segments of the society may have acknowledged the powerholders' assertions to validity and consequently uphold the law for non-normative reasons. These reasons include material self-interest and emotional affinity with the powerholder. It also entails weakness and helpless ideal motives due to philosophical or religious

beliefs that an individual or the society is obligated to or because of the absence of any other acceptable alternative (Weber 1978: 214, Bottoms et al. 2012: 128f).

According to Max Weber, legitimate domination in contemporary society is just a successful assertion by a ruler in a world of imminent political struggle (cf. Weber 1978). It delineates from forms of legality, with the provision to adhere to laws (Lassman 2000: 88). Therefore, legitimate domination is 'obeyed legality', and legality entails the acknowledgement of powerholders' assertions of being an ultimate authority. From this assumption, a political regime can exercise legitimate domination so long as the society perceives a ruler's commands as minimally 'valid'. However, such a supposition can be problematic since one can hardly differentiate between obeyed legality and genuinely normative legitimate authority (Bottoms et al. 2012: 130).

The normative perspective is mainly concerned with justification and examination of the moral aptness of political authority. As such, it has culminated in a new area of study examining the normative evaluation of government legitimacy (cf. Barker 2001, Cook 2003: 109f). Nevertheless, the normative and empirical categorisation of legitimacy has continuously evoked further academic debates (cf. Partberg 2013, Zuern 2011, Zuern 2013).

The foregoing discussion underpins this study's focus on legitimacy as a function of the governed people's perceptions and beliefs (i.e., how and why individuals embrace a specific type of rule as being legitimate) as opposed to adherence to the normative standard. Persons at the helm of power have to acquire their authority from and operate on shared beliefs and values of a given society. A political order, actor or institution is hence perceived as legitimate when people consider it as suitable, and acceptable as well as acknowledging that no alternative is more appropriate than the one in place. Thus, power is understood as legitimate by those subjected to it, and it offers a baseline for the rule through non-coercive means. In other words, even when subordinated citizens unreservedly embrace the power holders and their institutional structures, if they tend to use coercion to exert their rule, then they cease to be legitimate.

This idea stems from Hannah Arendt's perception on the use of force by authoritative figures. It holds that authority should preclude the use of external means of coercion, and if it does use force, then its consensual mandate has failed. The power holder should recognise the hierarchy, and adhere to the rules. Furthermore, power is legitimate only if it results from a well-established set of rules that may include formal enactments (written legal rules) and or established unwritten conventions based on customs and traditional social practices (more details in sub-chapter 4.3).

Last but not least, political legitimacy has to be characterised by effectiveness, and an ability to satisfy the ends which justify its enormous concentration of power, also called eudaemonic

legitimacy.[27] Efficiency should arise from the provision of material benefits, and guarantee the provision of welfare services such as health, law, order and security (Arendt 1983: 93, Beetham 1991: 16, Bottoms et al. 2012: 136ff, Claude 1966: 367f, Coicaud 2002: 13ff, Sagar 2018: 114f, Spates 1983: 27-29, Weber 1947).

Legitimacy applies to international, transnational organisations, social movements (cf. Bruehl 2010, Lakitsch 2014), and multifaceted systems, such as the political integration process of the European Union (cf. Braaten 2009: 113f, Čmakalová et al. 2012: 260-270, Scharpf 1997, Scharpf 2009).

In most occasions, the pursuit of political legitimacy among warring or competing elements relates to the validity of the rule of authority, and it is composed of three components: legality, validation in shared norms of conduct, and acquiescence (Gilley 2009: 5). This argument arises from the consensus theory that postulates that legitimacy is encapsulated and characterised by norms, ideals, values, customs, and measures that a group embraces (Kelman 2001: 55, Zelditch 2001: 33). As such, authority is legitimate once a person or citizens "believe that the decisions made and rules enacted by that authority or institution are in some way 'right' and 'proper' and ought to be followed" (Tyler et al. 2003: 10, cf. Zeldich 2006). Therefore, the definition assumes that legitimacy arises from the population's reactions to the decisions based on rules set by an authority. The legitimate 'right to rule' subsumes the relationship between the citizens and power holders. In other words, perceptions of legitimacy depend on whether the power holder is justified in asserting the right to hold power over the citizens (cf. Bottoms et al. 2012: 123f, Holmes 1993: 39, Rothschild 1977: 487-492, Zelditch 2006).

Also, it is essential to acknowledge that collective identity is one of the significant elements of state formation. The creation of a state or rather an 'imagined community', circumscribed by a territorial border, is the primary source of state legitimacy (Anderson 1983: 48-58). A strong nous of a society connected to a state may function as a link between various conflicting sources of legitimacy, such as religious beliefs, tradition and language or ethnicity (OECD 2010: 27, see also Rae 2002). *Shared beliefs* are a source of legitimacy in that they encompass social practices and structures,

[27] Eudaemonic legitimacy is based on a promise by a liberation movement to deliver in the post-revolutionary period after it has taken power. The consolidation of eudaemonic legitimacy is measured in a post-conflict setting and it includes issues such as internal realignment of the group from a military structure to a more open democratically oriented structure. This entails many aspects such as the provision of welfare, security, economic and infrastructure development, the creation of an independent judiciary, education and healthcare reforms, implementation of DDR&R (disarmament, demobilisation, reinsertion and reintegration) projections amongst other programmes (De Zeew 2008: 1, Kovacs 2008: 155, Metelits 2004: 76).

political ideologies, religion, and tradition[28] that permit citizens to perceive a state or any type of public authority as the overarching, legitimate authority (cf. Bottoms 2013 et al., OECD 2010, Zelditch 2006). Socially diverse societies can be politically united according to their general acceptance of a state and their mutual acknowledgement as citizens despite all differences (OECD 2010: 27, Rae 2002).

Moreover, according to Niklas Luhman, effective inclusion of the population in any decision-making process such as policy making, electoral or bureaucratic process plays a vital role in enhancing legitimacy. Therefore, legitimacy does not solely emanate from the content or the normative justifiability of the performers. Rather, legitimacy arises from the belief in the procedure of making a decision or the procedural process itself that allows effective inclusion of the general population in any political or policy-making process (cf. Barnes 2002: 12, Belloni 2008: 199, Luhmann 1983: 28ff, Levi et al. 2009, McKeon 2004, Ramsbotham et al. 2014: 6f).

In the same vein, David Easton (1965) holds that in the presence of a symbiotic relationship between the rulers and the ruled, there is a healthy acceptance of moral validity of authorities, even if authoritative figures are faced with recurrent inabilities to deliver (ibid. 278).[29] Tom Tyler brings a psychologist perspective to the conceptualisation of legitimacy. His focus is on citizens' subjective beliefs about the appropriateness of the person in power. His argument holds that legitimacy relates to the definition of situations where the influence of an authoritative figure wields on the individual. The decisions that such an institution formulates, and the rules it enacts are considered 'right' and 'proper'. Therefore, legitimacy "represents an acceptance by people of the need to bring their behaviour in line with the dictates of an external authority that has the right to dictate their behaviour (Tyler 1990: 25). "

Other scholars have conceptualised the concept of legitimacy from a somewhat different perceptive based on perceptions of the 'right to rule', whereby the relation between both the people and power-holders is analysed (Holmes 1993: 39, Rothschild 1977: 487ff). Joseph Raz introduces to the definition of legitimacy the concept of "legitimate authority", which blends the idea of "power"

[28] Tradition is composed of material and non-material rituals and symbols whose invocation reminisces individuals of their identity, nous of belonging, and role and place in a specific society. Due to prolonged practices, tradition tends to be perceived as a habitual, natural and normal way of doing things (Giddens 1985). Tradition and traditional leaders in some occasions are established by state and this transforms tradition as an entity that is not respected to that which is deliberately articulated (for instance revolutionary entities that confer those who hold state with legitimacy) (cf. OECD 2010: 28). Therefore, tradition is a significant source of legitimacy and indeed, some countries in the globe have incorporated some aspects of traditional legitimacy into their system of governance.

[29] David Easton's (1965) categorises the origin of legitimacy (for either or both regimes and authorities) into structural, ideological and personal. These categories are vital and of much relevance for the research question for this dissertation since they shall help in expounding the dynamics and processes that underlie how the SPLM transformed from a guerrilla movement to a legitimate political actor in South Sudan.

and “right” (Raz 2009: 128). He recognises the persons who wield outright power, “the de facto authorities” and “legitimate authorities”, all who have adequate power over other subjects and commands them (ibid.).

Jean-Marc Coicaud defines legitimacy as a right to the government in a normative concept built upon three vital aspects based on the ‘recognition of the right to govern’. Firstly, legitimacy is outright once the citizens positively recognise power holders’ moral right to exercise power. Secondly, the perception and the discourse on legitimacy should unequivocally consist of those who hold political control over the subjects. Finally, legitimacy is conditional. For instance, citizens may acknowledge a power holder’s right to rule. However, if the power holder exploits the power and engages in malpractices such as corruption, nepotism or repression, then the citizens’ acknowledgement of his or her right to rule will gradually be introverted (Coicaud 2002: 10).

Empirically, the operational process of Coicaud’s threefold categorisation is challenging. The reason is that, in real life, the boundaries of the three typologies are inexorably woolly. Nonetheless, the classification provides a vital conceptualisation platform and onset for the standard scientific definition of legitimacy (Coicaud 2009: 17ff, Bottoms et al. 2013). Notably, political legitimacy is characterised by minimal use of force towards the people that are subject to it, and the dispensation process should aim at a common good. Also, legitimacy does not solely comprise a legal validity of power. Instead, it is multidimensional. Furthermore, it examines the ethical justifiability of power relations, and acquiesces from actions that mirror legitimacy. Therefore, political legitimacy necessitates a morally authoritative source for the government and an aptitude to satisfy the end, which justifies its immense concentration of power (Beetham 1991: 12ff, 137).

Summing up, this study understands legitimacy in terms of the political trait of a ruler whose political power and the right to rule is acknowledged by persons subjugated under his or her authoritative rule and control. Accordingly, political legitimacy relates to the validity of the law of authority in the lawfulness of the state. The political legitimacy which aids a leader to rule should use minimal force towards the citizens, population, a person, or communities that are subject to his or her political power. The dispensation process of political power should not revolve around narrow personal, partisan, or selfish interest but target a common good.

4.1.1 Sources of legitimacy

This section follows the unpacking of the concept of legitimacy above by expounding on different sources of legitimacy. Max Weber’s analytical contribution is of immense importance for modern social scientists, and he provides insightful concepts on how a government or a rebel group can acquire political legitimacy. He outlines four sources from which subordination and obedience of staff and followers towards the leaders emanate.

The first one emerges from local customs, which entails informal rules or laws with little or no reflection, debates, or discussions about them. The second is the affection that arises from a leader's attraction leading to voluntary obedience of staff members and followers; this can be perceived as an ideal form of charismatic rule (Weber 1978: 28f).[30] Third, subordination and compliance may be in terms of economics, that is, any financial gain that staff or a follower can gain through his or her alignment with a particular armed group; and lastly, the differentiation of idealistic or value-rationality motives (ibid.). Schlichte, however, argues that it is challenging to observe these sources in a pure form since followers in political organisations can embrace a mixture of these elements in showing their obedience. Moreover, he adds that the relative weight of these elements is different and that customs and material interest are in most cases prevalent, making the subordination of staffs or followers of a certain armed group unstable (Schlichte 2009: 33).

Weber asserts that "the system of authority voluntarily limits itself to the appeal of material, effectual or ideal motives as a basis for guaranteeing its continuance (Weber 1947: 298)." Nonetheless, there is a difference in the system of governance and those that govern that Weber does not articulate. These are two distinct entities of support that interrelate with different levels of importance. However, he also asserts that legitimacy is possible on a systemic or individual basis. Therefore, the subsequent sub-section focuses on integrating two categories, namely, the input and output legitimacy, which play a vital role in enhancing a more in-depth understanding related to the sources of legitimacy.

4.1.2 Input and output legitimacy

David Easton's (1965) work on system analysis focuses on interrogating the validity of a political system. He opined that a political system is composed of inputs mainly demand and support through which a state governs through an agreed rule of procedure and is held accountable by the citizens who vested power on it. Accountability procedural mechanism is associated with transparency, checks and balances, legal bureaucratic values and review of public finances, media coverage and open discourse. Therefore, inputs constitute a state's conformation to decisions and the organisation of citizen's participation as encoded in the constitution (Easton 1965, cf. Berggren et al. 2015: 310ff, Levi et al. 2009).

[30] Obedience/consent or what Hyran Jo (2015) terms as compliance, has triggered several critical debates. Critics argue that this is a spherical barney since obedience is thought to signify consent; however, consent is used to elucidate obedience (Barker 2001: 10). Similarly, even though individuals do not adhere or are disobedient, this does not actually translate that they assume something as not being legitimate (cf. Alagappa 1995, Hechter 2009: 280, Patberg 2013: 167, Zelditch 2001: 40ff). Indeed, this compounded on the argument that power will tend to be unstable until it has been legitimised, meaning that legitimacy is a necessity and precondition for any social order (Zelditch 2001: 40ff). The embracement of these two ideas is vital, especially when talking about legitimacy that is founded on consent together with function and practical aspects of legitimacy (Alagappa 1995: 24).

Accordingly, in the non-western rational-legal state, the input is comprised of traditional political orders. Procedures of legitimacy are founded on customary law, mutual participation and accountability amongst rulers and the wider population. These procedural rules aid in strengthening and constructing relations and connecting the state and society. In some instances, in sub-Saharan Africa, legitimacy arises from constant communication and consultation with entitled members of the community (excluding youth and women) and acknowledged with supernatural and traditional powers, and the leaders are deemed as illegitimate if they do not uphold these practices or if they fail to use wisdom and authority for the entire society (cf. Clements 2008, Kelsall 2008, OECD 2010: 23, Puritt 1970: 111).

On the other hand, output or performance legitimacy encompasses political tactics, actions, decisions, performance, effectiveness and quality of goods and social services such as health, education, infrastructure, a macroeconomic arrangement to shore up economic activity and security. These aspects are key to statehood, while security is key to state legitimacy. Security enables the creation of legitimacy, such as guaranteeing the provision of essential health and education services, sustainment of livelihoods and economic activities, and the establishment of democratic elections as well as the enactment of the rule and law.

Adequate provision of the above is the primary source of output legitimacy; it nevertheless has to be apprehended based on internal perceptions on the appropriate function of a state. Active non-state actors such as local and international profit and non-profit organisations are the enhancers of legitimacy to a country. Nevertheless, in fragile conditions, such an undertaking is no longer viable as non-state service providers may substitute or contend with instead of supplementing the state. (Hurd 2007, OECD 2010: 27, Scharpf 1999). A state or individuals in power can only be perceived as legitimate if they propel public interests ahead of personal benefits by upholding rules and laws and utilising their proficient judgment in advancing societal goals. Importantly, outputs affect future inputs (Easton 1965: 278-285, cf. OECD 2010: 23f).

Output legitimacy is founded on performance insofar as it consolidates its legitimacy through its capacity to solve problems that call for a conjoint solution since individual action cannot tackle them (Scharpf 1997: 29). It also entails impartiality and offers all the pertinent stakeholders an equal chance to contribute and influence the upshots of policies. This process reflects through citizen participation and representation through elections.[31] The process has to mirror the identity,

[31] Electioneering processes can at times be orchestrated to legitimise autocracy especially if they are carried out prematurely in post-conflict states. For instance, in Bosnia, elections aggravated conflicts as the process effectively legitimised nationalist political elites and factions that were not committed to safeguarding the peace-building process (cf. Ashdown 2002, Chandler 1999: 43-51, Weller 2006: 2, Dempsey 2008: 2, 8). Consequently, the 2013 parliamentary elections in Rwanda masked an autocratic rule by legitimising the rule of Rwandan

interests, needs and desires of its citizens (Kelman 2001: 55). However, if this process is fair[32] but unable to deliver effective outcomes, then the electorate might be disenchanted (Boedeltje 2004: 12f).

Concurrently, the output legitimacy, as outlined by Fritz Scharpf, holds that democracy can be an empty rite if there is eminent ineptitude in political choices, goals, and objectives that matter most to the electorate (Scharpf 1997: 19). Therefore, it is essential to dispassionately assess output legitimacy, and use it efficiently to solve social problems. Besides, the content of the policy should enchant the wider population (cf. Alagappa 1995: 31, Boedeltje et al. 2004: 6, Čmakalová et al. 2012: 260-270, Gilley 2009, Patberg 2013, Zuerrn 2011: 71, Zuene 2013).

For instance, in terms of the citizens' contentment, the economic, social, and political impact of the 2008-2009 global financial crisis exposed the tension between democratic political institutions and market relations between the European Union (EU) member states. Moreover, the crisis triggered legitimacy dynamics as EU citizens of all member states appeared to have reserved their support for both national and international political structures. As such, since 2008, trust in national parliaments and governments has progressively waned (with the exclusion of the year 2014/2015). Likewise, trust in EU institutions, such as the European Parliament, the European Commission, and the European Central Bank, has decreased, leading to the rise of Eurosceptic parties across Europe (Armingeon et al. 2014: 423-442, Belinski 2017: 267ff).

Back to David Easton, his systematisation endeavours on Weber's concept of legitimacy; he also distinguishes between definite and diffuse support. In contrast, the former relates to an interest in a specific polity, and the latter is related to the belief in the system (Easton 1965: 278-285). Easton further alludes that if one would like to understand the function of support, then one must begin by clearly acknowledging that a system comprises several subsystems, and aspects of which some are more vital than others. These entities of support include order and the regime. For him, it is crucial to comprehend the interaction of bodies as ways of understanding system feasibility and political change (Easton 1965: 171).

Patriotic Front and President Kagame in a process where opposition figures were jailed or oppressed for promoting ethnic divisions.

[32] From a criminologist perception on legitimacy, Tom Tyler in his seminal work contrasts between instrumental and normative modes of obedience to law, and argues that legitimacy is grounded on the people's perception if law enforcement authorities have rights over them. He argues that people obey the law not just because they fear to be punished, but because the law enforcement officials are legitimate and that their deeds are usually accompanied by fairness (cf. Tyer 1990). The procedural justice is associated with procedural fairness by law enforcing authorities when dealing with citizens is a vital determinant for legitimacy. He continues to argue that the quality of treatment by law enforcing agents that is accorded to citizens in a respectful, decent, fair, and dignified manner (Tyler 2003: 283-287).

The system consists of governmental institutions and the constitution's order, which incorporates values, norms, and structure. The regime or the political authorities are the holders of government posts, but they are different from the roles themselves. It means that legitimacy focuses on the system and those persons who accord the system a meaning (Washburne 2010: 18). Easton further states that legitimacy traditionally arises from the power of political authorities, and the vital entities are the character of the ruler, together with norms and structures of the regime. At this juncture, societal attitudes confer legitimacy, which strengthens the stability of the federal government in turn (Easton 1965: 171ff).

It is important to note that legitimacy can be evaluated in two alternative ways: systems analysis or a community-based analysis. It means that political authority is measured either from the top or from the bottom. System analysis examines the efficiency of the government, as earlier discussed. Nonetheless, this does not mean that tangible achievements of a government or authorities are essential for a system to be legitimate. In other words, even though a government is valid and the political system does not cater for the interest of a significant part of the society, it can be considered illegitimate (cf. Chabal 2009, Gilley 2009, Washburne 2010: 18). In the same vein, Lipset asserts that legitimacy revolves around the notion that the political institutions in place are the most suitable ones for the whole society. Thereby, the larger population can connect their values to the system. This form of a community-based analysis outlines the viability of the government (Lipset 1960: 77).

Some analyses explain legitimacy outside a democratic environment. It entails assessing the very core nature of legitimacy (Washburne 2010: 18). Easton (1965) laments that "the inculcation of legitimacy is probably the most effective device for regulating the flow of diffuse support in favour both of the authorities and the regime (ibid. 278)." Washburne seconds Easton by arguing that it is not possible to rely on power or coercion to enforce the rule. He adds that the course of creating legitimacy and promoting it is crucial in ensuring the stability of any system or government. It is particularly suitable for authoritarian governments that do not have electoral[33] justification for their rule; therefore, it should be the most viable way to embrace (Washburne 2010: 18). Arthur Stinchcombe also argues that even though legitimacy relies on power, it majorly arises from its political and non-coercive nature. He comes up with reserve sources of authority which may entail public opinion and obedience of subordinates that can cause a regime to curtail opposition.

[33] However, there has been an important scholarly debate among several scholars on an electioneering process being used as consent that enhances legitimacy. As indicated earlier in regards to consent, Alagappa (1995: 23) hold the view that elections do not encompass acquiesce, whereas (Gilley 2009: 7) assert that a voting process initiates the acceptability of a state to rule.

Therefore, if the government alone can initiate these sources of non-coercive power, upholding rule through force is not essential (Stinchcombe 1968: 160ff).

However, it is essential to note that some systems, regimes, or governments which are illegitimate under the confines of Western democracy can, in some cases, endure. Although the system might not be democratic, their leaders can embrace other forms of legitimacy through specific types of ideology or traditions or by output in terms of economic development. In most scenarios, legitimacy can be sustained in an 'illegitimate' setup if the rulers in power meet the needs of the broader population. Hence, leading to the population's acceptance of the system in place since it is the most suitable one for the larger society (cf. OECD 2010).

As such, authority tends to be a notch higher in terms of legality, and that is why the community-based approach is of crucial importance. However, even though the societal-based method has a high significance, this does not mean that the analysis should only focus on public opinion but instead on processes that arouse sentiments in public opinion (Washburne 2010: 18). John Schaar argues that the enactment of a system tailored to persuade supporters of the appropriateness of the regime can promote this process. It can be achieved through the creation of rules, policies and symbols which initiate trust and the embracing of norms and values of the regime (Schaar 1981: 21ff).

4.1.3 Forms of legitimacy/ 'legitimate domination'

The term 'legitimate domination' stems from Max Weber's threefold category illustrated above, and it is vital to this study. Weber delineates "domination" (in German "*Herrschaft*")[34] as "the probability that a given group of persons will obey a command with a given content." He perceives legitimacy as a likelihood that the appropriate attitude, i.e., the recognition of the validity of the power-holders) will subsist, and the corresponding behaviour proceeds (i.e., obedience) (Weber 1978: 23). Therefore, obedience plays a significant role in Weber's empirical analysis (cf. Bottoms et al. 2013).

As aforementioned, the form of legitimacy that is embraced in any given society and promoted by a system or a rule is usually accorded meaning, and substance solely by individuals or the wider population. According to Weber, legitimacy originates typically from a person's slanted belief in it. In this regard, he outlines three ideal forms of legitimacy, which together constitute the general belief in a legitimate rule. The validity of the source of authority is compounded on rational norms

[34] The term "*Herrschaft*" is Max Weber's main political idea. Lassman asserts that this term flouts a simple translation into the English language. Nevertheless, on Max Weber's scholarly works, it has differently been translated as "domination", "rule", "authority"," leadership" and in some cases as "imperative coordination" (Lassman 2000: 83,86,89).

or personal power arising from both traditional and charismatic foundations (Weber 1978a: 215, 954).

First is the *traditional authority*, sometimes referred to as 'eternal yesterday', which entails sanctioning of customs through unimaginable ancient acknowledgement and habitual or orientation to conform (Weber 1978: 248). This type of authority has its roots in immemorial traditions, characterised by patriarchic structures (Ibid.). Culture refers to material and non-material rituals and symbols whose incantation reminds individuals of "their identity, sense of belonging, role and place in a particular community. Through widespread practices, tradition is the habitual natural routine way of doing things" (cf. Giddens 1985).

The state can also craft tradition and traditional leaders. In this case, culture is deliberately articulated. For instance, liberation wars can be used to grant the bearers of state power with a "grand sage" that confers them legitimacy. Importantly though, in conflict situations, reliable traditional sources of legitimacy that are closely associated with non-state institutions and practices can challenge state authority. Also, peoples' loyalty, trust and identity are not only limited to the state. In some instance, modern countries, especially in Africa, have embraced traditional legitimacy and instituted them into their system of governance (cf. Booth 2008, Hobsbawm et al. 1983, OECD 2010).

Second is the *legal-rational authority*, which arises from the domination of the virtue of legality. It results from a belief in the validity of the legal statute and functional competence that is grounded on rationally implemented rules. It calls for obedience to an impersonal order or system in discharging statutory obligations. Notably, this can empower a ruler's legality, as well as his or her rule and right of authority within a given and acknowledged order.

Finally, *charismatic authority* is conferred to an individual based on personality, persuasive ability, heroism, or other exemplary qualities of leadership. Obedience to such a person is not by tradition or law but because of belief in this person (Weber 1978: 241, Schlichte 2009: 33f). In other words, it entails a free-given acknowledgement of followers towards a person that they deem as being gifted with mystical, prodigious, or at least especially incomparable power or qualities (Weber 1978: 241f).

However, the charismatic authority is susceptible to subside as a result of daily schedules or predicaments since, in most occasions, it arises during crises and especially when traditional or rational-legal systems are failing, and this motivates individuals to take action. Therefore, charismatic authority tends to be unstable, traditionalist, rationed or at times becomes a blend of the two (cf. Alagappa 1995: 46, Steady 2011: 5, Weber 1978: 244-246). Globally, charismatic religious and political leaders have emerged from colonialism and failed systems. However, they

have also arisen from a state's inability to steer economic growth and provide essential goods (cf. Eberhard 1997, Hirschmann 1970, OECD 2010).

Based on Weber's categories of legitimacy, Easton identifies three forms of legitimacy, namely ideology, structure, and personal qualities. *Ideological legitimacy* arises from moral convictions on the validity of the regime and the duty of authority. *Structural legitimacy* investigates the independent belief of structure and norms, including functions of authoritative figures that operate under these structures. Finally, *personal legitimacy* is an extension of Weber's charismatic concept that revolves around leaders' capability and capacity to conform with the system.[35] However, personal qualities and character get much attention. Easton considers the above forms of legitimacy as enormously important since they reinforce the value of a person through morals and beliefs (Easton 1965: 287-304).

4.2 Enhancement and maintenance of legitimacy

No state depends on a single source of authority since various sources of legitimacy co-exist and interact. The legality of a state or a government relies on a stable, resilient network of diverse and complex causes of legitimacy. The legitimisation process of political power in a state involves a comprehensive approach that embraces, and harmonises various sources of legitimacy as well as how they interact. For instance, a state may improve the quality of public services and provide security to its citizens. However, it can hardly enhance its legitimacy if its citizens had earlier experienced it as repressive, oppressive, or violent. The above is also true if armed non-state groups have legitimacy and can provide security, as is the case of warlords in Afghanistan (cf. OECD 2010).

Several measures can maintain and sustain legitimacy. Regarding democracy, legitimacy can arise from free and fair elections. The establishment of an inclusive government together with stronger opposition parties, civil society, the media and conflict resolution mechanisms play a significant role in the cultivation of legitimacy. Through these processes, a state connects with its citizens and contributes to public duty civil order (Barker 1990: 145-149, cf. Barnett 1998:43f., Ramsbotham et al. 2014). Legitimacy can also arise from the use of strategies such as indoctrination, propaganda, the media, political debates, public emblems, as well as through justification of actions. Also, a state's education systems can play a vital role in strengthening the government's ideologies and

[35] As a critic to Max Weber on the charismatic concept, David Easton (1965) argues that personal legitimacy, the degree to which certain persons in authority are accepted by followers, is approved morally due to their behaviour or symbolism. David Easton holds the view that this is the fundamental platform on which a belief in legitimacy is created or strengthened. He argues that this is considerably different from what Max Weber terms as Charisma (ibid. 302f).

enhance mass legitimacy in the infant stages of personal intellectual development (Barkert 1990: 145-149, Barnett 1998:43f).

The above is consistent with Lipset's 'national rituals,' which encompasses the embracement of national emblems, that indicate the level at which a state creates a 'secular political culture' through rituals, national holiday and honouring of heroes (Lipset 1960: 78ff). Similarly, on a state's perspective in the promotion of legitimacy, Michael Bartnett asserts that emblems are relatable to particular resonances, which emanate from a familiar reminiscence of the past, language, culture and are deeply ingrained in a communal political setup and connect to identity (Barnett 1998: 43). Religion, especially in the Arab World, is mostly associated with the endorsement of emblems of nationalism. Sharhram Akbarzadeh (2003) asserts that the absorption of Islamic symbols and glossary manifested in state power is validated by referencing the indivisibility of Islam and national identity (ibid. 169).

In the post-colonial African context, many fragile[36] states are artificial constructs founded through the obliteration of the pre-colonial states (or rather social structures) and other political entities and traditional social systems that existed beside them. This was through the imposition of authoritarian, rational-legal bureaucratic structures without a legitimate social contract (Clapham 2004: 86, OECD 2010). Therefore, these states lack the legitimacy which emanates from "evolving endogenously to their society" (cf. Englebert 2000). Furthermore, sustenance, maintenance and cultivation of legitimacy in the contemporary Global South setup can arise from a combination of the pre- and post-colonial sources of legitimacy. It includes the establishment of new institutions that are based on both modern and bottom-up, community-level norms, values and tradition that mirror or fit the citizens of these countries. In such a pre-post-colonial setup, the cultivation of legitimacy and the effectiveness of the state institutions can emanate from the inclusion of "non-state, informal, 'tradition' kin and community sources of authority, as well as state-based, formal, 'modern' sources. The two-fold elements of legitimacy can be combined, and 'hybridised' to create a viaduct or a link between the past, present and the future and thereby sustaining legitimacy (Clements 2014: 14, cf. Lund 2006).

However, the rational-legal form of governance to some extent disrupted the conventional sources of legitimacy in the Global South and, more importantly, in Africa, was founded on norms of trust and reciprocity. The nucleus constitutive values that are encompassed in the traditional legitimacy, facilitate families, kin groups, ethnic groups, and the society at large to co-exist mutually, gratify

[36] There is a scholarly debate (as well as a lot of perplexities, vague and blurred distinction) pertaining definitions, descriptions, terminology and the traits of "weak", "fragile", "failing", "failed" and "collapsed" states (cf. Boes et al. 2005: 388, Crisis Research Center 2006: 4, Chesterman et al. 2005, Debiel.et al. 2002, Debiel et al. 2007, Milliken 2002: 754,764, Milliken 2003, Schlichte 2005, Schneckener 2004: 10ff).

basic human need and subsist through time. Therefore, this form of a traditional process stems from the provision of welfare and aids in cultivating, sustaining, and enhancing performance legitimacy and appends impetus to the legitimisation process. Besides, it supports the development of a recognised rule of law and suitable accountability mechanism for politicians and public servants (Clements 2014: 14, see also Lund 2006, Schatzberg 2000).

Kevin Clements labels this form of legitimacy as 'grounded legitimacy', which emphasises a normative aspect of leadership and governance that enables a rejoinder to citizens' values and belief based on bottom-up flow (Clements 2010, Clements 2014: 15). Legitimacy based on operating performance such as the delivery of services, or economic growth, is not grounded legitimacy. It applies to cases of the international community working in post-conflict states or external actors and politicians who are involved in a nation or peace-building activities.

However, if their endeavours include traditional (i.e., local values, beliefs, traditions, and customs) and modern (i.e., legal-rational) channels through which local populations can participate in matters of state formation, then they can maintain and sustain their legitimacy. Otherwise, if they disconnect from the local community, then legitimacy will be grounded (Clement 2014: 15, Englebert 2000).

4.3 Confines in the conceptualisation of legitimacy

Authorities rely on various forms of legitimacy, such as ideological, traditional, personal, eudemonic, and democratic or structural legitimacy. These can be used simultaneously in historical, social-economic, and political circles (cf. Niblock 2006: 10ff).

Most of the scholarly works on legitimacy revolve around Max Weber's three seminal works on ideal forms of legitimacy. However, his empirical analysis has attracted significant critiques and fans for various reasons (cf. Coicaud 2002, Matheson 1987). For example, David Beetham (1991) criticises Max Weber categorisation of three ideal-type of legitimacy as a 'straightjacket' within which coerces all descriptions (ibid. 24). Also, he criticises Weber for not embracing a normative. Instead, he outlines and proposes an equidistant of the two. According to him, power is legitimate if it follows standard rules and beliefs shared by the authorities and those subordinated, together with a proof for consent (see Alagappa 1995:14, Beetham 1991: 15f).

He further criticises Weber's assumption that power relationships are legitimate once the populace believes in them as being valid. According to Beetham, a population cannot recognise a power-holder just because they believe in his legitimacy but because "power is legitimate to the extent that is justifiable in terms of beliefs shared by both the dominate and subordinate (Beetham 1991: 12)." He also argues that Max Weber's analysis on legitimacy puts uncalled-for prominence upon

a person's subjective belief instead of focusing on the real compatibility between the legal validity of power and how that power is applied and the shared value of the society (Beetham 1991: 12).

Scholars such as Christian Lund and Michael Schatzberg have outlined the confinements behind the concept of legitimacy. Whereas formal Western institutions obtain legitimacy through interrelations between the state and the society, African politics consider traditional institutions at the periphery of government structure, founded on the loyalty of the citizens. These traditional institutions comprised of chieftaincies, associations, and organisations whose exertion of their political power is independent of state governance. Also, these traditional institutions strengthen their legitimacy through negotiations with state institutions (cf. Lund 2006, Schatzberg 2000).

Furthermore, in non-Western states, state-society relations stem from personal ties. They distribute public goods according to one's cultural reference group or followers as opposed to universal rights, and similarly, access to resources is not only dependant on personal relations but an open economic and political contest. As such, it leads to vagueness in the differentiation of public and private spheres. As a result, the people's perceptions of what encompasses legitimate political authority are contrary to Western and non-Western states. Therefore, one should avoid one-size-fits-all approaches (cf. Boege et al. 2008, Clements 2014, OECD 2010).

Even though most countries in the Global South are ostensibly liberal democracies functioning on formal rules, they embrace hybrid social-political orders which are deeply anchored in indigenous social structures (cf. OECD 2010). They comprise traditional sources of legitimacy based on norms arising from social relations and mutual commitment that enhance trust and reciprocity ('traditional' political order) and legally enforceable rules (rational-legal political order). Therefore, such an arrangement is not inherently detrimental to the growth of the rule-based political system. Still, it remains influential in streamlining functions of the formal authority, especially in fragile situations (cf. Englebert 2000, OECD 2010, Tisne et al. 2009).

For instance, in the autonomous region of Bougainville in Papua New Guinea, the post-conflict order incorporates traditional and legal-rational legitimacy. It includes a mix of voter-initiated legislation and recognition of the Council of Elders as a legal institution, which works to streamline the political order. However, they permit local variation in the election of members comprising traditional chiefs and elders and other representatives of community groups such as women, youth, and the churches. In Tonga, the constitutional monarchy incorporates the popular legitimacy of kings and nobles together with their legal-rational legitimacy as principles of the state and members of parliament. Similarly, in Vanuatu, the National Council of Chiefs (Malvatumauri) is perceived as a legitimate institution of governance in distinct areas of social-political activity (cf. Clements 2008, OECD 2010).

The same applies in African states such as Botswana, Ghana, Rwanda, amongst others, where traditional processes act as a means of cultivating legitimacy in matters of states' governance. For instance, following the 1994 Rwanda genocide, the Gacaca[37] tribunal followed a traditional dispute-resolution mechanism. That is 'African Solution to African Problems, or rather a home-grown solution' provided an efficient reconciliation process that neither the state nor the customary law could have achieved (cf. Acemoglu 2003, Brothers et al. 1994, Clapham 2000, Clements 2008, Holm et al. 1989, Kagwina 2009, OECD 2010, Samatar 1999).

Traditional sources of legitimacy play an important role during election periods in the Cushite communities in North-Eastern Kenya, and Somaliland in legitimising prospective candidates. This is terms as 'negotiated democracy', where for instance, members of parliament and other officials acquired power not only by being elected; instead, their appointment is based on kinship affiliation and patronage[38] (cf. Bradbury 2003, Bradbury 2008, Nation Media 10.05.2017, Standard Media 22.08.2016).

The above cases show how forms of grounded legitimacy entail both inoculations of traditional practice into formal institutions and the re-negotiation and remodelling of various sources of legitimacy via a state-society bargaining process (cf. OECD 2010, Washburne 2010: 21). Therefore, the state and its institutions function effectively and legitimately if only they work

[37] Amidst the strengths of the Gacaca system, it also has received much criticism. Instead of Gacaca re-establishing social balance, it focused on administrating retributive justice. Many perceive it as a platform of exacting revenge on adversaries or intimidating others with the threat of accusation. Therefore, instead of establishing a sense of truth and reconciliation, it ended up stirring feelings of fear and intimidations (Haberstock 2014: 10, Longman 2010: 51, Rettig 2008: 39). Judges serving in the judging panel lack legal experience or knowledge of the legal system. Instead, the population chose judges based on status (Rettig 2008: 354-335). According to many westerners, Gacaca is void of due process of rights of the accused as defendants have no lawyers, and verdicts do not rely on physical evidence, but rather the testimony of the witness. Also, in the absence of accountability, partakers in Gacaca can bear false witness against the accused (cf. Corey et al. 2004: 73-89, Longman 2010: 51, Retting 2008: 39, Westberg 2011: 354ff). There are also criticisms that the Gacaca system reinforced ethnic divisions instead of fostering reconciliation. The reason is that the Hutu men are associated with crimes of the genocide. As such, this notion has led to collective guilt of all Hutus, instead of individualising guilt based on individual actions (Haberstock 2014: 9ff). Also, it has culminated to a dichotomy of Hutus as perpetrations and Tutsi as victims of the genocide (cf. Buckley-Zistel 2005). Besides, particularly in the post-genocide period, many believe that the Gacaca tribunal has become a platform for the government for silencing individuals criticising the current government (Westberg 2011: 356, Viehbach 2013: 7ff).

[38] As earlier indicated, the provisions of goods and services should universally be distributed to the wider population through fairness and without the aim of enriching oneself. However, patronage straddles both of two sources of legitimacy namely input and output. It is most persistent in fragile environments that are characterised by states that have a weak capacity and it can serve as the main channel of controlling violence, establishing political alliances as well as enhancing social stability. In a patronage system, legitimacy is connected to the incentives that amass from barter, and by acknowledging that this process of exchange permeates the wider population. Therefore, individuals at the very top or bottom are concurrently both client and patron of certain individuals. In essence, patronage wanes the performance of a state and it can also undermine the legitimacy of a regime like for the case of South Sudan (more details chapter 8.4.3). This is especially when it tends to be perceived as extreme and unjust. For instance, if only a certain group or individuals in a society profit excessively at the expense of others and thereby catalysing and reinforcing perceived or actual horizontal inequality. Such an occurrence reinforces the spiral of state decay as the quality of governance is eroded thus triggering political instability of a state (see Chabal 2009, Leonardi 2015, OECD 2010, Stewart 2003).

together with chiefs and elders in the society, who may sometimes operate independently. Their collaboration, which is mostly ad-hoc and informal, is required to reinforce the legitimisation process of states institutions (See Clements 2008, OECD 2010).

Thus, kinship and patronage instigate a contest between rational-legal and traditional sources of authority, who anoint their political candidature even though the constitution hardly mentions the negotiated democracy per se. Additionally, the rules-based system cannot be imposed in certain societies since they are local (For more detailed information see, Haber et al. 2003, Moore et al. 2008, Qian 2003). As such, the enhancement of legitimacy focuses on negotiation and a political bargaining process between the state and various groups in the society, whereby institutions[39] and norms are remodelled. The amalgamation of such a perception and an understanding of legitimacy enhances state capacity and legitimacy to the broader community (see Leonardi 2015, OECD 2010, Tisne et al. 2009).

Therefore, converse to Max Weber's and others scholar's suppositions that formal, legal, and political authority would inexorably sideline informal, traditional forms of power, 'traditional' authority, despite modernisation and re-invention, is still strong, diverse, and significant. It is mainly the matter in a fragile state of affairs where a government cannot provide necessary security and services, or in remote peripheral areas where local, customary and traditional practice and interactions persist in the formation of daily social reality and provision of necessities (cf. Armingeon 2002: 81-105, Hagmann et al. 2007, Heald 2007, Leonardi 2015, Mai et al. 2009, Nation Media 10.05.2017, OECD 2010: 18f, Standard Media 22.08.2016).

In such a situation, the citizens show their loyalty to their group (whomever it may be), but not to the state. Being a member of a traditional community confines someone to a net of social relationships and joint commitments more potent than obligations as a 'citizen'. Legitimacy accrues to a state leader if he or she is also a leader in a societal context. For instance, a minister who is also a tribal chief brings hybrid legitimacy, which is a blend of traditional legitimacy, charismatic legitimacy, and legal-rational legitimacy (cf. Boege et al. 2008: 9f, Clements 2014: 15, Johnson

[39] For example, the Senegalese banking sector functions according to the international rules and regulations that were set by its former colonial power. However, such an establishment is foreign, and inapt to the larger number of small economic operators, who mainly depend on the unofficial and informal channels that are laid down by the Muslim community (the Murid Brotherhood). The financial transactions within these community function through social pressure and it is based on strong social and religious connections amongst the members of the brotherhood as well as it relies on the legitimacy that is accorded to its leaders. Thereby, such an undertaking supports quasi-contractual relationships. However, even though this parallel financial system is different from the official financial system of the Senegalese financial sector, the leaders of the brotherhood operate through a symbiotic relationship with the state. The coexistence of such a form of the financial system is present in the "tontine" system in West and Central Africa, as well as in the hawala system (i.e., a form of an informal value-transfer system that is grounded on the trust amongst members of the wider family and regional links) is mostly used by labour migrants. Such a financial system serves as an example of coexistence of norms with positive results (Kipre et al. 1990, Mughal 2006, OECD 2010: 35).

2016: 108ff; 205, see also Leonardi 2015, OECD 2010). Therefore, unlike in the Western ideals of legitimacy, institutions in most African countries function through traditional networks such as the Jieng Council of Elders (JEC) in South Sudan as a measure of strengthening their capacity as well as legitimacy (Boege et al. 2008: 7f, see also Hirschmann 1970, Schlichte et al. 2000, Trotha 2000). David Lund posits that in Africa, "public authority becomes the amalgamated result of the exercise of power by a variety of local institutions and the impositions of external institutions, conjugated with the idea of a state (Lund 2006: 686)."

Michael Schatzberg brings an indigenous perspective to power in Africa, where paternal imageries play an important political role. He asserts that political legitimacy follows a normative stance. The relationship between the African citizen and the state is comparable to that of a father and an extended family. As a result of this, local languages have an impact on how legitimacy can be understood (Schatzberg 2000). The moment the behaviour of a political leader compares to that of respect and obedience to their' mothers, wives and daughters, then they are perceived as uninfringeable legitimate actors (ibid. 203). In this case, legitimacy is articulated through consensus in specific communities and is affected by the unclear boundary between public-social realms and private life (Schatzberg 2000).

Likewise, Filomena Steady likens the African power set up to motherhood for female leaders, which mirrors the normative ideals and humanistic beliefs that perceive motherhood as a metaphor for humanising the state (Steady 2011: 22). From an Afro-centric viewpoint, motherhood strengthens, and does not subordinate women (ibid. 218). Against this backdrop, legitimacy can come from a multifaceted and significantly implicit ethical milieu of legitimate governance, which arises from an idealised image of authority and attitudinal behaviour in a family, which can be paternal or maternal (Schatzberg 2000: 23).

Gianfranco Poggi outlines a limitation of Weber's and Easton's concepts of legitimacy by asserting that they do not expound on the increment of a welfare state. Firstly, he shares the notion that there are new political problems in the post-liberal country that have failed to be explained by the traditional concepts of political legitimacy (Poggi 1978: 132ff). Secondly, some developments displacing the state/society line increase the political leverage of social forces (ibid.). As a result, a state finds other means of engendering legitimacy, and this brings in the form of legitimacy that Poggie refers to as 'social eudaemonic'. It can play an essential role in expounding the emergence of a 'private' outcry of individual consumers in the public domain (ibid. 134). In this case, a state generates legitimacy by providing welfare services, i.e., supporting the economic system through the provision of goods and services to its citizens, who accord legitimacy to a state only if it is in their interest (Chen 1997: 421, Holmes 1993: xiiff, Rothschild 1977: 488, Washburne 2010: 21).

Pierre Englebert asserts that legitimacy is only suitable for economic growth rather than for societal or ethnic unity as this can taint the legitimacy of a regime or political leaders (cf. Bratton et al. 2006: 1068, Englebert 2000, Washburne 2010).

In sum, the earlier concepts of legitimacy introduced five forms of legitimacy: ideological, traditional, personal, eudemonic, and democratic or structure. Authorities rely on these forms of legitimacy to sustain their regime, and they can use them simultaneously in regard to historical, social-economic and political factors. Thus, despite the confines of legality in the Global South, this section has illuminated how the blend of legal-rational and traditional sources of legitimacy can validate authority or right to rule in the contentious environment to safeguard social cohesion, welfare and security to the society. Noteworthy, in such a setup, an ultimate legitimacy of state institutions competes with other traditional/customary sources of legitimacy (cf. Boege et al. 2008: 7, Coicaud 2009: 17-28, Englebert et al. 2008, Engel et al. 2003, Hagmann et al. 2007, Niblock 2006: 10ff).

The following section outlines how armed non-state group and rebel groups attain their legitimacy or rather how the concept of legitimacy fits in the traditional and centric analysis perspective.

4.4 Legitimacy in relation to armed non-state actors

Several theories exist on the insurgency. Some of them include theories of relative deprivation (which circumvents on resources or political deprivation), greed versus grievance, and recruitment (Allen 1999: 367-384, Ballentine et al. 2005, Berdal et al. 2000, Clapham 2002:775-795, Collier et al. 2001, Duffield 1998: 65-102, Grävingholt et al. 2007, Gurr 1968, Keen 1998, Kaldor 1999, Midlarsky 1988, Preti 2002, Regan et al. 2005, Reno 1997: 493-510, Tilly 1978, Weinstein 2006).

This section illuminates the processes through which armed non-state actors or rebel groups can compare, enact, and compete with a state on the monopoly of legitimate force. A nation has to be a sole claimant of a patent over legitimate violence, territory, citizens, provision of services, and is acknowledged by other countries (Soerensen 2001). A political order, institution or actor is deemed as legitimate only if its people perceive it as satisfactory and believe that there is no other alternative that is vastly superior (Bonnell et al. 2001). The power that is understood as legitimate by those subjected to it makes up authority, and it is most efficient when accompanied by non-coercive actions (cf. Arendt 1983, Weber 1947, cf. OECD 2010).

Although valid, a state can encounter challenges that can taint its credibility, and undermine its authority and capacity. It happens mostly in countries where a government is unable to control or claim legitimacy because of an imminent rise of armed groups that challenges a central government. Although studies on legitimacy focus on high-level political power holders, this is

qualified by the rising incidence of non-state armed insurgents, some of which have captured state power. Some examples are the African National Congress in South Africa, the Rwandan Patriotic Front (RPF) and the SPLM, to only mention a few.

The overarching question is, *how do such groups establish attempts to legitimise themselves*? A civil war arises when a section of a state's population challenges its legitimacy. Armed, violent non-state actors, mostly perceived as illegitimate by a state, may claim 'actor legitimacy' within a specific background. Rebel leaders can obtain authority from the populations' belief in their validity of power and legitimise their use of force through proclamations as being the rightful '*protectors*', '*liberators*' or '*defenders*' of the oppressed and downtrodden citizens (cf. Dudouet 2014, Ramsbotham et al. 2014, Jo 2015).

Armed non-state actors may attempt to gain entry into the political system through political violence, threats and intimidation, depriving authorities in power of their legitimacy. They may also appeal to the in-group to incorporate the out-group (cf. Dahl 1963: 138f). States that are unable to provide welfare services compromise their legitimacy. The same applies to countries that fail to integrate citizens or minorities into their societies. These citizens may turn to actors perceived as powerful and effective as sources of welfare services and security. As a result, society will seize to support the state's legitimacy and confer it to non-state actors whom they trust. It paves the way for citizens with viable exit options that aid in their disengagement with the state (cf. Eberhard 1997, Hirschmann 1970).

In such a scenario, the rebel groups or armed non-state actors acquire what Zachariah Cherian Mampilly terms as '*social legitimacy'*. As a result, they continue to provide essential welfare services, and create complex parallel administrative systems and alternative structures of government. This aids them in generating civilian compliance, support from the population, and enhancement of their legitimacy. Besides, it equates to a states' loss of authority and the rebels become de facto rulers and governors in regions under their control, and it erodes a state's monopoly of power (cf. Dudouet 2014, Salloukh et al. 2013: 516-531, Salloukh 2014: 100ff, Mampilly 2011).

Furthermore, in some occasions, "oligopolies of power" emerge (cf. Mehler 2003), or the "rule of the intermediaries" replaces the rule of the central government (Trotha 2000: 277f). If a rebel group acquires political recognition through interaction with international aid delivery, and it is invited for peace talks as equals with the government, the honour, cooperation, and negotiation confer to the group international legitimacy (cf. De Waal 2014). However, questions arise as to whether legitimisation by external actors conforms to ideas and views of the local population and whether the former rebel group's policies will lean towards foreign stakeholders (cf. Bareketeab 2018,

Kovacs 2008: 150). As we shall see in later chapters, the signing of the CPA between the government of Sudan and the SPLM conferred recognition and legitimacy on the insurgent group, leading to secession and the creation of a new 'rebel-led' government in South Sudan.

Nonetheless, the transition period from a rebel movement to a party usually faces challenges as the groups attempt to change from aggressive ethos to a civic ideology, and safeguarding legitimacy becomes vital for the group leader (Washburne 2010: 27). Most rebel movements fighting governments see themselves as legitimate representatives of their communities fighting illegitimate governments, which may be marginalising or oppressing their people. Consequently, they create institutions similar to those of the government. Also, such an institutional setup becomes legitimate if the populace recognises it (Hinsch 2010: 41).

Jeremy Weinstein's conceptualisation of two models of insurgency perceives an insurgency as a social movement that rallies behind a common interest or as a state. According to him, rebel movements espouse state-like functions that address issues of the country. Rebel movements see themselves as legitimate contenders of power, and sovereignty of a territorial area and consequently start carrying out duties of the government before they attain power. The provision of collective goods by the rebels creates competing centres of legitimate political authority, winning them support from the local population. As such, it puts at stake state's legitimacy (cf. Clapham 1998, Weinstein 2007: 37ff).

Charles Tilly holds that rebels' organisational nature is state-like and may bring about various sovereignties with competing political fractions perceiving themselves as legitimate holders of authority with ways of coercion to pursue this goal (cf. Tilly 1978). Jeff Goodwin defines a state as an organisation(s) that has the power and an upper hand in monopolising the legitimate use of force in a geographical area. Armed revolutionary movements are a kind of state-in-formation since they try to monopolise the main channel of coercion in a geographic area. The state-like feature of a revolutionary movement is evident in its ability to control and govern liberated territories in a national society (Goodwin 2001: 12).

4.5 Transformation trajectories of a rebel movement to a legitimate political actor

In Africa and other parts of the World, many armed non-state groups have fought central governments in a bid to liberate their population from repressive and suppressive regimes, minority rule or (internal) colonialism (cf. Clapham 2012, de Zeeuw 2008, Dudouet 2014, Mimmi 2008, Njuguna et al. 2011). However, the transformation trajectory is usually a cumbersome, and challenging process that does not occur in isolation. It is generally accompanied by structural and self-transformation of attitudinal and behavioural mindset to be part of political order and gain support from the population and retain power (cf. Clapham 2012, de Zeeuw 2008, Dudouet 2014).

A successful transformation of a rebel group to a legitimate political actor should include the earlier discussed elements of input or process legitimacy, approved rule, and output or performance legitimacy. Such a measure entails political initiatives, democratic election, economic growth and active participation by all the citizens in these processes. It is also associated with the effectiveness and provision of public welfare services such as health, security, and education. Besides, a rebel group must develop vibrant, and inclusive government institutions and relinquish its military ethos or revolutionary ideology and move beyond liberation politics to free and fair participation in the state and nation-building process (Barnes 2002: 12, Belloni 2008, de Zeeuw 2008, De Waal 2014: 20, Call 2012: 33, Njuguna et al. 2011, Scharpf 1997: 29, McKeon 2004).

Christopher Clapham posits that after the struggle period, former rebel movements acquire a high degree of legitimacy since they consider themselves as remnants of 'martyrs' who sacrificed their lives to achieve liberation. Struggle legitimacy can become a fast-wasting asset in the eyes of the population as they come to terms with demands of running a valid state, and constraints from the global economy that was hardly noticeable in the struggle period (Clapham 2012).

This is because the expectations arising from triumph may lead to disappointment if the former liberation movement does not quickly shed its military fatigue and ethos and deliver on promises made during the struggle period. A successful liberation struggle that culminates in the capture of state power makes former rebels see themselves as the only ones who have a right to rule. They rarely voluntarily relinquish their control, the case of Nelson Mandela in South Africa being a rare exception.[40] In most cases, rebel movements that did not follow democratic principles during the struggle period rarely promote democracy or acknowledge the rights of others to govern when in government. This leads to ineptitude in performance capability and consequently renders the government less important. Compromised legitimacy and the hegemony of power enjoyed by liberation movements lead to the use of violence and oppression as a means of sustaining power (cf. Clapham 2012: 4f, Johnson 2016:19).

Liberation movements are infrequently monolithic since they tend to be characterised by competition for 'movement hegemony'. Such a tendency is mostly accompanied by internal fighting or splits, which, as we shall later see in the case of SPLM, can have disastrous outcomes in the post-conflict environment (cf. Johnson 2016). Besides, post-liberation movements in most cases transform themselves into corporate states with former 'liberators' joining hands to create

[40] Apart from Mele Zenawi of Ethiopia who ceased power after his death and Robert Mugabe of Zimbabwe through a coup, most of the former liberation leaders such as, Paul Kagame in Rwanda, Yoweri Museveni in Uganda and Isaias Afwerki of Eritrea, just to mention a few, have never relinquished their power decades after coming into power and are still in office.

interests in the establishment of a monolithic power block that only serves the benefits of these officials and exclude and ignore the needs and demands of the population (cf. Clapham 2016).

A rebel group that acquires power through revolutionary legitimacy can face immense challenges in upholding the ideology that catapulted them to control if it does not change its revolutionary thinking to fit an open-based political system. Reliance on extremist ideologies in a post-conflict setup undermines the efforts of the new government leaders in the provision of their previous promise on development and governance. Also, the transformation of revolutionary legitimacy and eudaemonic legitimacy can be a daunting task for former rebel groups in a post-conflict environment (Metelits 2004: 67-76).

As such, it hinders the cultivation of eudaemonic legitimacy and taints the possibility of peace and stability in the post-conflict period. Jeroen de Zeeuw and Christopher Clapham assert that the ability of a rebel group to transform into a 'normal' political entity influences its ability to change from a rebel group to a political party successfully. Because of transition difficulties, self-transformation for a former rebel movement is essential. Such an endeavour is challenging since it entails compelling the rebels to transform their military struggles into a political battle and calls for the restructuring of military entities into a dialogue-based political organisation (Clapham 2012, de Zeeuw 2008).

However, in most instances, liberators hardly recognise internal splits and domestic opposition as signs that they have outstayed their welcome. As a result, they handle them just a "challengers to rightful order", as is the case with "*curse of liberation*" of the SPLM in South Sudan (Clapham 2012, Johnson 2016: 20, Sudan Tribune 13th February 2013). Successful transition calls for demilitarisation and dismantling of former rebel's organisational structure and creating in their place a political organisation that can represent widespread interest, electoral candidates, organise electoral campaigns and be responsible and accountable in governance (de Zeeuw 2008: 13f, Lyons 2004). There should also be an establishment of processes through which to air famous voices, impartial state institutions, structures of local governance, national integration, reconciliation, and DDR process (disarmament, demobilisation, and reintegration).[41]

There is also a need to establish a robust civil society, inclusive economic participation, and decentralisation of political power. It is also essential to restore stability and the rule of law and the

[41] This is an important measure that entails the disarming of former rebels formally or even reducing military formations, as well as putting in place measures to partially or fully confiscate their armaments and reintegrating these former rebels into the society and supporting them to engage themselves in other income-generating activities so that they can fend for themselves as well as their families. However, as observed in Burundi, Sierra Leone and Mozambique this reintegration process can take a lot of time and if not implemented well, it can obscure the transformation process. Additionally, it can undermine the peace processes in the post-conflict setup due to disgruntled former fighters (Ball et al. 2006, de Zeeuw 2008: 12f).

negation of social vices such as nepotism, tribalism, and corruption. Structural adjustments of former combat institutions, mainly separation of powers and the creation and promulgation of the constitution, social reintegration, and political transformation, are all critical in ensuring peace, growth and stability in the post-conflict setup (see de Zeeuw 2008, Dudouet 2014: 93).

In sum, the transformation process of a liberation movement to a legitimate political actor is not a smooth pathway, and it should entail structural reforms, political and attitudinal or behavioural change. For the reasons identified above, these processes should involve formal, democratic governance, military and constitutional reforms, observation, and respect for human rights. The DDR initiative in the security sector lays a foundation for the transformation of non-state armed actors. Accordingly, demilitarising the organisational structures, the establishment of objectives and tactics constitute a 'model' rebel-party transformation.

A former rebel group has to disarm and demobilise its combatants and cut its ties with any remnant fighters. It should enact a civilian leader who frequently confers with party members when deciding on significant and sensitive policy decisions. It should show commitment to and abide by the secession of hostilities, aid in implementing the peace agreements and denounce violence as a channel of pursuing and achieving its objectives. In place, it should accept and acknowledge political and electoral competition as the only way of selecting executive and legislative membership (De Zeeuw 2008: 15f, Lyons 2004, Njuguna et. at. 2011).

Summary

This section defined legitimacy, outlined its sources forms, and identified actions that can cultivate or constrain legitimacy. It also explained factors that can extend legitimacy to armed non-state actors that are engaged in a conflict with a central government. In the African context, legitimacy encompasses hybrid formats, which include traditional forms of authority that are influential in streamlining formal authority functions. Besides, political legitimacy is dependent on sustaining the constructive and symbiotic relations between a state or rebel group and society.

The chapter highlighted how legitimacy should be understood in terms of a political trait of a ruler whose power and the right to rule is acknowledged by persons who are under his or her control. The political legitimacy that aids a leader to rule must be characterised by minimal use of force towards the citizens subjected to his political power. The dispensation of political power should not revolve around narrow personal, partisan, or selfish interest but have a common good.

The section outlined six primary sources of legitimacy, which are vital to answering the research question of how the SPLM acquired legitimacy, hence enhancing its transformation from a rebel movement to a legitimate political actor in South Sudan. Different sources of legitimacy in

distinctive societal conditions play various roles in their respective social and political context. At times they harmoniously co-exist and strengthen each other, but sometimes they can generate contradictions. The following are the sources of legitimacy, namely: *Input or process legitimacy* – It is associated with the approved rule or procedure. *Output or performance legitimacy* arises from the effectiveness and quality of public good and welfare.

We also identified another source of legitimacy that is based on *shared beliefs* and *traditions.* This form of legitimacy encompasses beliefs that are enforced through religion, customs, traditions, and charismatic leaders. This source of legitimacy is complicated since it entails a thorough understanding of various multifaceted social and political aspects that shape the notion of legitimacy. Over time, these beliefs are prone to change, leading to changing conceptualisation of legitimacy. Furthermore, a sole enactment of rational-legal political institutions, especially in conflict and fragile environments in the states in the global south, is doomed to fail. Legitimate political authority cannot be established only by strengthening input (formal rules) or output sources (improved performance) of legitimacy. However, it is essential to acknowledge the population's perceptions of what is right and acceptable.

International legitimacy is of paramount significance since it can initiate or create new opportunities for some actors. In addition, it can have adverse effects and impacts on a state or a society. International legitimacy, that is, the acknowledgement of a state's external sovereignty and legitimacy by foreign actors, also influences the domestic sources of legitimacy. Therefore, the involvement of external actors in a certain region or state can be two-thronged. On the one hand, the resources that they contribute can play a vital role in cementing and enhancing or even hindering legitimacy. On the other hand, especially in fragile situations, foreign actors can either enhance or reinforce the legitimisation process of non-state actors' competition with the state.

Also identified is *attitudinal legitimacy*, which entails a behaviour geared towards relinquishing military ethos and ideology, and the embracement of civic ideology in the post-conflict period. It also entails *structural legitimacy*, which involves establishing and developing an open and effective institutional structure, i.e., separation of powers.

The following chapter provides a historical background to the origin and evolution of Sudan's People Liberation Movement/Army.

5 Contextual Background: The origin and evolution of SPLM (1983-2005)

Sudan faced two post-independence civil wars between (1955-1972) and (1983-2005). In the first civil war, the Anyanya[42] fought for Southern Sudan's independence. However, they signed the Addis Ababa Peace Agreement in 1972 with Khartoum's government, contrary to their expectations, and as the war ended, they attained semi-autonomy. Consequently, in the second civil war (1983-2005), the SPLM/A rallied for a reformed 'New Sudan' culminating in the creation of an independent Republic of South Sudan.

This chapter undertakes an analytical approach to examining the Sudanese conflict whose complexities have evolved over two decades. Because a comprehensive analysis of the wider Sudan conflict since independence in 1956 is beyond the scope of this thesis, this chapter will focus on the period between 1983 and 2005.[43] Nonetheless, this analysis facilitates an understanding of the multifaceted interplays between political, historical, cultural, and geographical developments, and their implication on the future of Sudan. Besides, the chapter highlights the significant occurrences in Sudan's history and is limited to a specific period in which the study employs a nuanced analysis in examining factors behind the origin and evolution of SPLM/A.

Therefore, the structure of this chapter is divided into sub-chapters as follows: The first section briefly examines the root causes of conflict in Sudan. The subsequent section provides a historical account of events that led to the emergence of SPLM in 1983 as the leading rebel group and a national revolutionary movement in Southern Sudan. The following sub-chapter details the entry of SPLM in Ethiopia and its leader John Garang's embracement of an ideological stand of 'New Sudan' based on tenets of socialism and Sudanism aimed at enacting a complete overhaul, ensuring democratisation and the transformation of Sudan.

The following sub-section will delve into the fall of the Derg regime and the subsequent internal split and reconfiguration of the movement. It also looks at the establishment of Other Armed Groups (AOGs) in Southern Sudan. The subsequent sub-chapter provides an analysis on the enactment of reforms within the SPLM/A through the 1994 National Convention aimed at enticing other armed groups to join the movement in the liberation war against the central government of Khartoum. The last section highlights the transformation of the SPLM/A, followed by a summary. The section is chronologically systematised in phases so that inclinations can be well distinguished.

[42] The word Anyanya is an amalgamation of the word Madi that stands for fatal snake venom (Inyanya) as well as a dangerous species of ant (Manyanya) (cf. Johnson 2003).
[43] For more historical details on Sudan see Collins 2008, Daly et al. 2016, Deng 2006: 155-162, Fluehr-Lobban 2011, Garang 2013, Gray 1961, Holt 1963, Hoile 2002, Johnson 2002, Johnson 2003, Khalid 2015, LeRiche et al. 2013, Mukhtar 2013, Mungazi 1996, Rahman 1988, Reyle et al. 201l).

5.1 Sudan's historical background

The term Sudan (or Soudan), which abbreviates Bilad al-Sudan or "Land of the Blacks", emanates from an Arabic word that medieval geographers used in the whole of the sub-Saharan belt. In the nineteenth century, the term Soudan became a household name that signified the Nilotic region and contiguous geographical areas. Before South Sudan's independence, Sudan was one of the largest countries in Africa with an extraordinary ethnic and cultural diversity, "a microcosm of Africa" in a population of 39 million people comprising about 600 distinct ethnic groups speaking 400 different languages (Aldehaib 2010: 8).

Its citizens of African descent in Southern Sudan were predominantly Christians who also held onto indigenous belief systems. Those of Arabic descent occupied the northern part of Sudan and adhered to the Islamic faith. Although the North was (or still) generally defined as racially Arab, the population is a combination of Arab and African descent, with African physical characteristics prevailing in most tribal groups. As far as the cause of the complex Sudanese conflict is concerned, Douglas Johnson states that religion, local perceptions of race, and social status; economic exploitation, colonial and post-colonial interventions are all elements in Sudan's civil war, but none, by itself, fully explains it (2003: 1-2)." The diversity of Sudan's population posed challenges to its rulers in their attempts to create a united nation. Instead of diversity being used as a cornerstone to strengthen the nation, it catalysed tension between the northern and the southern parts of Sudan since it gained its independence from Britain and Egypt in 1956 (cf. Aldehaib 2010: 8; Daly et al. 2016: 10, Zwan 2011: 11).

Francis Deng portrays the conflict between North and South Sudan as a "conflict of identities in which law has been viewed as an integral part by the conflicting identities." The Southerners allege that they were oppressed by the Northerners, who imposed their cultures on them. Furthermore, the Northerners' national identity was a determinant of the distribution of power, wealth, services, and development opportunities (Deng 2005: 10). Besides, the identity crisis deepened when the Northerners' attempted to entrench Islamic religion into the country's activities, a move that the Southerners declined (cf. Akol 2014: 16ff, Boell 2012: 16, Copnal 2014: 14, 31f, Deng 2005, Daly et al. 2016, De Waal 2014: 350, Mukhtar 2013: 6, 20-24, 51).

In sum, Sudan was a colonial construct that was embraced by successive colonial regimes and the Khartoum based Arabic political and economic nationalist elite movement that engineered the independence of the country from Britain and Egypt on 1st January 1956. Therefore, in the post-independence period, nothing bonded the country together apart from the history of its colonial rule.

5.2 The cause of the second civil war between the North and South

Sudan's immediate post-independence period[44] witnessed a civil war in which the South demanded independence from the North. At independence, the Northern[45] Islamic Arabs maintained control of Sudan's central government. Consequently, the southern politicians created a broad coalition whose agenda was to push for federalism. The coalition comprised of representatives from the South, east and west Sudan, areas considered as marginalised and underdeveloped.

Also, the introduction of an Islamisation programme by General Abbud elicited a feeling of oppression from the southerners-comprising of Christians and other indigenous belief systems. As a result, exiled politicians from Southern Sudan created a political movement called the Sudan African National Union (SANU) and a liberation movement known as Anyanya in the Sudanese state of Eastern Equatoria. These two agitated for Southern freedom from the North; however, the Khartoum government rejected the idea of southern autonomy, and the war between the North and South ensued (Rolandsen 2005: 24).

Subsequently, Anyanya rebels led by Joseph Lagu acquired significant military success. As a result, the government of Sudan, led by Jafar Nimeri, agreed to end the war through a Peace Agreement signed in Addis Ababa on 27th February 1972. This agreement granted southern Sudan a degree of autonomy from the North. As a result, Southern Sudan became a self-governing region with its own parliament and the High Executive Council (HEC), followed by the establishment of a Southern Regional Government (SRG) that had powers to tax but not to legislate. Notably, the autonomy of Southern Sudan dwindled after ten years as the significant provisions of the peace agreement were not implemented as stipulated by the agreement. As such, this peace agreement tended to be just a hiatus or merely a decade-long ceasefire. However, it was a result of southerners' inability to create a joint political force that would defend their interests. Besides, it was because the government of Jafaar Nimieri imminently undermined and eventually abrogated the main provisions of the agreement (Akol 2014: 143, Johnson 2003: 33-34, 42, 47ff, Johnson 2016: 3, Khalid 2015: 18ff, LeRiche 2013: 16, Malwal 1981, Shinn 2004, Yoh et al. 2005).

In addition to this, the government of Khartoum interfered and manipulated Southern politicians leading the regional government to lose its legitimacy (Rolandsen 2005: 25). Furthermore, the agreement failed to address contentious issues, including the fair allocation of development funds.

[44] In the 1950s as the independence from Britain neared, the northern politicians exempted Southerners from all negotiations relating to the type of government that Sudan would initiate upon its independence. The Southerners were proposing for a federal system, in which the south would attain substantial autonomy. However, the northern parties overlooked their suggestion (Collins 2008: 26f).

[45] Soon after independence, the military government in the North began an Islamisation program, whereby the South was mirrored by an extreme level of racial insensitivity and provocation (cf. Collins 2007).

Fewer projects were implemented in the South compared to the North. One of the major projects was the construction of the Jonglei canal, designed to provide water for irrigation to the North and Egypt, but the canal would have far-reaching negative impacts on the pastoralist economy and settlement (Akol 2014: 143, Daly et l. 2016: 97f, Johnson 2003: 33-34, 42, 47f, Johnson 2016: 3, Shinn 2004, Yoh et al. 2005).

Notably, the 1979 discovery of oil by Chevron in Southern provided huge economic prospects for the wider Sudan to mitigate underdevelopment and indebtedness. However, the Khartoum government subsequently encroached upon the Southern region, annexing the oil-rich areas adjacent to the North, defying the stipulations of the Addis Ababa agreement. Besides, the Khartoum government relocated the oil refinery from Bentiu in Southern Sudan to Kosti in the Northern part of Sudan, further fuelling mistrust and enmity from the Southerners towards the central government in Khartoum. Furthermore, without conferring with the Southern Regional Government, the government allowed oil exploitation and its proceeds were remitted to the central Northern regime. Wakoson asserts that 'the discovery of oil in the Southern created a political-time bomb'. Besides, the conflict that arose afterwards manifested itself along territorial and religious divides, and the political authority, became fragmented (Johnson 2011: 213, Ryle 2006: 5, Wakoson 1993: 45).

Moreover, fatal issues on border demarcation remained unresolved. Since the government was interested in oil, mineral deposits, and access to waterways in the South, there was no voting to allocate border territories to the North and South. The arising mistrust led president Jafar Nimeiri to unconstitutionally dissolve the regional government of Southern Sudan ten years after the implementation of the peace agreement. As a result of this, he transformed Southern Sudan from a self-governing state to a feeble administrative region comprising three[46] powerless and small separate regions, namely Bahr el-Ghazal, Equatoria, and the Upper Nile.

Article 11 conferred power to the Southern Regional Government; however, contrary to the provisions of the 1972 Addis Ababa Peace Agreement, President Nimeiri unconstitutional decree curtailed Southerner's self-governing power and decentralisation efforts. Besides, Nimeiri's actions divided the South along ethnic lines as well as undermined the political power of a united Southern Sudan. As a result, Southern social and political leaders who continually challenged this

[46] This was contrary to what was envisaged in the 1972 Peace Agreement which stated that "The Provinces of Bahr el-Ghazal, Equatoria and Upper Nile as defined in Article 3 (iii) shall constitute a self-governing region within the Democratic Republic of Sudan and shall be known as Southern region" (Addis Ababa Peace Agreement cited in Akol 2014: 164).

decree, which they considered unconstitutional, were imprisoned (Akol 2014: 164f, Khalid 2015: 19, Malwal 1981: 244, Shinn 2004: 253).

Furthermore, Article 6 of the agreement indicated that Arabic, English, or any other language which could have been of practical necessity in discharging executive and administrative could be used to conduct official duties of the government of Sudan. Contrary to this, president Nimieri made Arabic the only official language of administration and the medium of instruction in Southern Sudan. Economically, according to Article 26 of the Agreement, Nimieri's order hindered the sources of income of the three newly established regions in Southern Sudan. The new financial arrangement curtailed the ability of these new regions to provide goods and services to its citizens. As such, the Khartoum government concentrated economic and political powers to itself, and it also truncated any call for decentralisation that had purportedly inspired division of the Southern Sudan region.

Furthermore, the President rescinded Articles 13, 14, and 15 of the 1972 Addis Ababa Agreement, which were of immense importance in matters of governance and, more especially, in safeguarding the southerners against the interference of the northerners in their internal affairs. These articles were concerned with powers in electing and relieving the President of the High Executive Council (HEC) from office. Second, the power to appeal to the president to defer the enactment of any national law that would have adverse effects on the welfare and interests of the Southerners, and finally, the power to ask the president to withdraw or dangle any bill in the parliament that may negatively affect the welfare and interest of the Southerners.

However, Nimeire's manipulation of these Articles gave him powers to elect and sack the President of the High Executive Council (HEC) as well as to appoint and fire governors in the three regions. As a result, governors became solely answerable to the president and the central government but not to the regions that they governed. Besides, the move hindered southern politicians from discussing bills in the parliament, thus opening the door to an impending conflict (Akol 2014: 164ff, Khalid 2015: 19).

Lastly and most significantly, the president also defied Articles 11 and 27, which entailed public order, internal security, and the composition, deployment, and the use of the armed forces in Southern Sudan. As such, it denied the new regional governors and the new assemblies legal and constitutional authority over military commanders within their jurisdiction. Also, they could not enact laws on the issue of public order and internal security. Therefore, Nimieri's Republican Order led to the collapse of the 1972 Addis Ababa Agreement since it did not resolve the three main issues that the South and North agreed on.

The three issues include the affirmation that the South is a single entity within Sudan, that the leader of Southern Sudan has to be elected, and finally, the elected individual had to be an effective partner in the security arrangements in the Southern part of Sudan. The three issues were the main concessions already agreed on in the 1972 Addis Ababa Agreement. However, the withdrawal of the Republican Order number 1 that guaranteed these undertakings derailed the process. This instilled anger and frustrations amongst the Southerners, and the result was a fierce resistance by the Southerners (Akol 2014: 165f).

Consequently, the central government in the North imposed Islamic law in Sudan, and the move fermented anger and fury from many non-Muslims in southern Sudan. Grievances dented the fragile peace of 1972 and ranged from underdevelopment, marginalisation, and inequitable distribution of resources. Also, the central government in the North tried to impose more power over the southern Sudanese (Johnson 2003: 91, Sudan Tribune 17th May 2013, Wël 2013: 8f).

In sum, the 1972 Addis Ababa Agreement ended up being a decade-long ceasefire between the northerners and southerners since it did not resolve the Sudan problem. Southern Sudan was hindered by the central government in Khartoum to attain self-determination and its right to choose its own political, economic, social, and cultural policies as well as to be involved in security matters. Inexorably, under the leadership of John Garang, war erupted again in southern Sudan, but with a difference. The political objectives were neither secession from the North nor autonomy for southern Sudan but a reformed but united New Sudan.

5.3 The origin and evolution of SPLM/A

In a reaction to the above events, the Anyanya defected from the Sudanese Army Battalion 105, controlled by Major Kerubino Kaunyin Bol. As a result, it culminated into the eruption of the second civil war in 1983.[47] The uprising erupted in the Southern towns of Bor and Pibor on 16th May 1983 due to unpaid wages and mass transfer and integration of the Southern army of ex-Anyanya soldiers into the Northern army. Importantly, even though this was an instantaneous causal effect of the uprisings, the rebellion characterised the deep-seated grievances and strained

[47] It has been broadly cited that the Second Civil War in Sudan started in 1983, after the abrogation of the 1972 Addis Ababa Agreement by Jafar Nimeiri. Nevertheless, a military historian from South Sudan Kim Deng does not uphold this idea. He argues that a number of Anyanya I movement did not trust the implementation process of the 1972 Peace Agreement. Therefore, they opted to remain in the bush, in order to reorganise themselves so as to continue fighting the government until they achieve their objectives. Their main objective was bent on total separation from the north and not only elusive self-determination (see Deng 2012). David Shinn (2004) also alludes that the roots of the Second Civil War were already ingrained in 1975 when the Nimeiri regime curtained the strength of Southern soldiers his move of relocating them to the North as well as reassignment of the Northern soldiers to the South. This event stirred tension in the South and a number of soldiers mutinied in Akobo and fled to Ethiopia with their arms. These mutineers were later referred to as Anyanya II (see also Akol 2014, Johnson 2011).

relations between the Southerners in Juba and the central government in Khartoum (ICG 2011: 2, Washburne 2010: 49, Wël 2013: 2,35).

The abolition of the Southern Regional Government and a series of defections led a former senior military officer in the Khartoum army, John Garang de Mabior,[48] to establish the Sudan People's Liberation Movement (SPLM) as the political arm of the rebellion and the Sudan People's Liberation Army (SPLA) as the military arm. The emergence of Garang caused major changes to the civil war and North-South politics. As a former senior officer in the Khartoum army whose main responsibility was to fight Southern dissent, his novelty in the articulation of the Sudanese conflict attracted northerners to his vision. Mansour Khalid (2015) asserts that twenty years following the establishment of SPLM, Garang not only hastened change in Sudan but he also successfully became its prominent prime mover in the political arena, thus attracting the Sudanese citizens to embrace his visions.

Ironically, Colonel John Garang was one of the senior military officers in the Khartoum army that ordered an attack against the dissidents in the South before he defected from the army and joined the rebels. According to Garang, the Southern liberation struggle was against injustice, apartheid, racism, religious bigotry, political suppression, social oppression, and cultural humiliation by Arabs whom he termed as foreigners (Wël 2013: 4f). Furthermore, he argued that the government continued to benefit economically from natural resources and agricultural products from the South, leaving it deprived, marginalised, and underdeveloped. Another cause of this rebellion was an unbroken tradition of dishonouring too many agreements by the Sudanese President Jafar Al Numeiri, especially the Addis Ababa Agreement of 1972 (Wël 2013: 8f).

In Garang's speech of 22nd March 1985, he asserted that President Nimeiri and not SPLM dishonoured the 1972 Addis Ababa Peace Agreement in June 1983, and this was an outright violation of the constitution and laws (Khalid 2015: 16, Wël 2013: 8f). One of this was Nimeri's provocative action of reintroducing Islamic Sharia Law (mostly referred to as "*September Laws*") in southern Sudan, previously exempted from Sharia penal laws (Khalid 1992: 31, Khalid 2015: 16ff, Prunier 1986: 55, 59, Wakoson 1993: 37).

Garang's speech on 15th June 1983 further stresses that SPLM was legitimate since it championed the rights and interests of Southerners. He blamed the government for the unlawful transfer of the

[48] SPLM's fight against domination and marginalisation was supported by people like Father SaturninoLohure, Joseph Oduho, William Deng Nhial, Marko Rume, Aggey Jaden, Gordon Mourat Mayen, Joseph Lagu and Joseph Akuon. These people helped Garang to shape some of the Garang's fundamental policies and ideas of New Sudan. This vision embraced the ideas of initiating a democratic pluralistic society whereby freedom and liberty will be secured and granted to all regardless of races, gender-political affiliation, ethnicity, religion or region (Wël 2013: 13).

Southern army to the North, dissolving a legally elected regional government contrary to the Addis Ababa agreement. He also blamed the government for sabotaging the democratic process in southern Sudan as his decree dissolved a legally elected regional government for the South in 1980, 1981, and 1982. The government also failed to initiate development programmes in the south, such as the Tonj Kenaf, Melut, Mongala sugar factories, Wau Brewery, Kopoeta cement factory, Malakal pulp, and the Beden electrical plant.

Ironically, the central government of Khartoum based in the North had already accomplished the same kind of projects in Northern Sudan. Garang asserted that this was a sign of the central government's neglect and disinterest in the social and economic development of the southern part of Sudan. Finally, Garang argued that Niemeri and not the SPLM started the war since Nimeiri attacked his own garrison by ordering the attacks on battalion 105 garrisons in Bor, Pibor, and Pochalla on 16th May 1983 **(**Wël 2013: 51ff, 111, 235). These cumulatively led to a massive exodus of refugees[49] to neighbouring countries, mainly to Ethiopia,[50] which became an organisational base for SPLM (ICG 2011: 2, Shinn 2002: 245, Washburne 2010: 49, Wël 2013: 235).

In sum, the renewal of the civil war in 1983 was the result of the imposition of sharia law; sabotaging of democracy by dissolving legally elected southern Sudan's regional government; marginalisation and lack of economic development in southern Sudan; relocation of the oil refinery from Bentiu to Port Sudan; and annexation of Bentiu oil fields to North Sudan (cf. Laki 1996, Khalid 2015, Prunier 1986, Wël 2013).

5.4 SPLM's entry into Ethiopia and appeal for support

After the attacks by dissidents on battalions 104 and 105 of the Sudanese army in Bor, Pibor, and Ayod, the rebellious forces were overwhelmed, outnumbered, and outgunned. As a result, they fled to the Ethiopian border on 18th May 1983.

In an interview, a former high-ranking government official from Gambella, South-Western Ethiopia, admitted being instructed to offer Garang and his followers a safe passage. He explained that Garang and his followers were comrades in arms since they were fighting for social justice and equality for its people (Interview held on 21.07.2016, informant's name withheld). Also, a former rebel, now a government official in South Sudan, supported this when he said: "The refugees were welcomed in Gambella as a result of shared ideology, identity, ethnicity, culture, and tradition." He further stated that the government officials in Gambella accorded them logistical support and

[49] In an interview with Rolandsen, he lamented that it was difficult to distinguish the refugees since they were also composed the Anyanya I and Anyanya II that were later led by Garang (Interview on 21.07.2014).
[50] The SPLM/A was hosted, trained and supported militarily by the Ethiopian government under President Mengistu Haile Mariam. This was Ethiopia's reciprocation measure against Sudan's own efforts since it was supporting Ethiopian and Eritrean dissidents inside Ethiopia (Human Rights Watch 2003: 133).

facilitated their stay in several refugee camps in Adura, Itang, Panyido, Bonga, and Bilpam. He added that the Ethiopian government was retaliating since the Sudanese government had supported an Eritrean separatist group (Interview with an SPLM/A government official on 20.07.2016, informant name withheld).

While in Ethiopia, Garang and his supporters, including the current president of South Sudan Salva Kiir, settled at Adura camp at the location of the SPLM/A's command post. The former Anyanya I movement led by Samuel Ghai Tut and AkuotAtem de Mayen, the then leaders of the National Action Movement (NAM), set up their camp in Bukteng village in Sudan. It is noteworthy that NAM ran political affairs during the ten years of South Sudan's self-rule following the initiation of the Addis Ababa agreement (Wël 2013: 54).

General Tesfy Mesfin, the Ethiopian chairman of the General Joint-Chief of Staff, met with the new rebels to learn their motives, objectives, and plans. However, leadership wrangles ensued; the rebels were unable to agree on a representative that would present their idea to the Ethiopian government. Although having earlier appointed Garang, questions arose on his legitimacy and why an Ethiopian General would choose a leader for the new rebel movement. Nonetheless, a delegation headed by the Anyanya I leaders Akuot Atem de Mayen and Samuel Ghai Tut, and Anyanya II leaders Colonel John Garang and Salva Kiir Mayardit met General Mesfin. Suspicious of Garang's intentions, Akuot Atem prepared a document which stated that:

1. The group should adopt and be guided by a socialist ideology.
2. There was a need for financial and logistical resources to wage guerrilla warfare aimed at liberating South Sudan and;
3. The war was to liberate South Sudan into an independent entity (Wël 2013: 54).

However, the Ethiopian government rejected this proposal due to the following reasons:

1. Ethiopia hosted the OAU and must abide by its charter.
2. Ethiopia is socialist and would therefore not support a separatist movement since it was also waging war against secessionist rebels in Eritrea and Tigray and;
3. Africa, Sudan, and the international community viewed Addis Ababa as a city of peace. The underscore is anchored on the fact that the 1972 Addis Ababa Agreement was signed in Addis Ababa (Hutchinson 2001: 310, Wël 2013: 54).

Before handing it a new document, the rebels restructured the movement and formed a shadow government. Akuot was declared the Chairman of SPLM/SPLA, after which he formed his cabinet. His Anyanya I colleague Samuel Ghai Tut was appointed the Minister of Defence and Joseph Oduho as the Minister of Affairs. Martin Majier was declared the Minister for Legal Affairs, and John Garang was the Commander in Chief of SPLM/A. Consequently, Garang wrote a position paper that met the interest of the Ethiopian government. Specifically, the article:

1. Called for the creation of a united Sudan that would guarantee equality and justice for the marginalised areas of Sudan.
2. Wanted an adoption of a socialist system of rule, the liberation of entire Sudan and;
3. proposed that all scattered fighting forces be grouped and trained to start the war (Hutchinson 2001: 310ff, Wël 2013: 54).

Ethiopian President Mengistu accepted the position paper because it encompassed policies of social justice, which were a priority for his government. As a result, the Ethiopian government accorded SPLM/A material, military, and logistical support. General Tesfin declared Garang as the Chief of Staff and as the only point of contact with the Ethiopian government, especially military assistance (Wël 2013: 58). Again, leadership wrangles ensued within the Sudanese factions because they perceived that Ethiopia was imposing Garang as a leader to the Sudanese groups. However, after two months of leadership wrangles, Garang was declared the Chairman of SPLM and Commander in Chief of SPLM (C-in-C) of SPLA. Additionally, the movement promoted other significant rebel fighters to bring them closer to Garang's military rank and chain of command (Wël 2013: 58). Consequently, Garang's forces under Kerbuno Kaunyin drove out the Anyanya I by killing Akuot Atem de Mayen and Samuel Ghai.

The SPLM's practice of solving disagreements militarily characterised the dominance of the military over politics. Moreover, several cases of human rights abuses, such as extrajudicial killings, ensued. For instance, the chairman of Liberation of South Sudan, Lakurnyan Ludo, Chairman of Liberation of South Sudan, who had captured Boma independently from SPLM, was detained and later killed after he refused to join the SPLM (African Rights 1997: 70, cf. Jok 2016).

There was no democracy within SPLM/A. This is because the two remaining politicians of SPLM's initial Provisional Executive Committee (PEC), Joseph Oduho and Martin Majier, were imprisoned from 1985 until 1992, when they died under unclear circumstances. Consequently, PEC became the 'Political-Military High Command' (PMHC)[51]. The movement also detained its two initial members of PHMC, Kerubino Kuanyin and Arok Thon, for acting independently. Moreover, military training became mandatory for any elites and politicians from the South who wanted to join the movement. In several instances, the movement assigned duties to these soldiers to test their loyalty, and those who acted contrary to expectations were imprisoned before being arraigned in court (African Rights 1997: 71f).

In an interview, Garang acknowledged that the new rebel movement was composed of different movements at the beginning by stating that:

[51] PHMC was the highest decision-making organ of the SPLM/A and it was comprised of two members, namely ordinary and alternate. Up to mid-1991, the PHMC important decisions within the SPLM/A were only made by Garang and a few of his personal aides (Rolandsen 2005: 29).

> "Our objective was, therefore, to influence Anyanya II and to have them join us. The Anyanya II, on the other hand, was trying to influence to join them. Thus, at the start, we had two movements with different objectives. While the SPLM was for the unity of Sudan, the Anyanya II was for the separation of Southern Sudan (Garang quoted in Wël 2013: 60)."

Settling of disagreements within the movement was done through the initiation of a new Manifesto, which articulated some of the failures of the Anyanya I during the first civil war. Garang termed Anyanya I as 'bourgeoisie southern elites' and 'jobbists' who were overly concerned with acquiring political positions for personal ends. He viewed them as the cause of southern Sudan's underdevelopment in which the character of politics during the ten years of Southern Regional Government (SRG) was factionalism, individualistic ambitions, and manipulation by the central government. On most occasions, the creation of divisions amongst southern politicians was through conferment of senior posts and other incentives by the Khartoum government (De Waal 2014: 350f).

The above was also supported by a former SPLM/A rebel, who, in an interview, stated that the Anyanya movement hid their profit-seeking agenda under the Southerner's grievances. He added that according to Garang, this move curtailed the provision of basic social welfare and maintenance of law and order to the Southerners. Additionally, he accused Anyanya leaders of fermenting negative ethnicity, which was manifested in the appointment of their ethnic members as leaders in various military and civil posts, thus prompting protest amongst the Southerners. Also, he lamented that the Anyanya movement, which was solely responsible for projecting Southerners' interest to the central government in Khartoum, failed. Furthermore, he stated that the Anyanya's inability to control coercive power resulted in divisions amongst its security agents, that was a result of disagreement over spoils' allotment, and this also led to the splitting of the movement (Interview on 05.05.2016).

As a result of this, the new manifesto was titled "against old-style civil politicians and the trappings of democracy" (African Rights 1997: 68). As such, from the onset, the SPLM/A was determined to correct its leadership problem and avoid counter-revolutionaries. For the movement to achieve this, its leadership structure was highly centralised since it set military victory as the primary objective above the political organisation (ibid. 69). De Waal agrees with this by stating that Garang aimed to "capture state power and then use it as an instrument for social transformation from above" (De Waal 1997:96).

However, it later adopted the document that it presented to the Ethiopian government in the SPLM manifesto that encoded the idea of socialism. The idea behind this arises from the fact that during the Southern mutiny, Ethiopia got support from the Soviet Union. Thus, Garang embraced the

concept of socialism that matched the Marxist ideology of the Mengistu regime (Washburne 2010: 55, for more on SPLM/A's ideology, see sub-section 5.1.1). The SPLM manifesto outlined the causes of inequality in different parts of the country; detailing the missteps that caused a political and military crisis; highlighting the roots of SPLM, and laying out the foundation of SPLM to lead a revolution (ibid. 50).

Notably, unlike other party manifestos in liberal democracies, the 1983 SPLA manifesto lacked the inclusion of detailed policies such as the provision of services or guaranteeing of rights. Its objective was to win state power, and radically transform Sudan under the idea of a united socialist Sudan. However, the main problem of the manifesto was the gap between establishing a valid cause and a realistic strategy that would facilitate the movement to attain its goals. Hence, the term 'liberation' was used only in the sense of 'conquering' (African Rights 1997: 65).

The precedence of the movement was not to participate in mass politics (unlike other liberation movements that resembled the Maoist) but to permit the militarisation of politics while exempting the larger population from the transformation process of state power (Young 2008: 161). The movement wanted to create an army, and the only clause that indicated a relationship between it and the people was the fact that "politicisation, organisation and militarisation of the peasantry shall follow liberated areas (ibid. 66)."

The underlying interpretation is that the movement was more interested in liberating areas than the people of Sudan. The SPLM/A effectively used the Sudanese population as a means but not the purpose of the struggle. Garang's idea of socialism denoted an economic system aimed at saving Sudan's people from political marginalisation. The manifesto, encoded with Marxist jargon, was against the neo-colonialism of Arabs over Africans in Sudan (Washburne 2010: 50). The idea of New Sudan was a call for unity. Johnson views the New Sudan as "genuine autonomous or federal government for the various regions of Sudan, a restructuring of the central government, commitment to fight against racism… and tribalism (Johnson 2006: 65)."

Garang's idea of a united New Sudan not only helped SPLM to acquire support from Ethiopia, but it also aimed at gaining legitimacy from other marginalised groups amongst the northern population and northern political oppositions groups. However, the disintegration of the Soviet Union in the early 1990s and the subsequent collapse of the Mengistu regime in 1991 forced SPLA out of Ethiopia. As a result, SPLA's military campaign, which relied on Ethiopia's logistical support and military equipment, ended abruptly (cf. Daly et al. 2016, Khalid 2015, Rolandsen 2005).

Besides, the SPLM was left vulnerable to the Eritrean People's Liberation Front (TPLF) and Tigray People's Liberation Front (TPLF), which successive Khartoum governments had supported. The latter was the main force behind the EPRDF alliance, which toppled Mengistu from power. TPLF

repaid Khartoum for its support by evicting SPLM/A from their extra-territorial bases inside Ethiopia. Also, the SPLM/A lost its training camps, radio station, the primary source of military equipment, and other supplies and its political headquarters in Addis Ababa (cf. Daly et al. 2016, Johnson 2016, Rolandsen 2005, Young 2012).

The loss of its political headquarters in Addis Ababa led to a dislocation of SPLM/A's organisational structure and a reduction of its military capabilities. Also, Garang's control and powers within the SPLM diminished because of this loss. The outcome was a massive exodus of about 100,000[52] refugees from Ethiopia. Most of them settled around Nasir in the upper Nile (African Rights 1997: 284, Rolandsen 2005: 34ff).

5.5 The battle of doctors: The disintegration of SPLM/A

On 28th August 1991, an internal split (the Nasir Split) occurred in SPLM after Dr Riek Machar and Dr Lam Akol challenged the legitimacy of Dr John Garang as the movement's leader. Regarding the dynamics of charismatic competition, Max Weber asserts that:

> "The genuine prophet, like the genuine military leader and every true leader in this sense, preaches, creates, or demand new obligations. […] Recognition is a duty. When such an authority comes into conflict with the competing authority of another who also claims charismatic sanction, the only recourse is to some kind of a contest, by magical means or actual physical battle of leaders (Weber 1978: 243f)."

As such, it was also the case when high-ranking officers led by Lam Akol, Riek Machar, and Gordon Kong declared that Garang was dismissed[53] as the chairman of the SPLM and subsequently created a splinter SPLM. This crisis of legitimacy, as perceived by Lipset, connotes a 'crisis of change'[54] (Lispet 1960: 78ff). Once this change occurred, the SPLM organisational structure was in crisis. The trio, who felt left out of the political and decision-making systems, decided to challenge the right of Garang's authority. According to Dahl, the splinter faction, which is actively seeking access to the political system, can achieve this "by engaging or threatening to engage in 'abnormal' political activity or violence. One way would be to threaten to deprive legitimacy to

[52] The number of southern Sudanese in Ethiopia is somehow disputed. For instance, Hutchinson asserts that there were more than 350,000 refugees, while Karim cites around 200,000 and Johnson, who did a compilation of the evacuations in the camps, asserts that there were between 100,000 and 150,000 refugees (Hutchinson 2001: 317, Karim 1996: 157). In most cases, the figures of the refugees were inflated so as to attract more food aid for the rebels (Rolandsen 2005: 35).

[53] This move changed the civil war of Sudan for several years. It has been argued that the collapse of Mengistu's regime in Ethiopia and the loss of its support triggered a coup against Garang since he was not in the position to control sources of supplies. Dispersing refugees away from the strictly controlled camps inside Ethiopia to relief centres inside Sudan offered the commander a chance of getting supplies through the manipulation of relief and humanitarian assistance (Johnson 1998: 63ff).

[54] Lipset states that once a change happens, a system can find itself in a crisis as a consequent of structural change. Therefore, those who are side-lined on the political arena might then try to challenge the right of the authorities to rule (Lipset 1960: 78ff).

groups in the area or acquire legitimacy, thereby motivating the in-groups to incorporate the out-group (Dahl 1963: 138)."

Dahl's analysis is vital for understanding the dynamics of the split of SPLM in 1991. At the beginning of the struggle, the SPLM received support and legitimacy since it was fighting a common enemy in the North. However, this support dwindled. The dissonance within the SPLM was highlighted by the splinter group when they introduced the slogan '*Why Garang Must Go Now*'. They argued that Garang had embraced unilateral decision-making and an autocratic leadership style, which leaned towards the ideology of a united Sudan, which was against secession. They further argued that his leadership violated human rights (ICG 2014: 5).

Therefore, focal leaders in the SPLM felt sidelined in the decision-making process. Initially, Garang had intentionally curbed the emergence of open debates touching on its policy. Civilians, soldiers and members of high command were not offered forums to air their opinions. As a result, SPLM weakened politically since it only prioritised on the military organs of the movement (Rolandsen 2005: 35f, Washburne 2010: 57, 59 African Rights 1997: 283).

Moreover, they complained that SPLM/A leadership was dominated by Garang's Dinka ethnic group from the Upper Nile region, especially from the district that surrounded Bor. Therefore, such a perception led the ethnic groups to stop regarding SPLM/A as their legitimate representative (Washburne 2010: 66). Riek Machar and Gordon Kong came from the second largest ethnic group Nuer while Lam hailed from an ethnic group Shilluk which mainly resides in the Upper Nile region. The three felt politically marginalised in the decision-making process and decided to challenge the right of Garang's authority. As a result, they created a splinter group known as 'Nasir faction' or 'SPLA Nassir'[55] (Johnson 1998: 63ff, Rolandsen 2005: 35).

Young seconds the splinter group's claims when he argues that Garang did not institutionalise SPLM so that his power could be unlimited. He adds that Garang monopolised power without a functioning party and governing structures, giving the rebels no chance to collectively challenge his authority (Young 2008: 168). Lesch argues that the split was caused by disagreements on the goal as opposed to leadership quality. She states that it is evident "that the only feasible course of action to bring peace is for all to accept that the North and South needed a period of time for separate existence (Manifesto quoted in Lesch 1998: 157)."

[55] Nasir is a town that is located in the Western Upper Nile and this is where the three faction leaders declared a coup on Garang and which they turned into their headquarters. Garang faction was referred to SPLM/A Torit after a town in the Eastern Equatoria where it had set it's headquartering during this time. The SPLM/A was later renamed to SPLM Mainstream after it lost Torit in 1992 (Rolandsen 2005: 36). Nevertheless, for the sake of clarity, Garang's faction will be termed as SPLM/A, whereas the other factions will be referred to as Nasir, SPLA United, South Sudan Independence Movement/Army (SSIM/A) amongst other names.

Johnson views the factionalism within the SPLM under the mirror of its structure and states that "the SPLA's military organisation was the foundation of its success on the ground (…) The political price of the policy was that the leadership relied on force rather than persuasion to maintain cohesion (Johnson 2003: 191)." Nyaba, who was part of the officers that rebelled against Garang, supports this view by saying that "because of neglect of the objective laws of the people's war and national liberation, the SPLA sometimes posed like an anti-people military machine" (Nyaba 2000: 2). The rebelling factions had seen the need to remove military blinkers in favour of a well-focused political approach that would empower civil administration and several social, economic, and political programs (African Rights 1997: 285).

Additionally, SPLM/A was able to cultivate widespread legitimacy amongst the local population in the South. In the first ten years of SPLM/A's struggle, Garang ignored the concerns of the southerners through his ideology which promoted socialism and the creation of a New Sudan. The southerners did not like the idea of fighting and the liberation of the country. This is because the tenets of socialism did not apply to most rural, illiterate southerners since the South had no development beyond subsistence livelihood at that time. Also, the SPLM/A failed to create active civilian administrative structures, leaving soldiers to conduct asset-stripping raids, harassing, and killing civilians. Even though Garang's SPLM was fighting to improve the lives of Southerners, SPLM was not able to consolidate eudaemonic legitimacy. As such, the movement could and would not offer welfare or security to the local populations residing in 'liberated' rebel-held areas (Pinaud 2014: 197f, Washburne 2010: 72).

5.5.1 Establishment of Other Armed Groups in Southern Sudan

After the 1991 SPLM/A split, other armed groups (AOGs) emerged along ethnic-regional lines. The SPLA United[56] under the leadership of Lam Akol, operated in the Shilluk areas. Kerubino Bol founded the SPLM Bahr El Ghazal Group in western South Sudan. In contrast, Bul Nuer and Paulino Matiep founded the South Sudan Unity Movement (SSUM) in the oil region of Bentiu (cf. Nyaba 2019, Washburne 2010: 60).

However, the Khartoum government used proxies in Southern Sudan and the North-South border areas while at the same, preserving its regular forces. It also recruited local militias, who engaged in mass killings, displacement, sexual violence, and looting at little expense to Khartoum (Mc Evoy 2010: 13). During the split of the SPLM/A, the government exploited the ethnic and political divisions in the South and border areas by ensuring the survival of Riek Machar of the Nasir faction

[56] This rebel group was renamed South Sudan Independent Movement after the convention that was held in Akobo in 1994. However, Lam was dismissed by Riek and he started again to use the SPLA/A United in the home area of Tonga to local armed groups that were loyal to him (Rolandsen 2005: 37, Washburne 2010: 60).

and occasioning further splits in the Southern factions. The government also supplied them with goods, weapons, and ammunition. As a result, the government garnered loyalty while fuelling violence and instability in South Sudan, ultimately leading to conflict amongst the Southern Sudanese armed groups. Khartoum's deliberative tactic of creating and arming discontented militias aligned to it ensured a 'divide and rule' policy (De Wal 2014: 352).

The government separately held contacts and offered military support to dissident groups to fight the SPLM/A. As such, it intensified intra-southern, inter-ethnic fighting[57] and weakened the rebel groups, which were fighting against each other. Even though the internal dispute was caused by a disagreement between John Garang and Riek Machar, Lam Akol and Kerubino Bol, the ethnic card spiralled into several independent warlords, each attacking one another's civilian population (Young 2006: 91-142). As a result of the split, SPLM/A's political hegemony and military drastically reduced due to massive defections of its soldiers into the new factions. The SPLM did not get local support from the areas it had liberated since it had failed to take sovereign control, and had not established local administrative structures to perform state functions such as the provision of goods and welfare services. Due to abuse, the local population armed themselves and fought the SPLM. As a result, the SPLM ended up fighting two wars, one against the North and another one against the Southerners. Consequently, it was unable to consolidate political and eudaemonic legitimacy since its former supporters had turned against it (Jok and Hutchinson 1999: 135, Washburne 2010:68).

Within two years, the government of North Sudan managed to recapture all the important towns controlled by SPLM/A apart from Yambio in the southwest. Subsequently, the SPLM/A established new political headquarters in Nairobi and Kampala, from where they participated in regional and international politics. The movement also set up new areas along the borders with Kenya, Uganda, and former Zaire. In October 1993, the rebel leaders, Riek Machar and John Garang, signed the *Washington Agreement* that called for a ceasefire amongst the two groups and urgent independence of South Sudan (Washburne 2010: 50, Johnson 2003: 127, African Rights 1997: 283, Rolandsen 2005: 36-38).

[57] One of the most outrageous hostilities that occurred in the Southern part of Sudan was the Bor massacre in the autumn of 1991 where Dinka civilians were attacked and killed in the region of Bor, Kongor and Jonglei. These attacks lead to a massive exodus of around 100,000 people to the Lake Area and Equatoria (ICG 2014: 5). Hutchinson, on the other hand, asserts that the Dinkas under the command of SPLM/A are the ones that started the fight in September as a way of revenging. Her views were based on a summary of interviews that she had carried out with Nuer chiefs. However, in this article, Riek Machar tends to be apologetic by saying that he was forced to cooperate with the government of Khartoum because of a lack of supplies (Amnesty International 14th April 1992: 17, Hutchinson 2001: 318ff,).

In sum, several military setbacks, the split that coincided with the collapse of Mengistu's regime, and the consequent loss of military support from Ethiopia, and the recapture of formerly rebel-held towns in the South, Garang saw the need to consolidate local support and change leadership style. The movement held a National Convention in 1994 to strengthen its political authority in liberated areas and to reform to a democratic movement.

5.5.2 Reforms in the SPLM/A through negotiations with AOGs

Significant political developments had occurred during the 1991-1993 period before the 1994 National Convention attended by splinter groups and SPLM. These include the Torit meeting held on 12th September 1991 and the Bedden Falls meeting held from 7th to 9th August 1992. The two conferences discussed SPLM/A's policy on regional political development, peace talks, political liberalisation, and institutional reforms. The Torit[58] meeting brought significant resolutions on reforms and was the first policy document issued by the movement before the National Convention. The meeting[59] also led to the formalisation of the SPLM/A's political structures. Besides, it sought to address criticism such as 'Why Garang Must Go Now', lack of civilian administrative structures, the movement's vague chain of command, and lack of free and open democratic debate within the movement (Clapham 1998: 61, Rolandsen 2005: 25, 56f).

The Torit meeting was vital since it was the backbone for significant achievements during the National Convention. For instance, Torit Resolution No. 7, point 6, asserts that civilian members could join SPLM/A without undergoing any military training. Earlier on, prospective members had to be soldiers who could be commanded by individuals of higher rankings, "regardless of the position within the political structure (Rolandsen 2005: 56)." The resolution was a significant step in the reformation of SPLM/A's militaristic culture, and it also advocated for the creation of autonomous local administrative units at the county (Payam), district and Boma (village levels). This separated the civil administration from the military; however, the Front Commander, that is, the military head of the area, had power and authority to plan as necessary (ibid. 56).

Resolution No. 15 focused on 'Human Rights and Civil Liberties', and the SPLM/A assured its commitment to non-discrimination, freedom of worship, and the protection of prisoners of war (Rolandsen 2005: 56, Prunier 1994: 11ff). It also included self-determination, but it was described

[58] This was a very important meeting in SPLM/A's history since members of PMHC could freely and openly debate and influence the contents of the resolution (Rolandsen 2005: 56).

[59] This meeting included the Commission to Organise and Develop Public Administration (CODPA); the National Economic Panel; a panel of judges, ex-military officers amongst others who were to review the existing laws as well as drafting new ones; a New Sudan Institute of Legal Affairs who were to train chiefs to act as judges at the grassroots level; a committee that was to revise SPLM/A's manifesto; and a Committee from the High Command to draft the powers, procedures, rules and code of conduct that was to govern the Political-Military High Command as well as lower organizational level of the movement down to Payam level i.e. village levels (Rolandsen 2005: 56).

differently concerning any regional autonomy arrangement that was envisioned in the 1972 Addis Ababa Agreement (Madut-Arop 2006: 283-287, Prunier 1994: 10ff, Rolandsen 2005: 56ff).

Regarding self-determination, the Torit meeting, as shown in Venn's diagram[60] in Appendix 3, brought about five political scenarios and two solutions. *Model 3* represented the then Islamic Arab Sudan, in which the problem was that non-Arab and non-Muslims were excluded from Sudan then. For one to be in this system, one had to be part of the National Islamic Front (NIF), a model which was unstable since it had caused two civil wars, the Anyanya I war and the then SPLM/A wars. As such, the setup resembled old Sudan, and the parties agreed to do away with it, or else Africans would have to create their independent state as envisioned in *Model 5* (Torit Resolutions quoted in Wël 2013: 18).

Consequently, *Model 4* of a united black African Sudan was seen to be unstable since it was hypothetical for the model to exist. They argued that if thirty-one per cent of the Arab population claimed an Arab Sudan, then there was no reason why the remaining sixty-nine per cent would not declare a black African Sudan. Therefore, this model was not viable since non-Africans could resist this model and form their state, as depicted in *Model 5*. They also supported *Model 2*, which favoured a transitional confederal model that assumed the creation of two states: one in the North and one in the South linked by a central authority responsible for issues of commonality as a way of ending the war.

However, they argued that they could not compromise on Islamic Sharia; each state had to decide whether they wanted to embrace Islam in the North or remain secular, as was the case in South Sudan. The parties deemed this model suitable since it could end the war, hence bring stability during the interim period. In their argument, *Model 2* was the most subversive since it could lead to a New Sudan through an expansion of commonalities over time thus, leading to the embracement of *Model 1*, that is, of a transformed democratic state of New Sudan (ibid.).

The Torit meeting marked a new threshold because it heralded SPLM's shift from its military rhetoric to that in which the military wing was different from the administration of SPLM's liberated areas and a call for self-determination of the South (Clapham 1998: 65ff, Rolandsen 2005: 56f).

Another meeting to spearhead reform was the Bedden Falls PMHC meeting held in Abuja. In this meeting, a representative of SPLM/A, William Nyuon, signed a self-determination agreement with the Nasir faction. The meeting signalled the slowing down of the process towards the extension of

[60] The drafting of diagram surfaced during the 6th and 12th September 1991 Torit SPLM. This meeting allowed members of PMHC to openly discuss the solution modalities in the Sudan conflict as it envisaged under the vision of 'New Sudan' (Wël 2013: 19).

the civilian administration. However, Resolution No. 7 of the Bedden meeting stated that the improvement of the civil administration was less significant compared to the pressing military matters (Rolandsen 2005: 57). The PMHC also raised concerns that many soldiers absorbed in the civilian administration have had a tremendous effect on the military operations (Prunier 1994: 42ff). Therefore, the resolution recommended a recall of a significant number of soldiers and non-commissioned officers (NCOs) who were physically fit to relinquish their posts in the civil administrations and be replaced by civilian members of the movement.

5.5.3 The National Convention

The 1991 SPLM split provided an impetus for political liberalisation and institutional reforms. The split emerged during the first-ever National Convention in the history of SPLM held between the 3rd and 13th of April 1994 in Chudukum. The convention brought a new beginning to SPLM, in which "new practices" replaced the old errors, and it attempted to enhance a positive image for the movement. (Rolandsen 2005: 101). The convention called for political reforms, the establishment of civilian government structures, upholding human rights and the rule of law, transparency, democracy, accountability, and the idea of '*New Sudan'*. Due to lack of military support from Ethiopia, internal wrangles and eventual split of the movement led SPLM leaders, especially Garang, to change their legitimising tactics (Rolandsen 2005: 111f, Washburne 2010: 74f).

The convention was perceived as the first significant step towards democratic rule by mandating that SPLM members should participate in a more democratic movement. It has also been cited as a symbol of the alliance between the SPLM/A and foreign NGOs advocating for a reformed, liberalised, and institutionalised SPLM/A. Such an undertaking ensued from the fact that these groups offer strong support for human rights and the protection of civilians against abuses in periods of war (Rolandsen 2005: 115, Kok 1996: 560, Lesch 1998: 200f, African Rights 1995: 308). Many people positively embraced SPLM/A's idea of holding a National Convention. Connell (1999) echoed the voice of the many actors supporting the political convention because of the vital role that the 'liberation council' would take in the institutionalisation of political participation (ibid. 3).

The holding of the National Convention enabled the movement to create a level system of "modern" courts supervising a three-level system of traditional chiefs, thus formalising traditional chief courts by integrating them into SPLM/A's judicial system. The entrenchment of customary laws into SPLM/A institutional led to a new hierarchy of customary courts from the regional, county, sub-district and village levels, hence reinforcing the role of chiefs in matters of appeal (Johnson 1998: 69, Rolandsen 2005: 81). However, resolution 9.2.3 accorded the SPML/A

authority to supervise the 'chief' courts in the county. As such, the formalisation and integration of the chief court meant their subordination to the movement (Rolandsen 2005: 115ff).

Besides, the procedure for selecting the delegates who were to participate in the National Convention exhibited some legitimacy as they came from different geographical areas and groups within the SPLM/A. They included the youth, women, teachers, church groups, civilian population and refugees residing in camps. The inclusion of the civilian populace in the first SPLM National Convention affirmed the movement's legitimacy in the war against the government of Khartoum. At the same time, the SPLM wanted to show the world that it upheld democracy by giving the population a chance to elect leaders and members of the National Liberation Council (Rolandsen 2005: 98, 103,108).

The involvement of the civilian population was in line with the Maoist dictum, which holds that in most cases, the guerrilla is like a fish in the water.[61] This convention led to the drafting of the SPLM's constitutions and a call to restructure the army, political and civilian institutions. The conference discussed the following:

a. Democratisation and restructuring of political and civil institutions.
b. The SPLM/A strategy for peaceful resolution of conflicts in Sudan, and review of other conflict situations in Africa.
c. The consolidation of unity and reconciliation within the SPLM/A and population in the liberated areas.
d. The code of conduct, public accountability, and elimination of corruption and misuse of power-this prescribed codes of conduct for the military and the civilian.
e. The general strategy and conduct of war and the enactment of security in the liberated areas.
f. The widespread participation in the liberation struggle and mobilisation of the population in both liberated areas and NIF government-occupied towns.
g. The mobilisation of Sudanese living abroad to support, participate and contribute to the liberation struggle and the formation of the New Sudan.
h. The review of membership in the National Democratic Alliance (NDA) and the role of the NDA in the liberation struggle.
i. Revenue generation for the prosecution of the war and the struggle for just and peaceful resolution of the conflict.
j. The SPLM/A policy on relief, rehabilitation, social services and development in war conditions.
k. The SPLM/A war economy.
l. The promotion of human rights and social justice; and

[61] In original, this Maoist quotation asserts that "Many people think it is impossible for guerrillas to exist for long in the enemy's rear. Such a belief reveals the lack of comprehension of the relationship that should exist between the people and the troops. The former may be likened to water while the latter to the fish who inhabits it. How may it be said that these two cannot exist together? It is only undisciplined troops who make the people their enemies and who, like the fish out of its native element cannot live (Mao Zedong 1937, quoted in Rolandsen 2005: 103)."

m. Participation of women in the liberation struggle (Rolandsen 2005: 95, 113)."

In this Convention, Garang was elected the chairman of the SPLM/A and his running mate Salva Kiir Mayardit was elected as the deputy chairman of the National Liberation Council and the National Executive Council. SPLM also elected its other members in various posts (Rolandsen 2005: 110f).

In sum, the National Convention changed the SPLM, giving it a chance to correct its past failures. It enacted a law that prohibits military or civic authority from illegal commandeering and confiscation of private or public property. As a result, SPLM/A established the National Liberation Council, a military, civil administration, a formal judicial, and a new political structure to deal with illegal appropriation of property and other significant SPLM/A reforms. The NLC was the "legislative and new organ of the New Sudan" (Rolandsen 2005: 115). The National Executive Council, led by the SPLM/A chairman, was responsible for "executing policies and programmes of the movement", and the "administration of the New Sudan". These institutional administrations were placed under the umbrella of the Civilian Authority of New Sudan (CANS) to govern and administrate liberated areas in Bahr El Ghazal, Equatoria, Southern Nile, Southern Kordofan and Upper Nile (Boell 2012:74).

After the 1991 split, the slogan of a "New Sudan" became a negotiation strategy to create distance between the movement's policy and the secession of the Nassir faction. It was also an expression of SPLM/A advocacy of moderate self-determination. Therefore, the party congress became a popular assembly. Consequently, it was essential to define the people whom the National Convention represented. Referring to 'New Sudan' instead of 'South Sudan' meant that the SPLM/A leadership did not single out supporters outside South Sudan as envisioned by the 1956 colonial borders. This comprised of representatives from areas such as Southern Kordofan and Southern Blue Nile. The term 'New Sudan' had more flexibility than 'South Sudan', which could be conveniently changed when needed. The misperception of the word 'New Sudan' was initiated by the need for "investing the term with overly flexible ranges of meanings" (Rolandsen 2005: 122).

Summary

This chapter has provided a historical contextualisation on the evolution and origin of the SPLM/A. From the discussions above, it has emerged that the origin of the SPLM/A and the proximate cause of the second civil war (1983-2005) is not limited to abrogation of the 1972 Addis Ababa Peace Agreement. However, the combination of disfranchisement, resentment, exploitation, proclivity, marginalisation, and exclusion of Southern Sudan led to the civil war.

Additionally, underdevelopment, political myopia, cultural proclivities, and governments' inept aptitude and weak institutional arrangements that lowered its capacity to provide social welfare to its citizens were at play. The central government of Sudan's proclivity for zero-sum games that inhibited political participation and the imposition of Islam to the citizens cumulatively exacerbated anger and frustrations amongst other non-Muslim population in Southern Sudan. These led to the decline of its societal legitimacy and fermented intolerance, anger and frustration amongst its people. Moreover, the central government's imposition of power over the South offered a suitable edifice and environment for the emergence of SPLM/A that challenged the state's authority and control.

As depicted above, SPLM/A had its flaws during its evolution. SPLM's political and ideological developments proved cumbersome in forming an identity that could appease international and local audiences. Garang's embracement of 'socialism' and 'Sudanism' infamous concept was not received well by most southerners, who were mostly concerned with their material well-being instead of SPLM's ideological orientation. However, this ideology was necessary since it helped SPLM/A to secure material, logistical and military support from the Dirge regime in Ethiopia before the end of the Cold War and the disintegration of the Soviet Union.

Consequently, the movement hardly acquired legitimacy because of its harassment and oppression of civilians and lack of adequate administrative structures. During the first ten years of the civil war, Garang, as the Chairman of SPLM/A, was reluctant to establish public governance institutions for fear of losing political power. He was mostly concerned with gaining military victory instead of creating administrative structures in the SPLM 'liberated' areas.

However, in the early 1990s, the SPLA was forced to soften its stance after encountering several interlocking crises, such as the loss of material support after Meles Zenawi overthrew Mengistu, the then President of Ethiopia. The defection of Riek Machar and the later internal split within the SPLA and the violent clashes between Machar's Nuer followers and the Dinka residing in Bor in the Upper Nile, which was Garang's homeland, further weakened SPLA. The ensuing endemic caused an influx of refugees and the flight of soldiers towards the South of Equatoria.

All these circumstances created a favourable climate for a coup. Therefore, the leadership of the movement had to reform internally, changing its ideology to fighting as a south representative. The term 'united Sudan' was changed to 'self-determination', and that of 'socialism' was substituted with favourable concepts such as democracy and human rights to gain support from potential Western Donors.

Importantly, the factional split brought the momentum in addressing issues and policies that the opposition within the movement had voiced. For instance, the Torit and Bedden resolutions

signalled essential changes within the movement. SPLM/A shifted from militarism and uncompromising unity towards separating the military wing from the administration areas under its control. More importantly, it led the movement to change its objective towards gaining self-determination in southern Sudan.

The SPLM/A's first National Convention held in Chakudum in 1994 offered a vital foundation for the change of objectives, including civil governance structures independent of those of SPLA. The National Convention, organised in the form of a party congress, was essential to the SPLM/A. It helped the SPLM to settle internal disputes, mobilise its followers, solidify its organisation, and provided a chance to communicate its mission to the people. As a result, the SPLM/A transformed from a belligerent, ineffective and exclusive army into a democratic, streamlined movement.

The lowering of military ranks and the establishment of institutional structures were necessary for this achievement. Consequently, the local population could share their suggestions and grievances with the leadership of the movement. The multi-ethnic gathering of delegates from different areas in the South, other regions of the larger Sudan, and the diaspora, as well as the consequent revision of unpopular policies and the initiation of a civil administration, helped SPLM to regain legitimacy. The movement became democratic with more elaborate government structures in Southern Sudan. As a result, the SPLM/A made tremendous changes from 1994 by adopting its new rhetoric. Starting as a rebel movement during the struggle for liberation in the South of Sudan, the SPLM became one of the most popular movements of its kind but was prone to internal division, sometimes exacerbated by international factors, which are discussed in the next chapter.

6 SPLM/A's Transitional dynamics (Operationalisation of the categories)

The previous chapter illuminated the origin and the transformation of SPLM/A from a liberation movement to a political party. This chapter delves into the SPLM/A's organisational dynamics and factors that underlay the course of the movement's political transition from a guerrilla/liberation movement to a political party. The chapter discusses the three dynamic factors that aid in explicating the transitional process of SPLM/A.

It addresses explicitly *internal dynamics* that encompass the shifts in goals and ideology, the organisational factor in the form of the leadership structure of the movement, its political development, and the source of funds for its activities. The *intra-party dynamics* behind the structural transformation of the SPLM/A, the perceptual shifts and ultimate consolidation of legitimacy, and support from other rebel groups in South Sudan are also addressed. Finally, it will be an analysis of the *international dynamics* employed strategically by the movement to gain international recognition and legitimacy, followed by a summary.

6.1 Internal dynamics

This section provides an analysis of SPLM's internal dynamics. It examines how its structure evolved during different phases of the conflict. It also entails how the movement formulated and consolidated its government functions into constitutionally recognised bodies at the local, regional, and national levels. Also, it involves economic aspects and methods used by the movement to sustain its activities during the struggle, and the strategies it used to recruit the masses in the liberation war.

6.1.1 SPLM's ideology

As detailed in chapter five, the leading cause of the SPLM/A uprising was the abrogation of the 1972 Addis Ababa Peace Agreement and its consequences. However, the failure of the previous southern rebel movement (Anyanya I) was another critical factor. John Garang viewed the Anyanya as '*bourgeoisified southern elites*' and '*jobbists*' who were overly concentrated in acquiring political positions for personal ends and gratifications (De Waal 2014: 350f, emphasis added). In Garang's speech during the movement's second anniversary, he reiterated that the 'Old Sudan' leaders were brought together 'by ties of opportunism, of "trim" or whiskey and beer drinking parties' (Wël 2013: 89).

Garang's remarks arose from the movement's internal state of affairs during the ten years of an autonomous Southern Regional Government. At this time, southern politics experienced factionalism and individual ambitions that were subject to manipulation by the central government. These factors intensified and expedited divisions between the southern politicians who got senior

posts or incentives. This is why the manifesto by the SPLM/A was "tilted against old-style civil politicians and the trappings of democracy (African Rights 1997: 68)." To garner support and consolidate legitimacy for the new movement, John Garang crafted the 1983 manifesto that encoded the idea of a 'socialist' United Sudan revolutionary ideology within its mandate. At the time, this was a common strategy for highlighting problems related to political deprivation, social and economic marginalisation, inequality, identity, and religious antagonisms in Sudan (cf. Bereketeab 2018b, Khalid 2015, Moro et al. 2017, Rolandsen 2005). Its other aim was to initiate a secular constitutional order that embraced ethnic, cultural, religious, linguistic, and regional diversity of the Sudanese population. Garang's vision rallied for an all-inclusive Sudanese state and secular democracy with devolved structures. It also initiated progressive and inclusive political pluralism that permitted more involvement of the broader population in governance matters irrespective of religion or race (cf. Daly et al. 2016, Khalid 2015, LeRiche et al. 2013: 32f).

Furthermore, Garang invoked universal values by emphasising normative political principles and practices such as human rights, human development, freedom and equality, social peace, good governance, social justice and social cohesion. He also stressed the initiation of democratic prospects and promised a better future (eudemonic legitimacy) if the movement succeeded. Furthermore, he embodied their historical experience in order to underscore their claim to political legitimacy, and garner support from the wider Sudanese society (Shandy 2007: 22). In other words, the SPLM leadership translated shared experience (social habitus) into traditional legitimacy in order to win support from South Sudan's population (cf. Moro et al. 2017, Washburne 2010: 56f). Embracing the idea of a 'socialist' and United New Sudan targeted the support of other African states, especially Mengistu's regime in Ethiopia, and international recognition from other Eastern Bloc countries (cf. Bereketeab 2018, Johnson 2003:114-118, LeRiche et al. 2013: 32f, Madut-Arop 2006: 283ff).

A southern Sudanese scholar, Francis Deng, views Garang's vision as revolutionary. He argues that Garang's ideas posed a remarkable and ambitious objective for the SPLM/A in that he managed to shift the southern outlook from that of a minority struggling to be recognised as well as seeking a degree of autonomy in a marginalised periphery of the country, "to one of self-assertiveness, pride and dignity in the struggle for a democratic Sudan (Deng 1995: 19)." Douglas Johnson (2006) asserts that Garang actively connected the objectives of the SPLM with what the Southern Sudanese were experiencing through his speeches broadcasted on Radio SPLA. He also shares the opinion that the critical argument in these speeches encompassed only the vital views of the manifesto without ideology and that Garang was addressing "directly the real experiences of many Sudanese" (Johnson 2006: 64). Also, he acknowledges the idea of a New Sudan as a "genuine autonomous or

federal government for the various regions of Sudan, a restructuring of the central government, commitment to fighting against racism… and tribalism (Johnson 2006: 65)." He further asserts that Garang's idea actively connected the goals and objectives of the SPLM/A to what southern Sudanese were undergoing (ibid. 64).

This tactic came with certain costs. In an interview, a former SPLM/A leader conceded that the socialist idea led to disagreements within the movement's leadership. He also lamented the fact that the introduction of the socialist ideology led to the emergence of two power centres that culminated in armed conflict amongst the first leaders of the movement, especially from the Nuer community of the Upper Nile region (Interview on 23.11.2017). Garang also acknowledged that from the onset, the SPLM comprised of different movements and that he was committed to creating a formidable rebel movement. His commitment led him to invite former rebel groups to join his cause. He further indicates that the main objective of his rebel group was to influence Anyanya II to join hands with the SPLM/A to liberate Sudan, although the two rebel movements had different intentions and objectives. Anyanya II was fighting for the separation of Southern Sudan, whereas the SPLM was rallying for the unity of Sudan (Garang quoted in Wël 2013: 60).

In another interview with a former rebel leader, he conceded on the challenges that the leadership of SPLM underwent in spreading the socialist ideology. He stated that:

> "…despite these shortcomings, the embracement of socialist ideology was vital for the movement since many of the refugee's children got an opportunity to study in Cuba using travel documents that were issued by the Ethiopian government. Importantly, these people returned to Southern Sudan to help SPLM run its administrative affairs in its 'liberated' areas after the 1994 National Convention. Most of these former refugees have played a significant role in running the now independent country of South Sudan (Interview on 28.11.2017)."

He further stated that although the southerners disliked the political ideology, the reformist agenda aimed at consolidating legitimacy also aimed at attracting support from the disfranchised and marginalised Arab population in the North and other various minority groups to fight against the central government. Besides, he alluded that the ideology aided the movement to garner military, financial, logistics, a cross-border base, and international legitimacy from Ethiopia as well as other Eastern Bloc countries whose de facto philosophy was fused with traditional doctrines of mass armies, and Soviet belief on the tyranny of numbers (ibid.).

This manifesto projected a war plan that would facilitate the transformation of SPLM/A into a genuine liberation movement. In comparison with other party manifestos in liberal democracies, however, this manifesto was unique as it did not outline or provide comprehensive policies such as the provision of goods and services or safeguarding rights. Its primary focus was to win state power

and enhance a radical transformation of Sudan through an ideology of a united socialist Sudan. A report by the African Rights Group (1997) indicated that the manifesto was problematic insofar as there was a gap between the establishment of a valid cause and a realistic political approach that would facilitate the movement to attain its objectives. Hence, the term 'liberation' denoted the sense of 'conquering' (African Rights Group 1997: 65, Daly et al. 2016: 111).

John Young (2008) critiques the SPLM manifesto, stating that it did not target the masses (that is, compared to other liberation movements similar to the Maoist). Also, he indicates that the movement permitted the politicisation of the military while at the same time side-lining the larger population from the transformation process of the state power (ibid. 161). The idea of the movement encoded the creation of an army. The only clause which pinpoints the relationship between the SPLM/A and the local civil population states that "politicisation, organisation and militarisation of the peasantry shall follow liberated areas (Young 2008: 66)," a factor that De Waal et al. (2001) also emphasise in his analysis (ibid. 133).

Therefore, from this observation, it is clear that the movement solely focused on national liberation and not the wider civilian population of Sudan. The reductionist approach of relegating the population to the 'peasants' category is a clear indication that they were a means and not the purpose of the struggle. Garang's embracement of socialism targeted an economic system aimed at saving the Sudanese from marginalisation. This manifesto entailed Marxist ideology, and it was projected against the neo-colonialism of Arabs over the Africans in Sudan (cf. Southall 2013: 10 cited in Bereketeab 2018b: 11, Washburne 2010: 50).

Rolandsen and Daly (2016) note that a quest for personal ambition, and gratification influenced Garang's vision; that is, perhaps his intention was not ruling southern Sudan, but entire Sudan and the realisation of this idea was only through the embracement of a reformist agenda. They further indicate that with the fall of the Ethiopian Dirge regime in 1991, Garang's strategy was to gain control of entire Sudan while at the same time rallying for separatism. Therefore, it is probable to assume that his vision of New Sudan was more flexible than perceived by many (Daly et al. 2016: 112).

As such, his primary focus was to acquire power through an amalgamation of military and political channels. From the onset, he envisioned the possibility of attaining secession for South Sudan and, as much as possible, the border regions of the north (ibid.). Also, Burr and Collins assert that Garang's socialist ideas differed from his real intellectual leanings. They add that for his movement to get support from the Dirge regime in Ethiopia, John Garang had to embrace the Marxist rhetoric; although he was not a Marxist or a socialist personally, "his enemies…made him out to be (Burr et

al. 1995: 18).” In any case, the idea of a united Sudan was not supported by southerners since most of them rallied for secession (Washburne 2010: 50).

Peter Nyaba, a southern Sudanese scholar, asserts that most of the southerners hardly understood nor supported Garang’s ideology of a united Sudan by citing that:

> “...it appears the SPLM manifesto was not intended for the people of South Sudan... but rather to gain acceptability in the eyes of outsiders. It seems in the manifesto the SPLM/A was endeavouring to convince the Northern Sudanese that a new brand of socialist South Sudanese, who believed in the unity of Sudan, had emerged (Nyaba 2003: 33).”

Mansour Khalid, another southern Sudanese scholar, supported Garang’s idea of a united Sudan. He argues that Garang’s vision intended to be an example of a new brand of a leader focused on transforming and uniting all the regions of Sudan (Khalid 1987: xxiv). Nevertheless, despite the various challenges the movement faced in spreading its ideology during the late 1980s, the SPLA managed to capture vast areas and towns in the southern part of Sudan.

6.1.2 The organisational structure of the SPLM/A

At the onset of the Second Civil War, the SPLM/A perceived itself as a legitimate representative of its communities, fighting the ‘illegitimate’ government marginalising and oppressing its people. The SPLM noted the supreme importance of institutions of force for streamlining social interests and objectives in Sudanese society. At the onset of the movement in 1983, the SPLM/A had already initiated institutional structures while in Ethiopia.

John Garang was elected the chairman of the SPLM and Commander in Chief of SPLA. The movement also established a Politico-Military High Command comprising Major Kerubino Kuanyin Bol as the deputy chairman and deputy commander in chief, and William Nyuon Bany as the chief of the general staff. It also included Captain Salva Kiir Mayardit as the deputy chief of staff for security and military operations, and Nyachigag Nyachiluk as an alternate member of Politico-Military High Command (cf. Akol 2001, Nyaba 2019, Young 2012, Wël 2013).

The SPLM/A institutions were like those of the government. This was a clear insight into how the movement established an acceptable form of legitimate political authority by presenting itself as an alternative to the oppressive NIF regime in power. The SPLM embraced state-like functions, including the provision of goods and services to the population, which further enhanced its ability to address issues of the organisation. The enactment reforms instituted by the 1994 National Convention was instrumental in these achievements. Besides, it aided the movement to win support and legitimacy from the local population, thereby developing a competing centre of legitimate

political authority (cf. Clapham 1998, Brown 1996, La Rosa et al. 2008, Policzer 2002, Rolandsen 2005, Daly et al. 2015, Wël 2013, Weinstein 2007: 37ff).

In an interview with a South Sudanese scholar, he stressed that:

> "The SPLM's organisational nature was state-like, hence resulting in different sovereignties within Sudan as well as a legitimacy crisis. There was dual power characterised by the central government, and the movement perceiving themselves as legitimate holders of authority. Both had enacted ways of coercion to pursue their objectives (Interview on 19.11.2017)."

The South Sudanese scholar further stated that the situation led to an asymmetrical war that caused the '*fragmentation of space'* in which SPLM/A dismantled the state monopoly on the legitimate use of power, and violence ensued. As a result, state sovereignty was diminished in many areas of southern Sudan. Also, he added that the SPLM/A had a characteristic of a state-in-waiting or formation since it managed to establish an organisation through which it could monopolise the main channel of coercion in a vast region in Sudan. Finally, he stated that SPLM/A validity as a revolutionary movement was evident through its ability to control and govern liberated territories in a national society (ibid. emphasis added).

The institutional and organisational structure of the SPLM entailed stable command control structures, that is, "unity of command and effort", as well as a well-defined and united hierarchical structure. Therefore, unified hierarchically organised and bureaucratic structures with a significant executive capacity contributed to it better than their fragmented counterparts (other rebel groups in Sudan) as its internal command structure allowed the leaders to train the movement's followers appropriately as well as give clear orders and instructions. Also, the SPLM/A's internal organisational structure based on civil codes of conduct enabled it to acquire information on its subordinates' actions and react promptly. As a consequence, the SPLM/A's well-structured organisation under a united command enabled it to attract or absorb other competing insurgent groups as well as win significant grassroots support, especially from populations that felt alienated by the central government (cf. Clapham 1998, Khalid 2015, Rolandsen 2005, Weinstein 2007, Weinstein 2005).

The existence of institutions was evident in the SPLM/A manifesto. Besides, its penal code indicated that: "The Sudanese People Liberation Army shall at the initial stage exercise executive and judiciary authority with assistance from the SPLM Provisional Executive Committee (Penal Code cited in Young 2012: 47)." It is important to mention is that the definition of SPLM and SPLA was not defined in the manifesto, but the penal code and the army (as opposed to the party) was supposed to exercise executive and judicial authority. The Provisional Executive Committee (PEC) was also absent (ibid. 48).

The initial setup of the SPLM/A administration was an amalgamation of military, executive, judicial and legislative power. In contrast, five individuals in the high command participated in the war and administrated the liberated areas through a pyramid of political commissars, officers, and military judges (Fegley 2009: 4). Their primary function revolved around mobilising resources to wage war, forceful conscription, provision of rations, and porterage. However, the local population resented all these endeavours since they turned futile in creating institutions that would offer goods and services to the community (Young 2012: 71).

Nonetheless, the creation of these institutions within SPLM/A coincided with the killing of Anyanya II leader Gai Tut in 1984, and the massive imprisonment of leaders by Garang. This was because the Anyanya II movement was bent on southern secession, whereas the SPLM/A rallied for a united socialist Sudan (SPLM 1983: 16, Young 2012: 47, 67, Nyaba 2019, Wël 2013). Garang's successor, Salva Kiir, stated that the first bullets fired by the SPLA were aimed at the separatists. In this revolt period between the Southerners, 1984 - 1989, Lam Akol asserts that more southerners died between the various southern rebels than between southerners and Sudanese Armed Forces (Akol 2009: 260).

SPLM/A used Ethiopian state power, such as the military, as part of its structures of control and transformation. In refugee camps, the SPLM used these structures as their government. Nonetheless, the SPLM organisational structure was not that of a liberation movement that merged with the people aimed a carrying out social reforms. Still, it was more centralistic and organised as a hierarchical army, similar to the model they fought (ibid. 83).

Notably, the SPLM/A was not part of a broader Sudanese coalition since it was composed of members of the existing clandestine political organisations, its structure was highly centralised, and it did not include the civilian body in its decision-making processes. Some individuals within the SPLM/A, such as Riek Machar and Lam Akol, made opportunistic tactical alliances with the Khartoum government instead of contributing to a common political strategy.

However, this stalemate ended through SPLM's initiation of internal reforms and liberalisation to win back the confidence and support of civilians during the 1994 National Convention. Subsequently, the SPLM/A drafted its constitutions, and restructured and separated its military institutions from the civilian ones. The process was democratic as the civilians could vote for their legitimate representative since the SPLM/A did not have local structures in the areas it controlled. The 1994 National Convention served as an essential platform for correcting misdeeds of the past. Thus, it marked the renewal of an elaborate political programme to equip SPLM/A with civil, administrative structures (cf. Rolandsen 2005).

Regarding administration before 1994, Alex de Waal (1997) asserts that the local SPLM structures were nominal since the SPLM had embraced a policy of putting military victories ahead of political mobilisation, thus, making the movement's administration "violent and extractive" (ibid. 96). A European-Sudanese Public Affairs Council report disputed SPLM's establishment of political and legal administrative structures in its liberated areas. The report stresses that the SPLM's civil organisational structures focused on attracting international supporters to gain political legitimacy for the movement (Hoile 1998: 15). Douglas Johnson (1998) disagrees with these views. He asserts that the SPLM had implemented a comprehensive and uniform administrative structure led by chiefs who administered it in the liberated areas (ibid. 67).

In terms of the provision of goods and services, the movement also created the Sudan Relief and Rehabilitation Association (SRRA), a political organisation that had a similar role to that of a local administration in relief aid. At the same time, the SRRA acted as a link between the SPLM and other international organisations (Washburne 2010: 62). Also, the SPLM used indigenous church organisations and later the New Sudan Council of Churches (NSCC), a religious wing of SPLM, to provide welfare services, relief food, and education to refugees in the camps. However, the church posed challenges to the legitimacy of SPLM because "the movement had viewed the church organisations, NSCC in particular, as a potential threat and competitor for the position as the legitimate spokesperson of the southern people" (Rolandsen 2005: 76, LeRiche et al. 2013: 85).

During the transition period, the movement faced challenges with its militaristic ethos. Nonetheless, due to the 1994 democratic reforms within its organisational structure, the SPLM/A introduced a civic ideology within the movement. This aided it in the consolidation of legitimacy by addressing the ideological differences based on unity or secession. Thus, it became a more conscientious armed movement aimed at upholding human rights. The movement also established a system of government in its liberated areas; the population was involved in decision-making through local congresses and political bodies through different agencies across the country (that is, in County, Payam, or Boma/ village).

These new political developments enabled the officially elected chiefs and village councils to influence the decision-making process within the movement at the grassroots level. They had essential roles in the recruitment processes, mediating conflicts, mobilising people for public work, distributing relief food, and assessing local needs (cf. Kanyane et al. 2010, Rolandsen 2005: 72). Once the movement started controlling an area, it created a civilian administration responsible for regulating the chief's elections and the functions of the chief's court. The chieftaincy also worked closely with the movement since it held some executive positions at the lowest administrative level (African Rights 1997: 315, Johnson 1998: 67).

6.1.3 The war economy of the SPLM/A

While in Ethiopia, the movement exploited international humanitarian aid to finance its guerrilla program. As a result, the SPLA managed to enact social control over the large group of southern civilians in the camps. As a result, these camps became a model of an SPLA-dominated society as the Ethiopian government accorded the movement authority to govern in the camps. The SPLA could enact curfews, impose a security system in the camps, control people's movements and economic activities, and carry out summary punishment (African Rights 1997: 76). In addition, the international relief system sustained the soldiers during training, and people were discouraged from residing in government-held areas. As such, the SPLA areas received relief aid to ease the difficulties in providing for the rebel soldiers (ibid. 72-74).

The SPLA taxed relief trucks loaded with supplies meant for refugees, and on some occasions, they resold the food to the refugees. This way, the movement earned money which it later used for buying vehicles and other military equipment (African Rights 1997: 73-75, 79, De Waal 1998: 62-73). The SPLM/A governed the economy by regulating local and trans-border trade. Confiscation of tobacco was the initial step in developing a trade network into Uganda that involved cows, guns, and alcohol.[62] This helped provide a livelihood for the soldiers and the Internally Displaced Persons (IDPs). Moreover, in Lauro, New Site, and New Cush regions, the SPLM/A officers extracted natural resources such as gold and timber, which they sold to Kenya and Uganda to finance the movement's activities. Consequently, this created the notion of "blood teak" (De Wal 2014: 352, Johnson 2006: 114f, Walraet 2008: 58, 64).

Due to the cut-off of SPLM's military supply from Ethiopia in 1991, the movement emphasised 'self-reliance' during the National Convention.[63] This offered the population opportunities for surplus production to support the movement. The SPLM continued to exploit relief and development aid as well as humanitarian organisations to get food, various equipment, and medicines. The faction's relief wing and the Sudan Relief and Rehabilitation Association (SRRA)[64] mostly facilitated the exercise. On some occasions, the movement starved civilians to attract aid.

[62] Generally, in South Sudan, the number of cows is regarded as a sign of wealth. Besides, rearing of livestock is closely associated with cultural institutions such as the bride's wealth that legalise marriage, a rite of passage for young warriors. In some occasions, the compensation of acts of homicides is in term of cows (cf. Thomas 2015: 7ff, Walraet 2008: 58).

[63] The SPLM/A appealed to the local movement to produce enough food as well to engage themselves in the cottage industries in order to produce some soft military requirement such as uniforms, tyre sandals (Mutwakali), pouches, belts amongst other things (Rolandsen 2005: 114).

[64] SRRA operated at two distinctive levels. The central level was mostly concerned with the activities of NGOs and Operation Life Sudan (OLS) structures in Nairobi, Kenya. At the local level, it stationed officers in areas controlled by the SPLM. In some instances, the local officers who doubled insofar as SRRA officers were responsible for the assessment and distribution of relief food while civilian/Military Administrators collected taxes from the same population they were serving (Rolandsen 2005: 74).

The humanitarian organisations working in Sudan helped mitigate this problem by urging the SPLA to adopt human rights protocols (Rolandsen 2005: 48f).

After the 1994 National Convention, the SPLM/A adopted this call, and the international NGOs assisted the movement in establishing civil administrations and economic incentives for non-state organisations. Consequently, the first indigenous NGOs (SINGOs) received capacity-building assistance in the rebel-held areas. The undertaking enhanced income-generating projects in the South. These projects helped the SPLM prove its legitimacy by providing security for the aid workers and the population. The presence of Operation Lifeline Sudan and foreign NGOs also helped spearhead SPLM's adoption of reforms. Consequently, these international humanitarian organisations financed both the SPLM administration ('the civil authority') and local NGOs ('the civil society').

SPLM acceptance of foreign NGOs in their 'liberated areas' and the provision of social-economic developments in these areas was more vital to the population than its political activities. Educated Southerners had a chance to contribute directly to uplift the living standards of the local people outside the movement's structures. Furthermore, the activities of these organisations in the rebel-held areas played a significant role in improving SPLM/A's image externally, especially in the Western world. Consequently, the broader population embraced the movement since it proved that it was genuinely catering for the community's welfare by delivering on issues that it had promised the local population. The promise of eudaemonic legitimacy *via* the provision of goods and services to the people was one of the chief factors that helped the movement attract popular support in the liberation struggle (cf. Daly et al. 2016, Metelits 2004, Rolandsen 2005: 66, 78).

The SPLM enjoyed more on the ground legitimacy than the Khartoum government because it could offer social welfare to the population and, thus, kept its earlier promise. As a result, the movement received support from the population as the legitimate representative of the southerners fighting an 'illegitimate' and oppressive government in Khartoum. Despite its political manoeuvres and the revision of the previous decisions, the SPLM leadership committed itself to enhance democracy through the inclusion of several institutions and the local population in the decision-making process, as discussed above, which was one of the key objectives during the war.

6.1.4 The recruitment process within the SPLM/A

SPLM/A recruitment suffered due to the resentment of how the SPLM/A dealt with the civilians. Lacking a concept of a civil administration, the movement failed to forge a steady relationship with the population. It did not conform strictly to ethical norms and rules of war, and it also failed to create or adopt practical social and political programmes for the liberated areas that they controlled (Daly et al. 2016: 107, Johnson 2003: 84). The general acuity in Eastern Equatoria was illustrative

by most of the southerners. The civilian population in this region perceived the SPLM/A as an occupying force, though not ghastly as Sudan's Armed Forces (SAF) as well as other armed insurgents in the North – "it was lesser of the two evils (LeRiche et al. 2013: 84)."

Due to financial constraints, the SPLA allowed its soldiers to take part in private trades, consequently becoming a party to the plundering, harassment, and humiliation of local civilians by soldiers, leading to increased cases of violence.[65] As a result, the SPLA did not appear as a genuine national liberation movement but instead resembled an army of occupation in regions it controlled, leading civilians to run away from it. The nature of its operation not only dented and tarnished its credibility, but it also led to the loss of support from the local population (Nyaba1997: 25, 36ff, 51, Hutton 2018: 27, Madut-Arop 2005: 86f, Young 2003: 427).

A report by Panos Institute, 'War Wounds', illustrates how the southern civil population viewed SPLM/A as a foe alongside the Khartoum government. The relief field coordinator stated that the enemies of the South Sudanese comprised of four deadly foes, namely: government troops, the SPLA, tribal militias, and famine problems that they were not able to defend themselves from (Pogrund et al. 1988).

Parochialism arose by default due to poor governance, Dinka domination of SPLM/A, Garang's authoritarian tendencies, his opposition to institutionalising the movement. and the movement's dependence on violence. All of these factors, together with lawlessness amongst the movement's soldiers, insecurity in the liberated areas, and factionalism, dissuaded the population from joining the movement. The 1994 National Convention brought changes in social relations between the SPLM/A and the broader population that forged a cordial relationship between the movement and the community (with regards to recruitment), especially after the split of the movement in 1991. The movement undertook procedural legitimacy based on agreed formal rules and practice. It achieved this through elections of movement's leaders by the civilian population. As such, the movement overhauled its organisational structure, and this undertaking did not only increase its internal legitimacy as a way of self-preservation, but it also garnered legitimacy and support from the local population (cf. Bayart et al. 2000, Copnal 2014, Khalid 2015, Mampilly 2011, Menocal 2011: 1724, Moro et al. 2017, Rolandsen 2005: 112ff, Young 2012: 74).

During the recruitment process, the SPLM/A employed various tactics such as training rites, comradeship, and local influences to streamline the recruits' behaviour and attitude (Tarrow 2007:

[65] Human rights abuse and downright mistreatment of the locals by high-ranking SPLA military commanders happened everywhere in the South Sudan. The main problem of lawlessness and the suffering perpetrated by local commanders in taking law onto their own hands, was firstly tackled during the 1994 National Convention (Rolandsen 2005: 112-113).

91). In an interview with a former rebel, he stated that the organisational structure of the movement was actively involved in influencing their recruits politically, and engaging in social training. This measure aimed at building a strong rebel group, and the recruits were brainwashed through political indoctrination before being inducted into the SPLA. He further lamented that due to the lack of financial resources, the SPLM/A used appeals such as cultural and social logics to entice recruits to join the movement (Interview on 28.10.2017).

Another interlocutor reinforced this observation by stating that the mobilisation structure of the SPLM/A depended and relied on strong political, social, resource mobilisation skills, and networking ability through traditional authorities such as chiefs. Once achieved, political indoctrination followed, and the recruits trained on mutual trust, devotion, allegiance, and loyalty. Consequently, this enhanced collective action initiative aimed at establishing a cohesive movement and technical capacity designed to strengthen the rebel's efficiency in attaining its long-term objectives. He further stated that southern Sudan lacked economic resources; therefore, the recruitment process mainly depended on social networks, ethnic, paternal, local and cultural endowment. It also depended on shared negative historical experiences of deprivation, political and economic marginalisation, and religious dominance, which were the main recipes for the onset of the second civil war in Sudan (Interview on 2.11.2017).

The internal stability of SPLM under the leadership of Garang derived from the embracement and propagation of shared beliefs that included an ideology, a sense of understanding of local people's (diverse) perception and local beliefs that called for political authority and community under the banner of the vision of a United Sudan. Garang also enhanced this by claiming legitimacy based on a sense of political community and shared beliefs underscored by his political ideology and actions and attributes (cf. Rolandsen 2005, Daly et al. 2016, Kanyane et al. 2010, Moro et al. 2017).

The above statement hinges on Schlichte's argument on social habitus, which states that an armed group leader can utilise patterns of behaviour, social norms, and habit in recruiting potential followers. Garang revitalised a primordial consciousness based on group process and inter-group relations as a mechanism for strategic mobilisation to appeal to social action from the Sudanese population. In mobilising the population to join the SPLM/A in the liberation war, Garang exploited salient conditions that were shared and experienced across southern Sudan. They included the threat of Islamic hegemony, and the political and economic marginalisation characterising the National Islamic Front (NIF) regime. These factors served as a mechanism for mobilising the civil population, and his persuasion strategy based on the ideology of 'New Sudan' was geared towards enhancing a state of shared recognition in the liberation war (cf. Daly et al. 2016, Khalid 2015, Schlichte 2009: 90, OECD 2010, Young 2006).

As Francis Deng asserts, Garang used identity to wage war against the NIF regime based on race, culture, language and religion. The identification process played a vital role in influencing the Sudanese to participate in the liberation war based on the political, economic, social and cultural realities of life in Sudan. The embracement of identity in the liberation war had a powerful impact on the recruitment process since the Khartoum government was autocratic and discriminated against the southern population. There was discrimination based on race, colour, origin, and religion. These were coupled with poor governance, marginalisation as well as infringement of human rights and fundamental freedoms. This created the conditions allowing Garang to use identity to persuade the population to join SPLM/A. He aimed to make the movement appear to be the legitimate liberator of the Sudanese citizens.

Later in the war, southern Sudanese used identity to rally for the sovereignty of the south through calls for the right of self-determination. Garang prudently used identity according to the population that he was appealing to. The tactic exploited Sudan's multifaceted society, where various individuals come from multiple social domains. Religion, traditional clan systems, and ethnic groups acted as complicated and cross-cutting factors that Garang manipulated to inculcate a democratic and equitable United New Sudan ideology. It included a negative and totalitarian ideological notion of Islamised and Arabicised identity in the north and paganised/Christianised and African identity. The ideology of 'New Sudan' aimed at redefining the 'problem of Southern Sudan' to 'the problem of Sudan' (Chetty 2009: 301-330, Deng 1995: 14f, De Waal et al. 2008, De Waal 2007, Johnson 2003, Jok 2007, Prendergast 2007: 37ff).

Garang appealed to the marginalised Sudanese in peripheral regions and mobilised the entire Sudanese citizens for collective social action against the National Islamic regime. His political speech on the vision of New Sudan highlighted this when he reiterated that:

> "We believe the New Sudan represents the future and hopes and the aspirations of the Sudanese people, in that the new Sudan based on a Sudanese commonality – a social and political commonality that belongs to all of us, irrespective of race – whether we are Arab or of African origins. Nations form as a result of the historic ***movement of peoples***… So, we aspire to a new Sudanese dispensation in which all are equal, irrespective of these localisms which inherit out of no choice of our own" (Meyer 2005: 90 cited in Chetty 2009: 323, emphasis added)."

By the end of 1989, the SPLA rebels numbered about 70,000, forming an army of experienced and well-trained guerrilla fighters and thousands of volunteers under a central command. They were better trained, more disciplined and had a better command structure than the army of the government of Khartoum (African Rights 1997: 83, 64f, De Waal 2014: 351, Daly et al. 2016: 107). The other success in the SPLM/A's recruitment process arose from the calls for voluntary

recruitment based on the relationship between the SPLM/A and the local population. In most instances, the SPLM/A used its leaders and local troops to persuade the population to support their revolutionary cause, and contribute resources and recruits to the movement. In some instances, chiefs helped the movement to mobilise people by using a form of taxation where every family had to contribute labour. In addition, the SPLM/A issued chiefs with quotas for the number of recruits that each village has to offer. Women and youth were also combatants, but they only performed auxiliary functions such as preparing food, assisting as porters, or running errands (Daly et al. 2016: 109, cf. Kanyane et al. 2010, Young 2012).

6.2 Inter-party dynamics

Following the above discussion on the inter-party dynamics, this sub-section illuminates the inter-party mechanisms facilitating the structural transformation of the SPLM/A. It examines the perceptual shifts that enhanced the movement to overcome distrust by the population. |It also examines how it garnered support and legitimacy from other armed rebel groups in Southern Sudan as well as with other northern armed groups and opposition parties. Finally, the analysis illustrates how SPLM/A emerged as the sole legitimate negotiation partner with Sudan's central government.

6.2.1 The coalition between SPLM/A and Other Armed Groups in Southern Sudan

Following its establishment in 1983, the SPLM/A faced massive opposition from southern armed groups from the Latuka, Toposa and Mandari communities in the Equatoria region. At the same time, the government used divide-and-rule strategies to reduce SPLM/A's power. The government exploited the enmity between SPLM/A and Anyanya II. However, after the initial split of the SPLM/A in 1983 and in a bid to consolidate power in 1988, Garang spearheaded reconciliation talks with other armed groups in southern Sudan. The most prominent group was Anyanya II, comprised mainly of the Nuer ethnic group from the Upper Nile. The groups were later absorbed into the SPLA (De Waal 2016: 67, Johnson 2016: 5ff, Kuol et al. 2009, Daly et al. 2016: 106, 113).

After the reconciliations talks, the SPLM captured various towns such as Pochalla, Pibor, Ayod, the Blue Nile towns of Kurmuk and Qaissan, and Kapoeta. By 1989 government control was limited to a few garrison towns. The SPLM/A now controlled a large portion of southern Sudan (Daly et al. 2016: 106ff). However, reduced military, financial aid, and logistical support, and the fall of the Dirge regime and the subsequent split of the SPLM/A in 1991 led to massive military losses. Also, the government initiated divide and rule tactics to stem down the tide of insurgency. It did this by co-opting local armed groups and by mobilising the masses who had resented the rise of SPLM/A (Blocq 2014: 1-15, Daly et al. 2016: 106).

In a bid to reconsolidate its political legitimacy after the 1991 split and its subsequent losses, the SPLM/A adapted to the new circumstances after the movement realised it could not win that war soon. To fend off this challenge, Garang decided to project popular support to gain political legitimacy, and improve its public image vis- à-vis that of foreign actors. His aim was to demonstrate that the movement was concerned with the welfare of the civil population and democracy. Convening the National Convention in 1994 was geared towards democratising the movement as well as initiating internal reforms.

The SPLM/A embraced the objective of self-determination as the central aspect of its political program, initiated a civil government structure, and at least "formally, it touted democracy within the SPLM/A (Daly et al. 2016: 128)." To regain legitimacy, the SPLM/A drifted towards separatism and a policy advocating independence of southern Sudan. In the course of the negation talks with the Nasir faction, the SPLM/A advocated for the freedom of the south while at the same time rolled out several strategies based on a conditional pledge to unity: unity was viable only if Sudan reformed. As a result, the SPLM managed to win back the break-away Nassir SPLM faction.

The southerners supported this idea, which cemented the political legitimacy of the movement among the local population. Garang was elected as the chairman and Commander-in-chief of the SPLM/A and Salva Kiir as the deputy chairman. The National Liberation Council (NLC), established in 2000, became the highest authority amongst conventions. Also, it created an intricate balance between the SPLM/A and the Civil Authority of New Sudan in areas liberated by the movement, which also supported its limited autonomy vis-à-vis the military. The implementation process was mostly limited to civilian governance. The end of reforms within SPLM/A witnessed the replacement of the NLC with the Liberation Council. The governance structure adopted at the 1994 National Convention became the basis of the system that the SPLM/A instituted after it ascended to power in 2005 (Daly et al. 2016: 128f, Rolandsen 2005: 172).

The enactment of a liberal approach, and adopting principles such as self-determination and the democratisation of SPLM's internal structures reinforced the movement's dominance over southern Sudan's politics. This attracted back disgruntled SPLM/A members who had earlier defected to the Khartoum government. The defection of Peter Gadet from the Khartoum government to SPLM was vital. A military leader from the upper Nile, he paved the way for SPLM to attack the oil fields upon which Khartoum was dependent (Rolandsen 2005: 172).

In 2002, former dissidents Riek Machar and Lam Akol rejoined the movement, citing changes within the movement as the reason. Consequently, the movement began to attain tangible goals both on battlefields and in the political arena. This led the SPLA to consolidate more control and monopoly of legitimate force over a larger area in southern Sudan. Earlier, Khartoum had been

waging proxy wars with each group, causing instability in the South. However, its internal shift from a militaristic structure to democratic structures that guaranteed the protection of the civilians made the southerners feel more secure. All of these developments decreased inter-ethnic violence and mitigated issues of insecurity across southern Sudan (cf. Johnson 2016, Rolandsen 2005: 172ff, Young 2012).

In a bid to consolidate its military legitimacy, to curb internal insecurity, and to enhance peacebuilding during the transition period (between 2005 and 2006), the SPLM/A engaged in a military integration process following the signing of the Juba Declaration on 9 January 2006 with the Other Armed Groups (AOGs) in Southern Sudan. The military integration program came with military promotions, amnesties, appointments to the government, and other material benefits for leaders of other armed groups in South Sudan (De Waal 2014, Lacher 2012, McEvoy et al. 2010, Warner 2016, Young 2012: 14).

The terms of integration were of "equal or of greater importance than the Comprehensive Peace Agreement in reducing conflict in southern Sudan (Young 2012: 14)." The SPLA transitioned from a non-salaried, *ad hoc* guerrilla army into a more conventional force due to the military integration process (Rands 2010, Warner 2016). It further consolidated its legitimacy, and authority by absorbing and eliminating other armed groups and negotiating treaties with military and political regimes in southern Sudan. Insecurity and violence in the South reduced, and the military integration process helped safeguard the unity of southern Sudanese factions. It guaranteed the stability of the south during the referendum on self-determination, as well as the success in the initiatives of ensuring the independence of South Sudan (cf. Colletta 2012, De Waal 2014, Licklider 2014).

Nonetheless, the implementation of the integration process aimed at long-term stabilisation and success of the SPLM/A was flawed; it had dire consequences to the movement in the post-independence when it stirred massive challenges in the nascent state of South Sudan (more details in chapter 8).

6.2.2 The coalition between SPLM/A and Other Armed Groups in Northern Sudan

During the liberation war, especially after the split of the SPLM in 1991, and the loss of support from the Derg regime in Ethiopia, the movement accentuated issues based on a structural arrangement. It did this by focusing more on the systematic analysis on the function of political and economic structures. Henceforth, the movement rallied pragmatically for ideological ideals based on a reformed and united Sudan. As such, the movement managed to garner support from the entire Sudan population in the northern peripheries.

The SPLM marshalled in the creation of alliances with the old political parties in the north, such as the National Democratic Alliance, UMMA and the Democratic Unionist Party, which opposed the National Islamic Front (NIF) regime. These parties had a centrifugal effect on politics in the North since they had officially acquiesced to a secular constitution, and other reforms. However, they obstinately resisted calls for separatism or self-determination of southern Sudan. The northerners feared that this measure would have a "centrifugal effect on politics in the North (Daly et al. 2016: 128, Preti 2002: 103)."

In such a circumstance, these parties had the option of either rallying for separatism, finding a solution for settlement with the NIF regime, or collaborating with northern opposition groups to pursue a reformed, secular Sudan. Nonetheless, Garang insisted that the 'Southern Problem' was not just a temporary product of 'foreign machination', but was instead a problem of the entire Sudan that necessitated a substantial solution (Daly et al. 2016: 75, cf. Khalid 2015). Therefore, the SPLM/A became tactically focused on building political alliances, and it joined exiled northern opposition parties under the banner of the National Democratic Alliance (NDA) in March 1986 for negotiations in Koka Dam, Ethiopia. The meeting further cemented the legitimacy and support of the SPLM/A as the negotiation process preceded the release of a declaration that avowed SPLM/A as a national liberation movement. After the statement, came the ratification of a three-point agreement for:

(i) "Repealing of the 1983 sharia laws as well as various laws that restricted freedom and to replace them with the 1974 Penal Code,

(ii) Calling off the state of emergency and,

(iii) Replacement of the "Transitional Constitution of the Republic of Sudan with the 1965 constitution, as amended in 1964 (Khalid 2015: 40ff)."

The implementation of this agreement stalled after the UMMA party gained control of the government and the subsequent toppling of the regime on 30th June 1989 by General Omar al-Bashir of the National Islamic Front (NIF) led by Hasan al-Turabi, which was fervently anti-secular (Daly et al. 2016: 114, LeRiche et al. 2013: 34ff). Consequently, the NIF regime intensified the call of military action against the region of southern Sudan since the SPLM had forged coalitions with banned northern parties.

However, the SPLM created a politico-military coalition with the National Democratic Alliance (NDA) in Cairo in April 1990. Additionally, the SPLM/A gained its momentum in its liberation war after a conference on Sudan's fundamental issues with other northern parties, and opposition groups convened in Asmara, Eritrea, in June 1995. The meeting carried out a review of essential aspects on the causes of the Sudanese problem, but not the southern crisis. As a consequence of

this meeting and a coalition with northern parties, SPLM/A undermined Khartoum's government accusation that the movement was under the leadership of a separatist that posed a danger to the unity of the Arab and Islamic world. Furthermore, embracing the notion of a united reformed Sudan played an immense role in garnering support and revolutionary legitimacy from the country's African majority, especially those from Darfur and Nuba Mountains. They were Muslims and had also been a significant force within the national army that had fought against southern Sudan during the First Civil War (Copnal 2014: 142, De Waal et al. 2009: 24f, Young 2012: 50).

However, in this meeting, Garang did not only emphasise a united New Sudan, but he also introduced the aspect of self-determination. It occupied a centre stage in SPLM's vision, and political aspirations of the southern Sudanese reached after the 1994 National Convention in Chukudum. In an agreement with the National Democratic Alliance (NDA), he accentuated that self-determination that encompassed precepts of democracy to which the NDA approved. Consequently, the NDA embraced the liberation agenda that comprised the acknowledgement of the right for self-determination to the Sudanese population that supported it. Eritrean President Isaias Afwerki, the author of the IGAD Declaration on Principles as well as the streamliner of the negotiation process, endorsed the adoption of the principle of self-determination (Khalid 2015: 48ff). With time, the NDA helped the SPLM/A to establish a new war zone in the eastern part of Sudan to secure three objectives, namely: (1) easing military pressure of the SPLM/A in other areas of war; (2) bringing war nearer to Khartoum; and (3) emboldening popular forces of the intifada (ibid.).

Forces in the new theatre mainly came from the SPLA; however, they got support from the Sudan Allied Forces (SAF) and groups of fighters drawn from various NDA parties. Despite the members of NDA rallying behind the military power to bring down the NIF regime, a more significant number of its members lacked enough resources such as recruits and military equipment. Therefore, it only relied on those of SPLM/A (Daly et al. 2016: 114).

From the above analysis, notwithstanding the coalition's organisational infirmities, the alliance between the SPLM/A and NDA significantly aided the movement to achieve military victory by rolling back the government soldiers between 1995 and 1996.

The subsequent sub-section analyses international dynamics and the factors that enhanced and or spearheaded the consolidation of SPLM/A's international legitimacy and support from international organisations and religious, regional bodies, neighbouring countries, as well as the Western governments.

6.3 International dynamics

This section addresses international factors encompassing significant regional or international events and dynamics that influenced SPLM's strategic choices and course of action. It also examines third-party intervention to ascertain external support. Moreover, it examines how the SPLM acquired international recognition and legitimacy, and its strategies to garner international support.

6.3.1 SPLM/A Cooperation with humanitarian aid agencies

> "International aid was manna from heaven that perfectly came in a time of our need during the liberation war (interview with a former SPLM field commander 20.11.2017)."

These words illustrated how donor and or humanitarian interventions in a conflict area can have an impact (in most cases unintentional) on local power relations as well as political processes, and therefore on rebel-state capacity and legitimacy. International aid in a conflict environment can also prolong the conflict since it can act as a source of economic support for an insurgent group (cf. OECD 2010). Regarding Sudan's conflict, international NGOs, especially the United Nations-led Operation Life Sudan (OLS), became a dominant force in the humanitarian field in areas affected by the conflict. It was active in both government-controlled areas, and regions that the SPLM/A had liberated. To gain international legitimacy and support, the SPLM/A signed an agreement with the UNICEF/Operation Lifeline Sudan, which encoded the respect of humanitarian principles and conventions (Clapham 2006, De Waal et al. 2001: 135, 151ff, 188ff, La Rosa et al. 2008: 327f).

Apart from observing the OLS 'Ground Rules, the SPLM/A also granted delegates of the International Committee of the Red Cross (ICRC) access to detention centres in the areas it had liberated at the height of the civil war. It contrasted with the Sudanese government, which was less responsive to international norms in denying access to the ICRC delegates who wanted to inspect their detention centres. Apart from allowing the ICRC delegates to visit its detention centres, the movement also released some of the Prisoners of War (PoW). This indicated that the movement had alternative methods of dealing with the population instead of indiscriminate killing of its foes and the sympathisers of the Khartoum government.

The SPLM's motive of engagement with the ICRC had the tactical objective of seeking legitimacy. The movement perceived this as a venture which could open other channels for it to interact with the broader international community and thereby potentially acquire political support as well as resources from the international community (cf. De Waal et al. 2001: 138-156, Jo et al. 2013: 1-33, Henckaerts 2003, Henckaerts 2005, McHugh et al. 2006, Wël 2013, Zegvel 2006).

In an interview with a former high-ranking rebel, now a government official, he asserted that SPLM/A decided to actively engage with the ICRC by taking them around the detention centres in the liberated areas. The initiative aimed to negotiate for other kinds of humanitarian aid. Additionally, he stated that the movement used this chance to outplay the ICRC with various international agencies (Interview on 21.11.2017). He further noted that:

> "The other donor goods that they received would be channelled in areas that they liberated, and they used this opportunity as a way of gaining more legitimacy and support from the civilian population as the government was not capable of providing goods and services in the areas of their operations" more gains and at the same time. However, the donor aid only targeted areas that they had liberated. It was a way of gaining legitimacy and support from the civil population (ibid.).

Many humanitarian organisations that operated outside the framework of Operation Lifeline Sudan (OLS) in the SPLM liberated areas were criticised. For instance, the United Nations (UN) and other UN-aligned NGOs became suspicious of some US-funded humanitarian organisations to a more significant extent 'Food for Peace' as they resented for the breach of "their self-imposed neutrality principle" by supporting the SPLM/A (Daly et al. 2016: 127). Although these international organisations reported on the atrocities of war in southern Sudan to the outside world, they also aided the SPLM in developing a transportation network. On most occasions, the international NGOs played a significant role in assisting improved mobility for not only the political and diplomatic missions but also for the SPLM/A rebels in its liberated areas. Efforts by international organisations to provide donor aid and other services such as education and health within SPLM/A's liberated regions acted as 'water' for the SPLA 'fish to swim'. In this light, humanitarian efforts inadvertently mutated into a part of the economy that protracted the war (ibid. 127f, Khalid 2015: 64 -74).

The United Nations, through its organisation United Nations Mission in South Sudan (UNMISS), also played a vital role in providing financial, logistical, and technical assistance to war-torn South Sudan. It supported initiatives such as guaranteeing security through peacekeepers. After the signing of the 2006 Juba Declaration that saw the integration of other armed rebel groups in southern Sudan, the UN was active in providing trainers in a bid to professionalise the reconstituted SPLA (Johnson 2016, Licklider 2014, Warner 2016). Its supplementary measures include the establishment of the rule of law, the strengthening of the justice and security sectors through the provision of training on the management of small arms as well as the Disarmament, Demobilisation and Reintegration (DDR) programs in southern Sudan (Johnson 2016, UNMISS 2013, UNSC 2013a, UNSC 2013b, UNSC 2013c; UNSC 2012).

In sum, the engagement of international aid agencies in southern Sudan not only aided the movement to gain international legitimacy, but it also played a vital role in consolidating the internal legitimacy of the campaign as well as reinforcing political legitimacy among the local population through the provision of goods and services to the people in the liberated areas. However, as a result, it tainted the internal legitimacy of the government in Khartoum since these international NGOs working in Sudan chose to work directly with the SPLM in the areas which the movement had liberated within Sudan's international boundaries, hence infringing on Khartoum's government sovereignty (Moro et al. 2017: 9).

6.3.2 Support from the Eastern African Countries

East African countries such as Ethiopia, Eritrea and Uganda became entangled in Sudan's conflict. Ethiopia was fighting against the Marxist rebel Eritrean People Liberation front and the Tigrayan People's Liberation Front (TPFL) supported by Sudan. As we observed earlier in chapter 5, between 1983 and 1991, the movement used socialist ideology and championed for a united Sudan to garner support from Ethiopia. The Ethiopian government responded to this by offering the SPLM/A massive military support, and allowing the SPLM/A its territory to carry out attacks inside Sudan. In addition to direct military support from Ethiopia, the members of SPLM/A received passports to facilitate their travel abroad, military intelligence information, a radio station, and logistical and political support (cf. Daly et a. 2016, Rolandsen 2005, Thomas 2015:111f, Young 2012: 37f, Wël 2013).

As a result of Ethiopian support, the movement was able to fight a conventional war instead of a protracted guerrilla war. The SPLM/A was also involved in a proxy war, acting as Ethiopia's ally in fighting against its foes such as the Gaajak Nuer Militia, the Anuak Gambella People's Liberation Front, the Oromo Liberation Front (OLF), and insurgent groups the Khartoum government supported. But Sudanese support to other Ethiopian and Eritrean armed groups lead to the overthrowal of the Derg regime by the Ethiopian People's Revolutionary Democratic Front (EPRDF), an organisation that the SPLM/A fought against in 1991. Due to the collapse of the Derg regime, the SPLM/A departed from Ethiopia. The movement pragmatically changed its ideology and embraced the idea of being a democratic, respecter of human rights and freedom of religion to consolidate legitimacy from other international actors, in particular from the Western world (LeRiche et al. 2013: 202,296, Thomas 2015:111f, Young 2012: 37f, Wël 2013).

Sudan's conflict also spilt over to its neighbours. For instance, in 1994, Uganda got entangled in a battle between the SPLM and the Khartoum government. The Khartoum government began to support the Ugandan Lord's Resistance Army (LRA) under the leadership of Joseph Kony, whose insurgent movement was operating in the Acholi region in northern Uganda. Also, Sudan supported

Uganda's West Nile Bank Front (WNBF) to destabilise the government of President Yoweri Museveni. In response to this, President Museveni started supporting the SPLM/A by providing the movement with military aid and territorial bases to fight against Sudan's Armed Forces (SAF) (Young 2012: 55ff). On the other side, the Ugandan rebel groups were actively engaged in subverting the SPLM/A by hindering its resupply from Uganda and or reorganising in Ugandan refugee camps (LeRiche et al. 2013: 204).

In a bid to garner regional support against the National Islamic Front's (NIF) regime, Garang lamented that Islamic fundamentalism in Sudan was a danger to the SPLM/A in Sudan and the whole of the eastern African region. He further stated that this was evident during Egyptian President Hosni Mubarak's attempted assassination in Addis Ababa in 1995. He claimed that the aim of the NIF's regime foreign policy platform was to garner support and propagate a Jihad movement in Eritrea, Ethiopia, and the Islamic Party in Kenya. The NIF regime also excessively ideologised its foreign policy through the Islamic revolution (after it had gone on the warpath with Western, African, and Arab countries). It aimed to survive and surround itself with a buffer of instability. This was not only a threat to Sudan but the East African countries, namely, Egypt, Kenya, Uganda, Ethiopia and Eritrea. Garang called for collective actions from neighbouring countries as well as support from the international community. Sudan's Islamic fundamentalism policy of propagating Islam not only threatened and promoted instability in the rest of Africa but also globally (Ahmed 2009: 136, Khalid 2015: 199, LeRiche et al. 2013: 263, Young 2012: 38ff, Washburne 2010: 56, Wël 2013: 263).

Following this, neighbouring countries started to perceive SPLM/A's pursuit as legitimate. Uganda, Eritrea and the Democratic Republic of Congo began to support the movement to dislodge the National Islamic Front (NIF) regime from power. Moreover, these countries started to perceive the conflict in Sudan as the oppression of black Africans by an Islamic, Arab entity. As a result, the SPLM/A also started engaging with members of IGAD by rallying support from the East African countries.

Garang started to use Southern Sudan's common ancestral heritage by connecting Dinka with the Acholi in Uganda and Nuer to the Luo ethnic group in Kenya. Actually, most SPLM leaders resided in Nairobi and Kampala, and the respective governments of these two countries had allowed the SPLM to open offices in their capitals for further diplomatic purposes and the provision of support to the Southern refugees. Kenya played a leading role in fortifying the peace process by facilitating the talks through the provision of senior mediators to seal the deal. During the conflict, Kenya also provided logistical support in terms of humanitarian aid to South Sudan through international

NGOs and the UN humanitarian mission coordinating Operation Lifeline Sudan. (LeRiche et al. 2013: 203ff, Washburne 2010: 87).

Despite the SPLM/A and Tigrayan People's Liberation Front (TPLF) being foes during the Derg regime era, the new TPLF regime under its leader, the late Meles Zenawi, softened its stand against the SPLM. The movement was less dangerous and intimidating when juxtaposed with the increasingly alarming Islamist adventurism of the NIF regime. Even though the TPLF regime supported the SPLM militarily, Ethiopia played a significant political and security role during the CPA's Interim Period.

In conjunction with the African Union, Ethiopia facilitated peace negotiations between Sudan and South Sudan. The USA supported IGAD's initiatives, and catalysed by the constructive role played by Ethiopia, Kenya and Uganda, bolstering the SPLM/A's revolutionary legitimacy by supporting the Comprehensive Peace Agreement (CPA) signed in January 2005. Due to the international pressure on the government of Sudan, it signed the Comprehensive Peace Agreement with the SPLM/A. This initiative led to the rational legitimisation of the movement (LeRiche 2013: 202ff).

6.3.3 Pressure from Religious Groups

During the liberation war, the Religious Right group, a coalition of evangelical republicans that voted for George Bush during the 2000 elections, played a significant role in influencing the Bush Administration on the humanitarian situation in South Sudan (The Economist 11th November 2004). In conjunction with the Black Caucus group (whose Membership to this group exclusively reserved for Afro-Americans), this group pressured George Bush to stop the conflict. They presented Sudan's conflict as Arabs killing blacks and Muslims killing Christians (Shandy 2007: 41).

These two groups jointly worked with human rights groups such as the Human Rights Watch and anti-slavery groups like Christian Solidarity International. The US media played a big part in influencing Congress decisions by conceptualising the conflict to suit the moral imperatives of these groups. This involved the presentation of southern Sudan as homogenously black and Christian. Nevertheless, this was not true as most southerners practised traditional beliefs, and besides, many southerners were Muslim and had 'Arab' blood in them.

Moreover, the hostilities and aerial bombardments mostly occurred in the Nuba Mountains, which is not located in the South and where ethnicity and religion were heterogeneous. Due to this, SPLM's efforts in the liberation struggle were legitimised by US groups through stereotypes. They presented the SPLM/A as a force that was fighting the Muslim and the Arab foe. As a result, American evangelists supported SPLM financially, militarily, and logistically in its bid to achieve

independence (Adogame 2012: 415ff, Deng 1995: 205, Washburne 2010: 90). Garang deftly embraced and manipulated the rhetoric and sentiments of these civil and religious groups. He lamented that Khartoum's apartheid government, in conjunction with the fundamentalist Islamic junta, enhanced a grim atmosphere of terror with "delusions of grandeur" (Adogame 2012: 416, De Waal 2014: 352, Khalid 2015: 73ff).

As a result of these discussions, the White House became interested in initiating the peace process, which became apparent during the speeches of both President Bush and Secretary of the State Collin Powell (in June 2001) when Bush said that "***there is perhaps no greater tragedy on the face of the Earth today*** (Inter Press Service, 1st June 2001, emphasis added)." In line with this, Powell referred to southern Sudan as "a disaster area for all human rights" (cf. Adogame 2012: 416, BBC News 9th September 2004, Khalid 2015: 73ff, Washburne 2010: 93).

Bush's administration viewed Khartoum's government as the perpetrator of these abuses, and portrayed the SPLM as a victim in the conflict. Consequently, the Bush Administration and Congress drafted and passed the Sudan Peace Act in 2002, whose main goal was to enhance relief efforts and comprehensively resolve the war in Sudan. In this Act, the US government accused Sudan of human rights abuses, promoting the slave trade, and preventing humanitarian aid to the southern part of Sudan (Sudan Peace Act: 21st October 2002). For instance, the Bush Administration asserted that Khartoum was enacting a "policy of low-intensity ethnic cleansing" (Sudan Peace Act: 21 October 2002). However, this overtly biased act did not acknowledge the excesses of the SPLM, and other militias in the southern Sudan who were employing the same tactics (Washburne 2010: 93).

The USA initiated peace talks through U.S Senator John Danforth, signalling the international acknowledgement of SPLM as a legitimate movement. Danforth's proposal included four items that aimed to test the warring parties' commitment in the initiation of peace well as at the reduction of Sudanese suffering. The first item was a cease-fire and call for increased relief efforts in the Nuba Mountains.

The second item proposed the creation of a 'day of tranquillity' in which the conflicting parties would lay their arms aside and allow relief workers to distribute relief aid. The third item called for an immediate stop of aerial bombardments against the civilian population. Lastly, an anti-slavery initiative was proposed because this was a subject of great debate in the USA at that time. Upon acceptance of this report, the government in Khartoum and SPLM revived this peace process by signing the Machakos Protocol (20th July 2002) and the Memorandum of Understanding (MoU) in November 2002. The protocol laid the foundation for the Comprehensive Peace Agreement on 9th

January 2005, and the Independence of South Sudan on 11th July 2011 (Khadiagala 2006: 111ff, Walraet 2008: 53, ICG 2011: 1ff).

6.3.4 War on terror and other international factors

The support of and the consolidation of international legitimacy to the SPLM/A was facilitated by various factors, such as the Khartoum government's support of Saddam Hussein during the First Gulf War and the post-9/11 War on Terror. Before the 9/11 terrorist attacks, the Sudanese government had already lost its international legitimacy as it had been on the radar of states that supported terrorisms. For instance, after the coming to power in 1989, the NIF regime set free Abu Nidal terrorists who were earlier accused of killing a British family in Khartoum's Acrople Hotel in 1988.

The same applied to support of other international terrorists' groups or individuals such as the Illich Ramirez Sanchez (Carlos the Jackal) as well as the hosting of Al-Qaeda leader Osama bin Laden and initiation of a training alliance between the Sudanese government and the Lebanese Hezbollah. Other accusations include the implication that Sudan's government instigated an attempt to assassinate Egyptian President Hosni Mubarak in Addis Ababa in 1995. As a result, the Sudan government was accused of supporting international terrorist groups, and imminent human rights abuse. Consequently, Clinton's administration imposed sanctions and trade embargos on 4th November 1997, and it froze assets of the Sudanese government through Executive Order 13067 (Copnal 2014: 91, 180ff, Young 2012: 42ff).

After that, the US government accused the government of Sudan of facilitating the bombing of US embassies in Kenya and Tanzania, an attack designed to destabilise its allies in the region. In retaliation to the bombings, in August 1998, the US government bombed the Al-Shifa pharmaceutical factory in Khartoum. In the aftermath of the 9/11 terrorist attacks in the USA, Sudan's government was listed in the category of 'rogue states', or the 'axis of evil', and this further tainted its international legitimacy (cf. Glickman et al. 2008, Khalid 2015: 68, Young 2012: 36f).

In the wake of the Darfur conflict, the US government further accused Bashir's government of human rights abuses. As a result of this, the US government initiated more sanctions targeting individuals whom it had accused of being responsible for atrocities in Darfur. The Southern Region of Sudan (at the time semi-autonomous) under the de-facto leader John Garang, and other regions that had been negatively affected by the civil war were exempted. Gum Arabic importers were also excluded from these sanctions as it was an essential commodity for Pepsi and Coca-Cola (Copnal 2014: 91, 153, 180ff, Young 2012: 42ff).

The Darfur conflict was not only accorded much attention during presidential elections in the USA, but the West treated Khartoum as a pariah state. This conflict erupted during the tenth anniversary of the Rwandan genocide when the slogan 'never again' had specific resonance. As such, the conflict in Darfur garnered much attention, especially from the US grassroots activism, students, and the church. Human rights groups comprising of Save Darfur Organisations, under Erick Reeves, John Prendergast and George Clooney through their 'Enough Project', and celebrities such as Mia Farrow and Don Cheadle, played an active role in publicising the conflict as well as other problems that Sudan faced. Consequently, the US government officials accused the government of Sudan of carrying out genocide atrocities in Darfur. Collin Powell stated that "***there [was] no greater war on the face of Earth than the one unfolding in Sudan*** (cited in Khalid 2015: 73, emphasis added)."

In an interview with the former US Assistant Secretary of State, Jendayi Frazier admitted to James Copnall that the Bush administration had thought of enacting a no-fly zone in Darfur. However, in light of what had transpired in Afghanistan and Iraq, the dangers of engaging in another Muslim country highly outweighed the rewards (Copnal 2014: 182, 289). These advocacy networks contributed to the International Criminal Court (ICC) decision to issue President Omar Bashir with a warrant of arrest on groups of war crimes against humanity and pervasive human rights abuse in Darfur. The ICC accusations meant that Sudan could not get aid for its crippling debt, while Bashir's overseas travel to rally for international support could lead to his arrest. This measure further tainted the internal and external legitimacy of the Sudanese government. Nonetheless, in a bid to forge peace and a cordial relationship with Sudan, the former US Secretary of State Susan Rice cited that three things had to be achieved for relations between the US and Sudan to be improved and sanctions removed. These were:

(i) The NIF regime had to halt the provision of support to terrorist groups and permit U.S. anti-terrorism officials in Sudan;

(ii) gross human rights violations in Sudan should come to an end; and,

(iii) Sudan should expedite the peace process to bring an end of the civil war (Khalid 2015: 68).

Consequently, these events led Khartoum to engage in peace talks with the SPLM to appease the United States to uplift the sanctions earlier imposed by Clinton from 1997 onwards (Young 2012: 40f). In early 2000, the US government promised the government of Sudan that it would delete it from the lists of states that sponsor terrorism as well as cancel Sudan's debt amounting to US$ 39 Billion if it signed a peace deal with the SPLM/A. The US government also indicated that it would restore diplomatic ties only if the government of Sudan addressed further issues such as the Darfur conflict and referendum on the future of Southern Sudan.

Due to the NIF regime's economic problems (the country was solely dependent on oil revenues, but oil production was hampered by SPLM, which was controlling the oil-rich areas), its international isolation and its quest to rehabilitate its dilapidated image as well as gain credibility and legitimacy, the government of Sudan decided to normalise its relations with the international community. One vital aspect that stimulated a change, of course, was the US sanctions regarding counterterrorism. Therefore, Sudan's government opted to co-operate and engage in counter-terror to avoid the wrath of the US government. Also, it agreed to participate in peace talks with the SPLM, and that led to the subsequent signing of the Comprehensive Peace Agreement in 2005 (Ahmed 2009: 136f, Copnal 2014: 43ff, Jumbert 2013: 2, Khalid 2015: 64 -74, Young 2012: 12).

Upon signing CPA, Sudan's government received a package of incentives that included trade, investment, cancelling of its debt, and the restoration of diplomatic ties, but only if the government of Sudan addressed further issues such as Darfur and referendum on the future of Southern Sudan. The US government deceived the Khartoum government into accepting its demands. But in the post-referendum period, it was not removed from the list of the states that sponsored terrorism (Copnal 2014: 185). Jedanyi Frazier, in an interview with James Copnal, admitted that the Americans did not address the issue as they had earlier promised. Nonetheless, Frazier asserted that they could not keep this promise of taking off Sudan from the list of sponsors of terror as it was still committing mass murders in Darfur. Moreover, the US sanctions were tied to its behaviour in Darfur, and were not a direct consequence of north-south issues (ibid. 185).

In a special report published by Reuters, Rebecca Hamilton describes how certain people in Washington's inner circle met weekly in a bid to ensure that southern Sudan acquired international legitimacy and independence. These individuals designated themselves as 'Council', and they further nicknamed themselves as 'The Emperor' and 'The Spear Carrier' (Reuters 11th July 2012). Jendayi Frazier was also one of the staunchest defenders on the cause of South Sudan. Her statement was evident in an interview when she reiterated that: "***The fact of the matter is that in this conflict we are on the side of South. I don't think we need to put ourselves in any kind of position as neutral – we are not neutral. Others can be neutral*** (cited in Copnal 2014: 201, emphasis added)." Her successor, Johnnie Carson, is also quoted as saying that "the Americans genuinely want to see South Sudan succeed because of the devastating wars and underdevelopment its people had suffered from (ibid. 201f)."

It is clear that the legitimisation of claims and actions of SPLM/A benefitted from the support marshalled by these actors. A breakthrough in the peace negotiation process won the movement much support in the south since it showed that the movement was a representative of Sudan, and its quest for an end to their suffering. Juristically, the CPA process was portrayed as asymmetrical

negotiations between the government in the North and the SPLM. However, in practice, it resembled bilateral talks between two governments, that is, the movement as a representative of the people of what was to become South Sudan, and the National Congress Party (NCP) as a representative of the people in the North (Jumbert 2013: 2).

The triumphant ending of the war by the SPLM symbolised the attainment of the movement's revolutionary legitimacy. It was reflected in the signing of CPA when Garang told the Southerners that "we have delivered a Comprehensive Peace Agreement to you" and it is "a gift for the Sudanese people" (Garang cited in Wël 2013). The US was the biggest supporter of the SPLM/A because it actively opposed Sudan's government policies. Without their support, the nascent republic of South Sudan would not have emerged.

Summary

This chapter has analysed internal, inter-party, and international dynamics and factors that enhanced SPLM/A's consolidation of revolutionary legitimacy, how it managed to garner internal, and external support. In terms of the *internal dynamics*, SPLM's consolidation and maintenance of legitimacy and support in Sudan's fragile environment was a tedious process. Mistreatment of the local population, dictatorial tendencies obstructed the movement's attempts to convince the southern Sudanese community to support its course. After the end of the Cold War, the fall of the Dirge regime, and the subsequent split of the movement in 1991, SPLM/A was forced to revisit its political programme in order to enhance its political legitimacy and local support.

As a result, the movement adopted new rhetoric during the 1994 National Convention based on the structural reorganisation of the movement, and the shift from a military to a political struggle. The move included democratisations of its decision-making process, adoption of organisational strategies, and demilitarisation of its structures through the creation of structures independent of the SPLA. This included the change in its political ideology, that is, from a united secular Sudan to a wish for self-determination for southern Sudan. The movement settled its internal disputes, enhanced the mobilisation and recruitment of its followers, and cemented its revolutionary and political legitimacy.

In terms of *inter-party dynamics*, the SPLM/A constructively interacted with various southern Sudan armed groups. It also built a coalition with the other northern political parties and opposition groups, such as the National Democratic Alliance, to integrate them into the liberation war. Integrating incompatible and alternate forms of civic organisations amongst the northern, and southern Sudanese armed factions aided the movement to gain political legitimacy, and support the movement to achieve a national character through a liberation struggle. It was a vital step as the SPLM was able to bring the war closer to Khartoum, and expand the area under its control.

Regarding *international dynamics*, the SPLM manipulated global happenings such as the Cold War, and the fight against terrorism to garner external support and legitimacy. More importantly, the movement adopted a political ideology based on the political sentiments prevailing in the international sphere. As noted in the above analysis, before the disintegration of the Soviet Union, the SPLM/A adopted a manifesto in which it described itself as a 'Marxist-Leninist Movement. As such, it aimed to gain international legitimacy in terms of material, military, financial and logistical support from Ethiopia, Libya, and other Eastern bloc countries.

However, the SPLM tactically embraced an ideological stance suited to global and internal developments such as the end of the Cold War, the fall of the Derge regime and its subsequent split in 1991. The SPLM/A proceeded to strategically substitute its socialist ideology and adopted concepts such as democracy and human rights to garner support and legitimacy from the international community and Western countries in particular. The National Islamic Front (NIF) regime faced many constraints, such as the isolation from the international community through economic sanctions by the US government and accusations of its support of international terrorism. The downward spiral of Sudan's economy, together with global pressures from the US government, forced it to engage with the SPLM/A in negotiating for peace.

The next chapter examines the developments influencing the pathway of the peace negotiation process that led to the Comprehensive Peace Agreement in 2005, and the subsequent referendum that led to the secession and South Sudan's independence in January 2011.

7 CPA write out, the road to secession, and independence of South Sudan

This chapter explains the second half of Sudan's second civil war, perceived by Garang as the 'years of darkness, serious struggle and negotiations' (Iyob et al. 2006: 106). It also examines the dynamics of the international peace process in Sudan that led to the signing of the Comprehensive Peace Agreement (CPA), secession and South Sudan's independence in 2011.

The chapter is structured as follows: The first sections deal with the initial peace process in Sudan steered by Egypt, Libya, Nigeria, and IGAD and highlighted the challenges that the process encountered. The second part deals with various U.S. administration initiatives to forge peace between the central government and the SPLM/A. The third section analyses the various integrative factors, processes, and mechanisms that generated a peaceful realisation of self-determination through a referendum that resulted in South Sudan's independence. The fourth part expounds on the roadmap that led to the signing of the Comprehensive Peace Agreement, and the implementation challenges that characterised this peace process, followed by a summary.

7.1 Sudan's first peace initiative

The pursuit of peace in Sudan was challenging. President Ibrahim Babangida of Nigeria spearheaded the first peace talks in 1991. These talks acted as a blueprint for subsequent peace talks in Sudan. Further inter-party discussions were held in 1992 to bring together the SPLM/A's rival factions.

After the 1991 internal split, Garang realised that a military victory was impossible. He ingeniously devised a tactic to negotiate for peace with the SPLM/A splinter groups, including the SPLA/Nasir or SPLM/A United and the SPLM-Mainstream. The factions agreed to a ceasefire and tabled their demands. The SPLM/Mainstream and the SPLM/A called for a reformed Sudan, whereas the SPLM/A United rallied for complete secession. The central government of Khartoum was also brought to the negotiation table. Garang intended to use peace negotiations, elections, and referendum, to stimulate national transformation to attain his revolutionary objectives (LeRiche et al. 2013: 93ff).

The Nigerian peace initiative in Sudan nevertheless stalled due to various reasons. First, SPLM/A's call for secession and self-determination presented similar problems to those Nigeria had faced during the Biafran civil war. The calls also contravened the Organisation of African Unions (OAU) sacrosanctity principle, which calls for territorial integrity and state sovereignty over Africa's received borders. As a result, the SPLM/A stand in the peace talks were delegitimised as it undermined African unity (cf. Bereketeab 2018a, Bereketeab 2018b, Khalid 2015, Rolandsen 2005, Young 2012).

The Khartoum government stopped the peace process because an opposition group mediated it. The Khartoum government did not accept SPLM/A as a national party and its requests to restructure the country, abolish Sharia laws, stop defence partnerships with Arab states. It was also opposed to holding a constitutional conference. High levels of mistrust arose amongst the negotiating parties due to disagreements on the need to separate state and religion. At the time, Khartoum's government was focused on Islamising southern Sudan (Kabebe 1997: 42).

In addition to these two problems, historically, the northerners had never perceived southerners as equal partners. The Arab Sudanese insisted on a state based on Islamic and Arabic beliefs, while the southerners wanted a more secular and democratic Sudan. The government of Sudan thwarted the call for a confederal arrangement and vowed that this could only be achieved through the barrel of a gun (Khalid 2015: 63). Finally, Nigeria's peace initiatives were further impeded by disagreements on negotiations revolving around unwillingness, the location of talks, participants and their degree of representation, status and competition amongst leaders (ibid.). But in the end, the failure of Nigeria's efforts were mostly attributed to the irrational and, at times, impetuous attitude of the northern Sudanese towards the crucial national issues (ibid. 90).

Nigeria's peace efforts in Sudan came to a halt as a result of all these obstacles. However, even though the Abuja peace talks did not unite the SPLM/A factions, its efforts marked a new threshold since it included main political factions from northern and southern Sudan.

7.1.1 The Joint Libyan-Egyptian initiative

The collapse of the peace process from 1991-2001 led Egypt and Libya to form the Joint Egyptian-Libyan Initiative (hereafter, JELI) to bring peace in Sudan. JELI wanted political changes that suited their interests, including forestalling the secession of southern Sudan and upholding the unity of Sudan. Egypt had earlier sought to join IGAD (a sub-regional organisation constituted of countries in East Africa and the Horn of Africa) because of the same reason and to influence the peace process. This was declined by friends of IGAD, who only accorded it observer status. At the same time, Libya expressed interest to negotiate for peace in Sudan through a peace plan referred to as the Tripoli Declaration, which was supported by Egypt (Khalid 2015: 62).

Egypt joined Libya in the peace talks out of fear that Libya would derail the process. Egypt's focus was the reconciliation of northern political groups, including the National Congress Party (NCP). The Egyptians sidestepped the Declaration of Principles (DoPs) concerning the separation of religion and state. They opposed SPLM's calls for self-determination of southern Sudan since that would threaten its access to waters of the Nile, an issue that came with many additional complications. The National Democratic Alliance's (NDA) support for the Tripoli Declaration contradicted its recognition of the Asmara resolution on self-determination of southern Sudan. As

such, this undertaking exposed the internal wrangles within the coalition (Khalid 2015: 63, 71,87ff, Rogiers 2005: 6, Young 2012: 87).

As a result of this, the SPLM rejected the JELI's peace process based on the self-determination and separation of state and religion. On the other hand, Khartoum's National Islamic Front (NIF) supported the JELI peace initiative to undermine IGAD's peace initiative and to cause fissures within NDA. Khartoum government's support for the JELI initiative was calculated to strengthen relations with Egypt while discouraging Gaddafi from supporting the NDA. The United States preferred IGAD to take a central role in the peace process, disregarding and undermining any other initiative, including the Joint Egyptian-Libyan Initiative (JELI). SPLM/A accused the JELI initiative of supporting the North; this led it to support IGAD's initiative as the sole legitimate forum that would solve Sudan's crisis. The Khartoum government supported the JELI, claiming that the IGAD's peace process could not arrive at a solution. Garang later called for a combination of the two initiatives in order to sustain efforts to arrive at a comprehensive solution for the problems of Sudan (Khalid 2015: 63, 84, Young 2012).

Garang subsequently requested Egypt and Libya to promote two points envisaged in the 1995 NDA resolution: separation of religion from state, and acknowledgement of the right to self-determination for southern Sudanese. The SPLM/A further called for a transitional constitution that would act as a basis for an interim government; and the amalgamation of JELI and the IGAD peace initiatives. SPLM's conditions elicited fierce reactions from the National Islamic Front (NIF) regime since it felt that the movement was not sincere in its pursuit of peace. Garang insisted that "what was needed was negotiations between the warring sides, not a reconciliation conference" (Khalid2015: 63).

The government did not want to address issues on decentralisation, equitable distribution of wealth, and upholding the rule of law and human rights principles. According to the NIF regime, the issue of governance was not about systems or upholding norms and political ethics, but it was focused on power-sharing regardless of the normative rules that govern power (ibid. 85). The failure of Egypt and Libya to achieve a joint approach with IGAD or to address SPLM's concerns on main issues became clear in 2001. As a result, the peace negotiation process came to a halt, and was left to foreign powers to either decide to abandon them or to revive the peace initiatives through "IGAD, or the JELI, or both, or neither (Khalid 2015: 63f, 89)."

7.1.2 The IGAD peace initiatives in Sudan

After the collapse of Abuja and JELI peace initiatives, IGAD (comprised of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, and Sudan) took control of Sudan's peace talks in 1993. IGAD embraced a Declaration of Principles (DoP) in 1994 that postulated the right for self-determination for

southern Sudan through a referendum and initiated secular democracy within a united Sudan. These were fundamental tenets that were promulgated as a roadmap for substantive negotiations. These DoPs were endorsed by the SPLM/Mainstream and the governments of IGAD host states.

Even though the SPLM/A, together with the northern political parties within the National Democratic Alliance (NDA), received this proposal positively, the Khartoum government rejected IGAD's DoPs despite previously agreeing to these principles during the 1996 Peace Charter during the Khartoum Peace Agreement with Riek Machar and other warring factions from southern Sudan. The National Islamic Front (NIF) left the negotiation table for three years, citing the weakening of the role of Islam in Sudan and the curtailing of its calls for federalism or autonomy in favour of self-determination. Peace talks halted as the two conflicting parties opted to resume their military conflict (cf. Garang 2013, Khalid 2015, LeRiche et al. 2015: 105f, Rogers 2005, Young 2012).

Due to the intervention of Kenya's President Moi during the 1997 IGAD summit in Nairobi, and their losses on the battlefield, the NIF grudgingly accepted the DoPs as a non-binding condition for negotiations. The DoPs emphasised the unity of Sudan, stressing that the independence of southern Sudan could only be achieved through a referendum in the absence of consensus among the parties to the conflict. The DoPs stated that a secular and democratic state could only be created in Sudan through constitutional reform.

Despite the initial success of IGAD, disagreement shadowed the peace process as the Khartoum government attempted to re-renegotiate the conditions of the DoPs. Sometimes, the NIF declined to agree on meeting schedules; other times, the meetings ended in stalemates. The warring parties diverged on various principles, such as when during the interim period the referendum would take place. The SPLM/A proposed two years; the Khartoum government wanted four years; the SPLM/A rallied for a non-federal system, the interim arrangement where the government supported a federal policy; and lastly, the issues revolving around religion and state (cf. Khalid 2015, LeRiche 2015: 105ff).

After two years, the influence of the IGAD peace initiative waned due to these factors and the divergence of views on secularism and what constituted southern Sudan. The SPLM/A insisted that a secular constitution be enacted, or alternatively, southern Sudan either secedes or becomes part of the Muslim-dominated north confederation. The central government of Khartoum advocated for the enactment of a federation in which every region selected a suitable legal system. It also proposed a referendum for the southerners to choose either to accept the federal arrangement or to opt for the establishment of an independent state (EL Hassan 20th March 2001).

The SPLM/A reiterated that enacting different legal systems for small federal regions would create further divisions in the country. It viewed decentralisation of legal systems as a ruse for

circumventing the principal Bill of rights, "that would apply to all states and citizens of the federation irrespective of their religious, ethnic or regional provenance would be a pervasion of these rights (Khalid 2015: 82ff)." In the absence of democratic systems, states within the federation would not be sanctioned to legislate laws that conflict with the federal system. Citizens would not be protected from the application of the federal constitution or international law (ibid.).

During the peace process, acts of violence amongst the two warring parties further undermined the success of IGAD's peace initiative. As a consequence, the NIF withdrew from all the peace talks and the negotiation process. Other issues that slowed the pace of the peace negotiation process and shifted the attention of IGAD in the peace talks included the outbreak of the Ethiopian-Eritrean border conflict, and Uganda's engagement in a new battle with the Democratic Republic of Congo (Young 2012: 87).

President Moi took the personal initiative of bringing Bashir and Garang back to the negotiating table to forge peace in Sudan. Two outcomes emerged from the Nairobi IGAD peace meeting. First, the IGAD Partners Forum (IPF) and civil society reached out to IGAD states, who agreed to establish a permanent secretariat in Nairobi while designating a special peace envoy for the Sudanese peace process. Secondly, the establishment of a stable administration in Nairobi renewed international support for Sudan's peace process under IGAD. However, the July 1999 Nairobi peace talks were not productive; the failure of the next peace talks in 2000 further reduced the prospects for a peaceful settlement (Khalid 2015: 82, Roger 2005: 45).

7.2 USA's Clinton administration on the Sudan peace initiative

> "We believe the IGAD process is the best way to go forward, and we do not support other processes that some are suggesting, the Egyptians or the Libyans (former US Secretary of State MaldrineAlbright (20th October 1999), cited in Khalid 2015: 83)."

The above statement clearly indicated that the US did not support JELI and was reluctant to play a leading role in Sudan's peace process. After the earlier peace initiatives collapsed, the US government revamped the IGAD peace process by employing a 'carrots and sticks strategy', forcing the central government to reach a negotiated settlement with the SPLM/A. Near the end of Clinton's administration, the impetus for the peace process increased after the US reappraised its policies towards Sudan following the January 1999 consultations chaired by the United States Institute of Peace (USIP). In attendance at the consultative meeting were members of the SPLM/A and NDA, ambassadors of Kenya and Egypt to the US, representatives of the Norwegian government, the US National Security Council, the US State Department, and other foreign experts on Sudan. This meeting concluded that:

- The IGAD process remains the best vehicle for mediation and negotiation, with Kenya continuing to take the lead.
- The process must be strengthened through international assistance to permit more effective and sustained negotiations.
- The countries of the IGADs Partners Forum (IPF), including the United States along with the United Nations and the Organisation of African Unity, need to give financial and technical support to make the IGAD process more effective.
- The Declaration of Principles (DoPs) agreed to by both parties need to be the framework of negotiation.
- Particular attention to be paid to the principle of self-determination for the south, in order to make the peace process more realistic (Khalid 2015: 73).

American supporters began to reconstruct Garang's image from that of a communist who is in tandem with the Derg and Eastern bloc to that of a heroic revolutionary figure leading an African liberation movement (Young 2012: 86f). The American Government perceived the NIF as a rogue state run by Islamist elites, a persecutor of non-Muslims, a non-observer of human rights, and a supporter of international terrorist groups such the Al-Qaeda, which was accused of the U.S embassy's bombing in Kenya and Tanzania in 1998. Together with the earlier assassination attempt on Hosni Mubarak in 1995, these accusations led Clinton's administration to term Sudan's Government as an "unusual and extraordinary threat," whose aim was to destabilise neighbouring countries in the region. His administration subsequently imposed sanctions by enacting trade embargos on goods, technology, and services with the NIF and freezing its assets in the US (Khalid 2015: 66, 92).

Later in 1999, Clinton's administration offered financial support to SPLM/A and NDA as it perceived the two parties to be the only alternatives to the government in Khartoum. But this decision was condemned by the Bureau of African Affairs in the State Department, which did not trust the politics of traditional leaders in Sudan and did not support conferring legitimacy on the SPLA and NDA as an alternative to the Khartoum's Islamist regime. Clinton administration's measure was criticised in a New York Times editorial which stated that: "One of the tragedies of Sudan's war is that John Garang's SPLA has squandered a sympathetic cause. Though its members claim to be 'Christians' resisting Islamisation, they behaved like an occupying army, killing, raping and pillaging (New York Times 1999 cited in Young 2012: 89, cf. Khalid 2015: 66f)." The massive criticism negated Clinton's administration's peace initiatives in Sudan, leaving the problem in the hands of his successor George Bush, who was elected U.S president in 2001.

7.2.1 Bush's administration's Sudan peace initiatives

Under the impetus inherited from the previous administration, American politics towards Sudan did not change under Bush's administration. The Khartoum government's policies catalysed

support in the US Congress for a new regime in Sudan. This position enjoyed bi-partisan support in Congress, and among non-governmental organisations. The Government of Sudan held the view that the US administration had in various ways contributed to the behaviour of the SPLM/A. The US government had encouraged the movement to believe in the inevitability of its military victory against the NIF regime and motivating it to obstruct any development towards peace (Khalid 2005: 68, 72, Young 2012: 89).

Bush appointed Senator John Danforth as the peace envoy for Sudan, an initiative that signalled U.S. engagement in the peace process. Senator Danforth laid down three fundamental objectives as prerequisites for the consolidation of peace in Sudan. First, he called for a ceasefire and the end of civilian killing, especially in the Nuba mountains; the establishment of a commission report on slavery; and the creation of an organisation in Sudan to investigate the above offences by the government and other armed groups. The latter referred to the forceful abduction and enslavement of the southern Sudanese population in Bahr al-Ghazal by Arab militias whom the Khartoum government either directly or indirectly supported.

Another factor was the establishment of safe zones where humanitarian interventions could be carried out safely. The international 9/11 terrorist attacks on New York's twin towers of the World Centre and the Pentagon in Washington generated public support in the United States for the war against international terrorism. This led the Bush administration to reiterate that countries supporting or providing safe refuge to Osama bin Laden were equally responsible for the attacks. Senator Danforth urged the NIF's regime to stop supporting international terrorism (Khalid 2015: 92, LeRiche et al. 2013: 108, Young 2012: 91f).

The September 11 terrorist attacks in the U.S further accelerated pressure for bringing the NIF regime back to the negotiation table. The attacks saw the U.S government adopt an aggressive policy of confronting the 'rogue regimes. The US government accused the NIF regime of hosting Osama bin Laden and supporting other international terrorist groups, leading the NIF regime to worry about the prospect of an attack by the U.S government. It also feared it would actively support armed factions such as the SPLM/A to forcefully enact regime change in Sudan. Cautious of the retaliation, in a bid to forge a cordial relationship with the U.S. government, the NIF regime chose to peacefully engage with the Americans in the fight against international terrorism, and share intelligence on Osama bin Laden's Al-Qaeda network. On 29th September 2001, the UN Security Council resolved (with abstinence of the U.S government) to remove the 1996 sanctions against the Sudanese government. The imposition of these sanctions was intended to pressure the NIF regime to extradite Islamist militants accused of attempting to assassinate President Hosni Mubarak in Addis Ababa in 1995 (Khalid 2015: 93, LeRiche et al. 2013, Young 2012).

At the end of November 2001, Danforth's intervention induced the NIF regime to show its commitment to engage the SPLM/A in peace talks. Both warring parties agreed to four weeks of tranquillity to enable the delivery of humanitarian relief in the Nuba Mountains. In January 2002, the ceasefire, which was to be renewed after every six months, came into effect. Although Sudan's government resisted SPLM's effort to extend this agreement to the south of Blue Nile, the two warring sides accepted the creation of a Joint Monitoring Committee (JMC) comprising of 10-15 foreign observers, together with a local bi-partisan monitoring committee under the leadership of a neutral chairman. The SPLM and the Government of Sudan further agreed on enacting freedom of movement for the civil population, distributing humanitarian aid in the Nuba region, and desisting from laying landmines in Nuba Mountains (Johnson 2016: 8f, Khalid 2015: 95).

Danforth's peace efforts resulted in a temporary peace settlement between the SPLM and Khartoum's government. This revived interest in the JELI and IGAD initiatives at the beginning of 2002. Despite the prevarication over the DoPs, Sudan opted to revisit the IGAD peace initiative after the previously peace initiatives culminated to *huis clos* (Khalid 2015: 96).

7.3 Machakos protocol: A breakthrough in peace negotiations

In January 2002, peace talks were held in Machakos, Kenya. Kenya's President Moi and one of his generals, Lazarus Sumbeiyo, took leading roles. These talks resulted in a ceasefire agreement after ten years of intermittent efforts. The peace negotiations culminated in a formal embracement of the Machakos Protocol on 20th July 2002 and received the support of the 'Troika countries', which comprised the United States, the United Kingdom, and Norway. This collaboration led to renewed efforts by the IGAD secretariat, compelling John Garang of SPLM/A and Sudanese President Omar Bashir to meet under the auspices of President Moi. Embracement of the Machakos protocol by the two warring sides provided the basis for comprehensive and peaceful negotiations between the Khartoum government and the SPLM/A (Khalid 2015: 96ff, LeRiche et al. 2013: 108, Young 2012: 87).

In the first session of the peace talks held in Nairobi in May 2002, Idris Mohamed, Sudan's minister in the office of the President, represented the Khartoum government, and Elijah Malok, John Garang's uncle, represented the SPLM/A. The peace initiative initially faced hurdles as the two warring parties could not agree on the framework. For example, in the first session, Sudan's Government and the SPLM/A could not agree on the phrase 'interim period' and 'transitional period'. SPLM's team insisted on the term 'transition' in a bid to emphasise the transformation process from one system to another. This meant moving away from a one-party regime to a multiparty system, whereas the government negotiators envisioned continuity of the contemporary process (Khalid 2015: 97, LeRiche et al. 2013: 108ff, Young 2012: 92ff).

In June 2002, the one-paged Machakos Protocol prepared by the IGAD mediators caused disagreement within the SPLM/A because it did not highlight self-determination or the right to secede. The SPLM/A held the view that this document accorded the southern Sudanese less than what they previously achieved in the 1972 Addis Ababa Peace Agreement. More exasperating for the SPLM/A was the substitution of self-rule for self-determination, and religious tolerance in place of the separation of religion and politics (Khalid 2015: 100, Johnson 2003: 149, LeRiche et al. 2013: 108, Young 2012: 92ff). The peace meeting led to only nominal progress following the Sudanese government's refusal to sign the planning document.

7.3.1 The second session of the Machakos protocol

The second round of peace negotiations commenced in Machakos on 17th June 2002. Idris Mohamed represented the Sudan government, while Nhial Deng Nhial represented the SPLM/A. To speed up the peace process, Sumbeiyo, the chief mediator and the other mediators, drafted a negotiating document that included self-determination, or the right to secede.

During this session, the US envoy Senator Danforth walked out of the peace negotiation in frustration because he felt that the Sudanese government would not accept the inclusion of self-determination. It should be noted that the U.S government had supported in principle the SPLM's calls for self-determination. For instance, the US (103rd) Congress enacted a resolution that called upon the Government of Sudan to acknowledge southern Sudan's right to self-determination. Similarly, the State Department regularly acceded to southern Sudan's self-determination through its contacts with SPLM, consistent with its earlier position that was embraced by National Democratic Alliance (NDA) (Khalid 2015: 100). Danforth's report dated 26th April 2002, to the US president on self-determination encoded a different meaning to this issue:[66]

- "Southern Sudanese have consistently experienced mistreatment at the hands of government in the North, including racial, cultural, religious intolerance and restricted access to the nation's resources. Any peace agreement must address the injustices suffered by southern Sudanese people.
- Southern Sudanese have claimed the right of self-determination as a means of protecting themselves against persecution; however, secession would be strongly resisted by the Government of Sudan and would be exceedingly difficult to achieve.
- The view that self-determination includes the guaranteed option of secession is contained in the IGAD Declaration of Principles and is supported by many Sudanese. However, this would be strongly resisted by the Government of Sudan and would exceedingly difficult to achieve.

[66] Senator John Danforth feared to fully support SPLM calls for secession as this would stir crisis through a domino effect that in other parts of Sudan, and thereby becoming a destabilising factor in the region of East Africa. It appeared if he openly approved calls for secession for cession in an already fragmented Sudan, it could catalyse latent desires for calls for secession other neighbouring states (Khalid 2015: 101).

- A more feasible, and, I think, preferable view of self-determination would ensure the rights of the people of southern Sudan to live under a government that respects religion and culture. Such a system would require robust internal and external guarantees so that any promises made by the government in peace negotiation could not be ignored in practice (Danforth 2002: 25ff cited in Khalid 2015: 100)."

Danforth's construal of self-determination aroused anxiety within the SPLM. Garang's team perceived that the conditions would deprive them of the self-determination option. A clique of southern Sudanese elites and several SPLM leaders shared the notion that self-determination and secession meant the same thing. Two southern Sudanese scholars asserted that:

> "While emphasising that secession and separate statehood are not the only way for realising a people's right to self-determination… this option must be considered when people have no right to self-determination within the country (Abdulahi 2010, Deng 2010)."

From this point on, secession was perceived as an instrument of last resort that an ethnic, cultural, religious or linguistic group within a country would resort to only if their essential rights are not safeguarded. In other words, if the population is satisfied with the state affairs, then it is improbable that the minority groups would choose high political, economic and security risks that come with separate statehood (cf. Deng 2010, Khalid 2015: 101).

Despite all these undercurrents, chief mediator Lazarus Sumbeiyo continued to push his peace mission. His efforts were, on most occasions, derailed by a lack of trust between the two warring parties, and the preconditions the different actors maintained. Sumbeiyo, with the help of IGAD and a team of advisors, nevertheless proceeded to draft the Machakos Protocol. It offered alternatives to self-determination, separation of state and religion became the foundation for the model of asymmetrical federalism, and the southern Sudanese population could decide on their destiny through a referendum (Khalid 2015: 105ff).

As such, the Machakos protocol finally delivered a 'grand compromise' that became the basis for the subsequent Comprehensive Peace Agreement. The SPLM, led by Salva Kiir, and the Sudanese government led by Ghazi Salhudin, signed the protocol on 20th July 2002. The NIF regime assured the SPLM of its binding commitment to self-determination of southern Sudan with the likelihood of independence. This protocol laid down a six-year interim period that could either end in the unity of Sudan or the independence of southern Sudan. The south Sudanese had to observe 'unity' during the interim period in a confederal system. The SPLM assured the Sudan government that Sharia Law would still be the foundation of the order of governance in the North and constitution, "except as applied within the South (LeRiche et al. 2013: 108)."

The protocol underscored that unity of Sudan is and shall be prioritised, natured, made attractive to the people of Sudan, and that southern Sudan would be "legally imperative to both the SPLM and the Sudanese government (ibid.)," hence acting as a guarantee for the possibilities of southern

self-determination. The signing of the Machakos protocol offered solutions to national unity and religion, and politics. It also guaranteed the southerners a right to vote in a referendum to decide whether to remain part of the old Sudan or establish a new separate state after a six-year interim period. It exempted the southerners from Sharia Law, which remained in place for northern Sudan (Moro 2018: 87).

With the cessation of hostilities, the peace negotiation process continued under the auspices of IGAD. This time it was supported and facilitated by the 'troika countries. They also endorsed the peacemaking[67] and peacebuilding[68] processes, as understood in the theoretical formulations of the international community. Norway was the most active player in regard to supporting and legitimising the claims of the SPLM/A. During the worst years of the war, the Norwegian NGOs, like the Norwegian People's Aid, offered financial support. In some cases, it was termed as 'Norwegian People's Army' since it supported the SPLA instead of neutrality endorsed by other international organisations (Copnal 2014: 204). Western countries such as Canada, Denmark, the Netherlands, Norway, Sweden and the U.K generously aided South Sudan after the CPA was signed. These countries came together as a Joint Donor Team and supported the SPLM/A with more than $ 400 million during the interim period. The European Union pledged to donate $200 million to the SPLM/A during the run-up to the referendum (ibid. 205ff).

Southern Sudan received additional assistance from the Israeli government. The support started during the first Civil War in Sudan when it supported the Anyanya movement with military equipment, training, and other material benefits. Later on, the Israelis provided the SPLM/A with similar assistance. The support of the Anyanya movement and the SPLM/A by the Israelis was a response to Arab countries' support for the Khartoum Government's policies. The leader of the SPLM/A, John Garang, was among the officers who underwent military training in Israel. After independence, President Salva Kiir travelled to Israel to meet president Shimon Peres and Prime Minister Benjamin Netanyahu, where he stated that South Sudan would not have arisen without the support of Israel (Israel Ministry of Foreign Affairs 20th December 2011).

[67] The onset of the modern peacemaking follows UN definition that is aimed at bringing together warring parties to reach a peace agreement, mostly through such peaceful channels as those envisaged in Chapter VI of the Charter of the United Nations (Boutros-Ghali 1992). Therefore, it is a diplomatic process that is geared towards changing violent conflicts into nonviolent negotiations where problems are addressed through representative political institutions (School of International Studies 2006).

[68] On the other hand, peacebuilding is perceived as a post-conflict undertaking that is aimed at identifying and supporting structures that are aimed at strengthening and solidifying peace to curb a reoccurrence of the conflict (Boutros-Ghali 1992). In addition, in 2001, the UN Security Council enhanced this term and concentrated on sustainable development, the extermination of poverty and disparities, transparent and accountable government governance, the preferment of democracy, observation of human rights and rule of law as well as the culture of upholding and peace and non-violence (United Nations 20 February 2001, for more discussions, see Duffield 2002, Fukuyama 1992, Heathershaw 2008: 597-618, Paris 2002: 637ff, Paris 1997: 54-89).

The relationship changed after the Government of South Sudan voted in favour of upgrading Palestine to observer status at the United Nations (UN). South Sudanese delegates at the UN argued that having just celebrated their independence, they were obliged to vote for the Palestinian's citizens who were desperate for freedom. However, their decision did not reflect the views of the entire South Sudanese community (Copnal 2014: 210f, Sudan Tribune 3rd December 2012).

7.3.2 Responses to Machakos Protocol

Even though the Machakos protocol initiated peace negotiations that ended one of the longest civil wars in Africa, the agreement stirred numerous reactions from various groups. For instance, the signing of the Machakos protocol by the Government of Sudan effectively allowing self-determination led to the massive defections of southern factions that had signed the 1997 Khartoum Peace Agreement to join the SPLA. Matters concerning religion and state as envisaged in the Machakos protocol were complicated since they evoked clashing interpretations.

Upholding of secularism in the southern part of Sudan but not North Sudan enraged a coalition of northern parties under the banner of the National Democratic Alliance (NDA). The SPLM/A found itself in a double bind. The NDA thought that the SPLM/A's peace negation talks would lead to a Comprehensive Peace Agreement with Khartoum's government. Also, they believed that the agreement would end the religious laws to the advantage of northern secularist and Muslims who were not in tandem with the Islamists who came to power through a coup´ in 1989. Although the Machakos protocol enhanced southern Sudan's autonomy, self-determination, and secularisation, the SPLM was not ready to abandon these achievements to de-Islamise Sudan. The reason was that from the onset of Sudan's Second Civil War, Garang had led a national liberation movement that fought for a diverse, secularised, democratic state of New Sudan (cf. Copnal 2014, LeRiche et al. 2013, Khalid 2015, Young 2012).

The NDA was perturbed by SPLM/A's signing of the Machakos Protocol that allowed for southern self-determination. In their view, Garang's actions contradicted earlier promises to the NDA as stipulated in the Asmara Declaration. Despite the two communiqués of the IGAD ministerial subcommittee on 19th and 23rd July 1999, and the Joint Communiqué of the Political Committee Taskforce of July 2002, the Machakos Protocol's framework only bore a superficial resemblance to it.

The peace envoy Lazarus Sumbeiyo termed the DoP as a 'complete analysis' (Waithaka 2006: 86, cited in Young 2012: 94). Sumbeiyo had 'translated the DoP in a manner that stressed self-determination and separation of state and religion' (ibid.). As such, the Machakos protocol side-lined the DoP, which embodied the right of self-determination. In essence, the DoP postulated:

- "3.4 Secular and democratic state must be established in Sudan. Freedom of belief and worship and religious practise shall be guaranteed in full to all Sudanese citizens. Country and region shall be separated. The basis of personal and family laws can be religion and customs;
- 3.5 appropriate and fair sharing of wealth among the various people of Sudan must be realised (DoP quoted in Young 2012: 95)."

From the reference above, even though the DoP calls for the separation of state and religion, the Machakos protocol only sanctioned this principle in southern Sudan due to the government's inability to introduce democracy, secularism, and equitable distribution of resources. However, as the IGAD process was underway, a humanitarian disaster in Darfur underscored that Sudan's problems could not be limited to a north-south dimension and much less as a Muslim-Christian war.

In most agreements, such as the Khartoum Peace Agreement between Riek Machar, the Fashoda Agreement with Lam Akol, and the central government, they had already acknowledged the need for self-determination in their peace agreements; the Machakos protocol was not an exception. By siding with SPLM/A on self-determination in the Machakos Protocol, the Khartoum government knew that while Garang had shown his commitment to the unity of Sudan, he would ultimately influence the SPLM/A supporters to his vision. In this light, the 'compromise' at the centre of Machakos Protocol appeared to be far less significant (LeRiche et al. 2013: 112, Young 2012: 96f).

As peace negotiations were nearing conclusion, wrangles ensued because the SLPM/A excluded the National Democratic Alliance (NDA), the population and civil society from Abyei, the Nuba Mountains and the South Blue Nile who were an integral part of the movement. Upon signing this protocol, armed groups from the above regions concluded that the SPLM/A signed it in bad faith and had abandoned its revolutionary goal of a 'New Sudan'. These three regions had supported SPLM/A during the liberation war; however, most southerners became contented with the decisions of a voluntary unity of the Abyei area with the North through negotiation with traditional leaders. Also, the inclusion of these three areas was omitted in the protocol since the Khartoum government would oppose it, and thus complicate the peace negotiation talks. Due to this substantial opposition, Garang relented, and these three areas were not included in the Machakos Protocol (Johnson 2016: 8f).

During the Machakos peace process, Garang's decision also stirred dissatisfaction amongst the SPLM/A ranks and supporters from these three areas. The SPLM almost split. Consequently, Garang replaced the current President of South Sudan, Salva Kiir, as the head of the SPLM negotiating team. Apart from self-determination for the southerners, the primary factor in the Machakos Protocol was the call by both warring parties to show their commitment to 'make unity attractive'. This provision meant that southern Sudanese should be assured that their rights and

culture would be safeguarded as citizens of Sudan. The SPLM felt that this provision was meant for the Khartoum government since the movement believed that the government could not commit itself to this agreement. The SPLM, therefore, viewed this provision as a gateway for 'getting out of Sudan' because the SPLM leadership perception was that the NIF regime would not create a democratic environment making the unity attractive to southerners (Khalid 2015: 110, Young 2012: 97).

These contradictions were not only restraint for Khartoum's Government. Despite being formally committed to the ideology of a united 'New Sudan', commanders and soldiers of the SPLM/A preferred the independence of southern Sudan, and this measure complicated the peace process. This was contrary to the preamble of the Machakos Protocol, which called for the 'commitment to a negotiated, peaceful, comprehensive resolution to the Sudan Conflicts within the Unity of Sudan' (Machakos Protocol 2002: Preamble). The first principle of the protocol further stated that:

> 'The unity of Sudan, based on the free will of its people to democratic governance, accountability, equality, respect, justice for all citizens of Sudan is and shall be the priority of the parties and that it is possible to redress the grievances of the people of South Sudan and to meet their aspirations within such a framework (Machakos Protocol 2002: Principles 1.1)."

The peace mediators, and the belligerents, acknowledged that the legitimacy of the peace agreement was entirely based on its assurances to the democratic transformation of Sudan. Notably, the protocol was chock full with terms like 'democratic governance, accountability, equality, respect and justice' (Machakos Protocol Section 1.1). It stated that Sudanese had a right to control and administrate their affairs in southern Sudan and to create a democratic system of governance (ibid. 1.1-1.6).

John Young asserts there was a lack of democracy, and that both sides signed the protocols in bad faith. There were many disparities in the peace process. The vision of the DoP and the Machakos Protocol was to address the plight of both the southerners and northerners. The additional discrepancy of the protocol arose through the utilitarianism of the protocols, which the parties used as a tactic. In the international arena, the reaction to the Machakos Protocol varied and caused tribulations amongst the international community. Egypt and Libya were upset since they were excluded from the Machakos Protocol. The two countries were also agitated by the exclusion of the Arab League and later the inclusion of Italy in the Troika (the US, Norway and the United Kingdom), the Organisation of Africa Unity (OAU) and the United Nations as observers in the peace process (Johnson 2016: 8ff, Young 2012: 99).

The reactions and responses to the Machakos Protocol were wide-ranging. Some parties to the negotiation asserted that due to manipulation of these protocols, the Khartoum government got another six-and-a-half-year period in power, and that the vision of a united and democratic Sudan was thwarted. The Machakos Protocol was also accused of being a 'divide and rule' strategy because it side-lined the Declaration of Principles (DoPs) on religion and state, and the Asmara Declaration of 1995. This agreement was perceived to condense numerous points of agreements reached in the previous peace talks. The Machakos protocol was also unclear on the democratic transformation of Sudan and generalisation of the Bill of Rights, and the future of transitional areas. (Khalid 2015: 107ff).

The Machakos protocol was also crafted to address the National Islamic Front issues while reinforcing SPLM's vision of New Sudan. The protocol underscored the necessity of overcoming wider disparities in Sudan as it did not reduce the problem to the north-south dimension (Young 2012: 95). Even though the Asmara DoPs had offered the southerners the right of self-determination, the Machakos Protocol actually paved the way for self-determination of southern Sudan to be achieved, regardless of any future changes within the central Government (Johnson 2016:8f, Khalid 2015: 118-137, Young 2012: 101,116).

The two parties continued to breach the terms of the Memorandum of Understanding (MoU) on cessation of hostilities that was later renewed on 18th November 2002. Consequently, the two parties agreed to return to the negotiating table in early 2003 after they both agreed to the Addendum to the Cessation of Hostilities and the Resumption of Negotiation of Peace in Sudan (for more on these provisions, see Khalid 2015: 129-131).

7.4 The roadmap to the comprehensive peace agreement

After the ceasefire was declared, the IGAD Partners Forum facilitated the peace negotiation. The United States, the United Kingdom, and Norway were part of the team. They financed and supported the negotiation secretariat, the team of experts, and the chief mediator General Lazarus Sumbeiyo. Senior government officials, ministers and envoys from the troika countries also played an essential role in the negotiation (cf. Johnson 2016, LeRiche et al. 2013).

Between 2002 and 2003, six thematic protocols were negotiated in Naivasha, Kenya. The security agreement was signed on 25th September 2003. In contrast to the 1972 Addis Ababa Agreement, southern Sudan was permitted to maintain its autonomous armed force under the leadership of SPLA during the interim period. During this period, 'joint integrated units' were created, composed of Sudan's Armed Forces (SAF) and the SPLM/A. Once the two warring parties agreed on the unity of Sudan, the two units were to constitute the foundation of a new national army. At the onset

of the Interim Period, these units were later redeployed in the northern and southern regions for two and a half years.

Then, on 7th January 2004, a wealth-sharing agreement was completed through equal distribution of oil revenue between the central government and the southern government; the oil-producing areas were allocated two per cent of the oil proceeds. A power-sharing protocol was also signed on 24th May 2004. The development established the foundation for a long-term structure of the state of Sudan if the southern Sudanese population opted for unity through a referendum. The southerners were guaranteed an autonomous government of Southern Sudan (GoSS), where the President and the legislative body would be the nominal governance structures. At the national level, an interim Government of National Unity (GoNU) would govern Sudan through a President aided by two Vice Presidents. The protocol dictated that elections be held within four years in the transitional period. The SPLM and the NIF regime were to establish governing parties within the GoSS and GoNU, with the SPLM getting the position of first vice-president.

Progress almost stopped in July 2003 when the central Government of Sudan walked out of the talks, citing that Nakuru Framework had altered the enactment of the Machakos Protocol and diverged from the unity of Sudan. In their view, it accorded southern Sudan too much autonomy, and it had become a tactic for 'forum shopping' in a bid to circumvent the IGAD process. The government accused the leadership of SPLM, claiming that Garang had micromanaged his negotiation teams. It further asserted that Garang was only interested in using separate negotiations as forums for strengthening his political position, while at the same time, he remained committed to attaining military victory (Akol 2009: 308, Johnson 2016: 8, Khalid 2015: 122, Young 2012: 102).

In contrast, the SPLM/A fully embraced the Nakuru Framework claiming that the Government of Sudan wanted to derail and abandon the peace process by fidgeting on issues that had already been decided at the negotiation table. The Nakuru Framework locked out other southern liberation movements that had previously signed the Khartoum and Fashoda Agreements in the interim security arrangements. This stirred more controversies between the parties until Vice President, Ali Osman Taha, took over the negotiation process.

Through the international community's intervention and a holistic approach to solving the outstanding problems, Garang finally agreed to take part in the peace talks. Unfortunately, this crucial stage of peace talks was almost concluded without mediation, international pressure, and a clear timeline that the United Nations Security Council had set (Akol 2009: 308, Johnson 2016: 8, Young 2012: 102).

The Nakuru report further tackled issues relating to power and wealth sharing, democratic transformation, contextualisation of cultural diversity, together with the status of the capital. Also, the document addressed security arrangements, the autonomy of southern Sudan, and safeguarding the rights of Muslims in the national capital of Sudan. In 2005, the Government of Sudan and the SPLM/A finally signed a Comprehensive Peace Agreement (CPA) that ended one of the most violent conflicts in Africa. In the following section, we examine the fault lines within the CPA.

7.4.1 Fault lines in the signing of the Comprehensive Peace Agreement

> "We fought the war alongside Garang against the government for the liberation of Sudan. He abandoned and forgot us and only thereafter to join the government for the peace talks. How inclusive were these peace talks? That is why we denounced the CPA process (Interview on 12.11.2017 with a former rebel commander)."

These remarks by a former rebel commander highlight the deficiencies of the procedural legitimacy that led to the 2005 Comprehensive Peace Agreement. It is essential to accord effective participation to all stakeholders in any decision-making or policy-making process (for instance, the CPA process). Stakeholders in the process included the government, organisations, opposing parties and rebel groups. This not only reinforces the consolidation of legitimacy in the process, but the credibility of the procedure in respect to making a decision, and the procedural process itself (cf. Barnes 2002: 12, Belloni 2008: 199, Luhmann 1983: 28ff, Ramsbotham et al. 2014: 6f, McKeon 2004).

Despite the CPA being a remarkable accomplishment since it attained most southerners' goals, various stakeholders have termed the process as flawed. In an interview, a former southern Sudanese rebel remarked that the CPA was not comprehensive. He stated that despite clear signs that South Sudan's population was likely to rally behind secession and independence, the provisions of the CPA hardly outlined post-transition stability in both northern and southern Sudan. He further remarked that both the SPLM/A and the Government of Sudan had committed massive atrocities against their respective populations. He added that this document did not highlight the provisions for enacting mechanisms for transitional justice to be adopted in the post-conflict period. The crafting of the CPA legitimised these warmongers, portraying them in Sudan and internationally as ***'peacemakers'*** (Interview on 13.11.2017, emphasis added).

Another interlocutor reiterated that the peace negotiation process was illegitimate and was an inferior quick fix imposed on them by external parties that disregarded the opportunity for arriving at a better agreement. According to him, the foreign parties focused on John Garang, the leader of SPLM/A, and Osman Taha, representing the Khartoum government, thus diminishing their control of the peace process as they had to consult Garang and Taha for updates. He also remarked that the

signing of the CPA was not only attained in the absence of the assemblage of various aspects, such as the indeterminate balance of power between the warring parties in the conflict. He also stated that within a multi-actor war environment, international efforts and decisions aimed at forging peace through the imposition of democracy in the absence of a robust civil society were ill-informed. The result precipitated instability and further perpetuated the conflict in the post CPA and independence period (Interview on 25.11.2017).

Rolandsen and M. W Daly (2016) refute the respondent's notion regarding mutual hurting. They indicate that the signing of the CPA did not emanate from a military stalemate since the peace negotiation process addressed a conflict zone where both warring parties eyed military conquest or politically outwitting their adversaries away from peace agreement and political companionship. They further assert that military power was key to the warring parties ability to "extract concessions and reach a compromise (ibid. 139)."

Threats of resuming the war offered the warring actors influence at the negotiation table. They assert that the United States' continuous engagement in the war was perhaps a significant factor that invigorated the peace process as well as the resultant agreements on self-determination, and kept the SPLA unified "on the Abyei referendum and two other contested areas (ibid. 139)." Also, together with the state of the national capital, all these issues were not pressed by members of the international community. The western diplomats and politicians who had supported this peace process were primarily interested in securing results (ibid. 139).

In another interview, one respondent asserted that the CPA process conferred legitimacy to discredited authoritarian elites in northern and southern Sudan. He further pinpointed that the two conflicting parties used their military strength to dominate the peace talks to the detriment of non-armed parties. This elevated these discredited elites' international recognition, which they had already lost in Sudan's political arena. The CPA process revised their real status by catapulting them into the limelight in the role of building bridges of peace, which legitimised them as statesmen. He further stated that "the IGAD mediating team should have first analysed the conflict under the prism of south-south war before conferring Garang with legitimacy over his constituent and assigning him a leading role in the peace talks while at the same time neglecting other factions that fought with him in the second liberation war (Interview on 30.10.2017)."

This argument agrees with Fritz Scharpf's notion that a legitimate self-determination process must be undertaken in an environment where the population is given an equal chance to participate in public discourse. However, that was not the case for the CPA process in Sudan, as the citizens were not accorded an opportunity to share contributions that would have influenced the outcome of the peace process (Scharpf 1997: 29).

On the same point of inclusivity, another interlocutor indicated that despite the presence of many rebels' factions and opposition groups within Sudan fighting to dislodge the central government from power, they were shelved in the negotiation process. He alluded that this delegitimised the aspirations of a majority of the Sudanese expectations, as John Garang, through the help of external parties, was perceived as the only de facto rebel ruler in Sudan while neglecting his other comrades whom he fought with (Interview on 26.11.2017).

In an interview, a former rebel commander in Southern Sudan also stated that Garang's exclusionary tendencies in the peace process made him call upon his followers to rebel against and fight the SPLM/A in southern Sudan. He further alluded that despite him and other members of his factions and Garang having fought the NIF regime for decades, they were not allowed to participate in the talks. He stated that this negatively affected southern Sudan in the post-war era since the peace talks focused on attaining sustainable peace in the country to the neglect problems that could disrupt it in the south (Interview on 20.11.2017).

Scholars Oystein Rolandsen and M. W Daly (2016) also share the above sentiments. They state that the peace negotiation process evolved from 2003 by embracing an exclusive role for sovereign states, that is, into a negotiation limited to the Khartoum government and the SPLM/A. This separated Sudan, with the NIF regime representing the North while the SPLM/A represented the south. In so doing, it neglected other stakeholders to the conflict. Moreover, the move evoked discontent from internal opposition groups in Sudan and a section of members of the international community. As a result, the agreement was exclusive, reactionary, and fragile, hence thwarting the possible future stability of Sudan (Daly et al. 2016: 139). Furthermore, domestic political actors and citizens of Sudan perceived this as deliberately since they were forced to accept the results of a flawed peace process from which they were barred from participating (Young 2012: 99).

In the same vein, Mathew LeRiche and Matthew Arnold (2013) argue that the limitation of peace talks to only two actors was inflammatory to opposition parties since the process of signing the CPA was not inclusive, resulting in a binary agreement between the two parties void of democratic legitimacy amidst the crisis in Darfur. The selective approach in the CPA process meant that power was concerted in the hands of the two belligerents. As such, this process derailed the achievement of dual democratisation of the two parties and state institutions. This was evident during the signing of the Power Sharing Protocol, which assured that the SPLM and Government of Khartoum would be the only governing parties in Sudan, at least before the interim national elections. The initiative derailed the achievement of dual democratisation of the two parties and state institutions (Akec 05.05.2010, LeRiche et al. 2013: 6, 111, Rogier 2005:64).

As noted by the International Crisis Group, the SPLM/A and the NIF regime became 'strange bedfellows' whose sole aim was to remain dominant in Sudan's politics and governance. Notably, at the expense of their comrades in war, such as the South Sudan Defence Forces (SSDF[69]) and the National Democratic Alliance (NDA) (ICG 2005: 2). Despite the massive support of these two groups affiliated to SPLM, they were barred from the peace talks. The CPA document only referred to them as an anonymous 'Other Armed Groups'. This deterred the prospect of the National Democratic Alliance (NDA) from northern Sudan to challenge or advance their political agenda against the Khartoum government (LeRiche et al. 2013: 111).

Moreover, the CPA appeared not to be comprehensive since peace talks continued in 2003 and 2004 when violence engulfed Darfur, and a massive conflict was still ongoing in the eastern part of Sudan. Therefore, the Sudanese population did not perceive the CPA as a tool for addressing the periphery and important undercurrents within the broader Sudanese context. The northerners termed it a misguided endeavour that did not address the root causes of inequality and political and economic marginalisation. Instead, the CPA neglected these issues in order to provide a pathway for the separation, and independence of Southern Sudan. This was evident through the creation of institutional arrangements based on the division of North and South Sudan through the signing of the Machakos Protocol while at the same time only superficially stressing the unity of Sudan. Also, distrust arose on the earlier SPLM's promises on the vision of a united New Sudan since the movement opted for self-determination (LeRiche et al. 2013:111, Khalid 2015: 254f, Young 2012: 99).

Mahmood Mamdani critiques the CPA process stating that it was a mere power-sharing instrument between SPLM and the Khartoum government instead of advancing the democratisation process of Sudan (Mamdani 4th May 2011). The inclusion of other parties in the peace negotiation process involved additional challenges. The Khartoum government opposed the inclusion of NDA in the peace process for fear of being victimised, whereas the SPLM feared the inclusion of the NDA, as their presence would derail the north-south focus in the peace talks.

On the one hand, the South Sudan Defence Forces (SSDF) were excluded from the peace talks because the Khartoum government feared that they might side with SPLM/A. On the other hand, the SPLA perceived SSDF as dupes of the Khartoum government, and that their involvement would delegitimise the movement's claim of the monopoly of power in southern Sudan. Side-lining, the

[69] The SSDF was a formidable armed group that was in possession of a large quantity of weapons, enhanced military capabilities controlled 20 percent of strategic areas of South Sudan comprising of even oil-producing regions of South Sudan. Therefore, their exclusions in the CPA process was detrimental as they could act as peace spoilers (Young 2006).

SSDF in the peace negotiation process further deteriorated the prospects of peace in the post-CPA period (Young 2012: 109).

In an interview with a scholar from the Sudd Institute in South Sudan, he perceived the CPA process as a failure since it was just a quick fix solution to Sudan's problems. He further stated that the CPA was far from being comprehensive as it did not address the core issues of marginalisation and inequality in Sudan. He further alluded that this peace process also barred the southerners and the northern parties the opportunity to alter the politics of Islamic elites in Khartoum. Therefore, this venture was a parochial mechanism that benefitted the elites in Khartoum (Interview on 20.11.2017).

The mediators and diplomats held the contrasting view that including a wide array of participants in the peace negotiation process would derail the peace process and make it difficult to complete as they would leak confidential information that could further disrupt the process.[70] Narrowing the number of participants was vital as they could be managed better as the negotiation of peace between the two warring actors was already complicated and cumbersome (Daly et al. 2016: 139ff, Young 2012: 110ff).

The channelling of the peace process based only on two key personalities or actors played a significant role in weakening the institutions, and accountability in Sudan. Such a move was apparent when Garang barred the proposed Assessment and Evaluation Commission (EAC) from reporting to IGAD or any other international institution. As Garang blamed the government for undemocratic practices, he also denied the AEC a chance to probe governance issues or oversee elections in the south, even though the polls did not meet international standards (Young 2012: 106f).

Mistrust marred the peace process.[71] Unlike in South Africa, where civil society supported reconciliation measures, the SPLM and the government opposed the formation of a Truth and Reconciliation Commission as they perceived that this would undermine the peace process. No constructive measures were put in place to address the pain, bitterness, and distrust that the conflict had caused to the citizens of Sudan. Instead, the Khartoum government and the SPLM/A accorded

[70] In retrospect, this notion was justified as the inclusion of a large number of participants in the Darfur peace talks in Abuja led to the halting of the peace negotiation process (Young 2012: 113).

[71] Lack of trust was evident when SPLM insisted on the need of maintaining its army in the course of the peace process although the UN had guaranteed its protection in case of any violation of the tenets of the Comprehensive Peace Agreement. The SPLM perceived the Khartoum government as untrustworthy as they had previously dishonoured agreements such as the 1972 Addis Ababa Agreement. On the other hand, the Khartoum government did not trust the SPLM as it attacked and captured the town of Torit in the course of the peace process. In addition, at the same time, the SPLM/A was supporting the Darfur based Sudan Liberation Movement (SLM/A). Therefore, according to Khartoum's government, the SPLM just talking of peace while at the same time it had relinquished its option of overthrowing the government (Copnal 2014: 198, Kuol et al. 2009: 73f, Young 2012: 117).

themselves blanket amnesty for the crimes they had committed in the course of the war, despite this being illegal under international law (Young 2012: 114, 116ff).

John Young (2012) further claims that the CPA was illegitimate as all the protocols were signed in bad faith. The frozen *status quo* at the battleground appeared as an unjust agreement at the negotiation table since a southern Christian would never have a chance to vie for Sudan's presidency after Garang's exit from power. He further asserts that there was a disjuncture in the vision of the DoPs role to address the problems linked to the Khartoum government and the SPLM/A. As a result, the utilitarianism of the Machakos Protocol ensured a less democratic approach in the peace process (ibid. 99ff).

The historian, Douglas Johnson, states that even though the CPA brought peace in Sudan, it did not resolve the problems of southern Sudan. These problems include internal competition and divisions over leadership in the SPLA. Another problem arose from Garang's autocratic style of leadership and domination of the Dinka ethnic group in the movement (Johnson 2012).

7.4.2 Defenders of the CPA process

Despite the above-outlined deficiencies, others defend the success of the CPA process. For instance, Matthew LeRiche and Matthew Arnold (2013) argue that CPA was a pragmatic rejoinder to a deeply rooted problem that caused Africa's longest civil war that called for a timely resolution of a negotiation deal amongst the warring actors (ibid. 111f).

The inability of both parties to win the war through the military amounted to a self-sustaining dynamic ensuring near-permanent civil war. It was essential to bring the war to an end through a sustainable peace process. Furthermore, the attainment of peace in Darfur was only possible if peace was initially attained and upheld in the south. Also, there was the proposition that a multitude of grievances could not be solved in a single political agreement (LeRiche et al. 2013: 111).

They further argue that, unlike the 1972 Addis Ababa Peace Agreement, the CPA ensured that implementation would involve the southerners and the central government. Despite its failures to resolve issues such as border demarcation, and the inclusion of other armed groups in the peace process, the CPA accorded southerners a robust autonomous government, access to oil resources, and a separate army. The suspicion on the Khartoum government notwithstanding, the agreement facilitated the peaceful secession of Southern Sudan to happen, which was widely viewed as free and fair (ibid. 114).

Mansour Khalid (2015) also defends the CPA citing that it opened communication between former enemies. Unlike comparable peace agreements, the CPA was guided by the establishment of matrixes for implementation based on fixed deadlines. There was a clear identification of the time

and duties that each party was to undertake, leaving no room for backpedalling, exit options, or a loophole in its implementation, as was the case with earlier peace agreements in Sudan. The CPA initiated ground rules and parameters that paved the way for the two conflicting actors to govern collectively and achieve common goals and objectives. The CPA initiated the state-building process and acted as a blueprint for the reconstruction of South Sudan. The CPA also facilitated the establishment of a roadmap towards the transformation[72] of Sudan from a one-party state to a multiparty democracy (Khalid 2015: 246).

Despite the 10-year peace period between 1972 and 1982 caused by the 1972 Addis Ababa Peace Agreement, the CPA built a foundation for change in the system of rule by radically decentralising centres of power. It also paved the way for a pragmatic shift in the economy by stipulating in the constitution core rules for equal distribution of national wealth and equitable sharing of revenue. The CPA also initiated new measures of citizenship that were not based on ethnicity, religion, or gender. The agreement addressed citizenship as the core element of occupying national offices, including the presidency, and the various debates on whether Christian citizens could run for the position (ibid. 246).

Accordingly, the CPA enhanced the first change in Sudan's Constitution history through the promulgation of the Bill of Rights. Despite the stipulations that are still far from being realised, the CPA catalysed the democratisation process establishing a level ground for political competition in the country. The CPA accorded the movement the actual meaning of 'unity on a new basis', and laid provisions for the achievement of voluntary unity (Khalid 2015: 438-441).

Despite the earlier shortcomings in the peace process, such as the dominance of the SPLM and the Khartoum government in the peace negotiation table, the CPA gave Sudan hope. It acted as a framework for addressing problems related to other conflicts in Sudan. It also provided a system of governance that provided a foundation for preserving peace and making unity attractive. Also, it was crafted so that it would conclusively halt the war in southern Sudan and act as a prototype for solving similar conflicts in the broader Sudan (Deng 01.11.2005, Khalid 2015: 246).

John Garang defended the CPA by citing that it consolidated the legitimacy to his revolutionary movement and that SPLM/A could attain its objectives through elections. Each section of Sudan

[72] It is important to mention that in the internal politics of SPLM, two clashing schools of thought emerged: On one side, supporters of the SPLM perceived elections as the zenith of the national democratic transformation process envisaged by the CPA, whereas the other side yearned to support the course of democratic transformation to concentrate on the consolidation of southern Sudan's autonomy and the subsequent secession. The latter school of thought mirrored the misconception of what the CPA safeguarded as making *unity attractive* (emphasis added). Despite both the SPM and the government being obligated to make unity attractive, the former placed sole responsibility on the latter to make unity attractive. In essence, due to this detail, the SPLM neglected the cause it was fighting for two decades (Khalid 2015: 258ff).

could then return to its "own hopes for sovereignty with the option of future reunification in a confederation (Garang cited in LeRiche et al. 2013: 112)." Garang held the view that the signing of the CPA was significant since the SPLM/A was on the verge of attaining self-determination, a drastic transformation that no other southern rebel group had ever achieved in Sudan.[73] The CPA assured a safe implementation process by maintaining a southern army, defining robust constitutional provisions for southern autonomy, designating a definite timeline for the referendum with pre-formulated alternatives, and providing for an international peacekeeping presence in the meantime (LeRiche et al. 2013: 112f).

7.5 Challenges in the implementation of the CPA

The implementation of CPA during the interim period between July 2005 and July 2011 faced massive challenges. They encompass the Abyei conflict, security arrangements, democratic transformation through elections, and the referendum. This section highlights the factors that challenged the implementation process of the CPA process. However, instead of focusing on the chronological order of events, it concentrates on issues and dynamics that challenged the implementation of the CPA process.

7.5.1 The Abyei conflict

The Abyei conflict impeded a long-term political resolution to the north-south conflict. Khalid Mansour (2015) and John Young (2012) assert that this region is of no strategic value to both North and South until discovering oil reserves in the area.[74]

The root causes of the Abyei conflict emanated from the aversion of the Khartoum government to demarcate the border as envisaged in the Abyei Boundary Commission (ABC). This caused tension amongst the local communities, Sudan's Armed Forces (SAF), the SPLM/A, and the local Misseriya population. The Khartoum government's refusal to demarcate Abyei, and the withholding of the locals' two per cent oil revenue as stipulated in the CPA contributed to the deterioration of eudemonic legitimacy characterised by lack of essential services. Failure to improve access to water and grazing areas together with climatic change further exacerbated the conflict (Khalid 2015: 261, LeRiche et al. 2013: 194f, Young 2012: 260).

[73] In the first civil war, the Anyanya had embraced a secessionist agenda. However, after the signing of the 1972 Addis Ababa Peace Agreement, the agreement did not offer the rebel group any possibility of independence but just a mere autonomy. Likewise, in the 1997 Khartoum Agreement, the NIF regime hoodwinked the SSDF rebel group in accepting the agreement without any warranties on the implementation times lines or what it would entail (cf. Copnal 2014:162-165, Garang 2013: 169, Khalid 2015, LeRiche et al. 2013: 113, Young 2012).

[74] Seventy eight per cent of oil reserves that were discovered in then Sudan lay in southern Sudan before secession, whereas 60 per cent of the oil that was produced outside southern Sudan came from Abyei region (Khalid 2015:265).

Border delineation also stirred negative ethnic sentiments distorting the relationship between the nomadic Misseriya and the Ngok Dinka farmers. The Misseriya, who supported the Khartoum government, feared that the Ngor Dinka would vote in favour of secession and join South Sudan, causing them to lose their traditional grazing areas. The Misseriya perceived the Abyei protocols as being spearheaded by the SPLM, together with foreign elements disconnected from the aspirations of the local population. Moreover, the Khartoum government did not have their interests at heart, since oil exploration had negatively impacted their grazing areas, and because they were excluded from the CPA negotiation process (Copnal 2014: 220ff, Khalid 2015: 262, LeRiche et al. 2013: 193ff, Young 2012: 259).

As a result, they withdrew from supporting the government and joined the Darfur rebel group and the National Redemption Front (NRF) while others joined the SPLA, thus increasing the bargaining power of the SPLA against the government as well as bringing internal tensions between the National Congress Party (NCP) and Misseriya. The government disrespected the implementation of the CPA by bleaching the Abyei Protocol.[75] Therefore, the Misseriya opposed the ABC report as they dreaded that the Ngok Dinka would support the referendum and join the south. They perceived themselves as victims of a foreign-led agenda (Khalid 2015: 261).

The Abyei protocol also stirred internal divisions within the SPLM. Some members advocated for Garang's vision of a united New Sudan, while others supported the independence of southern Sudan. The Khartoum government was accused of non-commitment to the Abyei protocol for fear that it would lose its oil reserves if Abyei seceded. The case on boundaries that the SPLM forwarded to the International Court of Arbitration (ICA) in The Hague led to redrawing of new borderlines, attaching the wealthiest oil fields to the disputed region of Heglig, also referred to as Panthaou (Copnal 2014: 222, Johnson 2016: 72f).

As a result, the Abyei area became the heartland of the Ngor Dinka,[76] and the Misseriya were cut off from the region after the two warring parties accepted this new folding judgement aimed at mitigating oil conflict. The scheduled referendum that would occur concurrently for Abyei's residents and that of Southern Sudan was indefinitely postponed.[77] The Abyei question continued

[75] This protocol stipulated that a referendum was to be conducted simultaneously with that in southern Sudan to determine if the residents in the area commonly referred to as Ngok Dinkas and other residents to decide if they wanted to remain in northern Sudan or be moved to southern Sudan (LeRiche et al. 2013: 124, Young 2012: 258).
[76] The ruling by the Permanent Court of Arbitration at The Hague made clear to the Khartoum government and Misseriya that the Ngok Dinka were the only ones to vote in the CPA stipulated referendum and the outcome would eventually be that they would favour of being linked to southern Sudan (Young 2012: 201).
[77] For one to qualify to take part in the referendum, it was stipulated that residents of Abyei had to have a habitual residence for a continuous and an interrupted period as well as an appropriate connection with the region. However, as for the case Abyei, this stipulation was complex due to incessant cross-border movement of the communities in the area (Khalid 2015: 266).

to be a problem after the completion of the CPA. The much-awaited Abeyi referendum was never conducted due to voter eligibility and disputes amongst the nomadic Misseriya, who resided in Abyei for only six months in a year before moving with their cattle southwards. Further challenges arose from border wrangles. As a result, it remained a dilemma after the independence of South Sudan, an issue that continued to spur conflict with the Khartoum government (cf. Centre for Peace and Justice 2011, Johnson 2016: 72ff, Khalid 2015: 264-267, LeRiche et al. 2013: 123f,193ff, Young 2012: 259-288).

7.5.2 Security challenges

the second civil war, Sudan faced massive insecurity, especially in southern Sudan, due to the presence of armed rebels and extraterritorial rebels from the neighbouring countries. Despite the signing of the CPA and the enactment of Protocols on Security Arrangements, the violence did not end (Khalid 2015: 267). Although there was no relapse into outright war between the SPLM and the government, probable instigators of war were third forces- the South Sudan Defence Forces (SSDF) that was later integrated into the SPLA after the Juba Declaration[78] on 8th January 2006.

Despite the integration of this third forces element, the CPA[79] interim period faced security challenges that resulted from the ineffectiveness of the Joint Integrated Units (JIU).[80] Other aspects included failure to establish peace and social cohesion, imminent tensions over the Abyei question and other border regions, as well as breach of contractual obligations. There were other ambiguities over force composition, command, control, and problems of military doctrine, as well as the proxy forces that the Khartoum government manipulated. The SPLM perceived these challenges as

[78] The Khartoum government also supported the resistance of the SSDF from being disarmed as well as their participation in the reconciliation efforts with the SPLM, especially in the oil-rich border areas of Unity, Upper Nile and Jonglei states (Alden et al. 2007: 364-385, Khalid 2015: 268ff, LeRiche et al. 2013: 128).

[79] In a bid to establish authority in southern Sudan, secure the integrity of the CPA, and most importantly, safeguard human security, it was vital to disband or integrate and demobilise surplus informal rebel groups and factions. The CPA had established a well-detailed program to be used formally for the formal disarmament, demobilisation and reintegration (DDR) so as to protect the local population and enhance the authority of the Government of South Sudan (GoSS). Despite all these measures, the DDR process was poorly planned, encompassed with competitive objectives, poor communication of benchmarks, implemented and lacked the participation of the local authorities. Thus, this process became futile as it did not initiate reconciliation talks, encourage the culture of peace and come up with economic plans and incentives that would ensure a successful reintegration of the former rebels into the society (Garfield 2007: 27ff, Khalid 2015: 269-272, Muggah 2006: 33f, Young 2007: 27f).

[80] The formation of the Joint Integrated Units (JIU) was comprised of the SPLM and government. The SPLA remained complete as a Southern army in the south whereas both the Sudan Armed Forces (SAF) and the SPLA were supposed to withdraw to either side of borders of northern or southern Sudan. Due to the absence of a national army in this period, circa 39,000 soldiers from the SAF and SPLM were meant to form a joint army, initially located in southern Sudan. The formation of this joint army was intended to form the core of a reformed and integrated armed in case southerners supposed unit. However, in the Interim Period, the importance of the JIUs was relegated and not fully embraced by the two warring parties as they used it as a bargaining tool during the negotiation process instead of view it as an actual asset. Thus, the JIUs ended becoming a security threat in regions that they were deployed in, instead of providing security (LeRiche et al. 2013: 126).

measures by the northern government to undermine the legitimacy of the Government of South Sudan (GoSS), leading to unrest in southern Sudan (Alden et al. 2007: 361-385, Garfield 2007: 27ff, Khalid 2015: 268ff, LeRiche 2013: 126, Muggah 2006: 33ff, Young 2007: 27f).

The Demobilisation, Disarmament and Reintegration (DDR) process as envisaged on the Security Arrangement Protocol did not occur.[81] This was contrary to the stipulation that the two warring parties had to undertake proportionate downsizing following the Sudan Armed Forces (SAF) relocation to the north. Besides, all the parties had to allow voluntary demobilisation of non-essential (child soldiers, the elderly and the disabled); but it did not happen. Since the conflict in Darfur was still ongoing, the government refused to reduce the size of the army. Also, the massive insecurity challenges together with fears of its destabilisation culminated in the increase of SPLA forces, therefore hindering the transformation of the Joint Integrated Units (JIUs) into a united army for Sudan (Al Jazeera 22nd May 2011, Khalid 2015: 272, Reuters 25th May 2011).

Apart from the failures of the DDR process, the proliferation of small arms within the local population contributed to massive violence and atrocities within southern Sudan. There was rampant violence among the pastoralist communities fighting for water and grazing lands. The eruption of inter-ethnic rivalries led to the collapse of traditional conflict resolution mechanisms. The insecurity lessened SPLM/A's ability and capacity to institute its monopoly of power and authority, impeding the implementation of state-building measures in southern Sudan. Frequent fighting between the SPLM/A and the government also prevented the implementation of the security arrangements, endangering SPLM's economic and political reconstruction of Southern Sudan (Alden et al. 2007: 316-385, Khalid 2015: 267).

Moreover, the participation of JIUs was unwarranted as most of the members of the Sudan Armed Forces (SAF) were remnants of Southern Sudan Defence Forces (SSDF) rebels who were not integrated into SAF as stipulated in the CPA clauses on Other Armed Groups.[82] The SSDF was alleged to be a government project; this was evident after South Sudan's independence when Sudan Armed Force Joint Integration Units (SAF JIU) remained in South Sudan amidst calls for their integration into the SPLA. The formation of the JIU was characterised by delays in the unification

[81] In the late 2005, as envisaged in Chapter VII mandate (Resolution 1590), the UN Security Council arrayed 9,000 peacekeepers and 7,000 police officers. Most of these security forces and military observers were stationed both in north and South Sudan per the stipulations of the CPA. The presence of the UN military personnel was also complimented with a contingent of a broader civilian body which was mainly tasked with monitoring the basic implantation of the CPA's, provision of humanitarian assistance and other aspects such as disarmament, disintegration, governance as well as in establishing the development of infrastructure (LeRiche et al. 2013: 136).
[82] The CPA outlined a framework of integrating AOGs into SPLA and the government. The protocol on Security Arrangement initiated five steps for the deployment of the government forces to the 11th parallel, which necessitated 74 per cent to be deployed in the north by the deadline and other 30 months. However, this target was not attained in the oil-producing regions of Southern Sudan (Alden et al. 2007: 318-385, Khalid 2015: 267f).

of their command structures, making them incompetent in achieving their goals. [83] The weak JIU structures could not prevent their internal clashes. The government armed and supported their historical allies, the Misseriya, to fight the SPLA army personnel. These actions subsequently mutated into ethnic violence in the Abyei region between the Misseriya and the Ngok Dinkas (LeRiche et al. 2013: 126f).

Due to the conflict, the government delayed sharing the area's oil revenue. As a result, the SPLM defected from the Government of National Unity (GoNU) on 11th October 2007, at the height of the Darfur crisis. The SPLM viewed this problem as a ploy to stop the peace process; as a result, it forced the government to revitalise the implementation of the CPA. As a consequence of international pressure, the SPLM rejoined the GoNU on 27th December 2007. The pressure forced the government to improve its transparency and to permit the Government of South Sudan (GoSS) to participate in the oil sector. The SAF deployed all its units in the north, and funds for border demarcation were released (LeRiche et al. 2013: 128).

Amid inter-ethnic violence, the remnants of the SSDF continued to cause havoc and engage in violence in Southern Sudan. For instance, massive destruction occurred in the Jonglei state when the SPLA attempted to disarm a militia group commonly referred to as the White Army,[84] supported by the SSDF militias and the government. After the referendum, which was universally termed as sacrosanct, violence erupted in Abyei. The UN accused the two warring parties of militarising Abyei through formal and irregular forces since the Joint Integrated Unit (JIU) was initially intended to be the only armed group (Alden 2007: 361-385, Khalid 2015: 267, LeRiche et al. 2013: 128).

Security was also hampered by well-organised groups such as the Equatorian Defence Force (EDF), which continued to challenge the legitimacy and monopoly of power for SPLM in southern Sudan. Extraterritorial rebels such as the Lord's Resistance Army (LRA),[85] the Ugandan West Nile Bank

[83] In terms of delays, in the political history of Sudan is characterised by monotonous and infinite negotiations over minute details. Therefore, delaying of complex matters that necessitates resolution is a norm in Sudan's political context. This is often accompanied by the application of the art of *tajility* (an Arabic word meaning strategic delay) which is often in cooperated in political discussions in deferring or ignoring the implementation of important issues in determining who finally wins (Johnson 2016, Prendergast et al. 2007: 61).

[84] These rebel militias were at the onset protecting their communities during the second civil war. However, this group was armed by Riek Machar after the split of the SPLM/A in 1991. Even though Riek Machar joined the SPLM after a peace agreement and his subsequent appointment as the vice president of the Government of South Sudan, the White Army continued fighting with the SPLA (for more see, Young 2012, Copnal 2014, Johnson 2016).

[85] In the course of the first civil war in Sudan, Uganda had hosted many South Sudanese refugees. During the second civil war in Sudan, Uganda provided the SPLM with military support in the form of extraterritorial bases. In retaliation to Uganda's support for the SPLM/A, the Lord's Resistance Army (LRA) was supported the by the Khartoum government in destabilising the SPLM/A as well as obscuring its resupply from Uganda or its reorganisation in the refugee camp in Uganda (LeRiche et al. 2013: 204, cf. Schomerus 2007).

Front (WNBF) and People's Defence Forces (PDF), both backed by the Khartoum government, caused instability and insecurity in Southern Sudan (LeRiche et al. 2013: 91, 204, Schomerus 2007).

7.5.3 Dispensation of democracy through elections

Elections are crucial to liberal concepts of peacemaking and governance. For a country to seek economic assistance, it has to achieve certain political conditions that are outlined by the World Bank and the International Monetary Fund (IMF) (Young 2012:134).

The CPA called for democratic accountability through general elections to be concluded during the third year of the interim period (that is, July 2008). Nonetheless, the procedural norms of enacting democracy through elections did not lead to democratic outcomes. The elections were not free and fair; they were marred by fears, mistrust, and a fight for hegemony between the SPLM and the Khartoum government. The SPLM feared that the hegemony of central government over power and wealth for more than fifteen years would deny them an opportunity to compete on a levelled ground. It also feared that the government would undermine the CPA and that these elections may encourage other northern parties who were not signatories to attempt to derail the CPA process (Khalid 2015: 280).

Moreover, instead of the government upholding democratic transformation and maintaining peace as stipulated in the CPA and entrenched in the Interim National Commission's (INC's) Bill of Rights, it evaded democratic change until the end of the interim period and beyond, a counterproductive measure since the northern Sudanese wanted a united country (Khalid 2015: 281f). A non-inclusive electoral process influenced Sudanese public opinion to perceive it as stage-managed, and manipulated by ruling elites who conferred legitimacy to undemocratic political leaders. The legitimisation process ignored the interests, needs, and desires of the Sudanese population, and thus the citizens became embittered (cf. Copnal 2014, Knopf 2013: 120ff, Young 2012).

The April 2010 elections, both in northern and southern Sudan, were characterised by interference. This curtailed the freedom of association and led to harassment of non-governmental political parties, civil society, and the security apparatus. The elections were carried under a background where democratic freedoms and respect and upholding of human rights were epitomised by political repression, unlawful confinement, badgering of trade unionist, and censorship of the press was widely common. The society did not perceive them as legitimate in regard to the widespread expectation that rules of power were to be justified in terms of commonly shared beliefs between the dominant and subordinate citizens (Bottoms et al. 2013, Coicaud 2002: 10, LeRiche et al. 2013: 130, Khalid 2015: 282, Knopf 2013: 20ff, Raz 2009: 128, Young 2012:136).

An interview with a South Sudanese scholar interrogating the events of the April 2010 elections revealed that he did not consider the two *de facto* authorities. The SPLM and Khartoum's government were not perceived as the rightful rulers by the citizens subordinated and subjected to their power. He further remarked that morally, the citizens did not need to obey them as they came to power through violent strategies, which did not concur with the peoples' ethical acceptance of their right to rule (Interview on 26.10.2017).

It is worth noting that the Khartoum government's loss of power would not only mean losing office but also being pressured to transfer its control over security institutions and apparatus, potentially leading to its leaders being held accountable for the atrocities earlier committed (Khalid 2015: 282). Therefore, the Khartoum government relegated the SPLM to a junior partner, neutralising its national role, and undermined unity as stipulated in the CPA (ibid.).

The SPLM was equally divided on the elections. The movement was convinced that the Khartoum government was likely to protect the CPA, unlike other parties in the north, such as the National Umma Party or the Democratic Unionist Party (DUP). In its view, any electoral partnership with opposition parties was not a partnership against the government but rather against the CPA. The probable success of the movement in the national elections (that is, if Salva Kiir was elected as the President of Sudan) was suspiciously viewed by separatists as Kirr posed a threat to self-determination. These elections were exceptional in their intricacy. "The introduction of proportional representation and special constituencies for women," for instance, "caught voters off balance, the voters had no previous experience with such a voting system (Khalid 2015: 285)."

The confusion of the voters was complicated since, for the first time in Sudan's electioneering history, voters cast their votes for candidates such as presidential, gubernatorial, and nominees for national and state legislatures on the same ballot. [86] In such a scenario, other parties apart from the government and the SPLM found themselves in a disadvantaged position to mobilise resources, security, and to challenge electoral irregularities.[87]

The local and international observers accused the government and the SPLM of breaking the electoral law as stipulated under section 69 of the electoral law. The electioneering process was characterised by misuse of public resources, arbitrary arrest, and lack of communication by party

[86] The April 2010 elections were complex as the constituents in southern Sudan had to fill out twelve ballots, whereas those in the north eight. Those in southern Sudan had to elect the President of Sudan, President of South Sudan, state governors as well as geographical constituencies, party lists and women lists at the national, geographical and state levels (UNMIS May 16 2011, Young 2012: 140).

[87] There were various complaints such as inclusion of fake polling stations, severe restriction of civil and political rights, some individuals were registered in regions they did not reside, some did not have proper documentation, under aged persons voted, the government forced civil servants to vote and register in areas where its support was low, and security agents were registered in their place of work instead where they resided of which was also a contravention of Article 22 of the Election Act (cf. Centre for Justice and Peace 2011, Young 2012: 145).

agents and domestic observers. There was election-related violence, harassment and intimidation of voters in several southern Sudan states, mainly western and northern Bahr el Ghazal, Unity, west and central Equatoria. Although illiterate or incapacitated individuals were helped to vote, the National Electoral Commission misdirected them in favour of their preferred candidates. Security agents marked ballot papers before the elections, and the police forcibly interchanged party agents at the polling states (cf. Centre for Justice and Peace 2011, Johnson 2016: 156f, UNMIS Media 16th May 2011, Young 2012: 163f).

Against the stipulations of the CPA, the government and SPLM agreed to resolve the problems by altering the balance of power amongst them in the legislative, and executive branches. For instance, the government permitted the SPLM to nominate legislatures and governors from South Sudan, Blue Nile and South Kordofan. The process was characterised by handpicking and support for incumbent governors against potential challengers to maintain control and re-establish the balance of the government and the SPLM representation in the parliament according to pre-election ratios. The blocking of other competitors in the elections added another flaw to the peace process (cf. Copnal 2014, Johnson 20016: 156, Khalid 2015)

The international community, and the US government, in particular, compromised the democratic transformation of Sudan by supporting the SPLM/A as a vehicle for enacting regime change in a deeply flawed election characterised by systematic abuses. It also abandoned the appearance of neutrality as it did not want to undermine the peace process, and the upcoming referendum on South Sudan's independence. The technical approach of observers' missions did not take into account political developments. Instead, they whitewashed abuses perpetrated by both the SPLM and the government to avoid disrupting or aborting the peace process. As such, the international community failed to institute sustainable democracy and stability in northern and southern Sudan (cf. Centre for Peace and Justice 2011, Khalid 2015: 285ff, LeRiche et al. 2013: 131, UNMIS 16th May 2011, Young 2012: 136-176).

The CPA process survived despite the election's lack of credibility. Voters in South Sudan casted their votes for SPLM not because they respected it or expected good governance. Instead, they viewed it as the best channel to streamline the peace process, which led to a successful referendum and the eventual independence of southern Sudan. The SPLM perceived the elections as a channel to consolidate their political space in South Sudan as they waited for referendum and secession (LeRiche et al. 2013: 130f, Young 2012: 171).

7.5.4 The referendum

Following the flawed April 2010 general elections, the international supporters, and guarantors of peace continued to pursue the referendum as envisaged in the CPA. The polls aimed to separate

southern Sudan and determine whether the Abyei population preferred to remain in the north or join the south. Failures in the dispensation of democracy through elections hampered the progress of uniting the country because they accentuated conflicts and deepened distrust between the northerners and the southerners. Despite an environment of an otherwise fragmented southern society, the SPLM backtracked on its revolutionary ideology of a reformed united Sudan and campaigned for southern secession. This hindered its reconciliation efforts with the government, and initiated a new element of uncertainty in the political environment and constitutional order marred by mistrust (Khalid 2015: 342, Machakos Protocol Article 1.3, Article 2.5, Young 2012: 177ff).[88]

The journey to the referendum faced unaddressed issues, including the demarcation of North-South borders that was behind schedule since its completion was to end within the interim of two years. The government was also attempting to stop the referendum since it perceived its requirement of a two-thirds turnout and an affirmative vote of 70 per cent to be too high of a threshold (Khalid 2015: 344).[89] International pressure led to a trilateral international meeting held in Washington comprising the SPLM, the government, Sudanese political parties, and the US government. The parties agreed that 60 per cent of the registered voters had to cast their votes in the referendum. If this threshold was not attained, then another poll was to take place in sixty days, a stipulation that stirred resentment in southern Sudan (South Sudan Referendum Act 2009: Article 25.41.2).

The government faced internal pressure from all political parties in Sudan. Accusations ranged from the government's reluctance to hold elections to repeal all laws that hindered the implementation of the CPA and its inability to establish the referendum requirements. The Khartoum government did not recognise the SPLM as a party with a national role during the four years it was its main partner in the Government of National Unity (GoNU). The warring parties agreed that a simple majority of 50+1 per cent was required to cement the unity or declare the secession of South Sudan (Khalid 2015: 346, Young 2012: 179).

[88] In case of an unlikely vote for unity, as the referendum drew closer, a new permanent constitution agreed on by the SPLM and government and other political forces in northern and southern Sudan was to be drafted. This measure necessitated amendments of the Interim National Constitution (INC) and the Interim Constitution of Southern Sudan (ICSS) through the overhaul of the National Constitutional Review Commission (NCRC). This process would also have accorded opposition forces side-lined from the Power Sharing Protocol an opening to take part in the constitutional review to close lacunae that had made way for breaches of the two constitutions. However, the review of the national constitution back peddled as the southerners' support for secession. Hence, the southerners redrafted the Interim Constitution of Southern Sudan (ICSS) as that of a sovereign state prior to the establishment of the new state. This measure culminated to administrative dislocation, destabilisation of the economy and the distortion of social harmony between the old state and the nascent states (Khalid 2015: 342, Mamdani 4th May 2011).

[89] In retrospect to this, the CPA had not explicitly or implicitly set up any limitation on voters' turnout nor the minimum vote required for the validation of the voter's decision. Thus, the government's contention of necessitating this high approval rating for validating secession was out of order (Khalid 2015: 344).

In addition to the encumbrances mentioned above, the provision of the Referendum Act was contentious in relations to the citizens who were to vote. The Referendum Act stipulated three groups of persons who were eligible to vote: first, a person born to at least one parent from southern Sudan and lived in the south before 1st January 1956; second, those whose ancestry could be traced to single ethnic communities in South Sudan, but with at least one parent who lived in southern Sudan on or before1st January 1956; and finally, permanent residents who (or whose parents or grandparents) lived in south Sudan since 1st January 1956 (South Referendum Act 2009: Article 25, Young 2012: 179ff).

The first group was eligible to vote in northern Sudan, southern Sudan or one of the eight out-of-country polling stations. The two other categories were eligible to vote only in southern Sudan. Southerners called for their inclusion as well as those of long-term southern residents. However, there was no provision of a list of what encompassed ethnic or an indigenous community or what proof was necessitated to illuminate how these criteria were to be fulfilled. The lack of these criteria was perceived by the SPLM as manipulation tactics of voters in the north. Due to fear of manipulation by the Khartoum government, the SPLM denied southerners who lived in the north the opportunity to take part in the voting process. The movement allowed them to vote only after deliberations with its parliamentary allies (Young 2012: 180).

The government and the SPLM further instilled fear in the voters. On the one hand, the Khartoum government intimidated southerners in the north, stating that they would not enjoy citizens' rights such as jobs and other benefits, and they would not be allowed to conduct business if they voted for secession. On the other hand, the SPLM capitalised on these fears by encouraging southerners in the north to relocate to southern Sudan and register as voters. SPLM's appeals worked well; however, the relocation of southerners had dire consequences for Khartoum's economy since it reduced the workforce. The Khartoum government feared it would lose about 70 per cent of its oil revenue if southern Sudan seceded. As a prerequisite for the referendum, the Khartoum government demanded relief from its debts.[90] It also demanded an end to US sanctions, and suspension of ICC charges against former President Omar al-Bashir due to war crimes and crimes against humanity in Darfur. The Khartoum government also demanded to be removed from a list of states that sponsored international terrorism. In return, the Khartoum government supported the referendum (cf. Centre for Peace and Justice 2011, LeRiche et al. 2013: 198, Mamdani 2014: 16ff, Sudan Tribune 26 March 2011, Young 2012: 186ff).

[90] The United States promised the Khartoum government that it will carry out the facilitation of cancelling its debts amounting to 36.8 USD only if allowed the referendum to take place in southern Sudan (LeRiche et al. 2013: 198).

Before the death of John Garang in a helicopter crash on 30 July 2005, he hinted about the separatists present within the ranks of the SPLM when he stated that: "I have separatists around me, even in my own bedroom (John Garang quoted in Khalid 2015: 414)." Likewise, in an interview, his wife, Rebecca Garang stated that: "I was a real southern separatist… because I felt that where there is injustice, there was a lack of development and women are marginalised (Gurtong 15th February 2011)." Also, at the side-lines of the peace negotiation process, President Salva Kiir of Southern Sudan was openly rallying for independence when he said:

> "If I were to vote as a person and choose between the two options of unity and separation***, I would vote for separation, given the failure of Khartoum to make unity attractiv***e (Sudan Tribune, 1st October 2010, cited in Young 2012: 189, emphasis added)."

Salva Kiir alleged that during the six years in the Interim Period, the government of Khartoum had failed to establish a Sudanese state where southerners could identify themselves as Sudanese citizens. The government's programs forcibly pushed for upholding Islamic philosophies of Sharia Law while at the same time hindering the initiation of a secular government. This made campaigning for the unity of Sudan unattractive. Furthermore, Salva's commitment to southern independence was also demonstrated through the negotiation of South Sudan's Defence Forces (SSDF) leader, Paulino Matip, and the subsequent integration of SSDF militias into his government (Sudan Tribune, 1st October 2010, cited in Young 2012: 189). The secret calls for secession of southern Sudan by SPLM followers such as Salva Kiir were an open secret as they had previously championed for this option (Mamdani 4th May 2011, Young 2012: 89).

The attitude of the southerners towards the Khartoum government further dented the legitimacy and stability of the Khartoum regime. The southerners did not perceive the political institutions in place as the very viable within their society. Therefore, the legitimacy of the Khartoum government dwindled as the southerners could not link their values to the government's system of governance, its validity and authority. Khartoum's legitimacy crisis drove the southerners who felt that the government had marginalised them for decades to agitate for change. Southern political leaders who had claimed for themselves as 'actor legitimacy' or as rightful protectors and defenders of a popular cause rallied for a structural change in Sudan under their own political system by supporting secession and the creation of a South Sudanese state (Easton 1965: 171ff, cf. Garang 2013b, LeRiche et al. 2013, Lipset 1960: 80, Ramsbotham et al. 2014).

The government failed to resolve the Abyei conflict, to accept the Abyei Protocol and rulings of the Abyei Boundary Commission (ABC), and to respect the decisions of the Permanent Court of Arbitration at the Hague. As a result of all these failures, the Ngok Dinka in Abyei voted for secession and to join the south. Due to the massive repression of the northern political parties by the government, they opted to not support the unity of Sudan. The international community only

supported the government and the SPLM to keep the peace process on track. It did not support the northern opposition groups' demands to establish a legitimate national government in order to curb the imminent split of the country. The international community legitimised the April 2010 elections, which the opposition parties did not support. Although their inclusion was an essential prerequisite for the election's legitimacy, the government did not allow it to happen (LeRiche et al. 2013: 193ff, Young 2012: 206).

On 9th January 2011, the decade-long CPA negotiations culminated in the referendum. Over four million registered voters swarmed polling centres in South and North Sudan and those in the diaspora to cast their voters. In the end, 98.3 per cent of the voted in favour of secession, while only 1.7 per cent voted for unity. The CPA had ended one of Africa's longest civil wars. After the withdrawal of the Republic of South Sudan, the government of Khartoum had to reinvent a new political order. Likewise, SPLM/A could no longer use the north as a scapegoat for its governance and failure to establish peace and development in South Sudan.

Summary

The chapter examined Sudan's peace process initiated in 1993 by the Intergovernmental Authority on Development (IGAD) and continued for more than a decade until the Khartoum government and the SPLM/A signed the Comprehensive Peace Agreement in 2005. This analysis has revealed that the peace initiatives were marred by mistrust and outright competition amongst the negotiating parties as the two warring parties contended for authority, power and status. IGAD's peace initiatives in Sudan saw its first breakthrough, the achievement of the Declarations of Principles (DoPs), which proposed the right to self-determination for the southerners and secular democracy in a united Sudan through the initiation of a referendum process.

The SPLM/A and IGAD countries supported these postulations, but the central government of Khartoum rejected them. The National Islamic Front (NIF) regime felt that this would weaken the role of Islam in the country. Even though SPLM's partners in the National Democratic Alliance (NDA), did not support the case for Southern self-determination, they later embraced it as a basis for ending the war through the 1995 Asmara Declaration. Through the efforts of President Moi of Kenya, and because of the deteriorating conditions in the war zones, the NIF regime grudgingly embraced the DoP acting as a non-binding foundation for ending peace negotiations at the IGAD summit in 1997. The Khartoum government opted to embrace this DoP as it underscored the need to uphold unity in Sudan, although it also proposed that a referendum be held. The referendum would pave the way for the independence of Southern Sudan if integration was not attractive. Despite this initial success in the peace negotiations process, the stalemate characterised the years that later followed.

When the Machakos Protocol was formalised, it compelled the two warring parties to finally agree to a grand conciliation that formed the backbone of the ensuing CPA peace initiative. The NIF regime assured the SPLM of its support for southern self-determination, even though it came with the distinct likelihood it would lead to southern independence. The National Islamic (NIF) regime otherwise was determined to uphold Islamic Sharia Law as a basis of its governance in northern Sudan. The protocol postulated a six-year interim period that led to a southern referendum. Under the auspices of IGAD and with support from the Troika countries (the United States, Norway, and the United Kingdom), the pace of the peace negotiation process increased. Between 2003 and 2004, six thematic protocols were negotiated and later signed.

The parties signed the vital security agreement on 25th September 2003, and unlike the 1972 Addis Ababa Agreement, the SPLM/A was permitted to keep its independent army. Joint Integration Units comprising of Sudanese Armed Forces and the SPLA were amalgamated into a single command. The agreement on wealth sharing was signed in January 2004, and the parties agreed on modalities of dividing oil revenue equally between the NIF regime and the Government of Southern Sudan. Two per cent revenue was to be given to the oil-producing areas. The warring parties signed the power-sharing agreement on 26th May 2004; it stipulated that in the interim period, southern Sudan would have its autonomous regional government with a president and government. At the national level, an interim Government of National Unity (GoNU) comprising the SPLM/A and the National Islamic Front (NIF) was to govern, headed by a president aided by two vice presidents and the parliament.

Other protocols that were signed include the Resolution of the Conflict in Abyei, and the contract on the Resolution of the Conflict in Southern Kordofan and the Blue Nile States. The SPLM/A accepted the amalgamation of Western Kordofan and Nuba Mountains to form a new state of Southern Kordofan. Together with the enactment of the matrices that were extensive and extremely comprehensive, these protocols culminated in the establishment of the Comprehensive Peace Agreement (CPA) that was signed on 9th January 2005 in Kenya between the SPLM/A and the central government of Khartoum. The successful referendum on 9th January 2011 later culminated in South Sudan's independence on 9th July 2011.

The following chapter examines factors, successes, challenges, and problems that faced the SPLM/A after South Sudan became an independent state.

8 SPLM/A's transformation from a rebel movement to a legitimate political actor

The preceding chapter expounded on the challenges experienced during the implementation of the 2005 Comprehensive Peace Agreement that endorsed the right of self-determination for southern Sudan. The peace process culminated in a referendum held between the 9th and 15th of January 2011. South Sudan became a sovereign nation on 9th July 2011 after 98 per cent of the southerners voted in favour of independence. But these developments came with some important questions about the prospects for peace, security, stability, and development under the new government. This and the concluding chapter of this thesis examine SPLM/A's transformation from a national liberation movement founded on a revolutionary legitimacy to a civil system of governance. |It also examines South Sudan's state-building record based on its post-independence era.

The chapter is organised as follows: sections 8.1. to 8.1.4. highlight the legitimacy-related factors that can either enhance or hinder a successful transformation of a guerrilla/liberation movement into a functional government/political party. Sections 8.2 to 8.2.1.4 scrutinise the disarmament, demobilisation and reintegration (hereafter DDR) aspects that the SPLM undertook. These factors are vital to the transformation process from a guerrilla movement to a civilian government/political party. Finally, section 8.3 to subsections 8.5.3.4 evaluate the SPMA's performance, achievements, and the current challenges.

8.1 The transition from liberation movement to a government

This chapter analyses the SPLM/A's transformation process from a liberation movement to a legitimate political actor in the nascent state of South Sudan. To start with, it should be noted that the transformational trajectory of a rebel movement to a 'normal' legitimate political actor is a challenging process that does not follow a smooth pathway, and does not take place in isolation from other environmental, socioeconomic, and political forces. Thus, this section revisits and integrates various factors illuminated in the chapter four literature review that come into play in the post-conflict phase of this trajectory.

The successful transformation of a rebel movement into a political party requires that the rebel group must shift from a military-driven strategy to implementing a political agenda. The achievement of this is facilitated through the reorganisation of their war-focused military organisations into dialogue-based governmental entities (de Zeeuw 2008: 1, 15f, cf. Lyons 2004). It entails embracing a civil ideology, where all constituents of the society are accorded the right to take part freely in the state and nation-building processes through peaceful, fair, and inclusive political initiatives. The transition requires the holding of democratic elections, and the stimulation of economic growth through the inclusion, and participation of the population in formulating

government policies. Integrating civil society into these processes helps to consolidate and enhance the government's political legitimacy in power (cf. Barnes 2002: 12, Belloni 2008, De Zeeuw 2008, Call 2012: 33, De Waal 2014: 20, McKeon 2004, Scharpf 1997: 29).

Upon achieving independence, it was expected that the SPLM/A would shift to a civilian *modus operandi* where electoral processes replaced the military struggle, and mobilizing participation and inclusion became critical for the new government's political legitimacy. This highlights two significant factors: *structural* and *attitudinal change*. The former entails an overhauled structural and organisational adjustment of former combat institutions through the demilitarisation of its organisational structure, separation of powers, reorganization of its political and economic structures of government, and the development of party organs. The latter required the promulgation of a new constitutional order and accommodation of a democratic political culture. These factors required a behavioural or attitudinal change within the former liberation movement where the democratisation of decision-making and the adaptation of organisational strategies replace the hierarchical command structure (cf. Clapham 2012, De Zeeuw 2008: 5, Dudouet 2014).

Apart from the structural and attitudinal change, the enhancement of political legitimacy is also linked to input legitimacy, which is a function of rules and mechanisms that streamline states' system of governance. The result is reflected in the responsibility and accountability of authorities in power to their citizens. Responsibility and accountability procedures must be operationalised through transparency, checks and balances, transparent review of public finances, unbiased media coverage, and open discourse. Open governance enables citizens to contribute and participate in issues of governance that affect their lives further than the elections. These inputs call for a state's impartiality regarding the organisation of citizens' participation in the political process according to rules stipulated in the constitution (de Zeeuw 2008: 13f).

Output or performance legitimacy encompasses effectiveness, quality of public goods, and the provision of welfare services which is vital for enhancing the success of a liberation movement once it attains power (ibid.). For a former liberation movement to cultivate its legitimacy in a post-conflict environment, it must undertake several measures, including expanding participation and inclusiveness, combating corruption, and introducing democratic elections.

The provision of services to the citizens proves that a government is willing, and responsive to the citizens' needs and demands. A former liberation movement has to enact and guarantee constitutional reforms, restore stability, uphold the rule of law and order, ensure accountability in governance, and establish a robust civil society (cf. Brinkerhoff 2005: 5, Hyman 2013, McFerson 2009: 192-211). The undertaking also calls for inclusive participation in economic affairs, decentralisation of power, national cohesion and reconciliation programs, as well as the

implementation of the disarmament, demobilisation and reintegration (DDR) programs in the security sector. This lays the foundation for a transformation of non-state armed actors, and contributes to the negation of nepotism, tribalism, cronyism and corruption (cf. Copnall 2014, De Zeeuw 2008: 13f Johnson 2016, LeRiche et al. 2013, Lyons 2004, Young 2012: 291).

The successful implementation of these criteria, the fulfilment and enactment of revolutionary ideology (struggle promises) consolidate political legitimacy for a former rebel movement. Moreover, abiding by the 'social contract' in the post-conflict setup not only aids in the enhancement of eudemonic legitimacy but also in winning popular support among a former liberation movement's constituent. In South Sudan, however, there were several prerequisites in the form of disarmament, demobilisation, and the reintegration of armed combatants into the society that needed to be implemented for the transition to be sustained. This chapter's sub-chapters integrate all these elements to examine the transformational trajectory for the SPLM/A from a liberation movement to government in the newly independent Republic of South Sudan.

8.1.1 The disarmament, demobilisation, and reintegration process in South Sudan

The Disarmament, Demobilisation and Reintegration process (hereafter DDR) is fundamental for peace support operations in a post-conflict period. It is conducted and coordinated through the help of various international and regional organisations, the government, or by various civil society organisations (cf. Balcik et al. 2010, Hensell 2015, Jones 2002, Lamb et al. 2018, Paris 2009, Salmon et al. 2011, Sommers 2000). This process entails the disarmament of former combatants formally or reducing military formations, and introducing measures for partially or fully confiscating their armaments.

The process is seconded by reintegrating these former rebels into society and supporting them to engage in civilian income-generating activities. The Special Needs Group (SNG), which includes the elderly, disabled, women associated with armed forces, and groups (WAAFG)[91] as well as children associated with armed forces groups (CAAFGs), should also be integrated into the society (Brethfeld 2010: 7ff,12-14, Deng 2010: 1-4, cf. GoSS et. 2009, Nicholas 2011:10, 26f).

The coordination of the DDR is intricate and challenging. The operationalisation of this process requires a broad array of stakeholders such as governments, development agencies, and international non-governmental organisations. These participants all bring different organisational

[91] This category was established to include women that had played an active role during the liberation war but not singly as actual combatants in the DDR process. The group included women and girls that took part in the war in terms of supporting it, either forcefully or voluntarily task such as porters, cooks, nurses, spies, translators, sex workers/slaves or as administers. However, a significant number of WAAFG took part in this process without attaining the official criterion (Banal et al. 2009: 16ff, Brethfeld 2010: 12ff, Nichols 2011: 16, UN Inter Agency Working Group on DDR 2006: 5ff).

codes of conduct, implementation strategies, and in most cases, divergent institutional objectives to work. For instance, armed forces or peacekeepers are mandated to plan the DDR process, whereas civilian-led development agencies and non-governmental organisations generally conduct reintegration. However, in such an environment, due to the hierarchical nature of military organisations, these institutions are often unwilling to cooperate with non-military entities. The result is disagreement in the coordination of the DDR process between actors in an environment characterised by fragility, and a composite political and operational milieu (cf. Dye et al. 2009, Gourlay 2000, MDRP 2010, Lamb et al. 2018, Taylor et al. 2008, William 2006).

Moreover, lack of commitment to the peace processes, fragile economies, and the absence of income-generating prospects for ex-combatants, especially in Africa, has contributed to the ineffectiveness and underperformance of the DDR processes (cf. Gourlay 2000, Lamb et al. 2018).

The next section analyses the initiation of the Disarmament Demobilisation and Reintegration (DDR) process in Sudan. Due to the wide scope of the DDR process in Sudan, this section will only concentrate on the DDR process in South Sudan. Nonetheless, it will highlight some of the significant interrelated occurrences in both countries that have challenged the operationalisation of the DDR.

8.1.2 The Initiation of DDR Process in South Sudan

After the government of Sudan and the SPLM signed the Comprehensive Peace Agreement on 9th July 2005; both had to abide by the principles of reducing its military to initiate the implementation of the DDR process with the support of the international community as stipulated in the CPA (GoS and SPLM 2005: Ch. VI, Para: 87, cited in Nichols 2011: 10).

A National DDR Coordination Council (NDDRCC) and South Sudan DDR Council (SSDDR) were entrusted with the task of designing, implementing, and managing the DDR process in their respective areas[92] of operation (GoS and SPLM 2005: Annexure 1, P. VI, Para. 25.1:119, cited in Nichols 2011: 10). The DDR was not successful until 2006 when the United Nations instituted an *Integrated Disarmament, Demobilisation and Reintegration Standards* (IDDRS) to coordinate the process. The IDDRS[93] stipulations were well elaborated, with parameters for the design and the implementation of the DDR process in Sudan and Southern Sudan after the signing of the CPA in

[92] In the regions of Three Areas, that is, South Kordofan and Nuba Mountains, Blue Nile and Abyei, a joint commission was established comprising the leadership of both the Government of South Sudan and the SPLA who war mandated with organising the DDR process. Furthermore, international support was accorded to these two parties mainly through the IUNDRR which included the UN Mission in Sudan (UNMIS), UNDP, the UN Children's Fund (UNICEF), the World Food Program and the UN Population Fund (Nichols 2011: 10).

[93] However, this IDDRS guideline was criticised by scholars who perceived it as being insufficient, particularly under the background of a sophisticated operational setting (cf. Lamb et al. 2018, Muggah et al. 2015).

2005. The enactment of the DDR program in these two countries led to the initiation of an Interim DDR Program (IDDRP) (Lamb et al. 2018, Nichols 2011: 7).

The DDR commissions' mandate was to achieve the goals and objectives envisaged in the 2007 National DDR strategic plan. These include consolidation and the creation of a conducive environment for promoting security, reconstruction, development, and social stabilisation across Sudan (Lamb et al. 2018, Lamb 2012, NDDRC 2007: 5, Nichols 2011: 12). However, despite the IDDRP developing and articulating an overall DDR plan, it omitted details on matters related to the downsizing of armed forces, and factoring for members of the Other Armed Groups (OAGs) who had for long influenced the security dynamics in Sudan. Moreover, instead of implementing the main objective of DDR operations, it focussed on the elderly, disabled combatants, child soldiers, and other minority groups (cf. Munive 2013, Nichols 2011: 13).

The DDR process in Sudan and South Sudan was accorded local ownership in the two countries, which aimed to develop and enhance the national institutions' capacity to effectively attain the stipulated goals. However, other international agencies had a minor role in supporting these national institutions technically through funding and capacity building (GoS and SPLM 2005: 118, see also Preston et al. 2008).

The UN Security Council Resolution 1290 (2005) for the UN Mission in Sudan stipulated the (UNMIS) role in the DDR operation. The mandate of the UNMIS was to aid a backstop the nascent Government of National Unity (GoNU) and Government of South Sudan (GoSS) in the organisation and the implementation of the DDR program. The United National Development Program (UNDP) worked together with UNMIS. Its main task was overseeing the reintegration process while the UNMIS was to disarm and demobilise ex-combatants. After South Sudan's independence in 2011, the United Mission for South Sudan (UNMISS) assumed its responsibilities in South Sudan (Brethfeld 2010: 8ff, Lamb et al. 2018).

South Sudan's DDR Commission (SSDDR) had the overall leadership of the SSDDR process, and it was composed of government officials under the technical supervision of the Bonn International Centre for Conversion. In addition, several international donors and implementing partners such as the International Organisation of Migration (IOM), and the UN Food and Agriculture Organisation (FAO) funded the program. These international organisations, including the United Nations, worked together with SPLM/A in designing and implementing the DDR process under the supervision of SSDDRC.

The SSDDRC was responsible for organising and coordinating meetings between the government, non-governmental organisations and donor organisations. Also, the Integrated Disarmament, Demobilisation and Reintegration Standards (IDDRS) provided the UN entities, and other parties

to the DDR process with a consolidated methodology to organise, manage and implement this process. According to the IDDRS, an Integrated United Nations DDR Unit (IUNDDRU) was also developed in South Sudan to harmonise operations of various UN entities together with the relevant national institutions and other stakeholders (Brethfeld 2010: 8ff, Lamb et al. 2018).

8.1.2.1 Disarmament

On 22nd May 2008, the President of South Sudan, Salva Kiir, through an Operational Order No. 1/2008 on the Disarmament of Civilian Population in South Sudan, called for the peaceful disarmament of civilians in the ten states of South Sudan. The exercise, which began on 1st sJune 2008, was to take place over six months (O'Brien 2009: 14f). But the disarmament exercise failed due to several reasons. The process lacked goodwill, a transparent legal framework and operational procedures related to the information collection, coordination, and communication amongst the stakeholders. The SPLA opted for a unilateral coercive procedure for disarmament and pacification in 2005 and 2006. Not only did the disarmament process ignore community-level security dynamics, but it was also politically motivated since it only targeted the Lou Nuer, ethnic group. Furthermore, the process embraced an aggressive strategy, was poorly organised, and did not undertake training on the need for a peaceful disarmament process. It also lacked sufficient security and compensation guarantees for disarmed communities. Consequently, violence erupted in the Unity, Upper Nile, and Jonglei state[94] between the SPLA, the targeted communities, and armed village militias commonly referred to as the (the White Army)[95] targeted in the disarmament program.[96]

[94] Jonglei is the largest and most populous state in South Sudan. This region is also mostly inhabited by pastoralist communities. It is also characterised by a proliferation of smalls arms long history of violence that is in most occasions triggered by inter-ethnic rivalry and also due to competition over cattle and grazing lands. The disarmament process in this state was unsuccessful because the government was not providing them with security once they were demobilised and disarmed. There was also a lack of mechanism of justice, so civilians bent towards carrying out revenge attacks for their relatives killed and as a mechanism of recovering their stolen cows. Besides, due to lack of employment opportunities, development and addressing of other grievances, these communities opted to remain armed (Brethfeld 2010, Copnall 2014: 169, Johnson 2016: 102-105, LeRiche et al. 2013: 101,128, Thomas 2014, Young 2012: 315).

[95] Sharon Hutchinson (1996) and Jok Maduk (1999) state the White Army or 'Dec in Boor' is comprised of loosely organised groups or youth from the Nuer ethnic group who usually undertake the security functions in defending their properties, communities and cows, especially in the dry seasons (ibid.). Initially, the White Army was an indigenous institution established from the previous group of Nuer youth brigade commonly referred to as *Burnam* which emerged amongst the Eastern Jikeny and Lou Nuer first Sudan's civil war (Anyanya war) from 1955 to 1972 when the Addis Ababa peace agreement was signed (cf. Snowden 2012: 11f, Young 2007).

[96] In this period, the Khartoum government supported militia groups in these regions in resisting them from being disarmed and or participating in reconciliation talks with the SPLM. These were notably former members of the South Sudan Defence Forces (SSDF) that had declined integration into the SPLM during the 2006 Juba Declaration. These remnants of the SSDF were assisted by the Sudan Armed Forces (SAF) military intelligence to carry out massive violence against the local civilian communities as well as to cause general insecurity in southern Sudan (LeRiche et al. 2013: 128, Mc Evoy 2010: 13f, Young 2016: 22).

The top-down campaign's lack of consultation, limited resources, and its narrowly defined disarmament strategy failed to develop good relations with the local communities and provide security guarantees. As a result, more than 1,600 people lost their lives, and a total of 3000 arms were recovered in this unpopular, forceful and unsuccessful disarmament campaign. This led to an increase in violence as the increased poverty, lack of opportunities, and cross-border cattle raiding aggravated the prevailing insecurity. The international community criticised this disarmament campaign for widespread human rights abuses and other problems contributing to the many civilians who remained armed in the end (cf. Arnold et al. 2007: 361-385, Brethfeld 2010, Copnall 2014: 57,173ff, De Waal 2015: 96f, Johnson 2016: 101-105, Mc Evoy et a. 2010: 25, Nichols 2011: 26f, O'Brien 2009, Warner 2016, Young 2007: 24ff, Young 2012: 309ff, Young 2016: 23ff).

In 2008, without consulting the UNMIS, the SPLA, under the leadership of Salva Kiir, conducted ad-hoc disarmament of civilians in a process that was marred by violence. Only a few weapons were collected. It did not coordinate with other stakeholders and multi-agencies that could have supported it with resources and technical advice. The SPLM's top-down militaristic strategy sowed resentment instead of consolidating security and stability in regions that have been on the front lines of conflict for many years. The disarmament process did not follow the required legal and policy framework, its objectives were poorly defined, and it proceeded in the absence of sufficient guidelines for implementing the process. Poor involvement of the targeted communities signalled SPLM/A's inability to govern and make decisions. Despite supporting the process, the international community and the United Nations did not oversee the disarmament process (cf. Brethfeld 2010, Lamb et a. 2018, Nichols 2011: 8, O'Brien 2009: 17-22,47ff, Saferworld 2012, Young 2016: 22ff).

8.1.2.2 Demobilisation

The demobilisation process received massive international support from the UN and the donor community.[97] The CPA had stipulated that 180,000 ex-combatants had to be demobilised in Sudan, and about half the number in South Sudan.[98] A Joint Monitoring Team comprising SPLA, the South

[97] The organisation of the of demobilisation process was supposed to be fast and efficient as possible. However, in contrast to the demobilisation and disarmament processes in post-conflict situations which include the provision of food and shelter to ex-combatants for several days in cantonment sites, this process in Sudan was planned and organised in a way that the participants could be disarmed and demobilised in one day. Every day, the SPLM and the Sudan Armed Forces were accountable in assembling their army personnel who were then disarmed and demobilised at an assembly area according to each army's procedures. However, the location was actually up to 30 kilometres from their actual area of demobilisation, and the combatants would be registered, verified if they are in the master list, and then they were given a discharge certificate. However, the proximity of these soldiers could also attribute to security risk (cf. Banal et al. 2009, Nichols 2011: 25, 38).

[98] As for southern Sudan, the figure of 90,000 ex-combatants was an arbitrary number as the SPLM/A never knew the exact numbers of its soldiers until 2019. However, it is worth to note that the origin of the SPLA formation was through voluntary means and thus there were hardly documentations of its members (GoSS et al. 2008, Multi-Donor Trust Fund 2009, Nichols 2011: 15f, Rands 2010).

Sudan DDR Commission (SSDDRC) and the Integrated UN DDR Unit (IUNDDRU) participated in the meeting defining these targets. In addition to funding, the UN assumed observational, supervisory and verification roles in the process. However, the SPLA was unwilling to demobilise a more extensive section of its armed forces (cf. Lamb et al. 2018, Nichols 2011:7ff).

The SPLA perceived the CPA as a temporary ceasefire because it did not outline the necessary preconditions for a successful DDR process. Although the war was technically over, there was still mistrust between the government and SPLM/A, and their relationship remained volatile. Implementing the DDR process was a non-starter because both former warring parties feared potential attacks and incursions from each other and other militias. This was evident after renewed conflicts erupted along the two countries' borders in 2012 and the subsequent shutting down of oil production (Apulli 2018: 33f, cf. Johnson 2016, Nichols 2011: 46).

Despite massive financial aid, the DDR process failed to effect a systematised defence transformation within the SPLA. The SPLA feared that downsizing its military arm would demoralise the movement, and reduce its military dominance in South Sudan. According to the SPLA, the demobilisation efforts ignored the problems of demobilised individuals. It was not ready to discharge its soldiers from its ranks into a DDR program that it did not trust. Also, it was not confident in the DDR process because reconciliation had not taken place, and the reintegration process could not be sustainable in these conditions. It also feared that this measure would increase the number of potential spoilers in the peace process, and hinder its access to resources while instigating insecurity in their areas of operation (cf. Munive 2013, Nichols 2011: 13, 42).

The reduction of the SPLA army also contributed to the subversion of the movement, which had, to some extent, become an ethnically fractioned army. Between 2009-2013, the personnel of the SPLA actually increased from 250,000 to 330,000. The low level of SPLA buy-in, engagement, and ownership in the process undermined the demobilisation program in the south. As a result, SPLA retained some demobilised military personnel in its salary structure as a way of according them financial assistance (cf. De Waal 2014, Johnson 2014, Nichols 2011: 8,13, Snowden 2012: 19).

The SPLA was not involved in the technical planning and implementation of the DDR process. Because it perceived the DDR as not sensitive to the economic ramifications for the target population, the SPLA saw itself as a provider for ex-combatants instead of a chief partner in the process. A significant number of ex-combatants nevertheless felt abandoned, and neglected by the

SPLA, resulting in them venting their anger and frustrations on the movement after their demobilization (Nichols 2011: 8,13, Snowden 2012: 19).[99]

The outcome was a strained relationship between the *South Sudan DDR Commission* (SSDDRC) and SPLA, with the latter feeling obliged to meet the needs of its ex-combatants. These tensions worsened due to long gaps in the disarmament, demobilisation, and reintegration process. Many disgruntled ex-combatants pressured the SPLA to return them to their payroll (Nichols 2011: 112). In any case, the SPLA was not well informed on what reintegration package was to offer to its ex-combatants in terms of training and material benefits. All these stirred frustrations amongst the ex-combatants, leading to massive security problems in Aweil and Rumbek. As a result, the governor of Lakes State suspended the reintegration process until the SPLA restored order (ibid. 37, 43).

As a result of the above, a strenuous relationship emanated between the SPLA, UN entities, and the DDR commission that later complicated mutual working relations between the UN agencies and the SSDDRC, leading to power struggles between the stakeholders (Lamb et al. 2018, Nichols 2011:19). Also, the verification of discharge certificates did not match the names of ex-combatants targeted for demobilisation as it was not provided on time by the SPLA. Consequently, demobilisation benefits were mostly given to unentitled people.

Only 12,525 ex-combatants were demobilised when the flawed process came to an end in April 2011, a figure which was less than the initial target of 34,000. Some of the demobilised people were reintegrated. The various entities did not sufficiently cooperate and coordinate the process in the presence of accusations of corruption, lack of transparency, mistrust, and inability to adhere to deadlines. The SSDDRC lacked a coherent operational approach, a proper staff structure, qualified national personnel, and an effective organisational strategy (Lamb et al. 2018, Nichols 2011: 7, 19).

8.1.2.3 Reintegration

After demobilisation, ex-combatants are and reintegrated back into their communities as civilians. This reintegration process designed to help ex-combatants create a sustainable livelihood was mostly coordinated and managed by the UNDP in conjunction with the UN Mission in South Sudan (UNMISS) and the South Sudan DDR Commission (SSDDRC). The SSDRC termed this reintegration process as "a process by which ex-combatants acquire civilian status and are

[99] In informal talks between the researcher and ex-combatants during the fieldwork research in South Sudan, most of them aired the view that that the food rations and allowances given to them were inadequate to sustain their lives. As such, this situation has up to date to forced them to engage in illicit behaviour such as cattle raid to sustain their lives. Others even stated they could even act as militias for hire as life has become difficult and unbearable for them at the moment (Informal talks in Juba in October 2018).

supported to develop a sustainable livelihood." It is supposed to be both a social and economic process (GoSS et al. 2008: 10).

The attainment of this objective was facilitated by the DDR program document created by the Government of National Unity (GoNU), and the UNDP under the banner of the *Multi-Year DDR Program* (MYDDRP). This DDR program embraced an individual instead of a community-based strategy to reintegration. As a result, reintegrated ex-combatants received a package of US$ 1,750 (US$ 1,500 came from the donor community, whereas US$ 250 came from the Government of National Unity (GoNU) and the Government of South Sudan (GoSS) (Goss et al. 2008: 8).

The individual approach was a breach of the CPA and the Interim DDR Program (IDDRP) stipulations that the GoSS and GoNU agreed on in 2006, which required a community-based approach (MYDDRP 2008: 10ff cited in Brethfeld 2010). During reintegration, ex-combatants were given a grant of US$ 320, non-food items and a coupon for three months' worth of food. In addition, they were expected to find their means of returning to their areas of origin or alternative regions to settle down.

The ex-combatants raised grievances that the cash grant and the reintegration package was minimal, forcing them to seek alternative sources, which had severe effects on the local security (Brethfeld 2010: 14f, Mc Evoy et al. 2010). As a result, only 12,525 ex-combatants integrated out of the 34,000,[100] and they had to choose various options provided by the integration program, such as the development of small enterprises, vocation training, adult education, and agribusiness. But this process witnessed massive challenges resulting from logistical matters, insufficient funding and political competition and rivalry between the implementing and organising agencies which disagreed over the ownership of the reintegration process.

At times, there were calls by the SSDDRC to replace the UNDP with the World Bank or other donor organisations.[101] Furthermore, there were concerns about the lack of an economic recovery and development plan for South Sudan. These factors obscured the economic reintegration imperative for the SPLA veterans/heroes and heroines. Because the reintegration program in South Sudan was disorganised, it was difficult to connect it to the relevant ministries of the government in South Sudan. For instance, it lacked a comprehensive understanding of the contextual economic realities of an underdeveloped nascent state of South Sudan that required essential social services

[100] Unlike the ex-combatants in the North, the SPLA's veterans did not receive pension support or any other assistance or reintegration package (Nichols 2011: 32).

[101] Although the UNDP mandated with the reintegration program had ample in preparation of this process, it faced criticism for disorganisation and its slow pace in implementing the program. However, it was also as a result of unreliable data collected for the disarmament and demobilisation sites for the reintegration purposes (Nichols 2011: 35).

and was politically unstable and bereft of reliable security (Brethfeld 2010: 15, Nichols 2011: 54, Vrey 2009).[102]

There was a danger of reintegration proceeding in an ad-hoc manner, placing an economic burden on the communities. Besides, the SPLA feared that the reintegration package was insufficient and could not help ex-combatants seek livelihood alternatives, which posed a security threat. Due to the ambiguity surrounding the effectiveness of the reintegration process and deteriorating economy in South Sudan, the ex-combatants pressured the SPLA to retain them on its payroll (cf. Brethfeld 2010, Nichols 2011: 22, 31-37,43).

Political uncertainties such as the January 2011 referendum, where an overwhelming majority of southern Sudanese voted in favour of secession and independence, reminded political elites that the DDR process was to be under the leadership of the nascent government. A renewed outbreak of a civil war in December 2013 hampered this process, contributing to the failure to accomplish its long-term objectives. Despite these challenges, the DDR process was a concrete component of the CPA that heralded North-South cooperation. It also paved the way for confidence building between the two warring parties and facilitated a discussion on security matters.

In sum, despite poor planning and implementation, insufficient support for the objective to right-size the SPLA and transform it into a conventional and professional army, the DDR mitigated conflict in South Sudan, and to some degree, ensuring stability.

8.2 SPLM's internal military integration process

"If we split like groundnuts, the chicken will eat us all (Clement Wani, Governor of Central Equatoria)."

In line with the above South Sudanese proverb, the president of South Sudan, Salva Kiir, led the SPLA's transition from a non-salaried, ad-hoc guerrilla movement to a modern army between 2005 and 2011. He also extended a blanket amnesty policy and an olive branch to all armed militia groups in South Sudan. The CPA's Protocol on Security Arrangements, Implementation Modalities and Appendices was comprised of mechanisms for integrating the SPLA and Sudan's Armed Forces (SAF). But it did not articulate ways and modalities for integrating the other armed groups in southern Sudan. Therefore, besides the other challenges mentioned above the movement had faced

[102] The economic benefits that the ex-combatants received from southern Sudan were too little appease them, and this obscured the SPLA from enthusing the process. For example, the reintegration grant was of about 860 Sudanese Pounds (circa USD 345) which was less than three months' salary for an average SPLA soldier. Thus, this was far less to circumvent the scepticism over the livelihood opportunities that would come after the reintegration training. Furthermore, the process was void of systematic arrangements that could differentiate participants of various ranks. For instance, the handling of a three-star general was the same as the Women Associated with Forces Groups, and they viewed the process as a disrespectful measure. As such, some of the senior officers opted not to participate in the DDR process (Brethfeld 2010: 12ff, cf. Deng 2010: 1-5, Rands 2010: 43, Snowden 2012: 19, Nichols 2011: 38).

in the DDR process, it reinvented its strategy of accommodating other Armed Groups (AOGs) not incorporated in the CPA.

The SPLA achieved this through a robust reform program in 2006, commonly referred to as the *Juba Declaration* (or the Big Tent strategy), that formalised the military integration of virtually all militia and splinter groups in southern Sudan.[103] The Office of the President and the Ministry for National Security facilitated this military integration,[104] and the objective of the program was to professionalise the national army and create a multi-ethnic Presidential Guard that was to be trained together and streamlined to unify the movement (Johnson 2016: 228). The Military Technical Committee reporting to the High Political Committee was created and mandated with organising, planning, and coordinating the integration of the late Paulino Matiep's South Sudan Defence Forces (SSDF).[105] This led to the SPLM/A integrating its former enemy, the SSDF, into command structures and component units of the SPLA.

This harmonised the deployment of forces, demobilisation, and downsizing as was stipulated in the CPA. Also, the Administrative and Civil Service had a responsibility to aid in the integration of SSDF's non-military personnel into political and government structures. To show commitment to the process, the SPLA initiated a peace payroll that catered for shelter and food for the militia. The peace payroll also included integration packages such as military promotions, and appointment to government posts as well as material and immaterial incentives to former armed militias (De Waal 2015: 96f, Copnall 2014: 67,166, LeRiche et al. 2013: 145ff, Mc Evoy et al. 2010: 15-17, Young 2012: 304ff, Warner 2016).

Remarkably, the SPLA's military integration strategy prevented the impending civil war, guaranteed stability, consolidated peace, and cemented SPLM/A's political power while

[103] In January 2006, Paulino Matiep the leader and commander of an umbrella group of militias signed the Juba Declaration with Salva Kiir and thereby, tens of thousands of militia fighters were accorded amnesty and were later reintegrated into the SPLA. Consequently, the late Paulino Matiep was appointed to a new position as the Deputy Commander-in-Chief of the SPLA and he was to consult President Salva Kiir as Commander-in-Chief. In addition, a High Political Committee was established to supervise and coordinate the implementation of the agreement. However, this measure of forging peace was very expensive for the government of South Sudan since all of these former militias' members had to be put on a payroll, which limited the spending on social welfare (Boell 2012: 30, ICG 2011: 13ff, ICG 2014: 6, Johnson 2016: 146,227, LeRiche et al. 160ff, Warner 2016, Young 2006).

[104] This process was also in tandem with various activities such as assembly sites for verification parades, scrutinising of physical fitness, facilitation and determination of placements through interviews of members of armed groups in cantonment sites to determine on which civil service they were to be deployed or through a DDR program. Militia commanders who aided in integration 500 combatants were entitled the rank of a Colonel with a Lieutenant Colonel as a deputy. Whereas armed groups that integrated 3,000 combatants were accorded the title of Brigadier General with a Colonel as a deputy. However, through a decree, the President could also amend these ranks to appease leaders of armed groups to support the military integration process (cf. Warner 2016).

[105] The SSDF was not the only armed militia group integrated into the SPLM/A, but a combination of armed militias in southern Sudan too were integrated into the movement during this time: Nonetheless, most of these militias came from the oil-producing regions of Greater Upper Nile, that is, Jonglei, Unity or Upper Nile State (Johnson 2016: 227, LeRiche et al. 100ff, Rands 2010: 16ff).

contributing to its political legitimacy. The strategy resulted in a decrease in insecurity in southern Sudan during the interim period. It also hindered the interference of the Khartoum government through the proxy militias that it supported to cause instability and uncertainty in the south. Furthermore, the strategy aided in smoothening the way for South Sudan's independence in 2011, and served as an indicator that the government of South Sudan was committed to reconciling its citizens (Boell 2012: 30, CPA 2003, CPA 2004, De Waal 2014: 113, 358, 452, ICG 2014: 6, Johnson 2016:146, LeRiche et al. 2013: 164f,198, Mc Evoy et al. 2010: 30f, Rands 2010, Warner 2016).

Despite SPLA's incentives to create peace, loyalty and consolidate support and legitimacy in its military integration process, the movement did not address earlier grievances of Other Armed Groups (AOGs). The military integration program would later act to incentivise instability instead of contributing constructively to nation-building endeavours following the closure of oil productions in 2012 due to disagreements over Sudan oil-pipeline transit fees.[106] Since 98 per cent of South Sudan's economy relies on oil, the shutdown of the oil pipelines reduced funds for facilitating military integration. At this time, the government of South Sudan was using almost 50 per cent of its budget on the military, and more than 80 per cent on salaries.[107] The opportunity costs of these expenses included the professionalization of the SPLA (cf. Copnall 2014: 138ff, De Waal 2014, De Waal 2015, Hemmer 2009: 21f, ICG2006, Johnson 2016: 232, Khalid 2015, LeRiche et al. 2013: 145-155,160, Mc Evoy et al. 2010: 17f, Warner 2016).

In 2011, the SPLA initiated a document called Objective Force 2017 designed to act as a map for transforming the army into a conventional military force and guide the SPLA's transformation process. This document outlined the development of the SPLA policy on defence and security, as well as a policy framework that could aid in the prioritisation and provision of security assistance by international donors. To attain a cohesive military with a national character, the SPLA's transformation process targeted the enhancement of operational aptitudes, education, and training of SPLA military personnel in addition to the improvement of SPLA values and standards of operation. The downsizing of the number of SPLA military personnel to 120,000 did not occur

[106] South Sudan being a landlocked country, was entirely dependent on Sudan to process its oil since all the refineries are in Sudan, and it is the only export terminal at Port Sudan. However, in contrast to international standards of about 1 and 2 USD transit/processing fees, the government of Sudan had set a transit fee of USD 11 per barrel of oil produced in Unity State and USD 9.10 for Upper Nile for it to allow South Sudan to export its oil uninterrupted as well as USD 3.028 billion for the economic damages that arose as a result of secession (Copnall 2014: 237f, Johnson 2016, LeRiche et al. 2013: 178,190).

[107] In the interim period, these high military budgets were justified in terms of external security threats that emanated from the Khartoum government. The rise in salaries of the soldiers also increased tremendously in this period. However, on most occasions, the SPLA paid its soldiers on arrears. As such, this measure contributed to insecurity, indiscipline, instability and weakness within the ranks of the SPLA (Johnson 2016: 226, LeRiche et al. 2013: 164f, Mc Evoy 2010: 31, Snowden 2012: 19ff).

during the interim period because the SPLA measured its military power in terms of its soldiers instead of its capacity and quality (Johnson 2016: 226, Snowden 2012: 22f, SPLA 2011, Warner 2016).

The absorption of numerous militias, including actual and potential mutineers, as well as further enlistment, and provisions for 90,000 paramilitaries and 745 generals inflated SPLA's payroll from about 40,000 in 2005 to 240,000 in 2011 (De Waal 2014: 37f). The initial adoption of this military integration process resulted from the challenges that Salva Kiir, the leader of southern Sudan, faced after the death of John Garang in 2005. At this time, the SPLA had neither the capacity nor the capability to enforce its dominance and authority in southern Sudan and deter the central government in Khartoum from undermining progress towards secession. Therefore, the SPLM/A resorted to military patronage as a tactic for integrating various armed groups, including potential and actual mutineers, to join SPLM/A's military structures en masse (ibid.).

8.3 Challenges of SPLM/A's military integration program

In an interview with a former army general lamented that this massive military integration process aimed at buying peace, support, and political legitimacy for SPLM/A at the expense of provision of social services and public goods. It was uncalled for since most of the recruits were unqualified and incapable of running state affairs since their skills are only limited to the use of arms. He further stated that the leadership of SPLA forced some of their former enemies to share their bedroom with individuals who had been sabotaging liberation aspirations during their years of struggles fighting against the Khartoum government. He remarked that "the newly integrated militias in SPLA were opportunistic. As we have experienced in the recent outbreak of war, they employ manipulative and predatory militaristic tactics of the big man in power, and will return to the peace bargaining table with higher terms and conditions for their reintegration into the government and the SPLA (Interview on 2 November 2017)."

Another SPLA army official in South Sudan stated that in the military integration process, various members of the SPLA were neither consulted nor took part in the decision-making process, and that the armed militias were unfairly ranked higher than SPLM/A soldiers who fought for two decades. He also suggested that the integration process did not observe the aim of ethnic balance since the number of individuals from the Nuer ethnic group was significantly more than the Dinka and Equatorians, even though they were the most dominant during the liberation war. The movement deemed some of the new recruits as unfit, hence straining loyalty within the SPLA.[108]

[108] Hilde Johnson (2016) a former Special Representative of the UN Secretary-General and Head of United Mission (UNMISS) in the republic of South Sudan between July 2011 to July 2014 shares the same sentiment and

He further reiterated that this undertaking demoralised the spirit of the former SPLA soldiers as former militias integrated into the army remained loyal to their former field commanders instead of the SPLA's commanders. He also asserted that these failures contributed to the outbreak of the December 2013 conflict that destabilised and disintegrated the SPLM/A (Interview on 11 November 2017).

Alex de Waal (2014) states that the political quick-fix solution in the military integration process had dire consequences for the future of South Sudan as it initiated a de facto open-ended defection and reintegration cycle. Generous inducements to the members that defected to the SPLA fuelled a process he terms as a rent-seeking rebellion as:

> "Military commanders were both rewarding and defrauding their followers by putting them on the payroll and cheating them of their full pay. For both patronage purposes and to lessen the dangers of the mobilisation of the aggrieved, commanders assembled military units on tribal lines with the aim of maximising personal loyalty. This is one reason why three attempts to institute a centralised roster of SPLA soldiers were thwarted (ibid. 367)."

Another interlocutor from the Sudd Institute stated that the integration process condoned the culture of impunity by rewarding past crimes, thus cementing the status quo. The integration of militia for stability purposes was unwarranted. He further stressed that through the integration process, the militias who had committed crimes against humanity are now using violent means as a bargaining tool, and the numbers recruited have increased ethnic and regional imbalances in the army, leading the SPLA to lose its national character. He lamented that this increased the degree of indiscipline, and initiated illegal and parallel command structures that did not conform to the conventional army, leading to dissonance within the national army. He added that this open-ended military integration process increased South Sudan's military budget at the expense of providing public goods and services to the citizens and poverty alleviation (Interview on 30.10.2017).

Notably, military integration took place in a strenuous and challenging post-CPA period, hampering the simultaneous state-building process. Moreover, the government of Southern Sudan lacked technical expertise, funds, and logistics, compromising its ability to organise and plan a more functional military integration process. The integration process also outpaced institutional developments of SPLA's structures. The massive reintegration of the militias led the SPLA to increase its defence budget at the expense of providing essential goods and services to its citizens.

she states that the integration process was poorly managed and operationalised. This is since the initial plan of establishing a multi-ethnic Presidential Guard faltered. For instance, President Kiir, Vice President Riek Machar and the Deputy Commander-in-Chief of SPLM/A all had bodyguards from their respective communities and regions of operations. Likewise, cabinet ministers did not want their handpicked bodyguards withdrawn from them. As such, it is evidence that the system of personalised militias groups was indeed encouraged and authorised by high-ranking military and government officials (Johnson 2016: 228).

Therefore, in a fragile economic situation, the movement undertook sole responsibility of a social welfare system for the old cadre and veterans, and the newly integrated militias (cf. Copnall 2014, Johnson 2016, LeRiche 2013, Warner 2016).

This zero-sum game ended up militarizing the society, landing the SPLA in a constrained financial position impeding the implementation of the movement's training plans.[109] In the absence of strong institutional structures, the lack of procurement procedures and transparency within the SPLA remained unchecked. Despite the mitigation of the political instability in Southern Sudan, this military integration process undermined the establishment of active institutions necessary for the management of a sustainable state (Auditor General 2012, Copnall 2014: 138, Johnson 2016: 227ff, LeRiche 2013: 146f,164, Pinaud 2014: 192-211).

Much of the budgetary allocations went to the military for paying soldiers' salaries. To date, the SPLA continues to face challenges due to lack of audit and proper registration of its armed personnel. SPLA's internal review identified over 40,000 'ghost soldiers' whose salaries were either used to cater for operational costs or pocketed by high-ranking military offices in the government. Furthermore, the Big Tent approach unilaterally undertaken by the military denied the political wing a chance to tackle ethnic concerns and grievances or to provide a framework for national healing and reconciliation.

The integration process was executed with little or no effective public participation since the people hardly got a chance to participate in daily affairs or decision-making processes. Despite this, short-term political stability and security prevailed, ensuring a successful referendum culminating in South Sudan's independence. Moreover, the integration process occurred in the absence of national reconciliation and healing, as well as real inclusion or integration of the Other Armed Groups (AOGs) (Arnold 2007: 489-516, Copnall 2014: 67-69, 138ff, ICG 2011: 4,13f, Johnson 2016: 227ff, LeRiche et al. 2013: 147f, 185f, Thomas 2014: 164).

International support from countries such as the US, and the UK lagged behind the military integration process that the SPLA reform programs had already initiated.[110] The international community only focused on technical matters instead of supporting a multi-ethnic and united army through systematic training at scale and restructuring of the command. After the independence of South Sudan in July 2011 (when the SPLA became a national army), the UNMISS was mandated

[109] During the fieldwork research in South Sudan, the researcher noticed the presence of uniformed and armed men and women almost everywhere in the streets, however, it was hard to distinguish between soldiers and police as all of them were put together in various security fields.

[110] In the interim period, it is important to acknowledge that due to sanctions in Sudan, the European Union including the UK was not in a position to accord direct military training to the SPLM/A, an initiative that could have enhanced its successful transformation (Johnson 2016: 233).

to carry out security-sector reforms and assist in implementing the DDR process. However, a lack of communication, systematic transparency, and high-level commitment between the multi-agencies detracted from the process.

The external experts also lacked substantive knowledge on the internal dynamics of the SPLM/A.[111] This problem hampered initiatives based on conflict resolution and state-building (LeRiche et al. 2013: 159, 163). The SPLM/A leadership was not ready to cooperate with the DDR commission, and the program was expensive, impractical and insufficiently adapted to the broader population of South Sudan. Other strategies such as a pension fund and a resettlement program were not considered (Lambs et al. 2018, Johnson 2016: 233ff, Snowden 2012: 23). Likewise, the SPLM/A did not terminate the registration of its soldiers; it adopted plans for transformation but failed to implement them. The eruption of a renewed civil conflict in December 2013, and the subsequent violence and insecurity impeded internal and external aspects of the DDR process and its mission to transform the SPLA into a professional national army.

The subsequent chapters evaluate the SPLMA's myriad achievements, challenges, and threats to its power, as well as other factors that have hindered its political transformation from a guerrilla/liberation movement to a government.

8.4 Post-separation: An assessment of SPLM/A at the helm of power

Upon successful capture of state power by former rebel movements, the interpretation of their revolution ideology or liberation legitimacy faces immense challenges in the new political space. Against this background, this and the subsequent chapters assess and highlight SPMA's achievements, challenges, and threats at the helm of power.

[111] The transition process in South Sudan in terms of peacebuilding and statebuilding was extremely challenging. South Sudan is a vast country accompanied by various cultures, ethnic groups and geographic perspectives unlike the newly established countries such as Kosovo and Timor Leste which were easy to manage during the transitional UN administration as they did not undergo an interim period as it envisaged in the CPA in Sudan. Despite being supported by the United Nations, South Sudan's interim period was viewed as preparatory, and the CPA did not address nor provide supplementary transitional administrative arrangements. Moreover, the UN missions in countries such as the Democratic Republic of Congo, Ivory Coast, Liberia and Sierra Leone did not have a duty of literary developing a country from scratch as it was the case with South Sudan. In addition to this, the working relationship between the UN and government of South Sudan was not cordial as SPLM/A perceived and accused the UNMISS as 'babysitters' or at worse a foreign colonial power especially after it attained its independence from Sudan since it perceived the UN as infringing on its sovereignty (Copnall 2014: 213, LeRiche et al. 2013: 23, Johnson 2016: 97ff). Salva Kiir also shared these sentiments when he stated in his first address to the General Assembly that: "Even before the ravages of the war could set in our country, we never had anything worth rebuilding. Hence, we characterise our post-conflict mission as one of construction under reconstruction (Kiir 23.09.2011 cited in Copnall 2014:125)."

8.4.1 Economic and development in South Sudan

The South Sudanese economy is generally termed as underdeveloped, and most of the population practice subsistence pastoralism and agriculture.[112] It consists of three parallel domains: the rural subsistence economy, the urban cash economy, and the humanitarian economy. The first two economic domains have collapsed, leaving the South Sudanese dependent on humanitarian aid. But the international humanitarian assistance is not sufficient to cater to the wider population's basic needs (ABC News 2017, Daly et al. 2017: 3).

After independence, South Sudan was ranked 152nd in the Nominal GDP country rankings, thus making it one of the world's poorest and most underdeveloped countries. Almost half of the South Sudanese citizens live below the poverty line; nine out of ten citizens live on less than 2 dollars per day. The levels of poverty are high in oil-producing regions of South Sudan compared to the fertile areas along the borders of Central and Western Equatoria. In urban areas, poverty increased from 49 per cent in 2015 to 70 per cent in 2016, and in 2019 poverty was estimated to have risen over 88 per cent. High levels of poverty, low economic productivity, as well as growth and sectoral development have further worsened as a result of the continuous conflict cycle (cf. Africa Development Bank 2018, CIA 24th October 2018, LeRiche et al. 2013: 167f, Sudan Tribune 20th April 2011, Wlodarski 21st January 2018, World Bank 2017, World Bank 2020b).

The government of South Sudan is virtually dependant on its oil revenues for 98 per cent of its annual operating budget, and oil accounts for 80 per cent of the country's Gross Domestic Product (GDP). South Sudan's GDP decreased significantly between 2013 to 2016 due to the eruption of new conflicts. The economic outlook for 2020 remains bleak as the country's GDP is projected to contract further. Factors contributing to this include political uncertainty, and the mismanagement of oil revenues by political and military elites who pay 'loyalty payment' to tribal and military leaders. Moreover, the lack of economic diversification and the subsequent over-reliance on oil revenue adds to the fiscal crisis in South Sudan's economy, where revenues have decreased below budget levels. This is aggravated by shocks from changes in oil production, stagnant global demand, low world prices (as from June 2014), the shutdown of oil production between January 2012 and April 2013, and high-cost oil transit agreement with Sudan (Africa Development Bank 2018, Africa Development Bank 2019, De Waal 2015: 91, LeRiche et al. 2013: 181, Wlodarski 21st January 2018c, World Bank 2018a).

[112] In South Sudan, one cannot singly classify the local population in terms of pastoralists or agriculturalists. For instance, ethnic groups such as Dinka, Shilluk, Murle, Mundari and Nuer are not only pastoralists but also farmers and fishermen. The population in the rural areas are agro-pastoralists; however, most of the southern Sudanese are currently engaging themselves in employment or mining activities (Daly et al. 2017: 3).

The eruption of new conflicts in December 2013 and July 2016 that destabilised the country made it difficult for South Sudan to attract long-term investment (apart from the oil sector). The overdependence on oil revenues has resulted in the 'Dutch disease', which is characterised by massive macro-economic balances.[113] A viable economy is, on most occasions, perceived as a pre-condition for self-government. Without oil production and the expected revenue, prospects for international support and legitimacy and calls for self-determination and the subsequent independence of South Sudan would have been impossible. For the SPLM/A and the Southern Sudanese, oil was initially a real blessing. This needs to be acknowledged when tackling the 'curse'. Oil revenues, which are projected to reduce drastically as from 2020, are no longer sufficient to sustain the economy and the government dependent on it (Africa Development Bank 2018, Johnson 2016: 33, 91ff, Zuzana 2016).

At the time of independence, South Sudan had neither domestic nor foreign debt; the country is currently in debt distress due to a combined impact of the 2013 and 2016 civil conflict, a sustained downturn in oil prices, and high extrabudgetary spending. The enactment of the 2019 peace agreement is putting significant pressure on government expenditure, and the anticipated depletion of oil poses additional challenges to fiscal sustainability over the long term (cf. Africa Development Bank 2020, Estevão et al. 2019). As such, a knock-on effect on the South Sudanese Pound ensued. South Sudan resulted in the world's highest inflation rate,[114] which in October 2016 stood at 800 per cent, although it decreased to 118 per cent in 2017 (cf. Africa Development Bank 2018, Wlodarski 21st January 2018c, World Bank 2017, World Bank 2018a, OCHA 2017, UNDP 2017).

South Sudan's inflation remained above 50 per cent in 2019 as a result of severe macroeconomic imbalances. Furthermore, the World Economic Situation and Prospects projects that the annual inflation in 2019 will continue to increase by 30 per cent in 2020 (World Economic Situation and Prospects 2020: 11, 127). The continuous declination of the value of the pound has increased the

[113] The term Dutch Disease emanated in the 1960s in the Netherlands when it faced a massive increase in terms of wealth that was a result of its discovery of significant amount of natural gas deposits in the North Sea. This development had dire consequences to vital sections of the Dutch economy. Initially, the Dutch guilder became strong, thus leading to Dutch non-oil export less competitive in the global markets. Hence this occurrence was later referred to as the 'Dutch disease'. In economic spheres, this phenomenon is commonly related a causal relationship between with the discovery, development and boom of natural resources (for instance, oil, copper or any other minerals) while at the same time initiation of a decrease in other such as industrial sector or agriculture. In addition, this can occur as a consequence of any massive inflow of foreign currency together with those stemming from price surges for crops such as coffee, tea or cocoa, or even for any massive inflow of foreign direct investment as well as foreign donor aid (cf. Africa Development Bank 2018, Dolan 2016, Brinčíková 2016, Johnson 2016: 33).

[114] The government has adopted measures of funding its expenditures by lending from the central bank of South Sudan and foreign sources by utilising oil revenues as a guarantee. Besides, due to increased trading of currencies in the black market, the decision by the Central Bank of South Sudan in adopting measures of floating exchange rate regime in December 2015 further incepted the depreciation of the South Sudanese pound by 97 per cent (CIA 24th October 2018).

prices of goods and services. This has further exerted financial pressure on more than half of the citizens, most of whom suffer from malnourishment. At the same time, the government is unable to improve the living standards of its citizens, and to provide security as well as other essential services (Basnett et al. 2015, Johnson 2016: 33, 91ff, Knopf 2016, LeRiche et al. 2013: 168, Medani 2013: 26-48).

The lack of bureaucratic government structures and the mushrooming of the informal economy under the country's 'liberators', and oligopolistic cartels who own black market forex bureaus has continued to negatively affect the economy. Dollars from the black markets end up in South Sudanese banks valued threefold because differences in exchange rates facilitate a 400 per cent in profits for each transaction. As a result, the number of foreign exchange transactions continues to increase. The International Monetary Fund (IMF) has criticized this trade, destabilising the economy in tandem with poor economic management, corruption, and rent-seeking. Furthermore, due to lack of fiscal policy, the Minister of Finance and Governor of the Central bank, with support from the President, devalued the South Sudanese Pound on 11 November 2013 and aligned it with the black-market rates. As a result, the stabilisation of the foreign exchange market has proved to be disastrous due to the lack of enough foreign reserves (Johnson 2016: 91, 222, cf. World Bank 2017).

Widespread underdevelopment and poor infrastructure further constrain the growth of the economy. South Sudan has 10,000 km of roads, only 2 per cent are tarmac, and during rainy seasons most of them are impassable, increasing transportation costs for goods and services. In addition, fragile institutional capacity, low human development, high rates of illiteracy,[115] and the high number of unqualified public servants, have impaired the ability to deliver products and services. These factors, coupled with a lack of meaningful engagement in political processes and the lack of industries, have crippled South Sudan's economic development. Despite the availability of Nile Waters that can aid in the generation of hydroelectricity, there is no electric grid or national energy system in the country. As a result, most people depend on costly electricity produced by diesel generators, although only one per cent of the population has access to power. Access to clean water is highly constrained. Although South Sudan has vast tracts of fertile land and some of the most abundant water supplies in Africa, there has been no institutional framework to enact the proper

[115] In terms of literacy, South Sudan lags behind comparator states in Sub-Saharan Africa. Only 16 per cent of females and 40 per cent of males are literate. A study conducted by the African Development Bank indicated that "less than half of the 6-13 years are enrolled in primary schools" and there is also a massive inequality between boys and girls in access to education. The ratio of boys to girls in primary school is just 59 per cent in comparison to 86 per cent of countries in the entire Sub-Saharan region and 87 per cent in contrast to the entire low-income developing countries. In addition to this, only 5 per cent of the civil servants have a degree. However, the overall enrolment in school is at 18.8 per cent (Africa Development Bank 2018, LeRiche et al. 2013: 167f, Johnson 2016: 31, Nyaba 2019: 228, Statista 2016, WHO 2014, UNDP 2017).

use of these resources. South Sudan still faces famine, and almost half of its population still relies on food aid, underscoring the deterioration of the ongoing humanitarian crisis (Africa Development Bank 2018, Basnett et al. 2015, CIA 24th October 2018, IGAD 2015, Nyaba 2019: 229ff, UNDP 2017, World Bank 2017).

Apart from agriculture, the government has not tapped non-oil sources of revenue from other natural resources such as tourism and mining. Protracted violence and insecurity in the country, lack of market institutions that can pave the way for formal commercialisation, and lack of capital investment in infrastructural development have all depressed economic activities. The resultant high rates of poverty, unemployment, and food insecurity prevent the achievement of sustainable economic growth and infrastructural development, posing a threat to peace and social stability (Africa Development Bank 2018, Ajak et al. 2013, CIA 24th October 2018, LeRiche et al. 2013: 116ff,147, Johnson 2016: 32, UNDP 2017, World Bank 12th October 2018, World Bank 2018a).

In terms of economic, and infrastructure development, the South Sudanese are not reaping the benefits of liberation, highlighting widespread deficiencies in the structures of government institutions. The government cannot manage its economy through fiscal measures, and the absence of or weak monetary policies limit the production of local goods and exacerbate the imbalances between imports and export earnings. The government is inept in planning, organising the economy, and providing basic social welfare to its citizens. Political and military elites concentrate on capturing resources instead of establishing a reputable social welfare system.

The government has engaged in mismanagement and corruption through a well-enacted system of personal exploitation of finances and resources that contribute to the profits accruing to political-military elites. Governance is characterized by authoritarian, violent and extractive practices that has concentrated economic and political power at the centre. All these have eroded the administrative structures of the nascent state, obstructing reforms and increased resentment against the government (Africa Development Bank 2018, Sentry Report 2017, Transparency International 2014).

Although the country faces massive economic and development challenges, it is vital to note that a history of devastating wars and its formation began from scratch amidst extreme frail institutional structures. The movement lacked experience in self-governance, formal institutional structures, and its civil service is dominated by military personnel with a limited level of education. In this light, it is essential to acknowledge that the macroeconomic indicators of this nascent state, however bad, are better off after the signing of the Comprehensive Peace Agreement (CPA) in 2005. The education and health sectors have experienced a modicum of progress. There are improvements in physical infrastructure, with gravel roads linking other towns, thus enabling the government to

better access remote areas in order to offer services such as education and policing, and citizens' access to markets.

8.4.2 From liberators to profiteers: It is our turn to eat

> "The word 'liberation' is increasingly used with bitter irony about senior officers 'liberating' land, resources and even women from their rightful owners. 'It is the commanders who liberated themselves from poverty!' (Leonardi 2007: 16)."

Output or performance legitimacy encompasses effectiveness, quality of public goods, and the provision of welfare and services. Failures in this category dented SPLM/A's legitimacy and contributed to a decline of its support in the post-conflict period. Fourteen years after the signing of the CPA, government officials have faced massive allegations of corruption, which permeates all levels of the government and sectors of the economy and sustain clientelistic networks aligned along tribal lines (De Waal 2014: 38f, Johnson 2016: 33ff, The Sentry Report 2016, Transparency International 2014:1, Transparency International 2018). These citations provide a clear depiction of how 'liberation' has become a vehicle for personal self-enrichment by senior officers who relentlessly monopolise war profits the south's peace dividend.

According to the 2019 Corruption Perception Index, the new Republic of South Sudan has ranked as the most corrupt state after Somalia for three consecutive years (Transparency International 2019). For instance, between the CPA Interim Period and the independence of South Sudan in 2011, a total of US$ 4 billion of public funds could not be accounted for. These include oil revenues and large-scale government contracts. For instance, between 2005 and 2006, US$ 1 billion could not be traced. In June 2012, Salva Kiir made efforts to curb corruption by providing amnesty to the 75 senior officials ordered to pay back the money they had misappropriated. However, his efforts have been ineffective to date; none of these senior officials has been charged (Johnson 2016: 90f, Garang 2013: 192,197, Pinaud 2014: 193-196).

Despite the enactment of the Southern Sudan Anti-Corrupt Commission Act 2009 and the South Sudan Penal Code Act 2008, corruption spread across all sectors of the economy and the government. The commission is ineffective, lacks the much-needed independence, and its power to prosecute offenders have been trimmed (cf. Bartelsmannstifung 2018, Johnson 2016: 36ff, Penal Code Act 2008, Rolandsen 2015: 165ff). The SPLM/A elites have continuously amassed wealth in the country and abroad under the guise of conducting government business through kickbacks, and backroom deals concluded by bribing officials. Military elites have mastered the art of altering and artificially inflating the military budget, and siphon off money through the inclusion of ghost soldiers. Military elites and senior civil servants have become 'tenderpreneurs' who award their business associates government contracts, especially in infrastructure development and in the

natural resources (oil and gas) sector, without adhering to tendering procedures (Garang 2013: 192ff).

In an interview with a senior UN official in South Sudan, the informant asserted that one of the governors from an oil-producing state pocketed two per cent from the proceeds from oil meant for infrastructural development. As a result, he was nicknamed the '*2 per cent man*'. He further stated that despite this information being in the public domain, this man became one of the most influential people in the government of South Sudan (Interview on 2.10.2018, emphasis added).

One of the most prominent scandals involves the dura saga, where sorghum' amounting to US$ 2.8 billion that was meant to mitigate hunger in the ten states of South Sudan vanished. Unregistered companies with no capacity to supply grain were awarded the contracts. In the absence of any competition, suppliers linked with the liberators and elites won contracts through kickbacks and 'cuts' from the profits. Despite detailed audit records, none of the culprits involved in this saga were charged or taken to court. Much of the money that the SPLM/A elites earn through corrupt and dubious means end up in neighbouring countries (notably, Kenya and Uganda), where it finances real estate purchases and the lavish lifestyles of the 'liberators'. This has threatened peace, stability, and security in South Sudan while increasing the vulnerability of marginalised citizens (cf. Freedom House 2015, FINCOEN 6 September 2017, GAN Integrity 2018, Johnson 2016: 25f, 32ff, Mc Evoy et al. 2010: 36, Sudan Tribune 14 June 2018, Sudan Tribune 18th July 2012, Uncensored 7th October 2018).

Other major corruption scandals include the loss of US$ 1 billion between 2005 and 2006, a loss of US$ 60 million meant to assist the transition of the SPLM into a modern party. Revenue has also been lost through the leasing of large farming areas. For instance, 400,000 hectares of land was leased to the Jarch Management Group, a company registered in the Virgin Islands and operated by a US businessman. Although this land was meant for agricultural purposes, its lease was used for oil exploration activities in South Sudan. Another corruption scandal involves the loss of US$ 2.2 million for landing fees collected by the Civil Aviation Authority between 2013 and 2014. Efforts to recover the money were not successful. In addition, prominent SPLM/A figures were involved in corruption, licencing and registering the first telecom companies in South Sudan after independence. Despite the formation of an investigation committee, no culprit has been held accountable. According to a Sentry Report by George Clooney and John Prendergast, this incident illuminates the direct causal connection between public corruption and violent armed conflict in South Sudan while SPLA elites live lavish life. In contrast, significant numbers of South Sudanese continue to suffer as a result of the eruption of violence between December 2013 and July 2016 (Copnall 2014: 61f, Freedom House 2015, FINCOEN 6th September 2017, FINCOIN 15th

September 2017, Johnson 2016: 32f, 37ff, 90f, Johnson 2016: 28, Mayai 2015: 7f, Mc Evoy et al. 2010: 36, Sentry Report 2016, Sudan Tribune 2nd June 2012, Sudan Tribune 10th June 2012, Sudan Tribune 18 July 2012, Sudan Tribune 11 July 2013, Sudan Tribune 14th June 2018).

Alex De Waal (2015) asserts that political and military elites in South Sudan have consciously failed to establish and deliver essential goods and services to the public. They resemble gangsters or criminal cartels instead of civic-minded political leaders. At the moment, South Sudan's institutions have been comprehensively subordinated to the logic of militarised patronage as elites preside over a political system that uses oil revenue for political loyalty and financing the military. The rent-seeking and monetised environment has facilitated politico-military elites use of violence to extract rent. The state of affairs is characterised by 'big men' in a 'big office' syndrome, where the officials are expected to give handouts, favours, jobs and contracts based on ethnic and clan affiliations (De Waal 2015: 9, 14-17, 20, 84, Johnson 2016: 41). Alex De Waal sums this tendency succinctly by stating that:

> "South Sudan got independence in July 2011 with a militarised and corrupt neo-patrimonial system of governance. By the time of independence, the South Sudanese 'political market' was so expensive that the country's comparatively copious revenue was consumed by the military-political patronage system, with almost nothing left for public services, development and institution building (de Waal 2014: 347)."

Furthermore, De Waal terms SPLM's neo-patrimonial[116] tendency as kleptocratic due to two reasons.[117] First, national leaders use any given opportunity to embezzle public funds. Secondly, in this dynamic and turbulent system, patron-client relations are predictable and relentlessly subjected to negotiation (De Waal 2014: 348f, Mc Evoy 2010: 9). As a result of this corruption-based patronage system, De Waal also states that South Sudan's public spending ignores budgetary discipline insofar as only tiny sums of money are allocated to the provision of welfare and public

[116] The characteristic of a neo-patrimonial regime is that the main authoritative figure maintains authority through personal patronage instead of ideology or law. Under the classic n patrimonialism, the right to rule is given to an individual instead of an office. In the modern neo-patrimonialism, the relationship of loyalty and dependence circumvent formal political and administrative systems. In most occasions, leaders who occupy these offices are not interested in the provision of public good and services to the general public, but they are only interested in acquiring wealth and status for personal reasons. Therefore, in such a setup, differentiating between private and public sphere complicated and the sole aim and focus of a neo-patrimonialism is to accord public officials personal incentives, for instances, in terms of positions in the civil service within the state. The achievement of the same in the society is through the awarding of licenses, contracts and projects. In return of material incentives, clients mobilise political support and console for the decision to the top leaders in power as a way deference to patrons (De Waal 2015: 32).

[117] In an original social-scientific sense this term was employed by Stanislav Andreski while referring to Nigeria states that: "The essence of kleptocracy is that the functioning organs of authority is determined by the mechanism of supply and demand rather than laws and regulations" (Andreski 1968:108f quoted in De Waal 2014: 348). As for the case of South Sudan, it is worth to note that the political market place is gendered as all kleptocrats are male. This is a result of social values and norms of the political marketplace in the country is militarised and masculine (De Waal 2015: 34).

services (e.g., health, education) for the general public (De Waal 2014: 359). The World Bank outlines this in a review depicting how spending tracked actual revenue, but not the budgeted finances (Johnson 2016: 32f, World Bank 2013: 4).

Corruption in South Sudan is rooted in fragility and inept management of institutions of governance, lack of accountability, and abysmal transparency. The liberators in South Sudan have become big spenders of public funds, engaging in massive graft and corruption, and mismanagement of federal funds redirected to support entrenched ethnic and clan patronage networks. Their lack of political will weakened the state's institutions and neglected state-building, further plunging the country into a state of emergency. Corruption and patronage have become the system of governance in South Sudan, and this has aggravated the crisis of legitimacy crisis within the political arena.

8.4.3 Creation of negative ethnicity

During the liberation war, ethnicity was used by liberation leaders to foster unity of purpose for all southern Sudan's ethnic groups during their struggle against Arab-Islamic hegemony over the government in Khartoum. However, South Sudan's social fabric that comprises 64 ethnic groups that form different nationalities is currently torn apart by negative ethnicity resulting from competing cultural norms and values. Tribalism, as opposed to tribal identity, has been re-engineered. South Sudanese identify themselves mainly through ethnicity grounded on regional ethnic areas that are governed by chiefs and elders (currently referred to as traditional or customary authorities). Even though negative ethnicity was initially a colonial construct, at the moment, tribalism is exacerbated and used by political leaders for their interests and power struggles (Kon 2015, Daly et al. 2017: 2, De Waal 2015: 91, Johnson 2016: 94f, Willis et al. 2012, World Bank 2010).

In the absence of well-trained political leaders and lack of trust amongst the citizens, an ethnocentric system of governance (or political tribalism) based on a divide and rule tactic has further been exacerbated and abridged by SPLM/A's political and military elites to settle political scores as well as exert their power. Weak state institutions lead the government to rely on pacification to sustain their patronage, and to ensure the loyalty and support of their ethnic groups (Hutton 2018: 26).

A forceful creation of 32 new administrative boundaries and structures 'tribal areas' along ethnic or sectional borders has further enhanced the manipulation of ethnic identities by political and military elites. The embrace of this ethnocentric approach in governance by political and military elites does not only increase competition but also increases nepotism and cronyism, leading to the exploitation of ethnic and tribal allegiances by the political and military elites. As such, it has

polarised inter-ethnic solidarities, and fuelled mistrust as well as fuelling regional and national political tensions. This undermines peaceful coexistence and social-cultural development across the country (Arensen et al. 2014: 3ff, Daly et al. 2016: 2, 23f, Johnson 2016: 93f, Kon 2015, Roque 2017, Willis et al. 2012, World Bank 2010).

A section of SPLM/A members holds the view that they have more rights to the benefits of independence than others who never fought in the liberation war. This is because they perceive themselves to be martyrs who sacrificed their lives for the liberation of South Sudan. As a result, they feel entitled to privileges in the post-independence period. Ethnicity has also become a political identity based on social structures, and at the same time, it is replicated in state institutions. For instance, the President of South Sudan has, on several occasions, made assertions that the Dinka people are entitled to peace dividends in the post-independence period because the Dinka ethnic group made disproportionate sacrifices during the liberation war. Therefore, they are entitled to a disproportionate share of positions in the military and the government (cf. Arensen et al. 2014, Deng 2011, Hutton 2018: 26ff, Radio Tamazuj 2016, Daly et al. 2017: 10).

South Sudan has experienced a post-independence upsurge of Dinka ethnic nationalism founded on an ideology of hegemony and domination of the country's affairs. It has also led to the formalisation of the Jieng Council of Elders (JCE), an ethnically Dinka lobby group that offers one-sided tribal advice and currently acts as a power broker for President Salva Kiir. It has dominated the military and security apparatus, undermining the SPLA chain of command. This has paved the way for the progressive marginalisation and exclusion of non-Dinkas from the SPLA, from the government, and limited access to essential South Sudan's social, economic, and political crisis has triggered the eruption of two civil wars in the post-independence period. It has led to social fragmentation along ethnic and provincial lines, economic meltdown and severe humanitarian crisis (cf. Akol 2017, Amuor 2017, Arensen et al. 2014, Daly et al. 2016: 10, Hutton 2018: 26ff, Laku 2017, Nyaba 2019: 218, 223f, Radio Tamazuj 2016, UNSC 2016, UNSC 2017).

Such notions have not only led to negative ethnicity in the public sector, but it has also weakened governance structures, the political party, and the bureaucratic roles of the state. The country's ethnocentric political culture has led to massive challenges and problems, including rising cases of impunity, violation of human rights, ineffectual channels for resolution and conflict prevention, and ethnic exclusion. Also, the entrenchment of corruption based on negative ethnicity has replaced the SPLM's commitment to the development and provision of goods and services. Discontent, political unrest, insecurity, and instability systematically undermine the new nation's social fabric (Brethfeld 2010: 19ff, cf. Kon 2015, cf. Jok 2016, Sudan Tribune 11th July 2013).

In an interview conducted in Nairobi, a South Sudanese politician confirmed that the government has failed to integrate the broader population into governance. He said that the military is dominated by the President's Dinka ethnic group, leading to institutionalisation of ethnicity by a small clique of elites who have increased patronage in the movement instead of pursuing everyday matters of national interests (Interview on 10th October 2018).

In sum, the SPLM/A has become a tribal and military entity. Negative ethnicity has derailed SPLM/A's liberation vision to establish a just and free democratic society, to consolidate sustainable peace, promote economic development, and implement good governance. It has damaged the SPLM/A's political support from the citizens. Likewise, the citizens hide in their ethnic cocoons in a deeply fragmented society devoid of trust. Ethnic factionalism and rivalry have led to the proliferation of arms behind the country's violence and instability. Ethnicity has also impeded south Sudanese society from choosing genuine political leaders from other communities as an alternative to the current political class.

8.4.4 A relapse in violence and insecurity

The optimism, the hard-won jubilation, and the revolutionary legitimacy that came with the signing of the Comprehensive Peace Agreement in 2005 and the subsequent independence of South Sudan in July 2011 has waned. The SPLM is currently facing challenges to transform itself from a rebel movement into a representative civilian government. The Republic of South Sudan is faced with the same negative proclivities that beset Sudan during the liberation war. Moreover, as a result of personal and patronage-based politics, weak institutions, and the national identity crisis, South Sudan is now embroiled in political and economic conflicts that sustain the instability and fragility of the new state.

The main trigger of violence and insecurity in South Sudan is the government's failure to address underlying post-CPA and independence period grievances and implement state and nation-building measures. The grievances include social exclusion, mistrust and competition within the SPLM/A, unfair and unequal access to resources, employment, disproportionate burden-sharing in a crisis, and the uneven distribution of benefits from the oil bonanza. In addition, politicians unable to win office through peaceful means have been capitalising on ethnic loyalties to mobilise their ethnic constituents - their political support base into violence. Additionally, unfulfilled promises, regional neglect from power and resources of the government, deteriorating economic condition, SPLA harassment of local civilians as well as unconstitutional dismissal of elected governors has triggered an increase in violence (cf. De Waal 2016, Detzner 2017: 118, Schomerus et al. 2017, Sentry Report 2016).

Privatisation of communally owned land has led to massive displacement of people from their ancestral land. Scarcity of water and pasture, especially during dry periods, have exacerbated conflict between farmers and the pastoralist communities who have armed themselves to protect their livestock and farmlands. Conflicts have ensued in the Equatoria region between pastoralists and agriculturalists. Due to high levels of poverty and lack of livelihood opportunities, the inflated bride prices usually paid in terms of cattle has further increased violent tendencies among the Dinka (cf. Johnson 2016, Medani 2013: 26ff, Nyaba 2019: 238, Schomerus et al. 2017: 23f).

Traditional bride-wealth practices and inflationary pressures on dowry have increased young men's vulnerability to elite patronage, a scenario in which elites who own large herds of cattle offer their cattle to armed protectors. This encourages raiding and counter raiding, which has become the only kind of justice to the ungoverned spaces where the government is absent. In addition, cultural practices, including honour killings arising from intergenerational hostilities, add to South Sudan's complexity (cf. African Center for Strategic Studies 2018, Johnson 2016, Schomerus et al. 2017: 23f).

Widespread insecurity and availability of small arms are products of Sudan's civil wars and the provision of arms by the Khartoum government as part of a destabilisation tactic in the post-independence period. The government's failure to contain informal armed groups, disarm the civil population, and the state's inability to monopolise the legitimate use of force are contributing factors. The localised nature of violence and mistrust of government forces has been monopolised by certain ethnic groups while excluding others. For instance, in many areas, farmers do not view the government as providing protection because it has been providing the Dinka cattle keepers with guns. In turn, this contributes to small-scale and large internal conflicts among the Dinkas in the Bahr el Ghazal (cf. Amnesty International 2016, Brethfeld 2010: 22, Copnall 2014, ICG 2011: 7, Johnson 2016: 105-112, LeRiche et al. 2013, LeRiche 2015, McEvoy et al. 2010: 9ff, Schomerus et al. 2017: 23f, Snowden 2012: 11ff, SouthSudanNation.com 6th December 2013, O'Brien 2009, Young 2012).

Much of the conflict in South Sudan is characterised by ethnically targeted violence against civilians perpetrated by the government army (SPLA). This highlights the lack of command structure and control over the poorly disciplined army. Armed opposition groups add to the violence against the local civilian population. The social contract, which is 'the set of rules both formal and informal that guide the behaviour of citizens, entrepreneurs and government' is weak, and eroding as legitimate grievances remain unresolved (Addison 2006: 137, cf. Copnall 2014, Hoogvelt 2005: 1, ICG 2011: 7, cf. Johnson 2016, Jok 2014, LeRiche et al., 2013, Young 2012).

Political and ethnic divisions widened by the post-independence civil wars that broke out in December 2013 and July 2016 continue to fuel ongoing clashes in certain parts of the country. More than 400,000 civilians became internally displaced in the first month of the 2013 conflict, and tens of thousands of citizens sought refuge in United Nations bases commonly referred to as Protection of Civilian camps (POC), and other neighbouring countries. The number of internal refugees makes South Sudan the third highest nation in the world for this category after Syria and Afghanistan. Almost one in every three people have been forced to move since the conflict erupted. Some 3.7 million citizens have fled their homes, and more than 2.3 million have fled to the neighbouring countries, while more than 1.8 million are trapped in conflict zones (Mercycorps June 2019).

The independent government of South Sudan has only been in existence for nine years after attaining independence in 2011, and this provides a larger context for its poor track record. Violence rampant at the grassroots level and the government's failure to rebuild the social contract reinforces a vicious cycle of conflict and institutional decline. Since independence, the SPLM/A has abandoned its mandate to rule through a legitimate monopoly over the means of physical coercion (Weber 1968: 55f). Shifting loyalties become common practice as armed groups switch sides either to join the government or defect to opposition militias, resulting in the rise of cartels based on violence that exacerbates the country's dire economic situation.

The different armed groups, militias, and government forces all underscore the divided monopoly overpower. In these circumstances, armed political elites, military commanders, and community leaders engage in violence and war to secure a place at the peace negotiation table or lucrative positions in the government. As a result, the state has become a new source of conflict and turmoil. It is worth noting that the causes of insecurity and violence do not exclusively arise from 'ethnicity' but also political-economic challenges. The dominance and authoritarian nature of the ruling SPLM/A and the country's overreliance on oil revenue has hindered the establishment of autonomous political institutions and security agencies independent of ethnic groupings. All these factors also indirectly impacted most South Sudanese living in the periphery where the state has not penetrated, but are nevertheless the site of contests over resources and the privatisation of communally owned land (Hutton 2018: 25-30, cf. Medani 2013).

8.4.5 Dominance and split of SPLM/A

This section and the subsequent subsections analyse the modus operandi of the SPLM/A with respect to the consolidation of political and eudemonic legitimacy in the post-conflict period. The analysis in the section revisits and embraces two pre-conditions: *attitudinal or behavioural* and *structural change* (cf. Brinkerhoff 2005, De Zeew 2008).

The issue of *attitudinal change* or *behavioural change* highlights the government of the SPLM/A failure to relinquish its military ethos to adopt a civil ideology. The government is instead characterised by neo-patrimonial and kin connections, and personalised military structures. There is no distinction between the SPLM as a party, and the SPLM as a government of military personnel and politicians. These factors account for why the military has become one of the leading causes of insecurity and political instability in South Sudan. The political class flourishes by fostering and managing this insecurity and instability (Kuol 2018: 40f, Miamingi 2018: 17).

The government is unable to cater for social and development programs because South Sudanese society has become highly militarized, with large numbers of soldiers, ranging from 210,000 to 230,000, further complicating the security situation. The underlying causes of militarisation include the SPLA's focus on mobilisation based on instrumentalised age-sets and cattle militias such as *gel weng*, *tit weng*, *Mathiang Anyoor*, as well as *monyomiji*, especially in the Eastern part of Equatoria. The political mobilisation of the SPLA reinforces ethnic and regional factors that explain why it no longer resembles a national army. Its internal structure is fluid and subject to the influence of various militias, proxy forces, and changing alliances. The militias are loyal to multiple military leaders and politicians. The real role of the SPLA is less as a national army and more as protector of the interests of crucial figures or specific ethnic groups (cf. Apulli 2019: 32f, Johnson 2016: 230ff, Miamingi 2018: 19ff, Schomerus et al. 2016, Nyaba 2019: 22f, Rolandsen 2015: 165ff, Roque et al. 2017: 15).

President Salva Kiir is accused of mobilising his private army of Presidential Guards and the Tiger Battalion (mostly referred to as *dutkebeny* - which means protect the President) who have been absorbed in the SPLA structures where they continue to engage in unconstitutional means of governance. Kiir has achieved this through his elitist tactics of centralising and controlling the government since 2005, leading to an intricate, underfunded, and personalised politico-military economy. Under his rule, the political decision-making process has violated procedural justice by appointing military commanders to critical political posts by decree. For example, out of the ten states, eight governors came from the military, another factor contributing to the SPLM's waning legitimacy (cf. Johnson 2016, Snowden 2012: 24f, Knopf 2013: 120ff, Nyaba 2019: 225, The Sentry Report 2016: 11).

This makes it difficult to distinguish between politicians and their military duties, especially when the same governors control the military in the states that they serve. The former revolutionary leaders have transformed South Sudan into a militarised corporate state where they now perceive themselves as the 'martyrs' who sacrificed their lives for the liberation of the country. These militaristic elitist 'martyrs' have established monolithic power blocks that imbue their 'self-

sacrifices' with a permanent claim of power. They created power blocks that exclusively serve their interests through military means. At the same time, they ignore the needs and demands of the population, and its promises, which enabled the movement to acquire revolutionary legitimacy during the war of liberation (cf. Clapham 2016, Daly et al. 2017, De Waal 2014: 348f, Johnson 2016, Mc Evoy et al. 2010: 9, Sudan Tribune 11th July 2013, Sudan Tribune 17th February 2014, Sudan Tribune 26th February 2014, Roque et al. 2017: 15, Washburne 2010: 180f, Young 2012).

The SPLM has not embraced inclusivity and tenets of democracy. Instead, it continues to politically marginalise and silence the opposition through intimidation, arbitrary arrests, and dismissal of leaders who are dissatisfied with the status quo, and the movement's dictatorial tendencies. The Equatoria region's political class believes that the SPLA political elites from Bahr el Ghazal, the Upper Nile and the military interests dominate the government. The domination of SPLM by its military elites is the source of simmering dissatisfactions. Opposition parties complain that the CPA inadvertently initiated a one-party rule by empowering the SPLM. The SPLM as a party is an alliance among various centres of power and communal loyalties that has displaced the conventional role of competing visions or ideologies (ICG 2011: 7f, cf. Hyman 2013, Johnson 2016: 175ff).

In terms of *structural change*, the SPLM/A has a huge task complicated by its limited aptitude for establishing multi-level governmental institutions. The government has not developed effective bureaucracy or technical efficiency in its governance organs and structures. For that matter, the SPLM/A has yet to draft and promulgate a permanent constitution. A transitional constitution bedevilled by controversies functions in its place. The interim constitution confers extreme powers on the executive branch, while the legislature and judiciary's role of institutionalising checks and balances has been supplanted by their subordination to the executive.

It is impossible to impeach the president, although the president can dismiss judges, the deputy vice president, members of national and state assemblies, and elected governors from office. This undermined democratic principles for elected state offices and the system of federalism. The President also has powers to appoint and dismiss chairpersons of independent commissions and ministers without consulting with the parliament, a situation characteristic of the "*Big Man Syndrome*" (LeRiche et al. 2013: 154, Jok 2014, Hyman 2013: 11ff, Knopf 2013: 20ff, Moss 2007: 37-40, Sudan Tribune 11th July 2013).

The SPLM/A has not restructured its war-time governance practices and structures after the signing of the CPA in 2005. Its decision-making process follows a centralised, top-down approach, with the President doubling up as the chairman of the SPLM/A. In addition, the movement has continued to hold on to its centralised war-time administration structures, which in most occasions are weak,

opaque and embryonic at best. The wartime neo-patrimonial civil-military structures have endured into the present. Senior authorities within the SPLA who commanded monopolies over war-time profits continue to exploit the peace. Also, the existing lower levels of government face financial problems, and lack the organisational incapability to enact power to carry out essential functions such as the provision of goods and services. As a result, the SPLM/A has lost the legitimacy to govern (cf. Ajak et al. 2013, Boell 2012: 58, LeRiche et al. 2013: 148ff, Knopf 2016, Prendergast 2012: 1).

In an interview, a former government officer in South Sudan stated that the two powerful organs of the SPLM, that is, the Politburo and the National Liberation Council, remain structurally unchanged in the post-conflict period. He also remarked that this has impeded the SPLM's transition to a democratic political party open to political participation and engagement of people in government affairs and supports the right of South Sudanese to hold a constitutional referendum. He added that "senior members of these two SPLM elitist bourgeoisie' organs are power-hungry and competing to be South Sudan's President. As a result, the party has sidelined the provision of goods and welfare services to the citizens because "the leaders are struggling for power." Moreover, he cited the SPLM/A's failure to resolve ethnic tensions and its inability to embrace other ethnic groups in the government, which has caused dissension and factionalism that is negatively affecting post-war-nation-building. As a result, SPLM's consolidation of post-conflict legitimacy is at stake (Interview with former South Sudanese government official on 14th May 2018).

On the administrative front, intrusion into SPLMA by a section of government ministers has weakened the implementation of policies and structural decisions. Moreover, the president often makes unilateral decisions affecting governance in the party. For instance, the centralisation of president Kiir's powers includes the January 2016 decree, which ordered the transfer of SPLA's defense military directorate and finance to the party's general headquarters. The order defied the 2009 SPLA Act since it disempowered the Defence Ministry and accorded the SPLA responsibility for resource allocation (The Sentry Report 2016: 11).

A unilateral presidential decree to increase the number of states from 10 to 32 in 2017 altered the existing boundaries and contravened South Sudan's Transitional Constitution. In addition, Article 161 (1) of the constitution stipulates that the territory of South Sudan comprises ten states, and only the national legislature can amend that provision according to Articles 162 (3) and (4), which confers the power to change boundaries on the Council of State. The unconstitutional creation of these new states led to decentralised structures that resemble ethnic fiefdoms. It also put pressure on the budget (Daly et al. 2017: 23f, Roque et al. 2017, Young 2017: 16f).

The president has also changed the character of state agencies through the appointment of informal and non-state authorities such as Jieng (Dinka) Council of Elders, South Sudan Council of Chiefs, the Equatoria Council of Elders, the Shilluk Kingdom's intellectuals' committee, and the Nuer Supreme Council. The creation of ethnic-centric institutions with a few people exerting undue political influence has further increased patronage politics proliferating within government structures, reduced government's accountability, and transformed South Sudan into a totalitarian dictatorship. All these have resulted in violent conflicts characterized by informal elites pursuing access to resources and control of political space. This has plunged the country into a profound social, economic and political crisis, as well as catalysed and triggered the eruption of two civil wars that have led to a humanitarian crisis (Daly et al. 2017: 21, Schomerus 2010: 7f, Nyaba 2019: 218f).

The SPLM/A's failure to enact structural and attitudinal change and its dominance in its political and military affairs while neglecting its citizens has led to competition for movement hegemony. As a result, the party has witnessed massive defections, internal disintegration into rival factions, and insecurity leading to the eruption of violent conflicts. The conflicts have taken different forms and levels later degenerated into a civil war in December 2013 and from July 2016 to date. The internal split of the SPLM is an indication that the movement has outstayed its welcome (Adeba 2014: 5, Arensen et al. 2014: 3, Daly et al. 2017, cf. Johnson 2016, Nyaba 2019: 218ff, Warner 2016).

8.4.5.1 History repeating Itself: The disintegration of the SPLM/A

The SPLM/A's current crisis started after the death of the movement's leader, John Garang de Mabior, in a helicopter crash on July 30, 2005, with ensuing misfortunes. The subsequent takeover by Salva Kiir cancelled Garang's plan to separate the SPLA from the SPLM. As we observed earlier, this plan failed due to Kiir '*Big Tent*' policy through which irregular armed militias were offered amnesties and later integrated into the SPLA. President Kiir did this because the SPLM/A lacked the political and military power to dominate southern Sudan. Failure to integrate the armed militia into the SPLA hindered Garang's plans, undermined his reform efforts, and weakened SPLA unity and the military professionalism of a guerrilla army which was attempting to transform into a professional army (De Waal 2015: 91ff, Johnson 2016: 175ff, cf. Jok 2014, cf. Nyaba 2019).

The eruption of the December 2013 conflict paved the way for the SPLA to disintegrate into factions, and the political battle later spread to the army. A reformed and united national army would remain intact even if political leaders disagree. Kiir weakened the SPLM/A for the sake of regional and ethnic lobbies for the SPLM chairman position. The promotion of 'recent converts' was an incentive and a reward for warmongers, which contributed to an endless cycle of rebellion

by spoilers of peace (African Center for Strategic Studies 2018: 11, Apulli 2019: 32f, cf. De Waal 2016, Johnson 2016: 175ff, Miamingi 2018: 20).

While the specific motivations behind the insurrections vary, all are in one way or another linked to election-related tensions, the political rivalry amongst southern leaders during the war, and discontented ambitious political leaders. The rebellion within the SPLM/A emerged as a result of procedural legitimacy deficits in the election process, which triggered discontentment amongst the soldiers. In addition, the SPLM/A's leadership overrode many state-level party nominations by favouring party cadres who lacked support from the population. Consequently, the violence and insecurity which ensued after the outbreak of the 2013 and 2016 civil war took an ethnic dimension of Dinka versus Nuer, and vice versa (Amnesty International 2016, Arensen et al. 2014, ICG 2014: 6ff, Johnson 2016, Johnson 2016: 105-112,141, f, Schomerus et al. 2017, SouthSudanNation.com 6th December 2013, Sudan Tribune 17th February 2014, Sudan Tribune 26th February 2014).

SPLM/A's crisis and its eventual split result from a leadership debate on its constitution as a political party. March 2012 saw the approval of the Political Parties Act. But since the SPLM had not registered as a political party, several issues arose to impede the process. Some of the issues include the circumvention of contentious issues such as the method of selecting the Chairman of the SPLM, which in fact is coterminous with the election of South Sudan's president, and delays in holding of National SPLM Convention scheduled in May 2013 to elect the party leader. In addition, the members of the SPLM Political Bureau and secretariat of the party cited frustrations in drafting the constitution, and the frequent postponement of this process (de Villers 2015: 89-100, Johnson 2016: 160f, Wassara et al. 2017: 117ff).

The process encountered several problems; First, it was not clear whether voting would take place through a secret ballot or show of hands; the second uncertainty was whether the chairman of the party was allowed to nominate members of the Political Bureau, or if the National Liberation Council would elect members of the Politburo and the deputy chairman of the party, or the chairman would appoint them. Finally, there was a need to know whether the chairman had the mandate to appoint 5 per cent of the delegates to the National Convention. This 5 per cent was vital if selected prudently (Johnson 2016: 160).

President Kiir and the factions aligned to him wanted him to retain the existing powers that the party constitution accords him. However, the other two main factions, Riek Machar and his supporters, and the *Garang Boys* (who backed John Garang's vision of multi-ethnic SPLM), rallied for democratic changes in the party. As a result of these disagreements, a blame game ensued. Riek Machar accused the President of not tackling corruption, nepotism, favouring members of his community, and lack of internal party democracy, as well as the need for reforms in the security

sector. Riek Machar also blamed the president for the poor economy, lack of vision for the SPLM, and loss of South Sudan's international support. These problems were evident since the signing of the CPA in 2005, and Riek too was to blame since he exercised significant powers through his position of chair for almost all cabinet meetings (Johnson 2016: 164, Githigaro 2016: 112-122).

Riek Machar subsequently lost 'all the duly delegated powers' entrenched in the Transitional Constitution through a Presidential Decree. President Kiir suspended the National Reconciliation Conference that Riek Machar had organised after politicising the power struggle between him and the President. On 23 July 2013, Kiir dismissed his entire cabinet, and the secretary-general of the SPLM, Pagan Amum, after which he formed a new government. This was criticised by the Garang boys, who claimed that the president did not use the legitimate party organs to constitute the cabinet but instead promoted the younger, second generation of the SPLM. They perceived this as the marginalisation of the 'real liberators' (Johnson 2016: 157-178, Wassara et al. 2014: 117-124).

President Kiir also disbanded the highest organ of the party, the Political Bureau, and the National Liberation Council. The opposing groups claim that the SPLM leadership embraced dictatorial tendencies supported by dysfunctional structures at all levels of the government. SPLM members who held different views were sacked. The President then ordered the arrest of leaders who were dissatisfied with the *status quo* within the movement. These opposition leaders argued that the party monopoly had curbed institution building as much-needed technocrats from outside the party were marginalised, and their skills lie idle or lost due to emigration (ICG 2011: 8, ICG 2014: 4, 12f). In addition, Kiir's government failed to provide solutions to important issues such as security and essential services. As a result, opposition arose within the movement, eventually leading to the internal disintegration of the SPLM/A into two factions, the opposition being led by the *Garang Boys*, and *SPLM in opposition* (SPLM-IO) headed by the country's former Vice President Riek Machar (ICG 2014: 13, Johnson 2016: 152ff, upperniletimes.net 5th July 2014).

As a result of the power struggles within the SPLM/A, the movement experienced a political dispute on 15 December 2013. It sparked a war in the barracks and army headquarters in Juba between the soldiers who were loyal to the two leaders. President Salva Kiir (a Dinka) accused his former deputy, Riek Machar (a Nuer), and ten others of attempting to overthrow his government. Salva Kiir dismissed his entire cabinet, and Taban Deng Ghai, also a Nuer, replaced Riek Machar. However, army factions loyal to President Kiir (mostly from Dinka ethnic group) prevailed and pursued Machar's loyal troops. They engaged in the door-to-door killing of unarmed Nuer civilians in Juba. Riek Machar denied having planned and instigated the coup and accused the president of inciting tribal, and ethnic hatred and violence to whitewash his failings (Johnson 2016: 155f,190, 198, Pinaud 2014: 192ff, Rolandsen 2015: 165ff).

Resurgent violence and insecurity marred South Sudan due to this conflict, which set off a domino effect adding to the legitimacy crisis. The SPLA monopoly of force weakened further as government brutality led the civilians to arm themselves, some choosing to fight the SPLM in Opposition (SPLA-IO). The SPLA fragmented along ethnic lines as the civil war took an ethnic dimension of Dinka versus Nuer and *vice versa*. The targeting and killing of the Nuer civilians in Juba led to the emergence of an informal Nuer youth militia known as the White Army or *Burnam.* Its motive was to carry out revenge attacks against the purported 'Dinka-led' government. Furthermore, whether in a pre-meditated concert or as a retort to these events, a significant number of SPLA security forces in Jonglei, Unity, and the oil-producing state of Upper Nile States defected from the government and joined Riek Machar. As a result, these regions became opposition areas led by Riek Machar (Johnson 2014: 300-309, Johnson 2016: 199, Nyaba 2019: 225).

The SPLM/A government recruited Darfurian militia, and the Ugandan government helped the it stop the advance of rebels to Juba in 2014. Moreover, the SPLA, which is marred by internal ethnic divisions within its ranks and lack of a unified command structure, formally incorporated private militias into its military apparatus to defend their territories against the armed opposition groups. This included the *Gelweng* and *Titweng* (cattle guards) from Bahr el Ghazal. They comprise a community-based group of armed and well-organized Dinka youth whose protection of communities' cattle herds is central to their identity. The others include a personalised Dinka militia, *Mathiang Anyoor* (brown caterpillar in Dinka), established by Paul Malong and later integrated into the SPLA. These waves of recruitment culminated to an army of soldiers who are mainly loyal to individual commanders. The inclusion of these informal armed groups led to the transformation of the war into a massive Dinka-Nuer conflict that further exacerbated the country's propensity for violence and insecurity (cf. Johnson 2016, Saferworld 2015, Schomerus et al. 2017, Pendle 2015: 410-434).

The conflict then took another twist. Another group of loyalists and prominent leaders within the SPLM/A defected and declared their support for the rebellion against the SPLM/A. Major General James Koang Chuol defected from the SPLM/A and supported the opposition forces, turning Bentiu into an opposition area. Others include former Chief of Staff General Paul Malong (Governor of Northern Bahr el Ghazal 2008-2014 and Chief of Deputy of the SPLA in 2014) from the president Dinka's power base, who resigned from the government and established his own movement, the South Sudan United Front (SSUF).

General Thomas Cirillo Swaka, another military officer, resigned from the government in February 2017, accusing Kiir of turning the SPLA into a tribal army. He formed another armed group known as National Salvation Front (NSF), which is currently the most stable Equatorian faction in the

armed opposition. Others include Joseph Bakosoro, a former governor of Western Equatoria and the MP for Collo (Shilluk), and Onyoti Adigo Nyikwec. Following this, the rebellion spread from Juba to other parts of the country (Apulli 2018: 36, Johnson 2016: 199-206, ICG 2011: 8, ICG 2014: 4, 12f, cf. Nyaba 2019).

Several peace talks have been held under the auspices of IGAD since the eruption of this conflict. Different arrangements for cessation of hostilities were reached but never materialised on the ground. Finally, a peace agreement was formed in Addis Ababa in 2015 on the Resolution of Conflict in South Sudan (ARCSS). This agreement initiated the formation of a transitional government in which Salva Kiir remained the president, and Riek Machar became the First Vice President. But fighting erupted once again in July 2016, after Riek Machar hesitantly returned to Juba to assume office. As a result, Machar and his loyal troops fled on foot to the Democratic Republic of Congo. Since then, the country has faced rampant insecurity, violence splintering and fragmentation.

South Sudan became a conflict zone and a nation in crisis. All the stakeholders to the conflict, including the government, have splintered. Identification of actors driving the current conflict is to some extent complex since new actors and stakeholders continue to emerge. They have embraced warlord strategies and are now using peace negotiation as forums to acquire a career in politics to advance their selfish interests. They inflated the price of peace by delaying the attainment of the comprehensive peace agreement. Relative peace returned to South Sudan in February 2020 after President Kiir and Riek Machar, together with other rebel groups, signed the Revitalised Agreement on the Resolution of Conflict in South Sudan (R-ARCCS).

The agreement has led to a creation of a Revitalised Transitional Government of National Unity (RTGoNU) that is scheduled to last 36 months or until democratic elections are held. Once again, Riek Machar became the Vice President. President Kiir agreed to reduce 32 regional counties to the original ten states as Machar demanded. But the formation of a unified military and cantonment of forces never occurred. Until the warring parties reach an agreement, the achievement of peace will remain a distant reality.

As the above analysis of SPLM/A reveals, the movement has failed to initiate the development of social, economic and political systems different from those of the former oppressive government in Khartoum. Insecurity and violence, lack of reforms in the security sector, and personalisation of power remain the main destabilising factors in the country. Other factors include corruption and cronyism, the militarisation of public and private life, impunity, weak institutions and lack of democracy (cf. Bereketeab 2018b, Nyaba 2019: 211, Southall 2013, Kuol 2018: 44, Otieno February 13 2020, Otieno 31st October 2019).

8.4.5.2 Citizens' perception of the SPLM

State-society relations have worsened because of the oppression of the citizens by both the repressive government forces and predatory armed groups. The public has lost trust in the government, and the government has jettisoned its legitimacy, accelerating the decline of important institutions. The country's legal system has collapsed. As a consequence, the statutory and traditional county-level legal apparatus is at risk of being exploited by the state, armed groups, and political figures. The pervasive militarisation of public life has been extended to the administration and resolution of justice. Most judges, including statutory judges from the court of appeal, have relinquished their positions due to threats, and the non-payment of their salaries by a government at war with itself.

The South Sudanese now avoid seeking justice through the courts due to corruption and the fear of political consequences to the plaintiffs. Cases against military personnel on issues such as rape are, on most occasions, perceived as anti-government actions. Because the citizens view the gates of justice as being closed, there is, in effect, no government (Daly et al. 2017: 22, Musila 2018: 47, Nyaba 2019: 219f). The citizens' negative perception of the government underscores its inability to consolidate its output/performance legitimacy in the post-independence period. The 'liberators,' both in the government and opposition forces, have committed war crimes and crimes against humanity. These include the use of rape as a weapon of war, forceful displacement, and the killing of innocent citizens based on ethnicity. As a result, the military 'liberators' legitimacy and support from the civilian liberators has waned (Kuol 2018: 40).

During the course of field research in South Sudan (October 2017 to November 2018), most South Sudanese expressed mistrust for the political elite, who they viewed as greedy self-seekers exploiting the peace dividend at the expense of the population (Interview in Juba on 27th October 2017). Also, in another interview with a former rebel, the informant indicated that the citizens no longer recognise the government because it breached the main principles behind the liberation war, denying the South Sudanese their much-anticipated peace dividend (Interview on 05.07.2018 in Nairobi). Or, as another interlocutor stated:

> "Both the government and the opposition groups have failed the South Sudanese citizens. This war is not about the general well-being of the larger society but war their war for securing public offices at the expense of bloodshed by oppressed citizens. The warmongers, through their continuous dogfights, have neglected South Sudanese who are left to fend on their own. I and others do consider them as genuine ambassadors of peace. Just wait and see, even though peace comes again, it will not be about us but for both their selfish interests (Interview on 15.02.2020)."

The government proved incapable of consolidating its output legitimacy in the post-independence period, mirrored in its inability to provide public services to its citizens and gagging the media. Media laws are restrictive. The National Security Service (NSS) has the powers to arrest, monitor communications, conduct searches, and confiscate property and equipment. Several media and print houses have closed. Media personalities, politicians, scholars, and civil activists agitating for political reforms in South Sudan face arbitrary arrests, abusive treatment, and intimidation by the high-handed government's security apparatus. For example, a journalist who wrote articles on Riek Machar, and others from the opposition who published statements were termed as 'rebels and agitators.' Many were prosecuted and imprisoned without the due process of the law (Daly et al. 2016: 33, Garang 2013: 194,199, Johnson 2016: 95f, Sudan Tribune 17th August 2015).

Diing Chan Awol, a blogger, was killed for writing about corruption and abusive actions of the government. Other examples include two university lecturers from Juba who were prosecuted for their activism. Since 2013, the people are afraid of airing their views. The citizens cannot express their opinions publicly nor demand accountability from the government. But the SPLM members who liberated the country are allowed to rule and enjoy the fruits of their 'labour' without being questioned (Daly et al. 2017: 34, HRW 15 October 2014, Johnson 2016: 95f, Hutton 2018: 36, Sudan Tribune 12th October 2014, Sudan Tribune 17th August 2015). Social activists, journalists, and prominent politicians have faced unlawful arrest, detention, torture, and disappearances. Despite the importance of social and cultural gatherings, the political space has shrunk significantly. Church services, funerals, weddings, and other meetings also face scrutiny by undercover security agents (cf. Awolic 2018, Jok 2016).

The government has imposed itself as the patron in matters of national dialogue and reconciliation, side-lining all opposition groups from taking part in it. The President appointed the committee by decree without engaging any party in planning. He also initiated punitive measures for anybody who criticised the peace initiative, and those who abstained from the National Dialogue. The national dialogue has further fragmented the country's civil society. Organisations such as the UN Development Program and civil society viewed this as a chance to engage with the government; other activists felt that this top-down transitional justice agenda has been hijacked by the upper echelons of Kiir's government. In their view, it aims to use political instruments of government to silence or co-opt internal disparagement. Lack of trust has distorted the attempts to restart the National Dialogue, while people appointed to the commission have remained anxious since they fear the consequences of leaving the committee.

Summary

In earlier sections, the study outlined preconditions for a successful transformation of a former rebel movement to a legitimate political party. These include structural and attitudinal changes necessary to strengthen input and output legitimacy. This precondition is essential for consolidating a former rebel's political and eudaemonic legitimacy in the post-conflict settings. Analysis of the modus operandi of the SPLM/A confirms that SPLM's transformation process has failed. SPLM is unable to support 'working rules of collective action', which could have been facilitated by empowering state institutions embodying the social values, tradition, and beliefs of its people. The shrinking of democratic space results from the centralisation of the decision-making process by the military regime coupled with the limited powers and capacity of institutions. This has contributed to ethnic divisions, and patronage as the dominant system of governance in South Sudan (Hyman 2013: 4ff, Johnson 2016: 20f).

The movement has failed to commit to its former revolutionary ideology. It is unable to enact policies aimed at improving the living conditions of its citizens, and to provide welfare and development activities for health, education, security, economic and infrastructure development. The SPLM/A has also failed to establish an impartial judiciary and governance structures or to promote national integration and reconciliation programs. The SPLM did not implement the Disarmament, Demobilisation and Disintegration program (DDR) as required after violent conflict. Instead, the movement bought loyalty, relied on patrimonialism to the detriment of legitimacy-building procedures, and depended on the use of transactional politics to negotiate deals with a wide range of opportunistic actors. This aggravated the problem of the militias and increased their sense of importance, leading to competition for spoils of war among the various Other Armed Groups (OAGs) (cf. Bubna 2011, De Waal 2014, Snowden 2012).

The SPLM/A's adulatory attitude towards the militias reduced the agreements to a cosmetic arrangement instead of establishing long-term peacebuilding initiatives. The scale of the abused military integration process has continued to curtail the attainment of the movement's eudemonic and political legitimacy, undermining prospects for sustainable peace across the nation's many conflict zones. Theft of state revenues left little remaining for development and the provision of welfare and other services to the citizens, as well as institution building. This is why public trust towards the government has significantly decreased.

The government has failed to ensure the inclusive participation of people in economic affairs. It has also failed to decentralise political power, uphold the rule of law, and ensure government accountability. Instead, the government is now characterised by a multifaceted system of personal and kin-based networks that have compounded pre-existing problems of poor institutional capacity.

An extreme form of neo-patrimonialism has engulfed South Sudan. Patrimonialism currently acts as a channel for redistribution along regional and ethnic lines. South Sudan's political elite have established a state in which extraction and redistribution are privatised and pervasive. It has given rise to the personalisation of political and administrative power, curtailing the impersonal legal-rational domination of the bureaucratic state. It has entrenched nepotism, tribalism, cronyism and corruption in its governance structures. As a result, the common denominator that united people during the liberation struggle has faded in the post-independence era, reinvigorating many of the country's long-simmering political disputes while causing other submerged frictions to resurface.

The SPLM's behaviour as a ruling political party faces a legitimacy crisis highlighted by internal infighting over power, competition for influence and wealth, and the high level of government fragmentation. Moreover, the outbreak of new violence has not only distorted the existing social system but has also reinforced the rise of alternate systems of politics linked to individuals' ethnic identity and personal interests. Thus, the current violence in the country can be viewed as a sort of social drama illustrating the failure to disseminate ideas, resources, and economic opportunity. In most cases, it emanates from a discourse of domination by the political elites who have stimulated ethnic competition while pressuring disadvantaged communities to seek other violent tactics as a means for upward social mobility.

SPLM/A's manipulation of the political and military arena has replaced its commitment to transformational governance. As a result, the SPLM/A faces massive challenges to unite the army since ethnicity dominates its internal politics. The over-dominance of a small clique of political elites in Juba who propagate and streamline institutions and decision-making processes has weakened state policies. Its inability to effect attitudinal and behavioural, as well as structural change, has led to inept state capacity that hinders the provision of public goods and service and an increase in corruption.

The exit of the former oppressor has given way to South Sudanese citizens' growing distaste for the 'liberators' who have morphed into self-styled warlords who govern by manipulating the negative ethnicity formerly exploited by the Khartoum government. As a result, the government is divided, and some of its leaders have defected to various armed groups active across the landscape. The mistrust and lack of support or the government by its citizens have diminished political legitimacy in the post-conflict milieu. South Sudan's toxic matrix of failed governance and socioeconomic mismanagement is a direct outcome of the SPLM/A's failure to transform the movement from a liberation movement into a people-oriented political party.

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9 Conclusion

In a recap, the study sought to shed light on factors that can extend legitimacy to armed non-state actors engaged in a conflict with a central government. Thus, the study's primary objective was to examine the revolutionary legitimacy that underpinned the long struggle for independence and how the Sudan People Liberation Movement/Army (SPLM/A) transformed from a liberation movement into a political party that came to power with a considerable measure of political legitimacy.

The study has highlighted the procedures that the movement undertook to garner support as well as to consolidate its political legitimacy in the eyes of its domestic and international supporters during the struggle period. To unpack the multifaceted complexities of the SPLM/A transformation process, the study examined three domains of governance: internal, inter-party, and the role of the international dynamics that the SPLM/A used to garner support, legitimacy and authority during the civil war. But this was not the end of the story. The developments documented in chapters seven and eight portrayed how during the interim period between the 2005 CPA and independence in 2011, the SPLAM/A government squandered the new state's political capital, resulting in a deepening crisis of legitimacy that shows no signs of abating.

As noted earlier in the study, this study of legitimacy interfaces with a dynamic historical process. This analysis has covered the period when the movement benefitted from the legitimacy of the liberation war, but never fully institutionalised practices sustaining it over the longer run. Wider political objectives linked to the War on Terror motivated Western donors' efforts to help bring an end to the war also played a role: the peace negotiations provided an expedient way out for the government in Khartoum that perceived post 9-11 reactions as threatening its survival. The outcome conferred a kind of false legitimacy on the SPLM while empowering it as the sole representative of the southern cause at a time it was struggling to put its internal house in order. All these and multiple other factors noted in this analysis (e.g., the role of the OAG) came together as a perfect storm conspiring against the movement's transition from insurgency to government. That southern independence occurred in the presence of numerous low hanging fruit encouraging patrimonialism and corruption, donor funding for the country's humanitarian emergency, added to the problem. But the rolling ball is still in place, which designates this thesis as a foundation for further investigating the distinctive practical and conceptual factors driving the legitimisation process in contemporary African settings.

In that light, the following chapter gives the summaries of chapters one to four and an overview of the research findings as outlined in chapters five to eight, using the following structure: The first section summarises the background of the study and the research question. It then recaps the

methodology used and the rationale behind the choice of this study. The subsequent section provides the empirical findings in the Transitional Phase from 1983 to 2005, and a summary of the observations of the study. The next section contributes knowledge in various areas of this study that serves to illuminate the SPLM/A's poorly understood trajectory. The last section provides the implication of the case study and expounds on areas that require further research.

9.1 Re-statement of the Problem

The conferment of legitimacy to armed non-state actors is an area of research, which has remained undeveloped and insufficiently unexplored in academic circles, and in the field of peace and conflict studies. In providing context-specific understanding and analysis of the liberation movement in garnering legitimacy, local and international support in the liberation war, the study adopted the case study on the transformation of Sudan People Liberation Movement/Army (SPLM/A) from a liberation movement to a political party cum government under the prism of legitimacy. The case study started with the research question – *How did the SPLM/A transform from a guerrilla/liberation movement to a legitimate political party?* and proceeded to interrogate the developments that followed.

The study's research objectives arise from the argument that revolutionary ideologies based on liberating a society or a group from an oppressive and marginalising government influence how a population supports and confers legitimacy to a liberation movement.

From the discussion in chapter 5, it emerged that the causes of SPLM uprisings were not only confined with the abrogation of the 1972 Addis Ababa Agreement. The Khartoum government's inequitable distribution of resources, marginalisation, and alienation of the southern population was the long-term driver of the conflict that was reignited by the retrogressive actions leading to the second civil war beginning in 1983. Other longitudinal factors included colonial inequalities, regional underdevelopment, economic deprivation, social oppression, the imposition of Islamic sharia law, and the zero-sum governance that obstructed popular political participation in both the north and the south.

Together with the government's inept aptitude and weak institutional arrangement, all these hindered the states' capacity to provide goods and social welfare. Cumulatively, these failures reinforced the SPLM/A legitimacy following the emergence of the movement in 1983. Under the leadership of John Garang, the SPLM/A waged war against Khartoum's government for a united but a reformed "New Sudan." In contrast to the Anyanya, which rallied for self-determination, the SPLM/A's central aim and objective was to achieve equality, democracy, and secular governance in a united but reformed Sudan. However, the subsequent fall of the Dirge regime and SPLM/A's internal split in 1991 caused the movement to re-embrace calls for self-determination.

In early 2000, the Troika Countries (Norway, the United Kingdom and most notably the United States) coerced Khartoum's regime led by President Omar al Bashir, representing the ruling National Congress Party (NCP), and the leadership of the SPLM/A to the bargaining table. Peace negotiation commenced in 2002, eventually leading to the signing of the Comprehensive Peace Agreement (CPA) on 9th January 2005. The CPA stipulated a transition procedure of a six-year interim period to handle issues such as power-sharing, security arrangement and border demarcation. The CPA also spearheaded the creation of an autonomous southern government, nationwide democratic elections, scheduled in April 2010, and the 2011 South Sudanese independence referendum to determine if the region should remain a part of Sudan or become independent.

The Southerners voted overwhelmingly in favour of southern Sudan's secession, leading to the creation of the Republic of South Sudan on 9th July 2011. It was headed by the SPLM/A founder John Garang, who subsequently became the country's first president. Thus, the SPLM/A transformed itself from a liberation movement to a government. Important though, without international diplomatic pressures, the SPLM/A would have hardly succeeded through military victory.

9.2 Theoretical concept and research methods

In addressing the gap identified in the literature on SPLM/A's transformation process, the empirical study embraced an interdisciplinary approach based on the operationalisation of the theoretical concepts of legitimacy, as discussed in chapter three. Thus, the study's main objective was not to test the validity of the theories, but instead, to use the conceptual framework to investigate the problem with a view towards enhancing our understanding of the case study and the political dynamics it subsumes.

The chapter analysed the assessment on the thematic inquest on the extension of legitimacy beyond its traditional, state-centric analysis. Besides, the section attempted to locate the extension of legitimacy to a rebel or insurgency group by postulating various aspects of how a liberation movement can project itself as a better alternative to a government. Such enabling factors revolve around the establishment and maintenance of a cordial relationship with the local population as well as the creation of state-like functions, for instance, the provision of public goods and improving the welfare of the broader population (cf. Clapham 1998, Tilly 1978, Washburne 2010, Weinstein 2007).

The theoretical frameworks adopted in the study helped to streamline the research methodology and methods outlined in chapter three. The study accentuated and embraced an inductive logic in seeking views based on subjective accounts and explanations of the respondents on the evolution

and causes of the SPLM/A's uprisings. Aspects incorporated include social, economic, and political factors, which led to a creative discovery and accurate specifics under which the cause operated. As such, it led to a comprehensive understanding of the complex study on the SPLM/A's trajectory that occurred over a long period and facilitated the analysis of the movement's transformation process in the post-conflict period (Berg 2009: 319, cf. Giorgi 2009, Gray 2004: 21ff, 28, Gordon: 1991: 396, cf. Snape et al. 2003).

The chapter also expounded on research strategies and methods used for data collection, data sources, sampling techniques, positionality, forms and methods of data analysis, ethical considerations and limitations, and the challenges encountered while conducting this study. The chapter also highlighted samples of respondents who were or still active in the SPLM/A transformations process and a significant number of local and international stakeholders who actively engaged in South Sudan. Therefore, the number of respondents who informed this study includes 36 participants for the semi-structured interviews, 33 in-depth interviews, and two focus group discussions, each comprising ten participants.

The triangulation of data collection methods such as focus groups discussion, in-depth interviews and documents review mitigated biases while aiding the study to identify various factors and conditions that initially led to a successful transition of the movement. This strategy enabled the study to unearth multiple aspects that have hindered a full transformation of the SPLM/A in the post-independence period.

9.3 Empirical findings in the Transition Phase (1983-2005)

In line with the trajectories of the SPLM, this section provides a summary of empirical findings on the SPLM/A transition process. Concluding empirical findings include internal, intra and international factors that underlay SPLM/A's consolidation of domestic and international legitimacy.

9.3.1 Internal party dynamics

During the early evolution of the SPLM/A, the consolidation of support and legitimacy was a tedious process. For instance, Garang killed or imprisoned elements of the SPLM/A who opposed him as the leader of the movement. Also, the movement harassed, oppressed and committed human rights abuses against its grassroots supporters. Therefore, the movement was unable to garner support and legitimacy from the southern Sudanese population.

However, after the end of the Cold War, the fall of its prime supporter (the Ethiopian Dirge regime) and the subsequent split of the movement in 1991, the movement reinvented its political program to enhance its political legitimacy and garner support from the local population. The circumvention

of its earlier failures was characterised by its adoption of new political rhetoric and major internal reforms during the 1994 National Convention in Chukudum.

The inclusion of the population in this political process played a vital role in consolidating legitimacy to the SPLM/A. Issues discussed and enacted include drafting the constitution, demilitarisation of the movement structures, and establishing civil government structures independent of those of the movement. Others include democratisation of its internal decision-making processes, the election of leaders through a popular vote and political ideology shifts (from socialism to a united secular New Sudan to the liberation of the southerners through calls for self-determination). As a result, the movement reconsolidated its revolutionary and political legitimacy, and it further catalysed a new mobilisation and recruitment of the local population for its liberation cause.

9.3.2 Inter-party dynamics

SPLM's loss of logistical, military and material support from Ethiopia led it to constructively interact and engage with various armed groups in Sudan. For instance, the SPLM/A pragmatically enticed political parties and opposition groups from northern Sudan to fight the central government such as the National Democratic Alliance (NDA), UMMA and the Democratic Unionist Party through its ideological ideas based on a reformed and United Sudan. The SPLM/A's strategy inclined towards gaining support from Sudan's population in the northern peripheries, such as Darfur and the Nuba Mountains, occupied by the Muslim population.

Despite fighting a common enemy together with different aspirations amongst the group, the SPLM/A's leader John Garang convinced the northern parties to acknowledge the right of self-determination for southern Sudan. Nonetheless, the politico-military alliance between the SPLM/A and other northern parties aided the movement to garner support and legitimacy in the wider Sudan, eased its military pressure, brought war closer to Khartoum and emboldened northern popular forces of the intifada. Most notably, the movement not only managed to expand the area under its control, but it gained a national trait in the liberation war (Daly et al. 2016: 114f, cf. Rolandsen 2005).

The SPLM engaged in reconciliatory talks with begrudged armed groups in southern Sudan. The tactic aimed at deterring central government schemes of divide and rule and reconsolidating its political legitimacy. The appeasement strategy within southern Sudan involved an ideological shift from the quest for a United New Sudan to calls for separatism and South Sudan's independence (Blocq 2014: 1-15, Daly et al. 2016: 106).

Subsequently, in January 2006, the SPLM/A's military integration program, commonly referred to as the 'Juba Declaration', led to the consolidation of its legitimacy and a decline in violence and insecurity that emanated from factionalism ethnic-based militias. The integration process safeguarded unity and paved the way for stability that led to a successful referendum on self-determination that later culminated in South Sudan's independence in July 2011. However, as depicted in chapter 7, SPLM/A's military integration process has had severe and long-term consequences in the nascent state of South Sudan.

9.3.3 International dynamics

To acquire international support and legitimacy during the civil war, in contrast to the Sudanese government, which was less responsive to international norms, the SPLMA/A upheld humanitarian principles through its engagement with international organisations such as the International Committee of the Red Cross (ICRC) and the UN-led Operation Life Sudan (OLS) (Clapham 2006, De Waal et al. 2001: 135, 151ff, 188ff, La Rosa et al. 2008: 327f).

SPLM/A's procedural strategy of engaging with international humanitarian organisations was meant to acquire international legitimacy and political support and gain material benefits. It also included mobility for SPLM/A soldiers through these networks in liberated areas, and the provision of donor aid and services such as education and health within the SPLM/A's liberated areas acted as 'the water for the SPLM to swim'. In other words, apart from gaining legitimacy, support, and projection of Sudan's conflict to the world, the engagement of international organisations in civil war transfigured into SPLM/A war economy that protracted the conflict. Besides, the involvement of these organisations infringed the sovereignty of Khartoum's government by selecting to work the SPLM/A within the confines of Sudan's international boundaries (cf. African Rights 1997, Khalid 2015: 64 -74, Moro et al. 2017: 9).

Furthermore, the SPLM used various strategies by pragmatically orienting and embracing political ideals and agendas that were currently in the global discourses to achieve its liberation goals. For instance, before the disintegration of the Soviet Union, the SPLM embraced the socialism ideology to gain legitimacy and logistical and material support from Ethiopia, Libya, and other Eastern bloc countries (cf. Rolandsen 2005, Khalid 2015, Young 2012).

However, after the end of the Cold War, the movement subsequently embraced an ideological orientation based on reforms, respect for human rights, and ideals of democracy to gain legitimacy and garner support from the Western world. Concurringly, SPLM/A's strategy contrasted Khartoum's actions which were marred with abuses of human rights, oppression, and allegations of international terrorism. In addition, the SPLM wittingly outplayed external audiences about the conflict in South Sudan by invoking issues such as religion and identity regarding Sudan's conflict

to garner support and legitimacy from the international community (cf. Rolandsen 2005, Khalid 2015, Young 2012).

SPLM's propagation of Sudan's conflict as an oppression of the black African by an Islamic, Arab entity dragged into the conflict the neighbouring countries such as Ethiopia, Eritrea, Kenya, and Uganda. Sudan's ideologised foreign policy rallied for support and proliferation of jihad movement and Islamic fundamentalism. As such, it threatened to cause instability in and outside Sudan. Therefore, countries, especially Uganda, started to support the SPLM/A in the liberation war against the Sudanese government. Thus, countries, especially Uganda, begun to support the SPLM/A in the liberation war against the Sudanese government.

Garang manipulated the rhetoric and sentiments of Religious Right Groups in the US, mainly the coalition of evangelical Republicans that supported George Bush elections in 2000. This group and the Afro-American Black Caucus Group also played a vital role in legitimising Garang's narrative that Arabs were killing blacks and the Muslim were killing Christians (cf Johnson 2016, Shandy 2007: 41). Others include the civil society groups such as the Human Rights Watch, and the anti-slavery group like Christian Solidarity International, and the US media influenced the Congress, leading the US to offer material, logistic and military support and to confer legitimacy on the SPLM/A's pursuit to fight the Muslim and Arab enemy (cf. Adogame 2012: 416, BBC News 9th September 2004, De Waal 2014: 352, Johnson 2016, Khalid 2015: 73ff, Sudan Peace Act: 21st October 2002).

The "*9/11 War on Terror*" also enhanced the consolidation of international legitimacy and support to the SPLM/A. The US government accused Khartoum's central government of facilitating various terrorist actions such as attempts to assassinate the Egyptian President Hosni Mubarak in Addis Ababa in 1995, and complicity in the bombings of the US embassies in Kenya and Tanzania in 1998. The US government also accused it of harbouring terrorists such as Illich Ramirez Sanchez (Carlos the Jackal), the Al-Qaeda leader Osama bin Laden, and initiating a training alliance between the Sudanese government and the Lebanese Hezbollah (cf. Khalid 2015, Johnson 2016, Young 2012).

As a result of all these, together with accusations of human rights abuses in Darfur, the US government imposed sanctions and a trade embargo, as well as freezing assets of the Sudanese government and placing it on the list of 'rogue states' or 'axis of evil'. Because Sudan sought to be delisted from this category and its earlier sanctions and embargos be lifted by the US government, the Khartoum government opted to engage in peace talks with the SPLM/A. Eventually, these peace talks led to the signing of the CPA, a referendum, and finally the independence of South Sudan in

July 2011, thereby cementing SPLM/A's revolutionary legitimacy (cf. Khalid 2015, Johnson 2016, Young 2012).

It is worth noting that without the US engagement in the conflict in Sudan, which employed a strategy of carrots and sticks, the Republic of South Sudan could not have emerged. The establishment of South Sudan was not solely achieved because of SPLM/A's military victory against the Sudanese government but rather through negotiations funded and channelled by the US, Britain and Norway.

9.4 Major findings and summary of the study

In comparison to motives, objectives and aspirations of the SPLM/A during the liberation war against the central government in Khartoum, the key findings of the study on SPLM/A's trajectory from a rebel movement to a government in the post-conflict period are neither encouraging nor appealing. The optimism, hard-won jubilation, and the revolutionary legitimacy that catapulted the SPLM/A to power and the subsequent secession and independence in July 2011 has waned. The study found that SPLM/A's legitimacy in the post-CPA and independence period has continued to erode, and that this is a key variable in the pattern of institutional decay and developmental decline underpinning the post-war cycle of conflict and civil war usurping the vision of liberation that drove the South Sudanese people to support the SPLM movement in the first place. Before revisiting the theme of governance and legitimacy, this section examines the decline from the perspectives of insecurity, instrumentalised ethnicity, corruption, flawed institutions, and the state's inability to transform the country's natural and human resource endowment into socioeconomic progress.

9.4.1 Violence and insecurity

The SPLM/A has not learnt from its own historical mistakes and those of the former government in Khartoum during the liberation war, thus depriving the movement and plunging the party into a legitimacy crisis. The full transformation from a liberation movement to a conventional government is hampered by intemperate political and economic conflicts, which have led to the chronic instability and fragility of the state. The underlying factors that dented the legitimacy of the nascent country in its earliest years of sovereignty include SPLM/A's failures to address the grievances arising from decades of conflict in the post-conflict period, such as inequalities, uneven benefits from the dividends of peace, power asymmetry and corruption. Other aspects include massive militarisation of the society, weak institutions and national identity, lack of the rule of law and response mechanisms, as well as the fragmentation of the country along ethnic lines and the military faction in terms of pro-change and pro-status quo (cf. De Waal 2014, Johnson 2016, Nyaba 2019: 237ff, Schomerus et al. 2017: 23f).

The proliferation of small arms seconded by scarcity in water and pasture, a plethora of conflicting militias, and the inability of the government to curb cattle rustling and inter-ethnic violence has obscured the government's mandate to use the legitimate monopoly of force. Likewise, unsuccessful political elites who have failed to capture power through democratic means have continued to mobilise their ethnic constituents to commit acts of violence. For instance, during the eruption of violence in 2013 and 2015, in a bid to access power or protect their positions, military commanders and political elites used threats of violence to command the attention of the SPLM/A's leadership and also as a means of gaining access to the peace negotiation platform. As such, the rent-seeking rebellion cycle has had detrimental effects on peace and security in South Sudan as other armed groups continue to emerge by instigating larger insurgences and cashing in larger remunerations and so forth (cf. African Center for Strategic Studies 2018, Johnson 2016, Justice Africa 2014, Nyaba 2019).

Likewise, predatory SPLA forces characterised by indiscipline and lack of command structure have incessantly adopted violent tendencies against the civilian population to achieve the government agenda. Therefore, in South Sudan, a social contract comprising a set of rules (both formal and unwritten) that streamlines state-society and the expected behaviour from citizens is at its weakest. Also, at the grassroots levels where violence is widespread, it is characterised by cohesive institutions devoid of accountability while the government uses violent means to solve citizens' legitimate grievances.

The rampant violence and SPLM/A's relegation of state and nation-building measures have cumulatively caused human and political costs to the movement cum government. Moreover, the SPLM/A's inability to provide its citizens with protection and peace as promised during the liberation struggle challenged its position to consolidate its dwindling legitimacy among the nation's citizens (cf. Copnall 2014, ICG 2011: 7, Johnson 2016, Jok 2014, LeRiche et al. 2013, Young 2012).

9.4.2 Instrumentalisation of ethnicity

During the SPLM/A liberation war, leaders of the movement used southern Sudan's identity to foster a unity of purpose against Sudan's governmental Arab-Islamic hegemony. Unfortunately, in the post-independence period, there is a lack of cohesive national identity in South Sudan. The social fabric of South Sudan has been torn apart by negative ethnicity due to the manipulation of political elites' interests and power struggles (Daly et al. 2017: 2, De Waal 2015: 91, Johnson 2016: 94f).

The SPLM/A and opposition armed groups have embraced ethnicity and ethnic mobilisation to accrue power. All these groups have been actively manipulating and creating artificial ethnic

divisions and groups for their self-centred political objectives at the grassroots level. As such, the party's politics are deep-seated, leading to an eruption of conflict as experienced during the 2013 and 2015 civil war in which tension that spilt over into violence was manifested along the existing ethnic composition of the warring actors (cf. Daly et al. 2016, Erasmus 2014, Johnson 2016, Nyaba 2019: 218, 223ff).

In the absence of strong institutions that can guarantee the effective provision of goods and services to the population, military and political elites have manipulated ethnicity through their patronage to gain loyalty and support from members of their ethnic groups (Hutton 2018: 26). In South Sudan, ethnicity is used as a divide and rule tactic through SPLM/A's pacification strategy that saw a forceful creation of 32 new administrative boundaries and structures along ethnic and sectional boundaries. This has obscured peaceful co-existence and social-cultural development of South Sudan, polarised inter-ethnic solidarities, catalysed mistrust, and exacerbated regional and national political tensions (Arensen et al. 2014: 3ff, Daly et al. 2016: 2, 23f, Johnson 2016: 93f, Kon 2015).

Ethnicity is anchored in the social structure and is concurrently replicated within state institutions. For instance, the Dinkas perceive themselves as the rightful owners of the SPLM/A. President Salva Kiir reinforced this perception by asserting that the Dinka community is entitled to peace dividends in the post-independence period due to their disproportionate sacrifices in the liberation war. A clear manifestation of this is Kiir's formal integration of a Dinka lobby group, Jieng Council of Elders (JEC), into the SPLM/A structures. Besides, the JEC, together with ethnic Dinkas, dominate the military and government.

All these have culminated in undermining the SPLA chain of command. It has also transformed South Sudan into an ethnocratic, corrupt and totalitarian dictatorship. Besides, the marginalisation and exclusion from the government and failure to provide good and services to other south Sudanese ethnic groups have fuelled anger and resentment from other ethnic groups in Sudan. Negative ethnicity has played a significant role in the political crisis that catalysed the eruption of two civil wars in the post-independence period in South Sudan (cf. Arensen et al. 2014, Daly et al. 2016: 10, Deng 2011, Hutton 2018: 26ff, Radio Tamazuj 2016, Nyaba 2019).

As a result of all these, negative ethnicity has enfeebled South Sudan's weak collective identity while increasing levels of impunity, political unrest, violence, insecurity, and instability. Last but not least, negative ethnicity has also moulded the SPLM/A into a tribal and military entity, eroded SPLM/A's political legitimacy and support amongst the south Sudanese, and hampering its liberation mission of creating a peaceful, just, free, equitable and democratic state. Furthermore, the instrumentalisation of ethnicity hindered South Sudanese from substituting the current political leadership with other genuine political leaders from various ethnic groups. This has led to ethnic

factionalism and contributed to the proliferation of small arms, further increasing violence and instability in the country.

9.4.3 Corruption

The former 'liberators' have reinterpreted the term liberation into a personal self-enrichment endeavour by monopolising war profits in the post-conflict period. As a result, corruption permeates all sectors of the economy and the government. Clientelistic networks based on ethnic and clan affiliation and patronage have proliferated due to the lack of accountability, transparency, and budgetary discipline. This has hampered SPLM/A performance in its efficacy in providing quality public good and services to South Sudan's population (De Waal 2014: 38f, Johnson 2016: 33ff, The Sentry Report 2016, Transparency International 2014: 1, Transparency International 2018).

The Corruption Perception Index released by Transparency International in 2019 ranked South Sudan as the most corrupt state after Somalia in Africa for three consecutive years (Transparency International 2019). Major corruption scandals include US$ 4 billion for oil revenues unaccounted since the signing of the CPA in 2005 up to the attainment of independence in 2011. However, to date, none of the seventy-five government officials implicated in this scandal have been charged. Other cases of corruption include the Dura (sorghum) worth US$ 2.8 billion scandals in which ghost companies received a tender but failed to deliver, the misuse of US$ 60 between 2005-2006 for transitioning the SPLM/A to a modern part, and the leasing of 400,000 hectares of agricultural land to the Jarch Management Company registered in British and operated by a US businessman. The lease was associated with oil exploration activities in South Sudan. Another case is the loss of US$ 2.2 million on landing fees collected between 2013 and 2014 by the Civil Aviation Authority (cf. Bartelsmannstifung 2018, Garang 2013: 192,197, Johnson 2016: 90f, Pinaud 2014: 193-196, Sentry Report 2016).

Politico-military elites have also created informal economies comprised of kleptocratic and oligopolistic cartels, mostly in the form of black-market forex bureaus. They manifest in rent-seeking tendencies, which channel US dollars from black markets to South Sudanese banks that generate a threefold profit (cf. Africa Development Bank 2018, Johnson 2016: 91, 222, cf. World Bank 2017, World Bank 2018a, World Bank 2020). These leaders have also uninterruptedly accumulated wealth within and outside the country under the pretext of conducting government business. Military elites and senior civil servants award contracts to their business associates with government contracts mainly in infrastructure development and oil and gas without following or adhering to tendering procedures. Military elites also siphon off public resources by inflating

military payroll through the insertion of ghost workers (Garang 2013: 191-196, Mc Evoy et al. 2010: 36, cf. Sentry Report 2016, Sudan Tribune 14th June 2018, Uncensored 7th October 2018).

In these conditions, prospective companies seeking to conduct business in South Sudan have bribed government officials to acquire trade licenses (Garang 2013: 191-196, Sentry Report 2016). SPLM/A's elites who have obtained public money through corruption have reinvested in real estate in neighbouring countries such as Kenya and Uganda while flaunting their extravagant lifestyles abroad (cf. Freedom House 2015, FINCOEN 6 September 2017, GAN Integrity 2018, Johnson 2016: 25f, 32ff, Mc Evoy et al. 2010: 36, Sudan Tribune 14 June 2018, Sudan Tribune 18th July 2012, Uncensored 7th October 2018). These politico-military elites have subordinated South Sudan's institutions into patronage systems. They are especially using corruption from the oil revenues to buy loyalty and to finance the military. There is a causal connection between corruption and violence reflected in the use of to extract rents (De Waal 2015: 9, 14-17, 20, 84, Johnson 2016: 41). The massive public corruption amongst SPLM/A politico-military elites has further plummeted the country into a state of emergency and legitimacy crisis.

9.4.4 SPLM/A's structural defects

Since the signing of the CPA, the SPLM/A has failed to replace its military ethos with a civic ideology. For instance, according to the Transitional Constitution, the SPLA was supposed to rename its military entity to signify its transformation into the South Sudan National Army. But even after liberating South Sudan, it has continued to retain the mentality associated with the former name. This is one reason it is difficult to distinguish between the government and the military. Government and military structures are dominated by politicians who come from the military, and vice versa. The SPLM/A is the source of the neo-patrimonial and kin connections which, together with undisciplined forces and personalised military structures, have contributed significantly to the insecurity and political instability in South Sudan (Kuol 2018: 40f, Miamingi 2018: 17).

The result of the SPLM/A's massive internal military integration programme following the Juba Declaration in 2006 was the militarisation of South Sudan. The programme was designed to engender the support, loyalty, and legitimacy of other armed groups in southern Sudan in order to counter Khartoum's destabilisation tactics, and ensure a successful referendum in 2011. The integration process not only contributed to the militarisation of South Sudan, but it further created avenues for corruption within the SPLA. A high number of ghost soldiers were incorporated by army commanders into the SPLA payroll through a huge and opaque military budget at the expense of the provision of goods and service to the population (Copnall 2014, De Waal 2015: 91-108, Johnson 2016, LeRiche 2013, Warner 2016).

The SPLM/A has abandoned its pretence to operate as a national government. Its political mobilisation tactic is currently based on ethno-regional grounds, whose main objective is to protect and project the interests of key politico-military elites. Groups integrated into the army structures include the integration of militias such as *Gel Weng, Tit Weng, Mathiang Anyoor, Mongomiji,* and the *Dut Ke Beny* (which means protect the president), amongst other militia factions and groups. The integration of these armed groups has led to instability and the dysfunction of the SPLM/A due to its various layers of loyalties and allegiances to specific army commanders instead of a unified structure of command (Johnson 2016: 230ff, Schomerus et al. 2016, Roque et al. 2017: 15).

President Salva Kiir, the chairman of the SPLM and Commander in Chief of the SPLA has personalised the procedural decision-making process. The militarisation of public affairs is sustained through the issuance of decrees. For instance, eight governors out of the ten states come from the central government. Therefore, it is challenging to separate politicians from their military duties as they have transformed South Sudan into a corporate state (Snowden 2012: 24f, Nyaba 2019: 225, The Sentry Report 2016: 11).

The current leadership of the SPLM/A are militaristic elites who perceive themselves as 'martyrs' but have initiated personalised power cults aimed at serving their interests by using the state. They have monopolised the political process to the extent of depriving other political institutions of their autonomy while at the same time neglecting the promises of the liberation struggle. The judiciary lacks independence, the legislature acts as a rubber stamp for the executive, and the state apparatus continually gaggle the dissident voices of the citizens and the media (cf. Awolic 2018, Daly et al. 2016: 33, Hutton 2018: 36ff, Johnson 2016: 95f, Jok 2016).

Regarding the institutional framework, the SPLM/A has frequently introduced piecemeal legislations that have undermined various vital state organs. The independence of the judiciary has is eroded. Dissenting voices of the citizens, as well as opposition groups, have either been silenced or eliminated.

9.4.5 Economic development

The social contract that connected the SPLM/A and its citizens based on the development of southern Sudan and freedom from the oppressive Khartoum government is increasingly frail. Due to constant failures and the inability to provide goods and services to the citizens, SPLM/A's legitimacy, support, and popularity has decreased. The movement has abandoned its initial revolutionary promises. Currently, its leaders engage in massive corruption through ethnic and patronage networks at the expense of the infrastructural and economic development of the country. Instead of rebuilding after the war and establishing a reputable social welfare system, the

'liberators' continuous engagement in capturing resources has further impeded the country's economic development.

The government is virtually dependant on 98 per cent of oil revenues for its annual operating budget since 80 per cent of its Gross Domestic Product (GDP) derives from oil revenues. Despite its massive oil resources, South Sudan was ranked 152nd Nominal GDP country after independence. The ranking indicates that South Sudan is one of the poorest and underdeveloped countries in the world. Poverty levels have continued to surge as rural (non-cash), and urban (cash) economy have collapsed. The global shocks that led to the decrease of oil prices in 2014, the shut-down of oil production between January 2013 and April 2013 and the oil transit disagreement with Sudan over oil transit, together with the eruption of conflict in 2013 and 2016, decreased South Sudan's GDP significantly between 2013 and 2017. All these aspects and the mismanagement of oil revenues have triggered a fiscal crisis in South Sudan. The military and political elites buy support and legitimacy via 'loyalty payment' to tribal and military leaders. The fiscal crisis is characterised by a decrease in revenue against the budget levels (Africa Development Bank 2018, De Waal 2015: 91, LeRiche et al. 2013: 181, Wlodarski 21st January 2018c, World Bank 2018a).

South Sudan has the highest inflation rate in the world. The rates stood at 800 per cent in October 2016 and 118 per cent in 2017. High inflations have affected South Sudan's overreliance on imports, leading to increased prices of goods and services for the already highly impoverished citizens. The inability of the 'liberators' to establish bureaucratic government structures has exacerbated this negative economic situation (cf. Africa Development Bank 2018, Johnson 2016: 91, 222, cf. World Bank 2017, World Bank 2018a, World Bank 2020).

Lack of infrastructural development is another constraint on the country's economic growth. Out of 10,000 km of roads, only 2 per cent have been tarmacked, with most of the rest being impassable during the rainy seasons. This increases the cost of transportation of goods and services, and together with the other problems of fragile institutional capacities and massive mismanagement, maintains South Sudan's low level of human capital development. South Sudan high rates of illiteracy is reported to be 16 per cent for females and 40 per cent for males. Only 5 per cent of the country's civil servants have a university degree. There are massive inequalities in access to education. The ratio of boys to girls is 59 per cent, in contrast to 86 per cent of other countries in sub-Saharan Africa and 87 per cent in other low-income countries (Africa Development Bank 2018, LeRiche et al. 2013: 167f, Johnson 2016: 31, Nyaba 2019: 228, Statista 2016, WHO 2014, UNDP 2017).

South Sudan hosts the Nile River system and several major tributaries but lacks an electric grid and a national energy plan. Electricity is generated from diesel-powered generators, and only one per

cent of the population has access to electric power. Despite the abundance of water supply and vast fertile tracts of lands, the government has not appropriately used these resources. Thus, south Sudanese face periodic famine and only rely on food aid from the international community and organisations (Africa Development Bank 2018, IGAD 2015, UNDP 2017, World Bank 2017).

Furthermore, the overdependence on oil revenue that is in most cases embezzled has led to the negligence of other non-oil sources of revenue. The government has neglected the exploration of natural resources such as tourism and mining. Lack of infrastructural development, protraction of violence and insecurity, and lack of economic policies and market institutions have all hindered the country's long-term investment and economic development. As a result, the country continues to be dependent on humanitarian aid, although it is not enough to cater for the basic needs of the population (cf. Africa Development Bank 2018, Africa Development Bank 2019, Daly et al. 2017: 3). The country's high poverty rates, unemployment, and chronic food insecurity are outcomes of the country's failed transition that continues to feed the hard to break cycle of conflict detailed in this study.

9.5 Contribution to theoretical knowledge

This section presents empirical knowledge concerning the transformation of the SPLM/A from a liberation movement to a governing political organisation. This shift, as the empirical findings presented in the case study, indicates that the SPLM/A has failed to transform its war-time orientation into an effective body of institutional governance. The study also makes a case for emphasising the importance of political legitimacy as a key variable in the study of liberation movements and armed non-state actors.

The section is structured as follows. The first section contributes to theory development concerning the extension of legitimacy to armed non-state actors engaging in a war with a central government. The second section offers ideas and insights to conducting research in conflict-prone areas.

9.5.1 Theoretical contribution

The study sought to comprehend the raison d'être for the extension of legitimacy to armed non-state actors beyond traditional and state-centric analysis. To address how did the SPLM/A transform from a guerrilla/liberation movement to a legitimate political party, the study has empirically evaluated and critically analysed the failed extension of legitimacy the SPLM/A enjoyed during the liberation war into the post-independence milieu.

Legitimacy was defined in chapter 2 of this study as derived from respect for people's views and belief in accordance with how and why individuals embrace a particular form of authority instead of adhering to the normative rule. In other words, individual holding authoritative positions acquire

legitimacy in tandem with shared beliefs and values of a given society. Therefore, an institution's political order is thus considered legitimate once the individuals subordinated to it embrace it as the only valid option without any viable alternative. However, the validity of such a form of legitimacy should be seconded by the use of non-coercive means to the subjects. Power is perceived as legitimate if it embraces and adheres to an established set of rules which may be formal enactments or unwritten conventions. The justification of political legitimacy is based on the effectiveness in the provision of material benefits or goods such as economic and infrastructure development as well as the provision of welfare services such as health, education, law order and security (Arendt 1983: 93, Beetham 1991: 16, Bottoms et al. 2012: 136ff, cf. Sleat 2018).

But legitimacy is also a function of other aspects of society and governance associated with the concept. The first set includes the structural and attitudinal change driving political actors' behaviour. Structural change entails the ability of a former liberation movement to fully enact the demilitarisation of wartime organisation structures, and the establishment of political parties through an inclusive citizen-centred process is one marker of structural change in the case of non-state actors. Secondly, attitudinal or behavioural change accompanying this can be assessed by evaluating the enactment of measures such as the democratisation of decision making and effective implementation of organisational strategies (de Zeeuw 2008b: 5).

The enhancement and maintenance of legitimacy require the combination of input and output supporting it. Input or procedural legitimacy encompasses rules and mechanisms that steer a system of governance. A state's decision-making process or the procedure of enacting laws must be in line with the stipulations of the constitution. Such a measure ensures political responsibility and accountability of decision-makers vis-à-vis the expectations of their citizens. Responsibility and accountability function in tandem with transparency, checks and balances, unbiased media coverage, and freedom of expression (ibid. 13f).

Output or performance legitimacy is paramount to a revolutionary or liberation movement that has successfully gained power after a violent struggle. The process entails effectiveness in enacting law and order, establishing democratic elections, and providing goods and social services such as security, health, education, infrastructure, and economic development (de Zeeuw 2008: 13f). It also encompasses inclusive political participation, reducing inequality, upholding the rule of law, establishing a robust civil society, governance through decentralisation of power, war on corruption, and the introduction of a free and fair democratic process (cf. Brinkerhoff 2005: 5, de Zeeuw 2008, Hyman 2013, Lyons 2004).

The study embraced all the above definitions because the transformation process from a rebel movement to a 'normal' legitimate political actor is a complex and challenging process that does

not unfold in a linear or smooth pathway. The transformation from a liberation movement to government calls for the above measures. The observations rendered in this study are based on an empirical analysis of theoretical concepts defining legitimacy, which found significant correlations in the case study of the SPLM/A. To this end, the thesis contributes to the body of knowledge that can help the scholarly community, policymakers, and other stakeholders to incorporate both theoretical findings and the practical lessons of this case study into the comparative study of similar liberation movements. Furthermore, the theoretical concept of this study contributes to a better understanding of factors that either hinder or enhance domestic and international support as well as legitimacy to liberation movements during a conflict with the central government. Also, it has set a platform that aids in the factors that can contribute to (un)successful transformation of a liberation movement to a legitimate government in a post-conflict environment.

9.5.2 Contribution to research in conflict situations

Researching in a conflict-prone and or an environment led by a dictatorial government is circumvented by various risks. There exists no written guidance on how to conduct a study in a hazardous situation. The available literature concentrates on researching in areas prone to or characterised by political violence (cf. Hilhorst et al. 2016, Mazurana et al. 2013, Sriram et al. 2009, Thomson et al. 2013).

In light of these deficits, the methodological approach of this study, as presented in chapter two, confer vital knowledge to the scholarly community in conducting effective research while at the same time mitigating potential risks and threats involved in a fragile conflict environment. Contributing factors to the success of this study in a risky and conflict-ridden environment underpin various aspects and strategies that the study embraced to mitigate potential direct and indirect risks in a fragile and conflict-prone environment. However, even though this study's field experience and recommendations vary, the study contributes knowledge to fieldwork in other fragile contexts across the globe. The methodological contribution of this study encompasses the following aspects.

Before conducting fieldwork in a fragile or a conflict environment, a researcher needs to do a thorough analysis of the conflict situation in the country that the researcher envisages to do the research and reflect on its ethical implications. In this study, the researcher drafted a *Local Security Plan* (LSP), incorporating *Standard Operating Procedures* (SOP). The researcher discussed with the supervisor before getting approval to conduct the fieldwork in South Sudan.

The LSP included an institutional ethic requirement (a research permit), a situational analysis, risk analysis, threat assessment and mapping of the risks, vulnerability as well as security strategies. The SOPs aimed to reduce risks and enhance the researcher's safety based on an analysis of the researcher's safety and security, local law and customs, travel and movements, and contingency

planning. It also included identifying measures or plans to deal with high-risks that are likely to have the most significant impact, such as an outbreak of violence.

The development of the LSP relied on the researcher's participation in a workshop by German international NGOs in Mombasa, internet sources, advice from South Sudanese colleagues living in Kenya and other parts of the world. It also entailed consultations with various expatriates who work or had worked in South Sudan. After presenting and discussing the LSP and SOPs with the supervisor, the researcher got an approval to conduct field research in South Sudan. The letter also included a recommendation from the Centre for Peace and Conflict Studies Marburg which highlighted the researchers' topic as well as his affiliation with the institution.

Apart from the *Local Security Plan* and the *Standard Operating Procedures* (SOPs), the researcher embraced and integrated ethical considerations in the study as a measure of reflecting on the study's moral implications. These include but not limited to consent and voluntary participation, the right to withdrawal at any stage of the research without undue pressure, confidentiality and safety of participants, amongst other aspects observed in the course of the study.

With the approval of fieldwork by the university, the researcher conducted a feasibility assessment on the bureaucratic process to obtain a research permit from the South Sudanese authorities. However, due to the absence of a grant-making institution or the permit system that offers a research visa, the researcher entered the country through an 'official' visa. The recommendation letter highlighting the researcher's topic and affiliation to the university facilitated the success of obtaining permission into South Sudan. Notably, the progress in the Visa process benefited from the researcher's investment in social capital founded on trust and good relations with South Sudanese contacts.

These contacts facilitated interviews in South Sudan and offered recommendations of contacts of potential participants in the study. Importantly, through the snowballing technique, the recommendations of these contacts acted as a stamp for approval for an interview by the new set of individuals. However, the researcher was aware that these referrals did not mean exposing interviewee details about each other. Also, the researcher considered risks associated with these relations and recommendations. Therefore, the researcher acted prudently with controversial respondents since the researcher and research could potentially be controversial (Hilhorst et al. 2016: 18ff).

Furthermore, before entering the field, a researcher should analyse and identify red line topics that were potentially taboo, especially those linked with the regime's stability or the regime's principal legitimising narrative. For instance, questioning if Tibet or Taiwan belongs to China in the Chinese context or asking a person's ethnic identity in Rwanda is a red topic proscribed by law. Also, in

Iran and Morocco, one cannot criticise or put a question on the position of the Supreme Leader or in the latter, his Majesty the King or Morocco's sovereignty over Western Sahara (Art 2016: 980ff, cf. CESS 2016, Loyle 2016: 929ff, Loyle 2016: 925ff, Malekzadeh 2016, cf. Reny 2016: 916ff).

Likewise, in South Sudan, critiquing the SPLM/A is a redline topic and a taboo. Several South Sudanese journalists and politicians have either been arrested, tortured, or killed for criticising the SPLM/A. Therefore, to observe safety in South Sudan, the researcher restructured interview questions to reduce the sensitivity of the topics depending on the respondents. The aim was to avoid unfavourable responses. The researcher posed questions in a neutral and depoliticised form. In a bid to depoliticise the topic, the researcher reframed research questions, but they elicited similar answers. For instance, on matters concerning the institutional weakness of the government, the researcher used words such as efficacy.

The same applied to words such as corruption, which the researcher reworded as the allocation of funds, or concept of state's violence or repression with conflict to suggest common forms of violence instead of words directly related to state and insurgent abuses to the civilians. Such reframing of wordings made it easier for the researcher to get similar answers without drawing undue attention to the research.

Upon successfully conducting the interviews, instead of directly asking questions to the new set of recommendations, the researcher invested time to build a relationship with the respondents. For instance, the researcher engaged in small talks on issues such as traffic, the weather, or mutual friends if the contact was through a recommendation. Furthermore, it is essential to engage in a ritual dance, especially when engaging in sensitive topics. In South Sudan, the researcher never showed up as a news hawk, holding a pen and directly posing questions as this would have estranged even well-disposed interlocutors. Depending on the situation, to create good relations, the researcher tried as much as possible to the meetings informal by meeting people several times while at the same time looking for channels of breaking the ice and finding ways to make it click.

Moreover, due to various aspects and challenges, especially in a conflict-prone context, a researcher needs to acquaint himself or herself with interview venues. The researcher embraced a professional person and used formal language while interviewing various interlocutors such as scholars, the clergy and South Sudanese government officials. The same applied to individuals in the NGO sector and high-ranking Kenyan military officials working or had previously worked in the peacekeeping mission in South Sudan or South Sudanese government officials.

However, the researcher conducted interviews with the local population in South Sudan and the rebels in Kenya and Uganda in cafes or restaurants as they offered a relaxing and engaging environment. Meetings in these places came with challenges such as noise, interferences by

interviews with peers or friends. Thus, it was cumbersome to take notes or record the conversations, especially when eating. Also, due to safety and security concerns, rebels and locals in South Sudan were opposed to the researcher recording or writing during the interviews. Therefore, the researcher relied on memory and documentation after the interview sessions.

It is vital to appreciate a respondent for offering his time after the interview. It may ideally entail sending a message to thank them or even settling bills as a token of appreciation but not as a form of remuneration. However, in this study, the researcher had a different experience. According to cultural norms in South Sudan, a host must welcome a visitor, and in most occasions, the interlocutors opted to pay the bill. However, after the meeting, the researcher sent them messages to thank them.

As a safety precaution, the researcher updated his family and friends on his whereabouts almost daily. Besides, aware that the militaristic government are prone to conducting digital and online surveillance of the citizens, the researcher developed a strategy to protect data and interview transcripts. The process entailed pseudonymising and encrypting the respondents' contacts before uploading them into a safe location, for instance, in iCloud servers. Also, the researcher had two laptops, one for emails and an offline one for documenting field notes which were saved in a USB stick and supplemented by a field diary.

Furthermore, ascriptions traits such as nationality, gender, ethnic background, age, and gender play a vital role in how the interviewees perceive a researcher (Glasius et al. 2018: 53ff). Holding dual citizenship, German and Kenyan, the researcher presented himself as a Kenyan. The reason is that most of the South Sudanese had stayed in Kenya during Sudan's civil war, and they were conversant with the Kenyan culture as well as the national language, Swahili. Unlike using his German citizenship, which could have elicited feelings of a 'foreigner' and distrust, the researcher presented himself as a Kenyan, a vital move since the researcher shared a common language with most respondents. As such, he was able to build trust with his interlocutors, and get information for the study. Also, the use of Swahili language was vital since most South Sudanese are illiterate and cannot speak English. The use of Swahili made the interview less official, hence facilitating the information gathering process.

In summary, the methodological contribution of the study is as follows. Proper preparation for field research is vital in aiding one to improve his or her judgement when confronted with a sensitive situation. Therefore, academicians researching in fragile or insecure (post) conflict environments must integrate ethical procedures in their analysis. It helps one to prepare and mitigate unanticipated challenges that might occur during the research.

Safety measures include consulting with people conversant with the local knowledge or conducting situation analysis by drafting a Local Security Plan and Standard Operating Procedures. It also includes strategies to acquire research permit as well as developing a digital practice in securing data. While conducting fieldwork research, it is vital to identify and keep off from redline topics as well as carefully outline their interests in an unbiased and depoliticised manner, "as long as what we say is not beside the truth (Glasius et al. 2018: 49)."

Furthermore, building relations with respondents in a militaristic government or a post-conflict environment necessitates social and cultural adjustments, social intelligence, a good choice of words and body language with those we interact with, and the ability to decode and react to these signs. It is also essential to discover an equilibrium between candidness and exhibiting a character that contributes to a productive discussion in an interview. Especially in a fragile context, it is vital to avoid confrontation since it can become unproductive as the interviewee cannot open, and he or she may give ideological leanings instead of responding to the questions. To avoid confrontation, it is crucial to listen to the interviewees perspective to triangulate his/her opinion with other sources (ibid. 68ff).

The duty of an academician is not to influence or change the respondents' views but rather to understand their perceptions or at least how they prefer to present them. Importantly, field researchers in (post) conflict environment must acknowledge the departure from the fieldwork; the field can stay with the researcher emotionally but not always. However, horrible incidents or stories can, at times, have severe, perhaps even traumatic, emotional impact on researchers (cf. Loyle et al. 2017).

Finally, it is paramount to observe a 'do no harm' approach, especially while conducting field research in fragile and conflict context. Attainment of minimal risk can be through the anonymisation of respondents' identity. However, researchers should observe transparency by indicating the methods used or ethics followed while gathering empirical data.

9.6 Implications of the study

What lessons does the study offer for international led peace processes aimed at increasing the legitimacy of armed non-state actors in conflict situations with a parent state? In the course of analysing the current challenges facing South Sudan, the study revisits external interventions during and after the violent conflict as well as SPLM/A's actions in the post-conflict era that have had a negative impact on the nascent state of South Sudan.

9.6.1 International intervention in South Sudan

Powerful Western external actors tend to either extend, withhold, or retract legitimacy based on their political interests and their perceptions that hegemonic states' actions are acceptable and justifiable in the views of the states and their citizens. These states often position themselves globally as exercisers of authority, architects, and paraphrasers of rules and the force behind them in order to garner support or command obedience (Braaten et al. 2007: 119ff, cf. Clark 2002). As observed in chapter six, the US, together with the United Kingdom and Norway, used their hegemonic powers to streamline Sudan's domestic conflict by dispensing legitimacy to the SPLM/A as well as in influencing the ensuing peace negotiation process (cf. Garang 2013, Reus-Smit 2007: 129-164, Steffek 2003: 57ff).

Despite various African initiatives for peace negotiation, such as the Joint Egyptian-Libyan Initiative (JELI), major powers under a Troika umbrella with 'great power chauvinism' had an upper hand in dispensing legitimacy. The former African initiative was side-lined in the legitimacy calculus. These powerful Troika states became strong players in the Sudan peace negotiation process, and they further entrenched their position to the weaker states defending their interests in Sudan (Braaten 2009: 119f, Bukovansky 2002: 8f, Hurd 2007: 76ff, cf. Khalid 2015, Johnson 2016).

In retrospect, the findings of this study show that foreign dominance and the selective interventionist approach behind the internationally driven Comprehensive Peace Agreement had many flaws and dire consequences for the post-conflict phase due to the following reasons.

First, peace negotiation measures call for effective participation of all stakeholders in conflict and gives them an opportunity to have a direct say in the process. Such an undertaking creates a feeling of ownership and legitimises the process. However, the international led CPA negotiation process side-lined Sudan's opposition parties, other rebel groups, and the general population. The one-sided intervention led by the international community subsequently acted to legitimise authoritarian elites and warmongers who had caused massive atrocities and human rights abuses to Sudan's citizens.

The constricted selective approach by the international community contributed to legitimising both the SPLM/A's insurgents and the Khartoum government in the CPA through the power-sharing agreement. As a result, it bypassed the achievement of democratic parties and weakened institutional accountability in the two countries. Sudan and South Sudan became fragile and non-performing states as the support and legitimacy from its citizens has waned. South Sudan faces internal power disputes leading to the resumption of conflict in part due to the flawed international led CPA process.

Second, the quick-fix approach adopted by the external parties overlooked citizens' perception and contributions, which could have streamlined the upshot of the peace process. Instead of critically analysing and identifying the root causes of Sudan's conflict, international actors initiated and presided over an electioneering process in a seemingly intractable environment. It included lack of trust, high levels of violence, marginalisation, and underdevelopment. Furthermore, they did not focus on the post-conflict stability of Sudan but also compelled Sudanese citizens to accepts the results of a flawed electioneering process that barred their participation.

In any event, the outcome of the 2010 electioneering process as a recipe for peace-making has run up against the zero-sum logic of political competition in South Sudan in the post-CPA period. Instead of this election resulting in an inclusive democratic process, it led to the consolidation of the dominance of the SPLM/A in the south and the National Congress Party in the north. The international community overlooked election malpractices both in northern and southern Sudan. Their main aim was to oversee the preservation of the CPA and its primary objective, the referendum on self-determination, and the expected independence of Southern Sudan. These elections contributed to civil strife in the contested north-south border regions of Blue Nile and Southern Kordofan between the two hegemons, with even more dire consequences in the southern heartlands.

In Southern Sudan, the stage-managed electoral process empowered undemocratic political leaders at the expense of the interests and desires of the population. Many violent conflicts in South Sudan are in one way or another connected to procedural legitimacy deficits in these elections. The SPLM/A rigged the polls by overriding various state-level party nominations and favouring party cadres lacking support from the local population. Effects of the rigging include dissatisfaction amongst the wider population and the eruption of two subsequent civil wars, insecurity and violence along ethnic lines, mostly the Dinka versus the Nuer and vice versa.

Transitional justice and reconciliation are essential aspects for (re)building peace, stability and trust in a society that has been ravaged by violent conflict. However, despite massive atrocities committed by the two warring actors during the civil war, the external facilitators of the CPA lacked a plan for post-transition stability. The CPA lacked a mechanism for transitional justice to be enacted in the post-conflict setup. As such, international backers of the CPA legitimised and supported warmongers and perpetrators of human rights abuses and catapulted them into the role of peacemakers in South Sudan. South Sudanese politicians went on to shelve major reforms and mechanism of national healing and dialogue after independence. The inability or the unwillingness of the international community to exert sanctions on the corrupt leaders and abusers of human

rights has entrenched a belief among the population that the politico-military elites are untouchable. Thus, the international community has continued to cement the status of the 'liberators' in power.

A lesson learnt from the above analysis indicates that the uncalculated international engagement with the 'liberators' has not led to a self-sustaining stabilisation and consolidation of democracy in South Sudan. On the contrary, it produced short-term gains instead of long-term sustainability for South Sudan. Besides, the international intervention strengthened and legitimised the 'liberators' through the 2010 elections. Until now, it embedded political elites of the time so firmly into the political system and legitimised the war legacies, thus inhibiting the emergence of a new political class in the post-conflict period. During the liberation war, the Khartoum government marginalised the southerners, perpetuating underdevelopment, and dysfunctional institutions in the south. After independence, however, it was the South Sudanese political elites who have been the force behind the undemocratic political system and dysfunctional institutions. If SPLM/A's political elites continue to run the government without implementing national and state-building measures, South Sudan risks remaining in a state of acute paralysis, violence, insecurity and protraction of severe ethno-political wars with dire consequences.

9.6.2 SPLM/A in the post-independence period

The SPLM/A's inability to consolidate and maintain legitimacy in the post-conflict era, and its failure to transform from a liberation movement to a government arises from various factors that demand attention. The historical unity manifests as a unity of convenience and not of conviction, resulting in the loss of legitimacy and the resumption of internal ethnic conflict.

The government has continued to impede democratic pluralism. The SPLM remains the dominant political party, and the power behind its military arm. Whoever commands the former also controls the latter. Therefore, to successfully transform and consolidate legitimacy and support, the SPLM/A must change its attitude. It can achieve this by relinquishing its militaristic ethos and reliance on a revolutionary ideology of a centralised authority to reintroduce democratic separation of powers accompanied by checks and balances. Reminiscent the split of the movement in 1991, it can only address these problems by opening the internal debate as well as initiating an institutional framework in the party. Insofar as the political culture of the liberation movement have continued to hinder democratic ideals, the SPLM/A has dispensed with the internal organs that provided a balance like the Politburo and National Liberation Council. The disbandment of these two organs, and the separation of the army is vital since it will enhance the structural and legal legitimacy of the movement.

It is vital to recognise that the 2006 SPLM/A's military integration process of other armed groups in southern Sudan aided the movement to conduct a referendum in 2011 and secure South Sudan's

independence. However, amidst lack of clear structures, rules and accountability, this measure of initiating statebuilding based on consensus has proven to be a recipe for disaster. Such an undertaking of buying loyalty, support and legitimacy from divergent armed factions has bloated military and government structures, hindered SPLM's ideological profile, political legitimacy, and the government ability to function well and obscure a real transformation of the movement. As evident in the recent eruption of two civil wars in South Sudan (2013 and 2015), this military integration process has led to a renewed split of the movement into competing factions. Therefore, to ensure a successful transformation in the post-independent period, the SPLM has to mitigate these occurrences by swiftly redefining its vision of an independent South Sudan.

The SPLM/A has to strengthen its police force by training to curb cattle raiding, banditry, ethnic violence, and insecurity. This undertaking calls for security sector reforms, downsizing of its military personnel, and establishing institutions to train and transform SPLA into a professional army, loyal and patriotic to the government of South Sudan. Not to tribes, political leaders or senior army officials. However, Inept aptitude in resolving this will inevitably empower other forces. Consequently, the movement will continue to mislay all its social, symbolic and political capital legitimacy it acquired during its revolutionary period.

The South Sudanese currently lack a strong sense of national cohesion which can unify the country's diverse and competing ethnic groups and political persuasions. The political elites dependent on ethnic and personal ties have continued to hijack state institutions for their self-interests. They have been privatising their political influence, thereby interrupting political power from the institutions, and establishing an incongruence between the official and real political power, hence preventing accountability. As such, this dynamic has entrapped the citizens, the civil society and the media in passivity and frustration, which has hindered them from demanding accountability from the political elites in power.

This undertaking has obscured the authorities from establishing and consolidating legitimacy to the population. Despite the presence of governance structures, the SPLM as a party is not institutionalised. Politico-military elites use party structures to patronise and engage in systemic corruption, instil fear to the population. In addition to this, they relegate social issues to ethnic ones or alter them into facades of ethnic polarisation. Therefore, this has steered the wider society down an alleyway of uncertainty and violence. In various occasions, the interests of party elites hinder the ability of internal structures from functioning independently. All these aspects have led to divisions amongst the SPLM/A leadership, a rise in competing vision and the movement has somehow devolved further into an ethnic and patronage-based organisation (cf. Boell 2012, ICG 2011).

SPLM/A, as a separatist movement, framed its demands for secession from Sudan as opposition to the Arab identity and Islamism of the oppressive government in Khartoum. It used its 'African' identity to wage its revolutionary war. However, upon secession, South Sudan began facing a secondary identity conflict based on ethnicity, mostly between the Nuer and the Dinkas. Political elites instrumentalised ethnicity for their financial interests and to create a power base. Ethnicity became a gateway to access power as well as selective access to public goods and services. This has led to increased inter-ethnic rivalry, violence, mistrust, nepotism, and cronyism at the expense of a peaceful co-existence and social-cultural development of South Sudan. For instance, other groups in South Sudan accuse ethnic Dinkas of dominating the government and the military. At the same time, they seek to claim the peace dividend inherent in their contribution to the liberation struggle. The government of SPLM failed to realise that achieving independence alone is not enough if it does not supplement it by nationbuilding projects aimed at creating a sense of national unity and a shared identity amongst the diverse population.

Therefore, to mitigate negative ethnicity, the government of South Sudan must acknowledge that ethno-regional diversity will persist to be a challenge. Ideally, the government should embrace a political strategy of accommodating diverse ethnic constituents of Sudan, and avoid a winner-takes-all mindset. Such an endeavour also involves initiating a broadly representative government, not just as an appeasement but rather as an acknowledgement of South Sudan's diverse and pluralistic nature. Additionally, to maintain the country's social cohesion, legitimacy, and support, the government must indiscriminately offer good and services to society.

Proper management of oil revenue remains the key to reconstituting the government's legitimacy. However, despite massive oil revenues, South Sudan remains underdeveloped, corrupt and citizens continue to suffer from poor service delivery. Oil revenue remains the main source of military patronage. Claims to central authority revolve around 'rent-seeking rebellion' streamlined by a sequence of mutiny, counter-attack and a bargaining tool between rebel leaders and the government. Rebel leaders have adopted violent strategies to gain access to the government hierarchy and rewarding their followers by enlisting them in the SPLA payroll funded by oil proceeds. The rationality of insurgent groups is to use force to coerce the government to bargain, and the government uses punitive power to force rebels to settle for a lower price. The vicious cycle heightened during the 2013 and 2016 civil wars in which SPLM/A defragmented along ethnic lines, leading to massive loss of lives, insecurity, and rampant violence.

Overreliance on oil revenue has created macro-economic imbalances, especially after the fall of oil prices. With the availability of diverse and vast natural resources, the government can mitigate its overreliance on oil revenues by reinventing more sustainable approaches that diversify its earnings

while stimulating economic growth. For instance, it can develop prudent policies and incentives that attract foreign direct investment and the private sector to the country. In tandem with this new strategy, the government should come up with a national revenue allocation model, set up a corresponding regulatory system, and enact a policy for the distribution of these revenues. With prudent use of oil proceeds, the government can shore up lagging infrastructural deficits, enact state-building measures to decentralise authority, and empower the state and grassroots politics. The government can use oil proceeds to train its civil service to improve local administration. It can also use oil revenues to mitigate and avert high poverty levels through a rapid initiation of economic and infrastructural development in the country. However, the government must offer its citizens jobs based only on competence rather than politics or loyalty to the SPLM. Otherwise, corruption and mismanagement of the oil revenue will continue to cause national division and succumb "an additional casualty to the resource curse (ICG 2011: 3f)."

The proliferation of small arms, cattle rustling, banditry, inter-ethnic and political conflict have contributed to violence and insecurity in South Sudan. The government must address the systematic causes of violence and insecurity by initiating measures that guarantee sustainable peace within the country. The process has to be accompanied by the identification and addressing of citizens' long-standing grievances. Also, the government should initiate restorative justice and reconciliation efforts aimed at strengthening inter-community dialogue, and commemorating the dead as it has been part of the political culture in Rwanda after the 1994 genocide.

In addition to this, the inclusion of various stakeholders in this peace process, such as chieftaincies, church leaders, civil society, and community associations and organisations, will further legitimise this peace process. With the proliferation of small arms, the government must come up with a civilian disarmament strategy through non-violent means. The government's disarmament measures should involve the affected communities in its planning and implementation of this process. The disarmament strategy should be seconded by introducing the army/ and/or police into disarmed areas to guarantee the safety of the disarmed individuals and communities. Importantly, the government must put more efforts into unearthing the sources of these arms in the hands of internal dissidents and its civilian population. It also has to tighten civilian and dissent capabilities in accessing sources of these arms. Noting that South Sudan's youth have grown up in a culture of war, accustomed to cattle rustling and raiding as their only source of livelihood, the government should offer the youth access to education and opportunities. Additionally, the government has to come up with transition and conflict mitigation programs that provide opportunities to the youth to engage in productive economic activities, training and education, and other cross-ethnic social programs, which will aid in the promotion of an attitude of non-violence and tolerance.

Corruption is rampant amongst the liberators due to their embracement of the neo-patrimonial system of governance. Corruption has engulfed all sectors of the economy and the state. It manifests through various forms, including grand corruption and clientelistic webs along with tribal streaks. The patronage-based corruption unequivocally flouts budgetary discipline, and funds allocated for the provision of goods and services to the population are meagre. Numerous senior political, and military officials already identified in engagement in corruption have not been taken to court, thus leading to the culture of 'untouchables' and high levels of impunity.

Massive corruption has a causal connection with violence, and it has continued to threaten peace, stability, and security. Corruption entangled with ethnic and patronage network has tremendously contributed to a lack of development, economic spiral down effects, weakening of state's institutions, plummeting the country into a state of crisis, and the erosion of government's legitimacy and support from the citizens. To hinder further effects of corruption, the government has to institute measures for combating corruption, such as the empowerment of the anti-corruption institutions, charging corrupt officials, and confiscating their wealth accumulated through corrupt deals.

The ongoing discussion demonstrates why there are no quick-fix solutions to challenges that are currently facing South Sudan. Almost sixteen years after signing the Comprehensive Peace Agreement and eleven years after South Sudan's independence, the country is now a dysfunctional state characterised by division and distrust amongst the political-military elites and the general population. Failure of the SPLM/A leadership to rethink its attitude in a very intensely polarised and fragmented society will further lead to a centralised entity characterised by state decay, violence, insecurity, ethnically divided and factionalised military. But reforming South Sudan's governance and implementing policies promoting prosperity is not possible under the current leadership of the SPLM/A.

9.7 Outlook for further research

The contribution of the findings of this research draws attention to areas that necessitate further research. Since the signing of the Comprehensive Peace Agreement in 2005 and the post-independence period, South Sudan has continued to face violent conflicts with dire consequences for the population. The study revealed that unaddressed issues such as insecurity, poor governance, deterioration of social and economic aspects, and the exclusion of the population in peace and development initiatives hinder peacebuilding in South Sudan.

What strategies can bring peace, prosperity, and development in South Sudan? As depicted in the previous chapters, the SPLM/A leadership is famous for enacting real dialogue only as the last option under external pressure. Furthermore, this process continually proceeds in the absence of

dialogue on reconciliation and healing. This behaviour has influenced all facets of political leadership in South Sudan. Elites continually dominate conflict resolution after independence. Exceptions are the 1994 National Convention in Chukudum, a peacebuilding mechanism that embraced a bottom-up approach to conflict resolution, the 2005 Comprehensive Peace Agreement and the SPLM/A military integration process in 2006 under the Juba Declaration.

Unlike South Africa's incorporation of civil society and the wider population in its truth and reconciliation pact, South Sudan's political elites continue to dominate peacebuilding efforts. The top-top approach peacebuilding strategy documented in this study has continually failed to enact a long-term peacebuilding mechanism, constructive transformation, and a viable development agenda in South Sudan. The underlying reason is that elites' opinions, and involvement in peace processes frequently supersede the view and interests of common people, who, in most occasions, tend to be excluded.

In most cases, the exclusive top-top approach to conflict resolution is just a sideshow supplanting the real peacebuilding process. The peace negotiation process has been characterised by an intersection of an artificial ethnic narrative, buying peace and loyalty through sharing of power and wealth amongst the political elites at the expense of attainment of positive peace, justice and real democratisation. This was recently witnessed in the peace process led by the Inter-Governmental Authority on Development (IGAD) in Addis Ababa, where the government again failed to initiate state-community dialogue after the eruption of two civil wars in December 2013 and July 2016 in South Sudan.

Again, these externally led peacebuilding interventions exclusively involved elites void of political goodwill, and did not address widespread grievances. Besides, they did not address the root causes of the conflict or initiate any form of national reconciliation or dialogue. As such, the top-top peacebuilding strategy dominated by elites' interests continues to limit the political space for popular participation. The result is inhibition of state functionality, loss of its legitimacy, and increased levels of violence and insecurity. The role of traditional leaders based on customary law and mutual participation in Sub-Sahara Africa plays a vital role in strengthening and constructing relations between the state and society. Due to the absence of government structure in the periphery, the legitimacy of traditional political order founded on norms, trust, loyalty, social and mutual relations play a crucial role in governance and enhancement of sustainable peace in conflict situations (cf. Clements 2008, Deng 2004: 189, Kanyane et al. 2010: 58ff, Lund 2006, OECD 2010, Rolandsen 2005).

Similarly, the history of the liberation movement in South Sudan has been either fronted by the traditional leaders or supported by them in various levels, as necessitated by the nature of

challenges. The SPLM/A incorporated traditional authorities who served as political, spiritual, custodians of tribal cohesion, and cultural norms and values of the population in its wartime and institutions of governance in the liberated areas. As such, they played a crucial role in influencing leadership practices by liaising with the SPLM/A in governance, conflict resolution and management, mobilisation of labour and material resources as well as contributing to defensive warfare when required (Kanyane et al. 2009: 101-120, 132, Keith 2007: 175f).

During the south-south violent conflict, traditional leaders significantly contributed to the achievement of peace in Southern Sudan through grassroots initiatives. Examples of successful traditionally-driven peace initiatives include south-south reconciliation between the Anyanya II and the SPLM/A, the first National Convention in 1994 with other armed factions in Southern Sudan, and the 1999 community-community Wunlit Peace Conference between the Nuer and Dinka, and between the Murle and Nuer to mention but a few. The collaborative strategy in the reconciliatory talks helped the SPLM/A to fast-track the pace of the liberation struggle, and it liberated 90 per cent of the Southern Sudan from the Khartoum regime. It also aided the establishment of the rule of law, development of service delivery in the liberated areas, and the support of the Southern Sudanese population (Kanyane et al. 2010: 80ff,86, cf. Rolandsen 2005).

The church in South Sudan is also one of the broadest and interconnected civil society institutions working under an ecumenical umbrella of the South Sudan Council of Churches (SSCC). It has successfully enacted peace initiatives at the grassroots levels. Church initiatives enhancing peace and integral human development include the Kuron Peace village under Bishop Emeritus Paride Taban, the Catholic Nonviolence Initiative headed by Pax Christi International, and the Vatican's Dicastery. The Interdenominational Church Leaders' Mediation Initiative (CLMI) involvement in the monitoring and verification of Cessation of Hostilities as envisaged in the IGAD peace deal in 2014 successfully mediated peace with David Yau and his rebel group the South Sudan Democratic/Army (SSDM-Cobra faction) with the SPLM/A.

The underlying success to CLMI lay in the neutrality of the church and its connection to the population, recognition of plurality through a joint consultation approach with the communities, local chiefs, elders and community leaders, and a joint military team comprising of SPLA and SSDA members as well as the UNMISS representatives. The CLMI initiatives focused on altering the narrative of peace by calling an end to violence and embracement of non-violent aspects, creating an opportunity to establish trust and service delivery to the population. They also identified and addressed the root causes of the conflict and ensured homegrown solutions for resolving the conflict in this region (cf. Daly et al. 2017, Danis 2017, Justice Africa 2014).

Given the influence of traditional leadership in local governance and building peace during and the post-conflict South Sudan, it would be interesting to investigate the possibility of reverting to the bottom-bottom approach previously successful in forging unity in South Sudan. It would build upon both the specific and generic underpinnings of the role of traditional leaders in peacebuilding measures. Lessons drawn and skills acquired from the bottom-bottom approach remain significant in forging positive peace and national reconciliation, and resolving the multifaceted conflicts in South Sudan. A study on the traditional bottom-bottom approach would critically analyse the indispensable role of traditional authorities' efforts in building sustainable peace during the civil war period in South Sudan.

The study can illuminate and recommend various methods through which traditional leaders contribute to peacebuilding and how distinctive their role, interests and organising strategies are in making empirical recommendations. A hybrid peacebuilding mechanism based on the traditional bottom-bottom strategy together with a legal-rational top-top approach, religious groups, academics, policy experts, and South Sudanese civil society would be another interesting area of research to consider. Such a study would highlight the role of traditional authorities in peacebuilding as a form of agency. Its replication in the broader African peace and security architectures can heighten the current peacebuilding framework.

Moreover, further research in the form of comparative case studies that would utilise both qualitative and quantitative research methodology (interviews and surveys) can be integrated into the analysis. As such, it would equate intensities of representation, participation, and achievements in impelling the upshots of peacebuilding procedures facilitated by traditional leaders. Besides, such a study would contribute to the scholarly field of peacebuilding in South Sudan, and the wider Africa. Such a nuanced review can highlight traditional leaders' effectiveness and substantive roles in influencing and handling their social groups in challenging situations such as conflicts and highlighting challenges in their function's vis- à-vis the states' legal framework.

Traditional leaders have the technical know-how to resolve conflicts within their constituencies through local measures founded on shared beliefs and customary laws that are bypassed in top-top peace negotiation platforms. The traditionally led approach to peacebuilding at the grassroots levels can play a vital role in transforming negative attitudes and behaviours. Therefore, researching in this area would decipher and provide a more in-depth understanding of both the enabling and constraining factors of traditional peace approaches. As a result, this can contribute to peace and development by replacing negative ethnicity and tokenism with patriotism, nationalism and meritocracy in South Sudan and Africa at large.

Appendixes

Appendix 1: Informed Consent

Stephen Karugu Njuguna

Dear Participant(s)

Re: Informed Consent for Interviews

My name is Stephen Karugu Njuguna, and I am pursuing a Doctor of Philosophy (PhD) at the Philipps University Marburg (Center for Peace and Conflict Studies). As a requirement for the successful attainment of this degree program, I am conducting a research project titled: "***Trajectories of Change, from Armed Struggle to Politics: The Transformation of Sudan People's Liberation Movement (SPLM) from a Liberation Movement into a Political Party*** ". The objective of my thesis is to analyse the transformation process of the SPLM/A to a government cum political party. The study also seeks to analyse SPMA's performance, achievements, and challenges at the helm of power (from 2005 to date).

I am cordially inviting you to participate in the research study to enable me to achieve the goals of this research project. Your participation and input will contribute to the generation of crucial information that will enhance a better understanding of SPLM/A's liberation struggle and the transformation process. Your knowledge, experiences and information on this case study will illuminate the factors, dynamics, and conditions of SPLM/A's trajectory hence shed light on the country's rarely understood plight.

Moreover, the information will aid in understanding the situation in South Sudan and provide insights into the transformation of a liberation/resistance movement into a political party and, consequently, a government. As such, it will aid in the formulation of Sudan's policy recommendations and provide new directions for understanding the case and prospects for future research. Finally, your input will offer a learning opportunity for understanding the factors that may play a significant role in the transformation of guerrilla movements to political parties in other contexts.

Therefore, please note that:

1. Your input in this research project is only for academic purposes, that is, the completion of my doctoral thesis at the Philipps University Marburg.

2. Your participation in this study is voluntary, and you are at liberty to refuse or withdraw at any stage of the interview.
3. You can freely agree or object the recording of the interview.
4. The findings of this research project will be presented in various academic circles in terms of conferences, articles, or a book in the future. However, all your identities will be anonymised.
5. Irrespective of your responses and views, I highly appreciate your contribution.
6. Aware of the sensitivity of the research project, please be assured that your confidentiality in terms of personal information and data will be guaranteed through the anonymisation of your details as a participant in this research project.
7. If you agree to participate in this research project, please append your signature in the declaration form attached to this letter.

Thank you for your participation and contribution to this research project. If you have any questions, remarks, or concerns about your participation in this research project, please contact my supervisor or me through the contacts below.

Prof. Dr. Susanne Buckley-Zistel
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Appendix 2: Declaration Form

Declaration Form

I ……, confirm that I am informed on the contents and nature of the research study and do hereby agree to participate in the study.

I am not coerced to participate in the study, and I am at liberty to withdraw my participation at any time without giving any reasons for my withdrawal.

Therefore, I fully understand the intentions of the research project, and I agree to take part in the interview.

Participant

Date and Place……..

Signature……..

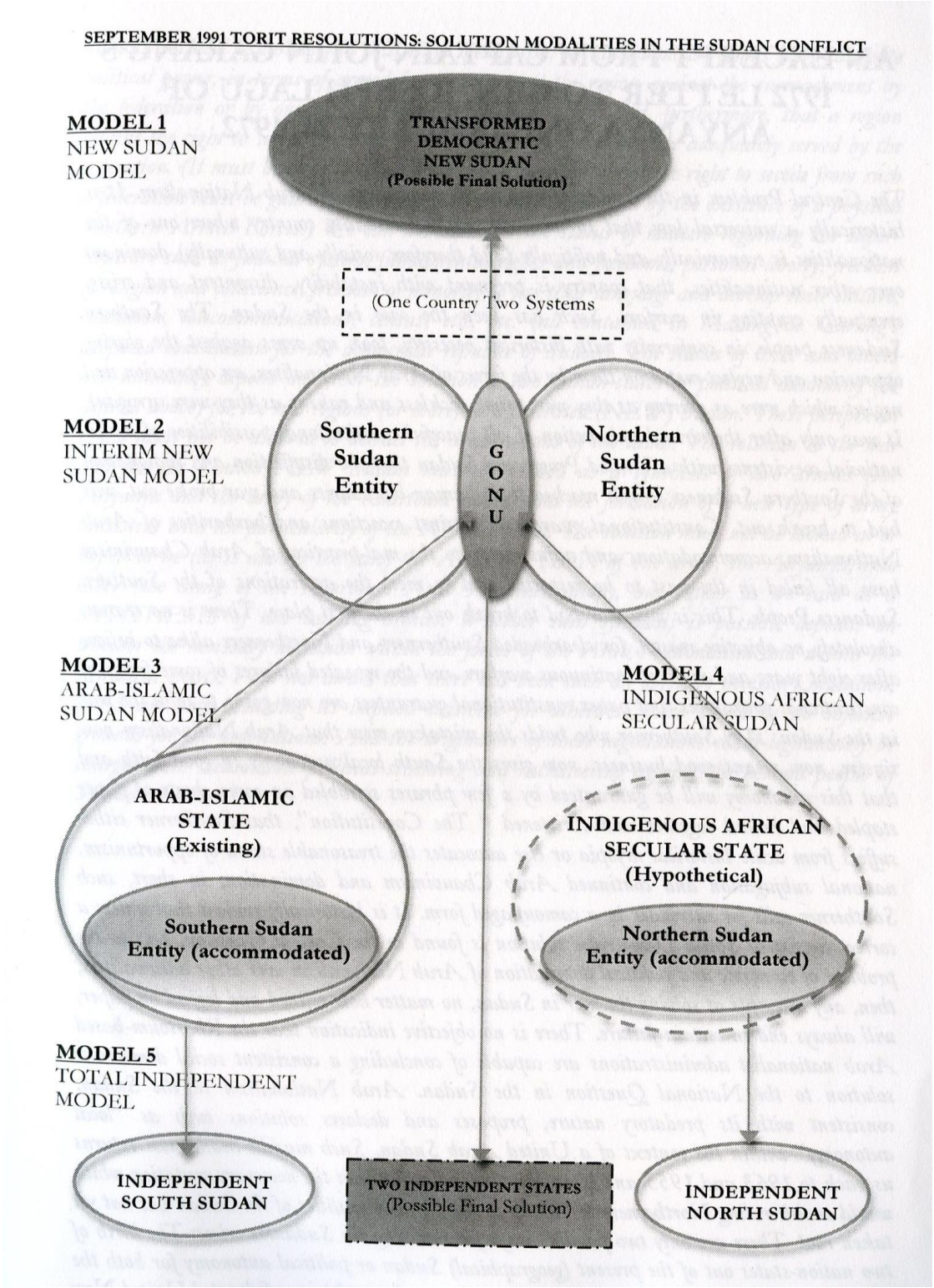
The researcher

Date and Place…….

Signature……..

Appendix 3: Venn's Diagram

Sudan conflict solution modalities as it was envisaged in the vision of 'New Sudan'



Source: Wël 2013: 19

Appendix 4: Affirmation

Hiermit erkläre ich, dass ich meine Doktorarbeit zur Erlangung des Grades eines Doktors in der Philosophie

Trajectories of Change, from Armed Struggle to Politics: The Transformation of Sudan People's Liberation Movement (SPLM) from a Liberation Movement into a Political Party

selbstständig und ohne unerlaubte Hilfe verfasst, ganz oder in Teilen noch nicht als Prüfungsleistung vorgelegt und keine anderen als die angegebenen Hilfsmittel benutzt habe. Die Stellen der Arbeit, die Anderen (einschließlich des World Wide Web und anderen elektronischen Text- und Datensammlungen) im Wortlaut oder dem Sinn nach entnommen wurden, sind durch Angabe der Herkunft kenntlich gemacht. Mir ist bewusst, dass ich im nachgewiesenen Betrugsfall die eventuell entstehenden Kosten eines Rechtsstreits zu übernehmen sowie mit weiteren Sanktionen zu rechnen habe.

Mombasa Kenia, den 30.06.2021

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