

Governance, violence and the struggle for economic regulation in South Sudan: the case of Budi County (Eastern Equatoria)

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This article analyses how Budi County in Eastern Equatoria State (South Sudan) was governed during the 1990s and up to mid-2007. Because its capital Chukudum was the SPLM/A headquarters almost throughout that period, it provides us with an interesting case from which to explore how the SPLM/A governed during the war and how this impacts on the post-war peace. One observation is that the war, besides a period of devastation and human suffering, was also a time of economic opportunities and social differentiation. For that reason this article will also explore livestock trade as a new mode of wealth appropriation and the changing nature of cattle raiding, and how this interferes with the struggle for regulatory power and governable “spaces”. This means that we comprehend the economy as a political terrain. At the same time we leave room for sociological perspectives, to complement the more restricted “competition for resources and gains” approach to conflict and violence. The article is written in three sections. In the first section we briefly clarify why in 1999 there was an uprising in Budi County against SPLM/A rule and why it engendered massive local support. In the second section we examine one of the most destructive manifestations of violence that affect Budi county: cattle raiding. We look at it from a perspective that has been under-researched in the field: that of trans-border trade. In the last section we look at how, after the peace of 2005, newly appointed local government authorities are (re)claiming domains of state regulation that previously lay firmly in the hands of the military. Particular attention is given to the capacity of the local authorities to guarantee security and provide protection.

Key words: governance, violent conflict, regulatory power, trans-border trade, South Sudan Eastern Equatoria

Introduction

With the signing of the 9 January 2005 Comprehensive Peace Agreement (CPA) between the Government of Sudan (GoS), dominated by the National Congress Party (NCP) and the southern-based rebels, the Sudan People’s Liberation Movement/Army (SPLM/A)¹, Africa’s longest civil conflict formally ended. The agreement provides for a six-year interim period of power sharing between a Government of National Unity

¹ Following the signature of the CPA, the SPLM (the political wing) and the SPLA (the military wing) existed for the first time as separate entities. Yet, the combination SPLM/A is still frequently used.

(GoNU) and a Government of South Sudan (GoSS), with democratic elections in 2009 and a self-determination referendum for the South in 2011.²

That the new autonomous SPLM/A-dominated GoSS faces many difficult challenges, is evident: decades of continuous civil warfare have severely eroded social and economic development and destroyed most of the South's physical infrastructure. Many observers also highlight the enormous task and the limited capacity of the SPLM/A to (re)construct a state in the South and to establish governmental institutions on all levels (GoSS, state and sub-state levels). In particular they emphasise the fact that because of its failure to develop a civil administration during the war, the SPLM/A has little historical experience to build on. A second frequently cited incapacity is the SPLM/A's failure to resolve ethnic tensions and to embrace ethnic groups other than the Dinka, which has generated disension and factionalism in the past, and might also negatively affect post-war nation-building (HRW, 2006; ICG, 2006; Rogier, 2005).

Bearing these general reservations in mind, we look in this article at how a particular locality in South Sudan, i.e. Budi County, that was under continuous SPLM/A rule, was governed during wartime, and how the regulation of the public domain that emerged during that period is impacting on the post-war order. Budi County, one of the eight counties of Eastern Equatoria, the most south-eastern of the ten states into which South Sudan has been divided, provides indeed an interesting perspective. It was in its capital Chukudum, that the SPLA in 1994 held its first National Convention³ where the need for civil governance structures, independent from the SPLA, was officially recognised. This recognition came after years of reluctance by its leadership, in particular Chairman John Garang himself, to establish civil governance institutions, for fear of losing political control and hegemony. In the early 1990s however, the SPLA was forced to soften its position after it was hit by several interlocking crises: its loss of Mengistu's material support after the regime change in Ethiopia, the defection of Riek Machar, the subsequent split in the SPLA and the bloody clashes between Machar's Nuer supporters and the Dinka from Bor in the south of Upper Nile (Garang's homeland), resulting in the flight of thousands of them – soldiers and civilians – southward to Equatoria. Under these circumstances, the importance of a local support base – and hence civil authority structures – was reconsidered (Johnson, 2006, p. 109; Young, 2005, p. 541).

The choice for Chukudum as the location for the conference was obvious: two years earlier – in 1992 – the SPLA moved its Equatorian headquarters from Torit, from where it had been expelled by GoS troops, to Chukudum, nearby the Ugandan and Kenyan border. The establishment of effective and accountable governance structures was once more on the agenda in 1996, when the SPLA organised the Conference on Civil Society and the Organization of Civil Authority of the New Sudan, which took place in New Cush on the border of Budi County with Uganda. Here, the SPLA reconfirmed its position that military and civil administration be separated, resolved on a decentralised administration and as-

2 For more details: CPA, 2005 (available at: <http://www.unmis.org>).

3 Despite the initial promise to convene a National Convention every five years (Chol, 1996, p. 2), it took more than a decade before a second National Convention finally took place, i.e. in May 2008.

cribed village government (Boma level) to traditional authorities (Chol, 1996). The rhetoric however contrasted sharply with the reality. On the whole, the power of the military remained unchecked. And where civil authorities were appointed, they were recruited from the military or remained subordinated to them (Blunt, 2003, pp. 133-136; Johnson, 2006, pp. 105-107; Rolandsen, 2005, pp. 82, 155, Young, 2005, pp. 540-541). Chukudum was not an exception, which explains to some extent why in 1999 it became the site of a local rebellion. This revolt started as a bitter internal SPLA confrontation between a local Didinga SPLA captain – Peter Lorot – and the SPLA leadership. This conflict drew in large numbers of the local population and soon developed into an inter-community conflict between the Didinga, the original inhabitants, and the Dinka, both soldiers and civilian internally displaced persons (IDPs), who especially after 1991 had moved to Chukudum.

Elsewhere in Southern Sudan – in Eastern Equatoria and beyond – militia movements emerged during the second civil war, be they breakaway factions from the SPLA or bottom-up groups created by frustrated communities. The origins of these militias are many-sided and not reducible to one single explanation. Nevertheless, it is widely acknowledged that where militias arose, it was to a degree in reaction to the failure of the SPLM/A to govern (Branch & Mampilly, 2004, p. 4; Johnson, 2006, pp. 105-107; Young, 2003, pp. 425-426; Young, 2006, p. 13) or perhaps more accurately: in reaction to the particular way the SPLM/A governed the territories and population under its control.

This is not to minimise Khartoum's role in the viability of these militia forces: throughout the second civil war, the sponsorship of rival militias was one of Khartoum's most effective war instruments against the SPLA. As happened with other forces defecting from the SPLA proper, Lorot's militia too was embraced by Khartoum. From nearby Kapoeta, which was occupied by the GoS troops (until 2002), his militia was easily accessed and supplied with (military) "necessities" to keep on fighting the SPLA. However, Khartoum's manipulation and exploitation of divisions within the Southern rebellion alone does not explain the formation of the Lorot militia and the fact that the majority of the Didinga from Chukudum followed Lorot and his militiamen in their flight to the nearby mountains.

This article therefore takes the 1999 revolt as an entry point to explore the way the SPLM/A governed Budi County and its capital Chukudum, during the 1990s and up to mid-2007. As Branch and Mampilly observe in their 2004 article "Winning the war, but losing the peace?", little has been said about how rebels govern the territory they occupy. Within Southern Sudan, Equatoria deserves attention in this regard because of the history of tense relations between the SPLM/A and the numerous Equatorian ethnic groups, who view the SPLM/A as a vehicle of Dinka domination (Branch & Mampilly, 2004, p. 4).

In the first section we briefly clarify the reasons for Lorot's revolt and the grounds of the massive local support it engendered. In the second section we examine one of the most destructive manifestations of violence that affect Budi county: cattle raiding. One disturbing observation is that it is rampant and escalating beyond control. We look at it from a perspective that has received little attention: that of trans-border trade. In the last section we look at how, after the peace of 2005, newly appointed local government

authorities in Budi County are (re)claiming domains of state regulation, previously firmly in the hands of the military. Our particular attention goes to the capacity of the local authorities to guarantee security and provide protection.

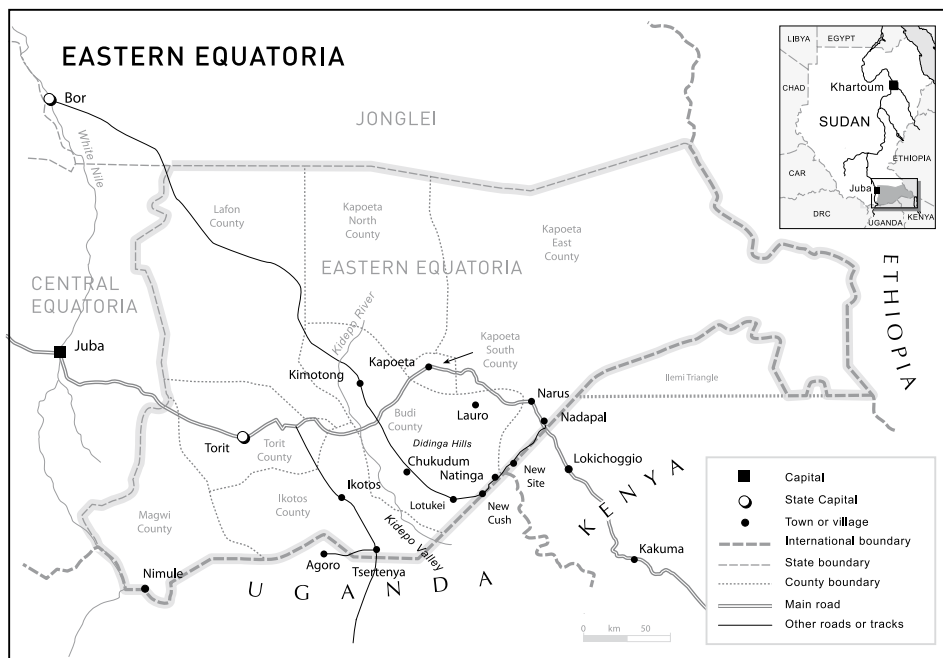
The economic side of the 1999 revolt

The SPLA made its first appearance in Chukudum in November 1985. In the following years it gradually became a place of refuge and permanent residence for SPLA soldiers and IDPs. In 1992 in particular there was a massive influx of IDPs into Chukudum⁴ following the recapture by Khartoum of Torit and Kapoeta – in itself a consequence of the weakening of the SPLA after the events of 1991 (cf. *supra*). In the same year, the SPLM/A relocated its Equatorial headquarters to Chukudum. As a basis from where to survey looming Northern army attacks, as a safe haven for IDPs or refugees on their way to Kakuma and as a depot for incoming relief aid from Lokichoggio (both in Kenya), Chukudum's location was ideal: surrounded by mountains and nearby the Ugandan and Kenyan borders.

While the local community had initially welcomed the SPLA soldiers, from 1986 onwards, humiliations, harassments and incidents of violence were increasingly observed.⁵ Being unpaid, SPLA soldiers were willingly or forcefully supported by the population with contributions (taxes), food and other necessities. Unable to sufficiently supply its soldiers, the SPLA also permitted them to engage in private trade (Young, 2003, p. 427). Especially harmful for the local Didinga however, was the fact that SPLA military took over the trade in their local produce, of which tobacco was the most important. Tobacco is uniquely grown in the Didinga hills and is a highly valued product. For decades it has been sold or bartered for bulls or gold to the neighbouring Toposa or even to the Turkana, across the Kenyan border. It became a sought after commodity upon the arrival of the SPLA in Chukudum – brutally looted, confiscated at barriers or bought at gunpoint at unfairly low prices. Security threats and road blocks deterred the trade to local markets and neighbouring communities. Eventually, the trade was forcefully taken over.

4 As well as in other SPLMA-garrison towns in Eastern Equatoria, such as Ikotos, Narus, Nimule and Pageri.

5 Abuses of human rights and downright mistreatment of civilians by SPLA military commanders occurred everywhere in South Sudan. The general problem of lawlessness and the trouble caused by local commanders taking the law into their own hands, was addressed for the first time at the 1994 National Convention (Rolandsen, 2005, pp. 112-113).



Source: Adapted from *Small Arms Survey, Graduate Institute of International and Development Studies, Geneva 2008*.

As a result, by 1999 the relationship between the predominant Dinka military authorities and the Didinga community had become very tense. Also, within the army the Dinka-Didinga relations had further deteriorated over the years. Dinka were not only overrepresented in the SPLA troops in Chukudum, Didinga soldiers complained that they considered themselves more legitimate SPLA members than any other ethnic group. So when Peter Lorot, who was responsible for the recruitment of Didinga into the SPLA (in which he was quite successful), missed a promotion to a rival Dinka, it was the proverbial last straw. Lorot, aided by Didinga soldiers, subsequently killed his rival and sought refuge in the nearby mountains.⁶ Approximately 16,000 Didinga civilians⁷ joined him. In the following years, the Lorot militia behaved basically as a vigilante group, defending the Didinga when harassed or looted by SPLA soldiers. And just like SPLA-soldiers in Chukudum, Lorot’s militiamen too were serviced by the population with donations and food.

From 2002 onwards, the influence of the Lorot militia diminished. That year Lorot was offered amnesty at a reconciliation conference between the Didinga and the SPLM/A.⁸ However, it was only in May 2006 that approximately 1,200 militiamen – the total Lorot

6 Interviews Chukudum, April 2007. See also: Record of the Chukudum Crisis Peace Conference, 2002. At this 2002 reconciliation conference the SPLA apologised to the Didinga people. Among the resolutions proposed was the deployment of an acceptable ethnic balance among the officers in the area.

7 UN County Report Budi County, September 2005.

8 Record of the Chukudum Crisis Peace Conference, art.cit.

force from privates to majors amounting to over 5,000 soldiers – were listed for integration into the SPLA.⁹ Even though the revolt has come to an end, the tense relations between the communities have not.

In the following section we go deeper into what was at the heart of the local revolt in Chukudum: the governing of the economy, in particular the regulation of local and trans-border trade. Actually, the confiscation of the tobacco trade by SPLA-military was only the first step in the development of a trade network that extends into Uganda, involving cows, guns and alcohol, and that increasingly provided a livelihood for the Dinka soldiers and IDPs¹⁰ who sought refuge in Budi County.¹¹ On the one hand the development of this partly legal, partly illegal business was without doubt the outcome of a successful adaptation strategy of a migrant community cut off from its means of existence (land and cows). Unlike in parts of West and Central Equatoria, these Dinka arrived without their herds, having fled from the area of heavy fighting in Kongor and Bor districts during which hundreds of thousands of their livestock were seized (Johnson, 2006, pp. 114-118). On the other hand, this realisation could not have been possible without the protection and active co-operation of SPLA-commanders who monopolised this trade.

Violence and the regulation of trans-border trade

The geographical focus of this section is the Kidepo Valley, which connects Budi county with Uganda. This river valley is home to a complex of agro-pastoral communities.¹² Like in many parts of Southern Sudan, there is little in the way of a formal economy. This however is not synonymous with a lack of economic activity and exchange. On the contrary: during the war this border-and-bush area emerged as a zone of business opportunities. Low-intensity violence has characterised the area ever since, but in recent years there has been an escalation of violent confrontations, with an increase in human suffering and a rise in the number of raiding incidents, often involving hundreds of cattle at a time. Despite recent efforts to suppress cattle raiding and to tackle its (perceived) root causes (cf. *infra*) cattle raiding is not losing prominence. On the contrary, it is spreading into localities that were not previously affected.¹³

Cattle raiding cannot be disconnected from the paramount importance of cattle and the vital role they play in the political, economic and social organisation of pastoralist

9 Following the CPA and its requirement to disarm and demobilise all militias (the so-called ‘Other Armed Groups’) allied to either side - the NCP-government or the SPLM/A - before 9 January 2006, further pressure was put on Lorot to surrender. The integration of Lorot’s militiamen into the SPLA was done at the Kidepo, Lanja, Nimule and Torit brigades. Lorot himself was taken to Khartoum and is now Brigadier General in Darfur. Interviews Chukudum, April 2007 and Torit, 5 August 2007.

10 The dividing line between soldiers and IDPs is not clear cut. A good number of IDPs are ex-soldiers or relatives of soldiers or protégés of senior figures in the army. Interviews Chukudum, April 2007 and Torit, 6 August 2007.

11 Other local produce taken over by Dinka military and IDPs were long grass (for huts), bamboo and poles. Also the shops in Chukudum became (and still are) an almost exclusively Dinka business. Interviews and participatory observation, Chukudum, April 2007.

12 Didinga, Buya and Toposa on the East bank (the Budi and Kapoeta side), and Lotuko, Logir, Dongotono, Lango (or Katebo), Ternet, Bira and Lopit (among others) on the West bank (the Torit and Ikotos side).

13 Such as Huyala, Imotong and Lao-Latuko.

communities. Although there are variations in practices, livestock raiding is mostly associated with cultural institutions such as the brideswealth and the rite of passage for young warriors. It is tied to the economic need for restocking and maintaining the quality of the herds, to ecological exigencies and/or demographic changes demanding an increase in pastoral productivity and to the political power one gains through animal wealth (Kurimoto & Simonse, 1998; Fukui & Markakis, 1994). Recent literature on cattle raiding has emphasized the effect of the overwhelming presence and easy availability of “modern” small arms and light weapons on conflicts among pastoral communities in general and on cattle raiding in particular and how this has affected the “traditional” power balance within communities (Eaton, 2008a, pp. 93-98; Mirzeler & Young, 2000, pp. 407-429; Mkutu, 2006, pp. 47-70; Skedsmo, Danhier & Gorluak, 2003, pp. 57-67). This “paradigm” – that remains confined to a traditional-modern dichotomy – has inspired much of the current NGO approach to peace building, with its emphasis on inter-communal gatherings and on the role of traditional authorities in mediating peace deals.

In the following paragraphs we look at a rather less researched dimension of cattle raiding (and its recent upsurge) in the frontier zone of Eastern Equatoria and the Kidepo Valley in particular: that of trans-border trade. Cattle trade – i.e. the monetisation of cattle for livelihood or commercial purposes – has for a long time remained a marginal activity. Actually, wealth creation through the marketing of cattle is not highly esteemed among the agro-pastoral communities of the area. Formerly, it was only in emergency situations (such as drought) that cattle were brought into the money economy or bartered for grain (Dario Lokolong, 1993, pp. 16-18).¹⁴ In general, cattle – not money – are regarded as wealth. More recently, however, cattle trading has been on the rise and has subsequently changed the foundations of wealth.

From this emerging trend of livestock marketing we found indications of differential outcomes on two levels: first, for different communal groups, with a dividing line between the Dinka newcomers to the area and the original agro-pastoral communities, and second, for certain groups within communities, suggesting that this development does not primarily concern ethnic interests as such. The basis of these uneven patterns was laid during the war and were aided by one of its central characteristics: the subordination of civil to military authorities. What follows is a depiction of the trans-border trade in the Kidepo Valley, west and south of Budi county, as testified by local observers. Far from offering an all-inclusive commodity chain analysis, it sheds some light on the products and actors involved and on significant conditions, where power, profit and protection seem to reinforce each other.

14 And interview with the author, Torit, 26 July 2007.

Cattle trade: a new mode of wealth appropriation...

According to all interviewees, cattle trade is a business that is predominantly in the hands of the Dinka. This sets them apart from the local communities in the Kidepo Valley, such as the Didinga, whose share in the trade remains limited.¹⁵ What distinguishes the newcomers from the local communities in particular, is their attempt at monopolising the trans-border trade into Uganda, a development that became manifest after 1991, when the region saw a massive influx of Dinka refugees (Johnson, 2006, p. 109). Although Didinga do participate in the cattle trade, it is mainly as suppliers. Their relative exclusion from the much more profitable trade business¹⁶ is to a large extent the outcome of the way this frontier zone is governed. Two aspects are highlighted here: the administering of the border and the service provision for livestock traders. Crossing the border can be done officially or not. In the first case, the route goes via Tsertenya, one of the five official cattle crossing points on the Sudan-Uganda border.¹⁷ In the second case – when one wants to sell raided (i.e. stolen) cattle – the routes mostly go through the “bush”.¹⁸ In either case it is a predominantly Dinka military-commercial network that rules the frontier, i.e. facilitating or withholding trans-border traffic.¹⁹ Non-Dinka interviewees in particular perceived the system of holding cattle at kraals along the border route as a way to discourage them from marketing their livestock and subsequently as a “Dinka-agenda” to control price levels by monopolising the trade.²⁰ This is consistent with King and Mukasa-Mugerwa’s findings (2002, pp. 1-5) regarding the practices on other cattle routes into Uganda. At least until 2002, supply of cattle from Sudan far exceeded demand from Uganda; hence the queuing system at the border. To avoid flooding of the market, Dinka traders held back the number of cattle moving across the border, in particular cattle of new aspirant (non-Dinka) traders.²¹

Once the border is crossed, the cattle are walked to the nearby livestock market at

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- 15 Cattle may also be purchased or bartered with the Toposa in Kapoeta, and then walked via New Cush and Lotukei to Agora.
- 16 As has been demonstrated by Aklilu (2002, pp. 56-57) in his audit of the livestock marketing status in Sudan, the producers of livestock increasingly find themselves in the weakest position, while it is mainly the big intermediary traders that organise the trekking of cattle (and also sheep and goats) to the terminal markets who make the greatest profits.
- 17 The four other official cattle crossing routes into Uganda are: a) from Bazi/Kaya in Sudan to Oraba, Koboko and Arua in Uganda; b) from Kerwa in Sudan to Merwa and Yumbe in Uganda; c) from Kajo Keji in Sudan to Afoji and Moyo (or Arua) in Uganda; d) from Nimule in Sudan to Ajumani and Gulu in Uganda (King & Musaka-Mugerwa, 2002, p. 1). King and Mukasa-Mugerwa did not include the Tserteny to Agoro and Kitgum and the Nimule to Ajumani and Gulu routes into their field visits (because of widespread insecurity). Further study of these routes however was considered advisable.
- 18 The dividing line between official and unofficial however is not clear-cut, because in both cases crossing the border is negotiable and contingent.
- 19 Interviews Torit, July-August 2007. See also: Sudan Tribune, 1 March 2007, reporting on the Greater Equatoria conference, where both Governor of Eastern Equatoria Aloisio Ojetuk and SPLA Major General Mathiang Aluong confirmed the domination of the international borders of Equatoria by Dinka Bor.
- 20 Interviews Torit, July-August 2007.
- 21 Didinga are excluded from the trust-, information- and patronage-network of the Dinka traders, resulting in missed opportunities, unauthorised charges or stricter control of the required permits.

Agoro²², where they are sold and the business cycle enters its next phase: that of the trade in commodities back to Sudan. As was the case with the border, the market too is primarily a Dinka business (Akabwai & Ateyo, 2007, p. 20, 24). Some of the products for export to Sudan are readily available at the Agoro market itself: necessities such as soap, salt, manufactured goods and (second-hand) clothes. Others are procured further South in Uganda, such as (mostly illegally brewed) alcohol (“Lira-Lira” and “Kasese-Kasese”). Also weapons and ammunition are available at a market adjacent to the cattle auction. Access to this next-door arms market is – although a public secret – restricted to “members” or newcomers introduced by members. Apart from this “members only” restriction, the market operates on a “willing buyer, willing seller” basis.²³ Among the frequent visitors (at least until mid-2007)²⁴ are (former) army and militia elements of the wars that rage(d) in the region: the SPLA, the Uganda People’s Defence Force (UPDF)²⁵, the Equatoria Defence Force (EDF)²⁶ and the Lord’s Resistance Army (LRA)²⁷ – the latter two functioning as proxy forces for Khartoum. We may find them both on the demand and on the supply side, either providing arms themselves or acting as middlemen: SPLA commanders who barter their guns or sell them for money, “voluntarily demobilised soldiers and militias” who – in spite of the designation – did not give in their guns, LRA in need of food or military provisions bartering raided cattle, ex-EDF militiamen frustrated with the minor positions they were allocated after integration into the SPLA, trying their luck in the trade business, etc.²⁸

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- 22 The market in Agoro can also be reached from Kapoeta County (via New Cush and Lotukei) and from Ikotos County.
- 23 Agoro is not the only gun market in the frontier area, but one of the most important. Until 2005 there was a multitude of (‘mobile’) gun markets along the borders of Sudan, Uganda and Kenya. Several of them are no longer operational. After the CPA, the trade in weapons in Agoro did not cease, but moved out of the open market (Interviews Chukudum, Torit, Lokichoggio, Nairobi, 2006-2007; Akabwai & Ateyo, 2007, p. 22; Mkuu, 2006, pp. 59-60; Pax Christi, 2001).
- 24 Until mid-2007 the region West and South of Budi County suffered from violent attacks by (elements of) armed groups that were neither disbanded nor integrated into the SAF (Sudan Armed Forces) or the SPLA, despite the Juba Declaration of 8 January 2006. Mid-2007 the activities of these havoc causing militias (in fact new assemblages, made up of elements from EDF, LRA and even SPLA) decreased, paralleling the closure of Owiny Ki-bul, the LRA assembly area in Eastern Equatoria, and the subsequent moving of the LRA westwards.
- 25 The UPDF has supported the SPLA throughout the (second) civil war. In 2002, following the signing of Operation Iron Fist, it was officially allowed to fight the LRA within Sudan. Its presence in Eastern Equatoria however dates back to a few years after Khartoum started supporting the LRA. Despite its official mission to fight the LRA alongside the SPLA, there is a lot of animosity towards the UPDF among the local population in Eastern Equatoria, who accuse the UPDF of violent abuses and economic plunder (Schomerus, 2007, pp. 28-32).
- 26 The EDF was established in 1995 and was one of the most effective Southern militias aligned to the GoS, operating in the area around Juba and Torit. In 2004, the EDF-leadership defected to the SPLA. The bulk of the EDF joined the SPLA before the January 2006 deadline. (Young, 2006, p. 21).
- 27 The LRA has been in Eastern Equatoria and parts of South Sudan for over twenty years. It started functioning as a proxy force for Khartoum in 1994, joining the GoS army and the affiliated southern militias in their attacks on the SPLA in Equatoria. There is no doubt about Khartoum’s support for the LRA up to 2002. Continued support hereafter is officially denied, but there is abundant evidence of the opposite, even after the 2005 CPA (HRW, 2006, pp. 25-26; ICG, 2006, pp. 14-17).
- 28 It is obvious that the presence of these actors – among whom relations other than political relations were not necessarily hostile – , and the various sources and flows of weapons within the Sudanese-Ugandan frontier zone

... and the changing nature of cattle raiding

This twin function of the Agoro market – cattle and arms – is in many ways emblematic: of the weak monitoring of the border, of the interconnectedness of survival and the war economy, of the emerging trend of livestock trading and increasingly also of a relatively new – and disturbing – development, i.e. raiding for commercial purposes.²⁹ The monetisation of cattle, which is a new mode of wealth appropriation, and the escalation of cattle raiding are indeed not unconnected phenomena. Raiding – and its precondition, i.e. adversary relations between (ethnic) communities – has increasingly become functional to cattle marketing, with “raiding to order” as perhaps its most extreme manifestation.³⁰

Interviewees from different backgrounds frequently indicated “big men” both as commanders of the trans-border trade in cattle (and other commodities) and as organisers behind cattle raiding.³¹ Concerning their identity, most allegations pointed in the direction of a “profiteering and well connected” military-commercial elite that in a context of war managed to link local assets with international markets.³² Most interviewees also hinted at a convergence of interests between this military-commercial elite with the migrant Dinka community as a whole. “Who benefits and within what group boundaries” – to phrase Schlee (2004, p. 152) – is indeed an intriguing question.

The local communities in the Kidepo Valley however are not merely passive victims of or complete outsiders to this emerging wealth accumulation strategy of “big businessmen”. While the facilitation of raids by entrepreneurs (including the provision of guns and bullets) and the concomitant fuelling of communities against each other are indeed a reality, evidence suggests that it is individuals or small groups belonging to the local communities themselves who are performing the raids. Young men in particular increasingly welcome invitations to raid to order, because it provides a “wage” in an environment with few jobs. This occurs with the knowledge and sometimes even the consent of the elders. “Traditionally”, the approval by the elders and the blessings of a diviner were a prerequisite for raiding. But tradition evolves; it is continuously reinvented. The recent evolution has indeed seen creative adaptations of “traditional” institutions, such as the reducing of the compulsory consultation of elders to only one. Elders may even be implicated in commercial raiding by accepting part of the booty.³³

It is indeed clear that the development from customary to commercial raiding is affecting the balance between age groups and between communities, and the negotiat-

must be contextualised within the interconnectedness of the Sudanese North-South war and the conflict in Northern Uganda.

- 29 Interviewees also reported cases of political raiding: raids ordered by politicians with the aim of instigating conflict and blaming rival politicians for their incapacity to protect the community. Interviews Nairobi, Lokichoggio and Torit, 2007.
- 30 Interviews with Didinga, Logir and Turkana, in Chukudum, Torit, Lokichoggio, 2007.
- 31 Interviews Chukudum, April 2007 and Torit, July-August 2007, with (amongst others) the Representative of the Youth in Chukudum, Didinga and non-Didinga SPLA officers, Didinga and non-Didinga Eastern Equatorian chiefs and representatives of local NGOs.
- 32 Investigating these assertions was far beyond the scope of our research and the means at our disposal. The same allegations however are mentioned in the literature as well. See amongst others: Akabwai & Ateyo, 2007, p. 24; Mkutu, 2003, p. 13, 15; Mkutu, 2008, p. 31; Young, 2002, p. 105; Young, 2003, p. 427.
- 33 Interviews Chukudum, April 2007.

ing power of the elders, who have a tradition of governing intra- and inter-community relations. The erosion of the age system has been progressing since the late 1980s. It is mostly attributed to an intruding culture of the gun – in the hands of the young age group (the so-called “warriors”) – which has replaced a culture of conflict mediation – headed by elders. An interesting perspective (that is consistent with our own findings) is that of Spencer (1998, pp. 181-183) who relates the undermining of age as a principle of social stratification to the broader integration process of pastoralists within a market economy, whereby it is the younger men, rather than the elders, who are the pioneers of adaptation.

The new phenomenon of commercial raiding and the involvement of modern entrepreneurs external to the communities also make it problematic for elders to mediate: elders, representing their communities, and not entrepreneurs, are the negotiating partners at peace gatherings. Because cattle trade and commercial raiding are cross-border in nature, it is also beyond the reach of the chiefs, whose area of jurisdiction is the Boma, and even of the County Commissioner, who presides over the County. As Mkutu concludes with respect to Karamoja, the new phenomenon of cattle-raiding racketeers is, besides intensifying pastoral conflicts, also “making it difficult to design and operate a conflict resolution mechanism” (Mkutu, 2008, p. 30).

Governance and violence beyond 2005

Since 2005 there have been rudimentary efforts in Budi County to establish civil government institutions separate from the military. Civil administrators, recruited from their own ethnic communities, were appointed at County, Payam and Boma level (sub-state levels). And while until recently the majority of the (senior) civil administrators were ex-SPLA officers, the current County Commissioner of Budi is not. His authority however tends to be minimal, which is largely attributable to the persistence of insecurity and violence, the scarce means at his disposal to effectively govern, in particular to enforce the law, and the continuing *de facto* power of the military, which displays little respect for civil authorities³⁴ and little (or biased) interest in providing protection. This partly explains the rapprochement by the County Commissioner to the traditional authorities, whom he regularly invites for consultation, which is unquestionably a turning point after decades of strained relations between the SPLM/A and the chiefs of Budi County. Moreover it is in the interests of the County Commissioner: being appointed “from above” by the SPLM/A leadership, his legitimacy depends on post factum acceptance by the county population. His constructive engagement with the chiefs is indeed key to popular approval.³⁵

Local government administrators and traditional authorities are the actors put forward as pivotal for local governance. They are paired at the lowest government levels, with a bifurcated executive and legislature at the Boma level and a vertically integrated judiciary linking customary and statutory laws and courts (from Boma, over Payam, to

34 All the more when they do not have a military degree, such as the current Commissioner of Budi County.

35 Interviews Chukudum, April 2007 and Torit, August 2007 and participatory observation.

County level). The basis of these government structures was laid down at the SPLM/A's 1994 National Convention and its 1996 follow up conference, both in Budi County (cf. supra). In 2005, the Interim Constitution of Southern Sudan reconfirmed the recognition of the institution, status and role of traditional authority, according to customary law.³⁶ Powers and competences however are not yet fixed and how precisely traditional authorities will be integrated into local government is still a subject of research and debate (Prah & Biong, 2005; Mullen, 2005).

Despite the historical peace of January 2005 and the surrender of the Lorot militia in May 2006, violent conflicts continue to affect Budi County, with cattle raiding and armed clashes between communities invariably cited as the most serious threats to peace.³⁷ 2006 even saw an alarming upsurge which eventually motivated concerted action by NGOs involved in conflict mediation.³⁸ Besides, there is a new emerging form of violence throughout Eastern Equatoria, which mainly revolves around access to (scarce) resources, territorial demarcations and political representation. Resource-based conflicts have always existed, but currently they have been radicalised into "small local wars" fiercely fought out between local communities. In Budi County, two cases are exemplary in this respect: the so-called "Lauro massacre", referring to the eruption on 5 May 2007 of extreme violence on the county border between Budi and Kapoeta East, whereby 58 Didinga were brutally killed by heavily armed Toposa³⁹, and the low intensity conflict within Budi County, related to the mounting aspirations of the Buya of Budi County for an independent county for themselves, separate from the Didinga.⁴⁰ What both cases have in common is the competition over the anticipated benefits from gold and other mineral deposits and the inciting of communities by powerful insiders and/or outsiders.⁴¹ This latest "scramble" for resources has heightened the already intense competition for land (in particular grazing land) and water. However, neither the scramble for minerals, nor the Budi-Kapoeta border argument are new. Gold digging in the area from Lauro up to New Site and New Cush has been done for years and was a source of funding for the SPLA during the war. The precise facts of the transactions are beyond the scope of the research undertaken. Besides, the issue is highly sensitive and therefore hard to uncover. What is

36 Interim Constitution of Southern Sudan, 2005, Chapter II (Local Government), pp. 68-69.

37 Our research findings resound with those of the household surveys undertaken by the Human Security Baseline Assessment between 2006-2007. In this assessment of the security situation in Eastern Equatoria and Northern Kenya, cattle rustling appeared to be the most common recently witnessed violent event, accounting for 55.75 per cent. 88.2 per cent of all cattle rustling events recorded occurred in the year 2005 or later. (Muggah, R. et al., 2008, p.13)

38 Amongst others: PACT, Caritas Switzerland, CDOT and Manna Sudan.

39 Among the 54 civilians who died, there were 49 women, 4 children and 5 men. Another 11 civilians were injured. Afterwards also 400 cattle and 400 goats were taken by the attackers. Sudan Tribune, 13 May 2007.

40 Budi County is home to two communities: the Buya, who live in the northern part (north of the Kapoeta-Torit road, around Kimotong), and the Didinga, who live in the southern part (hence Bu-di County).

41 The mass murder occurred after a visit to Lauro (in Budi County) by representatives of a Scandinavian company flanked by Toposa politicians from the neighbouring Kapoeta County. This visit and the crossing of the borderline with Budi County caused a commotion among the Didinga. A causal relation between the prospection of minerals and the killings has not been proven.



Community meeting in Lauro, Budi County, after the massacre (May 2007).

clear, however, is that the SPLA's efforts at controlling the gold fields in Eastern Equatoria constitute one element in the hostile relations with the local population (Johnson, 2006, p. 114). After the war, the business continued, i.e. the artisanal digging by local Didinga and Toposa and the (much more profitable) trading to Kenya or Uganda by well connected SPLA officers, making a comparison with the cattle business obvious. On the other hand, making money out of gold, was not solely the domain of SPLA "big men". It is believed that Peter Lorot also earned considerable amounts of money from gold.⁴²

The Lauro massacre set off speculations and accusations on all sides: Didinga (encouraged by an assertive Didinga diaspora)⁴³ and Toposa (via Toposa MPs)⁴⁴. Some of them traced the origins of the conflict back to long-standing feuds between Didinga and Toposa (in particular land disputes), others emphasized recent political rivalry within the SPLM/A (i.e. the post of state-governor), still others questioned the ease of possession and use of heavy weapons – 12.7mm and PKM machine guns, RPGs (rocket launched grenades), 60mm mortars, AKM rifles - by the attackers, or criticized the absence of gov-

42 Interviews Nairobi, 16 May 2007, Torit, 26 July 2007.

43 Open Letter to H.E. LT. Gen Salva Kiir Mayardit, President of GoSS Budi Community in Diaspora, 12 June 2007 (available at Gurtong website), Letter to H.E. Brigadier General Aloisio Emor Ojetuk, Governor, Eastern Equatoria State, Didinga Community, 16 June 2007 (Sudan Tribune, 2 July 2007).

44 Sudan Tribune, 23 July 2007.

ernment authority and rule of law in Eastern Equatoria, leaving no option for the affected communities other than self-defence and/or retaliation.

At the end of May 2007, the Southern Sudan Legislative Assembly set up an investigation team to probe the killings.⁴⁵ Although its report mirrored the diversity of versions, it also provided some evidence for yet another worrying reality of the post-war peace: the enduring power of Khartoum to fuel inter-ethnic violence within the South, by using its connections (via its NCP offices) and through patronage (Schomerus, 2008, p. 38). The low intensity conflict between the two communities of Budi County is equally indicative in this regard. While the competition for power and resources has some rationale, there are signs that the rising tensions between the Buya and the Didinga – originally of the same descent – and the simultaneous emergence of an alliance between the Buya and the Toposa – age-old adversaries – are activated from outside.⁴⁶ Asked for the identity of the instigator, interviewees pointed at “the hand of Khartoum” and its continual divide-and-rule tactics and manipulation of ethnic rifts.⁴⁷

With regard to controlling the violence and providing protection and security, one observation, however remains paramount: the lack of power of the County Commissioner to either curb or enforce authoritative measures. In April 2007, there was not yet a police force in Chukudum. With only a car, a Thuraya and a few bodyguards to assist him, law enforcement and the maintenance of peace at grassroots level were largely dependent on interventions (or non-intervention and hence suspicion of partiality) by the military⁴⁸ and/or arbitration by non-state actors.

From the cessation of hostilities in 2002 onward, there has been a steady proliferation in South Sudan of local peace processes and the involvement of local and foreign NGOs. Among the NGOs who have recently (re)entered Eastern Equatoria, several offer conflict mediation and peace-building services. This is done in consultation with and in support of the traditional authorities, who throughout the war provided basic law and order, but who lack the logistics for early warning, intervention or peacemaking. Various NGOs in particular promote and facilitate the reconciliatory role of traditional leaders (chiefs and elders) in the settling of local disputes between communities, many of which are related to cattle raiding and retaliatory attacks. While this has set off peace negotiations led by traditional leaders and supported by local and foreign NGOs and churches, in many instances, the brokered peace agreements have not endured. One explanation is that the extent of the violence has gone beyond the control of the authorities at a local level, added to which is the inability of traditional leaders to cope with “modern” conflicts such as commercial raiding.

Our observations accord with those of Bradbury et al. in their study on the political

45 Sudan Tribune, 31 May 2007.

46 During the war, both among the Buya and the Toposa the SPLA was not welcomed at all. While the Buya managed to stay out of the fighting, sections of the Toposa became local well armed allies of the Sudanese army helping in the fight against the SPLA (Simonse, 2000, p. 22, 40).

47 Interviews Chukudum, April 2007.

48 Mid-2006, after the official surrender of the Lorot militia, also the SPLA soldiers (and IDP-relatives) left Chukudum to regroup in the barracks of New Cush, Natinga and New Site.

economy of local peace processes in Bahr el Ghazal, the Nuba Mountains, Abyei and Darfur. Although the authors recognise the relative success of some cases, they also criticise these peace interventions because of their tendency to ban both the conflicts and their resolution to a traditional and apolitical sphere, thereby overlooking the structural factors underlying the conflicts and the political dimensions of resource accumulation and allocation (Bradbury et al., 2006, pp. 9-15). On the other hand, these sometimes short-lived local peace deals are often the sole source of security and protection for communities, because of the inability of local government authorities to address the problem. A logical – and somewhat provocative – question therefore is whether the promotion of traditional conflict mediation is the most adequate intervention. In a recent study on raiding and peace work along the Kenya-Uganda border, Dave Eaton attributes much of the failure to achieve success to the peace business itself. He criticizes both NGOs and governments for neglecting the more tangible work, such as investigative policing with respect to cattle theft, patrolling suspicious livestock and negotiating the return of stolen cattle (Eaton, 2008b, pp. 257-259).

Indeed, despite the nascent understanding between traditional authorities and local government administrators and the mediation of conflicts by the concerted actions of traditional authorities and NGOs, civil authorities in Budi County remain relatively powerless, for at least two reasons: first because they do not provide a sufficient counterweight to the rule of the gun and the power of those who have access to it, and secondly because the reach of their influence is too limited. With respect to both aspects, the rivalling centre in the struggle for authority in Budi County (since the neutralisation of the Lorot militia in 2006) is beyond doubt the stronger actor. “Naming” this competing centre and subsequently containing its actors into one socio-political category, however, is tricky. We have referred to it as a military-commercial network, encompassing a mixture of state and non-state actors, active in formal and informal economic spheres. Even these binary oppositions are falling short, because actors and actions can be respectively state and non-state and formal and informal at once. While this network cannot be equalised with the Dinka migrant community as a whole, it was perceived as such by many interviewees, suggesting that the strong anti-Dinka sentiments have not softened. On the contrary, evidence suggests that accumulated grievances from the past are reinforced through ongoing events. The frequent designation of Dinka in Chukudum as “non-citizens” (and calling into question of their political and territorial rights) leaves no doubt about it.⁴⁹

The twin problem of insecurity and underdevelopment

It is clear that state regulation of both the cross-border trade in cattle and arms and the emerging trend of commercial raiding are crucial in the provision of security. This however will require a regional approach, implying also that the neighbouring states (Uganda, Kenya and Ethiopia) must be involved. The issue is an old score. State presence in these outlying border areas inhabited by pastoralists has always been minimal – during the colonial period and thereafter – either because the mode of state reproduction could not fully operate in this arid periphery or because lawlessness provided a favour-

49 Interviews Chukudum, April 2007.

able context for an informal war-type economy to flourish.

In an effort to re-assert control over the monopoly of violence, the GoSS has recently taken up the issue of civil disarmament, complementing the disarmament, demobilisation and reintegration (DDR) of the former combatants, as stipulated in the Security Arrangements of the CPA (Chapter VI). Up to now, civil disarmament operations were confined to a few areas and mostly on the initiative of state governors.⁵⁰ The call for disarmament in Eastern Equatoria received a bottom-up impetus after the dramatic events in Lauro⁵¹, but remains a controversial issue (Muggah et al., 2008).⁵² There is the question of the technical feasibility of such an operation, given the abundance of (mostly hidden) weapons among the communities. Besides it is unclear who is mandated and where the line lies between voluntary and forceful disarmament (Schomerus, 2008, pp. 52-56). So far civil disarmament has occasionally resulted in atrocities perpetrated by the SPLA soldiers in charge.⁵³ Following these experiences, and given their strained relation with the SPLA, it is obvious that for Eastern Equatorians in general and Didinga in particular, civil disarmament is easily perceived in ethnic and political terms. Besides, as others (Akabwai & Ateyo, 2007, pp. 30-40; Mkutu, 2006, p. 55; Mkutu, 2008, pp. 116-145)⁵⁴ have demonstrated, for disarmament efforts to be successful they must be wide-ranging and all-inclusive. Selective disarmament of communities has proven to be counterproductive, because it makes disarmed communities vulnerable to attacks and armed raiding by communities that have not (yet) disarmed, especially when there is no adequate alternative protection (a police force) in place.⁵⁵ Above all, disarmament needs to address the underlying causes of small arms demand, which raises the issue of economic alternatives (Akabwai & Ateyo, 2007, p. 32; Mkutu, 2008, pp. 116-145).

As we have seen in the case study of Budi County, the struggle for economic options and regulatory authority was at the heart of a conflict that persisted throughout the war. Actually, this struggle is still ongoing, irrespective of the peace of 2005 and the establishment of civil authority structures, although one can discern a new emerging configuration of actors and interests. According to Rolandsen (2006, p. 6), it is not realistic to expect the GoSS to effectively govern the lower administrative levels during the interim period, i.e. before 2011. We think this is a realistic assessment. In the meantime one can reasonably expect that civil authorities will not be the only providers of protection and regulatory authority. Their relative powerlessness (partly but not solely due to a lack of means) and the recognition by the SPLM/A of the role traditional authorities could play in local governance, has initiated the exploration of a reciprocal understanding. This fragile

50 Sudan Tribune, 22 February 2007, 2 April 2008, 30 May 2008, 21 June 2008 and 4 July 2008.

51 Sudan Tribune, 23 July 2007.

52 Until the recent GoSS decision to civilian disarmament, there was also hesitance for political reason, i.e. the need for armed communities in case of resumption of the North-South war.

53 Sudan Tribune, 11 September 2008.

54 The example of these authors is the disarmament of the Karamojong in Uganda, but the same concerns are expressed among the disarmed communities in South Sudan. See: Sudan Tribune, 30 August 2006.

55 Muggah et al. caution against hasty top-down disarmament and highlight the role of arms as a 'protective' factor in Eastern Equatoria (Muggah et al., 2008, p. 9).

alliance is complemented by interventions of local and foreign NGOs manifestly present in the mediation of conflicts, but remains challenged by an alternative centre of authority that in a context of war has explored new modes of wealth accumulation and the power and geographical reach of which is beyond that of local authorities.

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