Postwar nationalism, promoted by Garang’s followers and indirectly encouraged by the international community, provided the roots of the exclusionary ideology deployed in the third civil war by perpetrators. After Garang’s death, Salva Kiir’s faction hijacked this nationalist rhetoric to infiltrate and control the state. Different ethnic dominant classes that had come to coexist in the capital of Juba during the CPA period continued to compete, yet the SPLA Dinka dominant class won this competition. Salva Kiir’s faction sidelined other Dinka competitors from Garang’s faction and other ethnic competitors. This propelled ethnic ranking within the state. Nationalism, a new security landscape, and widespread violence were instrumental in making the start of the third civil war in December 2013 genocidal.

Nationalism, Group Legitimacy, and Sovereignty

The Impact of the CPA on Group Legitimacy

Peace was not the result of a military victory. The government had control of the towns and oil fields and most of the Upper Nile region through the SSDF. The 2005 Comprehensive Peace Agreement was rather the result of both external and internal threats on both signatories and the culmination of years of negotiations under international aegis. The step-by-step nature of the CPA agreement (made up of different agreements) was an indication of the parties’ reluctance to settle,
and Garang admitted that the agreements were only reached because of external pressures. This fooled no one on the ground: “No one was sincere about the peace,” corroborated an Acholi (Equatorian) man. “The CPA was imposed from outside.”

The CPA provided for a six-and-a-half-year interim period in which the SPLM/A and Khartoum’s National Congress Party (NCP) would rule in a Government of National Unity, implementing the agreement’s provisions. It would culminate, six years later, in a referendum for the south’s self-determination in January 2011. These negotiations provided for the SPLA to not be absorbed into the SAF but instead to control the entire south. The negotiations had denied participation to the SPLA’s competitor, the predominantly Nuer and Equatorian South Sudan Defense Force (SSDF), tied to Khartoum, whose size was comparable to that of the SPLA. A lot of South Sudanese at the time believed that this exclusion would eventually lead to a renewed civil war in South Sudan among southerners. They were correct.

In the end, the CPA excluded more than half of South Sudan’s armed groups who were not Dinka. In other words, it denied the existence of armed groups...
other than the predominantly Dinka SPLA. In doing so, it built the foundations of what international norms dictated would be a new “nation-state” on exclusion.

The CPA was just another deal between the southern and northern bourgeoisies.\(^8\) Precisely because it endorsed the SPLA and because its design was mostly technical, the CPA was perfectly fitted to “swell” the state through international state-building assistance and consolidate the position of this predominantly Dinka dominant class.\(^9\) This was a continuation of the “NGO-istan.” Endorsement of the SPLA and the development of the “nation-state” blended with the nationalism of the predominantly Dinka SPLA. This, especially under the control of Salva Kiir’s faction, would grow into an exclusionary ideology with genocidal potential.

The SPLA Elite’s Insecurity

The SPLA’s claims to ownership would not have been successful without the support of the United States, Norway, and the United Kingdom, both during the CPA negotiations and after.\(^10\) The SPLA elite knew how much it owed to U.S. advocates, who had improved Garang’s image to the point that the entire U.S. policy had come to rely on him (and therefore collapsed after his death).\(^11\) Norway had supported the SPLA directly through its aid agencies and through the diplomat Hilde F. Johnson, the head of the UN peacekeeping mission supporting the semi-autonomous state who was personally involved in the CPA negotiations.\(^12\) The signal was clear: the SPLA was still surrounded by friends, but it was also closely watched and under Western supervision.

Garang’s death meant that the movement lost its popular face abroad and as such part of its international social capital. Salva Kiir, Garang’s deputy and since the 2004 Rumbek conference his official competitor, took his place. The international community did not take him seriously—they considered him to be a shy, barely articulate professional military man in Garang’s shadow. As noted earlier, this was a grave misconception. There was a good reason why Salva Kiir was the only one of the original founding officers to survive the twenty-two-year-long war. He looked unassuming because he was discreet. But he was savvy, incredibly patient, and a skilled ethnopolitical entrepreneur.

By the time Kiir took over the SPLA, it was already a pressure cooker. Other groups with their own discourses of group legitimacy and entitlement—especially the SSDF—were integrated into the SPLA through a separate south-south agreement: the 2006 Juba Declaration.\(^13\) Yet their integration did not work, and the original SPLA elite still perceived them as a threat. The SPLA elite was of course aware of its own lack of broad legitimacy in the south and of the divisions in
its Dinka cadres and recruits. Insecurity in ownership claims and control thus manifested in an attempt to usurp collective memory.

Postwar Nationalism

POSTWAR NATIONALIST SYMBOLISM

Overcompensating for the SPLA’s lack of broad interethnic popularity, the new statesmen promoted the political myth of SPLA national liberation to garner popularity among the Dinka, foster Dinka groupness, and secure their hold over society. In doing so, the statesmen reinforced a “founding narrative.” Such a narrative typically defines the primary community of the state by telling, as Scott Straus argues, “a story about the state and nation—what it is, where it comes from, what it stands for, what it should achieve, who should captain it, and whom it serves.”

Advertised myths and official state history reflect the dominant group’s ideology and therefore play a crucial role in the creation of a political myth. This is particularly important because the act of making a political myth is essential to the creation of a founding narrative, which in turn can easily become an exclusionary ideology. In other words, there can be no exclusionary ideology without a founding narrative based on a political myth.

The new state’s selective memory demonstrated that not only did it valorize its own version of history, it also devalued and silenced the wartime experiences of an entire segment of the population. This was typical of revolutionary wars, which often create legitimate and illegitimate communities. It was a logical evolution of the internal dynamics of the SPLA during the second civil war and of Garang’s creation of a political myth of national liberation meant to attract foreign support and mask the ethnicization and tensions within the SPLA. The overwhelmingly Dinka recruits believed that they—the Dinka as a “group”—had “liberated” the country. Even if many non-Dinka civilians felt occupied rather than liberated, what mattered was that the Dinka believed it.

The CPA promoted the idea of Dinka group legitimacy, which reinforced the making of ethnic categories and ethnic prejudices, as I have argued in previous chapters. The Nuer were seen as traitors to the cause of national liberation for their role in the 1991 SPLA split and their alliance with Khartoum. By extension, they were traitors to the nation. The Equatorians and by extension the smaller groups were also viewed as traitors who had allied with Khartoum and defended the kokora, or as cowardly bystanders. Therefore they could not be trusted either. Only the Dinka were the true national liberators who could be trusted to defend the interests of South Sudan. This ranking between legitimate and illegitimate
ethnic categories had genocidal potential because it reinforced the distinctness of groups. Most important, it provided a justification for excluding non-Dinka from holding the reins of power: as Straus writes, “the idea that the state belongs to a category of people helps convince others that challengers who do not belong to the in-group do not have a right to control the state.”

The international community unwillingly helped the SPLA in building up its founding narrative by funding demilitarization programs it knew were largely a scam, thus promoting the pro-Dinka SPLA’s picture of the second civil war. In the words of a former Nuer SPLA officer, “we [the SPLA] sacrificed the truth.” This sacrifice of “truth”—whoever’s truth it was—essentially meant there was no counternarrative that could have deescalated the genocidal potency of the SPLA’s founding narrative. The state thus advertised the history of the Dinka elite, which did not correspond to the experiences of many non-Dinka civilians, including women. It was in total contradiction to the experiences of ordinary South Sudanese people. But it was the reflection of the image the state wanted to project: that of a proud society able to defend itself thanks to Dinka SPLA patriots, not to be toyed with, and not to be raped.

Examples abound to show how the state celebrated the predominantly Dinka SPLA as the genesis of South Sudan’s nationhood. South Sudan never changed the name of its army (SPLA), even after the 2011 independence. The 2006 Juba Declaration, the south-south peace agreement bringing in the SSDF, was never to be celebrated—contrary to the CPA, which was meant to convey the SPLA’s successful claims of legitimacy over the future independent country. Apart from peace agreement day, national holidays included an SPLA day (no SSDF there) and a martyr’s day that started taking place in 2007 at John Garang Mausoleum on the anniversary of Garang’s death. All these national holidays were attended by foreign diplomats. Of course, the most famous one was the celebration of South Sudan’s independence on July 9, 2011. This first celebration of independence provided the opportunity to showcase new national symbols, designed in a hurry. The idea that South Sudan automatically became a “nation” with independence was incredibly pervasive, from the media to academic writing on the country.

Throughout all these national celebrations, little room was left for other armed groups from the first civil war and other key political events that had promoted self-rule. This particularly frustrated the Equatorians, who felt violated in their own group legitimacy and whose discourse relied on their political activism during colonial times and their role in the first civil war. The South Sudanese national anthem mentioned the “patriots” and “martyrs,” and it was clear that the patriots were from the SPLA. John Garang’s face was on all the bills—which
showcased whose constituency truly “owned” the country. Symbols of Garang that spoke to the Dinka constituency, whether obvious or not, proliferated in many different places. All in all, postwar symbolism mainly catered to the Dinka.

John Garang’s mausoleum, which always featured in national processions, manifested his status as founding father of the new “nation,” further validated by international diplomatic visits. With all his sins silenced, he was elevated to the status of a secular saint. The mausoleum helped mass mobilization, and the architectural site of Garang’s personality cult also served in-group policing by invoking his figure. The mausoleum’s location in Juba, which was both the national capital and the state capital of Central Equatoria, also cemented the Dinka protoconquest of the region. This political myth of national liberation mostly appealed to SPLA supporters and to the Dinka population in general. Official promotion of this political myth reflected who was excluded, denied, and neglected by the state.

**DDR PROGRAMS: A CORRUPT MEMORIALIZATION OF THE WAR**

Demilitarization programs, by offering a symbolic picture of the war, contributed to the SPLA’s political myth of national liberation. They did so especially because the demilitarization process, started in 2005, was highly political and characterized by scores of issues. One of these issues was that the lists the SPLA gave the international agencies in charge of these programs were based largely on personal networks.

These Disarmament, Demobilization and Reintegration (DDR) programs frustrated those who had supported the troops but were not rewarded for it. They considered themselves forgotten—in other words, excluded from history and from the nation. A Kakwa (Equatorian) man relayed the general sentiment of the Equatorians: “The SPLA was always dominated by the Dinka. The recruitment of SPLA was segregative and discriminatory . . . Benefits of DDR for Equatorians were not as much as for the Dinka and Nuer. The veterans had their assembly points in their own homelands. The Dinka joined in their homelands but also in Equatoria . . . Some Dinka became rich because of that money. That created very much frustration for the Equatorians. What you were expecting to get, you were getting one quarter or nothing. Yet you fought the same war, but now you’re considered a second-class citizen.”

The DDR programs thus usurped the individual and collective memories of the war. The international community once again allowed the usurpation. “The UN turned a blind eye to the SPLA’s corruption,” an Acholi (Equatorian) UN DDR worker lamented. And since the nationalist “founding narrative” equated citizenship with membership to the SPLA, being excluded from DDR packages or
from their full benefit amounted to being excluded from the nation. The corrupt DDR programs contributed both to realizing the SPLA’s “founding narrative” and to excluding groups that were not Dinka or lucky enough to be coopted, thus relegated to the category of “second-class citizen.”

Sovereignty and Anxiety

JUBA’S RELATIONS WITH KHARTOUM

This exclusion was the reflection of how unsettled South Sudan’s national identity really was. Its mostly derivative national symbols and its blatant war-mongering showed how much the relationship with Khartoum deeply influenced the new country’s identity. Centuries of northern violent exploitation and racist humiliation, including through slavery, resulted in the southern elite’s decisions being partly dictated by its fear of losing sovereignty and its desire to improve its group worth.

Mutual suspicion between the SPLM/A and the NCP continued, with good reason. The CPA implementation was rocky at best, and mostly a failure. Yet the SPLM’s relationship with the NCP was related to its own divisions between the unionists of Garang and the separatists of Kiir. The result of such drawbacks in CPA implementation was to further convince the southerners that independence was their only option. The January 2011 referendum was prepared in a hurry in the context of a tug-of-war between Khartoum and the SPLM, and won the independence of South Sudan with nearly 99 percent voting in favor. By independence, John Young noted, “none of the post-referendum issues—including borders, treaties, citizenship, oil revenues, and the fate of Blue Nile and Southern Kordofan—was resolved.”

Tensions with Khartoum did not just stem from political disagreements; they had military implications. Khartoum continued to sponsor militias to destabilize the south. Proxy wars between Sudan and South Sudan maintained a very volatile military environment in and between both countries, especially in 2010 and 2011. The CPA was initially conceived of as a first step to negotiations about other war-torn areas in Sudan such as Darfur and East Sudan. But war continued in Darfur, and resumed in Blue Nile and the Nuba Mountains in 2011.

Since both Khartoum and the SPLA had been involved in “war systems” they both benefited from, neither could function without the other. Hence the necessity of continually producing an enemy and of abetting violence that was in fact politically useful, at least to South Sudan’s leaders. Indeed, tensions with Khartoum gave license to the SPLA to engage in an arms race. This had two advantages for the SPLA: first, the SPLA signaled its readiness to protect the south’s sovereignty against the militarily superior north; and second, the SPLM/A also
gained the advantage over other potential competitors in the south. Arms acquisition combined with continuing ethnic discrimination within the SPLA favoring especially the Dinka from Bahr El Ghazal.

Tensions between SPLM/A factions continued throughout the entire CPA period and impacted relations with Khartoum. On the one hand, Garang’s followers vied for power at the center, in Khartoum. On the other, Kiir’s faction was much more willing to collaborate with the NCP. Even though Garang’s faction was progressively marginalized, it still was behind some of the most daring moves against Khartoum. The SPLA was obsessed with catching up with Khartoum’s war capability to safeguard hard-won sovereignty and affirm itself as a worthy opponent. This behavior was justified and reinforced by the absence of a well-defined border.

Six border points neither party agreed on were essential to the country’s growing nationalism. Oil-rich Abyei, southern Blue Nile, and the Nuba Mountains were border territories on the frontline of the second civil war. But the SPLM/A had to give up on their inclusion in the CPA early in the negotiations, which nearly caused the party to split. The fate of these territories would be sealed through other separate agreements, which would lead to their eventual sellout.

A turning point came in 2012: in April 2012, fighting between the SPLA and SAF in Heglig/Panthou, the oil-rich eastern part of Abyei, provided the perfect avenue for Salva Kiir to stir up nationalism when his authoritarian rule was being increasingly contested at home. The increasingly Dinka elite needed to divert public attention from the fact it had embezzled at least a third of the state’s resources and had mortgaged half of the state’s budget. It adopted a war-mongering posture. But not everyone was on board: “The few of us who were against going into fighting were seen as traitors,” remembered some of the Nuer government officials present at the SPLM’s National Liberation Council meeting on Heglig. “The SAF was not actually attacking. It was bogus . . . The SPLA-North (the SPLA comrades in the Nuba Mountains and Blue Nile) was seriously mobilizing the South to fight the North.” Upon deciding to engage militarily in Heglig, “Salva was celebrating,” remembered a puzzled Dinka member of the Garang faction, and “emotions were high.” “Salva got up and declared war, and everybody applauded and got up . . . Singing went on for a good five minutes,” the Nuer officials recalled. Yet the elite had focused so much on amassing wealth and weapons that it had completely neglected building real war-making capacity. It became clear throughout this episode just how “uncontrolled” and “chaotic” the SPLA was when confronted with the SAF. Paul Malong, then governor of Northern Bahr El Ghazal state, still capitalized on the fighting to recruit more Dinka militias in his and Salva Kiir’s home states.
Three months later, following a disagreement with Khartoum over oil transport fees, the south decided to shut down oil production in August 2012. This was another grave miscalculation by the SPLM elite, who wanted to signify the south’s sovereignty and its own newfound ascendancy. Salva Kiir had reportedly pushed for the chaotic military adventure in Heglig with the support of the Garang faction, still tied to its former comrades of the SPLA-North across the border. This time, the Garang faction took the lead even more on the bold economic move, conceived as economic warfare. This decision illustrated the elite’s own anxiety at “lacking” resources it considered it was entitled to. Yet the bold move of closing the oil tap did exactly the opposite of what was expected: it eventually led to a less favorable price-per-barrel. It created more tensions within the SPLM, while Khartoum’s air strikes increased in Unity and Western Bahr El Ghazal states, known to harbor rebel groups from Darfur and the Nuba Mountains.

If the SPLM elite acted besieged, in fact the NCP was already “inside” the party. Its intermediaries had joined the SPLM after the CPA and infiltrated Salva Kiir’s faction. The SPLM was more unstable than ever and it had more to lose after it secured independence and access to oil revenues. Tensions continued to rise until relations with Khartoum improved in 2013, when Kiir’s faction won over Garang’s.

JUBA’S RELATIONS WITH THE INTERNATIONAL COMMUNITY

The relationship with the international community also impacted the elite’s sense of group worth and sovereignty. Indeed, the international community played a prominent role in peace-making and peace-building. The “aid rush” to South Sudan meant that South Sudan became not only an El Dorado for imperialist countries (especially China and the U.S.) but also a profitable haven for shady contractors. The elite took advantage of these international interests. The government paid lobby firms and individuals within the country and in the U.S. to maintain its image as liberator and continued to invoke the Sudanese terrorist threat in meetings with U.S. diplomats. It leased land to international firms to the detriment of local communities. On the surface, this partnership benefited all—diplomatic missions, aid agencies, international firms, and the governing SPLM/A elite—to the detriment of ordinary civilians.

Yet neocolonial attitudes were never lost on the governing elite. As a result, it continued to portray the state as a “baby nation” to attract international sympathies and funding instead of opprobrium for its serious shortcoming. In doing so, it played right into condescending stereotypes reminiscent of colonial times that were carved into the collective memory on both sides. This was mostly lost on the international community, who continued to grossly underestimate the southern elite and obliviously offend the South Sudanese. A condescending and
ultimately racist attitude was prevalent in the UN, where it was advertised at the highest levels. This negatively impacted group worth. Racist neocolonial stereotypes reminded the South Sudanese elite—and more ordinary citizens—of their perceived inferiority and by extension of the humiliations of slavery and colonialism. This contributed to stir the elite’s besieged mentality and feed its fear of losing sovereignty not just to Khartoum but also to aid agencies—especially to the very large UN peacekeeping mission, UNMISS.

Yet the elite—and especially Kiir—were patient. Despite its concern for what it perceived as an encroachment on its sovereignty by the international community, the elite capitalized on its instrumentalization by the U.S. and other powers in the region, and strategically chose not to express its distaste for neocolonial attitudes before the referendum. As soon as South Sudan became independent in July 2011, the elite became much less submissive and conciliatory, which left diplomats and aid workers dumbfounded. This corresponded with a radicalization of the regime under Salva Kiir’s faction. These feelings of animosity towards the international community in the south had always been there. But they had been aggravated and repressed, and xenophobia could finally be expressed only now that sovereignty was secured.

Thus, both Khartoum’s NCP and SPLM elite competition contributed to stir an increasingly war-mongering and exclusionary brand of nationalism, centered on the predominantly wartime Dinka SPLA. But so did the international community—from its support of the SPLA in the last war and its endorsement of the SPLA’s founding narrative to its sponsoring of exclusive DDR programs and its stirring up of deep feelings of humiliation.

State-Building and Predation
The Elite’s Capture of the State-Building Exercise

Initially, the UN peacekeeping mission in Sudan (UNMIS) was supposed to safeguard the CPA’s implementation, which it was assumed would develop an inherently peaceful democracy. There was a neocolonial element to state-building, and even its proponents admitted that it was akin to “social engineering.” One implication of this sociopolitical engineering was to make the state more vulnerable to ethnonationalism. Indeed, the future South Sudanese nation-state would now have to participate in the international system of other nation-states driven by concepts of unity and homogeneity—a system associated with the globalization of genocide.

Over the six-and-a-half-year CPA period, state-building incurred massive spending devoted to new institutions, service delivery, equipment, and trainings.
The U.S. was the largest donor in South Sudan.\textsuperscript{75} Between 2005 and 2016, the U.S. would spend US$11 billion in humanitarian, peacekeeping/security sector, and transition and reconstruction assistance.\textsuperscript{76} The UK and Norway followed. Together with the U.S., this “Troika” funded half of South Sudan’s aid for that period.\textsuperscript{77}

Aid was not the only or main source of income for the new state, even if it was essential.\textsuperscript{78} Through the CPA, South Sudan finally accessed 50 percent of its own oil.\textsuperscript{79} The flipside was that 98 percent of its own revenues now came from oil.\textsuperscript{80} Meanwhile, participation in state administration had long been equated with membership in the SPLM, directly funded by the U.S. since at least 2006.\textsuperscript{81} “It’s a rent-seeking economy,” observed a European diplomat. “Everyone wants to be in the government . . . And it’s a one-party state: if you control the party, you control the state and then the oil money.”\textsuperscript{82}

Despite the leadership’s attempts to cloth the SPLM in the attire of democracy, there still was no real difference between the army (SPLA) and the political party (SPLM). An Ethiopian general who knew the guerilla group since its early days noted, “The SPLM is not really a political party, and the SPLA is not really an army. They influence and reinforce each other. The SPLM is a political arena in which these military leaders interact.”\textsuperscript{83} Accordingly, much like the state and the SPLA, the SPLM—the party-state—swelled and became more and more a politically empty shell marked by complacency, lack of internal debate, and competition between factions.\textsuperscript{84}

Through access to oil revenues and aid, the state became the prime vehicle of resource accumulation and the instrument of social differentiation leading to social class consolidation.\textsuperscript{85} Therefore state-building and social class formation continued to go together as kinship networks expanded.\textsuperscript{86} For example, Paul Malong acquired many new wives (from ten to forty) during the CPA period as a notoriously corrupt governor of Northern Bahr El Ghazal state. Polygamous SPLA and militia leaders who had many children and relatives typically placed them at all echelons of the government and the army once the new institutions were created. For instance, the sixty children of one of the founders of the SPLA were placed in the Office of the Vice-President; in the Southern Sudan Centre for Census, Statistics, and Evaluation; in other government institutions; and in the SPLA itself.

Commanders controlled the state and security institutions through kinship networks. The military elite also used the affirmative action criteria of the constitution, which stated that at least 25 percent of the organization must be female, to appoint the wives of commanders and of lower-stratum intermediaries to important army, police, and government positions.\textsuperscript{87} Demilitarization followed by reintegration into government jobs was, in the words of a Nuer nurse, “like a pension fund. Although it’s only people of the circle who benefit from it.”\textsuperscript{88}

Corruption thus became the cement of the entire system of political and class domination in South Sudan.\textsuperscript{89} As a result, the acronym GOSS (Government of

\textsuperscript{75} Ibid.
\textsuperscript{76} UN, Options for Peacekeeping, 2004, 26.
\textsuperscript{77} Humana, Humanitarian Aid, 2009, 127.
\textsuperscript{78} UN, Options for Peacekeeping, 2004, 26.
\textsuperscript{79} World Bank, World Economic Outlook, 2009, 30.
\textsuperscript{80} UN, Options for Peacekeeping, 2004, 26.
\textsuperscript{82} Interview with European diplomat, 2007.
\textsuperscript{83} Interview with Ethiopian general, 2007.
\textsuperscript{84} Interview with European diplomat, 2007.
\textsuperscript{85} World Bank, World Economic Outlook, 2009, 30.
\textsuperscript{86} World Bank, World Economic Outlook, 2009, 30.
\textsuperscript{87} UN, Options for Peacekeeping, 2004, 26.
\textsuperscript{88} Interview with Nuer nurse, 2007.
\textsuperscript{89} World Bank, World Economic Outlook, 2009, 30.
South Sudan) took on a new meaning in social media: the “Government of Self-Service.” The state expanded, mostly in the capital Juba, which retained the most resources, and then in the capitals of the other nine states. It was a centralizing clientelist state with decentralized ethnic patrimonial networks.90

Neither forms of spending (on governance or security) resulted in real capacity-building. The state and the army were merely vehicles of wealth accumulation and they remained geared towards predation rather than effective control of South Sudan’s large territory. This would not have worked without the international community—spearheaded by the U.S.—who had endorsed the SPLA and was now supporting the whole edifice. Indeed, much like in the last war, the state invested so little in social service delivery that the international community ended up shouldering most of the burden.91 The international community’s complicity became even more blatant when the elite invested in the security sector rather than in governance institutions.92

The international community thus practiced the same “functional ignorance” that it had in the last war.93 It continued to be told—and was willing to believe—that the state needed help “developing.” Only three months before independence, donors limply increased pressure for the state to address corruption.94 But the judicial anticorruption institutions had resembled what Jean-François Bayart calls a “décor de trompe-l’oeil” since 2005.95

Political tensions were broiling between SPLM factions, and accusations of corruption were thrown to sideline opponents or coerce bystanders into actively supporting Kiir’s faction.96 In possession of a letter accusing seventy-five officials of stealing US$4 billion from the state, President Kiir postured as a reconciliatory figure by granting them amnesty (through anonymity). In fact, the political temperature was rising and this move corresponded with in-group policing.97

By 2012, a year before the third civil war, the elite had essentially embezzled a third of the state’s revenues and mortgaged over half the state’s budget already: over half the state did not belong to South Sudan anymore.98

A Temporary Fusion of Elites

The elite was corrupt across the ethnic board.99 In the last war, processes of dominant and middle class formation had been very similar in the SPLA and in the SSDF. In 2005, therefore, the CPA brought these dominant and middle classes from different ethnic groups to Juba to coexist. A Juba resident remembered how the middle-class/lower strata followed the upper strata consisting of former fighters turned officials: “Cousins or nephews of the ministers will bring their friends in their house . . . They sleep, they eat. It’s almost a new middle class.”100
At first, the different ethnic dominant classes had more in common with each other than with ordinary people. They shared dominant class interests and were temporarily fused in their predatory behavior. Yet such fusion was never complete because they retained their own military and financial bases upstate. They did so through patronage networks, which they maintained through the multiplying territorial administrative units and spoils from cattle raiding. A Nuer member of parliament explained, “After 2005, when the commanders came to Juba, each of them had a house and a commando—especially the big bosses, like Salva Kiir, Wani Igga, Wani Konga, Ismail Kony, and Paulino Matiep. These people retained their own soldiers and supported them to get married, even after 2005. In the villages, in Bor or in Bahr El Ghazal, they have so many cattle.”

This meant that after the April 2010 elections, it was easy for some of those former warlords to go back to their “roving bandits” habits when they did not secure political office, and start their own rent-seeking rebellions. Kiir was perceived by the international community as a somewhat boorish and pragmatic figure for his efforts to accommodate the warlords and bring them to Juba, trying to “outbid” Khartoum who often supported them. In fact, he seemed overconfident and indifferent to the long-term implications of this largely unsustainable form of governance. He declared that the history of the SPLM was “full of defections like a dog [who] lives with you at home and when you beat him he will run away, but still will come back and lay down near you because he has nowhere to go and live.” In reality, Kiir’s big tent policy was not just unsustainable: by 2013, two years after independence, there were still about eighteen militias associated with three rebel groups roving the country.

This also masked a deeper trend: the coexistence of different ethnic constituencies had quickly turned into ethnic ranking favoring Kiir’s constituency. Ethnic ranking was back, and ethnicity trumped class again. Still, class and ethnic identities infused one another. As Michael Mann notes, “Ethnonationalism is strongest where it can capture other senses of exploitation.” Feelings of humiliation rooted in centuries of racist exploitation (slavery’s mode of production) merged with those of group legitimacy and entitlement. In this sense, the Dinka were not so different from Rwanda’s Hutu. In-group competition among SPLM/A Dinka factions particularly fueled ethnic ranking.

Making the Ethnocracy

THE IMPACT OF GARANG’S DEATH

The signing of the CPA did not end the rivalry between Garang’s and Kiir’s factions within the SPLA or between their discourses of Dinka group legitimacy and entitlement. In the six months that Garang spent in Juba following the CPA’s
signature, his relationship with Kiir did not improve. Garang continued to rely on his close allies in the SPLM, the “Garang boys.” His vision was to vie for national power, which presented a real threat to Khartoum. He continued to favor his own constituency: “In 2005, the government gave positions to Bor people,” one of his beneficiaries admitted.

Shortly before his death on July 30, 2005, Garang embarked on restructuring the SPLM. He appointed Kiir, then SPLA chief of staff, as his new vice-president to neutralize and demote his rival. Of course, Garang did not anticipate that his death would effectively promote Kiir back to the position of chief of the SPLA and president. Additionally, Garang’s restructuring plans left the SPLM without structure by the time of his death. This left room for Kiir to concentrate a lot of power in his new role.

Once Kiir was in position, his appointments to various positions in both the government of South Sudan in Juba and the Government of National Unity (GoNU) in Khartoum reopened his rift with Garang’s followers. The separatists gained more footing in the SPLM through Kiir. They prioritized securing southern independence over regime change. They were keen to collaborate with the NCP who courted them. Khartoum’s influence thus grew within Kiir’s inner circle and relations with Khartoum improved in 2013.

Kiir’s faction was mostly made up of Dinka from the Bahr El Ghazal region. It included some former SSDF, known for their separatist ideas and for their anti-Garang sentiments, but the majority was Dinka and from Bahr El Ghazal.

The Rise of the JCE

Members of Kiir’s faction had supported him against Garang in Yei in 2004. This clique had been dissatisfied with Kiir’s exclusion from the CPA negotiations by Garang after the 2002 Machakos protocol securing self-determination for the south. The faction had little buy-in in the Navaisha round of negotiations that was about making unity with Khartoum attractive. Some of Kiir’s followers had been bedfellows in the SPLA’s slave-redemption scandal. That included Paul Malong, Kiir’s staunch supporter in the last war and warlord of Northern Bahr El Ghazal, and Justin Yac, former head of the corrupt wartime SPLA relief wing (the SRRA), also known for his role in the slave-redemption scandal and for his radical views on Dinka entitlement and supremacy. Others included Alieu Ayeny Alieu, Telar Riing Deng (both from Lakes), Tor Deng Mayuen, and Arthur Akuen Chol.

Some members of Kiir’s clique had not even been SPLM/A members. For example, Ambrose Riiny Thii and Bona Malual had served the Southern Regional Government during the Addis Ababa Agreement period (1972–83), which back then had been accused of “Dinka domination.” They had opposed Garang’s SPLM/A and had both been exiled to London. Ambrose Riiny Thii was
the chairman of the Jieng Council of Elders (JCE), initially a traditional ethnic council for the Dinka. Other groups such as the Nuer also had their own traditional ethnic council. But the JCE would be implicated, as I explain later, in the recruitment of Dinka militias and government policies during the third civil war.

So was the JCE just an ethnic council? A Kuku intellectual compared the JCE to a “kitchen cabinet,” meaning an informal inner circle of advisors: “It’s the ‘kitchen cabinet’ story: Salva Kiir was surrounded by people of his own tribe—from Warrap and close relatives who were his advisors, including illiterate village elders.” But the JCE was more than just a “kitchen cabinet” because its membership was broader and would expand over time, in an attempt to get rid of its persistent Bahr El Ghazal brand and foster Dinka “groupness.” Besides, Kiir would play catch-up with the JCE in the third civil war.

The phrase “ethnonationalist and Dinka supremacist organization” more accurately describes the rather secretive JCE. The JCE became influential once it was back in South Sudan after the signing of the CPA, and especially after Garang’s death, under the leadership of Thiik and Malual. Bona Malual had been involved in the slave-redemption scandal and, more important, in efforts to undermine Garang in the SPLA throughout the 1990s and more recently in Rumbek in 2004.

A Bor Dinka member of the Garang faction explained the roots of the JCE: “The JCE was created in the early 1990s, in London. It was rooted in Bahr El Ghazal, with Bona Malual and Ambrose Riiny who were active in their advocacy on Bahr El Ghazal issues, and to challenge Garang indirectly. When Salva Kiir ascended to power, it took the form of Bahr El Ghazal regional conferences . . . that was one way of promoting ethno-regional sectarianism . . . That’s a basis of patrimonial power . . . and this is what they wanted to use to dominate politics.”

The JCE had initially been shaped by anti-Garang former Dinka politicians from the diaspora. This demonstrated just how potent ties formed abroad and communication via journals and meetings were in developing an “imagined community” essential to Dinka ethnonationalism. Once back in South Sudan after 2005, the JCE continued to use the political myth of SPLM/A national liberation to its advantage. The general usurpation of collective memory described earlier was facilitated by the return of members of refugee diasporas, including JCE members. The impact of their return was reminiscent of the role played by other refugee associations’ returns, such as in 1930s Germany.

Back in South Sudan, the JCE quickly turned into a freeloader off of the state, as an Acholi civilian suggested: “The JCE wants to use the system to amass wealth and resources.” It welcomed elite Dinka members from different professional backgrounds—SPLM/A prominent members, politicians known for their anti-SPLM stance, businessmen, and traditional figures such as chiefs and their
descendants. As such, it was an organization with ethnopolitical entrepreneurs defending Dinka interests, but not just any Dinka: it had the interests of Kiir’s faction most at heart, and this faction’s center of gravity was rooted in Warrap state.125

In 2005, Kiir appointed Thiik, the JCE chairman from Warrap, as the chief justice. This appointment, combined with state violence, was symbolic of who would have rights in the future country. The JCE influenced the corrupt and weak South Sudan Legislative Assembly, taking advantage of the absence of a definite constitution.126 The parliament had no oversight over the SPLA, and the JCE was described as “the real parliament behind the scenes.”127

The JCE went along with this political myth of national liberation despite its dislike for Garang to gain influence. It cultivated the idea of extreme group legitimacy, which translated into an ideology of Dinka supremacy or Dinka “ethnic extremism,” and sent its followers abroad as representatives of the government.128 Through the ambassadors and other members of the diaspora and assisted by foreign consultants, the JCE reached out to the international community and lobbied it: “The JCE preached more outside at first than at home,” explained a Kuku (Equatorian) medical student. “Initially the JCE understood how the international community was important to gain independence.”129 Indeed, the JCE kept its eye on the ball: cementing power through independence.

“JUST” DINKA DOMINATION?

It is not quite accurate to label the government’s ethnicization as a general “Dinka-ization” of the state, since Kiir did not appoint just any Dinka. He favored his own constituency of northwestern Dinka and sidelined Garang’s followers and protégés.130 He did it as soon as he came into office in 2005, instrumentalizing the swelling of the state to cement ethnopolitical control. This drive of ethnic ranking within the state was felt in the capital of Juba but also outside, for example in the state capital of Wau, as a Balanda civil society member explained: “After 2005, most of the Dinka came and had positions in the government . . . After 2005, the Dinka from only Bahr El Ghazal came.”131 Of course, both competing Dinka factions still survived through capitalizing on the same brand of anti-Khartoum SPLA nationalism. But Kiir’s faction was resolutely more exclusionary than Garang’s faction because it was more overtly ethnicized, allowing only a few respected members from different ethnic groups in its ranks, to undermine Garang’s faction’s non-Dinka members by engineering divisions in their constituencies.

In reality, the fact that Kiir’s faction included western northern Dinka who had not fought in the SPLA illustrated that ethnic membership trumped SPLA membership. This explained why discourses of group entitlement related to
wartime Dinka contributions would be so pervasive among Dinka SPLA troops in the third civil war. These discourses meant to obliterate the fact that this war was especially rooted in the rise of a Dinka dominant class led by individuals who had not fought the war but were Dinka from the same region as Kiir. As a matter of fact, six months after independence and less than a year before his assassination, the Bor Dinka journalist Diing Chan Awuol (alias Isaiah Abraham) called out Kiir’s faction and especially Thik, the JCE chairman, for appropriating the title of “father of the nation” (promoting Kiir instead of Garang), and for “gogrializing” the state—Gogrial being the capital of Warrap, the home state of both Kiir and the JCE chairman.132

What Abraham was describing was an ethnocracy: the “rule of one ethnic group over diverse populations.” It catered only to the ethnos: the Dinka, especially from the Bahr El Ghazal region, especially those close to Kiir’s home state of Warrap. And typically, the fusion of the demos with the ethnos presaged problems for other ethnic groups in the same territory.133

COMPETITION BETWEEN THE SPLM FACTIONS

Competition between the Kiir and Garang factions is what especially drove ethnic ranking in the state and the army. Garang’s faction emerged stronger from the 2007 crisis, when the SPLM pulled out of the Government of National Unity than did Kiir’s faction.134 This threatened Kiir’s faction, who was convinced by rumors that Garang’s faction, coalescing around the Shilluk Pagan Amum, then SPLM secretary general, was fomenting Salva Kiir’s ousting.135

In 2008, the second SPLM convention, held in preparation for the 2010 national elections, did nothing to solve these tensions: it left the party-state more divided and weaker than before.136 Kiir felt threatened by both the Nuer Riek Machar, then SPLM first deputy chairman, and Amum.137 A member of the Garang faction expounded: “In 2008, Salva didn’t want Riek as his deputy in the SPLM, or Pagan Amum as his secretary general. Salva was left in his place. No elections took place... Issues were postponed until 2013.”138 “The status quo was maintained,” a Dinka insider explained, “fighting under table was not taken to the public.”139 “The 2011 referendum was the only thing that prevented the crisis of 2008 from spilling over,” said a member of Machar’s entourage.140

While tensions boiled between Kiir’s and Garang’s faction, the relationship between the Bor Dinka and the Nuer elements of the SPLA gradually improved from 2008 onward. Machar became closer to the Garang faction and, after independence in August 2011, in the home of Garang’s widow, Rebecca, in Juba, apologized for the 1991 Bor massacre. This was an important political gesture that contributed to increase Machar’s status of dangerous political competitor to Kiir. Still, discourses of group entitlement and group wounds continued to divide
Dinka and Nuer, and the elite’s reconciliation efforts were too little too late on both sides, especially given the role played by members of the diaspora, who did not always catch up with developments on the ground.¹⁴¹

Yet violence did more to bring these two sides—Garang’s and Machar’s—into a nascent coalition. Salva Kiir and his clique felt threatened by their reconciliation. In 2012, the assassination of the Bor Dinka journalist Abraham brought the Nuer and Bor Dinka even closer.¹⁴² Various alleged coup attempts—of which one, in 2012, was blamed on Nuer generals—supposedly occurred before the third civil war erupted.¹⁴³ At the same time, it is also possible that the government fabricated these coup attempts to justify in-group policing.

ETHNIC RANKING

Competition between the SPLM factions thus drove state violence and ethnic ranking. Ethnic ranking relied on the SPLA “founding narrative” identifying the Dinka as the primary and most legitimate constituency that the state meant to serve, to the detriment of others, who should not rule.¹⁴⁴

The process of ethnic ranking accelerated after South Sudan’s independence, as an ordinary Kakwa (Equatorian) civilian described: “After 2011, and the separation, things changed quickly in South Sudan. Ranks were given in the government especially to the Dinka. The Dinka from abroad came to take the positions of the Equatorians and the Nuer who had fought in the SPLA in the last war, in the ministries, and the embassies.”¹⁴⁵ “The fact that the minister of defense, the minister of interior, and all the high ranks in the SPLA police were Dinka was a clear sign of early warning,” explained an Acholi (Equatorian) civil society member.¹⁴⁶

In 2011, Peter Adwok Nyaba wrote that “it is not an exaggeration to say that certain ministries are staffed by persons hailing from the same ethnicity, or at least 80 percent hail from the same county.” The president; the minister of presidential affairs; the minister of internal affairs, police and security forces; the minister of SPLA affairs; and the minister of legal and constitutional development (and others) were all Dinka, as were presidential advisors, ministers, undersecretaries, and the heads of the twenty commissions—and the majority were from Bahr El Ghazal, particularly Warrap.¹⁴⁷

The Garang faction inadvertently made things worse by pushing for the decision to shut down oil production in August 2012.¹⁴⁸ This led to a less favorable price-per-barrel.¹⁴⁹ The oil shutdown affected the state-level first, where budget cuts were announced.¹⁵⁰ In Northern Bahr El Ghazal, Malong, Salva Kiir’s longtime supporter and now the governor, stirred up exclusionary nationalism in favor of the Dinka from Bahr El Ghazal.¹⁵¹ The diminution of resources available for predation and patronage made the state more ethnicized, and violent.
After the oil shutdown, a member of the Garang faction explained how “people were polarized, between the Garang boys, and the tensions between Salva and Riek from the 2008 SPLM Convention would resurface later towards the end of 2012-early 2013. 2013 was the year of the SPLM Convention when Riek started talking about his presidential ambitions.”

LEAD-UP TO THE THIRD CIVIL WAR

In March 2013, the SPLM started preparing for its third convention, in advance of the 2015 national elections. The Garang-Machar coalition pushed for the democratization of the SPLM. Machar, Garang’s widow Rebecca, and Amum openly said that they would run in the National Liberation Council (NLC) elections for the position of SPLM chairman. Whoever was elected would run in the next national elections. Machar was certainly the most aggressive in his criticism of Kiir. This most likely convinced Kiir that Machar and his Nuer constituency were “unwinnable”—a perception typically key in building a rationale for genocide in the mind of the perpetrators.

In May 2013, Kiir blocked the party’s reforms while a committee unsuccessfully tried to mend his relationship with Machar. Right around that time, Kiir gave several speeches outside Juba in his home state of Warrap meant to stir up uncompromising views of Dinka group entitlement and the perception of a threat. In the summer of 2013, members of the Garang faction noticed that Kiir’s faction was training troops from his home state. One of them explained that “Kiir felt there was a threat to his seat, if the convention took place, then his seat could be challenged.” The state had grown into a violent Dinka state, and yet this ethnocracy felt vulnerable to opponents. It felt a sense of “moral outrage” at competitors it despised.

In July 2013, Kiir fired his rivals, including Machar, Amum, and the entire cabinet. A former minister remembered, “Over twenty ministers were relieved. No one was given an official reason . . . We were just surprised . . . The president was not happy with the desire for democratic reform. He refused the dialogue in the party. Particularly on the constitution of the party.” Kiir brought in newcomers who had not been in the SPLM before, fitting the profile of the JCE membership. The sacking further coalesced the Garang-Machar coalition, and Machar did not back down. Repression increased, including on the press.

Subsequently, Kiir toured the Bahr El Ghazal region. In all three state capitals—Wau, Aweil, and Kwajok—he gave bellicose speeches against Machar and the cabinet, broadcast on national television. He waved the threat of his ousting by Machar and his coalition. He attempted to awaken the rather dormant “chosen trauma” of the 1991 Bor massacre, appropriating the Garang faction’s group
legitimacy. He incited his constituents (especially in Warrap) to resist any political compromise.162

Around that time, soldiers’ presence and insecurity increased on the streets of Juba, and a few elements indicated planning for at least a military confrontation.163 Juba residents noted before the explosion of the third civil war in December 2013 that “there was already violence in Juba . . . People would bring over dead bodies to the parliament to protest the killings by the Dinka.”164 Everyday violence in Juba itself was on the rise.

In mid-November 2013, Salva Kiir dissolved the SPLM structures.165 On December 6, 2013, Machar and members of the Garang faction held a press conference in Juba denouncing Kiir’s faction. In this press conference, they summarized the past eight years: they called out the rise of the JCE, the primacy of ethnicity over wartime membership to the SPLM/A, and the NCP’s infiltration of the SPLM, the government and the parliament. They denounced Kiir for forming a “personal army, in the guise of presidential guards” on top of his dictatorial and corrupt leadership.166

On December 14–15, 2013, the National Liberation Council was set to meet in Juba. On December 14, Salva Kiir’s rhetoric against Machar and the rest of the political contestants was particularly bellicose. He made references to Machar’s splintering from the SPLA in 1991 and compared the current conflicts to those driving the 1991 SPLA split. He viewed the behavior of his opponents as amounting to “indiscipline”—which in wartime SPLA language could lead to execution. They were a threat to South Sudan’s sovereignty.167 On December 15, intimidated, Machar and the members of the Garang faction did not show.168 Later at night, around 10:30pm, fighting broke out between the little integrated Nuer and Dinka presidential guards, following an attempt to disarm the Nuer contingent.169 The third civil war had begun.

**Appropriating the Founding Narrative**

Looking back, the JCE infiltrated the SPLM/A and the state and pulled the rug out from under the Garang’s faction’s feet. It completely hijacked the nationalist rhetoric from Garang’s faction and its founding narrative.

The JCE could not have become such a very versatile and powerful ethn-nationalist and Dinka supremacist organization, branding itself as defending Dinka interests, without the structure of the CPA, which promoted the predominantly Dinka SPLM/A. The international community did not acknowledge the process of ethnic ranking or the fact that postwar nationalism only catered to
what it considered the state’s legitimate political constituency (the Dinka), which meant that it had genocidal potential.170

Kiir’s behavior and that of his faction were typical of a leader’s attitude when on the verge of losing power, confiscating resources and ignoring the long-term economic consequences of his actions.171 They controlled the ethnocracy and did not tolerate any dissent. Therefore, there would be no restraint when violence turned genocidal.172

A civil war coded and fought along ethnic lines would mask the JCE’s appropriation of the founding narrative and of Dinka group legitimacy. In the eyes of the JCE and its allies, it would hopefully stir the unity and “groupness” of the whole Dinka *ethnos*, the country’s only legitimate political community.173