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## **THE MAKING OF A VIOLENT ETHNOCRACY**

2005–13

The 2005 Comprehensive Peace Agreement promoted the SPLA to the position of sole armed ruler of the entire south.<sup>1</sup> But this did not correspond to reality on the ground, which set the SPLA up for either war with its former rival, the South Sudan Defense Forces, or absorption. Upon Garang's death, Kiir decided to favor the absorption of the former foes from the SSDF. The SPLA thus followed the same trend as the SPLM and the state: it grew, thus becoming the site of struggles for its control. Throughout this interwar period, the power struggles between the SPLM factions, which drove the progressive ethnic ranking of the state, were mirrored in the SPLA.

Tensions within the ruling elite had driven ethnic ranking, ultimately forging an ethnocracy. Since ethnic ranking needed to be enforced, the ethnocracy grew more and more brutal and turned into a violent Dinka state. The elite's corruption negatively impacted civilians' security. They experienced rising violence as the dominant class consolidated power through brutal demilitarization campaigns, undemocratic elections, everyday domination, and large-scale cattle raids. Combined with exclusionary nationalism, the shadowy military landscape and widespread violence converged to make the start of the third civil war in December 2013 genocidal.

Contest over the SPLA's composition intensified with the signing of the CPA. The predominantly Nuer SSDF, the SPLA's competitor, was actually comparable in size to the SPLA but, as discussed earlier, was not included in the CPA, referred to instead as one of the "Other Armed Groups" (OAGs).<sup>2</sup> The Juba Declaration,



**FIGURE 6.1.** The Presidential Guards, commonly referred to as the “Tiger Battalion” and here deployed at a cantonment site outside Juba, chant and raise their weapons at a parade on April 14, 2016. Photo by Jason Patinkin.

signed on January 8, 2006, between the SSDF and the SPLA, finally included the SSDF in the CPA through its integration within the SPLA.<sup>3</sup>

This absorption transformed the SPLA. The SPLA had become more and more Dinka over the twenty-two-year-long civil war, and especially after the 1991 split and the Bor massacre, the brunt of its fighting had been borne by Dinka troops from Bahr El Ghazal. By the time the CPA was signed, the original SPLA fighters who had followed Garang into the bush were very aware of the power struggles between Garang and Kiir. They saw Kiir as a divisive figure, especially after the 2004 Rumbek conference. They interpreted Garang’s death and his replacement by Kiir as their cue to decamp, especially now that SPLA “victory” against Khartoum was secured through the CPA. One of them, from Bor, explained, “I left the SPLA when Garang died. I was fighting to push the Arabs . . . A lot of soldiers from the last war in the SPLA were from Jonglei . . . When the SPLA payroll was done after Garang’s death, the names of old soldiers since 1980s were not there.”<sup>4</sup>

Six months after Garang’s death and these initial departures, new men from the SSDF came into the SPLA and competed for ranks in an army that already seemed progressively more biased against Garang’s followers and in favor of Kiir’s

constituency.<sup>5</sup> A former Dinka SPLA battalion commander described the absorption of the SSDF: “In 2006, the SPLA became composed of 70 percent militias, and 70 percent Nuer. 30 percent of the SPLA was Dinka and Equatorian . . . Most of the militias wanted to remain in the SPLA. They numbered about 50,000.”<sup>6</sup> This absorption motivated even more of the original, older, more experienced, and more educated Dinka SPLA soldiers to leave. They felt threatened with marginalization following Garang’s death and the Juba Declaration. “People from militias were given big ranks (generals and brigadier generals), and some Dinka with a lot of fighting experience, including against these very militias, refused to be commanded by them. Very few people had fought from 1983 to 2005. They were usually in low ranks. And they preferred to leave the army and take civilian jobs,” the former Dinka SPLA battalion commander continued.<sup>7</sup> They left the SPLA with mainly younger, less experienced, less educated, less loyal, and less disciplined recruits.<sup>8</sup>

The SPLA’s demography was thus radically transformed, and tensions ran high with the newly integrated and mostly Nuer SSDF fighters.<sup>9</sup> A high-ranking Dinka SPLA officer from Lakes (Bahr El Ghazal) illustrated the prevalent feelings in the SPLA about the newly integrated SSDF at the time: they were “99 percent illiterate, without any education: just beasts.”<sup>10</sup> Ethnic prejudices were more alive than ever when this integration transfigured the SPLA’s ethnic composition. To the Dinka in the SPLA (across various ranks), on one hand, the Nuer armed threat could not be contained: it overwhelmed the SPLA. The SPLA was no longer a largely Dinka army, and SPLA soldiers were wary of potential traitors. On the other hand, the former SSDF were resentful at the SPLA for all the abuses it had committed against the non-Dinka communities they came from.<sup>11</sup> These feelings of animosity, anxiety, and fear, added to the competition between factions in the SPLM, were all typical conditions for genocide.<sup>12</sup>

Garang had appointed the Shilluk Oyay Deng as the first postwar SPLA chief of staff. Deng was one of Garang’s close officers. Unsurprisingly, Kiir did not get along well with Deng and clashed with him several times after Garang’s death. After four years of trying to replace Deng with a member of his own faction most likely affiliated with the JCE (such as Dominic Diim Deng), Kiir replaced him in 2009 with the much more conciliatory Nuer James Hoth Mai instead.<sup>13</sup> However, neither of these non-Dinka chiefs of staff succeeded in curbing ethnic discrimination favoring the Dinka. Kiir appointed the former SSDF leader, the Nuer Paulino Matiep, as his deputy. Meanwhile, his clique recruited parallel Dinka militias in 2011 to off-balance the Nuer contingent within the SPLA. Thus the appointments of non-Dinka chiefs of staff were precisely meant to hide the fact that the SPLA was being progressively ethnically ranked again, just like in the past.<sup>14</sup>

## Class Domination within the SPLA

Indeed, once swollen through the integration of the SSDF, the new SPLA was traversed by two types of social stratifications: class and ethnic rankings. First, the SPLA was deeply socially stratified because of the inequalities between the military aristocracy, its lower strata/middle-class, and more ordinary soldiers. Both former SSDF and SPLA commanders were in dominant class positions through which they continued to concentrate resources. As explained by a former SPLA Dinka commander, division, brigade, and company commanders on both sides made money: “They were the ones with a lot of ghost names. Many commanders pretend to have more soldiers than they have—ghost names—to have salary money.”<sup>15</sup>

They used those riches to continue irrigating their networks, thus consolidating their power base. They trickled down just enough of the resources they amassed to their followers who depended on them. They continued to dispense favors and to expand their own lineages, cementing and creating new military kinship ties at a relatively low cost. They kept their soldiers on a short leash, which had a potentially destabilizing effect on the army but served their dominant class interests: “Soldiers have delayed salaries for two months. Commanders use [the delay] to keep soldiers’ salaries [which] they use . . . to speculate on the black market, so they use it as capital on the black market and later on pay them,” described a Nuer nurse with relatives in the SPLA.<sup>16</sup>

The SPLA dominant class thus used widespread corruption within the army to strengthen its power. Corruption permeated the SPLA in all aspects: from the distribution of salaries (80 percent of the defense budget from 2011 onwards) and the allocation of contracts to the distribution of DDR packages and positions. The lack of payroll greatly facilitated corruption.<sup>17</sup> An Ethiopian insider noted, “Without payroll, there’s no idea of how many men are serving in the SPLA. A division can have three thousand people, but the commander will say he has ten thousand men. There’s no payroll to verify. There’s no accountability and there’s resistance in the highest levels of the SPLA to reform.”<sup>18</sup>

Such resistance was not surprising, since the “highest levels”—rich SPLA commanders—were in positions that afforded them privileged access to resources.<sup>19</sup> This was worrying because no one knew how big the SPLA really was—a point to which I return later. A former Dinka SPLA commander explained one of the multiple ways the system of corruption worked: “For example, the deputy chief of staff asks the director of procurement and finance for money to pay for a division of ghost names. The director of procurement (responsible for food, ammunition, cars/trucks, tanks/arms, planes/helicopters) will contract a company abroad and the deputy chief of staff will secure a commission, after

negotiating with the company to get as much as possible on top of bribery. The money will then be distributed between the director, the deputy chief of staff, and the chief of staff, who will approve the purchase—and since he's the one who appoints key people and is accountable to the assembly, he gets the most money. These people are the same senior people as in the past war. Salva Kiir used to be chief of staff."<sup>20</sup>

Of course, the spoils from armament contracts off budget were especially lucrative, and the defense budget more than doubled from 2006 to 2011—from US\$586 million to well over US\$1 billion in 2011.<sup>21</sup> The amount of off-budget contracts and the spoils from commissions taken by SPLA officers most likely also doubled. Another avenue the officers used to irrigate their extended kinship networks was the Disarmament, Demobilization and Reintegration (DDR) process. South Sudan's DDR was one of the most expensive packages in the world after that of Afghanistan, and the "reintegration" into government jobs was riddled with corruption.<sup>22</sup> A neighbor to a former female SPLA captain from Central Equatoria recalled how "for five years, she had her name and her salary taken at the SPLA HQ by the Nuer wife of the brother of Salva Kiir, even though seven witnesses had said that this woman was not her . . . There are millions of fake names in the government . . . But the most corruption is in the SPLA."<sup>23</sup>

Since the military elite amassed and concentrated resources, it is no surprise that the SPLA did not downsize as agreed in the CPA—quite the opposite.<sup>24</sup> Donor countries were alarmed at the SPLA's inflation.<sup>25</sup> A former Dinka SPLA battalion commander expounded: "In 2005, the SPLA was downsized: Ten divisions with about 7,500 men each. So the SPLA numbered around 75,000 men. Before December 2013, the SPLA counted 150,000 men . . ."<sup>26</sup> The African Union even estimated the SPLA at 200,000.<sup>27</sup> Nothing could be certain given the widespread corruption around the SPLA payroll.

What seems probable is that before the conflict erupted, the SPLA had over seven hundred generals with their own escorts (about thirty-five people each) who were paid up to US\$10,000 a month (without a payroll system and a fixed structure). In contrast, neighboring Ethiopia had about fifty generals, each with an escort of about three.<sup>28</sup> The SPLA officers were reportedly the best paid in Africa.<sup>29</sup> The expanded SPLA afforded the military aristocracy a larger base, which needed tending. And thus the SPLA's focus remained, more than ever, predation—not war-making. This, in itself, was a factor of instability: it magnified the perception of threats by Kiir's entourage, since the system of violent class domination created resentment within and outside the army, and it increased the likelihood that the state would have to resort to outsiders (such as Uganda) to defend itself against competitors.

## Cattle Raiding

The military elite also created instability through large-scale and deadly cattle raids in multiple ways.<sup>30</sup> These raids undermined security and more broadly the state. They became part of the “corruption complex.”<sup>31</sup> High-ranking members in the government and the SPLA used them to disguise their operations and their trade and reinvested gains from these raids into sustaining their own stocks and their militias—much as they had done during the previous war.<sup>32</sup>

Jonglei state was particularly affected. In 2009 alone, over two thousand people died during cattle raids, and eight hundred thousand cattle were looted there.<sup>33</sup> “People below do the cattle raiding for the bigger people . . . The generals are the ones commanding the raids,” a former Nuer county commissioner explained.<sup>34</sup> In Lakes too high-ranking government officials themselves confirmed that “some members in the government and the SPLA are corrupt and organize cattle raids.”<sup>35</sup> In some cases, the brother of a general himself directed the raiders as in Jonglei; in others, it was difficult to point fingers given the very large kinship networks at play.<sup>36</sup> Yet UN staff considered raiding to have been “master-minded” in Warrap and Unity states: “Many of the raiders are not civilians. Many of the military personal have participated . . . Cattle raiding is a venture with other people behind [i.e., backing it] at high political level . . . So the warlords continue to plunder the other warlords’ base.”<sup>37</sup>

Politicians involved in cattle raids used it to compete at the local level or with other ethnic rivals, but the constant was that through their involvement in cattle raids, they all defended and consolidated their dominant class interests to the detriment of other ordinary men.<sup>38</sup> In the words of a Bari (Equatorian) woman, “It’s only one part of the population that gets richer and richer . . . A portion of the raided cattle will be given to the big shots. Then the cattle is sold or given to the people in rural areas to keep them (loyal).”<sup>39</sup>

Cattle raiding was thus the extremity of the neopatrimonial system. The elite continued to use it to expand the military kinship networks it built in the past war. A Nuer member of parliament recounted, “So many have their cattle taken care of by their soldiers. Huge camps belong to one person . . . So they give their soldiers cattle [so that they can] marry.”<sup>40</sup> The dominant class thus sustained its control over its lower strata, who depended on it to acquire cattle and women.

This type of patrimonial relationship, based on kinship ties, was rooted in the legacy of the SPLA’s and SSDF’s wartime mode of production. It was extremely favorable to the creation and mobilization of large-scale ethnic militias, especially as tensions escalated within the SPLM/A.<sup>41</sup> Large-scale raids, through elite manipulation, festered interethnic tensions.<sup>42</sup> Various ethnopolitical entrepreneurs existed on different ethnic sides, manipulating ethnicity for their own gains

and contributing to reify ethnic groups, just like any ethnopolitical entrepreneur.<sup>43</sup> A Dinka intellectual alluded to the practice of ethnic “miscuing,” stating that “it’s particularly easy to pretend being another group if language and marks are similar.”<sup>44</sup> In Jonglei, a former county commissioner explained, “Generals set up platoons to raid Nuerland, and then they go back through Murle land and accuse the Murle of raiding. But the raiders . . . might come from Lakes, ordered by generals.”<sup>45</sup>

As a result, ethnicity increasingly motivated the raiders. From 2009 onward, they started targeting entire villages and killing everyone. This departure from “traditional” raiding, that focused primarily on cattle looting, reflected the growing ethnicization of politics and contributed to future violent behavior.<sup>46</sup> As the predatory state and SPLA became increasingly ranked in favor of the Dinka from Bahr El Ghazal, violence increased and became more and more ethnicized, with increasingly reified ethnic categories. Thus ethnic ranking, ethnicized violence, and the reification of ethnic categories all grew together.

## Ethnic Ranking

Ethnic conflicts masked class interests.<sup>47</sup> But class domination did not exclude ethnic domination either, and both forms of social and ethnic stratifications ultimately converged. Indeed, the SSDF integration into the SPLA created more competition for resources. Since economic rivalries within the dominant class still mostly followed ethnic lines and ethnic group competition, social class domination combined with the quick return of ethnic ranking within the SPLA, especially for ordinary soldiers.<sup>48</sup> This process would accelerate after 2009 and independence.

Especially after Kiir got rid of one of the “Garang boys” from the position of chief of staff in 2009, the SPLA dominant class turned increasingly Dinka, and mostly from Bahr El Ghazal. The police, crowded by the generals, was “a photocopy of the SPLA.”<sup>49</sup> A former Kakwa SPLA soldier explained how “the boss of the police (the police commander) in Torit (Eastern Equatoria) was a Dinka, and so was the prison commander. In all organized forces, the Dinka dominated.”<sup>50</sup> Kiir also retired six deputy chiefs of general staff and twenty-nine major generals by decree in January 2013. “They were from every tribe,” recalled a Dinka political activist in Northern Bahr El Ghazal, “and the official reason was to reorganize the SPLA. In fact, this was a coup within a state. Malong and Salva were trying to create an army loyal to the both of them.”<sup>51</sup>

On the frontline of ethnic discrimination were the recruits from the former SSDF, who unlike their promoted leaders were not absorbed in other units.<sup>52</sup>

They were predominantly Nuer, but also from smaller groups such as the Murle and Fertit. The Equatorian soldiers (whether former SSDF or SPLA) were considered the most “unthreatening” due to old ethnic stereotypes, discourses of Dinka group legitimacy, and wartime sexual violence that emasculated them. They were rarely in leadership positions.<sup>53</sup> “[A] commander from Dinka is more respected by the Dinka than if he’s from Equatoria,” explained a Kakwa journalist.<sup>54</sup> As a result, Equatorian recruits needed the least accommodation and continued to be the worst off. A former SPLA first lieutenant, a Lango (Equatorian) from Ikotos, recalled, “By the time of independence, most high ranking officers were Dinka. The Equatorians were voiceless. If you raised your voice, they killed you.”<sup>55</sup> Another, a Kakwa (Equatorian) captain, said, “Every three years, there’s a promotion, but if you’re Equatorian, you won’t be promoted.”<sup>56</sup> Ethnic ranking accelerated after independence, a Pojulu (Equatorian) soldier noted: “My salary was always smaller than my Dinka colleagues’.”<sup>57</sup> Some of the Equatorian soldiers would be sent off to fight the Sudanese troops in Abyei in 2011.<sup>58</sup> The SPLA would continue to rotate Equatorian troops to take them as far away from their home region as possible. Meanwhile, Dinka SPLA soldiers, traders, and government members were settling on their land.

## **Dinka Militias and NSS**

### **Mathiang Anyoor**

The process of ethnic ranking within the SPLA did not go unregistered or unresisted. It created tensions after Garang’s death and the SSDF integration. But with the strong contingent of Nuer soldiers from the SSDF, Kiir’s faction was still limited in its attempts to win the race in changing the SPLA’s demography. In the mind of Kiir’s faction, ethnic discrimination was second best after changing the army’s ethnic composition.

Redesigning the ethnic makeup of the SPLA was the ultimate goal: only this would secure absolute loyalty. So in order to circumvent the Nuer chief of staff, the Nuer contingent of the SPLA, and outsiders who would all resist recruiting exclusively new Dinka men from the Bahr El Ghazal region, Kiir’s faction went outside the SPLA. Kiir, Paul Malong, and Ambrose Riiny Thiik, the chairman of the JCE, teamed up at least as early as 2010–11 to create Dinka militias.<sup>59</sup>

Malong, the governor of Northern Bahr El Ghazal, was in a perfect position to steer mass mobilization for recruitment into a militia.<sup>60</sup> With “real” military power on the ground through his expanded kinship networks, he retained his fiefdom. He had experience raising a local militia to defend the border. He had reportedly started to recruit a local militia in his state in preparation for fighting

over the issues of Mile 14 and the Abyei referendum, two of the most contested zones on the ill-defined Sudan-South Sudan border. In 2010, at a meeting in Wau with senior military officials from Bahr El Ghazal, he reportedly started to float the idea of recruiting more troops from the region to form “Mathiang Anyoor.”<sup>61</sup> He continued to leverage the military escalation of tensions with Khartoum at the border from 2010 to 2012.<sup>62</sup> This was used as a “smokescreen” to instigate the recruitment and training of troops that would later be integrated into the SPLA.<sup>63</sup> Kiir endorsed the project and gave authority to Malong to recruit men in his state and in Kiir’s home state of Warrap.

Malong held speeches reinforcing sentiments of fear, group legitimacy, and group entitlement, with clear references to how much the Dinka from Bahr El Ghazal had suffered in the last war at the hands of the northerners. Meanwhile, Kiir did exactly the same before 2011.<sup>64</sup> While taking an aim at Khartoum, this nationalist discourse signaled that no other group in the south should be allowed to “snatch” the rewards of independence. It was meant to dodge any accountability for corruption, now that resources were starting to dry up. Abject poverty—which, as the governor of Northern Bahr El Ghazal, Malong was largely responsible for—as well as drought made the impoverished communities more susceptible to joining the new militia.

The recruitment of a Dinka militia helped Malong position himself as the first leader from Northern Bahr El Ghazal with national stature. He frequently travelled to Juba from 2012 onwards.<sup>65</sup> “The longest time he spent consecutively in the state was thirty days. Otherwise, he was briefing Salva,” remembered a Dinka high-ranking government official from Northern Bahr El Ghazal.<sup>66</sup> At this stage, Malong was more powerful than the Nuer SPLA chief of staff James Hoth Mai, who he circumvented thanks to Kiir.<sup>67</sup>

These troops, mostly from Northern Bahr El Ghazal under Malong’s impetus, were also recruited in Warrap. A Dinka civil society member noted, “People contributed food, money, clothes, for the soldiers of Mathiang Anyoor . . . Everything (money, food, clothes) was taken to Northern Bahr El Ghazal . . . They officially were mobilized to fight northern Sudan.”<sup>68</sup> Warrap’s governor Nyandeng Malek, the only female governor of the country since 2010, organized the distribution of blankets to the troops and the collection of recruits in Western Bahr El Ghazal, Lakes, and Abyei—though these only formed a minority of Mathiang Anyoor troops. No recruits came from the eastern Dinka of Jonglei and Upper Nile, a reflection of Kiir’s competition with the Garang faction.<sup>69</sup>

This was truly a Bahr El Ghazal project, and the first batch of these militias, called Mathiang Anyoor (“brown caterpillar” in Dinka), graduated in 2011 from the training center of Pantit in Aweil East, reportedly under the command of the SPLA lieutenant colonel Wol Anyaak, from Lakes.<sup>70</sup> More batches of recruits and

more graduations would follow, especially after fighting in Heglig in April 2012.<sup>71</sup> A former Dinka National Security (NSS) officer from Northern Bahr El Ghazal illustrated the scale of Mathiang Anyoor's recruitment: "Almost each village of Aweil had two to ten people recruited."<sup>72</sup>

The JCE was directly implicated in the recruitment of these militias through its chairman Thiik, who helped mobilize recruits in Bahr El Ghazal alongside seventeen other elders. The JCE chairman's involvement and his friendship with controversial figures such as Bona Malual, dating back to the Southern Regional Government in the 1970s-early 1980s, raises the question of how entwined the militia project was with the Dinka intelligentsia. Financing came from the Office of the President, but as demonstrated by Paul Malong and Nyandeng Malek's personal involvement, significant logistical support was organized by state governors.<sup>73</sup>

Unfortunately, official documents on the planning of Mathiang Anyoor most likely do not exist; at any rate, they have not been found.<sup>74</sup> But changing the ethnic makeup of the SPLA served several political purposes. As the former Dinka NSS worker from Aweil admitted, "It's possible that Malong planned the recruitments of Mathiang Anyoor not to fight against the Arabs."<sup>75</sup> Plans for Mathiang Anyoor were conceived after the April 2010 elections. The Dinka militia may have been recruited in anticipation of the 2015 national elections, which could have triggered a civil war.<sup>76</sup> Kiir's faction also foresaw the impending struggle for the SPLM leadership—this time much more public than ever before—and the military contest it would lead to.

By 2012, the roughly ten to fifteen thousand men recruited into Mathiang Anyoor were deployed not to the northern border but rather in major towns throughout the country.<sup>77</sup> Mathiang Anyoor troops were also deployed further south, including in Juba and Yei (Central Equatoria).<sup>78</sup> Planting the Dinka militias in different locations throughout the country as early as 2012 pointed to a strong element of planning. But it did not mean that this planning was meant for a genocide—rather, for crushing the opposition. Symptomatically, Mathiang Anyoor was just one of the military side-projects of Kiir's faction.

## Presidential Guards/Tiger/Dut Ku Beny

Indeed, Kiir, Malong, and Thiik also intended to impact the ethnic makeup of the Presidential Guard, commonly referred to as the "Tiger Battalion."<sup>79</sup> Tiger was composed of both Nuer (former SSDF) and Dinka troops, easily split between Machar and Kiir. But Kiir wanted a Presidential Guard loyal to him only. So he organized for the recruitment of more Dinka Presidential Guards in 2011, off the books.<sup>80</sup> This entailed incorporating the local Titweng and Gelueng cattle guard militias from Bahr El Ghazal. These local militias had continued to be tied to Dinka

government officials after 2005 through cattle raids. This time, the new Tiger recruits were mostly drawn from both Warrap and Northern Bahr El Ghazal.<sup>81</sup>

Malong continued to be the executant: he reopened the training centers in Majak Tit and Aweil North (Northern Bahr El Ghazal) to continue recruiting from the local youth. He delivered speeches in Aweil meant to draw in more recruits. A Dinka political activist witnessed how in the main town's square, "[Malong] said that people from Aweil had paid a very high price by standing behind Garang . . . Lots of youth had lost their lives. He said that now they stood behind Salva Kiir. He said it was time for people from Northern Bahr El Ghazal to think that they could also have a leader. This was intended for people to perceive him as a leader to stand by."<sup>82</sup>

Although Mathiang Anyoor (predominantly from Northern Bahr El Ghazal) and the new elements to be integrated into Tiger (predominantly from Warrap) were two separate entities, Malong organized for the transfer of some of Mathiang Anyoor's recruits into the newly remodeled Tiger and sent them to Juba in early 2013.<sup>83</sup> More men were reportedly recruited from Warrap and Northern Bahr El Ghazal in May 2013.<sup>84</sup> The new recruits graduated from Kiir's personal cattle camp in Luri, about 16 km (about 10 miles) from Juba.<sup>85</sup> This explains why some Mathiang Anyoor recruits also ended up in Kiir's Luri cattle camp and became part of what would be known as *Dut Ku Beny*—meaning "defend the boss" (Kiir) in Dinka, to be integrated into Tiger.<sup>86</sup> Thiik especially took the lead on the *Dut Ku Beny* project, funded through the Office of the President.<sup>87</sup> Malong flew some Mathiang Anyoor recruits from Aweil to Juba, right around the time that conflicts in the SPLM were escalating.<sup>88</sup> *Dut Ku Beny* thus incorporated members of the Titweng/Gelueng militias and of Mathiang Anyoor.<sup>89</sup>

Civilians noticed an increase of soldiers' presence on the streets of Juba in August/September 2013. Mathiang Anyoor and the new Tiger recruits were also seen scouting Juba, masquerading as town cleaners to identify Nuer houses in November 2013. On the second week of December 2013, the SPLA started disarming Nuer elements in the SPLA, in preparation for the SPLM National Liberation Council meeting, and "security personnel were prepared and armed."<sup>90</sup> Ugandan troops were positioned at the border in early December 2013.<sup>91</sup>

The Nuer and Dinka contingents of Tiger would fire the first bullets in Juba on December 15, 2013.<sup>92</sup> "In the night of December 15, there was an instruction by Salva Kiir to disarm the Nuer elements of the Presidential Guards. So when the Nuer soldiers resisted, shooting started," explained a former detainee. "Why do you disarm us? We are the same people,' they said."<sup>93</sup> Following the splintering of Tiger/Presidential Guards, *Dut Ku Beny*—including members of Mathiang Anyoor—would come in as a reinforcement to the government's side on December 16.<sup>94</sup> They would participate in the Juba massacre.

## NSS and Military Intelligence

In addition to recruiting Mathiang Anyoor and new elements to be integrated into his Presidential Guards/Tiger, Kiir also wanted to cement his military advantage through the security services, especially as independence was approaching.

Before independence, the south shared the National Intelligence and Security Services (the NISS) with the north. In 2011, Kiir focused on shaping a powerful National Security Service (NSS) with the support of Israel, the UK, and the US.<sup>95</sup> One of Kiir's closest collaborators, Akol Kuur, worked directly with him to secure lightweight Israeli assault rifles that would later be used in the Juba December 2013 massacre.<sup>96</sup>

As the NSS quickly grew more powerful and was directly funded by the Office of the President, it became a reservoir for the few educated, literate, and loyal Dinka recruits from Bahr El Ghazal. Akol Kuur, from Warrap, was appointed as head of the NSS in 2012. Since recruits were well paid and equipped, SPLA generals quickly crowded the NSS with their relatives.<sup>97</sup> Meanwhile, the South Sudan National Police Service (SSNP) worked as a dumping ground for less-connected soldiers transferring from the SPLA.<sup>98</sup>

Kiir's faction used the NSS for in-group policing. For example, the NSS was rumored to be behind the 2012 assassination of the Bor Dinka journalist and long-time SPLM/A member Diing Chan Awuol (also called Isaiah Abraham), who had criticized Kiir.<sup>99</sup> The faction also resorted to the increasingly powerful Criminal Investigation Department (CID) and Military Intelligence (MI) to arrest dissenters, for example in the town of Wau (Western Bahr El Ghazal) from December 2012 onwards, following popular protests. The police also played an instrumental role in shooting the protesters.<sup>100</sup>

All in all, the various security organizations—NSS, police, MI, CID—were used to increase state repression. They served the interests of the violent ethnocrats who wanted to cultivate their Dinka base while policing (Dinka) dissenters within it. These security forces were consistently involved in grave human rights abuses rather than law enforcement. If anything, they were skilled at stirring chaos and at pinning it on other ethnic groups so they could start repression campaigns—as was most likely the case in Wau in 2012.<sup>101</sup>

## Widespread and Rising Violence in Peacetime

### Violent Demilitarization

Throughout the CPA period, the increasingly Dinka state demonstrated its violence. It engaged in extremely brutal demilitarization campaigns in 2007, 2008,

2009, and 2012 in the Upper Nile region to subdue non-Dinka communities who sided with Khartoum back in the war. The SPLA practiced ethnic targeting from the start. It tortured and mistreated Murle civilians in Jonglei.<sup>102</sup> In Upper Nile, violence reached levels that the Shilluk intellectual Peter Adwok Nyaba compared to “ethnic cleansing” against the Shilluk in 2009. Kiir carried on with CPA celebrations, endorsing both the violence and the annexation of Shilluk land by Dinka officials in a form of “pay-back” to one of his main political rivals, the Shilluk Pagan Amum.<sup>103</sup>

There was no restraint on state violence. The UN peacekeeping mission UNMIS was complacent with these disarmament campaigns until 2012, when it finally recognized that human rights abuses marred them.<sup>104</sup> It was ineffective at protecting civilians already then, when death rates in Jonglei reached wartime levels. The rate of people murdered between 2011 and 2013 in two counties there (Akobo and Pibor) was seven times the rate in the most homicidal city in the world (San Pedro Sula, Honduras).<sup>105</sup>

## Cementing the Conquest

The rise of ethnicized violence diverted attention from a slower trend also mired in violent ethnic politics: land grabs. Both the Dinka and non-Dinka elite (including Kiir and Machar) leased land for decades without proper consultation with and consent from the communities, through local co-opted politicians.<sup>106</sup> From 2007 to 2010, foreign companies, governments, and individuals gradually acquired an area of land that was larger than Rwanda.<sup>107</sup>

On the ground, civilians felt the advance of more ordinary Dinka, often SPLA soldiers. In Equatoria, they settled on family properties and cemented their wartime protoconquest. A Latuka (Equatorian) lawyer recalled, “After the CPA in 2005, many people from Nimule who had been displaced by the war came back to their land and found their land occupied by these people from Bor . . . People settling on the land are sometimes armed and they’re from the majority [the Dinka]. They’re asked to compensate the owners but they don’t pay.”<sup>108</sup>

This type of settlement thus amounted to a widespread land grab rooted in the SPLA’s protoconquest of Equatoria. But it was also driven by the large cattle raids the military elite was involved with.<sup>109</sup> The same cattle guards evoked earlier grazed the cattle essential to the elite’s military power.<sup>110</sup> The ecological push to more southern territories needs further exploration, but since the 1970s, rainfall has decreased while temperatures and incidents of floods and droughts have increased in South Sudan.<sup>111</sup> The reduction of rainfall has affected particularly (but not only) the northern and western parts of Bahr El Ghazal (Northern Bahr El Ghazal and Warrap). Becoming drier and hotter, it became more susceptible

to drought and food insecurity.<sup>112</sup> A Mundari (Equatorian) government worker affected by cattle raiding commented, “The land of the Dinka and Nuer are in real jeopardy now so they move to Magwi, Lobonok and Nimule . . . Because of generations of herding and grazing, vegetation in Upper Nile and Unity is diminished. That’s why the Dinka resist driving the cattle out of Equatoria.”<sup>113</sup>

The type of predatory mode of (re)production described earlier in the last civil war continued during the interwar period, thus expanding the conquest and as such reminiscent of the expanding slaving frontier of the past, a racist system of exploitation that laid the foundations for the SPLA’s wartime mode of production. The ties between large cattle herds originating from cattle raids and territorial conquest are particularly important. Indeed, conflict between the elite’s cattle herders and the local landowners would contribute to the expansion of the genocidal campaign to Equatoria in the third civil war.

The Dinka newcomers justified their settlement to the original inhabitants of the land by referencing their group legitimacy, worth, and entitlement. In Central Equatoria, a Kakwa medical student for instance described how “often in Juba, when there are issues over land when the Dinka claim Bari land, they claim ‘we fought for this country,’ and still they maneuver to take it over.”<sup>114</sup> In Eastern Equatoria, a similar process occurred, with Bor Dinka settling particularly in Nimule and Ikotos. As an Acholi (Equatorian) trader from Magwi explained, “When you wanted to go back to your place in 2007, some places were taken up by Dinka—especially Nimule—Madi land. The Dinka said ‘we fought for this place. So if you want it, you also have to fight for it.’”<sup>115</sup>

The Dinka settlers’ discourse was the prelude to the denationalizing discourse of the third civil war’s *génocidaires*. They often made references to the “blood” they had shed in the war, to convey their superior group legitimacy and their natural ownership over the territory.<sup>116</sup> It was meant to delegitimize the Equatorian communities much less associated with the SPLA. This proclaimed Dinka group entitlement to land emanated directly from the discourse of Dinka group legitimacy validated through the CPA. This discourse was not a form of indigenous autochthony—a primordial discourse that would have consisted in claiming an ancestral “homeland.”<sup>117</sup> It illustrated the potency of postwar nationalism based on the SPLA founding narrative, which in turn rested on a wartime protoconquest that had most likely changed the imagined shape and boundaries of Dinka country.

The fact that some of these Dinka settlers were new confirmed the potency of the postwar discourse of group legitimacy and ownership.<sup>118</sup> The ability of the Dinka settlers to stay on Equatorian land demonstrated how ethnic ranking at every echelon of the local administration facilitated this land grab to consolidate conquest.<sup>119</sup> It was typical of an ethnocracy where the dominant *ethnos* has

superior rights in comparison to the other ethnic groups and therefore can easily practice a form of settler colonialism.<sup>120</sup>

In other non-Dinka areas of the country, new Dinka settlers practiced the same discourse of group legitimacy and entitlement, benefiting from ethnic ranking in corrupt state institutions to make their settlement permanent.<sup>121</sup> For example, Balanda civilians reported a similar trend in the town of Wau, which was not traditionally Dinka either. What happened in those “peaceful” years was key: it transformed the way the Dinka viewed those territories. The Dinka did not have demographic superiority in the Equatoria region, but they were in virtually every state and county—and especially in visible locations, including border points. Whether “planned” or not, this consolidation (and in some cases expansion) of the Dinka conquest surreptitiously changed the imagined confines of Dinka land.<sup>122</sup>

Cementing the conquest went hand in hand with winning the demographic race. As noted earlier, the Dinka were typical of other groups considered “backward” who feared extinction but had a real demographic superiority.<sup>123</sup> Marriages served to catch up with the perceived demographic lag by the Dinka from Bahr El Ghazal, particularly affected by war casualties. A former Dinka Agar SPLA lieutenant colonel explained the role of ghost marriages: “My uncle died before he could produce an heir, so I married his second wife in his name in 2004. . . there was no wealth during the war, so you postpone it after the war. Many people did that, and I believe that’s why there’s a baby boom now among the Dinka, and that’s why we’re the majority. Now the Dinka marry for the lost men. My comrade from the SPLA has also married his second wife for this reason.”<sup>124</sup> If, as this Dinka former SPLA soldier claimed, the Nuer typically “did the same,” a look at the 2008 census still gave the demographic edge to the Dinka.<sup>125</sup>

The Dinka were winning the demographic race. This was the result of both traditional practices and the elite’s predation and concentration of wealth, combined with the progressive ethnic ranking of the state and the army.<sup>126</sup> Of course, this territorial-demographic advance was not unopposed and could only be sustained by increasing state violence.

## Political Repression

Indeed, as the state became increasingly ranked, it also turned more and more repressive and violent.<sup>127</sup> An important stage of state violence was the April 2010 elections, marked by extreme violence and lack of real multiparty competition.<sup>128</sup> For example, people in Pibor county, in the state of Jonglei, were thrown into holes with burning rubbish at their feet while women were threatened to be “raped with guns” if they did not vote for SPLM candidates.<sup>129</sup> In Northern

Bahr El Ghazal, a UN worker recalled how “one of the candidates against Malong was kidnapped by the SPLA and chained to a tree for fifteen days . . . All the other independent candidates were harassed. Opponents were prevented from voting.”<sup>130</sup> When voting did occur, “the election ballots were taken by the SPLA at gun point.”<sup>131</sup>

Still, the international community endorsed these “democratic” elections, which signaled to Kiir’s faction that such violence was acceptable and marked a deterioration for the South Sudanese.<sup>132</sup> Quickly after, the parties mobilized for the referendum of independence. Kiir declared in September 2010 that unity with the north was no longer “attractive” because of the stalling on the part of Khartoum’s National Congress Party in CPA implementation and adhering to sharia. In fact, Kiir was a known separatist from the start, and sharia had little impact in the south.<sup>133</sup>

On January 9, 2011, the referendum vote took place. It was anticlimactic, with 98.3 percent voting in favor of independence. International monitors considered the process “generally credible.” Yet the proseparation campaign had left absolutely no space for a debate on what secession would imply in the south. The process was still marked by violence. The SPLA harassed communities it perceived as prounity and dragged prisoners and hospital patients out of prisons and hospitals to vote at the polling stations.<sup>134</sup>

Right after independence in 2011 and until mid-2013 when Kiir fired the entire cabinet, civil society organizations tried to steer the country back on a democratic path. But as an electoral non-SPLM candidate recounted, “After the referendum, the SPLM excluded others. If you’re a good friend to the SPLM, then you’re a minister. It’s only been a facade of democratization . . . Political parties have been saying to the SPLM ‘you need to recognize others.’”<sup>135</sup> But civil society organizations were brutally overpowered by the state.<sup>136</sup>

While frustration mounted, the state grew more violent, and the police brutally crushed popular demonstrations—for example (but not only) in Wau in December 2012.<sup>137</sup> Kiir’s speech in Wau denied any ethnic dimension to the Wau riots and government involvement and endorsed government repression.<sup>138</sup> The rise of both small- and large-scale political and ethnic violence—in the case not only of protests but also of large-scale cattle raids—signaled to the state that some groups could not be subdued. This most likely influenced Kiir’s faction into thinking that these populations were unwinnable and uncontrollable.

The state increasingly relied on in-group policing since frustrated citizens included the Dinka themselves from all regions, who pointed fingers at the Dinka elite from Bahr El Ghazal. The elite was suspected of carrying out assassinations of political activists. It regularly intimidated, imprisoned, and tortured journalists—including prominent Dinka journalists like Nhial Bol, who was also

from Warrap—especially when they investigated the corrupt dealings of Kiir’s faction in Warrap.<sup>139</sup> It tortured activists and political figures who dared question its corrupt rule, including in Warrap and Northern Bahr El Ghazal states, where the state governors were both regularly imprisoning parliament members while recruiting for Mathiang Anyoor.<sup>140</sup>

In-group policing of Dinka dissenters was key to Kiir’s faction. Without it, it could not take over, control, and foster the “groupness” of its Dinka constituency, which it intended to use to further its supremacist political goals.<sup>141</sup> In-group policing thus turned particularly violent during those years, right when Kiir’s faction was recruiting Dinka militias meant to both promote groupness and accomplish a takeover of the SPLA—and, ultimately, complete control over the state. Dissenting Dinka voices merely disrupted the narrative that the state was under attack by other ethnic competitors, especially when these dissenting voices originated from Bahr El Ghazal.

## Xenophobia

State violence was not invisible to the international community. But as South Sudan was viewed as being in a perpetual state of emergency, pervasive violence was regarded as somewhat acceptable and normal, even if on the rise.<sup>142</sup> The idea inherited from colonial times that the South Sudanese—and especially the “backward” Dinka—were essentially violent blinded aid workers and diplomats to the increasingly exclusionary ideology and behavior of Kiir’s faction. Yet as soon as the country became independent, the state expelled two UN officials in the span of six months, and threatened foreign correspondents.<sup>143</sup> It did not ratify any international or regional human rights treaty either.<sup>144</sup>

Xenophobia did not just affect aid workers, journalists, and diplomats. Foreign workers from neighboring countries had come to flock the aid and service industries of South Sudan. They were also working as construction workers and traders. They were from the start the targets of disgruntled South Sudanese who latched onto the idea that they “deserved” the work that these foreigners stole—even if they had neither the desire nor the skills to fill those positions.<sup>145</sup> These foreigners were particularly susceptible to being the targets of violence in Dinka areas (for example in the Lakes and Bahr El Ghazal regions) or by Dinka security officers in the capital of Juba.

This xenophobic resentment was an expression of Dinka group entitlement. As such, xenophobia did not impact areas where fewer Dinka and mostly Equatorial, Nuer, or other non-Dinka groups lived nearly as much. Indeed, these groups had strong kinship ties with communities across the borders who had welcomed them in the last war as refugees. Besides, none of those groups had discourses of

group entitlement and ownership as strong as the Dinka did because their legitimacy had not been endorsed by the international community through the CPA. If anything, they were also the victims of the Dinka's sense of entitlement over the state and territory. In the third civil war, the Dinka perpetrators would make explicit references to these neighboring countries to denationalize and uproot non-Dinka ethnic groups.

## The Warning Signs

By the time of the political crisis in late 2013 that would precipitate the third civil war, the SPLM was already an authoritarian party-state, similarly to other pregenocidal societies.<sup>146</sup> The events leading up to the December 15 crisis and the subsequent genocidal violence were evocative of those leading up to the Rwandan genocide. There, the International Criminal Tribunal for Rwanda later concluded that “preparations are completely consistent with a plan to commit genocide. However, they are also consistent with preparations for a political or military power struggle.”<sup>147</sup> The SPLM political crisis had converged with the rise of an exclusionary Dinka nationalism.<sup>148</sup>

Genocide was possible because South Sudan had grown into a violent Dinka state dominated by Kiir's faction and infiltrated by the JCE's hardliners. Kiir's faction practiced an exclusionary ideology of Dinka group legitimacy and entitlement, based on the “founding narrative” at the root of the SPLM/A's war-mongering nationalism. Salva Kiir's faction had transformed the state into an ethnocracy, the “rule of one ethnic group over diverse populations.” Its hardliners had sidelined, imprisoned, or murdered Dinka moderates. Ethnic ranking permeated society through ethnic prejudices, xenophobia, and attempts to denationalize non-Dinka groups. The regime was “democratic only within the *ethnos*, like settler regimes.”<sup>149</sup>

Ethnic violence, especially that inflicted directly or indirectly by the state, was escalating and went unchecked. Mounting political and economic stress affected the country and combined with military confrontation with Sudan throughout those years. Kiir's faction was typical in exhibiting “severe anxiety about threats emanating from other groups.”<sup>150</sup> Even if it dominated both the state and the security organs, it perceived the Machar-Garang coalition as threatening. This may have been a projection, given the massacre in Juba that ensued in December 2013.<sup>151</sup> But due to the 1991 SPLA split and Machar's attempts to throw shade at Kiir since 2005, Kiir's faction saw the Nuer as especially unwinnable and dangerous.<sup>152</sup> It viewed the Nuer presence in the SPLA and other security organs as uncontainable, hence the need to recruit parallel Dinka militias.

Despite the swelling of the war-making machine, South Sudan did not have the capacity to even assert control over its own territory—much less defend itself—due to the corruption and fragmentation of the SPLA.<sup>153</sup> South Sudan was the typical example of a military state that had focused so much on predation instead of war-making that its army was capable of doing little else.<sup>154</sup> Therefore it is little surprise that Kiir called on Ugandan troops to take position at the border in early December 2013 when he felt threatened by his opposition in the SPLM.<sup>155</sup> After December 15, Kiir would rely on a multitude of external allies to remain in power.<sup>156</sup> Without them, and without the international community's apathy, Kiir's faction would not have been able to remain in power and use the state to wage genocidal violence against the Nuer.