The state at the margin.

Local negotiations on the meaning of the state in South Sudan.

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Maps

Map 1: South Sudan
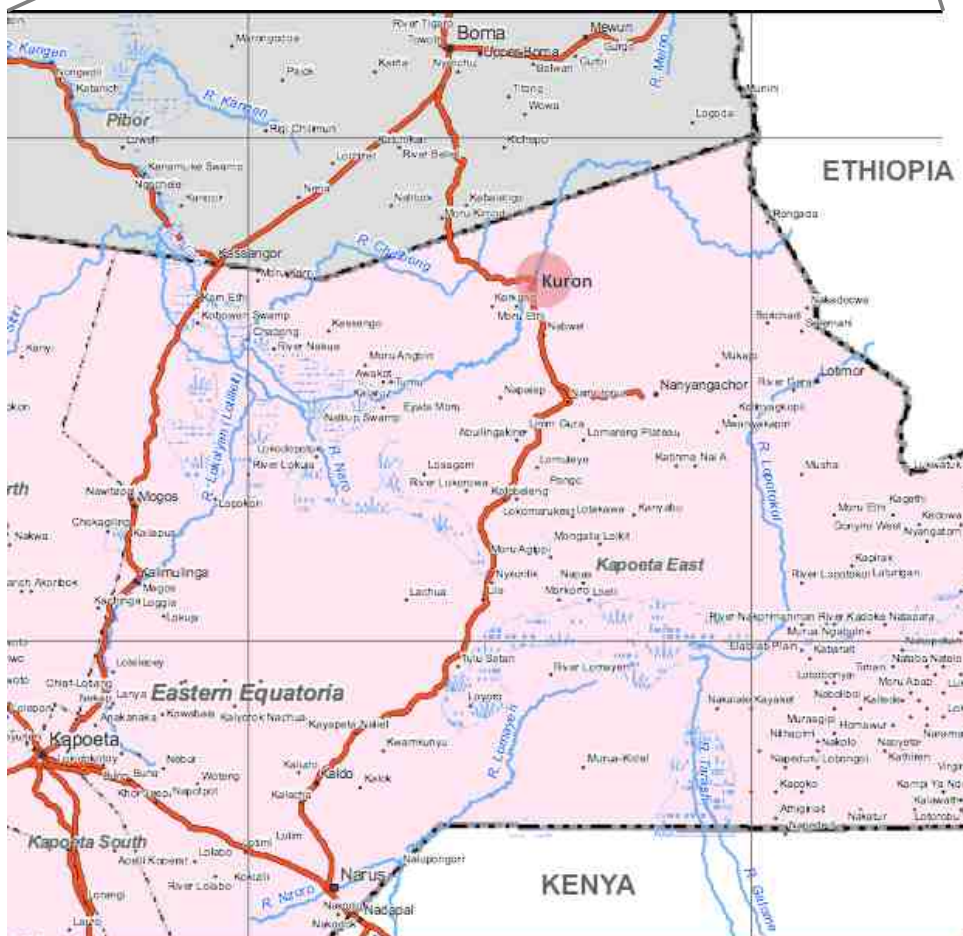
Map 2: Kapoeta East County with Kuron area

List of abbreviations

CPA   Comprehensive Peace Agreement
GoS   Government of Sudan
GoSS   Government of South Sudan
IDP   Internally Displaced Person
IR   International Relations
HTPVK   Holy Trinity Peace Village Kuron
MP   Member of Parliament
NGO   Non Governmental Organisation
PCA   Payam Civil Administrator
SPLM/A   Sudan Peoples Liberation Movement/Army
SSDM/A   South Sudan Democratic Movement/Army

CHAPTER I

INTRODUCTION

This thesis deals with conceptions of the meaning of the state in a borderland in South Sudan. It will show how local actors negotiate norms and order in the context of inter-communal conflict, by using specific resources and repertoires. These relate in one way or another to an idea of the state, to strengthen the actors' legitimacy, by aligning or distancing themselves with the state or using its crops and symbols. In this way the state is 'made meaningful'.

One concern of this thesis are conceptions of the state (or rather states), especially in Africa. Perhaps then, choosing to study a setting in South Sudan, does not come at a surprise. South Sudan held, probably still holds, a promise to all those concerned with state-building. The alleviating signing of the Comprehensive Peace Agreement (CPA) in 2005, ending 22 years of civil war, was received by many participants and observers with enthusiasm and euphoria. The referendum in 2011, which separated Southern Sudan from the North, was embellished with all the drum-beating, flag-waving and parade-marching of a nation's birth and the international community greeted it with a proud, midwifery smile. An agenda of state-building, focussing on the establishment of strong institutions, especially of a central Government of Southern Sudan (GoSS), was perceived as guarantor for lasting peace (Ylönen 2012). Ongoing conflict at the margins of this new state gave rise for concern but does not seem to have changed the faith of national and international politicians, investors or development workers in the value of a functioning central government and market economy, built through the SPLM/A dominated GoSS. The proclaimed dedication to a decentralised bureaucracy, to the adjustment of regional inequalities and the dissemination of peace dividends seems to have stayed on a superficial level, with Juba emerging as the new and dominant centre (Schomerus et al 2013: 4). By the time this thesis is written (March 2014) large-scale conflict has once again disrupted South Sudan when vice-president Riek Machar was sacked following a declaration to run as presidential candidate in the elections 2015. President Salva Kiir announced there to have been a failed coup d'état and Machar retreated to his Nuer homelands, leading to fighting between the Dinka and the Nuer dominated SPLA fractions. Voices became loud claiming that South Sudan is descending into tribalism and anarchy, in which corrupt politicians merge with warlord or rebel leaders, for their personal gain and glory. South Sudan as a state seems to be 'failing' even before it really started to exist.

The perceived calamity of the failing state, corruption, clientelism and anarchic conflict fuelled by primordial tribal identities, as well as its proposed remedy, state-building through institution building and liberal market economy, fall short of depicting the realities in South Sudan and many other countries in the "Westphalian periphery" (Biró 2007)[1]. They stem from an understanding of the very nature of the state that originates in the European state formation experience and has little in common with many post colonial states we find in the Global South today. Thus they appear to be ill fitted to really understand the processes which lead to violent conflict or its transformation and they further reinforce stereotypical, orientalizing conceptions of the Global South as somehow 'failing to live up to the standard' of modernity. Instead this explanation of the failing state allows for a framing of conflict in Africa as purely domestic, or at best regionally, motivated. This strategically disregards the manifold political and economic relations which span all spatial levels, from local to global, and are often deeply entangled with the manifestation of conflict[2]. It also obscures the structuring dialectic of modernity in which Africa never could free itself from the defining power of Western thought and polity, a power which was probably even reinforced after the end of the Cold War. The failed state label then hegemonises the North's claim to knowledge production and legitimises its influence and interventions in the South by portraying them as disinterested and rational. This thesis tries to follow a more nuanced approach to state construction, which perceives the state as a dynamic set of institutions, norms and ideas which is the result of negotiation, contestation and bricolage[3] by a multitude of actors at different levels and with different resources. For this I chose Hagmann and Péclards 'Negotiating Statehood Framework' as my analytical lens.

The second theme that runs through this thesis is the question of what happens in the periphery, at the margin of statehood. One could argue that this work is situated in several and overlapping peripheries. South Sudan, the 'failed state' is part of the "Westphalian periphery" opposed to the capitalist metropoles in the Global North; Kuron, the site of this research, is a periphery to the

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[1] The term is based on Atkins 2003 quoted in Biró 2007, it serves to describe the expansion of the Westphalian state model from Western Europe where "states on the Westphalian Periphery are those whose institutional structures have been imposed from without rather than within, coming relatively late in the history of the state system" (ibid. 8), a category that is further defined by "how successfully a state has mustered together both outwardly visible (Westphalian) institutions as well as the less evident social norms" (ibid.)

[2] i.e. the geopolitical or economic interests of Northern states and companies; the lucrative trade, official or illicit, in high sought fuels, minerals as well as arms and machinery; the over-sea diasporas; the presence of international NGOs and other external actors, etc.

[3] Bricolage (French: *tinkering*) here means gathering and applying the instruments, symbols, styles of thought that 'are already there'. As a concept bricolage was first used by anthropologist Claude Levi-Strauss (In *The Savage Mind* 1962) and applied to discourse theory by Jacques Derrida, who saw bricolage as inherent to every discourse (In *Structure, Sign and Play in the Discourse of the Human Sciences* 1966). With regard to this thesis, bricolage might suggest how mechanisms for conflict management and security provision are "borrowed or constructed from existing institutions, styles of thinking and sanctioned social relationships" (Cleaver 2002: 16)

South Sudanese state with its expanding political centre, Juba. I further argue, that the pastoralist people living in these borderlands between Ethiopia, South Sudan, Kenya and Uganda sit particularly uncomfortable with the nation state project, (cross border) mobility and communal land use defy the territorialization of rule and the incorporation into a national identity. The pastoralist periphery is a frontier land, an 'underdeveloped', 'unruly' space in the eyes of many of their fellow citizens, fraught with both danger and opportunity.

It is then worthwhile to look at the productive forces in these multiple margins, those who, rather than living in Hobbesian anarchy, create authority and security. Perhaps such a more open attempt at conceptualizing the state, which leaves room for understanding the local and domestic, can lead to more emancipatory but also more practical approaches, by "assist[ing] what already works to varying degrees for people on the ground." (Reno 2010: 129. In Utas 2012: 20)

With this perspective I follow an academically rather well developed critique of the failed states notion. In political and popular discourse this idea however seems to remain dominant, and it still informs policy decisions[4]. Further there seems to be less literature on how alternative conceptions of statehood might look like. By choosing Hagmann and Péclards *Negotiating Statehood* framework I have opted for a rather better operationalised concept, which I believe bears fruitful starting points. Trying to apply this to a specific local setting, has not been done very often and can show the potential and limitations of this approach, it is therefor very relevant to the academic discussion. Additionally, there still seems to be a void with regard to pastoral conflict and its connection with the state. This is even more so the case for my research site in Kuron, which is inhabited by Toposa people. Very little has been written about the Toposa. The literature review I conducted prior to field work left me with a few historical accounts, dating back to colonial times, one or two ethnographic papers and several reports and analyses drawn up by NGOs. It is thus challenging to write this thesis on the negotiation of the state in Toposaland but it is also rewarding, as I am contributing to a literature which is extremely sparse.

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[4]   e.g. South Sudan participates in a Monitoring Program, which measures the impact the of the OECD *10 Fragile States Principles*

Outline of this thesis

I will approach the themes raised in this thesis through the following Research Question, based on the Negotiating Statehood Framework:

How is the meaning of the state negotiated in and around Kuron within the context of inter-communal conflict?

To further operationalise this question I posed three Sub-Questions:

1. *Who are the local actors involved in negotiation of the state (socio-political norms and order) in the context of specific inter-communal conflicts?*
2. *What are the resources and repertoires employed by these actors?*
3. *What do local people perceive to be the state, what are the claims, hopes, fears or resistances expressed towards the state and how are these legitimized?*

This thesis is composed of three main parts: a theoretical, a methodological and an empirical. In Chapter 2 I will once more analyse the failed state discourse and lay down the main arguments of critique. This will lead to a discussion of alternative conceptualizations of statehood. Several exemplary approaches are mentioned and discussed, i.e. Christian Lund's *Twilight Institutions*, Boege et al's *Hybrid Political Orders* and the *Governance without Government* Concept by Raeymakers et al. Then the approach I chose as analytical lens, the *Negotiating Statehood* framework is introduced and described more detailed to lay the foundation for the empirical analysis in chapter 4.

Chapter 3 serves as an account of fieldwork. In its methodological viewpoint this thesis is informed by critical ethnography and feminist geography and their engagement with a more situated knowledge. The chapter will narrate some of the researchers insightful experiences with regard to gender, skin colour and nationality. It will further give a contextual description of the 'field site' and describe the methods which were used and limitations that were encountered.

Chapter 4 comprises the analysis of local state negotiation in Kuron. First the negotiation arena, in which this process is taking place is described as the *pastoralist periphery*. It follows the object of negotiation which I defined as inter-communal conflict especially around *cattle raiding*. Chapter 4.2 then is about the local actors engaged in negotiation of the state in Kuron, and their resources and repertoires. These include elders, chiefs, local NGOs and government officials. An interpretation of the meaning of the state in Kuron is then presented, rounding off the empirical chapter.

The last chapter will leave with concluding remarks and a discussion on the value and usefulness of alternative approaches to statehood in transforming conflict in the Global South.

CHAPTER II
FAILED STATES vs. NEGOTIATING STATEHOOD

2.1 The failed states discourse

During the past decade the Western world has shown an increased concern with 'weak', 'fragile' or 'failed' states in the global South. Academics in the fields of peace and conflict research, IR and security studies as well as foreign policy makers and development aid workers have focused on state fragility and its internal and external consequences. Especially after the attacks of 9/11 'weak' or 'failed' states such as Afghanistan, Somalia or Yemen (van Leeuwen et al 2012: 297) have come into focus as breeding grounds and save havens for terrorists and thus threats to international security. Supposedly "how best to strengthen weak states and prevent state failure are among the urgent questions of the twenty-first century" (Rotberg 2003: 1).

Parallel a critique of the failed state debate has evolved, which puts to question many of the underlying assumptions and rationales on statehood itself and their fruitfulness in understanding current political processes in post-colonial societies in Africa and elsewhere. Especially the Eurocentric, ahistorical and essentialist character of these assumptions is heavily criticised. Different alternative approaches are being put forward which conceptualize states in the global South as 'hybrid political orders' (Boege et al 2008), 'twilight institutions' (Lund 2006a), 'governance without government' (Raeymakers et al 2008) or 'negotiated states' (Hagmann & Péclard 2010).

The following chapter will outline the important points of the failed states literature and its policy implications. It will take on a critical stance and develop the argument against such dichotomous categories as 'failed' and 'functioning' states. From there, alternative approaches for conceptualizing the state and analysing it in Africa are introduced. In the last section the framework of Tobias Hagmann and Didier Péclard will be delineated, which serves as analytical lens to the empirical work of this thesis.

Failing states?

The term 'failed state' was originally coined just before the US intervention in Somalia in 1992[5] although the World Bank had stipulated a 'crisis of governance' in Africa, as underlying cause for many development problems on the continent, already in the late 1980s (World Bank 1989). Since then, concepts of state fragility and failure have influenced the academic and policy debate on conflict, humanitarian crisis and poverty in the global South, its implications for the West, and

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[5] Sarah Collier: Failed State? The DRC and the Rhetoric of Despair. In: Think Africa Press. 3 May 2011.

strategies to overcome these predicaments.

There is no clear cut definition of what constitutes a 'fragile', 'weak' or 'failed' state. However core feature seems to be "state institutions' lack of willingness or capacity to perform core state functions" (Boege et al 2008: 3), primarily to deliver positive political goods to its citizens. Among a large number of political goods the most important and central to state capacity are "security, representation and welfare" (Milliken & Krause 2002: 756). The predatory nature of the state and its loss over the monopoly on coercion are further characteristics of the 'failed' state (Bates 2008: 2). Failed states analysts identify different stages or degrees of state fragility, "it is according to their performance – according to the levels of their effective delivery of the most crucial political goods – that strong states may be distinguished from weak ones, and weak states from failed or collapsed states." (Rotberg 2003: 2) To that purpose a number of indicators is suggested by different authors and organizations, which again, are not uniform or exclusive. Rotberg describes economic signals, such as GDP and income per capita as well as a closed economic system; political signals like levels of democracy and participation; and deaths in combat as a means to analyse violence (ibid.: 20ff.) The Failed States Index run by the Fund for Peace, publishes a list of all countries ranked according to 12 social, economic and political indicators referring among others to group grievance, uneven economic development, state legitimacy and human rights and rule of law[6].

However the state failure literature does not focus primarily on the internal implications to the citizens of the state in question. State fragility is associated with high levels of internal violence and the inability to control the state territory. In this environment of 'chaos' (Krasner & Pascual 2005) and 'anarchy' (Rotberg 2003) terrorism, organised crime, arms and narcotics trade appear to flourish. Here the external dimension of state failure becomes important, "in a modern era when national states constitute the building blocks of legitimate state order the violent disintegration and palpable weakness of selected African, Asian, Oceanic and Latin American states threaten the very foundation of that system" (Rotberg 2003: 2) therefor "weak and failed states pose an acute risk to U.S. and global security" (Krasner & Pascual 2005: 153). It might be argued that here lies the real reason for the popularity and prevalence of the failed state discourse: in Western security interests (Bøås & Jennings 2007: 476).

Thus violent conflicts and humanitarian crisis in the global South were re-framed in terms of state failure and international insecurity, and peacebuilding interventions were tailored to this new label.

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[6] South Sudan ranked on place four in the 2013 list after Somalia, DR Congo and Sudan.
  See: http://ffp.statesindex.org/rankings-2013-sortable (access: 01.11.2013)

'State-building' as the establishment of functioning state institutions (van Leeuwen et al 2012: 297) through 'good governance', democratic elections, human rights, the rule of law and market relations (Chandler 2010: 137f.) became a priority to donors and multilateral organizations, with a liberal democracy as the envisaged endpoint. To many critics this goal, often referred to as the 'liberal peace', is both unfitting to many post-conflict societies and strengthening an unequal world order in which states are the central agents of societal reform (van Leeuwen et al 2012: 293). Further, weather a state is treated as 'failed' or not, depends only cursorily on its attributes but is often a "political judgement on the regime in power at a particular moment in time" (Mac Ginty 2013: 14), which is informed by societal, economic and security related interests. Bøås and Jennings make that case for the Darfur crisis in Sudan, which has never been targeted by any far reaching international intervention or sanctions, supposedly due to its rich oil reserves and China's economic activities in that area (2007: 482). Leading states dispose of a "labelling power" (Mac Ginty 2013: 14) which affects the possible range of adequate policy responses vis à vis the state in question.

The historicity of state formation

Academically the literature on failed states identifies and categorizes states according to their capabilities to deliver security, representation and welfare. However, when the Failed States Index 2013 depicts 108 out of 178 states in a category between 'warning' and 'alert', one starts wondering about the explanatory value of a concept, which classifies over half of the worlds' states as not fulfilling the criteria. This is of course a result of the fact, that the criteria by which states are measured derive from the ideal-typical Westphalian state as first described by Max Weber in his 1922 work *The Theory of Social and Economic Organization*: "as a monopolist of legitimate physical violence, as an autonomous bureaucratic apparatus, as the embodiment of popular sovereignty, and as a spatially and territorially coherent entity" (Hagmann & Péclard 2010: 541). Not surprisingly it is mainly European states (and North American and Australia) that fit these criteria, since "their state apparatuses served as reference for the construction of the ideal-type in the first place." (Renders 2012: 18)

The failed states discourse obscures the unique state formation experiences in Europe, which extended over several hundred years and encompassed high levels of conflict and war throughout the bulk of it (Tilly 1990). Establishing the states 'monopoly over the legitimate use of force' was a contested and inherently violent process, often accompanied by local resilience (Boege et al 2008: 5) In Africa a Western form of statehood was introduced with colonization which "had few of the attributes required for African states today and in relation to which they are found to be deficient." (Bierschenk 2010: 6) The colonial state apparatus was never embedded in society or accountable to

a citizenship, it comprised little division of power and its main function was exploitation and political control to benefit the metropolitan state, usually through the threat of physical violence (ibid.). A strong political and administrative structure that covered the entire territory of a colony was never envisaged by the colonizers (Herbst 1989: 681), the vast African hinterlands with little information available and only a small number of European officials made indirect rule a necessity (Paul 2008: 216). A minimum of authority was established, usually in the coastal regions, as was required in the agreement of the Berlin Congo Conference, while the interior was governed through local middle men whose actions were difficult to control and perceived as largely arbitrary by the population (Bierschenk 2010: 6). While the colonizers thought they were following the "natural order of things" (Paul 2008: 216) by cooperating with or introducing chieftaincies or kingships, they altered existing power structures of patrons and clients (Berman 1998: 310), relations that had previously remained rather fluid and unfixed, to the advantage of the patrons who became holders of official positions.

When the decolonization and independence process started in the middle of the 20th century, African leaders inherited these 'weak' political institutions (Herbst 1989: 682) together with a rural population that had developed a deeply ingrained mistrust and adopted a strategy of avoidance and non-compliance towards the state (Eckert 2007: 13). The well (and according to Western standards) educated Africans became the new elites, the "real winners of the decolonization process" (Bierschenk 2010: 7), they were expected to build legitimate states which provide security and wealth within in a span of a few decades. A notion which might at least best be described as "somewhat naive" (Milliken & Krause 2002: 762).

The decolonization process demonstrates just how prominent statehood had become for the modern imagination. Disregarding the comparatively poor starting conditions of many African countries after independence, the liberal nation-state appeared the only appropriate form of political organization and order. Such view of the state as panacea to be applied in every imaginable context works only if it is conceptualized as independent from the historical processes which created it (Milliken & Krause 2002: 762) This state-building approach (and by extension the failed states debate) is thus non-contextual, reductionist and teleological as "attempts to pin down the essential nature of the state (the ideal criteria and functions assigned to it) end up reifying or idealizing it, stripping what is after all a human (social and political) construct of its historicity" (ibid.). The Westphalian nation state is presented as the solution to development and security problems all over the world, an universal model to which all state converge naturally and a supposedly neutral scale to measure states elsewhere against. "States are identified as failed not by what they are, but by what they are

not, namely, successful in comparison to Western states." (Hill 2005: 148) As an analytical tool the term 'failed' state is then little helpful as it is unable to grasp the unique state-building experiences of societies and to explain why they might undergo specific developments. It can not account for the variety of trajectories in the global South, why some societies suffer from decade long civil wars while others, with relatively similar state capacities to start with, end up rather stable.

Failed states or Europe's deviant Other

From a post colonial perspective this resembles strongly the hegemonic discourse on history and development generally, that is based on binary distinctions between the West and the rest (Young 2009: 4) in which the former features as modern and developed and the latter as traditional and underdeveloped (Randeria 1999: 4). By mythologizing and idealizing the Western historical experience and way of thinking, other experiences and philosophies are being negated or marginalized. This domination of western perspectives today is an expression of power, power over the production of knowledge (Said 1984: 258), which is still based on an unequal structure "originally developed through the course of European colonial expansion." (Young 2009: 4)

The failed states literature fits into this discourse perfectly, as it constructs the 'failing' African states and societies as the 'deviant Other' to functioning states in the West. In media and academy African societies and cultures are depicted as resources-destroying and prone to violence, absolutely distinct from other regions and societies in the world, everything Europe does not want to be (Eckert 2007: 2). At the same time there lingers this fear that the African chaos and suffering might be somehow contagious, spreading in the form of terrorists, organized criminals or refugees. For Pugh, reconstituting security in that way was essential to "fill a threat vacuum and maintain a 'Self and Others' duality in the post-cold war world" (Pugh 2004: 49) In that light African states appear somehow 'unfit' and 'undeserving' of their statehood generally. This is emphasized by the choice of words and analogies used by some of the failed states analysts. According to Robert Young: "Western knowledge was organized philosophically through binary oppositions which had the effect of demonizing or denigrating what western people often call the other" (2009: 2). In line with this, state failure is likened to "serious mental and physical illness" (Helman & Ratner 1992-93. In: Hill 2005: 148) or "a long-term degenerative disease" (Zartman 1995. In: Hill 2005: 148) while functioning states are described as healthy and fit. Failed states are not only different "they are abnormal in the pejorative sense" (Hill 2005: 148). What Edward Said has stated in reference to Orientalism holds true for African states as well: "There is a flat assertion of quality, which the Western policy maker, or his faithful servant, possesses by virtue of his being Western, white, non-Muslim." (Said 1984: 258)

This grounding assumption is also visible in the representation of war and conflict in the 21st century. Derek Gregory distinguishes a rhetoric of "two sorts of 'new war'" (Gregory 2010: 159). First, is the warfare waged by armies of the global North in the global South, characterised by a 'military-technical revolution' which makes the violence appear to be objective and efficient and which is accompanied by the "re-enchantment of war", making it consumable through media and entertainment in the North, thus presenting it as a 'virtuous' war. This new war is presented in the voices of reason, science and law (ibid: 170). Opposed stand the 'new wars' led by local and regional forces in the global South, as described most influential by Mary Kaldor (Kaldor 2001). These are described as superfluously violent and predatory to benefit the greed of warlords, politicians or local strongmen, who are "usually represented as being driven by forms of premodern tribalism, ethnic tension and religious factionalism, which are channelled by ruthless political elites into genocidal violence" (Orford 2003: 82) and are hence devoid of legitimizing ideals or ideas. Passion, tradition and criminality (Gregory 2010:170) seem to be the keywords to these 'new wars'.

The alleged deviancy of African societies, culminating in its irrational and lawless warfare, is then used as a justification to export political and economic institutions and principles, reforms are implemented sometimes rather forcefully, tied to monetary loans[7], in the wake of humanitarian crisis or peacebuilding interventions. By positioning the reasons for state failure completely in the domestic sphere, the international actors can present themselves as well-wishing, benevolent and generous (Hill 2005: 149). Moreover this "imaginative geography of intervention" constructs the international community as "absent from the scene of violence and suffering until it intervenes as heroic saviour" (Orford 2003: 85) and negates the nexus of North-South relations that provokes violence there in the first place. In fact the neoliberal agenda along the lines of the Washington Consensus has deliberately reduced state capacities in the Global South, to the benefit of Western economic and political interests (Boege et al 2008: 6) and often without the positive domestic impact, with which it was justified. From a critical theory perspective it is a shifting of responsibility to those areas excluded from world economy in order to hold up the superiority of liberal ideology "whilst avoiding having to deal with the structural injustices that foster instabilities in the system" (Pugh 2004: 49).

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[7] Especially in the 1980s and 90s Structural Adjustment Programs were implemented in return for multilateral and bilateral loans. These followed a neoliberal agenda and usually included "the removal of government subsidies and price controls, significant devaluations, cuts in public expenditures with deep public sector retrenchment, privatization, relaxation of foreign exchange controls, and increase of interest rates to real levels, the withdrawal of protectionist measures, the introduction of user fees, tight control of credit, and an increase in agricultural producer prices." (Stein 1992)

As the above has shown, the debate on state fragility and failure is based on flawed assumptions on the nature of the state as ahistoric and non-contextual set of institutions. It serves as rationale for the continued domination of Western political and economic interests in the Global South and maintains Eurocentric and racist stereotypes. It is little helpful in understanding and analysing current political processes or in fighting violent conflict and poverty in Africa. And even if these states were as inept, decrepit and corrupt as the failed states analysts claim, one should probably stop asking why they are failing and start asking "how and why they persist at all" (Milliken & Krause 2002: 763).

2.2 Conceptualizing the state

With the critique of the failed states discourse a growing body of literature has empirically documented the various ways in which African societies cope with political turmoil and violent conflict, with focus on the local, informal or traditional dimension of authority. Different authors have brought forward approaches that try to conceptualize statehood in Africa and generally. Tobias Hagmann and Didier Péclard summarize four main themes that crystallize from the numerous works of different disciplines and that seem to have achieved a certain consensus (2010: 542 ff.):

1. States must be seen as historical processes that span the precolonial, colonial and postcolonial period. The modern African state is thus characterized both by precolonial forms of political organization and the imposition of the colonial state (Paul 2008: 210). As was explained above, the colonial administration engaged with and transformed previous political organization but did not erase it, rather it was itself "intimately tied to and shaped by the indigenous social forces through its incorporation of the intermediaries of local native authorities as the base of the structure of control, and by its reliance on a reinvented tradition"(Berman 1998: 332). Berman contents that this system of rule was designed primarily "to fragment and contain African responses to the state market" (ibid.). The period of decolonization then had a decisive impact in shaping the state-society relations in African states, building on and cementing some of the colonial legacies (e.g. state boundaries (Herbst 1989), 'traditional' authorities (Buur & Kyed 2006)) while overthrowing others in the quest for a national identity and history. A study of African states today should be aware of the specific historical trajectories through these different periods, not forgetting that these were always incorporated into broader geopolitical contexts of trade and slavery, (neo-)colonialism and imperialism, the Cold War and most recently, the War on Terror.

2. States are not distinct from or external to society. A state-society dichotomy is part of the Western narrative that constructs a broader public-private distinction (Lund 2006a: 678), however a clear boundary between the two can never be drawn analytically but is created as a "distinctive technique of the modern political order" (Mitchell 1991: 78). In Africa the proposed distinction is especially blurry, resulting in the emergence of, what Lund calls, 'twilight institutions' that operate between the spheres of public-private or state-society (2006a: 678). Following Migdals 'state-in-society' approach[8], African states must be seen as one among many forces which strive for political control and domination (Raeymakers et al 2008: 9). Especially at the local level there is a plurality of "public spaces" and "positions of eminence" (Bierschenk & de Sardan 1997: 441) that compete for social control. Nonetheless there lies power in the discursive construction of moral and formal distinctions between these different spheres, as will be seen for the case of local chiefs in Kuron. The ways in which these boundaries are policed, instrumentalized or contested create local authority but they are somehow also important to produce the "state effect: the idea that there is an inert structure that contains all this complexity, and that this is something imagined to be the state" (Schomerus et al 2013: 11).

3. The state is not just a set of institutional forms, it is also produced through imageries, symbols and discourses that make the state real and tangible (Hansen & Stepputat 2001: 5). This includes permanent signs and rituals, the nationalization of a territory inscribed with a shared history, and the institutionalization of the law. As we have seen above the idea of the state has become universalized and hence hegemonic, not because of its uniform characteristics but because it presents a powerful "mythology of […] coherence, knowledge and rationalities" (ibid: 16). It is constantly reproduced and enacted within the state bureaucracy and in other institutions who "might use the language of the state as well as its props in terms of contracts, deeds, attestations, stamps, stationary and declarations" (Lund 2006a: 677). This 'myth of the state' is not located merely in the realm of national imagery but is very much influenced by that of the international system, where the Westphalian state still forms the building bloc. Point in fact is the ritual and highly symbolic character of diplomatic missions or state receptions, a language in itself that needs to be deciphered and employed. Recognition by other states is highly important for any regime that wants to figure on this stage, the symbols of the African state are thus dominated by their supposedly

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[8] The idea, that the state is but one amongst a "mélange of social organizations" (Migdal 1988: 28 In: Lambach 2004: 4) is not exclusive to African states, or those that are labelled weak. In Western states, the state is largely naturalized as that organization which holds social control but here too state and society are transforming each other.

superior counterpart in the global North. Besides the discursive construction of the state, the practices of bureaucracies and ordinary people give meaning to the state (Gupta 1995: 375), as they encounter, imagine and represent the state in their everyday lives.

4. Institutionalizing and legitimizing physical coercion is at the core of state formation. In this respect Webers distinction between *Macht* (power) and *Herrschaft* (domination), is rather insightful: while the former describes the capacity to make someone do something that otherwise he would not do, including by means of force and coercion, the latter means the probability that certain specific commands will be obeyed by a given group of persons. *Herrschaft* then is usually based on a belief in the legitimacy of the command, and it is much more stable than pure coercion. For that reason state actors will always try to legitimize their authority, as Abrams puts it rather harshly: "The state, in sum, is a bid to elicit support for or tolerance of the insupportable and intolerable by presenting them as something other than themselves, namely, legitimate, disinterested domination" (Abrams 1988: 76) Similarly von Trotha, based on the work of Heinrich Popitz, focusses on *Basislegitimitäten*, which are accumulated through the state-building process but can also be appropriated by non-state actors or organizations (von Trotha 2000: 260). The transformations from power to domination and from domination to power will be important foci of analyses to decipher processes of state formation and erosion.

Approaches to a state analysis

Building on these theoretical premises different approaches to empirically analyse African states have been put forward. Here I will shortly present three such approaches that might in parts be helpful for the fieldwork analysis of this thesis.

In his 2006 publication Christian Lund introduces the metaphor *Twilight Institutions* to describe how public authority works in local contexts, where it is not the exclusive realm of government institutions (Lund 2006a: 674). To him "public authority becomes the amalgamated result of the exercise of power by a variety of local institutions and the imposition of external institutions, conjugated with the *idea* of the state" (Lund 2006b: 686; emphasis in the original). As different actors both state and non-state, struggle for authority it changes, it "waxes and wanes" (ibid.), hence the term twilight institutions. While Lund has been criticized for still presenting the "pluralization of regulatory authority as a degenerative process" (Meagher 2012: 1076) I particularly value his focus on symbols, rituals and crops that effuse the idea of the state, and his insights into the

legitimation practices of institutions and individuals with regard to territory and space.

The literature on *Hybrid Political Orders*, is primarily concerned with the combination of 'traditional'[9] and state institutions that characterize many countries in the Global South today. This "fusion of older and newer forms" (Egnell & Haldén 2013: 3) sometimes also referred to as "institutional bricolage" (i.e. Cleaver 2002) is part of every society but particularly striking in these countries. Globalisation and the resulting new institutions and movements, i.e. international cooperations, guerrillas or warlords also play a part in the formation of governance (Boege et al 2008: 8).

The approach on hybrid political orders has a strong focus on practical and policy implications, "Hybrid models which genuinely blend or combine traditional and modern norms and practices are more likely to deliver effective, functioning and legitimate outcomes, precisely because they build on the hybridity and multiplicities of existing political orders." (Clements et al 2007: 48). Examples include the de facto states of Somaliland and Timor Leste. This is clearly a strength of this approach as well as shedding a new light on the debates on neopatrimonialism and clientelism as a potentially positive political order which merges different social norms and logics (Boege et al 2008: 10). However it remains questionable, whether local embeddedness through the incorporation of traditional authority is per se a guarantee for the legitimacy of governance (Meagher 2012: 1081). And while a focus on the interwoven and interrelated character of public authority is plausible there still seems to be an assumption of underlying spheres of 'traditional' and 'modern', which I find problematic.

Menkhaus and Raeymakers describe the phenomenon of *governance without government* (Menkhaus 2006; Raeymaekers 2009) where communities that are cut off from effective state authority, be it due to a lack of interest in marginal border areas or to warfare, develop "systems of localized, ad hoc governance" (Menkhaus 2006: 75). When formal state institutions are missing there is by no means a kind of Hobbesian anarchy, "local communities are not passive in the face of state failure and insecurity, but instead adapt in a variety of ways to minimize risk and increase predictability in their dangerous environments" (ibid.) Thus again we deal with multiple poles of authority that interact with each other. Often the central government is relying on "a diverse range of local authorities to execute core functions of government and 'mediate' relations between local

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[9] It should be made explicit, that my use of terms such as 'traditional', 'customary' or 'indigenous' does not stand for clear-cut, fixed entities that refer to remaining precolonial practices. These labels are produced and reproduced, challenged and changed in their meaning as actors engage and compete with each other and with new actors and ideas. Therefor using these terms analytically needs some caution to prevent reproducing dichotomies which want to be overcome. Some might argue that this is not possible at all and that new labels must be introduced, as Cleaver does in speaking of 'bureaucratic' and 'socially embedded' institutions (2002: 13).

communities and the state" (Menkhaus 2008: 30) Menkhaus therefor speaks of a *Mediated state*, a concept that derives from the study of pre-modern and early modern Europe. While this does not imply that state formation in Africa is following a similar path to that in Europe, the authors find that the current development should at least not be seen as a predicament to state formation but as the "best of bad options" (Raeymakers et al 2008: 18) and a chance for a more realistic pattern of state building in Africa.

Through their work on Northern Kenya and Somalia the authors of this approach highlight the impact that local public authorities can have on conflict and conflict resolution, an insight that might prove valuable to my thesis. However I find the governance without government concept again shows a bias towards local forms of governance that are described as 'organic' in comparison with top-down 'inorganic' state building processes (Menkhaus 2006: 77), this seems to simplify the various ways in which actors gain legitimacy.

2.3 The analytical lens: negotiating statehood framework

In 2010 Tobias Hagmann and Didier Péclard edited a volume of *Development and Change* in which they proposed a heuristic framework for the analysis of state construction and deconstruction processes, which they called *Negotiating Statehood*. For the purpose of investigating the meaning of the state in Kuron, South Sudan, I take this framework as my analytic lens. In the following I will present the premises and categories of analysis introduced by Hagmann and Péclard after which I will explain why I find this a fruitful instrument and where its potential weaknesses might lie.

The framework is designed to

> better understand how local, national and transnational actors forge and remake the states through processes of negotiation, contestation and bricolage. [It] explores by whom and how state domination is fashioned ('actors, resources, repertoires'), where these processes take place ('negotiation arenas and tables') and what the main outcomes and issues at stake are ('objects of negotiation').

The approach should not be seen as a theory, a concept or a model in the strict sense, it is rather a 'way of looking' at state formation and erosion. It is interpretative, sociological and dynamic rather than normative, state-centric and static and it is underpinned by several theoretical propositions. States do not develop linearly or teleological, they are forged through dynamic and basically undetermined processes, in which institutions are reproduced (and normalized) through social relationships between various actors, individuals and organisations (Lund 2006b: 698). This is also a competition over "social control", the result of multiple power relations that shape government

techniques and practices and that produce domination (Hagmann & Péclard 2010: 545). What makes the state is thus profoundly contested and inherently conflictive, its negotiation is, contrary to common representation, not necessarily inclusive or equal but engages "heterogeneous groups with highly differentiated assets, entitlements, legitimacy, and styles of expression." (ibid.)

Further the approach rejects the classification or measurement of African states against predefined categories and calls for an empirical analysis of "real governance" (de Sardan 2008: 2. In: Hagmann & Péclard 2010: 546), observed with qualitative or quantitative research methods.

Hagmann and Péclard operationalise their theoretical suppositions through three categories of investigation:

1. *Actors, resources and repertoires*

Statehood is negotiated by different actors at local, national or transnational level. This includes state actors, political parties, customary authorities, churches, trade unions and NGOs as well as guerilla movements, warlords, multinational cooperations, regional and international (government) institutions and foreign states (ibid: 547). Obviously these actors have distinct social standing, material resources and political influence. To analyse the ways in which these actors or groups shape public authority, Hagmann and Péclard, open two categories: *resources* and *repertoires*. Resources refers to the "material bases for collective action" (ibid.), that includes tangible and in-tangible assets, knowledge and skills, networks and alliances and importantly access to state resources. As specific resources are more or less important according to context and are distributed unequally within society some groups might be able to dominate others politically.

Repertoires then means the use of symbols and social and cultural discourses which actors employ to give meaning to their actions and legitimize their exercise or their quest for public authority. Repertoires can refer to prominent political debates, such as the here scrutinized 'failed states' debate, as well as to identity, memory and belonging. Crucially, repertoires are constantly (re-)invented by those who use them, they are never fixed in time or space. It can thus be worth-while to understand, how dominant global discourses on state fragility, insecurity or education are being transformed by actors on different spatial scales and used in unforeseen ways to achieve their own goals. It also shows that quests for public authority, even on the local level, are not detached from these imaginative geographies produced in the global North. In chapter 4 I will focus an analysis of actors in the setting of local conflicts around Kuron and the resources and repertoires employed there. This will form the basis of an interpretation of what statehood means in this remote periphery.

2. *Negotiation arenas and tables*

To identify the "confines of the political space in which actors groups bargain material and symbolic dimensions of statehood" (ibid: 550) the term *negotiation arena* is introduced. Negotiation arenas condition who has access to negotiation processes in the first place, they have spatial, social and temporal dimensions and they can be more or less formalized and routinised. Examples of these arenas could be the public space in which parades and demonstrations take place, it could be the structure of a party which claims for itself single rule or the content of a policy which suddenly recognizes the authority of specific groups over others. For this thesis I distinguish the arena of negotiation as the *pastoralist periphery*. This describes the vast semi-arid plateaus along the borders of South Sudan, Ethiopia, Kenya and Uganda which are home to several pastoralist groups and which are also idiomatic for the supposedly 'unruly' hinterlands in many African countries. Here a frontier logic is employed which sets negotiations of authority into a nexus of security and development and thus clearly influences the construction of the state in these places.

A specification of *negotiation arenas* is the *negotiation table* which is characterized by more formalized structures, an existing procedure or protocol for decision making and the mutual recognition of participants as legitimate stakeholders in this particular matter. Negotiation tables are seldom to be met with in the pastoralist periphery. While they might be easier to identify it is important to include the whole negotiation arena into which statehood is embedded into the analysis as this is also a fruitful attempt of including the subaltern voices of minorities, women and groups with a lower socio-economic status.

3. *Objects of negotiation*

Boundary drawing; spatial, social, cultural and political ones, constitutes an important aspect of state formation. As mentioned above, particularly important to the study of states has been the boundary between state and society and between public and private, legal and illegal, modern and traditional. To Hagmann and Péclard the definition and redefinition of these elusive boundaries by the actors constitute "major political objects in processes of negotiating statehood" (ibid: 552). One object of negotiation, which has probably received most attention by scholars and policy makers, is security provision. Who can legitimately provide security on a local, regional, national and international level is indeed an important question in many African countries, among others in South Sudan. For this reason I have chosen *cattle raiding* as the object of negotiation on which I will focus. Here indeed many boundaries are being negotiated, between legality and criminality, who defines which and who decides on retribution. This is linked to "memory, identity and the politics of

belonging" (ibid: 554), the boundary between the insider and the outsider, especially where multiple systems of rule and law are overlapping as is the case in South Sudan with its so called traditional law.

<u>Negotiating statehood in South Sudan</u>

The negotiating statehood framework seems a useful analytical tool to understand current processes in African societies without formulating a priori assumptions about where these processes should or will lead to. It is surprisingly little normative and does not herald local governance as the proverbial phoenix rising from the ashes of a Weberian state or exchanging the latter for a strictly neo-Tillyian model that stretches the positive impacts of violence on state formation disregarding the "global-ized, liberalized context of contemporary Africa" (Meagher 2012: 1078) There might be cases more or less fitting for the negotiating statehood framework. As Doornbos describes, one party states might effectually suppress negotiation processes, peripheral regions might suffer from 'negation' and thus be excluded from negotiation arenas, and international actors like the UN can severely limit the scope for alternative statehood dynamics (2010).

Nonetheless with its focus on "new or renewed constellations" (Doornbos 2010: 751) the frame-work seems particularly relevant for conflict or post-conflict societies (ibid.). South Sudan, which very openly strives for the establishment of a new state seems a very good example to observe state formation from this perspective. While this thesis focusses on the micro level of negotiating public authority in the context of local conflict, it is nonetheless important to keep in mind 'the bigger picture' as these processes seldom occur in a vacuum (Doornbos 2010: 761). With their categories 'actors', 'arenas and tables' and 'objects', Hagmann and Péclard lead an important step to operational-ising the processes of negotiation, I will try to analyse my data with reference to these categories, focussing on actors and their resources and repertoires.

Insights from the other concepts described in chapter 2.2 can also be important. As Kuron is a place in which official government structures, like police, schools, public offices are virtually non-existent, negotiation of statehood will refer to a broader formation of public authority. Here Lund's focus on the state as an idea will be of relevance, especially for the position of chiefs who could also be described as hybrid political actors between traditional authority and the state.

CHAPTER III

SITUATING FIELDWORK – INTRODUCING TOPOSALAND

This chapter will give an account of the fieldwork I conducted during my three months stay in Kuron Peace Village. It is supposed to elucidate some of the choices and experiences I made and the problems I faced. It should serve to situate the researcher in position towards and in 'the field' and to reflect on the impact my own experiences of citizenship, gender and race had in relation to my data. It will introduce the site of this research, Kuron area in Eastern Equatoria State, South Sudan. This will serve to contextualized the analysis of local negotiations of statehood and to connect them to processes on a wider scale. Finally an account of methodological choices and practical implications follows.

3.1 Fieldwork – constructing and crossing boundaries

This thesis deals with conceptions of statehood and governance in a post-conflict situation. In this sense it could roughly be ranged among the works of conflict studies and IR. As a student of both geography and conflict, it may be telling, that my first, abstract, encounter with South Sudan sprang from an interest in borders. Advised to pick a case study for one of my conflict studies courses, I chose Sudan/ South Sudan and its history of civil wars, because I was interested in this 'youngest' country in the world, and one of the very few examples of (successful) secession in post-colonial Africa[10]. Initially I would have liked to observe cross-border dynamics on this 'new' border between South Sudan and Sudan, an idea I soon disbanded due to security reasons. But geography followed me, or I followed it, and it is not surprising, that my theoretical framework of 'Negotiating State-hood' was developed by a geographer and a political scientist, and that my methodology, while taking from critical ethnography and postcolonialism is also informed by feminist geography and its concern with positionality[11] and subaltern knowledges.

These disciplines, share a commitment to question "both neutrality and taken-for-granted assump-tions by bringing to light underlying and obscure operations of power and control" (Madison 2012: 5). From a theoretical point this meant breaking with binary categories on state functioning which

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[10] The only other example being Eritrea which seceded from Ethiopia in 1991. Somaliland, which to all intents and purposes might be considered an independent state (e.g. Renders 2012) declared independence from Somalia in 1991, but has never received formal recognition through another country or international organization.

[11] Positionality refers to the social and political landscape inhabited by a researcher (e.g. gender, nationality, race, religion, sexuality, (dis)abilities, social class and social status). Every researcher is thus positioned weather s/he explicitly writes about it or not and how s/he is positioned will affect the entire research process.

are informed by the Western state-building experience, as was outlined in chapter two. For a methodological approach it means to refute claims of objectivity and universalism in favour of a more situated knowledge (Rose 1997). This requires us to take into account our own positionality and to engage into a "deep and abiding dialogue with others" (Madison 2012: 10). Positionality recognizes that the researchers' subjective self is inseparable from the research process and must take responsibility for its action (both in the field and with regard to the representation that is the product of fieldwork). To make positionality explicit follows the 'ethics of accountability'. "The ethics of accountability is not just telling the ethnographic tale. It is telling *our* story, of how we came to know the ethnographic tale." (Amira De La Garza In: Madison 2012: 112)

Fieldwork is in itself an act of creating and crossing boundaries: between the researcher and the researched, the field and the not-field, the fieldwork and every-day life (i.e. Katz 1994) and in the construction of identity and social roles of the researcher herself (i.e. Coffey 1999). Many of these boundaries are drawn by the researcher, through her explicit or unexpected decisions. First delineating and narrowing down a subject by excluding others, and later choosing data, quotes and interpretations out of the vast pile one has collected. Identifying a 'field' in which to conduct 'fieldwork' means constructing a site of inquiry that is artificially bound in space and time (Katz 1994: 67) While this boundary is necessary to handle the practicality of research there exists the danger of depicting the experienced constellation and negotiations as fixed in time and isolated from broader economic and political structures (Mohan & Stokke 2000: 249).

Some trajectories evolve from the relationships one enters into. In my case this was most importantly being an intern with the Holy Trinity Peace Village. As such I was usually introduced and perceived as part of the peace team. Due to the high respect the Peace Village commands in the area this proved to be to my advantage as people rarely met me with suspicion or reserve. But it also had the result, that people often expected advise or the delivery of services of me. I always tried to be clear about the purpose of my research but this still lead to awkward situations.

By perceiving the value of a situated knowledge, the positionality of the researcher and her identity are perceived as legitimate parts of the research process and product. In my understanding this means that the researcher brings with her a specific set of knowledge and abilities, identities and roles, her own resources and repertoires to use Hagmann and Péclards terminology, which will influence how she interacts with, understands and represents the field. At the same time doing fieldwork is also a "process of identity construction" (Coffey 1999: 25), in which the field influences the researcher and her self-understanding. Being a white, German woman in this South Sudanese

setting I was confronted in unknown and unforeseen ways with my gender, colour and nationality and through these interactions learnt to understand my field. Partly this was an experience of mutual fascination with the 'exotic'. Toposa everyday life remained to me a, spatially and emotionally, more distant sphere to which I gained access during trips to return to the secure space of the NGO compound. Thus I mediated different nuances of insider/outsider relations depending on the setting. Within the peace village people showed a friendly, collegial, sometimes slightly patronizing attitude toward me, and I generally felt as 'part of the team'. Outside I was perceived as an exotic, both desirable and incomprehensible, by most of the people I spoke with, which I felt culminated in my identity as a woman. Nearly every conversation with women started with the question how many children I had and pitiful hilarity at the answer: none. In a similar vain it was common of men to ask me to marry them and offer a flattering number of cows. I never quite came to grasp wether this was meant serious or a way of hoaxing the stranger or even paying a compliment, and accordingly my reactions ranged from humour to annoyance to a desire to speedily get that 'small talk' out of the way before I could start speaking about more 'meaningful' things. My sex and gender and the associated roles in Toposa society thus entered into nearly every encounter I had. I became forcibly aware of the role motherhood plays in Toposa society, and I believe, in other African contexts as well[12]. Different to the academic, political and economic climate I come from, motherhood here strengthens and underlines the capabilities one possesses as a woman, up to the point that I was called 'mother of Peace' by some of my interviewees in an amalgamate of my association with the peace team, my (childless) femininity and, as I believe, a desire to pay respect. Skin colour was equally relevant to these interactions. *The Whites*, which refers to the former missionaries and church organizations in the area the same way it describes NGO workers or visitors are usually connected the provision of services, but they are also associated with the end of the civil war and seem therefore rather positively connoted. There is a vague knowledge about the fact that where the whites come from there is plenty of food, and sometimes I have personally been requested to give some small money or food. I believe a number of people was willing to recount their stories and grievances hoping for some sort of return, and it leaves a sour feeling not being able to respond to these in the way wished for.

Unexpectedly this fieldwork also brought me into another sort of contact with my German citizen-ship. The German state is, following the arguments developed in chapter two, so much a naturalized

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[12] Women in Toposa society proudly recount the number of children they bear. I also met with the custom among many of the Peace Village staff to address a woman with the name of her child, i.e. my mother was called Mamma Laura. Finally women I felt to be strong and successful in terms of formal positions, like the EES Minister for Health, the conductor of a Nutrition survey or the Kuron Peace Village secretary also proudly mentioned the number of children they raised and provided for.

and hegemonic part of everyday life, that its governing techniques are not always apparent. The anonymous and formalized procedures one undergoes i.e. when registering with the municipality, filling out tax forms or getting a passport are so much 'normal' that one doesn't really think about them or recognize the crops of state performance. With doing fieldwork in South Sudan, I came into a different contact with my own citizenship. First of all I realized, that the stance the Federal Republic of Germany takes towards the Republic of South Sudan, how it exercises its "labelling power" (Mac Ginty 2013: 14), had very real impacts on my research plans. The exact wording the German Foreign Ministry puts out about the security situation in South Sudan, weather they simply *advise* against travels or weather they *warn* against it influenced my ability to gain travel insurance and project funding. Prior to my stay the former was the case and I could obtain regular insurance as well as convince my scholarship organization of the stable security situation in South Sudan. By now (March 2014) there is a *Reisewarnung* and it would be much harder to find a company willing to provide health and travel insurance.

I also enlisted myself in the *Deutschenliste*, which lists all German citizens abroad in case of crisis and I was incorporated into the mailing list of the German embassy in Juba from which I hence received regular emails. Most striking was the experience during the period of increased security concerns as described below. I first contacted the embassy via email because I was advised to do so in a purely informative effort and was startled by the result. Within 30 minutes they had telephoned the bishop Paride Taban, head of the peace village, to enquire about the state of affairs and were then contactable day and night via mobile phone. So, while in a place which is marked by its 'lack' of formal statehood I experienced the forcefulness, both limiting and assuring, of the Western nation state.

3.2 'The field' – Introducing Toposaland

As mentioned, 'the field' in which one situates research is of necessity a construct. The field as a space and time which, for the researcher, is "bracketed off", marked as distinct from home and the normal flow of every-day life, can be seen as a "highly dubious and problematic notion" (Shore 1999: 26). I would certainly follow that argument insofar, that the relationships formed in 'the field' do not cease to exists on leaving, rather the impact one has on the field and the field has on oneself are much longer lasting. In my personal experience this entails networks which span family and friends, visits on both sides and efforts to show solidarity with the people in Kuron. Naturally these further shape my understanding and representation of relationships in this place, even now, when I

am long 'back home'.

So while I do not want to say that this fieldwork started only with my arrival in South Sudan in April 2013 or ended by leaving 3 months later, this was the time of most intense learning (Phillips & Johns 2012: 10) and most important to this thesis, since that was when I gathered the stories and situations on which my interpretations of how the meaning of the state is negotiated are largely based. For this reason I do want to give a short contextual description of the area and the NGO which was so important to my research. Geographically that means the area of Kuron Boma in Kauto Payam of Eastern Equatoria State, South Sudan (see Map 1 and 2 on page iv), sphere of influence to the Holy Trinity Peace Village Kuron as whose intern I conducted this fieldwork. Kuron is very close to the border with Jonglei state and the next city is Boma, 30 km away. Nanyangachor, close to the Ethiopian border is seat of the Kauto Payam Civil Administrator and I also spend a week of fieldwork there. This is a semi-arid region with low mountain ranges and vegetation patterns according to dry and rainy season. In tune with these the agro-pastoralist groups, mainly Toposa, Nyangatom, Murle, Kachipo, Jiye and Koroma (HTPVK Annual Report 2012) move with their cattle in search of pasture. As semi-nomads these groups usually cultivate small scale and work-intense agriculture, which among Toposa is mainly a female activity. Correspondingly the younger men are often, and also during my 3 months stay, in the temporary cattle camps, while women, children and elder men remain in the villages.

The Toposa are the dominant group in this area, Müller-Dempf estimates the Toposa population at 200,000-250,000 (2008)[13]. They inhabit this south-eastern corner of South Sudan, straddling the borders to Ethiopia, Kenya and Uganda. I heard this region referred to as 'Toposaland' and people often seemed to have a much clearer understanding of where its fluent boundaries lie, than of the administrative units of state or nation. Kuron then is rather close to the 'Jiyeland' in the North and cattle raids are often conducted between Toposa and Jiye. As a permanent Toposa settlement Kuron was inhabited only in the wake of the second civil war, which dispersed many people from the greater Kapoeta area in the west. Due to its poor infrastructure and remoteness from major settlements, this area seems to have witnessed fewer of the brutality of the wars, although the dirt road passing through Kuron is jestingly called 'Garang's Highway', as supposedly John Garang and the SPLA troops frequently moved through this area to his Northern homelands. Obviously the war had an impact here as well[14]. The late settlements have supposedly influenced social structures, here different Toposa clans are living in closer proximity and often under guidance of a common chief,

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[13]   It is generally extremely difficult to obtain information on this area or its Toposa inhabitants. Few has been written academically and other sources (Newspaper, NGO documents) are sparse as well. Toposa culture can be approached to a certain point from descriptions of the related Turkana or Karimojong in Kenya and Uganda, together these groups form an ethnic cluster called 'Ateker', but this remains an orientation only.

which is rather unusual. In the area Kuron itself counts as a small urban centre, largely due to the peace village.

HTPVK is a Non-Government Organisation (NGO), that was founded in 2004 by Bishop Emeritus Paride Taban. *Bishop*, as he is usually referred to in Kuron, is rather well known on the national level, he sits in the Committee for National Healing, Peace and Reconciliation as vice chair and attended the recent peace talks in Addis Ababa. Mr. Taban has also received attention from inter- national organisations, i.e. he was recently awarded with the Sergio de Mello Peace Prize by the UN and he frequently visits friends and donors in Europe, the USA and other African countries. He is not himself a native of the Kapoeta area but was for several years bishop of Torit, probably why he has chosen to set up his NGO in this spot. The peace village entails several departments: Education, with a kindergarden, primary school and vocational school; Health with a primary health care centre; an Agriculture project; pastoral care and the Peace and Community Development of which I was an intern. The latter does most of the outreach activities by organizing workshops and trainings and mediating in cases of conflict or cattle theft. It also formed a Participatory Theatre Group.

3.3 Practicalities and methods

Conducting fieldwork in a setting like Kuron bears a number of difficulties as well as opportunities on a scientific, personal and emotional level. Prior to my stay it was difficult to find a NGO that would be willing to take me in as an intern, a prerequisite to this thesis. When I decided to write about South Sudan, I did not even know how to go about it, since my 'usual resources' like finding contacts through an online search, failed. Here, from my Dutch student house, I first encountered the importance of personal networks on the ground as opposed to the anonymous formalized procedures of the www. I was lucky to get in contact with the right people at the right time, and thus be introduced to the Holy Trinity Peace Village Kuron via its Dutch longterm sponsor IKV Pax Christi.

Which brings me to the second concern I had from the very beginning: personal safety. In my role as daughter, sister and friend it was at times hard to justify why I would put myself to what can only be perceived as 'great risk' from the stand point of Western Europe and its depiction of Africa and

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[14] There are indicators, that Toposa militias around Kapoeta have at times fought on the side of the GoS during the 1990s but also changed alliances depending on who paid most in arms and ammunition (Johnson 2011). However if people around Kuron took part in these or were even aware of them, I do not know.

South Sudan particularly. Here also the lack of information was problematic and again first-hand experience was the thing that eventually gave me assurance. The contacts to people who knew South Sudan and the peace village proved much more reliable than any reports or papers I could have read. And this local knowledge was also what kept me assured during a period where the security situation did change abruptly. About half way through my stay the ongoing fights in Jonglei state moved alarmingly close to Kuron, when the South Sudan Democratic Movement/Army (SSDM/A) under command of David Yau Yau captured Boma city 30 km from Kuron. With some hundred deserting SPLA soldiers in the vicinity and incoming IDPs, the Toposa community started to organize their defences and it looked for a while as though the peace village including myself would be evacuated. Luckily the situation calmed down but I gained a very different sense for my own 'in-betweenness'. I was there and thus exposed to a certain amount of risk but I also knew, or believed, that if worse came to pass, I would have access to all possible measurements of flight. And that those who actually lived there would stay behind. It was a truly disruptive experience that I surely share with many researchers in difficult environments. Further, I knew that my presence as well as my departure would influence 'the field'. To the peace village, moving their staff including myself out would have meant a loss of respect and legitimacy in the eyes of the local population. A German intern evacuated due to security threats might have had an effect on the stance of the German embassy and international donors towards the peace village and its work. As Katz has re-marked "I am an outsider in this context, but once there, of course, am not outside the power dynamics of the space so marked" (1994: 68).

Apart from this time of stress I encountered other barriers which were hard to overcome. Some of them were of a technical nature. Time, transport and language were ever present issues, with a high potential of frustration. I soon realized, that I had to catch opportunities as they came along rather than hoping for scheduled appointments or planning of trips. Previous to my arrival, I had hoped to reduce a 'bias' by speaking to people independently of the peace village workers, since I was sure that the peace village itself was using very specific repertoires of the state. However my two col-leagues were the only people, apart from one or two elder students of the St. Thomas primary school, who could fluently translate Toposa and English, and the peace team's activities were the only means of reaching villages beyond walking distance. Timing of interviews and conversations was made difficult by the busy daily routine of the locals. Women usually work in their gardens during the day and many men were still in the kraals during my research. Interview partners some-times decided suddenly that they had something else to do, most memorable the chasing of a loudly bleating goat. But generally I was not faced with problems often attached to research in post

conflict situations (i.e. de Vries 2012 in South Sudan, also Kuzmits 2008): people were seldom suspicious of me, threatening or violent. I was generally welcome and people seemed to enjoy being able to tell their story, especially the older men. I thought it would be much more problematic to actually conduct interviews and in fact I had many informal conversations as well, especially with women who seemed more time pressed and shyer. But again, older men never minded the slightly more formal interview setting and even the recorder, whose functioning I usually demonstrated beforehand and asked permission to use, was never rejected. The only tacit refusal I got was from the Member of Parliament (MP) of the area, who simply 'never had time' to speak with me during the three weeks of his stay in Kuron, in which we shared meals and leisure time.

My methods comprised of observation, semi-structed interviews and informal conversations. During the three months I stayed in Kuron I compiled a vast amount of field notes and informal conversations as well as 18 interviews. The latter were usually with actors who somehow held a (formal) position of authority, like chiefs, elders, the commissioner, the Payam Civicl Administrator, and were often pointed out to me by my peace team colleagues. During my first two weeks in Kuron I acquired a basic understanding by "closely listening, observing and interacting in the field while compiling extensive field notes as foundation of knowledge and experience" (Madison 2012: 29). Based on that I developed a number of questions and subjects to approach the matter of authority and statehood. Here I realized how very difficult and frustrating it can be to try and bridge the divide between theory and practice. While I was always convinced, that the framework I chose had its value in this place, I struggled with finding entry points and terms that would lead to a discussion on authority. Often this meant talking about specific persons, rather than the functions they hold, which in itself is part of my findings. I also realized quickly, that I would have to narrow down my analysis, in order not to become sidetracked by the many interesting stories and points people made. I therefor chose to confine my analysis to the actors involved in negotiations and their repertoires and resources, while pre-determining an arena and object of negotiation, though I found their importance confirmed in my data. By focussing on actors I also had a starting point to organize and analyse the notes and interview transcripts, which I did in the beginning using Atlas.ti. I have tried to include as many direct quotations as possible, as I believe it enhances the authenticity of this text, although I am fully aware that it is always my power of choice which voices to include and in which relation to put them.

While I always explained my purpose as a research student from Europe and the thesis which I was going to produce, I still had qualms regarding informed consent. For my interviewees, to whom I am grateful for their beautifully phrased stories, can hardly imagine the context into which their

words are now put and the audience they will receive. Here again I became deeply aware of that connection between the 'field' in which I gained data and the academic context in which this thesis is written and the power of representation I inhibit by standing in both and in between. I hope that by laying down some of my experiences, the boundaries I constructed or encountered and how I tried to mediate them, in short by telling the story of how I came to know this story of statehood in Kuron, South Sudan, I could at least make these powerful dynamics of knowledge production explicit.

CHAPTER IV

NEGOTIATING THE MEANING OF THE STATE WITHIN THE CONTEXT OF INTER-COMMUNAL CONFLICT

This chapter will outline the empirical analysis of this thesis. It will strive to describe the ways in which the meaning of the state is negotiated in Kuron area through actors and the resources and repertoires they use. That will serve to answer subquestion 1 and 2 of my research questions: *Who are the local actors involved in negotiation of the state (socio-political norms and order) in the context of specific inter-communal conflicts?* and *What are the resources and repertoires employed by these actors?*

The analysis is based on the theoretical and methodological considerations laid down by Hagmann and Péclard with their *Negotiating Statehood* framework, as was described in chapter 2. To narrow the analysis down to a scope reasonable for this thesis, I have decided to select an arena and an object of negotiation, previous to or in the early stages of my fieldwork, they will be outlined at the beginning of this chapter.

4.1 Cattle raiding in the pastoralist periphery – Arena and object of negotiation

Arena: the pastoralist periphery

Negotiation arenas "structure social actors scope by conditioning – but not pre-determining – their inclusion in or exclusion from negotiation processes." (Hagmann & Péclard 2010: 550). I would go further to suggest, that the arena limits the negotiation objects, that is it limits the possibility of objects to open for negotiation and contestation.

I would like to name the arena in which this negotiation takes place the *pastoralist periphery*. It has a geographical and a symbolic dimension (Mulugeta & Hagmann 2008) and I believe this term suits well to encompass both. Geographically, it is the space in which the pastoralists groups, Toposa and their neighbours, live and engage, it is the fluctuating boundaries of Toposaland and it is also the borderland between the nation states of South Sudan, Ethiopia and a little farther off, Kenya. It is distant to the South Sudanese power centre in Juba, to the regional capitals of Torit and Kapoeta as well as to the few cross-border trade routes, inaccessible over land for several months in

the year due to bad road conditions[15].

Symbolically it is a landscape of meaning which is characterized by two main discourses: firstly, a scientific and political debate on the periphery of the state: the borderland, the rural, perhaps the frontier of civilization.

Based on a concentric notion of state making, *borders* and *borderlands* have long been seen as sites of political and economic insignificance and neglect (Baud & van Schendel: 212). It is only in the last decades, that a more inclusive approach has emerged in the literature on the functioning of African and states more generally. Here the constructive force of the border is emphasised, "far from being marginal, border communities have been active participants in the shaping of national cultures and indeed the contours of the state itself." (Nugent 2002:5). "Border zones are not just reflective of power relations in the 'centre', they are *constitutive* of them" (Korf & Raeymakers 2013: 5, emphasis in original), as it is at the border where the legitimacy of the territorial modern state, and its myth of homogeneity are both reproduced *and* most obviously put into question. This opens a space for every-day encounters with and negotiations of state power (i.e. Brambilla 2007, Raeymaekers 2009) by a variety of actors, ranging from the customs officer to the cross-border tradesman, to the small-scale smuggler.

To the people living in the borderlands the border can be a resource rather than an obstacle (e.g. Feyissa & Hoehne 2010). It creates opportunities for the exchange of goods, ideas and people and often the livelihood of the borderlanders depends on moving between the two systems and "exploiting state inconsistencies and controls" (Flynn 1997: 313). Examples are the activities of Turkana and Toposa on the South Sudan – Kenya border. I have heard accounts of Toposa who went to Kenya during the civil wars, claimed to be Turkana and where hence appropriated as Kenyan citizens and received education. On the reverse Turkana are now claiming to be South Sudanese since there are ample job opportunities in South Sudan at the moment (Field notes). Here the opportunity arises from the shared cultural background and identity of Toposa and Turkana across the border. However it is not *despite* the border but *because of* the border that the individuals in question can use several national citizenship to underpin their claim to services. The example further highlights

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15 While all of Toposaland is distant, both spatially and politically from the capital, there are certainly areas that are of importance to national politics and economy. The non-demarcated border line at the eastern frontier with Kenya, creating a disputed territory called the Ilemi triangle, has led to violent conflicts between Toposa and Turkana groups, Kenyan army and South Sudanese and Kenyan politicians. Here claims to land are clearly staged with reference to the nation state in question (see Eulenberger 2013). The trans-border trade routes and border towns, especially with Kenya and Uganda, are extremely important to national economy and they supply opportunity for wealth accumulation to urban traders, to resettled South Sudanese as well as an emerging Toposa business class (see Walraet 2013).

the fluidity of identity formation in this borderland. While Toposa and Turkana are often on terms of severe enmity they can also evoke a shared identity in times of hardship or in the face of state regulations.[16]

The borderland perspective is meaningful to understand how state building is performed in daily actions and in specific sites of encounters. The pastoralist periphery is moreover characterized by dynamics and discourses of the *frontier*. The borders here, similar to other borderlands in the vast planes in the Horn of Africa, may be distinct lines on a map[17] but they do not necessarily materialize to mark the 'beginning' or the 'end' of one state or the other, rather a "fuzzy zone" (Korf & Raeymakers 2013: 7) in between emerges where cultures and systems of rule overlap. Here the territorialization of the state is not complete, it is 'in the making' (Worby 1998: 56). To the central state the frontier is the imagination of a limit, beyond which lies an unknown or undomesticated land, a civilizational *carte blanche* (Korf & Raeymakers 2013: 10) "lacking any legitimate political institutions and […] being open to legitimate intrusion and settlement" (Kopytoff 1987: 11. In: Le Meur 2006: 871). It is also precisely this geographic imagination which is so meaningful to the failed states discourse and which legitimises interventions by Northern actors. Hence here is an ideological project, in which the frontier appears as an unruly and disorderly land (Korf & Raeymakers 2013: 10) whose reputedly 'barbarian' populations need to be civilized and incorporated into the state[18] in a process that is "fraught with temptation as much as with danger" (Worby 1998: 56).

In that way a nexus between danger and development (Worby 1998) arises that, in the Horn of Africa, heavily interlaces with a second discourse on pastoralism. Pastoralists are often depicted as the frontier inhabitant par excellence, ever-backwardly locked in their tradition, barbarous in their warfare, irrational and inefficient in their mode of production, poor, ignorant, dirty (Krätli 2006)[19]. They function as 'the Other' to the Western, modern, rational self. In her descriptive account of a

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[16] Indeed cross-ethnic relations can be rather institutionalized, i.e. in the form of clan lineages. It is thus important to not consider politicized 'tribal' identities as static, primordial entities. For a discussion see Allen (1994): *Ethnicity & Tribalism on the Sudan-Uganda Border* or Schlee (1985): *Interethnic Clan Identities among Cushitic-Speaking Pastoralists*.

[17] That is not even the case everywhere. i.e. the Ilemi triangle in the tri-border area between South Sudan, Ethiopia and Kenya, remains without agreed upon demarcation even on the map due to diverging colonial cartographies and different national claims. (Mburu: Delimitation of The Elastic Ilemi Triangle), not to speak of the huge parts of the Sudan – South Sudan border that remain (violently) disputed (Johnson 2010: When Boundaries Become Borders)

[18] The territorial expansion of frontiers into 'empty' space has famously been described by Frederick Jackson Turner in his book *The Frontier in American History* (1921). The study of frontiers in Africa is immediately associated with Igor Kopytoff's *The African Frontier* (1987) in which he presents "a historical account of the process of pacification and inculturation of pre-colonial African peripheries" (Korf & Raeymakers 2013: 10) Interestingly here is is also an attempt to incorporate the frontier land into the *state logic*, a project that is not necessarily launched by the central state in question but by different regional and international actors.

development aid meeting in Nairobi, Patta Scott-Villiers recounts how the the dominant discourse on backwardness and impoverishment of pastoralists serves as groundwork for aid practices and policies, that are hard to challenge. Beneficiaries of these services have outwardly adopted their role as recipients who lack agency. Where they claim a different role, i.e. that of knowledgable and resourceful community member independent of aid, the attempt is to render them illegitimate through doubting their motives or ascribing them as belonging to a privileged group. These things might be true but their voices are thus made inaudible, outside of the debate (Scott-Villiers 2011: 778). This is an example of how the arena of negotiation does not only limit the access of actors but also the objects of negotiation. Because in this frontier space only a specific reading of the world is appropriate, which derives its legitimation from the tension between development and security. A different framing, and hence the negotiation of different objects, becomes impossible.

In recent years this discourse has not necessarily emanated from Western development programs or academia, but also from the 'civilized' centres of the countries of which the pastoralists in question are citizens. There are accounts to this respect for Kenya, Uganda or Ethiopia (see Krätli 2006; Schlee & Shongolo 2012). In South Sudan this process might be less pronounced as the central government is dominated by the agro-pastoralist groups of Dinka and Nuer. However these elites equally adopt the 'language' of the state (Magdi El-Gizouli, panel discussion) and its ideological frontier project, while they are deeply connected to the pastoralist periphery in political and economic networks.

Additionally there is a reading which sees pastoralists' way of living as threatened by exogenous processes. The underlying assumption of poverty is not thwarted but it is seen as the result not of pastoralist backwardness as such but in their ill-equipped response to global or regional processes. Violence is often seen as the result of these circumstances. The focus is on climate change and the resulting resource scarcity or the remnants of colonial and post-colonial wars in the region, especially in the form of small arms (i.e. Mirzeler & Young 2000; Gray et al 2003)[20].

In both ways pastoralists are portrayed as existing at the frontier of modernity, either ignorantly resisting an incorporation that would be beneficial or being overwhelmed and helpless by an usurpation that proves the opposite. In that respect Scott points out, that the peripheries of the state resemble a "shatter zone" in which various groups have *strategically* sought refuge from state

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[19] Certainly there is a body of literature that conceptualizes pastoralism in a more positive light, as a sound strategy for using scarce resources in arid and semi-arid environments, nonetheless policy makers and, to a lesser degree, researchers remain subjected to stereotypical assumptions (for a discussion on pastoralism and development, see *New Avenues for Pastoral Development in sub-Saharan Africa,* Special Issue of *Development and Change* 2010)

[20] I do not want to minimize the dire impacts these processes have on live in the pastoral periphery, but to highlight how these fit in the narrative of the frontier and how they limit actors scope for negotiation.

expansion (Scott 2009: 8). He goes further to suggest that the very social organization and subsistence routines these groups adopted were aimed at preventing an incorporation into existing states or the arising of state-like organizations among themselves. Hence pastoralists' way of living is not a primitive remnant of history but a reaction to state formation. Pastoralists are then "barbarians by design" (ibid.)[21]. It is clear that nomadic or transhumance modes of production do not sit well with the modern nation state, as nomads defy its b/ordered space and identity[22]. Hence the manifold attempts at "nationalization of the range, sedentarization of groups and individualization of land" (Hagmann & Ifejika Speranza 2010: 597). But Scotts argument highlights another aspect, the fear of the state to loose its population to the lure of the 'shatter zone'. In a time where the presence of the nation state seems unescapable this is hard to imagine. Indeed the area around Kuron has been populated only rather recently in the wake of the second civil war, as was the case for other remote areas in South Sudan. People have chosen to inhabit this rather inhospitable land, far away from towns and services, purposefully to avoid the intrusion of warring parties and their claims on manpower and resources (Field notes). They have chosen *the bush* as a space that the state has not appropriated.

"And the questions they used to ask at that time is that, is the Government really coming? But this is the bush!" (I 8: chief of Kuron)

This divide between the urban and the rural manifests itself in another 'internal' frontier that expands from the centres and towns towards the pastoralist periphery. Most striking in the case of the rapidly growing capital Juba, that became the "frontier of South Sudanese state-building" (de Vries 2012: 169). But the urban frontier dates back longer and has impacted state-society relations across the different regimes. From British colonisation onward, the towns have been "government places and military places" (Leonardi 2013: 6), associated with a "threatening external power" (ibid: 147) and an 'immoral' money economy (Leonardi 2011). The urban-rural dichotomy and its relation with the state and state practices is epitomized in the Toposa word *Aryeng[23]*, that is used to denote government, outsiders, everything modern (such as stone houses or clothes) and towns or town people (Field notes) in the one word which suffices to describe them all.

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[21] It is important to note that while perhaps avoiding state power pastoralists are by no means as conservative or hostile to innovation as they are painted but very receptive for things that they find useful (Schlee & Shongolo 2012), like gum boots or torches. I can confirm this from my own observations.

[22] Van Houtum uses the figure of the Nomad to describe the desire for the unknown and unbound as opposed to the familiar and enclosed, both are parts of every boundary practice and eventually every identity formation (Houtum 2010)

[23] Eulenberger (2013: 71) also describes the Ng'Ateker word *ariang* to mean 'modern people', especially those in service of the state. My informants added the urban dimension, which I find conclusive, building on Leonardi's argument.

And also at this frontier, the expansion is not into a no-mans land and it is not unidimensional. People actively engage with the newcomers, they are negotiating authority and rule and have done so under varying regimes. The shatter zone attracts people for these possibilities but the centres are equally nodes of migration. While a stark dichotomy between the urban and the rural, the traditional and the modern is preserved, networks often span both spaces in intricate relationships of family and kin. Constructing this dichotomy and positioning oneself on either side is a powerful repertoire that ensures access to negotiation, especially for those who can claim traditional authority in the periphery.

To situate this analysis of the negotiation of the state in the *pastoralist periphery*, a borderland, a frontier zone is conclusive. It is the "*site* of state marginality", in which state practices and images are co-present with other systems of rule (Korf & Raeymakers 2013: 5, emphasis in original), where "institutional bricolage" is inherent to the logic of governance (Le Meur 2006: 872). Furthermore in the analogy of the frontier the different themes in this thesis are coming together. For the entire discourse on failed states and their need to be incorporated into the Weberian nation state logic can in itself be read as a frontier discourse. The same argumentation of backwardness, lawlessness and underdevelopment that characterizes the discourse on pastoralism in the African hinterlands is employed to stigmatize the trajectories of states in the Global South. And the same logic of redemption through the incorporation into the modern state system by outside intrusion is applied. The frontier narrative thus spans several spatial scales and includes multiple peripheries, that can not be disaggregated but mutually influence and enhance each other. This can be observed in the many alliances Western governments enter into with the supposed power centres in African states. Even in cases where the territorial control of the capital reaches only a fraction of the entire state territory (Herbst 1989: 687), as is the case in Somalia and has, at points in time, been the case in the DRC. And it is apparent in the practices of multi-national companies, that justify land grabbing or mining by employing the image of an empty or at least un- or inefficiently used land. (i.e. Peluso & Lund 2011).

Object: cattle raiding

The main object of negotiation, is the handling of inter-communal conflicts, in general associated with *cattle raiding*. Cattle raidings are conflicts of a scale beyond the immediate local Toposa community and its execution, prevention, punishment or conflict resolution involves a score of different actors who employ different resources and repertoires. They evolve around the question of security provision, what is framed as risks to the community and who can or should rightfully claim to avert them, "risks are constantly contested concerning their nature, their control and who is to blame for their creation" (Rettberg 2010: 250). Risk is in itself understood as a political concept and thus as a matter of authority and legitimacy, a matter of the state.

To pick this as an object of negotiation seemed pretty straight forward, as the practice of cattle rustling has probably received most attention concerning pastoralists on the Horn of Africa, comparatively many articles have been written about it and programs to prevent cattle rustling have received funding. This is perhaps due to its visibility and its sad toll on lives. It is probably also because it fits so perfectly with the depiction of the pastoralist periphery as a violent place, where primordial identities lead to endless circles of violence. It remains questionable whether cattle rustling really is such a crucial characteristic of pastoralist life, but it is definitely a significant discourse, that feeds into the development – security nexus. In this light it is also an object of negotiation on a broader scale, regarding the framing of conflict in the pastoralist periphery, which violence is sanctioned as legitimate and which is disregarded as criminal or unreasonable.

First of all it is important to regard the immense economic and symbolic value of cattle for the pastoralist societies in the Ateker cluster. Most groups in the area are agro-pastoralists and cultivate small amounts of sorghum besides practicing animal husbandry, which includes cattle and small livestock. High prestige is attached to cattle and its ownership, as semi-nomads Toposa possess few fixed assets, wealth lies in the number of cows one owns[24]. I was told that young men identify strongly with their most powerful bull, they will sing songs in his praise and shout his name in battle, in short, cattle is connected to many social facts and activities (Müller-Dempf 2008). Cattle will rarely be slaughtered unless for rituals or celebrations. It is purposeful as bride wealth which must be paid for every marriage to the family of the bride. Polygyny is the rule, a man with many wives is regarded very wealthy, although it seems rather common that the dowry is not paid by the

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[24]   Owners of cattle are usually men. In theory and according to the law of South Sudan, women can also be the owners of cattle. I received ambiguous information in that respect. Generally I gained the impression that cattle is owned by men only, and all decision regarding it is made by them. But there were hints at a more complex ownership system, in which cattle is also owned by wives and, presumably, passed on to their sons. Such view is corroborated by Broch Due's account of patrilinear and matrilinear descent of cattle in Turkana society (2000).

individual alone. Often family members, especially paternal uncles are called upon to give their share of cows. In return bride wealth, which is received for daughters of that connection, is supposed to go these family members again. In that way marriage is often not a question of individual choice, but a communal decision that depends, at least in part, on the amount of the dowry.

Care for cattle, its protection as well as the rustling of cattle is a male domain. Young men bring the cattle to the grazing grounds and spend months in the kraals. They monitor the security situation daily, check for footprints belonging to outsiders. Correspondingly it was usually men who would mention raiding as a problem the Toposa community faces. Women are responsible for the cultivation of sorghum, fetching water, child care and the construction of houses. It seems plausible in that context that it was mainly women who appealed to me in their hardship of procuring enough food.

Around Kuron it is not many people who talk favouringly about raiding, most identify raiding as one of the bigger problems Toposa community faces. This is understandable since most families have lost a son in a raid or an attack, especially women mourn that usually 'one is left behind'. But this negative opinion could also be attributed to the prevention work of the Peace village, the reluctance towards me as a worker of the aforementioned or simply the fact, that I could not talk to many young men, as they were still in the kraals.

One of the young men I got a chance to speak to did express his admiration for the raiders, because they show their ability to fight and handle a gun (I 5). This point of view is corroborated by the literature which often claims the status of raiding as a rite of passage and proof of manhood (e.g. Martin 2012: 182). However even this man stated the change of sentiment that took place in the community. While formerly raiding was welcomed now it is mostly disliked.

I believe there are two, both negative, conceptions of raiding that seem opposed to each other and that enter into negotiations around this issue. On the one hand side raiding is seen as a cultural given, that is impossible to separate from Toposa identity.

> *"I: […] they are just following what their forefathers did. They just, cattle rustling is something that was there before every generation." (I 15: PCA of Kauto Payam)*

I here quote the Payam Civil Administrator of Kauto Payam, himself a Toposa and situated in Nanyangachor. His statement resembles the discourse on pastoralists as backward and traditional frontier inhabitants, as was explained above. The argument is that while raiding constitutes a break of law and is therefor to be prevented, the raiders can not be blamed as they are ignorant and thus innocent.

"R: And those people who go raiding, can you imagine why they go?

I: Innocently. You know it is true those people they are innocent. They steal keeping the old mind of this. Because they are not making it intentionally but they practice it the way that they understood. But I know that is the old practice they are doing." (I 12: commissioner of Kapoeta East County)

This resembles a colonial discourse which is based on the idea of a childish and immature savage, unburdened by the responsibilities but also undeserving of the merits of citizenship. Employed by elites who have received a certain amount of formal education and full fill state positions, this shows the incorporation of the frontier ideology into the domestic, the internal politics and discourse. But in a way it is also a, somewhat naïve, hope that conflicts will cease to exist when people are simply informed about this new and supposedly better way of doing things. In fact 'informing' or 'advising' to do or not do specific things makes an important aspect of leadership in Toposa community, therefor it is nor surprising, that both these men employ this reasoning.

The peace team is essentially doing a similar thing through workshops, trainings and meetings. They try to change the prevailing framing of raiding from a group conflict to individual crimes, to avoid the spiralling of out of singular incidents. Here the reason for raiding is not so much seen as part of Toposa identity but as motivated by lack of education and opportunity, by economic incentives often connected to bride wealth and by the function as a male rite of passage. The parallel approaches of 'changing the mindset', offering mediation and management in cases of conflict and supplying basic services and alternatives, seems to work rather well for the direct vicinity of Kuron. This might be due to the fact, that the approach is explicitly inclusionary and tries to reach solutions through dialogue.

Besides the peace village work, there is another explanation offered for the rejection of raiding practices, which lies in the changing nature of the raiding itself. Especially the older men praise the days of their youth when big groups of warriors went and fought the neighbouring tribes. Nowadays it seems much smaller groups go and steal the cows, trying to avoid an outright fight. These are often called criminals. Associated with this is also a sort of moral decline, the raiders selfishly try to keep the benefits for themselves rather than share with the community.

"R: So you were a warrior who got many cows back to your village?

T: He brought a lot of cows but traditionally to the Toposa, when you bring cows from the raiding, you don't give directly to the father. You have to give to your uncle, brother of your father. You don't give directly to your father.

R: Then the community celebrated and that is why you had the respect also?

T: They praised him because he was a warrior. When he brings cows from there he doesn't hide some outside, somewhere. He will bring everything, that this is what I bring from where I was. Give them like that. Then the father

was happy and the people also were happy.

R: And the boys who go raiding today are they also praised as heroes or big warriors?

T: It has been reduced, it is not like before. They are doing in a different way than they used to do before. This time they don't give those cows directly to the brother, to the uncle, they don't give. This time they don't go as a group, a very big group. They go maybe five people, they go and raid, they don't go and obstruct the kraal of the enemies there. They just go in five number, you go and steal, just steal you know. And when they bring something from there, they don't bring and show it to the people or to their parents that we have collected something there. They just go and hide it somewhere. Or they give to their friends and say you care for this for me you care for these cows." (I 3 elder in Lereboi)

While formerly the elders had an incentive to support raiders because they also benefited, this seems to have disappeared. Generally the influence the chiefs and elders think to have over younger men seems rather limited. Barely any of the elder men or subchiefs I spoke to, and even less so women, claimed to have a possibility to influence the young men. These are described as 'too full to listen' or 'too stubborn'. In the home villages young men seem to show their respect, but it is rather hard to control the actions in the cattle camps, which are often far away.

"T: They can listen when they are here but when they reach the kraals there or maybe near the cows of the Jie they forget about what you tell them." (I 10: elder in Lereboi)

Further bemoaned is the fatal effect of small arms compared to the spear of old. By some subchiefs and elders this is seen as the origin of current problems (I 10, I 14, I 9).

"The gun has become now a disease with the people. That is why those young warriors don't want to listen." (I 10: elder in Lereboi)

Several authors point to the change of raiding practices among pastoralists in the region (Matthysen et al 2010; Grahn 2005; Leff 2009). Accordingly raids were formerly governed by councils of elders, traditional courts and peer groups, who prevented them from spiralling out of control. Now the availability of small arms and the linkages to a large scale trade economy through local businessmen, politicians or warlords result in higher death tolls, targeting also women and children, and benefiting few individuals. This leads to the erosion of 'traditional' authorities and conflict resolution mechanisms, usually connected with the role of chiefs and elders.

For the Toposa community around Kuron it is questionable if these processes hold true. I did not meet with any account regarding a cattle theft for the purpose of selling, and there are no market places in the immediate area. In fact the value of money is still somewhat dubious for most people and selling cattle is unquestionably the very last option employed in times of need. However such processes in the wider area would not leave the communities untouched as they could well be the target of raiders with such intentions. During my stay there was a well founded fear that the insurgent groups under command of David Yau Yau might enter Toposaland primarily in search of cattle.

In fact the reports on fighting in Jonglei state are straddled with cattle rustling incidents of tremendous proportions[25]. To fight such militias or 'rebel' groups, as the Toposa were certainly prepared to do, is not necessarily a sign of loyalty to the government but sheer will to survive. There exists a very real need to own enough guns and bullets, and local state officials are aware of that. While they generally condone the practice of raiding they explicitly advise the young men to carry sufficient munition to the cattle camps to be able to defend themselves (Field notes).

A connection between cattle rustling and larger scale conflicts in the area is certainly present and no doubt economic networks can enhance the incentive for raids. It is the presentation in media and academia, that again serves to represent the 'Otherness' and danger of the 'failed states' and their 'ungoverned spaces'. In that light pastoralist conflicts are entangled with the economy of the so called 'new wars' (i.e. Kaldor 2001), that are characterized by the cold calculus of warlords and hot rage of tribal militias, who make their living of the war and brutally target civilians to achieve their goals. Criminality plays the important role in the depiction of these conflicts, and thereby disavows their legitimacy (Gregory 2010: 167). This is put into stark contrast with the supposedly reasonable, technical and thereby 'clean' wars of the West (ibid.), another version of the pastoralist not as the *Noble Savage* but as the amoral fighter or his passive victim. I experienced this locally with the aforementioned SSDM/A, where people generally were not aware of the proclaimed reasons for the insurgency. I do not know much about David Yau Yau or the grievances of Murle community (whom he mainly commanded), therefor I can not make an informed guess on how well founded their complaints were, other than the well known Dinka domination of national politics. But I did find it telling, that there was not even much questioning, rather the simple guess that Yau Yau wanted to enhance his own power and had therefor 'taken to the bush'.

To return to the local level of Kuron, cattle raiding seemed mostly associated with individual or communal gain or revenge for former attacks. While many elder men complain about the thoughtlessness and selfishness of the youth I have also heard the common assumption among non-Toposa staff members, that these elders still share their knowledge on raiding and teach the proper techniques to the younger men, even though they might not be included in the actual planning of a raid. In any case raiding seems to be an object of negotiation within the Toposa community, around which different generations articulate their claims to authority, morality and distribution of wealth.

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[25] e.g. www.bbc.co.uk 22.12.2013: "South Sudan rebel Riek Machar 'controls key state'"
        www.aljazeera.com 11.02.2013: "More than a hundred dead in South Sudan cattle raid"
        www.reuters.com 20.10.2013: "Rebels kill 41 in South Sudan cattle raid"
        www.welt.de/ 04.01.2012: "Tödlicher Rachfeldzug um Land, Macht und Vieh"

4.2 Actors: negotiation of local governance

The following will present my findings on actors who engage in negotiation of the meaning of the state through the handling of inter-communal conflicts. These are actors who might posses a certain amount of resources and will use particular repertoires. However my interpretations derive not merely from interviews with these groups but also from observations and more importantly conversations with 'ordinary' people[26]. The repertoires or resources presented are therefore also what people attribute to these actors, what they demand of them or claim for them.

Elders: between spirits and peace trainings

As the above has shown elders feel challenged or neglected by younger men who go for raids without their consent and without sharing the returns. Still elders, especially male, play an important role for the handling of intra- and inter-communal conflicts and they hold positions of authority[27]. This is expressed particularly vividly through the respect for and fear of the elders' curses. It is rather widespread in South Sudan to believe in the power of curses which are uttered against you for misbehaviour. It is a story that people like to tell, in a style somewhere between earnest report and spine-chiller. Certainly a powerful repertoire that can work for the authority of elders, although non of them mentioned this directly to me. Quite likely curses are a sensitive issue that is not necessarily discussed with outsiders. They are definitely bound to the Toposa community, outsiders are excluded from this particular kind of punishment.

Curses are usually spoken by several elders together, but there are clearly differences in their effectiveness. A man that has behaved socially adequate in his previous years is more powerful. If he was a good host, who gave plenty of food, if he was respectful to his elders and offered them bulls when they were hungry. A man who did these things can go and say to a younger one who is disrespectful or has misbehaved:

> *"Have I not given my white bull to these elders in Nawoyatir? Am I not the man who has slaughtered three bulls there and there? Did I not give the black cow there? Who are you young boy? Stop with this raiding or you will go to the Jie and die. You will not get married, your life will be bad."* (Field notes: HTPVK peace team staff)

Thus the cursing power is linked to social capital and wealth, a person's resources.

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[26] By 'ordinary people' I do not want to suggest a homogenous subject group but refer to anyone who is not holding a, however formalized, position in the negotiations of statehood.

[27] The role of elders is difficult to identify for an outsider. As Grahn points out it varies from individual to individual, but can encompass a "wide range of social relationships including oversight of traditional practices and values" (2005: 8). Broch-Due further describes seniority, of both men and women, as a "significant political principle" even more so than gender (2000: 181).

The authority elders hold has also been recognised by NGOs, who often concentrate their programs on elders' 'traditional' role in conflict resolution and peacemaking. The Peace and Community work of Holy Trinity Peace Village Kuron is no exception, many workshops and trainings target the chiefs and elders. These are encouraged to form peace committees, lobby against raiding and report incidents to the peace village. Elders are thus in a position of mediation between the NGO and the Toposa community and find a possibility to access state or NGO resources. I found the people during workshops or interviews comparatively seldom expected revenues or re-compensation for their attendance, my co-workers even outright rejected any financial reimbursement for their translations. The 'workshop mentality' or 'per diem syndrome' (i.e. Peters 2010) that has been described for other parts in Africa, where people attend programs or initiatives primarily for income purposes and NGOs compete for participants by offering ever higher incentives, has not yet reached Kuron or is incoherent with Toposa mentality or the respect for the peace village is too high. Nonetheless workshops offer the possibility to address grievances and receive valued commodities such as soap, T-Shirts or food.

Being member of peace committees, elders' councils or women groups offers new resources in the negotiation of authority within Toposa community and in relation to NGO or state workers. In return members employ the dominant state and NGO discourse which frames raiding in terms of security and criminality (see also Mulugeta & Hagmann 2008: 80). To the elders this is also a way to enforce their own position in inter-generational struggles over authority. To make raiding an illegitimate practice deprives younger men of possibilities to gain cattle and achieve independence. It also propagates the removal of small arms, that currently make the young men such uncontrollable forces.

Chiefs: state officials or traditional authority

Very important for the resolution of local conflicts are the chiefs and they play a vital role for the negotiation of the state. Chiefs take an ambiguous position between state official and traditional leader as shall be seen below. In contrast to elders, who are defined primarily by their age and experience, chief is a position that requires a certain extent of formal recognition. Arguably there can be only one chief in a specific community, whereas there are several elders.

Chiefs are seen to be the ones to handle conflicts within the community, to advise people and to welcome visitors. Endeavours to stop cattle raiding always include the local chief, and his participation seems essential to their success. Still the ways in which the raiding can be stopped or should be

punished remains obscure. Generally the idea prevails that the raiders have to be "advised" (I 16) not to do this, that the idea of peace should be 'shared' with them. In a sense chiefs have to lobby for an understanding of raiding as something wrong. Oratory decision making is in fact "one of the main mechanisms of traditional Ateker decision-making and power production" (Eulenberger 2013: 80) and men aspiring to any position of authority, be it chief, commissioner, MP or village elder need to command high oratory performance ability, being:

"[...] the one who is able to share things with the people and the one who can advise the people that this is wrong and this right." (I 7: Women group leader)

Consequently there is only very seldom a reference made to retributive punishments, bringing a criminal to jail for example. This is a repertoire associated with the state since colonial time, as shall be seen below. Much more common is the idea of restorative justice, to collect the stolen cows and return them to their owners. That is usually achieved rather through negotiation with the raiding and raided parties than through coercion.

"The chiefs are elected and appointed by their communities they can also be sacked by them. It is much like politicians. Therefor it is not easy for a chief to prosecute criminals. Rather they have to negotiate about punishments and convince the community, otherwise they might turn against him. Like when there was a raid they might say, 'ok we return the cows but we do not want to pay a fine to the government and you can not arrest the boy. You can not take the gun. Just say the boy and gun were not found'." (Field notes: HTPVK peace team staff)

This soft approach to justice might result partly from the absence of other solutions, i.e. the presence of police is mentioned as a way to stop the raiders (I 7). The peace village worker in the quote above certainly sees the entanglement of the chiefs with the community as a hindrance to the persecution of crimes. But it is also an expression of the fluid and changeable character of norms and order. Many of the men who are now chiefs, claim for themselves to have been warriors in their time, then raiding was not seen as a criminal act. While they have now adopted the discourse employed by NGOs and state officials they seem to circumvent harsh methods. In cases where this is not possible, the problem becomes the realm of the state.

"Only the government can manage them [young warriors]. The government, even the chief will not manage. Even the subchief they will not manage. Only the government can manage them." (I 2: elder in Kuron)

This is a peculiar and very interesting statement as chiefs are themselves part of the official state structure. The Local Government Act 2009 manifests their role as *Traditional Authorities* that hold sole executive and judiciary authority on the lowest administrative unit, the boma (GoSS Local Government Act 2009: 56). The chieftainship hierarchy extends up to the state level and is complemented by a civil administrative structure from the payam level upward.

Since 2012 the boma chiefs and higher have received uniforms and a small salary from the government. Still most chiefs do not align themselves with the government as such. They are rather the link between government and community.

"T: Anything bad happening to the boma or the community he is going to report there to the government and if also there is something happening in the government he can also receive and bring to the community. That is what he is saying." (I 16: chief of Nanyangachor)

The role as mediator of encounters with the state, and actually all outsiders, appears crucial for the position of chief. In fact it might be the very reason, that the position exists at all. Two people I spoke with told me that chiefs have been there for a long time, certainly since the time of the British, but they were unsure about what was before. Because the area of Kuron was inhabited permanently not long ago, the appointment or election of local chiefs is equally recent. In four cases the moment of appointing a chief was linked directly to the arrival of strangers, the distribution of relief aid or the passing through of soldiers. The man who managed these encounters became the chief.

"T: He was elected by the people, by the community. There was a time the government brought relief food, so the government had to ask where is your chief, what what. So suddenly they went and picked him and said this is our chief. They showed him to the government." (I 3: subchief of Lereboi)

To engage with the outsiders was not always an easy task. In the light of the decade long civil war, with ever changing alliances and splintering militias, it is apparent that a certain risk will attach to approaching newcomers.

R: When you were made chief was there a chief before you?

T: He is saying there was one person that was proposed there in the village. But then he was fearing to come close to soldiers. Once he sees people like the government, the soldiers, he could not go close to them. He was always imagining maybe he will be arrested. So they found him as a coward, maybe he could not help them. (I 9: subchief of Gomaryeng)

It seems the most important skill of a chief to know how to handle those newcomers that are associated with the government. If he fails to do so, he can even be sacked as the above quote shows. Leonardi makes a similar case for chiefs in Central Equatoria State, whose "success has rested primarily upon their claim to plural forms of knowledge [… and] the capacity to render the government more predictable" (2013: 2). Different resources and repertoires are essential for these negotiations. Chiefs were often those who had gained some experience of the 'outside' world because they joined the SPLA, spoke some Arabic (field notes) or could read and write down the names in the relief aid lists (I 4). There is also a clear indication that economic resources play a role, chiefs are

supposed to be the ones to welcome visitors and feed them (I 9, I 15). While that sounds like a rather formal responsibility it is especially challenging and dangerous in times of war. I experienced myself the arrival of a few hundred hungry soldiers in Kuron. Providing them with enough food to avoid looting, yet with so few that they would not decide to stay for much longer, was certainly not easy. In this case however the barter involved not only the chief but the Kuron peace village as well.

This shows that chiefs need specific forms of knowledge and material resources, that have their origin in previous encounters or experience with the state. Nonetheless it is a very prevalent discourse that firmly situates the chief in the realm of 'the traditional'. Already the British colonizers of Condominium Sudan showed an "enthusiasm for traditional authority" (Willis 2003: 90), although they often realized themselves that they were engaging in the creation of a new kind of authority (Leonardi 2013: 4). In the literature too the position of chief is often associated with the sphere of the customary and indigenous, rooting in "immemorial antiquity" (Jok et al 2004: 11) and legitimized by pre-colonial practices and beliefs (Buur & Kyed 2006: 848). The Local Government Act of South Sudan employs the term 'Traditional Authority' and 'Customary Law' which "shall protect, promote and preserve the traditions, customs, cultures, values and norms of the communities" (GoSS Local Government Act 2009: 47). This is an act of boundary-drawing between the traditional and the modern, the community and the state. It is part of the urban frontier, in which the repertoire of the 'bush' is just as powerful as that of the city. And again, a boundary is constructed that negates the manifold interactions and co-dependences of the two spheres. "Willis argues that tradition is primarily a discourse, which enables a morally advantageous distance from the state to be preserved, even by those whose authority derives from the state" (Leonardi: 5) For as we saw, the chiefs to a large extent, obtain status and legitimacy from the interaction with the state and "from the symbols and performative skills related to the domain of state-administration that to a large extent has its origin in colonial governance." (Buur & Kyed 2006: 849) Uniforms are a very present example for this. The chiefs and paramount chiefs in the area have recently received uniforms and sachets from the government. How powerful a resource this is, is apparent in the desire of many others to have a uniform. Subchiefs I spoke with, have frequently mentioned their wish to also be given a uniform and a salary, whereas it sometimes seemed that the former was more important than the latter. During the time when many soldiers were camping outside Kuron, the bishop explicitly warned the local community not to exchange food for uniforms, for it would make them targets. Even during workshops people often demand matching T-Shirt, that function as a sort of uniform, highlighting their involvement with the peace village and ability to procure its resources, mingled of course with a general desire for Wester-style clothing.

Another example is reading and writing, which functions at the same time as a resource and as a symbol or repertoire. There is a prevailing discourse on the importance of education for democratic change and development which is articulated in the language of politics or development aid and resembles similar discourses around the globe. It is usually employed by those who have already experienced formal education. In this sense education is quite explicitly linked with the production of human resource:

"R: What are the challenges the whole of South Sudan as a country faces?

I: The challenge is human resource. Because people have no enough educated people. Or vocationals." (I 15: PCA of Kauto Payam)

Following that logic education plays a large role for the work of Holy Trinity Peace Village Kuron with its kindergarden and primary school. The importance of formal education for the participation in government links both perceptions. To Bishop Emeritus Paride Taban it is the only way to ensure representation of Toposa interests in parliament, he clearly states this as a reason for the Toposa to send their children to school "otherwise they will be second class people".

Additionally education, or more precisely the skills of reading and writing, are treated as a powerful repertoire that is associated with the *Aryeng*, the government, the white or modern.

„R: And who exactly does he mean by government?

T: He is saying the government is a person who knows how to read and write. Like him if he goes to school and learns how to read and write and joins the government, then automatically he becomes the government. Like his excellency the president Salva Kiir. He came from their own village after going to school, that is why he was in the position of becoming the president. The same applies to the governor of this Eastern Equatoria State Lojore. He also went to school and that is how he went to the office of governor. A government is all those that know how to read and write.

R: Could I also be part of the government? I can read, I can write.

T: You are. You are the government." (I 9: subchief of Gomaryeng)

In that light the ability to read and write is seen more as a symbol that distinguishes those who posses it rather than a skill. This is underlined by the episode I encountered with the local chief of Kuron. During our first meeting he showed to me a small notebook with the flag of South Sudan on the cover and its anthem on the first page. Apparently this was given to him by the government to write down all incidents and it stated clearly his name and function as chief on the cover. I was also prompted to write down my own name into the book. The chief who showed me this book was illiterate but he sharply understood and used this 'state prop' (Lund 2006a: 677) to underline his authority. The initial function of the booklet became almost dispensable in comparison to what it

symbolized: the power of this men to appropriate and use this resource to enhance his local position as mediator. Which was in fact what he was doing in this very moment with me, the outsider, whom he received in his own hut and submitted to his proper ordering and procedure. And of course I myself was equally aware of the ritual character my performance of writing down my name took, although not understanding at the moment, that it was an act of stabilizing authority. The episode also shows the importance assigned to the writing down of names, which is another often encountered repertoire, during relief aid or in encounters with the state.

"T: And during the food distribution he could write the names of the people and he called them. So the locals said, this boy is learned, he knows how to read and write. That is how it was." (I 4: paramount chief of Kuron area)

"R: How did the government find out? Did you tell them when you were elected?

T: His people elected him and handed him to the commissioner, that this is our chief. So from there commissioner wrote his name down and he continued taking his name forth to other government offices." (I 9: subchief of Gomaryeng)

This is a very vivid example that the 'idea' of modern statehood is very present in the pastoralist periphery, that its paraphernalia and its language is used to exercise authority (ibid.). In this way the meaning of the state and who is rightfully using its symbols is negotiated. The state here becomes a "distant glow" (Korf & Raeymakers 2013: 12), which nonetheless informs the organization of everyday politics. Furthermore the state is not only distant because government presence is sparse but also because chiefs gain their legitimacy from conjuring the idea of the state while situating themselves in the sphere of the local, rural, traditional and non-state.

Holy Trinity Peace Village Kuron: local embeddedness and international networks

The peace village is another important local institution associated with authority and one that approaches state officials on a completely different level, that local chiefs or elders. The peace village delivers basic services like health care and education and through the 'peace and community development program' it is involved in the strengthening of the role and participation of women, the facilitation of education and diversification of livelihoods and most importantly the resolution of local conflicts. In reports and funding proposals, the peace village employs the securtiy-development discourse of the pastoralist periphery from a civil society perspective. By "monitoring the security situation around Kuron, faciliat[ing] the management of conflicts within the community and between the Toposa and neighbouring tribes, sensitizing the pastoralist communities and improv[ing] their capacities for peace building and conflict management" (HTPVK Annual Report 2012) the peace team tries to build the foundation for other developments. It is hardly surprising,

that HTPVK employs this dominant repertoire: "Organizational legitimacy can be considered to depend on conformity with dominant discourses. As Grillo (1997: 12) argued, 'A discourse [e.g. of development] identifies appropriate and legitimate ways of practising development as well as speaking and thinking about it." (Lister 2003: 188).

Within this frame, the peace village commands a high amount of legitimacy and appraisal, which might be due to the often very pragmatic approach the peace village takes, when approaching local authority and security situations. It differs from other organizations, for example the Carter Center, which is the only other NGO in the direct neighbourhood of Kuron. Here the Carter Center facilitates the eradication of the parasitic guinea worm for which purpose it holds several compounds in Kauto Payam and sends out trained staff to the kraals and villages. It is an international NGO with a regional office in Juba and headquarter in the US, and its workers have to abide by safety regulations and are subject to regular change of staff. This seems to make it hard to interact with people on the ground and establish trusting relationships. The Peace Village by comparison, has its main body there in Kuron, people often work there for years and the handling of everyday encounters appeared to me much more practical and natural[28]. This stands from my observation, it should not veil the fact that the peace village staff is mostly not Toposa and brings its own repertoires and stereotypes into the interaction with the local Toposa community. Here caution is called for not to consider the agency of "Southerners" or "Southern organizations" as necessarily "good" in its own right (Lister 2003: 183). However there seems to be a certain amount of trust, respect and compliance towards the peace village that may be lacking towards other institutions.

Much of the peace village's legitimacy is connected to its founder, the Bishop Emeritus Paride Taban. He is a highly respected man, within the Toposa community and the peace village staff as well as on the national and even international level. People often refer to the bishop rather than the organization itself, and there is something like a founding myth attached to him, which at least two chiefs like to recount.

"Even this place the development you see within Kuron here, it was him who opened this place. Normally the place that you are a pioneer, you will always go there. He has been here even before Bishop came. Then Bishop also joined him here. When Bishop came in he was the one directing Bishop where to go, where the water is, where he can pass, where he can stay or build his place." (I 8: chief of Kuron)

"There was nothing there. It was only the kraals or villages of them before they migrated to this place. So Bishop suggested to them, there is no any other person we are waiting for to develop this place. It is ourselves who will do this work. If it is clearing or cutting down trees, it is us to do that. [...] Even when the people are complaining around, why do you bring the government here? The government is not good, the place of government is not good here. But he

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28 i.e. the Carter Centre staff is not allowed to give a lift to people when they are moving from one place to the next. In an area where engine-driven transport is virtually non-existent this can mean the difference between a few hour drive and a day by foot. It must seem incomprehensible to the locals why these safety measures are in place.

talked to them, no please, it is me who has accepted Bishop to stay around in this area. So far this area we stay around is a peaceful area. […] That is how they became civilized, continued up till now. When you are coming like this they know the government or civilization is increasing in this area. That is how it is." (I 4: paramount chief of Kuron area)

These chiefs, but also other people like the women group leaders seem to derive authority from their friendship with the bishop[29]. Indeed from my observation Bishop Taban has always fostered personal ties both to the Toposa community and the Peace Village employees, another point which distinguishes HTPVK from other organizations around. The bishop is charismatic and energetic with a sure hand for the symbolic and ritual. i.e. when the war ended, he welcomed the people of the area, standing in the middle of river Kuron and shaking everyone's hands. I was told by one of the HTPVK staff, that this action alone endeared him more than all the money and services of the other organizations. Generally it seems plausible, that the wartime, and those institutions (often faith-based) who did not leave the country, still influence legitimacy today. The Bishop's reputation roots in his conduct during the civil war, his attempts to keep up supplies and schools and his involvement in the negotiations towards the Comprehensive Peace Agreement.

The Peace village is often associated with the provision of services and the solution to problems. They have proven a much more reliable partner than the governments of both Sudan and now South Sudan. Nonetheless the distinction between Bishop/the peace village and the government is extremely blurry, sometimes completely absent. This is also very apparent from the quote above. When bishop came the government came, and people were not necessarily willing to welcome it. The 'government' again is a, potentially dangerous, outsider, that becomes meaningful or respected only through its actions on the ground.

The Peace Village staff do their best to establish the distinction between themselves and the government employees and by extension civil society and the state. Not surprisingly they talk the 'language of the state', and try to disseminate a 'proper' understanding of how the state functions, which is based on the very conceptions of statehood discussed in chapter 2. For that purpose civic education workshops are held and chiefs are expressively instructed about their role in the local governance structure. At the same time the peace village takes on the role of mediator in local conflicts. In the NGO logic this is the short term attempt to establish lasting peace while in the long term local capacity is built and, ideally, the state finally takes over the functions it should have been fulfilling all along.

The best example for this dual approach is how the arrival of a large group of deserting SPLA

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[29] It is noteworthy that the two chiefs are again recounting a story in which they successfully managed the arrival of a newcomer.

soldiers outside Kuron was handled (Field notes). These soldiers, lacking command in their own ranks, frustrated and hungry, posed an imminent thread to the peace village, which would have been an easy target for looters with its filled stores and missing protection. To the Toposa there was the danger of cattle theft and violent brawls, but it was also an opportunity to trade food and locally brewed beer for ammunition and uniforms. It was essential to the NGO to negotiate with the soldiers about supplies, encampment and means for departure. This negotiation was conducted through the local chief and the paramount chief. From the point of the peace village management, the chiefs were the representatives of the government and ergo responsible for the dealing with strangers and the preservation of peace and security, although this often seemed to impose the additional effort of instructing the chief. By following the proper procedure of applying to the chief, in this case the government official, the peace village firmly situates itself in a context of civil society. From this position it entered into the negotiations, and reached great impacts through its material, transport and communication resources. This likewise benefits the local chief, who once again, shows his capacity of dealing with strangers[30].

Here we can also see the ritual character of these negotiations, that resemble a fixed and to the outsider rather elusive procedure, of who has to do what when. This is highly relevant to the outcome of the negotiation. Another such I witnessed was a nutrition and health survey conducted by a joint team of the Ministry for Health of Eastern Equatoria State and the American Refugee Council. They arrived with a rather large group of workers and stayed in the peace village, during daytime they were planning to go to the villages and examine the children. It became clear that the success of the survey was largely limited through the ignorance of local procedures. It was only after the peace village management team assembled the local chief to spread the message of the researchers' arrival and to advise compliance, that reasonable results could be achieved. Hence it was not sufficient to state the position and purpose of the state workers, it had to be mediated through the acknowledged authorities on the spot, the peace village and the chief.

The handling of, more or less, problematic local situations are instances of the negotiation of the meaning of the state on multiple spatial scales. The interplay between different actors and their repertoires and resources directly or indirectly relates to their understanding of legitimate authority and functioning of the state. The clear discursive distinction between state and civil society, outsider and community, is highly relevant to the self-understanding and legitimation of local actors, while the ambiguous role of the state is vividly present in the form of both Health Ministry workers and

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[30] Unfortunately I could not witness the actual encounters between chiefs, peace team and soldiers as this was considered too dangerous.

SPLA soldiers. The former is an encounter with a technique of state building that is centred on the "gathering and control of knowledge on the population", Hansen and Stepputat call this a "language of governance" (Hansen & Stepputat 2001: 7). It shows that the South Sudanese state is certainly expanding and territorializing the pastoralist periphery, and the bodies of its frontier inhabitants, although this process is still young and subjected to the negotiation on the ground.

Part of the national army, the SPLA soldiers come as an unpredictable and possibly predatory force, as a legacy of the civil wars, whose behaviour needs to be mediated. This is done on site and also on higher levels. Especially the bishops networks reach from the regional level to national elites and international organizations. During the very local negotiation on decampment and supplies for these soldiers, there was a parallel negotiation on evacuation plans, means of transportation, marching routes for further SPLA units and generally the management of the SSDM/A insurgency, in which the bishop made his voice heard, nationally and internationally. And these negotiations on different scales feed into each other, another case in point for the importance of local configurations of power for national ones as well as the real impact of broader processes in this seemingly so disconnected periphery.

The peace village then resembles a hub, which joins the different spatial scales and discourses, metaphorically through its relations with regional NGOs, national politicians and international donors, and literally through transportation or communication technology, a dim light of connected-ness and civilization in the vast planes of the pastoralist periphery (see quote above). At times this contraction of space and time is virtually surreal, as when the UN helicopter lands right outside the peace village compound, to spend a half hour in consultation with the bishop and his management team. Or when a bumpy ride along the dirt road is halted on the spot of best reception to give a newspaper interview via Thuraya. These symbols of modernity, the technology, the clothes, the whites, the *Aryeng*, form part of a strong attraction and a distinction, as was mentioned in chapter 4.1. They also seem to be the symbols of change and they are the resources the peace village enter into the negotiation.

"T: He is saying it is very good. Because right now planes are still landing in Kuron every time. And even the elders from this community are still praying to god, let these planes continue landing in Kuron." (I 4: paramount chief of Kuron)

State officials: MP, PCA, Commissioner and Co.

There are several state administrators who are influential in Kuron area. These are precisely the Commissioner of Kapoeta East County, who is based in Narus, the PCA for Kauto Payam, who is based in Nanyangachor and the MP for the Payam, who sits in the Eastern Equatoria State Assembly in Torit. While these men form officially the executive force and legislative representation for the area, they are known through their personal connection and reputation and by the (symbolic) power invested in their position.

Usually those employed by the government posses varying degrees of formal education. The commissioner and the PCA are fluent English speakers and the former surely has a university background and work experience in a French mining company in northern Sudan. (I 12) Both these officials then orient themselves towards the building of state institutions.

"Because at the moment we are still a new nation and all these things are not in system. This one makes us to move a lot. To put things in system" (I 12: commissioner of Kapoeta East County)

While the PCA is situated in Nanyangachor, and as far as I could perceive, stays there, the commissioner is constantly moving across the county. Although not officially endowed with judiciary functions, the commissioner, and the MP also, are often applied to to solve local conflicts. For instance the women group leaders complained to the commissioner about the local chief. He however advised them to keep the chief, as they couldn't be sure that another would do a better job (I7). These sporadic visits are the opportunity to address grievances and complaints directly to the state.

R: And can they tell the government, do you have a voice to tell these needs to the government?

T: They have been waiting for them. If they happen to visit them here one day they will speak to them. (I 3: subchief of Lereboi)

As Bierschenk and de Sardan have stipulated for the CAR, in South Sudan too "an implicit function of these 'state visits' is to prove the very existence of the state to villagers" (Bierschenk & de Sardan 1997: 461) in the form of public meetings, speeches and celebrations. When an official, be it government or other organizations, comes to the area, tellingly he stays in the Peace Village compound, another circumstance that is likely to foster the blurriness between state and NGO. During my visit the MP stayed for several weeks in Kuron to organize an early warning and possible defence system against the Yau Yau insurgents. He is a rather older man, who has fought in the SPLA during the second civil war and was, apparently, already a member of the Anyanya I during

the first civil war. Here again the military experience has lead to a position of authority[31]. The example of the insurgency defence also points to the strategic influence the Toposa political elite can gain over the vast military power of their tribesmen (Eulenberger 2013: 79). While missing a commanding power they can still affect the conflict behaviour of the highly militarised "dreaded combat units of Ateker pastoralists" (ibid.) to a high measure, given the right timing and position. This becomes a meaningful resource for local or regional politicians to broker deals about interference and service provision on the national arena, whose outcome in turn decides part of their standing with their pastoralist followers.

On the local level the commissioner, PCA and MP are involved in a variety of situations, in which authority is exercised. The appointment of a new chief is recognised by the PCA and the commissioner, they are informed in severe cases of raiding and deal with security issues such as militias or insurgent groups. Especially the commissioner figures high in matters of conflict. In cases, which the peace village or the local chief find to be beyond their scope, he is informed. He usually comes personally and solves the issue on the ground. When the word of his arrival is spread, local chiefs travel for hours to meet him. As head of the county, the commissioner can also command military or police forces in severe instances of raiding or murder, although I could not find out how often this actually happens. Especially in the kraals, where men are highly armed, the police or army will find it difficult to convict culprits against their will. Fines, punishment and compensation have to be negotiated because there is no other option.

The meaning of the state becomes tangible in the person of the government employee. Their authority derives partly from their position in the state hierarchy, and its symbolism. An example is the extensive use of titles, which might root in the period of British colonialism. *His Excellency* Salva Kiir is a phrase one can often read in South Sudanese press releases. The MP's title *Honourable* is even used in the bush of Kuron. Equally, as mentioned above, the resource and repertoire which reading and writing forms and the high prestige of the military and its ranks are employed here.

Besides these symbols associated with the state, there are others which point to the social and economic resources a successful leader possesses. Food plays an important role as a resource and a repertoire in Toposa community and it stands in relation to authority.

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[31] Unfortunately, during the several weeks of his stay, the MP was unwilling to give me an interview or engage in a meaningful conversation about his position. It was suggested by my colleagues that he was self-conscious about his lack of English and therefor found the situation embarrassing. Perhaps he was being careful giving information to a stranger or he was simply more used to being the one asking the questions rather than being asked. In any case it was the only person refusing to give me a statement and a rather frustrating experience.

"He [MP] will just say I want all the women, the elder, the youth, let them come. So when they come he can tell them, talk to them, and give them food. Just like yesterday. That is why people respect him a lot." (I 7: Kuron women group leaders)

"She says when he [commissioner] comes, many Toposa will come to the peace village because they respect him and they will cook food for him." (Fieldnotes: HTPVK staff)

Food or feeding is also a strong social bond. As Broch-Due has described for Turkana culture: "Crucially, the central, enveloping, Turkana motif of kinship is not sex but eating. Flesh is made from food. Those who eat together on an everyday basis share the same flesh in quite literal sense: they are made of the same stuff – its source being the milk, butter, blood and meat of the livestock of the camp and clan." (Broch-Due 2000: 171) I find it reasonable to suppose a similar symbolism in Toposa society, which becomes a repertoire employed by actors to underline their cohesion with the local community[32]. Here the state workers are rather in the position of clan leader than bureaucrat or politician. In fact the personal and family relationships are of high relevance to the legitimacy of these persons.

"When he [the commissioner] tells people to do something they will do so. Why? Because he was appointed and because they knew his father and his mother and he is from this community." (Field Notes: elder)

Local authority does seem to run along family or clan lines, I.e. the paramount chief of the area is a brother of the commissioner[33]. It was difficult to really understand the meaning of clan for the construction of local identity and manifestation of authority, but it was suggested that it is of importance. One Carter Centre worker mentioned the problem of governing Kapoeta East county, because of its vastness and the 6 different clans who live here. Apparently there is also one village with a different clan than the rest settled in Kuron, and I was told that it is much harder for both the MP and the commissioner to reach this village (Field Notes). Usually there seems to be more of a congruence between administrative units and kin structures, where Kuron area is an exception due to the recent settlement of different clans that are now living in closer vicinity and within the same administrational units. Sometimes people don't accept the authority of the area's chief or commissioner and demand to lay their claims before the chief or commissioner they feel alleged to. The commissioner mentioned the implementation of a reform of the administrative districts that is supposed to organize chieftaincy more strictly according to population density. Here again, as with the Health ministry survey, the "language of governance" (Hansen & Stepputat 2001: 7) lays the fine grained net of numbers and statistics over the pastoralist periphery.

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[32] As described before, elders and chiefs in a similar way require a certain wealth to distribute and use their generosity as a repertoire to substantiate their claims to authority.

[33] Although it seems that in the Ateker Cluster, chiefs or diviners are not necessarily elected through blood lines, as is the case for other ethnic groups in South Sudan.

Momentarily authority still needs to be negotiated from case to case, at the local level and at the personal. Here the different repertoires, sources of legitimacy are not mutually exclusive as is apparent in the persons of the state officials. Their repertoires are rooted in the hegemonic discourse of the state, highlighting the importance of territorial integrity and monopoly of violence, following the security-development nexus. At the same time they use their standing as military leader or clan member, if only for pragmatic reasons. Through their personal relationships with the community they make 'the state', that abstract, dubious and far-away construct tangible, approachable and negotiable.

4.3 The meaning of the state: a Quintessence

To return then to my initial research question: *How is the meaning of the state negotiated in and around Kuron within the context of inter-communal conflict?* The analysis of local authority and conflict resolution has shown, that the state as an idea and as a set of institutions is not absent, even in such a remote place as Kuron. It enters into negotiations of authority and framing of conflicts through symbols and repertoires and occasionally through force, as when SPLA soldiers appeared in Kuron. Cattle raiding is a way for younger men to acquire the necessary wealth to establish independent households but it is also connected to a broader war economy, the dissemination of small arms and spiralling of inter-tribal enmity. It forms a focal point in determining, who is deciding what constitutes a risk and who is responsible for its prevention or punishment. Different local actors are engaged in this bargaining. The choice of engaging more deeply with these groups of actors evolved from my understanding of local politics and conflict dynamics, all these actors possess certain resources and repertoires with which they manage to stir the negotiations[34]. It was apparent that all these actors stand in some direct relation to the representation of the state, even if they claim the opposite. The idea of the state is conjured up through imageries and symbolism, that enhance the authoritative legitimacy of the actors who employ it.

Elders are probably the ones for which this is least essential, they gain authority within their communities through their spiritual repertoires and economic resources. Nonetheless there is a recognition, that the elders' framing of conflict as security threat can be mutually beneficial: to state and NGO workers elders are important access points whose word carries weight with the community. For elders this is an opportunity to tap another source of resources and repertoires to strengthen their own position in an internal inter-generational struggle for authority.

The position of chiefs is more outwardly connected to the state, they are part of the official state administration, recognized 'traditional authorities' and bearer of the customary law. Nonetheless they seem to have a self-understanding which distinguishes them from the state and underlines their local embeddedness. They function as intermediaries between state and community and have done so from the time of colonial rule, where the position of chief was first introduced in an attempt of indirect rule and a process of "invented tradition" (Hobsbawn & Ranger 1983 In: Berman 1998). It

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[34]   Another group of actors that is not figuring here, are the raiders, the young men who usually go out to the kraals and who are directly involved in accepting or refusing claims to authority to stop cattle theft. Unfortunately I was not able to speak to these young men, because they were still in the cattle camps during my stay. Therefor their voices are missing from my accounts.

is therefor essential to the role of chief to construct this dichotomy between state and community, the outside and the inside, and to police its boundaries, positioning himself on both sides of the divide. The resources and repertoires of the chief are highlighting his ability to deal with the outside on the one hand side, thus the importance of uniforms and salaries, of reading and writing as symbols of the closeness to the *Aryeng*. On the other side chiefs have to stretch that they are themselves part of the community, of the traditional, since this legitimates their existence in the eye of the central state and in that of the community. The issue of cattle raidings always involves the local chiefs and highlights his importance but also that his authority is limited within the community. Chiefs have to lobby for the resolution of conflicts and they can merely 'advise' their followers. Here is an example of how authority is institutionalized as a negotiable commodity, depending on personalized and situational aspects, rather than pre-determined rules. Attempts to transform current conflict pattern should keep that in mind.

The Kuron peace village, through its founder, has relations to the bureaucracy at both state and national level and with international actors. It brings strongest resources in terms of networks, infrastructure and finances, that are very important for its role in local conflicts. But the peace village, different to other NGOs, is also uncommonly well connected to and well respected by local people. The reason lies greatly in the personal relationships that were forged by Bishop Paride Taban and the peace village staff, and in the provision of services and opportunities. This shows that the people living in the pastoralist periphery are by no means object to change or 'modernity', they welcome it, though being suspicious of outside intrusion. Kuron peace village is seen by many as a more reliable force than the government although the distinction between the two is blurry. The peace village tries to clearly distinguish itself from the state and situate itself in the realm of civil society, which in itself gives meaning to what the state is, as Lund contents: "when churches define themselves as NGOs, they implicitly, and in a convoluted way, bring the idea of the state to the local arena" (Lund 2006b: 687).

The last group of actors which is influential in Kuron are the government officials, the PCA, the commissioner and the MP. The same resources that were before connected to the *Aryeng* can also be found in these men, they have a certain degree of education and exposure or, as in the case of the MP, have held positions within the SPLA during the civil wars. Their visits make the state tangible for the local community, it is at these occasions that people can voice their concerns, problems and opinions. To varying degrees these men employ the discourse of security and development, which characterizes the pastoralist periphery as un uncivilized place where people are fighting each other out of ignorance. At the same time, these men also gain legitimacy from their position within the

Toposa clan structure, and fulfil their responsibilities towards their kin, as is symbolized through the reference to food and feeding.

What meaning the state of South Sudan has in Kuron, is also determined by people, who do not bring specific resources and who have little access to negotiation arenas. As they encounter, imagine and represent the state in their everyday lives, they give meaning to it. Thus I poised my third subquestion: *What do local people perceive to be the state, what are the claims, hopes, fears or resistances expressed towards the state and how are these legitimized?*

As was mentioned before, people in Kuron do not associate primarily with a national citizenship. Relationships, even adversary ones, are stronger towards the neighbouring groups within and across the national borders, than with the idea of a government in Juba. The state of South Sudan here is perceived as an amalgamation of things and people, ideas and symbols that are connected to the sphere of the modern, urban and outside. The Toposa word *Aryeng* expresses this conception. People in the pastoralist periphery have had good reason in the past and today, to mistrust the encroachments of the state, to avoid it where possible or to mediate and make it more predictable through the position of the chief. Apart from the violence of the wars in South Sudan, pastoralists more generally have often lost out on identity, movement and property rights, once state-building became more pressing (Hagmann & Ifejika Speranza 2010: 597). A certain reserve towards state intrusion on the part of Toposa people is therefor more than appropriate. In that sense there are parts of Toposa life and spaces in Toposaland, that seem to elude attempts of state and non-state workers to establish security and development. The cattle camps, through their physical distance and social strata, seem to lie much more outside official control than the permanent settlements. From there most raiding parties sally forth and it is there that the revenues are brought. In a connected matter, marriage is still only possible through the payment of bride wealth in cattle, money has not entered this important reproductive domain. In fact, money is often perceived as part of an immoral culture of towns and of the government, which needs to be excluded while at the same time there is an equal desire and process to incorporate it into rural households (Leonardi 2011). This other side of the medal is also present here. People have started to create livelihoods, disconnected to the cattle keeping or agriculture domain. The members of the woman group, initialized and fostered through the Kuron peace building department, have started on small trade activities, selling bread or dried fish or beaded jewellery, and they are extremely proud of it[35]. People have relatives in bigger towns

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[35]   My interview with the two women group leaders correspondingly took place in the small stand, where there ingredients are stored.

and are not averse to profiting from the connection (Field notes). There is also a broader feeling, that development should start in the Toposa areas:

"In this place people need peace, schools, hospitals, the good road and development. That is what they need." (I 16: chief of Nanyangachor)

The provision of these things is mainly trusted to those well-known and who have shown to handle such demands successfully before: the bishop, the whites, the missionaries. But also the big government, there in Juba (I9), is mentioned as being responsible for these things. A differentiation between these different groups of actors appears only possible, once people and things are made tangible, through personal relationships or experience, as is the case for the Bishop Taban, the commissioner or MP. These are referred to by name and applied to for specific things or with certain requests. Local people's attitude towards the new state of South Sudan and its central government is further informed greatly by the war time and the contrast to the Khartoum regime. Equally lingering are comparisons to the colonial administration even before that. Therefore it is worthwhile to pursue the conceptions of these previous rules and how they inform the meaning of the state today.

Ghosts of the past: British and Arab legacy

To understand the (de-)construction of states, it is necessary to be aware of its historical trajectories, as was cautioned in chapter 2. It is also inherent to the logic of bricolage, as actors and institutions like to "piggy-back on familiar idioms" (Lund 2006b: 692). This could be seen for several repertoires and symbols associated with the colonial or post-colonial period already. The state of South Sudan was formed after years of colonialism and civil war. The colonization of Sudan through the Anglo-Egyptian Condominium is often perceived by academics as the basis for the latter inequality and discrimination between North and South[36]. However there was no outward struggle for independence as in other African countries and the following Arabization policy failed to forge a national identity but rather enforced claims to racial and cultural superiority by the northern Sudanese elites (Sharkey 2008). The fight for recognition and finally separation was led later against the Khartoum rule, and it is a strong marker of identity today, even in Toposaland.

Towards the British governance Toposa memory is rather positive. Not all remember the time but especially the elder or more educated or exposed recall the last British officer, whom they call

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[36] The former Mahdist state was overthrown by British and Egyptian forces in 1898. Until independence in 1956 the Sudan was effectively administered by the British colonial authorities, who preserved and reinforced local status hierarchies through education and employment policies (Sharkey 2008: 29), which led to the creation of a small Northern, Arabized elite. Meanwhile in Southern Sudan a strategy of isolation from the North was proposed from the 1920s to 1940s, which allowed for Christian missionaries and traders, supposedly protecting the South from predatory Northern influence (Roden 1974) while unequal economic development programs further strengthened the cultural and religious differences.

'Rebec'[37]. Nearly all the people who have some opinion on the colonial rule express their admiration for the functioning administration and the harsh punishment practiced at that time.

"I: Comparison is in the time of British everything was smoothly run by the government or leaders. Whenever requested it is postally brought. (I 14: paramount chief in Nanyangachor)

"I: This government was good because they were still trying to handle problems, insecurity […]. The government of Rebec was not waiting. Once they hear there is a criminal here or someone that has raided here they just come and pick that person. They come and night when you don't know whether somebody is coming or not and they pick you. The criminal only maybe and the chief. Go away you will never see him, he has gone. They handle him there without others knowing. So they continued doing that until many people feared to do any crime or offences within the community. Because they knew this one, Rebec, will come to pick him. (I 11: subchief of Namorupus)

It seems a little surprising that the colonial administration is regarded in such a warm light, although they are associated with the confiscation of guns (I 10) and cattle, collective punishment (Field Notes) and public executions (I 2, I 10). The value seems to lie in the cessation of raiding because of fear of punishment and the dissemination of services and infrastructure like schools and roads. It is not really an account of a fair or lawful prosecution of criminals. It is further telling that when asked how cattle raiders should be treated nowadays the answers are seldom focussed on harsh punishments and rather focusses on negotiation with state officials. To me its seemed that the sorrow which undoubtedly must have accompanied the colonial retribution campaigns has been overshadowed by the wars that followed.

The experience of suppression and struggle for freedom against the GoS, features prominently in the myths on the state and the efforts of nation-building. Independence day celebrations, the national anthem and flags are symbols of this self-understanding as a liberated nation, which reached even the pastoralist periphery. The present government is often contrasted with the former Khartoum rule. Many people seem to enjoy a kind of 'grassroots' presence of the state. While formerly *"the government was not brought to the community."* (I 14: paramount chief of Nanyangachor area) now *"They share their problem with the government, they will listen and come and share with them ideas."* (I 3: subchief of Lereboi).

The end of the Khartoum regime is described like a dawning of a new age, which is mainly associated with the very tangible presence of things and people on the ground.

"But then the Arab government was not good because he could not see a car coming here to bring drugs under the tree here. Give to children, give Polio. Also the pregnant women. That was not done in those days." (I 11: subchief of Namorupus)

Prevalent, although perhaps not as dominant as in other parts of South Sudan, is also the trauma of the civil war. *The Arabs* are despised for their failing to bring services to the Toposa and these

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[37] I could not find any reference to the British administrators in the respecting area, let alone their names. My guess is that the mentioned 'Rebec' was a military officer in the late British administration, shortly before Sudan gained independence in 1956.

accounts are complemented by narratives on the atrocities committed by Arabs, their inhumanity and excessive brutality, in the form of slave work and homosexual rape (Field notes). It remains unclear if the Toposa I encountered have actually suffered any such crimes or weather they are recounted from hearsay. In any case it is obvious that the SPLA discourse that depicts the Khartoum regime as evil and itself as the saviour is dominant here as well. There was no account of Toposa being appropriated into the Arab militias, although it is known that at least Toposa fractions were proxies to the GoS during the second civil war (Mc Evoy & Murray 2008: 17). Correspondingly atrocities committed by SPLA or other army fractions or militias were never mentioned at all.

The description of more general neglect or seizure of the southern Sudan is also common (I 10). Then the Arabs are described as "foreigners". I find it telling that this narrative has reached places where people are not necessarily familiar with the fact of their South Sudanese citizenship. Here again the persons of the commissioner, MP, governor, as 'sons of the area' (I 12) who have strong ties to the community, are evoked. This is an example of how the state is made meaningful in different contexts and on different spatial scales. Whereas it is still associated with the outside, the non-local in the negotiation of the authority of chiefs, it also features as a native force as opposed to the foreign Arabs.

The formation of authority and legitimate domination in Kuron area, thus forms through a variety of mechanisms: through the experiences and memories of encounters with the colonial and post-colonial governments, through the construction of a distinction between society and state, the inside/traditional and the outside/modern, while nevertheless appropriating those things and people, symbols and repertoires belonging to the modern, that prove to be useful. Through symbols and repertoires the state is made meaningful and tangible and actors underline their claims to legitimacy. These mechanisms are all deeply connected to the four-fold conceptualization of the state, as was described in chapter 2.2

On a more pragmatic note, the negotiation of authority in Kuron area seems to work in the sense, that there is emanating a system to avoid or transform violent conflicts between the different groups of the area. A number of actors has shown a dedication to this goal, be it for an understanding of the pastoralist periphery as in need of security and development or because it might enhance their personal claims to authority within their own community and towards state actors. All of these actors tend to be willing to engage in acts of negotiation and take into account those that already have a say, whatever their source of legitimacy might be. The commissioner and MP argue for peaceful co-existence but are also aware of the dire need to posses small arms and munition. The

peace village advocates the definition of a trans-border Ateker identity, including groups in Kenya, Uganda and Ethiopia, much more than the formation of a national identity. These are stances primarily aimed at local governance and authority. What remains to be seen, is how do the negotiations on this local arena in the periphery correspond to and influence the construction of the state at the centre. And where lies the transformative potential of these processes and their recognition to influence national and international approaches to state formation.

CHATPER V
CONCLUDING REMARKS

The state is a dynamic set of institutions, norms and ideas that are constantly produced, contested and negotiated through a variety of actors. To the Western (self-)understanding it is so much a normalized part of political organization and every-day life, that these processes are hardly recognizable[38]. In other spaces the state as the holder of legitimate domination is more challenged, claims to authority have to be negotiated with a variety of supposedly non-state actors, territory and identity are not primarily based on the nation state within a rigid boundary. This leads to the assumption, that the state is absent from these scenes, leaving a void where primitive groups fight each other or where scrupulous warlords exploit the possibilities of insecurity and a global war economy. I have argued, that this portrait of African conflicts is informed largely by Orientalist assumptions on the global South and essentialist understandings of the state. The spaces of these imaginative geographies then become frontiers that need to be incorporated into the state logic, if for nothing else, at least to fight the terrorist threats to international security, that supposedly emanate from these spaces. The pastoralist periphery is a frontier land par excellence, situated at the margin of the East African nation states, who are themselves part of the Westphalian periphery. It is here that one can locate the 'unruly lands' that feature prominently in the failed state debate and that are seen as the indicator for the failure of the respective states. Such view runs the danger of overlooking the manifold interactions between the 'centres' and their 'peripheries'. Often enough these relationships are extractive and violent in their nature, as is demonstrated through the discussions on paternalist networks and war economies but is also obvious from the imbalance and unfairness of the global economy.

But there is also a real potential for the constructive forces that origin in the periphery. Pastoralist people are not passive in the face of encounters with 'the outside', as they are depicted frequently. Rather different systems of rule, of which the state is only one, overlap and reinforce each other, being transformed in the process. As local actors appropriate functions, symbols and repertoires connected with the state, they strengthen their own position and quests for authority in the local arena. But they also determine how this state is constructed at the centre, through their claims for recognition, services etc. or through their resistance, by placing specific spaces and objects outside

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[38] Although globalization and the emergence of supra-national organisations, unions, companies; the supposed disappearance of national borders and the outsourcing even of security provision has led many to stipulate the demise of the Westphalian state in its West European and North American core and a borderless world (Ohmae 1990). For a discussion on contemporary border practices and meaning of boundaries, see for example Paasi 2005, van Houtum/Kramsch/Zierhofer 2005:

the reach of the state. Schomerus, de Vries and Vaughan (2013: 18) argue, that the margins have in fact been been the places from which this new state of South Sudan emerged and still is emerging through decades of struggle and violence in which the project of state-building was "driven from the outside in". It is still absolutely essential to the agents on the national and international arena, these *big men* concerned with state-making in Juba and beyond, to regard the processes in the periphery and to come to a more inclusive understanding of state construction. In its most striking consequence, the step for marginalized people in the peripheries *to go to the bush*, to defy the central government by actually taking up arms, seems never far, disregarding how much these resistances are stirred by the personal ambitions of local leaders. Instead of framing this as the expected response in a 'failing state', resulting from the ultimate Otherness of Africa and its inability to overcome corruptness and tribalism, it might rather be seen as the response to a statehood, which has always remained at the 'outside' of the community.

The idea that state and society are distinct and bounded entities has suffused Western understandings of the state and its functioning. Here the state society boundary serves as a guarantor for accountability and legitimacy. The supposed blurriness of that boundary is one reason, why states in Africa are often portrayed as fragile and not functioning, as is epitomized in the discourse on corruption and paternalism. In the pastoralist periphery, boundary construction between state and society is equally important and powerful. Here it works the other way round: actors distance themselves from their role within the state hierarchy (e.g. chiefs) to strengthen their legitimacy, since the state is an unpredictable outside force. There is certainly a trend to keep the state, the urban, the modern at bay, to construct a moral dichotomy between it and the community, the rural, the traditional. This process does not seem to be exclusive to Kuron area, or even just to the pastoralist periphery. Leonardi contents, that it is part of Equatorian discourse more generally (2011) and dates back to the extractive relationships and slave raids, even before colonialism (2011: 236). And the pastoralist experience, through colonial and post-colonial regimes, has proven this distance to be the wisest course, the most reliable to the well-being of the people. Nonetheless there is a growing desire and demand for those things and goods, associated with the *Aryeng*: infrastructure, health care, education, food supplies. These are often supplied not be official state agents, but by church and non-government organisations, national and international. But because distinctions are so blurry, and vehicles, whites, reading and writing are indirectly connected to the idea of the state, their involvement, and stronger commitment after the signing of the CPA also enhanced the reputation of the SPLA and the GoSS. The frontier discourse gains a new dimension, in which pastoralists themselves gain from situating themselves outside the state, disregarding the manifold connections

that already exist. This refers back to the *shatter zone* Scott speaks about, where groups seek strategic refuge from state expansion, while simultaneously keeping connections to what appears profitable.

Of course there is the question if the state of South Sudan really wants to expand into its peripheries. There are good reasons to suppose an affirmation. The discontent that is brewing in many marginalized peripheries poses a real threat to the government in Juba. This is very apparent from the current sad events, that are taking place mainly in the northern and oil-rich states of Unity, Upper Nile and Jonglei, though fuelled by processes in the capital. There is also speculations on rich untapped reserves of natural resources, minerals and gas, that would need infrastructure to develop. In this case the encounters between state power and local population in the pastoralist periphery would become more frequent and more formalized. It would be wise to take into account the local attempts at negotiation and authority that already exist. The building of central state institutions, as perpetuated through Northern (and African) intervention is not necessarily fostering an egalitarian society, as was apparent in South Sudan. Claims to 'modern statehood' can in fact foster exclusionary patronage systems by limiting the scope for other actors (Renders & Terlinden 2010: 742), who might enforce a broader dissemination of peace dividends. However there might be a potential for such approaches to be made now, as Menkhaus finds: "when weak state authorities have a strong interest in extending governmental authority to frontier areas but lack the means to do so: 'It is at this point that state authorities are most likely to reach out to negotiate with non-state authorities they would otherwise have viewed as rivals to be marginalized or tools to be co-opted" (Menkhaus In: Renders & Terlinden 2010: 734).

The question of how far the central government will allow for local negotiation and inclusion of authority, is not one that is only answered in South Sudan. It is also determined on the international arena, where the definitions of proper statehood are fixed upon and decisions are taken which implement these in the Westphalian periphery: through the valiant and well-meant efforts of human rights organisations and NGOs, alleviating the sufferings of the subjects to state failure. Through the less altruistic intrusion of multi-national companies, wishing for stable and predictable 'rules of the game'. Through diplomatic, economic and financial bi-lateral involvement that want to deal with their respective counterfeit in the Global South. And most drastically through military intervention, most openly fixing on and enforcing the appropriate way of transforming conflict and constructing statehood. Currently these missions are mainly informed by the northern state-building experience, if not by northern security or economic interests. They are sold as the only way to enter into the

global arena of statehood and modernity, while simultaneously pre-fixing on the failure of these states, due to their corruptness, their tribalism, their Africanness.

This thesis has shown, that it is not anarchy or emptiness that prevails in the pastoralist periphery, but a fine-grained negotiation which determines both local authority and the meaning of the state, in an intricate interplay. To acknowledge these negotiations and give them a space within state construction might be a path to a more inclusive, sustainable model of African statehood.

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Figures and pictures

Title Picture: own photography, local chief and women group representative

Map 1: Wikipedia, http://de.wikipedia.org/wiki/S%C3%BCdsudan; own changes

Map 2: UN OCHA,
https://docs.unocha.org/sites/dms/SouthSudan/ReferenceMap_EasternEquatoriaState_A4_March2012.pdf; own changes

Appendix: list of interviews

Nr.	Date	Interviewee(s)
I 1	19.04.13	HTPVK Peace Team staff
I 2	20.04.13	Elder in Kuron
I 3	01.05.13	Subchief of Lereboi and Elder of Lereboi
I 4	05.05.13	Paramount chief of Kuron area
I 5	08.05.13	2 young men at the vocational centre
I 6	08.05.13	2 young men at the vocational centre
I 7	11.05.13	Chairwoman of the Kuron Women Group and member of Women Group
I 8	11.05.13	Chief of Kuron
I 9	12.05.13	Subchief of Gomaryeng
I 10	15.05.13	Elder in Lereboi
I 11	17.05.13	Subchief of Namoropus
I 12	17.05.13	Commissioner of Kapoeta East County
I 13	10.06.13	Women representative in Nanyangachor
I 14	10.06.13	Paramount Chief of Nanyangachor area
I 15	11.06.13	Kauto Payam Civil Administrator
I 16	12.06.13	Chief of Nanyangachor
I 17	12.06.13	Chief of Boromo
I 18	12.06.13	2 elder women in Nanyangachor

Executive summary

This thesis examines local negotiations on the meaning of the state within the context of inter-communal conflicts in a rural setting in South Sudan. It takes Hagmann and Péclards 'Negotiating Statehood' framework as starting point for analysis of local actors and the resources and repertoires they use to gain legitimacy and position themselves towards the state. Through these acts of negotiation, the state is made meaningful in this space at the margin of official state control, which I call the pastoralist periphery.

For several decades the scientific and political debate on post-conflict state reconstruction, often through international intervention, has been informed by the notion of state fragility. So-called weak or failed states are characterized by their lack of core functions, namely security provision, rule of law and welfare. This lack is seen as the origin of violent conflict and poverty and as a threat to international security. State-building with a focus on strong institutions and good governance then became a priority of external aid and intervention programs. This was also the case in South Sudan.

Critics of the state failure discourse have pointed out the inability of the concept to really grasp political processes and conflict dynamics in the Global South. This is due to the eurocentric con-ceptualization of what constitutes a state itself, which obscures the specific state formation experience in Western Europe and is based on orientalizing power structures, in which African states figure as Europe's 'deviant Other'. Attempts to develop alternative ideas of statehood and governance in Africa have focussed on the fluid and flexible character of both norms and institutions, that are (de-)constructed through a variety of processes both at the centre and on the margins of the states themselves as well as on the international arena. Essentially the legitimate scope of state power is always subject to negotiations between various groups of actors. In spaces of limited state presence, these may yield different attempts at service and even security provision, than those envisaged by state-building advocates. They are however existent and worthwhile pursuing to understand how these states are forged.

By using one such alternative concept on state formation, that of Hagmann and Péclard, this thesis tries to examine how negotiations on authority give meaning to the state. Three months fieldwork in Kuron area in Eastern Equatoria State of South Sudan are the basis for this analysis. Kuron area is inhabited by pastoralist groups who straddle the borderlands with Uganda, Kenya and Ethiopia, formal state presence is minimal. The negotiation processes are thus embedded in a negotiation arena, a wider discourse on the 'pastoralist periphery' which is characterized by a nexus of security and development. Cattle raiding, a predominant form of inter-communal conflict in the area, serves as reference point for the analysis, an object of negotiation around which issues of authority and legitimacy are being decided.The empirical analysis focusses on actors engaged in these negoti-ations and the resources and repertoires they use. Elders, chiefs, local NGOs and government officials emerged as important actor groups in Kuron area. Through their dealing with and framing of conflicts these actors conjure up an idea of the state. This emerging meaning of the state is influenced by the experiences and memories of encounters with the colonial and post-colonial governments and based on the construction of a dichotomy between society and state, the inside/traditional and the outside/modern.