

“They Are Now Community Police”: Negotiating the Boundaries and Nature of the Government in South Sudan through the Identity of Militarised Cattle-keepers

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Abstract

Armed, cattle-herding men in Africa are often assumed to be at a relational and spatial distance from the ‘legitimate’ armed forces of the government. The vision constructed of the South Sudanese government in 2005 by the Comprehensive Peace Agreement removed legitimacy from non-government armed groups including localised, armed, defence forces that protected communities and cattle. Yet, militarised cattle-herding men of South Sudan have had various relationships with the governing Sudan Peoples’ Liberation Movement/Army over the last thirty years, blurring the government – non government boundary. With tens of thousands killed since December 2013 in South Sudan, questions are being asked about options for justice especially for governing elites. A contextual understanding of the armed forces and their relationship to government over time is needed to understand the genesis and apparent legitimacy of this violence.

Keywords

South Sudan – policing – vigilantism – transitional justice – war crimes – security

1 Introduction¹

On 15 December 2013, violence erupted in Juba, South Sudan among Nuer soldiers of the Presidential Guard. A force known colloquially as the *Dut ku Beny* participated in the armed reaction by the government the following day. This reaction in Juba was not limited to restraining rebelling Nuer soldiers, but included larger battles in other Sudan Peoples' Liberation Army (SPLA) barracks and the targeting of Nuer civilians in their homes. The *Dut ku Beny* are a force stationed near Juba and comprised of militarised, former cattle-keeping Dinka men who had been recruited from the home community of the President to the west of the Nile in Greater Bahr el Ghazal. Previously, the SPLA High Command had refused to either incorporate the *Dut ku Beny* into the SPLA or fund this force,² justifying this based on the *Dut ku Beny's* apparent ethnic homogeneity, and their focus on protection of the President and not the state.³ The December 2013 violence changed the *Dut ku Beny's* relationship to the SPLA, allowing them to be incorporated into the military operations and apparatus of government.⁴ The leaked draft report of the African Union Commission of Inquiry in March 2015 drew attention to the possible culpability for violence of this 'body of irregulars' from Bahr el Ghazal.⁵

Since 2006, the SPLA has been a complex hybrid of incorporated clusters of armed men. The wars of the 1980s and 1990s in South Sudan (re)created a diverse swarm of armed groups who defended communities against the militarised, arbitrary violence of the SPLA or the Government of Sudan (GOS). After the 2005 Comprehensive Peace Agreement (CPA) between the SPLA and GOS, these forces remained armed and prolific. In addition to the Khartoum-backed, wide reaching umbrella group of the South Sudan Defence Force (SSDF), there were also a prevalence of forces that had a more geographically local focus, such as the White Armies (associated with the Nuer), and the *titweng* and *gelweng* (associated with the Dinka, and on which this article focuses). Previous

1 The author is grateful to Anna Macdonald, Rachel Ibreck and Alex De Waal for comments on this article.

2 M. D'Agot (former Deputy Minister of Defence) Draft African Union Commission of Inquiry Report, March 2015, p. 13.

3 Interview with Civil Servant in the Ministry of Defense, December 2013.

4 To an extent this appears to parallel the incorporation of the White Armies into the formal opposition force (the SPLA-In Opposition (SPLA-IO)) in 2014. However, the White Armies have better maintained their own hierarchical structure.

5 Repeatedly mentioned in the early stages of the report. See e.g., Majak, *supra* note 2.

commentaries have focused on forces that historically opposed the SPLA.⁶ Instead, this article offers a contrasting example by considering groups that historically supported the SPLA.

After the CPA was signed, the continued existence and popularity of other armed groups challenged the military superiority and legitimacy of the SPLA, contradicting the CPA's assumption that the SPLA, as the government army, would exercise a monopoly over the use of legitimate force⁷ and reassert the division between civilian and combatant.⁸ The CPA explicitly declared an end to armed groups in Southern Sudan other than the SPLA and GOS, with armed forces limited to the army, police, prisons and wildlife forces.⁹ Other armed groups were to either be incorporated into these organised forces or be reintegrated as civil institutions.¹⁰

In 2005, Salva Kiir (as the new leader of the SPLA after the death of John Garang) initiated discussions with the largest, other armed group – the SSDF. In the new, post-Garang political landscape,¹¹ discussions culminated in the 2006 Juba Declaration that incorporated the SSDF into the SPLA.¹² This undermined the power of Garangists¹³ to control the SPLA and appeared to reduce the threat of a Southern civil war that risked undermining the self-determination referendum promised for 2011.

The incorporation of the SSDF still left unanswered what would happen to other, non-government armed actors. Academic discourse usually makes a distinction between the state and non-state provision of security.¹⁴ In Dinka, the closest distinction is between the 'government' (*hakuma*) and the 'home'

6 See e.g., J. Young, 'The White Army: An Introduction and Overview', *Small Arms Survey* (2007); M.B. Arnold and C. Alden, 'This Gun is Our Food': Disarming the White Army Militias of South Sudan, 7:3 *Conflict, Security and Development* (2007) pp. 361–375.

7 Weber's classic definition of the state includes the state having a monopoly of the use of force.

8 United Nations Joint Inspection Unit inquiries were also legitimate.

9 Comprehensive Peace Agreement (2005) p. 100. The status of the National Intelligence and Security Service was undetermined.

10 *Ibid.*

11 Integration of the SSDF into the SPLA brought this large armed group formally under Salva's leadership and cemented his relationship with SSDF leader Paulino Matip.

12 Garang had opposed SSDF integration fearing it would "dilute" his leadership. See L.A. Warner, 'Armed-Group Amnesty and Military Integration in South Sudan', 15:8:6 *Royal United Service Institute* (2013) pp. 40–47.

13 Garangists were leaders in the SPLA perceived as dependent on the patronage of John Garang (the leader of the SPLA from its inception in 1983 to his death in 2005). They were nicknamed 'orphans of Garang' after his death.

14 B. Baker, 'Linking State and Non-State Security and Justice', 28:5 *Development Policy Review* (2010) pp. 597–616; A. Ebo, 'Non-State Actors, Peacebuilding and Security Governance in West Africa: Beyond Commercialisation', 3:2 *Journal of Peacebuilding and Development*

(*baai*).¹⁵ The 'government' refers to the government itself, its army and police force, as well as militarised rebel movements with a national political agenda. It is spatially associated with urban centres and distance from the 'home'. In contrast, the 'home' is governed by the decision making of the family heads and the local leaders. Home communities often have their own, local defence force of armed youth and in pastoralist communities these defence forces are often synonymous with those who keep the cattle.

After the CPA, international observers and policy makers portrayed violence by the armed cattle-keeping men of the home as inherently illegitimate because they were non-government armed actors. They were portrayed as destructive and anarchistic in their violence, increasing the fragility of the new state of South Sudan.¹⁶ This built on broader assumptions that pastoralists are politically marginalised and distant from modern government,¹⁷ and modernity due to their mobility and lifestyle.¹⁸ It ignored recent relationships with the SPLA and government forces. While many government leaders in South Sudan were from pastoralist communities and displayed an ongoing stake in cattle by privately investing in herds, official government policy more closely complied with the skeptical international sentiments. Post-CPA disarmament campaigns were targeted against the cattle-keeping home defences, including the Nuer White Armies, the Dinka *titweng* and the *gehweng*.

In December 2013, the SPLA "fell apart"¹⁹ across South Sudan, dividing along Nuer and Dinka lines or possibly, more accurately, along former SPLA-SSDF lines.²⁰ This started the current civil war. Yet, these new levels of violence and fragmentation were also an opportunity to further reconstruct the government and its military apparatus. The *Dut ku Beny*, that had its historical origins in the

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- (2007) pp. 53–69; K. Meagher, 'The Strength of Weak States? Non-State Security Forces and Hybrid Governance in Africa', 43:5 *Development and Change* (2012) pp. 1073–1101.
- 15 C. Leonardi, 'Liberation' or Capture: Youth In Between 'Hakuma', and 'Home' During Civil War and its Aftermath in South Sudan', 106:424 *African Affairs* (2007) pp. 391–412.
 - 16 E.g., J. Hatcher, The Gaurdian, *South Sudan Unrest Exacerbated by Conflict Among Cattle Herders* 11 March 2014, <www.theguardian.com/global-development/2014/mar/11/south-sudan-conflict-over-cows> visited on 15 January 2015; USAID South Sudanese staff, workshop in Juba, July 2012 (in English).
 - 17 J. Abbink, 'The Shrinking Culture and Political Space of East African Pastoral Societies', 38 *Nordic Journal of African Studies* (1997) pp. 1–17; Interview with NGO worker, Juba, July 2012 (in English); Discussion with DFID staff, Juba, July 2012 (in English).
 - 18 V. Azarya, 'Pastoralism and the State in Africa: Marginality or Incorporation?', 38:11 *Nomadic Peoples* (1996).
 - 19 A. de Waal, 'When Kleptocracy Becomes Insolvent: Brute Causes of The Civil War in South Sudan', 113:452 *African Affairs* (2014) pp. 347–369.
 - 20 All the senior commanders in the SPLA-IO except James Koang are former SSDF commanders.

institution of the *titweng*, was brought into the national military apparatus of the government. While the Dinka *titweng*, like the Nuer White Armies, were portrayed as being at a distance from the Government of South Sudan (GOSS) and were the focus of disarmament, this relationship gradually changed. In bringing the *Dut ku Beny* into the national army, a militarised group often assumed to be at a distance to the government was drawn across the concentric lines of the state/non-state boundary – an act which itself redefined the nature of government.

In South Sudan, literature on other armed groups has focused on groups who opposed the SPLA and, therefore, appeared to be a greater explicit threat to the new GOSS.²¹ This article instead considers armed groups who fought with the SPLA before the CPA. The SPLA negotiated a mutually beneficial relationship with the militarised male age-group of the western Dinka in Bahr el Ghazal. Over time, they have been known by various names including '*titweng*', '*gelweng*', 'community police' and some as the '*Mathiang Anyoor*' (brown caterpillar) or '*Dut ku Beny*'.²² This provides a counter example to the assumption that such other armed groups are necessarily in opposition to the government. The '*titweng*' was the first name given to a group of militarised men from the Western Dinka by the SPLA in the 1980s. Therefore, this term will be primarily used in this article to refer to these youths in general.

This article reflects on the negotiation of the *titweng* identity across the government – non-government boundary to better understand the ongoing construction of the South Sudanese government. The elusive, "twilight"²³ boundary between the state and non-state offers "a clue to the nature of the phenomenon" of the state itself,²⁴ with "hybrid domains of security"²⁵ a common focus of studies of this boundary. Apparently weak states still display order and security²⁶

21 See e.g., Young, *supra* note 6; Arnold and Alden, *supra* note 6.

22 Occasionally commentaries assume *Mathiang Anyoor* and *Dut ku Beny* are synonymous. Yet, the *Dut ku Beny* is commonly used in Juba to refer to a smaller force connected to the President. Alternatively, the *Mathiang Anyoor* refers to a larger group recruited from Bahr el Ghazal since 2012 that fought in Heglig and across South Sudan in 2014.

23 C. Lund, *Twilight Institutions: Public Authority and Local Politics in Africa (Development & Change Special Issues)* (Blackwell Publishing, Oxford, 2006).

24 T. Mitchell, 'The Limits of the State: Beyond Statist Approaches and Their Critics', 85 *The American Political Science Review* (1991) pp. 77–96.

25 V. Boege *et al.*, 'Hybrid Political Orders, Not Fragile States', 21 *Peace Review: A Journal of Social Justice* (2009) p. 18.

26 N. Bagayoko, 'Introduction: Hybrid Security Governance in Africa', 43:4 *IDS Bulletin* (2012) pp. 1–13; Baker, *supra* note 14; Boege *et al.*, *supra* note 25; Meagher, *supra* note 14; K. Vlassenroot and T. Raeymaekers, 'Kivu's Intractable Security Conundrum', 108:432 *African Affairs* (2009) pp. 475–484; D. Anderson, 'Vigilantes, Violence and the Politics of

as citizens turn to alternative security providers²⁷ and the state tries to designate non-state security mechanisms to improve their control.²⁸ Yet, "it is in the struggles and debates of local politics and property regimes that states are made, not simply in the projection of power outwards and downwards by the central state".²⁹ The *titweng* have not simply been co-opted by a powerful, militarised centre. In the negotiation of their identity across these boundaries, they have shaped the nature of government itself. For example, they have helped draw to the centre an ethnicised, Nuer-Dinka identity politics that was constructed amongst the *titweng* in the 1990s.

The recent crisis in South Sudan has initiated a belated transitional justice discourse. Previously, justice was rarely discussed. The CPA had ignored questions of accountability despite a strong demand from Southern Sudanese civil society.³⁰ Despite the renewed demand for accountability, the complexity of the *titweng*'s role in recent violence and their relationship to government illustrate the non-linear landscape of command that will make justice and accountability difficult, especially without a detailed contextual and historical understanding.

This article is based on three years of participant observation while living in the western Dinka from 2010–2012. The author continued to research in South Sudan until 2015.

2 A History of the *Titweng*

2.1 *Constructing the Titweng*

After the SPLA's formation in 1983, the Greater Bahr el Ghazal region quickly offered support to this movement. By the late 1980s, the SPLA had established itself as the *de facto* government of almost all of Greater Bahr el Ghazal.³¹

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- Public Order in Kenya', 101:405 *African Affairs* (2002) pp. 531–555; B. Baker, 'When the Bakassi Boys Came: Eastern Nigeria Confronts Vigilantism', 20:2 *Journal of Contemporary African Studies* (2002) pp. 223–44; D. J. Smith, 'The Bakassi Boys: Vigilantism, Violence and the Political Imagination in Nigeria', 19:3 *Cultural Anthropology* (2004) pp. 429–455.
- 27 B. Baker, *Multi-Choice Policing in Africa* (Nordic African Institute, Uppsala, 2007); H.M. Kyed, 'Community Policing in Post-war Mozambique', 19:4 *Policing and Society* (2009) pp. 354–371.
- 28 Kyed, *supra* note 27, p. 90.
- 29 C. Leonardi, *Dealing With Government in South Sudan*, (James Currey, Woodbridge, 2013) p. 9.
- 30 See e.g., Y. Ajawin, 'Human Rights Violations and Transitional Justice', in A.H. Abdel Salam and A. de Waal (eds.), *The Phoenix State: Civil Society and the Future of Sudan* (Red Sea Press, Trenton, 2001).
- 31 Some urban centres and road arteries remained under GOS control.

Communities (voluntarily and involuntarily) supported the SPLA war effort with food (including meat from livestock) and recruits. To undermine the SPLA, northern groups (that became known as the Murahaleen) were armed by the GOS as a proxy force to conduct raids into these SPLA sympathising areas.³² Food shortages in the early 1980s had already encouraged raids into northern Bahr el Ghazal from southern Darfur and Kordofan, yet these raids increased in scale from 1985 with the start of GOS support.³³ These armed raids killed hundreds, and took captive property and people. The western Dinka not only shared a border with the north, but also, to the east, a border with remaining Anyanya II fighters (based in Western Upper Nile) who resisted the SPLA leadership of the southern rebellion, and from the mid 1990s, led the SSDF. Supported by GOS from 1984, they were another proxy force used to fight the SPLA. For example, in the 1988 and 1989 dry season, a combined Anyanya II and Murahaleen force attacked the far northeast of Bahr el Ghazal.³⁴ To the western Dinka, therefore, the SPLA war brought unprecedented levels of uncertainty and violence.

Socio-political structures of the Dinka home community had long provided security.³⁵ After childhood and before marriage, men were expected to have recourse to violence to protect their community and their cattle. With the rise in violence from northern raids in the late 1980s, the *titweng* ("protectors of the cattle") were formed utilising the militarised nature of this age-group and incorporating support from the *quasi* government of the SPLA. While the *titweng* were a response to the demands of the home community, local memory and the media³⁶ recall them as also an innovative idea of the SPLA.³⁷ This new force of the *titweng* provided a defence for Bahr el Ghazal against GOS's proxy forces and compensated for a lack of adequate SPLA protection.³⁸ They were

32 D. Johnson, *The Root Causes of Sudan's Civil Wars* (Indiana University Press, Bloomington, 2003) p. 69.

33 A.N. Mawson, 'Murahaleen Raids on the Dinka', 15:2 *Disasters* (1991) pp. 137–149.

34 Mawson, *supra* note 33, p. 144.

35 A.N. Mawson, *The Triumph of Life: Political Dispute and Religious Ceremonial Among the Agar Dinka of Southern Sudan*, 1989.

36 See for example, Mayom, M, "Youths, gelweng leaders called on to help voter drive in Lakes", *Sudan Tribune*, 13 November 2009, <www.sudantribune.com/Youths-gelweng-leaders-called-on,33132> visited on 31 May 2013.

37 A. O'Brien, 'Shots in the Dark: The 2008 South Sudan Civilian Disarmament Campaign', 16 *Small Arms Survey* (2009) p. 24; Sudan Tribune, *Lakes State Gets New Military Caretaker Governor*, 22 January 2013, <www.sudantribune.com/spip.php?article45271>, visited on 4 April 2013.

38 Johnson, *supra* note 32; Executive Chief, Kuajok (Warrap State), April 2012 (in Dinka).

armed and reorganised by the more formal SPLA. In the late 1980s,³⁹ Kiir provided SPLA officers to help train and command the *titweng*,⁴⁰ with training usually limited to operation of D-47s.⁴¹ If not provided by the SPLA, families personally invested capital in guns for their sons with tacit permission from the SPLA. In the early days of the late 1980s, they were also known as 'Tit Baai' (protectors of the home) or the 'Machar Anyar' (black buffalo).⁴² There was little resistance to recruitment into the *titweng*, as it facilitated protection of their own communal property and offered them the opportunity to restore their dignity⁴³ after the severity of raids. They offered a "civil defense capability" that resulted in a major decrease in abductions, forcible displacement and cattle raids.⁴⁴

Prior to the institution of the *titweng*, age-sets had structured these militarised groups of young men. Age-sets are remembered as a leaderless group of male youth initiated into manhood during the same, multi-year season. Age-sets were often exclusive groupings with a discrete membership⁴⁵ and common across the "tribe" in that they collectively "call the sets by the same names".⁴⁶ In many pastoral societies, political life is regulated by these age-based organisations,⁴⁷ with a younger 'warrior grade' age-set below the age-set with normative authority.⁴⁸ Younger age-sets would compete with the older, dominant age-sets to establish their supremacy and normative authority. This allowed notions of equality at the same time as a hierarchical structure to facilitate both moral leadership and military protection. Amongst the western

39 Events are dated based on interviews in the western Dinka, although exact dates could often not be recalled. Kiir's initial support of the *titweng* is remembered as during the era of increased Murahaleen raiding, before the SPLA division between Garang and Riek, that other research highlights as having occurred at the end of the 1980s.

40 B. Malwal, *Sudan and South Sudan: From One to Two*, Palgrave Macmillan (2014) p. 178; A. Adal, as recorded by A.M. Anai, 'Warrap State Peace and Reconciliation Conference - Mayen Rual', *PACT Report*, 17 June 2005.

41 J.M. Jok and S. Hutchinson, 'Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities', 42:2 *African Studies Review* (1999) p. 134.

42 Executive Chief, Kuajok (Warrap State), February 2013 (in Dinka).

43 Jok and Hutchinson, *supra* note 41.

44 Hope Project, Best Practices and Tools for Community Based Peace-Building in South Sudan, 2002, <www.chf.ca/documents/Studies_And_Reports/HOPE_Book5.pdf>, visited on May 2013; Malwal, *supra* note 40.

45 M. Doss, *Evans-Pritchard and Segmentary Structures Amongst the Nuer: a Reappraisal* (2000).

46 E.E. Evans-Pritchard, *The Nuer* (Oxford University Press, Oxford, 1940) p. 289.

47 Abbink, *supra* note 17.

48 *Ibid.*, p. 5.

Dinka, competition between age-sets had become more theatrical and symbolic than a full display of the young men's force. Age-sets and contestation remain common elsewhere in South Sudan,⁴⁹ although they vary in their exact form and the role they play in constructing a physically protected moral community.

The formation of the *titweng* brought a radical, SPLA-enforced departure from the age-set system amongst many western Dinka. SPLA actively reconstructed the militarised youth by pausing the age-sets system and inter-age competitions. Instead, they encouraged a unified larger group to fight together irrespective of their years of initiation, with the assumption that a larger group would better defend against large raiding groups from the north. This further made fictitious notions of shared lineage and familial ties that had been used to construct social unity amongst warring militarised youth. While literature has suggested increased violence from youth based on generational tensions,⁵⁰ this reformation of the *titweng* structurally reduced inter-generational contests between proximate age-sets, suggesting a more complex understanding of youth.⁵¹

Previously, age-sets were not 'imagined communities' to the extent that their members all knew each other individually.⁵² These newly formed larger groupings of the *titweng* were now too vast for members to all know each other personally, requiring the imagination and construction of this group. Symptomatic of these larger, imagined groupings was the introduction of informal uniforms to mark the group's boundary. Without uniforms they could not quickly distinguish between enemies and fellow fighters during combat. The lack of clothes available during wartime obliged fighters to tie palm tree leaves around their wrists in unique fashions to tell themselves apart.⁵³

49 For example, amongst the Murle and Nuer. See, for example, <www.radiomiraya.org/index.php?option=com_content&view=article&id=5394:ushering-in-a-ruling-age-set-among-the-pari&catid=91:91&Itemid=339>. See Lewis (1972) for a description of the Murle age-set system.

50 See e.g., J.M. Jok, 'War, Changing Ethics and the Position of Youth in South Sudan', in J. Abbink and I. van Kessel (eds.), *Vanguard or Vandals: Youth, Politics and Conflict in Africa* (Brill, Leiden, 2005) p. 145.

51 Leonardi challenges the assumption that violence is necessarily a result of generational tension. Leonardi, *supra* note 15.

52 This references Anderson's use of 'imagined communities' in: B. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (2006) p. 6.

53 Aguok Dinka *titweng*, Kuajok (Warrap State), April 2012 (in Dinka); Agaar Dinka chief, Malek (Lakes State), June 2012 (in Dinka).

The groups were also less bounded and static in their membership; all fighting men in the home communities could be considered as *titweng*. The more prominent cleavage was no longer between age groups, but between those fighting for their home communities and those captured by the government sphere. With growing education, urbanisation and association with the government, including through joining the SPLA, increasing numbers of youth were not entering these local defence forces. Scarification as part of the home initiation into manhood was one symbol of this boundary of the *titweng* as it was primarily the youth who remained in the cattle-camps and home community who were scarified. Yet, this was still not clear-cut as many of those who were scarified went on to be educated, join the SPLA or enter the government sphere by other means.

Yet, with the *titweng* supported by the SPLA, could the *titweng* themselves be considered part of the government sphere? Leonardi describes how "the SPLA used a combination of violence and patronage to transfer the allegiance of young soldiers from their families to the military hierarchy".⁵⁴ Yet, unlike the young soldiers described who had been recruited into the SPLA and trained far from their homelands, the *titweng* remained in their home communities and therefore did not experience the same shift to subjection to the military hierarchy.

Nevertheless, there was ambiguity over whether the *titweng* had been captured by government. Gun ownership was associated with the government sphere. Prior to the SPLA war, guns were largely limited to government control and ownership. In the latter half of the 1900s, the British government, due to their superior military might, had quashed much of the trickle of arms traded into Sudan from the east and north, often in exchange for ivory. The dominant owners of guns were government officials (using guns to shoot wildlife as well as enhance security) and government chiefs. The association of guns with the government continued into the post-CPA era. People interviewed often referred to guns as belonging to the government in general terms, even if specific guns they described were privately owned. Therefore, in acquiring guns, the *titweng* gained symbolic proximity to the government and, in this case, the SPLA. Distribution of guns blurred the home – government line and left the *titweng* sitting ambiguously between the two.

The *titweng* also explicitly supported the SPLA. On occasion, they would supplement SPLA's deployments,⁵⁵ especially when the SPLA were fighting

54 Leonardi, *supra* note 15, p. 399.

55 Hope Project, *supra* note 44.

near their homelands. One account describes them as a proxy force for the SPLA, participating in 197 military operations in Bahr el Ghazal.⁵⁶

The utility of the *titweng* prompted competition between vying SPLA elites. There was ongoing competition between Kiir and Garang for ultimate authority over the SPLA in Bahr el Ghazal,⁵⁷ and there was dissatisfaction from the home community of Bahr el Ghazal over Garang's failure to prioritise their protection from northern raids.⁵⁸ Garang was skeptical of the *titweng* because they were a coordinated, armed group that was not directly controlled by the SPLA,⁵⁹ or at least not controlled by him. Rumours started that the *titweng* were loyal to Kiir and a counter-force to Garang.⁶⁰ However, the benefits of the *titweng* for the broader SPLA effort were hard to deny as they freed up SPLA soldiers to focus on their fight with Khartoum.⁶¹ Plus, the protected herds were also a source for the feeding of the SPLA. The cows were even known as the 'bank of Garang'.

The SPLA influence over these armed Dinka youths appeared to make it more difficult for chiefs to control them.⁶² Yet, contemporary chiefs often contrast SPLA soldiers with the *titweng*, highlighting the legitimacy and continued obedience of the latter. The *titweng*'s lack of consumption of alcohol, compliance to the customary courts, and respect for gun control by local authorities are all given as examples of their continuing subscription to the normative values of the home. Unlike SPLA soldiers, they do not fall under the direct command, or have the ability to levy the authority of, a distant SPLA commander. They are also reliant on resources of the home, such as cattle, for life and marriage. For example, one day in 2012, while singing to his song bull, a *titweng* amongst the Apuk Dinka fired a shot into the air in celebratory happiness. At the time, local authorities had banned the firing of guns in celebration in case it was misunderstood as an act of aggression. The *titweng* was fined a bull by the local chief and did not resist compliance with this demand.

Yet, it should be noted that chiefs, themselves had a complex relationship with the SPLA, not sitting in the sphere of the home, but across the

56 P.A. Nyaba, 'The Disarmament of the Gel-Weng of Bahr el Ghazal And The Consolidation of the Nuer – Dinka Peace Agreement 1999', (Sudan Council of Churches and Pax Christi, 2001) p. 5.

57 Malwal, *supra* note 40.

58 Johnson, *supra* note 32, p. 109.

59 Johnson, *supra* note 32.

60 Malwal, *supra* note 40, p. 179.

61 O'Brien, *supra* note 37.

62 Jok and Hutchinson, *supra* note 41.

home-government boundary. While many chiefs had an authority independent of the SPLA, many also supplemented and maintained their authority through a negotiated relationship with the SPLA that made them part of the SPLA/M governance structure.

2.2 *A New Ethnic Idiom*

The 1990s brought a new era of South-South violence that incorporated into the *titweng* a stronger ethnicised vision of being Dinka⁶³ and created the new iteration of the *gelweng*.

In 1991, Riek Machar split from John Garang's SPLA. Riek sought support from the Nuer and encouraged an ethnic, militarised narrative to the division.⁶⁴ This failed to unite the Nuer,⁶⁵ but did militarise the Dinka and Nuer division.⁶⁶ By the mid-1990s, Riek armed the western Nuer youth, who became known as White Soldiers.^{67,68} They would defend against and raid into western Dinka areas controlled by Garang's SPLA. The Dinka were portrayed as synonymous with Garang's SPLA, making them legitimate targets based on ethnic identity.

With the violent raids into Dinkalands now occurring further south, the initiated cattle guard of what is now Lakes State were instituted as *gelweng* by SPLA authorities, mimicking the institution of the *titweng*.⁶⁹ As one chief and former *gelweng* explained, "We were given guns to protect our cows. That's when we started to be called *gelweng*".⁷⁰ During this time, gun ownership became considered as a necessary condition for being a *gelweng*. The *gelweng* would often also be given ten milking cows that would allow them to move ahead of the main cattle camps with a supply of milk.⁷¹ These *gelweng* became the armed frontline to offer a strong defence to protect the home community,

63 The SPLA-Anyanya 2 war of 1983–87 militarized the Dinka and Nuer division, but this was eased by 1980s Nuer leadership in the SPLA such as Riek Machar. At this time, the *titweng*'s 'enemy' was 'Nuer' but raiders from the north.

64 Jok and Hutchinson, *supra* note 41.

65 Johnson, *supra* note 32.

66 Jok and Hutchinson, *supra* note 41.

67 'White soldiers' contrast with trained, formal 'black soldiers'.

68 Nuer White Armies to the west of the Nile were influenced by those to the east yet the western Nuer White Army had its own institutional idioms and did not become as infamous for wide scale mobilizations over large geographic territories.

69 *Gelweng*, Gun Cattle Camp (Lakes State), June 2012 (in Dinka).

70 Executive Chief, Lakes State, June 2012 (in Dinka).

71 Anai, *supra* note 40.

the cattle and the SPLA against Riek's forces and the Nuer. They were seen as the Dinka equivalent of the Nuer White Army.⁷²

'*Titweng*' and '*gelweng*' both translate as 'protectors' or 'guardians of the cattle'. '*Titweng*' remains common amongst the northern Dinka while '*gelweng*' is used further south and has become the more common generic reference for both groups. This article continues to use '*titweng*' as the generic term due to its historic primacy.

3 The *Titweng* after the Peace Agreements

The 1999 local Wunlit peace agreement reduced conflict between the western Nuer and Dinka. Plus, the return of Riek to the SPLA in 2001, the 2005 CPA and the 2006 Juba Declaration brought a new discourse of peace to South Sudan. If there was a landscape of peace, then the continuation of local defence forces appeared meaningless and functionless.⁷³ As discussed above, the vision of the CPA also excluded other, non-government armed groups. As the *titweng*, like the White Armies, were not to be integrated into the SPLA, they were to be disarmed to recreate a clear civilian – soldier divide, give a monopoly on the use of the gun back to the government⁷⁴ and eliminate these other armed forces.⁷⁵ Even in local ontology, it made sense for the guns to be recollected by the government as "the guns don't belong to the cattle-keepers; they belong to the government".⁷⁶ The guns had been a loan from the SPLA government to the cattle-keepers and their return was symbolic of a new era of peace and security. Disarmament of the White Armies was a focus for the government as their history of violent opposition to the SPLA carried the danger of undermining the SPLA/M led government. Yet, disarmament was also carried out amongst the *titweng* and *gelweng*.⁷⁷

The post CPA narrative ignored the *titweng*'s previous relationship to the SPLA and reimagined them as uncontrolled, armed cattle-keeping youth at a

72 Executive Chief, Lakes State, June 2012 (in Dinka); Jok and Hutchinson, *supra* note 41; M. LeRiche and M. Arnold, *South Sudan: From Revolution to Independence*, p. 101.

73 O'Brien, *supra* note 37.

74 Greater Aweil Dialogue (2003), Wanyjok 8 June, as mentioned in M. Bradbury *et al.*, *Local Peace Processes in Sudan* (Rift Valley Institute, London, 2006).

75 Young, *supra* note 6, p. 20.

76 Executive Chief, Tonj East (Warrap State), June 2012 (in Dinka).

77 For an example of a report on this disarmament see Safer World, 'Civilian Disarmament in South Sudan: A Legacy of Struggle', February 2012; Safer World, *People's Peace Making Perspectives: South Sudan* (Safer World, London 2012).

distance from the government. Their violence was explained by "cattle-rearing culture"⁷⁸ and "limited opportunities for youth in the cattle-based economy"⁷⁹ with cattle raiding perceived as a calculated livelihood option for the most poverty stricken.⁸⁰ Youth-implemented violence was linked with generational rebellion,⁸¹ assuming that the elders saw the *titweng* as dangerous.⁸² A local chief described the *titweng* as turning their guns on themselves to settle more localised grievances.⁸³ At local peace conferences, senior SPLA figures criticised the *titweng* for having "grown horns and become equal to the government".⁸⁴ Another politician described how, "The gun in those days was to protect the cattle but now it is to kill us and our cattle".⁸⁵ They accused the *titweng* of following alternative authority figures, such as Mabiordit – a free spirit active in Bahr el Ghazal.⁸⁶ The imagined distance from the government also prevented accusations of government culpability for *titweng* violence, preserving the post CPA sentiment that insecurity was due to government weakness not culpability.

Yet, the *titweng* remained legitimate locally and individual government leaders often supported the *titweng* of their own community. For many South Sudanese, the post CPA experience was of ongoing violence in the form of cattle raiding, disarmament campaigns and explicit political rebellions. Amongst the western Nuer and Dinka, having enjoyed relative peace after the 1999 Wunlit Agreement, the CPA reignited violence. In this context, the *titweng* maintained their legitimacy and form as a local defence force with significant public authority. Local government officials would appeal to the *titweng* for support to ensure security in their counties and chiefs would actively nurture relationships with these youth sometimes by providing ammunition. As before the CPA, the *titweng* continued to effectively support local government and the SPLA near their homelands as a proxy force. For example, after the 2010

78 LWF (Lutheran World Federation) 'LWF Supporting Peace Process Launched by Sudan Council of Churches' <www.lutheranworld.org/lwf/index.php/youth-south-sudan-peace.html>, visited on 23 January 2012.

79 Enough, 'Conflicts in South Sudan' <www.enoughproject.org/conflicts/sudans/conflicts-south-sudan> visited on May 2013.

80 O'Brien, *supra* note 37; Safer World 2012; Sommers and Schwartz 2011.

81 Jok, *supra* note 50.

82 C. Vandewint and M.C. Atem, 'Gogrial Counties Reconciliation and Peacebuilding Conference', 11 May 2004.

83 Executive Chief, Warrap State, November 2011 (in English).

84 Anai, *supra* note 40.

85 *Ibid.*

86 *Ibid.*

election, there was violent dissent by various rebel groups in South Sudan.⁸⁷ In May 2011, there was a large, armed raid into a western Dinka cattle camp by the rebel South Sudan Liberation Army.⁸⁸ A small SPLA force offered no protection from this attack. *Titweng* ambushed the retreating rebel force, rescuing most of the stolen herds and killing many of the attackers. The *titweng* both protected their home and undermined government opposition.

The *titweng*'s defence also protected the personal cattle of some of the highest politico-military leaders in Juba that used these grazing lands. With oil revenue flowing to the Southern government since the CPA, being an elite in the South Sudanese government not only brought power, but also private wealth. For elites from Bahr el Ghazal, the *titweng* offered protection to their large personal investments in cattle. Elites built loyal, co-ethnic networks through patronage, including through the giving and lending of cattle that constructed a binding relationship. As well as through cattle exchange, having a large herd in itself also bestowed status. As the nephew of a senior SPLA figure described, "My uncle in Juba⁸⁹ has bought thousands of cattle that are now in our grazing lands. He is aspiring to own 10,000 cattle".⁹⁰ This uncle had opted to invest most of his monetary wealth in cattle in his home grazing lands. These cattle were not only a visible display of his wealth and power, but he also used the cattle as dowry for numerous wives. Despite the wealth to heavily invest in cattle, it was only eight years after the CPA that he first invested in building a 'modern', brick house in his homelands.

Investment in cattle by the elites transferred wealth from the government centre to the space of the grazing lands. This helps to explain the resumption of fighting in the grazing lands from 2005. Leading politicians would arm their nephews to guard their cattle. As one young man explained, "I am given guns by my uncle in Juba to guard his cattle. I am proud to guard his cattle. Yet, of course, if the cattle are raided or I lose any of his cattle to illness, I must get more cows. He cannot accept that his herd gets smaller. So I raid more cattle for him and he helps me with ammunition when he can".⁹¹ Elites relied on family networks and the established socio-political groups of the cattle camp to provide care of their cattle. In return, the carer-giver gained milk, a portion of the calves, weapons and the promise of access to large dowries for marriage.

87 De Waal discusses rebel groups in relation to the 'political market place'. De Waal, *supra* note 19, p. 349.

88 According to a UN source, vehicles were waiting to transport the raided cattle to Khartoum to fund the nascent SSLA.

89 This 'uncle in Juba' is a senior figure in the SPLA who works closely with Salva Kiir.

90 University student, Wau (Western Bahr el Ghazal), March 2012 (in English).

91 *Titweng*, Greater Bahr el Ghazal, June 2012 (in Dinka).

While disarmament in Bahr el Ghazal was not as notoriously violent as amongst the White Armies,⁹² the ongoing violence in the home communities and the utility of the *titweng* prompted dislike of disarmament from both elites, but also people in the home communities. Chiefs questioned the government's legitimacy to remove the 'protector' of the gun when it failed to provide alternative protection.⁹³ Frustration was increased by a perception that the government owed the *titweng* for their wartime support. As one long-serving Dinka chief described in the context of a discussion about the *titweng*, disarmament and security, "[d]uring the time of war, we all contributed. So, now, we thought the government would help us. Through our contribution, the SPLA took Rumbek. Now they are enjoying the benefits, but we have nothing".⁹⁴

Often only the *titweng* who guarded the herds of the elites remained armed.⁹⁵ As one recently disarmed *gelweng* described, "[w]e will not survive. We thought the government was our protector, but they have turned away from us. We will just remain and die. We can do nothing".⁹⁶ One sub chief explained the gun's import: "[f]or us, our cows are also taken. Like, the person called Majok, his eighteen cows were taken. This thing occurs always . . . If we were having guns, our things could not have been taken like that".⁹⁷ One *gelweng* questioned whether the whole institution that provided local defence had now ended with the removal of guns:

There are no *gelweng* now as there are no guns. You cannot be a *gelweng* when you don't have a gun. This is because without a gun you have no power; you are instead just a young man in the cattle camp. You have no power to protect anyone.⁹⁸

Preference was also expressed for the *titweng* and *gelweng* over the SPLA as they understood local priorities. "The *gelweng* are stronger than soldiers because soldiers are not from our clan, they are not our children and their cows are not nearby; they need orders from above. Soldiers like first to put on boots".⁹⁹ One chief also described his confidence that the *titweng* were as

92 Young, *supra* note 6.

93 Executive Chief, Tonj East (Warrap State), June 2012 (in Dinka).

94 Executive Chief, Lakes State, June 2012 (in Dinka).

95 O'Brien, *supra* note 37, p. 26.

96 *Gelweng*, Gun Cattle Camp (Lakes State), June 2012 (in Dinka).

97 Speech of Sub Chief, Akot Security Meeting (Lakes State, June 2012 (in Dinka).

98 *Gelweng*, Gun Cattle Camp (Lakes State), June 2012 (in Dinka).

99 *Gelweng*, Cattle Camp (Lakes State), May 2012 (in Dinka).

strong as SPLA soldiers and just as capable in local defence and securing land claims.¹⁰⁰

Local popular discourse and bull songs¹⁰¹ often honoured militarised acts of the youth and referenced the bravery of the *titweng*. Women discussed their pride in sons who were part of the *titweng* and described methods used from an early age, such as story telling, to foster in their sons a responsibility to participate in community defence.¹⁰² In Lakes State in 2012, children interviewed in cattle camps and primary schools predominantly aspired to be *gelweng*.¹⁰³ Formally educated youth often were eager to highlight their distinction from the *titweng* (especially to the audience of this educated researcher),¹⁰⁴ yet they still relied on the brothers who were *titweng* to look after their cattle and they would spend salaries buying ammunition for the *titweng*. There was ambiguity amongst mothers interviewed over their preference for sons to aspire to be educated or part of the *titweng*, with many preferring diversity amongst their children.¹⁰⁵

3.1 *An Alternative to Disarmament*

The *titweng* were actively drawn into government as an alternative to their disarmament, again blurring the government – home boundary and altering the limits of their legitimate violence. The CPA had given two alternatives for other armed groups – return to being civilians (that was implemented via disarmament) or integration into the forces of the government. The *titweng* could legitimately possess guns by being incorporated into the government.

From the 1999 Wunlit peace agreement, it was suggested that *titweng* could “come under the discipline of the military forces in each area”.¹⁰⁶ As early as 2003 in Aweil, it was posited that the “*gelweng* should be turned into police” and that these police should be controlled by the chiefs as members of the local government.¹⁰⁷ In 2006 in Yirol, it was argued that the *gelweng* could be transformed into a uniformed security force that would assist police in collecting

100 Executive Chief, Greater Gogrial (Warrap State), March 2012 (in Dinka).

101 Cattle-keeping men often commission a song to reflect their family and personal history that they will learn and sing to their song bull.

102 Group discussion with 23 women, county head quarters in Warrap State, June 2012.

103 Half a dozen cattle camps were visited and two rural primary schools, September 2012.

104 Group of six educated youth, county head quarters in Warrap State, June 2012.

105 Group discussion with 23 women, county head quarters in Warrap State, June 2012.

106 Resolution 4 (D) of the Dinka-Nuer West Bank Peace and Reconciliation Conference, Wunlit Sudan, 27 February 1999–8 March 1999.

107 Greater Aweil Dialogue, note 49.

taxes, executing court verdicts and preventing illegal cattle trading.¹⁰⁸ In adjacent Nuer areas, armed youth were often controlled by county commissioners. In the 2009 preparations for the national election, the *gelweng* of Lakes State were also utilised to mobilise voters in a quasi government function.¹⁰⁹ From 2012 in Warrap State, individuals in government used the internationally legitimate concept of 'community police' to draw the *titweng* into government.

Renaming the *titweng* as 'community police' symbolically incorporated them into government and drew on international discourse about police sector reform in post-conflict settings,¹¹⁰ giving a semblance of international legitimacy to this new iteration of the *titweng*. While 'community policing' had become a popular state building policy in fragile states,¹¹¹ it remained a vague and ambiguous term.¹¹² Locally, 'community police' was described as an English translation of *titweng*.

The following field notes recount a first encounter with 'community police' in May 2012 while travelling to interview *titweng* Majok:

We stopped to ask after Majok. We were quickly directed towards a cluster of trees. As we approached I realized we were being directed to a newly created military training ground marked by a single rope on the ground. The ordered rows of young men also suggested the discipline of the army.

Thirty of the local *titweng* received tuition from a uniformed army official. While I was familiar to the others and greetings were abundant, I was new to this army official. My sudden appearance prompted the need for an explanation. I explained that I was hoping to interview Majok – a *titweng* who composed bull songs. 'They are now 'Community Police' and

108 'Gelweng Militias to Have Role in Lakes State – Yirol Officials', Sudan Tribune, 22 November 2008.

109 Mayom, *supra* note 31.

110 *E.g.*, community policing was included in DFID's 16 million GBP Sudan Safety and Access to Justice Programme (2010–2014).

111 Examples of discussion include: L. Denny, and S. Jenkins, "Securing Communities: The What and the How of Community Policing: Background Paper", ODI, July 2013; M. Brogden and N. Preeti, *Community Policing: National and International Models and Approaches* (Willan Publishing, Cullompton, 2005); H. M. Kyed, 'State Vigilantes and Political Community on the Margins in Post-War Mozambique' in D. Pratten and A. Sen (eds.), *Global Vigilantes: Perspectives on Justice and Violence*. (Hurst Publishers, London, 2007).

112 M. Numzio, 'Thugs, Spies and Vigilantes: Community Policing and Street Politics in Inner City Addis Ababa', 84:3 *Africa* (2014) pp. 444–465.

not *titweng*’, was part of the official’s reply. As we walked away, my translator explained that now all ‘*titweng*’ are ‘community police’.

In 2012, there were two phases of absorption of *titweng* into the *community police*. Initially only a select few *titweng* were given training at specific camps for a set period of time. As one *titweng* described during this initial phase:

Chiefs selected certain youths from the *titweng* to be trained. They will only be policemen in the *toic* [grazing lands]. The commissioner and other military people are training them. They will be given guns. But they will not be soldiers. They will be more like police.¹¹³

During this phase, they were given police-like uniforms that the youth perceived transformed them from being part of the home community to being part of the government.¹¹⁴ The uniforms were seen as a symbol of the government, providing a clear boundary between what they had become and the *titweng* they were before.

Receipt of salaries had become an additional benefit associated with capture by government, especially since the CPA and GOSS’s receipt of oil revenues. In the patchwork SPLA, salaries were a means of “paying the soldiers not to fight the government”.¹¹⁵ While the incorporation of the *titweng* drew on ideas of home loyalty and defence, salaries were also demanded by the new ‘community police’ as an incentive for being in government, and were paid by the government to encourage compliance. This shift to being paid and more clearly being under the authority of local government officials as opposed to the chiefs brought explicit fears that they would be less disciplined,¹¹⁶ as chiefs were able to more closely control the smaller number of *titweng* under their authority.

In the later phase of *titweng* absorption, it became assumed that all *titweng* should be considered as ‘community police’, allowing all the *titweng* to remain legitimately armed and increasing the defence force available. This larger group was not presented with the same symbols of the government, such as police uniforms or salaries. Without these symbols, community police were not such a discrete and bounded group. There was little to distinguish the community police from the youth of the home in general. It was unclear if there was even such a distinction. However, uniform-like outfits of homogenously coloured clothes had previously been given by individual local government

113 *Titweng*, Greater Gogrial (Warrap State), February 2012 (in Dinka).

114 Community Police, Greater Gogrial (Warrap State), April 2012 (in Dinka).

115 Warner, *supra* note 11, p. 45.

116 Market place conversations, rural market in Warrap State, September 2012 (in Dinka).

figures to renegotiate their popularity amongst and informal control over the *titweng*.¹¹⁷ The colour of the clothing allocated depended on the socio-political section to which they were assumed to belong by these local government authorities. For example, *titweng* from Gogrial West County were given black clothes with red trimmings. In Gogrial East County, *titweng* wore different colours depending on their *wut* (cattle camp or section). The Amuk *wut*, for example, wore purple. The *titweng* accepted these clothes as rewards for their security provision and a sign of the post war prosperity. They were contrasted with the palm leaves that had to be worn during the war years. Yet, this gave local government control over the identity of *titweng* and over each grouping each *titweng* belonged to. In practice, these were not contested.

The following field notes from March 2012 further illustrate the local government relationship to the *titweng*:

[t]itweng had gathered in the county capital on the instruction of the County Commissioner to attend an NGO peace building exercise. During the meeting an urgent message came from the commissioner to these youth. There were reports of a Nuer attack in the grazing lands and they needed to go immediately. The commissioner would facilitate them by letting them use his car. These young men rushed to the grazing lands in immediate compliance.¹¹⁸

In this instance, both County Commissioner and *titweng* shared the desire to defend the grazing lands. This Commissioner would even fight along side the *titweng* or, at other times, successfully instruct them not to raid. Yet, when a new Commissioner of this county was appointed, the *titweng* made it clear that their willingness to comply with his authority was conditional. The former Commissioner's authority over the *titweng* was charismatic, based on perceptions of his security aptitude and his appreciation of the *titweng*'s role. Therefore, under some commissioners, the *titweng* acted as a proxy government force while, for others, they slipped away from association with government and were an armed, uncontrollable threat.

As community police, local perception changed about the type of war they were allowed to fight, with legitimate violence, according to a junior chief, now limited to 'wars of the government' (*tong hakuma*) in that they were required to defend, but not initiate raids. This appears to reference the distinction made

117 Deputy of Chief Arrest, Kuajok (Warrap State), February 2013 (in Dinka).

118 Extract from author's field notes, March 2012.

by Riek Machar in the 1990s¹¹⁹ and the *titweng*'s role in the 1980s and 1990s in support of the SPLA.¹²⁰ However, despite uniforms and a restrained mandate, most *titweng* continued to consider themselves part of the home community further complicating the boundary of the home – government spheres. Much of the insistence by the *titweng* that they are not the *government* was an attempt to reduce the government's authority over them. At the same time as the introduction of community police, the more formal, national force of the *Mathiang Anyoor* was being constructed. This force would fight against Sudan in Heglig in 2012 and, from 2014, in the new civil war, they would fight for Salva Kiir's government against the newly formed opposition force of the SPLA-In Opposition (SPLA-IO) led by Riek Machar. Many *titweng* feared being taken across the government boundary if it involved being spatially away from their local communities and cattle.¹²¹ The simultaneous introduction of the 'community police' and the *Mathiang Anyoor* led the *titweng* to assume that under any government authority they could easily be absorbed into a nationally relocatable army. For the *titweng*, the distinction between 'community police' and army soldier was unclear. Government demands to mobilise youth into the army were one of the main conflicts between the home leadership and the government.¹²²

The renaming of the *titweng* as 'community police' also left ambiguous the chiefs' role in their supervision. For example, in early 2013, discontent grew in Kuac South Payam (Gogrial West County, Warrap State) with a complaint that too few of their *titweng* had been selected to be 'community police' and rearmed. The chief was disgruntled as he had previously controlled the distribution of guns based on cattle ownership. With the lack of 'community police' selected by the Warrap State authorities, a senior chief sent some of his *titweng* to a training camp in the neighbouring state of Western Bahr el Ghazal.¹²³ In his words, "[n]ot all youth had been selected as community police and given guns. So, those without guns went to Wau to get guns".¹²⁴ The chief was subsequently arrested by the Warrap State authorities in January 2013¹²⁵ under the allegation that he was attempting to annex his area to Western Bahr el Ghazal.

119 S. Hutchinson, 'Nuer Ethnicity Militarized', 16:3 *Anthropology Today* (2000) pp. 6–13.

120 Deputy of Chief Arrest, Kuajok (Warrap State), February 2013 (in Dinka).

121 Similarly, the White Armies in 2014 supported the SPLA-IO but did not surrender command.

122 Chiefs' meeting, Warrap State, March 2012 (in Dinka).

123 Deputy of Chief Arrest, Kuajok (Warrap State), February 2013 (in Dinka).

124 Deputy of Chief Arrest, Kuajok (Warrap State), February 2013 (in Dinka).

125 Sudan Tribune, *Warrap Police Arrest Traditional Leader For Training "Home Guards"*, 26 January 2013, <www.sudantribune.com/spip.php?article45304>, visited on January 2013.

The incorporation of the *titweng* into the government also created an alternative vision of the government. After the CPA, the government was perceived as dominated by the western Dinka. While the (western Dinka) *titweng* were drawn into the government, similar groups, such as the White Army, were seen as illegitimate and disarmed. Despite a publically multi-ethnic, unified government at this time,¹²⁶ the treatment of the *titweng* was indicative of government favouring the interests of certain western Dinka.

4 The *Titweng* and a National Military Force

As mentioned above, at the time of the creation of the 'community police', thousands of *titweng* were also recruited into the more formal forces of the *Mathiang Anyoor*. Urban, returnee youth in Aweil also made a large contribution to this force. The *Mathiang Anyoor* was never formally incorporated into the SPLA's hierarchy of commands and accountability. While receiving SPLA uniforms and arms, they were not given food or salaries. The formation of the *Mathiang Anyoor* was accompanied by attempts to symbolically draw together the communities of Warrap and Northern Bahr el Ghazal States – the main recruiting grounds for this force. For example, in 2012, former Chief Justice Ambrose Riing Thiik¹²⁷ was active in reigniting relations, through a celebration of shared ancestry between members of one clan that historically migrated to different parts of Northern Bahr el Ghazal and Warrap States. This helped foster a common, western Dinka identity that would support regional mobilisation.

In 2014, the *Mathiang Anyoor* played a significant role in supporting the government's military efforts against the SPLA-IO across South Sudan, such as being instrumental in recapturing Bor under the command of Paul Malong and continuing to fight across the Greater Upper Nile. President Kiir refused to call the *Mathiang-Anyoor* a "private army",¹²⁸ instead referring to them as the

126 It was not until July 2013 that Salva Kiir sacked his entire cabinet including Vice President Riek Machar, dividing publically leadership of the government and SPLA.

127 Ambrose is mentioned in the leaked draft report of the African Union Commission of Inquiry on South Sudan report (AU COI report) (March 2015) in relation to the 'Jieng Council of Elders'. This Council is accused of being active in constructing the '*Dut ku Beny*' in late 2013. Ambrose's relationship with Salva Kiir was strained in 2007 during fighting between their home communities. Yet, long term friendship helped restore this relationship.

128 Peter Nyaba had described this force as a 'private army' in the draft AU COI report.

“reserve army”.¹²⁹ In April 2014, the Nuer SPLA Chief of Staff was removed and replaced by Paul Malong. Malong’s SPLA leadership and his personal command over the *Mathiang-Anyoor* drew this force further into government. Yet, many *Mathiang-Anyoor* have questioned their role and deserted to return to their home communities, complaining of lack of payment and food. Their lack of formal inclusion in the SPLA has prevented their inclusion in the payroll. Even after becoming Chief of Staff, Paul Malong was not able to rapidly mobilise financial support for these forces. In early 2014, Malong was accused of funding this force from Northern Bahr el Ghazal State’s own financial resources, but his response was to insist that only the force itself had been drawn from his home area.¹³⁰ Some of the deserters from the *Mathiang Anyoor* were summarily executed if they were caught before reaching their homelands. This returning home mimics similar complaints by the SPLA-IO¹³¹ in relation to the White Armies.

The force of the *Dut ku Beny*,¹³² a newly formed force stationed near Juba from mid 2013, was also constructed from cattle-keeping youth of the western Dinka with some likely drawn from the *Mathiang Anyoor* as well as remaining *titweng*. Their *Dut ku Beny* nickname highlighted the perception that their job was to protect their boss – Salva Kiir. It drew on the local idiom of cattle-keeping youth’s legitimate use of violence to protect the home community. Protection of the leader at the government’s centre was at a spatial distance from the home communities. Yet, it was synonymous with protection of the home community itself because having elites in government provided access for the home community to government resources and security.

President Kiir brought this force to Luri Bridge near Juba in 2013, but Kiir failed to persuade the SPLA High Command to recognise the force as part of the national army, as had been the case with the broader *Mathiaang Anyoor*. The High Command was reluctant to accept this force as part of the SPLA and provide them with salaries or arms,¹³³ as there were concerns over its ethnic

129 Salva Kiir as reported by Radio Tamazuj, ‘Transcript: Kiir’s ‘One People, One Nation’ speech’, *Radio Tamazuj*, 16 February 2015, visited on 25 March 2015.

130 Sudan Tribune, *N. Bahr el Ghazal Suspends Secretary General Over Financial Scandal*, 20 February 2014, <www.sudantribune.com/spip.php?article50029>, visited on March 2015.

131 In April 2014, the military opposition to Kiir’s government, led by Machar, during an initial meeting of the leadership, they gave themselves the name of the SPLA-IO. However, many SPLA-IO commanders now question the name as they perceive the problem as broader than an internal division in the SPLA.

132 A literal translation is ‘protector of the boss’.

133 Sudan Tribune, *South Sudan President Admits Forming Private Army* 17 February 2014, <sudantribune.com/spip.php?article49993>, visited on January 2015.

homogeneity and its principle loyalty to President Kiir as opposed to the wider state security hierarchy.

On 15 December 2013, violence started in the Presidential Guard in Juba. Over that weekend, a meeting of the SPLA's National Liberation Council had increased political tensions. The Presidential Guard was a heterogeneous collection of soldiers who had previously served under a variety of commanders who were now competing politically. Although the exact events in the Presidential Guard that night remain disputed, something prompted Nuer soldiers to resist disarmament and take control of the barracks. This could have been an isolated episode of violence, yet South Sudanese leadership and citizens immediately interpreted it as having national political and military significance.¹³⁴ By the morning of the 16 December, various forces were brought into Juba including Kiir's *Dut ku Beny*. At this time, this force made up of Dinka from Bahr el Ghazal had still not formally been recognised by the SPLA High Command. The SPLA High Command found themselves confronted by both a defecting Nuer force in the Presidential Guard and this Dinka force that they had refused to recognise. By opting to work with the *Dut ku Beny* against the defecting Nuer force, the SPLA recognised the defecting Nuer as the 'enemy' and the *Dut ku Beny* as part of the security mechanisms of government. By 2014, the force was being described as part of the SPLA and government.¹³⁵ Kiir's claim that the December 2013 violence was an attempted coup gave the SPLA and the *Dut ku Beny* a shared interest in the protection of Kiir's government.

The fighters of the *Dut ku Beny* also brought with them the assumed enemy of the Nuer constructed during the wars in their homelands since the 1990s. Nuer civilians, as well as soldiers, were targeted in Juba in December 2013. Even if there was no direct command for violence to be targeted on an ethnic basis, the targeting of Nuer was not unpredictable due to this historic moral framework. With the *Dut ku Beny* behaving as government actors, the government appeared to be captured by the western Dinka and in opposition to an enemy defined in ethnic terms, highlighting "the crucial fact that the state is neither a neutral actor nor a passive arena within which ethnic groups operate".¹³⁶

134 President Kiir, on the 16 December, described events on the night of the 15 December as a coup attempted against the President. This has been widely disputed. Yet, fear of national violence was so widespread that many South Sudanese, on hearing of the fight in the Presidential Guard, anticipated wide spread violence to follow. One South Sudanese acquaintance in Juba, by late evening on 15 December, had already called the author to describe how 'the war has started'.

135 Radio Tamazuj, *Official: 14 Women Killed in Warrap Attack*, visited on 2 April 2014.

136 A. Wimmer, *Waves of War: Nationalism, State Formation, and Ethnic Exclusion in the Modern World* (Cambridge University Press, Cambridge, 2013) p. 173.

5 Conclusion

Since the CPA, *titweng* have slowly been incorporated into the government, partly as a local defence force renamed 'community police' and eventually as the *Mathiaang Anyoor* and *Dut ku Beny*. As a useful and locally legitimate force, the *titweng* brought both efficiency and legitimacy to the government, but blurred the home-government boundary and incorporated an ethnic-based understanding of the legitimacy of violence into government. This highlights the impact that idioms constructed at a local level can have on the centre.

After the new eruption of violence in December 2013 in South Sudan, there has been "widespread killings of civilians, often based on their ethnicity, and mass destruction and looting of civilian property".¹³⁷ International observers have called for elites to be held responsible for these apparent violations of international law. The ethnic nature of the violence seems to increase further the need for accountability. At the time of writing, civil society is voicing concern that a peace agreement will be reached between elites without a commitment to justice. For many South Sudanese, this absence of justice will give legitimacy to ongoing violence as revenge. Yet, in international law, the categorisation of victims and perpetrators of violence makes a difference. As this article highlights, in South Sudan there is no clear distinction between civilian and combatant, nor government and non-government. Boundaries are often blurred and identities recast to meet the demands of their fluid, violent contexts. While justice is clearly demanded, it must be recognised that the boundaries described in international law may not easily trace over those experiences in daily life in South Sudan. With ethnicity-based violence having implications in international law there is a need to recognise the "complex ways the intricate and shifting tissue of ethnicity has been woven into the fabric of the African state, and of the repercussions this has throughout society".¹³⁸ The ethnicisation of the South Sudanese government through the incorporation of the armed, western Dinka into the army involves a complex mix of constructed culture, visions of ethnicity, and agency of armed men and elites. The killing of civilians based on ethnicity is not limited to short-term elite commands, but was woven over time into the culture and fabric of the government.

137 South Sudan's New War: Abuses by Government and Opposition Forces, Human Rights Watch, 7 August 2014.

138 V. Broch-Due (ed), *Violence and Belonging: The Quest for Identity in Post-Colonial Africa* (Routledge, Abingdon, 2005) p. 12.