

# research evidence for policy



This litigant is elaborating his view of a conflict over cows in a customary law court in Wanyjok. The sticks on the ground in front of the litigant symbolise cattle. Aweil East County, South Sudan. Photo: Martina Santschi (2009)

## Chiefs, state-building, and development in independent South Sudan

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Case studies featured here were conducted in South Sudan

### Policy message

Chiefs play a key role in local government in South Sudan. They provide vital services and enjoy considerable local legitimacy. They act as a bridge between communities and government institutions. Nevertheless, their functions vary from place to place, and their roles are sometimes contested by local government bodies, the formal judiciary, and community members. They are important partners for development agencies, but not the only ones. Initiatives to foster sustainable, inclusive, and participative state-building and development at the local level need to cooperate with chiefs as well as other local actors.

- Chiefs play an important role in community life in the young nation of South Sudan. They provide an array of vital services, from mobilising people for community projects to adjudicating disputes and administering customary law. Sometimes criticised as being an unelected group of old men, they will nevertheless play a vital role in South Sudan's steps to building viable, effective, local government institutions. This issue of *evidence for policy* looks at chiefs and how development agencies should interact with them.

### Independent South Sudan

- In 2005 after more than two decades of war, the northern-based government of Sudan and the southern-based Sudan People's Liberation Movement/Army (SPLM/A) signed a comprehensive peace agreement. This paved the way for a referendum in January 2011, in which the vast majority of South Sudanese voted for independence. On 9 July 2011, South Sudan finally became independent.
- The process of establishing executive, legislative, and judicial institutions and administrative structures is now under way in South Sudan. But these new institutions are not being installed in empty space. Rather,

diverse actors and groups are jockeying for authority and control over posts and resources. These stakeholders include chiefs, youth groups, political parties, soldiers, and returnees.

### Providing public services

Chiefs are significant stakeholders at the local level. They wield considerable socio-political influence, and many are seen as legitimate representatives of their communities. They provide important public services, and are vital for local governance.

Since the colonial era, these chiefs have performed various administrative and judicial tasks.



members of the judiciary dispute this practice of bringing the customary law courts under the jurisdiction of the judiciary.

### Revival of chiefs

Though chiefs are significant in numerous African countries, their relationship with governments has been ambiguous. In the 1960s and 1970s, various post-colonial governments denounced them as collaborators of colonial rulers and limited their power. Since the 1990s a process of “re-traditionalisation” empowering chiefs can be seen in Africa, including South Sudan. Buur and Kyed (2007) point to two aspects fostering the revitalisation of chiefs:

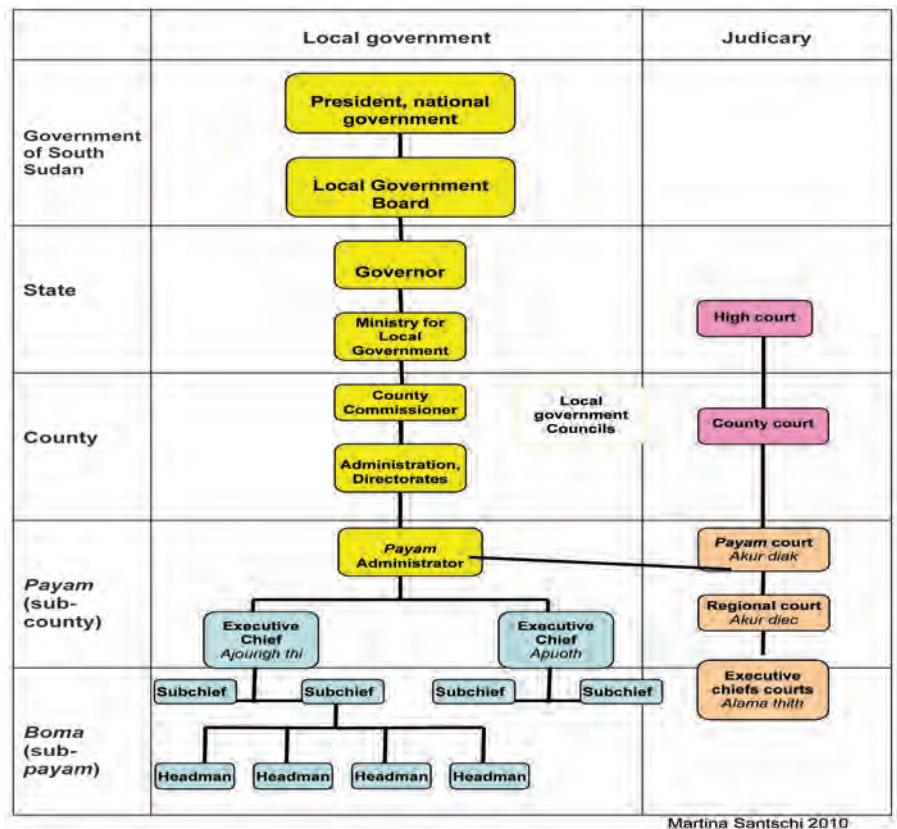
First, governments in numerous African countries, including South Sudan, are unable to provide extensive public services. Consequently, chiefs who offer such services have never lost their influence.

Second, chiefs get “revitalised” through externally initiated projects that promote bottom-up democratisation and decentralisation. These aim to include communities in decision-making and to improve transparency and accountability towards the communities. In South Sudan, various external actors and international interventions engage with chiefs; they focus on topics such as local governance, service delivery, justice, decentralisation, and development.

### Idealistic views of chiefs

Some observers criticise the role of chiefs in relation to human-rights violations and male gerontocracy. Others aim at revitalising chiefs. At times they take an idealistic view of chiefs as authentic, apolitical, community representatives who act exclusively in the interest of their people. In practice, though, chiefs are closely linked to state institutions and derive part of their legitimacy from the state. Chiefs have been partly co-opted by colonial and post-colonial powers and at times act in their own interest, for instance by competing for access to government resources. In addition, many local chiefs are interlinked with the regional and national political elite. Their wealth and influence, and colonial schooling policies, have given chiefs’ families advantages in education and political influence. As a result, a considerable part of the South Sudanese political and economic elite originates from such families.

## Local government and judiciary in Mangartong payam, Aweil East County, 2008



### Definitions

**Chiefs.** “The specific title of chief was created as part of the British administrative system of indirect rule” (Leonardi et al. 2010). Aweil East County has three levels of chiefs: Executive chiefs (with Deputy chiefs), Subchiefs, and Headmen. Executive and Subchiefs relate to territorial entities (*wut*), and Headmen to hereditary entities (*dhien*). Chieftaincies in South Sudan are often hereditary. After a chief’s death or dismissal, community members or close relatives of the former chief either select or elect a new chief.



A group of chiefs, elders, and community members chatting between two court cases in Wanyjok (Aweil East County, South Sudan). Photo: Martina Santschi (2009)



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## Policy implications of NCCR North-South research

- Chiefs have an important role to play in humanitarian, state-building, development, and peacebuilding endeavours in South Sudan. External actors must take them into account in policies and programme implementation, for instance in service delivery and social protection.

Although they enjoy high legitimacy in the eyes of local people, the role of chiefs remains contested.

- Traditional authorities should not be idealised, and they should not be the exclusive local partners for development efforts. Local government institutions and groups such as youth, women, political parties, and community-based organisations should also be involved in such activities. Otherwise external actors may empower one stakeholder group at the cost of others, so causing tensions.
- Further research is needed to gain insights into the relations between chiefs, communities, and local government institutions.

### Further reading

**Buur L, Kyed HM.** 2007. *Traditional Authority and Democratization in Africa*. New York, USA: Palgrave Macmillan.

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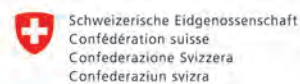
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