

Governance in South Sudan

Research Repository Guide

This Research Repository has been compiled by the CSRF to assist donors and aid workers in South Sudan to better understand the context in which they work. The repository is searchable by key words, and is also organised into eight categories to enable easier exploration of specific topics. CSRF has conducted a meta-analysis for each of the eight categories, analysing a selection of relevant, key literature and extracting some of the most salient questions for donor-funded programming.

Understanding the Literature

Since the colonial era, researchers have used empirical research to explore dynamics of local governance, traditional authorities, the politics of state-formation processes and how people experience the government. The literature on governance in South Sudan published between 2005 and 2013 tends to focus on post-conflict state-building, citizen-state relations, governance and international support to it. This literature, which includes policy briefs, is often rather generic. Literature from the post-2013 crisis is often written with an eye to policy recommendations and linked to governance issues around the humanitarian response, the armed conflict, the peace process and the subdivision of existing administrative entities. Some of these publications refer to the second civil war (1983 – 2005) and explore governance in relation to humanitarian aid and rebel governance thereby trying to identify lessons learned for the ongoing armed conflict and humanitarian response. The questions below were developed with the aim of connecting current governance trends with those that existed in the colonial and post-colonial periods, exploring the implications of the new administrative boundaries that were announced starting in 2015, and better understanding the relationship between citizen, state, and aid provision.

Go to the source

Harragin, Simon (2007). [Waiting for Pay-day: Anthropological Research on local-level Governance Structures in South Sudan.](#)

Rift Valley Institute (2017). [Now We Are Zero: South Sudanese chiefs and elders discuss their roles in peace and conflict.](#)

Willems, Rens & Deng, David K. (2015). [The Legacy of Kokora in South Sudan.](#)

- 1. Why do local governance institutions differ across South Sudan and what are the consequences for international actors?**
- 2. What are the relations between national, state and local governance institutions and what are the implications for state building endeavours?**
- 3. How is governance affected by conflict and food security induced displacement and what are the implications for international actors?**
- 4. What are citizens' expectations and realities of the subdivision of administrative entities?**

1. Why do local governance institutions differ across South Sudan and what are the consequences for international actors?

Local governance authorities, structures, practices and related norms vary as they are partly derived from differing pre-colonial socio-political institutions. For example, a few communities have kings who still wield considerable authority and influence. In other areas, formal and informal authorities' influence is more limited and based on their charisma and ability to fulfil people's expectations. As a result, institutions differ from context to context, which makes generalisation and the use of a single approach difficult. Any attempt to harmonise different institutions risks undermining the effectiveness of important authorities.

Go to the source

Leonardi, Cherry (2013). [Dealing with Government in South Sudan: Histories of Chiefship, Community and State.](#)

Johnson, Douglas. H. (1986). [Judicial Regulation and Administrative Control: Customary Law and the Nuer, 1898–1954.](#)

Santschi, Martina (2012). [Chiefs, State-Building and Development in Independent South Sudan.](#)

Local governance institutions do share commonalities such as the important role of chiefs, in part due to the influences of colonial and post-colonial administrative and governance policies. The Anglo-Egyptian colonial powers introduced chieftaincies and chief courts as the basis for native administration throughout South Sudan. Chiefs continue to play a key role in local justice, service delivery, tax collection, social protection, aid allocation and community mobilisation and peace building. Donor-funded interventions should seek to understand both formal and informal governance structures when designing or implementing programmes to ensure they

do not unintentionally weaken functioning systems.

2. What are the relations between national, state and local governance institutions and what are the implications for state building endeavours?

Colonial and post-colonial governments and the Sudan People's Liberation Movement/Army's (SPLM/A) have pursued varying legislation and policies, sometimes supported by external actors. Their often limited and unequal implementation has influenced and shaped governance at all levels in South Sudan. Constraints in transport, means of communication and finance have limited the development of the different levels of government, particularly at lower levels. Poor communication between different levels of government has led to limited dissemination of legislation such as the Local Government Act of 2009 to local authorities and the population. Hence, such legislative provisions are not necessarily known and/or followed. As a result, the structures, functions, and practices of local government and judicial institutions were and still are often negotiated and contested. They are, therefore, mutable and differ from area to area.

3. How is governance affected by conflict and food security induced displacement and what are the implications for international actors?

Since the outbreak of widespread armed violence in December 2013, more than 4 million South Sudanese have been displaced, either within South Sudan or as refugees abroad. Most internally

displaced persons are outside UN protection of civilian sites (POCs). Displacement disrupts families and communities, and weakens local governance structures, social relations and social protection mechanisms.

Despite disruption, local governance structures and practices are present in settlements of South Sudanese IDPs and refugees, with some similarities to structures found at 'home'. For example, during the past civil war, in IDP settlements in Darfur, Khartoum and Kordofan, relatives of chiefs from original home areas were often installed as chiefs in the new settlements. They undertook the same activities as chiefs at home, including the settling of disputes and the allocation of food aid. Elders and chiefs of IDPs who fled to Minkamen (Lakes) after December 2013 cooperated with host chiefs to settle disputes and to address issues between host communities and IDPs. The same elders and chiefs also worked with international actors. In

today's PoCs, customary courts have emerged to resolve community disputes. They represent public authority and contribute to keeping local norms in PoCs. Similar developments can be observed in refugee camps in Uganda, Sudan, Kenya and Ethiopia.

Such informal institutions may cause tensions with other local government authorities or PoC site administrators. They might undermine host governing authorities and justice mechanisms by constituting parallel institutions.¹

Go to the source

Harragin, Simon & Chol, Changath Ch. (1999). [The Southern Sudan Vulnerability Study.](#)

Maxwell, Daniel et al. (2015). [Questions and Challenges Raised by a Large-Scale Humanitarian Operation in South Sudan.](#)

Ibreck, Rachel, & Pendle, Naomi. (2016). [Customary Protection? Chiefs' courts as public authority in UN Protection of Civilian sites in South Sudan.](#)

4. What are citizens' expectations and realities of the subdivision of administrative entities?

Go to the source

Conflict Sensitivity Resource Facility (2018). [Findings around changes in local governance and external interventions in Northern Bahr el-Ghazal.](#)

Schomerus, Mareike. & Aalen, Lovise. (2016). [Considering the State. Perspectives on South Sudan's subdivision and federalism debate.](#)

Leonardi, Cherry & Santschi, Martina. (2016). [Dividing Communities in South Sudan and Northern Uganda: Boundary disputes and land governance.](#)

The number of administrative entities has changed many times in South Sudan – at both the local and state level. The creation of 28, and subsequently 32, states from the existing 10 in late 2015 continues the debates over the appropriate subdivisions of administrative entities. Many South Sudanese have supported further administrative subdivisions arguing that they bring government institutions closer to the people and improve service by the devolution of power, and increase the number of political and administrative positions of employment.

¹ After their return to South Sudan some former refugees and IDPs continue to live together under their "former" IDP/refugee chiefs. This practice undermines the roles of existing "host" chiefs as it creates a parallel system. This practice led to tensions in the wake of the return of many South Sudanese after 2005.

Contrary to expectations, the creation of 28 and then 32 states did not result in a devolution of power nor a greater transfer of resources to the state level. With the decline of overall oil revenue and a national financial crisis, transfers to the state and local level further decreased. States have been created, yet they depend to a great extent on the existent infrastructure of the previous administrative structures. As state and local government institutions lack the required resources to provide infrastructure, hire new staff and increase service delivery, the expectations of ordinary citizens are likely to be disappointed.

There are a number of implications and complications for international actors dealing with the new administrative structures. Cooperation with government institutions is affected as trained staff have been transferred or replaced. Institutions are run with limited financial resources. The boundaries of the new entities are in some cases ambiguous, affecting planning, targeting and project implementation, and increasing the risk of disputes over external support, including food aid.

[Further publications on governance in South Sudan are available in the CSRF repository](#)