

CSRF Meta-Analysis: Governance in South Sudan

Martina Santschi, and CSRF

This meta-analysis offers an overview of the literature on governance in South Sudan in the CSRF repository by exploring salient and timely questions for donor-funded programming. These questions focus on (1) the reason why local governance structures differ in South Sudan and the implications for aid actors, (2) the relations between national, state, and local governance institutions and the implications for state building endeavours, (3) the impacts of conflict and food security induced displacement on governance and the implications for international actors and (4) citizens' views and expectations about governance and connected processes such as the planned elections based in perception studies.

Introduction

Since the colonial era (1899-1956), researchers have used empirical research to explore the dynamics of local governance, traditional authorities, the politics of state-formation processes, land governance 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, often tends to be rather generic.

Literature focusing on 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 administrative entities in 2015 from 10 to 28 and then 32 states and then back to 10 states and 3 Administrative Areas in 2020. Some of these publications refer to the second civil war (1983 – 2005) and explore governance in relation to humanitarian aid, thereby trying to identify lessons learned for the post-2013 armed conflict and humanitarian response.

In 2018, the Government and armed opposition groups signed the Revitalised Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS). Since the signing of the R-ARCSS, the literature tends to explore more the topics of the implementation of the peace agreement, post-conflict governance, how aid interacts with governance, conflict, governance of land and

administrative boundaries, how citizens view the state and the elections planned for 2024.

The questions below were developed with the aim of connecting current governance trends

Go to some sources

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Kindersley, Nicki and Øystein H. Rolandsen (2017). [Civil War on a Shoestring: Rebellion in South Sudan's Equatoria Region.](#)

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with those that existed in the colonial and post-colonial periods, exploring the implications of the

R-ARCSS implementation and other recent dynamics on governance and better understanding the relationship between citizen, state, and aid provision.

1. Why do local governance structures and 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' views and expectations in relation to governance and connected processes such as the planned elections? some insights from recent perception surveys.

1. Why do local governance structures and 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 two pre-colonial socio-political structures, such as hierarchical and segmentary institutions. For example, a few communities, the Anuak, Shilluk and Azande have kings who still wield considerable authority and influence and drive their legitimacy from inheritance. In other areas, formal authorities such as chiefs and chief court members and informal authorities such as spiritual authorities and clan heads' influence is more limited and based on their charisma and ability to fulfil people's expectations. The Local Government Act (2009) recognizes these differences in local governance structures and institutions.

Local governance structures 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 Southern Sudan region in 1920.

Chiefs continue to play a key role. All over South Sudan, a hierarchy of chiefs constitutes part of the local government at the *county*, *payam* and *boma* level where chiefs engage in local justice, service delivery, tax collection, social protection, aid allocation, community mobilisation, peace building and acting as intermediaries between the community and external actors. As communities can hold chiefs accountable and chiefs constitute the government representatives closest to people, chiefs can wield substantial legitimacy, while community members are aware of the often limited power of chiefs.

Besides chiefs, informal authorities such as clan and family heads, spear masters, prophets, landlords, earth masters, and rain makers play important peacemaking, governance, and spiritual roles. Yet, due to socio-political variations, local governance, authority structures, practices and the (s-)election of local authorities differ from context to context, which makes generalisation and the use of a single approach difficult if not harmful.

Another commonality of governance structures at all levels in South Sudan is that they tend to be dominated by (elderly) men and politically marginalise women and youth. The government did, for example, not yet implement the quota for women and youth stipulated in the R-ARCSS.

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, while at the same time strengthen the influence of women and youth.

A third commonality in South Sudan is the interlink between community structures (often kinship structures at the local level), local governance structures, communal land ownership and administrative territory. Due to this interlink contestations over administrative territory and boundaries may embrace a community or ethnic dimension which can render such conflicts particularly complex.

When it comes to aid interventions in contexts affected by conflicts over land and administrative territory, it is essential that aid interventions consider the context dynamics and apply conflict sensitive programming.

Go to some sources

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Felix De Costa, Diana (2023). [Navigating the complex webs of Murle authority in Pibor: conflict sensitivity considerations for aid actors.](#)

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2. What are the relations between national, state and local governance structures and institutions and what are the implications for service delivery and state-building

Colonial and post-colonial governments and the Sudan People's Liberation Movement (SPLM) - first as an armed opposition group and since 2005 as the ruling political party - have pursued varying legislation and policies sometimes supported by external actors. Conflicting content and unclear jurisdiction have influenced and shaped governance at all levels in South Sudan.

Constraints in transport, means of communication and finance (including inadequate transfer of government funds to the state and the local level) have limited the development of the different levels of government, particularly at lower levels. Moreover, it has undermined exchange of information and cooperation across administrative 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 citizens. Hence, such legislative provisions are not necessarily known and followed. As a result, the structures, functions, and practices of state and local government and judicial institutions were and still are often negotiated and contested. They are, therefore, mutable and differ from area to area. As a result, a thorough analysis of the respective context and actors is essential for aid actors, when engaging at the local level.

Between 2005 and 2013, the international community strongly supported state-building in South Sudan focusing mainly on infrastructure and bureaucracy. The underlying assumption was that state structures able to deliver services would foster state legitimacy.

With the outbreak of the civil war in late 2013, the international aid focus shifted to humanitarian aid. The civil war, the related economic crisis and the subdivision of states in 2015 further weakened governance structures.

Since the signing of the R-ARCSS, economic and humanitarian crises and political contestations have negatively impacted intergovernmental relations and governance at all levels contributing to an increased competition over revenues and administrative territory and further reducing service delivery by the government.

In view of the planned elections and the end of the transitional period, some international aid actors may consider increasing support to government structures in South Sudan.

To some extent, such rechanneling of funding from humanitarian aid to peacebuilding and development has already happened. For example, health support formerly provided by the Health Pooled Fund (HPF) will now be replaced by the Health Sector Transformation Project (HSTF), with the government as lead agency.

For such support, it is essential to build on the lessons learned of the 2005-2013 state-building engagement in South Sudan and apply a political-economy analysis lens to analyse political dynamics, the relevant governance structures and legal frameworks.

Moreover, it is vital to critically support the role of chiefs in the lead up to election, but also to evaluate the risks associated with politicians seeking to use chiefs for their own advantage.

If elections do not happen, and/or the main political parties extend the transitional period once more – donors may take a punitive stance and respond with aid cuts. In this case, the aid community ought to consider the conflict sensitivity and humanitarian

implications of such aid cuts on the humanitarian crisis and the political stability.

3. How is governance affected by conflict, food security and climate change related flooding and drought induced displacement and what are the implications for international actors?

Since the outbreak of the most recent civil war (2013-2018), the increase of localized armed violence (2018), and climate change-induced flooding and drought, more than 4 million South Sudanese have been displaced, either within South Sudan or as refugees abroad.

Most internally displaced persons live outside former UN protection of civilian sites (POCs) which changed in status and are now under the jurisdiction of the government. Displacement disrupts families and communities, and weakens local governance structures, social relations and essential community based- 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 second 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 settling disputes and allocating food aid. Since, 2013 this phenomenon has re-occurred.

Elders and chiefs of IDPs and refugees often cooperate with host chiefs to settle conflicts and address issues between host communities and displaced communities. The same elders and chiefs also work with international actors.

In the 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.

As dispute resolution, among IDPs and refugees also tends to be dominated by male court members, the same concerns about human rights particularly in relation to children and women apply also there ([Meta-analysis: Justice in South Sudan](#)).

Moreover, such informal structures of displaced chiefs and other community leaders may cause tensions with other local government authorities or PoC site administrators. They might be perceived as undermining existing host governing authorities and justice mechanisms by constituting parallel structures.

Aid actors engaging with displaced and returning communities should consider such informal authorities and their essential role in governance, conflict resolution and local justice. Yet, at the same time, it is necessary to take related gender, human rights and social dynamics into account, as well as the fact that some of these authorities may come under scrutiny as competitors by local government authorities of the host communities.

In recent months hundreds of thousands of returnees have moved back from Sudan. Many find themselves in former PoC/IDP camps with existing formal and informal authorities and related cultural and social dynamics. The new arrivals who find these authorities and structures in place have no power to change them or start their own. Aid actors engaging in such context, should take such structures and the related conflict sensitivity risks and opportunities for new arrivals into account.

Literature, including recent publications on climate change and conflict-induced displacement, suggests that relations

between hosts and displaced communities depends partly on the previous relations of the respective communities.

In relation to displacement, conflicts over land and other key resources may emerge. For example, the CSRF analysis on Mangalla (2020) underlines the importance of conflict sensitive aid in the context of displacement and conflict over land. Conflict-sensitive aid considers among other things, the conflict dynamics, addresses the needs of hosts and IDPs, supports peacebuilding, and designs aid responses that do not further exacerbate conflict.

Go to some sources

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4. What are citizens' views and expectations in relation to governance and connected processes such as the planned elections? some insights from recent perception surveys.

Since the signing of the Comprehensive Peace Agreement (CPA) in 2005 different perception

studies focussing on governance were conducted in South Sudan. The studies of the National Democratic Institute for International Affairs (NDI) and the Peace and Conflict Resolution Evidence Platform, University of Edinburgh stand out as both organisations published perception studies on different topics related to governance over a period of several years.

Between 2004 and 2013 NDI published the results of a series of Focus Group Discussions in South(ern) Sudan covering diverse topics such as peace, constitutions, self-governance, inter-governmental relations, elections, and expectations towards the government etc.

Starting from 2022, the Conflict Resolution Evidence Platform has published several reports on national identity, security and governance, elections, perceptions of peace, public authority and safety based on perception surveys.

One key finding is that the relation between the national government and citizens declined significantly and that particularly respondents with a more recent experience of insecurity and displacement were more likely to perceive that the government did not care about their community (Deng et al. 2023). The same briefing pointed at the community trust with traditional authorities and illustrated that in some communities, respondents feel that chiefs can play an important role in mobilising for warfare.

In a survey conducted in 2021 and 2022, South Sudanese respondents' views on the elections were ambivalent. On the one side, the large majority of the respondents wanted to vote, on the other side 60% of the respondents related elections with violence (Deng et al. 2022).

For aid actors perceptions studies constitute a tool to gain insights of different citizens' views and expectations on governance and related topics. These insights allow to integrate citizens' perceptions when designing aid interventions that influence governance.

Views of citizens and their expectations related to governance are partly shaped by their experiences. Their experiences and views do not only differ from context to context but also depend on gender, age, living environment (e.g.

rural vs urban, security situation), marital and displacement status and economic and social status.

Accordingly, aid actors engaging in the field of governance or supporting any governance and state-building interventions ought to consider that the context and the experiences of the individual citizens shape how they view the state and what they expect from the government and phenomena such as elections. This calls for inclusive approaches that consider the views and expectations of marginalised groups such as women, youth, displaced and people with disabilities.