

**Waiting for pay-day: Anthropological Research  
on Local-level Governance Structures  
in South Sudan**

**Final Version for Circulation**

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## **Executive Summary:**

This report presents the results of a 4 week field study of the social and anthropological factors behind local governance structures in Southern Sudan – concentrating on the areas of Aweil East and Aweil Centre in Northern Bahr el Ghazal.

It begins by describing the Structure of the Government of Southern Sudan set up after the Comprehensive Peace Agreement. Under the Interim Constitution of Southern Sudan, a formal structure of legislative, judiciary and executive bodies have been set up with the principle of devolving power to the 10 States – and through them to the Local Government.

Local Government includes all the activities undertaken by the devolved authority of the GoSS at the level of county or urban council and below. Such activities fall under the co-ordination of the State Ministries of Local Government. However, the State Ministries have no Ministry of Local Government at central GoSS level in Juba. There is thus no formal body to call the States to account now that funding for Local Government has failed to make it through the State accounting systems. Nor is there a formal Ministry to undertake the work of preparing and passing the Local Government Act before the Southern Sudan Legislative Assembly and/or to argue with the Ministry of Finance on budgets. Instead there is a Board of Local Government that acts in an advisory capacity to the Office of the President.

This translates at a local level into a barely functioning Local Government (LG) structure. There are no resources to pay salaries and a shortage of trained personnel to fill the posts such as County Sectoral Directors. While formally appointed, the post-holders were more occupied in chasing up salaries than starting the work of Government taking over service provision from aid agencies. No formal plans are in place for Counties to organise the day-to-day management of service provision let alone producing County Development and Strategic plans. Technical oversight is not being provided by the States. LG is also in a weak position in its negotiations with aid agencies – tending to accept what agencies and their donors are prepared to give rather than is needed.

It is therefore uncertain that aid agencies – and especially Save the Children and the Aweil Rehabilitation and Recovery Programme - are providing the most appropriate support to this struggling LG structure. The RRP does not seem to have any strategy to address the salary problem. Nor does the current programme of ‘capacity-building workshops’ look likely to provide the most basic skills in administration and finance, nor the fundamental language skills that enable trainees to make use of training. Part of this is due to the assumption that Southern Sudan is now in a ‘development phase’ so it is no longer the role of aid agencies to provide the kind of basic hand-outs that took place during the ‘relief-phase’. In fact little has really changed on the ground where there is a profound need for resources as well as advice. There is little active contestation of the RRP’s views of a ‘relief-development continuum’ even though it fails to define what is meant by relief and development. The RRP has borrowed approaches liberally from each, for example by building government offices, but more-or-less parachuting them in without any investment in the human infrastructure.

Meanwhile, traditional authorities have still not been fully incorporated into the local government structure. They have received almost no remuneration for the work they do, and are voicing discontent with the lack of a real peace-dividend. Their populations are asking for

promised compensation for war victims and are now less willing to provide free labour for projects. They still have legitimacy in the eyes of their people and could be used to realise the GoSS promise of decentralised government for the people. They continue to ensure justice at a local level but cannot be expected to continue being ‘the eyes of the government’ at a local level if they are getting no assistance from the government.

It is proposed that aid agencies be prepared to provide assistance in a way that helps fill the vacuum that exists at a local level. This should be seen as a way of jump-starting the system of service-provision by government until LG resources arrive rather than replacing it. This does not necessarily mean paying salaries: it could involve taking people away for training instead of them remaining inactive due to lack of funds; it could involve giving language training to existing staff trained in Arabic-pattern schools; it could involve seconding trained staff to mentor administrators or replacing them while they receive training (ie building the capacity of the department rather than the individual); it could involve facilitating meetings between more and less experienced members of government; it could involve realising the RRP objective of maximising spending in target communities by cash-for-work programmes or cash-grants for work that will be visible and popular and reduce the impression that all the increased budgets in Sudan are being wasted at a State and GoSS level. Perhaps the best solution will be to combine long and short-term programming – quick-start projects as well as developmental ones, and short-term training as well as a long-term solution. Finally SC should advocate, through the RRP and UNDP, for the policy vacuum caused by not having a Ministry of Local Government to be resolved as soon as possible and for the Local Government act to be passed quickly so that State Ministries of Local Government will have a policy structure in which to work and to which they can be held accountable by GoSS for the money they are receiving from central government.

## 1. Introduction and Context:

The following piece of work was commissioned by Save the Children UK (SC-UK) to gain an appreciation of the structures of local government and their relations with the traditional local leadership in the currently changing context of South Sudan (see ToR in Annex 3). It aims to suggest an outline for best policy that builds on existing relations as well as supporting the development of new institutions following the signing of the Comprehensive Peace Agreement (CPA) on January 9<sup>th</sup> 2005<sup>1</sup>.

### Government Structure in Southern Sudan

Under the *Interim Constitution of the Southern Sudan 2005*<sup>2</sup>, and in agreement with the Interim National Constitution, governance in Southern Sudan 'shall be guided by the principles of decentralisation and devolution of power to the people'<sup>3</sup>. The decentralised system of government will have three levels – the Government of Southern Sudan (GoSS) level, the State level of government (10 States) and the Local Government (LG) level. The GoSS will have three organs: the Legislature, the Executive and the Judiciary. The Legislative is to be known as the Southern Sudan Legislative Assembly – responsible for passing legislation, approving budget allocations and plans – with 170 members – 70% SPLM, 15% National Congress Party and 15% other Southern political parties). The Executive consists of the President<sup>4</sup> of the Government of Southern Sudan, Vice-President and a Council of Ministers. Judicial powers are to be given to an independent body to be known as the Judiciary of Southern Sudan, subject to the constitution but independent of the executive/legislature and headed by the President of the Supreme Court of Southern Sudan, under which will be a structure of Courts of Appeal, High Courts, County Courts and other *ad hoc* courts.

The Government of Southern Sudan (advised by a Southern Sudan Civil Service Commission) shall have a Civil Service who will carry out their functions impartially according to terms and conditions to be determined by law through the so-called Public Service Act. The security and welfare of the people of Southern Sudan is the primary duty of all levels of government. A Bill of Rights ensuring the rights of the child, rights of women, freedom of expression, rights to life, liberty and equality before the law amongst other things shall be upheld by the Southern Sudan Supreme court and monitored by the Southern Sudan Human Rights Commission. Religion and state shall be separate. Under the constitution a Southern Sudan Referendum Act shall be passed by the National Legislature at the beginning of the third year of the Interim Period, and six months before the end of the six-year Interim

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<sup>1</sup> The contribution of many unacknowledged informants is gratefully acknowledged. Ultimate responsibility for the opinions expressed though and errors or misunderstandings within rest with the author. Neither do opinions represent the position of Save the Children who commissioned the piece of work.

<sup>2</sup> Published by the Ministry of Legal Affairs and Constitutional Development (MoLACD 2005:13) and signed into law on 5<sup>th</sup> December 2005.

<sup>3</sup> The executive and legislative powers retained at the National Government level in Khartoum include Defense, Foreign Policy, Passports/Immigration/Nationality, currency, civil aviation, Central bank/currency, shipping, customs/excise, National census, Nile Water Commission, national transport infrastructure etc while GoSS retains control over the Constitution of the GoSS, Security, employment of civil servants, referenda, taxation, reconstruction of Southern Sudan, Southern Sudan census etc. States are responsible for local government, roads, education, customary law, State budget etc. Delivery of public services is a shared responsibility of all 3.

<sup>4</sup> Also First Vice President of the Republic of the Sudan – to be the Chairman of the SPLM until elections to be held not later than the end of the 4<sup>th</sup> year of the Interim Period

period, there shall be a referendum on the future status of Southern Sudan organised by the Southern Sudan Referendum Commission in co-operation with GoSS and the GoNU.

Below the level of the GoSS and the Southern Sudan Legislative Assembly, there are executive, legislative and judiciary organs at State level. The ten States of Southern Sudan are Northern Bahr el Ghazal, Western Bahr el Ghazal, Warrap, Lakes, Western Equatoria, Central Equatoria, Eastern Equatoria, Jonglei, Upper Nile and Western Upper Nile. Each State has a Governor, in principal elected by residents of that state though currently appointed. He/She appoints the State Council of Ministers and appoints a Deputy Governor who deputises when the Governor is absent<sup>5</sup>. Each state will have a legislature known as the State Legislative Assembly – a body of law-makers that can impeach the governor after his first year in office if they achieve a two-thirds majority (70% of seats coming from SPLM, 10% from National Congress Party and 20% from other parties in the south).

Below the State level is the county or urban council – a level at which the decentralisation policies of the GoSS will be manifested in the participation of local communities in self-governance. This will be done through incorporating the role of the Traditional Authorities and customary law into the local government system. Local government authorities are made up of executive, legislative and judiciary organs – comprising the Commissioner’s office, the Executive Director’s Office and the County judiciary (customary law).

### **Government Functioning:**

The GoSS should be allocated 50% of the non-oil revenue collected in the south, and 50% of net oil revenue derived from oil producing wells in Southern Sudan after payment has been made to the oil producing states and the Oil Revenue Stabilisation Account. States are expected to raise revenue from taxes and excise, as well as a 2% levy on the oil revenue for oil-producing states.

The civil administration that was put in place after the 1994 National Convention was deeply rooted in a military hierarchy despite its civilian aims, and had maintenance of security as the major part of its remit as opposed to the provision of services or local development. Maintaining law and order would be impossible without the collaboration of the traditional leaders, and incorporation of traditional authorities that was the objective of a major conference of chiefs and traditional leaders held at Kamutho, New Site in July 2004 (SPLM 2004)

After the Public Order function, service provision is seen as the ‘hallmark’ of government (Local Govt Secretariat 2006:49). The provision of public services constitute what it is to be an empirical state and reconstituting the capacity to deliver services is a precondition for the development of effective and legitimate statehood (Macrae 2001:70). On the other hand poverty contributes to the weakness of the state. The role of donors is thus vital in enabling GoSS to begin the work of providing services for its people. The relationship between Government, the Traditional Authorities and Aid Agencies is the subject of the rest of this report.

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<sup>5</sup> According to the Interim Constitution, at least one Governor for the 10 States must be a nominee of the NCP

## **2. Local Government**

### **What is local government?**

Local government is considered to be all the administrative processes of government that take place at the level of county and below in rural areas and quarter/block councils in urban areas. Local government is expected to consist of three tiers – County, Payam and Boma in rural areas, and City, Municipal and Town councils in urban areas. States are expected to enact legislation that establishes a system of ‘local government’ for which they will provide structure and financing, but the States are expected to play a co-ordinating role rather than manage local government. There are Ministries of Local Government at a State level but no Ministry at a central GoSS level in Juba.

### **Local Government Structure:**

There is therefore a vacuum in the legal status of local government, without any clear vision of who has the ultimate authority for its organisation. While States are expected to enact laws for the establishment of local government, initially the Interim Constitution (MoLACD 2005:70) allows for the President of the GoSS to establish a Local Government Board to review the local government system and recommend the necessary policy guidelines.

#### *Local Government Framework for Southern Sudan:*

The Local Government Framework for Southern Sudan was intended to be the policy umbrella to guide the legislation of local government policies. It went through an extended series of drafts over three years only to be sidelined when it came to making policy - not even being mentioned in the Interim Constitution (though the establishment of the Board of Local Government is mentioned in article 173(2)).

The Commission for Local Government, Legal Affairs and Law Enforcement produced its first report in November 2003<sup>6</sup>. This was followed in December 2003 by the formation of a Technical Team for the Secretariat of Local Government that wrote a situation analysis of the functioning of local government that became the First Draft of the Local Government Framework. This established the proposed structure of the Secretariat of Local Government. This was followed by the 2<sup>nd</sup> Draft, which drew on a workshop held at New Site in February 2004, and a 3<sup>rd</sup> Draft that followed a field survey and was written up at a workshop in May 2004. In this draft, there was criticism about the way traditional leaders had been sidelined by military and civil administrators (especially through Boma councils and SPLM Liberation Councillors). The 3<sup>rd</sup> Draft was sent out for consultation.

The 4th draft of the Local Government Framework was produced in Rumbek in September 2004, after a study tour to Ethiopia and Uganda undertaken with the assistance of UNDP and the British Council. It follows the form of a potential Local Government Act by outlining the structure, composition, financing, regulation and powers of a local government system for Southern Sudan. The technical team of the Local Government Secretariat that produced the report then took part in a UNDP-sponsored study on the role of Traditional Leadership between January and March 2005 which fed into the 5<sup>th</sup> Draft Framework<sup>7</sup>. The intention of

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<sup>6</sup> As a Framework for the Development of the Capacity of the Secretariat of Local Government and Civil Administration

<sup>7</sup> Which also analysed the expected impact of the signing of the CPA on Local Government

both pieces of work was to feed into a Local Government Act, but by December 2006 there is still no Local Government Act. The 6<sup>th</sup> and last version of the Local Government Framework, was produced in October 2006, though it is still awaiting finalisation and printing. It expresses the intention of making the text of a Local Government Act available within 3 months (Local Government Secretariat 2006:9). The 200-Day Action Plan issued by the Office of the President on 30<sup>th</sup> August 2006 also included the objective of passing a Local Government Act (GoSS 2006:49).

### *Board of Local Government*

With the nascent Secretariat for Local Government in Rumbek having failed to become a Ministry in Juba, issues of local government now fall under the Board of Local Government. It was established in May 2006 and attached to the Office of the President. Inquiries in Juba to ascertain the location in which the Board of Local Government could be found initially drew a blank. When they were finally tracked down, the Board was found to be divided between a rented two-room office and a tent in the grounds of the Ministry of the Interior. One explanation was that responsibility for the issue had been deferred to the level of State, where there was a State Ministry for Local Government, and that this was part of the 'decentralisation' strategy.

What it has meant in practice, though, is that the State Local Government Ministries are left with precious little leverage with no Ministry at Juba level to push issues such as budgets and finance. Its functions are similar to those of any other Ministry but without the resources. Whenever it tries to engage in planning, the Ministry of Finance and Planning claims that this remit belongs to them. It has been the Governors of the States who have been the strongest advocates at their first and second Governors' Fora for the setting up of a Ministry of Local Government so that Juba could at least have a better idea of the staff that were on the Local Government books and plan budgets accordingly.

At a GoSS level, after the work of passing a Local Government Act, the Board will need to begin the work of proposing modalities for determining the number of local government councils and forming a local government boundary commission to delineate the boundaries of each county (Local Govt Secretariat 2006:15). In addition national standards will need to be set for recruitment, training, management and performance-appraisal of local government staff: inadequate information on staffing levels in the counties as well as high degrees of over-staffing are said to have contributed to problems of providing salaries to legitimate staff. There is also work to do in setting down national models for Local Government Planning, resource management, service delivery and local development programming. Finally, it is proposed that the Local Government Board must undertake the work of guarding against unnecessary state interference in local government affairs.

Some informants believe that a Local Government act would not change anything though, unless it was translated into decisions taken at the level of the State Assembly. It is easier at the state level, to know the names and locations of State employees. The problem is that the State Ministries of Local Government will obtain legitimacy only when they obtain a degree of financial independence as a GoSS Ministry in Juba, rather than being dependent on the State Ministry of Finance.

### *Structure of Local Government*

There are Ministries of Local Government in all ten states whose responsibility is to incorporate Local Authority plans and programmes into the State Plans. Services such as secondary education, health and public works should be provided by State authorities within the territorial area of local government councils so local authorities have shared responsibilities for supervision and co-ordination. In reality, such services are provided by UN/NGO's in former SPLM-held areas (in co-ordination with County authorities) and only in ex-Garrison towns by the State authorities. If local authority staff want to be paid, they still have to go to the state level, so de-facto they are managed by the State with the local government playing a facilitation role. At the same time, local officials don't always know the people appointed as State Ministers.

There has been a massive increase in the number of counties since the signing of the CPA. The fourth draft of the Local Government Framework recommended that this be capped at 60 counties, while the sixth and final draft raised this to 70 counties. According to the final draft of the framework, the total number and boundaries of counties and city/town councils should be limited to 83 with a population each of 100,000-150,000. A county should contain 4-6 payams, with each payam made up of 6-7 bomas each containing 9-10,000 people (Local Govt Secretariat 2006:18).

The main job of local government is the maintenance of law and order. Local government authorities are made up of executive, legislative and judiciary organs. They are headed by a political office bearer in the form of a Commissioner, Mayor (for City/Municipal councils) or Town Clerk (for Town Councils). Alongside the Commissioner's office are the local legislative structures that include the Executive Director's office and the technical departments of Education, Health, Public Works, Agriculture, Social Welfare, Community Development, Planning, Law Enforcement and General Administration (Local Govt Framework 2006:44). Alongside there is the County Customary Judiciary Council. Below this, the Payam level is intended as a co-ordinating level without legislative structures (though there are delegated judiciary and executive functions in terms of law enforcement agents and health, education and agriculture extension workers). At the Boma level, traditional authorities have executive and judiciary authority, and the Boma Executive Chief holds the position of Boma Administrator.

### **Local Government Functioning**

#### *Human resources:*

At the setting up of the Civil Administration of the New Sudan (CANS) in 1994, insufficient resources were invested in building up an adequate financial or human resources framework to ensure that the administrative system was able to function. In the years that followed, people got used to the CA lacking the resources with which to do their work, so the current lack of trained staff with regular salaries is familiar to the population even if it doesn't correspond to their hopes for a peace dividend. While the lack of qualified staff is serious at the State level, it is worse at the County level, and even worse at the payam level. It was said that anyone who wanted to become a payam administrator in SPLM-controlled areas could – whether a trader, soldier or whatever. The minimum qualifications stipulated in the Local Government Framework such as ability to read and write English are not applied. In any case, it is considered that many positions are just interim anyway.



Overstaffing: a headcount of State and local government staff by the SPLM in 2005 in former garrison towns indicated that 80% of staff were unclassified. The double system of recruiting staff locally and of seconding staff direct from Khartoum has been abused and results in inflated numbers of employees. There was also no system to amalgamate and consolidate the staff of SPLM and GoS held areas.

In former SPLM areas it is usually only the County Commissioners and the Executive Directors who are responsible for local government service provision – the Commissioner’s job being the more political and the Executive Director more technical<sup>8</sup>. Any other staff are wholly unqualified, of advanced age or with minimum ability to perform their job. There is therefore no real surveillance of the executive by a County ‘council’ of qualified and respected local people.

*Unpaid salaries:*

Throughout the fieldwork, there were complaints from local government officials and teachers that they were not receiving salaries. In addition there was a lack of *information* disseminated about when and how eventually salaries would be paid. Sometimes this lack of knowledge was equally as frustrating as not being paid and led to the wasting of a huge amount of time following up rumours. Frequently the inconsistency in policy annoyed people more than anything with some people being paid and others not – for example commissioners and the police had been paid while technical directors and the army had not been paid. Some teachers had received a small amount but Agriculture, Health and Water staff had received nothing. It was said that the members of the Civil Administration of Southern Sudan (CANS) had not been paid while members of the Co-ordinating council of Southern Sudan (CCSS) affiliated to the National Congress Party had been paid regularly since the signing of the CPA. The executive chiefs received a one-off payments (between SD 1000-3000 was mentioned) but the subchiefs had not been paid. Town chiefs were being paid (by the NCP) while village chiefs were not.

According to the Ministry of Finance in Juba, State and County salaries are supposedly managed by the State and County, as the GoSS transfers a monthly ‘block grant’ to States to cover their running costs. This was said to be \$11.1 million. The Ministry of Education also transfers money on a monthly basis to the State level, specifically for teachers. It is the responsibility of the State to make sure this reaches the County level – but they might be using the funds for other reasons or simply not have the County-level workers on their books. In particular, the public is not aware that the States are receiving these monthly payments or the extent of these payments, so the State can always blame Juba if there is insufficient to go around. In general though, there seems to be a recognition that money of an unknown amount was sent to the State, but that none of this has been seen at the county level.

At the county level, it was felt that money for salaries had been sent from the GoSS to the State, but that they had not got any further than that. It was expected that the County would receive its own budget but so far nothing has been received. The same problem had occurred in Lakes State. Many sectoral directors had gone to Aweil to try to get things moving.

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<sup>8</sup> The Executive Director in Aweil East had attended a college of administration, while the Commissioner had been trained as a nurse and the Executive Director in Aweil Centre had attended Juba Commercial school

Giving a salary is also about ‘recognition’: at present the political appointees are being better looked after in terms of payment than the administrative staff, and a certain amount of tension exists between politicians and administrators<sup>9</sup>. This is fairly common in many countries but political interference in administration needs to be reduced by ensuring funding for the administration doesn’t depend on politicians and that political roles are more clearly defined. Local government will have the powers to collect appropriate fees and taxes which will increase their viability, but they will still need GoSS funding.

The GoSS are within their rights to judge that the payroll of the civil administration is bloated, and refuse to pay people who are not doing a recognised job. On the other hand many people see payment as compensation for ‘a role they played during the struggle’ rather than a salary for a specific job with a job-title, so reducing the payroll will not be easy; as with differential targeting of relief, local people see compensating some people (executive chiefs for example) and not others (war widows for example) as creating a divisiveness which is destabilising in local communities<sup>10</sup>. The way around this is to maximise the sense of there being a ‘peace-dividend’ where a whole community is seen to be improving.

Politicians are unwilling sometimes to gather people together for a big meeting unless they are bringing something to the table – in terms of a proposal, a trunk full of cash or a piece of news to announce. It was felt that holding a meeting with chiefs who had not received any salary reduced the degree to which government officials could talk on their behalf – ie it added an element of divisiveness (especially if the official himself had been paid). In such meetings, everybody has a right to have their opinion heard – in fact popular opinion is what such meetings often seek to establish – so it is unlikely that a meeting can be held that keeps a lid on the discontent of some members that they have not been paid; in this case it is easier not to hold a meeting and this has a distinctly negative effect on democracy. Such meetings are the main form of information-sharing as an alternative to the rumour-mill. In their absence, a certain amount of mistrust of government and misinformation is building up and doubt about its openness and accountability<sup>11</sup>.

#### *Revenue:*

There are currently three sources of revenue (Local Government Secretariat 2006:21):

- Local revenue – local taxes and rates: few rules apply in the South to systematise this, except in areas where Shari’a applied the system of *zaka’a* where money was raised by religious institutions. No records were kept and there was a high degree of incompetence, corruption, and unauthorised use by individuals.
- Government grants – previously applied only in GoS-held towns where money was disbursed by the States, but never in the form of budgets so usually ended up in the pockets of individuals. Now GoSS makes monthly ‘block-grant’ payments to the states, but this is failing to make it through to the county level.

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<sup>9</sup> At present these posts are appointed but are to be elected at a later date.

<sup>10</sup> Payment is not the only reason though that people work for the government – there are other benefits including status and authority that are associated with the roles. Some chiefs in Aweil East were given expensive Nigerian-style robes by the SPLM when they attended a meeting in New Site, and that represented a kind of symbolic recognition more than a cash-injection to the chiefs.

<sup>11</sup> In contrast to this, the fact that SC has held many meetings to discuss the RRP and has discussed details of the budget with the steering committee has given the impression of accountability even when the meetings are less truly participatory than explanatory.

- Donor grants – mainly focussed on humanitarian relief during the war years

The Deputy Governor of Aweil said that he was waiting for the GoSS to pay county departments through the Ministries they come under. There is also a generalised perception that Line Ministries are holding onto budgets rather than passing them on to County Directors. However, it seems in fact, that this arrangement applies only for education. The Deputy Governor doesn't expect any action for 6 months as it will be addressed in the GoSS 2007 budget, and Commissioners have been instructed to try to solve the problem by any means possible. No money seems to have got past the state level to the county level, partly, it is felt because the money is not enough to go around. Local Government revenue, it was mentioned by one official, might have to be raised by market taxes He wanted the RRP to do food-for-work to incentivise people.

*Professed decentralisation but centralised reality*

It was expressed on a few occasions that the decision to make Local Government a Ministry at State level but not at the GoSS level was an attempt to ensure that local government policy-making was as decentralised as possible. However, there is no real understanding of the kind of 'federalism' that is implied by this kind of model and a lack of capacity at the State level to make policy and run their affairs in an independent way. There are only a few individuals (usually at the top) who are genuinely trained and competent to do their jobs and so become the key decision-makers. This produces a *de facto* centralisation of power even if posts are created at the periphery, as there are not enough trained people to fill these posts.

An example of the difficulties of getting a decentralised system to work can be found in the way SC has been waiting for the State Ministry of Health in Aweil to conclude its final policy for PHCC designs; finally, in order to speed things up, SC tried to short-circuit the system by getting a draft from the Secretariat of Health. The Under-Secretary of Health in Juba asked if SC could wait in case the State developed its own model, but as this was unlikely, SC had to go ahead. It is not constructive for NGO's to short-circuit the system as it undermines the potential capacity building at State level, but sometimes it requires the impatience of NGO's to jump-start the communication system between different levels of government and show that the system needs to function rather than simply be a procedure.

The 6<sup>th</sup> Draft of the Local Government Framework (Local Govt Secretariat 2006:27) calls into question whether there is the political will to adopt any form of meaningful decentralisation. In the document, the delay in passing a proposed Local Government Act is blamed on the lack of a central body for local government. In addition complementary legislation will need to be enacted such as a Public Service Act that sets down financial rules and regulations, public accounts procedures, tax schedules, office routines, Codes of Professional Ethics etc. The Technical Committee of the SPLM Local Government Secretariat were convinced during the three years spent drafting the Framework, that the one main demand of local people was for 'self-rule' and for devolution of power and authority to a level closest to the people (Local Govt Secretariat 2006:28). It appears that the 'default setting' without active legislation to devolve power is a centralised system that concentrates resources and decision-making at the centre.

### *The Information Cascade:*

The massive growth of development initiatives – both commercial and non-commercial – and government apparatus means keeping on top of the game is becoming increasingly difficult. In the days of OLS, there were a few key repositories of information that could describe what was going on with relative accuracy. Those individuals still exist and often have senior posts in government but are less accessible than before. Therefore there are many other people in positions of government or with NGO's who now know less about what is really going on. People must simply sit and wait for a decision to be made and then diffused without having direct access to decision-makers. In the meantime there is an information vacuum that is filled by the usual Sudanese rumour machine. At the same time there is an increasingly vocal frustration at having to wait for policy to be sent from institutions in Juba. At the top there might still be as much clarity of objectives as during the small-town government in waiting in Rumbek: but for government watchers on the outside (the current researcher included), Juba looks to be a chaotic building site full of advertising banners, businessmen and car accidents, and the State and County authorities paralysed by a lack of resources and information being generated in Juba.

### 3. Traditional Authorities:

The following description mixes observations from the current period of fieldwork with other further extended periods of fieldwork including one conducted by the author for UNDP and the Local Government Secretariat from January-March 2005<sup>12</sup>. That study, from 14 research sites across Southern Sudan, concluded that traditional leaders often had greater legitimacy at the local level than putative local government structures. Such leaders showed a high degree of accountability to local people, in spite of the practice of inheritance of chiefships within certain families. They derived their legitimacy from having to maintain the goodwill of their people, despite being used in former SPLM/A areas as the means by which the most remote rural locations were taxed and governed. During the current fieldwork it was noticed that these same chiefs now feel a certain degree of ambivalence towards the authorities of the GoSS, as the promised rewards of the armed struggle are slow to reach those same rural areas, and families whose men-folk died in the war turn on the chiefs that encouraged them to enlist when they receive no kind of pension or compensation.

#### What are Traditional authorities?

‘Traditional leaders’, as they are usually called, are a contemporary phenomenon despite the use of the word ‘traditional’. The word is used to distinguish chiefs and clan elders in Southern Sudan from the structure of government referred to by locals as *hakuma*. Such leaders are not part of a relic of a ‘primitive’ or outdated system of authority to be distinguished from contemporary governance, and though the name seems to imply that the institution is deeply rooted in the past, in fact they form a vital bridge without whom the government would have no access to large numbers of people for whom the traditional leaders act as ‘spokesperson’. ‘Governance’ in Southern Sudan is in reality about establishing a toe-hold of official ‘Government’ activity in a sea of people ‘governed’ by traditional authorities. To this mass of people, the government is referred to as *aciek* (or manufactured) in the sense that it resembles the ‘natural’ system of traditional leadership like a doll resembles a human. It is almost the same, yet at the same time it is artificial. Traditional leaders owe their authority to their recognition as the legitimate inheritors of an indigenous tradition of leadership which stretches into the past and often has mythical or religious legitimacy<sup>13</sup>. Government, on the other hand, is seen as coming from outside, though it is a welcome addition as long as it provides services to the people and peace to the country.

#### Traditional Authority Structure:

In most areas of Southern Sudan except Nuer areas of Upper Nile, there are usually three levels of traditional chief<sup>14</sup>. Occasionally there is a chief at the level of the county – either a paramount chief (*thieb* in Nuer) or a king or equivalent (*mek* in Southern Blue Nile, *reth* for the Shilluk and *nyeya* for the Annuak). In Dinka areas the three levels of chief are known as *alam thith* (executive chief), *alam chol* (subchief) and headman or *gol* leader (*nhom e gol*). A boma recognizes one executive chief while a payam around two to five. In Nuer areas there

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<sup>12</sup> *Traditional Authority in Sudan: Consolidated Report of the Five Research Teams*. Together with the individual team reports (see Harragin 2005 for example), the work was not published and has not been widely disseminated even within UNDP

<sup>13</sup> Calling the institution ‘indigenous’ refers to the fact that even when chiefs were perceived to have been created by colonial authorities (in fact they built on existing institutions – Leonardi 2005) they have now been absorbed into the culture.

<sup>14</sup> unless there is an extra level of Headchief at payam level

are four levels of chief namely *kuar bok* (Paramount or Headchief – at Payam level), *wic lok* (Executive chief), *lam* or *wokel* (Sub-chief), and *gat tuot* (Headman). In Western Upper Nile one Headchief is supposed to have a standard three Executive chiefs, 9 Subchiefs and 27 headmen, but in practice it varies.

In terms of courts, there are two to three levels:

- A boma level court (also known as A court or Executive Chief's court), followed by several sub-chief's courts
- Usually followed by a payam level court (variously known as B court, Court President's court, Headchief's Court or Regional court)
- occasionally, though not in Bahr el Ghazal or Upper Nile, there is a county-level traditional court, but in most cases, the county level is a judiciary court practising statutory law<sup>15</sup>.

The appeals process usually ascends through the traditional structure before being referred to the county court, though criminal cases such as murder are referred directly to the county.

### **Functioning of Traditional authorities:**

Under the Local Government Framework, the Executive Chief of a Boma is also the Boma Administrator. As such, his executive function includes supervising sub-chiefs, resolving sectional conflicts, maintaining law and order, supervising the collection of taxes, informing government of local events including problems/local disasters and informing local people of government policies; his role is also to participate in and mobilise local populations for Development Plans and in building infrastructure such as health centres and schools (Local Govt Secretariat 2006:48). In addition, judicial functions involve ensuring the smooth operation of the courts.

Law & Order: As with the commissioners, one of the main roles of Executive Chiefs is the maintenance of public order: this is done through direct negotiations with other groups over disputes or through the reconciliatory judgements of the chiefs' courts<sup>16</sup>. At the Kamutho meeting of Traditional Authorities (SPLM 2004), it was the chiefs who argued that encouraging freedom of movement around the south would reduce the tensions between groups and allow people to find out the reality in neighbouring areas rather than relying on rumour. It was also at Kamutho that the leadership were heard to promise traditional authorities salaries, uniforms, assistance to make roads and training for court cases.

Courts: Nearly all disputes are solved by traditional courts practising customary law (known as *ganum monyjieng* in Dinka) even though the structure of statutory law courts exists at the county level. A certain competition exists between the judiciary and traditional courts, particularly when the traditional courts try cases that the judiciary see as 'criminal' cases; local people, however, often prefer the traditional courts because they stress reconciliation and compensation rather than the adversarial model of Common Law with its fines and prison sentences. Local chiefs argue that even a criminal case such as accidental homicide has a 'customary law' aspect to it in terms of social reconciliation and the payment of *dia* (blood

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<sup>15</sup> Occasionally *ad hoc* courts can be assembled at the county level that mix customary and statutory law – for example to resolve sectional clashes.

<sup>16</sup> One informant noted that there was less inter-tribal tension before the war: during the war each group built its own airstrip to serve its own needs – showing the extent of existing tribal tension and causing further tension.

compensation), but they are sometimes berated by the judiciary if they take such cases (some say because the Judiciary want the court fees). Within the system, defendants also have the right of appeal to a Headchief or Regional Court at Payam level before referring the case to the county statutory court if they prefer. One executive chief interviewed said he had only referred one case (when a man had been hit on the head) to the Payam Judge during the previous year. Another said he'd referred no cases, but had tried a case of accidental killing (*rol*) himself.

In courts bias is avoided by taking people from each of the sections concerned to judge the case – often a 5-person committee known as *akut dhiec* (following a model set up under Nimeiri<sup>17</sup>). In Aweil East, the payam court was made up of 5 executive chiefs as well as 4 *Matem*<sup>18</sup>, 2 court police (*bazinger* from the Turkish *bac buzuk*), and a clerk. Another local court had 6 members and a clerk. Members of the court and the clerk are paid though a system of court fees (*weu makama*)

Taxation: before the war headmen (*gol* leaders) used to be paid by taking a certain percentage of the taxes that they raised; sub-chiefs and more senior chiefs would also take a percentage of these taxes, and a percentage of court fees. During the war, the chiefs has to raise head tax (*ghot nhom*) for the SPLM/A, as well as bull tax. *Ghot nhom* is also known as social service tax<sup>19</sup> and consisted of 10,000 SD or 5 malual of grain. It was explained that the County headquarters of Aweil East was built from local social services tax. It is said that chiefs no longer received a salary from taxes raised as they had before the war. The SPLM also wanted courts to become another source of income but paying for existing court officials uses up much of this (at least 30% according to one informant).

Land: the chiefs play a vital role as gatekeeper to land that is seen as collectively-owned by a certain territorial group. This means they act as the repository for land that has been cleared in the past by a certain family and thus remains theirs, even if they are displaced. They also play a vital role in defining the territorial boundaries of different groups – for both agricultural and grazing land. However, this kind of communal ownership has been a vital bone of contention between the GoS and the SPLM/A during the negotiations for the CPA, and was left unresolved (Deng 2006:36). The work of the land commissions, the Abyei boundary commission and the rules regarding allocation of plots to foreign enterprises in the South, rely heavily on the chiefs to define claims to ownership of land.

Collective action: since British times, the chiefs have been held responsible for mobilising people to perform collective actions such as road and building constriction. Even today, the Commissioner will delegate responsibility for public works to Executive Chiefs who will then divide up the work amongst sub chiefs and *gol* leaders (through the *nhom e gol* –the headman of the lineage). One chief said that the local community was prepared to act collectively for constructing infrastructure by providing soil (for bricks and mudding), timber and water, but needed an outside agency to help with iron sheets, cement and tools. Now, however, they are demonstrating a reduced willingness to do collective labour for government, indicating their increasing sense of frustration, as well as the expectation that now peace has come, unpaid wartime volunteerism is at an end.

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<sup>17</sup> Before that courts had often consisted just of an *alam thith* and *matem*

<sup>18</sup> court sentencers?

<sup>19</sup> Another informant disputes this

Welfare role: there is an expectation that chiefs should be relatively wealthy, and that they should be generous in dispensing that wealth on hospitality. Chiefs in ex-SPLM-controlled areas will often show their clothes and shoes, and ask if they are sufficiently dignified for a person of their office. They see the issue of payment as both reimbursement of the taxes they have gathered *and* support they have given to the weakest members of their community during the war. If someone in a family is hungry, a chief can force the family to give the person something to eat. Failing that, chiefs are expected to aid directly.

Identification of the vulnerable: related to the role in welfare is the role of identifying those in need of support. Chiefs with the best knowledge of the daily needs of the population are those at the bottom of the hierarchy – the headmen or *gol* leaders. The advantage of chiefs at this level is that they are actually from the same clan as the people they represent so there is an added social pressure to be diligent. The disadvantage is that *gol* leaders are numerous and represent small numbers of people (about 500), so aid agencies are usually obliged for the sake of efficiency to go through the higher level sub-chiefs and executive chiefs.

Salaries: chiefs in Aweil Centre were told in May 2006 that they would be paid, and in future would be paid from a percentage of the taxes they raised. However, throughout Northern Bahr el Ghazal, few chiefs have been paid. It was said that before the problem of salaries, chiefs and the commissioner had agreed on almost everything – he could ask chiefs to contribute labour or food for projects that he wanted to realise, and they would co-operate. Now, the roads committee that had co-ordinated road construction with the chiefs had collapsed. In Aweil East, chiefs had also stopped co-operating on road construction.

*Relations with hakuma (government):*

In interviews as part of UNDP's study on Traditional authority (Harragin 2005:2) informants described how chiefs are seen as 'intermediaries' to the work of '*hakuma*' – interpreting government policy to the people and telling government the concerns of the people. 'We are part of *hakuma* because we are the link between *hakuma* and the people' was a sentiment expressed in one interview but which was commonly felt. One informant referred to chiefs as *nyin hakuma* – the eyes of the government and another said he was part of the government because he was paid by them (indirectly through claiming a percentage of what he raises for taxation). Another interviewee said 'I walk alone and the government walks alone' ('*en cath etok ku hakuma cath etok*').

It was seen to be the work of *hakuma* (government) rather than chiefs to provide services such as healthcare. The role of the chief is as an intermediary to report on the needs on the ground. To some extent therefore chiefs did not see themselves as part of *hakuma* (Harragin 2005:10). It was seen as the job of the Payam Administrator was to look after the payam on behalf of the *hakuma*, whereas the job of the chief was as a chief for the population. It was said by the Executive Director of Aweil East that the Executive Chief represents the community while the Executive Director represents the Government.

The feeling in interviews was that the community has assisted the SPLM/A to become the government of Southern Sudan. Now it is time for the government to start assisting the people, and for this reason in many places the community has stopped contributing to the government. The Interim Constitution of the Southern Sudan has recognised the status and role of traditional authority and noted that state legislatures 'shall provide for the role of traditional authority as an institution at local government level on matters effecting local



communities' (MoLACD 2005:71). The Deputy Governor of Northern Bahr-el-Ghazal recognized that it would be impossible to govern without the traditional authorities, especially as they are the ones who will be organised to collect taxes. Relations between chiefs and government have been described as being characterised by 'competition and mutual dependence' (Ray, Adriaan & van Rouveroy van Nieuwaal 1996:28). In some places, such as Aweil West and Aweil North relations between chiefs and County Commissioners are said to be poor. If this position is explicitly recognised, it will be understood that it is not for the government to dictate policy to traditional authorities or else traditional authorities might slip out from their grasp and take 'their people' with them.

There are issues, as the GoSS tries to establish more accountable modern government for Southern Sudan, of the degree to which the institution of chiefdom is democratic<sup>20</sup>, inclusive of women<sup>21</sup>, or can be harnessed as a force for change in the society<sup>22</sup>. However, as a counterweight to the executive and judiciary powers of the SPLA/M, the chiefs proved that could play an important role in encouraging the establishment of civilian rather than purely military administration by collective pressure at the 1994 National Convention (Deng 2006: 28), and then go on to play a vital role in that administration as the 2004 Kamutho Declaration attests<sup>23</sup>. At various stages, the government has tried to govern without chiefs. In the 1940's the British tried to take away the judicial power of Nuer chiefs while keeping their administrative functions but the policy failed (Johnson 1986:72). Under Nimeiri, the People's Local Courts Act of 1977 replaced the 1932 Native Courts Ordinance, but soon found that People's Local Courts were unable to implement statutory law and were relying on customary law to guide their judgements.

Traditional authorities are often rooted in the community – their loyalty and accountability is clearly to their people rather than to the government. The degree of *accountability* that traditional authorities show is based on their need to maintain the support and approval at the local level, and without this they would not be able to function. Local government on the other hand gains its legitimacy from its connection with higher levels of government, and owes its accountability at present to County Commissioners and the SPLA/SPLM. The authority of the traditional leaders stems from their legitimacy in the eyes of local people, and without local support and respect they are unable to function – even those leaders who have inherited their posts<sup>24</sup> (Van Kessel & Oomen 1999:177). They require only acceptance by the civil administration. They do not derive their legitimacy from their connection to the government. It seems, the local authorities have much more to gain from being associated with traditional leaders than traditional leaders do by becoming part of 'local government'. As

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<sup>20</sup> The response of one person interviewed during the UNDP study to the idea of elections was: 'Do you want someone who is selected to rule for everyone or someone elected to represent only the majority?' Another person commented that denying people elections on the grounds that it was not traditional was wrong. So it was concluded that it should be up to local people to dictate the pace of change – with the likelihood that elections would probably spread from their current areas as society started to change. Another chief, questioned about elections during the current fieldwork, said sitting chiefs would have no problem getting elected as long as they were treating their people well.

<sup>21</sup> Not only are there almost no female chiefs in Southern Sudan, the institution of chief's courts are mal-adapted to the needs of women.

<sup>22</sup> Most chiefs are old men, and it is argued that they need long experience of customary law and a cool head to resolve disputes - features often absent from younger candidates.

<sup>23</sup> *Recommendations and Resolutions of the Chiefs and Traditional leaders' Conference*. Kamutho, Kapoeta County (29<sup>th</sup> June – 12<sup>th</sup> July 2004)

<sup>24</sup> In some places (such as Upper Nile) chiefs are more readily removed than in others. In general it is a job for life but there are cases in all places of chiefs removed through loss of popularity, illness/incapacity, corruption or association with the GoS.

one chief said, traditional authorities work with the civil administration like the head of a household who relies on a small army of little children to keep watch over his compound. Without the chiefs, the civil administration would be blind to the goings-on at a local level.

*Will the real chief please step forward?*

With many people displaced or part of the diaspora, one sometimes finds that the person one is talking to as the chief is simply representing someone else. There were new chiefs appointed during the war while the old Nimeiri-era chiefs were still alive. The same applies in local government where often the post-holder is standing in (sometimes they were not from the local area), while a more qualified candidate is found or persuaded to come to the county. This effects both the ability to make decisions and the legitimacy of those decisions. It also adds to the impression of being 'in-flux' and reduces the willingness to invest in candidates for training or building long-term relations. It is difficult to persuade town-based chiefs to come to the county, and yet the government doesn't want to be accused of laying off legitimate chiefs.

### **Northern Bahr el Ghazal State – Case Study**

Northern Bahr el Ghazal is made up of 5 counties – three of which are new. Aweil Centre is one such new county, and there is criticism that payams within the county such as Nyalath have been created when hardly anyone lives there. Aweil North was created out of Aweil West, and Aweil South out of Aweil East by the SPLM in 2003<sup>25</sup>. Aweil East is exclusively made up of Malual Dinka from the Abiem sub-tribe. Aweil South contains Malual Dinka of the Paliet sub-tribe as well as the Luo-speaking Shatt (Thuri) sub-tribe known as Buodho (or Dhe Bhuodo or Dembo)<sup>26</sup>. Aweil Centre has other sub-tribes of the Shatt in Acana payam, Yabulu payam and Chel Kou, as well as further Buodho in the East around Bar Mayen. In addition there are large numbers of Malual Dinka from the Paliopiny sub-tribe (Ayat and Gomjuer sections).

#### **Aweil Centre County**

There are 14 Executive Chiefs in the County – some Luo (Shatt, JoLuo or Jur Luo) and some Dinka<sup>27</sup>. The Luo/Jur (as the various Shatt groups are collectively known by Dinka) engage in hunting and gathering activities (lulu and honey), while the Dinka are mainly found along the rivers where there is grazing for cattle and fishing. The River Mal supposedly divides the Dinka and Luo territory with Allela having the highest Luo concentration. There has been a lot of intermarriage between the groups and many Dinka clan names are also found amongst Luo. Almost all Luo speak Dinka, and it is the Dinka who dominate in the County. In interviews, courtcases were said to concern almost exclusively Dinkas, as Luo don't have many cattle so are less litigious and are more peaceful, though they do use curses and sorcery more. Luo are sometimes referred to as *kuejin* because they host other groups<sup>28</sup>. However, that doesn't prevent the Luo from staking their territorial claim to Aroyo through their grandmother, while the Dinka say (tenuously) that Aroyo is a Dinka word meaning river of

<sup>25</sup> Apparently the Malual Paliopiny and Malual groups in Aweil West were feeling that Malual Abiem and Paliet had too much influence so were keen to break away.

<sup>26</sup> Shatt of Bahr el Ghazal are not the same as Shatt of the Nuba mountains. They call themselves Thuri.

<sup>27</sup> Chiefs were said to be unconcerned with the constantly shifting county definitions and were unaware if they were in Aweil Centre or West.

<sup>28</sup> Allegedly from the Arabic *kuess* – to host

small stones (*war alal*). Boundary definition is as controversial here as it has proved in other counties: for example there was a proposal to conduct a theodolite survey of Aroyo for planning and construction purposes, but the survey had to be cancelled due to its suspected boundary-defining agenda. A delegation of elders is expected during the dry season to advise on the border (including the old Deputy Governor, the senior State Administrator etc).

Chan Awutek Awutek is one of two Executive Chiefs of Chel South Payam. His people (from PanPayi clan) came from the Abiem sub-tribe of Malual Dinka in what is now Aweil East. His family moved down via Nyamlal and Aroyo to Deng Zubeir where his great great grandfather (Deng dit) was involved in enslavement of Luo (Shatt) for Zubeir Bashir and the Turco-Egyptian regime. He was made chief in 1971 after Dhol Kuang Kuac died – one of his main jobs being to collect taxes - and has continued throughout the war. He has 12 sub-chiefs (*alam chol*) below him. He is now blind – due he said to river blindness associated with living on the Kuru river all his life. His court is at the tamarind tree (*cuei*) in Aroyo.

Bol Bak Ayaga is Luo/Shatt and one of two Executive Chiefs in Acana payam. His uncle Ayaga Ayaga is actually the real chief, but he stays in Aweil West. He believed that chiefs were part of the government already because they raise taxes, but it is for the community rather than the government to dismiss chiefs because it is the community that chose them.

Bolok Wek is one of the two Luo Executive chiefs of Aroyo payam. He replaced a Luo called Apei Ajing Upiou. He has his court in Aroyo under an *akon* tree.

The other chief in Aroyo payam is called Madhol Dumo Madhol – originally from Korchok. His father (only a headman) was Luo (but has the Dinka clan of Pagou). He replaced another Luo chief called Kon Dicek (also with a Dinka clan – Pakir). The Pakir are said to ‘own’ the chiefship (*gol bany*), so Madhol Dumo only qualifies because his mother’s brother (a previous Executive chief) is from Pakir.

### **Aweil East County**

Executive Chief Malong Yor Lual is one of two Executive Chiefs in Madhol payam. He is the chief of the Ajuong Dit section of the Abiem Malual Dinka. He is old and almost blind, so he will soon be replaced by his son Garang Malong Yor.

Executive Chief Ariik Maroor is the other Executive Chief of Madhol Payam. He is chief of the Agur Piny Section of the Abiem Malual Dinka. He has received some money – together with 7 of his sub-chiefs – but it was merely symbolic. The reason for non-payment, he felt, was the ‘war-effect’ on the economy. He sends taxes to the GoSS and a percentage of court fees. He has 14 subchiefs<sup>29</sup>. He believes there is now too much killing amongst Dinka as *ganum monyjieng* (Dinka customary law) no longer applies. If the chiefs had more resources, he feels they would be able to bring people together. Chiefs were the ones in the war that encouraged soldiers, constructed their barracks and assisted with transporting food. One informant felt that chiefs were now neglected by the government even as they are suffering recriminations from people whom they encouraged to send their sons to war, and who subsequently died. They can no longer go into the houses of these people because they have nothing to give and there is no compensation from the SPLA.

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<sup>29</sup> In 1998 he had 9 while Malong had 12

#### 4. Working through the Local Government - Observations

When local people refer to '*hakuma*', they could be talking about anyone from the local bishop, to an NGO, to the Commissioner or to the army. While aid agencies often felt uncomfortable with being too closely associated with governments (or with the SPLM) - for example during the debate over the signing of the MoU in 2000) - local people often refer to government and aid agencies with the collective term '*hakuma*'. There has always been a need for the SPLM/SRRC to use the resources of aid agencies to help it deliver on its political promise to bring a better life to people in the south so they perhaps had less interest in keeping the two separate. Now that the confrontational pre-CPA era is over, there is mutual benefit to be gained by aid agencies and the GoSS working together to achieve tangible signs of the improved efficacy of *hakuma* – or a 'peace-dividend' if you will. For aid agencies this means creating a positive environment in which they can undertake their activities *and* a realistic appraisal of GoSS capacity; but for the GoSS it is a question of political survival – especially in view of elections scheduled for the fourth year of the Interim Period. Therefore, while the GoSS expresses the desire to reduce 'dependency' on outside aid, the political capital to be obtained by government through being seen to mobilise services should be seen alongside the political benefits of rhetoric about self-sufficiency.

It seems clear that the GoSS realises the importance of capitalising on the experience, staff and networks that agencies have built up. It seems less clear that aid agencies understand that an underperforming government is a more dangerous scenario now that they are more closely associated with the government. It also does not seem clear whether they understand the value of allowing the government to bask in the political credibility associated with providing good services (and hence realise its political benefits) while in reality initially being heavily subsidised by outside agencies. In other words aid agencies can subsidise government without necessarily undermining it. What is vital is that the post-CPA development effort is seen to be successful (ie that there is a visible 'peace-dividend') and that agencies are not possessive about attributing that success to the new authorities<sup>30</sup>.

In a place with such insurmountable problems as Southern Sudan, there are situations where neither relief/development agencies nor government are capable of making much headway<sup>31</sup>. There is an absolute shortage of human and financial resources at the local level in Sudan and putting in place a long-term solution will involve developing human resources and injecting financial resources at the grass roots. Given that SC works at the grass-roots, it is vital that it spends its money at the grass-roots, if only as a counterweight to the concentration of aid effort at central government level in Juba. Now that it is generally understood that work in Southern Sudan has passed from a 'relief phase' to a 'development phase' and that the work of the RRP reflects this passage, it is worth examining what is understood by these two phases and the impact – both negative and positive – that this understanding is having on working approaches.

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<sup>30</sup> It seems there is more potential of a confrontational relationship between local authorities and agencies in Aweil West than in Aweil Centre or East. IRC have already pulled out of their health programme there due to issues of ownership, interference and decision-making.

<sup>31</sup> Sometimes in such cases, the donor blames the implementing agency or vice versa. For example SC blames UNDP for delaying transferring funds to start to implement the RRP, while UNDP blames SC because it had failed to give in ABEAS 1 manuals in time. Collectively everyone blamed the weather that blocked road access, but it was not the first time that there had been a rainy season in Southern Sudan.

## **The Recovery and Rehabilitation Project (RRP)**

The project document for Aweil's RRP (Recovery and Rehabilitation Project) expresses the aim to build up the strength of local government at county level, by increasing the prominence of the local government, by technical and physical inputs to county headquarters and toning down the 'relief' aspect of NGO presence. In interviews during this fieldwork though with local people, the purpose of the RRP was seen to be to build the County headquarters, to build a PHCC and to build schools – fairly standard aims one may say, though the RRP claims to be different from other projects both in its relations with government and in its relations with the population. It aims to achieve its objective of reducing poverty and increasing food security by ensuring a high proportion of expenditure goes directly to targeted communities and by using flexible results-orientated strategies that stress community participation and ownership. If the methodology is results-orientated, then it is useful to reappraise the extent to which the current approach is likely to produce the desired results. In particular, one can ask whether the approach of seeing the RRP in development terms has led to an over-assumption of government capacity to function - for example government capacity to pay staff - which a relief model would not have taken for granted.

It seems to be mainly in the minds of relief agencies that priorities have radically altered because it is the bodies that finance the agencies who are requesting a new vision of phase-out from donor-led to oil-and-tax funded work. Donors do not appreciate the idea of an open-ended commitment even if it is likely that Southern Sudan will fall far short of being self-financing. For example UNDP refuses to pay recurrent costs in RRP programmes such as salaries to health workers and drug costs because this would not be sustainable so it is better if these costs are assumed by GoSS. As a result, the issue of 'sustainability' has been put into the foreground of the RRP, while the 'humanitarian imperative' and the fact that Southern Sudan will continue to have the most overwhelming needs for sometime has been minimised.

### *Relief, Recovery and Rehabilitation:*

'Relief' and 'development' can be seen both in terms of the strict technical definition of the terms and by what they mean in practice to people implementing programmes, and thus potentially a fallible interpretation of what the concepts represent. Operation Lifeline Sudan (OLS) sought to address the needs of local people using the standard definition of humanitarian relief that tries to avoid providing sustenance to either warring party. WFP for example set up 'Relief Committees' in direct parallel to local government structures because they thought (wrongly in fact) that these would distribute relief more fairly. Food aid came very much to represent the 'relief approach' and 'relief' was seen more by the kind of assistance that was provided than by a way of working – independently of State or non-State actors for example. Thus many people associate relief aid directly with food handouts, rather with the relations between agency and local authorities.

During the 1990's the distinction between relief assistance and development assistance had become a vital part of conceptualising assistance in a non-state or violent state context, although it could be said to be a rather artificial distinction (Macrae 2001:36). Relief was seen to take place in spite of the state while development sought to build up the state. Success in avoiding sustaining warring parties in the case of OLS was only partial<sup>32</sup>. However, the

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<sup>32</sup> During the time of OLS, works such as Keen's *The Benefits of Famine* in 1994 described massive manipulation of relief aid and this has contributed to a lasting resistance to handing out 'relief', even though relief aid is designed to operate outside the structure of local authorities in a failed state environment whereas

long-term effect has been to cause a lasting suspicion of fully-engaging with local authorities in Sudan and an institutional history of channelling relief through NGO's, direct to the people or any other channel rather than giving it to the state or the SPLM/A. This has left a residual impression that the authorities should be 'self-reliant' and not depend on NGO's for recurrent costs such as salaries and this accords well with developmental debates about sustainability. Self-reliance has also been the professed desire of the GoSS, even if this now produces a poorly-funded civil service and a well-funded NGO sector that looks little different from in the relief days.

Implementing agencies working under OLS before the signing of the CPA saw themselves as working during the so-called 'relief-phase', and thus now see themselves as operating in a 'development phase'. Working methods in each phase were expected to be totally different – both in the kind of aid provided and in the way of working. In reality though conditions are not so different after the signing of the CPA and many of the problems faced are the same. Differentiation into a relief-phase and a development phase becomes confused in the face of ongoing emergency needs. Not all the working methods of the relief phase are redundant nor the lessons learnt over almost 20 years of OLS irrelevant. This is acknowledged in the identification of a so-called 'relief-development continuum' but at the same time such a continuum assumes there can be a seamless transition between a model that identifies State/Non-state actors as the problem and a model that works through the State and seeks to build up the capacity of that State<sup>33</sup>. It assumes that the differences between development and relief were a bureaucratic anomaly that could be easily removed. These contradictions explain why the RRP model of linking relief and development has some inbuilt structural contradictions which prevent it establishing a genuinely developmental relationship with government.

*Similarity in working methods but not a continuum:*

There is a clear distinction to be made between a relief attitude to local authorities and a developmental attitude. It is not a matter of this being a continuum. During the author's own experience of the south Sudan Programme (SSP) over more than a decade, Save the Children have continuously attempted to use methods of working with local authorities that were developmental despite the war. However, the relationship remained politically distant. Now there is no need for that political distance but to some extent it has become institutionalised. Little has changed in the dynamics of the relationship - local political authority usually has to defer to the financial power and agenda of the aid organisation for fear of losing the aid.

The attempt to show that relief aid could also be 'developmental' came from a sense that interventions were not addressing the root causes of vulnerability and were short-termist and frequently failed to reach those who really needed the assistance. In fact, what SC wanted was programmes which were well thought-out and considered. It is a only lack of adequate vocabulary that sees this as 'developmental'. Many of the methods used to achieve considered programmes – including consulting local communities – will be the same. There is in fact

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development aid by definition works to develop state structures. It is possible that the key role of OLS was the legitimacy that it gave to the SPLM/A as a State partner in an international tripartite agreement rather than its role in feeding the SPLA

<sup>33</sup> Harmer and Macrae (2004:2) describe how, during the 1990's, the idea of a 'relief-development continuum' was coined to reflect the 'progressive' ethos of development in the sphere of complex humanitarian emergencies (see also Ross *et al* 1994): relief actors were encouraged to adopt developmental approaches including community participation and capacity building, and to avoid creating 'dependency'.

almost always time in relief programmes as much as in development programmes to be organised, rigorous and participatory.

In interviews with chiefs at a local level, it was not the ‘philosophy’ of the RRP project (whether it was relief or development for example) that was important, but the delivery: the presence of vehicles, the actions of the project, whether project staff were active or just sitting around and the whether *stuff* was being brought to the place<sup>34</sup>. It is the building of the county HQ, the building of the PHCC and the building of schools that appears as the most concrete manifestation of programme success – although the delivery of these facilities as a completely externally-funded package could be seen as reflecting a ‘relief’ philosophy, the idea of working through government is ‘developmental’. To local people, the most tangible evidence of the existence of ‘government’ in rural areas is going to be physical infrastructure such as roads. Such activities will probably do more to create the legitimacy of government in local eyes than any amount of capacity building as long as care is taken to make sure they get the political credit for such projects (ie a long term developmental objective)<sup>35</sup>.

The goal of sustainability and self-reliance is usually seen as a ‘developmental’ goal rather than a ‘relief’ goal: by definition relief programmes need to supply resources that are structurally lacking. It is in thinking that Sudan has immediately moved into this self-reliant ‘development’ phase without retaining any residual relief needs that the RRP has been premature. The key should be to obtain well thought-out, organised and considered programmes – and the development goals of self-reliance and sustainability should not always take precedence over the goal of supplying basic resources.

*In many ways little has changed:*

Local authorities are being encouraged to become self-sufficient in funding terms (but in a context where the needs are fathomless and systems of public financing and accountability are almost non-existent)<sup>36</sup>. What has changed since the signing of the Comprehensive peace Agreement (CPA) has been a matter of degree rather than essence. The idea that a newly-wealthy GoSS should immediately become a functional, organised and trained body at a local level and become the conduit for a web of paid civil servants and teachers has mostly failed to take place<sup>37</sup>. South Sudan has not passed from a ‘relief’ economy to a ‘development’ economy. It is still a profoundly war-affected society where the most pressing of basic needs (particularly wages and basic training) still need to be addressed.

Many of the inputs needed in Sudan are at such a basic level that agencies should not forget the most basic humanitarian activity in the rush to development. I would agree that the use of widespread food distributions to solve the current problems of South Sudan seems uniquely short-sighted and un-cost-effective. One local chief said he didn’t want to beg for free food anymore and would prefer self-reliance (*dak rot*). Another chief said now is the time of government rather than the time of relief though he said he was now more confused than ever. He said peace is like a hyena with a bell attached around its neck because it’s been told by its

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<sup>34</sup> Interestingly a SC ‘Communications Best Practice Manual’ (2006:5) in the Juba office stressed the same point referring to the communication of the Save the Children brand ... ‘a brand is not built just by communications departments but by all staff in their *activities*’. The danger is obviously when selling an organisation’s Vision of the problem becomes more important than on-ground activities

<sup>35</sup> Even if they are funded by a non-sustainable relief-type grant

<sup>36</sup> Macrae (2001:149) ‘concern for sustainability may simply mask budget cuts’

<sup>37</sup> The Warap State Governor is said to have told people that NGO’s should either pay the salaries of all teachers or none at all. It seems soon after that SC decided to stop paying salaries.

enemies that will attract more prey but ends up going hungry: in the end peace is not really the magic bullet it was claimed to be.

The payment of some salaries by aid agencies does not mean that the country is 'dependent' on outsiders (another *bete noir* of relief); the money being paid to the south as part of the CPA is significant and will ensure GoSS ownership of the main institutions of governance. However, it does not mean that aid agencies should exclusively assume the role of trainer/advisor to teachers and health staff who will be paid by the GoSS. It is unrealistic to think the money will be enough to go around, and blindly optimistic to think that the rural areas where most of the needs are concentrated will immediately get their fair-share. The long-term repercussions of this will be the political football of the SPLM to play. However, in humanitarian terms, there is still a need to invest funds into Sudan (whether in the form of innovative cash-distribution relief programmes, cash for work for road building, or other projects that ensure that cash is spent in Sudan rather than outside). Strangely, spending a large percentage of the budget directly in target communities is also one of the objectives of the RRP.

#### *Community Consultation/ Community Participation:*

The RRP has adopted a fairly standard view of 'the community' as being a homogenous group, rather than as a politically diverse population of competing interest groups. It is important to allow different *communities* of interest to go away and find a negotiated settlement in their own time and in their own language – away from the slightly authoritarian tendencies of either government or NGO's. Despite their community 'steering committees' both government and agencies tend to favour their own solutions and their own interests, rather than allowing genuine 'community participation' let alone 'community ownership' (see Cook and Kothari 2001 for a further discussion of these terms)<sup>38</sup>. They therefore have a tendency to think they know best and meet the 'community' as a way of giving them the solution. This relationship itself should be seen for its negotiated confrontational reality rather than as a cosy symbiosis.

Participation at the inception stage of the RRP was never really possible, due to the rapid turnaround time needed to get the proposal out. The community consultation consisted of a single meeting at the airstrip in Aroyo without the presence of the county commissioner (he was in Aweil and clearance was not given for the SC plane to land in Aweil to collect him). The RRP has broadly reflected the kind of standard RRP template seen in other areas rather than anything specific that the community might have asked for in this meeting. One priority expressed by local communities in 'consultative meetings' was said to be assistance to develop 'local capacity for own development'. This has been translated into the RRP project seeing it as the responsibility of county authorities to manage their work by obtaining the bulk of their funding through government sources.

I'm not really sure what kind of 'community consultation' this could have been. In interviews undertaken during this study, members of the Local Government Authorities (LGA) in Aroyo talked about 'self-reliance'; but the same LGA members were also relying on the RRP to build up their capacity for self-reliance by construction of government offices and provision of training, so would not be in a powerful position. They had also received training 'to appreciate the difference between relief and development'. The community consultation

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<sup>38</sup> Genuine ownership by a community is unlikely due to the strength of institutional agendas and a feeling that agencies know what is best for people rather than following their demands.



obviously predated such 'Orientation training', but there is no doubt that some degree of 'expressing the desire for self-reliance' has been projected into the discussion because that is what this project is trying to encourage.

Some sensitivity of the power dynamics should be understood – especially on behalf of a county that had up until then received no assistance from OLS, and had seen WFP visit one time in 2003 only to disappear without doing a distribution<sup>39</sup>. Local leaders will say they need water if they know an agency works in water, even if road construction is more important. One chief showed how it is the job of community leaders to encourage any kind of 'investment' rather than potentially identifying a real need, but one where the agency was unwilling or unable to address. When asked about local needs in the context of the RRP programme, these needs, according to the chief, corresponded directly with the programme areas being covered. It seems the desire to attract agencies into the area, and then encourage them to stay once present, makes the idea of being held accountable by local people or having any kind of meaningful 'contract' between local leaders and an agency merely rhetorical.

The Local Government Framework also argues in favour of local ownership of the institutions of local government by community members electing representatives to the local polity; but it is difficult to imagine how local people can be encouraged to own institutions like schools, health centres etc. let alone County LG Headquarters in the light of local poverty and years of failure to get communities to own even the facilities that they were directly building with mud and thatch. 'Ownership' was also difficult where they were incentivising teachers with their own money or by helping cultivate their land. The system of 'cost-recovery' in clinics similarly failed to bring about local ownership. It is true that 'direct participation in decision making' and 'direct involvement in the management of service delivery' would ideally create a greater sense of local ownership, but there are huge obstacles to overcome in terms persuading local people that they have the right to intervene in the activities of *hakuma* when they consider this to be a world away from their daily lives.

In Aweil Centre, the Steering Committee of the RRP comprises the Commissioner, the Executive Director, the SRRC Secretary and the Co-ordinators for Health, Education and Agriculture. The Commissioner was very keen that any opinions about RRP be expressed by the Committee rather than himself, but as the members of the Steering Committee are rarely in the same place at the same time, this makes a mockery of active surveillance of the RRP. For the last Steering Committee meeting, SC had to send a car to Aweil to collect the members as they were there chasing up their salaries. This democratic instinct is admirable – being rooted as it is in a legitimate indigenous mechanism for decision making which is about achieving group consensus rather than individual executive responsibility – but it might though also be rooted in a desire not to be held personally accountable if things go wrong with the RRP. The result is that it gives the RRP a certain amount of impunity and lack of accountability to local people as most of the detail of the budget is lost on even educated people such as the Commissioner.

Without a change in the balance of power, it might be that the donor continues with its different set of priorities despite giving the GoSS prime billing at the top of all project documents. GoSS priorities for example might be to ensure peace by making sure soldiers are

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<sup>39</sup> WFP were allegedly discouraged by the late Commissioner warning that food distributed in Aroyo could find its way to the garrison town of Aweil (almost 3 hours drive away), though it may actually have been for another reason completely. In any case, local leaders would be concerned that they give the right answers the next time as no NGO's were operational except SC's water programme.

successfully demobilised and maintaining good relations between different communities in the south; however, they have had to make the compromise of having RRP take place just a few counties in the south because the funds were insufficient to cover all counties. Many of the government representatives interviewed mentioned the difficulties of the RRP being seen to discriminate against Aweil North, and the explanation that Aweil North had more agencies than the other counties already working did not seem completely satisfactory. One complained that the visibility of the Aweil centre RRP was greater than that in Aweil West. It might be that things are being done in their name that do not really represent the opinion of those at all levels of government: one example of this would be the idea of stopping giving any kind of incentive to teachers before the government payment structure is really in place<sup>40</sup>.

#### **Case Study: The Engagement of SINGO Hard with Local Government:**

Hard has been operational in Aweil and Wau since 1995, funded by various agencies including Trocaire, Oxfam, Unicef and Christian Aid. They have undertaken work in teacher training, educational support (incentives and uniforms), HIV awareness and food security (oxplough training, increasing production and seeds/tools). They submitted a proposal for RRP after attending an information-sharing meeting in Nairobi and then attending the Aroyo meeting at the airstrip. The representative of Hard, notes how the close working relationship with other members of the RRP, including the division of the RRP budget, contrasts with a more distant (non-financial) relationship with Local Government. He saw the reason for giving capacity building training to local authorities was to ensure that they used RRP assets properly after the programme finished. Such training should have included motorbike training as the Executive Director for Aweil Centre had been injured in an accident on the motorbike he had been given.

Hard's work with local government is suffering from the lack of salary that is preventing the Local Government from deploying staff. There are no agricultural extension officers for example and the County Education Director is in Aweil when he should be at the County headquarters in Aroyo seeing how Hard is doing Teacher Training so he can conduct refresher training. Hard felt that the RRP should pay the Education Director until salary scales and payment is put in place to prevent the 3 years of the RRP being wasted<sup>41</sup>. Hard gave teachers Medicines, Food and clothes and is currently conducting teacher training with 19 trainees. Health workers, however, received no money and are now on strike. Training could take place while they are awaiting payment.

#### *Recurrent costs and Salaries*

Though it is the professed policy of the RRP not to pay salaries of the LGA, local officials expressed the desire to see the RRP pay an incentive to teachers for the three years of the programme (and there was even a sentiment expressed by others who had been in the initial RRP negotiations that SC had agreed to this initially). The problem of incentives had been identified at a workshop in Nyamlel, but given the RRP position, it had not been resolved. There is therefore a difference in opinion here and it needs to be explicitly acknowledged.

<sup>40</sup> The argument goes 'Paying salaries might not in the long-run be beneficial to those receiving them'. However, is it sure that this is more likely to lead to improved schools than continuing to pay incentives and risking teachers getting a salary *and* an incentive for a while?

<sup>41</sup> Hard believes that the GoSS Ministry of Education gave money to the State and that paid for a few teachers, however the State does not disseminate information so people have to go to Aweil to find out.

UNDP's position is likely to prevail<sup>42</sup>. This difference in opinion demarcates the limits of 'community identification of perceived needs'. The truth is that local people, like all people, still want someone else to pick up the bill. It should be the job of agencies to differentiate between real need and free-riding. Agencies feel that local people contributing labour for free is an indication of community buy-in and a likely sign that they will be more conscientious in maintaining the piece of infrastructure that is being constructed but has this been proven?

One example from the water programme of the RRP illustrates this. The face-off as to who pays the bills has caused delays from the local population in anticipation either that Concern will do the work or that they will pay cash or food for the work. Concern expects people to collect gravel and says it will provide a lorry, while local men in search of work think they might be able to get paid and are unmoved by the gesture of providing a lorry. With payment, everything happens more quickly and local people know that agencies tend to be impatient – so this provides a strong bargaining position. In a negotiating contest, the most patient usually wins, and the party that actually 'owns' the programme has most to lose when it fails to go ahead. In most cases this shows the real owners of the RRP to be the aid agencies funding and implementing it. For the hygiene and sanitation project, Concern have handed over ownership of latrines to individuals who subsequently have private use of the facility (by padlocking the door): these people dig the pit and structure while Concern installs the slab. People are noticeably more impatient to get the work done and more conscientious about keeping it clean.

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<sup>42</sup> Although UNDP have agreed in Eastern Equatoria and Gogrial to fund some schools and government staff for year one.

## **Recommendations:**

### **Support Needs of Local Government:**

#### *Payment and Incentives:*

The government has expressed the intention to pay its functionaries, teachers, health workers etc. However, those people are not being paid, and there is an implicit expectation from government people that organisations might tide things over until the financial systems of the government are up and running – unlikely to be the case until mid 2007 if then. Organisations implicitly realise that government financial stability might never be the case, but fear that even a punctual assistance will end up lasting longer than intended, be unsustainable, hugely expensive and demoralising for the new GoSS administration. Most importantly, it is seen as a disincentive for getting the system to work. In this virtuous vicious-circle most officials at a local level are not being paid, and those who do get paid cause further resentment due to the unfairness of paying some (usually senior) people and not paying the others.

An expectation exists amongst some people that the role of the government is to employ people – to give out jobs more or less as a political reward regardless of the usefulness of the job or the qualifications of the candidate. It is not expected that government should actually be effective, so there is nothing unusual about giving jobs to people who do not even turn up to work. The idea that people should be paid and then held accountable for doing a job is an important one, and is another reason why SC should invest sufficient effort in building the capacity of local government to the extent that it actually operates. If it takes seconding staff, paying food-for-work or any of the suggestions below to get the system to work, such methods should be considered and seconded people held accountable to the RRP.

#### *Capacity-building*

It goes without saying that ‘capacity-building’ (however it is defined) is an activity that follows after resolving the problem of payment: firstly it is pointless to train people who will soon move jobs because they are unmotivated; secondly they cannot be expected to improve the standards of the work they are doing if they are unsure of their financial position.

The work of local government depends on the ‘capacity’ of the individual post-holders. There is much misunderstanding around this term – which implies an individual’s ‘potential’ to perform a role, rather than their actual level of training. It is a difficult feature to gauge. It is different from capability, and different to ‘competence’. Issues such as transport influence a person’s capacity to do their job as well as their individual ability. A person’s capacity to carry out their job in one language might differ from their capacity to play the same role in a different language. Many local administrators in Northern Bahr-el-Ghazal were trained in Arabic pattern schools, which is making their ability to absorb training in English very difficult, though they are technically very experienced.

Sometimes county officials in ex-SPLM-held territory are actually deputising for a more senior and experienced person in an ex-GoS-held garrison town, who should not be ignored (although the political implications of having stayed in the town are significant now). There is a feeling that what such people need is language training as there is a political pressure for English to take over from Arabic. Many local administrators were ex-military officers: they are used to a hierarchical structure where inferiors will unquestioningly carry out their orders,

so many of these administrators require a ‘de-militarisation’ of their approach<sup>43</sup>. This is easier said than done, if it means questioning the fallibility of a Commissioner for example, but NGO’s can lead by example by showing themselves willing to brook criticism rather than allowing the existing tendency to continue of being sycophantic to the potential source of money.

When it comes to ‘capacity-building’, the term most usually refers to training in general, rather than specific programmes such as basic education or language lessons that ensure that subsequent ‘training’ for an individual in a specific field is worthwhile. It is also commonly used to refer to building up the competencies vaguely within an institution – such as local government – rather than concentrating on the individual. Some programmes that seek to build up the capacity of the County health department for example fail because candidates of insufficient basic education (or candidates trained in Arabic pattern) are presented for training in English. The candidates for teacher training for example are of such a low standard that the pass mark for graduation has had to be lowered.

Training is seen as a ‘perk’ and it is a balancing act for the Commissioner to make sure that opportunities for training have been fairly distributed amongst groups in the community so taking the best candidates has to be balanced with other priorities – ie equality of opportunity counts more than the quality of the candidate. It might be that the existing post-holders have insufficient basic education, and just taking them away unquestioningly for medical training would be a mistake. In this case, the choice would be between a longer-term programme of training that first prepares the ‘capacity’ of the individual to absorb the subsequent training, and a short-term strategy of ‘capacity-building of the department’ either by training a local person with sufficient basic education or by putting someone into the department, usually from outside, who has already been trained. There are advantages and disadvantages with each approach:

- Long-term training of existing post-holders will be expensive (especially for residential training in Kenya for example) and will be unlikely to produce an instant improvement in health statistics (or even a longer-term improvement) if, for example, the candidate is incapable of absorbing the training or passing the exams; however, local candidates are more likely to remain in rural areas to work after training (despite primitive conditions) and will also be better adapted to local culture and more politically acceptable; the use of candidates that are already in place serves as a reward and motivation for government post-holders that have often been working in difficult conditions without salaries.
- Training of a local educated person who is not already employed in government is more likely to produce a competent candidate and one who is from the local culture; however, in most places in South Sudan, there are no secondary schools and such candidates cannot be found locally. Often school-educated young locals find jobs in NGO’s but lack sufficient *gravitas* and authority to work for the local government
- The third choice of bringing in a trained person from outside will ensure a competent candidate, and if the candidate comes from the Diaspora, they will not have any cultural problems adapting; however, the same individual would need to be paid a good salary as an incentive, as other employers will be seeking his or her services.

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<sup>43</sup> One example of this was an ex-military officer describing how people will only be persuaded to do things such as changing behaviour if they are forced as participatory or diplomatic methods don’t work. Another example was when a man was asked in which position another man worked in the government: the reply was ‘Lieutenant Colonel’.

- The final choice involves employing someone from outside the area: if the individual does not come from that culture, there might be problems adapting or communication problems such that the person would not stay long and the whole situation would be back to square one. However, it does ensure that the candidate has the qualifications and can be useful in the short term for training a local person to take over.

One possible way around these various dilemmas would be the use of a combination of long-term training of a local candidate together with supporting a temporary candidate that could ensure the start-up/continuity of activities, followed by some on-job training for the permanent candidate and an eventual handover. A temporary candidate would not be attracted if there were no guarantee that his/her salary would be paid (the current situation), so it would be likely that such a post would be considered an SC secondment until government salary structures are reliable.

At the moment much of the work of local government (as with traditional authorities) depends on the charisma and work ethic of the individual post-holders. In other words there is almost no ‘institutionalisation’ of the posts. The long-term objective of building the capacity of Local Government should be to train them to handle funding that will come from GoSS after the end of the RRP though it might not start coming through until then. The framework of local government that is supposed to begin the work of institutionalisation is still in draft form. There are no ‘job-specifications’. Many sectoral Directors have not yet been confirmed in post. There is not yet a Civil Service Code of Conduct and the Public Service Act has not yet been passed – which makes it difficult to reduce the salary burden of Local Government by laying people off.

#### *Workshops:*

The RRP project benefits from *appearing* to be as accountable as possible (whether it is genuinely accountable is another question) and holding meetings with local people is a good way of allowing local people access to the project – especially meetings which leave enough time for local people to contribute in an unstructured way, and where translation ensures that they genuinely participate and criticise (conducting the workshop in Dinka would for example change the dynamics).

Workshops, as opposed to consultation meetings, have a different dynamic. They are often translated using the Dinka word *pioc* (to learn), so are seen as places where participants sit tight and get lectured to or get tested. This is often exactly what the organisers want to do as they feel there is a body of knowledge which needs to be taught, even if the use of ‘participatory’ methodologies such as group sessions would seek to prove otherwise. In the end it is worth asking who organised the workshop, who holds the flipchart pen and who structured the meeting.

The workshops organised by the RRP, on Social Contract, Participatory Development and Institutional Assessment appear more to be opportunities to explain RRP and its methodology to communities than an open-ended discussion of what communities want (that process had already taken place – if very briefly - and was the basis of the project proposal, so now it was a question of implementing the proposal). Although tools such as ‘the problem tree’, prioritisation and log frames were introduced, one Executive Chief considered these to be techniques to learn rather than an invitation to use the tools to critique the RRP. The part that

he remembered best was when the workshop had a session that tried to translate RRP into Dinka – they came up with *teng baai nyal* (rebuilding a fallen house). In addition he said that the consultant who conducted this appeared to know Sudan well. However, soon after the meeting the rains started and movement was curtailed so the work discussed could not take place<sup>44</sup>. This lack of follow-up reminded him of the time of relief and HEA meetings that usually led to no tangible follow-up. So training that brings something concrete is considered more worthwhile.

#### *Peer-to-peer training/ On-the-job training/ Tutoring*

The Commissioner of Aweil Centre received some training by James Kok, Commissioner of the Southern Sudan Peace Commission, in a workshop in Rumbek. He suggested that sharing experiences amongst other commissioners at that meeting was a useful way of comparing approaches. The role of the RRP in this should be to facilitate with transport if LGA's do not have the budget to take planes for example. It should not be to try to orientate the content of such peer-to-peer discussions.

There are other administrators who have had many years of experience to share (for example the State Secretary General in Aweil – has been working in the government for 40 years). This could be carried out in a form of on-the-job training with administrators being facilitated to travel to the counties to see how the work was being carried out on the ground and give on-the-spot advice.

A mobile English-language tutor could move around places where his/he services were required giving on-the-job classes without costing the earth.

#### *Secondment:*

Attaching APO's to Agriculture (x2), Training (x2) and Health (x1) could be undertaken with the understanding that they will continue to work in government for three years after the RRP. The advantage of this is that at least it would get over the paralysis caused when government officials are not paid their salaries.

#### *Long-term residential training:*

There are many potential problems of this kind of training though there are also definite benefits. The main problems include the cost, and the fact that a 3-year residential medical training in Kenya, for example will go beyond the funding period of the RRP. There is also a problem (as mentioned above) with ensuring that candidates come to work for the project once trained. The advantage is that it addresses the root of the problem of trained staff rather than patching over the problem. It seems likely, from discussions between UNDP and the RRP that the budgetary and administrative barriers will not be surmounted which blocks what could be technically the best solution. It should therefore be discussed further.

There are other training institutes available in Sudan – including the School of Public Administration in Juba – where it would also be performing a capacity-building function to use the institutes. The quality of the training will not initially be as good, but it would have a long-term impact to invest in these institutes and conduct workshops within them.

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<sup>44</sup> Now with 3 cars and visible growth in the women's gardens it appeared to the chief that work was happening

### *Other training:*

There is a danger that HEA training is being given to people who don't really understand its purpose and can't really make good use of the tool. For example the Aweil Centre Commissioner is in support of HEA training because he believes it will show people the way that prices fluctuate and enable them to bring goods to market at the best time. It is difficult to train people in HEA firstly because it requires a level of educational training that is too high for many LG personnel. Secondly, the training risks replacing a more qualitative indigenous analysis of FS issues that could usefully be brought to the table with a more quantitative HEA approach that subverts what Sudanese staff already know about their societies.

Both approaches have their merits, but HEA training should be given to those with sufficient capacity to see the strengths and weaknesses of the method. Meanwhile the information database that is held by less formally 'trained' officials should be captured in its raw state. The fact that no-one 'objects' to being trained in HEA tells of the hunger of people for any kind of training, however inappropriate. That is not an environment where people will be sufficiently critical about the direct relevance of the training they have received. It would be better therefore to make sure that the training goes to sufficiently high-level candidates who will actually use the skill – perhaps in particular to NSCSE and database collectors.

In interviews, chiefs prioritised (in descending order) computer training for the commissioner (because he is the head), training for health workers, training for the Executive Director in planning (because he will be the one to do mobilisation), training of 50 teachers, training women in vegetable gardens and fishermen in conservation techniques and finally training of chiefs in English to prevent people talking behind their backs!

Most of these forms of training are already in the RRP budget, but others such as on-the-job training, peer-to-peer, mentoring etc could be done in the second year if a budget is submitted before February. This should be considered urgently.

### *Strategic Planning*

The development of a county planning mechanism was intended to show the intention of moving towards more locally-inspired government. Instead it has shown up the limited capacity of the local government to manage a planning process in the context of limited funds transferred from the State level. It has therefore become a slightly 'hypothetical' process, dependent and highly influenced by the very NGO's that the planning process is supposed to be marshalling. There is also a difference in prioritisation shown up during the State Strategic Plan between the government – keen on building the structure of local government (offices, town planning, taxation) – and the community – prioritising Food Security, Water, Health and Education, followed by roads and security (Mlalazi & Ntanda 2006:vi). In Sudan, the problem is not so much 'making' policy as 'implementing' it. Lines of communication are long, lag-times enormous and the chances of misunderstandings creeping in are high. Once policy has been drafted, it takes time to take it out for consultation, adapt it, redraft it and then disseminate it. Meanwhile there is policy drift while waiting for this to happen, so there is pressure to minimise local consultation which increases the danger of centralised dictat with no local buy-in.



### *State Strategic Plan:*

The RRP, represented by SC and Hard held a meeting with the State Education Minister as part of the sector-to-sector consultation process from 13-18 Nov 2006, and the Minister took this forward to the State Strategic Plan. The plan has not been brought to the County for consultation, though a draft has been produced in Aweil (Mlalazi & Ntanda 2006).

### *County Plan Development:*

According to the Local Government Framework (Local Govt Secretariat 2006:49), local government councils (at County and Boma level) are expected to involve themselves in formulating long and short-term (annual) plans and policies that are prepared by a community-led process, incorporate the activities of NGO's and other actors to be consistent with national level planning. They are also expected to forward such plans to higher levels of government, hold annual Budget Reviews and monitor the implementation of development plans including the activities of other actors. It would be very surprising, though, if plans of a sufficient quality could be produced at a payam level because of the profound lack of technically-qualified staff. In the RRP, the Payam level development plans have been deferred to year two. They should also compile databases and information systems.

### *Is the objective of Strategic Plan and County Development Plan realistic?*

It is useful to plan ahead, but Plans are at the mercy of funding – and this year block grants from the GoSS were almost 6 months delayed and then just transferred in a lump sum without any detailed plan for how that lump sum would be spent or held to account according to a financial framework. Some Ministries in Aweil just wrote letters to Juba requesting money, while others sent detailed budgets and there seemed no standardised system from the point of view of the States. It wasn't a good start as it introduced the potential for corruption right from the start which will be difficult to suppress later. One should ask if SC should really be putting all its attention into county level LGA investment and preparation of plans when it's all being obstructed at a higher state level: in this case, SC should increase its advocacy at higher levels as well as ensuring publicity for the block grants transferred to the State level for the County, so at least people know that the money has been transferred.

### *Plan for Disaster preparedness:*

It is important to maintain a capacity to respond to urgent humanitarian needs – whether one calls this emergency relief or disaster preparedness capacity. The best defence that local communities can have is not humanitarian aid but having a healthy livelihood cushion that enables them to cope in bad years. It is far from clear whether a visible impact on food security will be seen during the life cycle of the RRP project (one of its primary objectives). It would probably be advisable, therefore to combine quick-impact programming with longer term capacity building (development), in order to build up local coping mechanisms. Any cash paid in cash-for-work (in bridge construction for example) or cash grants will most likely be used to build up livelihoods. If the capacity to respond to disasters is already in the community, that makes for a more timely and cost-effective disaster preparedness response.

## **Support Needs of Traditional Authorities:**

Having already identified the almost deferential way in which LGA's interact with aid organisations, is there any chance that traditional authorities are going to be anything other than passive recipients of the business of aid agencies and their partners in government? In most English-language meetings they will remain silent. However, what is reassuring is that traditional authorities do not base their legitimacy on their ability to 'capture' aid. Their authority is based on dispute resolution and the maintenance of harmonious relations in the community, and for that they need precious little 'support' from aid agencies.

**Payment:** Chiefs were usually paid (some would say 'bought') by GoS in garrison towns. The intention of the GoSS is to pay Traditional Authorities, but it is unsure when that will actually start taking place on a regular basis. Meanwhile it is not really within the realm or the capacity of either the RRP or other agencies to assist chiefs – although it could assist the general government balance of payments by assisting in other areas to free up government money to pay chiefs. It is vitally important that the GoSS assumes responsibility for 'the eyes of the government' at a local level.

**Training:** Peer-to-peer training by the most experienced chiefs in customary law would be the form of training that most corresponds with the main role performed by chiefs, especially if it means diffusing a codified version of customary law and standard fines (a process that the Ministry of Legal Affairs is keen on implementing through the proposed Customary Law Development Centre). It also corresponds with their competences. Any other kind of training in 'participatory development' by the RRP or administrative procedures, would do little to capitalise on indigenous structures that ensure local participation (like village court or *luk*, discussion of elders under a tree, gossip of women at the waterpump etc). In general local people are much more likely to contribute or participate in this kind of meeting than in a so-called NGO participatory consultation.

**Facilitation:** Many chiefs have been issued with bicycles, while government staff get motorbikes or cars. Regardless of the fact that most would be unable to ride a motorbike, it reflects the perception of chiefs as operating in the 'slow lane'. However chiefs are often summoned to meetings at short notice and at some distance. Some degree of facilitation through providing lifts, especially for distant meetings, would ensure a more representational cross-section of traditional leaders at meetings rather than the airstrip regulars that usually appear.

## **Other:**

The objective of the RRP is to spend as much of its budget as possible at a grass-roots level. For this reason cash-for-work projects that reward people for taking part in useful work would be a doubly useful way of spending money. The problem usually arises over the definition of the work or the task to be accomplished. Sometimes the work is just symbolic, and the recipient in fact is receiving a cash grant. Useful work is usually defined as something like road construction, but there is no reason (except unwillingness on behalf of the donor) why cash could not be given for work in the local government structure, especially as an extra incentive if the salaries of these people are still not being paid.

Quick impact projects that stress the peace dividend and capitalise on good-will while it lasts: these would aim for visibility, popularity and accessibility. They could also be used to ensure

that the RRP objective of improving food security is achieved as fulfilling this objective through investing in Local Government might be a bit long-term for the 3 year time-frame of the RRP. The danger is that these are seen as relief-type interventions; however, as long as the political 'esprit' is developmental (ie working through the government) that need not be bad.

It would be difficult to implement projects that are radically different from the RRP, both because of the constraints of the proposal and because there would be the need for community consultation, but there would be less of a problem if greater amounts of resources were spent on the ground rather than on bringing in outsiders to conduct workshops. An example that corresponds with RRP's focus on rehabilitating infrastructure and restarting the economy would be to build a bridge on the main river between Aroyo and Aweil, so that Aroyo was not cut off for half the year, damaging the economy and co-ordination with State authorities.

Returnees: This kind of intervention will be especially appropriate for the urgent work of preparing for a massive arrival of returnees. Such returnees will bring new skills to the area and every effort should be made to encourage them to return to rural areas rather than urban areas with services to which they have become used while away. They also come with a greater willingness to use new farming methods that they might have seen elsewhere (such as manuring or ox-ploughs) and they should be specifically targeted in these kind of food-security interventions. Aweil Centre is not expecting large numbers of returnees. Aweil East on the other hand is expecting more, but also has a more developed economy.

The objective of training Local Government in administration and finance is to improve their capacity to handle funding that will come from GoSS after the end of the RRP. For this objective, training is useful, but much better would be to see how the financial systems works when money is sent through and judging it on its results. This would be an alternative to sending resources exclusively through the accounting system of Save the Children, Hard or Concern. It should be noticed that SC has difficulty paying its compound workers on time, illustrating the same problem that the GoSS has in reaching those at the bottom of the pile and a similar general sense that they matter less<sup>45</sup>. SC also has problems in communication, accounting and transport and these will be the same for GoSS. Systems of procurement have taken years to perfect, and it is likely that these will not be able to be established in Local Government without teething problems. The government is therefore likely to suffer many of the same problems SC has faced over the years. This is the best reason for developing closer relationships rather than leaving them to come back when they have sorted out their finances.

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<sup>45</sup> It should be noted that nothing in the RRP happens until the cooks have put tea and mandazis on the table in the morning

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## **Annex 2: Terms of reference**

### **Social and Anthropological research in South Sudan**

Location	South Sudan, Northern BEG and /or Upper Nile.
Length of assignment	28 Days between November 6 <sup>th</sup> and 3 <sup>rd</sup> December 2006
Reporting to	PD and or assistant
Line management responsibility	Buzz Sharp, Food Security and Livelihoods Adviser
Budget responsibility	Paul Obura. ECHO 1503/.....

#### **Purpose:**

To gain a sound appreciation of traditional local leadership and to understand any possible conflict of interest that could emerge while working with new Local Government Authorities (LGAs). SC-UK with consortium partners, including SINGOs and CBOs will be supporting the development of new institutions following the CPA. This will require that strong relationships develop with and between these parties in promoting appropriate policy and practice as well as when an emergency response may be required.

#### **Activities and Outputs:**

1. Research the LGAs plans and proposed structures in light of national plans for State Governance following the Comprehensive Peace Agreement (CPA).
2. Check the Consortiums (SC-UK, CONCERN, HARD, et al including SHARPUN if time allows) strategy to support this.
3. Research traditional local leadership structures and mechanisms.
4. Report on any risks resulting from the imposition of different value systems or conflict of interest that could arise,
5. In relation to the above, produce a report outlining recommend best policy and practice towards :-
  - a. Developing strong relationships with and between traditional and new leadership where changing systems and values can be expected.
  - b. The ways in which the SC-UK team should best develop relationships with local leadership when trying to:-
    - i. Plan for disaster preparedness, mitigation and response,
    - ii. Reach the most vulnerable (which may include socially excluded)
    - iii. Empower communities,
    - iv. Support community driven recovery and development.
    - v. Support the re-integration of returnees and IDPs

#### **Essential competencies:**

1. Appropriate previous experience in southern Sudan
  2. Evidence of ability to report findings clearly
  3. Knowledge of agro-pastoral societies, preferably Dinka or Nuer.
- Willingness to travel in S Sudan and NBEG and /or Upper Nile areas.