

## Analysis: Addressing livestock disputes with courts of former cattle camp leaders in Yirol East, Lakes state

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In early September 2021, a group of men sat in the shade of a tree in Nyang, the capital of Yirol East County. The men – some of them former cattle camp leaders – engaged in a lively discussion about livestock. In February 2021, state authorities had temporarily introduced mobile courts made up of former cattle camp leaders who successfully addressed unresolved livestock disputes and cattle raiding in Yirol East County and other counties in Lakes states. As such, these courts exemplify local mechanisms and practices that play a crucial role in solving disputes and preventing the escalation of armed violence in South Sudan.

### Why were courts of former cattle camp leaders introduced?

After the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) in 2018, violence increased significantly in Lakes state including in Yirol East. Road ambushes including attacks on traders, cattle raiding, revenge killings, theft of livestock as well as other forms of violence – partly driven by the breakdown of political order – negatively affected mobility, livelihoods, and access to services. While women recounted during interviews that they had feared collecting firewood or working in the fields away from their homesteads, men narrated that moving along roads had become dangerous. Respondents suggested a variety of causes for this insecurity, such as economic hardship, pressure on young men to mobilize bride wealth, alcohol abuse, widespread ownership of firearms, and mobilization for cattle raids by spiritual leaders. Cattle camp youth and armed criminals were mainly mentioned as perpetrators of localized violence, thus stealing livestock, cattle raiding, and carrying out ambushes. Besides this, external influence of political and military actors at the state and national levels also emerged as a cause of insecurity and localized violence.

The lack of rule of law is also a key contributor to insecurity. Local authorities, chief courts and police faced challenges identifying, arresting, convicting, and holding accountable offenders. While in some instances communities were hiding culprits, in other situations, armed individuals overpowered the local authorities and security forces, and threatened chiefs and other traditional authorities. To foster the

rule of law and security at the community level, to settle disputes and de-escalate conflicts, the state government decided to create temporary courts composed of former cattle camp leaders. These leaders are experienced in dispute settlement and conflict de-escalation and prevention and know well their communities, including the cattle camp youth. Moreover, they are trusted by and accountable to cattle camp youth.

In Lakes state and other parts of South Sudan, cattle camp leaders (*beny wuot*) lead groups of primarily young men and women, who move with their family's livestock from pasture to pasture. Cattle camp leaders fulfill a variety of tasks, including informally settling disputes within cattle camps. At times, some cattle camp leaders are appointed by commissioners or county authorities ad hoc to solve disputes. However, their influence and power to resolve conflicts and enforce verdicts is limited as there is, among other issues, no police presence in cattle camps. As a result, conflicts between members of cattle camps over livestock, water and pasture – particularly when they lead to violent encounters and unresolved homicide cases without compensation being paid and reconciliation done – can escalate into intra- or inter-communal violence. Former cattle camp leaders are well acquainted with both the factors that can drive conflict, as well as the impact of un-resolved conflict, making them well placed to understand the motivations and frustrations of cattle camp youth, and the larger community.

## How did the court of former cattle camp leaders work?

The court of former cattle camp leaders was based on customary law and focused on disputes and violence linked to livestock due to their role as former cattle camp leaders. Cases related to divorce, adultery/elopement, family disputes, and inheritance or customary land disputes continued to fall under the jurisdiction of the chief courts and the town bench court. Similarly, larger scale theft, such as cattle raids, conflicts over pasture and water and homicide cases were referred by the court of former cattle camp leaders to the special court in Greater Yirol, based in Yirol town, that had also been reactivated by the state government in early 2021. Both courts were temporary and were to be dissolved as soon as the backlog of the unresolved court cases and disputes was addressed.

The court, composed of seven members including one chairman, resolved livestock disputes according to customary law, which is based on the community's customs, traditions, social norms, and ethics. For example, as explained by a member of the court, in Lakes state, stealing a cow was punished with a fine of five cows and imprisonment. The court migrated with cattle camps and visited different cattle camps to address conflicts, often resolving cases of theft, cattle raiding and road ambushes. As the court members represented all *payams* (administrative division below counties) of Yirol East, they were able to resolve disputes within and between different cattle camps, and members also worked with the police to enforce verdicts and retrieve raided or stolen cattle.

## What was the innovation and added value of this court?

The innovation of the court, first of all, was that it brought together well-recognized and respected former cattle camp leaders from all *payams* from across Yirol East. Hence, the court built on the vast experience of its members in settling livestock disputes and contributed to preventing their escalation into armed violence. As former *beny wuot*, the court members know the conflict, economic and social-political dynamics of cattle camps and cattle camp youth in their respective *payams*. Moreover, residents from different

*payams* felt represented by the court's members and thereby were willing to cooperate with the court, for example by providing information about culprits and by accepting verdicts. Secondly, unlike the chief courts and other dispute resolution fora, the court was mobile and moved with the cattle camps, allowing it to swiftly address emerging disputes and de-escalate conflicts. Finally, the court worked with the local authorities and security forces to enforce its verdicts. The police, for example, supported the court by arresting culprits or by capturing livestock to be paid as a fine by the culprits. On a number of occasions, we passed by policemen moving with cattle to the county capital.

The added value of the court was the clear improvement in the security situation in Lakes state since 2021, which was confirmed by interviewees and participants in focus group discussions. Cattle theft, livestock raiding, robbery and attacks on the roads had reduced and livestock owners could be seen moving their recovered cattle along roads within Yirol East and between Yirol East and Yirol West. Moreover, community members, including women, reported being able to walk again on their own in remote rural areas, for instance, to reach health services. Security issues as described above made such movements risky before early 2021.

In November 2021, the state executive dissolved the court of former cattle camp leaders in Yirol East. Since then, chief courts and the town bench court in Nyang have been resolving livestock disputes. Apparently, chiefs' complaints contributed to the dissolution of the court of former cattle leaders, as chiefs accused this court of having taken over the duties and responsibilities of chief courts. In addition, some community members criticized the court for heavy fines, arbitrary arrests, and corruption. Seemingly, few chiefs supported convicts to avoid court fines or bailed detainees out weakening law and order. Contestations between different courts at the local level can frequently emerge when new courts are set up due to unclear jurisdiction, as well as over the collection of court fees. Court fees are a contested resource, particularly in a context affected by economic hardship. While the dissolution of the court has led to some delays in settling livestock dispute, the security situation has remained stable.

## Conclusion

Despite the challenges the court faced including the contestations with chief courts and the critic of some community members, it achieved its main goal namely reducing the caseload of unresolved livestock disputes and thereby fostering security in Yirol East. In Yirol West County, the court of former cattle camp leaders continues to settle livestock disputes. Former and current cattle camp leaders similar to chiefs and other local authorities settling disputes according to customary law, might not meet international law standards. However, these actors know the context and conflict dynamics well, swiftly deescalate disputes, and they are generally respected and trusted by community members. Consequently, by credibility, and by extension, they are valuable mechanisms for peacebuilding, humanitarian and development actors to link to. Hence, international actors ought to consider supporting and working with local conflict prevention and conflict resolution mechanisms such as the court of former cattle camp leaders in Lakes states and similar institutions in other agro-pastoralist communities.

## Recommendations for donors and aid agencies

Based on what we have learned from the mapping and analysis of activities in Yirol East related to the court of the former cattle camp leaders, we propose the following recommendations:

- **Build on local expertise and innovative local methods for conflict resolution:** As demonstrated by this court, local and community authorities such as cattle camp leaders, but also local government officials, chiefs, elders, spiritual leaders, and women leaders have significant expertise in, and experience with, settling disputes and de-escalating conflicts. Their extensive knowledge of the local context and conflict dynamics make local experts ideally placed to be innovative in their response, while drawing on traditional methodologies. This is key to context-adapted, locally driven, as well as locally funded and therefore more sustainable, conflict prevention and conflict resolution. International activities supporting conflict resolution and peacebuilding should work with these actors as experts and ensure that projects draw on their efforts and do not undermine them.
- **Engage with hard-to-reach, and often ignored, actors, such as youth in cattle camp:** Community leaders such as cattle camp leaders, traditional spiritual authorities and cattle camp youth can be key interlocutors when it comes to de-escalating conflicts and solving disputes, not just in Yirol East, but also in other agro-pastoralist communities. However, they are often left out in peacebuilding activities – their mobile livelihoods make them hard to reach, and in the case of cattle camp youth and spiritual authorities, they are too often seen only as perpetrators of violence and barriers to peace. Involving them requires actors to make an extra effort in terms of logistics and planning, this can be overcome by working with local partner organizations that have well-established offices and staff outside Juba.
- **Conduct and utilize context, conflict, and political economy analysis:** Analysis allows us to identify key actors in conflict prevention and conflict resolution, and understand their role in changing conflict dynamics, local political arenas and contestations over resources, such as court revenues. As such, regular and ongoing analysis can provide a nuanced picture of local level conflicts and violence, their political economy, and the role of military interests of local and external actors. The challenge in South Sudan is not necessarily the lack of analysis, but rather how it is used to inform donor and agencies' decision making. It is critical that analysis is used to understand how project activities could interact (positively or negatively) with conflict dynamics as well as, existing conflict prevention and resolution mechanisms. The insights gained from analysis can help agencies to be conflict sensitive in their programming, be sensitive to the changing conflict dynamics in local political arenas, and by doing so, mitigate negative interactions and doing harm.

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This publication is based on mapping and analysis activities conducted for the EU-funded project [strengthening local conflict prevention and conflict resolution mechanisms](#). The project seeks to understand the functioning of community-level Conflict Prevention and Resolution Mechanisms in South Sudan. After a participatory practice-oriented study, good practices and successful approaches are identified by local key actors based on locally owned dialogues and learning processes. They in turn aim to contribute to sustainable peace and reconciliation at the local level. The project is conducted by [swisspeace](#), [Assistance Mission for Africa](#) and the [Bridge Network](#).

This publication was produced by swisspeace with the financial support of the European Union and with additional support from the CSRF funded by Canada, the Kingdom of the Netherlands, Switzerland, and the United Kingdom. Its contents are the sole responsibility of swisspeace and do not necessarily reflect the views of the donors.



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