

CSRF Analysis: Why do chiefs matter for aid actors and conflict sensitivity? The role of chiefs in conflict-sensitive aid and peacebuilding

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Summary

In South Sudan, chiefs have played a key role in different fields linked to development, humanitarian aid, and state-building and peacebuilding for decades. Chiefs engage in local governance, service delivery, community mobilisation related to, for example, aid and elections, allocation of resources including aid, land and community assets, mobilisation for peace and war, conflict resolution and local justice. As such, it is critical for aid actors to better understand the role of chiefs and how aid and chiefs interact to provide conflict-sensitive aid. This analysis provides insights into the diverse roles of chiefs by referring to aid, local justice, peacebuilding, land allocation, and community mobilisation. Moreover, it gives practical recommendations for aid workers and peacebuilders.

A brief history of chiefs and their roles

Since the colonial era, chiefs have been the lowest tier of the local government in South Sudan. The Anglo-Egyptian Condominium government (1899 - 1956) established a 'native administration' based on indirect rule. Where communities had existing hierarchical socio-political structures, colonial authorities tended to work through them, while in communities that did not, they introduced chiefs.¹ Since then, chiefs have been an integral part of government and initially derived their authority from the state.² Over time, chiefs became more closely associated with their community, and increasingly drew their authority from both the state and the communities. Communities can select or elect chief and hold them accountable, including removing them for failing to fulfil their

responsibilities and fairly representing the interests of all subgroups in their communities.³

Chiefs are the government's representatives at the local level and are responsible for different tasks on behalf of the government, including collecting revenues, community mobilisation, conflict resolution and settling disputes in chief courts. At the same time, they represent the community with the government and other actors, informing *payam* (second-lowest administrative division, below counties) and county authorities and aid actors about community needs and priorities and the challenges they face, such as floods, food insecurity or conflicts. Although both women and men can become chiefs, men occupy a large majority of chieftaincies in South Sudan, and most chief's courts are entirely made up of men.⁴

¹ Leonardi C (2013), *Dealing with government in South Sudan: histories of chiefship, community & state* (Martlesham: Boydell & Brewer Ltd).

² In addition to chiefs, other community-based authorities exist in South Sudan, such as elders, clan and lineage leaders, age set leaders, cattle camp leaders and traditional spiritual authorities, including spear masters, prophets, leopard skin chiefs and rainmakers who engage more in the social and spiritual spheres. These authorities vary from community to community.

³ Leonardi C (2007), [Violence, sacrifices and chiefship in Central Equatoria, Southern Sudan](#), *Africa* **77**(4), pp 535–558; Santschi M (2014), 'Encountering and 'capturing' *Hakuma*. Negotiating Statehood and Authority in Northern Bahr El-Ghazal State, South Sudan', PhD. Thesis (Bern: University of Bern).

⁴ Historically, the chief's position was preserved for men who attained the title through elections, selections or nomination by local government authorities. After decades of advocacy for women leadership, women can now become chiefs and adjudicate cases in the customary law courts presided over by chiefs. While a few women have now become chiefs, it is important to note that female chiefs tend to be nominated by local authorities and not elected by their communities. This therefore lowers their influence and authority in comparison to their male colleagues as they are not considered to be representing specific clans/sub-clans in their communities.

Chiefs are responsible for mobilising community members for activities, such as vaccination campaigns, food aid distributions, public works, and community contributions for infrastructure projects. They are also involved in community-based social security, settling disputes related to social support obligations, and allocating natural resources, such as land and aid provision in some areas.

Finally, chiefs have a role in election-related processes, including civic education, the census, and voter registration. With the end of the transition period and planned elections approaching, it is vital to consider how chiefs can positively contribute to peaceful elections.

Chiefs, social security and aid

In South Sudan – depending on the community – three or four levels of chieftaincies exist: paramount chiefs are the most senior, followed by the head and/or executive chiefs, sub-chiefs and headmen/women.⁵ Paramount chiefs settle disputes in the most senior chief courts, the so-called “C” courts at the county level, and they engage on administrative issues with county and *payam* authorities. More junior chiefs, and the headmen/women are at the *payam*, *boma* (lowest-level administrative division, below *payams*) and village level, administering and settling disputes in their communities, which are often made up of their relatives.

Headmen and headwomen live in their communities and they have an excellent understanding of the socio-economic and security situation in the area. This makes chiefs key interlocutors for their communities’ interests and priorities with local authorities and other actors, including aid workers and peacebuilders.

In addition, chiefs play a key role in community-based social security: they are responsible for reallocating community resources to vulnerable

community members. Societal norms in South Sudan include the obligation of wealthier community members to support and care for vulnerable family and community members.⁶ In Northern Bahr el-Ghazal (NBeG) and Warrap States, if individuals and families with assets refuse to assist, chiefs can forcefully reallocate assets.⁷ Moreover, in some places, ‘hunger courts’ have been established as part of the chief courts, where vulnerable individuals can open cases to demand and enforce assistance from relatives.⁸ These social support systems have been vital to the survival of vulnerable community members, yet many aid actors are not aware of them and can inadvertently undermine them.

Chiefs are also often involved in the provision and allocation of aid. For example, they can help to identify and select vulnerable communities and individuals for aid agencies, mobilise community members to participate in projects (for example, related to infrastructure, basic services, or food aid) or participate in allocating and distributing humanitarian assistance to individuals and families.⁹

Impact of aid on chiefs’ authority

Aid can enhance or undermine chiefs’ role and authority in different ways, as it is often a contested resource at the local level. As interlocutors between aid actors and themselves, communities expect their chiefs to play a key role in securing resources and services for their community, as well as its distribution within the community. Successfully securing assistance, such as food aid, the construction of infrastructure, or improvements in the provision of social services is seen by communities as a demonstration of their chief’s ability to represent their needs, priorities, and challenges with external actors. As a result, communities can blame chiefs if they feel that aid resources are

⁵ See Government of Southern Sudan (2009), ‘[Local Government Act](#)’.

⁶ Examples of support include financially or with assets such as grain, livestock, milk and labour.

⁷ Harragin S, Chol C (1999), [The Southern Sudan Vulnerability Study](#), Save the Children; Santschi M, Gworo R, White E (2018), ‘[Caught Between Two Cultures: When aid in South Sudan is pulled between local norms and western systems](#)’, CSRF, September.

⁸ Deng, LB (2010), ‘Social capital and civil war: The Dinka communities in Sudan’s civil war’, *African affairs*, **109** (435), pp 231–250; Newton C et al. (2021), ‘[Chiefs’ Courts, Hunger, and Improving Humanitarian Programming in South Sudan](#)’, August; Pendle N (2023), [Law and Famine: Learning from the Hunger Courts in South Sudan](#), *Development and Change*, **54** (3), pp 467–489.

⁹ Santschi, Gworo, White 2018.

not being secured or have been inequitably allocated, even if they were not consulted or part of the decision-making. If aid agencies circumvent the chiefs or ignore their advice when allocating or distributing aid, this can undermine their authority. This can be particularly problematic in instances where aid agencies have already decided how much and to whom assistance will be provided, yet, expect chiefs to communicate and implement their decisions.

For example, in 2009, during a closed-door meeting with local government, officials and chiefs in NBeG State, an aid agency informed them of the communities who would be receiving assistance, how much would be provided and the distribution criteria. The chiefs were left to communicate this to their communities. In one community, several women who had not received anything because they did not meet the agency's distribution criteria, challenged the chief and accused him of unfair targeting and stealing the aid.¹⁰ In 2018, chiefs in northern Jonglei were relieved to no longer be involved in aid allocation, as they were frequently accused of stealing aid by dissatisfied community members.¹¹

Both examples above highlight the conundrum that chiefs face when dealing with aid actors: decisions on the where, what and who of aid resources is often made in faraway offices, usually behind closed doors. At the same time, communities expect that as their representatives, chiefs have been involved in making or concurring with, decisions. Furthermore, in many South Sudanese communities, important decisions that affect everyone are made in public or semi-public forums. It is expected that incoming aid resources will benefit everyone. In many instances, the approach used by aid agencies places chiefs in an untenable position. Aid actors do not hold or participate in public meetings to explain (and take responsibility for) how aid is being distributed. This leaves chiefs 'holding the bag' for decisions that are unpopular with their

community. In addition, aid agencies, understandably, often focus on the most vulnerable or marginalised, which can undermine chiefs' ability to enforce existing social and cultural obligations on wealthier households to assist poorer households, particularly if wealthier households feel that poorer households are benefitting from aid resources while they are not.

Lack of a unified local government system and political interests impacting on chiefs' influence

Besides contestations over aid, other factors negatively impact on chiefs' influence: the appointment of (unpopular) chiefs by government officials, the increased number of chiefs and chieftaincies, and the increasingly contested role of chiefs.

The Local Government Act 2009 (LGA) outlines chiefs' roles and functions, defines the criteria for establishing a chieftaincy and how chiefs are selected (appointment or election). In practice, however, the LGA is not well known or understood and has been only partially implemented at the local level. In addition, the number of chiefs has increased over the last two decades, often for political purposes. In addition, local government officials and chiefs have only limited access to the LGA and other legislation in South Sudan, and, therefore, limited, if any, familiarity with how their roles, responsibilities and authority has been codified in law.

On the ground, local government practices, including the chiefs' activities, often build on existing practices, are constantly being negotiated and at times can be driven by political interests.¹² For example, according to the LGA, community members, not the government, are responsible for electing or selecting their chiefs. In reality, however, local authorities or political actors often directly appoint chiefs or try to influence their (s-)election. This can undermine the legitimacy and authority of these chiefs with their communities. In other instances, there is

¹⁰ Santschi 2014.

¹¹ Santschi, Gworo, White 2018.

¹² Santschi 2014.

competition between the customary law (chiefs court) and statutory law courts over cases, revenues and their competency to settle disputes. This further undermines the role and influence of chiefs, as sometimes people who disagree with a seemingly fair ruling from the chief court will turn to the statutory courts.¹³

During the civil war periods in South Sudan, chiefs came under pressure from the warring parties to mobilise recruits and other resources for warfare. Chiefs who refused or criticised this practice risked being punished or even killed.¹⁴ More recently, chiefs who refused to support or encourage localised violence repeatedly become a target.¹⁵ Lastly, since 2005, the number of chieftaincies has multiplied in South Sudan,¹⁶ reducing the influence of chiefs and negatively impacting their important roles.

Chiefs, local justice, human rights, and conflict prevention

Chiefs play a crucial role in upholding the rule of law and protecting human rights, grounded in the chief courts, the lowest tier of South Sudan's justice system, and where the majority of court cases are heard and settled.¹⁷ Chief courts have several advantages over the statutory courts. They can be found across the entire country, including rural areas, making them easy for South Sudanese to access as they spread over the whole country. They are less expensive for both complainants and defendants, making them

more suited to providing justice to poorer South Sudanese. Finally, the chief court's procedures, underlying norms and rules are based on customary law, which are known to and understood by community members, unlike the statutory courts.

Unlike the statutory courts, the chief courts are usually able to settle disputes within a few days, which helps to prevent disputes from escalating into armed violence and revenge killings.¹⁸ During field research in Lakes State, participants explained that quickly solving court cases related to issues such as adultery can prevent litigants from taking the law into their own hands.¹⁹ Lastly, jurisprudence in chief courts includes both punitive and restorative justice. This is an important, and often overlooked, aspect of chief courts as it supports reconciliation in contexts where the parties involved are members of the same community and live together.²⁰

Yet, chiefs and chief courts face several challenges and limitations.²¹ Verdicts cannot always be enforced, particularly if the person found in the wrong is an influential individual. Chiefs have also been threatened by youth groups and armed actors when they passed a ruling against them.²² Chiefs have also been accused of being biased or corrupted.²³ However, as litigants can often choose between different types of chief courts, unpopular and biased chiefs risk losing court cases and court revenues.

¹³ Leonardi C et al. (2010), '[Local justice in Southern Sudan](#)', United States Institute of Peace/Rift Valley Institute, September.

¹⁴ See Leonardi 2007; Kindersley N (2018), '[Politics, Power and Chiefship in Famine and War: A study of the former Northern Bahr el-Ghazal state, South Sudan](#)', Rift Valley Institute, May.

¹⁵ Radio Tamazuj (2019), '[Chief killed in Eastern Lakes cattle raid: official](#)', December.

¹⁶ For example, in Aweil East, Northern Bahr-el Ghazal State, the number of executive chiefs increased from 14 in 2008 to 93 in 2015 and 129 in 2017. In parallel, the 14 existing executive chiefs have become paramount chiefs. Radio Tamazuj (2017), '[Aweil East cabinet approves recruitment of 93 chiefs into government](#)', January. Informal exchanges and interviews in Aweil East in 2017.

¹⁷ Deng FM (2011), 'Customary Law in the Cross Fire of Sudan's War of Identities', in D Isser (Ed.) *Customary Justice and the Rule of Law in War-Torn Societies* (Washington: US Institute of Peace Press), pp 285–323.

¹⁸ Leonardi et al. 2010.

¹⁹ Interviews and informal conversations in August and September 2021 in Lakes State as part of the [Local Conflict Prevention and Resolution Project](#) funded by the European Union Delegation to South Sudan.

²⁰ Leonardi et al. 2010.

²¹ F.e. Rift Valley Institute (2016), '[Now We Are Zero: South Sudanese chiefs and elders discuss their roles in peace and conflict](#)'; Santschi M, Dong N (2023), '[Working together for peace: Recommendations for supporting local conflict prevention & resolution](#)', swisspeace, February.

²² Youth groups differ from community to community and include cattle camp youth, community defence groups (Dinka Gelweng or Nuer White Army) and ruling age sets (the Monyomiji in Eastern Equatoria).

²³ Santschi 2014.

Chiefs are largely dependent on the police, or in some instance young men to enforce their rulings. To improve the provision of local justice and security at the local level, it is essential for international actors to assist the police, which is in practice, often understaffed and lacks resources, including means of transport and face difficulties to enforce rule of law against armed groups.²⁴

Chiefs, often older men, face criticism for not (adequately) abiding by international standards regarding human rights, particularly the rights of women and children.²⁵ In practice, chiefs prioritise communal interests over individual rights. This approach is grounded in societies where the family, the lineage and the community are essential for social and economic survival and protection.

Common belief among communities is that neither the state nor the aid community provide South Sudanese with adequate social, economic and physical security. Thus, they rely on their family and community in which collective interests are privileged.

As South Sudanese societies are patriarchal, collective interests disadvantage women and girls. Sexual and gender-based violence (SGBV) against women and girls is widespread and conflict-related SGBV is pervasive and systematic.²⁶ In this context, the role of chiefs and chief courts settling the majority or court cases is essential and this includes better understanding women's/girls' experiences, prioritising their access to justice, and protecting their human rights.

International actors and South Sudanese activists call for a more human rights-based and gender-sensitive approach of chief courts. In Yirol East in Lakes State, for example, women engaging in local conflict resolution stressed the importance of their role in discussing SGBV and advocating for human rights and gender equality with chief courts, other peace actors and the wider community.²⁷ Moreover, they underlined that women should be better represented in chief courts to bring their perspectives, particularly in cases related to SGBV.

Chiefs, peacebuilding and conflict resolution

Chiefs, church leaders, women and youth leaders and traditional spiritual authorities, all play a major role in peacebuilding and conflict resolution in South Sudan.²⁸ Yet, chiefs only have the authority to directly settle disputes and reconcile parties within their chieftaincy. Resolving disputes involving members of other chieftaincies and administrative entities do not fall within their remit. Moreover, chiefs also face challenges when trying to solve localised conflicts that involve external interests, such as state and national political and military actors.²⁹

To resolve conflicts with different communities or administrative entities other mechanisms are used, such as special courts, peace committees or ad hoc working groups.³⁰ The process that led to the 1999 Wunlit Peace Conference is one of the best-known examples of a multi-community process where chiefs played an important role. The Wunlit process was initiated and led by South Sudanese, with external actors providing only limited support to the conference itself. It

²⁴ Interviews in Lakes state 2021. Interviews and observation in Northern Bahr el-Ghazal between 2008 and 2017. F.e. Saferworld (2017), '[Informal Armies: Community Defence Groups in South Sudan's Civil War](#)', February; Harragin et al. (2020), '["Like the military of the village": Security, justice and community defence groups in south-east South Sudan](#)', Saferworld, February.

²⁵ Spring D, CSRF (2023), '[CSRF Meta-Analysis: Gender](#)', August.

²⁶ Commission on Human Rights in South Sudan (2022), '[Conflict-related sexual violence against women and girls in South Sudan](#)', March.

²⁷ Santschi and Dong 2023.

²⁸ F.e. Milner C, Christian Aid (2018), '[In it for the long haul? Lessons on peacebuilding in South Sudan](#)', July'; Santschi and Ninrew 2023.

²⁹ Localised conflicts can be influenced by state- and national-level political and military interests. See for example: CSRF, World Food Programme (2020), '[Guidance framework for understanding different forms of violence and their implications in South Sudan](#)', November; Watson DC (2023), 'Rethinking Inter-Communal Violence in Africa'. *Civil Wars*, pp 1–30.

³⁰ Santschi and Ninrew 2023. The ad hoc working groups are often comprised of chiefs, local government officials, church representatives and other key stakeholders from all communities in conflict.

succeeded in ending, albeit temporarily, the conflict between the Dinka and Nuer communities in the border area of the Greater Bahr el-Ghazal and Greater Upper Nile regions.³¹

However, the influence of chiefs and other peacebuilders is limited. If armed parties do not agree to reconcile and show no political will to make peace, chiefs and other actors, such as church leaders, cannot enforce peace. To be successful, peacebuilding initiatives need the buy-in of all parties to the conflict, as was the case with the Wunlit process.

It must also be recognised that chiefs, similar to other authorities, can also play a crucial role in mobilising for armed conflict, for example by recruiting soldiers, including children during the second civil war (1983-2005). Chiefs can, and do, mobilise the recruits or resources requested by community defence groups and other armed actors to protect their community.³² This is not always voluntary, as during South Sudan's pre- and post-independence civil wars, chiefs were forced by armed actors to gather the support they had demanded, including food and labour. This often undermined chiefs' authority and their popularity within their communities. Lastly, chiefs have also mobilised for armed conflict for their personal benefit, or to further the military or political aims of their relatives or allies in positions of power at the national or state level. Depending on chiefs' motivations to mobilise for warfare, checks and balances on chiefs include communities who do not comply with chiefs' demands or even replace chiefs, and government authorities who ensure chiefs do not use their authority to mobilise for warfare. At the same time, civil society actors, including church

leaders, try to convince chiefs to focus on peace and conflict resolution.

Senior chiefs are often well-connected with state- and national-level elite. This phenomenon dates back to colonial times when the children and relatives of chiefs had access to education. As a result, many present day members of academia and the political and military elite come from chiefly lineages. These links give senior chiefs excellent networks with high military and political offices. At the same time, influential members of the army and officials based in Juba or at the state level can mobilise community members and resources through their relatives holding chieftainships. These networks will be important during the planned elections.

Chiefs, land governance and conflict

Chiefs have a leading role in allocating land and solving land disputes, particularly in rural areas where access to land is mainly governed by customary law and community land ownership.³³ In rural areas, South Sudanese commonly have usufruct rights over land through the family and community of their fathers.³⁴ As such, chiefs and family heads shape settlement patterns and livelihoods as they determine who has access to land for housing, farming, grazing livestock or the collection of wild foods.³⁵ According to customary law in some South Sudanese communities, women do not have the right to inherit land from their paternal families or from their husbands. In some communities, however,

³¹ The Wunlit peace process brought together chiefs and other representatives from Dinka communities in Greater Bahr el-Ghazal and Nuer communities in Greater Upper Nile who fought along opposing lines in the second Sudanese civil war. The Rift Valley Institute booklet on the process is well worth reading, as is their report based on Juba University's lecture series and papers where South Sudanese academics reflected on the successes and failures of peace processes in South Sudan. Rift Valley Institute (2021), '[What Happened at Wunlit? An oral history of the 1999 Wunlit Peace Conference](#)'; Rift Valley Institute (2013), '[We Have Lived Too Long to Be Deceived: South Sudanese discuss the lessons of historic peace agreements](#)'.

³² F.e. Saferworld 2017; Boswell A (2019), '[Insecure power and violence: The rise and fall of Paul Malong and the Mathiang Anyoor](#)', Small Arms Survey, October.

³³ Deng DK (2021), '[Land, Conflict and Displacement in South Sudan: A Conflict-Sensitive Approach to Land Governance](#)', Conflict Sensitivity Resource Facility, November; Leonardi C, Santschi M (2016), '[Dividing Communities in South Sudan and Northern Uganda: boundary disputes and land governance](#)', Rift Valley Institute, May.

³⁴ In these communities, usufruct rights give community members the right to use land, profit from it, and inherit to their offspring but not sell it as the land is governed according to communal land tenure.

³⁵ CSRF Meta-Analysis (2023), '[Economy in South Sudan](#)', May.

it is recognised that women do have the right to use the land of their husbands, even if they have died, as the land will pass to her sons and remain within the wider family. In urban areas, where land titles are being issued and can generate cash income or be sold, women's rights to land are becoming increasingly contested, particularly for widows.³⁶

After the signing of the Comprehensive Peace Agreement (CPA), a large number of displaced South Sudanese moved back to South Sudan. Rather than returning to the rural areas they had fled from, many settled in urban or peri-urban areas for better access to services and wage labour. In peri-urban areas, access to land was secured either through informal practices and by working through the local community's chief(s) or, in some cases, land was taken by force.³⁷ The preference for settling in urban or peri-urban areas resulted in the rapid, and mainly unplanned, urbanisation of many towns and cities, such as Juba, Yei and Aweil. This has led to tensions over land, administrative and political constituency boundaries, and taxation and control of tax revenues involving individual landowners, different communities and their chiefs, and local and state governments. Underlying many of these tensions are deep cultural and social connections to land where community members see specific pieces of land 'belonging' to them collectively and can be closely tied to an individual's sense of community and identity. In light of the current and anticipated future returns, there is a risk that such tensions will continue to fester and could turn violent. In view of chiefs' essential role in communal land tenure, local governance, settling conflict and reconciliation, it is crucial that aid actors engage with chiefs to find ways to mitigate the tensions concerning land, identity and belonging related to return, resettlement and reintegration.

In response to rapid and unplanned urbanisation, government authorities are completing surveys in urban centres to issue land titles, supported by international organisations. While it was

expected that this would help to secure land tenure for vulnerable groups or households, this has not happened. In practice, vulnerable households are often unable to pay the land survey fees. This has allowed local elites or wealthier individuals to secure titles to plots by paying the survey fees, pushing vulnerable households to towns outskirts where they often access land through more informal mechanisms, including via chiefs.³⁸ Linking the payment of survey fees to the issuance of title deeds, and the negative impact this can have on poorer households and the advantages of more informal forms of accessing land through chiefs are issues that aid actors need to consider when supporting future efforts to improve the security of land tenure security.

Another issue that chiefs become involved in, yet have limited decision-making power, is the resolution of conflicts over contested administrative boundaries, such as states, counties or *payams*. With the changes in the number of states in South Sudan over the past decade, from 10 to 28 to 32 and back to 10 states in recent years, disputes over administrative boundaries increased. This led to violence between communities who previously had peaceful relations, and highlighted the link between administrative boundaries, control over natural resources and taxation. While chiefs have limited say in how administrative boundaries are defined, they have continued to play a key role in resolving disputes between communities over boundaries. Ahead of the planned elections, conflicts over administrative boundaries – and related, political constituencies – could increase, and it is expected that chiefs will continue to play a key role in efforts to resolve them.

Chiefs and election-related processes

As preparations for elections move forward, chiefs will play a leading role in sharing information with and mobilising communities to participate in election-related processes. In rural areas where mobile and radio network coverage is limited, chiefs will be vital for encouraging

³⁶ Deng 2021.

³⁷ F.e. Leonardi and Santschi 2016.

³⁸ Leonardi and Santschi 2016.

communities to participate in civic education, voter registration, and political campaigns. In addition, as community members tend to listen to and follow their chief's instructions, it is expected there will be competition between political candidates for chiefs' endorsements.

During the census in 2008, chiefs had a leading role in informing community members about the importance of the census. Some chiefs, administrators and politicians, however, tried to influence constituencies' demographic profile by encouraging people living elsewhere to return to their village of origin to be counted.³⁹ By encouraging community members to be counted in their villages, some chiefs hoped to secure future services, development projects, shares of public finances and political representation for their villages and, in some cases, their own chieftaincy.⁴⁰

In late-2009, despite posters and radio programmes on civic education, including voter registration, only a limited number of people registered during the voter registration process in NBeG State. In response to the low turnout, local authorities instructed chiefs to stop hearing court cases and to return to their villages to mobilise their communities. This was largely effective and within a few days, hundreds of adults had arrived at the registration points and queued in long lines to register to vote.⁴¹

During the 2010 elections, politicians relied on chiefs to mobilise potential voters. Campaign meetings were only well attended by the wider public when administrators and chiefs spread the message in due time. The chiefs' crucial role in mobilising potential voters put them at the centre of political contestations.

The elections in 2010 led to tensions between Sudan People's Liberation Movement (SPLM) members and independent candidates and their supporters all over South Sudan, particularly at the state and local levels.⁴² These tensions significantly divided communities and families

and, not surprisingly, affected chiefs. Both sides tried to influence chiefs and community members to secure their support, and some chiefs who were accused of being critical and uncooperative lost their chieftaincies following the elections.

Conclusion

For both aid actors and higher levels of government, chiefs are key interlocutors for 'the community.' When the role of chiefs was introduced by the colonial authorities, it was new and seen primarily as a representative of the government. Today, chiefs are part of the formal government structure, with their role enshrined in South Sudan's constitution. They are usually selected or elected by their communities, and thereby directly accountable to them. Chiefs' responsibilities include representing their communities' interests with and securing resources from the government and aid agencies, dispensing justice, resolving conflicts within and between communities, and ensuring that the needs of poorer and more vulnerable members are met. Chiefs can also mobilise for conflict, be biased towards the wealthier or more politically powerful and re-enforce harmful social norms that marginalise women and girls. Not all chiefs fulfil their roles as expected, and understanding the complexities of chiefs' roles can be challenging for aid actors. Every community has its own local structures, political dynamics, practices and priorities and expect their chief will represent these effectively to outsiders.

³⁹ This was not just to bolster numbers in rural 'home areas', but also to minimise the number of people not originally from an area being counted in the census or voting in the election *in situ*, which could have disadvantaged the host community.

⁴⁰ Santschi M (2008), Briefing: Counting 'New Sudan', *African Affairs*, **107** (429), pp 631–640.

⁴¹ Ibid.

⁴² Independent candidates, former SPLM members, who failed to be nominated as SPLM candidates, decided to run independently.

Recommendations for donors and aid agencies to support more conflict-sensitive humanitarian, development, and peacebuilding aid:

- **Aid actors should be more conscious of how chiefs are engaged to ensure they are not being discredited in the eyes of their community.** Chiefs are key interlocutors for donors and humanitarian, development, and peacebuilding aid actors at the local level across South Sudan. However, given that local government systems and local-level dynamics vary, it is particularly important to thoroughly analyse the context, conflict dynamics, local governance structures/actors and local political arenas to adapt any activities in the different contexts. A nuanced understanding of the context and communication/consultation processes that manage expectations allows aid actors to provide conflict-sensitive aid and mitigate the risk of disempowering chiefs who are accountable to their communities.
- **Aid actors should recognise the role chief courts can play in upholding human rights and social justice.** It is essential that the aid actors recognise the crucial role of chiefs in the provision of justice and protection of human rights in South Sudan and constructively cooperates with them, particularly to protect the rights of women and children. Related to this, aid actors should recognise that societal change and viable alternatives to secure social and economic well-being and protection will – in the longer-term – gradually shift chief courts’ focus to individual rights as customary law practices adapt to social change. The social support system, including ‘hunger courts’ in some regions, has been vital for the survival of many South Sudanese. Yet, aid actors might not be aware of and, in the worst case, might undermine them. Aid actors need to better understand how local justice and social support link and how aid interacts with

these spheres to ensure that aid does not undermine social security.

- **In addition to communities, aid actors should regularly consult with chiefs on the allocation of aid and hold public meetings on what aid is being provided and to whom.** Chiefs understand contexts and conflict dynamics and know their communities’ needs and priorities. Communities can hold chiefs accountable by avoiding their chief courts, challenging them in public or removing them from their positions. As such, cooperating with chiefs provides an opportunity to strengthen the accountability of the local government towards citizens and could contribute to greater citizens’ trust towards the state. Moreover, chiefs are well acquainted with the realities and needs of their communities. Therefore, by closely working with chiefs, humanitarian and development aid is likely to be more relevant to the communities and locally grounded. However, working with chiefs does not replace and rather complements community consultation and participation. It is particularly important to directly consult with women, young women and men, displaced people and other marginalised groups in relation to humanitarian, development, and peacebuilding assistance.
- **Aid actors should learn lessons from past transition periods to navigate conflict dynamics around land, returns (resettlement and reintegration) to minimise the negative impacts of aid on conflict.** Chiefs play a key role in managing access to land, particularly in rural areas. Aid actors can learn lessons from past transition periods, which will provide suggestions on how to navigate conflict dynamics around land, returns (resettlement and reintegration), and secure land tenure in addition to questions around women’s access to land, and identity and freedom to choose a place to settle.⁴³ These lessons also illustrate which roles chiefs can play concerning return, allocation of land in urban contexts, and settling of land disputes. In view of the planned elections, there is a risk that return movements might be

⁴³ The CSRF repository contains publications on [HLP](#), [return](#), and [durable solutions](#).

manipulated to influence the demography, particularly of political-contested areas in South Sudan. It is essential that the aid community does not reinforce political agendas around the resettlement of the South Sudanese population and narratives excluding some groups as this can in turn inadvertently perpetuate certain groups' claims to 'ownership' of land and thereby drive conflict.

- **Aid actors should recognise chiefs' potential role in community awareness-raising and civic education linked to the elections.**

Chiefs' central role may offer entry points for aid actors to support community awareness-raising and civic education linked to the elections. Yet, while chiefs' central role empowers them, it at the same time also poses significant political risks for chiefs. During past elections, for example, some chiefs who publicly criticised aspects related to the elections, failed to mobilise for political parties or allegedly supported the opposition came under pressure and were threatened, removed from their positions or assaulted. Aid actors should mitigate the risks of their activities concerning the elections for chiefs and communities.

- **Aid actors should engage with other local actors to support justice mechanisms, resolve conflict, and build peace.** Besides chiefs, other local actors are key for conflict resolution, peacebuilding, informal justice provision. They include elders, women, youth and church leaders, traditional spiritual authorities, cattle camp leaders, leaders of age sets and community defence groups. Some chiefs, church and women leaders have strong mediation skills, while others are well-connected in different communities and provide key entry points for peacebuilding and conflict resolution activities. Ruling age sets and armed youth groups can undermine chiefs' authority and peace in addition to threatening aid interventions and therefore constitute important actors be engaged by aid actors. To engage these different actors, it is key to have a nuanced understanding of their respective roles, interests and positionality in conflict dynamics and ensure

they are given a voice in decision-making processes.