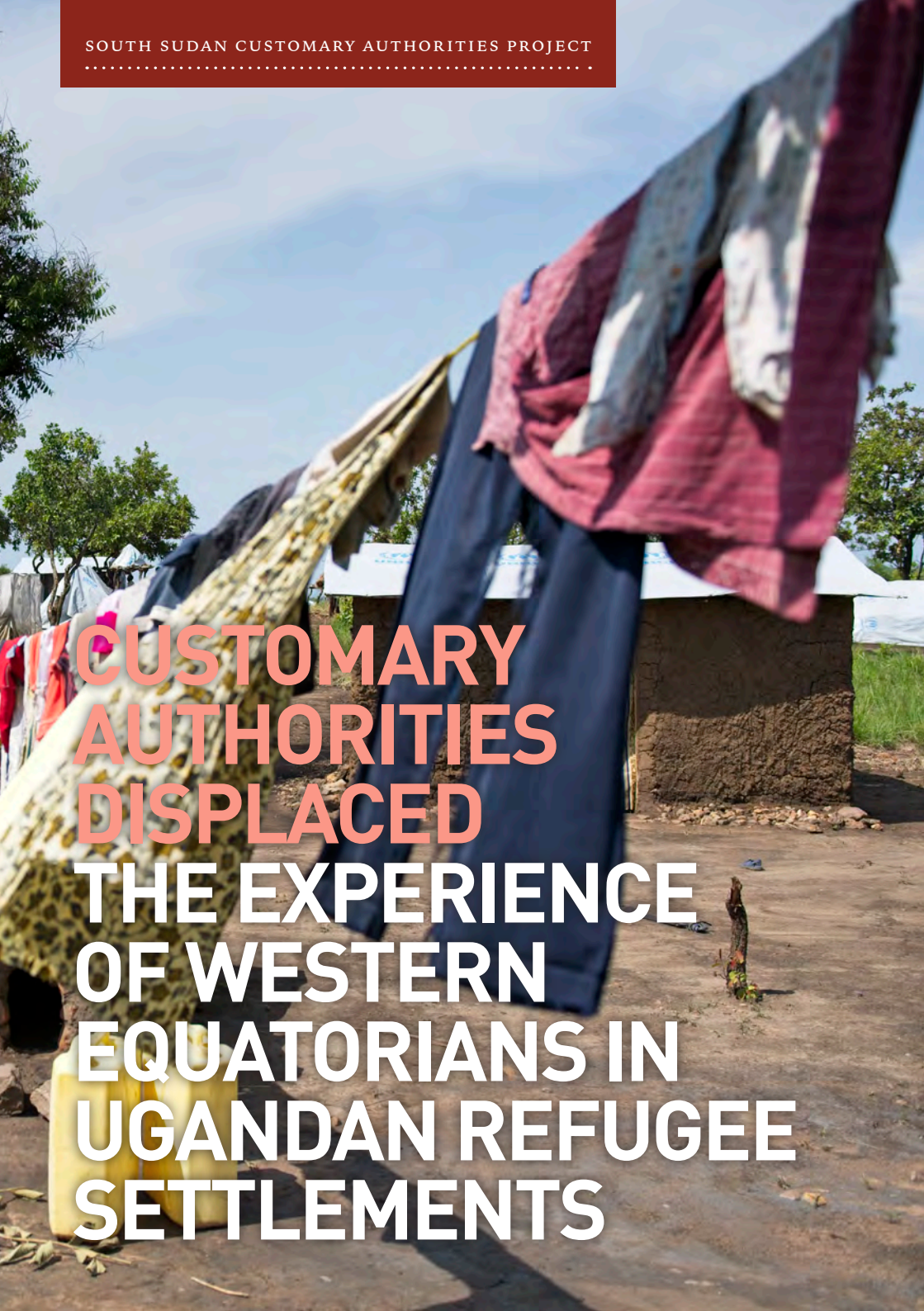


CUSTOMARY AUTHORITIES DISPLACED

THE EXPERIENCE OF WESTERN EQUATORIANS IN UGANDAN REFUGEE SETTLEMENTS

SOUTH SUDAN CUSTOMARY AUTHORITIES PROJECT

Customary Authorities Displaced

The experience of Western Equatorians in Ugandan refugee settlements

BRUNO BRAAK AND JOHN JUSTIN KENYI

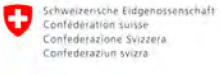
Map 1. South Sudan-Uganda-DRC border region including locations of selected refugee settlements

© MAPgrafix 2018

Woro asangu na onga kina ti mburu akuraha
Woro terefoni kisi wa mbata.
A gi mazingo kakama azingirihe si ki ongo wa he na mangu.
Kina woro bangbuda na foka tihe kugbu-kugbu-kugbu wa woro ndu boro.
Ginihe gu? Ti enge koyo berewe!
…
Ana-gude sungu ni kina duadua riyo kusende ni bere pa awiriyo,
Akumba nari ngba rindi yo na pa wari ini ka ndu ka mbu adia yo na awiriyo ni.
Tita agude sungu ni ngere tataita be gbiza kini ako nyanyaki gbe.
Ginihe gu? Ti enge koyo berewe!

The sound of mortars has gone quiet one after another
The ringtones of cellphones have gone mute.
People turn down their music,
The pumping heart sounds as if someone is coming…
What is it? It has started again.
…
The mothers are confused about the future of their offspring…
Men are thinking about where they will take their families to...
The grandparents are all wondering what is next…
What is it? It has started again.

Fragment from 'Ti Enge Koyo Berewe' (It Has Started Again)
by Isaac W Hillary, Zande poet from Western Equatoria.
Transcription and translation by Isaac W Hillary and Bruno Braak.



Published in 2018 by the Rift Valley Institute
PO Box 52771 GPO, 00100 Nairobi, Kenya
107 Belgravia Workshops, 159/163 Marlborough Road, London N19 4NF, United Kingdom

THE RIFT VALLEY INSTITUTE (RVI)
The Rift Valley Institute (www.riftvalley.net) works in eastern and central Africa to bring local knowledge to bear on social, political and economic development.

THE AUTHORS
Bruno Braak is a PhD Candidate with the Van Vollenhoven Institute, Leiden University. John Justin Kenyi is a graduate of Oslo and Akershus University College of Applied Sciences and an independent South Sudanese researcher.

SOUTH SUDAN CUSTOMARY AUTHORITIES PROJECT
RVI's South Sudan Customary Authorities Project seeks to deepen the understanding of the changing role of chiefs and traditional authorities in South Sudan. The SSCA Project is supported by the Swiss Government.

CREDITS
RVI EXECUTIVE DIRECTOR: Mark Bradbury
RVI ASSOCIATE DIRECTOR OF RESEARCH AND COMMUNICATIONS: Cedric Barnes
RVI SOUTH SUDAN PROGRAMME MANAGER: Anna Rowett
RVI SENIOR PUBLICATIONS AND PROGRAMME MANAGER: Magnus Taylor
EDITOR: Kate McGuinness
DESIGN: Lindsay Nash
MAPS: Jillian Luff, *MAPgrafix*

ISBN 978-1-907431-58-6

COVER: Imvepi Refugee Settlement in Arua District, Northern Uganda

RIGHTS
Copyright © Rift Valley Institute 2018
Cover image © UN Photo/Mark Garten
Text and maps published under Creative Commons License
Attribution-Noncommercial-NoDerivatives 4.0 International
www.creativecommons.org/licenses/by-nc-nd/4.0
Available for free download from www.riftvalley.net
Printed copies are available from Amazon and other online retailers.

Contents

Summary 7

1. Introduction 9

2. Life in the Refugee Settlements 11
- Why did people choose Uganda? 11
- 'There are no chiefs': Customary authority in the settlements 12
- The role of elders 14
- Formal authorities 15
- Missing customary authorities 16
- Shifting social relations 18

3. Narratives of Customary Authority amongst the Zande 21
- 'Those days' of King Gbudwe 21
- Colonialism and customary authorities 22
- Chiefs and Sudan's civil wars 23
- After independence 24
- Optimism and secession 25
- Return to war 26

4. The future of customary authority in Western Equatoria 30
- Continuity and reform 30
- Reinstating the Zande Kingdom 33

Conclusion 37

Glossary of acronyms, words and phrases 39

Bibliography 40

Map 1. South Sudan-Uganda-DRC border region including locations of selected refugee settlements 2

Summary

South Sudan's violent conflicts continue to plague its people. An estimated four million South Sudanese have been forcibly displaced since December 2013, and more than a million have sought refuge in Uganda—often praised for the hospitality it has extended towards refugees—the majority of these since July 2016. Much international attention has been given to the task of providing land, food, water and medical care to people in the settlements. Little, however, is known about the way in which refugees have worked to reconstitute a sense of community life in Uganda, and what remains of customary authority—principally chiefs and 'elders'—among the forcibly displaced.[1]

This report examines the consequences of conflict and displacement on customary authority among refugees from former Western Equatoria state.[2] At present, few chiefs from Western Equatoria are living in Uganda. The handful who have sought refuge stress that they have no formal position there and wish to abide by the country's laws. Various forms of non-customary authority proliferate in these refugee settlements, in some ways filling the gap left by the missing chiefs. Some forms—such as Refugee Welfare Councils (RWC)—are initiated and recognized by the refugee settlement authorities. Others, such as supra-ethnic community organizations, are organized by refugees themselves and enjoy no state recognition. Although none of these new authorities claim to be chiefs in the traditional sense, they perform similar functions.

Despite a general decline in the fortunes of customary authorities in Western Equatoria, and their near absence in the Ugandan refugee settlements, they remain popular among the region's people. This is manifested in near universal support for stronger customary authorities among those interviewed for this study. Debates do, however, take place over whether positions should be elected, their relationship with government, and if the highest levels of chiefship should be opened up to women and people of non-chiefly clans.

Much more controversial is the possible reinstatement of the Zande Kingdom, with differing views largely split along ethnic lines (Zande and non-Zande). For many ethnic Zande, the kingdom is

1 The research upon which this report is based was conducted in July and August 2017 in several Ugandan refugee settlements (Bidi-Bidi, Kiryandongo, and Rhino Camp) and in urban centres, where many refugees have settled (Arua, Bweyale and Kampala). The research methodology included semi-structured and oral history interviews, focus group discussions and video elicitation. The latter consisted of screening two RVI documentaries about chiefs and elders in South Sudan in order to elicit conversation and discussion with various groups of refugees. This report is envisioned to further aid conversation about the role of customary authority in the future of South Sudan. Research assistance was provided by Paul Night and Bidal James in Rhino Camp Refugee Settlement, by Aluel Jok Dau and Mary Victor Bullen in Bweyale and Kiryandongo Refugee Settlement, by Jackline Wesley in Bidi Bidi Refugee Settlement, and by Poni Silvia in Arua. This report also benefits from prior research carried out by Bruno Braak in South Sudan between September 2014 and April 2015 for Cordaid, and from research carried out in Uganda between March 2017 and May 2018 for Bruno's PhD with the Van Vollenhoven Institute of Leiden University. Invaluable

associated with the historical memory of King Gbudwe, the last Zande king to resist colonial rule. His time is now seen to have been one of stability, cohesion and hierarchy—in stark contrast with the war, displacement and poverty many Zande experience today.

Support or opposition to the Zande Kingdom, and for stronger customary authorities more generally, share a key similarity: they offer people a means of articulating their present frustrations and future aspirations. In the uncertain and alienating present, visions of a future that resembles a more stable and comprehensible imagined past have gained currency. Crucially, such visions are not a conservative clinging to tradition, nor do they indicate resistance to change. Rather, they may contain the seeds for deliberations about the future, and the role of customary authority in it.

comments to earlier versions of this report were offered by Cherry Leonardi, Carolien Jacobs, Nicki Kindersley and Magnus Taylor.

2 On 2 October 2015, President Salva Kiir decreed that South Sudan's 10 states would be divided in 28 states. Western Equatoria State (WES) would be divided into three states—Gbudwe, Maridi and Amadi State. Since then, Gbudwe has been further divided into two: Gbudwe and Tombura States. Although Western Equatoria no longer exists formally, it continues to do so in everyday speech among refugees and observers alike.

1. Introduction

More than four years into the civil war, which began in December 2013 and has mutated into several loosely-connected armed rebellions, more than 2 million South Sudanese are now living as refugees, principally in neighbouring countries (Uganda, Sudan, Ethiopia and Kenya).[3] For many South Sudanese, forced displacement is a familiar condition. For those who were alive during the First Sudanese Civil War (1955–1972), this may be their third such experience. However, the scale and speed of cross-border movement from South Sudan to Uganda since July 2016, when fighting in Juba triggered further clashes in the city and beyond, is unprecedented. Over a million South Sudanese are now living as refugees in Uganda, which has generally welcomed them in to the country.[4] In a few months, old refugee settlements—created during previous displacements—were revamped and rapidly expanded.[5] Perhaps the starkest example is Bidi Bidi Refugee Settlement in Yumbe District, which was established in the 1990s. It reopened in August 2016 and now hosts 287,000 refugees.[6]

Much donor and media attention has been focused on providing basic necessities to the refugees, but little attention has been paid to the way in which South Sudanese themselves are working to reconstitute their communities in Uganda. An estimated 85 per cent of the refugees are women and children. Many traditional leaders—referred to as 'customary authorities'—or other authority figures, stayed behind in South Sudan, or have opted to live independently in towns and cities instead of the Ugandan settlements.[7] Refugees have been forced to live in a new land, often far from family and friends, and in close proximity to people from other parts of South Sudan and East Africa more widely. In this respect, the settlements provide a new space in which ethnic and national citizenship, gender and socio-economic relations are being reformulated.

The term 'customary authority' may bring to mind hereditary rulers and authority wielded over a clearly delineated group of people, using a traditional body of customary laws or norms. In South Sudan, however, all these facets of customary authority—who gets to rule, the boundaries between and within communities, and the content of customary law—are subject to

3 For a deeper analysis of the South Sudanese civil war and its manifestation in the southern Equatoria region, see: International Crisis Group, 'South Sudan's South: Conflict in the Equatorias', Brussels, 25 May 2016. Reliable statistics are not available for South Sudanese refugees currently living in each location. In Uganda a verification exercise is on-going. Figures used in this report should therefore be taken as indicative.

4 Uganda gives South Sudanese people 'prima facie' refugee status, freedom of movement, freedom to work, and small plots of land in sprawling refugee settlements.

5 In Uganda, refugees are hosted in settlements not camps. This reflects a philosophy that refugees should be encouraged and enabled to become self-reliant. To that end, they are given small plots of land on which (in theory) they can cultivate food crops. Many of the current refugee settlements have existed for decades, hosting people fleeing from civil violence in the Democratic Republic of Congo, Somalia, Rwanda, Sudan, and northern Uganda due to the insurgency by the Lord's Resistance Army (LRA).

6 UNHCR, 'OPM-UNHCR Verification Exercise: update', reliefweb, 18 May 2018. Accessed 22 May 2018, https://reliefweb.int/

change and debate. The history, form and function of chiefs differs greatly in different parts of South Sudan. In Western Equatoria, many Zande chiefs belong to the royal Avungara clan and can trace their ancestry to precolonial kings or princes. Some chiefs inherited their position, others are popularly elected or selected by their community's elders or by government. Since colonial times, successive governments have sought to incorporate chiefs to perform judicial, administrative and security tasks for the state, and chiefs have conversely sought to leverage the power of the state for their own interests.[8] Present-day South Sudanese legislation includes provisions recognizing traditional authorities, customary courts and customary law. Often, these laws are imprecise and their implementation is limited.[9]

'Elder' is also a fluid category of people with cultural knowledge, experience and authority, but it does not necessarily connote a formal position or a connection to the state. Elders are often called upon in relation to a particular development or dispute. They are not always elderly and not all elderly people are considered to be elders. The term is relational and reverential, with young Zande at times calling one another *bakumba* (elder or 'big man'). Whereas chiefs in South Sudan are to some extent incorporated in the state structure, elders typically perform their roles outside of its purview. At the same time, many individual elders have or have had positions of influence, for instance in government, the church or aid organizations. This paper examines the changing status of customary authority—principally that of chiefs and elders—within the Western Equatorian communities now living in refugee settlements in Uganda.

sites/reliefweb.int/files/resources/Verification%20Exercise%20Update%2018%20May%202018.pdf.

7 This study mainly focuses on elders and chiefs. There are other types of customary authority in South Sudan, such as prophets, oracles or land priests, but among Western Equatorian communities in Uganda these do not seem to be present.

8 See C. Leonardi, *Dealing with government in South Sudan: Histories of Chiefship, Community & State*, Woodbridge, Suffolk: James Currey, 2013.

9 B. Braak, 'Exploring Primary Justice in South Sudan—Challenges, concerns, and elements that work', Leiden: University of Leiden, 2016.

2. Life in the Refugee Settlements

South Sudanese refugees in Uganda left their homeland because of war. The conflict there has affected all facets of socio-economic life. As well as the physical danger to their lives, from 2015 living costs escalated as high levels of inflation destroyed the purchasing power of salaries, forcing some people with office jobs to return to farming for survival. At the same time, insecurity frequently discouraged people from going to their farms—often located some distance outside of the main towns—for fear of being arrested or attacked by armed elements. This meant that people became more reliant on food from the market at the same time that imported goods were getting scarce and more expensive. Many schools also ceased to operate. Life in Uganda's refugee settlements seemed like it could be an improvement.

Why did people choose Uganda?

In previous wars, many people from Western Equatoria sought refuge in the Democratic Republic of Congo (DRC) or Central African Republic (CAR). But in the current war more people have opted to go to Uganda.[10] People generally give three reasons for this: first, Uganda is seen as being more secure than the CAR or the DRC; second, Uganda has a relatively good education system and children are taught in English;[11] third, many South Sudanese people were already familiar with Uganda, having visited before for business, education, medical care or refuge in previous wars.[12]

Once in Uganda, there is a hierarchy of displacement amongst South Sudanese. Refugees with money or local connections often prefer to settle in the towns. Many government officials and aid workers have provided for their dependents to live in Ugandan towns and cities while they live and work in South Sudan. But few can afford to do so for a long time. Urban refugees are not given much aid and generally find it hard to obtain work. Consequently, many people have moved for a second time—from Ugandan cities and towns to the refugee settlements. This is also the case among once-privileged students who had come to Uganda for education in the years preceding the recent conflict. Due to the economic

10 Of the estimated 2,467,460 refugees and asylum seekers from South Sudan, some 1,073,125 have gone to Uganda. Some 93,995 are in the DR Congo. See: UNHCR, 'Refugees and Asylum Seekers from South Sudan', 2018. Accessed 14 October 2018, https://data2.unhcr.org/en/situations/southsudan.

11 After previous periods of displacement, those who went to Uganda came back well educated and fluent in English, whereas those that went to the CAR or the DRC had learned French, Sango or Lingala—languages that are relatively useless in South Sudan.

12 Focus group discussion with youth from Western Equatoria, Arua, 25 August 2017.

crisis in South Sudan, many of them have dropped out of Ugandan schools and universities and moved to the settlements.

The most desirable settlement for Western Equatorian refugees is Kiryandongo. It is relatively close to Kampala, fertile, has good rains and hosts a significant community from Western Equatoria State (WES).[13] The poorest people have no choice but to register upon arrival at the Ugandan border as refugees. They are then transported to one of the refugee settlements in West Nile, such as Bidi Bidi or Rhino Camp. These settlements are much farther from the main roads, more sprawling, and upon arrival refugees generally have to clear their own plots of land.

'There are no chiefs'[14]: customary authority in the settlements

While many people decided to leave Western Equatoria during the conflict, very few customary authorities did. When asked why, a Western Equatorian chief—now living in a refugee settlement—explained:

> They will not leave the people behind. Like Jesus said, he cannot really leave his sheep…to be eaten by [laughs]... So some of them … are really old in age. They think that they cannot bother themselves running ... So they think that this issue of death is from God.[15]

For a chief, crossing the border is understood to mean a decline in power. Some refugees argue that to 'abandon his territory and people and run away [would] reflect his weakness'.[16] Chiefs are highly regarded when they manage to shield their communities from the worst shocks of war. One elderly woman living in a refugee settlement said that, 'You die with your people!… That is the spirit we appreciate in them!'[17] Elders have also often remained in South Sudan for similar reasons, but more have come to Uganda to bring children to the safety of the settlements. One interviewee commented that 'Children are the future seeds for our clan, tribe and nation. The elders bring them here and go back to struggle alone'.[18]

The few chiefs from Western Equatoria that are living in Uganda generally have a personal story of persecution or other reasons—often health-related—to justify their departure. Most emphasized that they will go back as soon as the war in South Sudan ends. The chiefs in Uganda generally stress that they have no formal

13 Once the refugee settlement was declared full in late 2015, people continued to come. Upon arriving at the Ugandan border, they would not register as refugees but instead insist that they were visiting family. Then they would travel to Kiryandongo Refugee Settlement on their own. They found shortcuts to register or registered as relatives of refugees who had already registered. Some bought or borrowed plots of land on an informal basis from refugees that had arrived earlier. Interview with South Sudanese refugee in Bweyale, 18 February 2017; Interview with South Sudanese refugee in Kampala, 20 March 2017.

14 Near universal response from those questioned about presence of customary authorities in refugee settlements.

15 Interview with former Mundu chief, a refugee settlement in Uganda, 12 August 2017.

16 Interview with Zande elder, Kampala, 13 June 2017.

17 Focus group discussion with elders, female respondent, refugee settlement in Uganda, 12 August 2017.

18 Interview with Balanda refugee, Arua, 17 June 2017.

position there and that they want to abide by the country's laws.[19] There is no policy to actively involve chiefs in the governance of refugee settlements. As one respondent explained, 'chiefs have no freedom to call for meetings or reconciliation. Politicians interfere, making them fear to carry out their duties.'[20] Another respondent stated, 'from the time I came here, I do not know whether the chiefs are talking or not. The chiefs had never gathered the people and talked to them in relation to the conflict.'[21]

There are customary authorities from other parts of South Sudan that live in the Ugandan refugee settlements and still perform some of their former roles. But this is not the case for Western Equatorians. A Mundu chief now living in a Ugandan refugee settlement described the adapted role of chiefs:

> In the camp here we are not officially given that title or given that power … Most of my people … may be in other camps. ... So from time to time, I can visit them and they also used to visit me. We are like a community of Western Equatoria, in general. So on most occasions, we [chiefs] just sympathize. Like with funerals. We really have to sacrifice to go and to pay our respects or condolences there.
>
> And what is really difficult for us is to get our people on board to bring them together. Because here, most of these things are done by the local councils, according to the Ugandan system … What we had before in South Sudan, which is a chief also has his own court in his area, and all this. It is not allowed. Because we are in another country. We are refugees. We have to abide by the rules and regulations of the UN and host community. But we are trying [to learn] how we can live in coexistence with the host community … And also to encourage our people that, 'No, this war has an end! And maybe soon.' We cannot discourage them. We also give them hope that soon we will go back to our area of origin. That is really our role here.
>
> But I did not see any chief in the camps who was practicing like in South Sudan. ... Some of our people, now they have already gone into the system like a chairperson, cluster chairperson, saving communities. Yes, our people are there. They are fully also engaged with some organizations.[22]

As the chief indicates, in some ways he has now ceased to be a chief. He described how his role has changed due to the presence of other authorities, and how some people like him have taken

19 Interview with former Mundu chief, a refugee settlement in Uganda, 12 August 2017

20 Focus group discussion with men from Western Equatoria, Arua, 25 August 2017.

21 Interview with 26-year-old Moru shopkeeper, Rhino Camp Refugee Settlement, 12 August 2017.

22 Interview with former Mundu chief, a refugee settlement in Uganda, 12 August 2017.

up positions in other system. This points to both the hybridity of authority structures and the flexibility with which people interpret and play roles: when communities move, roles may also shift.

The role of elders

Elders are a more common institution than chiefs among refugee communities from Western Equatoria. This may be because they do not face the same stigma for leaving South Sudan as chiefs do. Moreover, because 'elder' is a more relational term than 'chief', people who had not previously been considered elders may have become one during their displacement. In Ugandan towns, however, both economics and the sensitive political atmosphere are undermining their ambitions to maintain social cohesion.[23] In Kampala, one elder stressed that their role is minimal:

> Our cultural identity depends on the economic power of the community. It requires money to organize meetings and get everyone together. But we try to make sure that young generations don't get lost. … We need to teach our children that you do not just avoid something because the police are there to arrest you but also when you are alone. To tell you norms—what is right and wrong. That sense should continue to grow, even among the young ones. I have been doing this indirectly but not in public. If I organize something where many people come together, some people will see it as an attempt to mobilize opposition.[24]

In the refugee settlements, it is not just politics but economics and geography that are seen to weaken elders. The settlements are large and transport can be prohibitively expensive for elders who are 'surviving on UNHCR assistance'.[25] The inability of elders to visit community members when there are disputes, funerals, weddings and celebrations is eroding thier position. They may still advise or mediate, especially in family disputes, but they cannot adjudicate, as they have no position to pass judgements or enforce compliance. Instead, there are a variety of dispute resolution mechanisms available to refugees, who make calculated choices to use these forums to their advantage. One woman argues that it is better to resolve cases within the refugee community than to involve outsiders:

> It happened to me here—that a Moru impregnated a Zande girl who stays with me here at home. We resolved the case and it

23 Many refugees with a background in the government or the opposition fear that the Ugandan government or security services might extradite them to South Sudan, as has happened in Kenya to James Gatdet, a former spokesperson to SPLA-IO leader, Riek Machar.
24 Interview with former state minister in Western Equatoria, Kampala, 1 August 2017.
25 Interview with cluster chairperson, Rhino Camp Refugee Settlement, 7 June 2017.

went well. We all came here as refugees and it would not be good to push the case to other authorities. It was the elders and friends who talked over the case. The Zande boys talked on the side of the Zande girl who was impregnated.[26]

For others, customary authorities have become redundant:

> [When there are serious problems] people go to the Ugandans, such as the police, who solve the problems. They solve the problems in a good way. Mostly what I see is that they do not call for elders when resolving disputes, except only those who are involved in the dispute. The traditional authorities from South Sudan are not important here. If they were important, they would be called for during dispute resolution that involves South Sudanese and Ugandans.[27]

Formal authorities

In the refugee settlements, the settlement commander from the Ugandan Office of the Prime Minister (OPM), the UNHCR and a variety of NGOs are in charge, both on paper and in practice. The highest South Sudanese authorities in the settlements are the Refugee Welfare Councils (RWCs)—elected bodies of refugees who are involved in settlement coordination meetings. They communicate policies to the refugee community, keep order, resolve disputes and advise refugees. Cluster chairpersons are instructed to refer criminal matters to the Ugandan police and to involve the Ugandan Local Councils (LCs) whenever a dispute involves both a refugee and a Ugandan national. One cluster chairperson estimates that he hears some five disputes in an average week, most of which revolve around domestic violence, friction over firewood collection and queuing for the boreholes. He explains that he was tasked with resolving all manner of non-criminal disputes (but cannot apply fines) by a settlement commander who found that disputes were taking up too much of his time.[28]

Cluster or zone chairpersons are in some ways becoming the new chiefs in the settlements. Although no chairperson claims to be a chief, colloquially they are referred to in this way by some refugees. They attempt to balance the demands from below and above, are involved in dispute resolution and at least aspire to be connected to the state and to NGOs.[29] Although only six RWC chairpersons were interviewed for this study, a significant difference

26 Interview with female Zande refugee, Arua, 24 August 2017.
27 Interview with female Baka refugee, Arua, 24 August 2017.
28 Interview with cluster chairperson, Rhino Camp Refugee Settlement, 7 June 2017.
29 The ambiguity of their position is especially apparent with informal land transactions, which the OPM forbids. At times, however, cluster chairpersons have helped to safeguard such transactions.

with South Sudanese customary authorities seems to be that the chairpersons are often younger, better educated and have prior experience dealing with NGOs. This may be the result of being elected to this position, rather than being appointed or inheriting it (as is often the case with chiefs).

Most refugees interviewed for this study are relatively content with the security and dispute resolution processes in the settlements. No one reported having to pay the RWC chairperson (as they would a chief) and believe that the chairpersons have good links to the police, so that the latter can step in if a case is beyond the chairperson's ability. One refugee explained:

> The person to whom you report is the one who refers you to a higher level. I have not reached there but I have seen it with my neighbours. I heard people are given a final warning before they are referred to other levels. Since my neighbours were given the final warning, they did not repeat the problem. … I have never heard of a case that has reached the police or the OPM.[30]

A problem with the elected RWCs, however, is that in the context of ethnic tensions many people feel that they are not equally representative of all groups. Many allege that the RWCs are practicing ethnic favouritism when aid organizations bring opportunities like scholarships or vocational training to the camps. In most settlements, Western Equatorians are a clear minority to the Nuer, Dinka or to people from Central Equatoria. One refugee complained, 'We are few from Western Equatoria here. The [ethnic group X] and [ethnic group Y] are many here, and they send their people for trainings. There is no good communication with them from our side.'[31]

Another refugee added, 'Since we came to the camp, there are programmes but you only hear that people are taken elsewhere. They talk to us as well, but we do not get what we are supposed to get.'[32] Whether these sentiments are justified and reflective of actual practices is difficult to establish. The settlements are sites of unlimited needs and limited means. At times, ethnic tension and proximity combine with poverty to produce a particularly toxic brand of jealousy.

Missing customary authorities

The Ugandan refugee settlements are crowded spaces of authority, but many refugees indicate that they miss customary authorities,

30 Interview with 27-year-old Zande refugee, Bidi Bidi Refugee Settlement, 18 August 2017.

31 Focus group discussion with refugee youth, thirty-one-year-old male, Bidi Bidi Refugee Settlement, 19 August 2017. The names of the specific ethnic groups referred to here have not been included—the intention being to highlight attitudes of ethnic exclusivism in general, rather than in relation to specific ethnic groups.

32 Focus group discussion with refugee youth, Bidi Bidi Refugee Settlement, 19 August 2017.

such as chiefs and elders. When women, youth and elderly people are asked how the absence of customary authority affects them, they offer different opinions. People appear to project their personal predicament on the roles that stronger customary leaders would have played at home. Many women stress that they are alone in seeking to provide for their families. Had there been customary authorities in the settlements, they reason, they would have provided them with advice, security and money.[33]

Elderly men are often concerned that in the absence of customary authorities, the cohesion of the community is being eroded. When asked about customary authority, people often also speak of a much wider notion; that there is a given order of things that is taught to youth, reinforced on significant days—births, weddings and burials—and permeates other spheres of normativity, such as the government and church. This, many people argue, is at risk of being lost due to the decline of customary authority.

Partly to address the absence or weakness of customary authorities, as well as the imperfections of the existing authority structures, communities in Bidi Bidi, Kiryandongo and Rhino Camp refugee settlements, and those living in Kampala and Arua, are forming new community structures. Sometimes these are ethnically delineated, for example, those within the Zande community, and sometimes regional, for example those binding together the Western Equatorian or the Greater Equatorian communities.

Such communities or community structures, especially in the settlements, often have a strict formality, similar to the RWCs, with a chairperson, a cabinet, secretaries and members. At the time of this research, however, they have not been supported by administrators in the refugee settlements. Nonetheless, the refugees interviewed for this study frequently refer to these people as being their representatives. They generally present themselves as custodians of unity in the community, advising in marriage, misfortune and disputes.[34] These men and women, as with the RWC leadership, were not customary authorities in South Sudan, but have subsequently been elected to their new positions by their displaced community. These new community structures are still in the process of being set up, so it remains to be seen what precise functions they will perform and if they will become of value to the wider community or merely to their members. Although chiefs are largely absent from the settlements, an increasingly rich tapestry of semi-formal authority has developed in their place.

33 Interview with 19-year-old Moru refugee woman, Rhino Camp Refugee Settlement, 11 August 2017.
34 Interviews with community chairpersons in Bidi Bidi Refugee Settlement, 18 August 2017 and Kiryandongo Refugee Settlement, 5 August 2017.

Shifting social relations

To better understand the position of customary authorities in the settlements, it is important to appreciate the broader dynamics in Western Equatorian communities, where countless identity markers and hierarchies shape an individual's position in society. These include age, gender, kinship relations, clan, education, religion, profession, economic standing and political allegiances. The significance of such identity markers is changing in the settlements, in particular relationships between men and women, and between parents and children.

When the war started, a large proportion of Western Equatoria's male population stayed (or subsequently returned) in South Sudan to work, fight or prevent their land and livestock from being grabbed by local government officials or the SPLA. Those working for the government also report fearing they would be labeled 'SPLA-IO' if they left.[35] As a result, there is a significant gender disparity in the settlements. The UNHCR estimates that some 85 per cent of the South Sudanese refugees in Uganda are women and children.[36] The men who are in Uganda are in a difficult position. They struggle to provide for their families and the land they have been allotted is too small for their own subsistence. There is fierce competition for work, even for unpaid positions in the RWCs or with one of the NGOs.[37] One cluster chairperson complained that, 'people who had documents in South Sudan don't really have access to jobs here. There is no refugee who sits in an office.'[38]

When asked how the relationship between women and men has changed as a result of displacement, there seems to be a consensus that women in the settlements rely less on men than in South Sudan. Women tend to stress the ambiguous effects of this new situation. When husbands are absent—dead, divorced or simply lost—women often find that raising children becomes more difficult, especially if older children refuse to listen to them. One woman in Bidi Bidi argued that: 'Some have respect for their mothers [because] they came with them. Others need to be free and are not respectful to their mothers. Only when their fathers come is when they "cool down".'[39] Women must also perform tasks that are considered to be masculine, such as the construction of their shelter. Where their husband is still alive and in South Sudan, women often express anxiety that he will get involved with another woman and neglect his family in Uganda.[40]

35 Interview with sub-county (payam) administrator in Western Equatoria, 11 May 2018.
36 C. Robinson, 'South Sudanese refugees in Uganda now exceed 1 million', *UNHCR*, 17 August 2017; 'Uganda Humanitarian Situation Report', *UNICEF*, 30 April 2018.
37 According to the refugees interviewed for this study, most paid jobs are given to nationals as part of the 70–30 rule of refugee assistance in Uganda. At times, refugees work as translators, sensitization officers (hygiene, sanitation, etc.) or paralegals. Most of these positions are voluntary.
38 Interview with cluster chairperson, Rhino Camp Refugee Settlement, 7 June 2017.
39 Interview with female refugee, Bidi Bidi Refugee Settlement, 17 August 2017
40 Interview with 26-year-old Baka female refugee, Arua, 24 August 2017.

Where husbands are present, there are different kinds of concerns. Some NGOs deliberately approach women as heads of household (regardless of whether this is actually the case) and give them different kinds of aid.[41] To some women, this is a welcome change. One interviewee said that 'the relationship [with men] has changed for the better. Here, responsibility lies with women. Women are the family heads and the men have no voice.'[42]

Meanwhile, men are often unable to provide anything and have become dependent on aid. One cluster chairperson in Rhino Camp Refugee Settlement described how 'a common saying among women is: "My husband is UNHCR and World Vision". Men are not providing anything completely … Because you are being helped, you are not providing.'[43] Many men are haunted by guilt over having fled South Sudan while others remain behind or return. As a result, many men experience shame and low self-esteem, and some are abusing alcohol. These factors contribute to domestic disputes and violence. On balance, women have become less reliant on men in refugee settings, which some observers interpret as a form of empowerment.[44] Given the way women struggle to survive and provide for children, in these circumstances the term 'empowerment' seems rather euphemistic.[45]

The relationship between children and parents in the settlements has also changed, the effects of which are much debated. Parents often indicate that they are losing control over their children. They attribute this change to the economic constraints that life in the settlements imposes, but also to the new-found freedom of the youth. This freedom to move around and their exposure to 'global things', such as TV, football, discos, alcohol and *marungi*—a mildly narcotic plant that is chewed throughout the Horn of Africa (particularly Somalia), more commonly referred to as *khat*—are often cited by parents as eroding parental respect, their work or study ethic, and their courtship etiquette. However, some study respondents explain that many of these changes predate recent displacement. In fact, these changes are common in Western Equatoria and beyond—understood in the context of rapid change through urbanization, modernization and monetization.

Additionally, not all parents feel that they are losing control in the settlements. One mother argues that the collective dependency on aid, and the fact that she is now the head of the household, has improved her authority over her children—given

41 This practice is attributed to the IRC, ADRA and the DCA. It is specifically associated with items such as soap and sanitary pads. Interview with 40-year-old Moru female refugee, Bidi Bidi Refugee Settlement, 18 August 2017; Focus group discussion with female youth, Bidi Bidi Refugee Settlement, 19 August 2017.

42 Interview with 40-year-old Moru refugee, Bidi Bidi Refugee Settlement, 18 August 2017.

43 Interview with cluster chairperson, Rhino Camp Refugee Settlement, 7 June 2017.

44 U. Krause, 'Analysis of Empowerment of Refugee Women in Camps and Settlements', *Journal of Internal Displacement* 4 (2014): 28–52.

45 P. Nassali, 'The role of non-state actors in refugee Social Protection: A case of South Sudanese women in Kiryandongo Refugee settlement, Uganda', MA thesis, International Institute of Social Studies, Erasmus University Rotterdam, The Hague, 2015.

the dearth of alternative economic opportunities, children have to come home for food and shelter. Another respondent asserts, 'there is no difference in the relationship between youth and their parents here and in South Sudan. It is all about how you stay with them. The same advice you give to them there is the same advice you give them here; and they can listen.'[46]

When discussing their relationships with parents and elders, youth often paint a different picture. They complain that their parents do not take care of them and that they have to find their own ways to pay for school fees and clothes. Others raise a more serious issue which especially affects unaccompanied youth, as this young male refugee explained: 'many youth are traumatized. Staying without parents, without neighbours. They may not listen. But people generally listen to their biological parents.'[47] Another young man adds, 'the youth of our side have all evacuated back to South Sudan. Because youth will regret the life they are spending in the camp.[48]

Youth are also widely seen to be more open to contact with other ethnic groups than their parents or elders. They organize inter-ethnic football tournaments and even small civil society groups. A spiritual leader comments, however: 'Although the [youth] are here together, the parents will teach them to hate.'[49]

The relations between men and women and between parents and youth are important in appreciating the position customary authorities hold in the refugee settlements. These are sites where humanitarian organizations seek to treat people as equals—all are registered, allocated similarly sized plots of land and stand in line for a proportional amount of food aid—but these principles of egalitarianism are weakening pre-existing hierarchies. Hierarchical relations and authority in South Sudan are often cemented in part by material dependency. When the relative material wealth of authority figures, including chiefs and elders, declines because of conflict and displacement, the immediate influence of these individuals also decreases. This change may seem positive to some observers, but refugees often experience it as unsettling and disruptive. In this unstable present, it is no surprise to find that some people turn to a vision of historical stability, cohesion and hierarchy.

46 Interview with 27-year-old female Zande refugee, Bidi Bidi Refugee Settlement, 18 August 2017.

47 Focus group discussion with male and female refugee youth, Rhino Camp Refugee Settlement, 13 August 2017.

48 Focus group discussion with male and female refugee youth, Rhino Camp Refugee Settlement, 13 August 2017.

49 Focus group discussion with elders, spiritual leader respondent, Rhino Camp Refugee Settlement, 12 August 2017.

3. Narratives of Customary Authority amongst the Zande

Years of conflict and displacement have left their mark on the position of customary authorities and, more generally, the socio-economic, gender and authority structures among people from Western Equatoria. Often in speaking about such changes, people mix memories, stories told by elders and theories about the past to compose coherent narratives that help interpret the troubled present. In doing so, people start telling their story and that of their communities at different points—often moments of rupture—each with their own significance.

The first part of this report foregrounded the experiences of Western Equatorians, of various ethnic groups, in the Ugandan refugee settlements. This section focuses on the historical narratives of the Zande ethnic group, particularly with reference to structures of customary authorities. Respondents to this study often construct their narrative on the history of customary authority around six historical points: 1) the pre-colonial time; 2) colonial rule; 3) the Second Sudanese Civil War; 4) the post-CPA (Comprehensive Peace Agreement) period; 5) the optimistic period around secession; and 6) the return to war in South Sudan.

'Those days' of King Gbudwe[50]

For many Azande, the story of disruption and resistance—which has seen its culmination in their lives in the refugee settlements—does not start with the South Sudanese Civil War (2013–present) or even the First and Second Sudanese Civil Wars (1955–1972 and 1983–2005). Instead, it begins with the death of King Gbudwe—a member of the Avungara royal clan—in 1905.[51] Since the mid-eighteenth century the Avungara had conquered and subjected many smaller ethnic groups, amalgamating them into the Zande language group, which later became an ethnic group itself.[52] Many towns in the region still derive their name from the prince or chief who ruled that territory. This is the period in history when many current elders and chiefs start the history of customary authority in Western Equatoria. They can detail the precolonial

50 Also written as Gbudue.
51 From the mid-18th century, the Avungara royal clan conquered and ruled over people in what are now the borderlands between South Sudan, the Central African Republic (CAR) and the Democratic Republic of Congo (DRC). Prior to Avungara rule, other clans, such as the Abakundo, ruled the Azande. Present-day oral histories insist that those rulers were poor and cruel administrators. Interviews with: elder, Makpandu, 2015; senior Avungara clan member, Yambio, 16 February 2015; and Western Equatoria community chairperson, refugee settlement in Uganda, 5 August 2017.
52 E. E. Evans-Pritchard, 'Zande Kings and Princes', *Anthropological Quarterly* 30/3 (July 1957): 61–90; R.O. Collins, *Shadows in the Grass: Britain in the Southern Sudan, 1918-1956*, New Haven: Yale University Press, 1983; D.T. Lloyd, *The Pre-Colonial Economic History of the Avongara-Azande c. 1750-1916*, a PhD Thesis, Los Angeles: University of California, 1978; O.H. Rolandsen and M.W. Daly, *A History of South Sudan: from slavery to independence*, Cambridge: Cambridge University Press, 2016.

politics between individual leaders, clans and communities, and sometimes add their own ancestry.

King Gbudwe, who ruled from Yambio, remains the most famous of the Avungara royalty. He is remembered for ruling over the Azande during a period of military prowess in battles with the Dinka, Moru, Arabs and British. Some go so far as to claim that King Gbudwe gave Juba its original name (*Zungbe)*.[53] Gbudwe was finally defeated in 1905—his death remains a matter of dispute—which was a turning point in Zande history.[54] To many contemporary Azande, the king's death signifies the beginning of the end, although historical records and present-day oral histories suggest that resistance to the colonial forces continued until at least 1914.[55] Some elders stress that rather than military defeat, it was the spiritual conversion of some Avungara princes by the missionaries that was instrumental to their surrender.[56] Based on a study carried out in 1927, the anthropologist Evans-Pritchard noted that for the Zande 'before and after Gbudwe's death is not to them just a difference in time before and after an event. It is a deep moral cleavage'.[57] Many Azande still speak of 'those days' and associate it with an unchanging order of culture and identity that is seen to have been lost through colonization, wars and displacement (including the present day).

Colonialism and customary authorities

The second period that oral histories often touch on is that of colonial rule. While in other areas of South Sudan chiefs were empowered or even invented by the Anglo–Egyptian colonial administration, this was not the case among the Azande and a number of other Western Equatorian communities. Here, the colonial strategy was first to divide and pacify, co-opt or militarily overthrow pre-existing authorities. The colonial administration disrupted prior bonds between people and places by drawing state boundaries, resettling hundreds of thousands of people and taking control over land tenure.

Once it had occupied the territory, the colonial administration recognized or appointed chiefs it could control as part of its indirect rule policy and regulated their powers. It diminished chiefs' powers over land but endorsed or created their role in taxation and dispute resolution.[58] The government's incorporation and regulation of the chiefs, leaving them a considerable degree of autonomy, has essentially remained intact since colonial times.[59]

53 One elder explained that when King Gbudwe's army was expanding his kingdom to the east, they reached the Nile River. Gbudwe ordered his people to cut trees to try and cross the river but they were unable. He sat down and said '*Zungbe*': 'that means you have done everything but you are tired already; you cannot go ahead.' Interview with Western Equatoria community chairperson, refugee settlement in Uganda, 5 August 2017.

54 Foreign academics insist he was either killed in battle or by a British patrol. Zande respondents interviewed for this study often insist that Gbudwe was wounded and captured but not killed, and that he asked one of his sons or guards to kill him because he refused to live under the British. R.O. Collins, *Land Beyond the Rivers: the Southern Sudan 1898-1918,* New Haven: Yale University Press, 1971: 149; E. Evans-Pritchard, 'The Organization of a Zande Kingdom', *Cahiers d'études africaines* 1/4 (1960): 17; Interview with Western Equatoria community chairperson, refugee settlement in Uganda, 5 August 2017.

55 The Sudan Archives at Durham University hold a series of letters from R. G. C. Brock, Inspector of Maridi District to R. M. Feilden, Governor of Bahr el-Ghazal, 'concerning unrest amongst the Azande and … plans to drive the government out of Yambio' (1914). Three chiefs were found guilty and sentenced to ten years imprisonment by a Mudir's court. This sentence that was later suspended by Governor-General Reginald

At an individual level, chieftaincy became a gateway position between the state and its people, one that offered risks and considerable opportunities.[60]

Some Western Equatorians assert that colonialism never ended. Whether the government is controlled by the British, Arabs or Dinka is not always thought to matter much because it still 'belongs to other people'.[61] This context helps explain why both the initiative to reinstate the Zande Kingdom and the controversial 2015 decentralization decree of President Salva Kiir has received support at local levels. Both moves promised to bring a degree of autonomy back to local rulers. It may also be for this reason that contemporary historical accounts often skip over the Sudanese period (merging it with British colonial rule) and instead continue more or less with the Second Sudanese Civil War (1983-2005).

Chiefs and Sudan's civil wars

The Second Sudanese Civil War (1983–2005) profoundly affected the position of customary authorities. This period is significant for understanding the lived experiences of many in the refugee settlements, for whom the war remains in living memory. During the war, South Sudan fractured into various shifting spheres of control and many people left Western Equatoria to seek refuge especially in the DRC and the CAR.

During the civil war, the relationship between the Sudan People's Liberation Movement/Army (SPLM/A) and customary authorities in Western Equatoria was ambiguous. The customary authorities often express support of the liberation war, with one sub-chief in Yambio explaining: 'At first we were in darkness and sleeping but Dr John Garang woke us from our sleep—even though he [was] a Dinka.'[62]

In the areas it controlled, the SPLM/A set up civil institutions to rule over local populations.[63] In some areas, SPLA commanders took over chief-like roles.[64] The SPLM/A incorporated chiefs into the military structure and relied on them to 'provide what was needed (recruits, porters, grain, cattle, etc.) in addition to their local conflict resolution capacity'.[65] Many chiefs claim that they were instrumental to the war effort but that the partnership was one-sided. Chiefs who were unwilling or unable to provide the SPLA with what they needed were humiliated in front of their people. In 2009, President Salva Kiir opened a conference with traditional leaders, by thanking them for their contributions during

Wingate, who instead removed the three chiefs from their positions and exiled them to Khartoum. T. A. T. Leitch, Letters from colonial officials R. G. C. Brock, R. M. Feilden, and W. R. G. Bond pertaining 'unrest among the Azande'. Durham University Library, Archives and Special Collections. Reference code: GB-0033-SAD.315/6/1-30, 1914 January 21 and November 30.

56 In this regard, two elders highlight the conversion of Prince Mupoi and the establishment of the missionaries at the eponymous town about 30 km east of Tombura in 1912–1914. Interview with elder, Kampala, 13 June 2017; interview with Western Equatoria community chairperson, refugee settlement in Uganda, 5 August 2017.

57 E. E. Evans-Pritchard, 'Zande Kings and Princes', 65.

58 The colonial government incorporated and limited the chiefs' judicial tasks through the Chiefs' Courts Ordinance (1931). Among other things, this regulated the kinds of cases they could handle and the sanctions they could enforce. Leonardi, *Dealing with government in South Sudan*, 81.

59 Ø. H. Rolandsen, 'Guerrilla Government: Political Changes in the Southern Sudan during the 1990s', Uppsala: Nordic Africa Institute, 2005.

60 Leonardi, *Dealing with government in South Sudan*.

61 Lotje de Vries, 'The government belongs to other people. Old cycles of violence in a new political order in Mundri?' in *Conflict*

the war, and by apologizing for the fact that 'some of you were manhandled and treated badly by some of our soldiers'.[66] A former state minister recounted that: 'Some chiefs were made to carry loads in front of their subjects. Some were lashed ... You know when a chief is lashed in front of his people … He loses a certain dignity. And this was done deliberately to weaken the traditional authority.'[67]

After independence

Many chiefs were left poor, humiliated and demoralized by the long years of war. Their ability to give resources to those in need, influence land and labour, and to access state authority, which had previously helped them cement their authority, had declined. In 2015, a county commissioner summed up this change in status, observing that, 'Many chiefs drink too much. They don't have a reasonable house. … As a leader, you must feed people. You must have wealth!'[68] A grandchild of a pre-colonial Zande king agreed: 'Now the chiefs or traditional authorities just lead a normal life among their people. The names and titles are there, but no real power.'[69]

After the CPA was signed in 2005, and independence achieved in 2011, many of South Sudan's chiefs and other customary authorities had hoped that their support for the war effort would be rewarded with more prominent positions. Government legislation did recognize customary law as a source of law and incorporated customary courts and traditional authorities in the judicial chain.[70] But many were disappointed. The higher status chiefs were paid salaries by local government, but this remuneration grew increasingly insignificant as inflation soared from early 2015. Meanwhile, chiefs were no longer allowed to levy taxes.[71] As in colonial times, the chiefs' reliance on the government was seen by some to undermine their authenticity. One government official said: 'They cannot maintain tradition. Now they are answerable to the local government. The county commissioner can fire a king or chief.'[72]

Control over land tenure, especially in the rapidly urbanizing towns where land was gaining monetary value, became a source of contention. A former government official who worked on land in Yambio explained, 'in the rural areas, the chiefs are still assigning land. But they have no legal right to ask for money.'[73] Customary authorities argued that their role as custodians of the land was being neglected and taken over by government. Through a policy

and Cooperation in the Equatorias, ed. Mareike Schomerous, VISTAS, 2015. For similar observations about the continuity of foreign rule as seen from below, see: Leonardi, *Dealing with government in South Sudan*, 42 and Johnson, *The Root Causes of Sudan's Civil War,* 2003.

62 Interview with sub-chief, Yambio, 5 March 2015.

63 Ø. H. Rolandsen, 'Guerrilla Government'.

64 Leonardi, *Dealing with government in South Sudan*.

65 Rolandsen, 'Guerrilla Government', 69.

66 Leonardi, *Dealing with government in South Sudan*, 1

67 Interview with former state minister in Western Equatoria, Kampala, 13 June 2017.

68 Interview with county commissioner, Yambio, 27 January 2015.

69 Interview with grandchild of pre-colonial Zande King, Arua, 9 August 2017.

70 Government of South Sudan, 'The Transitional Constitution of the Republic of South Sudan', Juba: Republic of South Sudan, 2011; Government of Southern Sudan, 'Local Government Act, 2009', Juba: Government of Southern Sudan.

71 Under the Khartoum regime, the Sudanese government used chiefs to levy a household tax (*kofuta*). The revenue was divided between the chiefs and the town council.

72 Phone interview with high-level government official in Yambio, 10 August 2017.

73 Interview with former government official,

of land formalization, colloquially known as 'demarcation', local government sought to bring urban land under its control, and to match the extending urban frontier with state control. Customary authorities were reluctant to cooperate and some were accused of illegally selling off land under their control.[74]

Some chiefs managed to reinvent themselves as agents of development or mobilizers in the fight with the Lord's Resistance Army (LRA), then active in Western Equatoria. But by 2015, the main government-endorsed function with which customary authorities were left was to resolve disputes in their communities. Often, this was done in customary courts, which were operational at the lowest three administrative levels in most parts of Western Equatoria.[75] The Local Government Act (2009) sought to regulate these courts. In practice, however, idiosyncratic social, political and economic histories meant that courts differed in physical appearance, staffing, location, number and type of cases, popularity and the sanctions they applied.[76] The customary court revenues, composed of fees and fines levied on disputants, varied widely between the courts. Because court staff depended on this revenue for their income, some study respondents critique the courts and customary authorities. One former government official complained that 'all they do is wait for a conflict to happen between people; that is where they get their money.'[77] Customary court staff often complained that their decisions were not enforced and that prison wardens would refuse to imprison those that they had sentenced. Moreover, much dispute resolution continued to occur outside of the customary court system altogether, instead conducted by neighbours, family members, elders or government officials.[78]

Optimism and secession

Although customary authorities were generally weak in early 2015, to many other people, the preceding decade had been a hopeful one. Decades of civil war had come to a formal end with the Comprehensive Peace Agreement in 2005, and in 2011 South Sudan gained its independence through a largely successful referendum. People returned from the north and abroad, and the newly-created state received considerable international support. Independence also raised questions about the form of government for the new state, with particularly sensitive debates re-emerging around federalism, the perceived dominance of former SPLA

Kiryandongo Refugee Settlement, 4 August 2017.

74 Interview with county commissioner, Yambio, 27 January 2015.

75 These levels are the county, *payam* (sub-county) and *boma* (village, ward).

76 The legal limitation not to hear criminal cases was widely disregarded. See: B. Braak, 'Exploring Primary Justice in South Sudan'; and Government of Southern Sudan, 'The Penal Code Act, 2008', Act 9, Acts Supplement to The Southern Sudan Gazette No. 1 Volume I, Juba: Ministry of Legal Affairs and Constitutional Development, 10 February 2009.

77 B. Braak, 'Exploring Primary Justice in South Sudan'.

78 A. S. Rigterink, J. J. Kenyi and M. Schomerus, 'Report on JSRP Survey in Western Equatoria South Sudan, First Round, May 2013', London: Justice and Security Research Programme, March 2014.

members in government and the meaning of self-determination.[79] Western Equatoria was more stable than some other parts of South Sudan, and a degree of pride was revived or generated by three political developments.

First, the LRA had been making incursions into Western Equatoria since 2005, which intensified after failed peace talks in Juba in 2008. Local communities felt that the SPLA was not adequately protecting them and that they had to fend for themselves. Vigilante groups, called 'Arrow Boys', were set up with support from senior Western Equatorian politicians and customary authorities. The South Sudanese central government promised support, but this never materialized.[80] Nonetheless, the Arrow Boys proved to be quite effective in countering the threat of the LRA.[81]

Second, Joseph Bakosoro—a Zande of the Kowe, not the Avungara, clan—ran as an independent in the 2010 gubernatorial elections and won against an SPLM-endorsed candidate. In one of the settlements in Uganda, a chairperson of the Western Equatorian community reflects on this period:

> Before the Azande were becoming very weak. But when Bakosoro came, he started giving them some freedom to become men! … Before he came to the chair, we were treated badly. And we were all keeping quiet. … But when he came, there was already this issue of Arrow Boys … because we were running from the LRA. But when he came, he said, 'We cannot leave ourselves to run. Where do we want to run to from our land? We must stand and fight back!' So this gave courage to the people.[82]

The third and most contentious political discussion in Western Equatoria at that time, concerned renewed debate about the reinstatement of the Zande Kingdom. For many ethnic Zande, the historical memory of the time of kings had come to symbolize sovereignty, self-determination and cultural authenticity This will be discussed in greater detail in the last section of this report.

Return to war

When conflict broke out in the state in the summer of 2015, customary authorities were confronted with two familiar challenges from previous wars. First, the violent conflict led to large-scale displacement both within and across borders. Part of the strength of customary authorities is their claim to be custodians

79 D. Johnson, 'Federalism in the history of South Sudanese political thought', Rift Valley Institute Research Paper 1, London: *Rift Valley Institute*, 2014; M. Schomerus and A. S. Rigterink, 'Non-state security providers and political formation in South Sudan: the case of Western Equatoria's Arrow Boys', CSG Papers No. 4, Kitchener, Ontario: Centre for Security Governance, April 2016.

80 'Some 5 million Sudanese pounds (more than USD $2 million) will be spent arming the "Arrow Boys" vigilantes, Western Equatoria State governor Joseph Bakosoro told Sudan Tribune.' R. Ruati, 'Arrow Boys in Western Equatoria to be armed against LRA–Governor', *Sudan Tribune*, 27 September 2010.

81 Schomerus and Rigterink, 'Non-state security providers', 17.

82 Interview with Western Equatoria community chairperson, refugee settlement in Uganda, 5 August 2017.

of the land and culture. The conflict caused widespread dispersal of people fleeing violence and, in this situation, 'the chiefs were powerless.'[83] One female refugee in Uganda explained that 'the people are scattered, including the chiefs in South Sudan. So everyone is "free" and lives in his own ways.'[84]

Second, the political and security crisis rendered the customary authority balancing act between communities and the government much harder, making them vulnerable to suspicion, allegations and attacks from all sides.[85] Many chiefs had been supportive of former Governor Bakosoro and the Arrow Boys in their own communities. Those had been uncontroversial allegiances to hold in previous years, but this changed when the Arrow Boys started to fight the SPLA. Whereas the Arrow Boys enjoyed widespread popular legitimacy when they were fighting the LRA, this changed over the course of 2015 and 2016, with the groups becoming more predatory towards local communities.[86] As one refugee observed, 'some people go to the bush and the chiefs support them. The chiefs do not tell such people that what they are doing is not good and that they should stay at home.'[87] Many other chiefs tried to convince armed groups that they were neutral, but this often aroused suspicion, even more so when chiefs moved between the government-controlled towns and the rebel-held countryside.

As a Zande elder in Kampala lamented, 'several Zande chiefs have been targeted, detained arbitrarily and tortured. All these things together have helped a lot to weaken the traditional authorities.'[88] One customary leader, who lives on a rural compound some 6 km from Yambio but worked in town, was assaulted and mugged three times by different factions. A spiritual leader who is a refugee in Uganda summed up the situation this way:

> In the first war [the Second Sudanese Civil War], I saw the SPLA having good relationships with the chiefs … It was better because the SPLA was keeping peace between soldiers and civilians. Chiefs were coordinating between the civilians and the SPLA.
>
> Now, there are many other groups. There are chiefs in towns but their people would still fall under the area of another group. How would they communicate with their people? That contributed to the chaos. … Those who need [want] peace with the government and those who don't became enemies, and if you try to reach a group, the others become your enemies. It is like people are living in different countries.[89]

83 Interview with 27-year-old female Zande refugee, Bidi Bidi Refugee Settlement, 18 August 2017.

84 Interview with 40-year-old Moru refugee, Bidi Bidi refugee settlement, 18 August 2017.

85 See Schomerus and Rigterink, 'Non-state security providers', 26. They describe how prior to the conflict 'depending on personal relations', chiefs in Western Equatoria could be viewed as a 'government representative' or a 'buffer between government and people'. This research suggests that under the Bakosoro administration it had been possible for chiefs to switch between both of these roles, depending on context. As the conflict in Western Equatoria escalated, however, the position of customary authorities became more precarious.

86 This was acknowledged during a focus group discussion with former Arrow Boys, 6 August 2017. Another former Arrow Boy also alleged that: 'They have no vision, now they are just killing people.' Interview, 10 May 2018.

87 Interview with 27-year-old female Zande refugee, Bidi Bidi Refugee Settlement, 18 August 2017.

88 Interview with former state minister in Western Equatoria, Kampala, 13 June 2017.

89 Interview with spiritual leader, refugee settlement in Uganda, 11 August 2017.

The arrest of Paramount Chief Wilson Peni in November 2016, without trial or explanation, illustrated the precarious situation of customary authorities. Peni is the grandson of King Gbudwe and the agreed next king of the Azande. In Uganda, people interpreted Peni's arrest as being retribution for his continuing to speak to the Arrow Boys and for his strained relations with then governor of Gbudue state,[90] Major General Patrick Zamoi.[91] Former governor Bakosoro protested his arrest, warning that it could 'destroy the social fabric of the Azande community.'[92] Some also considered the arrest was undermining Zande visions of a reinstated kingdom. Peni was released after a month, and has since taken up a position in the National Dialogue Steering Committee.

This points to a contemporary paradox in the power of chiefs in South Sudan. Although Peni's legitimacy is in large part still based on him being an Avungara and heir to the throne of King Gbudwe (he is also seen as being a good chief for his people), his formal position as paramount chief and his personal freedom are controlled by the central government. Of the many sources of power that a chief can draw on, government support and protection remains vitally important.

The return of war is seen by some customary authorities to stem from their lack of control over an increasingly militarized and undisciplined youth.[93] But interviews in Uganda reveal two contrary facets of the relationship between youth, elders and violent conflict. First, the connection between youth and elders in Western Equatoria—at least in the Zande community—had in fact been much stronger from 2011 to 2015 than previously. One elder in Kiryandongo Refugee Settlement explained:

> Now the elderly men of the tribe are depending on these young men who are protecting them from the bush. Otherwise they could have been smashed out. That means the connection will go ahead. Although there will be peace, they will still hold them as their defence system.[94]

Second, although members of non-state armed groups such as the Arrow Boys are predominantly young, their leaders are older. The few dozen former Arrow Boys who were interviewed for this study say that they were either abducted or persuaded to fight by those leaders. As this former Arrow boy explained, 'Our leaders started the war and pushed it to the youth. Because we do not have education, we do not understand.'[95] Youth and elders shift blame for violent conflict back-and-forth. Whether stronger customary

90 Western Equatoria State has been split into four new states, see footnote 2. Gbudue or Gbudwe State now covers former Yambio and Nzara counties.

91 Interview with former government official, Kiryandongo Refugee Settlement, 19 June 2017.

92 'Zande community: arrested chief 'not rebel'', *Radio Tamazuj*, 27 November 2016.

93 In the two RVI documentaries some chiefs and elders present a familiar narrative that the conflict is caused in part an erosion of relations between youth and elders. See: F. Miettaux and P. Garodia, 'The Chiefs Speak', Rift Valley Institute, 2015; and F. Miettaux, 'We Are Here for the Sake of the People. Chiefs in conversation in South Sudan', Rift Valley Institute, 2016.

94 Interview with elder, Kiryandongo Refugee Settlement, 5 August 2017.

95 Focus group discussion with former Arrow Boys, 6 August 2017.

authority structures and a more obedient youth would result in less violence, remains an open and contested question.

Customary authorities in Western Equatoria have often played a gatekeeping role between 'their' people and outsiders, be they slave and ivory traders, colonial forces, successive governments, the SPLA or aid organizations. This position continues to offer both risks and rewards. The interest of chiefs in preserving their role helps explain why few of them have sought refuge in Uganda. The weakness of Western Equatorian customary authorities predates the recent civil war and resulting displacement of the region's population. At the same time, the rich history of these institutions, especially among Zande people, is still fostered in their absence.

4. The future of customary authority in Western Equatoria

In a context of uncertainty, shifting hierarchies, and the fracturing of customary authority, how do people from Western Equatoria see the future? Now that chiefs and elders are of little significance to life in the settlements, do people still envision a future for customary authorities in Western Equatoria? If so, should that role be reformed? How does the specific Western Equatorian topic—the debate about the reinstatement of the Zande Kingdom—fit into views of the future?

These debates are part of a much older discussion in South Sudan about diversity, identity and citizenship, and their relationship to government and governance. It relates too to John Garang's vision for a 'New Sudan', voiced in opposition to violent and exclusionary politics and economics.

Continuity and reform

Most people support the idea of, once again, having strong customary authorities. What people expect of customary authorities, however, varies quite widely, depending on their societal position. It is clear to all, including to chiefs themselves, that their claims to 'tradition' and historical rootedness do not rule out future change and reform.

Elderly men often emphasize that elders and chiefs are the custodians of culture, language and law. But youth express different hopes for a restored chieftaincy. First, they hope that customary authorities will reverse the inflation of dowries. As one former combatant explained, 'in those days of [King] Gbudwe, they helped the youth. Unlike now, where people marry using money.'[96] Second, younger people hope that chiefs will resume their role as conduits between the people and the (central) government. Another former combatant explained:

> It is the chiefs who know and present issues to the government. Many people are far from the government and the government does not know about them or their challenges. If anything

96 Focus group discussion with former Arrow Boys, 6 August 2017.

> happens, the government will not know. … It is the chief who knows.[97]

Whether and how customary authorities should be reformed is debated quite heavily by people now living in the Ugandan refugee settlements. There are three main areas: 1) Should chiefs be elected, appointed or inherited? 2) to what extent should women be able to become customary authorities? and, for the Azande, 3) should chieftaincy be open to non-Avungara? Several common positions emerge.

The first debate, on how chiefs should be selected, is perhaps the most heated. On the traditionalist side of the spectrum, quite a few people argue that it is precisely the hereditary quality of chieftaincy that gives the institution its value.[98] Inheritance in Western Equatoria does not mean that the oldest son takes the place of the deceased chief. Zande often stress that, traditionally, a chief selects and grooms the son(s) he thinks are most capable. On the other side of the spectrum, people argue that chiefs should always be elected. They say that customary authorities should be held accountable for their performance; that they should have some education; and that people without chiefly heritage should be able to come to positions of leadership.[99] The view that chieftaincy should be elected is popular, especially with intellectuals. A former chief elaborates:

> Nowadays people are really going for elections. Yes. Like political elections. People [line up] behind you. … That will be the system. The old system cannot help. ... Because nowadays people want somebody who is educated, somebody who knows how to write and speak. … But back then, it was you and your wisdom—whether you were educated or not. Because the chieftaincy is from your clan or tribe, so you are eligible to get it. Because your grandfather died and then it was taken by the son, and then you came. … And there was not any dispute about it. Now, people really come up. Because there is a good number of intellectuals. The intellectuals, they want somebody who is also intellectual or maybe somebody who is educated, to convince him.[100]

People generally agree that the selection of chiefs by county commissioners or governors, as has been common in South Sudan, has drawbacks. Such appointments can be informed more by concerns (often security-related) of the national political centre, rather than by the interests of local communities. For this reason,

97 Focus group discussion with former Arrow Boys, 6 August 2017.
98 Focus group discussion with men, Arua, 25 August 2017.
99 Interview with 27-year-old female Zande refugee, Bidi Bidi Refugee Settlement, 18 August 2017.
100 Interview with former Mundu chief, a refugee settlement in Uganda, 12 August 2017.

people sometimes think that chiefs are no longer accountable to 'their people' when they are appointed by higher political powers.

In reality the distinction between the 'government' and 'the people' is far from clear. These terms mask diverse and often competing interests, and the fact that many actors operate in both realms simultaneously. Chiefs are the quintessential example of this. When chiefs are selected in Western Equatoria, there is often a politically contingent compromise between inheritance (chosen by family), appointment (by government) and election (by the people).

The second debate concerns the extent to which there should be female customary authorities. Many women are adamant that chieftaincy should be opened up to them, reflecting the increased societal significance of women since the Second Sudanese Civil War.[101] Since the signing of the CPA in 2005, a 25 per cent quota for female representation at various levels of government has been enshrined in a number of laws.[102] Western Equatoria has also had a female governor[103] and a county commissioner, as well as female members of parliament and state ministers. In 2015, many customary courts had a female member on their three-person panel of judges and there were also female headwomen (the lowest rank of chieftaincy). Paramount chief Peni advocates for a stronger position for women, admitted that 'women can sometimes understand some topic much deeper than a man.'[104] Still, at this time there are more women in high positions in government than in customary authority structures.

The third major debate concerns whether the chieftaincy should be open to people from outside the royal clan. This is especially relevant among the Zande. South Sudanese legislation is silent on whether royalty should be privileged in becoming a customary authority. However, it is telling that most paramount chiefs in Zande-majority counties hailed from the Avungara (royal) clan in 2015 and 2017. Chiefs below the paramount chief, such as executive chiefs, sub-chiefs or headmen, more often come from other clans or ethnic groups.[105]

Some people remain strongly in favour of keeping the Avungara in power. One Zande woman stated that during 'those days' [of King Gbudwe] 'there were no fights'.[106] Another Zande woman said that chieftaincy 'was a thing God gave them. It should continue that the Avungara remain in chieftaincy'.[107] The view that other clans should rule, at least among the Zande, appears to be a minority one.[108]

101 Interviews, women in Ugandan refugee settlements, August 2017.

102 For instance, the 'Land Act, 2009', Articles 45 and 49, the 'Local Government Act, 2009', Sections 26 and 97 and the 'Transitional Constitution, 2011', Articles 16, 109, 123, 142 and 162 include provisions on female representation. See: Government of Southern Sudan, Laws of Southern Sudan, 'The Land Act, 2009', Juba: Government of Southern Sudan, 2009.

103 Jemma Nunu Kumba, from 2008 to April 2010. Prior to independence she served as MP to the national parliament in Khartoum. After her tenure as governor of WES ended, she held a variety of national ministerial positions in Juba and became Deputy Secretary General of the SPLM.

104 Interview with paramount chief Wilson Peni, Yambio, 1 October 2014.

105 For example, the well-respected Chief Mombasa in Yambio is not Avungara. Interview with former chief, Yambio, 25 February 2015.

106 Interview with 28-year-old Zande woman, Bidi Bidi Refugee Settlement, 18 August 2017.

107 Interview with 31-year-old Zande woman, Arua, 24 August 2017.

108 Interview with 40-year-old Zande woman, Bidi Bidi Refugee Settlement, 19 August 2017.

Reinstating the Zande Kingdom

Much more controversial than the debate over chiefs and elders is that over the reinstatement of the Zande Kingdom. In the Ugandan refugee settlements, there is overwhelming support among the Zande for the reinstatement of the kingdom. But refugees from other ethnic groups in Western Equatoria express starkly different thoughts about this possibility.

Efforts were made to reinstate the Zande Kingdom after independence in 2011.[109] A committee was formed, in 2014 collections were held and a sub-national Zande constitution was being written.[110] Although the initiative was widely seen to come from a group of Zande customary leaders and politicians in Yambio, it enjoyed support in other Zande-dominated parts of Western Equatoria,[111] with one chief in Ezo saying, 'People are ready! If anything comes from Yambio, we are ready.'[112] At the time, the church and state government supported reinstatement, too. But, as a senior Avungara clan member explained in 2015, 'politicians in Juba fear the kingdom. They want divide and rule. The kingdom will create unity among the Azande and they will be very powerful.'[113] His words foreshadowed the conflict that would come to Western Equatoria later that same year.

Due to the South Sudanese civil war, however, reinstatement has been put on hold. The leadership are wary of the suspicions such a move could create with the national government in Juba. They wish to avoid the impression that they want to separate from South Sudan and are keen to have state recognition and support. As one respondent indicated, 'The launch of the kingdom was supposed to be attended by the president and other African kings. But [now there is] insecurity. How long will we wait?'[114]

Zande in the Ugandan refugee settlements offer a range of reasons for supporting the reinstatement of the kingdom. Some see the kingdom as an institution of peace, which would return if it was reinstated, others that the kingdom will help to maintain Zande culture at a time when, in the settlements as well as at home, it is seen as being eroded away.[115] A former state minister in Western Equatoria described how, 'because of the power of the Azande in the past, others perceive it as a threat. [However], it is not a threat. This would be more a traditional authority that would make sure our culture does not disappear'.[116]

While the reinstatement of the kingdom has almost unanimous support among the Zande, the exact form and function of such a

109 Other attempts were allegedly made in the late 1990s, as a senior politician explained, 'But Tombura also wanted its king and Ezo, too. … Then there were the Zande in Khartoum, who had a different way of restoring it.' Phone interview with high-level government official in Yambio, Arua, 10 August 2017.

110 One young, foreign-educated Zande man involved in drafting the constitution at that time explained, 'We found that the Colombian constitution allows for a fair degree of autonomy for ethnic communities. Also, some American tribes have a tribal constitution. We also looked to the Baganda in Uganda. We need a local system of governance to suit our needs. The fundamental question was: What part of history can we maintain, and what part should we improve?' Interview with foreign-educated Zande lawyer, Yambio, 2 October 2014.

111 Some 94.5 per cent of households surveyed in Tombura and Ezo counties agreed or strongly agreed with the statement: 'I support the coronation of a new Zande King.' See: Rigterink, Kenyi and Schomerus, 'Report on JSRP Survey in Western Equatoria South Sudan', 60.

112 Interview with chief, Ezo, 25 March 2015.

113 Interview with senior Avungara clan member, Yambio, 16 February 2015.

114 Interview with senior Avungara clan member, Yambio, 16 February 2015.

115 Interview with cluster

kingdom is debated. Traditionalists insist that the new kingdom should resemble that of King Gbudwe, but everyone acknowledges it would have to be different. A revived kingdom is most commonly seen as a sub-national rather than independent political entity—people often refer to the Shilluk in South Sudan, or the Baganda in Uganda as a model. But most respondents also opine that a number of practices associated with the old days should not be revived—the most notorious and widely rejected being that of burying kings and princes with a number of live women. More generally, most Zande refugees reject the notion that the king would be above the law and could theoretically decide over life and death on a whim. A senior politician in Yambio who is Avungara elaborates:

> People were enthusiastic about the kingdom but they want it to be amended. People now consider certain things in our tradition not good—like our way of marriage, interpersonal relations, that a father canes his child. Then they say a right in a convention has been violated. Back then, a person did not belong to himself but to the community. In those days, elders were respected … I am not saying the Zande Kingdom cannot be restored but I am saying that it would not be authentic. It's due to globalization and Christianity, which forbid certain things. But there are other elements of our culture that have survived.[117]

For this particular man, the restoration of 'the Kingdom' is about much more than reinstated royalty; it is about societal change towards a more authentic communal and hierarchical kind of social life. The speaker paints a picture in which Christianity, conventions and globalization are juxtaposed with authenticity and tradition, a view held more often among elders in Western Equatoria. He concludes that a Zande Kingdom can be restored but that it would necessarily incorporate new elements, a view that is also espoused by a non-Avungara former state minister:

> I am in favour of a reformed Zande Kingdom. I am from that community but that does not mean I can support every tradition blindly. The king had absolute power over life and death. Instead there should be an investigation, a case before the court of law and then a formal sentencing. One hundred years back, life was completely different. Forget about 100 years ago in Europe, 100 years ago in Zandeland. There was no telephone, no internet and the faith was not there. So of course, these things have to be reformed.[118]

chairperson, Rhino Camp Refugee Settlement, 7 June 2017.

116 Interview with former state minister in Western Equatoria, Kampala, 13 June 2017.

117 Phone interview with high-level government official in Yambio, Arua, 10 August 2017.

118 Interview with former state minister in Western Equatoria, Kampala, 1 August 2017.

Whereas the ethnic Zande are largely in favour of a restored Kingdom, virtually all members of other ethnic groups in Western Equatoria hold opposing views. The aspiration to reinstate the Zande Kingdom is ill understood by many, and feared, opposed and ridiculed by others. Some stress that the Zande ethnic group has always been dominant in Western Equatoria and has also received ample opportunities at the national level.[119] They typically express anxiety over the prospect of a stronger Zande community, which they expect to try to dominate the smaller groups in Western Equatoria. Some say that this is already happening since Western Equatoria State was divided in to three and then, subsequently, four new states in October 2015 and January 2017 respectively. A male Mundu refugee encapsulates the problem; 'My paternal uncle was chased from Yambio to Maridi after the creation of the many states [in October 2015]. Because they said he does not belong there.'[120]

There is a broad consensus among non-Zande from Western Equatoria that they would stand to lose from a reinstated Zande Kingdom. In their historic memory, the golden era of King Gbudwe came at the expense of many smaller groups. A non-Zande community chairperson in Uganda explained his opposition:

> The kingdom was against non-Zande tribes. Reinstating the kingdom means bringing back the bad old system of misrule. They used to speak ill about the non-Zande, abducted children and women, and gave them Zande names, robbing them of their identities through assimilation.[121]

The Zande, a minority in South Sudan and in the settlements in Uganda, are still seen by many other Western Equatorians as the hegemon. And the group identity—'Western Equatorians'—that is proving very useful in the Ugandan settlements, is seen by some to be under threat by the aspirations of its biggest sub-group. Often, people link their opposition to the Zande Kingdom directly to the belief that, 'other tribes in Western Equatoria would be voiceless and that will bring problems. There will be no unity among Western Equatorians anymore.'[122]

In the refugee settlements, identities are often formed (or at least invoked) contextually and in opposition to one another. Sometimes ethnicity seems to matter less in the settlements, where Western Equatorians, and even Equatorians more broadly unite in supranational community structures. The establishment of those structures is partially driven by the 'scattering' of

119 A Mundu elder explained, 'During the time of the High Executive Council in 1972, the speaker of the southern Sudan parliament was from the Zande—Angelo Beda—who is now the co-chair of the National Dialogue committee. And then later, the president of the High Executive Council was also from Zande, the late Joseph Tombura. … And when Western Equatoria became a state, you know? Most of the governors are Zande.' Interview with former Mundu chief, a refugee settlement in Uganda, 12 August 2017.
120 Focus group discussion with non-Zande refugees, Bidi Bidi Refugee Settlement, 19 August 2017.
121 Interview with non-Zande community chairperson, Bidi Bidi Refugee Settlement, 17 August 2017.
122 Focus group discussion with non-Zande refugees, Bidi Bidi Refugee Settlement, 19 August 2017.

Western Equatorian ethnic groups over the Ugandan settlements, and by fear of other large ethnic groups, such as the Nuer and Dinka. Discussions about the Zande Kingdom reveal that within the Western Equatorian community there remains considerable friction and distrust.

Conclusion

Many refugees express despair at all that they have lost: lives, land, houses, savings and livelihoods. Uganda has been praised for its hospitality towards refugees, offering them safety, basic services and some land upon which to live. Some people adapt quickly to life there, setting up businesses, getting an education and seeking to ensure that once peace comes to South Sudan they do not return empty-handed. At the same time, many people sit idle, haunted by painful memories and fears about an uncertain future. Beyond the personal and material, many refugees fear that through displacement and war they are losing their culture—the customs and codes, dances and dresses, language and rituals.

The self-proclaimed custodians of culture, the chiefs, have often stayed behind in Western Equatoria. Some elders and a handful of chiefs have made it to Uganda but they recognize that under Ugandan law they hold no formal position. In the settlements, most governing is done by the Refugee Welfare Councils, the Ugandan government and aid organizations. The few Western Equatorians that have managed to secure positions of leadership in the settlements are not former customary authorities. Rather, they are younger, better-educated, English speaking people able to connect to the state and NGOs. The elders describe it as their role to offer hope and advice to their communities-in-refuge, often drawing on narratives about the past to do so.

Underlying customary authorities' claims to be the custodians of culture is a more fundamental one—to be custodians of the past. Crucially, this claim and the right to tell or interpret history is disputed, with some customary authorities insisting that they belong to a privileged few with direct blood links to precolonial rulers and the knowledge they held, while others say that they, too, are confused and lost. In a telling example, a Western Equatorian community chairperson interviewed for this study pointed out: 'These things I was writing but since we were running I couldn't collect [them] and come with it here. Otherwise I could just state all these things in a row. But what was already in my brain is what I am saying.'[123]

In this uncertain present, the historical memory of King Gbudwe—the king who resisted colonial rule—has gained new

123 Interview with Western Equatoria community chairperson, refugee settlement in Uganda, 5 August 2017.

credence for many ethnic Zande. He has come to symbolize sovereignty and self-determination. In present historical visions, his was a time of stability, cohesion and hierarchy. In the midst of lifetimes of insecurity, displacement and change, that vision is a persuasive one, as the near unanimous support for the restoration of the Zande Kingdom indicates. In contrast, Western Equatorian minority groups express distrust and fear about what such a reinstatement would mean for them.

Support or opposition to the Zande Kingdom, as well as for stronger customary authorities, share similarities. They offer people a canvas on which to paint their frustrations about the present and their aspirations for the future. Young men envision that customary authorities will ensure reasonable bride prices and engage in dialogue for peace and development with the government. Parents and older people insist that customary authorities can help to shepherd the community (in particular the youth) away from malign global influences, and towards respect and responsibility. Customary authorities continue to represent different things to different people.

The debate about customary authorities is intimately connected to other existential questions that South Sudan perennially faces about the relations between identity and authority. In this regard, the settlements in Uganda are more than sites of loss. The popularly elected community organizations are an example of the ambiguous effects of ethnicity and pluralism in the settlements. The South Sudan civil war has done much to entrench and politicize ethnicity. Simultaneously, the settlements are relatively cosmopolitan spaces where people from all over South Sudan and East Africa more widely are living together. This proximity to one another, and the fact that ethnic groups (especially smaller ones) are scattered also fosters cooperation, friendship and learning across ethnic boundaries. Youth find ways to discount differences by playing or watching football together and socializing. Some elders are cynical when they see youth freely mingling, but nonetheless, conversation between youth and elders, within and between communities, can help to foster mutual understanding. The current common experience of displacement may be a good place to start.

Glossary of acronyms, words and phrases

bakumba	*Pazande*; elder
CAR	Central Africa Republic
CPA	Comprehensive Peace Agreement
DCA	Danish Church Aid
DRC	Democratic Republic of Congo
FGD	focus group discussion
IRC	International Rescue Committee
LRA	Lord's Resistance Army
marungi	*Swahili*; a mildly narcotic plant (*catha edulis*) native to the Horn of Africa (*khat*)
OPM	Office of the Prime Minister
RWC	refugee welfare council
salatin	*Arabic*; chief
SPLA	Sudan People's Liberation Army
SPLA–IO	Sudan People's Liberation Army-in-Opposition
SPLM/A	Sudan People's Liberation Movement/ Army
sultan	*Arabic*; chief
UNHCR	United Nations High Commissioner for Refugees
UPDF	Uganda People's Defence Force
WES	Western Equatoria State

Bibliography

Braak, B. 'Exploring Primary Justice in South Sudan—Challenges, concerns, and elements that work'. Leiden: University of Leiden, 2016.

Collins, R.O. 'Shadows in the Grass: Britain in the Southern Sudan, 1918-1956'. New Haven: Yale University Press, 1983.

—. 'Land Beyond the Rivers'. New Haven: Yale University Press, 1971.

Dolan, C. 'Hidden Realities: Screening for Experiences of Violence amongst War-Affected South Sudanese Refugees in northern Uganda—Working Paper 25'. Kampala: Refugee Law Project, School of Law, Makerere University, 31 August 2017.

Evans-Pritchard, E. E. 'The Organization of a Zande Kingdom'. *Cahiers d'études africaines* 1/4 (1960): 5–37.

—. 'Zande Kings and Princes'. Anthropological Quarterly 30/3 (July 1957): 61–90.

—. 'The Azande: History and Political Institutions'. New York: Oxford University Press, 1971.

Government of Southern Sudan. Laws of Southern Sudan. 'Local Government Act, 2009'. Juba: Government of Southern Sudan.

—. Laws of Southern Sudan. 'The Land Act, 2009'. Juba: Government of Southern Sudan, 2009.

—. 'The Penal Code Act, 2008'. Act 9. ACTS SUPPLEMENT to The Southern Sudan Gazette No. 1 Volume I. Juba: Ministry of Legal Affairs and Constitutional Development, 10 February 2009.

Government of South Sudan. 'The Transitional Constitution of the Republic of South Sudan, 2011'. Juba: Republic of South Sudan, 2011.

International Crisis Group. 'South Sudan's South: Conflict in the Equatorias'. Africa Report No 236. 25 May 2016. Accessed 15 November 2017. (https://www.crisisgroup.org/africa/horn-africa/south-sudan/south-sudan-s-south-conflict-equatorias)

P. Ivanov, 'Cannibals, Warriors, Conquerors, and Colonizers: Western Perceptions and Azande Historiography', History in Africa 29 (2002): 89-217.

Johnson, D. 'Federalism in the history of South Sudanese political thought'. Rift Valley Institute Research Paper 1. London: Rift Valley Institute, 2014.

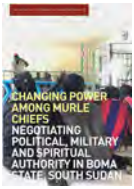
—. 'The root causes of Sudan's civil wars: Peace or Truce'. Kampala: Fountain Publishers, 2007.
Krause, U. 'Analysis of Empowerment of Refugee Women in Camps and Settlements'. *Journal of Internal Displacement* 4 (2014): 28–52.
Leitch, T. A. T. Letters from colonial officials R. G. C. Brock, R. M. Feilden, and W. R. G. Bond pertaining 'unrest among the Azande', January 21 and November 30, 1914, Sudan Archive Durham, 315/6/1-30.
Leonardi, C. *Dealing with government in South Sudan: Histories of Chiefship, Community & State*. Woodbridge, Suffolk: James Currey, 2013.
Lloyd, D. T. 'The Pre-Colonial Economic History of the Avongara-Azande c. 1750-1916' (PhD Thesis). Los Angeles: University of California, 1978
Mayardit, Salva Kiir. 'Establishment Order Number 36/2015 for the Creation of 28 States in the Decentralized Governance System in the Republic of South Sudan'. Presidential Decree. Juba: Republic of South Sudan, 2 October 2015.
Miettaux, F. 'We Are Here for the Sake of the People. Chiefs in conversation in South Sudan'. Rift Valley Institute, 2016.
— and P. Garodia. 'The Chiefs Speak'. Rift Valley Institute, 2015.
Nassali, P. 'The role of non-state actors in refugee Social Protection: A case of South Sudanese women in Kiryandongo Refugee settlement, Uganda'. MA thesis, International Institute of Social Studies, Erasmus University Rotterdam, The Hague, Netherlands, 2015.
Night, P. 'Why Riek Machar should speak on "Arrow Boys" in Yambio'. *Eye Radio*. 20 May 2016. Accessed 15 October 2018. (http://www.eyeradio.org/riek-machar-speak-arrow-boys-yambio/)
Radio Tamazuj. 'Zande community: arrested chief 'not rebel''. *Radio Tamazuj*. 27 November 2016. Accessed 15 October 2018. (https://radiotamazuj.org/en/news/article/zande-community-arrested-chief-not-rebel)
Rigterink, A. S., J. J. Kenyi and M. Schomerus. 'Report JSRP Survey in Western Equatoria South Sudan, First Round, May 2013'. London: Justice and Security Research Programme, March 2014.
Robinson, C. 'South Sudanese refugees in Uganda now exceed 1 million'. UNHCR. 17 August 2017. Accessed 8 November 2017. (www.unhcr.org/news/stories/2017/8/59915f604/south-sudanese-refugees-uganda-exceed-1-million.html)

Rolandsen, Ø. H. 'Guerrilla Government: Political Changes in the Southern Sudan during the 1990s'. Uppsala: Nordic Africa Institute, 2005.
— and M. W. Daly. 'History of South Sudan: from slavery to independence'. Cambridge: Cambridge University Press, 2016.
— and N. Kindersley. 'South Sudan: A Political Economy Analysis'. Oslo: Norwegian Institute of International Affairs, 2017.
Ruati, R. 'Arrow Boys in Western Equatoria to be armed against LRA–Governor'. *Sudan Tribune*. 27 September 2010. Accessed 15 November 2017. (http://www.sudantribune.com/spip.php?article36411)
Schomerus, M. and A. S. Rigterink. 'Non-state security providers and political formation in South Sudan: the case of Western Equatoria's Arrow Boys'. CSG Papers No. 4. Kitchener, Ontario: Centre for Security Governance, April 2016.
Small Arms Survey. 'Conflict in Western Equatoria'. Geneva: Small Arms Survey, 2017.
United Nations High Commission for Refugees (UNHCR). 'South Sudan Regional Refugee Response Plan. January–December 2017'. Accessed 15 November 2017. (https://data2.unhcr.org/en/documents/download/56756)
UNHCR. 'South Sudan Situation'. Regional Update 1–15 October 2017. Accessed 22 November 2017. (http://reporting.unhcr.org/sites/default/files/UNHCR%20South%20Sudan%20Situation%20Regional%20Update%20-%201-15%20October%202017.pdf)
UNHCR. 'South Sudan Emergency'. Accessed 29 May 2018. (www.unhcr.org/south-sudan-emergency.html)
Vries, L., de. 'The government belongs to other people. Old cycles of violence in a new political order in Mundri?'*Conflict and Cooperation in the Equatorias*, ed. M. Schomerus, VISTAS, 2015.
World Bank, WDI and Macro Poverty Outlook South Sudan, April 2018. Accessed 22 May 2018. (pubdocs.worldbank.org/en/713731492188171377/mpo-ssd.pdf)

Selected RVI publications

Peace is the Name of Our Cattle-Camp

This reports considers the communal resources brought to bear on conflict resolution in Eastern Lakes State, beginning shortly before the CPA, and on local understandings of this process.



Changing Power Among Murle Chiefs

This report investigates how Murle customary authorities navigate and negotiate political, military and spiritual authority, while simultaneously challenging the view that Murle society has no organic leaderships structures.

Politics, Power and Chiefship in Famine and War

This report investigates how customary authorities on South Sudan's border with southern Darfur have managed repeated wars and famines, both for the communities that they claim to represent and for their own survival and benefit.

Now We Are Zero

A report based on the first meeting of traditional leaders and chiefs from opposing sides of the conflict since 2013, which took place under the RVI SSCA project in Kuron in 2016, where they discussed their own roles in peace and conflict.

Dividing Communities in South Sudan and Northern Uganda: Boundary disputes and land governance

This report argues that boundary disputes must be understood in the context of changing land values, patterns of decentralization and local hybrid systems of land governance.

The role of transnational networks and mobile citizens in South Sudan's global community

This report explores the nature of the impact of South Sudan's international community on the evolution of the country's civil wars.

Expectations and belonging in Dire Dawa

This report analyses the drivers and dynamics of rural to urban migration in Ethiopia and the impacts on the physical and social infrastructure in Dire Dawa.

Un microcosme de militarisation: Conflit, gouvernance et mobilization armée en territoire d'Uvira

Ce rapport analyse la militarisation en territoire d'Uvira et la manière dont celle-ci façonne les rapports entre conflits locaux, gouvernance et mobilisation armée. *Also in English.*

Carrada Ayaan Dhunkannay: Waa socdaalkii tahriibka ee Somaliland ilaa badda Medhitereeniyanka

Sheekadani waa waraysigii ugu horreeyay ee ku saabsan waayo aragnimadii wiil dhallinyaro ah oo reer Somaliland oo taahriibay. *Also in English.*

RVI books and reports are free to download from **www.riftvalley.net**. Printed copies are available from Amazon and other online retailers, and from selected bookstores.

creative commons

South Sudan's violent conflicts continue to plague its people. An estimated four million South Sudanese have been forcibly displaced since December 2013, and more than a million have sought refuge in Uganda where communities have largely reassembled without their traditional or customary leaders. *Customary Authorities Displaced* examines the consequences of conflict and displacement on traditional forms of authority among refugees from former Western Equatoria state. Various forms of non-customary authority proliferate in these refugee settlements, in some ways filling the gap left by the missing chiefs. The report also explores discussions around the controversial reinstatement of the Zande kingdom among those living in refugee settlements. Support or opposition to the Zande Kingdom, and for stronger customary authorities more generally, share a key similarity: they offer people a means of articulating their present frustrations and future aspirations in a society that has been gravely affected by war.

Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Rift Valley Institute
Taasisi ya Bonde Kuu
معهد الأخدود العظيم
Machadka Dooxada Rift
የስምጥ ሸለቆ የጥናት ተቋም
Instituto do Vale do Rift
东非大裂谷研究院
Institut de la Vallée du Rift
www.riftvalley.net

ISBN 978-1-907431-58-6