Overcoming ruptures: Zande identity, governance, and tradition during cycles of war and displacement in South Sudan and Uganda (2014-2019)
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5 | Being traditional in mercurial times: Chiefs in Western Equatoria (2005-2016)

5.1 INTRODUCTION

> The irony of these times, however, is that as actual places and localities become ever more blurred and indeterminate, *ideas* of culturally and ethnically distinct places become perhaps even more salient. (Gupta and Ferguson 1992, 10)

As the Second Sudanese Civil War came to an end and independence dawned (2011), chiefs in Western Equatoria complained that they were weak even as the *idea* of 'traditional authority' enjoyed resurgent popularity. This chapter's main question is: How did the traditional authorities, especially chiefs, in Western Equatoria emerge from the history of conflict and displacement (2005-16), and what explains their simultaneous widespread popularity and self-proclaimed 'weakness'? After a short survey of the relevant literature, this chapter will analyse Western Equatorian chieftaincy in 2014-5, and their peculiar 'weak' resurgence. In particular, it will examine four factors: First, the *zeitgeist* of self-determination; second, returnee chiefs' cultivated link to the legendary pre-colonial time of sovereignty; third, chiefs' everyday work to resolve disputes; and fourth, chiefs' gatekeeping or brokering roles.

This chapter will make three main contributions. First, it contributes unique empirical material on chieftaincy in Western Equatoria, to refine our understanding of the variety of chieftaincy in South Sudan today. Second, to the literature on the Africa-wide 'resurgence' of traditional authority, it adds insights from a context affected by war and displacement, in which chiefs face elevated risks and opportunities. Third, it contributes to the literature on 'tradition as a resource' by showing how the reliance of church and government on history and tradition may strengthen the profile of chiefs. This chapter draws on secondary literature, and qualitative interviews in Western Equatoria with ordinary people and 44 chiefs.[1]

Chieftaincy in Sub-Sahara Africa is marked by diversity. However, there are patterns. Chiefs' reputation was tainted by their complicity with (or inven-

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1 Our team conducted qualitative interviews with 44 'traditional authorities' in Western Equatoria State in 2014-5. In hierararchical order: eight Paramount Chiefs; two Head Chiefs; three Payam Chiefs; one Chief; four Executive Chiefs; two Deputy Chiefs; five Sub-Chiefs; ten Headmen; four Headwoman; and five Other Customary Court members. This was not a representative sample.

tion by) colonial occupation, as enforcers of 'hegemony on a shoestring' (Berry 1992) or 'decentralised despots' (Mamdani 2004). The African elites who rose to power around independence from the 1950s, often embraced ideologies like modernization, nationalism, socialism or 'development' (Allott 1980). To them, chiefs were a remnant of the past, an obstacle to be overcome. Countries like Mozambique, Guinea, Burkina Faso, Tanzania and Uganda abolished traditional authority, and many other countries curtailed their powers.

Since the end of the Cold War, chiefs have enjoyed renewed prominence in much of Sub-Sahara Africa (Kyed and Buur 2007; Ubink 2008; Englebert 2002b). This took many different forms, as chiefs took up different combinations of administrative, judicial and legislative roles in different countries (van Rouveroy van Nieuwaal 1996). The explanations for this 'new dawn', 'resurgence' or 'revival' of traditional authority continue to be debated. Three common explanations are: First, state bureaucracies shrank due to the Structural Adjustment Programmes of the 1980s and 1990s. Some states actively decentralised authority to traditional institutions. In other cases those authorities simply picked up work that states left undone, sometimes after first reinventing themselves as development agents (Englebert 2002a; 2002b, 59). Second, in the era of democratisation, political leaders often sought to 'add the legitimacy of traditional leaders' to their own (Ubink 2008), and used chiefs to mobilize votes (Ntsebeza 2005; Baldwin 2013). Third, traditional authorities found lucrative roles in the capitalist system: brokering access to land and resources. These three explanations focus on the things that chiefs *do*, in relation to the state, politicians and companies. This is related to the pragmatic 'brokering' or 'gatekeeping'-side of chieftaincy which has featured prominently in Africanist literature.

A fourth explanation from the literature is more ideological or ideational, and relates to the *idea* of chieftaincy. It is no coincidence that the resurgence of traditional authorities largely occurred in the 1990s – a decade of catalysed globalisation and political liberalisation. As Gupta and Ferguson so aptly analyse: 'The irony of these times, however, is that as actual places and localities become ever more blurred and indeterminate, *ideas* of culturally and ethnically distinct places become perhaps even more salient' (Gupta and Ferguson 1992, 10). In many African countries (and since across the world), political liberalisation and globalisation were followed by a 'widely felt need to reconnect with the roots ... to relive an African Renaissance' (Oomen 2008, 82) and an re-valuation of 'autochthony' (Geschiere and Nyamnjoh 2000). In many parts of Africa, traditional authority was part of such past and future visions.

However, South Sudan's history is somewhat asynchronous with that of the countries on which these theories were built. Around Sudanese independence in 1956, there had been similar tensions between chiefs and the new Southern Sudanese elites – but the country did not become independent, and chieftaincy was not abolished or curtailed (see Section 2.5). Once it did become

independent, in 2011, it was in a different time for international politics, paradigms and ideologies. In Juba, politicians spoke of self-determination, which as this chapter will show inspired renewed appreciation for 'tradition' and ethnic identity. Perhaps paradoxically, the pursuit for strengthened customary law and traditional authorities, were also supported extensively by international donors. Those donors worked with a statebuilding paradigm, but were beginning to be self-critical of 'IKEA flat-pack' approaches to peace and development in what some have termed a 'local turn' (Mac Ginty and Richmond 2013; Mac Ginty 2008). In particular those working on 'access to justice' and 'rule of law' promotion were also interested in working, pragmatically, with chiefs as they resolved many disputes and were deemed sufficiently 'non-state' to side-step some of the complications of working with the central government (Netherlands Ministry of Foreign Affairs 2020; Leonardi et al. 2011). South Sudan is different from most other countries, too, for both the duration and intensity of its civil wars, and the limited capacity of the state. The last section of this chapter details how when civil war began again, chiefs faced familiar demands and dilemmas in nonetheless new and changing military-political configurations, and their interstitial position became especially suspect. The chapter analyses how different chiefs navigated that terrain, and the result of war and displacement for chieftaincy as an institution.

5.2   WHO ARE THE CHIEFS?

But first, who are chiefs in Western Equatoria? Colonial policies, early anthropological studies and contemporary policy discourse often imagine hereditary rulers wielding authority over a clearly delineated group of people, resolving disputes by reference to a traditional body of customary laws. Academic work has since demonstrated how often these facets of chieftaincy – who gets to rule about what, the boundaries between and within communities, and the substance and procedures of applicable norms – are subject to change and debate, and shaped by history and politics (J. L. Comaroff and Roberts 1986; Chanock 1985; Willis 2013). The result is diversity. African chiefs may be 'a migrant, an illiterate labourer, a subsistence farmer, a spirit medium, a school teacher, a lay preacher. Or a scholar, a medical doctor, a corporate lawyer' (J. L. Comaroff and Comaroff 2018, 2). In some countries hereditary kings wield vast power over people and resources (Ntsebeza 2005), in others all forms of traditional authority have been abolished. In some areas, chiefs' control over land and people is 'inextricably interwoven with spiritual capacities such as (collective) healing and rain-making' (Verweijen and Van Bockhaven 2020, 14) and seen as 'sacred' (Hoffmann, Vlassenroot, and Mudinga 2020). In South Sudan, chiefs are more closely associated with the state bureaucracy and with 'gatekeeping' between 'their people' and powerful outsiders – be they the government, NGOs, companies, or armed groups (Leonardi 2013). In sum:

context-specificity is key in understanding what chieftaincy means in any given setting.

In Western Equatoria, traditional authority is mainly embodied by chiefs (*Arabic: Sultan, salatin; Zande: Gbia, agbia*) and elders (Zande: *bakumba, abakumba*).[2] Chieftaincy in South Sudan knows a hierarchy from the paramount chiefs at the county level, down to the headmen and headwomen (Zande: *abairagbaria*) at clan or boma level.[3] Out of 44 chiefs we interviewed in Western Equatoria, 41 were ethnic Zande men. On average they were 48 years old, and had been in power for 11 years. The higher-level Zande chiefs typically belonged to the royal Avungara clan and could trace their ancestry to precolonial kings or princes (*abakindo*) (see Section 2.3). In some parts of Africa, chieftaincy is inherited by default and said to lack 'democratic credentials' (Ubink 2008, 30; Englebert 2002b, 58). Among the Zande in Western Equatoria, traditionally a chief's son would either be hand-picked and groomed by his father, or compete with his siblings for his father's 'chair' (post) (Evans-Pritchard 1960a). Yet these succession routes had already changed with colonisation (see Section 2.4).

Figure 4: (S)election of traditional authorities (n = 32).

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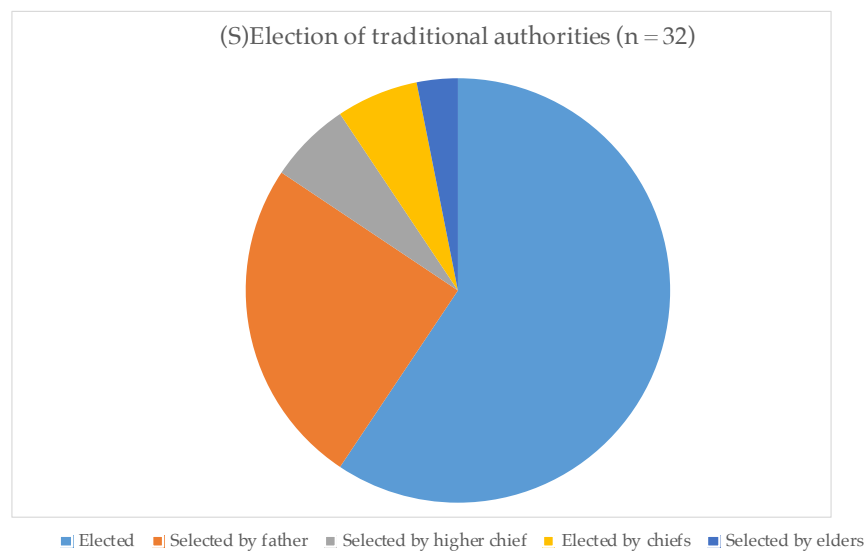
2   There are other types of traditional authority in Western Equatoria, such as oracles and rain makers. But these are less common, and beyond the scope of this chapter.
3   Depending on the place, there may be sub-chiefs, executive or head chiefs and payam chiefs in between.

In 2015, four of the eight paramount chiefs we interviewed had been selected by their fathers (see Figure).[4] However, especially among lower-level chiefs, some form of election had now become common: Of the 32 chiefs who told us how they got into their position, 19 had been elected in some way. Selection procedures were decidedly mixed in practice. Selection could be upon the request of the community, and a 'popular' elections could be between candidates who have been shortlisted by the Avungara elders. While elections were becoming more popular, people still attributed importance to descent (F.M. Deng 2011, 301). Across South Sudan, heritage was an important, but not the only, consideration in selecting chiefly candidates, 'and it is by no means automatic that the former chief's son is chosen' (Leonardi et al. 2010, 24).

This was illustrated well by the case of Chief Moses Zaza (see Annex 1: Portraits). In January 2012, the Payam Chief of Naandi passed away. He had been a drunkard, and people refused to elect one of his three sons. So, in order to replace him, the local Avungara elders sat down for some days to look for another Avungara who was born in Naandi. They considered the behaviour of various men and their fathers. Moses' father was a teacher and had a good reputation, so they asked him if Moses would be available. Moses: 'So they came and selected me – it was a surprise for me!' There was another candidate, the son of a Chief, who also submitted his candidature. Then an election was held. The community gathered, and brought two young boys to sit in two chairs side by side, each boy representing one of the candidates. This was out of respect for the losing candidate, who might otherwise be ashamed upon losing. Community members then voted by lining up behind the chair of their choice. Chief Moses: 'You could just see the result directly from the community, and if you win the people come with a big chair to carry you on their heads.' After the Avungara short-listing, the wider 'community' voted in a fairly transparent way. Other chiefs told us of similar elections-by-lining-up.[5]

In independent South Sudan as during colonial times, chiefs depended on government to recognize them and 'make their authority effective' (Leonardi 2019, 4). In 2015, the higher-level chiefs were paid a salary by the Ministry of Local Government, while the lower ones depended on the revenue of customary courts (see Section 5.5). Local government officials could and did fire chiefs, albeit at the risk of popular disapproval.[6] In Ezo, the county commissioner fired a payam chief in a complicated affair involving adultery,

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4   Of the other four, two were elected by other chiefs, and two were elected by the wider community.
5   Interview with headwoman and member, B-Court, Yambio, 30 September 2014.
6   In Western Equatoria, chiefs had been fired by the administrative in Yambio, Ezo, Maridi and Tambura. Interview with paramount chief, Yambio, 16 February 2015; and with payam administrator, Tambura, 19 March 2015.

overstepped jurisdictions, and disobeyed orders.[7] Being accountable to government was seen by many as a sign of chiefs' weakness. In the words of an Avungara man who now had a high position in government: '[Chiefs] cannot maintain tradition. Now they are answerable to the local government. The county commissioner can fire a king or chief.'[8]

Chiefs in Western Equatoria by 2015 were a far cry from the memory of powerful kings like Gbudwe, Tambura, Ezo and Ndoruma. Across South Sudan, chiefs would often say that the long years of war had left them poor, weak and humiliated (Rift Valley Institute 2016). Their ability to give resources to those in need, influence land, trade and labour, and to access state authority, which had previously helped them cement their authority especially vis-à-vis the youth, had also declined (Bennett et al. 2010, 40). 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!'[9] One grandchild of a pre-colonial Zande king, now living as a refugee in Uganda, 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.'[10] Many Avungara now pursued other careers: in government, with the SPLA, even as cleaning staff with UNMISS. Others sought to rediscover or reconstruct the Zande traditions and cultures in which they had a privileged position.

5.3   *ZEITGEIST* OF SELF-DETERMINATION AND THE REINSTATEMENT OF A ZANDE KINGDOM

5.3.1   Self-determination and the revival of 'tradition'

Despite chiefs' weakness, the CPA (2005) and independence (2011) were accompanied by a sense that 'tradition' was to play an important role in South Sudan. Central to SPLM/A rhetoric during the civil war for independence, were notions of self-determination, democracy, cultural rights, customary law and religious freedom (F.M. Deng 2011; Leonardi 2013; Massoud 2013; Bakosoro 2010). As Khartoum had pushed Arabisation and Islamisation across Sudan, in the South 'customary law and authority emerged as a pillar of resistance' (Hessbruegge 2012, 302). When the CPA was signed and Southern Sudan achieved a measure

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7   The press secretary narrated the charge as 'disobeying county authorities [and] acting contrary to local government's policies' (Radio Anisa 2014). The minister of local government told me how the chiefs' firing had been met with outrage among some locals: 'The people may support the chief whether he does something wrong or not.' Interview, Yambio, 27 February 2015.

8   Phone interview with Avungara senior government official, Yambio, 10 August 2017.

9   Interview with county commissioner at his house, Yambio, 27 January 2015.

10   Interview with Gangura Isaya, Arua, 9 August 2017.

of autonomy, its regional government prioritized 'the establishment of a justice system independent of the sharia-based system of the North, which would reflect the values and identity of the people of South Sudan' (Leonardi et al. 2011, 112). But what was this identity? What were their values?

Southern intellectuals found that 'The main glue that binds the country's multiple ethnicities together is the history of their struggle for freedom and collective opposition to the north' (Jok 2011, 2). Without the north, what did the southerners share? Around independence, government constructed some national symbols: a flag, anthem, a national football team, a broadcaster. But it was all rather on a shoe-string budget, and nationalism was undermined by the increasingly violent friction within the South and the SPLM/A (Waal et al. 2017, 25).

Meanwhile, ethnic identities were also under re-construction. South Sudanese politicians and religious leaders, and international aid organizations alike argued that war and displacement had torn the 'social fabric' and that mending it would require empowering the chiefs (Bennett et al. 2010; T. Collins 2013; Leonardi 2013, 188; Radio Tamazuj 2016b). The chairperson of the local government board in Juba saw the moment this way: 'Having emerged from decades of civil war and the concurrent dislocation of the various tribes ... it is important that the substantive content of our customary law be reinforced. (UNDP 2012). In Western Equatoria, too, many felt that war and foreign occupation had led to a 'disintegration of Zande culture' (Wheeler 2005, 70–71). Many were looking towards tradition as a beacon of hope and inspiration for the future. It is also in this light, that attempts to reinstate a Zande Kingdom need to be understood (see Section 5.3.2).

The view that South Sudanese people belonged to ethnic groups, who ought to be governed by customary law administered by 'traditional authorities,' was enshrined in the Local Government Act (2009) and other legislation, and given donor support (Leonardi et al. 2011). Part of this was informed by the discussion on tribal social fabrics. Part of it was pay-back: Successive SPLA-leaders had acknowledged chiefs' important role in the civil war, and alluded to post-war rewards (Leonardi 2013, 1, 187).[11] However, there were also pragmatic public administration reasons: The state had limited reach, and 'envisage[d] a continuation of the multiple roles of chiefs, as administrative and executive authorities in their villages and also as judges or presidents of local courts' (Leonardi et al. 2010, 25). In this way, the Local Government Act was the latest in a long series of state policies which since colonial times sought to strengthen 'tribal discipline' to the advancement of state control (see Section 3.2).

Crucially, the chiefs held no monopoly on tradition and history. For instance, the Episcopal and Catholic Church in Yambio profiled themselves as 'guardian of traditional Zande culture' and planned the establishment of

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11   Interview with paramount chief, Yambio, 1 October 2014.

museums and archives (Wheeler 2005, 71). In 2015, various Western Equatorian churches used the traditional *gugu* (a wooden gong) to call people to prayer. Successive governors associated with tradition and history by refurbishing the grave of Gbudwe and opening 'Gbudwe Football Stadium' (Jemma Nunu Kumba), or wearing ceremonial attire (Joseph Bakosoro). Chiefs, in other words, were not the only ones laying claim to history and tradition. Instead, there was a steady integration of 'the sphere of tradition into the space of power as a symbolic, legitimizing resource' (Von Trotha 1996). Tradition and (imagined) history have been conceptualized as 'discursive resources' (Leonardi 2013, 2) or forms of 'monopoly capital' (J. L. Comaroff and Comaroff 2018, 13). These analogies usefully evoke an image of a marketplace of ideas and interests, in which 'traditions' and 'history' are invoked to shape the nego-tiations. Yet unlike other resources and capital, tradition is not finite and subject to zero-sum games. Instead, its currency grows as it is used. In other words: The reliance of church and government in Western Equatoria on history and tradition may have strengthened the profile of chiefs.

5.3.2   Zande kingdom: Reinstatement efforts

The promise of independence and 'self-determination' in 2011, inspired many Zande to think again of the days of King Gbudwe (see Sections 2.3 and 8.5). Tellingly, in Yambio the official celebrations for independence on 9 July 2011 began at Gbudwe's tomb (S.D. Siemens 2015; Sudan Tribune 2011). Although Schomerus and Rigterink write that 'the quest for a new Zande king stems from the 2005 provision in the Comprehensive Peace Agreement that south-erners were to be allowed to govern themselves according to their own will' (Schomerus and Rigterink 2016, 27), attempts at reinstatement were made in the past. A senior Avungara, and grandson of Gbudwe, whom I interviewed recalled how reinstatement efforts were made at least since the 1990s:

> Plenty of attempts were made to restore the Kingdom ... In the late 1990s, there was an attempt too. But Tambura also wanted its King, and Ezo also. So where would the Zande King hail from? Ezo, Tambura, Yambio or Maridi? Then there were the Zande in Khartoum who had a different way of restoring it. Then in 2012-13 we tried to unify the people of Gbudwe.[12]

That latest effort to unify 'the people of Gbudwe' was started by a group of Zande traditional leaders and politicians in Yambio. Yet it enjoyed support in other Zande-dominated parts of Western Equatoria, too, with one elder in Ezo saying: 'People are ready! If anything comes from Yambio we are

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12   Phone interview with avungara senior government official, Yambio, 10 August 2017.

ready.'[13] The church and state government supported the reinstatement, too. And the best survey on the subject found that 94,5 percent of surveyed respondents in Tambura and Ezo counties were in favour of reinstating a Zande king (Rigterink, Kenyi, and Schomerus 2014).

The 2011-3 initiative was partly inspired by the CPA's vagueness about 'self-determination', and the Local Government Act which, 'allows for customary governance and traditional authorities, but fails to clarify how exactly these would function as part of the broader system of governance' (Schomerus and Rigterink 2016, 15). In Yambio a committee was formed to draft a Zande constitution, and contributions were collected.[14] As with the reconstruction of tradition more broadly, the envisioned reinstatement balanced tradition and modernity, local rootedness and global connections. In Yambio I interviewed one member of the constitution-drafting committee, a young UK-educated Zande lawyer who explained the Committee's inspiration:

> 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? We would like to model the new Azande Kingdom on the 1905 Gbudwe Kingdom. But there is no need for an army ... We want to revive our Kingdom [as] a subnational Kingdom ... But nevertheless we would like to maintain strong bonds with our brothers in CAR and DRC.[15]

Beyond tradition and modernity, the Committee faced another balancing act: How to establish a meaningful local sovereign, without upsetting the increasingly fragile political relations between Western Equatoria and the central government in Juba. This became especially difficult after the outbreak of the South Sudanese Civil War in December 2013, at the heart of which were 'real and perceived threats to the central government's authority' (Schomerus and Rigterink 2016, 15). When I interviewed a senior Avungara leader in Yambio about this in 2015, he explained his view: '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.'[16] His words foreshadowed the conflict that would come to Western Equatoria later that same year (see Sections 5.6 and 6.2). Yet with that conflict as with the failed attempts at reinstatement, some critical insiders wondered whether really 'Juba' was to blame, or whether

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13   Conversation with elder at C Court, Ezo, 25 March 2015.
14   Interview with senior Avungara leader, Yambio, 16 February 2015.
15   Interview with member of the Constitutional Committee for the Zande Kingdom, Yambio, 2 October 2014.
16   Interview with senior Avungara leader, Yambio, 16 February 2015.

internal disagreements between Zande leaders had instead been instrumental.[17]

5.4   Returnee chiefs and reconstructed traditions

The time was ripe for chiefs to resurge, and to assert themselves as custodians of a privileged knowledge about history, tradition and customary law. But there was a problem: What could chiefs claim as the basis of this knowledge when they too had experienced the dislocations of war and displacement? In Yambio, both the highest traditional leader and the highest judicial authority told me in so many words that they were 'unsure' or 'confused' about customary law.[18] And so tradition became the focus of a great variety of reconstruction: There were radio broadcasts of elders telling old folk tales of *Ture* the trickster; and a female designer launched a new 'traditional dress' for the women in Gbudwe Stadium. The chiefs, too, had been displaced, and now sought ways to reconstruct and consolidate their 'traditional' knowledge.

Western Equatorian chiefs, like other South Sudanese, have often led mobile lives, and spent considerable time abroad. Of the 29 traditional authorities who responded, only seven had never left Western Equatoria. Most (18) had lived outside South Sudan, with periods ranging from a few months to 22 years. Destinations similarly varied from neighbouring DR Congo (7), Uganda (7), CAR (5), Sudan (4), Kenya (2) and Ethiopia (1), to Egypt (1) and the UK (1). Of those chiefs who lived abroad, half had lived in a single other country, and half in more than one. Fascinatingly, chiefs who were elected appeared on average to have lived more mobile lives than the chiefs who were appointed. This may be due to electorates valuing the knowledge and skills that returnees would have accessed and developed 'outside', including (English) literacy, education and the ability to connect with NGO's (Leonardi 2013, 185–86). Some chiefly candidates were called back to take up their position. The paramount chief of Tambura recalled:

> My father appointed me when I was still very young. He informed the county commissioner of his wish. He also told [Western Equatoria] governor Samuel and [catholic] bishop Gaasi. When the family sat with the community after the funeral, everyone agreed. So then County Commissioner Bakosoro [later Western Equatoria governor] travelled to Kampala to inform me.

Note again how this selection procedure mixed elements of inheritance, and appointment or approval by the community, state and church. This is a perfect illustration of the intricate connections in Western Equatoria between these

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17 Phone interview with Avungara senior government official, Yambio, 10 August 2017.
18 Interview with high court judge, Yambio, 2 October 2014.

spheres of influence, and the fallacy of neat divides. Chief Zaza, too, grew up abroad, and was initially reluctant to come back.

> When we ran from war in 1990, I was young. I was not in the [traditional] system much. I grew up in Congo and Uganda. Then my father cried to me: 'This is our system as Avungara! If you leave it is a curse. Because all the spirits of the Avungara and the elders have decided that you have to lead their people.' So when you refuse, it is wrong ... There are no excuses there. That was what I had to surrender to.

This quote speaks to the enduring currency of traditions – clan membership, the spirits, the elders – in the current era of globalisation, conflict and displacement. It also illustrates how people in various positions of leadership in South Sudan often stress that they are reluctant to be at the helm. Chieftaincy is no longer associated with the rewards that it once had (see Section 5.1), and it is not a position without risks. So, it is perhaps unsurprising that young people who have seen other lives can be reluctant to go back. Having spent so much time outside, Chief Zaza speaks like something of an outside observer when he discusses 'our people.' His first assessment of Naandi and its people was sober:

> Our people are still backward ... They could not love each other. There was witchcraft, and on market day people could fight and cut themselves [each other] with *pangas* [machetes]. There were a lot of criminals and drunkards. The former chief was a drunkard, too. Fortunately, I came from East Africa and had seen development – so I came to change the community somehow.

Zaza – and arguably the people who elected him – saw his time in 'East Africa' as an enrichment. This meant that upon his return, he sought to change his 'backward' people through development. In this sense, the chief is not so different from the Minister of Physical Infrastructure described in Chapter 4 who also returned with an idealistic or even utopian vision for change. Yet where the Minister mostly had eyes for the future, Chiefs like Zaza envisioned a harmonious marriage between tradition and modernity, or continuity and change.

To deal with the 'confusion' brought about by displacement, some 'returnee chiefs' – those who returned to be chiefs – were taught about their roles by stayee chiefs and Avungara. Chief Zaza embodied the right balance of outsider expertise and insider credentials, but his prolonged stay 'outside' had meant that he now lacked the requisite local knowledge to be chief. In the precolonial times described by Evans-Pritchard, a king or chief would groom his son(s) from a very early age to be experts on traditional and cultural matters, sometimes appointing one as his successor. These days are different. By his own admission, Zaza had not been 'in the system much,' and as other returnee-chiefs he lacked the knowledge that his job required. And so upon his return,

Zaza was received by a group of Avungara elders and lower chiefs, many of whom were no Avungara clan members and could therefore not rise to the highest ranks of chieftaincy. They prepared an induction period for Zaza, to make him an expert on 'the system':

> When I went back to South Sudan, they had to teach me about our culture and I had to follow ... In one or two months they will teach you: How you are going to deal with people, how you are going to respond, how to make statements, how you are going to deal with youth, women. They select for you a team who will be leading you, like your advisors. They show you what Chief Madi was doing before. But nowadays things have changed. Now you have to master the computer and catch up. Because it is not a political post where you just go and sit. Ours is different. If you are educated, you will write all these things down in a notebook. Then you need to make your headed paper. If there is a warrant of arrest, you cannot just send someone to arrest a person. You have to write it precisely.

Through this trajectory, Zaza was groomed. Traditions and customary law were a part of the curriculum, but so were bureaucratic skills. This proves once again how much the everyday work and appearance of South Sudan's chiefs can resemble that of local public administrators (Leonardi 2013, 207). There were notebooks, headed paper, arrest warrants, stamps and computers. Although people speak of different 'systems,' hybridity is everywhere and the chiefs themselves are the first to emphasize their close relation to government.

A second initiative to reconstruct tradition was undertaken in partnership between the chiefs of Western Equatoria and UNDP to 'ascertain' customary law. This was a clear example of the hybridization of global and local, and traditional and modern. The South Sudanese government and UNDP realized the importance of customary law and customary courts in resolving disputes throughout South Sudan. The ascertainment, for them, was one way of controlling the customary realm and to 'harmonize' it with national and international laws. The vision was to '[recognize] the 'positive' aspects of customary justice, while [minimizing] 'negative' aspects. (Leonardi et al. 2011, 111). The politics of the ascertainment and its reification of ethnic divisions and elite discourses have been debated elsewhere (Leonardi et al. 2011; UNDP 2013a). Here, I cite this example mostly to highlight how chiefs in Western Equatoria sought to leverage different actors, technologies and concepts to rediscover and strengthen the currency of 'tradition.' It is an example of the confrontation of local and global norms and interests, and conceptualizations of law.

Many chiefs that I interviewed in Western Equatoria had been enthusiastic about the ascertainment at first, citing two main reasons. First, some chiefs worried at their lack of knowledge about Zande customary law. As Yambio's paramount chief said: 'I sometimes forget customary law, and just remember

British and Arab law.'[19] These chiefs hoped that the ascertainment would help them rediscover and consolidate a pure form of their customary law. Second, especially many lower chiefs complained that too many people were 'pass[ing] verdicts like blind people' and that their rulings would be better 'if they were guided by government with written laws.'[20] For them the concern was not so much 'purity', but clarity and legal certainty.

The ascertainment project ultimately stalled in Western Equatoria. The chiefs neither 'self-identified' areas for reform (Mennen 2016, 45), nor validated the outcome that was presented to them.[21] Whereas they had been eager for technical support and procedural guidance, they wanted to have ownership over the substance of customary law and had become bitter about 'those of human right' advocating other norms.[22] For those searching for 'purity', this was a main concern. For the chiefs who had desired certainty, the ascertainment's results were equally mixed. For instance, one chief said he had secured a copy of the ascertainment through a friend with the UN, and that he kept this with the Sudanese Penal Code (2008) at home. Neither of these documents were technically to be applied as 'law' in customary courts, but the chief said 'We take ideas from it.'[23] Other chiefs had not seen any document, and were still waiting to hear from UNDP. In a way quite similar to the demarcation of land (see Chapter 4), the ascertainment had promised to unify and simplify rules and processes. However, after it got stranded, more confusion and pluralism were the result.

5.5   CUSTOMARY COURTS AND CHIEFS' DISPUTE RESOLUTION

The chiefs' position was built on more than elusive matters like *zeitgeist* and reconstructed traditions. In Western Equatoria, as in many other parts of post-colonial Africa, chiefs' most visible everyday role was as judicial authorities (Von Trotha 1996). And from these roles, they derived significant authority and legitimacy. In South Sudan, the customary courts are recognized in the Local Government Act (2009) as the lowest tiers of the judicial chain, with mostly civil jurisdiction (see Table 2).[24] The law is clear: The customary courts are integrated into the judicial chain, connecting the lowest A Court to the Supreme Court in Juba.

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19   Interview with paramount chief, Yambio, 16 February 2015.
20   Group interview with payam chief and court judges, Yambio, 1 October 2014.
21   Phone interview with former lawyer with UNMISS, 16 April 2015.
22   Interview with paramount chief, Yambio, 16 February 2015.
23   Interview with c-court judge, Tambura, 18 March 2015.
24   Local Government Act (2008), Article 98: 2: 'A Customary Law Court shall not have the competence to adjudicate on criminal cases except those criminal cases with a customary interface referred to it by a competent Statutory Court.'

Table 2: Administrative units and levels of chieftaincy. Source: Leonardi et al., 2010.

| Local government unit	Local Government Act: customary courts	Judiciary Act: judiciary courts
County	*C court: county paramount chief* Head chiefs as members Appeals **from** B courts and **to** county judge Criminal cases referred by statutory courts; cross-cultural civil suits Supervised by county commissioner (not judiciary)	County judges (first and second grade)
Payam (Note: it is not clear whether the courts at this level provided for by both acts are to be combined as a single court or exist in parallel.)	*B (regional) court: head chief* Chiefs as members Appeals **from** A courts and **to** C court Major customary disputes (including land); minor public order cases Supervised by paramount chief	Payam judge (legally trained)
Boma	*A (chief) court: executive chief* Subchiefs as members Appeals **to** the B court Family/marriage cases, traditional feuds, local administrative cases Supervised by head chief	

Note: Arrows denote direction of appeal.

Yet the schematic clarity of the law has had limited bearing on practice. Chiefs' customary courts are rooted in local social, political and economic histories (Leonardi et al. 2010, 20, 199). In Western Equatoria some saw the customary courts as the heirs of pre-colonial justice systems. The state minister of local government: 'These courts were already practicing these powers since the Zande Kingdom. We had courts, judges, chiefs, Avungara.'[25] Despite these illustrious origins, many of the courts' forms and functions were shaped in the colonial era (see Section 2.4). Since then, conflict and displacement have left their mark: Court buildings and records were destroyed; returnees came with new notions of rights (Leonardi 2013, 211); and particular returnee-chiefs also brought new ideas on the relations between people and authority (see Section 5.4).

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25   Interview with minister of local government, Yambio, 27 February 2015.

These diverging histories, have resulted in customary courts that differ in physical appearance, location, popularity, number and type of cases, staffing, the sanctions they apply and the sources of law they refer to. Some were held in large stone structures with iron roofs, others under mango trees. The B Court in Yambio was open most days and had heard 293 cases in less than a year, the B-Court in the village of Sakure over the same period had only heard 47 cases. Still, some generalizations can be made. We found that in practice as in law, the administrative unit's main chief was typically the chairperson of the court. Yet most of the day-to-day dispute resolution was done by panels of members: lay men and women who were known in the area as problem-solvers, often not Avungara.

Figure 5: Aggregate customary court caseload (n = 597)
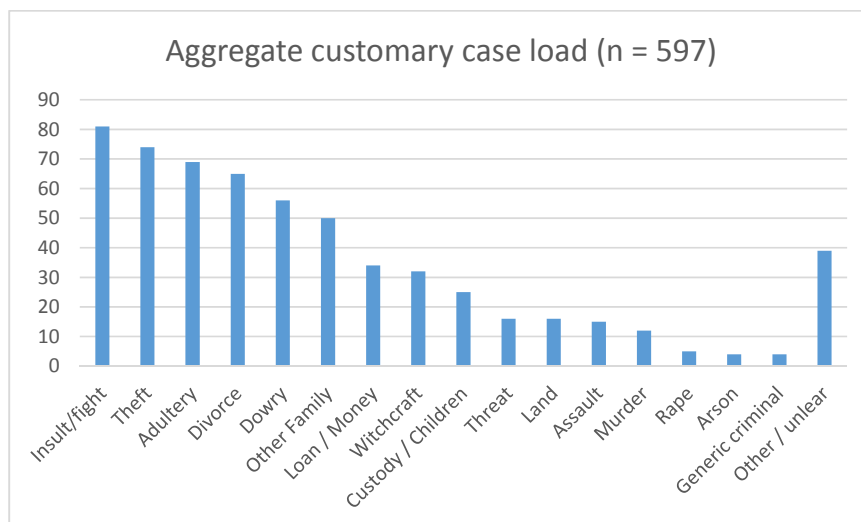
Above is a chart of the aggregated caseload of five customary courts we visited (see Annex 4).[26] Customary courts' jurisdiction is limited to civil cases, but from the court records and our observations it was clear that all heard criminal cases, too. When we asked court members why, they mainly listed the absence of state courts and judges, and the unclear distinction between criminal and civil cases. In Juba, the Ministry of Justice and UNDP saw chiefs 'overstepping' of their jurisdiction as one of the main 'negative aspects' of customary law that they hoped to change through trainings.[27] Yet we saw first-hand the disastrous consequences of customary courts sticking to their jurisdiction. In Tambura there were no statutory judges, and we found suspects in criminal

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26   The courts included were Yambio B-Court, Nzara B- and C-Court, Sakure B-Court, Rii-Rangu B-Court, over a period of roughly 1 year ending in February 2015.

27   Interview with UNDP democratic governance and stabilization unit, Juba, 7 October 2014.

cases who had spent 5 years in 'pre-trial detention' awaiting the arrival of a competent judge (Braak 2016, 58). In the absence of a well-functioning statutory judiciary, the limited jurisdiction of customary courts obviously harmed the rights and interests of the accused.

One debate in the literature on customary courts in South Sudan and beyond, focuses on their inclination to punish or provide harmony. One side of this debate argues that customary law is disposed towards compromise rather than punishment (Mennen 2008, 2; Salman 1983, 86). In the sweeping words of UNDP, 'the basis of all customary law is the special need for reconciliation and providing harmony instead of punishment' (UNDP 2013b, 23). The other side, considerably more grounded in history and empirical research, argues almost the reverse: that customary courts were seen as 'highly adversarial and combative arenas' and 'another means of state extraction of resources' (Leonardi 2013, 202).

We found a paradox in Western Equatoria's customary courts. Court members and disputants would speak of restoring harmony and achieving compromise solutions. And in the court cases we observed, court members did consider the broader social context of disputes, and advised disputants on how to restore harmony. At the same time, they rarely missed the opportunity to levy fees, fines or 'bail'. To be found guilty, meant to have to compensate the plaintiff, victim(s), in-laws, chief and/or government. As in colonial times, this was done often in kind. A chief at Ezo's A Court explained: 'What we mean by 'prison' is that they stay at home, but report at 7.30 for casual work … That could include cultivating, digging, cutting grass for roofing.'[28] But money played an increasing role in the customary courts, too. Despite customary courts not having criminal jurisdiction, they would routinely sentence people to 'prison' or 'bail,' which was in the majority of cases directly converted into a monetary sum, with the rate per month differing per court. Customary court members remitted part of the court revenues to local government, but would also receive a share. They had a fairly direct economic interest in punishing people.

Customary courts had to tread carefully, because in the context of legal pluralism disputants had ample choice as to where to bring their problem, i.e. 'forum shopping' (Rigterink, Kenyi, and Schomerus 2014). Courts with a reputation for good judgement 'attracted large numbers of cases' (Leonardi 2013, 209). Conversely, courts that were too extractive and punitive, might lose clientele. This form of downward accountability mirrors the accounts of pre-colonial chief-client relations, when people could abandon an unpopular chief and settle elsewhere (see Section 3.1) (Evans-Pritchard 1963b). People now sometimes also lobbied administrative officials for the removal of indi-

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28   Interview in Ezo, 26 March 2015. Also: Interview with UNMISS Judicial Affairs and Human Rights Officer, Yambio, 28 January 2015, Interview with payam chief, Tambura, 20 March 2015.

vidual chiefs. Because people in Western Equatoria, as elsewhere, typically 'distinguish clearly between the office and its incumbent' (J.L. Comaroff and Roberts 1986; Oomen 2005). When people object to an individual chief or customary court, they may not aim to 'alter the nature of political offices and of the social structure in which they function' (Gluckman 1969, 28). Instead, they may just want another individual office holder.

Customary courts are often accused of being biased in favour of the powerful, in-groups and men (Albrecht et al. 2011, 153). This is not what we saw in Western Equatoria. Here, the stereotypically 'weak' – women, migrants, uneducated – leveraged the power of 'the law' in customary courts, often against more powerful people (Braak 2016). In Yambio's B-Court, for instance, we witnessed a case in which the court members sentenced a headman to compensate a 27-year-old Congolese woman whose land he had sold in her absence. After the hearing, the woman said, 'The ruling was beyond my expectation, because before I was warned that since I am a foreigner maybe these people will not give my right.'[29] She was not alone.

In the customary courts that we have records from, between 30 and 44 percent of cases were opened by women, often to hold husbands accountable for domestic violence or neglect, or to file for divorce. This partly reflected the persistent high rates of violence and discrimination of women. As the paramount chief of Nzara put it: 'The majority [of people coming to his C Court] are the women because men mistreat women by violating their right. So women turn up to seek justice.'[30] But it also indicated that women in the towns had found their way to the customary courts, and were now 'successfully arguing for divorce or the enforcement of marital obligations upon their husbands' (Leonardi et al. 2010, 41). A critical shortcoming that the customary courts shared with their statutory counterparts, however, was the limited enforcement of their rulings. Public authorities were often reluctant to confront especially the powerful and violent members of society (Braak 2016), and justifiably feared that the latter would revenge unfavourable rulings (see Section 4.5).

Earlier research on South Sudan's various justice systems connects the popularity of customary courts to the 'inaccessible, unfamiliar and illegitimate' formal justice systems (Leonardi et al. 2011, 111). In Western Equatoria, the formal system seemed more inaccessible than illegitimate. Courts were understaffed and underfunded. In 2015 only three out of the state's ten counties had statutory county courts.[31] The few operational courts were often staffed by judges from elsewhere in South Sudan, who were typically trained in law in the 'high Arabic' of Khartoum, and did not speak local languages. Customary

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29 Interview with 27-year-old Congolese woman, Yambio, March 2016.
30 Interview with paramount chief, Nzara, 12 March 2015.
31 Interview with UNMISS Judicial Affairs and Human Rights Officer, Yambio, 28 January 2015.

courts, by contrast, were more accessible: in open structures, conducted in local languages, and more embedded in local patterns of the transformation of disputes.

Still, customary courts and chiefs were undeniably seen as connected to, even *part of*, government and the law. Consider the words of a woman who took her abusive ex-husband to the customary B-Court in Yambio: 'I looked at the case worsening and I decided to go before the law since we are staying in the area of the government which is having laws and regulations to be followed.'[32] Government, laws and regulations, in her view, were linked to the territory of the town, and so living there made her decide to 'go before the law.' That meant going to the customary court. As with chiefs' selection procedures and the 'customary induction' of Zaza, the customary courts of Western Equatoria defy various dichotomies (i.e., 'state'/'non-state', 'punitive'/ 'restorative', 'traditional'/'modern').

5.6   WALKING THE TIGHTROPE: GATEKEEPING AND BROKERING IN TIMES OF CONFLICT

The main role that South Sudanese legislation reserves for chiefs or 'traditional leaders' is to resolve disputes in customary courts (see Section 5.5). But chiefs appoint court members to do that for them. They devote much, some most, of their time on the virtuoso set of activities often called 'gatekeeping' or 'brokering' (Leonardi 2013). Chiefs often present themselves to powerful outsiders (be they slavers, ivory traders, state powers, armed groups, aid organizations or teak companies) as essential mediators to access particular people and places. To 'their people,' chiefs often promise to negotiate regular and beneficial contact with those various outsiders.

The example of chief Moses Zaza of Naandi is again illustrative. When he 'took office' in September 2012, the chief made a promise to 'his people' to bring 'development and peace.' Next, he contacted powerful outsiders to help him achieve his vision for Naandi. For 'development,' the chief wrote to NGO World Vision to come build a hospital, and to telecom providers Zain and Vivacell to 'bring the network.' To promote peace Chief Moses invited the prison authority, police, and land surveyors.[33] One of my colleagues confirmed that the various developments had indeed taken place in the Chief's area, but wondered whether all of it was initiated by the Chief. This is of course another ambiguity that smart chiefs thrive in: Whenever good things happen in their area, they claim (some) credit. When something bad happens, they can blame their powerlessness.

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32   Interview with B-court disputant, Yambio, February 2015.
33   Interview with paramount chief Naandi, Kampala, 28 November 2018.

This gatekeeping is familiar territory in political anthropology, and the study of African and South Sudanese chieftaincy particularly (Leonardi 2013; Verweijen and Van Bockhaven 2020, 8). But what happens in times of conflict, when there are conflicting and violent demands on the chiefs? When the gulf between local populations and the national government and army grows? When, in the words of Von Trotha, chiefs have to 'walk the tight-rope between two different and antagonistic orders' (Von Trotha 1996). This has happened periodically in Western Equatoria since time of Gbudwe and Tambura (see Section 2.3). Yet when 'it started again' over the course of 2015, chiefs were in an especially difficult situation. Initially, there was a bifurcation in state authority, with the national and state level pitted against one another. Yet it soon became apparent that different 'local' power brokers were trying to leverage 'Juba' to help them dominate in Yambio, and that the 'local population' was also divided (see Section 6.2). In other words: The tight-rope was no longer between two steady antagonistic poles, but between various opaque forces in flux.

Many chiefs had been active in the establishment of the Arrow Boys in their communities, and to Governor Bakosoro (see Section 2.6). Those had been uncontroversial allegiances to hold in previous years when the LRA was the enemy, and the Arrow Boys enjoyed widespread popular legitimacy. This changed over the course of 2015 and 2016, when the Arrow Boys started to fight the SPLA. The Arrow Boys came under the control of military characters with political ambitions, and a force that chiefs could barely influence (McCrone 2020; HSBA 2016).

Chiefs' 'gatekeeping' claim to knowledge and connections with various groups and places, made them suspect in war time. Chiefs, like government officials (see Section 4.5) feared retaliation when they did anything to offend (individual) rebels or soldiers. As a Zande elder in Kampala lamented, 'several Zande chiefs have been targeted, detained arbitrarily, and tortured.'[34] Chiefs' movement became more difficult, too, especially between the government-controlled towns and the rebel-held countryside. One customary leader, who lived on a rural compound some 6 km from Yambio but worked in town, was assaulted and mugged three times by different factions. A church leader from Yambio 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 ... 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? ... Those who need [want] peace with the government and

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34   Interview with former state minister, Kampala, 13 June 2017.

> 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.[35]

As the war split Western Equatoria in 'different countries', different chiefs pursued different strategies. First, some especially lower-level chiefs felt utterly powerless to influence the fighting factions and instead fled with their communities. One chief we interviewed in Yambio, had been displaced from a rural area north of Yambio. He described how from 2016, the 'so-called Arrow Boys In-Opposition came and attacked the whole area of … They would come and collect people's food from their granaries, and leave people empty-handed.'[36] This chief was one of around 7,000 people who fled from that area to Yambio (World Vision 2017; UNOCHA 2017). Upon his arrival in Yambio, this chief took up a new traditional authority position in the B-Court.

Second, some chiefs sought to convince armed groups that they were neutral, and to mediate between them. But this often aroused suspicion. Consider again the case of Chief Moses Zaza. He practiced shuttle diplomacy between the Arrow Boys in his area and the state government in Yambio. At first, he had the ear of both parties, but before long he was threatened by both, and forced (briefly) to run to Uganda for safety.

A third group had sided with the SPLA, and sought to talk the Arrow Boys out of fighting. One grandson of Prince Gangura had been a soldier with the SPLA since 1990. When he heard that the Arrow Boys were 'fighting the government' in his hometown, he went there to talk: 'I went there to talk to them like an elder. To tell them to calm down, and that this fighting was against Zande culture. Then when I left, they tried to kill me. They shot and wounded my leg.' This senior Avungara and heir to the local princedom was shot by 'his people,' when he invoked Zande tradition and his position as an elder. He came to Uganda for medical treatment and was still there after two years. Yet he insisted he was no 'refugee': 'I am still employed with the SPLA and I want to go back.'[37]

A fourth group was more sympathetic with the Arrow Boys, and critical of the SPLA. As one refugee in Uganda observed, 'some people go to the bush and the chiefs support them.'[38] The most prominent example, paramount chief Wilson Hassan Rikito Peni of Yambio, had continuously spoken critical of SPLA abuses against civilians, and in defence of 'local youth'. Finally, he was arrested in November 2016 without trial or explanation. 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

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35   Interview with pastor, Rhino Camp, 11 August 2017.
36   Interview with executive chief, Yambio, 5 April 2017.
37   Interview with Gangura Isaya, Arua, 9 August 2017.
38   Interview with 27-year-old refugee, Bidibidi RS, 18 August 2017.

State, Patrick Zamoi. Bakosoro protested his arrest, warning that it could 'destroy the social fabric of the Azande community' (Radio Tamazuj 2016b). Among refugees in Uganda his arrest was also interpreted as a blow to aspirations for a reinstated Zande kingdom.

Paramount Chief Peni was released after a month, and then took 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, and on 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 remain vitally important.

Chiefs' tactics during the civil war varied: Some felt powerless and were displaced, some practiced shuttle diplomacy (like Chief Moses), some were with the SPLA (like Gangura), and some defied and criticized the SPLA (like paramount chief Peni initially). This illustrates well that the position of chiefs during the war became more precarious, and the tightrope between various factions and armed groups impossible to balance. And so all faced threats, some were shot, others imprisoned, and others still ran to Uganda.

5.7   CONCLUSION

In the turbulent post-war years around independence, chiefs were hardly 'resurging' in a material sense. During the Second Sudanese Civil War chiefs had often been abused by armed groups, and government had invested little in them. They felt humiliated, and complained that they now did not have sufficient power and wealth. Put dramatically: 'We are reduced to zero' (Rift Valley Institute 2016). War had certainly weakened chiefly authority, but their suffering and sacrifice had also contributed to their widespread popularity. As a refugee in Uganda would later summarise it: 'You die with your people! That is the spirit we appreciate in them [the chiefs]!'[39] Further, chiefs' self-proclaimed 'weakness' ought not to be understood in absolute terms (they were not 'zero'), but as an expression of the discrepancy between their aspirations and reality. This 'weakness' was also functional: It allowed chiefs to claim the good that happened in their communities, while attributing the bad to their weakness.

While elements of chiefly authority in Western Equatoria were rooted in the distant pre-colonial past, much was changing and self-consciously under construction. In 2015 most Zande chiefs were still Avungara men who traced ancestry to the pre-colonial kings. But it had become rarer for chiefs to be appointed by their fathers, with most chiefs now going through some form

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39   Interview with female elderly refugee, Rhino Camp RS, 12 August 2017.

of election. In such elections traditional pedigree remained important, but other factors (e.g., education, work experience, behaviour) gained ground. During the decades of war most people, including the chiefs and their children, had lived abroad as refugees. So, chiefs now were increasingly 'returnees', with two third of chiefs we interviewed having lived abroad. 'Returnee chiefs' were a mixed blessing: They brought a wealth of experiences and knowledge from 'outside', but were also to some extent estranged from local culture, politics and history (like returnee state bureaucrats, Chapter 4). This chapter presented the case of Chief Zaza, who upon his return from Uganda was groomed for chieftaincy by 'stayee' chiefs and elders (see Section 5.4). Stayees and returnees alike admitted that war and displacement had caused confusion, and that traditions and customary law needed to be reconstructed or reinvented.

The *zeitgeist* of self-determination had reinvigorated ideas for cultural and even political sovereignty, such as the Zande Kingdom, with prominent roles for traditional authority (see Sections 5.3.2 and 8.5). The weakness of individual chiefs, seemed to do little to dissuade people from supporting the idea of traditional authority. In Western Equatoria, people's support for individual chiefs varied quite widely, yet traditional institutions such as a to-be-reinstated Zande Kingdom enjoyed unanimous support (Rigterink, Kenyi, and Schomerus 2014). This relates to Oomen's point that people's differentiate between the *individual* chief and the *institution* (Oomen 2005). I would put it even stronger: the popularity of chieftaincy is only partly based on the actual everyday 'performance' or 'functioning' of chiefs, it also rests on powerful, less tangible notions about tradition, history and belonging.

In South Sudan, as elsewhere, chiefs by no means held a monopoly on tradition. The '*retour à l'authenticité*' ('return to authenticity') has been a political trope in various times and places, notably in various African post-colonial military dictatorships in the 1960s and 1970s (Mazrui 1976). In some other African contexts, the collapse of state structures in the 1990s led to the ascent of powerful NGO's and churches, which were antagonistic to 'past-oriented' traditional order with its 'relational dependency' (Piot 2010). But this chapter has demonstrated how in Western Equatoria, instead, chiefs were not so 'past-oriented' at all, and how NGO's and churches, too, invoked 'tradition' and 'history'. Some authors have made Bourdieu-inspired analyses likening 'tradition' to 'resources' or 'capital' (Hoffmann, Vlassenroot, and Mudinga 2020; J.L. Comaroff and Comaroff 2018; Leonardi 2013). These analogies evoke an image of a marketplace of ideas and interests, in which 'tradition' is invoked to shape the negotiations. But contrary to capital, 'tradition' is not finite or subject to zero-sum games. Instead, in Western Equatoria at least, the currency of tradition only increased due to its widespread usage by politicians, church leaders and the UN. Rather than capturing or monopolizing 'tradition', they legitimized it and, in the process, also elevated the prestige of chieftaincy, even if that did not directly translate to chiefs' wealth and power.

Chiefs' popularity in Western Equatoria rested in part on their very visible work in the state-recognised customary courts (see Section 5.5). Statutory courts were absent in many places and under-staffed elsewhere, which is partly why customary courts handled (criminal) cases beyond their jurisdiction. The customary courts were accessible and typically responsive to their disputants, because court members relied on disputants to bring problems, pay the court fees, and reaffirm their authority. Through these customary courts, the chiefs produced a semblance of order and stability, so necessary for the continuation of daily life in the context of the growing uncertainty of the South Sudanese Civil War (2013-2020). Later in Ugandan refugee settlements, South Sudanese refugees would indicate that they missed the chiefs partly for this stabilizing influence (see Sections 8.3 and 8.5). But there were also other ways, in which chiefs had come to symbolize 'stability'.

Chiefs presented themselves, and were often seen, as the representatives of a traditional order. People's lives had been marked by war and displacement, and the pace of change exceeded most people's ability to adapt. Many were receptive to the chiefs' promise of existential stability. In this respect, there are important similarities between post-conflict chiefs, and the post-colonial chiefs whom, according to Von Trotha, derived their popularity partly from the disorder brought about by colonial occupation (Von Trotha 1996). In Western Equatoria, peoples' longing for a better and sovereign future, became infused with nostalgia for the pre-colonial past (see Chapter 8). Here, there are similarities between the very modern urban planning of last chapter, and the plan to reinstate the 'traditional' Zande Kingdom. Neither seemed realistic in the short term, but both allowed people a moment's respite from the fragile and conflict-affected present. Nonetheless, as we will see in Chapter 8, beneath the near consensus on restoring traditional institutions, peoples' imagined futures and desires of chiefs and chieftaincy varied widely.

When the civil war spread to the Equatorias in 2015 and violence escalated in Juba in July 2016 (see Chapter 6), chiefs were impacted in various ways. They faced familiar demands and dilemmas in nonetheless new and changing military-political configurations (see Section 5.6). This chapter details the divergent choices chiefs made: One was displaced by Arrow Boys to Yambio town, where he made a promotion; another practiced shuttle diplomacy until he was threatened and ran for safety to Uganda; one joined the SPLA and was shot by the Arrow Boys in his home area; and another strongly criticized the SPLA and was imprisoned in Juba. These strategies and outcomes illustrate well the precarity of chieftaincy in wartime, and the diversity in their strategies and subsequent outcomes. This is reminiscent of chiefly positioning in the neighbouring DR Congo's wars, even if there chiefs appear to be more closely associated with warring parties (Hoffmann, Vlassenroot, and Mudinga 2020, 134). Remarkably, few South Sudanese chiefs joined the two million South Sudanese refugees abroad – in the spirit of serve or sacrifice – but even in their

absence in the Ugandan refugee settlements, the *idea* of traditional authority stayed very much alive (see Chapter 8).