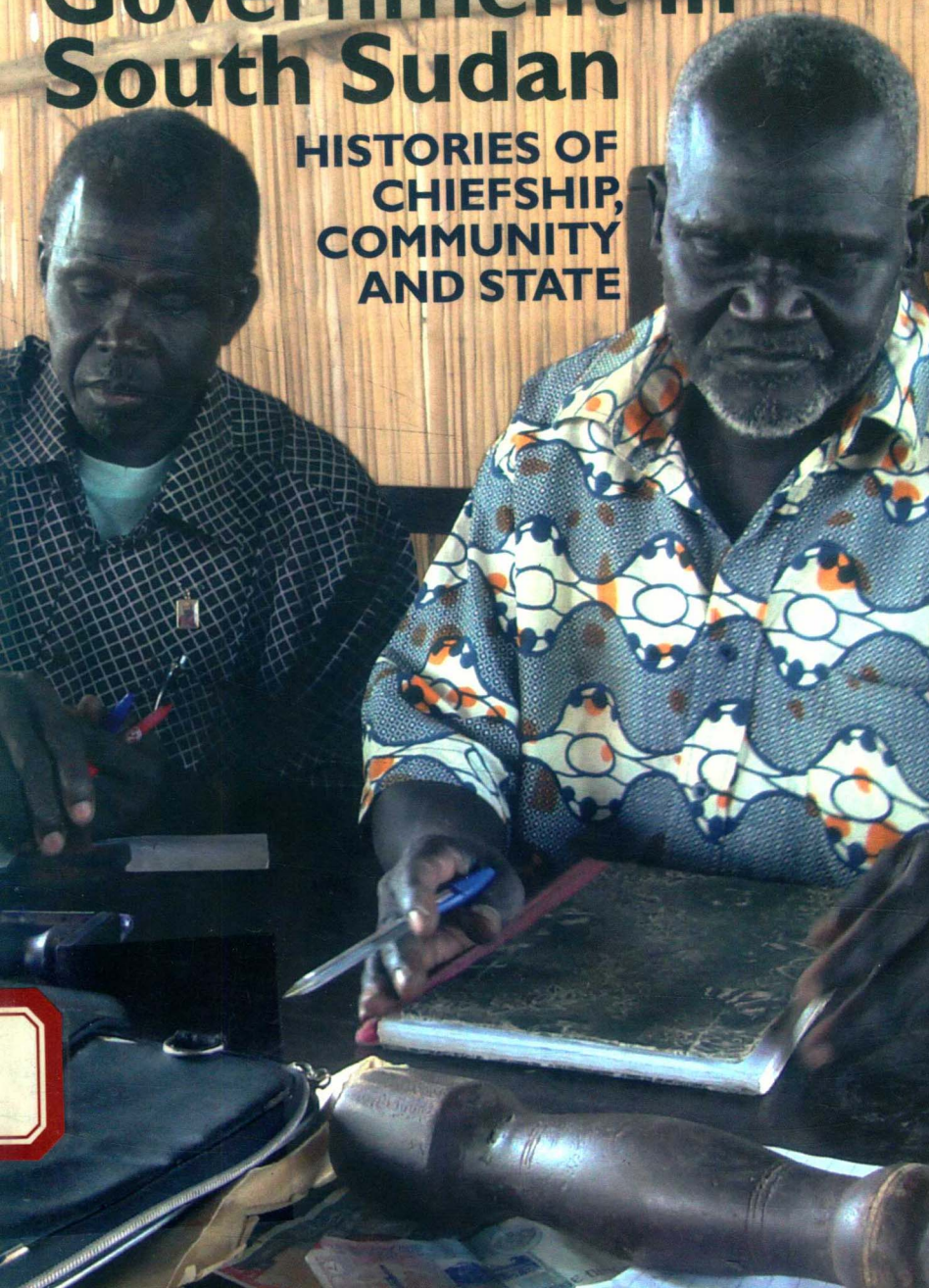


Cherry Leonardi

Dealing with Government in South Sudan

HISTORIES OF
CHIEFSHIP,
COMMUNITY
AND STATE



Dealing with Government in South Sudan

Histories of chiefship,
community & state

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Dedication

For my mother, Jean Leonardi

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Abbreviations

Ar.	Arabic
BLC	Boma Liberation Council(s)
CID	Criminal Investigation Department; commonly used to mean government and military intelligence services and their informers
CMS	Church Missionary Society
CoTAL	Council(s) of Traditional Authority Leaders
DC	District Commissioner (British colonial official)
GGR	Governor-General's <i>Reports on the Finances, Administration and Condition of the Sudan</i>
GoSS	Government of Southern Sudan (2005–11)
HMSO	Her Majesty's Stationery Office
LA	Legislative Assembly
MI	Military Intelligence
NCP	National Congress Party
NGO	Non-Government Organisation (local or international)
NIF	National Islamic Front
NRO	National Records Office, Khartoum
OAU	Organisation of African Unity
SAD	Sudan Archive, Durham
SAF	Sudan Armed Forces (the national army of Sudan)
SANU	Sudan African National Union (southern Sudanese political party)
SIR	<i>Sudan Intelligence Report</i>
SPLM/A	Sudan People's Liberation Movement/Army
SRO	Southern Records Office, Juba
SRRA, SRRC	Sudan Relief and Rehabilitation Association, later Commission (the relief wing of the SPLM/A)
SSU	Sudan Socialist Union (under President Numayri)
TNA	The National Archives, Kew, London
UNDP	United Nations Development Programme
USAID	United States Agency for International Development

Glossary

There is considerable variation in the names and spellings of places, ethnic groups and other terms in South Sudan; I have adopted those that are most commonly used, and/or follow the simplest orthography. Similarly transliteration of Arabic words follows their colloquial pronunciation in South Sudan.

<i>agamlong</i>	(Dinka) acceptor/repeater of speech; formal interlocutor in courts and ceremonies
<i>baai</i>	(Dinka) village or homestead; the country in the sense of a community
<i>bazingari/bazingers</i>	slave-soldiers in private armies of ivory and slave traders in nineteenth-century southern Sudan; still used in some areas for chief's retainers
<i>beny</i> (pl. <i>baany</i>)	(Dinka) chief; person with spiritual and/or political power
<i>beny alath</i>	(Dinka) chief of the cloth: government chief
<i>beny baai</i>	(Dinka) chief of the village/country; government chief
<i>beny bith</i>	(Dinka) master/chief of the fishing spear; 'spear-master': spiritual leader
<i>beny riel</i>	(Agar Dinka) chief of power/strength: chiefs' court retainer/bailiff
<i>boma</i>	Term for lowest-level unit of local government in the SPLM and GoSS administrations; village
<i>bunit</i> (pl. <i>bonok</i>)	(Bari) practitioner of indigenous medicine, healing or divination
<i>'dupi</i> (pl. <i>'dupet</i>)	(Bari) dependents/clients (sometimes translated as 'slaves')
<i>effendiya</i>	(Turkish) educated bureaucrats; civil servants during the Condominium
<i>feddan</i>	(Ar.) measurement of land: 1.038 acres
<i>ganun</i>	(Ar.) laws
<i>gela</i>	(Bari) government; also foreigners, white people
<i>gol</i> (pl. <i>gal</i>)	(Dinka) cattle camp hearth: any group defined by agnatic descent
<i>hakuma</i>	(Ar.) government or state
<i>hukm/hukum</i>	(Ar.) court judgment, penalty or fine
Jehadiah	(archaic) see <i>jihadiya</i>
<i>Jieng</i>	(Dinka) the people; the Dinka people
<i>jihadiya</i> (or <i>jihādī</i>)	(Ar.) slave-soldiers in Egyptian or Mahdist armies; native police in early Condominium southern Sudan
<i>jur</i>	(Dinka) foreigners; other tribes
<i>kaiyo</i>	(Bari) first-born; senior lineage
<i>khawajat</i>	(Ar.) foreigners; white people
<i>koc peen/bec</i>	(Dinka) people of the town/rural areas
<i>kujur</i>	(Ar.) general, often pejorative, term for experts in indigenous

<i>long</i>	spiritual, supernatural and medical practices
<i>luak</i>	(Dinka) speech, e.g. in a court case (see <i>agamlong</i>)
<i>luk</i>	(Dinka) cattle-byre (can be a ceremonial building)
<i>mac</i>	(Dinka) court or gathering to resolve disputes
<i>makama</i>	(Dinka) to tether/constrain/imprison
<i>malakiya</i>	[Ar.] court
	South Sudanese urban residential area, originally inhabited by retired soldiers of the Egyptian army (from Ottoman Turkish)
Malakiyan	Persons descended from the original inhabitants of the <i>malakiya</i> areas, usually preserving aspects of military and Islamic cultures and creole Arabic or Nubi language (also known as Nubians)
<i>mamur</i>	(Ar.) junior administrative officer
<i>matat lo lori</i>	(Bari) chief of the iron rod i.e. rain chief
<i>medina</i> (pl. <i>medinat</i>)	(Ar.) town
<i>mejlis</i>	(Ar.) council
<i>merkaz</i>	(Ar.) district administrative headquarters
<i>miri</i>	(Ottoman Turkish) term for Egyptian ruler in nineteenth century; still used by Bari-speakers to mean 'government' (from <i>amir</i> , governor)
<i>monyekak</i>	(Bari) owner/lord/chief of the land
<i>muk</i>	(Dinka) to hold, bring up, protect
<i>nutu</i> or <i>ngutu</i>	(Bari/Mundari) people
<i>nutu lo miri</i>	(Bari/Mundari) government people
<i>payam</i>	SPLM and GoSS intermediate unit of local government, between the county and the <i>boma</i>
<i>peen</i>	(Agar Dinka) town
<i>putet</i>	(Bari) council or meeting of elders
<i>razzia</i>	(Ar.) raid
<i>riel</i>	(Dinka) power/strength
<i>shari'a</i>	(Ar.) Islamic law and its sources
<i>sheikh</i>	(Ar.) religious leader; chief or other notable
spear-master	See <i>beny bith</i>
Sudd	Vast swamps on the Nile in the northern part of South Sudan
<i>tueny</i> (<i>dit</i>)	(Dinka) (senior) officer; literate person; town-dweller
<i>tukl</i>	(Ar.) Traditional thatched house
<i>tukutuku</i>	Expression used in southern Equatoria for soldiers of either the Turco-Egyptian army, the Mahdist army or the Belgian Congo forces
<i>vekil/wakil</i>	(Ar.) agent or deputy
<i>waraga</i>	(Ar.) paper
<i>wut</i> (pl. <i>wuot</i>)	(Dinka) cattle camp; cattle herd; co-herding group, tribe or section
<i>yic</i>	(Dinka) right or truth
<i>zariba</i> (pl. <i>zara'ib</i>)	(Ar) thorn-fenced enclosure; fortified military camp or station

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Introduction: The making of chiefship, state and community in South Sudan

In May 2009, fourteen hundred chiefs or 'traditional leaders' were transported by the Government of Southern Sudan (GoSS) to a conference in the town of Bentiu. The semi-autonomous GoSS had been created by the 2005 Comprehensive Peace Agreement, which ended the war of the Sudan People's Liberation Movement/Army (SPLM/A) against the Sudanese government (1983–2004). The Bentiu conference was called to mobilise the chiefs' support for internal conflict resolution, elections and the national peace process, in the lead-up to a referendum on South Sudanese secession in 2011. The GoSS President and SPLA commander-in-chief, General Salva Kiir Mayardit, opened proceedings with a public thanks and apology to the assembled chiefs for their role in the war:

It was you the paramount chiefs who ensured that the social fabric of our people was not disturbed by the war. You organized our people to support the liberation struggle, you mobilized and recruited the youth to join the ranks of the liberation struggle, you organized your people to provide food for the army. It was your bull, your goat, your chicken, your fish and your dura [sorghum] and cassava that fed us, it is you who carried the war materials on your heads and shoulders... During our liberation struggle you proved so essential to our survival as water is essential to the survival of fish.

I know as much as you do, that in spite of your major contributions to the liberation struggle, our relations were not milk and honey. Some of you were manhandled and treated badly by some of our soldiers... My dear paramount chiefs and traditional leaders, I apologize to you on my own behalf as leader, and on behalf of the SPLA and on behalf of your government for all those bad things we did to you as individuals during the course of our liberation struggle and even during peace times. I ask you as victims and as leaders to forgive ourselves.¹

Such rhetoric was not new: even before the 2005 peace, SPLM/A leaders had been conciliatory and appreciative towards the traditional authorities, and the GoSS was now emphasising a prominent role for chiefs in local government legislation. But the President's 2009 speech represented a conspicuous rebuttal of widespread national and international commentary, which stressed the destruction of traditional authority and 'social fabric' by decades of war. According to a USAID report in 2005, customary law and chiefly authority had become 'a victim of the war', as 'the demands of war overshadowed traditional practices', resulting in the 'loss of authority of traditional chiefs over their youth'.² And this was a continuing process, according to another analyst:

¹ Speech by the President of the Government of Southern Sudan, H.E. Gen. Salva Kiir Mayardit, to the conference of kings, queens, paramount chiefs and traditional leaders, Bentiu, Unity State, 17 May 2009 (Juba: Office of the President, GoSS, 2009).

² Sudan Peace Fund Final Report, October 2002–December 2005 (USAID/Pact Sudan, consulted in Pact Juba offices on 25 July 2006), p. 257.

traditional values and community structure were 'under siege in post-conflict Sudan'.³

In a context categorised as a 'post-conflict' or 'fragile' state, institutional resilience and historical continuity are all too easily overlooked in the urgent work of state-building. Alternatively, when tradition and custom are invoked as a perceived source of legitimacy for 'new' institutions of government, it is usually with an assumption of age-old origins and automatic communal identification.⁴ Yet the President's speech reflected particular patterns of relations between the state and the chiefs that had developed over a century and a half. His description of chiefs as both victims and leaders chimed with local narratives of their history at the frontline of encounters with the recurring violence and predation of successive states. It was not only in the recent war that chiefship could be seen as 'essential to the survival' of an emerging state power; the local histories of chiefship traced in this book reveal in turn how state and local community have been mutually constituted in South Sudan since the nineteenth century. These processes of state-making and the construction of traditional orders have been belied both by the prevalent view of state failure in the history of Sudan, and by the established scholarly analyses of South Sudanese societies as inherently stateless, anti-state or excluded from the state.

Since the colonial rule of the Anglo-Egyptian Condominium of Sudan, tradition and history have been employed as discursive resources by chiefs and their supporters, reworked in the face of modernising nationalism and liberation war to emerge resurgent in the twenty-first century. Yet histories of chiefship – even those told by chiefs themselves – do not root them in the 'time immemorial' of common contemporary assumption. They do not even necessarily or straightforwardly root chiefs in the local genealogies of founding fathers and ancestral first-comers, which so often provide a narrative for the political structures of rural economy and society. Instead these histories locate chiefship firmly in the encounters of rural people with the forces of state power, dated to quite specific moments in the nineteenth and early twentieth centuries. Chiefship, unlike other forms of authority, represents not the first-coming of clan and lineage ancestors,⁵ but the first-coming of the state, the *hakuma* (Ar.: government).

Chiefs have not been a distinct category or class of South Sudanese society; chiefship has been held by a variety of individuals in diverse contexts. But their success has rested primarily upon their claims to plural forms of knowledge and their ability to assemble a repertoire of discursive resources.⁶ Individuals have been recognised or selected as chiefs because they were seen to know how to deal with government, both in the sense of developing strategies for coping with its threats and demands, and in the related sense of brokering deals with it. Through such interpreters and interlocutors, people have sought to 'contract' government, in Rafael's 'double sense of circumscribing its reach and regular-

³ Tiernan Mennen, *Adapting Restorative Justice Principles to Reform Customary Courts in Dealing with Gender-Based Violence in Southern Sudan* (San Francisco, CA, 2008), p. 3.

⁴ It is common for both South Sudanese and international commentators and analysts to assert that tradition and custom are of 'immemorial antiquity' and that each tribe or clan has its own discrete body of customs: e.g. Aleu Akechak Jok, Robert A. Leitch and Carrie Vandewint, *A Study of Customary Law in Contemporary Southern Sudan* (Monrovia, CA, 2004), pp. 12–13. Such discourse is discussed further in Chapters 9 and 10.

⁵ Unlike chiefs elsewhere in Africa who have held greater authority over land and claimed descent from pre-colonial rulers: e.g. Paul Richards, 'To fight or to farm? Agrarian dimensions of the Mano River conflicts (Liberia and Sierra Leone)', *African Affairs* 104:417 (2005), pp. 571–90; Sara Berry, *Chiefs Know their Boundaries: essays on property, power and the past in Asante, 1896–1996* (Oxford, 2001).

⁶ Cf. Tobias Hagmann and Didier Péclard, 'Negotiating statehood: dynamics of power and domination in Africa', *Development and Change* 41:4 (2010), pp. 539–62.

izing one's dealings with it'.⁷ The most consistent basis for chiefship has been the capacity to render the government more predictable, the claim that a chief knows how to turn the arbitrary forces of state power into a source of protection for persons and property. In the process, chiefs have helped to broker new regulatory orders, new rights and resources, and ultimately the making of the state itself.

This book is concerned then with what local histories of chiefship reveal about broader relationships with the state before South Sudanese independence in 2011. At the outset of the fieldwork in 2005, the intention of my research was not to focus on the state, but rather to develop the arguments of my doctoral thesis that chiefship had been appropriated and domesticated as part of local resistance *against* the colonial state. After all, it has not been difficult to see the Sudanese state as the enemy in the history of South Sudan; many people here have sought to evade and resist the intrusion of predatory, extractive government forces. But in the end the fieldwork produced rather different perspectives. I was based primarily in the towns of Yei, Juba and Rumbek, and conducted research mostly within a ten-mile radius of these towns. Towns are still seen as the loci of the state in South Sudan, and it soon became apparent that these urban and peri-urban zones were not places in which to live if one wanted to avoid government. Instead a whole range of inhabitants were making claims on the state and seeking resources associated with it, and were even drawing ideas of legal rights and the symbols and practices of bureaucratic government deep into family relations. The documentary records from the colonial period and earlier suggest that there had always been strong demand in these areas for the regulatory orders of the state, as well as for its protection and material resources. The towns have acted as a kind of frontier, attracting heterogeneous settlers around the nodes of the state. In turn, aspects of this urban frontier have been replicated in the constitution of communities around chiefs, as points of articulation with the state.

This book therefore traces two different trajectories. One follows continuities in the role of chiefs since the mid-nineteenth century and in their relation to the urban frontier itself. This narrative oscillates between the risks and the opportunities of chiefship, between a role of defensive gatekeeper or even scapegoat victim, and a more profitable role of negotiator, interpreter and broker. Through this trajectory, we can see the recurrence and reprising of historical themes in the contemporary discourse epitomised by the 2009 presidential address. The second trajectory, however, is one of change. This is the story of how men with often marginal origins and scant legitimate authority, who were defined by their relationship with a predatory state, came to be increasingly central to definitions of community, law and tradition; and why the latest generations of chiefs would be flown to Bentiu to contribute to the process of building the first new African state of the twenty-first century.

MAKING CHIEFSHIP: IMAGINING TRADITION AND STATE

Three years before the Bentiu chiefs' meeting, fourteen chiefs and kings from across South Sudan were taken on a Swiss-sponsored 'tour' of South Africa, Botswana and Ghana, to meet and learn about traditional leadership in these countries.⁸ They returned impressed by the status of traditional authority

⁷ Vicente L. Rafael, *Contracting Colonialism: translation and Christian conversion in Tagalog society under early Spanish rule* (Ithaca, NY, 1988), p. 121.

⁸ Gurtong, 'UNDP: traditional leaders return from tour with call for peace', *Gurtong*, 11 September 2006, last accessed 21 January 2013, www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/2561/UNDP-Traditional-leaders-return-from-tour-with-call-for-peace.aspx.