

# Lost in Translation:

## The interaction between international humanitarian aid and South Sudanese accountability systems

September 2020

*This research was conducted by the Conflict Sensitivity Resource Facility (CSRF) in August and September 2019 and was funded by the UK, Swiss, Dutch and Canadian donor missions in South Sudan.*

*The CSRF is implemented by a consortium of the NGOs Saferworld and swisspeace. It is intended to support conflict-sensitive aid programming in South Sudan.*

*This research would not have been possible without the South Sudanese and international aid actors who generously gave their time and insights. It is dedicated to the South Sudanese aid workers who tirelessly balance their personal and professional cultures to deliver assistance to those who need it.*



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## Executive Summary

There is a disconnect between local, South Sudanese conceptions of accountability and the international, formalised Accountability to Affected Populations (AAP) framework. While the word ‘accountability’ has no direct equivalent in most South Sudanese languages, it is fundamental as a concept to social and political relations in the country. In South Sudan, ‘accountability’ is based on *reciprocity*, in which an individual or group provides support to another, in the expectation that the recipient will reciprocate their support at a later date. Failure to do so results in some form of sanction, either immediately or at a later date. Aid accountability mechanisms on the other hand, focus on power exercised through *hierarchies*; recognising, and at times actively seeking to challenge, existing power inequalities which can perpetuate the exclusion, or preferential treatment of individuals based on ethnicity, class, gender or other factors.

These two systems co-exist and share a fundamental principle of *being answerable to others*. However, understanding how, when and where they connect, or do not connect, and accounting for this within programming, is critical for improving the effectiveness of aid interventions in South Sudan. The AAP mechanisms need to better recognize and incorporate local understandings of accountability based on reciprocity, not just hierarchies, if they are to improve the way that communities can engage with aid in a meaningful and consistent way. In South Sudan, aid actors’ accountability to South Sudanese people remains tenuous. Instead, they are often more answerable to their donors or internal hierarchies. Moreover, South Sudanese people’s perceptions of aid, including their view of the accountability of aid actors, have not been well understood. A [Factsheet released by the REACH Initiative in September 2019](#) illustrates that South Sudanese people’s perceptions of the relevance and fairness of aid vary significantly across the country.

This study helps to remedy this disconnect by enhancing our understanding of accountability within South Sudan’s social and governance systems, by focusing on accountability systems within the Murle and Lou Nuer communities. The research found that accountability systems are highly fluid in South Sudan. The role of chiefs or traditional authorities<sup>1</sup> within these systems, particularly in rural areas around mobilizing or demobilizing young men, has been weakened due to war and social changes. However, chiefs are not the only local accountability actors in the Nuer and Murle systems, and some of these other actors have been more successful in holding young men accountable for their actions. Shaming practices, often led by women, have played an important role in holding young men to account. For example, amongst the Murle, groups of rural women known as *kaberaze*, have been able to hold age-set fighters to account over the impact of violence or conflict, and in some cases, have succeeded in discouraging groups from engaging in violence.

*There is a need to better understand how local institutions (including culturally driven institutions, such as age-sets and kinship networks) function and exert accountability on power structures and how this interacts with aid.*

Lauren Hutton, December 2018

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<sup>1</sup> Different types of traditional authorities exist in South Sudan. While some are grounded in pre-colonial socio-political and spiritual practices, chiefs form the lowest tier of local government in South Sudan. Some chiefs wield both government and spiritual powers.

What is critical for the aid community, however, is the feeling of disenfranchisement of many rural communities, particularly youth, from the “urban-based” state or aid structures. Many Murle youth in rural communities do not feel represented by government structures which they associate with administrative towns. Similarly, rural Nuer youth do not necessarily identify with urban-based youth associations who work closely with local authorities and aid agencies. Towns are regarded as the preserve of government and the international aid system, where aid actors are coordinated and integrated under the umbrella of the UN mission. As a result, and in spite of the resources that they bring, aid actors and the international ‘accountability’ system are seen as alien by many rural Nuer and Murle, especially young men.

The process of adapting the international aid accountability system to the South Sudanese context will be challenging. Fundamentally, despite concerted efforts by the aid community, downward accountability to affected populations **remains subordinated to the upward accountability of agencies to their HQ and donors even when country and field-based aid actors are themselves seeking to shift this power balance**. The aid community in South Sudan needs to do a better job of making its accountability system and processes more accessible to, and understandable by, the South Sudanese **on their own terms**. Aid actors need to better understand, and incorporate where appropriate, local methods of accountability by recognizing and valuing local actors’ role in effective accountability systems on their own terms. Without this, rural South Sudanese’s ability to meaningfully engage with aid accountability systems or influence the delivery of assistance to their communities will remain limited. This will not only undermine the capacity of the aid community to provide quality assistance to communities, but also their credibility in eyes of South Sudanese to promote peace.

### *Recommendations*

1. **Invest in more sustained and systematic dialogue with rural communities, particularly young men, mediated by local civil society groups or other local actors trusted by these communities.** The disconnect between urban-based/national decision-making and rural communities is a significant concern. It is a barrier to improving downwards accountability and hinders productive dialogues to support peace. These relationships must be improved as a priority.
2. **Interactions and negotiations need to be done at community level in a way that is regular, more formalized, open and inclusive, rather than ad hoc and behind closed doors.** Regular forums are needed where local, state and international actors come together to define objectives, intended beneficiaries of assistance, and how communities can hold aid actors to account. While making decisions in Juba can be easier and faster, this can effectively cut out communities.
3. **Donors and agencies must understand, and where appropriate, work within South Sudanese systems, rather than ignoring or overriding them.** The aid community needs to acknowledge that for many South Sudanese these local systems of accountability are legitimate, respected and understood, and that it is the international system that is alien and unintelligible.
4. **A ‘national’ approach to AAP is not appropriate, AAP mechanisms will need to be contextualized to reflect the practices of specific communities.** Accountability systems are context specific and cannot simply be replicated across the entire country, there is *no one size fits all*.
5. **More research is needed on women’s groups and movements, and how they use gender norms to their advantage to hold individuals to account and prevent or end conflict.** Moreover, aid

organisations should enhance their institutional knowledge of the role of women's groups and movements. Women's roles in holding young men to account and encouraging or ending conflict and, such as the *kaberaze*, are not well understood.

6. **Agencies should document and report on joint decisions with communities, not simply consultation.** Accountability is not simply consultation but involves communication, feedback and joint decision making in the relationship between aid actors and members of local communities.

## 1. Introduction

### Background

Definitions of the word ‘accountability’ tend to focus on responsibility and being answerable for one’s actions and decisions. The concept of accountability is common across most, if not all, cultures and societies. However, not all accountability *systems* have the same internal logic and underlying principles. The aid sector’s **Accountability to Affected Populations (AAP)** framework is a response to the unequal power relations within the sector and *an active commitment to use power responsibly*. On the other hand, the South Sudanese concept<sup>2</sup> of ‘accountability’ is based on *reciprocity*, which acknowledges that these power imbalances exist, and seeks to *create networks of interdependence*, thereby allowing communities to hold those in power to account. Both accountability systems are, in their current forms, modern: the AAP framework has been recently formulated, while the South Sudanese system is constantly evolving and adapting to reflect the changing cultural, social and political context.

Aid workers in South Sudan will likely be familiar with the understanding of accountability as outlined in the [AAP framework](#), but not necessarily with South Sudanese accountability systems. As a result, while the aid community has increasingly invested in AAP mechanisms that include participation, communication, feedback, and monitoring and evaluation to engage with South Sudanese communities, can often be difficult in practice for community members to effectively engage with the system. Further complicating things is that upward accountability to regional offices, headquarters, donors and ultimately legislatures and taxpayers remains a dominant focus, often leaving aid unaccountable in a tangible and meaningful sense to those who receive it, and in whose name the funding is raised. Unfortunately, and despite the best efforts of agencies and their staff, the accountability of aid actors in South Sudan to those who receive assistance can be tenuous.

*Accountability systems serve to prompt and encourage people and organizations to keep their commitments to each other, and monitors if those commitments are being kept, as well as reminding us to hold up our end of the bargain. The AAP accountability framework outlines a system with five key elements:*

- Leadership/ Governance:
- Transparency:
- Feedback and complaints:
- Participation:
- Design, monitoring and evaluation:

Looking at the various types of economic, social and political relationships in South Sudan can help build understanding of how South Sudanese accountability functions in practice, and how it is evolving as circumstances change. Specifically, some ‘cultural/traditional institutions’ —related to kinship, marriage, age-sets, chiefship, co-residence etc.—can be strategically deployed in interactions with government offices and aid agencies, with implications for how national elites and the aid sector are also tentatively held to account. Only by understanding and recognising the ways in which accountability is practiced by South Sudanese within their own institutions, will aid organisations be able to identify how, when and in what context their accountability practices could be adapted to be seen as legitimate by South Sudanese society, in particular those more familiar with practices specific

<sup>2</sup> While reciprocity is a common thread throughout many South Sudanese accountability systems, the structure and practice of accountability systems varies across the country.

to different rural areas.

### *Methodology and limitations*

To shed light on the differences between aid and South Sudanese accountability systems, this study focused on two towns, Akobo and Pibor, in Jonglei State.<sup>3</sup> Between July and September 2019, preliminary consultations with donors, aid organizations and experts were followed by field visits and a series of semi-structured interviews. A total of 99 respondents were interviewed in individual and collective sessions. Interviewees included county and state administrators, representatives of women associations and youth associations, other women and young men of diverse ages, chiefs from towns and rural settlements, age-set leaders, teachers, internally displaced persons (IDPs), and the national and international staff of aid organizations.

The towns of Akobo and Pibor are mostly inhabited by Lou Nuer and Murle people respectively and have been through stages of violent conflict, as well as peaceful exchanges based on meeting, trade and marriage. The populations of both areas share a long history of state repression and have longstanding grievances against their political marginalization, with many Lou Nuer and Murle people feeling that they are excluded with respect to national elites and the aid system. So, although state institutions are an integral part of their everyday life, many Nuer and Murle people lack confidence in them. Aid organizations that have long supported the formation of those state institutions are seen in the same way. Arguably, this is the case for many South Sudanese people in relation to national elites and the international elites of humanitarian aid. The case studies presented here cannot be portrayed as representative of all South Sudanese communities. Instead, they intend to test how various forms of accountability work and interact with international aid policy in concrete situations in the real world of local projects and communities. While every local context is unique, identifying points of divergence and convergence between the two accountability systems during the delivery of aid in particular settings can help bring to the surface the consequences that can arise from the way that widely accepted aid policies and principles are applied across South Sudan. And, even beyond the South Sudanese context, these questions can be addressed to the aid sector as a whole.

### *'Local' accountability and international accountability*

The idea of accountability - that is, being answerable and responsible for one's actions - is a foundational component of both customary law and social relations in South Sudan, as it is in most societies. Systems of accountability in South Sudan are based on reciprocity and interdependence. By and large, these systems seek to mitigate the impact of, rather than challenge, unequal power relations. Encompassing a network of reciprocal relationships within a local system of norms and values, the system cements social relations and moral obligations through the establishment of interdependent relationships between individuals or groups. A key aspect of South Sudanese forms of accountability are the contributions that people provide in granting protection and sharing resources among each other, and the obligations that it places on the recipients of these 'services'. For example, amongst the Nuer it was the practice that young children would be sent to the cattle camps, regardless of whether or not their families owned cattle. This system provided young children with a

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<sup>3</sup> Since the interviews and consultations were held for this study, Pibor has been assigned to the newly-created Greater Pibor Administrative Area and is no longer part of Jonglei State.

source of food (milk), and also freed up adult women and men to devote more time to labour during key times of the year. The entire community participated in, benefited from and were accountable to each other in this process: milk was available to young children, regardless of whether or not their families owned cows, young men protected cows and children, and the crops produced sustained the entire community until the next harvest. Some households may have many children, more or no cows, higher or poorer yields, but each was held accountable for contributing to, and could benefit from, this system.

Despite this, the idea of ‘local’ accountability is in part an oversimplification. Norms and institutions, and the reciprocal obligations that they entail, may define social relations between people that are hundreds of kilometres away from one another, even across national borders. In the South Sudanese context of civil war and displacement, reciprocal accountability may take many forms: one family member may keep his relatives’ herds in the cattle camps, while another one is recruited by the army, or sells tea in a shop in Juba, and another one works for an NGO in a refugee camp of a neighbouring country. In this system, all members unevenly but actively engage by circulating resources and providing both physical and social protection in exchange.

There are important differences between indigenous forms of accountability on the one hand, and the specific ‘accountability’ framework used by the international humanitarian aid system: the accountability to affected populations (AAP). The delivery of foreign aid is justified by a moral obligation to save lives and assist the populations in need, and, at least in principle, it asks for nothing in return.<sup>4</sup> In this sense, it breaks the idea of accountability based on social exchange, as described above. Most problematically, the processes of more centralized and standardized control, verification and feedback inherent in the AAP processes has tended to satisfy the standards and principles advanced by the international aid community, rather than the interests of the people who receive assistance.<sup>5</sup> **Specifically, agencies working in fragile contexts were found to favour donors over beneficiaries when it comes to accountability.**<sup>6</sup>

## 2. Accountability: whose definition?

As noted above, the concept of accountability is about being answerable for one’s actions and decisions. Within the international aid lexicon, accountability is focused on constraining the use of power, recognizing power imbalances between stakeholders within a hierarchical system – taxpayers/governments, donors/aid agencies, aid agencies/communities, international/national, etc. On the other hand, as also noted above, the South Sudanese accountability system is based on reciprocity, which is *the practice of exchanging things with others for mutual benefit, especially **privileges granted** by one to another*. Most notably, within the aid system, the communities themselves **do not** explicitly or implicitly grant privileges to aid agencies or donors. This highlights that while all accountability is about ensuring one is answerable for one’s actions, not all accountability systems have the same internal logic and underlying principles.

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<sup>4</sup> As famously noted by Médecins Sans Frontières’ co-founder, Rony Brauman, aid is a ‘gift’ without a ‘counter-gift’, and as such it is a destroyer of social relations, which are normally built on exchange (Brauman and Barry 2004).

<sup>5</sup> In 2011, the IASC agreed the 5 Commitments to Accountability to Affected Populations (CAAP), which was updated in 2017 to reflect the adoption of the Common Humanitarian Standards (Interagency Standing Committee 2011).

<sup>6</sup> Ruppert, Sagmeister and Steets 2016.

## *International humanitarian aid's accountability system*

The accountability system in the international humanitarian aid sector has its roots in the 1994 humanitarian response to the Rwandan genocide and subsequent Great Lakes Crisis, due to criticism that there were no standards to the response nor were recipient populations able to hold agencies to account for the quality of support they received. The result was the Sphere Project, a set of standards for humanitarian response that have been accepted and endorsed by most, if not all, humanitarian actors, and that has been revised and updated multiple times.<sup>7</sup> In 2014, the Core Humanitarian Standard on Quality and Accountability (CHS) was established, replacing the Sphere Core Standards, but still integral to the overall Sphere Standards. Similar to Sphere, the CHS is a voluntary code, and outlines the essential elements of principled, accountable and quality humanitarian action.

The launch of the CHS resulted in renewed focus on, and commitment to, ensuring that humanitarian agencies were not only being accountable to donors, but to affected populations as well. This resulted in the development of the **Accountability to Affected Populations (AAP)** framework, a set of standards and principles based on *an active commitment to use power responsibly by taking account of, giving account to, and being held to account by the people humanitarian organisations seek to assist*.<sup>8</sup> Since the launch of the CHS, the term 'accountability' punctuates the pages of countless strategies, policy statements and project proposals that determine where and how much aid flows into South Sudan. The implementation of the AAP framework continues to be a work in progress, and in practice accountability remains, more often than not, focused upward on donors and HQ managers.

All NGOs and UN agencies report that they have systems and processes in place to ensure accountability to local communities. The patchwork of mechanisms used include internal monitoring and evaluation, codes of conduct, systems to ensure protection from sexual exploitation and abuse (PSEA), hotlines, desk or focal persons, complaint and feedback mechanisms, exit surveys, and informal communication with chiefs, elders and authorities to name a few. One international staff affirmed to researchers that their NGO does not have a specific person or department in charge of accountability, but that everyone from the project officers to the country coordinator applied it as a principle.<sup>9</sup> A staff from another NGO simply said: "Everywhere we have mechanisms."<sup>10</sup> What has emerged is that many organizations, no matter the size or nationality, have a system, some specific to each project. At issue is not whether the systems and processes are in place, but if they are effective in the programming context, **and** if they are understood by communities themselves.

## *Accountability systems in South Sudan*

In South Sudan, a key function of local accountability systems is to bind social relations, based on reciprocal relationships where an individual or group provides something of value to another. This creates shared expectations and the system imposes sanctions on those who fail to fulfil them. The practice of accountability evolves as people, groups and institutions compete for relevance and

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<sup>7</sup> Sphere is not without its critics, who coalesce around three main critiques: some question its legal validity; others, most notably MSF, question its 'one size fits all approach' which creates little room for local contextualization; the third is often raised by non-Western actors, who feel the Sphere standards are based on "Western" benchmarks.

<sup>8</sup> (Inter-Agency Standing Committee 2011).

<sup>9</sup> Based on CSRF research conducted in Pibor and Akobo in 2019.

<sup>10</sup> Ibid.

support in pursuit of power and access to resources. The diverse, but also fluid and constantly evolving nature of these accountability systems means that people often have a range of different opportunities, as well as facing obstacles, to hold their leaders to account. It also means that they themselves can and are held to account via different social mechanisms. While hierarchical focused accountability systems seek to challenge and redress unequal power relations, the South Sudanese reciprocity-based systems accepts these imbalances but seeks to create networks of interdependence and harness unequal relations in ways that constrain them for the benefit of all, but do not necessarily challenge them. However, in practice, the local accountability system and the reciprocal relationships it is based on provides fertile ground for patronage in South Sudan.

### Accountability of political leaders

The modern state in South Sudan is governed primarily by urbanized, male elites. Rural areas are interwoven with this elite in complicated ways. Networks based on reciprocal relationships link individuals and communities at the local level with the political elite at the state and the national level as well as urban and rural contexts. The rise of political leaders in South Sudan is dependent on both their ability to attract and redistribute scarce state resources, as well as to mobilise young men from rural areas, who expect that they and their communities will benefit from these resources. A leader that is not able to hold up his end of this reciprocal arrangement may be able to retain his political or military position in the eyes of national or international elites, but could lose the support of his community, particularly young men. As a result, the long-term legitimacy of political leaders amongst their communities depends on their ability to make use of 'modern' state systems to meet the reciprocity expectations of their followers. Understanding the interplay and differences between these accountability systems, and how these differences can drive conflict is critical for aid agencies in South Sudan.

In different regions of South Sudan, leaders have been tapping into youth disenfranchisement and selected indigenous institutions to enhance their political and military aims.<sup>11</sup> In 2010 for example, David Yau Yau, former leader of the South Sudan Democratic Movement Cobra Faction (SSDM-CF) ran for a seat in the Jonglei State Assembly but lost the election.<sup>12</sup> In the aftermath of his defeat, Yau Yau appealed to his age-set, the *bothonya*, and rebelled against the SPLA. Despite his educated background and alignment with 'urban' elites, Yau Yau was able tap into Murle youth's resentment of the earlier SPLA disarmament exercises, which many felt had left them unable to protect their communities and vulnerable to attack from the Nuer.<sup>13</sup> When the rebellion eventually ended in 2014, not only did Yau Yau become Governor of the newly created, Murle-dominated, former Boma State in 2015 but the *bothonya* gained prestige and were recognized as a prominent age-set amongst the Murle.<sup>14</sup>

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<sup>11</sup> On youth mobilization see for example Jok 2005, Jok and Hutchinson 1999, Leonardi 2007. At the same time, (armed) youth is often not (fully) controlled by political and military leaders or chiefs but youth has agency. See for example: Small Arms Survey 2013.

<sup>12</sup> Small Arms Survey 2013.

<sup>13</sup> Young 2016.

<sup>14</sup> Todisco 2015.

### Chiefs and accountability

Administrative chiefs in South Sudan occupy an often uncomfortable and uncertain space with regards to accountability, particularly in historically non-hierarchical societies such as the Nuer and Murle. The chiefs' institutional leadership was assigned by colonial administrators. The role of chief within the hierarchical colonial and later, state, systems was that of an administrator and running the local justice system on behalf of a central authority in far-away urban centres.<sup>15</sup> At the same time, the chief's exercise of authority had ideally to be accepted by his community and be aligned with their expectations of reciprocity.<sup>16</sup> Today, both Murle and Nuer chiefs, with their 'administrative' hat on, are expected to play a key role in controlling heavily armed youth. This is a difficult challenge, as their relationship with young men is not one of hierarchy, which would allow for 'command and control', but rather often depends on what resources chiefs can provide to young men in return. In the case of the Nuer in Jonglei and the White Armies made up of "defence groups representing Nuer rural communities at various levels"<sup>17</sup>, the most influential leaders are not always chiefs, but spiritual leaders (the 'prophets') who play a crucial role in mobilizing and guiding the armed youth.<sup>18</sup>

When asked, young men often insist that they still respect those chiefs that "embody the qualities a chief should have as community protectors, guides and rescuers"<sup>19</sup>, and it is rare for young Murle men to deny the importance of Murle spiritual leaders' – the so called "red-chiefs" – divine power.<sup>20</sup> Murle young men often declare that they would rather not go against the word of a red-chief, and if they do decide to organize a cattle raid against his wishes, they will leave without him knowing. Similarly, among the Lou Nuer, a respondent suggested that if the 'earth-master'<sup>21</sup> (*kuaar muon*) spiritual leader has advised against a cattle raid, Nuer youth will think twice before ignoring him.

The decline over the past few decades in the ability of administrative chiefs to hold youth to account is undeniable. The pivotal causes of this are civil war and social change. During the second civil war (1983-2005) the SPLM/A introduced the Civil Administration of the New Sudan (CANS) including the local administrators who to some extent competed with chiefs.<sup>22</sup> Particularly during times of civil war, chiefs in many areas of South Sudan were forced to engage in unpopular activities such as recruitment of fighters and collection of food. During civil wars, armed groups and government actors appointed chiefs and in some cases punished and even killed chiefs for their lack of cooperation or (perceived) collaboration with the enemy.<sup>23</sup>

This declining authority of chiefs among Nuer and Murle young men has meant that it is difficult for them to hold young men to account for violence, as they no longer fear their administrative, political and judicial power. This research reinforces these conclusions, at least among the Murle and Lou

<sup>15</sup> Leonardi et al. 2010.

<sup>16</sup> Chiefs' exercise of authority was particularly constrained during civil wars, when armed groups and the government appointed chiefs who were not necessarily supported by the communities.

<sup>17</sup> Breidlid and Arensen 2014: 2.

<sup>18</sup> Breidlid and Arensen 2017, Hutchinson and Pendle 2015.

<sup>19</sup> Felix da Costa 2018: 32.

<sup>20</sup> Chiefs in many cases not have spiritual power. Some chiefs embody both administrative/governmental and spiritual authority. The red-chiefs of the Murle are spiritual authorities and are not administrative chiefs. Yet, with the exception of one chief, all Murle paramount chiefs have been red-chiefs at the same time (Ibid.)

<sup>21</sup> 'Earth-masters' (Nuer, sing.: *kuaar muon*) date back to the pre-colonial socio-political structures and among other things mediate disputes and perform cleansing rituals in cases of homicide (Evans-Pritchard 1968).

<sup>22</sup> Leonardi et al. 2005.

<sup>23</sup> For example: Deng 2007.

Nuer, indicating that social change, civil wars and the politicisation of the role of chiefs has significantly eroded their legitimacy with mainly rural youth.<sup>24</sup> This has meant that chiefs are increasingly seen as the weak link in accountability chains, unable to meet expectations within either hierarchical or reciprocal accountability systems. This has exposed them to threats from and disrespect by young men, as noted above, or to being side-lined by state or humanitarian systems.<sup>25</sup>

### Youth, women and shame

Aside from the larger armed conflict in the country, feuds between families, clans and age-sets have been a major source of violence among the Lou Nuer and the Murle. Women from both groups have used shame, or the threat of public shaming, to hold young men to account for their actions. The interaction of shame, gender and age can be a powerful means of accountability, for instance in encouraging young men to engage in violence, or to prevent them from fighting.<sup>26</sup>

In Akobo, if a Nuer man is known to have behaved against socially accepted values, for example if he is thought to be guilty of theft, adultery, domestic violence or even murder, people will not immediately talk about it in public. But when this person engages in important public rituals, such as the marking or marriage of his child, the wives of the members of his age-set will gather to sing songs about all his wrongdoing in public.<sup>27</sup> This can have serious consequences for the status and social standing of one's descendants, as in the future, his sons or daughters may struggle to find a family who will allow their children to marry them or accept them in positions of responsibility within the community. As a result, among the Nuer, women do have the means to hold individuals to account for transgressing social norms, using public shaming as a strong deterrent against breaking social rules.

The role of women in shaming practices also seems to be central to the Murle in Pibor, where age-sets have been engaged in violent confrontations. During fighting in the rural settlement of Manyumen in 2017, between the local *lango* and *kurenen* age-sets, it is said that elder women from the area started to organize themselves and talk to the youth. Tired with the disobedience of the young men, they threatened to take their clothes off if the fighting did not come to an end. This would not only be shameful for the young men, but also dangerous, for seeing one's mother naked is considered to be a sign of future misfortune, and possibly even death.<sup>28</sup> To the great surprise of many, the threats of these women, now popularly referred to as *kaberaze*, were effective in stopping the fighting, and this practice has since been repeated with relative success by older women in other Murle communities when the fighting re-ignited. Women's effectiveness in holding young men to account was praised by the former Boma State authorities.

### Youth disengagement with the state and international aid

The relationship between rural youth and the government is crucial in defining if and how young men will allow themselves to be held accountable to the laws of the state, and to the principles enshrined

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<sup>24</sup> The lack of young men's respect for chiefs was also a recurring issue voiced by chiefs hailing from different regions of South Sudan attending a 2016 meeting in Kuron sponsored by the Rift Valley Institute.

<sup>25</sup> Rift Valley Institute 2016.

<sup>26</sup> Breidlid and Aarensen 2017.

<sup>27</sup> Based on CSRF research conducted in Pibor and Akobo in 2019.

<sup>28</sup> Based on exchange with Diana Felix da Costa during CSRF research in Pibor and Akobo in 2019 and in 2020.

in international humanitarian and human rights law. In the rural areas surrounding Pibor and Akobo, young men are somewhat suspicious of the government, as well as youth associations associated with urban contexts, political and urban elites, which they associate with urban areas. As international aid agencies generally base themselves in such towns, this can mean that they are met with the same suspicion and distrust, reducing their ability to positively engage with rural youth and agree how each can be accountable to the other.

For example, in September 2019, representatives of the three Murle age-sets that had been fighting in recent years were called by the former Boma State authorities to participate in an Inter-Youth Peace Dialogue, funded by UNDP, in Pibor town. The purpose of the meeting was “keeping those aspects of culture that are positive and abandoning the negative ones.” Out of the 60 participants from youngest age-sets of Bothonyo, Lango and Kurene who participated in the dialogue, a third of participants were from cattle camps compared to two-third who were youths residing in towns of Pibor, Likuangule, Gumuruk and Verteth. After two days of deliberations in which all participants spoke, it was decided that a committee would be formed and charged with the task of passing the main messages agreed in the meeting to the youth in the cattle camps. However, it was quickly agreed that for the committee to be trusted by the cattle camp residents, and seen as accountable to them, the elections for the committee had to be held in the cattle camps, rather than in town.<sup>29</sup> Women and men from Pibor Peace Committee and the *kaberaze* women group moderated at the Inter-Youth Peace Dialogue.

This perceived opposition of towns and cattle camps is recurrent among Murle respondents. As noted above, towns in general are identified with the government, and thus seen as alien and ‘other’, no matter how democratic, inclusive and accountable the local administration may be. While members of the local Youth Association and Women Association are part of the local legislative council, the men and women who are part of the seasonal transhumance do not necessarily identify with the educated, urban elite that seeks jobs with the government and NGOs.

The situation is similar among the Lou Nuer. In Akobo, a Lou Nuer member of the local Youth Association made a clear distinction between his town-based institution composed of “intellectuals” close to the government and NGOs, and other young men who engaged in armed conflict:

*We have the White Army association and the intellectuals’ association. The intellectuals usually are not marked.<sup>30</sup> We have different roles. We support the authorities and the commissioner to give advice. [...] We don’t have a legislative council here, but our Youth Association is called to regular meetings to discuss and decide.*

Of course, there are strong connections between those living in urban areas and those in rural ones. Moreover, both “intellectuals” and rural youth engage in warfare, and not all rural young men are involved in armed conflict. Local government officials usually have some family members, especially young men, who take care of their herds in the camps. Meanwhile, the young men will maintain constant connections with residents in towns, who are tasked with defending their interests there, but are not necessarily free to decide on their behalf. One of the age-set representatives who participated in the UNDP meeting was a fluent English speaker who lived in Pibor and was in the

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<sup>29</sup> Based on CSR research conducted in Pibor and Akobo in 2019 and on a follow up exchange with UNDP in Juba.

<sup>30</sup> Educated people often do not receive the scarification that would usually define the passage to manhood.

army. The age-set had selected him as a spokesperson exactly because of these qualities, i.e. the ability to deal with government and aid agencies. However, he and other age-set representatives from town were the first ones to admit that, if they went to the camps to spread the messages agreed in the meeting, probably nobody would listen to them.<sup>31</sup>

Importantly, towns are - according to respondents - regarded as places of state government and international governance, where NGOs are coordinated and protected, and whose approach to humanitarian accountability, i.e. hierarchical, mirrors that of the state.<sup>32</sup> International organizations provide state-like services and, especially in the post-CPA years, many of them have directly engaged in state-capacity building. As a result, from their cattle camp vantage point, Murle and Nuer rural youth often see the state and international UN and NGO power structures as intertwined, alien and, at times, antithetical to their own interests and accountability system.

### 3. Local actors and the accountability of aid

Interviews in Akobo and Pibor suggest that there is no single, cohesive aid accountability structure which is universally practised by all aid actors, with each agency implementing the AAP global framework using its own organization's forms, terminology and approaches, and reporting back to their respective country management teams and HQs. This presents community members with an alien cacophony that they must first make sense of in order to engage with effectively, and even when they are able to engage, in some instance they still find they are unable to hold NGOs to account.

The first case study below provides an example of where the AAP standard of participation, which implies joint decision-making, is really 'only consultation', as was noted by an international agency staff member. Decision-making remains firmly lodged at the central level and can override the preferences of local communities. The second case study has some of the elements of a locally integrated system, where the preferences of young women are the determining factor in whether the aid or customary system is applied. Neither case study presents the 'perfect' example, but they do illustrate the need to adapt the international aid accountability system into a locally integrated approach understandable by, and accountable to community members.

#### *The accountability imbalance: an example from the education sector<sup>33</sup>*

The decision-making process around which the aid community and national government sought to manage the distribution of teachers' incentives in Akobo is an example of the gap between the AAP framework as policy and its implementation. Since teachers have low and infrequently paid salaries by the Ministry of General Education and Instruction (MoGEI) incentives paid by donors and NGOs usually represent their only form of income. According to respondents in town, prior to August 2019 when interviews were conducted, two organizations (organizations 1 and 2) funded through different mechanisms were providing incentives to teachers in Akobo. When it turned out that some of the teachers — reportedly 52 out of 331 — were receiving incentives from both organizations, it was

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<sup>31</sup> Based on CSR research conducted in Pibor and Akobo in 2019.

<sup>32</sup> Ibid.

<sup>33</sup> Sections of the draft of the report were shared with national level stakeholders involved in the processes described in this case study to integrate their perspectives.

agreed at the Juba level by the MoGEI, the donor and the Education Cluster that to address the double payments a single organization would take over the distribution of all teachers' incentives in Akobo. This was part of a larger donor funded programme, IMPACT, which was covering teacher incentives in other parts of South Sudan.

The two organizations had different operating models. Organization 1 had a permanent presence in Akobo, Nuer held management positions in the project, incentives were paid monthly, and it regularly solicited and received feedback from the community. The Nuer staff were the primary target of teachers' and local government's enquiries and complaints; they frequently had face-to-face discussions with teachers and administrators and often were the channel for local issues that needed to be addressed to other organizations. However, it had not been mandated to provide teacher incentives in areas covered by IMPACT project. Organization 2 did not have a permanent presence in Akobo as it works with sub-grantees or state anchors, and was authorised by the MoGEI to cover teacher incentives across the country, while Education Cluster partners were asked to fill gaps until IMPACT had scaled up and reached out to rural and hard to reach areas. Staff visited occasionally and made the incentive payments quarterly. Although members of the community reported that payments were frequently delayed, this was disputed when follow up was conducted with the IMPACT project.<sup>34</sup> While the research team was not able to observe in the long-term how often Organization 2 visited Akobo or its interactions with the teachers and the County Education Department, not having presence in Akobo made it difficult for the community to regularly engage with them or provide feedback.<sup>35</sup>

Ultimately, in a consultation involving the MoGEI, the Education Cluster, the donor and Organization 2, Organization 2 was selected to take over and harmonize all incentives in Akobo, based on a decision taken in 2018 that Education Cluster partners' incentive coverage will be limited to PoCs and areas where IMPACT is absent. The decision regarding the change in the payment of incentives was communicated via email to staff in Organization 1 in Akobo, who in turn had to notify the teachers and administrators about the changes. Organization 2 was selected because it was implementing the project elsewhere in South Sudan with the MoGEI, however its incentive payment system would not accommodate monthly payments. A key consideration for all actors in the education sector was to ensure equality of incentive payments for teachers across the country, as well as the recognition that reducing the double payments of incentives freed up resources for other education program activities.<sup>36</sup>

While the legitimate concerns of senior organizational staff, cluster members, the MoGEI and donors, all of whom were based in Juba, about the payment of double incentives were properly addressed, **from the community's perspective**, although locally-based teachers were consulted, the outcome did not appear to take into account their wishes. It must be noted, that the payment of teacher's incentives can be a touchy political issue in many communities, resistance to such changes can reflect

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<sup>34</sup> A respondent working for a funding mechanism denied that delays occurred and explained that the two different funding mechanisms had limited resources. Once the payment of Education Cluster partners run out, the IMPACT project was not able to support those teachers who did not any longer receive incentives. "The fact that incentives were paid through IMPACT and through the Education Cluster partners and that both programmes had only limited funding insufficient to pay all the teachers created this situation".

<sup>35</sup> Follow up exchange with two involved organizations.

<sup>36</sup> Follow up exchange with two involved organizations.

other issues not related to education, including pressure from local leaders, and could have a negative impact on how the community interpreted these changes. Nonetheless, the consequences of this decision are not insignificant for teachers: while they may be materially more wealthy than others in Akobo, they still live close to the edge, and less frequent or delayed incentive payments would affect their ability not only to meet their own needs, but also to fulfil their obligations to other members of their families or social networks. Lastly, resources linked to services including incentives can be deeply political and contentious particularly when it comes to the aid community directly paying incentives to teachers and health providers. The aid community's transition in payment structure may not have taken into account the unintended consequences on the horizontal relationships of reciprocity and accountability that teachers themselves were operating within and affected populations could not easily access information or raise concerns.

### *'Sexual and Gender-Based Violence' and indigenous values*

Another example focuses on how Murle and Nuer systems and international standards and principles around violence against women and girls converge, and how aid agencies' staff, mainly national staff, negotiate differences when the systems diverge. Data collected about programmes on sexual and gender-based violence (SGBV) in Akobo and Pibor confirm this negotiation happens frequently.

Violence against women and girls, particularly sexual violence, is prevalent in South Sudan. For international agencies, as well as the Nuer and Murle communities, rape and sexual violence against women and girls is unacceptable. A representative of a Western government in Juba interviewed for this study affirmed this, stating: "if someone has committed sexual violence against a woman there must be an immediate intervention. There can be no impunity. This is non-negotiable."<sup>37</sup> A member of a chief court<sup>38</sup> in Pibor town — whose mandate is to harmonize Murle, Anyuak, Jiye and Kachepo customary law in former Boma State — said that sexual violence is taken very seriously, and should be responded to with three years' imprisonment, according to the penal code of South Sudan. These kinds of statements are often accompanied with a certain frustration around the fact that many cases of violence are thought to go unreported.<sup>39</sup>

In situations when women seek assistance after being exposed to such violence, the locally prevalent and the INGO paths when addressing SGBV cases look more similar than one would anticipate. Based on reconstructions by national and expatriate staff working in health facilities in Akobo and Pibor, as well as by speaking to young female respondents, it seems that women seeking assistance navigate across both domains, because INGO/state and customary practices around sexual violence are intertwined.

When a woman who has been sexually assaulted visits a hospital or clinic, she is often first seen by a national medic and is offered post-exposure prophylaxis (PEP). A medical certification will be made available to her, which will allow her to report the violence. She can decide whether she would like to report to the police or the chief.

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<sup>37</sup> Based on CSRF research conducted in Pibor and Akobo in 2019.

<sup>38</sup> There are two courts in Pibor that deal with customary law: Customary Courts would deal with the application of Murle customary law, while Bench Courts are responsible for adjudicating issues across ethnic groups and their customary law.

<sup>39</sup> Based on CSRF research conducted in Pibor and Akobo in 2019.

For INGOs providing medical services, medical ethics related to doctor/patient confidentiality prevents the public disclosure of a sexual assault victim's identity, unless she chooses this, even to the police.<sup>40</sup> Among both the Murle and Nuer sexual violence is a taboo, something that people prefer not to talk about, to avoid internal conflicts and shaming the victim. As a Nuer staff noted, "we, Nuer people keep secrets. If you don't keep secrets, that's why people kill each other. Rape is a big shame for us."<sup>41</sup> While the rationale and motivation behind confidentiality/ secrecy are different, it does represent a point of convergence.

However, there are also points of divergence. During fieldwork in Akobo, a Nuer member of staff working for an INGO in a health facility reflected on the practices of the INGO and his community: "Once the medical examination of a patient confirms that there was sexual violence, if she needs treatment, I will report her to the white doctor. The doctor will refer her to the GBV [programme], and they will handle it their way."<sup>42</sup> However, "If she is pregnant, I tell her to go to the chief. He will be the one to tell the two families." On the one hand, with the INGO/international aid systems' approach, the individual's preference and exercise of power is given priority – the victim can choose to seek justice and insist the perpetrator be held accountable. On the other hand, in the Murle/Nuer system, the preference of the family or community and holding the perpetrator accountable is given priority over the victim's choice. Accordingly, the two accountability systems converge as they both reject SBGV and try to support victims. However, they differ in the sense that the aid system puts the wellbeing of the victim at the centre stage, while indigenous values mainly focus on family's interest and community cohesion.

## 4. Conclusion

This paper has sought to highlight the damaging disconnect between how accountability is envisioned and practiced by rural South Sudanese communities and the international aid system that intends to support them. There are opportunities to close this gap by drawing on pre-existing, socially anchored, practices of accountability that will enhance and improve the AAP framework, without appropriating or distorting South Sudanese practices.

The research looked at accountability systems in rural areas surrounding the towns of Pibor and Akobo, in Greater Jonglei, where accountability is based on a reciprocal set of obligations. These obligations are used by multiple stakeholders in a wide variety of ways: political leaders draw on connections to establish themselves and recruit young men; women use shame, or the threat of public shaming, to hold young men to account or prevent conflict; young women affected by sexual violence manoeuvre between the community and aid systems. The aid accountability system struggles to recognize these reciprocal exchange practices or obligations that are fundamental to South Sudanese accountability systems. This results in a 'lost in translation' conundrum: two accountability systems that seek the same end, holding individuals or groups accountable for their actions, but with very different internal logics and metrics. The differences between these systems - one is about how South Sudanese hold each other to account within their society through reciprocal

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<sup>40</sup> The only exception to this in many countries is when a minor is involved. In these cases, medical professionals are often required to report to child/family protective services, who may or may not involve the police.

<sup>41</sup> Based on CSRF research conducted in Pibor and Akobo in 2019.

<sup>42</sup> At the time of the interview there was no longer a GBV program in place. Based on CSRF research conducted in Pibor and Akobo in 2019.

relationships, while the other is a more hierarchical approach focusing on how the aid system holds itself to account for how humanitarian assistance is provided – can present challenges to South Sudanese communities seeking to hold aid actors to account, due to the different approaches to and understanding of what accountability looks like.

However, the ways in which accountability works (or does not work) in South Sudan is shifting in ways that offer lessons and opportunities for international actors within and outside of the aid system. One notable trend is the way in which association with urban areas, state or international institutions can alienate communities in rural areas, making it difficult to establish reciprocal relations of accountability with them. In parallel, aid projects to quell violence in rural areas, like the Inter-Youth Peace Dialogue, have recognised the need to be as rurally orientated and anchored as possible to get rural young men involved in a way that allows them to be held accountable and to hold other authorities to account themselves.

To adapt better and in a sustained way to what is a fluid social and political landscape, aid agencies must invest in becoming more aware of and sensitive to the context and conflicts in which they work. Yet for international aid agencies, the research also shows the limitations of trying to use top-down local institutions, such as the chieftain system to hold young men of fighting age accountable. Therefore, the opportunity to facilitate both accountability and peace processes that are seen as legitimate at the local level depends on international aid actors engaging with members of local communities who are ready to invest in peace, without necessarily being enshrined into state apparatus or international policy.

### *Recommendations*

The humanitarian aid community in South Sudan, like elsewhere, has strong commitment to accountability and is continuously working to improve its accountability to South Sudanese communities. The recommendations outlined below are not exhaustive, nor will their implementation be straightforward given the complexity of South Sudanese society and social relations. Donor support to re-orient and adapt current accountability systems to recognize South Sudanese people's own systems will be critical. Similarly, senior managers in aid organizations at the HQ, regional and Juba levels must also be willing to resist the inclination to support 'off the shelf solutions'

1. **Invest in more sustained and systematic dialogue with rural communities, particularly young men, mediated by local civil society groups based in, and trusted by, these communities.** The disconnect between urban-based/national decision-making and rural communities is a significant concern. It is a barrier to improving downwards accountability and hinders productive dialogues to support peace. Young men in rural areas, particularly those whose lives are deeply enmeshed in the cattle camps, have distrust for towns, urban elites, and by extension, the international aid community. Improving the aid community's relationship with these young men must be seen as a priority.
2. **Interactions and negotiations need to be done at community level in a way that is regular, open and inclusive, rather than ad hoc and behind closed doors.** Coordination at the national, state and local levels are critical for ensuring the effective use of scarce resources. However, the expediency of efficient coordination among national and international aid actors should not take precedence over the full participation of communities in decisions that affect their lives. Regular

forums are needed where local, state and international actors come together to define objectives, intended recipients of assistance, and how communities can hold aid actors to account. While making decisions in Juba can be easier and faster for aid actors, this effectively cuts communities out of the decision-making process.

3. **Donors and agencies must understand, and where appropriate, work within South Sudanese accountability systems, rather than ignoring or overriding them.** The aid community's commitment to ensuring accountability to affected populations continues to be a work in progress. The rapid turnover of international staff, who need to quickly make sense of the complexities of the South Sudan operational context and the mostly short timeframes of projects and the short-term nature of relations makes the tendency to rely on centrally developed accountability systems understandable. Nonetheless, aid agencies and donors need to acknowledge that for many South Sudanese their local systems of accountability are legitimate, respected and understood, and that it is the international system that is alien and unintelligible.
4. **A 'national' approach to AAP is not appropriate, and AAP mechanisms will need to be contextualized to reflect the practices of specific communities.** Accountability systems are context specific and a single system cannot be simply replicated across the entire country, there is *no one size fits all*. In a country with over 60 ethnic groups, this makes the task more difficult for aid agencies, but will ensure that communities will be better able to both 'own' and support the resulting aid accountability system.
5. **More research is needed on women's groups and movements, and their specific roles in using gender norms to their advantage to prevent or end conflict and hold individuals to account.** Women's roles in encouraging or ending conflict and holding young men to account, such as the *kaberaze*, are not well known. Understanding how women negotiate within their communities to exercise power will allow the aid community to re-enforce positive practices that it might not be aware of, and that are embraced by communities themselves.
6. **Agencies should document and report on joint decisions with communities, not simply consultation.** Accountability is not simply consultation but involves communication, feedback and joint decision-making in the relationship between aid actors and members of local communities. As part of their reporting and learning, agencies should reflect on and share best practices around joint decision making where communities are reporting that they feel they are being listened to and can identify decisions that they actively participated in.

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