

## Bridging the Cattle Raids: Reviving Traditional Justice for Peace in South Sudan

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**Abstract:** This article examines the role of traditional justice and mediation in addressing cattle raiding conflicts among pastoralist communities in South Sudan. Cattle raids, historically a means of acquiring wealth and status, have grown into violent confrontations. Traditional justice mechanisms, led by respected elders, community members, and restorative principles. While effective, these systems face challenges from formal state institutions and armed groups. The paper advocates for integrating traditional and formal justice systems to strengthen conflict resolution.

**Keywords:** Cattle Raiding, Traditional Justice, Agro-pastoralist, Mediation, and Peacebuilding

### INTRODUCTION

Cattle raids are an entrenched socio-cultural practice among pastoralist communities in South Sudan.<sup>1</sup> While historically considered a traditional means of wealth accumulation and social status enhancement, they have increasingly escalated into violent conflicts, exacerbating social discord and undermining peacebuilding efforts. This paper examines the mechanisms of traditional justice and mediation employed to address disputes arising from cattle raids, their effectiveness in reconciliation, and sustainable peace.<sup>2</sup>

### HISTORY OF CATTLE RAIDS

Cattle raiding in South Sudan dates back to pre-colonial times, serving as a means of wealth accumulation and social status enhancement.<sup>3</sup> The practice is an act of theft. Cattle are central to the pastoralist communities, which make up over half of the population, among ethnic groups such as Dinka, Nuer, Mundari, and Toposa. In most rural households, financial capital is held in livestock, mainly cows, which are also required for dowry payments and compensation for any crimes committed.<sup>4</sup>

The contemporary context, marked by civil wars, political instability, and proliferation of arms, has worsened these raids into violent confrontations, often resulting in loss of life, displacement, and social disruption.<sup>5</sup> The militarization of cattle raiding has heightened severity and intensity of raids.<sup>6</sup> The rise in cattle raiding must be seen within context of collapse of social order and the rule of law in South Sudan, which has become the basis for crime.<sup>7</sup> Many South Sudanese are experiencing insecurity, lack of access to basic services, and increasing inequalities. Pastoralist and agro-pastoralist communities in remote border areas are affected by insecurity, and women without decision-making power are marginalized.<sup>8</sup>

### Traditional Justice Mechanisms

Traditional justice systems in South Sudan are rooted in indigenous customs and practices that involve community, restorative principles, and consensus-building. These systems are managed by local leaders, and elders who possess the authority to mediate disputes and impose sanctions. Customary courts, presided over by traditional authorities, rule according to the customary laws of their respective ethnic groups.<sup>9</sup>

<sup>1</sup> Mutusa, C., & Virk, K. (2017). Gender and Peacebuilding. In *Building Peace in South Sudan: Progress, Problems, and Prospects*, Centre for Conflict Resolution, pp. 23-26

<sup>2</sup> Virk, K., & Nganje, F. (2016). Civil Society and Peacebuilding: Local and National Processes. In *the Peacebuilding Role of Civil Society in South Sudan*, Centre for Conflict Resolution, pp. 13-16

<sup>3</sup> Deng, F. M. (1995). *War of Visions: Conflict of Identities in the Sudan*. Brookings Institution Press.

<sup>4</sup> UNDERSTANDING SOUTH SUDAN: CATTLE RAIDING-HEALTHNET TPO, (ACCESSED ON 26/6/2025) <<https://healthnettpo.org/post/understanding-south-sudan-cattle-raiding/>>, CIVILIAN PROTECTION UPHELD IN SOUTH SUDAN CATTLE RAIDS AFTER ARMED GROUPS APPLY IHL TRAINING, (ACCESSED ON 26/6/2025) <<https://www.genevacall.org/fr/actualites/civilian-protection-upheld-in-south-sudan-cattle-raids-after-armed-groups-apply-ihl-training/>>

<sup>5</sup> Sundberg, R. (2019). UN Peacekeeping and Forced Displacement in South Sudan. *International Peacekeeping*, 27(2), 210-237

<sup>6</sup> H., Wild, JM., Jok & R., Patel (2018), The militarization of cattle raiding in South Sudan: how a traditional practice became a tool for political violence, *Journal of International Humanitarian Action* 3(2), pp. 1-11

<sup>7</sup> H., Wild, JM., Jok & R., Patel, R., (2018) (n1)

<sup>8</sup> Oxfam (2013), *Challenges to Security, Livelihood and Gender Justice in South Sudan*, pp.1-39

<sup>9</sup> Francis Kariuki, (2007), *African Traditional Justice Systems*, *The Asia Pacific Journal of Anthropology*, pp. 1-16, OJ, Olowu (2017), *Indigenous Approaches to Conflict Resolution in Africa: A Study of the Barolong People of the North-West*

### Role of Traditional Authorities

Elders play a crucial role in mediating conflicts arising from cattle raids. They are often custodians of cultural values and have the respect of communities. Their involvement in dispute resolution keeps legitimacy and acceptance of verdicts, which are aimed at restoring relationships rather than punishing offenders.<sup>10</sup> This restorative justice approach contrasts sharply with retributive justice model prevalent in formal legal systems. Traditional authorities are widely respected and accessible to communities; their duties are recognized under the Transitional Constitution 2011 and the Local Government Act 2009. They are custodians of customary law, administer justice, and have responsibility in maintaining peace and reconciliation in conflict-stricken areas. Customary court procedures are simple, informal, and flexible.<sup>11</sup>

### Mediation Processes

Mediation in cattle raids involves many stages, including negotiation, reconciliation, and reintegration. During mediation, mediators engage the conflicting parties to discuss grievances and aspirations. The process is open dialogue, where each party is encouraged to voice their concerns and seek common ground.<sup>12</sup>

### Community Assemblies and Dialogues

Community assemblies facilitate dialogue among conflicting parties, allowing them to discuss the impacts of cattle raids. This approach democratizes mediation and strengthens community ties. Peace agreements include restitution and commitments to prevent future raids.<sup>13</sup> Youth peace ambassadors from conflicting tribes promote grassroots peace efforts, bridge inter-ethnic divides, and understanding despite existing tensions, instilling hope for reconciliation and peace.<sup>14</sup>

### Contemporary challenges

Despite the effectiveness of traditional justice mechanisms, myriad challenges hinder success. The increasing influence of state institutions undermines the authority of traditional leaders. Proliferation of armed groups complicates the mediation, as these groups operate outside the control of traditional authorities.<sup>15</sup>

### Structural and institutional Loopholes

South Sudan boasts a dual judicial system that administers justice through a cornucopia of statutory and customary law courts throughout the country, although the Constitution itself adopted the English Common Law as the country's legal system. Both statutory and customary law courts operate alongside each other, with the statutory courts most found in urban settings and the customary courts predominantly in rural areas. It's uncommon to find the two systems existing concurrently in either urban or rural areas. The relationship between these two systems remains blurry. Technically, the customary courts are subordinate to the formal legal system. Perhaps because these courts are established under the Local Government, the formal judiciary apparatus find it difficult to monitor and supervise their judicial activities.<sup>16</sup>

While the Local Government Act formally mandates female representation within customary courts, women rarely occupy positions of authority such as Chief.<sup>17</sup> If they did, their contribution might have helped in giving justice to women in cases of gender-based violence. Thus, traditional institutions, rather than serving as vehicles for protection and justice, often become mechanisms through which rights violations are reproduced, contradicting the spirit and obligations of South Sudan's international human rights commitments.<sup>18</sup>

Province, South Africa, Journal of Law and Judicial System VI, II, pp. 10-16

<sup>10</sup> Leonardi, C., Isser, D., Moro, L., & Santschi, M. (2011). The Politics of Customary Law Ascertainment in South Sudan. *The Journal of Legal Pluralism and Unofficial Law*, 43(63), 111–142.

<sup>11</sup> The Transitional Constitution of the Republic of South Sudan 2011 & South Sudan Local Government Act 2009

<sup>12</sup> Janine Marisca Ubink & Bernardo Ribeiro de Almeida, (2023), Community mediators in South Sudan: Empirical Legitimacy and post-conflict Rule of Law Building, *Utrecht Law Review*, Vol. 19, Issue 2, pp. 44-57

<sup>13</sup> Robert Wilson (2023), Local Peace-making in South Sudan: PeaceRep Workshop Report, pp.1-29

<sup>14</sup> Roz Price and Anna Ornert, (2017), Youth in South Sudan: livelihoods and conflict, pp.1-49, Asli Ozcelik, Yulia Nesterova, Graeme Young, & Alex Maxwell (2021), Youth-

led peace: The role of youth in peace processes, University of Glasgow, pp. 1-32

<sup>15</sup> Mauricio Viera and Brahim Bilali, (2023), Global Approaches on State Fragility & Organized Crime: Small Arms Proliferation in South Sudan: Cause and Consequence of Fragility? University of Peace, pp.121

<sup>16</sup> South Sudan Local Government Act 2009, Chapter II, section 9 (d) and Chapter III, sections 15 & 16

<sup>17</sup> Leonardi, C., Isser, D., Moro, L., & Santschi, M. (2011). The Politics of Customary Law Ascertainment in South Sudan. *The Journal of Legal Pluralism and Unofficial Law*, 43(63), 111–142.

<sup>18</sup> Dakuyo, A. (2025). Defining human rights in the socio-cultural and political context of South Sudan: how to move towards the assertion of full human rights in line with international law? *The International Journal of Human Rights*, 1–27

### Mechanisms of bridging

To enhance the effectiveness of cattle raiding conflict resolution in South Sudan, there is a growing recognition of the need to integrate traditional and formal justice systems. Hybrid mechanisms that combine the strengths of both approaches can strengthen greater legitimacy and acceptance among communities.<sup>19</sup>

### Integrating Traditional and Formal Justice Systems

Traditional justice mechanisms are increasingly being recognized as vital components of rule-of-law and peace-building efforts across Africa. Countries such as Nigeria, Kenya, Ethiopia, Namibia, Sierra Leone, Tanzania, Zambia, and South Sudan have granted formal recognition to these mechanisms by reconstituting them into customary courts that operate alongside formal judicial systems.<sup>20</sup> These courts exercise jurisdiction over personal, family, and land disputes, applying customary-law and traditional procedures to deliver justice that is tailored to local contexts.<sup>21</sup>

### Policy implications and recommendations

- Policymakers must recognize the value of traditional justice systems and work towards formalizing their roles within the broader legal framework. This could involve training traditional leaders in conflict resolution techniques and legal principles, thereby equipping them to handle disputes more effectively while respecting local customs.
- The drafting of the Permanent Constitution of South Sudan should harmonize both legal traditions and provide formal recognition and regulation of traditional authorities within the state structure. There is a need to build the capacity of traditional leaders in customary law, as well as to develop a manual to train them on principles of law and court procedures.

- Creating a peaceful and just society begins in the household, where respect for women must take a strong stance against child marriages.

### CONCLUSION

Cattle raids in South Sudan have the complexity of tradition and modernity in conflict resolution. Traditional justice and mediation mechanisms, anchored in community values and restorative practices, offer viable pathways for addressing disputes and reconciliation. For these mechanisms to be effective, a rigorous effort to address the challenges they face, the marginalization of females, and integration with formal systems. By bridging the gap between traditional and modern approaches, South Sudan can move towards sustainable peace and social cohesion.<sup>22</sup>

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