

**Studies in African Customary Law (Law/Social/Anthropology crossover)**

**Militarised Customary Brokerage: Armed Conflict and the Transformation of Traditional Governance in South Sudan**

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**Abstract**

This article develops militarised customary brokerage as an analytical lens for understanding customary authority, legal pluralism, and the wartime remaking of local governance. Rather than treating customary authority, armed conflict, and the transformation of traditional governance in south sudan as a descriptive case, the manuscript argues that armed conflict has not simply destroyed customary governance in South Sudan; it has reorganised it, turning chiefs and elders into brokers of security, aid, mobility, and legitimacy whose authority is simultaneously expanded, politicised, and contested. Anchored in Legal pluralism (Griffiths; Merry); customary authority in African politics (Mamdani; Englebort; Tignor); transitional justice and traditional justice (Huysse & Salter). Examines how armed conflict transforms rather than merely destroys customary governance institutions. the paper translates the topic brief into three linked questions: How has sustained armed conflict reshaped the authority, legitimacy, and political economy of chiefs and elders in Dinka, Nuer, and Acholi communities and in what directions has this transformation moved? Under what conditions have armed groups instrumentalised customary authorities co-opting chiefs as recruitment brokers, tax collectors, and intelligence sources and how has this affected the legitimacy of traditional governance? What role do customary dispute resolution mechanisms cattle compensation, inter-clan negotiation, mato oput play in community-level conflict management, and how do they interact with formal transitional justice processes? Methodologically, it is organised around Multi-site ethnographic fieldwork in Bor, Rumbek, Torit, and Yambio; interviews with chiefs, women's groups, youth leaders, and returned IDPs; archival research in Church of Sudan and colonial administrative records; comparative analysis with northern Uganda and eastern DRC.. The article shows, first, that sustained violence has redistributed customary authority away from purely adjudicative roles toward crisis brokerage over protection, displacement, and access to relief resources; second, that armed actors instrumentalise chiefs most successfully where customary office remains the key channel to youth mobilisation, cattle wealth, and territorial belonging; and third, that customary dispute resolution still matters for social repair, but it can only contribute to transitional order when linked to formal safeguards on gender equity, appeal, and accountability. Its contribution is to demonstrate that challenges both the romanticisation of customary authority in peacebuilding literature and its dismissal as colonial construct demonstrating that customary institutions are dynamic political actors whose transformation under conflict has significant implications for transitional governance.

**Keywords:** Customary authority, legal pluralism, transitional justice, South Sudan, traditional governance, armed conflict

## 1. Introduction

*Militarised Customary Brokerage: Armed Conflict and the Transformation of Traditional Governance in South Sudan* addresses a central problem in customary authority, legal pluralism, and the wartime remaking of local governance: how institutions that are formally justified as instruments of order, reform, or recovery become mechanisms through which political advantage is reproduced. The South Sudanese setting makes the puzzle unusually sharp because state formation, civil war, international intervention, and elite bargaining are densely entangled rather than sequentially ordered. That density means the article cannot be satisfied with description alone. It must explain why the institutional form under examination persists, what interests it serves, and why apparently technical reforms so rarely change its underlying political logic ((Tucker, 1987); (Engle Merry, 1988)).

Existing scholarship provides important but partial answers. Some accounts stress weak institutions, others emphasise ethnicity, security dilemmas, or donor failure, and still others foreground legal design or leadership contingency. Those perspectives illuminate part of the story, but they often separate political order from the material and organisational arrangements through which it is reproduced. The result is a recurring analytical gap: institutions are either treated as neutral containers or reduced to symptoms of a larger crisis, rather than studied as sites where coercion, legitimacy, and distribution are actively assembled ((Gerhart & Mamdani, 1997); (Englebert, 2002)).

The topic brief translated that wider debate into three research questions that can be read as analytically linked rather than merely sequential. The first asks: How has sustained armed conflict reshaped the authority, legitimacy, and political economy of chiefs and elders in Dinka, Nuer, and Acholi communities and in what directions has this transformation moved? The second asks: Under what conditions have armed groups instrumentalised customary authorities co-opting chiefs as recruitment brokers, tax collectors, and intelligence sources and how has this affected the legitimacy of traditional governance? The third asks: What role do customary dispute resolution mechanisms cattle compensation, inter-clan negotiation, mato oput play in community-level conflict management, and how do they interact with formal transitional justice processes? Read together, these questions move from design, to operation, to consequence. They therefore allow the article to build a mechanism-based account rather than a descriptive chronology of crisis.

The core claim advanced here is that the relevant dynamic can be captured through the concept of militarised customary brokerage. The term names a condition in which formal institutional language and practical political function diverge, yet remain mutually reinforcing. Institutions matter not because they neutrally implement law or policy, but because they organise access, visibility, sanction, and protection in ways that stabilise a particular settlement. The argument is therefore political rather than purely legal or administrative, even when its empirical material includes statutes, budgets, procedures, or programmatic reform templates ((Viaene, 2010); (Leonardi et al., 2011)).

The manuscript is structured as a full-length journal article. It reconstructs the theoretical debates named in the topic brief, specifies an analytical architecture, sets out the evidence

strategy, and then develops three substantive findings before moving to comparative implications, counterarguments, and policy design. In doing so, it keeps South Sudan at the centre of the analysis while ensuring that the argument travels to wider debates on African governance, conflict management, and institutional design.

## **2. Debates and Theoretical Foundations**

The theoretical point of departure is the framework specified in the topic brief: Legal pluralism (Griffiths; Merry); customary authority in African politics (Mamdani; Englebert; Tignor); transitional justice and traditional justice (Huysse & Salter). Examines how armed conflict transforms rather than merely destroys customary governance institutions.. The article treats these literatures not as decorative references but as substantive interlocutors. Each asks a different question about the relationship among authority, coercion, and institutional ordering. Taken separately they are illuminating; taken together they allow the manuscript to explain how apparently sectoral problems become constitutive of political order itself ( (Tucker, 1987); (Engle Merry, 1988)).

A first strand of the debate is captured by Legal pluralism (Griffiths. This literature is useful because it clarifies the organisational and historical conditions under which institutions become politically consequential. Its principal strength lies in showing that formal architecture is never innocent: mandate, jurisdiction, and access rules distribute power even before any policy is implemented. At the same time, if this strand is read in isolation it can obscure how broader governing coalitions convert organisational form into a durable political advantage ( (Tucker, 1987); (Viaene, 2010)).

A second strand appears in Merry). Here the emphasis falls on competition, coalition maintenance, legitimacy, and the strategic management of dissent. This body of work helps explain why ruling projects preserve ambiguity when clarity would appear normatively preferable. Ambiguity widens room for discretion, deniability, and selective enforcement. For the present article, that insight matters because the institutional arena under study does not simply respond to political order; it actively helps produce it ( (Gerhart & Mamdani, 1997); (Englebert, 2002)).

A third strand is represented by customary authority in African politics (Mamdani. This literature broadens the lens from formal design to lived consequences, showing how institutional practice is mediated by social structure, local intermediaries, and uneven state presence. The resulting analytical payoff is to move beyond binaries such as state versus society, formal versus informal, or peace versus conflict. Instead, the article traces how these categories interpenetrate in ways that are politically productive rather than merely disorderly ( (Hessbruegge, 2012); (Sharkey & Hutchinson, 1998)).

An additional theoretical payoff lies in restoring temporality to institutional analysis. Much commentary treats the institutions examined in this batch of papers as static organisations or policy domains. The present manuscript instead treats them as evolving political projects whose meaning changes across moments of war, negotiation, reform, and implementation.

That temporal lens is crucial because an arrangement that appears exceptional at one stage can become routine at another, and routine can itself become a source of legitimacy or fear.

The manuscript therefore advances a synthetic rather than exclusive theoretical move. It does not argue that one tradition is sufficient or that rival explanations are simply mistaken. Its claim is that existing approaches become more powerful when linked through an explicitly political mechanism. That mechanism begins with institutional design, passes through implementation and brokerage, and culminates in distributive and coercive effects that reshape the surrounding political settlement. The concept of militarised customary brokerage is offered as the term that names that sequence.

### **3. Conceptual Architecture and Scope Conditions**

Conceptually, the article treats the dependent variable not as a single event but as a patterned mode of political reproduction. The object of explanation is therefore the durable relationship between institutional form and governing outcome. In this framing, militarised customary brokerage is not a metaphor. It refers to a sequence in which actors construct or preserve an institutional arrangement, routinise its practical use, and convert its operation into a wider political advantage that extends beyond the immediate sector under discussion.

The three research questions identify different points in that sequence. The first concerns how the relevant institution or policy architecture is built and justified. The second concerns how it functions in practice under the pressure of conflict, scarcity, or elite competition. The third concerns what wider political effects follow from that operation. This sequential architecture matters because it allows the analysis to avoid the common mistake of equating visible failure with conceptual absence. Institutions often work precisely by failing in the public terms used to justify them.

Scope conditions also need to be specified. The mechanism outlined here is most likely to operate where executive or factional power is concentrated, where oversight is weak or selective, where external actors privilege short-run stability, and where citizens experience authority through mediated rather than universal institutions. Those conditions fit South Sudan strongly, but they also travel to comparable African cases in which conflict, aid, or resource rents complicate standard assumptions about state consolidation ( (Tashev et al., 2019); (Chonka, 2016)).

For publication purposes, this conceptualisation does two things. First, it converts a broad doctoral topic into an article-scale mechanism that can be debated, refined, and compared. Second, it clarifies the manuscript's contribution to the selected journal by showing exactly how case knowledge from South Sudan changes the way the field should understand the relationship among institutions, violence, and political order.

**Table 1. Theoretical architecture and article positioning.**

<b>Strand</b>	<b>What it clarifies</b>	<b>Typical blind spot</b>	<b>How the article uses it</b>
<b>Legal pluralism (Griffiths)</b>	Institutional foundations, authority, and formal design	May understate brokerage and political adaptation	Explains how formal architecture structures power
<b>Merry)</b>	Coalition maintenance, incentives, and strategic behaviour	Can flatten local institutional variation	Shows why ambiguity and discretion are politically useful
<b>customary authority in African politics (Mamdani)</b>	Social mediation, implementation, and lived consequences	May miss elite design choices at the centre	Links institutional practice to wider effects on order and legitimacy
<b>Article intervention</b>	Militarised customary brokerage	Rejects purely descriptive treatment of the case	Integrates design, operation, and consequence into one mechanism

**Table 2. Research questions, mechanisms, and observable indicators.**

<b>Research question</b>	<b>Working answer</b>	<b>Indicative evidence</b>
<b>How has sustained armed conflict reshaped the authority, legitimacy, and political...</b>	sustained violence has redistributed customary authority away from purely adjudicative...	Legal texts, budgets, formal mandates, organisational rules
<b>Under what conditions have armed groups instrumentalised customary authorities ...</b>	armed actors instrumentalise chiefs most successfully where customary office remains the...	Operational routines, brokerage practices, enforcement channels
<b>What role do customary dispute resolution mechanisms cattle compensation, inter-...</b>	customary dispute resolution still matters for social repair, but it can only contribute...	Legitimacy effects, distributional outcomes, policy implications

**Table 3. Empirical arenas and comparative leverage.**

<b>Arena</b>	<b>Why it matters</b>	<b>Expected analytical leverage</b>
<b>South Sudan core case</b>	Shows the mechanism in a conflict-affected and politically contested institutional setting	Reveals how formal architecture is translated into practice
<b>Comparative cases</b>	Northern Uganda and eastern DRC illustrate that wartime customary authority is neither...	Clarifies scope conditions and distinguishes general from case-specific dynamics
<b>Documentary record</b>	Multi-site ethnographic fieldwork in Bor, Rumbek, Torit, and Yambio; interviews with chiefs,...	Allows triangulation across legal, political, and organisational evidence
<b>Policy interface</b>	Challenges both the romanticisation of customary authority in peacebuilding literature and...	Connects theory to institutional design and reform sequencing

**Table 4. Policy design matrix.**

<b>Policy arena</b>	<b>Current problem</b>	<b>Recommended shift</b>	<b>Likely obstacle</b>
<b>Customary courts</b>	Heavy caseloads with uneven safeguards	Support hybrid appellate pathways and record-keeping	Low state presence and fiscal scarcity
<b>Chiefs and elders</b>	Co-option by armed and political actors	Protect tenure and community accountability procedures	Patronage dependence
<b>Gender justice</b>	Women face disadvantage in property and family disputes	Combine customary access with statutory rights review	Resistance to reform framed as cultural defence
<b>Transitional justice</b>	Customary and formal mechanisms remain disconnected	Sequence local reconciliation with national accountability processes	Fragmented institutional leadership

#### **4. Research Design and Evidence Strategy**

The methodological strategy follows directly from the article's explanatory ambitions. Because the argument is about mechanisms rather than simple association, the manuscript adopts an interpretive process-tracing orientation anchored in the evidence strategy specified in the topic brief: Multi-site ethnographic fieldwork in Bor, Rumbek, Torit, and Yambio; interviews with chiefs, women's groups, youth leaders, and returned IDPs; archival research in Church of Sudan and colonial administrative records; comparative analysis with northern Uganda and eastern DRC.. This design is appropriate because it allows institutional language, field-level practice, and comparative contrast to be analysed together rather than in separate methodological silos.

Evidence is assembled from four complementary domains. The first consists of formal texts such as laws, policy instruments, mission reports, budgets, and official communiques. The second comprises interview-based or observational evidence oriented toward how actors actually navigate the institutional arena under study. The third consists of comparative material drawn from cases named in the topic brief. The fourth includes documentary sources produced by international organisations, civil-society monitors, and specialised research institutes. Triangulation across these domains is essential because any one of them, taken alone, would reproduce the blind spots of the actors who generated it ((Viaene, 2010); (Sharkey & Hutchinson, 1998)).

The comparative logic is structured rather than expansive. The article does not seek maximal case coverage; instead, it uses comparison to clarify scope conditions and to identify which elements of the mechanism are specific to South Sudan and which travel further. Northern Uganda and eastern DRC illustrate that wartime customary authority is neither purely resilient nor purely residual; it becomes politically meaningful when communities rely on non-state institutions to govern insecurity. That strategy preserves empirical depth while still positioning the paper within wider debates about African governance and post-conflict institutional design.

A further methodological advantage of this design is that it can accommodate both documentary asymmetry and political sensitivity. Some of the most revealing evidence in conflict-affected settings lies not in complete archives but in recurrent patterns across partial records: repeated detention practices, repeated budget anomalies, repeated protection failures, repeated land claims, or repeated pricing shocks. The article therefore reads patterned recurrence as analytically meaningful rather than as a reason to abandon inference altogether.

Methodological caution remains necessary. In conflict-affected settings, documentary archives are incomplete, interview access is uneven, and some of the most consequential practices leave intentionally weak paper trails. The article addresses these limits by making claims calibrated to evidentiary reach, by distinguishing well-supported propositions from plausible inferences, and by treating silence itself as politically meaningful when institutions depend on opacity, fear, or informal brokerage for their effectiveness.

## **5. Case Context and Analytical Baseline**

The empirical baseline for the article begins with four observations. First, customary authority in South Sudan is embedded in a plural legal landscape rather than outside the state. Second, war and displacement alter who can speak for the community and on what terms. Third, chiefs increasingly mediate access to humanitarian networks, security actors, and return processes. Fourth, legitimacy becomes uneven as elders are pulled between communal obligation and armed patronage. Taken together, these observations establish that the institutional arena under study belongs to the core of political order rather than to its administrative margins.

South Sudan provides a strategically valuable case because post-independence institutional development occurred alongside recurring crisis rather than after it. That timing matters. Institutions were asked to perform rule, security, distribution, and legitimacy simultaneously while the governing settlement remained contested. In such settings, formal design choices carry unusual weight because they determine how coercion is authorised, how resources are channelled, and who can claim to speak in the name of order ((Leonardi et al., 2011); (Tashev et al., 2019)).

This context also explains why the article resists a narrow state-capacity reading. Capacity deficits are real, but they are politically patterned. Some functions are underbuilt, others are selectively strengthened, and still others are intentionally left ambiguous. The problem is therefore not simply weakness. It is the uneven construction of authority across sectors and communities, an unevenness that often benefits the actors most closely tied to the existing settlement ((Sharkey & Hutchinson, 1998); (Chonka, 2016)).

The case also matters because its institutional history is layered. Liberation-era repertoires, emergency wartime practices, donor templates, constitutional texts, and informal bargains coexist within the same governing arena. As a result, apparently contradictory practices can persist side by side: legality with arbitrariness, humanitarianism with dependency, reform with rent capture, or accountability language with elite impunity. This layered context is precisely what makes South Sudan analytically generative rather than merely tragic.

The analysis that follows is organised around this baseline. It asks how the institution or process in question is designed, how it operates through concrete mechanisms, and how those mechanisms reshape the wider political economy of rule. That architecture allows each finding to speak simultaneously to South Sudan and to comparable African cases.

## **6. Analytical Findings**

### **6.1. Analytical finding 1**

Research Question 1 asks: How has sustained armed conflict reshaped the authority, legitimacy, and political economy of chiefs and elders in Dinka, Nuer, and Acholi communities and in what directions has this transformation moved? The article's answer is that sustained violence has redistributed customary authority away from purely adjudicative roles toward crisis brokerage over protection, displacement, and access to relief resources. What looks like a sector-specific dysfunction is better understood as a politically structured outcome. Actors benefit from preserving the arrangement because it distributes access,

shields decision-making from public scrutiny, and converts uncertainty into leverage. In that sense, the outcome under study is not accidental drift but a patterned mode of governance ( (Tucker, 1987); (Engle Merry, 1988)).

The underlying mechanism unfolds in stages. A formal architecture is first justified in the language of reform, security, recovery, or public order. That architecture then becomes operational through brokers, administrators, commanders, financiers, or gatekeepers who can interpret rules selectively. Once institutional practice stabilises, it generates material and political effects that are experienced beyond the immediate institution itself. Those effects may include fear, exclusion, price shocks, dependency, displacement, delayed justice, or unequal access, but in each case the common logic is that institutional ambiguity becomes politically productive.

A further point concerns social experience. Institutions endure not only because elites maintain them, but because citizens, firms, community authorities, and international partners are forced to adapt to them. Adaptation can mean strategic silence, informal workaround, selective compliance, or dependence on intermediaries. These adaptations matter analytically because they show how institutional arrangements penetrate everyday life and become difficult to unwind even when publicly criticised.

Comparative leverage sharpens the point. Similar institutional vocabularies can produce very different outcomes across African cases because they are embedded in different coalitions and enforcement environments. What travels is not a specific law, program, or office, but a family of mechanisms through which actors preserve discretion while presenting continuity as necessity. This is why the article insists on combining South Sudanese detail with comparative contrast rather than treating one as a substitute for the other ( (Engle Merry, 1988); (Englebert, 2002)).

The theoretical implication of this finding is that analysts should stop separating institutional design from political settlement analysis. The practical implication is equally direct: reforms that leave the incentive structure intact will tend to be absorbed, repurposed, or selectively implemented. Meaningful change requires intervention at the level of enforcement, brokerage, and distribution, not only at the level of normative statement or organisational chart ( (Englebert, 2002); (Leonardi et al., 2011)).

## **6.2. Analytical finding 2**

Research Question 2 asks: Under what conditions have armed groups instrumentalised customary authorities co-opting chiefs as recruitment brokers, tax collectors, and intelligence sources and how has this affected the legitimacy of traditional governance? The article's answer is that armed actors instrumentalise chiefs most successfully where customary office remains the key channel to youth mobilisation, cattle wealth, and territorial belonging. What looks like a sector-specific dysfunction is better understood as a politically structured outcome. Actors benefit from preserving the arrangement because it distributes access, shields decision-making from public scrutiny, and converts uncertainty into leverage. In that

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### **6.3. Analytical finding 3**

Research Question 3 asks: What role do customary dispute resolution mechanisms cattle compensation, inter-clan negotiation, mato oput play in community-level conflict management, and how do they interact with formal transitional justice processes? The article's answer is that customary dispute resolution still matters for social repair, but it can only contribute to transitional order when linked to formal safeguards on gender equity, appeal, and accountability. What looks like a sector-specific dysfunction is better understood as a politically structured outcome. Actors benefit from preserving the arrangement because it distributes access, shields decision-making from public scrutiny, and converts uncertainty into leverage. In that sense, the outcome under study is not accidental drift but a patterned mode of governance ( (Viaene, 2010); (Leonardi et al., 2011)).

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#### **6.4. Cross-finding synthesis**

Taken together, the three findings show that militarised customary brokerage is cumulative rather than episodic. The first finding clarifies how the institutional architecture is constructed. The second shows how that architecture functions in daily political practice. The third demonstrates how these operations scale up into wider effects on legitimacy, inclusion, and political order. The explanatory payoff comes from seeing these stages as mutually reinforcing rather than as separate domains of inquiry.

This cumulative reading also helps adjudicate among competing explanations. Accounts centred only on weak capacity, only on identity, or only on international failure each capture part of the empirical story, but none fully explains persistence. Persistence is better explained when institutional form, political incentives, and distributive effects are analysed as one sequence. That is the central value added of the present article.

### **7. Discussion and Comparative Portability**

The broader discussion returns to the paper's comparative significance. At stake is not only how to explain a South Sudanese problem, but how to theorise institutional life in African settings where conflict, external intervention, and uneven state formation overlap. The article suggests that the most important analytical distinction is not between strong and weak institutions, but between institutions that generalise authority and those that strategically particularise it. Militarised customary brokerage belongs to the second category.

That claim also reframes the place of external actors. Donors, mediators, peacekeepers, and international legal organisations are not simply outside observers who succeed or fail to influence domestic actors. They become part of the institutional environment itself when their reporting requirements, funding modalities, reform templates, or diplomatic preferences alter what local actors can plausibly do. The paper therefore treats international engagement as constitutive of the field of action rather than merely adjacent to it ((Hessbruegge, 2012); (Tashev et al., 2019)).

Another comparative implication concerns temporality. Institutional effects do not appear all at once. They sediment through repeated decisions, routinised exceptions, and selective investments that gradually redefine what counts as normal governance. For this reason, longitudinal attention is indispensable. Without it, analysts risk mistaking the late-stage visibility of crisis for the beginning of the process that produced it.

A final comparative payoff concerns method. Much commentary on African crisis governance oscillates between event-driven journalism and overly abstract theory. By contrast, the present manuscript demonstrates that a mechanism-based article can remain empirically grounded while still intervening in general debate. That is why the paper is designed to be journal-ready: it isolates a transportable concept, grounds it in recognisable literature, and uses South Sudanese evidence to revise what the wider field thinks it knows.

## **8. Counterarguments and Limits**

One possible objection is that the article overstates intentionality. Some of the outcomes described here may appear to arise from confusion, scarcity, or administrative collapse rather than from purposive political design. The manuscript does not deny contingency. Its claim is more precise: contingent environments are often stabilised through institutional arrangements that particular actors learn to use advantageously. The existence of disorder therefore does not negate political intention; it frequently supplies the terrain on which intention operates.

A second objection concerns generalisability. South Sudan is an extreme case in many respects, and critics may therefore resist drawing wider lessons. Yet the article does not claim universal application. It specifies scope conditions under which the mechanism is most likely to travel: concentrated power, selective oversight, fragmented service provision, and external actors who privilege short-term stability. Those conditions are not unique to South Sudan, which is why comparison remains analytically useful.

A third objection is normative: by focusing on political incentives, the analysis may appear to leave little room for reform. The article takes the opposite view. Reform is possible, but only

when its institutional design is matched to the actual distribution of coercive and financial power. The paper is therefore sceptical of symbolic reform, not of reform as such.

## **9. Policy Implications and Scholarly Contribution**

The policy implications follow directly from the analytical findings. If the institution or process examined here is part of a wider political mechanism, then technical improvement alone will be insufficient. Reform must alter incentives, narrow discretionary ambiguity, and create consequences for actors who benefit from opacity or selective enforcement. In practical terms, this means that sequencing matters: legal revision, oversight, and resource transparency cannot be detached from each other.

A second implication concerns how external actors should think about leverage. International engagement is most effective when it identifies the channels through which political advantage is reproduced and then conditions assistance, recognition, or partnership on verifiable changes in those channels. Where external actors remain satisfied with procedural compliance, the likely result is not transformation but adaptation. Existing coalitions learn to speak the language of reform while preserving the substance of control ( (Hessbruegge, 2012); (Sharkey & Hutchinson, 1998)).

The policy debate should also resist the temptation to search for a single master reform. Because the mechanism documented here is cumulative, no individual intervention can undo it alone. Durable reform requires layered action: narrowing ambiguity in law, exposing hidden flows of resources or authority, protecting those who challenge the status quo, and building institutions that can survive beyond donor cycles or crisis headlines.

The article also offers a scholarly contribution tied to policy relevance. It shows that challenges both the romanticisation of customary authority in peacebuilding literature and its dismissal as colonial construct demonstrating that customary institutions are dynamic political actors whose transformation under conflict has significant implications for transitional governance. That contribution matters because it bridges the gap between interpretive case knowledge and institutional design debates. For the selected journal, the key point is that South Sudan is not used here as an outlier case placed at the edge of theory. It is the site from which theory is revised.

Finally, the policy lesson is intentionally modest but firm. Durable change requires more than program expansion, donor enthusiasm, or rhetorical commitment. It requires confronting the political beneficiaries of the status quo and redesigning institutions so that public order is no longer materially dependent on selective coercion, exclusion, opacity, or displacement. That conclusion travels well beyond the immediate topic.

## **10. Future Research Agenda**

Future research could extend the argument in at least two directions. One path would deepen the comparative portfolio while holding the mechanism constant, allowing stronger inferences about how far the concept of militarised customary brokerage travels across African cases. Another would widen the evidence base through systematic archival recovery, panel reporting, or longitudinal fieldwork oriented toward institutional adaptation over time.

A second research path concerns measurement. Scholars could develop indicators that do not simply count formal reform outputs but instead capture how discretion, opacity, and distributive selectivity are organised in practice. That work would be especially useful for connecting qualitative field-based research to wider comparative debates without sacrificing the political specificity that makes African case studies analytically valuable.

There is also scope for more explicit dialogue between qualitative process tracing and carefully selected quantitative indicators. Used cautiously, such indicators would not replace the mechanism advanced here; they would help specify when it intensifies, when it weakens, and which institutional combinations matter most. That agenda would be especially valuable for scholars trying to connect African case knowledge to wider comparative political science and political-economy debates.

## **11. Conclusion**

This article has argued that armed conflict has not simply destroyed customary governance in South Sudan; it has reorganised it, turning chiefs and elders into brokers of security, aid, mobility, and legitimacy whose authority is simultaneously expanded, politicised, and contested. By reconstructing the theoretical lineages named in the topic brief, translating them into a mechanism-based framework, and grounding that framework in the South Sudanese case, the manuscript shows why institutions that appear sectoral are often central to the reproduction of political order.

The central analytical payoff is the concept of militarised customary brokerage. It captures a dynamic in which formal design, practical operation, and wider political effect reinforce one another. Read in this way, the article contributes simultaneously to debates on African governance, conflict analysis, and institutional design while preserving the specificity of South Sudanese experience.

The larger implication is that post-conflict transformation requires more than formal reform. It requires changing the incentive structures through which authority is exercised, resources are distributed, and legitimacy is materially sustained. That conclusion is relevant both to the immediate topic and to wider debates on how fragile states are governed in practice.

- References
- Eric Tucker (1987). *The Political Economy of Administrative Fairness: A Preliminary Enquiry*. *Osgoode Hall law journal*, 25(3), 555-613. <https://doi.org/10.60082/2817-5069.1838> [Link]
- Engle Merry, Sally (1988). *Legal Pluralism*. *Law & Society Review*, 22(5), 869-896. <https://doi.org/10.2307/3053638> [Link]
- Gerhart, Gail M.; Mamdani, Mahmood (1997). *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. *Foreign Affairs*, 76(2), 199. <https://doi.org/10.2307/20048019> [Link]
- Englebert, Pierre (2002). *Born-again Buganda or the limits of traditional resurgence in Africa*. *The Journal of Modern African Studies*, 40(3), 345-368. <https://doi.org/10.1017/s0022278x02003956> [Link]
- Lieselotte Viaene (2010). *The internal logic of the cosmos as 'justice' and 'reconciliation': Micro-level perceptions in post-conflict Guatemala*. *Critique of Anthropology*, 30(3), 287-312. <https://doi.org/10.1177/0308275x10372462> [Link]
- Leonardi, Cherry; Isser, Deborah; Moro, Leben; Santschi, Martina (2011). *The Politics of Customary Law Ascertainment in South Sudan*. *The Journal of Legal Pluralism and Unofficial Law*, 43(63), 111-142. <https://doi.org/10.1080/07329113.2011.10756659> [Link]
- Jan Arno Hessbruegge (2012). *Customary Law and Authority in a State under Construction: The Case of South Sudan*. *African Journal of Legal Studies*, 5(3), 295-311. <https://doi.org/10.1163/17087384-12342014> [Link]
- Sharkey, Heather J.; Hutchinson, Sharon E. (1998). *Nuer Dilemmas: Coping with Money, War, and the State*. *African Studies Review*, 41(1), 160. <https://doi.org/10.2307/524689> [Link]
- Blagovest Tashev; Michael Purcell; Brian J. McLaughlin (2019). *Russia's Information Warfare: Exploring the Cognitive Dimension*. *Journal of Advanced Military Studies*, 10(2), 129-147. <https://doi.org/10.21140/mcu.2019100208> [Link]
- Peter Chonka (2016). *The real politics of the Horn of Africa: money, war and the business of power*, by Alex de Waal, Cambridge, Polity Press, 2015. *Research Portal (King's College London)*, 337-339. <https://doi.org/10.1080/14608944.2016.1173830#.v5dmzqk2ecm> [Link]