

# CROPS AND COWS

## The Potential of Cattle Migration Management in South Sudan

Governance. Peacebuilding. Rule of Law. Livelihoods.



# The Marial Bai Agreement

The 2nd Bussere Review Conference Agreement between pastoralists and agriculturalists from Gogrial, Tonj and Wau States in South Sudan, was signed on 17 November 2016 in Marial Bai by 24 traditional leaders and witnessed by representatives of local governments of 19 counties and governors of three states. The agreement is generally referred to as the Marial Bai Agreement. It regulates relations and cooperation between cattle keepers and farmers in the tristate area.

The Marial Bai Agreement is the result of a five-year process that was initiated in 2014 by affected local governments who invited VNG International (the International Cooperation Agency of the Association of Netherlands Municipalities) to support previous community-led efforts with technical expertise, a fresh perspective and new ideas. So, the Agreement is embedded in local tradition, customary law, modern ideas of governance, the will of the people involved and the need to be practical in a volatile context with substantial challenges.

The Marial Bai Agreement protects diverse livelihoods, crops and cattle, and promotes peaceful relations between communities during the dry-season cattle migration. It regulates arrival time of the cattle camps from Gogrial and Tonj States in the agricultural areas of Wau State, procedures for migrating cattle camps to establish relations with host communities and to agree on a camp location away from fields and villages, and it sets a compensation price for damages to crops and animals to avoid retaliation by affected communities. Rather than killing roaming cows as was the practice before, they are now "lodged" in a "hotel" until the owner comes and pays the "hotel bill". The Agreement applies to cows of permanent and temporary residents of the three states.

For a short documentary on the process, please visit: <https://youtu.be/PORBpqs8a5Q>

## Implementation of the agreement

The Agreement establishes three committees:

- Interstate Coordinating Committee on Cattle Migration (representatives of the communities): Responsible for the management of the implementation of the Agreement
- Monitoring Committee (County Deputy Executive Directors): Responsible for monitoring implementation and reporting to the Interstate Coordinating Committee
- Dispute Resolution Committee (chiefs and "majokwut" [cattle camp leaders]): Responsible for resolving local tensions at the request of communities
- The committee members are not paid. Their expenses are covered by the state budget

During the first quarter of 2017 the three State Ministries of Local Government presented the 'Interstate Policy To Support the Implementation of Signed Peace Agreements Between Pastoralists and Agriculturalists from Gogrial, Tonj and Wau States'. It was then passed by the State Councils of Ministers. Currently, the Marial Bai Agreement is successfully implemented by the communities of 19 counties under the overall management of the Interstate Coordinating Committee on Cattle Migration. The Interstate Policy ensures oversight by local and state government and facilitates implementation.

The process and its outcomes belong first and foremost to the communities: It is their agreement. But, without the leadership of the state government, the country commissioners and their governments, the Agreement would not have been passed, nor implemented. It is the local commitment, trust between communities and government, and the acceptance of each other's responsibility and accountability, which provides the basis for collaboration and coordination and. And this is not easy.

# The main characteristics of the process that lead to the Agreement and its implementation

The signing and implementation of the Marial Bai Agreement was preceded by a five-year process of over 200 big and small meetings, consultations and workshops with local stakeholders. Key characteristics were:

## Trust, confidence and inclusiveness

Civil war and political polarisation had created distrust and discord. Preceding agreements had not been implemented. This needed to be prioritized ahead of all other things. Goodwill was established by involving all communities and stakeholders, ensuring equal representation in all meetings and committees. For some it was the first time they ventured into the villages and counties of other ethnic communities. Trust arrived slowly, when people realised the efforts of others and understood that everyone has responsibilities. Political will also arrived slowly. When the communities began to commit, political will followed, which had a positive effect on the commitment of the communities.

## Formal and traditional leadership

Of paramount importance to the process was the active participation of community leaders with the resolve to drive the process. They could offer continuity that the local government in South Sudan – momentarily - lacked. But in spite of the lack of government continuity state and local government, the active involvement of government agencies ensured that the process could be institutionalised. Traditional and formal leaders were both crucial in the process.

## Ensuring governance capacity to implement the agreement

The buy-in of local and state governments ensured that structures and minimal resources were guaranteed for the monitoring and implementation of the Agreement. Throughout the process state and local governments have contributed human and physical resources, goodwill and political clout to spur progress. The state governments have taken a lead and institutionalised cattle migration management in formal policy: It has become a fixed item on the agenda of the tristate governors' meeting. The members of the committees, selected by all stakeholders based on their pre-established commitment to their communities, have become knowledgeable and determined promoters of sustainable cattle migration management.

## Building on experiences

During all meetings and consultations the implementation of previous community agreements was reviewed,. The main challenge of previous agreements was not so much the lack of agreement, but the lack of structures, plans, knowledge and resources for implementation and monitoring. Chiefs were facilitated to hold meetings with their peers from the other states to sort out specific issues. Resolutions were held against practices of customary law as well as stipulations of statutory law.

## No avoidance of contentious matters

Gun ownership by cattle keepers was one of the most contentious issues in the process. The Agreement placed the responsibility of arms control with the State Security Committees. Migrating cattle camps were not allowed to bring weapons into the state. The Interstate Coordinating Committee follows up with the Governors' Office. Farming communities report to feel much safer as a result of these efforts.

## Seeking for consensus

All concerns of communities regarding cattle migration were taken seriously, debated with all concerned until consensus or another form of agreement was reached. In the difficult times when the politics of the civil conflict



influenced the debates, a focus was kept on the issue of cattle migration. The Marial Bai process was guided by the 'politics of accommodation' as much as possible.

### Communication

Crucial was the dissemination of the Agreement to the wider public. Each year throughout the dry season the committees have undertaken numerous public rallies, radio broadcasts and public discussions in the three states to ensure awareness. Practical arrangements, such as the availability of a list of telephone numbers of all chiefs that signed the Agreement and of the committee members facilitates consultations and problem solving.

### Process facilitation

VNG International's long-standing involvement in South Sudan and its committed and experienced experts made VNG International a trusted partner. A dual bottom-up and top-down approach was applied simultaneously, in which space was ensured to discuss distrust and emotions. The process was accessible for all stakeholders willing to play a positive role and keep an open mind. The focus was kept on cattle migration, whereby the process rather than prefixed activities or results were leading. Time has been a crucial factor. The process has taken a period of more than five years and built on experiences of a much longer period. There was never an urge to accelerate the process, because this might have jeopardized local dynamics and community ownership. Sustainable institutionalisation of the Agreement takes time and long-term commitment. The process is ongoing.

## Future Perspectives

The process as facilitated in Wau, Gogrial and Tonj states can be tested in other areas, but it will likely not unfold in the same fashion, because blueprints are not possible. But the results may be equally valuable, if all relevant stakeholders are willing to make an effort. The commitment of the communities, including their leaders and government, is key.

The Local Government Board of the Government of South Sudan and the South Sudan Peace and Reconciliation Commission (SSPRC) have endorsed the process. After two years of successful implementation by the communities and a growing interest in the region to accede to the Marial Bai Agreement and the Interstate Policy, they see substantial potential in its replication in other parts of the country.

## About the organisation

VNG International was established in 1993 by the Association of Netherlands Municipalities (VNG). The organisation is located in VNG's headquarters and has easy access to all VNG's know-how, experience and facilities. More than 50 highly motivated professionals work for VNG International in The Hague and a further 100 in project offices worldwide. We mobilise local government expertise through our global network of professionals, including a core group of some 30 associated experts who work for us on a long-term or regular basis.

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