• **Abstract**

The author argues that the tribal system (now called native administration) is an entrenched system inherited by many generations since the Arabs entered Sudan in the 13\(^{th}\) century. He argues that subsequent governments and regimes have resorted to native administration. Native administration was given tax levying powers since 1925 and also entrusted with the provision of essential services as it was not possible at the time for governments to manage a vast country such as Sudan without the support of the tribal Chiefs. The author argues that in his opinion native administration still can play a pivotal role at different levels including local government councils, judiciary, security, and above all, is not a costly system.

• **Native Administration as a Judicial System.** The author argues that the 1921 Native Administration Act was issued as a response to Lord Milner report to Mr. Adly Basha in which he strongly recommended the necessity of establishing a native national system with specific powers. In 1922 a report was issued supporting Milner’s recommendations, and as a result, various laws were introduced such as the 1923 Chiefs Act and the 1923 Powers of Chiefs Act.

• Regarding native courts, the author argues that they were established at different levels including courts for *Omdas, Nazirs* and *Sheikhs*. Such courts were given powers and jurisdiction according to directives issued by the Chief Justice. In the author's opinion the fact that native administration enjoys both executive and judicial powers does not necessarily means that this duality of functions contradicts the fundamental principle of the separation of powers between the judiciary and the executive branches of government.
However, the author argues that judicial guarantees were put in place by the judiciary as decisions taken by native courts were subjected to appeals and judicial review. Furthermore, native administration does not have any legislative powers and its main mandate is to apply customary laws and resolve local disputes. Native administration members are not government employees and technically and legally cannot be regarded as part of the executive. Therefore, giving native administration judicial powers does not violate the principle of separation of powers between the judiciary and the executive branches of government and hence does not affect the independence of the judiciary.