An elusive peace dividend: land access and violence in non-formal settlements in Juba, Southern Sudan

A thesis submitted to the University of Manchester for the degree of Doctor of Philosophy in the Faculty of Humanities

2012

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List of ABBREVIATIONS

CANS  Civil Authority of New Sudan
CES  Central Equatoria State
CPA  Comprehensive Peace Agreement
ECM  Extended Case study Method
GoS  Government of Sudan
GoSS  Government of Southern Sudan
GPS  Global Positioning System
HEC  High Executive Council
ICSS  Interim Constitution of Southern Sudan
IDP  Internally displaced person
INGO  International non-governmental organisation
IOM  International Organisation of Migration
JICA  Japanese International Cooperation Agency
MDTF  Multi-donor trust fund
MHLPU  Ministry of Housing, Land and Public Utilities
MPI  Ministry of Physical Infrastructure
NIE  New institutional economics
PHH  Plot-holder head
SAF  Sudan Armed Forces
SPLA  Sudan Peoples Liberation Army
SPLM  Sudan Peoples Liberation Movement
SSLA  Southern Sudan Legislative Assembly
SSRRC  Southern Sudan Relief and Rehabilitation Commission
TLS  Town Land Scheme
UN  United Nations
UNDP  United Nations Development Programme
UN-Habitat  United Nations Human Settlements Programme
UNHCR  United Nations High Commission for Refugees
UNMIS  United Nations Mission in Sudan
USAID  United States Agency for International Development

Currency Equivalents

Unit: Sudanese Pounds (SDG): 2.32 = US$1.00 (February 2010) (World Bank, 2010)
ABSTRACT

University of Manchester
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Doctor of Philosophy
An elusive peace dividend: land access and violence in the non-formal settlements of Juba, Southern Sudan
2012

This research explores the tensions between non-formal land access, violence and urban land policy in the post-conflict city of Juba in Southern Sudan. It departs from the conventional notion of rights to land based on property rights to a broader concept of ‘access’ to investigate the means, processes and relations within society, or ‘mechanisms’, by which individuals attempt to gain and maintain access to non-formal settlement land, how this is controlled and the connections to violence. Moving beyond current dualist frameworks used to understand informality, this research aims to unpack the formal and non-formal institutions in the city whose interplay results in unequal opportunities for individuals to access urban land and how violence is both a mechanism and outcome of this. Using a mixed methods methodology, the research was carried out in Juba and three of its non-formal settlements that have emerged at different times during the city’s approximately ninety-year history. It used mainly in-depth interviews, group discussions, participant observation, structured settlement surveys and semi-structured key informant interviews.

As the ‘new’ capital of a multi-ethnic region that has experienced decades of civil war, Juba provides fertile ground to explore these issues. Firstly, by tracing the evolution of the region’s political economy the research shows how, rather than being a new phenomenon, exploitation by government and violence have been integral features of urban land management in the region. Secondly, by considering Juba’s development it shows how violence underpins contemporary settlement patterns in the post-conflict period. Thirdly, by providing case studies of three non-formal settlements it details the evolvement from a sense of community to more segregated practices where land access is becoming highly ethnicised, reflecting broader tensions in the region. Finally, it shows how both ethnic tensions and unclear legislation are being instrumentalised by a web of powerful actors who, whether through coercion, deception or violence, are undermining urban planning in the post-conflict city for their own benefit, and hence the ability of non-formal inhabitants to access land.

The research concludes that partly due to the formative nature of institutions controlling urban land access, violence has not ended in the post-conflict period but remains integral. Nevertheless, whilst approaches to non-formal settlements may be seen as a consequence of the persistence of dysfunctional institutions, it also relates to the post-conflict political economy that is emerging in Southern Sudan and the extent to which urban land access is facilitated by connections with the urban political or military elite. As a result, for hundreds of thousands of internally displaced persons, returnees, combatants and ex-combatants the ‘peace dividend’ is compromised. In an urban environment hostile to their presence, they have no choice but to settle in non-formal settlements that, rather than being a solution to their shelter needs, leave them exposed to exploitation by a range of powerful actors.
DECLARATION

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ACKNOWLEDGEMENTS

‘Stop drinking tea and get over here now. We’re trying to find the chief!’ Tall and authoritative, John Malaak Chol, one of my research assistants, was ordering a young soldier about and shattering my rather naive notions of research etiquette as we tried to discern a path through a nevertheless cleared minefield on the outskirts of Juba in search of a sheikb-al-billa. I owe much of my rewarding fieldwork experience to his assistance and that of Rombek Esaya and Amal Ibrihim, my other two research assistants. John’s understanding of the tensions between various groups, Rombek’s diligence and hard work and Amal’s matter of factness, made working with them a period of intense learning and enjoyment.

I consider it a privilege to have been well received in all the settlements that I visited and to have met so many people who were prepared to explain their stories to me, which make up much of the raw material of this thesis. There are a large number of other people without whom this study would not have been possible. There are the men and women who made up the team of enumerators for the small-scale surveys, and the other individuals in Juba who were willing to participate in my research; not just the inhabitants of the settlements that I studied, but key informants in various government departments, the military, those working with international agencies and customary authorities. I express my sincere gratitude to the Southern Sudanese authorities at all levels for their generally accommodating attitude towards me and my work.

I have also been very privileged with my team of supervisors, Doctor Admos Chimhowu and Professor Caroline Moser. I am grateful to have been able to benefit from their experience and to Caroline for supervising my research into her retirement. I am also grateful for their personal support and advice. I am also thankful to the general support of staff at Institute of Development Policy and Management (IDPM) and Global Urban Research Centre (GURC) at the University of Manchester and the various learning facilities I have been able to access.

A few of my friends and relatives have had the dubious pleasure of reading chapter drafts and I also thank them. The bottom line is, however, that I could not have done this work without the support of my husband, Ruairi McDermott. His agreement to returning to live in Juba, his constant encouragement, his patience in reading endless pages of drafts and his ability to distil into a couple of sentences the implications of some minor point as I became overly-embroiled in some of the complexities of the context meant that my research never completely overwhelmed me. I should also perhaps apologise to our son Finbar, born during the writing up phase, for me
sometimes disappearing for his bedtime story and for not always having the time to play peekaboo.

*Gabriella McMichael, University of Manchester*
Map 1-1 North and Southern Sudan at the time of the comprehensive peace agreement showing contested line of demarcation

(Source: Map No. 3707 Rev. 10, United Nations, Department of Peacekeeping Operations Cartographic Section, April 2007; demarcation line source is US Department of State)
Chapter 1: Introduction

1.1 Background

In Southern Sudan, as in many other post-conflict African regions, there are unprecedented levels of urban population growth. This is particularly the case in Juba, the region’s ‘new’ capital, where hundreds of thousands of people have chosen to settle since the signing of Sudan’s Comprehensive Peace Agreement (CPA) in 2005. The vast majority of these people have been unable to access land through formal, legal processes and so have settled either in existing non-formal settlements within the city or in the growing non-formal settlements on its edge (Pantuliano, 2009; USAID, 2007). In a region affected by almost fifty years of civil war, the consequences in terms of the displacement of people from their home areas have been profound and rapid population growth in Juba is mainly attributed to migration of the displaced population (Pantuliano, Buchanan-Smith, Murphy, & Mosel, 2008; UNEP, 2007). This contradicts the assumption, widely held both by officials within the nascent Government of Southern Sudan (GoSS) and international agencies, that after the end of civil war internally displaced persons (IDPs) and refugees invariably return to their (rural) areas of origin.

For the majority of people living in Juba the expectations of a peace dividend in the form of better living conditions and access to basic services are not being realised. Rather, residents are experiencing increasing violence and threats to their security as they attempt

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1 The region that makes up Southern Sudan has a contested border with north Sudan (Map 1-1) and the region and the provinces or states of which it is comprised have been known by different names throughout history. For the sake of convenience, I will refer to the region as Southern Sudan. The use of earlier names for states or regions refers to either earlier Condominium or post-Condomium (pre-CPA) periods.

2 Following Collier et al., (2003), the term ‘post-conflict’ refers to societies which suffer from wars or armed conflicts in the first ten years after the end of hostilities. Post-conflict does not necessarily mean that peace has been restored, but refers to a situation in which open hostilities have come to an end (Junne & Verkoren, 2005).

3 A key component of repatriation efforts by international agencies and post-conflict governments is not just supporting voluntary return to one’s home country, but also to one’s place of origin. Many authors challenge this. Some have faulted the literature for mythologising the unproblematic effects of ‘home’ in the return process, where conceptions of home and community change for people in exile (Warner, 1994). Some note that returnees frequently return to border regions of their home countries in case of the need to return to exile (Rogge, 1994). Others argue that migration is a ‘demographic universal’ as people generally seek better livelihoods (Bakewell, 2000).

4 IDPs are those people whose flight did not involve crossing international borders. Refugees were clearly defined in the Geneva Refugee Convention 1951 and by the United Nations High Commission for Refugees (UNHCR) as a person who ‘owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, or membership of a particular social group or political opinion, is outside the country of his nationality and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country’ (UNHCR, 1997).
to access land. With the dicta of ‘

bring the towns to the villages’ and ‘the land belongs to the community’, the focus of the GoSS has been on developing rural land law and policy, and the issue of urban land policy and planning has been largely ignored. The GoSS and Central Equatoria State (CES) government, where Juba is situated, have responded to growing non-formal settlements in the city by carrying out large scale forced evictions. As population pressure has increased in the city, in a region where animosities between various groups, largely along ethnic lines, run high, apparently intractable struggles over access to urban land between various individuals are entrenching ethnic division. This is resulting in the exclusion of certain groups from accessing land in some areas, and land-associated violence in others. Despite the CPA and tenure reform, including legislation that recognises community rights to land, that on its face protects against forced eviction, settlement leaders, traditional leaders and political and bureaucratic elites in local and regional government are involved in land-associated violence to varying extents.

Nevertheless, despite the enormous challenges, people are still choosing to remain in, or move to Juba. Understanding how people are accessing land in such a hostile environment was the original impetus for this thesis. It mirrors the recent recognition by policymakers and researchers of the importance of learning from the informal mechanisms by which the majority of people find somewhere to live in African cities (Jenkins, 2009; Rakodi, 2006; Royston, 2006). Focusing attention on the question of how people are accessing land starts with the assumption that there is much to be learned from the practices by which people are accessing land and how these might be changing with increasing population pressure. Accordingly this research involves case studies in three non-formal settlements in Juba that have emerged at different times in the city’s ninety-year history. In understanding changing mechanisms of access and the increasing land-associated violence in Juba, which is occurring on many different levels and between different social actors, it is also crucial to consider Juba’s post-conflict context. This is essentially one of on-going violence, weak regulation, rapid commodification of land and lack of economic development.

This brief introduction provides the background to the more in depth literature and conceptual framework developed in Chapter 2, which begins with a brief overview of the literature on urbanisation, land access and violence in post-conflict urban contexts,
before outlining the main gaps in the literature. Following this it provides the two research aims and research questions and outlines the thesis structure.

1.2 Overview of urbanisation, land access and violence

Broadly, issues of access to land and property rights have been identified as contributing factors to both peace and on-going violence in post-conflict societies. Not only are rights to land a root cause of many conflicts (AUC-ECA-AfDB, 2010), and thereby fundamental to efforts aimed at post-war reconciliation, but they also have a considerable impact on land access and continuing violence in post-conflict contexts. The ‘fuzziness’ of rights to land that usually results from the mix of non-formal systems that can develop during conflict, returnee’s claims to abandoned land, emerging perceptions of land and property rights and post-conflict legislation can make the post-conflict (re)establishment of land access rights a conflict-ridden process (Unruh, 2008). This is especially the case as during conflict people may be dislocated from their homes or leave to join militia or other armed groups, leading to a splintering of local communities and alterations in land access mechanisms (Huggins & Clover, 2005; Unruh, 2008). The end of prolonged civil war generally sees a large proportion of IDPs, refugees and ex-combatants reclaiming or claiming access to land as they return home or settle in other areas (Chauveau, Colin, Jacob, Lavigne Delville, & Le Meur, 2006). However, frequently in post-conflict regions, land acquires an economic value that it did not have during the conflict and can become a source of contention as countries become exposed to market forces (Daudelin, 2003; Jenkins, 2003). In such circumstances, land disputes can lead to violence, especially where there is a high degree of militarisation and small arms proliferation within communities and where the propensity of certain groups to use violence may be high (Unruh, 2008).

A common feature of post-conflict regions in Africa, is a surge in urban populations of such magnitude that this is argued to constitute one of the most pervasive processes on the continent (Unruh, 2007). Sommers (2003) emphasises the dearth of information regarding the impact of civil conflict on African urbanisation, but it is clear that the population of many capital cities has grown many-fold during and after conflicts (Alden

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5 The term ‘returnee’ encompasses both refugees and IDPs.
6 Examples include Freetown in Sierra Leone (Maconachie, Binns, Tengbe, & Johnson, 2006), Monrovia in Liberia, Abidjan in Ivory Coast (Hussein & Gnisci, 2005) cited in Unruh, 2007), Luanda in Angola (Cain, 2004; Alden Wily, 2009), Bujumbura in Burundi (Huggins, 2009), Kigali, Rwanda (Durand-Lasserve, 2006) and Maputo in Mozambique (Jenkins, 2002).
Wily, 2009). For those people seeking to establish themselves in urban areas, a crucial issue is access to land. Evers (1984) summarises the importance of land access:

‘A precondition for subsisting in an urban environment is access to the use of urban land to build a house, to put up a hut, or at least to find a temporary space for sleeping, eating and defecating. Property rights regulate this access to urban land and thereby the chance to subsist, or at least to be physically present. From this point of view access to urban land becomes the most basic human need in an urban area.’ (p.481)

In sub-Saharan Africa, rapid urban population growth has been accompanied by the formation of non-formal settlements where the majority of the urban population, especially the poor but also increasingly low and middle income earners, seek to access land to meet their shelter needs (Royston, 2006). It is estimated that around 70% of the urban population in sub-Saharan Africa live in non-formal settlements (UN, 2008) and that as much as 90% of urban growth is taking the form of non-formal settlements (FIG, 2010). Typical features of these areas are poverty, absence of basic services, lack of tenure security and growing conflict over land.

Although there is little evidence that urbanisation leads directly to conflict and violence, the typical features of non-formal settlements, such as demographic size, density and social and ethnic diversity, are perceived by many to be conducive to violence (Dafe, 2009; Rodgers, 2010). Competition over access to resources can indeed create the potential for violence (Moser & Rodgers, 2005). This is potentially heightened in post-conflict contexts, where the arrival of large numbers of returnees often corresponds with the emergence of a land market, leading to increased competition over land. Land tenure becomes a key issue, with ‘market based evictions’ potentially forcing non-formal residents to the periphery of urban areas as land prices escalate. Linked to this, UN-Habitat (2009a) identifies a high incidence of land associated violence, such as forced evictions, resulting from what is regarded as the legal vacuum and the lack of law enforcement capabilities that are a common features of post-conflict urban contexts.

To address the perceived absence of the rule of law, the standard prescription made by international agencies, such as the World Bank and the United Nations (UN), for post-

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conflict countries is that they liberalise both the political sphere via democratic elections and the economic sphere by opening it to market-driven forces, an approach termed the ‘liberal peace’ (Tschirgi, 2004). Linked to this is legislative change, where new laws, or modifications to existing laws, are aimed at supporting post-conflict reconstruction and economic rehabilitation, with particular emphasis placed on decentralising power to lower levels. Reconstruction priorities increasingly include the reform of property legislation as part of efforts to address the underlying causes of conflict. Interventions in post-conflict contexts typically focus on the restitution of property lost during the war (Alden Wily, 2009) and linked to this the (re-)establishment of a formal land tenure system, with a focus on land rights enforcement in substitution of local non-formal practices (Unruh, 2008). Nevertheless, whilst it is broadly acknowledged that in urban areas the reconstruction of human settlements can contribute to conflict mitigation, security, environmental sustainability, access to basic services by vulnerable groups and economic confidence (Hoffman, 1998 cited in Barakat, Elkahlout, & Jacoby, 2004; UN-Habitat, 2009a), there is often little attempt to understand the immediate demands or longer-term aspirations of local households, communities and cultures in such interventions (Barakat et al., 2004). As such, it is argued that international agencies working in post-conflict urban areas have often uncritically adopted inappropriate Western planning approaches (Jenkins, 2006).

1.3 Main gaps in the literature

Leaving aside conceptualisations of informality and the use of the term ‘non-formal’ in this thesis until the next chapter, Royston (2006) points to a lack of knowledge about actual land access practices in ‘informal settlements’. Although academic interest in non-formal settlements as areas where people seek to meet their shelter needs outside the formal housing and land market has been considerable, most research on urban land in Africa has focused on non-formal and formal land markets and the weaknesses in formal systems (Marx, 2007; Royston, 2006). As a result, few attempts have been made to understand how people actually enhance their capacities to access land in rapidly growing urban areas. Chapter 2 will outline current debates regarding the conceptual formal-informal dichotomy that underpins current interventions to address informal settlements. Initiated in many contexts with the support of the UN and the World Bank, these see formalisation as essential for ensuring secure access to land, with tenure reform being comprised of registration and the granting of formal rights through the issue of land
titles. This overlooks the fact that notions about property encompass a range of understandings and claims regarding who is a legitimate stakeholder, the nature of claims to land and who may participate in decisions regarding the allocation and types of rights to land. Increasing attention is now being paid to the complex social, economic and political sources of land tenure security and insecurity in urban contexts and how more is needed than the assignment of rights to land (Fawaz, 2008; Rakodi, 2006). A post-conflict context is particularly relevant to the debates on formality and non-formality, as it is a situation typified by rapid urbanisation and processes of change and disruption.

Although there has been an increased focus on the issue of non-formal settlements in post-conflict contexts and improving urban land policy (see for example UN-Habitat, 2007a, 2007b), there remains a lack of research in this area. As will be discussed in further detail in the next chapter, the responses of governments in post-conflict regions to the proliferation of non-formal settlements have generally been unsupportive of the people living in these areas. They have generally responded to the strains of urbanisation with policies designed to discourage rural-urban migration (United Nations 2010). More broadly, recent research points to the unwillingness of governments to implement measures that will improve the situation of people living in non-formal settlements, raising the question of who may be benefiting from the non-formal status of the urban majority (Huchzermeyer, 2004b). Understanding such issues is key to moving from a general recognition of the problems of post-conflict reconstruction towards more specific insights on how to maximise the potential of urban land policy and planning to positively contribute to solutions.

Aligned to this is the issue of on-going violence in post-conflict contexts. Land associated violence at the local level in conflict-affected contexts is a much under-studied phenomenon. One section of literature mainly draws on Malthusian and neo-Malthusian perspectives, ‘where a tendency towards exponential population growth ‘traps humanity in a perpetual struggle over a finite and ultimately insufficient resource base’ (C. Lund, Odgaard, & Sjaastad, 2006:5). However, such studies are argued to be limited and their conclusions, which emphasise the central role of scarcity in causing violent conflict, are at best highly speculative (ibid). As Korf & Fünfgeld, 2006 outline, another line of argument is based around the ‘greed literature’ and focuses on ‘warlordism’. It argues that it is resource abundance, rather than scarcity, that creates the incentives for actors to
engage in violent conflict (Paul Collier & Hoeffler, 1999; 2002). This literature refers to ‘economies of war’ and ‘markets of violence’ where ‘conflict entrepreneurs’ loot resources (Elwert, 2003). Local-level research on the mechanisms of land access and violence in post-conflict regions is lacking (Korf & Fünfgeld, 2006) and most of the studies that have examined this issue have tended to focus on rural areas.

Research on post-conflict urban violence in the developing world has concentrated on countries in Latin America (McIlwaine & Moser, 2001; Rodgers, 2004; Winton, 2004) and South Africa (Steenkamp, 2005), and has not explicitly considered access to land. This research will present a new perspective on the nature of post-conflict violence through the examination of urban land-related violence in Southern Sudan.

Finally, there remains very little published scholarship on Southern Sudan. The scholarship that is available is generally focused on the conflict between the North and the South and only limited work has been published on local level politics. Also, to date an analysis of land and property rights in post-conflict Southern Sudan has not been conducted in the literature. Considering the lack of attention paid to local dynamics, this study aims to be an empirical contribution to the literature on Southern Sudan.

1.4 Research Aims and Questions

Based on the outline above and the literature review in the next chapter, the aims of this thesis are twofold. Firstly it aims to examine the changing mechanisms of land access and control in urban and peri-urban non-formal settlements in a post-conflict setting, the institutions and power relations that govern these and the connections with land violence. Drawing on the concept of access, which recognises the complex mechanisms by which people access and benefit from land, including socially and legally forbidden acts such as violence and coercion, it explores the relationship between land access and control in order to better understand particular factors that can generate or sustain violence. The research is rooted in a political economy approach, which seeks to take into account the fluid post-conflict setting and how conflicts and accommodations

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8 For example, Unruh’s (1998) and Myers’ (1994) studies of changes to rural property rights in post-conflict Mozambique; Suliman’s (1997) study of the linkages between diminishing access to natural resources and conflict and violence in Sudan; and Korf & Fünfgeld's (2006) study of political violence and the local politics of access in common property regimes in rural Sri Lanka during and after conflict.
between emerging centres of power in the city and the region can impact on land access at the local level.

A secondary aim of the research is to contribute to understandings of informality and in so doing to policy debates on urbanisation and urban land in sub-Saharan Africa and post-conflict contexts in particular. Addressing insecurity of tenure and non-formality has generally entailed legalisation and the granting of formal property rights. Behind such policies are standard prescriptions based on neo-liberal tenets of decentralisation and individual property rights in support of markets. Such approaches are argued in the literature to be problematic for poorer groups living in non-formal settlements, as they assume simplistic concepts of legality based on a formal-informal dichotomy ignoring the politics of land access. By moving beyond current dualist frameworks, the research aims to examine the formal and non-formal institutions controlling access to land in order to consider who may be benefiting from the non-formal status of the urban majority. Whilst the literature on the political economy of post-conflict violence in sub-Saharan Africa tends to emphasise the role of ‘warlords’ and military actors, this thesis examines the complexity of the political economy of urban land access and violence and the range of actors involved.

Based on the aims above and the theoretical discussion that will be presented in the next chapter, the research is broken down into three clusters of questions. The research is based on an exploratory case study of Juba employing a mixed methods methodology, that investigates changing land access mechanisms in three non-formal settlements established at different points in the city’s approximately ninety-year history:

*Question 1:*
How is urban land access controlled at the city level and what are the main factors that shape the practices and processes around this? How do struggles and accommodation between authorities that control access to urban land – traditional authorities, local government and regional government – affect access to urban land and the prevalence of non-formal settlements? To what extent and how are the authorities controlling access using violence? How does this contribute to our understandings of informality and hence to the formulation of more effective post-conflict urban land policy?
**Question 2:**
What are the different mechanisms by which individuals seek to gain access to land for themselves and their families in Juba’s non-formal settlements and how is this changing in the post-conflict context? Are some actors or groups better positioned than others to access non-formal settlement land? In what circumstances is violence used to gain access to land on which to live? What can we learn from the resources or capitals that people use to access land to support more effective urban land policy?

**Question 3:**
In the context of increasing population pressure and the development of non-formal land markets, how are non-formal settlement inhabitants seeking to maintain their access to land? How are different actors positioned to benefit from non-formal settlements and how are they using violence to access non-formal settlement land or benefit from its control?

1.5 **Thesis outline**

The research questions outlined above draw on an access framework rooted in a political economy approach that is set out in Chapter 2. The chapter starts by discussing how understandings of informal urban land access generally rest on ‘formal-informal’ dualism, obscuring a complex reality. It argues for an alternative terminology to that of ‘informal’ in an attempt to avoid established dualities and the negative connotations of the term, and for a framework that can unpack the formal and non-formal institutions whose interplay determines which people access land and how they do so. In order to explore the connections between land access and violence, this chapter then outlines current understandings of the dynamics of post-conflict violence and violence in cities. Drawing on this, a narrow definition of ‘land violence’ is provided.

This brief literature review leads on to a review of existing approaches to studying non-formal land access, which forms the basis for developing a conceptual framework for conducting the research. It is argued that it is necessary to depart from the conventional notion of rights to land based on property rights, to an alternative framework based on the concept of ‘access’, rooted in a political economy approach. Such a framework emphasises the complex and intricate structural, agential and identity factors that shape
how access to land is controlled, gained and maintained and the importance of taking into consideration the historical, political and socio-economic context.

Based on the conceptual framework developed in chapter 2, which draws on theories from a number of theoretical schools, Chapter 3 outlines the methodology and fieldwork strategy. This is based on an exploratory case study of Juba and three non-formal settlements. It employs a mixed methods methodology, based on an extended case study approach, and a critical realist ontology and epistemology, which supports theoretical and methodological pluralism.

Drawing on the argument that land access can only be understood if the wider social and political context is considered, Chapter 4 examines the socio-economic and historical factors relevant to land access in Juba. The region’s history of marginalisation and exploitative government by the British under the Anglo-Egyptian Condominium and post-Independence governments based in the North and almost fifty years of continuous civil war have shaped the region’s urban landscape, where high levels of non-formal development in the post-conflict period are underpinned by inadequate land legislation and practices that attempt to discourage urban settlement. Violence and the ‘ethnic factor’ have been integral to societal control within the region since Condominium rule, and the legacies of this affect land access in terms of both practices and expectations.

The next three chapters are guided by the three research questions. Chapter 5 focuses on how land access is controlled at the city level. In the post-conflict period, Juba’s population has increased by hundreds of thousands as people have returned to the region. In Juba specific factors, such as the city’s designation as regional capital, its position as home to the Dinka-dominated nascent regional government, and its situation in the Bari chiefdoms of Equatoria, have led to a particular set of tensions amongst the authorities within the city that mirror the hardened ethnic categories that emerged out of Condominium rule. Nevertheless, the findings point to non-formal alliances between political and bureaucratic elites in the city’s controlling authorities that cut across ethnic categories. Although state-orchestrated forced evictions may mirror previous ways Condominium and post-Independence governments attempted to control access to urban land, they can also be a way of powerful actors benefiting from such access. The struggles that are occurring at the city level are undermining urban-planning in the city.
Despite all this, people are still choosing to move to, or remain in Juba’s non-formal settlements. Therefore, Chapters 6 and 7 examine more empirically how formal and non-formal relations between power centres are spilling over in terms of people’s ability to gain access to land. Chapter 6 introduces the three case study settlements and the different ways actors have gained access to land within them. It demonstrates the importance of social networks, but also shows how access to land is becoming highly ethnicised and how some individuals are resorting to violent mechanisms in order to access it. Chapter 7 details the increasing economic benefits to be obtained from non-formal settlement land and how inhabitants are seeking to maintain their access to such land by having their land rights formalised. This is creating further opportunities for the exploitation of non-formal settlement inhabitants and land violence. More powerful actors controlling land are using their knowledge and capacity to exploit the indeterminacies of the situation at the expense of others, whether through coercion, deception or violence. Despite the ethnic discourse of ‘Dinka’ and ‘Equatorians’ these transactions cut across ethnic categories.

Chapter 8 summarises the findings of the research. From this, the main conclusions and policy recommendations arising from this research are developed. In particular, the chapter focuses on the linkages between non-formal land access and violence and the implications of this for understandings of informality and urban land policy.
Chapter 2: Literature Review & Conceptual Framework

2.1 Introduction

This chapter considers the main theoretical streams that are used as a basis for developing this research. The starting point for the conceptual framework is the argument that the conceptual formal – informal dichotomy is inadequate to deal with the complexity of non-formal land access in sub-Saharan Africa. Therefore, the first section outlines this debate, and current approaches to addressing non-formal settlements, before making the case for an approach that moves beyond dualist frameworks and an alternative terminology to that of ‘informal’. The chapter then goes on to outline how post-conflict urban land violence will be conceived in this study, setting out a definition of ‘land violence’.

Having made a case for an alternative terminology to that of ‘informal’ and having outlined how post-conflict ‘land violence’ is to be conceived, the fourth section goes on to detail the two main approaches to understanding land access in non-formal settlements: political economy and new institutional economics (NIE). It pays particular attention to NIE, as this approach has been instrumental in understanding non-formal land access. However, as this research is concerned with land access in times of institutional failure, it is argued that, whilst providing important insights, the NIE view of institutions does not fully account for how non-formal and formal institutions operate.

Therefore, in order to explain the complexity of land access in Juba, the chapter suggests combining elements from several approaches. Section 2.5 goes on to elaborate on the importance of property rights and of legal pluralism to understanding land access in situations where multiple property rights systems and norms exist. Nevertheless, rights to land are argued not to be enough to explain access. Instead Section 2.6 draws on the concept of ‘access’, in order to focus more on the politics of access and to consider mechanisms of access other than those based just on property rights. This approach recognises the complexity of ways in which people access land, including socially and legally forbidden acts such as violence and coercion.

The penultimate section draws on the criticisms of NIE provided earlier and the sociological and anthropological literature to account for the wider function of
institutions beyond economistic understandings. Whilst the research does not attempt to directly apply Bourdieu’s analysis, it argues that his concepts of capital and field are useful in conceptualising power relations and how different actors use their social and material resources to access land. In this regard it pays particular attention to the importance of social networks, which are identified in the literature as being crucial with regards to non-formal urban land access. It also outlines how ethnicity is conceived in this research.

The concluding section summarises the conceptual framework that is used to examine the connections between non-formal settlement land access and violence.

2.2 Conceptualising the informal as non-formal

A theme of current debates surrounding urbanisation in sub-Saharan Africa is the analytical potential of the formal-informal conceptual dichotomy, as well as the widespread assumptions regarding the generation and operation of informality which underpin policies to address urban poverty. The term ‘informality’ is commonly used in the urban poverty literature and is a concept that was developed by the International Labour Office in relation to employment in Ghana in the 1970s (Hansen & Vaa, 2004; Hart, 1973). Subsequently it has been applied to other areas including that of human settlements. The term ‘informal settlement’ is used loosely in the literature and often without precise definition. Nevertheless, as Jenkins (2006) outlines, the key criterion is regulation by formal institutions, or lack thereof, so that the concept is rooted in an approach that is state-dominated and implies that informal areas are ‘bad’, disorganised, chaotic and anarchic forms of human settlement.

Ensuring secure or legal, formal rights to urban land is seen as key to alleviating urban poverty and for urban development policy (UN-Habitat, 2001). As outlined in the previous chapter, the majority of people settling in urban areas in sub-Saharan Africa move to non-formal settlements, where they do not have legal title to land. As a result, they generally suffer from varying degrees of insecure land tenure (Payne, 2004). Land tenure has been defined in a number of ways but broadly it refers to the system of rights and institutions that govern access to and use of land and other resources (Maxwell & Wiebe, 1999). At its most fundamental level, security of tenure is about the predictability of occupation regarding property (Unruh, 2007). A key point therefore is that secure tenure is distinguished from mere momentary possession or longer-term access by being
recognised by others, through rules enforced by society or the state and by custom, convention or law (MacPherson, 1978). Therefore, security derives from rights to land based on a set of rules that are clear and known, and are regulated and enforced by what is regarded as a legitimate institution (Unruh, 2007). For example, as described by Payne (2002), the perceived security of tenure of squatters who have lived in an informal settlement for many years, may be indistinguishable in practice from households living in legal housing. It may also be easier for them to buy and sell such rights compared to residents in more formal tenure categories.

2.2.1 Standard policy prescriptions to address informality

In response to an often assumed, straightforward link between urban land tenure insecurity and poverty, governments have generally addressed the issue through large-scale tenure legalisation programmes involving the granting of individual freehold or leasehold land rights. Formalisation\(^\text{10}\) programmes reflect previous and often highly criticised rural land tenure reform interventions (Nyamu-Musembi, 2006), and are propounded by writers such as De Soto (2000) and supported in many contexts by international agencies such as the UN and the World Bank. These interventions are based on a number of arguments that promote the idea of formal markets in land and property. For example, the establishment of formal markets and titles is said to improve the capital potential of non-formal settlements, providing tenure security that encourages investment in housing and land, helping the poor to become less poor and to integrate into broader society. With sufficient security, it is suggested that landowners are able to obtain credit from financial institutions, so unlocking ‘dead capital’ (De Soto, 2000). It is also argued that formal title enables holders to obtain entry into the formal land market (De Soto, 2000; Mooya & Cloete, 2007).

A wide body of literature exists that critiques the idea that formal tenure can address insecurity of tenure. For example, it is suggested that formalisation of land rights can encourage higher land prices with property titles in regularised areas being attractive to land developers. It is alleged this often leads to market based evictions of lower income groups with the process of non-formal development merely being replicated elsewhere. In peri-urban areas, the fear is that formalisation measures can exacerbate pre-existing

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\(^{10}\) ‘Formalisation’ has a number of different meanings but in an urban setting can be understood as the demarcation of plots and issuance of titles to individuals by the state. The term is often used synonymously with ‘tenure legalisation’ or ‘regularisation’.
inequalities and ‘accelerate market-based transfers, with potentially negative consequences for poorer holders of land rights more prone to distress sales’ (Chimhowu & Woodhouse, 2006: 363). It is also argued that formal property relations and titling, by individualising ownership, may break up communities and disrupt livelihoods (Gilbert, 2002; Nyamu-Musembi, 2006; Roy, 2005). Others question the premise upon which formalisation of tenure is based, which revolves around the notion that assimilating the poor into a capitalist system is to their benefit and suggest that it ignores the fact that individual ownership of land does not run deep in African society (Pugh, 1996; Simone, 2005). There are others who argue that the assumption that land titling makes the urban poor wealthier as a result of being able to access capital is open to question (Roy, 2005). Public and private agencies can be reluctant suppliers of credit to individuals who have had their access to land formalised, because they are still regarded as high risk (Pugh, 1996). Fourie (1998) and Cain (2007) note that formal tenure systems also often involve slow, expensive and complex delivery processes.

As a result, the World Bank has more recently adopted a more flexible attitude regarding land titling:

‘increasing security of tenure does not necessarily require issuing formal individual titles, and in many circumstances more simple measures to enhance tenure security can make a big difference at a much lower cost than formal title’ (Deininger, 2003: 39).

In support of this, UN-Habitat generally believes that:

‘freehold and rigidly individualised title deeds for occupants of customary land is not a recommended approach’ (UN-Habitat, 2003: 16).

Nevertheless, although more recent World Bank publications increasingly recognise customary and non-formal rights as being important, they still do not go beyond the conventional view that secure and clearly defined land rights are essential and necessary preconditions for formal land markets, whether they are acknowledged by a land title or initially through registration of group rights (Deininger & Feder, 2009). This view of land rights remains almost un-challenged by many international and national project-implementing entities (Payne, 2002).
The growing realisation of the importance of non-formal land access, especially for the urban poor has led to recent calls to integrate non-formal processes into policy approaches (Kironde, 2000; Kombe & Kreibich, 2000). Jenkins (2002) argues that the answer to ensuring the provision of land to the urban poor is not to ‘find ways to regularise the non-formal, as this runs the risk of just providing new systems for recognition of land rights which are limited and corrupt, and exacerbate social exclusion, but to base the systems on the cultural values and social mechanisms that actually operate (i.e. adapting the formal system to the non-formal reality’ (p.4). Van Der Linden, (1994) notes that ‘if the government is to intervene at all, its intervention should resemble the non-formal solutions much more’ and a regularisation scheme should propose a model ‘in which legal development is, in fact, an imitation of the illegal system’ (p.22).

However, it is also argued that increasing the involvement of governments in legitimising non-formal arrangements will only be effective as long as the non-formal arrangements themselves continue to be so (Angel, Archer, Tanphiphat, & Wegelin, 1983 cited by Jenkins, 2001b). Moreover, whereas recognition that secure land occupation can result from non-formal processes is important in challenging formal land arrangements, Peters (2004) argues that the idea that non-formal and customary processes work better than formal arrangements has now gained so much currency that processes of inequality and social differentiation are being ignored.

Other research emphasises the unwillingness of governments to implement measures that will improve the situation of people living in non-formal settlements. As research has provided insights into the reasons why non-formal settlement occurs, a number of planning measures, procedures and tools have been developed to ease market pressures in them (Durand-Lasserve, 2006). However, many governments argue that the settlement patterns resulting from rapid non-formal land development are counter to the public interest, as they conflict with the goals of longer term urban management or ‘ideal’ formal planning processes. Kihato & Berrisford (2006) point out that there are ‘certain preconceived notions of an ‘ordered city’ which may not be compatible with land uses commonly associated with the poor’ (p.5). This has led a number of scholars to posit that powerful actors are often unwilling to identify ways of providing security for those who are acutely tenure insecure. McAuslan (1995: 115), for example, states that ‘illegality in
the lives of the urban poor could not survive if it did not suit many in the urban elite’, with Payne (2002) suggesting that current systems of land allocation and use benefit the urban elite which either runs or has influence over city and often national governments. Peters (2004) further notes how non-formal land tenure can provide scope for accumulation by the powerful.

Indeed, the responses of governments in post-conflict regions to the proliferation of non-formal settlements have generally been unsupportive of the people living in these areas. Forced evictions, which can be regarded as a form of urban violence (Agbola & Jinadu, 1997), are a common occurrence. For example, in post-conflict Mozambique in the 1980s, there was an implicit anti-urban bias in the dominant rural and agricultural development policies and forced evictions have occurred in major towns and cities (Jenkins, 2009). In post-conflict Angola government attitudes to, and action in, urban areas were similar to those in Mozambique (ibid). Most confrontations and conflicts over land took place on urban and peri-urban land and violent forced evictions, whether by the State or private actors, became common (Foley, 2007).

Post-conflict states generally focus on rural land policy, ignoring the growing problems and tensions around urban areas. Chimhowu (2006) points to the strategic ambivalence of some African states to tenure reform. There is often a desire to secure rights of access under customary tenure, especially where such systems are regarded as safeguarding poorer communities. However, this ‘nostalgia-fed passion’ (p.17) for indigenous systems that have in fact often been altered by colonial and post-colonial influences, means that the merits of customary tenure are often over-stated. As will be discussed in subsequent chapters, in the case of Southern Sudan, despite recent tenure reform, poorer less well-positioned groups are facing increasing tenure insecurity.

Building on such debates, Huchzermeyer (2004a) has called for a more rights-based definition of informality that focuses on the lack of protection of rights rather than on land and property laws. She argues that if non-formal settlements are to be a solution to housing the urban majority, there must be effective protection of rights.

**2.2.2 The formal-informal continuum: arguing for an alternative terminology**

Jenkins (2001) argues that the problem with current approaches to formalisation is that they assume simplistic concepts of legality based on a formal-informal dichotomy. This
obscures a complex reality with respect to access to non-formal settlement land and the power relationships involved (Leap, 2005; Rakodi, 2006; Royston, 2006). Rights to land not only determine control over economic resources but are also a means of political control (Benjaminsen & C. Lund, 2003). They are also charged with historical and cultural meanings and values (ibid). In urban areas they are ‘the main component of the right to housing, and an essential prerequisite for access to citizenship’ (Durand-Lasserve & Lauren Royston, 2002: 8).

According to Pamuk (2000), property relations are structured by institutions or rules that are neither formal nor informal, due to borrowing across systems or rule shopping so that the relationships between informal and formal institutions are sometimes competitive with actors maneuvering between institutions. Thus, in non-formal settlements, individuals negotiate a mix of formal, informal and customary institutions to access land (F. von Benda-Beckmann, von Benda-Beckmann, & Wiber, 2002). In another study of land tenure in African cities, Durand-Lasserve (2003) refers to ‘neo-customary tenure’ as processes that combine customary practices with other informal and formal practices and which involve social institutions, the basis of which remains the groups that make land available to their members. Notwithstanding the prominence of customary institutions, he argues, land transactions are becoming progressively formalised (ibid). Access to land transcends the formal and informal divide and tends to be messy and power-ridden. As a result, it is not logical to attend to non-formal settlements through technical means (the formalisation of land rights) but instead to acknowledge that struggles about rights and entitlements are political (Roy, 2005: 150).

For all these reasons, a number of authors have suggested alternative nomenclature to that of ‘informal’, including unofficial (Leap, 2005), irregular (Durand-Lasserve & Lauren Royston, 2002), extra-legal (De Soto, 2000), alternative (Rakodi & Leduka, 2004) or local (Royston, 2006). Borrowing from these arguments, and in an attempt to avoid already established dualities, this research uses the term non-formal to refer to informal and illegal land access mechanisms that are outside the formal. Although this term still does not capture the complexity of land access practices, it avoids the negative connotations of ‘informal’ and leaves open the possibility of exploring the many structural and agential factors operating at different levels that influence land access in such settlements. In this regard, the latter part of this chapter will suggest an approach to examining non-formal
land access that moves beyond dualist frameworks to take into account the web of co-existing formal and non-formal institutions whose interplay shapes land access in non-formal settlements.

2.3 Defining urban land violence & understanding violence in post-conflict contexts

The typical features of non-formal settlements, such as demographic size, density and social and ethnic diversity, are often assumed to be conducive to violence, although there is little evidence (Dafe, 2009; Rodgers, 2010). The rural land literature points to the fact that the dynamics surrounding land access in situations of land scarcity are context specific and do not necessarily escalate into violent conflict. Indeed contestation over land is not necessarily a negative thing and conflicts are an integral part of the transformation of land tenure systems (C. Lund, 2000). Nevertheless, land can be a cause of conflict and violence (C. Lund et al., 2006). Whilst the connections between urban land access and violence in contexts of rapid urbanisation are often assumed to be linked to land scarcity, these connections have seldom been analysed.

2.3.1 Defining land violence

Although the term ‘violence’ is commonly used in the literature, there is no agreed definition of what constitutes an act of violence. The term covers a wide spectrum from altercation between two individuals resulting in harm to one or both parties, to war and genocide resulting in the death of millions. A commonly used definition of violence is that of Keane (1996, cited in Moser & McIlwaine, 2006) who defines it as the use of physical force causing injury to others in order to impose one’s wishes. Others have broadened the definition to include psychological damage, material deprivation and symbolic disadvantage (ibid). The World Health Organization (WHO) defines violence as ‘the intentional use of physical force or power, threatened or actual, against oneself, another person or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation’ (WHO, 2002). The WHO adds the dimension of deprivation as a cost of violence. This parallels the concept of structural violence as coined by Galtung (1969) who argues that ‘violence is built into the structure [of society] and shows up as unequal power and consequently as un-equal life chances’ (p171).
Underlying these definitions is the recognition that violence involves exercising power to legitimise the use of force in order to obtain certain benefits (Moser & Rodgers, 2005). For example, Arendt (1970) states that ‘violence is by nature instrumental; like all means, it always stands in need of guidance and justification through the end it pursues’ (p.12). In this sense, violence can be categorised according to the primary motivation or benefit to be obtained from its use. For example, Moser (2004) provides a four-fold distinction between political, institutional, economic and social violence. Political violence is driven by the desire to hold political power. Institutional violence (perpetrated by either the state or ‘informal institutions’) and economic violence are closely related and are often motivated by material gain. Social violence ranges from violence and abuse within the home to ethnic violence and territorial or identity-based violence.

The underlying causes of violence are therefore multiple and overlapping and will result from a combination of structural, agential and identity factors (Moser & McIlwaine, 2004). Rodgers (2010) details how urban violence associated with rapid urban population growth is related to the socio-economic and political conditions in urban areas. Linked to this, the commodification of land typical of urban and peri-urban areas in sub-Saharan Africa leads to the development of non-formal or ‘vernacular’ land markets (Chimhowu & Woodhouse, 2006) which, given their non-formal nature, can often become subject to counter-claims and so fuel conflict over land (Peters, 2009). Additionally, land has not only economic dimensions but social dimensions, meaning that it is not only a commodity and means of survival in both urban and rural areas, but is also a source of identity and citizenship, through which strategies of inclusion and exclusion can be played out (C. Lund et al., 2006). Property rights in land are linked to class structure (Peters, 2004, 2009) and violence is often a key factor when explaining changes to property rights where it can be an integral or underlying feature in struggles over property (Peluso, 2009; Sikor & Lund, 2009). Thus, land can be understood as a structural factor that can underlie violence relating to historical issues of unequal distribution of resources and also unemployment and poverty (Rodgers, 2010).

This research draws on a narrow definition of what will be termed ‘land violence’, which refers to the use, or the threat, of physical force relating to land resulting in fear of, or actual, forced dislocation from one’s plot or shelter (cf. Sikor & Lund, 2009: 14). Forced dislocation encompasses forced eviction and the forcible removal of people from land by
the state\(^\text{11}\) and also forcible removal from land by individuals or groups at the settlement
level. The justifications and underlying reasons for land violence (e.g. the economic,
political or social benefits sought) will differ depending on identities and motivations of
the victims and the perpetrators carrying out the violence and the specific context. These
aspects will be developed further within the conceptual framework, which will also
consider different perceptions of rights to or claims on land (i.e. issues of identity,
inclusion and exclusion).

2.3.2 Understandings of post-conflict violence

A key aspect of this research is what might be specific about the political economy of
post-conflict settings affecting land access and the use of violence. It is argued that in
post-conflict contexts in particular, the propensity for some groups to use violence
means that contestation over access to land and its control has a higher likelihood of
resulting in violence (Unruh, 2008). However, the notion of post-conflict violence is
problematic because both the concept of ‘post-conflict’ peace and ‘violence’ are complex
and problematic.

Simpson (1997: 457) suggests that ‘there is no such thing as a ‘post-conflict’ society’.
Indicating a continuum of violence, he highlights the importance of recognising the
dynamics of conflicts and violence, ‘as evidenced by the slide between political and
criminal violence in societies undergoing dramatic political change’ (ibid). While most
analysts still consider the original causes of conflict as being political it is generally
accepted that ‘greed’ is essential to sustain warfare (Korf, 2003). Although much debated,
the ‘greed’ argument in the research on civil wars (P. Collier & Hoeffler, 2002) posits that
markets of violence can evolve in such contexts (Elwert, 2003) where ‘conflict
entrepreneurs’ or warlords extract economic rents through violence. In the post-conflict
context the economically violent activities of warlords, often integral to the financing of
war, may continue with impunity (Ballentine & Nitzschke, 2005). In this regard, minimal
law enforcement may not just a problem of capacity, but an essential aspect of a ‘bad
governance strategy’ (M. Moore, 2001) that aims to capture resources from both citizens
and the state (Ballentine & Nitzschke, 2005).

\(^{11}\) The Centre for Housing Rights and Evictions defines forced eviction as “The permanent or temporary
removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without
the provision of, and access to, appropriate forms of legal or other protection. Forced Evictions are a particular type of
displacement which are most often characterized by (1) a relation to specific decisions, legislation, or policies of States or the
failure of States to intervene to halt evictions by non-state actors; (2) an element of force or coercion; and (3) are often planned,
formulated, and announced prior to being carried out.”
In understanding the continuation of violence in post-conflict societies, some researchers suggest that the effects of protracted conflict and prolonged exposure to violence permeate the fabric of society, creating what Steenkamp (2005) has described as a ‘culture of violence’. However, others argue that culturalist arguments ‘conveniently begin or end with the notion that violence and hence its immediate perpetrators are ‘irrational’ (thereby excusing everyone else of responsibility)’ (Anderson & Shuttleworth, 2003:7). They ignore the fact that violence is often not primarily ‘about culture’ but is more often about politics. In his analysis of wars in Sierra Leone and Sudan for example, Keen (1997) highlights the importance of distinguishing between what may be rational or irrational for society and what may be rational or irrational for particular groups. ‘Processes that are dysfunctional for the majority of people may nevertheless be functional for a few’ (Keen, 1997: 68). It is therefore necessary to consider how culture can serve politics with ‘the active agency of people, individual and collectively, in various groups and classes’ being key (Anderson & Shuttleworth, 2003:7). In this regard, Korf (2009) argues that explanations of civil wars and violence, that tend to draw on economic models, focus on warlords and their motivations so ignoring other actors operating at a range of scales. He highlights how ethnographic studies draw attention to the range of agents at different scales who seek to benefit in civil wars and that this can lead to a complex and hybrid formal and informal institutional amalgam.

The literature on post-conflict violence therefore points to the fact that in post-conflict urban areas, powerful actors may use the fluid, post-conflict context in order to accumulate wealth in the form of land. Peluso (2009) argues that property studies should examine the political economics of power and accumulation as revealed by the forms of access and control over land and other resources. In this regard, Sikor and Lund (2009) outline how violence, and also deception, are powerful in establishing ‘facts’ at the local level, where force, violence, physical presence, eviction, land-grabbing, resistance and attrition are at the base of most property regimes. Whilst this research was unable to analyse the veracity of statements made by non-formal settlement inhabitants and other interviewees regarding the extent to which powerful actors are acquiring urban land, it does consider how a change in the broader political economy can alter the social relations upon which access to land is based. In chapter 7 especially, it considers how ‘land-grabbing’ and ethnic tensions arising at the settlement level are leading to calls for
formalisation, and how this is affecting the opportunities and incentives for different groups to access land using violence, coercion or deception.

2.4 Approaches to understanding non-formal land access

The two sections above have discussed established approaches to addressing non-formal settlements and understandings of violence in urban and post-conflict contexts. In order to build an approach to understanding land access and its connections with violence in Juba, it is important to consider current approaches to understanding land access in non-formal settlements.

Trends in urban land research in the last thirty years have broadly followed the main development trends (Huchzermeyer, 2004b). For example, the focus in the 1970s and early 1980s was on land access for the poor related to the re-distributive basic needs approach, and also critiques drawing on neo-Marxist political economy approaches (see below). In the 1980s and 1990s another shift in the literature occurred, calling for a focus on land markets. This shift paralleled the rise of neo-liberalism and structural adjustment. The land and housing policies that became prevalent, encouraged by international agencies such as the World Bank, were based on the assumption that private markets provide the best mechanism to ensuring low-income urban dwellers’ access to housing (World Bank, 1993). In contrast to the poor performance of public housing agencies during the 1970s and 1980s, market channels are argued to provide the best prospects for providing access to land and/or shelter for the vast majority of urban dwellers. Despite the mixed empirical evidence supporting such claims (see for example, Baken & Linden (1993); Jones & Ward, (1994)), urban land and housing policies in most of sub-Saharan Africa continue largely to be based on market-based approaches.

Currently, the main approaches to urban land research typically draw on political economy frameworks or on NIE. Each will be considered in turn.

2.4.1 Political economy approaches

Political economy approaches stress the social and political context and its interaction with economic forces in determining how urban land is ‘produced’ or ‘packaged’ and who benefits (Fawaz, 2008). Such approaches generally incorporate the investigation of legal, institutional and procedural frameworks for land management, political analysis and a consideration of physical and market factors (Jenkins & Smith, 2004). Early political
economy research on non-formal settlements was led by neo-Marxists, who sought to highlight relations of domination in the housing sector and how modes of production reflect the class interests represented by the state (Rakodi, 1992). An early formulation was that of Burgess (1978), who developed a classification of housing stock according to its mode and form of production, for example, the ‘dominant capitalist’ and ‘dependent petty commodity’ modes (p. 1113) and showed how these depended upon class. Debates about the usefulness of this categorisation followed, with a number of authors arguing that there is in fact a continuum of housing and that no one form of production is associated with a particular type of residential area (Rakodi, 1992).

Other research in the political economy tradition has considered the role of the state, motives behind policy decisions and public policies and the nature of land markets (Peattie, 1979; Rakodi, 1992). Other research has demonstrated how land prices relate to supply and demand in ways that are influenced by social relations just as much as economic factors (Fawaz, 2008). Yet other studies have examined the range of actors involved in non-formal land processes, the types of social relations that are generated, the levels of legality and non-formality that can be observed and the practices of land subdivision, financing and regulation in these markets (Jones & Ward, 1994).

Recently, political economy approaches have also been applied to understanding the reasons behind the demolitions of non-formal settlements and forced eviction of their residents in African cities. These have occurred, despite the human rights implications and the fact that such evictions are illegal in most African states. This literature queries the ‘in the public interest’ arguments made by most governments to justify such measures and highlights historical influences and the other interests involved (Ocheje, 2007). For example, the well-known case of Operation Murambatsvina in Zimbabwe is argued to have occurred to stifle political opposition, despite government claims that the evictions were to rid urban areas of criminals (Potts, 2006). In another study, Otiso (2002) examines forced evictions in Kenyan cities, which ostensibly occur as a result of urban redevelopment, land conflicts or non-payment of rent. He embeds the discussion in the political economy of Kenya’s inequitable land ownership structure, arguing that this has brought about the formation of these areas, as the poor are unable to afford decent shelter.
These studies all highlight the importance of a historical understanding of the context and the social, political and economic conditions in which policy decisions are made and institutions are formed.

**2.4.2 New institutional economics**

NIE is currently the most widely used approach to understanding non-formal land access (Fawaz, 2009). NIE has provided important insights into land access in non-formal settlements, as it makes no prior assumptions about the relative importance of formal or non-formal institutions. It has therefore shifted the analysis from formal institutions towards the non-formal institutions that sustain non-formal land markets (Jenkins & Smith, 2001; Nkurunziza, 2008).

Rakodi & Leduka (2003) outline how institutions, viewed in the light of NIE, are regarded in two different ways. Firstly there is the behavioural perspective that regards institutions as complexes of behavioural norms that persist over time because they support collectively valued purposes; or secondly there is the rules perspective where institutions are considered as ‘rules of the game’ that generate repetitive behaviour (North, 1989, 1990). Both of these categories may include formal and non-formal institutions.

It is the ‘rules’ perspective that has come to dominate the NIE literature on non-formal urban land (Marx, 2007). For many NIE scholars, institutions are unplanned and unintended rules for social behaviour that emerge organically from individuals’ maximising behaviour as opposed to being actively designed. According to NIE, institutions are the outcome of processes of historical convergence towards efficient economic structures that minimise transaction costs by lowering uncertainty in human interaction, helping to solve problems of coordination, ensuring compliance and allowing for the development of market exchanges (North, 1990; World Bank, 2002). Secondly, institutions govern relations between individuals, whether in voluntary associations or groups bound by custom and tradition, or in relations enforced by a third party, such as the state or government. Third, a rule is a ‘social institution’ only if it is ‘predictable and able to guarantee a stable (but not necessarily efficient) structure to human interactions’ (North, 1990:6). Scholars following the NIE approach describe the emergence of non-formal institutions as outcomes of the inefficiency of public institutions, for which they compensate; or conversely describe the development of formal norms and institutions as
a response to the weakness and failure of non-formal institutions and norms, that need to be supplemented or complemented by formal ones (World Bank, 2002).

Research that has applied NIE to non-formal urban land access has highlighted the different types of institution that regulate land markets in non-formal settlements, including formal institutions, non-formal institutions such as social networks (familial or ethnic), non-formal credit associations and the norms these institutions sanction, such as reciprocity (Fawaz, 2008). Other research has examined the decisions taken by actors choosing to operate in non-formal land markets (Berner, 2001; De Soto, 2000); or has investigated these markets by considering the relative capacity of the state, society or the market (Jenkins & Smith, 2001). Mooya and Cloete (2007) have used the approach to investigate non-formal market operations at the transaction-level and the affects of different types of property rights on these markets. In their study of non-formal urban land markets in six African countries, Rakodi and Leduka (2003) note that trust is particularly important for actors involved in non-formal land transactions because of the lack of formal, enforceable contracts. Actors:

‘possess knowledge of their rights/interests and obligations in the things being transacted, and are able to attach meaning to their actions, as well as to structure the social conditions of their acts of exchange in a manner that is consistent with the expectations of each party…transacting parties trust one another because they are conversant with the social institutions structuring their transactions and either interpret these institutions in a similar fashion or strive to do so’ (p.14)

They also provide a categorisation of land supply channels. For the poor, plot sharing, subdivision by a parent for a child and inheritance are important means of access. They detail how squatting or membership of indigenous rights-holding groups are ‘non-commercial’ means of accessing land, but that increasingly such channels are becoming unavailable. Channels for the purchase of land include the sale of customary land, non-formal subdivision and the sale of undeveloped land. In practice tenancy offers most accommodation to the poor. The studies also note that the purchase of existing properties in non-formal settlements increases as settlements age (Rakodi & Leduka, 2004). However the studies show how the poor are also increasingly less able to access land via purchase due to increasing prices.
Despite making important contributions to understanding non-formal urban land access, such approaches remain vulnerable to the general criticisms of NIE theories. NIE, as an extension of neo-classical economics, remains confined to a utilitarian understanding of the relationships between actors and social institutions, with the latter seen as being activated rationally by profit maximising individuals. Secondly, NIE tends to assume a divide between formal and non-formal institutions. Thirdly, NIE does not easily account for the reasons why ineffective formal institutions that affect the supply of formal urban land are so difficult to change (cf. Bardhan, 2000; Goodfellow, 2010). Bardhan (2000) points out that compared to the previous Marxist-influenced institutionalists, NIE ‘sometimes understates the tenacity of vested interests’ (p.224) and the persistence of dysfunctional institutions. This dysfunctionality raises the question of whether formal institutions reflect practices that are in reality governed by other non-formal institutional frameworks (Goodfellow, 2010).

Anthropologists and sociologists also argue that the NIE view of institutions overemphasises evolutionary perspectives that assume that institutions move towards ‘efficiency’. As such, it is suggested that questions of political economy and history are ignored (Fawaz, 2008; Granovetter, 1985). Also, as noted above, NIE understandings of institutions require them to be ‘predictable and able to guarantee a stable structure to human interactions’ (North, 1990: 6). This implies that a rule that fails this test does not qualify as a social institution. Harvey (1997) describes the complexity of the conflict situation and the fact that institutions are ‘simultaneously emerging, being undermined and contested’ (1997:19). Indeed, a recurring theme in post-conflict countries is confusion over which institutions command resources, particularly as well-connected interest groups often use the post–conflict period to acquire land rights (De Wit & Hatcher, 2009).

Such criticisms indicate that it is necessary to move away from NIE ideas of institutions and instead account for the broader social role of institutions and the social and political conditions in which they are formed (Fawaz, 2008; Granovetter, 1985; Peters, 2009). How institutions will be conceptualised in this research is considered in Section 2.7.

### 2.5 Land rights and property

Rights related to land are generally considered to be equivalent to property. Property in its most general sense can be understood as being based upon the relationships among
social actors with regard to objects of value (F. von Benda-Beckmann et al., 2003). Ribot and Peluso (2003) specify that ‘when the ability to benefit from something derives from rights attributed by law, custom or convention, contemporary theorist have usually called it ‘property’” (p.162). Property relations involve different kinds of social actors who are linked to each other by a diverse set of social and power relationships, with property taking the form of ‘enforceable claims to some use or benefit of something’ (MacPherson, 1978). Property is based on claims that are considered legitimate in the sense that the state or some other form of authority sanctions them (Sikor & Müller, 2009).

Maine (1917; cited in Ribot & Peluso, 2003) noted that property might be disaggregated into component rights or a ‘bundle of rights’. These rights derive from statutory and customary law, as well as from other institutions such as marriage and inheritance. Benda-Beckmann et al. (2001) suggest that using the ‘bundle of rights’ metaphor in examining property is useful in a number of ways. For example, it can be used to examine the rights that over time are bundled in the same resource for different users and stakeholders. A piece of land in a formal setting may include the occupier’s rights of use, differentiated rights within the household to inheritance, the municipality’s rights to taxes and restrictions on use, and government rights to determine boundaries (Marx, 2007). Alternatively, the bundle of rights metaphor can be used to examine the total range of rights that are distributed over different rights holders under a legal or normative framework. Payne (2002) assesses the range of property rights (for example the right to occupy/use, the right to inherit, the right to sublet) associated with different tenure categories in a city, such as pavement dweller, squatter tenant, squatter ‘owner’ and leaseholder. In this way, rights to land can be understood as being not only overlapping but also limited and controlled by some form of authority.

2.5.1 Legal pluralism
The predominant Western ideology when dealing with law and its role in society is ‘legal centralism’, according to which ‘law is and should be the law of the state, uniform for all persons, exclusive of all other laws, and administered by a single set of state institutions’ (Griffiths, 1986:3). However, a key aspect of property issues in sub-Saharan African societies is the co-existence of multiple legal and normative frameworks, based on not only statutory law but also customary law, religious norms and other non-formal social norms. The situation where different legal and normative frameworks coexist is referred to as legal pluralism (F. von Benda-Beckmann et al., 2002). Whereas a bundle of rights
can be regarded as different rights to the same resource, legal pluralism refers to a type of right to the same resource being recognised by different forms of authority. For example, formal government laws, religious and customary laws and unwritten local norms may all address the same rights to land. Consequently, legal pluralism is often a cause of conflict (Peters & Kambewa, 2007).

Legal pluralism in sub-Saharan Africa, including Southern Sudan (Mennen, 2007), is generally attributed to policies implemented during periods of colonialism by various European powers in the later nineteenth and twentieth centuries, when these powers imported their systems of common law and statute and operated these alongside existing customary systems. These powers also influenced the functioning of customary systems. Post-colonial states in sub-Saharan Africa have, at least initially, maintained these systems where customary law has prevailed in some areas and statute has prevailed in others, particularly urban areas (Njoh, 1998; Peters, 2009).

The notion of legal pluralism has been applied in a number of studies examining access to land in non-formal settlements. Recently, for example, Nkurunziza (2007, 2008) examined land access in non-formal settlements in Kampala, Uganda, showing how non-formal land access institutions, rather than being disorganised, draw on a variety of normative orders, including state law, rules of market exchange and customary practices. Razzaz (1993) develops Moore’s (1973) concept of ‘semi-autonomous social fields’ to explain the development of property rights institutions in non-formal settlements in Amman, Jordan, arguing that rather than there being conflict between property rights systems they instead come to coexist, albeit uneasily.

Similarly, Unruh (2009) argues that the notion of legal pluralism is useful for understanding land tenure during and subsequent to conflict, particularly in understanding how different understandings of rights to land that are incompatible, opposing or that together create confusion and tenure insecurity can jeopardise a peace process. In this regard, Plunkett (2005) describes in detail how differing law systems come about during and subsequent to conflict:

*the priority given by an individual to a rule system may be radically altered during times of war, particularly where the state is fractured, frustrated or collapsed. While the official will assert allegiance to*
the authority of the state or to ‘his group’ an individual is likely to have a complete reverse of priority or rule observance, especially when the state is weakening or has collapsed.’ (p. 79-80)

As a result non-formal systems come about relating to relationships of ‘survival, identity, and fulfilment that involve alliances based on region, family, religion, work, and so forth’ (p. 78). Whilst economic models tend to assume that conflict leads to an institutional vacuum (see Korf, 2009), Plunkett argues that these compacts are sufficient to support a rule of law even in the absence of a functioning state. This means that at the end of a conflict, rather than there being one source of authority there may be many.

This institutional plurality around access to land means that individuals can choose alternative avenues to pursue claims based on different rule systems, which may be played out against each other in ‘forum shopping’ strategies (K. von Benda-Beckmann, 1981). For property rights to be ‘rights in practice’ they must be recognised by someone other than the owner. Without this recognition, the property rights have no practical meaning. This ‘recognition in practice’ can come from a wide range of groups or authorities. In a non-formal settlement it can be neighbours, the settlement leadership or local government (C. Lund, 2008).

At the same time, this institutional plurality means that not only are people competing over access, but also that determination of the legitimate authority to control access is equally at stake. C. Lund (2008) regards property and authority as a contract in that recognition of secure access to land by an institution simultaneously constitutes a process of recognition of the legitimacy of the institution. Struggles over land can therefore be regarded as being as much about the scope and constitution of authority and control over access as about access to resources. Thus, in addition to ‘forum shopping’, there are ‘shopping forums’ engaged in trying to acquire and manipulate disputes from which they expect to gain political advantage, or to fend off disputes which they fear will threaten their interests. ‘They shop for disputes and disputants shop for forums’ (K. von Benda-Beckmann, 1981: 117). Thus, it is frequently the interactions between authorities or institutions which lead to conflicts or to competing bases for claims.

2.5.2 The demand for formal land rights and informal formalisation

Formal rights are considered a goal of most land strategies and struggles (Benjaminsen & C. Lund, 2003). In a review of four African countries, Benjaminsen, Holder, Lund, &
Sjaastad (2006) describe how the desire for formal land rights in peri-urban and rural areas exists within the four cases and that efforts at formalisation are occurring regardless of state policies. Lund et al. (2006) describe how population pressure and the development of land markets have led to an autonomous process of privatisation often accompanied by efforts at formalisation. However, as obtaining formal title is often difficult, hand in hand with these efforts are the development of new practices or, what they term, processes of ‘informal formalisation’:

‘Different structural process have promoted an ‘autonomous’ privatisation process in Africa (…) Recent research shows that the autonomous processes of privatisation, of exclusion and of outright land grabbing are often accompanied by different efforts at formalisation. However, to obtain a title is a cumbersome and costly process in most African countries, well beyond the reach of most rural poor. As a consequence of the unsatisfied demand for formalisation of land rights, a process of what one might call informal formalisation is emerging in many places with land scarcity’ (p20-21).

Studies on urban land point to the fact that non-formal settlement residents try to mimic formal rules (Nkurunziza, 2007). In the absence of access to formal registration and titling, citizens and communities may invent practices to establish proof of ownership/use rights and to register transactions. These practices often borrow features from formal registration practices, such as using seals and signatures.

The important question that needs to be considered with regards to this research is whether and why non-formal settlement residents use their scarce resources to legitimise their claims if they already have access to land and what are the connections between their actions and violence. Some of the literature posits that the reason for attempts at formalisation is that residents strive to obtain a sense of long-term security in the form of formal rights, reflecting the thinking of international agencies such as the World Bank, which sees formal property rights as necessary to provide sufficient tenure security for residents to invest in land and shelter improvements. Durand-Lasserve & Royston (2002) point to how securing land tenure is ‘often complicated, political and violent’. Violence is often an underlying part of struggles over property, sometimes preparing the ground for new and legitimate practices. Violence and deception may also be a powerful means of establishing ‘facts’ at the local level and so when institutions attempt to sanction claims
or undo rights they do not necessarily restrict themselves to peaceful means (Sikor & Lund, 2009).

2.5.3 Property rights and claims

The issue of forum shopping and attempts to have rights to land formalised also highlight the need to distinguish between claims and rights. Claims can be understood as demands based on something perceived as deserved or owned, or as assertions of rights. A person or group may claim the right to settle on a piece of land but in the end not obtain it i.e. the claim is not (entirely) socially accepted or deemed legitimate. Inevitably, people are in different positions when it comes to forum shopping and seeking endorsements for their land claims. Thus guaranteeing property rights for some people means that the claims of others are ignored and they are excluded from guaranteed rights (Sikor & Lund, 2009).

In post-conflict Mozambique and Angola, Jenkins (2009) points out that the pressure on government to democratise and decentralise has led to a distinction between de jure and de facto governance. De jure governance is what is legally adopted, although often not implemented. De facto governance is what makes the system operational. Jenkins argues that in the light of the lack of citizen engagement that typifies rapidly growing urban areas, how the de facto system operates in practice is often based on negotiations between powerful elites. Who has land rights sanctioned by law or custom or other authorities within non-formal settlements is insufficient. By focusing only on rights i.e. who has access to urban and peri-urban land and who does not and what rights they possess, only part of the picture is being considered. Additionally, it is necessary to understand who is making claims to access land and who is successful and unsuccessful.

Claims relate to access to resources (see next section) and struggles for access. In this sense they relate to the processes that lead to defined rights. How rights to non-formal settlement land are allocated in the first place, why some migrants to urban areas might not have access to land at all, why certain groups have more access than others and what the mechanisms are that constrain access for some also need investigation. Understanding claims is also important with regards to the processes that shape land access, as they help to reveal the motivation of actors or bureaucratic actions in relation to recognising land rights. Claims may be driven by more than economics. They can include moral claims for subsistence or they can serve social and political aims as well,
representing kinship or power relations (Peluso, 1996). Jenkins (2001a) emphasises how understanding claims to land can offset the tendency to draw on more Western or neo-liberal approaches that focus on the utility-maximising aspect of individual land rights. He also counters political economy approaches, which focus more on the structural roles of land in processes of accumulation, suggesting that examining claims is a vital element of re-evaluating the concept of ‘informality’ with regards to its application to urban land issues.

2.6 Access

The concept of access differs from that of property. It directs analytical attention towards ‘why some people or institutions benefit from resources, whether or not they have the right to them’ (Ribot & Peluso 2003: 154). It has become a widely used concept within the natural resources literature and tends to emphasise the persistence of non-formal institutions and legal pluralism despite attempts at formalising property rights (Sikor & Lund, 2009).

Although the literature is replete with reference to land access, the phenomenon itself is often not well articulated. Early literature using the concept of access to natural resources emphasised how it depends on access to other types of resources. Blaikie’s (1981) key study on the political economy of soil erosion, stresses that as a result of distortive land-use decisions, poor groups may be pressured into using marginal natural resources. He develops the concept of ‘access qualifications’ (p.58) to stress how farmers, although they may have grazing land at the local level, may not be able to use it if they do not have the required means to make it productive, for example money for seeds or labour or access to irrigation. He also notes that access qualifications are unevenly distributed across social actors and that those with access to resources other than land and to the state apparatus do not have the same problems with soil erosion. He thus emphasises the political nature of access and posits that only political, collective action can change the rules around it. He also highlights the importance of relationships between the local, national and international scales and how practices are mirrored between scales.

Access analyses became important in the 1990s and were often used to criticise the policies of international institutions, such as the World Bank, with regards to privatising property, particularly rural land rights. However, with a focus on the local level, access
analyses are argued to have a tendency to ignore the politics of access to land (Peluso, 2009; Peters, 2009).

More recently, Ribot & Peluso (2003) developed a framework for access analysis building upon Blaikie’s idea of access qualifications and other previous work analysing access (p.164). They argue that, whilst the literature on property is useful in examining the rights people have to resources, it does not explain how people actually gain access to them. They move away from more traditional debates on property rights in recognition of the complexity of ways in which access to resources is determined. They define access as the ability to derive benefits from things including resources.

‘Our move from concepts of property and tenure to access locates property as one set of factors (nuanced in many ways) in a larger array of institutions, social and political economic relations, and discursive strategies that shape and benefit flows’ (Ribot & Peluso, 2003: 157).

Access is about any possible means that shapes who benefits from things, including ‘means not intended to impart property right or that are not socially sanctioned in any domain of law, custom or convention’, such as discursive manipulations, relations of production and exchange, and socially and legally forbidden acts or means (Ribot and Peluso 2003: 156). This reflects anthropological research on claims to land which suggest that a variety of resources, not just property rights, are at play in accessing land and that poorer people remain disadvantaged as a result (Sikor & Lund, 2009). Ribot & Peluso differentiate between rights based mechanisms of access (i.e. those sanctioned by law, custom or convention) and what they term structural and relational mechanisms. In so doing, they emphasise the range of mechanisms that are at play in shaping access. These include access via coercion, violence, theft, financial capital, identity, authority, networks and negotiation. Knowledge and stealth to exploit the indeterminacies of the land tenure situation is also highlighted as a mechanism, under which they include beliefs, ideological controls and discursive practices in which access may be justified by moral claims. Thus, access is more encompassing than property, which refers to legitimate social relationships only (Sikor & Lund, 2009).

Ribot and Peluso also distinguish between gaining, maintaining and controlling access to resources, with ‘land control’ regarded as the ability to mediate others’ access (Ribot &
Peluso, 2003: 158). They emphasise that structure and scale are important considerations too. This helps to bring attention ‘to a wider range of social relationships that can constrain or enable people to benefit from resources without focusing on property relations alone’ (ibid: 154). Thus they indicate the need to consider what types of rights are at stake, suggesting that there will be a hierarchy of claims ranging from simple access to land to control over that access, bringing attention to the wide range of actors who potentially influence access. For example, in an urban setting, interests in urban or peri-urban non-formal settlement land may include not just government departments but also actors such as commercial interests, who may use their own means to access land used and inhabited non-formally. Actors may therefore be able to derive various benefits from land, by way of occupation or non-formal market exchange, without holding any rights to the land.

Importantly Ribot and Peluso’s theory places access in a political and economic framework where mechanisms (processes, relations and means) to gain, control and maintain access are mediated by power relations. However, they do not discuss in detail what they mean by power, and their distinction between what they term ‘rights-based’ and ‘structural and relational’ mechanisms of access is imprecise (Koch, 2008). Nevertheless, their and other access theorists’ shift away from a prime focus on legal rights to the varied and multiple mechanisms by which people gain access and the underlying power relations shaping them is valuable, particularly in analysing access to land in a post-conflict situation.

2.7 Understanding institutions

Based on the review above, it became clear that in order to understand the complexities of land access, particularly in a fluid post-conflict setting, it would be necessary to combine elements from several theoretical streams. As the political economy literature on non-formal urban land and access emphasises, it is necessary to take into consideration specific social, political and economic conditions and also understand the historical context in order to understand contemporary processes around land. As such, it was considered necessary to root the research in a political economy approach that incorporated the investigation of administrative issues, such as the policy context, political analysis, market operations and physical factors and legal procedural and institutional frameworks (Jenkins & Smith, 2004).
Political economy approaches are criticised for a tendency to ignore the significance of agency and how the meaning of land is socially constructed (Jenkins & Smith, 2004). Therefore, at the same time it was necessary to maintain a focus on the practices and institutions on which non-formal land access is based. Land access is about struggles over rights and claims. However, it is also about who has authority to control access. Ultimately land access and control is about who should be included or excluded from accessing land. Although rights are an important basis for access to land, a broader approach is needed. The framework of NIE was considered limiting, particularly because of its understanding of institutions as emerging from the economistic profit maximising behaviour of actors.

Anthropological perspectives provide alternative ways of understanding institutions. For example, Leach, Mearns, & Scoones (1997, 1999) have built on the entitlements literature to study access to environmental resources. In their view institutions, rather than being rules of the game, as in NIE, can be better understood ‘as regularised patterns of behaviour that emerge from underlying structures or sets of rules in use’ (1997: 26). The emphasis is on understanding social factors and the dynamic of institutions through analysing intra-community dynamics based on acknowledging the heterogeneity of communities and their ecological environments, understanding their history and examining power politics. Changes in institutions take place when people’s behaviour alters, by choice or necessity. However, Leach et al., argue that because of the embeddedness of non-formal institutions, change can be slow, even when formal institutions such as legal frameworks change rapidly. However, their framework emphasises ‘legitimate control’ which is argued here to be less appropriate for a study of post-conflict situations where who legitimately controls resources is often highly contested and where institutions tend to be very volatile and can often turn inoperative with ‘regularised patterns of behaviour’ altered substantially within a short period (Korf & Fünfgeld, 2006).

Instead, Berry (1997) argues that institutions should be regarded as processes. Whilst Leach et al. argue that non-formal institutions change slowly, Berry argues that research suggests that African societies and cultures have in fact exhibited great diversity and fluidity and argues that it is appropriate to shift the analytical focus from structures to processes, and from rules and outcomes to on-going negotiation and debate (p129),
putting ‘n emphasis on the agency of actors. However, the danger that an emphasis on agency may ignore the constraints and enabling factors and also the larger inequalities that exist amidst change (Koch, 2008) must be guarded against. For example gender inequality is emphasised by Payne (2002).

Other anthropologists regard institutions as the product of social and political practices (see for example Broegaard, 2005; Kepe, 2008; Koch, 2008; Korf, 2007). Cleaver (2002) for instance, refers to ‘institutional bricolage’ as describing the processes by which specific social mechanisms are constructed from existing institutions, styles of thinking and sanctioned social relationships. She outlines how the particular system used to secure ‘rights in practice’ depends upon individuals' social, political and economic resources and the particular negotiations taking place. Some ‘bricoleurs’ possess more authoritative resources than others, with people drawing on a number of attributes, such as economic wealth, official position, marriage etc. to justify their position and influence (p19). Alternatively, Nuijten, (2005) provides an approach that takes into account social structures. She argues that the term ‘institutions’ should be replaced by the term ‘organising practices’ (p.11) including those that are fragmented in nature i.e. where people work with one set of actors and then another, develop a strategy and then change it in the course of action. Nuitjen points to structural inequalities in access to resources and how these are to a large extent based upon people’s membership of different social categories.

Whilst these studies have important conceptual differences, they emphasise the role of actors and their everyday dispositions and how these can affect land access mechanisms with ‘rules’ being constantly remade through people’s practices (Bourdieu, 1977). Social practices are Bourdieu’s point of departure for understanding the social world and his key concern is with how power itself is constituted and how agency is constrained and enabled with regards to relations of power.

Insights from the work of Bourdieu are useful to understanding land access, the role that institutions play and the interplay between structure and agency, which will be elaborated upon in Chapter 3. In his view institutions should be conceived less in terms of fixed rules and more in terms of social practices, where the social structure and the activities of actors reinforce each other. Bourdieu departs from the representation of social agents as
profit maximising actors, developing the concept of *habitus*, ‘the strategy generating principle enabling agents to cope with unforeseen and ever-changing situations… a system of lasting…dispositions, integrating past experiences…a matrix of perceptions, appreciations and actions’ (Bourdieu, 1977: 72). These ‘lasting dispositions’ are the product of a historical and social setting that structures the way actions are undertaken, but which is at the same time structured or redefined by these actions. *Habitus* can be understood as the logic that guides an actor’s choices, interest and dispositions – a set of principles that generates and organises practices and opinions. It operates from within the individual, integrating the structural features and norms of society with the individual characteristics of actors (Swartz, 1997).

Bourdieu sees the social space as made up of relatively autonomous, objectively structured areas which he terms ‘social fields’. A social field is neither a set of individuals nor a group of practices but is a set of differential relations that position individuals and groups vis-à-vis each other in a given sphere (Fawaz, 2008). For example, non-formal settlement urban land is a resource, in the sense that on the one hand it is profoundly private in providing a place to live for individuals or families and on the other it is public in that its value is created by urbanisation and its productivity depends on the provision of public services (Doebele, 1983: 349 cited in Marx, 2007). This means that interests in it are shared by a range of actors which struggle to access or control it. Using the concept of social field, it is possible to understand non-formal land access as bringing together a bundle of social relations connecting individuals seeking somewhere to live, those who control access at the local level, investors and regulators, as well as a variety of formal and non-formal institutions (for example, city level planning institutions, municipal authorities, property rights).

Therefore, an analysis of non-formal land access needs to investigate the relations that link these social agents and institutions together, along with the norms or rules that organise their practices. As the literature indicates struggles over land should not be simply regarded as a result of simple land scarcity. First, social scientists emphasise the social construction of scarcity. In addition, competition over land is not just a matter of insecure rights or scarcity but is at its heart about power, both socio-economic and political (C. Lund et al., 2006; Peters, 2004; Peters & Kambewa, 2007). In this sense
struggles over access to land or its control may involve different actors who seek different benefits and who have different forms of resources and strategies.

Both internal and external forces define the social field (of non-formal land access and control). Whilst land in non-formal settlements is often locally managed, the state is often the formal owner of (some of the) land resources, with power to affect land rights. However, in a post-conflict setting, the legitimate authority to control land rights may be contested. Within a social field, the practices of individuals are determined by their relative disposition over resources, which Bourdieu refers to as ‘capital’ (Bourdieu & Wacquant, 1992). The ability to operate within a social field – in this case, to access non-formal land – is dependent on one’s ability to accumulate capital vis-à-vis other social agents and so acquire a higher position within the social hierarchy of the field. Capital can take a number of forms and Bourdieu refers to mainly four: economic capital (money, land, employment, business etc.); social capital (see below); cultural capital (education, training, skills, language etc.) and symbolic capital (transformation of the other three types of capital into capitals valued in the field e.g. reputation, titles, authority or privileges). Economic capital is at the root of the other types of capital, which are in effect transformed and disguised forms of it (Swartz, 1997).

‘Capital’ is the source of power that determines the positions individuals or groups hold within a field. In this sense, the power to access non-formal settlement land or to intervene in its control depends on the ability of an actor to use their capitals in relation to other actors and to acquire a higher social position in the field. Thus, to increase their influence, actors will seek and apply forms of capital important to that field. In order to understand how actors gain access to and/or control over land, then it is essential to understand the capital they hold or pursue. Of the forms of capital, social capital is the most relevant to this thesis, because it enables an understanding of the importance of social networks as non-formal institutions for accessing land to be developed. It will be given particular attention in the next sub-section.

The research does directly apply Bourdieu’s analysis to the actors in Juba and the three case study settlements that are studied. However, if the mechanisms by which actors access land are to be understood, it is vital to look at their relative positions of power as well as their strategies. The ability to access non-formal settlement land and the different
benefits to be obtained from it are at the centre of struggles over it. The relations between social actors and the context in which they are embedded, and between social actors and the rapidly changing formal and no-formal institutional environment, are key to explaining access mechanisms and connections with violence in a fluid post-conflict setting. It is also important to understand the dynamics of power relationships and practices to manage power asymmetries that may arise as a result of any land reform.

### 2.7.1 Social networks as non-formal institutions

The role of social networks as non-formal institutions that facilitate access to land is well documented in the informal land and housing literature (Fawaz, 2008; Jenkins & Smith, 2001; Smith, 2003). For example, Nkurunziza (2008) notes the overwhelming reliance on non-formal social networks for information on plot availability in his study of non-formal settlements in Kampala, Uganda. Kombe (2005) notes how social capital is important in the peri-urban areas of Dar es Salaam, Tanzania, where access to land is based on ethnic and kinship networks. In his work on cities in Costa Rica, Smith (2003: 85) investigates ‘housing networks’, which are actors or institutions who exchange resources such as land, money, materials, labour that go into housing production. He suggests a two type classification: vertical networks that connect residents with formal agencies and horizontal networks that connect urban inhabitants to one another. Such ideas are useful as they suggest the various horizontal and vertical social networks that may function in a non-formal settlement and the various actors involved at various levels.

Following Fawaz (2008), social capital is the most relevant form of capital for the investigation of social networks. The concept broadly refers to the resources available to social actors through their affiliations and membership in community networks (Kawachi, 1999; Thomas, 2002). This thesis will not attempt to review the diverse theories of social capital nor the debates about its developmental potential for empowerment of marginalised groups. However, it is necessary to draw out a number of key themes in order to provide the background to how social capital and social networks will be conceived in this research.

Social capital is one of the most intangible forms of capital (Moser, 1998). The three theorists whose work has been key in understanding the concept are Bourdieu, Coleman and Putman who all regard social capital as a resource, but emphasise its different
functions reflecting their different disciplinary perspectives (Hawe & Shiell, 2000; McIlwaine & Moser, 2001). Bourdieu’s concern is mainly with the role social capital plays in preserving and reproducing class structures, especially through mediating economic capital (Bourdieu & Wacquant, 1992). For Coleman (1988), the focus is upon the role of social capital within family structures and how it enables or prevents individuals and families from achieving social mobility. Putnam's (1993) main consideration is social capital in the collective sense as the bonds that keep society together and its importance in economic growth and establishing democratic institutions. He refers to bonding, bridging and linking (intra-community, inter-community and community-public agency) social capital, to distinguish between the ways groups invest and share social capital within and between themselves.

One of the most frequent criticisms in the literature on social capital is of its many definitions. The concept has been modified to cover many types of relationships at many levels of individual, group, institutional and state analysis, to the extent that some argue that the term has lost its heuristic value (Colletta & Cullen, 2000; Hawe & Shiell, 2000). Some authors argue for a narrow conceptualisation, whereas others argue that a comprehensive approach is necessary to fully capture the complexities of social relations (Colletta & Cullen, 2000; Thomas, 2002).

Overall, the definitions can be grouped into two broad ways the concept is constructed. One refers to its structural and cognitive components (Krishna & Shrader, 1999; Uphoff, 2000). Structural social capital includes networks, connectedness, associational life and civic participation, while the cognitive component includes perceptions of support, trust, social cohesion and civic engagement (Harpham et al., 2004). There are also the horizontal and vertical components of social capital. Vertically based social capital inheres in the relationships between different levels of society (for example, community, local, government), while horizontally based social capital exists in the relationships between similar individuals or groups in the same social context, such as between communities (ibid).

Another frequent criticism of theories of social capital is that both aspects of power and its exclusionary nature are overlooked (Colletta & Cullen, 2000; Harriss & De Renzio, 1997; McIlwaine & Moser, 2001; Portes, 1998). One example is that the ties that bind a
group together for their common good may have negative consequences for some individuals (Portes, 1998). There is a need to recognise that social capital can be either inclusive or exclusive and therefore may not be beneficial for all. For example, the strong social bonds that allow members of some ethnic groups to gain access to land can prevent other groups from accessing that land.

A much debated issue regarding social capital, and one relevant for this research, is the impact of violence on social capital and *vice versa*. In the context of violent conflict, Colletta & Cullen (2000) examine the linkages between violence and social capital (although they do not provide a precise definition of social capital) in a comparative study of armed conflicts across four countries. They point to both the inclusionary and exclusionary nature of social capital, concluding that it can be constructive, supporting social cohesion, and hence the mitigation of conflict, but that it can also be used to undermine social cohesion and fragment society. In this regard, P. Collier (2000) argues that conflict needs to actively create divisions. In a study of the conflict in Sri Lanka, Goodhand (1999) points to how warlords use social networks to exclude those who are not part of a clan or ethnic group, using the terms ‘anti-social’ capital and ‘anti-social’ networks to describe these forms of engagement.

Within the literature on urban poverty and violence, it has been noted that in the context of rapid urban growth and land scarcity, squatting and evictions by government ‘old bonds of community and solidarity among citizens’ are destroyed. This causes ‘housing insecurity’ and at times may lead to ‘the resort to violence or armed force’ (Davis, 2010: 406). In their study of the relationship between urban violence and social capital in Colombia and Guatemala, McIlwaine & Moser (2001) draw attention to the exclusionary nature of social capital. They detail the complex relationship between violence and social capital, which can be eroded but also simultaneously ‘fostered or reconstituted by violence’ resulting in both positive and negative effects within communities.

Bearing in mind such criticisms and the emphasis of the research on the role of different actors at different levels and their identities and social relations in terms of how they control, gain or maintain access to non-formal settlement land, following Narayan (1997: 50), social capital is understood as the ‘rules, norms, obligations, reciprocity and trust embedded in social relations, social structures and societies’ institutional arrangements
that enable its members to achieve their individual and community objectives’. This definition of social capital is useful because it takes account of both the micro- and macro-levels and also sees social capital as being both an individual and a community resource. In this regard, social networks relating to non-formal land access are conceived as being both non-formal institutions/ institutional arrangements and as resources that enable individuals and groups to gain and maintain access to non-formal settlement land (cf. Zetter, Griffiths, & Sigona, 2005). Additionally, the exclusionary nature of social capital is recognised, with its implications that not all individuals will be able to attain membership of social networks or other institutional arrangements (Portes, 1998).

2.7.2 The instrumental nature of ethnicity

This also leads to a consideration of how ethnicity is conceived in the research. Broadly there are three schools of thought. One referred to as the primordial school, that describes ethnic identities and sentiments as ineffable and ‘given’, embedded in tradition and culture. The second and third schools are referred to as the instrumentalist and constructivist schools, both of which conceptualise ‘ethnicity’ as a malleable social, political and cultural resource, often resulting from the mobilisation by political agents, who may even invent tradition in the process (Kaufman, 2004; Korf, 2003; Tilley, 1997). For instance, Horowitz (1999) stresses how ethnicity is socially constructed and how individuals and groups can develop their own identity drawing on a variety of cultural resources. In this regard the literature on civil wars shows how conflict parties often construct exclusive notions of ethnicity as an means of directing grievances towards the ‘ethnic other’ (Korf, 2003). Drawing on this, this research draws on the instrumentalist school, conceptualising ‘ethnicity’ as a social and political construct that can be used as a means of sustaining or generating power and legitimising access to urban land and the exclusion of certain groups from it.

2.8 Conceptualising the state

As detailed in Section 2.2.1, in most sub-Saharan countries the state’s capacity to address non-formality often falls short of expectations. Nevertheless, the state is not absent and analysis of its institutions is required to establish an understanding of social dynamics. As will be shown in Chapter 5, state institutions may compete for jurisdiction and state actors and politicians may work on the fringes of the legal system or ignore it altogether (Jones & Ward, 1994). It is therefore important to consider how tensions and alliances between various centres of power that emerge in a post-conflict context such as
Southern Sudan may affect the provision of formal, legal land titles and how this may affect the prevalence of non-formal settlements. Various authors have pointed out that to understand informal institutions, rather than thinking of the state as a ‘monolithic entity’ defending the law (Goodfellow, 2010: 16), it is useful to think of it in its constituent parts (Lund, 2006; Lindell, 2008). Following Goodfellow (2010), this thesis draws on Migdal (1994) who identifies four ‘levels’ of the state: the trenches at the bottom; the dispersed field offices; central offices; and the commanding heights. In a capital city all four can be present ranging from the presidential and government ministries to municipal authorities to divisions representing defined areas or communities within the city.

2.9 Conceptual framework: Analysing the connections between land access and land violence

A conceptual framework for examining the connections between non-formal urban land access and violence can be synthesised from the review provided above. A case has been made for an alternative terminology to that of ‘informal’ and for an approach that moves beyond a dualist framework in order to take into account the web of co-existing actors and formal and non-formal institutions whose interplay shapes non-formal access to land. In this regard it has been argued that it is necessary to conceptualise institutions as processes through which the practices of actors in the field of ‘non-formal urban land access and control’ influence formal and non-formal institutions and vice versa. The mechanisms or practices actors use to access or control access to non-formal settlement land depends on their relative social positions of power, determined amongst other things by the capitals they possess and the other structures influencing the field of non-formal urban land access. The conceptual framework therefore brings together elements of several approaches.

Access to land is understood in terms of the mechanisms that enable actors to control, gain and maintain access to (the benefits of) land, in this case urban or peri-urban non-formal residential land. This definition is broader than but includes property. The mechanisms may include socially and legally forbidden practices, such as deception, coercion and violence.

In investigating the connections between land access and violence, and given the many forms of violence that can overlap, this thesis uses a narrow definition of ‘land violence’.
This refers to the use, or the threat, of physical force as a mechanism of controlling, gaining or maintaining access to land, or its benefits resulting in fear of, or actual forced dislocation from, one’s non-formal residential plot of land.

- Controlling access refers to the ability to mediate the access of others;
- gaining access refers to the process by which access is established;
- maintaining access refers to the use of resources or powers in order to maintain access to the benefits of land over time.

Given rapid population growth, the rising economic value of land and a fluid post-conflict context, attention is given to understanding the changing benefits that can be obtained from non-formal settlement land and thus, who may be seeking to access or control it. In an urban residential setting benefits from land can include a site on which to live; socio-cultural benefits, for example access to community; and economic benefits, in that it can be used as a productive resource or commodity. Land scarcity and other factors such as physical location impact on the benefits that can be obtained from non-formal settlement land.

Given the above, in order to operationalise the research, it will investigate non-formal land access and control and its connections with land violence using three main levels of analysis: the city level (Chapter 5), the non-formal settlement plot level (Chapter 6) and the settlement level (Chapter 7). Relations between settlement inhabitants and between settlement leaders and other powerful actors within the city gives rise to the possibility that there are various mechanisms and forms of ‘land violence’ at different levels aimed at obtaining different benefits. At the city level, relations between authorities that control access to urban land shape the mechanisms of obtaining land access used by other actors, as well as the prevalence of non-formal settlements. At the non-formal settlement plot level, individuals gain access to land through various mechanisms, for example by relying on non-formal institutions such as family or ethnic social networks or other socially sanctioned or illicit mechanisms. These mechanisms in turn influence social networks and other institutions. At the settlement level, linkages between the plot and city levels spill over in terms of the opportunities to access land, the practices of actors or institutions through which access is controlled and how access to land is maintained.
Structural, agential and identity factors underpin the mechanisms different actors use to access land so the research is not limited to investigating how actors rely on non-formal or formal institutions in order to access or control access to land. As indicated in Section 2.7, structural factors require a further layer of analysis for the investigation of, for example, the historical context, the land policy context, ethnic politics, market and physical factors and legal procedural and institutional frameworks (Chapter 4).

A further key aspect to consider, emphasised in Section 2.5.3, is the differing perceptions of rights to land or claims made to non-formal settlement land by different actors. These perceptions can be understood as underlying ideological mechanisms that shape all mechanisms of access through beliefs, ideological controls and discursive practices (Ribot & Peluso, 2003: 168). As will be detailed across the empirical chapters and summarised in Section 7.5, perceptions of rights to land differ drastically for different groups, for example state actors, soldiers, non-formal settlement inhabitants or indigenous versus non-indigenous ethnic groups. Cultural norms are a factor in the claims that affect land access, with different actors being willing or unwilling to countenance the claims of others. Such perceptions, norms and attitudes shape practices around non-formal land access and are also relevant to re-evaluating concepts of informality in relation to urban land issues (the secondary aim of the research).

2.10 Conclusion: Research Significance

In light of the extensive literature review and conceptual framework presented in this chapter, this thesis seeks to contribute to four main areas of literature. Firstly, as indicated in the second research aim, by moving away from dualist frameworks that distinguish formal and informal institutions, the thesis seeks to contribute to debates on informality. In so doing it will also consider the implications of the findings for urban land policy and planning, particularly as they relate to post-conflict contexts. Secondly, it also aims to contribute to the literature on social capital, which provides a lens for understanding the functioning of social networks, conceptualised as non-formal institutions that may play a central role in non-formal land access. In particular, it considers how social capital may be undermined or fostered during and after conflict and how it links to non-formal land access and violence. Thirdly, the thesis seeks to contribute to the literature on the political economy of post-conflict urban violence, particularly as it relates to land access, by considering not just (ex-)combatants, but also
non-military actors. Fourthly, it also aims to be an empirical contribution to the literature on Southern Sudan.
3 Chapter 3: Methodology and Fieldwork Strategy

3.1 Introduction

This chapter sets out the main methodological considerations with regards to conducting the research and introduces the field research design. This chapter does not discuss the merits of various research methods, such as experiments, surveys and case studies, in detail as these are well documented in the literature. Instead, it considers the main methodological difficulties of examining urban non-formal land access and violence in a post-conflict setting and describes how they will be dealt with in this research. Drawing on theories from a number of fields, the previous chapter stresses the importance of context, but also requires a focus on practices by examining access to land, control over this access, and the power relations that govern it. Thus, the research acknowledges the importance of power and inequality in social relations (for example, as manifested by the exclusion of certain groups from some areas) and seeks to examine the underlying causes (for example, the different resources that actors possess, historical processes, rapid urban population growth and the social, economic and political conditions relating to the post-conflict setting) and their connections with land violence.

The chapter starts by briefly considering positivist and interpretivist approaches to social science research before outlining a critical realist ontology in the third section. The fourth section introduces the methodological approach, a reflexive extended case study and mixed methods methodology. All research presents difficulties, but exploring non-formal land access in a post-conflict setting poses a specific set of challenges and this section also considers some of the issues in conducting the research, in particular the need for sensitivity. The chapter then goes on to outline the research design and the methods used including some of the challenges to implementing these methods.

3.2 Ontology and epistemology

Almost twenty years ago Jones and Ward (1994) noted the lack of methodological inquiry with regards to land market research. Whilst much literature since then has acknowledged the conceptual and practical difficulties that prevent effective research on land tenure in non-formal settlements, little of this research has actively engaged in methodological considerations. More broadly, Prowse (2008) notes that most poverty and development research fails to be explicit about its methodology or philosophical foundations; that is, authors discuss neither the ontology nor the epistemology
underlying their approaches. Ontology applies assumptions to better understand the dynamic relationships between people and social and material structures. Epistemology relates to the ways in which social phenomena, for example ‘non-formal land access’, can be identified and understood.

Broadly, there are three main meta-theories relating to social science research, each of which consists of many different strands. These are positivism, interpretivism and post-positivism (Perlesz & Lindsay, 2003). Positivism is generally used in the natural sciences and is ontologically posited on the belief that reality is observable and that there are universal truths that can be observed in an objective manner by the researcher. It requires that knowledge is established by verifiable evidence through methodology applying the ‘hypothetical deductive method’ that allows for the verification or falsification of factual statements (C. Johnson, 2004). Accordingly positivism favours quantitative data and usually uses experiments, surveys and statistics to test hypotheses through analysing measured values. Optimally, positivism requires the researcher to be objective, value-free and independent of the researched (Silverman, 1998; Sumner & Tribe, 2004).

Critics of positivism argue that extending methods from the natural sciences to social sciences is inappropriate. This, it is argued, is because the phenomena investigated by social scientists are different as, rather than simply reacting to stimuli, humans interpret their surroundings and act on the basis of these interpretations, exercising free will (Hammersley, 1993; Silverman, 1998). Additionally, the ‘value-free principle’ is argued to be impossible. It ignores the research encounter between external researchers and local people, a process that is highly subjective, complex and value-laden (Mitlin & Thompson, 1995). Positivism is also criticised for restricting social phenomena to those are directly observable. This is said to lead to omission of non-observable values, meanings and intentions in a given situation (Ekstrom, 1992).

On the other hand, interpretivism is primarily concerned with the meanings that people attach to social situations (Kanbur & Shaffer, 2007). Along with hermeneutics and social constructivism, interpretivism focuses on human interaction, with some researchers conjoining the approaches under an interpretivist-constructivist epistemology (Denzin & Lincoln, 2005). This approach starts with the assumption that the actions of social actors
are foundational in constructing reality, making it inappropriate to adopt the methods of the natural world to explain the social world (Bryman, 2008). The interpretative approach holds that patterns of human behaviour are not due to pre-existing natural laws but rather are created from evolving systems of meaning generated through social interaction. Therefore, the approach is associated with qualitative research methods aimed at understanding the appearance of social phenomena and their underlying meanings. Additionally, interpretative research does not attempt to be value free, stressing individuality and subjectivity rather than replication and truth. The researcher is required to appreciate this in conducting social research and to exercise empathy in order to understand a social actor’s feelings and views (Díaz-Andrade, 2009; Neuman, 1997).

Critics of ‘interpretive-constructivism’ argue that the approach is undermined by its disregard of structural factors that can dominate or underpin actor motivations. Thus, to examine causality without reference to underlying structural influences is a superficial approach to explaining the assertion of power. Furthermore, Somerville & Bengtsson (2002) criticise constructivism as suffering ‘subjectivist fallacy’ (p.121) because of its denial of objective reality independent of human agency. They accuse it of making substantial leaps in logic from the stance of the world being constructed to the conclusion that ‘referents (such as the self) are constructed or constituted through discourse’ (p.122). They refer to this approach as strong constructivism and as being foundationalist and therefore paradoxical, by construing representation to be the actual reality. Strong constructivists moreover deny the influence of material conditions and any changes to such conditions on the meanings and consequently actions of social actors (Sayer, 2000).

### 3.3 Study Research Methodology

The ontological position that will be adopted in this research is that of critical realism, which is ‘mainly concerned with ontology, with being or ‘what exists’, and has a relatively open or permissive stance towards epistemology’ (Sayer, 2000: 32). However as the two approaches are inextricably interlinked, a critical realist ontology rules out certain epistemological stances such as ‘strong social constructionism’ (Sayer, 2000: 90; see also Olsen, 2006; Bevan, 2004).

Ontologically speaking, critical realism holds the conviction that the world exists independently of our knowledge of it and this knowledge is both fallible and theory laden
meaning that social phenomena are concept dependent (Olsen, 2008). Contrary to positivism and interpretivism, realism does not privilege either empirical observations or meanings as the cause of human behaviour. Rather, it attempts to explain why what happens does happen through a ‘generative theory of causality’ (Ekstrom, 1992: 114). Therefore, it is cautious about positivist inference:

‘The study of empirical regularities or co-variation between standardised variables cannot offer anything but only empirical regularities and statistical correlation, they cannot answer questions regarding causes’ (Danermark, Ekstrom, Jakobsen, & Karlsson, 2002: 53).

This form of causal analysis also acknowledges the ‘double hermeneutics’ involved in the social sciences: that whilst natural scientists have to interpret results, social scientists need to interpret their respondent’s interpretations (Danermark et al., 2002: 32).

Instead of focusing on epistemological concerns regarding how we can gain knowledge about the external world, critical realists focus on a stratified and complex view of ontology (Prowse, 2008; Steinmetz, 2004). They draw on a distinction between ‘the real’ (the structures and powers of objects and the location for generative causal mechanisms that create events), ‘the actual’ (the events that occur if and when those powers are activated) and ‘the empirical’ (the domain of agents’ experiences of the world) (Sayer, 2000: 11-12). Danermark et al (2002: 199) state that when ‘mechanisms produce a factual event, it comes under the domain of the actual, whether we observe it or not. When such an event is experienced, it becomes an empirical fact’. To the critical realist, research analysis of the empirical should seek to shed light on underlying causes drawing on and elaborating existing theory.

Four different types of ‘real entity’ have causal effects (Fleetwood, 2005: 199-200). These are: firstly, the materially real (entities which exist independently of the actions of individuals and include the land, sea, weather etc.); secondly, the ideally real, which are conceptual entities such as narrative, discourse and beliefs; thirdly, the artefactually real (entities which are created such as cars and computers); and finally, the socially real, such as practices or social structures, the market, being unemployed etc. Thus entities, discourses, social structures and institutions co-exist and exert their influences through social agents so that a particular event is contingent upon social entities other than the
agent, with their causal powers. Weigelt (2010) provides the example of a group of landless people occupying public land in a town. Whether the group are evicted or not might depend on both its affiliation to a particular person in power and the views of officials within local government. Thus agents do not act by themselves, instead other social entities exercise influence through their own agents. Accordingly, non-formal land access can be characterised as a resulting from a dynamic set of underlying and interrelated social relations (Lawson, 2010). To explain social practice, realists advocate the unravelling of these deep-lying features to reveal emergent causal powers, a process referred to as the recovery of ontological depth (Bhaskar, 2008; Sayer, 2000).

Critical realism acknowledges the role of agency in reproducing societal structures but also strives to highlight societal structures (Bevan, 2004). ‘Things have the powers they do because of their structures…. Structures cause powers to be exercised, given some input, some ‘efficient’ cause, e.g. the match lights when you strike it’ (A. Collier, 1994: 43).

A key concept in critical realism is emergence. Social structures have emergent powers conditioned by the complex interaction of contingent factors. Therefore, reality is not solely taken-for-granted practices, but is rather layered, invisible to the observer and not easily predictable. It influences whether we can know the real or the actual through the empirical. Some structures or powers are observable while others are not. This implies that a power may exist but is not necessarily exercised, allowing space for choice and agency (Bevan, 2004).

This thesis argues that such a critical realist ontology is useful for the study of land access. As the previous chapter outlines, structures, property institutions, social and economic relations, discursive strategies and other social entities interact with each other in complex ways to affect land access (Ribot & Peluso, 2003). Discourses for example ‘make certain ways of thinking and acting possible, and others impossible or costly’ (Phillips, Lawrence, & Hardy, 2004: 638). A critical realist ontology allows for a range of institutions, macro-regulatory systems, social norms and other entities to exist, all of which interact with each other (Olsen, 2006). Furthermore, the adoption of a critical realist ontology is more likely to place issues of power at the centre of analysis (Hickey, 2009).
To understand institutions and the mechanisms around land, the previous chapter argued that Bourdieu’s conceptualisation of capitals, habitus and fields is useful. A number of authors have applied Bourdieu’s approach within the realist tradition (Birkett, 2011; Elder-Vass, 2007; Nash, 2003; Potter, 2000; Wainwright & Forbes, 2000). However, there is some debate as to whether or not Bourdieu’s concepts are compatible with a critical realist ontology. Birkett (2011) points to Archer (1995) who argues that there is a central conflation in Bourdieu’s work, so that structures cannot exist or have causal powers independent of agency as they become entangled in the habitus, so that agency becomes part of structure. On the other hand Elder-Vass (2007: 334) argues that our experience of social structures affects our beliefs about the world and how we are disposed to act towards it in the future, suggesting that structures influence agency in a temporal way, rather than becoming part of agency.

Postone et al (1993: 2) argue that Bourdieu attempts to reconcile the divide between agency and structure by locating structures both subjectively and objectively through the habitus. ‘The habitus is the dynamic intersection of structure and action, society and the individual. Habitus according to Bourdieu is produced by social structures’ (Postone et al, 1993: 4). According to Bourdieu ‘through the habitus, the structure which has produced it governs practice, not by the process of a mechanical determinism, but through the mediation of the orientations and limits it assigns to the habitus’s operations of invention’ (Bourdieu, 1977: 95). The agent is generally unconscious of the habitus (Schatzki, 1987; Swartz, 1997) which is only reflected when it no longer makes sense to the individual, at which point the otherwise durable habitus can be transformed (ibid). Thus structure influences agents both consciously and unconsciously. Bourdieu explains how social structures have causal effects through this unconscious process, using the concepts of fields and capital resources outlined in the previous chapter. In relation to capital, Bourdieu states ‘it is their present and past positions in the social structure that biological individuals carry with them, at all times and in all places, in the form of dispositions’ (Bourdieu, 1977: 82). These dispositions inform their actions. For Bourdieu, an individual’s structural position influences their capital resources. Birkett (2011) argues that this means that capital or material resources can be understood as forming one part of the social structure that acts upon the subject. Power increases with the accumulation of capital and those in power are able to influence ‘the rules of the game’, as they can ‘designate what is ‘authentic capital’ (Webb, 2002: 23 cited in Birkett, 2011).
3.4 Methodological Approach

The application of a critical realist ontology has a number of important implications for the methodology. In addition, with regards to operationalising the research, the sensitive context, in that the research took place in non-formal settlements and in a post-conflict setting, led to a particular set of practical challenges and ethical considerations.

3.4.1 Extended Case Study Method

Critical realism favours case study research that is sensitive to context, with the aim of supporting cumulative theorising, where the role of case studies is not to reject or ‘prove’ a theory, but to refine existing theories by providing deeper insights into social phenomena. A case study methodology is also suited to examining exploratory ‘how’ questions (N. Blaikie, 2000). Yin (1984) describes the case study as an empirical enquiry that: ‘investigates a contemporary phenomenon within its real-life context: when the boundaries between phenomenon and context are not clearly evident: and in which multiple sources are used’.

Case studies also offer opportunities to concentrate on specific instances, to allow in-depth study and illustrate relationships between events (Yin, 1984).

Critical realism accepts the reflexivity of social sciences, recognising that they are ‘part of their own field of enquiry’ (Bhaskar, 1989: 47). Bhaskar argues that we need to be sensitive to and take account of our own effects when conducting research. Thus, critical realism requires continuing reflexive awareness as part of the conduct of research without allowing such awareness to obscure the existence of reality beyond ourselves that provides a legitimate base for the critique of theoretical abstractions.

This research draws on Burawoy’s extended case method (ECM). This is an approach to conducting ethnographic sociological research that builds on Bourdieu’s theory of practice (Burawoy, 1998). Prowse (2008) and Korf (2006) argue that the ECM supports a critical realist ontological and epistemological foundation and acts as a guide for practising field and case study research. Korf (2006), in particular, argues that the approach helps raise the researcher’s awareness of power effects that may threaten the success of reflexive social science, particularly in the empirical study of violent conflict, where power effects are particularly prominent. The ECM considers four dimensions that arise from the context effects and that are necessary to reflexive social science:
1. The movement of the observer to the participant – in contrast to positivism the ECM recognises that all interventions create disturbances. However, ECM argues that such disturbances can be a basis for understanding some aspects of the participants’ social context. ‘Interventions create perturbations that are not noise to be expurgated but music to be appreciated, transmitting the hidden secrets of the participants’ world’ (Burawoy, 1998: 14);

2. participant observation is extended through time and space in real or virtual (historical analysis) terms;

3. the need to extend out from micro processes to macro forces. This necessitates linking observations and social processes to their historical development and to both macro societal and international forces. Burawoy warns against ‘objectification’ – giving macro forces primacy in determining social actions and practices. This is tempered by the explicit recognition of the capacity and innovation of social actors; and

4. extending theory – the ECM looks not to confirm theory but to contest it. It does not build grounded theory, but elaborates existing theory. Thus throughout the research process, data and theory are juxtaposed, with tentative predictions investigated and assessed.

Korf (2006) argues that critical realism can provide a epistemological and ontological foundation, while the concept of ‘reflexive science’ within the ECM provides a guide to practicing field and case study research.

3.4.2 Case Study Justification

Drawing on the above, the study employs case studies of three non-formal settlements in Juba as the main method for collecting empirical data. Several reasons guided my choice of Juba. Firstly, Southern Sudan has hosted the African continent’s longest standing violent conflict, from around 1955 to 1972 and then from 1983 to 2005. The second civil war officially came to an end in January 2005, although violent conflict still continues in the region. Secondly, the conflict resulted in the long-term displacement of a significant number of people and, like many other post-conflict situations, the signing of the CPA has been followed by the return of a massive number of displaced people to Southern Sudan, many of whom settled in urban areas. Thirdly, Juba, as the ‘new’ capital of a multi-ethnic region that has experienced decades of civil war, has experienced particularly rapid population growth since the CPA was signed in 2005. This is especially the case as
it was an isolated, military garrison town during the second civil war and movement in and out of the city was limited (Pantuliano et al., 2008).

Fourthly, the institutional context that Juba inhabitants have to navigate to access land is complex and contentious. Similar to other parts of sub-Saharan Africa, Southern Sudan has developed legal pluralism as a result of British rule under the Anglo-Egyptian Condominium and the large number of ethnic groups that exist in the region (Mennen, 2007). The GoSS has stated that it is committed to the ‘land belonging to the people’ and plans to rely heavily on existing customary institutions (De Wit & Hatcher, 2009). Juba itself has overlapping systems of local leadership, as it falls within Bari chiefdoms but also has local government institutions. Since the signing of the CPA, the non-formal institutions that were established during the conflict in Juba have seen their power diminish (Pantuliano et al., 2008). The military, which has close ties with GoSS, is a further important actor in the evolution of land issues in Juba (ibid).

Finally, I have some first-hand experience of working in Southern Sudan, and a broad understanding of the context, having worked in the region before the signing of the CPA and during 2005 and 2007 after the CPA was signed.

3.4.3 Retroductions mode of inference

The mode of inference advocated in critical realism is ‘retroduction’ where ‘events are explained by postulating (and identifying) mechanisms which are capable of producing them’ (Sayer, 1992). The starting point is to ask ‘what qualities must exist for something to be possible?’ (Danermark et al, 2002: 80). For example, the second research question concerns the relation between non-formal urban land access and actors’ resources. However, as the interpretation of the empirical findings is dependent on theory (N. Blaikie, 2000; Downward & Mearman, 2007), conceptual reflectivity and coherence is key in the research process (Næss & Jensen, 2002). Retroduction involves abstracting from the empirical domain to the actual and real through theorising about what are the prerequisites for a phenomenon to exist (Danermark et al, 2002: 96). Two practices are central to retroduction; counterfactual thinking and the study of extreme cases where causal mechanisms are particularly apparent (Prowse, 2008). Insights from theories across a number of fields might be involved and possibly combined. Thus theoretical and methodological pluralism is supported by critical realism (Olsen, 2006).
3.4.4 Mixed methods methodology

Therefore, critical realism allows for the use of both qualitative and quantitative methods (Downward & Mearman, 2007; Olsen, 2006; Sayer, 2000). Different methods provide different types of data for answering particular kinds of research questions. Woodhouse (1998) suggests that numerical methods are good at answering ‘what?’ questions, whilst non-numerical methods are good at answering ‘how?’ and ‘why’ questions. Quantitative methods also give an idea of the extent to which a certain social phenomenon occurs on the ground. Ellis (2000) argues that methods such as surveys are good at identifying various conditions, whilst non-numerical methods are good at capturing processes (Murray, 2002). A case study methodology allows for a number of methods of data collection and triangulation of this data in order to strengthen research rigour (Olsen, 2006). Critical realists argue that both the reality and its discursive construction affect the behaviour of actors so it is also important to analyse qualitatively how phenomena are perceived (discursively constructed) (Bevan, 2004). The three non-formal settlements chosen in this research were selected on the basis of certain criteria and for their apparently different situations relating to land access and social mix, which raised a number of comparative questions and allowed for a range of perspectives to be considered. Quantitative data in the form of descriptive statistics and qualitative data from interviews, observation and focus group discussions were triangulated and will be presented and discussed mainly in Chapters 5-7.

3.5 Operationalising the research: definitional challenges

Besides the ontological, epistemological and methodological questions considered above a number of definitional, practical and ethical challenges existed with regards to operationalising the research. In terms of definitional problems, the previous chapter outlined how ‘land violence’ is defined, as well as social capital, but it also noted that the dichotomy between non-formal and formal often fails to take into account the wide variety of actual situations found on the ground. This means that it can be difficult to articulate an operational distinction between formal and non-formal. Secondly, most research focuses on the household as the standard unit of analysis, but a household is not easy to define in operational terms. For example, in this research it was found that members of one family could inhabit several distinct dwellings or plots, or alternatively could cohabit in a single structure.
3.5.1 Levels of analysis

In this thesis, non-formal land access is defined as occurring in spaces that can be delineated in spatial terms, where individuals interact to acquire *de facto* rights to land, in circumstances where access to land or shelter is outside established institutional rules and where the acquired rights do not have the protection or sanction of the state. Understanding land access is possible in terms of the practices that facilitate or condition the behaviour of social actors attempting to access land (plots) in these areas. These actors occupy different positions with regards to one another, such as newcomer, long-term resident, military, ethnic group, local or regional government employee, each implying attendant rules. Social capital or social networks link individuals and groups.

The units of analysis are the plot-level, each plot defined by inhabitants themselves; the non-formal settlement level; the city level; the State level; and the regional level. The use of these different units is necessary because of the linkages between the plots and other socio-economic spaces. The plot serves as a focus unit and a physical place where individual households, with or without extended family or tenants, have accessed land and are based. Some plots had concrete houses with defined boundaries marked by fencing or trees, whereas others consisted of wood and plastic sheeting with only a small amount of open space outside and often with no marked boundary. The non-formal settlement is an area with a definite spatial physical location and boundaries and a defined leadership. This leadership had the recognition of the payam administration or in the case of S3, the Bari chief of the area. Conducting research from the settlement level to the regional level enabled me to examine processes that could not be observed at the plot level.

3.5.2 Distinguishing between different ethnic groups

As will be discussed in Chapter 4, many authors challenge the division of people into distinct tribes or ethnic categories in Southern Sudan, and also in African countries more generally. Thus, when I refer to Dinka, Bari or Equatorian, for example, the reference is not to tribes in the colonial sense. Rather I refer to people who identify themselves as such or were identified as belonging to these specific groups by interviewees.
3.5.3 Defining powerful actors

Leftwich (2009) points out that, like many concepts in the social sciences that seek to define a social group, the concept of ‘elite’ is difficult to pin down. This thesis uses a ‘neutral and technical view of elites’ (as opposed to a normative one), referring to elites as those people who occupy powerful positions in formal or informal institutions. Whilst their functions overlap, within this category I differentiate between traditional authorities (those people designated as chiefs under the traditional court system in Southern Sudan); bureaucratic elites (those occupying positions within State institutions responsible for implementing policy); and political elites (those who influence policy mainly actors in the GoSS). Securocrats overlap with the latter and refer to those people who were or are still in the military.

With regards to the settlements, ‘powerful actors’ refer to people identified as settlement leaders or members of the quarter/popular councils, Bari chiefs and also the headmen of different ethnic communities.

3.6 Operationalising the research: challenges in the field

Initially, the data collection procedures that I had formulated and designed were based on a set of assumptions about non-formal urban land management based on the literature. I had for example, assumed that non-formal authority would be centralised within each settlement and that settlement leaders would have a detailed knowledge of their areas. I had also assumed that the non-formal land market would be more developed than it was. I had not fully taken account of the post-conflict context and how a variety of actors, including settlement leaders, might be using violence, coercion and deception in order to access or control access to land. This impacted on their willingness to provide certain information.

Many researchers carrying out research in both post-conflict settings and non-formal settlements stress the considerable challenges such contexts pose (Korf, 2002; Moser & McIlwaine, 1999; Zetter & De Souza, 2000). Few respondents are willing to divulge data in sufficient detail to establish accurate and verifiable findings on processes and experiences. Zetter & De Souza (2000) suggest conceptualising the problem within the context of ‘sensitive research’ as especially necessary in such a setting. The challenge is to use methods that take into consideration deeply personal or traumatic experiences and
different belief and value systems and potentially life-threatening conditions for both the researched and the researcher.

The sensitive nature of the research derives from both the fact that large numbers of people adopt illicit means to access land or shelter in the three settlements and the insecure nature of their landholdings. This can present a highly threatening situation for an inhabitant. As Zetter and De Souza (2000) note, even if physically violent threats to non-formal settlement inhabitants do not occur, the prospect of being evicted, in the case of the study settlements by either other residents or settlement leaders, was a potentially violent outcome confronting many inhabitants of the settlements. This became clear in the early stages of the fieldwork. Such experiences make residents vulnerable and suspicious of inquiry into their experiences and background. There was, at times, some tension between researcher and researched, since it was not always clear to plot-holders why they were being asked about issues regarding land and some residents voiced concerns that I might be involved in planning for the removal of the settlements. Alternatively, and more commonly, I was often perceived by households as connected in some way to an international non-governmental organisation (INGO) or other agency and as having the potential to bring benefits to the settlements. In a post-conflict context like Juba there are few Westerners who are not involved with international agencies or businesses - I was often asked why I did not have a Landcruiser and why I had to use local transport. Such issues have the potential to greatly limit the value of data obtained. Given the common perception that I might be linked to an international agency, I was careful not to raise expectations, attempting to defuse them through preliminary discussion prior to interviews.

Key to such research is the nature in which one gains access to settlements and establishes a rapport with and the confidence of respondents (ibid). The usual practice is to identify and use gate-keepers, who then introduce the researcher to the respondents. However, for a number of reasons this approach was considered inappropriate. Firstly, whilst the settlements did have residents' committees or an overall leadership, tensions existed between certain groups in the settlements, which generally had their own leaders, who in turn were biased with regards to the respondents. Secondly, the overall settlement leadership was involved in large-scale forced dispossession in two of the areas and in all three settlements was generally mistrusted. Thirdly, the leadership for combatants and
ex-combatants remained highly militarised, with individuals referring to their commanders (or ‘ex-commanders’) rather than civilian leaders.

Therefore, the approach that was taken was to obtain the necessary permission from gate-keepers to enter communities or particular areas of the settlements by giving them a broad outline of the study. This proved to be a long drawn out process, requiring letters of permission from various authorities, reflecting the overlapping and conflicting authorities in Juba and in the settlements. As I found out early on in the research, producing the wrong letter of permission could result in consternation and derision from the prospective respondent. On a couple of occasions I was told simply to go away. By the end of the fieldwork, I carried in my possession twelve different letters of permission to conduct my research from a range of military, traditional, government and civilian authorities.

Security was also a major consideration and the research was planned in such away as not to put respondents or those working with me at risk. Given the very insecure nature of the settlements, research took place during the daytime only. Due to heavy alcohol consumption, it was necessary to avoid some areas of the settlements at certain times, such as Friday and Sunday afternoons, and to interview certain groups (particularly soldiers) earlier in the day.

With regards to plots, I approached plotholder-heads (PHH) and/or their spouses individually and without the detailed knowledge of local leaders. The rationale of the research was explained and the respondents assured of their anonymity in the presentation of any data collected. Also emphasised was the fact that it was their individual experiences and perceptions that were mainly of interest. Given the post-conflict context, every effort was made to reduce the potential for questions to ‘threaten’ respondents or probe into traumatic events. Care was also taken not to legitimise any particular groups or leaders.

Research in the case study settlements was undertaken in close cooperation with Southern Sudanese research assistants. Due to the heterogenous nature of the settlements and the tensions that existed, it was necessary to work with male and female research assistants with knowledge of different languages. Again, reflecting the post-
conflict context, it was difficult to find people to work with who had experience and a great deal of time was required to train research assistants. My position with regards to the respondents clearly informed their responses. Respondents’ answers reflect various power relations, including what the respondent wants the interviewer to know. In general, inhabitants were happy to participate in the research and in many instances respondents appeared to view the interviews or focus group discussions as an opportunity to talk about their problems to an outsider and someone who was neither civilian nor military.

One settlement (S2) presented a particular challenge with regard to carrying out research in a post-conflict context, due to the large presence of combatants and ex-combatants and their families in some parts of the settlement. Permission to conduct fieldwork in these areas had to be obtained from the senior commanding officer of the military unit adjacent to the settlement, who required some convincing that I was not in the United States Central Intelligence Agency. Permission was granted with the condition that I be accompanied by two individuals identified by the senior commanding officer, ostensibly for my own security. This raised the obvious concern that their presence (albeit outside the plots) would constrain respondents’ answers. In addition, I was accompanied by one of my own research assistants, whom I recruited because, along with his other experience, he had spent time in the military during the second civil war\(^\text{12}\). After a few days, the two individuals assigned from Military Intelligence by the senior commander lost interest in the process and no longer accompanied me. This was presumably a result of their growing assurance that I had no hidden agenda in conducting the research\(^\text{13}\).

After discussions with a number of research participants, the decision was made not to record interviews. This was because it was felt that respondents might become more self-conscious about their answers and also because some participants felt that some of the subjects covered in the interviews were particularly sensitive. Therefore, notes were taken during the interviews. Where there were doubts about the recording of the answer, this was read back to the respondent to ensure it reflected correctly what they had said.

\(^{12}\) This was after I had found my two other ‘civilian’ research assistants to be either unwilling or nervous about conducting interviews with combatants and ex-combatants.

\(^{13}\) Typically in Sudan, any actions that can be perceived as seeking to gain information from soldiers or around military areas are viewed with great suspicion. In order to build up trust and to ensure that my research assistants and respondents were not put at risk, it was important to work through the command structure and meet any requirements whilst ensuring that these did not threaten the anonymity of respondents. As time progressed, I was able to work freely in the settlements.
Interviews were then elaborated upon immediately after with the help of the research assistant. It was possible to conduct interviews with public officials in English. However, at the settlement level many interviews were conducted in the local language with notes taken by the research assistant. Translation was done immediately afterwards and then typed up.

### 3.6.1 Anonymisation procedures

Due to the sensitivity of the context, not only settlement inhabitants, but the settlements themselves and other informants have been anonymised so as not to risk harming individuals, groups or communities. In this thesis, settlements are therefore referred to as S1, S2 and S3. Where individuals have been referred to in the thesis, either a pseudonym has been used or, in the case of public officials, their broad role indicated. Information collected was stored securely, anonymised and treated confidentially. Interviews and discussions only proceeded after explaining the research and its purpose. I emphasised to participants that their names would be kept confidential and any data presented done so anonymously.

Some of the specific challenges with certain methods, and the manner in which these were dealt with, will be considered in Section 3.7 below.

### 3.7 Research Design

The research design must deal with at least four areas; the research questions, relevant data, how to collect the data and how to analyse the results. The research questions have been laid out in Chapter 1. The main unit of analysis (i.e. plots and the three non-formal settlements) are spatially defined areas, selected in accordance with criteria that will be discussed below. The framework linking the empirical data to the questions is provided by the conceptual framework developed in Chapter 2. The findings are interpreted in subsequent chapters in terms of the conceptual framework and existing theoretical and empirical literature. The ECM necessitated a combination of fieldwork in particular locations within Juba, along with a study of the wider political and historical contexts. Methods and data collection are addressed below.

The research started with a scoping visit to Juba in August 2009. The aim of the visit was to:

- Gain the necessary permissions from local authorities to carry out the research;
begin the process of identifying three settlements in which the detailed studies were to take place by visiting various non-formal settlements in and around Juba and speaking with community leaders;
- identify ‘gatekeepers’ of study areas;
- support the development of the methods to be used in the field research;
- gather initial data relating to the city level analysis.

The plan was also to carry out some archival work in the Juba archive. However, at the time of the research the archive was uncatalogued and in disarray.

The fieldwork commenced in January 2010 and was split into two levels: a city level study and detailed studies of three settlements in/around Juba.

### 3.7.1 City Level Study

This part of the data collection focused on Juba’s development over time in regard to land access and land use; types and allocation of housing; infrastructure; the general socio-economic characteristics of Juba and its various neighbourhoods; policies and programmes related to post-conflict reconstruction and land reform; urban planning; the institutions involved in urban and peri-urban land delivery; and the formal procedures for obtaining an urban (leasehold) residential plot. This involved secondary sources, such as historical literature, donor reports, articles, ministerial documents and analyses of land legislation, urban policy and planning.

In addition semi-structured interviews were carried out with key informants working for international and national agencies (see Appendix 1) and in various Regional and State government departments (see Appendix 2). The purpose of these interviews was to elaborate on the information received from secondary sources, but also to gain an understanding of current issues related to land in Juba and attitudes and policies towards non-formal settlements. A scoping study was also done, which comprised walking through and around parts of Juba, visiting various non-formal settlements and talking with community leaders and residents to get a broad understanding of different areas.

The results of the city level study were triangulated with the data from the Settlement Level studies. This is particularly important, as there is a lack of written data on Juba and although the research attempted to provide a historical perspective, information from
interviews may be distorted, in particular by the experiences of war (see Korf, 2006). The majority of the data obtained in the city level study are used in Chapters 4 and 5 of the thesis. The linkages between present local political dynamics and wider past and present policies affecting land access and the settlement level are also carried over into the remainder of the thesis.

3.7.2 Settlement Level Study

The city level study also formed the basis for the selection of the settlements for more in depth study. The aim was to select non-formal settlements according to a list of criteria and in order to maximise contrasts, based on age of settlement, social mix, variation in the land tenure situation and central or peripheral location. Due to the State-sponsored demolition exercise and forced evictions that were on-going at the time of the research, settlements were selected that were not included in the CES Order (5/2009) listing areas to be demolished. Most settlements that arose during the second civil war had been demolished or were due for demolition at the time of the research.

On the basis of the above criteria: S1 was selected as it was the oldest settlement in existence at the time of the research having been established in the 1960s; S2 was selected as it was established during the 1970s between the civil wars; and S3 was selected because it was established since the signing of the CPA in a peripheral location just outside Juba’s boundary. The settlements, in particular their social make up, will be discussed in further detail in Chapter 6. Appendix 3 provides a list of their key features. Details of the methods are provided below and summarised in Table 3-1.

Table 3-1: Settlement level study summary of methods

<table>
<thead>
<tr>
<th>Method</th>
<th>Section where analysed</th>
<th>S1</th>
<th>S2</th>
<th>S3</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key informant semi-structured interviews</td>
<td>3.7.3</td>
<td>6</td>
<td>13</td>
<td>7</td>
<td>26</td>
</tr>
<tr>
<td>Participatory mapping exercise</td>
<td>3.7.3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Group discussions</td>
<td>3.7.3</td>
<td>10</td>
<td>14</td>
<td>10</td>
<td>34</td>
</tr>
<tr>
<td>In-depth interviews</td>
<td>3.7.4</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>30</td>
</tr>
<tr>
<td>Cases of land violence at the plot-holder level</td>
<td>3.7.5</td>
<td>3</td>
<td>8</td>
<td>-</td>
<td>11</td>
</tr>
<tr>
<td>Small-scale household survey</td>
<td>3.7.6</td>
<td>117</td>
<td>119</td>
<td>102</td>
<td>338</td>
</tr>
<tr>
<td>In-formal interviews (participant observation)</td>
<td>3.7.3</td>
<td>16</td>
<td>23</td>
<td>13</td>
<td>52</td>
</tr>
</tbody>
</table>
3.7.3 Qualitative methods

The qualitative component of the research involved a combination of techniques, with interviews being a major method given the exploratory nature of this study. According to Kvale (1996) the semi-structured interview has the highest potential for creating new knowledge. However, interviewing does not provide the full story and wider social phenomena ‘may only partly be comprehensible without the background detail being painted in’ (Gillham, 2005: 42). Conducting interviews, interacting with local people and being in the settlements allowed observation of the wider empirical context, which complemented the research. Initial data analysis was done after each discussion, including coding of quotes, themes and key points. In addition, notes were taken of issues the participants seemed most interested in talking about.

Participant observation

Participant observation as a method is poorly defined and ranges from ‘hanging out’ in case study areas to becoming fully immersed in the research setting. Due to a number of practical considerations, especially the very insecure and fluid nature of the areas, and because the study settlements were far apart, I chose to live in a more central location. Being located centrally also meant ease of access to other sources of information, particularly city level authorities.

Participant observation was generally unplanned and opportunistic. For example, we were sometimes invited to a respondent’s home or to attend settlement meetings. On two occasions, we happened to be in the settlements when officials from the Survey Department were mapping and demarcating land. On three occasions we witnessed senior government officials with soldiers marking out plots. Waiting in local government offices, such as the Survey Department and Ministry of Physical Infrastructure, also gave the opportunity to observe what was happening, as members of the public were often in these offices to address issues relating to land. Observations and informal interviews were recorded by keeping notes and maintaining a research journal. I also took some photographs, some of which are included in Chapter 7.

Key informant interviews

Key informant semi-structured interviews with settlement leaders, military leaders, headmen, church leaders, traditional landlords, youth group representatives, women’s
committees, borehole committees and other settlement organisations were conducted at the outset of the research and then at the end of the research in order to enhance understanding of some of the information that had been gained. Interviews provided information on the history of the settlements, how practices around land access were changing in the post-conflict period, and conflicts and other issues related to land. With regard to land access, the questionnaires examined the following:

- How is land allocated, in what form and on what basis?
- How is this decided? Who decides and in what form are competing claims mediated or adjudicated?
- What means are used to secure access to land (military powers, community consensus)? Who is held to act as a legitimate holder of rights to land (e.g. based on ethnicity, men only)?
- What does ownership or renting mean? What kind of rights are given (Payne, 2002)?
- What means are used to maintain access/security of tenure? Is the community attempting to have the area formally demarcated and if so, what is the process?
- What are the nature of conflicts regarding land? In what circumstances might people be asked to leave or be forced from land?

**Participatory mapping exercise**

A mapping exercise was carried out with community leader/s using a global positioning system (GPS) receiver. This included mapping of the boundaries of the settlements and various features, such as building patterns and building types (markets, schools, clinics residential areas), areas of contestation and where certain groups lived. The mapping exercise also considered transport, basic services, social infrastructure, and organisational infrastructure (Moser, Gatehouse, & Garcia, 1996). The maps obtained from this exercise have not been included in the thesis in order to ensure the anonymity of the settlements.

**Group discussions**

Group discussions were aimed at eliciting information regarding the ways through which different groups access land for housing, and the relative importance of these land access mechanisms, as well as information related to issues concerning land. In the three settlements selected, group discussions included, for example:
• Combatants;
• civilians, both long term residents and recent arrivals;
• women’s groups.

Initial focus group discussions suffered from the problem of gatekeeper selection of participants. For example, in one focus group all the attendees were related to the settlement leader and, in another focus group with women, only one ethnic group was represented. For this reason, the decision was made to implement focus groups ‘informally’ whilst walking through the settlements. This approach is argued to allow greater flexibility and include a larger cross section of residents (see Moser, 1999). This is especially the case where some people are uncomfortable meeting in a formal setting and where the authorities were unable to approach certain groups, such as soldiers.

Table 3-2 provides a summary of the group discussions that were carried out.

Table 3-2: Summary of group discussions

<table>
<thead>
<tr>
<th>Group Discussions</th>
<th>Location/group</th>
<th>S1</th>
<th>S2</th>
<th>S3</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market stallholders</td>
<td></td>
<td>10</td>
<td>14</td>
<td>10</td>
<td>34</td>
</tr>
<tr>
<td>Women’s committee</td>
<td></td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Groups of soldiers</td>
<td></td>
<td>1</td>
<td></td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Shopkeepers</td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Local restaurants</td>
<td></td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>At the borehole</td>
<td></td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Throughout the settlement</td>
<td></td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>6</td>
</tr>
</tbody>
</table>

3.7.4 In depth interviews

The fieldwork then focused on developing ten PHH narrative accounts of land access in each settlement through in-depth semi-structured interviews. Plot-holders were selected from the survey to maximise contrasts e.g. indigenes, long-term residents, newcomers, women plot-holders, combatants and ex-combatants. As such, households were chosen for their capacity to illustrate certain mechanisms or dilemmas relevant to land access. Respondents were asked to describe how they had come to Juba, how they had searched for land and how they had occupied land, with the objective of gaining a deeper understanding of processes regarding land access. They were also asked whether or not they regarded themselves as members of the community and whether or not they felt...
that their claims to land were recognised. Other areas covered during the in-depth interviews included potential mechanisms employed to strengthen claims to land, land conflicts, and relationships with landlords, community leaders and other key actors.

From the data a deeper understanding of ways of accessing land, perceptions within communities, as well as the actions and rationales of various people and mechanisms of land access, was gained. Analysis of the qualitative data collected was done manually and carried out by summarising the cases and coding the transcripts.

3.7.5 Interviewing residents reported to have obtained land through use of violence

The allegation that other inhabitants had used violence or the threat of violence to access land was common in two of the settlements (S1 and S2). This was reflected in the data obtained from group discussions, semi-structured interviews and in-depth interviews, in which current residents talked of friends and neighbours who had been forced to move out of the settlement, often to the outskirts of Juba. Through these methods, it was possible to obtain information relating to specific plots or areas of the settlements where people had been forced to leave by other residents. 11 cases were identified and followed up. In all cases, the people held responsible for these activities were Dinka and/or soldiers or ex-soldiers. Initially, semi-structured interviews were carried out with respondents living on these plots or areas, which included questions regarding how they had accessed land and broader issues relating to land in the area. However, in all cases interviewees stated they had squatted or were renting the plot or shelter and asserted that they had heard of no cases of ‘land-grabbing’ by individuals within the settlement.

To understand why inhabitants might use violence to access land, the decision was made to conduct group discussions with soldiers (many of whom were not from the Dinka ethnic group) ‘informally’, either in teashops or where small groups congregated, often to play cards. This was not difficult, as we were often stopped and asked what we were doing in the area. These discussions proved to be very fruitful, as they often turned into open discussions regarding the issues of how soldiers or their families accessed land and ‘land-grabbing’. The discussions addressed how soldiers perceived relations between themselves and the rest of the settlement community, their claims to land, why they had decided to move their families to Juba, their intentions with regards to remaining or leaving and the problems that they were facing. With regards to ‘land-grabbing’, it was
found that during group discussions, soldiers did acknowledge that it was occurring and that often soldiers were responsible. They responded in a general manner about why it was occurring. However, some did talk about specific instances of land-grabbing, sometimes corresponding with other information that had been obtained, suggesting that whilst they may not have been directly responsible, they may have witnessed such activities. Whilst the narratives may have been constructed for me in my position as researcher and outsider (different versions would presumably be recounted in other situations), the discussions provided information that was meaningful and relevant to a better understanding of land access and land-related violence in such settings.

3.7.6 Small scale quantitative survey
Quantitative methods consisted of a questionnaire survey of plots in the three settlements, carried out with the help of two teams of local enumerators. The survey questions were developed based on the understanding obtained during the city level study, key informant interviews and group discussions at the settlement level and had been piloted to ensure the questions were appropriate. Each team consisted of four pairs of enumerators managed by an experienced ‘team leader’, who allocated them to plots based on the sampling procedure outlined below. As noted in Section 3.6 some research assistants were unwilling or nervous about conducting interviews with ex-combatants and combatants or their families. Moreover, not all respondents, particularly women, spoke Juba Arabic. Therefore the enumerators were recruited locally and from a number of different ethnic groups and provided with the necessary training. Due to the lack of experienced enumerators in Juba, it was necessary to begin the first survey with only two enumerators working with the two ‘team leaders’ and gradually scale up over the course of a week. Questionnaires were reviewed on an on going basis to ensure the internal consistency of the answers and so that any training needs could be addressed. In this way quality was ensured in the survey.

The questionnaire (see Appendix 4) contained questions concerning land and shelter, how informants had obtained information regarding the availability of land, access mechanisms to land, how access is maintained, the rights attached and any evidencing of those rights, as well as questions concerning land conflicts and perceptions of land tenure security. It also contained questions concerning the profiles of the household/s occupying the plots (e.g. ethnicity, time in Juba, amount of formal education, sex of the head), migration histories (e.g. place of origin, place of displacement), employment,
investments in land/housing, economic wealth, use of social relationships, whether the household intends to stay in Juba temporarily or permanently etc. The person/s interviewed in the plots were the PHH or their spouse. Where the PHH was absent, two further attempts were made at other times of day before another plot was selected.

The initial aim was to carry out a random sample survey. However, due to the rapidly changing context it was not possible to obtain reliable information for a sampling frame. Although the spatial extent of each settlement was established with relative ease there was no way of knowing in advance the exact number of plots in each settlement. It was possible to obtain images of the settlements from Google Earth™ but it was impossible to identify plots and their boundaries from the images, particularly in areas of the settlements that had densified where the layout of plots was especially haphazard and boundaries difficult to discern. In some cases, plots had been abandoned and in others they had been sub-divided as households were forced to relinquish what was deemed to be spare land by settlement leaders. The decision was therefore taken to apply a questionnaire to around 100 PHHs in each settlement through a mixture of cluster and systematic sampling. Plots were selected using transects at regular intervals along the transect lines in such a way as to ensure that in spatial terms the entire settlement was sampled, each plot being identified by its coordinates obtained from a GPS receiver. This enabled return to the plot at a later date. The data was inputted into Microsoft Access and analysed using descriptive statistical techniques in Microsoft Excel. The data obtained did not allow inferences to be made about the settlements’ populations as a whole. However, the surveys provided important information concerning the range of modes of access and how these might be changing over time, land rights/perceived forms of tenure, migration histories, ethnic groups, wealth, livelihood strategies etc.

3.8 Conclusion

This chapter has discussed the methodological approach taken in the research on the basis of the conceptual framework set out in the previous chapter. Based on the epistemological and methodological limitations of positivist and social constructivist research, this chapter has argued that a critical realist ontology, which challenges both positivist and interpretivist approaches to causation, is most appropriate for research where social phenomena are governed by many causal factors. This provided the background for a discussion of the methodology and research design, which has
considered the main operational issues with regards to conducting the research and how the research came to be implemented in practice.
Chapter 4: Urbanisation and land control in Southern Sudan; Legacies of Condominium Rule and Civil War

4.1 Introduction

Chapter 2 has argued that contemporary land access processes can only be understood if the wider social, political and economic conditions and historical context are taken into consideration. This chapter, based on secondary data, provides the historical background to the urban planning and governance landscape in contemporary Juba, situating this in Southern Sudan’s history of marginalisation, exploitative government and civil war. It points to the region’s complex institutional context, where land access and control in the post-conflict period is marked by the legacies of British rule under the Anglo-Egyptian Condominium and post-Independence rule by the Government of Sudan (GoS) based in the north and civil war. What has developed is a complex set of overlapping and contradictory rules, some coercively imposed, others reflecting traditional norms and the existence of some formal institutions. The analysis reveals that in the post-conflict period land violence has not ended. Rather, due to the political economy of violence and appropriation that developed during the war, weak state regulation, the highly militarised nascent GoSS and continuing tensions within the region, land violence continues.

After a socio-economic overview of the region, this chapter firstly provides a short description of contemporary Juba, before providing a brief account of the two civil wars, with a particular focus on the resource dimension. Against this background, the chapter examines the main factors that have affected urbanisation within the region, particularly the development of Juba from its establishment during Condominium times. This helps to explain the growth of non-formal settlements in the city, which will be examined in further detail in Chapter 5. The chapter then provides the background to contemporary land regulations and the land policy context within the region, seeking to explain the lack of attention to urban land policy by the GoSS and its emphasis on the recognition of community rights to land. This has important implications for approaches to urban land policy and planning in the post-conflict period.

A recurring theme in subsequent chapters is the tension between ethnic groups particularly the ‘rupture between the Dinka, dominant within the SPLA [Sudan Peoples Liberation Army], and the Equatorian peoples of the far south’ (Branch & Mampilly,
2005: 2), being the part of the region where Juba is situated. Although ultimately querying the explanatory power of ‘ethnicity’ in relation to land access and violence in Juba, the chapter does examine how ethnicity has become a structure for political and military mobilisation in Southern Sudan. This provides the background to the politicisation of land issues in Juba discussed in subsequent chapters.

Finally, this chapter draws on the preceding sections to examine the post-conflict policy context and on-going violence within the region. Although the CPA of 2005, the Interim Constitution of Southern Sudan of 2005 (ICSS) and other legislation, such as the Land Act (2009) and Local Government Act (2009) may be regarded as attempts to redress the failings of the previous centralised and exploitative system, and to address ethnic division in the region, the legacies of long-running civil war persist in the post-conflict period. In particular, although the Land Act (2009) and Local Government Act (2009) recognise community rights to land and allow for the decentralisation of power, the ‘strategic ambivalence’ (Chimhowu, 2006: 17) of the GoSS to various reforms is already evident.

4.2 Socio-economic sketch of Southern Sudan

Southern Sudan became a semi-autonomous\textsuperscript{14} region in 2005 to be governed by a regional government (the GoSS). It was the product of the CPA signed between the SPLM (Sudan Peoples Liberation Movement), which dominated the southern rebels, and the GoS in Khartoum in the north of the country. It brought to an end the twenty-two year long second civil war (1983-2005) between the north and the southern regions, reputed to be one of Africa’s longest and bloodiest. It is estimated that about 2 million Southern Sudanese died, 4 million were internally displaced, and about 600,000 people fled to neighbouring countries (USAID, 2005b). Perhaps the key provision of the CPA was the Southern referendum on self determination which was to be held following a six year interim period on 9th January 2011\textsuperscript{15}. Despite the emphasis of the CPA on unity, the movement towards secession was gaining momentum and by the time of the fieldwork secession was regarded as inevitable.

\textsuperscript{14}Whilst some reports refer to Southern Sudan as an autonomous region, the GoSS does not have full autonomy with regards to macro-economic policies, which are largely controlled by GoS policies. For example, the GoSS does not have control over the exchange rate, money supply and credit, changes in monetary reserve requirements. It also does however have control over fiscal policy through expenditure management and revenue collection (USAID, 2009: 11).

\textsuperscript{15}Comprehensive Peace Agreement, Chapter I, Part C, 2.5. Southern Sudan became an independent country on 9th July 2011 named the Republic of South Sudan.
The ten States\textsuperscript{16} that form the region of Southern Sudan encompass a generally sparsely populated area of about 640,000 square kilometres (about the size of the Iberian peninsula) bordered by Ethiopia to the east, Uganda and Kenya to the south, Democratic Republic of Congo to the southwest, Chad and the Central African Republic to the west and (North) Sudan. The Equatorias, which include Central Equatoria where Juba is situated, and also Eastern and Western Equatoria, form Southern Sudan’s southern border. The 2009 Fifth Population and Housing Census of Sudan put the population at 8.2 million\textsuperscript{17} (around 21\% of the total population of what was Sudan) of which 84\% was rural (SSCCSE, 2010b). The region is divided by the White Nile flowing north. During the annual floods, a large swampy area of more than a 100,000 square kilometres dominates the region and supports agriculture. With the notable exception of revenue derived from oil, the economy of Southern Sudan is largely a subsistence economy dominated by small-scale agriculture. A number of diverse ethnic groups inhabit the region\textsuperscript{18}, with the Dinka being the largest (Santschi, 2008)\textsuperscript{19}. The Dinka also dominate the GoSS.

The challenges faced by the nascent GoSS are considerable. At the time of the fieldwork, the GoSS was yet to establish functioning regional and local government institutions, including adequate formal legal and jurisdictional frameworks and a law enforcement capacity. The slow progress is attributed to lack of human capital, experience and financial resources (Pantuliano, 2009). Moreover, the SPLM is still transforming itself from an armed movement with a military hierarchy into a political party with a democratic structure, a process likely to take a long time (Rolandsen, 2005, 2009). According to the Sudan Joint Assessment Mission (2005), infrastructure was almost non-existent at the time of the CPA and there were no paved roads outside the main urban centres (JAM, 2005). The region had among the worst development indicators in the world: half the population lived below the poverty line, the adult literacy rate was only 27\% and it had the highest figures for maternal mortality across the globe (SSCCSE, 2010b).

\textsuperscript{16}The ten states are Eastern Equatoria, Central Equatoria, Western Equatoria, Western Bar El Ghazal, Northern Bar El Ghazal, Warrap, Lakes, Jonglei, Upper Nile and Western Upper Nile (Unity).

\textsuperscript{17} The Census was rejected by the GoSS who contested the Southern figures for being too low.

\textsuperscript{18} UNOCHA (2006) estimates around sixty five ethnic groups. These include Nilotics (Dinka, Nuer, and Shilluk) who inhabit the grasslands of the central area around the Nile, Nilo-Hamites (Bari and closely related Kuku, Kakwa, and Mandari) southeast of the Nile, and the Sudanics (Azande) of the southwest. These two groups mainly cultivate the lands along the southern borders (A. A. Jok, Leitch, & Vandewint, 2004).

\textsuperscript{19} No accurate data exists. According to the 1956 and 1983 censuses the Dinka ethnic group comprised about one third of the population of the south.
However, despite the huge needs, the percentage of government spend on basic services is low, particularly for a region of its size. Most of the GoSS’s revenues (around 95%) come from its share of oil wealth. By 2009, about half of the GoSS expenditure was on salaries, with the balance divided about 60/40 between operating expenses and capital expenditure (Bennett et al., 2010). GoSS explains the high expenditure on salaries as the need to reward its soldiers and civilian supporters (Cook, 2008). Reflecting the post-conflict context, a high percentage of the balance after salaries was spent on defence and security (Shankleman, 2011). Data for 2008 show that only about 7% of the regional budget was spent on basic services and 3.5% on rural development (Bennett et al., 2010).

The GoSS is particularly constrained by on-going insecurity within the region. In common with other post-conflict contexts in sub-Saharan Africa, the CPA has not resulted in the full cessation of armed violence. Although the CPA includes provisions for the disarmament of combatants, other armed groups and communities, implementation has been problematic. In addition, attempts at civilian arms control has been insufficient and local level conflicts and violence have been supported by a widespread proliferation of small arms (HRW, 2009; Muggah, Murray, Garfield, & McEvoy, 2008; HSBA, 2009b). Numerous violent conflicts, often along ethnic lines, continue or are arising within the region, mainly over access to natural resources. The region is further affected by violent conflict in the transitional areas along the border between northern Sudan and Southern Sudan and there have been a number of violent uprisings against the GoSS (ICG, 2009). There are also accusations that the GoSS ignores criminal acts orchestrated by the Dinka that control it (Watts & Holmes-Watts, 2008). Thus, Southern Sudan remains highly insecure, with a large number of armed groups and a heavily armed civilian population (HSBA, 2009a, 2009b; Schomerus, 2008).

As a result of the protracted and sustained nature of the war in Sudan, and continued lower intensity violent conflict in the post-CPA period, Sudan has a chronic displacement problem. In mid-May 2009, about 4.9 million people had been internally displaced as a result of conflicts in the East, Darfur and Southern Sudan, with more than 2 million having settled in Khartoum, the country’s capital. This represented the largest

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20 The regions of Abyei, Southern Kordofan and Blue Nile situated along the contested 1956 border (see Map 1-1) were subject to a separate and additional agreement known as the ‘three areas’ protocols. Under the protocols Abyei was granted the right to self-determination whereas Blue Nile and South Kordofan were afforded ‘popular consultations’ although these were never clearly defined in the CPA.

21 For example see Tombe (2006)
internally displaced population in the world. Following the signing of the CPA, refugees and IDPs began to return and by 2009 2.24 million people were thought to have returned to the region (IDMC, 2009). The GoS and the SPLM had agreed that displaced Southern Sudanese would have three options; return, local integration or resettlement (Policy Framework, 2004). However, there is no legal framework to support them in reclaiming land, or other property, or to ensure their rights of resettlement and access to land (De Wit, 2008). Despite lessons to the contrary from other countries, the GoSS, supported by international agencies including United Nations High Commission for Refugees (UNHCR), the International Organisation of Migration (IOM) and United Nations Mission in Sudan (UNMIS), has focused on the return of IDPs and refugees to their places of origin (IDMC, 2009). Upon their return, returnees can face numerous obstacles including lack of livelihood opportunities and continuing exposure to violent conflict (ibid). Violent conflict has resulted in significant new displacements since the CPA, estimated at 390,000 in 2009 and a further 60,000 in the first four months of 2010 (IDMC, 2010). The rapid growth in urban populations in the post-conflict period is mainly attributed to the migration of the displaced population (Pantuliano et al., 2008; UNEP, 2007).

4.3 Juba

With the signing of the CPA, Juba, the historical capital of the region, became the seat of the newly formed GoSS22 as well as the capital of CES23. It is also the location of the headquarters of Juba County. Situated in the ethnic homeland of the Bari, a relatively small ethnic group, Juba is the largest town in the region with an area of about 11,000 hectares (USAID, 2005a). As a GoS held garrison town during the second civil war, with the surrounding areas controlled by the SPLA, the population of Juba increased considerably from estimates of between 84,000 to 155,000 in 1983 to about 250,000 by 2005, when it was estimated that there were 163,442 residents and 87,000 IDPs in the town and surrounding areas (Table 4-1). Although in 2005 the assumption by UNHCR was that around 60,000 people would return to Juba (ibid), in fact the number of returnees settling in the city appears to be considerably higher. By 2009 the 5th Sudan Housing and Population Census put the population of Juba at 372,000, although the

22 Article 53(4) of the ICSS provides that: ‘The City of Juba shall be the Capital of Southern Sudan and the seat of the Government of Southern Sudan. Its territory and administration shall be defined and regulated by law.’

23 Article 51(4) of the Interim Constitution of Central Equatoria State has a similar provision, which proclaims Juba as the Capital of the State.
population is likely to have been considerably higher. Other population estimates have ranged from 500,000 (USAID, 2007: 28) to 1 million (JICA, 2008) with government sources and other analysts suggesting an overall figure of 750,000–800,000 (Pantuliano et al., 2008). Regardless of the actual figure, what appears unquestionable is that Juba’s population has expanded rapidly since the signing of the CPA.

Table 4-1  Estimates of Juba’s Population

<table>
<thead>
<tr>
<th>Year</th>
<th>Source</th>
<th>Population total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956</td>
<td>1st population census of Sudan 1955/1956 (Mills, 1985)</td>
<td>10,600</td>
</tr>
<tr>
<td>1964</td>
<td>Estimated (Mills, 1985)</td>
<td>19,500</td>
</tr>
<tr>
<td>1965</td>
<td>Estimated (Beshir, 1975 cited in Mills. 1985)</td>
<td>7,000</td>
</tr>
<tr>
<td>1969</td>
<td>Estimated (Beshir, 1975 cited in Mills. 1985)</td>
<td>69,000</td>
</tr>
<tr>
<td>1972</td>
<td>Estimated (Mills, 1985)</td>
<td>25,000</td>
</tr>
<tr>
<td>1973</td>
<td>2nd population census of Sudan 1973 (Mills, 1985)</td>
<td>56,737</td>
</tr>
<tr>
<td>1983</td>
<td>Municipal survey (USAID, 2005)</td>
<td>83,787</td>
</tr>
<tr>
<td>1993</td>
<td>Municipal survey (USAID, 2005a)</td>
<td>114,980</td>
</tr>
<tr>
<td>1994</td>
<td>Estimated (HRW, 1994)</td>
<td>287,000</td>
</tr>
<tr>
<td>2001</td>
<td>Estimated24</td>
<td>200,000 including IDPs</td>
</tr>
<tr>
<td>2005</td>
<td>Estimated (USAID, 2005a)</td>
<td>163,000 resident population; 250,000 including IDPs</td>
</tr>
<tr>
<td>2009</td>
<td>5th Sudan Housing &amp; Population Census</td>
<td>372,000</td>
</tr>
</tbody>
</table>

As a result of the population build-up, it is hardly surprising to observe an unprecedented demand for land. This is compounded by the fact that the economic outlook of Juba has been fundamentally transformed. The opening up of transport routes has ended the years of isolation the city had experienced. The establishment of the GoSS in the town, and the arrival of investors and international actors as well as returnees has seen a marked increase in economic activity in Juba and rapid increases in the value of land (Deng, 2010; Leonardi, 2011; Pantuliano et al., 2008). Due to the pressure generated by this demand, most empty land within the city has now been settled. Exacerbated by decades of neglect and war, this has led to growing non-formal

24Estimate according to Action By Churches Together: [http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/node-79042.pdf](http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/node-79042.pdf)
settlements, with the attendant issues of lack of basic services and poverty, increasing tensions over land and crime (IFRC, 2005; Pantuliano et al., 2008; USAID, 2005a, 2007).

Juba is not unique in sub-Saharan Africa in terms of its basic services deficiencies. While its problems may not parallel those of some other cities on the continent, they are nevertheless severe and increasing. Although a well thought out urban land policy is urgently required to address urban issues in the region, its realisation is proving to be no easy task and the Land Act 2009 was enacted without a formal land policy. The factors that contribute to the urgency include the growing need for land to resettle returning refugees and IDPs, the pressures from potential investors and donors to make land available for private and/or commercial use, the need to set aside lands for public purposes and infrastructural and urban expansion, and the need to deal with competing claims to land (PADCO/GibbAfrica, 2007; Pantuliano et al., 2008). These competing claims to land reflect Juba’s history of Condominium rule and civil war, interrupted and succeeded by rapid population growth, as well as new claims in the post-conflict period.

The decision to locate the capital of Southern Sudan in Juba at all has been a key area of debate. The favoured approach by the SPLM/A had been to develop a new city in Ramciel, an undeveloped area in the centre of the region, where the homelands of a number of ethnic groups intersect. Some believe that the decisive factor in the decision to locate the capital in Juba was its potential to counterbalance the divisive ethno-political tensions that characterise relations in Southern Sudan. Its location in Equatoria was to be a gesture of inclusiveness by the Dinka-dominated GoSS (Deng, 2010). Others indicate that the decision had more to do with pressure from donors and the fact that Juba, with its historic status as capital and location on the Nile, had some level of infrastructure in a region suffering from decades of war (Martin & Mosel, 2011). As tensions in Juba have escalated, there have been renewed calls to develop a capital city in Ramciel.

4.4 Marginalisation and the civil wars in Southern Sudan

The region’s history of marginalisation and exploitative government and civil war are important factors affecting the political, economic and social context of Juba. The literature on Southern Sudan traces its history of marginalisation by the north and the root causes of the civil wars to before British rule. Whilst encounters between Arab merchants, who eventually settled in the north, and indigenous northern groups in Sudan
started thousands of years ago, geographic barriers and the resistance of the Nilotic
groups in the north of the southern region made penetration into the South difficult, so
that the people living there were largely unaffected by outside influence (D.H. Johnson,
2006). The formation of the Sudanic States in the 18th century, their subsequent
incorporation into the Turkiyah (1821-1885) and then the Mahdist State (1883-1898),
and the latter’s replacement by the Anglo-Egyptian Condominium (1899-1956) in the
1890s saw the south increasingly encroached upon and subjugated (Shanmugaratnam,
2008). In 1820, joint Turkish and Egyptian forces invaded the northern part of Sudan
and brought it under the central authority of the Turkiyah, based in the riverain capital of
Khartoum. A merchant class emerged and with aspirations of an Equatorial Egypt,
efforts were made to establish administrative control in what became the Southern
region (Tvedt, 2004). Consequently, the southern part of Sudan was turned into a
hinterland from which the state extracted taxes and in which it exploited fertile lands.
Under the Turkiyah and Mahdist States, the region also became a reserve for labour,
including slaves, for the northerners.

4.4.1 Condominium rule
In 1898, the Mahdist State fell to the British. Subjugation of the south continued during
the Anglo-Egyptian Condominium25, which saw existing disparities between the north
and the south exacerbated. Subduing the south was especially difficult, and until the
1920s government in the region consisted of largely punitive military expeditions
characterised by periods of exceptional violence (D. H. Johnson, 2006; Willis, 2003). In
attempts to minimise Arab-inspired nationalism and the development of an indigenous,
educated elite of administrators, who might become a detribalised and discontented
intelligentsia26, the British sought to limit contact between the north and the south
(Collins, 2008; D. H. Johnson, 2006; Tvedt, 2004). The first act to enhance the division
already created between the north and the south was the ‘Close District Ordinance in
1920’. This was followed by the ‘Passport and Permit Ordinance’ of 1922 which limited
free movement between regions. The south was declared a ‘closed district’, a zone in
which northerners were restricted by law. Later, the Southern Policy of 1930 declared
that the south was to be developed along African rather than Arab lines.

25 Sudan was not a British colony, but a sovereign state with sovereignty shared by Britain and Egypt. It
was administered by a Governor-General, who was appointed by the Khedive in Egypt on the advice of
the British Government. In effect the British controlled Sudan through the Governor-Generals, who in
turn appointed British officers (Collins, 2008).
26 This has been attributed to British experiences in India and Egypt (D.H. Johnson, 2006).
However, in practice the south was hardly developed at all. Viewing it as a wasteful viaduct of the Nile (Tvedt, 2004), the Anglo-Egyptian administration preferred to focus on the economy of the central region, investing little in the peripheries. Whereas in Kenya for example, the British had allowed foreigners to settle in the region and in Uganda they had allowed foreign investment, in Southern Sudan they followed an economic policy that discouraged the formation of a class of agriculturalists or capitalists. As Duffield put it, the Condominium State sought to establish ‘the rudiments of a modern capitalist economy whilst at the same time opposing its full blown indigenous development, since this would create a political threat to itself’ (Duffield, 1990: 8).

Although the region came under one State organisation in Khartoum, it was never effectively administered by the central government. In seeking compliance and ‘hegemony on a shoestring’ (Berry, 1992), the Condominium powers followed a similar system to that devised by Lugard in Nigeria, regularising tribal authority and ruling through ‘Native Administration’. This supported ‘chiefs’ courts’ and gave some judicial powers to cooperating tribal leaders. The British administration provided core services, such as arbitration or regulation of the use of land and other natural resources where necessary. Effectively, the British organised the region into ‘self-contained racial or tribal units’, with government based as much as possible ‘upon the indigenous customs, traditional usage and beliefs’ according to a memorandum from the British Civil Secretary’s Office (Suliman, 1997). Thus the system of governance implemented by the Condominium effectively led to a territorial administration that heightened ethnic divisions and legitimised the ownership of land along ethnic lines (Tvedt, 1994). Compliance was enforced by the government using various methods available to the State, including military force (Willis, 2003).

Although demands for economic development and social services increased towards the end of Condominium rule, research suggests that the system of chiefs’ courts and the expectation of government arbitration was accepted amongst the population. In contemporary Southern Sudan, Sundes & Shanmugaratnam (2008: 72, cited in Shanmugaratnam, 2008) note that ‘the system has become so well embedded in their culture and life worlds that local residents regard it as indigenous and believe in its efficacy to regulate their access to land and to adjudicate social conflicts’.
The separation between the north and the south provided the possibility of either developing Southern Sudan into a separate political entity or integrating it into East Africa. However, in 1946, nine years before independence, the British reversed the Southern Policy under pressure from Egypt. In 1948, when the Juba Conference took place, Southern Sudanese chiefs agreed with northern nationalists to pursue a united Sudan. However, the British had neither the time nor the political will to ensure arrangements that would give Southerners proper representation in a united Sudan and so Southerners continued to lack influence in the newly independent country (D.H. Johnson, 2006).

4.4.2 The First Civil War

The end of the Condominium period came on the 1st of January 1956 with the independence of Sudan. Whilst the years of separate administration did not necessarily preclude people in the north and the south of Sudan from developing a common understanding, the years of British rule had contributed to a gulf of misunderstanding between the north and the south with few northerners having any experience of the south and vice versa (D.H. Johnson, 2006; Rothchild & Hartzell, 1993). What was negotiated for Southern Sudan was ‘the transfer of the colonial structures intact from Britain to the northern Sudanese nationalists’ (D.H. Johnson, 2006: 22). This meant that in the process of gaining independence, the Condominium system of governance was handed over to the educated elite in Khartoum (Suliman, 1997).

The first civil war was considered to be basically an ‘ethno-political war’, largely fought over participation in the State apparatus (Suliman, 2000: 142). As a result of discriminatory policies and practices by GoS, the south became even more marginalised after Sudan’s independence. Even before independence the continuing marginalisation of Southerners had led to the Torit munity, a two weeklong massacre of northerners in the province of Equatoria, by the Equatorian Corps in 1955. Violence continued to escalate in the Southern region, with thousands of Southerners forced into the bush and into exile in neighbouring countries. A split in the south developed between insiders, who supported the GoS, and outsiders, who were prepared to fight. The Sudan Nationalist Union was formed among the displaced and the armed Anya Nya Movement, along with other armed groups, emerged, so that violence in the south escalated to civil war by the early 1960s (D.H. Johnson, 2006).
After Independence, Sudan swung between military and civilian rule and local government systems changed with the different administrations, which saw some powers passed to the provinces and in turn to rural and town councils. However, due to the frequent changes in administration and the on-going conflict within Southern Sudan, these systems were never fully operationalised and political power remained highly centralised. At the same time, the north continued to exploit the region’s resources with pump-irrigated cotton schemes (the White Nile Scheme) and since the 1960s large-scale mechanised farming in the north of the region (Shanmugaratnam, 2008).

In October 1969, Sudan came under military rule for the second time since independence under the presidency of Gaafar Nimeiri. He announced intentions to solve the civil war with the Southern region by political instead of military means. Talks began with Joseph Lagu, an Equatorian and a prominent leader of Anya Nya I, who had united several of Southern armed groups, paving the way for negotiations.

4.4.3 The Addis Ababa Agreement

In 1972, the first civil war ended with the signing of the Addis Ababa Agreement. This resulted in the Regional Self Government Act, giving the Southern region limited autonomy and allowing it to develop along secular, as opposed to Islamic, lines. A regional government was created, based in Juba. This was specifically denied the power either to legislate or to carry out economic planning (D.H. Johnson, 2006: 40). Rather, the GoS announced that economic development and building the capacity of political and administrative institutions in the Southern region were its priority. Notwithstanding this announcement, only a small amount of the budget for development in the south was paid out (Suliman, 1997). Among Southerners, the perception was predominant that the constitutional guarantees of autonomy were too weak and dissatisfaction with the failure of the central government to meet its financial obligations to the south grew.

The Southern Regional Government was beset by tensions between different groups, in particular the Dinka and the Equatorians, which will be further discussed in Section 4.7. ‘Antagonisms within the South were as fierce as antipathy to the North’ (Akol, 1994: 93), with the legitimacy of the Southern Regional Government further undermined by manipulation of Southern politicians by the GoS and interference from the north. As Dinka representation within local government grew, so too did accusations from other
groups, particularly Equatorians, of ‘Dinka domination’ and preferential treatment of the Dinka population (Lesche, 1998: 50). In addition, the regional government faced the problem of absorbing armed groups into its various ministries. Tvedt (1994: 88) notes that ‘in Southern Sudan, where ethnic groups as social categories have been more important than social class, one of the paramount problems in building up the administration has been one of ‘ethnic arithmetic.’ The difficulties in implementing universal bureaucratic principles in a context of ethnic rivalry and conflict were demonstrated again and again’. Whilst Alier, a Dinka and the first High Executive of the Southern Regional Government, supported management of the south as one region, Lagu campaigned for division, saying that the region was too unwieldy. The GoS manipulated these tensions, further eroding Southern autonomy. Lagu took over the High Executive Council (HEC) in 1978 to counter ‘Dinka domination’. Then Alier took power again in 1980 but was regarded by Equatorians as insensitive to their concerns, particularly when he appointed Dinka to half the ministerial posts (D.H. Johnson 2006: 52). It was Lagu, along with the GoS, who called for re-regionalisation of Southern Sudan.

The second civil war, which broke out in 1983, had many causes. However, it was more overtly concerned with the natural resource dimension than the first civil war (Shanmugaratnam, 2008). GoS’s decisions to commission projects exploiting natural resources of the south, without any regard for the land rights of the affected people, were major contributors (D.H. Johnson, 2006; Shanmugaratnam, 2008). A number of schemes had been launched mainly based on exploitation of water and land, with the benefits largely going to the northern Sudanese elite. Discontent regarding water escalated when construction of the Jonglei Canal commenced in the Southern region and mechanised agriculture schemes saw the customary rights of farmers and pastoralists gradually eroded. The discovery of oil in Upper Nile increased tensions (Shanmugaratnam, 2008). In the Southern region, GoS was regarded as primarily concerned with the extraction of its resources with minimum return to the region (C. Johnson, 2004; Suliman, 1997).

After Islamic Sharia law was introduced in the Southern region, and only eleven years after the Addis Ababa Agreement was signed, Nimeiri abrogated the agreement by re-dividing the south into three regions and calling upon all Southerners to return to their
home areas, a process which became commonly known by the Bari word, *Korkora* (re-division). Partly as a result, in 1983 Southern Sudan descended into civil war once more. John Garang de Mabior, an ethnic Dinka, emerged as the leader of the insurgents who called themselves the Sudan People’s Liberation Army (SPLA).

### 4.4.4 The Second Civil War

The earlier years of the second civil war were characterised by small clashes between the SPLM and Sudan Armed Forces (SAF), but by the late 1980s the SPLA had come to control most of the rural areas in the Southern region and an increasing number of towns. This pattern largely continued throughout the war with both the SPLA and SAF claiming and reclaiming different towns and areas of land. However, the GoS did hold a few strategic garrison towns throughout the war, including Juba, Malakal and Wau, the capitals of the three Southern provinces. In these towns local people lived at the mercy of SAF military commanders and security personnel (HI, 2007; HRW, 2003).

Although the first civil war resulted in high civilian casualties in the south, the second civil war far outstripped it in terms of atrocities (Branch & Mampilly, 2005). The ethnic dimension of the conflict rapidly escalated, with civilians a clear target as lines of dissent between and within major ethnic groups within the South came to the fore. The GoS manipulated local tensions and in effect waived its monopoly on violence to opposing armed groups within the south. The conflict between the Dinka and GoS supported Nuer factions within the SPLA is one such case and resulted in more civilian deaths than fighting with the north (D.H. Johnson, 2006; Jok & Hutchison 1999). The legacy of this was a ‘fomenting of civil war among the Nuer, and handing the oilfields over to the government’ (D.H. Johnson, 2006: 126). The GoS exploited differences within the south during the second civil war, and in particular recognised that animosity towards the Dinka, who dominated the SPLA, had increased in Equatoria as a result of *korkora*. The GoS also supported the formation of militias in Equatoria, generally along ethnic lines, including by the Bari27 (Young, 2003). There were an estimated thirty two militias in Southern Sudan, ranging in size from a few dozen armed men to as many as several thousand, through which the GoS undermined intra-south solidarity (HSBA, 2009b).

In 2002, after a number of peace attempts, the Machokos Protocol was signed resulting in a temporary ceasefire. Subsequently a series of agreements were signed until finally, on

27 Also for example the Toposa, Latuka, Mundari, Didinga (Young, 2003)
the 9th of January 2005, the CPA was signed. Thus, by the time of the CPA, Southern Sudan had experienced civil war for almost forty of the fifty years since it gained independence.

4.5 Urbanisation in Southern Sudan and the growth of Juba

The history of marginalisation and civil war outlined in the previous section has strongly influenced the growth of urban areas in Southern Sudan. Estimates of the populations of the towns of Southern Sudan vary widely and it is difficult to obtain reliable data, as can be seen for the figures for Juba given in Table 4-1. Urbanisation is a relatively recent phenomenon in the region. Prior to the Turkiyah there were no towns. Instead, people lived in scattered villages and small centres that served as markets (Mills, 1985). The first urban settlements were the *zara’ib* or trading stations created during the Turkiyah regime by merchants, mainly to support the slave trade. As travel overland was difficult, these trading stations were limited to the White Nile and its tributaries, along which the traders travelled (Burton, 1988). By the time of the Anglo-Egyptian Condominium, the area in which Juba is situated had some depopulated areas and concentrated, defensive settlements, as a result of raiding of local populations from the *zeribas* (Leonardi, 2005). The British transformed the former slaving stations into headquarters for the military and civil administration and set out to establish a network of outposts in the region. In a few decades, ‘networks of domination’ had grown from the *zara’ib* into small towns in a region of Africa where ‘towns’ were a new phenomenon (Burton, 1978; Willis, 2003).

It was on the White Nile, at its highest navigable waters, near the outpost of Gondokoro,* that Juba was established as a garrison settlement in the 1920s. It was at the location of a small Bari village (Collins, 2008). Along with Wau in Bahr el-Ghazal and Malakal in Upper Nile, it was one of the ‘three towns’ established as capitals of the three Southern provinces* (see Map 1-1). Relying upon cooperating tribal leaders in the rural areas, the Condominium government discouraged urbanisation, only allowing a restricted but influential administrative class of mainly educated people in the towns (Collins, 2008; Tvedt, 2004). Thus, by the time of Independence and the first national census in 1956, the three Southern provinces had a population of 2.8 million scattered over an area of

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28 Gondokoro marked the extent of Egyptian control in the 19th Century.
29 Juba replaced Mongalla as the capital of the province in 1930 (Collins, 2008)
650,000 sq km\textsuperscript{30} and a total urban population not exceeding 50,000. Juba, the largest town, only had a population of 10,600\textsuperscript{31}, followed by Wau and Malakal with populations of 9,000 and 8,000 respectively (Mills, 1985).

After Independence, when British restrictions on freedom of movement were lifted, migration by indigenous people into towns from rural areas throughout Sudan started to increase. This was the case for Juba, which became the capital of the Southern region (Badal, 1994). However, with the escalation of the first civil war, Juba’s population began to fluctuate markedly as people moved in and out of the town. For example, in 1956 Juba was razed during fighting and over half the population fled (Mills, 1985). By 1964 the population was reported to have increased again to around 19,500 as people migrated to the town, seeking refuge and access to relief supplies. By 1965, the population dropped to around 7,000 as people fled the GoS massacres in Southern towns, rising again soon after to as high as 19,500 (Beshir, 1975, cited in Mills, 1985).

By the time of the Addis Ababa Agreement, the population in the region is estimated to have ranged between 2.6 and 3.1 million, dropping from 2.8 million in 1956, because of the first civil war, and then rapidly increasing as a result of people returning from exile (Mills, 1985). Within eighteen months of the Agreement, the HEC reported that 1,190,000 individuals had passed through the Resettlement Commission that had been set up at the end of the first civil war. The distribution and settlement patterns of people did not match those existing at the beginning of the civil war and in particular many returnees chose to settle in urban areas (Mills, 1985). In the 1973 second national census the urban population in the Southern Region had risen from 50,000 to 300,000 across 15 settlements\textsuperscript{32} (i.e. from 2% to 10% of the population). Juba continued to be the largest settlement in the region with 57,000 people.

The pace of urban growth in the Southern region greatly accelerated in the 1970s. Juba’s population increased significantly by 1982 whatever figures are used (Table 4-1). Most of the population growth was attributed to in-migration as people came to Juba for employment opportunities, mainly in the civil service that had grown considerably in the

\textsuperscript{30} This represented an extremely low density with few districts supporting more than five person per sq km (Mills, 1985)

\textsuperscript{31} Figures differ. Tvedt (2004) for example quotes 9,000.

\textsuperscript{32} An urban settlement was defined as a settlement of more than 5,000 people.
town due to its status as capital of the Southern Regional Government (House, 1989; Mills, 1985). Urban-based secondary education also contributed to increasing rural-urban migration (House, 1989). A large number of Anya Nya I fighters also settled in the town, where they were absorbed into the army and various government departments (Tvedt, 1994). As a result, Juba was the largest and most rapidly expanding urban area in Southern Sudan (House, 1989).

At the onset of the second civil war, the population of Juba was estimated to be around 155,000, although a municipal survey put the figure much lower at around 88,000 (Table 4-1). As a result of korkora and the onset of the second civil war, many inhabitants fled Juba. However, with the influx of IDPs the population increased dramatically. Since then, the main driver of urbanisation in Southern Sudan has been forced displacement. Salih (1999) reports that in the south, war and famine forced half a million rural Sudanese to seek refuge in the three largest Southern towns. In particular, the garrison towns of Wau, Malakal and Juba saw their populations grow as people sought shelter (USAID, 2007).

By the time of the CPA, Sudan was one of the fastest urbanising countries in the world and figures showed that 40% of the population lived in urban areas, mainly in the north. The high rate of urbanisation was mainly attributed to war and displacement. Khartoum, the largest city in Sudan, was estimated to have a population of more than 6 million33 in 2005 with an average growth rate of 6.6% (UN-Habitat, 2009b). In 2008 it was estimated that 1.2 million to 1.5 million people living in greater Khartoum were IDPs (Landinfo, 2008). A survey carried out amongst IDPs in 2006 showed 40% to be IDPs from Southern Sudan (IOM, 2006). The unprecedented urban population growth that Southern Sudan has experienced since the signing of the CPA is largely attributed to the return of refugees from neighbouring countries and IDPs from the north of the country (IDMC, 2009). Similarly, data from the first disarmament, demobilisation and reintegration (DDR) caseload suggests that more ex-combatants than originally anticipated are opting to settle in urban areas (Brethfeld, 2010).

33 This includes Omburman and Khartoum North.
4.6 Formal land control in Southern Sudan

Despite the rapidly increasing populations of Southern towns, the GoSS has retained a focus on rural land issues. In Southern Sudan, customary rights to land have heightened significance due to the region’s history of marginalisation and exploitation by the government. D.H. Johnson (2009) states that ‘alienation of land by government was the greatest common grievance among the marginalised people of Sudan by the time the CPA was signed’ (p.176). According to the GoS, all land in the country belonged to the State. The SPLA/M’s position was that the ‘land belongs to the community’ with the State ‘a custodian of the land’[^34]. The realities at the time of the CPA reflected this contradiction where, according to the land legislation, more than 90% of the land in Sudan belonged to the government, but in reality customary or communal types of tenure were practised in large areas throughout the country (Shanmugaratnam, 2008).

Legal pluralism in Southern Sudan, and contemporary issues relating to land access and rights, are rooted in policies laid down by the British during Condominium rule. In Southern Sudan, as in other parts of sub-Saharan Africa, traditionally land and its embedded resources are owned by ethnic groups and communities (Mennen, 2007). Given the large number of ethnic groups in Southern Sudan (see Map 4-1), there is a range of traditional laws or norms that reflect the differences in tradition, geography and livelihoods. Despite the many differences between them in customary legal systems, these laws share some general characteristics, which are of particular relevance to the findings presented in Chapters 6 and 7. The primary aim of customary law is conciliation, dispute resolution and reconciliation between the wronged and the wrongdoer by finding a solution satisfactory to both parties[^35] (A. A. Jok et al., 2004; Leonard, Moro, Santschi, & Isser, 2010). With regards to the land of a given ethnic group, this is generally divided into chieftainships, clans, villages or families, administered by a chief or elder. Customary land tenure allows mainly for communal access and management, with some regarded as primary users and others who can use a resource by seeking permission (D.H. Johnson, 2008). Communal interest in land is most evident in the use of land for grazing, drawing of water, collecting firewood, hunting and fruit gathering. It also allows limited individual ownership. Individual rights to land exist for housing and for cultivating crops, although importantly these rights can be forfeited when the land is not used. Communal land

[^34]: The origins of the phrase can be traced back to statements made by John Garang throughout the second civil war.

[^35]: This is in contrast to Western law which emphasizes retribution and deterrence (Jok et al., 2004)
access and use acts as security insofar as people can return to their original rural area and work on family land. However, based on the principle that land should remain within the clan or family, in cases where outsiders are accepted into a community, their claims are less secure than those of community members (A. A. Jok et al., 2004).

However, whilst the GoSS might have what can be regarded as a ‘nostalgia-fed passion’ (Chimhowu, 2006: 17) for customary land rights, what is regarded as ‘custom’ was in fact not always either voluntary or socially sanctioned but has been modified by Condominium rule. In keeping with the principles of ‘Native Administration’ outlined in Section 4.4.1, the Condominium government set about enacting laws that put in place a dual system of tenure consisting of land governed in terms of English law and land set aside for Africans governed under customary law (Okoth-Ogendo, 2002). Customary rule was modified to tighten the control of the Condominium government over the indigenous population, through what Mamdani (1996) has referred to as the ‘containerisation’ of the subject population. In line with this, and essential to British colonial occupation throughout Africa and its subsequent exploitation of land, was the denial of the indigenous proprietary character of land ownership. This was achieved through legal mechanisms (Okoth-Ogendo, 2002), which in Sudan can be traced back to ordinances introduced by the British in the early 1920s. These assumed that all land and associated resources were owned by the state and could be allocated by the issue of a lease (Rahhal & Salam, 2006).

In urban areas the situation was different. Reflecting the aim of British colonial planning practice throughout sub-Saharan Africa, the Condominium’s urban land laws sought to place control of all urban land distribution within the State’s planning apparatus. Thus, whilst in rural areas access to land was under the control of local chiefs and was generally based on membership of an ethnic community, in urban areas access to land required the purchase of a lease through access to those who had the power to distribute leases (Leonardi, 2011). The importance of urban land law to controlling urban populations was reflected in the very first urban land ordinances promulgated by the Condominium.

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36 In 1906 an ordinance was enacted that made all land the property of government. In 1925 the Land Settlement and Registration Ordinance was passed that required anyone claiming title to land to submit a claim for settlement and registration. In 1928 the Prescription and Limitation Ordinance provided that anyone who had occupied a piece of land uninterrupted for a period of ten or more years became entitled to the land by prescription and limitation.
government in 1899. These outlined the procedures for officially recognising and registering indigenous land ownership and corresponding obligations, such as the requirement to carry out construction, failure which to which resulted in the forfeiture of the land to the government. These ordinances were crafted to facilitate the emigration of landless residents and to ensure that only those with enough capital to immediately begin constructing a building could own land in towns (Serels, 2007).

Under Condominium rule there were extensive attempts to regulate and control migration to towns. This was based on various assumptions regarding indigenous urban settlers typically made by colonial powers throughout Africa and that are well documented in the literature. The most important of these was the assumption that urban indigenous settlers could become dangerously ‘detribalised’, so that indigenous town dwellers were regarded as temporary, with families and ‘true’ homes in the village (Ahmed & Rahman, 1979; Burton, 1988; Leonardi, 2011). These assumptions underpinned restrictions on movement, urban land control and planning, and also influenced wage structures and accommodation provision for urban workers. Together with a range of legislation, such as building ordinances and public health and health regulations, these laws served to exclude the indigenous population from urban areas (Gruenbaum, 1981; Haywood, 1985; Post, 1996; UN-Habitat, 2009b).

Reflecting the Condominium government’s Southern Policy, the focus of urban planning was towns in the north, with those in the Southern region receiving relatively little attention. Juba’s planning was based on a simple zoning and housing classification system and the gridiron pattern of urban development used throughout the British colonies. Zoning of residential land use was based on three nationalities: British, Egyptian and ‘native’. This social hierarchy became supported legally in the Town Land Scheme (TLS) (1947) which provided for land disposal to these groups according to four categories of land parcel; 1st, 2nd, 3rd and 4th class, which were kept geographically, and so racially, separate (Haywood, 1985; Post, 1996). The cost and length of leases, provision of services, building materials to be used and size of plot related to the class. The large 1st class plots were allocated to British nationals working with the Condominium government and provision of services was concentrated in these areas. Commercial and administrative areas were also treated as 1st class areas. 2nd class areas

37 Khartoum Berber and Dongola Town Lands Ordinance and the Title of Lands Ordinance (1899)

were allocated to Egyptian officials and merchants and 3rd class plots were allocated to educated Sudanese employed by the Government. Housing for other Sudanese was restricted to 4th class ‘native lodging’ areas and was strictly controlled in order to discourage urbanisation. Underscoring the assumption that indigenous urban workers were temporary 4th class plot-holders did not have a leasehold, nor were they allowed to use permanent materials to construct shelter (Post, 1996; UN-Habitat, 2009b).

With independence, these systems of land control were handed over to the government in the north. After the reversal of the Southern Policy by the British in 1946, the south was opened up to encroachment on its land resources by governments in the north (Shanmugaratnam, 2008). Until 1990 post-Independence governments in Khartoum continued to enact successive land laws that strengthened the privileges of the State and which were more repressive than those enacted under Condominium rule. For example, the Unregistered Land Act of 1970 transferred all unregistered lands under the 1925 Land Settlement and Registration Ordinance to the State. This legally supported the government in appropriating unregistered communal land and allocating or selling it. It also allowed it to implement its development policy based on the expansion of the agricultural sector and oil exploration (ibid). A 1990 amendment to the law further consolidated State ownership of land resources. This included a provision that stated that no court of law or authority should consider any plea, petition or procedure concerning State-owned land established by the Act39 (Pantuliano, 2007). In addition, steps were taken to reduce the powers of the chiefs and in 1971 Nimeiri passed the Local Government Act that saw Native Administration abolished (Tvedt, 2004).

With regards to urban areas, the GoS viewed their development as relatively unimportant both in the south and in the north of the country. Where urban planning was considered, there continued to be a strong bias towards the north, especially Khartoum. Later planning legislation espoused the use of master plans but the concept of land use segregation continued to form the basis of these plans (Post, 1986). In the south, this attitude and the years of conflict hindered any update to urban land use plans. As a result, and as will further be discussed in the next chapter, land in Juba continued to be mainly governed by Condominium laws and regulations.

39 s.2
Due to the civil wars, rural communities continued to follow customary laws and the structures of Native Administration set up by the British. However, as will be discussed in Section 4.8, these were weakened during the second civil war in SPLA/M held territory by the pervasive dominance of the military (Branch & Mampilly, 2005; Rolandsen, 2005). Nevertheless, by the time of the CPA, community land rights had become particularly important symbols of the cultural identity of Southerners. As a result, the recognition of customary rights was one of the core issues in negotiations between the SPLA/M and the GoS (Shanmugaratnam, 2008).

4.7 Violence within the region and the rupture between ‘Dinka’ and ‘Equatorians’

Condominium rule has a further legacy that is important for this thesis. This is the separated-ness between the Dinka, who are the dominant ethnic group in the region, and the Equatorian ethnic groups of the far south of the region where Juba is situated. Leonardi (2011) argues that ethnic tensions in Equatoria derive from earlier fears of ‘Dinka domination’ which were further stirred up by GoS and some Southern politicians after the Addis Ababa Agreement.

During the second civil war, in Equatoria especially, those belonging to smaller ethnic groups\(^{40}\) suffered a great deal as a result of SPLA atrocities and many people fled (Branch & Mampilly, 2005; HRW, 1994, 2003). Unpaid during the war, SPLA soldiers depended on willing or forced hand-outs from local populations and were allowed to loot and engage in trade by the SPLA command (Young, 2003: 427). The SPLA/M was regarded by many Southerners as a Dinka movement, particularly by Equatorians who lacked a prominent role in it movement, especially compared to their predominance in the Anya Nya movement (Branch & Mampilly, 2005). There are reports of promises made by combatants to ‘lay claim to any land in Southern Sudan, especially Equatoria from where certain non-Equatorian ethnic groups felt forcibly removed by \textit{korkora}’ (Watts & Holmes-Watts, 2008:9). Partly as a result, many of those belonging to the smaller Equatorian ethnic groups, such as the Bari on whose lands Juba is situated, came to view the SPLA as a vehicle of Dinka domination (Leonardi, 2011). D.H. Johnson (2006), for example, writes how the inhabitants of Yei, a town in CES, regarded the SPLA as an ‘army of occupation’.

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\(^{40}\) Bari, Zande, Acholi, Madi, Moru, Kuku and others
There is however, reason to adopt a somewhat critical stance with respect to attempts to present ethnicity as an explanatory factor for conflicts regarding land. A number of authors have queried the simplified ethnic categorisation of peoples in Sudan. D.H. Johnson (2006) discusses how descriptions of the civil wars frequently use the words ‘tribe’ and ‘clan’ interchangeably, so that political representation is taken to be based upon primal blood relations. However, ‘tribe’ in both administrative and anthropological usage in the Sudan is a political term. He argues that one cannot speak of the Dinka tribe or the Nuer tribe, but rather of the Dinka and Nuer peoples, each of which are organised into a number of different tribes. De Waal (2005) refers to the fluidity of identity in Sudan, where ‘Identities [are] complex and overlapping [and] Individuals and groups could shift from one category to another’ (p.14). He argues that the promotion of an ethnocentric analysis of Sudanese politics assists the GoS to pursue divide and rule politics. Leonardi (2011) bemoans the fact that tensions in CES are often simply presented as ‘inevitable conflict between pastoralist Dinka and agriculturalist Equatorians’. The category of ‘Equatorian’, generally portrayed as sedentary agriculturalists although many possess cattle, encompasses a number of ethnicities, languages and livelihoods in what was the Province of Equatoria, now divided into the three states of Central, Western and Eastern Equatoria. The Dinka likewise are portrayed as cattle keeping pastoralists, although they also grow crops.

The literature on the colonial constructions of ethnicity provides some insight into the emergence of politically charged ethnic categories such as ‘Dinka’ and ‘Equatorian’. It emphasises the need to examine how colonial policies have led to the bureaucratisation of either created or reified ethnic difference and also the imputation of privilege to certain ethnic groupings (Mamdani, 1996; Ochonu, 2008). Already referred to in Section 4.4.1 is the fact that native administration heightened ethnic divisions and legitimised the ownership of land along ethnic lines. Ethnic and cultural differences were central to Native Administration because of the centrality of tradition and customs to its workings.

A key factor that imputed privilege to one group, in the case of Southern Sudan the Equatorians, was the Condominium government’s educational policy. Its aversion to creating a class of educated indigenous civil servants in the region meant that education was limited to ‘a few educated blacks’ required for minor clerical positions (D.H.
Johnson, 2006: 15). Education was discouraged amongst the Nilotic people such as the Dinka and Nuer, where it was thought that it would divorce people from their customs and hence their ability to be tribal leaders. In the more sedentary communities of Western Bahr al-Ghazal and parts of Equatoria, education had greater importance. Here people were the first to be ‘pacified’, as they were more accessible and less able to avoid government patrols (D.H. Johnson, 2006: 18). Also agriculture was a priority for development for the Condominium government, especially in the late 1940s, and these efforts were focused in Equatoria (D.H. Johnson, 2006; Tvedt, 2004). As a result of these policies, it was more common for the sons of Equatorian chiefs to be educated than in other parts of the south (D.H. Johnson, 2006). Additionally, people from Equatoria were co-opted into the colonial security system, for example into the Equatoria Corps and the police service. It was the Equatoria Corps that was used by the Condominium government to pacify the Nuer and Dinka of Upper Nile and Bahr el-Ghazal provinces, with the police replacing the army in rural outposts throughout the region.

As a result of these policies, it was mainly Equatorians, in both the civil and security services, that formed the first political leadership of the south. After Independence, dissatisfaction with the government in Khartoum was mainly expressed in Equatoria, where for example the Torit mutiny mentioned earlier occurred, and where most economic activity had been concentrated. The leadership of the Anya Nya movement was predominantly Equatorian.

During the second civil war in SPLA/M held territory, traditional authority was much weakened by the pervasive dominance of the military (Rolandsen, 2005), whose main reason for interaction with local communities was to exploit their resources such as labour and food. Forced conscription of children and young men was also common. Obstructive chiefs were removed and sometimes replaced by commanders’ relatives (Fegley, 2009). Unofficial and largely military structures and networks came to govern rural areas (Rolandsen, 2005).
Map 4-1 Distribution of Ethnic Groups in Southern Sudan
By the 1990s, the conflict amongst Southern ethnic groups had led the SPLM leadership to recognise that decentralisation of government institutions was necessary if they were to have legitimacy and support from non-Dinka ethnic groups in order to win the war (Branch & Mampilly, 2005). The SPLA/M established the Civil Authority of New Sudan (CANS) in the areas that came under its control. Due to the lack of a framework and resources to support the system, it remained rudimentary (De Wit, 2004; Rolandsen, 2005). The administrative hierarchy used was a version of that which existed under the Anglo-Egyptian Condominium and post-Independence governments and has been carried on into the post-conflict period (Branch & Mampilly, 2005; Rolandsen, 2005). So too have many of the ethnic tensions that were heightened during the second civil war.

4.8 Post-conflict land issues

The outline of the Southern Sudan and Juba historical context provided in this Chapter point to a number of structural factors that are influencing political and socio-economic conditions in the post-conflict period. These structural factors are of special relevance to understanding the processes shaping land access and violence.

In the post-conflict period, the GoSS has set about implementing various provisions of the CPA. With regards to land, the CPA allows customary land law to apply in Southern Sudan. Nevertheless, neither it nor the ICSS are not specific on how land is to be administered. Rather the CPA allows for the formation of a Southern Sudan Land Commission (SSLC), which was established in July 2006 by presidential decree. Along with the National and State Land Commissions, the SSLC is intended to provide arbitration on land claims between existing parties, enforce land legislation, assess appropriate land compensation and advise on land reform. However, the presidential decree failed to clarify the SSLC’s mandate (Pantuliano, 2009) and the institution lacks resources and the powers to carry out the functions detailed in the CPA.

In February 2009, the Southern Sudan Legislative Assembly (SSLA) passed the Land Act. This, along with the Local Government Act 2009, creates a new regime of land

41 Wealth Sharing Protocol section 2.5. states that “The Parties agree that a process be instituted to progressively develop and amend the relevant laws to incorporate customary laws and practices, local heritage and international trends and practices.”

42 Wealth Sharing Protocol section 2.7.

43 Presidential Decree no. 52/2006.

44 The Wealth Sharing Protocol also includes land commissions for the states and transitional areas and a national land commission (Sections 9.3 and 2.7).
legislation for the region and reinforces the SPLM’s recognition of customary land tenure. The reforms have not created entirely new tenure rules. Rather Southern Sudan’s land reform resonates with the ‘new wave’ of land reforms in sub-Saharan Africa and the recognition of customary rights along with decentralisation of land administrations as a key component of such reforms. The Land Act recognises three tenure systems, customary, freehold and leasehold\(^45\) and stipulates that land in rural areas is owned by communities and managed by traditional systems\(^46\). Thus in Southern Sudan the Land Act elevates customary tenure rights to a level falling short of absolute ownership by communities. Subterranean resources are owned, regulated and managed by the GoSS\(^47\).

The trends towards usurping control over land by the state and individual ownership also persists in the post-conflict period. Although emphasising a community rights based approach to land, policy statements from the GoSS suggest that it sees large-scale land acquisitions as crucial to private investment in Southern Sudan, indicating strategic ambivalence to tenure reforms on the part of the SPLM. Indeed, Rolandsen (2005) argues that securing the support of traditional authorities was a fundamental factor in the political calculus of the SPLM/A. Chimhowu (2006) argues that a misplaced emphasis on tenure reforms emphasising customary rights to land can mean that such reforms are cosmetic in practice. Shanmugaratnam (2005) points out that even before the CPA, in 2003, the SPLM stated\(^48\):

*The New Sudan economy shall be a mixed free market economy in which both public and private sectors shall complement each other and be encouraged, with the public sector based on social welfare, competitiveness, efficiency and provision of social overhead service. … Foreign investment in the New Sudan shall be allowed and encouraged and repatriation of profits shall be guaranteed.*

By the time of the fieldwork, international investment had gathered pace in Southern Sudan. While the Land Act (2009) prohibits foreigners from buying land, it allows customary land to be leased on various terms in consultation with communities. Large rural land acquisitions were going ahead by agreement between foreign commercial interests and securocrats and political elites in GoSS, without necessarily involving local

\(^{45}\)*Land Act (2009) ch II, ss.7

\(^{46}\)*Id ch II, ss. 6

\(^{47}\)*Id ch II, ss. 6

communities. As a result, Southern Sudan is becoming regarded as another region in Africa falling victim to the so-called ‘global land-grab’ (CHR&GJ, 2010; NPAID, 2011).

Reflecting the trend in post-conflict contexts in other countries in sub-Saharan Africa, regulations related to urban land have received comparatively little attention. Non-formal settlements were not addressed in the Land Act (2009). Instead, the Act includes provisions for unlawful occupancy, which refers to any person who settles or occupies land without a customary or legal title or without consent of the owner and allows for their eviction. The doctrine of adverse possession is recognised, but to a very limited extent. The Act has provisions for the expansion of towns, including for expropriation of land by the GoSS, State Governments or other Public Authorities in the public interest for urban development and sanitary improvements. However, as urban areas expand, they do so onto land of communal territorial rights. Although the ICSS allows every Southern Sudanese the right to residence anywhere in Southern Sudan, this is contradicted by the application of customary laws, where the ability of an individual to access community land for residential purposes rests on ethnic identity. As will emerge in subsequent chapters, this is an issue threatening the land access of thousands of people around Juba.

Going hand in hand with local land management is the SPLM’s policy of decentralisation and of ‘bringing the towns to the people’. This was first outlined in its 2004 ‘Strategic Framework for War-to-Peace Transition’. Following the standard top-down approach to state reconstruction promoted by the international community (Shanmugaratnam, 2008), the objective of decentralisation has been to devolve power through the hierarchy of local authorities that has its origins in the CANS. These authorities have effectively been reinstated by the GoSS, which has enshrined decentralisation and devolution of power and resources to the local level in the ICSS and the Local Government Act 2009. Thus, local government in Southern Sudan is under the state level government in the regional hierarchy and is comprised of county, payam and boma administrative units (Figure 4-1). The boma administration is split between a traditional chief and the boma

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49 See for example, FT (2009) and Rolling Stone Magazine (Funk, 2010)
50 Id ch. XIVss. 84
51 Id S. 82 allows that ‘any person who unlawfully occupies a piece of land for 30 years without interruption in an urban area, from May 16, 1983 shall be granted legal title or rights thereon’.
52 Id ch. XII, ss. 73
53 The framework (2.2.3) cites Garang’s vision of local government as ‘[self] rule for the people of Southern Sudan, by taking the towns to the people’.

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A payam consists of around six bomas and a county of a varying number of payams (Branch & Mampilly, 2005). CES, for example, is made up of six counties, with Juba situated in Juba County.

**Figure 4-1: Government structure**

*Modified from USAID, 2005a*

Although decentralised institutions are considered necessary to address the region’s legacy of marginalisation, Schomerus and Allen (2010: 6) note that decentralised county, payam and boma structures, created in the context of continuing violence and lack of accountability, ‘have in reality begun to resemble ethnic fiefdoms’. Despite legislation that supports decentralisation, military commanders are reportedly able to operate with impunity, in part due to the lack of law enforcement and the high degree of militarisation and small arms within communities (HSBA, 2009b). Reports of violence and ethnic
conflicts, particularly over rural land and associated natural resources in many parts of the region, have increased (Rolandsen, 2009; Schomerus & Allen, 2010).

The Equatorian region is experiencing on-going violence in the post-conflict period, with conflicts between Dinka and Equatorians over land coming to the fore (Rolandsen, 2009; Schomerus & Allen, 2010). This is mainly due to the occupation of land by Dinka IDPs in the Equatorian states, resulting from the massive demographic shift that occurred during the second civil war as hundreds of thousands of Dinka were displaced from their home areas in Bahr el-Ghazal, Upper Nile and Southern Kordofan to the Equatorian region. By the time of the CPA, it was reported that Dinka IDPs outnumbered remaining non-Dinka by as much as three to one in some parts of Equatoria (Branch & Mampilly; 2005), resulting in concerns that this may represent a major impediment to peace in the Equatorian part of Southern Sudan. Equatorians that remained in their home areas during the war are reported to have been subject to political and economic marginalisation by the Dinka and SPLM leadership. The return process is regarded as a key cause of added competition over scarce land resources as returnees seek re-access to rural and urban land. The general perception amongst Equatorians is that Dinka IDPs act with impunity due to their political protection by the SPLM (Leonardi, 2011; Murphy, 2005).

4.9 Conclusion

This chapter has detailed a range of mainly structural factors that shape processes around land access in the post-conflict period. The urban context in Southern Sudan has been subject to the effects of Condominium and post-Independence rule and civil war and remains highly fluid, not only because of on-going conflict within the region, but also because of rapid urban population growth and the lack of clear urban land legislation. Exploitation by government and conflict and violence over access to and control of land have been enduring factors in the political economy of the region since the Anglo-Egyptian Condominium. Historically, the government has expropriated land from local populations and prior inhabitants have been forcibly relocated. With respect to urban areas, land has then been leased mainly to government employees, traders and retired soldiers, who have acquired formal land rights through individual monetary purchase and privileged access to the government offices that distribute leases. In the post-conflict period, radical changes are occurring with regards to formal land rights and decentralisation of government structures, although urban land issues and management
have been largely ignored. Condominium rule also saw the emergence of hardened ethnic categories such as Dinka and Equatorian. As Collier (2000) notes, conflict needs to actively create divisions and the GoS has sought to manipulate differences between groups within Southern Sudan.

The political economy that evolved during the second civil war is spilling over into the post-conflict period and military actors have retained power with regards to access to land and other resources. The impunity practices, particularly of powerful actors in the military, and minimal law enforcement in the post-conflict period have major implications for land access by the majority of people in Juba. This chapter has indicated on-going violence associated with military actors. Subsequent chapters detail the complexity of the political economy of post-conflict violence and appropriation of land at multiple levels and by non-military actors in an urban context. With these factors in mind, the next three chapters go on to explore the empirical findings of the research.
5 Chapter 5: Non-formal Settlements, Urban Planning and State-orchestrated Violence in Juba

5.1 Introduction

This chapter analyses the institutional context in which the inhabitants of non-formal settlements are attempting to gain or maintain access to land. It draws on the previous chapter to show how the legacies of Condominium and post-Independence rule and civil war are factors that influence the land control practices of government in the post-conflict period. Colonial control of urban land and attitudes towards urban populations appear to persist, with the CES government carrying out violent forced evictions of non-formal settlement inhabitants.

Framing the problem in relation to the concept of access and the understanding of institutions developed in chapter 2, this chapter examines who may be benefiting from the non-formal status of those living in these settlements in Juba. It examines both the formal institutional context and also how non-formal webs of power may be playing a part. Apparently intractable struggles over land between authorities that are emerging in the post-conflict period, premised on entrenched ethnic division within the city, are on the face of it undermining urban planning and the implementation of the Land Act (2009). Nevertheless, indeterminate outcomes over competing claims to urban and peri-urban land potentially mask non-formal alliances between powerful actors that cut across ethnic categories. It is argued in this chapter that in the fluid, post-conflict context, the political and bureaucratic elite and traditional authorities are, through their social positions within various authorities and non-formal networks, pursuing their own narrow interests, so undermining formal institutions and laws and regulations. Thus, whilst the use of violence in the form of forced evictions reflects previous practice, and provides a relatively easy solution to the issue of ‘growing and embarrassing non-formal settlements’\(^{54}\), they can also be an artifice for interventions that have questionable legality and benefit certain groups.

\(^{54}\) Interview with a member of the political elite in MHLPU
This chapter draws mainly on interviews carried out with public officials and...
international agencies, as well as government documents, newspaper articles and data from various reports. The first section provides a background to the growth of non-formal settlements in Southern Sudan, and in Juba in particular, and the use of forced evictions in the post-conflict period to control their growth. Then follows a discussion on the discursive construction of urban informality in post-conflict Southern Sudan, specifically Juba. The penultimate section of this chapter goes on to consider how tensions between the three major power centres (the Dinka-dominated GoSS, the CES government and the Bari traditional authorities) have led to a situation of deadlock regarding the management of urban land. These tensions reflect the broader tensions within Greater Equatoria. However, this ‘institutional dysfunctionality’ also raises the question of why the government is unwilling to implement measures that could address this. The chapter concludes by considering how past regulations and practices and a lack of clarity in new and existing law may be benefiting powerful individuals, who through non-formal networks are effectively undermining formal institutions and laws for their own benefit.

5.2 Non-formal settlements in Southern Sudan and Juba

Significant non-formal settlements in Southern Sudan are a post-independence phenomenon. As outlined in Chapter 4, during Condominium rule the effect of restricting access to urban leasehold plots was to limit access to land within urban areas to those with capital and to keep it under government control. Administrative restrictions helped to prevent the establishment of non-formal settlements in urban areas where employment status was used to identify unwanted rural migrants (El-Zain, 2007; Salih, 1999). As early as 1927 the first action was taken against non-formal settlement dwellers in Khartoum, with the area they were occupying being re-planned into plots and them being evicted (El-Kheir, 1991 cited in El-Zain, 2010). Later, under the Town Planning Act of 1930, unwanted urban migrants were returned to their areas of origin (El-Zain, 2010; Salih, 1999). In Juba, Leonardi (2005) refers to the rounding up of urban unemployed by the British administration. Other measures included demolition of homes and withholding of urban services, dating back to the period 1930 to 1945.

With the lifting of movement restrictions and Juba’s growth after Sudan’s independence, the first significant non-formal settlements began to appear in the city. Small settlements were first established on unused public land in Juba Town in the 1960s, where groups of
people (ten or twenty households) established shelters. Some of these areas were settled by employees of nearby government institutions, who were generally from rural areas within Greater Equatoria, with the permission of the government. Other migrants to Juba came because of drought, poor harvests and other natural disasters. For example, the great floods of 1961-1963 that in particular affected Bor in Upper Nile Province, resulted in a number of Dinka moving to Juba. They mainly settled on land to the north of the town near the airport. Another case reported in several interviews was a drought in Eastern Equatoria in the 1960s. This drove many Lopit to Juba, who settled in non-formal settlements in Juba Town Payam.

Government approaches to non-formal settlements were generally unsupportive of the people living in these areas. In the north, particularly under Sudan’s military regimes (1958-1964, 1969-1985 and 1989 onwards), demolition policies and programmes for displacing non-formal settlement communities became the norm. The Land Acquisition Act of 1930 had established the concept of ‘Native Lodging Areas’, where for special reasons such as emergencies, ‘natives’ could settle temporarily. The Village Land Regulation (1948) amended the concept and established that such areas could be upgraded to either second or third class, opening up these areas to those initially unable to afford the construction of their houses using permanent materials. However, this law was actually later abolished, thereby preventing the poorest from accessing secure land in urban areas (UN-Habitat, 2009b).

Salih (1999) argues that the practice of forced evictions demonstrated the Sudanese state’s regular use of ‘brute force and coercion to protect its own interest and those of the political and modern agrarian elite, at the expense of the marginalised peoples and the environment’ (p.67). After Sharia law was imposed in 1983, demolitions became a common feature. El-Kheir (1991 cited in El-Zain, 2010) asserts that ‘the main objective of this policy appears not to relieve squatters as much as to clear government sites. The problem was thus largely seen as illegal occupation of valuable lands more than a need of a sector of the population for shelter’. Thus, ‘in order to force the migrants to leave, the government ordered the demolition of their houses which were built on the outskirts of town, and used the police and the army to repatriate them to their home areas’ (p.161).

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55 Interviews with University Lecturers and members of the political and bureaucratic elite.
56 Such areas included Dressers Land near Unity Avenue, Hai Buluk in Buluk, behind the central police station, and Gabat in Hai Jalaba next to the Department of Forestry.
57 Interviews with residents carried out during the scoping visit.
Whilst on the face of it the practice of forced evictions by government appears to have been motivated by a desire to enforce town planning, the suggestion is that it was in fact caused by factors embedded in the country’s political economy and inequitable urban land structure. In Juba (see Map 5-1) forced eviction became the principal method of dealing with non-formal settlements, often to make way for development. For example, in 1962 Hai Malakal in Juba Town Payam, which had previously been a fourth class area, was reported to have been upgraded to 3rd class housing. As a result, squatters and people living in the area who could not afford to upgrade their houses to permanent buildings were forced to move to neighbouring Kator Payam. This area was then also surveyed and formally allocated, resulting in further displacements with people pushed to the periphery of the town. The government accepted some degree of responsibility in cases where the displaced were employed by state institutions and some people who lost their homes to forced evictions were relocated to Munuki Payam\(^{58}\).

During the ten-year peace, the provision of formal plots in Juba by the government did not keep pace with the numbers of people moving into the town. Although over 2,000 new plots were created between 1972 and 1975 in Munuki and Tong Ping, only 170 were officially allotted (Mills, 1985: 321). With the large wave of migrants and Anya Nya I fighters in the 1970s, larger non-formal settlements began to develop, which included people from all over Southern Sudan. As a result, and despite demolitions and forced evictions, the number of non-formal settlements increased. Of the 22,000 buildings in Juba recorded in a study carried out in 1979, less than 15% were considered permanent and only a small number of buildings had been erected on plots officially allocated by the authorities (ibid). In 1982, a further study determined that 70% of Juba’s 120,000 population lived in congested fourth class and non-formal housing areas with no services (UNICEF, 1982).

The second civil war saw the number of non-formal settlements increase dramatically, mainly as a result of IDPs settling in the town to avoid insecurity in the rural areas. Some areas were designated as IDP camps, such as Nakasongala and Kuku camp (inhabited mainly by people from Kajo Keji) and Jambo camp (inhabited mainly by Mundari) on the

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\(^{58}\) Interviews with members of the bureaucratic elite in CES government departments.
eastern side of the town. Little physical expansion of the town occurred although areas of Hai Seminary and Gudele were demarcated as areas of third class housing59.

Living conditions in Juba during the second civil war were horrific. Public officials in the CES government recount how the GoS encouraged people to settle in the town to act as a civilian buffer against the on-going SPLA attacks. Agency reports at the time detail how civilians were in fact prevented from leaving the town, even in times of food scarcity (Salih, 1999). A double ring of land mines placed around the town and military patrols placed on exit route enforced this ban on movement (HRW, 1994). After two major incursions in June and July of 1992, the SPLA almost captured Juba, but after holding it for a few days they were repulsed by the SAF. The reprisals that followed in the city saw many inhabitants imprisoned and tortured, with many also disappearing, presumed dead (AI, 1992, 1993; HRW, 1994). The GoS destroyed many non-formal settlements and it was estimated that around 50,000 people fled Juba. Around a further 100,000 non-formal inhabitants were reported to have been forced to squat without shelter in the centre of Juba, as the GoS retaliated against Southerners, burning their homes and crops (HRW, 1994). During this time, Salih (1999: 153) reports that 250,000 60 inhabitants were prevented from leaving by government forces, despite an acute shortage of food and ensuing famine. Military insecurity and logistical problems, including shelling of the airport by the SPLA, were major obstacles to relief food deliveries, the result of which was the deaths of tens of thousands in a matter of months.

By the end of the second civil war, Juba ‘was reduced by war to being a place of the old, the hungry and the abandoned’ (Sudan Tribune, 20 February 2004 cited in El-Zain, 2007). With limited resources and a disregard for the suffering of the civilian population, only limited attempts were made to provide shelter in these areas, with the GoS allowing relief agencies and a few INGOs to operate (HRW, 1994; Salih, 1990). By 2005 it was estimated that residents were occupying over 30,000 plots of land in Greater Juba, with about 86,000 squatters occupying abandoned plots and buildings in the city itself (USAID, 2005a). Apart from the few residential neighbourhoods planned during Condominium rule for middle and upper income groups, and a few initiatives surveyed and allocated in the 1960s and 1970s, planned land development in Juba had been scanty.

59 Some traditional authorities interviewed complained that this was done by the GoS without proper consultation.
60 The Combined Agencies Relief Team cited a number of 300,000 (HRW, 1994).
5.3 Opposition to urbanisation in post-conflict Southern Sudan & State orchestrated land violence

The first research question points to the need to understand how authorities controlling access to land in Juba might be using violence. In Southern Sudan, vigorous opposition to urbanisation by public officials has become apparent in the post-conflict period as migration to Juba and other urban areas has rapidly increased and non-formal settlements have formed or expanded. Although urban authorities tolerated non-formal settlements during the second civil war, opposition to their existence has intensified since the signing of the CPA and urban authorities throughout the region have been seeking to evict non-formal settlement inhabitants. Public officials reported that the demolitions were meant to address the haphazard and disorganised fashion in which people were setting up residences and shops to enable development and the building of roads, allowing better access to basic services (Deng, 2010). In Juba, military-supported, violent forced evictions of people from non-formal settlements and calls for people not from Juba to return to their places of origin have been a prominent part of regional and state government responses to continued urban growth.

Large scale forced evictions and demolitions of non-formal settlements have been ongoing since 2007. Most people affected by these evictions and demolitions were reported to be IDPs who had fled to Juba during the war (Reuters, 18 May 2007; UN Demolition Taskforce Meeting, 2009a, 2009b). In early January 2009, a month before the Land Act (2009) was promulgated, the Governor of CES issued a State Order authorising further demolitions of squatter settlements in twenty-nine areas in Juba. The priority for forced evictions was on State-owned land, where the CES Ministry of Physical Infrastructure (MPI) had drawn up plans for the demarcation of formal leasehold plots, and areas where the State government perceived there to be large populations of migrants. These included further areas of IDP settlement, with the CES government seeking UN assistance to return the displaced to their home areas (UNMIS, Feb 2009). The Order also included areas where SPLA soldiers and their families had settled within Juba, with soldiers being ordered back to their barracks. Along with this, the Order included the demolition of Mere Lotor, otherwise known as Jebel Dinka, on communally held land on

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61 Examples include Yei, Rumbek and Wau (Interview with a member of the political elite in the GoSS).
62 Interview with a member of the political elite in the GoSS MHLPU. These included Rumbek in Lakes State, Torit in Eastern Equatoria and Bentui in Unity State.
63 State order 5/2009, 16th January 2009
64 Kuku camp and Nakasongola (UN Demolition Taskforce Meeting, 2009b)
Juba’s western outskirts. Areas settled by employees of state institutions prior to the war were not included.

By March 2009, the Southern Sudan Relief and Rehabilitation Commission (SSRRC) estimated that 27,896 people had been displaced (UN Demolition Taskforce Meeting, 2009a). UN officials estimated a further 30,000 people were affected between March and June 2009 (Deng, 2010: 35). The demolitions were supervised by a ‘demolition committee’, which included the CES governor, the Juba County Commissioner and a number of security advisors. According to officials in the SSLC, evictions were going ahead without them being consulted and no guidance had been issued regarding the eviction process. In fact, the State Order and the conduct of the evictions violated the Land Act (2009) in a number of ways. The Act requires that evictions be carried out on the basis of a court order, so a state order is insufficient (Deng, 2010). It also requires that an unlawful occupant is given at least one month’s notice of a state’s intention to file an order of eviction. According to a number of public officials in the MPI, no notice was given because there was a fear that inhabitants of the areas would be able to ‘form a resistance’. This was also provided as the reason why the evictions had taken an extremely violent and threatening form, with bulldozers accompanied by armed SPLA soldiers and individuals from other ‘security services’.

Furthermore, the Land Act (2009) states that provisions for resettlement must be made by a state government before any eviction can take place and that IDPs are consulted and have the opportunity to participate in the planning and implementation of these resettlement programmes. In reality, limited effort was made to secure alternative land for those displaced by the demolitions. Officials within the MPI said that it had not been possible to relocate the majority of non-formal settlement inhabitants, as Bari leaders had not been willing to make land available on the edge of the town. Although some public officials stated that compensation would be provided, no procedures had been established to allow non-formal settlement inhabitants to access compensation. Rather it appears that the expectation was that those whose homes were demolished would simply

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65 Interview with a member of the political elite in SSLC.
66 Land Act, ch XIV ss. 84 (4)
67 Ibid ch XIV ss. 85(1)
68 Interview with a member of the bureaucratic elite in MPI
69 Interview with a member of the bureaucratic elite in MPI
70 Ibid ch. XIV ss. 87
71 Ibid, ch XI ss. 72 (2)
return to their (rural) places of origin.

The forced evictions reflect the open disdain that many public officials and Juba residents have for those living in non-formal settlements. In the local discourse about non-formal settlements, a common theme that emerges is that non-formal settlement inhabitants are ‘land grabbers’ who do not respect the property rights of others, whether they have settled on public, private leasehold or communal land. As one public official stated, ‘the current people in these areas are land grabbers. They were warned and told to go home. They won’t be compensated.’ The pronouncements of the State Governor in his Government Performance Report (2009) reflect the zero tolerance approach to non-formal land occupations:

‘It is undoubtedly clear that the town of Juba before the demolition was below zero bad by all standards. It was very filthy, full of squatters constructing in open spaces near schools, churches and mosques and full of crimes, immoral and unethical behaviours. The demolition exercise has curbed and curtailed many of these unethical deeds. The town now has the sight of a well-planned and demarcated town. The government of CES has committed itself to continue with the process until the town is rid of these vices. The target has not yet been accomplished.’

Casting non-formal settlements as havens for the unemployed, criminals and gangs of wayward youth, generally referred to as niggaz, is also a common theme. This can be attributed partly to a perceived increase of crime in Juba and other urban areas in Southern Sudan since the signing of the CPA. At the GoSS level, the Director General of the Ministry of Housing, Land and Public Utilities (MHLPU) attributed the increase in crime in Juba, assumed to be perpetrated by jobless adults, to poor urban planning. Non-formal settlement inhabitants are commonly blamed for increasing crime and other social problems. Many, including non-formal settlement inhabitants themselves, believe that crime would decline if those who are unemployed were to return to their rural areas of origin. As one woman in S1 recounted:

72 The term ‘niggaz’ is used to refer to a specific youth gang in Southern Sudan but also more generally to groups of badly behaved youth. Members of these groups model themselves on various US rap stars. As Schomerus & Allen (2010: 65) detail, ‘they wear baggy trousers, loose t-shirts and sunglasses and are said to be drunk and lascivious at parties’.

73 The MHLPU changed its name to the Ministry of Housing Physical Planning and Environment in 2009 and then the Ministry of Housing and Physical Planning in 2010. For the sake of ease, I refer to it throughout the text as the MHLPU.

74 Speech by Director General GoSS MHPP, National Conference for Sustainable Urbanization, Khartoum [02/11/10].
‘the youth come back from the refugee camps. Before they would have helped farm, but now they are not used to working. They just expect things but it is not the same here as in the camps. You have to work. Instead they turn to crime and just take. The government should make them go home and work.’

Data regarding crime are non-existent for Southern Sudan. However, some evidence points to rising crime in urban areas in the region. During the war, garrison towns were heavily controlled by the SAF and security services under Sharia law so that town inhabitants lived under a reign of terror. Since the CPA, various reports suggest an increase in petty crime such as muggings and bag-snatching. Most crimes are attributed to the growing issue of *nigga* and in 2008 the county commissioner issued a special order criminalising ‘nigger behaviour’ (Leonardi et al., 2010). There has also been an increase in armed compound invasions, where perpetrators force themselves into residential or commercial plots and hold the occupants at gunpoint while looting the facility (*ibid*). However, there is no evidence that such criminals are from non-formal settlements. In Juba, organised raids carried out by the SPLA on homes and businesses resulted in the retrieval of thousands of illegal and privately owned weapons from throughout the town, not just non-formal settlements. Whilst a recurring theme in interviews with inhabitants of the case study settlements was the presence of *nigga*, inhabitants typically referred to these gangs as coming from ‘outside’. Various reports and the press suggest that the youth gangs/*nigga* responsible for many crimes in urban areas are the children of ‘big people in the government’ or that they answer to military leaders (Leonardi et al., 2010; Schomerus & Allen, 2010).

A further theme legitimising evictions in the Regional and CES governments’ discourse on non-formal settlements reflects the attitude of the British during Condominium rule; that Southern Sudanese belong in their rural places of origin. A senior official in the MPI stated that ‘if we are to rebuild Southern Sudan, then people need to go home or how else will their home areas develop.’ Those that choose to remain in urban areas are perceived as lazy and unwilling to contribute to Southern Sudan’s development. Public officials present ‘the village’ as a place that offers a way of life that enables one to provide for one’s family and that also will support the rebuilding of the region after decades of war. For example, a member of the demolition committee recounted:

75 Since the CPA the issue of disarming civilians and controlling weapons has become an important component of improving civilian security (HSBA, 2009).
76 Sudan Tribune, 10th September 2009 (Dak, 2009)
‘Before people used to dig if they needed to eat. You would not get unemployed people in the towns expecting the government just to provide and living in slums. If you lost your job or got old you would go back to the village where people would look after you.’

Similarly an official in the GoSS explained:

‘The town planning must be redone and redone well. Juba needs to look like a town and have international standards. When tourists and foreigners come to Juba they leave the airport and the first thing they see are slums where people drink tea and are idle. It discredits the government and creates inconveniences. Those that can’t afford to be here should return to the rural areas. The government should avoid random settlement by using the law and regulations. One good thing to come of korkora was that people returned to their villages and developed their own areas. Now people are building houses in Juba when their villages are poor and underdeveloped.’

The belief that urban population growth is the result of a lack of rural development was also echoed by the President of GoSS. Highlighting security considerations in rural areas as the main reason for this failure, he admitted that the GoSS had made little progress with regards to rural development, attributing the migration of people to urban areas to this lack of progress. To improve living conditions in rural areas and thus encourage people to return to their areas of origin, the President required every department in the GoSS to prioritise the development of rural areas in their operations. The resources of government are, he directed, to be used for ‘uplifting the life of the rural populace and raising their capacity to better till the land’.

These views are similar to the assumptions of the Condominium government that urban inhabitants should be temporary and should (or would were they given the opportunity) want to engage in rural farming activities. De Wit & Hatcher (2009) report that even before the signing of the CPA, most of the SPLM cadres, as members of a rural movement, anticipated that all displaced people would voluntarily return to their rural

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77 According to the Manifesto of the candidates for Re-division in the National Elections of 1981. Equatoria Central Committee, 1981 (cited in (Badal, 1994)) Korkora would ‘arrest the drift of rural population to urban centres’ (pp.117) avoiding the social dangers of such migrations.

78 Interview with Undersecretary for the Environment, 17/01/10


80 President of GoSS - Inaugural speech 22nd May 2010
areas of origin. As seen in an interview with another member of the political elite in the GoSS, there is little or no effort by public officials to understand the factors contributing to increasing urban population growth.

‘the vision of the late John Garang de Mabior was taking the towns to the villages. This means instead of people coming to the towns and urbanisation occurring, we create infrastructure crossing villages including basic services such as power, water, schools, clinics, trading facilities. This will deter urbanisation. Urbanisation is occurring because infrastructure is not up to date. People need to be able to engage in agriculture and then bring their produce to the town’.\textsuperscript{81}

Despite the concerns of both the regional and state governments regarding urban population growth, along with the intended focus on rural development, there has been little attempt to plan rural development adequately. As detailed in Section 4.2, the percentage of government expenditure directed to basic services and rural development is low.

The assumption by government officials that rural to urban migration, which is mainly the result of forced displacement as a result of conflict, is temporary in Sudan has been questioned in much of the literature concerning urbanisation in the country. As I will show in the next chapter, IDPs and other non-formal settlement inhabitants do not return to their areas of origin for a variety of reasons. Generally speaking, there is consensus among scholars and analysts that a large majority of IDPs throughout Sudan will not return to their areas of origin. A number of reasons are put forward to support this view. Firstly, the conditions made rural populations vulnerable have not improved. As noted in Chapter 4, upon arrival in their home areas many returnees have faced numerous obstacles to resettling. In the case of Khartoum, Rahman (1991: 248) expected migration flows to continue at a high rate, even without urban employment opportunities, because rural poverty had not been lessened. Ahmed (1993) noted the neglect of rural areas as a result of displacement and how rural areas may ‘now be out of production, not utilised and not conserved. Their development has been halted and any attempt to start again is going to be demanding’ (p.117-118). Instead, many IDPs have found their own ways of making a living and settling in towns. More recent studies also allude to the prolonged residence periods of settlers in towns (Pantuliano et al., 2008).

\textsuperscript{81} Interview with political elite in GoSS.
The vigorous opposition by public officials towards urbanisation and non-formal settlements described above contributes to their reluctance to support changes to urban land regulations and urban planning practices. The regulations supporting urban planning in Juba remain those detailed in the TLS 1947, although their legal basis is questionable, especially since the passage of the Land Act 2009. In keeping with Condominium and post-independence practices of urban management, the development of urban infrastructure, including not only roads and drainage but also clean water supplies and power supply, has been concentrated in already existing first class areas of the town. This leaves basic services beyond the reach of the urban majority. In addition, the GoSS is focusing on the development of a road network with the support of the Japanese International Cooperation Agency (JICA). The first stage of this is due for completion by 2015. Whilst leaving it up to “to GoSS to consider the social and environmental issues,” implementation of the master-plan involves the demolition of a number of non-formal areas and officials in JICA were unaware of how the MPI is going to tackle this issue. According to MPI officials, non-formal settlements would be demolished to make way for road development, as improving transport links within the region was considered to be the priority. According to other reports, implementation of the JICA master plan will entail relocating or compensating half of the population of Juba (Martin & Mosel, 2011).

Drawing on research carried out in other cities in the developing world and the political economy literature regarding forced evictions outlined in Section 2.4.1, the findings here suggest that the discourse of reducing crime and modernising Juba using forced evictions may be an artifice for the implementation of preferred urban policies by government authorities that have more to do with Southern Sudan’s inequitable urban land ownership structure than the desire for urban development. USAID (2005a) noted that in the centre of town, land demand would increase. During the scoping visit, areas were identified that had formerly been occupied by squatters who had been evicted and that had already been leased to businesses as well as senior members of the GoSS. A member of the bureaucratic elite from the MPI acknowledged that:

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82 This is funded by the multi-donor trust fund (MDTF) & the GoSS under the Sudan Emergency Transport and Infrastructure Development Programme.
83 Interview with Project Formulation Advisor, JICA.
84 Interview with a member of the bureaucratic elite in the CES government.
85 See for example Koczberski, Curry & Connell (2001); Ocheje, (2007); Otiso (2002); Potts, (2006).
‘The government has had to demolish these areas because there is no land for government workers housing. Investors want to come to Juba and they need land.’

The reluctance to consider the needs of the urban majority, addressing which might lead to a reduction in urban problems, is further evident in the various housing schemes that were being planned at the time of my fieldwork. Since the CPA, the provision of new plots has been limited. USAID (2005a) reported that 22,000 plots throughout the city had been provided at around that time. Officially housing provision in Juba has indeed been focused on the provision of housing for government employees, mainly through private partnerships. By February 2010, the CES government had entered into a contract with a private developer to create ‘Liberty City’ on the outskirts of Juba, a project to provide around 2,000 houses for CES and GoSS employees along with embassy and consulate employees and INGO staff. At the GoSS level, there was a proposal, for a five-year housing plan for ‘Rhino City’, 15km outside Juba on the Yei road, including 10,000 low cost housing units. The plan is to rent out low the cost units and sell the first class units so that the government could benefit from the sales, using the money for development projects. At the State level, a further 15,000 low cost housing units for CES government employees were planned around Juba.

The reluctance to provide land for what public officials purport to be the poor, unemployed and criminal individuals who form non-formal settlements was also evident in the Durupi scheme, located to the South West of Juba on what was until recently communally held land, through which the CES government was providing around 5,000 1st and 3rd class plots. A small number of third class plots (around 350) were allocated to non-formal settlement inhabitants being relocated as part of a slum upgrading pilot scheme implemented by the United Nations Development Programme (UNDP). Negotiation for the allocation of these plots had proved difficult and around the time the relocation was to occur registration of plot charges had increased from SDG125 (~US$50) to SDG 3,000 (US$1,300) that will be unaffordable for most of the intended beneficiaries. The cost of registration of 1st and 2nd class plots was also ‘maybe to

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86 Interview with a member of the political elite.
87 http://www.sudanradio.org/us-company-launches-major-housing-project-juba
88 Interview with a member of the political elite.
89 ‘Support to the States Programme’
90 Interview with UNDP Programme Manager
increase to maybe around 8,000 pounds [~US$3,500] and 5,000 pounds [~US$ 2,200] respectively\(^91\).

The violent nature of urban management through forced evictions appears therefore to be part of attempts to make land available for ‘development’. However, there have also been some attempts to improve the ways in which urban land is managed and to enable the planned expansion of the city so that land is available for settlement. As the next section will go on to detail, these initiatives have proved to be problematic, due to various tensions between the different centres of power that have come to the fore with the policy of decentralisation.

### 5.4 Decentralisation and Juba

The first research question also points to the need to understand how relations between authorities controlling access to land might affect the provision of urban land. This is especially the case in Juba’s post-conflict context, where there is a set of new authorities in the form of the Dinka-dominated GoSS, Bari traditional authorities and CES authorities, many of whose officials worked for the GoS in Juba during the second civil war. This section focuses on the formal institutional context, arguing that tensions between the authorities are undermining effective planning of the city.

Chapter 2 pointed to the fact that in sub-Saharan Africa, and in post-conflict contexts in particular, the formation and growth of non-formal settlements is generally attributed to ineffective land management policies and the limited capacity of government institutions to address rapid urban population growth (Fekade, 2000). The history of rapid population growth and civil war has created enormous urban planning challenges, reflected in the findings of a number of studies carried out in Southern Sudanese towns (PADCO/GibbAfrica, 2007; Pantuliano et al., 2008; USAID, 2005a, 2007, 2009). In Juba, there is a general awareness within CES government departments that it is perceived to be failing in its responsibility to effectively manage urban land and is deemed incapable of controlling the perceived ‘disorder’ in land use and Juba’s development. Officials in CES attribute this to a number of factors. In a number of interviews, respondents pointed out the lack of trained staff and equipment as well as complicated land rules following the promulgation of the Land Act 2009.

\(^91\) Interview with a member of the bureaucratic elite.
Despite the lack of capacity to manage the city’s growth, in the past there have been a number of attempts to introduce more flexible and sustainable urban policies within the Southern region. For example, a land survey advisor, provided by the British Overseas Development Administration between 1979 and 1981, recommended a more flexible approach. An updated plan for Juba was also produced, although this was reportedly not approved due to administrative issues. Similarly, flexible and more sustainable approaches have been recommended since the signing of the CPA (PADCO/GibbAfrica, 2007; USAID, 2007) and some international donors have noted concerns with regards to the top-down nature of urban planning in the town (Pantuliano et al., 2008). However, some officials within GoSS and also the CES government state that they cannot change current practices without new law, expressing a view that the Land Act (2009) is inadequate in terms of provisions for the management of urban land.

The Land Act (2009) and Local Government Act (2009) do indeed lack clarity in certain areas, leading to considerable confusion between different government departments. For example, responsibility for urban land management, urban planning and land allocation is divided between the Region, State and County. However, the laws governing the three different tenure systems and the relations between different levels of government (GoSS, State and Local Governments) and traditional authorities lack the necessary detail. Distinctions between rural and urban administrative structures are also not clear. The Local Government Act does not specify what constitutes an urban area i.e. where land comes under management by the regional or state governments rather than communities. Neither it nor the Land Act set out procedures to define municipal and town council boundaries.

A key theme that emerged in interviews concerned tensions between different authorities in regarding urban planning. Officials in the MPI attributed their inability to manage urban land to various acts by the GoSS and the reluctance of the Bari chiefs around Juba to provide land to allow for the city’s expansion. As a result of Juba’s overlapping layers of authority between the regional and CES governments, the GoSS MHLPDU is responsible for policy but also manages some aspects of infrastructure development.

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92 This plan was produced by the MEFIT Consulting Group, who also did plans for other towns in the country. It was not possible to obtain a copy of the plan, which was missing from the MPI storeroom.
93 Interview with former British Overseas Development Administration land survey advisor.
94 Land Act 2009, ch. 7 ss. 43-46
95 Appendix I of the Local Government Act provides the criteria for defining cities and municipalities.
including the rehabilitation and development of ministry buildings and GoSS staff housing in Juba. Since the passing of the Land Act 2009, the GoSS is also responsible for the development of a master and physical plan for the capital city, defining and demarcating its territory\textsuperscript{96}. However, at the CES level, the MPI is responsible for urban land management and various public works within Juba. In addition, the State government carries out tasks relating to urban management through the local government institutions, particularly through the payam administration that manages 4\textsuperscript{th} class areas. Since the enactment of the Land Act (2009), it is also responsible for town planning, management of the survey office and land zoning and gazetting.\textsuperscript{97} To complicate the picture further, another major group of actors are the Bari and their traditional authorities. The Bari not only regard themselves as the historical owners of the land on which Juba is situated, but are also the communal landholders of the land in Rajaf and Northern Bari Payams which surround Juba.

In Juba the GoSS’s decentralisation policies have proved problematic. Currently Juba has neither city structures nor a mayor in accordance with the Local Government Act 2009, but rather follows rural structures. It is comprised of three of Juba County’s sixteen payams: Juba Town, Kator and Munuki (see Figure 4-1). The Directors of the payams report to the Juba County Commissioner, who in turn reports to the State governor who has responsibility for both urban and rural areas. Bomas, or what are also referred to as quarter councils in urban areas, are presided over by a sheikh-al-billa, who reports to the relevant Payam Director. The Local Government Act also stipulates that traditional authorities can administer within the quarter council administration within towns\textsuperscript{98}. In Juba, Kator B court is still active and adjudicates on a variety of matters, including divorce, inheritance, child rights and ‘customary’ land disputes. Complicating this is the fact that during the war, Juba was administered by the GoS alongside traditional court structures amongst IDP communities many of which still exist despite attempts by the CES government to stop them operating (Pantuliano et al., 2008).

In accordance with the principles of decentralisation, the Local Government Act (2009) provides for a redistribution of power to local government structures. However, when it comes to financing local government, CES public officials complain that they are reliant

\textsuperscript{96} Land Act, 2009 ch.VII ss. 42 (c).
\textsuperscript{97} \textit{ibid} ch. VII ss. 43 (e) and (j)
\textsuperscript{98} Local Government Act, 2009 ch. X ss. 102
on the GoSS. Although states and counties do have the constitutional power under the Transitional Constitution and the Local Government Act (2009) to raise local revenue, their ability to do so is minimal (De Klerk & Kuon, 2009). A number of CES staff cited various deeds by GoSS as the main reason for the MPI’s inability to effectively manage Juba’s development. For example, GoSS had established ceilings of 10,000 staff for each State government, although CES had 24,000 employees by 2008\textsuperscript{99}. As a result, the government of CES was forced to reduce its work force from over 20,000 to 12,000 employees to offset what was considered a legacy of over-employment created during the war\textsuperscript{100}. A further obstacle to the CES’s ability to manage Juba’s growth was put in place in 2009 and 2010, when the GoSS reduced the central grant to CES.

Another indication of the struggle between the GoSS and the CES in relation to the management of Juba were tensions regarding the position of mayor. The Local Government Act (2009) allows for the establishment of city or municipal councils in towns and the position of mayor\textsuperscript{101}. A mayor was appointed by GoSS in 2008, but rejected by the State government. As far as the GoSS is concerned the mayors are to report to the president rather than to the CES governor\textsuperscript{102}. The Local Government Act (2009) is not clear and as the result the position remains vacant. Another commonly cited area of concern is revenue collection, where State officials believed that the GoSS was collecting taxes, such as for license plates, which in fact belonged to the State\textsuperscript{103}. One senior official stated that such GoSS policies ‘prevented the development of Juba’\textsuperscript{104}.

Access to land in Juba, however, is the major area of disagreement between the GoSS and CES and this was a recurring theme in interviews. One major difference between the GoSS and CES, and which also involved the Southern Sudan Judiciary, relates to which authority should ultimately be responsible for the new Land Registry. Previously, land registration in Juba was governed by the Land Regulation and Settlement Act of 1925, which divided the lease transferring process between the state government, in charge of authorising the transfer, and the Judiciary, responsible for maintaining land records. This division was meant to ensure a process of checks over each entity. The Land Act (2009) established a decentralised system of land registration under the authority of the MHLPU.

\textsuperscript{99} Interview with a member of the political elite in MPI.
\textsuperscript{100} Interview with political elite in MPI. Interview with political elite in GoSS
\textsuperscript{101} Local Government Act, Ch VI, s. 53.
\textsuperscript{102} Interview with a member of the political elite in MHLPU
\textsuperscript{103} Interview with a member of the political elite in MPI
\textsuperscript{104} Interview with a member of the political elite in MPI
in the GoSS\textsuperscript{105}. According to a donor representative involved in advising on land policy, this division was to help counter corruption\textsuperscript{106}. However, for employees of the MPI, these changes in the law seemed to confirm a conspiracy by the GoSS to take over Equatorian territory. One senior official commented that:

`now the land registry is to be in the MHLPU rather than the judiciary. GoSS is trying to take control of Juba. This is the real reason why there is a change. GoSS want all the information from the judiciary. Each state has a judiciary and GoSS wants us to give them all the information. I think they will destroy the documents showing people’s ownership.’`

In practice, the statutory regulations and personnel necessary to carry out the registration activities mandated by the Land Act (2009) had not been created. As a result, land transactions were suspended when the Judiciary ceased its registration activities in February 2009. To resolve the issue, the MHLPU and the Judiciary are reported to have met in October 2010, when it was decided that the judiciary would resume its registration responsibilities for another year, pending the transfer of the registry to a new authority (World Bank, 2011).

Compounding the problem have been ethnic tensions over land in Juba that reflect the broader tensions between Dinka and Equatorians. Much of the recent tensions over land are attributed to the misappropriation of land by the military after they entered Juba in 2004 and 2005 and the confusion that occurred following the establishment of the GoSS in the city (Deng, 2010; Pantuliano et al., 2008). Deng (2010) reports how many Arab landowners in Juba chose to return to the north when it became clear that Southern Sudan would be administered under a regional government. They sold their leases to Southerners who were coming to Juba. However, many of the new owners did not immediately occupy their newly acquired property. As a result, when the SPLA entered Juba, they found a lack of available housing. Many soldiers took up residence on the empty plots, refusing to leave when the leaseholder claimed access. This affected not only ordinary Juba inhabitants, but also high-ranking GoSS officials, leading to confrontations that were often characterised by violence\textsuperscript{107}. One GoSS official (a Bari) recounted how, having eventually turned up with the papers proving his leasehold, he

\textsuperscript{105} Land Act (2009) Section 54 (1)
\textsuperscript{106} Interview with Country Representative for ARD Inc. (USAID).
\textsuperscript{107} Interview with a number of members of the political and bureaucratic elites. See also Deng (2010).
had later resorted to beating soldiers with a stick to get them off his plot. He is now renting the plot to an international donor organisation.

Such issues were exacerbated by attempts by GoSS officials to acquire land for the development of ministry buildings. In 2007 the Vice President of the GoSS had suggested that it relocate to Kondokoro Island\textsuperscript{108}. However, this proposal was seen by some Bari, both within the State government and amongst traditional authorities, as an attempt to obtain agricultural land that ‘belongs to the local community’ (Deng, 2010). As one Bari CES official said ‘they even want to build on our graves’. Another individual cited concerns that ‘Dinka were attempting to build a garrison within Juba’, although the vice president is Nuer. The alternative site of Liberty City was later agreed. The same interviewee went on to say:

‘The Land Act has been created by the Land Commission. It doesn’t spell out powers and the formation of Town Planning Committees. Nor does it address the issue of boundaries. The Dinkas don’t want a clear law so that they can manipulate and grab land. The Local Government Act is also vague. Instead of saying the state has powers, it says the people of South Sudan. If it were with the state [governments] the ministry [MPI] can make the county open up its books. As it’s with the whole country, the Dinka can undermine the law.’

Conversely, officials within GoSS narrated the difficulties of obtaining land within and around Juba to construct government buildings, accommodation for GoSS employees and even foreign government accommodation. They felt that their demands for land were reasonable for the establishment of a new government. According to the Land Act 2009, GoSS may only access land by going through the CES government, which in turn is meant to negotiate with local communities through local government institutions\textsuperscript{109}. Local government institutions at the payam and boma level generally identify strongly with the communities under their authority (Branch & Mampilly, 2005; Deng, 2010). Cooperation between State level institutions and local communities is complicated around Juba by the fact that the governor is a Mundari and there have been tensions between CES and the local communities as a result\textsuperscript{110}. One of the major themes from

\textsuperscript{108} Kondokoro island is situated in the White Nile adjacent to Juba.
\textsuperscript{109} Land Act (2009) ch. XII ss. 74.
\textsuperscript{110} There are on-going tensions between the Mundari and Bari ethnic communities which often result in violent clashes and displacement of communities, including in 2010 when many Bari were displaced to Juba as a result of clashes (UNMIS, 2010)
interviews with Bari traditional authorities is that CES is allocating land to GoSS and private investors without first consulting communities.

On the other hand, CES officials argue that Bari traditional authorities are restricting effective planning and demarcation of land on the edge of the town. Although the Land Act (2009) allows for the appropriation of land for urban expansion, there has been considerable resistance by the local Bari. This led one public official in the MPI to state that ‘these chiefs are a real problem. They never agree with each other and it’s impossible to arrange for land’. Officials also complain of the steep rise in land values after the signing of the CPA, which has been putting added pressure on administrative systems because of increased numbers of transfers of leasehold plots between individuals.

In Juba County, the relationship between the Bari community and the GoSS is broadly characterised by a lack of trust (Deng, 2010). The sense of injustice and the multiple layers of loss precipitated by appropriation of Bari lands are bitterly present, especially amongst those old enough to remember Anya Nya I. Although the land in Juba is formally State-owned, older Bari that were interviewed hold the view that the land had been taken from the Bari during Condominium rule and that it still belongs to them. Bari chiefs compare the forced removal of Bari from the area of Juba by the British, followed by decades of marginalisation and impoverishment under post-Independence governments, with contemporary times. At the time of the fieldwork, the community of Juba na Bari were claiming back lands in Gudele designated for urban development in the 1980s. An A-court chief in Juba na Bari explained:

‘First the British took our land, then the Arabs. Still our land is being taken from us. Anya Nya I was about the rights of Southerners. The last war was about greed’.

Distrust of the GoSS was exacerbated by the tensions that arose as a result of the contested, first gubernatorial elections in 2010. Prior to the 2010 elections, the GoSS appointed state Governors, who in turn appointed key local government positions such as County Commissioners under the auspices of the GoSS (UNMIS, 2010; World Bank, 2010). Major-General Clement Wani Konga, a Mundari and the incumbent Governor,

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111 Interview with a member of the political elite in the MPI.
112 See also Leonardi (2011) and Pantuliano (2009)
113 Interview with MPI employee; Interview with traditional authority.
retained his position, angering Bari officials within the CES government, Bari inhabitants of Juba Town and traditional authorities, who believed that the favoured candidate Lieutenant General Alfred Ladu Gore (a Bari) should have won. Wani’s Mundari militia only allied themselves with the SPLA towards the end of the war (Rolandsen, 2009). There was a perception amongst some Bari interviewees that he had obtained his position as a reward for this change. Alluding to such alliances, one Dinka respondent in a Government Commission stated that ‘He helped us towards Juba. It will be Gore’s turn next time’. Such concerns were substantiated by reports from the Sudanese Group for Democracy and the Sudanese Network for Democratic Elections, which found that the electoral process failed to meet the fundamental requirements of a democratic process. This led to calls for the National Elections Commission to reject the results.

The confusion and struggles that have emerged between the various layers of government and the traditional authorities have ‘degenerated into a dysfunctional situation of deadlock’ (Deng, 2010:9) in relation to the management and planning of Juba. The limited attempts at formal land management, leading to haphazard development in most areas of the city and subsequent growth of non-formal settlements, are attributed to this deadlock. For example, PACT-Sudan (cited in Deng, 2010) argue that while GoSS and CES compete for authority over land, ‘the town continues to suffer as managed urban development is not taking place, people are settling over as they please, land is being appropriated and developed without due legal process and tensions are increasing all over’ (p.26) In this respect, decentralisation appears ineffective to address urban planning, not least because those in power, whether in the state or regional government or traditional authorities are seeking to ignore or undermine new laws that are being put in place (cf. Goodfellow, 2010).

5.5 Informal alliances across power centres

The question here is how struggles between institutions that control access to land affect non-formal land access. So far this chapter has considered the formal institutional context and how urban land management has been ineffective in ensuring secure access to land for the majority of Juba’s population. This failure is in part due to firstly, lack of attention to urban planning and urban land management practices that are still formally based on regulations implemented during Condominium rule; secondly, a lack of capacity within the government after years of war; and thirdly the inability of the CES government to provide enough land for urban development due to various tensions
between authorities controlling land in and around Juba. Drawing on previous practices, forced eviction is used as an instrument for urban population control and clearing land for development.

However, such an account fails to acknowledge the other non-formal practices that are impeding land reform and effective planning for Juba’s growth. As outlined in the Chapter 2, NIE theories that have typically been used as frameworks to explain non-formal urban land access often underestimate the tenacity of vested interest (Bardhan, 2000). As Goodfellow (2010: 9) argues, dysfunctionality such as that described above raises the question of whether the formal institutions reflect practices that are actually governed by other non-formal institutional frameworks.

It was not possible to obtain a copy of the TLS 1947, as all copies had been lost. It was therefore unclear to what extent existing practice was based on actual written rules or more on collective memory. Staff interviewed in the Housing Directorate and Survey Department within the MPI agreed about the formal procedures and charges. However, they did appear to have broad discretion, in particular with regards to who was prioritised in the allocation of plots. According to some interviewees, where public land is converted to private leasehold, plots are allocated on a first come first served basis whereas others said that State employees are prioritised. Other respondents suggested that widows are prioritised. All respondents agreed that only those in formal employment are, and should be, allocated plots. In instances where communally held land is demarcated, those living in the area the longest and who have invested in housing structures are prioritised. Those living on land demarcated for roads are reportedly allocated plots on the edge of the area in which they have been living. Such varied responses in part reflect the discretionary nature of land allocation, and in part the lack of transparency with regards to urban planning and land allocation.

There is still no clear urban plan for Juba and the plans that do exist are not publicly available. It was not possible, for example, to obtain information regarding the number of plots that have been demarcated and allocated, although such activities are evident in the city.

Interviewees at various levels gave many examples of regulations being disregarded as a result of what may be considered non-formal alliances between members of the
bureaucratic and political elite and traditional authorities. The broad discretionary power over the demarcation and allocation of plots, coupled with a lack of transparency has been noted in a number of reports as creating conditions in which corruption and the misappropriation of land have become major problems (Deng, 2010; PADCO/GibbAfrica, 2007). For example, one junior official in a CES department mentioned such informal agreements and their impact on the allocation of plots in one area that was due to be demarcated:

‘I’ve been asked if I want three third class plots in [X]. Of course I do – it’s so hard to get land in Juba. But I have to pay the fees so my relatives are helping me out. But if you’re more senior – well I don’t know how much land those guys get and who they sell it to. Same with the chiefs. They go on about the Dinka, but if you’re in GoSS you have no problem getting land’

In recent times, as pressure on land has continued to increase, various respondents in government departments and in the settlements reported that chiefs had sold community land to members of communities from outside Equatoria ‘even to Dinka’. On the other hand, members of the land-owning clans in Northern Bari Payam and Rajaf Payam complained of how they are increasingly disregarded in land transactions. This was raised as an issue with regards to the plans for S3, as will be discussed in Chapter 7. Informants accused the paramount chief, whose appointment is contested by some Bari, of negotiating with the local government and the GoSS on the allocation of land on the edge of Juba. According to one chief living near S2, ‘before people would come to the landlords and ask permission to settle on the land but now people are selling land that does not belong to them’. Conversely, in S3 it was the non-formal settlement inhabitants, including indigenous Bari, who were protesting the sale of land by the chiefs to the State government and the GoSS.

A further example given was the fact that the State Order for the demolitions included the settlement of Mere Lotor (Jebel Dinka), as well as a number of areas within Juba where large numbers of SPLA and their families live. At the end of 2010 these areas still had not been demolished, whilst others listed on the State Order had. Whilst in the case of Mere Lotor, a number of CES officials and local Bari pointed to corrupt chiefs selling community land to securocrats within the GoSS and/or SPLA officials, the reasons for the change of heart by the Demolition Committee were not clear. Many respondents in the CES government highlighted this as an example of the power of the GoSS over both
Bari land and the Governor of CES. Similarly, whilst army personnel had been instructed to move to their barracks, they continued to squat on public land within the town. One official in the GoSS pointed out that it was unreasonable of the CES government to expect soldiers accompanying the bulldozers to ‘beat down on their comrades’. In his view, it was up to their commanders to order the men to move from the areas in which they had settled.

Other, more junior interviewees in CES government departments pointed to GoSS and CES officials’ corrupt practices. One government employee, for example, described non-formal alliances between property developers and public officials, noting ‘that guy who got moved to another ministry. He was organising too many big contracts. They decided it was someone else’s turn to make some money.’

Whilst it was not possible to investigate the veracity of such statements, the suggestion is that through such informal relationships, formal planning and urban policies are ignored along with the legal requirement to implement new laws, for example relating to eviction. The above examples suggest that some individuals or groups across different authorities use their positions to gain preferential access to land through various non-formal alliances, which may allow them to benefit in the form of leaseholds and backhanders for awarding government contracts. No legitimate authority able to ensure compliance with formal laws and formal institutions exists in Juba. Instead powerful individuals are undermining the efforts of its formal decentralised institutions to manage land in the town. The legal uncertainty that prevails with respect to not only land in and around Juba, but also the functioning of the State and Regional governments, allows individuals working within various government institutions to misuse and manipulate official procedures.

5.6 Discussion and Conclusion

This chapter has outlined the institutional context in which non-formal settlement inhabitants are attempting to access land in Juba. In part, due to the decades of civil war, government capacity is weak and is unable to plan for or regulate rapid urban population growth. Despite trends within Southern Sudan and across the continent, there is a reluctance by the GoSS and CES government officials to recognise the inevitability of some degree of urban population growth and few attempts have been made to provide housing and improve conditions in urban areas. Instead the assumptions regarding urban
migrants appear to have been inherited from the Condominium and post-Independence
governments, which regarded urban migrants as temporary and considered their rightful
place to be in their rural places of origin. Forced evictions are the preferred solution of
the Regional and State governments to deal with non-formal settlements.

The conceptual framework stresses the importance of understanding the historical
context and structural factors that shape land access because actors’ ability to access land
depends on the social and political-economic context. Drawing on this, this chapter has
shown that, partly due to the formative nature of institutions controlling land, violence
has not ended in the post-conflict period but remains integral to control over land access.
Practices of forced eviction, but also discursive practices, regulations and procedures in
post-conflict Juba are shaped by the legacies of Condominium and post-Independence
rule. A further legacy of Condominium rule, strengthened by the government in the
north and Southern politicians after Sudan’s Independence, is the use of ethnicity as a
means of for political mobilisation. Tensions between the three authorities draw on these
historical ethnic tensions and contribute to undermining the planning of the city. Other
important structural factors to consider include the unprecedented levels of urban
population growth since the CPA, in the context of the limited administrative capacities.
Settlement patterns are also changing, with many people choosing to settle in Juba. At
the same time, IDPs who moved to Juba during the war are choosing to remain. As a
result of growing population pressure and a shortage of formal leasehold plots, non-
formal settlements are growing.

While the struggles between authorities may appear to relate to the control of urban
planning and land allocations in and around Juba, which are is undermining secure access
to land for the urban majority, this chapter has argued that this may not be the only way
to interpret the findings. As the literature review presented in Section 2.2.1 points out,
there is often an unwillingness of governments to implement measures that will improve
the situation of people living in non-formal settlements. The non-formal status of their
land rights provides scope for the accumulation of urban land, or the economic benefits
associated with it, by those in positions of power within the authorities. In Juba, this
chapter has considered how ethnic tensions, inadequate formal institutions and
weaknesses in legislation are being instrumentalised by powerful actors within the
authorities for their own benefit through non-formal networks. Therefore, whilst
violence in the form of forced evictions appears to be a tool selected to address the
problem of non-formal settlements because it reflects previous practices and is convenient, it is also a source of agential power for members of the political and bureaucratic elite and traditional authorities who obtain certain capacities to act because of the positions that they occupy. These may be said to be a ‘bad governance strategy’ (Ballentine & Nitzschke, 2005) aimed at obtaining urban land from local inhabitants and also the state.

In addition to the power created by the allocation of social and political positions, discourses represent another source of power. Discursive manipulations are used by government actors to provide legitimacy to forced evictions. For instance, demolitions are justified on the grounds that they are a means of addressing crime and ensuring planned urban development, while non-formal settlement inhabitants are presented as illegal squatters occupying land in contravention of the law. The dictum of ‘bringing the towns to the people’ is also invoked as justification for not providing the urban majority with land on which to live.

Given the questionable legal basis of forced evictions, there is another aspect of forced evictions to consider, which relates to the impunity with which actors within state authorities can act. This has to be understood in relation to the structural context in which evictions have occurred. It is questionable whether violent forced evictions could be a primary tool for managing non-formal settlements if their inhabitants could seek recourse through the courts, drawing on the provisions of the Land Act 2009 and ICSS. However, the legal and administrative procedures are opaque, so various actors at the city level can appropriate urban land through impunity for perpetrating forced evictions.

The suggested non-formal arrangements amongst actors at the city level are not the only form of informal relationship affecting access to land by inhabitants of non-formal settlements. As I will come to in Chapter 7, a disturbing trend in land violence is the collaboration of public officials with settlement leaders and traditional landholders. Increasingly Bari landholders and other ethnic groups are seeking government support and support from the SPLA to forcibly evict settlers.

The tensions between different authorities not only provide an indication of the politicisation of land issues at the local level in Juba but also point to the importance of considering the historical context in understanding the contemporary situation. The
combined influence of various structural constraints and the social relations between political and bureaucratic elites is leaving ordinary people in an over-determined inferior social position regarding land access in the ‘field of non-formal land access and control’. Nevertheless, despite the challenges, people are still moving to or remaining in Juba and gaining access to land in non-formal settlements. The mechanisms by which they are doing so and how these are changing are considered in the next two chapters.
Chapter 6: Gaining access to land in non-formal settlements

6.1 Introduction

The previous chapters have shown that historically, formal land leases in Juba have remained beyond the reach of most individuals. Since Sudan’s independence, and the lifting of Condominium enforced movement controls, the majority of migrants to the city have had no option but to settle in non-formal settlements. This has left them vulnerable to State-orchestrated evictions in the post-conflict period. Nevertheless, despite the challenges involved in finding a place to live in Juba, people have chosen to remain in, or move to, the town. This chapter and the next will investigate land access and control at the settlement level and how this is changing in a context of rapid population growth.

In line with the conceptual framework, this chapter examines the main mechanisms by which people are gaining access to land in non-formal settlements and how these are being influenced by the changing socio-economic conditions within the city. The data presented in this chapter were collected from the three case study settlements and derives, from observation, interviews, group discussions, informal conversations and small-scale survey. In a context characterised by war and weak formal regulation the chapter illustrates the high reliance on non-formal institutions as resources to access land at the settlement level, in particular social networks, especially family and ethnic relations.

It also considers why some individuals may be better positioned than others to access non-formal settlement land and the circumstances in which some actors may use violence to gain access to land on which to live. The pressures on non-formal settlement land, partly generated by post-conflict migration, as returnees, combatants and ex-combatants settle in the three settlements, are leading to increasing tensions within the settlements. As will be discussed in this chapter and the next, the social institutions that supported access to land and mediated in land disputes during the second civil war and just after are beginning to disintegrate as tensions increase. SPLA soldiers in particular are involved in violent appropriations of land and access to land is becoming highly ethnicised, with land claims evoking a strong dichotomy between ‘Dinka’ and ‘Equatorians’. Attempts by Equatorian settlement leaders and traditional authorities to exclude Dinka from land in some non-formal settlements is reinforcing the use of coercion and violence by some individual Dinka.
The following section provides a background to the case study settlements and explores who has settled in the areas, when and why, challenging some of the assumptions made by public officials regarding the people living in these areas as presented in Chapter 5. The complexity and diversity of non-formal settlements have important implications for land access and this section also provides the basis for a comparison of the settlements which is presented in Section 7.6. Using social capital as a lens, the chapter then goes on to examine how people have accessed land and how this has changed over time, with a particular focus on the functioning of social networks and the use of violence to access land. The fourth section explores the tensions over land in the settlements in more detail, specifically those presented by inhabitants as being between Equatorians and Dinka.

6.2 Background to the case Study Settlements

Appendix 3 provides a summary of the settlements key features. Administratively they are in three different payams: S1 and S2 are in Juba Town and Kator Payams respectively, both are ‘municipal’ payams, whereas S3 is in Northern Bari Payam, a ‘rural’ payam. S1 is about a mile from Juba Town centre and is hemmed in by buildings, main roads and the Nile. Connected to Juba Centre 10km away by a poor murram road, S2 is on the edge of the town near the River Nile and adjacent to a military unit. Its boundary with neighbouring areas follows main roads and a stream. The boundary with the military unit is contested between the civilian and military authorities. S3 is part of the large sprawling non-formal settlements that have emerged on the edge of Juba and is located 10km from Juba Town Centre, just outside the boundary of Juba, on one of the main roads leading from Juba. It is close to the site of the planned Liberty City, and its boundaries are formed by roads and a stream.

S1 and S2 share the same characteristics regarding their formal land tenure status, both being located on public land within Juba. S3 is located on what is, since the Land Act 2009, formally recognised communally owned land belonging to a sub-clan of the Juba na-Bari. Both S1 and S2 existed as settlements prior to the war and have experienced various waves of settlement and displacement since then. S3 was uninhabited during the conflict and most people have settled in the area since 2007.

Overall, living conditions in the three settlements are extremely basic and access to basic services is minimal. Respondents in S2 and S3 cite distances from schools, the main
markets and clinics or hospitals as major problems, although S2 does have a primary
health care clinic supported by INGOs. It is commonly felt that the distance to amenities
has a major impact on household finances and is a key reason why some poorer
households in S3 do not send their children to school. There are no schools and clinics
in S1, although nearby Juba Town has a number of such facilities. The settlements have
no apparent planned streets and lack proper roads. Inhabitants link this to the increasing
rates of crime that they say they are noticing since the CPA, which they attribute to the
inability of the police to patrol the areas. In the wet season from May to October water
inundates the areas and creates damp conditions for several months of the year. This is
an especial problem in S1 and S2 which, being situated close to the Nile, are prone to
flooding in some areas. The settlements have no drainage or sanitation and many
inhabitants have dug unsealed pit latrines in the corners of their plots, which tend to
overflow in the wet season. Inhabitants in all three settlements regard inadequate clean
water supplies as a severe problem. S1 has one pumped clean water supply from the
river, supported by an INGO, whereas S2 has only three boreholes that were drilled
during the second civil war and have since deteriorated. S3 has only one functioning
borehole for the entire area. Women, in particular, complain of the long queues and
considerable time it takes to get water. Additionally, as is the case throughout Juba, there
is no refuse collection and inhabitants either burn rubbish or dump it just outside the
settlements. There is no electricity supply to the settlements. People rely on energy
sources such as charcoal, kerosene, candles and batteries or small generators to run
television, stereos and lighting. Some shops and bars have generators, where people can
access electricity to, for example, charge mobile telephones.

As with most non-formal settlements in sub-Saharan Africa, it was not possible to obtain
an accurate estimate of the settlements’ populations. This was partly a result of the
sensitivity of population figures in relation to the attempts at formal demarcation that
were on-going in the three areas at the time of the fieldwork, which will be discussed in
more detail in Chapter 7. In S1, estimates from settlement leaders range between 400 to
over 1,000 plots. In S2, settlement leaders were unable or unwilling to discuss the
number of plots registered by its demarcation committee. However, estimates from
church leaders ranged from several hundred to over 1,500 households. In S3, the
demarcation committee had registered 2,000 plots although, as will be discussed in
Chapter 7, this process was problematic and excluded certain groups. Additionally the
populations are highly mobile.
The three settlements comprise a mixture of ethnic groups from all over Southern Sudan as well as migrants from outside the region, mainly from Uganda (Appendix 6). The origins of those living in S1 and S2 are particularly diverse. On the other hand, S3 hosts Southern Sudanese from Greater Equatoria only, mainly Bari or Bari-speaking ethnic groups. The interviews suggest that the majority of Bari in the area are not indigenous to Juba but have come from other parts of CES.

Although public officials generally claim that the majority of residents of non-formal settlements are unemployed rural migrants who came to Juba as a result of insecurity in rural areas, this is not necessarily the case. The data from the interviews and surveys suggest that a notable number of people living in the settlements were born in Juba. For example, around 15% of PHHs and their spouses selected in the surveys were born in Juba (Figure 6-1) and around 20% of PHHs had settled in S1 or S2 prior to the second civil war (Appendix 6). The interviews and small-scale survey also suggest that a notable proportion of those working and living in the settlements are in formal employment including in the armed services. Reflecting the settlement’s history around a third of PHHs selected in the survey in S1 are employed in the formal sector (excluding armed services), particularly in State and local government departments nearby in Juba Town (Appendix 5). S2 has a particularly high proportion of inhabitants employed in armed services with around half of PHHs in the survey working in an armed service. This reflects its proximity to the military unit. A large proportion of PHHs in S3 were also employed in the formal sector, particularly in government and by INGOs. Reflecting the post-conflict context, a notable proportion of PHHs selected in S1 and S3 were also employed in an armed service. Also, of the plots headed by civilians (i.e. PHHs who are not employed in an armed service) around a quarter are headed by women, many of whom are widows.
Figure 6-1: % of PHH and/or their spouses born in Juba

<table>
<thead>
<tr>
<th></th>
<th>S1 - n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
<th>% of all survey respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>% PHH born in Juba</td>
<td>23%</td>
<td>8%</td>
<td>15%</td>
<td>15%</td>
</tr>
<tr>
<td>No. with spouses</td>
<td>85</td>
<td>91</td>
<td>82</td>
<td></td>
</tr>
<tr>
<td>% Spouse born in Juba</td>
<td>20%</td>
<td>8%</td>
<td>20%</td>
<td>16%</td>
</tr>
</tbody>
</table>

Despite the fact that a significant number of PHHs are employed in the formal sector, interviewees employed in both the armed services and the CES government complain of irregular pay and the need to have non-formal sources of income. As to be expected, a third or more of the PHH rely on the non-formal sector where incomes are generally much lower and more irregular compared to the formal sector. Most carry out a variety of activities including, for example, brewing merissa\textsuperscript{114}, working in markets, hotels and bars\textsuperscript{115}, quarrying and bread-making. Linked to the income-generating activities are self-provisioning activities, such as farming and gardening. In S3, which is less densely populated than S1 and S2, over half of the plots surveyed were used for growing food. Overall, over half of respondents in the survey carry out some kind of income generation activity on their plot such as making merissa, running a shop or bread-making (Table 6-1).

The other assumption made by public officials is that forced eviction results in those evicted returning to their rural places of origin. However, the survey suggests that when evicted, a significant number of non-formal settlement inhabitants may find other places to settle in the city. A particularly noteworthy number of PHH surveyed in S3 had moved to the area as a result of forced eviction, with a third of plot holder heads in the survey having experienced State orchestrated forced eviction (Figure 6-2). One interviewee claimed that his home and other possessions had been destroyed three times. That he was ‘always starting anew. All my money is wasted on moving round Juba. Now I’m renting. What’s the point in building a home?’\textsuperscript{116}

\textsuperscript{114} Merissa is a form of beer brewed from millet or sorghum.

\textsuperscript{115} Those working in the markets doing odd jobs for example reported earning about SDG5 (approx. US$2) per day. Some workers are not paid in cash but instead receive left over food. Hotel workers earned about SDG15 (US$6) per day. Earnings from market stalls, bread-making etc. are around SDG20 (US$8) per day upwards.

\textsuperscript{116} In-depth interview in S3
Inhabitants of the settlements are rarely in, or choose to remain in Juba for a single reason. As Figure 6-3 a large number of non-formal settlement PHHs have chosen to remain in or move to Juba because of the perceived job opportunities. Many report that they prefer an urban lifestyle and the opportunities it may offer, including access to education, medical facilities and employment. For some IDPs and returnees, especially the poorest, the return option is too difficult, or impossible, even if it were sought. Many IDPs and returnees state that they are unable to return to villages of origin because of on-going insecurity or that no-one is left in their villages. Some also lack the resources to re-establish rural livelihoods and many no longer have ties with their rural home areas. This was a particular issue for ethnic groups that rely heavily on cattle keeping, such as the Mundari and Dinka, who complain of the rising cost of cattle. Thus, rather than being temporary migrants who will return home, many inhabitants of the settlements...
regard themselves as permanent urban residents. In the surveys, three quarters of PHHs said that they did not intend to return to their rural place of origin to live (Table 6-2).

Figure 6-3: PHH reasons for moving to/remaining in Juba

![Graph showing reasons for moving to or remaining in Juba](Source: Own survey data)

Table 6-2: PHH who intend to remain in Juba

<table>
<thead>
<tr>
<th>Reason</th>
<th>S1 - n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
<th>% of all survey respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have always lived here</td>
<td>79%</td>
<td>74%</td>
<td>87%</td>
<td>76%</td>
</tr>
<tr>
<td>My parents brought me as a child</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Due to marriage</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Higher wages</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possibilities for children’s education</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possibilities for own education</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insecurity in place of origin</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Own survey data

Nevertheless, most inhabitants suggest an important relationship, mainly through family ties, exists with their places of origin. For example, this key link was mentioned by 79% of PHH in the survey (Table 6-3). A significant number also reported that they send food and cash to relatives in their rural places of origin (Table 6-4).
Table 6-3: PHH contact with home

<table>
<thead>
<tr>
<th>Frequency</th>
<th>S1 - n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
<th>% of all survey respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whenever possible</td>
<td>59%</td>
<td>55%</td>
<td>56%</td>
<td>57%</td>
</tr>
<tr>
<td>Only on special occasions (funeral, marriages etc.)</td>
<td>13%</td>
<td>15%</td>
<td>17%</td>
<td>15%</td>
</tr>
<tr>
<td>Seldom</td>
<td>8%</td>
<td>8%</td>
<td>8%</td>
<td>8%</td>
</tr>
<tr>
<td>Never</td>
<td>21%</td>
<td>22%</td>
<td>20%</td>
<td>21%</td>
</tr>
<tr>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

If never, why not?

<table>
<thead>
<tr>
<th>Reason</th>
<th>S1 - n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
<th>% of all survey respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Difficult and expensive journey</td>
<td>46%</td>
<td>65%</td>
<td>25%</td>
<td>47%</td>
</tr>
<tr>
<td>Lack of contact with home</td>
<td>29%</td>
<td>15%</td>
<td>20%</td>
<td>21%</td>
</tr>
<tr>
<td>Lack of time</td>
<td>4%</td>
<td>8%</td>
<td>30%</td>
<td>13%</td>
</tr>
<tr>
<td>Insecurity</td>
<td>21%</td>
<td>12%</td>
<td>25%</td>
<td>19%</td>
</tr>
<tr>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Source: Own survey data

Table 6-4 Cash & food receipts

<table>
<thead>
<tr>
<th>Source</th>
<th>S1 - n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequency</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whenever possible</td>
<td>18%</td>
<td>12%</td>
<td>25%</td>
</tr>
<tr>
<td>Only on special occasions (funeral, marriages etc.)</td>
<td>44%</td>
<td>53%</td>
<td>39%</td>
</tr>
<tr>
<td>Seldom</td>
<td>4%</td>
<td>12%</td>
<td>3%</td>
</tr>
<tr>
<td>Never</td>
<td>20%</td>
<td>14%</td>
<td>20%</td>
</tr>
<tr>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Source: Own survey data

<table>
<thead>
<tr>
<th>Cash remittances out</th>
<th>S1 - n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
</tr>
</thead>
<tbody>
<tr>
<td>Destination</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Another part of Juba</td>
<td>6%</td>
<td>2%</td>
<td>15%</td>
</tr>
<tr>
<td>Rural area/your village</td>
<td>82%</td>
<td>89%</td>
<td>70%</td>
</tr>
<tr>
<td>Khartoum</td>
<td>8%</td>
<td>5%</td>
<td>3%</td>
</tr>
<tr>
<td>Neighbouring country</td>
<td>3%</td>
<td>4%</td>
<td>12%</td>
</tr>
<tr>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Source: Own survey data
In-depth interviews with people that arrived in the settlements during and after the second civil war, some of which are summarised in Box 6-1, provide an indication of migration patterns, reasons for coming to Juba and land access mechanisms. As has been found in other urban areas in Southern Sudan, the in depth interviews demonstrate that individuals cannot be simplistically categorised, for example as combatant versus ex-combatant (for example, Daniel & John) or returning refugee and IDP versus rural-urban migrant (for example David, John and Moses), as they are in much of the literature, by government officials and in agency reports. Similarly, neither can households be simplistically categorised. It is not uncommon to find various categories of individual within a household or an extended household living on the same plot. In particular many returnees have moved in with relatives rather than establishing their own households. This is reflected in the small-scale survey results, which show that around a third of all the plots selected have returnees living on them, but the percentage of PHH who are returnees is lower and varies across the settlements. Reflecting the settlements’ histories, and the proportion of soldiers living in each, around a third of PHH selected in S3 are returnees, compared to around a tenth in S1 (Appendix 6).

As the summaries also suggest, family splitting is common and occurs for a number of reasons. IDP households were often split as a result of displacement, when family members sometimes fled in different directions only to be reunited with relatives after the CPA. In some cases, family splitting was or is temporary, with the male head of household establishing himself first in Juba before bringing his family either from the village or from their place of displacement to join him. For others, it appears to be part of a longer-term strategy aimed at allowing younger members of the family to get a better education, often in their place of displacement if this was Khartoum or Uganda, or in Juba if the family is based in rural Southern Sudan. In the survey, around half of PHHs were supporting one or more children of rurally based relatives, mainly because there was no one else to look after them. Alternatively some households had sent some or all of their children to rural relatives (Table 6-5).

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117 See Walreat’s (2011) study carried out in Narus and Kapoeta in Eastern Equatoria that looks at the importance of social networks with regards to earning a living.

118 This may reflect the fact that some urban households do not have sufficient cash income to support their children, necessitating rural support to urban households. Lower income households also lack adequate housing and space which may in turn require that children remain in villages. For rural households, the receipt of remittances from a member of the family remaining in the town may be part of a strategy to survive and increase the security of the rural household (cf Rakodi, 1995).
Box 6-1: In-depth interview summaries

Rose is a Bari living in S1. She is in her forties. She came to Juba during the war with other people from her village in Lainya County, a county neighbouring Juba County, because of fighting. She was unable to bring anything with her, not even pots and pans. She doesn’t know which year exactly it was, but in the nineties. She cannot go back because no one is there and her husband is dead. Also, life in the village is hard. As she gets older she wants to be near a hospital. She got her plot from her friend, who had arrived before her and showed her where to settle. She did not need to pay anyone as no one owned it but her friend and some neighbours helped her out with some small household items. Her son was giving her some money but he is in the army and she hasn’t heard from him for over a year. She makes some money brewing merissa.

Daniel is also a Bari living in S1. He is in his forties and was born in the settlement. He left S1 in 1998 to join the SPLA, sneaking out of the town by the Nile under cover of darkness. He returned in 2007 to find an IDP family on his plot. He gave them fifty pounds to compensate them for the tukl they had built and now lives there with his wife and children, who were in Uganda during the war. He rents a shop in the market.

David is a Dinka from Bor living in S2. He is in his twenties and along with two of his brothers he was a refugee during the war in Ethiopia and Kenya (Kakuma Refugee Camp). They were on their own there as his father was in the SPLA and his mother was an IDP somewhere in Eastern Equatoria with their other siblings. His father and mother now live in Bor. After the CPA he went back to Bor first, but came to Juba in 2008 as he wants to work and eventually go university. He built his tukl on a piece of free land his uncle, who is a commander in the nearby military unit, gave him. His uncle also lent him money for some building materials. He does some business in Customs Market with his uncle.

Mary is a Lopit. She came to S2 during the war with her husband because of fighting and because she had a sister there already. They had nothing as they had to leave everything behind when they ran from the village. Her sister put her up and she helped to look after the kids and with household chores. Her husband did some odd jobs in town. Eventually they saved enough to clear some land and build a tukl nearby. The land was free. She doesn’t want to go back to the village. There is no one there and her life is now in Juba – her friends are here and she has a market stall. Her husband has work too and her children can go to school.

Benjamin lives in S3. He is a Kuku in his thirties and came to Juba in 2007 from Uganda where he lived during the war. Before this, the SPLA had come to his school and he had been made a child soldier. He started a business (a shop). Later his brother and wife moved to his plot. However, his wife has stayed in Uganda with his two children so that they can go to a better school. He sends money to them most months. Benjamin has a second wife in Juba so needs a plot. He got his plot through a fellow Kuku man who knew the Bari chief of the area selling land. He paid SDG500 (around US$250) for the plot.

Moses is a Bari, originally from Juba town. He was in Khartoum during the war working, but came back to work as a lecturer in the University. Some of this family stayed in Juba and he stayed with them initially. He decided to move to S3 because plots in the town were too expensive to rent and too small if you have a family. He bought his land from one of the settlement leaders, also a Bari, who was also in Khartoum. Recently his wife and children have joined him from Khartoum.

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119 In-depth interviews S1 4&6; S2 3&4; S3 1&2
6.2.1 Origins and settlement of the case study settlements

Settlement in the three areas roughly follows the trajectory of Juba’s growth and this is demonstrated in the results of the survey, which reveal the period of settlement of PHHs (Figure 6-4). In the 1960s, areas within Juba, such as S1, and on the periphery of the town, such as S2, were still unplanned and unsettled, so that land for those seeking somewhere to live was relatively easy to access. With Juba’s existence as a garrison town during the second civil war, its physical growth was limited and IDPs settled on available land within the town. Existing non-formal settlements such as S1 and S2 quickly densified. With Juba’s expansion after the CPA, peri-urban settlements such as S3 have developed on communally held land.

Table 6-5 Childcare

<table>
<thead>
<tr>
<th></th>
<th>S1 - n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plot-holders heads caring for relative's children</td>
<td>58%</td>
<td>53%</td>
<td>35%</td>
</tr>
<tr>
<td><strong>Reason:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access to education in Juba</td>
<td>28%</td>
<td>37%</td>
<td>39%</td>
</tr>
<tr>
<td>No-one else to care for them</td>
<td>66%</td>
<td>57%</td>
<td>53%</td>
</tr>
<tr>
<td>Other</td>
<td>6%</td>
<td>6%</td>
<td>8%</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Plot-holder heads where some/all own children lived elsewhere</td>
<td>9%</td>
<td>14%</td>
<td>14%</td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With a relative in Juba</td>
<td>9%</td>
<td>-</td>
<td>21%</td>
</tr>
<tr>
<td>In home village</td>
<td>9%</td>
<td>76%</td>
<td>21%</td>
</tr>
<tr>
<td>In place of displacement or Khartoum</td>
<td>82%</td>
<td>24%</td>
<td>57%</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

*Source: Own survey data*
6.2.1.1 Settlement 1 (S1)

The area was inhabited by a few Bari indigenous to the area until the early 1960s when, as unplanned State-owned land, it was allocated by the County Commissioner to a local government institution which has its headquarters nearby. The latter required land on which its employees could reside. The first few arrivals came from various locations in Greater Equatoria, cleared land and established their homes. As a result of dislocations due to the floods in the Sudd from 1961-1963, a second set of settlers were around half a dozen Dinka families who had also migrated to Juba. They moved into the western part of the settlement in the mid 1960s.

As further people trickled into the area, the small community elected a sheikh-al-hilla and formed a quarter council, comprising employees of the government department. The function of the quarter council was to allocate land to new arrivals and manage other affairs within the community. This included adjudicating in intra-family conflicts over land, when such disputes could not be settled by the families themselves, as well as disputes between neighbours. This committee came to represent the settlement with Juba Town payam authorities and relief agencies during the war. At the time of the fieldwork, it also had a youth branch and a women’s committee. However, according to the results of the survey, interviews and group discussions, in practice land access has been generally self-regulating with newcomers setting up at a distance from other settlers so as not jeopardise the expected expansion of neighbours’ plots as family members arrived or as children grew up and required their own plots.
For the first few years the settlement was sparsely populated with wide roads running through it. The first-comers had large plots (over 20mx20m) that they not only lived on but also farmed. Some also cultivated small fields by the Nile mainly for self-provisioning although some women also sold produce in the town’s markets. After the Addis Ababa Agreement, and throughout the 1970s, the population of S1 continued to grow as inhabitants’ relatives and friends moved to Juba seeking work. A market developed and a group of Mundari established a small camp on the edge of the settlement which they used as they passed through Juba to sell cattle. The camp eventually came to have its own headman. The next wave of major settlement came in the 1970s, when further Dinka households, who had also come to Juba as a result of the floods and had squatted on land on the edge of the town, moved into the area. This was mainly a result of the development and extension of Juba’s airport, which resulted in their eviction from the land on which they had settled. These Dinka households were helped to find land on which to settle by Dinka already living in the settlement.

Throughout this time, the community remained relatively small, with only a hundred or so households by the time of the outbreak of the second civil war. Korkora resulted in all but one Dinka household leaving the area, as other Dinka felt compelled to either send their families home or else left to join the SPLA. The PHH of the household that remained had developed strong ties with the quarter council and as the war escalated detailed how it was safer to leave his wife and family in Juba when he joined the SPLA.

With the escalation of the second civil war the settlement leadership saw some pre-war inhabitants leave, mainly for Khartoum. Hundreds of IDPs, predominantly people from around Juba and other parts of Greater Equatoria, gradually settled in the area on the abandoned plots. Many of those arriving had friends or family already in S1 who helped set them up, showing them freely available land. A few approached the quarter council, which allocated them land, whereas others simply squatted. As the land became scarcer, people were forced to establish shelters on any free land, including roads that had been formally demarcated through the settlement in the 1980s. Others settled with relatives or members of the same ethnic group. The Mundari camp became very densely populated as Mundari fled their traditional homeland in Terekeka in northern CES. A headman was nominated to represent the Mundari camp especially with regards to liaising with the quarter council on the distribution of relief items. Although the original settlers retained their large plots, in some cases hosting family members, later arrivals saw themselves
squeezing on to smaller and smaller parcels of land. As a result, it is not uncommon to find several households on the same plot.

The accommodating position towards IDPs during the war, and the tacit acceptance of non-formal settlements by the authorities, allowed S1 to expand and proliferate unchecked. Longer-term inhabitants report how times were hard during the conflict. There was little food and they experienced days of heavy shelling, particularly as the settlement was near the airport, a key target. The repression by the GoS, particularly after the SPLA offensive of 1992, was harsh and a few people from the settlement were imprisoned while some went missing. Nevertheless, through these times of shared hardship the community came together sharing the minimal relief supplies. Community leaders spoke of how people respected the rules and supported one another. Thus, whilst the settlement grew rapidly in number it still remained fairly cohesive.

After the CPA, most IDPs have chosen to remain. Along with this, there was an initial large influx of people as many of those that fled Juba returned to their plots or their families. Returnees to S1 generally had families already in the area and were able to (re-)access land through family ties. Where a returnee found that an IDP household had occupied their land, resolution was generally initially sought through neighbours, who were asked to support the returnee’s claim. If this was not possible, then the quarter council was consulted. Reflecting the conciliatory nature of customary law detailed in Section 4.6, resolution usually resulted in the land being subdivided to allow the returnee to settle. In general, where an IDP had built a permanent structure on a plot, they were compensated for the costs incurred in developing the plot.

However, since the CPA, times have become harder, rather than easier as had been anticipated with the end of the war. Inhabitants report that they are worse off than they were and no longer benefit from relief distributions. Women in the market complain that the downsizing of the CES public sector has seen demand for foodstuffs from the market stalls diminish, as men have become unemployed and households have less cash. Due to the GoSS policy that English is now the official government language, IDPs and others educated in the Arabic system complain that their options for work are now more limited particularly within the public sector. More outsiders are settling in the area and crime is reported to have become a real problem. The issue of niggaz and robberies had become so bad that the quarter council banned youth from outside entering the
settlement. At the time of the fieldwork, inhabitants have been asked to inform quarter councillors when unknown youth enter the settlement so that the ‘men can come together and chase them off’.

However, the major area of contention is with regards to land. Newcomers, and the Dinka in particular, are reported not to respect the rules with regards to land. Dinka are reported to have forced people off their plots, often threatening them with guns. As a result, quarter council members state that they are refusing to allow Dinka returnees to reclaim their pre-war plots because they bring with them insecurity and they are also likely to bring with them all their relatives. One member of the quarter council argued:

‘have you seen how many wives and children a Dinka man has on his plot? You know they even sleep with their brothers’ wives. They are coming to Juba and trying to breed us out. They do not follow the rules whereas Equatorians understand each other - we are all the same. Dinka are not and what they want to do is grab the land and push us out’.

Dinka complain that whereas returnee Equatorians claims to land are recognised, the claims of Dinka who left as a result of korkora, or to fight in ‘the struggle’, are not. This situation has resulted in forum shopping strategies, where many Dinka are seeking resolution through the Southern Sudan Judiciary. One Dinka man, an employee of the GoSS, outlined:

‘I came back to my plot I had before the war. People had settled on it. I went to the quarter council, but they refused my claim. They said the people there had been there for twenty years and now owned the plot. I was reasonable. I was happy to pay, but they said no. So I went to the gadi and he found in my favour.

One member of the quarter council explained that he had been to court three times as a witness against Dinka returnees reclaiming plots in the area and in all three cases the IDPs had been forced to move without compensation. However, perceptions of corruption within the Judiciary are strong; ‘but you know these judges are easy to bribe. How can be say he owns the plots when he has no papers?’ He also reported that a Dinka had raised a case

120 Interview with quarter council member.
121 Juba Arabic for Judge
122 In-depth interview in S1
against him with respect to another plot he owned in the settlement although he had
been waiting over one year for the case to be heard. In the meantime he complained that
the Dinka man involved had sent soldiers and forced the IDPs out of the plot, which he
was now reported to be renting out.

Generally the quarter council complains of its control diminishing since the CPA.
Besides what is regarded as the major problem of Dinka settling in the area, some
inhabitants are now selling their land to strangers. There exists a fear amongst longer-
term inhabitants that they will not have sufficient land to allocate to their own children.
In the context of increasing competition for land and the general awareness that land is
getting scarce, not only in S1 but throughout the town, inhabitants have generated a
number of strategies. The quarter council has instructed longer-term residents with large
plots to build on the land to prevent it being grabbed. Some have done so and invited
family to stay. Others have built tukuls and are renting these out, mainly to foreign
migrants from Uganda. One woman explained ‘I’ve put up these buildings to make money, but it
also it makes it more difficult to have your land grabbed. I only rent to Ugandans as they cannot claim
the land is theirs’.

As more newcomers have arrived, longer-term residents have not wished IDPs to leave.
Most recognise their own role in having allowed them to settle in the area. As one Bari
said ‘these are also our people. We helped them settle here and we suffered together during the war.’
However, there is also a view that IDPs provide a buffer against the Dinka and other
newcomers. A woman who rented out rooms explained that ‘You never rent to a Dinka.
They won’t pay you. They just grab your land. It’s better that these people stay so that the Dinka can’t
come here.’

However, the key strategy presented by the quarter council to ensure that inhabitants are
able to retain their plots has been to set up a demarcation committee and lobby for
formal land rights. This will be further discussed in the next chapter.

6.2.1.2 Settlement 2 (S2)
At the end of the first civil war, the area called S2 was on the periphery of Juba and was
virtually uninhabited. By the early 1970s, three Bari landlords and only four or five
families from elsewhere in Equatoria farmed or lived in the area. These Bari landlords
were reported to be supportive of individuals seeking access to land. According to one
Bari landlord, at the time land was plentiful and as long as people sought permission and respected the fact that the Bari owned the land, there was no problem. No payment for the land was required. Bari respondents stressed the importance of their mango trees along the Nile which settlers were asked neither to interfere with nor destroy.

The Addis Ababa Agreement saw an influx of people to the settlement from all over Southern Sudan. These newcomers included rural-urban migrants seeking work, mainly from other parts of Equatoria, and a significant number of Anya Nya I ex-combatants associated with the adjacent military unit, originating from all over the region. A number of Lopit and Lotuka families also came, due to drought in Eastern Equatoria. The demolitions in the 1970s within Juba Town resulted in a further wave of settlement. Nevertheless the area remained sparsely settled and community leaders and Bari landlords report that there was plenty of land to go around, both to build a house and to farm small plots of land. Like S1, this was mainly for self-provisioning purposes and obtaining a small amount of income.

S2 shares some similarities with S1. Like S1, the second civil war resulted in an influx of IDPs from outside the town seeking available land and safety in the area. As the settlement was sparsely populated, the displaced built shelters wherever they found an appropriate space, seeking permission from those living nearby. The 1992 SPLA offensive on Juba and the SAF counterattack, which saw part of the frontline running through the settlement, caused almost all the residents to flee into Juba. There was substantial physical destruction of the area and most people’s homes and other assets were destroyed. Some people returned soon after hostilities ended in 1992 and IDPs continued to settle throughout the war. A substantial proportion of people settling in the area were SAF soldiers stationed nearby, many of whom remained in the area after the signing of the CPA, when Southern SAF units were absorbed into the SPLA. Similar to S1, longer-term inhabitants provided a narrative of reliance on one another and community cohesion during the war.

As settler populations increased, headmen came to represent their particular ethnic groups within each area. These headmen administer justice in domains such as domestic disputes and conflicts between inhabitants within their group, including land disputes.

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123 See Section 5.2.
124 See Rands (2010)
They also have inter-communal conflict mediating functions and act as an interface between their group and the settlement leadership. Minor disputes between ethnic groups are also resolved between the respective headmen. As one headman in S2 concluded ‘we’re in charge of ourselves’.

As in S1, there was a large influx of people after the CPA, as many of the displaced, including those that had moved into the town after the 1992 SPLA offensive, returned to their plots or their families. Some returnees moving to Juba had family in the area, who had also been displaced during the war, and accessed land through them. Many new people also came to the area. A large number of SPLA soldiers associated with the nearby military unit started coming in 2005. Since then they have been joined by relatives from abroad, often from Kenya but also as far away as Australia, or from inside Sudan, either from their places of origin or from where they settled as IDPs in Equatoria. As time progressed the settlement densified. By the time of the fieldwork, there was only some free land on the edge of the area, close to the military unit, which had already been staked out by individuals, either people who were connected with the military or long term residents of the area.

During the war, inhabitants said the leadership was very clear. The sheikh-al-hilla formed the link between the community and the payam authorities. However, compared to S1, various leaders within the settlement had a much more limited basis for cooperation. This perhaps reflects its larger size and more fluid and diverse population, but also the presence of the military. In addition to the headmen representing various ethnic communities, there are overlapping systems of settlement leadership which inhabitants said caused a great deal of confusion. The role of the person referred to as the sheikh-al-hilla had become unclear. He originated from North Sudan, had been in the position throughout the war and regarded himself as the person still in charge of the community. However, he no longer appeared to have any power and was generally mistrusted amongst community members. After the CPA, the Nuer headman, who was an Anya Nya I ex-soldier and who had lived in the area since the 1970s, formed the formal link between S2 and the Payam authorities. There is also a Residents Committee made up of four Equatorians, who have direct links with the SSLA representative for the area, also an Equatorian. As will be examined in further detail in the next chapter, this Committee

\[125\] During the conflict this position was perceived as being closely linked to GoS security (Pantuliano et al., 2008).
acts independently of the Payam’s representative in the area. There is also the leadership associated with the indigenous Bari of the area, who refer to themselves as the real landowners. Although most community members were aware of the identity of their headman, knowledge of and access to the Residents Committee and Payam representative varied greatly.

Another complicating factor is that soldiers and their families living in the settlement do not as a rule refer to any of these structures, but instead to their Commanders or the Military Court in cases of disputes. The case of Isaiah, an Equatorian, who was an ex-combatant and who had moved to Juba during the war, demonstrates this:

‘During the war I was a soldier with the SPLA. I came to Juba after the war with my wife and children and to get a job. I settled here because I heard there was free land and there are people from our home here, so this is my plot. We cleared the land and built a tukl. But a soldier – he is Moro - is trying to take it from me – he says it’s too close to the military and it should be for soldiers, not for civilians. All my neighbours are soldiers but this land does not belong to the military – it’s for civilians. I took the case to the headman and then the residents committee, but the soldier says because I used to be with the SPLA the case should be heard by the military court, so he’s taken the case to his commander and a date is being set for a hearing….’

The evidence from the interviews and small-scale survey suggests that land disputes involving civilians have generally not been a problem, as non-formal rights to land were widely understood and agreed upon. Like S1, resolution of disputes regarding land is through neighbours initially and then through headmen. Returnees could claim back their plots, compensating IDPs for any structures they had built. However, if the dispute is still not satisfactorily resolved, rather than going to the quarter council, inhabitants take the case to the Kator B court, overseen by the Bari paramount chief, which still functions in this part of the town.

There are, however, two exceptions where land disputes were a problem and where it was felt that non-formal institutions were beginning to fail. The first relates to the non-formal land rights of women. As pressure on land has increased, women PHH report that they have become particularly vulnerable in terms of land access. The following
group discussion\textsuperscript{126} with four Equatorian women revealed a perception that local chiefs have become corrupt.

Q: Who do people go to when they have an issue regarding land?

Woman 4: People would normally go to neighbours then the headman. During the war things were different. The land was not worth anything. The old chiefs respected the customary ways – that you look after women when her husband dies. These new chiefs are greedy and corrupt.

Woman 1: My sister was kicked off her plot by her dead husband’s brother – then he sold it. She went to the headman but he did nothing. I told her there is no point in going to the B court because the paramount chief is a corrupt man. Have you seen how fat he is? She can’t afford to pay such a big belly.

Woman 2: All these chiefs are corrupt. There are so many of them. When one finds against you, you can go to another if you pay. That man [x] who says he’s the sheikh-al-billa – he’s always drunk. He’s useless.

Woman 3: You see if you’re a man you can fight if someone tries to take your plot. Or you can get money to pay the chief.

Woman 1: There is discrimination if you’re a woman. You are seen as weaker.

In a similar vein one woman PHH, who was now renting, reported that her plot was grabbed by a soldier.

‘My husband is dead so I had no one to fight back. The chiefs don’t listen to women or act on your behalf if you don’t pay. I have three kids and no money. The chief was harsh – he told me I could just sleep under the trees.’

The second exception is cases involving soldiers. From around 2007 onwards, as more and more people moved into the settlement, some as a result of evictions in Juba, tensions in relation to competition for land have increased. Many soldiers and/or Dirka have reportedly used their physical presence within the settlement, as well as their ability

\textsuperscript{126} Group discussion in S2 with women in the market.
to intimidate civilians with guns, to force people from land. Where residents have had their land grabbed by soldiers, headmen and settlement leaders have been reluctant to intervene. This is because they feared that any action they took would result in their being physically assaulted or even killed. When the Residents Committee requested that soldiers were provided with housing for their families on the military unit land, the military unit’s Commanders refused. The Officer in Command of the military unit explained:

‘We have barracks here where the men can live, but many prefer to be with their wives and children outside. Those with no wife here can stay in the barracks, although we don’t let them in when they come back drunk. They have to sleep it off outside. The community leaders have complained and we’re putting up a fence to make the boundary clear, but they can’t stop soldiers from living in Juba and now they are complaining that the boundary is wrong. You know these Bari are a big problem – this is the capital but they don’t want us here.’

Headmen and Equatorian inhabitants talk of how Dinka are overrunning the settlement and how they have no power to stop the process. Women in particular complained that soldiers are always drunk, refuse to pay for goods, harass their daughters and steal. Reports of forced eviction of households from their plots by soldiers were common. The associated violence has been so bad that in some cases people have been shot as they have fought to keep their plots. Anne, a long-term resident of the area whose husband had died, is one such case:

‘This issue of land-grabbing is so common. It happened to me. These three Dinka came to my place and told me to move. I refused. One was drunk and shot at me – he got my ear. The other two guys stopped him. I was afraid for my daughter. We ran. Next day I went back with my daughter’s uncles and the soldiers let me have my things. I went to the chief [x] but he won’t do anything. I’m staying with my husband’s relatives until I find a new place.’

When asked if she felt women were targets for land-grabbing she said ‘no. men can’t do anything against soldiers either.’

This situation is increasingly leading to a feeling of powerlessness and resentment within the settlement. Reflecting on worsening conditions since the CPA, one woman gave this perspective on the relationships between Equatorians and the Dinka:
'I was born here in [S2] before the war, and the Dinka started coming to live here only recently. When they came here they looked down on us and called us jellaba\textsuperscript{127}. They don’t want to pay for things, they just take. Although we have lived here many years they think the land is theirs. They are drunkards and beat people and rape our daughters. They all have guns and this has stopped us doing many things. You can’t do anything against someone who has a gun – they can just shoot you.'

As in S1, a demarcation committee(s) has been established in S2 and the demarcation exercise was reportedly starting in the settlement. Many Equatorian inhabitants hope that this will be a way of securing their rights to their plots through the issue of formal leasehold documents.

6.2.1.3 Settlement 3 (S3)

S3 is regarded by many inhabitants as a former wilderness area. During the second civil war residents of Juba cultivated the area, mainly for self-provisioning purposes, obtaining permission on a daily basis from the GoS security services to go there. Located near the foot of Jebel Kujur/Jebel Korok\textsuperscript{128}, a key military position during the war, the area was the scene of fighting and areas nearby were heavily mined\textsuperscript{129}.

The first settlers came to the area in 2005, settling near the main road, shortly after the CPA was signed. They describe how they sought permission to settle from Bari landlords, paying a small tribute to the chiefs to settle on the land. Initially Bari chiefs were supportive of individuals seeking land in the area. An A-court chief of the area stated that at the time land was plentiful and that as long as people sought permission and respected the fact that the Bari owned the land, there was no problem. He said he had stressed the importance of Bari graves, which newcomers were asked to respect.

In the five years since the CPA, S3 and the surrounding areas have been transformed from what was an unpopulated area to one heavily populated, although due to the availability of land, the settlement has expanded at lower densities than S1 and S2. A second small wave of settlers came to the area in 2007/2008, mainly returnees from Khartoum. However, the major wave of settlement occurred in 2009 at the time of the State-orchestrated forced evictions within Juba. As the land by the road and market was

\textsuperscript{127} Now a derogatory term, it was used to refer to the Arab Sudanese urbanised trading class.
\textsuperscript{128} A large hill on the outskirts of Juba where there is both artisanal and commercial quarrying.
\textsuperscript{129} It was only in 2009 and 2010 that the area nearby was cleared of landmines.
already settled these newcomers settled towards Jebel Kujur/Korok and have moved to the area accommodating members of their own ethnic groupings although one does find some ethnically mixed areas. For example, there are areas referred to as the Moro area, the Kuku area and the Acholi area. Other settlers who have trickled into the area are migrants and returnees, mainly from Uganda, who have been unable to access affordable land in Juba. Over the course of the fieldwork, new areas of settlement were forming on the edge of S3 as gradually people are being compelled to move further and further away from Juba.

Settlers commonly referred to the fact that ‘the land was free’ (i.e. unoccupied) and thus they could settle anywhere. As there were so few people living there, and it was on the periphery of the city, clearing land for a purpose such as residence or farming was regarded as sufficient to ensure one’s uncontested individual right to use the land. Most people coming to the area initially had therefore just settled on the land. Inhabitants talked of few land disputes between plot-holders. The general feeling was that it was a peaceful place. Because it was far from the town, there were no niggaz and the only problem in terms of robberies were reports of Mundari raiding the area and stealing goats. The popular committee that had been set up had therefore asked residents not to keep livestock. The main issue cited by inhabitants at the start of the research in the area was the issue of water, as the settlement is a considerable distance from the Nile. Inhabitants have to pay for water from tankers, as there is only one functioning borehole in the area.

The one thing that was very apparent walking through the settlement was the lack of uniformed men and the absence of Dinka and Nuer households. All the plots randomly selected in the small scale survey were headed by Equatorians. The settlement leadership had formed a ‘Popular Committee’ reflecting the norm in Khartoum. The Committee members reported that they have been instructed by the Bari chiefs of the area not to let Dinka settle. Inhabitants have been instructed not to rent to Dinka ‘because when you allow one in, others will follow’. The Bari sub-chief explained that, whilst people from throughout Equatoria were welcome to settle on Bari land, there were concerns regarding Dinka and their propensity to use violence. Perhaps reflecting a case of ‘shopping for forums’ in the light of demarcation exercises being planned around Juba by customary landholders (see

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130 Information from interviews with settlement leaders, group discussions and in depth interviews.
next Chapter), the perception was that if Dinka were allowed to settle, then it would be very hard to remove them at a later date, whereas fellow Equatorians were perceived by Bari to respect the Bari’s customary rights to land around Juba. Inhabitants generally agreed with this approach. As in S1 and S2, inhabitants spoke of how Dinka had a tendency to act in a superior manner.

Nevertheless, complaints regarding the appropriation of land by the settlement leadership were rife. There were common complaints of disputes between inhabitants and the settlement leaders over land and forced eviction by settlement leaders using bulldozers and Dinka hired from outside.

Presently, it is unclear exactly what rights the Bari attached to the land that they had allowed people to settle on and interviews with Bari chiefs and landlords provide conflicting accounts. The sub-chief indicated that land had initially been gifted to settlers. However, in recent times, Bari landowners and chiefs have come to regard the settlement inhabitants as ‘squatters’, with only temporary rights to live on the land. By the time of the fieldwork, a number of areas where there had been structures and developed plots were being vacated, with plot-holders removing roofing materials and fence posts. This was a result of the demarcation exercise being carried out in the area, which according to the Village Development Committee that had been formed by Bari, was in accordance with the Land Act (2009). This I will come back to in the next chapter.

6.3 Changing land access mechanisms and the importance of social networks

The brief histories outlined above provide an indication of the various mechanisms by which people have accessed land and how the prevalence of different mechanisms is changing over time. First settlers in S1 were facilitated in gaining access to land through bureaucratic allocation, whereas the first settlers in S2 and S3 were compelled to settle on the outskirts of the town because neither land nor rental accommodation was affordable nor easily accessible within the town. In accordance with the traditions of the Bari, these ‘strangers’ obtained relatively secure rights to land provided they agreed to respect certain requests.

The gradual settlement of the areas did not result in conflict, although each area lacked formal institutions to guide the process. Instead, as is found in other African contexts (C. Lund, 2008), what appears to be the case was that there were shared principles regarding
how households coordinated the process of land settlement. These included the principle that clearing the land made the land yours to settle on and farm and a belief that land should be shared if it is abundant. Whilst initial settlers sought permission, in time as the settlements grew, the first settlers formed a core group to manage affairs within the settlements, including disputes over land. In time, the core groups came to borrow from formal town structures, or ‘bricolage’ in Cleaver’s (2002) terminology, to the quarter councils headed by a sheik al-hilla in S1 and S2, or in the case of S3 a popular committee, the terminology used in Khartoum, also headed by a sheikh-al-hilla.

At the same time, as settler populations from different parts of Southern Sudan increased, headmen, generally assisted by a council of elders, came to represent their particular ethnic groups within each area. These non-formal institutions appear to have been generally successful in regulating land access of new arrivals in a settlement and also in mediating between returnees and IDPs in land disputes since the CPA. Although it was assumed that there would be an increase in the number of land disputes as a result of the return process, few disputes were reported to have occurred in the areas following the return of returnees. In the survey only 11% of PHHs reported having experienced a land dispute and only one of the cases related to a returnee and IDP (Table 6-6). This reflects the conciliatory nature of customary justice in Southern Sudan, which aims for solutions that satisfy both parties. Of course, this only represents those who were able to remain, as obviously PHHs experiencing land-grabbing in S1 and S2 are unlikely to have remained in the settlements, given the lack of availability of free land. Whether these non-formal ethnic institutions still confer and deal with land issues adequately, particularly with growing competition over space and the commodification of non-formal urban and peri-urban land, is explored in more detail below and in the next chapter.
Table 6-6: PHH experiencing land disputes

<table>
<thead>
<tr>
<th>PHH experiencing land dispute</th>
<th>S1 - n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
<th>% of all survey respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>15%</td>
<td>11%</td>
<td>6%</td>
<td>11%</td>
</tr>
</tbody>
</table>

Source: Own survey data

6.3.1 Social networks and mutual support

A summary of the survey confirms how land access mechanisms have changed in the three areas before, throughout and since the war (Appendix 7). Whilst the mechanisms of actual land access have varied - some people have sought land through the indigenous processes, some have occupied unused land, some have bought land or shelter, some are renting and others have been given or lent land by families or friends - it is clear that social networks have been vital in accessing land (Figure 6-5). This partly reflects the fact that the unofficial nature of non-formal settlements means that there is no generally available information regarding available plots and people need to rely on their own networks. In addition, many people coming to Juba both during and since the war came with no means of subsistence and so relied on family or community members to access land. Many initially moved in with relatives before having the resources to, when possible, clear their own plot and build a home. This also partly explains why settlement patterns tend to be along ethnic lines. In the survey, around two fifths of PHHs lived next to the plot of another family member, two thirds lived next to someone from the same place of origin and almost three quarters lived next to someone from the same ethnic group (Figure 6-6).

Nevertheless, social networks and non-formal institutions are not just important with regards to accessing land. Other ‘productive’ aspects (Rubio, 1997) of these networks need to be considered, especially in the context of war and insecurity. The importance of social networks is particularly evident when people talked of how they had coped during and since the war. As indicated in Section 6.2, inhabitants of the settlements typically have limited livelihood options, more so during the war when, due to insecurity and restrictions on movement implemented by the GoS security services, people’s access was restricted to the town. This particularly impacted on the ability of settlement inhabitants to farm as they had done prior to the war. There was very limited wage employment,
mainly in local government. Whilst some inhabitants placed some reliance on humanitarian relief supplies, the distribution of these ended prior to the signing of the CPA. Therefore, inhabitants had to rely mainly on the non-formal sector. During the interviews, the role of social networks in terms of mutual support within the settlements was often referred to. When asked who they would go to for assistance in times of hardship, most inhabitants responded that they relied on, and also gave to, their neighbours. Respondents in the settlement surveys mentioned, for example, donation of food, the lending of money, the use of tools and cooking items and childcare as forms of support (Table 6-7).

Figure 6-5: Source of information regarding plot availability

Figure 6-6: Relationship of PHH to neighbours
The great majority of those interviewed claimed church membership although the extent of their involvement was not examined (Table 6-9). Churches appear important in assisting members with moral support but not financial resources. These also tended to be formed along ethnic lines. In S2, for example, the churches in the settlement were commonly referred to as ‘the Dinka Church’, ‘the Nuer Church’ and ‘the Bari church’ which most Equatorians attended. It was reported that it was only in exceptional circumstances, such as severe illness or the need for a burial, that other community organisations, such as tribal associations, women’s groups or youth groups might financially help out. The majority of respondents who were not members of a church or community organisation stated that they did not have time, or that they could not afford the contributions, to be members of such groups.

Table 6-7: Neighbour help

<table>
<thead>
<tr>
<th></th>
<th>S1- n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
<th>% of all survey respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receive help from neighbours</td>
<td>87%</td>
<td>94%</td>
<td>97%</td>
<td>93%</td>
</tr>
<tr>
<td>Provide help to neighbours</td>
<td>96%</td>
<td>96%</td>
<td>100%</td>
<td>96%</td>
</tr>
</tbody>
</table>

Source: Own survey data

Table 6-8: PHH Community Group Participation

<table>
<thead>
<tr>
<th>Member of voluntary association of which main forms are:</th>
<th>S1- n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
<th>% of all survey respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>church membership</td>
<td>62%</td>
<td>50%</td>
<td>87%</td>
<td>63%</td>
</tr>
<tr>
<td>tribal association</td>
<td>71%</td>
<td>66%</td>
<td>91%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>22%</td>
<td>39%</td>
<td>16%</td>
<td></td>
</tr>
</tbody>
</table>

Source: Own survey data

For IDPs, the move to Juba during the civil war introduced a range of new relations with others. It appears that people discovered the value of membership of wider groups, especially in an urban setting where migrants needed new support systems\(^{131}\). During the war in particular once in Juba, through the times of shared hardship, IDPs and other

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\(^{131}\) Cf. Iliffe (1979) found a similar situation in Tanzania.
migrants developed a degree of common identification despite their varied origins, mainly from throughout Equatoria. People respected the non-formal land allocation procedures that were to be followed and the authority of the leadership in S1 and S2 was not under threat. For longer term settlers, with IDPs came assistance and in addition mutually beneficial cooperation and support. The collective trauma of civil war in Juba and the need for mutual support to survive under conditions of severe hardship and oppression by the GoS made it critical to establish close bonds. In a hostile urban setting, non-formal settlement inhabitants developed strong social bonds to protect them against the aggression of the security services and the government. Gradually friendships and social solidarity developed between IDPs and the pre-war settlers.

6.4 Exclusion, violence and land access

Although social networks and non-formal institutions have been important for accessing land and regulating communities, the exclusive nature of social capital is evident. Inhabitants spoke of how until the CPA finding a place to stay in the three settlements was relatively easy. The arrival of further newcomers in increasing numbers since then has introduced profound changes and perhaps inevitable tensions in both S1 and S2. Within the space of a few years, the settlements have altered dramatically, both in numbers and composition, and demand for land has risen sharply. Amongst other things, this has meant that less and less land is available for older inhabitants to allocate to their own families. Inhabitants also link population growth to increasing crime and the lessening sense of community. For the settlement leadership, this also signifies an erosion of their control over the settlements. Headmen and community leaders in S1 and S2 complain of the numbers of outsiders now entering the settlement who do not respect the procedures. Traditional authorities in S3 and non-formal authorities in S1 and S2 reported being unable to deal with disputes, including land disputes, involving soldiers and Dinka.

As discussed in the next chapter, these tensions have been exacerbated by the CES government’s policy of forced evictions which have resulted in increasing uncertainty for the inhabitants of S1 and S2 and waves of settlement in S3 where there is still available land. An indication of the intensifying competition over land in Juba has been the increasing number of land sales and the spread of the practice of renting land in the three settlements (Appendix 7). In response to the increasing pressure, a number of strategies are being pursued to exclude others and protect inhabitants’ access to plots, culminating
in all three areas in the pursuit of formal leasehold land rights as a means to obtain security of tenure, the main subject of the next chapter.

The reaction of local inhabitants and settlement leaders to what is regarded as a massive invasion by outsiders has been to present the tensions as conflict between Dinka and Equatorians, reinforced by the common perception of Dinkas’ arrogance and disrespect for the headmen and settlement leadership and their preferential treatment by formal government institutions, including the GoSS, SPLA and the Judiciary.

The call for exclusion of Dinka, but also soldiers, on the basis of their land-grabbing activities is not without its contradictions. In S2 the community leaders approached the military to help them address the problem of *niggaz* who were coming into the settlement and carrying out robberies. Whilst a number of *niggaz* were reportedly caught, they were later released, leading to speculation within the settlement that they were the children of powerful individuals. In S3, the popular committee and chiefs are on the one hand saying that Dinka should not be allowed in the settlement because of their propensity to use violence, but are on the other hand employing Dinka through the SPLA to carry out forced evictions in the area. Whilst the survey only includes individuals able to remain in the settlements, particular instances of land-grabbing identified in the responses showed that 4% of PHHs had suffered forced eviction by a member of an armed service, but that 7% had experienced forced eviction at the hands of other individuals (Table 6-9).

Furthermore, whilst most Dinka men interviewed have strong links with the military or are ex-combatants, not all Dinka are in fact soldiers. In S1, most of the Dinka interviewed were businessmen or employed in the GoSS. In S2, older inhabitants differentiated between Dinka who had links in the settlement prior to the war and those who had arrived more recently and were associated with the military. Conversely, whilst many Equatorians present all soldiers as Dinka, this is not the case. A look at the survey data shows the varied origins of soldiers. In S2, some SAF military, many of whom are of Equatorian origin, have been in the area for many years and are now in the SPLA and none of the soldiers living in S3 were Dinka. The interviews following up reports of land-grabbing found that whilst the perpetrators were reported to be in the SPLA, they were not always Dinka. Out of the eleven cases investigated in S1 and S2, in one case
Mundari soldiers had attempted to seize a plot, in another a Nuer soldier had done so and in another a Moro ex-SAF soldier

Table 6-9: PHHs experiencing forced eviction by an individual

<table>
<thead>
<tr>
<th>Event</th>
<th>S1 n=117</th>
<th>S2 n=119</th>
<th>S3 n=102</th>
<th>% of all survey respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land grabbing by SPLA/police</td>
<td>3%</td>
<td>7%</td>
<td>3%</td>
<td>4%</td>
</tr>
<tr>
<td>Land grabbing by MPI employee</td>
<td>0%</td>
<td>0%</td>
<td>1%</td>
<td></td>
</tr>
<tr>
<td>Land grabbing by a member of settlement leadership</td>
<td>0%</td>
<td>2%</td>
<td>0%</td>
<td>1%</td>
</tr>
<tr>
<td>Original owner returned</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Tenant evicted by landlord</td>
<td>0%</td>
<td>6%</td>
<td>4%</td>
<td>3%</td>
</tr>
<tr>
<td>Land taken by male relative upon death of husband</td>
<td>0%</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
</tr>
</tbody>
</table>

Source: Own survey data

Dinka and soldiers denied knowledge of particular instances of land-grabbing within the settlements, although two Dinka soldiers interviewed in S2 confirmed that there had been a few occasions of soldiers grabbing land nearby ‘this is carried out by a few but is giving all soldiers a bad reputation’132. Nevertheless, in broad terms Dinka interviewees argue that, when confronted with attempts to exclude them from accessing land, some have no choice but to use violence or the threat of violence to get land. Their claims to the land are based on a number of inter-related discourses. Those trying to re-access land in S1 assert that they had settled in the area correctly, following the correct informal land allocation procedures. In this regard they consider it unfathomable and decidedly unjust that they should be denied their plots, especially when the claims of other returnees are recognised. In addition, many of these returnees had become combatants and fought in ‘the struggle’. If some had resorted to violence to get their land back then they regarded this as fair; ‘Some have no choice but to grab land. How else are they meant to live? We fought for the land.’133 Both military and non-military Dinka in S2 stressed the right of all Southern Sudanese to access land in the town.

132 Group discussion with soldiers.
133 Group discussion with soldiers.
‘Since the age of eleven I was in the bush. I fought in the struggle for twenty years. I lost my father and my brothers but we liberated the south from the Arabs. We often went for days without food and so many of us died. Where were they [the Bari] during the struggle?..... The land belongs to the community, but they want to keep it. Look how old I am and look how young the child is on my knee. This is my oldest son. This is the first time I can be with my wife now that there is peace. This is a capital city - the land is for everyone. Our land is a swamp. The only good thing is what’s underneath it [referring to the oil reserves] and we are willing to share that. They should share their land.’

There is a strong resentment towards Equatorians, mainly the Bari, whom some regard as cowards for what is perceived to be their more limited role in the war. The idea that Equatorians refuse to give Dinka land arose in all group discussions with Dinka men. For example, a Dinka employed by GoSS in S2 commented on how Equatorians frequently accuse Dinka of trying to overrun the town, but that because no land is available Dinka are forced to share their homes with their extended families. The custom of levirate marriage and pressure to support the wives and children of brothers who had died during the conflict was, they said, adding to the pressure on their limited resources. Pressure to return to their home areas with their cattle has also fuelled resentment towards Bari and also Mundari. A long-term Dinka resident in S2 recounted how previously, they had been able to keep their cattle which are essential to their livelihood and way of life, in areas around Juba, but since the CPA Dinka had been forced to return their cattle to Bor. This he regarded as a conspiracy by the Mundari to ensure their monopoly over meat sales in the town.

From the perspective of SPLA soldiers, the post-CPA period has proved an uncertain and unstructured time. Those that were interviewed frequently highlighted how, despite their roles in ‘the struggle’, they are poorly and irregularly paid. There is also a growing resentment towards GoSS. One stated that now the fighting is over, the GoSS has no need of them and does not care about them. One soldier (a Dinka), making reference to perceived corruption by GoSS, angrily articulated:

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134 In-depth interview in S2
135 Levirate marriage has died out in many cultures in Southern Sudan, although it continues amongst some, especially the Dinka and the Nuer. Beswick examines how the custom was influenced by Condominium rule and has altered with the second civil war when so many women became widows (Beswick, 2001).
136 Directive by GoSS in 2005 (Murphy, 2005).
‘Look at me. I’m reduced to being a squatter. They put the names of people that don’t exist on the payroll and don’t even pay us that do exist. I can’t even afford to send my children to school.’

The picture that emerges in both S1 and S2 is a complex process of land grabbing by soldiers who feel that they have a right to settle in Juba. It is easy to see the increasing ethnic tensions and violence over land as a result of this as well as the increasing competition amongst people with few financial and other resources.

6.5 Discussion & Conclusion

The research findings presented in this chapter confirm that there are multiple mechanisms by which people have gained or are gaining access land. This variety occurs between case study settlements, within them and over time, with changes in land access influenced by the waves of settlement and displacement. Structural factors shape these land access processes, which relate to the settlements’ particular histories and physical locations and the broader changes occurring within the city. Access to non-formal settlement land has been by means of bureaucratic allocation, allocation by existing inhabitants, settlement leaders or traditional landlords, clearing and occupying vacant spaces within and on the edge of Juba, land violence and, as will be examined in greater detail in the next chapter, a variety of borrowing arrangements, rental practices and non-formal land purchase. Financial capital, labour to clear available land, knowledge, authority, identities and social relations mediate people’s ability to access land.

The concept of social capital provides a nuanced understanding of the connections between land access and violence at the plot-holder level and its varying prevalence across the three case study settlements. Reflecting the literature, social networks, in particular family and ethnic relations, are critical non-formal institutions for mediating access to land in the non-formal settlements. Their importance reflects a range of factors, not only those relating to the need to access land, but also the need for support in a hostile urban environment. In this regard, the results demonstrate how social capital was fostered during the war in a hostile, civil war environment (cf. McIlwaine & Moser, 2001). However, whilst social networks have been important in helping people to access land, the exclusionary aspect of social capital has also become evident in the post-conflict period as population pressure on land has increased. This has triggered other factors, such as manipulated ethnic tensions. There is a conflation of appropriations of land by soldiers with Dinka returnee and migrant attempts at (re-)settlement in the non-formal
settlements. Land disputes, in particular in S1 and S2, have been incorporated into an ethnicised discourse about the Equatorians and Dinka. The distinctions between Equatorians and Dinka in the non-formal settlements appears to be largely a result of the increased competition for land and the associated violence. By evoking a strong dichotomy between ‘Equatorians’ and ‘Dinka’, the longer-term inhabitants are reflecting the discourse of broader politics within the city and the region.

The use of violence by soldiers and/or Dinka points to the influence of identity on violence and also the agency with which identity is associated. As Moser & McIlwaine (2006) note, individuals as social actors may react to situations and formulate objectives in certain ways. Dinka ex-soldiers in S1 and soldiers in S2 may be more used to using violence in order to meet their needs than civilians, especially given the nature of warfare in Southern Sudan, as detailed in Section 4.7. They may also have a higher propensity to use violence than civilians (their *habitus* differs from civilians). Nevertheless, caution is required. Stereotypes cannot be assumed and it is important to note that not all soldiers use violence to access land, as demonstrated in Isaiah’s case in Section 6.2.1.2.

Other actors are also involved in forcibly removing individuals from plots. In particular, gender is revealed by the research to another identity factor in the use of land violence. There are instances of widowed women who have been evicted from their homes on the death of their husbands. Whilst non-formal rules and norms had previously functioned to ensure their right to remain, increasing pressure on non-formal settlement land and the potential for financial benefits means that some are in a weaker position to maintain access to their plots.

The use of violence by soldiers and/or Dinka also points to a number of other structural and identity factors. In S1, Dinka are marginalised within the settlement with regards to their land claims. In S2 low-ranking soldiers are marginalised within their own military structures in relation to receiving salaries or other benefits. This is leading some individuals to use land violence as a means of obtaining somewhere to live. It is questionable whether soldiers would use land violence if their commanders responded to the concerns raised by the civilian authorities or if the latter were able to challenge the authority of the military in civilian areas. As the research findings show, civilian non-formal authorities are in a weaker position than the military within the field of non-
formal land access and control. Impunity for their actions provides soldiers with opportunities to appropriate urban land.

Nevertheless some inhabitants are adamant that increasing tensions over land since the CPA, too often ascribed to the Dinka, are in fact instigated by their own chiefs, or are the result of large-scale land-grabbing by military officers. Further examination of cases of reported land-grabbing by Dinka confirm that the picture is more complex. Of the eleven instances of reported land-grabbing by individuals investigated, it transpired in three cases that land cleared of its inhabitants had been developed into neat 15x10m plots that were being rented out or had been sold. As already indicated, in S3 community leaders were hiring SPLA to evict people from land. Similarly Bari chiefs living near S1 are more inclined to attribute land disputes around the town to the CES government.

The previous chapter provided an indication of a trend toward the politicisation of land issues in Juba and the non-formal networks that might play a role in this. The next chapter investigates this aspect in further detail, examining the linkages between violence in relation to land access and control, increasing non-formal land sales and rental arrangements, demands for formalisation of land rights by settlement inhabitants, control of land through the demarcation process and the rent-seeking activities of public officials and traditional authorities. As will be shown, the contestation over land generated by post-conflict migration is becoming less related to competition over apparently scarce urban and peri-urban land, which is required to survive in the urban environment, than to struggles to gain control over land and its associated increasing economic benefits. Masked by the dominant discourse of ethnicity within the settlements are attempts by settlement leaders and other powerful individuals to control access to the benefits that can be obtained from non-formal settlement land.
Chapter 7: Controlling non-formal land access: violence, monopolising non-formal land and deceptive demarcation

7.1 Introduction

This chapter considers the contemporary situation in further detail, uncovering the many interests benefiting from non-formal land access and control in the three settlements. Chapter 5 has already highlighted the politicisation of land issues in Juba, which is impacting on the ability of most individuals to access land in the town, and Chapter 6 has outlined how access to land is highly ethnicised. This chapter argues that it is not just at the city level that non-formal alliances between powerful individuals are undermining people’s ability to access land. Both ethnic tensions and unclear legislation are being instrumentalised by a web of powerful actors who, whether through coercion, stealth or violence, are undermining the ability of non-formal inhabitants to access land. Whilst family and ethnically based social networks have primarily mediated access to non-formal settlement land to date, a shift is now occurring that reflects the broader changes in the city. The emerging situation is that it is having the financial resources and being part of a customary institution, the military or the city’s bureaucratic institutions generate the ability to access (the benefits of) non-formal land. Unravelling the networks of land access and violence reveal correlations with increasing economic benefits to be obtained from non-formal settlement land. In this sense it is class, as opposed to ethnicity, that has greater explanatory power when considering land access in the settlements and its connections with violence.

This chapter starts by outlining the de facto land rights accorded by the CES government to the inhabitants of the three case study settlements, demonstrating that ultimately the three settlements will probably be demolished. It then goes on to examine in more detail how land access is changing in the post-conflict period. It details the increasing economic benefits to be obtained from non-formal settlement land, which relates to increasing cash-based mechanisms of land access and the potential for the areas to be formally demarcated as residential leasehold plots. Attention is then directed towards how inhabitants of the settlements are seeking to maintain their access to land. In a context of not only increasing competition over land but also high crime, lack of services and threats of eviction, Section 7.4 outlines the efforts by the settlement inhabitants to have
their non-formal land rights formally recognised. Paradoxically, demarcation processes are in fact providing further incentives and opportunities for exploitation of inhabitants’ non-formal status and to a large degree non-formal settlement inhabitants are experiencing heightened threats to their land access as a result of the demarcation processes. The account details how formal processes are being instrumentally enforced, often through the threat or actual use of violence, to the economic benefit of those who have knowledge, and financial resources and access to other powerful individuals or groups.

The attempts by others to exploit their insecure land rights is, of course, not going unnoticed by the settlements’ inhabitants and Section 7.5 considers the claims to land rights within Juba that they proffered. This has implications for understandings of informality, which will be considered in further detail in the next chapter. Section 7.6 concludes by comparing land access and land violence across the three case study settlements, demonstrating that the connections between the two are highly complex.

7.2 The State’s attitude towards the case study settlements

The *de jure* position regarding the property rights of non-formal settlement inhabitants, whether on urban or peri-urban land, is clear\textsuperscript{137,138}. The *de facto* position held by the CES government is somewhat different. The actual rights accorded to inhabitants in S1 and S2 by the CES state vary. According to public officials in the MPI, S1 is now earmarked for either 2\textsuperscript{nd} class plot demarcation, as consistent with adjacent residential areas in Juba Town, or commercial development\textsuperscript{139}. However, despite their illegal status, the CES government accepts some level of responsibility for S1’s inhabitants, whom they say will be offered a limited number of plots in an alternative settlement in Gumbo\textsuperscript{140} when S1 is redeveloped. This slightly more supportive attitude is because the original inhabitants were given permission to settle in the area by the local government and many of its current inhabitants still work in the CES government. This is consistent with the previous approach in the 1970s when, despite evictions that were on-going in other parts

\textsuperscript{137} Land Act 2009 Ch. XIV ss. 84(1) states that unlawful occupancy relates to any person who settles or occupies a land without a customary or legal title without the express consent of the owner or person legally in charge of the said land before the commencement of the Act. S. 84(4) states that any person who unlawfully occupies a piece of land after the enactment of the Act shall be given an unconditional notice of seven days to vacate the land so illegally occupied.

\textsuperscript{138} Ibid Ch. XIII ss 82 (4) From May 16, 1983 any person who unlawfully occupies a piece of land for 30 years without interruption in an urban area shall be granted legal title or rights thereon. Thus inhabitants are unable to formally claim a right until May 16 2013.

\textsuperscript{139} Accounts differed in key informant interviews.

\textsuperscript{140} The rural area on the other side of the Nile opposite Juba.
of Juba Town Payam, urban authorities accepted the illegal occupancy of land in S1 as, at that time, the vast majority of inhabitants were working for nearby government institutions. Thus, even though S1’s inhabitants do not have access to urban land they have avoided the demolitions on-going in other parts of Juba, gaining de facto secure access because of the bureaucratic allocation of the land to the first inhabitants. This further draws attention to the strategic ambivalence by the State, which considers a limited number of non-formal settlement inhabitants as members of the ‘community’ with rights to land, but a majority as ‘squatters’.

In the case of S2 on the other hand, public officials draw on the CES government’s broader discourse regarding non-formal settlements. S2’s inhabitants, who had no permission to settle in the area, are considered by State officials to be ‘squatters’ who should return to their rural places of origin. Although S2 was far from Juba Town and urban authorities were not concerned about its non-formal development, under the JICA plans, the land is now required for the development of the ring road and residential 2nd class plot demarcation. The CES government plans to employ the controls used in other parts of Juba against squatters and eventually demolish the area.

In the view of public officials in the MPI, non-formal settlement inhabitants on the outskirts of the town, including S3, are also ‘squatters’ who should return to their rural places of origin. On this basis, public officials note that they are willing to support efforts by traditional authorities to evict people from these areas in order that the land can be allocated to ‘the community’. As a result of people settling on the edge of Juba, the traditional landholders of S3 and the areas roundabout it are seeking to have communal land on the edge of Juba registered and demarcated under the Land Act 2009. Public officials in the MPI note that some of this land is to be allocated to CES government employee housing, as well as the planned Liberty City.

Thus all three case study settlements are planned for developments that do not take account of the current settlement patterns and may be subject to demolition and forced eviction of their inhabitants. Considered ‘squatters’ in contravention of urban land

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141 Key informant interviews with a member of the political elite in MPI; interview with retired settlement leader; interview with Survey Department staff members.
142 Interview with a member of the political elite in MPI.
regulations, there is no intention to consider the needs of non-formal settlement inhabitants, except to a limited extent in the case of S1.

7.2.1 Formal planning of third class areas and land allocation procedures

Within Juba Town, Kator and Munuki payams, available public land can be re-designated as private and is subdivided into individual plots for lease through the town planning process. Within the MPI, it is the Department of Survey and Department of Land and Town Planning that play key roles in the creation and registration of new housing plots. The Survey Department draws up street plans based on 3rd class plots of 15x20m in blocks, which include recreation areas and plots for public services such as schools. These plans are then superimposed onto the actual settlement area and little account is taken of the existing structures or layout. On communally owned land, those living on road reserves are reportedly relocated to available new plots. Priority is given to those that have lived in the area the longest and to those who have built more permanent structures. Survey Department and Town Planning staff report that local communities are heavily involved in the process of demarcation through planning or demarcation committees set up by relevant quarter council members and Payam authorities.

In reality, the procedures to obtain a plot are cumbersome and many payments are required along the way to different government institutions (Table 7-1). In the case study settlements some people had attempted to apply for plots (Figure 7-1), but most respondents said that the process required access or links with senior officials in the MPI and perceived it as an expensive and time-consuming process requiring the payment of many bribes. In S1 and S2, a number of long term PHHs had applied for plots in the 1970s and 1990s when Munuki and Gudele were planned respectively. Few respondents in S3 had applied for a leasehold plot, reflecting the fact that most respondents were IDPs and returnees. Even without the payment of bribes, the costs involved are beyond the means of many people living in the non-formal settlements.

Depending on the class, formal demarcated plots are also subject to building controls with the requirement to invest in permanent structures. In third class areas there exists the requirement that a permanent structure with a roof is built within 1 year of allocation, although officials within the MPI and Survey Department said that this requirement has

143 Deng (2010) notes that in the absence of a clear law establishing the circumstances under which changes may be made to the town plan, it becomes difficult to label such actions as unlawful.
been relaxed, with the reality being that building has to be done within 2 years\textsuperscript{144}. As will be discussed in sections 7.3 & 7.4, non-formal settlement inhabitants, in seeking to safeguard their land access or stake claims to land, are drawing on these requirements in processes of bricolage (Cleaver, 2002).

**Table 7-1 Plot fees**

<table>
<thead>
<tr>
<th>Residential Class</th>
<th>Plot dimension</th>
<th>Leasehold period</th>
<th>Land lease</th>
<th>Registration fees</th>
<th>Survey Fees</th>
<th>Annual ground rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1\textsuperscript{st}</td>
<td>25x25 metres</td>
<td>50 years</td>
<td>~US$50</td>
<td>~US$13</td>
<td>~US$216</td>
<td>US$50</td>
</tr>
<tr>
<td>2\textsuperscript{nd}</td>
<td>20x20 metres</td>
<td>30 years</td>
<td>~US$45</td>
<td>~US$13</td>
<td>~US$153</td>
<td>US$ 37.5</td>
</tr>
<tr>
<td>3\textsuperscript{rd}</td>
<td>15x20 metres \textsuperscript{145}</td>
<td>20 years</td>
<td>~US$40</td>
<td>~US$10</td>
<td>~US$26</td>
<td>US$25</td>
</tr>
</tbody>
</table>

*Modified from PADCO 2007:18*

**Figure 7-1: % of PHH that in the past have applied for a formal leasehold plot**

The staff of the Survey Department have a key role to play in marking out the areas and physically demarcating the plan on the ground. At a formal level, additional payments other than lease costs and registration fees are required for the engineer from the Survey Department to come to a plot and assess its layout. The staff of the Survey Department therefore have the most apparent relationship with the demarcation committees in S2 and S3. Most Survey Department staff worked in Juba throughout the war and complain

\textsuperscript{144} Again information differs and the PADCO/GibbAfrica (2007) report states 4 years.

\textsuperscript{145} On customary land, traditional authorities reported that third class would be 20mx20m, reflecting the standard before 4\textsuperscript{th} class housing was cancelled.
of poor and irregular pay and a lack of proper equipment to carry out their duties. For this reason, they state that it is necessary to seek contributions from applicants for plots to cover their costs.

7.3 Cash-based land access mechanisms

The previous chapter outlined who has settled in the case study settlements, how and when, drawing especial attention to the importance of family and ethnic networks for accessing land. There is general recognition in the literature that with increasing land scarcity, informal cash-based transactions whether through tenancy arrangements or informal sales become the main ways in which people come to access land in non-formal settlements (cf. Rakodi & Leduka, 2004). The results of the small-scale survey indicate that such a trend exists in the settlements (Appendix 7). Based on supply and demand, these sales resemble market transactions where, as land becomes less available relative to the number of people needing it, those with the ability raise cash to buy the land are able to do so (cf. Peters, 2007). Yet the data suggests that transactions are not based on straightforward relationships. Instead, the sources of land are changing from actors with whom settlers have highly personalised relationships to other sources, such as settlement leaders, high-ranking soldiers and people purporting to be traditional landholders.

7.3.1 Non-formal tenancies

In the three settlements, the practice of renting land is becoming more widespread and linked to this is also the practice of borrowing land (see also Appendix 7). The nature of the relationship between a ‘landowner’ and a borrower or renter is the major distinction between the two practices. In almost all instances of renting, the arrangement is made with a non-relative. In the case of borrowing of land or a shelter, respondents indicate that this is always through a relative although access is not necessarily for free. For example, family members may work and contribute to one another’s households.

Renting and borrowing arrangements are not just a means of deriving extra income or meeting the needs of family. They are also perceived by some respondents to act as a safeguard. The evidence presented in the previous chapter indicates that renting out land can also be a strategy to protect one’s land access against land-grabbers or to strengthen a claim when the land is formally demarcated. This perhaps draws on customary principles where land may only be retained if it is used.

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146 Interview with Survey Department staff
The tenancy market can be insecure (see Table 6-9). Households may be evicted when they cannot pay their rent. In addition, group discussions in the three settlements suggest that another key reason for eviction is often a change of ownership brought about by the death of the original ‘landowner’. While sometimes it seems that the original landlord may have had a close relationship with tenants, this is not necessarily the case for new owners.

### 7.3.2 Non-formal land sales

In Juba it has been assumed in a number of reports that non-formal transactions relating to land were not yet occurring at the time of the CPA, or were only just beginning (PADCO/GibAfrica, 2007: 14). However, the survey data and interviews suggest that, while not a common practice, payment for non-formal land within the town has been occurring at least since before the second civil war. Group discussions and interviews with quarter council members suggest that the infrequency of land sales was simply because there was plenty of land available, ‘why would people pay for land when they can get it for free?’

Further discussions reveal that those people paying for land prior to the second civil war generally also paid for some form of developed land, whether it had been simply cleared of vegetation or had a *tukl* or other form of shelter on it. In contrast, purchases made towards the end of the second civil war and since the signing of the CPA have often been of empty, undeveloped plots of land. Settlement leaders in S2 report that as peace became more certain, the level of land sales in fact tailed off as people became concerned that returnees would come back and reclaim land. Land sales then increased around the time of the demolitions in other parts of Juba and as speculative activities increased with the perceived likelihood of demarcation.

Rakodi and Leduka (2003: 14) stress the importance of trust in understanding informal land transactions, with the evidence suggesting that parties to informal land transactions ‘possess knowledge of their rights/interests and obligations in the things being transacted’. The importance of social networks in purchasing land is evident in the few cases of land purchases identified in the survey and also in interviews. The small-scale survey results show that before and during the war, land was often purchased from relatives or friends (S1) (Figure 7-2). However, as I will come to below the sources of

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147 Interview with member of S1’s quarter council.
148 8 cases identified in S1, 13 cases identified in S2 and 8 cases identified in S3.
land through non-formal sales is changing. Networks are also important in identifying sellers of land. It was only in one of the twenty-nine cases of non-formal land purchases identified in the survey, that the PHH was referred to a seller of land through a stranger (Figure 7-3).

**Figure 7-2: Sellers of land**

![Figure 7-2: Sellers of land](image)

Source: Own survey data

**Figure 7-3: Source of information regarding land for purchase**

![Figure 7-3: Source of information regarding land for purchase](image)

Source: Own survey data

The literature points to the increasing use of ‘pieces of paper’ in informal land transactions, or processes of informal formalisation, which are regarded as an efficient device to facilitate contractual enforcement (Benjaminsen & C. Lund, 2003). In the case study settlements, ‘getting a warrega\(^{149}\)’ does not yet appear to be a general practice, although this may be changing. Protagonists in the transactions appear to be familiar

\(^{149}\) Arabic for letter/document
with the area through friends or relatives and this perhaps negates the need for a
document, especially where neighbours have often been witnesses. Nevertheless, Alex’s
story\textsuperscript{150} and other interviews do suggest that while purchasers of land are demanding a
written agreement, sellers are not willing to provide these. The lack of documentation
may allow for ambiguity about the rights to land actually being transferred and the size of
the plot. This is allowing for manipulation, for example by settlement leaders and chiefs,
or, as some settlement inhabitants allege, individuals posing as chiefs.

The prices recorded for land purchases vary, partly related to the size of the plot and
quality of the buildings, but also perhaps because this is a new and rapidly changing
situation and there appears to be a wide range for negotiation. In S1 most of the
respondents said they did not know or could not remember what the land had cost
before the war but during the second civil war the price of a plot was around US$2. In S2
and S3, prices after the CPA were around US$3,000, although some people reported
paying as little as US$200 for a plot\textsuperscript{151}.

Interviewees proffered a number of explanations for the tremendous surge in non-
formal land market activities that was becoming particularly evident towards the end of
the fieldwork. Before and during the war, sales of land were made mainly by individuals
who subdivided their plots. Some sellers in S1 were reported to be poor families who, as
early arrivals, had obtained large plots and had more land than they needed. Others were
reported to be individuals or families who simply wanted or needed cash. In S1, ‘\textit{It was
people that needed money selling the land and it was between them and the new person, but because we
are full now there are no more land sales. Also people want to keep their land now because of
demarcation.}’\textsuperscript{152} Since the CPA reasons for individuals selling land include an urgent need
for cash and the growing presence of outsiders wishing to establish a landholding on a
speculative basis. This is perhaps indicated in the prices of formal plots, which are
reported to have soared, with third class plots near S3 costing around US$9,000 in 2010
when in 2004 they cost around US$1,000. In demarcated areas within the town, a third

\textsuperscript{150} See Section 7.4.5
\textsuperscript{151} This compares with findings reported in Martin & Mosel (2011) who note that in the war an
undemarcated plot cost around US$1, whereas after the war people were paying between US$3,600 and
US$5,500.
\textsuperscript{152} Interview with member of Quarter Council in S1
class plot can cost around US$13,000 and first class plots around US$40,000 (HPG, 2011)\textsuperscript{153}.

In S2 and S3, although private sales did occur as in S1, the survey and interviews suggest that since the CPA settlement leaders are becoming a major source of land through non-formal land sales. This was particularly evident towards the end of the fieldwork. In S2, interviews suggested that settlement leaders are trying to prevent sales by other inhabitants in order to monopolise land in the settlement. In S3, although most people seek information about land available for purchase through their social networks, the most common means of purchasing a plot is from the \textit{sheikh-al-hilla}. For example, the seller of land was the \textit{sheikh-al-hilla} in 7 of the 8 cases of land access through purchase identified in the survey.

Interviews also suggest that land sales are occurring between members of different ethnic groups, including those excluded from the settlements. The case of Jebel Dinka near S3 has already been noted in Chapter 5. A chance encounter with a Nuer GoSS senior official one day on the edge of S3, who was accompanied by a Mundari man whom he said was a broker for ‘the Bari chief’ of the area, gave the following account:

\begin{quote}
I will only pay a maximum of US$2,000 for a plot as I might lose the investment. Some people though are paying as much as US$20,000 for plots in the area up there\textsuperscript{154}. I’m going to rent the plot until I get a title then I will build a proper house on it. By having a tukl already it strengthens the application once there is demarcation.\textsuperscript{155}
\end{quote}

Whilst ethnically based social networks continue to dominate access to non-formal settlement land, cash based transactions are becoming dominated by those with financial capital who are members of different ethnic groups. The increasing requirement for financial capital to access land is already encouraging some people, who lack the resources, to seek land further from Juba where land is cheaper. The increasing economic value of land, along with the insecurity that this is creating, will be addressed in further detail in Section 7.4.

\textsuperscript{153} Three years earlier, PADCO/GibbAfrica (2007: 14) reported that a formal 3\textsuperscript{rd} class plot in Munuki Payam cost around US$10,000 and a third class plot in Juba Town Payam ‘an astounding US$150,000’.

\textsuperscript{154} The area of the proposed Liberty City.

\textsuperscript{155} Informal interview in S3.
7.4 Demarcation committees

The stated aim of the settlements’ demarcation committees is to lobby the Payam and County Commissioner’s offices and MPI for formal demarcation of each area and once this is approved, to liaise with the MPI and Survey Department regarding registration of inhabitants and allocation of formal plots. Accounts differ and it is unclear exactly who or what has initiated the formation of demarcation committees in the three settlements; whether it has been demands from the inhabitants, the quarter councils, the MPI, the Payam, or (in the case of S2) an initiative of a senior Bari representative in the GoSS. During the scoping study, the settlements adjacent to S2 and S3, some of the settlements within Juba Town and settlements to the south of Jebel Kujur/Korok had also formed demarcation committees, suggesting that these committees are becoming common phenomenon throughout the town and that they reflect town planning practices.

The surveys and interviews suggest that almost all PHHs are keen for their rights to residential land to be formalised through demarcation (Table 7-2). There were several reasons for this, although in the survey a reduced threat of demolition appeared less important than the hope that demarcation would bring better access to services and roads (see Figure 7-4). The presence of roads was linked very much to the issue of security, ‘with roads the police can patrol, especially at night. The place as it is, the niggaz can easily escape’. As well as being threatened by crime, many respondents also reported feeling ashamed of the area in which they live. In the early stages of the fieldwork, informants expressed appreciation of the efforts of the government to achieve a safe, clean, well-ordered and well-presented capital city.

‘The government is right to be ashamed of the slums. I don’t want to live in a slum. We want a house, a clinic, a school for the children. There is nowhere for the youth to gather, instead they are idle and get into trouble – with demarcation there will be a place for football. In a slum you are made to feel ashamed. You have no privacy - it is hard, very hard if you’re a woman. To visit the toilet even, you have to go to the bushes at night - some of the girls have been raped. Crime is so bad. Demarcation will bring many benefits.’

156 Interview with member of Quarter Council chairman S1.
157 Returnee woman in group discussion with women in S2.
The continuing uncertainty of the settlement inhabitants with respect to their right to permanently settle in Juba, and the CES government’s policy of forced evictions is reflected in the fact that around 80% of survey respondents in all three settlements believed that they could be evicted (Table 7-3).

Table 7-3 Perceived threat of eviction

<table>
<thead>
<tr>
<th>Do you think you could be forced to give up your plot?</th>
<th>S1 - n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
<th>% Total n=338</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>79%</td>
<td>82%</td>
<td>84%</td>
<td>82%</td>
</tr>
</tbody>
</table>

Source: Own survey data

However, few respondents appeared to have knowledge of the procedures involved in the demarcation and allocation of plots. There is a common assumption that everyone who registers will be allocated a plot. Given the standard 15mx20m plot and block layout, there was no acknowledgement from inhabitants that far fewer formal plots will
be available than under existing non-formal settlement patterns. Inhabitants were generally accepting of the fact that some existing plots will fall on planned roads and that as a result homes will be demolished, with those affected having to relocate. The belief was that the settlement leaders would provide support to these households. As will be detailed below, people were willing to pay relatively large amounts of money to the demarcation committees in S2 and S3 to ensure that they were registered.

7.4.1 Investments in structures

There is generally assumed to be a straightforward relationship between perceived tenure security and housing improvement, with tenure security being an important condition for people investing in their dwellings. Whilst the relationship between investments and fear of eviction was not examined in depth, the findings of the research appear contradictory. In the settlements studied, as has been seen above, there is a highly perceived likelihood of eviction, yet people are investing in their housing and plots, particularly fencing.

At first sight, non-formal settlements in Juba appear more rural than urban in terms of their dwellings, the majority of which comprise thatched roof, round, mud *tukuls* (Photograph 7-1). Nevertheless, walking round the three case study settlements it is obvious that housing development is in fact variable both within and across the settlements. In S1, most of the dwellings are of sacking, some with zinc sheeting roofs (Photograph 7-2), *tukuls* or mud and wattle walled houses (Photograph 7-3). In S2 there is an occasional new concrete block house (Photograph 7-4) although *tukuls* still dominate. In S3, many of the houses are zinc roofed, mud and wattle walled, square and fairly similarly sized. The cost of building a shelter represents a significant outlay for households. A *tukul* costs around US$500 to build, for mudding, bamboo, transport and thatch. A simpler shelter of zinc sheeting costs around US$150 for carpet and papyrus, poles, bamboo and transport. A concrete block house costs from two or three thousand dollars upwards.

The promise of peace and security, and the understanding that ‘the land belongs to the community’, had provided some individuals and households with the confidence to

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158 Defined here simply as perceived likelihood of eviction
159 This is much debated. There are many factors to consider in addition to perceived tenure security, such as household income and legal tenure security see for example de Souza (2001), Payne (2004), van Gelder (2010).
invest in their homes. The owner of the house in Photograph 7-4, one of the headmen in S2, for example had invested in his home two years prior to the formation of the demarcation committee\textsuperscript{160}.

Other respondents said that they had invested in their structures because of insecurity and gangs. In S1 and S2 in particular, there was a general feeling amongst inhabitants that it was necessary to invest in fencing and to have a strong door. Putting up a fence was also a common means of marking plot boundaries. However, the perception also existed that visible investments on land could make you a target for land-grabbing and crime. As one woman pointed out\textsuperscript{161}:

‘You can’t make your plot look too good, or else a Dinka will take it……. If the niggaz think you have money they can also come and rob you.’

However, the largest incentive to invest in structures is the potential demarcation of the areas\textsuperscript{162}. Already noted is the case of utilising spare land on one’s plot by building shelter to rent or for use by ones family, to prevent it being grabbed or lost in the demarcation process. A firm belief amongst inhabitants is that forms of visible investment that meet the basic requirements of 3\textsuperscript{rd} class housing may be used to strengthen claims, particularly the use of zinc roofing, a significant outlay for poorer families (Photograph 7-5). This approach is particularly evident in S3. Perhaps even more noteworthy are the structures that have been put up in areas close to S3, further out from Juba, where people have ‘marked’ plots for themselves to settle on at a later date. Regularly spaced patches of cleared land with iron sheeted roofed, timber house-frames had been constructed as people marked out the plots they had purchased, stretching for many kilometres (Photograph 7-6). Another noteworthy case was the presence of large and conspicuous new graves in some plots in S3. Claiming rights to specific pieces of land based on the presence of graves is a common strategy in other parts of sub-Saharan Africa (see for example Odgaard, 2003). References to graves by Bari, both in government and traditional authorities, when allowing outsiders to access land already have been mentioned.

\textsuperscript{160} In-depth interview in S2.
\textsuperscript{161} Group discussion with market women in S2
\textsuperscript{162} Group discussions across the three settlements.
So whilst people fear eviction, they also perceive the need to strengthen their claims to land by using their scarce resources to ensure visible investment. As areas throughout Juba have been demarcated, and despite the evictions that have already occurred, inhabitants in the three areas studies had become increasingly confident that the process will soon come to them and along with it, formal rights to land. Each area has set up a demarcation committee with, at least initially, the general support of inhabitants. Given the sensitive nature of the registration and demarcation process it was difficult to obtain specific details regarding the processes, although it was clear that they varied between the areas as outlined below.

Photograph 7-1: A registered *tukl* in S2

*Photograph: G. McMichael*
Photograph 7-2: One of the least costly forms of shelter. The home of a Mundari family in S1

Photograph 7-3: Zinc sheeting roofed, mud-walled home of a returnee family from Uganda in S2
Photograph 7-4: A headman’s concrete block house villa in S2

Photograph 7-5: Meeting 3rd class plot requirements in S3
7.4.2 S1’s demarcation process

The demarcation committee in S1 was formed by members of the quarter council, four Bari men who had settled in the area prior to the second civil war and who worked in nearby government institutions. The quarter council had suffered its own internal battles regarding the formation of the committee and as a result of his reported unsatisfactory handling of land matters after the CPA, the chairman of the quarter council, who had been in the position from before the war, was asked to retire and was replaced by another long-term inhabitant who was Director of a department in one of the State-level ministries.

The quarter council was asked by the Payam Director\textsuperscript{163} to provide a register of all plot-holders living in the area. A registration process was carried out in the second half of 2010, organised by the committee. The eligibility criterion for registration was simple. All current plot-holders were registered, with the exception of those renting plots, although it was not clear if the owners of these plots were included instead. With the exception of

\textsuperscript{163} Interview with a member of the bureaucratic elite. Interview with Quarter Council members in S1.
Mundari residents, who had to pay SDG 150 (around US$65) each to their headman, inhabitants did not pay for registration. Funds raised through the settlement’s water committee were used to pay for the necessary stationery and the youth group was tasked with carrying out the exercise.

The extent to which the demarcation committee members knew of the MPI’s plans for the area is not clear. According to the demarcation committee, plots were to be allocated on a length of residence basis, with those who had resided longest in the settlement being prioritised. People who had inherited plots from early settlers were also to be given priority. It was not clear what status would be accorded Dinka inhabitants or the Mundari community.

Whilst the significant majority of inhabitants interviewed were in favour of demarcation, towards the end of the fieldwork period tensions were starting to mount between inhabitants and the quarter council over the proposed allocation of plots. The main concern was the secrecy shrouding the process, with non-Bari Equatorians in particular fearing a Bari bias in the allocation of plots. Inhabitants also complained that many of the quarter council members not only already had more than one plot but also might allocate themselves extra plots.

However, a member of the demarcation committee argued that keeping the information secret was in the best interests of the settlement, fearing the outcome if the information were to be released - ‘We know there will not be enough plots for everyone. There is already fighting between people. We could have riots to deal with’. The same informant also admitted that it was unlikely that IDPs and newcomers would have the opportunity to obtain a leasehold plot through the process – ‘we need to look after those that came first’.

Although in S1 there had been a strong settlement leadership and a good basis for cooperation, which also defined relations of exclusion of others, particularly the Dinka after the war, with growing competition over land cooperation was beginning to breakdown. As tensions over land mounted between non-Bari Equatorians and Bari, conflicts over who has legitimate authority to control the process have intensified. Towards the

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As indicated in the previous chapter, the Mundari community in S1 had its own basis of leadership. The headman liaised with the quarter council. It was not possible to obtain details of the purpose of the payment to the headman.
end of the fieldwork period the settlement had begun to polarise between Equatorian groups, with IDP representatives challenging the authority of pre-war settlers and demanding representation on the demarcation committee, on the basis that the ‘land belongs to the community’ and so all inhabitants should have a say. The quarter council and demarcation committee were refusing to do this, claiming their authority to control the process on the basis that they were the first-comers.

### 7.4.3 S2’s demarcation process

S2’s demarcation committee was formed by a member of the GoSS, who was also a Bari from the area. He had made a promise during his 2010 election campaign to ensure that the area would be formally demarcated. The demarcation committee was comprised of the settlement’s four youth group leaders, the ‘GoSS man’ and two other long-term inhabitants. As in S1, this committee implemented a registration process within the settlement in the second half of 2010, to support the purported demarcation exercise. Each youth group and its leader (the registration officials) collected a payment of SDG150 (around US$65\(^{165}\)) from each PHH in their area. The fee was to cover the costs of registration, such as stationery and time, and also to pay the Survey Department staff for demarcation of the area. Upon payment, each PHH had their name put on the register and, as evidence of full payment and registration, the door of the main shelter in the plot was painted with a number (Photograph 7-6).

The demarcation committee stated that everyone was to be included in the registration process whether newcomers, tenants or soldiers on the basis that ‘the land belongs to the community. Everyone is treated the same’. Those who could not afford the SDG150 (~US$65) were allowed to pay in instalments and the very poor, elderly and widows were registered for free. In order to facilitate registration and prevent further newcomers claiming plots and creating confusion, the demarcation committee told inhabitants that they were no longer allowed to sell parts of their plots or other land they had cleared.

The road development from Juba Town centre through Kator Payam had been ongoing throughout the fieldwork and it was with much celebration and ululation from the women that members of staff from the Survey Department turned up one day with several cans of red paint, hammers and stakes, levels and tape measures. Given its

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\(^{165}\) Based on quarter council estimates of 1,000 households in the settlement, the demarcation committee would have raised about US$50,000.
historical marginality on the edge of Juba, the possibility of a proper road between S2 and Juba Town has profound implications for the inhabitants of the area. Women spoke of how it would reduce the costs and travel time of getting to the main market in Juba to get produce to sell in the local market. In addition, they noted that the settlement would not be cut off during the wet season, so that children would be able to go to school all year round; in emergencies, it would be easier to get to the hospital; and security would improve as police would be able to bring their cars into the area. The construction of the road, they thought, also meant that soon plot demarcation would be happening and people would have a *warrega* for their land.

The survey team had asked for additional money for the hire of a GPS\(^{166}\), but the demarcation committee had been unable to afford this. Nevertheless, they had managed to pay the standard fee necessary to support the process, although it was not possible to ascertain how much this was\(^{167}\). A large crowd gathered around the team as they set about marking out where the main road was going to be. Dwellings due for destruction because they were on the route of the planned road were marked with a large red cross. A group of women provided the team with lunch and they were served drinks throughout the day, paid for by contributions from inhabitants. They promised to come back one weekend soon and start the plot demarcation process.

Weeks passed however, and by the end of the fieldwork period the Survey Department had not returned. In the meantime, another demarcation committee had been formed with links to the payam and County Commissioners. Although many inhabitants had hoped that the demarcation exercise would enable them to obtain formal leasehold documents, the word going around the settlement was that the man from the GoSS was a dishonest man. He had taken money from people during his campaign, promising he would bring demarcation when he was elected. However, now they complained he was nowhere to be seen.

**7.4.4 S3's demarcation process**

The Bari chiefs of the area on the edge of Juba had made a request to the County Commissioner to formally register and demarcate a large area on the outskirts of the city.

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\(^{166}\) Pointing at potential deception as a means of obtaining additional fees, Survey Department staff do not know how to use a GPS for mapping, nor does the Department have the necessary computers and software to use the information for settlement planning (Interview with UNDP Programme Manager).

\(^{167}\) Informal interview with Survey Department official.
in 2007\textsuperscript{168}, of which S3 forms a part. At the time of the fieldwork, S3 represented one of four blocks where surveying and demarcation activities were occurring, although further committees were in the process of being set up as non-formal settlements expanded further onto communally held peri-urban land. Each block had a Demarcation Committee which collected money from plot-holders who reported to the Bari A-court chief.

S3’s first registration process was started in 2007 by the first demarcation committee. According to a number of inhabitants, the first committee consisted of a group of Bari men who purported to be the original landowners and who collected SDG25 (about US$10) from each household. They then disappeared. A second demarcation committee was then formed, made up of first-comers to the settlement, which made appeals to the Bari paramount chief and the sub-chief for demarcation. The chiefs agreed to support the process, reminding the committee members that the settlement must ‘appreciate them’ (i.e. pay for the land). The chief made a further formal written request to the MPI for demarcation as communal land under the Land Act (2009). This committee also carried out a registration process in 2009, registering 632 households at a charge of SDG250 (US$110) each\textsuperscript{169}.

Nevertheless, after registration fees were collected no activities took place. Instead it was alleged that the members of this demarcation committee had used the substantial funds raised to build themselves houses. A new demarcation committee was formed, comprised mainly of returnees from Khartoum. They also collected money from residents: SDG150 (~US$65) for registration and SDG25 (~US$10) for ‘the file’. People renting plots were excluded from the process, but whether this rule was implemented by the demarcation committee or at the insistence of landlords was unclear. The sheikh-al-hilla reported that 2,000 households had registered and confirmed that the committee had collected SDG350,000 (~US$150,000). Although he only outlined what a small proportion of the funds were intended for, according to the demarcation committee chairman, the large amount of funds raised were required to pay fees, roughly as follows:

\begin{quote}
There is a bank account with two signatories – I am one of the signatories. The block leader is the other. A fee has been paid to the survey department of SDG20,650 (~US$9,000). We also have to pay the
\end{quote}

\textsuperscript{168} Interview with traditional authorities – one of the A-court chiefs of Northern Bari Payam.
\textsuperscript{169} Interview with former demarcation committee member
SPLA and the engineering division for the bulldozer. Reports from the other areas is that this is SDG10,000 (~$4,500). There is also a fee for the GPS of SDG5,000 (~US$2,000) to pay to survey. The Bari have told us we are to appreciate them for the land but they have not yet indicated how much.170

The SPLA, he said, are required to ensure the safety of the Survey Department staff in the face of potential hostility from settlement inhabitants but claimed that there had been no protests from inhabitants as road demarcation got underway. With part of the money collected, the committee said that they had already paid for bulldozers and SPLA soldiers to mark out the first road. They also bulldozed the houses of the second set of committee members, reportedly to teach them a lesson. Although it was difficult to obtain the exact details, the chairman was quite open that almost none of the inhabitants contributing to the costs of the process would be allocated plots. As a Bari (although not from the clan indigenous to that area) he argued that the settlers did not have legitimate claims to the land:

‘I expect most places to be demolished. There will be 780 plots. Three plots are given to each committee member as they are facilitating the payment. There are 11 clans who will get 374 plots. Then we have to appreciate those of Survey as is always the way. The Payam is not involved, only the MPI. We think there will be around 57 plots left for the people here. We had to prioritise the list and have submitted the list to the block leader. The land in Juba belongs to the Bari, so Bari should be allocated the plots.’

Nevertheless, in order to support those who would have to move, the demarcation committee had agreed with Bari landlords behind Jebel Korok, an area within the site of the planned Liberty City, that households could move there for a cost of SDG200 (~US$90).

The involvement of traditional authorities in the demarcation process is in fact unclear. There are competing claims amongst Bari chiefs regarding who has the legitimate authority to liaise with the CES government and MPI regarding registration of the area as communal land. One of the concerned clan chiefs outlined the disputes that were occurring between them, the paramount chief, whose position he maintains is also disputed, and another A-court chief:

170 It is perhaps worth pointing out that a GPS (like the one I used) costs only a few hundred dollars. A digital GPS costs in the region of US$15,000. A fee of US$5,000 therefore seems excessive.
‘This land is ours. [A’s] father was born here and A married a Nyiang na Mere. Now in 2009 he claims the area must go to Tokimon – it should go to Rajaf Payam. But if somebody migrates to another area and settles and my grand grandsons are born there, but I have a clan, I can’t make where I settle mine. Now A makes corruption. Whereas our boundary with him is the Yei Road, during that time there was no road. But in 1972, the roads were put there during the time of James Tombura. It became known as the boundary between Northern Bari Payam and Rajaf Payam. But A has come over the boundary – he has come to Block Y. The Department of X – he is also there. We have two problems though; B [another Bari A-court chief] because of boundaries with Munuki Payam, and A is also entering because of his migration. B has sold land to the Dinka and also to the CES government – that is why the Department of X are here. The government ignores the history, but just goes with which chief gives them the land’.

What Bari traditional authorities intend to do with the land is also disputed. According to one of the Bari chiefs, none of the land will go to outsiders, as it is not only for future generations of the clan but is also a key means of survival for the community:

‘We also need to ensure land for cultivation and grazing. To allow land to be barren [i.e. fallow] for some years is good too. The extra plots let us rotate and have some space for cattle. Though the plots will be 3rd class we’re ignoring this. If they’re 3rd class the government can take at any time for factories and so on. We keep it [undeveloped land] for the community for cultivation, grazing – like that. If your salary isn’t paid for 6 months – where do you get money for children? You need to cultivate. We will cultivate when there’s rain. If there’s no rain, WFP must help us. People are advancing, but we will pay for registration but not survey.

Conversely, bemoaning the fact that the chiefs are always fighting amongst themselves, public officials in the MPI confirmed that they had agreed with the Bari that the land would be developed as part of the expansion and development of the city, the focus initially being on the provision of CES government employee housing.

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171 Joseph James Tombura was the president of the High Executive Council from June 1982 to June 1983.
172 The area X is claiming is for the planned Liberty City.
173 The MPI had already obtained some customary held land on the edge of Juba for residential plots for the staff of one of its departments.
174 The dispute involving the boundary between the two payams appears also to be partly to do with the market near S3, which is a source of revenue for the payam through rents and taxes (Interviews with Payam staff).
7.4.5 Violent dispossession and non-formal land accumulation

The main concern in this thesis is the connections between non-formal settlement land access and violence. The previous two sections have shown that cash-based mechanisms of access to land are increasing in the case study settlements, that there is a narrowing of sources of non-formal plots and that some powerful individuals are monopolising plots of land within the settlements, or obtaining benefits through registration and/or demarcation processes.

The picture that began to emerge throughout the interviews is the use of violence and coercion to obtain benefits from non-formal settlement land, through a complex process of removing current inhabitants from their plots by senior military, securocrats and settlement leaders, either colluding with or using customary authorities, political and bureaucratic elites and SPLA, under the auspices of demarcation processes. Additionally, various actors, including soldiers and public officials, were receiving direct payments in the course of violent processes of downsizing inhabitants’ plots, bulldozing and eviction and survey processes.

One question that arises is how have narrow groups of individuals within the settlements obtained land to rent or sell? The answer lies in a combination of violent land grabbing and also violence and deception regarding the requirements of the proposed demarcation exercises in two of the settlements. As already pointed out in Chapter 6, investigation of the cases of reported land-grabbing by Dinka found that in three of the eleven cases, land cleared of its inhabitants had been developed into neat 15mx20m plots that were being rented out or had been sold. In the case of S2, there are also reports involving settlement leaders and SPLA officers who, with the support of soldiers, have monopolised vacant land on the edge of the settlement. Both in S2 and in S3 there are many reports of SPLA commanders and settlement leaders monopolising parts of the settlements. A returnee from Khartoum was renting one of the plots in one of these blocks:

“Our landlord is a Nuer man. I think he is from the [military unit]. We never see him - he sends round his men to get the rent each week. He owns all the houses here. They are good houses but the rents in Juba are high compared to Khartoum.”

175 Interviews relating to one of the eleven case of land violence by individuals within the S2.
Several months before, one of the families living on this land had been forcibly evicted—‘soldiers came in the evening and told us we had to move. We were given no notice, just told to be gone by morning.’ Similarly, in S1, there were reports of instances where violent dispossession had been used to obtain plots for rental, as already presented in one of the cases in the previous chapter.

The demarcation process in S2 and S3 is reported to have been used by powerful individuals within the settlements to enclose areas of vacant land or to partition off plots. In both areas, settlement leaders have ordered inhabitants to neither sell spare land on their plots nor allow people to settle close to them. According to settlement leaders, this was to facilitate demarcation and the allocation of plots and to prevent more people than necessary being displaced in the future. However, according to inhabitants in both locations, settlement leaders were selling spare pieces of land in anticipation of demarcation and better services. Inhabitants also complain of confusion with regards to the demarcation exercise and voice concerns regarding the amount of money they have paid. A common story was that of Isaac’s176:

‘I’m one of the first settlers here. I farmed this area during the war. Even with the insecurity I came here most days. You had to get permission – it wasn’t easy………… Then these people come from Khartoum and took over saying they are Bari. They told me I had too much land and I had to move my fence and papaya I had planted to help the demarcation. Everyone must have the same land because all the plots are the same. They did the same to my neighbour and then they sold the land!’

Whilst demarcation committee leaders in S2 and S3 maintain that groups they consider vulnerable are being supported, accounts from inhabitants tell a different story. Three female-headed households interviewed had been informed by one of the youth group leaders that if they did not pay they would have to leave their plots. This warning along with harassment and threats of eviction, mean they have little alternative but to pay. Their dire predicament is reflected in the words of one of the woman177:

‘I have lived here almost all my life. My children were born here. I do not know where to go and I do not know where I am going to sleep. I cannot afford the fee. The committee has told me I’m where the roads

176 In-depth interview in S3
177 Group discussion with women in a restaurant in S2.
will be and I must go. I told them I’m an old woman on my own looking after five grandchildren. He told me to go find some tree to sleep under – they will not give me other land.

Similarly there were reports of powerful individuals within the settlements and people referring to themselves as Bari chiefs or brokers working on behalf of chiefs selling the same plots of land. In S3 in particular, while sales are taking place, it seems that many are also being disputed. The story of Alex, a returnee from Uganda\(^ {178}\), who had been forcibly evicted on two occasions, demonstrates how the demarcation process is actually progressing and how he was forced into the expensive rental market:

‘Firstly, I and my wife were evicted from Juba town where we were squatting. We lost our home and few possessions and ended up having to sleep on a friend’s floor for several weeks. Through a fellow Kuku man already living in [S3] I was put in touch with a Bari who claimed to own land in the area and I bought a plot from him for SDG 800 (about US$300). I borrowed money from my family to help us build a house. A few months later on a Sunday afternoon I came back from work to find my newly constructed tukl demolished and my wife and 3 month old baby on the side of a very wide road. The exercise was very brutal and threatening and community leaders had hired SPLA to accompany the bulldozer. My wife did not even have time to run into the tukl and rescue our saucepans and other things. It was really wrong because this happened not only on a Sunday and with no notice, but during the wet season when it is difficult to re-build.

I went to the community leaders to complain…. they informed me that I was to be relocated to land half a mile away, but must pay SDG 200 pounds for this land to another Bari chief and also SDG 50 to them as a brokerage fee. They refused to give me any paper or receipt, so I refused to pay and now I am renting this tukl for 150 pounds per month. You know the road is very wide, wider than it should be according to the standard. Later the community leaders marked out plots on the cleared land along the road and were selling these off. I rescued some iron sheeting and have constructed a frame so that people know the land is occupied. I daren’t build any more in case it is demolished again.’

Despite assertions by traditional and settlement authorities that ‘the land belongs to the community’, in S3 the demarcation process was also affecting Bari indigenous to the area. As one Bari from the local clan and a PHH\(^ {179}\) in the area explained:

\(^ {178}\) In-depth interview in S3  
\(^ {179}\) In-depth interview in S3
There are many land committees in S3, such that one does not know which one is legitimate. This is because there are many chiefs in the area, such as the Zande Chief and the Moro Chief. Several registrations were carried out by these committees but no tangible results can be seen. The indigenous community, the Bari, once sat down and agreed in principle that the land should be demarcated, but the community of [the clan] refused later on. I myself am [of this clan] but have been told the plots that will be here are already gone. I am told that this is because the land is now occupied by different tribes who are not originally from here and it is difficult to remove them.

There are issues such as the allocation of land to companies, which is done by the chiefs without the consent of the whole community. Also, educated people from Khartoum who live in the community are also involved in this. The youth were confronting companies coming in and grabbing land, but these educated people told them to wait and they will follow up the issue diplomatically. However, we get no feedback and these companies just continue with their activities. They [the leaders and chiefs] are not acting for the welfare of the community but for their own self-interest.

Moreover, alliances between the SPLA and settlement leaders have inflamed ethnic tensions, increasing the perception that Dinka are grabbing land. On the one hand, settlement leaders are saying that Dinka should not be allowed to settle in the area, but on the other they are employing Dinka through the SPLA to carry out forced evictions. Not only that, Dinka are perceived to be getting more secure rights to land:

‘There are also landgrabbers who use guns and are powerful people in the government, like the case of Jebel Dinka up there, where they have constructed big houses and are not scared of using good materials.’

Thus perception of insecurity relating to land access may be used to further justify exclusion of certain groups, such as Dinka and soldiers, potentially fuelling further land violence. The potential distribution of rights in urban land, particularly through manipulation of ethnic tensions to keep areas free of Dinka and soldiers and the registration and demarcation processes, are becoming resources for some powerful actors. It seems that settlement leaders are working with public officials, traditional landlords and the SPLA to benefit from non-formal land.

7.5 Non-formal claims to settlement land & concerns of exploitation

In order to understand land access, in Chapter 2 the argument was made that it is not enough to analyse who has rights within non-formal settlements sanctioned by law or
custom or other authorities. There is also a need to understand who is making claims to land and who is successful and unsuccessful in such claims. Linked to this is the notion of legal pluralism and how property can be defined in terms of networks of overlapping claims, rather than formal versus informal rights to land.

Besides the formal claims to land by the State, non-formal claims to land by different groups in Juba are complex and overlapping. They draw on non-formal social norms, customary norms and perceived formal (constitutional) rights. At least five overlapping layers of non-formal competitive claims could be identified in the settlements. The first layer is composed of Bari, who claim rights based on historical occupation of the three settlements and lineage membership. These claims were strongest in S3, which is formally recognised as communal or customary land. However, Bari in S1 and S2 also felt that they had privileged claims to the land. The second layer in each of the areas is made up of first comers who cleared the land and first established the settlements. A third layer is made up of later arrivals, whether IDPs or returnees. A fourth layer is made up of soldiers’ claims. A final layer is the new set of claimants that are emerging, who are the individuals purchasing and developing land in the settlements, but who do not live there.

Throughout the in-depth interviews and group discussions settlement inhabitants often stressed the fact that ‘the land belongs to the community’, drawing on the SPLA/M’s mantra. When asked ‘what does it mean – the land belongs to the community?’ the answer varied. To many Bari, the answer is:

‘the land belongs to us as we’ve always been here – the land is for our children. We have to protect it for future generations’.\(^{180}\)

To first-comers and later arrivals, whether those settling before the war, IDPs or returnees, soldiers or other migrants, the answer tends to be that all Southerners are the community. Rather than arguing from a property rights perspective, people from outside Juba are in fact referring to their constitutional rights which imply that every Southerner has similar rights to land. The idea that settlement in the capital city should be based on ethnicity was regarded by these informants as ridiculous. Many returnees refer to their

\(^{180}\) In depth interview in S3.
jobs in government and NGOs in the city and their contribution to rebuilding the region. Pondering on this issue, an IDP to Juba during the war argued:

‘the Dinka accuse us of being jellaba and of avoiding the struggle. But you need people to work in the government, or as teachers, or in helping to rebuild the South. We need to be here to work.’

However, many of those who fought in the second civil war believe that they should be in a privileged position regarding access to land and the allocation of urban plots, in compensation or reward for the risks they took in fighting to liberate the south and the loss of so many family members (Section 6.4). Likewise, many IDPs and first arrivals believe that they should be in a privileged position, given the length of time they have lived in the city. In many instances, they also refer to their inability to return home given on-going insecurity and a lack of money to re-establish themselves. Many inhabitants refer to the obligations of government to provide the basic needs to live.

Nevertheless, while the right of non-Bari inhabitants to settle in and around Juba is generally articulated in terms of the right of Southern Sudanese citizens to settle anywhere in the region, and their need for a right to land in the city because of their role in rebuilding and developing the region or, in the case of soldiers their contribution to the civil war, as has been found elsewhere in Southern Sudan settlers also employ customary concepts to justify their claims to urban land\textsuperscript{181}. The preceding excerpts from a number of references to interviews include rights to land based on claims such as first settlement, the right to unused land or the presence of graves. Informants also claimed that the land was unoccupied on their arrival, or that they are directly descended from either the first settlers in an area or settlers who had been welcomed by earlier inhabitants. As outlined in Chapter 4, the denial of access to land does not comply with the customary or communal norms governing local land management. In the traditions of the Bari, ‘strangers’ (migrants and people from elsewhere) can obtain relatively lasting and secure rights to land, subject to certain conditions (Leonardi, 2005). According to interviewees\textsuperscript{182}, chiefs can distribute user rights to land to people from outside who ask for it, including people from other ethnic groups. What is regarded as socially acceptable

\textsuperscript{181} See Leonardi 2011; Schomerus & Allen 2010.
\textsuperscript{182} Members of political elite in MHLPU and SSLC; Interviews with Bari traditional authorities; In-depth interview in S3; Interviews with quarter council members S1, S2, S3.
amongst settlement inhabitants and indigenous Bari are user rights that provide a place to live, a basic means of subsistence and a home.

At this level, non-formal settlement inhabitants share a belief in the broader responsibility of the GoSS to support Southern Sudanese people, whether they fought in the war, have returned to the region or were forced to settle elsewhere than their home area in the region during the war. This is reinforced by their understanding of traditional practices. The claims being made at the settlement level in Juba thus resemble what Freeman (1991) found in non-formal areas of Nairobi, where settlers asserted the rights of the landless peasant to the means of subsistence. As one Bari elder who had permitted some of the first settlers in S3 to use land explained, ‘everyone needs land to live. If you deny a person land they cannot live’.

Interestingly, while asserting that ‘the land belongs to the community’, settlement inhabitants did not complain of sales. They saw nothing wrong in an owner selling an area of cleared land when cash was needed to those needing a plot. Rather they drew attention to the difference between land for living and land acquired for speculative purposes. In regard to the set of emerging claims being made by people living outside the areas therefore, inhabitants complain that such people already have land and of exploitation by leaders, headmen, the GoSS, the CES government, Dinka or soldiers.

Inhabitants share similar concerns regarding exploitation by government officials and other powerful actors (see also Leonardi, 2011). In claiming the right to settle in Juba, many excerpts from interviews presented in this chapter and the last, indicate that amongst settlement inhabitants, and eclipsing ethnic divisions, are common fears of uncertainty, aspirations for a better life and anger at the perceived corrupt practices of public officials and other powerful individuals as people struggle to meet their basic needs. For example, in a group discussion in S3, a first-comer and returnee from Uganda commented:

‘If you can see the land over there. It is all bush. This land was like this. I worked hard to clear it. We’re moving all the time. How will I ever afford to send my children to school, to look after my family.’

His mother in law also spoke:
‘According to the government, the land belongs to the community. We are all Southerners, yet now we are fighting one another for a small piece of land while the government just grabs. Peace hasn’t changed anything.’

7.6 Comparisons across the settlements

Violence depends on a range of underlying structural and agential factors and the nature of land violence is not the same in the three settlements, pointing to the context-specific nature of the connections between land access and violence. The case study settlements vary greatly in their histories, sizes, locations, population composition, formal status and progress towards formalisation or demarcation of leasehold plots. In S1 there are cases of individuals using violence to access land, with Dinka returnees reportedly sending soldiers to the settlement in order to reclaim what they perceive to be their land. In S2 there are also individual cases of land violence, but by soldiers and outsiders who are using soldiers to obtain land. In S3 there are no reports of individual cases of land violence, although settlement leaders are monopolising areas of land using deception. Instead however, there are large scale evictions being carried out by settlement leaders in collusion with traditional authorities, public officials and military actors in the SPLA.

The context is very fluid and the research took place over a comparatively short period. This makes drawing direct comparisons difficult. Nevertheless, a comparison of the three settlements does provide important insights into the connections between land access and violence at the local level.

7.6.1.1 S1

In S1, the community has a strong basis for cooperation and a leadership which until recently appears to have held wide legitimacy within the settlement. The leadership also has close bonds with CES government institutions. Nevertheless, the exclusionary effects of social capital are evident, with the settlement leadership discouraging sales and transfers in an attempt to control movement of people into the settlement. There have also been attempts to exclude Dinka returnees from the settlement, while Equatorian returnee claims are acknowledged. In some cases, this has lead to instances of forum shopping, with Dinka seeking recourse through the courts. In other instances, such exclusionary practices have led to land violence. Although many of the Dinka in the settlement are not soldiers, many are ex-combatants and are indicated to have close ties
to the military and also with the GoSS. The ability of some of these inhabitants to employ violence to access land via the use of soldiers may rest on such ties.

Apart from threats and the use of violence by some Dinka inhabitants who face exclusion from land access, there are few other indications of land violence. The quarter council and other organisations that exist in the settlement, such as the water committee, generally have widespread legitimacy. The absence so far of survey activities in relation to a demarcation exercise has perhaps not provided the initial incentives for the use of violence by powerful members of the settlement. The initial formation of the settlement and some inhabitants’ close ties with the local government may afford it some level of protection from State orchestrated forced evictions, despite the prime location of the land. Unlike the Demarcation Committees in S2 and S3, the Demarcation Committee in S1 had not used the registration process as an opportunity to raise funds. This perhaps points to the fact that members of the committee have functioned in leadership positions for many years and have been both representative and accountable to the settlement inhabitants.

Nevertheless, the Committee represents longer-term inhabitants rather than the settlement as a whole and the demarcation committee and other settlement leaders on the quarter council may be in a good position regarding knowledge of procedures and plans for the area. Indeed, some inhabitants suggest that they may be acting in their best interests not the interests of the settlement. There are also suggestions that competition over access to land is beginning to undermine cohesion within the settlement along first/early comers and their descendants versus IDP lines. Fear of violent protest is given by demarcation committee members as reason for their lack of transparency, echoing similar arguments made by the CES government in relation to forced evictions. Whether or not settlement leaders will resort to violence in order to control or benefit from formalisation is difficult to predict and depends on how events play out and the activities of other actors, particularly officials in the MPI.

**7.6.1.2 S2**

Of the three settlements, the inhabitants of S2 have experienced the most varied violence in relation to land access. Unlike S1, the settlement leadership is unclear and disjointed and the basis for cooperation and coordination amongst communities within the settlement is much weaker. Chapter 5 detailed how headmen have tended to manage the
affairs of their own communities along ethnic lines, but noted that the legitimacy of some is declining in the post-conflict period. Longer-term inhabitants state that trust between neighbours within the settlement is also declining. This is partly due to the displacement history of the location, which has resulted in a more fluid population, and also the availability of unused land, which has allowed an influx of people since the CPA.

The settlement’s inhabitants face various burdens due to the claims of the large number of soldiers who have moved into the area since the signing of the CPA. Soldiers complain of their inability to access land for themselves or their families. A large number have settled in the area but land has not been provided to them and as a result some have used violence to access land. Soldiers rely on their own command structures, which is reported by civilian inhabitants to be a problem because settlement leaders are unable to liaise with military authorities regarding matters that affect the settlement, including land disputes and the demarcation process, which means that arrangements and disputes between civilians and soldiers or their families are not discussed and resolved. This in turn was influencing the nature of cohesion within the settlement, with soldiers perceived as often acting with impunity.

The lack of cooperation is not only attributable to the presence of soldiers, but also the ill-defined systems of civilian authority within and outside the settlement. During the war, authority was clear with the sheikh-al-hilla reporting to the GoS local government structures. However, with the signing of the CPA, the sheikh-al-hilla has lost his authority. With an ethnically heterogenous population there are many headmen. In the post-conflict period, the emergence of leaders of different communities within the settlement who have links with different authorities outside the settlement, such as Bari landlords, payam authorities and the GoSS, means that there is a lack of coordination. The impending likelihood of demarcation has provided incentives for outsiders to access land. Powerful actors within the settlement are able to instrumentalise both these links and their links with officials in the Survey Department. Violence, coercion and deception are becoming powerful tools used by the demarcation committees to enable various actors to benefit from land. Fear and perceived risk on the part of inhabitants appears to be as common a motive for making payment to the demarcation committee as belief in the demarcation committee’s legitimacy.
7.6.1.3  **S3**

S3 represents a very recently formed settlement and unlike the other two settlements is situated on communally, or traditionally, held land rather than public land. The settlement is the most secure of the three in the sense that inhabitants spoke of low levels of crime and few disputes between neighbours. In a case of ‘shopping for (manageable) forums’, exclusionary practices are evident in that no Dinka or Nuer reside in the area and inhabitants have been ordered by customary authorities, via the settlement leadership, not to allow these groups to settle because of their perceived propensity to use violence. However, customary authorities also acknowledge their inability to manage (or coerce) Dinka and Nuer groups. Given the close proximity of areas such as Jebel Dinka, it is likely that people from these groups choosing to settle on the outskirts of Juba, have chosen adjacent areas in preference to attempting to access land in areas like S3 where they are likely to have no ties. Authority at the settlement level is clear, with one popular committee reporting to a Bari A-court chief.

Like S2, the impending likelihood of demarcation has created incentives for outsiders to access land. Although the settlement leadership is unified, it is resorting to violence to clear land of its inhabitants, using soldiers hired by community leaders. This process is providing further opportunities for leaders to economically benefit from their position. The disturbing trend in these evictions is the collaboration between settlement leaders, traditional authorities, public officials and the SPLA.

### 7.7 Discussion & Conclusion

This chapter details the use of violence, and also coercion and deception, by settlement leaders and knowledgeable and powerful individuals from outside the settlements. As the literature indicates, and in common with other urban areas in sub-Saharan Africa, there has been a rapid commodification of non-formal settlement land since the signing of the CPA. This investigation of the changing mechanisms of land access points to the increasing economic benefits to be obtained from non-formal settlement land, whether through non-formal land sales or tenancy arrangements. Additionally, the perceived potential for the demarcation and allocation of leasehold plots in the three settlements is increasing the demand for land by outsiders.

Whilst the development of non-formal land and tenancy markets, along with violence associated with accessing land, can be attributed to the increasing demand for the limited
amount of increasingly costly land in Juba, the data suggest that this is not a straightforward relationship. The findings suggest that social networks remain important in finding out about available non-formal land, but that sources of land are narrowing. The increasing benefits obtainable from non-formal land in the fluid post-conflict period appear to be encouraging a range of powerful actors to monopolise plots of land within the settlements. Moreover, settlement leaders and also public officials and some customary authorities are obtaining benefits directly through financial benefits or benefits in terms of the potential to gain multiple leasehold urban plots through misrepresenting the registration and demarcation processes occurring in the settlements. In both circumstances, powerful individuals are at times enlisting soldiers to engage in violent activities related to land.

In applying the conceptual framework, Section 7.6 showed how the use of land violence by powerful actors is linked to a range of structural and agential factors and has a great deal to do with the functioning of the settlement leadership, the presence of military actors and progress towards formalisation in the settlements. Non-formal alliances at the city level are not the only alliances that are undermining the access of non-formal settlement inhabitants. Due to settlement leaders preferential access to outside actors, non-formal settlement inhabitants occupy a marginalised position in the ‘field of non-formal land access and control’. Groups within the settlements draw on their social positions and knowledge of official procedures to, for example, establish demarcation committees. Through their knowledge and external ties with junior public officials, the military and, in the case of S3, traditional authorities, powerful actors in the settlements are acquiring a social position that allows them to benefit from non-formal settlement inhabitants. Reflecting practices at the city level, settlement leaders and other powerful individuals draw on agential sources of power: deception, coercion and violence. The lack of understanding and information provided by the government in relation to land legislation, and generally low levels of social capital and coordination within the settlements, mean that the levels of organisation required to create organisations that can challenge such activities are lacking.

Another crucial aspect to consider is the fact that the strategies of settlement leaders and other powerful actors to access or control non-formal settlement land have a material basis. Having the necessary financial means, for example to pay public officials in the Survey Department, or in the case of S3 the SPLA, suggests that the ability to obtain and
distribute financial capital is also a source of power. In relation to this, in some instances
the potential for financial benefits is changing the composition and functioning of non-
formal social networks, with powerful individuals at the settlement level seeking to
benefit.

In order to obtain formal leasehold land rights, settlement inhabitants are in effect
dependent on settlement leaders for contacts with powerful individuals, as they cannot
obtain these individually. Such social relations represent a situation of clientelism. Settlement leaders’ social positions facilitate their ability to influence local-level
demarcation processes and their social position is reinforced by these processes. This in
turn prevents transparency around the process. Ethnic tensions and unclear legislation
are being instrumentalised by a web of powerful actors, who are undermining the ability
of non-formal inhabitants to access land through coercion, deception or violence.

Therefore, although land’s symbolic and emotional dimension may intensify struggles
over land access, it is not the ethnic dimension that dominates land access but the class
dimension. There is a clear distinction between the ability of combatants and civilians to
access land, as well as that of bureaucratic and political elites, whether Dinka, Bari or
people of other ethnic groups. Inhabitants of the settlements are facing threats to their
land access regardless of ethnicity.

The final chapter will go on to consider the findings of this and the previous chapter in
the context of Juba and the region more generally, drawing in the findings of chapters 4
and 5. It will also consider the implications for our understandings of informality and
urban land policy in Southern Sudan and sub-Saharan Africa more broadly.

\[183\] See Mabogunje (1990), who argues that these invisible networks mitigate the emergence of class conflict because they mask who owns the land, what the process of access is and who can access it.
8  Chapter 8: Conclusion

8.1  Introduction

The evidence from the research suggests that violence is a major factor underpinning land access and settlement processes in post-conflict Juba. Chapters 5 details how, at the city level, violent forced evictions are being used by the CES government to control the settlement of tens of thousands of people, going against the spirit of the CPA. Current plans also indicate that in the longer term, many of the inhabitants of the case study settlements may also be evicted. Chapter 6 shows how, from the point of view of civilians, socially legitimate procedures for accessing non-formal settlement land on which to live are sometimes by-passed, with violence being used as a mechanism of land access by some individuals. Chapter 7 details how the use of violence, and also deception and coercion, are mechanisms used by some powerful individuals to access non-formal settlement land or as a means of benefiting from its rising economic value and/or processes as the settlements’ inhabitants seek to have their access rights to land formalised.

This research has departed from the conventional notion of rights to land based on property rights institutions to a broader concept of ‘access’ in order to understand the connections between non-formal settlement land access and violence. By carrying out an exploratory case study in post-conflict Juba, it has investigated the means, processes and relations within society, or ‘mechanisms’, by which individuals attempt to gain and maintain access to non-formal settlement residential plots, how this access is controlled and the connections to violence. It has focused on an empirical study of three non-formal settlements in the city, established at different times. A secondary aim of the research, which will be considered in further detail in the latter half of this chapter, is to contribute to understandings of informality and in so doing to policy debates on urbanisation and urban land in sub-Saharan Africa and post-conflict contexts in particular.

To recap, in chapter 2 the case was made for moving beyond current dualist frameworks often used to understand non-formal settlement land access and to use a framework based on the concept of ‘access’ rooted in a political economy approach. Such a framework takes into account actual practices relating to land access and also the socio-economic and political conditions in urban areas that shape these practices. Access to
land is defined as the mechanisms that enable actors to gain, maintain or control access to land, or obtain benefits from land, in this case urban or peri-urban non-formal residential land.

Chapter 2 also drew on the urban and post-conflict violence literature to outline how the causes and types of violence are complex and overlapping and how they relate to a range of structural, agential and identity factors. An access framework points to the various benefits that can be obtained from a resource and so allows consideration of the varying underlying causes or motivations for the use of violence. In this thesis a narrow and precise definition of ‘land violence’ has been used, which refers to the use, or threat of, physical force, resulting in fear of, or actual forced, dislocation from one’s plot or shelter.

On the basis of the first research aim and the conceptual framework developed in Chapter 2, three clusters of research questions were formulated to guide the research. Each empirical chapter (5 to 7) explores each of the research questions. At the same time the theoretical and methodological basis for the research has been rooted in an approach that recognises the importance of the wider historical, political, social and economic context in shaping the mechanisms of land access. Therefore, Chapter 4 provides the background to the broader regional context.

**Question 1:**
How is urban land access controlled at the city level and what are the main factors that shape the practices and processes around this? How do struggles and accommodation between authorities that control access to urban land – traditional authorities, local government and regional government – affect access to urban land and the prevalence of non-formal settlements? To what extent and how are the authorities controlling access using violence? How does this contribute to our understandings of informality and hence to the formulation of more effective post-conflict urban land policy?

**Question 2:**
What are the different mechanisms by which individuals seek to gain access to land for themselves and their families in Juba’s non-formal settlements and how is this changing in the post-conflict context? Are some actors or groups better positioned than others to access non-formal settlement land? In what circumstances is violence used to gain access
to land on which to live? What can we learn from the resources or capitals that people use to access land to support more effective urban land policy?

**Question 3:**
In the context of increasing population pressure and the development of non-formal land markets, how are non-formal settlement inhabitants seeking to maintain their access to land? How are different actors positioned to benefit from non-formal settlements and how are they using violence to access non-formal settlement land or benefit from its control?

In this final chapter, the research draws out the main conclusions from the research in order to address the research aims. The first section therefore considers the first research aim, based on the three clusters of research questions. Section 8.3 will address the second research aim. The penultimate section reflects on the methodology, before concluding with some potential future research directions in the final section.

### 8.2 Connections between non-formal land access and violence and reflections on the conceptual framework

What emerges from this exploratory case study of Juba is that the connections between non-formal urban land access and violence are not straightforward. No single factor explains why some actors resort to violence to access land or why the settlements differ in the degree and nature of land violence. Rather, causal factors relating to the regional context, the city context, the settlement and the identity and agency of actors all combine.

In seeking to understand the connections between non-formal land access and land violence, this thesis has drawn on a framework that conceptualises non-formal access as occurring within a ‘field of non-formal land access and control’ that is influenced by both formal and non-formal institutions. Institutions are understood in terms of processes; that is to say, the focus is on practices and social interactions. The mechanisms or practices actors use to gain, or control access to non-formal settlement land or its benefits, depends on their relative social positions of power, determined partly by the capitals that they possess. Other structural, agential and identity factors also underpin these mechanisms. These mechanisms in turn influence the way institutions operate and are evolving. In applying the conceptual framework the research has considered: firstly,
how non-formal land access is controlled and how powerful actors are mediating the land access of others; secondly, the mechanisms by which actors, particularly non-formal settlement inhabitants, gain access to land and how this is changing in the post-conflict period; and thirdly, how non-formal settlement inhabitants are seeking to maintain their access to land given the rapid increase in Juba’s population and changing socio-economic and political conditions in the post-conflict period.

Presentation of the analysis firstly considered the important structural factors that influence the socio-economic and political conditions in post-conflict Juba. The research demonstrates that urbanisation is a key factor underpinning and catalysing changes in non-formal settlement land access mechanisms, land transactions and the growth and prevalence of non-formal settlements, especially around the city. As the literature suggests is generally the case in cities in sub-Saharan Africa, the existing formal institutions of urban land management in Juba are legacies of colonial (Condominium) rule. During post-Independence rule and civil war these institutions have changed little and are proving to be ineffective in addressing rapid urban population growth in the post-conflict period. The emerging land use patterns by and large indicate a mismatch between actual patterns of urban development and public officials' widely held beliefs regarding the urban planning norms and standards, which underpin contemporary urban land use planning instruments such as zoning and the provision of basic services. In part due to the formative nature of institutions around land access and control, violence remains integral to control over urban land access even in the post-conflict period. The use of violence in the form of forced evictions may be regarded as a legacy of Condominium and post-Independence rule, adopted by successive governments as a relatively simple tool to address what would otherwise be difficult land policy and urban planning issues, particularly as Juba expands onto formerly rural areas subject to communal territorial rights and claims.

The outcome of the analysis presented in Chapter 5 argues that land violence in the form of State-orchestrated forced evictions, in addition has become a tool for putting urban land in the hands of powerful individuals. It is argued that members of the political and bureaucratic elite, through their roles in different authorities, have acquired a social position within the field of non-formal land access and control that potentially allows them to control the allocation of urban land through their preferential access to the city’s administrative apparatus. This is occurring against a general backdrop of the lack of
capacity and dysfunction of formal institutions. Elite individuals and groups draw on various sources of power, such as discursive manipulations, ethnic tensions, their impunity from sanctions for illegal and violent actions and confusion in the formal, legal institutional order, to access or control the access to urban land. The existence of non-formal alliances amongst members of the bureaucratic and political elites within regional and State government institutions are undermining the implementation of new legislation and urban plans in the post-conflict period.

In contrast, non-formal settlement inhabitants are unable to call upon public officials to enable them to access land. The research findings presented in Chapters 6 and 7 confirm that in practice people have gained, or are gaining access, to non-formal settlement land through multiple mechanisms. This variety occurs between case study settlements, within them and over time, with changes in land access influenced by successive waves of settlement and displacement. Financial capital, labour to clear available land, knowledge, authority, identities and social relations mediate people’s ability to access land, and are in turn influenced by structural factors such as settlements’ particular histories, physical locations and the broader changes occurring within the city.

Using social capital as a lens to understand non-formal settlement land access has proved useful in relation to understanding why some actors may be better positioned than others to access land and under what circumstances violence may be used as a mechanism. Whilst people have used multiple mechanisms to access non-formal settlement land, social networks have been critical as the literature suggests. The non-formal social institutions controlling access to land have, at least until recently, been productive in so far as they have benefited inhabitants of the settlements in general. They have not only enabled new arrivals to the city to find a place to live and mediated in land disputes in the settlements, but they also supported social cohesion within the settlements during times of war. However, in the post-conflict period, the potential exclusionary nature of social capital is becoming particularly apparent. Drawing on ethnicity as an instrument for community mobilisation, settlement leaders and traditional authorities are mirroring the regional discourse that sets Dinka against Equatorians. From the perspective of those groups accused of land violence, their exclusion within settlements, and their marginalised status within their own institutions, leads them to believe that the use of violence is essential in order to obtain a place to live.
The changing mechanisms of non-formal settlement land access point to the changing benefits to be obtained from non-formal settlement land. Although prior to and during the war, benefits from non-formal settlement land access related to most basic benefits, in that everyone needs somewhere to live, in the post-conflict period, non-formal settlement land is acquiring an economic value it did not have during the conflict. This is in part caused by the changing socio-economic conditions in Juba due to post-conflict migration, the city’s role as regional capital, and also a scarcity of formally available plots.

Unravelling the networks of land access and violence reveal connections with these changing benefits to be derived from non-formal settlement land. The increasing economic benefits are reflected in and reinforced by the changing mechanisms by which non-formal settlement inhabitants are gaining and seeking to maintain access to land. As the literature indicates, in the context of increasing land scarcity and the development of non-formal land markets, non-formal settlement inhabitants are supporting processes they perceive (or at least until recently have perceived) will bring them formal, leasehold rights to their plots. Linkages between individuals seeking to maintain access to their plots at the settlement level, and the institutions of governance at the city level, which lack the capacity to plan and govern effectively, are influencing the processes and practices by which non-formal settlement inhabitants are seeking to maintain access to urban land and their opportunities to do so.

In practice, the ability of non-formal settlement inhabitants to (maintain their) access to urban land is being undermined by non-formal alliances at both the city and settlement levels. Reflecting practices at the city level, settlement leaders and other powerful individuals draw on agential sources of power – deception and coercion through violence or the threat of it - in order to control access to and benefit from non-formal settlement land. These actors have drawn on their social positions and knowledge of official procedures to for example, establish demarcation committees. The suggestion is that, through their knowledge and external ties (or ‘perverse social networks’ (Rubio, 1997)) with junior public officials, the military and/or traditional authorities, they are acquiring a social position that is allowing them to benefit from non-formal settlement inhabitants.

As a result, non-formal settlement inhabitants are threatened by forced eviction by powerful actors at various levels. Land violence can therefore be understood as agential power available to and exercised by actors at a range of levels, who given their social
positions within the field of ‘non-formal land access and control’, and either their identities as soldiers or their links to the military, obtain certain capacities to act. An important aspect of land violence is therefore its relation to the structural context and the impunity enjoyed by the military and members of the political and bureaucratic elite.

There is also another key aspect to consider. As detailed in Chapter 7, the strategies of settlement leaders and other powerful actors to access land have a material basis. In particular their possession of the necessary financial means, for example to pay public officials in the survey department (or in the case of S3 the SPLA) suggests that the ability to obtain and distribute financial capital is also a source of power, which cuts across ethnic categories. The potential for economic benefits appears to be both altering the composition of non-formal social networks and changing the way they function. It appears that what is occurring is an evolution from a sense of community within the settlements before and during the second civil war to more segregated residential patterns as a result of the emergence of predominantly cash-based mechanisms of accessing land.

Nevertheless, practices are not the same across the three case study settlements. The comparison presented in Section 7.6 demonstrates that the use of land violence by powerful actors has a great deal to do with social capital or the cohesiveness of settlement communities, the nature and functioning of the settlement leadership and its links with external actors, the presence of military actors and progress towards formalisation. Where there has been a strong basis for cooperation, little ostensible progress towards demarcation, clear settlement leadership and few military actors, settlement inhabitants appear to be in a stronger position to maintain access to land, at least in the short term. Notwithstanding, as progress towards formalisation occurs, the cases demonstrate that under the combined influence of social structures and networks between elites at the city level, powerful actors and settlement leaders, the majority of people living in or moving to the settlements are in a precarious position with regards to their ability to access non-formal settlement land in the longer term.

8.2.1 Concluding thoughts to the first research aim
The concept of access has allowed a widening of the analytical scope of the study. While the concept of property focuses on rights to land sanctioned through formal, customary or non-formal systems of laws, norms or rules, the concept of access emphasises social
relations and allows the inclusion of illicit means of gaining access, for example through violence, coercion and deception, in the analysis. It also directs attention towards why some individuals have access or derive benefits from land (resources) others do not. It is particularly suitable for analysing non-formal land access in a post-conflict context such as Juba, where access is mainly determined by non-formal social arrangements, including ‘illegal’ mechanisms such as land violence, and where the context is rapidly changing.

Perhaps one problem with the concept of access is that it is often used in the rural land literature with a focus on the local level. Peters (2002) argues that whilst such work has helped to ‘de-economise’ analyses of property, the broader economic and political characteristics and effects of resource-claiming mechanisms and negotiations are lost. This research has attempted to overcome this weakness by considering how non-formal settlement land access is shaped by actors and institutions across different levels within the city. A legal pluralist perspective acknowledges that the state legal system is very important with regards to the everyday experiences of people attempting to access or control land as well as the ‘wider range of social relations that can constrain or enable people to benefit from resources’ (Ribot & Peluso, 2003). Most importantly, the findings in this research point towards a drive for formalisation by non-formal settlement inhabitants, which indicates the importance to them of formal institutions. At the same time, it shows how the influence of formal organisations can contribute to changes in the benefits to be obtained from non-formal settlement land, which non-formal settlement inhabitants are ultimately in a weak position to obtain for themselves.

To acknowledge the importance of the state and of formal institutions does not mean that non-formal institutions and practices are irrelevant. In Juba formal and non-formal institutions overlap, indicating the complex nature of ‘the state’ and how various actors may operate on the fringes of the formal, legal system. The findings suggest that there is a web of actors and a range of formal and non-formal institutions whose interplay determines the opportunities of individuals to access urban land. Power is diffused across settlement leaders, traditional authorities, junior public officials, military actors and members of the bureaucratic and political elite, amongst whom social relations are complex. In this context, moving beyond dualist frameworks used to understand informality and conceptualising the formal and non-formal as a continuum has proved useful.
A social capital perspective has helped to draw out the differential outcome of these social networks and the connections between non-formal urban land access and violence. The results indicate how violent conflict can foster social capital, with close bonds within communities developing as individuals seek to cope with the hardships of civil war. Nevertheless, the findings also suggest that social capital can be exclusionary with the characteristics of social networks, and the way they are being reshaped in the post-conflict period as pressure on non-formal settlement land increases, leading to the exclusion of certain groups. Bonds of community and solidarity based on long-standing rules, norms and trust (Narayan, 1997) within longer established communities in Juba, it appears, are beginning to disintegrate.

The conceptual framework points to the importance of understanding the structural context in which social networks are embedded. Unravelling the benefits to be obtained from non-formal settlement land and land violence reveals connections between land violence and the rising economic value of land. The ability to benefit from non-formal settlement land is in particular linked to the ability to monopolise demarcation processes. In future, large-scale violent evictions are likely to prevent current inhabitants from maintaining their land access in the three settlements studied. Although non-formal land access is still occurring at the local level, if demand for land continues to grow in the city non-formal mechanisms of land access, and the non-formal institutions that guide these at the local level, will no longer be the predominant form of access so that a focus on local level complexities becomes insufficient.

The literature on post-conflict violence suggests a continuum of violence, with the nature of violence sliding between political and criminal violence in societies undergoing dramatic political change, where powerful actors use the fluid post-conflict context in order to accumulate wealth (Simpson, 1997). Whereas during the war in Southern Sudan, SPLA soldiers associated with local communities often to obtain resources such as food and labour, in the post-conflict period SPLA soldiers appear to be co-opted into the accumulation strategies of wealthy members of the political and bureaucratic elite. Whilst the literature tends to emphasise the role of powerful actors such as warlords, the analysis presented here demonstrates the complexity of post-conflict violence and the opportunisms of various actors operating at different levels. Given the emphasis by the GoSS on customary land rights, one of the most worrying trends in the observed evictions in Juba is the involvement of some traditional authorities. As Leonardi (2005,
2007) details, in Southern Sudan traditional authorities have held its legitimacy partly because of their marginal status and the limited potential for them to develop patrimonial relations with state institutions. Today, however, the existence of non-formal connections between the military and traditional authorities provides these groups with a privileged relationship with the post-conflict state. Key to the success of these relationships in terms of enabling both traditional leaders and the military to benefit from non-formal settlement land is the ability to use or threaten land violence. This particular relationship has less to do with the legacies of Condominium and post-Independence rule, which the nascent GoSS is attempting to redress, and relates more to the political economy of violence that developed during the second civil war and which has spilled over into the post-conflict period. The formal institutional deficiencies of the Southern Sudanese state and the military within state institutions is allowing those with military leverage and financial resources preferential access to urban land.

One final aspect to consider are the ethnic narratives which are common in the literature and analysis on Southern Sudan. As Leonardi (2011) also notes, it is widely believed that ethnic conflicts will negatively affect the region’s future. The narrative of Dinka dominance outlined in Chapter 4 is evidenced here in the anti-Dinka sentiments in Juba detailed in the empirical chapters. However, in spite of tensions between Dinka and Equatorians, inhabitants of the settlements are facing threats to their land access regardless of ethnicity. The outcomes seem to depend less on their rights and more on their connections with the military and political and bureaucratic elites, and their having the financial resources. There is a clear distinction between combatants and civilians ability to access land as well as bureaucratic and political elites, whether Dinka, Bari or people of other ethnic groups. Therefore, it is not the ethnic dimension that dominates land access but the class dimension where class, as opposed to ethnicity, has greater explanatory power when considering land access in the settlements and the connections with violence (cf. Peters, 2002).

8.3 Understandings of informality and policy implications

8.3.1 Understandings of informality

Overall, this analysis of non-formal land access points to a number of reasons why the concept of a formal-informal duality is inappropriate. The concept tends to privilege the formal over the informal, whereas this research suggests that non-formal practices can be as important as formal practices in determining urban land access. In the section above,
‘informality’ is evident in formal bureaucratic structures, where rules, procedures and regulations are applied in a discretionary fashion with respect to the management of urban land. The results here also point to the great fluidity in the way the land tenure situation is being played out in Juba, where co-existing formal and non-formal institutions, operating across different levels, result in unequal opportunities for differently socially positioned actors to access land. There are also suggestions of a move towards formality in the case study settlements, indicating that a categorisation of settlements as formal or informal is also misleading.

Moreover, the analysis of non-formal access and violence presented in the section above indicates the role of the state in producing non-formality, which can allow exploitation of the non-formal status of people living in non-formal settlements by a range of actors. As Chapter 5 details, non-formal land occupation in Juba is treated by the regional and state governments in a technocratic manner drawing on discourses of post-conflict reconstruction, rural development and urban modernisation. Authorities focus on the contravention of existing regulations and the new Land Act (2009) and seek to use violence in the form of forced evictions to manage this perceived illegality although the evictions themselves in fact have questionable legal status. The GoSS and CES governments present non-formal settlements as a single category that makes formalisation seem the only option. The outcomes of this undifferentiated representation of non-formal settlements in land policy and regional development is in practice effectively excluding hundreds of thousands of people from access to land and obfuscating a deeper understanding of land access and property.

The literature review presented in Chapter 2 presented a definition of property as a social construct based on relationships among social actors, with claims to land being mediated by a diverse set of social and power relationships. The formal, legal claims of state actors and the claims of traditional authorities can be understood as being just one set of claims used by these actors, to privilege their claims over others. In addition, however, Jenkins (2001: 6) argues that understanding the meaning of land from the position of those living in non-formal settlements themselves is ‘an essential element of a re-evaluation of the concepts of formal and informal as applied to urban land issues’. Section 7.5 has given some consideration to the proliferation of claims being made to non-formal settlement land in contemporary Juba. Non-formal settlement inhabitants emphasise the rights of Southern Sudanese to settle anywhere in the region, in effect drawing on their rights
detailed in the ICSS. They stress the use of land for a place to live and for a home and make a distinction between land for living and land acquired for speculative purposes. Their position does not amount to a rejection of private property: inhabitants do not complain of land sales within communities and most are keen to obtain formal, leasehold title to their plots. As opposed to a Western view of property rights, which tends to focus on the rights of the individual, such perceptions of rights to land point to broader notions of the responsibilities of both the post-conflict state and customary authorities to support Southern Sudanese people, whether they fought in the war, are returnees or are IDPs.

Chapter 2 also summarised recent arguments that the means of attending to non-formal settlements are not merely logically structured through technical means (formal property rights) but also are political struggles about rights and entitlements (Roy, 2005: 150). Taking non-formal settlement inhabitants’ claims into account suggests a need to expand the concept of ‘formality’, which is currently based on Western, individualistic notions of property. If the concept of ‘informal’ is reduced to exploitation, as Huchzermeyer (2004) suggests, and if, drawing on MacPherson (1978), the current definition of formal rights to land provides a mechanism whereby only selected actors benefit from non-formal settlement land, then addressing the broader issue of non-formal settlements and their inhabitants requires not ‘formalisation’ but a broadening of the notion of formality beyond formal, leasehold property rights to reflect the mantra ‘the land belongs to the community’. This is not to promote a return to customary laws or norms, which anyhow need to be understood from the perspective of changing contexts and processes (Moore, 1983). Rather the suggestion is to broaden of the idea that ‘the land belongs to the community’ beyond customary land rights to other types of rights to land for all social groups.

### 8.3.2 Policy implications

Recognising and dealing with land issues can help to address some of the underlying structural causes of on-going violence, although, as Moser and McIlwaine (2006) point out, urban violence reduction requires a broad strategy to address the range of structural, identity and agential factors that underpin it. With specific reference to land, given the range of factors connecting land access with violence, there can be no single policy that can address all the problems and dilemmas. The suggestion above, for a broadening of the notion of formality and community rights to land to include social groups other than just customary groups, would shift the focus of urban land policy and planning in post-
conflict Juba. Drawing on Huchzermeyer (2004), it could provide a basis for promoting policies that recognise non-formality. By legally recognising the right of non-formal settlement inhabitants to protection, mechanisms may be introduced to improve their tenure security and reduce exploitation by various actors, thereby reducing the incentives for land violence. This reflects the general call in the literature for more rights based and flexible approaches to land tenure and thus for the protection of the non-formal land rights of vulnerable groups, as well as of secondary and multiple rights to land and resources.

However, in investigating the actual practices associated with land access, the research findings call into question the potential of rights-based approaches alone to address residential urban land needs, which are fraught with issues. One set of issues relate to the inherent complexity of tenure reform in post-colonial Africa, especially addressing legal pluralism in property rights. In particular, the notion of community land rights is not fully developed in the Land Act (2009). As outlined in Chapter 4, Southern Sudan’s constitutional provisions relating to citizens’ right to choose their place of residence are contradicted by the application of customary laws, which tend to attribute differential rights of settlement to people from within and outside a community and where the ability of an individual to access community land for residential purposes hinges on their ethnic identity. This mismatch between ethnically based ideas of settlement and new patterns of settlement overlaps with how citizenship is defined and reflects calls for a redefinition of citizenship in Africa.\(^\text{184}\)

A further set of issues relates to the history of Juba, and the settlements themselves, and the overlapping and contested claims to urban and peri-urban land that are emerging in the post-conflict period. The case studies ultimately demonstrate the powerlessness of non-formal settlement inhabitants that opens them up to exploitation by their own leaders. In this sense, the process of formally defining and allocating land rights must be understood as fundamentally historical, replete with power relations and dynamically structured. A lack of attention to power, distributive conflicts and the role of public officials operating on the fringes of the formal, legal system may lead to policies that in fact weaken the ability of ordinary people to access urban land and lead to violence, entrenching ethnic division.

\(^{184}\)For example by Mamdani (2010), who suggests that one way out of the citizenship crisis is to change the criteria for how citizenship is defined.
A final set of issues derive from conditions peculiar to a post-conflict context, for example, the legacy of a highly militarised state government with weak formal institutions and a long-standing neglect of urban areas. Public officials also hold a range of preconceived notions that need to be erased, not least the notion that a focus on rural development will counter post-conflict rural to urban migration and that forced evictions, and that the denial of formal, leasehold plots and basic community infrastructure services will put a stop to urban growth. There is also the notion that, after the end of war, refugees, IDPs and ex-combatants necessarily wish to or can return to their (rural) places of origin. The findings in Chapter 6 show how poor households or migrants are desperate to settle in Juba in order to explore livelihood options as well as to send their children to school. Indeed, the Chapter shows that many non-formal settlement inhabitants are employed in the formal sector. Population growth in Juba is continuing even without the formal provision of land and infrastructure, challenging the common belief amongst authorities in Juba that the lack of development is responsible for out-migration from rural areas.

Remaining with the status quo is one policy option to consider. Tensions over insecure rights to urban land will continue with people surviving as best they can. However, during the fieldwork violence associated with land within settlements was increasing, as were tensions along ethnic lines. Remaining with the status quo is an inadequate response as it may lead to more explosive violent conflict in the future, especially given the post-conflict context.

The research findings suggest there is the potential for a range of policy options to be applied at the settlement level. In the three case study settlements, inhabitants expressed their desire to remain in the city and for better basic services and demonstrated their interest in solutions that would enable this. Demarcation committees have been formed and inhabitants have shown their willingness to use their scarce resources to support these committees. Where community level (or paralegal) institutions such as community level committees are supported by local government and do not abuse their power and authority, they might form the basis of a decentralised land administration system. Building social cohesion through such community approaches also has the potential to reduce violence (Moser & McIlwaine, 2006). Therefore, one set of policy options might be to encourage a local level decentralised planning regime, based on more community
driven approaches. This reflects the clear call in the literature for decentralisation and strengthening local institutions for urban land administration and management.

However, as noted above, the Juba case demonstrates the powerlessness of non-formal settlement inhabitants, where they are open to exploitation by their own leaders. This suggests that formal institutional frameworks are also required to mediate in the processes of defining and allocating non-formal settlement land. In Southern Sudan, the Local Government Act (2009) includes provisions relating to the formation of municipal structures to the quarter council level. If the Act is implemented it could go some way to addressing the flaws in the decentralisation programme that so far has treated Juba as though it were a set of three rural payams despite being exclusively urban. In addition the streamlining of urban management could in theory go some way to improving the capacity for policy implementation in the city. On several levels this could provide the opportunity to transform existing formal organisations and improve the effectiveness of urban planning (cf. Goodman, 2010).

Even if the GoSS and CES government do agree to a change in current organisations, the various non-formal networks that exist may continue to function. In this regard, the research findings also suggest that what is required is more regulation by the regional government, in order to address the weaknesses of decentralisation and counter the impunity with which the military and bureaucratic and political elite in Juba can operate. Thus, another set of policy options essentially revolves around state-centred processes and the implementation of an extensive administrative system, with the necessary controls and transparency. However, these are premised on strong state capacity. For the GoSS to implement policies that could support rapid urban population growth is challenging, even if it has the political will to do so, and attempts to replace existing official systems of urban land administration are likely to run into severe funding and capacity constraints in post-conflict Southern Sudan.

In summary, the findings suggest that a range of policy options is required at various levels to allow for flexibility in land rights and for improved and more equitable land management and planning. However, ultimately the delivery of the peace dividend to inhabitants of non-formal settlements requires addressing social, political and economic inequalities in the region. Notwithstanding the SPLM/A’s ideological commitments, that ‘the land belongs to the community’, the strategic ambivalence of the government is already
evident. Although land reform is high on the political agenda in Southern Sudan, the focus is on rural land and it is clear that the creation of land rights through legislation is insufficient. Unless there is a re-conceptualisation of post-conflict rural and urban planning, the urban and military elite are likely to continue to benefit.

8.4 Reflections on the methodology

Chapters 1 and 2 of this thesis asserted that the connections between land access and violence are complex and suggested an approach to understanding access that focuses on the distribution of power and the social relations between different individuals and groups. Acknowledging the importance of detailed, context-specific research to understanding land access and its connections with violence, this research used an extended case study to explore land access in three non-formal settlements in Juba. In order to understand the manifold influences on land access and violence, it was argued in Chapter 3 that an extended case study approach of three non-formal settlements would allow consideration of the many factors that influence land access and violence in relation to changing conditions and given specific social and historical circumstances. In this regard, Chapter 3 presented some of the methodological difficulties of examining urban non-formal land access and violence in a post-conflict setting, and described the measures taken to overcome these.

As the findings show, social structures, formal and non-formal institutions, social relations, social norms and other social entities, such as discourses, interact with one another in complex ways to shape practices and processes around land access and violence. Critical realism provided an appropriate philosophical basis for the research. A generative view of causality emphasises how events are contingent on various social entities and their causal powers which act through agents. Whilst agents hold the capacity to act, the sources of their power originate from other social entities. This co-existence of elements has helped us to understand the differences across the case study settlements. The methodological approach detailed in chapter 3 emphasises dynamic, rather than static, aspects of land access, placing actors and institutions at the centre of the analysis, whilst also considering structures. A mixed methods methodology was adopted which allowed the use of qualitative data to explain how and why questions of land access and also the use of quantitative data to gather information on the range of mechanisms of access and other social phenomena. Although a random sample survey was not possible, a survey did allow the identification of different practices around land
access, which were elaborated upon using qualitative techniques. This in turn guided the latter part of the fieldwork. Therefore, using both quantitative and qualitative approaches provided the research with a greater sense of perspective. The findings from both approaches also stimulated retroductive reasoning, drawing on insights from a number of theories.

A weakness of the methodology, that is inherent in the case study approach, relates to its scope and to the generalisability of the findings to other settlements, cities and countries. The conflict in Southern Sudan is very complex. Moreover, whilst a mixed methods quantitative and qualitative study was carried out, the quantitative methods and comparison across case study settlements, were weakened by the fact that it was not possible to ensure that the survey sample was strictly random. The historical analysis, which is a key component of ECM, was also much weakened by the lack of archival information.

8.5 Future research directions

The weaknesses in the methodology and inevitable time limitations suggest a number of important directions that could add to the literature concerning both post-conflict urban land access and violence and non-formal human settlements. Four areas are highlighted here.

Recent literature on the political economy of post-conflict violence points to a violence continuum, as political violence slides into economic violence (Section 2.3.2). Drawing on this literature, this research placed emphasis on the potential economic benefits of land violence for powerful actors. It did not focus on the potential institutional and political aspects of this violence, suggested in the literature on the political economy of forced evictions (Section 2.4.1). Further research on state-orchestrated forced evictions to determine if the conditions and dynamics driving such occurrences in the post-conflict period have any links with other types of violence, such as political violence, is suggested as a future area of research. For example, the privileged position of some public officials working within the CES government would almost certainly be affected if they allow a demographic shift in Juba, especially as the level of forced evictions is increasing in Juba on both State-owned and customary owned land as indicated in Chapter 5.
The literature on post-conflict violence in sub-Saharan Africa tends to place emphasis on the warlord phenomenon. This thesis, however, has drawn attention to the range of actors involved in post-conflict violence in an urban setting, not just the military, and the networks that cut across centres of authority in Juba but also at the settlement and plot-holder level. In this regard it has referred to both the productive aspects (Rubio; 1997) and exclusionary aspects (Portes, 1998) of social capital. Rubio (1997) also refers to ‘perverse social capital’, which are the networks and the legal and reward systems that encourage rent-seeking behaviour and criminal activity. This research was unable to investigate this in detail. Given the significance accorded to the idea of the ‘liberal peace’ and neo-liberal notions of supporting land and property markets in post-conflict contexts, this aspect is important. For example, in Juba non-formal land sales are taking place, but the research did not consider the role of other actors, such as the formal private sector and international agencies, in these nor their connections with land violence. Also, it did not provide an indication of the scale of these practices and their significance. We need to know more about how non-formal networks and formal institutions work together in practice, and how they engage in non-formal land and tenancy markets and related formalisation processes, if polices to address inequitable access to urban land and land violence are to be formulated.

Peluso (2009) points to the fact that violence is often left out of property studies when explaining changes to property rights. The research presented in this thesis stops short of examining the processes that may turn access to non-formal settlement land into formal property rights and whether and how violence plays a role in relation to this. A longitudinal study would add a further dimension to future research, to see how land access in the settlements studied evolves and who benefits, whether and how the distribution of wealth and power is becoming more unequal and the use of violence in such processes. Further historical analysis would also enable a better understanding of the contemporary situation. In particular, cataloguing of the Juba Archive commenced during the fieldwork and this may provide a useful source of information.

The research focused on a narrow definition of ‘land violence’ and in terms of identity factors, discussed mainly ethnicity and class in relation to social position and land access. It therefore excludes how land access and land violence may overlap with and reinforce other forms of violence. For example, the research indicates that women may comprise a particular group of people for whom access to land in their own right may be
Additionally, violence perpetrated by gangs of youth was an issue raised frequently by respondents in the research. With both poverty and inequality being considered important determinants of violence, the denial of land access to certain groups may lead to their impoverishment and in turn to violence and crime. Understanding how land violence may be caused by or precipitate other forms of social violence will help to ensure more appropriate strategies to addressing urban violence and policies to address insecure tenure that do not further disenfranchise certain groups from land access.

8.6 Concluding thoughts

This thesis has pointed to the tensions that exist between non-formal urban land access, post-colonial urban planning and post-conflict violence. Whilst there is often assumed to be a straightforward relationship between increasing land scarcity and land violence, the analysis here suggests that this is in fact highly complex and relates to a combination of structural, identity and agential factors. In and around Juba, the failure of the official urban land sector to provide affordable land for the majority of the urban population can be identified as a primary cause of high levels of non-formal settlement. Although this enables many urban inhabitants to access land and a house, the investigation draws attention to the multiple levels of exploitation to which inhabitants of non-formal settlements are vulnerable because of their non-formal status. There exists a nexus between actors in emerging and older institutions in Juba and military actors, who have privileged social positions within state institutions. Crucial to the ability of these actors to access urban land and exploit the urban majority is power in the form of violence or the threat of it. Whilst in part this is to do formative nature of institutions for governing land in Southern Sudan, it also mirrors the political economy of post-conflict violence that has emerged from long-running civil war in the region, and the deficiencies of the post-conflict state with respect to urban land management and planning. After decades of civil war and exploitation by government, development pressures in the new capital are giving rise to new patterns of insecurity and exploitation. Non-formal settlements are likely to accommodate a large proportion of Juba’s growing population for the foreseeable future.
APPENDICES
## APPENDICES

### Appendix 1: City level study: Specialist interviews

<table>
<thead>
<tr>
<th>No.</th>
<th>Name/pseudonym</th>
<th>Date</th>
<th>Position</th>
<th>Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Modi Ladu**</td>
<td>15/11/2009</td>
<td>Lecturer</td>
<td>Juba University</td>
</tr>
<tr>
<td>C2</td>
<td>George Gore**</td>
<td>15/11/2009</td>
<td>Lecturer</td>
<td>Juba University</td>
</tr>
<tr>
<td>C3</td>
<td>Jackson Roberts</td>
<td>15/11/2009</td>
<td>Urban Management Specialist, Support to the State Programme</td>
<td>UNDP</td>
</tr>
<tr>
<td>C4</td>
<td>Vincent Veillaud</td>
<td>17/11/2009</td>
<td>Food Security Programme Manager</td>
<td>Solidarites</td>
</tr>
<tr>
<td>C5</td>
<td>Franklyn Braima Massaquoi</td>
<td>18/11/2009</td>
<td>Return, Reintegration &amp; Recovery Officer</td>
<td>UNMIS</td>
</tr>
<tr>
<td>C6</td>
<td>Tamari Kiyotaka</td>
<td>09/12/2009</td>
<td>Project Formulation Advisor</td>
<td>JICA</td>
</tr>
<tr>
<td>C7</td>
<td>David Scribner</td>
<td>17/01/2010</td>
<td>Country Representative</td>
<td>ARD Inc. (USAID)</td>
</tr>
<tr>
<td>C8</td>
<td>Fernando Murillo</td>
<td>19/01/2010</td>
<td>UN-Habitat</td>
<td>UN-Habitat and formerly</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Creative Associates International</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(USAID)</td>
</tr>
<tr>
<td>C9</td>
<td>Monica Sanchez Mermudez</td>
<td>24/02/2010</td>
<td>Programme Manager, ICLA</td>
<td>Norwegian Refugee Council</td>
</tr>
<tr>
<td>C10</td>
<td>Ade Jackson</td>
<td>24/02/2010</td>
<td>Land and Property Officer</td>
<td>Norwegian Refugee Council</td>
</tr>
<tr>
<td>C11</td>
<td>David Tombe**</td>
<td>03/03/2010</td>
<td>Sole trader</td>
<td>Estate Agent</td>
</tr>
<tr>
<td>C12</td>
<td>Tom Carter</td>
<td>06/05/2010</td>
<td>Former Land Survey Advisor</td>
<td>British Overseas Development</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Administration</td>
</tr>
<tr>
<td>C13</td>
<td>Elizabeth Rose</td>
<td>06/07/2010</td>
<td>Chairwoman</td>
<td>Women’s Community Based Organisation</td>
</tr>
<tr>
<td>C14</td>
<td>Szilard Fricksa</td>
<td>25/08/2010</td>
<td>Coordinator, Human Settlements in Crisis Programme</td>
<td>UN-Habitat</td>
</tr>
</tbody>
</table>

** - indicates a pseudonym has been used
### Appendix 2: City level study: Anonymised key informant interviews with government officials and traditional authorities

<table>
<thead>
<tr>
<th>No. of people interviewed</th>
<th>Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>'Political elites'</strong></td>
</tr>
<tr>
<td>2</td>
<td>Demolition Committee</td>
</tr>
<tr>
<td>2</td>
<td>CES MPI</td>
</tr>
<tr>
<td>2</td>
<td>SSLC</td>
</tr>
<tr>
<td>2</td>
<td>SSRRC</td>
</tr>
<tr>
<td>4</td>
<td>GoSS MHLPW</td>
</tr>
<tr>
<td>1</td>
<td>Southern Sudan Judiciary</td>
</tr>
<tr>
<td>1</td>
<td>GoSS Ministry of Legal Affairs</td>
</tr>
<tr>
<td>3</td>
<td>County Commissioners Office</td>
</tr>
<tr>
<td>2</td>
<td>Governors Office</td>
</tr>
<tr>
<td></td>
<td><strong>'Bureaucratic elites'</strong></td>
</tr>
<tr>
<td>2</td>
<td>Munuki Payam Offices</td>
</tr>
<tr>
<td>3</td>
<td>Kator Payam Offices</td>
</tr>
<tr>
<td>1</td>
<td>Northern Bari Payam Offices</td>
</tr>
<tr>
<td>1</td>
<td>Rajaf Payam Offices</td>
</tr>
<tr>
<td>4</td>
<td>MPI Department of Survey</td>
</tr>
<tr>
<td>1</td>
<td>MPI Department of Transport</td>
</tr>
<tr>
<td>3</td>
<td>MPI Department of Housing</td>
</tr>
<tr>
<td>2</td>
<td>MPI Department of Town Planning</td>
</tr>
<tr>
<td></td>
<td><strong>'Traditional authorities'</strong></td>
</tr>
<tr>
<td>3</td>
<td>Norther Bari Payam</td>
</tr>
<tr>
<td>2</td>
<td>Rajaf Payam</td>
</tr>
<tr>
<td>1</td>
<td>Kator Payam</td>
</tr>
<tr>
<td>3</td>
<td>Village Development Committee (in Northern Bari Payam)</td>
</tr>
</tbody>
</table>
# Appendix 3: Key settlement features

<table>
<thead>
<tr>
<th></th>
<th>S1</th>
<th>S2</th>
<th>S3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payam</td>
<td>Juba Town (urban)</td>
<td>Kator (urban)</td>
<td>Northern Bari (rural)</td>
</tr>
<tr>
<td>Time of establishment</td>
<td>1960s</td>
<td>1970s</td>
<td>Post-CPA</td>
</tr>
<tr>
<td>Tenure category</td>
<td>Public land</td>
<td>Public land</td>
<td>Community land</td>
</tr>
<tr>
<td>Formal stage</td>
<td>Roads demarcated in 1970s although settled upon during second civil war. Area is earmarked for commercial development due to its proximity to the airport.</td>
<td>Part was demarcated in 1970s, but never allotted. Area is earmarked for residential plot demarcation.</td>
<td>Settlement leadership state they are working with Bari chiefs to formally demarcate the area to allow current residents formal leasehold title.</td>
</tr>
<tr>
<td>Level of legitimacy according to State government officials</td>
<td>State Government say that compensation will be provided in the event of development of the land.</td>
<td>Regarded as squatters.</td>
<td>Regarded as only having temporary rights to land by traditional landholders. Regarded as squatters by State government.</td>
</tr>
<tr>
<td>Area (KM²)</td>
<td>0.46</td>
<td>0.49</td>
<td>0.82</td>
</tr>
</tbody>
</table>
Appendix 4: Small Scale Survey

Questionnaire

Land Access in Juba
Questionnaire Survey
2010

QUESTIONNAIRE
IDENTIFICATION

1. Area Code:

2. Questionnaire Number:

3. Interviewers:
   a. 
   b. 

4. Date:
5. Time:

6. Plot GPS reference: N: E:

7. Ethnicity:

8. Is the PHH household
   a. Male headed
   b. Female Headed
   c. Female managed

9. Who is answering the questions?
   a. Plot-holder head
   b. Spouse of plot-holder head

10. Did you live in exile or in an IDP camp?
    a. Yes - Where?
    b. No

11. Were any of the people living on this plot previously in exile?
    a. Yes – who?...........
    b. No

12. (S3 only) Have you paid SDP 150 for demarcation?
    a. Yes
    b. No – why not?
SECTION A: PLOT ROSTER

A1

<table>
<thead>
<tr>
<th>PRIMARY HOUSEHOLD</th>
<th>Age</th>
<th>Sex</th>
<th>Highest Level of Education</th>
<th>Marital Status</th>
<th>Main occupation</th>
<th>Other occupation/s</th>
<th>Place of Birth including State</th>
<th>Year of Arrival in Juba</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household head</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spouse 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spouse 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please tell me about your children -

Have you any married children and their families living on the plot? If so how many?.........................

If your children DO NOT live here, where do they live? A3
- With a relative in Juba
- With a relative in the rural area
- Other, specify..............................

Have you any unmarried/single adult children living on the plot? If so, how many?..............

Do you have children from the village living here? A4
- Yes
- No

How many children under 18 do you have?......

Do they all live here?

How many are in school?.........................

How many are too young to be in school?...........

What is the main reason that they live here? A5
- There are better schools here
- They had no one to look after them at home
- Other, specify..............................

A6 Other Households:
Can you explain the other households or individuals living on the plot?

<table>
<thead>
<tr>
<th>Number of households</th>
<th>Are they a Returnee household Y/N</th>
<th>Are they – Male Headed Female hearded</th>
<th>Year of arrival on plot?</th>
</tr>
</thead>
<tbody>
<tr>
<td>What other related married people live here?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>What non-related married people live here?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>What single adults, not your children, live here?</td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>
SECTION B: PLOT STRUCTURES

*Interviewer should answer the following from their own observation:*

<table>
<thead>
<tr>
<th>Question</th>
<th>Options</th>
<th>B1</th>
<th>B2</th>
<th>B3</th>
<th>B4</th>
<th>B5</th>
<th>B7</th>
</tr>
</thead>
<tbody>
<tr>
<td>How big roughly is the plot?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 10m x 15m</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10m x 15m</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20m x 20m or larger</td>
<td></td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>What is the predominant construction material of the main residences?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block house</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mud brick house</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tukl</td>
<td></td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shack</td>
<td></td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>What is the predominant construction material of the roof?</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Metal sheeting/tin roof</td>
<td></td>
<td>1</td>
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</tr>
<tr>
<td>Grass</td>
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<td>2</td>
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<tr>
<td>Plastic sheeting</td>
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<td>3</td>
<td></td>
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<tr>
<td>Other</td>
<td></td>
<td>4</td>
<td></td>
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<tr>
<td>What is the predominant construction material of windows?</td>
<td></td>
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<tr>
<td>Glass</td>
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<td>1</td>
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<td></td>
<td></td>
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<tr>
<td>Wooden/metal shutters</td>
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<td>2</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Material</td>
<td></td>
<td>3</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>No windows</td>
<td></td>
<td>4</td>
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<tr>
<td>What is the predominant construction material of the doors?</td>
<td></td>
<td></td>
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<tr>
<td>Metal/wooden door with key or bolt lock</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metal/wooden door with no lock</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Fabric</td>
<td></td>
<td>3</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>4</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Is the plot enclosed or its boundary marked in any way?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>High fence</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence posts/trees</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Does the plot have a latrine? Yes

1. No
2. Unventilated pit latrine
3. VIP latrine
**SECTION C: SETTLEMENT PROCESS**

<table>
<thead>
<tr>
<th>Question</th>
<th>Code</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where are you from? (Identify area &amp; State)</td>
<td>C1</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>In what year did you move to Juba to live?</td>
<td>YEAR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>This time</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Previous time <em>(if relevant)</em></td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>When you came to this settlement where were you coming from?</td>
<td>C2</td>
<td></td>
<td>6</td>
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<tr>
<td>Another part of Juba</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Rural area/your village</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Refugee camp</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>IDP camp</td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Another country <em>(please state)</em></td>
<td></td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Have you lived in other towns?</td>
<td>C3</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>If YES, where?</td>
<td>C4</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>A town in Southern Sudan</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Khartoum</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Town outside Sudan <em>(please specify)</em></td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>If you lived in exile, did you return to your home area before moving to</td>
<td>C5</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Juba?</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Why did you decide to come to Juba?</td>
<td>C6</td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>N/A - I have always lived here</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>My parents brought me as a child</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Due to marriage</td>
<td></td>
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<td></td>
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<tr>
<td>Opportunities for work</td>
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<td>4</td>
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<tr>
<td>Higher wages</td>
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</tr>
<tr>
<td>Health facilities</td>
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<td>6</td>
<td></td>
</tr>
<tr>
<td>Housing facilities</td>
<td></td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Possibilities for children’s education</td>
<td></td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Possibilities for own education</td>
<td></td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Insecurity in place of origin</td>
<td></td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Other <em>(please specify)</em></td>
<td></td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Have you moved permanently to Juba?</td>
<td>C7</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>If the answer is NO, explain why <em>(probe whether they come seasonally, if it is due to insecurity, lack of land etc.)</em></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>How did you first get to know about this area?</td>
<td>C8</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>I grew up here/was born here</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>We lived nearby before</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Relative</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Friend</td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Person from same village</td>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Person from same place of displacement/exile</td>
<td></td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Stranger</td>
<td></td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Other……………</td>
<td></td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Have you previously been displaced from land in Juba?</td>
<td>C9</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>If YES, when and why?</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>In 1992 due to fighting</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>After CPA due to demolitions</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Other <em>(please explain)</em></td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Were any members of your household displaced during the war?</td>
<td>C10</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>If YES, please state relationship</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>If YES, where did they go?</td>
<td>C11</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Elsewhere in Juba</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>IDP camp in Southern Sudan</td>
<td></td>
<td>2</td>
<td></td>
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<tr>
<td>Khartoum</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Another country <em>(please state)</em></td>
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<td>4</td>
<td></td>
</tr>
<tr>
<td>Have they remained in their place of displacement?</td>
<td>C12</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>If YES, for what reason?</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>It’s now their home</td>
<td></td>
<td>1</td>
<td></td>
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<tr>
<td>Marriage</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>They have a job there</td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>We have land there</td>
<td></td>
<td>4</td>
<td></td>
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<tr>
<td>Access to education</td>
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### SECTION D: PLOT DETAILS

<table>
<thead>
<tr>
<th>Question</th>
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<tbody>
<tr>
<td>In what year did you settle on this particular plot?</td>
<td>D1</td>
</tr>
<tr>
<td>How have you occupied the land?</td>
<td>D2</td>
</tr>
<tr>
<td>Bought</td>
<td>☐ 1</td>
</tr>
<tr>
<td>Rented</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Squatted</td>
<td>☐ 3</td>
</tr>
<tr>
<td>Lent by relative</td>
<td>☐ 4</td>
</tr>
<tr>
<td>Lent by neighbour</td>
<td>☐ 5</td>
</tr>
<tr>
<td>It is my husband’s plot</td>
<td>☐ 6</td>
</tr>
<tr>
<td>I inherited it</td>
<td>☐ 7</td>
</tr>
<tr>
<td>Given by relative</td>
<td>☐ 8</td>
</tr>
<tr>
<td>Given by neighbour</td>
<td>☐ 9</td>
</tr>
<tr>
<td>Other (please explain)</td>
<td>☐ 10</td>
</tr>
<tr>
<td>Who allocated you the land here?</td>
<td>D3</td>
</tr>
<tr>
<td>No one</td>
<td>☐ 1</td>
</tr>
<tr>
<td>Government/military unit</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Chief – Please identify…</td>
<td>☐ 3</td>
</tr>
<tr>
<td>Relative</td>
<td>☐ 4</td>
</tr>
<tr>
<td>Neighbour</td>
<td>☐ 5</td>
</tr>
<tr>
<td>Other (explain)</td>
<td>☐ 6</td>
</tr>
<tr>
<td>What rights do you have to the land?</td>
<td>D4</td>
</tr>
<tr>
<td>None – I can be forced off at any time</td>
<td>☐ 1</td>
</tr>
<tr>
<td>Rent</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Access only (right of use only)</td>
<td>☐ 3</td>
</tr>
<tr>
<td>Ownership (my children can inherit it or I can sell it if I wish)</td>
<td>☐ 4</td>
</tr>
<tr>
<td>Other</td>
<td>☐ 5</td>
</tr>
<tr>
<td>Did you pay for the right to occupy the land?</td>
<td>D5</td>
</tr>
<tr>
<td>Yes</td>
<td>☐ 1</td>
</tr>
<tr>
<td>No</td>
<td>☐ 2</td>
</tr>
<tr>
<td>If yes, how much was/is it?</td>
<td>D6</td>
</tr>
<tr>
<td>Do you have any document to show your right to this plot?</td>
<td>D7</td>
</tr>
<tr>
<td>Yes</td>
<td>☐ 1</td>
</tr>
<tr>
<td>No</td>
<td>☐ 2</td>
</tr>
<tr>
<td>For the other households living on the plot, have you given them a document to stay on the plot?</td>
<td>D8</td>
</tr>
<tr>
<td>Yes</td>
<td>☐ 1</td>
</tr>
<tr>
<td>No</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Do you rent any of the rooms to members of your family?</td>
<td>D9</td>
</tr>
<tr>
<td>Yes</td>
<td>☐ 1</td>
</tr>
<tr>
<td>No</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Do you rent any of the rooms to people who are not from your family?</td>
<td>D10</td>
</tr>
<tr>
<td>Yes</td>
<td>☐ 1</td>
</tr>
<tr>
<td>No</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Are you able to tell me the amount of rent you receive?</td>
<td>D11</td>
</tr>
<tr>
<td>Do you use the land for…..</td>
<td>D12</td>
</tr>
<tr>
<td>Remunerative work (e.g. sewing, merisa, brick making, shop etc.)</td>
<td>☐ 1</td>
</tr>
<tr>
<td>Growing crops</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Keeping animals, hens etc.</td>
<td>☐ 3</td>
</tr>
<tr>
<td>Other (explain)</td>
<td>☐ 4</td>
</tr>
<tr>
<td>If NO, would you like to?</td>
<td>D13</td>
</tr>
<tr>
<td>Yes</td>
<td>☐ 1</td>
</tr>
<tr>
<td>No</td>
<td>☐ 2</td>
</tr>
<tr>
<td>What produce from the plot do you sell?</td>
<td>D14</td>
</tr>
<tr>
<td>Do you consider the amount of land you have enough?</td>
<td>D15</td>
</tr>
<tr>
<td>Yes</td>
<td>☐</td>
</tr>
<tr>
<td>No</td>
<td>☐</td>
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**SECTION E: SHELTER**

<table>
<thead>
<tr>
<th>Question</th>
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</thead>
<tbody>
<tr>
<td>How many rooms does the plot have?</td>
<td></td>
</tr>
<tr>
<td>When you came here, was there a house/tukl already here on this plot?</td>
<td>Yes: 1, No: 2</td>
</tr>
<tr>
<td>If YES, did you have to pay for the tukl/house?</td>
<td>Yes: 1, No: 2</td>
</tr>
<tr>
<td>If YES, have you made any major changes since moving here?</td>
<td></td>
</tr>
<tr>
<td>If you have other people living on the plot, have they constructed any</td>
<td>Yes: 1, No: 2</td>
</tr>
<tr>
<td>rooms/a tukl?</td>
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### SECTION F: TENURE SECURITY

<table>
<thead>
<tr>
<th>Question</th>
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</thead>
<tbody>
<tr>
<td>Have you had any disputes over land in this area?</td>
<td>F1</td>
</tr>
<tr>
<td>Yes (Go to F2 to F6)</td>
<td>☐ 1</td>
</tr>
<tr>
<td>No (Go to F7)</td>
<td>☐ 2</td>
</tr>
<tr>
<td>If YES, whom was the dispute with?</td>
<td>F2</td>
</tr>
<tr>
<td>Government</td>
<td>☐ 1</td>
</tr>
<tr>
<td>Landowner</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Chief/Traditional authority</td>
<td>☐ 3</td>
</tr>
<tr>
<td>Relative</td>
<td>☐ 4</td>
</tr>
<tr>
<td>Neighbour</td>
<td>☐ 5</td>
</tr>
<tr>
<td>People posing as soldier</td>
<td>☐ 6</td>
</tr>
<tr>
<td>Soldier/s</td>
<td>☐ 7</td>
</tr>
<tr>
<td>Returnee</td>
<td>☐ 8</td>
</tr>
<tr>
<td>Other</td>
<td>☐ 9</td>
</tr>
<tr>
<td>If YES, what was the cause dispute?</td>
<td>F3</td>
</tr>
<tr>
<td>They tried to grab my land whilst I was living here</td>
<td>☐ 1</td>
</tr>
<tr>
<td>They occupied my land during the war</td>
<td>☐ 2</td>
</tr>
<tr>
<td>They occupied my land after the CPA before I returned</td>
<td>☐ 3</td>
</tr>
<tr>
<td>Other (please explain…………………..)</td>
<td>☐ 6</td>
</tr>
<tr>
<td>If YES, who did you talk to to address the dispute?</td>
<td>F4</td>
</tr>
<tr>
<td>Chief/traditional authority – Please identify…………………………...</td>
<td>☐ 1</td>
</tr>
<tr>
<td>Payam</td>
<td>☐ 2</td>
</tr>
<tr>
<td>Ministry of Physical Infrastructure</td>
<td>☐ 3</td>
</tr>
<tr>
<td>Relative</td>
<td>☐ 4</td>
</tr>
<tr>
<td>Neighbour</td>
<td>☐ 5</td>
</tr>
<tr>
<td>Military</td>
<td>☐ 6</td>
</tr>
<tr>
<td>Other</td>
<td>☐ 7</td>
</tr>
<tr>
<td>Did you eventually go to court to address the dispute?</td>
<td>F5</td>
</tr>
<tr>
<td>Yes</td>
<td>☐ 1</td>
</tr>
<tr>
<td>No</td>
<td>☐ 2</td>
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<tr>
<td>Is there still a problem?</td>
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<td>Do you think land should be demarcated?</td>
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<td>If NO, why not?</td>
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<td>Land should belong to the community</td>
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<td>People’s homes will be demolished</td>
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<td>It is expensive to get the</td>
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<td>There is no compensation</td>
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<td>Other…………………</td>
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<td>It will bring better security</td>
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<td>It will bring roads</td>
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<td>It will bring services (school/clinic etc.)</td>
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<td>We won’t be demolished</td>
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<td>Have you applied for a demarcated plot?</td>
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<td>If the government made a demarcated plot available in a different area would you move there?</td>
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<td>I have already built here</td>
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<td>My livelihood is here</td>
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<td>Cannot afford a demarcated plot</td>
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### SECTION G: OTHER LAND

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<td>Have you had any disputes over land anywhere else in Juba?</td>
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<td>If you have land in your place of origin, have you attempted to claim your land since the peace?</td>
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<td>If you have land in your place of origin, have you attempted to claim your land since the peace?</td>
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<td>If the answer is YES, were you successful?</td>
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<td>The land has been grabbed during the war</td>
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<td>How often do you visit the place you stayed during the war?</td>
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<td>Only on special occasions (funeral, marriages etc.)</td>
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<td>Do you or your family have land rights in your place of displacement?</td>
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## SECTION H: OTHER ASSETS

### What durable goods do you have?  H1

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### What do you use for energy/cooking?  H2

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### How do you get water?  H3

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<td>From the river</td>
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### Do you receive any loans from microfinance institutions like BRAC or Finance Sudan Limited?  H4

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<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

### Do you receive any other forms of assistance from NGOs/UN/gov’t?  H5

<table>
<thead>
<tr>
<th>No</th>
<th>Shelter</th>
<th>Seeds</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Does the household receive food from relatives living in the village?  H6

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

### Does the household send food to relatives living in the village?  H7

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

### Does the household get money from any relatives?  H8

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

### If YES, where are these relatives?  H9

<table>
<thead>
<tr>
<th>Another part of Juba</th>
<th>Rural area/your village</th>
<th>Khartoum</th>
<th>Another country (please state location)</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

### If YES, are you able to tell me for what purpose?  H10

<table>
<thead>
<tr>
<th>Food</th>
<th>Education/school fees</th>
<th>Medical</th>
<th>Funeral</th>
<th>Paying rent</th>
<th>Building a house</th>
<th>Consumer goods</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
</tr>
</tbody>
</table>

### If YES, are you able to tell me how frequently you receive money?  H11

<table>
<thead>
<tr>
<th>Weekly</th>
<th>Monthly</th>
<th>Quarterly</th>
<th>Annually</th>
<th>When I request funds</th>
<th>Hardly ever</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

### Are you able to tell me how much?  H12

| Does the household send money to any relatives?  H13
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

### If YES, where are these relatives?  H14

<table>
<thead>
<tr>
<th>Another part of Juba</th>
<th>Rural area/your village</th>
<th>Khartoum</th>
<th>Another country (please state location)</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

### If YES, are you able to tell me for what purpose?  H15

<table>
<thead>
<tr>
<th>Education/school fees</th>
<th>Medical</th>
<th>Funeral</th>
<th>Paying rent</th>
<th>Building a house</th>
<th>Consumer goods</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

### If YES, are you able to tell me how frequently you send money?  H16

<table>
<thead>
<tr>
<th>Weekly</th>
<th>Monthly</th>
<th>Quarterly</th>
<th>Annually</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>
Data on income distribution and household expenditure:

<table>
<thead>
<tr>
<th>Question</th>
<th>Options</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are you able to tell me what your income is from your main job?</td>
<td>No, 1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>It is too difficult to say, 2</td>
<td>2</td>
</tr>
<tr>
<td>Amount:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| What other activities do you do to earn money?                          | Cultivation, 1   | 1    |
|                                                                         | Market stall, 2  | 2    |
|                                                                         | Sewing, 3        | 3    |
|                                                                         | Making merisa, 4 | 4    |
|                                                                         | Stone crushing, 5| 5    |
|                                                                         | Brick making, 6  | 6    |
|                                                                         | Other, 7         | 7    |

| Are you able to tell me what your income is from your other activities roughly? | No, 1            | 1    |
|                                                                             | It is too difficult to say, 2 | 2    |
| Amount:                                                                    |                  |      |

**H20 - How do you estimate you spend on the following?**

<table>
<thead>
<tr>
<th>Category</th>
<th>Per week</th>
<th>Per month</th>
<th>Per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transport</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household fuel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rent (if applicable)</td>
<td></td>
<td>Per month</td>
<td></td>
</tr>
<tr>
<td>Education expenses</td>
<td></td>
<td>Per year</td>
<td></td>
</tr>
<tr>
<td>Medical expenses</td>
<td></td>
<td>Per month</td>
<td></td>
</tr>
</tbody>
</table>

*Where the head of household is a returnee.*

Please list the activities that you pursue for a living before you resettled.

<table>
<thead>
<tr>
<th>Yes, 1</th>
<th>No, 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other (please explain…………………………….)</td>
<td>2</td>
</tr>
</tbody>
</table>

Did you receive assistance or advice from any organisation when you returned to Southern Sudan?

<table>
<thead>
<tr>
<th>Yes, 1</th>
<th>No, 2</th>
</tr>
</thead>
</table>

If YES, from whom?

<table>
<thead>
<tr>
<th>What was the form of the assistance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter</td>
</tr>
<tr>
<td>Financial support</td>
</tr>
<tr>
<td>Seeds and tools</td>
</tr>
<tr>
<td>NFIs</td>
</tr>
</tbody>
</table>

Have you received assistance or advice from any organisations since coming to Juba?

<table>
<thead>
<tr>
<th>Yes, 1</th>
<th>No, 2</th>
</tr>
</thead>
</table>

If YES, from whom?

<table>
<thead>
<tr>
<th>What was the form of the assistance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter</td>
</tr>
<tr>
<td>Financial support</td>
</tr>
<tr>
<td>Seeds and tools</td>
</tr>
<tr>
<td>NFIs</td>
</tr>
</tbody>
</table>
### SECTION I: Neighbours & Community Participation

**I1 Are your neighbours:**

<table>
<thead>
<tr>
<th>From your own clan:</th>
<th>From your tribe:</th>
<th>From your own place of origin:</th>
</tr>
</thead>
<tbody>
<tr>
<td>all</td>
<td>all</td>
<td>all</td>
</tr>
<tr>
<td>many</td>
<td>many</td>
<td>many</td>
</tr>
<tr>
<td>few</td>
<td>few</td>
<td>few</td>
</tr>
<tr>
<td>none</td>
<td>none</td>
<td>none</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Members of immediate family:</th>
<th>From your place of exile:</th>
</tr>
</thead>
<tbody>
<tr>
<td>all</td>
<td>all</td>
</tr>
<tr>
<td>many</td>
<td>many</td>
</tr>
<tr>
<td>few</td>
<td>few</td>
</tr>
<tr>
<td>none</td>
<td>none</td>
</tr>
</tbody>
</table>

**Do you receive help from your neighbours?**

If YES, what kind of support?

<table>
<thead>
<tr>
<th>Financial</th>
<th>Childcare</th>
<th>Cooking items</th>
<th>Tools</th>
<th>Seeds</th>
<th>Help in solving disputes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

**Do you give help to your neighbours?**

If YES, what kind of support?

<table>
<thead>
<tr>
<th>Financial</th>
<th>Childcare</th>
<th>Cooking items</th>
<th>Tools</th>
<th>Seeds</th>
<th>Help in solving disputes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

**Do you join your neighbours in communal activities?**

If yes, what kind of activities?

<table>
<thead>
<tr>
<th>Funerals</th>
<th>Weddings</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

**Are you a member of a voluntary association or club?**

<table>
<thead>
<tr>
<th>Church group</th>
<th>Mosque</th>
<th>Tribal association</th>
<th>Womens association</th>
<th>Youth group</th>
<th>Demarcation Committee</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

**If yes, which?**

<table>
<thead>
<tr>
<th>Church group</th>
<th>Mosque</th>
<th>Tribal association</th>
<th>Womens association</th>
<th>Youth group</th>
<th>Demarcation Committee</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

**Are there any organisations you would like to join but can’t? which?**

<table>
<thead>
<tr>
<th>Church group</th>
<th>Mosque</th>
<th>Tribal association</th>
<th>Womens association</th>
<th>Youth group</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

**I11 Why can’t you join them?**

<table>
<thead>
<tr>
<th>Insecurity and crime</th>
<th>Lack of water/boreholes</th>
<th>Threat of demolition</th>
<th>Lack of schools &amp; other services</th>
<th>Tensions between different groups</th>
<th>Other – please explain…………………….</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

**Where head of household is a returnee**

**How would you describe the level of support provided to you as a returnee by the resident population?**

<table>
<thead>
<tr>
<th>Friendly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not friendly</td>
</tr>
<tr>
<td>Hostile</td>
</tr>
<tr>
<td>No local residents live in the area</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>What kind of support has the community provided to you?</th>
<th>I13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial support</td>
<td>1</td>
</tr>
<tr>
<td>Food</td>
<td>2</td>
</tr>
<tr>
<td>Access to land</td>
<td>3</td>
</tr>
<tr>
<td>Access to shelter</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
</tr>
</tbody>
</table>

Interviewer to add any further observations -
Appendix 5: Plot-holder heads by type of employment

<table>
<thead>
<tr>
<th>Employment type</th>
<th>S1 - n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-formal</td>
<td>47%</td>
<td>32%</td>
<td>32%</td>
</tr>
<tr>
<td>In an armed service(^{185})</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Military</td>
<td>10%</td>
<td>36%</td>
<td>14%</td>
</tr>
<tr>
<td>Game warden</td>
<td>3%</td>
<td>1%</td>
<td>3%</td>
</tr>
<tr>
<td>Police</td>
<td>5%</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>Prison warden</td>
<td>1%</td>
<td>4%</td>
<td>-</td>
</tr>
<tr>
<td>Retired military</td>
<td>1%</td>
<td>5%</td>
<td>6%</td>
</tr>
<tr>
<td>Fire brigade(^{186})</td>
<td>1%</td>
<td>-</td>
<td>1%</td>
</tr>
<tr>
<td>Total</td>
<td>20%</td>
<td>51%</td>
<td>25%</td>
</tr>
<tr>
<td>Civilian</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Formal</td>
<td>29%</td>
<td>14%</td>
<td>39%</td>
</tr>
<tr>
<td>Retired (formal)</td>
<td>3%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Student</td>
<td>2%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>Total</td>
<td>34%</td>
<td>17%</td>
<td>43%</td>
</tr>
</tbody>
</table>

100% 100% 100%

Source: Own survey data 2010

\(^{185}\) The bulk of all of the armed services are reported to be drawn from the SPLA since the signing of the CPA.
Appendix 6: Plot-holder heads showing % ethnicity, % woman-headed & % returnees

<table>
<thead>
<tr>
<th></th>
<th>S1 - n=117</th>
<th>S2 - n=119</th>
<th>S3 - n=102</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ethnicity</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bari</td>
<td>30%</td>
<td>12%</td>
<td>17%</td>
</tr>
<tr>
<td>Bari speaking</td>
<td>34%</td>
<td>9%</td>
<td>46%</td>
</tr>
<tr>
<td>Other Equatorian</td>
<td>16%</td>
<td>58%</td>
<td>38%</td>
</tr>
<tr>
<td>Dinka</td>
<td>13%</td>
<td>11%</td>
<td>-</td>
</tr>
<tr>
<td>Nuer</td>
<td>-</td>
<td>6%</td>
<td>-</td>
</tr>
<tr>
<td>Other non-Equatorian</td>
<td>7%</td>
<td>4%</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Household type</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woman headed</td>
<td>13%</td>
<td>19%</td>
<td>15%</td>
</tr>
<tr>
<td>Woman managed</td>
<td>8%</td>
<td>2%</td>
<td>5%</td>
</tr>
<tr>
<td>Male headed</td>
<td>77%</td>
<td>78%</td>
<td>78%</td>
</tr>
<tr>
<td>Youth</td>
<td>3%</td>
<td>1%</td>
<td>2%</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Woman headed as a % of civilian population</strong></td>
<td>16%</td>
<td>39%</td>
<td>20%</td>
</tr>
<tr>
<td><strong>Woman managed as a % civilian population</strong></td>
<td>10%</td>
<td>3%</td>
<td>7%</td>
</tr>
<tr>
<td>% of respondents who were returnees (% civilian respondents)</td>
<td>9% (11%)</td>
<td>15% (31%)</td>
<td>34% (45%)</td>
</tr>
<tr>
<td>% of plots where other members were returnees</td>
<td>32%</td>
<td>33%</td>
<td>38%</td>
</tr>
</tbody>
</table>

*Source: Own survey data 2010*
Appendix 7: Mechanisms of land access over time

<table>
<thead>
<tr>
<th>Land access mechanism</th>
<th>S1 n=117</th>
<th>Land access mechanisms by time period</th>
<th>S2 n=119</th>
<th>Land access mechanisms by time period</th>
<th>S3 n=102</th>
<th>Land access mechanisms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Of total</td>
<td>Before second civil war</td>
<td>Second civil war</td>
<td>Post-CPA</td>
<td>Of total</td>
<td>Before second civil war</td>
</tr>
<tr>
<td>I inherited it</td>
<td>10%</td>
<td>16%</td>
<td>5%</td>
<td>7%</td>
<td>9%</td>
<td>21%</td>
</tr>
<tr>
<td>Through husband/inherited from husband</td>
<td>4%</td>
<td>6%</td>
<td>3%</td>
<td>3%</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>Through employment/government</td>
<td>22%</td>
<td>35%</td>
<td>16%</td>
<td>10%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Through military unit</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>8%</td>
<td>-</td>
</tr>
<tr>
<td>Farmed area during the war</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Lent by relative</td>
<td>14%</td>
<td>12%</td>
<td>22%</td>
<td>7%</td>
<td>19%</td>
<td>11%</td>
</tr>
<tr>
<td>Given by relative</td>
<td>4%</td>
<td>-</td>
<td>5%</td>
<td>10%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Given by neighbour</td>
<td>1%</td>
<td>-</td>
<td>-</td>
<td>3%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Squatted</td>
<td>25%</td>
<td>27%</td>
<td>22%</td>
<td>27%</td>
<td>25%</td>
<td>58%</td>
</tr>
<tr>
<td>Bought</td>
<td>6%</td>
<td>4%</td>
<td>11%</td>
<td>3%</td>
<td>13%</td>
<td>5%</td>
</tr>
<tr>
<td>Rented</td>
<td>13%</td>
<td>-</td>
<td>16%</td>
<td>30%</td>
<td>22%</td>
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</tbody>
</table>

Source: Own survey data 2010
Mechanisms of Land Access by Settlement

Mechanisms of Land Access by Settlement disaggregated for different time periods

a) Land access mechanisms after the signing of the CPA

b) Land Access mechanisms during the second civil war
c) Land access mechanisms before the second civil war

- I inherited it
- Through husband/inherited from husband
- Through military unit/government dept.
- Farmed area during the war
- Lent by relative
- Given by relative
- Given by neighbour
- Squatted
- Bought
- Rented

S1 n=49  S2 n=20  S3 n=0  Total n=69
References


Beswick, S. (2001). 'We are bought like clothes': the war over polygyny and levirate marriage in South Sudan'. Northeast African Studies, 8(2), 35-61.


IDMC. (2009). Sudan. 4.9 million IDPs across Sudan face ongoing turmoil. A profile of the internal displacement situation. International Displacement Monitoring Centre.


Ochonu, M. (2008). 'Colonialism within Colonialism: The Hausa-Caliphate Imaginary and the British Colonial Administration of the Nigerian Middle Belt', *African Studies Quarterly, 10*(2 & 3 (Fall)).


Sudan Tribune. (20 February 2004). Southern Sudanese town enjoying the quiet, now hoping for peace, *Sudan Tribune*.


