

Land Disputes in Urban and Peri-Urban South Sudan

Disputing Access, Discouraging returns,
A Rapid Assessment of Land-Related Disputes in Urban and Peri-Urban areas of South Sudan

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Norwegian People's Aid



Access to Justice for All

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LIST OF ACRONYMS

| | |
|------------------|--|
| ARCISS..... | Agreement on the Resolution of Conflict in the Republic of South Sudan |
| CBO..... | Community-Based Organization |
| CPA..... | Comprehensive Peace Agreement |
| GOS..... | Government of the Republic of the Sudan |
| GRSS..... | Government of the Republic of South Sudan |
| HLP..... | Housing Land and Property Rights |
| IDP..... | Internally Displaced Person |
| NGO..... | Non-Governmental Organization |
| PoC..... | Protection of Civilian |
| SLA..... | State Land Alliance |
| SPLA/M..... | Sudanese People's Liberation Army / Movement |
| SPLA/M – IO..... | Sudanese People's Liberation Army / Movement – In Opposition |
| SSLS..... | South Sudan Law Society |
| TGoNU..... | Transitional Government of National Unity |

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THE SOUTH SUDAN LAW SOCIETY

The South Sudan Law Society (SSLS) is a civil society organization based in Juba. Its mission is to strive for justice in society and respect for human rights and the rule of law in South Sudan. The SSLS manages projects in several areas, including legal aid, community paralegal training, human rights awareness-raising and capacity-building for legal professionals, traditional authorities and government institutions.

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NORWEGIAN PEOPLE'S AID

Funding for this project was provided by Norwegian People's Aid (NPA). Norwegian People's Aid has been working in solidarity with the South Sudanese People since 1986 and is one of the largest international organizations in South Sudan. NPA has worked closely with organizations and movements in the area both during the Civil War and after the peace agreement. The organization's engagement centres on two strategic areas: Just distribution of power and resources, and protection of life and health.

THE STATE LAND ALLIANCES

State Land Alliances are coalitions of community-based organizations (CBOs) working to reduce land-related disputes in urban and rural areas of South Sudan. Main objectives of the State Land Alliances include: raising awareness of the land rights of South Sudanese citizens regardless of gender, age, faith and ethnicity; protecting land and resource rights in accordance with the constitution; advocating for fair and just land policy; promoting dialogue amongst stakeholders and collaboration with traditional authorities; and researching land related issues and providing data to enhance land governance.

ABOUT THE AUTHOR

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EXECUTIVE SUMMARY

This report presents the findings from a survey of land-related disputes in urban and peri-urban areas of South Sudan. From November to December 2016, the South Sudan Law Society (SSLS), in partnership with Norwegian People's Aid (NPA) and the State Land Alliances (SLA), interviewed 942 individuals in ten locations across the country. Findings from this study demonstrate that land-related disputes in urban environments are widespread, becoming increasingly difficult to resolve, and are re-enforcing demand for individually-held property registered with the state. In turn, growing demand for exclusive access to and control over holdings has amplified the stakes of housing, land, and property (HLP) disputes, as individuals and communities with different ties to customary and statutory authorities strive to entrench their rights. Although the Land Act, Draft National Land Policy, and key sections of the ARCISS Peace Agreement provide a foundation for land governance, a complete lack of implementation has resulted in an on-going legal vacuum which continues to undermine tenure security. Beyond exacerbating relations within and between households and communities, the inability to implement government-led reforms dramatically reduces the potential for large-scale sustainable returns of displaced populations, and undermines both livelihood security and economic development.

CONTEXT

Land and land tenure are essential components of post-conflict development. Fundamental to reconciliation, stability, and economic growth, access to land following protracted violence can present significant challenges to a peace process. The importance of land to peacebuilding and livelihood security is especially relevant in the urban and peri-urban areas of South Sudan, which experienced unprecedented growth following the 2005 Comprehensive Peace Agreement (CPA). The sheer size of returns and widespread rural to urban migration in an environment characterized by a lack of institutional and human capital led to extensive squatting and land grabs by an emerging political-military elite. Even before the outbreak of violence in Juba on 15 December 2013, land-related disputes in urban and peri-urban areas were pervasive and presented a significant obstacle to livelihood security and urban development. These obstacles have only increased following the outbreak of protracted violence and large-scale displacement, which have dramatically undermined socio-political and economic relations within and between ethnic and political constituencies.

Given these challenges, the GRSS developed several pieces of land legislation that incorporate key aspects of what is currently considered to be 'good governance' with regards to tenure

reform. Unfortunately, the 2009 Land Act has seen little to no implementation and the Draft National Land Policy has yet to be approved by the government. Although the inclusion of land-related legislation in the 2015 ARCISS Peace Agreement demonstrates (at best) a preliminary recognition that HLP rights are essential to sustainable returns, there has (once again) been little to no implementation of land-related reforms. If anything, the already limited ability of national and state-level institutions to manage urban holdings has been further undermined by on-going violence, continued displacements, and division of the country from 10, to 28, and now 32 states.

RESULTS

Land-Access

Although formal sales have become increasingly important in urban areas, leaseholds purchased on the open market accounted for just one fifth of all holdings recorded in this study. The prohibitive cost of buying land on the open market forces the overwhelming majority of the population to access urban land through inheritance, customary law, and government tokens. This has dramatically increased the population pressure on peri-urban communities and provided additional incentives for community-led demarcation initiatives. Although community-led demarcation has increased the number of plots registered with the state, the ability of local powerbrokers to control the costs and necessary criteria for transferring customary holdings into individual-leaseholds undermines the already fragile tenure security of poor and marginalized groups who are generally unaware of, or unable to assert their rights.

Regarding the ability of women to access and hold urban land, while evidence points to increasing acceptance of women's inherent rights to property, there has been little change with regards to their ability to obtain and exert tenure rights independently of their male relatives. Despite equal rights to own land under statutory law, the overwhelming majority of women continue to access holdings exclusively through a father or brother. Although a small number of highly educated women in Juba have successfully registered plots in their own names, women continue to face several obstacles over and above the formal and informal costs and administrative hurdles associated with land registration under the government and community-led processes.

Land-related disputes

Data demonstrate that land-related disputes are widespread and have generally increased in number since the outbreak of conflict in 2013. One third of all participants who have access to urban or peri-urban land were experiencing a land-related dispute at the time of research. Additionally, two-thirds of the entire sample stated that land disputes are common in their community. Exposure to conflict, displacement, and registration status have a significant impact on whether or not a household is currently experiencing a land dispute. Unsurprisingly, the prevalence of land-related disputes in urban areas has undermined feelings of tenure security and reinforced demand for government-backed registration.

The main causes of land-related disputes are squatting, boundary disputes between individuals, and boundary disputes between communities. Independent of the cause, the majority of cases

recorded in this study are between neighbours from the same ethnic group. On the one hand, the fact that most land-related disputes occur between members of the same ethnic group has decreased opportunities for disputes to take on the ethnic overtones that have characterized wider-level violence since 2013. Unfortunately, given that conflict-related displacement has disproportionately affected members of certain ethnic communities, it is highly likely that large-scale returns will not only increase the number of land-related disputes, but also that these disputes will quickly devolve into conflicts over identity, autochthony, and ethnicity. On the other hand, although most disputes are between members of the same ethnic group, they have still had a negative impact on relations between parties. Disputes over documents, acts of property destruction, and physical violence are common, and have dramatically undermined intra-community relations.

Dispute resolution

In addition to notable increases in the number of land-related disputes, data collected for this study show that these disputes have become increasingly difficult to resolve. On-going displacements and returns, the cost of dispute resolution, corruption, and breakdown in the authority of local chiefs have dramatically increased the obstacles facing effective dispute resolution, and dramatically reduced incentives to seek assistance from customary and statutory authorities. The current inability of customary and statutory mechanisms to address land-related disputes presents a number of challenges to tenure security. These challenges will increase exponentially with the return and resettlement of hundreds of thousands of IDPs and refugees into highly politicized urban environments characterized by widespread squatting, looting, and property destruction. Although there is a pressing need for the GRSS and supporting partners to implement the Land Act and National Land Policy, the priority in the short and medium term should be on resolving on-going and emerging disputes. While progressive land laws are an essential component of urban reform, any changes to land access, use, and management systems will only be as effective as the customary and statutory mechanisms of dispute resolution that underpin them.

1. INTRODUCTION

Land and land tenure are essential components of post-conflict development. Fundamental to reconciliation, stability, and economic growth, access to land following protracted violence can present significant challenges to a peace process (Unruh 2003; Pritchard 2011, 2013). The importance of land to peacebuilding and livelihood security is especially relevant in the urban and peri-urban areas of South Sudan, which have experienced unprecedented growth following the 2005 Comprehensive Peace Agreement (CPA). The sheer size of returns and widespread rural to urban migration in an environment characterized by a lack of institutional and human capital, led to extensive squatting and land grabs by an emerging political-military elite. Even before the outbreak of violence in Juba on 15 December 2013, land-related disputes in urban and peri-urban areas were pervasive, and presented a significant obstacle to livelihood security and economic growth (Pantuliano 2007; Martin & Mosel 2011). These obstacles have only increased following the outbreak of protracted violence, which not only displaced over 3.25 million people (OCHA, 2017), but also dramatically undermined the socio-political and economic relations within and between ethnic and political constituencies.

This paper presents findings from a survey of land-related disputes in urban areas of South Sudan. From November to December 2016, the South Sudan Law Society (SSLS), in partnership with Norwegian People's Aid (NPA) and the State Land Alliances (SLA), collected data on land-related disputes in ten urban and peri-urban areas across the country. Findings from this study demonstrate that land-related disputes in urban environments are widespread, becoming increasingly difficult to resolve, and are re-enforcing demand for individually-held property registered with the state. In turn, growing demand for exclusive access to and control over holdings has amplified the stakes of housing, land, and property (HLP) disputes, as individuals and communities with different ties to customary and statutory authorities strive to entrench their rights. Although the 2009 Land Act, Draft National Land Policy, and key sections of the ARCISS Peace Agreement provide a basic foundation for land governance, a complete lack of implementation has resulted in an on-going legal vacuum which continues to undermine tenure and livelihood security. Beyond exacerbating relations within and between households and communities, the on-going inability to implement government-led reforms to land access, use, and management systems dramatically reduces the potential for sustainable returns of displaced populations and undermines both livelihood security and economic development.

This study provides an overview of key trends in urban-land disputes in ten locations across the country. The goal of this report is to map the main drivers of disputes in South Sudan's growing urban centres, and demonstrate the need for further study on housing, land, and property rights issues. Given this approach, section 2 provides an overview of land-related legislation in post-CPA Southern Sudan and post-Independence South Sudan. Section 3 follows with a summary of our methodological approach, and section 4 presents the key findings from the survey.

2. BACKGROUND

This section provides a summary of urban growth and land-related legislation following the 2005 CPA between the Government of Sudan (GoS) and Sudanese People's Liberation Army /

Movement (SPLA/M). For a more comprehensive breakdown of urban development in South Sudan, see Martin and Mosel (2011), and Sarzin and Mehta (2011). For a detailed analysis of land-related legislation, see USAID (2010), Deng (2014), Marongwe (2014), and Marzatico (2016).

2.1 LARGE-SCALE RETURNS AND URBAN GROWTH

In the months leading up to and immediately following the signing of the 2005 Comprehensive Peace Agreement, millions of refugees and IDPs began to flock into the newly created autonomous region of Southern Sudan. Responding to a variety of push and pull factors, the overwhelming majority of both returnees and new arrivals settled in Juba and, to a lesser extent, the capitals of the (former) ten states.¹ On the one hand, refugees, IDPs, and economic migrants were pulled into urban areas by the need for physical security, access (both real and perceived) to public services, and employment opportunities with foreign NGOs and new government institutions. On the other hand, given the length and nature of the First and Second Sudanese Civil Wars, which forced millions of South Sudanese into Khartoum and urban areas of Kenya and Uganda, most returnees had few incentives to return to rural land holdings in their ancestral homelands (Martin & Mosel 2011). Independent of their reasons for settling in urban areas, large-scale returns and widespread rural to urban migration following both the 2005 CPA and 2011 Independence had a dramatic impact on cities and towns, which expanded at an exponential rate.²

Unsurprisingly, the size and speed of migration to a small number of urban areas had a significant impact on land access in cities and towns around the country. Competition for holdings increased dramatically, quickly overwhelming existing mechanisms of access, distribution, and management (Byamugisha et al. 2014; Deng 2016; McMichael 2016), effectively forcing new arrivals into peri-urban areas held under customary law. This rapid expansion and growing demand for urban holdings emerged in the context of a legal and institutional vacuum, as the newly autonomous GRSS sought to create new policies and institutions following over 40 years of war with the Government of Sudan. According to Deng (2016: 3):

When the regionally-autonomous Government of Southern Sudan was established in 2005, state institutions had to be constructed essentially from scratch. Rudimentary land governance processes left over from the colonial era existed in Juba and a few other urban centres, but they were not designed to accommodate the large demand for land that came with the return of millions of displaced persons and refugees and the dramatic growth of Juba over the past 10 years.

¹ In December 2015, the GRSS introduced Establishment Order Number 26/2015, dissolving South Sudan's 10 states and creating 28 new states. While the government has justified this move as a way to increase decentralization and "bring the government to the people," critics see it as a way to further divide the country along ethnic lines and solidify political support for the current regime. On January 15, 2017 (while this paper was under review), the GRSS announced that it had created another 4 states, bringing the new total to 32.

² For example, although population figures for the capital city of Juba vary significantly due to informal settlements and displacements, it was one of the fastest growing cities in Africa following the 2005 CPA. According to McMichael (2016), between 2005 and 2010 Juba's population tripled and the built-up area expanded by more than four hundred percent.

Although the GRSS considered applying Sudanese land laws until new legislation could be developed, this approach was widely rejected given decades of oppressive policies that concentrated land and land-based resources in the hands of a Khartoum-based elite (Deng 2016).³ Instead of applying Sudanese land laws in the short term, the GRSS decided to develop a new suite of urban and rural policies designed to drive economic growth and incorporate the belief (of the SPLA/M and civilians of South Sudan) that ‘land belongs to the community.’⁴ However, without the new laws or institutions needed to fill the gap created by the departure of the GoS, large-scale returns and exponential growth in urban areas occurred in a legal vacuum, with little oversight and control from the new state. The lack of land laws, state institutions, and coherent resettlement and registration policies led to widespread squatting, land grabbing, multiple sales of the same plot, and uncontrolled expansion of urban areas through the commodification of informal settlements and peri-urban lands held under customary law (Martin & Mosel 2011; McMichael 2016).

2.2 NEW LEGISLATION, SAME VACUUM

In an attempt to address the legal and institutional gaps surrounding land access, use, and management, in 2009 the South Sudan Legislative Assembly passed the Land Act.⁵ Although relatively broad in scope and undermined by a significant lack of detail, the Land Act incorporates several aspects of what is currently considered to be ‘good governance’ with regards to land and property issues in the African context. Most importantly, the Land Act (when combined with key provisions from the 2011 Transitional Constitution) provides men and women with equal access to holdings, and stipulates that rural lands held under customary law have the same protection as formal holdings registered with the state (GRSS 2009).⁶ In addition to setting the legal and institutional framework for land use and management across customary and statutory tenure systems, the Land Act divided holdings across the country into three categories of public, private, and community land. According to the Land Act:

³ Although land and land-related disputes played an important role in the mobilization of combatants and were often used to justify conflict at both local and state levels, this study is based on the argument that land is never a sole nor sufficient cause of large-scale protracted violence (Tiemessen 2005; Pritchard 2013). Rather, while land contributed to the extent, nature, and duration of the Second Sudanese Civil War (c.f. Johnson 2003, Branch & Mampilly 2005; Pantuliano 2007; USAID 2010), large-scale violence was rooted in decades of unequal development linked to the purposive economic, political, and cultural marginalization of the Southern region. The relationship between land and conflict in Sudan and South Sudan has been well documented by a number of authors (cf. Johnson 2003; De Wit 2004 & 2008; Odhiambo 2009; Pantuliano 2007 & 2010; USAID 2010) and is beyond the scope of this study.

⁴ Given decades of large-scale land acquisitions and unequal resource exploitation by the Government of Sudan, the maxim of ‘land belongs to the community’ emerged as a rallying cry for Southern resistance during the second civil war (De Wit 2008) and an expression of goals for future reform. The SPLA/M capitalized on this frustration and began to recognize ‘customary’ land rights in areas under their control as a means of mobilizing ideological and material support from local communities (USAID 2010a). This narrative was eventually adjusted and incorporated into the 2009 Land Act under Section 7, which states that “All land in Southern Sudan is owned by the people of Southern Sudan and its usage shall be regulated by the Government.”

⁵ For a copy of the 2009 Land Act, visit http://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/South_Sudan/files/HLP%20AoR/South_Sudan_Land_Act_2009_EN.pdf.

⁶ In practice, these two aspects of the Land Act and Transitional Constitution are in direct conflict with one another, as the customary practices protected under the constitution generally restrict women’s rights to land. A comprehensive breakdown of land related legislation and institutions is beyond the scope of this paper and has been provided by USAID (2010), Meenan (2012), Byamugisha et al. (2014), and Stone (2014).

1. Public land is owned collectively by all people of Southern Sudan and held in trust by the appropriate level of government (§ 10{1}).
2. Private land includes any registered land held under freehold, leasehold, or any other land that may be declared private land by law (§ 12).
3. Community land shall be held by communities identified on the basis of ethnicity, residence or interest, and will include land managed or used as community forests, cultivation, grazing areas, shrines, and any other purposes recognized by law (§ 11{1,2}).

Although the 2009 Land Act provided an important foundation for access, use, and management, it has seen little to no implementation. On the one hand, the lack of implementation can be linked to initial disagreement amongst legislators over whether a land ‘act’ could precede a land ‘policy.’ According to Byamugisha et al. (2014), this debate caused many legislators to view the Land Act as a non-binding, provisional piece of legislation that could not be implemented without a subsequent policy. On the other hand, the lack of implementation is tied to the fact that the Act not only failed to effectively establish the mandates that state and national level ministries have over land, but also conflicted with policies outlined in the 2009 Local Government Act and Investment Promotions Act.⁷ The resulting confusion and competition within and between ministries for control over distributing and managing holdings has led to significant inconsistencies in how the law has been applied throughout the country (Marongwe 2013). According to USAID (2010b: v):

...though the Interim Constitutions and new laws have introduced a new regime in land administration, the exercise of concurrent powers, the usurpation of powers by other institutions, and the quest for concentration of powers in single institution have caused a clash in exercise of jurisdiction by institutions at Government of Southern Sudan (GOSS) and state and local government levels. Exacerbated by lack of clear understanding of these laws, there was a collapse of the system, partly through lack of competent staff, lack of proper functioning of the current institutions, or non-existence of institutions. There has consequently been a real power crisis in land administration and confusion in roles of some of the existing institutions at the different levels of GOSS and state and local government [*sic*].

The Draft National Land Policy designed to build on and extend the Land Act was submitted to the office of the President in February 2012, approved by the council of Ministers, and sent to the National Legislative Assembly for review in February 2013. Unfortunately, progress on the

⁷ For further information on the 2009 Local Government Act and 2009 Investment Promotions Act, see USAID (2010a, 2010b), Deng (2011, 2013) Byamugisha et al. (2014), and Stone (2014).

National Land Policy stalled during the political ‘reshuffling’ that occurred in July 2013 and outbreak of large-scale violence in December 2013.⁸

Given little to no implementation of the Land Act and continued absence of a National Land Policy, Chapter IV of the 2015 ARCISS Peace Agreement between the Government of South Sudan and the Sudanese People’s Liberation Movement-in-Opposition (SPLM-IO) outlined several goals for land-tenure reform under the Transitional Government of National Unity (TGoNU). Specifically, according to Article 4.2.1 (TGoNU 2015: 35):

4.2.1 The TGoNU shall expedite the following measures relating to the land policy and administration:

- 4.2.1.1 Within twelve (12) months of the Transitional Period, initiate an in-depth national debate to review the current national land policy and the Land Act, 2008 [*sic*], in order to achieve consensus over land tenure, use, management and address issues of land grabbing, other malpractices involving land, carry out necessary reforms, undertake mapping, and to maximize economic utilization of land in South Sudan;
- 4.2.1.2 Within (18) months of the Transitional Period, establish an independent Registry of Lands at all levels of government for issuance of title deeds;
- 4.2.1.4 Assist in the mediation of conflicts arising from land.⁹

While the inclusion of land-related legislation in the ARCISS Peace Agreement demonstrates (at best) a preliminary recognition that HLP rights are essential components of sustainable return, resettlement, and economic development, there has been little to no change in the implementation of the Land Act. If anything, the already limited ability of national and state-level institutions to manage urban and rural holdings has been further undermined by the division of the country from 10, to 28, and now to 32 states.

2.3 ACCESSING URBAN LAND

Despite extensive variations in access, use, and management throughout the country, land in urban areas is generally obtained through inheritance or purchase of existing leasehold rights.¹⁰ Conversely, lands in peri-urban and rural areas are generally held under customary law and

⁸ During this period, President Kiir added ‘land’ to the mandate of the Ministry of Housing and Physical Planning, renaming it the Ministry of Land, Housing and Physical Planning. Under the Transitional Government of National Unity, this ministry was renamed the Ministry of Land and Urban Development.

⁹ According to §1 (1.2), “The Transitional Period shall commence 90 days after signing of this Agreement and the term of office shall be thirty (30) months preceded by ninety (90) days of a Pre-transitional Period (IGAD 2015: 5).

¹⁰ The 2009 Land Act and Draft National Land Policy provide for private property under both freehold and leasehold. However, as recently as 2014 no freehold rights existed in South Sudan; rather, all privately held lands in urban areas are held through leaseholds with the state.

accessed through several interdependent mechanisms that draw on ties to lineage structures.¹¹ Rapid population growth and the uncontrolled expansion of urban areas has placed significant pressure on customary holdings in peri-urban areas around the country. Despite the protections outlined in the Land Act, government and community-led registration processes increasingly force peri-urban communities to convert customary holdings to leaseholds managed under statutory law (McMichael 2014, 2016; Deng 2016).

According to Byamugisha et al. (2014: 24), although the Government-led registration process varies between cities, it generally proceeds in one of two ways:

... either the state government identifies an existing informal settlement where they would like to pursue survey, demarcation and registration activities, or else it negotiates with communities living in peri-urban areas to gain access to a parcel of land for the government to develop and distribute to interested applicants.

Independent of the process, the Ministry of Physical Infrastructure will conduct a survey and provide landholders copies of a written lease. This lease is then registered in the land registry located at the High Court.

In the community-led process, demand for demarcation comes from the community rather than the state-government. Local leaders generally establish a 'demarcation' committee that will set both the cost and criteria for registration. In theory, these committees collect funds from qualifying residents, use the money to pay for surveyors, and provide participants with tokens and documents as evidence of their landholdings (Byamugisha et al. 2014; Deng 2016; McMillan 2016). While it is clear that the community approach evolved as a way to overcome a lack of tenure security and widespread demand for private holdings, it is not only significantly more expensive than the government-led process, but also dramatically increases opportunities for corruption and exclusion.¹² According to McMichael (2016: 2729), the emergence of demarcation committees cannot be separated from the ways in which powerful members of peri-urban communities use the individualization and registration of customary holdings to "consolidate power over land and at the same time exploit vulnerable people." In other words, increased demand for individually held property in urban and peri-urban areas characterized by little to no planning and oversight have increased the ability of key actors (customary authorities and local political, military, and economic elite) to expand their control over land access, use, and management. Although this process has increased the number of plots registered with the state, the ability of powerful actors to control the costs and necessary criteria for transferring

¹¹ For the purpose of this work we label all those tenure regimes and institutions of authority that exist outside statutory law as 'customary.' We also note that these institutions are neither customary nor traditional, but constantly evolve in relation to statutory law and complex social, political, and economic relations within and between actors and institutions. For more information on customary land laws in South Sudan, see USAID (2010) and Meenan (2012).

¹² For more information on the conversion of customary land to leaseholds and a breakdown of the costs associated with these two forms of registration, see Deng (2014, 2016).

community holdings into individual-leaseholds undermines the already fragile tenure security of poor and marginalized groups who are generally unaware of, or unable to assert their rights.

3. METHODOLOGY

As previously stated, the main goal of this project was to map urban land disputes in South Sudan. Given project goals and timeline, the sample plan and overall methodological approach were designed to improve triangulation, complementarity, and reproducibility in a highly fluid environment.

3.1 SAMPLE PLAN

First, research was conducted in partnership with representatives from the State Land Alliances. The SLAs are coalitions of community-based organizations (CBOs) from each of the former 10 states working to reduce land-related disputes in urban and rural areas of South Sudan. Only urban areas with active State Land Alliances were included in this study; this resulted in 10 sites across 10 of South Sudan's 28 states.¹³ Next, field staff selected neighbourhoods in each site with an explicit focus on capturing participants from different ethnic groups, socio-economic statuses, and length of stay in the given community. Individual households in each neighbourhood were selected using a detailed 'random walk' technique with a built-in skip pattern. Finally, participants in each randomly selected household were identified using the Hagan-Collier 'Alternative' method adjusted for gender parity.¹⁴ Only participants who were 18 years of age or older and South Sudanese nationals were included in the study.

3.2 SURVEY INSTRUMENT

The household questionnaire included modules on demographics, general trends in land access and dispute resolution, as well as individual experiences with on-going land-related disputes. Each module combined a series of 'open-' and 'closed-' ended questions designed to collect qualitative and quantitative data while limiting the extent to which responses were guided by the questions and response options. Data were collected using the KoBoToolbox program for Android-based mobile devices. KoBoToolbox is a suite of open-source research tools designed to facilitate and improve data collection in fluid environments.¹⁵

¹³ Throughout the course of this paper we refer to the '28' rather than the '10' or '32' states of South Sudan. This is done in the interest of clarity, and should not be interpreted as support for the on-going sub-division of administrative and ethnic communities.

¹⁴ The Hagan-Collier 'Alternative' method is a simplified variation of the Trolldahl-Carter technique that is particularly useful in conflict-affected environments. The main advantage of the Hagan-Collier 'Alternative' over similar non-probability techniques is that participants are not required to complete a household roster or know their date of birth. Respondents in contexts characterized by decades of conflict and forced migration rarely know their exact date of birth and are often unwilling to share detailed information on household composition (especially in environments characterized by targeted killings and widespread sexual violence).

¹⁵ For more information on KoBoToolbox visit www.kobotoolbox.org.

3.3 DATA COLLECTION

Data were collected from November 3rd to 30th, 2016. During this period, ten enumerators performed a total of 942 household surveys. All enumerators were South Sudanese nationals, had extensive experience performing land-related research, were familiar with the local-context, and fluent in English and local languages of their respective field-sites. Prior to being deployed, enumerators received two days of training on KoBoToolbox, the protection of human subjects, and gender sensitivity.

At the end of each day, enumerators used the KoBoToolbox software to upload completed surveys to the project database. At the end of the field-research period, the lead researcher exported the data to SPSS Version 21 for analysis. Data were analyzed descriptively and differences in responses according to age, gender, location, level of education, and length of stay in a given community assessed using Chi-Square tests of difference.

3.4 LIMITATIONS

Four key issues should be kept in mind when interpreting the results depicted in the following section. However, these limitations are less ‘shortcomings’ than they are characteristics of an approach that used rapid, quantitative research techniques to map the complex narratives, identities, and experiences that inform issues of land access, use, and management.

First, data for this study do not provide a statistically representative sample of the ten field sites. On-going violence in two of the ten sites and logistical constraints limited the ability of field staff to access a representative sample of neighbourhoods and participants. Although data are not representative of all potential responses within each site, they do reflect a diverse range of experiences within and between a demonstrative sample of urban areas.

Second, all of the field sites included in this study were under Government-control at the time of research. The inability to access SPLM-IO controlled areas was linked to an absence of SLA staff, and fact that the overwhelming majority of urban-centres throughout the country are (nominally) controlled by the GRSS. Choice of field sites was not influenced by the GRSS and by no means represents political bias of the research-team. Research on the prevalence and nature of urban and rural land-disputes in areas under SPLM-IO control is required moving forward. Despite this shortcoming, the sample includes populations from different class, political, and ethnic groups with varying exposure to recent and on-going violence.

Third, our ability to provide a nuanced explanation of the field data is limited by the purpose of this study, which focused primarily on capturing variations in disputes within and between locations, rather than to collecting the detailed qualitative data needed to deconstruct the socio-political and economic issues that inform (and are informed by) land access, use, and management. Data and key findings from this study should be used to inform further research focused on how historically-rooted relations within and between polities (social, political, ethnic) and the state impact the nature and type of land-related disputes in urban settings.

Finally, given the rapid nature of this study and our focus on ‘current’ land disputes, data were only collected from individuals who were not displaced at the time of the interview. In other words, researchers did not collect data in PoC, IDP, or refugee camps. Although there is a pressing need to understand the impacts that housing, land, and property issues, including widespread disputes over holdings, will have large-scale returns in South Sudan, this is beyond the scope of this project and should be the focus of further research. The fact that we did not collect data from displaced populations had a significant impact on our sample, especially with regards to ethnicity (see section 4.1). Most notably, the use of random sampling techniques in Government-controlled urban areas led to a high percentage of Dinka, but not a single Nuer participant. Unsurprisingly, the ethnic composition of our sample is directly linked to the ways that recent and on-going conflict has impacted different ethnic groups and geographic areas in different ways. Most notably, although recent fighting in Greater Equatoria has displaced tens of thousands of people and that most ‘new’ IDPs and refugees are from rural areas, the overwhelming majority of people currently seeking shelter in UN PoC sites around the country are Nuer displaced from urban centres like Juba, Malakal, Renk, and Bentiu.

The fact that our random sample in ten urban areas did not capture a single Nuer respondent is an indicator of the way that this conflict has affected different sectors of the population, and need for further research into the obstacles facing large-scale return. Indeed, the return and resettlement of millions of refugees and IDPs (driven from their homes by severe human rights abuses) into urban areas characterized by widespread land-disputes and breakdown in relations between ethnic communities presents a significant challenge to physical security and long-term peace.

4. RESULTS AND DISCUSSION

This section summarizes key findings from the household survey on land-related disputes in the ten field sites. It begins with key characteristics of the sample population and follows with general trends in land access, use, and management across field sites. The section concludes with an overview of the main causes and impacts of land-related disputes.

4.1 SAMPLE CHARACTERISTICS

The survey sample consisted of 942 individuals in ten urban areas (see Table 1). Although our initial goal was to complete 100 surveys in each site, logistical challenges led to over representation in Juba and significant under-representation in Torit, Terekeka, and Gogrial. Just over half of the respondents were female (53%) and ages for the entire sample ranged from 18 – 85 years old.¹⁶ The overwhelming majority (88%) of participants were under the age of 48, with slightly more falling into the ranges of 25 – 34 (32%) and 35 – 47 (34%) years of age (See Figure 1).

¹⁶ Please note that we use ‘respondent’ and ‘participant’ interchangeably.

Main livelihoods capture general trends in urban areas throughout the country, which include a relatively high percentage of civil servants, independent entrepreneurs, and unemployment. Specifically, 28% of all respondents make their living as civil servants, 14% work in a small business, and 14% were unemployed at the time of research.

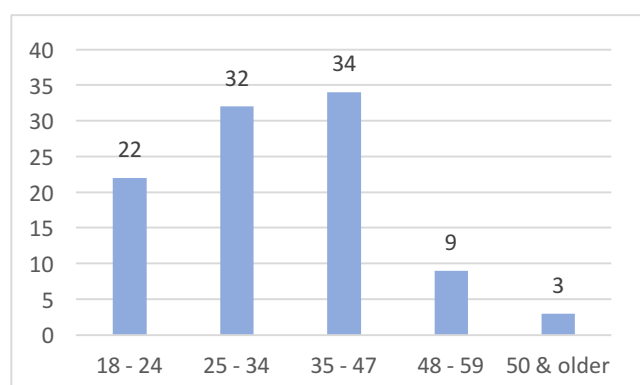
Table 1. Overview of sample population

| Location | State (28) | State (10) | Respondents | Males | Females | Percent of sample |
|----------|------------------------|-------------------------|-------------|-------|---------|-------------------|
| Aweil | Aweil | Northern Bahr El Ghazal | 105 | 66 | 39 | 11.1 |
| Bor | Jonglei | Jonglei | 102 | 37 | 65 | 10.8 |
| Gogrial | Warrap | Gogrial West | 15 | 8 | 7 | 1.6 |
| Juba | Jubek | Central Equatoria | 287 | 120 | 167 | 30.5 |
| Renk | Eastern Nile | Upper Nile | 100 | 62 | 38 | 10.6 |
| Rumbek | Western Lakes | Lakes | 100 | 42 | 58 | 10.6 |
| Terekeka | Terekeka | Central Equatoria | 13 | 8 | 5 | 1.4 |
| Torit | Imatong | Eastern Equatoria | 20 | 13 | 7 | 2.1 |
| Wau | Western Bahr El Ghazal | Wau | 100 | 49 | 51 | 10.6 |
| Yambio | Gbudwe | Western Equatoria | 100 | 40 | 60 | 10.6 |
| Total | | | 942 | 445 | 497 | 100 |

Data on education reflect the impact that over four decades of conflict have had on access to school; 31% of respondents have not had any schooling, 25% successfully completed primary school, and a further 29% completed secondary school. Overall, 9% of participants have a university degree, and another 6% successfully completed post-graduate studies.

The survey included respondents from 36 different ethnic groups, with 51% of all individuals sampled self-identifying as Dinka. Ethnic groups that made up at least 4% of the sample include Azande, Bari, Dinka, Kuku, and Luo. As outlined in section 3.4, our random sample did not identify a single Nuer household. The complete absence of Nuer respondents is not only a result of limited access to the Greater Upper Nile Region, but also demonstrates the impact that the 2013 Civil War has had on different communities

Figure 1. Ages of respondents

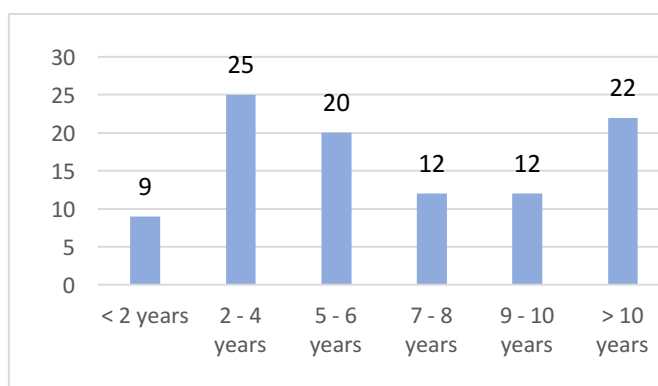


around the country. Further research is needed on the impact of land-related disputes within and between ethnic groups, with a specific focus on how such disputes have been and will be exacerbated by displacements and potential returns.¹⁷

4.2 DISPLACEMENT STATUS

Despite the fact that we focused exclusively on individuals who were not currently displaced at the time of research, 32% of all respondents have been displaced at some point in their lifetime, with many displaced on multiple occasions. Of those respondents who have been displaced, 75% were forced from their homes as a direct result of conflict on at least one occasion between December 2013 and November 2016. Despite relatively high rates of forced migration, the overwhelming majority of respondents (85%) consider the place they are currently staying to be their ‘home,’ even though 78% arrived within the past 10 years (see Figure 2). The fact that only 22% of participants have lived in their current location for longer than 10 years captures general trends in large-scale returns following the 2005 CPA, and high rates of rural to urban migration discussed in section 2.¹⁸ Independent of what brought (or pushed) new arrivals to towns and cities, the fact that they generally consider the current location to be their ‘home’ has reduced incentives to settle elsewhere. When asked ‘Where would you prefer to live?’ 90% of respondents answered “Where I am now” (see Figure 3). These findings demonstrate that independent of the myriad of push and pull factors driving urban growth, the bulk of respondents plan to stay in their current location. The desire to remain in urban areas despite significant challenges facing employment, access to services, and physical security has significant implications for land disputes moving forward, and highlights the importance of establishing clear guidelines for access, use, and management.

Figure 2. How long have you lived in this location?
(%)



4.3 CIVIL DOCUMENTATION

Given that all land holdings in urban areas are required (in theory but not practice) to be registered with the state, we asked a series of questions about access to national identification (ID) documents. Almost half (48%) of all respondents currently do not have the ID documents required to formalize property holdings under statutory law and access a wide range of basic services. When asked why they do not have a national ID, 35% explain that the process is too expensive, 20% state that they do not know how to obtain the documents, and a further 20% assert that they do not see the importance of such documents (see Figure 4). Beyond the fact

¹⁷ A detailed breakdown of the impacts of land-related disputes and mechanism of dispute resolution within and between ethnic groups is beyond the scope of this study, and requires finer-grained data on historical settlement trends, evolving ties to customary and statutory authorities, and disproportionate impacts of recent and on-going violence.

¹⁸ For this question, ‘current location’ refers to the given city rather than the respondent’s current ‘physical’ home.

that a lack of identification can reduce access to basic services, it also has significant implications for urban land-reforms based on registration. Most notably, individuals without national identification face additional hurdles and expenses when trying to protect their holdings under statutory law. When already facing a challenging and expensive process, these hurdles can reduce the ability of vulnerable populations to access and protect their legitimate rights to urban and peri-urban lands.

Figure 3. Where would you prefer to live? (%)*

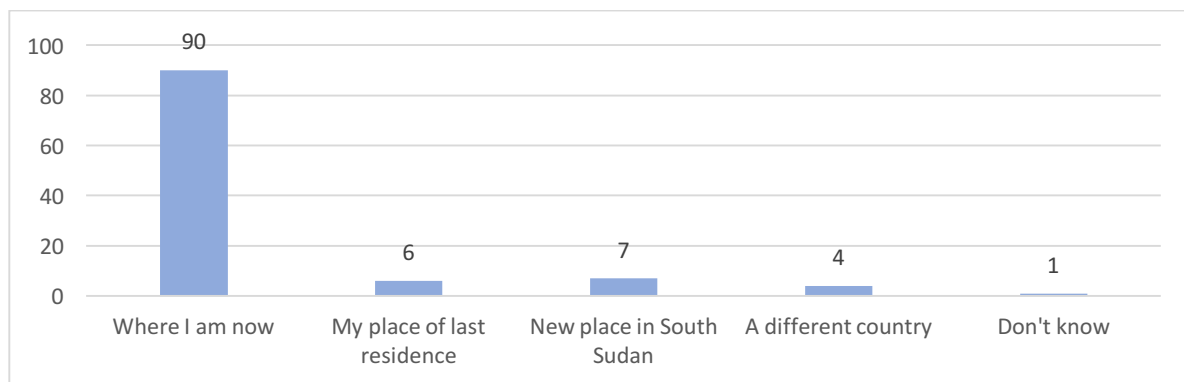
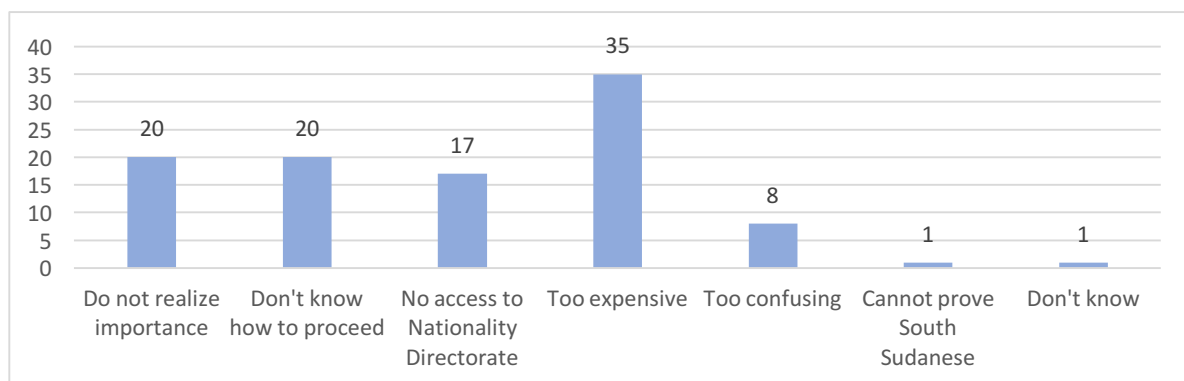


Figure 4. Why do you not have a national identification document? (%)*



4.4 LAND ACQUISITION

Of the 942 participants, a total of 633 (67%) have, use, or own land in their community. Unsurprisingly, given the urban focus on this study, the overwhelming majority of holdings (93%) are used exclusively for housing; the remaining 9% are used for a combination of housing and small scale enterprise, agriculture, or pastoralism.

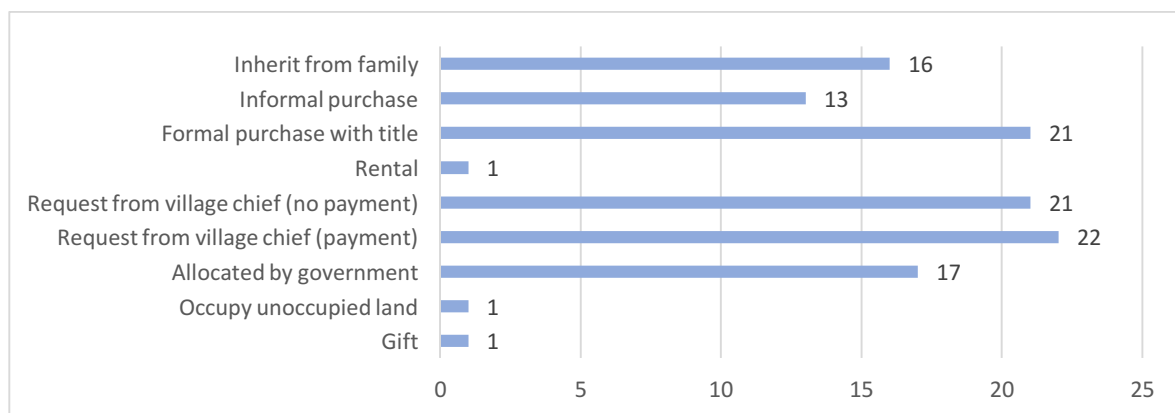
Although formal land purchases have become increasingly important in urban areas around the country, leaseholds purchased on the open market account for just 21% of holdings included in this survey. An additional 43% of all land holdings were obtained by requesting the village chief

* All figures marked with this symbol were multiple-response questions where respondents could select more than one response. As such, the totals in these figures add up to more than 100%.

(21 % did not provide any payment, 22% did provide some form of payment), 17% of respondents acquired land through a Government-token, and a final 16% inherited their holdings from family (see Figure 5). The fact that almost twice as many respondents obtained their land through village chiefs than on the open market highlights the impact that land prices have on holdings in peri-urban areas. Specifically, the cost of purchasing a plot on the open market is far beyond what the overwhelming majority of the population can afford, and is significantly more expensive than land obtained through government-led formalization. According to Byamugisha et al.'s research in Juba (2014: 26):

In instances where the government has acquired a parcel of land and is distributing it to people on a first-come, first-serve basis, first class plots can sell for as little as US\$750. Once the lease is obtained from the government, it must be annually renewed, but it is freely transferable. Costs in the open market, on the other hand, can reach as high as US\$20,000 to US\$22,500 or more for completely undeveloped plots of land.

Figure 5. Methods of acquiring urban land (%)*



Radical differences in prices reinforce the pressure on peri-urban communities and lands held under customary law. While data capture the importance of government-led formalization outlined in Section 2.3, the majority of holdings in peri-urban areas were initially obtained through customary mechanisms. Although close to half of these plots have been transferred to individual leasehold through the community-led demarcation process (see section 4.6), chiefs and local authorities continue to play an active and essential role in how individuals access land.

4.5 WOMEN'S ACCESS TO URBAN LAND

Given that this study focused primarily on issues impacting land-disputes at the household level, it does not provide detailed data on the ability of women to access land independent of their male relatives. However, disaggregating data by gender and marital status provides useful information that confirms and extends previous findings by Stone (2014) and Deng (2016). Most notably, while evidence points to increasing acceptance of women's inherent rights to land, there has been little change with regards to women's ability to obtain and exert their tenure rights independently of male relatives.

Of the 942 respondents who participated in this study, 132 (14%) can be classified as 'single women,' in that they are either divorced, widowed, or have never married. Of these women, 55% state that they have access to land in their community. Of these women, 72% access land through their father and the remaining 18% hold land in their own name. In other words, while only a little over half of all 'single' women use or have access to an urban holding, the overwhelming majority access land through their male relatives.

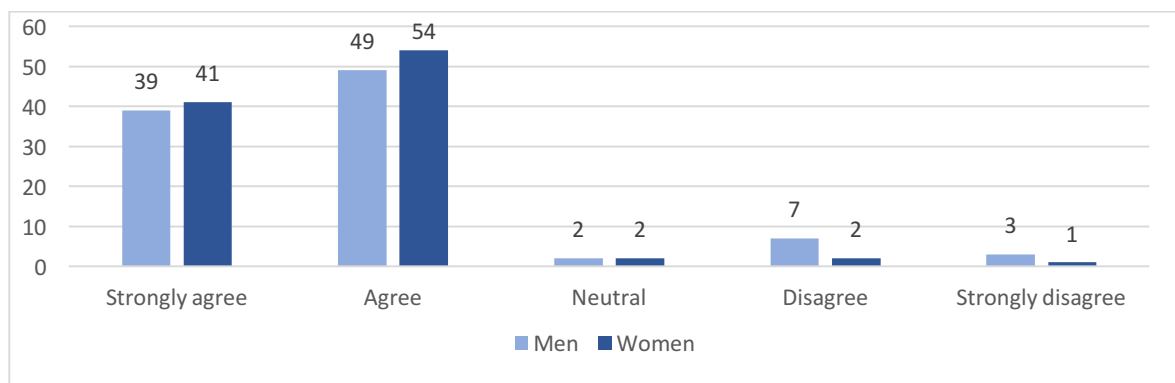
These results confirm and extend previous findings by Stone (2014) and Deng (2016), who note that although the Land Act and Interim Constitution (ICSS) provide women with equal rights to land, these policies have had little impact outside a few carefully chosen examples. Specifically, while women are increasingly able to register plots in their own names, this has generally been restricted to a small number of highly educated women in Juba. Indeed, women face obstacles over and above those encountered when trying to register holdings through government or community-led processes. Most importantly, women are less likely to exercise their HLP rights, are disproportionately affected by limited or no literacy, and are especially vulnerable to extortion and being illegally dispossessed from their properties (Stone 2014). At the same time, statutory institutions have not kept pace with the constitution, as officials in registration departments are often unwilling or unable to register land in women's name. According to Deng (2014: 32):

...officials in the registry are sometimes reluctant to register land in a woman's name for fear of reprisal from her male relatives. Disgruntled husbands, brothers or in-laws have been known to threaten officials who register land in women's name without the knowledge of their families.

Furthermore, although statutory laws allow for joint registration, the forms currently being used only have space for one name. This very simple oversight dramatically reduces the ability to register urban holdings in the names of husbands and wives, and further undermines the tenure security of women.

Despite the widespread lack of implementation of women's equal and inherent rights to land in South Sudan, data collected for this study demonstrate that some changes have occurred. Specifically, when asked to respond to the statement "Women should have the same rights to own and hold land as men," 52% of participants selected 'agree,' and an additional 40% chose 'strongly agree.' Only 4% of all respondents disagreed with this statement. Unsurprisingly, the majority of participants who disagreed were men, but there were no significant differences in responses according to age group or geographic location (see Figure 6).

Figure 6. Men and women should have the same rights to land x Gender of respondent (%)



However, when asked less direct questions about women's land rights, support for equal rights decreased significantly. Most notably, when asked "If a landholder dies, who should inherit their land?", and "If land is sold, who should receive the proceeds?", the overwhelming majority of respondents focused on 'sons' (see Figure 7 and 8).

While there is *some* evidence that attitudes (regarding women's inherent and equal rights to own and hold land independent of male relatives) are evolving, these changes have had little impact on actual holdings and decision-making at the household level. Although a change in attitudes is an essential first step towards what must be seen as both a human right and significant cultural change, it is by no means sufficient, and must be addressed moving forward.

Figure 7. If a landholder dies, who should inherit the land? (%)*

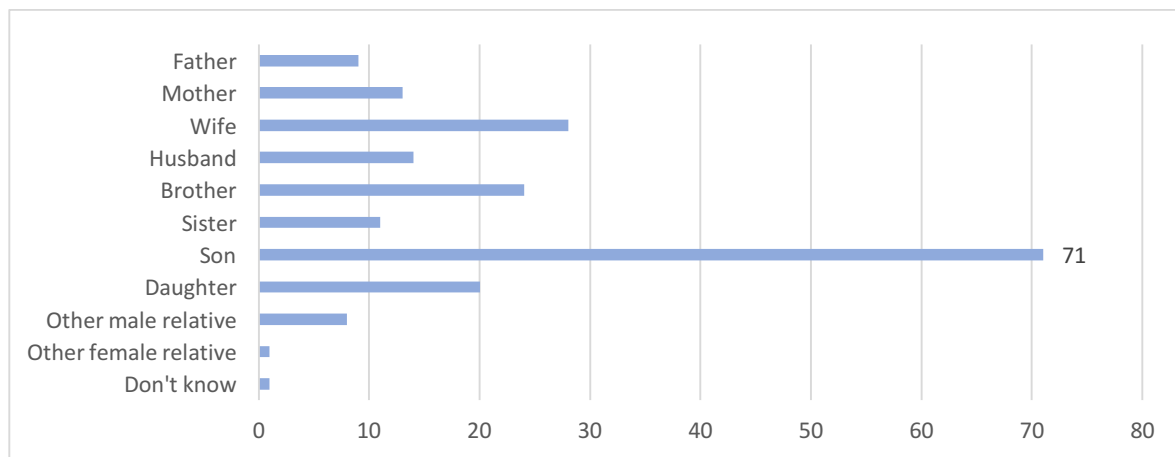
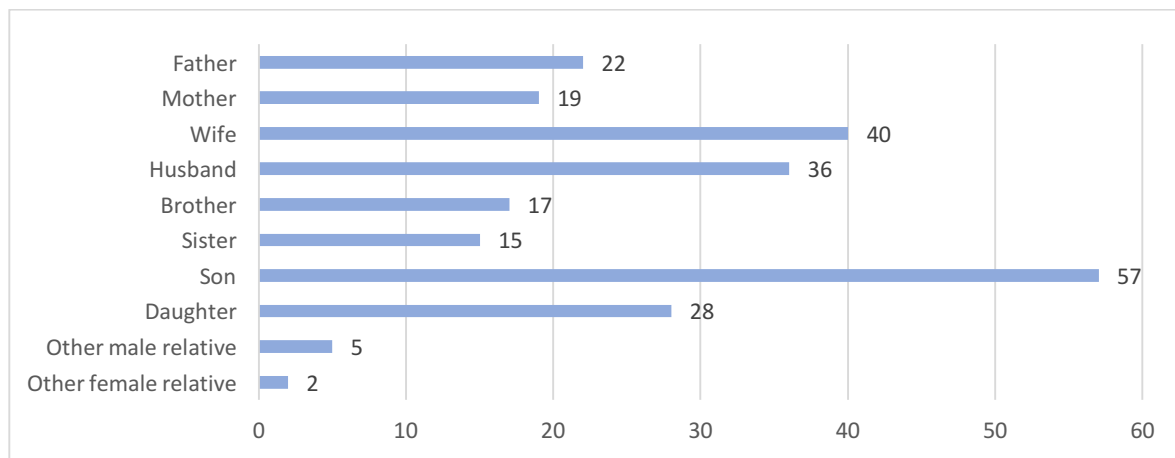


Figure 8. If land is sold, who should receive the profits? (%)*



4.6 REGISTRATION

Overall, 57% of respondents who hold land in their community state that they have registered their holding with the government. Data show that the method of acquisition has a significant impact on whether or not a plot has been registered. Specifically, 89% of plots obtained through 'formal purchase,' 72% obtained through inheritance, and 95% obtained through government token have been registered with the government. Conversely, only 31% of holdings acquired through village chiefs have been registered (see Figure 9). Registration rates are highest in Terekeka, Aweil, Renk, and Rumbek, and lowest in Gogrial, Bor, and Juba (See Figure 10). Further research is required on why registration rates vary so significantly between field sites.

When asked why they have not registered their urban land holdings with the government, respondents explained that the registration process is too expensive, that their land has not yet been surveyed, and that they are unsure how to proceed as there is no clear land policy to guide the process.

Figure 9. Method of land acquisition x Registration status (%)

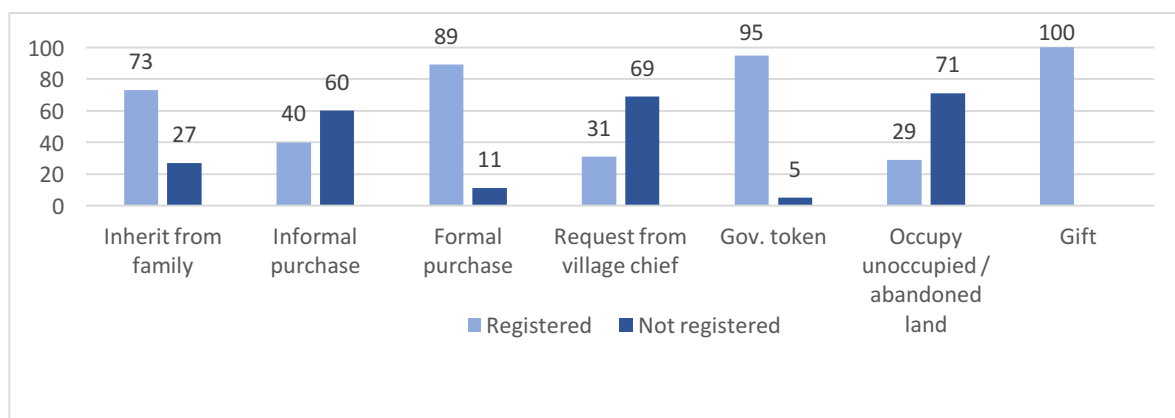
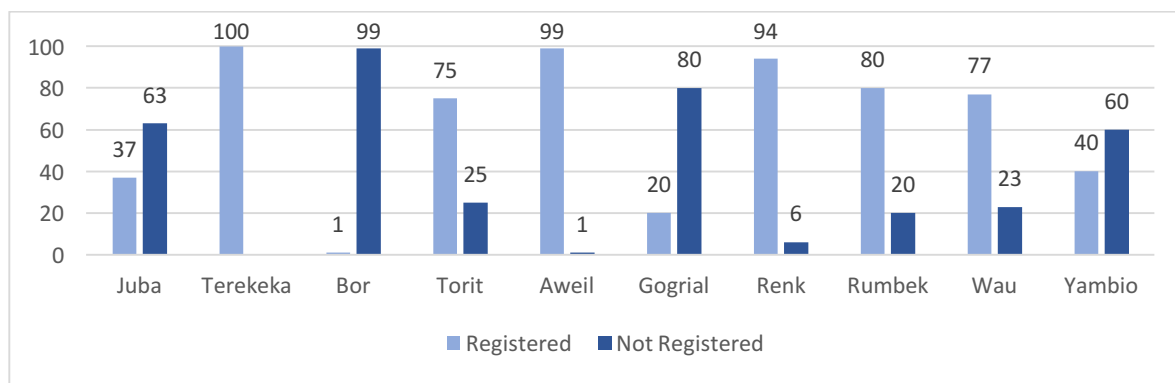
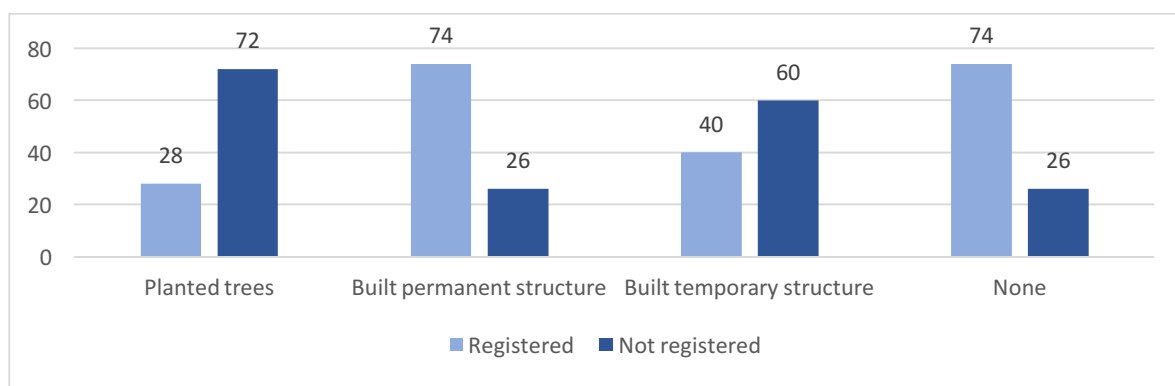


Figure 10. Registration status x Location (%)



Data demonstrate that registration has a significant impact on the nature of investments. Respondents with a registered leasehold are almost three times more likely than those without to build permanent structures on their land or to make no investment whatsoever (as they are less concerned that a lack of investment could be grounds expropriation). Conversely, when compared to households with a registered lease, participants who have not registered their holdings are two and a half times more likely to plant trees, and one and a half times more likely to build temporary structures (see Figure 11).

Figure 11. Investments made to land in past 5 years x Registration status



4.7 PREVALENCE OF LAND RELATED DISPUTES

Independent of their land holding status, all participants were asked about their perception of land-related disputes in their communities. In response to the question “Are land disputes common in your community?” 66% of respondents answered ‘yes,’ with significant differences between sites. Most notably, 85% of respondents in Juba, 100% in Bor, 72% in Rumbek, 72% in Wau, and over half of participants in Torit, Aweil, and Yambio state that land disputes are common in their communities. Perceptions of land-related disputes are much lower in Renk (3%), Gogrial (20%) and Terekeka (39%), although these locations also had the highest levels of ‘I don’t

know' (see Figure 12).¹⁹ Although further research is required on why the prevalence of disputes varies markedly between locations (i.e. from 100% in Bor to 3% in Renk), data clearly show that disputes are common in most areas, and have generally increased since the outbreak of conflict in 2013 (see Figure 13).

Figure 12. Are land disputes common in your community x Location (%)

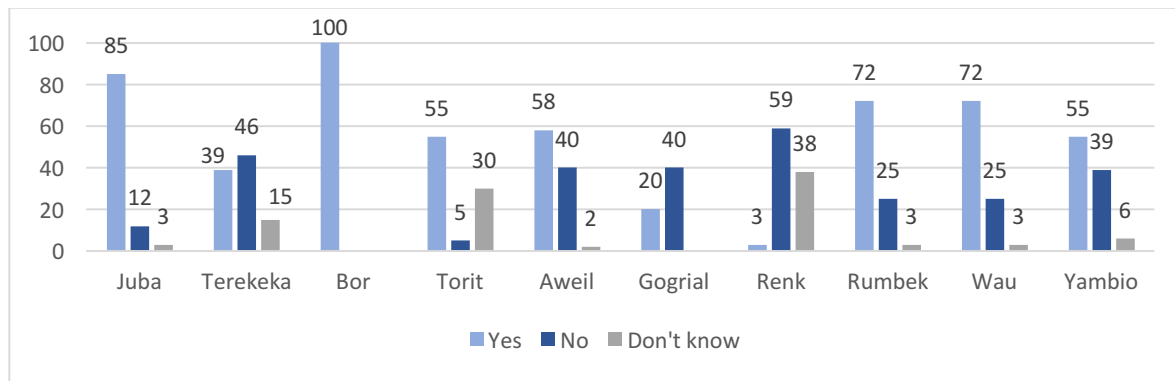
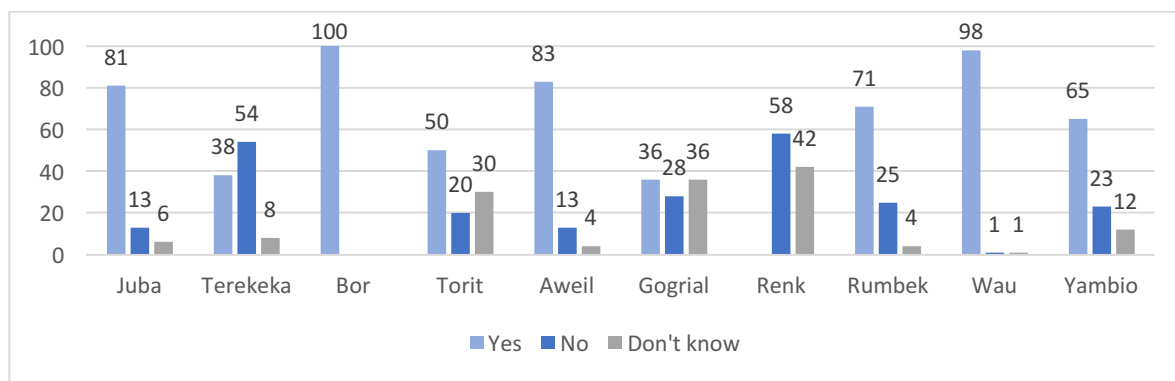


Figure 13. Has the number of land disputes increased since the outbreak of conflict in December 2013 x Location (%)



In addition to the question on perceptions of land-related disputes, respondents with access to urban land were asked about their current experiences with disputes. One third (33%) of all participants who have access to urban land are currently experiencing a land-related dispute, with the highest percentages reported in Juba (52%), Terekeka (25%), and Bor (100%) (see Figure 14).

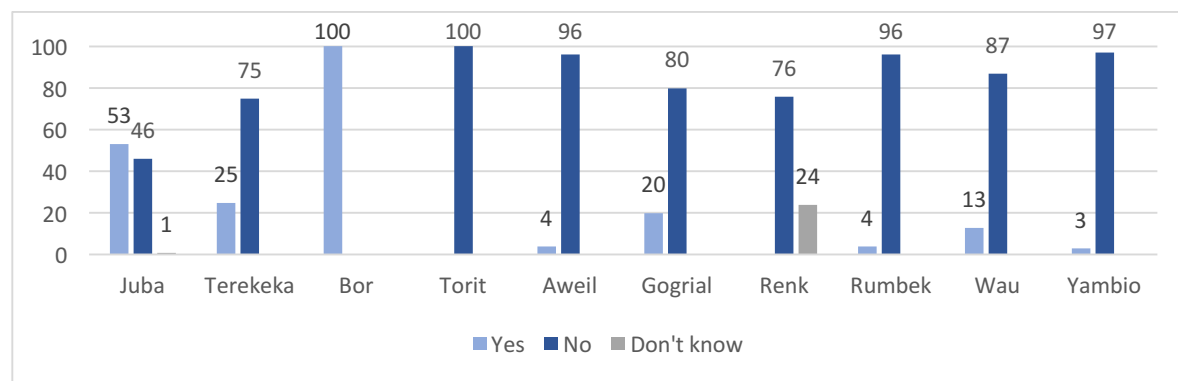
As outlined above, the prevalence of land-related disputes in Juba, Terekeka, and Bor can be linked to the 2013 crisis and evolution of fighting out from the national capital. Immediately following the outbreak of violence in Juba, large numbers of soldiers fled the city and moved north through Terekeka and Bor. During late 2013 and early 2014, these two cities were at the

¹⁹ Data from Torit, Gogrial, and Terekeka are also less reliable as the sample sizes were significantly smaller than those from other field sites.

front lines of conflict and experienced widespread displacement.²⁰ Conversely, Torit, Aweil, Gogrial, Rumbek, Wau, and Yambio were largely removed from large-scale conflict, although fighting in late 2016 led to displacements in Wau, Yambio, and Torit. Relatively high rates of land disputes in Juba can also be linked to the massive influx of migrants (national and international) looking for work tied to the billions of dollars (USD) in donor funds that started flowing into NGOs and government institutions following the 2005 CPA.

In addition to variations by geographic location, displacement and registration status have a significant impact on whether a household is currently experiencing a land-related dispute. First, 74% of people who have access to a piece of land and have been displaced at some point in their lives are currently experiencing a land-dispute. Conversely, only 6% of people with land who have never been displaced are currently experiencing a dispute (see Figure 15). Unsurprisingly, large-scale displacements can lead to dramatic increases in squatting and opportunistic occupation, as people who remained behind or who were displaced from other locations move into recently vacated holdings.

Figure 14. Are you currently experiencing a dispute on this holding x Location (%)



According to the UNHCR (2014: 4), secondary occupation in the Jebel Peace area of Juba “has already presented problems in cases where Nuer return to briefly check on property and clash with new IDP arrivals in their homes.” In his recent study on Land rights and Displacement in Juba, Deng (2016: 6) explains how “in at least one neighborhood, a second community committee was formed after people were displaced in December 2013 and proceeded to issue new token *[sic]* to new occupants, ignoring previous landholdings.

²⁰ Interestingly, although Renk experienced some large-scale fighting between Government and –IO forces, insecurity does not appear to have had a significant impact on the prevalence of land disputes; further research is required.

Second, whether or not a plot of land has been registered as a leasehold has a significant impact on the existence of land-related disputes. Specifically, 11% of participants who have registered their lands compared to 80% of people who have not registered their lands are currently experiencing a land-related dispute (see Figure 16). Unsurprisingly, the link between registration and disputes has dramatically increased the

demand for government-backed leaseholds. Overall, 85% of respondents state that registration of urban lands should be mandatory. When asked why, the majority of participants claim that registration is needed to protect holdings and avoid disputes. Unfortunately, while increased demand for registration presents a significant opportunity for government-led formalization, this process necessarily increases the number and intensity of disputes as households compete for exclusive access to and control over urban land holdings. Beyond the fact that registration necessarily increases incentives for disputes, the lack of government oversight creates opportunities for rent seeking and land-grabs by powerful individuals.²¹

As one would expect, the perceptions and prevalence of land-related disputes in urban areas have had a significant impact on feelings of tenure security.²² On the one hand, 33% of respondents state that they are 'tenure secure', and another 22% are 'very tenure secure.' Conversely, 33% of the sample are 'insecure' and a further 6% are 'very insecure' (see Figure 17). Seeing as only 22% of the entire sample is currently experiencing a land-related dispute, the fact that 39% of participants are 'insecure' reminds us that tenure security goes beyond individual experiences with disputes, and incorporates complex socio-economic and political relations within and between individuals and communities with different abilities to protect their rights against the actions of others.

On the other hand, overall feelings of tenure security drop significantly when an individual (or household) is experiencing a land-related dispute. Indeed, 73% of respondents who are currently experiencing a dispute state that they are 'insecure' and an additional 19% are 'very insecure.'

Figure 15. On-going dispute x Ever been displaced (%)

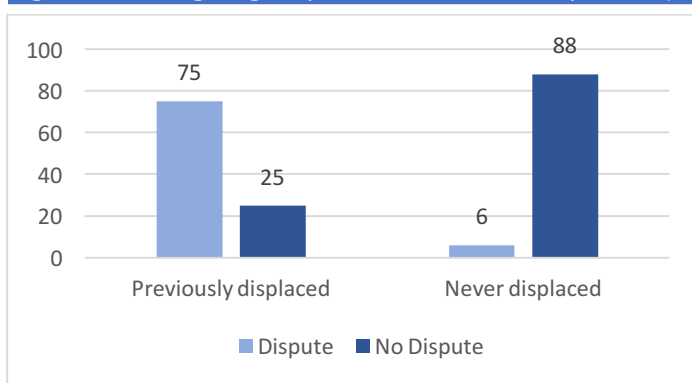
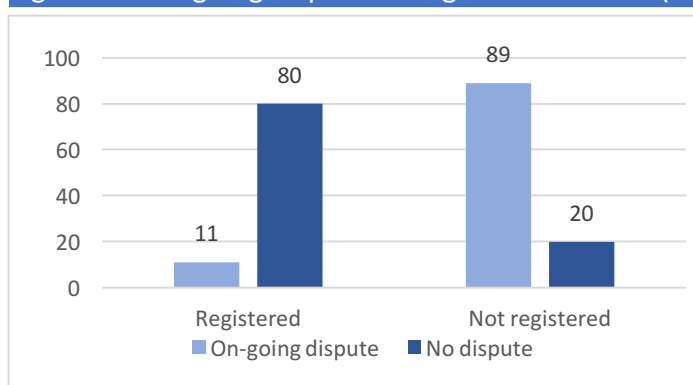


Figure 16. On-going disputes x Registration status (%)



²¹ For an impressive overview of how community-led registration has undermined the land rights of vulnerable groups and become an instrument of accumulation for local and regional leaders, see McMichael (2014, 2016).

²² According to the UN Food and Agriculture Organization (2002: 13), tenure security "allows a person's recognized rights to be protected against the acts of others," and can be provided by either informal or formal institutions.

Conversely, 50% of households that are not currently experiencing a dispute state that they are 'secure,' while a further 36% identify as 'very secure' (see Figure 18).

Figure 17. What is your current level of tenure security? (%)

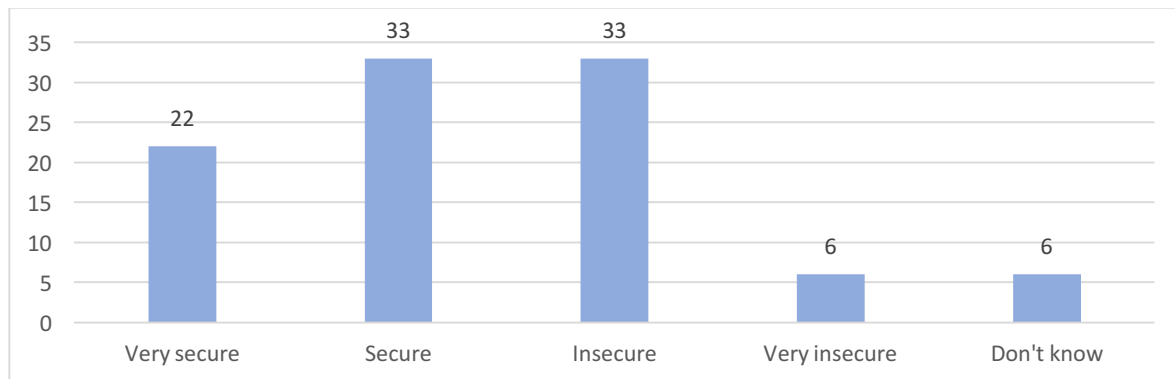
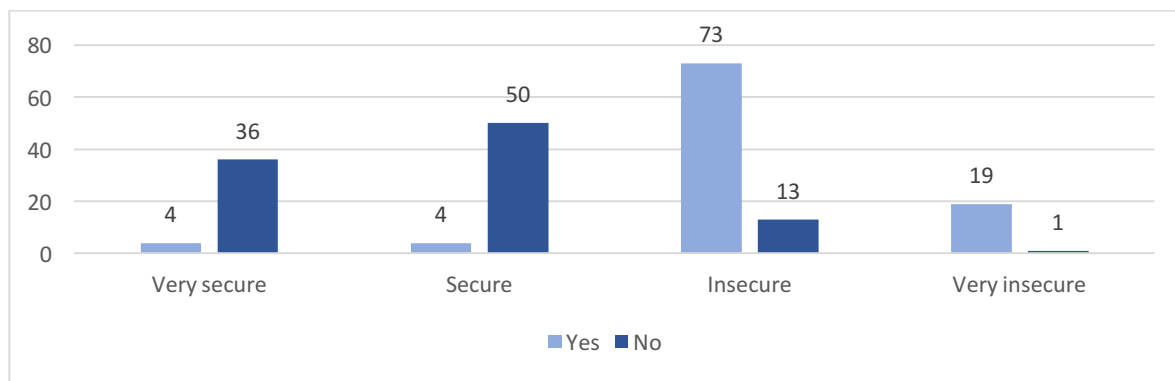


Figure 18. Tenure security x On-going dispute (%)



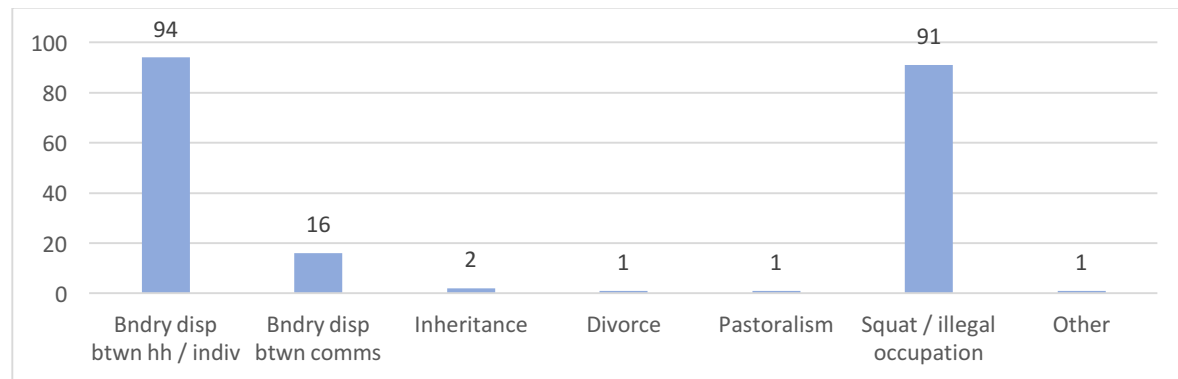
4.5 MAIN CAUSES OF LAND-RELATED DISPUTES

The survey approached the main causes of land-related disputes from two perspectives. First, all participants were asked to identify the main causes of land-related disputes in their communities. The top three causes (in order) are squatting / illicit occupation, boundary disputes between individuals, and boundary disputes between communities. Disputes linked to squatting and illicit occupation are highest in Juba, Bor and Aweil. Boundary disputes between individual households are highest in Bor, Aweil, Rumbek, and Yambio; boundary disputes between communities are highest in Terekeka, Torit, Renk, and Wau.

Second, those respondents who were experiencing a land-related dispute at the time of research were asked to provide details on the specific cause(s). When asked a multiple-select question about the cause(s) of their on-going dispute, 94% pointed to boundary disputes between individuals (or households) and 90% highlighted squatting / illicit occupation. Similar to results on perceptions of disputes from the entire sample population, the third most common cause of

land-related disputes is boundary disputes between communities, although this only accounted for 16% of on-going disputes (see Figure 19).

Figure 19. Cause(s) of on-going land disputes (%)*



Unsurprisingly, there is a clear link between reports of squatting and individual boundary disputes, as neighbours and IDPs from other areas of the country often move onto holdings vacated by displaced households. Although these types of occupations are relatively common in areas affected by protracted violence, they are often temporary and can be resolved (and prevented) by rigorous return and resettlement programs. Respondents from Juba, Terekeka, and Bor, the field sites most affected by the 2013 civil war, report the highest levels of boundary disputes between individual households. Interestingly, respondents from Wau point to high levels of individual boundary disputes, but no evidence of squatting. Although this is likely to change following recent displacements, it points to a different cause of land-related disputes between individual households.

While the recent and on-going conflict has obviously had a significant impact on the nature and prevalence of land-related disputes in urban areas, the connection between boundaries, squatting, and multiple displacements is by no means new to South Sudan. Rather, multiple displacements during the Second Civil War followed by large-scale migration into urban areas provided ample opportunity for people, especially members of the SPLA and GRSS, to access holdings of displaced populations.²³ Widespread variations in the completeness of land registries throughout the country dramatically increase the ability of local actors to sell a single piece of land to multiple parties, and has led to situations where several people have what appear to be legitimate rights to (and documents for) land (Marzatico 2016).

Independent of the cause of dispute, the majority of cases reported in this study are between neighbours from the same ethnic group. Specifically, 59% of respondents state that the other party in their land-related conflict is a member of their own ethnic group. Although this finding suggests that the majority of landholders are choosing to settle in areas populated primarily by

²³ Branch and Mampilly (2005: 1) provide a useful anecdote of this process from Magwi county. "A Madi man returning from Uganda goes to the land he farmed before being displaced, and finds a Dinka living in this house. He demands that the Dinka return his house and land. In response, the Dinka points to a date inscribed above the doorway. 'On this date, I liberated this house from the Arabs', he says. 'Where were you?'."

members of their own ethnic communities, this is most likely due to the ways in which land prices affect methods of acquisition, rather than ethnically-based self-selection.²⁴ As discussed in section 4.4, the extreme expenses associated with obtaining land on the open market generally force individuals to obtain land in peri-urban areas through customary authorities. The prevalence of disputes between members of the same ethnic group also demonstrates that these conflicts are not necessarily linked to issues of identity and citizenship, but are likely related to issues of power and rent seeking, as individuals with different relationships to customary and statutory authorities compete for exclusive access to and control over holdings.

The fact that the majority of land-related disputes occur between members of the same ethnic group decreases opportunities for disputes to take on the ethnic overtones that have characterized wider-level violence since 2013. Unfortunately, given that conflict-related displacement has disproportionately affected members of certain ethnic communities, it is highly likely that large-scale returns will not only increase the number of land-related disputes, but also that these disputes will quickly devolve into conflicts over identity, autochthony, and ethnicity. Further research is required on ways to facilitate the return of displaced populations in a way that not only protects their HLP rights, but also ensures that disputes linked to property destruction, squatting, and illicit occupation do not exacerbate the already tenuous relations within and between ethnic communities.

Although the majority of disputes are between members of the same ethnic group, they have had a negative impact on relations between parties. Most notably, 83% of respondents who are currently experiencing a land-related dispute state that their relationship with the other party is 'negative'; a further 14% describe their relationship as 'very negative.' This obvious breakdown in relations can be linked to evidence that the overwhelming majority of disputes involve property destruction and acts of physical violence. Specifically, data show that 99% of all respondents with an on-going land dispute have experienced disputes over documents, 94% experienced theft or property destruction, and an alarming 93% have experienced some form of physical violence (see Figure 20).²⁵

4.6 DISPUTE RESOLUTION

In addition to notable increases in the number of land-related disputes in urban areas, data demonstrate that these disputes are becoming increasingly difficult to resolve. Indeed, 31% of all respondents believe that it is 'a little harder' to resolve land related-disputes today than it was 10 years ago; another 32% state that it is 'much harder' (see Figure 21). When asked a follow up question on why land-related disputes have become more challenging to resolve, 53% of respondents point to the impacts of displacement and returns, a further 61% explain that dispute resolution costs too much, 36% highlight the challenges of mediating between multiple

²⁴ Traditionally, South Sudan's urban areas have been a relatively 'cosmopolitan' mix of people from different ethnic groups. However, the nature and extent of conflict and fact that several cities have been exposed to widespread violence may impact potential returns and settlement patterns moving forward. For example, in a recent study by Deng et al. (2015), 46% of respondents from ten states explained that they would prefer to live in a community made up of individuals from their own ethnic group.

²⁵ Further research is required on the nature and causes of this violence.

customary laws (although under the Land Act, all urban land disputes fall under statutory law), and 29% focus on the challenges of corruption and breakdown in the authority of local chiefs (see Figure 22).²⁶

Figure 20. Have you experienced any of the following as a result of this dispute? (%)

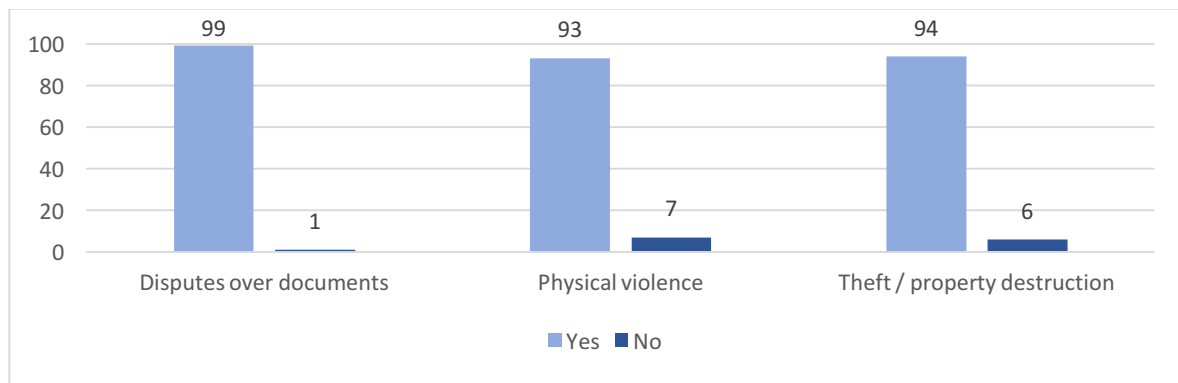
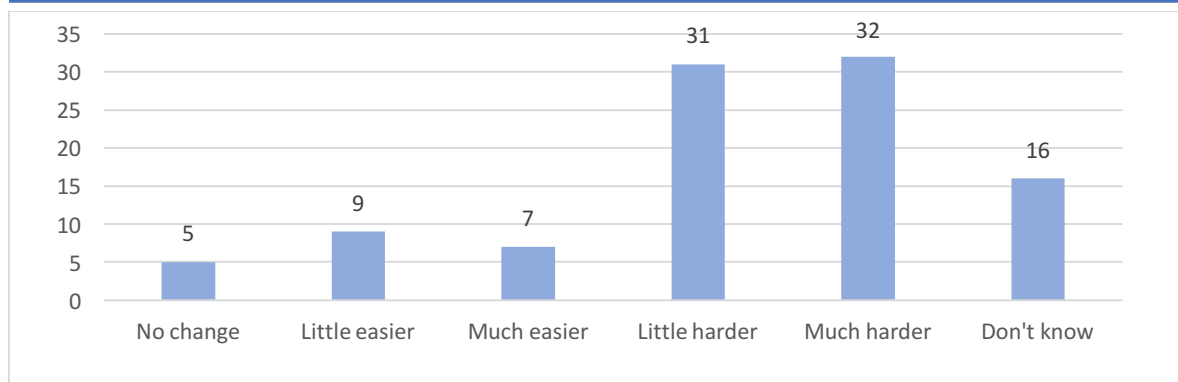


Figure 21. Over the past 10 years has it become easier or harder to resolve disputes? (%)

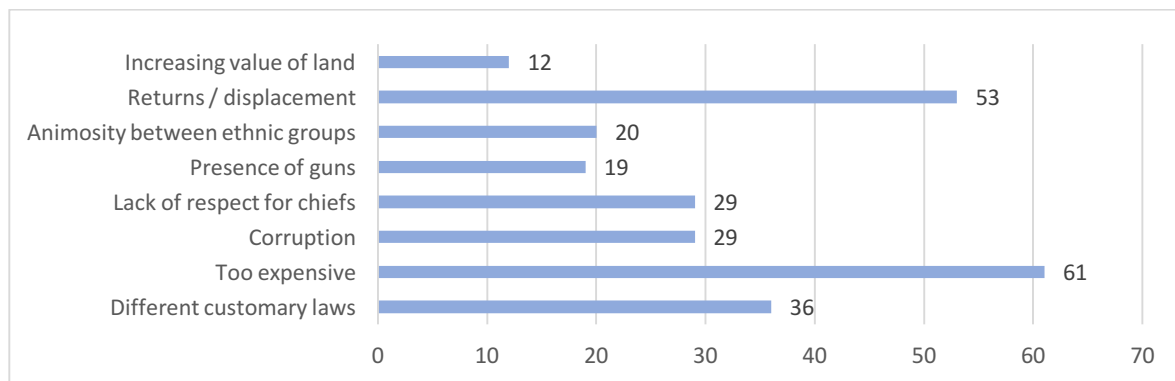


The challenges of resolving land-related disputes have had a notable impact on the extent to which participants are seeking assistance from customary and statutory authorities. Alarming, 83% of respondents who are currently experiencing a dispute have not sought assistance in resolving the matter. Part of this reluctance may be linked to the on-going political crisis, as 56% claim that they will eventually seek assistance. However, 27% of respondents who are currently experiencing a land-related dispute explain that the main reason they have not sought assistance is that there is no one who can help them. Respondent age, gender, and length of time in the given community did not have a significant impact on the likelihood that an individual would seek assistance.

Of the small number of respondents who have sought assistance resolving their land-related dispute, 48% first approached the Payam chief, and 17% first approached a family friend or neighbour. The remaining cases were distributed across a range of customary and statutory institutions (see Figure 23).

²⁶ The total adds up to more than 100% as respondents were able to select more than one response option.

Figure 22. Why are land disputes harder to resolve today than 10 years ago? (%)*

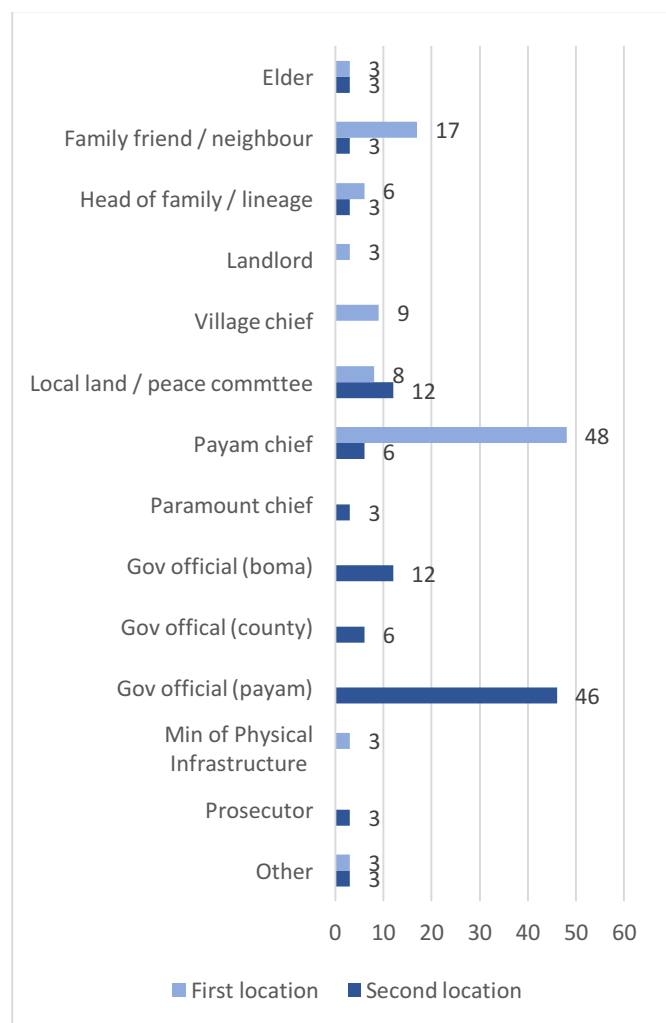


If the dispute was not successfully resolved at the location (individual or institution) of first instance, plaintiffs generally moved their claims to the statutory system. When asked about the second place they sought for assistance, 46% of respondents took their claim to government officials at the Payam level, 12% to government officials at the Boma level, and a further 12% explain that they would turn to a local land or peace committee (see Figure 23).

Independent of where respondents sought assistance in resolving land-related disputes, the overwhelming majority of cases remain unresolved. When asked why they have not been able to resolve land-related disputes, 71% of participants point to corruption, the remaining 29% highlight the lack of a clear land policy and prohibitive costs of resolving disputes.

Unsurprisingly, data on satisfaction with mechanisms of dispute resolution vary significantly according to whether or not the participant was experiencing a land-related dispute. Overall, 43% of the entire sample state that the current approach to resolving land-related disputes is very effective; another 32% feel that it is somewhat effective (see Figure 24). When asked why the current approach is effective, respondents highlight the fact that it is fair (65%) and supported by the

Figure 23. 1st and 2nd locations of dispute resolution



community (45%).²⁷ However, when participants who are currently experiencing a land-related dispute were asked about their level of satisfaction with existing mechanisms of dispute resolution, 85% state that they are ‘unsatisfied’, and a further 6% are very ‘unsatisfied’ (see Figure 25).

Figure 24. How effective is the current approach to resolving land disputes? (%)

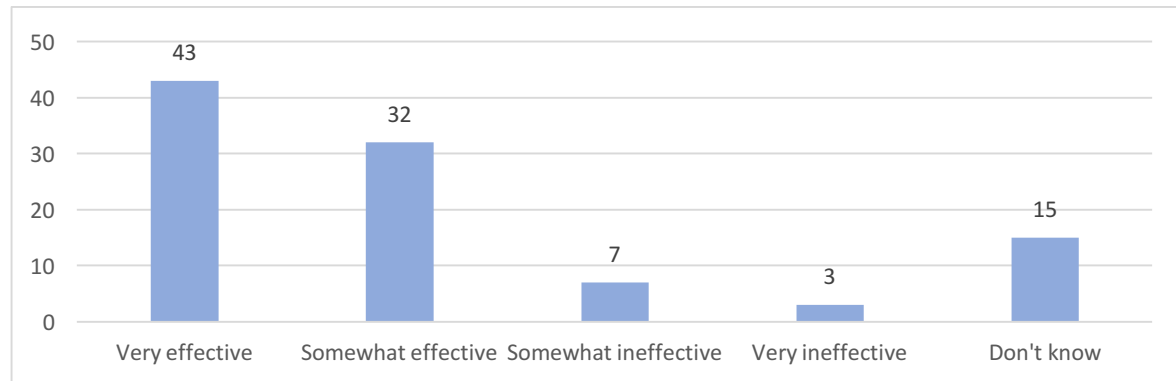
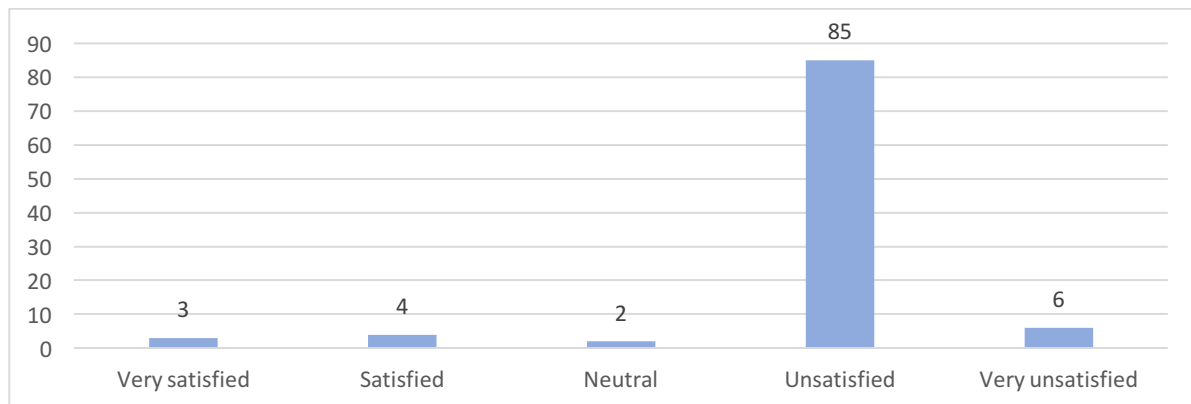


Figure 25. Satisfaction with the dispute resolution process (%)



Findings on mechanisms for resolving land-related disputes in urban areas of South Sudan must be situated within two key trends relating to statutory and customary justice institutions. First, the inability to resolve disputes cannot be separated from the fact that the necessary statutory courts do not yet exist throughout most of the country. According to Section 99 of the Land Act, the court of first instance for all private (leasehold and freehold) and public land is the Land Division of the High Court, a division that has yet to be established (Stone 2014). Indeed, the majority of cities throughout the country do not have a High Court where a Land Division can be established. Although the High Court in some areas has delegated its mandate over land to other courts, this is only useful when such courts are functioning and accessible to the majority of the population. According to Deng (2016: 6), “only a fraction of county courts have been established and there is not yet a single Payam-level statutory court in South Sudan.” Even when households

²⁷The total adds up to more than 100% as respondents were able to select more than one response option.

are able to access statutory courts, the costs are generally over and above what people can afford, and statutory institutions are generally unable to enforce their decisions.²⁸

Second, given the number of obstacles individuals face when trying to access statutory courts, urban residents continue to rely on customary dispute resolution mechanisms. Although the relatively new national, state, and local level authorities have dramatically altered the power of traditional authorities, these customary institutions have evolved to fill the vacuum left by the lack of government services (such as land registration and dispute resolution) in urban areas. Although customary mechanisms of resolving disputes provide an important outlet for addressing land-related issues, they can present significant obstacles to women's equal and inherent rights to land, restrict the rights of 'outsiders', and increase opportunities for corruption and rent seeking.

The current inability of customary and statutory mechanisms to address land-related disputes presents a number of challenges to land tenure security. These challenges will only increase exponentially with the return and resettlement of hundreds of thousands of IDPs and refugees into highly politicized urban environments characterized by widespread property destruction and human rights abuses. Although there is a pressing need for the GRSS and supporting partners to implement the Land Act and National Land Policy (as well as its secondary legislation), the main focus should be on implementing existing legislation, with an explicit focus on resolving disputes. While progressive land laws are an essential component of rural and urban reforms, any changes to land access, use, and management systems will only be as effective as the customary and statutory mechanisms of dispute resolution that underpin them.

5. CONCLUDING REMARKS

Land access, use, and management remain essential components of livelihood and physical security in the urban and peri-urban areas of South Sudan. Over the past decade, large-scale returns and rural to urban migration in cities characterized by a lack of institutional, human, and financial capital, have placed significant pressure on land and led to extensive squatting and land grabs. Even before the outbreak of violence in Juba on 15 December 2013, land-related disputes in cities and towns were pervasive and presented a significant obstacle to tenure security. These obstacles have only increased following the outbreak of protracted violence, which has not only displaced millions of civilians, but also dramatically undermined the socio-political and economic relations within and between ethnic polities throughout the country. Although the 2009 Land Act, Draft National Land Policy, and key sections of the ARCISS Peace Agreement provide a preliminary framework for land governance, a complete lack of implementation has resulted in an on-going legal vacuum that continues to undermine tenure and livelihood security. The lack of a clear policy and on-going inability to implement government-reforms also dramatically reduces the potential for large-scale return of civilians currently sheltering in Protection of Civilians (PoC), IDP, and refugee camps.

²⁸ See Deng (2016) for a summary of statutory court fees in Juba.

Building on previous studies of urban land holdings in Juba, this report presented findings from a survey of land-related disputes in ten urban areas across South Sudan. Findings from this research demonstrate that land-related disputes in urban environments are widespread, becoming increasingly difficult to resolve, and have intensified demand for individually-held leaseholds registered with the state. Although growing demand for leaseholds presents a unique opportunity to formalize land access and planning, the lack of oversight has presented new opportunities for rent seeking, as civilian, military, and government actors compete for exclusive access to and control over a limited number of urban and peri-urban holdings. State and community-led demarcation processes add to the number of plots registered with the state, but continue to undermine the already fragile tenure security of poor and marginalized groups who are either unaware of, or unable to assert their rights.

Beyond the fact that land-related disputes have a significant impact on livelihood and physical security, they also present a substantial obstacle to the sustainable return and resettlement of the millions of civilians currently seeking shelter in POC, IDP, and refugee camps. Without clear guidelines and rigorous institutions capable of implementing land policies, returns have the potential to exponentially increase both the prevalence and intractability of disputes amongst populations who have been unequally affected by recent violence and widespread human-rights abuses. Further research is required on ways to facilitate the return of displaced populations in a way that not only protects their HLP rights, but also ensures that disputes linked to property destruction, squatting, and illicit occupation do not exacerbate the already tenuous social, political, and economic relations between social, economic, and ethnic communities residing in urban areas.

6. RECOMMENDATIONS

FOR THE GOVERNMENT OF SOUTH SUDAN

- Adopt the Draft National Land Policy and relevant secondary legislation. Priority should be given to the Land Registration Act, Community Land Act, and Town and Country Planning Act.
- Amend the Land Act and Local Government Act in a way that clarifies the mandates of national and state institutions.
- Implement articles 4.2.1.1, 4.2.1.2, and 4.2.1.4 of the 2015 ARCISS Peace Agreement.
- Develop comprehensive legislation to guide the return and resettlement process, with a specific focus on dispute resolution and protecting the HLP rights of displaced populations. Refugees, IDPs, and host communities should be involved in the design and implementation of return and resettlement programmes.
- Reduce the costs and administrative hurdles associated with obtaining or replacing national identification documents.
- Freeze all community-led demarcation initiatives; develop a standardized and transparent government-led registration process.

- Conduct detailed gender trainings for officials, civil servants, and traditional leaders involved in land administration. Training should focus on women's rights outlined in the Transitional Constitution, Land Act, and Draft National Land Policy.
- Ensure that women's equal rights to own and hold land are applied by statutory and customary courts.
- Amend registration documents to allow for joint registration.
- Reduce or waive fees for households who are unable to afford registration. Explore alternative methods for securing the holdings of households who are unable or unwilling to register their land(s).
- Develop training materials and disseminate information on rights and procedures outlined in the 2009 Land Act, Transitional Constitution, and forthcoming National Land Policy. Focus should be on increasing awareness of land rights, government-led registration procedures, and mechanisms for resolving land-related disputes.
- Improve the capacity of the statutory and customary courts responsible for resolving land-related disputes.
- Develop alternative ways of resolving land-related disputes that build on local mechanisms of dispute resolution, but protect the rights of women, ethnic minorities, and marginalized groups. Provide clear guidelines on how land-related disputes should be dealt with by non-statutory authorities.
- Develop comprehensive urban land management plans that establish municipal boundaries and set clear parameters for expansion. Land management plans should include detailed procedures on resettlement and establish areas where informal settlement is allowed.

FOR THE UNITED NATIONS, INTERNATIONAL NGOS, CIVIL SOCIETY ORGANIZATIONS, AND DONORS

- Support the implementation of the 2009 Land Act, adoption of the Draft National Land Policy, and application of sections 4.2.1.1, 4.2.1.2, and 4.2.1.4 of the ARCISS Peace Agreement.
- Work alongside the GRSS to ensure that existing and forthcoming legislation is adapted to the opportunities and challenges presented by on-going conflict, displacement, and large-scale returns.
- Conduct research on the current status of the housing, land, and property rights of refugees and IDPs. Research should focus on identifying opportunities and obstacles for return and resettlement, and determining the potential for mass claims procedures.
- Provide legal assistance to returnees, with a specific focus on dispute resolution, protecting HLP rights, and replacing / obtaining national identity documents.
- Provide financial and technical support to the Ministry of Land and Urban Development; emphasis should be placed on increasing the capacity and transparency of government-led registration.
- Provide technical and financial assistance to women heads of household who are working to register land in their own names.
- Develop and implement programmes to increase awareness of land rights and registration procedures.

- Monitor and evaluate the implementation of the Land Act, forthcoming National Land Policy, and the efficiency of customary and statutory mechanisms of dispute resolution.
- Supervise government and community-led registration procedures to ensure that the processes are transparent, simple, affordable, well publicized, and do not undermine the customary and statutory rights of existing occupants.
- Conduct research on the current status of housing, land, and property rights in urban and peri-urban areas under SPLM-IO control.
- Identify and advocate for alternative mechanisms of dispute resolution that are transparent, affordable, and accessible to marginalized groups.
- Conduct research on the impacts (positive and negative) that the creation of new states has and will have on the implementation of land policies and land rights of displaced populations and ethnic minorities.
- Monitor and evaluate government-led expropriation and destruction of informal settlements.

7. REFERENCES

- Branch, A. & Z.C. Mampilly. 2005. Winning the war, but losing the peace? The dilemma of SPLM/A civil administration and the tasks ahead. *The Journal of Modern African Studies* 43, 1-20.
- Byamugisha, F., A. Lufafa, and T. Hilhorst. 2014. *Land Governance in South Sudan: Policies for Peace and Development*. The World Bank, Washington, D.C.
- de Wit, P. V. 2004. *Land and Property Study in Sudan – Interim Report: scoping of issues and questions to be addressed*. Norwegian Refugee Council, UNHCR and FAO. Available at: <http://www.internaldisplacement.org/>, accessed 12.01.2016.
- de Wit, P.V. 2008. *Land Policy Development in Post Conflict Sudan: Dealing with Delicate Balances in a Fluid Environment*. Communication to the World Bank Conference on New Challenges for Land Policy and Administration. Washington, DC. February 2008.
- Deng, D.K. 2011. *Understanding Land Investment Deals in Africa, Country Report: South Sudan*. The Oakland Institute, Oakland, CA.
- Deng, D.K. 2014. *South Sudan Country Report: Findings of the Land Governance Assessment Assessment Framework (LGAF)*. The South Sudan Law Society, Juba, South Sudan.
- Deng, D.K. 2016. *‘Between a Rock and a Hard Place’: Land Rights and Displacement in Juba, South Sudan*. The South Sudan Law Society, Juba, South Sudan.
- Deng, D.K., B. Lopez, M.F. Pritchard, and L. Ng. 2015. *Search for a New Beginning: Perceptions of Truth, Justice, Reconciliation and Healing in South Sudan*. United Nations Development Programme, Juba, South Sudan.
- Food and Agriculture Organization of the United Nations (UNFAO). 2002. *Land tenure and rural development*. In *FAO Land Tenure Studies* 1-50. Rome.
- Government of the Republic of South Sudan (GRSS). 2009. *The Land Act, 2009*. The Laws of South Sudan. Available at: http://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/South_Sudan/files/HLP%20AoR/South_Sudan_Land_Act_2009_EN.pdf. Accessed 12.01.2016.

- Intergovernmental Authority on Development (IGAD). 2015. Agreement on the Resolution of the Conflict in the Republic of South Sudan. Addis Ababa, Ethiopia. Available at: https://unmiss.unmissions.org/sites/default/files/final_proposed_compromise_agreement_for_south_sudan_conflict.pdf. Accessed 12.01.2016.
- Johnson, D.H. (2003). *The Root Causes of Sudan's Civil Wars*. Indiana University Press. Bloomington, IN.
- Martin E, and I. Mosel. 2011. *City limits: urbanization and vulnerability in Sudan. Juba case study*. Overseas Development Institute, HPG, London, UK.
- Marongwe, N. 2013. *Land Administration Challenges in the Post-Conflict South Sudan: the experience of the USAID Sudan Rural Land Governance Project (2011 – 2014)*. Paper presented at the Annual World Bank Conference on Land and Poverty, Washington, DC. April 8 – 11, 2013.
- Marzatico, F. 2016. *Land and Conflicts in South Sudan: Taking the Land Question Seriously in the Peace Building Process*. Paper presented at the 2016 World Bank Conference on Land and Poverty, Washington, DC. March 14 – 18, 2016.
- McMichael, G. 2014. Rethinking access to land and violence in post-war cities: Reflections from Juba, Southern Sudan. *Environment and Urbanization* 26: 389 – 400.
- McMichael, G. 2016. Land conflict and informal Settlements in Juba, South Sudan. *Urban Studies*, 53(13), 2721–2737.
- Meenan, T. 2012. *Customary Law and Land Rights in South Sudan*. Norwegian Refugee Council, Juba, South Sudan.
- Odhiambo, M.O. 2009. *Southern Sudan Land and Property Study and Workshops: A Synthesis of Policy and Legal Issues*. Southern Sudan Land Commission, NRC, FAO and UNHCR. Juba, Southern Sudan. December 2009.
- Pantuliano, S. 2009. *The Land Question: Sudan's Peace Nemesis*. In S. Pantuliano (Ed.) *Uncharted territory: land, conflict and humanitarian action*. Practical Action Publishing, Warwickshire, UK.
- Pritchard, M.F. 2013. Land, power, and peace: tenure formalization, agricultural reform, and livelihood insecurity in rural Rwanda. *Land Use Policy* 30, 186 – 196.
- Pritchard, M.F. 2016. Contesting land rights in a post-conflict environment: Tenure reform and dispute resolution in the centre-West region of Côte d'Ivoire. *Land Use Policy* 54, 264 – 275.
- Sarzin, Z., and B. Mehta. 2011. *Republic of South Sudan: Issues in Urban Development Phase 1 – An overview of the Urban Landscape in South Sudan*. The World Bank, Washington, D.C.
- Stone, A. 2014. *Nowhere to Go: Displaced and returnee women seeking housing, land and property rights in South Sudan*. Norwegian Refugee Council, Juba, South Sudan.
- Tiemessen, A., 2005. *Post-genocide Rwanda and Villagization: The Human Insecurity of Dwindling Land Entitlements*. In: Paper presented at the annual meeting of the International Studies Association, Honolulu, Hawaii, March 05.
- United Nations Office for the Coordination of Humanitarian Affairs (OCHA). 2017. *Humanitarian Bulletin South Sudan*. Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/170116_OCHA_SouthSudan_Humanitarian_Bulletin1.pdf. Accessed, 10.01.2017.
- United States Agency for International Development (USAID). 2010. *Land Tenure Issues in Southern Sudan: Key Findings and Recommendations For Southern Sudan Land Policy*. Washington, DC.

United States Agency for International Development (USAID). 2010a. Customary Tenure and Traditional Authority in Southern Sudan: Case Study of Juba County. Washington, DC.

United States Agency for International Development (USAID). 2010b. Jurisdiction of GOSS, State, county, and Customary Authorities Over Land Administration, Planning and Allocation: Juba County, Central Equatoria State. Washington, DC.

Unruh, J. D. 2003. Land tenure and legal pluralism in the peace process. *Peace & Change*, 28, 352-377.