Land of plenty, plenty of land?
Revival of livelihoods and emerging conflicts
in Yirol county, a liberated area of the
Southern Sudan

June 2004

By Frode Sundnes

Master Thesis
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Declaration

I, Frode Sundnes, hereby declare that this is my original work. The thesis has not previously been published to any academic institution for a degree. Information used from other sources is duly acknowledged.

Frode Sundnes
Oslo, 15th of June 2004
Dedication

- Dedicated to the people of Sudan -
Abstract

The long-lasting civil war in Sudan is now facing an end, but has had a devastating impact on people’s livelihoods in many areas, by destruction of assets, displacement and lack of development. As access to productive resources, such as land and water, is essential in rural people’s livelihoods, these will be the focus of my study. The objectives of my research is to explore how vulnerability relates to access and rights to land and water in war-affected communities in Southern Sudan, and to investigate people’s own perceptions of the importance and distribution of these resources in a post-war Sudan.

The data was gathered during a two-month fieldwork in the two local communities Aluakluak and Ngop, within Yirol County. Around 60 semi-structured interviews were carried out, and the informants were farmers, herders, community leaders, government officials and aid workers. The conceptual framework of this thesis is based on a combination of a sustainable livelihood approach and a rights based approach. This implies that attention is given to the ends as well as the means of development, and that the actors of development at the micro level are considered, at the same time as the macro level and its impact on livelihoods is taken into account.

This study shows that the war has impacted heavily on people’s livelihoods, that their asset base has changed, and that they have adapted to changing context and opportunities. The process to solve the county’s civil war is approaching an end, but the war has not been equally present everywhere in Sudan until this day. After the SPLA/M regained control over Yirol County in 1997, there has been no major insecurity related to actions of war in the study area. This has provided a situation of relative peace and security that has given people a chance to rebuild their livelihoods. Changes and improvements have taken place, as introduction of vet-services has improved animal health and the introduction of animal traction has increased the acreage under cultivation. New issues and problems have however emerged at the same time, and there has been an increased differentiation between households. Less privileged groups, such as women and disabled, do not have the same secure rights to land and productive resources as able-bodied men do. My study also indicates that there has been an increase in livelihood related conflicts since these changes took place.
I conclude that the challenges presented here, is an indication of what might become a wider process in post-war Southern Sudan. Despite the fact that land issues are not regarded as major problems, they might eventually become so. The challenge for a New Sudan is to foresee these problems and plan future interventions and activities such that the needs of the whole population are met.
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List of abbreviations

CANS = Civil administration of the New Sudan
DFID = Department of International Development
GoS = Government of Sudan
IDP = Internally displaced people
INGO = International non-governmental organisation
NGO = Non-governmental organisation
NPA = Norwegian People’s Aid
OLS = Operation Lifeline Sudan
RBA = Rights based approach
SLA = Sustainable livelihood’s approach
SPLA = Sudanese People’s Liberation Army
SPLM = Sudanese People’s Liberation Movement
UNRHC = Office of the UN Resident and Humanitarian Coordinator
WCED = World Commission on Environment and Development

Dinka vocabulary

*Baar* = High-nutritious pastures (‘lick-salt area’)
*Beny Akew* = Land judge
*Beny Wut* = Cattlecamp leader
*Gok* = The ‘highlands’ around the villages
*Payam* = Administrative unit
*Rup* = Forests, pastures and wastelands
*Toic* = Swamplands and dry season pastures
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Chapter 1 Introduction

This study looks into the issues of how people’s livelihoods are affected by enduring war and conflicts in a Dinka society in Southern Sudan, and the impact this situation has on their rights to and control of productive resources. The issue of how people’s livelihoods have changed after the armed hostilities ended will also be discussed. I will look specifically at two local communities in Yirol County in the Southern Sudan, for whom land and water is essential in their livelihoods. This area was liberated 7 years back, and has since been in a state of transition from war to peace, in which the people have had a chance to rebuild their livelihoods and expand their asset base. Social change and revival of livelihoods in the aftermath of the war will therefore be discussed, and changes in the level of conflicts related to productive resources will be central here.

1.1 Rationale

Sudan is the largest African country, yet one of the countries on the continent with the least population density. It is rich in natural resources, such as minerals and oil, and the country’s agriculture has been estimated to have a potential to feed the whole Horn of Africa region. So why study land issues in a country like Sudan? Even though land is vast in the country, and despite of, or one could say because of, its economic potential, Sudan has been troubled by internal conflicts and civil war more or less continuously for the last 20 years. Thus, today, Sudan is one of the poorest and least developed countries in Africa.

The war has tied up huge amounts of human and material resources, and has triggered humanitarian crises, such as famines, displacement of people, chronic poverty and lack of health care. The conflict is often perceived as one between the Muslim and Arab north and the Christian and African south, but the conflict also has other dimensions. Local and regional conflicts between different tribes have been going on before and during the north-south war, adding to and generated by this war. 85 % of the inhabitants of Southern Sudan are estimated to have been displaced at least once in the last fifteen years (Christian Aid et al. 2002:22). Moreover, estimates of internally displaced people (IDP) in Sudan is about 4 million, which is the largest number of IDPs for a single country in the world (NRC 2004). Some of the consequences of the enduring conflict are that many people have lost their land, cattle and productive assets, through destruction and displacement.
Today, a lasting peace seems closer than it has for many years, as the final set of documents before the peace pact was signed by both parties on the 26th of May 2004, while the final agreement is due to be signed in Washington, June 2004. The conflicting parties have already agreed upon the sharing of wealth and the security arrangements for a six-year interim period, before a self-determining referendum for the south. The last session of talks has been concerning the status of three disputed areas, the Nuba Mountains, Southern Blue Nile and Abyei, and an agreement on how power will be shared when the conflict comes to an end. However, the road to a lasting peace is still winding, especially as the Government of Sudan (GoS) is at this moment at war in the Darfur region of western Sudan. The success of these negotiations, and a durable peace that will hopefully follow, will lead Sudan into a new era, regardless of the outcome in the forthcoming referendum.

This new era will bring about immense changes for Southern Sudan, many parts of which have been more or less isolated during the war. These changes might involve increased emphasis on the development of agricultural schemes and industrial activities such as mining, oil extraction etc. Changes will also come on other levels, through increased trade, increased agricultural output and a general intensification of development. A new government and new laws will enter into force, and a territory of enormous diversity will have to gather under the umbrella of a Southern Sudan, where everybody is equal in the eyes of the law. For this to function well, the country needs development, and it needs it fast.

This is the setting in which my research is carried out and my analysis will take place. It is also in this context that I find the issues of land and water important to investigate. Water is essential for all life and is in many areas of the world a scarce resource. Land is of vital importance for rural livelihoods and access to land is one of the pillars of achieving sustainable livelihoods. According to De Wit (2001), land issues are a strong entry point to successfully address the peace process in the rural areas of Southern Sudan. Addressing issues of rights to land is also claimed to be essential in overcoming rural poverty (DFID 2002). Still, having rights to resources, is not necessarily the same as having access to them, as the means of claiming ones rights might be absent. Those without rights or the means to claim them, experience a high degree of vulnerability in their lives and livelihoods.
1.2 Objectives
The objectives of my research are to explore how vulnerability relates to access and rights to land and water in war affected communities in Southern Sudan and to investigate people’s own perceptions of the importance and distribution of these resources in post-war Sudan.

1.3 Research questions
The research questions related to the twofold objectives are respectively:

1) *To explore how vulnerability relates to access and rights to land and water in a war affected community in Southern Sudan:*

   i) How important are the land and water resources in people’s livelihood strategies?

   ii) What are the customary and formal access and rights systems in relation to land and water? Which groups of people have secure access/rights to land and water, and which groups do not have sufficient access/rights?

   iii) How does access/rights to resources relate to vulnerability and difficulties in securing livelihoods?

   iv) To what degree do local conflicts occur in relation to access rights to land and water?

2) *To investigate people’s own perceptions of the importance and distribution of these resources in Sudan, in the transition phase from war and conflict to peace;*

   v) How has the land use system changed during the wartime?

   vi) To what degree has the war impacted and changed access and rights to land and water?

   vii) How will the wartime changes in land-use affect the post-war prospects for development and food security?

   viii) How do people perceive issues regarding rights/access to resources in terms of insecurity, in the present situation and in the future?
1.4 Clarification of terminology

The Dinka of Sudan are agro-pastoralists, meaning that they are engaged in both livestock farming and cultivation. Pastoralism in itself means a social organisation that is based on livestock raising as the primary economic activity (Britannica 2004). *Cattle keepers* and *herders* are terms that will interchangeably be used about livestock farmers in this thesis, while the term *farmer* refers to those who are engaged in cultivation. Yet, it is important to notice that since the Dinka are agro-pastoralists, the herders and the farmers belong to the same families and households, and could even be the same people, depending on the season. A further discussion about the activities of the Dinka will follow in Section 5.2.

1.5 Structure of the thesis

This thesis is organised in 6 chapters. After this introduction, I provide a background to the study in Chapter 2. This chapter gives an overview of the historical and political context of Southern Sudan, with focus on the war, and a historical overview of the issue of land tenure in Southern Sudan. The study area is presented at the end of this chapter.

*Chapter 3* explains the conceptual framework, and includes a discussion on how the rights based approach to development and the sustainable livelihoods approach relate to land issues and how they relate to each other. With this as a basis, I explain the framework that will be used in the following analysis.

In the following chapter, *Chapter 4*, I will discuss the methodology and research approach that lie behind my research. The methodological approach will further point at the data collection and the methods that have been used in the field.

*Chapter 5* comprises the findings and the analysis of this study. First, I will explore how people have been affected by the war, and how people’s livelihoods have changed since the end to armed hostility in the area. This will further lead to how the war has influenced the administrative and legal structures. The livelihood-related conflicts in the area will also be explored and discussed in relation to the changes in livelihoods. In the last part of this chapter I will look at people’s access and rights to productive resources by focusing on unprivileged groups. Finally the future challenges of a Southern Sudanese government and communities’ claims will be discussed.
Chapter 6 is the conclusion, where I will sum up the findings and the results of my analysis.
Chapter 2  Contextual Background

A contextual background of the study will be provided in this chapter, by giving a short introduction to Sudan’s geography and history. This will lead unto the current scene, and causes and impact of the long-lasting war will be discussed. Further, a historical overview of the country’s land tenure is given, with focus on the Southern Sudan, before the study area is presented.

2.1 Geography and topography

Sudan, which is indicated in Figure 1, is geographically the largest country in Africa, covering about 2.5 million km$^2$. The size of the country and the fact that it is situated between latitudes 4$^0$ and 22$^0$ north and longitudes 22$^0$ and 38$^0$ east, gives it special characteristics when it comes to climate and topography. There are six different ecological zones in the country, i.e. ‘desert’, ‘semi desert’, ‘savannah with low and high rainfall’, ‘flood plains’ and ‘mountains’, with different soil types, land use systems and agricultural enterprises in each of these (Zaroug and Reynolds 2002).

![Figure 1: Map of Sudan](CIA Factbook 2003)
The Nile\(^1\) stretches through the country and determines much of the agricultural activity in the country. There is also a lot of activity depending on seasonal rivers and watercourses, especially on the floodplain, also known as the *Sudd*.

Agriculture is Sudan's most important sector, providing a livelihood for 80% of the country’s population (Craig 1991). Most farms do however remain rain-fed and vulnerable to drought, especially so in the southern part of the country. The civil war, chronic instability, adverse weather, and weak world agricultural prices ensure that much of the population will remain at or below the poverty line for years (ibid.). It is also important to note that pastoralism only, involves 20% of the Sudanese population as a whole (Lane 1998).

Sudan has an estimated population of about 38 millions (CIA Factbook 2003) and the country has a remarkable diversity when it comes to the people. Roughly speaking, there is the Arabic and Islamic north, and the Christian, traditional and African south\(^2\). The picture is however more complex than that. Sudan is divided into 56 ethnic groups and 595 sub-ethnic groups who speak more than 115 different languages (Deng 2002b). The largest Muslim groups are the Nubians, the Beja and the Fur, while the largest non-Muslim groups are the Dinka, the Nuer and the Shilluk. In addition to these there are in the south a number of smaller Nilotic and other ethnic groups. This diversity of ethnic groups is fascinating and makes Sudan a very interesting country, but it also has a more tragic side to it, as Sudan is a country in conflict. Sudan has been in civil war and internal conflicts since the country got its independence in 1956, with an exception of ten years from 1972 up to 1982. These conflicts have been described as disputes between the north and the south. But at the same time as the north-south war has been going on, fractions in the south have been fighting each other, some with the support of the government in Khartoum, others with support from other actors and governments.

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1. When referring to the Nile in this area it is more correctly the White Nile, that meets the Blue Nile in Khartoum.

2. The literature on the Southern Sudan often describes the southern population as animistic and pagan in its religious beliefs. This is heavily criticized as it [1] degrades their religion to being ‘beliefs only’, [2] many of the Nilotic religions are theist (De Waal and Salam 2001), and [3] because the south is very diverse and Christianity is in many parts much more prevalent than these beliefs. Often, however, both of them or a mix can be found.
2.2 Pre-war history

When presenting Sudan’s history here, it is difficult to make more than a merely ‘rough sketch’. I will focus on the Southern Sudan and what lead to the outbreak of the war, which are the factors most relevant for this study.

Pre-colonial Sudan experienced several invasions due to the ‘reserves’ of natural and human resources in the south (Goldsmith, Abura, and Switzer 2002). Little is known about the Southern Sudan at this time, but Johnson (1988:4) claims that already from the 17th century independent states formations in Darfur and the Blue Nile region were drawing on remote regions for “manpower, wealth, and food surpluses on which they built their powers”. This pattern was to proceed, and the British are claimed to have been involved in slave and ivory trade in the Southern Sudan from the beginning of the 19th century.

The Egyptian ruler Mohammad Ali, trying to make Egypt an international power, captured Sudan in the early 1820’s, because of the country’s reserves of gold and slaves (Johnson 2003). The Turco-Egyptian regime (1821-1884) was much more powerful than the former rules and the new rule was able to disrupt the regional power balance between the different groups and kingdoms in the southern part of the country. This period also experienced the emergence of a clearer north-south division through greater demands of slaves, new systems of taxation and new forms of land ownership (ibid.). Groups of people in the north were Islamised and there was an involvement of northern pastoralists in the slave-raiding southwards. The slave trade increased during this period and reached its peak in the 1870’s. The south was in effect “the state’s exploitable hinterlands” for resources (ibid.:6).

The charismatic religious and nationalistic leader Muhammad Ahmad, also called the ‘Mahdi’ (‘Saviour’), overthrew the Turco-Egyptian of Sudan in 1885. This state followed the same pattern of rule as the former, although the slave raiding in the south declined. The north experienced a wave of Islamisation during these years, while the south was more or less out of reach for the authorities. The Mahdist rule ended in 1899, when the Egyptians reconquered the country and the Anglo-Egyptian Condominium, a joint rule, was installed. During this rule, which lasted more than 50 years, the north and the south followed different patterns of development and experienced different forms of influence from the central authorities (Johnson 2003). Johnson further claims that by the end of the Anglo-Egyptian rule,
the differentiation and discrepancy between the north and south was far bigger than by the fall of the Mahdi.

The north was under Muslim influence, and the northerners did not have access to the south. This was due to the Closed District Ordinance of 1920, which had the intention to bring the slave trade and exploitation of the south to an end, to separate the Muslims from the Christians, and to prevent the spread of Islam (Goldsmith, Abura, and Switzer 2002). The south was to be kept ‘un-islamised’, and British missionaries were sent to the area. Except from these missions that where established, education in the south was ignored, and by the time of independence in 1956, few southerners were able to take administrating positions. While the northern Sudan in this period experienced a tendency of Muslim uniformity, indigenous religious diversity was encouraged in the south. An indirect rule of native administrations was installed in both north and south, but had very different characteristics. The south did not have the same authorities at a local level as the north did, except in some of the ancient kingdoms. Especially in the pastoral areas, such authorities evolved by the late 1920’s, but it was as much because of British influence as of indigenous customs (Johnson 2003). According to Follerås (1998) the South was separated from the religious, economic, political and social forces that could have united Sudan during the Anglo-Egyptian rule.

**Independence and after**

Sudan was the first African British colony that achieved independence, which happened to the full extent in 1956. This independence was however, as Johnson (2003) puts it “less a product of nationalist mobilization than of international diplomacy” both when it came to timing and terms. For the British, the independence of Sudan was a tactic in it’s confrontation with Egypt, long before the nationalism in Sudan had developed properly (ibid.). The first elections in an independent Sudan were held in 1953 but was disappointing to the Southerners as only 6 out of 800 positions were given to people from the south and only northerners got the senior positions in the southern Sudan (Johnson 2003). The disappointment and dissatisfaction over these facts set off the first uprising and turmoil that started in Torit, Equatoria, in August 1955, already before the day of independence.
2.3 War and conflicts
The rebels of this mutiny were soon struck down, but some managed to escape to neighbouring countries, and founded in exile the Sudan African Nationalist Movement and the Anyanya guerrilla army. The establishment of these two is according to Johnson (2003) the true beginning of the 1st civil war, the Anyanya I (1956-1972). The international and regional political climate, with Ethiopia and Uganda sympathising with the south, resulted in a more powerful guerrilla movement. They where also able to unite under one voice and Joseph Lagu negotiated the Addis Ababa Agreement with Nimairi in 1972. The peace lasted for 11 years by this unique and internationally recognised agreement, but eventually failed. When a new civil war broke out in 1983, it was due to several factors. The south became a self-governing region by the establishment of the Southern Regional Government, something far less than the federational structure that was originally demanded. But the promised southern autonomy was not accomplished as the president still had veto against any decision he did not approve of, and appointed people to the positions with executive powers (Goldsmith, Abura, and Switzer 2002). This generated a general sentiment in the south of disappointment and loss in confidence in the north, ‘proving’ for the southerners that the agreement was just another part of the north’s plan of exploitation. Nimairi’s division of the south into three regions and the imposition of Islamic law fuelled the conflict further.

Some causes of the war have then been mentioned above, such as colonial separation, slave trade, discrimination, power abuse and regional and international interests and involvement. In addition to this, Johnson (2003) identifies ethnic clashes and conflicts over resources and oil to be important contributing factors to the long-lasting conflict. I will not discuss this further, but just add that this is only intended to give an overview and illustrate the complexity of the situation.

Transition period
The fieldwork for this study happened in a unique period of time (October-December 2003) for Sudan, as a peace agreement was ‘within reach’. Negotiations, set up by Inter-Governmental Authority for Development (IGAD) started in 1994 on the basis of secularism and the right to self-determination. The negotiations soon broke down, but continued in 1997. A cease-fire agreement was signed by the parties in 2002, and since then negotiations have proceeded more or less continuously. The parties were, and are today, closer to a peace agreement than they have ever been in this process. At this moment, June 2004, agreement
has been reached on a number of issues, such as power sharing, wealth sharing and the transition period. Still, other challenging issues as the religious status of the capital, the implementation of security arrangements, and the status of some marginalised areas are yet to be solved (Justice Africa 2004). At the same time as the negotiations are taking place there is fighting going on in Darfur in the western part of the country between the GoS and local rebel groups, so despite the positive outlooks, the peace process is fragile. “Sudan is at the brink of peace and in the depths of war” as stated in Justice Africa (2004). Most of the country is however in a transition period from war to peace, and as I have heard southerners say, ‘we prefer a just war, to an unjust peace’.

**Impact of the war**

The impact of long-lasting war on the people of the Southern Sudan has been devastating. Firstly, the war has resulted in a massive loss of life, as more than 2 mill people have died as a result of war since the 2nd civil war started in 1983 (Christian Aid et al. 2002, Goldsmith, Abura, and Switzer 2002). Others have been forced to flee and many individuals and families have been displaced from their homes. Sudan is estimated to have between 3.7 and 4.3 million IDPs, which is the largest internal displacement of people in the world (NRC 2004). Moreover, 85% of the inhabitants in Southern Sudan are considered to have been displaced at least once during the last 15 years (Christian Aid et al. 2002). Today there might be as much as 1 million more IDPs in the country, as a result of the turmoil in Darfur that recently has been claimed to be the “the worst humanitarian crisis in the world” (NRC 2004, The Economist 2004).

The people of the south have also experienced increased insecurity and vulnerability, their coping strategies are undermined and in many areas their assets and livelihoods are destroyed. Also, there has been an increase in the occurrence of famine in Sudan since the last war started, such as in 1984, 1988, 1991 and 1998 (Deng 2002b). The southern Sudan was not prone to famine before the 2nd civil war, but suffered two major famines in 1988 and 1998. People’s insecurity has also been increased in some areas by the widespread use of landmines by both the conflicting parties. Landmines have been used since the 1st civil war, and Sudan is today seriously mine-affected. Pastoralist and nomads are especially vulnerable to this problem (McGrath 2001), and more than half of the Southern Sudan’s cattle-wealth has been lost since the war started (Lane 1998).
Another effect of the war in the southern Sudan is isolation and lack of development. In the whole Southern Sudan and especially in the rural and remote areas, there is a lack of basic services and infrastructure. There is also a general lack of health care and less than one-fourth of the population in the south have access to safe water (Christian Aid et al. 2002). There is not a well-developed school system in place, and due to the long-lasting war there is now a whole generation without proper education. In addition to this, there are not many job opportunities except from the army.

2.4 Land tenure in Southern Sudan

As part of the background for this study I also find it important to give a brief introduction to the land tenure of Sudan through the country’s history, with a special focus on the southern Sudan.

Prior to the Turco-Egyptian colonial rule of 1821, there were mainly 2 kinds of land ownership (Shazali and Ahmed 1999). One was in the northern and central part of the country where the individual ownership developed as a reaction to the absolute title of the monarchs in the Nubian kingdoms. In the rain-lands however, the land was generally abundant. Here, communal ownership was dominant, vested in the tribe or it’s sub-sections. In these parts of the country there were mostly nomadic activities, and the sedentary cultivators got land through membership in a village community.

When the British came to power in 1899, they introduced the ‘Titles to land ordinance’. This implied that all uncultivated land was to be understood as government land, but this operated in the northern and southern riverain Sudan. The rest of the country was seen as mainly unsettled, and categorised as either “government land subject to no rights’ or ‘government land subject to rights vested in a community such as tribe, section, village etc.’” (Shazali and Ahmed 1999:8). This classification has remained intact up to present time.

Traditionally, the tribe has been responsible for allocation of land in the southern Sudan. Several acts and ordinances followed during the Condominium period, giving the government more power, i.e. in acquiring land for commercial and public uses (Craig 1991). The first act in the independent Sudan was the 1970 Unregistered Land Act stating that “any land of any kind, occupied or unoccupied, which had not been registered before the commencement of the act shall be the property of the government…” (ibid.:102). However, even if such legal
measures exist, and 90% of the land belongs legally to the state, the long-lasting armed conflict has made large parts of the country ‘lawless’ (De Wit 2001). In the south, the customary practice, embedded in social structures, has more legitimacy, and traditional forms of tenure continue to exist (Craig 1991). Craig also describes situations of very low population density, where those with an interest to clear land for cultivation can do so without hindrance. This probably remains the situation in many parts of the Southern Sudan today.

2.5 Description of Study Area
The area of focus for this study is Yirol County in the Lakes sub-region of Bahr el Ghazal Region of Southern Sudan (Figure 2). This county has since 2002 comprised 7 payams, or administrative units, and the data for this study has been collected in two of them. These two are Aluakluak Payam and Ngop Payam, which are described below. The population of these 7 payams is estimated by WHO (UNRHC 2003b) to be around 370,200 and the majority of this population is Dinka. There is also a number of displaced Nuer people within the county, who have moved here because of the war. Yirol County is situated on the western side of the White Nile. The people living on these flood plains are affected by and adapted to the annual seasonal floods. The rainfall in the area is erratic, with an average of 637 mm, which is less than the neighbouring counties in the west and south (UNRHC 2003b). Agriculture and livestock is the main business in the county, and Yirol is the county in Southern Sudan with the highest livestock density per capita (ibid.).

Even though the present cease-fire between the Sudanese People’s Liberation Army (SPLA) and the GoS did not enter into force until the spring of 2002, this part of Sudan has been relatively peaceful for several years. Yirol Town was occupied by the GoS in 1992, but recaptured by the SPLA in 1997 together with Tonj and Rumbek towns. After this, there has been no major insecurity related to actions of war, except some aerial bombardment in 2000/2001 and local conflicts (Murphy 2001, UNICEF 2004, UNRHC 2003b). Since 1997, the activity of non-governmental organisations (NGOs) in the area has increased, as accessibility has improved.

In each county of the Southern Sudan the Sudanese People’s Liberation Movement (SPLM) has a Secretary or Commissioner, and for Yirol County the County Secretary is seated in Yirol town. Under him is the Executive Director of the county, who again is in charge of the Payam Administrators of each payam.
Figure 2: Map showing the regions of the Southern Sudan (New Sudan)
(www.gurtong.com)

Figure 3: Map of the study area
(Based on a sketch by M. Aliit, vet assistant of the NPA)
Aluakluak and Ngop payams
The two bordering payams Aluakluak and Ngop has a population of respectively 31’250 and 30’499, according to WHO’s estimation from 2002 (UNRHC 2003b). The administrative centres are in Aluakluak village for Aluakluak payam and in Mapourdit for Ngop Payam (Figure 3). The Atouat Dinka is the prominent tribe of Dinka in Aluakluak payam, which is bordered by other tribes of Dinka. In Ngop the prominent tribe is Rorkec Dinka. North of Aluakluak and Ngop vast grazing areas are found that all belongs to specific tribes and sections of Dinka.

Sudan People's Liberation Movement
The Sudan People's Liberation Movement (SPLM) and its military wing, the Sudan People's Liberation Army (SPLA), were formally established by the outbreak of the second civil war in 1983. Sudan Relief and Rehabilitation Association (SRRA) is the relief wing of the SPLM, organising and co-ordinating relief assistance and rehabilitation intervention in the liberated areas of Southern Sudan. The Civil Authority of the New Sudan (CANS) refer to the government structures that are being set up for a Southern Sudan with some self-governance, or a New Sudan.

Operation Lifeline Sudan
Operation Lifeline Sudan (OLS) was established in April 1989 to make famine relief in a war torn Sudan easier and more effective. OLS is a partnership of two UN agencies, the UNICEF and the World Food Programme, that works with more than 35 NGOs. The operation has involved relief aid in both southern and northern Sudan, in collaboration with Government of Sudan and the SPLM.

Norwegian Peoples Aid
Norwegian Peoples Aid (NPA) is one of the major international non-governmental organisations (INGOs) working in this area, and has been operational in Yirol County since 1995. The two first years they concentrated on food relief and distributing agriculture input. During 1997 the focus of the projects in the area shifted to an increased focus on sustainable agricultural practices, involving training, demonstration and research, and in particular the introduction of veterinary services and ox-plough technology.
Chapter 3  Conceptual framework

Productive resources are crucial elements in rural people’s livelihoods. “Land is a fundamental livelihood asset, as shelter, food and other livelihood activities all depend on it” (DFID 2002:1), while water is essential for human survival and well-being and for the activities of rural households. Access and rights to land and water are therefore essential for the security and sustainability of these livelihoods. The framework that I will use in my analysis therefore combines a sustainable livelihoods approach (SLA) with a rights based approach to development (RBA) (Figure 5). The two approaches share some features, but are complementary in other aspects. I will in this chapter first introduce the two approaches separately, before I present the framework of analysis that combines them.

3.1 Sustainable Livelihoods Approach (SLA)

The livelihood concept developed during the 1980’s as a reaction to the basic needs development discourse of the 70’s, and the ‘top down’ approaches that had been dominant within the development discourse for some time (Conway et al. 2002, Ellis 2000, Schafer 2002, Scoones 1998, Shanmugaratnam 2004). Robert Chambers was one of the strongest critics to the ‘top down’ approach, and emphasised the need for enhanced focus on the actors of development, i.e. the poor people themselves (Chambers 1983). The idea was to replace the ‘top down’ approach with action from below. The approach developed alongside other fields and approaches in the 80’s, and Chambers argues that “the sustainable livelihood thinking was formed by fusing the best of environment, development, and livelihood thinking” (1987 in Toufique 2001:5). This implies, respectively, a focus on sustainability, productivity and poor people’s livelihoods.

It is difficult to discuss sustainable livelihoods or sustainability as such, without touching upon the concept of ‘sustainable development’. The World Commission on Environment and Development (WCED) introduced this concept in 1987 in its well known publication ‘Our Common Future’ (WCED 1987), which emphasised the importance of the link between poverty and the environment. WCED defined sustainable development as “Development that […] meets the needs of the present without compromising the ability of future generations to meet their own needs” (ibid.:8). The term ‘sustainable livelihoods’ first appeared in a report in 1987, also by the WCED, that was a policy document on sustainable agriculture (Cahn 2002). The concept of livelihoods was incorporated into Local Agenda 21 at the UN Conference on
Environment and Development in Rio in 1992 (Schafer 2002). Various understandings of the concept is used and different interpretations of the SLA are described by various authors and organisations (see Cahn 2002, DFID 2001, Ellis 2000, Scoones 1998, Shanmugaratnam 2004).

The concept of sustainable development has two major dimensions, which are both essential for rural livelihoods, namely the environmental or ecological, and the social dimension. The former is concerned with the sustainability of the natural base, on which most rural livelihoods rely. According to Scoones (1998:6), some authors define this as “the ability of a system to maintain productivity when subject to disturbing forces, be it stress or shock”. Scoones further defines the social dimension as relating to livelihood adaptation, vulnerability and resilience, and the ability of a livelihood to cope with and recover from stresses and shocks. Those who are unable to cope or adapt are inevitably vulnerable and unlikely to achieve sustainable livelihoods. I will in my analysis relate to both these aspect of sustainability.

The SLA doesn’t necessarily bring new elements into the development discourse, but entails a new combination of factors influencing people’s livelihoods. Even though the interpretations are different in many ways, they are based on the same principles and have some important common features. Firstly, they all have a focus on the household and its assets, as a unit of social change and development (Conway et al. 2002). Here it implies that looking at what people actually have, i.e. their strengths and capabilities, is more valuable than looking at their needs or what they don’t have. It also implies that people are put in the centre of their own development and that such approaches should be participatory (Toufique 2001). Further, the livelihood approach link the micro level, i.e. the household, with the macro level of structures and processes, which often has to do with policies and institutions at a higher level. It also gives a holistic approach to development. By focusing on an entirety of the factors influencing the households, the SLA differs from other approaches to development which focus upon aggregated objectives and indicators. These are often based on a number of assumptions about how policies and programs will affect consumption and well-being, and they approach sectoral problems in isolation (Conway et al. 2002). The holistic character of the SLA also entails an inter-disciplinary and inter-sectoral focus. Finally, a sustainable livelihoods approach acknowledges the importance of looking at people’s vulnerability and at the character of the context in which people live.
To get a better understanding of how a sustainable livelihoods approach might appear, I will in the following present Ellis’ framework for livelihoods analysis (Ellis 2000).

<table>
<thead>
<tr>
<th>Livelihood platform</th>
<th>Access modified by</th>
<th>In context of</th>
<th>Resulting in</th>
<th>Composed of</th>
<th>With effect on</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assets</td>
<td>organisations</td>
<td>Trends</td>
<td>Livelihood strategies</td>
<td>Natural resource-based activities</td>
<td>Livelihood security</td>
</tr>
<tr>
<td>Social relations</td>
<td></td>
<td>Shocks</td>
<td></td>
<td>Non-Natural resource-based activities</td>
<td>Environmental sustainability</td>
</tr>
<tr>
<td>Institutions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Figure 4: Ellis’ framework for livelihood analysis**

(Ellis 2000:30)

One of the key components of Ellis’ livelihood framework, shown in Figure 4, is assets. Ellis regards the “asset status of poor individuals as fundamental to understanding the options open to [the rural poor], the strategies they adopt for survival, and their vulnerability to adverse trends and events” (ibid.: 28). The assets can be understood as the tangible and intangible resources that the household is in possession of through ownership, control, claim or accession by other means, and can be divided into different forms of ‘capital’. The categories of assets that are used by Ellis are natural, physical, human, financial and social capital. The access to these assets is influenced by (1) social relations as class, ethnicity, gender etc., (2) institutions, which refers to formal and customary rules, conventions and codes of behaviour, and (3) organisations, implying groups of individuals bound by some common purpose to achieve certain objectives. These endogenous factors are further affected by exogenous factors such as trends and shocks. The modified assets exist in a specific context, which form the livelihood strategies of a household. These strategies are again made up of a set of activities carried out by the household, activities that may or may not be based on natural resources. These activities again determine the household’s livelihood security, measured for instance by income level, seasonality and degree of risk. The livelihood strategies, and
thereby the activities occupying the household, also affect the *environmental sustainability* of the households resources and the surrounding which they depend on.

The sustainable livelihoods framework might prove to be especially useful in situations of war, conflict and chronic instability. Schafer (2002) claims this since a focus on livelihoods can be an important tool when it is difficult to work through the state, either because of political instability or lack of a well-functioning government. A sustainable livelihoods framework might also influence NGOs to switch their interventions away from purely emergency aid (ibid.).

Some criticism is raised against the SLA. Firstly, as such approaches are extremely broad and cover aspects from the micro to the macro level, they are often too demanding for projects to use them to a full extent (Ellis 2000, Scoones 1998). Also, despite the fact that the approach takes into consideration many of the factors affecting the livelihoods of the poor, it might not be able to consider power relations in a satisfactory manner. This point is however met to a certain degree by the rights based approach, as will be presented below.

**3.2 Rights based approach (RBA)**

The Universal Declaration of Human rights of 1948 was developed just after the Second World War, when the western world was recovering, and was intended to provide security to individuals. The declaration is built on the principles of universality, inalienability and indivisibility, and evolved with links to the colonial struggles around the world. Two conventions were developed, one for civil and political rights and the other for economic, social and cultural rights. The process of ratifying these conventions did however take long time, and the conventions did not enter properly into force until the middle of the 70’s, and only around 120 countries had ratified each of the two conventions in 1994. An explanation to this is that the rights work was overshadowed by the political climate of the Cold War.

The last decade has seen a renewed interest in human rights. A reason for this is “the search for international consensus on principles for addressing global socio-economic issues” and that globalisation has made human rights become a more important tool in the empowerment of poor people (DFID 2000:10). Today, after NGOs working with humanitarian aid have been criticised for lack of focus on rights, rights are back on the agenda. Increasingly, NGOs tend to use rights based approaches to development in their plans for interventions. Crook (2001 in
Toufique 2001) identifies several reasons explaining why rights are back on the agenda. Some of them are that there has been a failure of many states to generate a set of rights to property, and that the world has seen increased violence, leading to greater importance of policing, access to justice and judicial reforms.

A rights based approach to development is based on these human rights, and sees development as the process of achieving basic human rights for everybody (Sen 1999). While some authors argue that rights are the outcomes or objectives of development (Conway et al. 2002, Toufique 2001), other would claim that rights also can be the means (Sen 1999). For Sen, development is seen as an expansion of a person’s capabilities or freedoms, where the instrumental freedoms that contribute to the general capability of a person to live freely, are just as important as the substantive freedoms that a person experiences (ibid.). While the SLA focuses on the means of development and the assets of the household, the RBA also put emphasis on the ends of development, specifically freedom and wellbeing.

By focusing on rights, the advocates of this approach believe that one empowers the poor to become actors of change and give them a say about their own development. Also, the approach recognises the need for equality and non-discrimination, and makes citizens able to demand more from their governments when it comes to human rights (Toufique 2001). By using the RBA to development one tries to analyse the power structures in a certain setting. Knowing that power structures have an impact on formulation and implementation of policies, the objective of the approach is to find out who has and who does not have a say in the management of resources. Conway et al. (2002) argue that to improve the poor’s access to natural resources and governmental services it is necessary to have a foundation in rights. Rooting policy in universal human rights, may be the only way to reorient government priorities towards the poor (ibid.). This includes civil and political rights, and social, economic and cultural rights.

Recognising the human rights and using a RBA also has implications for a state’s governance. The role of the state in this context is to respect, protect and fulfil people’s rights (Conway et al. 2002). The principles of transparency, participation and empowerment enhance responsibility and accountability of development institutions and help ensure that people have a say on formulating policies that affect them (Moser and Norton 2001).
A prerequisite to effectively make use of the concept of rights is the existence of some structures of power or authority that are able to give legitimacy to the claims being made (Moser and Norton 2001). Most rights are expressed at national levels, and the structures that are in place to protect people’s rights are in many societies the state. However, not all countries have such well functioning state structures.

Sudan would be such an example, where the legal state power in Khartoum has neglected the needs and rights of the southern population for decades. Moreover, the ‘non-legal’ government of the south, the liberation movement, is not able to fill this gap. In such situations it is important that the civil society organisations are able to play this role. Other critical points that can be raised against a RBA is that the approach focuses on individual ownership instead of collective ownership, and on rights instead of responsibility (Moser and Norton 2001). The RBA has changed due to critique such as the above, and today these approaches tend to focus less on the ends of development, and instead on some key principles and objectives, such as social inclusion and participation (Conway et al. 2002). Lastly, there are also some inherent contradictions in an approach that is founded on rights. Based on human rights, one can claim individual property and rights to livelihoods, as well as access to markets, seen as institutions to provide freedom of exchange. At the same time, rights should provide protective arrangements for individuals against exclusion. This balance is difficult to strike and can lead to challenges and conflicts.

3.3 Applying these approaches to land and water rights

3.3.1 Land
The two approaches, the sustainable livelihoods approach and the rights based approach, both give a rationale for the importance of land issues. In many frameworks concerned with sustainable livelihoods (e.g. Ellis 2000, Scoones 1998), land and property figure as part of the asset base of the households, or as part of the natural and physical capital at the households’ disposal. But they are also closely bound up with social capital, through the relations, networks and institutions determining access to these resources (Quan 2003). Quan states, with reference to DFID’s sustainable livelihoods framework, that “…[it] legitimised the importance of land and [the importance] of land and property rights, and helped bring about a focus on the policy and institutional processes which enable - or disable, people's ability to claim their rights” (2003:2).
Using and operationalising the RBA on land and productive resources is not necessarily easy and straightforward. Land does not figure directly in the Universal Declaration on Human Rights (1948). Yet, the right to shelter and the right to a livelihood are in general seen as universal rights, and should therefore also cover the right to land (Quan 2003). Wisborg (2002) argues that access to land and land-based resources is necessary to realise the right to welfare, especially for rural people in developing countries. Also, “…rights of protection and procedure apply to land ownership and governance (non-discrimination, right to information, due process etc)” (Wisborg 2000 in 2002).

3.3.2 Water
Not until November 2002 did the United Nations Committee on Economic, Social and Cultural Rights declare that water is a human right, by stating that “access to adequate amounts of clean water for personal and domestic uses is a fundamental human right of all people” (CESR 2004). One reason why it was not covered in the Declaration might be that water, by its nature of being a vast and fundamental resource, was not found necessary to include (COHRE 2004). Nevertheless, the right to water has figured indirectly, and been recognised through a series of conventions up to this date. These are the Right to Health (1946) and The Universal Declaration of Human Rights (1948), the Convention on the Rights of the Child (1990) and the Convention on Elimination of Discrimination Against Women (1979). United Nations General Assembly recognised in 1977 that all people should have the right to have access to drinking water in quantities and of a quality equal to their basic needs (COHRE 2004). This was however not legally binding. One of the arguments for stating explicitly that water is a human right is that water is anyway recognised as a fundamental necessary precondition to all the other human rights (ibid.). This means that without a minimum requirement of water, other rights, such as the right to health or well-being or even civil and political rights, would be useless.

Water is not only important for human survival or to lead a good and healthy life, but it is also a productive resource that is essential for cultivation and livestock farming. The fact that these are the most important activities for the poor people in most of the developing world shows the importance of putting emphasis on this aspect of the right to water. Water is becoming increasingly scarce in many parts of the world, and the resource is increasingly
commercialised. Today, privatisation of water is on the global agenda, and efforts to put water under private ownership is being implemented world-wide.

3.4 Combining SLA and RBA

In the analysis of this study I will combine the two approaches and use a framework where a RBA is integrated into a SLA. This is justifiable, as there already are overlapping elements in the basic principles of the two approaches. Firstly, both approaches emphasise the importance of focusing on the macro level of policies, processes and institutions. Secondly, they both focus on the vulnerability of the poor. Thirdly, they try to address the problem that access and rights to resources are not always the same, which can be done by focusing on empowerment, participation and accountability (DFID 2001).

The two approaches are also complementary, and can add value to each other. The RBA puts emphasis on distribution of power, and can be linked to power relations and is therefore useful to identify groups in the society without rights. It is therefore a way of analysing the processes and institutions that influence the livelihoods of the poor. A rights based approach can also give the sustainable livelihoods approach a wider focus as it is founded on international law (DFID 2001). A sustainable livelihoods approach can on the other hand, through its analysis, point at which rights are most important and address the responsibilities for achieving sustainable growth. It can also be capable of pointing out the changes that need to be made on the macro level, to ensure people’s access to rights (DFID 2001). Finally, it is important to keep in mind that the RBA is not something that has evolved on the grass root, but rather implemented from above. The SLA on contrary contests this, and by combining the two, one can convert the right-based approach into something coming more from below.
3.5 A livelihood and rights framework

To construct my own tool, I have used other frameworks, but I have added and taken away elements to meet the analytical needs of this study. This framework, being a model, will of course imply simplifications of the real situation. Anything else would be too demanding at the level of this study. Scoones (1998) argues that “in work of this sort the principle of ‘optimal ignorance’ must always be applied, seeking out only what is necessary to know in order for informed action to proceed”. I interpret this as a suggestion to stick strictly to the indicators that are most relevant to my analysis when dealing with the construction of frameworks like this. The following framework (Figure 5) is therefore adapted to the situation of Southern Sudan and the context and analysis of my fieldwork.

![Diagram of livelihoods and rights framework]


Figure 5: A livelihoods and rights framework

**Assets [A]**

The starting point in my framework is the assets, i.e. the ‘means of livelihood’ that households are in command of. These assets are either material and tangible such as physical means of production and material property, or non-material and intangible as labour power, knowledge and skills or social associations and networks (Shanmugaratnam 2004). A household’s asset base can be further divided into different forms of capital, and the categories of assets that are used by Ellis (2000) and DFID (2001) are natural, physical,
human, financial and social capital. These are however categories that are much contested and debated (Ellis 2000, Scoones 1998, Shanmugaratnam 2003a, Shanmugaratnam 2004). Some authors choose to add political capital to this list of assets, while others again remove natural resources and instead put this as a part of the context (Baumann and Sinha 2001, Schafer 2002). Since the borderlines between them are unclear and the categories might be misleading, I will be using the term asset, which will include productive assets such as land and water.

Also included in this term is what often is labelled as social capital. Even if the definition and coverage of this term also is much debated (see Ellis 2000), I find it important to state it explicitly in my framework. The concept of social capital covers the relationships and networks that affect the sustainability of livelihoods and the households’ access to resources. According to Shanmugaratnam (2003a), it “refers to trust and formal and informal social associations and networks which enable cooperation among individuals on matters of common interest which may involve production and exchange, resources and environmental management, social security, and the cultural life of the community”. Ellis (2000) defines social capital as social claim on which actors can draw by virtue of their belonging to a socially defined group. He also describes other accounts and definitions of the term. These involve claims and reciprocity, both horizontally and vertically. Social capital can be difficult to determine as it often has features of hidden reciprocity, which only emerges in certain critical situations. Lack of social capital is also a contributing factor to social exclusion.

**Socio-cultural context [B]**

**Rights to resources**

Rights can be seen as a dual concept, entailing both formal and informal rights, where the former is equivalent to laws, and the latter to norms and rules (Toufique 2001). Many do however contest such a simple conceptualisation, as the complex situation on the ground normally cannot be captured by one single of the categories. Cleaver (2003) challenges this dichotomy and gives an alternative approach to conceptualise institutions, claiming that the dichotomies above are incorrect, and that local resource management most likely is a blend of these. It “is a false dichotomy to pose a realm of ‘traditional’ informal, culturally and socially embedded institutions against a ‘modern’ domain of rationally designed committees and formal structures, and to suggest that one is better than the other..” (ibid.:16-17). Cleaver
replaces these dichotomies with the bureaucratic versus the socially embedded, while emphasising that these are not mutually exclusive, but have strong inter-linkages. The former is then “formalised arrangement based on explicit organisational structures, contracts and legal rights, often introduced by government or development agencies”, while the latter is seen as “based on culture, social organisation and daily practices” (ibid.:13). Not only does Cleaver see these categories as non-exclusive, but she further argues that imposed bureaucratic institutions might become socially embedded over time. This oppose the common recognition that institutions should “be appropriately ‘embedded’ in the social milieu” to operate properly (ibid.:14). Opposing the thought of institutions as mechanical and fixed, she argues that one should look at them as dynamic and evolving.

The idea of legal pluralism is rooted in the diversity of rights regimes that exist, and covers both the formal and informal aspects of rights. African states are often perceived as legally pluralist states. Whitehead and Tsikata (2003) explain Africa’s legal pluralism as a reaction to definitions as those mentioned above. More specifically the legal pluralism opposes the use of the dichotomies ‘the lawyer’s customary law’ and ‘the sociologist’s customary law’. The former is here seen as the statutory law that works within the court, and which is seen as a higher and proper form of law. The latter, on the other hand, is the ‘true’ customary law. This is socially recognised outside the court and perceived as lower and secondary. Different rights regimes exist on different levels, and may be both complementary and conflicting. The reality of resource management is complex and the rights to resources diverse. Moser and Norton (2001) illustrate the complexity and legal pluralism that is the situation in many African countries by identifying the following layers of rights regimes and laws (Figure 6):

<table>
<thead>
<tr>
<th>International human rights law</th>
<th>Human rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional law</td>
<td>Human rights</td>
</tr>
<tr>
<td>Constitutional law</td>
<td>National Constitutional rights</td>
</tr>
<tr>
<td>Statutory law</td>
<td>Statutory rights</td>
</tr>
<tr>
<td>Religious law</td>
<td>Religious rights and norms</td>
</tr>
<tr>
<td>Customary law</td>
<td>Customary rights</td>
</tr>
<tr>
<td>Living law</td>
<td>Informal rights and norms of behaviour</td>
</tr>
</tbody>
</table>

**Figure 6: Rights regimes and laws**
Human rights, with its roots in international human rights law are already explained in Section 3.2. Human rights conventions are also what regional law is based on, often as regional agreements between nations. The statutory and constitutional laws are what can be referred to as the formal legal system, providing national constitutional and statutory rights to the people. The impact of religious law in this setting is especially evident in situations where the Muslim Sharia law is part of the national constitution. More generally, one can say that religious law, based on religious rights and norms, has a great impact on the domestic sphere.

Lastly we touch upon what is traditionally understood as the informal rights regimes, namely customary law and living law. To distinguish between these two might be difficult, as they are closely inter-linked. Moser and Norton (2001:23) describe the first as “mostly referring to kinship and resource rights […] specific to localities and social/ethnic groups”, built on subsidiary powers delegated by the state. The latter is seen as “informal rights […] and norms of behaviour […] which apply […] to localities through varying cultures.” The living law here includes local-level means of dispute settlement and kinship mechanisms. The main differences might be that the latter is non-legal, while the former at least in some cases is recognised by the state. Even though Moser and Norton (2001) link the customary law to the local level, and the living law to the micro level, living law is in some literature termed as *local law* (Benzton 1998). Hellum (2000) argues that one has to move beyond these two concepts, and instead focus on ‘local law’, “which is a dynamic concept situated at the interface between law and society” (ibid:42). She defines local law as the “interplay between international law, state law and local norms that takes place through human interaction in different historical, social and legal contexts” (Hellum 1999:61). Recognising that it exists, I will not utilise this concept in my analysis, but focus more on the customary system. Customary law is by Makec (1988) defined as “an unwritten law which lays down how things are usually done and have been done since time immemorial; or it is a rule of conduct obligatory on those within its scope established by long usage”. De Waal et al. (2001) point out that that social change, for instance by war or displacement, can lead to changes in customs, as is the case in Southern Sudan.

**Social relations**

In many societies social relations play an important role when it comes to opportunities of access to resources, and social command over resources is strongly linked to power relations and the social capital that is in the households’ possession. Most societies are somehow
biased, and they can be differentiated by for instance class, ethnicity or gender, and can be discriminatory against specific groups or segments. These attitudes tend to be strongly embedded in the communities, which explains the justness and legitimacy of customary laws and rights.

**Power relations**

Long (2002) claims that it is important to look at power relations because they are an influencing factor for social action. Power is also “the outcome of complex struggles and negotiations over authority, status, reputation and resources, and necessitates the enrolment of networks of actors and constituencies” (Long 2002). This implies that power is more than just something you have or do not have, but is rather a result of dynamic processes. Rural power relations and their impact on livelihood security are important to take into account and consider because access to land often is seen as a reflection of power relations, especially so in regards to agricultural land. Particularly two issues are important to consider in the context of this study, namely gender issues and the chief system. In the local power structures in many African countries the *chiefs* are still the most powerful. These structures therefore have an impact on people’s access and rights to assets and productive resources. Citing Peet and Watts (1996 in Buckles 1999:3); “As in other fields with political dimensions, those actors with the greatest access to power are also best able to control and influence natural resource decisions in their favour”. Whitehead and Tsikata (2003) argue that in periods of abundance of land *gender* issues might not have been important. But as societies change with modernisation and individualised ownership it is with inequalities in power relations that women lose out on their claims to land. Power relations are also reflected in laws and legal systems, that have been discussed above.

**Organisations [C]**

While institutions in this framework are thought to be covered by the socio-cultural context, organisations are looked at separately. This differs from other authors who either treat organisations as a part of institutions (DFID 2001), or look at institutions and organisations explicitly, where they are seen as respectively ‘rules’ and ‘player’ of the game (Ellis 2000, Scoones 1998). I have chosen this division as the concepts are constantly being modified and as this fits better with the data that will be analysed. According to Ellis (2000) organisations imply groups of individuals bound by some common purpose to achieve certain objectives. Within such a definition I find it reasonable to refer to community based organisations and
informal organisations as social associations, while the term non-governmental organisations (NGOs) covers both local and international organisations. Within the concept of organisations I also find it relevant to put the local government structures, as these might have strong power on the local level and therefore to a large extent impact on the rural livelihoods.

**War and conflict, [D] and [E]**

That war and conflicts have a negative impact on rural livelihoods has been pointed out by many authors (see Goodhand 2001, Luckham et al. 2001, Shanmugaratnam 2004). Violent conflicts bring along increased vulnerability and insecurity, through death, displacement, decline in entitlements and destruction of assets (see Goodhand 2001, Shanmugaratnam 2004). Destruction of livelihood is often the outcome as crops are destroyed, livestock is stolen or killed, infrastructure is damaged, markets are dislocated and people are displaced (Luckham et al. 2001). Conflicts might also lead to disruption of migratory patterns of pastoralists, either directly by actions of war or by the presence of landmines. Isolation of whole communities or regions is also a probable outcome of wars and conflicts. Goodhand further argues that the impact of war on livelihoods varies according to nature, duration and phase of the conflict, but states that “chronic internal wars are likely to produce chronic poverty” (2001:13).

In my framework and analysis I will look separately at the two terms war and conflict. As the framework is constructed to fit for the Sudanese setting, war [D] will refer to the country’s civil war, with the dominating picture of the government and the north fighting against the rebellions and the south. Conflicts [E] will then mean the intra- and inter-tribal conflicts that time and again take place in Southern Sudan, both related to and separate from the war.

**Seasonality [F]**

The production cycles of both cultivation and livestock activities depend on factors that are difficult to influence, such as rains, length of growing season, temperature etc (Ellis 2000). Hence, the resources available for rural households change throughout the year, resulting in uneven income flows. This can further lead to seasonality when it comes to trading activities and seasonal migration.

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3 There is also an emerging debate on whether chronic poverty leads to violent conflicts (Goodhand 2001).
Other risks and uncertainties [G]
This term is intended to be a collective category covering both internal and external factors related to changes in the natural environment. Internal factors within the households are the households’ own ability to contribute to social change, due to their actions through which they can influence the dynamics of livelihood management. External factors refer to phenomena like famine, drought, floods, pest etc., that to a large extent impact on rural livelihoods when they occur. That these are termed external also implies that they are not within the influence of individuals and households.

Livelihood Portfolio [J]
The assets, within a specific context, make up the livelihood platform [H] of the household. This shapes the activities [I] that households carry out and which again determines the livelihood portfolio [J]. The sustainability of the livelihoods and their portfolio then depend on both of the two dimensions of sustainable development that have been discussed previously, which relates to respectively environmental sustainability and livelihood security.
Chapter 4 Methodology

As will be presented in the following, I found a qualitative methodology most useful to deal with the objective of my research. As Mikkelsen puts it, “methods should not become straitjackets”, and it is the objectives that should guide one to choose the methods, not the other way around (1995:223).

4.1 Research approach

The objective of this study is twofold. One element is to investigate people’s perceptions on issues related to access and rights to land and water. I therefore found it important to focus on the context of an observation, rather than the frequency that would be the focal point of a quantitative researcher. The other objective deals with the relationship between vulnerability and the access and rights to these resources, also an issue that favourably can be investigated by qualitative methods. The qualitative methods are flexible and dynamic compared to the quantitative (Mikkelsen 1995), and can therefore be more helpful to grasp the wholeness of such issues.

This study is based on a qualitative research methodology, which has the intention “to examine human behaviour and the social, cultural, and political contexts within which it occurs” (Salkind 2003:11). This implies a focus on the structures within societies and processes that influence human behaviour. The intention of this study is not to generalise and identify ‘truths’ about either the culture or the society. Conversely, I intend to give some in-depth information and discussions on these specific issues, that might, but not necessarily, be valid for a larger area or context than what was studied here.

While acknowledging that structures and processes at a macro level in a society have an important impact on livelihoods, I also recognise that this is not all. The macro level has to be linked to the micro level, where actors operate, and individuals and households take action for changes to take place4. Using a sustainable livelihoods analysis in my analysis, I therefore try to incorporate these different aspects.

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4 Long is one of the proponents of an actor oriented approach (see Long 2002)
4.2 Data Collection

The methods used in the data collection were predominantly semi-structured interviews of key informants and households\(^5\). Mapping, wealth ranking and some group-interviews were also carried out. Observation was also used, which contributes and complements the information from the interviews and discussions. All these different methods have their strengths and weaknesses, and to avoid some of the problems that can occur when using single methods, I have used multiple strategies, or triangulation. By using these different methods and asking different people the same questions in different settings, I believe that the chances of ending up with biased interpretations are reduced. Although I find it important to be aware of biases and to work actively to reduce their occurrence, I do however also believe that biases will always be there. One should struggle to make research objective, but at the same time know that it will always be subjective. This form of multiple strategies is by Mikkelsen (1995) termed as ‘between methods’ triangulation. The methods I have used will be elaborated in the following.

Semi-structured interviews

Two types of semi-structured interviews were carried out, using different checklist for the two, with general topics and open-ended questions.

- Key-informant interviews

  The key informants that I interviewed were people in the local administrations, community leaders such as chiefs at different levels, elders, spiritual leaders, and people working with NGOs in the area. 30 such interviews were carried out. Most of these informants were men, as women seldom hold important and influential positions in this society. However, I got to meet a few of the female community elders, who also have some community leader-functions.

- Household interviews

  A number of household interviews were done, mainly in Cush and Yei\(^6\), that were the two villages chosen as study site for this research. These two villages were selected for logistical reasons, after suggestion by NPA. In these two villages a total of 21 interviews were carried out. Another 8 interviews were done in two other villages, Pokic and Angei, that are problem areas when it comes to interaction between farmers and cattle keepers.

  These interviews were conducted to provide some in-dept information about these

\(^5\) Many of the interviews were carried out together with Amalie Tofte, another Noragric student.
conflicts. The household interviews will also be referred to as *individual interviews*. The selection of households will be described shortly.

**Other data collection methods**

- **Mapping / Selection of informants**

  Even if this research is qualitative, a village mapping and a wealth ranking were carried out, to enable a random selection of informants. This was done because my knowledge of the local setting prior to the fieldwork was limited. The reason for the mapping was not to get a representative selection of the village, but more to be sure that I got to talk to a wide variety of individuals in the villages from different wealth groups. In both cases, elders and community leaders were engaged to draw all the households in the village before ranking them by 5 wealth groups ‘Very well-off’, ‘Well-off’, ‘Mid-range’, ‘Poor’ and ‘Very poor’. The map also indicated whether the households were female-headed or male-headed. Further, the households were categorised by these groups and given numbers within the groups. Using a random selection function in Microsoft Excel made it possible to choose both female and male headed households within the different wealth groups. So by choosing randomly from each of these groups, factors that were unknown could be taken into account. Logistical problems and problems getting fixed appointments with some of the selected informants made it difficult to meet all the households I intended to meet.

- **Group interviews**

  A few group interviews were also carried out, mainly with already organised groups, like a woman’s group in Mapourdit, an adult education class at a community development centre and a group of lepers. As these interviews were carried out together with other researchers, they were not focused specifically on my research topic. They did however give me additional insight and knowledge on important and related issues. I did not carry out focus group interviews as much as I could have, but focused more on the key informant and individual interviews. However, many of the key informant interviews did have the character of being group interviews. When we met with people in the cattle camps, people would gather and participate in the discussion. In the same way, when interviewing certain chiefs, other chiefs or elders would join in.

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6 Yei village is also called Agany II.
• **Observation**

Participant observation is often associated with ethnographers and anthropologists staying in the field long enough to become ‘invisible’ so that people act naturally in the researcher’s presence. This was not the character of my fieldwork, and I did not take part in people’s activities or cultivation as one might expect from participant observation. Nonetheless, I stayed in the study area for about 2 months, and in addition to interviewing, I also had informal interaction with local people. I find this very important for the awareness of the culture and insight into the society, and for increased understanding of the data acquired in the interviews.

• **Secondary sources**

Secondary data has been important in the preparations for this study, especially to get necessary background knowledge about the country’s history and political situation. This comprises mostly reviews and reports from NGO’s, but also some previous academic work. This study is concentrated in a relatively limited geographical area, where there has been little research carried out, except some studies and evaluations of NGO interventions (Kibata 2003, Shanmugaratnam 2002, Shanmugaratnam 2003b). Yet, the Dinkas are the biggest ethnic groups in the Southern Sudan, and there are some basic principles of the living, like the dependence on cattle and importance of pastoralism, that are similar for most Dinkas, and also other Nilotic groups, like the Nuer. Therefore I find it justifiable for this study to draw on other research done in other part of the Southern Sudan.

4.3 **Data analysis**

For the data analysis I have used the framework that is explained in Section 3.5. While writing up and discussing my findings, I have chosen to extensively make use of quotes from my informants to express their perceptions of the issues. Acknowledging that one has to be critical when choosing quotes, I have both chosen quotes that seem to represent the general sentiment of the communities and quotes that differ from the common perceptions, and have tried to indicate this simultaneously. I have also chosen to present the quotes anonymously for the individuals informants, despite the wish of many of them, who expressed that they wanted to see their name in this report. Anonymity is chosen to spare the individual for sanctions of any kind. The key informants however, i.e. chiefs and government officials are presented with their title and sometimes their names, as they have leading positions in the communities, and do not need to be protected in the same way as individuals.
4.4 Reflections around the data

4.4.1 The use of terms

When carrying out the interviews I encountered some difficulties. Firstly, ‘household’ is a contested term, by some defined as those living under the same roof and by others as the ones eating from the same pot or the ones sharing economic resources. No matter which definition one decides to use, it will not be applicable to all societies and cultures. In the Dinka society, a man has several wives who could live close to each other or scattered. The husband might stay permanently at one of his wives’ house or could move around between them. Also, some live seasonally with the cattle in the cattle camps; others combine this with cultivating tobacco on the riverbanks. Because of the war, people take care of children and wives belonging to others, but the actual responsibilities and help might differ and be difficult to determine. Because of this complexity it is hard to come up with a definition of a household. This was particularly difficult, as I did not know too much about this complexity prior to the fieldwork.

Secondly, the term ‘head of household’ is dubious and questionable. Very often, the man is considered to be the head, as he is the one with off-farm wage and the one responsible for taking the important decisions. However, if a man has several wives, and lives permanently with one of them, the other wives might be considered to be the heads of ‘their own households’. Moreover, a widowed woman is looked after by a brother-in-law or other male relatives. How much impact this person has in the woman’s life varies. Despite the difficulties with the term ‘head of household’, it was used when selecting informants, to ensure a balance of female and male informants.

My problem with using the term female-headed was that in most cases I only met the women of the household. In the so-called male-headed households the men were often away (permanently or temporarily), were absent because of engagement in cattle keeping or off-farm activities, or were just hanging out by the market while I visited their house. Hence, even if I planned to talk to some men and some women, some from female- and some from male-headed households, I mostly talked to women. This is the contrary of what happened in the key informant interviews. In these interviews I mostly met men, as they are the community leaders. This has to be kept in mind when analysing the data.
4.4.2 Logistics and time
The duration of this fieldwork was limited to approximately 2 months, although it originally had a time span of 2 ½ months. This happened since one week was ‘lost’ at the beginning and another week at the end of the fieldwork, due to the logistical difficulties getting in and out of the study area. Also, activities in the field were very much limited by the logistics. To get around in the study area, more than in the local communities, a 4wd car is essential. The roads are bad and there is no such thing as public transport. The movements were then limited to when cars of our host, NPA, were available.

4.4.3 Language
Using interpreters proved to be a challenge. Firstly, getting an interpreter that had sufficient English-skills was difficult. And as the ones who did speak English often were engaged in other activities and had a job, I had to use a total of seven different interpreters during the fieldwork and did not have the chance to develop a close relationship to all of them. Further, they were all men, as very few girls are educated and know English. Also, as the Dinka society in general is male biased, there is a possibility that the perceptions of the interpreting men might ‘trickle through’ the answers. We were two students doing our fieldwork at the same time, on different but still related topics. Lack of sufficient access to interpreters also resulted in the two of us having to do many of the interviews together, which again made it difficult to get enough time to get in-dept discussions on the topics.

4.4.4 Local association
Doing research in an area like Southern Sudan, where infrastructure and services are absent or malfunctioning, demands support. I got help from NPA, during my stay, who have been based in the study area for many years. They provided accommodation, transport and interpreters. Without their assistance, this fieldwork would probably not have been carried out. Still, to be closely associated to an NGO has its drawbacks. It can lead to problems like informants giving strategic answers, translators who influence the informants or who provide biased translations in favour of the organisation. I was aware of this during my work, and did trust in both my informants and translators, but one can never rule out such problems completely.
Chapter 5  Findings and analysis

5.0 Impact of the war and changes in a liberated area

Southern Sudan has been at war for nearly the last 50 years, with an exception of 11 years from 1972 to 1983. It is only the last few years that Southern Sudan has been relatively peaceful, after a cease-fire was in place and negotiations started in 2002. The war has however not been equally present everywhere in Sudan until this time. Armed hostilities and battle has for the most part taken place close to the big towns, and some areas have enjoyed relative peace during the wartime, many years before the cease-fire. After the SPLA/M regained control over Yirol in 1997, there has been no major insecurity related to actions of war in the county, except some aerial bombardment in 2000 and 2001, and some local conflicts. For the citizens of Ngop and Aluakluak, two of the payams in Yirol County, this situation of relative peace has provided a sense of stability and security and given them a chance to start rebuilding their livelihoods after years of war. Changes and improvements have occurred, but new issues and problems have emerged, as differentiation between households has taken place and the conflict-level has increased.

In this chapter I first look at the Dinka society and the land-use system of the study area. This will be done to explain the situation in this specific setting and provide some background for the discussion that follows. Then, the impact of war on livelihood will be assessed, and I will continue with an analysis of the revival of livelihoods that has taken place after the war. After this, the administrative and legal system will be scrutinised, before I discuss the different livelihood-related conflicts in the area. Further, I will look at the implications of the changes on issues related to rights to land and water, and discuss the claims to rights on different levels. This leads, finally, to some future challenges for the land issues in Southern Sudan.
5.1 Introduction to the Dinkas and their society

The Dinka are generally perceived as being pastoralists, and are known for their cattle keeping, as most of the Nilotic people of Sudan are. However, cultivation is also an important part of their livelihoods, and they are more correctly perceived as agro-pastoralists. I will in the following give an account of the land-related livelihood activities of the Dinka.

For the Dinka, livestock is extremely important, for nutrition, trade, social relations and religion. As Deng explains, “[f]or Dinka society, cattle are not only part of their life but they are the life” (2002a:52). Firstly, cattle keeping are one of their main livelihood activities. They do normally not eat the meat from the cattle, but for special occasions like weddings and funerals the feast of slaughtering a bull is essential. Bulls are also slaughtered as part of specific rituals, often performed by spiritual leaders as the spear-masters. Yet, bulls for consumption is accepted in periods of hunger and starvation. The milk is an important supplement in their diets throughout the year, especially so for children, old and sick people. In times of hunger, blood is also consumed. According to NPA’s vet co-ordinator in Southern Sudan (Kibata 2003:1) “milk, meat and blood [contribute] 20-60% of food needs in the Southern Sudan”. Cow dung provides fuel and fertiliser, and skin, hide and horns can generate an income. The importance of cattle does however go beyond the nutritional and economic value as it also has a religious or mythological value. Last but not least, cattle are a very important asset when it comes to maintaining network and social relations through reciprocity.

Most of the people in the area of this study are also engaged in cultivation. Mostly, my informants cultivate small plots around their homestead and the work is mainly done manually, using the Dinka Maloda, which is a local hoe. In the recent years though, there has been a trend of more and more people switching to animal traction and expanding both the size and the number of plots. Most of these farmers cultivate for subsistence only, but will in good years sell their surplus in the markets or add value by brewing alcohol. The crops most commonly grown are millet, sorghum, cassava and groundnuts. The last one is for many a cash crop that can easily be sold at the market. Also commonly grown are beans, cow-peas, green gram, sesame, pumpkin and okra.
These two activities, cattle keeping and cultivation, are carried out by the majority of the Dinka. There are also some other activities that people can be engaged in, but these are just in addition to their main activities, such as bee keeping, making bricks, doing construction work, brewing etc. But there are also those who do not have their main occupation in either cultivation or cattle keeping.

Some people are engaged in trading commodities in the market, mostly imported from Uganda. Only a few people get a salary, and these are those working in the local administrations, at the schools, in the clinics or who are associated with INGOs. I got the impression that these people also have plots of land that are cultivated by their wives and cattle that is taken care of by relatives. The only ones that I met during my time in the field that did not either keep cattle or cultivate land, were the disabled people or those who are too poor to be able to take care of either land or livestock.

5.2 Land use, seasonality and property regimes

5.2.1 Pastoral movements and the importance of water

As the Dinka are agro-pastoralists, water is an essential part of their livelihoods and a resource they depend heavily on in all their activities. However, the rainfall in many parts of Southern Sudan is not only scarce, but irregular and unpredictable. This is also the situation in the area of this study, Yirol County, where there is a great variety within short distances. At the time this study took place, two of the payams in Yirol experienced a drought that destroyed their crops, while the yields were normal in the six other payams\(^7\). Because of seasonal changes in rainfall, the cattle keepers have to move with the cattle to a location where at any time the pastures are optimal, i.e. where there is enough feed and water. They can not choose any location that is suitable, but have to follow rules and regulations of the customary communal land tenure. The patterns of migration are very complex, and it is not only the accessibility of water that determines these movements. Since the natural pastures in Sudan generally are poor in nutrients, there are no places where the cattle can be kept all year round. Also, seasonal migrations are adopted to avoid biting flies and muddy conditions, as well as to remedy shortages of pastures and water (Lane 1998). In the focal area of this study

\(^7\) According to the county commissioner of Yirol.
however, the distances of the movements are smaller than other places of the country, as in the northern Bahr el Ghazal. These migratory movements, that will be elaborated later in this chapter, makes it reasonable to also characterise the agro-pastoralist Dinka as semi-nomads.

Figure 7: Dinka cattle, Makuenli cattle camp, Ngop

Figure 8: Atiit cattle camp, Aluakluak
5.2.2 Shifting cultivation and moving settlements

The citizens of Ngop and Aluakluak live in smaller villages within the borders of the two payams. Generally, the people in one village belong to one specific sub-section, and there are sub-chiefs in charge of each village. Further, the executive chief has specific villages and sub-chiefs under his command. Theoretically, this describes the situation well. However, from the interviews with my informants I have understood that this is a simplification. Firstly, due to intermarriages between different sections and tribes there are many people from other places, but these are normally women, as a married woman belongs to and will move to the family of her husband. Due to displacement and migration during the war, however, many families have moved to the village of the wife’s family. War and displacement have also made people move and settle where they have no relatives at all, as some of the informants in Ngop. The chiefs at different levels said that anyone was welcome to come and stay with them in their villages, as long as there is available land, and as long as they integrate themselves and behave like other citizens. All these remarks make the picture of village and section belonging more complex.

People will stay in one village until the soil around their homesteads is depleted, and when the soil has become infertile, the whole village will move to another site. According to my informants in Cush and Yei Village this happens in time-spans of around 15-20 years, or whenever the yields have been low for a few years. When they move, it is not done randomly. They will move to a site where their forefathers lived some years back, and which they left due to low yields. This land has now regenerated and is again productive and suitable for cultivation. When they move, it is a decision made by the chiefs and the elders of the village, and the whole village will move together. Some of my informants emphasised that they don’t have to follow the rest of the village to the new site. However, family and kinship ties in these villages are close, and individuals and households would become vulnerable if they moved away from their sub-section. Shifting cultivation on the plots could have been a way to delay these movements, according to agricultural extensions workers that I met, but it is very rarely practised. The only people I met who did practice this, were people with agricultural training. Later, in Section 5.7, this issue of moving villages will be further discussed, focusing on the future prospects of the practice.
5.2.3 Land zones

The land used by the Dinka can be divided into 4 zones or areas with distinct different characteristics when it comes to topography and land use⁸. These are presented in Figure 9, while Figure 10 shows the whole study area with these zones indicated.

<table>
<thead>
<tr>
<th>Dinka term</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Gok</td>
<td>This area, also called the uplands or highlands, is where the villages are situated and where people live and cultivate. It also covers the land around the village, where the cattle graze during the rainy season.</td>
</tr>
<tr>
<td>The Rup</td>
<td>Grazing areas where the cattle keepers stay on the way to or from the Toic. This area is not inhabited, and consists of vast grazing lands and forests.</td>
</tr>
<tr>
<td>The Toic</td>
<td>This area is swamplands, where the cattle graze in the dry season. This is close to or on the bank of the river. This area is not accessible in the rainy season as the area is flooded. Some farming is also done in this area in the dry season.</td>
</tr>
<tr>
<td>The Baar</td>
<td>This area, also called the ‘lick-salt area’, is shared by a large group of herders in the area, both Dinka and Nuer. The baar is a limited area which is very important for the nutrition of the animals as the soil here has quite special characteristics and contains a lot of natural minerals. The cattle only stay here a week or two during the year.</td>
</tr>
</tbody>
</table>

Figure 9: Table showing the land zones on the Dinka land

Figure 10: Map of land-zones in Aluakuak and Ngop Payam

(Based on a sketch by M. Aliit, vet assistant of the NPA)

⁸ These distinctions are not only valid in this part of Yirol County or this part of Southern Sudan. From other literature (Makec 1988) it seems evident that other Dinka and also other ethnic groups of the south, like the Nuer, are familiar with them. At least the term toic seems to be widely recognised.
<table>
<thead>
<tr>
<th>Month</th>
<th>Area</th>
<th>Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>December</td>
<td>Toic / Baar</td>
<td>Dry season</td>
</tr>
<tr>
<td>January</td>
<td>Toic</td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>Toic</td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>Toic</td>
<td></td>
</tr>
<tr>
<td>April</td>
<td>Rup</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>Rup</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>Rup</td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>Gok</td>
<td>Rainy season</td>
</tr>
<tr>
<td>August</td>
<td>Gok</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>Gok</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>Rup</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>Rup</td>
<td></td>
</tr>
</tbody>
</table>

**Figure 11: Table showing seasonal cattle movements**

Figure 11 shows how the cattle keepers move with their herds during a year, between the different areas indicated in Figure 9. Starting in December, when there is dry season, they are in the *toic* by Ngop River. In March/April they move on to the *rup*. After this they reach the *gok* sometime during July, where they stay throughout the rainy season. Then, in September/October, the herders and the cattle leave the *gok* and travel through the *rup* during a couple of months, before they reach the *toic* again in December. During the time in the *toic* they have a brief stay in the *baar*. There are no fixed dates for these movements as it all depends on the accessibility of water and grass for the cattle. Hence, the movements might also some times diverge from what is sketched here.

The pastoral movements during a year represent the seasonality that is present in the analytical framework (Figure 5). This is seasonality both in time and space, and the movement takes place due to factors that are difficult for people to influence. What makes them move at different times of the year could be factors as lack of rains, swampy conditions and the presence of insects. We can also draw on the analytical framework when it comes to the shifting cultivation of the villages. This happens over a quite longer time span, but can also be interpreted as a sort of ‘seasonality’. Here we see the importance of social relations and kin or family networks. People will not move unless the rest of the village moves. If one farmer has low yields, he will still wait for the others, but might get help from them as he waits. It is the villages’ chiefs and elders that take these decisions depending on the sentiment of the villagers and the feedback they get regarding their yields.
To give the reader a better impression of the access and rights situation when it comes to land, I will in the following, present my findings regarding people’s perceptions of the ownership of productive resources and people’s perceptions of land issues in general, after first drawing on some other sources.

5.2.4 Perceptions of ownership and user rights
De Wit (2001) describes in his analysis of the land question in Sudan that it is a common perception that there are no major problems regarding land issues in Sudan, both in the north and the south. The following two statements illustrate the two positions, respectively for the north and the south (ibid.:6):

‘When land belongs to Government there is generally no problem with access or tenure security. If there is a problem, the Government will solve it.’

‘All rural land belongs to the people and is held under customs. To date there is no major problem with this system.’

Not only do we understand from this that land is not seen as a problem issue, but also that these perceptions are based on fundamentally different assumptions. Northerners claim that all land belongs to the government unless registered before the implementation of the 1970 Land Act\(^9\). Legally, this entails 90% of all land in Sudan, according to De Wit (2001). In the south, conversely, this legal claim has no legitimacy. Makec (1988:150) argues that “the government ownership of all the land in the country is merely theoretical”. In the rural areas, the rights to land are regulated by customary rules (ibid.). This is the situation in the south, where all land belongs to the people through the non-legal customary ownership. De Wit’s statements introduce us to two important question that will be discussed in the following, namely people’s perceptions of the ownership of productive resources and people’s perceptions of land issues in general.

Ownership
From what people told me in the interviews I find that the situation in these two payams is that all land is under communal tenure, where the chiefs are the guarding authorities. Hence, all the land within the borders of these two payams is divided between the different tribes and sections, and individuals are given usufruct rights by their chiefs. As far as I have observed

\(^9\) Presented in Section 2.4.
there is no state owned or privately owned land in this area. Within this system of communal tenure, there is what can be referred to as the holdings and the commons. The holdings are the residual areas of the gok, where individuals have user-rights to pieces of land for residence and cultivation, which are allocated to them exclusively by the chiefs. The commons refer to the grazing areas in the gok, the rup and the toic. This should be seen as a ‘controlled access’-form of the commons, where these areas are divided between the different sections.

The chiefs in Aluakluak and Ngop had the following explanation of land ownership. The chiefs allocate land for settling and cultivating, at the sub-chief or executive chief level. This land will then belong to the individual\(^{10}\) as long as he lives here. When he leaves, the land returns to the executive chief again. It is therefore not the property of individuals. The impression is also given that everyone can get land, whether they are widowed, displaced or in any other situation. Whether this is true or not will be scrutinised in Section 5.7.

When talking to people, it was evident that they shared the view that the chiefs are responsible for distributing land. On the question of who owns the land, though, there were three answers frequently given, namely ‘the people’, ‘the chiefs’, ‘the government’. I believe that it’s fair to say that even if many of the chiefs expressed that they are the true owners of the land, people in general would disapprove of this. Instead they would claim that the land belongs to the people of Southern Sudan. In the government administration they would on the other hand claim that the chiefs manage the land on behalf of the government, who again manage the land on behalf of the people.

Deng (1966) claims that the use of the term ‘ownership’ is not easy and straightforward in the Sudanese setting. “So complicated and intricate are the problems associated with the land tenure that to use words like ‘ownership’ so loosely is futile” (ibid.:547). As ownership is a term that does not fit into actual practice in this society, a preliminary conclusion could be that the land belongs to the communities. Subsequently, the chiefs are the custodians, allocating land to the individuals, giving the individuals user rights to the land. In the following part, the findings regarding people’s perceptions of user rights will be presented.

\(^{10}\) ‘Individual’ is in this case equal to a married male individual.
User rights

Amongst the individual farmers I met, there were some different perceptions of what the user rights of land involve. Some claimed that there are no limitations whatsoever of what they can do with the land, as one farmer stated:

‘There are no restrictions for what we can do with the land. It is well known that this land belongs to me.’

Another farmer said the same thing, but added:

‘We can cut down the trees if we want to, and even sell the land, but not to anyone. The buyers would have to be from the same section or at least from Yirol County.’

This contradicts somewhat what I was told by the chiefs. All the chiefs I spoke to were very clear on the point that land can not be sold. However, they claimed that what is on the land, like constructions or trees can be sold. This was explained by the sub-chief of Angei to be because of the labour invested in the land. A man in Yei said that the land they moved to used to be a forest, but when they came, the land had been cleared.

‘As the land was cleared, and labour had been utilised for this, we had to pay one heifer and one bull for it’.

A woman in Yei said that:

‘When I want to move away, I will give the land back to the chief, and he will refund us for what we have done on it, as construction and tree-planting’.

The executive chief of the Kok Dinka, in Ngop payam, explained that land can however be rented out, but then only to local people. The chiefs were also clear on the point that they had to be conferred with before such deals were made. Even if some individuals claimed the contrary, the chiefs also argued that there are limitations on which activities people can perform on this land. According to the sub-chief in Angei, trees that produce food, like mango, she-nut and lulu, and palm trees, can not be cut down, as ‘they are food’. Two of the executive chiefs of Apak agreed to the above, stating:

‘There are some restrictions on the use of the land. You cannot cut down trees, as it destroys ‘the environment’. If you plant trees on the plot, you can sell them. When it comes to selling land, you can not sell land without consulting us.’

Another interesting detail is what the executive chief of the Awen Dinka stated:

‘You cannot sell land. [When you leave,] the land will stay idle, until someone settles. However, if you go away ‘forever’ you will get some compensation [for the constructions, trees etc.]’
What can be drawn from this is that land in itself is not a marketable asset. Land is held communally, but is allocated to individuals for temporary use. Assets on the land are on the other hand marketable, assets such as structures and trees. These are privately created assets, hence also privately owned, unlike land, that exists naturally and is under communal custody.

I have earlier explained how the people will move to ‘new’ sites when the land is exhausted, which is land that belongs to them through their ancestors. One woman in Cush said;

‘We return to the same place where we have stayed before, by the same mango trees as our ancestors. If someone is there, they will be asked to leave or will be chased away.’

The same woman also stated that the ‘rules’ are different for the village-centres, such as Mapourdit and the villages nearby. The people living there are ‘rich and big people’, and ‘you can only chase away poorer households’. Whether or not people can be told to move away from your ancestor’s land was contested among my informants. Most of them did however not see this as a big problem. They said that either the people living on ‘your land’ must move away, or if they don’t, then you would have to search for new land yourself. As will be discussed in the next part, land is perceived to be vast, and to find land is therefore not seen as a problem. A woman in Yei confirmed this by stating;

‘If the land from their ancestors is occupied, they will have no problems finding other places to stay. There is enough land.’

The fact that one can be ‘chased away’ explains some of the importance of having trees by your house. In addition to the fact that fruit trees provide food, they show that someone lives there or that someone have lived there and will come back. A man in Yei said;

‘I show ownership to my land by planting Balanite trees on my plots. Other trees might also be used [for this purpose]. Poles for house-structures is also an indication that land has been used and will be used by someone again. The poles mean that there is someone you should ask before settling.’

A female farmer in Cush explained that if you want to settle somewhere, you have to ask the owner. If you cannot find him, you make marks and signs, like cutting down trees. Then he will show up, eventually.

One farmer in Yei said that ‘if somebody occupies my ancestors’ land, I will talk to them and tell them that the land is to be used later, and that they should settle somewhere else. If they
have already started cultivating, I will leave them there, and look for available land myself”. This shows that they are able to be flexible, as they will find land elsewhere. The issue is more difficult if any of your forefathers have died and been buried on the land. Then, the feeling of ownership is stronger, and so is the incentive to get people away.

From this information we can therefore conclude that claims to land are not only done by occupation, but by the creation and construction of private asset on it. You can transact land to others, by selling what is on it, a transaction that is normally inspected by the chiefs.

5.2.5 Perceptions about land issues in general

The discussions of ownership and user rights have already lead us to the question of whether land issues are perceived as a problem or not in the Southern Sudan. The first section of this chapter touched upon ‘the myth’ of the vast land which is discussed in both De Wit (2001) and Shanmugaratnam (2003b). Both authors end up with the conclusion that land issues are a burning issue in the Southern Sudan and that conflicts over land do exist. The perception that ‘land is not a problem’ was however common amongst my informants, and I find three reasons for this:

- ‘Land is vast’

The farmers I met mostly shared this perception. That someone like me came to Sudan to study land issues seemed odd to many of them. If they need more land or have to move, it is always easy to find land other places, many of them said. Such perceptions were also found in the administration at the county level. The executive general in Rumbek stated in an interview that;

‘Land is vast. Sudan is for the people and you can live wherever you want to. Land is not a problem. It is not even an issue!’

The executive director of Yirol had a different view, which shows that there are differences of opinion within the government system. He said that ‘As soon as the war is over, land will become an issue.’ He argued that whether there will be scarcity of land or not is difficult to say, because it all depends on people’s movements after the war. ‘When peace comes, the issues of grazing-land will have to be settled.’

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11 Rumbek is the county neighboring Yirol. The people in this county are also predominantly Dinka, and the way of living is very similar to Yirol County. I therefore find it justifiable in my discussion to use information from this County Administration as well.
**Other priorities**

Local disputes are not seen as real problems. The herder-herder conflicts is by many people perceived as a natural part of the pastoralists life. Another common perception is that herder-farmer conflicts are inevitable as people are engaged in both and the two activities co-exist. Livestock destroying crop ‘is only food eating food’. Also, livelihood related conflicts are not directly seen as involving land. In general, land issues are not their priority. When asked about their problems and priorities they emphasised the need for schools, hospitals and water facilities.

**Trust in the new government**

My informants showed through the interviews an almost unlimited belief in new government structures that will come in place as the peace settles, and statements like the following were made on several occasions;

> ‘There are problems now, but when the peace settles, and a new government is in place, this will change’.

Land conflicts might therefore not be taken seriously at the moment, as they will be solved when the new government is properly in place.

The contradicting reactions to questions regarding ownership, marketability and user-rights that are presented above suggest that land is not as vast as many think, and that the impressionistic view that land is abundant is not the reality. The inconsistency could suggest that in reality resources are scarce and conflicts could arise. Land-related conflicts will be further discussed in Section 5.6, where I also will touch upon how competition of scarce resources can affect people’s livelihoods.
5.3 The impact of war on livelihoods

The people of the Southern Sudan have been heavily affected by the country’s long-lasting civil war. Section 2.3 provides an overview of this. When talking to people in the study area, whether it was chiefs and officials or the ‘average person’, they highlighted some common themes concerning the impact of war. War is indicated as [D] in the conceptual framework in Figure 5, and the following issues are what many of my informants have put emphasis on.

5.3.1 Reduced population
There have, during and after the war, been aerial bombardments by the GoS, killing both people and cattle. Families have lost their sons, brothers and fathers in battle and many children have become orphans. Moreover, some claimed that children have been caught or killed by the enemy. In addition to killings and abduction, many people are disabled as a consequence of war action. Some of my informants argued that due to this, the number of dependants in the households has increased, which implies an increased dependency ratio and more pressure on the able-bodied within the households.

5.3.2 Displacement
People have been displaced, especially from around the major towns, like Yirol and Rumbek. These have moved to their relatives, and many of them came to these two payams, and in particular to Ngop that is closer to the town of Yirol, and where there were facilities as a school and a hospital. A member of the Payam Court in Aluakluak stated that the Dinkas of this area used to live closer to Lake Nyabor in the north of the county, but due to the war with the Arabs and the conflicts with the Nuer, they have been displaced southwards. Some farmers emphasised that ‘cultivation is also affected [by the war] as the fertile places have been abandoned.’ People are forced to move, leaving fertile land with good yields, and might have to move to places where yields are lower.

5.3.3 Diseases and sickness

‘At the same time as we are very prone to disease, we have no money and no medicine.’

- Woman in Cush -

People have experienced a general lack of medical services. In only one of the two payams, in Ngop, there is a hospital. Before the war there was also a clinic in Aluakluak. One of the prominent women in Aluakluak payam, a community leader and elder, claimed that more
people died during the war as a result of lack of medicines and food, than those that died in battle.

5.3.4 Lack of education

‘If it hadn’t been for the war, the schools wouldn’t have been closed down.’
- Female farmer in Cush -

There is a high degree of illiteracy in this area, and many people expressed a lack of education during the war-time, and that they felt backwards. There is a ‘lost generation’ of boys that lack education as they have joined the army and have been fighting for liberation. The situation for girls is also unsatisfactory, as they rarely get the opportunity to study. In Mapourdit, which has the biggest school in these two payams with around two thousand pupils, there were only a very few number of girls. This is related to cultural practices, and educating a girl is seen as ‘a waste of money’, as they will move away from their family when they marry anyway. Lack of education and lack of medical services was mentioned as constraints by most of the informants.

5.3.5 Destruction of livelihoods

Destruction of livelihoods is a common theme in civil wars, resulting in a higher degree of vulnerability, instability and insecurity. The impact of the war on my informants’ livelihoods has in their own view been both direct and indirect. Direct, as the battlefield at times has been relatively close to households and grazing lands, as they live not far from towns that have been enemy targets. Some of the people I met in Ngop payam were displaced from around Yirol Town and had therefore been closer to the war front. Statements from my informants clearly indicate that there also have been aerial bombardments directly aimed at cattle camps, where they keep thousands of cattle, which are easy to spot from above. Some cattle keepers narrated how they at times were forced to leave the camps and head for the pastures at night\(^{12}\), when it was still dark, so that they were scattered and difficult to see from above when the sun rose. Statements like ‘We have suffered a lot, both ourselves and our animals\(^{13}\) were common, showing that the informants often emphasised the suffering of their cattle as much as their own suffering, and calling attention to the link between the destruction of livelihoods and their own suffering.

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\(^{12}\) Something that would normally take place around 8 to 10 a.m.

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Contrary to what is the situation in other parts of Southern Sudan, landmines have not been a big problem in the two payams in the study area. Landmines have here been restricted to the towns of Rumbek and Yirol, and the main road between them. This road goes through Ngop and Aluakluak payam, but mines were not highlighted as an impact-factor for destruction of people’s livelihoods by any of my informants. Neither was I given accounts of the ‘scorched earth strategy’, or the deliberate destruction of villages and livelihoods, whereby the warring parties move on or withdraw, destroying everything and leaving nothing for the local people or the enemy. This has frequently been described from other parts of the country (Deng 2002a, Katz 2000). Some of my informants did however report that raiding and looting of cattle had taken place, and many stated that their cattle had been ‘taken by the Arabs’. There are reports of how the GoS during the war captured large amounts of cattle, which were taken to the capital and sold, but it is difficult to say how prominent this has been in this area.

The war has also impacted on people’s livelihoods in more indirect ways. Many informants mentioned how the size of their herds had declined dramatically as a result of the ‘war contribution’, i.e. tax demanded by the SPLA.

‘We cultivate in the same way as before. However, we are not unaffected by the war. We have become more prone to hunger, as our leaders collect food from us, which is given to the soldiers.’

- Woman in Yei -

The state of war has also left these communities in isolation from neighbouring countries as well as from other parts of Southern Sudan. As a result of this, trading routes have been broken as the Payam Administrator of Ngop explains, ‘we used to travel to Equatoria and trade in cattle, but it was not possible to engage in such activities during the war.’ Isolation has also had an impact on people’s livelihoods as a decline in trade and contact with outsiders has reduced the access to agricultural inputs dramatically. Seeds, tools and new technology were things that people expressed they were in need of during this time.

It is quite evident from the above that the war in Sudan, has seriously impacted on the people in the study area and their lives. The situation of war, which has lasted for such a long time, has made a huge impact on people’s livelihoods, something that is characterised by increased vulnerability, destruction of assets, displacement, and lack of government services and public entitlements.

13 Stated by the executive chief of Aper in Pan Rup Cattlecamp.
5.3.6 Water facilities

All my informants, both the local people and the leaders perceived access to water as a problem. The water situation in Yirol County is not satisfactory, and if not directly related to the war, it certainly has to do with the absence of development and the lack of infrastructure and services that the whole of Southern Sudan has seen the last decades. In the dry season, many of the wells and boreholes go dry, which results in longer distances to walk. A woman in Pokic said she has to walk 7 km every 3 days to get water in the dry season. Around Mapourdit there were several boreholes. Some of them were however not working, since the INGO that had made them had pulled out, without leaving the necessary tools and equipment for maintenance.

Yirol County has approximately 98 water points, according to UNRHC (2003b). If they were distributed equally, they amount to a ratio of 3’798 persons for each borehole, but they are not, and many people are without secure access to water in their proximity. The same report states that in the Lakes sub-region of Bahr el Ghazal, “approximately 84% of households drink unsafe water during both the dry season and the cultivation period” (ibid.:15). The report concludes that as in the rest of the Southern Sudan, water and sanitation issues in Yirol County call for urgent actions. There seems to be awareness within the SPLM of this issue, and water facilities will probably have high priority in the post-war development.

5.3.7 Increased importance of social capital

Cattle keepers that I met in Ngop and Makuenli said that it was quite common to place cattle with relatives and friends, as an informal insurance, in case of disease, raiding or bombardment. In this way the Dinka build networks on which they can draw when they need help, a help that according to Deng (1972) is expected to be returned later. I did not get any clear evidence of whether this practice increased due to the war. Deng (2002a) does however provide data from other locations in the Bahr el Ghazal region. This data supports the idea that the practice of entrusting some of one’s cattle to relatives has increased during the wartime. He pointed out that where this had happened there was also indications that people in such situation also draw on maternal relatives, and not only paternal as is the ordinary. I will, in Section 5.7.1, give an example of how some people, in this case widowed women, get help from their maternal relatives.
5.3.8 Change in activities due to the war

One effect of these forced changes of people’s livelihoods, combined with the isolation that the people in this area have experienced during the war, is that they have become more self-reliant. The war has disrupted many people’s lives and livelihoods, forcing them to adapt to new situations. Households will under such circumstances choose one or another coping strategy, which again changes their livelihood portfolios. People in this area have become more dependent on the main activities in their livelihood portfolio, cultivation and cattle keeping. So, at the same time as people have experienced difficulties and destruction of asset, they have put more effort into these activities. One of my informants, a female farmer in Yei, said that ‘as a result of the war, the men have become less engaged in the cultivation, and are more preoccupied with the keeping of livestock’. This can be explained, as the importance of cattle is significant in a situation of long-lasting war and conflict like in the Southern Sudan, and to put more effort into cattle keeping is a common coping strategy. Livestock is a mobile asset that can easily be transferred to other locations. Also, with the lack of a modern commerce and banking system, cattle becomes very important as an asset in which one can invest. Livestock is also a tradable asset and has for many years been the most important ‘currency’ in many parts of Southern Sudan. Cattle are hence a mobile, easily transferable ‘food storage’, convenient in situations of insecurity and possible displacement.

Regardless of what has been presented in this chapter, it is important to emphasise that it is difficult to estimate the real impact of the war on people’s livelihoods, as they have been significantly changed since the actions of war stopped and the NGOs’ interventions for development commenced. This change is what will be discussed in the following section.

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14 The currency of ‘the Old Sudan’, the Sudanese pound, is only in limited use.
5.4 Revival of livelihoods in a liberated area

Yirol Town was captured by the GoS in 1992, but was again liberated in 1997 and has since then been under SPLA/M control (UNRHC 2003b). After this, there has been no major insecurity related to actions of war in the county, except some aerial bombardment in 2000 and 2001 and some local conflicts (Murphy 2001, UNICEF 2004, UNRHC 2003b). Many parts of Southern Sudan have been subject to a state of stability as the continuous war and insecurity has been a constant factor, and the situation has been unlikely to change in the foreseeable future (Schafer 2002). Ngop and Aluakluak Payams of Yirol County have actually experienced a state of not only stability, but also a situation of ‘peace within the war’. This peace is what later will be referred to with the term ‘post-war’, although one has to keep in mind that Sudan’s civil war is not yet over. This relative peace or absence of war has provided this people with a chance to start rebuilding their livelihoods after years of war. This section will give an account of how successful this rebuilding and revival of livelihoods has been in this area.

At the local level there is a diversity of versions of how livelihoods have changed since armed hostilities were brought to an end in this area. Although the Dinka in this area are agro-pastoralists, and most households therefore are engaged in both cultivation and livestock, there are different members of the households who are responsible for these activities. The terms ‘farmers’ and ‘herders’ will therefore be used to differentiate between these groups, so that an analysis of each group’s preferences and perceptions can be made. The ‘stories’ differ between farmers and cattle keepers, and even amongst the farmers, and it is difficult to get a joint picture of these accounts. Some claimed that households are more dependent on livestock now than before the war, while other asserted that they depend more on cultivation. Some claimed that both activities has become more important, others again that the situation is the same as before. I will in the following try to recapitulate the change of livelihoods in this period of peace according to people themselves, before comparing this with statements from community leaders, SPLM officials and NGO representatives.
5.4.1 Farmers and herders’ perceptions

These quotes represent the views of some of these farmers;

‘During the war we had no clothes, no food, no supplies, no roads. Now, the situation has changed. We use ox-plough, there is security, and people have more cattle, the vet services are improved, there is increased cultivation and no more hunger. When peace comes, we will have more contact with others and can engage in bartering and trade.’
- Male farmer in Cush -

‘We used to cultivate less land, and the children were fed in the cattle camps. Now, we keep less cattle, as it is ‘married away’, but we do produce more food.’
- Female farmer in Yei -

‘The harvest is lower now than before the war. Also, since my husband died, the number of livestock is reduced, and there is therefore less food available and the ability to take care of my children is worsened. My brother-in-law doesn’t care much.’
- Female farmer in Yei -

‘There hasn’t been much change in our situation. We still have nothing to eat!’
- Female farmer in Pokic -

According to cattle keepers in Makuenli cattle camp, the number of cattle has decreased since the prevalence of peace. One of NPA’s vet co-ordinators contested the cattle keepers view and argued that the herds clearly have become bigger. He claimed that the cattle population decreased due to raiding and bombing, but now, as the armed hostilities have come to an end and as vet services are in place, the herds are again increasing.

From the above we can see that people’s perceptions of the ‘post-war’ changes in activities and land use are quite diverse. Yet, the reasons for this inconsistency could be many. A first lesson we can learn from this is that individual perceptions depend on people’s own situation and what they have experienced. Even if we can draw some general trends describing these changes from the key informants, individuals might have had experiences differing from these trends. The war has struck families and household differently. Some have lost husbands and
family members, other have lost their assets, while other again might be less affected. While the absence of war has provided an opportunity for livelihood revival, not every household has been able to take part in this development as much as others have. The recovery of livelihoods is based on a household’s assets and opportunities, and as some have managed to utilise these opportunities to a maximum, others have been left incapable of taking part in this transition. A result of these differences between households is further differentiation. An example of this differentiation is the use of animal traction. It is evident from my data that the ones that where engaged in this and were using oxen for labour, are those in the community with the most resources and the most stable assets base. Some trickledown effect is observed, as relatives and neighbours learn from them and are able to borrow bulls and plough. There is however a high degree of reluctance, as will be discussed shortly.

Another possible reason for the diverging response is that the respondent answered strategically, as I during my fieldwork was associated with an INGO to which they might have had expectations of future interventions. It is also well known that the Dinkas are very reluctant to talk about own wealth. It was very difficult to get people to reveal the number of cattle they own and the size of their herds, something that could explain the conflicting answers. Finally, it is, as we have seen, also a matter of who you ask. The respondents involved in herding and cattle keeping tended to highlight the importance of these activities, while the people that were active in the cultivation would emphasise these activities. They might therefore have biased perceptions about the extent of changes and of the importance of the activities.

5.4.2 Key informants’ perceptions

When now turning to the key informants, comparing the statements of chiefs, people in the local and regional administration, and people working with NGOs in the area, we get a clearer picture of the general trends of the changes that might have taken place in these communities.

‘Before the war we stayed in one place, close to Aluakluak, and the amount of cattle was limited and the cultivation was done by hand [using the traditional Dinka hoe]. Now, however, changes are taking place. NGOs are working in the area and have introduced veterinary services and ox-plough technology. Therefore, the number of cattle has increased and so has they cultivated land.’

- Executive chief of Awen -
'The acreage under cultivation and number of plots has increased, due to the introduction of ox-plough. There has also been an increase in the size of the herds. When the war started we had problems with diseases. Since 1995, however, vet services have been introduced and the situation has improved. Since then, the herds have increased.'
- Land judge, Warakan/Aluakluak -

‘People cultivated more back then. Yields have reduced both due to war and the nature itself, as the rains are poorer today. The technology of ox-plough has been adopted in many areas, and there has been an increase in cultivated land. The amount of cattle has also increased. During the war cattle was lost due to diseases and war contribution.’
- Executive director of Yirol -

‘Cattle population has increased due to interventions of NGOs, that eradicated Rinderpest through vaccination and treatment. Earlier on we had to go to Juba to get drugs’
- NPA vet assistant

‘There is more land under cultivation now due to the use of ox-plough, and the amount of cattle has increased.’
- Executive chiefs of Acok and Aper -

‘People used to cultivate a lot before the war, using the Maloda. Now production has increased because of the practice of ox-plough, which is adopted by a few farmers.’
- Payam Administrator, Aluakluak -

This selection of quotes represents the key informants who all agreed that thanks to the relative peace in the area, and the intervention by NGOs, there has been a considerable positive change in people’s livelihoods. Another issue that supports this is the changes that have taken place in the marriage system. Some herders claimed that as the bride price has increased, people’s herds must have increased as well. Another informant argued that there has been an increase in number of marriages and that men have more wives than they did before. This could however also be explained by the fact that the number of men has
decreased due to the war. Still, it is usual in the Dinka society that dead men (and sometimes also women) get married, i.e. brothers or sisters marry in their name.

These informants’ responses do therefore indicate that from 1997 until now, there have been big changes in people’s activities, and they have been able to increase both the herds of cattle and the sizes and numbers of plots. This revival of people’s livelihoods has taken place despite the fact that there has been little or no support from the government. One explanation to these changes is then that INGOs have been allowed to implement interventions in the area, and most notably NPA, who has had successful projects in the fields of both vet services and agricultural training. Since the introduction of these programmes in 1997 several thousand farmers\(^{15}\) have been involved in NPA’s Agricultural Components in Rumbek and Yirol County and a total of 95 people have gone through a Vet Personnel Training.

INGO reports confirm that food security has been enhanced since the introduction of ox plough in Yirol County and especially in Apak area, which is Aluakluak Payam (see GPP 2004, UNRHC 2003b). The impact of these interventions was also clearly visible on the ground. At least 6 out of my 25 household informants had adapted technology of animal traction. Moreover, everybody talked about it and at least 3 more were planning to start using oxen in the near future. As the number of informants is rather small, it is difficult to draw any general conclusions on the use of animal traction. The information does however indicate that the wealthier sections of the population are the ones who have been able to switch to this new technology. I got the impression that NPA planned for a certain degree of trickledown effects of their interventions by introducing these activities, it seems that this has only happened to a limited extent. The cultural barriers associated with this technology can partly explain this. People are reluctant to use oxen as draught animal, as is not seen as a proper way to treat cattle. A woman in Yei village said that they were not using ox-plough, but she had seen that the animals actually were treated like human beings, so she was now willing to buy a plough and try. Another reason that many people have not converted to this technology is that they might not have the bulls or the plough, and that it is too expensive to buy these assets. This was pointed out by many of my informants who did not use oxen in their cultivation. Shanmugaratnam (2003b) also made this observation, suggesting that the introduction of credit schemes could help these groups.

\(^{15}\) Approximately 5000, according to Shanmugaratnam (2002)
A ‘trickling-down’ of the technology, although limited in its extent, has therefore taken place thanks to innovative people who have seen the possibilities and crossed the cultural boundaries that exist when it comes to utilising cattle for labour. Change has taken place due to their ability to take action and be actors of their own development. Moreover, and maybe more importantly in this situation, they have had the assets base, and the economic and social means to do so.

5.4.3 Implications for sustainability
The revival of people’s livelihoods has strengthened people’s activities by improving the asset base, reducing losses and increasing output. This is mainly thanks to the elimination of the main factor of vulnerability, the war, and by the interventions of INGOs. The effect is therefore reduced vulnerability and less insecurity in their lives and livelihoods.

There are however some implications of the development and trends in these people’s livelihoods that threaten the sustainability of their livelihoods. As improvements take place, differentiation between households occur. Furthermore, changes in land use have taken place, as both herding and cultivation is expanding on a limited area. Due to all this, new issues emerge, and worries are raised that this may lead to scarcity of land and an increased level of conflicts. The issue of conflicts will be looked at in Section 5.6.
5.5 Administrative and legal challenges in a transitional context

Experiencing a relative peace by the absence of war since 1997, the people of Ngop and Aluakluak payam have also been in a situation of absence of government services and structures and a well functioning legal statutory system. The liberation did not only represent a shift from war and instability to peace, but also a shift from one rule to another: the exit of the GoS and the entry of the SPLM. This establishment of new government structures is however not done overnight, and in the liberated areas of the Southern Sudan this process is still taking place. Hence, there have been some deficiencies in this area since its liberation, which have to deal with an administrative and legal vacuum, in the formal sense. Despite these shortcomings however, people have laws and institutions in place as the customary system prevails. The civil administration of the SPLM has, since they gained power, re-imposed a system of law and order by drawing on the already existing customary structures (Johnson 2003). These are structures with legitimacy when it comes to land issues, but also when it comes to other types of cases. There are for instance fixed penalties for murder and adultery. During the 80’s, chiefs’ courts and the use of customary law to settle disputes were incorporated into the SPLM’s own structures (Johnson 2003). SPLM has gradually developed own structures and tried to relate these to the customary laws and rights, contrary to the former rule of the GoS, who is associated with superimposing laws and ignoring the local people. The abandonment of Sudanese law has therefore made space for the customary law, as no other law or constitution is in place. The civil administration has never been strong in the southern Sudan (ibid.:105), but the SPLM now have administrations both at the payam level and at the county level. They do however seem to have limited tasks and impact on the local communities. In addition to some legal action that has been taking place in larger conflicts, their main undertaking is the tax collection.

An interesting fact is that the customary laws, and the structures that guard these institutions, are to a certain degree imposed. The customary structures in the Southern Sudan were introduced during the colonial period, which makes it interesting to relate this to Cleaver’s (2003) concept of social embeddedness of institutions, which was discussed in Chapter 3. The customary rights and laws that were imposed and implemented bureaucratically have become socially embedded over time. Craig confirms this by claiming that the customary practices in

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16 The penalty for adultery is 7 heads of cattle, while it is 31 for murder, according to several of my informants.
the Southern Sudan are embedded in social structures, and that they have legitimacy (1991). This is also the main theme of De Wit (2001) where he claims that the legal system of the north has no legitimacy in the south. Here, it is the customary system that is legitimate. This system, as I found it in the study area, will be presented in the following.

5.5.1 The customary chief system

This section will give an account of the customary structures that are in place in the two payams of this study, Ngop and Aluakluak. The information is based on interviews, especially with the chiefs, their court members and the payam administrations.

The system of ‘chiefs’ was introduced by Britain during the Condominium rule after the fall of the Mahdist rule in 1899. Johnson (2003) describes how the British administration succeeded in giving administrative and judicial powers to chiefs who had been in power in the former Turco-Egyptian rule. This policy of Native Administrations did however not apply in the south in the same manner as it did in the north, as the central powers of a chief were not in place in many areas, especially so in the areas dominated by pastoralism. As a representative of the county administration in Yirol told me, the first step was to install the position of the executive chief. The central authority of a paramount chief was also lacking, and this was introduced later on. This new chief structure was carried on also after the British pulled out of Sudan, and is the basis of the power structures that are in place today. A new court system was also introduced and an elaboration of the 4-level court system of today will follow later in this section.

According to the executive director of Yirol, the chieftancy was arranged to make people in the south see that the British colonisers were on their side, hoping that people would then return to the rural areas. If the pastoralists of the south lacked a central power and hierarchical structures, they did however have leaders in charge of tribal groups or sections. According to the Paramount Chief of the Apak Dinka, the powers of these leaders were not strong, but they would only be advising people what to do. The governments picked out these to be heads of their communities and they were made chiefs by the British. By doing this, they promoted people according to their activities, not according to the people’s will’. The British government picked out these to be heads of their communities and they were made chiefs and
given powers in the new power structures. During this and the coming rules the chief title was inherited. It was not until the Addis Ababa Agreement in 1972, and the introduction of ‘the southern government’ or the High Executive Council (HEC), that it was decided to make chiefs be elected by the people, as they are today (Johnson 2003).

The chief system can by mistake be perceived as a system competing with the governmental administration at different levels. The two systems do however have different tasks and rely on the trust and co-operation of each other. The chiefs are community leaders, representing their people for the government, while the local administration represents the government to the people. The actual chief structure varies today throughout the Southern Sudan. Figure 12 shows the territorial division for the Dinka in this area, with its respective leader 18.

<table>
<thead>
<tr>
<th>Leader</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paramount chief</td>
<td>Tribe 19</td>
</tr>
<tr>
<td>Executive chief</td>
<td>Section</td>
</tr>
<tr>
<td>Sub-chief</td>
<td>Sub-section</td>
</tr>
<tr>
<td>Gol leader</td>
<td>Gol</td>
</tr>
</tbody>
</table>

Figure 12: Table showing territorial units and leaders

**Paramount chief**

According to the chiefs themselves and the administration, the paramount chief’s function is to be responsible for the whole community and give orders to the executive chiefs. He is on top of the chief hierarchy, reporting directly to the commissioner of the county. The paramount chief has on the other hand no say in the collection of tax. He also settles cases in his court, which is called the Regional Court. There are 2-5 executive chiefs under one paramount chief and he reports directly to the commissioner.

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17 With an exception of the Azande and Shilluk kingdoms, where strong central authorities were in place (Johnson 2003).
18 There was a lot of confusion regarding these units in the field, as the different interpreters were using different English terms for the different units, and the names in this table were often used interchangeably. The term ‘clan’ was also used, and according to Johnson (2003), it represents decent group or lineage. This term seems most relevant when it comes to discussions of marriage, and I have chosen to leave this out to avoid any confusion.
19 The term ‘tribe’ is contested and is today used less frequent than it used to be, due to its derogatory and primitive attributes. As it was widely used by my informants and interpreters, and also in literature on Sudan, I have still chosen to use it here.
Executive chief
The executive chief is the man in charge of a section. The main responsibilities of the executive chief are to allocate land, to control the movement of cattle and to solve conflicts and settle cases in his Executive Chief Court. Most of the informants pointed out the executive chief as the one to talk to if you want to settle somewhere. The executive chief is also responsible towards the government for collecting tax and so called ‘war-contribution’ to the liberation army. The collection of tax and war-contribution is done by demanding a certain number of bulls from the Sub-chiefs, who divide this amongst his Gol-leaders. An executive chief might have many sub-chiefs under him, in Aluakluak and Ngop reaching from 3 to 8. In addition to what was mentioned here, the paramount and the executive chief have some responsibilities when it comes to solving conflicts.

Sub-chief
The sub-chief represents the sub-section, and this position is also elected. His responsibilities are to take action when his people are fighting and when theft and land disputes occur. He also has responsibilities when it comes to distribution of land, on behalf of the executive chief. The sub-chief takes part in the collection of tax through the Gol-leaders.20

The Gol-leader
Under the sub-chief we find the Gol-leaders. They represent a family unit of between 30-100 people. The Gol leaders are selected by their own people.

Other positions
In addition to the already mentioned chief positions, there are elders who can have some positions in the communities and responsibilities both in the villages and in the court systems as witnesses or ‘wise people’. There were no women in a chief’s position in these communities. Some women could however have a position and a say by being one of the elders. There are also two other positions that need to be mentioned.

Beny akew in the Dinka language means ‘border chief’ and he is regarded as the ‘land judge’. The beny akew is appointed by the paramount or the executive chief, and acts on behalf of them. Every village has a land judge. His responsibilities are:

20 At the end of our stay in the field, many (if not all) of the sub-chiefs of Ngop Payam were put in prison for not having collected the tax when the executive director came for it.
- To measure land and make sure there is a fair distribution
- To settle land disputes and boundary conflicts before they reach court
- To make sure that livestock is not destroying the crops in the villages
- To arrest those moving with cattle or women and girls at night
- To have an overview of who comes to and who leaves the village

The *beny akew* of Warakan in Aluakluak is also responsible for providing water to his village and he maintains the village’s water point.\(^{21}\) It is not clear for me whether this is a normal task for a *beny akew*. On the other hand it seems that the tasks differ, as the different executive chiefs might have different priorities.

A *beny wut* is the *beny akew*’s equivalent in the cattle camp, and can in English be translated to ‘cattle camp leader’. The *beny wut* is a permanent position and he is appointed by the paramount chief. He is chosen due to his behaviour and characteristics, such as honesty and trustworthiness. His responsibilities are to make sure that the cattle in his camp are kept well, and to take actions when there are conflicts in the camp.

The *beny akews*, at least so in Aluakluak, form a council of *beny akews* who meet to decide the movements of the cattle when staying close to the villages. This is probably done together with the *beny wuts* of the cattle camp. This council also works with larger conflicts, like border conflicts between villages. The nature of conflicts will be elaborated in Section 5.6.

**Conflict solving**

Cases can be settled on four different levels, in four different courts. These courts are the executive chief court and the regional court, which are headed by respectively the executive and the paramount chief, and the payam court and the county court, at payam and county level. It is not relevant for this study to go deep into the functioning of these courts, more than to show that such structures exist and have strong legitimacy. In addition to these, there are some other mechanisms for conflict prevention and solving, namely the spiritual leaders. A spear master I met said that times had changed, and even if he has a position when it comes to solving and preventing conflicts, the chiefs and the courts did most of this work now. The priest in Agany said that church leaders have a role in solving conflicts and to help uniting the parties, but they never take sides in the conflicts. The impression I got was that these

\(^{21}\) Information provided by Ø. Rolandsen and E. Getahun (NPA staff).
institutions were not very important in relation to conflicts. The spear master also added that the newer generations have less faith in the traditional beliefs and the power of the spear masters.

5.5.2 Legal structure
Legal pluralism is found in many African countries, where different legal systems work simultaneously. Hellum states that “situations where there are regulatory systems other than the formal law that affect and control people’s lives are often referred to as strong legal pluralism” (2000:42). This is certainly the situation in the Southern Sudan. Local studies tend to present legal pluralism as a messy reality, “in which there are no rigid boundaries between the various legal fora” (Moser and Norton 2001:22). Referring to Figure 6, that shows different rights regimes, the impression I got from these communities in Sudan is that the situation here at the moment is far simpler. In reality there are only two regimes that really have an impact on people’s lives. There are no bodies to make sure that international human rights law is fulfilled. The constitutional and statutory law of Sudan has little or no legitimacy, even if there is some statutory law that is given by the SPLM institution, such as legislation for cattle movements. This is however very limited and the religious Sharia law of the Muslim north does not have legitimacy in the south. The people are therefore more or less left with the customary law and the living law on the micro level.

Some of my informants in the SPLM administrations were asked whether there are any weaknesses in the existing customary system. The commissioner in Yirol stated clearly that the system is functioning perfect as it is today. The executive general in Rumbek argued that the existing system has two major weaknesses. The first is that women have a very inferior role in decision making and that there is a very low enrolment of girls in school. The second weakness he pointed out was that bodily mutilation, such as scars and face patterns, and initiation ceremonies are still a part of their culture and customs. He strongly felt that this has to change in a New Sudan, and should be changed by education. These issues do lead to problems with the customary law as women are in a very weak position to claim their rights. The inferior position of women in the society is not only related to the customary law, but is deeply rooted in the Dinka culture. A more detailed discussion about women’s rights will follow in Section 5.7. The Payam Administrator of Ngop claimed that the fact that there is no

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22 During a meeting with NPA and Noragric.
permanent constitution is a serious problem. He further emphasised that this is only a temporary situation, as a new constitution will come with the peace.

It is difficult to differentiate between customary law and living law in the Dinka society. They both merge at the level of daily life, and I have chosen to use the customary law to represent these two. The customary law is what is legitimate in SLPM-controlled areas today, and the legislation of a New Sudan will build on these institutions.

It is however interesting to look at the interaction between the customary system and the SPLM structures. This interaction benefits the two structures, as the SPLM recognise the position of the local leaders, while the SPLM get legitimacy on the ground, through these leaders. The SPLM structure and the Civil Administration of the New Sudan are only at a developing stage, and the balance between the two will change with future development of the country. It is likely that the customary communal land tenure will lose ground to the new structures, and that this will have implications for resources management at the local level. This will further be discussed in Section 5.7.2.

As we have seen in this section, the absence of well-functioning government structures has left people more or less on their own, without any government services. This situation has made it possible for other actors to get involved in the revival of livelihoods and the reconstruction of the local communities. INGOs are such actors, which have made a huge impact in the area. In the following I will look into some of the emerging problems and challenges as a result of the people’s livelihood revival.
5.6 Livelihood revival and change in conflict level

The revival of people’s livelihoods has, as mentioned previously, strengthened people’s activities by reduced losses and increased output, and therefore reduced vulnerability and insecurity in their lives and livelihoods. The transformations of people’s livelihood have however also led to some negative effects. Worries have been raised (see Shanmugaratnam 2002, Shanmugaratnam 2003b) that due to changes in activities that have led to changes in land use patterns, conflicts might surface because of scarcity of resources such as land and water. The Payam Administrator of Ngop claimed that the local conflict level has increased since the outbreak of the war:

‘We didn’t have conflicts with the Jur before the war. [...] The conflicts amongst the herders have always been here, but these have also increased in numbers during the wartime, and so has the conflicts between herder and farmers’.

Hence, there is evidence indicating that the livelihood-related conflicts in the area have increased during the post-war time and new conflicts have emerged, and these are conflicts which neither the NGOs nor the local people had foreseen. On the basis of the research question ‘To what degree do local conflicts occur in relation to access rights to land and water?’ I will in the following present my findings regarding livelihood-related conflicts, trying to answer the questions:

- Which land and water related conflicts occur and when?
- How has the occurrence of such conflicts changed over time?
- How do such conflicts impact on livelihoods?
- How are such conflicts prevented or solved?

5.6.1 Seasonality of conflicts

Just as the lives and the livelihoods of the Dinka are very much centred around cycles and seasonality, so is the conflict level seasonal. Even if there might be no periods without conflicts, the types of conflicts do at least change throughout the year. The ‘high season’ for conflicts is indicated by the payam administrator of Ngop to be from May, when people start cultivating, and until October, when the rainy season goes to an end. This is also the time of year when the cattle is closest to the settlements and the villages.
5.6.2 Types of conflicts

Lane points at three types of land-related and pastoral conflicts that take place in Sudan as a whole, in his account of pastoral land tenure in East and West Africa (Lane 1998:139). These are conflicts

- between pastoralists competing for pastures, water and cultivable land, especially in the dry season and in years of severe shortage.
- between pastoralists and settled populations who have extended their farming activities onto grazing land or have cut off livestock corridors.
- between pastoralists and large-scale projects established on land customarily claimed by pastoralists.

In addition to this, De Wit’s (2001) looks at conflicts of cultivating farmers, in his study of land issues in Sudan.

With these two accounts in mind, I will in the following present the people’s perceptions of land and water related conflicts in the study area. The information in this section is based on both key informant interviews and interviews with individual farmers. The different types of conflicts can roughly be divided into the following categories:

- herders vs. herders
- herders vs. farmers
- farmers vs. farmers
- other conflicts

5.6.3 Herders vs. herders

Conflicts seem to happen frequently amongst the herders themselves, something that was stated by several of the informants and according to the land judge of Warakan in Aluakluak, most of the conflicts happen in the cattle camps. The herders themselves did however put more emphasis on the herder-farmer conflicts that are to be described later. There are several types of conflicts that occur between the herders. Conflicts commonly evolve due to competition for pastures, when groups use the pastures of others without permission. These conflicts can occur between sub-sections, between sections or between tribes. The conflicts can escalate from raiding and stealing to fighting on a grand scale.
As have been previously explained, the dry season pasture, the *toic*, is clearly divided between the different sub-sections, and they have certain areas with cattle camps that they return to year after year. These camps have been ‘conquered’ and used by their forefathers and there is much pride and honour related to a group’s cattle camp. Yet, as these camps have been fought over for generations, it might be unclear who is ‘the real owner’, and both groups will claim to be the first possessor. Some cattle camps especially, have an unclear history and experience conflicts and fighting year after year. One of the NPA veterinary assistants, who also is a local, said that:

...in the Toic, the movements result in fighting as sections try to occupy the camps of other sections […] This happens because they feel they have the power to fight, and feel superior. The camp they occupy is not randomly chosen, but can be one that their ancestors used to stay in. There are also examples of peaceful solutions on the grazing-problems as sections are allowed to stay with others, but then ownership is not claimed through the rituals.’

When the herders move to the next camp in their seasonal cycle they always perform a special ritual, which involves slaughtering a bull to honour their forefathers and show their ownership of the camp. Conflicts often evolve when other groups, i.e. other sub-sections perform this ritual before the owners reach there, and by doing this, claim ownership to the camp. Confrontations in the grazing lands, like the challenging of camp ownership, normally occur in November, which is when the dry season sets in and when the cattle are moved from the villages towards the Toic again, and continue to occur as long as the cattle are in this area.

Other conflicts between herders happen because they take their cattle to pastures that belong to others without their permission. It is normal, one of the executive chiefs of Apak told me, to use the pastures of others when there is a need, but always with permission. My respondents gave several examples of how the Nuer would do this in times of drought and it also happened on several occasions during the wartime. The Nuer were also on some occasions portrayed as ‘unfriendly and lawless’. I assume that if I had had the chance to do interviews with the Nuer themselves, they would talk about similar conflicts the other way and give similar characteristics of the Dinka.

There are often incidents of conflicts between neighbouring cattle camps when the herders are with their cattle in the *toic*, i.e. in the dry season, when water is scarce. Representatives of the
Payam court of Aluakluak explained that the court was most busy in this period, from December up to April. This is also the time of the year when the youth are in the cattle camps in the Toic, while the chiefs stay behind in the villages. Fighting often happens as girls elope and cattle are stolen. The representatives of the payam court also said that in this situation the people start enforcing the law themselves, by taking back stolen cattle. The elopement was by some herders explained as a result of young boys or men who want to show their strength by running off with young girls. In the first phase of the dry season, in November and December, is also the time of year when most marriages take place. Big scale theft of cattle, or cattle raiding, is another problem occurring while they are far from the villages. Sometimes this can be because of the conflicts related to girls and marriage or ownership to camps, but some of my informants also indicated that there are groups of organised thieves, from their own or from other tribes and sections, that are responsible for the raiding.

The *baar* has particularly been pointed out by many as a problem area. The *baar* is an area with soils rich in natural minerals that are very important in the cattle’s diet, as described in Section 5.2. The area is geographically limited, and even if the herders stay here only a couple of weeks during the year, they often come at the same time, and the area has seen many conflicts. No one owns the *baar*, and both Dinka and Nuer use it. One informant indicated that there have been conflicts in this area since around 1900. As the *baar* itself is limited, the different sections have their camps outside this area and move to graze in the *baar* in the daytime. The conflicts often springs out of cattle-theft, and the Dinka people I talked to blamed the Nuer for this. The *beny akews* will join their people to this area to try to keep the conflicts down. The last year there have been made some arrangements, making sure that people go there at different times. Because of this, the number of conflicts has been drastically reduced. Another problem with the *baar* is that since all the herders in the region go there, the area is exposed and prone to disease.

5.6.4 Herders vs. farmers
To talk about conflicts between herders and farmers might seem a bit bizarre, as the Dinka are agro-pastoralist. It is nevertheless an important category to analyse as there are many conflicts between the two activities, cattle keeping and cultivation, even if most households are engaged in both. There are two types of such conflicts between herders and farmers. Firstly, the Dinka are in conflict with farmers of their own people when the cattle stay in the *gok*. Angei village, which is given some attention in this section, is a particularly good example of
a village with such problems. Secondly, there are the conflicts with the Jur farmers, who are a non-pastoral ethnic group bordering the Dinkas of Ngop and Aluakluak in the south. Both these conflicts will be elaborated below, as examples of herder-farmer conflicts.

**Crop damage by roaming animals in the highlands**

These conflicts mostly happen as animals are let out in people’s fields and they occur mostly in the rainy season. This is when the cattle are kept in the *gok*, i.e. the highlands where both the villages and wet season pastures are located. As indicated in Figure 11, this is normally between July and September. More than half of my individual informants claimed that this was a problem, while only a few did not perceive it as a problem at all. This has to do with the distance from the villages to the cattle camps and the pastures. The farmers mostly affected by the roaming are the ones living close to the cattle paths, and those living in the villages closest to the cattle camps in the *gok*. Such places are Angei and Pokic, where all my informants expressed such problem. For the same reason, farmers in Cush village seemed to perceive roaming as a bigger problem then the farmers in Yei village, which is further away from the camps. Adding to the problems of cattle moving in the vicinity of the villages is the fact that many households keep one or two cows in the village in the dry season, to provide milk for the children and for old and sick people.

It is important to keep in mind that roaming is not a problem that occurs only due to destruction by cattle. Smaller ruminants as sheep and goats also contribute to this problem. These animals normally stay close to the people all year around, whether they are in the villages or in the pastures, and they stay in the villages for a longer time during the year than the cattle does. Small boys are those who most commonly are put to take care of goats and sheep, and are also those who are blamed for crop destruction by these animals.

According to two of the executive chiefs of Apak roaming-conflicts are rare, despite what most of my individual informants told me. One of them stated that ‘*there are few such conflicts, as land is vast and as people are punished if they misbehave*’. An NPA vet assistant did however argue that there are more of these conflicts than those that reach the court, as they are generally ‘kept down’. One reason for this is that the herders and the farmers are related and it is difficult to file a complaint or a case against your own family. Another reason why these conflicts rarely end up in court is that cattle roaming in cultivated fields is
generally perceived as ‘food eating food’, and can therefore not be seen as a problem. One woman in Pokic, a village that is very close to the pastures and camps, stated;

‘Crops are affected by roaming animals in the rainy season. To avoid this we have to chase them away. Compensation is not an issue as cows are food and sorghum is food. Also, one day they, [the cattle], will ‘marry our daughter’.’

Yet another explanation is that as they are all agro-pastoralist, their cattle might be damaging other people’s crops on another occasion. As one woman in Yei said;

‘We can’t ask for compensation when roaming occurs, because if someone’s cattle are destroying our crops, we know that our animals can destroy the crops of others.’

There is also a serious mistrust in the court system. Many of my informants said that they had bad experiences with filing cases regarding such issues. They were often given little or nothing in compensation, and were instead left with a bad reputation. A woman in Cush village confirms this;

‘The animals roaming in my fields belong to my neighbours. I have not claimed anything in compensation for the damage, as I want to maintain a good relationship to my neighbours. And if I go to the government, they can’t do anything. Instead, God will help me.

The mistrust in the court system is also due to the expenses of filing a case against somebody. De Waal (2001) argues that one of the strengths with the customary law in the Southern Sudan is that it is cheap. Many of my informants did not agree to this, as they expressed that the court system was too expensive for them. A man in Angei village expressed that to sue people was not an option, as one has to pay to open a case. ‘When you get there they will tell you that you should have chased the animal away, and your money will be lost’. Once, when he was able to track down the owner of the cattle, he was promised to get compensation, but he never saw him again. A woman from the same village also emphasised this issue. ‘You have to pay to open a case. If you do, and the camp moves far away, your money is lost. It is not that it is expensive to open the case, but it still is lost money’. The people who do go to court for such cases are often poor people whose living is strictly depending on the crops. More wealthy people, who have the means to get grains in the market, will lay low, for the reasons mentioned above. ‘You have to be flexible’, one informant declared.
Crop damage by roaming cattle in Angei village

A concrete example of what has been described above is Angei village, which is an extreme case regarding problems of destruction of crops by animals. This was claimed by many people, including the county commissioner of Yirol, who clearly stated that ‘Angei is a problem area when it comes to issues of roaming.’ Angei village is situated in the gok, as Figure 13 indicates, but is still very close to the rup. The problem is not just that the village is close to the pastureland but that there are cattle camps nearby, where the cattle keepers stay for longer periods during the rainy season. The problems start around March, when the toic becomes flooded and the cattle move to the highlands close to the villages, and reach a peak in July and August. At this time, some crops such as groundnuts are being harvested, while others are yet to mature.

Figure 13: Map of Angei and surrounding areas  
(Based on a sketch by M. Aliit, vet assistant of the NPA)

The conflict used to be between Angei village and the cattle camps Gondier and Nhompal. The county administration did however make Gondier move because the cattle passed through the village when moving from the pastures to the camp. Jielic was then, during 2003, opened instead. The problems do however persist, now with the cattle camps Nhompal and Jielic.

Since 1998 it has been forbidden by county law to leave cattle grazing around the settlements. The sub-chief of Angei admits that the problem of roaming in general has decreased after the law was established, but still they have problems with these two cattle camps. The presence of such a law should make it easier to get compensation through the court system, but this is still
not an easy process, and the arguments are similar to those that have been given attention above. Firstly, much of the cattle in the camps belong to the people living in the village, and few cases are opened against friends and neighbours. This goes at least for those who can afford the loss. The arguments of ‘food eating food’ and ‘my cattle will be roaming tomorrow’ are also valid here. Several of the farmers I talked to also said that they were promised compensation either by the owner of the animals or by the county commissioner, but nothing happened. Now, at this time of year, the herders were gone and there was little they could do about it. Another problem that was emphasised was that if several herders have been fined, the leader of the camp will divide the fine between the herders in his camp, and the cost will be spread. Hence, the economic risk for the individual herder is small.

The main impact of these problems on people’s livelihoods is destruction of assets, and then mainly crops, although I was given accounts of fences being destroyed as well. One of the farmers said that they have problems with crop destruction due to drought, pests, wild animals like baboons and porcupine, and domestic animals like goats and cattle. The cattle are however responsible for a major part of the destruction. Drawn to the extreme, these conflicts can then result in displacement. Some of the informants in Angei indicated that people had already moved away, and others will be following if the situation does not improve. One of the farmers I talked to had started cultivating tobacco on the river banks as cultivation became difficult in the village. He now saw two options, either continue and intensify the cultivation of tobacco or move away.

To this specific problem there are some solutions brought up by different parties of the conflict. Some of the herders I talked to suggested that Angei village should be moved away, for instance closer to the village-centre Mapourdit. The sub-chief of Angei disagreed to this, and said that unless the government told them to leave, they would stay. ‘The land belongs to the government, and they would have to respect their requests’. The inhabitants of Angei were sharper in their statements and claimed that the cattle camps are those who have to move, as they not only bothered Angei, but also other villages in the area. Moreover, the soil in this area is particularly good for cultivation and the farmers indicated that they might stay there for 5-10 more years.

The Payam Administrator left conflicts like these for the chiefs to solve. If no good solutions could be worked out, then he would have to intervene. He indicated that moving the village
closer to Mapourdit was out of the question, as it would also bring the villagers’ animals closer to Mapourdit. He was instead willing to move Jelic cattle camp again. Fencing in the village was not an option for the farmers of Angei, as it according to them is far too expensive. They still admitted that this could be a solution to the problem.

**Grazing causing conflict on Jur area**

Another conflict occurring between herders and farmers is what takes place on the Jur area. Even if the main problem also here is roaming animals in cultivated fields, these conflicts are of a slightly different character. The Jur live in the northern part of what until recently was called Mundri County, now Mvolo-Wulu County (UNRHC 2003a). The Jur are predominantly farmers, but also known for being engaged in activities like bee keeping and handicrafts. For many years the Jur have also been keeping cattle in a small scale, but this is not widely recognised and they are still mostly referred to and perceived as agriculturalists.

At a certain time of the year, in September/October, the Dinka herders of Ngop and Aluakluak will split into two group, where some move south onto Jur area, while the rest move northwards. The latter group will eventually end up in the Baar some time in January. The reason for this split is that neither of the places are big enough to accommodate all of them, and that the land of the Jur are rich pastures. Some Dinka herders emphasised the burned pastures in Jur area as particularly important for the nutrition of calves.

This interaction between the Jur and the Dinka does nevertheless involve problems. The Jur claim that when the Dinka search for grass on their land, it negatively impacts on their livelihoods. Their crops are being destroyed, especially tobacco and the not yet harvested sorghum. Some Dinka herders recognised these problems and told a story of one Jur farmer who followed the cattle that had been trampling his fields back to the owner, and got his compensation for the lost crops. It is however not always as easy as this, and some Jur farmers expressed problems with getting compensation. One problem is that the cattle camp leaders distribute the costs on the families that are involved in the incident, as was mentioned in the case of Angei. There will always be shared costs, as no cattle of a single owner moves alone, but herders keep ‘mixed herds’. Another issue is the one of fallow burning. Some of

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23 Due to logistical problems I was not able to talk to individual farmers in this area. This section is mostly based on an interview with a group of male Jur; some elders, a teacher, a priest and some male farmers.

24 Jur literally means ‘foreigner’ or ‘stranger’ in the Dinka language (Cummins 1904). The Jur also consider themselves as ‘Jur’.
the land where the cattle graze is fallow land that previously has been cultivated, and will be cultivated again. Dinka herders emphasised that one reason for moving south was these burned pastures. There are laws in Jur area prohibiting to burn land, but according to the Jur themselves, the Dinka do still burn it to get quality feed of sprouting grass for their cattle.

The Jur people I met told me that there are more cattle movements on their land now than before the war. At that time, there were laws and regulations, and fines were given. Such arrangements have lacked during the wartime. Recently, laws have been implemented, both in Jur and Dinka area, and now the situations is better. They will now go to the Dinka chiefs if they have problems. They did however draw attention to the need of a body or a team to estimate the damage of plots. Cases as with the Jur should be solved at a payam or county level, according to the Payam Administrator of Ngop. He also emphasised the necessity of the Dinka herders to brief the county secretary or the payam administration when they are moving into an area, so that arrangements can be made. The Jur people I talked to made a big point out of the extremely bad relation with the Dinka to the north of their land, in Ngop and Aluakluak, and told stories of how they are dishonest thieves. After a while, they softened a bit and said they don’t actually blame the Dinka too much, as the Jur don’t have their own schools and their children are able to go to the schools in Mapourdit. Intermarriages between the two also happen and there are important trade-relations between the two people, according to the Jur.

5.6.5 Farmers vs. farmers

Conflicts amongst cultivating farmers are mostly problems concerning land borders or ownership to land for cultivation. To understand these problems we first have to look at village structure of the Dinka communities. Each household has a Tukul, like the one on Figure 14. Around this structure there is land for cultivation. According to my informants, the plots around the houses usually range from approximately 1-5 feddans, depending on whether they use hoe or animal traction, or depending on amount of family labour available. Some manage to cultivate far more, up to 20-30 feddans, using bulls, but they will be cultivating plots other places, further away from the village. On Figure 15 one can see,

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25 The Jur people I met claimed that the cattle they bought from the Dinka were often stolen back, as ‘the Jur doesn’t know how to keep cattle’.
26 ‘The Dinkas all become thieves when they are children’ one farmer said.
27 A traditional Dinka mud hut on poles.
28 1 feddan = 1.03 acres. The size was difficult for my informants to estimate, as they often where illiterate and did not possess this information. The numbers are therefore mostly estimated by the interpreters.
outside the village centre, the households’ compounds as white, scattered spots, and the cultivated land between them.

The information gathered in Cush and Yei village in respectively Aluakluak and Ngop payams, indicates that the revival of livelihoods described in Section 5.4 has an impact on the occurrence of this type of conflicts. As people shift to new technology, in this case animal traction, and are able to cultivate more land, they will naturally want to expand their plots. They will then soon reach the borders of their land, and if they carry on expanding, they will go onto their neighbours’ land. Some people are able to cultivate up to the borders, and this is when the conflicts start. People can however also clear land elsewhere. Many of my informants had plots other places, especially the ones living in Cush, as the village is close to Mapourdit. This is a village centre, with a higher population density, where plots are smaller and less fertile than other places. The search for new land can also result in tensions as occupied land might belong to someone.\footnote{I here refer to what is written in Chapter 5.2 about land ownership.}

Both these cases of intra-farmer conflicts seem easier to solve than the conflicts that we have discussed previously. According to one of the land judges in Aluakluak, the problem of one farmer expanding onto the neighbours land is solved by the land judge measuring so that the distance between the two houses is divided by two. Also, when people settle on other people’s land, the chiefs and neighbours will know who has been living where and when, and hence who the land belongs to. An example of such a case is people who settle somewhere without the permission of the owner. The Payam Administrator of Aluakluak stated that there might in his payam be around 10 such conflicts ending up in court every year.

Problems between farmers might also occur in cases where neighbours have unequal sizes of plots around their homesteads, and attention is not put to it, until land is in use. This problem was not discussed with my informants, but it is likely that such situations might cause more tension in the years to come, as more and more people will switch to animal traction, and further increase their need for land.
Figure 14: Dinka homestead

Figure 15: Aerial photo of Agany

(by E. Getahun)
5.6.6 Other conflicts

Lastly, I will briefly describe some conflicts that are not directly related to land, but involve people’s assets and productive recourses, and can still be termed as ‘livelihood-related conflicts’.

Water points

Fighting occurring at water-points was mentioned by many as a conflict taking place occasionally, especially from October to April, during the dry season. The water level in the wells is low at this time and there is shortage of water. These fights are normally between women, who are the ones responsible of fetching water, but if the conflicts persist, husbands and relatives get involved.

Fisheries

The river is, as the land, divided amongst the people, and stretches of the river belong to certain sub-sections. The parts of the river and the fishing pools are held by those who are considered to be the descendants of the occupiers of the area and these groups are those who have specialised in fishing and rely a great deal on this activity. Conflicts in this area happen as fishing is done without permission of the owners.

Family related conflicts

Conflicts between sections take place considerably often, due to problems regarding marriage, such as failure to pay the negotiated bride-wealth, elopement or impregnation of girls without paying cows. There is free availability of weapons in the area, and minor conflicts at the family level, can end up in larger and serious fights between section.

Conflicts with the Nuer

There are a now a number of displaced Nuer in Yirol County, as a result of an agreement between the Nuer and the Dinka in 1999, referred to as the Wunlit Peace Agreement (Murphy 2001). The agreement is a local pact with the intention to enhance the stability in the area, giving them a certain degree of access to each other’s territories. In addition to accepting war-displaced people, the agreement also had a component of the sharing of grazing land between the two people, resulting in less tensions and clashes between the two tribes in the area (UNRHC 2003b).
**Interventions by the government or private companies**

There have been no big governmental interventions in this area. In other parts of Sudan, however, the GoS has claimed large areas for oil extraction and agricultural schemes and 100,000’s of people have been displaced from their homes.

**5.6.7 Impact of conflicts on livelihoods**

This section will look at how conflicts impact on people’s livelihoods, and therefore how local conflicts ([E] in Figure 5) can lead to increased vulnerability. These are some of the points that will be elaborated in the following:

- Increased insecurity and vulnerability
- Armed hostilities and loss of lives
- Loss of cattle and destruction of assets
- Coping strategies

Conflicts over cattle camps and pastureland can result in people being killed in fighting, and loss of cattle due to raiding and armed hostilities is also a problem. The guards of the camps are often heavily armed, as a result of the long lasting civil war and the free availability of weapons. Hence, seemingly small conflicts due to theft or over ownership to camps and pastures, or conflicts between families, can have very serious outcomes. Further, the fact that there are conflicts amongst herders in the grazing areas, leads to insecurity in significant periods of the year. These herder-herder conflicts seem to have increased in number during the wartime, as indicated previously. The insecurity that people experience due to conflicts can make them seek other possible ways of carrying out their activities. Such a coping strategy could be to graze in other areas. This can however easily lead to new conflicts, as we saw in the case with the Jur.

It is however interesting to look at local people’s perceptions of these issues. The impression I got of these conflicts between herders was that they were generally not perceived as real problems, neither by the farmers nor the herders. Such conflicts ‘have occurred as long as the Dinka have had cattle’ was a common statement, and they were actually thought of as a natural part of the pastoralists’ lives, as has been discussed previously.
De Wit (2001) points out that even if land related issues often is the cause of conflicts, there are also other factors that exacerbate these tensions. We have already in this paper touched upon administrative weaknesses and legal deficiencies. An external factor as drought also plays an important part when it occurs. Armed conflict itself, and the lack of development and infrastructure that it leads to, are also aspects that can worsen tense situations. Finally, conflicts can be exacerbated by social organisation, customs and culture. Looking at the situation in this area specifically, most of these factors exist. Lack of rain leads to drought in the dry season, and war and lack of development have lead to a general lack of infrastructure. There is a void when it comes to formal administrative and legal structures in this area, and social organisation and customs clearly have an impact on the conflict level.

At the point being, the customary leadership is still strong, as we touched upon in Section 5.5. Despite that it is weakened by new generations growing up with less respect for traditional values, both De Wit’s discussion and my own data indicate that customary law is still legitimate and dominating at the local level. The discussion of the impact or effects of conflicts leads us to issues of how the post-war changes have impacted on rights and access to resources, which will be discussed in the following section.
5.7 Rights and access to resources in a transition period and beyond

As we see from the sections above, there is evidence suggesting that the conflict level in the study area has been increasing, as people’s livelihoods have been going through a process of revival. I will in the following argue that the issues regarding rights and access to land might become more critical as a result of this. In Section 5.2, the property regimes and the concept of ownership were discussed. Now, in the first part, we will look at access and rights to resources in these communities, with the aim to determine the groups or individuals that are without secure access and rights. Further, the communities’ claims from the government will be discussed.

5.7.1 Rights and community
Several of the chiefs I interviewed said that everybody in this area has sufficient access to land. According to them, everybody is ‘taken care of’ and will get land if they need land. Some of the chiefs also claimed the responsibility of making sure that everybody is doing alright in other aspects as well, for instance to make sure that people don’t starve and that everybody gets married. But I have also gathered information that contradicts these statements, information that rather suggests that there are people without access and rights to basic resources. I will now present some findings regarding unprivileged groups in the study area.

Women
Women have a subordinate position to men in the Dinka society. As this society is polygamous, a man can have several wives and he is the decision-maker in his household(s). When a girl is married away, it is a decision made by her father and her relatives based on heads of cattle and the reputation of the in-laws. Women hence lack a voice in the decision making at the household level, but also at the village level, as they are rarely represented in customary or governmental structures at the local level. More general, they lack decision power over their own lives. As Whitehead (2003:18) points out, ‘women’s disadvantages often occurred at divorce or widowhood or because they lack […] power in social negotiations’.
A Dinka woman doesn’t have the right to land on her own, but accesses land through her husband, who is normally the titleholder. The woman is normally the one doing most of the cultivation, as the husband is responsible for the livestock, but the important decisions are for the most part left to the husband. Despite these cultural characteristics, it was a common statement amongst my informants, be it women or men, that there were no problems regarding the issue of access to land for women. One woman in Cush said that:

‘Women can not get access to land alone, but it has to go through her husband. Widows access land through their brother in-law. If this is not possible, they can go to the chiefs or the government and ask for help. Ultimately, the government is responsible for them.’

Such statements give an impression that women have sufficient access, and if not they will get help. A woman that is widowed will automatically be inherited by one of her brothers-in-law, who is then economically responsible for her and her children, and who will also help so that the woman gets more children in the name of her husband. That this support functions well in all occasions is however an exaggeration. Many of my individual informants were widowed women and several of them did not feel that they got what they needed from their brothers-in-law. Some accused them for stealing their cattle, others claimed they got no help in their daily lives, and could ask for help only when there was extreme hunger. One woman also said that some got help from their own relatives, something that should not be necessary as she no longer ‘belongs to them’.

One woman did in spite of this claim that they can own land without a man or a husband; ‘What a woman can’t do is to clear the land herself. For this she needs help from male relatives’. It seemed however that her land then belonged to her eldest son, who would take over when he was old enough. It was also stated that women need help to allocate land, as they have little knowledge about which land is most suitable for different purposes. Others argued that despite the fact that a woman normally couldn’t own land by herself, the situation had changed due to the war. As one woman in Cush said;

‘Widows have been able to get access to land the last years because of the war situation. Before the war, the government would assist them, and they would pay rent to the government. Because of the war, no one can own the land’.

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30 Land titles do not exist, but individual rights to land are related to the husband’s name.
According to this, women are in some areas able to possess land now, due to the lawlessness in their society, because of the war. This point illustrates the dynamics of the customary law that was mentioned in Section 3.5. Social change can lead to changes of the customary law as new problems and situations emerge. De Waal (2001) gives a similar example from the Nuer, where a brother and a sister got the permission and the chiefs blessing to marry each other, as they were poor orphans, without the prospects of getting married otherwise. Still, this woman’s story might be an exceptional case, and in general, women in my study area still depend on men, i.e. husbands, fathers, sons, or brothers-in-law, to access land.

An effect of the war itself is that the work-burden of women has increased, as men in general have become more preoccupied with livestock. The fact that women do more of the farm work, and thereby have some decision-power over the cultivation, does not necessarily mean that their rights to land have become stronger. The picture is still that the man is the landowner and women can only access land through their male relatives. The introduction of animal traction could have done something with this situation, but the women in the Dinka society are not supposed to be handling cattle. Hence, the men have taken over the ox-plough practice, even if the women are the ones who have been trained. A woman’s group in Mapourdit told stories of how bulls and ploughs had literally been taken away from the women that they belonged to, by their male relatives.

It is stated by De Waal (2001) that women’s rights in the Southern Sudan will only truly be respected in times of peace. As a peace agreement most probably will be signed in the near future, it is expected that there will be changes in women’s rights in Southern Sudan. It is, as I see it, most likely that the position of women in the Dinka society will change in the New Sudan. Girls’ enrolment in school will increase and they will gain more decision power over their lives. Social change will also impact on the Dinka culture, and one might imagine that practices as initiation and facial scars, and other traditional customs will disappear, which has been the case many other place where such practices have been common.

**Disabled people**

The most unprivileged group in the Dinka society seems to be the disabled. Most people, both chiefs and individual farmer, claimed that everybody is taken care of and get the help they need. Some did however tell stories of how disabled people that could not work properly on the farm were chased away from home. People did in general refuse that this was taking
place, but in one of the two payams, in Ngop, we were able to talk to a woman who had dedicated her life to take care of these disabled persons who did not have a home. The disabled themselves, who suffered from disabilities like blindness and epilepsy, confirmed that this was taking place. They do not have the means to access land themselves, and they are not able to work on it. Neither the government nor the chiefs I talked to saw this as a major problem, and did not see the need to put more effort into taking care of these people. A group of lepers had been allocated land outside to Mapourdit, where they cultivated collective plots. Many of these were fit to work, but were not wanted in their villages as they were seen as contagious.

**Displaced people**

Another group that is often marginalised in war-thorn countries is the internally displaced people. As was indicated in Chapter 2., Sudan has one of the largest displacements of people in the world, and 85% of inhabitants in southern Sudan have been displaced at least once during the last 15 years. Of the payams in this study, Ngop is the payam where there are most IDPs. They live mostly around the village centre Mapourdit, for instance in Cush village, and most of them came from or around Yirol town, after the government captured it in 1992. The reason why they came to this place is that there have been NGOs and relief activity in the area, and that schools and clinics were in place. Mapourdit was abandoned at that time, and has become a village centre since. According to the payam judge, there are 1500 persons in Ngop payam that are displaced from other areas, and around 500 hundred of these live in Mapourdit. Both the displaced themselves and the payam administration and the chiefs said that there was no problems related to giving them land when they came. The following quotes are from two female farmers in respectively Yei and Cush.

‘Regarding displacement, the people who you come to will feel pity for you, and help you. This is so, even if they are not your relatives. They will welcome you because we all know ourselves and the event that chased us’.

‘Since we came because of the war, and were in danger, we had to be accommodated and could not be chased away. We got permission to stay from the sub-chief.’

Most of the displaced people I spoke to are planning to move back to where they used to live, but not until their children have finished school. This is however when they might experience
problems. It might be easy to get a piece of land for some years or a period of time while the war prevails. Another thing is to get your land back permanently, when the war is over. Many of these people come from Yirol town, which is one of the alternatives for a new capital of the Southern Sudan, and they might experience difficulties in getting back their land in such popular areas.

5.7.2 Rights and the new government

Even though the people of Sudan have been looking forward to a lasting peace, and the people I met in Aluakluak and Ngop were hoping that the negotiations would finally succeed, they were also reluctant to celebrate in advance, as they have been disappointed by broken promises before. Without going into the future scenarios of whether Sudan after an interim period will become united, or if there will be a separation between the north and the south, it does however seem very likely that the Southern Sudan in the near future will get some sort of regional autonomy. One of the big challenges for the New Sudan then is how to meet the claims of the communities, and how the communities effectively can claim their rights from the government.

The SPLM’s policies seem to be contradictory when it comes to the future development. On one hand, they want to build their new constitution and legal and administrative structures on the existing customary laws and practices. By doing so, communal tenure will be emphasised and they will act by the will of the people. On the other hand, they want development in the Southern Sudan by industrialisation and large-scale agriculture, something that certainly can undermine the communal land tenure.

The southerners’ expectations to the new rule are enormous. My informants expressed a great desire for development in their region, and a great belief that this desire will be met as soon as a lasting peace is present. I got a strong impression that my informants in Aluakluak and Ngop payams did not believe that the government of the New Sudan could become anything that is not in their interest.

‘The government is responsible for the population, and the population has to be consulted before interventions take place.’ - Man in Yei village -

All the informants with whom I discussed these issues gave me similar answers to those of this man. The general response was that they do expect to be consulted if there are planned interventions in their area, but as they need development, they would never decline anyone
from investing in their communities. From my perspective these answers reflect an almost naïve image of how development is purely a good thing and that the new government will only do them good. On the other hand, these communities have been more or less isolated from the rest of the world for two decades and the need and the strong desire for change and development is understandable.

The SPLM officials shared much of their peoples’ perceptions on these issues. All the officials that I got the chance to talk to had a strong belief in the participation of the people. The SPLM county commissioner in Yirol expressed this by saying;

‘It is up to the people to determine the government’s interests. If there are good policies, there will be no conflicts. SPLM cannot sacrifice the will and the rights of the people.’

When the paramount chief of the Agar Dinka was asked how the communities can defend their rights against a new government, he simply answered;

‘The government will make schools and roads by mobilising the communities’

while the executive general of Rumbek stated;

‘Consultation of the communities will happen through the chiefs, who in the new system will fall under the local government.’

In general, the representatives of the SPLM did not see the interaction with the local communities as a major challenge, and did not see any conflicting interests between these communities and the government.

For development to happen and for services to be put in place there is a great demand in the whole of Southern Sudan for external help. Now, as the peace process is settled, there will be a lot of resources and effort put into the reconstruction of the Southern Sudan, and new stakeholders will enter the scene. In addition to this, the Southern Sudan also has to implement interventions to generate income and to get the country’s economy going. The Southern Sudan’s economy will be based on agriculture and pastoralism, which most people are engaged in. It is however stated in SPLM policies that there also will be a focus on agriculture on a larger scale, something Shanmugaratnam confirms through conversations with SPLM officials (2003b). There will also, most probably, be initiated interventions that are focused on extraction of oil and natural minerals. It is inevitable that these activities and interventions will have an impact on local communities in the Southern Sudan. The GoS has a long tradition of ‘expropriating’ land for agricultural or industrial purposes, displacing local
populations without consulting them, and even without compensating them, to get control over land, water and resources as oil and minerals. The SPLM does of course have prospects of treating the local populations of the Southern Sudan better than the former rule.

Yet, at the same time, they have plans for future interventions with the intention to form an economic base for the country that demands resources. The interventions that relate to mineral resources and large-scale agriculture are both depending on land and water resource. As I have shown in this study, there are indications that such resources, which are critical assets in people livelihoods, already are becoming scarce. Further pressure on these might jeopardise the livelihood sustainability of many local communities. The new rule will therefore have to be very careful not to fall into the superimposing practice of the former. The trust that the SPLM has developed in big parts of the south will probably help them in the interaction with the local communities. It is however important to be kept in mind that this trust is based on the assumption that the SPLM act on behalf of the Southern Sudanese people and that a new government will respect the people’s preferences.

The Sudanese peace process is closely linked to development and donors. There will therefore be a considerably pressure on the new authorities of the south from external agencies and the donor community, regarding how future development should take place. A result of the future development interventions in the south is that there most likely will be changes in the property regimes. In Section 5.2 I concluded that the existing regime in the study area is communal land tenure, where individuals are given user rights. This is also the situation of most of the Southern Sudan today. In the near future, other property regimes like state ownership and private ownership will become more common, in the wake of large-scale interventions and privatisation. Land will be commercialised, and the existing non-marketability of land will most probably be challenged.

One should be careful to predict the future and make guesses about times to come. There are however some changes that most likely will start to take place on the Dinka land when the peace settles, as well as in other areas of the Southern Sudan. One thing is that infrastructure and other services will improve as development takes place. But this will also lead to other changes in these societies. As government services such as school and hospitals will be established, people might want to stay sedentary, close to these structures, instead of moving every 15 to 20 years as they do today. One solution would then be to cultivate on plots that
are separate from the households’ compounds. The government might also encourage people
to become sedentary, or even put restriction on such movements, which again could threaten
the security of people’s livelihoods. I got no clear indications from SPLM officials of future
policies on this issue.
Chapter 6 Conclusions

In this thesis I have tried to address questions of access and rights to productive resources by combining aspects of rights and sustainable livelihoods. More specifically, by looking at people’s perceptions of these issues, I have attempted to find out how vulnerability is linked to access and rights to resources, how important these resources are, and how the future prospects are for land and water issues in Southern Sudan.

The sustainable livelihoods approach and the rights based approach have both overlapping and complementary elements. While the former has a focus on assets and households, and linking the micro to the macro level, the latter is concerned with who has access and rights to resources, and they both aim to strengthen the claims of the most vulnerable. The purpose of combining the two is that they both have a rationale for focusing on issues related to land and water. Furthermore, one can bring the discussion of rights to the local level by focusing on livelihoods, and thereby reconstitute rights from being top-down, into something coming from below.

Land and water are essentially important resources in people’s livelihood strategies, and issues of land and water are closely linked to each other. As the Dinka in this area are agro-pastoralists, their main activities are cultivation and cattle keeping, to which both land and water are crucial. Land characteristics determine where people will stay and cultivate at any point of time, as the Dinkas move their households and villages to a new site every 15-20 years, when the fertility of the soil is low. The accessibility of water determines to a large extent the yields of their crops and the movements of the cattle herders during a year.

The long-lasting civil war has impacted heavily on the people of Southern Sudan, and in many areas destruction of livelihoods has been commonplace, as a result of bombardments, land mines, looting and displacement. The citizens of Aluakluak and Ngop payams, which is the study area of this research, are remotely located with some distance to the strategic targets, such as the big towns. They have therefore not been close to the actual battlefield and not suffered as badly as people have in many other areas of the country. Still, these people have been in the midst of one of the worst and longest wars on the African continent and have of course not been unaffected. The main impacts on their lives and livelihoods have resulted in
increased vulnerability and insecurity. Some people have joined the SPLA and been sent to the battlefield, whilst others have been displaced from their homes and have been forced to move. Livelihoods have been partly or completely destroyed and insecurity has made people adopt various coping strategies. Another factor that has seriously impacted their livelihoods is isolation. Lack of development was a common theme already before the war started, and the people still suffer from insufficient health care, lack of schools and education and the absence of good and reliable water supplies.

Yirol County, where the study area is located, was liberated in 1997. Since then, these communities have been in transition from war to peace, with the absence of armed hostilities, but still without a promise of lasting peace and security. They have however enjoyed a state of temporary peace and stability, which has given the people possibilities to rebuild their livelihoods. With the assistance of INGOs, positive changes have taken place. Since the liberation, NPA has in these two payams, Ngop and Aluakluak, introduced projects with components both to improve animal health by establishing vet-services, and to improve the agriculture by the introduction of animal traction. Not only have there been changes in people’s livelihood due to this, but the land use system has also changed. My study indicates that since the liberation of the county, cattle herds have increased and more land is under cultivation than before the war. This shows both the success of the projects and the eagerness of the people to improve their situation. The positive change in people’s livelihoods and activities clearly has positive implications for post-war food security, as vulnerability is reduced and their livelihood portfolios have been strengthened.

My study also indicates that not all people have taken part in this success story. The use of the ox-plough in cultivation is mostly prominent amongst the wealthier segments of the communities and is for the most part done by men. Hence, these improvements have not really reached the poor and less privileged, and there is a possibility that at the same time as many households have revived their livelihoods, the communities have seen a trend of differentiation. This certainly has something to do with the implementation of these projects and activities, but is also related to the households’ asset base and the culture and customs of the Dinka society. Women and disabled persons have an inferior position in this society and therefore do not enjoy the same rights and possibilities as others.
The revival of livelihoods and changes in land-use taking place in this part of Yirol County also have other effects that are potentially threatening to the sustainability of people’s livelihoods. Animal traction enables people to cultivate additional and bigger plots of land and increased herds of cattle require more land for grazing. Hence, at the same time as cultivation and cattle keeping are expanding in scale, both activities are also in greater demand for land. This change in land use might therefore lead to increased competition for land and water, which again could result in scarcity of these productive resources. This might happen, despite the perception that is common at all levels of the Dinka society that I visited, that ‘land is vast and abundant’.

An indicator that this might become a problem is that the level of local, livelihood-related conflicts has increased since the liberation of this area, and these are conflicts that have mostly to do with land and water. I have found that conflicts between farmers and herders are the most critical, while the occurrence of conflicts amongst the herders themselves and between individual farmers have also increased. These conflicts might not be a new phenomena, but they tend to take new forms, such as the grazing conflicts on the Jur area, that seem to have emerged in relatively recent times.

The SPLM has indicated that a new constitution and legal and administrative structures will be built on the already existing customary structures. This could prove to be a great challenge. Firstly, the customary laws and practices differ between the different tribes and ethnic groups of Southern Sudan. Secondly, the customary law for the most part involves communal land tenure. In the ‘New Sudan’, privatisation and commercialisation will evolve to meet the needs of investors, and state ownership of land resources will develop by the establishment of new towns and public institutions. As a result of this, the customary law and the communal land ownership might end up on the sideline.

It is beyond the scope of this study to propose solutions of how to solve all the problems indicated. However, what is going on in the two payams of this study is an indication of what might become a wider process in post-war Southern Sudan. Changes and development could lead to more or new conflicts, if administrative and legal structures are not in place. I will therefore end this thesis by indicating some future challenges, based on my work. These are of course challenges in addition to the fragile peace itself, and issues where some effort should be put in the post-war development of Sudan;
- How to deal with diverse customary laws in Southern Sudan, in the establishment of a constitution?
- How to get economic development, without compromising the interests of rural communities and the sustainability of livelihoods?
- How to enable local communities to participate in the decisions influencing them, and to claim their rights from a new government?
- How to improve the situation for the less privileged in the Dinka society and how to enable these group to claim their rights from their communities and from the new government?
References


Institute for Development Studies 33, 4.


