

THE STRATEGIC INSTRUMENTALIZATION OF LAND TENURE IN ‘STATE-BUILDING’: THE CASE OF JUBA, SOUTH SUDAN

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Debates over land tenure—the rules that govern access to, rights over, and the authority to allocate land—have been instrumental to state-building in South Sudan since the 2005 Comprehensive Peace Agreement (CPA).¹ The CPA ended a 22-year civil war between the government of Sudan and the Sudan People’s Liberation Movement (SPLM). The government of Sudan was headed by President Omer el-Bashir, who came to power in a 1989 military coup and later formed the National Congress Party, a northern-dominated party with an Islamist agenda. The SPLM was a rebel army made up predominantly of southern fighters, which sought a secular, democratic and united ‘New Sudan’. The compromise achieved by the CPA was to allow the SPLM to build a semi-autonomous state within the territory of southern Sudan while postponing the question of southern independence until the end of a six-year ‘Interim Period’, when a referendum on independence would determine whether the region would separate to become Africa’s newest country. During this time, the leaders of the SPLM were tasked with building a new regional government, the Government of Southern Sudan (GoSS) with its capital in the Equatorial town of Juba.

Despite the rapid timeline laid out by the CPA, however, the south was not a unified political entity that could be transformed automatically into a state. The new regional state of southern Sudan emerged from a troubled history marked by internecine conflict, institutional fragmentation, and extreme underdevelopment—a short independence period that saw two north–south civil wars and various failed peace agreements. During the second civil war (1983–2004), control over the region was divided between the SPLM, a plethora of southern militias that had been under the tutelage of Khartoum, traditional authorities—chiefs, kings, and headmen of various sorts—and the Sudanese government, which controlled several strategic garrison towns. The challenge of state-building for the new SPLM-led GoSS was to unify these diverse actors and institutions under the framework of the new decentralized state structure provided by the CPA.

Despite an influx of foreign aid and technical assistance immediately after the CPA, the process of urban development in Juba progressed at a snail’s pace in the first years of the Interim Period. The explanation for this lay in local politics, namely resistance to the allocation of land held under customary law from Bari leaders, and battles over jurisdiction between GoSS and the Central Equatoria

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¹The referendum was provided for in the CPA: 98.8 per cent voted for independence after a 97.58 per cent voter turn-out. See South Sudan Referendum Commission, <http://www.ssrc.sd/SSRC2/>, accessed 15 October 2012.

State (CES) government. The impasse over urban development aggravated an already acute housing shortage, and fuelled land disputes throughout the town's neighbourhoods as the paths of long-time residents crossed with returning refugees, internally displaced persons (IDPs) and ex-combatants – all of whom articulated claims to land that reflected their distinct experiences of the war, and sought to carve out advantageous positions in the new state, whether through emphasizing citizenship rights, ethnic privilege, elite status, or contributions to the liberation war.

One month after the people of southern Sudan unanimously voted to separate from Sudan and become the Republic of South Sudan, Africa's newest independent country, the tense local politics in Juba came to a head.² On 4 February 2011 the SPLM leadership announced a decision to relocate the capital, citing local opposition to the expansion of the town into surrounding villages; lack of access to land for investors, GoSS projects, and housing development; and disputes over jurisdiction between levels of government.³ Evidently, though southerners were unified in desiring a separate country, there was no agreement on what that country would look like and where power would lie within its decentralized institutional framework. During the course of debates over political authority and jurisdiction in the new regional state, the principal strategies of the various interested parties centred on questions surrounding rights to land, which had emerged in response to the CPA's acknowledgement of customary rights to land historically held by southern Sudan's ethnic 'communities'.

Building on theoretical debates on the nature of that state which challenge models that posit a state–society divide (cf. Migdal, Kohli and Shue 1994; Chabal and Daloz 1999; Migdal 2001; Lund 2006), this article speaks to discussions regarding processes of state construction in the post-colonial period. It challenges prevailing top-down, statist approaches by revealing the social processes of contestation, negotiation and conflict that are at the heart of the state-building enterprise. Furthermore, it exposes the shifting identities, overlapping agendas and diverse strategies that agents at every level employ in response to conflict and political instability.

The case of Juba also speaks to more recent investigations in the international relations literature on 'post-conflict reconstruction'. Largely focused on international actors, organizations and norms, this literature conceptualizes the rebuilding of states as an exercise comprised of policies, programmes and laws based on Western experiences in post-conflict settings (Call and Wyeth 2008; Caplan 2005; Doyle and Sambanis 2006; Collier and Hoeffler 2002; Chesterman 2004; Krasner 2004; Paris and Sisk 2009; Paris 2004). Therefore, while it offers important insights on the challenges of foreign intervention, aid delivery and policy implementation, it leaves serious methodological and theoretical gaps in the theorization of the local dynamics of state-building.

²South Sudan to establish a new capital city and relocate from Juba after independence', *Sudan Tribune*, 6 February 2011.

³The analysis in this article is based on research conducted during the course of my D.Phil on the local dynamics of post-conflict reconstruction in southern Sudan at the University of Oxford (2010).

The case of Juba demonstrates that irrespective of international programmes, national agreements and constitutions, local negotiations—over authority, resources and identity—can constrain state institutions and policies in ways that are difficult to predict. In many African countries emerging from conflict, ‘state actors’ are often former fighters; ruling parties have gained a mandate to rule through a negotiated peace agreement rather than victory; and returning refugees bring with them a variety of cultural positionalities and political loyalties. In these settings, power and authority are not contained within a unified and coherent entity, ‘the state’, but are diffused, existing on a variety of contested planes (Heathershaw and Lambach 2008: 278–9). Indeed, this case study illustrates the power of agents at a variety of levels to produce the ‘state’ as an ongoing social process of negotiation.

It is in local negotiations that relationships to and understandings of land become powerful tools of state-building. The work of land tenure scholars, the most notable of which are contributors to this volume, employ more subtle understandings of the state, drawn in part from anthropology (Sharma and Gupta 2006; Gupta 2005; Blom Hansen and Stepputat 2001; Hagmann and Péclard 2010). In detailing how colonial and post-colonial governments ‘defined, manipulated, codified, and adjudicated land tenure rules and relations in attempts to project the authority of the modern state’ (Boone 2007: 561), scholars such as Catherine Boone, Sara Berry, Pauline Peters, Christian Lund and Jocelyn Alexander have been careful to point out that state construction in Africa was not an exclusively ‘top-down’ process. Their work illustrates the important point that throughout Africa’s history, local debates over land validated, curtailed and gave meaning to government policies in ways that reflected the agendas of a range of societal actors (Peters 1994; Berry 2002; Alexander 2006; Lund 2008). In doing so, it moves the theorization of state-building towards addressing the social dynamics of authorization. Acknowledging the inherently contested nature of reconstruction, and the agency of local actors to negotiate for power within their changing environments, is an important starting point when theorizing state-building.

In the introduction to this volume, Lund and Boone argue that the power to define property and citizenship is divided, contested and unstable. Control over land, Lund (2011) argues, both reflects existing sovereignty and produces new sovereignties. That is precisely why authority over and access to land is central to state-building. The contentious process of state-building in Juba reflects the divided sovereignty that is the product of southern Sudan’s complex history. Building on Lund’s framework, and acknowledging Catherine Boone’s (2007) categorization of the different implications of land tenure regimes for the nature and scope of state authority, the argument here is that amidst the political and institutional change inaugurated by the CPA, actors at a variety of levels of the state and civil society in Juba employed competing interpretations of rights to land as state-building strategies—as tools towards promoting particular visions of the state and of citizenship. In other words, the ways that these groups defined rights in land, and the grounds on which they made claims to those rights, were instrumental in defining citizenship in the new South Sudan, and allocating authority among different state and social actors.

Drawing on interviews conducted during two periods of fieldwork in Juba, South Sudan in 2006 and 2008, this article traces debates over land between a set

of local actors whose interests collided in the Interim Period.⁴ The SPLM leadership of GoSS was undergoing a difficult transformation from a guerrilla army into a national political party, a professional regional army, and a decentralized regional government. The CES government was comprised largely of Equatorial bureaucrats and political leaders who had worked in the former Bahr el-Jebel state government under the National Congress Party. The leaders of the Bari community represented a small ethnic group, numbering approximately 70,000, which considers Juba to be within its ancestral homeland. The disputants in the peri-urban settlements of Juba consisted of returning refugees and IDPs, ex-combatants, diaspora members, and long-time residents of Juba, all in their own ways vulnerable to the changing context of peacetime Juba.

The understandings of land tenure and claims to land made by these actors informed and reflected their respective state-building agendas. SPLM leaders used the language of development to justify their claims to land in the capital, arguing that GoSS needed clear authority over land in the town in order to build the institutions of a new state. Bari leaders invoked customary rights over land in Juba and surrounding areas as a way of preserving ethnic privilege and promoting 'traditional' institutions. The non-Bari Equatorial leaders of the CES government promoted Bari land rights in their attempt to resist the SPLM's integrative urban development agenda, carve out political jurisdiction over the town, and increase the power of the state government within the decentralized system. The process was not limited to elites. As Juba's diverse residents disputed plots of land in the town's contested neighbourhoods, invoking their plight as victims of the war, their role as vanguard of the liberation movement, their superior education and skills, or their residency in Juba during the difficult war years, they too made claims that reflected competing visions of the state and of citizenship. Struggles over control of land in the town, over which level of government had authority over land and who was a legitimate resident, were intimately tied to the outcome of post-conflict reconstruction: who would control it, who would benefit from it, and ultimately what kind of state would emerge from it.

JUBA, SOUTH SUDAN

Nowhere is the division of sovereignty in South Sudan more apparent than in the capital, Juba. Situated approximately 200 kilometres from the border of Uganda, the town occupies twelve square kilometres nestled in a valley between the Jaral Marata mountain range and the west bank of the Bahr el Jebel River in what is now Central Equatoria State. Formed during the Anglo-Egyptian Condominium period, when the British administered the region through the Foreign Office, Juba has been a regional administrative and market centre for more than six decades. Therefore, despite having a distinctly Equatorial regional character, the town has been a multi-ethnic centre that has played an important role in the politics of southern Sudan. Most notably, Juba was the capital of the first Southern

⁴For analysis of the first Southern Regional Government, see Badal 1994; Kasfir 1977; Johnson 1988.

Regional Government, established by the 1972 Addis Ababa Agreement that ended the first north–south civil war.⁵

During the eleven years of southern self-government, the town was the site of a rivalry between Dinka politicians in the Southern Regional Government and elites from the various smaller Equatorial ethnic groups.⁶ Equatorial leaders believed that the Dinka leaders attempted to ‘dominate’ the politics of southern Sudan by allocating public sector jobs, such as positions in the police force, disproportionately to their ethnic kinsmen. They lobbied for what they called ‘decentralization’ – redivision of the south along the boundaries of the former colonial provinces of Bahr el Gazal, Upper Nile, and Equatoria, the main territorial subdivisions of the southern region of Sudan in 1948.⁷

The proponents of ‘decentralization’ sought to improve the political position of Equatorians *vis-à-vis* larger southern ethnic groups that hailed from outside the Equatoria region, particularly the Dinka. Although the so-called ‘Kokora’ proposal was rejected by the Southern Regional Assembly, President Numayri – who was coming under increasing pressure from northern opposition groups – unilaterally divided the south into three new regions in 1983. The division weakened the south in the national political arena, and was among a series of grievances against the Numayri government that contributed to the outbreak of the second civil war.

Rather than being reborn as an Equatorial political centre, Juba became a Sudan Armed Forces garrison town, an isolated government outpost encircled by rebel-held territory. During the civil war years, many local elites worked in the institutions of the northern civil service or military, and Juba had the largest number of trained civil service personnel in the region at the time of the CPA. Although the option of building a new capital in Ramciel in the geographic centre of southern Sudan was considered during CPA negotiations, ultimately Juba was designated as the capital of southern Sudan, both to appease foreign donors, and to make it clear that GoSS was the government of all areas of southern Sudan, not only those areas that had been under SPLM control.

THE SPLM’S STATE-BUILDING AGENDA

In an attempt to safeguard southern autonomy against future encroachment by the north, the SPLM pushed for a guarantee of communal rights to land during CPA negotiations. The protection of community rights to southern Sudan’s lands would be especially crucial if the south voted to remain within a united Sudan in the 2011 referendum. Though it stopped short of the guarantee of rights, the CPA

⁵The Dinka are the largest ethnic group in southern Sudan, and today number approximately 2.5–3 million across the region. They are divided into various ethnic groups spread throughout Warrap, Bahr el Ghazal, Jonglei, Lakes, and Upper Nile states. The smaller groups in the Equatorial region of southern Sudan include the Bari, Mundari, Kakwa, Lokoya, Kuku, Pojulu and Makaraka.

⁶As with most such borders, these were the work of colonial powers, who during the twentieth century mapped the region and established administrative boundaries through a series of amalgamations and decrees.

⁷CPA Chapter 3, Article 2, 2.1 and 2.5; ICSS Article 180, Sections 5–6.

acknowledged 'community' rights to land and promised a 'process' whereby rights stemming from 'customary laws and practices' may be negotiated.⁸

Ethnic rights to land were politically important to the SPLM, not only as a symbol of the north's violation of southern rights, but also as a way to bring southern communities into the new SPLM-led state. Following independence from Britain in 1956, a succession of statutory laws were passed by the northern-dominated government of Sudan that deemed all land that was not 'registered' in a central registry in Khartoum as government land. This in effect dispossessed most of southern Sudan's ethnic communities of legal rights to the land which was held under customary law, and made southerners guests on the land on which they lived, farmed and grazed their livestock. Ethnic rights to land had been institutionalized during the Anglo-Egyptian Condominium period when British officials mapped the boundaries of what they saw to be 'tribal' territories, delimited chiefly jurisdictions over these territories, identified indigenous leaders, and gave them the authority to apply customary laws in the allocation and management of land within these jurisdictions (Collins 1983).⁹ This was an extremely transformative process that fixed ethnic communities to a given territory and brought indigenous political institutions under the rubric of the colonial state. Its lasting legacy has been the creation of a system of legal and political pluralism as the basis of state construction in South Sudan.

Despite the government's land laws, however, in much of the predominantly rural southern region traditional authorities—chiefs and kings, sub-chiefs and headmen—continued to allocate and manage land through customary laws on a *de facto* basis. In the villages surrounding Juba, this was with the tacit acknowledgement and even cooperation of northern government authorities. Therefore, while the history of land alienation figured prominently in the grievances against the government of Sudan articulated by SPLM leaders, many southerners did not experience a break in their control over lands held under customary law.

The SPLM's fight for the recognition of ethnic land rights was not only a mechanism to protect the south from the northern government; it was also a strategy of state-building. Having arrived in a position of power through a negotiated settlement that was the result of intense international pressure, the SPLM was in a precarious position as a state-builder. By incorporating an acknowledgement of community land rights in the CPA and the Interim Constitution of Southern Sudan, SPLM leaders linked rights in land held by ethnic communities—already exercised and perceived as legitimate—to the institutional structure of the new southern state.

⁸The Chiefs' Courts Ordinance of 1931 formally recognized the legal authority of chiefs to apply customary laws within the jurisdiction of their 'traditional areas'. Not all of the newly empowered chiefs had previously possessed the power to allocate land.

⁹Creative Associate International's 2005 Juba Assessment Report estimated the town's population at 250,000. The 2006 Japanese International Cooperation Agency Study Team's estimate range was far higher at 417,800–520,000. See <<http://www.jica.go.jp/english/news/field/archive/2008/080219.html>>, accessed 1 August 2012. The 2009 Census calculated Juba's population to be 372,413, but the results were challenged by the SPLM. See Isaac Vuni, 'South Sudan parliament throw outs census results', *Sudan Tribune*, 8 July 2009, <<http://www.sudantribune.com/South-Sudan-parliament-throw-outs,31746>>, accessed 29 July 2012.

In mid-2005, the SPLM took over Juba from the Sudan Armed Forces, and began integrating the existing institutions and personnel of the former Bahr el-Jebel state government into the new framework of the decentralized southern state. Though it was the most developed town in southern Sudan, the town's infrastructure was inadequate for the influx of SPLM officials, aid workers and returnees that accompanied the transition to peace.¹⁰ Years of isolation, military occupation, militia activity and economic suffocation had left the town extremely underdeveloped. Constrained by the unavailability and high cost of building materials, most of the town's approximately 250,000 residents lived in *tukls* made of mud brick and grass roofs. The few permanent structures dated from the colonial period and were in severe disrepair. Infrastructure, sewage treatment and water systems had been damaged by war, leaving most of the town's inhabitants with no access to running water, electricity or sanitation facilities.

The town's extreme underdevelopment was the basis for an ambitious reconstruction agenda premised on building a 'modern', multi-ethnic capital city, which would represent the entire population of southern Sudan, and propel the economic development of the entire region.

The planning process spearheaded by GoSS envisioned the expansion of the town into Bari lands held under customary law in order to accommodate new housing developments. A plan by the Japanese International Cooperation Agency, for example, proposed the addition of 15 square km to the existing gazetted urban area of the town to accommodate a housing development plan that would create over 40,000 new residential plots.¹¹ Implicit in the various SPLM-led urban plans being developed for Juba were ideas about the new southern Sudanese state, its cultural character, and the privileging of the rights of citizens over those of ethnic communities. SPLM leaders justified the expansion of the town by arguing that the interests of ethnic communities had to be balanced against the needs of the southern Sudanese state as a whole. As Chief Justice of the Southern Sudan Supreme Court Ruben Madol insisted, 'GoSS needs to use this land for the community for genuine development needs, in order to improve the conditions of the people of southern Sudan – which is what the whole war was fought for.'¹²

'LAND BELONGS TO THE COMMUNITY': THE BARI COMMUNITY AND ETHNIC LAND RIGHTS

Bari leaders used the CPA's protection of 'community' land rights to advance their claims as an ethnic community and in doing so to preserve the authority of traditional institutions. As early as 2006, the view that the CPA had granted land rights to southern Sudan's ethnic 'communities' was widespread throughout Juba.

¹⁰Joint Assessment Mission (JAM) Sudan, 'A framework for sustained peace, development and poverty eradication', 18 March 2005.

¹¹JICA, 'Emergency study on the planning and support for basic physical and social infrastructure in Juba Town and surrounding areas, Final Report', 24 November 2005, pp. 4–9.

¹²Interview, Ruben Madol, Justice of the Supreme Court of Southern Sudan, Juba, September 2008.

Everywhere people proclaimed that the CPA stated that ‘land belongs to the community’. The phrase was ubiquitous, in local newspapers, in schools, in the offices of political officials, in markets, and in Juba’s many neighbourhoods. Bari leaders – chiefs, civil society representatives, and political leaders in the county and state governments – interpreted this to mean that the land surrounding Juba belonged to the Bari community and was to be managed by their traditional political institutions. They acknowledged that land within the town’s centre was ‘gazetted’ by successive governments, beginning in the colonial period, meaning that it was transferred from customary control and released to the government for development to serve residential, commercial, and military purposes.¹³ However, they insisted that the lands in the villages on the outskirts of the town were still held under customary law and were thus off-limits to urban expansion. Denis Daramolo, the paramount chief of Juba in 2008, was matter-of-fact: ‘That land which is around Juba here is Bariland. It belongs to the Bari community.’¹⁴

The ‘Bari community’ was used both to refer to the entire membership of the Bari ethnic group, those members who live in the area of Bariland and those Bari people who live elsewhere and abroad, and in a more narrow sense to refer to members of a particular sub-group of the Bari, for example, the Tokiman sub-chieftaincy. It is in the second sense that the term ‘community’ in the CPA was most widely interpreted, because it refers to a group that claims rights to and use of the land within a particular territory. In this conceptualization the institutions of the chieftaincy and customary law were of primary importance, because it was these that determined who was a member of a particular sub-chieftaincy and who was not.¹⁵ According to the Chairman of the Bari Community Association – a civic association led by elites from the ranks of the military, state and local government, religious organizations, and other ‘intellectuals’ – the Bari were happy to release land to the CES government provided that ‘good policies’ were put in place to protect the people whose land was surrendered.¹⁶ In mid-2008 the Association delivered a list of conditions for land allocation to the CES government. It included a guarantee that the community would be given a third of all plots made out of land acquired from Bari sub-chieftaincies, 10 per cent of revenues from the lease of land (as well as annual tax proceeds from leased land), and assurances that at the end of the lease, and provided the lessee did not want to

¹³There are no clear boundaries of gazetted areas of Juba as yet, but the town’s borders extend roughly north to the residential settlements of Tonping, east to Gumbo, west to Munuki and Gudele, and south to Kator.

¹⁴Interview, Denis Daramalo, chief of Tokiman Bari and paramount chief of Juba, Juba, September 2008.

¹⁵It is important to note that while the idea of a ‘Bari community’, used in reference to a particular sub-chieftaincy or chieftaincy, evokes an image of a cohesive group of people led by benevolent ‘traditional’ leaders, in fact, Bari leaders did not always work exclusively in the interests of their constituencies. Indeed, some were criticized for making land deals with GoSS and investors in return for gifts or cash.

¹⁶The Bari have a class-based society with a complex system of clans, which are spread throughout Bariland. They have no formal subdivisions but refer to themselves as *Bari ti lobot* (northern Bari) and *Bari ti loki* (southern Bari). The Bari Tokiman are considered to be the ‘town’ Bari, while the Bari of Gonodkoro Island across the riverbank of Juba Town are a rural society.

extend his arrangements, the land and its fixed assets would revert to Bari ownership.¹⁷

Boone argues that a land tenure framework that favours communal rights emphasizes 'local citizenship' at the expense of national citizenship (2007: 559). Indeed, in Juba the privileging of autochthony stood in stark contrast to the integrative discourse of SPLM leaders and international actors, who publicly announced aims to create an inclusive capital city that could absorb in-migrants from all areas of southern Sudan. As elsewhere in Africa, the tension in the overlap between statutory and customary land tenure systems in the peri-urban areas of Juba exposed the challenges of state construction amidst institutional fragmentation and divided sovereignty.¹⁸

THE ROLE OF LAND IN THE CENTRAL EQUATORIA STATE GOVERNMENT'S STATE-BUILDING AGENDA

The CES government's involvement in the land debate was motivated by the desire to carve out political jurisdiction within the decentralized regional state of southern Sudan. Contrary to notions of a 'blank slate' prevailing in development community approaches to reconstruction, Juba had a complex political and institutional setting. The CES government was the successor to the Bahr el-Jebel state government, which, along with the Eastern Equatoria and Western Equatoria state governments, was the successor to the Equatoria Region government. The Equatoria Region government had inherited the land and physical assets of the Southern Regional government in Juba following redivision.¹⁹ After the CPA, in the spirit of 'South-South reconciliation', the SPLM integrated the institutions of the Bahr el-Jebel state government in Juba into the framework of GoSS without significant modification. The names of ministries were changed and some civil service personnel left for jobs in the governments of other states, but most personnel, from the lowest-ranking bureaucrats to director-generals in ministries, retained their positions. Most notably, Bahr el-Jebel State Governor Clement Wani – following negotiations with SPLM Chairman John Garang in 2005 – was permitted to remain as Governor of the new CES government.²⁰ This complex institutional history was the stage for a battle between the CES government and GoSS over government buildings and jurisdiction in the town.

The debate over land rights became an important tool in the competition over power between the two levels of government. Having no direct access to oil

¹⁷Interview, Tongung Lado Rombe, chairman of the Bari Community Association, Juba, 25 August 2008.

¹⁸Case studies useful for comparison include work on Kumasi and Accra: see Ubink 2008; Onoma 2009.

¹⁹Douglas Johnson, personal communication.

²⁰Wani was an Anyanya veteran who had been integrated into the Sudan Armed Forces as a Second Lieutenant as part of the 1972 Addis Ababa Agreement's security arrangements and risen to the rank of general. A Mundari from Terakeka, Wani was head of the Mundari Militia and a National Congress Party member who had been an important ally of the central government in Juba. Interview, Clement Wani, CES Governor, Juba, 6 September 2006.

revenues or foreign aid, the CES government was beholden to GoSS for the funds it needed for infrastructure development, social services and day-to-day operations.²¹ To improve their leverage *vis-à-vis* GoSS, CES leaders tried to position themselves as intermediaries between the Bari ethnic community and the GoSS in all land-related matters.²² Governor Wani and other state leaders maintained that the appropriate and legal way for land to be allocated was for the CES government to act as an intermediary throughout the state, surveying land, demarcating plots, and allocating them on a leasehold basis.²³ In this interpretation land belonged to the Bari community, but it was *controlled* by the CES government, so Bari chiefs did not have the authority to allocate and manage land without the state's involvement.²⁴

Debates over which level of government had authority over land in the town culminated in competing claims to the capital.²⁵ SPLM leaders argued that GoSS had prerogative above all other levels of government to any land in the town that was previously gazetted, and therefore not considered to be under customary law.²⁶ This in their view meant that all the land in Juba and other southern towns was under the control of GoSS, not the state governments. They further argued that in recognition of its special status as the capital of southern Sudan, Juba should be managed by GoSS and made available to all of the citizens of southern Sudan.²⁷ They suggested that the CES government move its capital to Yei or another town in the state in order to avoid jurisdictional conflicts in Juba, and free up buildings for the growing GoSS bureaucracy. They pointed out that this would develop two southern towns and stimulate two local economies rather than one, and promised that if CES opted to relocate its capital to another town in the state, GoSS would provide funds for the construction of a new state capital. They argued that 'any option that results in the development of two major cities within

²¹In 2008, the budget of GoSS was 3.4 billion Sudanese pounds (of which 97 per cent came from oil revenues). GoSS also received funding from the Multi-Donor Trust Fund for Southern Sudan (administered by the World Bank) and bilateral funding from donor countries through agencies such as the United States Agency for International Development (USAID) and the European Commission. See 'Budget speech for financial year 2008, presented to the Southern Sudan Legislative Assembly by H. E. Kuol Athian Mawein, Minister of Finance and Economic Planning', 10 December 2007.

²²Interview, Cornelious Goja Lado Kulang, CES Director General of Lands, Juba, 27 August 2008; interview, Emmanuel Waga Elia, CES Minister of Physical Infrastructure, Juba, 22 July 2008; interview, Clement Wani, CES Governor, Juba, 6 September 2006.

²³Interview, Clement Wani, CES Governor, Juba, 6 September 2006; interview, Emmanuel Waga Elia, CES Minister of Physical Infrastructure, Juba, 22 July 2008.

²⁴Interview, Cornelious Goja Lado Kulang, CES Director General of Lands, Juba, 27 August 2008; interview, Robert Lado Loki, chairman of the Southern Sudan Land Commission, Juba, 7 August 2008.

²⁵'GoSS pushes for state capital to relocate', *Juba Post*, 27 July 2006; 'The Governor rejects the detention of the state constitution over the insistence by the GOSS that the state capital be relocated to Yei', *Juba Post*, 10 August 2006; 'Minister refutes holding state constitution hostage', *Juba Post*, 12 October 2006; 'The land question in Juba: GoSS motives against the Bari', *South Sudan Nation*, 2 September 2006.

²⁶Interview, John Luk Jok, GoSS Minister of Energy and Mining, Juba, 10 September 2008.

²⁷Interview, Ruben Madol, Justice of the Supreme Court of Southern Sudan, Juba, September 2008.

[Central Equatoria State] should in fact be to the great advantage of the people of the state'.²⁸

CES government leaders rejected the proposal, claiming that in the atmosphere of uncertainty and poor communication, moving the state government farther away would leave the local community in Juba exposed to the potentially negative consequences of urban planning and even a possible 'land grab' without a local advocate. Governor Wani argued that the CES government needed to stay in Juba in order to 'protect the interests of our people in Juba from GoSS', and that, if the state capital were moved to Yei, 'GoSS may take much of the land away from the Bari, and the state will be far away from the Bari'.²⁹ The CES government offered 25 square kilometres two kilometres west of Juba for the relocation of GoSS headquarters. SPLM leaders rejected this offer on the grounds that it was too far away from Juba, and that lack of access to water and electricity would make it too costly to build the government headquarters there.³⁰ They further argued that if GoSS made such a move it would 'be understood by the ordinary citizens that the government of Southern Sudan has been chased away from Juba by the [Central Equatoria State] and the Bari community'.³¹ Various options for dividing the town between the two levels of government were proposed and rejected.

The demographic shift in the town in the years following the CPA challenged the Equatorian political identity of the town and threatened the political status of Equatorian elites. By claiming to be the ward of Bari land rights in Juba, the CES government asserted its role in urban reconstruction, and laid claim to an economically and politically lucrative resource that would shape the future not only of the town, but of the South Sudanese state.

LAND CLAIMS AND CONTESTED CITIZENSHIP: DISPUTES IN JUBA'S PERI-URBAN SETTLEMENTS

The strategic instrumentalization of land tenure was not limited to debates on authority and jurisdiction between political elites. It was also an issue of property – to make reference to Lund's distinction between property and territory in his article in this issue. As the leaders of GoSS and the CES government debated authority over land in the capital, Juba's residents articulated their own visions of the South Sudanese state while claiming plots of land in various peri-urban areas of the town. Their claims rested on a distinction between status as victims of war, historical residency, and contributions to the liberation movement. Following the CPA, there was an influx of southerners into the town who

²⁸Report of the ministerial committee of the government of Southern Sudan on the status of Juba as the capital city of southern Sudan and the seat of government of southern Sudan', Meeting No. 9, 4 May 2006.

²⁹Interview, Clement Wani, CES Governor, Juba, 6 September 2006.

³⁰Interview, Engineer Alikaya Aligo, former CES Minister of Physical Infrastructure, Land and Housing, Juba, 11 August 2008.

³¹Report of the ministerial committee of the government of Southern Sudan on the status of Juba as the capital city of southern Sudan and the seat of government of southern Sudan', Meeting No. 9, 4 May 2006.

had a stake in the politics of reconstruction: ex-combatants, diaspora members, IDPs and refugees from neighbouring countries. The flood was in part due to a concerted campaign by GoSS to encourage the return of the estimated 686,000 southern Sudanese refugees in neighbouring states and 2 million IDPs in camps around Khartoum, so that they could be counted in time for the 2008 Census.³² The returnees who came to Juba found the paradox of an extremely underdeveloped town with no affordable housing. While those with political connections could acquire plots through official allocations, empty plots on the private land market fetched upwards of US\$15,000.³³ Aside from tent hotels that catered mainly to the growing aid community, and charged exorbitant prices up to \$200 per night, there were few affordable housing options for returnees. Though the economy was burgeoning with incoming flows of aid money, no new housing developments had been constructed in Juba during the impasse over land allocation on the peripheries of the town and jurisdictional disputes between GoSS and CES.

Confronted with the inaccessibility of the formal land allocation system operated by the CES government, and the high price of land on the private market, newcomers resorted to building shelters in various peri-urban areas of the town. In doing so, they sought to establish residency in Juba, and thereby to assert their rights as citizens in southern Sudan. Local elites characterized the settlers as 'land grabbers' who were 'robbing' its rightful owners of the land.³⁴

In the following sections, I present the perspectives of claimants in land disputes in two peri-urban settlements in Juba: Tongping and Gudele. In detailing the different perspectives and interests of the disputants, my intention is not to compare the relative merits of claims, but rather, to highlight the ways in which individual residents used land tenure as a strategy of promoting particular understandings of citizenship and expectations of the new state.

Tongping: ex-combatants vs local Equatorian elites

Tongping is a residential area of large plots in the northern part of Juba near the airport. It was originally a forested area within the territory of the Juba na Bari sub-chieftaincy, but it was gazetted by the colonial administration in the 1930s.³⁵ Following devastating floods in Bor in the 1960s and 1970s, the then Equatoria Province government resettled a community of Bor Dinka in the area. After the outbreak of the second civil war in 1983, most of the Dinka settlers fled Juba, and many joined the SPLA. Following their departure, the area became a strategic military outpost controlled by the Sudan Armed Forces. During this period, land

³²Amber Henshaw, 'Sudanese stand up to be counted', BBC News, 21 April 2009. In a June 2007 statement António Guterres, the UN High Commissioner for Refugees, acknowledged that the agency had stepped up its efforts to repatriate Sudanese refugees from neighbouring countries in light of the Census. Integrated Regional Information Networks (IRIN), 'East Africa: Accelerating the return of Sudanese refugees', 20 June 2007.

³³IRIN, 'East Africa: Accelerating the return of Sudanese refugees', 20 June 2007.

³⁴Interview, Bari Catholic priest, Juba, 5 August 2008; interview, Denis Daramalo, chief of Tokiman Bari and paramount chief of Juba. Juba, September 2008; interview, Albert Pitya Redentore, Juba County Commissioner, Juba, 6 July 2008.

³⁵Interview, Cornelious Goja Lado Kulang, CES Director General of Lands, Juba, 27 August 2008.

was surveyed, and plots were demarcated and leased to local and northern elites by the new Equatoria Region government. But the area's proximity to the airport – a main target for the SPLA – discouraged construction and most plots remained vacant.

In 2007, large concrete houses began cropping up throughout Tongping. These were the homes of mainly Dinka, Nuer and Shilluk SPLA soldiers and ex-combatants working in GoSS, all of whom had acquired the plots on which they built informally. Tensions between those who held title to plots in Tongping, but had never developed the land, and the new settlers building permanent structures reached a boiling point in 2008, leading to clashes and to court cases brought before the Judiciary of Southern Sudan.³⁶

The settlers in Tongping saw themselves as the vanguard of the liberation movement, and articulated claims based on reward for their service. One settler, James, a Nuer from Nasir, was a child soldier in the SPLA before he migrated to the US as a refugee.³⁷ In 2007 he left his family behind in the US and returned to southern Sudan to work in the GoSS Secretariat in Juba. Unable to find permanent accommodation through the Central Equatoria State Department of Land or on the private market, he resorted to informal channels. In 2008 a friend who also worked in GoSS introduced him to the Dinka 'chief' of Tongping,³⁸ who allocated him a plot of land in the settlement for 1000SDG – at the time equivalent to US\$500 – and 'registered' him as a resident by recording his name in a ledger. Though this sale was clearly unofficial, it was enforceable in so far as James's network of contacts in the SPLA and GoSS provided him with the security he needed to invest his modest income towards building a permanent structure on the plot.

In justifying his right to the plot he had acquired, James articulated a specific version of the history of Tongping, one that emphasized the sacrifices made during the war by him and his fellow SPLA soldiers. He argued that at the outbreak of the second civil war, the rightful inhabitants of the area were forced to flee Juba and fight for the liberation of southern Sudan. At that time, the formal titles to the plots in Tongping (wrongfully, in James's view) were allocated to local allies of the northern government:

[In] 1983 the war broke out. Then everybody left Juba. Anybody who thought there was a cause, they left and went to the bush. Then the people who claim Tongping today went and divided up the land. . . . After that the government of Sudan – which is the North, which consists of army officers – they allotted the land to themselves. You can see the names on some of the titles, you can see Mohammed, Mahmood. . . . It was the war that really kept all of us out of the land.³⁹

³⁶Interview, George Lado Tartisio, Justice of the Court of Appeal, Greater Equatoria Circuit, Judiciary of Southern Sudan, Juba, 15 July 2008; interview, Attillo Fuad, Supreme Court Justice, Southern Sudan Judiciary, Juba, 21 July 2008; interview, Simon Lumori Philip, Chairman of the Land Committee, CES Assembly, Juba, July 2008.

³⁷This informant's name has been changed to preserve his anonymity.

³⁸While the nature of this chief's authority is unclear (whether he was a member of the original community of Bor Dinka settlers, or if he was a traditional chief, or both), he was described as a legitimate leader of the community of Bor Dinka that settled in Tongping following the 1960s floods, who possessed the authority to allocate land in the area.

³⁹Interview, James, Tongping resident, Juba, July 2008.

Indeed, during the second civil war, anyone who was linked to the SPLA was labelled as a traitor, and this served as the justification for seizing their lands, reallocating the plots, and issuing official leases.⁴⁰ Now that peace had come, James maintained, the land in Juba did not belong only to the Bari or to the Equatorians who had worked in the Bahr el-Jebel state government, but should revert to those who were willing to fight and die for it:

The Northern government has killed so many Dinka and so many Nuer in this area. Can these Dinka and Nuer come all the way there and die there if they are not a part of the community? Could they really come to die here for nothing? You die for the land and they don't want you to harvest any fruit of it?⁴¹

Referring to the illicit allocation of land by officials in the CES Ministry of Physical Infrastructure, he remarked, 'You don't have to reserve a plot of land for your last son which is not even born yet.'⁴² In the long term, James argued, his children and their descendants would all be Jubans. He saw his future in the capital of what he hoped would become an independent southern Sudan. He argued, 'When they say that "land belongs to the community", it does not mean that this land, Juba, belongs to Equatorians... [it] means *all the southerners* are owners of the land.'⁴³

James's interpretation of the CPA, which advocated a distinctly national conceptualization of citizenship and land rights, was in stark contrast to the legitimating discourse employed by locals who held titles to plots in Tongping. Titleholders and their allies in the CES government did not privilege the position of those who had fought with the SPLA, but believed that the leases of whomever the previous government had allocated plots to should be honoured. CES leaders argued that the resettlement of the Bor Dinka in Tongping had only been a temporary measure, evidenced by the fact that they were never issued leases or deeds for plots in the area, and that the Dinka were expected to return to Bor when the floods subsided, at which time the area would revert to the people of Juba na Bari.⁴⁴ The CES Director-General of Lands explained:

They don't have any claim at all on any land here in Juba...the area was not demarcated; it was just a village for the Bari. The Dinka were given a piece of it temporarily to stay. There are no title deeds for them.⁴⁵

Equatorian elites pursued a citizenship that privileged historical residency and official documentation, and which protected existing rights to property acquired under the previous government. For them, existing land tenure, law and

⁴⁰Interview, Norwegian Refugee Council (NRC) representative, Juba, 25 August 2008.

⁴¹Interview, James, Tongping resident, Juba, July 2008.

⁴²*Ibid.*

⁴³*Ibid.*

⁴⁴Interview, Cornelious Goja Lado Kulang, CES Director General of Lands, Juba, 27 August 2008; interview, Albert Pitya Redentore, Juba County Commissioner, Juba, 6 July 2008.

⁴⁵Interview, Cornelious Goja Lado Kulang, CES Director General of Lands, Juba, 27 August 2008.

documentation were essential to retaining the privileged economic and political status they had acquired during the previous decades.

While Equatorian elites insisted on a citizenship that would prevent them from losing existing rights and status, ex-combatants insisted on a citizenship that would afford them new rights and status. As in Zimbabwe, where ZANU (PF) veterans claimed privileged rights and access to land as reward for service in the liberation war (Kriger 2003), ex-combatants who claimed land in Tongping drew on their contribution to the liberation of southern Sudan, and pursued a privileged citizenship that acknowledged their role as warriors and heroes. Often under-educated and under-skilled, the fate of ex-SPLA soldiers lay in a delicate balance as competition for jobs in GoSS and the civil service increased. Gaining access to land was a way of establishing permanent residency in the town, and thus cementing their belonging to the state.

Gudele: the Block 9 settlement vs the Sisters of the Sacred Heart Congregation

On the other side of town in the north-western area of Gudele, another dispute was taking place, with very different actors. Like other neighbourhoods on the perimeter of the town, Gudele had been the site of Bari villages until the war broke out in 1983, at which time it became a military outpost. During the war, part of the area was surveyed and some allocations were made to residents of Juba, but the presence of landmines and military patrols made it an unfeasible location for building housing. In 1994, the Sisters of the Sacred Heart, a small local community of nuns, acquired a 500-square-metre plot in Block 9 through what was then the Equatoria Region government. Their intention was to expand their modest facilities in the centre of Juba town, yet, lacking the funds for a construction project, they never occupied or developed the plot.

In 2006, the Sisters decided to lease out a portion of the plot to a British de-mining company and use the funds to build on the remaining portion.⁴⁶ Their plans were interrupted when they discovered a large informal settlement on the site. Following various confrontations, they initiated a process in mid-2008 through the Juba County Commissioner to evict the residents. By then, however, the approximately 1,000 families that occupied the area encompassing Gudele Block 9 had established a residents' committee, elected a block leader to represent them in dealings with government officials, and solicited the help of various NGOs in their campaign to prevent the demolition of their homes.

The Sisters of the Sacred Heart congregation was part of the local dioceses of the Catholic Church, which had provided essential services in the town during the war.⁴⁷ In order to position their interests against disadvantaged groups while also retaining their moral authority as a charitable organization, the Sisters defined their community as those who had been 'inside' Juba during the war years, distinguishing those who had been 'outside' as opportunists who did not have any legal documents. While residents who had been 'inside' received the church's generosity and protection during the war, and therefore were believed to be appreciative of the Sisters' contributions, those who came to

⁴⁶Interview, Catholic nun, Sisters of the Sacred Heart Congregation, Juba, September 2008.

⁴⁷Interview, Bari Catholic priest, Juba, 5 August 2008.

Juba after the CPA were viewed as self-serving and disingenuous. One Sister explained:

These people who were not with us here. Some were in Uganda; some were in Khartoum. When we were suffering here, they were not around. They don't know what happened here.⁴⁸

The settlers in Gudele Block 9, who were mainly returning IDPs and refugees from Kenya and Uganda, saw the Sisters as protected and privileged local elites who were hoarding property. Lacking ancestral claims to land in Juba, funds to acquire land through the private market, or political connections in GoSS or the CES government, the settlers presented themselves as vulnerable victims of war. One settler explained: 'If they come to demolish us we have nowhere to go.'⁴⁹ They argued that going to their home area was not a viable option, because their livelihood depended on access to employment and social services in Juba.⁵⁰ They saw the attempted eviction of the Gudele Block 9 settlement as indicative of a duality of rights, one set of rights for locals and another for 'outsiders'. A resident explained:

The message we got is that you come and stay in somebody's place, and you do not have rights. I was living in Uganda as a refugee but at home I do not expect my people to treat me the same way, because this is where I have rights, this is where I feel I am at home. If I am a citizen of this land I should be respected more. That is the thing that is frustrating.⁵¹

Emphasizing their status as 'citizens', settlers rejected the local privilege that long-time residents advocated, insisting that as returnees they had as much right to land in Juba as anybody else.⁵² They demonstrated their willingness to improve the land by building permanent structures, digging boreholes and building roads, and therein contributed to the 'development' of the town. They argued that they should be given leases for their plots, because of the expenses they had incurred, and pointed out that the Sisters had 'not wasted even one pound for that land'.⁵³ By acquiring land informally, occupying it, and building abodes in the spaces of the urban centre, they sought to establish their status as legitimate residents of Juba, and by extension reaffirm their identity as southern Sudanese citizens, which decades of living outside the region had diluted or put in question.

The settlers articulated a universalist conceptualization of citizenship, one in which the state did not privilege ethnicity, but rather was responsible for promoting certain rights – to housing, access to employment opportunities, and social services. The sisters, on the other hand, viewed land as a right sanctioned by the legal and bureaucratic processes of the former state. Like other non-Bari residents who had lived in Juba during the war, they sought to uphold the rights they had acquired under the Bahr el-Jebel state government, and in doing so to

⁴⁸Interview, Catholic nun, Sisters of the Sacred Heart Congregation, Juba, September 2008.

⁴⁹Interview, Gudele Block 9 resident #2, Juba, 27 August 2008. This name has been changed to protect the informant's anonymity.

⁵⁰Interview, Gudele Block 9 resident #1, Juba, 30 August 2008.

⁵¹Interview, Gudele Block 9 resident #2, Juba, 27 August 2008.

⁵²Interview, Gudele Block 9 resident #1, Juba, 30 August 2008.

⁵³Interview, Gudele Block 9 resident #2, Juba, 27 August 2008.

protect their political and economic status in the rapidly changing society of southern Sudan.

CONCLUSION

The understandings of rights to and authority over land that emerged in the disputes over territory, land and property were instrumental to the state-building strategies of a variety of state and societal actors in Juba in the first years after the CPA. The SPLM leaders of GoSS promoted an integrative conceptualization of land rights that would facilitate the development of a multi-ethnic southern Sudanese capital, and aid in the creation of national citizenship based on a strong central state. Bari leaders promoted land rights that privileged autochthony, and empowered ethnic communities *vis-à-vis* the CES Government and GoSS. Equatorian leaders in the CES government promoted land rights that preserved the legitimacy and authority of the previous government institutions in Juba, protected their privileged political and economic status as local elites, and strengthened the state government *vis-à-vis* GoSS. Finally, local residents made claims that reflected their attempt to define a relationship with GoSS. Returning IDPs and refugees promoted human rights and citizenship rights, while ex-combatants presented land as a reward to those who had fought for it. The different views of and interests in land rights articulated by these diverse local actors drew on different interpretations of history, and promoted differing visions of citizenship within the post-conflict state.

The case of Juba suggests the possibility that conflict over land may at times be constructive to the state-building process, one in which actors use the resources at their disposal to work out their political power relative to competitors, and to emphasize aspects of or to refashion identities in order to gain advantageous positions. Indeed, although they delayed progress in urban development, and threatened to derail the state-building process, the debates I have recounted demonstrated that actors at a variety of levels of the 'state' and 'society' in South Sudan were actively engaged in negotiating the state, and thus setting the parameters for debates going forward. As a result of the strategies and actions of these diverse agents, the South Sudanese state that began to emerge from these processes was the product of a wider set of interests, different views of the war and different ideas about the status of Juba as the capital of what was to become the Republic of South Sudan. It was the result of negotiation, legitimized by multiple authorities, and therefore accountable to a much broader segment of southern Sudanese society. That is not to say that the new state of South Sudan was without its problems, only that it rested on a foundation of meaningful dialogue and debate over power, rights and resources.

In January 2009, CES authorities commenced a large-scale demolition of informal settlements throughout the town and its peripheries. The demolitions continued for several months, and by May 2009 had left over 30,000 people homeless in the capital, prompting condemnation by the United Nations and other international agencies.⁵⁴ The informal settlement in Gudele Block 9 was

⁵⁴IRIN, Sudan: 'Thousands homeless as shelters demolished in Juba', 26 May 2009.

entirely cleared, though many of the plots in Tongping, which were occupied by former and current SPLA soldiers, remained untouched. Settlers whose homes had been demolished complained that they would willingly have obtained plots legally if the formal land allocation system or the private land market had been accessible to them.⁵⁵ Irrespective of the outcome of the disputes, the local dynamics of land in Juba demonstrate that in the highly contested setting of post-conflict reconstruction, the agency of local actors to negotiate for power is critical. Though it implies a level playing field, however, the concept of 'negotiation' should not lead to a denial of the fact that the exercise of power can produce losers and exclusions, especially in conflict situations (Peters 2004; Lund 2006: 700). Likewise incorporating the local dynamics of authorization into a theory of state-building does not preclude the very real possibility that the outcome of state-building will produce 'winners' and 'losers'.

It is not possible to predict what the future holds for the newly independent Republic of South Sudan, but various outcomes for the town of Juba are possible. Despite the decision to relocate the capital, the SPLM's control of the state apparatus may lead it to create the core of a strong central state in the town. It is also possible that the Bari community, represented by their civil and traditional leaders, may wield considerable influence in determining the expansion and development of the town. In this scenario the commitment to ethnic land rights may present a significant check on centralization towards either GoSS or the CES government. Such a trend speaks to wider experiences in other African countries, where attempts to incorporate customary rights within a national legal framework, especially given high degrees of social, political and economic differentiation, have also proved challenging.

Yet another likelihood is that a strong division of powers between GoSS and the states leads to a federal system in which tensions over entitlement and belonging contribute towards a centrifugal dynamic, as observed in Nigeria. In such a scenario, Juba may become the centre of ethnic (or regional) opposition to the South Sudanese state. At the local level the implications of the devolution of authority for the relationship between the states and customary authorities is unclear. Although elsewhere in Africa – in Ghana, for example – chiefs have been able to parlay customary authority over land into economic and political power at the local level, the separation of ownership and control in the CES government's interpretation of land rights in Juba raises the possibility of a different outcome in South Sudan.

Finally, an unlikely scenario, given the fate of returnees thus far, will be that debates over land are decided in favour of the needs and numbers of returnees – refugees, IDPs, and ex-combatants. Refugees and IDPs may achieve their aims as a result of pressure from international agencies or human rights groups, while ex-combatants may gain a privileged position as a result of a calculated strategy by SPLM leaders, as was the case towards Zanu (PF) in Zimbabwe. It is also likely that each group will be able to wield its state-building resources – not least its distinct understandings of land rights – towards achieving a stable, and hopefully durable, compromise.

⁵⁵ *Ibid.*

As the world observes the birth of the new state, the drama of land is playing out across the Republic of South Sudan (Schomerus and Allen 2001). Throughout the country, the division of sovereignty is manifesting in challenges to GoSS and state governments' authority over land allocation, and questions regarding rights of citizens, ex-combatants, and ethnic communities. The determination of who has control over land is perhaps the greatest challenge to the unfolding state-building enterprise because of the implications it has for political authority. Though debates in Juba are still being worked out, it is clear that the nature and scope of the newly independent South Sudanese state will be determined in large part by the outcome of debates over land.

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REFERENCES

- Alexander, J. (2006) *The Unsettled Land: state-making and the politics of land in Zimbabwe, 1893–2003*. Athens OH: Ohio University Press.
- Badal, R. (1994) 'Political cleavages within the southern Sudan: an empirical analysis of the re-division debate', in Sharif Harir and Terje Tvedt (eds), *Short-Cut to Decay: the case of Sudan*. Uppsala: Nordiska Afrikainstitutet.
- Berry, S. (2002) 'Debating the land question in Africa', *Comparative Studies in Society and History* 44 (4): 638–68.
- Blom Hansen, T. and F. Stepputat (2001) *States of Imagination: ethnographic explorations of the postcolonial state—politics, history, and culture*. Durham NC: Duke University Press.
- Boone, C. (2007) 'Property and constitutional order: land tenure reform and the future of the African state', *African Affairs* 106 (425): 557–86.
- Call, C. and V. Wyeth (2008) *Building States to Build Peace*. Boulder CO: Lynne Rienner.
- Caplan, R. (2005) *International Governance of War-Torn Territories: rule and reconstruction*. Oxford: Oxford University Press.
- Chabal, P. and J.-P. Daloz (1999) *Africa Works: disorder as political instrument*. Oxford: James Currey.
- Chesterman, S. (2004) *You, the People: the United Nations, transitional administration, and state-building*. Oxford: Oxford University Press.
- Collier, P. and A. Hoeffler (2002) 'Aid, policy, and growth in post-conflict societies'. Working Paper No. 2902, Washington DC: World Bank Development Research Group.
- Collins, R. (1983) *Shadows in the Grass: Britain in the Southern Sudan, 1918–1956*. New Haven CT: Yale University Press.
- Doyle, M. and N. Sambanis (2006) *Making War and Building Peace*. Princeton NJ: Princeton University Press.

- Gupta, A. (2005) 'Blurred boundaries: the discourse of corruption, the culture of politics, and the imagined state', *American Ethnologist*, 22 (2): 375–402.
- Hagmann, T. and D. Péclard (2010) 'Negotiating statehood: dynamics of power and domination in Africa', *Development and Change* 41 (4): 539–62.
- Heathershaw, J. and D. Lambach (2008) 'Introduction: post-conflict spaces and approaches to state-building', *Journal of Intervention and State-building* 2 (3).
- Johnson, D. H. (1988) *The Southern Sudan*, London: The Minority Rights Group.
- Kasfir, N. (1977) 'Southern Sudanese politics since the Addis Ababa Agreement', *African Affairs* 76 (303): 143–66.
- Krasner, S. (2004) 'Sharing sovereignty: new institutions for collapsed and failing states', *International Security* 29 (2): 85–120.
- Kruger, N. (2003) *Guerrilla Veterans in Post-War Zimbabwe: symbolic and violent politics, 1980–1987*. Cambridge: Cambridge University Press.
- Lund, C. (2006) 'Twilight institutions: public authority and local politics in Africa', *Development and Change* 37 (4): 685–706.
- (2008) *Local Politics and the Dynamics of Property in Africa*. New York NY: Cambridge University Press.
- (2011) 'Fragmented sovereignty: land reform and dispossession in Laos', *Journal of Peasant Studies* 38 (4): 885–905.
- Migdal, J. (2001) *State in Society: studying how states and societies transform and constitute one another*. Cambridge: Cambridge University Press.
- Migdal, J., A. Kohli and V. Shue (1994) *State Power and Social Forces: domination and transformation in the Third World*. Cambridge Studies in Comparative Politics, Cambridge: Cambridge University Press.
- Onoma, A. K. (2009) *The Politics of Property Rights Institutions in Africa*. Cambridge: Cambridge University Press.
- Paris, R. (2004) *At War's End: building peace after civil conflict*. Cambridge: Cambridge University Press.
- Paris, R. and T. Sisk (eds) *The Dilemmas of State-building: confronting the contradictions of postwar peace operations*. New York NY: Routledge.
- Peters, P. (1994) *Dividing the Commons: politics, policy, and culture in Botswana*. Charlottesville VA and London: University Press of Virginia.
- (2004) 'Inequality and social conflict over land in Africa', *Journal of Agrarian Change* 4 (3): 269–314.
- Schomerus, M. and T. Allen (2011) *Southern Sudan at Odds with Itself: dynamics of conflict and predicaments of peace*. London: Development Studies Institute, London School of Economics.
- Sharma, A. and A. Gupta (2006) *The Anthropology of the State: a reader*. Malden: Blackwell.
- Ubink, J. M. (2008) *In the Land of the Chiefs: customary law, land conflicts, and the role of the state in peri-urban Ghana*. Leiden: Leiden University Press.

ABSTRACT

Debates over land tenure have been instrumental to state-building in South Sudan since the 2005 Comprehensive Peace Agreement (CPA). Focusing on the local dynamics of post-conflict reconstruction in the town of Juba, this article argues that amidst the political and institutional change inaugurated by the transition

from war to peace, debates over land provided a basis for the negotiation of the South Sudanese state. Actors at a variety of levels employed competing interpretations of rights to land as state-building strategies—as tools towards promoting particular visions of the state and of citizenship.

RÉSUMÉ

Les débats sur le foncier ont joué un rôle important dans la construction de l'État au Sud-Soudan depuis l'Accord de paix global signé en 2005. Centré sur la dynamique locale de la reconstruction post-conflit dans la ville de Juba, cet article soutient que les débats sur la terre ont servi de base de négociation dans le contexte de changement politique et institutionnel inauguré par la transition de la guerre à la paix. Les acteurs, à différents niveaux, ont employé des interprétations concurrentes des droits à la terre comme stratégies de construction de l'État, comme outils de promotion de visions particulières de l'État et de la citoyenneté.