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Humanitarian  
Policy Group

# The long road home

**Opportunities and obstacles to the  
reintegration of IDPs and refugees  
returning to Southern Sudan  
and the Three Areas**

## Report of Phase II

Conflict, urbanisation and land

**Sara Pantuliano, Margie Buchanan-Smith, Paul Murphy  
and Irina Mosel**

Humanitarian Policy Group  
Overseas Development Institute, London

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## **About the authors**

Sara Pantuliano is a Research Fellow with the Humanitarian Policy Group (HPG) at the Overseas Development Institute (ODI).

Margie Buchanan-Smith is an independent consultant and former HPG Coordinator.

Paul Murphy is an independent consultant and former head of PACT Sudan.

Irina Mosel is a Reintegration Advisor with the German Development Service (DED) in Juba, Sudan.

## **The research team**

Gabriel Otor (SSRRC)

Ogo Tom Mark (IRC)

Susan Juan Augustino (IRC)

Amal Esther Ibrahim – (IRC)

Assumpta Gift (IRC)

Becky Ondoa (UNHCR)

John Vuni Vuga (WFP)

Mary Lero Louis (WFP)

Margaret Keji (Pact Sudan)

Humanitarian Policy Group  
Overseas Development Institute  
111 Westminster Bridge Road  
London  
SE1 7JD  
United Kingdom

Tel: +44(0) 20 7922 0300

Fax: +44(0) 20 7922 0399

Website: [www.odi.org.uk/hpg](http://www.odi.org.uk/hpg)

Email: [hpgadmin@odi.org.uk](mailto:hpgadmin@odi.org.uk)

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# Acronyms

<b>BCSAC</b>	Bureau for Arms Control
<b>BoSS</b>	Bank of Southern Sudan
<b>BSF</b>	Basic Services Fund
<b>CES</b>	Central Equatoria State
<b>CPA</b>	Comprehensive Peace Agreement
<b>CHF</b>	Common Humanitarian Fund
<b>CIDA</b>	Canadian International Development Agency
<b>CPPG</b>	Cholera Prevention and Preparedness Group
<b>DANIDA</b>	Danish International Development Agency
<b>DDR</b>	disarmament, demobilisation and reintegration
<b>DFAIT</b>	Foreign Affairs and International Trade Canada
<b>DFID</b>	Department for International Development (UK)
<b>FAO</b>	Food and Agriculture Organisation
<b>FGD</b>	focus group discussion
<b>GNU</b>	Government of National Unity
<b>GOS</b>	Government of Sudan
<b>GOSS</b>	Government of Southern Sudan
<b>HAC</b>	Humanitarian Aid Commission
<b>HLP</b>	housing, land and property
<b>ICLA</b>	information, counselling and legal assistance
<b>IDP</b>	internally displaced person
<b>IGAD</b>	Inter-Governmental Authority on Development
<b>ILO</b>	International Labour Organisation
<b>IOM</b>	International Organisation for Migration
<b>IRC</b>	International Rescue Committee
<b>JAM</b>	Joint Assessment Mission
<b>JCC</b>	Justice and Confidence Centre
<b>JICA</b>	Japan International Cooperation Agency
<b>JLC</b>	Joint Logistics Coordination
<b>LRA</b>	Lord's Resistance Army
<b>MDTF</b>	Multi-Donor Trust Fund
<b>MoE</b>	Ministry of Education
<b>MoEST</b>	Ministry of Education, Science and Technology
<b>MoH</b>	Ministry of Health
<b>MTC</b>	Multi-Training Centre
<b>NCP</b>	National Congress Party
<b>NFI</b>	non-food item
<b>NRC</b>	Norwegian Refugee Council
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs
<b>OLS</b>	Operation Lifeline Sudan
<b>PHCC</b>	Primary Health Care Centre
<b>PHCU</b>	Primary Health Care Unit
<b>RCSO</b>	Resident Co-ordinator's Support Office
<b>RDC</b>	Reintegration and Development Centre
<b>RLPA</b>	Rule of Law Promoters' Association

<b>RRP</b>	Recovery and Rehabilitation Programme
<b>RWG</b>	Returns Working Groups
<b>SDG</b>	Sudan New Pound
<b>SRF</b>	Sudan Recovery Fund
<b>SRSG</b>	Special Representative of the UN Secretary-General
<b>SSLC</b>	Southern Sudan Land Commission
<b>SSRRC</b>	Southern Sudan Relief and Rehabilitation Commission
<b>SSRDF</b>	Southern Sudan Reconstruction and Development Fund
<b>SPLM</b>	Sudan People's Liberation Movement/Army
<b>SUMI</b>	Sudan Micro-Finance Institute
<b>UN DR/HC</b>	UN Deputy Resident/Humanitarian Coordinator
<b>UN R/HC</b>	UN Resident/Humanitarian Coordinator
<b>UNDAF</b>	UN Development Assistance Framework
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNMIS</b>	United Nations Mission in Sudan
<b>UNMIS/RRR</b>	United Nations Mission in Sudan's Return, Reintegration and Recovery Section
<b>VAM</b>	Vulnerability Analysis and Mapping
<b>VTC</b>	Vocational Training Centre
<b>WASH</b>	water, sanitation and hygiene
<b>WFP</b>	World Food Programme
<b>UNDP</b>	United Nations Development Programme
<b>USAID</b>	United States Agency for International Development

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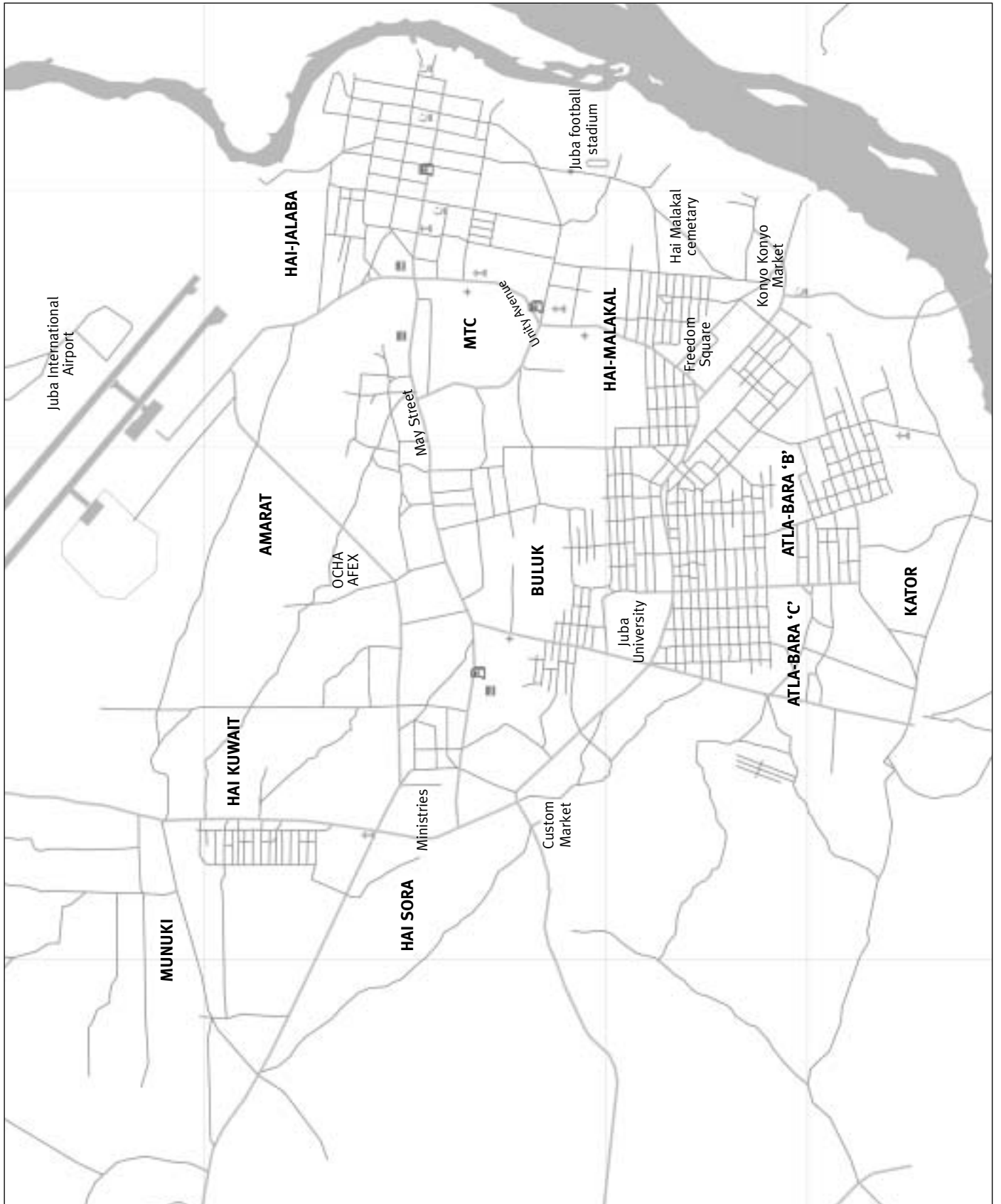
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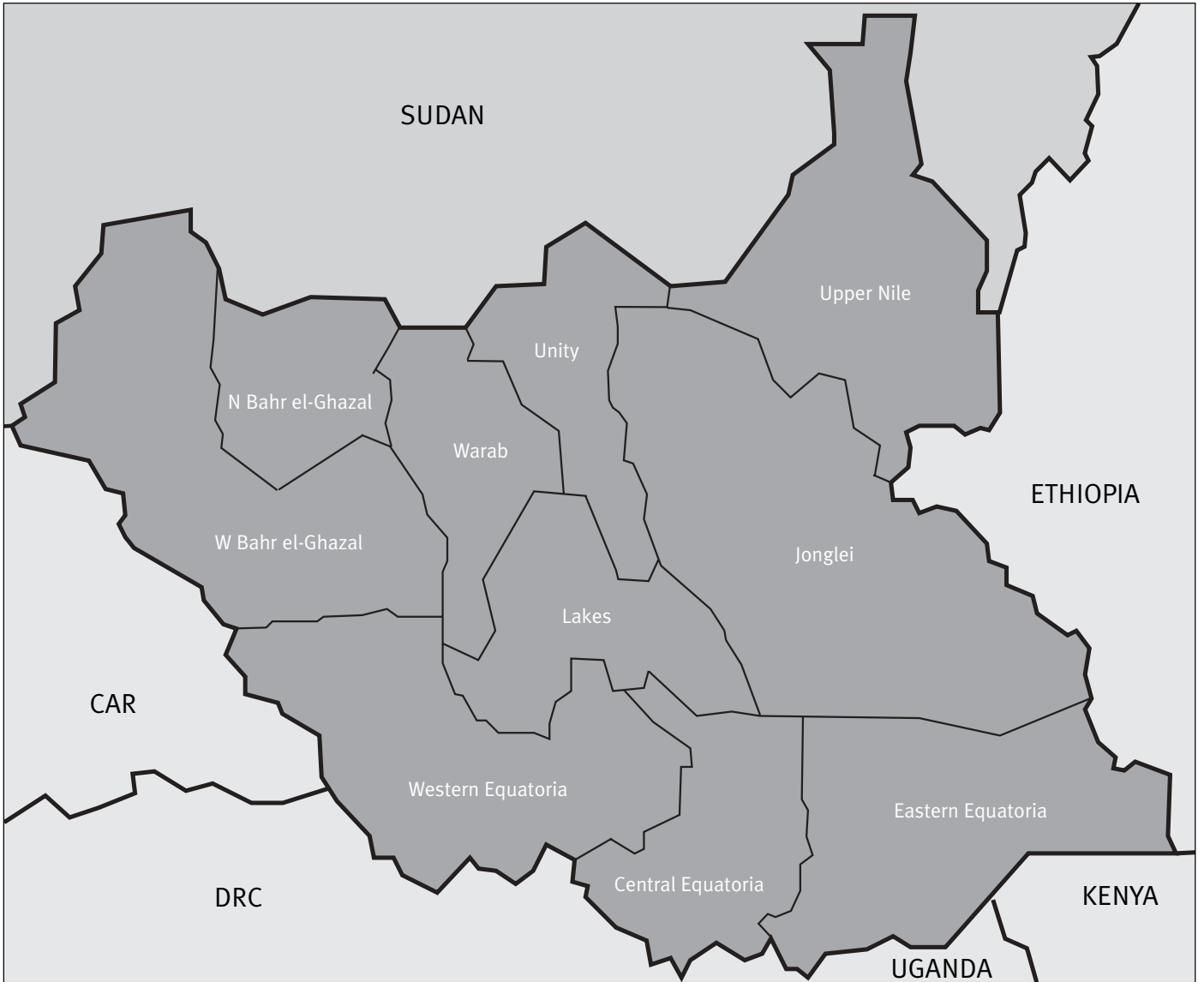


# Juba Town



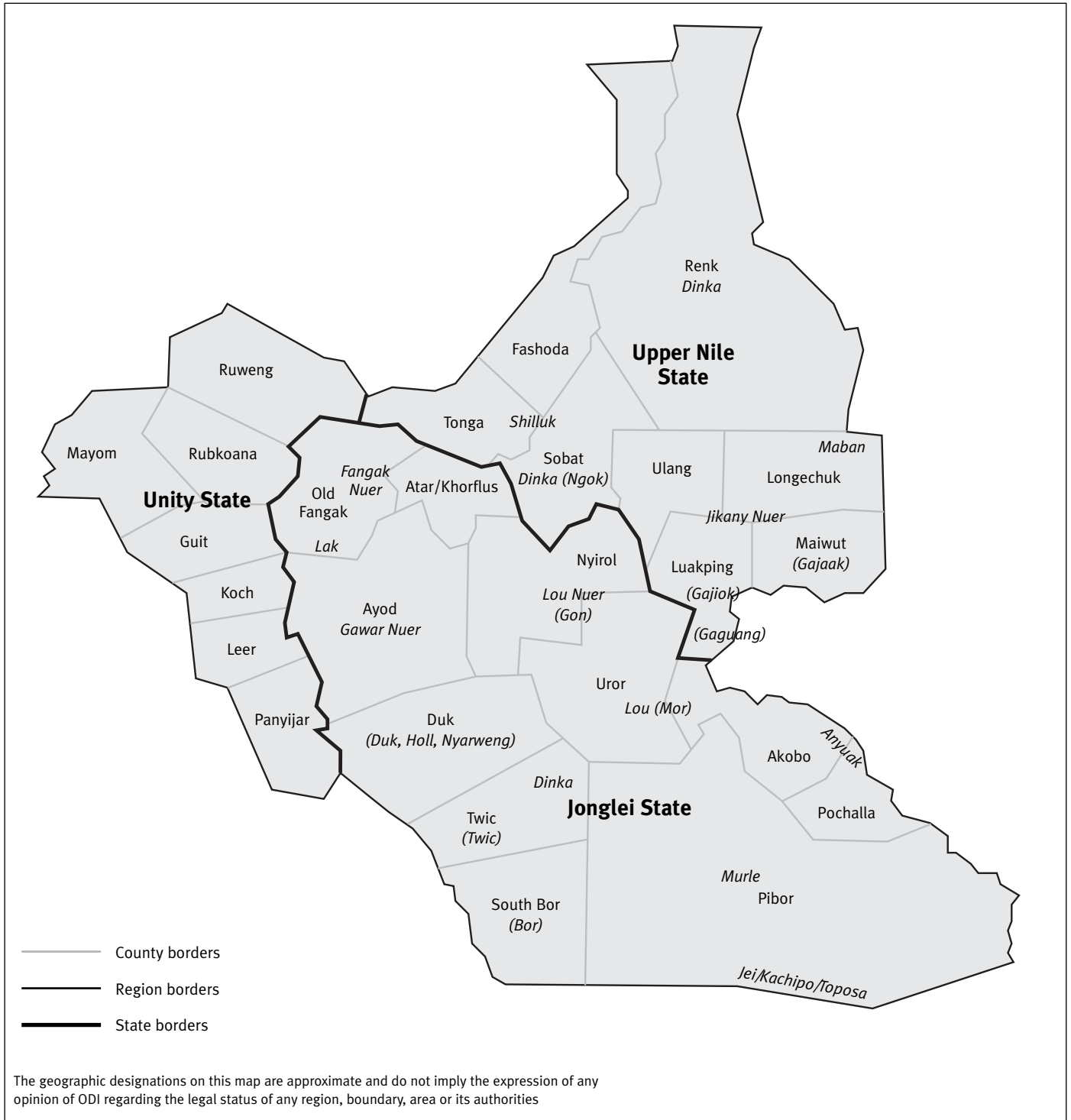
Source: UN Sudan Information Gateway, [www.unsudan.ig](http://www.unsudan.ig).

# Southern Sudan



Source: OCHA

# Upper Nile ethnic groups



# Synthesis

Profound changes are taking place in Southern Sudan as a result of the Comprehensive Peace Agreement (CPA). The CPA has made possible substantial improvements in freedom of movement, trade and oil revenue, dramatically reduced conflict and laid the foundations of a system of governance to administer the south's own affairs (although reform in the Three Areas has been slow and unsatisfactory). Demographics and social relations are radically changing from wartime patterns. But 'peace' has also given rise to uncertainties about the future. Opportunities for citizens to be economically independent have been slow to develop, and large numbers have not yet benefited from economic growth. Insecurity and threats to safety persist. Overall, the extent of what needs to be done to stabilise the post-war environment and build a foundation for long-term peace is only beginning to be appreciated, and many opportunities to positively influence the agreement in its first years have already been lost.

The social impact of possibly two million people resettling in the south has accelerated the pace of change. On the one hand, promising new skills and fresh ways of thinking have been introduced into resident communities (including the redistribution of remittances). On the other, resettlement presents colossal challenges given the impoverished and ill-prepared post-war social and economic environment. Reintegration has as a result put additional pressure on an already underserved and economically poor resident population. It has also exposed fundamental weaknesses in the fledgling regional government, and in the work of international agencies.

The fact that such massive numbers of people have returned without a major catastrophe is testimony to the resilience of the southern Sudanese and their determination to build a 'home' and a new political future. The ceasefire has largely held, an achievement of paramount importance and a central reason why so many have returned. However, this study has shown that behind these accomplishments lies a population largely subsisting and extremely vulnerable to disturbances or shocks. The structures, laws and systems of governance necessary to support integration and sustain peace are fragile. With the passing of time – the CPA is now in its fourth year – there is growing concern and a deepening sense that the challenge of the Interim Period lies not simply in avoiding fresh violence, but in preventing the emergence of a future failing state in the south, and possibly in the north as well.

Sudan's peace agreement is approaching its most testing time. Pressure is mounting on the regional government to ensure civilian disarmament and the demobilisation of combatants. The impact of proposed elections in 2009 on

local security is unclear, and the south's proposed referendum on unity (due for 2011, should it be honoured) is expected to attract a large number of remaining IDPs to their regions of origin in time to participate. Mitigating potential conflicts, contributing to stability and generating opportunities to improve and secure livelihoods in the south – making *peace* attractive – remains the highest priority for all stakeholders during the remainder of the Interim Period. This process includes dedicated interventions and the provision of sufficient resources for successful returnee integration, as well as an environment that will sustain their future. Strategies and actions are called for to address massive and rapid urbanisation, induce civilians to disarm and provide opportunities for the sustainable management and utilisation of natural resources. Infrastructure and markets require development and equitable access to essential services must be put in place.

## What does (re)integration mean?

Reintegration appears to be a loosely defined concept amongst government officials and external assistance agencies. In Southern Sudan there is a strong sense of people 'returning home', often driven by a desire not only to rebuild their own livelihoods and futures, but also to contribute to the building of a viable and peaceful Southern Sudan.<sup>1</sup> For this to become a reality, a number of more immediate needs have to be met. In both phases of this study there has been remarkable consistency in how returnees and local residents perceive the priorities for reintegration. Security usually tops the list, and for many is directly associated with disarmament. Expansion of services comes a close second, to cope with a rapidly expanded population and very limited and often badly damaged infrastructure. The third priority is economic and other support to livelihoods, helping both returnees and residents build up their assets, develop skills and take advantage of new market and business opportunities.

For the Government of Southern Sudan (GOSS), however, the priority since the signing of the CPA has been return, driven by the political incentive to ensure that as many displaced as possible would return in time for the census, which eventually took place in April 2008. Reintegration has tended to be overlooked. It has been the government's expectation that people would want to return home and would be welcomed back by their relatives, on whom the responsibility for resettling them would fall. Thus, supporting reintegration at

<sup>1</sup> The Three Areas (Abyei, Southern Kordofan and Blue Nile) present somewhat different challenges due to the specific political circumstances of each. Southern Kordofan was one of two case studies in Phase I of the research.

community level has been left to communities themselves, while international aid organisations have mostly remained focused on meeting immediate needs. Meanwhile, the GOSS's main preoccupation has been on rebuilding major infrastructure and addressing security issues.

As the two studies reveal, the concept of *reintegration* is a misnomer. The end of the North–South civil war has resulted in the coming together of disparate groups with very different life experiences, often over a generation, according to whether they were displaced across the border in Uganda or Kenya, moved to Khartoum and northern Sudan, stayed more locally or remained where they were. In many places, especially Juba, the process is more about *integration* for the first time – establishing relationships and trust, accepting differences in behaviours and values and finding ways for all groups to be represented in local governance and leadership structures. If left unsupported, there are signs that these processes could take a very long time, tensions may develop, certain groups could become marginalised and the seeds of social inequality may be sown.

The role of the international aid community in supporting social and economic (re)integration is critical. Planning started early, with the JAM process. This offered a promising start, with its emphasis on community-based reintegration programmes and urban planning in Juba. However, the political pressures to launch a major organised and logistically challenging return process obscured the focus on reintegration. Some agencies – NGOs in particular – have maintained their focus on reintegration and there are examples of good practice, for example integrated approaches to supporting vocational training and counselling services at community level. But this has tended to be piecemeal, and support to reintegration has lacked overall strategic direction, leadership and coordination. The UNMIS Return, Reintegration and Recovery Section (UNMIS RRR) was mandated to exercise such leadership, but it too has been distracted by the logistics of organised return. Although UNMIS RRR now has a reintegration strategy (drafted in November 2007), a shared conceptual framework for reintegration is still lacking. In its absence, the understanding of reintegration varies widely amongst international aid agencies. Some see it principally in terms of service provision, others emphasise the protection dimension, but few have a longer-term and more holistic approach towards reinforcing the absorption capacity of communities.

At the international level, UNHCR has done most thinking around reintegration and offers one of the most useful definitions of sustainable reintegration, which it states as:

*supporting those who have returned/resettled or integrated to secure the political, economic, legal and social conditions needed to maintain life, livelihood and dignity.*

**Legal:** access to legal processes; legal support for ownership of property, land and housing,

**Political:** stable government, full participation in political processes, gender equality in all aspects of political life, freedom of thought and expression and protection from persecution,

**Economic:** access to productive resources (e.g. agricultural inputs and livestock)

**Social:** access to services, security, absence of discrimination and community level dispute resolution, etc.<sup>2</sup>

Support to post-conflict reintegration challenges the conventional distinction between ‘humanitarian’ and ‘development’ aid. Reintegration, and indeed recovery, sit uncomfortably between the two. The practical implications of this are all too apparent in Southern Sudan and the Three Areas, particularly in the funding instruments that have been available. One of the main sources of finance for recovery, the Multi-Donor Trust Fund (MDTF), has been unable to meet needs and expectations and failed to make a rapid impact. Delivering adequate services (which sometimes implies a more humanitarian approach), while at the same time building government capacity (implying a more developmental approach) has proved difficult. Various other funding instruments have been introduced to complement the MDTF and donors have pledged to learn from these experiences. The new Sudan Recovery Fund is a vital opportunity to put this learning into practice.

This study proposes an approach to reintegration guided by the following considerations:

- For rural areas, reintegration should be part of a wider, long-term recovery strategy; for Juba, it should be part of a broader response to rapid and ongoing urbanisation.
- Reintegration should be area-based, addressing the needs of residents and returnees together, in ways that help to promote social reintegration.

The ‘Adapted Sustainable Livelihoods Framework in Situations of Conflict and Political Instability’<sup>3</sup> (included in Annex 1) is a useful entry point. It places people at the centre, but is sufficiently comprehensive to consider not only their assets and immediate needs, but also how wider institutions, policies and processes affect their livelihoods and well-being. Thus, it can incorporate governance issues and unresolved legal frameworks, both of which are key.

### Key challenges facing Southern Sudan and the border areas

A number of challenges demand immediate attention. The most important is **insecurity**. While there is enough stability in the country to allow significant levels of return, persistent insecurity in a number of areas means that many people are not free to

<sup>2</sup> See UNHCR (2004).

<sup>3</sup> See Collinson (2003).

choose where to settle, and many more are delaying their return. This is the case in Jonglei, Southern Kordofan and Central Equatoria – three of the four states visited during this study. The brutality of the conflict and memories of war amongst returnees have soured relations between certain communities, and this will take time to heal. Addressing insecurity and facilitating reconciliation and social integration are therefore essential to providing a conducive environment for returnees and residents alike. More fundamentally, they are a prerequisite if the recovery process is to gain momentum. If external actors are serious about peace, greater commitment is needed to public security initiatives. The UN Mission in Sudan (UNMIS) must become more proactive in its approach to the remnants of various armed groups and communal violence in the South and the border areas. The authorities must support disarmament and community stability, and work with the UN mission, the UN technical agencies, donors and NGOs as part of a coordinated, common approach.

For return and reintegration to be sustainable, strengthening rural and urban **livelihoods and economic development** must be urgently addressed with specialist expertise (and support organisations) and a common framework of action. Modest but valuable practice is being built up through a number of NGO- and UN-managed interventions. But to make meaningful progress, piecemeal projects must be replaced by a systematic institutional engagement with the state and local government. As in most other post-conflict contexts, there are both challenges and opportunities in rebuilding livelihoods and developing the economy. The potential is tremendous. Returnees and residents have many ideas and are keen to be involved in the rebuilding of Southern Sudan. These ideas and this enthusiasm are still largely untapped. Greater efforts are needed to support the development of more reliable livelihood strategies through vocational training, business development and micro-credit, building on what is already working. Markets and market processes need to be better understood and international best practice brought to bear. Corrupt procedures, inconsistent tax regimes, lack of uniform standards, unequal access to information – all need addressing if the foundations for recovery are to be correctly laid. These interventions must be sustained by adequate funding and accompanied by appropriate labour legislation and economic reforms.

Support to economic development must be accompanied by more systematic approaches to service provision and more rapid scale-up. **Services** and infrastructure are generally expanding from the 2005 base, but are still far from satisfying minimum basic needs, let alone laying a foundation for longer-term recovery. Service delivery must be understood as a strategic as well as a practical contribution to peace. While Southern Sudan and the Three Areas are a long way from attaining the Millennium Development Goals, intensive efforts to improve the coverage of services will have far-reaching implications. Delays and gaps only encourage instability. This is a distinct threat in Jonglei State and in areas where returnees

concentrate in overcrowded settlements, because service provision is perceived to be of a better standard – as in the case of Juba and a number of state capitals in the South. The studies have however shown that, even in state capitals, services have not expanded significantly, and the quality of many existing services has actually deteriorated, with Primary Health Care Units (PHCUs) and schools barely functioning due to a lack of maintenance, qualified staff, equipment and drugs.

Despite inadequate service provision in urban areas, even a minimum of basic services, accompanied by expectations of better economic opportunities, are key factors pulling returnees into Juba and other towns such as Bor, rather than rural areas. GOSS, however, is averse to the current natural process of **urbanisation** and is instead promoting a policy of ‘taking towns to the people’. This is based on creating two model towns for each of the ten states, to include a functioning market, community centre, primary school, health centre, water supply and electricity. This is an alternative to the normally scattered settlement pattern of Southern Sudan, and is designed as a way of providing services more efficiently. The plan has met with some scepticism among donors and it is highly unlikely that it will have any effect on the rapid growth of Juba town, which demands immediate attention. To address this rapid urbanisation, and reintegration as one component, requires an acceptance by GOSS of the inevitability of this process of post-conflict urban expansion, and a reframing of the opportunity this could offer for economic growth and development if supported by an appropriately managed urbanisation strategy (whilst still continuing to improve security and livelihood opportunities in rural areas). It also requires greater focus and investment by international aid agencies, which have hitherto tended to focus predominantly on rural areas.

Linked to the issue of urbanisation is the problem of **land**. The centrality of the land question for returnees in Juba cannot be overemphasised. In most of Southern Sudan land is still owned communally and rights are administered by traditional leaders. In Juba tensions run deep between the government and local communities over the allocation of new land to expand the boundaries of the town and demarcate new parcels for services, investment, government offices and infrastructure, and residential plots for returnees. Land disputes are also rife over plots already gazetted (mostly pre-war or during the war) where ownership is contested as a result of prolonged displacement and ambiguous or absent land documentation. Tension around ownership of and access to land also affect reintegration in rural areas of Central Equatoria, Jonglei and Southern Kordofan. In these areas, the arrival of returnees has exacerbated long-running tensions between land users. The problem of land in Juba is particularly urgent. Lack of access to land is making investment and the introduction of new services impossible, including schools, primary health centres and boreholes. The issue requires immediate attention through the provision of

appropriate technical support by the international community and dedicated political attention at the highest levels of GOSS.

**No time to waste ...**

The pressures of reintegration are mounting all the time. The next few years will be crucial to the future stability and prosperity of Southern Sudan and the Three Areas. Given the very low base and the complexity of socio-economic relations in the region, progress has been remarkable in some areas, but the challenges of managing the transition of rebuilding Southern Sudan and the border areas remain considerable. As pointed out in Phase I, reintegration is of necessity a gradual

process, and it is not possible for all the requirements for return to be met evenly and on time. However, to date the study (extending over the period mid-2007 to mid-2008) suggests that government capacity and international support are lagging far behind the pressures presenting themselves throughout Southern Sudan and the Three Areas as returnees struggle to establish a new life. The burden continues to fall on host communities as states are still not ready to receive a major influx of people (in terms of services, infrastructure and governance). As a result, additional stress is accumulating on what is already a deeply fragile and uncertain peace agreement. The obligation to focus more effectively on supporting the determinants for successful return, reintegration and recovery has never been higher.

# Introduction and methodology

This study presents the findings from the second phase of an in-depth research project on the reintegration of IDPs and refugees returning to Southern Sudan and the Three Areas. Phase II builds on the findings of the initial phase and further explores the key determinants of sustainable reintegration. The overall study was initiated by the United Nations Mission in Sudan's Return, Reintegration and Recovery Section (UNMIS/RRR) to inform its policy and planning and help address the complex challenges of successful reintegration. The initial phase of the study was funded by the Department for International Development (DFID); this second phase has been undertaken with the support of the Canadian International Development Agency (CIDA) and the Danish International Development Agency (DANIDA). Research in Phase II was carried out in Juba town and Jonglei State. These areas were selected by UNMIS/RRR as being amongst those of highest return, to generate lessons on two issues which are of concern to reintegration in Southern Sudan and the Three Areas as a whole: urbanisation and continuing insecurity.

The overall aim of the study is to delineate clear and feasible strategies to facilitate successful reintegration, outline the roles different actors (government, returnees, host communities, donor governments and aid agencies) should play and develop models applicable to other parts of the country. The study also reviews recent trends in the policy environment, with a focus on the role played by federal and state governments in facilitating reintegration.

As with the phase I study, the methodology is based on the 'Adapted Sustainable Livelihoods Framework to Support Situations of Conflict and Political Instability', developed by HPG in 2003 (Annex 1). The framework places people at the centre of analysis, assessing the way in which institutions, policies and processes affect their assets, immediate needs and overall well-being. Special attention has been paid to the relationship between returnee and resident populations in determining constraints and opportunities for successful reintegration.

Phase II has been carried out by the same three-strong core ODI research team, in partnership with a colleague seconded from the German Development Service (DED), who also participated in phase I of the study. The study also benefited from the secondment of a large number of Sudanese colleagues from operational agencies based in the focus areas, who undertook much of the background research ahead of the arrival of the ODI research team. A two-day workshop in Juba in January 2008 introduced partners to the methodology and provided training for the field research.

The work began with an extensive review of secondary sources, a process that continued throughout the study, followed by interviews with key informants (government, UN, NGO and community leaders) and a series of focus group discussions (FGDs) with returnees and members of the resident community in 19 locations in and around Juba and 11 locations in Jonglei State (disaggregated where possible). Data collected was mainly qualitative, although some quantitative data was also gathered, particularly in assessing the provision of services. A number of key issues were given priority in the analysis: determinants for successful reintegration for different populations, obstacles to reintegration, specific characteristics of urban and peri-urban experiences of reintegration, existing and potential livelihood opportunities in areas of return, the impact on the resident community, the overall reintegration framework and funding with regards to reintegration priorities.

## Structure of the report

The study is divided into two sections, one focusing on the findings from Juba, and the second looking at Jonglei State.

The Juba report is divided into nine chapters. The first chapter summarises the context in which return and reintegration are taking place, highlighting tensions between communities and demographic changes that have occurred since the war. Chapter 2 reviews the return process to Juba, emphasising the scale of the return and how it has accelerated urbanisation. This chapter also assesses current assistance to returnees. Chapter 3 outlines the opportunities and challenges to social integration for returnees, highlighting the deteriorating security situation. Chapter 4 examines livelihood strategies and the economy in urban and peri-urban areas in both the public and private sector. It outlines policies aimed at reforming current legislation and improving the capacities of and opportunities for returnees as well as residents. Chapter 5 assesses service delivery in education, health and water and sanitation, offering a comparative perspective from before and after the CPA agreement and emphasising the need to meet current demand, particularly outside of Juba town, to relieve pressure on existing facilities and mitigate pull factors into the city. Chapter 6 analyses leadership structures and the extent to which they facilitate reintegration, while Chapter 7 provides an overview of land issues, highlighting increasing disputes over land and the need to strengthen resolution mechanisms and efforts to tackle the underlying causes of the problem. Chapter 8 provides a review of policies and assistance to reintegration in Juba. It argues the need for a clearer focus on urbanisation processes, calling for a more concerted and coordinated response and adequate funding for the task at hand. Chapter 9 concludes the study.



The Jonglei State section is divided into six chapters. Chapter 10 provides a background and introduction to the historical legacy and current situation in the state. Chapter 11 describes returnee profiles and the initial integration experiences in different areas, outlining the factors influencing return and critically assessing current understanding of the context and responses. Chapter 12 examines progress towards social integration and public security, emphasising continuing insecurity between and within groups around access to

resources and power relations. Chapter 13 analyses rural and urban livelihoods opportunities, and highlights the need for improved dialogue with both returnees and resident populations to ensure that the recovery process stimulates the economy in a way that caters to their diverse needs. Chapter 14 reviews current service provision and infrastructure needs, including access to roads, health, education, water and social protection. Chapter 15 provides a conclusion and overall recommendations for further action.

# Section 1 Juba Town

## Chapter 1 Context

Juba is the capital of Central Equatoria State (CES) and the seat of government for all of Southern Sudan. The town comprises three payams (districts) stretching across 12 kilometres: Juba town, Munuki and Kator (USAID, 2005:8). Greater Juba is approximately 100km across and is divided into four payams – Dolo, Rajaf, Kworijiik and Lokiliri – traditionally inhabited by six ethnic groups: the Bari, Lokoya, Lolubo, Nyangawara, Mundari and Pajulu. All but the Lolubo speak Bari (UN R/HC, 2004a: 1).

During the war Juba was a garrison town administered by the government of Sudan (GOS), while the surrounding areas were under the control of the Sudan People's Liberation Movement/Army (SPLM/A). Juba stayed under government control throughout the war, despite a major attack in 1992 which displaced a large number of civilians. Insecurity resulted in several waves of displacement from Juba County in and out of Juba town. Civilians were also displaced by incursions of the Lord's Resistance Army (LRA), a Ugandan rebel movement. The perimeter of the town was heavily mined and government troops cut back surrounding trees to deny the SPLA cover.

Juba's economy was dominated by small-scale income-generating activities such as alcohol brewing, petty trade, firewood collection and charcoal making (El Bushra and Sahl, 2005: 35). Goods were in short supply and prices were very high. The market was controlled by northern merchants and GOS military interests. Basic services like health and education, though better than in nearby SPLM-controlled areas, were 'desperately inadequate' (De Wit, 2004: 22). Infrastructure was dilapidated; roads were in poor condition and mostly unusable due to landmines and the destruction of bridges. Heavy security restrictions were enforced: a curfew was in place between 10.00 p.m. and 7.00 a.m.; no unauthorised movement was allowed beyond three kilometres outside Juba; freedom of speech and expression were restricted and assembly was prohibited even for funerals, unless with prior consent from the authorities.

Social relations were characterised by divisions between displaced and host populations (El Bushra and Sahl, 2005: 2)

and tensions between wealthier groups (usually Arab merchants) and the poor (the majority of the indigenous southern population). These tensions reached a peak in August 2005, with the death of Dr. John Garang de Mabior, the leader of the SPLM/A, who had been sworn in as Vice-President of the Republic of Sudan and President of the Government of Southern Sudan (GOSS) only three weeks earlier. Rumours that Garang had been assassinated led to rioting in Juba as southerners targeted northern traders. Several people were killed and property was looted, prompting many northerners to flee to Khartoum (Pact, 2007).

Juba has changed significantly since the Comprehensive Peace Agreement was signed in January 2005. In 2005, it was estimated that there were 163,442 residents and 87,000 IDPs in Juba town and surrounding areas (Juba Survey Department, pers. comm.).<sup>4</sup> Residents were said to be occupying over 30,000 plots of land in Greater Juba, with about 86,000 squatters occupying abandoned plots and buildings in the town itself. Since the CPA, the population has increased dramatically. Current estimates range between 500,000 (USAID, 2007: 28) and 1 million (JICA, 2008). Government sources and local analysts suggest an overall figure of 750,000–800,000.

Over the last three years Juba has undergone a profound transition from an isolated garrison town to an important political and economic centre. Systems and institutions have not kept pace with this change and the inadequacy of donor instruments like the Multi-Donor Trust Fund (MDTF) have delayed the delivery of recovery assistance. Managing the transition from such a low baseline, with such complex socio-economic relations, would be a massive task for the most seasoned government, let alone a new and inexperienced administration emerging from two decades of war. Given the circumstances, progress has been remarkable in some areas, but the challenges of rebuilding Juba to address the multiple and often conflicting needs of different interest groups remain considerable.

<sup>4</sup> The pre-war population of Juba was put at 83,787 by the municipal survey of 1983.



# Chapter 2

## Returns to Juba

### 2.1 Overview of return

The flow of returnees to Southern Sudan has been gradually accelerating since the CPA was signed, with returns peaking in 2007. Although there are no accurate figures for the number of returnees, UNMIS/RRR puts it at around two million for the whole of Southern Sudan; others believe it is slightly lower (IOM, pers. comm.). Many returnees are seeking greater opportunities or are motivated by a patriotic desire to rebuild Southern Sudan. The political incentive to accelerate the return process before the census in April has been a major factor behind the large numbers returning in the last 12 months or so, with the strong encouragement of GOSS.

International aid actors define three categories of return:

- 1) *Spontaneous return*, with people timing and organising their return themselves. (Spontaneous is a misnomer here, as this is usually a well-planned process.)
- 2) *Organised return*, with international aid agencies or GOSS providing transport and meeting most of the returnees' needs during the return process. UNHCR leads the internationally-funded organised return programme for refugees, and IOM leads for IDPs.
- 3) *Assisted voluntary self-repatriation*, with material assistance provided to potential returnees in their place of displacement. The returnees then organise the return process themselves, and reintegration assistance is provided on their arrival. This service is provided by UNHCR to returning refugees, but not to IDPs.

Until October 2006 the joint government/UN strategy was to support spontaneous return. Thereafter there was 'a fundamental shift in approach to planning for returns' (UNMIS, 2007: 1) to Southern Sudan and the Three Areas as a joint Government of National Unity (GNU)/GOSS/UN plan was developed for an organised return process. This began in February 2007, after delays in constructing the necessary infrastructure such as way-stations. There were undoubtedly political pressures behind this decision, to ensure that as many people as possible returned to Southern Sudan before the 2008 census, a key landmark in the transition process leading up to elections and part of the CPA. To date the organised return process has been responsible for only a small percentage of returnees. The great majority are returning spontaneously. Return for most is only possible during the dry season, from November/December to May (this was extended for IOM-organised returns in 2007 by using air transport).

Figures on returnees to Juba town appear to be most reliable for refugees. According to UNHCR a total of around 14,500 refugees have returned to Juba since 2005, roughly broken down as

follows: 2,510 through organised return, 59 through assisted voluntary self-repatriation and 11,840 through spontaneous return. Comparable figures are not available for IDP returnees to Juba, although IOM figures show that around 1,650 IDPs have joined organised returns, mainly from Khartoum. If organised return represents the same percentage of IDP returnees as for refugee returnees, this would mean around 9,700 IDPs have returned spontaneously since 2007, but estimates of Juba's current population suggest that this is a conservative estimate, and the number is probably very much higher. During the fieldwork, both residents and community leaders reported that the majority of returnees to Juba are from Khartoum. Most returning refugees are from Uganda.

### 2.2 Who are the returnees?

The term 'returnee' covers a broad spectrum of people, with different reasons for returning and very different economic and social prospects on their arrival in Juba. There are three broad groups, comprising both men and women, of as yet undetermined size:

- 1) Well-educated returnees, many of whom were part of the Southern Sudan diaspora during the civil war, living as far afield as the US and Cuba as well as in neighbouring Kenya and Uganda. Some are also returning from Khartoum.
- 2) Semi-skilled returnees, both IDPs and refugees, many of whom gained their skills and experience during their displacement.
- 3) Unskilled returnees who had no chance to develop skills during displacement, especially if they ended up in rural areas.

Juba residents and aid agency staff report that many returnees are better qualified and better skilled, with better employment prospects, than those who remained in Juba, but this should not mask the fact that Juba has a significant number of very poor and unskilled returnees (see 4.1 below).

IRC monthly reports show that only about 10% of returnees originate from Juba town. Most of the remainder chose to move to Juba because of the economic and employment opportunities it is seen to offer, and because of the marginally better services there compared with rural areas and other towns in Southern Sudan. Returnees who have experienced urban living during their displacement often do not want to return to rural life and agricultural work, especially if they are young. Half to three-quarters of the returnees interviewed by IRC said that they did not intend to return to their area of origin (usually rural areas in Greater Equatoria). Older returnees most often expressed a desire to return eventually

to their area of origin. Even those who do want to return rarely have a clear timeframe in which to do so, and commonly report that they cannot go home because of insecurity and landmines outside Juba, especially in Eastern Equatoria, where the LRA has been most active.

The rapid growth of Juba town is also a result of ongoing displacement from nearby rural areas. Most recently, this has been triggered by a spate of attacks on villages by the LRA and other armed groups, by flooding which destroyed crops in Terekeka in 2007 and by conflict between ethnic groups, for example in the Kuda-Seremon area north-west of Juba town.

In the organised return process, payams (districts) have been prioritised according to security and accessibility, as well as availability of land and basic services. On this basis, the three payams in Juba town have been prioritised in descending order as follows: (i) Kator (ii) Munuki and (iii) Juba. However, according to IRC monitoring, overall levels of return have been highest in Munuki Payam, which is slightly less congested. The poorer parts of town, like Hai Mauna in Munuki Payam, designated as Class 3 and 4 (see 7.4 for details), have generally experienced the highest population growth since 2005. Some blocks in Munuki have received more IDPs than returnees in recent months: in Dar es-Salaam, IDPs are now said to outnumber residents. According to the Juba County Commissioner, 'things are in chaos' with the arrival of new IDPs, and returnees are angry because of a lack of support since their arrival.

The government, especially the state and local governments, are keen for people to return to their areas of origin and have yet to accept Juba's growth as a natural process of post-conflict urbanisation. This is apparent in the state government's pressure on UNHCR to transport returning refugees back to their area of origin, regardless of their own wishes. One state government official told us that returning chiefs originally from rural areas will not be paid if they remain in Juba.

### 2.3 Patterns of return

In terms of patterns of return, family splitting is common. It may be temporary, with the male head of household returning first in order to find a place to live and earn before bringing the whole family back. (This was also widespread in Southern Kordofan, as documented in phase 1 of this study.) It may be a longer-term strategy aimed at allowing younger members of the household to get the best education (usually in the area of displacement) and to spread risk by maintaining a base in a number of different locations.<sup>5</sup> Indeed, family splitting was also a common strategy during the conflict as families tried to make the best use of available education opportunities and service provision. IRC (2007, May) monitoring reports show that the proportion of

<sup>5</sup> During the fieldwork we found several cases of families splitting among three locations, e.g. Khartoum, Juba and Magwi village, and even four locations, e.g. Juba, Gedaref, Kassala and Khartoum.

refugees leaving family members behind when they return is higher than for IDP returnees from Khartoum (65% against 21%), usually because of the educational opportunities in the country of refuge (especially Uganda) but also in expectation of official repatriation. In contrast, many IDPs from Khartoum say that they have been registered for organised return for many months and are now giving up and returning spontaneously.

There is evidence of some secondary return, both to Uganda and to Northern Sudan, although probably on a small scale.<sup>6</sup> This is usually because of poor education facilities in Juba town, with some returnees saying that conditions are worse than they were in areas of displacement. Many of those who want to return to Khartoum do not have the means to do so.

### 2.4 Assistance to returnees

Similar to the pattern noted in phase 1 of this study, the organised return programme has dominated all planning and assistance to returnees since its inception in early 2007. This has meant that assistance to spontaneous returnees has tended to be overlooked.<sup>7</sup> Although all returnees are eligible for a three-month assistance package on their arrival, including shelter (plastic sheeting) and food and non-food items (NFIs), few spontaneous returnees in Juba town appear to have received this.<sup>8</sup>

The means by which many IDPs return spontaneously from Khartoum are inadequate to the point of life-threatening. This is especially the case on cargo barges, which are overcrowded, and are without clean water, adequate sanitation or railings to prevent children from falling overboard. Although this situation is well-known to agencies including UNMIS/RRR, IOM and NGOs, little appears to have been done, and efforts to encourage action by the UNMIS Protection of Civilians Section have not resulted in any improvement. The Adventist Development and Relief Agency (ADRA) provided child protection officers and clean water on barges but this has not been sustained, possibly because of a lack of funding.

Agencies have also been poorly prepared to deal with the returnees' preference for Juba over rural areas, whether on a permanent or temporary basis. UNHCR funding was for return to states such as Eastern Equatoria, Jonglei and Upper Nile, rather than to Juba. IOM has inadequate funding for onward travel from Juba for those who want to return to rural areas. Although the organised return programme is supposed to

<sup>6</sup> This was reported during our fieldwork in Dar es-Salam in Munuki Payam, for example.

<sup>7</sup> An operational plan to support spontaneous return had been drawn up in July 2005, but many of the interventions planned, for example registration, tracking and monitoring, and the provision of NFIs, have been poorly implemented since.

<sup>8</sup> This is especially the case in Juba town, where returnees are more scattered. In the rural areas of Juba County, however, NGOs report that SSRRC has done a good job of coordinating distributions through the Central Equatoria Returns Working Group for IDPs who have returned spontaneously in 2006 and 2007, often as a large group from areas within the county or the state.

involve local leaders by bringing them to way-stations as part of reception committees for returnees, several local chiefs and block leaders reported that they felt insufficiently involved and were not receiving advance notice of arrivals.

The information campaign in Khartoum has been targeted at returnees using the organised return process rather than at spontaneous returnees. NGO staff are critical of the coverage of the campaign and say that the information it provides is insufficiently disaggregated, for example to county level, and not sufficiently relevant. Given the political incentives to encourage return, which have generated unrealistic promises to IDPs, the value of a credible and effective non-politicised information campaign increases. The information campaigns in refugee camps are generally regarded as being more effective than those for IDPs.<sup>9</sup>

Monitoring the return process has proved difficult. IOM has taken over tracking from OCHA and has made good progress in establishing a database. (This compares favourably with the state of the monitoring process in Southern Kordofan, reported in phase 1 of this study.) However, it is still inadequate, especially for spontaneous returnees. The Southern Sudan Relief and Rehabilitation Commission (SSRRC), international agencies and local authorities do not have reliable data for spontaneous returnees to Juba town, although IOM has plans to train SSRRC monitors.<sup>10</sup> This should be a priority as lack of reliable data seriously hampers planning for reintegration, and encourages the focus on organised at the expense of spontaneous return. Considering

<sup>9</sup> A baseline survey conducted by the Norwegian Refugee Council (NRC) among IDPs in Khartoum and refugees in Uganda showed that 70% of IDPs and 87% of refugees had received information related to return, but only 38% of IDPs said that they had received enough information on social services and available assistance to returnees in their home area, compared with 63% of refugees.

<sup>10</sup> OCHA reportedly carried out some training of SSRRC monitors in 2006/07, but this does not appear to have been followed through.

that three years have passed since returns began to accelerate with the signing of the CPA, the monitoring process should by now be established and functioning. The exception is the IRC's excellent protection monitoring, which provides valuable information on returnees' perceptions, strategies and challenges. This is mostly qualitative, based on interviews with returnees as well as with leaders, key informants (teachers, health workers) and other residents.

The older returnees and residents interviewed during this study made unfavourable comparisons between the current return and reintegration programme and repatriation after the 1972 Addis Ababa agreement (when most of the displaced were refugees). The authors have been unable to find details of the 1972 programme, but our fieldwork made clear that people felt more fully consulted then, were taken directly to their area of origin and given assistance, including training. There was a transit camp in Juba for those wishing to return to rural areas, with assistance provided for onward travel. As a result, fewer elected to remain in Juba.

## 2.5 Recommendations

- Support to the return process should focus on supporting spontaneous return, which is the main way in which returnees are coming back. This should include exploring further how cargo barges can be made safer, and increased monitoring of spontaneous returnees.
- A feasibility study should be carried out by UNMIS/RRR, IOM and UNHCR, in collaboration with SSRRC and relevant NGO partners (e.g. IRC), to explore the use of vouchers or cash grants to returnees to support their return rather than the current logistically demanding and expensive convoys run by international agencies. Experience of using vouchers and cash to support return in other environments, such as Afghanistan, Pakistan and most recently Burundi should be part of this study.



# Chapter 3

## Social integration and security

### 3.1 Opportunities and challenges to social integration

It is more appropriate to talk about the ‘integration’ of different population groups in Juba town, rather than ‘reintegration’. The challenge is less reintegrating returnees who used to live in Juba, and more how to integrate different population groups with different histories and life experiences, different social networks and values, and different economic and employment prospects – all against a backdrop of rapid urban growth. This throws up different challenges to the more familiar process of reintegrating IDPs and refugees who return to rural areas to rejoin communities that lived through the conflict.

During the fieldwork for this study, a range of views were recorded about whether the resident community of Juba welcomed returnees. On the positive side, families have been reunited and relatives welcomed home. Returnees are valued for the new skills they bring back, for example in construction and agriculture (see 4.2). Returnees who have had greater exposure to community development and organisation are valued by local leaders for their developmental input, for example speaking articulately at community meetings and contributing their views and ideas, around hygiene standards for instance. But for many resident households the arrival of returnees has meant hosting large numbers of relatives for prolonged periods (three to four months or even longer) until they are able to establish their own shelters and find work.<sup>11</sup> This is a drain on the resources of many resident households already struggling to make a living in a competitive urban environment. A number of host families reported eating only one meal a day in order to share resources with returning relatives. The burden of integrating the returnee population is clearly falling principally on resident families. There is evidence that this is straining relations, especially in families divided for 20 years, and some returnees are asked to leave after just a few days.

One of the greatest challenges, however, is for people with very different life experiences to learn to live together. The differences are manifest in behaviour and values, particularly among young people and women. Juba women often consider refugee women returning from rural areas in Uganda to be unsophisticated in their dress and excessively liberal. During fieldwork, we heard words such as ‘primitive’, ‘provincial’ and ‘uncivilised’ used by residents of Juba to describe returning refugees from rural areas of Uganda and Kenya who are unused to an urban lifestyle and commodities like television and refrigerators. Some residents

refused to call them Sudanese because ‘they do not behave the Sudanese way’ (IRC, 2007a: 19). However, there is evidence that some of these attitudes are changing as Juba opens up to more contact and trade with Uganda and as clothes from East Africa reach markets in the town.

Differences in values are more fundamental. The sense of family and community is often weaker among returnees who have been leading more independent and individualistic lives, or simply different. Young people want to earn their own money and spend their days in town and in the markets, coming home only to sleep. For many Juba people, this is at odds with their more traditional and disciplined lifestyle, which revolves around the family. In the words of one long-time resident of Hai Mauna: ‘You don’t notice who is a refugee or from the community when you look at the older people. But if you look at the youth you clearly see that they have not been raised here; they have different morals.’<sup>12</sup> Returnees, especially refugees from Uganda, are associated with bad behaviour such as increased alcohol consumption and drunkenness, even among children as young as 14 or 15. They are blamed by residents for bringing prostitution and HIV/AIDS to Juba. According to the IRC, returnees themselves say children raised in Juba are the least disciplined and worst-behaved (IRC, 2007a). These contradictory perceptions underline the suspicion and lack of trust between groups.

There is political antagonism between those who lived in government-controlled areas during the war – usually Juba or Khartoum – and those who lived in SPLA-controlled areas or who left for Uganda. Insulting labels are attached: returning refugees call the former *jallaba*, a derogatory term for Arabs, and stigmatise women for their Arabised dress. The latter are called ‘o4’ because of the T-shirts and football strips they wear, with numbers on them. The strongest wartime links were between the resident population in Juba and IDPs in Khartoum; according to IRC’s monitoring reports, these returning IDPs generally integrate better into Juba and experience less discrimination. Links between Juba and refugees in Uganda were weak or non-existent during the war, and these returnees are most likely to be discriminated against now. This is evident at water points (see 5.4), where returning refugees from Uganda are pushed to the back of long queues. They are also most likely to feel discriminated against in the job market for government positions, especially the unskilled (although less so with international agencies if they speak English) (IRC, 2007a). Land is a major source of tension as returnees try to claim land inhabited by resident households, as explored in section 7.2 below.

<sup>11</sup> In an extreme case, one household was hosting 18 relatives returning from the Central African Republic, and a block leader in Munuki Payam was hosting 30 returnee relatives.

<sup>12</sup> From a focus group discussion with residents in Hai Mauna, Munuki Payam.



Language is another barrier to the integration of these groups, not least in the workplace. Many of the returning refugees speak some English but do not understand Arabic, and this is resented by the local residents. Although English is the official language of Southern Sudan, this creates discomfort among residents of Juba who do not speak it and who perceive the returnees as feeling superior (IRC, 2007a). Many returnees no longer speak Bari, the local language of Juba, or come from rural areas where this was not their first language, for example Eastern Equatoria, where they are more likely to speak Madi or Acholi.

Like most urban areas, Juba is a mix of different ethnic groups, but the legacy of the war means that co-habitation is not always comfortable. The substantial new Dinka presence associated with the government of Southern Sudan is resented by Juba's 'original' ethnic groups, especially since powerful returnees linked to the government or the military are perceived as grabbing land by force (see 7.2). Unresolved disputes between ethnic groups in rural areas surrounding Juba (often over access to natural resources), for example between the Nyangbara and Mundari in the Kuda-Seremon area, have the potential to spill over into the town.

Some key informants say that women and children have integrated better than men. But there are also reports of negative trends affecting women. Early marriage is said to be increasing, partly because girls have little access to higher education or steady work. Domestic violence is said to be common within marriages. While residents associate rising domestic violence with returnee refugees and high levels of alcohol consumption, it is not clear that early marriage is related to the return process; it was a common survival/coping strategy amongst Sudanese refugees in settlements in Uganda during the war.

The picture that emerges is of disparate groups learning to live together. Although some have already experienced this when living as refugees in Uganda, local leadership and authority clearly lay with the Ugandans, so issues of identity politics were less likely to arise amongst the Sudanese. Responsibility for integration currently falls on host family members, which does little to break down the lack of trust between different communities. So far, rapid urbanisation has been more or less unmanaged. If this continues, the predictions of block leaders in Munuki Payam – that returnees and residents will still be living separately in six years' time – could come true. This would seriously impede

the transformation of Juba from a local, rural town to the multiethnic capital of Southern Sudan.

### 3.2 Security in Juba town

Security in Juba town has deteriorated, especially at night. This is clear both from interviews with residents and returnees and from IRC monitoring reports. Many people are fearful of moving outside their homes at night, especially around market areas such as Konyo Konyo and Customs markets, and in Sadhaka area behind Juba University (IRC, 2007a).<sup>13</sup> The biggest threats appear to be theft – of money, mobile phones and clothes – often accompanied by physical assault. Women report sexual violence including rape, and there have been murders. Focus groups during the fieldwork related this rise in violence to the rapid and poorly serviced expansion of Juba, and especially to the large number of soldiers in the town (who often have not been paid for some months), rather than to the return process. Local people say the police are too few and too inactive, and many acts of violence are not investigated or punished, especially if the perpetrators were armed and/or affiliated with the SPLA. The fear and trauma associated with the behaviour of soldiers is very evident. As described in section 7.2 below, some acts of violence and intimidation are directly related to the competition for land.

A more recent development has been armed attacks against businesses, international aid agency compounds and staff. While this may be a temporary phenomenon, it is another indication of the lawlessness on the streets of Juba, especially at night.

### 3.3 Recommendations

- The GOSS needs to accept that rapid urbanisation is deterring many returnees from leaving Juba for rural areas. GOSS and Central Equatoria governments need to find ways of working with local institutions (community leaders) and local government (payam and county administrators) to facilitate the integration of different groups and to promote tolerance of difference and cultural diversity, including through the media. NGOs working at the community level can play a role in supporting this process of dialogue and interaction.

<sup>13</sup> Customs market has apparently since been dismantled, with vendors moving to Konyo Konyo, creating very crowded conditions and exacerbating insecurity.

# Chapter 4

## Livelihoods and the economy

### 4.1 Overview of urban and peri-urban livelihoods

#### 4.1.1 Primary livelihoods strategies in Juba

The signing of the CPA has fundamentally transformed the economic outlook of Juba. The opening of transport routes has ended years of isolation, and the arrival of returnees and investors has opened up a new flow of economic activity along the river Nile and within the regional road network (USAID, 2007: 5). The massive flow of returnees to Juba has been partially driven by the perception prior to return that the town offered easy access to a wide range of employment and livelihood opportunities. While this is true to some extent compared to rural areas, expectations of employment have in most cases been frustrated, and most returnees complain about the economic hardship they face in Juba, despite this newly buoyant economy.

The government and international organisations are the main employers in Juba. Aside from residents employed before and during the war, white-collar jobs in the public sector are only available to the highly educated returning diaspora or well-educated returnees from within Sudan, often pre-war employees seeking to be reinstated in their previous jobs. Commercial activity and trade with Khartoum and other Sudanese towns are partially controlled by a small number of merchants of Northern Sudanese origin who did not leave Juba after the riots following Garang's death. Ugandans and Kenyans dominate the rest of the business sector, particularly construction of infrastructure and real estate, catering and trade with neighbouring countries. The remaining population in Juba, which is the vast majority, works either as wage labourers in the formal sector (government departments, international organisations and small businesses) or as self-

employed workers in the informal sector, catering to the needs of the population in the town's market or in the slums. This category is divided between semi-skilled workers (many of whom are returnees) and unskilled, and includes former soldiers waiting to be reintegrated into civilian life. Retired government employees are a particularly vulnerable category as government pensions are very low (SDG 35 per month for unskilled labour and SDG 90 per month for skilled), and the support of social networks is weakening in urban areas.

Semi-skilled and unskilled residents and returnees are involved in the same type of work, mostly casual labour. This includes breaking stones, collecting firewood, construction, mechanics, digging latrines and brick-making. Women are mainly occupied in washing clothes, washing plates in restaurants, breaking stones, petty trade and small business, and carrying water on construction sites. In the surrounds of Juba, for example in Kafuri, there is some evidence of agriculture, but cultivation has been hampered by cattle trespassing on farms. Table 1 ranks the main livelihoods strategies by gender, in order of perceived economic importance in inner Juba.

The predominant economic activity is usually complemented by a range of other activities. This is because the main source of income is seldom reliable, even if it is government employment, because salary payment is often erratic.

Some of the livelihood strategies listed in Table 1, such as washing dishes in hotels or breaking stones, have only emerged since the end of the war. Key wartime activities such as alcohol brewing have witnessed a significant decline as cheap, imported alcohol (mainly from Uganda) has become available in the market and in bars. In Juba town itself,

**Table 1: Primary livelihood strategies of semi-skilled and unskilled residents and returnees in Juba**

	Livelihood: men	Livelihood: women
1	Daily labour (construction)	Domestic help
2	Stone-breaking	Clothes washing
3	Digging pit latrines	Stone breaking
4	Brick-making	Dish washing
5	Mechanics	Grass cutting
6	Bicycle repair	Charcoal making
7	Charcoal-making	Charcoal sale in small plastic bags
8	Charcoal sale in sacks	Firewood collection
9	Cutting and selling construction timber	Alcohol brewing
10	Drivers	Bread-making/-selling
11	Security guards	
12	Riding 'boda boda' (motorcycles – the youth)	

collecting firewood has also declined as a source of income after the CPA because of increased insecurity immediately outside the town. Women complain that they get harassed, often by soldiers, if they go to the forest surrounding Juba to collect firewood. Conversely, the number of people engaged in firewood collection and charcoal-making in the four peri-urban and rural payams of Greater Juba has increased thanks to the high demand for firewood and charcoal in the town. This is having a disastrous impact on the environment.

In the rural payams of Juba County people's livelihoods continue to centre on agriculture. Residents however complain that they cannot cultivate as they did before because their areas are filled with returnees, and cattle, often belonging to the Mundari, graze on their farms, destroying the harvest.<sup>14</sup> As a result, people are increasingly relying on firewood collection and charcoal-making for the Juba market as well as petty trade, for instance on the Juba–Maridi road. Merchants buy charcoal from them at SDG 30 per sack and sell it in Juba for SDG 55.

#### 4.1.2 Wage rates, food prices and remittances

In Juba town wage rates vary depending on the trade, as shown in Table 2.

**Table 2: Main wage rates for daily labour in Juba**

Trade	Wage rate/day
Washing dishes in Custom Market	SDG 5
Washing dishes in hotel	SDG 10–15
Daily labour for	SDG 10
– digging pit latrines	
– collecting firewood	
– washing clothes	

There is evidence of declining wage rates for casual labour. Breaking stones in Lologo was paid 1 SDG per bucket, with a tipper truck fetching SDG 600–700. This year the price of a tipper truck has collapsed to SDG 200. The price of a bottle of marissa (local beer) is SDG 2, the same as before the CPA. But the price of a bundle of grass has increased from SDG 10 to SDG 20 because women have to travel further to collect grass given the high demand from returnees seeking to build their homes.

The decline in wage rates has been accompanied by an increase in the price of food. Over the last few months the cost of a kg of meat has increased from SDG 10 to SDG 12 while oil has gone from SDG 4 per litre to SDG 6. The most significant increase has been in the price of small ruminants, possibly because urban demands for meat. The price of maize has instead remained stable (SDG 2 per kilo) and sorghum is reported as having gone down from SDG 3 per kilo to SDG 1.5 in March 2008. Prices of main commodities have been decreasing thanks to improved trade flow from surplus areas

<sup>14</sup> This is a major unresolved problem in the Kuda-Seremon area and is a potential flashpoint for conflict.

in Central Equatoria as well as from Uganda. More competition amongst traders has also helped stabilise the market (WFP VAM Unit, pers. comm.). In general, returnees find food expensive, while residents observe that prices have gone down (except for meat) and comment positively that many more goods are available in the market. Both groups stress that they cannot afford to buy commodities given the lack of work opportunities and low wages.

Despite the prevalence of family splitting and the presence of relatives abroad or in Khartoum, most returnees state that they do not receive support from their relatives outside. An IRC monitoring report indicates that only 6% of returnees interviewed were receiving support in cash or in kind (IRC, May 2007). However, the issue of remittances warrants more investigation as the vibrant teletransfers market in Juba appears to indicate that the volume of remittances may be more sizeable than returnees suggest.

#### 4.1.3 Obstacles to restoring livelihoods

Many returnees have come back with new skills, in carpentry, building, mechanics and other areas. However, despite the fact that the urban economy is expanding and there is demand for these trades, the rapidly increasing supply of unskilled labour (including expatriates) is outstripping demand. Prospects are brighter for highly skilled returnees who are often able to find employment with international organisations, companies and the government. A significant criticism expressed by all interviewees, particularly returnees, is that there is little transparency in job allocation in Juba. This extends to daily labour for masonry or cleaning, as workers are reportedly selected on the basis of their ethnic affiliation. Many jobs in the construction and catering sectors are controlled by Kenyan and Ugandan companies which employ compatriots because they believe they are better qualified and can do the job more cheaply, with materials brought from Uganda.

The irregular day labour in which most returnees engage does not provide a stable and regular income. Even when returnees have the skills to aspire to more regular employment, access is hampered by bureaucratic obstacles to obtaining a national ID card (see Box 1). Another impediment to more formal employment for returnees is the lack of certificates of qualification, often lost or left behind. This means that returnees cannot access certain jobs even though they have the skills. In the formal sector, even possession of a certificate does not guarantee better access to jobs because government authorities distrust diplomas, certificates and degrees issued in East Africa. Younger returnees state that they are discriminated against because, at 18, they are perceived as too young to have a certificate (in East Africa diplomas are obtained earlier than in Sudan). Government authorities and host communities however point out that a large number of East Africans, particularly Ugandans, are from the same tribe as Sudanese nationals, and come to Juba in search of employment using forged Sudanese identity documents. The

**Box 1: National ID cards for job seekers**

Employees are required to hold a national Identity Card for some jobs with the government, NGOs and companies. The procedure is cumbersome and expensive. The application for the ID card itself costs SDG 50, but in order to obtain the card applicants must produce a Birth/Assessment of Age Certificate (SDG 23), a Sudanese Nationality Certificate (SDG 45) and a Residence Permit (SDG 5), documents which many returnees do not have on arrival and have difficulty sourcing. Forms are written in Arabic, and if applicants cannot fill them out themselves they have to pay an additional SDG 5 for someone to do it on their behalf. The total cost of getting an ID card is therefore SDG 123–128 (approximately \$64). Costs are often increased by the need to bring witnesses such as chiefs, who usually request a fee for the service. These costs are prohibitive for most returnees, especially those who have returned to areas outside Juba, and who face extra travel and accommodation costs to obtain the card. The documents are only processed in Juba, though offices have recently been set up also in Malakal and Wau. The need to pass through Juba to obtain an ID card may have been another reason why returnees have been attracted to the town.

fact that many of them cannot speak Juba Arabic heightens these suspicions (IRC, 2007b).

**4.2 Informal sector and opportunities for business development**

As noted above, many returnees have come back with new skills and knowledge and a new entrepreneurial spirit. Host communities recognise and praise these new business ideas and stress that they are learning from the returnees and benefiting from their entrepreneurship. Skills are being transferred particularly in the construction sector, as hosts learn how to make concrete bricks. But residents also benefit from returnees with capital opening new businesses, for example in carpentry, knitting, tailoring and chapati-making. A number of returnees are offering on-the-job training to residents in exchange for help. Returnees are generally more business-minded and often encourage the host community to set up their own businesses. Business ideas implemented by returnees include buying flour from wholesalers to resell locally, making and selling groundnut paste, opening driving schools (accessible to women) and planning small supermarkets in more remote neighbourhoods.

The number of returnees who establish successful businesses is however very small. The great majority of returning refugees and IDPs have insufficient financial resources and local knowledge to establish new businesses, especially when they do not originate from Juba. The IRC reports that women returning from Uganda find it difficult to get space in the market to sell their goods (IRC, 2007b), while the lack of

micro-credit opportunities means that returnees find it difficult to obtain small loans as business capital. A number of national and international NGOs specialised in microfinance are present in Juba, notably the Sudan Micro-Finance Institute (SUMI) and BRAC, but both organisations have lending criteria which restrict returnees' access. SUMI, a national NGO established in 2003 with the support of USAID, requires group loan applicants to have a business active for at least three months before the loan application, while individual loans have to be guaranteed by collateral. BRAC offers collateral-free loans based on group liability, whereby other community members guarantee an individual loan. However, the member has to have been settled for 12 to 18 months before accessing the loan, excluding many returnees. It is also more difficult for returnees to find enough community members willing to group-guarantee the loan.

BRAC is planning to pilot a new initiative for returnees aimed at people who have been in Juba for fewer than three years, with a special focus on women. Access to loans will be complemented by vocational training. The areas selected for training are based on a module developed by BRAC in rural areas of Uganda, which seems ill-suited for an urban environment. BRAC is however planning to refine the module after a first test with 500 trainees this year. Both BRAC and SUMI are aware of the urgency of adjusting their lending criteria to make loans available to returnees, but they consider them a high-risk category because of their mobility and the fact that Juba may only be a transit point. Other organisations are planning to introduce micro-finance schemes, but detailed plans are yet to be formulated. At the high end of the scale, the Microfinance Development Facility established in Juba by the Bank of Southern Sudan (BoSS) in December 2007 is not yet operational. The Facility aims to encourage entrepreneurship and promote business innovation by inviting Southern Sudanese to compete for 20 start-up grants of \$15,000 a year. In some cases grants linked to business plans will have to be considered over loans as potential applicants are often not confident that they will be able to repay the loan. In Lologo, for instance, returnee women have decided not to join a micro-credit programme introduced by a local NGO because they fear defaulting on their payments given their irregular income.

In some cases, returnees' skills may need to be refreshed or upgraded, as returnees may have not had an opportunity to use them for many years. The same is true of residents, who should be targeted with the same kind of support to stimulate their income-generating potential. GOSS has been supported by the International Labour Organisation (ILO), JICA, GTZ and other organisations to rehabilitate its Multi-Training Centre (MTC) in Juba. The MTC, which was built in 1973, became operational again in 2007 after ten years' inactivity. Courses are attended by residents and returnees, with the latter comprising 40–50% of the total (GTZ, pers. comm.). The training areas, selected by the Ministry of Labour, focus on standard programmes such as carpentry, welding, building, electrical installation and

mechanics. No specific programmes for women have been designed and as a result only two participants out of 110 in the first course were women. The choice of courses has not been underpinned by a rigorous market analysis and students are dissatisfied with the quality of the teaching. There is also a language problem, as the government insists that the courses are run in English. The dropout rate is high.

The MTC could play a critical role in supporting the reintegration of returnees and the requalification of the resident workforce if it addresses these complaints. The UN agencies, NGOs and donors supporting the MTC are aware of the importance of introducing new training courses linked to market demand. IRC has promoted catering training in association with the US company Afex Group to help Sudanese obtain jobs in the sector, which has been dominated by East Africans. Graduates from the course are also helped to find a placement. This initiative is greatly valued by returnees. JICA has built an IT centre within the MTC to improve trainees' computer literacy, and ILO is planning to do a socio-economic assessment in Juba, in support of its work with the Labour Office. ILO is also trying to establish common standards for vocational training and strengthen the work of the Labour Office.

The Labour Office in Juba has been set up to register job seekers' profiles as well as job vacancies, to try to match offer with demand. The Office also offers advice, including writing CVs, and refers people for vocational training. By April 2008 the Juba office had registered 168 job seekers, both residents and returnees. The office has had a low-key start and is scaling up slowly, largely because the ILO's experience in other post-conflict contexts has shown that great visibility for the Labour Office can initially generate unrealistic expectations amongst job seekers. The Labour Office will become more prominent with passage of a new Labour Law, which requires that all job adverts be registered with the Office, to increase transparency. This provision is reportedly being met with resistance by some employers.

The ILO had considered registering qualified refugees in the Labour Office ahead of return to link them up with prospective employers, but the hiatus between registration and return was considered too long for employers who usually want to fill their positions quickly.

### 4.3 Public sector employment

Only a minority of returnees report working in the public sector or have family members working as government officials or holding office jobs. Returning refugees find access to government employment harder than returning IDPs because of the suspicions about East African diplomas discussed above. The picture is however challenging for both categories as well as residents.

Data from the World Bank and GOSS shows that, in November 2005, the number of civil service employees in Southern Sudan

was 62,000. Today the number has doubled to 125,000. This includes teachers and health workers – but not police, wildlife rangers and the military – and is the result of the reintegration of workers who fled during the war as well as of personnel serving in former SPLM areas. In Central Equatoria alone (mainly Juba), the pre-CPA workforce was 12,239, of whom 3,250 were employed by the Ministry of Education alone. In 2005, the first reintegration exercise was carried out to add workers in SPLM areas to the government payroll. To date, 5,534 workers have been reintegrated – 4,376 in the education sector, 436 in the health sector and 223 in local government – bringing the total of public service employees to 17,773 (Director of Public Services, Central Equatoria, pers. comm.). Whilst the reintegration of SPLM workers into the GOSS payroll is necessary and important, there is an urgent need to guard against overstaffing the public sector. Downsizing however comes at a financial cost, and also carries important political risks, especially ahead of the planned elections in 2009.

A large number of workers are demanding to be reinstated to their former jobs. GOSS is unable to absorb such a large number of employees, largely because of funding shortages but also because it is trying to make public administration more agile by reducing numbers to a maximum 10,000 per state, and replacing the old workforce with younger and better-qualified workers wherever possible. Its policy is to transfer funds to cover up to 5,000 employees per state, leaving each state responsible for generating revenues to pay the remainder. The government of Central Equatoria complains that allocations are standardised and there is no special provision for extra workers in Juba. Several Central Equatoria senior officials remarked that there is a conflict of competences on the kind of revenues that state and central government can generate, as the CPA lacks clarity with regard to the distribution of competences over potential areas for revenue collection between the two institutions. State governments stand to lose where areas for revenue generation overlap. Examples mentioned include issuing number plates and birth certificates.

This situation is creating tension between GOSS and the government of Central Equatoria. The lack of funds has made salary payments erratic. In March 2008, many public sector employees in Central Equatoria were three months in arrears. This includes chiefs and local administrators, such as county and payam councillors. In Tong Ping (Juba Payam) ordinary citizens and local leaders stated that an increasing number of people prefer casual work to government employment where payment is irregular. The state government is concerned that this situation could generate tension, especially in urban areas. The shortage of funds does not allow the ministries to implement their programme of renewal and downsizing of the workforce since they cannot pay arrears, pensions and gratuities to outgoing employees. Furthermore, political considerations do not allow GOSS to lay off the workforce inherited from the previous government, especially ahead of

the elections in 2009. The government is also concerned that laid-off workers could become a source of insecurity in the absence of alternative employment. The problem is complicated by the demands of returning employees who insist to be given their former jobs even if they are no longer qualified for them. This includes the problem of language for non-English speaking returnees, usually IDPs.

Language is an important problem for returning IDPs since the working language in Southern Sudan is English. This means that it is not possible to employ Arabic speakers who do not have any English. The Ministry of Public Affairs is developing plans to retrain the whole Arabic-speaking workforce in English. The Ministry is currently discussing arrangements with the University of Juba for intensive English training after office hours (3–4 hours a day). The initiative is supported by the Windle Trust. The plan is very ambitious and funding is not available to retrain the entire Arabic-speaking workforce. The process has started with the Ministry of Legal Affairs, where it is crucial to assimilate Arabic-speaking judges and legal advisors.

State officials stress the importance of being able to replace older, unskilled people with graduate returnees, who would help to modernise the administration and make it more efficient. Qualified refugee returnees complain that access to new jobs is made impossible by the issue of the East African certificates and by the nepotistic practices which have dominated since the signing of the CPA. Returning IDPs also voiced strong grievances over nepotism and corruption. The Employment Justice Chamber is aware of these complaints and recognises that nepotism is so pervasive that some ministries are dominated by a single tribe. Some officials have justified this practice, arguing that ministries and government offices needed to be staffed quickly after the CPA, and that people were head-hunted throughout Sudan and the diaspora. The Ministry of Public Services is putting policies in place to streamline recruitment processes and minimise nepotism and corruption. The Chamber is concerned that the widespread perception of nepotistic and corrupt practices is discouraging graduates from applying for jobs in the public sector. At the same time, senior government officials feel that expectations amongst returnees are too high and often unrealistic. Young graduates arriving in Juba expect to get a job within two or three weeks and do not appreciate that they need relevant qualifications and must compete for jobs. Many expect to get a senior position even if they are making their first job application. Senior officials in the Ministry of Public Services stressed the need to sensitise prospective returnees about realistic job prospects and recruitment processes in Juba.

#### 4.4 Private sector

Regional entrepreneurs and foreign investors have arrived in Juba in great numbers to exploit the opportunities of post-conflict reconstruction supported by foreign aid money. Investors have been pouring in, paying \$200 a night in the

dozen or so riverside tent camps. The camps are owned by Kenyan, Egyptian and Indian companies, or Western firms such as Afex of the US and Unity Resources Group from Australia. A number of makeshift hotels, such as the Chinese-owned Beijing, have also been set up. The majority of workers in the hospitality sector, including the many bars and restaurants used by development workers, civil servants and soldiers, are non-Sudanese, though this is slowly changing. The import of goods (from fresh vegetables to Western products) is also in the hands of foreign companies or individual businesspeople, usually from Uganda.

The arrival of foreign investors presents a number of challenges. The lack of experience and the absence of a state apparatus at the beginning of the transition have created an environment ripe for corruption. The private sector is working without controls and does not contribute to the economy of Southern Sudan as much as it should. Structures are temporary (tents or containers instead of proper buildings), profits are not taxed and foreign currency earned is quickly repatriated. Some commentators have called this trend ‘cowboy capitalism’ (Barney Jopson, *Financial Times Deutschland*, 20/2/2008).

The Employment Justice Chamber observes that employees are the main victims of the lack of regulations on working hours, minimum wages, recruitment, contracts and dismissal. The absence of directives on recruitment means that foreign companies have no incentive to recruit Sudanese, especially since many are less qualified and experienced than Kenyans and Ugandans. Private companies in the hospitality sector point out that it is difficult to recruit amongst Sudanese workers, since bar-tending and waiting jobs are frowned upon in Sudanese society. NGOs and UN agencies admit to having a large number of East African staff because of their better command of English and higher qualifications. However, Kenyan and Ugandan workers also dominate the labour market in sectors such as construction, where there is no shortage of Sudanese manpower.

Government authorities at both state and GOSS level stress that there is an urgent need to pass new labour laws to regulate the sector, which is currently reliant on the Manpower Act of 1974. This stipulates that no ‘alien’ should be employed unless there is no Sudanese qualified for the job, but this provision is not enforced. There is a feeling at state level that GOSS is too lenient about the number of expatriates who work in Juba without work permits. Others suggest that some senior politicians may have an economic interest in facilitating work permits for certain East African companies. Central Equatoria State feels that work permits should be issued by the state through the Labour Office, while GOSS should only issue residence permits through the Ministry of Interior.

With the support of ILO, new laws have been drafted to regulate the sector and put an end to these controversies. These include the Labour Law and the Employment Act, as

part of the Public Service Provisional Order, which also includes the Public Service Regulation. Both were due to be fast-tracked for approval in the spring session of the Legislative Assembly. In the meantime, the GOSS Ministry of Public Services has written to all companies in Juba warning them not to employ people without work permits, and the Ministry of Labour is planning inspections by the police and immigration department. There are a few positive examples of companies like Afex working with international organisations to train Sudanese workers on the job and gradually build the Sudanese workforce.

Employment in the private sector could also be stimulated through the promotion of labour-intensive projects where private companies act as contractors for the government. Examples could include work on public buildings, renovation of government houses, road construction and sewerage infrastructure. A number of UN agencies, including ILO, UNOPS and IOM, are also considering promoting labour-intensive programmes in states of high return, but funding prospects are uncertain.

As in most other post-conflict contexts, the transition in Juba presents both challenges and opportunities to rebuild livelihoods and develop the economy. The potential is tremendous. Returnees and residents have many ideas and are keen to be involved in the rebuilding of Southern Sudan. With a few exceptions, though, these ideas and this enthusiasm are still largely untapped. Greater efforts are needed to support the development of more reliable livelihood strategies through vocational training, business development and micro-credit. These interventions must be sustained by adequate funding and be accompanied by appropriate labour legislation and economic reforms.

#### 4.5 Recommendations

- A range of instruments to strengthen people's capacities to generate and save income should be developed, sensitive to the different profiles and background of Juba's potential workforce. The number and scope of micro-finance initiatives should be stepped up, and funding should be increased. For those who are particularly vulnerable, safety net mechanisms including cash transfers should be explored. Organisations with capacity and experience of developing such financial support mechanisms should come together to establish mutually supportive and technically sound schemes, to ensure rigour and complementarity of approach.
- A detailed market analysis should be undertaken to underpin the selection of vocational training courses. These should be linked to training for business and micro-finance opportunities. Special attention should be given to identifying training for women in marketable trades. The analysis should be undertaken by the Ministry of Labour, in partnership with ILO and relevant NGOs.
- Community-level livelihood interventions should be promoted in rural areas of Central Equatoria to help reduce the pull factor towards Juba. These should take place through a community-based approach aimed at supporting livelihoods recovery for both returnees and residents.
- Regulations should be introduced to oblige all private contractors to provide on-the-job training for Southern Sudanese citizens, ideally trainees graduating from the MTC. Quotas would ensure that at least part of the workforce is Sudanese.
- The difficulty of paying gratuities to government employees who should be made redundant is hampering the revamping of the public sector workforce. GOSS should prioritise committing funds to carrying out the plan, within the context of broader civil service reform, including the development of the pension system. Donors could also consider support on a one-off basis to expedite the overhaul of the workforce.
- The Ministry of Public Services could consider including Juba in plans for labour-intensive projects aimed at unskilled labour. Such programmes should be accompanied by support for small businesses, micro-finance initiatives and employment skills training, to create sustainable long-term opportunities for unskilled workers.
- Support on labour legislation and public and private sector reform should continue to be provided by ILO to the Ministry of Labour and the Ministry of Public Affairs. Assistance should also be offered to strengthen trade laws and public finance management. UNMIS should advocate with GOSS to prioritise labour laws for approval in the next parliamentary session.
- Information on the potential for employment and livelihood support for returnees in Juba should be included by UNMIS/RRR and UN and NGO partners in the information campaigns for prospective returnees in Khartoum and neighbouring countries. Returnees would benefit from advice on which jobs they would qualify for.

# Chapter 5

## Services and infrastructure

### 5.1 Pre-CPA comparison

Basic social services were deemed ‘far from satisfactory’ when Juba was still a garrison town (Wakely et al., 2005). While schools and health centres (mainly supported by NGOs) were functioning in Juba town and facilities were considered slightly better than in SPLM-held areas, they were inadequate to serve the town’s growing population (De Wit, 2004: 22). Overcrowding, poor sanitation and poor environmental health were widespread problems (El Bushra and Sahl, 2005: 33).

Some new service structures have been added since the CPA, but this increase has not kept pace with the rapid increase in the population of Juba town, resulting in a net decrease in coverage levels.<sup>15</sup> Some improvements can be seen in the number of private schools and clinics (mainly run by the church), most of which were not allowed to operate during the war. Existing government service structures have also been expanded in size and rehabilitated to some extent; a case in point is Juba Day secondary school, rehabilitated by GOSS in 2006. This has however often meant the creation of huge complexes rather than additional, decentralised service structures in the payams.

Not only have services not expanded significantly: the quality of many existing services has deteriorated. This can be seen particularly in the health sector, where a number of PHCUs are barely functioning due to a lack of maintenance, qualified staff, equipment and drugs. In the water sector, borehole maintenance remains a major problem, with functionality levels of around 30%. Basic services are better in Juba than in many rural areas, and even a minimum of services is one of the key factors pulling returnees back to the town. While many

returnees stated that they had received general information about basic services in Juba, they stressed that information about the quality of these services was lacking. (see also IRC, 2007a). This has led to dissatisfaction and disappointment among returnees used to better services – especially health and education – in their areas of displacement.

### 5.2 Education

Education is a priority for returnees. Many have had good access to education, especially in the Ugandan and Kenyan refugee settlements. The lack of comparable facilities in Juba is proving to be a major disincentive to return. Opportunities for education are the main reason for families returning in stages. Most returnees interviewed for this study said that they had left one or more family members behind to attend school. Others came alone to assess the situation in Juba. One returnee from Uganda explained that she weighed the decision to return between the deficiencies of education opportunities in Juba and the likelihood of increased fees in Uganda as camps closed down and the government took over education facilities.<sup>16</sup>

Four key issues emerged with regard to education in Juba:

1. Overcrowding, especially in government schools, is affecting the quality of education. Buluk, the largest government primary school, is reported to have over 2,000 students, around half of them from areas outside CES. There are classes with more than 150 students and no room even to stand. Many schools are operating mornings and afternoons, with different levels taught together because of insufficient teachers. This is lowering standards

**Table 3: Comparison of available basic services figures pre and post CPA**

Location	Health facilities in 2003	Health facilities in 2007
Juba County	67 PHCUs	69 PHCUs
	19 PHCCs	20 PHCCs
Location	Education facilities in 2003	Education facilities in 2007
Juba County	115 primary schools	122 primary schools
Location	Water points in 2003	Water points in 2008
Juba County	567 (371 successful)	620 (412 successful)

<sup>15</sup> The data from pre-CPA UN sources cited here may not be fully accurate as figures seem to vary considerably among reports from the same source only a few months apart. They are nevertheless quoted here to give an indication of the progress made in basic service provision.

<sup>16</sup> Interview with returnee woman from Uganda, Kator Kassava.



as students from different backgrounds struggle to adapt to a new education system and language. Schools are however finding it difficult to turn children away – even if they have no more room – as the CPA defines access to education as a fundamental human right and the GOSS has made it a political priority. Secondary schools in Juba are few and are facing similar problems: the two largest government secondary schools, Juba Day and Liberty, are badly overcrowded.

2. Many children are forced to travel far to reach school, especially those living in suburbs like Munuki, which has few government schools. The younger children have difficulties reaching school during the rainy season (i.e. in Lologo), and cases of pupils being knocked over by cars because of heavy traffic and bad driving are commonplace. Those who can afford it send their children to nearby private schools. However, the cost of these schools is high: SDG 85 a year for a private primary school like St. Kizito compared to around SDG 20 a year for Lybia school in Munuki Payam. Good-quality secondary schools are expensive and unaffordable for most people: Comboni secondary school for example charges SDG 725 a year, compared to SDG 35 a year for Juba Day or Commercial. Returnees consider education expensive and the school system in Southern Sudan poorly developed.<sup>17</sup>
3. The lack of quality secondary education at an affordable price is not only a major disincentive for families to return with their children, but is keeping many young people in Juba out of school. This choice is compounded by economic motives. Findings from the NRC Reintegration Centre in Dar es-Salam (Munuki Payam) suggest that the drop-out rate caused by economic difficulties is very high; many people seeking advice at the centre want to continue their education, but cannot afford the school fees (NRC Reintegration Centre, Munuki, pers. comm.). Returnee youth interviewed for this study in Kator Kassava stated that they lost interest in education after being out of school for some time and now ‘only want to make money’. IRC monitoring reports show that 16% of interviewees have one or more children out of school either because they missed the registration period or because of economic difficulties. A further 9% expressed a desire for higher education, but said that they lacked the resources (IRC, September 2007). Many women interviewed for this study complained about the lack of kindergarten/nursery facilities in Juba town. Looking after young children takes a heavy toll on mothers, who are unable to engage in educational and other activities. Kindergartens could help facilitate children’s reintegration.
4. Language difficulties in school are another major problem for returnees. Official government policy stipulates that English is now the medium of instruction from P4 onwards, with Arabic retained only as a subject. IDPs coming back from the North report that their children face difficulties in government schools and often have to drop two grades or

more. The Ministry is however struggling to implement these guidelines. In some areas, such as Munuki Payam, refugees coming back from Uganda complain that schools are still using Arabic and their children only know English. The Ministry of Education tried to sort people into different classes according to language, but gave up for fear of creating divisions among students.

### 5.3 Health

Only a minority of the people interviewed for this study reported making use of the health services in their area. There are few affordable public health centres, particularly in more remote areas such as Munuki. While there are many more private clinics in these areas, returnees especially find them expensive and do not use them. Consultation fees hover around SDG 10–15 (quoted in Munuki Payam). Erratic drug supplies in many health centres mean that patients are asked to buy expensive medicines in pharmacies, instead of getting them free of charge.

The majority of Juba residents seem to rely on the facilities of the Juba Teaching Hospital, the only structure in the health sector which has seen a significant improvement, and whose outpatient department is severely overcrowded as a result. Medical consultation and provision of drugs are free, though an entry fee of SDG 1 has been introduced to reduce the number of patients. For people living in remote areas where there is no health centre, travel to Juba Teaching Hospital (SDG 4/return) becomes an additional, often unaffordable, expense. Other areas (like Munuki) are inaccessible: as IDPs displaced to Juba during the war have settled on roads, ambulances cannot pass on emergency callouts. The ability to pay for transport to the nearest hospital can be decisive for people in rural areas of Juba County, where adequate health services are scarce.

The MoH is acutely aware of the situation and is prioritising the rehabilitation of the primary health care system in order to take pressure off Juba Teaching Hospital, which should only be a referral hospital. PHCUs are meant to be equally distributed across the payams and services brought nearer to the people. One recurrent difficulty the Ministry is facing is the lack of available land for construction in Juba (see 7.3): at least one more Primary Health Care Centre (PHCC) was planned for Munuki Payam, but returnees are currently squatting on the designated space (MoH CES, pers. comm.).

Evidence from visits to health centres in the three Juba payams suggests that the quality of services has deteriorated since the signing of the CPA, in particular because of a lack of staff, equipment and maintenance. Many health centres were until recently run or supported by NGOs. As funding for the health sector has decreased, these services have been handed over to the government. The corollary has often been a decline in quality or complete collapse of the facility where the government cannot pay salaries or maintenance. Most PHCUs and PHCC are understaffed; Kator PHCC, which

<sup>17</sup> Interviews in Munuki and Kator Payam.

receives up to 200 patients a day, has just one clinical officer instead of two. In most health centres there are insufficient technical staff (doctors, paramedics, nurses), yet too many support staff. The problem of adequate staffing levels is even more acute in rural areas: the whole of Terekeka County in CES has only one medical assistant, yet there are three PHCCs which should have at least one clinical officer each (MoH CES, pers. comm.). Trained employees are scarce, and those who are trained do not want to work in rural areas (see below).

Private clinics in Juba town often have better standards than government-run health centres, but also suffer staff shortages and the quality of service has deteriorated. A case in point is the Seven-Day Adventist health centre in Munuki Payam, which has had no responses from the Ministry to its repeated requests for additional staff. As a result, the laboratory, the antenatal clinic and the immunisation department are closed, resulting in a significant drop in the number of patients visiting the centre.

#### 5.4 Water and sanitation

Access to water was less of a difficulty in Juba town, where people look to the Nile for their water. As municipal pipes cover only about 10% of urban areas, private water tankers filled from the Nile meet most needs. This water is however untreated, and is often collected from stagnant riverside areas close to defecation fields, presenting a serious health hazard. Cholera outbreaks are frequent: between January and September 2007, 3,256 cases were reported in Juba. The worst-affected areas were Munuki and Kator payams – areas that rely on tankers (CPPG, 2007: 8ff).

While the overall number of water points (including wells and boreholes) in Juba County has increased, especially since 2005, data from the field nevertheless suggests that many boreholes are not functioning due to a lack of maintenance. For example, Dar es-Salam (Munuki) has nine boreholes, but only three are fully functional. In Lologo (Rajaf) there are reportedly seven boreholes, but only two are working. Queuing times range from one hour (Dar es-Salam) to two hours (Block C, Munuki Payam), even very early in the morning. Disputes at the boreholes, in particular between returnees and stayees, are frequent.

Ground waters next to boreholes and (often) shallow wells are frequently contaminated because of poorly constructed latrines and inadequate demarcation (CPPG, *ibid*: 9). Public sanitary facilities in schools, public buildings and markets are limited, and overcrowded settlements with open defecation, poor hygiene and uncollected rubbish are additional risk factors. In some areas, block leaders and chiefs stipulate that every household should have a toilet. This initiative has been welcomed by communities. Returnees are reported to be more aware of basic hygiene rules and are encouraging awareness among their hosts.

#### 5.5 Assistance to services

##### 5.5.1 Inadequate level of services in Juba

While many international NGOs maintain their main office in Juba, few seem to work in Juba town itself, assuming that it is somehow adequately provided for. This may be because other areas of Southern Sudan are perceived to be in greater need, or because of a lack of knowledge and awareness about the actual numbers of returnees coming to Juba.

Planning basic services is done according to priority payams of high return. As many returnees come to Juba only after reaching their final destination, there is no adequate monitoring of and planning for the actual number of people who end up in Juba town (UNHCR, personal communication). Furthermore, Central Equatoria state receives the same allocation of services and staff as other states, ignoring the additional needs of Juba as the expanding capital of Southern Sudan. According to the Juba Payam administrators, it has become more difficult to communicate needs at grassroots level since the responsibility for provision of some services (i.e. primary education) has moved to the state level. This has resulted in a more centralised system, with many layers of bureaucracy. Administrators in Juba Payam said that the previous system worked better; now they write reports to the county and state levels regarding local needs, but get little or no response. The final location of responsibility for services will be clear when the Local Government Act is passed (see section 6).

Service infrastructure development, in particular the construction of schools and health centres, is one of the areas where the shortcomings of the MDTF fund have been felt most strongly (see 8.5).

##### 5.5.2 Lack of adequate services in rural areas

Adequate water, health and education facilities are virtually non-existent in most rural areas, even close to Juba town. Expansion of services in rural areas is a priority for GOSS and the state government, to curb new influxes into Juba town. One strategy to address this has been the planned creation of model services in rural areas. The MoE plans to construct ten 'model' secondary schools and three science schools, as well as 100 primary schools across the ten states of Southern Sudan. The secondary schools are supposed to be 'national' secondary schools, highly supported, equipped and staffed in order to ensure quality of service, to attract students from all over Southern Sudan, foster mutual understanding among students and staff from different backgrounds and provide a model for other institutions (GOSS BSP for Education 2008-2011, 2007: 4).

Another concept currently being developed is the idea of 'model villages', to implement Garang's vision to bring 'towns to the people'. GOSS is planning to establish two 'model villages' per state, with improved services. This is meant to encourage people already in the area to cluster around one of these towns and encourage others to return (for more details

on this concept, see 8.2). While the artificial creation of an urban environment is inadvisable, creating incentives for people to return to rural areas is to be encouraged. Equally, important towns in CES (Yei, Lainya, Kajo Keji) should be prioritised for investment in order to reduce pressure on Juba. A good example of a 'model school' is St. Bakhita, a private school run by the Church in Nurus, Eastern Equatoria, which is held in such high esteem that people are reportedly taking their children out of schools in Nairobi. While the government might not have the ability to replicate such a model, it nevertheless gives an indication of the possible impact that an improvement in basic services in rural areas could have. The creation of boarding schools in rural areas, especially for girls, is equally necessary to address problems of accommodation and travel.

### 5.5.3 Basic services personnel

The lack of qualified personnel (teachers, paramedics, doctors, nurses) is a serious impediment to the expansion and improvement of services, especially in rural areas. Many qualified people prefer to work for NGOs, as government payment is often irregular and NGOs and the UN offer competitive salaries and can provide more security. Others are still in exile and are delaying their return, either because they have children in school or because they do not have fit accommodation in Juba and land for construction.

The quality of teachers is a key problem. Many are untrained and do not meet the required standards. Most teachers are SPLM volunteers, who were crucial during the war and were absorbed into the system immediately after the CPA without appropriate training. Of 17,920 teachers in Southern Sudan, it is estimated that only 20% are qualified. Only 10% are women (GOSS BSP Education 2008–2011, 2007: 4). Teacher training is one of the government's priority areas. The Windle Trust has been pivotal in supporting existing teacher training institutes and training over 900 teachers in Juba, Wau and Malakal in 2007, but there is urgent need for the six existing teacher training institutes in the south to be replicated in all ten states.

Qualified public service employees often do not receive regular salaries, an omission which damages their performance. According to the state MoE, no salaries have been paid in the past seven months in four counties in CES. Health workers in rural areas have not received salaries since 2004 (State Ministry of Finance, pers. comm.). As discussed earlier (4.3), payrolls have an excess of support staff, who need to be replaced by better-qualified people. There are currently 489 teachers waiting to be posted in Central Equatoria, but there is no money to pay their salaries (state MoE, pers. comm.).

In the education sector there is also a lack of clarity about the number of people on the payroll, and uncertainty about the actual number of teachers needed in each state. This has affected the Ministry's capacity to recruit new staff. The federal Ministry of Education, Science and Technology (MoEST) is currently counting the teachers in all ten states to ensure that a

proper payroll and personnel management system is established and the right people get paid on time, as well as to facilitate the reintegration of returning teachers. According to the state Ministry of Education, many returnee teachers are applying for jobs, but because there is no proper recruitment system many have not been allocated jobs. Teachers' salaries have been fixed at an average of \$200 a month, awaiting the establishment of a proper payroll and a workable grading system. Recruitment guidelines are being developed and are awaiting approval by the parliament and the Council of Ministers.

Language is another important issue affecting the reintegration of returnee teachers. With English now the medium of instruction, Arabic pattern teachers are facing problems of reinsertion. Paradoxically, the poor standard of English remains a problem in most schools. This issue should be addressed through intensive English-language training for existing teachers and for returnees, to ensure they are accommodated and integrated.

The lack of qualified staff is most acute in rural areas. The Ministries have made a point of withdrawing staff native to rural areas from Juba and sending them back to their original areas to work, threatening them with dismissal if they refuse to go. Many people do not want to go back. Last August, six nurses were pulled out of the Seventh Day Adventist health centre in Munuki and sent back to their original areas in Western Equatoria. Four have subsequently decided to return to Juba, preferring to be unemployed in the town – even though their positions in Juba are still vacant and the clinic is accordingly short of staff – than to remain in the countryside.

Similarly, many of the returnee teachers applying for teaching jobs reportedly want to work only in town. Serious consideration must be given to the provision of incentives to work in rural areas, including salary bonuses, accommodation subsidies, loans for construction and transport facilities. The Ministry has been considering incentives, but this needs money and a change of the salary structure (after the CPA, salaries were adjusted to eradicate extra allowances). Currently the approach is to give those who have served in rural areas a period of priority in training opportunities, once they become available (MoH CES, pers. comm.).

## 5.6 Recommendations

- Urgent priority should be given to developing decentralised services to relieve the pressure on existing facilities and reduce pull factors into Juba town. Facilities are especially needed in the suburbs of Juba, such as Munuki and Kator. Funding for construction of basic service facilities from sources other than the MDTF, for example through the continuation of the Basic Services Fund (see section 8), is urgently needed.
- More assistance and services are required in the suburbs of Juba, which are receiving the largest numbers of returnees. Greater funding to support services needs to be

made available, and Juba-specific projects need to be included in the new SRF.

- Donors should consider continuous support for direct service provision, both in Juba town and in rural areas, to avoid a collapse of existing facilities. Before encouraging handover of facilities, proper assessments regarding the capacity of MoH/health workers should be carried out. Not only is the government overstretched, but many NGOs, particularly those supporting the health sector, have been forced to pull out because of funding problems.
- Key services (schools, health centres, water) need to be prioritised in major towns outside Juba (Wau, Bor, Malakal) as well as in other towns in CES (Kajokeji, Yei, Lainya) to take the pressure off of Juba town. Improved or 'model' services (schools, health centres) in rural areas might be one way of encouraging people to consider a return to areas other than Juba.
- Incentives should be considered in order to attract basic services staff to work in rural areas. This might necessitate an adjustment in the current salary structure to include special bonuses, subsidies towards accommodation, construction, school fees for children in school in Juba and transport facilities.
- GOSS should consider special budget allocations for CES to reflect Juba's special needs as the capital of Southern Sudan, especially basic services and personnel.



# Chapter 6

## Leadership and local institutions

### 6.1 Local authority systems and structures

Systems of local authority in Juba are complicated by the mixture of old and new structures and terminology, and by the influx of 'rural' communities into the urban zone, firstly as IDPs and now as returnees. Historically, Juba has had parallel and overlapping systems of local leadership, because it falls within Bari chiefdoms but also has urban or municipal structures. This context needs to be understood to make sense of the current confusion around leadership and local institutions in Juba.

The so-called 'traditional' or 'tribal' chiefs and headmen in Juba have been shaped by the urban context. Their relationship with government was such that they are among the most politicised local leaders in Southern Sudan. During the conflict, GoS ordered the appointment of chiefs and headmen for the various displaced communities that had settled in and around Juba, which were in many cases not the hereditary chiefs from the home areas. Headmen or *sheikh el-hilla* (block/area leaders) were also appointed by GoS for the various quarters of the town, and their 'Popular Courts' were perceived as closely associated with GoS security. Both of these factors have left an uncomfortable legacy since the signing of the CPA. The role of the block leaders, for instance, is often unclear and/or they are not trusted. It is widely anticipated that the system will change through a revision of the Local Government Act, and that current block leaders will lose their powers. As a result, there is currently little incentive for block leaders to engage and cooperate with local (payam) authorities, or to fulfil their leadership functions, including supporting the return and reintegration process.<sup>18</sup> Indeed, during the fieldwork it was often difficult to arrange meetings with block leaders.

Given the above, it is misleading to label chiefs as 'traditional'; however they are also distinct from the government itself. Although they remain associated with particular ethnic groups, their courts are usually far from 'tribal', in the sense that they hear cases from townspeople in general. In Juba they currently continue to perform a key role in dispute resolution at a time when the GoSS Judiciary has not yet been able to establish its own legally constituted courts. Importantly, they are usually the first port of call for resolving land disputes, although these will often be referred on to the local authorities (IRC, 2007a).

As Juba has gradually been incorporated into the SPLM/GoSS structures of local government, the terminology of bomas, payams and counties has been applied to the previous GoS structures of rural and quarter councils. Together with the ongoing proliferation of new chiefdoms and courts, the result

<sup>18</sup> In different circumstances, involving block leaders might have been one way of improving the monitoring of returnees to different parts of Juba town.

is confusion about the local government structures and the role of the chiefs and headmen, complicated further by the overlap of rural and urban structures. There is an urgent need to reform local leadership to remove this ambiguity.

In 2006, the new CES Government ordered chiefs of displaced communities to return to their home areas and banned their courts from being held in Juba. This was interpreted by some Juba residents as an SPLM-influenced attack on suspected informer-chiefs, or simply those who had worked with the National Congress Party (NCP). In practice many of the IDP chiefs' courts continued to function informally in Juba, but the order did enable the 'paramount chief' of the Bari to establish a leading role, particularly in relation to court cases and land issues. He had formerly been the chairman of the 'High Council of Southern Chiefs' under GoS in Juba, and his claim to be paramount chief is disputed by some Bari (another chief functions in his own chiefdom of Tokiman). His court in the old B court in Kator is nevertheless said to be the most frequented in the town, and the litigants come from different ethnic groups, including IDPs.

Leaders of IDPs and refugee returnees are not usually recognised on their return to Juba. Instead, they are expected to reintegrate like everybody else, at least until the new legislation has been passed and it is clear how elections will be held, at which point returnee leaders will be able to stand for local office. Returning IDP leaders from Khartoum are often treated with suspicion by local communities in Juba. Even if the IDP chiefs did return to their rural areas of origin, it is highly unlikely that they would sustain their leadership role as there are already established chiefs in the area, who performed that function during the war and developed a relationship with the SPLM/A.

In short, the legitimacy of many chiefs is highly contested and is bound up with deeper fractures in Southern Sudanese society, between those who were civilians or soldiers in the SPLM/A-held areas during the war, those who were internally displaced, and those who were refugees. This is particularly apparent in Juba town where there are added tensions between those who worked in or under the NCP government, and those who have come in from the SPLM/A. None of this is conducive to developing inclusive leadership structures and institutions that could best serve Juba's diverse and multi-ethnic population.

Local government is also in flux ahead of ratification of the new Act, which is causing 'confusion' in the words of one local government officer. This is especially the case at the payam level, where 'they are not properly set up and therefore cannot do anything to support returnees' (county level government

officer, pers. comm.). Despite a commitment by GOSS to decentralised government, in practice there has been a process of centralisation whereby some responsibilities including land and supporting returnees have moved up from the payam to county level. Yet the payam administrators see themselves as closest to the community. There are tensions between local government officials and traditional authorities which perceive the former as usurping their role. There are also tensions at a higher level of government, between GOSS and state government, that particularly plays out in Juba, the seat of GOSS. International agencies may engage with GOSS, but are not necessarily encouraged to engage with Central Equatoria State government as well, although this level is crucial for many aspects of reintegration. Some of the

implications of these changes and tensions are described in the following section.

## 6.2 Recommendations

- There needs to be rapid progress towards the ratification of the Local Government Act, in the interests of integrating the parallel governance systems that currently operate. The Act should contain provisions which allow genuine decentralisation.
- International organisations should seek to strengthen their engagement with relevant technical ministries and departments of the Central Equatoria government when planning reintegration assistance.

# Chapter 7

## Land

### 7.1 Overview of land issues in Juba

The centrality of the land question for the reintegration of returnees in Juba cannot be overemphasised. In most of Southern Sudan land is still owned communally and rights are administered by traditional leaders. In urban areas, land is usually acquired by the state from traditional landowners through expropriation and is then gazetted as urban state land (De Wit, 2004: 16). During the CPA negotiations the SPLM placed great emphasis on the right of local communities to land, and repeatedly used the slogan ‘the land belongs to the people’ to argue against NCP predatory expropriation policies in the Three Areas and in border states of Southern Sudan. The CPA envisages the right of each individual state to oversee the management, leasing and use of land belonging to the state, and legislative rights for the GNU, GOSS and state governments to proceed with urban development, planning and housing (Power Sharing Protocol, Part V). The CPA Wealth Sharing Protocol stipulates that the regulation of land tenure and usage and the exercise of rights in land is to be a concurrent competency exercised at the appropriate levels of government. These provisions have also been embedded in the Interim National Constitution and in the Interim Constitution of Southern Sudan. However, no new legislation has been passed to enforce and clarify these stipulations in practice. The complex and often unclear delineation of powers among GNU, GOSS and State and sub-State authorities over land regulation and administration is a major bottleneck. In the current legislative vacuum, land relations in Juba are characterised by tension between GOSS, CES and the Bari community.

Tensions with the Bari mainly concern the allocation of new land to expand the boundaries of Juba and demarcate new parcels for services, investment, government offices, capital infrastructure and residential plots for returnees. Disputes are also rife over plots already gazetted (mostly pre-war or during the war), where ownership is contested as a result of prolonged displacement and ambiguous or absent land documentation. This is particularly acute in areas where the classification system is now placing a higher commercial value on certain plots (see below). All gazetted land is owned and leased by the government, though leases are transferable once allocated. There is a large disparity between government and market lease prices, with the latter being unaffordable for most returnees. Commercial prices have sharply increased over the last three years: the cost of a class three plot (20x20) has gone up from \$400 in 2005 to \$10,000–15,000 in 2008. No government plots have been leased since 2005 (see below).

The key challenges associated with land issues in relation to the return of IDPs and refugees in Juba can be subdivided into four main categories (adapted from FAO et al., 2004: 16):

- 1) land and property disputes (restitution and competing claims);
- 2) creation of new plots;
- 3) town planning; and
- 4) dispute resolution.

### 7.2 Land and property disputes

Land and property access disputes in Juba are mainly of an individual nature and in most cases involve returnees trying to regain access to land they were forced to abandon upon displacement. Disputes range from illegal occupation to double issuing of leases during the war and land grabbing by the military or other powerful groups. The main problems identified during the study include:

- 1) *IDP occupation of abandoned property*: returnees are trying to claim back the land they legitimately owned, which has been occupied by IDPs for more than 15 years. One example is Lobonok, an area on the outskirts of Juba near Jebel Kujur where people were displaced by LRA activity in the 1990s. The area has now been classified as ‘class one’ (see below), and returnees with legitimate land titles are trying to regain access to their plots, but most IDPs have refused to vacate the land. Many IDPs have also taken in returning relatives.
- 2) *Plots being forcibly occupied by the military or ‘powerful members of the community’*: this concerns both returnees and residents as a number of long-term residents are losing their land to soldiers who occupy it by force. The owners point out that land ownership documents mean little when threatened by a gun. In a number of cases, long-term residents have reported losing their land to well-off returnees, who have used the military to force owners to give up their property. Juba Payam administrators confirmed that some of the worst cases are in the Tong Ping area. Women in Tong Ping stressed that they lived in fear after one owner who had refused to give up his land to a powerful landgrabber was found dead. They were particularly angry at the lack of action by the government or the UN to put an end to this kind of abuse.
- 3) *Multiple issuing of leases for registration of a single plot*: during the war Juba town was replanned and new titles were given out several times without any consideration for absentee land owners. This included areas demarcated as public spaces, such as roads and sport facilities. Land was



normally used as a form of patronage and reallocations usually benefited individuals or groups close to the government. Plots belonging to individuals perceived to be SPLM supporters were particularly targeted and contribute to the backlog of land cases in court. Multiple allocations are also reported since the signing of the CPA. In a number of cases this involves plots belonging to people who were not able to build on their land during a required period.<sup>19</sup> Pre-war owners find it very hard to reclaim these plots, especially because in many cases they lack the appropriate documentation to support their claims. Even individuals with all the proper paperwork find it virtually impossible to retrieve their property since there are often another three or four claimants who consider their claim equally legitimate on the basis of titles issued during the war. People with the best connections usually win claims.

- 4) *Unauthorised building on unoccupied plots*: unoccupied plots are illegally fenced and properties are built or renovated without authorisation. Legitimate owners have great difficulty retrieving their land, and in the best-case scenario are expected to compensate those who have built on it. These compensation claims often end up in court (De Wit, 2004: 36).
- 5) *Illegal sale of land*: a number of returnees who had entrusted their plots to relatives have found their land sold upon their return and are having difficulties getting it back. There are also reports of soldiers selling unoccupied plots without the knowledge of the owner.
- 6) *Long-term occupancy without registration*: in areas on the periphery of Juba, especially in Munuki Payam, land allocation and registration have been carried out by chiefs but not formally registered with the payam administration. As a result, people who have occupied the land for years or decades are now being evicted by others who have land documents from the payam.
- 7) *Women's rights*: despite more progressive provisions in the Interim National Constitution and the Interim Constitution of Southern Sudan, women find it difficult to uphold their rights to land. According to customary rules in much of Southern Sudan, women cannot own, control or inherit land unless they are widowed or disabled; even in the latter cases, their rights are usually limited to temporary usufruct rights. Returnee widows are facing problems trying to recover their land, usually because they do not have the necessary documentation. Resident women are also challenged in their claims to land. Women were not allowed to register land in their own names pre-CPA, and therefore many residents, often heads of household, do not have appropriate papers and are threatened with eviction as the land is registered in a male relative's name. A number of such cases were identified in Tong Ping.

There are also disputes over land access and use in rural areas of Juba County, largely because of encroachment by Mundari cattle into Bari land. The Mundari complain that their land is occupied by Dinka Bor, obliging them to look elsewhere for pasture. Skirmishes between pastoralists and farmers are common and have resulted in low levels of cultivation. Returnees have no difficulty in claiming back their land, but face problems cultivating it because of the Mundari transhumance and increasing settlement in the area.

### 7.3 Creating new plots

Access to land and securing tenure in Juba is central to the successful reintegration of those who have chosen to seek a new livelihood in the capital. Senior SPLM officials and international organisations had foreseen the implications for land of the arrival of large numbers of returnees in Juba before the signing of the CPA. Numerous studies and workshops were undertaken in 2004 and 2005 to ensure that legislative and administrative measures were in place to absorb the new arrivals and minimise disputes (see 7.6 below). The provision of new residential plots in Juba and other urban areas had been identified as critical to the reintegration of returnees, as it was apparent that there was a significant mismatch between the expected urban population and the number of available plots in the town (De Wit, 2004: 47).

Despite extensive research and preparation, the government has been unable to demarcate enough new plots ahead of the arrival of the returnees. This has largely been a result of unresolved tensions over the expropriation of Bari land for gazetting. Allegations of corruption have also been made, as prime land in Juba has reportedly been allocated to or grabbed by influential members of the community. A number of plots were demarcated and leased out in 2005, many of them in Munuki Payam (particularly Jebel Kujur and Gudele). In 2007, the government lease market reached saturation as returns peaked. People had to look to the commercial market, but this remains unaffordable for most returnees. The Central Equatoria government tried to negotiate the demarcation of new plots in Lobonok, but could not reach agreement with those Bari chiefs who have successfully established themselves as key intermediaries with government as well as international organisations and business people (see 7.5). Returnees from Central Equatoria have been able to obtain undemarcated plots directly from chiefs in an area south of Lobonok and in parts of Gudele, and have taken possession without official registration. But chiefs are only allocating land to Equatorians and are refusing land to other groups, particularly the Dinka.

The great majority of returnees are not getting access to plots and cannot afford commercial rents. These range from SDG 25–50 for basic accommodation (tukul) in Dar es-Salaam to SDG 200–250 in more expensive areas such as Haj Malakal and Tong Ping. Renting can also be risky as owners tend to raise rents at short notice or evict tenants if they need the property or can rent it out for more money. As a result, most returnees cram into

<sup>19</sup> The Urban Planning and Disposal Act of 1994, section 50, enforced in all garrison towns of Southern Sudan during the war, envisages a fixed period to build on a plot. It is however uncertain whether the provisions of the Act are still applicable in Southern Sudan. At any rate, a moratorium should have been introduced to prevent expropriation of plots from people who were not able to build during the war.

relatives' compounds, where up to three families (usually 20–25 individuals) squeeze together in makeshift rakubas set up in courtyards. This makes for very congested living, with attendant health and sanitation problems and fire risks. Those who do not have relatives in Juba tend to illegally occupy empty spaces, often in areas designated for roads or public services, or in school courtyards. The Bari community is resentful of those who occupy land without their agreement. In a number of cases, such as in Gudele, SPLA soldiers are reported to be initiating construction without official land titles or the agreement of the local community. Many soldiers claim that they take precedence in ownership of land over those who fled since they were the ones who fought to win it back.

The government argues that, in order to stop land grabbing, it needs to be able to demarcate new land to allocate it legally. Some officials maintain that predatory practices by powerful individuals are fuelled by the inability of senior government officials to have access to a plot to build a home for their families. The illegal occupation of land has put poorer, more vulnerable returnees at risk of eviction. In April and May 2007 a wave of evictions and demolitions took place in Nyakuron, which affected land grabbers, but also returnees who were renting accommodation without knowing that it was illegal. People were very traumatised, particularly returnees from Khartoum who had previous experience of this in their place of displacement. GOSS was receptive to NGO and UN representations and the demolitions were quickly stopped. The government did not offer alternative land to those evicted apart from suggesting that they move to Gumbo, an area considered too insecure because of LRA incursions. A year later, people were still stranded in makeshift accommodation in Nyakuron.

Many returnees expect the government to provide land for them, since the government is encouraging them to return. Others believe it is the responsibility of the UN agency which facilitates their repatriation or return. A number of returnees have complained about the emphasis placed by GOSS on return in the absence of conducive conditions for their reintegration. They point out that land is more abundant in areas of displacement, and that prospective returnees are deterred by the difficulties of finding a plot in Juba.

#### 7.4 Town planning

GOSS recognises that it is incumbent on both the central and state governments to find a solution to the land crisis in Juba and ensure that returnees have access to land. The government strategy aims at decongesting Juba by promoting the development of other small towns in Central Equatoria and neighbouring states; Bor, Torit and Yei are seen as the priority because of their proximity to Juba. At the same time GOSS aims to manage the growth of Juba according to detailed urban development plans established over the last two years which build on the colonial structure of the town.

Like other Sudanese towns, Juba was sub-divided by the British colonial administration into four classes of residential area based on the social stratum and the ethnic affiliation of its inhabitants. Classes one to three included the formal housing areas, while class four areas were predominantly made of temporary housing. This sub-division remains today, though class four plots are being folded into class three to encourage the use of permanent materials. Each class has different plot sizes, lease terms, land fees and taxes, and each is characterised by different qualities and permanence of building materials. The level of services is proportional to the class of settlement. Table 4 (page 32) summarises the main differences between the classes.

Class one plots are concentrated in Juba Payam, which also has a number of class two plots. Kator Payam is made of class two and class three plots, but also hosts a number of IDPs and returnees living in temporary housing. Munuki Payam is the most populous and is home to the greatest concentration of IDPs and returnees in Juba. Most Munuki plots are classified as third and the former fourth class (USAID, 2005: 12). The upgrading of class four plots places a significant financial strain on plot owners and can result in their displacement, since people risk losing their land if they are unable to build on it within one year and to the required standards. In Munuki Payam many people expect to be relocated when the upgrading to class three is implemented. UN-Habitat officials however predict that most people will stay in upgraded areas, squeezing into fewer, larger plots. Those occupying land demarcated for public space will almost inevitably have to be relocated. Relocations are expected also in other upgraded areas such as Nyakuron, which has become class one but currently hosts several IDPs and returnees in makeshift accommodation.

The land classification system separates people by socio-economic status and creates cleavages in the community. Services are concentrated in the inner urban areas where there is a prevalence of high-value, low-density large parcels, whilst high-density plots tend to be concentrated in the periphery away from key services and markets. This distribution has been retained in the master plans for the expansion of Juba, with the support of international donors (JICA and USAID through PADCO/Gibb Africa, with the Gibb Africa plan focusing more on detailed planning in residential areas). The plans maintain the plot zoning system and envisage that existing overcrowded populations will move to new areas in the periphery (USAID, 2007: 35). The plans have been drawn up without engaging communities in the process. As a result, public services have been planned on areas occupied by IDPs and returnees. One case in point is the ring road, the plan for which cannot be executed since the land demarcated for the road is occupied (JICA officials, pers. comm.). The Ministry of Physical Infrastructure is trying to reach an agreement with these communities to avoid forcible eviction, though forced removal was necessary to get the rehabilitation of the port underway.

**Table 4: Juba residential plot classification system**

Class	Plot size	Lease term	Materials	Years to end construction	Annual fees per parcel
Class 1	650–900 m <sup>2</sup>	50 years (+ 30) <sup>20</sup>	Permanent	3 years	\$50
Class 2	500–635 m <sup>2</sup>	30 years (+ 20)	Basic	2 years	\$37.5
Class 3	300–400 m <sup>2</sup>	20 years (+ 10)	Removable	1 year	\$25

A number of technical UN agencies and NGOs have expressed strong reservations about the top-down master plan approach, both because it fails to involve the community in the urban planning process, and because its provisions have no legal basis. The Minister of Physical Infrastructure has pointed out that half the population of Juba would need to be relocated and/or compensated to implement the main master plan, which was developed with the support of JICA. UN-Habitat has called for a strategic spatial planning approach (UN-Habitat, pers. comm.) which builds on the existing physiognomy of the town, is fair and inclusive and aims to address inequalities through a more equitable spread of infrastructure and services. A more comprehensive planning exercise is required which ‘in addition to dealing with spatial/locational aspects, also includes formulating policies to deal with infrastructure delivery (water supply, sanitation), roads and drainage, open space and recreation areas, land allocation procedures, land pricing mechanisms, commercial and market area development, school and clinic provision, etc.’ (Wakely et al., 2005: 40).

In order to implement these policies, it is critical to identify new areas for residential housing to ease congestion in the current perimeter of Juba, build more service infrastructure and roads and make land available for investment. The local Bari community must be enlisted in the search for a solution to the town’s development challenges.

## 7.5 Dispute resolution

### 7.5.1 Tensions between the Bari community and regional and state government

The acquisition of additional land appears to have become an intractable issue both for the Central Equatoria government and for GOSS, both of which are having problems with ‘the Bari’. The government of Central Equatoria issued a call for land applications in 2005. It was inundated with applications (people reportedly came to apply for land from all the then states<sup>21</sup>, Khartoum and even the US), but did not proceed to allocate the land because Bari communities reacted angrily to the announcement, which amounted to a *fait accompli*. The government has since held several consultations with senior Bari figures, but the problem is still unresolved. A number of Bari chiefs have taken a leading role in negotiating land sales or allocations around Juba, which has led to criticism from some of their communities. Chiefs in CES have not historically had primary responsibility for the land, which is instead associated

with particular clans or spiritual leaders, who are not always being consulted during negotiations. The ‘Bari Community’ was established or re-established formally in 2006 with an elected chairman. Together with Bari CES MPs, county officials and the leading chiefs, there are a number of ‘spokesmen’ for the Bari, often with relationships with the higher political and military leaders in GoSS (Cherry Leonardi, pers. comm.).

Some senior government officials feel that the consultations on land access are being used as a delaying tactic by these chiefs. The state government has been trying to get land released in Gudele and Nyakuron, but now says that it is open to receiving parcels in other areas. Reportedly the only place the Bari chiefs have offered is Gumbo (Rajaf Payam), which is considered insecure. The Minister of Physical Infrastructure has pledged to improve security in Gumbo, but feels that land should be released in inner Juba as well.

The Paramount Chief of the Bari maintains that they would be prepared to give land to the government if a number of conditions were met. These include the provision of services on the parcels allocated and the reservation of one-third of the plots for the Bari themselves. The Bari are united in their refusal to see their land expropriated by the government and allocated on a commercial basis. They know the value of real estate in Juba and want to ensure that their community can benefit from it, especially since many Bari still live in poor conditions in former class four settlements. Even if the government were prepared to compensate Bari communities financially for their land, it is not clear who would receive the money and how it would be redistributed.

The anger of the Bari is aggravated by the behaviour of some powerful returnees who have been grabbing land and cutting sacred trees without permission.<sup>22</sup> Sudanese analysts have commented that senior government officials fail to address these concerns, dismissing them as ‘tribalism’. The situation has reached an impasse which is difficult to unblock. The government feels frustrated by the fact that, as soon as they reach an agreement with Bari chiefs, a new group of leaders accuses those who have reached a compromise with the government of not being representative of the Bari. The amount of land made available so far is insufficient even for the development of GOSS infrastructure. Investors cannot get land, crippling opportunities for development. More importantly, the lack of land in Juba town is making it

<sup>20</sup> The full lease term is 50 years, renewable once for an additional 30 years.

<sup>21</sup> No similar announcement was made in other states of Southern Sudan.

<sup>22</sup> The Bari use trees as burial memorials and shrine (Seligman and Seligman, 1928).

impossible to introduce new services, including schools, primary health centres and boreholes.

The wrangle between the Bari and the government also concerns GOSS. The GOSS Ministry of Land and Housing has requested land to develop an administrative district, but no location has been agreed. In 2006, GOSS asked for a 5x5km plot in Tokimon, on the road to Yei. The transaction was not finalised, according to Bari key informants because GOSS changed its mind. The Bari chiefs then offered land in Gumbo, but GOSS felt that insecurity made it an unsuitable location for government offices. Latterly GOSS has requested land on the island of Kondokoro, but the Bari chiefs are adamant that they will not release their community's best farming land. International organisations report that the plan for the administrative and business district in Kondokoro was announced by GOSS Vice-President and former Minister of Land and Housing Dr. Riek Machar, without adequate consultation with the 'Bari Community'.

The current impasse reflects the lack of an overall land policy and mechanisms to engage with concerned communities. Senior GOSS officials feel that the slogan 'the land belongs to the people' is being manipulated by internal actors to undermine GOSS. They believe that there has been enough consultation, and that it is now time to formulate and urgently implement a land policy even if communities are not fully on board. While chiefs and elders have been consulted and there have been numerous ad hoc workshops, most Bari lack confidence in a process with no strategy for wider consultation. Ordinary Bari people within and around Juba complain that their educated leaders are too busy with 'politics' to really represent their interests. The notion of a single 'Bari Community' is idealistic, and conceals competing interest groups and their political linkages. It is unlikely that the chiefs alone could block the acquisition of land for the expansion of Juba without significant backing from higher authorities (Cherry Leonardi, pers. comm.). With some chiefs accused of being corrupt and allocating land to investors for their personal gain, many Bari insist on a consultative mechanism that involves the whole community in decision-making. Consultation processes have been initiated by Pact and others, and these must be supported and expanded.

The course of events in Juba will be an important test for the unity of Southern Sudan. Returnees from other areas currently feel unwelcome in the regional capital and question the status of Juba as a symbol of a 'New Sudan' embracing all southerners. For the Bari, land is not just an economic issue; it is at the heart of their identity, which they feel will be threatened if the expansion of Juba swallows Bari villages. Appropriate mechanisms to guarantee Bari rights must be found, for instance by entrusting land titles in the name of the Bari community and only granting the government time-bound leases.

#### 7.5.2 Individual dispute resolution

The system of dispute resolution is a hybrid of customary and statutory forms, and there is currently no consensus about how customary and formal institutions should relate to one another. The guidance provided in the Interim Constitution for Southern Sudan is vague regarding the role of customary courts and traditional leaders, and makes state governments responsible for determining their jurisdiction. In Juba, customary courts continue to play an important role in the adjudication of land disputes. Interviewees reported that land dispute cases are first submitted to the chief of the area or the block leader. If the case remains unresolved, it is moved to the payam administrator, then to higher authorities in the state government and finally to a court. Local chiefs act as mediators and judges on land matters, and hold court in public so that the community can participate. Opinion is divided as to whether the role of the local chiefs is beneficial. Some consider the courts transparent and accountable, and court decisions generally fair (International Rescue Committee/UNDP, 2006; UNDP Southern Sudan 2006, quoted in Mennen, 2007). However, submitting disputes to chiefs is expensive and decisions are often biased, prompting an increasing number of people to resist the involvement of local chiefs in land disputes.<sup>23</sup> There is also a problem of capacity, as chiefs are often also called to testify in the courts and to refer cases to the Ministry of Legal Affairs. Chiefs are seldom able to arbitrate between soldiers and civilians, and usually discriminate against women.

#### 7.5.3 Current institutional framework

With legislation on land yet to be approved, the roles of ministries, departments and institutions are still unclear. The competencies of the Ministry of Physical Infrastructure of Central Equatoria State and GOSS Ministry of Land and Housing are unclear. The Ministry of Physical Infrastructure should be responsible for identifying and allocating new land, but GOSS can request the state government to confiscate land 'for public interest', though it has to offer compensation in return. The state government, more sensitive to the interests of the Bari, does not always respond to these requests. The confusion of roles between GOSS and the state government is discouraging investors, with instances of land allocated by GOSS not being released by the state government.

The role of the Southern Sudan Land Commission (SSLC), established by GOSS Presidential Decree no. 52/2006 in July 2006, also remains undefined. The decree set out the composition of the Commission, but did not elaborate on its role. The CPA and the Interim Constitution of Southern Sudan are equally ambiguous about the roles of both the National and Southern Sudan Land Commission. The National Commission is mandated to arbitrate land claims between willing contending parties, enforce the application of the law, assess appropriate land compensation and advise relevant levels of government regarding land reform policies and recognition of customary land rights or law. It is assumed that

<sup>23</sup> Interview with Sudanese analyst.

the SSLC would play a similar role in the South (CPA Wealth Sharing Protocol; Interim Constitution of Southern Sudan, Part Twelve, Chapter II; Interim National Constitution, Chapter II). State officials in the Ministry of Physical Infrastructure believe that the main role of the Commission should be advisory and facilitatory between GOSS and CES. They see the arbitration function as a duplication of the role already played by customary and statutory courts.

The Commission is currently overly dependent on its Chairman, who exerts a considerable level of authority. In turn, the Chairman is frustrated about the limited powers vested in the SSLC and the restricted scope he is allowed by other actors, especially at state level. The Commission is now focusing on arbitration between individuals and the state, an issue which appears to be less frequently dealt with by the courts, and gives legal opinions to the states on how to proceed. The SSLC is waiting for the Land Act to be passed before increasing the number of staff (currently 15) and starting work on a land policy. The policy is expected to be more detailed than the Land Act, and will focus on specific consultation with communities. It is however normal procedure for policy to precede law.

The draft Land Act is being held up at the Ministry of Legal Affairs, which is currently reviewing it. The courts are unable to operate properly because they do not have any laws to guide them. The law as defined by the old Government of Sudan is considered exploitative and GOSS does not want to use it. This has created a vacuum. Although there are reservations about the way the new Act has been drafted, as it is said to mix policy and implementation issues and to be overly focused on rural questions, a new law is essential to resolving the land crisis in Juba. No clear policy on returnees' access to land is set out in the Act or in any other document; furthermore, the Act is almost entirely lacking in articles tackling urban tenure issues. At the same time, the draft law provides an excellent basis for the regulation of land issues in rural areas and includes key articles which could be applied in urban areas, although these would need reshaping. Despite the shortcomings of the current draft, it is essential that a legislative framework is put in place as soon as possible, that the roles and responsibilities of the various actors are clarified and that institutions are given the power and resources to perform their functions.

## 7.6 International assistance on land issues

The government and international organisations operating in Southern Sudan had anticipated that land problems would arise as a result of the arrival of large numbers of returnees. A consortium of agencies including FAO, UNHCR and the Norwegian Refugee Council undertook studies on a wide spectrum of land and property issues (Nucci, 2004; El Sammani et al., 2004; De Wit, 2004; Abdel Rahman, 2004) and organised workshops on land issues related to returns (FAO et al., 2004). Studies on urban planning were also undertaken by UNDP

(Wakely et al., 2005) and USAID (2005). The studies produced abundant and valuable material, but they were not complemented by a clear agenda for action. This was mainly because of a lack of coordination amongst UN agencies (particularly UN-Habitat, UNDP and FAO) (SRSG briefing note prepared by the FAO Sudan Land Programme, 02/10/2006 and interviews with senior UNMIS official, Juba). Different UN agencies and donors (particularly USAID and JICA) have been providing technical assistance to different government bodies, including the Ministry of Physical Infrastructure in the government of Central Equatoria, the GOSS Ministry of Land and Housing, the GOSS Ministry of Legal Affairs, the Vice-President's Office and the Southern Sudan Land Commission. Technical assistance (including rule of law, land administration, urban planning, arbitration and legislative reform) has reportedly not been harmonised. Humanitarian actors consider some of this assistance inappropriate and confusing, particularly as noted the master plans developed by JICA and Gibb/Africa. Some UN agencies and NGOs expected UN-Habitat to provide stronger leadership on land issues in Juba, but in the last two years the agency had only one staff member on the ground. Several expert missions were sent from headquarters. Their analysis and advice is generally well received, but the lack of an appropriately staffed and continuous presence on the ground reduces the value of UN-Habitat's inputs. UN-Habitat officials have attributed these shortcomings to a lack of funding, though the UN Resident Coordinator's Support Office (RCSO) was confident that funding could have been made available through the Common Humanitarian Fund (CHF, see 8.5) (interview with David Gressly, former UNDR/HC for Southern Sudan and current head of UNMIS). Institutional inertia may have prevented UN-Habitat from assuming a greater role in Juba. This should be urgently rectified.

NRC, FAO, NPA, USDA/USAID and UNHCR Protection have formed a Land Forum chaired by the Chairman of the Land Commission. The group, meant to support the work of the SSLC, meets on an ad hoc basis, though agencies try to meet at least once a month. So far it has been engaged in supporting the preparation of land legislation through consultative workshops. The agencies involved report that workshops have not been systematically followed up.

A number of organisations have also been helping returnees overcome legal obstacles related to housing, land and property (HLP) issues. NRC has established Information, Counselling and Legal Assistance (ICLA) centres in 2 payams (Rajaf and Munuki). Although the mandate of the ICLA centres goes beyond HLP, NRC reports that 20% of the cases referred to it by returnees and IDPs concern land. ICLA officials point out that, unlike in other countries, it is difficult to provide legal advice on these issues because no land legislation is in place. UNDP's Access to Justice project has been supporting the Rule of Law Promoters Association (RLPA) in Juba. RLPA is a local organisation; its main activities include monitoring customary courts, legal assistance and referral and the management and

operations of a Justice and Confidence Centre (JCC). Work by Pact to document the views of local communities on land issues in Juba has been mentioned earlier.

There are a number of areas where appropriate and well-coordinated technical assistance could play a critical role. Some senior government officials feel that the international community could provide support by facilitating a high-level political meeting including all key government and Bari decision-makers to discuss new land allocations, the competences of the different levels of government and the role of customary bodies. Others feel that the emphasis should be placed on involving communities in the search for a solution through more genuine consultation and participatory planning. This seems to be a prerequisite for any strategy, though a two-pronged approach may have some use.

The government of Central Equatoria stressed that most assistance to date has been provided to GOSS (apart from JICA's). It pointed out that support to reorganise the cadastre would be very useful. Support would also be welcome in the registration of community land in rural payams of Juba County. All payams have already been registered in the Land Registry, but with broad maps and without a specific land-use plan. Training and advisory services to the Land Office and the Survey Department would enhance understanding and implementation of the land policy once it is finalised. State officials in the Ministry of Physical Infrastructure felt that UN-Habitat should be funded to provide technical assistance on these issues, mentioning the very positive experience they had with the agency in the 1980s.

A number of GOSS officials would also like to continue to receive technical assistance in the development of land legislation. They are appreciative of the inputs already provided by the EU, but point out that more technical support is needed from qualified individuals to develop the land policy and other legislation. Further refining of the draft Land Act is also required to make it relevant to Southern Sudan.<sup>24</sup> The development of further legislation will not however be sufficient to resolve the current impasse on land issues unless there is strong political will to do so. A complication in this regard lies in the fact that the few people in Juba who have the capacity and seniority to address the land question politically are already overstretched by important issues linked to CPA implementation. The land issue in Juba needs to be recognised as a priority requiring urgent attention at the highest levels of GOSS.

## 7.7 Recommendations

- Community-level consultations on land issues should be scaled up and systemised. Consultations should be integrated into the normal working procedure for land-related decision-making. NGOs could play an important role

<sup>24</sup> The Act was modelled on the Communal Land Acts of South Africa and Belize, the Tanzania Village Land Act and the Mozambique Land Act.

in piloting consultative processes, for example building on the current Pact initiative. It is essential that any actor undertaking such a role should bring in appropriate technical expertise on urban land tenure. Such pilots should be incorporated into a plan of action led by relevant government players as part of a system of sustained interaction between the communities and the government of Central Equatoria.

- The government of Central Equatoria, with external support from appropriate technical agencies, should ensure that Bari land areas are more concretely identified and surveyed and their institutional basis established through Community Land Councils, so that the foundation for rightful Bari control of their lands is laid (including payam, boma or neighbourhood land councils which have powers of allocation, with chiefs as *ex officio* chairs or members, where legitimate). Appropriate mechanisms to guarantee Bari rights must be ensured, such as entrusting the land title in the name of the Bari community and only granting the government time-bound leases.
- The GOSS Ministry of Land and Housing, the state Ministry of Physical Infrastructure and the SSLC must harmonise institutional responsibilities, including clarifying the role of customary institutions in dispute resolution. UNMIS could help facilitate high-level political dialogue on roles and responsibilities with the support of informed and technically competent experts. While the origins of these overlaps lie directly in the shortcomings of the CPA, experts could support GOSS in resolving the contradictions and overlaps in responsibility and in more thoroughly and consistently adopting a devolved approach to powers and duties.
- GOSS must urgently direct political attention to the land question in Juba to help identify and enforce solutions. It is vital that the current parliamentary session prioritise scrutiny, amendment and then eventual promulgation of the draft Land Act and labour laws. The draft Land Act must be carefully assessed for its impact on Juba residents, given its lack of focus on urban tenure issues.
- Donors, UN agencies and NGOs must better coordinate assistance policies on land and enhance the complementarity of their efforts. This should include support to urban planning as well as the drafting of land legislation including the land policy. It is essential that the process of land policy development, which is reportedly starting with donor support, be fully inclusive of both urban and rural actors from the outset.
- International organisations should advocate for and support the development of legislation which includes safeguards for women's rights on land issues, particularly succession and matrimonial law, and support public awareness programmes on the rights of women to land and property. This is primarily a function of proper land policy development. The new land policy must therefore be accountable to the women of Southern Sudan, and explicit as to their rights and how to secure them.
- Master planning should be replaced by an urban planning

approach that is more strategic, inclusive and action-oriented. Master plans are static and often unrealistic and quickly become outdated with rapid changes in demographic patterns and investment, especially in a post-conflict environment where flexibility is needed to negotiate with communities on land rights. New planning approaches should therefore be sought by the government, with appropriate external support. These should engage authorities, communities and the private sector in identifying problems and resolving them.

- UN-Habitat should urgently seek to strengthen its presence in Juba with an adequate number of permanent staff able to provide leadership on land questions and urban planning. Donors should support the renewed engagement of UN-Habitat in Juba. UN-Habitat should

however be wary of traditional approaches to tenure issues and should seek to bring in appropriate expertise to distil learning from initiatives being undertaken in other urban post-conflict contexts. There are useful lessons from Timor-Leste (about what to avoid) and excellent experience in Luanda and Kabul, for example.

- UNMIS could help identify mechanisms to tackle land grabbing in Juba, in collaboration with GOSS and state authorities. This could be undertaken by UNMIS/Civil Affairs in collaboration with UNMIS/Protection of Civilians and UNMIS/RRR. The possibility of GOSS or CES establishing a Commission of Inquiry should be considered. The appointment of an Ombudsman or a rent-control board to deal with land grabbing and rental issues could be considered.

# Chapter 8

## A review of policies and assistance to reintegration in Juba Town

### 8.1 Introduction

UNHCR defines sustainable reintegration as:

‘supporting those who have returned/resettled or integrated to secure the political, economic, legal and social conditions needed to maintain life, livelihood and dignity.

**Legal:** access to legal processes; legal support for ownership of property, land and housing,

**Political:** stable government, full participation in political processes, gender equality in all aspects of political life, freedom of thought and expression and protection from persecution,

**Economic:** access to productive resources (e.g. agricultural inputs and livestock)

**Social:** access to services, security, absence of discrimination and community level dispute resolution, etc’.<sup>25</sup>

The scope is broad, covering most aspects of life and livelihoods. Almost all policies and assistance that fall into these four categories could be reviewed here: legal, political, economic and social. However, to make this review manageable, the study has focused on planning and programming which have the specific aim of supporting the integration and reintegration of returning IDPs and refugees into Juba town.

The Joint Assessment Mission (JAM) carried out shortly after the signing of the CPA sets the context for reintegration (World Bank, 2005). It envisages the interim period between 2005 and 2011 as a time to move from humanitarian through recovery to development modes of operating. Within the strategic framework set out for the transition from war to peace, the safe return and reintegration of IDPs and refugees is part of ‘regenerating social capital’ (although other components of the framework are also relevant).<sup>26</sup> The JAM framework is a good starting point for reviewing plans for supporting reintegration. Specifically:

1. It promotes *community-based* support programmes as an appropriate approach to supporting reintegration (rather than targeting returnees alone).

<sup>25</sup> See UNHCR (2004).

<sup>26</sup> The strategic framework also covers: 1. developing physical infrastructure; 2. prioritising agriculture, and promoting private sector development; 3. restoring peace and harmony; and 4. developing institutional infrastructure for better governance

2. It advocates for ‘*quick impact* community based reintegration programs to assist a good part of returnees to urban areas or those not of farming background’ (ibid: 217 – emphasis added), recognising that the first two years can be critical, not least in terms of demonstrating a clear peace dividend.
3. It sees returnees as *an opportunity for rehabilitation and reconciliation*, provided that an integrated and comprehensive approach is adopted.

This section reviews support provided by government, as the most important player, and external assistance provided by the international community, at which most of the recommendations in this report are targeted.

### 8.2 Policy context and government assistance

Since 2005, GOSS has faced an enormous challenge in establishing itself as a credible and effective institution of governance *and* rebuilding and rehabilitating a vast area devastated by war. As a recent review puts it:

*South Sudan ... can be described as an early recovering but deeply fragile context with the political will but not yet the institutional capacity to perform critical functions necessary for the security and welfare of its citizens* (Murphy, 2007: 3).

By its own admission, GOSS has no overall medium-term or strategic plan for Southern Sudan. Instead, it has been working to a budget sector planning approach, strongly supported by the international community, resulting in some ten budget sector plans for 2008 to 2010. One of these covers social and humanitarian affairs, and specifically the return and reintegration of IDPs and refugees, although of course almost all are relevant to reintegration, for example the budget sector plans on education and the rule of law. GOSS has also set up 14 Commissions, some of which are relevant to reintegration, specifically the Land Commission, though all are struggling with the absence of a legal framework within which to operate. (The lack of legal framework is also an issue affecting NGOs until the NGO Bill is passed.) In terms of government expenditure, the priorities are security, roads, primary health care, primary education, rural livelihoods and rural water.

The perception within the international community is that the government is focusing principally on rebuilding major infrastructure and on security, and that other aspects of



reintegration – particularly at community level and in terms of meeting immediate needs – are being left to the international community, partly reflecting the legacy of the long-running war, when external assistance dominated and sustained the large-scale humanitarian operation. The GOSS priority has clearly been the return process itself, in advance of the census and planned elections. A strategy for supporting and reintegrating people when they have returned is much less clear. This is evident from the Social and Humanitarian Affairs draft budget sector plan, which reports in detail on the return process, but says little about reintegration (GOSS, 2007).

In an effort to encourage returnees to leave Juba and move back to their rural areas of origin, the government is promoting a policy of ‘taking towns to the people’. This was launched by the Southern Sudan Reconstruction and Development Fund (SSRDF) in 2007, as part of its strategy for rural development and transformation. It is based on creating two model towns for each of the ten states, to include infrastructure such as a functioning market, community centre, primary school, health centre, water supply and electricity. It is an alternative to the normally scattered settlement pattern of Southern Sudan, and is designed as a more efficient way of providing services. SSRDF describes it as similar to ‘ujamma’ in Tanzania, but voluntary (SSRDF, 2007). Funding is expected to come from the MDTF, although this policy is still in the planning phase and has met with some scepticism from donors. It is highly unlikely that the policy will counteract the recent rapid growth of Juba town. Indeed, during fieldwork for this study it was very clear that Juba’s people are looking to the government to improve security and provide better services.

So far, the SSRRC has taken the lead in return and reintegration, but it has mainly focused on supporting the organised return process, and the Commission has suffered from very limited capacity. Having been a powerful institution during the conflict, SSRRC’s role in relation to line ministries is now often unclear and can result in power struggles, for example over who should have responsibility for registering NGOs. Full government support to reintegration, however, is clearly the responsibility of all line ministries. The still-unclear roles of local government, described in section 6, are an obstacle at community level.

Overall, the impression is of nascent government institutions struggling to fulfil a wide range of obligations. Although encouraging people to return has been a political priority, support to reintegration is less of one. For Juba town it is more productive to reframe this as much-needed support to a rapid and so far unplanned process of urbanisation.

### 8.3 External assistance and the international community

A number of assessments were carried out by international agencies in advance of the signing of the CPA, to prepare for post-conflict transition and the return and reintegration process.

Some were focused on urban areas (UNJLC and UNICEF, 2004; Wakely et al., 2005; USAID, 2005 and 2007). After the signing of the CPA, the JAM was launched. Thus, considerable groundwork was done. But three years into the transition, with many new international staff, these documents appear to have been little used as reference points. The international community is not renowned for its long-term memory, as the experience of planning for reintegration in Juba town shows yet again. As one author has commented in relation to the recovery process: ‘the JAM has faded as a living document and in practice, decision-making is more aligned to operational planning concerns than overarching strategic ones’ (Murphy, 2007: 4).

#### 8.3.1 A paradigm shift?

With the signing of the CPA and the establishment of GOSS came the need to gradually shift from humanitarian action, which has been driving external assistance to Southern Sudan for the last 20 years, to recovery and development. This has been no mean task for an international aid community that tends to be divided between humanitarian and development ways of thinking and operating. The middle ground in which recovery sits is still poorly defined and the conventional aid architecture struggles to cater for it. An illustration of this, in Juba town as across Southern Sudan, is the dilemma between rapidly scaling up services to meet growing demand versus addressing longer-term state-building goals with a lengthier gestation period (Murphy, 2007). This dilemma has been at the heart of the controversy surrounding the performance of the MDTF. Other examples of how the international community has struggled to make this paradigm shift appear in funding timescales and ways of engaging with government. In terms of the former, the funding and associated programming timeframe is often still just one year, which introduces an immediate bias towards short-term goals. This is the case with the Common Humanitarian Fund (CHF), described below, and with the UN annual Work Plan.

There are signs that this may be changing. The UN is developing a four-year framework, the UN Development Assistance Framework (UNDAF), to guide its work from 2009–2012.<sup>27</sup> Since 2007 the focus of the UN has shifted to ‘early recovery activities’. There are also hopes that the new Sudan Recovery Fund (SRF – see below) will enable the transition away from short-term humanitarian operations, especially if it is supported by a recovery strategy. International NGOs especially have been slow to adapt their work habits from the days of Operation Lifeline Sudan (OLS), when they operated with considerable autonomy out of Nairobi, to the expensive and logistically challenging environment of Juba, where they must work closely with GOSS and state governments and observe more rigorous reporting requirements.

The challenges of shifting from humanitarian to recovery mode, common to many post-conflict environments, are partly

<sup>27</sup> This is based on 1) governance and rule of law 2) basic services 3) livelihoods including land issues (seen as critical) and 4) peacebuilding – personal communication, RCO Juba.

responsible for the emphasis on organised return, where international agencies play a central logistical role and short-term results are visible, at the expense of programming to support reintegration, which requires a longer-term focus. In the words of one international NGO interviewee: ‘the pressure of the returnees once they are back is a silent issue’. In order to support the rapid expansion of Juba town, there has been a need to continue the direct provision of services (usually by INGOs). But funding for this has mostly come from humanitarian sources (for example from ECHO and USAID/OFDA). Three years after the signing of the CPA these sources are beginning to dry up, even though government is still unable to take over these responsibilities. Thus, there is a need to continue some forms of direct service delivery at the same time as building government capacity, not least to prevent more serious emergencies such as outbreaks of cholera in Juba town, mentioned in section 5.4 above. A senior UN staff member in Juba warns that ‘if [humanitarian] funding dries up, health services will collapse’.

### *8.3.2 Reintegration – varying approaches, scattered responsibility and the challenge of coordination*

Approaches to supporting reintegration vary widely amongst international agencies, often in ways that relate to their overall mission and mandate. Whilst some see it principally in terms of service provision, others emphasise the protection dimension. Few are concerned with reinforcing the absorption capacity of communities rather than focusing on returnees alone. Surprisingly few agencies specifically focus on (re)integration in Juba town. Those few include UNHCR, ILO, the NRC, IRC, ICCO, GTZ and DED. JICA appears to be one of the donors most committed to supporting interventions in Juba town, with a particular focus on physical infrastructure.

Somewhat controversially, overall responsibility for leading on return and reintegration within the international community lies with UNMIS. As an integrated and political UN mission, this raises questions about what drives its decision-making – political considerations in working with GOSS, the NCP and Government of National Unity, or the needs of local residents and returnees. With hindsight, the emphasis that has been given to organised return to meet the political priority of getting as many IDPs and refugees as possible back to Southern Sudan before the census may have been at the expense of investment in, and a more considered approach towards, community-level reintegration that would have benefited many more people. The fact that responsibility for return and reintegration lies with the integrated UN mission sits uncomfortably with a number of more humanitarian-oriented agencies and creates tensions with some UN technical agencies.

Within UNMIS, RRR has responsibility for coordinating support to return and reintegration, but is only mandated to cover ‘early recovery activities’. Deep dissatisfaction with RRR’s performance emerged during interviews for this study. There were complaints that, while agencies in some field offices fed information about their programmes into RRR, they received

little in return. Some basic coordination services, such as information on who is doing what and where to support reintegration, are not being provided. Nor has RRR produced a baseline on the state of available services for Juba town (although this gap has now been filled by UNHCR). In late 2007 the emphasis placed by RRR on the relocation of the nomadic Umbororo from Western Equatoria to Blue Nile State irritated humanitarian agencies working on return and reintegration. They felt that RRR energy and resources were monopolised by this issue for several months, to the detriment of the needs of the broader caseload of returnees. Agencies felt that RRR was responding to the political priorities of GOSS rather than to an impartial assessment of humanitarian concerns.<sup>28</sup> Some international agencies openly acknowledged they have ‘given up’ on the Returns and Reintegration Working Group organised by RRR because of its very limited focus on the logistics of organised return and the inappropriate focus on the Umbororo issue. Some NGOs even considered establishing their own reintegration forum.

Some of the reasons for RRR’s poor performance in Juba are to do with familiar coordination pitfalls. Some agencies argue that coordination provided by a non-implementing partner offers little added value. Another criticism is that RRR has worked only with SSRRC, not with line ministries; even then, SSRRC is apparently not always present or prominent in coordination meetings.<sup>29</sup> As RRR is now supposed to focus much more closely on reintegration rather than return, relationships and capacity-building with government need to extend to line ministries as well as to SSRRC. This points to the need for experienced staff within RRR to develop a more strategic approach and provide leadership and support to capacity-building initiatives.<sup>30</sup>

### *8.3.3 Funding instruments and reintegration*

A range of funding instruments are relevant to, and available for, reintegration work in Juba town. Several studies have already reviewed the performance of these funding instruments.<sup>31</sup> This section draws on their findings and focuses on the implications for external assistance to reintegration, also based on feedback from interviews with agency staff.

The MDTF was supposed to be the main source of funding after the signing of the CPA, both for immediate recovery and to consolidate peace. It was directly relevant to supporting reintegration as it was intended to have a rapid impact through investment in infrastructure and services. In practice, there is widespread disappointment amongst UN and NGOs with the performance and impact of the MDTF, and in particular with its

<sup>28</sup> The relocation had been solicited by the GOSS Vice-President’s office.

<sup>29</sup> This was evident in the way that RRR was trying to draw up state-level strategies for reintegration in early 2008. The initiative is a good one, albeit late, but involving government as a key partner appeared to be almost an after-thought, in response to the demands of implementing agencies.

<sup>30</sup> Until recently RRR staff have been recruited more for their logistical skills in coordinating returns.

<sup>31</sup> See, for example, Salomon (2006), Scanteam (2007b), Murphy (2007) and Fenton (2008).

very slow rate of disbursement. Disbursement supposed to begin in October 2005 actually began over a year late, in November 2006. According to one review, most projects had not delivered 'tangible goods' to the public by the second year of operation, despite accelerated activity (Fenton, 2008: 5).

The MDTF has favoured support to build government structures over the need for the rapid expansion of services and the delivery of tangible benefits (Fenton, 2008). This shortcoming is most evident in the health and education sectors. In education, most support to date has been for school kits, books and teacher training, but not for school construction despite a massive rise in enrolment rates in Southern Sudan, to 1.2 million students by 2007. The original target of constructing 100 primary schools across the south in 2008 has now been reduced to 35. Similarly in the health sector, much MDTF money has gone on buying medicines and capacity-building in the Ministry of Health, rather than to the much-needed expansion of primary health care infrastructure.

According to one senior UN representative, the performance of the MDTF has been 'unforgivable'. Reasons for poor performance include:<sup>32</sup>

1. It is now widely accepted that the World Bank was the wrong choice to manage the MDTF since it is not geared up to work in a transitional environment such as Southern Sudan's. Its lengthy procedures are more appropriate to managing loans in stable contexts, rather than providing grants in post-conflict and unstable environments. GOSS officers have been overloaded by bureaucratic requirements.
2. There have been communication problems between the World Bank and other actors, including the UN and GOSS, with blame and defensiveness at times overtaking the search for constructive solutions.
3. It has not been easy for NGOs to access MDTF grants, and often they have to wait six months or more for funding to come through.
4. The model of a lead NGO working in a consortium approach for each state has not worked. There are not enough NGOs on the ground with this kind of capacity.

This is not the first time that the MDTF instrument has failed to achieve its objectives in a post-conflict context,<sup>33</sup> raising the question why lessons are not being learned.

Where the MDTF has failed, the CHF has been relied upon to fill the breach. Although NGOs initially had problems accessing CHF funds, CHF managers have been responsive to problems highlighted in evaluations and have become more transparent and competitive. Although it appears to have been more successful than the MDTF, the CHF has still suffered from slow disbursement and only operates on a one-year timeframe. Its performance is highly dependent on sector

<sup>32</sup> Based on interviews for this study, and review documents.

<sup>33</sup> See, for example, Scanteam (2007a).

leads, raising concerns about potential conflict of interest as these same sector leads are responsible for meeting their own agencies' requests for funding (Murphy, 2007).

Far more popular with INGOs has been the Basic Services Fund (BSF), launched by DFID in January 2006. The BSF is seen as more straightforward, with lower transaction costs and more rapid disbursement. According to the recent BSF review:

*It has contributed appreciably to the scaling up of service delivery, using a two-year funding timeframe and has potential to broaden provided it invests in coordination with other similar funding mechanisms and reconsiders how it might improve its contribution to state-building goals (Murphy, 2007: 6).*

To the concern of NGOs, the BSF is supposed to phase out in September 2008, although there is pressure for it to continue (Fenton, 2008).

Another fund relevant to reintegration is the EC's Recovery and Rehabilitation Programme (RRP) for community-based recovery and rehabilitation. This programme has a particular livelihoods focus. Although slow to get off the ground, it has considerable potential to support reintegration. Its procedures are rooted in local government structures. A second phase of the RRP will be implemented from 2009, but there is concern amongst grant recipients (NGOs) that decision-making will continue to be centralised in Khartoum (Fenton, 2008).

Partly in response to the perceived shortcomings of the MDTF, a new fund, the Sudan Recovery Fund (SRF), is due to be launched in 2008. The SRF is intended to be more flexible and faster than the MDTF, and more easily accessible to NGOs, with greater government ownership. It will also provide longer-term funding. It is to be administered by UNDP, out of Juba. That the World Bank, donors and UN organisations are willing to learn from their experiences in Southern Sudan is evident from the number of reviews of funding instruments that have been commissioned. The SRF is an opportunity to put these lessons into practice, and could make a significant contribution to supporting reintegration. As the most recent funding review puts it: 'What is needed is a mix of flexible approaches and aid instruments – accessible to key actors such as NGOs – which together meet both immediate service delivery as well as longer-term state-building needs' (Fenton, 2008: 7).

#### 8.3.4 An overview of programming for reintegration

Good practice examples of reintegration interventions include IRC's protection monitoring programme, which produces valuable qualitative (and some quantitative) analysis of how integration is proceeding and some of the most pressing needs. NRC supports reintegration counselling centres, for instance in Munuki, providing a valuable open space for returnees to discuss their problems and linking them to new initiatives such as the Vocational Training Centres (VTCs) units

as well as to the Multi-purpose Training Centre (MTC) in Juba. There are impressive examples of support to livelihoods through the labour market, including support to vocational training by IRC (which takes an integrated approach), GTZ and others, and ILO support to the Ministry of Labour and the Labour Office in Juba. DED is trying to link communities and local authorities in Juba county for reintegration planning through the Reintegration and Development Centre (RDC). This list is considerably more impressive than the evidence of support to reintegration in Southern Kordofan during Phase 1 of this study. And it is worth noting the contribution of the committed and inspirational leadership of the head of UNMIS in motivating the international aid community in Juba. Notwithstanding all these initiatives, one of the biggest challenges is to provide appropriate assistance on a scale commensurate with need.

#### 8.4 Recommendations

- Support from the international community is essential to reintegration in Juba town, drawing on experiences of rapid urbanisation (including post-conflict) elsewhere in Africa, and to assist in developing a strategy for managing urban expansion. The strategy should be based on three pillars:
  - support to income and employment, provision of basic services, and facilitation and advocacy over land issues.
  - The strategy should build on the national reintegration strategy developed by UNMIS/RRR in late 2007, and should aim to harness and build upon the successful reintegration interventions undertaken by NGOs and UN agencies in Juba. As recommended in phase 1 of 'The Long Road Home', programming should be community-based, targeting Juba residents as well as the returnees. To ensure greater consistency in agencies' understanding of reintegration, it is recommended that UNHCR's holistic definition be promoted.
  - Adequate funding must be made available to ensure that Juba town receives its fair share and that critical reintegration interventions in rural areas continue as planned. For example, the BSF could be extended to provide funding for services in Juba until the SRF is fully functioning and able to address these needs.
  - If RRR is to fulfil its coordination role with respect to reintegration, its capacity and skill levels in Juba need to be significantly strengthened. This must be done in close collaboration with government, with SSRRC and beyond, including line ministries. Where necessary, other UN agencies and NGOs should be called upon to support government capacity-building.



# Chapter 9

## Conclusions

As this report demonstrates, reintegration in Juba town is about much more than the return of IDPs and refugees to their original place of residence. It is about how to support a rapid and organic process of urbanisation, the coming together of disparate groups with very different life experiences (sometimes over a generation), and the transformation of an isolated garrison town into a functioning and vibrant capital of post-conflict Southern Sudan. In this context, UNHCR's holistic definition of sustainable reintegration is more relevant than ever.

Addressing the challenges of urbanisation and reintegration requires an acceptance by GOSS of the inevitability of post-conflict urban growth, and a reframing of the opportunity this could offer for economic growth and development if supported by an appropriately managed urbanisation strategy (whilst still continuing to improve security and opportunities in rural areas). It also requires greater focus and investment of resources by the international aid community, to address the complex pressures of integration and rapid urban growth in Juba town.

The particular challenges that Juba faces in receiving this rapidly increasing population relate principally to massively scaling up its very poor service infrastructure, widening access to the growing economy and to the labour market to support livelihoods, and resolving the complex issue of land.

There was considerable investment in planning for the growth of Juba and the return process before the CPA and immediately afterwards, through the JAM. This promising start has not however been followed through. Instead, organised return has once again dominated agency efforts and coordination, and ways of supporting reintegration have come a distant second. For Juba town this has been exacerbated by the rural bias of the international aid community in its programming. Nevertheless, a number of agencies are focused specifically on reintegration programming, and there are some examples of good practice in Juba. Funding instruments are available to support reintegration, and the international community has committed itself to learning lessons and finding better ways to support the transition from humanitarian work to more recovery-oriented thinking and programming. Lessons learned about appropriate funding mechanisms and focus must be urgently applied in the launch of the SRF.

The next few years will be crucial to the future stability and prosperity of Juba. Successes must be built on, failed practices discarded and the lessons of failure learnt. In the words of the head of UNMIS in Southern Sudan: 'there is a real opportunity to make a difference here, but it needs serious investment'.



# Section 2 Jonglei State

## Chapter 10 Context

Jonglei State is part of greater Upper Nile, occupying a portion of South Sudan's Eastern Flood Plain livelihood zone (GOSS CCSE, 2006). Covering more than 122,000 square kilometres, it is home to six distinct ethnic groups (the Anyuak, Dinka, Jie, Kachipo, Murle and Nuer) and numerous sub-clans. Its post-war population is tentatively estimated at over 1 million, but is growing as returnees resettle. The economy is principally agro-pastoralist, including fishing and harvesting wild fruit. The region is more reliant on livestock than other similar flood plain environments in the south. It is rich in natural resources and has considerable agriculture. Petroleum reserves are currently being explored.

Efforts to consolidate the CPA in this region have particular historical significance. The Anya Nya II rebellion began in Akobo in north-east Jonglei in 1975, and the first military mutinies leading to the formation of the Sudan People's Liberation Movement/Army (SPLM/A) occurred in Ayod, Bor and Pibor. Splits within the southern rebel movement, most notably the splintering of the SPLM/A in 1991, were felt acutely in Jonglei, and many of the problems the region faces today are rooted in this violent past. Memories linger of a conflict that included

tactics to destroy livelihoods, abductions and attacks on and manipulation of relief resources. The population was subjected to various divide and rule policies, giving rise to numerous semi-autonomous 'armed groups', mostly arranged along ethnic lines. As conflicts proliferated, long-standing competition among pastoral communities over scarce natural resources intensified, while customs and traditional codes of combat waned.

Under the GOSS, Jonglei must contend with these legacies and rebuild damaged trust, as well as putting in place the basic infrastructure necessary to govern and provide minimum social services. Since the signing of the CPA in 2005, Jonglei has remained particularly fragile in terms of security and public safety, and has been slow to attract the level of resources it needs. In a society shaped by war, and still unsure if peace is here to stay, the reintegration of potentially hundreds of thousands of separated people in an already difficult environment presents significant challenges, chief among them public insecurity, anxiety over the prospects for future livelihood security and frustration at the lack of adequate social services and protection.





# Chapter 11

## Returns to Jonglei State

It is not known how many people fled Jonglei during the war. Some speculate that over half the population moved to other parts of South Sudan, or to Ethiopia, Kenya and Uganda. In terms of returns, Jonglei ranks third in the south after Northern Bahr el Ghazal, Juba and Central Equatoria (UNCT, 2008). Official estimates put the number at 184,000, the vast majority returning spontaneously and mostly during the period just before and very soon after the signing of the CPA. At best, these figures are only guides as systems to track and record returnees are still being established. Between January and May 2008, an additional 28,678 returnees were reported (a figure that only includes 'verified' spontaneous returnees, and is therefore likely to be an underestimation). Between March and May, IOM assisted 3,386 IDP returnees from Equatoria. There were also isolated government-assisted returns, estimated to total over 4,000. This brings the total figure to over 206,000 returnees by May 2008, using available sources.

The available information and analysis of the return and reintegration process in Jonglei is scant, considered unreliable and skewed to the extent that state government and international attention has primarily focused on the south-western corner, and especially the counties immediately accessible from the state capital, Bor Town (i.e. Bor, Twic and to a lesser extent Duk counties). This is explained partly by the high numbers of displaced from these counties, but mainly by the fact that assisted return, primarily in the form of UNHCR's facilitation of refugees from Kenya (and, later, IOM's transportation of IDPs) is also concentrated on these counties and brings with it comparatively superior returnee data.

Beyond UNHCR and the Joint GOSS/UN assisted return, confidence in available data for the majority spontaneous returnees is low. A standardised recording system first came into operation in 2007, and only effectively so in one county, Bor South. This is partly due to shortfalls in capacity and a lack of resources, but it is also a reflection of how little progress has been made since the CPA to improve the physical infrastructure and enable communication and basic governance to function. Nevertheless, there was also an expectation that the joint efforts of UNMIS/RRR/IOM, the UNCT and the RCSO would have collectively compensated for these limitations over the past two–three years, and assisted in the production of more accurate data.

IOM commenced its first basic training in recording and monitoring techniques for SSRRC officials in March 2008. Following reaction from its partners, IOM shifted its emphasis from the tracking of IDPs in transit to improving techniques for capturing those actually returned through the SSRRC county

network. SSRRC, the official government body responsible for returns, possesses only one vehicle and borrows the SPLA's radio system where it can to boost its communication capacity. It is unable to effectively monitor the staff it pays (especially in the rain season, when the delivery of salaries becomes difficult). Consequently, records from the counties are incomplete and slow to arrive. Along with Upper Nile State, Jonglei is among the last to receive this training, but IOM is confident that it will improve matters, reporting that the new system is working well elsewhere and producing more accurate data that will eventually challenge existing UNMIS/RRR sources (interview, IOM).

The lack of credible information, and an inability to process the information available, has made it difficult for the government and international actors to assist returnees in a strategic and holistic fashion. In addition to the major challenges posed by Jonglei – poor infrastructure, inaccessibility during rains, harsh conditions – the state has been widely classified as insecure, further reducing investment in support of reintegration. This is especially the case for spontaneous returnees, where levels of assistance have been particularly low. In a region of competing priorities, Jonglei State is falling behind. Funding constraints, limited UNMIS/RRR outreach, UNHCR's reluctance to extend its operations and the late involvement of IOM (March 2008) has tended to reinforce this trend.

### 11.1 Displacement and returnee profiles

For those returning, the reintegration process is shaped by the recollections and experiences that originally forced displacement; the subsequent experiences and opportunities displaced communities endured in exile; and finally the attitudes and openings found in the immediate environment returnees opt to settle in. To trace patterns and narratives of returning populations throughout this vast state, Table 5 presents a loose partitioning of ethnic groupings and administrative centres, and their respective narratives of displacement during the war.

#### 11.1.1 From Kenya and Uganda

Returnees from neighbouring countries, especially the refugee camp at Kakuma in Kenya, tend to gravitate towards towns for schools and employment. They are dominated by the Bor Dinka pastoralist group, but show little or no interest in cattle on return. The most valued asset they bring is education, though they often possess sometimes unrealistic expectations as to the employment these skills will bring. Residents have noted how returnees from Kenya (including women) are more assertive and can be frequently heard 'speaking up'.

**Table 5: Clusters of displacement and return**

<b>North-west Corner</b> comprising 3 counties – Ayod, Atar/Khorfulus & Fangak – & where Atar Dinka & the Gawaar, Lak & Fangak Nuer clans reside	<b>North-east Corner</b> comprising 4 counties – Nyirol, Wuror, Akobo & Pochalla – and where Lou Nuer & Anyuak ethnic groups reside
Displacement intensified between 1991 and 2002 though the Gawaar Nuer from Ayod and the Dinka from Atar were more affected by conflict than the Lak Nuer found in Fangak. The Gawaar area was contested between the SPLA and the splinter Nasir Faction after the 1991 political break-up, forcing many Dinka Atar to flee to Malakal and northern Sudan. The Gawaar congregated in Kaldak and northern Sudan. In general, it was not safe at the time to travel to Ethiopia.	This part of the state was tyrannised by competing armed groups, in some areas right up to the signing of the CPA. It included a notorious grouping of armed youth loosely formed to defend Nuer clans– the White Army. The majority of Lou Nuer fled to Ethiopia and a sizeable contingent to Malakal and further north. Disputes between the Lou Nuer and Anyuak go back to the early 1980s, when many Anyuak crossed east over the river Akobo. Later in 1993, as the conflict between the Jikany and Lou Nuer intensified, the Anyuak were pushed further south towards Pochalla and into Ethiopia. <sup>34</sup>
<b>South-west Corner</b> comprising Bor Town and 3 counties: Bor South, Twic East & Duk – and where Bor, Holl, Nyarweng & Twic Dinka clans reside	<b>South-east Corner</b> comprising 1 county – Pibor – though may soon be 3, and where Murle, Jie & Kachipo ethnic groups reside
This corner is inhabited by different clans from the Dinka group. The area underwent extensive displacement, mostly in 1991–92, following the split within the SPLM. The majority fled to what are now the Equatoria states, to cities in the north of Sudan, to Kenya and to a much lesser extent Uganda. A number of initiatives to assist displaced Dinka to return from Equatoria have being ongoing since 2003, including attempts to bring livestock back, with mixed outcomes (see 2.2.5 below).	A less-inhabited part of the state that was split during the war between areas controlled by GOS-backed militia and the SPLA. It is uncertain what numbers fled; the Murle from the Pibor area mostly went to Juba, Khartoum or Boma, while groups from around Boma (Murle, Jie, Kachipo) crossed to Ethiopia. Small numbers of IDPs have returned to Pibor Town, including those who fled east to Boma when the Murle split.

### 11.1.2 From Ethiopia

Returnees from Ethiopia are dominated by the Nuer. Those who have lived in refugee camps or in adjacent towns tend to follow similar traits to returnees coming from Uganda and Kenya. However, Sudanese exiles in Ethiopia appear to be subject to less harassment and have greater freedom of movement. Those from refugee camps are seen as more educated, with skills in sewing, tailoring and leather crafts. According to settled communities, they demonstrate an ability to readily organise if required, but also tend to ‘keep to themselves’. Concern was expressed over those living in refugee camps for prolonged periods, especially dependency on alcohol, and the associated problems it brings. Even though most of the refugees now living around Gambella Town (inland from the Sudan border) came from villages, the majority want to stay in Akobo town upon their return. This is in contrast to those who migrated to areas just inside the Ethiopian border (Tiergol). They have maintained their farming practices and are ultimately set on returning to their village areas once security permits.

### 11.1.3 From North Sudan

It is estimated that at least half of the Jonglei population that fled are still in exile, and that a high percentage of these still reside in the north of Sudan. Returnees from the north come with different skill sets, but also possess an urban outlook that is viewed locally as less suited to rural life. This group by and large seeks out urban centres, and many select places like Juba as their preferred resting place while future options are assessed. Education standards in the north are perceived to

be lower than those in neighbouring countries, and those who lived in displacement camps appeared to possess fewer livelihood skills. Women survived through activities like washing clothes while men hustled for construction opportunities. Many were viewed by residents with suspicion as being a little ‘separate’. Reintegration is also handicapped by a general lack of English-language skills.

### 11.1.4 From Equatoria

Returnees from the Equatorian states are dominated by the Dinka group. This section appears to have fewer difficulties reintegrating back into rural life, showing a willingness to adopt more progressive farming practices. As IDPs, they mostly lived in SPLM-controlled areas, where they came under the close supervision of the SRRA (the predecessor to the SSRRC), making their adaptation to the local governance culture less problematic. Substantial numbers believe they have had to return because of animosity between themselves and their previous hosts (‘we were told we are occupiers in their land’), while SSRRC/IOM surveys show a significant number determined to remain in Equatoria.

### 11.1.5 From Upper Nile

Large numbers of people from the northern Jonglei counties reside in and around Malakal (Obel, Kaldagi and the canal

<sup>34</sup> The repercussions of internal Nuer-Jikany clan conflicts also forced the Ethiopian Gajiok to flee the border area around Tiergol (1990s); their space became occupied by Lou under pressure from conflict on the Sudan side. The Ethiopian government wants the Ethiopian Jikany to go back to their home area and has issued an ultimatum to the Sudanese to return.

areas), with Obel functioning as a distinct settlement. In comparison with their home areas, there is greater access to schools and the police and there is a sizeable market. Those from Malakal are seen to possess practical skills such as being able to operate engines, as well as in cultivation. They tend to have fewer problems settling back into rural life. Only a minority have returned, with the balance reputedly waiting for signs of improved stability and indications that the government is 'present' in their counties to manage law and order and ensure services are available.

#### 11.1.6 From Jonglei State

Smaller numbers of displaced internal to the state are found in Khorfulus, Pibor and Pochalla counties. The Lou in Khorfulus County are reportedly settled and prepared to integrate under the local administration, though tensions persist. The Lou in Pibor County (approximately 700), who fled following clashes in Akobo in 2002, appear intent on staying with the Murle (but would prefer to return to Akobo if they were welcomed) – this despite the military in Pibor recently occupying their land and forcing them to relocate. The Murle in Boma are returning to the western side of Pibor County in small but constant numbers, many of them former or current combatants.<sup>35</sup> Incidents of conflict since the CPA have also precipitated forced movements within Bor and Akobo counties.

## 11.2 Factors influencing return

As expected, the underlying desire to return and settle in their native areas remains compelling for most refugees and displaced persons. Many returnees expressed a weariness with being 'displaced' and are eagerly seeking greater permanence in their lives. However, deciding when, under what circumstances and where to settle is subject to a complicated array of considerations. Many have returned to their places of origin, but large numbers have sought out alternative towns or administrative centres. To a lesser extent, some have been prompted either to go back to their original place of displacement or to seek alternative locations outside the state. The principal factors raised by returnees are discussed below:

#### 11.2.1 Security conditions and the administrative environment

Insecurity was the chief concern among returnees interviewed when considering whether or where to return and settle, and has been a deterrent for many. Since the CPA was signed, a series of security-related incidents in Jonglei has called into question the readiness of the state to receive returnees, and the ability of the authorities to control weapons or administer law and order (see Table 6 for a list of the type of issues affecting the security environment). At the same time, security concerns outside the state have provided additional push factors, be it the political crisis in Kenya, tensions between Dinka and Kenyan pastoralists (Turkana) over cattle, which have caused fatalities, attacks by bandits (some assumed to

<sup>35</sup> Around 600 Anyuak refugees from Ethiopia also reside in Pibor and are generally popular as casual and skilled labourers.

be former combatants) or the presence of the Ugandan Lord's Resistance Army in Equatoria.

#### 11.2.2 Social services and the economy

Returnees frequently complained about a lack of opportunities to diversify income or take advantage of the skills many have returned with. The shortfalls in social services have also acted as a deterrent. Together, these problems have prompted families to split by sending children and teenagers elsewhere for their education, or dividing the family between different locations, for instance a rural area (to produce food) and a town (to seek income-earning opportunities).

#### 11.2.3 Environmental considerations

During the rains, much of low-lying Jonglei State is effectively cut off. For those who arrive in the rain season, the lack of roads and difficult access, and the limits this imposes on trading and markets, is hard to contend with. Heavy rains and flooding in 2007<sup>36</sup> destroyed food stocks, diminished grazing and put additional pressure on the host community's capacity to absorb and cushion new returnees.

#### 11.2.4 Refugee camps

For southern Sudanese, one of the most valued benefits an official refugee camp can bring is the education it provides for its residents. In Kakuma camp in Kenya, UNHCR and its partners supported education and a teacher training centre. SPLM representatives were at first reluctant to see the Kakuma facility close as it provided an important resource for the South. During 2005–2006, refugee returns were sluggish and many returnees were thought to have gone back to Kenya, mainly for the purposes of education. As part of an agreed UNHCR/Government of Kenya policy, secondary education is being phased out from September 2007,<sup>37</sup> constituting a major incentive to return. Conversely, Ethiopia's reluctance to phase out its camps has hampered UNHCR's negotiations with the government there. There is less pressure to move, and fewer people are thought to have returned. This pattern is accentuated by attitudes to the international border. The Anyuak and Nuer groups (Lou and Jikany) reside on both sides and view their ethnicity as more important than state citizenship. Sudanese generally move more freely within Ethiopia compared to Kenya, and move across the border with ease.

#### 11.2.5 Relationships between communities in Equatoria

In the wake of the 1991 SPLM/A leadership split, there were brutal attacks on Dinka from the Bor area of Jonglei; many were killed and over a million cattle reportedly slain or stolen, prompting an estimated 250,000 to 300,000 to flee by 1992, mostly to Equatoria. Over time, the Dinka IDPs amassed vast herds of cattle, often in association with SPLA commanders.

Some occupied farmlands, grazing areas and property  
<sup>36</sup> An estimated 7,955km<sup>2</sup> of flood water, mapped between May and August 2007 in the three most affected states, is connected to a possible loss of crops for 20,000 households (UN Humanitarian Appeal, 2007).

<sup>37</sup> One strategy to deal with this loss has been to endorse Japanese government funding (\$9m) to construct alternative teacher training institutes in South Sudan.

belonging to Equatorian groups who had earlier fled to Uganda. The friction was sustained because the IDPs fell under separate administrative structures to their hosts and maintained their own customary norms with little reference to local traditions. Evidence of dual administrations can still be seen today, such as in Labone, Equatoria. In addition, there were perceptions that the IDPs were acting with impunity because of 'political protection' from within the military hierarchy. The presence of the predominantly pastoralist Dinka in a region dominated by agriculturalists caused tensions almost immediately, and there have been periodic clashes. Friction built up with the Madi and Acholi to the east, the Bari and Mundari in central areas and the Moro to the west (Murphy, 2005).

After more than 15 years' displacement, many are reluctant to exchange what they consider to be comparatively better circumstances for the adverse conditions they left behind, claiming their 'constitutional rights' as citizens to settle anywhere in Sudan. Many have married locally and run successful businesses. The situation is exacerbated by the fact that Equatorian refugees are now returning from Uganda and claiming property rights where the displaced have taken up residence.

#### 11.2.6 Political factors

Communities in exile avidly track and monitor developments at home, especially local events. A change in a state governor or commissioner matters, and can be viewed as an incentive or deterrent to return. Feedback from returnees citing cases of discrimination among people in positions of authority or privilege – mostly favouring their relatives – also causes negative effects. The uncertain future of the state's disarmament programme has left many communities hesitant, whereas the relatively cordial SPLM party elections this year in Bor were viewed as positive.

The recent population census offered one of the few tangible ways for southerners to participate in the CPA process, and as expected provided an incentive for return. IDPs and refugees were subject to intensive persuasion from government officials to return on time, giving rise to a small increase in the number of GOSS/state-assisted returns and providing a significant boost for UNHCR's repatriation programme from Kenya. As it turned out, the census was beset with difficulties and controversy,<sup>38</sup> and in Jonglei there were numerous reports of returnees leaving again after the count. The forthcoming elections may prompt a similar response, though the proposed referendum is seen as a determining event and is likely to attract high participation.

### 11.3 Initial returnee experiences

Despite incremental improvements in the receiving environment compared to the situation in 2005 – and improved knowledge among those in exile of the conditions they are likely to face – the experience for most returnees upon arrival remains deeply

<sup>38</sup> Constraints included lack of road access, made worse by early rains; limited or no transportation; shortage of forms; forms printed in Arabic only; enumeration disputes; enumerators unfamiliar with the area; insecurity in the Duk/Nyiroi and Pibor areas; and large areas (including parts of Bor Town) simply not covered.

stressful. The initial euphoria of 'coming home' typically gives way to anxieties about where to settle and how to survive. Depending on people's circumstances, perceptions and emotions appear to oscillate. Some informants were generally optimistic about the future, while others spoke of being discouraged and questioned the wisdom of their decision to return. Sometimes, both emotions were expressed by the same person. Conversely, settled communities regarded returnees' expectations as overly high, although they largely understood their predicament and acknowledged that many had been given excessively optimistic reports regarding conditions in their home areas.

#### 11.3.1 Returning with or without assistance

Except for those who use river transportation, the return process has a short season (December to May). The initial settling-in period was described more favourably by those fortunate enough to receive assistance to come back, and less favourably by those who had to rely on their own or clan resources. Assisted return in Jonglei State has been dominated by UNHCR's support to refugees from neighbouring countries since 2005, and to an increasing extent by the Joint GOSS/UN-assisted return, which combined account for 15,841 or 7.5% of the recorded total for Jonglei. The fact that the majority of the refugees (and IDPs benefiting from the UN/GOSS return process) were from the south-west corner meant that only one way-station was established in the state (at Bor Town). Government-assisted return is estimated at 4,036, making the total recorded number of assisted returns around 19,529, less than 9.5% of the overall total, though the percentage may well be significantly lower as the number of spontaneous returns is likely to be higher than recorded.

Assisted returns sponsored by the government appeared random and still uncoordinated with the Joint programme, despite lobbying from UN agencies to align the two operations. Local officials and their partners reported that they lacked advance warning; in some instances, such as the 45 returnees who arrived in Pibor from Khartoum in May, returnees themselves were unaware of who transported them and what to expect when they arrived. At this point in the operation, there is little defence for not providing better information and improving levels of coordination.

Returnees who benefited from UNHCR- and IOM-assisted return spoke favourably of the support they received, a principal attraction being the free transportation of luggage and the fact that they are assisted right up to their payam of origin (regardless of whether they opt to stay there after arrival). Returnees were seen transporting chairs and shelter items such as corrugated sheeting, and even doors and window frames. The other benefit is that the support package is assured, timely and comparatively superior.

Although comprising the vast majority (estimated at around 87% of all returnees to the state), there is less understanding

of how those who spontaneously return fare. For those wishing to return independently transport is scarce and expensive, and typically assets have to be sold first. River transport is the principal option coming from the north, though river access from Malakal is not developed. Expanded public transportation between Bor and Juba is providing alternative road options for returnee movement.

### 11.3.2 Start-up assistance

The UNMIS/RRR programme has identified a distinct early reintegration phase, in which people are unable to fully engage in the agricultural cycle. It is in this phase that returnees are at their most vulnerable – and also where there are gaps in the provision of support. The most useful data on new arrivals comes from joint UN/SSRRC verification missions. These paint a bleak picture. Spontaneous returnees described the hardships they encountered, and frequently stated that they wanted to see a better system of assistance. The immediate concern is to establish sufficient stability; food, cooking utensils and shelter were considered first-line responses by returnees, followed by seeds and tools for cultivation and/or support for income generation enterprises.

The most basic item, especially after the poor 2007/2008 harvest, is food. The Commissioner from Nyirol told the study that food levels were so low last year that some returnees were forced to go back because ‘we had nothing to give’. Entitlement to the ration is based on the production of papers to verify the location of displacement. This is a source of tension between returnees and host chiefs if a returnee’s application for a ration is rejected because of a lack of accompanying evidence. There was widespread criticism among returnees of the standard three-month food ration, developed using WFP/GOSS guidelines (though some NGOs and on occasions WFP offer additional rations in selected areas of operation). The ration was viewed as inadequate to enable recipients to ‘get started’ and to cover the periods between agricultural production cycles.

There seems little sign that the three-month ration will be changed. Instead, with support from the local authorities (who reject general distributions and want to avoid any animosity arising between residents and returnees), WFP has begun introducing less contentious Food for Work initiatives for both settled and returnee communities, based on local requests (projects are intended to support feeder roads, dams, dykes, schools, health clinics, wells and water collection ponds).<sup>39</sup> This may have the effect of introducing more food where it might be scarce (without jeopardising state distribution policies). School feeding is also being implemented by WFP in approximately 165 schools. However, the fact that food is still considered ‘sought after’ for community public works projects, and the level of disquiet exhibited by returnees during the

study, warrant further investigation. It was unclear for instance whether current methods of assessment are yielding sufficient data on vulnerability and the productive capacity of communities in states under stress, such as Jonglei. For example, in addition to the Annual Needs and Livelihoods Assessment (ANLA),<sup>40</sup> WFP periodically undertakes MUAC which is useful as a rapid nutritional assessment but is disputed as a means of measurement to underpin important policy decisions.

All returnees interviewed confirmed the importance of access to seeds during the initial integration period. Large numbers of returnees receive a package of seeds and tools for cultivation, mainly supported by FAO, their partners and other NGOs. However, distributions of seeds and tools are notoriously late in South Sudan. This is attributed to distant procurement (which FAO seeks to phase out) through FAO Rome; the availability and timing of funding (funding cycles such as the CHF are slow and not synchronised with the season); and a lack of implementing partners. ‘Funding through CHF rarely delivers for us on time. We find it cumbersome’ (interview, FAO). According to an evaluation (FAO, 2007), over 75% of seeds and tools distributed through FAO and its partners last year arrived in June and July, which the majority of farmers interviewed considered too late for the planting season.<sup>41</sup> According to SSRRC and NGO representatives, the pattern was similar in Jonglei State, where only eight of the 11 counties were reported to have been reached (interview, FAO). While the importation and free distribution of ‘improved’ seeds is continuing, there are plans to phase this practice out as was previously the case during the latter period of Operation Lifeline Sudan (OLS). Plans to intensify local seed multiplication will require investment in terms of credit and the supervision of standards. A recent FAO/WFP review urged agencies to distribute ‘local landraces rather than importing exotic varieties that are often not used or perform less well than indigenous material’ (FAO/WFP, 2007).

More generally, the distribution of other Non Food Items (NFIs) to returnees is assured for returning refugees and uneven for everyone else, and demand is outstripping supply. An NGO in Jonglei reported that it was forced to split NFI returnee kits intended for 1,500 households among 4,500 (eligible) households, illustrating the extent of the shortfalls many agencies experience. The movement back to farming has also created a demand for tools (FAO supplied 480,000 tools in South Sudan in 2007). There is little local manufacture of tools and no evidence of widespread availability of affordable tools in local markets, yet there was little evident attempt to explore these possibilities further (FAO/WFP, 2007), even though initiatives like this existed in the OLS period.

<sup>40</sup> The ANLA estimates that 1.2 million vulnerable people will face food insecurity during 2008, requiring approximately 76,000MT in food assistance in addition to the 26,200MT estimated for resettlement and reintegration.

<sup>41</sup> Although farmers complained about the lateness of the seed and tool distribution, a large proportion (87.6%) said that they were able to plant the seed provided, according to the FAO report.

<sup>39</sup> WFP convened two workshops with state officials and assistance organisations to debate issues and promote consensus on food aid policies for Jonglei State.

There is a lack of consolidated data on how and which returnees are using these inputs (time of arrival, access to land, gender, area planted, additional sources and varieties of seed). What is known is that the first year of cultivation is understood to produce exceptionally low yields. Land needs considerable clearing and preparation, involving time-consuming labour (the time and sometimes resources it takes to attract labour groups under the communal nafeer system is broadly underestimated). This is another reason for caution when considering food for public works schemes, lest it takes returnees away from cultivation.

#### 11.4 Recommendations

- While there is an expectation that IOM's training of SSRRC monitors will bring some benefits, three years into the operation a more solid basis for planning and responding to returnees should have emerged. SSRRC and UNMIS/RRR must oversee and ensure substantial improvement in the generation, analysis and consolidation of returnee/reintegration data as a matter of priority, sensitive to the diversity of returnee backgrounds and recovery needs.
- One of the justifications for targeted support to assisted returns is that it can be implemented more effectively and brings attention and benefits to an area of high return, increasing services and reintegration activities in these target areas (interviews, IOM and UNHCR). While these arguments are valid, there is concern that this focus is reinforcing pre-existing inequities in the distribution of resources in Jonglei. The de facto focus on the south-west area is obscuring needs elsewhere, while the majority of unassisted returnees still remain overshadowed by the more visible minority who benefit from assistance.

SSRRC and UNMIS/RRR should ensure that all actors are aware of and sensitive to the implications of targeted support in a politicised environment with scarce resources. SSRRC and UNMIS/RRR should lead to ensure representation and knowledge of returnees is balanced across the state in data, communications and planning processes.

- Many actors are convinced that the significant resources allocated to IDP assisted return could be better deployed in reintegration activities more generally by introducing more cost-effective ways of targeting transport assistance to the most vulnerable. Greater emphasis should be put on the majority who come back and the challenges they face when they arrive.
- As the CPA progresses, more is becoming known about the motives and timing of return and the influence political developments under the agreement exert. It is gradually becoming clearer for example that not all IDPs will return, and certainly not all to their places of origin, even though displaced communities continue to identify with and maintain ties to their original home areas. SSRRC and UNMIS/RRR must pay more attention to the demographic implications, especially in terms of displaced becoming integrated into local governance structures as fellow citizens (politically as well as culturally) and the status of those who may choose or be forced for economic reasons to reside in the north after the CPA period.

The following sections explore in more detail specific experiences of reintegration highlighted by returnees and residents, shedding further light on some of the challenges being faced, before considering the policy context within which reintegration and recovery are being managed.

# Chapter 12

## Social integration and security

Community security, social cohesion and grassroots stability – and the links to protection and systems of Sudanese governance – present central challenges to the entire programme in support of Sudan’s peace processes, including the successful reintegration of returnees. This study explores two levels of socio-political integration. The first concerns the complex interaction between individuals who once shared similar customs and held a common outlook on life, but who have been subject to war, displacement and separation – dynamics that are actively reshaping Southern Sudan’s rapidly changing society. The second concerns the type of integration called for under the CPA – of clans and individuals who were previously politically divided or subjected to war-related violence or humiliation. While people readily discussed the first, there was greater reluctance to talk about the second, lest the problems of the past cause unwelcome instability and thus jeopardise the promised referendum on the South’s political future. As a result, these concerns appear underestimated by assistance actors. Peace-building measures are inadequate to deal with the legacies of war. In a politicised post-war environment, a lack of social cohesion can easily be manipulated by opportunists, and presents a significant impediment to reintegration processes and long-term peace.

### 12.1 Socio-cultural challenges and the governance environment

Many of those who remained during the war were generally positive about the new diversity emerging in their villages, and believed that the image and calibre of their communities had demonstrably improved after the arrival of returnees with higher levels of education. Returnees are therefore broadly viewed as a benefit to the community. However, the mix of customs and attitudes in post-CPA Southern Sudan is not straightforward. One official in Bor observed how life was more communal before the war and had now become more individualistic, claiming that ‘the north has taught us how to despise each other’. A religious leader in Bor Town noted that, while there is a great deal of ‘physical return, there is little reintegration socially or emotionally’. A sample of resident opinions highlights the differences being felt.

- Many view returnees as having ‘changed their civilisation’ and returned with a different outlook, different eating habits and different styles of dress. They use bicycles more and approach sanitation and hygiene differently. Even in the payams, returnees are considered to have an ‘urban mentality’.
- New and different Christian traditions are now living side by side, and some come across to residents as ‘very closed’ and turned in on themselves.

- The mix of different languages is creating misunderstandings.
- Modes of courtship among former displaced differ from customs at home, causing tensions.
- Returnees are seen to possess a greater awareness of HIV/AIDS, which is making residents reflect more on its implications out of fear of ‘returnee sickness’ – a positive indicator for the most part, though elders believed that it may also become an issue separating communities.

Residents noted that returnees are generally better at managing minor disputes. According to an administrator in Makwac payam, there is less overt aggression than was the case before. Women returnees are also seen to be more vocal and educated and show greater confidence.

Returnees for their part observed how resident communities have also changed as a result of war. Before, ‘people were more compromising, but now they have become more aggressive’. They were also critical of how ‘lazy’ residents have become: ‘they cannot work’ or ‘it’s the Kenyans that are developing Bor’. Returnees noted that, although the host community lacks skills and should value their assistance, they are often looked down on because they did not stay and fight in the war. Examples were given of established groups separating out returnees and labelling them according to their former places of exile. In particular, there was a feeling among younger, more urbanised displaced that they are regarded as ‘foreigners’ by their own communities, and are not being fairly considered for employment or social amenities. Groups like the Bor Youth and Students Association, formed by refugees in Uganda are attempting to address reintegration in Bor Town, but are finding the challenges daunting (BYSA would like to establish a resource centre for vocational training, sports, computer and agriculture skills). Growing resentment was evident over government post-holders appointed for political reasons rather than technical competence, claiming their position is a reward for past conduct. Respondents in Bor Town also told the study that wealth disparities were becoming more conspicuous and were another source of resentment. As a result, returnees are not yet fully incorporated into society and it will take considerable time before they become agents for change within their communities. At this stage, survival remains the primary preoccupation.

#### 12.1.1 Customary practices

Customary institutions stand to play an important role in consolidating reintegration. In general, returnees view local cultural norms positively, and have not had difficulty adjusting to institutions such as courts based on customary law. A woman returnee in Baidit payam remarked that the social fabric of life in Jonglei is rich: if women marry, bulls are



slaughtered and important emotional support is given. At the same time, these institutions are in need of significant reform, and their links to the emerging judicial process, and local government structures generally, need clarification. Presently, the GOSS is still holding back on customary law reform, and how approaches to community violations could be integrated into statutory systems. In 2009, the Judiciary and the Ministry of Legal Affairs will devolve functions to the states, at which stage customary law can be addressed more comprehensively.<sup>42</sup> Intensive research and consultations with customary leaders are required in advance; already, chiefs in Jonglei are calling for a recognised forum to structure their dialogue with the authorities – a proposal that merits further exploration (Recommendations, Chiefs Meeting, Bor, 2008).<sup>43</sup>

Refugees and displaced communities maintained chieftain structures in exile, though experiences were mixed in terms of the credibility and motives of those who assumed such positions. Most were genuine, but some were known to exploit their office. There are widespread perceptions in the south that northern chiefs have political agendas, and accusations of them ‘taking money from the enemy’. Some officials interviewed explained that the supposed reluctance of IDPs in the north to return was less to do with insecurity or a lack of services, and more with the fear manufactured by chiefs seeking to prevent returnees from coming back. Consequently, traditional leaders in Jonglei were slow to recognise the authority of those who acted as a chief while in exile, often resulting in animosity between them and occasionally fighting between resident and returnee youth. Otherwise, resident chiefs give way to returnee chiefs if the clan in question officially reappoint them, or if there is a constituency vacancy that they can legitimately stand for.

#### 12.1.2 Local government structures

The study frequently encountered returnees keen to see evidence of ‘a government’ in their locality as a reassurance for the future. The Commissioner from Wuror County noted the huge impact when people saw the state government at first hand (and for the first time) during preparations for the census. Other popular indicators cited as proof of post-war change included the number of permanent public structures visible, such as secondary schools, and improvements in law and order. The control of weapons in civilian hands was key. Where security appeared to improve, perceptions of the government’s legitimacy also improved and the CPA was felt to be working. In the counties, people appear to have partly adjusted their expectations, whereas in the towns they are more demanding. Among the more educated returnees, growing perceptions of government corruption are having an increasingly negative impact.

<sup>42</sup> The Chief Justice has given jurisdiction to chiefs to rule on tribal conflicts in Lakes State, marking an important precedent.

<sup>43</sup> There are a small number of initiatives in support of customary institutions, undertaken by southern Sudanese lawyers and supported by the former NSCC, Pact, World Vision and USIP.

Yet, a functioning local government system is among the most important institutions in support of local reintegration and recovery. Depending on the decision-making powers and resources it ultimately will acquire, local government offers some of the best opportunities to facilitate social reintegration, and for returned citizens especially to participate more fully in the political life of their settlement area. It is a means whereby decision-making can, partially at least, be influenced by those directly affected. Presently, however, the system is incomplete and barely functioning. ‘We try to do our work, even if the issues we are facing are impossible’, explained one local government official in Bor Town. Until such time as GOSS ratifies its framework for local government into law (a draft was prepared even before the signing of the CPA), then reintegration and other vital recovery processes will remain less effective than they might otherwise be.<sup>44</sup> Discrepancies in taxation for example cannot be resolved until the Act is approved (see 13.3).

The lack of legislation is not the only constraint. There is a chronic lack of qualified staff with many reported to be either unaccustomed or unwilling to function as part of an organised system. There is a tendency for existing government structures to maintain old habits to solve new problems. Southern Sudan inherited a militarised and underdeveloped administration, and at the point of transition initial appointments were poorly made and mixed with what officials called ‘leftover’ staff from previous (GOS-controlled) administrations. The present system works outside of local government as Commissioners are answerable to the Governor, and civil administrators to the Commissioners. Shifting to a decentralised system will need extensive training, orientation and accompaniment. Attempts are being made to introduce basic reforms and initiate longer-term training for local government officials. There was praise for the South African-led training, albeit with misgivings, as the system is so remote from the realities being faced in South Sudan. Training has started at the Jonglei State ministries level, but is expected to take considerable time to cover all of the 11 counties.

Confidence in law-enforcement agencies is also tenuous, partly because personnel with no background or education were chosen, and local forces tend to adopt clan loyalties. Police are paid intermittently and lack basic equipment – even stationery. Consequently the force is uncertain of itself, and sometimes in competition with the SPLA (interview, UNMIS/DDR). There are calls to look again at the training for law-enforcement agencies. Officials in Bor Town questioned its impact and requested training be devolved to the payam level for better results.

#### 12.2 Assessing the security environment and addressing underlying conflict

‘When talking to returnees, either by way of returnee monitoring, village assessments or verification missions, the first matter of

<sup>44</sup> Other vital bills (such as Land Reform) are awaiting ratification in the South Sudan Legislative Assembly, causing the President to use provisional orders for selected laws.

concern raised is security' (UNHCR interview). Insecurity in Jonglei State was the primary preoccupation of the returnees interviewed for this study. It is also a concern for the settled population, though less so, reflecting the fact that, overall, security has vastly improved since 2005. 'Returnees are much more disturbed by insecurity than residents; they tend to flee first and then return', said an administrator in Makwac. Although the persistence of violence and conflict in what is ostensibly a post-conflict environment is not unusual, it is a worry for the broader peace process, not to mention a challenge for actors concerned about the environment returnees are entering.

There is acute awareness in Southern Sudan that unity and peaceful coexistence is a prerequisite for any future peace, whatever the shape of the eventual political settlement. Yet beneath a common desire for independence, stability and good governance among the people of Jonglei lie deeper political differences, making communities particularly susceptible to incitement, suspicion and manipulation. These issues need to be recognised and made more explicit. Acrimony between social groups in Jonglei partly derives from historical inequities in the distribution of resources and the dominance of minority groups by larger ones. 'Integrating our tribes is problematic enough, not to mention our returnees,' noted one traditional leader – views reflected in appeals to either move the state capital to a location more central between ethnic groups, or to split the state in two. Those who lived under the war-time SPLM administration believe that communities in areas formally under the control or influence of the GOS are still loyal to 'the other side' and 'receive financial assistance from them' (interview, Dinka intellectual). This widespread suspicion is rooted in the belief that the GOS maintains plans to destabilise and divide the South, and that 'our neighbours are being pressurised to disturb us'.

One of the criticisms levied at the CPA negotiation process has been its narrow and elitist focus, and its downplaying of second-tier conflicts and other potential sources and constituencies of instability – a questionable oversight given the nature of Sudan's civil wars.<sup>45</sup> Even the accompanying Joint Assessment Mission for post-war recovery failed to adequately reflect southern Sudan's likely post-war structural weaknesses in a manner that could have informed and guided the transition process. At a time when the tendency was understandably to affirm the achievement of the CPA, there was reluctance to consider threats to stability from below. As a result, a longer-term and more holistic understanding of peace failed to emerge.

Consequently, awareness of community insecurity and its potential impact on the CPA is evolving late, and has yet to embed itself within wider recovery programming. To date, UNMIS has largely sidestepped these awkward realities – a situation made worse by the slow and uncoordinated manner

<sup>45</sup> Statistically, civil wars ended in negotiated settlement are much more likely to return to armed conflict than those ended by military victory, most within the first five years after an agreement (Licklider, 1995).

### Box 2: Decline in customary checks and balances

Conflict is a fact of life, reflecting competition between social groups. In the past, social discord was mediated through negotiations, and most societies in southern Sudan possess a rich tradition of natural resource and conflict management practices. Traditionally, warrior youth protect the interests of a clan in competition with other groups. Sacrifices were required if deaths took place and any abuse or excess was a punishable offence in the eyes of the deities. Inter-marriages were also frequently practiced to mitigate external threats. Previously women, children, the sick or unarmed youth – even seeds and crops – were never targeted. Unfortunately, the protracted and predatory nature of the war was responsible for the erosion and in some cases the breakdown of these practices. The lack of law and order and the proliferation of small arms meant the capacity to kill at scale rendered traditional mitigation mechanisms ineffective. Cattle raids became more like military assaults, while the killers were anonymous and therefore unaccountable. The cleansing rituals and traditional ceremonies of sacrifice seemed unable to contain the new conditions of combat, and the authority of elders and chiefs to temper the youth diminished.

in which UN agencies (and government entities) supported Sudan's disarmament, demobilisation and reintegration (DDR) process. Prompted by the continued fragility of the CPA, one recent reappraisal from the office of the UN Secretary-General has called for changes to the mission and the formulation of a revised strategy 'leading to a *broader-based conflict management approach* by UNMIS and the country team' (Security Council, 2008). Jonglei State will be a prominent testing-ground for these policies, should they advance.

#### 12.2.1 Understanding Sudan's civil wars

An assessment of current conflicts, cattle-raiding practices and weapons culture among civilians must begin by making reference to the *manner* in which Sudan's second civil war was prosecuted. Southern Sudan and especially greater Upper Nile witnessed a proliferation of internal contests, divisions and conflicts which became entangled in the wider North–South war. A number of distinguishing features emerge:

- Because Southern Sudan never enjoyed full participation in the modern 'nation state', most people's concerns were very local ones, and the leaders of the rebellion had to build on (and sometimes exploit) parochial interests in order to achieve their wider aims. This integration of local grievances into a national campaign may have been successful, but bequeathed a difficult legacy.
- Rebellion and especially counter-insurgency methods frequently targeted the livelihood base of civilians and deliberately manipulated access to food – including the use of famine as an act of war. Societies at the local level were vulnerable to manipulation and easily co-opted by armed groups.

- Ethnicity is less a *cause* of instability and more a social system that becomes emphasised (and sometimes manipulated) when a community believes it is under threat. This is the case in Sudan, where ethnicity has proved to be a changeable construct, with groups asserting, suppressing or changing their ethnic profile depending on the circumstances. Consequently, ethnicity was used to create enmity between groups for political or military advantage.
- Political disagreements over the direction and leadership of the SPLM/A's campaign caused division within the movement, creating new battle-lines in the South and new patterns of ethnic conflict. Civilians were armed to 'protect themselves', exacerbating the spread of small arms and increasing communal conflicts.
- Militias were frequently deployed, often in proxy wars on behalf of the main protagonists. They acted with impunity, sustaining themselves on assets seized from civilians, especially cattle, as well as local resources such as timber and gold, and in some cases human trafficking.

Communal disputes and conflicts therefore, while ostensibly over local resource issues, are often tainted with associations (imagined or real) with the civil war, and therefore should never be uncritically regarded merely as community squabbles or the outcome of primal cultural practices. Modern cattle raids barely resemble 'traditional practices' considering how they disregard for example women, children and the elderly and the levels of abductions taking place (the UNMIS protection team reports an average of 16 cases of abduction a month in the three Upper Nile States and areas in Equatoria affected by the LRA). Although much violence can be attributed to greed, opportunism or crime, violent acts can quickly take on additional meaning, deepening people's sense of insecurity and prompting further violence in turn.

#### 12.2.2 Factors causing instability in Jonglei State

Against a backdrop of improved security and increased freedom of movement, Jonglei State has continued to face serious threats to its internal security arising from a combination of structural causes (such as weak governance and rule of law) and proximate factors (including political manipulation and the proliferation of small arms). A survey of some of the sources of conflict (Table 6) illustrates the range of challenges facing local communities and the state authorities.

These and many other factors associated with conflict and instability in Jonglei can be grouped thematically as:

- Political:** Legacies of division, suspicions and grievances created by war; manipulation of ethnicity and social identity; marginalisation of minority
- Groups:** weak governance and rule of law; contested representation.
- Security:** Small arms in civilian hands; law and order; remnants of armed groups.

- Economic:** land use and land tenure; fishing rights; access to water, livestock raiding, inequitable wealth sharing; lack of alternative incomes for youth.
- Social:** Culture of revenge; irregular marriages; rumour; weak customary institutions.

Even though the general view is that security in the state has improved, the list above is a reminder that many of the causes of insecurity are structural and essentially will take time to resolve. As a result, Jonglei will remain vulnerable to instability for some time to come, and measures are needed to mitigate its effects.

#### 12.2.3 Priority issues to address

The scope of the research did not permit an examination of all the issues contributing to insecurity. Each has to be understood and addressed separately, as part of a wider strategic approach to reduce conflict, build peace and strengthen governance. However, two issues were repeatedly raised:

- the importance of addressing the relationship between the Murle ethnic group and their neighbours the Bor Dinka (to the west), the Lou Nuer (to the north), the Anyuak (to the east), the Jie (to the south-east) and the Toposa in Eastern Equatoria (to the south); and
- the related subject of state-wide civilian disarmament (which also reflects concerns over Lou Nuer governance and the rule of law in their areas).

Institutions of law and order may take considerable time to develop, but if these two issues are vigorously addressed, respondents believed that a huge difference could be made to the security environment. However, there were conflicting opinions on how best to tackle them.

**i) Perceptions between neighbouring groups.** There is great concern over attitudes towards the minority Murle. Historically, the Murle have faced competition from two dominant groups, the Dinka and the Nuer. More recent political differences and hostilities go back to the first civil war, when the Murle believe they were persecuted for not joining the resistance movement, and were denied representation in the regional government established in 1972. During the second civil war – and unsure of where their future lay – they split and took opposing sides, some backing the SPLM/A and others GOS. The majority of the Murle today remain suspicious of the government, and believe that the state administration in Bor Town is biased against them. Consequently, they have become isolated from the rest of South Sudan, a seclusion that has reinforced their scepticism and enmity towards other groups. Three years into the CPA, the Murle maintain that they are still marginalised and, they suspect, deliberately so. No roads connect them with the rest of the state: although the road to Bor appears open, many are reluctant to use it for fear of ambush, while the road to Akobo is not freely used because of the risk of Nuer attacks (even though it has been surveyed for mines). 'Please, just choose one route and make it safe,' emphasised one chief. Hence, the Murle

**Table 6: Examples of ‘issues’ causing instability in Jonglei State**

Principal actors	Issues and dynamics
<b>Dinka Bor &amp; Mundari</b>	Previous coexistence undermined by war and opposing political positions. Pressure on Dinka grazing land forcing herds to cross into Mundare areas (Central Equatoria) causing resistance. Frequent livestock raiding from both sides.
<b>Toposa &amp; Murle</b>	Cattle raiding and abductions are ongoing.
<b>Lou Nuer &amp; Anyuak</b>	Anyuak claim Nuer have encroached on their land (in Akobo County), while Nuer lack sensitivity to the crisis. Major dispute has been burning since violent attack on Anyuak in 1983.
<b>Bor Dinka &amp; Murle</b>	Major tensions between both communities, characterized by cattle raiding, child abductions and deaths and causing displacement. Killing of Murle in Bor hospital (2007) has deepened the crisis
<b>Lou Nuer &amp; Jikany Nuer</b>	Long running land dispute over boundaries and right of access to grazing. Agreement made in 2008, but rushed and considered unsustainable and therefore not resolved.
<b>Duk Dinka &amp; Gawar Nuer</b>	Counter claims over where oil fields under exploration are situated.
<b>Duk Dinka &amp; Lou Nuer</b>	Controversies over county boundaries and access to grazing. Raiding.
<b>Fangak Community</b>	Leadership issues in 2007
<b>Pochalla Community</b>	Leadership issues in 2007
<b>Nyirol Community</b>	Unresolved dispute between clans.
<b>Atar/Khorflus Community</b>	Clash between two senior leaders from the area over representation.
<b>Akobo Community</b>	Unresolved long running dispute over marriage/unplanned pregnancy between clans with potential to surface again.
<b>Security Forces Atar/Khorflus</b>	Clash between army and the police resulting in deaths and 7,000 stolen weapons
<b>Youth</b>	Uncontrolled armed youth protecting cattle and initiating raids
<b>Criminals/Bandits</b>	Groups of Nuer and Dinka colluding to ‘launder’ stolen cattle. Attacks on traders, especially those between Bor and Juba (2007) Attacks on road construction crews.
<b>Combatants</b>	The demobilization of armed personnel
<b>State/Local Government Officials</b>	Process of screening and downsizing civil servants may add to unrest.

behave as if under siege from their neighbours, strongly defensive and turning inwards on themselves.

Groups surrounding the Murle (and beyond) view them as stubborn and aggressive but astute fighters. Armed Murle are not considered loyal to GOSS and are ‘impossible to reason with’, according to a Bor Town local government official. A Nuer returnee coming from Tiergol in Ethiopia was certain that the Murle could not be persuaded to change: ‘the only thing that would convince them to disarm is if they acquired all the Lou cattle’. Another administrator told the study: ‘they are illiterate and therefore don’t understand basic humanity’. Because they also move in and out of Ethiopia, governments on either side of the border are concerned about potential militia activity. There is also avid speculation that some Murle have reached as far as Malakal ‘for ammunition and links with Arab militias’.

Murle abductions of Dinka and Toposa children constitute a deeply emotive issue, and are frequently cited as an example of callousness. Popular explanations for abductions have included a crisis of fertility among the Murle, but this has never been verified (MSF, interview). The war has had an impact on reproduction in all of southern Sudan – in different ways in different locations – but there is no specific research

to support this particular assertion among the Murle. The Murle are aware that they are viewed negatively, but fundamentally believe that they are good people. They argue that they do not have problems with most of their neighbours (except the Dinka, whom they regard as insensitive and oppressive of minorities), and claim that abduction, although it does occur, is rare. The Murle offered a nuanced explanation of abduction practices. Historically, they maintain that this custom emerged first from Dinka who sold children: ‘if a daughter became pregnant in an unplanned manner, she was sold off’. Essentially, it was based on an economic transaction between known elements of both communities. There was also a strong feeling that the issue was being used by the Dinka (and by extension, in their eyes, by the state government) to vilify the Murle. There was anger for example that no criminal case has been opened against the killers of the seven Murle who died in Bor Town’s hospital last September, ‘while no Dinka was killed in Pibor’.

**ii) Disarmament.** There was consensus among respondents in Jonglei that the control and reduction of arms in civilian hands is central to improving local security and creating an environment conducive to reintegration. It is unclear how many small arms and light weapons are in South Sudan (a

recent estimate by the Small Arms Survey puts the number in Sudan as a whole at between 1.9 and 3.2 million<sup>46</sup>), but it is clear that the prevalence of guns has essentially taken authority away from the new government (Human Security Baseline, 2007; Muggah, 2006). According to the Jonglei Peace Advisor: ‘we now have a generation of youth who won’t listen to anyone but their gun. Disarmament has to be part of the solution’. However, the task is complicated and there are few obvious answers. In the minds of the public, the new government is already implicated by virtue of failing to do its part. Given the weaknesses of its governing institutions, the SPLA is obliged to play an active part in the management of internal security. The nascent police force is not in a position to control armed people, and in any case the formation of the police brings with it a residual culture that sees security personnel acting more like soldiers than civilian guards.

It was put to us strongly that disarmament should begin with the Murle. Returnees in Akobo admitted that disarming the Murle would be difficult, and may well become violent, but this was ‘still better than living with the status quo’. The suspicion that Khartoum is encouraging young people not to give up their arms was given as further justification for enforced disarmament, otherwise mayhem will continue and ‘our future elections will be a disaster’. Others were vehemently opposed to forced disarmament. ‘It will harm the Murle’, explained a Nuer peace activist, ‘the Murle are surrounded by their enemies. Once a neighbour hears the sound of a gun, they will come. Even the SPLA will go beyond their orders. You won’t recognise it as disarmament.’

These dilemmas are at the heart of the civilian disarmament programme in Jonglei, and are being put to the test in Pibor. Because of pressure to secure law and order in the state, GOSS initiated a number of controversial disarmament programmes in 2006–2007 which met with vigorous resistance and became excessively violent. The SPLA suffered many casualties, prompting the UN and NGOs to intervene in subsequent planned disarmaments in Akobo and in Pibor. A number of peace actors, in support of the local authorities, opened up a dialogue between civilians, the authorities and the army. On this occasion, civil society groups and authorities on the ground knew who the peace actors were, and the collaboration produced better communication and mediation, even though those being disarmed were aware that the army was ready to act in the event of non-compliance (Arnold and Alden, 2007). The results were better, but not perfect.

A number of tentative observations can be made, based on these early experiences:

- For those living in an insecure environment, the protection of the clan and its assets is the primary concern, and the use of small arms is seen as an essential means of survival.

<sup>46</sup> The report suggests that two-thirds are held by civilians, 20% by the former GoS and the rest by GoSS and former/current armed groups.

- Armed cattle raiding has given otherwise marginalised and neglected youth greater opportunities for economic advance.
- Young people fear that living without weapons renders them suddenly powerless and condemns them to an idle and uncertain future. Their status within the community, as they see it, would diminish.
- Because the same youth value their weapons highly as assets to protect livelihoods and for self-defence, they correspondingly expect compensation for giving up their guns.
- Experience shows that disarmament in the absence of state government capacity to play a role in guaranteeing security afterwards (to follow up on known criminals and contain, for example, blood feuds) puts the process at risk.<sup>47</sup>
- In Jonglei, there is underlying resentment among many local communities facing disarmament against the SPLA, which is perceived as a threatening ‘Dinka’ organisation.

Disarmament efforts during this period yielded significant numbers of weapons, and security partially improved in a number of areas as a result. However, set against the loss of life and broken community relationships, the cost was high. In the initial campaign, approximately 3,000 weapons were collected, but an estimated 1,600 SPLA and White Army members were reported killed, i.e. one fatality for every two weapons – an unacceptable price to pay (Human Security Baseline, 2007), especially when the benefits were reported to be short-lived in areas. The disarmament experience also revealed the difficulties of operating outside of an agreed policy framework – a problem which could undermine further SPLA–civilian relations and something the military in Pibor is keenly aware of. Officers there were seeking clarification on what the army should do when one armed group attacks another which has been disarmed, and whether troops can or should open fire – revealing weaknesses in the directives and approaches guiding disarmament.

An influential minority (including religious and civil society groups) is campaigning for disarmament through community dialogue – a position promulgated by the CPA. If disarmament is rushed, these groups argue, a higher price must be paid in the end. Peaceful disarmament needs sensitisation across the state, whereby community leaders get a chance to deliberate and advise on appropriate strategies for their specific areas. However, deciding who to disarm first, and protecting them while potentially threatening neighbours have yet to be disarmed, still needs to be resolved. Because there are doubts over whether the authorities can provide protection after disarmament, some officials have proposed ‘selective disarmament’.<sup>48</sup> This relies on intelligence and an augmented role for traditional leaders, whereby communities that are known for criminality are intensively pursued. It calls

<sup>47</sup> The SPLA failed to set up agreed buffer zones to deter attacks from groups not yet disarmed, and violence resumed as a result.

<sup>48</sup> A position supported by the current Chair of the South Sudan Peace Commission.

for chiefs to be better supported and paid and provided with armed escorts, and limits the role of the army to targeted rapid responses. This approach is meant to reduce armed violence until such time as GOSS is stronger and better established.

### 12.3 Placing stability and public security prominently in reintegration strategies

The impacts of insecurity were widely reported, and have forced many returnees to remain in Bor and Akobo towns. Sporadic instability has curtailed health services (MSF, 2008), and FAO reported that continuous conflict (especially in the cattle corridors in Jonglei, Warrap and Eastern and Western Equatoria states) has affected food production, causing displacement and in cases loss of life. MSF Belgium in Pibor had not reverted to their full level of operation after reducing its activity in response to insecurity around Gumruk and Lekwongole. The state authorities have prohibited party canvassing: 'we have to be wary', said one commissioner, 'that the forthcoming elections won't kill our democracy'.

Addressing the controversial issue of the presence of displaced Bor Dinka and their cattle in Equatoria illustrates how actions around return and reintegration must combine sensitivity with conflict and security concerns, livelihood options, and the larger political considerations that dominate Southern Sudan's post-war environment. Because of mounting tensions and conflict, numerous initiatives were made to assist their return to Jonglei (see 11.2.5). Eventually, to improve the chances of success, support for their return and reintegration required an approach to address the effects of the intrusion of pastoral practices in largely agricultural societies where they were displaced (healing and restitution); safe passage between Equatoria and Jonglei (negotiation with hostile groups and protection); and stability in the places where the returnees and their cattle were expected to settle (community security, natural resource management) (Murphy, 2004). But because of the state of their relations with the neighbouring Murle and the Mundare, the Bor Dinka felt hemmed in and believed that they were unable to sustain their pastoral livelihood system. Cattle herders and owners questioned the viability of having returned (Bor land is very low-lying compared with the Mundare area and insecurity on the eastern boundaries with the Murle had rendered grazing there inaccessible). After years of investment by the authorities and assistance organisations around this issue alone, it has still not been satisfactorily resolved, and many cattle that returned to Bor have subsequently flowed back to Equatoria where tensions continue to rise. 'Cattle are our salary and the way we send our children to school. Keeping cattle in Equatoria is in part seen as a strategy for survival,' remarked a Dinka legislator.

Up until now, assistance provided in support of the transition to peace has tended to work around these conflicts, and has

invested little in systematically addressing their causes. For the most part, Southern Sudanese institutions with potential to address conflict are also weak. The state authorities have been reluctant to cede greater control to grassroots peace initiatives and accompanying organisations. In any case, the capacity of civil society organisations is limited, and there has been a noticeable decline in the role religious organisations play. In fact, separate churches in Jonglei tend to reinforce, rather than reduce, the prejudices of their respective ethnic groups. Customary leaders have enormous potential, but require a platform, a clearer mandate and perhaps technical support to assist their internal reform. Peace committees, which grew to play an important role in Jonglei in the lead-up to the CPA, have faded, partly as a result of the tumultuous change that took place in the institutional environment following the CPA.<sup>49</sup> The South Sudan Peace Commission, GOSS's main body for coordinating peace-building activities, lacks capacity and appears uncertain on policy and unsure how to proceed. Nor does the apparatus of the state have the resources to be proactive; legislators in the state capital noted the absence of a state-wide strategy to address instability. The state Peace Advisor has no transport and operates relatively autonomously from other peace actors. A fresh initiative by GOSS to introduce a Bureau for Community Security and Arms Control (BCSAC) is promising, especially if it is supported by other organs of government.

Despite these constraints, there is considerable experience and technical knowledge to build on. Scattered conflict reduction initiatives are found throughout the state with potential to develop. Norwegian People's Aid, for example, is planning to introduce a tested tool for communities to negotiate land use management in one of the Bor counties. Pact is piloting (in three areas initially) early warning and monitoring posts located on the boundaries between communities in areas associated with the dry season movement of youth and cattle. This idea has its roots in the pre-CPA people-to-people peace dialogues sponsored by the former New Sudan Council of Churches (NSCC), whereby communities requested guardposts in areas between groups sharing natural resources. With a government in place, the environment is now more conducive, and the proposal to establish these boundary posts was widely endorsed throughout the study. The structure has the potential to integrate trade and skills training for youth desperate to acquire alternative livelihood sources. Respondents (including Presidential Peace Advisor) added that police from each of the communities be included at the post and ensure a third party from another ethnic group is frequently present. Other examples of positive experiences include the Peace Monitoring Team (which championed dialogue processes between the Mundare and the Dinka) and the linkages formed

<sup>49</sup> The Nuer Fangak Peace Committee is one example of a useful peace institution that has survived, though it needs to assume a more proactive role.

between trading groups supported by the NGO Upper Nile Youth Mobilisation for Peace and Development Agency (UNYMPDA)<sup>50</sup> and others.

### 12.3.1 Integrating civil disarmament with approaches to peace building

In part a response to the shortcomings experienced in Sudan's plans for DDR, but also building upon the experiences and inputs of a number of peace-building organisations (including SALT, UMYMPDA, Pact, UNDP and Saferworld), a framework to address insecurity at the community level is emerging together with and under the coordination of the GOSS's new Bureau for arms control (BCSAC). The initiative is intended to improve stability through the provision of security guarantees to local communities and, with their cooperation, the peaceful control of civilian-held small arms and light weapons. The approach depends on collaboration among key government organs, civil society and support organisations, and will require institutional as well as financial support over the medium term if it is to succeed. While the fate of the DDR programme is uncertain, the need to advance with communities and address their concern for local security is a vital component towards stability in the state (though eventually, measures around the security sector must be consistent and linked under one overarching framework).

The immediate test for this emerging approach is in effect under way in the form of government plans for civilian disarmament. Murle leaders for the most part have reluctantly agreed on another peaceful process which for the time being has support from the higher levels of government. Should it progress, it deserves sensitive but practical support. Those interviewed believed a key incentive not to rearm is 'knowing your neighbours also don't have guns', as well as evidence of development accompanying the process. 'People must see that there is an alternative' said the education officer in Pibor. Community activists claim that many young people want a chance to change and benefit from education, but without seeing how, it is difficult to convince them. A group in Pibor, which disarmed last year and started trading in the local market, demonstrates how attitudes can shift, and enquiries about education are increasing. Another major intervention highlighted by the Murle was roads and infrastructure; traders in particular had very specific recommendations on how to open the county up. 'We have to communicate the right messages about Murle outside the county' stated the Presidential Advisor, who is keen to dispel the negative image attached to them.<sup>51</sup> Traders questioned why the only major road from Juba passed through Bor and north to Panyagor. 'If you want the country and the state to be at peace, then this is

<sup>50</sup> Through UNYMPDA, last year six Lou traders met with Murle youth and agreed on a memorandum to form a union and open up the river route between them. Work started on the river, but a security incident derailed the initiative just before the joint project was completed.

<sup>51</sup> Numerous complementary strategies were pointed out, such as making the presence of government positively felt by communities; intensive dissemination of the CPA; the presence of an UNMIS force in Pibor; services; and peace dialogues.

not the way to go about planning! Put posts on all connecting routes.' There is general awareness that some weapons will escape collection, emphasising how critical it is that civil administrators, rule of law agents and community activists keep working on local attitudes to violence and continue to improve local systems of justice. If on the other hand the GOSS is careless with the disarmament process, the Murle are fearful that other tribes like the Nuer or Toposa will take advantage 'and come to try and finish us'.<sup>52</sup>

### 12.4 Recommendations

The structural causes of conflict are deep and need to be addressed if long-term peace is to succeed. To delay is to prolong the transition from war and compromise the foundations for long-term recovery. The provision and management of public security is paramount.

- While there is sufficient stability in Jonglei to entice significant numbers of displaced persons to return, recurring incidents of insecurity is making Sudan's peace fragile to the extent that many are not free to choose where to settle and are restricted in their livelihood choices. Many more are delaying their return as a result. Although tensions have subsided compared to last year, incidents of insecurity were reported weekly during the study period and the underlying factors that cause insecurity largely remain in place. For government planning initiatives and assistance organisations, the intersection between return, conflict and access to livelihoods and natural resources should be made more explicit, not only to promote successful reintegration but also to safeguard Southern Sudan's quest for sustainable peace – the underlying aim of the CPA.
- Systematic conflict analysis does not appear in mainstream planning for reintegration and recovery in Jonglei State. Based on credible analysis, SSRRC, UNMIS/RRR and the RCSO, together with key actors in Jonglei, must ensure that conflict reduction and peace-building objectives are integrated into return and reintegration strategies for the state, and that competent governmental, civil society and other non-governmental agencies are facilitated and resourced to pursue them. The approach should include principles of equity informed by the context in Jonglei – in particular its history of war and its susceptibility to conflict – the consequence of which will be a more sophisticated approach to programming than is evident thus far.
- To address insecurity in Jonglei State, where administration is weak and systems to administer law and justice are threadbare, requires a complex arrangement of actors and actions to bring about modest stability while longer-term structures are being put in place. The GOSS's BCSAC offers a fresh opportunity to coordinate efforts around many of the immediate threats to security at the local level. Support for the Bureau to work closely with different institutions of

<sup>52</sup> Presently, GOSS is intent on a region-wide disarmament programme, and there are concerns over the impact this will have.

government, and make communities central to the process of finding locally-specific solutions, is strongly recommended.

- At the same time, investing in medium term but necessary actions to strengthen the structural basis for future stability and peaceful coexistence remains vital. Transition programming globally from war to peace is typically characterised by mixes of short-, medium- and long-term interventions unique to each context. Support for the establishment of local government institutions should remain central and consistent throughout: donors, UN agencies and their partners must engage with GOSS to ensure that adequate legislation is passed and support is provided for the implementation of an appropriate system of devolved governance, following the framework already proposed by GOSS.
- The situation in Jonglei is challenging how the diplomatic and assistance communities are assessing and measuring progress in consolidating Southern Sudan's interim peace. There needs to be a more proactive shift from working around the 'inconveniences' of local conflicts to embrace a more holistic commitment to public security initiatives, as well as security sector reform more generally, in order to safeguard future peace.
- Maximise the role customary institutions can play in social reintegration, transitional justice and peace-building generally by providing opportunities for in-depth research on traditional practices and entering into dialogue with communities and their customary leaders – any technical assistance for customary reform should be undertaken in a consultative manner and should operate within the GOSS's emerging legal framework. It must also be linked to broader initiatives for security sector reform.
- The presence of light weapons among civilians is a major concern, but it also draws attention to the underlying fragility of the security environment, which is causing many civilians to take charge of their own security. Considering that most communities have yet to come into contact with a system that is able to adequately protect citizens and their assets, it should not be surprising that

small arms are viewed by a significant proportion of civilians as essential to protect livelihoods and safeguard personal security (Garfield, 2007). This underscores the necessity to construct a more holistic approach to arms control and community security. Approaches to community safety that focus exclusively on controlling the tools of conflict while ignoring the complex range of reasons why arms are carried, are misplaced. Disarmament must be accompanied by complementary processes, including opportunities for improved livelihoods, in order to reduce the reasons for possessing arms. It is critical that services and opportunities for alternative skills training reach communities in the periphery.

- When measuring the south against post-conflict situations in countries like Rwanda or Bosnia, the intensity and type of atrocities committed differ and observers note how the Southern Sudan context delivers very different sets of protection concerns. Because of UNMIS's sensitive political mandate under the peace agreement, analysis around protection appears to be downplayed and the corresponding willingness to engage with community security has, up until now, not been evident. Based on peace-building principles and dialogue with proven peace actors, the UN mission must become more proactive and address the remnants of armies as well as inter-communal violence as part of the same objective of long-term peace, making its protection mandate more explicit.

Jonglei's transition from war to peace requires an explicit framework – with resources to match – to address the issues causing insecurity and support the government in building its legitimacy as a force that upholds justice and law and order for all its citizens. It remains to be seen how far the authorities can and will support a peace-building framework around disarmament and community stability, and to what extent the UN mission, country team and other agencies will coordinate under a common approach in collaboration with grassroots, civil society and customary institutions, as well as the GOSS's peace-building institutions.





# Chapter 13

## Livelihoods and the economy

Given the restricted opportunities and meagre assets available, the second major issue raised by returnees as indispensable to successful reintegration focused on the struggle to secure a means to live. In both rural settings and population centres, the majority of returnees rely heavily on the support of extended families, as well as the skills that they bring back with them. While a sense of communal identity around blood ties and cultural norms was evident, it was reportedly strained after years of war.

### 13.1 Social capital and productive assets

A woman returnee in Akobo captured the critical role kinship support is playing behind the scenes: ‘My husband died and now I don’t know how to cultivate. I am totally dependent on my extended family. They gave me land and a Tukel. Relatives are the key to getting started.’ Another stressed that, in Malakal, he never felt welcomed and as accommodated as he did in Akobo. Without these social processes, reintegration would be far more stressful than it already is. Every returnee is not treated the same. The relative wealth and strength of a kinship tie will determine the duration, value and level of support a returnee may expect. For the most part, a receiving community – as defined by clan relationships or a strong sense of place – will welcome those previously separated, but practical assistance is generally reserved for direct family members

Remittances are another hidden but vital source of income. Although difficult to quantify, remittances appear to account for a greater proportion of income for both resident and returnees than first appreciated (in some areas residents reported it contributed over 20% of their income, with allowances coming from Bor Town, Juba and beyond).

The assets most returnees come back with or have access to were found to be limited. Only the minority who benefited from assisted return were able to transport physical items such as beds, bicycles, chairs, cooking utensils and even doors. Some came with cash and a few with seeds for cultivation. A small number who came from parts of Central and Western Equatoria (especially Mundri) brought animals, though much of the livestock has already gone back again. The fact that most returnees arrived with few clothes and no cooking utensils (such items were frequently sold to meet transportation costs and/or provide start-up cash) caused tensions. ‘When you don’t have food and can’t contribute, or stay too long, it makes our hosts frustrated and angry.’ When there is hardship, there is also competition with residents, who depend on the sale of grass and firewood to make ends meet. Entitlement to a share in bride wealth is an important asset for relatives, but for returnees the process is often

controversial as residents insist on the ‘regularisation’ of marriages and the payment of dowry (cattle), regardless of whether a transaction has taken place before.<sup>53</sup>

Among the most valuable assets returnees have are the new skills and experiences they have gained, such as tailoring, construction or thatching, as well as new farming skills (such as mixed cropping practices, which others are already starting to imitate). On the whole, evidence of newly acquired skills being turned into practical endeavours is increasing, but limited. Returnees cited how the lack of basic tools and implements to make some of these skills productive – whether in agriculture or other occupations – was impeding their advancement. Some refugees have returned with sewing machines, but mentioned the scarcity of materials to work with. Others explained how a person skilled in tailoring, but without machines and business training, proved of little use.

One of the early fundamental decisions to face is whether to invest in a rural livelihood, concentrate on urban markets or seek professional employment, or some combination of these. Presently, and similar to trends nationwide, a significant proportion of returnees in Jonglei are opting to settle in towns, a pattern reinforced by recurring insecurity in many rural parts of the state.

### 13.2 Experiences in the rural economy

Significant numbers of returnees are adding to the agro-pastoralist community and beginning to eke out a rudimentary living. Returnees living in villages believe that, if adequate food and stability was secured in rural areas, many more returnees would settle and cultivate. However, the challenges are immense. To be productive, the sector depends principally on family labour, access to local seeds, the fertility of the soil and security (FAO/WFP, 2007). Farm size is determined by whatever land families can clear and cultivate, making returnee access to labour vital. Except for the preponderance of a few new skills, the livelihood sources that returnees turn to are not exclusive to them, but shared with the settled community. Established families on the other hand enjoy a comparatively greater range and depth of livelihood options, however deficient each might be. Having fewer resources to depend upon and little or no safeguards against unexpected events (market behaviour, government regulations, climate, insecurity) heightens vulnerability. The elderly for example were found to be particularly susceptible if left without children, as there is no one to work the land for them.

<sup>53</sup> The same applies to adultery cases. Even though the displaced were fined in the places of displacement (e.g. Uganda), they are still required to settle again. Refusals have caused disputes.

Despite this, returnees are bringing new perspectives and an urgency for change. A challenge for the recovery process therefore is to build upon these emerging interests and accelerate the transformation of the rural economy. Awareness of rural livelihood sources, and the manner residents and returnees exploit them for survival, is a critical first step. These include gathering forest products, trade, cultivation, livestock production, fishing and hunting, kinship support, remittances and aid. Although profiles of the different rural economies in Southern Sudan are improving, there is still a lack of detailed understanding of the specific practices found within local ecosystems.

One resource returnees have relatively easy access to is land. 'There is still plenty of land in the villages, there is nobody selling it. If you find a plot, everyone is happy to let you have it.' Generally, it is straightforward to get access to farmland once a family member intercedes. If however ancestral land has been taken by other members of the community, returnees either have to be given an alternative plot or negotiations involving community leaders will take place. 'This sometimes brings conflict, but is peaceful more often than not,' reported a chief in Bor County. While land is available, it is more closely monitored than appearances might suggest. At the village or boma level, knowledge of the different soils and potential usages of land is well known, so in practice who uses which plot and for what purpose matters. Consequently, access to land as a source for livelihoods depends as much on communal as well as individual land rights. Regulations over how local natural resources are used broke down over the war years. As the population increases, the additional pressure on for example woodlots is beginning to cause concern, especially as this land is the source of the wild plants, fruits and nuts that play a crucial role in filling the 'hunger gap' between harvests. Women returnees reported how much harder it was to have land allocated to them, reflecting their lower status in society. The other major factor is insecurity. Not only does insecurity disturb cultivation and herding practices, but the regulation and management of land tenure become complicated once communities are forced to move and temporarily occupy other areas.

Forest and communal land in general have provided vital products for survival. 'We borrow tools to cut grass for our own needs and for sale in the market. Many of our hosts are already selling grass, poles and sticks – they are marketable' (5 SDG for a bundle of grass and 5 SDG for two fence poles). However, selling goods like grass only provides for immediate needs (a meal for example). There is little chance of saving. For an average family in Akobo (6–8), a basket of items for approximately two days might include:

- Cooking oil: about 1.25 SDG (5 Birr).
- Tin of sorghum (approximately 16.5kgs):<sup>54</sup> 12.5 SDG (50 Birr).
- One large fish (expected to last for two meals): 5 SDG (20 Birr).
- An additive like 0.5kg of onions: about 5 SDG (20 Birr).

<sup>54</sup> A family of five may consume 6–7kg of grain in two days.

That comes to approximately 24SDG. Revenue from forest products might be as follows:

- Pole for house (1): 2.5 SDG.
- Sticks for house (10): 2.5 SDG.
- Firewood bundle (1): 2.5 SDG small and 5 SDG large.
- Grass bundle (1): 5 SDG.
- Rope: 2.5 SDG small and 5 SDG large.

This generates about 20 SDG. However, cutting and gathering is very time-consuming and vendors increasingly have to travel further to source items. Considerable time is also used waiting in the market for a buyer, which means that the vendor is not doing other duties. Women in Akobo explained that these tasks are not suitable for mothers looking after children. Processing of seasonal wild foods also assists the diet (such as Thou/Lalob). Men tend to specialise in honey harvesting, though few returnees appear ready to harvest honey.

One of the primary goals for most returnees, even those earning a living in towns, is to cultivate and acquire an independent source of food. Returnees were observed either cultivating alone or petitioning assistance from family members. Residents noted that those who take the initiative to get on and cultivate themselves tend to integrate the best. IDPs returning from Equatoria appear to have maintained or even developed cultivation practices. Returnees with an agricultural background generally expressed their preference for larger farms. Collective mechanised farming was frequently mentioned as a way of significantly developing food production. Before the 2007 flood problems there were examples in Bor County of people selling sorghum, sesame, beans, groundnuts and okra. This is significant because, since the war, it has been rare for residents in Jonglei to move beyond subsistence and produce surpluses. At the same time, it was consistently stressed that, while a number of returnees in rural areas have farming experience, they are not getting the inputs and guidance they need to farm effectively. There were many requests for increased help around animal traction techniques, more appropriate farm implements, storage, pest control and higher-yielding crop varieties. For the majority, the underlying message was clear: it takes considerable time for returnees to establish a farm, cultivate and produce a return – a fact SSRRC officials stressed, but which is often underestimated by those supporting the reintegration process.

Another source with huge potential, but lacking policy as well as outreach, is the livestock sector. Sudan's vast pasture capability should produce enough livestock for domestic consumption and an expansive export market. However, the sector is in flux and in need of essential reforms. The post-war environment and the arrival of large numbers of returnees is undeniably going to change attitudes and alter practices, but the outcome is not clear. As it stands, the livelihood systems of pastoral (and agricultural) communities are not protected or regulated in a way that either i) maximises livestock potential as an economic good or ii) mitigates conflict among pastoral communities, and

between them and agriculturalists. Herds became smaller during the war, but since the peace agreement numbers have increased.<sup>55</sup> Where livestock is the mainstay of a community, such as the Murle, the biggest fear is the high prevalence of livestock disease and animal fatalities (especially in the northern portion of the county). Replacing heavy losses can take years, unless supplemented by excessive cattle raiding (Coopi, 2007).

Livestock is still seen as the premium form of savings. Of late, the price of cattle and small stock has soared. Those earning reasonable salaries (such as government staff or those in the diaspora) are investing heavily, and the pattern in Jonglei is to stockpile rather than trade, with some taking advantage of the relatively cheaper prices in neighbouring countries. As a result, and contrary to all predictions, livestock flows (cattle from Uganda and goats from Turkana, Kenya) are now coming into Southern Sudan for the Juba slaughter markets and for investment, even though consumption rates in Kenya and Uganda outstrip their own production. Increased livestock imports are not good for the Sudanese economy, and will only increase the pressure on grazing arrangements which are already distorted and stressed as a result of insecurity. Many Dinka cattle herders from Jonglei are retaining their cattle in the Equatoria states, a source of deep tension with local communities (VSF/G, interview).

These developments have ramifications for returnees, as with few exceptions people have returned with no livestock. Some returnees without cattle felt themselves inadequate and were embarrassed at not having an inheritance for their children. Returnees from the Kakuma refugee camp, by contrast, have shown little or no interest in cattle, while young returnees are keen to sell livestock and raise cash to start businesses. Outside of customary entitlements, most by and large believe that livestock is earned, not donated. Unless the host family is better off (there were examples of returnees receiving a goat or bull 'to get started'), acquiring livestock will take considerable time through marriage dowries, exchange for cereals or cash and, eventually, husbandry. Nevertheless, returnees who have settled for more than a year are reported to have started to acquire small numbers of animals.

Fishing, and to a lesser extent hunting wild meat, are perceived as important supplementary sources of diet and income, though many returnees are excluded from these resources – partly because of a lack of materials and equipment. Fishing in rural areas is a male occupation and mostly for home consumption rather than sale. For groups like the Murle, fish are an important supplementary source of food in the hunger season. However, the lack of skills in fish preservation was evident during the study (though FAO is supporting a small number of interventions in support of fish preservation techniques).

<sup>55</sup> GOSS/FAO estimate that 8 million head of cattle and 8 million head of small ruminants are kept in Southern Sudan, making a major contribution to household food economies. Although animals are not distributed evenly, FAO estimates that up to 75% of families have their own livestock.

Overall, there are very few opportunities for paid labour and trading outside of the towns. Residents, let alone returnees, are unable to raise investment capital and few are involved in trading. Despite the diverse skills entering rural communities – leatherwork (shoes), cooking expertise, decorating bed sheets or knitting tablecloths – there are limited outlets in rural areas for returnees. The lack of materials, tools and funds renders these abilities redundant, at least for the time being. 'Changing our fortune is very slow,' explained a woman returnee in Akobo. Where there is a demand, individuals go to a market centre to sell firewood, water or tea to earn cash. Communal labour for neighbours or extended family is usually compensated in food. Paid labour, like sweeping duties, is rare and mostly taken by host community members.

### 13.3 Experiences in the urban economy

The growth of towns like Bor and Akobo is overtaking the state government's capacity to manage. International efforts to provide the assistance required are also flagging. SSRRRC and WFP representatives reported that, in the Dinka Bor area, the majority of returnees are either heading to a payam centre or Bor Town, with only a small percentage reported to have gone back to their former locations of displacement. The perceived attractions of Bor Town are powerful. The lack of health and education services in outlying payams contributes to the drift towards a centre. Professionals such as teachers, skilled labourers and those with education also prefer to seek employment in towns, and returnee youth in particular are drawn there.

During the war, Bor Town was a GOS-controlled army garrison, and very small. A resident during that period reported that it was like living in an army barracks. There was no freedom of speech or movement; people were not allowed to cultivate (food came through WFP), and the authorities created an atmosphere of suspicion and mistrust among the inhabitants. From 2005, the opening up of transport to and from Khartoum and Juba led immediately to an increase in the population. Now the road to Juba is lined with shelters and no one is sure where the town ends. Many moved close to the river for security reasons, and it is not certain if or when they will go back to cultivate. The population is very fluid and not settled. The centre and surrounding area is estimated to be home to between 50,000 and 70,000 people, approximately 75% of whom are returnees, the vast majority (80%) of them thought to be Bor Dinka (interview, Bor Town administrator). The pattern in Akobo is similar, though on a smaller scale and with relatively fewer opportunities. Unlike Bor Town, but similar to other county headquarters, a higher proportion of Akobo's inhabitants are engaged in cultivation close by. A much larger number of the returnees in Akobo stated their intention to eventually return to their villages once they were reassured that security would improve, and they had enough food and assets to cultivate.

Access to land in the towns is difficult and disputed. In Bor, the pressure was intensified as a result of insecurity in the outlying areas between the Dinka and the Murle. Out of fear, many were reluctant to occupy cheaper land adjacent to the town. As a result, people are living in temporary settlements and squeezed into houses. As laws governing land use and ownership have yet to be enacted and a legal framework for municipal governance is lacking, the management and administration of land varies and is open to abuse. The unchecked expansion of towns has the potential to become a destabilising influence as politicians become increasingly involved, placing themselves between communities, chiefs and administrators and taking advantage of the legislative vacuum (Land Commission, interview).<sup>56</sup> The process of acquiring land in Bor can take over two years, though if an applicant opted to go just 20km down the road, it would be free. In Akobo, there are no immediate plans for surveying the town, though the issue is likely to be even more sensitive (as the Anyiak claim that many of their spaces have been occupied by Nuer communities), and the process is expected to be tense and fractious. Currently, the authorities in Akobo are processing land applications, but once land is allocated, returnees say, others claim it and they are forced to move on.

The skills and work ethic returnees are bringing back to market centres were frequently remarked upon by residents, with an expectation that returnees will convert those skills into paid work, and then buy livestock. But for the majority, opportunities to advance and secure employment tend to be few and meagre. Those with skills and tools in carpentry, masonry, plumbing and computers possess the best opportunities, while in Bor Town there are limited openings for men in portering work at the river dock. The government and security forces constitute the main source of (albeit unreliably) paid employment. Foreign organisations are another. Government posts or options for professional workers were reported to be extremely limited and employment with NGOs and the UN highly prized. But for all of these jobs, returnees emphasised that contacts were more important than qualifications. Resentment was also expressed over the number of foreign workers employed in assistance organisations and businesses – that ‘these employees from outside are not in touch with the needs of the community’. Yet foreign labourers continue to be employed. When the trees in Bor Town needed pruning, Ugandans were hired. Those building solid stores in the new market were mostly Ugandan or Kenyan masons. Nor is access for Sudanese equal – officials in Bor Town noted that those from the North who only speak Arabic are less likely to get jobs. A common course of action for those who manage to acquire livestock or capital, but want to remain in a town, is to use the proceeds to buy goods to sell in the market. However, this is not possible for the majority who must sell charcoal, poles or similar items to survive (poles

<sup>56</sup> The GOSS Land Bill is still under process awaiting further policies and debate before being approved by the Legislative Assembly. See the section on land in the Juba part of this report.

and charcoal are considered good for quick sales if cash is needed). However, while there is a large demand for bricks in the town, very few were manufacturing them, illustrating how even the most basic of available opportunities have yet to develop.

Market activities offer opportunities for economic revival and returnee integration. Commerce in Jonglei is undergoing a major transformation, especially in the state capital and to a lesser extent in county headquarters. Trade is freeing up and more goods are becoming available, though the benefits are not spread evenly. First, a new generation is emerging, ranging from growing numbers of petty traders to contenders seeking to replace the northern traders who once dominated markets in the south. These new groups are spearheaded by entrepreneurs who ran businesses in SPLM-controlled Bahr el Ghazal and Western Equatoria during the war. Second, the orientation in terms of trading is shifting. Although still retaining ties with the northern economy, a striking feature of the Bor market was the movement towards forging economic links southwards – with Juba but especially Uganda (and increasingly with Ethiopia in the east). Northern Uganda, even Kampala, is becoming the principal source of commodities. Traders often team up and appoint one person to purchase on their behalf. However, they have to carry all the cash they require, which is considered a very insecure if not life-threatening arrangement. Women tend to engage in distinct activities to raise cash, typically tea selling, sweeping people’s compounds, carrying water or embroidery work. They also gather dry grass, firewood or straight poles from the forest for sale. However, women have to walk for miles to secure these items, and many said that insecurity made them too nervous to venture far. Overall, women complained that openings for trade or employment were being reduced, causing tension among those desperate for work.

The potential of the market to generate and spread wealth is also constrained by structural and regulatory factors. The market in Pibor is small but expanding, mostly due to the initiative of returnees who appear to have better business acumen (though residents are increasingly learning its value). The following observations by traders in Bor and Akobo capture some of these trends.

#### *Bor Town market profile*

- Trade with the north is continuing through the river port at Kosti, but many traders are finding the experience frustrating. They can buy there, but accessing a barge is difficult (bringing with it negative associations with the pre-war northern-dominated economy). The traders who operated out of Bor during the war (and before) appear to have preferential access to river transport through their colleagues in the north (Kosti). Similar goods in Uganda are cheaper, but transportation costs and taxation make them more expensive.

- Taxation of goods in transit within Jonglei State was considered punitive, as it is calculated item by item rather than as an overall tonnage. More generally, the lack of transparency in the taxation system was frequently mentioned, and many traders believed that a 'hidden system' was allowed to continue to the benefit of a few. This situation is creating an unhealthy reciprocal relationship between some traders and government officials.
- The trading community believed that the cash economy in Bor is essentially reliant on the salaries of civil servants, employees in the NGO/UN sector and remittances. If wages are ever delayed or reduced, it is felt immediately in the market. Transfers also come from outside the country, from those working in major centres like Khartoum and Juba, and cash also makes its way to rural areas from those working in Bor Town. Smaller injections of cash come from petty trading (selling grains, fish or firewood).
- While remittances are underestimated as a feature of the local economy, their contribution is limited by the lack of banking or transfer facilities in the state. People mostly have to go to Uganda to collect foreign monies, and traders complained about the lack of basic financial facilities.
- Another constraining factor was the impact insecurity is having on business. For example, many traders were of the view that elements from the northern economy were destabilising the security situation in Jonglei to favour their businesses and direct trade northwards using the river barge. The banditry that interrupted the trade route to Juba in 2007, was alleged to have been carried out by decommissioned soldiers, on the instructions of northern-based traders.
- It was also noticeable how few traders from the outlying counties were coming to Bor to buy wholesale. This was attributed partly to the poor condition of roads and insecurity, including the fact that traders from Pibor will not use the road and enter Bor (although this is starting to change either by proxy sellers or the occasional Murle vendor).
- Bor Town looks like a big market, but on closer inspection it is dominated by small trading, generating little cash. Large numbers of vendors can be seen selling the same item, often raising only enough cash to allow them to eat.
- The additional demand being generated by local hotels/guest houses and the presence of international workers, who buy products such as eggs and vegetables which could be produced locally, was still being met by purchases in Uganda and Juba. Hardly any milk produce was found in the market and onions still come from Khartoum.

#### *Akobo market profile*

- Akobo has no road access to major centres such as Malakal, Bor or Gambella in Ethiopia. There are no vehicles for traders within the county and there is a river dividing it. In the dry season, it becomes shallow but muddy, and vehicles often get stuck. River transport presents a way forward. September 2007 was the first time a boat was

used to carry goods for trade from Ethiopia and Malakal. These boats belong to traders in Malakal and hiring them is expensive, reducing profits considerably, but now Akobo cannot maintain its market without them.

- In Akobo, the market is expanding as more traders seek a share of the limited purchasing power available. Some cash emanates from the civil service, but the SPLA battalion adjacent to the town is considered the biggest source.<sup>57</sup> Remittances are significant, coming from either the diaspora in Gambella or families of Lou soldiers posted outside the county. When individuals acquire additional cash, the inclination is nearly always to buy livestock, which puts money back into circulation quickly.
- While taxation in the market was on the whole judged fair, taxation of goods in transit was considered punitive. In Ethiopia, taxes are charged per item and every administration charges along the route, as with goods from Malakal.
- Insecurity was cited as a major constraint to market development. After disarmament in 2006, traders were free to move out to the payams and business noticeably increased. But the environment has again become unsafe, forcing them to stay close to the bounds of Akobo Town. During the study, a number of people were killed and injured, including two traders. At the time, traders warned the Commissioner that, if no action was taken, they would stop moving to Ethiopia and Malakal and shut down their businesses.

#### **13.4 Recommendations**

Given that returnees are starting from such a low base in terms of capital, assets and in some cases knowledge, the shift from subsistence to more robust livelihood security is proving a fraught struggle. The issues and tasks associated with economic recovery are vast and complex, and it will take considerable time before policy and legislative frameworks align with the resources and institutional capacity to deliver.

- In the meantime, the shift towards recovery is starting from the demand of individuals and groups seeking to better their lives, even though a sense of momentum is not evident and post-war economic stability still uncertain. To gain momentum and success, not only must broader security and infrastructure improve but, in response, appropriate opportunities and support for the transition to recovery also need to become more conspicuous and resourced.
- The list of possible micro initiatives at the local level is long. However, from the study a number of priorities stand out. To begin with, strengthening rural and urban livelihoods urgently requires specialist expertise (and support organisations) with a common framework of action, underpinned by local knowledge and relevant

<sup>57</sup> While trading depends on them to a large extent, transactions are not always straightforward (whether dealing with either harassment or defaulting on loans).

evidence-based research – especially at the household level, where socially diverse communities are confronting a new and changing environment. The study underscored how critical it is to deepen dialogue with returnees and residents to better understand their longer-term needs before developing practical responses that will stimulate the economy and open up opportunities.

- There is a further need to generate a shared understanding of the many elements required to promote equitable and sustainable markets, and encourage actors to support a common framework of action (ranging from policy initiatives to basic skills development).
- Given Jonglei's reliance on livestock, developing policies and programmes that will increase opportunities for livestock regulation and marketing is a priority. However, given the importance of the pastoral lifestyle, culturally as well as

economically, it will require considerable investment to regulate the sector in a manner that mitigates conflict and promotes livestock as an economic good for the benefit of the whole country. To succeed, pastoralists must become central to this process and contribute to long-term structural change.

- Other components highlighted include sensitively planned but ambitious road development. This constitutes a critical and urgent driver for rural recovery, not only to connect markets and people, but also to introduce the minimum conditions for the state and local government to function and govern equitably.
- As a general approach, interventions revolving around institutions and initiatives in support of community-driven change should be explored more aggressively, including facilities for credit and micro enterprise development.

# Chapter 14

## Services and infrastructure

For resident as well as returnees, access to essential services is a basic need for people to be secure, productive and independent. Returnees and residents stressed that each payam should have access to a decent health facility; coordinated education services; road networks; and easy access to water points (especially for women). In a post-conflict environment, and especially in the context of a 'live' peace process, these requirements are even more significant. For the Southern Sudanese, the promise of material change and improved access to services was implied as a dividend after the signing of the CPA.<sup>58</sup> The past three years have revealed the extent of the investment required to provide these services. Not only do services have to increase, but the institutions and mechanisms for delivery require long-term development. Already, limited services are having a major influence on whether, when and where displaced people return (a factor highlighted in the first phase of this study (Pantuliano et al., 2007)).

Despite significant improvements, service delivery outputs in Jonglei are very mixed, unevenly spread and mostly implemented by NGOs and, to a lesser extent, private companies. Returnees with memories of their previous home environment recognise the improvements, such as education facilities in Akobo and water points in Bor County (though health provision appeared under pressure in most sites visited). The fact that services are by and large free was acknowledged as vital for getting established. But returnees repeatedly drew attention to how inadequate they were; there may be a pharmacy building, for example, but no drugs available, or education taking place without a basic school structure. Aside from kinship support mechanisms, which are considerable, formal social safety nets in South Sudan are non-existent. Additional boreholes or schools may have been constructed, but insecurity may have forced their abandonment, while putting pressure on alternative services elsewhere (such as in Baidit payam, Bor County). In Akobo, returnees observed how the environment is clearly more 'settled' compared to the war period, but not to the extent that they can freely cultivate. In practice, most returnees are appraising their environment based on the standard of services they experienced in exile, and many believe they are worse off: 'the place looks like there is no peace agreement' reported one informant in Akobo.

### 14.1 Health services and water

The health profile in South Sudan is dismal and many still die from preventable diseases. Since the peace agreement, improved freedom of movement and increased return mean that

<sup>58</sup> An implication spelt out in the form of alluring lists of recovery targets in the Joint Assessment Mission (JAM), the seminal document intended to guide post-conflict programming initiatives.

existing health posts must deal with larger caseloads, putting existing services under additional strain.<sup>59</sup> Diminishing interest from donors in supporting health provision is contributing to this decline (MSF, 2008). It is expected to take many years before South Sudan's health system will be a viable independent entity, yet in the meantime services have to be maintained while institutions are being built.

Jonglei's health services were neglected even before the war and supported by very few health agencies. During the war, NGO presence increased: approximately eight agencies provided services in the area. However, there was limited training during that period, and health personnel remain in short supply. Many are aged and not really fit to work. The lack of health services was frequently commented on by returnees – especially those from the north of Sudan or neighbouring countries – as grounds to reconsider bringing their remaining family members back.

The state ministry reported a decline in health services, attributed to the absence of qualified health care staff, fewer health providers and reduced funding over the previous 12 months. A number of agencies have withdrawn. MSF until recently was supporting the hospital in Bor Town, but withdrew its services over a dispute between the government employees and direct agency recruits. MSF previously had to withdraw from the town due to insecurity in late 2007. Oil companies have contributed by building two clinics and supplying them with good-quality drugs, equipment and personnel. In Bor Town, the hospital is facing exceptional pressure. Last year it was attending on average 2,000 out-patients, but this has risen to 5,000 over the last six months, and people travel long distances to attend. The state ministry's plan is to upgrade PHCCs in every county, but is struggling to reach this target (MSF reported no MOH facilities in Nyirol County or in Pierei and Lankien in Wuror County, and little or no stock) as donor participation declines.

Decisions around the establishment of the new GOSS health service has also had an impact locally. For example, before the war medical supplies came from Khartoum, but GOSS has sought to sever this link and establish an independent system. However, the new stores reportedly managed by untrained staff who procure drugs piecemeal with less attention to expiry dates. The ministry is also trying to maintain a cold chain in the state, but is struggling to provide its own transport to collect medical supplies from Juba. Even procuring kerosene for fridges is problematic as it is not available in the market.

<sup>59</sup> For example, the coverage rate in Jonglei for measles vaccinations is only 11.8%, while a 90% rate is needed to reduce the risk of future outbreaks (SS House Hold Survey, 2007).



Access to safe drinking water is also a problem. It is estimated over 60% of people in the South have no regular access to safe drinking water and most do not have access to sanitary means (Unicef, 2007).<sup>60</sup> Nevertheless, returnees interviewed noted increases in the number of water points available since they arrived in Jonglei, acknowledging incremental progress is being made. Supply has improved in the counties around Bor Town and Ayod especially. Because the population is so scattered, locating water points is generally problematic and can often be a contentious exercise. Equitable distribution is hampered by poor accessibility due to the state's infrastructure and seasonal access. In areas where functioning boreholes are situated close to the Murle Dinka border, water points have been abandoned due to increased pressure on alternative sources. Similar to other regions where access to water is over-subscribed, tensions quickly develop between returnees and local residents. Returnees are less inclined to use river water where they can avoid it, putting additional pressure on available water points.

Most actors agreed that building the capacity and confidence of the private sector is key to scaling up infrastructure in the future, yet beyond the few tried and tested private operators (many of whom were working during the war), expansion has been slower than expected. Many, it appears, are still not confident or willing to work in the south.<sup>61</sup> There are still too many uncertainties to contend with: the threat of localised insecurity, a very short season to operate in and, most of all, the poor infrastructure, making services heavily dependent on NGOs.

## 14.2 Education

Comparatively, the Jonglei education sector is showing promise by emphasising teacher training, greater consistency in teachers' payments and a commitment to improving supervisory functions. Attitudes to and demand for education are reportedly changing, largely bolstered by the influx of returnees and the value and priority they place on schooling – including the positive attitudes expressed towards girls' education, though boys still predominate. 'Before the war, we would all be in cattle camps; now we want to stay here in Pibor for education. Our children won't go back to the cattle camps,' explained a returnee from Khartoum (even though schools in Pibor are only operational between May and November so children can follow the cattle camps in the dry season).<sup>62</sup> Pupil enrollment is reported to have increased from 27,000 to 114,000 over the last three years. The number of primary schools has increased to 356, 182 of which are supported by the government (the rest are run by NGOs or communities). The state has also established 15 Early Childhood centres.

<sup>60</sup> In 2005, the JAM assessment proposed a doubling of rural safe water and sanitation access in South Sudan by 2011 (from the 2004 baseline of 25–30%).

<sup>61</sup> Most of the private firms providing drilling services are Chinese, Kenyan and Ugandan.

<sup>62</sup> When education eventually takes root, it is expected to have an impact on the pastoral economy by reducing available labour.

Standards and facilities vary considerably. Although the number of schools continues to increase, many of these 'learning spaces' are still under trees, a fact returnees from neighbouring countries in particular find hard to adjust to. Pressure caused by overcrowding results in a lack of discipline and poorer-quality education. In Bor Town, demand outstrips supply and numerous children are being denied an education. 'Education is the best place to promote integration,' reported a religious leader in Bor Town, but here returnee children are not at school. The places are not there and government is not coping.' Learning and teaching materials are also inadequate. To date, the system offers services for primary 1 to 4 and there are only official text books for these streams.<sup>63</sup> Although the state claims five secondary schools,<sup>64</sup> many displaced pupils at secondary school stage have not returned, and some who have are opting to go back to Ethiopia, Uganda, Malakal or Juba, where standards of education are better.

The spread of educational services is also not even, and some counties are better served than others. In the three counties accessible from Bor Town, for example, 86 learning spaces had been created by 2008. Akobo County claims 32 primary school learning centres, but in Pibor County there are only eight schools in the four eastern payams. Here, following a government programme to weed out unsuitable teachers, only nine remain, down from just 13. The four payams to the west have 16 schools with approximately 50 teachers. Nineteen are volunteers. Pibor has no secondary school; one was established in Juba for the Murle, but it is reported to have no capacity and to be 'just surviving': 'Chiefs are building schools at the Boma level but don't have teachers or resources to supply them. Teachers in Pibor pointed out that supplies received through UNICEF didn't meet their needs and that only 7 out of 16 schools were approved by WFP for school feeding in the west'. The shortfalls in the service are a source of deep frustration to community leaders, who told the study that the poor level of education available constitutes a major deterrent to return, and that the lack of schools was keeping families separated.

Most teachers are not qualified, and are often students who have completed or even dropped out of secondary school. Those who come from refugee camps may have a higher standard of education, but the system lacks teachers who can carry out instruction at a higher level. The better-qualified prefer to live in urban centres and are rarely seen in rural areas. Trained teachers are mostly at an advanced age and should retire, but continue working because there is no retirement scheme. Parents reported that schools have problems paying teachers enough or on time, demotivating them. Many teachers are still volunteers, and as such are gradually forced to leave.

<sup>63</sup> Additional textbooks are being produced, so agencies are reluctant to buy alternative East African books for primary 5 and beyond.

<sup>64</sup> State budgets continue to support secondary schools in Juba and Malakal established during the war. The Bor secondary school currently teaches in Arabic.

### 14.3 Roads

Intensive road development will undoubtedly transform the state, and is seen by many as a vehicle for improved governance, economic advancement and successful reintegration. There has been progress in building and repairing the route from Juba to Malakal through the western side of Jonglei State.<sup>65</sup> Oil companies are also constructing roads near their areas of operation. Transportation has improved as a result for the counties in the south-west corner, and Juba and Uganda can be accessed more easily. There is disappointment that secondary routes are not being tackled. There are plans to improve the route from Duk Padiet to Akobo via Waat, eventually opening east-west routes across the northern part of the state. There are also plans to open the 'Ethiopian Corridor' from Pochalla to Boma in the south-east corner (Chinese contractors are reported to be ready to start) and GTZ will complete the link from Boma to Narus.

A key constraint has been insecurity, and construction agencies have become a target for looting. A construction driver was killed working between Padak and Mabior. There have also been hold-ups in Ayod on the Mabior to Malakal section. GTZ reports that it encounters on average two incidents a month on this section. The Murle are being blamed. The SPLA provides an escort, but it is not considered reliable (of 50 soldiers promised, only 20 are operational even though all expect remuneration). Another problem is that road maintenance is not being taken seriously. Roads have to be managed and maintained (at least twice a year) to stay open. There are concerns over how the machinery that will eventually be handed over to the government will be maintained, and outsourcing these functions has also been recommended.

Longer-term investment is needed in this sector, yet the course of future development is unclear.<sup>66</sup> WFP concludes its programme in 2009, and while the World Bank is interested in providing continuing oversight, it is likely to insist on a commercial and more professional approach. There are few credible companies engaged in road construction – 'only the jokers are here' said one agency representative – and so future work will be difficult and slow. The general view is that GOSS-led tenders for road development are not working and are prone to corruption.

### 14.4 Recommendations

From the study interviews, it was clear that the combined efforts of government and international agencies are falling far short of expectations for service delivery. While services and infrastructure have generally expanded from the 2005 base,

<sup>65</sup> The sections from Padak to Mabior and from Mabior to Duk Padiet are complete. Currently, the section from Mabior to Malakal (268km) is being planned for the end of 2009. In many places, the Jonglei canal embankment is being used to raise the road level.

<sup>66</sup> GTZ has expressed interest in providing technical assistance for the ministries in Jonglei and Eastern Equatoria states, but has acquired no funding to date.

improvements are modest when set against the enormous challenges to satisfy basic needs and put in place a foundation for longer-term recovery. Impact is also being compromised or obscured because:

- progress has been uneven and therefore inequitable in the eyes of marginalised counties;
- change is not keeping pace with an expanding population and growing demand;
- populations are scattered and in the case of returnees still spatially unsettled;
- growth has not necessarily produced corresponding improvements in the quality of services;
- there are enormous physical and infrastructural constraints;
- skilled personnel are in short supply;
- there are deficits in governance and institutional oversight; and
- insecurity is pervasive and law and order weak.

These factors make an assessment of progress difficult, and the data that is available is inadequate and not centralised.

There are also questions over what framework should be adopted to assess the impact service delivery is having: measuring quantitative change alone, such as the number of boreholes, may be limited and misleading in a context services contribute to the consolidation of long-term peace. Although the south will be a long way from attaining the Millennium Development Goals, intensive efforts to significantly improve the coverage of services have far-reaching implications. Service delivery therefore must be understood as a strategic as well as a practical contribution to peace-building. Delays and gaps only further undermine an already fragile environment, where forces of instability can easily take hold – a real threat in Jonglei State.

- In addition, service delivery presents a proven opportunity for local government strengthening,<sup>67</sup> once GOSS finalises the laws and policies required to make local government systems fully operational. How basic services are – or are perceived to be – provided and whether from the fledgling government or foreign organisations (and the manner in which standards are managed and regulated), can either increase or undermine the legitimacy of an emerging government in the eyes of its population. These considerations must be taken into account when planning and implementing the expansion of quality services in Southern Sudan.
- Jonglei State must continue to strengthen its capacity to deliver basic services for its citizens. However, institutionally this is a medium if not in some instances a long-term goal, and in the meantime, the quantity and

<sup>67</sup> Lessons from interventions in other fragile settings support the view that improved service delivery can generate improvements in the wider governance environment, making service provision a key entry point to the longer-term goal of state transformation (OECD, 2006).

quality of services must still expand to meet the rising demand if there is any hope of returnees and residents recovering from war. During the post-war transition, increased investment in non-state actors to assist the government in delivering increased services is critical, under the policies and oversight of the sectoral

ministries. This will require the government generating a conducive but accountable environment of service delivery agents, additional external resources to bolster the GOSS's budget, and support and orientation for delivery agents to function effectively within this post-war environment.

# Chapter 15

## Responding to challenges of reintegration and recovery

The fact that almost half of the estimated population uprooted by war are thought to have returned is an impressive achievement as Sudan enters the second half of the CPA's interim peace period. For many, this is viewed as a tangible sign of progress and despite great difficulties, returnees are reported to be 'surviving' after arrival.<sup>68</sup> However, measuring determinants of 'successful reintegration' – the emphasis in this study – has proved difficult, when even basic human development indicators are not being attained for the resident population. Given such a low baseline, it will take an appreciable period of sustained investment to make the type of differences expected and called for.

Assessing progress within the context of the CPA, of which reintegration is a large component, appears under-developed. Estimated numbers of returns is an uncertain indicator if not accompanied by credible signs of early integration, especially since the motivations for return (the push and pull factors) are complex and political. There is a notable absence of more thorough enquiry into the extent to which long-term peace is being built through the actions of the post-war recovery programme. While horizons remain fixed on the six-year period of the CPA, there are deeper questions as to whether the foundations for governance and law and order are sufficiently being built to protect Southern Sudan from acute vulnerability and major crises in the post-CPA future.

If successful reintegration is contingent on adequate stability and security, and provides returnees with sufficient opportunities to be healthy and economically independent, then we are still falling far short of the aspirations of the seminal documents of Southern Sudan's post-conflict recovery plans, such as the JAM. This study emphasises that any appraisal of progress must take into account the extent of the vulnerability of the majority of returnees, and the tenuous and haphazard nature of the reintegration process. Viewed outside of the political context of the CPA, Jonglei is simply not ready to receive potentially hundreds of thousands of additional people. Civil administrators and aid workers observed how perilous life for returnees is, given the limited support they can expect to 'get started' and the limited livelihood options available to advance. Testimonies abounded of returnees struggling to subsist amid unacceptably high levels of malnutrition and maternal

mortality.<sup>69</sup> The prevalence of instability and lack of public safety in Jonglei also warn against complacency. The study found that shocks in society, such as a drought, flooding or a security incident, quickly threaten basic subsistence levels. When a settled community comes under stress, reintegration for returnees becomes all the more precarious. Assessing change in terms of what the situation was like before the war highlights some remarkable progress in terms of expanded services, infrastructural improvements and assistance to residents and returnees. Progress is acknowledged, and in some instances impressive, viewed in terms of isolated interventions within a limited geographic or thematic remit.

### 15.1 Aid architecture

The extent of the challenges facing the new GOSS and the international aid system – especially in Jonglei State – is not disputed, and the expenditure and determination necessary to achieve even basic undertakings is well known. However, there is a tendency to hold the context responsible for patent shortfalls and underperformance, rather than analysing institutional performance more objectively. The risk of such assessments is that they underplay the realities returnees and residents face and overlook inadequacies in the aid response itself. Furthermore, numerous assistance actors contacted through the study were found to be implicitly validating their efforts – while admitting them to be inadequate – by virtue of the fact that returnees are viewed to be 'surviving'. This is also potentially a misleading supposition as there is uncertainty over the actual trade-offs and long-term effects residents and returnees endure in order to survive.

Part of the problem stems from systemic shortfalls within the aid system in addressing the context, as it is. South Sudan is a classic example of a post-war environment in transition to peace, where recovery demands long-term investment in the establishment of credible institutions, accountable governance and economic and political stability (for peace to endure), but where immediate needs in terms of the return of IDPs or refugees, the lack of services and potential threats to public security place extensive burdens on the authorities and assistance organisations and any efforts to pre-empt a drift towards a return to war). These challenging environments demand a unique approach to recovery that falls outside of conventional international responses to humanitarian or

68 Interpreted by many actors as large numbers believed not to be 'dying', possibly as a result of kinship support and increasing but still insufficient cultivation and meagre income-generation opportunities.

69 AAH-US' nutrition survey in Nyirol County in September 2007 reported a Global Malnutrition Rate of over 17% and a Crude Mortality Rate of 1.24/10,000/day, both above internationally recognised (WHO) threshold rates for emergencies.

development assistance, where generally the context does not require large-scale relief interventions nor is it yet conducive to development processes (this theme is elaborated in the Juba section of the report). Each approach operates from distinct humanitarian and development sets of assumptions over how, and to what extent, assistance operates through or around government institutions – a problematic situation considering these institutions are only emerging in the case of South Sudan.

Consequently, in an attempt to move beyond the ‘awkwardness’ of the transition period towards early development (or remain locked into war-time humanitarian responses), actors overlook the fact that the context to address is the *transition* from war to peace, and that these ‘in-between’ conditions are likely to persist for longer than envisaged. Although the assistance architecture should reflect these special circumstances, the organisation and instruments of aid are still struggling to meet this challenge. This is partly reflected in the aid architecture, the funding instruments made available and the range of agencies and therefore competencies available for the programme mix required.

South Sudan is clearly facing a long struggle to attain the levels of autonomy it desires in terms of governance and economic productivity. With the exception of some relatively stable areas, the pre-CPA situation for most people was a matter of subsistence or survival; ‘even if you did something, somebody else would come and destroy it.’ A discernible change in outlook over the past three years is seeing a growing interest in wanting to plan for the longer term. However, this shift is emerging after years of volatility, uncertainty and neglect, with external assistance dominated by humanitarian aid instruments.<sup>70</sup> Change needs vision, belief and discipline to realise goals. Settled communities were often found to be confined by the isolation and habits of survival inculcated during war, whereas returnees were by and large spirited and keen to improve their lives. While modest but valuable practice is being built up through a number of NGO- and UN-managed interventions, the forward-looking outlook of returnees is not being sufficiently matched by appropriate responses – there is a sense that Southern Sudan is not harnessing the energy and evident desire of many returnees to establish themselves and become important agents in the transition to peace. Opportunities have been lost and there is an urgent need to engage more assertively.

Although a small but growing amount of donor funds is focusing on medium-term recovery initiatives, the wider programme to date has largely been filtered through the planning and assessment frameworks provided by the UN and

<sup>70</sup> The much-reported resistance among communities to participating in initiatives to assist recovery was frequently attributed to sustained exposure to humanitarian relief. However, less acknowledgment was given to the more rooted cultural view – and corresponding work ethic – of pastoral societies that traditionally (even spiritually) value livestock as a superior source of livelihood.

Partners Work Plan (WP). The other major undertaking was the Joint Assessment Mission (JAM), outlining key post-war recovery priorities, but which appears to have faded as a living document. The former is intended to assess short-term needs, and the JAM to guide the government’s longer-term programme for change. Reflecting these perspectives, the dominant pooled funding mechanisms have been the Common Humanitarian Fund (CHF), based on the WP, and the Multi Donor Trust Fund (MDTF), presumed to be based on the JAM. While the intention was that they complement each other, this never really worked in practice, and as a result many opportunities were lost in the first three years of the Interim period. There is still frustration that the MDTF is not responding quickly enough. There are attempts to introduce a new Sudan Recovery Fund (SRF), which aims to fill the funding gap between humanitarian and development programming. However, based on the experience of existing pooled funds, and the fact that a state like Jonglei requires a substantial amount of the funds pledged for the SRF so far (\$70m over the next three years), not to mention the level of need in other states, these funds are likely to be rapidly exhausted. The mechanism will call for proposals from the states but review them centrally, and it is expected to be linked on the GOSS’s Budget Sector Working Groups. Early indications suggest that the SRF will need further work to convince actors that it will serve more than just UN agency interests.

## 15.2 Coordinated responses for return and reintegration

Jonglei is a vast and isolated state and the challenges to reintegration are immense. Given these conditions, it is essential that mechanisms to assist returnees and residents are joined up and structured in a manner that effectively maximises scarce resources and reinforces and augments state government responsibilities. Outside of the coordination machinery in Juba, which from the perspective of actors interviewed appears remote from the realities on the ground, mechanisms in Jonglei mostly deal with sectoral implementing partners who have road access to Bor Town (south-west corner). Two working groups with particular relevance to reintegration are based in Bor Town. The first is the Returns Working Group, which is supposed to be bolstered by reception committees in each payam. According to participants, the working group functions more as a forum for information and less as a vehicle to analyse trends and plan reintegration strategically. Reception committees operate in areas close to Bor Town, but fade thereafter.<sup>71</sup> The second is the Protection Working Group, the effectiveness of which was questioned by study participants.

Outside of the state government, which has limited capacity, what resources there are for coordination and overall planning reside with the UN Resident Coordinator’s Support Office (UNRCSO) and UNMIS. When the RCSO structure was introduced over a year ago, it was one of the few institutions

<sup>71</sup> Dedicated supervisors for returns, where they exist, are paid by the county authorities but managed under the SSRRC to track data.

promising to be forward-looking in terms of promoting a recovery agenda. Implementation however appears to have been mixed, and its usefulness is reported to be contingent on the calibre of the coordinators at the state level. There is still uncertainty over the direction the office is taking. Though there is consensus that it needs to be strengthened significantly at the state level, there are doubts over whether it will be funded. Experiences in Jonglei illustrate how far the initiative still needs to go to truly have an impact on the approach towards and cohesiveness of reintegration and return activities. In particular, the state office of the Resident Coordinator:

- convenes interagency meetings, but many participants questioned the value of participation. High staff turnover is also undermining the consistency needed for these meetings;
- struggles to bring the UN country team (UNCT) closer together. This is partly due to the autonomous nature of UN agencies and the limits of the RCSO's mandate (it cannot speak on another UN agency's behalf or raise any serious concerns over performance). Furthermore, UNCT members question whether either the RCSO or DPKO can be effective as coordination bodies. Culturally, some UN agencies believe that only operational actors – WFP, UNICEF, UNHCR – should lead (reflecting for example practice in humanitarian contexts and preferences for the system of clustered coordination);
- has to deal with divergences in the quantity and level of representation among UN agencies based in the state, with varying degrees of decision-making power;
- appeared to struggle to establish a clear counterpart within the state government. Although the government has experienced flux during its inception stage, the dominant relationship remains with the state SSRRC office – an understandable but unwelcome association considering SSRRC is not formally part of the state government, focuses on return and humanitarian issues (rather than recovery), and is viewed by many state government personnel as a 'throw-back' to the war years under OLS when a similar office was the sole rebel interlocutor with the international assistance community.
- needs assistance in describing and consolidating the functional relationship between itself and UNMIS. Cross-over functions are reported to be useful,<sup>72</sup> such as seconding UNMIS staff to the RCSO; and
- expected to be all things to all people and receives little operational support, yet lacks a coordination policy (such as OCHA has for humanitarian coordination).<sup>73</sup> By now, however, there is an expectation that the experiences of the RSCO would have demonstrated added value and

brought practical experiences to state coordination and the recovery agenda generally.

The overall impression was of a UN presence that has yet to fully establish itself in Jonglei beyond the UNMIS base, located outside Bor Town and guarded by UN military personnel. Other UN agency offices are not complete and few senior personnel were reportedly making visits. Overall, the combined structures appeared weak and poorly resourced with few experienced staff, and were not providing the incentive and added value needed to attract wider and deeper participation from other contributing agencies. In any case, UN agencies still maintain divergent approaches in Sudan, and do not always follow the planning frameworks that are supposed to guide the recovery programme.<sup>74</sup> The pressure on resources is telling as the demand for services continues to outstrip aid supplies. FAO coverage in Southern Sudan is growing, for example, but targeting fewer people as a result (partly due to funds but also the lack of competent operational partners), and thus unable to do the level of monitoring required. To control budgets, some agencies are being forced to employ UN Volunteers or are deciding against establishing offices in the states (UNICEF), reducing their presence and, by implication, effectiveness. WFP is perhaps the only agency engaging with all of the 11 counties, and UNHCR has dominated the return and early reintegration sector in select counties only. The future role of UNHCR needs serious and open discussion as refugee numbers decline, considering the gap that may develop should they withdraw.

### 15.3 Recommendations

Drivers of recovery (legislation, credit, income generation, retraining/re-skilling), have been slow to establish and, in many cases, have yet to be put in place. The depressed and war-damaged economy is demanding creativity and a menu of custom-made interventions to bring about new opportunities and greater food and livelihood security (through policies, security, infrastructure, technical competencies, etc.). According to returnees interviewed, this is just not happening at either the scale or mix required to make substantial differences and create a momentum for regeneration.

More generally, little consensus was found on the orientation and emphasis of international actors during the transition period. 'Recovery', for example, may signify a general orientation of intent or denote specific types of activities. Some actors highlight the dangers of even discussing 'recovery' whilst minimum humanitarian needs are still not being adequately addressed – arguing that making a hasty shift towards longer-term interventions, and deploying more capital intensive developmental approaches, misses the point in terms of humanitarian realities on the ground. There is an urgent need to review where the assistance programme is

<sup>72</sup> There are plans to switch the RCSO function over to UNMIS while keeping it answerable to the Resident Coordinator, which might improve relations with the mission and enhance access to resources. UNMIS normally deploys Humanitarian Liaison Officers – seconded to RCSO – in each state, but this is not the case in Jonglei.

<sup>73</sup> For example, in instances where the office has taken a favourable role in support of NGOs, this is not its stated function.

<sup>74</sup> UNDP for example still operates on a 50-50 budget share basis between the North and the South despite the greater needs in the South.

heading, to complement the advances being made at the level of the Juba regional government, and plan towards a vision of peace beyond the end of the 2011 Interim period.

- Awareness and consideration of conflict and public security, and its potential to impact upon the CPA, has been late evolving and as yet is not entering into the mainstream programming for reintegration and recovery. Planning processes and assistance organisations should incorporate conflict sensitive approaches regardless of whether they are directly addressing conflict issues in their work as a matter of course.
- In the absence of an adequate understanding of the structure and process of the conflicts and instability found in the state, the study noted the extent to which Jonglei has acquired sometimes one-dimensional negative images of pervasive chaos to the point that has tainted perceptions, dissuading actors from fully engaging with its fundamental issues ('why bother investing in return or recovery until such time as it has stability and is ready,' reflects remarks made). This image needs to be balanced by depictions of more positive developments in the state.
- Key interventions such as roads will be critical in transforming the physical environment, but to make meaningful progress, a significant leap needs to be made in Jonglei from implementing essentially random projects

(that essentially fill gaps) to the type of institutional investment required with the state government to set in motion strategies and actions for long-term livelihood recovery. This approach will require not just targeted funding, but aid mechanisms and organisational competencies appropriate for the task.

- The study found evidence among officials of a growing recognition that not all returnees will return to their places of origin, raising questions over the GOSS policy that everyone should return to their home areas ('there are people who still didn't come back after the first war,' recalled a senior administrator). SSRRC should lead a reassessment of the current return and integration framework to make sure existing policies embrace these realities and guide responses to the dilemmas arising from urbanisation, the integration of IDPs within local – sometimes culturally divergent – societies, and consider status of IDPs who may not have returned south before the end of the Interim period.

As well as the immediate challenges returnees and residents are facing, perspectives through the reintegration study have raised troubling questions about what Southern Sudan has in store for its citizens in the decade to come, and whether the foundations for long-term peace are being put in place. Now is the time to confront these issues candidly.

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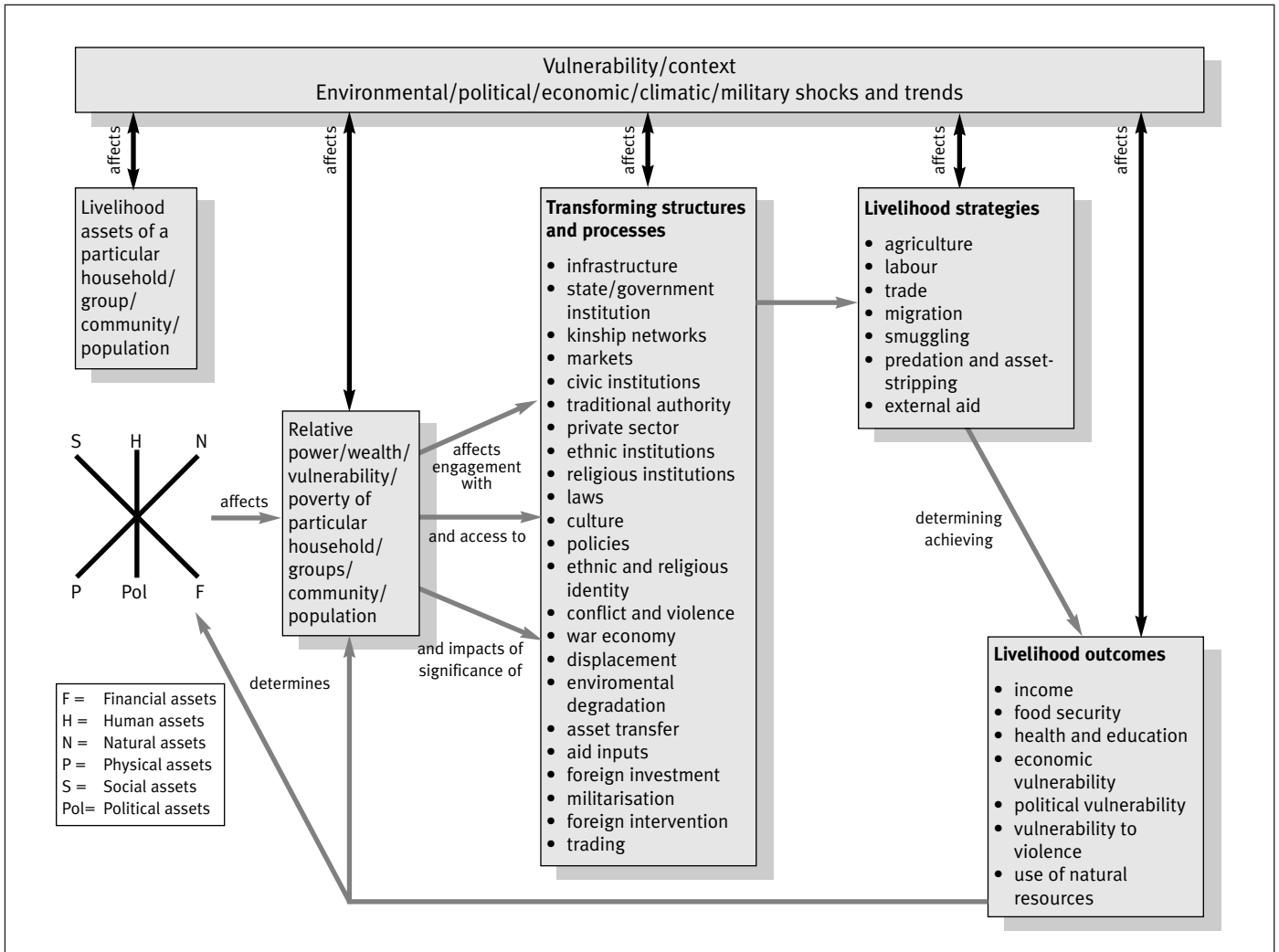
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# Annex 1

## The Sustainable Livelihoods Framework in Situations of Conflict and Political Instability



Source: Collinson, 2003: 20.



## Annex 2

# Current procedures to acquire new land in Juba town

The state Ministry of Physical Infrastructure is responsible for the administration of classes one to three and for providing services in those areas. The administration of class four settlements is devolved to the payam administration (the upgrading of class four settlements has deprived payam administrators of an important source of revenues). The Ministry has outlined a process to acquire land in Juba, though the Ministry itself acknowledges that there is lack of clarity about procedures. The process has a number of steps:

- 1) the claimant submits an application for a plot to the Ministry of Physical Infrastructure of Central Equatoria State;
- 2) the Ministry approves it and transfers the request to the Land Department;
- 3) the Department allocates land to the applicant, and directs him/her to the Survey Department;
- 4) the Survey Department registers the allocation and sends the applicant to the Land Registry, which is housed in the Judiciary;
- 5) the applicant returns from the Land Registry to the Survey Department which send a surveyor with the applicant to the plot, to identify it, and confers ownership;
- 6) the owner is given one year to build on the plot if it is class three (though extension of this timeframe is under discussion).

The process is long and expensive. The overall cost for a third class plot is SDG 350, and for a first class plot is SDG 500SP. This includes SDG 100 for the application form from the Land Department, SDG 20 for the certificate of ownership from the Land Registry and SDG 62 for the measurement of the plot size and an official receipt from the Survey Department. Yet people are confused: they feel that despite the official paperwork, they need to have the blessing of Bari elders to build on a piece of land. In a number of areas land allocation and registration continue to be carried out by the chiefs. This is the case in Gudele (block eight), where land is being registered by the son of the local chief.



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