

RESETTLEMENT, RESOURCE CONFLICTS, LIVELIHOOD REVIVAL AND REINTEGRATION IN SOUTH SUDAN

A STUDY OF THE PROCESSES AND INSTITUTIONAL ISSUES AT THE LOCAL
LEVEL IN MAGWI COUNTY

BY N. SHANMUGARATNAM

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**Department of International Environment and Development
Studies, Noragric
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LIST OF ACRONYMS

SSRRC	South Sudan Relief and Rehabilitation Commission
UNHCR	United Nations High Commission for Refugees
GTZ	<i>Deutsche Gesellschaft für Technische Zusammenarbeit</i>
INGO	International Non-Government Organisation
NGO	Non-Government Organisation
CPDS	Centre for Peace and Development Studies (Juba University)
UMB	Norwegian University of Life Sciences
CPA	Comprehensive Peace Agreement
IDP	Internally Displaced Persons
SPLA	Sudanese People's Liberation Army
SPLM	Sudanese People's Liberation Movement
GOSS	Government of South Sudan
GOS	Government of Sudan
LRA	Lord's Resistance Army (Uganda)
IOM	International Organization for Migration
FAO	Food and Agriculture Organization of the United Nations
IDMC	Internal Displacement Monitoring Centre
ADRA	Adventist Development and Relief Agency
WFP	World Food Programme
UNICEF	United Nations Children's Fund
CBR	Community-based reintegration
CBRP	Community-based reintegration programme
RLRR	Resettlement, livelihood revival and reintegration
CRS	Catholic Relief Society
MASARA	<i>Non-government organisation based in Magwi</i>
VCT	Vocational training centre
PLB	<i>Payam</i> Land Board
CIDA	Canadian International Development Agency
DANIDA	Danish International Development Agency
ODI	Overseas Development Institute (U.K.)

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Map of Sudan



EXECUTIVE SUMMARY AND RECOMMENDATIONS

The present study focused on resettlement of returnees, resource conflicts, reintegration and livelihood revival in Magwi. The situation in Nimule was studied in some depth with a view to construct a more detailed picture of the complex situation that had developed due to war-induced migrations and the post-CPA challenges of resettlement, reintegration and livelihood revival. The study was framed with due consideration to the larger post-CPA context in S. Sudan. It unravels some key aspects of the social-political-economic dynamics at the local level in a way that makes it relevant to policy, institutional change and capacity building in S. Sudan. The following concluding remarks while stating the main conclusions also offer ideas for further action.

- **Resettlement and livelihood revival are not a return to *status quo ante***

The study shows that resettlement and livelihood revival are not a process of return to *status quo ante*. Prolonged displacement had impacted on the lives of the displaced (both IDPs and refugees) in various ways, and the conditions in the areas they fled had also changed due to the destructive effects of the war as well as subsequent influxes and temporary or permanent settlement of displaced people from other parts of S. Sudan. These changes have their implications for (re)integration. This phenomenon, however, has its spatial and temporal variations as the situation in Magwi County shows. The area designated as Magwi County is ethnically more diverse now than before the war and is likely to remain so in the future, while Acholis and Madis will remain the first and second largest ethnic groups. However, it is only in one of its six *Payams*, i.e. Nimule, that the impact of the presence of an ethnically different group of IDPs is most acutely felt, in regard to land rights, power relations and inter-communal tension. Even though reclaiming their original lands did not pose any major problem for the majority of returnees in the county, all of them had to establish themselves on the land and start building their livelihoods from scratch under changed circumstances. This ongoing process is uneven depending on the resourcefulness of the household and access to inputs including seeds and tools. Madi returnees were not fully prepared to come to terms with the reality of their native land being occupied by Dinka IDPs, although they were aware of the situation before their return. These returnees find themselves in a dramatically changed socio-economic and political context.

- **Madi-Dinka resource conflict – a challenge to the authority and legitimacy of local institutions**

The Madi-Dinka conflict over land poses a challenge to the authority and legitimacy of the local institutions such as the Land Board (*Payam* level) and the Landlord Committee (*Boma* level). This is because of the open disregard for these institutions displayed by the Dinkas, who wield political and military power because of their close alliance with the SPLA, and who have reconstituted their own community institutions to manage their affairs. Indeed, the latter are socially embedded institutions of the Dinkas. However, the Dinkas' collective disregard for the local socially embedded institutions that govern land resources has rendered the land conflict highly intractable and led to a socially unhealthy

institutional impasse. The traditional herding practices of the Dinkas are not compatible with the farming practices of the Madis. Local leaders and county level officials see repatriation (under the agreement of January 2009) as the way out of the impasse. However, it is not easy to foresee when the conditions in Bor would become secure enough for large scale repatriation of the Dinkas. On the other hand, the findings of the present study suggest that many of them may opt for permanent settlement in Nimule. In any case, the institutional impasse over the land conflict calls for an effective policy intervention for a reasonable solution.

- **Madi-Dinka tensions –need for demilitarisation, equality, mutual respect and reconciliation**

The institutional impasse cannot be satisfactorily addressed without being linked to a demilitarisation of the social environment in Nimule by disarming the IDPs who are armed and by ensuring that the SPLA soldiers do not abuse their power or act in ways that encourage the IDPs to disrespect local authority and customs. These changes along with effective external mediation are likely to help create a more equal relationship between the two communities and pave the way for mutual respect and reconciliation, as long as the Dinkas stay in Nimule. These steps are the vital necessary conditions for the integration of the two communities. It may be added that the institutional impasse over resource conflicts at local levels in post-CPA S.Sudan is not exceptional to Nimule as there is evidence to show that it is a wider phenomenon. This makes it all the more important that it is addressed as a policy issue by the GOSS in collaboration with county and local level officials and representatives.

- **Weak link between relief and livelihood revival**

The food relief and the assistance for resettlement and livelihood revival would seem to have benefited a significant section of the returnees, although this could not be quantified due to lack of data. It was also evident that many have been fully or partially left out of these forms of assistance. Another complaint heard in the field is that non-displaced were not targeted by agencies providing the assistance. The study has highlighted the fact that the approach of providing food relief only for three months for every recipient household irrespective of its capacities/vulnerabilities and circumstances of return was not realistic, though easy to implement. It appears that the link between relief and livelihood revival was seen rather mechanistically in a ‘one-size fits all’ manner by donors and concerned agencies of the GOSS. The relief needs of households varied according to their states of endowment (resourcefulness) and obviously the more vulnerable ones needed relief for longer periods while struggling to build their livelihoods.

- **Food insecurity and limited opportunities for livelihood diversification**

The highly food insecure groups included female headed households, voluntary returnee households that were not part of the organised return, and returnees who were unable to get their lands back and hence still living in temporary shelters on lands belonging to their relatives and friends. In 2008-2009 food insecurity was more widespread due to crop failure caused by drought. Opportunities for

livelihood diversification to overcome food insecurity are limited. Food insecure households were struggling to find one daily meal.

- **Seeds, tools and technological constraints**

The seeds and tools projects had helped an unknown but a substantial number of households to revive their farming activities. However, there were numerous complaints about the inadequacies of this important intervention. Seed security remains a major problem in the county as a whole, and needs to be addressed as a priority in a systematic and community based manner. Seed security needs to be linked to food security. Availability of appropriate short maturing and drought resistant varieties for a diversity of crops can go a long way in helping food insecure farm households to move towards food security. Making the seeds available at the right time is of crucial importance in order not to miss the planting season. Increasing the supply of farm tools is of utmost importance for land preparation as this will enable more effective use of labour for land preparation and planting larger areas in time. Farm output and labour productivity enhancement are constrained by the current technique of land preparation. There is room for improvement of farm technology to raise livelihood security in sustainable ways. The prospects of adopting ox-plough technology are worth exploring. Crop damage caused by pests (wildlife, cattle and other pests such as birds and insects) and diseases need to be minimised too.

- **Reintegration – a retroactive, weak link**

Reintegration of returnees and non-displaced people is going on as a spontaneous process at the local level within the same ethnic group such as Madi-Madi and Acholi-Acholi. GTZ has initiated some reintegration-linked projects such as the micro credit scheme and adult literacy programme for women. GTZ's other projects such as seeds and tools, school uniform production for children are also linked to reintegration. It was too early to assess the impact of these interventions at the time of our fieldwork as they had just been initiated or were in the process of being initiated. The point, however, is that reintegration projects were introduced at a later stage as an afterthought and their conceptual and practical links to resettlement and livelihood revival remained weak.

- **Planning, coordination and follow up**

While organised return was quite well planned, there has been a lack of planning and coordination of resettlement, food relief and assistance for livelihood revival. Several INGOs and local NGOs were engaged in the same activities without any effective interaction let alone coordination between them. There did not seem to be any monitoring and follow up of the assistance at local and aggregate levels. This situation is a reflection of the capacity constraints of the GOSS at county and local levels.

- **Institutional and capacity constraints of governmental agencies**

The agencies of the GOSS are poorly staffed both in terms of the number of personnel and their capacities to perform the tasks assigned to them at the county

level and below. The need for capacity building of the existing staff and for recruitment to fill the personnel need cannot be overemphasised. Agencies responsible for agricultural development, resource conflict management, intra- and inter-communal integration and human capacity development deserve to be prioritised. Given the asymmetric gender relations and women's (gender-specific) vulnerabilities, it is important to pay particular attention to capacity building for women at various levels.

- **The importance of customary institutions and their capacity needs**

The revival of customary institutions responsible for land resources governance has been impressive and the role they play in resettlement, livelihood revival and reintegration is indispensable. However, the tasks they have to handle have expanded in the post-war situation, particularly in relation to resettlement and enforcement of land rights. They also need to be prepared to handle new issues that are likely to emerge with the expansion of towns and infrastructure development. The members of the *Payam* Land Board and *Boma* Landlord Committees can benefit from capacity building workshops on these areas and the interpretation and implementation of the Land Act of 2009. It is also important to create awareness of the provisions of the Land Act among women and men as regards women's rights to land.

- **Health and Education**

Health and education were not covered in any detail by this study. However, their importance was all too obvious in the field. These sectors are poorly and geographically unevenly developed in the county. Health and primary and secondary educational facilities are better in Nimule than Magwi and other *Payams*. The only hospital in the county is located in Nimule and is run by a health INGO. The capacity of the Teacher Training Institute at Arapi needs to be expanded to train more teachers. GOSS has to play a much more active role in developing the basic health and educational services in the county as a whole.

- **External agencies-S. Sudanese agencies: need to shift from external trusteeship to local ownership**

This study draws attention to the asymmetric relations between the international agencies assisting resettlement and livelihood revival on the one hand and the concerned governmental agencies and local customary institutions on the other due to inequalities in resources and capacities. In reality this asymmetry has turned into a form of trusteeship in which the external actors are playing the role of trustees and leading the processes of resettlement and livelihood revival, which are highly dependent on their financial and professional resources. Indeed they are aware of the asymmetry and some of the officials appeared keen to change it in ways that will enable the local agencies and communities to exercise full and effective ownership of the process. However, this cannot be achieved without raising the capacities of the local agencies and communities to play the roles expected of them.

RECOMMENDATIONS

a) Madi-Dinka relations in Nimule:

The Madi-Dinka tensions and the institutional impasse in Nimule need to be addressed by GOSS with a view to demilitarise the social environment, bring about a more equal and harmonious relationship between the two communities as citizens of the same country, and to make the Dinkas give due respect to the local institutions governing land resources. The assistance of a professionally competent civil society organisation acceptable to both communities may be sought to mediate and promote reconciliation between them.

b) Coordination and follow up of resettlement, livelihood revival and reintegration projects:

GOSS may authorise the County Commissioner to set up a mechanism at the county level with links at *Payam* levels to coordinate the projects of governmental and non-governmental agencies on resettlement, livelihood revival and reintegration and to monitor progress and ensure necessary follow up actions. The same coordinating mechanism should be mandated to collect, systematise and regularly update data on these activities to enable future planning.

c) Seed security

GOSS in collaboration with concerned donors and NGOs may take action to enhance seed security of farm households at the community level. Seed security should be linked to food security. Appropriate short maturing and drought resistant varieties of a diversity of crops such as sorghum, cassava, maize, sesame and vegetables should be promoted. Making sufficient quantity of seeds available at the right time is of utmost importance.

d) From Hand tools to Ox plough

There is a need to explore the prospects of adopting the ox plough technology that is already being used in other agricultural areas in Equatoria. This technology can help raise labour productivity and the extent of land cultivated and thereby help enhance food security and even generate marketable surpluses, given the favourable climatic conditions for farming in the region. Surplus production in good years and building a stock of food supply would also enable households to tide over drought years.

e) Crop protection

Steps need to be taken to minimise crop damage caused by wildlife (mainly elephants from Nimule National Park), cattle and other pests.

f) Capacity Building

Capacity building for post-war recovery and development should be prioritised and acted upon with a sense of urgency. Agencies responsible for agricultural development, resource conflict management, intra- and inter-communal integration and human capacity development deserve to be given high priority. The Vocational Training Centre in Magwi should be reorganised and revitalised with sufficient professional and financial resources to make a

much bigger contribution to human resource development. Raising the capacities of governmental agencies and community institutions is a necessary condition to achieve a more balanced relationship with donor agencies and for S. Sudanese organisations to exercise effective ownership of post-war development. The need for capacity building for women deserves special attention.

1. INTRODUCTION

The Comprehensive Peace Agreement (CPA) of 2005 between the Government of Sudan (GOS) and the Sudanese People's Liberation Movement/Army (SPLM/A) marked a new beginning for South Sudan, which was ravaged by a protracted civil war since 1983. The establishment of the interim Government of South Sudan (GOSS) and the formation of a Government of National Unity with the SPLM as a partner in Khartoum in the same year appeared to hold many a promise for the country as a whole. These developments constituted a strong pull-factor for the millions of Internally Displaced Persons (IDPs) and hundreds of thousands of refugees to return to their home areas in South Sudan. In 2005, Sudan had more than four million IDPs – the largest internally displaced population in the world – due to the wars in the south, Darfur and other parts of the country. In addition, there were more than half-million Sudanese refugees, mostly in neighbouring countries such as Ethiopia, Uganda and Kenya. Inter-communal and inter-ethnic conflicts, attacks by the Ugandan Lord's Resistance Army (LRA) and intermittent famines had also contributed to displacements including long-distance migration.

The post-CPA return migration of IDPs and refugees was voluntary but involved two different processes: individuals/families returning on their own, which constituted the vast majority of the returnees,¹ and organised return supported by the UN, IOM, GOS and GOSS. By the end of 2009, the total returnee population (IDPs and refugees) was over two million. The scale of return migration and the consequent demands of resettlement, reintegration and livelihood building have been posing many logistical, political and socio-economic challenges to the newly established GOSS, local communities and institutions, and the international agencies concerned. The GOSS, the States, and local institutions and communities are struggling to cope with the ever-increasing demands on resources and organisational and human capacities that accompany the return migration in different parts of S. Sudan, although the magnitudes of these demands vary from area to area. This challenge is further complicated in areas which have been experiencing return migration while still having considerable numbers of IDPs, who are not keen to return to their original homes for various reasons. These areas are also characterised by resource conflicts between the IDPs and the non-displaced local communities. Such resource conflicts are particularly serious where the IDPs practise pastoralism in areas in which the local communities have long been engaged in settled arable farming. These conflicts have become more widespread and intensified with the return of the internally displaced and refugees to these areas – which they fled during the war and where they had their lands and homes. The returnees find their lands occupied by IDPs who had moved into their villages and towns after they fled them. There are conflicts due to competing land uses and over land rights and land allocation, both of which come within the purview of local customary institutions. These conflicts often turn into ethnic conflicts, where the IDPs and locals belonged to different ethnic groups. In areas that had been the sites of multiple and long-term displacements and influxes of IDPs of diverse ethnicities, the customary institutions are under severe stress due to the unprecedented scale and complexity of the problems they have to deal with. Furthermore, the role of these institutions is being mediated, if not redefined, by the agencies set up by the GOSS to deal with land issues.

¹ According to a UN official, this category accounted for about 80 percent of the returnees.

The present study addresses the problem outlined above by investigating ongoing processes of resettlement and reintegration of returnees with reference to resource conflicts, land rights, livelihood revival and with a focus on the institutions and their capacities at the local level in Eastern Equatoria. It locates the problem at the local and county levels within the larger context of post-CPA South Sudan.

Fieldwork was carried out in Magwi County of E. Equatoria in August and October-November 2009. Nimule *Payam* of the county was chosen for deeper investigation at local levels. Some additional fieldwork was carried out in Magwi *Payam*. Field visits were also extended to other parts of the county to form a broader picture. The county was purposively chosen for the following reasons. The vast majority of the residents of Magwi had experienced displacements and large-scale migration to neighbouring Uganda where they spent many years as refugees before returning in small and big streams to their native areas after the CPA. While there were mass exoduses of the native Acholi and Madi communities to Uganda during 1989-1996, there were influxes of IDPs into Magwi County from other war-affected parts of South Sudan. In 1991, large numbers of displaced Dinka pastoralists from Bor (in Jonglei State) migrated to Magwi. Most of these Dinkas finally settled in and around Nimule at the southern end of the County in 1994. The Dinkas were able to occupy large areas of Nimule quite easily as most of its native Madi people had already moved across the border to Uganda. There were, however, emerging resource conflicts and social tensions between the new pastoralist migrants and the remaining natives who are traditional farmers. The Dinka IDPs occupied the lands in and around Nimule town and along the road to Uganda. They acquired cattle and practised their traditional herding which affected the farming by locals. The resource conflicts and tensions escalated after the refugees returned and claimed their lands. Resettlement, reintegration and livelihood revival encounter many challenges in these circumstances.

The analysis of the larger post-CPA context presented below is based on a review of available studies and on interviews with officials of the GOSS, UNHCR, IOM, and GTZ, colleagues at the Centre for Peace and Development Studies, University of Juba and some other knowledgeable local sources. The fieldwork in Magwi County consisted of interviews with government officials including the County Commissioner, the resident senior GTZ official, *payam Chiefs*, key officials of customary institutions dealing with land issues, other local leaders, and group and individual interviews with returnees, IDPs and non-displaced.

2. POST-CPA SOUTH SUDAN AND THE CHALLENGE OF RESETTLEMENT AND REINTEGRATION

2.1. RESETTLEMENT AMID TURMOIL

Resettlement and reintegration of IDPs and refugees and enabling livelihood revival are official priorities in South Sudan's post-war development and peacebuilding. The GOSS and aid agencies have been endeavouring to meet the multiple challenges thrown up by these priorities as best as they could. However, the ground realities in the region are characterised by high levels of human and livelihood insecurity, and woeful inadequacies of governmental and aid agencies to address these priorities in effective ways. To be fair, these inadequacies need to be seen and understood in the historical context of decades of war and underdevelopment experienced by South Sudan, which 'is roughly the size of France, but has little more than 50km of tarmac road.'² There is no question that the role played by the aid agencies in repatriation of refugees and assistance to returnees is remarkable. For instance, UNHCR supported the GOSS in the repatriation of more than 135,000 refugees through four repatriation corridors between 2005 and 2008. This was a major undertaking involving tripartite agreements with five different neighbouring countries.³ Similarly, IOM and its partners have assisted the return of large numbers of IDPs. The FAO has been extending support to the supply of seeds and tools to returnees. Several INGOs have been providing assistance to resettlement, livelihood revival and establishment of health and other social services in different parts of S. Sudan. Officials of the GOSS acknowledge and appreciate the external support. On the other hand, it can be inferred from various reports that the GOSS and aid agencies were not well prepared in terms of professional and financial resources to deal with the needs of large-scale resettlement and reintegration in different areas, even though they were not unaware of the magnitude of this challenge.⁴

It would seem that the GOSS had assumed that all returnees would choose to return to their original areas of residence and that the local community leaders and County and *Payam* level officials were capable of facilitating their resettlement. However, in many instances, the spatial movements of the returnees turned out to be more complex due to local and inter-communal conflicts, which invariably were over land resources, and due to personal choices of returnees. Moreover, as already mentioned, the governmental and customary institutions concerned lacked the capacity to effectively handle the resettlement of large populations of returnees.

'The authorities in Southern Sudan', observes a study by IDMC, 'have so far focused exclusively on return to areas of origin as the only durable solution for IDPs and returning refugees. However, many IDPs would prefer to integrate in the towns they fled to, or to settle in other urban areas, to better access services and livelihoods.'⁵ The same study also highlights some of the other problems related to displacement and resettlement such as widespread land grabs and illegal land sales, forcible

² Joint NGO Briefing Paper, January 2010: 17

³ Duffield et al, 2008.

⁴ IDMC, 2009; Oxfam 2010; HPG, 2008; Duffield et al, 2008

⁵ IDMC, 2009: 7

occupation of community land by soldiers of the SPLA, and the violation of the principle of free and voluntary return by some local authorities who demolished the homes of IDPs without giving them sufficient notice.

Inter-communal conflicts over resources tend to turn violent quite easily due to the large supply of small arms among civilians in post-war South Sudan. 'Many of these conflicts', as reported by Human Rights watch, 'have deep historical roots and erupt in predictable cycles and locations.'⁶ While the poor progress in disarmament of civilians and demobilisation of former soldiers is a factor contributing to the turmoil, the more fundamental issue of weak or non-existing structures of post-war governance of resources in conflict areas remains to be addressed by the GOSS. In more recent times (2008, 2009), violent conflicts have flared up in Warrap, Unity, Jonglei, Eastern Equatoria, and Lakes State.⁷

2.2. REINTEGRATION: MEANINGS AND POLICY ISSUES

Officials of the GOSS and international agencies in the field stress the importance of reintegration of the returnees. However, beyond this broadly stated concern, 'reintegration' seems to mean different things to different individuals and organisations. The social instability caused by conflicts and people's movements in search of human security and livelihood opportunities seem to have added to the complexity of reintegration. 'Reintegration' implies a reunion or a coherent regrouping of a community that disintegrated due to war and displacement. However, in many parts of S. Sudan return processes also involve integration of different groups for the first time. It would seem that in S. Sudan 'reintegration' is used rather loosely to cover both phenomena.

Among the international agencies, UNHCR has been actively engaged in contributing to reintegration. It defines reintegration as '*the progressive establishment of conditions which enable returnees and their communities to exercise their social, economic, civil, political and cultural rights, and on that basis to enjoy peaceful, productive and dignified lives.*'⁸ The GOSS offers the following definition of reintegration in the Land Act of 2009: Reintegration '*means the re-entry of formerly internally displaced persons into the social, economic, cultural and political fabric of their original community.*'

These two definitions have some common elements but their differences are more substantial. Both mention the social, economic, cultural and political aspects. UNHCR's definition is explicitly normative and more open ended while stressing the dynamic nature of reintegration and articulating the different aspects in terms of rights to 'peaceful, productive and dignified lives.' Based on this definition, UNHCR reviewed its past approaches and experience in other post-war situations and adopted a new policy in 2008. 'Experience has shown', says the new policy document, 'that return and reintegration is not a simple reversal of displacement, but a dynamic process involving individuals, households and communities that have changed as a result of their experience of being displaced... Reintegration does not consist of

⁶ Human Rights Watch, 2009: 17

⁷ *ibid*

⁸ UNHCR, February 2008: 1

“anchoring” or “re-rooting” returnees in either their places of origin or their previous social and economic roles. For example, refugees and IDPs who have experienced urban or semi-urban lifestyles during their period of displacement may well move to towns and cities upon their return.’⁹ Furthermore, the new policy is based on a ‘community and area-based approach to reintegration that makes no distinction between returning refugees, IDPs and the members of the resident population.’¹⁰ The point made is that all these different groups are equal stakeholders in integration. However, as noted by Pantuliano et al (2008), ‘reintegration’ can be a misleading term ‘where the process is 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.’¹¹ It is worth stressing the view that (re)integration is about building relationships, trust and, among other things, participating in local governance structures.

In contrast to the UNHCR’s definition, GOSS’s Land Act of 2009 limits reintegration to the ‘re-entry’ of IDPs into their ‘original community’. While there is no mention of returning refugees, the assumption that all returnees would go back to their original community is rather unrealistic and inflexible, and the belief that reintegration is simply ‘re-entry’ reflects a lack of deeper understanding of the spatial, socio-economic and political dynamics of resettlement and reintegration and their links to land rights, livelihood revival and development. This seems to have contributed to a lack of coherence in GOSS’s approach to resettlement and reintegration. Indeed, GOSS was actively pursuing a policy of getting as many IDPs and refugees as possible back into their original areas in S. Sudan in anticipation of a population census and for other political reasons (see below).

However, UNHCR’s engagement with GOSS on reintegration might be having some influence on policy level discussions. In November 2009, the Executive Director of SSRRC told us that his organisation was mandated to implement a policy of 5Rs: Relief, Repatriation, Resettlement, Reintegration and Rehabilitation of all categories of returnees in collaboration with central and local governmental authorities, UN agencies, IOM, ADRA, INGOs and local NGOs.¹² Blaming the Khartoum government for delaying transfers of oil revenues and causing budgetary problems for GOSS, he said that 5R activities were heavily dependent on the World Food Programme (WFP) for food, UNICEF for children’s health and welfare programmes, FAO for the tools and seeds programme, and UNHCR and GTZ for reintegration activities mainly in Equatoria.

At the same interview, the Executive Director mentioned that S. Sudanese IDPs in the north were subject to indirect pressures not to return to their homelands and attributed it to a ‘double motive’ on the part of the northerners who were pressuring the IDPs as the latter’s departure meant the loss of a reserve of cheap labour for the north and a gain in population and votes for the south. ‘The North’, he said, ‘has been trying to prevent increase of southern population.’ He also said that an unknown number of returnees had gone back to the areas to which they fled.

⁹ *ibid*: 5

¹⁰ *ibid*: 2

¹¹ Pantuliano et al, September 2008: 2

¹² Interview held on 6 November 2009 at the SSRRC office Juba.

UNHCR, along with its partners such as UNDP and World Bank, has been taking initiatives to more effectively mainstream reintegration activities within nationally led development processes. These initiatives have yet to produce significant results due to inadequate funding and differences in priorities and planning cycles between humanitarian and development partners. While highlighting this shortcoming, UNHCR sets out the following key principles and practices as the basis of its reintegration policy.¹³

- National responsibility and ownership
- Rights, justice and reconciliation
- Participatory and community-based approaches
- Situational analysis
- Early preparation and planning
- Pragmatism and flexibility
- Factoring returnees and returnee areas into recovery programmes and funding

It must be noted that UNHCR's operations have mainly focused on returning refugees in some of the border states of S. Sudan (such as greater Equatoria, and Blue Nile)¹⁴ although its policy framework based on the above principles is relevant to resettlement and reintegration in general, i.e. both to returning IDPs and refugees. UNHCR's new policy was an outcome of an evaluation of its past policies and practices over many years. It is difficult to ascertain the actual influence UNHCR on GOSS's approach to resettlement and reintegration. However, the two are partners and in practice UNHCR is the leading actor in the reintegration operations initiated and funded by it. In the field, we have met some senior government officials who spoke approvingly of UNHCR's approach to integration while drawing attention to the many constraints they faced in adopting it in practice. A recent evaluation of UNHCR's returnee reintegration programme in Southern Sudan highlights key issues of policy, implementation and governance. Some of the findings of the evaluation are summed up and discussed as they are quite relevant to the present study.

2.3. UNHCR's REINTEGRATION PROGRAMME IN S. SUDAN

In September 2008, UNHCR's Policy Development and Evaluation Unit released an independent evaluation of its returnee reintegration programme carried out by a team led by Mark Duffield.¹⁵ The evaluation team, while giving credit to UNHCR for achieving a major success in supporting the voluntary repatriation of refugees and for the positive results in some of the reintegration activities, observed that 'more could have been done, and it could have been done better', regarding reintegration. The most relevant findings are summed up below along with the present author's comments:

¹³ *ibid*: 12-13

¹⁴ The states receiving most of the returning refugees are Western, Central and Eastern Equatoria, Jonglei and Upper Nile

¹⁵ Mark Duffield et al 2008

- ***Focus on repatriation and less emphasis on reintegration:***
This has been observed by other sources as well.¹⁶ GOSS was eager to have as many refugees and IDPs back in S. Sudan in view of the population census to be held early in the post-CPA period. There were other important political reasons as well such as the elections and the referendum scheduled for 2010 and 2011 respectively. The preoccupation with maximising the number of returnees pushed human security, resolution of resource conflicts, livelihood revival, reconciliation and reintegration to the back burner and thereby downgrading these urgent policy issues.
- ***Weak or non-existing government structures and competence***
The state in the South is 'more akin to a weak or fragile state' - although GOSS has the political will its capacity is limited which makes it highly dependent upon UN agencies and NGOs. Most of the government's income comes from oil revenues administered by GOS. About half of it goes to the SPLA and much of the balance goes to pay the wages of employees of central ministries. The states get very little and, moreover, their tax revenue base is limited while the administrative institutions are poorly staffed in terms of numbers as well as quality.
- ***Original programme reduced to some community-based reintegration (CBR) activities due to lack of funds***
UNHCR had originally envisaged a wide range of community-based training, livelihoods support and co-existence programmes which later had to be reduced to fewer and more basic CBR projects such as construction or rehabilitation of schools, health facilities and community boreholes.
- ***Skewed distribution of CBRPs and delayed reintegration interventions***
Initially, reintegration interventions (CBRPs) were concentrated in Central and Western Equatoria, which received organised returns from the Central African Republic and the Democratic Republic of Congo. Subsequently, organised returns to Eastern Equatoria began in a big way but UNHCR was unable to achieve an equitable distribution of CBRPs in proportion to the diverse scales of organised returns in Equatoria as a whole. For instance, Western Equatoria with 22 percent of the organised returns had more than 50 percent of the CBRPs whereas Eastern Equatoria with 35 percent of the organised returns had less than 20 percent of the CBRPs. Moreover, unlike in the west where reintegration support began in advance of returns, it was undertaken retroactively in the east.

¹⁶ Pantuliano et al, 2008

3. MAGWI COUNTY

3.1. BACKGROUND

Magwi is one of the eight counties of the State of Eastern Equatoria and covers 8,960 sq. km. Lying on the border of Uganda, it is the southernmost county in the State. An average annual rainfall of about 1200 mm and the mostly loamy black soils make the county suitable for agriculture. There are two cropping seasons: March-June and July-November. However, farming in Magwi and Eastern Equatoria as a whole is exposed to risks due to intra- and inter-annual variations in rainfall.

Administratively, a county in S. Sudan is divided into units known as *Payams*, which in turn are further divided into *Bomas*, the lowest administrative units which consist of villages. Magwi County has six *Payams* and 36 *Bomas* as shown below:

Name of <i>Payam</i>	Number of <i>Bomas</i>
Magwi	9
Pajok	5
Lobone	7
Pagiri	5
Nimule	4
Mugale	6

In this county, each *Boma* has 6-7 villages. The senior executive official of the county is the County Commissioner, who reports to the State's Governor. The different line ministries and the SSRRC have their offices in the county, even though they are poorly staffed (see below). Each *Boma* has a chief, who is elected by the local community. *Boma* chiefs elect their *Payam* chief and the *Boma* and *Payam* chiefs together elect the Paramount Chief. Thus the system of governance involves agencies of the GOSS and the traditional institutions of chiefs, who represent the communities at different levels from the *Boma* upwards. This emergent system of governance that combines formal state institutions with traditional institutions could perhaps be viewed as institutional pluralism. These two types of institutions – one belonging to the state and the other emanating from the community – need to collaborate on subjects such as land rights, resettlement and reintegration and local conflict resolution. The relationship between the two is evolving in a post-war, post-CPA context characterised by a range of challenges pertaining to resettlement, humanitarian relief, livelihood revival, land rights and organisational capacities. Furthermore, both have to work closely with international agencies including INGOs. We return to these issues in a later section.

The indigenous population of the county belongs to two ethnic groups, Acholi and Madi. However, it has become more multiethnic due to migration and relocation by different groups caused by the war. The Acholis account for 60-65 percent and the Madis over 30 percent of the county's population. Both are farming communities with their distinct linguistic identities and links to the Acholi and Madi communities in Uganda. Magwi, Pajok and Lobone *Payams* are predominantly Acholi while Madis dominate Pagiri, Nimule and Mugale. The largest internally displaced population living in Magwi County is about 9,000 Dinkas who are concentrated in Nimule and to

a much lesser extent in its neighbouring Madi *Payams*. There are also 2-3,000 IDPs from other ethnic groups. The population of a *Payam* in Magwi County ranges between 30,000 and 90,000 and that of a *Boma* between 15,000 and 20,000.¹⁷ The current population of the county is around 310,000.¹⁸

3.2. WAR AND FORCED MIGRATIONS

Mass displacements took place during 1989-1996 in Magwi County. These were caused not only by the geographic spread of the war between the Sudanese armed forces and the SPLA but also by the extremely bloody internecine conflicts between different factions of the SPLA and by the intruding Lord's Resistance Army (LRA) from Uganda. In fact, the LRA was operating in Magwi and other border areas in Equatoria until early 2006 and it was notorious for killing civilians, abducting children and looting and destroying crops and other assets. In 1989, Madis began to flee their homes in large numbers to Uganda as the clashes between the Sudanese armed forces and the SPLA spread into their areas. Major displacements of the Acholis began in 1993 when clashes broke out between the SPLA and one of its breakaway groups led by William Nyuon in and around Magwi *Payam*. The displaced first moved to safer areas within the county and most of them later migrated to Uganda through Nimule.

By this time, many IDPs from other war-affected parts of larger Equatoria had moved into Magwi County. As noted in the introduction, in 1991, there was a large influx of internally displaced Dinkas from Bor County (in the present day Jonglei State). The Dinkas first settled in Acholi areas and later in 1994 moved southwards to the largely vacated Madi areas close to the Ugandan border. In 1996, further displacements of the natives and Dinkas (staying in Mugale) were caused by the LRA's violent infiltrations into Equatoria. The Dinka IDPs moved from Mugale into Nimule, which by now was hosting thousands of Bor Dinkas. Many people in the county had experienced multiple displacements due to LRA violence. Magwi *Payam* also has some 2000 IDPs from Torit County and some Nuba deserters from the SPLA occupying a land belonging to an old church, which was bombed and destroyed by the Sudanese air force. In fact, the area belonging to Magwi County today is ethnically more diverse now than it was before the commencement of the second civil war in 1983.

3.3. RETURN OF REFUGEES FROM UGANDA TO MAGWI

There were sporadic efforts at voluntary return by Acholi and Madi refugees living in refugee camps across the border in Uganda even before the signing of the CPA. However, this type of voluntary return gathered momentum in the post-CPA period, since early 2005. The exact number of returnees of this category is not known, but it might be in excess of 100,000, according to local sources. Organised repatriation from

¹⁷ Interview with County Commissioner, 25 August 2009

¹⁸ This figure was provided by Magwi *Payam* Administrator (3. 11. 2009), who said that the source was the Sudanese population census of 2008. There are disputes over the results of this census. There's a widespread opinion in S. Sudan that the census under-estimated the population of the south.

Uganda started in 2006 and peaked in 2007 when an entry point along with a way station was opened in Nimule by UNHCR in partnership with GTZ. About 48,000 refugees returned to Magwi through this channel.¹⁹

Most of the Acholi returnees were able to reclaim their original lands, while some returnees to Magwi *Payam* found their ancestral lands already taken over by the GOSS for the newly gazetted Magwi town expansion. These returnees were provided with new allotments in the same *Payam* by the local Land Board. Some other Acholi returnees complained to the Land Board that some non-displaced Acholi families were occupying their lands. Issues such as this were still being addressed in the latter part of 2009 by local Land Boards and the Paramount Chief in the Acholi *Payams*. Our discussions with Acholis in Magwi *Payam* revealed that they were able to address these conflicts peacefully within the framework of the emergent pluralist institutional system as the conflicts were between members of the same ethnic group. However, the most serious problem over land and land rights faced by returnees was in the Madi area of Nimule, where Dinkas had occupied their ancestral lands, which is examined in depth in another section of this report.

3.4. RESETTLEMENT, LIVELIHOOD REVIVAL AND REINTEGRATION (RLRR) IN MAGWI: THE APPROACH AND INSTITUTIONAL AND CAPACITY CONSTRAINTS

GTZ in partnership with UNHCR is the lead agency responsible for reintegration in Magwi. It was noted earlier that, in their independent evaluation of UNHCR's reintegration programme, Duffield et al pointed out that reintegration was implemented retroactively in Eastern Equatoria. This was confirmed by a senior resident official of GTZ in Magwi County. While organised repatriation and resettlement were going on since 2006, UNHCR-GTZ's reintegration activities began in an organised manner only in 2009. By this time, the programme was already facing funding constraints and had to limit its projects to a few, as also observed by Duffield et al (see above). However, the Reintegration Unit of GTZ-Partnership has been endeavouring to link its CBRPs to resettlement and livelihood revival. Even though the impact of this intervention was too early to judge during our fieldwork in 2009, we shall be commenting on one of the apparently successful projects. At this point it would be pertinent to comment on some issues concerning resettlement, livelihood revival and reintegration (RLRR) in the county in general.

International assistance for resettlement and livelihood revival consisted of two packages delivered through different channels at different times. A returning household was entitled to a humanitarian relief package provided by UNHCR-GTZ, which was meant to sustain the entire household for three months during which period it was expected to be able to revive its livelihood. This package included food items and some materials to put up a temporary shelter.²⁰ Support for livelihood revival in the form of seeds and farming tools was provided mainly by FAO through NGOs and INGOs. Some INGOs such as GTZ Data and Catholic Relief Society (CRS) and the

¹⁹ Interview with Naomi Robinson, GTZ official in charge of reintegration (24 August 2009)

²⁰ This included the following items per person: sorghum (40.5kg), lentils (4.5kg), cooking oil (2.7 litres) and salt (0.9g). In addition, each household was supplied with a few cooking utensils, a plastic cover for a temporary shelter and sleeping mats.

Magwi-based local NGO MASARA were also supplying seeds and tools to returnee and non-displaced farmers in several localities. While these packages were helpful to many, there were serious problems regarding their timeliness, adequacy and coordination (see chapter on Nimule). As a local NGO, MASARA seemed to be playing an impressive role in promoting agricultural revival although its coverage is not as big as that of the INGOs.

The link between resettlement, livelihood revival and reintegration is obvious but integrating these and key services such as health care and education as components of a common programme proved to be a major challenge for the county administration, customary community institutions dealing with land and local conflicts (such as the Land Board and *Boma* chiefs) and concerned external agencies (such as GTZ-Partnership and other foreign and local NGOs). While this situation can easily be seen as a reflection of the general situation in post-war S. Sudan as a whole, it is important to identify the key issues in each socio-economic setting with a view to solve or manage problems of post-war reconstruction, development and peacebuilding.

The scale of return of the refugees from Uganda put the fledgling post-war county administration and the local community institutions under heavy strain to deal with the immediate and longer-term needs of resettlement, livelihood revival and reintegration. They had neither the organisational capacities nor the financial resources to effectively handle these needs. They became highly dependent on external agencies for financial as well as professional resources. Inevitably, this led to an asymmetric relationship in which the external agencies played a role of trustees. However, the external agencies (such as UNHCR and INGOs like GTZ) that were assisting GOSS in the field in livelihood revival and reintegration had their own limitations when it came to funding and employment of staff. In August 2009, GTZ in Magwi was not certain about its funding for the next year. Many of the people we interviewed and interacted with in Magwi told us that GTZ was one of the most important INGOs in the county. The acronym GTZ is the German international development company which operates worldwide with organisations bearing GTZ in their prefix (for example GTZ-PTO, GTZDED, GTZData). Even such a major actor was faced with funding problems to continue its current projects and to plan its future activities in the county.

Several things were happening almost simultaneously. For example, the formation of the administrative structures of GOSS at all levels, the revival of customary institutions in areas where they had become non-functional due to mass displacement, and large scale return of IDPs and refugees were going on at the same time in Magwi, with its rudimentary infrastructure still in ruins. The county has a competent and motivated Commissioner. However, the county's civil administration and the offices of the line ministries are not only badly understaffed but also most of their personnel are inadequately trained for the tasks they are expected to perform. Most of the recruits are ex-SPLA soldiers and appear quite motivated but can benefit a lot from professional capacity building to function more effectively as public servants. The SSRRC has a Secretary with two other personnel at the county office but has hardly any effective presence at *Payam* and *Boma* levels where resettlement and rehabilitation activities actually take place. There is a County Community Development Commissioner without any support staff at *Payam* and *Boma* levels. One would have expected this office to be well staffed to play a key role in

reintegration. Agricultural extension is another department without regular field staff. This department is almost entirely dependent on some young volunteers who are working without pay in the expectation that they would someday be absorbed into the Department as regular employees.

There is an acute shortage of trained primary and secondary school teachers. Most schools depend on volunteer teachers who had received secondary education during their stay in Uganda. The county's health department is very poorly staffed. It is run by a clinical officer. There is only one hospital for the whole county, which is located in Nimule. It has 170 beds and is operated by the health NGO Merlin. Discussing the capacity needs for the reconstruction and development of his county, the Commissioner told us that recruitment of personnel and competence building were urgent priorities. INGOs such as Norwegian Church Aid and GTZ have assisted in capacity building but there is need for sustained and institutionalised programmes targeting personnel at the county, *Payam* and *Boma* levels.

The future of the only vocational training centre (VCT) in Eastern Equatoria, which is located in Magwi, is uncertain due to administrative and funding problems. This centre was established in 2006 by CRS. Subsequently, it has been supported by GTZ, which provided training materials and tools, and funds to pay baby sitters to enable young mothers to join VCT's programmes. The VCT is a governmental institution and the GOSS is responsible for its administration, payment staff's salaries and future development. Unfortunately, the GOSS has failed to fulfil its responsibility satisfactorily. The VCT offers programmes in carpentry, tailoring, motor mechanism and bricklaying. These programmes (each of 9 months duration) target youth from both sexes and offer employable skill development. So far, 49 youth had completed training and, according to the principal of the centre, all of them are gainfully employed. The VCT is in a state of decline mainly due to the failure of the GOSS to provide sufficient funds to pay reasonable wages to the staff and due to a lack of dynamic leadership. The centre is unable to maintain a steady level of recruitment of trainees. This is a regrettable situation as there is a great need for skill development in the county and beyond and the priority should have been to expand and develop the training capacity of the VCT.

While the state institutions are still in the early stages of their formation, the customary institutions dealing with land rights and local resource conflicts have a long history as socially embedded institutions. However, they were disrupted by the war and prolonged mass displacements. Most of the chiefs and other active officials of these institutions were displaced too. Even though the institutions have now been revived and their legitimacy among the respective Acholi and Madi communities restored, they have to deal with new and more challenging issues and conflicts in the post-war situation. In some areas their authority is challenged or ignored by IDPs from other communities. There are also emerging land conflicts between some neighbouring *Payams*. The younger generation who grew up in exile in Uganda and other neighbouring countries, also at times challenge the authority of traditional institutions, as pointed out by some interviewees in the field. Enforcement of the Land Act of 2009 and the new trends of urbanisation and development are likely to impact on the future role of these institutions. Indeed the relationship between them and the state institutions is quite dynamic with the latter assuming greater authority on the interpretation and enforcement of the Land Act and any amendments to it in the

future. It would seem that the successful management of land conflicts would indeed depend on the balance of power between these two factions in the emergent institutional pluralism.

4. NIMULE: LAND CONFLICT, SOCIAL TENSION, LIVELIHOOD REVIVAL AND (RE) INTEGRATION

4.1. DINKAS AND MADIS IN NIMULE

When the CPA was being signed in January 2005, the displaced Dinkas had already stayed for more than a decade in Nimule and its environs. The SPLM/A had liberated the entire county from the Sudanese armed forces in 1994, although the LRA was still operating in the region. Enjoying protection by the Dinka-dominated SPLA, the IDPs chose to settle in vacant areas in and around Nimule town, along the main road and close to the Ugandan border. Earlier during the war, many of the displaced Dinkas were also provided with arms by the SPLA to fight the Sudanese forces and for self-defence against possible LRA attacks. They took advantage of the location and learned new ways of making a living such as border trade and shop keeping, while practising cattle herding. They were also cultivating food crops in and around their homesteads. In other words, they were agro-pastoralists in practice, and agro-pastoralism was not new to them. There were sources of water (such as boreholes and the White Nile which enters Uganda at Nimule) and they let their cattle loose to graze in the open fields. They bought cattle from Uganda. The Dinkas, who were primarily pastoralists, began to see the value of education for their children and sent them to schools across the border in Uganda. Indeed their lifestyle was changing along with livelihood diversification. Many Dinka soldiers stationed in Nimule have also become herd owners. The cattle population increased in the post-CPA period as SPLA soldiers and war veterans (including many IDPs who had been combatants) in the *Payam* began to receive regular salaries (or pensions), which enabled them to buy cattle from Uganda. We were told that some of the IDPs were herding cattle owned by high level SPLA officers. The IDPs developed close ties with Dinka refugees in Uganda. They reconstituted their customary institutions to manage their affairs as a community of Dinkas in Nimule. Most significantly, however, these pastoralists from Bor had become more sedentarised in their displacement in Nimule. The persisting state of inter-communal violence and insecurity in the Jonglei State was a disincentive for them to think of returning to Bor. This was expressed by many Dinkas as the main reason for their prolonged stay in Nimule. On the other hand, there were positive incentives in the form of relative security and livelihood opportunities to settle down in Nimule, including the possibility of a different lifestyle for their younger generation.

However, conflicts were already emerging between Dinkas and non-displaced Madis, mainly over damages caused to crops by cattle owned by the former. As told by some Madi interviewees, it was the practice of the Dinkas to let the cattle loose for grazing on the farm lands with standing crops. Apparently, they showed little regard for the livelihoods of the Madis, who primarily depended on farming. The locals were also resentful of the occupation of Madi land by the IDPs who had constructed permanent houses. However, there were not many major land conflicts until the return of the

Madi refugees from Uganda. Moreover, local institutions responsible for enforcement of land rights and resolution of resource conflicts were virtually non-functional as their chiefs and other officials concerned had also migrated to Uganda as refugees. Currently, it would seem that the emergent institutions in the pluralist framework are inadequate to address inter-ethnic land and resource conflicts peacefully, unlike their ability to address conflicts between members of the same ethnic group, as experienced in Magwi *Payam*. This is discussed further in the following section. This is a pointer to the challenges of integration-re-integration in multi-ethnic S. Sudan within the emerging institutional framework.

Nimule's current population (2009) is over 58,000. The exact number of Dinka IDPs is difficult to ascertain but local sources put it at 8-9,000 while mentioning that the exact number may vary due to mobility of many Dinkas between Nimule and Bor. A local priest told us that the Madi population had grown over the years in exile and the number that returned was much larger than that fled almost two decades ago. So the need for land for housing and farming was greater too, but many returnees were not properly resettled because the Dinkas were occupying their lands, he opined.²¹

While the vast majority of the Madi people in Nimule are farmers, there is a thin but quite visible stratum of businessmen, government servants, teachers and NGO employees. Most of these people were refugees in Uganda, where they went to school up to the secondary level. The Madi traders have their own Traders' Association, which has about 30 members. They own most of the shops in Nimule town. Some of them learned their business skills in Uganda. The educated returnees were employable in NGOs and as teachers in primary schools. Some of the most vocal critics of the continued presence of the Dinkas in Nimule belong to this emerging social layer, which has close links with *Boma* and *Payam* community leaders. These critics are also for converting the Madi *Payams* into a separate county, and they have been lobbying for it with politicians at higher levels. The main reason for this is that the Madis are highly outnumbered by the Acholis in Magwi County and feel politically marginalised as a result of being a minority.

4.2. THE CONTINUING SAGA OF MADI-DINKA CONFLICT

4.2.1. Madi grievances

'I can start with my own story. I returned in 2005 on my own. When I came back I found Dinkas settled on my own land. I told them that I had returned and wanted to resettle. They told me that the land didn't belong to me because they fought for it. I went to my brother's place and got a plot. The Dinkas said the same thing to others who returned... "You ran away from the war"...So.. the only option (you had) was to go to your brother and ask for some land.' – John Akim, Chief of Olikui *Boma*²²

John Akim is the Chief of a *Boma* that lies on the Ugandan border and in which, according to him, more than 6,000 Dinkas are settled. The *Boma* chief is responsible for protecting the land belonging to his *Boma* from encroachment by outsiders but

²¹ Interview with a priest from the Diocese of Torit, Nimule Church, 26 August 2009.

²² Group discussion in Nimule, 25 August 2009.

John Akim was unable to reclaim his own ancestral land from its occupiers. Another elderly returnee said that a Dinka occupying his ancestral land took out a gun and threatened to shoot him if he demanded his land back. A member of the Nimule Land Board, who returned from Uganda on his own in 2002 said that the 'biggest hindrance was the cattle.' His land was occupied too and the Dinka occupant picked up a gun and shot in the air to scare him when he demanded his land back. He complained to the police who arrested the Dinka only to let him off with his gun in a short time. We heard similar stories from several Madi returnees whose lands were taken by Dinkas.

As we continued our fieldwork, it became clear that the conflict over land was not the only cause of the tension between the two communities. In fact, most of the returnees were not directly affected by the land conflict although many were affected by crop damage caused by cattle belonging to Dinkas. However, almost all the Madi men and women we interviewed individually and in groups were quite open about their resentment over the presence of the Dinkas in their midst because of the latter's disregard for local norms and rules and disrespect for local authorities such as *Boma* chiefs and the *Payam* Land Board. It was common to hear Madis make statements such as: 'They carry guns and we are unarmed.' 'They say they were borne to rule.' 'We cannot live in peace here until the Dinkas (i.e. the IDPs) are completely disarmed and made to respect local customs and rules.' 'Some of them harass Madi women.' In Madi perception, the Dinkas were politically powerful and economically better off. They were aware that many of the IDPs received salaries or pensions from the SPLA. It was indeed a situation of unequal power relations in which the Dinka IDPs, who were a minority in Nimule, claimed to be the liberators of the land abandoned by the Madis from the Sudanese armed forces. In making this claim the IDPs were identifying themselves with the SPLA.

The Madis feared that the Dinkas would use their power to appropriate more land without regard for customary law and local authority. The Land Board Chairman cited some instances of illegal sale or lease of land to foreigners by some Dinkas. We had access to a memorandum dated 9 October 2008 and addressed to the County Commissioner in which four local Madi leaders complained about two cases of illegal construction of buildings by foreigners near the Ugandan border. The memo, while stating that the foreigners got the lands from Dinkas, implicated the local police and some SPLA officers. Actually this memo was a sequel to a violent episode over this land issue in which SPLA opened fire on a group of Madis protesting the illegal transaction. One man was killed and many of the protesters were locked up. A SPLA commander was accused of involvement in an illegal sale of land to a Somali businessman who had started constructing a gasoline station on the land.^{23, 24} This and other incidents made the local communities feel insecure as they felt that the SPLA was siding with the Dinkas against them.

²³ This incident was reported in Sudan.Net on 10 October 2008 under the following headline: 'Madi community protest against SPLA commander illicit sale of land to Somali businessman leaves one man shot dead, a woman fatally injured and scores held in detention in Nimule.'
<http://www.sudanforum.net/showthread.php?t=39704> accessed:19.11.2009

²⁴ Earlier in April 2006, a Madi refugee living in a camp in Hoima, Uganda had written to the County Commissioner that he was aware that land belonging to his community in the Abila village of Olikyui Payam was being illegally allocated for 'residential and commercial purposes' and sought the Commissioner's advice on how to protect the land rights of the refugees.

The shooting incident and the general conduct of the soldiers and armed IDPs in Nimule was a clear proof of the failure of disarmament and demobilisation, and of the absence of any reform and reorientation of the SPLA to transform it into a regular army of the state.

4.2.2. The land conflict and the dilemmas of the Payam Land Board

The conflict over land between Madis and Dinkas in Nimule turned out to be more intractable than expected by the chairman of the *Payam* Land Board (PLB). He told us that the Dinkas were not just unwilling to recognise the local authority and customary law but appeared to believe that they were bound by the customs of their own community even on a subject such as land in Nimule, where they were IDPs and hence temporary residents. The PLB is a representative local authority that handles land issues according to customary law. Both the local authority and customary law are recognised by the Interim Constitution of Southern Sudan, 2005 and the Land Act of 2009. The PLB is constituted by representatives of the four *Bomas* belonging to Nimule *Payam*. These representatives elect the chairman of the PLB.²⁵ Several members of the PLB believed that the Dinkas knew the general principles of customary law and local governance of land resources in S. Sudan but chose to disregard them because of the power and benefits they enjoyed. One of them said that the same problem existed in Mundri in Western Equatoria between Dinka IDPs from Bor and the local Moro people who are a community of farmers. In their view, the SPLA, police and judges of the local courts were partial towards the Dinka IDPs, and hence there was little chance that the grievances of the local people would receive fair solutions.

The chairman of the PLB has the authority to serve notice to encroachers to vacate the encroached land within seven days and to take legal action against any encroacher who fails to comply. However, he was unable to exercise his authority to deal with the Dinka IDPs. He did try to get Dinka leaders to see him in his office to discuss the land issue but they ignored his calls. The chairman and others explained that the Dinkas had their own institutions and took instructions from their chiefs. The usual procedure of dealing individually on a case-by-case basis with ‘outsiders’ who sought land to settle down in Nimule could not be followed in this case, as the Dinkas were politically powerful and well organised as a community with their own institutions. The PLB and local leaders appealed to the County Commissioner and higher authorities including the State Governor and GOSS for intervention. The post-war reality in Nimule displays an asymmetric inter-communal conflict over land rights, which appears to have turned so intractable to be resolved at the local level. This situation is not exceptional, as similar conflicts exist in other parts of S. Sudan as well. However, it exposes the limitations of the existing socially embedded (customary) and (the still emerging) bureaucratic institutions to deal with such conflicts.

²⁵ A *Boma* has one or more ‘landlords’ depending on its size. The landlord serves as the custodian of the land. This position normally goes from father to son with the consent of the community. The *Boma* has an elected Landlord Committee (LC). The landlord and the LC together with the *Boma* Chief deal with land allocation and conflicts at the *Boma* level and any problem that cannot be dealt with at their level is taken up to the PLB.

4.2.3. An agreement on repatriation

In January 2009, the County Commissioner brought together the leaders of the two communities to discuss the Madi-Dinka conflict and find a solution. An agreement was reached and signed by elder Venusto Ogido Zira on behalf of the host community and Chief Isaac Chol Ngong on behalf of the IDPs. The main points of the agreement are:²⁶

- Immediate registration and repatriation of IDPs back to Jonglei State with the assistance of the two State governments, GOSS and international agencies in February-March 2009.
- The host community to provide safe exit for the IDPs and their property/cattle.
- Army barracks to be established outside civilian settlements
- Immediate cessation of hostilities between the two communities
- To identify and remove all cattle belonging to SPLA soldiers who are not stationed in Magwi County
- Compensation to IDPs who had built permanent structures

Under this agreement, a certain number of Dinkas did leave Nimule for Bor and their cattle were transported in trucks. However, the repatriation process came to a halt due to various problems including the collapse of the Aswa Bridge on the main road and worsening security situation in Bor. The exact numbers of persons and cattle that left Nimule are not known. Some of those who went to Bor have returned to Nimule. However, the *Payam* Administrator and one of his officials said that the cattle population had gone down and crop damage by cattle was also reduced as a result. There were no signs of a resumption of implementation of the agreement in November 2009. Venusto Ogido Zira, who signed the agreement on behalf of the Madis, was quite disappointed with the lack of implementation. He said his attempts to get the agreement did not succeed as the governments of the two States failed to show any interest. Both resettlement and agricultural development were affected because of the failure to implement the agreement, he complained. Dinkas had their side of the story.

4.2.4. Dinkas tell their story

Speaking through an interpreter, Dinka Chief Isaac told us the following story at a group discussion in August 2009.²⁷

In our homeland, there was a conflict and one of the leaders tried to mobilise his tribe and that tribe attacked us. We were not armed. They shot and killed many women and children and took away our cattle in September 1991. So we started running and came here. We reached Ame in 1992 and stayed till March 1994 when a group of LRA called Tong-Tong attacked us and we ran away to Lobone and Nimule. 12,000 of us came to Nimule in 1994. We had no cattle then and bought cattle from Uganda after coming here. There was no grazing land here. Just grazed wherever grass existed. Now majority of the cattle were taken back to Bor as agreed in the MOU signed by us. During the war Madis ran away to Uganda. Only a few were here.

²⁶ This summary is based on interviews with Venusto Ogido Zira, Isaac Chol Ngong and on a report dated 5 February 2009 in Sudan Tribune: <http://www.sudantribune.com/spip.php?article30063> accessed – 31.03.2010

²⁷ Group discussion with Dinka IDPs, 25.08.09

They claimed their land when they returned and now we find no space for our cattle, so we had to remove them.

When asked if Nimule was safer than Bor, the chief said, 'this is not our home area. This is a land of Madis and our stay is temporary but we do feel Nimule is safer than Bor at present.' He and others in the group said that the IDPs found new livelihood opportunities such as farming and trade in Nimule and that they were able to send their children for studies in Uganda. Young people had learnt new skills such as carpentry. 'Youth want to continue their studies. Times are changing. Youth are not keen on raising cattle', the chief said while adding that educational facilities were rather poor in Bor which had only a few primary schools. The chief and others claimed that there were no serious problems with Madis. They kept saying that they would return to Bor once peace and stability were established there, which in their view could happen only when the Neur-Dinka conflict was fully resolved.

Views expressed by Dinka women confirmed the views we heard from Dinka men that Nimule was a safer place than Bor.²⁸ They were happy that their children were able to go to school. They said that parents could afford the fees up to secondary school but not beyond. They would like their children to go for higher education but they could not afford it without scholarships, which were not available. It was safer for children to go to school in Nimule unlike in Bor where they could be attacked by militia allied to the GOS. Women experienced a lot of health problems, and it was easier to access health care in Nimule than in Bor, where health care facilities were practically non-existent in most areas. As women, their culture had not changed although now they were engaged in new activities such as embroidery and dressmaking. They had hardly any contact or communication with Madi women. There was a language barrier. They had been together with Madi women in the local church on some occasions. They were aware of the agreement regarding repatriation. Men had left with the cattle while their wives and children remained in Nimule.

They said that they came to Nimule without any belongings and began cultivation as soon as they settled. After two years they started going to the forest to collect firewood while doing farming. There was the risk of crop failure due to lack of rains and many were going to be affected by hunger as a result in 2009. During the war and when the LRA attacked, the Dinka men were busy fighting and the women did the farming. There was a shortage of farming tools such as hoes and sickles.

4.2.5. Future of Madi-Dinka relations: repatriation or reconciliation and integration?

If the number of Dinkas that arrived in Nimule in 1994 was 12,000 as mentioned by the chief, then it would seem that more than a couple of thousand of them had left the *Payam*. Again, this is based on the assumption that there are not more than 8-9,000 Dinkas in Nimule at present. The point, however, is not all the Dinkas living in Nimule are likely to return to Bor. They feel safer, have opportunities for livelihood diversification and have opted for a more sedentary lifestyle in Nimule. They have settled in the better parts of the *Payam* close to the main road and the Ugandan border. They have set up shops in Nimule town and developed business contacts across the border in Uganda. As admitted by the chief, their younger generation – the

²⁸ Group discussion with Dinka women 25 08 09

male in particular, is more interested in vocations other than herding. The incentives for them to stay are strong indeed.

The dominant if not the sole opinion among the Madis is that the Dinkas must be repatriated. We did make an attempt to find out the conditions on which Madis would accept the Dinkas as permanent residents of Nimule. We took this issue up in group discussions with local leaders and members of the Madi community. The dominant view was that it was not at all possible to accept the aggressive, imperious ways of the Dinkas, which actually had to do with the asymmetric power relations between the two groups. Local leaders said that there was no basis for integration in such a situation of inequality of power relations in which the Dinkas saw themselves as superior and looked down upon the locals. Another major objection was that the herding practices of the Dinkas were not compatible with the farming practices of the Madis. It was also mentioned that the land conflict and the social tensions with the Dinkas were affecting the reintegration of Madi returnees as many of those who lost their lands were unable to resettle properly and are struggling for survival.

A *Boma* chief observed that integration ‘means togetherness, living peacefully and in good faith with your neighbour. If this is not the case, there’s no integration.’ He went on to say that this was not the case between Madis and Dinkas. However, some local leaders suggested that certain basic conditions must be met for the locals to consider accepting the Dinkas as permanent residents of Nimule. The conditions mentioned include the following: the Dinkas must be completely disarmed, they must accept and respect local customs and codes of behaviour, they must agree to apply to the local authority for land on an individual basis and accept its decision, and they must remove their cattle or practise herding without causing damage to crops cultivated by Madis. Fair as they look from a Madi point of view, the Dinkas may find these conditions too hard to accept. On the other hand, livelihood diversification and changes in lifestyle are likely to induce changes in the herding practices of the Dinkas. Regarding integration the main problem is the asymmetric power relations, which are not easy to change given the backing the Dinka IDPs enjoy from the SPLM/A.

In our view, there is a more urgent need for reconciliation between the two communities before any attempt at integration. Indeed reconciliation is a necessary step towards integration.²⁹ The issues of disarmament and asymmetric power relations need to be seen in this light. Government officials and INGOs concerned about

²⁹ The strained Madi-Dinka relations, more specifically Madi-SPLA relations, might have been aggravated by an older hostility between SPLA and some Madi politicians and militia who collaborated with the GOS and its military during the war. A Madi political leader and member of parliament by the name of Joseph Kebulu was killed by SPLA in 1986 for collaborating with the GOS. Madi militias joined forces with the GOS until 1989 when Madi civilians began to flee to Uganda. Subsequently, Madi leaders like Venusto Ogido Zira, who were supporters of Joseph Kebulu, reached an understanding with the SPLA and both sides decided to bury the hatchet and work together. In 1992/93, a Madi commanding officer from the SPLA defected and formed the Equatoria Defence Forces and allied with the government forces. According to our sources, he was resentful of Dinka domination in Equatoria. However, he later rejoined the SPLA in 2005. The Dinkas’ insulting remark that the Madi’s fled the land without fighting the Sudanese army seems to be linked to the old hostility. This makes reconciliation a necessary step towards building a peaceful relationship between the two communities.

integration seem reluctant to address this key issue. They seem to believe that someday most of the Dinkas would go back to their homeland and the problem would be over. On the other hand, they have deprioritised repatriation because of violence and instability in Jonglei. It would seem that the Madi-Dinka problem would not go away so easily.

4.3. LIVELIHOOD REVIVAL AND REINTEGRATION: UNEVEN PROGRESS AND DEPRIVATION

4.3.1. Factors affecting revival of agriculture

For the vast majority of the Madis livelihood revival meant the revival of their rain-fed agricultural activities. Indeed Nimule lies in the ‘green belt’ that is well suited for agriculture with its good soils, if rains do not fail. However, even before the war, farming in this region was primarily subsistence oriented and based on hand tools such as hoe and machete for cultivation of a mix of crops including sorghum, cassava, maize, millet, sesame, groundnuts and legumes. It was a low productivity system with limited potential for surplus generation, though sustainable in ecological terms. Returnees are struggling to revive the same farming system but under several constraints. The current productivity level, therefore, is likely to be lower than that of pre-war times. Consequently, the extent of food-self sufficiency of farm households is lower too. Farmers need to find other sources of income to buy food to meet the deficit. However, such sources are few in Nimule and the lack of purchasing power leaves most households food insecure. Most of the agricultural commodities found in shops and local fairs in Nimule come from Uganda.

Resettlement and livelihood revival in Nimule displayed an uneven pattern for several reasons. It was not possible to obtain a total quantitative picture of this pattern due to lack of recorded data and due to the limited time and other resources at our disposal for the present study. It was, however, evident from our field visits and interviews that the process at work was uneven in terms of progress in resettlement and livelihood security. While a significant minority seemed to be successfully established, a large majority of the returnees were struggling to make ends meet and signs of vulnerability in terms of food insecurity and deprivation were distinct.

A combination of factors has been impacting differentially on the returnee population’s efforts to rebuild their lives and livelihoods. The most important of these are:

- Resourcefulness of the returnee household
- Humanitarian relief
- Time of arrival, resettlement and the planting season
- Access to seeds, tools and credit
- Unresolved land conflict
- Coordination of external assistance
- Inadequate rainfall/drought
- Crop losses caused by cattle belonging to Dinka IDPs, wildlife - mainly elephants from Nimule National Park, other pests and diseases

The resourcefulness of a returnee household is a key determinant of livelihood revival. Not all returnees were well endowed in terms of money, physical fitness,

family labour force, skills and social networks. Some were better placed than others in this regard, even though not every one of them was well endowed in every asset mentioned above. Their total asset situation helped them to revive their livelihoods once they were settled on their land. The extent of land cultivated by a household depended on these assets, the family labour force in particular. The more resourceful were cultivating 2-3 acres of land. This category of returnees included people who were able to save money, acquire knowledge and skills, and develop and maintain social networks during their exile in Uganda. These households were also fortunate to have able-bodied members who could do the hard work of clearing the farmland, which was not cultivated for many years. They were able to make good use of the humanitarian relief and other assistance such as production inputs and tools provided by donor agencies. Some of them had brought small stocks of seeds of crops such as sorghum and sesame with them when they returned. None the less even these households operated at a low level of productivity as their technology was limited to hand tools. The ox-plough technology, which was introduced into other parts of Equatoria by some INGOs, is yet to find its way into the farms of Nimule. Typically, food insecure households had an inadequate labour force, cultivated smaller plots of less than an acre and their members often had health problems which affected their production and income generation.

There is no doubt that the humanitarian food relief has helped returnees. However, everywhere in the field we also heard complaints from many that the quantity received was not sufficient to feed a farm household until it obtained its first harvest after settling on the land. In Nimule (and in the county as a whole), it takes more than three months between planting and harvest for most food crops and there are seasonal variations too. The first season begins in March-April depending on the arrival of rains when crops such as maize, cassava, sorghum and groundnuts are planted. A farm household has to wait 4-5 months till July-August to harvest the crops. The next season begins in June-July and the crops planted include sesame, sweet potato, legumes, sorghum (3 months variety) and bull rush millet. In this season some crops yield harvest in three months. A returnee household must not only be resettled on its land sufficiently ahead of the planting season but also be able to access the necessary production inputs such as tools, seeds and fertilizers to start cultivation. We came across many returnees who missed the cultivation season due to late arrival or delays in resettling and land clearing. The three-month food ration was inadequate for these households and they suffered from food insecurity. In the absence of an extension of food relief, they resorted to coping strategies such as firewood collection and beer brewing by women and charcoal making by men, and wage labour to make some money to buy food. For many of these households missing the initial cultivation season turned out to be the beginning of a vicious circle of food insecurity, poor performance in agriculture in the subsequent seasons leading them back to food insecurity and deprivation. Crop failure due to drought was another cause of food insecurity in Nimule and many other parts of Magwi in 2008-2009. In October-November (2009), many households were unable to have more than one meal a day. The highly food insecure groups included female headed households, voluntary returnee households that were not part of the organised return, and returnees who were unable to get their lands back and, as a result, were still living in temporary shelters on lands belonging to their relatives and friends. These conditions showed that the phasing out of the humanitarian relief at the end of three months for every recipient household was rather unrealistic. The relief needs of households varied

according to their states of endowment (resourcefulness) and obviously the more vulnerable ones needed relief for longer periods while struggling to build their livelihoods. It would seem that the link between relief and livelihood revival was seen rather mechanistically in a 'one-size fits all' manner by donors and concerned agencies of the GOSS. Another problem, which was not unique to Magwi, was the feeling among the non-displaced that they were excluded from relief and other external interventions which exclusively targeted the returnees.

While the coverage of the seeds and tools projects of different organisations appeared to be significant, large numbers of farmers were yet to be included. Unfortunately there were no records on the actual numbers. The chief of Olikwi *Boma* told us that in one of his villages only 200 out of the 1600 returnee families received hoes and machetes and that there was an acute need for axes for land clearing. Other *Boma* chiefs made similar statements. In some localities, the same households had received seeds and tools from more than one organisation while many were left out. Some people interviewed by us said that a household might have several able bodied persons, but as each household was supplied with only one hoe and a machete they were unable to use all the human resources available for land clearing, land preparation and planting. In many cases, the extent of land they were able to cultivate was much less than what was required to meet the subsistence needs of the household. There were complaints that the seeds received were of poor germination quality and also that there were delays in delivery. Some interviewees pointed out that the seeds supplied were not of local varieties/ land races, and hence they did not fit well with the planting season and local conditions, and this led to heavy crop losses when the rains failed. Indeed the issue of seed security looms large in Nimule and Magwi, like in other farming areas of S. Sudan. Timely distribution of seeds and tools supplied by FAO was often severely constrained due to lack of transport and the impassability of roads in the rainy season. This was compounded by delays in the arrival of seeds from FAO stores and by the lack of proper seed storage facilities at county and local levels. Moreover, by 2008-2009, FAO had to scale down its seeds and tools project due to lack of funds.

There was no credit support for agricultural revival although farmers and local leaders mentioned it as an important need. The GTZ had initiated a revolving credit scheme for some groups of women in Nimule. This is working well and it seems to be demonstrating the feasibility of micro credit projects that can help livelihood revival and reintegration (see below). However, the GOSS does not seem to be having a policy and programme on rural finance to develop smallholder agriculture. These shortcomings, together with crop losses caused by pests (cattle, wildlife and other pests) and diseases, have contributed to reduced farm output and hence to reduced command over food by the households in Nimule.

It should be evident from the foregoing discussion that there was a lack of planning and coordination of key activities such as resettlement, humanitarian relief and supply of seeds and tools. The different agencies involved did not seem to have effective channels of communication to better coordinate their activities in the field. However, more than the external agencies it is the GOSS that must be held responsible for the shortcomings due to lack of planning and coordination. The relevant agencies of the GOSS, as already shown, lacked the basic professional capacities and other resources to play their roles effectively.

4.3.2. Other livelihood activities

It has been mentioned that farm households had a strong need to find non-farm sources of income to buy food and other necessities. The opportunities for livelihood diversification to enhance household income are very limited in Nimule. The supplementary sources of income are firewood collection, charcoal production, brewing, wage labour, buying and selling vegetables and fruits (from Uganda) and fishing. Firewood collection and brewing of beer for sale, buying and selling of vegetables (from Uganda), and wage labour in stone quarries are women's tasks while charcoal making, fishing and wage labour in construction sites are men's. However, wage employment opportunities are limited in Nimule. Women go in groups to forests 4-6 km away to collect firewood. It takes 7-8 hours for a woman to walk to the forest and return with a headload of firewood that fetches around \$1.20 (SDG3). Women engaged in selling vegetables and fruits in the local fair buy them from suppliers at the Ugandan border. Some of these women have benefited from the revolving credit scheme operated by GTZ. These women were doing better than the others as they have access to working capital of \$20-40 (SDG50-100). Breaking stones is a tedious task for women and the wages are around a dollar (SDG2-3) depending on the output produced, which was measured in terms of wheelburrowloads, at SDG2 per load.



Madi Women Carrying Firewood Collected From a Forest in Nimule
A child is carrying her little sibling to help her mother who is carrying firewood



Charcoal making is widely practised in Equatoria and it's a major contributor to deforestation. In Nimule, men move in groups into a forest, cut trees and produce charcoal in the forest, bag the produce and carry the bags to the roadside for sale to middlemen who transport the material to Juba and other towns. The whole process of charcoal production takes about a week. The producer gets \$5-6 for a bag, which is sold at \$15-20 in Juba. In Nimule, illegal charcoal production has been going on inside the National Park. Men in Nimule told us that it was a risky undertaking but they had no alternative. There were instances in which some were caught and fined for the offence but it appears that enforcement is quite weak. Both firewood collection and charcoal making for sale cause deforestation but they are among the few alternatives available for the local communities to cope with livelihood insecurity. In the absence of better and environmentally less harmful opportunities for livelihood diversification, a stricter enforcement of forest protection would lead to conflicts between the state and local communities. The point is not that enforcement should be avoided but that policy makers should address livelihood revival as a key element in a larger transformative process of rural development.

4.3.3. GTZ's revolving credit scheme for women's groups

Started in January 2009, this is considered by GTZ as one of its successful projects in Magwi County. It targets mostly vegetable and fruit sellers in *Bomas* with high concentrations of returnees. Each scheme has a revolving fund of \$2000. Two groups, each consisting of 20 women, are identified. One group is designated as 'Active group' and the other as 'Standby group'. The loan scheme begins with the Active group. Each member is entitled to a maximum 6-month loan of SDG200 (\$80). The loan must be paid up in six months when the revolving fund is transferred to the Standby group. According to the head of GTZ in Magwi the repayment rate was

almost 100 percent and the scheme has so far (October 2009) benefited 480 women in the county. In Nimule, 49 women including 4 from the Dinka community have benefited. The scheme has contributed to the livelihood revival of the households to which the participants belong. Its longer- term impact needs to be monitored by observing whether the former members of the Active groups are able to sustain their businesses and diversify and expand them.

The scheme has potential for replication. However, GTZ seems to be having its own funding constraints to expand the scheme to cover a larger population. Other organisations may adopt this model of micro credit.

4.3.4. Reintegration

Apparently, the social reintegration of the Madi returnees with the small minority of those who stayed back in Nimule was going on more as a spontaneous process than one consciously promoted by any external agency. There were no discernible signs of any serious tensions. We did hear remarks from some non-displaced and some local leaders that some of the returnees, mainly youth, were urbanised and individualistic. We had heard similar remarks from elders and community leaders in Magwi *Payam* and other parts of the county as well. In Nimule, the domineering presence of the Dinkas seems to have helped unite the Madis against what they perceive as a 'common threat'. This raises grave concerns about the future of Madi-Dinka relations, if many Dinkas choose to stay permanently in Nimule. Another factor that seems to be playing a unifying role among the Madis is their quest for a separate county to free themselves from what they perceive as the political domination by the Acholi majority in Magwi County. Inter-ethnic integration remains a major issue to be addressed in the post-war situation that obtains in Magwi County. Indeed, reintegration in the sense of creating the conditions that 'enable returnees and their communities to exercise their social, economic, civil, political and cultural rights, and on that basis to enjoy peaceful, productive and dignified lives' as defined by the UNHCR is something that has to be striven for from now on.

5. CONCLUDING REMARKS

The present study focused on resettlement of returnees, resource conflicts, reintegration and livelihood revival in Magwi. The situation in Nimule was studied in some depth with a view to construct a more detailed picture of the complex situation that had developed due to war-induced migrations and the post-CPA challenges of resettlement, reintegration and livelihood revival. The study was framed with due consideration to the larger post-CPA context in S. Sudan. It unravels some key aspects of the social-political-economic dynamics at the local level in a way that makes it relevant to policy, institutional change and capacity building in S. Sudan. The following concluding remarks while stating the main conclusions also offer ideas for further action.

- **Resettlement and livelihood revival are not a return to *status quo ante***

The study shows that resettlement and livelihood revival are not a process of return to *status quo ante*. Prolonged displacement had impacted on the lives of the

displaced (both IDPs and refugees) in various ways, and the conditions in the areas they fled had also changed due to the destructive effects of the war as well as subsequent influxes and temporary or permanent settlement of displaced people from other parts of S. Sudan. These changes have their implications for (re)integration. This phenomenon, however, has its spatial and temporal variations as the situation in Magwi County shows. The area designated as Magwi County is ethnically more diverse now than before the war and is likely to remain so in the future, while Acholis and Madis will remain the first and second largest ethnic groups. However, it is only in one of its six *Payams*, i.e. Nimule, that the impact of the presence of an ethnically different group of IDPs is most acutely felt, in regard to land rights, power relations and inter-communal tension. Even though reclaiming their original lands did not pose any major problem for the majority of returnees in the county, all of them had to establish themselves on the land and start building their livelihoods from scratch under changed circumstances. This ongoing process is uneven depending on the resourcefulness of the household and access to inputs including seeds and tools. Madi returnees were not fully prepared to come to terms with the reality of their native land being occupied by Dinka IDPs, although they were aware of the situation before their return. These returnees find themselves in a dramatically changed socio-economic and political context.

- **Madi-Dinka resource conflict – a challenge to the authority and legitimacy of local institutions**

The Madi-Dinka conflict over land poses a challenge to the authority and legitimacy of the local institutions such as the Land Board (*Payam* level) and the Landlord Committee (*Boma* level). This is because of the open disregard for these institutions displayed by the Dinkas, who wield political and military power because of their close alliance with the SPLA, and who have reconstituted their own community institutions to manage their affairs. Indeed, the latter are socially embedded institutions of the Dinkas. However, the Dinkas' collective disregard for the local socially embedded institutions that govern land resources has rendered the land conflict highly intractable and led to a socially unhealthy institutional impasse. The traditional herding practices of the Dinkas are not compatible with the farming practices of the Madis. Local leaders and county level officials see repatriation (under the agreement of January 2009) as the way out of the impasse. However, it is not easy to foresee when the conditions in Bor would become secure enough for large scale repatriation of the Dinkas. On the other hand, the findings of the present study suggest that many of them may opt for permanent settlement in Nimule. In any case, the institutional impasse over the land conflict calls for an effective policy intervention for a reasonable solution.

- **Madi-Dinka tensions –need for demilitarisation, equality, mutual respect and reconciliation**

The institutional impasse cannot be satisfactorily addressed without being linked to a demilitarisation of the social environment in Nimule by disarming the IDPs who are armed and by ensuring that the SPLA soldiers do not abuse their power or act in ways that encourage the IDPs to disrespect local authority and customs. These changes along with effective external mediation are likely to help create a

more equal relationship between the two communities and pave the way for mutual respect and reconciliation, as long as the Dinkas stay in Nimule. These steps are the vital necessary conditions for the integration of the two communities. It may be added that the institutional impasse over resource conflicts at local levels in post-CPA S.Sudan is not exceptional to Nimule as there is evidence to show that it is a wider phenomenon. This makes it all the more important that it is addressed as a policy issue by the GOSS in collaboration with county and local level officials and representatives.

- **Weak link between relief and livelihood revival**

The food relief and the assistance for resettlement and livelihood revival would seem to have benefited a significant section of the returnees, although this could not be quantified due to lack of data. It was also evident that many have been fully or partially left out of these forms of assistance. Another complaint heard in the field is that non-displaced were not targeted by agencies providing the assistance. The study has highlighted the fact that the approach of providing food relief only for three months for every recipient household irrespective of its capacities/vulnerabilities and circumstances of return was not a realistic, though easy to implement, approach. It appears that the link between relief and livelihood revival was seen rather mechanistically in a 'one-size fits all' manner by donors and concerned agencies of the GOSS. The relief needs of households varied according to their states of endowment (resourcefulness) and obviously the more vulnerable ones needed relief for longer periods while struggling to build their livelihoods.

- **Food insecurity and limited opportunities for livelihood diversification**

The highly food insecure groups included female headed households, voluntary returnee households that were not part of the organised return, and returnees who were unable to get their lands back and hence still living in temporary shelters on lands belonging to their relatives and friends. In 2008-2009 food insecurity was more widespread due to crop failure caused by drought. Opportunities for livelihood diversification to overcome food insecurity are limited. Food insecure households were struggling to find one daily meal.

- **Seeds, tools and technological constraints**

The seeds and tools projects had helped an unknown but a substantial number of households to revive their farming activities. However, there were numerous complaints about the inadequacies of this important intervention. Seed security remains a major problem in the county as a whole, and needs to be addressed as a priority in a systematic and community based manner. Seed security needs to be linked to food security. Availability of appropriate short maturing and drought resistant varieties for a diversity of crops can go a long way in helping food insecure farm households to move towards food security. Making the seeds available at the right time is of crucial importance in order not to miss the planting season. Increasing the supply of farm tools is of utmost importance for land preparation as this will enable more effective use of labour for land preparation and planting larger areas in time. Farm output and labour productivity

enhancement are constrained by the current technique of land preparation. There is room for improvement of farm technology to raise livelihood security in sustainable ways. The prospects of adopting ox-plough technology are worth exploring. Crop damage caused by pests (wildlife, cattle and other pests such as birds and insects) and diseases need to be minimised too.

- **Reintegration – a retroactive, weak link**

Reintegration of returnees and non-displaced people is going on as a spontaneous process at the local level within the same ethnic group such as Madi-Madi and Acholi-Acholi. GTZ has initiated some reintegration-linked projects such as the micro credit scheme and adult literacy programme for women. GTZ's other projects such as seeds and tools, school uniform production for children are also linked to reintegration. It was too early to assess the impact of these interventions at the time of our fieldwork as they had just been initiated or were in the process of being initiated. The point, however, is that reintegration projects were introduced at a later stage as an afterthought and their conceptual and practical links to resettlement and livelihood revival remained weak.

- **Planning, coordination and follow up**

While organised return was quite well planned, there has been a lack of planning and coordination of resettlement, food relief and assistance for livelihood revival. Several INGOs and local NGOs were engaged in the same activities without any effective interaction let alone coordination between them. There did not seem to be any monitoring and follow up of the assistance at local and aggregate levels. This situation is a reflection of the capacity constraints of the GOSS at county and local levels.

- **Institutional and capacity constraints of governmental agencies**

The agencies of the GOSS are poorly staffed both in terms of the number of personnel and their capacities to perform the tasks assigned to them at the county level and below. The need for capacity building of the existing staff and for recruitment to fill the personnel need cannot be overemphasised. Agencies responsible for agricultural development, resource conflict management, intra- and inter-communal integration and human capacity development deserve to be prioritised. Given the asymmetric gender relations and women's (gender-specific) vulnerabilities, it is important to pay particular attention to capacity building for women at various levels.

- **The importance of customary institutions and their capacity needs**

The revival of customary institutions responsible for land resources governance has been impressive and the role they play in resettlement, livelihood revival and reintegration is indispensable. However, the tasks they have to handle have expanded in the post-war situation, particularly in relation to resettlement and enforcement of land rights. They also need to be prepared to handle new issues that are likely to emerge with the expansion of towns and infrastructure development. The members of the *Payam* Land Board and *Boma* Landlord

Committees can benefit from capacity building workshops on these areas and the interpretation and implementation of the Land Act of 2009. It is also important to create awareness of the provisions of the Land Act among women and men as regards women's rights to land.

- **Health and Education**

Health and education were not covered in any detail by this study. However, their importance was all too obvious in the field. These sectors are poorly and geographically unevenly developed in the county. Health and primary and secondary educational facilities are better in Nimule than Magwi and other *Payams*. The only hospital in the county is located in Nimule and is run by a health INGO. The capacity of the Teacher Training Institute at Arapi needs to be expanded to train more teachers. GOSS has to play a much more active role in developing the basic health and educational services in the county as a whole.

- **External agencies - S. Sudanese agencies: need to shift from external trusteeship to local ownership**

This study draws attention to the asymmetric relations between the international agencies assisting resettlement and livelihood revival on the one hand and the concerned governmental agencies and local customary institutions on the other due to inequalities in resources and capacities. In reality this asymmetry has turned into a form of trusteeship in which the external actors are playing the role of trustees and leading the processes of resettlement and livelihood revival, which are highly dependent on their financial and professional resources. Indeed they are aware of the asymmetry and some of the officials appeared keen to change it in ways that will enable the local agencies and communities to exercise full and effective ownership of the process. However, this cannot be achieved without raising the capacities of the local agencies and communities to play the roles expected of them.

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