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Housing, Land and Property Disputes in South Sudan

Findings from a survey Nimule, Torit, Wau and Yei

David K. Deng

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About the SSLS

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

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About the Author

David Deng is a South Sudanese/American human rights lawyer who spent much of the last decade engaged in research and advocacy in South Sudan. Deng's research has touched on a broad array of issues, including the challenges and opportunities of large-scale land investment, customary law and local dispute resolution mechanisms, citizen views on peace processes, and people's experiences with and perceptions of transitional justice.

Acronyms

CPA	Comprehensive Peace Agreement
HLP	Housing, Land and Property
IDP	Internally Displaced Person
POC	Protection of Civilian Sites
SSLS	South Sudan Law Society
SSP	South Sudanese Pounds
UN	United Nations
UNMISS	United Nations Mission in South Sudan

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Executive Summary

Introduction

- This report presents findings from a survey of 677 households in four towns in South Sudan – Nimule, Torit, Wau and Yei. The survey gathered data on respondent perceptions of and experiences with HLP disputes.
- South Sudan is currently experiencing a crisis of displacement on a scale that not been seen since the height of the previous civil war in the mid-1990s. In just five years, the current conflict has displaced two in five of all South Sudanese in the country.
- Public authorities and development partners should address problems of housing, land and property (HLP) as they relate to displaced populations as an integral component of the emergency response. This would encourage safe, voluntary and dignified returns and prepare the ground for more substantial return and resettlement efforts in the future.

Trends in Displacement

- Three hundred ninety (58%) of the respondent households had one or more internally displaced persons (IDPs) residing in them. Of the 49 percent of household heads that identified themselves as IDPs, the vast majority (95%) said they were displaced as a result of conflict. Two-thirds (67%) of IDP respondents were displaced in the period since 2016.
- Compared to IDPs, the sample included comparatively fewer returnees (14%). While a majority (64%) were displaced in the period since 2013, more than a third (36%) were displaced before 2013, some as far back as the 1970s.
- Forty percent of respondents overall said that they did not have identity documents in their possession, and IDPs (50%) were far more likely to lack identity documents than people who had not been displaced (28%).

Characteristics of the Landholding

- Thirty-seven percent of respondents said that the plot where they were residing did not belong to them, but most (85%) of those respondents were staying there with the owner's consent.
- Sixty percent of respondents said that no specific time period was provided for in whatever agreement they had used to acquire the land.
- Twenty-five percent of respondents who answered the question said that they did not pay anything for the landholding. The remaining responses ranged from a low of just 10 South Sudanese Pounds (SSP) to a high of 150,000 SSP.
- The median increase in value between what the respondent paid for the land and the respondent's estimate of its current worth was 300,000 SSP, reflecting the rapidly changing land markets and high rates of inflation in South Sudan.
- When asked whether they had made any of a series of payments for the land, 44 percent of respondents said they had not made any payments. Just one percent of respondents said that they had paid taxes during the time they occupied the landholding.

Incidence of HLP Disputes

- Approximately one in five respondents (21%) said that someone in their household had experienced an HLP dispute within the last three years. Most households had only experienced a single land-related dispute, but a quarter of households had experienced two to five disputes and 13 percent had experienced more than five disputes. Most (86%) of the disputes involved an IDP or returnee.
- Nearly one in five households (19%) experienced one or more incidents of land grabbing. (For the purposes of the survey, 'land grabbing' was defined as the unlawful occupation of another person's land without his or her permission.)
- Overall, there were fewer cases of expropriation than land grabbing, but the incidence rates of expropriation in Yei (17%) were much higher than those in the other locations. Conversely, aside from the one returnee (3%) in Yei whose house was damaged or destroyed, 34 percent of the returnees in Torit encountered this problem.
- Survey data suggests that the public authorities involved with most expropriations are not satisfying basic standards of due process. Sixty-eight percent of respondents that had their property expropriated said they were not consulted beforehand, and 85 percent said that they did not receive compensation.

Access to Dispute Resolution Mechanisms

- In 61 percent of the cases of land grabbing involving IDPs or other plots owned by non-IDP household heads, the individual concerned tried to negotiate directly with the person occupying their land. However, these efforts at direct negotiation had poor success rates, with only four respondents (8%) saying that the negotiations were successful.
- IDP men (58%) were much more likely to try to negotiate with the individual than women (31%), and IDPs overall (51%) were less likely to try to negotiate with the individuals occupying their land than non-IDPs (75%).
- The data on access to dispute resolution mechanisms demonstrates the willingness of many respondents to seek third-party assistance in addressing their HLP dispute, while shedding light on the major gaps that exist. Eighty-one percent of returnees that experienced land grabbing and 63 percent of respondents in households subject to multiple ownership claims sought assistance from third parties. In addition, more than 50 percent of non-IDP households that experienced land grabbing or expropriation sought third-party assistance.
- Conversely, just 20 percent of IDPs sought assistance from third parties in trying to resolve their disputes relating to land grabbing. Similarly, returnees whose houses were damaged or destroyed (almost all of whom were found in Torit) were also less likely (14%) to seek third-party assistance.
- Respondents who experienced land grabbing went most frequently (38%) to the state-level Ministry of Physical Infrastructure for assistance. Other prominent actors in dispute resolution included statutory courts (17%), traditional authorities (16%) and county, payam or boma officials (13%).
- For a majority of HLP disputes in which respondents sought third-party assistance, the issue had not been resolved at the time of the interview. However, those respondents whose disputes had been resolved expressed high levels of satisfaction with the outcome, with 85 percent of respondents saying that they were 'very' or 'somehow' satisfied.

Perceptions of HLP Issues

- Respondents expressed considerable confidence in their tenure security and in the accessibility and effectiveness of dispute resolution mechanisms. However, feelings of insecurity among IDPs and returnees were twice those of non-displaced respondents.
- Perceptions about the right of IDPs to access land in different parts of the country highlighted the tensions associated with prolonged displacement. For example, less than half (48%) of non-IDP respondents in Nimule thought that IDPs should have a right to access land in that community compared to 91 percent of IDPs.
- A sizeable majority of both men and women thought that South Sudanese law protected women's ownership rights, but more than twice as many male respondents (15%) thought the law prohibited women's land ownership as female respondents (6%), and more than three times as many male respondents (22%) thought that women should be prohibited from owning land as female respondents (7%).
- Although female respondents (56%) were more likely to say that they would bequeath their landholding to their daughters than male respondents (34%), 94 percent of female respondents said that they would bequeath their landholding to their son.

Recommendations

1. Systematically document HLP claims in priority areas.
2. Strengthen, expand and where necessary, create processes to peacefully resolve HLP disputes.
3. Deploy programs to improve access to justice for affected populations.
4. Ensure that women's access to justice for HLP problems is addressed as a core pillar of the emergency response.
5. Invest in open and honest public dialogue on land reform.

Introduction

Five years of civil war in South Sudan have brought to the surface a contradiction between the rhetoric of elite peace processes, on the one hand, and the realities of the humanitarian situation, on the other. Over the years, successive peace agreements have called for a host of progressive reforms. If somewhat overambitious, these agreements may carry the seeds of what could one day become a meaningful postwar transition. Yet, the warring parties typically violate the agreements immediately after they are signed, as military mindsets and lack of trust quickly come to dominate their political calculations. A more strategic approach is needed. Between blind optimism in the promises of politicians and hopeless pessimism in the inevitability of conflict lies a middle-ground that would identify the indicators of progress towards peace and stability, determine how best to measure them, and put in place targeted interventions that help to reduce conflict.

Among the most significant indicators of a transition from war to post-conflict recovery would be the return and resettlement of displaced populations. South Sudan is currently experiencing a crisis of displacement on a scale that not been seen since the height of the previous civil war in the mid-1990s. In just five years, the current conflict has displaced 4.43 million people – approximately two in five of all South Sudanese in the country – including 1.96 million internally displaced persons (IDPs) and 2.47 million refugees. But the return and resettlement of this displaced population is a highly political proposition. Armed groups often encourage people to return to areas under their control in an effort to enhance their legitimacy and gain access to rents from humanitarian assistance. The United Nations Mission in South Sudan (UNMISS) has saved lives by opening its doors to more than 200,000 IDPs in protection of civilian (POC) sites across the country, but years later these populations remain trapped in the POCs without a clear exit strategy.

South Sudanese have lived through generations of war and are well-versed in the risks that it entails. The fact that displaced populations have not yet left the very difficult conditions that they face in IDP settlements and refugee camps to return home following the signing of the peace agreement in September 2018 is reason enough to take a cautious approach to return and resettlement. Nonetheless, there are steps that public authorities and development partners can take now to encourage safe, voluntary and dignified returns and to prepare the ground for more substantial efforts in the future. For example, interventions to address problems of housing, land and property (HLP) that the conflict has left in its wake could demonstrate political will to tackle the underlying drivers of conflict, support reconciliation processes, and provide a foundation upon which war-affected populations could begin to rebuild their lives. If not addressed as priorities in the emergency response, HLP issues will become more contentious and costlier to solve, presenting fundamental barriers to durable solutions for displaced populations and host communities.

This report presents findings from an HLP survey in four towns – Nimule, Torit, Wau and Yei. The survey targeted 677 households across the four locations and asked respondents a series of questions about their perceptions of and experiences with HLP disputes. Section one provides an overview of the methodology. Section two summarizes key findings and policy implications. The last section offers some concluding observations and recommendations to inform HLP programming moving forward.

1 Methodology

The survey was conducted over a two-month period between December 2018 and January 2019. Researchers developed a questionnaire consisting of 161 questions to assess people’s experiences with and perceptions of a range of HLP issues. For specific HLP disputes (e.g. secondary occupation, land grabbing, expropriation, multiple claimants to a single landholding, destruction of houses, etc.), respondents were asked a series of questions to assess the incidence rates and the steps that the respondent took, if any, to address the issue. The survey included a total of six modules:

- Module A – Individual and Household Characteristics
- Module B – Experience with Displacement
- Module C – Status of the Landholding
- Module D – Disputes Involving the Household Head
- Module E – Disputes Involving Other Household Members
- Module F – Perceptions of HLP Disputes

The sample was developed using a multi-stage sampling procedure. The four towns in which interviews were conducted – Nimule, Torit, Wau and Yei – were predetermined as areas where the South Sudan Law Society (SSLS) was providing legal aid on HLP issues as part of an underlying project. Researchers identified neighborhoods or settlements in these four locations where many IDPs were concentrated, many returnees were concentrated, or from where many people had been displaced. Data collection focused on these areas in order to increase the chances that the survey would cover a sufficient number of disputes to draw broader conclusions about the choices that people make when confronted with these situations. Table 1 lists the neighborhoods and settlements and Figure 1 provides maps¹ of the areas that were targeted in each location:

Table 1: List of targeted neighborhoods and settlements

Nimule	Torit	Wau	Yei
<ul style="list-style-type: none"> • Abila • Kololo • Malakia East • Malakia West • Motoyo East • Motoyo West • Nimule Central 	<ul style="list-style-type: none"> • Addis Ababa • Gumbo • Ifonyak • Iluhum • Kuku • Mairo • Malakia • Mortwari 	<ul style="list-style-type: none"> • Block B • Block C • Block D • Massina POC • Nazareth POC • UNMISS POC 1 • UNMISS POC 2 • Wau Cathedral 	<ul style="list-style-type: none"> • Hai Munuki • IDP protection sites • Makat • Nyakama • Romoju

Researchers selected households in each location using a random walk technique with a built-in skip pattern. The interview was then conducted with the household head based on the

¹ The heat signatures on the maps indicate locations where interviews were carried out. GPS connectivity in the project locations was somewhat limited, so the maps do not capture every interview that was conducted.

assumption that he or she would be best positioned to provide reliable information about that specific landholding and landholdings belonging to other household members.

A team of nine enumerators was recruited to conduct interviews across the four survey locations. All enumerators were South Sudanese nationals, familiar with the local context, proficient in English, fluent in languages spoken by the respondents, and had prior experience conducting surveys with the SSLS. Enumerators received two days of training on survey techniques and the survey instrument. Data was collected using the KoBoToolbox program for Android-based smartphones. All respondents provided verbal informed consent to participate in the study.

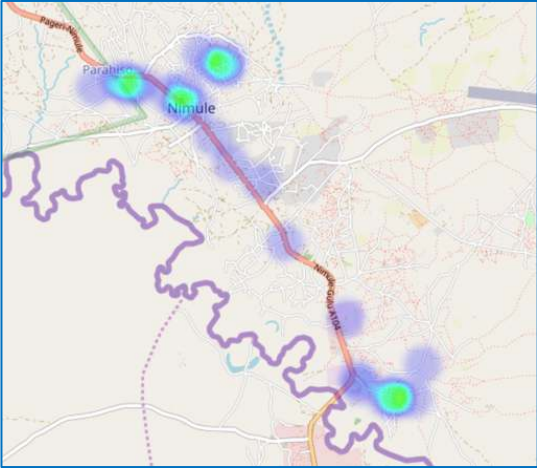
Several limitations should be kept in mind when interpreting the results. First, several of the HLP disputes covered in the survey had relatively low incidence rates in the sample population. For example, just 11 households (2%) said that a household member other than the household head had a plot of land that was seized or expropriated by the government within the past three years.² One must exercise caution in generalizing about results based on such a small number of incidents. For future surveys of this kind, larger sample sizes could help to compensate for the fact that certain types of disputes may have lower incidence rates in a given population.

Second, the survey does not aim to generate statistically representative samples of populations in the four towns. Researchers deliberately chose to focus on the problem areas above in order to inform SSLS legal aid activities in these areas and maximize the chances of randomly-selecting households that have experienced HLP-related disputes. While one cannot extrapolate findings to the four locations as whole, they do accurately represent the views of the people with whom enumerators spoke and can be used to inform subsequent programming.

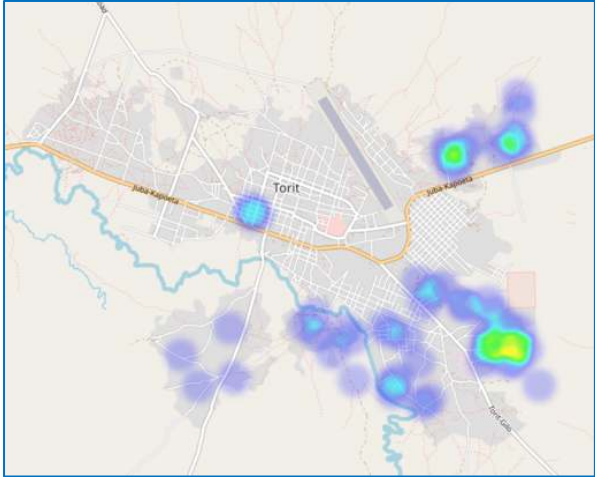
² Incidence rates for the expropriation of plots owned by the household head was a bit higher at eight percent.

Figure 1: Maps of targeted areas in project locations

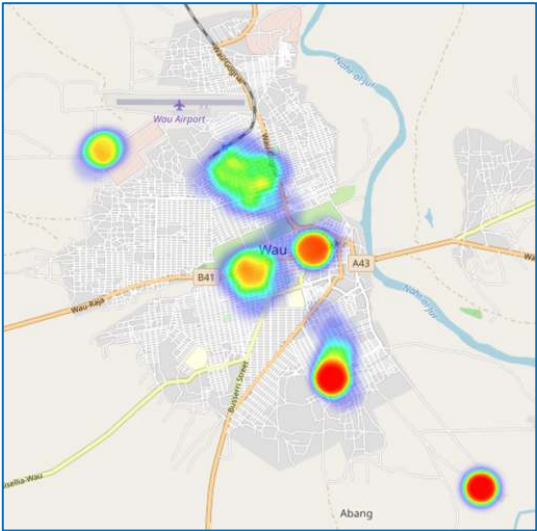
Nimule



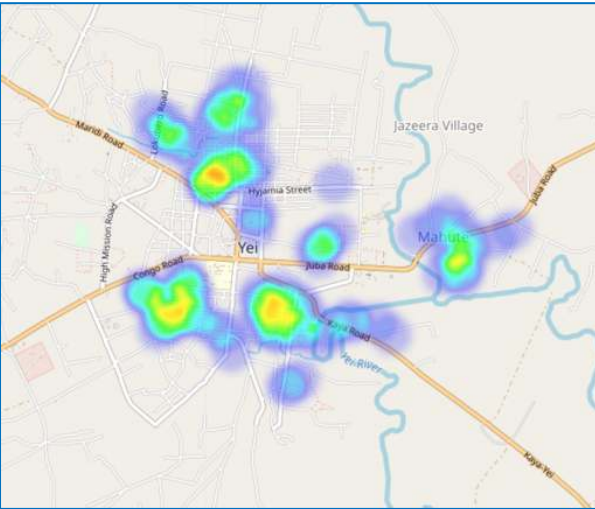
Torit



Wau



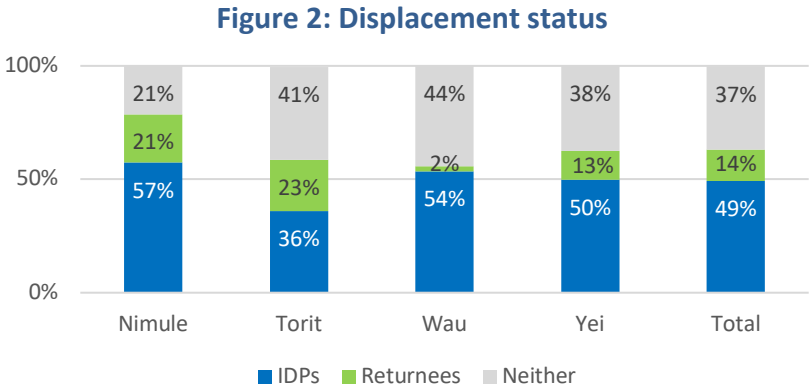
Yei



2 Survey Findings

2.1 Sample Characteristics

The survey sample was comprised of 677 individuals across four locations: Nimule, Torit, Wau and Yei (see Table 2). The sample included significant numbers of IDPs, but there were comparatively fewer returnees, including just four (2%) returnee respondents in Wau (see Figure 2). The low number of returnees reflects the fact that the return and resettlement of displaced populations has not yet begun in earnest, despite the signing of the peace agreement in September 2019.



As explained in the methodology section, the sample plan targeted household heads irrespective of gender. As a result, gender imbalances were apparent between research locations. For example, 83 percent of respondents in Nimule were male and 75 percent of respondents in Yei were female. That being said, the sample as a whole achieved a degree of gender parity with 53 percent female and 47 percent male respondents.

Table 2: Sample distribution

	Location	IDPs		Returnees		Non-displaced		Female		Male		Total	
		n	pct.	n	pct.	n	pct.	n	pct.	n	pct.	n	pct.
1	Nimule	89	57%	33	21%	33	21%	26	17%	129	83%	155	23%
2	Torit	61	36%	38	23%	70	41%	94	56%	75	44%	169	25%
3	Wau	105	54%	4	2%	87	44%	124	63%	72	37%	196	29%
4	Yei	78	50%	20	13%	59	38%	117	75%	40	26%	157	23%
		333	49%	95	14%	249	37%	361	53%	316	47%	677	100%

Other characteristics of the sample include the following:

- Age range – 39 percent of respondents were 35 years of age or younger, 47 percent were 36 to 55 years of age and 14 percent were 56 or older.
- Marital status – 73 percent of respondents were married.
- Literacy – 42 percent of respondents said they can read and write in English and 26

percent of respondents said they can read and write in Arabic.

- **Education** – 25 percent of respondents had no schooling, 37 percent had only primary school education, 27 percent had secondary school education, and 11 percent had university education.
- **Household size** – Respondent households had an average of 7.4 household members.
- **Household income** – 28 percent of respondents estimated their monthly household income to be between 1 SSP and 10,000 SSP per month (roughly \$50 USD at the prevailing exchange rate) (see Figure 3). However, more than half of respondents (55%) said that they could not estimate their monthly income, which may suggest a certain reluctance to answer the question.
- **Nationality** – Respondents were overwhelmingly South Sudanese, but the sample did include five Sudanese, five Ugandans and one Congolese.
- **Ethnicity** – a total of 30 ethnic groups were represented in the sample. Six ethnic groups had five percent or more representation in the sample as a whole: Dinka, Fertit, Kakwa, Lotuka, Luo and Madi. Table 3 below shows the ethnic groups with five percent or more representation in one or more of the survey locations.

Figure 3: Household income (%)

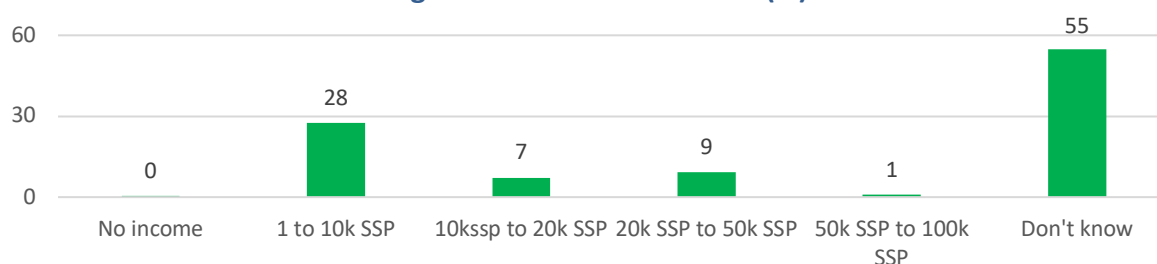


Table 3: Distribution of Ethnic Groups (%)

	Acholi	Dinka	Fertit	Kakwa	Kuku	Lango	Lopit	Lotuka	Luo	Madi	Pari	Pojulu
Nimule	5%	43%*	0%	1%	2%	1%	0%	1%	0%	42%	0%	1%
Torit	8%	0%	1%	1%	4%	8%	6%	49%	0%	7%	7%	0%
Wau	0%	13%	51%	0%	0%	0%	0%	1%	26%	2%	0%	0%
Yei	2%	1%	1%	59%	6%	0%	0%	0%	1%	0%	0%	19%
Overall	4%	14%	15%	14%	3%	2%	2%	13%	8%	12%	2%	4%

* Groups with 10% or more representation in any one of the four survey locations are highlighted with yellow.

2.2 Trends in Displacement

Three hundred ninety (58%) of the respondent households had one or more IDPs residing in them (with an average of 5.1 IDPs in each of the households). Of the 49 percent of household heads that identified themselves as IDPs, the vast majority (95%) said they were displaced as a result of conflict. Two-thirds (67%) of IDP respondents were displaced in the period since 2016 (see Figure 4), reflecting the progression of the conflict over the years from one concentrated mostly in Greater Upper Nile in the 2013-16 period to one engulfing the entire country since 2016.

Of those respondents displaced prior to 2013, most (70%) are in Nimule, pointing to groups of Dinka Bor that came to settle in Nimule after being displaced from Bor in the mid-1990s.

However, even in Nimule, a majority of respondents (74%) said they were displaced in the period since the outbreak of the current conflict in 2013. The prevalence of IDPs from Jonglei in Nimule distinguishes it somewhat from the other three locations, where IDPs were mostly displaced from within the same state (see Table 4).

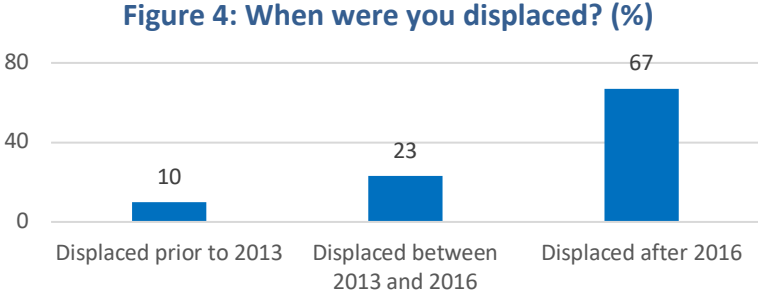


Table 4: Locations where respondents were displaced from (%)

	Central Equatoria	Eastern Equatoria	Jonglei	Lakes	Northern Bahr-el-Ghazal	Unity	Upper Nile	Warrap	Western Bahr-el-Ghazal	Western Equatoria
Nimule	24%*	16%	43%	3%	1%	5%	3%	2%	0%	3%
Torit	13%	77%	0%	0%	2%	2%	0%	3%	0%	3%
Wau	0%	0%	0%	0%	0%	0%	0%	0%	99%	1%
Yei	97%	1%	0%	0%	0%	0%	0%	0%	0%	1%
Total	32%	19%	11%	1%	1%	2%	1%	1%	31%	2%

* Areas from where more than 10 percent of respondents were displaced in a given location are highlighted in Yellow.

Compared to IDPs, the sample included comparatively fewer returnees (14%). The vast majority (91%) of returnees had previously lived in the towns to which they were returning. While a majority (64%) were displaced in the period since 2013, more than a third (36%) were displaced before 2013, some as far back as the 1970s. Most (48%) returnees were coming home after living as refugees in another country, while others had been displaced within the same town (31%) or the same state (12%). Sixty percent of returnees said that they had returned to that town in the past two years.

Among the challenges that displaced persons and returnees often face is missing or destroyed identity documents. Without a valid form of identification, people can encounter difficulties accessing a range of public services, including land administration systems. Forty percent of respondents overall said that they did not have identity documents in their possession, but IDPs were far more likely to lack identity documents (50%) than people who had not been displaced (28%) (see Figure 5). Fifty percent of IDPs and 31 percent of returnees said that they left identity documents behind when they were displaced. The most common forms of identification for those that had identity documents in their possession were nationality IDs (76%) and birth or age assessment certificates (60%) (see Figure 6).

Figure 5: Do you currently have identity documents in your possession? x Displacement status (%)

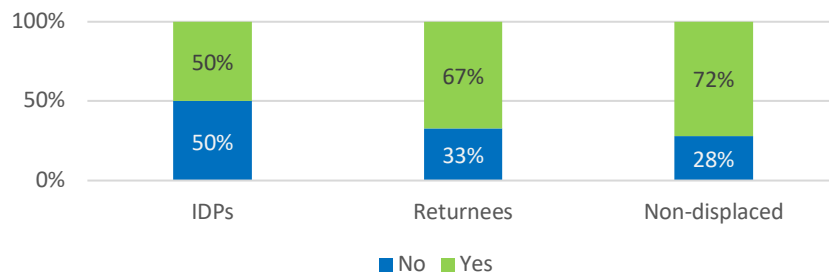
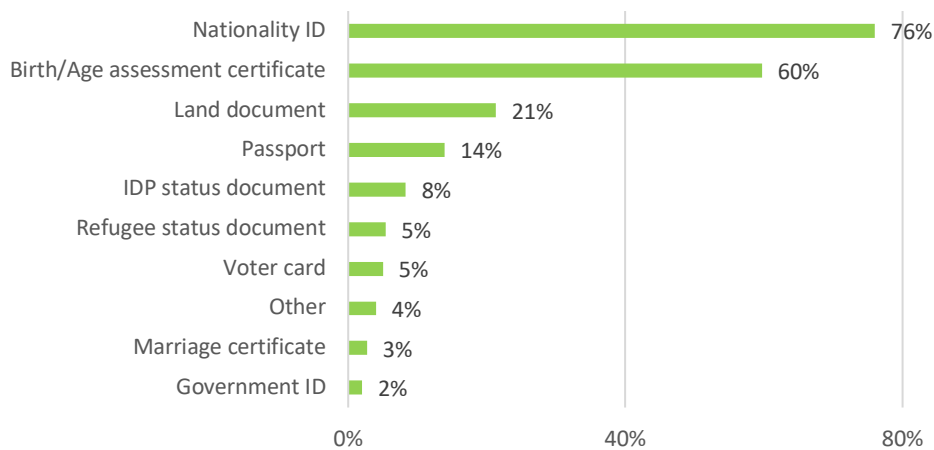


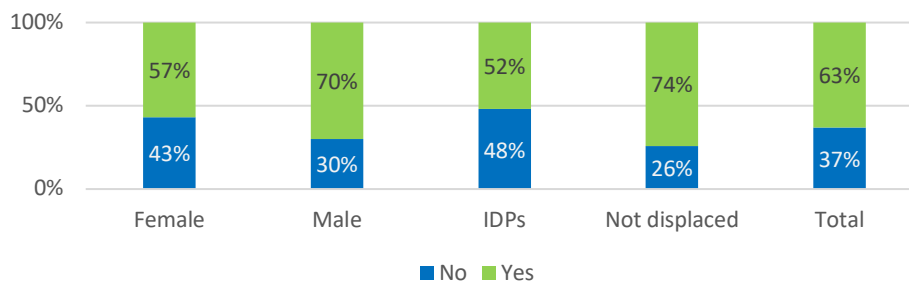
Figure 6: Which of the following identity documents do you have in your possession? (%)



2.3 Land Ownership and Value

Thirty-seven percent of respondents said that the plot where they were residing did not belong to them (see Figure 7), but most (85%) of them were staying there with the owner’s consent. Women and IDPs were more likely to say that the land did not belong to them, perhaps reflecting norms against women’s ownership of property in many South Sudanese communities and the fact that IDPs are often forced to settle on other people’s land. Of the six percent of respondents (n=38) who said that they did not have the owner’s consent to stay on the land, most were in Yei (n=25) and Torit (n=9).

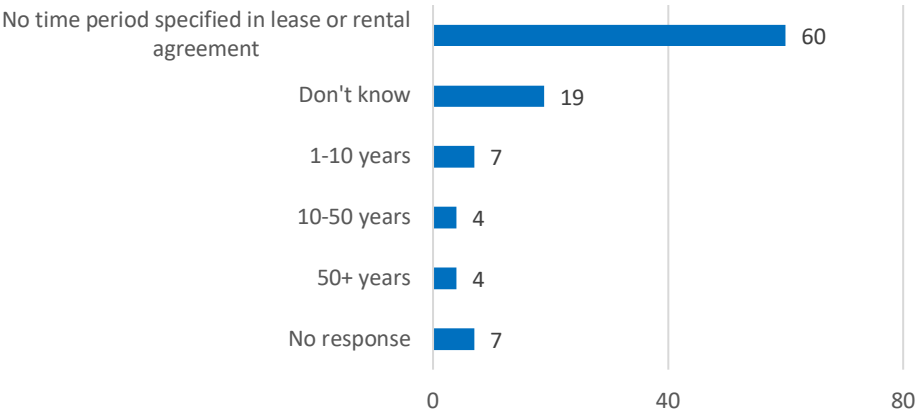
Figure 7: Does this land belong to you? x Gender x Displacement status (%)



Market transactions between private individuals were the primary means of accessing land in the survey locations. When asked how they acquired the land, the most common responses were purchase (36%), gift (19%) and inheritance (19%). Forty-four percent of respondents said they acquired the land from another private individual, 20 percent from government and 17 percent from communities or traditional authorities. Seventeen percent of respondents said that the land was vacant when they acquired it. More than two-thirds (68%) of respondents who said that they occupied vacant land were IDPs.

The ambiguity of land tenure systems in the project locations was apparent in responses to a question about the length of the lease or rental term. Sixty percent of respondents said that no specific time period was provided for in whatever agreement they had used to acquire the land, and an additional 19 percent of respondents said that they did not know the length of the lease or rental term (see Figure 8). These findings may also reflect trends in urban expansion since the signing of the Comprehensive Peace Agreement (CPA) and the establishment of a regionally autonomous government in southern Sudan in 2005. Towns across South Sudan experienced rapid growth during this period absorbing peri-urban areas where land was held informally or under customary land tenure. As such, the lease terms that normally apply to urban plots may not have applied to these landholdings.

Figure 8: What is the length of the lease or rental term? (%)



Responses to questions about the monetary value of the landholding also reflect a degree of tenure ambiguity. Of the 238 respondents who answered the question, 25 percent said that they did not pay anything for the land (see Figure 9). The remaining responses ranged from a low of just 10 South Sudanese Pounds (SSP) to a high of 150,000 SSP.³ When respondents were asked how much they thought the land was worth, their responses were an order of magnitude higher, ranging from a low of 60 SSP to a high of 300 million SSP (see Figure 10). The median increase in value for respondents who answered both the question about the amount they paid for the land and the land’s estimated worth was 300,000 SSP, reflecting the rapidly changing land markets and high rates of inflation in South Sudan.

³ Figures for plots purchased prior to South Sudan’s independence in 2011 were provided in Sudanese Pounds or the equivalent currency in circulation at the time.

Figure 9: How much did you pay for this plot? (%)

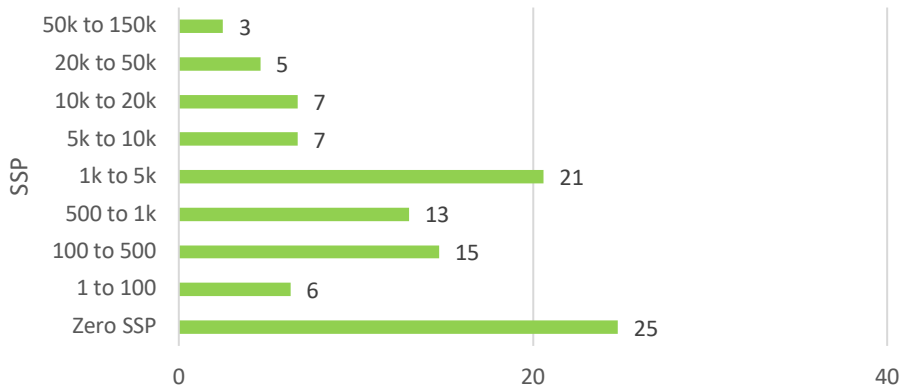
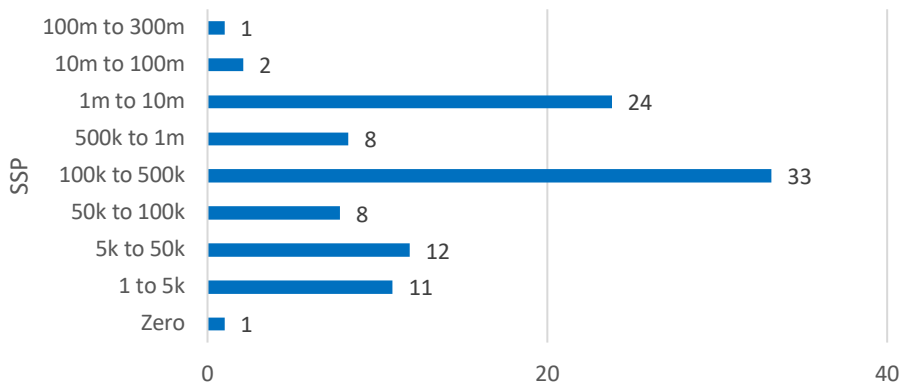
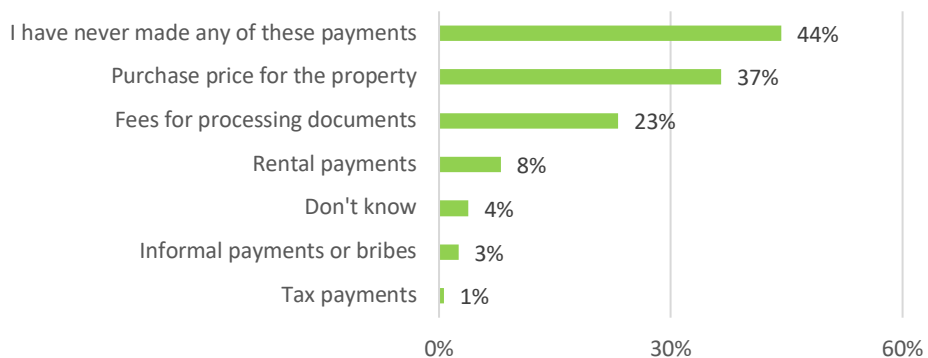


Figure 10: How much do you think this land is worth? (%)



When asked whether they had made any of a series of payments for the land, 44 percent of respondents said they had not made any payments (see Figure 11). Just one percent of respondents said that they had paid taxes during the time they occupied the landholding.

Figure 11: Which if any of the following payments have you made during the time you've occupied this landholding? (%)

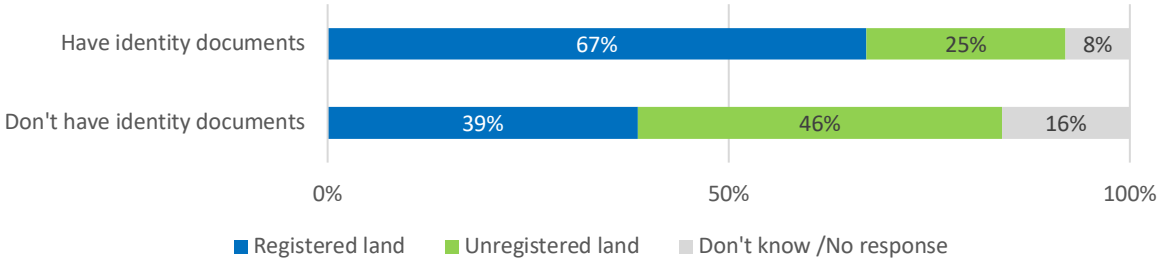


2.4 Land Registration

Survey findings confirmed high levels of informality in landholdings in urban areas. A third (33%) of respondents said that their landholding was not registered, ranging from a high of 65

percent in Nimule to a low of 13 percent in Wau. Forty-eight percent of respondents said that they do not have documents or other items demonstrating their ownership, and 17 percent of those who had documents said that they were not currently in their possession (see Figure 13). The correlation between identity documents and access to land administration systems was also apparent. Respondents who did not have identity documents (46%) were far more likely to reside on unregistered land than those who had identity documents (25%) (see Figure 12).

Figure 12: Do you have any identity documents in your possession? x Is the land registered? (%)



IDPs (27%) were three times as likely as non-displaced persons (9%) to say that they did not have their land documents in their possession. Missing documents were a particular problem in Wau and Yei, where 16 percent and 10 percent of respondents respectively said that they had documents but that they were not in their possession (see Figure 13). When asked what happened to the documents, 46 percent of respondents said that they were stolen, 30 percent said that someone they knew was keeping the documents for them, and 14 percent said they were damaged or destroyed (see Figure 14).

Figure 13: Do you have documents or other items demonstrating your ownership? x Are those documents or other items currently in your possession? x Location (%)

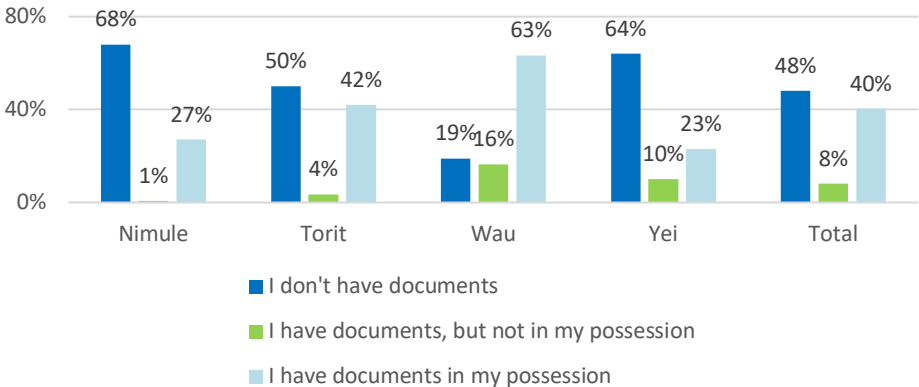
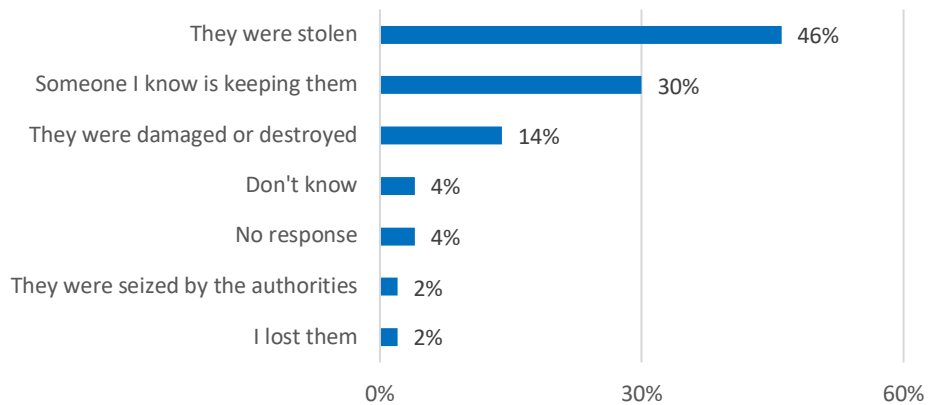


Figure 14: What happened to the documents? (%)



While the preceding questions related to the landholding where the respondent was currently residing, a similar trend was apparent for the landholdings that IDPs left behind. Forty-four percent of IDPs said that the plot they left behind was not registered and 47 percent of IDPs said that they did not receive documents or other items demonstrating their ownership. Of those that did receive documents, 30 percent (n=52) did not have the documents in their possession. Again, the most common response (50%) when asked what happened to the documents was that ‘they were stolen’.

Across the sample as a whole, 69 percent of respondents whose land had been registered said that it was registered with the state-level Ministry of Physical Infrastructure (see Figure 15). However, responses varied greatly across survey locations. For example, just 17 percent of respondents in Nimule and 34 percent of respondents in Yei said that their land was registered with the Ministry (see Figure 16). Despite the presence of a satellite office for the Torit State Ministry of Physical Infrastructure in Nimule, Nimule residents are far more likely to use the local Land Board managed by traditional authorities or the Town Council. In Yei, a Ministry of Physical Infrastructure was created when Yei River was changed from a county to a state in 2015, but the institution has not fully taken over its responsibilities and people still rely to a large extent on registration systems at the level of the municipality or county.

Figure 15: With whom is this land registered? (%)

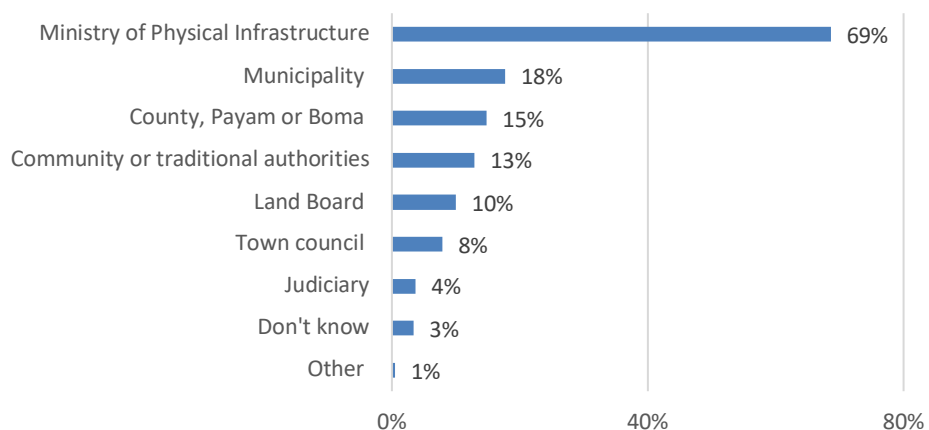
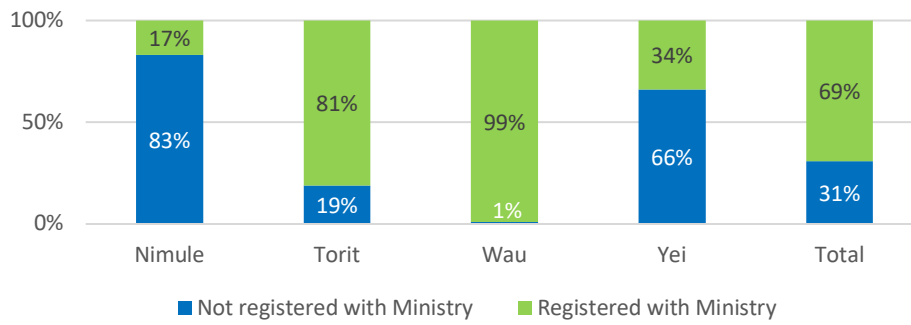
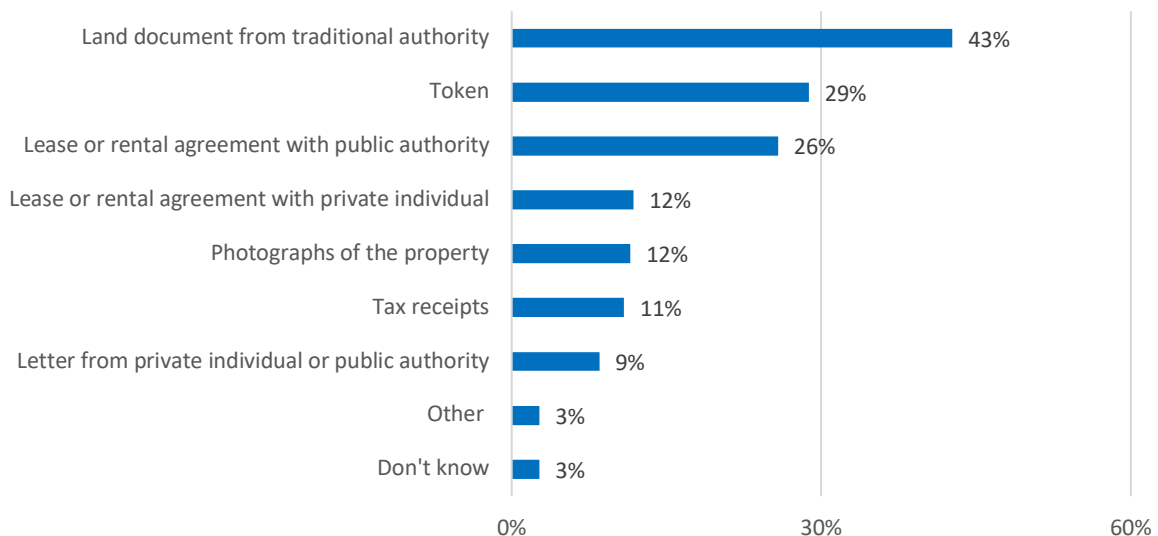


Figure 16: Plots registered with the Ministry of Physical Infrastructure x Location (%)



The most common forms of land documents were those from a traditional authority (43%), tokens (29%) (informal documents given by traditional authorities or government agencies pending a complete formalization of the landholding) and agreements with public authorities (26%) (see Figure 17). The prevalence of less formal types of documentation highlights the limited reach of the formal system in the face of increasing demand, which creates incentives for communities or traditional authorities to distribute land through parallel, and sometimes officially sanctioned, land administration processes. While such informal processes are important mechanisms of increasing access to land in a context where official processes have limited capacity, they also require close oversight to ensure that they do not engage in discriminatory decision-making, particularly with respect to gender or ethnicity.

Figure 17: Which of the following documents or other items do you have? (%)



At the same time, the high proportion of unregistered landholdings points to the importance of alternative forms of evidence in assessing HLP claims. The Land Act (2009) allows ownership rights to be proven “by any other practices recognized by communities in [South] Sudan in conformity to equity, ethics and public order.” In practice, however, the claims of people who lack written land documents are sometimes disregarded in HLP disputes. Any effort to expand access to existing land administration systems or to put in place alternative claim procedures should provide due consideration to alternative forms of evidence to more effectively conform to the realities of the current context.

2.5 Incidence of HLP Disputes

The survey posed both generic and specific questions about the incidence of HLP disputes. After a series of questions about whether individuals in the household experienced any HLP disputes, the survey asked specific questions about eight types of disputes. Table 5 lists the disputes along with a description and the subset of the sample to which the associated questions were asked.

Table 5: Types of specific HLP disputes

Type of dispute		Sample size	Description
1	Land grabbing involving plots of land left behind by IDPs	IDPs only (n=333)	First, respondents were asked, 'As far as you know, is the plot of land from where you were displaced currently occupied or vacant.' A follow-up question asked whether or not the plot was being occupied with the respondent's permission.
2	Land grabbing involving other plots owned by the household head	Non-IDPs only (n=344)	The question read, 'Do you own any other plots in this town that are being unlawfully occupied by someone else without your permission?'
3	Land grabbing involving plots belonging to other household members	All respondents (n=677)	The question read, 'Within the past three years, has anyone else in this household owned a plot of land in this town that has been unlawfully occupied or grabbed by another individual?'
4	Land grabbing involving plots previously occupied by returnees	Returnees only (n=95)	First, respondents were asked, 'Did you encounter any problems accessing land or housing upon your return to this area?' The respondent was then asked to describe the nature of his or her problems, and the enumerator was provided with a coded list to select from, including an option that the respondent's land was unlawfully occupied by another individual or institution.
5	Multiple claims to the landholding where the interview was taking place	All respondents (n=677)	The question read, 'Does anyone else claim ownership of this landholding.'
6	Expropriation of other plots belonging to the household head	Non-IDPs only (n=344)	The question read, 'Do you own any other plots in this town that have been seized or expropriated by the government?'
7	Expropriation of plots owned by other household members	All respondents (n=677)	The question read, 'Within the past three years, has anyone else in this household had a plot of land in this town seized or expropriated by the government?'
8	Houses of returnees that were partially or completely destroyed	Returnees only (n=95)	This question involved the same series of questions as those asking about land grabbing involving returnees, except that the response options were for houses that were partially or completely destroyed.

HLP disputes were a relatively common occurrence in the areas targeted in this survey. Approximately one in five respondents (21%) said that someone in their household had

experienced an HLP dispute within the last three years. The highest prevalence of disputes was in Nimule, where 37 percent of respondents said that someone in the household had experienced a dispute (see Figure 18).⁴ Most households had only experienced a single land-related dispute within the last three years, but a quarter of households had experienced two to five disputes and 13 percent had experienced more than five disputes (see Figure 19).

Figure 18: Has anyone in this household experienced a land-related dispute in the last three years? x Location (%)

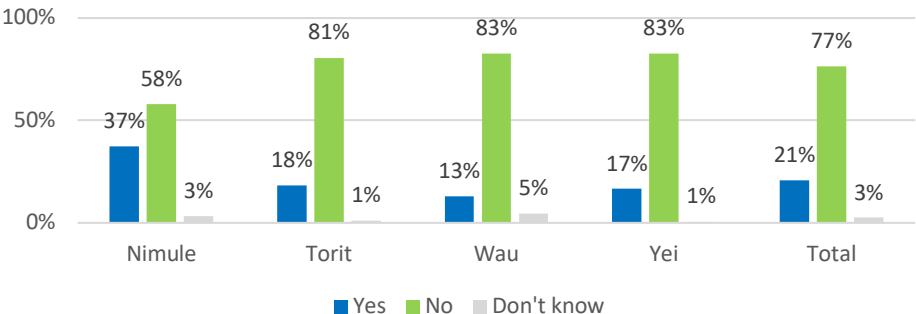
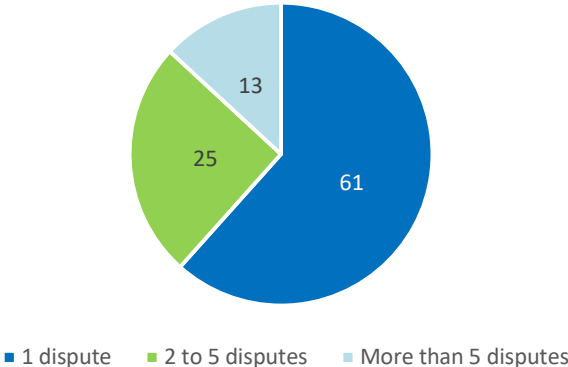


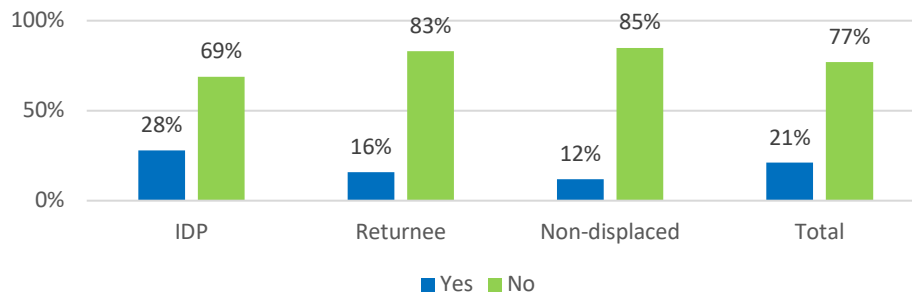
Figure 19: How many land-related disputes have individuals in this household experienced in the last three years? (%)



According to respondents, most (86%) of the disputes that individuals in their households experienced involved an IDP or returnee. This trend applied even in households where there were no IDPs or returnees living at the time of the interview, for which 76 percent of the disputes involved an IDP or returnee. Households headed by IDPs (28%) were also more likely to have experienced disputes than households headed by returnees (16%) or non-displaced individuals (12%) (see Figure 20).

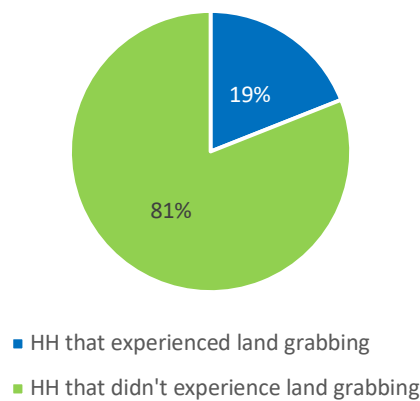
⁴ Households headed by men (25%) were more likely to have experienced a dispute than households headed by women (17%), but households on unregistered land (23%) were only slightly more likely to have experienced disputes than those on registered land (20%).

Figure 20: Have any individuals in this household experienced a land-related dispute in the last three years? x Displacement status (%)



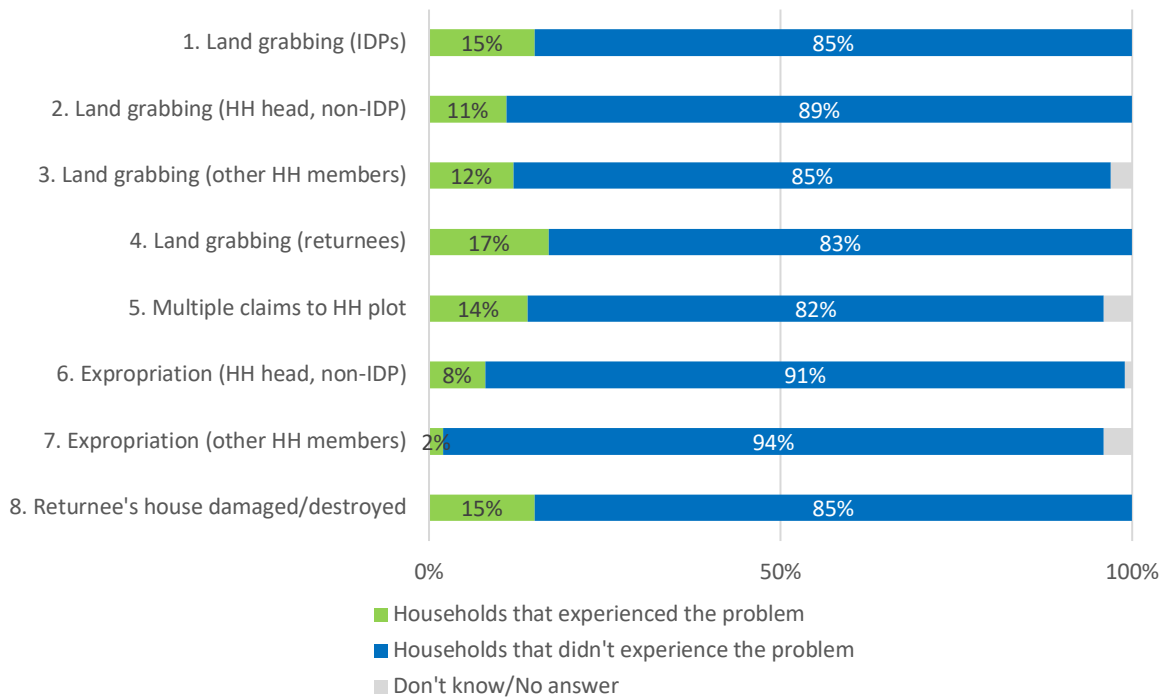
The incidence of specific HLP disputes reinforces the findings about the prevalence and geographic distribution of disputes (see Figure 22). For example, the combined incidence rates for the four types of land grabbing shows that nearly one in five households (19%, n=126) in the sample experienced one or more incidents of land grabbing (see Figure 21).⁵ When extrapolated to these populations more broadly, figures such as these could potentially represent a large number of cases. For example, if one in seven returnees (17%, n=16) were to return home to find his or her land occupied by someone else in the context of a return and resettlement process involving tens or hundreds of thousands of people, it would quickly overwhelm land administration systems.

Figure 21: Incidence of land grabbing [4 types]



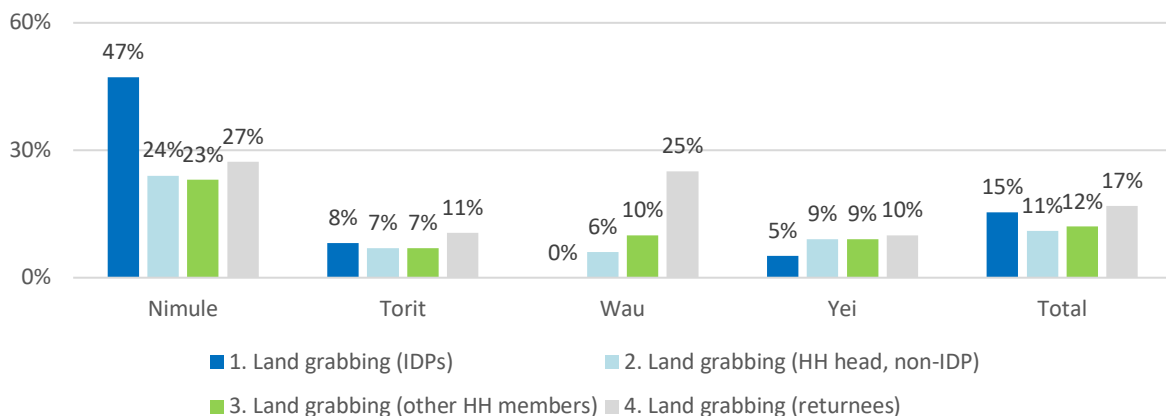
⁵ This figure was determined by combining the incidence rates for the four types of land grabbing and discounting multiple incidents in a given household.

Figure 22: Incidence of specific land-related disputes (%)



The geographical distribution of disputes provides additional insights on trends across the sample population. For example, incidence rates for land grabbing – whether involving plots left behind by IDPs, other plots owned by the household head or plots owned by other household members – were generally highest in Nimule and lowest in Wau (see Figure 23). The one exception was a land grabbing case involving one of the four (25%) returnees that were interviewed in Wau. Twenty-two percent (n=11) of the cases in which an IDP’s land was being occupied without their consent involved individuals associated with the security sector.

Figure 23: Incidence of land grabbing x Location (%)

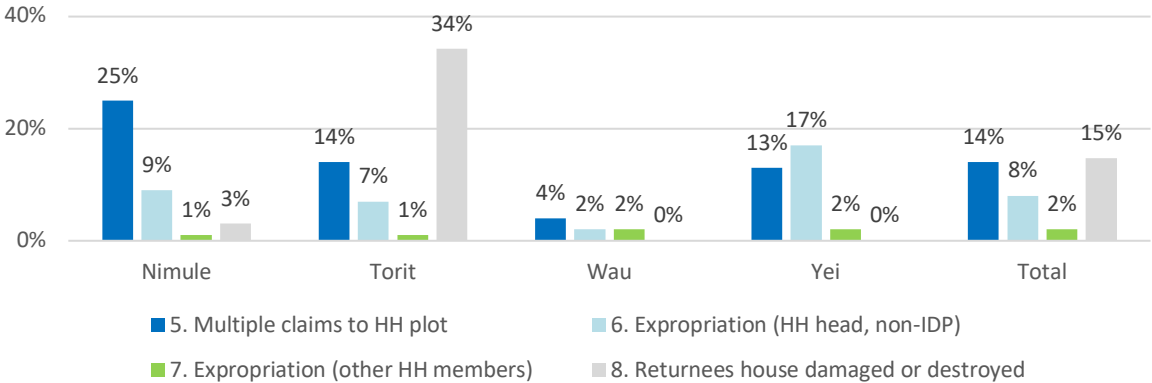


The higher rates of land grabbing among respondents in Nimule may be a consequence of the length of time that many IDPs in Nimule have been displaced. For IDPs that left Bor in the 1990s and came to settle in Nimule, as time passed, it would have become increasingly likely that someone else would claim the land that they left behind. This experience also has relevance in the current situation, in which IDPs have been displaced for extended periods of

time in POC sites and other IDP settlements across the country. The longer that their displacement persists the more likely it becomes that someone else will occupy the land that they left behind.

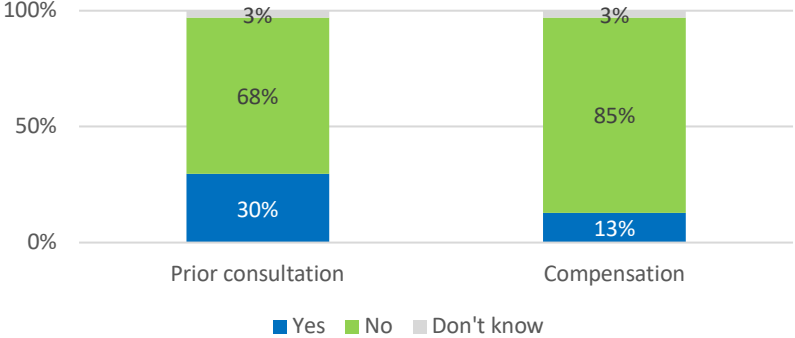
Other types of disputes show different patterns of geographic distribution. Overall, there were fewer cases of expropriation than land grabbing, but the incidence rates of expropriation in Yei (17%) were much higher than those in the other locations (see Figure 24). Conversely, aside from the one returnee (3%) in Yei whose house was damaged or destroyed, 34 percent (n=13) of the returnees in Torit encountered this problem. These trends demonstrate the extent to which the prevalence of HLP disputes is determined by local contextual factors and the need for context-specific approaches when developing solutions.

Figure 24: Incidence of multiple claims, expropriation and damaged/destroyed houses x Location (%)



Survey data suggests that the public authorities involved with most expropriations are not satisfying basic standards of due process. According to the Land Act (2009), the expropriating authority must serve prior notice to the owner of the land and provide compensation in cash or in kind. Despite these legal safeguards, 68 percent of respondents that had their property expropriated said they were not consulted beforehand, and 85 percent said that they did not receive compensation (see Figure 25).

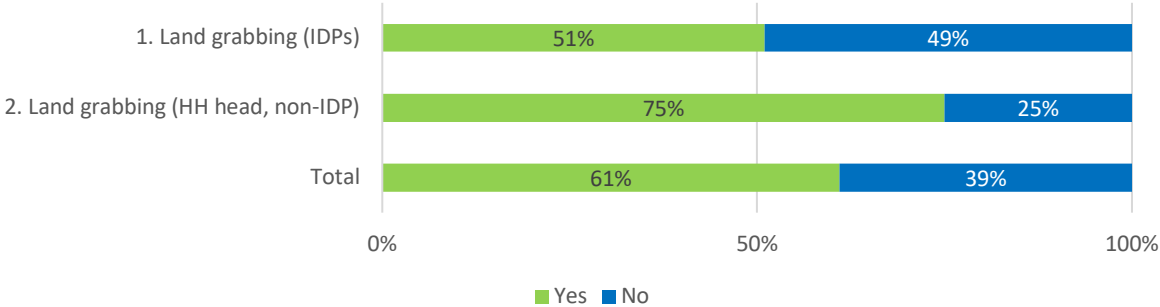
Figure 25: Were you consulted/compensated [for cases of expropriation]? (%)



2.6 Access to Dispute Resolution Mechanisms

Respondents exhibited considerable agency in seeking solutions to their HLP disputes, but major gaps were apparent in the availability and efficacy of land administration services. In 61 percent (n=53) of the cases of land grabbing involving IDPs or other plots owned by non-IDP household heads, the individual concerned tried to negotiate directly with the person occupying their land (see Figure 26). In the absence of a more developed system for managing HLP disputes, self-help appears to be a fairly common response.

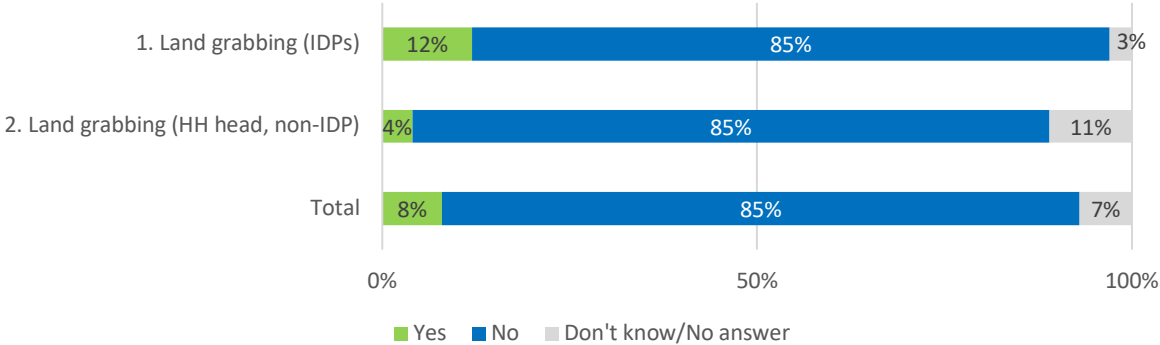
Figure 26: Have you tried to negotiate directly with the individual occupying your land? x Type of dispute (%)*



* This question was not asked for incidents of land grabbing involving other household members or returnees.

However, these efforts at direct negotiation had poor success rates, with only four respondents (8%) saying that the negotiations were successful. Since people seem willing to engage one another directly, to the extent that it is safe to do so, public authorities and development partners could help them to reach mutually satisfactory outcomes by providing mediation or arbitration services. Such services could be more enforceable than a simple appeal to an institution responsible for land registration to clarify land ownership information, and less intensive in terms of time and resources than adjudication through the courts.

Figure 27: Were those negotiations successful? x Type of dispute (%)*

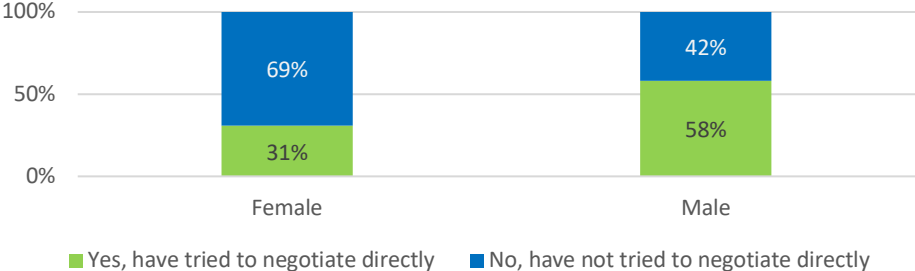


* This question was not asked for incidents of land grabbing involving other household members or returnees.

There were also gender disparities with regard to the willingness of IDPs to negotiate directly with the individual occupying their land. IDP men (58%) were much more likely to negotiate

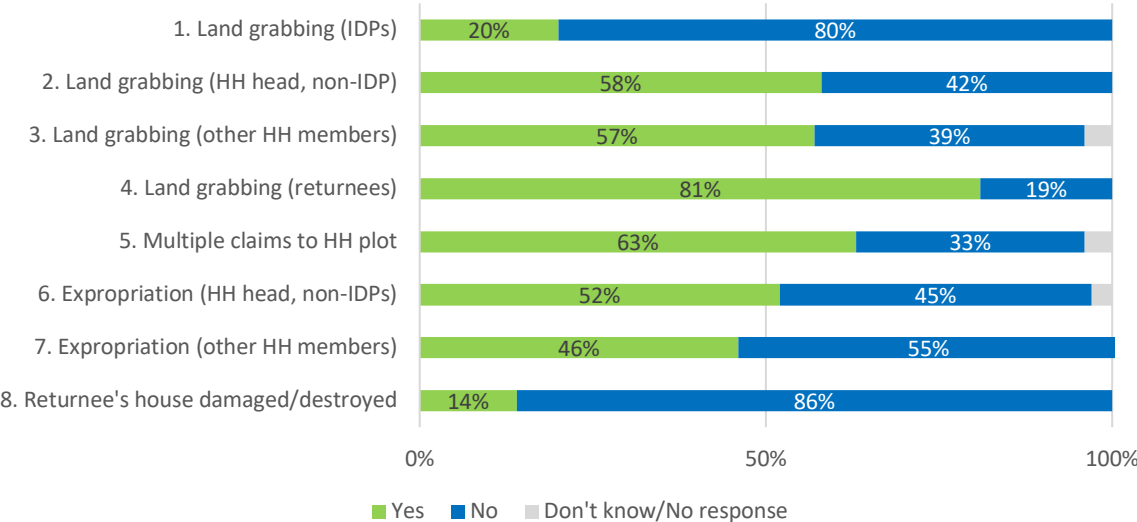
with the individual than women (31%).⁶ This finding may point to unique protection concerns that IDP women face and their ability to engage individuals who have occupied their land. Indeed, IDPs overall (51%) were less likely to try to negotiate with the individuals occupying their land than non-IDPs (75%).

Figure 28: Have you tried to negotiate directly with the individual occupying your land? x Gender (%)



Aside from the question of direct negotiation and self-help, the data on access to dispute resolution mechanisms further demonstrates the willingness of many respondents to seek third-party assistance in addressing their HLP dispute, while at the same time shedding light on the major gaps that exist. Again, IDPs face unique challenges in accessing dispute resolution mechanisms in cases of land grabbing, as seen in the fact that just 20 percent (n=8) of IDPs sought assistance from third parties in trying to resolve the issue (see Figure 29). Similarly, returnees whose houses were damaged or destroyed (almost all of whom were found in Torit) were also less likely (14%, n=2) to seek third-party assistance.

Figure 29: Did you/other HH member seek assistance from any other actor to try to solve the dispute? x Type of dispute (%)*

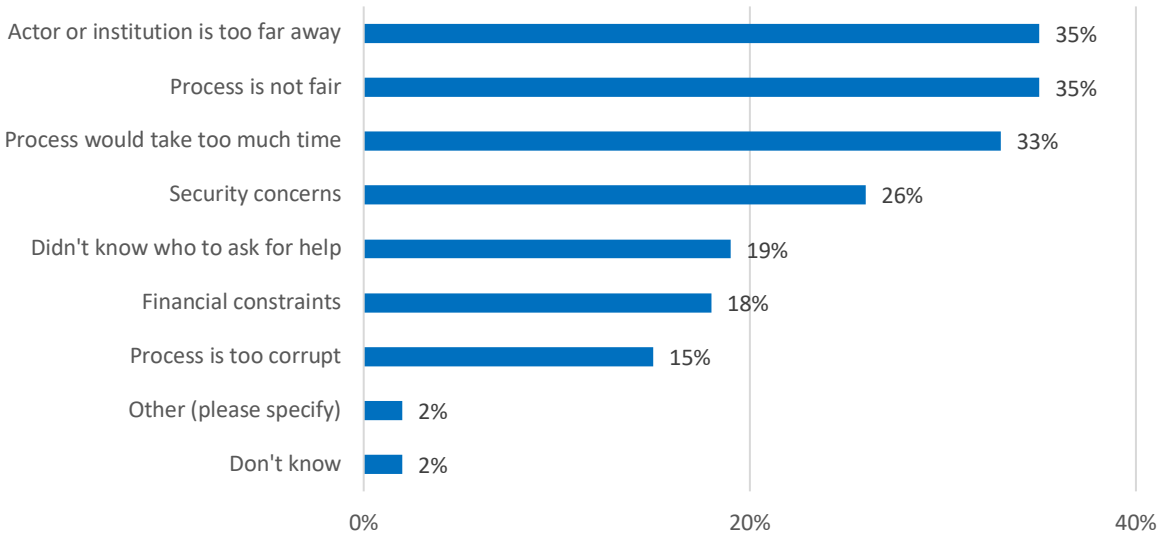


* Data expressed as a percentage of respondents who experienced the dispute.

⁶ This trend was not apparent for non-IDP household heads, in which women (80%) were slightly more likely to try to negotiate directly with the individual occupying their land than men (73%). However, only 10 female respondents experienced this type of dispute (as compared to 26 men) and a larger sample size may be needed to draw more firm conclusions.

When asked why they did not seek assistance, respondents that had experienced any one of the four types of land grabbing emphasized the distance that they would have to travel to access the dispute resolution mechanism (35%), the unfairness of the process (35%) and that it would take too much time (33%) (see Figure 30). To a certain extent, these findings may be associated with the fact that IDPs were disproportionately represented among the respondents who did not access dispute resolution mechanisms, and the circumstances of their displacement may put land administration mechanisms out of reach. The fact that more than a quarter (26%) of all respondents that were not able to access dispute resolution mechanisms cited security concerns also points to the risks to personal security that these situations sometimes pose.

Figure 30: Why did you not seek assistance [for all four types of land grabbing]? (%)



Conversely, a lack of information about who to appeal to for help was the most prominent response across the other disputes relating to multiple claims to the household plot (29%), expropriation of landholdings belonging to the household head or another household member (50%) and damaged or destroyed housing for returnees (58%). This suggests that programs to empower people with information about land administration processes and facilitate their interactions with these institutions could have significant impacts in terms of improved access.

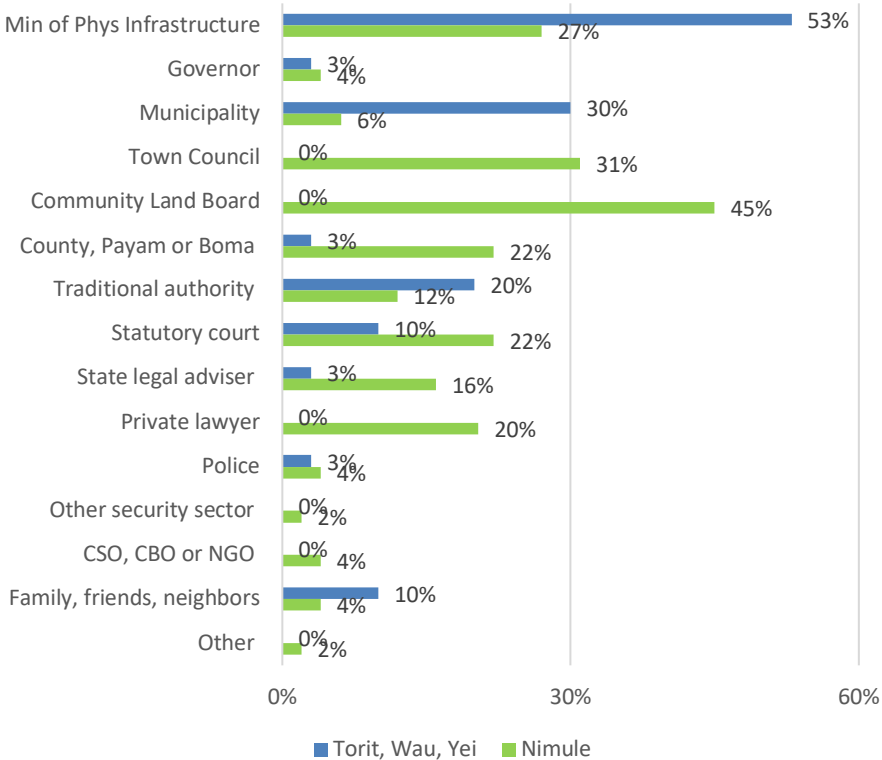
2.7 Dispute Trajectories and Outcomes

Respondent efforts to address their HLP dispute focused on a range of institutions at the state-level and below. Across the sample as a whole, respondents who experienced any of the four types of land grabbing went most frequently (38%) to the state-level Ministry of Physical Infrastructure for assistance. Other prominent actors in dispute resolution included statutory courts (17%), traditional authorities (16%) and county, payam or boma officials (13%).

Figure 31 disaggregates the data into dispute resolution actors in the state capitals of Torit, Wau and Yei and the border area of Nimule. As the state capitals, Torit, Wau and Yei all have

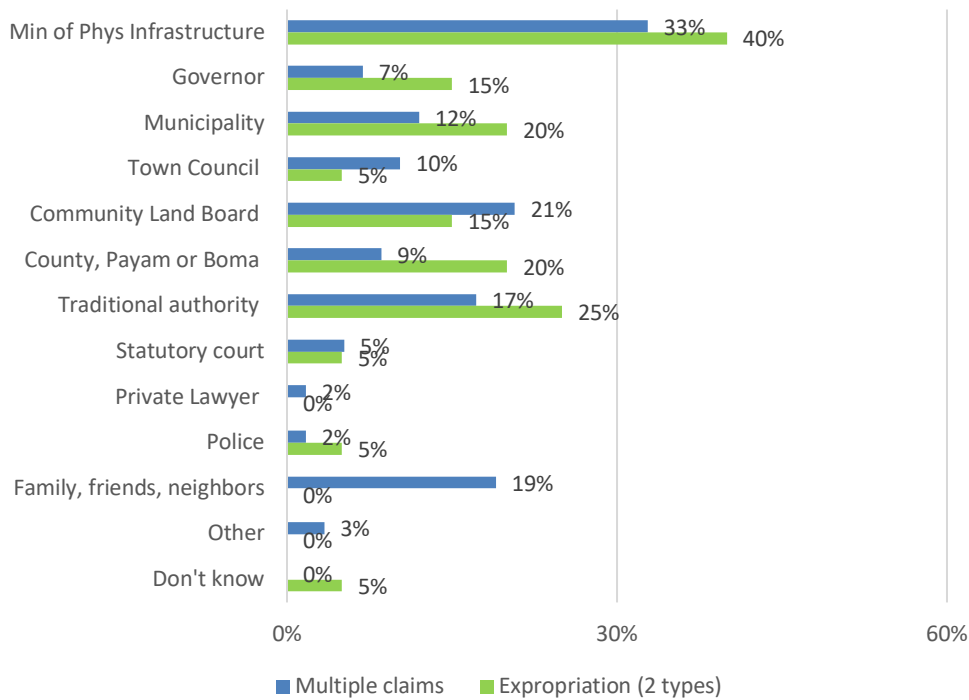
Ministries of Physical Infrastructure that are readily accessible to residents of those areas, although the Ministry in Yei was only established recently when Yei was upgraded from a county to a state and has yet to assume most of its functions. In Nimule, land is primarily administered by a Land Board presided over by community leaders and the Town Council. Forty-five percent of respondents who sought third-party assistance for an incident of land grabbing in Nimule approached the Land Board and 31 percent approached the Town Council. A considerable percentage of respondents from Nimule (27%) also said they sought the assistance of the Ministry of Physical Infrastructure, perhaps pointing to the role of the Ministry’s satellite office in Nimule.

Figure 31: Who did you go to for assistance [for all 4 types of land grabbing]? x Location (%)



Respondents who sought assistance in instances where someone else was claiming ownership of the household plot or whose property had been expropriated by the government show a similar trend of seeking assistance primarily from the Ministry of Physical Infrastructure followed by a range of local government and traditional authorities (see Figure 32).

Figure 32: Who did you go to for assistance [for multiple claims and expropriation]? (%)



For a majority of HLP disputes in which respondents sought third-party assistance, the issue had not been resolved at the time of the interview (see Figure 33). However, those respondents whose disputes had been resolved (n=54) expressed high levels of satisfaction with the outcome, with 85 percent of respondents saying that they were ‘very’ or ‘somehow’ satisfied (see Figure 34). If individuals who are able to successfully navigate dispute resolution systems to their conclusion are generally more satisfied with the outcome, these findings may suggest an unmet demand for land administration services that could be satisfied by expanding access among populations in priority locations.

Figure 33: Was the matter resolved [for land grabbing, multiple claims, expropriation]? (%)

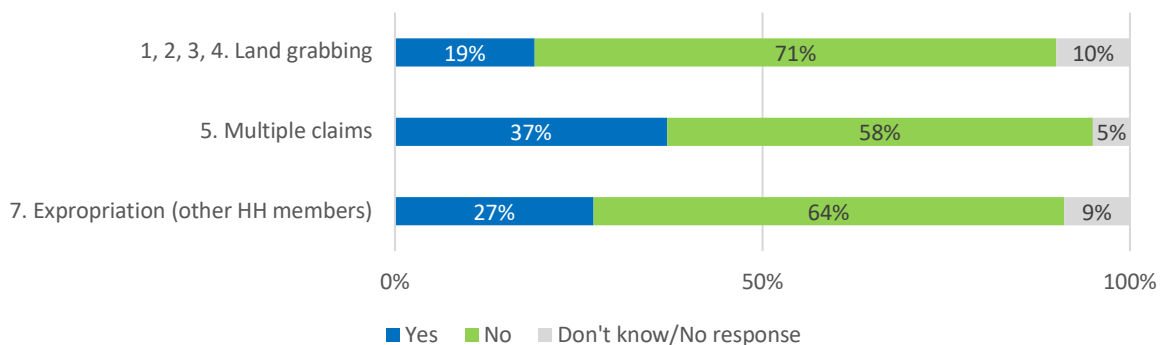
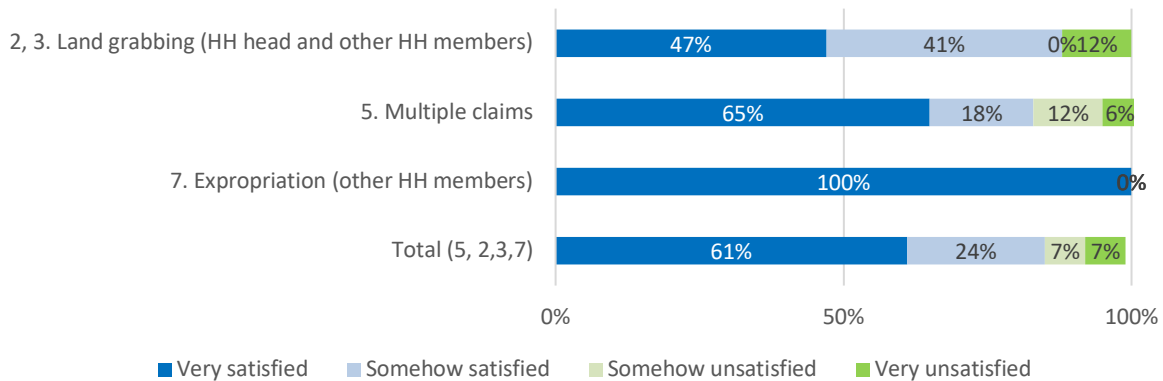


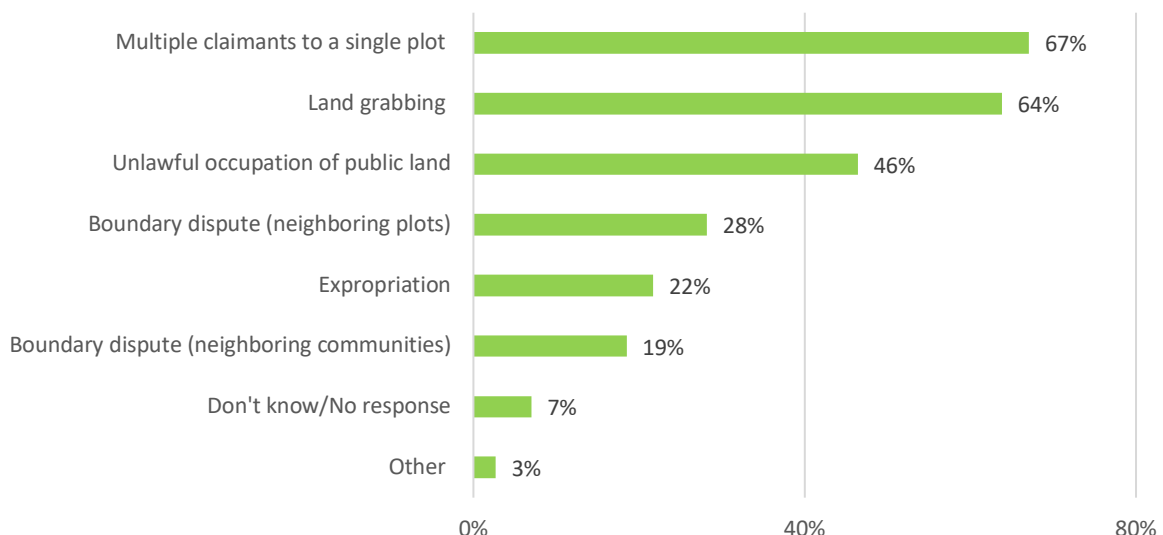
Figure 34: How satisfied were you with the outcome [for land grabbing, multiple claims, expropriation]? (%)



2.8 Perceptions of HLP Issues

When asked about the main causes of HLP disputes in their towns in 2018, respondents emphasized ‘multiple claimants to a single plot’ (67%), ‘land grabbing’ (64%) and ‘unlawful occupation of public land’ (or squatting) (46%) (see Figure 35). Considerable variations were apparent across the four locations. For example, the most common response in Wau (91%) and Torit (57%) was ‘multiple claimants to a single plot’, while the most common response in Nimule (88%) and Yei (65%) was ‘land grabbing’. Perceived problems relating to expropriation were also more pronounced in Wau (43%) and Yei (30%) as compared to Torit (4%) and Nimule (6%). As noted above, contextualizing HLP and understanding the problems that are faced at a local level is critically important in developing effective HLP programming.

Figure 35: In your opinion, what were the main causes of HLP disputes in this town in 2018? (%)



Overall, respondents expressed considerable confidence in their tenure security and in the accessibility and effectiveness of dispute resolution mechanisms. For example, 74 percent of respondents felt somehow or very secure that their HLP rights would be respected (see Figure

36), 77 percent of respondents said that dispute resolution systems were ‘somehow’ or ‘very’ accessible and 70 percent of respondents said that they function ‘somehow’ or ‘very well’ (see Figure 37). However, feelings of insecurity among IDPs and returnees were twice those of non-displaced respondents, highlighting vulnerabilities among displaced populations. As mentioned above, the return of IDPs and refugees will be among the litmus tests of meaningful peace and it is important that targeted HLP interventions are designed that help to reduce these gaps. In that regard, the divergences among these populations may be as important as the overall levels themselves.

Figure 36: How secure do you feel that your rights to this land and property will be protected? x Displacement status (%)

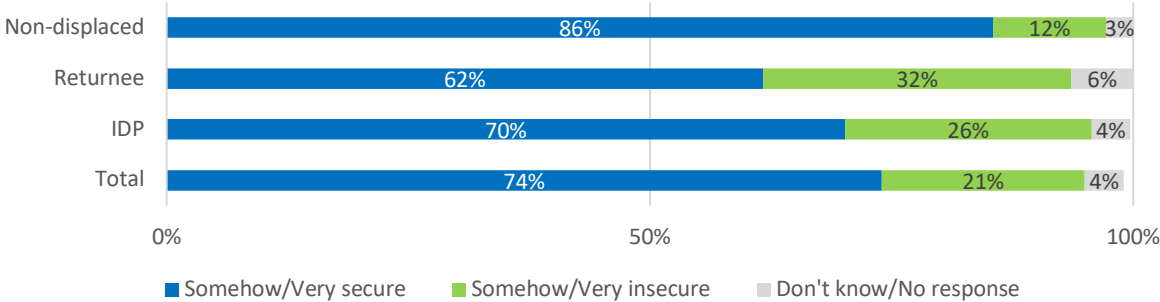


Figure 37: In your opinion, how accessible are dispute resolution mechanisms for disputes arising from competing claims to land in this town? x Displacement status (%)

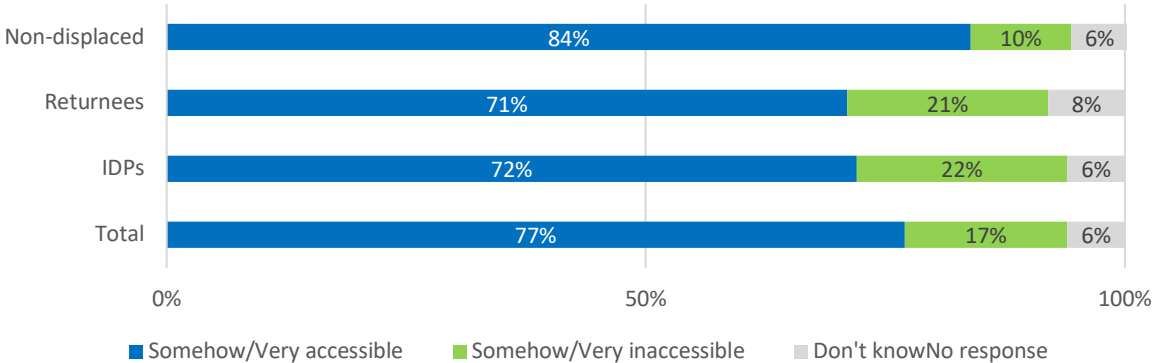
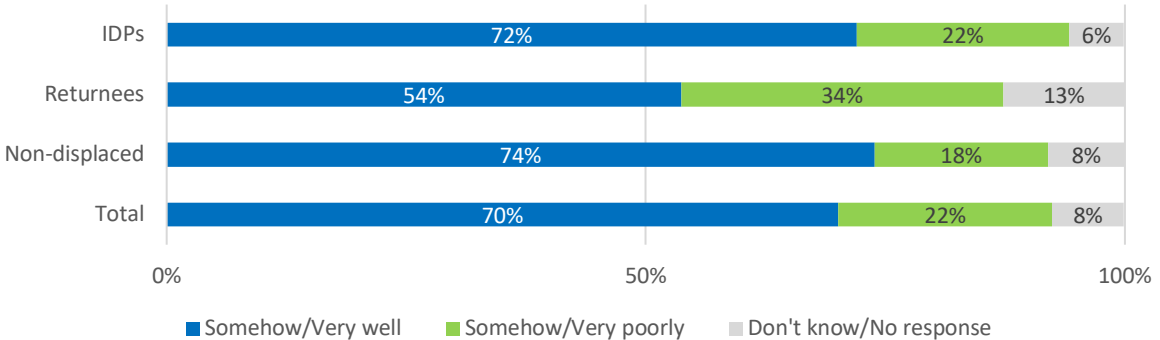


Figure 38: In your opinion, how well do dispute resolution mechanisms for land-related disputes function in this area? x Displacement status (%)



Perceptions about the right of IDPs to access land in different parts of the country highlighted the tensions associated with prolonged displacement. For example, less than half (48%) of non-IDP respondents in Nimule thought that IDPs should have a right to access land in that community compared to 91 percent of IDPs (see Figure 39). Similarly, nearly a quarter (24%) of non-IDP respondents in Nimule said that the constitution did not recognize people’s right to live where they want to in South Sudan, as opposed to just two percent of IDP respondents (see Figure 40). Differences in viewpoints between IDPs and non-IDPs on this question in Torit, Wau and Yei were far less pronounced. The tensions in Nimule between host communities and IDPs, many of whom have settled there permanently, illustrates how problems associated with past periods of displacement can become intertwined with more current displacement trends. These factors should be taken into account in designing a comprehensive approach to return and resettlement.

Figure 39: In your opinion, should someone who is displaced from elsewhere in South Sudan have a right to access land in this community? x Displacement Status x Nimule (%)

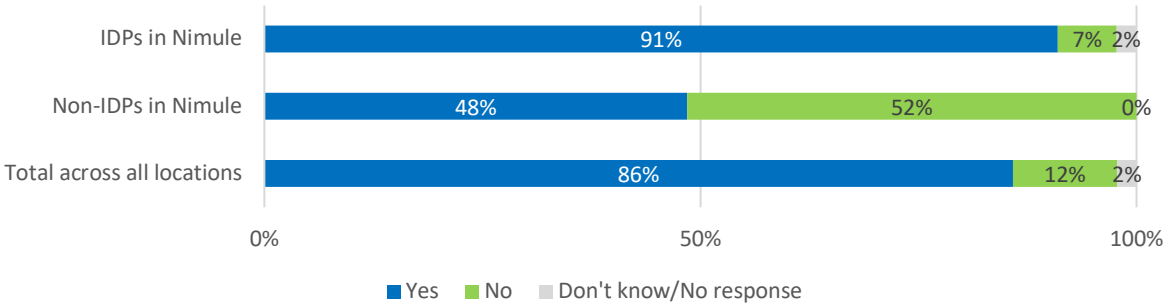
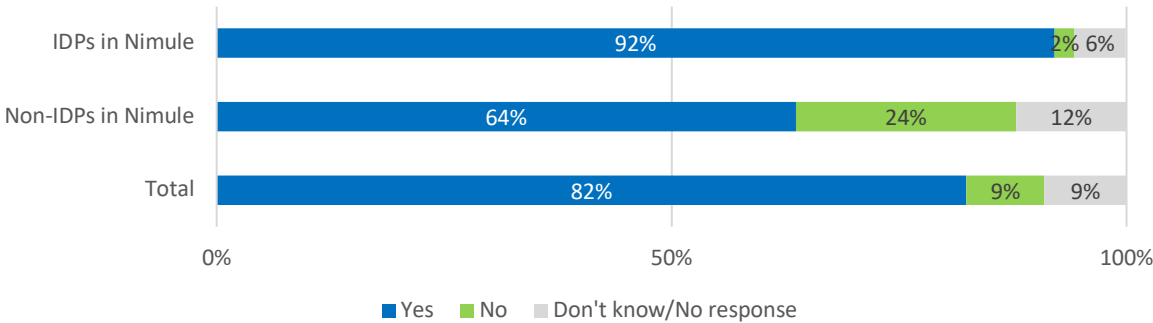
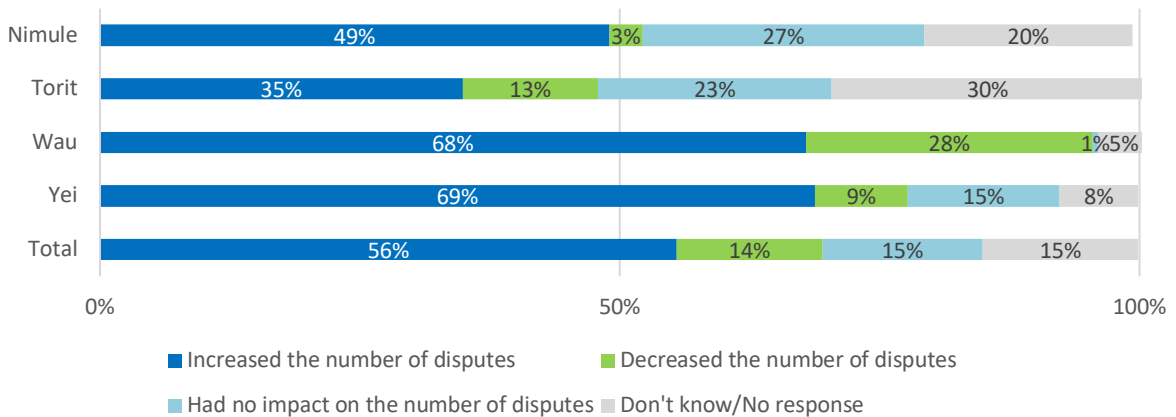


Figure 40: As far as you know, does the constitution recognize people's right to live wherever they want in South Sudan? x Displacement status x Nimule respondents (%)



Another critical decision that South Sudan will have to confront is the number of states to be put in place over the transitional period. Most respondents in each location were of the opinion that the decision to create 32 states increased the number of disputes in their area, although respondents in Torit and Nimule, both of which are in Torit State, did not feel as strongly about it as those in Yei and Wau (see Figure 41). These findings support the notion that the 32 states remain unpopular with large segments of the population and that there is an urgent need for open dialogue among South Sudanese to determine the appropriate way forward.

Figure 41: Has the decision to create 32 states increased, decreased or had no impact on the number of HLP disputes in this area? x Location (%)



Lastly, the gender discrepancies between respondent understandings of the legal and normative frameworks governing women’s ownership of land illustrate some of the challenges that remain with respect to women’s land rights in South Sudan. Although a sizeable majority of both men and women thought that South Sudanese law protected women’s ownership rights, more than twice as many male respondents (15%) thought the law prohibited women’s land ownership as female respondents (6%) (see Figure 42), and more than three times as many male respondents (22%) thought that women should be prohibited from owning land as female respondents (7%) (see Figure 43).

Figure 42: As far as you know, according to South Sudanese law, can a woman own land independently of her husband or any male relative? x Gender (%)

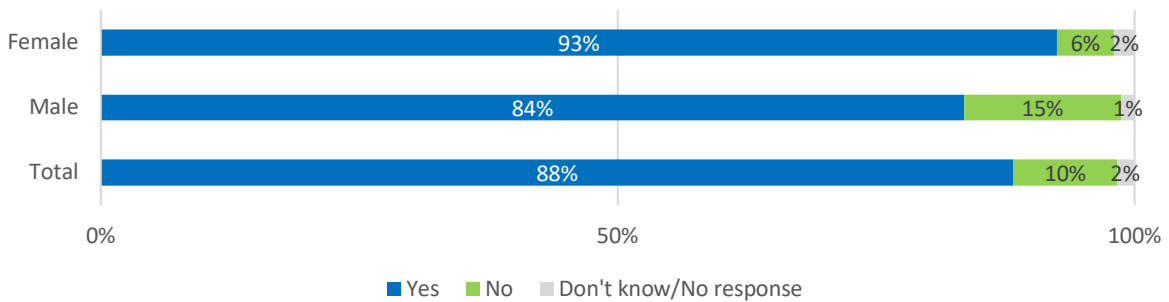
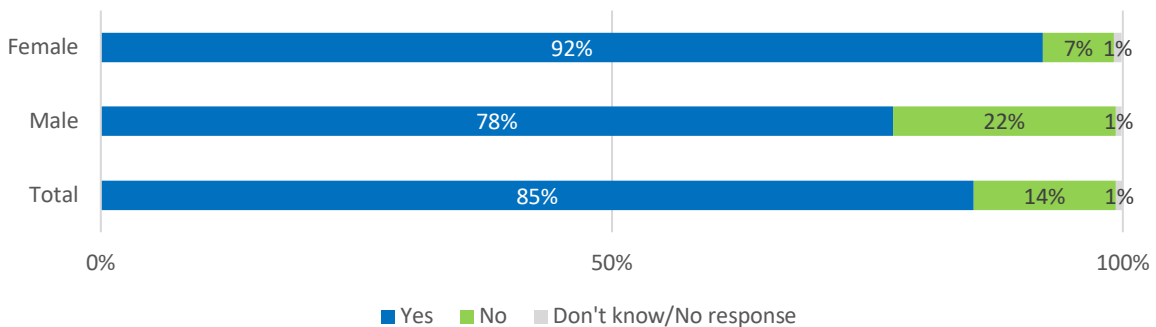


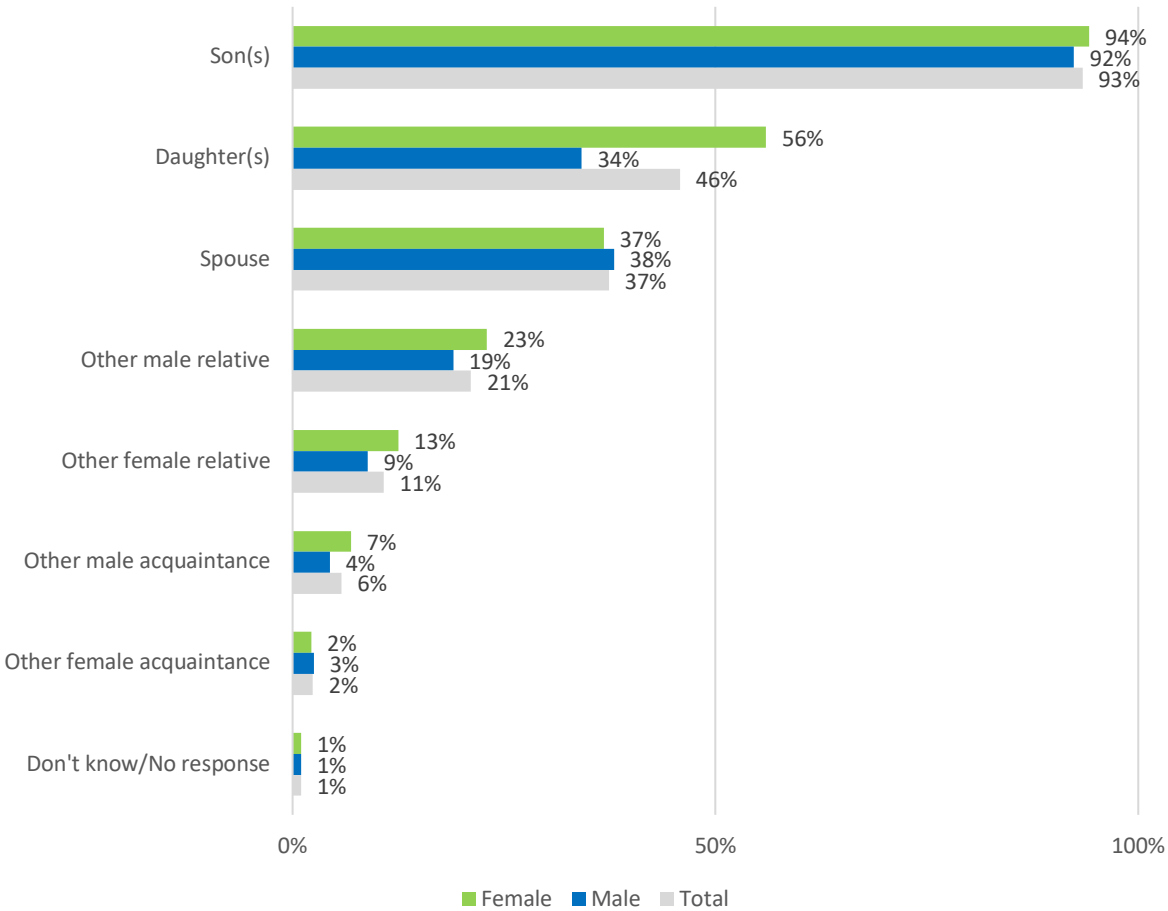
Figure 43: In your opinion, should women be able to own land independently of their husbands or male relatives? x Gender (%)



A follow-up question about who the respondent would bequeath their landholding to after their death reveals some of the complexities of gender and land. Although female respondents (56%) were more likely to say that they would bequeath their landholding to their daughters than male respondents (34%), 94 percent of female respondents said that they would bequeath their landholding to their sons (see Figure 44).

On the one hand, the finding reflects how deeply embedded notions of male land ownership are, even among women. On the other, it reflects an understanding that women are likely to marry outside of the clan and would theoretically gain access to land through their husbands and their families. Were a woman and her descendants to retain property rights in her place of birth as well, it could generate tensions among the communities concerned, particularly if the woman was to marry into another ethnic group. More fundamental problems arise with respect to divorced women and widows who are often dispossessed of their land rights by their deceased or ex-husbands’ families. Without access to land in their places of birth, many women in such situations are rendered landless, along with their children.

Figure 44: When you pass away, who will you bequeath this landholding to? x Gender (%)



Conclusion and Recommendations

South Sudan has undergone dramatic changes since the end of the last civil war in 2005. Economic growth and the influx of returnees during the interim period prior to independence (2005-11) contributed to shifting attitudes on modernization and development. The strong cultural bias against selling or disposing of land outside the family or clan began to wane, particularly in and around urban areas. With the onset of protracted conflict in December 2013, new HLP problems were superimposed on already existing problems that were as yet unresolved. Gender equality is slowly becoming a normative standard even as the conflict has forced women to assume additional responsibilities as heads of households and breadwinners. Effective humanitarian assistance in this environment requires careful attention to these changes and an ability to adapt to the ever-changing context.

At this writing, South Sudan is approaching the end of the pre-transitional period as stipulated in the R-ARCSS and the prospects for peace in the short-term remain uncertain. As South Sudanese grapple with the challenges of stabilizing the political and security context, there is growing pressure to initiate return and resettlement processes in order to demonstrate a transition into post-conflict recovery. To rush into a premature return and resettlement process in this manner would be counterproductive. Not only would it put people at risk, but it would also make it that much more difficult for displaced populations to contemplate return in the future. However, there are steps that public authorities and development partners can take now to incentivize voluntary returns and prepare the ground for a more substantial return and resettlement process when the time is right.

Preparing the ground in this manner requires practical solutions, including the reconstruction of damaged and destroyed housing, the legal empowerment of affected populations, support for existing dispute resolution mechanisms, and the development of low cost and accessible alternative claims processes. Restoring the HLP rights of displaced persons and host communities could provide people with a place to live and earn an income, thereby building social cohesion and contributing to conflict stabilization and recovery efforts. If HLP problems are left unaddressed, they risk becoming barriers to the eventual return of displaced populations in a safe, voluntary and dignified manner and could sow the seeds of future conflict.

Additional recommendations for public authorities and development partners include the following:

4. Systematically document HLP claims in priority areas – This study underscores the need to contextualize HLP and understand the specific challenges that are faced at a local level, while at the same time building knowledge and monitoring trends at a macro level. Non-governmental organizations could begin to systematically compile data on HLP claims in priority locations, including testimonies from affected persons, characteristics of landholdings that are experiencing disputes, GPS coordinates, registration status and the steps that people have taken to address the issue. The information could be stored in a secure database and used to inform subsequent HLP interventions, such as the development of mass claim mechanisms or reparation schemes.

Additional research should also be done to map HLP actors, understand why people make the choices that they do, more accurately and comprehensively track the incidence and trajectories of HLP disputes, and better understand how dispute resolution actors address these problems from the supply-side. HLP research should be widely disseminated and made accessible so that it can inform the development of fit-for-purpose programmatic responses.

5. Strengthen, expand and where necessary, create processes to peacefully resolve HLP disputes – Experience from South Sudan and other post-conflict states shows that a large number of returns coupled with high levels of secondary occupation inevitably results in a host of intractable problems relating to HLP. Without effective systems for mediation, arbitration and adjudication, these disputes can become sources of tension and conflict that pose serious threats to longer-term peacebuilding efforts.

Public authorities and development partners should move now to address problems relating to HLP. Possible activities include: mapping all statutory and customary, formal and informal dispute resolution mechanisms in locations that are experiencing a large number of HLP disputes; and capacity-building programs to equip administrative actors with the skills needed to address HLP disputes in a coordinated manner. Where necessary, new claim procedures could be put in place that take into consideration the limited bureaucratic capacity that currently exists.

This study also highlights the importance of ensuring alternative forms of evidence in a context where so many landholdings are unregistered and where people do not have land documents. Statements from neighbors and relatives, photos, and alterations to property such as the planting of trees are all important complementary forms of evidence that should be duly considered under South Sudanese law.

6. Deploy programs to improve access to justice for affected populations – The high incidence of HLP disputes in the project areas present serious obstacles to durable solutions for displaced populations. However, respondents in this study often demonstrated considerable agency in seeking solutions to their HLP problems, despite serious problems relating to access to justice in terms of both process and outcome.

To capitalize on the demand for remedies in relation to HLP disputes, public authorities and development partners should invest access to justice programming to legally empower affected populations while strengthening and increasing the supply of land administration services. This would include various types of programs to provide legal advice, mediation and awareness-raising services through community paralegals and legal aid programs. Programming that increases access to identity documents could also be linked to land administration processes to help people formalize their land rights.

6. Ensure that women's access to justice for HLP problems is addressed as a core pillar of the emergency response – In a context where families have been separated by conflict and where men are often fighting on the front lines or migrating in search of livelihoods, women are playing an increasingly important role in matters relating to HLP. Programming to strengthen women's HLP rights could help to promote social cohesion and economic

recovery. Such programming could include: targeted legal aid or paralegal support for female-headed households and vulnerable groups, such as widows and divorcees; capacity-building initiatives for key actors, including officials in the Ministry of Physical Infrastructure, land registry, traditional authorities, judges and others to integrate gender-sensitive perspectives into existing systems; or awareness-raising campaigns in returnee, IDP and host communities that emphasize the importance of women's HLP rights.

7. Invest in open and honest dialogue on land reform – There is widespread uncertainty and disagreement on the legal and normative framework for land in South Sudan. Among the central issues are nature of the relationship among the government, communities and individuals when it comes to land rights. The processes leading to the adoption of the Land Act, the draft land policy that has been awaiting approval by parliament for the past five years provided important forums for dialogue on the way forward on the land question. In order to set a firm foundation for post-conflict recovery and reconstruction, an inclusive and independent citizen-owned dialogue process should be initiated to address the longer-term reform agenda for South Sudan, including land reform processes.