



# Land and Poverty Conference 2016

Scaling up Responsible Land Governance

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## LAND AND CONFLICTS IN SOUTH SUDAN: TAKING THE LAND QUESTION SERIOUSLY IN THE PEACE BUILDING PROCESS

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# Overview

**Introduction: Facts & Figures**

**Why Land is important**

**Land and conflicts in South Sudan**

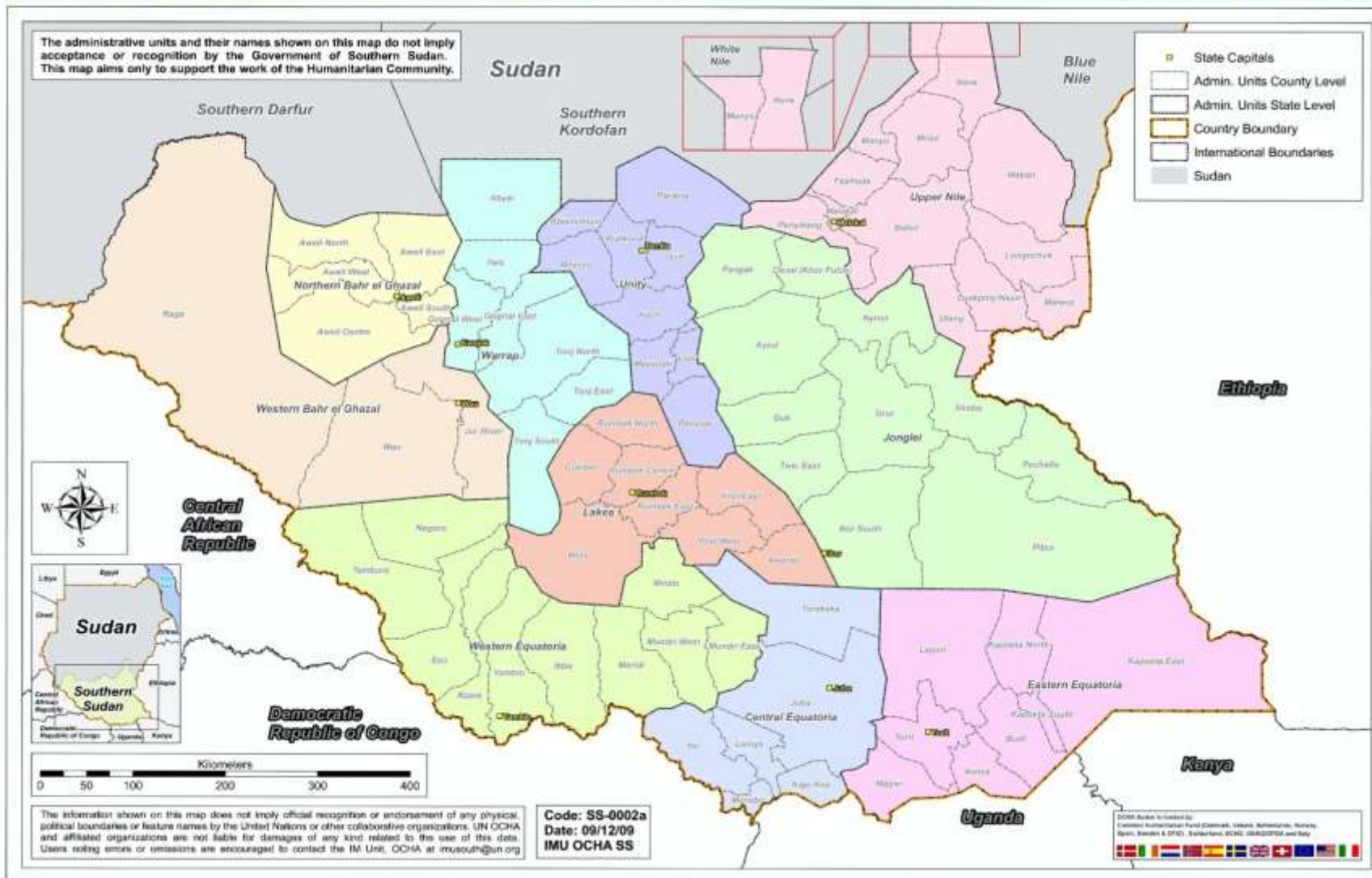
**Land in the CPA**

**Land in the 2015 Peace agreement**

**Conclusions**

# South Sudan – Where is it?

## Counties of Southern Sudan - representative



# South Sudan – Facts & Figures

□ 9 July 2011

Independence

□ 644,329 km<sup>2</sup>

Surface

□ 8,260,490

Population in 2008

□ 11.30 Million

Population in 2013

□ 6.1 Million

People in need

□ 1.66 Million + 646,000

Displaced

□ 51%

People below poverty line

□ 27%

Adult literacy in 2010

# Why is land important in South Sudan?

- 
- Critical resource (oil and other natural resources, agriculture)

- 
- Place of belonging for individuals and communities.

- 
- Deep economic, socio-political and cultural dimensions

## Role of the Land in the Sudan-Southern Sudan Conflict

- ▣ Agricultural Use
- ▣ Control of Nile Waters
- ▣ Control of natural resources

## Colonial and Post-colonial attempts to regulate use of land for commercialization

- ▣ 1906 Land Ordinance law
- ▣ 1925 Land Settlement and Registration Ordinance
- ▣ 1970 The Unregistered Land Act
- ▣ 1983 Second Civil War

## Comprehensive Peace Agreement 2005

## Wealth Sharing Protocol (Art. 2(7))

### Southern Sudan Land Commission (**independent**)

- ▣ Make recommendations on:
  - ▣ law and policy reform
  - ▣ Recognition of Customary rights
  
- ▣ Entertain claims
- ▣ Assess compensation claims

**DID NOT ADDRESS ISSUES ON LAND OWNERSHIP**

## THE SSLC has worked on:

- ▣ Tenure System
- ▣ Legal Framework

**Institutional Framework remained a bigger challenge and not properly addressed**



## Tenure system

- Land is “owned collectively by all people of Southern Sudan and held in trust by the appropriate level of government” (S. 10(1)

### Land Act

- Land can be classified as:

- Public
- Private
- Community

## Legal Framework

- CPA (2005)
- Land Act (2009)
- Local Government Act (2009)
- Investment Promotion Act (2009)
- **LAND POLICY?!?**

## Institutional Framework (CPA & Land Act)

- **Lack of clear definition of powers and responsibility at National Level**
- **SSLC**
- **Principle of Decentralization**
  - States
  - County Land Authorities
  - Payam Councils
  - Boma

# In spite of these attempts...

## Main Land Disputes not addressed:

- ▣ Access to land and natural resources
- ▣ Large scale land investments
- ▣ Land Grabbing
- ▣ Conflicts around different used of land
- ▣ Boundaries delimitation
- ▣ Expansion of urban areas and encroachment in community land
- ▣ Multiple allocations
- ▣ Lack of capacity/corruption

**Control of the land for its economic potential, especially with respect to the oil fields – Power Struggle between SPLM – IO and GRSS**

# 2015 Peace Agreement

- **Chapter I Article 14:** SSLC to be reconstituted at national level within a month
- **Chapter III article 1:** GRSS and the SPLM/A-IO shall ensure “the establishment of mechanisms for registration” of affected populations including land

# 2015 Peace Agreement

- **Chapter III, Article 4.2: the GNU**
  - Within **12 months**, to initiate a national debate on the Land act (2009) and the Land Policy
  - Within **18 months**, to establish an independent Registrar of Lands at all levels of government
  - Empower Commissions at different levels of Government to develop and interpret legislation in the respect of customary law
  - Assist in the mediation of conflicts arising from land.

# QUESTIONS

**WHY IF LAND WAS INCLUDED IN THE CPA WE HAD A NEW CONFLICT IN SOUTH SUDAN?**

**IS THE LAND TAKEN SERIOUSLY IN THE PEACE AGREEMENT? ... AND IN THE PEACEBUILDING PROCESS??**

# Conclusions/considerations

- **Consider Land as root cause of conflict: do not just treat the symptom!**
- **Address land in peace agreements...but then follow up on the process (both at policy and ground level)**
- **Failure in addressing land governance development needs in post conflict can fuel new/more conflicts**
- **Look at the ground do not forget to create peace and opportunities at local/communal level**



# THANK YOU!

**LAND AND CONFLICTS IN SOUTH SUDAN: TAKING THE LAND QUESTION  
SERIOUSLY IN THE PEACE BUILDING PROCESS**

## NEED TO KNOW MORE?

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