

Nation and State-Building in South Sudan: Violence, Development, and Democracy

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Abstract

This paper contributes to the on-going debate about nation and state building projects in Africa by focusing on the case of South Sudan. I discuss South Sudan's political challenges and the problem of violence, quantify the determinants of violence, present frequencies and percent distribution of incidents resulting in documented deaths, and tabulate the ratio of person(s) killed to number of incidents in the states most affected by violence. Next, I provide a discussion on the findings of the study, exposit on the legal dualism of an individual right to land running parallel to communal land ownership, and the tension that exist between the two systems. I then argue that South Sudan must reconcile differences between private, public, state ownership of land (freehold/leasehold land tenure) and communal land ownership. The section is followed by a discussion on the New Sudan Framework, presented as one alternative model for nation building in South Sudan. I conclude the study with a call for a better understanding of the issues that drive violence, and enumerate a number of tentative reforms that may bring peace to a war-torn South Sudan and enable it to build a peaceful society for its citizens.

Acknowledgement

*I would like to thank the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Juba, South Sudan, for their cooperation and assistance, and Barbara Pine for her insightful comments and constructive feedback on the earlier draft of this article.

I. Introduction

On July 09, 2013, the Republic of South Sudan celebrated its second anniversary. As South Sudan looks forward to building a state of diverse nationalities, the questions it faces are common to most African countries. South Sudan must build a developmental state, a more inclusive political community, institute and uphold the rule of law, and practice democracy in governance. This paper contributes to the on-going debate about nation and state building projects in Africa by focusing on the case of South Sudan.

Section II provides a brief profile of the Republic of South Sudan. In section III, I discuss South Sudan's political challenge and the problem of violence. Section IV presents results. The

study quantifies the determinants (factors) of violence, presents frequencies and percent distribution of incidents that result in deaths and it tabulates the ratio of person(s) killed to the number of incidents in the ten States of South Sudan. Those most affected by violence are Warrap, Unity, Upper Nile, Jonglei, and Lakes. Section V presents a discussion on the findings of the study. Section VI exposit on the legal dualism of an individual right to land running parallel to communal land ownership, and the tension that exist between the two systems. I will argue that South Sudan must reconcile differences between private, public, state ownership of land (freehold/leasehold land tenure) and communal land ownership. Section VII presents the New Sudan Framework as one alternative model for nation building in South Sudan. Section VIII concludes the study with a call for a better understanding of the issues that drive violence, and it enumerates a number of tentative reforms that may bring peace to a war-torn South Sudan and enable it to build a peaceful society for its citizens.

II. South Sudan: A Country Profile

The Republic of South Sudan gained its independent on July 1st, 2011,¹ and was admitted into the community of nations by the United Nations on July 14th, 2011.² South Sudan seceded from Sudan as the outcome of the Comprehensive Peace Agreement (CPA), signed between The Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army, in 2005.³ It covers an area of approximately 644,329 km².⁴ South

¹ UNMIS, "Independence of South Sudan," United Nations Mission in the Sudan, <http://www.un.org/en/peacekeeping/missions/unmis/referendum.shtml>.

² United Nations News Centre, "UN welcomes South Sudan as 193rd Member State," UN News Centre, <http://www.un.org/apps/news/story.asp?NewsID=39034&Cr=South+Sudan&Cr1>.

³ *The Comprehensive Peace Agreement (CPA) Between The Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army*.

⁴ NBS, "Key Indicators for South Sudan," (Juba, South Sudan: National Bureau of Statistics (NBS). Available at <<http://ssnbs.org/publications/key-indicators-for-south-sudan.html>>, 2012), 1.

Sudan, in addition to the currently Disputed Border Regions,⁵ is approximately the combined size of Kenya, Uganda, Rwanda and Burundi.⁶ It has an estimated population of 8,260,490.⁷ The country shares borders with Ethiopia (east), Uganda and Kenya (southeast), Democratic Republic of Congo (southwest) and Central African Republic in the west. It is home to 60 different nationalities.⁸ These nationalities are not homogeneous. Diversity and plurality is a defining characteristic of South Sudan.

The second reality of South Sudan comes from its demographics and its population. It is a country where 83 percent of the populations are rural peasants.⁹ More than half the populations (51 percent) live below poverty line.¹⁰ The majority (78 percent) of the population depend on crop farming and animal husbandry as a source of livelihood.¹¹ For pastoralists and sedentary/agriculturalist communities, and peasant societies, land is key to livelihood. Without it, one cannot farm. Without grazing land, pastoral communities cannot feed their animals. In short without access to land, communities cannot survive. The third fact of South Sudan, East Africa and the African continent as a whole is that historically, it has been the most dynamic continent

⁵ According to a Statement issued to the Press at the UN Security Council Media Stakeout by Ambassador Agnes Adlino Orifa Oswaha, in addition to Abyei, Blue Nile and Southern Kordofan States that are recognized in the CPA, other contested regions includes: Kafia Kingi and Hofrat en Nahas, Panthou/ Heglig, Kaka, Jordah /Winthou), Megenis and Munro-Wheatley Agnes Adlino Orifa Oswaha, "Remarks to the Press at the UN Security Council Media Stakeout by Ambassador Agnes Adlino Orifa Oswaha," (New York, NY.: Permanent Mission of the Republic of South Sudan to the United Nations., 2012).

⁶ John Garang De Mabior, "TEXT: Garang's speech at the signing ceremony of S. Sudan peace deal," Sudan Tribune, <http://www.sudantribune.com/TEXT-Garang-s-speech-at-the,7476>; WFP, "WFP appeals for funds for demining and road repairs in South Sudan," World Food Programme, <http://www.wfp.org/news/news-release/wfp-appeals-funds-demining-and-road-repairs-south-sudan>.

⁷ See NBS, "Key Indicators for South Sudan." for key indicators on South Sudan.

⁸ Mwangi S. Kimenyi, "Making Federalism Work in South Sudan.," in *SOUTH SUDAN: One Year After Independence: Opportunities and Obstacles for Africa's Newest Country* (Washington, DC.: The Brookings Institution | Africa Growth Initiative., 2012), 17.

⁹ NBS, "Key Indicators for South Sudan."

¹⁰ Ibid., 10.

¹¹ Ibid.

with respect to the voluntary or involuntary movement of people. Africa is the original continent of migration¹² and is yet home to the largest population of internally displaced persons (IDPs).¹³ South Sudan boasts 60 different nationalities. It is one of the most ethnically diverse countries in East Africa. When various clans and sub-clans are taken into account, the number of nationalities rises to 90.¹⁴

According to The House of Nationalities, these South Sudanese “nationalities are organized into quasi-states with traditional leadership and quasi-armies of their own. While some are egalitarian, others are pastoralists and nomadic while others are agro-pastoralists or sedentary agricultural communities.”¹⁵ Francis Deng, a leading South Sudanese intellectual, noted that the challenge for the Sudanese State in the north and now the Republic of South Sudan is to “bring together diverse peoples with a history of hostility into a framework of one state.”¹⁶ No small task when one remembers that the majority of the population (83 percent) is made up of rural peasants, nomadic communities, pastoralist and farmers.

III. South Sudan’s Political Challenge: The Problem of Violence

The immediate challenge facing South Sudan is the problem of violence. Whereas South Sudan became independent in 2011, it yet struggles to contain the problem of violence and the

¹² Christopher Zambakari, "South Sudan: institutional legacy of colonialism and the making of a new state," *Journal of North African Studies* 17, no. 3 (2012): 12.

¹³ IDMC, "Estimates for the total number of IDPs for all of Sudan (as of January 2011)," Internal Displacement Monitoring Centre, [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/0026B2F86813855FC1257570006185A0?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/0026B2F86813855FC1257570006185A0?OpenDocument); IDMC & NRC, "SOUTH SUDAN: New displacement adds to critical humanitarian situation in the country since independence.," (Geneva, Switzerland: Internal Displacement Monitoring Centre & Norwegian Refugee Council. Available at <[http://www.internal-displacement.org/8025708F004CE90B/\(httpCountrySummaries\)/F119FED29B958D06C1257A2800443BD5?OpenDocument&count=10000](http://www.internal-displacement.org/8025708F004CE90B/(httpCountrySummaries)/F119FED29B958D06C1257A2800443BD5?OpenDocument&count=10000)>, 2012).

¹⁴ The House of Nationalities, "List of Nationalities.," (South Sudan: The House of Nationalities. Available at <<http://houseofnationalities.org/downloads.asp>>, 2011).

¹⁵ The House of Nationalities, "Present Situation in the South Sudan.," The House of Nationalities., <http://houseofnationalities.org/downloads.asp>.

¹⁶ Francis M. Deng, "Sudan's Turbulent Road to Nationhood," in *Borders, nationalism, and the African state*, ed. Ricardo René Laremont (Boulder, Colo.: Lynne Rienner Publishers, 2005).

proliferation of armed groups. Political violence (especially inter-communal violence and the proliferation of armed groups) presents South Sudan with a daunting challenge and poses existential threats to the new Republic.¹⁷ This section provides an analysis of the proliferation of violence in the period from 2009 through 2011. It quantifies the determinants of violence (factors), discusses issues that drive the violence, presents frequencies and percent distribution of incidents resulting in deaths and tabulates the ratio of person(s) killed to number of incidents in the States most affected by violence: Warrap, Unity, Upper Nile, Jonglei, and Lakes.

While many papers exist on the problem of violence, few are based on comprehensive data throughout all 10 states in South Sudan. Fewer still have identified the determinants and factors that drive the violence by conducting an empirical analysis of the violence. This section analyzes the problem of violence, defined as number of persons killed in any of the ten states in South Sudan between 2009 and 2011. This period is delimited by the absence of comprehensive data on violence that occurred in the region between 2005 and 2008. This paper only concerns itself with one aspect of violence, measured as incidents (the unit of analysis in this study) that lead to a violent outcome, namely the death of a person or persons, for which data exist.

Despite the independence of South Sudan, violence – particularly within and between ethnic or military groups – continues to cost human lives. The post CPA period has seen a

¹⁷ Christopher Zambakari, "Post-Referendum South Sudan: Political Violence, New Sudan and Democratic Nation-Building," *The Georgetown Public Policy Review* 18, no. 2 (2013); Zacharia Diing Akol, "Juba's Insecurity: A Challenge to State Authority and Credibility," in *Weekly Review* (Juba, South Sudan: The Sudd Institute. Available at <<http://www.suddinstitute.org/publications/show/juba-s-insecurity-a-challenge-to-state-authority-and-credibility/>>, 2012); Jok Madut Jok, "Mapping the Sources of Conflict and Insecurity in South Sudan," in *Special Report No. 1* (Juba, South Sudan: The Sudd Institute. Available at <<http://www.suddinstitute.org/assets/Publications/Special-Report-on-Security-Final3.pdf>>, 2013); UNSC, "Report on Sudan and South Sudan," (New York, NY: United Nations Security Council, 2011); UNMISS, "Incidents of Inter-Communal Violence in Jonglei State," (New York, NY: United Nations Mission in South Sudan (UNMISS). Available at <<http://unmiss.unmissions.org/LinkClick.aspx?fileticket=DBQoOQvnMAA%3D&tabid=4969&language=en-US>>, 2012).

proliferation of arms and violence throughout South Sudan.¹⁸ Violence and instability continue in various regions;¹ in the Border States, Eastern, and Western Sudan.¹⁹

III (a). Definition of Variables

The unit of analysis in this study is incident. The types of incident range from cattle raids, inter and intra ethnic clashes, armed attacks as well as natural disasters. An incident has a number of possible outcomes including death, wounding, abduction or internal displacement of people. The study employs a quantitative method to examine data collected by United Nations Office for the Coordination of Humanitarian Affairs on violence in South Sudan. Only incidents resulting in death are analyzed.

In this paper, “inter-ethnic” refers to incidents between at least two ethnic groups. “Other armed forces” refers to incidents involving other armed groups operating in South Sudan that are not identified as belonging to established rebel groups, or official armed forces of the state (s).

Rebel groups such as Yau Yau, Peter Gadet, Gabriel Tang-Ginye, General Athor, national armed forces like the SPLA, Sudan Armed Forces (SAF) or Peacekeeping forces (United Nations Mission in the Republic of South Sudan (UNMISS)/UNISFA) are excluded from this group.

Intra-ethnic refers to incidents occurring between various sub-ethnic groups or clans within one

¹⁸ UNMISS, "Incidents of Inter-Communal Violence in Jonglei State."; Christopher Zambakari, "Old Sudan and new Sudan: Political crisis and the search for comprehensive peace," *Pambazuka News*, no. 567 (2012); Jok, "Mapping the Sources of Conflict and Insecurity in South Sudan."; Small Arms Survey, "Reaching for the gun: Arms flows and holdings in South Sudan," in *Issue Brief Number 19* (Geneva, Switzerland: Small Arms Survey: Sudan Human Security Baseline Assessment. Available at <<http://www.smallarmssurvey.org/about-us/highlights/highlight-hsba-ib19.html>>, 2012); Amnesty International, "South Sudan: Civil Unrest and State Repression Human Rights Violations in Wau, Western Bahr El Ghazal State," (London, United Kingdom: Amnesty International: Accessible at <<http://amnesty.org/en/library/asset/AFR65/001/2013/en/54a5a0ac-24d0-4dea-a535-77302e2b48be/afr650012013en.pdf>>, 2013); UNSC, "Report of the Secretary-General on the United Nations Mission in the Sudan (S/2010/681)," (New York, NY: United Nations Security Council (UNSC), 2009).

¹⁹ Komey, *Eastern Africa : Land, Governance, Conflict and the Nuba of Sudan*; J. Young, "Armed Groups Along Sudan's Eastern Frontier: An Overview and Analysis," (Geneva, Switzerland: Small Arms Survey, 2007); Small Arms Survey, "Business as usual: Arms flows to Darfur 2009–12," in *Issue Brief: Number 20 September 2012* (Geneva: Switzerland: Small Arms Survey: Sudan Human Security Baseline Assessment. Available at <<http://smallarmssurveysudan.org/pdfs/HSBA-SIB-20-Arms-flows-to-Darfur-2009-12.pdf>>, 2012); Andrew S. Natsios, *Sudan, South Sudan, and Darfur : what everyone needs to know* (Oxford; New York: Oxford University Press, 2012).

ethnic group. “Security forces clash” refers to incidents involving one or more of the categories of the armed forces operating in South Sudan (Sudan People’s Liberation Army-SPLA, Sudan Armed Forces-SAF, Joint Integrated Unit-JIU, and United Nations Interim Security Force for Abyei-UNISFA). “Civilian incidents” refer to violent episodes involving non-combatants and citizens (civilians) only, without active involvement of armed groups. “Natural occurring incidents” refer to incidents involving natural forces, such as floods, fires, or disease outbreaks. This study utilizes broad categories of incidents which included various armed actors throughout South Sudan as well as some from Sudan, and other groups that cross international borders and engage in violent activities inside South Sudan. This includes: SAF, Rebel Movement Groups (RMG), as well as several other external actors such as Lord Resistance Army (LRA), the Uganda People’s Defense Force (UPDF), and UNISFA.

IV. Results

The incident characteristics (number and percent) of South Sudan, not mutually exclusive, are presented in Table 1. Slightly over half (51.40%) the incidents were inter-ethnic, 40.21% cattle-related, 26.46% due to other armed groups, 21.68% due to security forces clashes, 18.41% civilian related, 17.83% due to rebel activities, 15.85 due activities of the Sudan People’s Liberation Army (SPLA), 11.31 intra-ethnic, 8.62% unknown forces, 5.94% due to natural occurring incidents, 5.71% due to activities of the Sudan Armed Forces (SAF), and all others actors accounted for the remaining 12.35%.

Table 1. *Number and Percentage of Each Incident Characteristic*
(Number of Incidents = 858)

Incident Characteristics	#	%
Inter-Ethnic	441	51.40
Cattle Related	345	40.21
Other Armed	227	26.46
Security Forces Clash	186	21.68
Civilian	158	18.41
Rebel	153	17.83
SPLA	136	15.85
Intra-Ethnic	97	11.31
Unknown	74	8.62
Natural	51	5.94
SAF	49	5.71
Other	106	12.35

Note: Data source from UN database on incidents in South Sudan between 2009 and 2011. Incident characteristics are not mutually exclusive (i.e., percent will not sum to 100), for more information on the full methodology, refer to Zambakari (2012a).

Table 2 presents frequencies and percent distribution of incidents resulting in deaths. A higher number of incidents was associated with higher proportion of document deaths. The correlation between the state and total number of incidents per state and percentage of documented death was .51 (N = 10 States). If one removes the data for Jonglei, given its high number of incidents (outlier), correlation jumps to .77. In examining the states, the higher the number of incidents, the greater the likelihood that death of a person was registered. To see the remaining breakdown for all States in South Sudan, refer to Table 2.

Table 2. *Frequency and Percent Distribution of Incidents Resulting in Deaths Reported by State*

State	No Documented Death		Documented Death		Total Number of Incidents
	#	Row %	#	Row %	
Warrap	18	28.13	46	71.88	64
Lakes	37	33.94	72	66.06	109
Jonglei	120	35.40	219	64.60	339
Western Equatoria	23	41.07	33	58.93	56
Unity	46	42.20	63	57.80	109
Eastern Equatoria	24	42.86	32	57.14	56
Upper Nile	27	49.09	28	50.91	55
Western Bahr el Ghazal	13	68.42	6	31.58	19
Central Equatoria	23	71.88	9	28.13	32
Northern Bahr el Ghazal	15	78.95	4	21.05	19
Total	346	40.33	512	59.67	858

Table 3 tabulates ratio of person(s) killed to number of incidents. This ratio provides information about the severity or deadliness of incidents by state. The States with the highest ratio of persons killed to number of incidents were: Warrap (12.05), Unity (6.92), Upper Nile (6.85), Jonglei (5.89), and Lakes (4.31). This table focuses on those states most affected by violence; the states with high ratios are also those that border Sudan. While the number of incidents were higher in Jonglei, Warrap had the highest ratio of persons killed to incident, where 12.05 people were killed per incident was twice as high than that of Jonglei's ratio (5.89). Collectively, the States of Warrap, Unity, Upper Nile, Jonglei, and Lakes accounted for 93.75 % of deaths in South Sudan between 2009 and 2011. To see the remaining breakdown of ratios for all States in South Sudan, refer to Table 3 below.

Table 3. *Ratio of Person(s) Killed to Number of Incidents*

State	N of Incidents	Total Killed	Ratio of Persons Killed to Incidents
Warrap	64	771	12.05
Unity	109	754	6.92
Upper Nile	55	377	6.85
Jonglei	339	1996	5.89
Lakes	109	470	4.31
Western Equatoria	56	119	2.13
Western Bahr el Ghazal	19	31	1.63
Eastern Equatoria	56	83	1.48
Northern Bahr el Ghazal	19	28	1.47
Central Equatoria	32	30	0.94
Total	858	4659	5.43

V. Discussion

The first section of this paper presented statistics on mortality resulting from violent incidents in South Sudan. The crisis that led to the breakup of Africa's largest country is by no means unique to Sudan or South Sudan. It is a crisis common to most postcolonial states in Africa. Given that violence is the greatest problem the nascent Republic of South Sudan faces, the next section discusses the New Sudan Framework, and situates it within the larger debate on democratic nation-building. By joining the study of violence in South Sudan to the history of state formation in the region it becomes clear that failure to build an inclusive nation led to an acute crisis of state that resulted in deaths and forced displacement of civilians.

The Border States were at the front of the liberation war in South Sudan. As a result, the Sudanese and South Sudanese societies were militarized and politicized as different governments over time in Sudan armed various militias to fight in the South against the SPLA. In Border states, a major challenge remains how to demilitarize, demobilize and reintegrate former combatants; how to stop the proliferation of arms and rebel groups while at the same time engaging in nation-building. Only a small percentage of the estimated 90,000 ex-combatants have been disarmed, demobilized, and reintegrated.² Further, the area affords easy access to light weapons, magnifying the deadliness of every encounter. In a recent article, I identified the factors and issues driving the continuing violence South Sudan. I noted that:

The surge in inter-communal violence involving young people is not a standalone act. It is driven by issues such as access to pasture, water, and cattle grazing in the Greater Upper Nile. In the Greater Bahr el Ghazal and in Equatoria, the issues include access to land and concerns for ethnic homeland. In all three places, people suffer from: lack of access to basic services, lack of economic development, denied rights to citizenship, the inability of the state to provide security, and the lack of law enforcement.²⁰

In the states with strong pastoral communities and cattle-based economies such as Jonglei, Unity, Warrap, Lakes, and Upper Niles, incidents of cattle-raiding have been widespread and have led to the deaths of thousands of people. This study found that 40.21% of these incidents were cattle related, second only to inter-ethnic violence.

Nation building in South Sudan requires addressing many of the problems common to countries in East Africa. One of these issues is citizenship. Citizenship has an immediate impact in two spheres of life: it affects who can freely participate in the political system and who has the right to acquire land. In other words it touches on what Hannah Arendt referred to as the “right to

²⁰ Christopher Zambakari, "Crisis of youth or crisis of society in South Sudan?," *PAMBAZUKA NEWS* June 19, no. Issue 578, accessible from <<http://www.pambazuka.org/en/category/features/87916>> (2013).

have rights”²¹ or the rights to belong in a political community. In South Sudan, as well as everywhere in the region, tensions grow between various claims to land, one ethnic in nature and one based on residence. When conflicting land claims are poorly managed, disputes lead to violence between communities.

This legal dualism of citizenship and rights to land raises serious question for nation building. If right to land and political representation follows an ethnic system whereby everyone has a homeland, what happens to immigrants who have neither a homeland in South Sudan nor representation by a Native Authority? What is the future for immigrants, migrants, refugees, internally displaced populations not indigenous to the region of their settlement?

VI. Land Tenure System and Implications for Nation-building

The land question (access to land, water, and grazing rights), is one of many issues fostering violence in South Sudan. As noted in an early piece:

The citizenship question and the land question are related. The definition of citizenship is either based on ethnicity or it is based on residence. These two claims converge in the area of representation in the state as well as claims made to access land and resources. Those who claim citizenship also claim that access to land be based on ethnicity, which is defined as those who are indigenous to the country.²²

In this section I briefly discuss South Sudan’s land tenure system and the challenges of reconciling various claims to land. Two options exist: one is based on citizenship (residence) and the other, on communal rights (ethnic). The political rights to representation and access to land is one over which many people have died. Conflicts have raged for decades and neither

²¹ Hannah Arendt, *The origins of totalitarianism (New Edition with Added Prefaces)* (New York, NY: Harcourt, Inc., 1966). 296-97.

²² Christopher Zambakari, "South Sudan in the post-CPA era: Prospects and challenges," *Pambazuka News*, no. 542 (2011).

issue has been adequately addressed in South Sudan²³ or, for that fact, in East Africa.²⁴ A look at the system of land tenure in South Sudan reveals the tension in the legal dualism of individual right to land that parallels communal land ownership.

Like most countries once indirectly ruled by Great Britain, South Sudan practices legal dualism in citizenship as well as in land tenure laws. This can be understood as statutory tenure in urban areas, and communal tenure in rural areas.²⁵ Inspired by principles articulated by John Garang, the Transitional Constitution²⁶ and the Land Act²⁷ state, “All land in South Sudan is owned by the people of South Sudan.”²⁸ The Land Act (2009) defines the “community” entitled to land. The community is understood as one of the ethnic groups indigenous to South Sudan. The Land Act of 2009 classifies land into one of three categories: public, private and communal. According to the Act, “Public land is land owned collectively by all people of Southern Sudan and held in trust by the appropriate level of government.”²⁹

²³ see, USAID, “Land Tenure Issues in Southern Sudan: Key Findings and Recommendations for Southern Sudan Land Policy,” (Washington, DC: United States Agency for International Development (USAID). Available at <[http://www.internal-displacement.org/8025708F004CE90B/%28httpDocuments%29/B21530C92D8C25D3C125791100458FCE/\\$file/Land+tenure+issues+in+Southern+Sudan++Key+findings+and+recommendations+for+Southern+Sudan+land+policy.pdf](http://www.internal-displacement.org/8025708F004CE90B/%28httpDocuments%29/B21530C92D8C25D3C125791100458FCE/$file/Land+tenure+issues+in+Southern+Sudan++Key+findings+and+recommendations+for+Southern+Sudan+land+policy.pdf)>, 2010).

²⁴ The exception in East Africa is Tanzania where according to Mamdani, “Tanzania is the only part of the region where a group has not been persecuted collectively” Mahmood Mamdani, “The East African Federation: Challenges for the Future: Text of keynote address to the East African Legislative Assembly Symposium, “A Decade of Service towards Political Federation,” Arusha, 30th June 2011.,” Makerere Institute of Social Research & Pambazuka News, <http://www.misr.mak.ac.ug/index.php?option=com_content&view=article&id=148:mamdani-on-the-east-african-federation&catid=1:latest-news&Itemid=50>; Accessible also from Pambazuka News<<http://www.pambazuka.org/en/category/features/74912>>.

as a racial or an ethnic group. Tanzania is the East African anti-dote to Nigeria

²⁵ USAID, “Land Tenure Issues in Southern Sudan: Key Findings and Recommendations for Southern Sudan Land Policy,” A-16.

²⁶ The Transitional Constitution of the Republic of South Sudan, (The Republic of South Sudan: Sudan Tribune: available at: <http://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_ROSS2-2.pdf>, Accessed on November 01, 2012, 2011). See Chapter II, Art. 169-171

²⁷ *THE LAND ACT, 2009*, Juba, South Sudan. Available at <http://www.southsudanankara.org/docs/LAND%20ACT%202009,_1.pdf>., CH. III Sec. (9)

²⁸ The Transitional Constitution of the Republic of South Sudan., see CH. 2, Art. 169 (1)

²⁹ *THE LAND ACT, 2009.*, CH. III, Sec. (10)(1)

The second category concerns private land. This includes “any registered land held by any person under a freehold tenure;”³⁰ or “land held by any person under leasehold tenure.”³¹ Community land is defined as “land held, managed, or used by communities based on ethnicity, residence, or interest. Community land can include land registered in the name of a community, land transferred to a specific community, and land held, managed, or used by a community.”³²

Given that state institutions and the legal instruments regulating land are still being developed and operationalized, the question of land remains contested and unresolved within existing land tenure laws. The issues of concurrent competence, of determining which governmental level is vested with absolute power over land allocation, of management and administration³³ within a system of legal dualism and a freehold tenure, communal tenure, and various entities vested with various powers creates a labyrinth nearly impossible to navigate. Clearly, this confusion creates tension within and between different levels of government and community elders. Theoretically, the state is responsible for regulating, managing the use of land,³⁴ practically land usage, management, and mortgaging remains greatly based on customary land tenure system.

The preferences for the two systems divide neatly between the state and the mass of peasantry. Many of the legal instruments that are required to manage the land tenure system in South Sudan have yet to be fully developed. Between the two systems, the Government of South Sudan, represented by the various ministries and state officials have a preference for public/state ownership while the mass of peasantry, along with traditional authorities in the countryside,

³⁰ Ibid., CH. III, Sec. (12)(a)

³¹ Ibid., CH. III, Sec. (12)(b)

³² Ibid., CH. III, Sec. (11)(1)

³³ USAID, "Land Tenure Issues in Southern Sudan: Key Findings and Recommendations for Southern Sudan Land Policy," B-3.

³⁴ *THE LAND ACT, 2009.*, CH. III Sec. (9)

prefers communal land ownership.³⁵ The mass of peasantry finds a defense of land within the system that grants access to land on a customary basis. One report by the Internal Displacement Monitoring Centre and the Norwegian Refugee Council puts the challenge as follows:

Returnees are only allocated residential plots, but for their livelihoods they would also need agricultural land; however this is not being demarcated. The returnees have generally been told that they can cultivate any available land that they find. However, some returnees told IDMC that they would need permission from the local chiefs to acquire agricultural land; this would not be easy for those who were not returning to their original village.³⁶

Without resolving the crisis of citizenship, reforming land tenure laws, and resolving the conflict in the Border States, South Sudan will remain in a perpetual state of war.

The challenge of reconciliation between various claims to land, one ethnic and the second based on residence, is by no means specific to South Sudan. It is the norm in East Africa. Contested citizenship and competing rights to land are two unresolved problems that continue to encourage mass violence throughout East Africa. The challenge for South Sudan is how to reconcile between private, public, state ownership of land (freehold/leasehold land tenure) and communal land ownership. Without resolving the tensions between multiple claims to citizenship rights, it will be difficult to prevent violence based on the right to belong in a political community and competition for scarce resources-land being the most important of these. The needs of people for sedentary, pastoral, nomadic and semi-nomadic use of land are paramount to both settled and, trans-boundary communities that migrate seasonally to South Sudan.

³⁵ USAID, "Land Tenure Issues in Southern Sudan: Key Findings and Recommendations for Southern Sudan Land Policy," A-5.

³⁶ IDMC & NRC, "Briefing paper on Southern Sudan: IDPs return to face slow land allocation, and no shelter, basic services or livelihoods," (Southern Sudan/Geneva: Internal Displacement Monitoring Centre / Norwegian Refugee Council: Accessible at <<http://www.internal-displacement.org/briefing/south-sudan>>, 2011).

VII. New Sudan Framework

Migration, forced and voluntary, is making most societies increasingly multicultural. Therefore, a policy of rigorous assimilation is no longer acceptable nor is it sustainable for a stable democracy. Taylor discusses the temptation of democratic societies to exclude and its propensity towards assimilating those that do not share a common history. He calls this the “Dynamic of inner exclusion.”³⁷ It is a tendency that results in political violence in Africa whereby identity is strictly defined in the singular while the context is fundamentally multiethnic, multicultural, and multi-religious. It is the result of “common identity based upon a rigid formula of politics and citizenship, one that refuse to accommodate any alternative and imperiously demand the subordination of other aspects of citizens’ identities.”³⁸ In Sudan and South Sudan, the politics of exclusion characterized by a dynamic that privileges those considered natives and discriminates against those considered settlers, has only led to violence.

The second objective of the paper is to discuss an alternative to the political crisis facing both Sudan and South Sudan, addressing citizenship and the need for an inclusive framework to manage diverse populations within a unified nation. The many failures to fuse all the nationalities into a nation in East Africa have led to the proliferation of ethnic violence across the continent, numerous civil wars within countries, and ethnic cleansing throughout the regions.

The immediate task and challenge for the Dr. John Garang and the Sudan People’s Liberation Movement/Army (SPLM/A), was how to fuse these nationalities into a nation.³⁹ Garang developed the New Sudan Framework, to bring diverse nationalities into the framework

³⁷ Charles Taylor, “The Dynamics of Democratic Exclusion,” in *Democracy: A Reader*, ed. R. Blaug and J.J. Schwarzmantel (New York, NY: Columbia University Press, 2001).

³⁸ *Ibid.*, 71.

³⁹ John Garang De Mabior, *The call for democracy in Sudan (edited and introduced by Mansour Khalid)*, ed. Mansour Khalid, 2 ed. (New York: Kegan Paul International, 1992). 127.

of a nation.

The New Sudan was proposed as an alternative solution to the crisis of state in Sudan by the Late Dr. John Garang, then Chairman and Commander in Chief of the Sudan People's Liberation Movement/Army (SPLM/A). This model offers the way forward, an antidote to the colonial legacy of politicizing race and tribe, "enforcement of a legal dualism in governance, and a bifurcation between civil and customary law."⁴⁰ The New Sudan offers a way to reconcile between the polar opposite notion of native-settler, urban-rural divide, civic-customary notion of citizenship. In *The Call for Democracy in Sudan*, Garang wrote, "the basic problem of the Sudan, now as at (*sic*) Independence, is how to achieve political unity in such a culturally diverse country and to achieve equitable socio-economic development."⁴¹ According to Garang, the solution to the fundamental problem of the Sudan was the need for a new socio-political dispensation:

to involve an all-inclusive Sudanese state which will uphold the new Sudan. A new political Sudanese dispensation in which all Sudanese are equally stakeholders irrespective of their religion, irrespective of their race, tribe or gender.⁴²

The new dispensation drew a distinction between different forms of identity: cultural and political. Arabism as an identity was a political project imposed from above. Both Khalid and Garang distinguished "Arab culture from Arab racial supremacy."⁴³ In the first instant, this was a distinction between Arab as a cultural identity and Arab as a political identity produced and sustained by particular form of state. Finally, although Islam was the religion of the majority, its place was not in the state since the populations of Sudan were multi-cultural, multi-racial, and

⁴⁰ Zambakari, "South Sudan: institutional legacy of colonialism and the making of a new state," 517.

⁴¹ De Mabior, *The call for democracy in Sudan (edited and introduced by Mansour Khalid)*: 2.

⁴² De Mabior, "TEXT: Garang's speech at the signing ceremony of S. Sudan peace deal"; see Speech at Koka Dam Conference in Ethiopia in 1984, De Mabior, *The call for democracy in Sudan (edited and introduced by Mansour Khalid)*: 124.

⁴³ De Mabior, *The call for democracy in Sudan (edited and introduced by Mansour Khalid)*: xviii.

multi-ethnic. At its roots, the problem of the Sudan was how to build a nation out a diverse population without resorting to forceful assimilationist projects like Arabism or Islamism.

The model sets to reconcile between two polar opposition notion of citizenship, one based on residence and the other on ethnicity, by setting the foundation for new order based on consent, where natives and settlers live side by side under a single citizenship. This required that the political order, the birth of the new from the old, “the establishing, for the first time, a political order based on consent and not conquest. It was about establishing a political community of equal and consenting citizens.”⁴⁴

The New Sudan breaks with the colonial legacy of reducing citizenship to the question of nationals. It is premised on two key fundamental shifts that together constitute a paradigmatic transformation in conceptualizing citizenship. The first shift is a departure from the colonial policy of distinguishing between citizens and subjects, one based in the urban areas and the second based in the countryside. The colonial system organized the mass of peasantry into ethnic homelands and developed a technology of governance that enabled it to rule the mass of peasantry. At its heart was a system characterized by a duality in how the colonized was organized and how those deemed civilized were governed.⁴⁵ It racialized the urban centers and ethnicized the rural peasantry.

The colonial system turned each ethnic group into an administrative unit and built its edifice on managing these ethnic units as semi-autonomous entities. It locked the peasant onto

⁴⁴ Mahmood Mamdani, "When Does a Settler Become a Native? The Colonial Roots of Citizenship," *Pretexts: Studies in Writing and Culture* 7, no. 2 (1998): 257.

⁴⁵ For a good analysis of colonial technology of governance in Africa, see Mahmood Mamdani, *Citizen and subject: contemporary Africa and the legacy of late colonialism* (Princeton: Princeton University Press, 1996).

tribal homeland and enforced the separation in law.⁴⁶ The effect was to move away from developing a uniform, secular citizenship framework to manage the diversity within the country. This was a shift from citizenship to the national question. The New Sudan model was developed to solve the national problem in Sudan. It has been adopted and framed into the Constitution in South Sudan. In regard to citizenship right and the problem of forced displacement, the New Sudan is consistent with regional and international frameworks dealing with citizenship rights.⁴⁷ Each of these conventions prohibits discrimination on the basis of ethnicity, gender, race, creed, or color. These international instruments also gives all citizens; within their territories, the right to participate on equal basis in the political process.⁴⁸

VIII. Conclusion

The reality of the two Sudans is that they are multi-national, multi-cultural, and multi-religious in nature. Peace in South Sudan will therefore depend on relations with Sudan, with which the new

⁴⁶ See Closed District Ordinances in Sudan. Refer to Mohamed Omer Beshir, *The Southern Sudan: background to conflict* (London, UK: C. Hurst & Co., 1968); John Garang De Mabior, "Speech of the Chairman and Commander-In-Chief to the First SPLM/SPLA National Convention," (Nairobi, Kenya: Sudan People's Liberation Movement/Army: Secretariat of Information and Culture, 1994), 15-16.

⁴⁷ Universal Declaration of Human Rights, the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States United Nations, "Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, Annex to General Assembly Resolution 2625 (XXV): Supp. (No. 28), U.N. Doc. A/5217 at 121," (New York, NY: United Nations General Assembly. Available at <<http://www.un.org/documents/ga/res/25/ares25.htm>>, 1970)., the Convention on the Reduction of Statelessness United Nations (UN), "Convention on the Reduction of Statelessness," (New York, NY: United Nations: Available at <http://untreaty.un.org/ilc/texts/instruments/english/conventions/6_1_1961.pdf>, 1961)., and the Draft Articles on Nationality of Natural Persons in relation to the Succession of States ILC & UNCTC, "Draft Articles on Nationality of Natural Persons in relation to the Succession of States, with commentaries, 1999. Text adopted by the International Law Commission at its fifty-first session, and submitted to the UN General Assembly., in *Yearbook of the International Law Commission, 1999, vol. II, Part Two* (New York, NY: United Nations Treaty Collection (UNCTC). Available at <http://untreaty.un.org/ilc/texts/instruments/english/commentaries/3_4_1999.pdf>, 2005). on the right to citizenship. Each of these conventions prohibits discrimination on the basis of ethnicity, gender, race, creed, or color.

⁴⁸ Solomon A. Dersso, "International law and the self-determination of South Sudan., in *ISS Paper 231* (Addis Ababa, Ethiopia: Institute for Security Studies. Available at <<http://www.issafrica.org/pgcontent.php?UID=31358>>, 2012), 2.

Republic shares one of the longest international borders in all Africa. The violence in South Sudan is driven by issues and grievances. A combination of issues, interacting with each at the macro, meso, and micro levels to create the violent outcomes discussed in this paper: power struggles from above, resource struggles from below, a proliferation of small arms and rebel movements, contested citizenship and right to belonging.

There are a number of reforms that can bring about peace in South Sudan. The Government of the Republic of South Sudan and the many local and international non-governmental organization (NGOs), can collaboratively combine efforts to address the grievances that give rise to armed insurgencies and fuel inter-communal violence. This includes:

Addressing issues affecting the majority of the people in a coherent and consistent manner, establishing law and order, broadening the political community, strengthening state government, bringing decision-making powers and services delivery closer to the people, building education infrastructure, creating jobs and working with communities to increase inter-communal dialogues.⁴⁹

The crisis in Eastern Equatoria, Jonglei, and States in the Greater Bahr El Ghazal about ethnic homeland is a warning that unless South Sudan finds a model that brings its diverse nationalities into an inclusive framework of a nation, it will continue to experience increasing incidents whereby those excluded, communities, armed groups, find no alternative but to resort to violence to make their voices heard. In this paper, I have discussed the characteristic of violence, presented frequencies and percent distribution of incidents resulting in deaths and tabulated the ratio of person(s) killed to number of incidents in the 10 States of South Sudan. There are many issues driving violence in South Sudan. These include broadly: climatological (land and water for pastoralists and sedentary/agriculturalist communities), military (proliferation of armed groups, small arms and light weapons), Borders (trespass and migration), ideology /identity

⁴⁹ Zambakari, "Crisis of youth or crisis of society in South Sudan?."

(inclusion/exclusion, belonging and demand for ethnic homelands), power and resource struggle above and below, inadequate justice mechanisms. The failure to effectively disarm, demobilize former combatants, militias, and armed youth, curb the proliferation of small arms and light weapons (SALW) from the region has only exacerbated an already volatile situation in South Sudan. Whereas in the States of Greater Upper Nile the leading cause of incidents was cattle raid, the problem in the Greater Bahr el Ghazal and Equatoria were access to land and participation in governance. Everywhere in South Sudan, the inability of the state to provide security and the lack of law enforcement poses existential threats to the nascent republic.

The New Sudan offers one way forward for South Sudan as it build a new, “multi-ethnic, multi-cultural, multi-lingual, multi-religious and multi-racial,”⁵⁰ political community in East Africa. Whereas the referendum divided the Sudan into two States, it did not undo social relations forged over millennia between the two countries. The durability and sustainability of peace in Sudan and South Sudan depend on a comprehensive solution to outstanding issues between the two countries. These include pending border demarcation, allocation of revenue from oil, citizenship for Sudanese in the North and in the South, movement of nomadic ethnic groups in the Border States, debt sharing, the pending referendum in Abyei, political status of Southern Kordofan , and Blue Nile as well as peace and stability in Eastern (Beja) and Western Sudan (Darfur).

⁵⁰ The Transitional Constitution of the Republic of South Sudan., Part 1(4))

Works Cited

- Akol, Zacharia Diing. "Juba's Insecurity: A Challenge to State Authority and Credibility." In *Weekly Review*. Juba, South Sudan: The Sudd Institute. Available at <http://www.suddinstitute.org/publications/show/juba-s-insecurity-a-challenge-to-state-authority-and-credibility/>, 2012.
- Amnesty International. "South Sudan: Civil Unrest and State Repression Human Rights Violations in Wau, Western Bahr El Ghazal State." London, United Kingdom: Amnesty International: Accessible at <http://amnesty.org/en/library/asset/AFR65/001/2013/en/54a5a0ac-24d0-4dea-a535-77302e2b48be/afr650012013en.pdf>, 2013.
- Arendt, Hannah. *The Origins of Totalitarianism (New Edition with Added Prefaces)*. New York, NY: Harcourt, Inc., 1966.
- Beshir, Mohamed Omer. *The Southern Sudan: Background to Conflict*. London, UK: C. Hurst & Co., 1968.
- The Comprehensive Peace Agreement (Cpa) between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army*.
- De Mabior, John Garang. *The Call for Democracy in Sudan (Edited and Introduced by Mansour Khalid)*. edited by Mansour Khalid. 2 ed. New York Kegan Paul International, 1992.
- . "Speech of the Chairman and Commander-in-Chief to the First Splm/Spla National Convention." Nairobi, Kenya: Sudan People's Liberation Movement/Army: Secretariat of Information and Culture, 1994.
- . "Text: Garang's Speech at the Signing Ceremony of S. Sudan Peace Deal." Sudan Tribune, <http://www.sudantribune.com/TEXT-Garang-s-speech-at-the,7476>.

Deng, Francis M. "Sudan's Turbulent Road to Nationhood." In *Borders, Nationalism, and the African State*, edited by Ricardo René Laremont. Boulder, Colo.: Lynne Rienner Publishers, 2005.

Deng, Luka Biong. "Crimes against Humanity in Abyei: Why I Resigned from the Sudanese Government: Speech Delivered at the "We Have a Dream: Global Summit against Discrimination and Prosecution"." New York, NY: Accessible at <http://paanluelwel2011.wordpress.com/2011/09/26/dr-luka-biong-deng-crimes-against-humanity-in-abyei-why-i-resigned-from-the-sudanese-government/>, 2011.

Dersso, Solomon A. "International Law and the Self-Determination of South Sudan." In *ISS Paper 231*. Addis Ababa, Ethiopia: Institute for Security Studies. Available at <http://www.issafrica.org/pgcontent.php?UID=31358>, 2012.

IDMC. "Estimates for the Total Number of Idps for All of Sudan (as of January 2011)." Internal Displacement Monitoring Centre, [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/0026B2F86813855FC1257570006185A0?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/0026B2F86813855FC1257570006185A0?OpenDocument).

IDMC & NRC. "Briefing Paper on Southern Sudan: Idps Return to Face Slow Land Allocation, and No Shelter, Basic Services or Livelihoods." Southern Sudan/Geneva: Internal Displacement Monitoring Centre / Norwegian Refugee Council: Accessible at <http://www.internal-displacement.org/briefing/south-sudan>, 2011.

———. "South Sudan: New Displacement Adds to Critical Humanitarian Situation in the Country since Independence." Geneva, Switzerland: Internal Displacement Monitoring Centre & Norwegian Refugee Council. Available at <http://www.internal-displacement.org>

[displacement.org/8025708F004CE90B/\(httpCountrySummaries\)/F119FED29B958D06C1257A2800443BD5?OpenDocument&count=10000](http://displacement.org/8025708F004CE90B/(httpCountrySummaries)/F119FED29B958D06C1257A2800443BD5?OpenDocument&count=10000)>, 2012.

ILC & UNCTC. "Draft Articles on Nationality of Natural Persons in Relation to the Succession of States, with Commentaries, 1999. Text Adopted by the International Law Commission at Its Fifty-First Session, and Submitted to the Un General Assembly." In *Yearbook of the International Law Commission, 1999, vol. II, Part Two*. New York, NY: United Nations Treaty Collection (UNCTC). Available at http://untreaty.un.org/ilc/texts/instruments/english/commentaries/3_4_1999.pdf>, 2005.

Johnson, Douglas H. "When Boundaries Become Borders: The Impact of Boundary-Making in Southern Sudan's Frontier Zones." London, UK: The Rift Valley Institute 2010.

Jok, Jok Madut. "Mapping the Sources of Conflict and Insecurity in South Sudan." In *Special Report No. 1*. Juba, South Sudan: The Sudd Institute. Available at <http://www.suddinstitute.org/assets/Publications/Special-Report-on-Security-Final3.pdf>>, 2013.

Jok, Jok Madut, and Sharon Elaine Hutchinson. "Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities." *African Studies Review* 42, no. 2 (1999): 125-45.

Kimenyi, Mwangi S. . "Making Federalism Work in South Sudan." In *SOUTH SUDAN: One Year After Independence: Opportunities and Obstacles for Africa's Newest Country*. Washington, DC.: The Brookings Institution | Africa Growth Initiative., 2012.

Komey, Guma Kunda *Eastern Africa : Land, Governance, Conflict and the Nuba of Sudan*. Eastern Africa Series. Suffolk, UK: Boydell & Brewer 2010

Government of the Republic of South Sudan (GRSS). *The Land Act, 2009*. Juba, South Sudan.

Available at <http://www.southsudanankara.org/docs/LAND%20ACT%202009,_1.pdf>.

Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press, 1996.

———. "The East African Federation: Challenges for the Future: Text of Keynote Address to the East African Legislative Assembly Symposium, "a Decade of Service Towards Political Federation," Arusha, 30th June 2011." Makerere Institute of Social Research & Pambazuka News,
<http://www.misr.mak.ac.ug/index.php?option=com_content&view=article&id=148:mamdani-on-the-east-african-federation&catid=1:latest-news&Itemid=50>; Accessible also from Pambazuka News<<http://www.pambazuka.org/en/category/features/74912>>.

———. "When Does a Settler Become a Native? The Colonial Roots of Citizenship." *Pretexts: Studies in Writing and Culture* 7, no. 2 (1998): 249-58.

Natsios, Andrew S. *Sudan, South Sudan, and Darfur : What Everyone Needs to Know* [in English]. Oxford; New York: Oxford University Press, 2012.

NBS. "Key Indicators for South Sudan." Juba, South Sudan: National Bureau of Statistics (NBS). Available at <<http://ssnbs.org/publications/key-indicators-for-south-sudan.html>>, 2012.

Oswaha, Agnes Adlino Orifa. "Remarks to the Press at the Un Security Council Media Stakeout by Ambassador Agnes Adlino Orifa Oswaha." New York, NY.: Permanent Mission of the Republic of South Sudan to the United Nations., 2012.

Small Arms Survey. "Business as Usual: Arms Flows to Darfur 2009–12." In *Issue Brief: Number 20 September 2012*. Geneva: Switzerland: Small Arms Survey: Sudan Human

- Security Baseline Assessment. Available at <http://smallarmssurveysudan.org/pdfs/HSBA-SIB-20-Arms-flows-to-Darfur-2009-12.pdf>, 2012.
- . "Ddr in South Sudan." Geneva, Switzerland: Small Arms Survey. Accessible from <http://reliefweb.int/report/south-sudan-republic/ddr-south-sudan>, 2011
- . "Disarmament, Demobilization, and Reintegration." Small Arms Survey, <http://www.smallarmssurveysudan.org/facts-figures/ddr.html>.
- . "Failures and Opportunities: Rethinking Ddr in South Sudan." In *HSBA Issue Brief No. 17*. Geneva, Switzerland: Small Arms Survey. Accessible from <http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB-17-Rethinking-DDR-in-South-Sudan.pdf>, 2011.
- . "The Human Security Baseline Assessment for Sudan and South Sudan (Hsba): Publications." HSBA - The Human Security Baseline Assessment for Sudan and South Sudan, <http://www.smallarmssurveysudan.org/publications/issue-briefs.html>.
- . "Reaching for the Gun: Arms Flows and Holdings in South Sudan." In *Issue Brief Number 19*. Geneva, Switzerland: Small Arms Survey: Sudan Human Security Baseline Assessment. Available at <http://www.smallarmssurvey.org/about-us/highlights/highlight-hsba-ib19.html>, 2012.
- Taylor, Charles. "The Dynamics of Democratic Exclusion." In *Democracy: A Reader*, edited by R. Blaug and J.J. Schwarzmantel. New York, NY: Columbia University Press, 2001.
- The African Union/UN Hybrid operation in Darfur (UNAMID). "United Nations Documents on Unamid." The African Union/UN Hybrid operation in Darfur, <http://www.un.org/en/peacekeeping/missions/unamid/documents.shtml>.

The House of Nationalities. "List of Nationalities.". South Sudan: The House of Nationalities.

Available at <<http://houseofnationalities.org/downloads.asp>>, 2011.

———. "Present Situation in the South Sudan." The House of Nationalities.,

<http://houseofnationalities.org/downloads.asp>.

The Transitional Constitution of the Republic of South Sudan. The Republic of South Sudan:

Sudan Tribune: available at:

<http://www.sudantribune.com/IMG/pdf/The_Draft_Transitional_Constitution_of_the_R_OSS2-2.pdf>, Accessed on November 01, 2012, 2011.

United Nations. "Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation among States in Accordance with the Charter of the United Nations, Annex to General Assembly Resolution 2625 (Xxv): Supp. (No. 28), U.N. Doc. A/5217 at 121." New York, NY: United Nations General Assembly. Available at

<<http://www.un.org/documents/ga/res/25/ares25.htm>>, 1970.

United Nations (UN). "Convention on the Reduction of Statelessness." New York, NY: United Nations: Available at

<http://untreaty.un.org/ilc/texts/instruments/english/conventions/6_1_1961.pdf>, 1961.

United Nations Interim Security Force for Abyei (UNISFA). "United Nations Documents on

Unisfa." United Nations Interim Security Force for Abyei,

<http://www.un.org/en/peacekeeping/missions/unisfa/documents.shtml>.

United Nations Mission in South Sudan (UNMISS). "United Nations Documents on Unmiss."

United Nations Mission in South Sudan,

<http://www.un.org/en/peacekeeping/missions/unmiss/documents.shtml>.

United Nations Mission in the Sudan (UNMIS). "United Nations Documents on Unmis." United Nations Mission in the Sudan,

<http://www.un.org/en/peacekeeping/missions/unmis/reports.shtml>.

United Nations News Centre. "Un Welcomes South Sudan as 193rd Member State." UN News Centre, <http://www.un.org/apps/news/story.asp?NewsID=39034&Cr=South+Sudan&Cr1>.

UNMIS. "Independence of South Sudan." United Nations Mission in the Sudan,

<http://www.un.org/en/peacekeeping/missions/unmis/referendum.shtml>.

UNMISS. "Incidents of Inter-Communal Violence in Jonglei State." New York, NY: United Nations Mission in South Sudan (UNMISS). Available at

<<http://unmiss.unmissions.org/LinkClick.aspx?fileticket=DBQoOQvnMAA%3D&tabid=4969&language=en-US>>, 2012.

UNSC. "Report of the Secretary-General on the United Nations Mission in the Sudan (S/2010/681)." New York, NY: United Nations Security Council (UNSC), 2009.

———. "Report on Sudan and South Sudan." New York, NY: United Nations Security Council, 2011.

USAID. "Land Tenure Issues in Southern Sudan: Key Findings and Recommendations for Southern Sudan Land Policy." Washington, DC: United States Agency for International Development (USAID). Available at <[http://www.internal-displacement.org/8025708F004CE90B/%28httpDocuments%29/B21530C92D8C25D3C125791100458FCE/\\$file/Land+tenure+issues+in+Southern+Sudan+-+Key+findings+and+recommendations+for+Southern+Sudan+land+policy.pdf](http://www.internal-displacement.org/8025708F004CE90B/%28httpDocuments%29/B21530C92D8C25D3C125791100458FCE/$file/Land+tenure+issues+in+Southern+Sudan+-+Key+findings+and+recommendations+for+Southern+Sudan+land+policy.pdf)>, 2010.

- WFP. "Wfp Appeals for Funds for Demining and Road Repairs in South Sudan." World Food Programme, <http://www.wfp.org/news/news-release/wfp-appeals-funds-demining-and-road-repairs-south-sudan>.
- Young, J. "Armed Groups Along Sudan's Eastern Frontier: An Overview and Analysis." Geneva, Switzerland: Small Arms Survey, 2007.
- Young, John. "Sudan: Liberation Movements, Regional Armies, Ethnic Militias & Peace." *Review of African Political Economy* 30, no. 97 (2003): 423-34.
- Zambakari, Christopher. "Crisis of Youth or Crisis of Society in South Sudan?". *PAMBAZUKA NEWS* June 19, no. Issue 578, accessible from <http://www.pambazuka.org/en/category/features/87916> (2013).
- . "Old Sudan and New Sudan: Political Crisis and the Search for Comprehensive Peace." *Pambazuka News*, no. 567 (2012): accessible from <http://www.pambazuka.org/en/category/features/79401>.
- . "Post-Referendum South Sudan: Political Violence, New Sudan and Democratic Nation-Building." *The Georgetown Public Policy Review* 18, no. 2 (2013): 41-55: Accessible from <http://gppreview.com/print-journal/spring-2013-volume-182/post-referendum-south-sudan/>.
- . "South Sudan in the Post-Cpa Era: Prospects and Challenges." *Pambazuka News*, no. 542 (July 28 2011): accessible from <http://www.pambazuka.org/en/category/features/75248>.
- . "South Sudan: Institutional Legacy of Colonialism and the Making of a New State." *Journal of North African Studies* 17, no. 3 (2012): 515-32.

Notes

¹ For a good analysis of land related disputes, interwoven with identity politics, postcolonial governance in other areas in South Kordofan/Nuba Mountains, and the Border States refer to Guma Kunda Komey, *Eastern Africa : Land, Governance, Conflict and the Nuba of Sudan*, Eastern Africa Series (Suffolk, UK: Boydell & Brewer 2010); Luka Biong Deng, "Crimes against Humanity in Abyei: Why I resigned from the Sudanese Government: Speech delivered at the "WE HAVE A DREAM: Global Summit Against Discrimination and Prosecution", (New York, NY: Accessible at <<http://paanluelwel2011.wordpress.com/2011/09/26/dr-luka-biong-deng-crimes-against-humanity-in-abyei-why-i-resigned-from-the-sudanese-government/>>, 2011); Douglas H Johnson, "When Boundaries Become Borders: The impact of boundary-making in Southern Sudan's frontier zones," (London, UK: The Rift Valley Institute 2010).. For a complete list of UN Reports on the situation in Sudan, South Sudan, and the Border States, refer to United Nations Mission in the Sudan (UNMIS), "United Nations Documents on UNMIS.," United Nations Mission in the Sudan, <http://www.un.org/en/peacekeeping/missions/unmis/reports.shtml>; United Nations Mission in South Sudan (UNMISS), "United Nations Documents on UNMISS.," United Nations Mission in South Sudan, <http://www.un.org/en/peacekeeping/missions/unmiss/documents.shtml>; The African Union/UN Hybrid operation in Darfur (UNAMID), "United Nations Documents on UNAMID.," The African Union/UN Hybrid operation in Darfur, <http://www.un.org/en/peacekeeping/missions/unamid/documents.shtml>; United Nations Interim Security Force for Abyei (UNISFA), "United Nations Documents on UNISFA.," United Nations Interim Security Force for Abyei, <http://www.un.org/en/peacekeeping/missions/unisfa/documents.shtml>.. For a list of reports on the different armed groups in Western Sudan, the proliferation of arms refers to Small Arms Survey, "The Human Security Baseline Assessment for Sudan and South Sudan (HSBA): Publications," HSBA - The Human Security Baseline Assessment for Sudan and South Sudan, <http://www.smallarmssurveysudan.org/publications/issue-briefs.html>..

² In Phase I, the number of caseload was 90,000 ex-combatants to be demobilized, and reintegrated from South Sudan and an equal number from Sudan. In Phase II, the provisional caseload was 150,000 of which 70,000 is supposed to be drawn from security services other than the SPLA (police, wildlife, prisons, and the fire brigade) Small Arms Survey, "DDR in South Sudan," (Geneva, Switzerland: Small Arms Survey. Accessible from <<http://reliefweb.int/report/south-sudan-republic/ddr-south-sudan>>, 2011)... For more information on The disarmament, demobilization, and reintegration (DDR) in Sudan and South Sudan, refer to Small Arms Survey, "Disarmament, Demobilization, and Reintegration.," Small Arms Survey, <http://www.smallarmssurveysudan.org/facts-figures/ddr.html>.