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## **Displacement in Post-War Southern Sudan: Survival and Accumulation within Urban Perimeters**

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**Displacement in Post-War Southern Sudan:  
Survival and Accumulation within Urban Perimeters<sup>1</sup>**

**Anne Walraet<sup>2</sup>**

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**Abstract:** This paper is about Southern Sudanese IDPs and refugees who, after the 2005 Comprehensive Peace Agreement, chose not to return to their areas of origin, but instead to resettle elsewhere. Rather than exploring the push and pull factors of this decision, this paper documents the ways in which they have organised their lives in their places of post-war resettlement. More particularly, it explores their self-employment strategies in an institutional context characterised by weak state regulation and high reliance on self-governance institutions, especially social networks. One observation in particular intrigued us: the fact that some displaced were more successful than others in making a living in their places of resettlement. Consequently, uncovering why some individuals and groups were wealthier than others inspired and structured the research. In order to understand the difference between “networks of survival” and “networks of accumulation” – a twin phrase we borrowed from Meagher (2006) – it was imperative to comprehend the economy as a political terrain and to explore the structural position of groups. To this end it was necessary to complement a social capital perspective with a political economy approach.

**Keywords:** internally displaced persons, IDPs, refugees, social networks, post-war, conflict

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## 1. Introduction

This paper cannot start without recalling the magnitude of the displacement problem in Sudan and its long history of war and underdevelopment. Since it gained independence in 1956, Sudan has only enjoyed 17 years of peace: 11 years between the two civil wars (1953-1972 and 1983-2005) and 6 years since the signing in January 2005 of the Comprehensive Peace Agreement (CPA) that formally ended the second civil war, usually referred to as a war between the North and the South. One effect of this protracted war, and the numerous, still ongoing, violent conflicts (in Darfur, in the East but also in Southern Sudan, where local clashes continue to cause insecurity), is that in mid-May 2009, about 4.9 million people remained internally displaced in the country. Together they make up the single largest internally displaced population in the world. It is estimated that in Southern Sudan, during the 21 years of the second civil war, 500,000 people have been forced to seek refuge in neighbouring countries, while 4 million people have been displaced within Sudan. 2.24 million people are thought to have returned since 2005. Upon their arrival back home they frequently faced numerous obstacles – limited access to livelihood opportunities, inter-communal violence and persisting insecurity – resulting in significant new displacements in turn, estimated at 187,000 in 2008. Others have taken on an awaiting stance or have decided to settle in their localities of displacement (IDMC, 2009; Pantuliano, 2011).

The mere fact that after the signing of the peace in 2005, a significant number of refugees and IDPs (Internally Displaced Persons, sometimes called ‘internal refugees’) chose not to return to their areas of origin, but instead decided to stay or permanently resettle elsewhere goes against the widespread assumption that post-war IDPs and refugees invariably want to go “home”. The fact that this is not always the case is clearly demonstrated in Narus and Kapoeta, two towns in South Sudan’s Eastern Equatoria state, where we conducted field research in 2009 and 2010. Nevertheless, both the government authorities and the humanitarian sector have until recently focused exclusively on repatriation and on returning the displaced back to their places of origin (IDMC, 2009:8).

However, this paper is only indirectly interested in the reasons behind their choice to (re)settle.<sup>3</sup> Instead, this paper addresses the “how” question: how IDPs and refugees in Narus and Kapoeta have organised their livelihood in their place of post-war resettlement. Directing attention to the “how” question incited an approach of IDPs and refugees as social actors with agency, but

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<sup>3</sup> At least there was no systematic questioning of pull and push factors. IDPs and refugees in Narus and Kapoeta who indicated that they had chosen to (re)settle, instead of returning home, explained their decision as the best of options, thus actively balancing pros and cons. On the positive side they mentioned that both towns were good places to stay, because of their location on the transport axis to Torit (the capital of Eastern Equatoria State) and Juba (the capital of Southern Sudan), because of the nearness of the Kenyan border and because it were small places with small problems, compared to the challenges returnees and IDPs had to face in Juba. On the negative side they pointed at the remoteness of their homes and their lack of resources to go back, the inadequacy of livelihood conditions in their home areas or the unfamiliarity with it after long-term displacement. Indeed, many had never visited their so called “places of origin”.

without losing sight of the specific context of post-war Southern Sudan, which is essentially one of a weak state that suffers economic underdevelopment and enduring insecurity.

Indeed, five years after the CPA – the time of our last field trip – the Government of Southern Sudan (GoSS)<sup>4</sup> still faces huge challenges in establishing a functioning administration, a comprehensive legal framework and effective law enforcement capabilities. On the development front, the GoSS has made only limited progress in meeting expectations, despite substantial revenues from oil. With the exception of a noted improvement of road infrastructure, the provision of basic services (water and sanitation, education, health care) remains rudimentary. As in many other post-conflict contexts, the peace agreement did not lead to an immediate cessation of armed violence, despite the relatively successful integration of armed militia forces not aligned to the Sudanese Armed Forces (SAF) or the Sudan People's Liberation Army (SPLA) into either army (the Juba Declaration of 8 January 2006). Peace in Southern Sudan is still a relative condition and remains affected by conflicts over access to resources, by the low policing capacity of the GoSS and by the widespread proliferation of small arms, many of which are in the hands of non-state armed actors (Small Arms Survey, 2009; Muggah et al., 2008; HRW, 2009, Crisis Group, 2011). Part of the responsibility for the lack of tangible development and for the enduring insecurity, is attributed to President Omar al-Bashir's National Congress Party (NCP) that has been withholding oil revenue to the South, and which is believed to be instigating local conflicts in the South by supplying weapons to southern groups as part of its strategy to destabilise the South and disrupt the CPA. However, the SPLM also shares the blame and has been accused of bad governance, corruption and nepotism, preventing the trickling down of oil money and development resources (Crisis Group, 2008, 2009, 2011).

It is widely assumed that in such a context, social capital provides important institutional assets for organising a living and for initiating or fostering development in general. At least, this is the core of the social capital paradigm that rose to prominence during the 1990s, both in development studies and in social science more generally (Grootaert, 1998; Woolcock, 1998; World Bank, 1998, Fukuyama, 2001). Definitions and perspectives may vary, though across the diverse social capital literature, social networks and relations of trust are commonly put forward as the two key components of social capital (see amongst others Putnam, 1993; Woolcock, 1998; Schuller, Baron & Field, 2000; Woolcock & Narayan, 2000; Portes and Landolt, 2000). Refugees, and increasingly also IDPs, have been of particular interest to the study of social capital. Their being stripped of their economic capital, and with often little, not valued or not marketable human capital, has raised the question to what extent their social capital can function as a catalyst to transcend their condition of deficiency (see amongst others Lamba & Krahn,

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<sup>4</sup> The 2005 Comprehensive Peace Agreement (CPA) provided for a six-year interim period of power sharing between a Government of National Unity (GoNU) and a Government of South Sudan (GoSS), with democratic elections in 2009 (which eventually took place in April 2010) and a self-determination referendum for the South in January 2011.

2003; Allen, 2009).<sup>5</sup> Basically, this idea of fungibility of forms of capital (economic, human and social capital) goes back to Bourdieu (see Portes & Landolt, 2000; Bourdieu, 1980).

Hence, looking at how the displaced in Narus and Kapoeta organised their living through the lens of the social networks they engage(d) in arose as a tempting methodology. However, a social capital approach has been subjected to widespread discussion and critique. Not only has the idea of social capital become something of a buzzword in social science, there is also a lingering debate over its investigative capacity, its ideological underpinning, its developmental impact and not the least its policy implications. Apart from these reservations, it soon became clear that a social capital approach was inadequate to fully catch the power dimensions that shaped the particular character of informal economic governance in the settings of our study. Indeed, exploring how resettled IDPs and refugees organised a livelihood quickly led to the two-fold observation that some of the new residents of Narus and Kapoeta are definitely better off than others, while all emphasised their resort to and mobilisation of co-ethnic networks in the (re)construction of their livelihoods. Searching the explanatory variable, while avoiding the trap of ethnic reductionism, eventually prompted us to unravel the networks of success from an historical perspective and to refocus on the nature of their relation with the state.

Our case study offers a particular and interesting perspective in this regard. In fact, the border area of Eastern Equatoria state with Kenya, where Narus and Kapoeta are located, was the SPLM/A's stronghold during the war and provided a vital economic life-line to its army. Consequently, both the political and economic terrain were firmly in the hands of the military, whose dominance was at times heavily opposed by the local population (see amongst others Branch & Mampilly, 2004; Rolandsen, 2005; Walraet, 2008). Since the 2005 peace agreement, the competition for power and resources has obviously entered a new phase. However, this does not mean that public authority is now firmly in the hands of the newly appointed local government authorities. As will be documented below, regulatory authority is contested between civil and military centres of power. Moreover, public authority is not the exclusive possession of government institutions.

These are the major contours of the "power complex" in which we focus our attention on the new residents of Kapoeta and Narus and on how they organised a life and a living in these localities between about 2002, the year of the cessation of hostilities after 19 years of war, and 2010, the year of the historical presidential, gubernatorial and parliamentary elections in Sudan. It will be argued that power constitutes an important element of the problem of access to resources (either land, urban plots, housing, transport, mobility or capital) and hence of

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<sup>5</sup> This line of research is paralleled by the growing recognition of the resilience of refugees (Lubkemann, 2008; Hammar and Rodgers, 2008), in contrast to their rendering as victims and non-agents as much of the orthodox discourse on displacement assumes and is increasingly reflected in a turn in official policy (by UNHCR, EU and various NGOs), away from 'care and maintenance programmes' to refugee self-reliance (Crisp, 2009; Horst, 2006).

livelihood options. Indeed, despite all the debate about social capital and social networks and their attributed ability to secure resources and create wealth, it appears that the gate to livelihood opportunities and wealth accumulation is significantly determined by political and military power.

The rest of this paper is organised as follows: the first section reflects briefly on some of the debates on social capital, explicates how this has influenced the leading research question and spells out the methodology.

The second section introduces the research sites and subjects. It clarifies the geopolitical significance of the location of Narus and Kapoeta and argues why alongside IDPs and refugees, migrants and military also require our attention.

The third section examines the networks of survival and documents how most resettled IDPs and refugees have build a livelihood within urban perimeters. It starts with clarifying why co-ethnic networks are important for the displaced and assesses their content and magnitude.

The fourth section focuses on the networks of accumulation and the characteristics of the more successful business undertakings in the towns under scrutiny. It draws attention to their size, interconnectedness and range and to features such as access to start capital and to protection that sets some entrepreneurs apart.

In the fifth section the time-perspective is enlarged to document the genesis of a thriving cross-border trading network from a political economy perspective and to assess the impact of capital accumulation in the past on doing business today.

The sixth section weighs the recent progression in state regulation in South Sudan against the unfinished transition of the SPLM/A from a military to a political organisation. Prior to the concluding thoughts, attention is devoted to the struggle for resources and political space in the run up to the April 2010 elections.

Finally, we recapitulate and link back to the introductory discussion on theoretical perspectives and end with some concluding thoughts about narratives and policy implications.

## **2. Theoretical perspectives: social capital versus political economy**

While the aim of this paper is not to revisit diverse theories of social capital, we nevertheless start with a sketchy representation of certain lines of debate on social capital and end with some comments to underpin our political economy approach of agency, our regard for struggle for resources and for political space, our bearing in mind of process and change and our consideration of the state and of state-making as “processual” (Lund, 2006, 675), or with the words of Migdal as “constantly becoming” (Migdal, 2001, 57). With these accents we aspire to

counterbalance some of the frequently cited shortcomings and pitfalls of a social capital approach: its tendency to depoliticise development, its preoccupation with cohesion, its bypassing of class, power, state and conflict, its disregard for context and history and its essentialising tendencies (Cleaver, 2005; Fine 1999, 2007b, 2008; Meagher, 2005, 2009, 2010; Schuurman, 2003; Gonzales de la Rocha, 2007).

One of the most heated debates on social capital is whether social networks are capable of filling gaps in formal institutional provisions and hence perform a developmental role or not. Proponents consider social capital as a key instrument of empowering the poor, based on the assumption that networks can move individuals out of disadvantaged positions (World Bank, 2000). Lyons and Snoxell for instance, who researched the social fabric of informal traders, conclude with identifying social capital as “one of the poor’s most important assets in managing their lives” (Lyons & Snoxell, 2005a:1077), capable of “augmenting or substituting for other forms of capital” (Lyons & Snoxell, 2005b:1317). Critics on the other hand point at the structural restrictions of the poor, the marginalised and the unemployed, in exercising their agency and argue that social capital itself is strongly determined by political power and the economy (Fine, 1999; Loizos, 2000; Gonzales de la Rocha, 2007). Gonzales de la Rocha, for instance, who researched urban poverty in Latin America, challenges the myth of survival under conditions of poverty and reliance on social capital. She argues for a shift in focus from the much-heralded resilience and resourcefulness of the poor to ‘the poverty of resources’ (Gonzales de la Rocha, 2007:48).

It is obvious that the discussion on the developmental capacity of social capital cannot be disconnected from its implications for policy. Proponents have welcomed the turn to a social capital perspective because of its potential to rouse responsibility among all stakeholders in development in general and its confidence in the dynamism of actors to realise their own development from below in particular. Critics on the other hand warn for the easy translation of the potential of social networks into an argument to minimise the need for state regulation and for the de facto resurrection of one of the underpinnings of the old modernisation paradigm: blaming the victims for their failure to develop. They conclude that social capital remains weak as a policy tool, unless the social is connected with the political (Cleaver, 2005:904; Loizos, 2000:125).

Evidently, the popularity of social capital as “the missing link in understanding development” (Putnam, 1993; Grootaert, 1998) did not appear out of the blue. It must be correlated with the rise of neo-liberalism, with a renewed interest in the social dimensions of economic action (the livelihoods approach and the new institutional economics) and with the role the World Bank played in its incorporation into mainstream development discourse (Fine, 1999, 2007; Boer, 2001; Pender, 2001; Portes & Landolt, 2000; Schuurman, 2003).

That much of the debate on the regulatory and developmental capacity of social networks has focused on Africa, can hardly be surprising, given that part of Africa is commonly regarded as



synonymous with “low stateness” (Leftwich, 2005:598), which is considered a breeding ground par excellence for self-regulation by non-state actors (see amongst others Roitman, 2002; Young, 2004; Lund, 2006). Again, opinions are divided. While some have heralded the proliferation of social networks as an alternative for state regulation, others have considered this substitution as problematic (Schuurman, 2003; Little, 2003; Cleaver, 2005; Meagher, 2005; Vlassenroot & Raeymaekers, 2008).

The debate about the capacity of networks to foster development and to substitute for state regulation in situations of weak or collapsing states, has frequently been connected to the question of the right social capital. Consequently, part of the discussion has centred on what types of networks and organisations constitute social capital and/or what combinations generate economic development or its institutionally enabling environment: bonding, bridging and/or linking capital (Woolcock & Narayan, 2000), horizontal and/or vertical relations (Coleman, 1988), strong and/or weak ties (Granovetter, 2005). A more political inspired matter is whether social capital contributes to greater equity or whether it is a source of inequality (Field, Schuller & Baron, 2000). Networks may indeed not produce prosperity for all, but instead support parochial interest (Ikelegbe, 2001), patron-client relations (Chabal & Daloz, 1999), the enrichment of powerful groups (Bayart, 2009) or the reproduction of the prerogatives of elites or classes (Médard, 1990; Bourdieu, 1986).

Besides doubts about the bottom-up developmental capacity of social networks, reservations have also been expressed with respect to its analytical competence. According to Schuurman (2003) and Fine (1999, 2007, 2008) the popular rise of social capital has provoked an inflation in its meaning and functionality to the extent that it has become everything and nothing and useful for any political project, left and right. Meagher (2005, 2010) questions the explanatory ability of social networks other than in cultural or ethnic terms. She notes that their performance is easily attributed to cultural factors, which is reinforced by the inclination within a social network approach to downplaying the role of the state and its dynamic interaction with society. This has confirmed and perpetuated stereotypical explanations for Africa’s development crisis. Poor performance is either linked to cultural incapacities, to the prominence of ethnicity and the inability to form the right social networks or to the conviction that African social networks are rooted in cultural values that undermine rational economic institutions. Her reply is unequivocal: “network success and network failure are as much about power and the state as they are about culture.” (Meagher, 2010:26). Instead of reducing African networks to broad cultural logics, she consequently proposes to unravel them and to refocus on their institutional content, power relations and the nature of their relations with the state.

Much in line with her observation we will argue that the differential outcome of social networks in Narus and Kapoeta cannot be explained by a recourse to ethnicity. Therefore, instead of turning to culture, and to seek explanations in terms of differential communal norms, values and aptitudes to forge the right social capital, we suggest to turn to politics. We will equally demonstrate that the economically successful social networks in Narus and Kapoeta cannot be

typified as autonomous from the state. On the contrary: they are critically shaped by the nature of their relationship with the centres of power of the emerging South Sudanese state. It also follows that a longer term perspective will be necessary to see how the pattern of unequal distribution of wealth and power came about. Decades of warfare have obviously left their mark and continue to affect the complexity of power, authority and governance in Sudan. As has been demonstrated by others, networks and institutions forged by war do not stop abruptly with the signing of a peace agreement, nor do they phase out without resistance (Nordstrom, 2004; Bakonyi & Kirsti, 2005; Richards, 2005). Or as articulated accurately by Keen (2008: 86), and with high relevance to our case-study: “Groups that have been able to use violence to secure control of production, trade and emergency aid in wartime may be able to carve out for themselves a degree of control over production, trade and development or reconstruction aid after a peace settlement.” (Keen, 2008, p. 186)

One key characteristic of the state in Southern Sudan that will require special attention in this respect is its strong military make-up due to an unfinished transition of the SPLM/A from a military to a political organisation. On the whole, this paper calls attention for the centrality of power and politics, as explanatory factor in the differential outcome of social networks and in shaping the (formal and informal) institutions for governing access to economic resources.

Generally speaking, and following Meagher (2009: 3-6), we conceive of networks as informal institutions, directing analytical attention to their regulatory content and of informal in the conventional sense of operating outside the regulatory framework of the state. For the conception of social networks we suggest to turn to Zetter et al. (2006:12), who describe it as “resource and information channels that enable communities, individuals and groups to establish their social well-being by facilitating access to symbolic and material resources”. Accumulation is understood as the use of obtained wealth for purchasing more assets or for improving the value of existing assets. Access to assets (from land and buildings, over mobility and transport, to the means of protection) is evidently key to it. It is obvious that the concept of accumulation sits comfortable with that of class formation. While our research has not followed that line of reasoning, the attentive reader will notice that we insinuate that what is at stake in the investigated localities (and in Southern Sudan as a whole) is a process of class formation, although veiled by the dominant discourse of ethnicity.

The qualitative research on which this article is based was carried out in May 2009 and March-April 2010. The study is mainly based on semi-structured in-depth interviews. Information and insights obtained during previous fieldwork (2006 and 2007 – both in Kapoeta and Narus, as well as in other localities in Eastern Equatoria, such as Chukudum and Torit), were equally drawn into it. Most of the interviewees in 2009-2010 (76 respondents in total) were residents of Kapoeta or Narus; either indigenous Toposa or non-indigenous town residents. The majority of them – though not all - were male, reflecting the predominance of male local authorities,

community leaders and traders.<sup>6</sup> When necessary, translators were engaged (drawn from schools and local NGOs). Numerous spontaneous and open conversations as well as observation and interaction during the successive research trips have equally contributed to the insight and understanding of the author. Rather than a causal analysis, this study uses an ethnographic and contextual approach.

### **3. IDPs, refugees, migrants and military: the new town residents of Narus and Kapoeta**

This section introduces the research area and subject. Its geographical focus is on two border towns in South Sudan's Eastern Equatoria state: Narus and Kapoeta.<sup>7</sup> Because of their location near the Kenyan border they have experienced a massive influx of IDPs during the war, and of returning refugees since the peace.

Kapoeta is at approximately 80 km, Narus at 10 km from Nadapal on the Sudanese side of the border. Respectively 30 and 120 km further on the Kenyan side of the border lie Lokichoggio<sup>8</sup>, a major hub of relief aid for UN agencies and NGOs during the war, and Kakuma<sup>9</sup>, which became the host town of a refugee camp established in 1992. While Narus became a safe haven for IDPs as early as 1988, Kapoeta saw an influx of returning refugees from 2002 onwards. After the 2005 peace, many of these non-indigenous residents decided to stay.

During the war Kapoeta was a strategic garrison town. Because it was successively in the hands of the Government of Sudan (GoS)<sup>10</sup> and the SPLA the composition of its inhabitants changed correspondingly. Before the arrival of the SPLA in 1987, Kapoeta was inhabited by Arabs (administrators, tradesmen and shopkeepers), Equatorians (Lotuko, Acholi, Bari, etc.), some non-Equatorians (mainly Dinka from Jonglei State) and relatively few indigenous Toposa. When in 1987 the SPLA came in, most of the Arabs fled. The opposite occurred in 1992: the GoS recaptured Kapoeta and the SPLA soldiers moved outside into the bush or to nearby settlements such as Narus, Natinga, New Side, New Cush or Nadapal. The recapture of the town by the

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<sup>6</sup> Women are by no means absent in the commercial sector. Alcohol brewing for example is a widespread and typical female income-generating activity.

<sup>7</sup> Narus and Kapoeta are both County Headquarters: of Kapoeta East County and Kapoeta South County respectively.

<sup>8</sup> Lokichoggio started functioning as a hub for relief aid under Operation Lifeline Sudan from 1989 onward.

<sup>9</sup> In 2005, Kakuma still hosted 64,644 Sudanese refugees (75% of a total of 86,276 refugees). 74% of them were under 25 years old. The majority of them were Dinka Bahr al-Ghazal, Dinka Bor and Nuer (Dube & Koenig, 2005:8-10).

<sup>10</sup> The Government of Sudan (GoS) refers to the pre-CPA era. Since 1989 the GoS was led by Omar al-Bashir, who came to power in a military coup. With the signing of the Comprehensive Peace Agreement (CPA) in 2005, the GoS was replaced by an asymmetrical federal structure with on the one hand a Government of National Unity (GoNU), led by Omar al-Bashir from the National Congress Party (NCP) and on the other hand a Government of Southern Sudan (GoSS), led by Johan Garang (after his death succeeded by Salva Kiir) from the Sudan People's Liberation Movement (SPLM).

SPLA in 2002 and the ceasefire that was agreed the same year, was the start of new population movements: the departure of the Arabs, the settlement of SPLA military - soon joined by their relatives -, the return of refugees from Kakuma camp in Kenya, the homecoming of a limited number of Toposa-IDPs and the arrival of other Southern Sudanese and even Kenyans, who had formal employment prospects or were attracted by perceived post-war trade and business opportunities.

Narus on the other hand, was never occupied by Khartoum. Throughout the war it served as the administrative headquarters of the SPLA, which came to Narus in 1988, and as a safe haven both for SPLA soldiers and citizens on the run, although it suffered badly from bombardments by Khartoum's Antonov airplanes until the 2002 ceasefire. From Narus the SPLA recruited locals to join the SPLA. From 1992 onwards, many Dinka Bor civilians settled in Narus, fleeing the attacks in their homeland by Riek Machar's Nuer militia against them. The same period, quite a number of (mostly educated) Equatorians also moved in to perform jobs in the service sector (education, healthcare, humanitarian aid). Because of the proximity of the border, Narus could easily be reached with emergency aid (mainly food relief) from Lokichoggio. It also attracted a good number of NGOs.<sup>11</sup>

At present, both Kapoeta and Narus comprise a mixture of Southern Sudanese from very diverse communal origins: Lotuko, Acholi, Madi, Didinga, Kuku, Pari, Nuer, Shilluk, Nuba, Dinka Bahr al-Ghazal, Dinka Ngok and others. Accurate figures are absent<sup>12</sup>, but the overall perception is that a great proportion of the new town residents in both Kapoeta and Narus are Dinka originating from the Bor area.<sup>13</sup> Dinka are also the largest population group in the nearby border towns of New Site, New Cush, Natinga and Napadal.

Despite their differential protected status<sup>14</sup>, the distinction between resettled IDPs and refugees is by no means strict on the ground. Nor is it always easy to distinguish between IDPs, resettled refugees and migrants. As became clear from the interviews, migration is not necessarily the result of an economic emergency situation caused by war, conflict and insecurity. Instead, mobility is a typical ingredient of local livelihood strategies. Especially in recent years, there was a significant inflow of migrants in search of urban livelihood opportunities. Therefore, it makes

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<sup>11</sup> Its location also explains the existence of both primary and secondary schools. Until today, these schools have a huge number of boarding students (Bakhita primary for girls:1200; Comboni primary for boys: 900).

<sup>12</sup> There is a general absence of reliable data on returnee numbers, amongst others because the SSRRC/Southern Sudan Relief & Rehabilitation Commission office in Kapoeta only started registering incoming IDPs and refugees (mainly from Kakuma refugee camp) the end of 2007. Interviews SSRRC Kapoeta, 6 May 2009 & County Commissioner Kapoeta East County, Narus, 17 May 2009. Based on 2008 estimates provided by IOM and UNMIS/RRR, there were at least 23,713 IDPs in Eastern Equatoria, the total population of which was set at 906,126 by the 5<sup>th</sup> Sudan Population and Housing Census of 2008 (IDMC, 2009).

<sup>13</sup> Interviews SSRRC, Kapoeta, 6 May 2009, County Commissioner Kapoeta South County, Kapoeta, 1 May 2009 and County Commissioner Kapoeta East County, Narus, 17 May 2009.

<sup>14</sup> IDPs have been forced from their homes for many of the same reasons as refugees, but have not crossed an international border. No international agency has a formal mandate to aid them. But they are increasingly at the forefront of the humanitarian agenda (Crisp, 2009; Collinson, Darcy, Waddell, & Schmidt, 2009).

sense to refer to the various categories of non-indigenous inhabitants as the new residents of Kapoeta and Narus. Many narratives of interviewees suggest that with respect to both life trajectory and livelihood strategy, the dividing line with the military is equally not stringent. Quite some SPLA military - officers, soldiers and “wounded heroes” (disabled soldiers) - have been in the area for many years. Others came in 2002 or later. Over the years, some have been joined by relatives who came from abroad (quite often from Kakuma refugee camp), or from inside Sudan, whether they came from their place of origin or not.

What our case study has equally demonstrated, is that it is not uncommon to find various of these categories – IDP, refugee, migrant, military - within one household or (extended) family. The following examples of typical life trajectories may illustrate our point.<sup>15</sup> William is a Dinka in his early twenties and works in a restaurant owned by an uncle, who is an SPLA-commander. He was born in Ethiopia and went to Kakuma refugee camp in 1992 where he stayed until the end of the war. Meanwhile his mother resided in Narus. Mother and son were re-united in Kapoeta in 2005. His father stays in Bor, which is their place of origin.<sup>16</sup> John in his thirties and came to Kapoeta in 2002 where he started a business (a bar). Later he brought his brother and other relatives to his new residence, but not his wife who has stayed in Bor. John is a polygamist with a second wife in Kapoeta.<sup>17</sup> Charles is a Shilluk and in his early forties. He came to the area as an SPLA-soldier around 1990, but got injured and was transferred to Kakuma refugee camp. He now lives off his salary as a wounded hero in Narus and he has supplemented his income by brewing alcohol.<sup>18</sup> Thomas is a Nuba and came to Narus in 2002 as a soldier, earning his living with petty trade. He cautiously hinted that he had additional income from other – probably illegal – activities. This enabled him to start a retail shop. In the meantime his younger brother, for whom he is responsible, has also joined him.<sup>19</sup> Andrew is an Acholi. He came to Kapoeta after the war because there was the opportunity of a civil service job. Part of his family already lived in Kapoeta. In recent years Acholi returnees from Kakuma refugee camp have also joined.<sup>20</sup>

As any visitor quickly notices, there are relatively few indigenous Toposa living inside Kapoeta and Narus town. The most obvious reason is that their economic and social life revolves around livestock, making them live in rural areas. Unlike the new settlers, their access to land is not restricted to urban centres. Nevertheless, this picture is slowly changing. Early 2009 approximately 200 Toposa IDPs returned from Khartoum.<sup>21</sup> Officially they are considered as “reintegrated IDPs”. Significant for these and earlier Toposa returnees from Khartoum is that they had access to education and that they are alienated from their traditional lifestyle linked

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<sup>15</sup> All names are fictitious to guarantee anonymity.

<sup>16</sup> Interview Kapoeta, 6 May 2009.

<sup>17</sup> Interview Kapoeta, 6 May 2009.

<sup>18</sup> Interview Narus, 18 May 2009.

<sup>19</sup> Interview Narus, 14 May 2009.

<sup>20</sup> Interview Kapoeta, 17 March 2010.

<sup>21</sup> This figure does not include the non-registered, individualized returns, nor deviating displacement trajectories.

with livestock keeping. They have settled in town and/or are more visible in town life.<sup>22</sup> However, this does not affect the fundamental difference between indigenous and non-indigenous communities: while the former have access to both urban land and customary rural land, the latter's land access is settled on an area restricted to a 5 km radius from the town centre.

#### **4. Networks of survival**

This section documents how most resettled IDPs and refugees have built a livelihood within the perimeters of Kapoeta and Narus town, with a particular interest in the effectiveness of the social networks they relied on. It is largely based on a survey of new town residents, whereby we made sure that most of the different ethnicities were heard.

Indeed, there is not much literature with respect to Southern Sudan to build on. In the wake of the 2005 peace agreement, there has been an increased interest in the challenges for refugees and IDPs to return and reintegrate. Much of the research has focused on the push and pull factors favouring return, on the return process itself and on the conditions for reintegrating returnees and IDPs socially, culturally, economically and politically (Phelan & Wood, 2006; Pantuliano, Buchanan-Smith & Murphy, 2007; Pantuliano, Buchanan-Smith, Murphy & Mosel, 2008; Kaiser, 2010). Another noted line of recently published research is on social capital and livelihood diversification during the war (Deng, 2010a, 2010b). However, both studies focus on a single ethnic community. Our study differs from these publications in two ways: it transcends a push and pull focus<sup>23</sup> and includes several ethnic communities. Generally, the survey confirms the importance of social networks in making a life and organising a livelihood in conditions of displacement. Both in Narus and Kapoeta, there was abounding evidence of the significance for the displaced of group belonging and being part of its social network. As one interviewee pertinently explained: "Having a social life is key to survival. Therefore you look for your own people."<sup>24</sup> While ties that cross-cut community boundaries are not absent<sup>25</sup>, there was a broad consent that co-ethnic relations were paramount. Whether these ethnic networks also facilitate economic success or confer business resources is explored below. First we address the issue why especially ethnic networks were of such importance to the displaced, despite the multi-ethnic composition of both urban settings. This question cannot be satisfactorily answered by merely referring to the strong ethnic divisions in Sudanese society. At least two reinforcing factors need to be recognised: first of all, the continuing uncertainty of the displaced with respect to their right to permanently resettle in Narus and Kapoeta, at least until 2009, and secondly, the fact that

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<sup>22</sup> Interviews Toposa SPLM-MP, Kapoeta, 10 May 2009, Toposa physician, Kapoeta 22 March 2010, County Commissioner Kapoeta South County, Kapoeta, 1 May 2009 and County Commissioner Kapoeta East County, Narus, 17 May 2009.

<sup>23</sup> Push and pull studies – the so-called aetiological tendency – have been criticized (among others) for their preoccupation with loci of departure and loci of destination and its related tendency to perceive migratory processes as a complete break with long established social relationships (Hahn & Klute, 2007).

<sup>24</sup> Interview Acholi Community, Kapoeta, 17 March 2010.

<sup>25</sup> Many interviewees confirmed they had built good relations with township residents of other ethnic backgrounds.

(ethnic) community organisations continued to function as institutional building blocks for (informal) local urban governance, at least until our last field visit in April 2010.

Although voluntary, most non-indigenous communities in Narus and Kapoeta have their own community organisation that regulate their internal and external relations. As such, they mirror institutions at home, while simultaneously reproducing the strong segmentation of ethnic groups in Sudan. Community organisations have a representation and conflict mediating function on three levels: intra-communal, inter-communal and as interface between the displaced and the local government authorities. To this end, they have an elected leader<sup>26</sup>, with judiciary powers, usually assisted by a council of elders. Some also have a youth branch and a women's department.<sup>27</sup> Internally, the organisations settle minor conflicts (major offences are referred to county level and eventually to court). Minor inter-communal disputes are equally resolved between the respective community representatives. Also vis-à-vis the county authorities, the community leadership acts as an answerable spokesperson. Furthermore, community chairmen are regularly invited by the County Commissioner for consultations on local affairs and for passing on information.<sup>28</sup> As one new resident of Kapoeta aptly summed it up: "We govern ourselves".<sup>29</sup> Antecedents of this system of self-governance in displacement are to be found in Kakuma refugee camp. With its practice of empowering refugees to participate in their own governance, each of the national and sub-national communities had their own leaders who acted as interface between the UNHCR Head of Office and the communities they represented. For minor criminal facts the refugees had their own court systems, based on customary law.<sup>30</sup>

There is no doubt that this system of governance and managing law and order via ethnic community organisations has been fairly successful in regulating the co-habitation of the new residents of Kapoeta and Narus. This co-existence of state and non-state institutions resembles what Menkhaus (2008) calls "a mediated state" and what Lund (2006) identifies as "twilight institutions". Many interviewees also revealed their recognition of this institutional arrangement for consultation and conflict mediation, which may indicate bottom-up state and legitimacy building. However, many governance areas remain outside its ambit or unregulated or in a grey zone, as is the case with access to and property of (urban) land. Because of its complexity and sensitivity, the issue of land ownership in Southern Sudan was deferred to the post-CPA phase (De Wit, 2004:13; Pantuliano, 2007). In 2008, the entitlement of displaced Sudanese to land and

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<sup>26</sup> Called chairman, councilor or even chief, although this title is officially the exclusive right of the indigenous Toposa.

<sup>27</sup> As is the case with the Acholi and the Dinka Bor community in Kapoeta. Interviews Kapoeta, 17 March 2010; 22 & 23 March 2010.

<sup>28</sup> Interviews Didinga Community Narus, 14 May 2009, Acholi Community Narus, 15 & 16 May 2009, Lotuko Community Narus, 15 May 2009, Bahr al-Ghazal Community Narus, 19 May 2009, Lotuko Community Kapoeta, 15 March 2010, Kuku Community Kapoeta 16 March 2010, Acholi Community Kapoeta 17 March 2010, Didinga Community Kapoeta, 18 March 2010, County Commissioner Kapoeta South County, Kapoeta, 1 May 2009 and County Commissioner Kapoeta East County, Narus, 17 May 2009.

<sup>29</sup> Interview Kapoeta, 7 May 2009.

<sup>30</sup> Interview Gideon Kenyi, UNHCR, ex-commissioner for Eastern Ekuatoria in Kakuma refugee camp, Kapoeta, 10 May 2009. See also: Jansen, 2008:582-583.

property was still unclear, as was their right to permanently resettle in Narus and Kapoeta. Whereas the GoS and the SPLA agreed in 2004 (Policy Framework, 2004) that displaced Southern Sudanese have three options - return, local integration or settlement elsewhere -, the GoSS has until 2008 focused exclusively on the return of displaced persons to their areas of origin.<sup>31</sup> Although there was no forthright policy to send the displaced back to where they originated – their so-called “home areas” – nor was there a regulatory framework to ensure their right of resettlement and entitlement to land and property.<sup>32</sup> It was only in the spring of 2009 that the government changed its official discourse and approved the right to resettlement of all Southern Sudanese. This message was subsequently disseminated in Narus and Kapoeta by the County Commissioners of Kapoeta East and Kapoeta South respectively.<sup>33</sup> The change in official discourse went hand in hand with an attempt to regulate access to (and property of) land within urban perimeters. The lack of a regulatory framework for urban land access has obviously impacted unevenly. On the one hand, it perpetuated the uncertainty for the occupants, who reported it refrained them from long term planning and from constructing permanent buildings. On the other hand, it facilitated access for those privileged with power relations. We will come back to this.

This is the context wherein social networks, in particular family and ethnic relations, were reportedly critical in finding housing accommodation and in earning a living. Finding a place to stay was considered a prime necessity for newly arriving or returning IDPs and refugees. Until recently, the occupation of urban plots for residence was relatively “free” in the sense that it was “unregulated”. Therefore, wherever the displaced found an appropriate place to build a shelter – a tukul of mud and straw, a shack of iron sheet or even a cement-brick house - he or she could settle, at least as long as it did not come near of what was considered customary “Toposa land”. In most cases, the decision where to settle was instigated by the presence of a relative or member of one’s own ethnic community. This was clearly the case in Narus, which until the end of the war was designed as an IDP-camp.<sup>34</sup> In Kapoeta, which after its liberation in 2002 saw an influx of IDPs and returning refugees, the same process occurred. New arrivals with little or no means of subsistence mostly joined their relatives or community members on the same plot.<sup>35</sup> So, both in Narus and Kapoeta, it is not uncommon to find several households and a total of 10 to 20

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<sup>31</sup> This option was facilitated by international actors, including UNHCR, IOM and UNMIS.

<sup>32</sup> The Policy Framework (2004) states that “Every displaced person has the right to freedom of movement and freedom of choice of their place of residence” and that “Authorities shall make every effort possible to ensure that returning or resettling displaced shall be given adequate access to land, in the case of rural return sufficient land for cultivation and in the case of urban return sufficient for housing. Such provisions will be governed by norms applicable to other community members in areas of return or resettlement. Similar provisions shall be made for displaced choosing local integration. Authorities shall establish or strengthen appropriate mechanisms in both rural and urban areas to deal with all property claims that will arise from the return process and that such processes will be resolved in a timely manner. Traditional mechanisms will also be used in this regard.”

<sup>33</sup> Interview with the County Commissioner of Kapoeta East County, Narus, 17 May 2009, following his announcement the day before (16 May), i.e. “Bush Day” – the commemoration of the start of the liberation struggle.

<sup>34</sup> Notwithstanding the name, it was not enclosed (IMU/OCHA, Kapoeta County, 2005).

<sup>35</sup> Interviews *ibidem* footnote 23.



people on the same plot. The settlement pattern that thus developed has an ethnic appearance, although one also finds ethnically mixed neighbourhoods.

With respect to earning a living, social networks were equally vital. Most of the resettled IDPs and refugees of Narus and Kapoeta rely on self-employment for their survival. Actually, farming or raising cattle is not an option: access to the customary land surrounding Narus and Kapoeta town is the preserve of the indigenous Toposa population. By consequence, access to land to non-indigenous Sudanese is restricted to plots within the urban perimeter. This leaves them with only a few options to earn a living: dependence on emergency assistance, wage labour or self-employment. The first option is not a durable livelihood strategy: the aid provided by UNHCR to returning refugees is minimal and temporary. The possibility to earn wages is mainly restricted to the public and the humanitarian non-profit sector. Other options on the formal job market are (so far) rather scarce. Employment in the local administration is in theory open to any Southerner. In practice, due to requirements with respect to educational qualifications and/or knowledge of the local language, government jobs (in the administration, education or healthcare sector) and jobs in the non-governmental sector (CBOs, NGOs and international organisations) are mainly executed by Eastern Equatorians, in particular by Acholi, Madi, Lotuko and Didinga. The local Toposa themselves are underrepresented, because of their lack of education. Therefore, many of the new residents in Narus and Kapoeta try to earn a living in the commercial sector, ranging from brewing alcohol and other petty commodity production, either for household consumption or for petty trade, over setting up a shop, a bar or a hotel, to transport business and cross-border trade in livestock, food and drink or construction material.

During the interviews, the role of social networks in earning a living was commonly described as mutual support and solidarity at kinship and community level. Speaking in name of their community, community leaders not surprisingly claimed a role in monitoring and promoting the wellbeing of their community members. Nonetheless, it was only in exceptional cases and mostly linked to burials and marriages that the community organisations themselves helped out the needy and intervened with pooling money and resources. Supporting individuals or households in need was reportedly an everyday reality, grounded in the principles of ethnic solidarity and on the basis of anticipated reciprocity. Most cited were the donation of food, the lending of small amounts of money, the temporary use of household equipment.<sup>36</sup>

Networking and pooling of resources frequently exceeded the spatial boundaries of Narus and Kapoeta. It is useful to recall that during the war, families had been scattered throughout the country and beyond. Family reunification was not always possible, but was and still is often not

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<sup>36</sup> Interviews Nuba Community Narus, 14 May 2009, Dinka Ngok Community Narus, 14 May 2009, Didinga Community Narus, 14 May 2009, Acholi Community Narus, 15 & 16 May 2009, Lotuko Community Narus, 15 May 2009, Shilluk Community Narus, 18 May 2009, Nuer Community Narus, 18 May 2009, Bahr al-Ghazal Community Narus, 19 May 2009, Lotuko Community Kapoeta, 15 March 2010, Kuku Community Kapoeta 16 March 2010, Acholi Community Kapoeta 17 March 2010, Madi Community Kapoeta, 18 March 2010, Didinga Community Kapoeta, 18 March 2010.

actively pursued, as part of a livelihood diversification strategy that moves beyond the confines of both towns. One frequently mentioned adaptive strategy was the sending of a household member to elsewhere (Kakuma refugee camp was a repeatedly cited destination) to alleviate the pressure of the cost of living, or conversely, the incorporation of a relative from elsewhere in response to a necessity or the occurrence of an opportunity (employment related or because of educational facilities). Apart from that, mutual assistance was minimal and intermittent, because most households were poverty stricken and had no money to spare. Pooling or lending money to start up small enterprises, petty commodity production or petty trade was even less common.

There are some important exceptions to this general pattern, correlated with a discrepancy in wealth within the commercial sector. Indeed, some of the new residents of Narus and Kapoeta have been more successful in business than others. Equally striking is that most of the more successful businesses are in the hands of resettled Dinka, specifically Dinka originating from the Bor area. This fact is a latent source of discontent and was recurrently attributed by respondents to the “superior entrepreneurial qualities” of the Dinka, to their “appetite to rule” or their “many ways of getting things done”.<sup>37</sup>

Nevertheless the commercial sector is not exclusively Dinka Bor, nor are all Dinka Bor in Narus and Kapoeta wealthy. Lotuko, Didinga, Acholi, Madi, Nuba and Dinka Bahr-al-Ghazal also operate businesses in Narus and Kapoeta and may even organise themselves in business associations. In recent years the indigenous Toposa have also become more visible in the modern economy as shopkeepers or as traders (not transporters) of shop necessities and livestock. Apart from this upcoming but small Toposa business class, a small number of Toposa politicians have equally entered into business and become quite successful. They own bars, hotels and real estate and mostly operate in association with Kenyans, who bring in their business expertise. However, neither in number, nor in size or scope can they be compared to the business empire of the Dinka from Bor.<sup>38</sup>

This is an intriguing observation, since all respondents, irrespective of the community to which they belong, emphasised the importance of ethnic solidarity networks and their paramount role in making a life and a living in their places of resettlement. Nonetheless, the outcome of social networking was just sheer survival in most cases. We therefore assume that where ethnic networks were successful in terms of relative wealth creation, additional and/or particular factors must be at work. Answering the question what makes these so-called Dinka businesses distinctively successful, while at the same time avoiding the trap of ethnic reductionism, will be done in two steps. First we will assess the characteristics of the more successful business

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<sup>37</sup> Interviews Narus, 12, 13, 15 May 2009, Kapoeta, 15, 17 March 2010, 9 April 2010.

<sup>38</sup> Interviews Chairman Acholi community, Narus, 16 May 2009; Chairman Lotuko community, Narus, 16 May 2009; Chairman Lotuko community, Kapoeta, 15 March 2010; Acholi community, Kapoeta, 17 March 2010; Didinga community, Kapoeta, 18 March 2010.

undertakings. We then enlarge our time perspective to have a better understanding why these businesses have become thriving.

## 5. Networks of accumulation

Salient characteristics of the more successful business undertakings that emerged from the interviews were their location within Narus and Kapoeta town, their interconnectedness with other businesses and their geographical reach.<sup>39</sup> With respect to location, two things stand out: the existence of a so-called “Dinka” market in Narus and the concentration of Dinka businesses in the best locations of Kapoeta. The “Dinka” market in Narus is segregated from a local “Toposa” market, with a river (dry almost throughout the year) in between.<sup>40</sup> Despite its name one also finds many other immigrants, though Dinka shopkeepers are the majority. The market originated during the war when the area became a safe haven for SPLA military and for civilians on the run. Its origin cannot be disconnected from the nearness of the border and of Kenyan towns such as Lokichoggio and Kakuma which became important links in a cross-border trading network that provided the Sudanese market with vital consumer items. The merchandise imported from Kenya consisted of food, beverages, household items and increasingly construction material. Livestock, gold and tobacco went the opposite direction. The Dinka market contrasts sharply with the open air market across the river where goods are displayed on the ground and where one predominantly finds Toposa selling their local produce: firewood, poles, grass and charcoal. Over time the dichotomies have changed marginally: a limited number of local Toposa established businesses in the Dinka market. Inversely, on the open air market, the Toposa were joined by hawkers from Sudan and neighbouring Kenya, also selling their goods<sup>41</sup> on a free non-permanent place on the ground, while the Toposa themselves have enlarged their “traditional” supply with produce previously not commercialized, such as chicken<sup>42</sup>. Nevertheless, the Dinka market remains a source of tension with the local Toposa, leading regularly to violent outbursts.

In Kapoeta, the most prominent Dinka businesses are located along the main road in the old town centre in the remains of the few brick buildings that previously belonged to the Arabs or other proprietors who have left. These buildings were given to the military commanders by the late SPLM/A chairman John Garang de Mabior himself, who was in command of the liberation of

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<sup>39</sup> The pattern described hereafter is based on the elements put forward by all interviewees: both those belonging to the successful business network and others.

<sup>40</sup> The same pattern of a “modern” IDP (Dinka) market and a “traditional” indigenous (Didinga) market can also be found in Chukudum, the capital of the neighbouring Budi County. The origin of the Dinka market in Chukudum goes back to the late 1980s when the (predominantly Dinka) SPLA command built its headquarters in this strategically situated place in the mountains, near the Ugandan and Kenyan border.

<sup>41</sup> Mainly second hand clothes.

<sup>42</sup> Toposa do not eat chicken and keep them only for the eggs.

Kapoeta in 2002.<sup>43</sup> Most of the beneficiaries were Dinka from Bor, partly because various non-Dinka military commanders preferred rewards in their place of origin<sup>44</sup>, partly because of Garang's favouritism of Dinka, especially those from his home area of Bor (Young, 2008:168). In recent years legitimate owners have come back to claim their property. Although the issue of rectification of confiscated land and property was not systematically researched, several cases were reported where arrangements were worked out, encompassing restitution and registration of title deeds.<sup>45</sup> Even if the compensation was fair, it does not offset the fact that the long-lasting occupation of the superior premises has provided the military with a business advantage and has facilitated their capital accumulation. Significant in this respect is that some of the Dinka business owners have recently set up a second shop, bar or depot in one of the iron sheet shacks on the "new" market, a public sector initiative dating back to 2006.

Most of the Dinka Bor businesses, both in Narus and Kapoeta, are run by extended families that are scattered throughout Southern Sudan and Kenya. As a rule the family network involves a military commander, who resides in the area, elsewhere in Sudan or abroad. The network is injected with remittances from Dinka refugees resettled in third countries.<sup>46</sup> The local Dinka Bor business associations also contribute: they collect money and provide small loans for starting or expanding businesses, prospect business opportunities and foster profits. They also act as interest group vis-à-vis local government authorities, with whom they seek good relationships.<sup>47</sup>

The principle of joining hands as well as the geographical reach of Dinka Bor undertakings is perhaps best illustrated by the Jonglei Traders Association, established in late 2005 and comprising 7 shareholders, most of them originating from Bor. Among the shareholders are some of the main businesspeople of Kapoeta, including Rebecca Nyandeng de Mabior, the wife of the late John Garang. The company meanwhile owns two trucks – "10 wheels vehicles" – and operates on the Bor-Mombasa transport axis: between Bor, Juba, Torit, Kapoeta and Narus in Sudan and from there to Kitale, Eldoret, Nakuru, Nairobi and as far as Mombasa in Kenya. In Mombasa the trucks are loaded with construction material (cement, iron sheets) and foodstuff (maize), both of which are in high demand in Sudan. Upon their return from Bor, they frequently transport cattle for the booming meat market in Juba, the capital of Southern Sudan. The agents organising the transport in Kenya as well as the clients in Sudan (wholesale or depot owners) are predominantly Dinka.<sup>48</sup> The transport is also protected by Dinka. Two reasons were consistently

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<sup>43</sup> Interviews with SPLM MP candidate, Kapoeta, 8 April 2010; Religious Leader, Kapoeta, 6 April 2010; Acholi Community Leader, Narus, 12 April 2010; NCP officials, Kapoeta, 5 April 2010.

<sup>44</sup> Such as Lotuko SPLA commanders who preferred rewards in Torit. Interviews Dinka businessmen and ex-SPLA liberators of Kapoeta, Kapoeta, 7 May 2009, 22 April 2010.

<sup>45</sup> Interviews Dinka businessmen, Kapoeta, 20 & 23 March 2010.

<sup>46</sup> An Australian connection was repeatedly named.

<sup>47</sup> Interviews Dinka businessmen, Narus, 18 May 2009 and Kapoeta, 7 May 2009, 20, 22 & 23 March 2010. Interviews CBOs, Kapoeta, 8 May 2009 & 11 May 2009.

<sup>48</sup> Interviews Dinka Bor businessmen Kapoeta, 20 & 22 March 2010, Narus 18 May 2009.

put forward.<sup>49</sup> First, the quasi-absence of banks in Southern Sudan, necessitating cash payments or credit provision (only recently have banks been opened in Juba and other major cities in Southern Sudan). This calls for trust, that is most guaranteed within family or kinship circles. Secondly, the enduring insecurity along the road linking Kapoeta with Torit and Juba and the precarious nature of the Ugandan and Kenyan border areas. This compels transporters to rely on armed escorts to protect their business or at least to have good relations with SPLA commanders in key locations. The Dinka Bor network has access to both.

There are no Sudanese businessmen in Narus and Kapoeta that operate on a comparable scale and that can rely on a network that resembles that of the Jonglei Traders Association. The Dinka Bahr al-Ghazal businessmen from Narus, for instance, may combine their purchases to supply their shops, bars and restaurants and drive a pick-up across the border into Lokichoggio, though mostly appeal to the trucks of the Kenyan Somalis.<sup>50</sup> Toposa have only recently established shops and increasingly market their livestock, but depend on others – Kenyans or Dinka Bor – to supply their stores and for the transport of their cows and goats from Kapoeta to Juba.<sup>51</sup>

The issue therefore follows: why? The next section will shed light on the genesis of the Dinka business network from a political economy perspective.

## **7. The genesis of a thriving cross-border trading route**

Eastern Equatoria, formerly part of South Sudan's Equatoria province, now South Sudan's most south-eastern state, was always strategically important during the war for an obvious reason: the fact that it borders Uganda and Kenya, two countries that hosted huge numbers of Sudanese refugees and from where emergency supply lines were set up.<sup>52</sup> For supplying the Greater Kapoeta Area, Kenya in particular was important. Uganda could not fulfil that role, because the Kidepo National Park was difficult to cross. Besides being a lifeline for Sudanese civilians affected by war, the area was also vital to the SPLA: as a frontline (the garrison town of Kapoeta was hard-fought over by the GoS and the SPLA) and as a suitable location from where to attack, to hide or to flee across the border. Hence the high number of soldiers along the border: in Narus, but also in New Site, New Cush and Natinga. New Site and New Cush were designed as an army barrack place and a military training camp respectively. Natinga on the other hand became the settlement where the SPLA child soldiers – the so-called “lost boys” or Red Army - were

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<sup>49</sup> Interviews Dinka Bor businessmen Kapoeta, 7 May 2009, 20, 22 & 23 March 2010; Ugandan transporters, Kapoeta, 3 April 2010; Toposa livestock traders, Kapoeta, 3 April 2010.

<sup>50</sup> Interview Dinka Bar al-Ghazal businessmen Narus, 19 May 2009.

<sup>51</sup> Interviews Ugandan transporters, Kapoeta, 3 April 2010; Toposa livestock traders, Kapoeta, 3 April 2010; Toposa shopkeepers, Kapoeta, 7 April 2010.

<sup>52</sup> Kenya also hosted and played an active role in the negotiations to resolve the civil war in Sudan.

gathered. The majority of them were later sent to Kakuma refugee camp.<sup>53</sup> Narus served a dual function: as an IDP camp and as an administrative headquarters of the SPLA.

However, the importance of the proximity of the border to the SPLA transcended the strictly military sphere. Unpaid during the war, SPLA soldiers depended on (willingly or forced) donations by the local population and were allowed to loot and engage in trade by the SPLA command (Young, 2003:427). Not surprisingly, the border area offered opportunities. Actually, cross-border trade became an important source of revenue for the military in general and of enrichment for military commanders in particular, both trade in clean (or legal) and unclean (or illegal) commodities.<sup>54</sup> Examples of the former are the trade in local produce, ranging from tobacco and timber over gold to livestock. While clean, these commodities were frequently bought by the military at unfair low prices or confiscated from the local population. Small arms and ammunition are notorious examples of the latter category. In reality, both categories interlocked. Cattle trade is a case in point. Before the war, the marketing of cattle was a marginal activity. During the war it became a profitable business that was predominantly in the hands of mainly Dinka military commanders who organised the commercialisation and the trekking of the (at times raided) cattle across the border. The commodities purchased with the proceeds from livestock sale were not limited to scarce necessities, but also included guns and bullets sold at the many arms markets along the Sudanese border with Uganda and Kenya and offered for sale by the armies and militias active in this borderland.<sup>55</sup> The weapons subsequently found their way to the civilians where they impacted on the escalation of cattle raiding and animosity between local communities, reinforcing ethnicity as the default explanation for local violence (King & Musaka-Mugerwa, 2002; Mkutu, 2006; Schomerus, 2008; Walraet, 2008).

After 2002 part of the capital from illegal or illicit trade found its way to the just liberated Kapoeta, where it was invested in respectable businesses.<sup>56</sup> The same had been done previously in Narus where quite a few of the earliest successful businesses in the so-called Dinka market started off with capital that was accumulated by the military during the war, the origin of which was looting or cross-border trade.<sup>57</sup> The flourishing of this informal war-type trade was aided by the sheer size and remoteness of the borderland and by the fact that official border posts such as Nimule, Tsertsenya and Nadapal were ruled by the military, who were able to facilitate or withhold cross-border traffic.

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<sup>53</sup> In 2003, the IDP-camps of Narus and Natinga had a combined estimated population of 16,000, most of whom are Dinka from Bor County (IMU/OCHA, Kapoeta County, 2005).

<sup>54</sup> The distinction is based on Little (2005) who uses the term clean for trade in relatively benign commodities such as cattle and grains, while unclean trade refers to dirty goods such as drugs and arms.

<sup>55</sup> The SPLA, the Uganda People's Defence Force (UPDF), the Equatoria Defence Force (EDF) and the Lord's Resistance Army (LRA)

<sup>56</sup> Interviews Dinka businessmen, Kapoeta, 7 May 2009 and 20, 22 & 23 March 2010, Didinga businessman, Narus, 13 May 2009.

<sup>57</sup> Interviews Dinka businessman & SPLA military, Kapoeta, 7 May 2009; Nuba soldier, Narus, 14 May 2009, Dinka businessman, Kapoeta, 23 March 2010.

The regulation of these border posts is still a grey zone: its crossing remains negotiable, subject to having the right connections or to paying a fee for the services rendered. Connected factors that continue to work in favour of the military, and those allied to or protected by them, are their access to transport and coercion. In a country with a war record as Sudan, the temptation to make improper use of scarce resources such as vehicles is great. The frequent crossing of the border post in Nadapal by military and government vehicles loaded with supply products for bars, restaurants, shops and depots suggests this is indeed the case. Civilian vehicles, escorted or protected by armed forces may enjoy the same preferential treatment, such as passing the border without being harassed, without controlling the permits of the passengers, or exempted from custom duties.<sup>58</sup>

## **8. The struggle for the constantly becoming state<sup>59</sup>**

It is conventional to look at state-formation in South Sudan with the time-frame of the CPA as point of reference and with a focus on the progressive establishment of governmental institutions on all levels levels (GoSS, state and sub-state levels). This approach follows the blueprint for top-down state reconstruction as promoted by the international donor community - or what Ottaway (2002) aptly names “the shortcut to the Weberian state” - and is consistent with what Haggmann and Hoehne (2008) call the “state convergence thesis”, whereby the Western liberal democracy serves as benchmark and endpoint towards which all states will in the long run converge. This approach has been criticised for being out of touch with realities on the ground and hence for overlooking alternative state-building trajectories (Menkhaus, 2008; Haggmann & Hoehne, 2008; Vlassenroot & Raeymaekers, 2008; Haggmann & Péclard, 2010). This paper has taken a different approach by starting from a local perspective, while at the same time widening its focus beyond formal government institutions as building blocks of the state. Southern Sudan as a whole and the examined localities in particular provide excellent cases to investigating how local public order actually works in situations of prolonged crisis and weakness of (nascent) state institutions. In fact, although the broad outlines of South Sudan’s governmental architecture is in place, it is “established but not functioning” (Crisis Group, 2011). This is in particular the case at the sub-state level of government (county, payam and boma level) – also called local government or third level of government - that has received only marginal attention during the interim period of the CPA (i.e. from 9 January 2005 until 9 July 2011). In full accordance with the principle of subsidiarity, the Local Government Act of 2009 guarantees decentralisation and devolution of power and resources to the local level. However, local elections have still to be held and financial resources to provide for social services have not trickled down correspondingly. In the meantime county commissioners are appointed by the state governors under the watchful eye of

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<sup>58</sup> Confirmed by several interviewees, among others by a customs officer at Nadapal border post (23 March 2010) and testimonies by NGO employees in Kapoeta, Narus and Lokichoggio (March 2009 and April 2010).

<sup>59</sup> The understanding of the state as “constantly becoming” comes from Migdal (2001: 57 - see above).

the national SPLM leadership. This was not different in Narus and Kapoeta where there was also a high turnover of commissioners, all of whom also lacked the material resources to meet the pressing demand for social services. In addition, quite some governance domains remain not or only partially de jure regulated, which has given rise to de facto institutional hybridity of governance at the local level. While this has produced functional arrangements between state and non-state actors and broadly accepted outcomes in some instances, as with intra- and inter-community conflict prevention and management, in other instances it has favoured those individuals and groups with privileged access to the centres of powers.

The following paragraphs direct attention to recent attempts by local authorities at regulating some domains of contention among the town residents of Narus and Kapoeta, questions how it impacts on the urban poor and weighs this progression in state regulation against the unfinished transition of the SPLM/A from a military to a political organisation. Prior to the concluding thoughts, attention is devoted to the struggle for resources and political space in the run up to the April 2010 elections.

Two broad domains of contention that were persistently put forward by many interviewees are the problem of (unequal) access to a wide range of resources and the continuing power of the military, culminating in the “ethnic” narrative of Dinka dominance. One recurring point of disapproval that was also considered as an important facilitating element in the Dinka business and cross-border trade is the fact that in Nadapal (the official border post between Sudan and Kenya) the operating staff at migration, traffic and customs is predominantly Dinka. Lately however, non-Dinka staff personnel has been brought in (Nuer and Toposa), while efforts have been made to ensure a clearer distinction between military and customs officers.<sup>60</sup> It is unlikely that with these measures the problem of privileged access is adequately addressed. As recent research in other Sudanese towns has shown, not ethnicity as such, but being part of customs or security institutions of the state itself is what generates privileged access to finance and services (Pantuliano, 2011).

Progression to state regulation is also noticeable in other sectors. More and more businessmen in Narus and Kapoeta have trading permits and/or vehicles licenses, possess title deeds and/or lease contracts, pay taxes and/or custom duties. Narus has recently established a customs centre and Kapoeta is expected to follow soon. This does not exclude the practice of informal taxation. Interviewed transporters complained of numerous informal checkpoints (where one has to pay for security and protection) along the main trade routes.<sup>61</sup> Another example is the payment of

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<sup>60</sup> Interview with SPLM MP candidate, Kapoeta, 8 April 2010; Interview with migration officer at Nadapal border, Kapoeta, 20 March 2010.

<sup>61</sup> Interviews with transporters, Kapoeta, 20 March & 3, 7 & 23 April 2010.



‘voluntary contributions’ by local businessmen – Dinka and non-Dinka – to some of the exigencies of the new political class in Kapoeta.<sup>62</sup>

Regulations with respect to urban land access are also on the move. Until recently, a legal framework was absent and land was claimed by different groups and on multiple grounds: by indigenous Toposa on customary grounds, by non-indigenous town dwellers (the broad category of resettled refugees and IDPs) who claimed land as Sudanese citizens, and by the military who justified their appropriation of land by referring to their role in the liberation struggle. A recently introduced new plot allocation system aims to introduce an impartial bureaucratic system while simultaneously appeasing both the local Toposa, who fear an encroachment on their land by wealthy non-indigenous individuals or groups, and the new town residents, who want to see their right to resettlement – which was eventually accepted and confirmed in 2009 – translated into legitimate access to urban land. By fixing the outer limit of the towns at a 5 km radius of the centre, it was hoped that the Toposa would be reassured that the surrounding land remained customary land, owned by the community and administered by traditional leaders, or negotiable on their terms.<sup>63</sup> Town residents, it was anticipated, would equally be contended, at least in terms of certainty in time perspective. Those wishing to acquire a plot within town must submit an application and can acquire title deeds (or become the legal lessee). On the other hand, the plot size does not allow much subsistence activities, perhaps with the exception of brewing alcohol. The new system builds on the British colonial subdivisions into three classes, whereby plot size, lease terms and the prerequisites with respect to the quality of building materials (temporary or permanent constructions) are in proportion to its class and hence to the amount of annual subscription fees and taxes that must be paid.<sup>64</sup> What is new however, is the allocation system, whereby applicants have no say in which plot they will acquire, because of the government’s plan to mix the communities ethnically. With this aim the distribution of plots is organised as a lottery.<sup>65</sup> It is expected that the implementation of this regulatory innovation will also curb the unlimited access to land by the military.<sup>66</sup>

However, while the new system aspires to overcome ethnic divisions – this is at least the discourse - it undeniably generates class distinctions. It may be expected that the rising demand for urban plots, in itself a consequence of ever-increasing rural-urban migration, will also affect real estate prices (whether for leasing or purchasing land). There is also the obligation to

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<sup>62</sup> It concerns the payment of particular necessities related to political meetings (such as transport, food and drinks). Interviews Dinka businessmen, Kapoeta, 7 May 2009, 20, 22 & 23 March 2010, CBOs, Kapoeta, 8 May 2009 & 11 May 2009.

<sup>63</sup> Interviews Toposa SPLM-MP, Kapoeta, 10 May 2009, Toposa Chairman SPLM, Narus, 14 May 2009, County Commissioner Kapoeta East County, Narus, 17 May 2009.

<sup>64</sup> For more details, see: Pantuliano, S., Buchanan-Smith, M., Murphy, P. & Mosel, I., 2008: 29-36.

<sup>65</sup> Both the lottery allocation system and the mixing of ethnicities were positively assessed by various community spokespersons. Interviews Lotuko Community, Kapoeta 15 March 2010; Acholi Community, Kapoeta 17 March 2010; Didinga Community, Kapoeta 18 March 2010.

<sup>66</sup> In Kapoeta the allocation had already started, but people were not yet removed from their old places. The whole operation will also require the necessary infrastructural works (provision of water and roads, etc.). The implementation of the plan is expected after the referendum.

effectively build on the newly acquired plots within a limited time frame. Both elements will most likely make it difficult for the majority of the urban poor to effectively achieve tenure security.

Despite progression in state formation, the unregulated domain remains substantial and military commanders continue to be fairly “untouchable”. Actually, the SPLM continues to suffer from problems due to its nature as a military organisation and a low level of institutionalisation the origin of which must be situated in the era of Garang de Mabior, the historical SPLM/A-leader (Young, 2005). Indeed, John Garang has always been reluctant to permit the emergence of accountable institutions of administration, for fear this would have posed a threat to his authority. With Salva Kiir’s advent to power, after Garang died in a helicopter crash on July 30, 2005, came not only a change in leadership style but also efforts at transforming the SPLM/A from a military organisation into a party of government. However, this shift is far from complete. After the 2005 Comprehensive Peace Agreement, the GoSS and its administration have been largely filled with army officers who do not always have the proper skills to carry out what are in essence civilian tasks. The strong military makeup of the SPLM was again illustrated in the April 2010 elections with many SPLA commanders running for candidate. Interestingly, on local level, political power is considered the reserved realm of the indigenous population, in our case Toposa and by extension Eastern Equatorians, who since 2005 have increasingly claimed the political space.<sup>67</sup> As the recent elections have demonstrated, all candidates for the post of governor of Eastern Equatoria state and for the assembly seats reserved for the Eastern Equatorian constituencies (10 seats in the National Assembly, 2 seats in the Council of States, 19 seats in the Southern Sudan Legislative Assembly and 48 seats in the Legislative Assembly of Eastern Equatoria State), were indigenous Eastern Equatorians.

This evolution to new political realities did not remain unanswered by those who were losing out de facto power. In previous years there had been claims for an independent territorially defined Dinka County along the border, where their political power would be guaranteed. These ambitions proved unacceptable to the indigenous communities, who consider it as a manifestation of “*the quiet policy of Garang*”.<sup>68</sup> Key in this so-called quiet policy ascribed to the late SPLM/A leader is the need of the Dinka Bor for “*lebensraum*”. The living conditions in the Bor area of Jonglei state are extremely harsh: the terrain and the climate are inhospitable and it is a long way from any developed centre. The plan of a Dinka County was eventually shelved.

The sensitivities of a migrant community with economic interests to defend but uncertain about its right to permanently resettle were again demonstrated in 2009, when Dinka in Kapoeta

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<sup>67</sup> Although the Electoral Act of 2008 does not prohibit non-indigenous residents who are Sudanese by birth from contesting for the nomination as candidate for the election of Governor of Eastern Equatoria State or as candidate for the election as member of a Legislative Assembly, it is highly unlikely that a non-indigenous resident would be nominated. One reason are the procedural requirements for nomination, in particular for the office of the Governor. Another reason is that MPs are expected to represent their geographical constituency.

<sup>68</sup> Interviews Kapoeta and Narus, May 2009 and March-April 2010.

ostensibly opposed Salva Kiir on the fact that he is a Dinka originating from Warrap State in Bahr el-Ghazal and not a Dinka Bor like themselves. The renegade Dinka were eventually persuaded not to revolt against Kiir.<sup>69</sup> This short lived uprising suggests the existence of a direct connection with the national power centre that they wanted to address. The Dinka are indeed the largest ethnic group in Southern Sudan and as such have a higher presentation both within the SPLA, the SPLM and the GoSS, while not at (sub)-state level. However, fear for internal resistance prompted Salva Kiir to treat the Garang loyalists with care. In fact, since he took office, Kiir has always been cautious not to alienate important sections of the SPLA in order to prevent alternative centres of power to emerge and to keep the army united and ready in case Khartoum would not honour its commitment to the CPA-provisions. These concerns explain to a certain extent why much of the power of the military has remained relatively untouched until today.

## 9. Closing reflections

This paper departed with contradicting the conventional assumption that after the end of the war refugees and IDPs want nothing more than to go back home to resume their ‘traditional’ life and living. Instead, we demonstrated that in Kapoeta and Narus, two towns nearby the Sudan-Kenyan border, erstwhile IDPs and returning refugees decided to resettle there, despite the fact that neither the Sudanese government, nor the international community, provided substantial assistance or even a regulatory framework. In fact, these ‘new’, non-indigenous residents of Narus and Kapoeta were left to fend for themselves. Therefore, research was set up to explore how they organised a life and a living in their places of post-war resettlement. Because of their restricted access to land and the limitations of the formal job market, these new town residents largely rely on self-employment. The observation of differential success within the commercial sector further structured the research and complemented the “how” question with a “why” question.

Given the low level of state regulation in Southern Sudan, looking at the issue from a social network perspective arose as a tempting methodology. However, the exploration of the social capital paradigm prompted us to formulate some major reservations. We in particular questioned the tendency within a social capital approach to depoliticize development, to attribute the performance of social networks to cultural factors and to translate their potential into an argument to minimise the need for state regulation. With these reservations in mind, we focused the research on the differential outcome of these social networks. We first looked at how most resettled IDPs and refugees built a livelihood within urban perimeters, with a particular interest in the role and effectiveness of their social networks, and then zoomed in on the exceptions to the general pattern. Our case study has indeed not found univocal evidence of the developmental

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<sup>69</sup> It was Brigadier Abraham Ajok Alul, SPLA commander for Eastern Equatoria State and a Dinka Bor himself, who eventually reprimanded the Bor community in Kapoeta. Interview SPLM MP candidate, Kapoeta 8 April 2010.

effect of social networks. Instead, it has exposed an uneven picture whereby one group stands out in entrepreneurial success amid a majority for whom social networks are merely informal safety nets. Unravelling the networks of success revealed correlations with business characteristics such as size, interconnectedness and range and with features such as access to start capital and to protection. A next section enlarged the time-perspective to analyze where the pattern of unequal wealth distribution came about and to assess the impact of capital accumulation in the past on doing business today.

The outcome of this analysis revealed the existence of a military-business nexus: i.e. a privileged relationship of one group of entrepreneurs with the state. Key to its success is power, in particular the power of the gun (actual or as a threat), which facilitates access to resources. This particular relationship has less to do with culture, but all the more with the political economy that evolved during the war and the regulatory deficit of the post-war state in Southern Sudan, not the least the unfinished transition from the SPLA into the SPLM.

The answers to the question “how” the resettled displaced in Narus and Kapoeta organised a living and “why” there was such a notable difference among groups and individuals, obliges us to also formulate some concern with ethnic narratives and related policy implications. Ethnic narratives are apparently common with respect to Sudan and it is widely believed that ethnic conflicts will negatively affect South Sudan’s future as an independent state. The ethnic lens also manifests itself in conflict resolution policy, emphasising reconciliation between ethnic communities.<sup>70</sup> The narrative of Dinka dominance is no exception; it is even one of the most persistent, evidenced by the recurring anti-Dinka sentiments in Narus and Kapoeta and in South Sudan as a whole. Our case has demonstrated that, in spite of the utilisation of ethnic language, what is at stake in Narus and Kapoeta is basically not a problem of co-habitation of different or antagonistic ethnic communities. Instead, the observed differences are about access to resources (land, plots, housing, transport, mobility, capital) and the extent to which this is facilitated by military and/or political leverage. Therefore, our case suggests that more state regulation in general and curbing the prerogatives of a military elite in particular, is what is required to ensure more equal access to resources. However, more state regulation in itself is not a guarantee for more equitable development. In this respect it is reminded that state-making is essentially about the institutionalisation of power relations, whether through struggle or negotiation.

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<sup>70</sup> For a discussion, see Schomerus & Allen (2009) and Eaton (2008a, 2008b).

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