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Overcoming ruptures: Zande identity, governance, and tradition during cycles of war and displacement in South Sudan and Uganda (2014-2019)

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Overcoming Ruptures

Overcoming Ruptures

Zande identity, governance, and tradition during cycles of war and displacement in South Sudan and Uganda (2014-2019)

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Abbreviations

ATA	Azande Traditional Association
BIMS	Biometric Information Management System
CAR	Central African Republic
CDTY	Catholic Diocese of Tombura-Yambio
CLA	County Land Authority
CPA	Comprehensive Peace Agreement
DRC	Democratic Republic of Congo
FAO	Food and Agriculture Organisation
GoSS	Government of South Sudan
IDP	Internally Displaced People
IOM	International Organisation for Migration
JPC	Justice and Peace Commission
LRA	Lord's Resistance Army
MAF	Missionary Aviation Foundation
MP	Member of Parliament
NGO	Non-Governmental Organisation
OIOS	Office of Internal Oversight Services
OPM	Office of the Prime Minister
RoSS	Republic of South Sudan
RRRC	Relief, Repatriation, and Rehabilitation Commission
RS	Refugee Settlement
RWC	Refugee Welfare Council
SAD	Sudan Archive Durham
SAF	Sudanese Armed Forces
SG	Secretary-General
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SPLM-IO	Sudan People's Liberation Movement-In Opposition
SSNLM	South Sudan National Liberation Movement
SSP	South Sudanese Pound
SSPDF	South Sudan People's Defence Forces
UGX	Ugandan Shilling
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UPDF	Uganda People's Defence Force
USAID	United States Agency for International Development

VTC	Vocational Training Centre
WES	Western Equatoria State
WFP	World Food Programme

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1 Introduction

1.1 Another beginning

> I have to be honest with you. We are not fine. Since dawn there have been heavy gunshots in Yambio ... People have fled town. There is total confusion ... People are just carrying their belongings to areas they presume to be safer ... I am really compelled to at least take madam and the kids to Uganda.[1]

Peter, a development worker, called me in distress from Yambio, South Sudan. He told me about his decision to bring his wife and children to Uganda, and requested my support. It was November 2016 and it had been over a year since the first violent skirmishes had taken place. At first it had been unclear if these were 'just' violent incidents, or the beginning of something bigger, a war. Yambio had weeks of relative calm when town was 'cool' and people went about their business, and then there had been spells of violence. Usually, the reasons for the fighting were unclear to my contacts and to myself. In first instance it would be perceived and recounted factually as 'the sound of gunshots'. Later, rumours and tentative analyses would start circulating. It was the same on that Thursday morning in November when I called with Peter. People in Yambio had awoken to the sound of gunshots, some were killed, and many more panicked in response. Later, Western Equatorian State's Information Minister and the opposition forces' spokesperson traded accusations over who started (Atit 2016). The general state of affairs became one of uncertainty, leaving many people confused and fearful about the future. Again. Because most South Sudanese had lived with war and displacement, with confusion and uncertainty, before. For some, flight to refugee camps abroad was also a 'return' to the place they were born or had spent formative years.

At least a third of South Sudan's estimated 12 million pre-war population were 'displaced' during this civil war (2013-2020). Some 2,2-2,5 million sought refuge abroad, while an estimated 1,6 were categorised as 'internally displaced people' (IDPs) (UNHCR 2021). The biggest refugee group – some 867.000 South Sudanese people – went to neighbouring Uganda, the largest refugee-hosting

1 Phone call with South Sudanese development worker in Yambio, South Sudan, 10 November 2016.

country in Africa. Among this group were Peter and his family. We met there again in February 2017 when he had found a plot of land in Kiryandongo Refugee Settlement. The mood was surprisingly upbeat: The family was relieved to be safe and happy to be in Uganda. They hoped that the children would enjoy the good quality education of Uganda, leaving them better equipped for life when South Sudan would return to peace and they could go home. While Peter's wife and children stayed in Uganda, he returned to Yambio for his work. He would travel back and forth, and also set up a branch of his NGO in Uganda. Like so many South Sudanese people, he sought to navigate the realities of war and displacement so that it would not just mean deterioration. This book is about people like Peter.

1.2 A MULTI-SITED ETHNOGRAPHY: FOCI, SITES, AND METHODS

This multi-sited ethnographic study analyses how South Sudanese Zande,[2] as individuals and as a group, have navigated the turbulent recent history of conflict and displacement. The main question that guides this study is: 'What were the consequences of the long histories of violent conflict and displacement (1500-2014) on the South Sudanese Zande, in particular on governance and identity in Western Equatoria State (2014-8) and in refuge in Uganda (2016-2019)?' At the root, this study is about people's sense of belonging, their changing ties with others and with land, and on competing efforts to 'govern' or control those relations (Shipton 2009; Lund 2011). These three foci relate to proto-legal questions that underpin human society: Who are we? To whom and where do we belong? And who has authority over us? Each of these questions is subject to change and contestation, and interfaces with war and displacement.

This book results from displaced research. After earlier stays and visits to Khartoum and Juba, I had been hired by Leiden University's Van Vollenhoven Institute to lead a socio-legal study on 'primary justice systems' and family and land disputes in Western Equatoria State, South Sudan.[3] It was a joint study with aid organization Cordaid, and the Justice and Peace Commis-

2 Anthropologist Evans-Pritchard followed the Zande logic of writing 'Zande' (singular person, adjective), 'Azande' (plural people) and 'Pazande' (the language). I write 'Zande' for all three, unless in citations.

3 Western Equatoria State was one of South Sudan's ten states when I started my research in 2014. From 2 October 2015 those ten states were subdivided repeatedly. Western Equatoria State was divided into Gbudwe, Amadi, Maridi and Tambura States. But on 15 February 2020 the constitutional 10 states (plus 3 administrative areas) were reinstated. This was a major step in the peace talks between President Salva Kiir and opposition leader Riek Machar (Machol 2020). These decisions were controversial. The decentralisation was only ever partially implemented, and throughout many people from the area continued to speak of 'Western Equatoria', so that is the name that I use in this thesis.

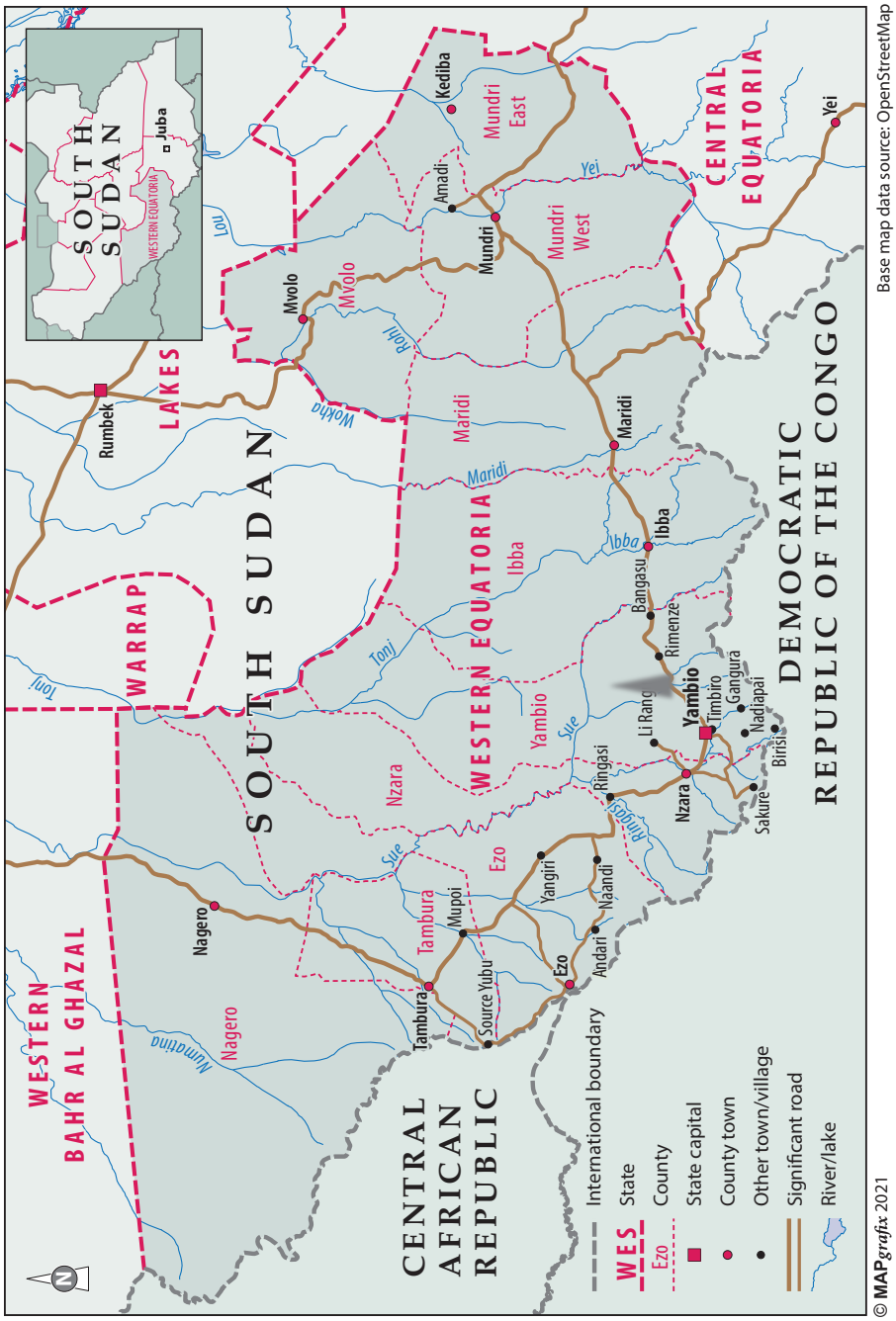
sion (JPC) of the Catholic Diocese Tombura-Yambio. Their long-standing and fruitful cooperation, and Western Equatoria's relative safety motivated our choice to conduct the study here. The area experienced a hopeful period of peace – both 'post-' and 'pre-conflict' – characterized by return migration and reconstruction.

When I first arrived in Yambio in September 2014, I felt immediately attracted to it. It was a green and sprawling state capital, poor but brimming with hope for positive change. The city centre boasted markets, government offices, churches, banks and NGO and UN compounds. Most people lived on relatively large plots, with mostly unfenced homesteads typically including a number of grass-thatched clay huts (*Zande: bambu, Juba-Arabic: tukul*) around a courtyard.[4] Some people upgraded their houses with brick walls, corrugated roofs and small solar panels. Often, people had planted some vegetables around the courtyard and maintained bigger gardens outside of town. The many rivers, high annual precipitation, moderate temperature, and good soils rendered Western Equatoria State suitable for farming.[5]

4 In 2009, a survey found that some 85 percent of the population of Western Equatoria lived in tukuls (clay huts, often with grass thatched roofs) (National Bureau of Statistics 2012). Many homesteads would have a separate kitchen hut and a granary.

5 Yambio was estimated to receive an average 1,142 millimetres of rain each year, with most falling in the rainy season from April to December (RoSS Ministry of Agriculture & Forestry 2013).

Map 1: Western Equatoria State. Cartography by Jillian Luff, MAPgrafix.



I trained and led a research team with eight local researchers from Yambio's Justice and Peace Commission. Between January and April 2015, we carried out 338 semi-structured and unstructured interviews, and discussed our findings daily.[6] We started to understand what caused land and family disputes, and how various attempts at resolution worked. Many institutions that existed on paper were absent or weak in practice. While institutions were weak, personal networks were strong. We found that local 'justice providers' were working and cooperating, so that many disputes *were* being resolved peacefully (Braak 2016). In the temporal and geographical proximity of war, people here went about their daily lives, and were mostly preoccupied with family affairs and work. Even though there were some worrying rumours about trouble further east, it was hard for me then to imagine Western Equatoria at war.

Yet later in 2015 the nightmare begun, and war 'started again' in Western Equatoria (see Chapter 6). Some of our team members were still able to do 37 interviews with increased caution (see Annex 3: Methods). However, things went from bad to worse in 2016, especially after violence escalated in Juba in July (see Section 6.2.1). Faced with the impossibility of returning to Western Equatoria and the renewed displacement of many of my respondents, I designed a 'plan B': To study how people were reconstructing social life in Uganda. This was a completely new topic, that required a new approach. Instead of the socio-legal emphasis on family and land disputes and their resolution (with various courts and offices being obvious geographical foci), I now had to find Western Equatorians across the scattered and sprawling refugee settlements of Uganda (see Chapter 7). The vast majority of my respondents in Western Equatoria had been ethnic Zande, and so were most of my contacts in Uganda. I was interested in community reconstruction and social life, and so I shifted my focus to Zande respondents (see Annex 3: Methods). When, where, why and how this facet of people's identity mattered, became one of my key foci. I acquainted myself with new libraries, too: specifically, those on Uganda and its history of hosting refugees, refugee studies and (forced) migration.

6 Western Equatoria State had 10 counties. We did the lion's share of the research in Yambio and Nzara counties, and made several day-visits to Ezo, Tambura, Ibba, Maridi and Mundri-West counties. Due to distance and insecurity, we did not reach Mundri-East, Mvolo and Nagero counties. Within our selected counties, we mostly focused on towns, not villages or countryside.

Map 2: Relevant areas of South Sudan, DR Congo, and Uganda. Cartography by Jillian Luff, MAPgrafix. Source: Braak and Kenyi, 2018.

© MAPgrafix 2018

Between November 2015 and July 2019, I spent 15 months in Uganda (see Annex 3: Methods). I divided my time between Entebbe, Kampala, Arua and Bweyale, with regular visits to the refugee settlements (see Map 2). Many Zande refugees lived in Kiryandongo RS and nearby Bweyale town, so those areas became a focus (see Chapter 7). I conducted my own research, and worked on two sub-projects (on 'customary authority' and 'resilience' among the refugees) with South Sudanese colleagues.[7] Together we organized some 138 semi-structured interviews, oral histories and focus group discussions. Meanwhile, two research assistants were able to conduct 81 semi-structured interviews with 'stayees' and IDP's in Western Equatoria (Yambio and Nzara) from 2016 to 2018. Yet as often with anthropology, the line between research and life itself was blurry. I learned a lot from informal encounters: roadside small-talk, church services, shared teas or dinners, Whatsapp or Facebook-chats, football matches (watched and played) and through the poetry and paintings of some of my interlocutors. All these different experiences and impressions inform the present book.

By adapting my research to a multi-sited ethnography, I sought to rework the weakness of my research – not being able to reach 'ethnographic depth' in a single place – into an advantage: Having a longitudinal and multi-sited perspective on the social lives of my interlocutors, and how they navigated this tragically familiar episode of war and displacement. This 'plan B' enabled me to see social life among Zande in various phases and places, and the connections between them. I know see it as an indispensable way to understand contemporary Zande society.

1.2.1 'The Zande', reading Evans-Pritchard, and change overlooked

The Zande were divided by colonial boundaries across present-day South Sudan, Democratic Republic of Congo and Central African Republic (see Section 2.4). Like many anthropology students worldwide, I had read about 'the Zande' in British anthropologist Evans-Pritchard's 'Witchcraft, Oracles and Magic among the Azande.' Published in 1937 (and researched in 1926-30), this landmark in classical anthropology demonstrated how Zande beliefs in the occult were logical from a Zande perspective. Anthropology students are required to read his book to this day.[8] When I arrived in Yambio, I learned that many Western Equatorians, too, had heard of 'Evans' but that his books

7 These sub-projects were respectively: 1) For the 'South Sudan Customary Authorities'-project of the Rift Valley Institute, funded by the Swiss Government; and 2) For the 'Deconstructing Notions of Resilience: Diverse Post-Conflict Settings in Uganda'-project of the London School of Economics' Firoz Lalji Centre for Africa, funded by the Rockefeller Foundation.

8 I read it at Leiden University when I studied cultural anthropology (graduated in 2010), and BA-students still read it in 2019-2020 for the module 'Culture and Comparison'.

were rare here. I carried various Evans-Pritchard books with me, and would read and discuss them with my research team there.

It was odd to read Evans-Pritchard's work in Yambio in 2015. His use of the present tense suggests that Zande lived and continue to live beyond time and change. And yet clearly things had changed. Zande people had travelled across the world for refuge and religion, education and employment. Some had settled 'outside', many returned 'home' with new ideas. Western Equatoria State by 2014 also hosted global churches, international aid organizations, transnational teak companies, US forces, East African migrant laborers, Congolese and Central African refugees, and of course thousands of people from elsewhere in South Sudan. People had mobile phones, satellite TV, and Facebook accounts.[9] We would watch Premier League-football on the weekends, enjoy Ethiopian coffee in the market, and listen to Ugandan pop music. Yambio was, in other words, connected increasingly and intrinsically to the wider world.

Such change and global connections were not new. In prefaces and footnotes Evans-Pritchard, whose research took place in the late 1920s, had acknowledged the changes that followed colonialization (from 1905), and that his picture was more coherent than (contemporary) reality (Evans-Pritchard 1971, 69). Conrad Reining, a student of Evans-Pritchard, conducted research in 1952-55 in the aftermath of the Zande Scheme, one of the most ambitious development schemes in colonial history which had involved the resettlement of hundreds of thousands of Zande (see Section 3.2). He described how:

> Confusion, irregularity of day-to-day behavior, and lack of organization characterized the modern Zande scene at the time of my study. Because of the transitory nature of the Zande way of life, no one was sure about his social role. No Zande, whether chief or commoner, felt that he had control over the behavior of those who influenced him politically, and no one could predict what would happen next. (Reining 1966, 12)

If change had caused 'confusion' and 'irregularity' in the first half of the twentieth century, the second half would prove at least as turbulent. A person born in 1955 would have experienced two independences (Sudanese in 1956, South Sudanese in 2011), three prolonged civil wars, and associated displacements and return (see Chapters 2 and 3). Reading Evans-Pritchard in Yambio in 2015, led my Western Equatorian colleagues and myself to discuss how things had changed.

9 A 2013 survey in the Western Equatorian counties of Ezo and Tambura found that on average 32 percent of the households had a mobile phone (Rigterink, Kenyi, and Schomerus 2014). I would estimate that this number would be higher in state capital Yambio and may have increased in recent years.

1.2.2 Conflict, salvage anthropology, and constructivist/essentialist quagmires

Debates about change and continuity would gain new urgency after civil war started again in 2015 in Western Equatoria, and thousands of people fled to Uganda (see Chapter 6). Many people worried about their families' and communities' 'confusion' and 'scattering'. They feared their children would 'get lost' as they learned foreign languages and ways (see Chapter 7). Would they still want to go back 'home' after peace? Would they still know how to speak, think and behave? Would they still be 'Zande'? My research in Uganda took place in this context. Some Zande there saw in my presence (as in Evans-Pritchard's a century before) an opportunity to preserve what they feared was rapidly being lost. A former Western Equatoria State minister with whom I met frequently in Kampala put it this way:

> You know the Zande were the first to know that one day our culture will be eroded. So, they cooperated with Evans-Pritchard to document the culture for our children. That was the agreement: they allowed him access in return for his documentation of the culture ... We allow access on the condition that it will help our children.[10]

Researchers have their interests, but interlocutors do too (see Annex 3: Methods). This man's explanation about access and reciprocity and his fears about cultural erosion, relate to the confusing context of conflict and displacement which this book explores throughout. Yet his view of anthropology echoes the 'salvage anthropology' of before (Berliner 2014), when the discipline produced the notion that people 'essentially' belong to fixed and clearly-delineated groups (e.g. tribes, ethnic groups or races), 'native' (or incarcerated) to set places (L. Malkki 1992, 29; S. Hall 1994; Murray Li 2007; Appadurai 1991). Some ethnographers were more attentive to change and contestation than others, and Evans-Pritchard was interested in the historical formation of the 'ethnic, cultural, and social conglomeration we speak of today as 'Zande'' (Evans-Pritchard 1963a).

Yet like so many other anthropologists at the time, Evans-Pritchard's work was often paid for by the colonial government which sought to control colonized people 'on a shoestring' – often opting for indirect rule through 'traditional authorities' (Berry 1992; Mamdani 2004; Ntsebeza 2005). Where anthropologists and administrators did not find suitable 'traditional' authorities and identities to work with, they would strengthen existing ones or even 'invent' new ones (Hobsbawm and Ranger 1982; Leonardi 2013; Oomen 2005). Colonial, ethnographic and 'local' knowledge production around tradition and history would interact in complex ways (Spear 2003), and it has now become impossible to separate 'insider' and 'outsider' versions (Hamilton 1998). In

10 Interview with former state minister, Kampala, 1 August 2017.

various places and cases, this process has had disastrous consequences. For example in Rwanda and Burundi, with Malkki writing: 'there is a chilling traffic back and forth between the essentialist constructions of historians, anthropologists, and colonial administrators, and those of Hutu and Tutsi ethnic nationalists' (Liisa H. Malkki 1995, 14). Put mildly, ethnographers, even when they aspire merely to 'document', are likely to affect their subject (see Annex 3: Methods). I will further analyse some of the quagmires around history, historiography and 'invention' in relation to 'the Zande' in Chapter 2.

Postcolonial anthropologists have tried to emancipate themselves from this troubled inheritance. The old anthropologists' bread and butter – the ethnographies of whole 'peoples', 'cultures' or 'nations' – were regarded by their disciplinary offspring at best as 'exonostalgia' (Berliner 2014), or worse as (colonial) constructs or tools (Mamdani 2004; Ntsebeza 2005; Hoffman 2021). Constructivist anthropologists in the age of globalisation observed how 'groups are no longer tightly territorialized, spatially bounded, historically unself-conscious, or culturally homogenous' (Appadurai 1991, 191). They argued instead how, 'Identities are not an essence but a *positioning* ... Far from being eternally fixed in some essentialised past, they are subject to the continuous 'play' of history, culture and power'' (S. Hall 1994, 226). Identity, in the eyes of anthropologists, became many things but not fixed: 'Identity is always mobile and processual, partly self-construction, partly categorization by others, partly a condition, a status, a label, a weapon, a shield, a fund of memories, etc' (L. Malkki 1992, 37). Whereas classical anthropologists had stressed the 'idem' of individual people's identities (their likeness to others in a group), the constructivists shifted attention for their 'ipse' (what set them apart) (Heinich 2019) or the multitudes everyone contains (Berliner 2014). The constructivist critique made an imperative correction to the essentialist views on cultures and peoples of before.

And yet the constructivists struggled with two paradoxes around identity. First, already in the aftermath of the Cold War, Gupta and Ferguson alerted us to: 'The irony of these times, however, is that as actual places and localities become ever more blurred and indeterminate, ideas of culturally and ethnically distinct places become perhaps even more salient' (Gupta and Ferguson 1992, 10). People's unprecedented movements across our planet seem to sometimes have invigorated notions of essential ties between people and places, and the appeal of identities 'rooted' in the past. Indeed it may be precisely in times of lost control that processes of (re)construction – of identities, histories, traditions – may themselves present ways 'to redress marginalization and to continually rebuild society and regain agency' (Cormack 2014, 17). The second paradox concerns how identities may be constructed and simultaneously be experienced as powerful and, sometimes, 'essential'. As Ake put it:

> Ethnic groups are, to be sure, inventions and constructions in some measure ... [but they are] no less real for existing intermittently, for having fluid boundaries,

> for having subjective or even arbitrary standards of membership, for opportunistic use of tradition or even for lacking a proprietary claim over a local space. They are real if they are actual people who are united in consciousness of their common ethnic identity however spurious or misguided that consciousness may be ... Nonetheless, ethnicity is not a fossilized determination but a living presence produced and driven by material and historical forces. (Ake 1993, 1)

In Africa and beyond, the constructivist insight that social identities are multi-faceted, multi-interpretable and changeable constructs, should not be taken to mean that they cannot take on more essentialist form, and be experienced as real and consequential (Heinich 2019). This ostensible tension – between identities' constructed nature, and their essentialized experience – is a paradox in theory, but an often-lived reality. The challenge in writing about 'identity', then, is to devise 'a concept 'soft' and flexible enough to satisfy the requirements of relational, constructivist social theory, yet robust enough to have purchase on the phenomena that cry out for explanation, some of which are quite 'hard' (Brubaker and Cooper 2000, 12). This book will try to analyse both how particular identities are constructed, and when, why and how they mattered to the people concerned.

1.2.3 Constructed essences: Reaching across time

This book builds on a rich and growing scholarship on people's subjective experiences and perceptions of war and displacement, and their renegotiations of facets of cultural and social life (Leonardi 2013; Finnstrom 2008; Lubkemann 2008; James 1979), and the role of 'history' therein (Liisa H. Malkki 1995). I was inspired in particular by Lisa Malkki's work on Burundian refugees in Tanzania:

> [This is] not an ethnography of any eternal place or 'its people,' nor is its aim to give a comprehensive account of the social life of a 'community.' [Instead] it is concerned to explore how displacement and deterritorialization – condition which are 'normal' for increasingly large numbers of people today – may shape the social construction of 'nationness' and history, identity and enmity (Liisa H. Malkki 1995, 1).

Similar ethnographies of displacement and social (re)construction have been conducted in South Sudan. Most have focused on particular groups: Dinka (Cormack 2014), Nuer (Hutchinson 1996; Grabska 2014) and Murle (Felix da Costa 2018). Zande history, politics and economics has been somewhat distinct from these groups: Zande had pre-colonial kingdoms (not 'acephalous societies'), lived mostly from agriculture (not cattle keeping), and have played different – less prominent – roles in the last two wars and the ruling Sudan People's Liberation Movement (see Section 2.5). On one level, these differences

and their consequences have caused friction between South Sudanese people and groups. On another, they have meant that general statements made about South Sudan often apply better to Dinka, Nuer and Murle communities than to Zande and other 'Equatorians'.

It is against this history – of Western Equatoria and 'the Zande' on the one hand, and the anthropological discipline on the other – that this book aims not to write a 'salvage ethnography' like Evans-Pritchard, but consider how things have changed. Additionally, I want to account for people's pursuit of continuity or order, including through rather essentialist conceptualizations and practices around identity, tradition and governance. This book finds that in times of violent conflict and displacement, people's conceptualizations of 'identity' and 'tradition' may become more *essentialized.*

1.3 Conceptual keys and contributions

The insights from South Sudan and Uganda presented in this book, lend themselves to thinking about similar situations elsewhere. I will draw out these connections beyond time and space in this section, in the chapter introductions and conclusions, and in the concluding chapter (see Chapter 9). This section introduces the key concepts – war, displacement, identity, governance, and tradition – drawing on the relevant academic literature and on peoples' own terms. As Alex de Waal writes, 'Academicians whose analytic starting points are general models, are recurrently confounded by events [in South Sudan] ... The standard terminology for such analyses includes 'anarchy' and 'state breakdown', indicating analytical voids or serving as flags of intellectual surrender' (De Waal 2019a, xix). Partly, I intend to avoid this pitfall by staying close to Zande peoples' own language and analyses. In the words of Durkheim, 'things must be explained in terms of themselves' (Bohannan et al. 1973, 370). However, by staying too close to the empirical material – the specific and concrete – one risks exceptionalising the case. Generalizing and theorizing about 'Africa' alone carries a similar risk (Macamo 2020). So, then, of *what* is this book a case(s) (Lund 2015)? The following conceptual notes help to situate this 'case' in various broader literatures.

1.3.1 What kind of war?

The kind of war that has engulfed Western Equatoria periodically, was similar to 'new wars' elsewhere. Classical conceptualizations of war focus on large-scale 'organised violence in the service of political ends' (Kaldor 2013, 6). Various definitions require of war that at least one government is involved; that it results in over a thousand deaths per year; that it starts with a 'declaration' and ends when peace is signed. Mary Kaldor and other critical scholars

have pointed out that 'new wars' differ both in means and ends. Beyond armies, they often involve numerous non-state armed groups with varying organizational make-ups. Indeed, before fighting erupted anew in Western Equatoria, there were already dozens of loosely connected community-based militia (collectively called 'Arrow Boys') from previous conflicts (Schomerus and Rigterink 2016). From 2015 these groups engaged in complicated diplomatic and military engagement with South Sudan's two dominant factions: The ruling Sudan People's Liberation Movement (SPLM), and its adversary the SPLM-In Opposition (IO) (see Chapter 6). New wars often involve identity politics. Political elites often promote and activate those sub-national identities (be they regional, sectarian, religious or ethnic) that allow them to mobilize recruits and resources. In South Sudan this happened, too (see Section 1.3.3).

Rather than a Clausewitzean 'contest of wills' over politics or ideology, new wars may become profitable 'mutual enterprises' (Kaldor 2013) where 'waging war is more important than winning them' (Keen 2012). This is partly because new wars are often not (just) funded by state resources, but also by the spoils of economic activity that becomes accessible to armed group members and leaders in war (e.g. natural resource extraction, taxation, extortion). South Sudan's most abundant natural resource is oil, and control over oil-rich territories and revenues has been a crucial factor in the civil wars, even if producing and exporting it requires relative stability. Various armed groups have also profited from the war-time exportation of teak from the Equatorias (Neumeister and Cooper 2019). For some youth, military work for an armed faction (and 'Disarmament Demobilization and Reintegration'-packages) are the only or best route to survival (Kindersley and Majok 2019). Some (aspiring) elites 'rebel' violently only to be co-opted with 'positions' by the Juba-based government through subsequent peace negotiations (Braak 2020). Beyond the devastation, some people did very well for themselves in South Sudan's wars.

It can be difficult to tell when wars in South Sudan start or end, although most people agree that 'peace on paper' is a meagre indicator. Wars appear rather as periods 'of prolonged and heightened uncertainty, punctuated by violent events' (Lubkemann 2008) or 'no war, no peace' (Mac Ginty 2006). They drag on or relapse quickly, as most contemporary civil wars do (Hewitt, Wilkenfeld, and Gurr 2016; World Bank 2011). My older respondents lived through the First Sudanese Civil War (aka 'Anyanya 1', 1955-1972), the Second Sudanese Civil War (aka 'the war of Garang' or 'the SPLA war', 1983-2005), the Lord's Resistance Army-incursions (2005-2013); and the most recent South Sudanese Civil War (from 2013 elsewhere, from 2015 in Western Equatoria). These dates reflect the official lines of 'Khartoum' and 'Juba,' rather than the locally-specific experiences of people in Western Equatoria or elsewhere. Contemporary wars are often localized and fragmented (Allouche and Jackson 2018). For example, during official 'wartime' in the early 2000s and 2015, Western Equatoria was relatively peaceful (see Section 2.5). And yet in the years after the Comprehensive Peace Agreement (2005) which brought peace-

on-paper to the Sudans, Western Equatoria saw two periods of elevated conflict (see Section 2.6). This illustrates just how fragmented South Sudan's civil wars have been.

War often dominates writing and reporting on countries like South Sudan (Lubkemann 2008). Foci then include political elites and armed factions (D. H. Johnson 2003; Ruay 1994; Øystein H. Rolandsen and Daly 2016; Ø.H. Rolandsen 2005; de Waal 2014; Kindersley 2016). However, it is important to see how for many people in 'warscapes', war does not always define everything: 'appear[ing] as a context for people's life stories, rather than as the focus in itself of their narratives' (Leonardi 2013, 144). As the Sudans have experienced repeated war, some scholars go so far as to say that 'disorder and violence are the norm, not the exception' (De Waal 2019a). In this book as in real life, war takes centre stage periodically and inescapably (see Sections 2.5 and 6.2), but more often it figures as context (see Annex 1: Portraits). I reflect on the 'normality' of disorder and violence in the conclusion.

1.3.2 'Oto vura': Cyclical displacement along the voluntary-forced continuum

The cyclical and opaque character of war has countless ramifications for people's lives, including their choice (not) to migrate. Like Peter, the man whom I opened this book with, nearly everyone in my research sites in South Sudan and Uganda had 'ran from war'. Even before the war of 2015, most Western Equatorians had lived elsewhere due to various wars (see Section 1.3.1). The area also hosted refugees (from Congo and CAR) and 'internally displaced people' from elsewhere in South Sudan. In parts of neighbouring DR Congo, some people have 'oscillat[ed] between displacement, refuge, and return' (Rudolf, Jacobs, and Nguya 2015, 107). It has been similar in South Sudan. Rather than a straightforward sequence of events from 'normal life' to 'rupture' to 'exile' and an eventual 'return,' people went through this process repeatedly. For some of my respondents, their coming to Uganda was their fourth experience of 'protracted displacement' which is sometimes defined as over three years (Crawford et al. 2015), and sometimes over five years (UNHCR Executive Committee, 2009). In Uganda, too, many of the 'local' Ugandans had been refugees in South Sudan before, or were (the children of) people who had been displaced from north Uganda by the Lord's Resistance Army in the 1990s. This book will show how past experiences with war and displacement shape present decisions and future imaginings (see Chapter 3, 6, 7 and 8). I see displacement as a form of migration, and define it as the process through which (groups of) people are compelled by conflict to leave their habitual place of residence. This is what Zande call '*oto vura*' (running from war). This is close to IOM's definition of 'forced migration': 'A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes'

(International Organization for Migration 2020). I follow Lee's classical definition of migration as 'a permanent or semi-permanent change of residence' indifferent of the distance travelled, borders (not) crossed, or the (in)voluntary nature of the act (Lee 1966, 49). This wide conceptualization alerts us to the many forms of (conflict-related) migration beyond the classical conceptualization of a direct move from country A directly to country B to stay there for years, decades or generations. Whereas other scholars also consider displacement caused by natural disasters, dispossessions and development projects (Li 2009), my focus is (like 'oto vura') on displacements in the face of man-made violent conflict. I consider both 'internally displaced people' (IDPs) and people who cross the border and, typically, become 'refugees', although I will also reflect on the limitations of these categories (see Section 6.1).

I use the verb 'compelled' rather than 'forced' to leave. This relates to two central dichotomies in migration and refugee studies – between 'migrants' and 'refugees', and 'voluntary' and 'forced' migrants – with enormous legal, discursive and academic significance (Erdal and Oeppen 2018). The United Nations Refugee Convention (1951) reserves the term 'refugees' for people who were 'persecuted'.[11] Many rich countries strive to keep the refugee-definition narrow, to limit who is eligible for protection (Bloch and Dona 2019). This categorisation has inspired scholars to view 'refugees' as especially vulnerable people (Kenyon Lischer 2014), to whom conventional migration theories do not apply (Bakewell 2010, 1690) as their migration is thought to be sufficiently explained by persecution or 'violence' (Davenport, Moore, and Poe 2003, 29).

This book will show that this picture of refugees is problematic. First, the legal categorisation of refugees is different in many African contexts (Zetter 2019, 20). For instance, the Organisation for African Unity's Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) also includes people who are 'compelled to leave [their] place' by a host of reasons, including 'events seriously disturbing public order' (Article 1: 2). The Ugandan Refugees Act (2006) adds 'gender discrimination' and further stipulates that the Minister responsible for refugee affairs may declare 'a class of persons to be refugees.'[12] South Sudanese people were given 'prima facie' refugee

11 Article 1A (2): 'For the purposes of the present Convention, the term 'refugee' shall apply to any person who ... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it' (United Nations Convention relating to the Status of Refugees, 1951).

12 See Article 4: 'Qualifications for refugee status' and Article 25: 'Group recognition, mass influx and temporary protection' (The Refugees Act, 2006).

status in Uganda (UNHCR 2015).[13] They did not need to demonstrate 'persecution' or having been 'forced' out' (see Chapter 7). Resultantly, the South Sudanese people who were all categorized as 'refugees' in Uganda were extraordinarily diverse: They included former ministers in stone houses in Kampala, and destitute single mothers in tarpaulin huts on the rocky soil of Rhino Camp. Whereas the former fled individual persecution, the latter was arguably more vulnerable.

A second reason that the classical 'refugee-migrant' distinction is problematic, is that the 'voluntary-forced' dichotomy on which it is based fails to capture 'the complex relationship between political, social and economic drivers of migration or their shifting significance for individuals over time and space' (Crawley and Skleparis 2018). There is often considerable overlap between various forms of migration on the continuum from 'forced' to 'voluntary' (Bakewell 2008; Erdal and Oeppen 2018; Hammar et al. 1997), and all migration 'involved both choices and constraints' (Carling 2002, 8). Wartime displacements often map onto (and merge with) pre-existing migration patterns (Lubkemann 2008), and may present ruptures as well as continuities (Kindersley 2017; Liisa H. Malkki 1995). In recent years, scholars have embraced 'mixed migration' and the existence of spectra rather than binaries (Van Hear, Brubaker, and Bessa 2009; Czaika and Kis-Katos 2009). For most of my respondents, war was a prominent factor in their decision to leave, but it was rarely the only one (see Chapter 6). Peter's family were 'pushed' away by insecurity in South Sudan, but they were also 'pulled' to Uganda by factors beyond safety, including the promise of good education for the children.

Given the salience of 'spectra' of migration, this book draws not just on 'refugee studies' or 'forced migration' literature, but also on general migration scholarship (see Chapter 6). This literature teaches that individuals' *aspirations* and *abilities* to migrate vary (Carling 2002; Haas 2021), and that mobility may be embedded in broader systems of meaning and structures of economic and political power (Cresswell 2010). Drawing on this literature, I will offer an in-depth analysis of the manifold consequences of civil war in Western Equatoria (see Section 6.2), people's deliberations to stay or go in response, and their often prolonged 'displacement pathways' (see Sections 6.5 and 6.7, and Annex 1: Portraits). This book will demonstrate how in wartime, too, people have agency, and that *oto vura* is often not an automatic response to conflict but instead subject of elaborate decision-making within longer lifetimes and histories of repeated movements. I will show how these deliberations prominently involve household tactics and moral frameworks, to decide when and for whom mobility is acceptable and desirable.

13 This was done in part because the reason for the refugee influx was clear, and because of the size and speed of the influx (in February 2017 it peaked at more than 6,000 arrivals in a single day) and the inability of the Ugandan government to handle cases individually.

The term 'displacement' has received sustained critique from anthropologists of war. Malkki questioned the 'sedentarist bias' and 'botanical thought' implicit in our thinking about displacement: as if people ought to stay 'rooted' in place, and movement always equates 'uprootedness' (L. Malkki 1992, 33). Subsequently, various anthropologists have argued to disconnect 'displacement' from migration and geographical place altogether, and critiqued automatic associations of 'migration with change and sedentarism with stasis' (Lubkemann 2008, 214). In South Sudan, Akoi and Pendle wrote that: 'Assuming that forced displacement equates to total social rupture, in some circumstances, will be as misconceived as assumptions that 'home' is unchanged' (Akoi and Pendle 2021). And so Lubkemann defined 'displacement' as 'the transformation of lifescapes in ways that render essential life projects harder to achieve and that, in the extreme, place life strategies at risk of ultimate failure' (Lubkemann 2008, 193). He adds that some of those who move the least, experience 'the most dramatically consequential displacement of all' (Lubkemann 2008, 194). In a similar fashion, Ramsay defines displacement 'as an existential experience of contested temporal being, in which a person cannot reconcile the contemporary circumstances of their life with their aspirations for, and sense of, the future' (Ramsay 2019, 4).

Yet stripping the term 'displacement' from its migratory aspect, as these anthropologists propose, in my view makes 'displacement' more akin to war-induced relative deprivation. We will see how in Western Equatoria, too, some of the poorest were unable to leave – the 'involuntary immobile' (Carling 2002) – and their lives changed dramatically (see Section 6.5.3). And South Sudanese stayees and refugees alike saw the gap between the present and their future visions and aspirations grow. Still, to my Zande interlocutors and myself, *oto vura* still deserves its own term: running because of war. Further (experiential) consequences, I feel, ought to be treated not as a priori elements of the definition of 'displacement', but rather as lines of empirical inquiry.

1.3.3 Identifying 'ethnicity'

So war and displacement mark the context for people's lives. What then happens to people's identities – their sense of self, their presentation to others, and their identification by others? Which parts of people's complicated identities become more salient, and which drift to the background? 'Identity', like 'culture', is an equally ubiquitous as problematic staple in the social sciences. It has been used for such a wide variety of phenomenon, that some have argued to abandon the term altogether for more precise and active terms (Brubaker and Cooper 2000). Initially, I had not intended to research 'identity' as such, instead focusing on the resolution of disputes in Western Equatoria State. However, I found that questions around identity pervaded my research,

and influentially interfaced with war, displacement and (traditional) governance.

In thinking about identity, Heinich usefully distinguishes three 'moments' of identity: self-perception, self-presentation, and identity-designation by others (Heinich, 2019). She makes another important distinction: Between people's 'idem' (their likeness to others in a group, etymologically connected to 'identical') and their 'ipse' (what sets them apart). The people at the centre of this study juggle dozens of identities: South Sudanese, Western Equatorian, Zande, refugee, vulnerable, youth, urban, woman, in-law, catholic, clan, etc. The salience of these terms is not universally or constantly experienced, expressed and recognized. People may perform or hide identities as the situation requests (see Section 7.4.2). The 'self' is also identified and categorized by others, including by the state. The three 'moments' of identity may not align, sometimes with problematic results.

In this book, the 'refugee' category is a good example: People may not self-identify (primarily) as 'refugee' but still present themselves as such to get protection and aid (see Chapter 7). The Ugandan refugee administration, conversely, is mostly concerned with people as 'refugees' – not with their existence before and beyond. In this way, the refugee label 'dehistoricises and dehumanizes' (Liisa H. Malkki 1996; Colson 2003), even as it also offers protection. Ethnicity in South Sudan has a similarly complicated history as a category which arose out of wars and migrations, and then became promoted, invented and/or instrumentalised by anthropologists, (colonial) governments and armed groups (see Section 1.2).

Whether, when, where, how and why it matters to people to be 'Zande', is a key line of inquiry in this book. Again I follow Malkki, who studied how displacement shaped the 'social construction of nationness and history, identity and enmity' (Liisa H. Malkki 1995, 1). Doing so requires a delicate balancing act. I hope on the one hand to elucidate the processes and mechanisms which lead to the 'crystallization' of particular identities in particular moments, while avoiding 'unintentionally reproducing or reinforcing such reification by uncritically adopting categories of practice as categories of analysis' (Brubaker and Cooper 2000, 5).

Throughout my research and especially after the eruption of war, ethnicity played a crucial role in people's self-identification and identification of others. However, instead of 'ethnic group' most South Sudanese people would refer to the group name (i.e., 'the Azande') or to *aboro* (people) followed by the name. The English words 'community,' 'people' or 'tribes' were also used both in everyday speech and in South Sudanese and Ugandan media. The term 'tribalism' (used by colonial officials as positive) is used in many African contexts for the mobilization of 'tribal' identities for violence or nepotism (Ekeh 1990). Academic scrutiny of the term 'tribe' increased around the decolonisation of most of Africa, when constructivism was also gaining ground in academia. It became associated with colonial and social-Darwinist views of 'primitive

societies' (Sneath 2016; Mafeje 1971).[14] Some academics argued to replace the term 'tribe' with 'nation' to recognize their equality with other such groups, i.e. 'German,' 'British,' 'Korean' (Hirsch 2020).

Yet the use of particular terms does not equate sensitivity. Some scholars seem to have replaced 'tribe' with 'ethnicity', while leaving the primordialist scaffolding unchanged (Barth 1969, 10-11). Others have used the colonial-sounding 'tribe' with empathy, nuance and historical precision (Vansina 1968, 14). Still, broadly speaking the 'ethnicity' literature came with less essential presumptions, and more constructivist questions: e.g. about the historical formation of the 'group' (Nugent 2008), its meaning to the 'members', the politics of belonging (Fontein 2011, 723), the fluidity of its boundaries, etc. Barth argued to see 'ethnic categories' as 'an organizational vessel that may be given varying amounts and forms of content in different socio-cultural systems' (Barth 1969). As it invites more empirical inquiry, I use 'ethnicity' over 'tribe', only using the latter when quoting respondents.

Crucially, a scholar's view of 'identity' is likely to be influenced by their positionality and their academic disposition (see Annex 3: Methods). Anthropologist Sharon Hutchinson argues convincingly that Evans-Pritchard had more access to older men, who – like him – were likely more preoccupied with 'issues of 'unity,' 'equilibrium,' and 'order,' viewing culture as something shared and ethnography as the compilation of those shared elements' (Hutchinson 1996, 28). As a white man I, too, was generally better able to speak deeply with people who were either in a senior position or formally educated. Often these were men, as is also apparent from the Portraits (see Annex 1: Portraits). This may have influenced my view of the importance of tradition, history and ethnicity. Conversely, Hutchinson writes that she actively avoided the Nuer elite, focusing her work instead on 'evolving points of confusion and conflict among Nuer – and thus on what was not fully shared by them' (Hutchinson 1996, 28). One of her principal aims in *Nuer Dilemmas* was 'to call into question the very idea of 'the Nuer' as a unified ethnic identity' (Hutchinson 1996, 29). And yet, she also noted that:

> What appears to be happening since the 1991 SPLA split, however, is a gradual sealing off of this formerly permeable inter-ethnic [Dinka-Nuer] divide ... Nuer fighters, in particular, appear to have adopted a more 'primordialist,' if not 'racialist,' way of thinking about their ethnic 'essence' in recent years (Hutchinson 2002, 45).

14 It often comes with stereotypical assumptions about the groups uniformity, leadership structure, ties to the distant past, and a quality 'beyond the state'. Partly for these reasons, That term is sometimes used – including by Evans-Pritchard – in South Sudan in reference to the pre-colonial kingdoms, but not to my knowledge to refer to the contemporary dispersed collective of Zande-speakers.

And so while Hutchinson was actively looking for confusion and contestation, she also found that at least some of her interlocutors' own understandings of their identities grew more essentialist over the course of the war. This relates to the politics and psychology of identity and threat. Hannah Arendt's observation that, 'Jews concerned with the survival of their people would, in a curious desperate misinterpretation, hit on the consoling idea that anti-semitism, after all, might be an excellent means for keeping the people together' (Arendt 1973, 7). In this book, I will argue that precisely when identities are ostensibly 'in crisis' and 'under threat', some people work to (re)invent and construct them, making them often 'harder' (see Chapter 9). In my case, war and displacement collided to stimulate such a process of reconstruction.

1.3.4 Governing authorities

1.3.4.1 An empirical view of the state and beyond

Throughout the cycles of war and displacement, Western Equatorians both sough to govern their own affairs and were subjected to governance by a variety of state and non-state authorities. 'Governance' is often defined, after Plato, in reference to the (city) state and the exercise of authority over the 'ship's course'. One simple definition describes governance as 'a government's ability to make and enforce rules, and to deliver services' (Fukuyama 2013, 3), another as how 'the [formal and informal] rules of the political game are managed ... [providing] the context in which policy and administration are carried out' (Hyden 2004, 2). These definitions mainly draw focus to the state and its attempts to govern, which is one focus of this book, but not the only one.

James Scott's *Seeing Like a State* argues that states work to make peoples' ties to places more stable, legible and sedentary, as a prerequisite for their utopian schemes for the general advancement of the human condition (Scott 1998). And indeed, this book features four cases of utopian state schemes reminiscent of Scott's work. There were colossal colonial-era resettlement schemes against sleeping sickness and for industrial development (see Section 3.3), a post-independence land formalisation scheme to prepare the land for the state of the future (see Chapter 4), and the reception of refugees in refugee settlements designed to promote rural development (see Chapter 7). The persuasiveness of utopian (urban) planning in (post-)conflict settings has been noted before (Badiey and Doll 2018).

Yet while Scott's work offers an enriching view of the reasoning of governing actors, 'the state' in South Sudan and Uganda was diffracted and far from omnipotent. So this book will also look beyond the visions of governance expressed by elites and in policies, to the day-to-day work of street-level bureaucrats (Lipsky 1969; Bierschenk and Olivier de Sardan 2014) or more

generally 'what lower-level officials actually do in the name of the state' (Gupta 1995, 376). It will describe how utopian governance schemes are implemented, how people respond, and with what results. Particular foci here include in South Sudan the state-level Ministry of Physical Infrastructure and county-level Land Dispute Resolution Committee (see Chapter 4), and in Uganda the refugee administration under the Office of the Prime Minister (see Chapter 7)

Beyond the state, in this part of the world a plethora of other actors like traditional authorities, NGOs, and armed groups, also 'govern'. That is: They make and enforce rules, and provide services like education, infrastructure, and dispute resolution (Rigterink, Kenyi, and Schomerus 2014; Raeymaekers, Menkhaus, and Vlassenroot 2008; Leonardi et al. 2010). And so scholars have argued not just to look to state 'governance', but to ask instead who has the ability 'to define and enforce collectively binding decisions on members of society' (Lund 2006, 685). Who 'governs'?[15] This book prominently features three groups of not-quite-state actors: Western Equatoria's traditional authorities (see Chapter 5), and two bodies of 'governing refugees' in Uganda: the state-initiated Refugee Welfare Councils and the refugee-initiated Community organizations (see Chapter 8). This book will explore how various authorities interact with one another, and how they relate to different conceptualisations of 'identity'.

1.3.4.2 Traditional authority: Rooted, invented, reconstructed

'Traditional authority' holds an especially prominent position in this book. I use the term 'traditional' rather than 'customary authority' because it is the more common term in South Sudan and Uganda, both in legislation and everyday speech. This book will explore the historic roots of 'tradition' and 'traditional authority' (see Chapter 2), and their reconstruction in the aftermath of war (see Chapter 5). I will also explore how 'traditional authorities' were largely absent among Zande refugees in Uganda, and yet remained remarkably popular (see Chapter 8). In this context of abundant change, traditions – like identities – were reconstructed. Just how much 'tradition' could change and adapt, was a key debate among Zande throughout my time in South Sudan and Uganda (see Chapter 8). The concept 'traditional authority' has received sustained academic scrutiny. So I will set out here how I understand and use the term in this book, and briefly respond to these debates.

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15 To make matters more complicated, non-state authorities often still cultivate links to government institutions, and even use 'the symbolic language and choreography of [state] governance and its props' (Lund 2006, 691). Further, government authorities may 'claim' successful achievements by non-state authorities as theirs. As a result in South Sudan and Uganda it can be hard and largely irrelevant for ordinary people to distinguish when 'governance' is done by government.

'Traditional authority' may bring to mind hereditary rulers and authority wielded over a clearly delineated group of people, using a traditional body of laws or norms. And yet the term covers a dizzying variety of real-world individuals. From the powerful Zulu King, for whom even South African president Ramaphosa kneels, to the South Sudanese 'boma chief' whose power, prestige and wealth does not differ much from 'his' people. Given the diversity of African traditional authorities and their relations to the state (J. L. Comaroff and Comaroff 2018, 11; van Rouveroy van Nieuwaal 1996; Crowder 1978), scholars argued in an overview article not to 'predetermine or essentialize the content of customary authority, but instead focus on its situated, socially constructed nature' (Verweijen and Van Bockhaven 2020, 6).[16] Generalisations are typically induced (implicitly) from limited observations in some societies, and as a result either rather vague or inaccurate elsewhere.

In Western Equatoria, the main 'traditional authorities' are the chiefs and elders.[17] Chiefs' history, form and function differ greatly in different parts of South Sudan. In some areas, colonial officials admitted to '[creating] new kinds of authority, and that their notion of chiefship was alien to the people on whom it had been imposed' (Leonardi 2013, 4). Among the Zande, however, the colonial powers first had to divide and defeat the powerful precolonial Avungara[18] kings, before co-opting their offspring in chiefly positions (see Section 2.4). Many of today's chiefs are descendants of these pre-colonial kings.

This pre-colonial pedigree notwithstanding, this book will show how at the time of my research, all facets of traditional authority were subject to change and debate: who gets to rule, the boundaries between and within 'communities', and the content of customary law (see Chapter 5). Some chiefs had inherited their position, others were popularly elected or selected by their community's elders or by government (see Section 5.2). Since colonial times, successive governments have sought to incorporate chiefs to perform judicial, administrative and security tasks for the state, and chiefs have conversely sought to leverage the power of the state for their own interests (Leonardi 2013). Present-day South Sudanese legislation includes provisions 'recognizing' traditional authorities, customary courts and customary law (see Chapter 5). Still, chiefs remain very much an interstitial position (combining state and non-

16 Ironically, elsewhere in the article they write that 'control over land and people is inextricably interwoven with spiritual capacities such as (collective) healing and rain-making' (2020: 14). This – to induce general statements from limited observations – seems precisely what they argue against.

17 There are other types of traditional or customary authority in South Sudan, such as prophets, oracles or land priests. My research assistants found evidence of oracles still working in association with Zande customary courts, but it was too little for me to write about. Perhaps a South Sudanese scholar could someday explore this.

18 Follow contemporary practice, I write 'Avungara'. Evans-Pritchard mostly spelled it as 'Avongara'.

state, traditional and modern elements) (Verweijen and Van Bockhaven 2020, 10).

'Elder' is also a fluid category of people with cultural knowledge, experience and authority. Elders are often called upon in relation to a particular development or dispute. They are not always elderly and not all elderly people are considered to be elders. The term is relational and reverential, with even young Zande at times calling one another *bakumba* (elder or 'big man'). Whereas chiefs in South Sudan are to some extent incorporated in the state structure, elders typically perform their roles outside of its purview. At the same time, many individual elders have or have had positions of influence, for instance in government, the church or aid organizations. Whereas most chiefs are men, there are female elders who play important roles especially in dispute resolution.

'Customary' and 'traditional' are often used interchangeably, in English and in Zande. Historians and anthropologists have debated some subtle but important differences. Hobsbawm and Ranger write that 'Tradition' has the 'object and characteristic ... of invariance [And] the past, real or invented, to which they refer imposes fixed (normally formalized) practices, such as repetition' (Hobsbawm and Ranger 1982, 2). Some academics are critical of the term 'traditional,' arguing that 'for all its apparent innocence, [it] dehistoricizes as it essentializes, flattening out active world making into perpetual passivity' (J. L. Comaroff and Comaroff 2018, 8). In the words of Catherine Coquery-Vidrovitch, 'How far back do we have to go, to find the stability alleged to be 'characteristic' of the pre-colonial period?' (Mamdani 2004, 39). Many contemporary scholars generally regard claims to 'tradition' as political tools in the service of nation- or community-building (Hobsbawm and Ranger 1982; Anderson 2016). 'Customary,' on the other hand:

> Does not preclude innovation and change up to a point ... [It gives] any desired change (or resistance to innovation) the sanction of precedent, social continuity and natural law as expressed in history ... Traditions which appear or claim to be old are often quite recent in origin and sometimes invented (Hobsbawm and Ranger 1982, 2).

Choosing to call something 'traditional' or 'customary,' then, is to emphasize respectively its claim to being rooted in a fixed past, or its embeddedness in the present.

The Zande term *sino* can mean tradition, but also culture, quality or custom.[19] *Sino* is not necessarily linked to an 'authority' decreeing what is

19 My colleague Isaac Hillary offered three examples of '*sino*': 1) Sino agumbe ningia sengahe = The tradition of Agumbe clan is to insult. 2) Sino awiri Abdulah gberé wai = Abdullah's children's qualities are so bad. 3) Sino Adinka nga zoga anya = The culture of the Dinka is keeping animals. Personal communication, 6 June 2020.

or is not tradition, neither is it used as an adjective for the authority of chiefs. The term *sangba* (word, proposal, consequence, command) better captures the decrees of a ruler, be they king, chief or minister. Crucially, *sino* and *sangba* are descriptive, not normative. So the *sino* of a group can be regarded by the speaker as quite negative. *Sino* can also be used for practices that are quite new, and can apply to different group levels (e.g., household, clan, ethnic group). Very little of what anyone – in Western Equatoria and elsewhere – regards today as 'tradition', was with their ancestors a thousand years earlier. It is now 'tradition' for Zande to pay bride wealth in money, whereas in 'the days of King Gbudwe' it was paid in spears. Those days were again different from a hundred years prior, before Arabic ivory and slave traders had entered the region, or some centuries earlier when the first Zande-speakers entered what is now South Sudan (see Section 2.2). This book will make abundantly clear that such apparent change has not eroded but rather invigorated people's interest in traditions.

1.4 Portraits: Introducing key respondents

This book builds on my encounters with hundreds of people in South Sudan and Uganda. Yet along the way, I met six people who were especially generous with their time, wisdom and experiences. They became my key respondents and I will refer to them a lot throughout this book. I thought it appropriate to introduce them here. I drafted these portraits based on life history interviews and semi-structured interviews, conducted between 2015 and 2020. In November 2018 at a gathering in Arua, Uganda, I asked them if they would allow me to include a portrait based on their life story in this book. Then I wrote a first draft, and asked them to suggest changes. Full portraits are included in Annex 1.

James (b. 1965, Nzara, South Sudan) is a fine artist and Refugee Welfare Council-leader. His travels – for refuge, education and adventure – led him to the Central African Republic, Sudan and Uganda, and only stimulated his interest in Zande culture and history. His mobility across front lines was frequently suspected by authorities, and led to him being imprisoned and at one point becoming a 'Cameroonian by birth' to avoid trouble in Darfur. During the most recent war James and his family initially stayed in Yambio. But after heavy daytime shooting, they moved to nearby Nzara, then to Dungu (DR Congo) and eventually Uganda. After a few months as 'urban refugees' in expensive Kampala, the family moved to Kiryandongo RS. James works as 'Refugee Welfare Council'-chairperson, and – when commissioned – as a painter. He made the paintings featured in this book upon my commisssion. James spends most of his money on the education of his children: a daughter who studies in Kampala and other children in schools closer-by. From the beginning I found it easy to talk with James, a skilled story-teller with a good

sense of humour and sharp observations. We mostly spoke in a small gazebo that he had built in front of his house in Kiryandongo RS, where he would sometimes tend to other guests.

Charles (b. 1963, Bazungua, South Sudan) is both a priest and a lawyer. He spent much of his life in pursuit of education (theology and law), in spite of the wars and (im)mobility that obstructed his efforts. He spent eight scattered years as a refugee in the Central African Republic. He found help to study and move away from war mostly from South Sudanese and foreigners within the church. Charles graduated with a law degree in Uganda aged 44. Upon his return to Yambio in 2008, he joined the South Sudan Employees Justice Chamber, and later the County Land Authority's Land Dispute Resolution Committee (Chapter 4). He valued the life he had at home, and so when war resumed in 2015, he really did not want to leave. But then in May 2016 he was shot after ruling in a land dispute against a powerful man. He fled to Uganda with his family, where he first tried to live as 'urban refugee' in Kampala, but eventually settled in Kiryandongo RS. That is where I first met him, and would pay him regular visits. We spoke mostly on the porch of his kiosk in Kiryandongo RS, sometimes playing chess. Charles was the ideal respondent for me: He was an 'insider' to the group I wanted to learn about, and yet he was very reflexive of the developments affecting him and those around him. I learned a lot from Charles' observant remarks and his precise, powerful and creative use of language.

Elizabeth (b. 1978, Maridi, South Sudan) is a business woman and Zande Chairperson in Kiryandongo RS. In the previous war, Elizabeth spent 17 years as a refugee in the DR Congo. She is always exploring new ventures, and making money across borders. With the money she makes, she tries to afford her children the education that she as a child could only dream of. To her pride, her first two children have graduated from Ugandan universities. Before the current war started, she was in South Sudan running a hotel, restaurant and second-hand clothes business. When conflict began, she moved then first to Maridi, then Yambio, then DR Congo, Kampala and eventually Kiryandongo RS where she arrived in April 2016. She was then appointed as Zande Chairperson (section 8.4). Elizabeth works hard but recognizes that at critical junctions she was aided by especially female good Samaritans. When I first met Elizabeth, she made an impression: She was running a restaurant in the settlement and chatting with clients in different languages. It took time for me to get to know her. I would mostly visit her at her kiosk in Bweyale's market – where she would handle customers while we spoke.

Albert (b. 1974 Ezo, South Sudan – 2020, Yambio, South Sudan) was a government and later development worker. He grew up in Ezo, and first became a refugee in Uganda in 1993. He received some support from a brother in the church to attend school, and then returned to South Sudan in 2000. There he worked in NGO and government jobs, becoming member of Western Equatoria State parliament and later county commissioner of Ezo. That is where

I first met him in March 2015. After a power shift in August that year, he was threatened. Warnings 'from within the system' and mysterious winds helped him escape. Albert came to Rhino Camp, Uganda. When I met him there in April 2017, I was struck by his stoic handling of his displacement. He would smile and say, 'we were born naked, too'. Albert was an ambitious, sociable, and funny man, and an excellent teacher. We would spend long hours talking at his house, or over a beer in Arua or Bweyale. Albert returned to South Sudan in early 2020 to cultivate and prepare his family's return from Uganda. He had already been coughing for years, but fell sick and ultimately passed in July 2020.

Moses Zaza (b. 1977, Naandi, South Sudan) is a Chief whose life was marked by mobility. In 1990 at the age of 13, his family and he ran from war. He would spend the subsequent 13 years in refugee camps in Dungu, Zaire; Adjumani, Uganda; and in Kakuma, Kenya. Eventually he got a small job with a church in Kampala, Uganda which allowed him to save up for his education. When he returned to South Sudan in 2007 he did not want to go back to the village, Naandi, instead settling in state capital Yambio. Yet when the old *payam* chief of his village passed away in 2012, Moses was elected to succeed him. He was reluctant at first, but eventually accepted. The stayee elders and chiefs taught Moses for months about the customs and traditions he was meant to lead by as a chief. Yet as a chief, Zaza remained especially adept at connecting his village to the outside world. Rather than operating a sort of parallel authority or justice system, Chief Zaza prides himself in his ability to attract the state: to get a prison, police office, and surveyors. He also tried to draw in other powerful outsiders: telecom companies to establish mobile phone antennae; NGOs to improve health care. The chief positions himself as neither state nor people – he is at a distance from both. The development and 'peace' he brings, he presents as 'his'. When the state comes in to do something, he presents it as the state working for him. Things started to fall apart for Chief Moses in 2016, when he tried to practice shuttle diplomacy between local 'Arrow Boys' and the state governor (see Section 5.6). The quintessential chiefly role – to be a gatekeeper and an in-between – made both sides suspicious of him, and eventually lead to death threats and his temporary exile to Uganda after July 2016. Despite hesitations about his safety, the chief returned to Naandi the following year. He left his family in Uganda and visited regularly. I spoke to the chief in Kampala twice, and once by phone. Normally that would not be sufficient to qualify as 'key respondent' but his interviews were exceptionally rich.

Isaac Hillary (b. 1988, Yambio, South Sudan) is a poet and aspiring anthropologist who now attends Bugema University in Uganda. He was a refugee in the DR Congo from 1991-1998, where he lost his father. Upon his return to South Sudan he became active in a church. But eventually he chose to continue his education. He was attending high school in Yei when war started again in 2016. More than 2000 students had started the year, but only some

300 sat for exams – including Isaac. We first met in 2017 through a mutual friend in Kiryandongo RS. Isaac made a tremendous impression on me. While others were 'sitting idle', Isaac tried to see misfortune as nudging him towards his destiny. In the settlement, he was writing children's books and poetry in Zande – among which 'It has started again' (see Annex 2) – and speaking to elders about Zande history and tradition. I appreciated that this was a special man, who was coping with hardship in part by creating art. We worked together on audio-visual recordings for his poems, on his Worondimo-blog, and eventually on a research project on resilience. Isaac is now pursuing a BA in Peace and Conflict Management, and hopes to study anthropology in the future. Isaac and I remain in weekly contact. I have not included a full portrait of Isaac in the Annex.

1.5 Outline and point of the book

The structure of this book stays close to the research process and general idea. It starts, like I did, in South Sudan, and ends in Uganda. The chapters have geographic, temporal and thematic boundaries, albeit porous ones, which follow from the phases of return, conflict and displacement. The thematic foci of the chapters follow in part from my disciplinary background and academic interests, and from the concerns of the people with whom I conducted this research. In both countries, people's central concerns included state and 'traditional' governance, debates about identity and belonging, and land tenure. I use these divisions in time, place and theme to guide my analysis and writing. Reality is more complex, and 'lived experience overflows the boundaries of any one concept, or any one society (M. Jackson 1989, 2). To show how everything is connected in the lives of my interlocutors, friends, and teachers, I have chosen to include five portraits, based on life history interviews (see Portraits, and Annex 1).

The first part of this book explores the turbulent history of 'ruptures' and 'movements' from which the 'Zande people' and the ruling 'Avungara clan' emerged. Chapter 2 analyses the historical episodes which shaped socio-political life in Western Equatoria, notably among the Zande, from around 1500 until 2015, and how they influenced governance and identity. Inspired by Vansina, this chapter draws on archival sources and oral histories, to take a critical look at Evans-Pritchard's authoritative historiography of 'the Zande'. This chronology offers the historical background for the rest of the book. Chapter 3 focuses on the movements of individuals and groups over this same period, and shows how movements interfaced with the formation of traditional authority and identity in Western Equatoria. Western Equatorians had moved so much, that by the start of my research few people were 'continuous resident', and the towns were increasingly cosmopolitan. Exile and return had also brought new ideas, networks and resources which in turn influenced the

post-conflict moment (Chapters 4 and 5). This history of movements would later also inform people's migration deliberations in 2015-6 (Chapter 6).

The second part explores Western Equatoria during the 'moment of peace', which began around independence (2011). Chapters 4 and 5 explore how Zande returnees (especially ministers and chiefs) played prominent roles in imagining the future and reconstructing (traditional) governance. Chapter 4 analyses a land tenure formalisation programme by the Western Equatoria State government, and how this was connected to past and future movements and ruptures. Various kinds of conflict-related migration (return, displacement, refuge) had merged with pre-existing urbanisation, to fuel demand for urban land in Western Equatoria. The state-minister of physical infrastructure (himself a returnee from the UK) set out with donor support to 'demarcate' (formalize) land to resolve and prevent land disputes, and get the land ready for the state of the future. In various counties, the demarcation itself caused renewed conflict. Chapter 5 analyses how traditional authorities, especially chiefs, in Western Equatoria emerged from the long history of war and displacement. It draws on findings from interviews with 44 Western Equatorian chiefs to paint a picture of chieftaincy anno 2015. It finds remarkably that many chiefs were returnees too, who tried upon their return to strike a balance between globalised and 'modern' skills and connections, and 'traditional' pedigree (such as Avungara clan membership).

The third part analyses the latest episode of war and displacement. Chapter 6 analyses the causes and consequences of the war in Western Equatoria (2015-7). It then draws on unique interviews both with refugees in Uganda, and with 'stayees' in Western Equatoria, to analyse why people stayed or left, among other places to Uganda. It uses and modifies Carling's ability-aspiration model to analyse these decisions, and finds a particularly remarkable group of elite stayees who had been able to leave but did not aspire to do so. They either stayed throughout the war, or returned after having brought their families to refugee camps. Chapter 7 analyses peoples' initial arrival and settlement in Uganda, their main concerns, and how their experiences were mediated by their varying encounters with the Ugandan state bureaucracy (2015-9). It found among other things a battle for permanence between refugee authorities – who insist that refugees remain liminal and do not use 'permanent materials' for their houses – and refugees, who in defiance planted trees that would take years to grow, edified their *tukuls* with paintings, and even buried relatives on the land. Chapter 8 analyses how refugees try to reconstruct order and authority in exile and to govern themselves, focusing in particular on two forms of 'refugee authority' ('refugee welfare councils' and 'community organizations'). It finds that competing attempts at authority were underpinned by particular identifies. The chapter analyses the remarkable absence of traditional authorities among Zande refugees, as well as their perhaps even more remarkable enduring popularity.

This book engages with various disciplinary sub-fields and subjects, and each chapter makes particular contributions to, for instance, historical ethnography, forced migration and refugee studies, and to the literature on land tenure formalisation, civil wars, traditional authority and African bureaucracy. However, the trees are not the forest. On aggregate, this book is about a more universal thematic: How people, as individuals and groups, pursue continuity, control and 'future' in contexts of conflict and displacement. My conclusion connects the various chapters and reflects on this larger, more universal question.

The central thesis of this book is that violent conflict and displacement have unsettling, rupturing and 'un-pasting/un-futuring' properties, but that these are being resisted by people who try to maintain the long view of their existence. It is in this context that people often value (increasingly ethnic) identity, (traditional) governance and land, as existential and temporal stabilizers in an uncertain world. This is no thought exercise. Ideas are represented by concrete things that connect past, present and future: both material (e.g. children, land, trees, graves) and immaterial (e.g. education, Zande language, the history of King Gbudwe, ancestors, *Ture* folk tales). These practices and temporal orientations are central to people's quest for survival, meaning and continuity, and to overcoming the ruptures posed by war and displacement.

2 Ruptures: Traditional authorities, violence, and the state in Western Equatoria (1500s-2014)

Any choice for a beginning of history is political. Massoud starts his account of legal history of Sudan in 1898, with the invasion by the British and Egyptian militaries (Massoud 2013, 15). Leonardi starts her account on chiefship, community and the state in 1840, when the first Egyptian government expedition under the leadership of a Turk broke 'through the vegetation in the Sudd marshes on the Nile, opening the way for the subsequent incursions' (Leonardi 2013, 18). These choices are reflective of the extent to which South Sudanese history has been shaped by outside influences, and written by outsiders (Cormack 2014, 22). In this historical chapter, I do not present a comprehensive history, but highlight rather those historical elements and episodes that mattered to people's discussions about the present and the future. I draw on oral histories, archival sources and secondary sources, and show where these sources are in agreement and where there are different interpretations.

For many Zande, history starts in the period when time was indicated by the lives of rulers, rather than dates on the Christian calendar. The end of that era came with the death of the last sovereign ruler, Gbudwe, at the hands of the Anglo-Egyptian colonial forces in 1905. This marked the beginning of colonial rule, and the end of Zande self-determination. But there was history before that – although its historiography is treacherous terrain, to be charted using fallible sources (see Section 2.1). Still, I want to 'account for the social archaeology' of the here and now, and to 'discern the processes by which the past and the present [have] constructed each other' (J. Comaroff and Comaroff 2003, 160). And so I will explore some of the pre-colonial past, especially as narratives about it have gained new currency in the contemporary context of displacement (see Chapter 8). I focus on two elements of the pre-colonial time: the debate on the origin of the ruling Avungara clan of the Zande (see Section 2.2), and the politicking that surrounded the arrival of the first Europeans, Egyptians and northern Sudanese in the area (see Section 2.3). The section on Anglo-Egyptian colonial rule focuses on the state's dealing with Zande traditional authority in this area, which I will argue was markedly different from that in other parts of South Sudan (see Section 2.4).

After Sudanese independence (1956), Western Equatoria's history became submerged in the Sudanese Civil Wars (1955–1972 and 1983–2005), during which the area's trajectory was not always in step with the rest of South Sudan (see Section 2.5). When after the long years of war, the promises of peace (2005) and independence (2011) dawned – particular violent conflicts plagued Western

Equatoria. These conflicts contributed to the election of a popular political leader, the mobilization of 'Arrow Boys'-armed groups, and the emergence of a 'moment of peace' (see Section 2.6). The rich and turbulent Zande history described in this chapter, helps to understand both the enduring role of traditional authorities (see Chapters 5 and 8), and the role that Western Equatoria was to play the South Sudanese Civil War (see Chapter 6). Below is a table of events that shaped the history and historiography of Western Equatoria.

Table 1: History and ethnography of the Zande and Western Equatoria (until 2015)

Time	*Events in history and historiography of Western Equatoria*
+-1600-1855	Ascent of Avungara, formation of Zande kingdoms, competition.
1855-1905	Arrival of foreign traders, explorers, missionaries, and colonial powers.
+-1860-1905, Febr. 10th	Reign of King Gbudwe, ended when he was killed during or after an Anglo-Egyptian colonial military patrol.
1910-11	First colonial civilian district commissioners in Yambio, Tambura[1] and Maridi.
1914	'Zande Uprising,' four chiefs arrested.
1921-6	Colonial resettlement for sleeping sickness.
1926-30	Research by anthropologist E.E. Evans-Pritchard.
1945-55	Zande Scheme and resettlement (1946-51), Nzara riot (1955).
1952-55	Research by anthropologist C. Reining.
1956, 1 Jan.	Sudanese Independence.
1955-72	First Sudanese Civil War. In Western Equatoria mostly from 1964 to mid-1970s.
1984-5	Research by anthropologist S. Siemens.
1983-2005	Second Sudanese Civil War. In Western Equatoria mostly from 1990 to 1998.
2005	Comprehensive Peace Agreement between Sudan and SPLM/A.
2006-2011	LRA attacks and formation of Arrow Boys. Attacks peaked around 2008-9.
2010, April	Election of independent governor Bakosoro.
2011, 9 July	Independence of South Sudan.
2013-present[2]	South Sudanese Civil War. In Western Equatoria it peaked from 2015 to 2018, with a flare-up around Tambura in 2021.

1 Tambura is also sometimes written as 'Tombura' and 'Tembura'.

2 South Sudan's president Salva Kiir declared a formal end to the war in February 2020, when he and opposition leader Riek Machar formed a unity government. Still, conflict has continued intermittently until the time of writing (2021).

This chapter is called 'ruptures' to emphasize just how profoundly and repeatedly things have changed over the last few centuries in this part of South Sudan. Often, everyday life was marked by 'confusion and irregularity' and 'no one could predict what would happen next' (Reining 1966, 12). Of course, in between these 'ruptures' there have been years of relative certainty and some continuities have persisted (Piot 2010). These themes of change, continuity and 'confusion' appeared repeatedly throughout my research – both historical and contemporary – and I will come back to them in the conclusion of this book. This chapter takes a meso- and macro-level view: It focuses on political leaders, rulers and governments, and ruptures like conquests, wars and separations. In this way, it builds the theatre floor on which the subsequent chapters will feature.

Throughout this writing I will use 'Western Equatoria' to refer to the geographical area that would later be covered by 'Western Equatoria State.' Within this, I focus in particular on the area that stretches from Tambura in the northwest to Maridi in the east. This area has had numerous names. The boundaries of pre-colonial Zande kingdoms had been fluid and often-changing. When the Anglo-Egyptian colonial forces occupied the area (see Section 2.4), they formalized what they saw as the boundaries between the former kingdoms, and established Tambura, Yambio and Maridi districts (Daly 2004, 140). Later, Tambura and Yambio Districts were joined together as the 'Southern District' of Bahr el Ghazal Province. Then in 1935, this district was dubbed the 'Zande District' – after its largest ethnic group – and added to Mongalla Province. Mongalla then became part of Equatorial Province in 1936, and of Equatoria Province in 1948 (Badiey 2014, 41; Leonardi 2013, 72; D. H. Johnson, Verjee, and Pritchard 2018). This would prove significant later, in the formation of a pan-Equatorian political block and identity vis-à-vis the larger Nuer and Dinka ethnic groups (see Chapters 6 and 8). In Sudanese times (see Section 2.5), the area around Yambio reversed to 'Yambio District', and after the signing of the Comprehensive Peace Agreement in 2005 (see Section 2.6), 'Western Equatoria State' was created – with the original colonial districts (Tambura, Yambio and Maridi) now becoming three of the state's ten counties. From October 2015 to February 2020, 'Western Equatoria State' was divided in four.

Apart from these administrative denominations, the area of South Sudan that I am concerned with has also been called 'Zandeland' both by academics and Zande people. This term is not always qualified or defined, but generally used to refer to the geographical area in South Sudan where ethnic Zande are in the majority, although sometimes the Zande-majority areas across the borders with the Central African Republic and Democratic Republic of Congo are also included. However, the area's inhabitants are not solely ethnic Zande: there were non-Zande before the Avungara came, and people have moved here since. For this reason, I rather use the more clearly delineated and less political geographic unit 'Western Equatoria'.

2.1 Some notes on historiography and the works of Evans-Pritchard

The historiography of much of pre-colonial Sub-Sahara Africa is complicated by the scarcity of written records, the dearth of archaeological and linguistic studies, and the shortcomings of oral histories (Vansina 1968). South Sudan is no exception: The written records about 'Zandeland' prior to 1937 (when anthropologist Evans-Pritchard published his first book), were produced by foreign ivory and slave traders, explorers, missionaries and colonial officials, who had particular interests in the area, and often held racist dispositions. They came from northern Sudan, Egypt, the Ottoman Empire, and European countries. Many spoke Arabic, but very few understood any Zande. Given the positionality of all the people producing written records at this time, we must approach such sources with caution.

Visitors to the region bought or coerced the assistance of southerners. These 'dragoman' (interpreter, guide) had an influential role in interpreting local politics and cultures to the visitors (Ivanov, 2002). Schweinfurth even argues that the term 'Niam-Niam' which was used by foreigners in the nineteenth century for Zande, originated with the Dinka guides of northern Sudanese (Leonardi 2013, 31). But Ivanov argues convincingly this was a general term used by Arab scholars for people 'living at the extreme edge of Africa' whom they considered backward, pagan, and cannibalistic (Ivanov, 2002: 92). Still, outside visitors through their contacts with neighbouring southern Sudanese people, had quickly stereotyped the 'Niam-Niam'. The first European to visit Western Equatoria – a Welsh trader – wrote in 1861 that neighboring people had described the 'Niam-Niam' as 'warlike and savage, invariably feasting on their fallen enemies' (Evans-Pritchard 1960b, 238), and as 'monkey-faced people with tails a yard long' (Ivanov 2002, 104).

The best academic works on the Sudanese Zande area were written during the colonial period by anthropologist Evans-Pritchard. From 1926, he conducted 20 months of fieldwork near Yambio, in the area of Prince Gangura (son of King Gbudwe). Evans-Pritchard spoke Zande and endeavored to live as much as possible for a white British man like the people he researched. Evans-Pritchard's first major publication, '*Witchcraft, Oracles and Magic Among the Azande*' (1937) brought global fame to the Zande, and remains essential reading for many students of anthropology and philosophy of knowledge to this day (see Section 1.2).

Evans-Pritchard has been severely criticized for relying too much on the romanticized accounts of elderly men, and for overlooking women's perspectives (S. D. Siemens 1993); for ignoring the importance of maternal relations and the domestic sphere (McKinnon 2000), and for his over-stated dichotomy between domestic and political systems (Richards 1941; Cormack 2014). Evans-Pritchard himself recognized a potential bias, when he wrote that 'what one brings out of a field-study largely depends on what one brings to

it' (Evans-Pritchard 1976, 241). This is an important caveat to keep in mind with any ethnographic study, and his are no exceptions.

Two more fundamental connected critiques of Evans-Pritchard's work come from anthropologists Parker Shipton and Sharon Hutchinson. Parker Shipton critiques Evans-Pritchard's work on the Luo: 'Heavily influenced by structural-functionalism ... [they looked] for logical consistencies and continuities in culture and society, and not to place heavy emphasis on material concerns or constraints, long-distance contacts, or changes over time' (Shipton 2009, 87). In a similarly way, Hutchinson argues that Evans-Pritchard's work especially on the Nuer, focused excessively on order, unity and equilibrium and overlooks confusion and change, and additionally that he ignored the colonial context in which he worked (Hutchinson 1996, 28).

The second part of this critique is wholly justified. Evans-Pritchard's work was very much in the service of the colonial government: His first and most famous book, 'Witchcraft, Oracles and Magic Among the Azande,' was dedicated to Major Larken, 'District Commissioner in Zandeland 1911-1932, in admiration for his service to the Azande and in token of friendship.' And on the first page of that book he acknowledges that the cost of his 'expeditions' was mainly borne by 'the Government of the Anglo-Egyptian Sudan, at whose invitation they were carried out' (Evans-Pritchard 1972, vii). This colonial context is even more problematic for his work on the Nuer, which was commissioned by the colonial state which struggled to establish control and hoped to get inspiration from Evans-Pritchard's study.

Hutchinson's first critique of Evans-Pritchard's work – that he understated change and took an 'ahistorical approach' (Leonardi 2013, 6), deserves some nuance. His student, Conrad Reining, wrote that Evans-Pritchard had decided that they would 'Divide the study of the history of the Azande so that he will concentrate on the pre-European period and I upon the European period' (Reining 1966, xv). Evans-Pritchard's academic interest was thus in the pre-colonial time. He was conscious that things had changed since then, if only because his research took place largely in villages that had been newly created by the colonial state in response to sleeping sickness (see Sections 2.4 and 3.2). In his 'The Azande: History and Political Institutions' he writes: 'A description of Zande political institutions has to be to some extent a reconstruction, for though I found that, in general, social life had not, so far as could be ascertained, changed much' (Evans-Pritchard 1965, 102). Elsewhere, he seemed much less confident that changes had been limited and that historiography, especially of Zande 'ancient history' was still possible. He confided in the reader: 'Hundreds of thousands of people of different origins all jumbled up – the ethnologist in Africa may sometimes sigh for some neat little Polynesian or Melanesian island community!' (Evans-Pritchard 1961, 121). Yet whatever the scope of change affecting Zande society, it is clear that Evans-Pritchard sought to describe a 'traditional order' which he supposed existed prior to

colonial conquest, something that could be recorded and saved through ethnography (see Section 1.2).

The critiques of Evans-Pritchard's work, and his positionality as essentially a colonial anthropologist, are important to keep in mind when reading and appraising his work. Despite his omission to deal with the colonial context, his works on (precolonial) Zande history, politics and culture remain unrivaled. They must be treated as a source – with its limitations – but still of crucial insight to any study on these topics.

Oral histories are an essential source for any attempt at historiography in Sub-Sahara Africa that aligns more with insiders' views of history. In this chapter, I will refer to a number of oral history accounts by Avungara elders or chiefs (2014-9). Oral histories, however, also have their shortcomings: They are often weaker than written sources on chronology, and can be as tainted by politics (Vansina 1968). Oral histories can be susceptible to romanisation and selective remembering. In a way not dissimilar to for instance Shaka in South Africa, the pre-colonial Zande kings have been remembered differently according to time, place and person (Hamilton 1998). Further, these oral histories are told some 115 years after colonialism began in Yambio, and it is impossible 'to draw clear distinctions between the versions of the colonized and the colonizers' (Hamilton 1998, 5). Oral histories and the people who hold most authority in this realm, have also suffered the consequences of conflict and displacement. In Arua, Uganda, I spoke with a Western Equatorian about the history and tradition of his ethnic group, the Balanda.[3] Yet when I asked him about the pre-colonial history he apologized:

> I am sorry. I was born at a time where there was a lot of trouble ... We could just know these [limited] things ... I don't have my Balanda [anthropology] book here. There also really aren't any Balanda elders here [in Uganda]. If not for the trouble in our place I would ask you to find an elder in Yambio. One was killed recently, he had a rich memory. Another was my uncle, he also passed on. He was 95.[4]

This says a lot: Many of the elders who knew history well have died, and they, too, have sometimes read foreign anthropology books which informed their oral histories. Here, as elsewhere, the historiographic lines have been blurred (Hamilton 1998, 6). Today many Western Equatorian elders admit that they, too, are confused about history. Many were humble about what they knew, urging me to talk for the 'real' history to particular others whom they

3 Balanda are a minority ethnic group in Western Equatoria. Balanda in Western Equatoria in 2014-5 and in exile in Uganda often spoke Zande (the language), and the two groups intermarried and attended joint church services. Over the course of the South Sudanese Civil War, tensions increased between some Balanda and Zande, especially in Tambura. The tragic murder of former county commissioner Charles Babiro, an especially helpful respondent to this book, was interpreted by many in this light.

4 Interview with Western Equatorian church leader, Arua, 17 June 2017.

considered more senior in age or hierarchy. Still, when treated with caution, oral histories can be essential complements for the equally fallible secondary sources and colonial-era archival records.

2.2 The origin of the Avungara and the formation of 'the Zande' (1500s-1856)

The political history of the Zande is closely intertwined with that of its 'ruling clan' (sometimes called 'royal family' or 'aristocratic clan'): the Avungara. The provenance of the Avungara is subject to debate. Early colonial administrators suspected that they were originally a different 'tribe' or 'race', with a different language, 'a more refined type of face' and 'a general air of good breeding' (Larken 1926, 23) (see Section 3.1). In the histories written by Europeans, the Avungara were said to have conquered what are now the borderlands between South Sudan, the Central African Republic (CAR) and the Democratic Republic of Congo (DRC) between the sixteenth to mid-eighteenth century (Gray 1961; Larken 1930; S. D. S. D. Siemens 1990; Evans-Pritchard 1957b, 341). Then they were said to lead the migration of Zande people into contemporary Western Equatoria from today's Congo, by crossing the Uele river and the Nile-Congo divide. The provenance of the Avungara before that was often traced somewhere in the west, sometimes as far as Lake Chad. This was in line with wider ideas about the 'Bantu expansion' (see Section 3.1). Lagae and Van den Plas proposed that 'Avungara' was etymologically composed of 'a = plural; vo = to bind, to unite; ngara = strength, force – which means that the Avungara are 'those who seized power' or 'the binders of strength' (Baxter and Butt 1953, 54). In sum, the Avungara in European accounts, were a group that through conquest seized power over other groups.

Oral histories by Zande themselves, present various different views. They insist that the Avungara are the descendants of a single young man who grew up among the Zande and got the right to rule when he proved his strength and wisdom in a fight with a strong man. There are a few varieties of this story. I will present here two versions of the story, and then offer a preliminary analysis.

Version 1: narrated by Mr Wandu, an Avungara elder in Yambio[5]

One night a stranger visited the house of a Zande Chief. As customary, the visitor was offered some time to settle in and offered water by the daughter of the Chief. The stranger then told the daughter, who was not yet pregnant, that she would

5 This history was narrated to me by Tertisio Wandu, an elder in Yambio, in January 2015. It is noteworthy that it overlaps to a very considerable degree with an oral history on the same topic told by Augustino sou Mvuto, formerly a paramount chief in Tambura written up by a Leitch, a colonial official who worked in Yambio from 1948 to 1955 (Leitch, n.d.).

give birth to a baby boy the next day. The chiefs' daughter was shocked and walked out of the room to get her father. When they both returned, the stranger had disappeared. The next morning, the chiefs' daughter gave birth to a baby boy, who was brought up in the chiefs' household. He grew up to be a smart if small boy. One day there was a powerful man and a brute, Ngara, who would *rob* people on the road. The boy was travelling with the sons and daughters of the chief, and the brute attacked them. Ngara overpowered all the chiefs' children and took their belongings. But he failed to overpower the boy, who outwitted him, tied his hands, and then redistributed back the belongings to the chiefs' children. From then on, the boy was called 'Vo-ngara': from the Zande word 'vo' (to tie) and 'Ngara', the name of the brute. After defeating Ngara, the small boy redistributed the goods that he had stolen to their original owners. This practice was new and much welcomed, and so the people decided to ask this young boy's advice and guidance whenever disputes would arise. This is the origin of the Avungara.

Version 2: narrated by non-Avungara former politician and refugee in Kampala[6]
Ngara was a powerful man, famous because nobody could put his head down in a fight. There was no element of robbery and things like that, he was simply a well-known fighter. One day, they called for a wrestling match. Everyone could compete. Then one ordinary young man – who did not look strong – took him down in the fight. It was a mystery, a miracle to the people. It was like the story of David and Goliath in the Bible. So Ngara asked for a second round, and again the young man brought him down. Then he called for a rope and he tied Ngara just to seal the deal. And everybody was puzzled. They said, 'From today, this young man is our king, he has done something so great!' And that is how the clan of the Avungara started.

There are notable differences between these two oral histories. In the first account, the mystery stretches to the boy's birth, whereas in the second he is an 'ordinary young man'. In the first, Ngara is a brute and in the second just a powerful warrior. In the second account, it his prowess in fighting that made the boy stand out, in the first there was an additional element of fairness in redistributing the stolen goods. Yet, both versions argue that the Avungara-clan originates with a single young man who was recognized for his merit by 'the people'. Present-day oral histories also insist that prior to Avungara-rule, other clans, such as the Ambokio, Abokondo and Giti ruled over some Zande-speakers but that those rulers were poor and cruel administrators.[7] One Avungara elder told me that the other clans had resolved disputes unfairly – punishing both sides of any dispute – and that the young man gained respect by ruling in favour of one of the disputing parties.[8]

6 Interview with former state minister, Kampala, 13 June 2017.
7 Interviews with: 87-year-old elder, Makpandu, 2015; senior Avungara clan member, Yambio, 16 February 2015; paramount chief, Yambio, 8 April 2015; and Western Equatoria community chairperson, refugee settlement in Uganda, 5 August 2017.
8 Interview with Gangura Isaya, Arua, 9 August 2017.

The oral histories present a much more agentive view of authority and leadership – as based on the consent of the governed – whereas the European accounts emphasize an 'incoming invader'-narrative focusing on ethnic or racial difference. This is in line with historiography on other parts of Africa, where colonial authorities sought 'to naturalise and justify colonial presence ... [and] to deny local agency, initiative or leadership potential' (M. Hall 1984; Ashley, Antonites, and Fredriksen 2016, 420). The oral histories, one might add, might be motivated by the opposite desire to emphasize local agency and leadership potential, and to glorify the remembered past – making it a source of inspiration for the present and future.

Whether through conquest or enlightened rule, the Avungara came to rule over countless smaller 'confused and conflicting groups' – among whom Zande-speakers and Bantu-speaking people (Gray 1961, 14). A British district commissioner later wrote that the Avungara would maintain 'Roman-style rule', incorporating elders in leadership positions and youth in their armies (Larken 1926). According to Evans-Pritchard, this rule was based on a social contract of sorts, in which 'subject people' kept 'the peace, and a payment of tribute in labour and in kind,' and the Avungara would provide security and give gifts of food and spears (which were used as brideprice) (Evans-Pritchard 1971, 33).

Ruling as they did over diverse groups of people, the Avungara appointed non-Avungara to '[administer] and bring about the assimilation of foreign peoples (*zoga auro)* or, as they often put it, of pacifying them (*zelesi yo*)' (Evans-Pritchard 1960a, 25). Over time, the various groups united under Avungara rule amalgamated into the Zande group, which later became regarded (and self-identify) as an ethnic group itself (Evans-Pritchard 1957b; R. O. Collins 1983; Lloyd 1978; Øystein H. Rolandsen and Daly 2016). In this way, the history of the Zande group is reminiscent of that of the Luo about whom Shipton writes, 'To ask how Luo people got where they are on the map is also to ask how other people there became Luo' (Shipton 2009, 60). To this day, though, some Zande people still differentiate between 'pure Zande' and others.

Evans-Pritchard suggests that the authority of the kings may have been relatively weak, and only increased over the century or so before European 'penetration' of the area (Evans-Pritchard 1957b, 337). In the historical memory of many Western Equatorians today, however, the pre-colonial kings held near absolute power. Certain is that the Avungara kings and princes would rule over courts, hear disputes, and compete with other Avungara rulers for authority and territory. Many towns in the region are named after these rulers: Ezo, Tambura, Yambio, Ndoruma, Gangura. It is hard to ascertain now to what extent the kings lived in peace or fought 'dynastic rivalries' prior to the arrival or Arabs and Europeans (as is suggested by Evans-Pritchard and Gray). But both oral histories and the European sources indicate that it may be more accurate to speak of a patchwork of polities speaking Zande, ruled by Avungara rulers, than of a singular kingdom (Ivanov 2002; Poggo 1992).

2.3 A TALE OF TWO KINGS AND THE ARRIVAL OF IMPERIAL POWERS (1856-1905)

For a long time, Western Equatoria's geography had shielded it from the ivory and slave traders, and from the Turco-Egyptian,[9] Belgian, French and British imperial powers. This changed with the 'opening up' of the Bahr-el-Ghazal river in 1855-56, and the establishment of the first *zara'ib* (fortified trading station, singular *zariba*) (Gray 1961, 59) – most notably Deim Zubeir. By most accounts, the Avungara elites initially managed to engage the foreigners on an equal and pragmatic footing (Gray 1961, 62). Many rulers engaged in profitable trade: offering grain, ivory, slaves,[10] and military support in return for firearms, cloth, copper, and beads. King Bazingbi (father of Gbudwe) even married one of his daughters to a northern Sudanese (Evans-Pritchard 1957a; Poggo 1992).

The Avungara rulers quickly appreciated that the foreigners could be of help in domestic politics. For instance, in 1881 King Ndoruma enlisted the military support of Turco-Egyptian soldiers in a battle against King Gbudwe (Poggo 1992, 49).[11] Over the course of the 1870s and 1880s, however, the relations between the Zande rulers and the foreigners with their *zara'ib* became less equal and cordial, as trade made way for raiding and pillage (Leonardi 2013, 36–37; Wassara 2015, 57). Around the turn of the 19th century, Belgian, French and British colonial powers each sought to establish control over the Zande areas – defeating or co-opting Avungara rulers in the process (Poggo 1992). How the various Zande kings fared in this turbulent time, is perhaps best illustrated by the two kings that are most famous today: King Gbudwe and King Tambura.

King Gbudwe (or 'Gbudue,' later named 'Yambio' or 'Mbio'), remains the most famous of the Avungara rulers of the Zande. He was born in Ezo around 1835 as the youngest son of King Bazingbi. His elder brothers were given territories to rule, but Gbudwe remained in his father's court.[12] After King Bazingbi's death, Gbudwe traveled to an area then called Berekewe (now Yambio) where he ruled from around 1865 to 1905 (Evans-Pritchard 1957a; Kujok 2015). Evans-Pritchard spoke some 22 years after Gbudwe's death with people who had lived under his reign, and concluded that 'Gbudwe was the Zande ideal of what a king should be and his name epitomizes to them all that they are proud of in their past and all that they have lost by European

9 In South Sudan, the term 'Arab' is used quite widely to refer to northern Sudanese and Egyptians. Whether those people self-identified as 'Arab' is beyond the scope of this book.

10 Wassara estimates that some 80,000 slaves were taken from Bahr al-Ghazal alone (Wassara 2015, 57).

11 Later, Anglo-Egyptian Condominium officials promised Ndoruma that in return for his cooperation, they would grant him 'non-interference with his own system of government on the condition that it was efficient and to the satisfaction of Government and that he and his people should give the Government their unqualified loyal support' (Badal 1977).

12 Interview with paramount chief, Yambio, 8 April 2015.

conquest: their independence and the stability of their political and domestic institutions-all that they look back to with pride, longing, and regret' (Evans-Pritchard 1957a, 65).

Gbudwe has gone into history as being 'hostile to any foreign intruders' (Poggo 1992, 53) or even 'xenophobic' (Øystein H. Rolandsen and Daly 2016, 40). However, for a long time the King also maintained diplomatic correspondence with colonial government: First with Emin Pasha, then governor of Equatoria Province (Ivanov 2021), and later with the Governor-General himself (Wingate 1902b). Gbudwe's hostility was likely fomented by his imprisonment at least once by Turco-Egyptian forces at Deim Zubeir, the zariba which later became the capital of Bahr El Ghazal.[13] During his reign, Gbudwe demonstrated military prowess in battles with Dinka, Moru, Turco-Egyptians, Mahdists, Belgians and British. Some go so far as to claim that King Gbudwe gave Juba its original name (*Zungbe)*.[14] He also fought wars with the neighbouring Zande kingdoms, notably that of Tambura and his brother Ndoruma. However, Gbudwe's wars were to weaken his kingdom in the long run. In February 1904, one of Gbudwe's sons, Rikita, clashed with an Anglo-Egyptian patrol under Captain Wood. The same year, in late 1904, Gbudwe fought an ambitious but ultimately disastrous campaign against the encamped Belgians at Mayawa in today's DR Congo.[15] In response, the Ango-Egyptians took decisive action in February 1905. The Governor-General wrote:

> Another and stronger patrol under the command of [Governor of Bahr El Ghazal] Major Boulnois has now been sent into the Nyam-Nyam [Zande] country to assert the authority of the Government, and to reassure those who are well disposed. Major Boulnois has been instructed to do all in his power to secure the allegiance of this fine tribe of savages, without a recourse to force.*

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13 According to paramount chief Peni, Gbudwe was captured 'And taken to Deim Zubeir, with two children. Where he spent two years in prison. When he was in prison, one of his sons also died in prison. After two years, he was convinced to come and talk to the people so that they be loyal to the British regime and the Arabis.' Interview with paramount chief, Yambio, 8 April 2015. The paramount chief – like many contemporary speakers – conflates British, 'Arabis', and the Turco-Egyptians. But broadly, his account seems to be confirmed by another source, which writes that Turco-Egyptian forces imprisoned Gbudwe in 1882 in Deim Zubeir until 1884 (Kujok 2015). Deim Zubeir became Deim Suleiman in 1876, and was ruled by Romolo Gessi from 1879.

14 One key respondent made this claim, saying that King Gbudwe and his army were traveling east and reached the Nile River. There Gbudwe allegedly ordered his people to cut trees to try and cross the river, but they failed. So the king sat down and said '*Zungbe*'. My respondent explained: '*Zungbe* means you have done everything but you are tired, and you cannot go ahead.' Interview with Western Equatoria community chairperson, refugee settlement in Uganda, 5 August 2017.

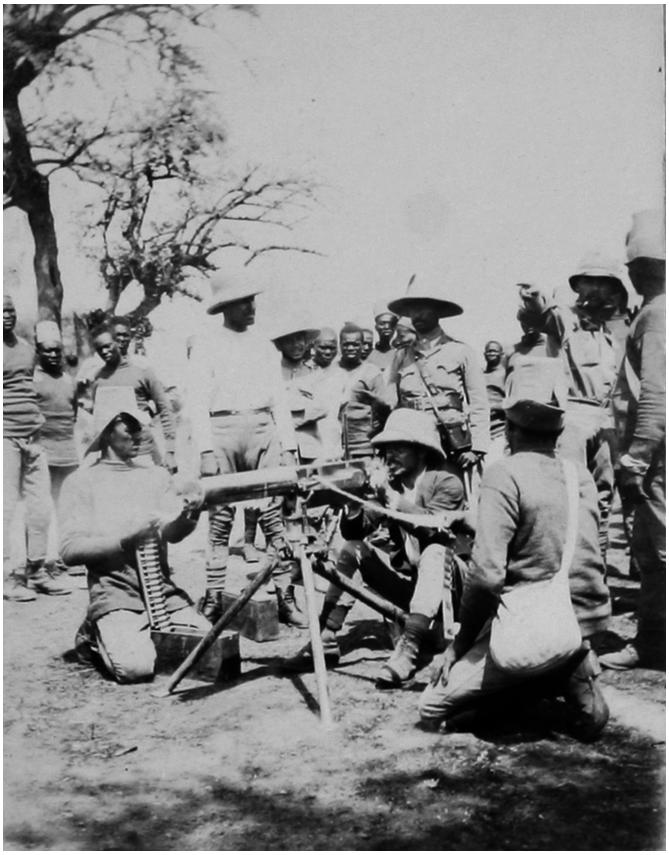
15 Interview with paramount chief, Yambio, 8 April 2015. The dates are unclear. Wassara writes about August 1904 (Wassara 2015, 60), Evans-Pritchard about December 1904 (Evans-Pritchard 1960a, 17).

During this effort to bring the Zande, 'this fine tribe of savages', into the fold, Gbudwe died. The asterisk is explained at the bottom of the page: 'Information has now (March 15) been received which shows that Major Boulnois has been completely successful in attaining the objects of his mission. A trifling engagement took place, in which Yambio [Gbudwe] was mortally wounded' (Baring 1905, 8).[16] What a way to characterize the death of a king, the end of an era, and a monumental rupture in Zande history. The death was later reported as having occurred on 10 February 1905.

Figure 1: Colour Sergeant F. R. Boardman (Egyptian Army, Liverpool Regiment), pictured between 1900 and 1904 during a patrol against the Zande (the 'Nyam Nyam patrol'). Source: the F.R. Boardman collection, Sudan Archive Durham (SAD.A98/1). Reproduced by permission of Durham University Library and Collections.

16 One source narrates how the force 'comprised of 4 companies of the Tenth Sudanese Battalion with a detachment of artillery' (Kujok 2015). A more elaborate report of the campaign against Gbudwe is offered by Governor-General Wingate (Wingate 1905, 5).

Figure 2: Captain P. R. Wood pictured around 1900 with Maxim Battery and gun during the 'Niam Niam patrol'. Wood led a 'strong patrol' from Tonj to Gbudwe from 27 January 1904 which was met with a 'treacherous and hostile reception' (Gleichen 1904, 278). Source: the F.R. Boardman collection, Sudan Archive Durham (SAD.A98/15). Reproduced by permission of the Durham University Library and Collections.



How Gbudwe died remains disputed. Foreign academics insist he was either killed in battle during the above-mentioned British 'patrol' (Evans-Pritchard 1960a; RO Collins 1971; Warburg 1971; Simner 2017) of 'gunshot wounds' (Badal 1977) or 'of wounds suffered while reportedly trying to flee' (Øystein H. Rolandsen and Daly 2016, 40). Paramount Chief Peni acknowledged that Gbudwe was shot during the patrol, but stresses that Gbudwe foresaw his death, and instructed his children not to fight. He awaited the British and the accompanying Zande, sitting alone on an anthill by the riverside:

> So, when [the soldiers and officers] reached, he opened fire on them. And six people died. Then one of the soldiers shot his right hand. And the pistol fell down ... From

> there, he was taken to Yambio, to his residence, for treatment. So maybe because of what happened, because of how he suffered in prison. He did not feel like going back to prison again. Some people said he refused to take the medication. As a result, King Gbudwe died. So that is how he died.[17]

When I discussed the death of Gbudwe with Zande refugees in Uganda, they, too, told me that they heard that Gbudwe was wounded and captured but not killed during the British attack. In one version the king asked one of his sons or guards to kill him because he refused to live under the British or go back to prison.[18] Whereas the British accounts emphasize that Gbudwe was killed in combat, in the Zande accounts the king knew what was coming, according to some sources because an oracle had foretold his death (Kujok 2015). The king then chose death over subjugation, much in line with his contemporary reputation as a symbol of resistance to foreign rule. His reputation extends beyond the Zande areas: One scholar describes him as 'a colossus figure in South Sudan's history'[19] and John Garang, the leader of the Sudan's Peoples Liberation Movement/Army (SPLM/A), named a battalion after Gbudwe 'to invoke the fighting spirit of the king' (Kujok 2015). In unambiguously contemporary terms, one Zande refugee leader in Uganda told me, '[Gbudwe] started this rebellion movement, right from Central Africa.'[20]

King Tambura found himself in slightly different conditions, and charted the risks and opportunities posed by the foreigners differently. Like Gbudwe, Tambura was captured by Turco-Egyptian troops and imprisoned at Deim Zubeir, probably in the 1970s. Upon his release, Tambura fought on the side of the Turco-Egyptian army. One historian argues that the army installed him in the territory that his father, Liwa, had ruled (Poggo 1992, 89), whereas another holds that Tambura joined the army, and 'Proved to be a brilliant soldier and quickly progressed within the ranks to an officer position' (Kujok 2015). In either case, after captivity he returned to become a powerful King, who built close ties to the colonial government.

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17 Interview with paramount chief, Yambio, 8 April 2015.

18 Interview with Western Equatoria community chairperson, refugee settlement in Uganda, 5 August 2017. Another version was given in a FGD with former combatants from Western Equatoria. A 23-year-old former Arrow Boy narrated how, 'The first time the Arabs captured [Gbudwe], they shaved his hair. The second time they captured him, they circumcised him. The third time they were about to capture him he thought they would surely kill him. So he asked his son to put a weapon in the fire, and then push it in his anus to kill him.' FGD, Bweyale, 6 August 2017.

19 He continues: 'King Gbudwe's achievements were unprecedented for an African traditional leader, and they earned him a place in history as one of the most influential African figures of the nineteenth century' (Kujok 2015).

20 Interview with Western Equatoria community chairperson, refugee settlement in Uganda, 5 August 2017.

When I spoke in 2015 with the paramount chief of Tambura about his illustrious great-grandfather, he insisted that Tambura had resisted colonial occupation, 'The colonists faced severe resistance here, so they used the missionaries to calm King Tambura.'[21] This oral history is at this point at odds with other oral histories from Yambio, and with the available archival sources on the matter. They suggest rather that King Tambura sought friendly contact with the colonial government, and in return received gifts of silk clothing, and even a big drum inscribed with 'A present from Sir Reginald Wingate Pasha, Sirdar of the Egyptian Army and Governor-General of the Sudan, to Sultan Tembura in the Nyam Nyam country' (Wingate 1902c). Badal writes plainly that:

> Tombura *voluntarily* sought accommodation with the British right from the start by agreeing to place himself and all his resources at the disposal of the Government ... These included his army estimated at 1,000 rifles of all sorts and some 3,000 bow and spearmen. He also made gifts to the Sudan Government of eighty tusks of ivory valued at well over £ 1200, undertook the construction of a garrison at the site of a former French post, and promised to open trade relations with Khartoum' (italics are mine) (Badal 1977).

The extent to which the King's cooperation was 'voluntary,' is a matter of dispute. It was clear that resistance would be met with violence. As the Governor-General wrote to King Tambura in 1902: 'I advise you to avoid all disturbances which result in destruction only, and wish you every happiness and prosperity under the shadow of my just Government' (Wingate 1902a). It appears that having assessed the power of the foreigners, Tambura sought to avoid a military confrontation with them and instead to benefit from their presence. A Zande student from Tambura told me how an elder from his area had told him about Tambura's reception of the colonial powers:

> When the British colonizer came, they came through Tambura. [He] accepted because he had no choice. He had seen the machines they had. They showed him. He sent his *bazire* (messenger) to Gbudwe. Instead of Gbudwe replying accepting, he cut the ears of the messenger and told him not to come back. When the messenger returned to Tambura, he said 'I have no problem now with the colonizers attacking Yambio.'[22]

The colonial files and secondary sources confirm that Tambura sent an emissary to warn Gbudwe, and that the latter had him mutilated (Wassara 2015, 61). The Governor of Bahr-el-Ghazal Province reported that in June 1904, a colonial force under Captain Bethell visited 'Sultan Tambura, the friendly Niam-Niam chief ... with a view to making arrangements for a future effort

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21 Interview with paramount chief, Tambura, 21 March 2015.

22 Interview with 22-year-old male student from Tambura, Kampala, 17 March 2017.

to deal with Yambio ... Tambura was re-assured and promised his support in the Government undertaking' (Boulnois 1905, 2). The paramount chief of Yambio – a great-grandchild of Gbudwe – told me the history as follows:

> The princes or kings who were around [Gbudwe], were already deceived by the whites. By the time King Gbudwe was killed, Tambura had already 1,000 guns which were given to him ... The British started coming from Tambura. And [you go through] the history, the British were accompanied by some Zande.[23]

This is a crucial point: This paramount chief as well as the academic sources on the matter suggest that by 1905, the colonial powers had divided the Zande rulers to the extent that Zande soldiers were involved in the final overthrow of Gbudwe. These accounts suggest that Tambura chose a route of cooperation and diplomacy with the colonial government, partly because he gathered military resistance was futile. This is probably best understood in the context of the rivalry with his fellow Avungara rulers, and the pressure from non-Zande subjects within his kingdom. In the analysis of Poggo, 'Peaceful submission to the Anglo-Egyptian government was therefore the only alternative left to him' (Poggo 1992, 7).

These two Avungara kings, Gbudwe and Tambura, were relatives, but they steered the turbulent waters of the late 19th century very differently.[24] One opted for military resistance, the other for tactical engagement. One died in combat or shortly thereafter, the other became a paramount chief or 'sultan' in the new colonial administration (Daly 2004, 140). One has become a symbol of resistance, the other less so. The dilemmas and histories of Gbudwe and Tambura foreshadowed how throughout the 20th and 21th century, Western Equatorian leaders were often confronted with powerful outside forces, vis-à-vis they positioned themselves differently. Sometimes cooperating, sometimes resisting, but often running the risk a violent death or losing the support of 'their people'.

2.4 Anglo-Egyptian colonization and the position of chiefs (1905-1955)

The death of Gbudwe is used both in contemporary oral history accounts and in secondary sources about the Zande people as a turning point, a moment of rupture that symbolizes the end of Zande sovereignty and the beginning of colonial era (Warburg 1971; Wassara 2015, 62). Based on fieldwork in 1926-30, Evans-Pritchard wrote that for the Zande 'before and after Gbudwe's death

23 Interview with paramount chief, Yambio, 8 April 2015.

24 Today Gbudwe and Tambura are often said to have been 'brothers.' From Evans-Pritchards' kinship chart it appears that in English terms they were second cousins (their grandfathers were brothers) (Evans-Pritchard 1957a, 62).

is not to them just a difference in time before and after an event. It is a deep moral cleavage' (Evans-Pritchard 1957a). In 2017, many Zande still speak of 'those days' and associate it with an order of culture and identity that is seen to have been lost through colonization, wars and displacement (including the present day).

Yet the transition from 'Zande sovereignty' to 'colonial control' was not as clear-cut. Historical records and oral history accounts indicate that Zande resistance to colonial administration continued after the death of Gbudwe. In 1914, colonial intelligence reported that four sons of Gbudwe were plotting to overthrow the British colonial administration in Yambio. They were arrested and imprisoned in Wau, and later Omdurman.[25] And in 1916, Zande ruler Bangazagene (son of Mopoi) captured a French outpost in Mopoi, French Equatorial Africa. Eventually a joint force of British, Belgians and French troops cooperated to recapture the outpost. Banzagene was either killed or escaped.[26] Some authors argue that many Zande 'believed as late as 1918 that the Sudan government was not permanent and would disappear like the Turks and the French' (R. O. Collins 1983). Colonial forces had defeated the Zande rulers militarily, but their control over Western Equatoria remained weak for some time.

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25 Paramount Chief Wilson Peni told us how, 'In 1927, the Prince [sons] of King Gbudwe decide to attack the British again. So before the final arrangement was done, some princes were arrested and taken to Khartoum. Among the princes were Prince Mange and also Prince Mange died in prison in Khartoum.' Interview with paramount chief, Yambio, 8 April 2015. This event comes up – albeit dated in 1914 – in various colonial sources in the Sudan Archives of Durham University. The precise story is hard to reconstruct, but almost certainly Prince Mange (Mangi) was involved, together with at least two other chiefs. In Leitch' documents, there is a summary of the proceedings against 'Sultan Basungada, Sultan Gungora, and Shaykh Mopoi of the Avungara tribe for their involvement in the Azande uprising.' (SAD.315/6/20-21). There are also letters from R. G. C. Brock, Inspector of Maridi District to R. M. Feilden, the governor of Bahr el-Ghazal, 'concerning unrest amongst the Azande and ... plans to drive the government out of Yambio' (1914). One chief died in prison in Wau, the other three chiefs were found guilty and sentenced to ten years imprisonment by a Mudir's court. This sentence that was later suspended by Governor-General Reginald Wingate, who instead fired the three chiefs and exiled them to Khartoum. T. A. T. Leitch, Letters from colonial officials R. G. C. Brock, R. M. Feilden, and W. R. G. Bond pertaining 'unrest among the Azande'. Durham University Library, Archives and Special Collections. Reference code: GB-0033-SAD.315/6/1-30, 1914 January 21 and November 30. More information at: http://reed.dur.ac.uk/xtf/view?docId=ark/32150_s13t945q83c.xml. See also (Kujok 2015).

26 In February 1916, Zande sultan Bangazagene (also Ngbangazegino) captured a French outpost in Mopoi, French Equatorial Africa. Sultan Bangazagene (son of Mopoi) reportedly 'refused to surrender unless permitted to settle in the Bahr-el-Ghazal' (which at that time included what is today Western Equatoria). Poggo writes that 'This time the threat he posed drew the forces of the French, Belgians and the British into alliance in order to challenge him. He was subsequently captured and killed as he tried to flee.' (based on Gain and Duignan, The Rulers of Belgian Africa, 114). Newspaper clippings suggest, however, that Bangazagene was not killed but in fact escaped (*Unknown Newspaper* 1916). See also Ivanov, 2002: 193.

Zande today often stress two colonial strategies that undermined their resistance: border-drawing and missionary activity. Three colonial powers – the Anglo-Egyptian Condominium, France and 'Congo Free State' – met in this area in the late 19th century, and drew most of the borders that remain in place today.[27] Although colonial competition seems to explain the location of those borders, many Zande today are not convinced. They argue instead that the borders were drawn deliberately to divide and weaken the once powerful Zande. In the words of one elder in Makpandu, 'When the British colony came in, they saw that these people were not easy to handle or convince. So they had to divide them into three countries in order to handle them properly.'[28]

Rather than military defeat, some elders today argue that it was the spiritual conversion of some Avungara princes by the missionaries that was instrumental to their surrender. In this regard, the settlement of Comboni missionaries at Prince Mupoi's court in 1912-4 is often cited (Agostoni 1996).[29] A great-grandson of Gbudwe emphasized the change this affected, by pointing to my own presence as a white foreigner: 'History records that the relation between the Azande and the people who colonized Sudan were not good. We could not sit side by side then like we are sitting now. But then the missionaries came.'[30] The missionaries preached Christianity and peace, and in the words of a Zande elder in Kampala, '[tried] to tame the community. And that is how now the Azande received Christianity so much ... they left all the battles of those days and basically from there until now there has been no Kingdom.'[31] In this account, there is a direct link between Christianity, the ban on warfare and the end of the Zande kingdom(s).

In most of South Sudan, colonial authorities did not find readily-available chieftaincy structures to rule through 'indirectly.' Leonardi writes that, 'These were among the most famous 'stateless societies' of early political anthropology; the notion of a single chiefly authority was inherently at odds with political tradition here' (Leonardi 2013, 4). She is likely referring here to the pastoral 'acephalous' societies which constituted the majority of the southern Sudan (Dinka, Nuer, Murle, Mundari, Toposa, etc)' (D. H. Johnson 2003, 12). Evans-Pritchard's ethnography on the Nuer described the political structure of such 'segmentary' societies (Evans-Pritchard 1940). Other parts of Southern Sudan, however, were exceptions to this general rule: Notably

27 The most significant border-drawing exercise took place at the Berlin Conference in 1884-5. But the borders especially between Sudan, 'Congo Free State' and Uganda kept shifting until the death of King Leopold II and the end of the Lado Enclave in 1910.

28 Interview with 87-year-old Zande elder, Makpandu, March 2015. Interview with Charles Bangbe, Kiryandongo RS, 4 August 2017.

29 Interview with Western Equatoria community chairperson, refugee settlement in Uganda, 5 August 2017.

30 Interview with Gangura Isaya, Arua, 9 August 2017.

31 Interview with elder, Kampala, 13 June 2017.

the kingdoms of the Shilluk, Anuak and Zande (D. H. Johnson 2003, 12). Here, the colonial state first had to defeat the pre-colonial rulers militarily, before installing a skeletal civil administration.[32] The assertion that 'different Zande kings became government chiefs after the British model, with Gbudue's powers limited, despite being the last to be called king' (Schomerus and Rigterink 2016, 15) is true for Tambura, but false for Gbudwe – who was, after all, killed by the British.

A common assertion in the scholarship on chieftaincy under British colonial administration in Africa, is that chiefs were typically left, 'to carry on local government with relatively little interference' (Ubink 2008, 8). This, indeed, was the practice and rhetoric in the Zande areas of South Sudan in the first years after Gbudwe's defeat. The district commissioner of Tambura District, for instance, wrote in 1910 that it was government policy 'to support the sultans and chiefs in their dealings with their own subjects – allowing them to administer according to their tribal custom as far as possible' (RO Collins 2005). Evans-Pritchard writes that 'no effective [colonial] administration was established in Gbudwe's kingdom – though a military administration of a kind dated from 1905 – till about 1920' (Evans-Pritchard 1971, xi).

Gradually the governing ambitions of the colonial administration increased, and so did its influence on the chiefs. The Avungara rulers were no longer *abakindo* (kings), but *salatin* (chiefs), made subordinate to the colonial administrators. Becoming a 'traditional authority' now depended on the state, more than on blood relations and succession wars. The colonial administration side-lined powerful Zande rulers, or replaced them with weak but loyal ones (Warburg 1971). Chiefs' dependence on the state is likely to have meant a decline in their authority (Robert Collins and Herzog 1961; D. H. Johnson 1991, 1990). The two British district commissioners who were stationed in Yambio between 1914 and 1951 relied on the chiefs to some extent, but simultaneously distrusted the Avungara royal clan – and wanted to keep them sufficiently weak. As one colonial official described it,

> There lurked a suspicion in the minds of the [colonial] authorities that any drastic handling of the Azande might lead to revolt, and that the chiefs restored to power might foster any tendency in that direction (Maurice 1937).

As a result, the chiefs grew weaker and more insecure. In 1925, two decades after the defeat of Gbudwe, the British district-commissioner of Tambura wrote that:

32 Just how small this administration and the colonial investments in Southern Sudan were, is summarized by Badal: 'Until 1949, the Southern Sudan had no secondary school [and] in an area only slightly less than the size of Kenya there were, by 1934 only 42 British political officers and 18 senior technicians' (Badal 1977).

> The chiefs appeared to have retired into their shells and to have lost interest in public affairs ... The Avongara are the only section who have nothing to gain and everything to lose by our occupation ... Decentralisation seems to be called for, but the prestige and power of the chiefs had so suffered from their being, in practice, misused or ignored by the direct action of so many minor officials of differing nationalities and ideals that one was faced with a pathetic lack of suitable material for the reconstruction of the edifice of (dependent) native rule. (Philipps, 1925, pp. 4, 5, 10 in Johnson, 194)

The insecurity of chiefs, centred in important part on their relation to government and the extent to which it would condone their role in the administration of justice. The district commissioner of Tambura describes how:

> Most of the chiefs, especially Avongara well-stricken in years, had suffered in property, pride of prejudice, and no definite set of government rules were known to them to enable them to feel sure of legal validity (since our breaking down their own code) or our approval, of their judgements under the new conditions. People spoke openly of 'Government judgements' and 'Zande judgements' – in cases where native law alone was involved – as if the two were necessarily incompatible and the former as incomprehensible as the Trinity. In these circumstances the senior chiefs were in many cases refusing to settle cases, and the people were frequently reduced to hawking their legal grievances from one petty chief to another (Philipps 1925, 7).

The result of the refusal or inability of (senior) Zande chiefs to resolve disputes, meant that many people sought help wherever they could find it. According to district commissioner Philipps, European and Sudanese military, medical and political personnel of the colonial government were 'besieged' by disputants looking for justice:

> Any official showing the slightest patience, interest or sympathy, was inundated by requests for legal pronouncements. Medical officers on tour, European N.C.O.[33] passing through, and casual Sudanese Officers, all produced the most astonishing and variegated sets of judgements and sentences, coloured by Syrian, British barrack-room, or Omdurman conceptions of Zande law. TRUTH, alas, was often coy and, dissimulated by an alien tongue, seldom emerged from her WELL for their benefit (Philipps 1925, 8).

All this, in the commissioner's words, made it difficult 'to get on with more productive labour, or the proper work of a Commissioner' (Philipps 1925, 9). In part to save time, and in part to counter what colonial administrators at the time termed 'detribalization,' the colonial government sought to again bolster the position and role of traditional authorities, and to strengthen 'tribal

33 Non-commissioned officer, an army rank.

discipline.' It took various steps to do so. The district administrator noted with concern that 'ex-servicemen behaved as if they were no longer bound by native custom,' and adopted a strategy 'Whereby the discharged soldier, on reporting his arrival to the District Commissioner was immediately sent off with a chief's policeman to the chief concerned for his acceptance or rejection of the newcomer, which made it quite clear that detribalisation was not looked on with favour' (Badal 1977).

The colonial government started to establish Chiefs' Courts in Bahr el Ghazal from 1922. Their purpose was 'to teach the Chiefs and the people that the former are responsible for their country and that the latter must look to their Chiefs in the first instance' (Badal 1977, 104). The Chiefs' Court Ordinance (1931) further expanded the powers of the Chiefs' Courts and the Hut and Poll Tax Order (1938) gave them a role in taxation. The Chiefs also 'began to receive salaries ... while sub-chiefs and headmen were entitled to a percentage of the taxes they collected' (Leonardi 2013, 70).[34] Chiefs or elders were 'empowered to try minor cases. Provincial governors and district commissioners continued to serve as judges in major criminal cases' (Massoud 2013, 71) and could be appealed to. Different sources debate the success of these Chiefs' Courts, and their legitimacy and effectiveness in the eyes of the state and the population. Badal argues that the 'Native Courts' in the Zande area 'grew from strength to strength.' He cites the trial of Chief Renzi in Tambura's Chiefs' Court in 1937, 'without partiality or favor' which was upheld on review by the district commissioner (Badal 1977, 105). The chief court system, with minor changes, has remained a constant in the century since, and a cornerstone of chiefs' contemporary legitimacy. Together with other colonial policies to combat 'detribalization' they are also likely to have contributed to a renewed homogenization of the Zande identity.

Western Equatorian chiefs were ambivalently affected by their closer involvement in colonial rule. The colonial administration intended to increase Chiefly authority, but had simultaneously undermined their popularity by coercing the chiefs to implement the unpopular resettlement orders in the 1920s and 1940s (see Section 3.2). The colonial state and chiefs had a shared interest in more controlled, orderly and sedentary 'subjects'. When non-Avungara organized in 'secret societies', for instance, the chiefs were quick to report these gatherings to the District Commissioner as foreign, subversive and indecent (D. H. Johnson 1991). Whereas prior to colonisation people had likely been free to move away from bad rulers, such mobility was curtailed (see Section 3.2). Unsurprisingly, when Conrad Reining conducted research in Western Equatoria in 1952-5, he found that chiefs' close connection to the colonial

34 As this salary was linked to the number of tax payers under a chief, the introduction of salaries 'created incentives for both DCs and chiefs to reduce the number and enlarge the size of chiefships' (Leonardi 2013, 114).

government had made them unpopular and that their authority had declined (Reining 1982, 221).

The colonial era had also brought the advance of a small non-chiefly elite through the introduction of wage labour, mission education, military service and labour migration (Leonardi 2013, 126; D. Johnson 2016). Some of these urban-based literate elites 'expressed a certain disdain for the politics of chiefship and for chiefs' courts, depicting themselves as above such matters' (Leonardi 2013, 162). The dichotomy between chiefs and other elites ought not to be overstated – there was and remains some overlap and considerable connections between the two. Still, just prior to Sudanese independence in 1956 this friction was to escalate violently:

> In 1955, the 'trouble' started in the recently developed small textile production town of Nzara in the Zande Scheme of western Equatoria, following the chiefs' unpopular expression of support for the government, and the subsequent arrest of MP Elia Kuze and the four chiefs who had refused to sign the pro-government document. A protest by textile workers against mass redundancies at the Nzara factory in late July 1955 was met with military force and six people were shot dead. (Leonardi 2013, 136)

This incident is often cited together with the Torit Mutiny as the beginning of the First Sudanese Civil War.[35] It illustrates among other things how chiefs often navigate the treacherous political space between various powers and loyalties, and that individual chiefs chart that space differently – not unlike King Gbudwe and Tambura (see Section 2.3). It also illustrates how the (South) Sudanese civil wars from the very outset involved friction and rivalry within ethnic and regional groups, as much as between them. The Anglo-Egyptian colonialization of Sudan ended in 1956, some 50 influential years after the defeat of Gbudwe.

2.5 The Sudanese period: Civil wars (1956-2011)

The historiography of the five 'Sudanese' decades were dominated by two long Sudanese Civil Wars (1955/1963-1972 and 1983-2004/5).[36] Even during Khartoum's more democratic periods, 'southern Sudan ... remained a security state and war zone ... giving it the legacy of violence that continues to plague the nation' (Massoud 2013, 15). The wars meant that large parts of Sudan were unaccessible to academic researchers. Anthropologist Siemens, for example, wrote how his research in Yambio took place during the last two years of 'the

35 For a more detailed account of the politics around independence, and the incident involving colonial administrators, Elia Kuze and the Zande chiefs, refer to (Ruay 1994).

36 The precise periodization of the civil wars varies slightly between authors. Leonardi writes 1963-1972 and 1983-2004 (Leonardi 2013, 144).

few years (1973-1985) available for research between conflicts' (S.D.S.D. Siemens 1990, 210). Like Siemens, many scholars in the subsequent decades had find ways to work around or during periods of war (see Section 1.2.3).

In other African societies, independence was typically followed by a push by new elites to modernize or in some instances eradicate chieftaincy as reckoning for their collaboration with the colonial administration, or in a bid to do away with sub-national identities like ethnicity and to forge national identities (Allott 1980). In southern Sudan the situation was different. Many southern Sudanese continued to feel colonized. Rule moved from London to Khartoum, but the rulers offered little hope to the governed in southern Sudan that they would be regarded as full and equal citizens, and Southerners were discriminated against for their ethnic and religious identity. In the words of one of my key respondent James:

> When Gbudwe ended, the British together with the Egyptians came and ruled for some time ... And the British left this colonialism to the Egyptians, or the Arabs. Until when we last got our independence as South Sudanese from the Arabs.[37]

The 'Arabs', here, refers to the northern Sudanese. This is, of course, a crude summary of a complicated history. Yet it does illustrate well the sense of continued colonisation that many of my interlocutors spoke of.

The root causes and dynamics of the wars have been described in more detail elsewhere (D.H. Johnson 2003; De Waal 2019b), as has the position of chiefs at this time (Leonardi 2013). In brief: The Sudanese state focused its resources on the centre, at the expense of peace and prosperity in the 'peripheries', and periodically it favoured 'Arabs' and Muslims over others. One influential such example, is President Numeiri's proclamation of country-side sharia law with the 'September laws' in 1983. This was one of the causes of the Second Sudanese Civil War (1983-2005), and so self-determination and cultural and religious autonomy were at the root of resistance and the visions for independence (F.M. Deng 2011).

During the First Sudanese Civil War, battle lines were drawn between areas controlled by the Sudanese government and the Anyanya-rebels. In Western Equatoria the 1960s saw intense fighting and the occupation by the Sudanese government of Rimenze, Nzara, Ezo and Tambura, while more remote places like Naandi remained largely out of reach of 'the Arabs'.[38] The dichotomy between 'town' (the realm of the state, intellectuals and town people) and 'the village' (beyond the state, the realm of the rebels) was rooted in colonial time, but certainly strengthened during the Sudanese war years, and it remains current today (Leonardi 2013, 153, 155). Traditional authorities were somewhere

37 Interview 5 August 2017.

38 See for instance 'Letter from P. Girolamo Bidai to Reverend Ferrara' dated 19 November 1965, available in the Sudan Open Archive.

in between: Engaging with the towns and with government, while also maintaining their link to the countryside with its supposed stronger bond to custom and tradition.

The First Sudanese Civil War ended with the Addis Ababa peace agreement (1972). Southern Sudanese now formed a 'Southern Regional Government', which generated new employment opportunities and spurred a process of urbanisation. There were various legal challenges at this time to the position of traditional authorities (Norris 1983). The Local Government Act (1971) and People's Local Courts Act (1977) sought to replace the 'native administration' with courts and elected councils (Leonardi 2013, 150; Leonardi et al. 2010, 24). However, these laws were unevenly implemented, and many of the new councils were still dominated by old local elites who often had been part of the Native Administration. In much of the south, 'there was little alternative to the chiefs and they continued to act as principal government intermediaries, tax collectors, village administrators, and court presidents' (Leonardi et al. 2010, 24).

Diversity and unity were central challenges for any (southern) Sudanese rebel movement. Eventually, the 'tribalization' of politics in southern Sudan led to the break-down of the Southern Regional Government, which in turn contributed to the outbreak of the Second Sudanese Civil War (D. H. Johnson 2003). In particular, the Southern Regional Assembly was divided 'between a Zande-led Equatorian faction and groups associated with the majority of the Dinka' (Allen 2007, 1:364). The regional 'Equatorian' block was divided, too. Its two biggest constituent groups – Zande and Bari-speakers, respectively – supported different political parties in the early 1980s, and were divided on whether to cooperate with the Regional (Southern) or transitional government in Equatoria (Lesch 1998, 69).

The leader of the SPLM/A, Dr John Garang advocated for a 'New Sudan' (not secession) where religious and ethnic diversity would be accommodated by a secular state. His agenda was not just for the south, but transcended region, race and religion and thereby appealed to people in Darfur, 'the three Areas',[39] East Sudan and even central Sudan. The SPLM/A only began to call for self-determination when the Sudanese government resisted talking seriously about secularism (D. H. Johnson 2003). By then, the SPLM emphasized the homogeneity of the south (Christian and African) and the comparative differences with the north (Muslim and Arab). This framing overlooks the endlessly more complicated reality of race, ethnicity and mobility in the Sudan.[40] Still,

39 South Kordofan, Blue Nile and Abyei – three areas that supported the SPLM/A, but were either disputed (Abyei) or acknowledged to fall on the northern side of the border between northern and southern Sudan.

40 There were and are still Muslims living in the south, Christians in the north, violent conflicts among Christians in the south (i.e. SPLA vs SPLA-IO) and Muslims in the North (i.e. Darfur). And yet in my interviews many South Sudanese echoed the framing of the Sudanese Civil Wars as in essence between a Christian, African South and an Islamic, Arabic

it was adopted both by many of my Western Equatorian interlocutors, and in foreign media and policy circles (Pimentel 2010, 11; Mamdani 2018, 3).

By many accounts, Western Equatorians were reluctant to choose sides during the Second Sudanese Civil War. Many had 'no sympathy for the northern government' (Allen 2007). Yet when Yambio and Maridi were occupied by the SPLA in 1990s, 'many felt simply that one occupying army had been replaced by another' (Wheeler 2005, 70). Individual political and military leaders faced the choice to join the SPLA or stay close to government.[41] Most people I spoke with appear not to have had strong political convictions at the time. Both warring parties forcibly recruited people, demanded food, intelligence and shelter, and abused their power (Kuol 1997, 21; Leonardi 2007a; Gordon, Vandewint, and Lehmeier 2007, 46). People wanted above all calm and stability, employment and education.

The chiefs were again in an especially difficult position. They continued to work like gatekeepers, deriving part of their strength from moving around and being able to talk to different parties. This made them vulnerable to suspicion, reprisals and attacks by both government and rebels (Rift Valley Institute 2016). Chiefs were forced to supply recruits, food or intelligence with varying degrees of coercion and violence, (Leonardi 2013, 166; Ø.H. Rolandsen 2005, 69). Often, my interlocutors contrasted chiefs' cordial relations with the Anyanya-rebels, with the more tense ones with the SPLA. Daniel, a former state minister recounted how,

> Some chiefs were made to carry loads in front of their subjects. Some were lashed ... You know when a chief is lashed in front of his people ... He loses a certain dignity. And this was done deliberately to weaken the traditional authority.[42]

Whereas the individual chiefs often suffered, over time the idea of chieftaincy and of customary law gained SPLA-support. The SPLA declared in areas it controlled that state laws were 'irrelevant', and appointed judges who would administer customary law (Kuol 1997). In the early 2000s, the SPLM 'began to associate chiefs and traditional authority more explicitly and formally with its claim to be fighting for rights and freedoms of culture and custom' (Leonardi 2013, 187).

Western Equatoria played a special role in the Second Sudanese Civil War. The SPLA had already wrestled Yambio and the surrounding areas from Sudanese Armed Forces (SAF) control in late 1990. Subsequently, this area became something of an SPLA-stronghold, especially after the SPLA lost control over many other towns during a government offensive in 1992-4 (Ø.H. Roland-

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North.

41 Some Zande leaders who joined the SPLM in this time include Samuel Abu John, Jemma Nunu Kumba, Patrick Zamoi and Joseph Bakosoro.

42 Interview with former state minister, Kampala, 13 June 2017.

sen 2005, 38; Gordon, Vandewint, and Lehmeier 2007, 15). By 1998, the south-western part of Western Equatoria – including Yambio, Ezo and Tambura – were somewhat stable and even termed by some observers a 'zone of stability' (O'Toole Salinas and D'Silva 1999; Tecle 1998).

The Comprehensive Peace Agreement (CPA) of 2005 brought a formal end to the war between the Government of Sudan and the SPLM/A. The CPA also marked the beginning of a transitional period (2005-2011), in which the Sudanese government was to try and 'make unity attractive' to the southerners. It failed to do so: In the independence referendum on 9 January 2011, 98.83 percent of the southern Sudanese voted for separation. When South Sudan became independent on 9 July 2011, ambitions were sky-high. The Transitional Constitution (2011) was 'to lay the foundation for a united, peaceful and prosperous society based on justice, equality, respect for human rights and the rule of law.' Independence was envisioned to be more than a change of rulers, as Sudanese independence had meant for many southerners. This time, people hoped independence meant a change of rule, 'to more equitable modes of governance that would accommodate diversity' (F. M. Deng 2011).

2.6 Violence and constructive crises in Western Equatoria (2005-2014)

In Western Equatoria the violence would continue after the CPA. Friction and violence boiled up between Western Equatorian communities and three groups of people: the Lord's Resistance Army (LRA), cattle keeping Dinka and Mbororo[43] communities. This section will briefly describe the first two conflicts, and then analyse how the insecurity served to build a social contract between Western Equatorians and their local government (governor and lower), while simultaneously increasing the alienation and distrust between them and the central government in Juba.

First, the Lord's Resistance Army (LRA), originally a Ugandan rebel group, had been making incursions into Western Equatoria since 2005. This intensified after failed peace talks in Juba in 2008. The Western Equatoria State administration and local communities felt that the SPLA was not protecting them adequately, and that they had to fend for themselves. In the words of the state minister of local government, himself a returnee from the UK, in Yambio in early 2015:

> In 2005, the LRA entered Western Equatoria from Uganda. The SPLA did not respond to those challenges. The chiefs sat down and said we need to find a way to protect

43 The Mbororo (a sub-group of the Fulani ethnic group) are a somewhat nomadic people, who live in Cameroon, Chad, CAR and the DR Congo. They keep cattle and trade. Near Western Equatoria at the time of my research, they lived mostly in the borderlands with CAR and DRC. The LRA was also active in these areas, leading many Western Equatorians to suspect the Mbororo of cooperating with the LRA.

> our people. This is how they came up with the Arrow Boys. Sort of like the British Home Guard. They are very effective. Until today, Western Equatoria is peaceful.[44]

This positive image of the early Arrow Boys was widely shared by 2015, as they had effectively countered the LRA (Schomerus and Rigterink 2016; Willems and Rouw 2011). This translated to popular legitimacy with local communities: a survey in Tambura and Ezo counties that found that 85,1 percent indicated they trusted Arrow Boys 'always' or 'most of the time'.[45] Their initial legitimacy was undoubtedly helped by the fact that, 'fighters came directly from local communities and, in most cases, were defending their own families and assets' (Danish Refugee Council and Danish Demining Group 2013, 8). The Arrow Boys started out poorly organized, armed and funded. However, through combat with the LRA, they captured better weapons and improved 'both tactics and command structure' (Danish Refugee Council and Danish Demining Group 2013, 8).

The organisation of the Arrow Boys changed, too. Based on research in 2012 and 2013, two researchers argue 'there is no central command, however, that unites all heads of arrow boys under one hierarchy, with groups staying relatively independent of each other and negotiating individual relationships with authorities in their area' (Schomerus and Rigterink 2016). Still, the various Arrow Boys-factions enjoyed the support of countless senior Western Equatorian leaders: successive governors like Patrick Zamoi, Jemma Nunu Kumba and Joseph Bakosoro, catholic Bishop Eduardo Hiiboro, the county commissioners, as well as traditional authorities. The paramount chief of Yambio, for instance, organized a recruitment and funding drive for the Arrow Boys, 'so that we can join together and comb the bush once and for all' (R. Ruati 2011). Over the years, these relationships started to formalize: There were Arrow Boys committees in Yambio, Tambura and Maridi, and financial contributions were made by state-level members of parliament and 'sons and daughters of Western Equatoria abroad.'[46]

Governor Bakosoro and his Western Equatoria State cabinet sought to mobilize central government support for the Arrow Boys, both for political and financial reasons. To mitigate the worries that policy makers in Juba and abroad might have about arming non-state groups, Bakosoro's cabinet often

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44 Interview with minister of local government, Yambio, 27 February 2015.

45 In their 2013 and 2014 survey of Tambura and Ezo counties (western WES), Rigterink, Kenyi and Schomerus found the following: 80,7 percent of households had given food to the Arrow Boys in the past year; 55,9 percent had a household member who had been a member of the Arrow Boys in the past year; 34,6 percent reported they would go to the Arrow Boys when they are afraid of being physically harmed by a person outside their family; and 8,4 percent had reported an issue or concern to the Arrow Boys in the past year (Rigterink, Kenyi, and Schomerus 2014).

46 Interview with former MP in Western Equatoria, Arua, 15 June 2017.

drew the comparison between the Arrow Boys and the British Home Guard.[47] In 2009, the South Sudanese central government promised 2 million US dollars in financial support to help train and arm the Arrow Boys (Richard Ruati 2009), but that never materialized. As time went by, this lack of support and the enduring lack of protection by the SPLA, were interpreted by many Western Equatorians as signs of indifference. This quote from a former state minister is illustrative:

> The [central] government did not trust the Arrow Boys. The Arrow Boys were seen like a hidden force being prepared by the Azande maybe to topple the government. So they were always suspicious and they did not like the Arrow Boys. [When SPLA forces wanted to arrest an Arrow Boy for having killed an LRA-combatant] it brought some tension, some commotion between the army and the local community. The local community were saying, 'Yes you are the army but you don't give us any protection. These young men went on to defend, and now you come in to say that you want to arrest him for defending the community. So what does it mean?'[48]

The Arrow Boys were later supported by, and cooperating with, the Ugandan army and United States special forces stationed near Nzara.[49] By then, however, the worst of the LRA-violence had already subsided from Western Equatoria, and the LRA had largely retreated back to the Congolese and Central African sides of the border.[50] The insecurity posed by the LRA and the relatively successful response to it by the Arrow Boys, served to strengthen a sense of pride, and ties between local government officials, traditional authorities

47 In an article on Sudan Tribune, Governor Bakosoro was cited saying: 'The home guard units will be trained and armed so that they can provide effective defense until the regular forces can intervene' (R. Ruati 2010). The Minister of Local Government used the ame phrasing when I interviewed him in Yambio, 27 February 2015. The British Home Guard (first Local Defence Volunteers) were an armed citizen militia which was meant to protect the UK during the Second World War in case of a possible German Invasion. Whereas the Home Guard were typically too young or old for regular military service, the Arrow Boys were not.

48 Interview with former state minister, Kampala, 13 June 2017.

49 US military advisors were sent to the DRC, CAR and South Sudan borderlands under President Barack Obama in 2011, 'to assist in the military operations against the LRA' (Schomerus and Rigterink 2016, 7).

50 Apart from attacks on Yambio and Ezo, the LRA had mostly been active in the countryside. By 2011 most LRA had moved across the borders to the DRC and CAR, and to the border area between South Sudan, CAR and Sudan. In 2015, there were only two parts of Western Equatoria where people feared LRA-attacks. One was near Gangura, close to the border with the DR Congo. The other was on the forest-surrounded road between Tambura and Source Yubu, on the South Sudanese border with CAR. When asked about LRA-activity along the road between Tambura and Ezo, the county commissioner of Tambura at the time told us that the LRA had left, 'and they should also know that this is our road, so it is important for us to use it!' Interview with county commissioner, Tambura, 18 March 2015.

and youth. These factors would later contribute to Western Equatoria's position in the South Sudanese Civil War.

Western Equatoria also saw clashes between various communities claiming indigeneity (including especially Zande and Moru) and Dinka, who had come to Western Equatoria especially from the 1990s as part of the SPLA, or when they were displaced (especially from around Bor). In 2005 Patrick Zamoi was appointed governor of Western Equatoria. His first address to the people of Yambio was both in Juba Arabic and Zande. One of my key respondents was there at the time, and recalls how in the Zande version of his speech:

> Zamoi asked: 'If a snake enters your house and refuses to come out, will you leave your house and run away?' To which the audience, including myself, cheered the answer: 'We kill it instead of leaving the house!'[51]

Later, people interpreted this to refer to the Dinka, a comparison which was recycled again in 2015 (see Section 6.2.2). On 14 November 2005, violence started in Mundri and spread in the following days to Ezo, Tambura and Yambio only to subside in mid-2006.[52] UNOCHA writes that after initial fighting in Yambio, 'Dinka soldiers within the SPLA also started attacking the Zande residents of town' (UNOCHA 2005). In response Governor Patrick Zamoi was dismissed by President Salva Kiir and placed under house arrest in June 2006. The central government in Juba distrusted his loyalty, and his role in the violence. As Zamoi had also been supporting the establishment of the Arrow Boys in 2005-6 (HSBA 2016).

What precisely happened in the clashes of 2005 remains unclear. One Zande commentator (and later politician) in the UK described it at the time as 'an explosion waiting to happen due to the tension which had been building for sometimes between Dinka Bor displaced community and Western Equatoria local residents such as Moru and Azande' (Kisanga 2006b). A popular online news outlet, Gurtong, noted that 'Similar chaos occurred in 2001 and 2002 in Yambio when a group of Dinka and Zande students clashed ... but this year guns were used' (*Gurtong* 2005). Many Dinka had come with cattle, which led to friction with farmers – when cattle trampled or grazed crops, and drank scarce water. Most of my interlocutors were ethnic Zande, and emphasized the importance of claims to land and autochthony. Around the CPA, various Western Equatorian communities wanted ethnic Dinka to leave, and the latter refused to do so. In the words of one of my key respondents:

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51 Email correspondence with key respondent in Kampala, 28 October 2020.

52 The end-dates are not entirely clear, but may have stretched into mid-2006. One of my respondents in Uganda said she had been displaced by 'the 'Dinka-Zande war' in 2006. Interview with catholic sister from Yambio, Kampala, 23 March 2017. Another was working on the Yambio-Gangura road, 'But then halfway 2006, there was the conflict between Zande and Dinka. That destroyed everything and the project was cancelled.' Interview with refugee chairperson from Ezo, Rhino Camp, 18 May 2017.

> The Dinka were many in Yambio and we did not mind them at first. But in 2005 they took plots from the Zande by force. They also killed a Zande. They wanted to take the land the way they have taken Juba from the Bari and Mundari. So then the Zande fought back, and they burned one Dinka near St Mary church in Yambio. Then the Dinka came to bring those remains to Juba to the office of the president of South Sudan. Since that time the Dinka fear Zande.[53]

This idea that a homogenous group of Dinka was after the land of Zande (and other South Sudanese) has recurred in the recent civil war (2013-present). The importance of land and indigeneity in various phases of conflict, and a particular land dispute between 'locals' and ethnic Dinka in Maridi will be explored in Section 4.4. In addition to land, the above speaker emphasizes the connections of 'ordinary' Dinka in Yambio to the president's office in Juba. This is not accidental. Many Western Equatorians (and other South Sudanese) distrusted Dinka (and to a lesser extent Nuer) people for having 'captured' the SPLA and central government, and for cultivating a close ethnic network that now largely excluded or marginalized others. In Western Equatoria many felt that even for security, the SPLA was to be feared rather than trusted (de Vries 2015). Many Zande politicians sought to bridge the political divide between Juba and Yambio, but risked losing legitimacy and credibility in both places (see Section 5.6).

In 2010, gubernatorial elections were organized throughout Southern Sudan. In Western Equatoria, the main contenders were the incumbent SPLM-candidate (and veteran party member) Jemma Nunu Kumba and Colonel Bangasi Joseph Bakosoro.[54] Bakosoro was a returnee, having lived in the US and in Uganda, where he was involved in the establishment of the 'Zande Cultural Association (S.D. Siemens 2010, 8). Bakosoro was a SPLM-member, but because his party nominated Kumba as their official candidate he temporarily resigned from the party in order to run in the elections as an independent candidate. Bakosoro won with 46 percent of the vote, and immediately applied to become SPLM-party member again.[55]

The election of an independent candidate was 'head-spinning' in Southern Sudan, as all 9 other gubernatorial elections were won by SPLM-candidates (*Sudan Tribune* 2010). Bakosoro ran with a campaign prioritizing security (especially against the LRA and Mbororo) and agriculture (*SOSA* 2010). Right from the start, Bakosoro sought to strike strategic alliances with the other two Equatorian governors to bargain with Juba for a more federal system of government (Radio Tamazuj 2015a; HSBA 2016).

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53 Duo-interview with Zande interlocutors, Bweyale, 9 March 2018.

54 Both candidates were Zande from near Tambura. Neither was of the Avungara clan.

55 Bakosoro received 78563 votes (46 percent); Mrs. Nunu Kumba (SPLM) 73057 (43 percent); Abbas Bullen Ajalla Bambey (UDSF) 8815; Natale Ukele Alex Kimbo (Independent) 5510; and Awad Kisanga Said Ahmed (NCP) 4893 (*Sudan Tribune* 2010).

Many Zande that I spoke with saw Bakosoro's election as a watershed moment in their community's recent history. Upon his election he had been wearing traditional bark cloth attire (*bagadi*) over his suit.[56] Bakosoro's government worked closely with traditional authorities and the church to promote a revival of culture: clothing, songs, customary law. When one of my key respondents looked back on this period, he spoke of the empowering leadership of Bakosoro in the face of external threats and internal complacency:

> Before the Azande were becoming very weak. But when Bakosoro came he started giving them some freedom to become men! ... Before he could come to the chair, we were treated badly. And we were all keeping quiet ... But when he came there was already this issue of Arrow Boys and ... Because we were running from the LRA. But when he came, he said 'We cannot leave ourselves to run. Where do we want to run to from our land? We must stand and fight back!' This gave courage to the people.[57]

He recognized that the Arrow Boys predated Bakosoro, but attributed a revitalized sense of pride and community security and sovereignty to his period as governor. The governor was popular among Zande because his election and tenure represented a measure of self-determination that had been lost for over a century. This is, however, also what made some in 'Juba' distrust him. Over time, Bakosoro's loyalty to his Western Equatorian constituents (Zande in particular) became hard to combine with his loyalty to 'Juba'. Eventually this would lead to the governor's arrest and dismissal, and the renewed outbreak of violence (see Section 6.2).

In Yambio, the celebrations for Independence Day on July 9, 2011 began with an early gathering at the grave of King Gbudwe (S.D. Siemens 2015). The crowd then moved to Gbudwe stadium where Governor Bakosoro held a speech: 'We are no more slaves and we will never be slaves again. We are free citizens in our own country; the Republic of South Sudan' (Sudan Tribune 2011). And so at the dawn of independent South Sudan, Western Equatorians paid homage, too, to the king whose defeat in 1905 now to many symbolizes the end of Zande autonomy and sovereignty. As the post-war and post-independence reconstruction began in earnest in Western Equatoria, both state and traditional authorities sought to forge such paths drawing both on the traditional past and their particular visions of modernity. This thematic will be explored in Chapters 4 and 5.

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56 Reminiscent of earlier African leaders, such as President Mobutu of the DR Congo with his 'retour a l'authenticite-campaign (Verweijen and Van Bockhaven 2020, 12).

57 Interview in Kiryandongo RS, 5 August 2017.

2.7 Conclusion

This chapter has offered a history centred on Western Equatoria, in particular its Zande-dominated western part. Zande people now live on the peripheries of three conflict-affected states: South Sudan, the DR Congo, and Central African Republic. And yet this area has a rich pre-colonial history which continues to inform people's ideas about the present and future. Rather than a comprehensive history, this chapter has focused on those elements of history that are of special importance for the rest of this book: the origin of 'the Zande' and the Avungara clan, the tale of the two emblematic Kings – Gbudwe and Tambura – and post-colonial chiefs' relations with successive governments.

This chapter has reflected critically on secondary sources, colonial-era archival material, and original interviews (including oral histories), to show how historiography itself is contested. There is no single story, also not among Zande. Often there are marked contrasts between oral histories and secondary sources. For instance, foreign scholars have argued that the Avungara were originally a different 'race', migrating from elsewhere to conquer the Zande by force. Contemporary oral histories, instead, argue that the first Avungara was an individual boy who grew up within, and rose to power when his merit was collectively recognized (see Section 2.2). In this way, oral histories present a more agentive version of history, in which authority rests on a social contract rather than on force alone. In a similar way, there is discord over how Zande kings navigated the arrival of powerful outside forces (ivory and slave traders, colonial forces) in the late 19th and early 20th century. Two rivalling Zande kings, Gbudwe and Tambura, cultivated different relations vis-à-vis these outsiders (see Section 2.3). Gbudwe was in the end killed after a battle with the Anglo-Egyptian forces (the circumstances of which remain, again, debated). Tambura became a paramount chief. Whether, when and how resistance or cooperation with powerful outsiders would be wise and legitimate, was a key concern for the Zande kings. And it would remain a crucial question for Zande leaders in the turbulent century that was to follow.

After the colonial conquest of Western Equatoria there was a period of military rule, followed by four decades of intrusive civilian administration (see Sections 2.4 and 3.2). During this time, chiefs assisted the district commissioners with both judicial and executive functions: e.g., ruling in Chiefs' Courts, levying taxes. While most chiefs could still trace descent to the Zande kings of before, the form and function of traditional authority was profoundly reconstructed under colonial administration. Colonial administrators were wary of 'detribalization' and bolstered chiefly authority and ethnic categorisation.

Since Sudanese independence and throughout the subsequent decades of war, chiefs walked the tightrope between various armed factions, governments and 'their people' (see Section 5.6). Not unlike the Zande kings before them, they strategized around volatility and uncertainty (Leonardi 2013). Chieftaincy, in a word, became about broking and gatekeeping. The violence described

in this chapter, was often consequence and cause of strained relations between Zande leaders, and various outside governments and armed forces. The sense of lost autonomy and violent domination shared by many Zande, would hardly improve with Sudanese or even South Sudanese independence. Instead, civil wars and displacement reinforced peoples' sense of difference (see Section 2.5). Relations with the SPLA were also not unequivocally good, which planted some of the seeds of distrust and alienation between 'Yambio' and 'Juba', which would also contribute to the riots between Zande and Dinka in 2005 (see Section 2.6).

Perhaps there are times and places where people can forget about politics and unfolding history, living lives that are more or less stable and certain. Western Equatoria has for the knowable past not been such a place. During anthropologist Evans-Pritchard's research in the 1920s, the Zande kings had only recently been defeated and the colonial administration had forcibly resettled people away from the countryside to live in 'model villages' (see Section 3.2). And yet Evans-Pritchard only mentioned such changes in prefaces and passing. Likely because he and his Zande respondents were so disconcerted about the cultural 'erosion' that colonialism and globalisation were bringing about, his work constructed a picture of cultural order, coherence and stability (see Sections 1.2 and 2.1). In the century since, there have been two independences, decades of civil war and a closer engagement with globalisation. The pace of change has left many people confused and uncertain.

For all their destructiveness, war and displacement had also been constructive of new ideas. South Sudanese people had travelled across the world, and would return in numbers around independence in 2011 (see Section 3.4). Western Equatoria was relatively stable and under the leadership of an independently-elected governor (see Sections 2.6 and 3.5) and a team of ambitious ministers (see Chapter 4), many of whom had returned from 'outside' (e.g., Sudan, Uganda, US, UK). And so Western Equatoria emerged from a long and violent history with a new-found sense of autonomy and pride, and set out to reconstruct (see Chapters 4 and 5) and to overcome the ruptures.

3 Movements: Im/mobility, violence, and state control in Western Equatoria (1500s-2014)

'We will return to the land of milk and honey'[1]

Amidst the turbulent history marked by wars and political upheaval, the lives of Western Equatorians were often marked by uncertainty and mobility. Before war 'started again' in '2015', many Western Equatorians had already fled from war several times. My key respondent James, now a refugee in Uganda, 'ran from war' as a 2-year-old in 1967, as a 24-year old in 1989, and as a 49-year old in 2016: 'Now we are in the third exile' (see Annex 1: Portraits). Each time James spent several years in exile, often in different places or even countries. For many other South Sudanese, too, 'displacement' was not a singular event, but a recurring theme. A survey in rural parts of Western Equatoria found in 2014 (prior to the recent war) that only 36 percent of the respondents self-identified as 'continuous residents' and 51,22 percent as 'returnees' (Rigterink, Kenyi, and Schomerus 2014).[2] This was true in the countryside, but also among urbanites and elites – such as Western Equatoria State ministers (see Chapter 4) and traditional authorities (see Section 5.4). Mobility pervaded people's lives.

This chapter explores the causes and consequences of various large-scale population movements over the aforementioned periods in Western Equatoria. It argues that people's movements, as individuals and groups (and efforts to control those movements), have been a formative factor throughout the history of Western Equatoria and the Zande. The origin of the Zande, the power of the Avungara kings, colonialism and the successive wars, each interfaced with people's movements (see Section 2.2). Mobility was often conflict-induced, but equally offered new opportunities for education, work and social life. And people returning 'home' were not just interested in picking up their old lives, but brought with them new ideas for the reconstruction of their home society. In this light, we come to appreciate the 'moment of peace' in Western Equatoria (2011-5) as an exceptional time of return and reconstruction (see Chapters 4

1 Conversation with a Southern Sudanese internally displaced person, Khartoum, April 2011. I met this woman when I visited the IDP's on Khartoum's outskirts during an internship with the Netherlands Embassy in Khartoum. The IDP's were waiting for a bus to bring them 'back' to the South after decades in the north.

2 The survey was carried out in in rural parts of Tambura and Ezo counties. The rest identified as 'movee' (did not live in this county previously) at 7,2 percent and 'Unknown non-continuous resident' at 5,91 percent.

and 5). And the eruption of war in 2015 and people's subsequent decision to stay or run (see Chapter 6) and their stay in Uganda (see Chapters 7 and 8), were not only a 'rupture' but also the latest episode in a long history of conflict-related migrations. People's contemporary displacement deliberations were informed by the long history of movements described in the present chapter, which had crystalised into a body of knowledge and set of tactics which was sometimes taught across generations to survive and thrive.

3.1 Pre-colonial movements (1500-1904)

Even in the distant past, mobility marked social life among Zande and in the area that is now Western Equatoria. The very Zande group was formed through a long process of incorporation and amalgamation of diverse people who had been brought together through conquest and refuge. And Zande princes, including Gbudwe, would move to a new area to begin their own kingdom (see Section 2.2). Evans-Pritchard argued that, 'one consequence of these [pre-colonial] wars, movements, and migration seems to have been the growth of power of the Avongara' (Evans-Pritchard 1963b, 136). But what did these movements look like? Classical accounts on pre-colonial history often compile invasions and movements (Baxter and Butt 1953, 20), imagining groups of people moving around 'like billiard balls' displacing one another (Vansina 1968). This image is misleading.

Archaeologists of pre-colonial migration have demonstrated that 'peoples' did not move in unison, as proposed for instance by the 'Bantu expansion'-thesis, but that people, ideas and goods travelled in a more processual, small-scale and agentive manner (Anthony 1990; Vansina 1990; Robertson and Bradley 2000). Like the Luo in Kenya, using 'different routes, evidently following rivers and streams, dividing and recombining, and stopping and starting for periods along the way, some for generations' (Shipton 2009, 62). Some authors have argued that movement was common across pre-colonial Africa, and a fundamental life strategy: 'Africans have always moved' (van Dijk, Foeken, and van Til 2001).

Zande people are likely to have lived relatively sedentary lives in pre-colonial times, as agriculturalists in centralized political systems. Many people lived on the arable land in the vicinity of rivers (S.D.S.D. Siemens 1990; Maurice 1930, 226), and some distance away from one another – perhaps for 'fear of magic' or witchcraft, which was thought to be stronger at close distance (Larken 1926, 8). Still, movement was a distinct possibility. Upon the death of their spouse, a widow or monogamous husband would customarily leave the homestead and move to relatives (S.D.S.D. Siemens 1990, 285, 289). When bad things happened, people could consult an oracle which, among other things, they would ask if they should stay on their land or move away (Maurice 1930, 244).

Crucially, mobility was also a central underpinning of the social contract between Avungara and the people they ruled. As elsewhere, the 'governed' may have been able to 'vote with their feet' if they were dissatisfied with the ruler (Somin 2020; Tiebout 1956). One scholar writes that for the Zande, 'the initiative in establishing a new relationship seems always to have been on the part of the client. The possibility that a household or a group of households could move to the area of another patron, if dissatisfied with the treatment from the current patron, was a strong tempering influence on the behaviour of rulers' (Reining 1966, 16). Movement was thus not just a collective, but also an individual or household affair. The ability of 'clients' to move, should not be overstated and was certainly limited by power differences and rulers' cruelty. This asymmetry between rulers and 'clients' grew towards the late 19th century, as the kings grew more powerful and the surroundings more dangerous due to slave trade and warfare (see Section 2.3).

Slave and ivory traders reached further up the Bahr-el-Ghazal river from 1855-6, establishing *zaribas* (trading stations). In response to their often violent arrival, many people living along the rivers moved further inland, or joined stronger political units, such as the Zande kingdoms (Gray 1961, 62). The same thing happened when the three imperial powers – Anglo-Egyptian, French and Belgian – arrived in the Zande areas in the late 19th century. People 'either fled from the new government forces or sought refuge with powerful patrons or around the latest government stations, after the extensive displacement of the later nineteenth century' (Leonardi 2013, 42). In the decidedly contemporary words of the paramount chief of Yambio:

> King Gbudwe [was] very strong, and [welcomed] other ethnic groups who [were] not part of the Azande. Because by that time, when the British were coming, the Arabis were coming for slave trade. People were fearing. Because they were minorities. Most of the people took refuge [in] Gbudwe's kingdom for protection.[3]

Land here was bountiful, and like in others parts of Sub-Sahara Africa power and wealth were in people rather than territory (Green 2012; Geschiere and Nyamnjoh 2000). And so the Avungara kings would welcome 'strangers' as subjects. The movements of the 19th century meant that the already diverse Zande kingdoms became even more so: Hosting a rich variety of people speaking different languages and identifying as separate groups. Pre-colonial movements, in short, did not resemble discrete billiard balls displacing one another, but rather a complex and rich tapestry, weaved from people moving as individuals or groups, and over time negotiating new forms of identity and belonging.

3 Interview with paramount chief, Yambio, 8 April 2015.

3.2 Colonial movements (1905-1955): Sleeping sickness and the Zande Scheme

People's movements and settlement patterns in southern Sudan were radically altered during the colonial era. The area and its people now became integrated into the enormous and diverse political unit of 'Sudan.' Yet in the colonial view of Sudan, southern Sudan was essentially African, an economically insignificant place where 'natives' lived lives that were best kept traditional and under the authority of chiefs and elders (Leonardi 2013; Palmer and Kingsley 2016). Conversely, the colonialists viewed north Sudan as Arab and Islamic, and more susceptible to investments in agriculture and education. The colonial government institutionalized this difference between northern and southern Sudan through 'Closed District Ordinances' (1920s) and the 'Southern Policy' (1930) (Leonardi 2013, 68). This meant, among other things, that movement within southern Sudan, to the north, and to other countries was restricted.

The colonial administration wanted to seal Southern Sudan off from the 'Northern, Arab and Islamic influences' and to protect it against 'future exploitation by the North' (Badal 1977). The administration further suspected that the free movement of people and ideas could 'undermine traditional authority and morality' and cause 'social disruption and civil disorder' in Southern Sudan (D. H. Johnson 1991, 173, 181). Around World War One, 'the government was increasingly anxious about the possible political ramifications of foreign ideas flowing into the Sudan: Turkish and German propaganda ... Egyptian and Arab nationalism, Bolshevism and even ... African nationalism' (D. H. Johnson 1991, 181). And so where the nineteenth century had been a period of intense movements, in the early twentieth century the colonial government sought to make people more sedentary and to control their movements.

In Western Equatoria, the colonial administration governed mobility and settlement most intrusively during two large-scale resettlement campaigns: The first to combat sleeping sickness, and the second as part of the 'Zande Scheme.' From about 1905 – the year in which King Gbudwe was killed – the colonial government feared that sleeping sickness could spread from Uganda and the DR Congo to the southern, densely forested part of Sudan. Until this time the colonial administration had had little interest in southern Sudan, and 'the threat of sleeping sickness is arguably what made the remote south of Sudan matter in Khartoum, drawing administrators 'out of colonial enclaves and into the lives of local people' (Bell, 1999: 29)' (Palmer and Kingsley 2016). Sleeping sickness was first reported in Western Equatoria in Tambura – the town named after the eponymous Zande king – in 1917-8.

The colonial administration responded to (the threat of) sleeping sickness in Western Equatoria with a large resettlement programme. By 1926, people in Yambio and Tambura Districts had been moved away from areas infested

with tse-tse flies – such as streams and forests – and concentrated along roads instead (Larken 1926). The measures were extraordinarily coercive: borders were closed, 'whole populations were moved away,' and treatment camps were transformed into 'model villages' (Palmer and Kingsley 2016).

Sleeping sickness was a real concern, but efforts to combat the disease quickly merged with another colonial agenda: that of 'concentration' or 'villagisation' (Leonardi 2005, 170). In the words of a colonial administrator at the time: 'the moving of the population into groups along roads ... made political and medical administration at once 80% easier' (Philipps 1925, 5). The new settlements were long and rectangular, and 'straggle[d] along both sides of government roads at distances varying from a mile to several miles between each' (Evans-Pritchard 1972, 15). The colonial state was so convinced about the merits of villagization, that it was adopted even beyond the sleeping sickness-affected areas of Mongalla and Bahr al-Ghazal (Maurice 1930, 234). The benefits were expanded on by another colonial official:

> Roads could be more easily kept open throughout the year; inspections could be more frequent; immigrants from the Congo could be more easily detected and returned; chiefs and headmen would have more authority over their people. Indeed the advantages of concentration were so obvious that the principle had been accepted in Khartoum before the end of 1921 and orders issued to the administrative authorities to carry it out (Maurice 1937).

The sleeping sickness campaign interfaced with Zande governance in ambivalent ways. During the initial resettlement, headmen and chiefs had been faced with a dilemma: 'Those headmen who tried to carry out our orders were deserted by half their followers, who joined those headmen who took up an attitude of passive resistance' (Maurice 1930, 227). So initially some people defied the colonial administration and its policies, and continued to vote with their feet. Over time, however, the resettlement is likely to have bolstered the position of government-recognized chiefs. People were settled closer to them, and not allowed to move or 'change allegiance to either headman or chief without permission from the District Commissioner and Senior Medical Officer jointly' (Maurice 1930, 229). In Yei, where a similar campaign was taking place, one district commissioner expressed the hope that, 'the broken down tribal elements may well regroup themselves into a new and vital village life' (Leonardi 2013, 69). It was not just that 'broken down tribal elements' were reconstructed. One district commissioner observed how 'small non-Zande tribes' that had until then lived independently became 'absorb[ed] under Zande chiefs' when they were forced to live in villages and along the roads (Leitch 1954). In this way, the policy furthered the authority of the chiefs, and the growth of the Zande (see Section 2.2).

How the process was received 'from below' is not particularly well-documented. Evans-Pritchard did most of his research in the new villages, but argued somewhat implausibly that settlement living had 'not produced any

great change in the life of the Azande' (Evans-Pritchard 1972, 15). Then again, he was not interested in the effect of colonisation, but rather to reconstruct what Zande society and history had been like before it (see Section 2.1). One wonders whether people spoke to him about colonisation and if not, why not. It seems likely that their very positive evaluation of the 'days of Gbudwe' in the late 1920s may at least in part be due to the disruptive changes that had followed – including the sleeping sickness resettlements.

Two colonial officials offer very different assessments of the public reception of the resettlement. Major G.K. Maurice was working with the Royal Army Medical Corps in Tambura,[4] from April 1922 to May 1923. In a colourful description of the successes and reception of this policy, he wrote:

> There was really no opposition; a few of the older men contended that the move was a preliminary to an extensive slave raid, but no one took much notice. Everywhere the roads became lined with houses and cultivations; everywhere were cheerful greetings from the people; children played on the roads and thronged about our bicycles. Instead of marching through walls of grass we rode through a land of smiling crops and smiling people (Maurice 1937).

Remarkably, the district commissioner of Tambura who served at the same time as Major Maurice held a different view. In 1925, he described the devastating effects of the resettlement as follows:

> The whole population had just been removed from their homes (isolated along shady and fertile river-sides) on to roads and relatively poor and rocky soil that lies between. In the open spaces of their old homes, nature had provided every man with his private fishing, his game reserve, his own pet ant-hill for eating and building, his mushroom beds and bee-hives, without competition. The change of life, so necessary for S.S. [sleeping sickness] reasons, was for them from spacious private estates to a semi-detached villa existence which, they felt, also exposed them to epidemic diseases' (Philipps 1925, 5).

Further, the district commissioner wrote that the resettlement and 'constant employment on unpaid public works' had hindered young men from hunting, which in turn meant they could not gather enough spears to marry (Philipps 1925, 6). The rosy assessment of the resettlement by Maurice is perhaps explained by his focus on combatting sleeping sickness, which was more effective along roads and in the villages. The district commissioner, likely holding a broader view, acknowledged these successes but suggests that otherwise the effects were largely negative.

The view that villagization had more negative consequences than advantages – especially on agricultural productivity – gained popularity over time. Sleeping sickness cases declined, and in 1940 the government no longer

4 Then part of Bahr el Ghazal Province's Western District.

required people to live in villages or along the roads. Based on research in the 1950s, Reining writes that, 'Although the official version was that there was merely a relaxation of regulations, the Azande recall it as an enforced move away from the roads' (Reining 1982). The first cycle of villagization and return was a fact.

The second colonial resettlement was part of the 'Zande Scheme.' In the same year that the sleeping sickness-measures were eased, the colonial administration started to explore the possibility of an industrial cotton-growing venture: the 'Zande Scheme.' The Scheme entailed the establishment of a ginnery in Nzara, and dictated that people would farm cotton. From 1946 the colonial administration reversed the sleeping sickness resettlements which had concentrated people along the roads and into towns. Now, people were settled into thousands of new, smaller villages along geometric lines cut through the bush. The original 'H Plan' outlined that villages would house fifty families with each a 40-acre plot of land, scattered over an H-shaped grid of roads and paths with a headman and 'village green' at the centre. Along the way, that design was simplified (Reining 1982). Between 1946 and 1951 some 200,000 Western Equatorians were 'resettled', which was the majority of the population (Leitch 1954).[5]

As with the sleeping sickness campaign, the Zande Scheme resettlement was about more than economic development. Some colonial officials hoped that over the course of the next thirty years the Scheme would lead to 'the complete social emergence and the social and economic stability of the Zande people' (H. Ferguson 1954, 916). An official in the colonial Department of Agriculture wrote that success of the Zande Project to him, would 'mean the emergence of a happy, prosperous, literate peasant community, able, by its prosperity to obtain, and through its education to enjoy, the good things that civilization can bring to 'the Gentle Savage'' (H. Ferguson 1954, 918). The racist undertones in colonial-era writing about the Zande project betray a paradox: Although the project intended to socially engineer industrialization in Western Equatoria, it simultaneously assumed that there was something in the people that was essentially tribal and beyond change, and it moved people from the urban settings 'back' to the countryside.

The district commissioner at the time, opined, 'The greatest threat and menace to wellbeing and decency in an African community is urbanisation' (Wyld 1949a, 2). The solution for the lack of 'wellbeing and decency' was sought in part by stimulating a sense of 'community' and order, by 'disentangl[ing] the followers of each sub-chief and headman and group them

5 Leitch was colonial inspector of agriculture. I was unable to find other sources to verify this number, but it seems in line with earlier estimates. In 1949, district commissioner Wyld estimated that in the first three (out of six) years from 1946 to 1948, some 27,000 families had been resettled (Wyld 1949b). Reining writes that by spring 1950, some 50,000 families had been resettled (Reining 1982).

territorially' (Culwick and Abbott 1950). The resettlement, in other words, was meant to restore traditional authority and 'tribal discipline' which had been undermined by urbanisation. Village units (*gbaria*) were placed 'under a paid headman who answers to a chief or sub-chief according to previous tribal custom' (Hance 1955). This 'tribal custom' that chiefs were to rule by, appears to have been codified and 'adapted' by the colonial authorities. Leitch, who was the Inspector of Agriculture of the Equatoria Projects Board, wrote that:

> When the resettlement programme had been completed, registers of each village were compiled and handled over to the rural Chiefs' Court. Adaptations were made to customary Tribal Law and printed to guide these Courts in the enforcement of new bye-laws designed to ensure crop hygiene, good husbandry and the maintenance of the resettled structure (Leitch 1956, 282).

The chiefs' prominent role in the Zande Scheme, was cause and consequence of their close ties to the British district commissioners – and simultaneously of the friction between them both and ordinary and educated Zande people alike. Anthropologist Reining writes that the district commissioner, 'did not seem to be aware of the decline of the chiefs' authority, which was further weakened by their role in compelling the unpopular resettlement and cotton cultivation' (Reining 1966). This friction would come to a boil in the Nzara 'trouble' of 1955, one of the events that would contribute to southern resistance to Sudanese rule in the years that followed (see Section 2.4).

How this second resettlement campaign was received from below is contested. Again, there are some optimistic accounts. The district commissioner at the time reported that the Zande 'partook in their resettlement with the utmost cheerfulness' and Badal writes that 'All the achievements of the Zande Scheme were made without incurring the terrible disruptions in the tribal life that was greatly feared in the pre-war years' (Badal 1977, 258). A different impression is offered by Reining, who arrived in the region in 1952 – a full year after the last resettlement – and spent 3 years doing research on the Zande Scheme. He found that people who had been resettled to the countryside complained bitterly of their isolation from relatives and friends with whom they had lived in the villages (Reining 1966).

The colonial period in Western Equatoria involved two massive resettlement campaigns. When officials evaluated their effect in the schemes' own terms – that is, its success in combating sleeping sickness or promoting cotton farming – they wrote gleeful reports. Chiefs and headmen were also often positive about the resettlements when they increased their control over 'their' people. But Reining, who was concerned with the effects on ordinary people and the broader ramifications of these schemes on social life, paints a gloomier picture. The repeated resettlement of hundreds of thousands of people profoundly changed social life, and in particular the relations between people, places and traditional authorities. In contrast to the Zande kingdoms which famously welcomed strangers in their midst and offered land for them to

cultivate, the colonial administration fostered essentialist ideas of ethnicity, land and belonging (Green 2012, 4). It enforced some movements, and forbade others.

3.3 SUDANESE MOVEMENTS (1956-2011)

The massive and often forced movement of people would not end with colonialism. Sudanese independence was dominated by the two subsequent Sudanese Civil Wars (1955-1972 and 1983-2005) (see Section 2.5), each accompanied by large-scale displacement and return. In the First War (1955-1972), some 500,000 southern Sudanese were 'forced out of their homes ... roughly 20 percent of the population' (Kindersley 2017, 212).[6] In the Equatorias, including Western, many fled a 1965 government offensive. By some estimates, 'the population of Juba might have subsequently dropped as low as 5,000 (and to only a few hundred or less in other Equatorian towns)' (Leonardi 2013, 148). Many of my older respondents had in 1964-5 sought refuge in 'the bush' or across the borders of the DR Congo or the Central African Republic. Isaac, a Zande writer and two-time refugee, explained:

> Often during conflict in Zande regions, ethnic Zande seek refuge across modern state borders but within the pre-colonial boundaries of Zandeland ... The Zande still manage to find relative comfort among the host communities through relatives (*agume*) [not] from one's family, but anyone who shares one or more of 'your clan' (*ngbatunga ro)* ... Through clan connections, displaced Azande always find new relatives among the host communities. Those who host fellow Zande refugees or IDPs are always compelled to show 'the duties of a relative' (*manga pagume*) to those who have suffered disaster (Hillary 2021).

This would be a recurring pattern throughout the war-induced displacements that affected South Sudan, DRC and CAR over the coming decades. When war started, many people would seek refuge across the borders but within the Zande area.

As the First Sudanese Civil War came to an end, the first Sudanese post-war return migration changed settlement patterns considerably. After the Addis Ababa Peace Agreement (1972), the Southern Regional Government gained control over the towns.[7] Their populations swelled, as returnees often preferred

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6 Statistics about war-related migration are always complicted, and often political. But this figure seems to be supported by Holborn, who draws on Sudanese government statistics, to estimate that 500,000 people 'hid in the bush' (were internally displaced), and 180,000 took refuge in neighbouring countries: 74,000 in Uganda; 60,000 in Zaire; 20,000 in Ethiopia; and 20,900 in CAR (Holborn 1972).

7 In line with the Southern Regional Government, I understand towns to include all settlements of 5,000 inhabitants or more.

town life to their villages of origin. By one estimate, the urban population in southern Sudan by 1973, 'had risen from less than 50,000 to almost 300,000' (Leonardi 2013, 149). The southern Sudanese government and various international aid organizations sought to counteract this urbanisation. They wanted people to return to their 'home villages' or newly-designed 'peace villages,' with a view of tying people to places, ethnic groups and chiefs to prevent 'scattering and chaos' (Kindersley 2017, 216; Leonardi 2013, 216). Elsewhere in southern Sudan, the Relief, Repatriation, and Rehabilitation Commission (RRRC) established a 'villagization programme' much like in the colonial-era. For a long time the RRRC had no offices in Western Equatoria, and had no capacity to implement this policy and 'proper statistics of returnees [had] not been kept' (Kindersley 2017). Whereas before the war, Western Equatorians had mostly lived 'on the lines' of the Zande Scheme resettlement, when Siemens visited the area in 1984-5 he found that many people upon their return had 'settled by roads of their own volition' (S.D.S.D. Siemens 1990).

When the Second Sudanese Civil War erupted in 1983, Western Equatoria was not a theatre of war at first. Still, the consequence of the war and SPLA-mobilizations were felt. For instance, by Charles, who was studying theology in Tambura at the time. Like many of my respondents, he supported the SPLA in principle but his practical encounters with soldiers were often negative. In an interview in 2017, he recalled how when 'the SPLM movement started. They came and captured our lecturers and tutors. So the [school] was closed again.'[8] Similarly, James was in school in 1989 when:

> There was much shelling in Juba, which made me to flee to Khartoum ... with the aim to go for studies. Because there was instability in the place already, I could not stay in Juba. When I reached in Khartoum, I came and found the same mistreatment [by] the Arabs. They could not let you go to the university unless you go for fighting ... with your own colleagues the South Sudanese.'[9]

His quote illustrates a broader point about movement in war-time: People are perhaps 'pushed' by mortar shells, but simultaneously 'pulled' by education and other opportunities. These accounts are a first illustration of a recurring theme in the history of migration in South Sudan, which has increasingly been recognized in scholarship: Even in times of war, migration may involve mixed motives and defy the simplistic dichotomy between 'voluntary' and 'forced' migration (Van Hear, Brubaker, and Bessa 2009; Czaika and Kis-Katos 2009).

The war did not start in earnest in Western Equatoria until 1990. The Sudanese Armed Forces (SAF) had more or less stable control over towns like Tambura, Yambio and Maridi. However, in late 1990 the SPLA launched an

8 Interview with Charles Bangbe, Western Equatorian refugee in Kiryandongo RS, 19 June 2017.

9 Interview with James Waraga, Kiryandongo RS, 5 August 2017.

offensive. Then, hundreds of thousands of people fled to Zaire or CAR, with smaller numbers going to Sudan, Uganda, the UK, Canada, Australia and the US. Western Equatorians today differ in how they look back on the violence of that period. Many insist that civilians, and especially women, bore the brunt of the violence from both sides. My key respondent Elizabeth, for instance, fled from Maridi to the DRC 'because the SPLA were marrying people by force.'[10] Others saw no reason to fear the SPLA. One ethnic Balanda was 5 years old when the SPLA came to Yambio, 'Many people ran. But we didn't run that time. My father said if we go out, we will suffer. And they were more professional at that time. They were not mistreating civilians.' He still joined the refugees in Mboki settlement in CAR, but for a different reason: 'I left in 1998 looking for education. So I went to Mboki and stayed there for three years. Education there was good, but mostly French.'[11] Again, the migration motives were mixed.

The fragmented nature of conflict in South Sudan (see Sections 1.3.1 and 2.5) helps explain the localized timelines of refuge and return. The heaviest fighting in Western Equatoria took place from 1990 and already by 1993 the area was under SPLA control. And so many of the refugees who had fled within the region, returned within a few years (Duffield, Diagne, and Tennant 2008, 12). In 1993, WorldVision first came to Yambio in response to what they estimated to be 50,000 returnees from Zaire. As Western Equatoria was comparatively safe at this time, displaced people from elsewhere in South Sudan also came here during the war. Also in 1993, a large number of mostly Dinka IDPs settled 'outside of Mundri and Maridi following the Bor massacres' (O'Toole Salinas and D'Silva 1999, 4). This migration would later result in disputes over land and belonging (see Sections 4.2 and 4.4).

The dates of running and return do not neatly map on to the political ruptures. There are trends and patterns, but also countless individual stories which run counter to them: Some people only 'ran' from Western Equatoria in 1998, just as others were returning. Part of this is explained by economics. Displacement – as mobility more broadly – is akin to a 'scarce resource,' more accessible to some than to others (Cresswell 2010). As a 35-year-old woman who now lives as refugee in Kiryandongo RS recalls, 'When the SPLA came we were very young. We were still small, so our father had to carry me and we could not run far.'[12] These sorts of constraints shape people's displacement pathways. Conversely, some Western Equatorian continued their life as a refugee even as 'home' became secure. One chief, for instance, was 13 years old in 1990 when he ran from war. In the subsequent 17 years, he travelled between Congolese, Ugandan and Kenyan refugee settlements and towns in

10 Interview with Elizabeth Night, Kiryandongo RS, 15 May 2017.
11 Interview with Western Equatorian church leader, Arua, 17 June 2017.
12 Interview with 35-year-old female refugee, Kiryandongo RS, 13 May 2018.

pursuit of education and opportunities.[13] People made different choices, balancing many different priorities like security, but also education and economics. The pursuit of a fruitful life continues during wartime and in 'warscapes' (Lubkemann 2008), even if the context of war and displacement offers particular opportunities and constraints.

3.4 Running and returning towards independence (2005-2013)

In most of Sudan, the Comprehensive Peace Agreement (2005) sparked an enormous return migration, numbering some 2,3 million people by 2009 (IOM 2006; UNMIS 2009). The 'vast majority were 'spontaneous' returnees who arranged their own transport and resources' (Bennett et al. 2010, xvi), although UNHCR and IOM also organised large-scale returns. Yet Western Equatoria saw only an estimated 72,250 returns between 2006 and 2013 (UNOCHA, SSRRC, and UNICEF 2006; IOM 2014).[14] Most Western Equatorians had already returned years earlier, and not always voluntary. In 1998 for instance, General Samuel Abu John had led a group of SPLA-soldiers into the area around Dungu in the DR Congo, to violently force refugees back into Western Equatoria.[15] This campaign came right before the time of harvest, forcing the farming refugees to abandon their crops and return to South Sudan too late to cultivate. As after the previous war, Equatorian towns saw an in-migration not just of people who had lived there before the war, but also of people whose area of origin remained unsafe or less developed (Sluga 2011). Here, as elsewhere, refugees' post-war return to their country of origin, did not always equate 'going home' (Hammond 2004).

The CPA heralded formal peace at the national level, but many areas remained insecure and so there were many subsequent displacements. By one estimate, 10 percent of the two million Southern Sudanese 'returnees' who came back since the signing of the CPA in 2005, were displaced again before 2010 (Bennett et al. 2010, xvi). In Western Equatoria, the conflict with the LRA

13 Interview with payam chief, Kampala, 16 June 2017.

14 Specifically, some 12,000 returns in 2006 (only from the DRC and CAR) (UNOCHA, SSRRC, and UNICEF 2006), and another 60,250 from 2007-13 (IOM 2014). UNMIS estimated that in 2009, some 14,003 people returned to Western Equatoria State (UNMIS 2009). UNOCHA also wrote that in 2006, 'Reportedly, 380,000 IDPs from Western Equatoria are registered in Khartoum. It is predicted that they will return though the time-frame is unknown.' This is likely to have been an exaggeration. The total population of Western Equatoria by 2010 was estimated at 619,029 (GOSS and SSCCSE 2010).

15 Abu John was one of the first southern Sudanese to join military college in 1955, and then held a variety of senior positions in the Anyanya 1 movement, the Government of Sudan, the SPLA, and Government of South Sudan. He was also Governor of Western Equatoria State from August 2006 until his death in February 2008. See also: (Zindo 2008). The story of the forced return was narrated to me, among others, in: Interview with former Western Equatoria State minister, Kampala, 21 June 2017.

and with Dinka (see Section 2.6) were also linked to population movements. Many of the Dinka involved in the 2005-6 clashes had come to Western Equatoria during the 1990s. Some were SPLA who liberated Western Equatorian towns, others had been displaced by the 1993 Bor massacre and food shortages in Rumbek.[16] Others, still, were in search of suitable and safe grazing grounds for their cattle (I. Robinson 2014). The friction between these various Dinka groups and groups claiming autochthony in Western Equatoria – including prominently Zande and Moru – only escalated after the CPA, when many people and organizations were adamant that everyone – refugee and displaced included – should 'go home'. The violence, although much smaller in scale than the SPLA-war or the LRA-conflict, still caused some people to run away from the towns temporarily.[17]

The LRA-incursions into Western Equatoria were also the result of an earlier 'displacement'. The Ugandan army had forced the LRA out of northern Uganda, and then from northeast DR Congo (see Section 2.6). The roaming and scattered rebel group then came to Western Equatoria where it displaced some 70,000-100,000 people (Danish Refugee Council and Danish Demining Group 2013, 1). In some areas, people were displaced at a similar rate as during the Second Sudanese Civil War. In Ezo and Tambura, for instance, a survey found that 16,9 percent of respondents were displaced or 'made refugee' in 1990 when the SPLA took over the territory, and 14,5 percent in 2009 at the height of the LRA-crisis there (Rigterink, Kenyi, and Schomerus 2014).[18]

The LRA-related migration catalysed the ongoing process of urbanisation, as people living in the rural borderlands with DRC and CAR fled to towns like Ezo, Tambura and Yambio where they also came to appreciate town life (Braak 2016, 50). LRA-displaced people moved from the countryside to nearby towns, where local government authorities directed them to clear and develop the 'bushy' land on the edge of town (see Section 4.4.1). The LRA-crisis also prompted some 7,000-12,000 Congolese and Central Africans, often Zande, to cross the border and seek refuge in Western Equatoria (Danish Refugee Council and Danish Demining Group 2013, 7; FAO, UNHCR, and WFP 2015). Some 7,000 were hosted in camps in Ezo and Makpandu, and an unknown large number also settled in the towns.

Beyond conflict-related migration, the years around independence also saw an influx of migrants from East Africa (especially Uganda, Kenya, Eritrea and Ethiopia), and from further afield for work or trade. And a small and diverse, but wealthy and visible group of people came to Western Equatorian

16 In 1993 large numbers of IDPs settled outside of Mundri and Maridi following the Bor massacres (O'Toole Salinas and D'Silva 1999). In the small town of Nadiagere, some 100 km north of Yambio, an aid organization in 1998 reported at least 800 IDPs had arrived who fled food scarcity in Rumbek (World Vision 1998).

17 Interview with catholic sister from Yambio, Kampala, 23 March 2017.

18 People under 23 years at the time of the survey in 2013, would have naturally not reported being displaced by the SPLA in 1990.

towns from all over the world to work with UNMIS, NGOs, churches, teak companies, as researchers, or with the US Special Forces near Nzara. All these various migrations left Western Equatoria more diverse and cosmopolitan.

Crucially, not everyone who had left came back. A considerable group of South Sudanese refugees had settled elsewhere. Although numbers are hard to come by, my qualitative research suggests that considerable South Sudanese diasporic groups (with much smaller numbers of Zande) continue to live in Sudan, Uganda, Kenya, Egypt, the UK, US, Canada and Australia. These groups often remained connected to their relatives and acquaintances in South Sudan, and would especially during the South Sudanese Civil War (2013-2020) often support them through ethnic associations, churches and family networks (Barnes et al. 2018).

3.5 The meaning of return: Innovation and alienation

> 'No man ever steps in the same river twice, for it's not the same river and he's not the same man.' – Heraclitus

So what did all these movements, and especially the return 'home' around independence, mean to the people and their sense of belonging? The answers are complicated and contradictory. Most of my respondents had been optimistic some of the time, but there were also pessimism, trauma and adjustment problems. This section addresses the pessimism first. Charles, for instance, explains his decision to leave CAR in 2000 as follows:

> Because I was asking myself: if I have to continue here [in Mboki Refugee Camp], all my life will finish and I will do nothing. Unless I decide to nationalize myself in CAR, that could help me in the future. But I decided to repatriate.[19]

Charles was pushed away more by the hopelessness of life in exile in CAR, than drawn by pull factors from Yambio. This echoes an earlier finding about the existential nature of migration: 'it is when people feel that they are existentially 'going too slowly' or 'going nowhere', that they are somewhat 'stuck' on the 'highway of life', that they begin contemplating the necessity of physically 'going somewhere'' (Hage 2005, 471). Charles could see no future for himself in CAR, unless through nationalization, and hoped to find his future in South Sudan again.

The return 'home' was often complicated. Returnees, especially those coming back from Khartoum, often faced questions about their loyalty (Kindersley 2016), succinctly summarized as 'Where were you when we were

19 Interview with Charles Bangbe, Western Equatorian refugee in Kiryandongo RS, 19 June 2017.

fighting?' (IOM 2013). In the competition over power and positions, having 'fought' or 'suffered' became currency for post-war reward. Having run away was argued by some to be weak, or suspect. And yet in Western Equatoria by 2014, the governor and many of his cabinet members had all spent considerable time 'outside'. These elite returnees had come back comparatively rich with money, degrees and ideas to rebuild South Sudan (see Section 4.3). Children who were born or raised in exile faced particular difficulties. They had learned languages like French, Sango and Zande, and knew little English and Juba-Arabic upon their return 'home.'[20]

Many Zande were worried that war, displacement and return, had caused their culture to 'erode' or 'disappear' and people to 'scatter' and 'get lost'. Some argued that Zande people were quick to embrace new ideas, instead of honouring their own traditions. In the words of the county commissioner of Tambura: 'Culture should remain as it is. Before globalisation and democracy ... We lose our essence. Youth don't know Pazande. We are quick to grasp new ideas, but we forget our own.'[21] This process of cultural alienation, was also associated with global ideologies and modern technologies (like Premier League-football, Facebook and cell phones). Yet conflict and displacement played the most prominent role in narratives of cultural erosion. One catholic sister from Western Equatoria, now living in Kampala, explained:

> When I was young I only witnessed two people die in the village, and that was due to old age! There was no violence. We were not brought up to lock the door ... But with the signing of the Comprehensive Peace Agreement [in 2005] the roads were opened. And those of us who ran came back. We brought the bad and the good things. Also, our neighbours from Uganda, Congo and wherever brought things that messed up in that way.[22]

In the sister's narration, the peaceful old days were disrupted by the ambivalent influences of returnees and foreign migrants. In Yambio in 2015, this friction was apparent especially in land disputes, but also in day-to-day interactions. For instance, the returnees from Khartoum were sometimes accused of being 'arrogant', 'disobedient to the elders,' and 'abusing people in classic Arabic.'[23] Crucially, the source of friction was based not on ethnicity, but on where people had spent the war and how they chose to carry that legacy into 'return.' People had changed, and continued to differ upon their return. People's ability to deal with such differences amicably was not helped

20 Interview with 24-year-old Zande man, Bweyale, 10 April 2017. People who were educated (partly) in CAR or DRC also often complained how their educational achievements were not always recognized in South Sudan.

21 Interview with county commissioner, Tambura, 18 March 2015.

22 Interview with catholic sister from Yambio, Kampala, 1 August 2017.

23 Interview with 41-year-old 'head youth', Yambio, 2015. See also Interview with Charles Bangbe, Western Equatorian refugee in Kiryandongo RS, 4 August 2017.

by the 'mentality of war'. After one of the many customary court cases that we observed (see Section 5.5), one 'returnee' disputant reflected gloomily:

> We are not going to have things in the right order because everybody is just coming from war, and still has the mentality of war. It might take 10 years or more for all the bad things and injustice now to end. Maybe when this generation has perished.[24]

For all this sombreness, there was also a contradictory sense of hope around independence and return. When I interned at the Dutch embassy in Khartoum in 2011, I met some of the countless southern Sudanese who had lived in Khartoum often for decades.[25] Many were keen now to 'go home'. I joined a priest on a visit to a shantytown on the border of Khartoum and the desert beyond. We brought sugar and salt, and spoke with the southerners who had gathered there about their hopes and fears about the future. The conditions were squalid, and the desert sun and dust were beating down on the little settlement. One old woman in a loose-fitting blue dress was lying between her piled belongings, covered with white tarpaulin. To my surprise, she was jubilant: 'We are like the Israelites in Egypt, we will return to the land of milk and honey.'[26] Having cast their displacement in religious terms – as a punishment by God – many returnees equally considered the return as God-given, and were hopeful about His continued blessings. In secular terms the optimism was understandable, too. After decades of war and more than a century of despotic rule, now dawned the prospect of peace and self-determination.

The hopeful atmosphere was helped by the return of exiles and diasporas who had lived 'outside' for many decades, and now returned to help rebuild the world's newest state (Ferrie 2011). In Western Equatoria, these returnees took up powerful governing positions within the government (see Chapter 4), as traditional authorities (see Chapter 5), in churches or NGOs. Travelling elsewhere and returning 'home' with privileged foreign-earned knowledge – be it a degree or *le pouvoir* (the power, magic from Congo) – had long been an established means for social mobility in southern Sudan. Many sources of

24 Interview with 49-year-old returnee disputant, Yambo, 3 June 2015. His dispute was with his estranged wife, and prominently figured their time in Khartoum and domestic friction upon return to Yambio.

25 This was an exceptional period. Southern Sudanese had voted for secession on 9 January, and independence would follow on 9 July. Disbelief over Khartoum's willingness to let the south go peacefully, gave way to frenzied political negotiations and preparations for independence. Among the many subjects, was the status of the huge number of southerners in the north after independence. Exact figures were complicated and political. Munzoul Assal is quoted by De Geoffrey as estimating in 2006 that, 'IDPs in Khartoum make up 40 percent of the capital's current population; they also represent half of Sudan's displaced population' (De Geoffroy 2007). These estimates included IDP's who were not from the South but from Darfur and South Kordofan.

26 See Exodus 3, 17.

power had their centre of gravity outside Western Equatoria, and (colonial) government, churches, higher education and NGOs all depended on mobility and the interaction between local and foreign ideas, people and goods. In this way, the massive return migration also brought new ideas, often also to reconstruct culture and tradition. For instance, a young Zande lawyer living in the UK drew inspiration from Colombia, Uganda and the US to write a constitution for a to-be-reinstated Zande Kingdom (see Section 5.3.2).[27] The paramount chief had visited South Africa, Botswana and Ghana to learn how their governments and customary authorities cooperated.[28] Ordinary people, too, had experiences from elsewhere, either through their own movements or through relatives who had kept in touch. In peace-time, the connections between Western Equatoria and beyond were kept alive. And just as mobility had predated conflict, it outlasted it too.

The hopeful atmosphere was helped by an economic recovery. When the various conflicts subsided, farmers could go back to cultivating.[29] Western Equatoria quickly became something of a bread-basket for the rest of South Sudan: In 2010, 2012 and 2014 it was the only state to produce more food than it consumed (Goodbody, Pound, and Bonifacio 2012; Zappacosta, Robinson, and Bonifacio 2014; Goodbody, Badjeck, and Mukhala 2010).[30] As roads became safer, trade also recovered (Baguma 2013). Government, aid organizations and companies also invested in Western Equatoria at this time. Businesses and hotels were set up, and roads were built or repaired. By 2014, the streets were lined with signs of various aid organizations doing all sorts of projects: health care, trauma healing, agricultural training, gender-based violence reduction, vocational training. International organisations paid well, often in US dollars. The South Sudanese Pound, too, was relatively valuable at this time. And so a sizeable minority could afford to travel to Uganda for medical care, or to send their children to school there.

3.6 Conclusion

Classical ethnographies and romanticized oral histories paint a picture of a stable 'Zandeland', in which the mostly agricultural population lived sedentary lives. This chapter and the last have, instead, shown how incessant change

27 Interview with member of the Constitutional Committee for the Zande Kingdom, Yambio, 2 October 2014.

28 Interview with paramount chief, Yambio, 1 October 2014.

29 The main crops cultivated in Western Equatoria include maize, groundnuts, millet, sesame, cassava, sorghum, sweet potato, banana, yam, pumpkin and pineapple. Profit is also made from timber (teak and mahogany), oil-palm and fruit trees.

30 With one exception: In 2009/10 Warrap State was estimated to produce a surplus of just under 25.000 tonnes. Western Equatoria produced a surplus of just under 75.000 tonnes that year.

and frequent mobility characterize the lives of those who by 2014-5 lived in Western Equatoria. The turbulent history discussed in Chapter 2 at various times forced, persuaded, enabled, or obstructed people's mobility. People moved to join or avoid relatives, friends, Zande kings, *zariba* trading stations, Christian missionaries, colonial government and armed groups. People were forced out by violence, fear and poverty, and attracted by peace, hope and opportunities. Movement was on foot, by bicycle, lorry, or plane. Sometimes people's movements were coerced by colonial state programmes to transform society (see Section 3.2), facilitated by UNHCR, or forced by SPLA-troops (see Section 3.4). And often, even amidst war, people 'ran' and returned on their own initiative. In short: The movements were endlessly diverse (see Annex 1: Portraits). And although the means and specific contexts of movements changed, some of the core dilemmas remained the same: When is it wise to stay or go? Where can a good life be lived? These questions recurred time and again, as also in 2015 (see Chapter 6).

Only a minority of Western Equatorians now identify as 'continuous resident.' Most people have been displaced at least once but often more often. Especially since Sudanese independence in 1956, South(ern) Sudan belongs to a tragic subset of places with near-cyclical conflict and displacement. In Eastern Congo, scholars found that people 'oscillate continuous[ly] between displacement, refuge, and return' (Rudolf, Jacobs, and Nguya 2015, 107). The oscillation is not quite so continuous in South Sudan, but certainly periodical: During the main three wars, people were typically displaced for at least 5 years at a time (fitting the UNHCR definition of 'protracted displacement'). This means that people are now familiar with fleeing from war, refugee life, and the dynamics of post-war return. The resulting elaborate body of knowledge is evident in people's mobility deliberations, and the expressions and proverbs they use to navigate such decisions (see Chapter 6).

War has been a prominent factor in peoples' mobility deliberations, but it has not been the only one. This chapter has confirmed earlier studies which found that a vast continuum exists between 'forced' and 'voluntary' mobility (Van Hear, Brubaker, and Bessa 2009; A. Richmond 1994). Western Equatorians nearly always had some measure of agency – albeit sometimes to choose the lesser of two evils such as between staying in a warzone or running away. People differed in their assessments of the risks and opportunities of mobility and various destinations. People also balanced many different priorities – among which of course prominently security, but also education. Of course, such agency is always curtailed by people's socio-economic resources (e.g. social networks, money, information), and so not everyone had equal 'access' to mobility (Cresswell 2010). In migration terms: Both people's *aspiration* to move and their *ability* to do so, differed widely. These dynamics will be analysed deeper later in this book (see Chapter 6). The complexity of mobility in Western Equatoria, meant that the dates on which people chose to 'run' were scattered, and even more so the dates of 'return' (see Section 3.4).

This chapter has also shown how 'running from war' and return have also affected much-debated changes in Western Equatorian society. New people, ideas and technologies came to Western Equatoria, and people forged connections to people and places far beyond. As Isaac, a young writer, put it: 'One of the positive lessons one can learn during conflict, is how humans are interconnected' (Hillary 2021). Especially toward independence, the return migration brought ambitious returnees who had lived, studied and worked all over the world. This was to have manifold effects on the governance of Western Equatoria State (see Chapter 4). Here, as elsewhere, the 'return home' was far from unproblematic. Returnees had been nostalgic for 'home', but did not find the idiomatic 'land of milk and honey' upon their return. Friction between 'stayees' and (various groups of) returnees arose (Allen and Morsink 1994; Akoi and Pendle 2021; Grabska 2014), often around land (Braak 2016; Justin and Van Leeuwen 2016; Justin 2020). And many Zande worried that conflict-induced mobility had 'scattered' them, and that they had adopted too many 'foreign' things. They worried that their relatives and children who (had) lived abroad would be 'lost', and that Zande culture was 'disappearing' (see Section 3.5). This perceived crisis of cultural change, helps to explain the urgency with which people set about reconstructing tradition (see Chapter 5), and the essentialist terms in which they would conceive of identity and belonging (see Sections 6.2 and 9.6).

The long history of ruptures (Chapter 2) and movements (Chapter 3) gave way to a 'moment of peace' (2011-15), in which Western Equatoria experienced economic recovery and in-migration. The movements described in this chapter, had contributed to the cosmopolitan character of Western Equatorian towns like Yambio, Ezo and Maridi. They would also fuel demand for urban land, increase its monetary value, and increase disputes over land ownership and boundaries (see Chapter 4). This would in turn inspire a utopian land formalisation scheme by the Western Equatoria State government (Chapter 4). Traditional authorities had come out of the long years of war weak and humiliated, and sought now to secure more prominent positions in the future of Western Equatoria, reconstructing 'tradition' in the process (Chapter 5). So by the time of my first research in 2014-5, the atmosphere in Western Equatoria was one of optimism, moon-shot aspirations and varied 'reconstruction' initiatives. People debated the pace and direction of change, finding inspiration both in the pre-colonial past and in the countries where they had been exiled during the wars.

4 Grounding conflicts: Land and formalisation in times of post-conflict return in Western Equatoria (2011-2015)[1]

4.1 Introduction

When I first arrived in Yambio in 2014 it was with a small plane from Juba. For 350 kilometres we flew over forests and plains, interspersed by farmland and rivers, and sparse villages and towns. South Sudan's population density is almost ten times as low as Uganda's, and seen from above land appeared plentiful.[2] Even Western Equatoria State's capital city Yambio looked relatively green from above. Seen from the ground, however, land in the rapidly growing towns was coveted and contested. As the payam administrator of Yambio at the time put it, 'It is very difficult to find empty space around Yambio.'[3] In fact, the competition over land in peaceful Western Equatoria would be at the root of the eventual re-eruption of war.

This chapter analyses why and how the Western Equatoria State government formalized land tenure during the peaceful period (2011-15), and how the process was connected to past and future movements and ruptures. In the aftermath of civil war, the peaceful and prosperous Western Equatorian towns saw an influx of people, 'newcomers' often (see Sections 3.4 and 3.5). Some were conflict-related migrants (returnees, IDP's, refugees), others were drawn by the prospect of town life, and for many these motives were mixed. Many people looked to land as a beacon of stability, and a first building block for peacetime lives. Land became more desired, valuable and contested (see Section 4.2).

To resolve and pre-empt land dispute and as a first step toward a utopian future, Western Equatoria State's government set about formalizing land tenure (see Section 4.3). I follow Tania Li, in analysing both the government intervention (in its own terms), and 'what happens when [it] becomes entangled with the processes [it] would regulate and improve' (Murray Li 2007, 27). Some of the formalisation's shortcomings were predictable and in line with the

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1 Part of this chapter was published earlier in 'Exploring Primary Justice in South Sudan' (2016) by the author.

2 The WorldBank estimated South Sudan's population in 2015 at 10,716,000. On a surface area of around 620,000 km2, that makes 17 people per km2. See: https://data.worldbank.org/country/south-sudan . A similar calculation puts Uganda's population density at 177 per km2. These are rough estimates, as especially in South Sudan demographic statistics are poorly maintained.

3 Interview with payam administrator, Yambio, 16 June 2015.

critical literature on the subject. But beyond failing conventionally and despite the best intentions, in this post-conflict setting the 'demarcation' heightened tension between various groups of IDP's and local land holders with strong ties to local government (see Section 4.4). This further increased the distrust and friction between various ethnic and socio-economic groups. In the town of Maridi, friction over land became politicized and later violent, which contributed to the eruption of a new civil war in 2015 (see Section 4.4.2). The formalisation illustrates well how ostensibly 'technical' governance initiatives in a post-conflict setting can work out profoundly political, and jeopardize the peace.

The end of (civil) war and subsequent return migration are often accompanied with land conflicts and debates about restitution (McCallin 2012; Betge 2019). Frequently, such conflict involves friction between 'local' or 'indigenous' ethnic groups, and 'migrants' or 'foreigners' (Huggins 2010; Mitchell 2014; Benjaminsen et al. 2009). In South Sudan, too, land was one of the root causes of conflict (Pantuliano 2007; Øystein H. Rolandsen 2009), and debates about indigeneity have periodically been politicized and militarized. Various authors argued that improved land governance could help solve current conflicts, and prevent future ones (Marzatico 2014; D. Deng 2014). The Western Equatoria State government followed this reasoning, and implemented various ambitious land governance reforms, most prominently the 'demarcation'.

There is a rich literature on the merits and demerits of land formalisation across the globe. Colonial efforts to formalize and individualise land tenure in Africa, date back to the 19th century (Shipton 2009, 130). More recently, formalisation received new impetus after De Soto's influential '*The Mystery of Capital*' advocated it as a means to stimulate economic growth, improve tenure security for smallholders and alleviate poverty (De Soto 2000; Otto 2009). Many Sub-Sahara African countries have followed the global trend towards formalisation. Control over land often has often played a pivotal role in African conflicts. And so reforming land governance and formalizing titles was high on the agenda of post-conflict governments in Burundi (Betge 2019), Mali and Niger (Benjaminsen et al. 2009), Rwanda (Pritchard 2013), and Uganda (McAuslan 2013).

However, even in otherwise stable societies, 'formalisation' can be a destabilizing and conflictual process, which is costly to perform and to maintain (J. Bruce 2012; Otto and Hoekema 2012; J. W. Bruce and Migot-Adholla 1994). Authors have been especially critical of using a legalistic approach to land as a way to avoid the manifold political and economic dilemmas surrounding the fair distribution of land (Manji 2015; Kennedy 2003), and the production 'legitimate forms of social order' (Lund and Boone 2013). When land disputes are about much more than land alone, a technical 'solution' is likely to fall short. This chapter argues not just that the programme failed, but rather explores why it was adopted in the first place, how it was implemented, and in what ways it 'failed'. It argues that beyond failing con-

ventionally, the implementation of the demarcation contributed to friction and, ultimately, the eruption of civil war.

To explore this thematic, this chapter is structured as follows. First, it analyses land dynamics in post-conflict Western Equatoria. It shows how land tenure – 'the rules that govern access to, rights over, and the authority to allocate land' (Badiey 2013, 57) – was a complicated amalgam of historical state practices, customary tenure arrangements, and ad hoc improvisations. There were countless land disputes. Land had also been central to South Sudan's independence struggle, and to renewed debates about autonomy and autochthony, belonging and identity. Second, this chapter introduces the Ministry of Physical Infrastructure, the ambitious Minister and some of his key staff. The Minister is an interesting example of an ambitious elite returnee, who wanted to bring about utopian change upon his return. This section also details the street-level problems and improvisations by his subordinates. Third, I discuss two larger land disputes in some detail: The first between a church and LRA-displaced people in Yambio, and the second between Dinka SPLA-veterans and the county government in Maridi. I analyse some important similarities and differences between the two cases (See Section 4.4.3). After the 2015 re-eruption of conflict, land governance was heavily affected and I met some of the main characters of this chapter – the Minister and the chairperson of a land dispute committee – again as refugees in Uganda (see Section 4.5). In the conclusion I explore how this case speaks to the rest of this book, and to the literature on formalisation.

4.2 Land dynamics in post-conflict Western Equatoria

4.2.1 Land tenure patchwork

Control over land has changed hands often in Western Equatoria, between customary and (colonial) state authorities and armed groups. The various authority structures that arose, consolidated or eroded over the course of the wars, all left their mark on the land tenure systems (Ø.H. Rolandsen 2005). During the colonial-era Zande Scheme a cadastre had been established for the areas around Yambio and Nzara, and some authors reportedly still came across remnants of that system (see Section 3.2) (Reining 1982; Wyld 1949a; Marongwe 2014, 11). But during the decades of war, people had moved around and land transactions had not been uniformly registered. What was left by 2015, was a complicated patchwork of tenure systems that like 'sediments' offered a rich soil on which land claims and disputes would grow (Bierschenk and Olivier de Sardan 2014).

In law and practice, a rough dichotomy existed between rural and urban areas, with the former under customary tenure, and the latter under government control and law. In the ideal type, customary tenure was part of a larger

order where families and especially clans have an important voice in allocating land. Access to land, here, depends on social relations, reputation and labour, rather than 'just' a paper title which could be traded for money. Rural land is abundant, and so when newcomers arrived they were typically directed to the edge of the village to clear their own plot.[4] Elsewhere in Sub-Sahara Africa, too, systems of landholding existed beyond or before the (colonial) state wherein 'Birth right, marriage, clearing, encroachment, clientage, and swaps and other voluntary transfers were the ways to get land, and child-bearing, active farming, and good citizenship were the ways to keep it' (Shipton 2009, 134). In Western Equatoria in 2015, most people told us that rural land has little problems or disputes, because it was plentiful, and because the clans 'know their own boundaries.'[5] Whether this is a romanization is beyond my scope here, but people used this image of a harmonious countryside as a rhetorical contrast for the 'confusion' of the towns.

The towns were associated with another kind of tenure and property conceptualization. Here an individual could transact land, and land access depended less on communal life and more on the state. In the words of the paramount chief of Yambio: 'This place belongs to the government. A demarcated area, a demarcated plot, and a lease has been issued by the government. That means it is under the government. You are answerable to the government.'[6] Still, Deng estimated that by 2014 less than half the individual land in South Sudan's urban areas was 'formally registered' (D. Deng 2014, 32). Following the CPA (2005) and around independence (2011) urbanisation increased, and land became more in-demand, monetized and contested, which in turn fed speculation and grabbing (Leonardi and Browne 2018, 4). Rural migrants often settled along the fringes of the towns, using the familiar clearing-to-claim logic (see Section 4.4.1). Towns would then grow to incorporate the new peri-urban neighbourhoods. Land and people who used to be 'under' customary tenure, slowly became integrated into the urban frontier, and into the realm of the state (Leonardi 2013, 223).

4.2.2 Land disputes

Land became one of the sources of conflict in peace-time Western Equatoria, within and between families, neighbours, communities and administrative units.[7] Sometimes these disputes would escalate and involve the threat of physical or spiritual violence. Now that land was becoming monetized and

4 Much like an unmarried adult son might clear some land on the edge of his parents' homestead to construct his own tukul.
5 Interview with NBS official, Yambio, 27 January 2015.
6 Interview with paramount chief, Yambio, 8 April 2015.
7 Such as between Nzara and Yambio counties about boundaries

valuable, there were countless stories of selfish individuals who rushed to claim and sell land that other people, too, depended on: chiefs sold communal land,[8] individual members sold family land.[9] Large landholders like churches and teak companies were also frequently involved in land wrangles (Braak 2016), as were GoSS and SPLA officials (Bennett et al. 2010, 88).

These disputes were closely related to cycles of conflict and displacement. Some disputes directly followed the return migration. Informal war-time agreements on land use between relatives or acquaintances, had often not been spelled out on paper. When people returned many years later, the original dealmakers had sometimes passed on and a land dispute arose between their offspring. One of many such instances was recalled to me in Kiryandongo RS in Uganda, during a group discussion with people from Yambio:

> Noah: When people came back from Anyanya 1 [First Sudanese Civil War] there were two befriended families. One didn't have land, the other did. So they gave some land and the family lived there, cultivated there, buried there. But then the offspring started quarrelling over the land, and said: 'that friendship was between our parents, not us.'
> John: When offspring of old people come back on old agreements, it is like instead of relationships being cultivated, they are sacrificed because the land is now so valuable.[10]

This account is illustrative of the heated emotions involved in land disputes. They were about much more than land access or ownership, and frequently changed the way people related to one another.

Land disputes would be brought to the customary and statutory courts, or to a new administrative body set up for this purpose: the Land Dispute Committee of the County Land Authority (CLA) (Braak 2016). My team and I attended hearings at all these forums, studied their records, and followed up with disputants outside (see Annex 3: Methods). We learned that by 2014, everything around land tenure in Yambio was pluriform. The authority over land was disputed between various customary and statutory authorities, which all issued types of 'paper' proof of ownership and boundaries. But these forums would often also accept alternative forms of proof: trees planted by parents, graves of ancestors and visible investments in the land (e.g., structures, crops). There were equally diverse discourses about legitimate land ownership: Some people claimed land because they had bought a lease, others because they had buried ancestors there, others still because they had liberated it during the war, or because they had cleared or developed it. Badiey describes

8 Interview with 41-year-old 'head youth', Yambio, 2015 and Interview with Director of Survey, Yambio, 27 January 2015.
9 Interview with 28-year-old male disputant, Yambio, 20 February 2015.
10 Group discussion with refugees from Western Equatoria, Kiryandongo RS, 18 February 2017.

these dynamics for Juba well, where land disputes resulted from housing shortages:

> Throughout the town's neighbourhoods as the paths of long-time residents crossed with returning refugees, internally displaced persons (IDPs) and ex-combatants – all of whom articulated claims to land that reflected their distinct experiences of the war, and sought to carve out advantageous positions in the new state, whether through emphasizing citizenship rights, ethnic privilege, elite status, or contributions to the liberation war (Badiey 2013, 58).

In the words of Lund, 'several competing normative orders may be brought to bear to legitimise a specific claim, and several groups and institutions may compete over who has the jurisdiction to settle disputes and set norms by precedent' (Lund 2011, 72). Land governance in Western Equatoria was squarely positioned at the centre between the political contestation over authority and control, and identity and belonging.

4.2.3 The politics of land and belonging

Three political currents coalesced in the years after independence in 2011, which would shape land claims, disputes and governance. First, there was the post-war rhetoric, supported by the Land Act and international NGOs, that people ought to 'go home'. During the Second Sudanese Civil War (1983-2005), the SPLM/A had mobilised support and fighters, by insisting that land should belong to 'the people' (van Leeuwen, van de Kerkhof, and van Leynseele 2018, 296). In the words of Yambio Paramount Chief Peni, 'You see, the issue of 'land belongs to the people' was a policy developed by the South Sudanese during the war in order to fight the Arabs who were claiming this land.'[11] This credo was incorporated into the Transitional Constitution: 'all land in South Sudan is owned by the people of South Sudan and its usage shall be regulated by the government.'[12] *Which* land, however, belonged to *which* people, and *how* government would regulate it, remained contested and left largely to local improvisations and the Land Policy.[13]

A central question was whether all South Sudanese should have equal rights to land throughout the country, or whether people who could trace local ancestry or (ethnic) origin should be accorded privileges. Across the Equatorias, returnees often clashed with (former) SPLA and 'displaced people (IDPs) from cattle-keeping regions of Southern Sudan, commonly (but not always accurately) labelled as Dinka' (Leonardi 2007b, 217; Justin and Van Leeuwen 2016;

11 Interview with paramount chief, Yambio, 8 April 2015.
12 Article 170: 1.
13 The Land Policy was presented to government in 2012, but still awaited approval by the National Assembly by the time of this writing.

Newhouse 2017). The Land Act (2009), stipulated that people who lost their land 'after an involuntary displacement as a result of the civil war starting from May 16, 1983' might be entitled to restitution.[14] But often, returnee attempts to reclaim their land were met with resistance from the current occupants who had bought the land with money and/or gotten it through war-time sacrifice (Leonardi 2011). Over time, scholars saw a rise in discourses in which 'ethnicity becomes a problematic shorthand for identifying land rights and determining territorial belonging and boundaries' (Leonardi and Santschi 2016, 10). Others warned that decentralisation, 'while theoretically the best way to govern South Sudan, has in reality often become an instrument to entrench 'tribal' lines over competition for resources' (Schomerus and Allen 2010, 9).

The association between territory and 'people', has a long history in South Sudan. Pre-colonial Zande Kingdoms are likely to have been multi-cultural (see Section 2.3), with people being able to move around to avoid or join other groups (see Section 3.2). But in colonial times, boundaries were drawn partly based on the 'tribal' vision of the colonial state: The area around Yambio became part of the 'Zande District' and the authorities sought to enforce 'tribal discipline' which included limiting people's freedom to move (see Sections 2.4 and 3.4). In the 1970s and 1980s, the politics of identity and land featured prominently in debates about federalism, and 'kokora' also in Western Equatoria (D. H. Johnson 2014; Wheeler 2005, 70). A headman in Yambio explained a popular understanding of the 'kokora' policy: 'anyone should go to where he came from ... In 1983 it was started by the government of Sudan. Everyone had to go back their place or state of origin and each tribe in its region should stay only in their place of origin in and of their ancestors and to rule themselves.'[15] In 2015, President Kiir decreed a new decentralisation again entrenching ethnic divides. The decree created for instance Gbudue and Tambura States, after the famous pre-colonial Zande kings (see Section 2.3). After, some people were told to go 'back' to where they came from.[16] In sum, over the last century, the concrete question of individual land tenure in South Sudan, has often been interpreted as part of the larger debates about belonging, community and 'autochtony'.

A second political current, was that across South Sudan but certainly in the Equatorias many people grew disappointed with the central government in Juba. After the euphoria in anticipation of independence, people were now awakening to the much more complicated reality of a divided country rife

14 Chapter 8 of the Land Act, 'Land Rights Restitution and Compensation.' There were technical as well political complications. For instance, claimants had to submit their request within 3 years from the commencement of the Land Act (by 2012).

15 Interview with headman, Yambio, 2 September 2015.

16 Focus group discussion with non-Zande men from Western Equatoria, Bidibidi, 19 August 2017.

with poverty, conflicts and corruption. When Western Equatoria was threatened by the LRA and Mbororo, the SPLA had been uninvolved – leaving many Western Equatorians feeling that the SPLA and central government had been 'captured' or 'belonged' to 'other people' (de Vries 2015). Often, such disenfranchisement with central government and the ruling elite was translated to 'the Dinka' as a whole (Copeland 2016; HSBA 2016, 2). This sense of alienation and abandonment among Western Equatorians was only aggravated when the South Sudanese Civil War started in late 2013 over what many interpreted as personal difficulties and powerplay between President Salva Kiir and Vice-President Riek Machar (see Section 6.2). These conflicts and disputes made the idea of a threatened (predominantly Zande) homeland more concrete, and land tenure even more political.

These two political currents – the growing distance between 'Juba' and 'Yambio', and the push for people to 'go home' – would have been sufficient to cause friction with IDP's in Western Equatoria. But they coalesced with a third one, which determined the shape of the friction. From the CPA in 2005 South Sudan had been the theatre of grand statebuilding ambitions. Flush with oil and donor money, South Sudanese elites and their international supporters envisioned moonshot transformations of society: To move the capital, industrialize the economy, build highways and airports, etc. This kind of 'starting-from-scratch' utopian planning is quite common in post-independence and post-war contexts, and often ignores history, politics and culture at its peril (Justin 2020; Mac Ginty and Richmond 2013).

Popper characterized 'utopian engineers' as those who use law as a programme, 'eager to reconstruct society in his own image [and] no longer willing to wait, to leave transformation to occur as the piecemeal and eventual result of countless individual decisions' (Allott 1980, 174). In Juba, too, this was a time of utopian urban planning perhaps precisely because the present was so precarious, and people desired to escape it in a big way (Badiey and Doll 2018). This may well be a general human tendency, 'The most wide-ranging and ambitious plans of nation states and their international sponsors are often born in response to the worst of perceived crises' (Shipton 2009, 146). Just after war, this was a time of dreams.

4.3 State visions and street-level improvisations

Why and how did the Western Equatoria State government prioritize land formalisation in this context? States are often said to 'see' in particular ways, and to work towards a more legible, simplified society (Scott 1998). Yet whenever the state *does* anything, it needs bureaucracies and employees to do so (Bierschenk and Olivier de Sardan 2014). And so, an anthropological study of 'the state' necessitates attention for the individuals who represent the state. Especially in a fragile post-war and post-independence state like South Sudan,

bureaucrats are left with discretionary room to choose how to implement often ambitious laws and policies with the limited means available to them.

This section revolves chiefly around three government employees at different levels: The state-level Minister of Physical Infrastructure (after this, 'Minister') who thinks 'big picture' and designed a state-level policy to demarcate land; his Director of the Department of Lands, Survey and Town Planning (after this, 'Director') who was in charge of the day-to-day implementation of the policy; and the chairperson of the Land Dispute Committee of the County Land Authority in Yambio County who had to resolve the countless land disputes that partially resulted from the demarcation. These individuals each had different perspectives, resources and interests, which explain some of the demarcation's shortcomings.

4.3.1 The minister's vision and the formalisation of land

The Minister had returned to South Sudan in 2008. He had spent the preceding decade in Ireland and the UK, where he had earned an LLM and worked as legal counsel. Like many other elite returnees, the Minister returned to South Sudan in the hopeful period between the CPA and Independence, when the atmosphere was heavy with aspirations for (re)building South Sudan and making tangible the fruits of independence. The Minister took office in 2012, and quickly embarked on a modernizing agenda for the State's public infrastructure. He aspired to great things, despite the constraints of the civil war and national austerity measures. He planned to borrow money from Chinese banks to 'electrify' the towns, establish an international airport, and tarmack the roads from Mundri in the east to Tambura in the west.[17] The Minister looked to land formalisation as a first step in getting the towns ready for the future.

The rest of South Sudan was waiting for lacunas left by the Land Act to be addressed by a subsequent Land Policy (Mey et al. 2019). However, in Western Equatoria State, the Minister managed to get a state-level 'Land Administration, Management and Regulations Act' (2013) passed.[18] When I interview him years later, he recalls fondly: 'I treated [the Act] like my child. I got some help from UNDP, and they seconded some staff to the Ministry to help me develop some of those policies.'[19] The act stated *inter alia* that, 'All land in Western Equatoria State shall be surveyed and all information and

17 Interview with former Western Equatoria State minister of physical infrastructure, Kampala, 21 June 2017.

18 This initiative received some pushback from the national government, which also sought to influence land especially when large-scale investments were concerned. Interview with former MP, Arua, 15 June 2017.

19 Interview with former Western Equatoria State minister of physical infrastructure, Kampala, 21 June 2017.

data established shall be maintained in the Ministry of Physical Infrastructure and Public Utility.'[20] The Ministry's aspirations were now a legal obligation.

Western Equatoria's 'demarcation' would not be a conventional land formalisation exercise. In the international literature and South Sudanese legislation, land formalisation is mostly advocated for its supposed ability to improve tenure security for the poor, bring 'dead capital' to life, and stimulate the economy (see Section 4.1). The Land Act (2009), mirrors this dominant framing, by stating as its purpose in article 3: 'This Act shall regulate land tenure and protect rights in land in Southern Sudan while creating an enabling environment for economic development in the land and natural resources sectors.' However, from the Ministry's point of view the main land problem in Yambio was the 'informal privatization of public land' as the Director of Survey called it. He added: 'Every day we are losing public land!'[21] The Ministry's priority was to preserve state land, so that the state would have room to construct itself. Additionally, they hoped that people would pay leases and fees, so that the Ministry could remain operational in these times of national austerity measures.[22]

Instead of formalizing pre-existing tenure arrangements on the ground into a single system, the 'demarcation' sought to make reality more in line with urban planning. The demarcation hoped to establish a geometric order in the towns. The organic and irregular sizes and shapes of plots, would have to be unified into a rectangular grid. This is reminiscent of land consolidation, more than just formalisation. When I asked the Minister why, he explained:

> It transformed the shape of the area. Of course, it is not like here [in Uganda]. I think the system that we were trying to develop in South Sudan is much more organized than Uganda. You see this plot [gestures to where we are seated] is not equal ... That is something we tried to avoid.[23]

The demarcation reinforced the duality between government-controlled towns, and traditional authority-controlled rural areas (see Section 4.2.1). My key respondent Charles, then chairperson of the Land Dispute Committee, explains the logic:

> In those areas gazetted for town, it is the government to come up with the way they want the town to look ... So, it means that the surveyors demarcate how the plots will look in the town system, where the roads will pass, electricity poles, water

20 Article 31, Land Administration, Management and Regulations Act (2013)
21 Interview with Director of Survey, Yambio, 7 February 2015.
22 Interview with Director of Survey, Yambio, 27 January 2015.
23 Interview with former Western Equatoria State minister of physical infrastructure, Kampala, 21 June 2017.

> system. Outside the boundaries of the city, you can have any shape of land you want ... the city should look in an orderly way.[24]

The Land Act (2009) offered the state wide-ranging powers to turn all undemarcated land (the vast majority) into 'public land' by default.[25] On paper, this severely undermines the role of traditional authorities in land tenure. In practice, chiefs were still in charge of most rural areas.[26] Instead, the friction between customary authority and government is most apparent on the growing urban frontier, which the state sought to match with control.[27] First came the settlers, then the churches, and not much later the surveyors. Areas which had been 'under' chiefs, would through the demarcation be transferred to the authority of the state. As a lawyer explained: 'Initially, the piece of land for the government was very small ... Most parts were under local [traditional] administration. Now the town is expanding and it is swallowing the local boundaries.'[28] The Minister explained some of the friction that this involved:

> When an area is converted from rural to urban, disputes often arise between the government and the original owners who want to keep the land as it is ... People resist changes when they don't understand the benefits. We try to explain before that there will be open spaces, roads, services. We come in; we try to organize it. Of course, in the process people are going to be uprooted.[29]

The urbanisation also benefited chiefs in particular ways, and they continued to play crucial roles in the towns and in land governance.[30] Yet their subservient role to government was clear in towns, and many begrudged their lost role as 'custodians of the land' (see Chapter 5).

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24 Interview with Charles Bangbe, Western Equatorian refugee in Kiryandongo RS, 19 June 2017.

25 'Public land includes ... all land not classified as private or customary under the Constitution and other laws' (Article 10, 2: i).

26 Interview with Charles Bangbe, Western Equatorian refugee in Kiryandongo RS, 4 August 2017.

27 Interview with sectretary of the CLA, Yambio, 29 January 2015.

28 Interview with South Sudan Law Society-lawyer, Yambio, 1 October 2014.

29 Interview with Western Equatoria State minister of physical infrastructure, Yambio, 27 January 2015.

30 The customary rights to land, and the roles of traditional authority in its governance, are regulated in Chapter 5 of the Land Act. The Land Act also reserves roles for chiefs at the lowest levels of land administration, in particular in the County Land Authority (article 45) and Payam Land Councils (article 49).

4.3.2 Street-level problems and improvisations

> 'Disputes over land will never end. People keep increasing but the land stays the same.' - Director of Survey, interview in Yambio, February 2015

The urban planning ambitions of the state were in some instances captured in a 'Masterplan.' In Yambio, for instance, this map had been produced in 2009 by Ashang Engineering Company, a consultancy. An MP recalls: 'They brought the people from Khartoum who demarcated the land using the GPS, their what-what. It was well-demarcated.'[31] TetraTech, an American engineering consultancy brought in by USAID, produced a PDF-map which included various shades differentiating blocks of public from private land. Subsequently, the plan was to demarcate individual plots within those blocks, categorizing private land into first-, second- and third-class plots. Each class had set dimensions, a lifespan and a cost.[32] The plan was that people would subsequently come to the Ministry to get registered on their plots, and to buy a land lease.

At almost every step, the plan ran into problems. Some were predictable from the literature on land formalisation: Mainly that the push to formalize land tenure sparked countless disputes between competing claimants (see Section 4.4). But there was a host of additional problems. The Land Act had left so much unclear that a pilot land inventory in Yambio was forced to rely on colonial legislation from the 1920s (Marongwe 2014). The lack of clarity, in the words of my key respondent Charles in the CLA, 'left a vacuum for people to play.'[33]

Where the plan 'landed' on the ground, new problems arose. The Masterplan was six years old by the time of our research, and had grown increasingly removed from the reality of land occupancy due to the influx of conflict-related migrants (see Sections 3.4 and 4.1). Still, it remained the guiding document for the demarcation process. Confronted with the gap between the plan and local realities, surveyors often sought to make the latter more in line with the former. As an inhabitant of a recently demarcated neighbourhood in Yambio said: 'I may expect the survey to demarcate the area according to the way I bought my plot before, but that is not how the survey works. Because he works according to the Masterplan he has.'[34] The Masterplan was hard to come by: even the High Court at the time had no copy. This made the process less than transparent, and fuelled allegations of corruption and favouritism.

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31 Interview with Balanda political leader, Arua, 15 June 2017.

32 In early 2015, the leases were: 1st class: 45 by 40 meter for 30 years, for 605 SSP; 2nd class: 35 by 30 meter for 20 years, for 455 SSP; 3rd class: 21 by 20 meter for 10 years, for 255 SSP.

33 Interview with Charles Bangbe, Western Equatorian refugee in Kiryandongo RS, 19 June 2017.

34 Focus-group discussion about 'demarcation', Yambio, March 2016.

Many people's plots had been organically shaped, and fitting them into the geometric grid meant altering boundaries. Some people's land now 'fell' on the road or on state land. Legally those people had to be offered cash or in-kind compensation.[35] Often, this did not happen, with the Minister explaining that 'the government doesn't have the resources to compensate everybody. We would need to have a budget for that. We are running on an austerity budget. For the correct implementation of the Act you need resources!'[36] The Ministry had hoped to generate revenue by selling land leases to people whose land had been demarcated. Many people, however, did not buy their lease because of the associated costs. In some instances, surveyors sold on the demarcated land to other willing buyers, leading to predictable land conflicts (Mennen 2012, 14).

The surveyors were generally careful not to step on powerful toes. When a road had to be demarcated, they would avoid the houses of 'big people.' When a plot would be disputed, it was awarded to the richest claimant. Many people accused the surveyors of being corrupt, and the 'big people' of buying them off.[37] The surveyors themselves explained, 'You know as well as I do who owns those beautiful houses. We survey, give the plan to the Ministry, and he will share it with the Council of Ministers. They will disagree with the plan.'[38] The director added, that:

> We try as much as possible to minimize the destruction of houses. You must minimize the cost. So a very well-built house or church will be avoided because it is costly to compensate ... It is easier to compensate a *tukul* [clay hut], than someone with a large building. But now the Government doesn't even compensate a single *tukul*.[39]

To overcome the shortage of land and money, low-level officials invented a 'practical norm' ('the informal, tacit and latent regulations that underpin the actions of public actors and do not conform to the bureaucratic, professional and formal norms') (Bierschenk and Olivier de Sardan 2014, 29). Large landholders had to surrender part of their land for the compensation of the dispossessed. The Payam administrator of Yambio explained: 'if you have 4 plots, government takes 1, if you have 7, government takes 2, if you have 10, government takes 3.'[40] There was no legal basis for this redistributive practice, and

35 Land Act and the Land Management, Regulations Act. Interview with two county court judges, Yambio, 25 February 2015.
36 Interview with Western Equatoria State minister of physical infrastructure, Yambio, 27 January 2015.
37 For instance, Interview with engineer in Ministry of Physical Infrastructure, Yambio, 9 February 2015.
38 Interview with Assistant Director of Survey, Yambio, 16 February 2015.
39 Interview with Director of Survey, Yambio, 7 February 2015.
40 Interview with payam administrator, Yambio, 16 June 2015.

dispossession without compensation was not allowed by law.[41] The Minister explained that this redistribution scheme was agreed upon between surveyors and local chiefs.[42] They defended it by saying that land in town was scarce, that they needed land to compensate the dispossessed, and that anyway large landholders often did not make full use of their whole land or could not afford land titles for all individual plots.[43]

The demarcation also stumbled over the dead. Many people in South Sudan buried their relatives close to home as the cemeteries were remote, often full, and believed by some to be crowded with the hostile spirits of strangers.[44] When 'the demarcation' dispossessed people and their dead, they were particularly aggrieved and often refused to move. Although the Ministry had demarcated new cemeteries for the dead, those places remained occupied by the living, so there was no immediate solution to this problem.[45] Further, because some county bureaucrats were reluctant to move graves, some disputants even buried relatives on disputed land to bolster their claim to it. One man who had buried his brother on his plot explained:

> A grave at home is good, because it gives the ownership of the plot to the relative of the deceased. You might go to another country for many years, but still the plot is yours because the grave is there as evidence.[46]

These practices reflect a wider phenomenon, which Fontein described as the use of graves as a way of 'materializing autochthony for the purpose of claiming land' (Fontein 2011). In Western Equatoria, graves were advanced – and often accepted – as powerful markers of ownership and belonging.

To the frustration of many, the projects for which the state claimed land often stalled. The envisioned roads rarely moved beyond the planning stage. The Assistant Director admitted this but complained: 'We have no fuel! So we cannot afford to build 20 meter roads. It is because of the austerity measures. The excavator is broken. The machines use a lot of fuel.'[47]

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41 The 'Expropriation of Land'-chapter in the Land Administration, Management and Regulations Act, states that the government may expropriate land 'for set up of public facilities ... subject to compensation and consent of the communities in accordance with laws and regulations.' Vague as this is, it suggests nobody will be expropriated without consent or compensation, and not for any other purpose than 'public facilities'.

42 Interview with former Western Equatoria State minister of physical infrastructure, Kampala, 21 June 2017.

43 Interview with former MP in Western Equatoria, Arua, 15 June 2017.

44 Interview with 98-year-old Zande man, Yambio, 5 March 2015.

45 Interview with Director of Survey, Yambio, 27 January 2015.

46 Interview with 42-year-old farmer, Nzara 11 March 2015.

47 Interview with Assistant Director of Survey, Yambio, 16 February 2015.

4.4 SUBSEQUENT DISPUTES

Land formalisation was promoted in South Sudan in part for its promise to resolve and prevent land disputes. Yet the most destructive consequence of the 'demarcation' in Western Equatoria was that it sparked dozens of land disputes, especially in the towns (Braak 2016). Although any formalisation process is accompanied by land disputes between competing claimants over ownership and boundaries, in Western Equatoria several disputes involved larger group identities and were inextricably connected to the history of war and displacement (see Chapters 2 and 3). To be clear: The state bureaucrats who designed and implemented the demarcation did not intend for these consequences to occur. However, they focused narrowly on technical matters (masterplans, grids, land leases and plot boundaries), overlooking the more fundamental unresolved political question of fair land distribution, and specifically the rights of 'newcomers' from elsewhere and/or other ethnic groups. To whom did the land belong? This section will analyse two land disputes: one with LRA-displaced people in Yambio, another with SPLA-veterans in Maridi. Then it compares the two cases, and sketches how they have subsequently interfaced with renewed civil war from 2015.

4.4.1 Land dispute 1: A church vs LRA-displaced peoples

This land dispute took place in Yambio, between a landholding church and a group of LRA-displaced people in the Vocational Training Centre (VTC) Area, on the southern outskirts of Yambio, just beyond Timbiro.[48] Farmers used to cultivate the area. In 1987, local government in consultation with traditional authorities gave the land to a church whose leader planned to establish a vocational training centre there.[49] The centre was established, but only on a small portion of the land. Over the years, people settled informally on the rest. A clergyman recalled how in 2005, 'The church realized that most of its land had been occupied. [Then] they tried to reclaim it but the people refused to move away.'[50] In 2005, the county government struck a compromise: the size of the church's land would be decreased from 700 by 400 meter, to 600 by 400. 'But those people who were on the main church land still refused to move away.'[51]

48 ?The exact denomination has been anonymized. Similar dynamics took place with other large landholders and groups of people.
49 Interview with county commissioner at his house, Yambio, 27 January 2015.
50 Interview with 46-year-old clergyman, Yambio, 19 February 2015.
51 Ibid 50.

Figure 3: Satellite photo of Yambio, Gangura, and Nabiapai. Source: Google Earth, March 2020.

The dispute was still lingering when the influx of conflict-related migrants made matters more complicated. First came the returnees. And then from 2008-9, thousands of LRA-displaced people came from the border areas around Gangura and Nabiapai, south of Yambio (see Section 3.4).[52] Francis was one of them. He recalled how back then, the area was 'bushy' and few people lived there.[53] Some LRA-displaced people admitted they 'just settled' when they found the land unused, others claim they were invited to stay here by the son of the late church leader.[54] In either case, the newcomers were often aware that this was 'land of the church', but they had not been asked for money and they presumed they could stay because they ran from war. Still, because it was church land certain rules had to be respected: 'No fighting, stealing and drinking of alcohol ... [Otherwise you] will be chased from the area.'[55] Over the years, people came and went to the VTC Area. Some sold off the land they had cleared. Robert, for instance, bought some land and a *tukul* from an LRA-

52 The Western Equatorian towns Ezo, Tambura and Maridi similarly received an influx of LRA-displaced people from the border areas and country side.
53 Not his real name. Interview with 32-year-old resident in VTC-area, Yambio, 19 February 2015.
54 Interview with 35-year-old farmer in Timbiro-area, Yambio, July 2015.
55 Interview with 35-year-old farmer in Timbiro-area, Yambio, July 2015.

displaced person who lived there before him, under the authority of a local sub-chief.[56] Others rented houses out, also to Congolese migrants.

Trouble resumed in 2014 when the demarcation came. The church paid government surveyors to demarcate the area and register people. Residents were asked to pay for the demarcation of their plots, and given a receipt. Francis was there during the registration, but he had not been sure why any of this was happening: 'Later we heard our names over the radio, saying that we should evacuate the area.' With some other residents, Francis went to meet the headman of the area, who in turn encouraged them to appoint a committee to speak with the church. Robert, a member of the committee, recalls how the church told them that 'Those who paid for the receipts actually paid for an application form, to apply to have land in the VTC area.' The church now wanted residents to buy plots at 10,000 SSP or leave. By way of comparison, a first-class government-issued plot was sold at 605 SSP. The residents were shocked by the asking price, and petitioned for the church to lower it, or offer them alternative land to stay on.[57]

Some residents disputed the church's claim to the land, arguing that it had no legal documents to prove its ownership, or that the documents were not based on proper procedures. The church insisted that the LRA-displaced people should return to their 'home areas' because the LRA-threat had subsided. In their view, the IDP's mostly 'refused' to go back because they preferred city life, something which the IDP's do not deny.[58] One clergyman insisted that VTC-residents had bribed government officials with plots of land in the area, to get them on their side.[59]

The residents appointed a new delegation – now including the headman and a state MP – to meet the County Commissioner. He refused to handle the dispute, and instead referred it to Governor Bakosoro, the highest administrative official in the state. Eventually the Governor decided that the land belonged both to the people and to the church, and that they should divide it. 'This forced the church leader to avoid the conflict,' Father Paul explains. 'He said 'those people are my Christians and I have to protect them. I cannot have conflict with my own people!'' A new team of surveyors came in, demarcating the church land at 400 by 350 meters. This was roughly half of what the church had originally claimed.

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56 Interview with 36-year-old resident in VTC-area, Yambio, 9 February 2015.

57 One resident mentioned 605 SSP, the same amount as a private lease bought from government. By 2015, only three households had started paying the 10,000 SSP

58 Many IDP's acknowledged that while they feared insecurity in Gangura, they were also drawn to Yambio for its school and health facilities, and 'have discovered that life in town is better than in the village.' Interview with 38-year-old resident in VTC-area, Yambio, March 2015.

59 Interview with 46-year-old clergyman, Yambio, 19 February 2015.

The compromise solution was accepted reluctantly by the church, but rejected by some of the residents. They insisted on compensation, and used strong language:

> We won't listen to the church, only to the government! But if the government acts unfairly, we will disobey them ... If they want us to evacuate the land they should come and shoot us all dead. And if any newcomer brings concrete building materials, we will attack them because they want to spoil our decision.[60]

The start of civil war in Western Equatoria from 2015, interrupted efforts to resolve this land dispute as well as our ability to research its development. Later, we learned that all involved authorities had put the VTC dispute on a back burner for over a year.[61] But in 2017, the dispute was heating up again. Robert, one of the area inhabitants was still there and listed among his reasons for 'not running away' from the war that, 'My land is for my children and I cannot leave it just like that for someone to come and grab it when I am out of the country.'[62] The precarity of his land claim was one of the factors persuading him against running from war.

Also in 2017, church officials told us that they planned to form a committee to mediate with government and 'the community,' on an elaborate vision for the area. One clergyman explained that, 'The church has very many plans on that land: [We want to] open institutions like a nursery school, vocational school, primary school and theological school to train pastors.' When we asked when the programme would start, he responded 'Our vision is for more than 100 years to come.'[63] Even before the civil war had ended, people with a degree of power nurtured utopian visions of the future. Again, individual land claimants would have to move for these plans to be realized. The church did reserve part of its land for 'communities to occupy', but also proclaimed that,

> [We will] choose the type of people whom we want to stay on our land. We shall also set rules and regulations to guide their stay in the area. [No] polygamous, witchdoctors or witchcraft practitioners, people brewing alcohol, fighting and insulting one another, prostitutes, womanizers and other unruly characters.[64]

On the ground, Robert had not heard of this vision. He said that the church had been 'silent' about the land, although there had been rumours that the

60 Interview with 38-year-old resident in VTC-area, Yambio, March 2015. Similar sentiments were echoed by another resident: 'If they keep demanding so much, it is better to go back to where I came from, even though they kill there.' Interview with 32-year-old resident in Timbiro-area, Yambio, March 2015.
61 Interview with female social worker, Yambio, 12 April 2017.
62 Interview with 38-year-old teacher in VTC-area, Yambio, 11 April 2017.
63 Interview with 42-year-old clergyman, Yambio, 24 April 2017.
64 Interview with 52-year-old secretary of church, Yambio, 24 April 2017.

church was bringing a lawyer from Kenya to take the case to court.[65] But the VTC-residents said they were unafraid because of their powerful allies. In the words of the Area chairperson, 'The government is behind us.'[66]

Ethnicity was never mentioned in this dispute, perhaps because most people in this area – including the IDP's and even the Congolese – were Zande. Further, the IDP's also attended the same church that claimed their land. Further, among them were powerful members of local government. One can only speculate how differently the land dispute would have evolved had the occupants formed a more easily distinguishable 'out-group'. In that regard, the next case may offer some cues.

4.4.2 Land dispute 2: Politicized demarcation, ethnicity, and conflict in Maridi

This land dispute took place in Maridi, between county government officials and Dinka SPLA-veterans.[67] The SPLA captured Maridi from the Sudanese Armed Forces in 1991. Wounded SPLA-soldiers were treated here in a clinic, and a commandant told the injured and disabled that they could stay in the central market area. Over the years, more soldiers and their associates came to the area, and land changed hands various times. One plot, for instance, was bought in 1992 from a veteran by a businessman. Upon his death, the land was inherited by his brother who in 2009 paid 185 SSP to the executive director of Maridi county government for a land lease.[68] Other veterans bought land from local traditional authorities, often to the dismay of some members of the local ethnic majority groups like the Zande.[69] Many land disputes in this area ensued when pre-war occupants returned.

Maridi County announced in a letter on 30 October 2012 plans to demarcate and redistribute plots in the central market area.[70] Occupants were promised they would receive restitution. The veterans were obliging at first, but often discovered after the process that they had been dispossessed. One Dinka pastor's plot had been given to the county's executive director, who was also in the land dispute committee.[71] One veteran narrates his view:

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65 Robert was skeptical: 'Maybe, they don't have enough money to go and hire a lawyer in such an expensive country. Or perhaps the lawyer is not interested in coming into terrorizing insecurity.'

66 Interview with chairperson VTC Area, Yambio, 18 April 2017.

67 The SPLA was multi-ethnic, but included prominently ethnic Dinka.

68 Interview with Dinka SPLA-veteran, Maridi, 21 April 2015.

69 In Yambio, a Zande respondent complained that, 'Even our chiefs they have sold land to the Dinka tribe.' Interview with 36-year-old Zande man, April 2015.

70 Interview with Dinka trader/ex-soldier, Maridi, 21 April 2015.

71 Interview with Dinka pastor, Maridi, April 2015.

> They decided to divide the plots among themselves in the [county] office there ... At night we found them just trying to start building on the very plots they said it will be given to us ... When we started to chase those people from there, the commissioner called us to the office. One of the members in the county said: 'Those plots are for our children of Maridi not for Dinkas.' ... If the commissioner fails to solve this issue rapidly, death is going to occur between me and the commissioner and his brother.[72]

This is where the dispute became explicitly about more than just plots of land. Now it was about belonging as well. The bureaucrats were mostly Moru and Zande, ethnic groups who claim autochthony in the area, whereas the veterans were mostly ethnic Dinka. The former claimed the land based on autochthony, the latter claimed it based on their wartime sacrifices (Leonardi 2011) and the money they paid. The returnees pointed to the trees their parents had planted on the land or to the graves of their ancestors, and the veterans to the graves of their comrades who had died fighting for South Sudanese freedom.[73]

Although the dispute started over land, it escalated because everyone involved saw it as part of much larger friction between ethnic groups and, in particular, their political leaders. The Maridi county commissioner:

> There are many ethnic groups here in Maridi: 32 tribes, but we are living well without any problem ... In Maridi county the only problems are land disputes. The Dinka are grabbing most of the land saying that they are the ones who fought for it, and they took it through blood. Because of this, the security here in Maridi is under threat always by them.[74]

The commissioner's words reflect the sentiments of many Equatorians, who felt threatened and excluded by the central government, SPLA, and – by extension – 'the Dinka' (see Sections 2.6, 4.2.3, and 6,2). Some locals even speculated about a government conspiracy, involving Dinka cattle keepers '[pushing] the local Moru people off their land in Western Equatoria State' (de Vries 2015).

Sensing these hostile sentiments, and the ties between identity, land and belonging, some Dinka community leaders were quick to dispel rumours about worsening relations with other ethnic groups:

> We the Dinka community in Maridi we know that we are citizen of Maridi. We are living very well in peace without problems with other community ... I don't have a judge here except the judge of Maridi and I don't have any other commis-

72 Interview with Dinka trader/ex-soldier, Maridi, 21 April 2015. Another Dinka, teacher by profession, gave us a similar account of local state ethnic exclusivism: 'One of the surveyors said no Dinka will have a place here in Maridi.' Interview with Dinka teacher, Maridi, April 2015.

73 Interview with Dinka teacher, Maridi, April 2015.

74 Interview with county commissioner, Maridi, 16 April 2015.

> sioner but the commissioner of Maridi. What brings problems among us here is politicians who are trying to bring conflict and hatred among us.[75]

This chief emphasized that Dinka, too, were 'citizens of Maridi' and subjects to Maridi's state authorities, and not an outsider group. In doing so, he sought to counteract the negative framing of Dinka as people who came by force (or 'through blood'), do not respect local authorities, and are backed by the central government and the SPLA.

When our researchers conducted interviews in April 2015, the relations in Maridi between the SPLA veterans and the county government were already tense. But in the following months, things got worse. Other groups of armed Dinka cattle keepers were displaced by conflict from their usual grazing grounds in Lakes and Jonglei States, and migrated into the area around Maridi and Mundri.[76] When their cattle damaged crops, this resulted in small-scale violent incidents with local armed civilians and Arrow Boys. Local authorities sought to send the cattle keepers away, but to no avail (Tamazuj 2015). De Vries writes that, 'With the increase in violence, local resentment and resistance towards the Dinka more generally also began to mount' (de Vries 2015, 7). The lines were drawn, the positions stiffened. In early May 2015, clashes broke out in Mundri and a month later in Maridi (Radio Tamazuj 2015c; 2015b). In both instances, relatively small-scale incidents escalated into a larger-scale conflict involving the SPLA and local non-state armed groups such as the Arrow Boys and even the SPLA-IO.

4.4.3 A discussion

These two land disputes have important similarities. The land dispute prominently involves interpretations of land allocations that were made decades ago by various authorities. In the VTC-area, the church leader was permitted to use the land for the purpose of constructing a training centre. In Maridi, the SPLA-veterans were permitted by their commander to settle here. In neither case is there proof of communities being consulted, or of a 'formal' paper document of any sort being produced at the outset. What is more, the legitimacy of the authorities which held sway at the time (the Khartoum-controlled government in Yambio, and the SPLA-commander in Maridi) is not uncontested. After the 'rupture' of war and independence, should those deals still be honoured today? So, the legality of those initial land allocations is part of these disputes.

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75 Interview with Dinka chief, Maridi, 17 April 2015.

76 In other years, cattle keepers would migrate into these areas during the dry season, too. But now they came for different reasons, and were more numerous.

Both disputes are tied to the history of ruptures and movements – and how those have or ought to have interfaced with the legality of tenure arrangements. In both cases, large landholders (the church and local government, respectively) were pitted against a group of conflict-related migrants (respectively LRA-displaced people, and SPLA veterans and Dinka IDP's). In both cases the large landholder questions the grounds that these migrants claim land on (the persisting threat of LRA-violence in the border area with Congo, and the 'we liberated this land'-logic). The conflict-influenced urbanisation of the 2000s had contributed in both areas to rising land prices and land wrangles. The VTC area was no longer 'bushy' and neither was Maridi deserted.

People took their dispute to a variety of forums, in part due to institutional multiplicity or 'legal pluralism.' Crucially, in neither case did a party yet take the case to a statutory court. Rather, disputants involved powerful administrative officials such as the county commissioner and the governor. Yet even when the governor ruled on the VTC-dispute, he was not obeyed uniformly. This illustrates how in land disputes in Western Equatoria there was always another route to try. Very often disputes 'defeated' attempts at resolution and kept lingering for years (Braak 2016). As the Zande proverb says: '*Ngbanga na fungote*' (a [legal] case can never get rotten).

The demarcation in both cases rekindled pre-existing friction over land. While it promised to bring clarity and simplicity, it instead ushered in a new chapter of the disputes it was intended to solve. Crucially, in both disputes many of the affected people indicated they would have accepted compensation in cash or in kind. But having realized that the demarcation often dispossessed people without any form of compensation, people resisted with all the force they could muster. People often cited the perceived corruption and nepotism of land governance bureaucrats as another reason for resisting the demarcation.[77]

A crucial difference between the two cases, is their violent escalation. The VTC-dispute simmered for years and, despite coarse words, never escalated violently. Ethnicity was never mentioned, as most of those involved were Zande. They were members of the same ethnic group, went to the same churches, and shared family networks. In Maridi on the other hand, the land disputes boiled over and contributed to the resumption of civil war (see Chapter 6). This illustrates how small land disputes can escalate rapidly when they are interpreted as part of a larger story. In Maridi, two main stories coalesced as the South Sudanese Civil War had started in 2013. First, the growing tension between the Equatorias and the national government was increasing local resentment towards Dinka (Copeland 2016; HSBA 2016). Second, the 'go home'-discourse that in the Equatorias pitted 'autochthonous' returnees against often Dinka veterans and IDP's who settled in the region during the

77 John during a group discussion with refugees from Western Equatoria, Kiryandongo RS, 18 February 2018.

wars (Justin and Van Leeuwen 2016). The SPLA-veterans alleged that Maridi county officials used the demarcation to dispossess Dinka and to return the land to 'the children of Maridi.' On paper the scheme had appeared as a technical and a-political exercise to get the towns ready for the future, to attract investments, to improve tenure security and fight poverty. But when it landed in Maridi, local officials used it as a tool for political purposes.

4.5 LAND GOVERNANCE UNDER FIRE

When war erupted in Yambio over the course of 2015 (see Chapter 6), land governance was immediately affected. Governor Bakosoro was sacked and replaced by Governor Zamoi who quickly proceeded to 'reshuffle' his cabinet.[78] The Minister of Physical Infrastructure lost his job, and resumed work with his law firm in Juba.[79] His ambitious plans for Western Equatoria were not realized. When I spoke to him in 2017 in Kampala, he was bitter:

> By now Mundri, Maridi, Yambio and Tambura would have been tarmacked if it was not for the politics of our own people in Juba. They felt that if this project was to continue, we would get the credit. It is just local politics! So they sabotaged the project.[80]

In Yambio, some county-level bureaucrats continued resolving land disputes even as the war escalated. Charles Bangbe, whose portrait is featured in this book, was the chairperson of the Land Dispute Committee of the County Land Authority (CLA) in Yambio.[81] On the night of 19 May 2016, he was shot at home by a gunman with a 'veiled face like a ninja.'[82] Charles fled, and a week later applied for asylum in Uganda. When we met in 2017 at his house in Kiryandongo refugee settlement, he showed me photos: of his house, of a blood-splattered floor, of him in the hospital. The attack on his life was widely seen as a repercussion for his work on land. He narrated:

> Before the attack there was a dispute between an army commander and a civilian over a piece of land in Timbiro ... The civilian had the land title, a certificate. And he was born there, because it was his father's plot. He had lived there for 27 years. The army commander said he wanted that land because he fought for it. On 17

78 Zamoi started as a governor in late August 2015, and reshuffled his cabinet in October.

79 Later, he took up politics again and then became part of the national constitutional amendment committee.

80 Interview with former Western Equatoria State minister of physical infrastructure, Kampala, 21 June 2017.

81 Real name. I have discussed this with him. He prefers to be named fully. His name and this incident have also featured elsewhere (Ibreck 2019; Sudan Tribune 2016).

82 Interview with Charles Bangbe, Western Equatorian refugee in Kiryandongo RS, 13 May 2017.

> May, after making an investigation with witnesses, I ruled that the county can give the commander another plot of land. But the army commander didn't want that. He left complaining. On 18 May the commander reported to the [county] commissioner, saying that the CLA gave his land away. The County Commissioner called me and I told him I would come to him with the papers.

However, Charles was shot before he could discuss the matter with the Commissioner. When I spoke to him in Uganda, I asked him if he knew what had happened to the CLA after the attempt on his life. Charles told me frankly: 'After they shot me, my colleagues feared for their lives.' One surveyor in Yambio confirmed how since the shooting of Charles things had come to a standstill: 'If he was to still be in power, I think the whole Yambio town could [have] completed the demarcation by now.'[83] The new chairperson of the CLA (also an executive chief) sketched how land disputes more broadly were affected by war and insecurity since 2015:

> Land issues have been affected so seriously because the CLA office was paralyzed for quite some time. But land disputes have not risen so much because people are not stable in their places. All these [disputes] rise when the surveyors are demarcating the areas ... Most of the cabinet were dissolved who had much experience on land and the new ones have little experience in the field, so things are not going on well.[84]

From this account, it is apparent that conflict has impacted land governance in numerous ways. The CLA was paralyzed after Charles was shot; the cabinet reshuffle disrupted leadership; and although land disputes are few because people are 'not stable', they are likely to resume again once comparative peace returns and – especially – if efforts are made again to demarcate the land. The appeal of the formalisation of land does not seem to have faded; people still desire to have clarity, and to prevent land conflicts. And yet this clarity remains elusive as people (land occupants, bureaucrats, IDPs, etc) have again been forced to move. The demarcation was intended to override all pre-existing tenure arrangements, but its partial and contested implementation means that instead it represents a new part of the complicated patchwork of Western Equatoria's tenure situation.

4.6 A CONCLUSION

This chapter analysed why and how Western Equatoria's state government formalized land tenure during the intermediate peace (2011-15), in a context of contested land claims and disputes due largely to South Sudan's history

83 Interview with surveyor, Yambio, 6 April 2017.
84 Interview with chairperson CLA, executive chief, Yambio, 5 April 2017.

of ruptures and movements (see Chapters 2 and 3). Western Equatoria had seen an influx of both regular and conflict-related migrants (e.g., returnees, veterans, IDP's, Congolese and Central African refugees). All these people grasped for land as a cornerstone for more stable peacetime lives. A long and complicated history of land governance had resulted in 'sedimented' and contested tenure arrangements, especially in the towns and on the urban frontier. The conflict-induced urbanisation, resulted in a lot of confusion, manipulation and disputes (see Sections 4.2.1 and 4.1.2). This was only further exacerbated by the rising political tension between the WES government in Yambio and the national government in Juba (see Section 4.2.3).

Land formalisation ('demarcation') enjoyed widespread support in Western Equatoria, due to the rising number of peacetime land disputes, and the utopian sense of possibility surrounding independence (see Section 4.3.1). It was also influenced by a small number of elite returnees, like the Minister in this chapter, who returned from the UK, US or Australia after having obtained degrees and professional experience there. Not unlike Hernando De Soto who upon his return to Peru became a champion of transformative economic reform (Otto 2009), these elite returnees combined the perspectives of 'insiders' and 'outsiders'. Arguments for formalisation in Western Equatoria largely mirrored those of the academic literature on the subject: it would help to resolve and prevent land disputes, attract investments and spur development. For the Minister and his staff, however, the demarcation was part of a larger vision of state formation. In the spirit of post-war reconstruction, the Minister found that the state needed more land to develop itself. And by controlling urban land, the Ministry hoped to counter 'informal privatization' and generate revenue.

Informed by these ambitions, the plan from the outset was not merely to formalize pre-existing tenure arrangements but to make reality more legible and in line with the urban masterplans. It sought to overwrite the sedimented tenure situation with its messy complexity, with an apolitical and development-oriented grid. These priorities led to a top-down approach: Plots had to be straight, roads had to be wide, people buried in the cemetery. The thinking was that if people lived more orderly, the state would be better able to deliver services: Tarmac roads, fire brigades, an electricity grid and international airport. The demarcation did not just 'formalize' prior arrangements, but usually overrode them. In this sense, the program was more akin to land consolidation than mere formalisation. The demarcation would also shift authority over land on the urban frontier from families, clans and traditional authorities, to local government.

In all Western Equatorian towns 'the demarcation' was accompanied by a host of problems. Mainly, it rekindled and caused countless disputes over land boundaries and ownership. Sometimes, the anticipation of demarcation, rising land prices, and exclusive ownership was enough to sour relations between tenants, neighbours and families. This illustrates how government

programs even before they are executed, often have real-world consequences (Murray Li 2007, 28). The 'sedimented' tenure systems, and the diversity of normative frameworks around land, rendered a single 'just' outcome untenable. This confirms that land governance has technical elements, but is at its heart about political questions about the fair distribution of scarce resources, and the scope and legitimacy of various authority structures (including the government and traditional authorities) (J. Ferguson 1990; Scott 1998; Sikor and Lund 2009). Overcoming these differences and the persisting normative pluralism, would require either a holistic political agreement, or coercion. Both were achieved piecemeal in Western Equatoria: There was some agreement and some coercion.

The large ambitions of the state were not matched with a clear policy framework, or with the necessary human and financial resources. There was insufficient land and money to compensate the dispossessed (as required by law), no fuel for the wheel loader, and the institutions envisioned in the Land Act often did not exist on the ground. This meant that street-level bureaucrats improvised practical norms (Bierschenk and Olivier de Sardan 2014). Some county officials sought harmonious, compromise solutions whereas others practiced corruption, nepotism and ethnic favouritism. The demarcation aimed for simplicity and a single tenure system, but instead added another layer of 'tenure sediment' and perpetuated confusion, complexity and conflict.

Some of these formalisation problems mirror those in the academic literature on other, more stable societies. But the Western Equatorian case has a few influential particularities: the utopian momentum around independence; the scope of conflict-related migration, and the varied calls for people now to 'go home'; the politicization of land; (the threat of) violence; and the fraught relations between the Western Equatoria's state government and the national government. This context meant that beyond failing 'conventionally' (in line with literature on formalisation elsewhere) and despite good intentions, the ostensibly technical 'land formalisation' policy contributed to heightened tension between local government and conflict-related migrants. In the case of Maridi, the local implementation of the demarcation pitted different ethnic groups against one another, contributing to the local outbreak of violence and, ultimately, the spread of civil war to Western Equatoria.

Put bluntly, the demarcation was putting the cart before the horse. It was an ambitious programmed launched without the commensurate underlying land governance infrastructure ('the rules, processes and structures through which decisions are made about access to land and its use, the manner in which those decisions are implemented and enforced, and the way in which competing interests in land are managed' (FAO 2021). In the case of Western Equatoria, these 'rules, processes and structures' were pluriform, contested and politicized. In the absence of political consensus about the fair distribution of land, competing claimants would dispute anything (e.g. the legality of issued titles, the legitimacy of the various authorities involved) using a variety of

normative repertoires ('My father was buried here', 'I bought the lease', 'I liberated the land', 'I've made investments in the land'). Such competing interests and repertoires were managed relatively successfully by the CLA in 2014-5, when it concerned small-scale disputes between people who would or could not mobilize violence (Braak 2016). The VTC-dispute did not involve a clear ethnic component or a group of readily identifiable 'outsiders', and so despite tough language it muddled along rather than escalate.

However, in the absence of a political resolution, strong state capacity, and the monopoly on violence, other land disputes were simply beyond the power of the CLA or the courts to resolve, or escalated violently. Charles Bangbe's shooting is a case in point. Worse still, county authorities in Maridi used the ostensibly technical and apolitical demarcation to try and dispossess Dinka IDPs and veterans, allegedly to make room for 'the children of Maridi'. It is in this way that land and its governance were deliberately linked to identity and belonging, and autochthony was promoted as a shorthand for belonging and rights to land. Like the colonial government before it, the South Sudanese central and local governments were increasingly establishing 'administrative units on the basis of ethnic majorities. This contributes to the exclusion of those who are locally perceived as 'outsiders' or minority groups' (Justin and De Vries 2019, 40). In this way, land disputes and governance also contributed to the hardening of ethnic identities and divisions.

5 Being traditional in mercurial times: Chiefs in Western Equatoria (2005-2016)

5.1 Introduction

> The irony of these times, however, is that as actual places and localities become ever more blurred and indeterminate, *ideas* of culturally and ethnically distinct places become perhaps even more salient. (Gupta and Ferguson 1992, 10)

As the Second Sudanese Civil War came to an end and independence dawned (2011), chiefs in Western Equatoria complained that they were weak even as the *idea* of 'traditional authority' enjoyed resurgent popularity. This chapter's main question is: How did the traditional authorities, especially chiefs, in Western Equatoria emerge from the history of conflict and displacement (2005-16), and what explains their simultaneous widespread popularity and self-proclaimed 'weakness'? After a short survey of the relevant literature, this chapter will analyse Western Equatorian chieftaincy in 2014-5, and their peculiar 'weak' resurgence. In particular, it will examine four factors: First, the *zeitgeist* of self-determination; second, returnee chiefs' cultivated link to the legendary pre-colonial time of sovereignty; third, chiefs' everyday work to resolve disputes; and fourth, chiefs' gatekeeping or brokering roles.

This chapter will make three main contributions. First, it contributes unique empirical material on chieftaincy in Western Equatoria, to refine our understanding of the variety of chieftaincy in South Sudan today. Second, to the literature on the Africa-wide 'resurgence' of traditional authority, it adds insights from a context affected by war and displacement, in which chiefs face elevated risks and opportunities. Third, it contributes to the literature on 'tradition as a resource' by showing how the reliance of church and government on history and tradition may strengthen the profile of chiefs. This chapter draws on secondary literature, and qualitative interviews in Western Equatoria with ordinary people and 44 chiefs.[1]

Chieftaincy in Sub-Sahara Africa is marked by diversity. However, there are patterns. Chiefs' reputation was tainted by their complicity with (or inven-

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1 Our team conducted qualitative interviews with 44 'traditional authorities' in Western Equatoria State in 2014-5. In hierararchical order: eight Paramount Chiefs; two Head Chiefs; three Payam Chiefs; one Chief; four Executive Chiefs; two Deputy Chiefs; five Sub-Chiefs; ten Headmen; four Headwoman; and five Other Customary Court members. This was not a representative sample.

tion by) colonial occupation, as enforcers of 'hegemony on a shoestring' (Berry 1992) or 'decentralised despots' (Mamdani 2004). The African elites who rose to power around independence from the 1950s, often embraced ideologies like modernization, nationalism, socialism or 'development' (Allott 1980). To them, chiefs were a remnant of the past, an obstacle to be overcome. Countries like Mozambique, Guinea, Burkina Faso, Tanzania and Uganda abolished traditional authority, and many other countries curtailed their powers.

Since the end of the Cold War, chiefs have enjoyed renewed prominence in much of Sub-Sahara Africa (Kyed and Buur 2007; Ubink 2008; Englebert 2002b). This took many different forms, as chiefs took up different combinations of administrative, judicial and legislative roles in different countries (van Rouveroy van Nieuwaal 1996). The explanations for this 'new dawn', 'resurgence' or 'revival' of traditional authority continue to be debated. Three common explanations are: First, state bureaucracies shrank due to the Structural Adjustment Programmes of the 1980s and 1990s. Some states actively decentralised authority to traditional institutions. In other cases those authorities simply picked up work that states left undone, sometimes after first reinventing themselves as development agents (Englebert 2002a; 2002b, 59). Second, in the era of democratisation, political leaders often sought to 'add the legitimacy of traditional leaders' to their own (Ubink 2008), and used chiefs to mobilize votes (Ntsebeza 2005; Baldwin 2013). Third, traditional authorities found lucrative roles in the capitalist system: brokering access to land and resources. These three explanations focus on the things that chiefs *do*, in relation to the state, politicians and companies. This is related to the pragmatic 'brokering' or 'gatekeeping'-side of chieftaincy which has featured prominently in Africanist literature.

A fourth explanation from the literature is more ideological or ideational, and relates to the *idea* of chieftaincy. It is no coincidence that the resurgence of traditional authorities largely occurred in the 1990s – a decade of catalysed globalisation and political liberalisation. As Gupta and Ferguson so aptly analyse: 'The irony of these times, however, is that as actual places and localities become ever more blurred and indeterminate, *ideas* of culturally and ethnically distinct places become perhaps even more salient' (Gupta and Ferguson 1992, 10). In many African countries (and since across the world), political liberalisation and globalisation were followed by a 'widely felt need to reconnect with the roots ... to relive an African Renaissance' (Oomen 2008, 82) and an re-valuation of 'autochthony' (Geschiere and Nyamnjoh 2000). In many parts of Africa, traditional authority was part of such past and future visions.

However, South Sudan's history is somewhat asynchronous with that of the countries on which these theories were built. Around Sudanese independence in 1956, there had been similar tensions between chiefs and the new Southern Sudanese elites – but the country did not become independent, and chieftaincy was not abolished or curtailed (see Section 2.5). Once it did become

independent, in 2011, it was in a different time for international politics, paradigms and ideologies. In Juba, politicians spoke of self-determination, which as this chapter will show inspired renewed appreciation for 'tradition' and ethnic identity. Perhaps paradoxically, the pursuit for strengthened customary law and traditional authorities, were also supported extensively by international donors. Those donors worked with a statebuilding paradigm, but were beginning to be self-critical of 'IKEA flat-pack' approaches to peace and development in what some have termed a 'local turn' (Mac Ginty and Richmond 2013; Mac Ginty 2008). In particular those working on 'access to justice' and 'rule of law' promotion were also interested in working, pragmatically, with chiefs as they resolved many disputes and were deemed sufficiently 'non-state' to side-step some of the complications of working with the central government (Netherlands Ministry of Foreign Affairs 2020; Leonardi et al. 2011). South Sudan is different from most other countries, too, for both the duration and intensity of its civil wars, and the limited capacity of the state. The last section of this chapter details how when civil war began again, chiefs faced familiar demands and dilemmas in nonetheless new and changing military-political configurations, and their interstitial position became especially suspect. The chapter analyses how different chiefs navigated that terrain, and the result of war and displacement for chieftaincy as an institution.

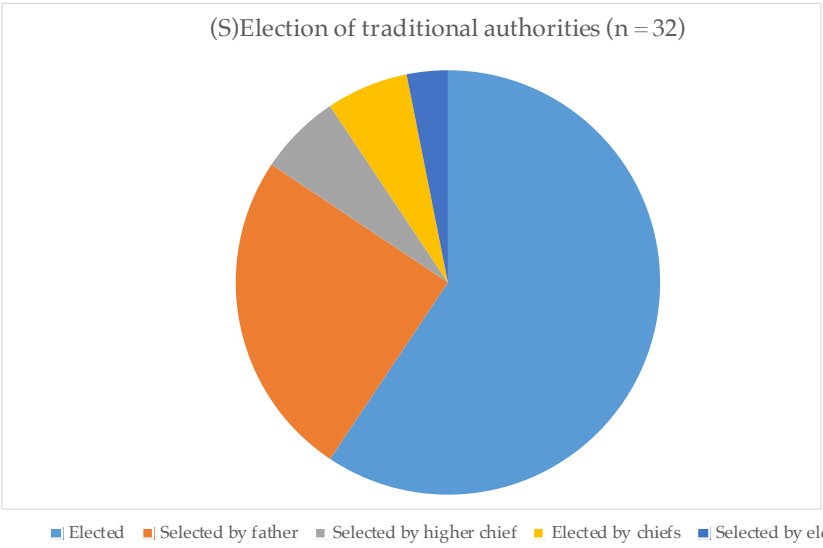
5.2 Who are the chiefs?

But first, who are chiefs in Western Equatoria? Colonial policies, early anthropological studies and contemporary policy discourse often imagine hereditary rulers wielding authority over a clearly delineated group of people, resolving disputes by reference to a traditional body of customary laws. Academic work has since demonstrated how often these facets of chieftaincy – who gets to rule about what, the boundaries between and within communities, and the substance and procedures of applicable norms – are subject to change and debate, and shaped by history and politics (J. L. Comaroff and Roberts 1986; Chanock 1985; Willis 2013). The result is diversity. African chiefs may be 'a migrant, an illiterate labourer, a subsistence farmer, a spirit medium, a school teacher, a lay preacher. Or a scholar, a medical doctor, a corporate lawyer' (J. L. Comaroff and Comaroff 2018, 2). In some countries hereditary kings wield vast power over people and resources (Ntsebeza 2005), in others all forms of traditional authority have been abolished. In some areas, chiefs' control over land and people is 'inextricably interwoven with spiritual capacities such as (collective) healing and rain-making' (Verweijen and Van Bockhaven 2020, 14) and seen as 'sacred' (Hoffmann, Vlassenroot, and Mudinga 2020). In South Sudan, chiefs are more closely associated with the state bureaucracy and with 'gatekeeping' between 'their people' and powerful outsiders – be they the government, NGOs, companies, or armed groups (Leonardi 2013). In sum:

context-specificity is key in understanding what chieftaincy means in any given setting.

In Western Equatoria, traditional authority is mainly embodied by chiefs (*Arabic: Sultan, salatin; Zande: Gbia, agbia*) and elders (Zande: *bakumba, abakumba*).[2] Chieftaincy in South Sudan knows a hierarchy from the paramount chiefs at the county level, down to the headmen and headwomen (Zande: *abairagbaria*) at clan or boma level.[3] Out of 44 chiefs we interviewed in Western Equatoria, 41 were ethnic Zande men. On average they were 48 years old, and had been in power for 11 years. The higher-level Zande chiefs typically belonged to the royal Avungara clan and could trace their ancestry to precolonial kings or princes (*abakindo*) (see Section 2.3). In some parts of Africa, chieftaincy is inherited by default and said to lack 'democratic credentials' (Ubink 2008, 30; Englebert 2002b, 58). Among the Zande in Western Equatoria, traditionally a chief's son would either be hand-picked and groomed by his father, or compete with his siblings for his father's 'chair' (post) (Evans-Pritchard 1960a). Yet these succession routes had already changed with colonisation (see Section 2.4).

Figure 4: (S)election of traditional authorities (n = 32).



2 There are other types of traditional authority in Western Equatoria, such as oracles and rain makers. But these are less common, and beyond the scope of this chapter.

3 Depending on the place, there may be sub-chiefs, executive or head chiefs and payam chiefs in between.

In 2015, four of the eight paramount chiefs we interviewed had been selected by their fathers (see Figure).[4] However, especially among lower-level chiefs, some form of election had now become common: Of the 32 chiefs who told us how they got into their position, 19 had been elected in some way. Selection procedures were decidedly mixed in practice. Selection could be upon the request of the community, and a 'popular' elections could be between candidates who have been shortlisted by the Avungara elders. While elections were becoming more popular, people still attributed importance to descent (F.M. Deng 2011, 301). Across South Sudan, heritage was an important, but not the only, consideration in selecting chiefly candidates, 'and it is by no means automatic that the former chief's son is chosen' (Leonardi et al. 2010, 24).

This was illustrated well by the case of Chief Moses Zaza (see Annex 1: Portraits). In January 2012, the Payam Chief of Naandi passed away. He had been a drunkard, and people refused to elect one of his three sons. So, in order to replace him, the local Avungara elders sat down for some days to look for another Avungara who was born in Naandi. They considered the behaviour of various men and their fathers. Moses' father was a teacher and had a good reputation, so they asked him if Moses would be available. Moses: 'So they came and selected me – it was a surprise for me!' There was another candidate, the son of a Chief, who also submitted his candidature. Then an election was held. The community gathered, and brought two young boys to sit in two chairs side by side, each boy representing one of the candidates. This was out of respect for the losing candidate, who might otherwise be ashamed upon losing. Community members then voted by lining up behind the chair of their choice. Chief Moses: 'You could just see the result directly from the community, and if you win the people come with a big chair to carry you on their heads.' After the Avungara short-listing, the wider 'community' voted in a fairly transparent way. Other chiefs told us of similar elections-by-lining-up.[5]

In independent South Sudan as during colonial times, chiefs depended on government to recognize them and 'make their authority effective' (Leonardi 2019, 4). In 2015, the higher-level chiefs were paid a salary by the Ministry of Local Government, while the lower ones depended on the revenue of customary courts (see Section 5.5). Local government officials could and did fire chiefs, albeit at the risk of popular disapproval.[6] In Ezo, the county commissioner fired a payam chief in a complicated affair involving adultery,

4 Of the other four, two were elected by other chiefs, and two were elected by the wider community.

5 Interview with headwoman and member, B-Court, Yambio, 30 September 2014.

6 In Western Equatoria, chiefs had been fired by the administrative in Yambio, Ezo, Maridi and Tambura. Interview with paramount chief, Yambio, 16 February 2015; and with payam administrator, Tambura, 19 March 2015.

overstepped jurisdictions, and disobeyed orders.[7] Being accountable to government was seen by many as a sign of chiefs' weakness. In the words of an Avungara man who now had a high position in government: '[Chiefs] cannot maintain tradition. Now they are answerable to the local government. The county commissioner can fire a king or chief.'[8]

Chiefs in Western Equatoria by 2015 were a far cry from the memory of powerful kings like Gbudwe, Tambura, Ezo and Ndoruma. Across South Sudan, chiefs would often say that the long years of war had left them poor, weak and humiliated (Rift Valley Institute 2016). Their ability to give resources to those in need, influence land, trade and labour, and to access state authority, which had previously helped them cement their authority especially vis-à-vis the youth, had also declined (Bennett et al. 2010, 40). In 2015, a county commissioner summed up this change in status, observing that, 'Many chiefs drink too much. They don't have a reasonable house. ... As a leader, you must feed people. You must have wealth!'[9] One grandchild of a pre-colonial Zande king, now living as a refugee in Uganda, agreed: 'Now the chiefs or traditional authorities just lead a normal life among their people. The names and titles are there, but no real power.'[10] Many Avungara now pursued other careers: in government, with the SPLA, even as cleaning staff with UNMISS. Others sought to rediscover or reconstruct the Zande traditions and cultures in which they had a privileged position.

5.3 *ZEITGEIST* OF SELF-DETERMINATION AND THE REINSTATEMENT OF A ZANDE KINGDOM

5.3.1 Self-determination and the revival of 'tradition'

Despite chiefs' weakness, the CPA (2005) and independence (2011) were accompanied by a sense that 'tradition' was to play an important role in South Sudan. Central to SPLM/A rhetoric during the civil war for independence, were notions of self-determination, democracy, cultural rights, customary law and religious freedom (F.M. Deng 2011; Leonardi 2013; Massoud 2013; Bakosoro 2010). As Khartoum had pushed Arabisation and Islamisation across Sudan, in the South 'customary law and authority emerged as a pillar of resistance' (Hessbruegge 2012, 302). When the CPA was signed and Southern Sudan achieved a measure

7 The press secretary narrated the charge as 'disobeying county authorities [and] acting contrary to local government's policies' (Radio Anisa 2014). The minister of local government told me how the chiefs' firing had been met with outrage among some locals: 'The people may support the chief whether he does something wrong or not.' Interview, Yambio, 27 February 2015.

8 Phone interview with Avungara senior government official, Yambio, 10 August 2017.

9 Interview with county commissioner at his house, Yambio, 27 January 2015.

10 Interview with Gangura Isaya, Arua, 9 August 2017.

of autonomy, its regional government prioritized 'the establishment of a justice system independent of the sharia-based system of the North, which would reflect the values and identity of the people of South Sudan' (Leonardi et al. 2011, 112). But what was this identity? What were their values?

Southern intellectuals found that 'The main glue that binds the country's multiple ethnicities together is the history of their struggle for freedom and collective opposition to the north' (Jok 2011, 2). Without the north, what did the southerners share? Around independence, government constructed some national symbols: a flag, anthem, a national football team, a broadcaster. But it was all rather on a shoe-string budget, and nationalism was undermined by the increasingly violent friction within the South and the SPLM/A (Waal et al. 2017, 25).

Meanwhile, ethnic identities were also under re-construction. South Sudanese politicians and religious leaders, and international aid organizations alike argued that war and displacement had torn the 'social fabric' and that mending it would require empowering the chiefs (Bennett et al. 2010; T. Collins 2013; Leonardi 2013, 188; Radio Tamazuj 2016b). The chairperson of the local government board in Juba saw the moment this way: 'Having emerged from decades of civil war and the concurrent dislocation of the various tribes ... it is important that the substantive content of our customary law be reinforced. (UNDP 2012). In Western Equatoria, too, many felt that war and foreign occupation had led to a 'disintegration of Zande culture' (Wheeler 2005, 70–71). Many were looking towards tradition as a beacon of hope and inspiration for the future. It is also in this light, that attempts to reinstate a Zande Kingdom need to be understood (see Section 5.3.2).

The view that South Sudanese people belonged to ethnic groups, who ought to be governed by customary law administered by 'traditional authorities,' was enshrined in the Local Government Act (2009) and other legislation, and given donor support (Leonardi et al. 2011). Part of this was informed by the discussion on tribal social fabrics. Part of it was pay-back: Successive SPLA-leaders had acknowledged chiefs' important role in the civil war, and alluded to post-war rewards (Leonardi 2013, 1, 187).[11] However, there were also pragmatic public administration reasons: The state had limited reach, and 'envisage[d] a continuation of the multiple roles of chiefs, as administrative and executive authorities in their villages and also as judges or presidents of local courts' (Leonardi et al. 2010, 25). In this way, the Local Government Act was the latest in a long series of state policies which since colonial times sought to strengthen 'tribal discipline' to the advancement of state control (see Section 3.2).

Crucially, the chiefs held no monopoly on tradition and history. For instance, the Episcopal and Catholic Church in Yambio profiled themselves as 'guardian of traditional Zande culture' and planned the establishment of

11 Interview with paramount chief, Yambio, 1 October 2014.

museums and archives (Wheeler 2005, 71). In 2015, various Western Equatorian churches used the traditional *gugu* (a wooden gong) to call people to prayer. Successive governors associated with tradition and history by refurbishing the grave of Gbudwe and opening 'Gbudwe Football Stadium' (Jemma Nunu Kumba), or wearing ceremonial attire (Joseph Bakosoro). Chiefs, in other words, were not the only ones laying claim to history and tradition. Instead, there was a steady integration of 'the sphere of tradition into the space of power as a symbolic, legitimizing resource' (Von Trotha 1996). Tradition and (imagined) history have been conceptualized as 'discursive resources' (Leonardi 2013, 2) or forms of 'monopoly capital' (J. L. Comaroff and Comaroff 2018, 13). These analogies usefully evoke an image of a marketplace of ideas and interests, in which 'traditions' and 'history' are invoked to shape the negotiations. Yet unlike other resources and capital, tradition is not finite and subject to zero-sum games. Instead, its currency grows as it is used. In other words: The reliance of church and government in Western Equatoria on history and tradition may have strengthened the profile of chiefs.

5.3.2 Zande kingdom: Reinstatement efforts

The promise of independence and 'self-determination' in 2011, inspired many Zande to think again of the days of King Gbudwe (see Sections 2.3 and 8.5). Tellingly, in Yambio the official celebrations for independence on 9 July 2011 began at Gbudwe's tomb (S.D. Siemens 2015; Sudan Tribune 2011). Although Schomerus and Rigterink write that 'the quest for a new Zande king stems from the 2005 provision in the Comprehensive Peace Agreement that southerners were to be allowed to govern themselves according to their own will' (Schomerus and Rigterink 2016, 27), attempts at reinstatement were made in the past. A senior Avungara, and grandson of Gbudwe, whom I interviewed recalled how reinstatement efforts were made at least since the 1990s:

> Plenty of attempts were made to restore the Kingdom ... In the late 1990s, there was an attempt too. But Tambura also wanted its King, and Ezo also. So where would the Zande King hail from? Ezo, Tambura, Yambio or Maridi? Then there were the Zande in Khartoum who had a different way of restoring it. Then in 2012-13 we tried to unify the people of Gbudwe.[12]

That latest effort to unify 'the people of Gbudwe' was started by a group of Zande traditional leaders and politicians in Yambio. Yet it enjoyed support in other Zande-dominated parts of Western Equatoria, too, with one elder in Ezo saying: 'People are ready! If anything comes from Yambio we are

12 Phone interview with avungara senior government official, Yambio, 10 August 2017.

ready.'[13] The church and state government supported the reinstatement, too. And the best survey on the subject found that 94,5 percent of surveyed respondents in Tambura and Ezo counties were in favour of reinstating a Zande king (Rigterink, Kenyi, and Schomerus 2014).

The 2011-3 initiative was partly inspired by the CPA's vagueness about 'self-determination', and the Local Government Act which, 'allows for customary governance and traditional authorities, but fails to clarify how exactly these would function as part of the broader system of governance' (Schomerus and Rigterink 2016, 15). In Yambio a committee was formed to draft a Zande constitution, and contributions were collected.[14] As with the reconstruction of tradition more broadly, the envisioned reinstatement balanced tradition and modernity, local rootedness and global connections. In Yambio I interviewed one member of the constitution-drafting committee, a young UK-educated Zande lawyer who explained the Committee's inspiration:

> We found that the Colombian constitution allows for a fair degree of autonomy for ethnic communities. Also, some American tribes have a tribal constitution. We also looked to the Baganda in Uganda. We need a local system of governance to suit our needs. The fundamental question was: what part of history can we maintain, and what part should we improve? We would like to model the new Azande Kingdom on the 1905 Gbudwe Kingdom. But there is no need for an army ... We want to revive our Kingdom [as] a subnational Kingdom ... But nevertheless we would like to maintain strong bonds with our brothers in CAR and DRC.[15]

Beyond tradition and modernity, the Committee faced another balancing act: How to establish a meaningful local sovereign, without upsetting the increasingly fragile political relations between Western Equatoria and the central government in Juba. This became especially difficult after the outbreak of the South Sudanese Civil War in December 2013, at the heart of which were 'real and perceived threats to the central government's authority' (Schomerus and Rigterink 2016, 15). When I interviewed a senior Avungara leader in Yambio about this in 2015, he explained his view: 'Politicians in Juba fear the Kingdom. They want divide and rule. The Kingdom will create unity among the Azande, and they will be very powerful.'[16] His words foreshadowed the conflict that would come to Western Equatoria later that same year (see Sections 5.6 and 6.2). Yet with that conflict as with the failed attempts at reinstatement, some critical insiders wondered whether really 'Juba' was to blame, or whether

13 Conversation with elder at C Court, Ezo, 25 March 2015.
14 Interview with senior Avungara leader, Yambio, 16 February 2015.
15 Interview with member of the Constitutional Committee for the Zande Kingdom, Yambio, 2 October 2014.
16 Interview with senior Avungara leader, Yambio, 16 February 2015.

internal disagreements between Zande leaders had instead been instrumental.[17]

5.4 Returnee chiefs and reconstructed traditions

The time was ripe for chiefs to resurge, and to assert themselves as custodians of a privileged knowledge about history, tradition and customary law. But there was a problem: What could chiefs claim as the basis of this knowledge when they too had experienced the dislocations of war and displacement? In Yambio, both the highest traditional leader and the highest judicial authority told me in so many words that they were 'unsure' or 'confused' about customary law.[18] And so tradition became the focus of a great variety of reconstruction: There were radio broadcasts of elders telling old folk tales of *Ture* the trickster; and a female designer launched a new 'traditional dress' for the women in Gbudwe Stadium. The chiefs, too, had been displaced, and now sought ways to reconstruct and consolidate their 'traditional' knowledge.

Western Equatorian chiefs, like other South Sudanese, have often led mobile lives, and spent considerable time abroad. Of the 29 traditional authorities who responded, only seven had never left Western Equatoria. Most (18) had lived outside South Sudan, with periods ranging from a few months to 22 years. Destinations similarly varied from neighbouring DR Congo (7), Uganda (7), CAR (5), Sudan (4), Kenya (2) and Ethiopia (1), to Egypt (1) and the UK (1). Of those chiefs who lived abroad, half had lived in a single other country, and half in more than one. Fascinatingly, chiefs who were elected appeared on average to have lived more mobile lives than the chiefs who were appointed. This may be due to electorates valuing the knowledge and skills that returnees would have accessed and developed 'outside', including (English) literacy, education and the ability to connect with NGO's (Leonardi 2013, 185–86). Some chiefly candidates were called back to take up their position. The paramount chief of Tambura recalled:

> My father appointed me when I was still very young. He informed the county commissioner of his wish. He also told [Western Equatoria] governor Samuel and [catholic] bishop Gaasi. When the family sat with the community after the funeral, everyone agreed. So then County Commissioner Bakosoro [later Western Equatoria governor] travelled to Kampala to inform me.

Note again how this selection procedure mixed elements of inheritance, and appointment or approval by the community, state and church. This is a perfect illustration of the intricate connections in Western Equatoria between these

17 Phone interview with Avungara senior government official, Yambio, 10 August 2017.
18 Interview with high court judge, Yambio, 2 October 2014.

spheres of influence, and the fallacy of neat divides. Chief Zaza, too, grew up abroad, and was initially reluctant to come back.

> When we ran from war in 1990, I was young. I was not in the [traditional] system much. I grew up in Congo and Uganda. Then my father cried to me: 'This is our system as Avungara! If you leave it is a curse. Because all the spirits of the Avungara and the elders have decided that you have to lead their people.' So when you refuse, it is wrong ... There are no excuses there. That was what I had to surrender to.

This quote speaks to the enduring currency of traditions – clan membership, the spirits, the elders – in the current era of globalisation, conflict and displacement. It also illustrates how people in various positions of leadership in South Sudan often stress that they are reluctant to be at the helm. Chieftaincy is no longer associated with the rewards that it once had (see Section 5.1), and it is not a position without risks. So, it is perhaps unsurprising that young people who have seen other lives can be reluctant to go back. Having spent so much time outside, Chief Zaza speaks like something of an outside observer when he discusses 'our people.' His first assessment of Naandi and its people was sober:

> Our people are still backward ... They could not love each other. There was witchcraft, and on market day people could fight and cut themselves [each other] with *pangas* [machetes]. There were a lot of criminals and drunkards. The former chief was a drunkard, too. Fortunately, I came from East Africa and had seen development – so I came to change the community somehow.

Zaza – and arguably the people who elected him – saw his time in 'East Africa' as an enrichment. This meant that upon his return, he sought to change his 'backward' people through development. In this sense, the chief is not so different from the Minister of Physical Infrastructure described in Chapter 4 who also returned with an idealistic or even utopian vision for change. Yet where the Minister mostly had eyes for the future, Chiefs like Zaza envisioned a harmonious marriage between tradition and modernity, or continuity and change.

To deal with the 'confusion' brought about by displacement, some 'returnee chiefs' – those who returned to be chiefs – were taught about their roles by stayee chiefs and Avungara. Chief Zaza embodied the right balance of outsider expertise and insider credentials, but his prolonged stay 'outside' had meant that he now lacked the requisite local knowledge to be chief. In the precolonial times described by Evans-Pritchard, a king or chief would groom his son(s) from a very early age to be experts on traditional and cultural matters, sometimes appointing one as his successor. These days are different. By his own admission, Zaza had not been 'in the system much,' and as other returnee-chiefs he lacked the knowledge that his job required. And so upon his return,

Zaza was received by a group of Avungara elders and lower chiefs, many of whom were no Avungara clan members and could therefore not rise to the highest ranks of chieftaincy. They prepared an induction period for Zaza, to make him an expert on 'the system':

> When I went back to South Sudan, they had to teach me about our culture and I had to follow ... In one or two months they will teach you: How you are going to deal with people, how you are going to respond, how to make statements, how you are going to deal with youth, women. They select for you a team who will be leading you, like your advisors. They show you what Chief Madi was doing before. But nowadays things have changed. Now you have to master the computer and catch up. Because it is not a political post where you just go and sit. Ours is different. If you are educated, you will write all these things down in a notebook. Then you need to make your headed paper. If there is a warrant of arrest, you cannot just send someone to arrest a person. You have to write it precisely.

Through this trajectory, Zaza was groomed. Traditions and customary law were a part of the curriculum, but so were bureaucratic skills. This proves once again how much the everyday work and appearance of South Sudan's chiefs can resemble that of local public administrators (Leonardi 2013, 207). There were notebooks, headed paper, arrest warrants, stamps and computers. Although people speak of different 'systems,' hybridity is everywhere and the chiefs themselves are the first to emphasize their close relation to government.

A second initiative to reconstruct tradition was undertaken in partnership between the chiefs of Western Equatoria and UNDP to 'ascertain' customary law. This was a clear example of the hybridization of global and local, and traditional and modern. The South Sudanese government and UNDP realized the importance of customary law and customary courts in resolving disputes throughout South Sudan. The ascertainment, for them, was one way of controlling the customary realm and to 'harmonize' it with national and international laws. The vision was to '[recognize] the 'positive' aspects of customary justice, while [minimizing] 'negative' aspects. (Leonardi et al. 2011, 111). The politics of the ascertainment and its reification of ethnic divisions and elite discourses have been debated elsewhere (Leonardi et al. 2011; UNDP 2013a). Here, I cite this example mostly to highlight how chiefs in Western Equatoria sought to leverage different actors, technologies and concepts to rediscover and strengthen the currency of 'tradition.' It is an example of the confrontation of local and global norms and interests, and conceptualizations of law.

Many chiefs that I interviewed in Western Equatoria had been enthusiastic about the ascertainment at first, citing two main reasons. First, some chiefs worried at their lack of knowledge about Zande customary law. As Yambio's paramount chief said: 'I sometimes forget customary law, and just remember

British and Arab law.'[19] These chiefs hoped that the ascertainment would help them rediscover and consolidate a pure form of their customary law. Second, especially many lower chiefs complained that too many people were 'pass[ing] verdicts like blind people' and that their rulings would be better 'if they were guided by government with written laws.'[20] For them the concern was not so much 'purity', but clarity and legal certainty.

The ascertainment project ultimately stalled in Western Equatoria. The chiefs neither 'self-identified' areas for reform (Mennen 2016, 45), nor validated the outcome that was presented to them.[21] Whereas they had been eager for technical support and procedural guidance, they wanted to have ownership over the substance of customary law and had become bitter about 'those of human right' advocating other norms.[22] For those searching for 'purity', this was a main concern. For the chiefs who had desired certainty, the ascertainment's results were equally mixed. For instance, one chief said he had secured a copy of the ascertainment through a friend with the UN, and that he kept this with the Sudanese Penal Code (2008) at home. Neither of these documents were technically to be applied as 'law' in customary courts, but the chief said 'We take ideas from it.'[23] Other chiefs had not seen any document, and were still waiting to hear from UNDP. In a way quite similar to the demarcation of land (see Chapter 4), the ascertainment had promised to unify and simplify rules and processes. However, after it got stranded, more confusion and pluralism were the result.

5.5 Customary courts and chiefs' dispute resolution

The chiefs' position was built on more than elusive matters like *zeitgeist* and reconstructed traditions. In Western Equatoria, as in many other parts of post-colonial Africa, chiefs' most visible everyday role was as judicial authorities (Von Trotha 1996). And from these roles, they derived significant authority and legitimacy. In South Sudan, the customary courts are recognized in the Local Government Act (2009) as the lowest tiers of the judicial chain, with mostly civil jurisdiction (see Table 2).[24] The law is clear: The customary courts are integrated into the judicial chain, connecting the lowest A Court to the Supreme Court in Juba.

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19 Interview with paramount chief, Yambio, 16 February 2015.
20 Group interview with payam chief and court judges, Yambio, 1 October 2014.
21 Phone interview with former lawyer with UNMISS, 16 April 2015.
22 Interview with paramount chief, Yambio, 16 February 2015.
23 Interview with c-court judge, Tambura, 18 March 2015.
24 Local Government Act (2008), Article 98: 2: 'A Customary Law Court shall not have the competence to adjudicate on criminal cases except those criminal cases with a customary interface referred to it by a competent Statutory Court.'

Table 2: Administrative units and levels of chieftaincy. Source: Leonardi et al., 2010.

Local government unit	Local Government Act: customary courts	Judiciary Act: judiciary courts
County	***C court: county paramount chief*** Head chiefs as members Appeals **from** B courts and **to** county judge Criminal cases referred by statutory courts; cross-cultural civil suits Supervised by county commissioner (not judiciary)	**County judges** (first and second grade)
Payam (Note: it is not clear whether the courts at this level provided for by both acts are to be combined as a single court or exist in parallel.)	***B (regional) court: head chief*** Chiefs as members Appeals **from** A courts and **to** C court Major customary disputes (including land); minor public order cases Supervised by paramount chief	***Payam* judge** (legally trained)
Boma	***A (chief) court: executive chief*** Subchiefs as members Appeals **to** the B court Family/marriage cases, traditional feuds, local administrative cases Supervised by head chief	

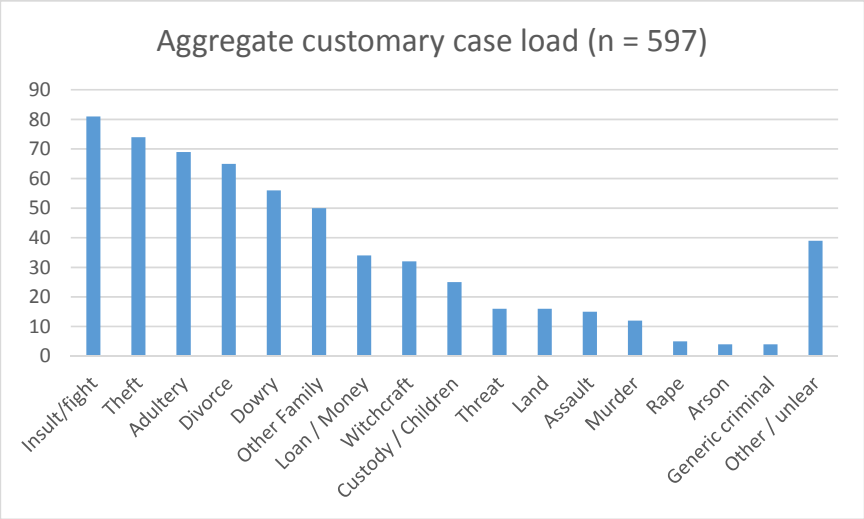
Note: Arrows denote direction of appeal.

Yet the schematic clarity of the law has had limited bearing on practice. Chiefs' customary courts are rooted in local social, political and economic histories (Leonardi et al. 2010, 20, 199). In Western Equatoria some saw the customary courts as the heirs of pre-colonial justice systems. The state minister of local government: 'These courts were already practicing these powers since the Zande Kingdom. We had courts, judges, chiefs, Avungara.'[25] Despite these illustrious origins, many of the courts' forms and functions were shaped in the colonial era (see Section 2.4). Since then, conflict and displacement have left their mark: Court buildings and records were destroyed; returnees came with new notions of rights (Leonardi 2013, 211); and particular returnee-chiefs also brought new ideas on the relations between people and authority (see Section 5.4).

25 Interview with minister of local government, Yambio, 27 February 2015.

These diverging histories, have resulted in customary courts that differ in physical appearance, location, popularity, number and type of cases, staffing, the sanctions they apply and the sources of law they refer to. Some were held in large stone structures with iron roofs, others under mango trees. The B Court in Yambio was open most days and had heard 293 cases in less than a year, the B-Court in the village of Sakure over the same period had only heard 47 cases. Still, some generalizations can be made. We found that in practice as in law, the administrative unit's main chief was typically the chairperson of the court. Yet most of the day-to-day dispute resolution was done by panels of members: lay men and women who were known in the area as problem-solvers, often not Avungara.

Figure 5: Aggregate customary court caseload (n = 597)



Above is a chart of the aggregated caseload of five customary courts we visited (see Annex 4).[26] Customary courts' jurisdiction is limited to civil cases, but from the court records and our observations it was clear that all heard criminal cases, too. When we asked court members why, they mainly listed the absence of state courts and judges, and the unclear distinction between criminal and civil cases. In Juba, the Ministry of Justice and UNDP saw chiefs 'overstepping' of their jurisdiction as one of the main 'negative aspects' of customary law that they hoped to change through trainings.[27] Yet we saw first-hand the disastrous consequences of customary courts sticking to their jurisdiction. In Tambura there were no statutory judges, and we found suspects in criminal

26 The courts included were Yambio B-Court, Nzara B- and C-Court, Sakure B-Court, Rii-Rangu B-Court, over a period of roughly 1 year ending in February 2015.

27 Interview with UNDP democratic governance and stabilization unit, Juba, 7 October 2014.

cases who had spent 5 years in 'pre-trial detention' awaiting the arrival of a competent judge (Braak 2016, 58). In the absence of a well-functioning statutory judiciary, the limited jurisdiction of customary courts obviously harmed the rights and interests of the accused.

One debate in the literature on customary courts in South Sudan and beyond, focuses on their inclination to punish or provide harmony. One side of this debate argues that customary law is disposed towards compromise rather than punishment (Mennen 2008, 2; Salman 1983, 86). In the sweeping words of UNDP, 'the basis of all customary law is the special need for reconciliation and providing harmony instead of punishment' (UNDP 2013b, 23). The other side, considerably more grounded in history and empirical research, argues almost the reverse: that customary courts were seen as 'highly adversarial and combative arenas' and 'another means of state extraction of resources' (Leonardi 2013, 202).

We found a paradox in Western Equatoria's customary courts. Court members and disputants would speak of restoring harmony and achieving compromise solutions. And in the court cases we observed, court members did consider the broader social context of disputes, and advised disputants on how to restore harmony. At the same time, they rarely missed the opportunity to levy fees, fines or 'bail'. To be found guilty, meant to have to compensate the plaintiff, victim(s), in-laws, chief and/or government. As in colonial times, this was done often in kind. A chief at Ezo's A Court explained: 'What we mean by 'prison' is that they stay at home, but report at 7.30 for casual work ... That could include cultivating, digging, cutting grass for roofing.'[28] But money played an increasing role in the customary courts, too. Despite customary courts not having criminal jurisdiction, they would routinely sentence people to 'prison' or 'bail,' which was in the majority of cases directly converted into a monetary sum, with the rate per month differing per court. Customary court members remitted part of the court revenues to local government, but would also receive a share. They had a fairly direct economic interest in punishing people.

Customary courts had to tread carefully, because in the context of legal pluralism disputants had ample choice as to where to bring their problem, i.e. 'forum shopping' (Rigterink, Kenyi, and Schomerus 2014). Courts with a reputation for good judgement 'attracted large numbers of cases' (Leonardi 2013, 209). Conversely, courts that were too extractive and punitive, might lose clientele. This form of downward accountability mirrors the accounts of pre-colonial chief-client relations, when people could abandon an unpopular chief and settle elsewhere (see Section 3.1) (Evans-Pritchard 1963b). People now sometimes also lobbied administrative officials for the removal of indi-

28 Interview in Ezo, 26 March 2015. Also: Interview with UNMISS Judicial Affairs and Human Rights Officer, Yambio, 28 January 2015, Interview with payam chief, Tambura, 20 March 2015.

vidual chiefs. Because people in Western Equatoria, as elsewhere, typically 'distinguish clearly between the office and its incumbent' (J.L. Comaroff and Roberts 1986; Oomen 2005). When people object to an individual chief or customary court, they may not aim to 'alter the nature of political offices and of the social structure in which they function' (Gluckman 1969, 28). Instead, they may just want another individual office holder.

Customary courts are often accused of being biased in favour of the powerful, in-groups and men (Albrecht et al. 2011, 153). This is not what we saw in Western Equatoria. Here, the stereotypically 'weak' – women, migrants, uneducated – leveraged the power of 'the law' in customary courts, often against more powerful people (Braak 2016). In Yambio's B-Court, for instance, we witnessed a case in which the court members sentenced a headman to compensate a 27-year-old Congolese woman whose land he had sold in her absence. After the hearing, the woman said, 'The ruling was beyond my expectation, because before I was warned that since I am a foreigner maybe these people will not give my right.'[29] She was not alone.

In the customary courts that we have records from, between 30 and 44 percent of cases were opened by women, often to hold husbands accountable for domestic violence or neglect, or to file for divorce. This partly reflected the persistent high rates of violence and discrimination of women. As the paramount chief of Nzara put it: 'The majority [of people coming to his C Court] are the women because men mistreat women by violating their right. So women turn up to seek justice.'[30] But it also indicated that women in the towns had found their way to the customary courts, and were now 'successfully arguing for divorce or the enforcement of marital obligations upon their husbands' (Leonardi et al. 2010, 41). A critical shortcoming that the customary courts shared with their statutory counterparts, however, was the limited enforcement of their rulings. Public authorities were often reluctant to confront especially the powerful and violent members of society (Braak 2016), and justifiably feared that the latter would revenge unfavourable rulings (see Section 4.5).

Earlier research on South Sudan's various justice systems connects the popularity of customary courts to the 'inaccessible, unfamiliar and illegitimate' formal justice systems (Leonardi et al. 2011, 111). In Western Equatoria, the formal system seemed more inaccessible than illegitimate. Courts were understaffed and underfunded. In 2015 only three out of the state's ten counties had statutory county courts.[31] The few operational courts were often staffed by judges from elsewhere in South Sudan, who were typically trained in law in the 'high Arabic' of Khartoum, and did not speak local languages. Customary

29 Interview with 27-year-old Congolese woman, Yambio, March 2016.
30 Interview with paramount chief, Nzara, 12 March 2015.
31 Interview with UNMISS Judicial Affairs and Human Rights Officer, Yambio, 28 January 2015.

courts, by contrast, were more accessible: in open structures, conducted in local languages, and more embedded in local patterns of the transformation of disputes.

Still, customary courts and chiefs were undeniably seen as connected to, even *part of*, government and the law. Consider the words of a woman who took her abusive ex-husband to the customary B-Court in Yambio: 'I looked at the case worsening and I decided to go before the law since we are staying in the area of the government which is having laws and regulations to be followed.'[32] Government, laws and regulations, in her view, were linked to the territory of the town, and so living there made her decide to 'go before the law.' That meant going to the customary court. As with chiefs' selection procedures and the 'customary induction' of Zaza, the customary courts of Western Equatoria defy various dichotomies (i.e., 'state'/'non-state', 'punitive'/'restorative', 'traditional'/'modern').

5.6 Walking the tightrope: Gatekeeping and brokering in times of conflict

The main role that South Sudanese legislation reserves for chiefs or 'traditional leaders' is to resolve disputes in customary courts (see Section 5.5). But chiefs appoint court members to do that for them. They devote much, some most, of their time on the virtuoso set of activities often called 'gatekeeping' or 'brokering' (Leonardi 2013). Chiefs often present themselves to powerful outsiders (be they slavers, ivory traders, state powers, armed groups, aid organizations or teak companies) as essential mediators to access particular people and places. To 'their people,' chiefs often promise to negotiate regular and beneficial contact with those various outsiders.

The example of chief Moses Zaza of Naandi is again illustrative. When he 'took office' in September 2012, the chief made a promise to 'his people' to bring 'development and peace.' Next, he contacted powerful outsiders to help him achieve his vision for Naandi. For 'development,' the chief wrote to NGO World Vision to come build a hospital, and to telecom providers Zain and Vivacell to 'bring the network.' To promote peace Chief Moses invited the prison authority, police, and land surveyors.[33] One of my colleagues confirmed that the various developments had indeed taken place in the Chief's area, but wondered whether all of it was initiated by the Chief. This is of course another ambiguity that smart chiefs thrive in: Whenever good things happen in their area, they claim (some) credit. When something bad happens, they can blame their powerlessness.

32 Interview with B-court disputant, Yambio, February 2015.
33 Interview with paramount chief Naandi, Kampala, 28 November 2018.

This gatekeeping is familiar territory in political anthropology, and the study of African and South Sudanese chieftaincy particularly (Leonardi 2013; Verweijen and Van Bockhaven 2020, 8). But what happens in times of conflict, when there are conflicting and violent demands on the chiefs? When the gulf between local populations and the national government and army grows? When, in the words of Von Trotha, chiefs have to 'walk the tight-rope between two different and antagonistic orders' (Von Trotha 1996). This has happened periodically in Western Equatoria since time of Gbudwe and Tambura (see Section 2.3). Yet when 'it started again' over the course of 2015, chiefs were in an especially difficult situation. Initially, there was a bifurcation in state authority, with the national and state level pitted against one another. Yet it soon became apparent that different 'local' power brokers were trying to leverage 'Juba' to help them dominate in Yambio, and that the 'local population' was also divided (see Section 6.2). In other words: The tight-rope was no longer between two steady antagonistic poles, but between various opaque forces in flux.

Many chiefs had been active in the establishment of the Arrow Boys in their communities, and to Governor Bakosoro (see Section 2.6). Those had been uncontroversial allegiances to hold in previous years when the LRA was the enemy, and the Arrow Boys enjoyed widespread popular legitimacy. This changed over the course of 2015 and 2016, when the Arrow Boys started to fight the SPLA. The Arrow Boys came under the control of military characters with political ambitions, and a force that chiefs could barely influence (McCrone 2020; HSBA 2016).

Chiefs' 'gatekeeping' claim to knowledge and connections with various groups and places, made them suspect in war time. Chiefs, like government officials (see Section 4.5) feared retaliation when they did anything to offend (individual) rebels or soldiers. As a Zande elder in Kampala lamented, 'several Zande chiefs have been targeted, detained arbitrarily, and tortured.'[34] Chiefs' movement became more difficult, too, especially between the government-controlled towns and the rebel-held countryside. One customary leader, who lived on a rural compound some 6 km from Yambio but worked in town, was assaulted and mugged three times by different factions. A church leader from Yambio who is a refugee in Uganda summed up the situation this way:

> In the first war [the Second Sudanese Civil War], I saw the SPLA having good relationships with the chiefs ... Chiefs were coordinating between the civilians and the SPLA. Now, there are many other groups. There are chiefs in towns but their people would still fall under the area of another group. How would they communicate with their people? ... Those who need [want] peace with the government and

34 Interview with former state minister, Kampala, 13 June 2017.

> those who don't became enemies, and if you try to reach a group, the others become your enemies. It is like people are living in different countries.[35]

As the war split Western Equatoria in 'different countries', different chiefs pursued different strategies. First, some especially lower-level chiefs felt utterly powerless to influence the fighting factions and instead fled with their communities. One chief we interviewed in Yambio, had been displaced from a rural area north of Yambio. He described how from 2016, the 'so-called Arrow Boys In-Opposition came and attacked the whole area of ... They would come and collect people's food from their granaries, and leave people empty-handed.'[36] This chief was one of around 7,000 people who fled from that area to Yambio (World Vision 2017; UNOCHA 2017). Upon his arrival in Yambio, this chief took up a new traditional authority position in the B-Court.

Second, some chiefs sought to convince armed groups that they were neutral, and to mediate between them. But this often aroused suspicion. Consider again the case of Chief Moses Zaza. He practiced shuttle diplomacy between the Arrow Boys in his area and the state government in Yambio. At first, he had the ear of both parties, but before long he was threatened by both, and forced (briefly) to run to Uganda for safety.

A third group had sided with the SPLA, and sought to talk the Arrow Boys out of fighting. One grandson of Prince Gangura had been a soldier with the SPLA since 1990. When he heard that the Arrow Boys were 'fighting the government' in his hometown, he went there to talk: 'I went there to talk to them like an elder. To tell them to calm down, and that this fighting was against Zande culture. Then when I left, they tried to kill me. They shot and wounded my leg.' This senior Avungara and heir to the local princedom was shot by 'his people,' when he invoked Zande tradition and his position as an elder. He came to Uganda for medical treatment and was still there after two years. Yet he insisted he was no 'refugee': 'I am still employed with the SPLA and I want to go back.'[37]

A fourth group was more sympathetic with the Arrow Boys, and critical of the SPLA. As one refugee in Uganda observed, 'some people go to the bush and the chiefs support them.'[38] The most prominent example, paramount chief Wilson Hassan Rikito Peni of Yambio, had continuously spoken critical of SPLA abuses against civilians, and in defence of 'local youth'. Finally, he was arrested in November 2016 without trial or explanation. Peni is the grandson of King Gbudwe and the agreed next king of the Azande. In Uganda, people interpreted Peni's arrest as being retribution for his continuing to speak to the Arrow Boys and for his strained relations with then-governor of Gbudue

35 Interview with pastor, Rhino Camp, 11 August 2017.
36 Interview with executive chief, Yambio, 5 April 2017.
37 Interview with Gangura Isaya, Arua, 9 August 2017.
38 Interview with 27-year-old refugee, Bidibidi RS, 18 August 2017.

State, Patrick Zamoi. Bakosoro protested his arrest, warning that it could 'destroy the social fabric of the Azande community' (Radio Tamazuj 2016b). Among refugees in Uganda his arrest was also interpreted as a blow to aspirations for a reinstated Zande kingdom.

Paramount Chief Peni was released after a month, and then took up a position in the National Dialogue Steering Committee. This points to a contemporary paradox in the power of chiefs in South Sudan. Although Peni's legitimacy is in large part still based on him being an Avungara and heir to the throne of King Gbudwe, and on being a good chief for his people, his formal position as paramount chief and his personal freedom are controlled by the central government. Of the many sources of power that a chief can draw on, government support and protection remain vitally important.

Chiefs' tactics during the civil war varied: Some felt powerless and were displaced, some practiced shuttle diplomacy (like Chief Moses), some were with the SPLA (like Gangura), and some defied and criticized the SPLA (like paramount chief Peni initially). This illustrates well that the position of chiefs during the war became more precarious, and the tightrope between various factions and armed groups impossible to balance. And so all faced threats, some were shot, others imprisoned, and others still ran to Uganda.

5.7 Conclusion

In the turbulent post-war years around independence, chiefs were hardly 'resurging' in a material sense. During the Second Sudanese Civil War chiefs had often been abused by armed groups, and government had invested little in them. They felt humiliated, and complained that they now did not have sufficient power and wealth. Put dramatically: 'We are reduced to zero' (Rift Valley Institute 2016). War had certainly weakened chiefly authority, but their suffering and sacrifice had also contributed to their widespread popularity. As a refugee in Uganda would later summarise it: 'You die with your people! That is the spirit we appreciate in them [the chiefs]!'[39] Further, chiefs' self-proclaimed 'weakness' ought not to be understood in absolute terms (they were not 'zero'), but as an expression of the discrepancy between their aspirations and reality. This 'weakness' was also functional: It allowed chiefs to claim the good that happened in their communities, while attributing the bad to their weakness.

While elements of chiefly authority in Western Equatoria were rooted in the distant pre-colonial past, much was changing and self-consciously under construction. In 2015 most Zande chiefs were still Avungara men who traced ancestry to the pre-colonial kings. But it had become rarer for chiefs to be appointed by their fathers, with most chiefs now going through some form

39 Interview with female elderly refugee, Rhino Camp RS, 12 August 2017.

of election. In such elections traditional pedigree remained important, but other factors (e.g., education, work experience, behaviour) gained ground. During the decades of war most people, including the chiefs and their children, had lived abroad as refugees. So, chiefs now were increasingly 'returnees', with two third of chiefs we interviewed having lived abroad. 'Returnee chiefs' were a mixed blessing: They brought a wealth of experiences and knowledge from 'outside', but were also to some extent estranged from local culture, politics and history (like returnee state bureaucrats, Chapter 4). This chapter presented the case of Chief Zaza, who upon his return from Uganda was groomed for chieftaincy by 'stayee' chiefs and elders (see Section 5.4). Stayees and returnees alike admitted that war and displacement had caused confusion, and that traditions and customary law needed to be reconstructed or reinvented.

The *zeitgeist* of self-determination had reinvigorated ideas for cultural and even political sovereignty, such as the Zande Kingdom, with prominent roles for traditional authority (see Sections 5.3.2 and 8.5). The weakness of individual chiefs, seemed to do little to dissuade people from supporting the idea of traditional authority. In Western Equatoria, people's support for individual chiefs varied quite widely, yet traditional institutions such as a to-be-reinstated Zande Kingdom enjoyed unanimous support (Rigterink, Kenyi, and Schomerus 2014). This relates to Oomen's point that people's differentiate between the *individual* chief and the *institution* (Oomen 2005). I would put it even stronger: the popularity of chieftaincy is only partly based on the actual everyday 'performance' or 'functioning' of chiefs, it also rests on powerful, less tangible notions about tradition, history and belonging.

In South Sudan, as elsewhere, chiefs by no means held a monopoly on tradition. The '*retour à l'authenticité*' ('return to authenticity') has been a political trope in various times and places, notably in various African post-colonial military dictatorships in the 1960s and 1970s (Mazrui 1976). In some other African contexts, the collapse of state structures in the 1990s led to the ascent of powerful NGO's and churches, which were antagonistic to 'past-oriented' traditional order with its 'relational dependency' (Piot 2010). But this chapter has demonstrated how in Western Equatoria, instead, chiefs were not so 'past-oriented' at all, and how NGO's and churches, too, invoked 'tradition' and 'history'. Some authors have made Bourdieu-inspired analyses likening 'tradition' to 'resources' or 'capital' (Hoffmann, Vlassenroot, and Mudinga 2020; J.L. Comaroff and Comaroff 2018; Leonardi 2013). These analogies evoke an image of a marketplace of ideas and interests, in which 'tradition' is invoked to shape the negotiations. But contrary to capital, 'tradition' is not finite or subject to zero-sum games. Instead, in Western Equatoria at least, the currency of tradition only increased due to its widespread usage by politicians, church leaders and the UN. Rather than capturing or monopolizing 'tradition', they legitimized it and, in the process, also elevated the prestige of chieftaincy, even if that did not directly translate to chiefs' wealth and power.

Chiefs' popularity in Western Equatoria rested in part on their very visible work in the state-recognised customary courts (see Section 5.5). Statutory courts were absent in many places and under-staffed elsewhere, which is partly why customary courts handled (criminal) cases beyond their jurisdiction. The customary courts were accessible and typically responsive to their disputants, because court members relied on disputants to bring problems, pay the court fees, and reaffirm their authority. Through these customary courts, the chiefs produced a semblance of order and stability, so necessary for the continuation of daily life in the context of the growing uncertainty of the South Sudanese Civil War (2013-2020). Later in Ugandan refugee settlements, South Sudanese refugees would indicate that they missed the chiefs partly for this stabilizing influence (see Sections 8.3 and 8.5). But there were also other ways, in which chiefs had come to symbolize 'stability'.

Chiefs presented themselves, and were often seen, as the representatives of a traditional order. People's lives had been marked by war and displacement, and the pace of change exceeded most people's ability to adapt. Many were receptive to the chiefs' promise of existential stability. In this respect, there are important similarities between post-conflict chiefs, and the post-colonial chiefs whom, according to Von Trotha, derived their popularity partly from the disorder brought about by colonial occupation (Von Trotha 1996). In Western Equatoria, peoples' longing for a better and sovereign future, became infused with nostalgia for the pre-colonial past (see Chapter 8). Here, there are similarities between the very modern urban planning of last chapter, and the plan to reinstate the 'traditional' Zande Kingdom. Neither seemed realistic in the short term, but both allowed people a moment's respite from the fragile and conflict-affected present. Nonetheless, as we will see in Chapter 8, beneath the near consensus on restoring traditional institutions, peoples' imagined futures and desires of chiefs and chieftaincy varied widely.

When the civil war spread to the Equatorias in 2015 and violence escalated in Juba in July 2016 (see Chapter 6), chiefs were impacted in various ways. They faced familiar demands and dilemmas in nonetheless new and changing military-political configurations (see Section 5.6). This chapter details the divergent choices chiefs made: One was displaced by Arrow Boys to Yambio town, where he made a promotion; another practiced shuttle diplomacy until he was threatened and ran for safety to Uganda; one joined the SPLA and was shot by the Arrow Boys in his home area; and another strongly criticized the SPLA and was imprisoned in Juba. These strategies and outcomes illustrate well the precarity of chieftaincy in wartime, and the diversity in their strategies and subsequent outcomes. This is reminiscent of chiefly positioning in the neighbouring DR Congo's wars, even if there chiefs appear to be more closely associated with warring parties (Hoffmann, Vlassenroot, and Mudinga 2020, 134). Remarkably, few South Sudanese chiefs joined the two million South Sudanese refugees abroad – in the spirit of serve or sacrifice – but even in their

absence in the Ugandan refugee settlements, the *idea* of traditional authority stayed very much alive (see Chapter 8).

6 'It has started again': The eruption of civil war and people's decisions to stay or go (2015-2017)

6.1 Introduction

The peaceful period in Western Equatoria came to an end in 2015. This chapter describes this new episode in Western Equatoria's long history of ruptures (see Chapter 2) and movements (see Chapter 3). The main two questions it asks are: What were the causes and consequences of the civil war in WES in 2015-2017? And: Why did some people stay while others migrated, among other places to Uganda? To answer these questions, the chapter proceeds in two parts. The first part opens with an analytical reconstruction of the causes and phases of the civil war in Western Equatoria (see Section 6.2). Such a close examination is important, because the civil war, like its predecessors, defied often-held assumptions about war and, by consequence, about the nature of 'running' from it (see Sections 1.3.1, 2.5, and 3.3). The chapter analyses grass-roots perspectives on the war, and its manifold indirect consequences (see Section 6.3). This section illustrates how gunshots were but the most urgent of a host of problems that made life less liveable for ordinary people.

The second part of this chapter investigates why even in civil war, most people stayed in Western Equatoria while others moved away. A first section evaluates the 'structural factors' at play (see Section 6.4), and a longer section focuses on 'agency' – differentiating 'aspirations' and 'abilities' (see Section 6.5). I find that contrary to mechanistic diagrams – which often presume a sameness of potential migrants – in Western Equatoria there were advanced, intricate and historically-formed moral frameworks around the core question of when moving was acceptable for whom. These help to explain why and how families tactically split across countries, and why some elites aspired to stay (see Section 6.6). In a last section, I show some of the resultant varied 'pathways of displacement', which also problematizes notions like 'stayee' and 'immobile' by showing that also those who choose to stay have often moved temporarily (see Section 6.7). This chapter bridges the first part of this book on South Sudan, and the second part on Uganda.

'It has started again' is a poem written by Isaac, a Western Equatorian student who has ran from war multiple times (see Annex 2). In the poem Isaac describes what happens when 'it' starts again: People go quiet, extinguish fires and turn off lights and phones. Even crickets, frogs, owls and jackals are silent. In silence, women spread bed sheets on the ground to collect belongings in, children bring their school books, men the important documents. The whole

village knows that 'it has started again'. The poem significantly leaves unspoken what 'it' is. The violence of war is avoided, unaddressed. It is simply there again, as a storm beyond the influence of the author and the people he describes.

Another perspective on the war in South Sudan, is offered by statisticians. The most rigorous such study estimates that between December 2013 and April 2018 some 383,000 people died 'in excess' of normal mortality, with half of that number killed violently (Checchi et al. 2018). Although the researchers had no data from Ibba, Nzara, Tambura and Yambio counties, they estimate that in Western Equatoria some 38,800 people died 'in excess', and between 7,000 and 16,100 died violently. Additionally, some 4,5 million people became displaced of whom 2,2-2,5 million sought refuge abroad (UNHCR 2021). By early 2018, IOM estimated that some 25 percent of the villages in Yambio payam remained deserted (IOM 2018).

Figure 6: Estimated displaced and non-displaced populations in and outside South Sudan. Source: Checchi et al. (2018): page 17.

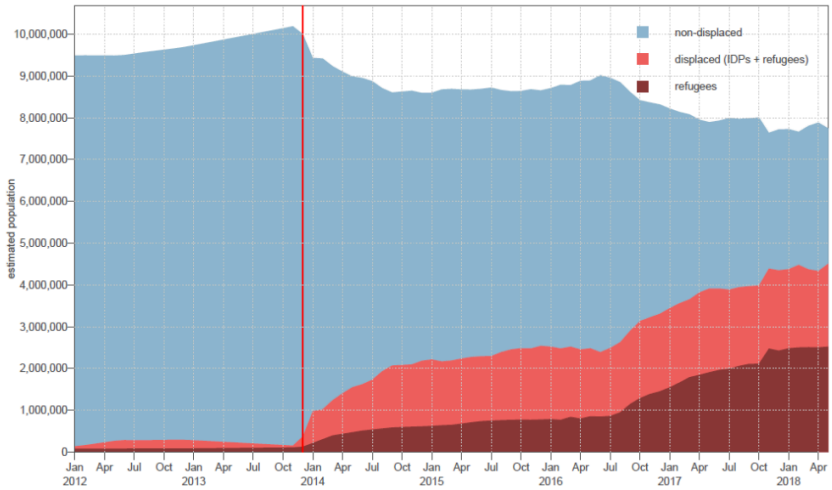


Figure 7. Estimated displaced and non-displaced populations in and outside South Sudan, over time. The red vertical line indicates the start of major conflict.

By aggregating complex human tragedy in clear categories and charts, these statistics offer insightful and bleak bird's-eye overviews. Yet they leave many questions unanswered: Why did conflict break out? Do the categories used here ('non-displaced', 'displaced' and 'refugees') adequately represent people's varied experiences and current positions? Why did some people leave while many others stayed put? These questions lend themselves better to the sort of qualitative inquiry that this chapter draws on.

Between the poem and statistics, this chapter contributes an analysis based on multi-sited and longitudinal qualitative research with 'stayees' and IDP's

in South Sudan, and Western Equatorian refugees in Uganda. Zande people would speak of *oto vura* (oto = run, race; vura = war, enemy), and use words like 'running' or 'escaping' to describe how they left their country. This relates to a largely quantitative body of work on migration 'determinants' in conflict, which suggest the critical importance of people's experiences with violence (Davenport, Moore, and Poe 2003); economic wealth and opportunities to leave (Adhikari 2013); political identity (Balcells 2018); and threat perception or individual risk preference (Ceriani and Verme 2018). This chapter finds that those factors all matter, but takes issue with the term 'determinants' – arguing instead for a more agentic conceptualisation of war-time migration. Further, the longitudinal and qualitative research that I conducted, sheds light also on less measurable and quantifiable but perhaps equally important cultural, psychological and moral factors which explain why and when which people leave (see Section 6.6).

This chapter will confirm that war-time migration often interfaces with peace-time migration patterns, and that even at the height of civil war people's reasons for 'running' are often varied. To properly analyse these deliberations, this chapter draws on general migration scholarship. Recently, critical migration scholars have critiqued the discipline's classical 'sedentarist' conceptualizations of migration as an abnormal and linear move from one place to another (Liisa H. Malkki 1995; Cresswell 2010; Schapendonk 2020; Schapendonk and Steel 2014), in response to objective 'push' and 'pull' factors (Kunz 1973; Van Hear, Bakewell, and Long 2018; Lee 1966). After the 'mobility turn' in migration scholarship, authors have argued to consider how mobility may be a resource that is 'differentially accessed' (Cresswell 2010), and how (im)mobility interfaces with economic, social and political relations (M. Büscher and Urry 2009, 100). Further, both individuals' *aspiration* and *ability* to migrate vary (Carling 2002; Haas 2021). I will apply especially Carling's insights to the case of Western Equatorian war-time mobility deliberations, and offer some suggestions for the application of his framework in a context of war. In the present case, refugees' migratory response is more 'reactive' than proactive (A.H. Richmond 1993), and the 'the push motive is overwhelming' (Kunz 1973). Still, I found that people made agentic decisions about *if, when, how* and *where* to go. Their 'running' often was an improvised process with several steps and considerable back and forth (Kaiser 2010; Schapendonk and Steel 2014).

Just as some migration and refugee scholarship may have had a sedentarist bias, others have argued that contemporary migration scholarship has a 'mobility bias'. That is, it overlooks or disregards immobility – 'spatial continuity in an individual's centre of gravity over a period of time' (Schewel 2019). This led King to call for more studies on why people do not migrate (King 2012). In contexts of war and displacement, this archetype is often simply referred to as the 'stayee (L.H. Malkki 1995, 515). In many contexts, including South Sudan, they outnumber refugees and IDP's. There is an important body of work on the dynamics between 'stayees' or 'stayers' and 'returnees' *after*

conflict (Allen and Morsink 1994; Lombard and Picco 2019; Bascom 2005; Kibreab 2002; Vrancken 2016; Hammond 2004; Grabska 2014). However, stayees' initial reasons for staying put remain understudied (Hammar et al. 1997; Revkin 2020). A common approach to stayees' motivations is to suppose that for them the 'push' and 'pull' factors may not weigh as strong (see Section 6.4), or that stayees might also aspire to leave but lack the ability to do so (Carling 2002). This chapter will analyse the deliberations of stayees, IDP's and refugees in more depth, drawing on unique material both from South Sudan and Uganda. To structure this chapter, I formulate three sub-questions:

1. What were the causes and consequences of violent conflict in WES in 2015-2017?
2. How did people in WES experience the (consequences of) violent conflict?
3. Why and how did people decide to stay or move, among other places to Uganda?

The logic of this structure is partly my argument: That the nature of the civil war determines people's experiences and perceptions of it, which in turn shape who has the aspiration and ability to stay or leave. Further, people's views of the present are profoundly shaped by their (vicarious) experiences in the past, and so present mobility deliberations are informed by lifetimes of living with war and displacement.

6.2 How 'it' started again: Causes and consequences of violence (2015-2017)

> When your world is destroyed and only a remnant is saved, then whatever is seen as a threat to that remnant becomes a hated enemy.
>
> - Chaim Potok, the Promise

Before I analyse why people stayed or left Western Equatoria, it is important to offer a short overview of the violent conflict. Most of the scholarship on the civil war in South Sudan focuses on political and military actors, and their strategies and narratives (Thiong 2018; Braak 2020; Øystein H. Rolandsen et al. 2015; Copeland 2016; Kindersley and Rolandsen 2017; HSBA 2016; Small Arms Survey 2017). This section, too, offers a brief introduction on these macro and meso-levels of the war. But it comes with a caveat. In writing about war, we have to be cautious of the 'narrative fallacy': to construct from isolated events a coherent narrative. The more I spoke with Western Equatorians about their experiences and perceptions of the conflict, the more I understood just how fragmented and opaque the civil war had been. Borrowing from ethnographies of war and survival (Finnstrom 2008; Lubkemann 2008; James 1979; Nordstrom 1997), Section 6.3 explores emic perspectives on the war: the 'it' that had started again.

This section distinguishes between three phases in Western Equatoria's involvement in the South Sudanese Civil War: 1) strategic avoidance, 2) local clashes with cattle keepers and SPLA; and 3) internal divisions. That last phase peaked in 2016 and has since then dragged on in lower intensity until the time of writing.

6.2.1 First phase: strategic avoidance (December 2013 – summer 2015)

In December 2013, war started in Juba. President Salva Kiir (SPLM/A) and then-Vice President Riek Machar (SPLA-IO) split, which sparked fighting initially mostly in Juba, and in Upper Nile, Jonglei and Unity States (International Crisis Group 2014). The three southernmost Equatoria states remained relatively peaceful, as most people wanted to 'keep out of what they saw as a 'Dinka-Nuer war'' (Copeland 2016). During the first two years of the war, the central government and SPLM criticized the Equatorian political elite for not offering enough support (Copeland 2016). Equatorian elites conversely alleged that the ruling SPLM was squandering the hard-won independence with nepotism, tribalism and marginalisation. Many Equatorians felt that 'government belong[s] to other people' (de Vries 2015). And in Western Equatoria, popularly-elected governor Bakosoro and the Arrow Boys enjoyed a lot more popular support than the SPLA (see Section 2.6). During this first phase of the conflict, I was able to do fieldwork in Western Equatoria in September 2014 and January-April 2015. Things were peaceful west of Ibba, but tension had started building up around Mundri and Maridi.

6.2.2 Second phase: Local clashes with cattle keepers and SPLA (summer 2015)

A series of small local incidents triggered a vicious cycle of fear, distrust and violence. The causal chain behind the violence is long, disputed and political, but there are clear dates of local violent sparks that ignited wider instability. In Mundri it was the 6 May 2015 attack on a cattle camp and the subsequent shooting of the county's executive director. In Maridi it was an attack on a cattle camp on 7 June 2015. In Yambio, on 27 July 2015 three SPLA-soldiers were killed by 'youth' at Birisi village near the Congolese border, and an SPLA-soldier subsequently killed two civilians in Yambio (Radio Tamazuj 2015e). Elite-level political will for peaceful resolutions was now lacking, and cattle keepers were joined by the SPLA and the local communities by 'Arrow Boys.' Governor Bakosoro criticized the SPLA, saying they 'have lost direction, in all the states you find that the army attack civilians, the civilians attack army and so on' (Radio Tamazuj 2015d).

The violence appeared initially not to be primarily motivated by ethnicity, but by land disputes between migrating cattle keepers and farmers. However,

simmering disenfranchisement changed the way in which people interpreted local disputes (de Vries 2015). Anti-government grievances became increasingly 'expressed as opposition to the Dinka ethnic group, and its elite, specifically' (HSBA 2016). The violent incidents catalysed that process, and the narrative in some quarters shifted to 'trespassing' ethnic Dinka versus 'indigenous' Equatorians. Illustrative is a divisive quote that was circulating online and attributed to Governor Bakosoro:

> Dinka leaders and their community have failed our country, South Sudan. What's wrong with you people, wherever you go, problems and havocs follow? You ran from danger in your areas and only to come and cause havoc in our state ... I blame the Moru Youths for allowing a snake into their house and crying loud for me to come all the way from Yambio to kill the snake. You have to just kill it, why wait for me?[1]

These words are reminiscent of Zamoi's commencement speech in 2005, including the use of the term 'snake' to refer to ethnic Dinka (see Section 2.6). The quote was denounced by Bakosoro's information and communication minister Charles Kisanga as 'a complete fabrication ... aimed at causing confusion and disharmony between the state and political leadership in Juba' (Sudan Tribune 2015a).[2] There were many similarly divisive quotes circulating online throughout the civil war. The UN Panel of Experts wrote that it could not confirm 'the authorship of the letters or the existence or composition of the groups behind them, their wide public dissemination has nonetheless contributed to a surge in intertribal tensions (UN Panel of Experts for South Sudan 2015). True or false, divisions were exacerbated.

6.2.3 Third phase: Internal divisions (from August 2015)

From August 2015, Western Equatoria's internal divisions came to the surface and increased. Western Equatoria saw an increase in violence, became politically divided, and was carved up in three smaller states. The once peaceful and productive three Equatoria States turned into the main theatre of war, and a major source of refuge departures (Copeland 2016).

In August 2015 Governor Bakosoro was fired and briefly arrested, likely as a backlash for his criticism of the central government and SPLM/A, for his ties to the Arrow Boys, and for his national political aspirations (HSBA 2016). President Kiir then appointed a caretaker governor: Patrick Zamoi, a career soldier and Zande, who had also been governor of WES in 2005-6. Initially

1 A copy of this speech was still available at the time of writing on websites of dubious partisan reputation, like PaanLuel Wel. See also (Sudan Tribune 2015a).

2 Kisanga had after the 2005-6 Zande-Dinka clashes published articles to excuse governor Zamoi (Kisanga 2006a; 2006b).

many people welcomed Zamoi's appointment, but his second tenure proved to be different from his first. In October 2015 Zamoi reshuffled the state cabinet and the county commissioners, and took to the radio to accuse politicians loyal to his predecessor Bakosoro of being 'IO' (opposition).[3] During his tenure as governor there were many attacks by 'unknown gunmen' on ordinary people and local elites alike.[4] Some suspected that the governor was responsible for arming and using the youth, among whom the musician-witchdoctor-rebel Babiro.[5] Zamoi was also accused of grabbing some of Bakosoro's properties in Yambio, forcing tenants to pay rent to him. One armed group signed peace in April 2016,[6] but the violence in Western Equatoria continued to flare up periodically.[7] Some of these flare-ups had local origins (Night 2016; Radio Tamazuj 2016a; 2016b), others were closely tied to the national escalations – such as the clashes in Juba in July 2016 (International Crisis Group 2016).

Analysing the violent period that accompanied Zamoi's governorship, many of my respondents reasoned that the governor must have made a Faustian bargain with President Kiir: To become governor he would have had to swear allegiance to President Kiir. Some insisted that this was Kiir's revenge for the 2005 violence against Dinka, and that now Kiir would 'use the Zande [to] kill themselves.'[8] Again: Critique of Kiir and the central government was often voiced as opposition to the Dinka. Alfred Futuyo, perhaps the best-known Arrow Boys-commander and from July 2020 governor of Western Equatoria said: 'Zamoi left Yambio in 2006 a Zande and returned in 2015 a Dinka' (HSBA 2016). And so, the divisions within the Zande group did not necessarily mean an end to ethnic rhetoric: Instead, Governor Zamoi was now painted as 'a Dinka' because of his allegiance to the unpopular government in Juba.

By most accounts, the appointment of the new governor Daniel Badagbu in January 2017 somewhat improved the relation between communities and

3 Interview with former MP in Western Equatoria, Arua, 15 June 2017 and Interview with payam chief, Kampala, 16 June 2017.

4 The exact number is hard to verify. Certainly dozens, possibly hundreds. Sometimes people were killed, at other times just wounded and/or mugged. Among the elite victims was the speaker of the WES parliament, James Bage. He was shot dead in an ambush in Yambio, followed by wild speculation about who shot him and why (Sudan Tribune 2015b). Interview with refugee chairperson from Ezo, Rhino Camp, 23 April 2017; Interview with wife of chief in Kampala, 16 March 2017.

5 Interview with former chief, Uganda, June 2017.

6 In April 2016, a Western Equatorian rebel group – the South Sudan National Liberation Movement – signed a peace deal with the government. But Alfred Futuyo's South Sudan People's Patriotic Front (SSPPF) continued to fight.

7 For instance, on 10 November people in Yambio awoke to heavy gunfire which continued intermittently for days. Email correspondence with John in Yambio, 17 november 2016.

8 Interview in Uganda, 9 March 2018.

the Gbudwe State government.[9] As a refugee in Uganda summarized: 'Peace is coming back to Yambio. Killing is there, but not like before.'[10] We could term this the fourth phase, of low-intensity simmering conflict. There were occasional clashes between rebels and SPLA, and some roads remained unsafe. It remained akin to how Lubkemann described Mozambique's war: 'a period of prolonged and heightened uncertainty, punctuated by violent events' (Lubkemann 2008).

The civil war, the 'it' that refugees ran from, often took this form: Of local conflicts interlacing with political intrigue at the state- and national level. With (aspiring) politicians mobilizing youth to fight along identity lines, only to sign peace with their battlefield enemies at the next round of peace-through-power sharing. When peace was signed in 2020, the same old faces that had started the war were back at the national helm, and Arrow Boy-commander Alfred Futuyo became governor of Western Equatoria. This cynical system was described aptly in Darfur, where 'violence has been used not to achieve military victory but to raise actors' status in a patronage hierarchy' (de Waal 2014). In South Sudan, people with political aspirations sometimes engage in the civil war to advance their careers (Braak 2020).

6.3 Mashakil ketir: Violence seen from below

> If you have not seen the day of revolution in a small town where all know all in the town and always have known all, you have seen nothing.
>
> - For Whom the Bell Tolls – Ernest Hemmingway.

The civil war and the elite politics behind it had been opaque for anyone I spoke to. During the third phase of violence in Yambio, Peter wrote to me, 'we in Yambio town are facing serious gun shots every night and you cannot know who is shooting and why.'[11] People would often contrast this war with the previous ones they had experienced, and say that 'this one' was more divisive and chaotic. As one refugee in Kampala put it: 'This is not a civil war, it is a house to house war. Brother to brother.'[12]

Violence directly affected ordinary people in numerous ways. Both the SPLA and non-state armed groups preyed on the civilian population for food, recruits and intelligence, and many civilians were raped, abducted or killed

9 Badagbu was a relatively young man who was mayor of Yambio town before becoming governor of the newly divided Gbudwe State. The other part of the former Western Equatoria State became the 'Tambura State'. In 2020 all were joined as 'Western Equatoria State' again.

10 Interview with pastor, Rhino Camp, 11 August 2017.

11 Email from Peter in Yambio, 6 October 2015.

12 Interview with catholic sister from Yambio, Kampala, 1 August 2017.

(Human Rights Watch 2016). In Uganda one female refugee from Mundri recounted how the warring parties, 'Would not discriminate, and kill even children ... Now, they do not segregate between soldiers and civilians ... Our youth were arrested and even killed in front of us. You cannot talk or they kill you, too.'[13] At night there were muggings and abductions in the towns. Various armed groups also operated road blocks demanding contributions from anyone that passed. The 'Arrow Boys' had earlier protected their communities against the LRA, but became more malignant (Braak 2020). In Uganda, an elderly female refugee said: 'This one of yesterday where boys were raping even our type, forced me to come to this red soil.'[14] 'This one' referring to the war, 'our type' to elderly women, and 'this red soil' to Uganda. Criminals and so-called 'unknown gunmen' exploited the instability to extort, loot and kill with impunity.

The violence of the civil war also had many indirect effects on life in Western Equatoria. It changed the way disputes were being resolved. In more peaceful times, the customary and statutory courts and the chiefs had been able to produce a semblance of order and stability (see Chapter 5). But even before war started in 2015, dealing with armed disputants had been their Achilles heel (Braak 2016). The violent incidents that took place during the second phase of conflict were not brought to the chiefs or courts, and they were in no position to halt the escalation. In the third phase many courts closed down and judges left their posts.[15] Old scores were being settled violently now, as some people hired 'unknown gunmen' or out-of-work rebels or soldiers to attack or kill their opponents.[16]

Local authorities were not only powerless to hold perpetrators of violence to account, but they became targets themselves. One of Yambio's B-Court judges was beaten up three times by armed groups. My key respondent Charles had been the chairperson of the County Land Authority's Land Dispute Committee in Yambio, and was shot after an unfavourable ruling (see Section 4.5.1). A customary court judge expressed a common fear: 'If we judge according to the laws it is at our own risk ... Because people are killing each other like nothing.'[17] In Uganda, a refugee from Mundri painted a Hobbesian image of South Sudan at that time: 'It is each for him or herself and God for us all. Even murder has no consequences.'[18]

The state bureaucracy was hamstrung mainly due to violence and insecurity, but also due to the economic decline. The low global oil price, lack of foreign currency, and the liberalization of exchange rates fuelled hyperinflation

13 Interview with 40-year-old female refugee, Bidibidi, 18 August 2017.
14 Interview with 56-year-old woman, Kiryandongo, 27 December 2019.
15 Interview by RA Evelyn 8 April 2017 in Yambio with County Court Clerk.
16 Interview with 32-year-old youth leader, Yambio, 4 Apil 2017.
17 Interview with vice-chairperson B-Court, Yambio, 3 April 2017.
18 Focus group discussion (FGD) with youth, female respondent, refugee settlement in Uganda, 13 August 2017.

(Francis 2016; Elias and Biajo 2020).[19] It is worth here to quote at length a former state minister who now lived in Kampala, on the consequences of war and economic collapse:

> The entire civil service has collapsed. Nobody is working. Then you have the question of security ... [Unknown gunmen] come to your house, and they can spend hours doing all sorts of things without anybody coming to stop them. So that means there is a breakdown of law and order ... Then you have the economy which has totally collapsed. Most of the roads are closed due to insecurity ... So things have deteriorated ... Anybody who is an intellectual is a target. So you have to run to save your life.[20]

This quote illustrates the civil war's many indirect and inter-connected consequences. To cope with this multi-faceted collapse, many wage-earners turned to subsistence farming. But it had become dangerous to travel to the gardens, often some distance outside of town. As one 42-year-old female farmer in Yambio explained: 'I used to bring my food from the garden ... [But] The rebels took over since 2016. I have nothing at all, and [there is] killing everywhere ... I fear that if I go, they will rape or kill me.'[21] Some rebels would allow people to go to their gardens, but doing so would arouse suspicion among government and SPLA.[22] As a result, many people stopped going to the farms. Such micro-level tragedies culminate in sobering cereal production statistics (see below).

Table 3: South Sudan, estimated cereal surplus/deficit, 2015-9 (tonnes). Source: Constantino et al. (2019), page 37.

Table 9: South Sudan - Estimated cereal surplus/deficit, 2015-2019 (tonnes)

State	2015	2016	2017	2018	2019
Central Equatoria	25 196	14 291	-13 294	-73 528	-92 092
Eastern Equatoria	6 338	-16 750	-21 355	-29 889	-37 177
Western Equatoria	86 767	18 542	10 601	52	-589
Jonglei	-149 738	-148 937	-159 079	-159 753	-163 559
Upper Nile	-78 942	-72 429	-58 864	-56 258	-57 675
Unity	-80 298	-79 264	-80 041	-73 686	-66 614
Lakes	-30 812	-28 889	-24 600	-22 459	-24 324
Warrap	-4 907	-19 459	2 132	1 027	-18 321
W Bahr al Ghazal	16 044	-4 350	-14 256	-28 802	-32 341
N Bahr al Ghazal	-38 315	-28 006	-25 529	-25 098	-25 549
Total	**-248 666**	**-365 248**	**-384 285**	**-468 395**	**-518 240**

19 In early 2015 the exchange rate was 6 South Sudanese Pounds for 1 US Dollar. By the end of 2017 it was 190 SSP per USD. By September 2020 the black-market rate was 500 SSP per USD.

20 Interview with former Western Equatoria State minister of physical infrastructure, Kampala, 21 June 2017.

21 Interview with 42-year-old female farmer, Yambio, 4 April 2017.

22 Email correspondence with respondent in Kampala, 29 October 2020.

This table shows how the Equatorias have fallen from producing a 118,301 tonne cereal surplus in 2015 to a 129,858 tonne deficit in 2018. In the erstwhile bread basket for South Sudan people were returning to one meal a day. The report explicitly links this drop to 'the expansion of conflict' and the 'massive refugee outflow' (Costantino, Shiferaw, and Bonifacio 2019, 29). War, displacement and economics were closely intertwined.

The reincarnation of war also had existential ramifications. Less measurable than agricultural output, but equally important. South Sudan's independence in 2011 had been accompanied by euphoria, the overcoming of divisions, and hope for the future. It had been tempting to believe that Khartoum or 'the Arabs' were the origin of evil, and that life would be altogether better under South Sudanese leadership (see Section 5.2). The decades of civil war and the thousands of lives lost were made meaningful from this perspective. The resumption of war in 2013 made many people question that narrative, and their vote for independence. Both in South Sudan and in refugee camps in Uganda, some people 'blamed themselves for being (born) South Sudanese'. One chief in Yambio said, 'I don't [know] why I exist in this country. While other people enjoy their life, culture and norms, for us in South Sudan we only enjoy shedding blood.'[23] In exile, people would also reflect on the bleak situation back in South Sudan (see Section 8.2).

These sorts of expressions are reminiscent of existential crisis, or what Janoff-Bulman termed 'narrative rupture'. In her view, most people live in an 'assumptive world' built on two core beliefs: that the world is benevolent and meaningful, and the self is worthy. When traumatic events occur, these beliefs are challenged or even shattered (Janoff-Bulman 1992). This can be a powerful motivator for flight (Schon 2019). My material suggests that people had different dispositions (see Section 6.5.1), but for many the existential or psychological effects of war weighed heavy. While many Western Equatorians' prior experiences with conflict meant they were familiar with the evil humans generally were capable of, this war for some shattered their belief in the good of the self – defined in South Sudan not just individually, but as 'us' juxtaposed with the 'other'. Which 'us' people identified with, and how, had long been a political question. During the Sudanese civil wars, to mobilize and unify southern resistance against the Sudanese government the SPLM/A periodically promoted a southern Sudanese identity (see Section 2.5). Then in the years leading up to 'this one' there had been attempts to close the Equatorian or Zande ranks against the 'others': primarily the Nilotics/Dinka-dominated central government and SPLA. But even that group formation was challenged by the reality of the civil war, as it increasingly affected even the most intimate social circles. As a church member summarized: 'There are a lot of atrocities happening in the area which is done by us, ourselves: killing, robbery. And there is no way people can trust their family member or friend again because

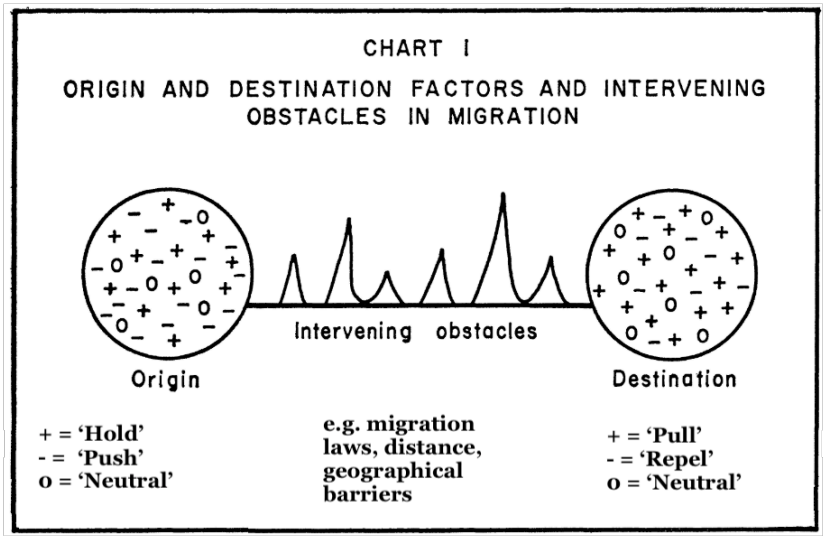
23 Interview with executive chief, Yambio, 24 May 2018.

the very person you love so much – your best brother or friend – can turn against you at any time and kill you.'[24] War was no longer other people, it was *us*.

6.4 Structure: 'Drivers' and 'determinants' of movement

The resumption of war confronted South Sudanese people with a familiar dilemma: Would they stay at home or migrate (again)? Peter and his family, with whom I opened the introduction of this book, were among the roughly four million people who moved away from their homes over the course of the war. But why did these four million leave? Migration scholars have typically drawn on two sets of explanations to explain why people (don't) move: structure (e.g. 'drivers', 'determinants' or 'emigration environment'), and agency (including aspirations and capabilities) (de Haas et al. 2019; Van Hear, Bakewell, and Long 2018; Carling 2002; King 2012, 3:29). One of the foundational theorists in the field, Lee, differentiated four types of factors which shape migration: 'Factors associated with the area of origin' (push and hold), 'Factors associated with the area of destination' (pull and repel), 'Intervening obstacles' (e.g. Berlin wall) and 'Personal factors' (e.g. personality, intelligence, knowledge, contacts) (Lee 1966). For clarity, I have included Lee's original chart of the first three factors, and added a legend below.

Table 4: Lee's Theory on Migration. Source: Lee (1966). Bottom lines added by author.



24 Interview with 53-year-old secretary of church, Yambio, 9 May 2018.

Lee's 'push-pull'-framework has since been criticized for being too static, and portraying migrants as passive pawns (Haas 2011, 32:8).Yet his ideas were more nuanced. He wrote about the importance of 'personal factors' and that some structural factors 'affect different people in different ways', and that migration results 'not so much [from] the actual factors ... as the perception of these factors' (Lee 1966, 50-51). Certainly, his paper makes odd hierarchical distinctions between 'high quality' and 'low quality' migrants and populations, assumes people's 'natural inertia' and draws conclusions which have since been disproven. Yet the core of Lee's framework remains useful for analysing the structural side of migration, and many newer frameworks mirror it to a considerable extent. For instance, Van Hear et al describe 'drivers' of migration ('external material forces that influence mobility') which 'shape the broader context within which aspirations and desires to migrate are formed and in which people make their migration decisions' (Van Hear, Bakewell, and Long 2018, 930–32). These frameworks both help to think about the way in which the *mashakil ketir* (many problems) of the war, may have generally influenced mobility deliberations.

Looking at the case of Western Equatoria through this lens, one can discern ample 'drivers' or 'determinants' for migration. 'Hold factors' included the familiarity of home, land access, and/or a job. As we will see, many people had wanted to stay during the war to protect their family or property. In this way, war may actually encourage *immobility* for some. But most of the manifold faces of the war constituted 'push factors', and we might differentiate 'proximate drivers' (the general insecurity and impunity, the economic crisis, the closing of schools, offices and markets) and more urgent 'precipitating drivers' (specific attacks or threats). 'Pull factors' in Uganda included the comparative safety, good English-language education, and relative familiarity from earlier migrations (Braak and Kenyi 2018). 'Repel factors' for stayees included the reluctance to become (again) a refugee, which many people associated with dependence on aid or remittances. We will go into these deliberations in more detail in Section 6.5.

Crucially, such an analysis of the structural side of migration indicates why people *might* migrate, but not why they *do* or *do not* (A.H. Richmond 1993, 8). Too strong a focus on the structural side of the equation – with its 'drivers', 'determinants' or 'predictors' – would risk conveying a misleadingly deterministic and functionalist picture of migration (Arango 2004; Haas 2011, 32:16). Faced with similar structural conditions, people make different choices. And across the world, many people stay put in defiance of economic models that would predict their departure, something that has been called the 'immobility paradox' (Malmberg 1997). To explain people's very varied decisions to stay or go in the case of Western Equatoria, the next section focuses on the agentic side of mobility.

6.5 Agency, aspiration, and ability

Migration scholars focusing on structural explanations have typically acknowledged the importance of 'personal factors' (Lee) or 'agency' (Van Hear), but have often left that part of the equation rather underdeveloped. In an influential conceptualization, Long explained that: 'The notion of agency attributes to the individual actor the capacity to process social experience and to devise ways of coping with life, even under the most extreme forms of coercion' (Long 2001, 51:16). In times of conflict, scholarly and policy accounts tend to take a more macro view – considering 'civilians' somehow comparable, as 'hapless bystanders, either abused dependent variables or candidates for aid' (Barter 2014, 2). We ought not romanticize agency: Often people's positions in war are precarious, and the scope for their action limited to choosing the lesser evil (Lubkemann 2008, 209; Frankl 2008). Still, this section will illustrate that even in conflict zones, people cannot be reduced to dependent variables. Instead, they remain fully human: social beings immersed in history, using the limited influence they have to navigate a precarious present.

This section explores, simply, why and how people decided to stay or move, among other places to Uganda. In refugee studies there has been an inclination to assume simply that people leave war *because of war or persecution*, without further analysing precisely *what elements* of war made *which* people go *when* and *where* (see Section 1.3.2). And yet from my interviews it quickly became apparent that displacement had rarely been a straightforward or automatic response to 'war' in general terms, instead it often required elaborate planning and organizing, and people's decisions varied enormously.

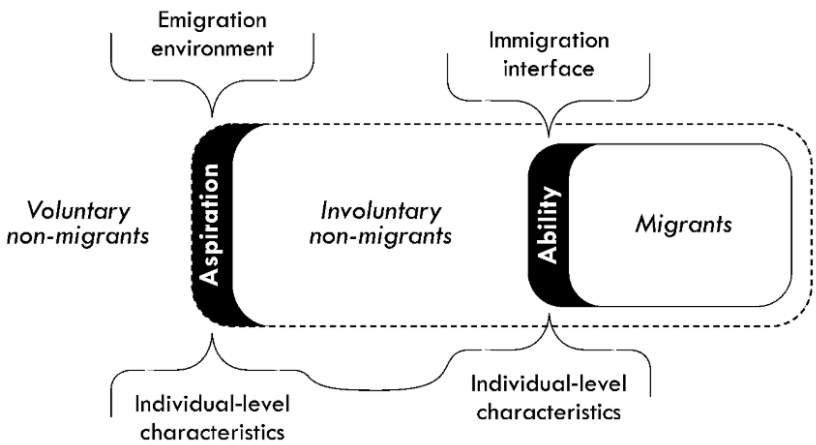
To analyse this agentic side of migration, this chapter draws on the 'aspiration-ability model' (Carling 2002).[25] This model differentiates three groups of people: those who choose to stay, those who aspire to migrate but can't ('involuntary immobility'), and those who migrate.[26] It centres around two concepts. First, *aspiration* 'defined by a belief that migration is preferable to non-migration. The aspiration to migrate can vary in degree and in the balance between choice and coercion' (Carling 2002, 12). Second, *ability* which for Carling is broadly constituted of the 'immigration interface' (e.g., available modes of migration, barriers, requirements, costs and risks) on the one hand, and 'individual-level characteristics' (e.g., gender, age, family migration history and social status) on the other. To include intermediate-level of analysis,

25 There are other models that capture similar factors, like the 'Motivation/Opportunity'-work (Schon 2019).

26 Beyond this, the model resembles Lee's classical model: the 'Emigration Environment' is similar to Lee's 'origin and destination factors', the 'individual-level characteristics' are similar to Lee's 'Personal Factors.' The 'immigration interface' is a facet of Lee's 'intervening obstacles'.

Carling counts social relations with the household and beyond as individual-level characteristics.

Figure 7: Carling's aspiration-ability model. Source: Carling (2002: 12).



Carling considers migration as the inevitable outcome of the combination of a person's aspiration to migrate and their ability to do so. This indicates that he sees 'aspiration' as a very strong desire on which people would immediately act if given the opportunity. Although Carling's work is based on a case study in Cape Verde (not a conflict-affected country) he does propose this model to cover migration across the forced/voluntary-spectrum. He writes that 'Civilians in an area of warfare could have stronger aspirations to leave, but even less ability to do so ... In other words, even when the mobile are 'forced' those who stay behind could be involuntarily immobile' (Carling 2002, 8). From Carling's logic follows deductively that all those who migrated had the aspiration to do so. I think the term 'aspiration' becomes awkward at the coercive side of the spectrum: Did a man whose house was on fire have the *aspiration* to move out? Nonetheless, Carling does not suggest that an aspiration has to be voluntary. These are semantic footnotes to Carling's framework. which is otherwise useful for thinking about individual agency and its constituents, also in a time of war.

In the following three sections I use Carling's framework to analyse the case of Western Equatorians' decisions to stay or move. From the dozens of stayee and refugee accounts, I analyse how aspiration and ability respectively featured in peoples' decisions.

6.5.1 Aspiration to stay/move: Intentions, personality, and experience

> How can I leave my country and just go somewhere to suffer? For sure I cannot! I will not run away, even if multiple bombs are being dropped in and around Yambio. I will just hide around and emerge whenever it subsides. If it is not my time to die, I will not die. My land is for my children and I cannot leave it just like that for someone to come and grab it when I am out of the country.[27]

This quote is from a teacher in Yambio, responding to our question whether he had aspired to leave, too. His answer is illustrative of the many different factors that 'stayees' in Western Equatoria and refugees in Uganda weighed in their decisions. In this section I distil from the dozens of interviews that we did on this subject a number of factors which shape people's 'aspiration' to leave. Where the terminology of 'drivers' and 'structural factors' suggests a universality to the way they are shape migration decisions, in the following discussion I highlight how people weigh these factors variably.

A first and foremost factor shaping peoples' migration aspirations is their differential experience with violence. A lot of forced migration scholarship wrongly assumes that during war people 'across a country are uniformly affected by aggregate-level violence' (Adhikari 2013, 83). My research instead illustrates the variety of experiences, even within the same city. Many of the refugees I interviewed in Uganda had had personal experiences with (the threat of) violence, and would qualify the Refugee Convention' requirement of 'persecution' (see Section 7.1). Some had been raped, forcibly recruited or mugged, others had been shot, or were threatened (see Annex 1: Portraits). Most others had lost relatives or friends. Such personal experiences shaped people's aspiration to leave. Consider the words of the wife of a chief, now a refugee in Kampala:

> When war would come to South Sudan, usually I stayed. But this time I was fearing. At night people can come and attack me. It happened twice. They targeted me specifically. After my husband got arrested ... To be safe, every day I would go at 9 in the evening to sleep with a friend for the night, and only come back the following morning. The first night they came and found that I had left, they left some bullets in front of the door.[28]

This woman contrasts her normal inclination to stay – even during wartime – with her decision to leave this time because of personal threats. For many people such personal experiences with violence translated into an aspiration to leave, even if some also chose to stay.

A second, partly related, factor was people's political position within Western Equatoria. When Bakosoro was fired and new governor Zamoi came

27 Interview with 38-year old teacher in VTC-area, Yambio, 11 April 2017.
28 Interview with wife of chief, Kampala, 16 March 2017.

in during the third phase of conflict, his entourage and their families felt threatened (see Section 6.2.3). This large group of people felt vulnerable and uncertain about their future in Western Equatoria, and some were specifically targeted. A refugee student in Kampala explained: 'In Yambio what caused most people to flee was after the change of [state] government ... Then insecurity and hatred came. Some people felt like we were the sons and daughters of Bakosoro.'[29] In Uganda, these refugees saw their displacement not as an unintended consequence of conflict, but as a deliberate part of it. Some suspected that the powerful were plotting to grab their land: be they a new governor, or the ethnically exclusivist central government and SPLA (see Section 4.2.3) (Craze 2019, 11; Thompson, Schie, and Jackson 2019). Being a refugee, for those people, was not simply a 'rupture' between people and place, but also a 'disjuncture between a displaced person and the state' (Hovil 2016, 124). Their presence in Uganda was a testament to a ruptured social contract.

A third factor shaping migration aspirations were the manifold economic effects of the war (see Section 6.3). One female stayee in Yambio argued that people '[fled] the country because of the economic hardship not necessarily because of war.'[30] Similarly, Peter who had brought his own wife and children to Uganda explained that 'families also run away because of economic difficulties. Because life has become very difficult and they see going to the refugee camp to receive food ratio as some solution to their challenges.'[31] Crucially, somebody who leaves a warzone for economic reasons – even famine – would not qualify according to the Convention as a 'refugee' (UNHCR 2017). And yet hunger has been used as a weapon of war in the Sudans and beyond (De Waal 2005) and most of the 'excess deaths' in South Sudan were caused not by direct violence but by the manifold other consequences of war (Checchi et al. 2018).

A fourth factor shaping migration aspirations was people's perception of the war. There was considerable disagreement among and between refugees and stayees on the cacophony of events we label 'war'. Uncertainty, both of the present and future, often characterizes war (Horst and Grabska 2015a). Everyone was trying to understand the 'security situation' (NGO-speak that has been incorporated into everyday speech in South Sudan). To see clear in an opaque situation, people drew on analyses and intuition, own observations, memories, emotions, discussions with family, friends and acquaintances, radio news and social media (De Boeck 2015). Some people focused on individual events, insisting to see them as 'incidents' rather than the general state. For instance, one stayee recounted how she 'had been running up and down from time to time. For example, on 6 December 2017 we ran up to Sakure near the border with DR Congo because of the heavy shooting between Babiro and the

29 Interview with 24-year old student in Kampala, 20 March 2017.
30 Interview with 30-year-old women leader, Yambio, 4 April 2017.
31 Email correspondence with John in Yambio, 3 May 2018.

SSNLM headed by Abel Banga.'[32] This woman – a 49-year-old cleaner, not a military specialist – knew the names of those in charge of the fighting factions. Such detailed knowledge of the war helped her to stay safe within South Sudan. Other people rather (or also) constructed a coherent overarching story of the general state of affairs. For instance, one elderly refugee in Uganda said: 'South Sudan was supposed to be a nice place, but our uncles after becoming leaders started war with the Nuer, and now our boys have joined them too. They do not know how to use guns, that is why most of us are here to rot in this [refugee settlement].'[33] The word 'uncle' is often used by Zande to refer to ethnic Dinka. In her account, the war ruined the promises of independence and she had to go.

A fifth and related factor shaping peoples' migration aspiration, was their ontological orientation, and specifically their interpretation of 'God's plan' and free will. Stayees in Yambio often drew on pre-destination to argue for staying, saying 'if it is not my time to die, I will not die.'[34] People would often decry the folly of 'running from death.' This is linked to the Zande proverb '*Yo ngba tini a té*' (Literally 'There is no place which is good,' effectively 'The grass is always greener on the other side'), and expressions like '*Gu pai Mbori akehe, ka boro ariangaha te*' (What God has written, no one can change). People use this to say that life everywhere has problems, so it is best to face the situation where you are. Refugees believe that their 'running' can also be part of God's Plan.[35] As Charles put it in a refugee settlement in Uganda: 'Life was becoming squeezed in my own country, so I knew that God wanted us to go.'[36] In this line of reasoning, God requires of people to be active. Predetermination is not an excuse for inertia. In the language of psychology: God has given the refugees an internal locus of control (L.E. Jackson and Coursey 1988). An elderly female refugee in Uganda invoked yet another Zande proverb: *Batiriki I so ko puu ni baso, nzapia nzapia I so ko pirapira* (He who sat still was hit by the spear, but the one who ran only got bruised). People cite these beliefs as important reasons why they did (not) aspire to leave.

Sixth, and also related to people's perception of the war, were their previous experiences with war, displacement and return. Many people had only just returned from exile and were profoundly reluctant to leave again. South Sudanese singer 'Crazy Fox' voiced a common sentiment of stayees when he sang in a wailing voice: '*Ana gaid, ana ma mashi.*' (I am staying, I am not leaving). Like this singer, many Western Equatorians said they were tired of 'running'. One 53-year-old church official in Yambio insisted that he did not

32 Interview with 49-year old female cleaner, Yambio, 11 May 2018.
33 Interview with 71-year-old woman, Kiryandongo RS, 29 December 2019.
34 Interview with 38-year-old teacher in VTC-area, Yambio, 11 April 2017.
35 Future psychological research could study to what extent 'stayees' and 'refugees' differ in terms of internal/external locus of control.
36 Interview Charles, Kiryandongo RS, 29 May 2019.

consider leaving this time: 'Even if the war escalates further, I will not leave South Sudan. Maybe I will run to the nearby bush. Because I had suffered a lot in the past wars.'[37] This sort of temporary 'going to the bush' will be further explored later (see Section 6.6). Part of the suffering people had experienced in previous wars, was that they had lost their land or houses. This now became a main reason that stayees cited for staying (see Chapter 4). This quote from a South Sudanese aid worker in Yambio further develops that discourse:

> Men remain behind to defend their land. They think that if they all leave the land, many people, especially cattle communities, will infiltrate the area and occupy their land. And that by the time peace comes and they return it will be impossible to remove the illegal land occupants. This has happened in the past during the SPLA war.[38]

Crucially, many people who decided to stay nevertheless have contingency plans ('Plan B'). A 42-year-old government official had so far been reluctant to go, but said: 'I have my brother in D.R. Congo [and] we do communicate with him. I think if the situation goes beyond what it is now, I will escape to join him.'[39] Similarly a 25-year-old business woman in Yambio explained: 'If the insecurity escalates further, I will escape to DR Congo ... I [would] prefer taking refuge in Uganda, [but] I have no money to go up to the refugee settlement.'[40] This citation already hints to the importance of the second concept in Carling's model: ability. People's decision to leave are not shaped only by their assessment of the home situation, but also by the feasibility of travelling elsewhere (see Section 6.5.3).

6.5.2 Aspiration to go to Uganda

People often did not just aspire to *leave* Western Equatoria, but also to go specifically to Uganda. People are not just 'pushed' out of civil war, they are also 'pulled' by 'the expected quality of life in possible destinations' (Turkoglu and Chadefaux 2019). Western Equatoria directly borders the Central African Republic and DR Congo, and in previous civil wars most people had sought refuge in those countries (see Section 3.3). Yet in the current war, more people have opted to come to Uganda. When I asked Western Equatorians why they had chosen Uganda, no one mentioned Uganda's reformed refugee legislation and policy (see Chapter 7). Instead, they often cited four reasons: security,

37 Interview with 53-year-old secretary of church, Yambio, 9 May 2018.
38 Email correspondence with South Sudanese aid worker in Yambio, 3 May 2018.
39 Interview with 42-year old payam administrator, Yambio, 11 May 2018.
40 Interview with 26-year old business woman, Yambio, 11 May 2018.

hospitality, education, and familiarity. First and most importantly, Uganda was widely seen to be more secure than eastern CAR or north-eastern DR Congo. Second, people felt Uganda was much more hospitable now than those other countries. In 1998, the SPLA had invaded north-eastern DR Congo to force refugees to go back and to loot (Marks 2007, 15) (see Section 3.4). As a result, as a 53-year-old Western Equatorian refugee in Arua put it, 'The DRC does not need refugees ... DRC rejected them.'[41]

Third, Uganda has a relatively good education system and children are taught in English. After previous periods of displacement, those who returned from Uganda came back well educated and fluent in English, whereas those that went to the CAR or the DRC had learned French, Sango or Lingala-languages that are relatively useless in South Sudan. As one refugee in Arua explained to me: 'Those who learned French in CAR are jobless in South Sudan. But those who came [here] those days are the ones who [were now] working in offices because they learned English.'[42] Formal education has been scarce in South Sudan, and one of the few means for social mobility or consolidation (Akoi and Pendle 2021). 'Office work', typically for government or aid organizations, is prestigious and comparatively well-paid. So, by sending the children as refugees to Uganda now, people hope that they will be among the high-qualified returnees who will have good jobs in South Sudan in the future. This chimes with a wider observation in the literature on displacement and return, that often conflict-related mobility is part of peoples' strategies not just to survive, but also to develop and meet a family's needs (Kaiser 2010; Akoi and Pendle 2021). These mixed motives are illustrated well in this account by a female refugee in Uganda:

> There was war throughout our area. Even if you go to hide in the bush, they will follow you there. [My husband] said I should come here because it is better for the children, who can have an education ... Education here is good and the children are taught in English.[43]

The fourth reason many Western Equatorians mentioned, was that they were already familiar with Uganda. Uganda had hosted Sudanese refugees during the 1960s, 1980s, 1990s and 2000s (Kaiser 2006a, 599) and now again in the 2010s. These statistics are reflected in people's biographies. As one 27-year old Western Equatorian in Uganda told us: 'Our grandfather was a refugee here, and he told us that Ugandans are welcoming.'[44] After previous episodes of displacement, refugees who could afford to do so, sometimes left their children behind in school in Uganda, even when they themselves returned

41 Focus group discussion with men from Western Equatoria, Arua, 25 August 2017.
42 Interview with Balanda refugee, male respondent, Arua, 15 June 2017.
43 Interview with 40-year-old female refugee, Bidibidi, 18 August 2017.
44 Focus group discussion with men from Western Equatoria, Arua, 25 August 2017.

to Sudan (Kaiser 2010, 55). During peacetime also, many people travelled to Uganda for trade, education or medical care. This confirms that patterns of displacement typically map on to peacetime migration patterns (Kaiser 2010).

6.5.3 Ability to stay or move: Assets and social networks

Not everyone who *aspires* to migrate is *able* to do so. This applies in a warzone as much as in more stable areas. Carling proposes to analyse *ability* to migrate as determined by the confrontation between 1) the 'immigration interface' and 2) 'personal-level factors'. He defines the 'immigration interface' as 'all the available modes of migration, with associated requirements, costs and risks' (Carling 2002, 13). Note that Carling's work is long-distance migration from Cape Verde, and so he posits that the main barriers to migration are 'the direct or indirect results of restrictive immigration policies'. But in our case of (refugee) migration from Western Equatoria to Uganda, the immigration policies are not strict (see Section 7.1). Here, there are other obstacles to migration. Carling writes that 'individual-level characteristics' (e.g., gender, age, family migration history, social status) 'differentiate between people in their ability to overcome the barriers to migration.' This conceptualisation of 'ability' is reminiscent of Lee's classical distinction between 'intervening obstacles' and the 'personal factors' that matter in overcoming said obstacles. This section explores for Western Equatorians the available modes of migration, the obstacles, and how personal factors mattered throughout.

There were ample 'intervening obstacles' for Western Equatorians aspiring to travel the 400-500 kilometres to Uganda. One could either fly or go over land. There were flights from Yambio with MAF and WFP to Juba and to Arua or Kajjansi in Uganda. But passengers had to be affiliated with church, government or NGOs, needed identification documents, and pay some 200-300 USD for the ticket depending on the destination. These were prohibitive preconditions for most Western Equatorians. Those with affiliation and identification, still often lacked the money to send the whole family abroad, and so tough choices ensued on whom to bring to Uganda and whom to leave behind.

The road was the more accessible option for most, and the theatre of a great variety of movements. On the quick and safe end of the spectrum, some people travelled with the Ugandan military (UPDF). Their trucks drove regularly to Western Equatoria, and to CAR beyond for their operations against the LRA.[45] Western Equatorian car owners could pay to join the convoy. Albert for instance paid 100 USD and spent 3 days on the road from Yambio to Kaya on the Ugandan border. After the escalation in Juba in July 2016, the UPDF sent a convoy there to repatriate Ugandans. Some South Sudanese were able

45 Interview with former MP, Arua, 15 June 2017.

to join these trucks because they paid,[46] had Ugandan relatives,[47] or could pass as Ugandan.

Many other people travelled from Western Equatoria by bus, lorry or shared taxi-van (*matatu*) using a variety of routes depending on where they were, the comparative safety of the routes, and the availability of transport. Many went over Juba, some over Yei, and others through the DR Congo over Doruma and/or Dungu. The South Sudanese options varied in cost, but were dangerous, especially after war escalated in Central Equatoria over the course of 2016. Armed groups and bandits operated countless roadblocks. On the border with Sudan the SPLA and border authorities reportedly stopped women and children from leaving (Kindersley and Majok 2020), but I heard of no such practices along the southern border. The Congolese routes were sometimes safer, but typically included extortive 'taxation' by police and army. The immigration policies of Uganda were not an obstacle in and of themselves: One could register as refugee for free at the Ugandan border, and then be transported to a refugee settlement. However, aspiring refugees knew that not all camps were alike and sometimes incurred extra costs so as to be able to choose their destination (see Section 7.4.1).

The prime 'personal factor' needed to overcome these 'intervening obstacles' and act on the aspiration to migrate, was money (preferably US Dollars). Many of the stayees said that rich or 'big people' had left or sent their families abroad.[48] A 27-year-old police man in Yambio said: 'Those who run away are the ones having money to go. We the poor just remain here and we will die here.'[49] Refugees generally acknowledged that they had been able to leave because they had access to money. As a nineteen-year-old male refugee student said: 'We came to Uganda because we were able to afford transport up to here. Those who were badly off either remained in the towns or moved to their villages. Others moved to the nearest border.'[50] These findings underscore that mobility is akin to a resource that is distributed unequally (Cresswell 2010; Kaufmann, Bergman, and Joye 2004), and so it's often the better-off people who migrate (de Haas et al. 2019; Czaika 2012; UNDP 2009).

Crucially, not all those who had access to money in this time of crisis were themselves wealthy. This relates to a second personal factor: social networks. It has always struck me how many people know one another in South Sudan, and how much vital information is passed through these networks. The Western Equatorian community was close-knit, everyone but a handshake or two removed. The most relevant social networks that helped people migrate appear to have been the family, church, multi-ethnic national networks (through

46 Interview with 25-year-old female refugee, Kiryandongo RS, 15 May 2017.
47 Interview with 27-year-old refugee, Bidibidi RS, 18 August 2017.
48 Interview with 49-year-old female cleaner, Yambio, 11 May 2018.
49 Interview with police officer, Yambio, 10 April 2017.
50 Interview with Baka student, 19-year-old man, Arua, 7 August 2017.

education, trade and government/army service), transnational mono-ethnic networks (for instance, connecting Zande in South Sudan with diasporic family),[51] and international networks (some people had a network of foreign colleagues or friends). These networks offered material support as well as information critical to any migration decision.

In Uganda I often met people who had been able to elude arrest or assassination due to their close connections – especially across ethnic and political fault lines. One key respondent was in Yambio during the war, when an 'unknown gunman' came to him and confessed that he had been hired to kill my respondent. The gunman preferred not to do it because he was close to the respondent's elder brother, and instead he let my respondent 'run'.[52] Even more common were accounts of people who had been tipped off by friends 'within the system'. Consider this former Arrow Boy who was wanted by the state government in Yambio and first fled to Juba:

> In Juba I was working with [an INGO], but I always had lunch with a Dinka friend at the Ministry of Interior ... I always paid his lunch. Then he told me one day that they were coming to arrest me. I decided to leave the office and as I walked out of the Ministry, I saw the vehicle with soldiers coming to arrest me, all with red caps.[53]

Often 'the system' is broadly used to refer to people in government, and sometimes its armed branches.[54] People who had at one point or another been a part of 'the system' often still had friends within who helped tip them off.[55] This illustrates well how, as in prior times, social networks and privileged knowledge about violence and the state were crucial for survival (Leonardi 2013).

So far, my findings on 'ability' echo earlier scholarship on conflict-induced migration from Syria, which found that money and connections (there '*wasta*') were crucial in shaping migration 'opportunities' (Schon 2019). Yet several accounts hinted towards a third set of personal factors around the ability to 'blend in'. The flight to Uganda (and through Congo) was easier, safer and less costly when people spoke the relevant languages.[56] But blending in went beyond language. One Chief recounts how he travelled with a UPDF-convoy:

> It was easy for us because of our colour, they did not segregate us. If you were a Dinka, they could just identify you as South Sudanese. But us they allowed to

51 Interview with vice-chairperson B-Court, Yambio, 3 April 2017.
52 Email correspondence with respondent in Kampala, 29 October 2020.
53 Interview with 29-year old former combatant from Yambio, Bweyale, 10 May 2018.
54 Interview with former MP, Arua, 15 June 2017.
55 Interview with former state minister, Kampala, 21 June 2017.
56 Interview with refugee chairperson, Rhino Camp, 18 May 2017.

> enter. We did not pay, not even at the border! It helped that I knew some Luganda, because I stayed here for so long.

The chief was able to 'escape' Juba to Uganda because he spoke Luganda and because his appearance could 'pass' as Ugandan. In this way, a person's ability to migrate is shaped in part by birth, experience, and performance.

6.6 Moral frameworks and positionality

These frameworks and charts might convey a deterministic picture of people's decision to stay or move. That would be misleading. Historically, many scholars have filled the question mark of individuality with a *homo economicus*-conceptualization of migrants: with migrants as 'individual, rational and income-maximizing actors, who decide to move on the basis of a cost-benefit calculation ... free choice and full access to information' (Haas 2011, 32:9). However, this view is ahistorical, reductionist and mechanic. First, even economists have long realized peoples' 'bounded rationality' in practice, and that rational choice is constrained by earlier experiences, emotional patterns, and cognitive limitations (Simon 1955). Second and more importantly, people are social beings who often derive meaning from their relations to others. Qualitative work has highlighted that migration (and staying) are not just motivated by economic reasons, but often also by political, moral, social, spiritual, psychological and emotional considerations (King 2012; Lubkemann 2008). Moving can mean political flight (see Annex 1: Portrait, Albert), emancipation, an 'adventure' (see Portrait, James), a rite of passage, or a 'life-making' tactic (Carling 2002). More often than not, it carries multiple meanings.

I found rich and contested moral and normative frameworks concerning when moving was acceptable and for whom. Between 'structure' and 'agency', they simultaneously shape people's 'aspiration' and 'ability' to stay or leave. In Western Equatoria, they were tied to people's gender, age and social standing. A study in the South Sudan-Sudan borderlands found that local authorities blocked women and children from leaving the country – and that those who left were predominantly young men (Kindersley and Majok 2020, 24). From Western Equatoria to Uganda, conversely, the majority of migrants were children ('our future', 'the seeds') and women. Moving away was seen to be altogether less acceptable for men, chiefs and leaders (see Sections 5.7 and 8.2). Some stayees indeed accused those who left as 'cowards'[57] or those who 'don't have a heart, or they don't know the hard life.'[58] Such a negative reading was not unanimous but influential all the same, and it plagued the conscience of some refugees as well (see Chapter 7).

57 Interview with 38-year-old teacher in VTC-area, Yambio, 11 April 2017.
58 Interview with payam administrator, Yambio, 3 April 2015.

Members of every ethnic group and clan 'escaped'.[59] Yet within the Zande ethnic group, men of the Avungara-clan still enjoyed elevated wealth and positions, so a common perception was that they had more often been able to send their children and wives to Uganda.[60] Yet Avungara men themselves had to stay in Western Equatoria, lest they lose their privileged position in terms of authority and land (see Section 8.2). They could often be (temporarily) excused if they were personally threatened or attacked, were often quick to express their desire to go back to South Sudan. Men often said they had to stay in South Sudan to protect their land from illegal occupation ('grabbing'), and to provide for their family in the refugee camps. 'Most men remain behind mostly to look for money to send to those who are in the camps,' one church leader explained, 'Since those men are working class, they could not leave their jobs and go to the camp to stay idle.'[61]

'Staying idle' or 'becoming a beggar' was a big fear both for stayee and refugee men who associated refugee life with landlessness and unemployment, and with aid dependency (see 8.2).[62] A government official in Yambio expanded: 'Because in any foreign country like Uganda it is very hard to get a job. Because most of the [Ugandan] citizens are highly educated whereby a refugee cannot get a job easily.'[63] Many men associated displacement with humiliation and shame, like this court clerk: 'I cannot leave this beautiful land of mine to go to any country because the indigenous [people] of the area where I run will tease and mock me.'[64]

Older people in Yambio often said they were 'too old to run'.[65] They dreaded the physical ordeal of 'running', felt that their life was not worth the costs, or that 'it is better I die here than in another country'.[66] One 64-year-old man in Yambio was illustrative of this reasoning: 'I don't have any dream of going outside the country just because of war. I am already old and there is no need for me again to go anywhere, the only thing I can do is to send my children outside.'[67] This was a typical trope for the wealthier elderly Western Equatorians. 'The children are the future seeds for our clan, tribe and nation,' a church leader in Arua reasoned. 'The elders bring them here and go back to struggle alone.'[68] Families sought to send their women children to the refugee settlement to shield them from harm, to alleviate the burden of feeding

59 Interview with vice-chairperson B-Court, Yambio, 3 April 2017, Interview with 64-year-old senior state official, Yambio, 13 April 2017.
60 Interview with 26-year-old business woman, Yambio, 11 May 2018.
61 Interview with church leader, Yambio, 9 May 2018.
62 Interview with 32-year-old youth leader, Yambio, 4 Apil 2017.
63 Interview with government official, Yambio, 13 April 2017. Same argument was made in interview with 32-year-old surveyor, Yambio, 10 May 2018.
64 Interview with clerk at court, Yambio, 8 April 2017.
65 Interview with 53-year-old secretary of church, Yambio, 9 May 2018.
66 Interiew with female farmer, Yambio, 11 May 2018.
67 Interview with 64-year-old senior state official, Yambio, 13 April 2017.
68 Interview with Western Equatorian church leader, Arua, 17 June 2017.

them, and so that the children could access Ugandan education (which in South Sudan had a very good reputation).[69] Young men had another reason for leaving: if they were to stay at home, they might be suspected of being part of an armed group or they could be forcibly recruited into one.

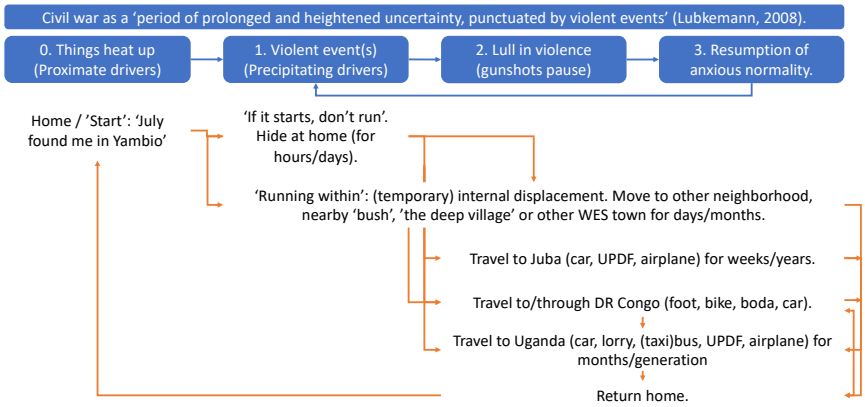
A sensitive debate surrounded the political allegiance of the refugees. Some of those who managed to get their families to Uganda, were themselves fighting 'in the bush or on the government side.'[70] The rich South Sudanese political elite, on all sides, often continued to fight war at home after installing their families 'outside': sending their children to good schools and investing their money in real estate in East Africa and beyond. But some Some stayees took the line of hawks in government, arguing that refugees were predominantly 'IO',[71] whereas others held a critical view of such allegations.[72] 'For the government staff if you go outside the country without proper written permission,' one internally displaced payam administrator explained, 'The government will claim that you have joined the rebels or SPLA IO'.[73] Fear for such dangerous allegations motivated some in government to stay in South Sudan.

6.7 Pathways of displacement: Who stays and goes?

From dozens of accounts of migratory responses to conflict, I have distilled a highly simplified scheme of displacement pathways (see below). At the top in blue are the rough conflict phases which repeat cyclically in a time of civil war. The civil war spanned several years, with violent events at irregular intervals. In white are people's frequently mentioned mobility tactics in response. At the bottom are the many stayees: people who either had no aspiration to leave, or were unable to do so (the 'involuntary immobile'). They may still 'run within', but have not travelled outside their state. The arrows denote all the possible ways that people move from one step to the next, or back. Any clarity suggested by the below scheme would be belied by people's often prolonged journeys, being stuck in transit, and changing plans along the way (see Annex 1: Portraits).

69 Interview with 26-year-old business woman, Yambio, 11 May 2018.
70 Email correspondence with John in Yambio, 17 november 2016.
71 Interview with 38-year-old male farmer, Yambio, 10 April 2017.
72 Interview with 78-year-old former politician, Yambio, 14 April 2017.
73 Interview with 42-year-old payam administrator, Yambio, 11 May 2018.

Figure 8: Conflict conjuncture and displacement pathways



Due in part to previous cycles of conflict, displacement and return, and partly due to 'normal' migration, Western Equatorians were already in different places when conflict erupted (see Chapter 3). For instance, hundreds of Western Equatorian students had already been living in Uganda for years when conflict escalated in 2015, and they became 'displacement by absence' (Kunz 1973). Sometimes, the financial support they used to receive from relatives in South Sudan dried up and so they were forced to move from Ugandan towns to the refugee settlements.

When violence would peak in Western Equatoria, a common response was first to wait. One day in Uganda, Isaac recounted his grandmother's teachings about war: 'If it starts, don't run because you don't know where the bullets are coming from. It is better to stay put, pack your vital things and wait for it to cool down.'[74] Once things 'cooled down' and there was a lull in the fighting, people would run to the nearest place they presumed to be safe: another neighbourhood, the surrounding 'bush,' the 'deep village,' relatives, or other towns. In our conversations, people referred to this as 'running within Yambio here' or 'running to the bush'.[75] Consider the account of this 42-year-old farmer interviewed at his home in Yambio:

> We have been displaced many times. Especially in 2017. My family and I used to run and stay with my sister in Hai Kuzee [neighborhood in Yambio] ... We would fear too much, and leave our houses to go somewhere for some days for safety.[76]

74 Conversation with Isaac, Entebbe, 15 May 2019.
75 For instance, in an interview in Yambio with a payam administrator on 11 May 2018.
76 Interiew with female farmer, Yambio, 11 May 2018.

During such 'running within', people would monitor whether things at home were improving or not. Most went back home as soon as anxious normality was restored, even as the war continued. UNHCR estimated that some two thirds of South Sudan's overall population was still 'at home'. However, our case illustrates that in South Sudan being 'at home' and identifying as someone who stayed, does not mean that one has not been also displaced by violence temporarily.

Among the 'stayees' or 'immobile' (both deceptive terms), some lacked the *ability* to leave: the 'involuntary immobile'. Lubkemann suggests that in Mozambique, such people were especially adversely affected by war and, in effect, 'displaced in place' (Lubkemann 2008, 194). This was undoubtedly true for some Western Equatorians. However, I found that there was also a group who stayed voluntarily. That is, they had had the *ability* to leave, but no *aspiration* to do so. In Western Equatoria a youth leader said: 'The ministers, directors, commissioners, and even those working with big NGOs have all transported their family members outside South Sudan.'[77] Crucially, these powerful people themselves typically returned after having brought their family out (see Section 6.6). These accounts disprove two stereotypes about conflict and migration: That people only stay in a warzone if they lack the *ability* to leave, and that 'stayees' did not move.

There was a considerable group of people who were internally displaced. From Western Equatoria some went to Yei or Juba, and some moved between Western Equatorian towns. But probably the largest internal displacement took the form of 'conflict-induced urbanisation' (Büscher 2020; K. Büscher 2018). In some instances, entire villages moved to the towns together.[78] Such conflict-induced urbanisation had a longer history in Western Equatoria, for instance when people had moved from rural (border) areas to the towns to escape the LRA (see Section 4.4.1) and, further back, when people fled the predatory slavers in the late 19th century (see Section 2.3). Some of those who were internally displaced, later crossed the border to Congo or Uganda.

Many South Sudanese households tactically split: with the (wife and) children in Uganda, and the parents or men staying in (or returning to) South Sudan. By 2019, UNICEF estimated that some 60 percent of the 1,2 million South Sudanese refugees in Uganda was below 18 years old (UNICEF 2019). Many women in the refugee settlement also took care of non-biological children. Often, those who stayed in South Sudan still earned better incomes than they anticipated in Uganda, and would support their families in the refugee settlement with 'reverse remittances' (Mazzucato 2010). A small group of politicians, business people, and aid workers would now lead 'transnational lives' (Portes 2003): crossing the border between South Sudan and Uganda (and sometimes beyond) at least once per year to juggle family and work. Many more people

77 Interview with 32-year-old youth leader, Yambio, 4 Apil 2017.
78 Interview with chairperson CLA, executive chief, Yambio, 5 April 2017.

were now part of 'transnational families': 'families that live some or most of the time separated from each other, yet hold together and create something that can be seen as a feeling of collective welfare and unity, i.e. 'familyhood', even across national borders (Bryceson and Vuorela 2002).

Many Western Equatorians preferred not to 'run from war' and become a refugee (again), and opted for one of the other mobility tactics to remain safe during the worst of the violence. Even those who aspired to go to Uganda, found that the complicated pathway to displacement was rife with dangerous and costly obstacles. Resultantly, only a minority of Western Equatorians had both the *aspiration* and *ability* to 'escape' to Uganda. Their lives will take centre stage in Chapter 7 and 8.

6.8 Conclusion

This chapter started with a riddling chart: While millions of people have moved since the South Sudanese Civil War erupted in 2013, a majority has 'stayed'. This chapter drew on unique empirical material gathered over several years with both stayees and IDP's in South Sudan and with refugees in Uganda, to paint a detailed picture of the war in Western Equatoria (see Section 6.2), its consequences for everyday life (see Section 6.3), and people's subsequent decisions to stay or to go. Throughout, the chapter has related empirical findings of this case to the wider literature, and found some striking differences.

The civil war in Western Equatoria was a 'period of prolonged and heightened uncertainty, punctuated by violent events' (Lubkemann 2008). This chapter distinguished three phases of the war, and noted that most people left Western Equatoria in the third phase when the conflict divided Western Equatorians and Zande internally (see Section 6.2). Beyond the intermittent direct violence, the war also had countless other consequences: ordinary disputes became more violent, impunity increased, the state bureaucracy was hamstrung, agriculture collapsed, social order eroded, and many felt existential anxiety. These '*mashakil ketir*' (lots of problems) made life much less liveable – even if these problems were more acute for some people than for others (see Section 6.3). This multi-faceted collapse could be analysed as the 'structural' side of people's subsequent decisions to stay or run (see Section 6.4). Yet my data does not support the deterministic and mechanic language of 'determinants' of migration (Arango 2004; Haas 2011, 32:16), which struggles to explain non-movers or 'stayees' (A.H. Richmond 1993). The structural side helped to explain why people *might* migrate, but not why individuals actually *did* or *did not*.

For this reason, the longest section in this chapter is devoted to the agentic side of staying and moving, for which I have used Carling's 'aspiration-ability model' (see Section 6.5). I sketch how aspirations to stay or leave were shaped

by people's: 1) experience of the war; 2) political position; 3) economic effects; 4) perception of the war; 5) ontological orientation; and 6) their earlier experiences with war, displacement and return (see Section 6.5.1). Whereas the first three factors are commonly listed in the largely quantitative migration and political science scholarship on migration decisions, the latter three have received comparatively little attention.

Crucially, people aspired not just to *leave* Western Equatoria, but also to go to Uganda. And so Section 6.5.2 explored why people were attracted to Uganda over the geographically closer alternatives of CAR and DRC where Western Equatorians had been refugees in earlier wars. People's ability to act on any aspiration to migrate was shaped in part by their access to money and social networks (see Section 6.4.2) (Schon 2019), but also by their ability to 'blend in' by speaking languages and 'passing' for Ugandan or Congolese. In between structural and agentic factors, people's decisions were also informed by normative and moral frameworks at the intermediate level, which determined when moving was acceptable for whom (see Section 6.6). These frameworks have, to my knowledge, not been highlighted in earlier literature on conflict-induced migration and 'staying'.

Lastly, I have sketched some common pathways to staying or displacement (see Section 6.7). This account of displacement shows how blunt the policy categories of 'stayee', 'IDP', 'refugee' and 'returnee' are. A first problem with these terms, is that they suggest that the defining feature of a person is whether they migrated in response to war. Chiefs, ministers, farmers, housewives and fighters all become lumped together. This chapter, instead, has shown how and why people experience and perceived war differently, and consequently made different migration decisions. A second problem, is that these terms suggest a stasis: Someone *is* a stayee, which does not reflect people's continued mobility geographically and between these categories. A third problem is particular to the 'stayees'. Those who stayed in Western Equatoria had often also 'run within' multiple times, before returning home. Some of these stayees were 'involuntary immobile': they had aspired to leave, but were unable to do so (Carling 2002). Some of them were bitter: 'Those who run away are the ones having money to go' (see Section 6.5.2).

Yet not everyone who stayed in war-time Western Equatoria did so involuntarily. There were people who had had the ability to leave, but no aspiration to do so. This category of 'voluntary stayees' in civil war has so far received little attention in refugee and forced migration literature. These were often people who were expected (by themselves or wider society) to stay – men, the elderly, Avungara, chiefs – lest they lose status, positions and assets. They also wanted to send 'reverse remittances' from South Sudan to their families in the refugee settlements, and contrasted their status at 'home' with their expectation of 'sitting idle' in the refugee camp. This finding remarkably chimes with Carling's research in peaceful but poor Cape Verde: There 'most migrants come from the middle socio-economic strata' as the poor may *aspire*

to leave but have no *ability* to do so, while the wealthy have a low aspiration to leave (Carling 2002, 33). This is true, also, in war-affected Western Equatoria. Many of these more well-off Western Equatorians first brought their family to safety in Uganda, registered as 'refugee' there, and then returned 'home' to South Sudan alone. So the terms 'stayee' or 'immobile' are again not quite right.

In the life stories of my respondents, displacement was rarely a singular, straightforward move from one location to the next. 'Running' often took the form of considerable back-and-forth, trial and error and opportunity-driven improvisation. This kind of behaviour can better be understood when conflict-induced mobility is historicized and contextualized in earlier patterns of migration and the 'life-making' efforts of individuals and families (Leopold 2009; Kindersley 2016). Many Western Equatorians had lived in Uganda before, and some were even born there. Consider Chief Zaza who fled from South Sudan to join his Ugandan family-in-law (see Annex 1: Portraits). People's lives are about much more than conflict, loss and victimhood (L.H. Malkki 1995). It is important to see how, 'Personal histories of war, loss and displacement ... were intertwined with struggles to find schooling, get married, earn money, protect families and property, deal with difficult neighbours and relatives, redress and revenge grievances, and gain status or power' (Leonardi 2013, 144). In times of conflict, too, people aspire to better lives and use migration in service of such dreams.

In the introduction, this chapter proposed to use general migration theory to analyse the initiation of migration in a time of conflict. This chapter confirms that 'voluntary' and 'forced' migration are no binary phenomenon, but rather opposite ends of a spectrum. Some South Sudanese people left their homes at gunpoint, and walked to the nearest international border with nothing but the clothes on their back. However, Uganda is a long way from Western Equatoria so most people used motorized means, and chose not to do so while the bullets were flying. Migration theories and concepts – such as Carling's aspiration-ability model – are useful also for understanding refugee deliberations precisely because 'refugees' constitute a very diverse group (L.H. Malkki 1995; Edward 2007) (see Chapter 7). Although many Western Equatorian refugees experienced direct violence or persecution in South Sudan, most fled generalized violence and decline, and were simultaneously 'pushed' by the fear that things would get worse, and 'pulled' by hopes for education for their children. We can still say that these people were 'forced' to leave, but that does not preclude agency. People did not just leave South Sudan, but came to Uganda and not to nearby CAR or DR Congo. This is not meant to undermine the legitimacy of their protection claim, but rather to stress that also in times of conflict people weigh many factors in making the decision to stay or leave.

The episode of rupture and movement chronicled in this chapter, was in some ways a continuation of history and lived experience (see Chapters 2 and 3). Often, people's wartime survival tactics and migration decisions were

informed by inter-generational teaching (see Section 6.6). Malkki's propositions – that people have always been mobile, invented homelands, imagined nations, and constructed identities – are historically accurate for Western Equatoria (L. Malkki 1992). And yet this experience of flux and reconstruction, does not diminish some people's desire for it to be otherwise. Displacement, even if it is familiar, is often a traumatising and rupturing process. It is hard to overstate just how hopeful many people (including myself) had been about the independence of South Sudan in 2011, and about Western Equatoria in early 2015. After 'it started again' people – those who stayed as well as those who left – mourned the loss lives and property, but also the loss of this empowering sense of hope, sovereignty and unity. Many people had hoped that the next chapter of their histories would continue in a peaceful and united Western Equatoria. Yet now they found themselves once more divided, and scattered across various places old and new.

7 Encountering the state upon arrival: aid, papers, and land in Uganda (2015-2019)

7.1 Introduction

This chapter addresses the research question: How did South Sudanese Zande refugees arrive and settle in Uganda, what were their initial concerns, and how was their experience mediated by their varying encounters with the Ugandan state bureaucracy (2015-9)? Much of the rich literature on refugee settlements and camps, is based on research conducted years or even decades after people's displacement (Liisa H. Malkki 1995; Jansen 2016; McConnachie 2014; Agier 2002). This is true, also, for literature on refugee settlements in Uganda, which has been hosting refugees for decades (Kaiser 2000; Betts et al. 2019). This chapter rather focuses on the crucial first phase of refugees' arrival (first half year). Like 'running' (see Chapter 6), arrival was full of dilemmas and choices – where and with whom to live, what to invest scarce resources in, how to deal with the 'refugee administration' – which shaped peoples' lives not just for the duration of exile, but for the rest of their lives and those of their children.

This chapter makes one descriptive contribution and three more theoretical ones. First, this chapter offers a detailed description of the first phase of arrival of Western Equatorian refugees in Uganda. This description considers in particular: 1) the legal, geographical, and governance context in which refugees arrived; 2) Uganda's state policies and bureaucratic practices which facilitated or hindered the refugees' settling; and 3) what refugees did themselves upon arrival (e.g., first concerns, intra-household and individual tactics) and their responses to the state (e.g., avoiding or bribing state bureaucrats, resorting to the informal market). This descriptive account foregrounds refugees' perspectives.

From this descriptive account follow three more theoretical points in relation to the literature on refugee categorisation or labelling, and the temporality of refugee settlements. Refugees and Ugandan state officials differed in their conceptualisation both of 'refugees' and of the 'refugee settlement'. Classical refugee studies have shown how refugees pose a problem to the state and the 'national order of things' (L.H. Malkki 1995; Nyers 1998). 'Refugees' are people who crossed an international border and were granted a protection status by a state. From this perspective, refugees literally came into being at the border. Similarly, they cease to be the concern of the host state through one of the 'permanent solutions' proposed by UNHCR: return, local integration

or resettlement. In other words: Life in the refugee settlements is not meant to be permanent, it remains exceptional even if it can very well be 'protracted' for decades (Turner 2015b, 142). This chapter will show how Ugandan refugee administrators saw refugees more or less in these terms: As governance problems to be solved (see Section 7.2) and as people who ought not to display 'occupation characteristics' (see Section 7.5). What is more, in their eyes 'refugee' was a 'master status-determining trait', which 'tends to overpower ... any other characteristics which might run counter to it' (Hughes 1945).

This chapter contributes to this literature the markedly different perspectives of 'new' refugees themselves. There are three points: First, Western Equatorians in Uganda actively pursued the 'refugee' label for the advantages it offered (see Section 7.4), but their self-perception was rarely (often situationally) defined by it. They remained well-aware that this 'refugee influx', like many others, had 'extraordinarily diverse historical and political causes and involve people who, while all displaced, find themselves in qualitatively different situations and predicaments' (L.H. Malkki 1995, 496). Indeed, South Sudanese refugees in Uganda were especially diverse, partly because they were offered prima facie refugee status (see Section 7.2). Every South Sudanese person I met in Uganda had registered as refugee or was planning to do so. And so, the refugee label covered a great diversity of Western Equatorians in Uganda. They included the great-grandson of King Gbudwe in Arua, a destitute single mother who shared a one-room mud hut with 13 children, a former state minister who came to meet me at a Kampala hotel in his Land Cruiser and insisted on paying for our drinks, and students who had come to Uganda years prior to war's eruption (see Sections 6.7 and 7.4).[1] This is important to keep in mind: All the groups I refer to in these chapters (e.g., 'refugees', 'Zande', or 'South Sudanese Zande in Uganda') were extraordinarily diverse.

The second point and related point, is that beyond these ample differences within the Western Equatorian refugee population in Uganda, an important similarity was that they typically endeavoured to keep the long view of their predicament. They knew that they were not born at the border. Instead, they saw their 'refugeeness' as an episode in a longer life, with particular biographies, opportunities and aspirations leading to the present, and out of it into the future. From previous cycles of war, displacement and return, they knew that war does not freeze societal change and social mobility, but can change or catalyse it. Like after the Second Sudanese Civil War when returnees from America, Australia, and the UK took up office and cabinet jobs (see Chapters 3, 4 and 5). And so, during 'this war of yesterday', people who had the *ability* to do so, often made *aspirational* decisions – informed by past experiences and future hopes – about where to 'run' and how to spend displace-

1 The former minister was individually targeted for being part of Bakosoro's cabinet (see Section 6.2), the single mother had fled generalized violence. The former would meet the UN Refugee Convention's requirement of persecution, the latter would not.

ment (see Chapter 6). In this way, renewed exile posed continuity as well as change.

Third, the confrontation between this extraordinarily diverse 'refugee population' (for lack of a better word) and the Ugandan refugee bureaucracy, resulted in diverse experiences of refugee life in Uganda. Recall how when war started, some people had been unable to leave Western Equatoria while the better-off were able to send their families to Uganda (see Chapter 6). In a similar vein, refugees faced dilemmas and obstacles in Uganda, often posed by corrupt local bureaucrats (see Section 7.6), which they were unequally equipped to navigate. Some refugees were able to exploit the ambiguous gap between law and practice, while others got stuck. And so, both *leaving* from Western Equatoria and *arriving* and settling in Uganda (see Chapter 7) were shaped by, and in turn shaped, a hierarchy of displacement: from the 'involuntary immobile' stuck in a warzone, to the diasporic elite in the West. The effects of these inequalities were much-debated among refugees themselves.

To make these arguments, this chapter proceeds as follows. After a brief introduction on Uganda's refugee policy and administration (see Section 7.2), I introduce the main town and refugee settlement where I conducted my research (see Section 7.3). Then I disentangle the many ways Western Equatorians 'arrived' here (see Section 7.4.1), secured documentation (see Section 7.4.2) and aid (see Section 7.4.3), and continued to move (see Section 7.4.3). The next section explores some of the problems around land allocation in the refugee settlement (see Section 7.5.1), the workings of the informal land market (see Section 7.5.2), and the dramatic effects of a locally-instituted ban against refugees constructing houses with 'permanent materials' (see Section 7.5.3). The last section deals with fraud and corruption in the refugee response, and the 'verification' response (see Section 7.6). Throughout these sections I highlight the differentiating effects of displacement, and refugees' interactions with Ugandan street-level bureaucrats. The next chapter will delve deeper into the next phase of refugees' presence in Uganda, when existential questions become more pressing and refugees make various attempts to order or govern 'their people' in exile, and to keep sight of the future.

7.2 Uganda's refugee policy and administration

Uganda hosts the largest refugee population in Africa, and its refugee policies have been called 'among the most progressive'(World Bank and UNHCR 2016) and a 'model' (Malango 2018). For much of its long history of hosting refugees, Uganda has had elements of the current refugee policy – i.e. distributing aid both to 'hosts' and refugees, allocating land to refugees – but it used to host refugees in closed refugee settlements (Kaiser 2000; Hovil and Werker 2001;

Kaiser 2006a; 2010; Refugee Law Project 2005).[2] Since the Refugees Act (2006) and the Refugee Regulations (2010) refugees are entitled to freedom of movement and work, and to education and health care on the same terms as Ugandan nationals. To avoid friction with the often also poor Ugandan host communities, the government has issued a '70:30' directive that 'entitles hosts to a share of 30 percent of the interventions supporting refugees' (UNDP 2018).[3] Further, the government proposes an 'integrated' approach to socio-economic welfare, where refugees and host communities 'coexist and share common services' (International Rescue Committee 2018). Ugandans can access the public facilities which donors built for the refugees: schools, roads, hospitals, churches.[4] In this way, the Ugandan government hopes to harness the refugee influx and accompanying donor money for the development of remote and less-developed areas.[5] Uganda's refugee policy further emphasizes refugees' self-reliance, famously offering refugees a plot of land to live and farm on (Goldstein 2018; Betts et al. 2019; Schiltz et al. 2019).[6] Ultimately the vision is that refugee settlements become self-subsistent so that food aid can be phased out (UNHCR 2018b). This is the general vision. This chapter will show how some facets of the refugee policy are implemented differently in practice.

2 Kaiser argues that the Control of Alien Refugees Act (1964) was strict but that its implementation was not, as 'government personnel are quick to point out that in practice, the harsher components of the 1964 legislation are not enforced' (Kaiser 2000, 8).

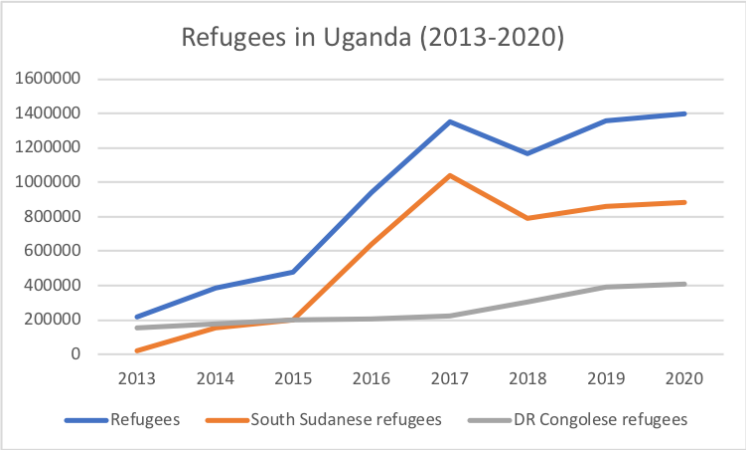
3 The 70:30 rule excludes food assistance which is exclusively received by refugees.

4 This principle, too, predates the recent policy changes: In the late 1990s Uganda had a 'refugee affected area approach' under which 40 percent of UNHCR-assistance was directed to surrounding areas (Kaiser 2000, 6).

5 Articulated in 'Self-Reliance Strategy' (1999) and the more recent updated 'Refugee and Host Population Empowerment (ReHoPE) strategic framework' (2016). As well as the Settlement Transformative Agenda (STA), part of Uganda's National Development Plan II.

6 Specifically, the Refugee Regulations, 65: 1 stipulate that: 'A refugee who is residing in a designated refugee settlement or a refugee area shall have free access to use land for the purposes of cultivation or pasturing, except that they shall have no right to sell, lease or otherwise alienate the land that has been allocated to them strictly for their individual or family utilization' (Parliament of Uganda 2010).

Figure 9: Refugees in Uganda (2013-20). Source: Made by author based on UNHCR *Refugee Data Finder.*[7]



Uganda's generous refugee policies have in recent years applied to record numbers of refugees. In many other countries, asylum seekers struggle for recognition (Idris 2005; Edward 2007) and have to prove that they were persecuted, as per the 1951 Refugee Convention. However, in line with the OAU's Convention Governing the Specific Aspects of Refugee Problems in Africa (1969), Uganda's 2006 Refugees Act considers that a person also qualifies for refugee status if they were 'compelled to leave his or her place of habitual residence' by, among other factors, 'events seriously disturbing public order' (Article 4: c). This is a much wider conceptualization of 'refugees.' Further, in Article 25, the Refugees Act stipulates that the Minister may, especially when there is a mass influx, declare a group or class of people as refugees or alternatively offer asylum seekers temporarily 'the same general treatment and rights' as refugees (Parliament of Uganda 2006). This is what happened after the South Sudanese Civil War erupted, and 'given the magnitude of the emergency' Uganda granted 'prima facie' recognition for refugees from South Sudan.[8] Fuelled by wars in neighbouring countries, Uganda has become the largest refugee hosting country in Africa. Refugees from the Democratic Republic of Congo were the largest group until 2016.[9] Especially after the escalation in July 2016, South Sudanese refugees became the largest group in Uganda (see Chapter 6).

South Sudanese refugees in Uganda were hosted mostly in settlements in north-western West Nile region, with smaller numbers in Kiryandongo RS

7 Figures for South Sudanese refugees in Uganda were only available from 2012.
8 Ethiopia, Kenya, and Sudan did the same.
9 They were hosted especially in refugee settlements in (south-)western Uganda: especially in Kyangwali, Rwamwanja, Kyaka II, and Nakivale.

and elsewhere (see Map 1). The best estimates are that some 92-95 percent of refugees in Uganda live in refugee settlements (UNHCR 2018b), while the rest have self-settled without government assistance in Kampala and Arua, and in smaller towns like Bweyale and Koboko. Note: The 2018 drop in refugee numbers results not from a decrease in actual refugees, but in a correction of the registration system. By April 2021, there were estimated to be some 911,646 South Sudanese refugees in Uganda. By way of comparison, at the height of the Second Sudanese War in the 1990s there were some 244,780 refugees in Uganda, mostly from Southern Sudan (Hovil 2010, 6). The scale and speed of the recent refugee influx was unprecedented.

Map 3: Refugees and Asylum-Seekers in Uganda, August 2020. Source: UNHCR (2019).

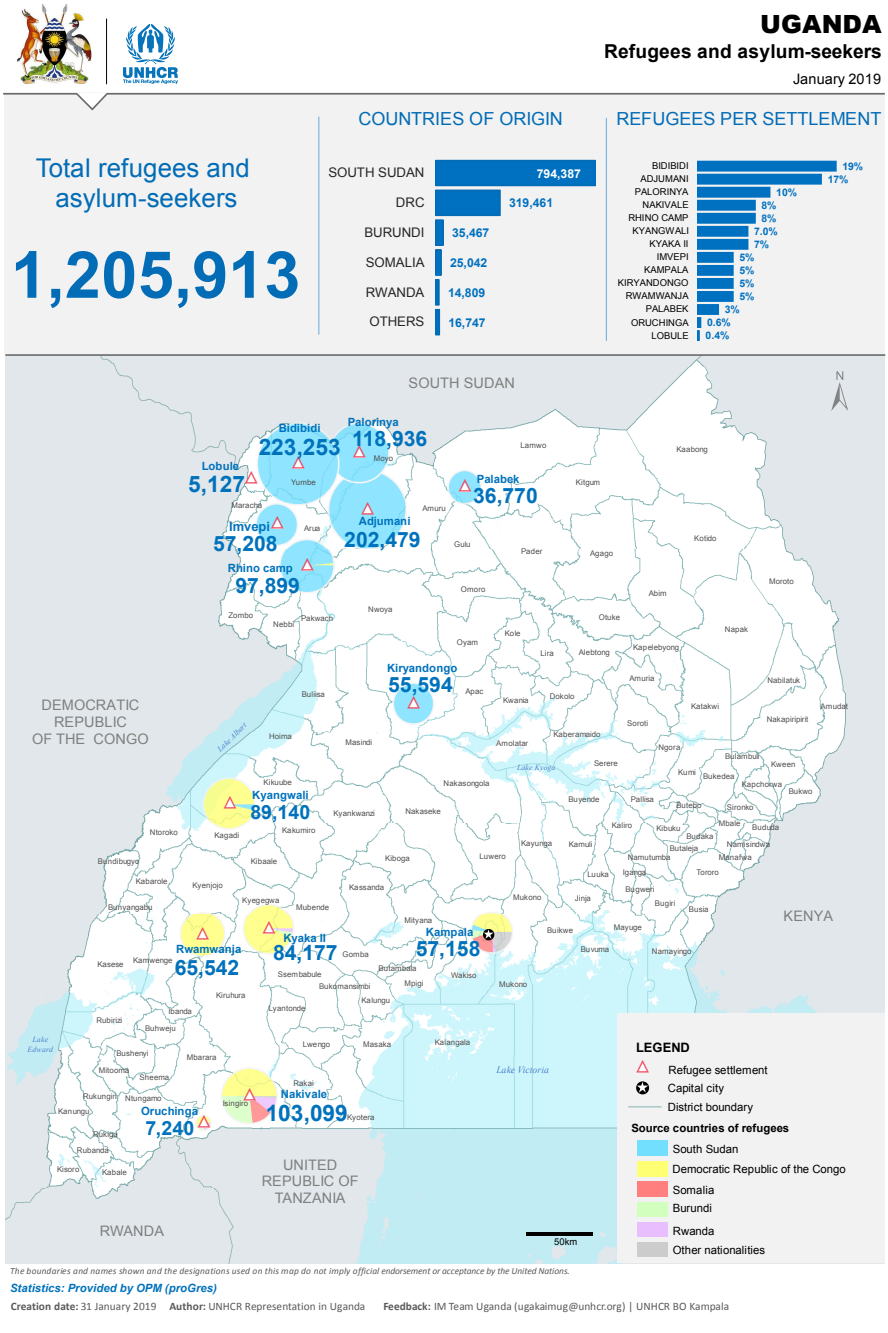
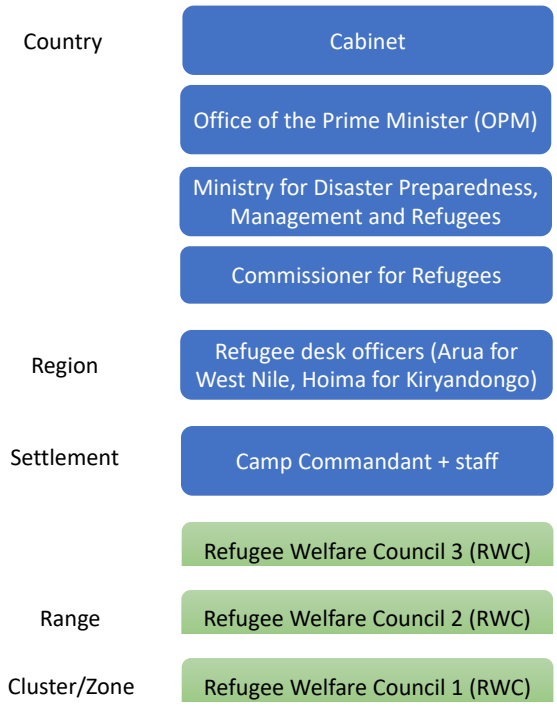


Table 5: Uganda's refugee governance hierarchy



Refugee governance or 'administration' in Uganda is primarily the responsibility of the Ministry for Disaster Preparedness, Management and Refugees, which falls under the Office of the Prime Minister (OPM).[10] The highest bureaucrat for refugee governance is the Commissioner for Refugees in Kampala. Under him, there are various 'refugee desk officers' in refugee-hosting areas: for example, in Hoima (overseeing a.o. Kiryandongo RS) and Arua (overseeing the settlements in West Nile). At the settlement level, there are OPM 'camp commandants' with deputies and other staff. These commandants rely on a large network of 'refugee welfare councils' (RWCs): refugees who are either elected by other refugees or appointed by OPM, to represent a particular section of the settlement. Although these RWC's are significant in refugee *governance* (see Chapter 8), I reserve the term *bureaucrats* for state officials. Especially at the district-level (below region) and further down, local government also 'plans and delivers services to refugees and host communities' (World Bank and UNHCR 2016).

10 Although the Ministry is a cabinet-level government ministry, its work – like that of various other ministries – is overseen by OPM.

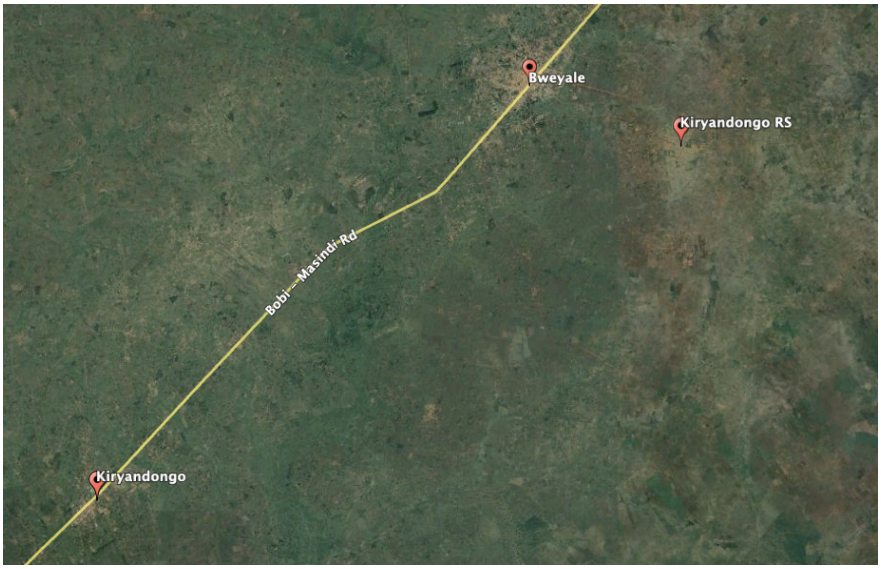
This governance structure is not a fixed and unitary bureaucratic machine implementing policies and laws in the Weberian rational-legal sense (Sharma and Gupta 2005). The implementation of the famed refugee policies and principles 'from Kampala,' ultimately rests on the shoulders of local street-level bureaucrats who face various constraints and an unprecedented refugee influx. They sometimes complain that the refugee policy gives them a lot of responsibilities, but not the commensurate time and resources. And so they devise 'practical norms' (Bierschenk and Olivier de Sardan 2014) to deal with their most pressing concerns. Although there are many OPM officials who work honestly and in the interest of refugees, the 2018 OPM corruption scandal (after which the refugee registration system was corrected, and biometric registration introduced) suggests that malpractices are widespread, too (Sserungogi et al. 2018; Sserungogi 2018; UNHCR 2018c). All this means that there is considerable room for discretion and negotiation between Kampala's laws and settlement-level implementation. South Sudanese refugees frequently complain about OPM, although as this chapter will show some also navigate 'the system' with great acumen.

7.3 Setting the scene: Kiryandongo RS and Bweyale

7.3.1 Refugee settlement and boom town

Most of my research took place in Kiryandongo Refugee Settlement, and the nearby town Bweyale. Bweyale is on the tarmacked main road between Kampala to the south (220 km, 4 hours) and the Ugandan north – Arua and Gulu – and South Sudan beyond (415 km to Juba). Its proximity to Bweyale and the busy main road, renders Kiryandongo less isolated than the refugee settlements in West Nile (where most South Sudanese refugees live). The area typically has good rains and the land is arable and fertile, allowing for cultivation. There is also a piped water system that the more well-off can afford. Many Western Equatorian refugees found this the most desirable Ugandan settlement, and then once a small community had been established more Western Equatorians gravitated here just to be in the vicinity of relatives and acquaintances.

Map 4: Kiryandongo, Bweyale, and Kiryandongo RS. Source: Selection by author on Google Earth (2020).



Bweyale's history is intrinsically connected to the periodic arrival of conflict migrants to the nearby Kiryandongo refugee settlement, some 2 km to the southeast.[11] The area to the east of Bweyale had been gazetted as a cattle ranching area in the 1970s and remained largely uninhabited until 1990. At that time, Bweyale counted just 80 homesteads and most of the land was 'idle and bushy' (Wandera 2018). In 1990, the Ugandan government opened a transit camp here for southern Sudanese refugees, mostly ethnic Acholi, which eventually grew into a refugee camp (Kaiser 2006b; 2000).[12] The refugees were later joined by Ugandan internally displaced people – also ethnic Acholi – from Gulu and Kitgum who fled the LRA. In the 1990s, UNHCR considered Kiryandongo a success story of refugee self-sufficiency, and used the settlement as a showcase for visitors. In 1995 the settlement was formally 'closed to new arrivals apart from those reuniting with immediate family members' (Kaiser 2000, 4) and UNHCR withdrew its support in 1998 arguing that refugees were now self-sufficient. Still by 2000 Kiryandongo RS counted some 12,000 (south-

11 The region's history with forced migration and refugees goes back at least to 1954 when some 50 km south of Bweyale, 'Kenyan refugees were resettled by the British to Kigumba area' (Kaiser 2000, 5).

12 Initially, people were placed in a 'transit camp.' The process of allocating plots only started in 1992. By 1996 UNHCR decided most people in the camp were self-sufficient, and withdrew food rations (Kaiser 2000).

ern) Sudanese refugees (Kaiser 2000, 2). Since that time (Southern) Sudanese,[13] Ugandans,[14] Kenyans, Congolese, and Rwandans continued to come and go in small numbers. Yet for years the population largely dwindled. By December 2012, UNHCR estimated the population at 3,652 refugees and IDPs (Ahumuza, Odokonyero, and Outeke 2012, 7). August 2013, the area hosted an estimated 25,000 IDP's and refugees (Lwanga and White 2013).

Bweyale and Kiryandongo RS really boomed anew, when the settlement was formally reopened to 'new arrivals' in 2014 in response to the South Sudanese Civil War. The largest single influx came after 'July 2016' (see Chapter 6) when in just three months, some 19,730 new South Sudanese people arrived in Kiryandongo RS (Mwanamwolho and Lwanga 2017). Resultantly, the settlement was again formally closed to new arrivals in 2017, although refugees continued to arrive (see Section 7.4).[15] By June 2020, UNHCR estimated that Kiryandongo was home to over 67,000 refugees, of whom some 66,000 South Sudanese (OPM and UNHCR 2020).[16] Refugees certainly outnumbered 'hosts', but crucially most Ugandans that lived here, too, traced origins elsewhere. Bweyale was historically a Bunyoro town, but Munyoro became outnumbered by ethnic Acholi, many of whom arrived here after they were displaced by the LRA.[17]

In a matter of 20 years, Bweyale grew from a 'bus stop to get to the refugee camp'[18] into a displacement boom town of over 30,000 (Murahashi 2021).[19] Over the years, many better-off IDP's and refugees have settled in town instead of the settlement. The settlement was mostly quiet and time was slow, but Bweyale was bustling (see Section 8.2). Other migrants from within Uganda and abroad also came to the town, hoping to profit from the new 'market'. This abundance of migrants and traders made Bweyale feel more cosmopolitan and alive than other similar-sized towns in Uganda, or even the district capital, Kiryandongo. In the market one heard Swahili, Luo-languages, Juba Arabic,

13 Excluding the south (which was until 2011 of course part of Sudan), Sudanese people also fled this way from conflicts in Darfur and South Kordofan.

14 There were two groups of Ugandans: Thousands displaced from northern Uganda due to the war with the LRA in the 1990s, and hundreds displaced by the Bududa landslides more recently.

15 The camp was not physically closed and there were barely any checks on who went in and out. But living in the settlement unregistered would be difficult: One could not get land, aid or other services (see Sections 7.3 and 7.4). See also Kaiser, 2000 on the 'unregistered' people in Kiryandongo RS back in the 1990s.

16 In June 2020, OPM estimated that the South Sudanese refugees in Kiryandongo RS number some 67,043. The other groups (DR Congo, Sudan, Kenya, Burundi and Rwanda, respectively) amount to some 650.

17 The town also hosts many other ethnic groups, such as Alur, Lugbara, Muganda and Lango.

18 Interview with 50-year-old South Sudanese, Bweyale, 29 May 2019.

19 Precise figures are hard to come by, especially as the town keeps growing rapidly.

English and Luganda.[20] An Ethiopian restaurant, Somali bar, South Sudanese hotel, Shell gas station, (north) Sudanese supermarket and Kenyan boda drivers were all part of the vibrant and growing trading centre.

Map 5: Key sites in central and western part of Kiryandongo RS, January 2014. Source: Selection by author on Google Earth.

Map 6: Key sites in central and western part of Kiryandongo RS, December 2018. Source: Selection by author on Google Earth.

The sprawling unfenced Kiryandongo Refugee Settlement rapidly grew beyond the original 38,5 square km concession area (UNHCR 2016). The settlement formally began at the main entrance gate where OPM and the Ugandan police shared a compound (see Map above). Adjacent were the UNHCR-offices and the WFP-warehouse. This was the administrative centre of the settlement,

20 Juba Arabic and countless other Ugandan and South Sudanese languages are also spoken. Interview with 30-year-old Ugandan, Bweyale, 29 May 2019. Kaiser found similar diversity in Bweyale in the late 1990s (Kaiser 2000).

although there was also a 'Reception Centre' further inside where OPM received new arrivals, and allocated plots of land to them.

Kiryandongo RS had two main trading centres, which included supermarkets, hair salons, tailors, video halls and restaurants.[21] But business was comparatively slow here, as most people preferred the cheaper shops in Bweyale. Along the settlement's main murram (laterite) roads, refugees operated small shops selling 'mixed goods': candy, heavy liquor, fizzy drinks, salt, soap, airtime and razor blades. Exceptionally, one Western Equatorian man had set up 'Mbikoyezu's House of Sweets', a bakery with a self-made stone oven two meters across. He employed some 10 other refugees to bake and sell baked goods.

7.3.2 Host-refugee relations and the value of land

Due to the history described above, the distinction between 'refugees' and 'hosts' was less clear in Bweyale than elsewhere. Some of those foreign nationals with refugee status were, in a way, 'returnees' who had lived in Kiryandongo RS in the 1990s or were even born there. Many of the Ugandans who now called Bweyale home, had also been displaced in living memory. Some were even refugees in South Sudan after the fall of Idi Amin. These similar histories, partly help to explain why many Ugandans were welcoming of the refugees, and refugee-host relations were generally quite good (International Refugee Rights Initiative 2019).

This virtuousness was often assuaged by economic self-interest. The District Chairperson of Kiryandongo, Charles Ntairehoki Amooti, said: 'As a host community we are not regretting hosting the refugees because we have benefited a lot from them' ('Hospitality Boosts Bweyale' 2018). Ugandans sold agricultural produce, ran shops, or secured lucrative jobs with the Ugandan government or aid organizations in the settlement. Some 70 percent of refugees in Uganda lived in extreme poverty, compared to 25 percent of rural Ugandans (OPM et al. 2020, viii). But there was a minority of visible refugees who were wealthy by Bweyale standards, and garnered South Sudanese the reputation for spending lavishly (and not haggling as much in the market).

Landholding Ugandans around Kiryandongo benefited enormously from the conflict-induced growth of Bweyale (Wandera 2018). Kiryandongo RS is on public land, but especially after the rapid growth some Ugandans rented out land outside the settlement area to refugees. Others set up sharecropping arrangements, or shared their land with the newcomers out of solidarity and

21 One by the Reception Centre, and one on the main hill close to the hospital and several churches.

to cement new ties of reciprocity (Byaruhanga 2017).[22] My guesthouse, New Doral, grew increasingly 'downtown' over the years of my visits.[23] The metamorphosis turned some landholding Ugandans from subsistence farmers into landlords. These landlords preferred direct deals with the refugees, to the often opaque terms under which the Ugandan government leased customary land for the settlements in West Nile (Zakaryan 2018; Vancluysen and Ingelaere 2020).[24] There, Ugandans worried that once refugees go back, the state will 'grab' their land.

For landless Ugandans, however, life became more difficult with the arrival of especially the better-off South Sudanese refugees, as rent and food became more expensive. The arrival of refugees in Bweyale sparked a complicated process of displacement-driven gentrification, with some of the poorer Ugandans moving from Bweyale to district capital Kiryandongo where rents were cheaper, while still commuting back to Bweyale for work. As property prices rose, tension over land also increased among Ugandans (Oketch and Ebong 2018).[25] In rural Uganda as in South Sudan, claims to land (ownership more so than access) were often tied to autochthony, and so rising land prices have sharpened debates about belonging (see also Chapter 4).

7.4 Arrival: Border tactics, getting paper, and contested mobility

Sections 7.2 and 7.3 have set the stage, now we turn to the more micro-level deliberations and dilemmas that Western Equatorians who sought refuge in Uganda faced, and how this impacted their experience in exile and their ideas about life beyond. Much of this section and the next, focuses on interactions between Ugandan bureaucrats (often OPM) and South Sudanese refugees.

22 Albert was offered various pieces of land to cultivate for free. 'They don't need anything from me, they are not charging a single coin.' Interview with refugee chairperson from Ezo, Rhino Camp, 18 May 2017.

23 A man who grew up in Bweyale in the 1990s, said that the area where New Doral now stands used to be bushy, and that they 'used to catch birds' there. Interview with 30-year-old Ugandan, Bweyale, 29 May 2019.

24 In Kiryandongo, most of the refugees are on public land. But in West Nile, government has leased land from customary owners, often under unclear terms.

25 In a survey by HiiL, disputes over land ownership and tenure came up as 'the most prevalent category of justice needs in Uganda' (21 percent nationally, 24 percent in north Uganda) ('Justice Needs in Uganda: Legal Problems in Daily Life' 2016).

Figure 10: UNHCR truck at the South Sudan – Uganda – DR Congo tripoint. Source: Photo by author, 2018.

7.4.1 Border tactics: Refugee or visitor?

Where and how Western Equatorians crossed the border to Uganda, affected their life as refugees. The basic choice at the border was to register as a refugee directly, or to buy a tourist visa. People who opted for the first option were brought to 'transit centres' run by OPM and UNHCR, where a first registration took place: name, photo, family members, when you arrived, and origin in South Sudan.[26] From the transit centre, refugees were put on onward transport to a settlement – typically in West Nile – where they would be registered further at the 'reception centre'. Many Western Equatorians were 'scattered' in this way across and within a dozen refugee settlements, some of which are too rocky and dusty to farm in.

Refugees' experiences of arrival in the settlements varied: some were helped by OPM quite quickly, others waited for weeks to be registered. Illustrative of the more troubled experiences, is this account of a female refugee from Yambio who was initially settled in Rhino Camp refugee settlement, after which she and her children moved to Arua town:

26 Interview with English refugee specialist, Kampala, 30 April 2018.

> We spent three days in Keri [a transit centre], and were taken to Rhino Camp. While at Rhino camp, I shed tears ... Water and accommodation were big problems. Even cattle were passing over us as we slept, and I thought it would be better if I remained in South Sudan. There were translators for other tribes in the reception centre, but not for Zande, even up to now. Other tribes were registered and fought for their own people. Some people stay for seven days before they were relocated to their individual plots, but we stayed for about a month. In Wanyange, where we were finally relocated, there were no Zande. I stayed there for three days, but was not comfortable. As such, I asked the OPM that we wanted to come to Arua. They gave us a document, and we came to stay here.[27]

This quote points to a number of important themes of initial settlement: the amenities in the settlements, ethnic cohabitation, the pace of OPM's bureaucratic processes, the anxiety of living without other Zande, and people's aspirations to move to town if they can.

An alternative option at the border, was not to register as a refugee but instead to buy a tourist visa (50 USD) saying, for instance, that you came to visit relatives. Western Equatorians who did this could then independently travel to a town or refugee settlement of their choice. Some Western Equatorian refugees self-settled without government assistance in towns like Kampala and Arua, often staying with relatives or acquaintances who had arrived earlier. Towns were associated with better schools and more economic opportunities. Those who fled persecution or assassinations often preferred the anonymity of towns over the settlements, where they would live in proximity of other South Sudanese. Urban refugees, however, were not given aid and generally struggled to find work. Only a small relatively well-off group of people could afford life in Kampala and Arua for long, with some even buying property there.[28]

Some of the once-privileged South Sudanese students also registered for refugee status after the war broke out. They had often come to Uganda during the good years around independence (2011), when their parents could afford the costs of education. The conflict-related economic crisis in South Sudan often meant that these students no longer received parental support, and that they had to drop out. Some have since moved to the settlements, a variant of 'displacement by absence' (Kunz 1973, 142).[29] Legally an application for refugee status has to be made within 30 days of arrival.[30] So students have

27 Not her real name. Interview with 33-year-old female refugee from Yambio, Arua, 24 August 2017.

28 Perhaps a few hundred people in both cities. Around Kampala, there were groups in Namugongo, Zana, Kabalagala, Rubaga, and Kajansi.

29 Kunz defines 'displacement by absence' as those 'individuals who left their country of origin peacefully, under normal circumstances, but who refuse to return there after the turn of events.'

30 Refugees Regulations (2010) Article 3: 1 stipulates that an application for refugee status in Uganda should be made 'within thirty days after the date of entry into Uganda.'

to be creative to get the refugee status. One Zande student (born in 1993) had stayed in Uganda since 2002, obtaining all his education there. He said:

> I don't consider myself a refugee because I came for studies ... I wanted to register with OPM in Kampala, but they wanted my South Sudanese national ID and I didn't have that. I also went to Bweyale but it was closed when I came. So now I plan to go to Yumbe [close to the South Sudanese border] to register as a refugee. I'll say that I've just arrived so I should not act too smart. Then I can get the card.[31]

This young man did not consider himself a 'refugee', but nonetheless wanted 'the card', saying, 'Our country is not stable, there may be war at any time and there is an economic crisis. When you have the card there are opportunities.' He was conscious that in order to be granted this status close to the border, he would have to look and behave differently – not like a Kampala-based student, but like a stereotypical 'fresh' refugee running from South Sudan.

Refugees in the settlement often looked at the refugees in town (Zande: *aboro bata*, English: city people), sometimes their own relatives, as a distinct and more privileged group. One elderly refugee, for example, had lived in Khartoum during the previous civil war but now stayed in Rhino Camp:

> Those who remain in town, those are refugees that planned for it. Some were even here before the war, but then registered as refugees when we came running from South Sudan. The refugees in the camps are those who are suffering.[32]

Yet it was difficult to draw neat distinctions between town and settlement refugees in Uganda. Many refugees who initially settled in town eventually moved part of the family to the refugee settlements, where food aid, medical care, education, and a small plot of land were free. Illustrative in this regard was the story of James and his nine family members:

> We arrived in February 2016 and settled [in Kampala] for almost 6 months. We decided to live there. But life in the city is not that easy. We decided to move here ... Because for me I have a big family. It is only me who is responsible for it ... So I decided to come [to the settlement] because this is where I can cultivate the land and get some potato, cassava, and other food stuffs free of charge. But there? No. Charcoal, firewood, water, it is all for money. Even movement is for money![33]

Crucially, many households split to accommodate family members' different needs. One common pattern was that the father stayed in South Sudan or returned there, while mother and children lived in Uganda for safety and

31 Interview with 24-year-old student in Kampala, 20 March 2017.
32 Interview with 58-year-old former chief, Rhino Camp, 13 March 2018.
33 Interview with James, Kiryandongo, 5 August 2017.

education (see Section 6.7).[34] Many women also took care of children that were not biologically theirs. These sorts of tactics were reflected to some extent in the statistics: Some 85 percent of the South Sudanese refugees in Uganda were women and children (C. Robinson 2017; UNHCR 2018a; CARE 2011). Families often split further in Uganda: with primary school-going children staying with their mother in the settlement, and the adolescents staying in Ugandan towns for further schooling. So a single pre-conflict 'household' may well be split into various bureaucratic categories: 'stayees', 'IDPs, 'urban refugees' and 'settlement refugees.'

As with leaving South Sudan (Chapter 6), the border-crossing and settling tactics in Uganda were not equally available to all. Some Western Equatorians could afford to choose their destination, others got to the border and hoped for the best. Often, Western Equatorian refugees had managed to mobilize money to flee by selling assets, taking out savings, or by asking rich relatives or acquaintances. It was typically considerably harder to find money for maintenance in exile. Many refugee women in Uganda even complained that their husbands in South Sudan had stopped sending remittances. Some had not heard from their husbands for months, and which 'reduced them' to 'living on UNHCR' (see Chapter 8). Being well-off enough to run from war, did not mean that people could live well in exile.

7.4.2 Getting papers

Once people arrived in the refugee settlement, they engaged in a series of bureaucratic processes to get three documents: the attestation document, the ration card, and the refugee ID. The evolution of formal and informal bureaucratic practices and the role of individual bureaucrats, were the topic of frequent conversations among refugees. They were thoroughly aware of the need to have 'papers' to safeguard their claim to stay in Uganda, and to access aid and government services. As in South Sudan, (advanced) knowledge of the bureaucracy and impending changes were vital to survival and welfare in the settlement.

The initial family refugee attestation document was a simple A4-paper issued by OPM, which included: the date and place of issue, the individual and group number, the allocated plot number, the name and photo, year of birth, nationality of the head of household, as well as the names and photos, years of birth and numbers for all the family members. At this stage, many families registered the wife as 'head of household', also when the husband had come along. Female-headed households were entitled to specific kinds of aid, and some men feared that being registered as 'head of household' in the settlement would make it easier for anyone (especially South Sudan's

34 Polygamous families sometimes split differently.

intelligence services) to trace them.[35] As households often split with men traveling back to South Sudan, having the woman as formal 'head of household' also ensured that the family was represented vis-à-vis the government and aid organizations, and that no opportunities would be missed.

The ration card was issued by UNHCR and WFP for the whole household and included: the size of the household (maximum 16 people), numbers 1 to 34 for the monthly 'distribution cycle', letters A to J for the non-food items, a barcode and card number, and – on the back – the cardholder's name. The ration card had to be presented by any household member when they came to collect their aid. With a hole puncher, UNHCR staff would mark the household size, and the aid distributions.[36]

Figure 11: Anonymised ration card. Source: Photo by author, 2018.

Refugees could also apply for a 'refugee ID'. In the camp, from 2018 people worried that they would not be considered 'refugees' if they had no ID.[37] Young urban refugees hoped that, 'when you have the card there are opportunities,' and listed scholarships, sim cards, and movement less inhibited by government checks.[38] On paper, refugees could only travel abroad after being granted a separate temporary travel document by OPM, for which they would

35 Interview with 31-year-old Moru refugee, Rhino Camp, 18 May 2017.
36 For a detailed description of the refugee documentation and the relevant processes, refer to the UNHCR website, 'Implementing registration within an identity management framework' at https://www.unhcr.org/registration-guidance/chapter5/documentation/ [Accessed on 23 August 2019].
37 Interview with 58-year-old former chief, Rhino Camp, 13 March 2018.
38 Interview with Zande student, Kampala, 5 March 2018; Interview with 24-year-old student in Kampala, 20 March 2017.

first have to surrender any passport of the country of origin.[39] This document would nonetheless not be valid for their country of origin, South Sudan.[40] The reasoning underlying these laws is straightforward: Refugees seek protection in Uganda because their country of origin is unsafe and they cannot live there any longer. If a refugee travels back voluntarily, the refugee has ceased to consider their origin country unsafe and so the Ugandan government can stop treating them as refugees. In practice, however, many South Sudanese refugees continue to cross the border without these papers (see Section 7.4.3).

These bureaucratic processes changed in early 2017 when Kiryandongo RS was proclaimed full, and then again after the biometric 'verification' took place in May 2018. In that interim period – early 2017 until May 2018 – the formal process to get into the settlement were blocked. Still refugees continued to arrive. This was the source of lucrative and standardized corruption among some street-level OPM officials. New arrivals could effectively buy refugee protection from particular OPM officials. One man from Yambio was put in touch with local representatives of OPM through a family friend. He paid them 1,2 million Ugandan shilling (then 330 USD) to still get his family registered in Kiryandongo RS.[41] Even when refugees joined existing households – something of a grey area – they had to pay. One respondent told me that to 'add a name to the attestation card', the applicant would 'pay for printing'. This fee was around 50,000 UGX per person in late 2017, but rose to 130,000 – 150,000 UGX in early 2018.[42] This was risky business. One young woman paid 400,000 UGX to get three new people on her attestation card, but 'The OPM took the money, card and photo. But then they didn't do anything. They told me 'there was no reception' and to come back later!'[43] When they worked, such corrupt practices offered a pragmatic, if illegal, 'win-win' solution: The OPM official would make some money, and a refugee (household) could settle in the settlement of their choosing. The formal process for resettlement or family unification was slow and cumbersome, and so the informal process was more attractive.

39 The Refugee Act also requires that: 'A recognised refugee in possession of a valid passport issued by the country of origin shall surrender that passport to the issuing officer before acquiring a travel document' (Parliament of Uganda, 2006). The origin of this travel document lies in the Convention Relating to the Status of Refugees (1951). Granting refugees the right to such a document was thought to help them travel internationally, because in many instances it would be hard for them to obtain a passport from their country of origin. In Uganda today, however, refugees have to first surrender their passport before they can acquire the travel document.

40 Refugee Act (2006) Article 31 stipulates that that the travel document 'shall be valid for all countries except the refugee's country of origin.'

41 Interview with anonymous, Kiryandongo RS, 18 February 2017.

42 Interview with Western Equatorian refugee, Kiryandongo RS, 7 February 2018.

43 Interview with female refugee, Bweyale, 9 March 2018.

7.4.3 Aid distribution, dynamics, and dilemmas: 'Those people with money can beg us for posho!'

Refugees sought to make the most of the refugee regulations and aid distribution they encountered. First, households had to choose between receiving per person per month: 1) 31.000 UGX cash (then 8,50 USD), or 2) a bundle of food items which typically consisted of about 12 kg of maize (unground), 4 kg of beans and some 2 litres of cooking oil.[44] To many people, the food package was more attractive. Because you could not buy these food items in town for 31,000 UGX. My key respondent Elizabeth in Kiryandongo RS explained why she opted for food aid:

> We are 8 people, so we get 90 kg of maize. That's two big bags. We get 12 kg of porridge, although it was not there this month. Then 19 kg of cooking oil, which lasts us 1,5 months. And then 20 kg of beans. Then I first sell 5 kg of beans for 7,500 UGX to send the food to my home with a *boda* [motorcycle taxi]. Then I sell 30 kg of the ungrounded maize. Then I take 50 kg of maize to the machine to grind it into super 'kaunda' flour. That is what we eat in a month. The 10 kg balance maize I leave as back up, to sell in case of problems.[45]

Like many others, Elizabeth felt that the 31,000 UGX per month (= 1,000 UGX per day) would not be sufficient. A simple chapati flatbread already cost 500 UGX. What is more, in this context of poverty people were all too aware how hard it was to save cash money. There were always imminent needs, forcing cash-recipients to make impossible choices. Elizabeth: 'If you get money. If the child is sick, wants shoes, the money is gone! At the end of the month those people with money [aid] can beg us for posho [maize porridge]!'

Initially, most of my friends and respondents opted to receive food aid. But over time, some turned to cash instead. They gave a number of reasons. Some of my respondents had come to Uganda alone. They sometimes found that it was not worth it to sit through the cumbersome distribution process: 'When I calculated all this, the time I was using just to get this little aid. A lot of work! So I thought better to get 31,000 UGX.'[46] Another key respondent in Kiryandongo RS, explained his calculations:

> If you choose to receive food, you have a problem. Because 90 percent of the refugees are women and children ... You get 12 kg of maize per person per month. If you are 16 in the family, you get 3 bags of 50 kg. But you cannot carry that! So the refugees are forced to sell that same maize to hire a *boda* [motorcycle taxi]. Then again you need to sell more maize in order to pay for the grinding. And again,

44 In some refugee settlements in West Nile, refugees were given sorghum or millet instead of maize. Sometimes refugees were given additional food stuffs such as porridge or salt.
45 Interview with Elizabeth, Bweyale, 11 April 2019.
46 Conversation with Isaac, Kampala, 26 June 2019.

> to pay for charcoal to do anything with the maize. There is no firewood here because we have no community forest. You may also want to buy salt, because that is only given every 3 months. Now the problem again is that when you sell maize at the distribution, it is very cheap. You get 200 UGX per kilo, even though in town it is 400 UGX per kilo.[47]

So although the amount of food aid was calculated to feed a person the very basics for a month, in practice refugees were forced to sell their aid off at bottom prices in order to transport, grind and cook their food. In this fluid market place, people sought to maximize utility and minimize risk. If they did so well, they could feed the family. But my respondents agreed that the aid was not sufficient to pay for medical bills, school fees or other unexpected costs.

Another choice refugees had to make, was whether to register together as a whole family or in smaller groups. By default, families were registered upon arrival together on a single plot and with a single attestation card. This encouraged children to live with their parents, even beyond the age at which they would move out if they were in South Sudan. In aid-dependent families, children had to obey their parents in order to get their share. My key respondent Charles Bangbe summarized the situation:

> In the camp here, the situation is controlled by the economy. Young men here are forced to be with their people because that is where they have their shelter and where they get their food. To their own opinion they might want to move out. But to build your own shelter is expensive, and to get your own food too.[48]

Some youth registered alone or with some age-mates upon arrival. That had some advantages: getting a plot and aid by yourself, and not being so firmly under the authority of the parents. Then again, Charles explained: 'When you cook alone you use more. Especially because you will need to get extra ingredients for the sauce. You have to pool it.'[49] In South Sudan, youth said, they could make their own money with odd jobs or trade, but in Uganda they found that harder. So aid distribution functioned to keep children living together with parents – even as other factors (such as availability of work and education) were pulling families geographically apart.

Refugee aid distribution often affects household dynamics, often at the disadvantage of (young/junior) women (Lubkemann 2008, 207; Edward 2007). In Uganda, almost the reversed happened: With many households choosing to be 'female-headed' so as to qualify for more aid. Men were expected to go back to South Sudan, largely to work and support their families in the camp (see Chapter 6). When they stayed in the refugee settlement instead, they often

47 Interview with Charles, Western Equatorian refugee in Kiryandongo RS, 11 April 2019.
48 Interview with Charles, Western Equatorian refugee in Kiryandongo RS, 4 August 2017.
49 Interview with Charles, Western Equatorian refugee in Kiryandongo RS, 4 August 2017.

failed to find paid work. And so men felt useless, and some women would now say 'UNHCR is my husband' and accuse their men of not providing anything. This friction sometimes contributed to domestic violence, and motivated some men to return South Sudan (Braak and Kenyi 2018).

7.4.4 Once in Uganda, people continue to move

Many Western Equatorian refugees had the means to move to Uganda, but not to move again after. Even adult children, who in South Sudan would typically move out of the children's *tukul* to construct their own, now remained in the same house with their parents and siblings longer. But others continue to move between refugee settlements and towns, like James' family who first settled in Kampala before moving to Kiryandongo RS.

Somewhat controversially, many South Sudanese people who lived in towns were registered in one of the refugee settlements. Some would come to collect their portion of monthly aid. This was considerably easier for refugees who lived in Bweyale, a 10-minute *boda* ride from Kiryandongo RS, than for those in Arua and Kampala who are much farther from the settlements.[50] Other town refugees would leave their documents with relatives in the settlement so that they could collect the aid for them, and then send it to town. My key respondent Elizabeth, for instance, had children who studied in Kampala. They were still registered in the settlement on a separate attestation card, and so Elizabeth would collect their aid and send it by *matatu* to Kampala. Some settlement refugees objected to this practice of town refugees, and wondered: 'Why do we get the same amount of aid as those who can afford living in the town?'[51]

Some people kept moving within Uganda out of fear. One of my respondents was affiliated with SPLA-IO and survived an abduction attempt in Arua. Then he moved back to opposition-controlled South Sudan. A former Arrow Boy had first moved to a refugee settlement in Uganda, but later settled in town:

> A: You know I don't need to be so loud. Government has long hands, longer than mine. They can reach you through the Government of Uganda ...
> *Bruno: And why are you here in town?*
> A: I don't want to be so common. When the [South Sudanese] government sends the CIDs [Criminal Investigation Department], they can access you easily in the camp. But here it is very hard. I know how to tell who is who. You know these

50 In West Nile, some refugees also alleged that police would operate road blocks around distribution time to extort refugees coming back to town with their aid.

51 Interview with 58-year-old former chief, Rhino Camp, 13 March 2018.

> guys are poorly educated. When people come asking open questions, I get suspicious.[52]

Fear and paranoia were widespread, especially among people who had been targeted by armed groups in South Sudan, be they state or non-state. They worried over the porous border, the proximity of other South Sudanese, the close links between the South Sudanese and Ugandan governments, and the corruption in Uganda's security services and police. Such fears appeared well-founded. At various points there were cross-border raids by men in South Sudanese military uniforms. In one instance, Ugandan police arrested a South Sudanese man near Yumbe who was allegedly planning: 'to start killing government enemies one by one' (Biryabarema 2017). There was also a frantic side to all this movement, with some youth walking restless 'marathons' around Kampala. A Western Equatorian catholic sister in Kampala explained:

> There is too much movement of people up and down, even the urban refugees. We are searching out of fear. We hear the government of South Sudan is looking for some people ... the Government of Uganda may help them ... Fear and mistrust is overpowering us. You may not be open to strangers. People are worried. Be it at home or outside, you may die anywhere. I fear not for my own life but for my relatives here. I call them every morning to see if they are OK.[53]

Some Western Equatorian refugees in Uganda still travelled back to South Sudan: to trade, work or cultivate, to visit or collect relatives, to maintain their possessions, or to see whether things are improving and the time is ripe to return. Key respondent Elizabeth, for instance, travelled back from her refugee settlement in Uganda to Maridi in South Sudan for Christmas in 2016, and brought 7 children back with her to Uganda. John brought his family from Yambio to a refugee settlement in Uganda, and helped them to complete the registration, find land and build a house. Once his family was established, he returned to his job in Yambio. Now he travels back and forth.

Ugandan refugee authorities typically disapproved of South Sudanese refugees' mobility. By law, a refugee could lose their status for going back to their country of origin.[54] Movement within Uganda, too, was legally constrained. Technically, refugees had to apply to (representatives of) the Commissioner for Refugees of OPM if they wanted to relocate within the settlement

52 Interview with 29-year-old former combatant from Yambio, Ugandan town, 10 May 2018. Similar sentiments were expressed in Interview with refugee from Darfur, Kiryandongo RS, 8 February 2018.

53 Interview with catholic sister from Yambio, Kampala, 23 March 2017.

54 Article 6 'Cessation of refugee status' of the Ugandan *Refugees Act (2006)* lists among other things that '(1) A person shall cease to be a refugee if— (a) that person voluntarily re-avails himself or herself of the protection of the country of his or her nationality, or voluntarily re-establishes himself or herself in the country of origin'.

or outside of it.[55] But one OPM Refugee Desk Officer acknowledged that such applications were typically rejected because some settlement areas were getting too full, while others remained underdeveloped:

> You know in Ocea [Rhino Camp] it is really getting full. In 2013 there was already a good underwater system. There is the health centre, the police, [and] the Reception Centre. When new people come, they hear those rumours from the old refugees that they shouldn't move to certain areas. But those investments in Ocea were made because the refugees were there. So, if they don't move to other areas or stay there, those places will also not be developed. And yet Ocea is not that fertile, it is sandy.[56]

This was crystal clear. For OPM's vision of development-through-refugees to work, refugees had to stay in less-developed areas. OPM officials also found that refugees' mobility complicates accurate refugee statistics and the food distribution, and ultimately necessitated the 'verification' (see Section 7.6). Some in local government were concerned that 'unregistered refugees' pose a security risk: 'We may not know what they have come with, or what their intentions are. Our local community wants assurance that they are secure living with these people' (Mugerwa 2019).

Beyond such legal, policy, and security concerns, refugees' continued mobility clashed with stereotypical views of refugees as bare victims. As one refugee expert in Kampala saw it: 'People don't like it when refugees are also something else, like traders. Refugees are expected to look and behave a certain way. To be in tatters, diseased, and with an arm hanging.'[57] There was a discrepancy between this expectation of stereotypically 'deserving' refugees, and the more complex and diverse reality of people who crossed the border.

7.5 Land allocation, resettlement, and the battle for permanence

South Sudanese refugees in Uganda often looked to land as a vital cornerstone for rebuilding their lives in exile. As in post-conflict Western Equatoria, they hoped that land in Uganda would offer stability and autonomy, and a sense of home. Uganda's refugee authorities, meanwhile, had a different and highly ambitious vision of the refugee settlements (see Section 7.2). This is important, because it structured the constraints and opportunities within which refugees rebuilt their lives in exile. Uganda's vision was to use the influx of the refugees to transform marginal rural areas into sites of agricultural self-subsistence and, eventually, surplus production. To make the area governable and productive,

55 Refugees Act (2006) article 30: freedom of movement. Constraints are in articles 44: 2 and 47.

56 Interview with OPM official, Arua, 14 May 2018.

57 Interview with English refugee specialist, Kampala, 30 April 2018.

OPM and UNHCR used 'masterplans' – just like the Ministry of Physical Infrastructure had in South Sudan (see Chapter 4). In these plans, the settlements were divided in 'clusters' and 'zones', where refugees were allocated plots (UNHCR 2016). People were deliberately scattered over the grid so that each household would have sufficient land to cultivate, and all the settlement would be developed.

Uganda's settlement policy essentially conceived of refugees as landless farmers, and sought to rectify that landlessness temporarily. The plot sizes varied over time, as did ideas about having 'residential' and 'agricultural' plots in one or separately.[58] Before the main influx of South Sudanese refugees from July 2016, most settlements would allocate land according to family size: Families of 1-3 got 100 by 100 meter; 4-7 got 200 by 200 meter; and 8 or more got 300 by 300 meter. However, after the post July 2016-influx, settlements reduced the plot sizes allocated to new arrivals: some to 50 by 50 meters, others to 30 by 30 or even 30 by 20 meter.[59] Some 'old' refugees who had larger plots, shared part of their land with new arrivals in a variety of tenure arrangements. In Kiryandongo RS, a survey in 2017 found that 43,7 percent of refugee households lived on plots smaller than 500 square meters, with average households counting 7,8 members (Khadka 2017). This meant that Ugandan settlements were still spacious compared to most refugee camps elsewhere. In Zimbabwe, for instance, Mozambican refugees had an estimated 50 square meters per household (Lubkemann 2008). Still, the new plot sizes were much too small for self-subsistence farming. Across Ugandan settlements, some '70 per cent of refugees reported not having sufficient land for cultivation' (OPM et al. 2020, ix). And this shortages of water and arable land in turn contributed to friction with host communities (International Refugee Rights Initiative 2019, 2). Even in the sprawling settlements, good land was in short supply.

Still, there were some success stories of farming refugees. In Kiryandongo RS I visited David, a 40-year-old church leader, at his home. His compound projected success: It had a fence, a small kiosk in front, and a well inside. The living room walls were adorned with graduation photos and slogans proclaiming religious piety. A TV screened Nigerian gospel music videos (from a USB-drive). All was powered by a solar panel. My research assistants and I were welcomed on a plush green couch, David sat on a single armchair of matching fabric. He told me his story, and how he was trying to make a good living in Uganda. He said proudly:

> If we had enough land, we would even feed Juba. I cultivated so much maize that I even sold two sacks to people in Juba. They called me and I put it on a *matatu*

58 Presentation by Ugandan OPM official, Arua, 28 February 2018.
59 Interview with RWC 1-chairperson, Rhino Camp RS, 18 May 2017.

> here. My plan was really to become a commercial farmer, not just subsistence. But the land is not enough. And we have land conflicts.[60]

David's story impressed me, and I asked my research assistants after the interview how he had been able to do so well in these trying circumstances. According to my research assistant, 'He has friends outside, whites. He told me himself.'[61] The story of David – who did well but also received 'support from outside' (an often opaque but significant factor), illustrates well that very few South Sudanese refugees managed to become truly self-reliant. For most refugees, the crops they cultivated (mostly maize, groundnuts and cassava) were a welcome supplement to the still essential aid they received

The assumption that refugees are landless farmers, best helped by scattering them across a sprawling settlement, had adverse consequences. Some refugees were used to urban livelihoods, and not used to farming. My key respondent Elizabeth had lived most of her life in town centres running businesses. Yet when she arrived in Kiryandongo RS, she was allocated a plot in the remote Magamaga area: 'But people were not there and I cannot stay alone.'[62] She felt isolated, far from neighbours, roads, schools, markets and phone reception. Other refugees also cited security concerns. The few Ugandan police officers in the settlement mostly stayed at the gate (UNHCR 2019b), and apart from petty theft, people told me of child abductions, burglaries and assault.

60 Interview with 40-year-old Zande refugee/church leader, Kiryandongo RS, 9 May 2018.
61 Conversation with research assistant Naomi, Kiryandongo RS, 9 May 2018.
62 Interview with Elizabeth Night, Kiryandongo RS, 15 May 2017.

Figure 12: Interior of a single male refugee's house in Kiryandongo RS. Source: Photo by author, 2017.

Lone refugees were vulnerable to crime. One of my respondents was a young man who had come from Yambio to Kiryandongo RS alone. His house was somewhat isolated, some 100 meters from the nearest murram road and, depending on the season, surrounded by man-high maize. Whenever he would leave his house, for example to collect his aid ration, he would put a padlock on the door. Still, twice the door was forced open, and all his belongings were taken: his mattress, lamp, and clothes. He loaned some money to get back on his feet again, but lost it all when he was lured by a mobile phone scam promising rapid riches. When he could not repay his loans, he 'escaped' back to Juba. Living alone in a remote part of the settlement had made this man vulnerable to theft, ultimately contributing to his return to war-torn South Sudan.

7.5.1 Double allocations, the need to use land to claim it, and Good Samaritans

When refugees were allocated a plot of land at OPM's Reception Centre, they were required to 'develop' it. Failure to do so, OPM reasoned, meant that the land was vacant and could therefore be allocated to someone else. This prin-

ciple chimed with many customary and statutory tenure systems in Africa, but usually in those systems there would be more time. In the settlement, there was haste. Further, back in Western Equatoria, constructing a house would have been the responsibility of a group of men. However, in the settlement people were 'scattered' and 'alone', leaving everyone – including elderly, women, and minors – to their own devices (see Section 7.5.3). And so not all refugees managed to 'develop' their plot quickly enough. Consider for instance the experience of a 29-year-old female refugee in Kiryandongo RS:

> I came in January 2017. They gave us a plot in Magamaga, but there some Acholi chased us away. So I went to the camp commander to bring my case. But there the lady chased us away because we had delayed two months to do something on the plot. That time I was pregnant with this one [*she points to the child on her lap*] so I couldn't build. From there I went to the Reception Centre. A lady that I had met before in Juba helped me to stay on her plot. She is staying in Kampala.[63]

There were a lot of similar stories of people who found their allocated plot occupied. Some had 'developed' it too late, others suspected corruption in OPM. Such land disputes often got emotional or even violent. Consider this 28-year old female refugee:

> We went [to our land] but we found that it was the garden of a Ugandan. He was quarrelling with us, saying that he would kill us. I said, 'If it is like that, we better leave – they may kill us just over land.' So we returned to the reception centre. That is where we met a lady from Eastern Equatoria who had been here since 2008. She saw us like this and decided to help us. She even gave our aunt a *tukul* on her own plot.[64]

This was another pattern that emerged from refugees' accounts: Upon finding their allocated plot taken, most people moved away to avoid trouble. Then they unsuccessfully petitioned OPM for new land. I never heard of people taking land cases to Ugandan courts. A good number of refugees were eventually helped with land by South Sudanese or Ugandan acquaintances or strangers. One refugee whose allocated plot was taken lingered for days at OPM's reception centre, hoping for a new plot when she 'spoke to a Ugandan lady who saw me suffering and decided to help me with this place to stay. I don't pay rent. I am here with six children.'[65] Where state institutions failed, people helped one another.[66]

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63 Interview with 29-year-old female refugee from Maridi, Kiryandongo RS, 15 May 2017.
64 Interview with 28-year-old female refugee from Yambio, Kiryandongo RS, 15 May 2017.
65 Interview with 32-year-old female refugee from Ibba, Kiryandongo RS, 13 May 2017.
66 I did not research strangers' motivations for helping refugees. Anecdotally people told me of religion and solidarity, having often also suffered forced migration themselves.

7.5.2 Informal land transactions

There was a lively market for residential and farm land among refugees and host communities. The 2017-survey found that 24 percent of refugees in Kiryandongo RS were renting land from the host community (Khadka 2017). An unclear number also bought land outside the settlement area, including in the cities. When I spoke to South Sudanese who had bought Ugandan urban land, they often said they had bought freehold – despite Uganda's legal stipulation that refugees (like other foreigners) can only buy land leases, not freehold. In Bweyale town, such residential plots had by March 2018 risen to some 7,000,000 UGX (almost 2000 USD), and so they were only attainable for well-off refugees. Both OPM officials and refugees considered that leaving the settlement meant that, 'if there is a problem, OPM does not mind about you.'[67]

Trade in settlement land was illegal, as refugees were given use rights (not title) over a plot of land for free. When they did not use the land themselves, it ought to have reverted to OPM. But the formal routes for land acquisition were problematic and slow (see Section 7.5.1), and people kept coming and going so an informal land market sprang up. The value of land in the settlement, rose and fell with the arrival and departure of refugees. One of my respondents recalled how a plot in the settlement used to cost just 300.000 UGX in 2015, but by 2018 had risen up to 1.000.000-2.000.000 UGX.[68] This volatility offered room for profitable speculation. One Sudanese refugee, Adam, came to Kiryandongo RS in April 2014 when as he recounted: 'The people were few. There were some [Southern Sudanese and Ugandan] Acholi who had come in 1991, some Kenyans and Congolese, and a few Burundian.'[69] Although Adam avoided the topic with me, other refugees told me that he was the go-to broker for informal land in the settlement. He was said to have bought dozens of plots from refugees who were leaving in 2014, and to have sold those informally after the July 2016 influx of South Sudanese. John, too, had turned to Adam for land when he arrived in Kiryandongo RS after it was formally closed. John told me how he bought three plots from Adam at 600,000 Ugandan shilling (then 166 USD) per plot (100 by 50 meter). Like with every step of the way from Yambio to the settlement, not every refugee was able to acquire (informal) land in this way.

Beyond 'buying' informal land, there were other possibilities of getting access to land. David, the church leader in Kiryandongo RS who I cited earlier as a successful farmer with friends 'outside', for instance, had secured access to different plots of farm land in different ways. He explained:

67 Interview with Elizabeth, Bweyale, 9 March 2018.
68 Interview with Elizabeth, Bweyale, 9 March 2018.
69 Adam was not his real name. Interview with Sudanese trader, Kiryandongo RS, 8 February 2018.

> I hired that [farm] land from people in the camp. Some I bought, although I cannot call it that. There was this orphan with a lot of land, which he could not cultivate. So I paid his school fees and he gave me his land to dig. But then OPM cancelled that deal saying the land is not ours to trade ... I didn't really buy the land, but I gave a token of appreciation for it in return to become full owner of it. But government owns it, when we go back to South Sudan it is theirs.[70]

Informal land transactions were carefully shielded from OPM for fear of repercussions or extortion. Buyers and sellers shared this interest in secrecy, and transactions were typically not documented on paper. Their precarious tenure situation, made refugees more inclined to compromise when land disputes arose. As David put it: 'We handle those very cautiously, because we don't want things to escalate. We just sit as two parties. We don't want to bring OPM unless it is life threatening ... [If] it is something small, you just give them one or two meters.'[71] In some instances, refugees would involve the refugee authorities (see Chapter 8) to give transactions a certain officiality, without bringing in the state.[72]

7.5.3 The battle for permanence: Building and bulldozing houses

Once refugees had a plot, they sought to construct shelter. How they did so, became the subject to another heated debate. Upon their arrival, many refugees had received 5 wooden poles and the emblematic UNHCR-tarpaulin of 3 by 6 meter. With this, refugees then erected emergency shelters which would hardly withstand the wind and rain. And so over time many refugees upgraded to more solid grass-thatched mud huts (*tukuls*) of various shapes and sizes – depending on their region of origin and means. Refugees remained uncertain how long they would stay in Uganda, with many referring to the previous long wars (1955-1972, 1983-2005) for reference. And so some refugees built houses with more permanent materials like baked bricks, concrete, and iron roof sheets.

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70 Interview with 40-year-old Zande refugee/church leader, Kiryandongo RS, 9 May 2018.
71 Interview with anonymous refugee, Kiryandongo RS, 9 May 2018.
72 In some refugee settlements in southwest Uganda, a camp commandant was allegedly colluding with a refugee businessman to transact land. Interview with English refugee specialist, Kampala, 30 April 2018.

Figure 13: Refugee house with 'permanent' materials in Kiryandongo RS. Source: Photo by author, 2018.

OPM officials argued that refugee settlements ought to be temporary, and that refugees ought not to display 'occupation characteristics, behaving as though it is their land.'[73] Although Ugandan law was silent on refugees' use of permanent building materials in the settlements, local OPM officials in various places forbade the practice and urged refugees to use ephemerals materials (clay and half-baked bricks). One refugee desk officer explained:

> If you build a permanent house there, it suggests that you have assumed that you can stay there permanently ... The problem is also that when you allow them to build permanent houses, they will start burning bricks. Then they need to gather firewood to fuel it. They may even start commercial brick production. So there is a risk that it leads to environmental damage. The locals also burn bricks, but at least that one we can control.[74]

Refugees objected, saying 'We call this a settlement, not a resettlement camp.' One of my respondents was a lawyer who had worked in land dispute management in Western Equatoria. He was fuming: 'There is nothing like that in the Refugees Act. You know we are already traumatized. And then they are scaring us that they will tear down what cost the little money we had.'[75] To avoid detection, some refugees built with full-baked bricks but quickly plastered over it before OPM spotted it. This had limited effect. Refugees told me how various OPM officials had threatened to bulldoze refugees' houses, only to accept bribes not to proceed. One refugee in Kiryandongo RS, cited a recent incident:

73 Presentation by Ugandan civil society professional, Arua, 28 February 2018.
74 Interview with OPM official, Arua, 14 May 2018.
75 Interview with anonymous refugee, Kiryandongo RS, 9 February 2018.

> There was the case of [my nephew]. He has gotten some land by bribing OPM for 1,7 million UGX. But then when he started building using good materials, they objected. They said this is not allowed and called him to the office. There they [OPM] demanded he paid 3 million UGX for the building, otherwise they would demolish it.[76]

David, too, had had a visit from OPM officials:

> OPM even is threatening to demolish all the houses with permanent materials. [*Laughs and starts talking quickly*] They even came to threaten to demolish this one ... They call it a settlement, but they don't want us to settle. Do they want us to stay under a tree? They came here and spoilt three bags of cement.
>
> *Q: I heard of this before. Why does OPM not want you to build with permanent materials?* There are two reasons. One, they fear that we may decide not to go home again; and two, there is also a lot of corrupt business, but we shall not talk too much about it. They come here to threaten you in order to make money. You start pleading with them when they threaten to destroy your house, and then you give them some money. When you realize that they are doing this everywhere, they must make a lot. But we don't talk about it, because then we can be victimized.[77]

This book is not an investigation into corruption. But there were countless allegations of such extortionate behaviour by OPM officials towards refugees. And as with mobility, visas, documents and land, better-off refugees were in a better position to engage with street-level bureaucrats in these illicit transactions. They paid the requested bribes so that OPM officials did not enforce their ban on permanent materials, and saved their property from the bulldozer.

It was clear that the street-level bureaucrats in these cases did not act in line with Uganda's refugee laws and policies. They seized the rule-violation not to enforce compliance, but to extort payments. Still, these interactions alluded to a rift in how OPM officials and the refugees saw the settlements. OPM insisted that refugee settlements were of a temporary nature. The local ban on permanent materials and threats to tear down houses, served to freeze refugees' state of precarious liminality: questioning their very right to be in Uganda, and to build towards a better future there.[78]

In defiance of the ban, refugees continued to build new homes with good materials, to plant trees that would take years to grow, and to edify their *tukuls*

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76 Interview with anonymous refugee, Kiryandongo RS, 7 February 2018.

77 Interview with anonymous refugee, Kiryandongo RS, 9 May 2018.

78 'Liminality is a state where an individual moving from one fixed, known status or circumstance into a new one 'becomes ambiguous, neither here nor there, betwixt and between all fixed points of classification; he passes through a symbolic domain that has few or none of the attributes of his past or coming state.' Turner, 1974: 232, quoted in (Lammers 2006, 295)

with paintings. These practices may be fruitfully analysed as refugees' 'place-making' efforts in a land far from home (Kaiser 2008). Additionally, they were part of a debate with the state about ownership and belonging. These practices also underlined an earlier point: Contrary to land tenure dogma, people may invest (in various forms) in land precisely because they feel tenure insecure (see Chapter 4) (Braak 2016, 22). By building houses, planting trees, or even burying relatives, people sought to solidify their claim to land and belonging.

7.6 Eating aid: the UNHCR and OPM corruption scandal

Corruption ('the abuse of public office for private gain') and allegations of such behaviour were ubiquitous in South Sudan and Uganda. Cultural and societal ideas about 'corruption' are not static, and the practice may be embedded in the co-existence of 'different normative orders' (Anders 2002). Perhaps historically, rule in Uganda was rather personalized (and there may not have been an expectation for it to be otherwise), but over the last decades segments of Ugandan society have struggled for change, and for the enforcement of anti-corruption laws (Nsimambi 1987).[79] A comprehensive account of corruption in Uganda and efforts to curtail it, is beyond the scope of this section (Baez-Camargo et al. 2017; Flanary and Watt 1999). My focus here is on corrupt practices around the refugee influx, and on one particular governance response to that corruption. The literature on corruption suggests to differentiate levels of corruption (e.g. petty vs 'grand') (Pedersen and Johannsen 2008; Vargas-Hernández 2009). As we will see in this section, the corruption in Uganda's refugee response occurred at various levels, but the response to it focused mostly on fewer than a handful of 'big fish' but a systemic response to petty corruption.

7.6.1 Corruption and fraud in the refugee response

South Sudanese refugees and their Ugandan neighbours committed fraud.[80] For example, some Ugandans registered in the settlements as refugees so as to receive aid (Charles and O'Byrne 2018). There were also South Sudanese 'recyclers' who registered in different settlements, or on different families' attestation cards 'to get extra rations.'[81] Lastly, there were refugees who returned to South Sudan, but left their ration card with relatives who remained in the Ugandan settlement. In these ways, people would get aid to which they

79 Uganda's Anti-Corruption Act (2009) defines corruption in Article 2.
80 Fraud understood here as 'Wrongful or criminal deception intended to result in financial or personal gain' (Oxford Dictionary, 2017).
81 Interview with Western Equatorian refugee, Kiryandongo RS, 4 August 2017.

were not entitled. Although the scale of this fraud may have been large, I still consider this petty fraud because the individual scale was small.

Similarly, petty corruption, 'short cuts', and 'kitu kidogo' (Swahili: something small) were common in the interaction between refugees and hosts on the one hand, and state officials on the other. Quite often, the cheapest, quickest and easiest way to deal with state officials was to pay a bribe. This chapter has discussed such allegations of corruptions at every step of the way: the journey, arrival, registration, land acquisition, house construction, and getting 'papers' or opportunities. Effectively, many public services were privately transacted. That my respondents commonly engaged in such corrupt state practices, did not mean that they agreed with them morally: They in fact created the widespread sentiment among refugees that rather than genuinely caring for refugees, some OPM officials and (to a lesser extent) aid workers were exploiting their position for self-interest.

OPM and UNHCR were alleged to be involved also in larger-scale corruption. Similar allegations against OPM had been made in the past (Human Rights Watch 2013). But the major 'corruption scandal' regarding Uganda's refugee response reached Ugandan and international newspapers from February 2018 (Sserungogi et al. 2018). It started in late 2017, when the UN's Office of Internal Oversight Services (OIOS) received 'serious allegations' and launched 'internal investigations' against UNHCR (UNHCR 2018c). UNHCR was initially vague about the exact content of allegations – although rumour quickly pointed to mismatches between reported numbers of refugees and actual numbers on the ground. Refugees and hosts were not the only ones trying to game the system: 'In Uganda it seems that it is humanitarian and government workers rather than refugees who are most grossly manipulating the registration process for their own enrichment' (Charles and O'Byrne 2018). That was not all. Uganda's leading newspaper, the Daily Monitor, reported that UN resident coordinator, Ms Rosa Malango, wrote to The Prime Minister, Dr Ruhakana Rugunda, to:

> [Draw] attention to incidences of gross mismanagement, fraud and corruption in Ugandan refugees operations and in those allegations, numerous theft of relief items for refugees and misapplication of government land for themselves, allegations of trafficking minor girls and married women to men not of their choice and interference in refugee elections and community leaders by staff of Department of Refugees headed by Mr Apollo Kazungu, the commissioner (for refugees) (Sserungogi 2018).

In late 2018, UN OIOS released a damning audit report on UNHCR and its close if troubled partnership with OPM. The report found that OPM officials had been guilty of all manner misconduct, and that UNHCR officials had been colluding with them (Biryabarema 2018). UNHCR was condemned for 'wast[ing] tens of millions of dollars in Uganda in 2017, overpaying for goods and services, awarding major contracts improperly, and failing to avoid fraud, corruption,

and waste' (Parker 2018). This was about more than the everyday petty corruption and fraud that the refugees and hosts had engaged in.

7.6.2 The response: A biometric verification

The response to the corruption scandal, disproportionately focused on rooting out micro-level corruption around the aid distribution. The priority for UNHCR and OPM was to rebuild donor confidence (Parker 2018). To do so, they conducted a biometric 'verification' of the refugees from March to October 2018. Refugees were required to come to the refugee settlement where they had registered, to have their fingerprints, iris scan and photo taken. This data was then stored in a new system, the Biometric Information Management System (BIMS), which would from then on be used to count numbers of refugees and to verify refugees' identity at the time of aid distribution (Onek, Ecweru, and Boutroue 2018). After the verification was completed, the estimated number of refugees in Uganda was reduced: 'from about 1.4 million to 1.154 million' (Parker 2018). In their joint press release about the verification, OPM, WFP and UNHCR explained this reduction:

> Verification exercises conducted in any refugee situation usually result in reductions in numbers. Many factors contribute to these reductions, including movement around the country or beyond, or simply no-shows. In the Ugandan context, these factors played a role. There were also some cases of multiple registrations by refugees at the height of the emergency influxes of South Sudanese refugees between mid-2016 and mid-2017, when registration systems were sometimes overwhelmed by the sheer number and speed of arrivals. These cases were identified and removed from the database (OPM, UNHCR, and WFP 2018).

The focus was very much on the low-level fraud by refugees and hosts around the distribution of aid. In parallel to the verification, the organisations 'rolled out ... ?new food assistance collection procedures ... to mitigate the risk of fraud, ensuring that assistance is well managed and provided only to verified, eligible refugees and asylum-seekers' (OPM, UNHCR, and WFP 2018). What had started as a scandal about the criminal conduct of OPM and UNHCR, was thus seized by them to implement a biometric verification of the refugee population. One does not need to stretch to see an attempt to increase control, and to manage and make more legible a difficult populace with a technology of power (Das and Poole 2004; Scott 1998).

Responses to the larger-scale criminal allegations that the UN OIOS audit report had made (i.e. corrupt procurement, land grabbing, women trafficking) were considerably less energetic. Criminal procedures were started against a handful of OPM officials (Okiror 2020; Sserungogi 2018). The chief suspect, Commissioner for Refugees Apollo Kazungu, was interdicted on corruption related allegations, but he was later reinstated into the same office (The Inde-

pendent 2019). Even if a handful of people had been convicted, that may not have been an adequate solution to the systemic kind of corruption alleged in the OIOS report and in Ugandan media.

7.6.3 Refugee perspectives on the corruption scandal and the verification

I was in Kiryandongo RS at the time that the corruption scandal broke and later when the verification was carried out. It was busy in the settlement and in neighbouring Bweyale. There was almost a festive atmosphere, as South Sudanese people returned from Ugandan towns or even South Sudan to make sure that they were 'verified', so that their relatives could continue to receive their portion of aid. Refugees keenly debated the merits of the allegations and the 'verification' response, and anticipated how it would impact them.

At the time some refugees were hopeful about the verification. My key respondent Elizabeth thought of the verification as a positive step that would help to reduce the number of people in the camp, making it easier for donors to make a proper budget. Some refugees in Kiryandongo RS reasoned that fewer people on the list, would mean that their individual share of the aid would also increase.[82] Those who had come to Kiryandongo RS after the settlement had been closed or after having first registered elsewhere, hoped they would now be formally registered in Kiryandongo RS. We spoke to a Western Equatorian young woman who ran a small restaurant in the refugee settlement. In between serving her unusually many customers, she told us how she was hopeful about the verification. She had moved before from Rhino Camp to Kiryandongo RS, but still had no ration card. The verification, she hoped, would rectify that situation, and would generally improve the aid distribution and 'equality in the camp'.[83]

Other refugees held bleaker views of the verification. They essentially saw OPM officials as corrupt rent-seekers 'eating aid' (used to mean various forms of corruption, like embezzlement) that was intended for the refugees. Once the corruption scandal broke, they worried that things might yet get worse: 'Now that the OPM scandal is all over the papers, they are getting nervous. Now anything can happen. They are under investigation and may even be fired. So they hurry to 'eat' things that are intended for the refugees.'[84]

Years later, the outcome of the verification appeared to have been mixed. Those families whose aid had been boosted by recyclers or returnees, had faced a serious reduction after the verification. And fewer refugees on the list, had not translated to increased rations for those who remained. Instead, the rations

82 Sadly, that did not happen as funding shortages meant that rations would be reduced again in response to COVID-19 in late 2020 (WFP 2020).

83 Interview with 35-year old female refugee, Kiryandongo RS, 13 May 2018.

84 Interview with Western Equatorian refugee in Kiryandongo RS, 7 February 2018.

have been periodically reduced, encouraging some refugees to 'try it again in South Sudan.'[85] But the fear that OPM officials would 'eat' more recklessly after they had come under close scrutiny, appeared not to have come true. Although refugees had much to complain about OPM and UNHCR by early 2019, corruption seemed less of a concern once the verification exercise was completed. Still, many continued to hold the view that government was something often 'captured by' or 'belonging to' certain people and used for private interests, rather than for the common good – let alone for the interests of the vulnerable.

7.7 Conclusions: A hierarchy of place and displacement

This chapter has explored the crucial first phase (half year) after refugees' arrival in Uganda and Kiryandongo RS in particular, and how refugees' experiences were mediated by their varying encounters with the Ugandan state bureaucracy. Uganda's refugee policy has been lauded internationally for being welcoming of refugees, for 'giving' refugees land, and for allowing them freedoms which they do not enjoy in other countries (see Section 7.2). Yet this chapter has shown how refugees and the Ugandan refugee administration clashed both when the former desired permanence, and when they desired continued mobility. This chapter has confirmed that mobility remained a crucial life tactic for many refugees, well beyond their arrival in Uganda (O'Byrne and Ogeno 2020). In pursuit of relatives, security, trade or education – or sometimes out of sheer restlessness – people continued to move within and between refugee settlements, towns, and countries. Many South Sudanese Zande households split geographically, to best suit the different needs of their members (see Section 7.4.4). Some of this mobility was allowed by the Ugandan Refugee Act, but discouraged in practice by state officials.

The main state institution charged with 'refugee management', OPM, was faced with an unprecedented refugee influx, an ambitious mandate and limited time, money and people. In this context perhaps it is unsurprising that some OPM officials only performed their 'services' for refugees who could pay, or that others were accused of a range of corrupt and criminal practices (see Section 7.6). Other OPM officials worked as honestly as possible under these trying circumstances, but typically they, too, prioritized the refugee policy's utopian vision for the settlements over individual refugee aspirations. This vision was to develop marginal rural areas through the refugee influx. To this end, OPM scattered refugees across sprawling settlements, and directed them to 'develop' their plots or lose them. Assuming that refugees would expediently settle on the land allocated to them, OPM did little to resolve land disputes. When refugees were dissatisfied with the plot they were given, they could

85 Email correspondence with anonymous refugee, 14 May 2021.

technically apply for permission to resettle, but OPM officials admitted such requests were rarely granted (see Section 7.4.5). Refugees who arrived in Kiryandongo RS late or who lost their allocated plot were left landless. Local OPM officials also banned refugees from constructing houses with 'permanent materials' in the settlements (see Section 7.5.3). In the eyes of OPM, the refugees were being difficult both when they 'displayed occupation characteristics' and when they continued to be mobile. The various encounters with the bureaucracy confirmed to refugees that government, in Uganda as in South Sudan, could not be assumed to work in their interests. Confronted with the formal strictures of the refugee policy and rent-seeking OPM bureaucrats, refugees turned to relatives, acquaintances, and kind strangers for help. Others turned to an informal land market in which refugees who were 'old' in the settlement, sold land to the 'young' ones (see Section 7.5.2). And in the second phase of their stay in Uganda, refugees would set up various governance structures of their own (see Chapter 8).

This chapter and the last have shown how conflict and displacement interact with social mobility. South Sudan's fragmented wars did not impact all areas or people equally. Local conflict histories and displacement patterns meant that in some communities the benefits of exile could reinforce pre-existing social hierarchies, while it would challenge them elsewhere (Akoi and Pendle 2021). War can have an equalizing influence, with some old South Sudane elites, too, now 'back to zero' (Rift Valley Institute 2016). This chapter has shown the same was true for refugee administration, with old elites now 'naked like Job' or 'surviving on UNHCR'. In the settlement, all refugees received the same monthly 31,000 UGX (8,50 USD) or an equivalent in food. And the former prince and widow were now both subjects to the camp commandants. In some ways, the settlement environment deliberately worked against pre-existing inequalities and hierarchies. Yet there was more aid for female-headed households, and some aid focused on refugees who were categorized as 'extremely vulnerable' (a category which a joint OPM-UNHCR report admits is 'relatively arbitrary') (OPM et al. 2020). The Ugandan refugee policy also fit better for refugees who wanted to farm for survival, than for those more accustomed to leadership roles and/or urban lives and livelihoods.

Generally, it appears that for the Western Equatorian Zande, social hierarchies were reinforced by conflict, displacement, and return. Both leaving Western Equatoria (see Chapter 6) and arriving in Uganda (see Chapter 7) were shaped by, and in turn shaped, a hierarchy of displacement: from the 'involuntary immobile' and internally displaced people unable to leave Western Equatoria, to the diasporic elite in rich countries (see Section 3.4). Wealthy and/or well-connected families, faced fewer risks during the journey, could choose a suitable settlement or town in Uganda (see Section 7.4.1), could better overcome the obstacles posed by street-level bureaucrats (see Sections 7.4 and 7.5), and send their children to good schools. Those children may in the future have better chances of finding work back in South Sudan – as suggested by

earlier returns (see Chapter 4 and 5) – even while their families may remain 'outside' in Uganda or the West (see Section 7.4.4). On the flipside: stayees and refugees sometimes saw mobility – to the city, to Uganda, 'outside' – as a Faustian bargain: You may find education, safety and prosperity, but risk becoming alienated from the social and cultural knowledge associated with (often rural) 'home'. The proximity of difference made many Zande in Uganda nostalgic for the sense of community that they recalled or imagined from 'home'. All Zande I met in Uganda said they wanted to return to South Sudan eventually, saying 'You have no inheritance in a foreign land.' These processes of alienation and the (re)construction of cultural order will take centre stage in the next chapter.

Western Equatorian refugees in Uganda strove to keep the long view of their predicament, and to situate it in the long history of ruptures (see Chapter 2) and movements (see Chapter 3). They knew that by aggregate, the countless dilemmas posed to them throughout conflict and displacement would affect societal change and social mobility. This awareness informed their ideas about the meaning of displacement, their future hopes, and present tactics. Their 'running' and arrival were in first instance reactive to conflict, but often also informed by agentic, aspirational, and future-oriented motives.

8 Displaced traditional authority and the reconstruction of order in Uganda (2016-2019)[1]

8.1 Introduction

After people had settled in Uganda's refugee settlements and lived there for a half year or so, a new phase of refugee life dawned.[2] The dust of 'running' and arriving had begun to settle. Houses had been built. People had received their monthly aid rations several times, and perhaps experienced a change of season. Experiences of time were not linear or universal, but generally this second phase of refugee life was more predictable, allowing people more time for idleness and boredom, and for the haunting memories of war. The picture was partly one of decay and missing. But burnt fields offer fertile soil, and refugees made new attempts at community and authority in Uganda. Western Equatorian refugees' attempted to not merely be objects of political power – pawns in a game played by the Ugandan state or UNHCR – but rather subjects influencing their fate.

This chapter explores a set of interrelated questions around authority and refugee governance during this second phase of displacement. What in this context of loss, confusion, and new possibilities happened to the relations between people and authority? What remained of Western Equatoria's traditional authorities in Uganda? And what other forms of refugee-led governance took shape? And how were these authority structures related to particular identities? To answer these questions this chapter relies primarily on qualitative research with Western Equatorians in Uganda's refugee settlements and towns (see Section 1.2, and Annex 3: Methods). The last section of this chapter zooms further out in both time and place, inviting Western Equatorians in South Sudan and across Uganda to do the same. It explores how in this episode of conflict and displacement people reflected on the future role of 'traditional authorities' in South Sudan, finding just how intimately visions of the past, present and future were connected (see Section 8.5).

Refugee camps are often presented as places of permanent legal and political exception, where 'a massive population of undesirables' is deliberately

1 Parts of this chapter were published earlier as 'Customary Authorities Displaced: The Experience of Western Equatorians in Ugandan Refugee Settlements' (2018) by the author together with John Kenyi.

2 Refugees did not arrive at the same time, so they entered this 'second phase' at different dates.

isolated from normal life (Agier 2011; 2002). People's lives in these places are then described as 'bare' (Turner 2015a; Agamben 1998) or 'wasted' (Bauman 2003), with people living in 'debilitating dependence' (Adelman 2008, 8). McConnachie critically notes the similarities in literature on refugee settlements with that on prisons and of ghettos, in that such places are 'de-politicized and de-historicized', overlooking the potential normality of everyday life from the perspective of their residents (McConnachie 2014, 2; Wacquant 1997).

Looking beyond loss, some scholars have found that social life can also be reconstructed in transformative ways in refugee camps (Agier 2011, 86; Duffield 2014b, 6). And that conflict, flight and exile, 'apart from causing losses and traumas, can also have some gains' (Essed, Frerks, and Schrijvers 2004, 3). Many Western Equatorians, too, held this view having experienced repeatedly that war, displacement and return can catalyse social mobility and change (see Chapters 3 and 7). This time, too, refugees' flight had been coerced by war, but also aspirational. Many refugees hoped to return to South Sudan with something more: like education, ideas, assets, or social networks. Governance structures, too, had repeatedly changed in response to war and displacement (Leonardi 2013). Many Western Equatorian traditional authorities and state ministers were returnees, which had shaped their ideas about their roles (see Chapters 4 and 5). So, when I came to Uganda, I was keen to discover to what extent Western Equatorian refugees would (re)construct old or new forms of governance or order in exile, and the connections that these forms would have with South Sudan across time and space.

Although 'order' carries different meanings, in legal anthropology it often refers to a combination of 'the existence of a shared set of norms, but also to a sense of predictability and feeling of security' (Von Benda-Beckmann and Pirie 2007, 1). By 'order', I do not mean the classical functionalist anthropological vision of a timeless, clearly-delineated and apolitical society or culture (see Section 1.2). Instead, 'order' may be in flux and subject to the competing politics of various actors pursuing their particular interests and vision. In this way, order is linked to concepts like 'authority', 'power', 'sovereignty' and 'control' (Agamben 1998). One person's sense of order and security, may come at the expense of that of another. 'Ordering' is associated with group-making, which involves boundaries and exclusion. In this way, 'order' may well require sacrifice or violence to enforce compliance or conformity (L.H. Malkki 1995; Douglas 2002). In much of (post-)colonial Africa – including its refugee settlements – ethnicity has been used as an ordering principle: With state authorities actively working to promote, entrench and utilize peoples' ethnic or tribal identities (see Section 1.3). Likewise, in contexts of rapid urbanisation, African rural migrants have often also set up 'town' or 'clan' associations in the city (Ekeh 1990, 685). , In contexts where the state does not provide peace and stability – much less social welfare – order may exist 'despite the state', and may in turn influence it (Von Benda-Beckmann and Pirie 2007, 2). In the

Ugandan refugee settlements that this book explores, various parallel attempts at ordering were taking place.

Much has been written on the national and international authorities in governing refugee settlements (Slaughter and Crisp 2009; Kagan 2011). Yet the role that refugees play themselves in governing their settlements, has received much less attention (McConnachie 2014, 11; Jansen 2013). Two of the most insightful studies on the reconstruction of social order in refugee settings, were based on settings where the refugees hailed from the same sub-national (ethnic) group. The refugee camps in the Burma-Thailand borderland that McConnachie studied, were mainly inhabited by 'Karen people.' Similarly, Mishamo refugee settlement in Tanzania on which Malkki wrote her seminal 'Purity and Exile,' was inhabited primarily by Burundian ethnic Hutu (L.H. Malkki 1995). Both authors found that the camp environment was productive of a new 'thriving social capital and community' (McConnachie 2014, 39). But in both those cases, the refugees largely hailed from the same national and even ethnic background.

By contrast, in Uganda most refugee settlements were home to diverse national and ethnic populations (see Section 7.2). And the refugee settlements where South Sudanese were the clear majority were diverse still. South Sudanese refugees had come from all over their vast home country. This diversity was clear for all South Sudanese refugees to see and hear: in names, languages, styles of dress and building, facial scars and customs. Unlike the 'Karen' or Burundian Hutu of the refugee literature, the 'Western Equatorians' and ethnic Zande at the heart of this book were a minority in all Ugandan settlements. How would this position in the diverse settlements of Uganda affect the prospects of social ordering and governance? In terms of national and ethnic diversity, the Ugandan settlements were more akin to Kakuma camp in Kenya, where Jansen also studied social ordering. But like Malkki and McConnachie, Jansen conducted research in Kakuma many years after refugees' arrival, whereas this book is based on research with Western Equatorian refugees in the months and years after their arrival in Uganda. This means that they had had less time to (re)construct social orders, and everything was still very much in flux.

8.2 THE SECOND PHASE: 'SITTING AROUND WAITING TO DIE' OR 'LOOKING FOR GOD'S PLAN'

What characterized life in the refugee settlements in this second phase of refugees' displacement? In the first eventful weeks after refugees' arrival, many had experienced gratitude for having survived the war, for being in Uganda, and for receiving protection and aid: a post-flight 'honeymoon phase' of sorts (DeWolfe 2000). But with time such feelings gave way to sombre memories of the war and hopelessness about the future. Many disaster survivors

subsequently experience 'disillusionment' when, among other things, 'The reality of losses and the limits and terms of the available assistance become apparent' (DeWolfe 2000, 11). This coincides for many refugees with 'a period of hiatus after the shock of uprooting [in which] the loss of role structures means that [refugees] cannot know who they are or who anyone else is until new roles are constructed and people assigned to them' (Colson 2003). These two sentiments – disillusionment and uncertainty – were certainly prevalent among Western Equatorian refugees in Uganda.

Figure 14: Painting by James: A triptych of war, flight and arrival. Commissioned by the author, 2018.

In this second phase, time in Uganda's refugee settlements appeared to slow down: People woke up later, walked more slowly, and sat around more. Whereas both in South Sudan and in Uganda many people woke up before dawn (around 6 am), in the settlement some people did not leave their houses until 9 am. For many Western Equatorians the fall went much further. My key respondent Charles had been shot in Yambio in May 2016, and eventually arrived in Kiryandongo RS that year (see Annex 1: Portraits). At times he was hopeful about the possibilities of exile, and his future back in South Sudan. Yet at other times he was gloomy:

> When we see people moving over the tarmac roads wherever they want to go. They go around for their business. And ours is we kill doctors. We destroy everything every time. Life loses its meaning. It is like. It was a mistake to be born as a South Sudanese.

The existential crisis that Charles experienced at times, speaks to a paradox of Kiryandongo RS. People had settled in this settlement because it offered more prospects than other settlements, but now the proximity of progress and a better life in Uganda, tantalizingly close along Bweyale's tarmacked main road, added a layer to refugees' suffering. Many of my respondents loathed to be, again, refugees and aid-dependent. They complained that they now 'just sit idle' with 'nothing to do.' 'Sitting idle', meant that refugees had little to distract them from their haunting memories and the sombre messages from home. In this light, work or education were not just valuable as ways to make money or get degrees, but also to 'reduce the time for worries to when you come home and eat your beans, or when you lie in bed at night.'[3]

This second phase also brought into sharp focus the different goals that refugees and the 'refugee administration' had with the settlement, and their standards for success. For the refugee administration, the settlement was meant to host refugees and to keep them alive at minimum cost until a 'permanent solution' was found. Hence the emphasis on self-reliance. However, refugees had not just come to Uganda to survive (see Chapter 6). As Charles put it: 'You can keep us alive, but for what? If we have no education we just sit around waiting to die.'[4] These sentiment – the idleness, the despair, the morass of time, the lack of prospects – sometimes translated to a trope: of people wanting to 'go home to die'. Like this mother with too many mouths to feed in a refugee camp: 'I want to back to Yambio, Sudan. If I die at least there is someone who will take care of my dead body, and there is land to be buried on.'[5] Although people did hope to eventually be buried in Western Equatoria, this sort of expression by healthy people mostly served to speak to their discontent with the present.[6] The mother continued, 'Here there is no soap, no salt, no school fees. Food is not enough. None of my children are at school. They are just staying idle.'

'Sitting idle' became a feared enemy, and what psychologists term 'negative coping' was all too accessible in the refugee settlements (Hillary and Braak, forthcoming). Even as refugees were still arriving, sharp businesspeople – mostly Ugandans and 'old' refugees – offered quick distractions: pool bars, stores selling hard liquor and beer, video halls screening Premier League-football.[7] In various refugee settlements there were even slot machines (see photo).

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3 Interview with Charles, Kiryandongo RS, 9 February 2018.

4 Interview with Charles, Kiryandongo RS, 9 February 2018.

5 Interview with 34-year old female refugee, Kiryandongo RS, 13 May 2018.

6 Being buried abroad was seen by many refugees and stayees as a tragedy. The ideal was to repatriate the dead, but this was only affordable for a precious few. Some of the sick and elderly managed to return to South Sudan to die, others were buried in unfamiliar ground (Braak 2018). Conversation with Isaac, Entebbe, 13 September 2018.

7 Ugandans primarily, but refugees also ran shops – especially those who 'were old in the camp' (earlier arrivals).

Figure 15: Slot machine in Rhino Camp refugee settlement. Source: Photo by author, 23 April 2017.

From my field notes of 23 April 2017:

> In Eden trade center in Rhino Camp, I found a group of young guys sitting around a slot machine connected to a solar panel. They told me 'a Chinese' had brought the machines, and was coming every Sunday to collect his money with a lock he had installed on the slot machine. One of the guys estimated that the slot machine collects 500.000 UGX [some 135 USD] per week, which would mean that people would play 1.000 times per week (at 500 UGX per play). That would mean roughly 150 plays per day, or effectively 10 per waking hour. It's possible. It's also very depressing. These people have barely settled, and some guy finds a way to extract money from them through gambling. One of the guys was laughing – 'This gambling is the death of Africa!' – and continued to play. I told the group, 'But guys, you know there is only one reason the guy brought these slot machines? He makes profit off of it. Which means that on average if you play, you will lose.' They all agreed and smiled a bit. But then they said: 'Sometimes you win!' And that was that. They agreed to let me take a picture of the machine, and then I asked for directions for the Zande Chairperson.

It was not all gloom and doom during the second phase of refugees' life in Uganda. Many refugees did go to school, some set up businesses or churches, others even acquired urban property. Refugees worked hard to keep the long view: To recall how wars had ended in the past, how returnees had taken up

good positions in South Sudan, and how in the future they, too, ought to return to South Sudan 'with something'. This chapter explores one of the ways in which refugees sought to regain control over the present and the future, by reconstructing social order.

8.3 SALATIN MA FI: WHY?

8.3.1 The remarkable absence of the chiefs

In Western Equatoria State, traditional authorities had played crucial roles in resolving disputes and connecting their communities to influential outsiders (including the state) (see Chapter 5). When people fled to Uganda, I was curious to see what remained of the traditional authorities in exile. The literature holds that refugee-led authority structures often mimic pre-flight structures, practices and identities (McConnachie 2014, 3). For instance in the 1990s South Sudanese refugees in Kakuma camp in Kenya set up customary courts run by elders who, often along ethnic lines, applied 'customary law' (Griek 2006; Jansen 2018), and sometimes even operated their own prisons (Jansen 2013). When Angolan refugees travelled to Zambia, they were joined by 'ethnic chiefs and elders' who swiftly set up dispute resolution systems in the camp (da Costa 2006, 25). Indeed even during this flight from South Sudan to Uganda, some communities had active traditional authorities (Vancluysen and Ingelaere 2020).[8] In part based on this literature, I had expected to find Western Equatorian chiefs among the displaced in Uganda.

This supposition was further strengthened by the fact that the majority of the chiefs we had interviewed in Western Equatoria in 2014-5 had spent years abroad, often during previous refugee crises (see Chapter 5). Given that mobility was a resource and not everyone was able to pay their way to Uganda, I had expected the chiefs and the Avungara more generally to be more able than most to pay their way. I had also expected the chiefs to have found new ways to be important for their communities in exile, and in particular to have taken up their roles as gatekeepers and dispute resolvers that they have played so skilfully throughout the turbulent history of Western Equatoria (see Chapters 2 and 5).

And yet when I reached Uganda and travelled around the various refugee settlements and towns, asking about the chiefs, I was invariably told that, 'salatin ma fi' (the chiefs are not there). There were very few customary authorities and Avungara men generally in Uganda, and especially so in the settlements. Some had brought their wives and children, but had subsequently returned to South Sudan (see Section 6.6). Intrigued by this absence of tradi-

8 In Rhino Camp and Adjumani, for instance, I was told there were active Dinka and Nuer chiefs. Interview with female elderly refugee, Rhino Camp RS, 12 August 2017.

tional authorities, I asked the refugees why that was, and my research assistants in South Sudan did the same there. We found myriad reasons. One former chief from Western Equatoria who now lived as a refugee in Rhino Camp shared his views:

> [Traditional authorities] will not leave the people behind. Like Jesus said, he cannot really leave his sheep for the [laughs] to be eaten by... [laughs] Yes! So some of them ... are really old in age. They think that they cannot bother themselves running from there... Long distance, coming on foot and this. So they think that this issue of death is from God. Yes. If his [any person] time has come, then there is no way.[9]

The last few reasons the former chief gave here, were mostly reminiscent of the reasons that old people in South Sudan generally gave us for wanting to stay: It is far, we are old, and is death after all not predestined (see Chapter 6)? However, the former chief started with another reason more particular to the chiefs: that they had a special responsibility to their people,

We found that many of our respondents – Western Equatorian refugees and stayees alike – regarded chiefs highly when they managed to shield their communities from the worst shocks of war. Even when there was little that chiefs could do to protect their people from the war, they were expected to show solidarity with 'their people.' In the words of a female stayee in Yambio: 'For Avungara what I know is that these people are always so sympathetic with their people, so it is very hard for them to go anywhere and leave their citizens alone.'[10] The same sentiment, but stronger, was expressed by an elderly woman in a refugee settlement in Uganda: 'You die with your people! That is the spirit we appreciate in them!'[11]

This appreciation was a double-edged sword. It also meant that Avungara were expected to stay during wartime, or risk losing their privileged position, be it to 'other invaders' or powerful insiders.[12] An elder in Yambio explained it well:

> About the Avungara what I know is that this tribe were given the title of Kingship a long time ago and most of them believe that if I run away and leave my people behind, it will be a shame to that clan ... [People] will just say, 'This fearful tribe cannot rule us anymore.' In this case the Avungara will lose their dignity ... The community will replace him immediately with any powerful person in the community. Hence he will lose his title and it will be a disgrace to his generation.[13]

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9 Interview with former chief, Rhino Camp refugee settlement, 12 August 2017.
10 Interview with female farmer, Yambio, 11 May 2018.
11 Focus group discussion (FGD) with elders, refugee settlement in Uganda, 12 August 2017.
12 'The Avungara ruling clans,' one 48-year old stayee explained, 'Most of them have not escaped [ran away] much due to fear of occupying their territories from other invaders.' Interview with 49-year old farmer, Yambio, 10 May 2018.
13 Interview with 53-year old secretary of church, Yambio, 9 May 2018.

This elder described a conditional social contract between the Avungara clan (or 'tribe') (see Section 3.2) and the rest of the Zande 'community'. Some people explicitly historicized this social contract. One civil society leader in Yambio wrote to me: 'Community leaders like the Avungara perceive running from the war as cowardice, because their ancestors conquered large parts of the land during the stone age.'[14] This 'stone age' referred to the 16th-19th century, when the Avungara established themselves as the ruling clan over the wider Zande society (see Section 2.2). Whether the Avungara had gained their privileged position through conquest, consent, or God, everyone seemed acutely aware of the conditionality of this privilege.

Refugees and stayees agreed that for a chief to 'abandon his territory and people, and run away [would] reflect his weakness'.[15] Stronger still, it would reflect 'moral decay and a loss of dignity.'[16] Such chiefly running would also be a harbinger of doom. In Yambio, one 49-year-old woman explains: 'If [the Avungara] run into exile, it implies to the communities that things have gone totally out of hand and all the rest will run because they are the 'flock and the shepherd'.'[17] For chiefs to run away would be interpreted as a captain abandoning the ship, signalling that all hope is lost.

The handful of chiefs from Western Equatoria that we did meet in Uganda, had a personal story of persecution or illness to justify their being in Uganda. Most emphasized, as did other refugees, that they would go back as soon as peace would come – or the political or medical issue that brought them to Uganda was solved. What is more, although they were often referred to as 'chief' by the people around them, there was no policy to actively involve chiefs in the governance of refugee settlements. Even Ugandan traditional authorities, although powerful, do not hold the same local government and judicial roles that chiefs have in South Sudan. As one respondent explained, 'chiefs have no freedom to call for meetings or reconciliation. [Ugandan] politicians interfere, making them fear to carry out their duties.'[18] Another respondent stated, 'from the time I came here, I do not know whether the chiefs are talking or not. The chiefs had never gathered the people and talked to them in relation to the conflict.'[19] On one occasion at an OPM office, I came across a great-grandson of King Gbudwe who had been with the SPLA when he was shot by the Arrow Boys. Now he was a refugee in Uganda. The note I wrote then illustrates much about the lack of authority of Western Equatorian Avungara in Uganda:

14 Email correspondence with Peter, 3 May 2018.
15 Interview with former state minister, Kampala, 13 June 2017.
16 Email correspondence with Peter, 3 May 2018.
17 Interview with 49-year old female cleaner, Yambio, 11 May 2018.
18 Focus group discussion with young men from Western Equatoria, Arua, 25 August 2017.
19 Focus group discussion with women from Western Equatoria, Bweyale, 5 August 2017.

> As I leave the office of the Refugee Desk Officer of OPM, I find a friendly face in the hallway waiting. Mr ..., great-grandson of King Gbudwe is also here. We greet each other friendly and walk outside to chat a bit. We exchange pleasantries, and I learn that he is here to see the Camp Commandant of Rhino Camp to request to be transferred from one section to another. From my conversation with the Refugee Desk Officer and my visits to Rhino Camp, I know such a request is not uncommon and I wonder if his request will be honoured. It is a bit strange to see this man [the offspring of King Gbudwe] now speaking in a humble voice to a relatively young Ugandan camp commandant. Talk about changing authority positions![20]

This encounter suggested that indeed Avungara or chiefly heritage counted for little in Uganda. But it is important to recall that the decline in chiefly authority long predated refugees' crossing of the border (see Chapter 5), and that in previous times, too, the individuals who played chiefly roles in South Sudan had often performed other roles in exile (Leonardi 2013). A Mundu chief now living in a Ugandan refugee settlement described the adapted role of chiefs:

> In the camp here we are not officially given that title or given that power ... Most of my people ... may be in other camps. ... So from time to time, I can visit them and they also used to visit me. We are like a community of Western Equatoria, in general. So on most occasions, we just sympathize. Like with funerals. We really have to sacrifice to go and to pay our respects or condolences there. And what is really difficult for us is to get our people on board to bring them together. Because here, most of these things are done by the local councils, according to the Ugandan system ... What we had before in South Sudan, which is a chief also has his own court in his area, and all this. It is not allowed. Because we are in another country. We are refugees. We have to abide by the rules and regulations of the UN and host community ... [We] also encourage our people that, 'No, this war has an end! And maybe soon.' We cannot discourage them. We also give them hope that soon we will go back to our area of origin. That is really our role here. But I did not see any chief in the camps who was practicing like in South Sudan. ... Some of our people, now they have already gone into the system like a chairperson, cluster chairperson, saving communities. Yes, our people are there. They are fully also engaged with some organizations.[21]

In some ways, he had ceased to be a chief. He described how some people like him had taken up positions in other 'systems', illustrating the flexibility with which people interpreted roles: As people moved, roles also shifted.

20 Anonymized diary entry, Arua, 14 May 2018.
21 Interview with 58-year-old refugee, Rhino Camp, 13 March 2018.

8.3.2 Dispute over drinking water, ethnic escalation, and resolution

Having found that 'the chiefs were not there,' I wondered what happened in the settlements when there were disputes. Who did refugees turn to? Before turning to a description and analysis of the new authorities, I will describe a dispute and its resolution in Kiryandongo RS. It illustrates well the diversity and hybridity of 'authorities' in the settlement, as well as the strained relations between generations and ethnic groups.

During one of my visits to Kiryandongo RS and Bweyale in August 2017, the talk of the town among my Zande friends was a clash between ethnic Zande and Nuer youth. In a manner quite similar to the eruption of violent conflict in Western Equatoria (see Chapter 6), this dispute had started relatively small but then escalated rapidly. I did not speak to the Nuer involved in the fight, or with the Ugandan police. My interest was not in the event as such, but rather in interpretations of it, and response to it, by various people in the Zande community: the youth, the Western Equatorian Chairperson, the Zande Chairperson, a church leader,, and a Zande elder.

The dispute had started when a Zande boy in Kiryandongo RS went to the borehole to fetch water. The queues were long, and people often waited for hours. Two Zande boys involved in the matter, explained what happened briefly: 'He [gestures to the other boy] went for water but the Nuer threw our jerry can away. When my brother asked, he was boxed and they followed us home to fight.'[22] In other words, the initial problem was that one boy had skipped the line. After the initial skirmish, key respondent Charles explained, 'the Zande and Nuer boys both jumped in and started fighting seriously.' The Zande boys claimed that they had been outnumbered.[23] One of them then cut a Nuer boy with a machete. Later that same night, 'the Nuer were even going door to door in some areas to find one particular Zande boy [the one who cut with the machete].'[24]

The Ugandan police came and arrested some of the boys from both sides. From a legal point of view, it was a criminal offense to cut somebody with a machete. But the Ugandan police, the community leadership (see Section 8.4) and church leaders quickly agreed that it was better to solve this problem

22 FGD with former Arrow Boys 1, Bweyale, 6 August 2017.

23 Interview with anonymous refugee, Kiryandongo RS, 5 August 2017: 'Just a few days ago, a Zande happened to go into fight with these Nuer. All of them came. About 15 people to come and fight 3 people. If the boys were not very strong I think they wanted to kill everybody.'

24 He adds, 'We discovered that the Nuer are very organized. They have a group from Bentiu and Malakal, and so on.' Interview with Charles, Western Equatorian refugee in Kiryandongo RS, 4 August 2017.

'at home.'[25] Elizabeth, the Zande Community chairperson (see Annex 1: Portraits, and Section 8.4.2.1), recalled: 'Because we were many, we went to the church with the Nuer chairperson, chiefs and community, and with our Zande community. There were also pastors from both sides.'[26] First, the group discussed how and why the dispute happened. Then the youth were advised not to fight again. The chairperson of the Western Equatorian Community recounted: 'We told them, 'This is not the custom. This is not good' ... If you come and fight, that means it will bring a big fight between the two people.'[27] The latter 'people' referring here to the wider ethnic communities.

Once the youth had been advised in this way, the Zande chairperson addressed the Nuer community: 'The issue has finished, and we need peace. The Bible says that to fight is not good. If we did not want peace, we would have stayed in South Sudan. But because we wanted peace we are here.' The Nuer accepted this plea for peace, and only demanded that the Zande community paid for the medical treatment of the boy who had been cut with the machete. Elizabeth: 'It was 100.000 UGX [some 28 USD]. So everyone was asked to chip in. But it was not enough, so the church also helped with 20.000 UGX.'[28] Once all this was agreed to, Elizabeth went back to the Ugandan police, and told them 'we are finished.'[29]

The dispute was resolved, but people continued discussing it for weeks. The Zande youth seemed less concerned than the elders, and kept their analysis of 'root causes' short. The week after the incident I spoke to a group of Zande boys and young men, some of whom had been directly involved in the fighting. Their relations with youth from other ethnic groups came up:

> Youth 1: The relation with other youth in the camp is somehow OK. Others have their own characteristics. But we like everybody.
> Youth 2: It is a bit good. Some tribes also, maybe it is in their culture? Or it is in their habit. But when you tell them reality, they take it bad. They are quick to fight.
> Bruno: But I heard about the incident at the borehole last week, where some Zande boys fought with Nuer boys, and cut the Nuer with a *panga* (machete)?
> [Laughing]
> Several: He is even among us!
> Youth 4: Some of them may lack understanding. They may think they are the best, but it is not like that.[30]

25 Interview with Charles, Western Equatorian refugee in Kiryandongo RS, 9 February 2018, and Interview with Elizabeth, Bweyale, 9 February 2018. Elizabeth specified that this was done by the officer in charge (OIC) and the officer of the criminal investigations department.
26 Interview with Elizabeth, Bweyale, 9 February 2018.
27 Interview with James, Kiryandongo RS, 5 August 2017.
28 Interview with Elizabeth, Bweyale, 9 February 2018.
29 Interview with Elizabeth, Bweyale, 9 February 2018.
30 FGD with former Arrow Boys 2, Bweyale, 6 August 2017.

The way the youth spoke about the dispute was in cloaked terms, and although they used ethnic stereotypes those were not so explicit. The conversation with the boys quickly turned to other topics, like their football team and hopes for schooling. One of them explained that more than anything, 'We want to learn. We are just sitting like this from morning to evening. Then we get bad thoughts.'[31] Again, they saw 'sitting idle' as their main problem.

The older generation of Zande, by contrast, offered extensive analyses why such a small quarrel could escalate violently so quickly. Often, these analyses gravitated around two connected structural causes: tribalism and generational disorder. Both of these phenomena predated flight, and also figured prominently in the elders' analyses of the war in South Sudan. Many older Zande saw certain ethnic groups – especially Nuer and Dinka – as predisposed to violence, and contrast that with their self-image of restraint and dialogue. A Zande church leader who was involved in the resolution of the borehole-incident, argued that: 'Tribalism among the Azande is not common ... If there are individual differences, we try to solve them. We don't mobilize all. But the Nuer and Dinka, anything happens, everyone gets involved.'[32] Tribalism, to him, was the process by which some 'tribes' fail to analyse small disputes properly before escalating to collective self-defence. In the view of many Western Equatorians, this kind of tribalism was aggravated by the novel proximity of 'others' in the refugee settlements. Charles offered: 'Some people who are conflicting in South Sudan are here in one place. So small things can easily escalate.'[33] The Western Equatorian Chairperson (see Section 8.4.2), speaking just days after the borehole incident, also complained of Nuer tribalism, and added another factor to his analysis:

> Like what I have seen from the Nuer. That you come and see your son fighting the son of your neighbour, and [then] you yourself jump into the fight and just fight without knowing what happened. It is normally not like that. When they fight, they separate them. They will bring their father and the other father and say, 'Let's talk this one out. Me and your father were friends.' Like that one. Start teaching the youth about the mentality they have been living in .... So this is about the connection between the youth and the elder people in our place there.[34]

His 'normally' referred to what in his view ought to have happened: Sons, who inevitably fight, ought to have been corrected by their fathers. And so in the chairperson's eyes, the escalation was due in important part to generational disorder and the erosion of parental and elderly authority over the youth. This mirrored wider debates about the genesis of South Sudan's conflicts, in which generational friction have often been attributed a central

31 FGD with former Arrow Boys 2, Bweyale, 6 August 2017.
32 Interview with 40-year old Zande refugee/church leader, Kiryandongo RS, 9 May 2018.
33 Interview with Charles, Kiryandongo RS, 9 February 2018.
34 Interview with James, Kiryandongo RS, 5 August 2017.

role (Leonardi 2007a, 392). Previous periods of conflict and displacement had also affected changes in South Sudanese gender and generational relations (Kaiser 2006b), and were also reported this time around (Braak and Kenyi 2018, 18). But to what extent these changes were cause and/or consequence of violence and displacement, remained heatedly debated among refugees.

Youth and elders frequently shifted the blame for violent conflict back and forth. Both in South Sudan and exile, the youth were often the ones holding the machete or gun. The elders, however, typically gave the orders or shaped the combustible context of fear, tribalism and distrust.[35] As one former Arrow boy explained, 'Our leaders started the war and pushed it to the youth. Because we do not have education, we do not understand.'[36] In displacement, youth were widely seen to be more open to contact with other ethnic groups than their parents or elders. They organized inter-ethnic football tournaments, hung out in similar places, attended schools and NGO activities together, and even set up small civil society groups. Still, the tribalism that was rife in South Sudan and among their elders, was also affecting the youth. In the words of a church leader in Rhino Camp: 'Although the [youth] are here together, the parents will teach them to hate.'[37]

And so this single incident threw light on a number of important themes in the settlement's dynamics. What started as a minor transgression – line-skipping at a borehole – escalated quickly and violently due in part to the ethnic lens with which youth and elders interpreted it. These two boys were cast to represent 'their people.' This ethnic frame appeared much harder for the older generations than for the youth, who in the settlements often forged inter-ethnic and international friendships. For the elders, meanwhile, the dispute was also about a lack of parental control. Strikingly, the Ugandan police referred the violent incident back to be resolved 'at home' where a variety of refugee authorities became involved. This illustrates well how the most powerful Ugandan authorities in the settlements – the settlement commander and the Ugandan police – often relied on refugees to govern themselves.

8.4 Abundance of aspiring authorities in the settlements

So the Western Equatorian chiefs were absent in exile, but the borehole-dispute illustrated that there was no vacuum of refugee-led authority. Far from it.

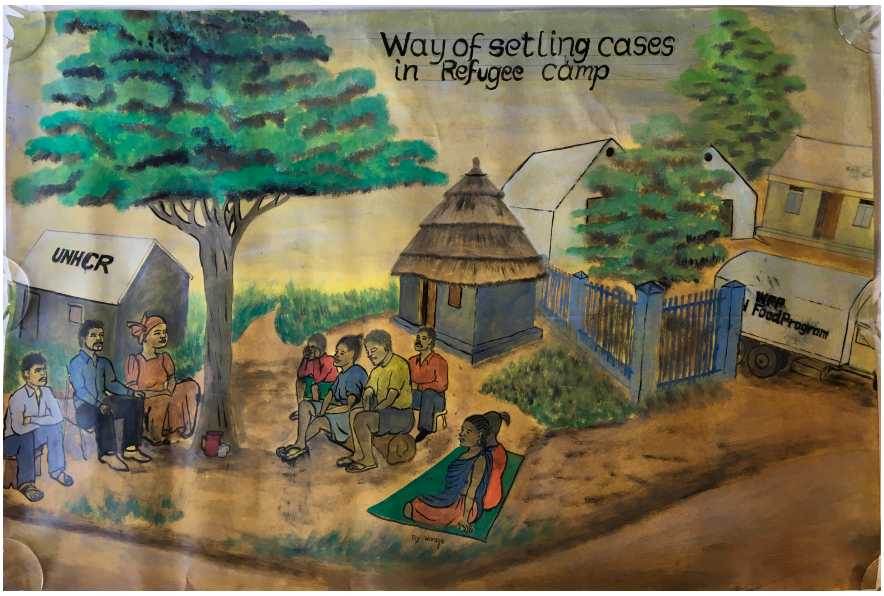
35 In Western Equatoria, for instance, while the members of non-state armed groups such as the Arrow Boys were predominantly young, their leaders were older. The few dozen former Arrow Boys who were interviewed for this study said that they were either abducted or persuaded to fight by those leaders.

36 FGD with former Arrow Boys 1, Bweyale, 6 August 2017.

37 Church leader during FGD with elders, Wanyenga, 12 August 2017.

Already upon arrival, not all Western Equatorian refugees were equal – with some deriving privileged status, wealth and knowledge from their education or socio-cultural standing (e.g., 'elders'), or their work with NGO's, churches,[38] or the South Sudanese government and its institutions. In the second phase of displacement refugees began to set up new authority structures in Uganda. This chimes with McConnachie's finding in refugee camps on the Thailand-Burma border, that 'Through refugee-led camp committees, community-based organizations and political organizations, refugees also exercise and negotiate authority' (McConnachie 2014, 3). However, those camps were already much more established, whereas in Kiryandongo RS (and Uganda more broadly) refugees were still arriving and constructing refugee-led authority structures.

Figure 16: Painting by James: Dispute settlement in the refugee settlement. Commissioned by the author, 2018.



In this section, I will analyse two refugee-led authority structures that were prominent in Uganda, especially in the settlements: the 'Refugee Welfare Councils (RWC) and the Community organizations. I will compare how they were set up, who ran them, the work they did, and some popular perceptions and experiences. The last part of this section will analyse how refugees used the community organisations to lobby for more prominent positions in the RWCs.

38 There were numerous churches in the refugee settlements catering to the religious needs of the refugees and undertaking various development initiatives. They were often set up as a franchise of a South Sudanese mother church, typically with congregations predominantly from a particular region and/or ethnic group.

8.4.1 Refugee Welfare Councils

Refugee Welfare Councils (RWC) or Refugee Welfare *Committees,* were set up by the Ugandan government to help govern the refugee settlements. This system predates the Refugees Act (2006) and Refugees Regulations (2010), and has legal roots in the Control of Alien Refugees Act (1960). 'CARA' gave the 'Director of Refugees' (in today's terms, the 'camp commandant') the power to order a refugee, mostly to aid in the 'orderly and efficient' administration of the settlement.'[39] But scholars have noted that Ugandan state officials have since interpreted the Act to 'allow refugees to settle disputes according to their own cultural norms and traditions ... in their own language, and costs were lower than in national courts' (Verdirame et al. 2005, 186–87). RWCs already existed in Kiryandongo RS and other settlements prior to 2013 (Ahumuza, Odokonyero, and Outeke 2012), but many new ones were set up after the South Sudanese civil war led to a mass influx of new refugees into Uganda's settlements (see Section 7.3.1).

During my research there were typically three layers of RWCs, overlapping with the spatially-delineated administrative levels of the settlement. In Kiryandongo, for instance, the lowest administrative level was the 'cluster' with a RWC 1, followed by the 'range' with a RWC 2, and lastly the 'settlement' with a RWC 3.[40] The chairperson of the RWC 3 was the most powerful refugee in the settlement's governance structure. This configuration mirrored to some the five-level 'Local Council'-system that was operative outside the settlements in Uganda. That system had inspired NGO Oxfam in the 1990s to set up a predecessor system of 'refugee committees' in settlements with Sudanese refugees (Payne 1998, 61). During my research, some refugees referred to the RWCs as 'LC'.

RWCs were run by a chairperson and various other members, such as 'vice, general secretary, [and] secretaries of the treasury, defence, education, youth, women, and people with disabilities.'[41] These portfolios varied. RWC members were in principle elected by other refugees (Hoff 2019; Ogeno and O'Byrne 2018), although some had been appointed by OPM – for instance in the early phase of arrival when they had need for a refugee representative and no time

39 The relevant clause reads: '(a) to ensure that the settlement is administered in an orderly and efficient manner; (b) to ensure the performance of any work or duty necessary for the maintenance of essential services in the settlement or for the general welfare of the refugees; (c) to ensure that all proper precautions are taken to preserve the health and well-being of the refugees; (d) to preserve orderly conduct and discipline in the settlement' (CARA, 1960: Article 13, 2).

40 Divergent terminology was in use in Uganda's various refugee settlements. In some places the units were called 'bloc' (?RWC 1), 'village' (RWC 2) and settlement (RWC 3). In Bidi-Bidi RS people spoke of 'Tanks', 'Blocks' and 'Zones'; and in Rhino Camp of 'Clusters,' 'Zones,' and 'Blocks.'

41 Interview with James, Kiryandongo RS, 7 February 2018.

to organise elections. Where elections were held, they sometimes followed the South Sudanese chiefly electoral system described by Chief Zaza (see Chapter 5), with supporters lining up behind the candidate of their choice.[42] RWC positions were for a two-year tenure, although many members left early. Many RWC leaders had prior experience in the South Sudanese government and/or with aid organisations.

Precisely what RWCs did, depended largely on their members and the various demands made of them.[43] The settlement leadership called on RWCs to communicate policies to the refugee community, to participate in settlement coordination meetings, and to aid refugees in dispute resolution. (I)NGO's would use the RWCs to 'mobilize' or 'sensitise' refugees about their programmes (UNHCR 2019a). Refugees meanwhile looked to the RWCs for the resolution of disputes, for council, to help access and navigate other authority structures (such as the Ugandan police and OPM), and to bring opportunities – like scholarships and trainings. In this regard, they were quite similar to chiefs in South Sudan.

The Ugandan government envisioned RWCs as the first port of call for dispute resolution in the settlements. Common problems included domestic violence, adultery, theft, and friction over water, firewood and land (ownership and boundaries), although some people would also bring assault, rape and defilement. Sometimes, disputes in the settlements were echoes of problems back 'home' in South Sudan or in the DR Congo. In Kiryandongo, the RWC 1 chairperson explained, 'The Congolese who live down there [gestures in a direction] have a lot of problems they bring from home. There they are divided between rebels and government, and they bring that here.'[44]

RWC procedures for hearing and resolving cases differed, also depending on the amount of people and cases in their area. Some chairpersons worked on an ad hoc basis, hearing cases whenever anybody knocked on their door at home in the settlement.[45] Others used a more formal procedure, as one chairperson explained: 'Usually my secretary of defence brings the accused. Then the complainant registers his case, and you write it. Then we hear the accused, the secretary of defence, and then we resolve it.'[46] This procedure – with the 'secretary of defence' bringing the accused – is common across the region in customary and statutory courts. In the late 1990s and early 2000s, researchers found that the RWCs had even appointed armed *askaris* (soldier, guard, police officer) to bring in suspects (Verdirame et al. 2005). I did not

42 Interview with James, Kiryandongo RS, 7 February 2018.
43 Interview with RWC 1-chairperson, Rhino Camp RS, 18 May 2017.
44 Interview with James, Kiryandongo RS, 7 February 2018.
45 Although many RWCs said they keep written records of the disputes they resolved, I was unable to access those so I cannot say much about the precise caseload of the various RWCs. That would be interesting follow-up research. One cluster chairperson estimated that he heard some five disputes in an average week.
46 Interview with James, Kiryandongo RS, 7 February 2018.

see this in person, but one RWC chairperson in Rhino Camp told me they had a structure 'and security personnel within the refugees' as well as youth who 'patrol at night' to arrest thieves and bring them to the police.[47]

The RWCs jurisdiction was limited in terms of persons and substance. Their focus was on refugees. When a case involved also a Ugandan national, OPM required that the RWC referred it to the relevant Local Council (LCs) who would then lead, but might still consult with the RWC. This instruction appeared to be by and large abided by. OPM also required that RWCs refer criminal matters to the Ugandan police, a restriction which was often ignored. What exactly constituted 'criminal' was not always clear to RWCs. And even when it was, the police presence was extremely limited in the settlements (UNHCR 2018b, 14; Parliament of Uganda 2020). At the time of my research, Kiryandongo RS with a population of over 60,000 was policed by 7 officers who were stationed at an office at the entry gate of the sprawling settlement. Where Uganda's general 'police to population ratio' stood at 1: 772 in 2015 (Uganda Police Force 2015), in the settlement it was less than 1: 8500. In this light, it is perhaps unsurprising that RWCs also took on serious cases, such as assault, rape and defilement.[48] RWC members were often uncertain about the sanctions that they could impose. Some insisted that they could only mediate and not impose fines,[49] whereas others said they imposed hefty fines of up to 500,000 UGX (some 137 USD at the time).[50] In the late 1990s and early 2000s, researchers found that RWCs would administer corporal punishment and even imprisonment (Verdirame et al. 2005). I did not come across either during my research.

Refugees' perceptions of the RWCs were ambivalent. People generally told me that RWCs resolved disputes for free.[51] This was contrary to the customary court or chief in South Sudan, and contrary to RWC practice in other Ugandan settlements (Ntegyerize and Onyoin 2016, 14). In the refugee settlements I studied, refugees generally believed that the RWCs had good links to the police. Even if, as described above, the police presence in the settlements was extremely limited this perceived link between RWCs and the police somewhat supported the authority of the former. One refugee explained:

> The person to whom you report is the one who refers you to a higher level. I have not reached there but I have seen it with my neighbours. I heard people are given a final warning before they are referred to other levels. Since my neighbours were given the final warning, they did not repeat the problem. ... I have never heard of a case that has reached the police or the OPM.[52]

47 Conversation with refugee chairperson in Rhino Camp, Bweyale, 12 May 2017.
48 Interview with OPM official, Arua, 14 May 2018.
49 Interview with RWC 1-chairperson, Rhino Camp RS, 18 May 2017.
50 Interview with RWC 1-chairperson, Kiryandongo RS, 7 February 2018.
51 For instance in interview with 27-year-old female refugee, Bidibidi, 18 August 2017.
52 Interview with 27-year-old refugee, Bidibidi RS, 18 August 2017.

One common allegation against the elected RWCs, however, was that they were practising ethnic exclusivism and favouritism when aid organizations brought opportunities like scholarships or vocational training to the settlements. Western Equatorian, let alone Zande, refugees were a clear minority everywhere to other groups – especially Nuer, Dinka and Central Equatorians. One refugee in Bidi-Bidi RS complained, 'We are few from Western Equatoria here. The [ethnic group X] and [ethnic group Y] are many here, and they send their people for trainings. There is no good communication with them from our side.'[53] Another refugee agreed and added, 'Since we came to the camp, there are programmes but you only hear that people are taken elsewhere. They talk to us as well, but we do not get what we are supposed to get.'[54] Whether these sentiments were justified and reflective of actual practices was difficult to establish. The settlements were sites of unlimited needs and limited means. Ethnic and, to some extent, regional differences had been politicised and militarised in South Sudan. In the settlements, people from all over South Sudan lived in close proximity. The sense of ethnic marginalisation and victimhood – shared by so many – combined with real existing poverty to produce a particularly toxic brand of jealousy.

Another fundamental problem with the RWCs was that they were often seen to be weak and unable to address the structural factors undermining peoples' lives in exile. Particularly, they had little power vis-à-vis OPM and UNHCR. One particularly sobering account came from a young South Sudanese refugee and civil society activist, during a workshop on the political participation of refugees held in Kampala:

> RWCs don't represent our voices. They just give us information from above. One way ... There is not a single refugee at UNHCR. These people are working on a system, global. They are accountable to their states. They account to the people that give the money, but not to us who are receiving. RWC are not being given an ear ... If we don't create the space ourselves, no one will give it to us.[55]

The image he painted – of UNHCR [and OPM] not attributing weight to the voices of RWCs and refugees more generally – chimes with earlier literature on refugees in Uganda (Kaiser 2005, 357).

53 FGD with non-Zande men from Western Equatoria, Bidibidi, 19 August 2017. The names of the specific ethnic groups referred to here have not been included, the intention being to highlight attitudes of ethnic exclusivism in general, rather than in relation to specific ethnic groups.

54 FGD with non-Zande men from Western Equatoria, Bidibidi, 19 August 2017.

55 Contribution by a South Sudanese civil society activist and refugee during a workshop by IDEA and IRRI, Kampala, 26 April 2018.

8.4.2 Ethnic and regional community organizations, pursuing unity

8.4.2.1 Community organisations

In the absence of customary authorities and confronted with the weaknesses of the RWCs, refugees set up 'Community organisations' along ethnic or regional lines.[56] Whereas the RWCs were initiated from above, by the Ugandan government, and had a formal role in refugee governance, the 'Communities' were mostly initiated by their members and had no formal role in the settlements' governance. Still, the Communities mirrored the RWCs in that they had a 'chairperson', and a 'cabinet' including 'secretaries' and 'members'. A single refugee could be, and often was, a 'member' of various Communities. In Kiryandongo RS, for instance, there was a 'Zande Community,' an 'Azande Traditional Association,' a 'Western Equatorian Community,' . .and a 'Equatorian Union.' The Communities in the settlements were comparatively new at the time of my research, but they were based on historical precedents. South Sudanese people had set up similar, often ethnic, associations in previous periods of exile to Uganda and elsewhere (Moro 2004; Thomas 2015; Edward 2007, 127; Idris 2005, 65). Members of the Zande Community in Kiryandongo RS told me that they had taken inspiration both from the very well-organized Nuer community in Kiryandongo RS, and from the diasporic Zande in the US and the UK.

The use of the word 'community' in this context may be somewhat confusing, as refugees used the same term also to refer to a set of people that can be grouped together based on origin, locality, livelihood, religious orientation, and so on. The term was also frequently used by (I)NGO's – with or without 'refugee' before it. Social scientists have long found that 'communities' while appearing 'natural' and self-evident, tend in fact to be 'imagined,' historically formed, under construction, and imbued with power and politics (Anderson 2016). That was abundantly clear in the refugee settlements. Here, refugee-initiated 'Community organisations' or 'Communities' (I will use a capital letter to distinguish the formalized version) aspired to be more than simply a group of people sharing a particular characteristic. They presented attempts by particular group members to reify the importance of group membership and belonging, making the 'community' more salient, and steering thinking and behaviour of both its 'members' and the outside world. In other words: *Communities* were like the political manifestations of *communities*.

Both the foundation of Community organisations and the leadership selection, differed from place to place. Consider for instance Elizabeth (see Annex 1: Portraits). When I first met her, she already held various positions: as adviser in a church, translator for the camp management, and as the

56 I came across such organizations in Bidi Bidi, Kiryandongo and Rhino Camp refugee settlements, and in Kampala and Arua.

chairperson for the Zande Community in Bweyale and Kiryandongo RS. The Ugandan government had set up RWCs to be ethnicity-blind representatives of geographical parts of the settlements. Yet when Elizabeth arrived in Kiryandongo RS in April 2016, she was installed in her position as Community chairperson by the settlement commandant precisely because of her ethnicity. She explained:

> Zande were not here ... But if there is a dance that organizations want to organize, they want the Zande to also participate. And I was then in the reception [centre] to do interviews. So this is why the Camp Commandant made me the Zande chairperson.[57]

A year later in April 2017, more Zande had arrived in Kiryandongo and an election was held. Elizabeth was re-elected. 'The community chose me again. They said that I was the one who started it, so I should also stay. The election was only among us Zande, there was no one from OPM.' Later the respective 'Community organisations' of Zande in Kampala, Arua and Kiryandongo RS met in Kampala to hold a 'Zande General Assembly'. There, Elizabeth's tenure as chairperson was extended by three years. By comparison, the Zande chairperson in the city of Arua was first elected ('by show of hands') during a 'general meeting of the community' chaired by the previous chief who was going to return to Yambio.[58] Later his tenure, too, was extended at the General Assembly. These examples illustrate just how fluid and diverse the Community organisations and their leadership selection processes could be.

The precise work of Community organisations prominently included representing the group to outsiders and dispute resolution (see Section 8.3.2). Outside the settlement, in Arua, I interviewed the chairperson of the Zande Community who had been in office since 2014. When I asked him if upon his election, he had been given a specific mandate, he explained:

> Yes, they [did]. But also, if you have been close to the office, you will know what they are supposed to do. And you can ask the former one. The key is to solve problems in the community before it goes somewhere, to the police. So solve things in your own language. Solve it within![59]

This element of 'solving problems within' was echoed by various ethnic Communities in the refugee settlements. One ethnic Moru from Maridi explained: 'Somebody cannot come in and solve something in your house or tribe. We can solve our own problems. Like marriage, sickness, fighting ... To raise a complaint to other tribes is not OK.'[60] Even an RWC-chairperson, ethnic

57 Interview with Elizabeth, Bweyale, 9 February 2018.
58 Interview with chairperson Zande in Arua, Mvepi, 13 March 2018.
59 Interview with chairperson Zande in Arua, Mvepi, 13 March 2018.
60 Interview with Moru former SPLA, Rhino Camp, 11 August 2017.

Zande, concurred with this logic of first trying to solve problems 'within' the confines of ethnicity:

> When someone has done something wrong, you first go to his chairperson of the culture. He then corrects that person in their customary way. If he fails to listen, that is when you bring the law of the country to deal with him.[61]

The RWC chairperson painted a dichotomy between solving problems 'within' using the 'customary way' versus taking problems 'outside' and involving 'the law' and, by implication, government institutions. This related to the dispute resolution forums in South Sudan, where people often also tried to deal with disputes first 'within' (with family or clan members or with neighbours) before taking them to customary or statutory courts.

8.4.2.2 Scattering and unity

Community Organisations' main preoccupation, however, was the unity of the group. This had four main facets: practical, outward-political, trans-local and generational. First, on a practical level refugees were often 'scattered' from the people that they had lived with before flight, and now left to suffer the desolation of exile alone.[62] As one RWC chairperson put it: 'those who didn't come with relatives are left alone.'[63] This meant that work that used to be shared (with the family, clan, village) in South Sudan – construction, cultivation, child raising – in exile often had to be shouldered alone. It also meant that as one 27-year-old female refugee put it, 'everyone is 'free' and lives on his or her own way'.[64] This 'freedom' and individualisation, to many refugees, was a worrying form of rudderlessness. Without groups to belong to, what remains of the self? Many refugees were cosmopolitan at least some of the time – insisting 'we are all Africans, we are all brothers and sisters.' Yet there were communitarian people and moments, too: When a shared humanity did not count as much as proximity – family, clan, ethnicity, religion.

This relates to the second and more outward-political facet of unity: Community organisations were often established on the premise that unity – be it ethnic or regional – offered strength vis-à-vis the other, bigger and more organized groups who in the view of many Western Equatorians dominated the politics and economics of the settlements as well as back in South Sudan. As a former chief from Western Equatoria in Rhino Camp put it: 'The Nuer and Dinka are in big numbers out here. And they have their associations. So

61 Conversation with refugee chairperson in Rhino Camp, Kiryandongo RS, 8 March 2017.
62 WES community leader, Bidibidi, 18 August 2017; and Interviews with James, Kiryandongo RS, 5 August 2017 and 7 February 2018.
63 Conversation with refugee chairperson in Rhino Camp, Kiryandongo RS, 8 March 2017.
64 Interview with 27-year-old female refugee, Bidibidi, 18 August 2017.

they are really getting support.'[65] The establishment of ethnic Communities was not unlike an arms race, in that once bigger ethnic groups (i.e. Dinka, Nuer, Zande) had formed Communities, smaller groups felt compelled to follow. The Balanda community in Arua held a general meeting which was paid for by one man who stays in the US, with the express purpose of 'com[ing] together like the other tribes do, to help ourselves.'[66] Western Equatorians of smaller ethnic groups (e.g., Baka, Avukaya, Mundu) often saw the establishment of Zande Communities as a threat, as they feared it would weaken their shared 'Western Equatorian' Community and identity.

The reasoning of strength-through-numbers was particularly clear with the various 'Equatorian' inititatives. My key respondent Charles explained that they had founded the Equatorian Union, 'With the purpose to bring all Equatorians together for peace and development. We can take that home, and unite the divided people back home!'[67] His vision was that by establishing a strong Union in exile, the Equatorian refugees would be better equipped upon their return to South Sudan to also bring peace and unity there. Again, although the Equatorian Union was newly established in Kiryandongo RS, it built on a long history in which the ethnically diverse people from South Sudan's three southernmost Equatorian states had sought to unite and gain more autonomy from South Sudan's central government, which they often perceived as dominated by especially the Dinka ethnic group (Copeland 2016; D.H. Johnson 2014). On the extreme end, some Equatorians had even called for the independence of the three Equatoria states (Gimba 2018). In the refugee settlement, the Equatorian Union would soon prove very effective indeed in refugee politics (see Section 8.4.4).

A third and trans-local facet of the Communities, was that they aimed to connect the 'scattered' community members across the globe. In Uganda there were sizable groups of Zande in Kampala, Arua, Bweyale, Kiryandongo RS and Rhino Camp. 'Communities' fostered close social ties with and through Zande churches, politicians, and (in Kampala and Arua) with the Zande student associations.[68] When powerful diasporic Zande living in the West – especially the US, Australia, Canada and the UK – would visit Uganda, the 'Communities' sometimes brought their members together to facilitate dis-

65 Interview with 58-year-old former chief, Rhino Camp, 13 March 2018.

66 Interview with Western Equatorian church leader, Arua, 12 March 2018.

67 Interview with Charles, Kiryandongo RS, 29 May 2019.

68 The Zande student associations (e.g., 'the Azande Student Union Uganda') were active, and had a similar formality as the Zande Communities. In Arua, the 'chief' of the Zande community said that 'The Department of the Chief sometimes calls all the students and talks to them on behalf of their parents who are not here. We also organize career guidance events ... Mothers tell their daughters to control themselves. We call nurses to come and talk to the girls to teach them how to control themselves, and how to clean themselves as ladies. Because some girls mess up and get pregnant.' Interview with chairperson Zande in Arua, Mvepi, 13 March 2018.

cussions about the group, about proper behaviour, and about the future of South Sudan. There were also various active Facebook-groups bringing especially ethnic groups together (i.e. 'Zande Kingdom', 'All Azandes in the World', 'Balanda USA').[69] Some of these groups were quite open – allowing me to become a member – whereas others policed their membership much more strictly, even in some instances removing members after their ethnic 'purity' had been called into question. Contact with the diaspora was also a material safety net for refugees. As a former chief from Western Equatoria put it: 'If the community is well-organised and in touch with those out there [diaspora in the West], this can really improve life! You don't want to wait for the UN.'[70] Communities tried to tap into diasporic solidarity.

There was also a fourth and generational facet to the Communities, and their insistence on 'unity'. Especially elders and parents appeared to feel a strong need to consolidate ethnic boundaries and discipline. The refugee population was predominantly young, and some children were staying without parents. The adults often feared that the children would 'get lost' by adopting Ugandan languages and customs. One Zande refugee in Kiryandongo RS reasoned that Communities should help to 'teach our children our culture. Otherwise when we go home they will struggle to adapt.'[71] In a way reminiscent of Malkki's 'Purity and Exile', some refugees argued that cultural order and alienation were also tied to one's place of displacement. The former chief explained:

> Most of us in the camp are still living our traditional life. We are speaking our own language, singing traditional songs. So to keep our people here connected with our origin. In town there are different communities ... So if the family head is not serious by taking care of the children.. He has to keep them connected to the country. After 5 to 7 years the time will be there for us to go back. Then our children should not speak Lugbara and Swahili.[72]

Especially older refugees viewed town as a site of educational and work opportunities, but also as a place of cultural alienation and moral decay. Even if elders, too, acknowledged that what they considered the youth's 'getting lost' did not start with Ugandan town life, or even with war and displacement. Instead, they linked it to a rift between youth and elders which had been growing for decades in South Sudan. This account by my key respondent Charles Bangbe was illustrative of the views that some Zande elders held of

69 Many refugees had (access to) smart phones, and Facebook offered data-free access to a light version of their site in Uganda. One could update one's status, share photos and send messages without data charges. To see photos and videos one would have had to use data.
70 Interview with 58-year-old former chief, Rhino Camp, 13 March 2018.
71 Interview with Western Equatorian refugee in Kiryandongo RS, 8 March 2018.
72 Interview with 58-year old former chief, Rhino Camp, 13 March 2018.

the adverse effects of war, displacement and modernization generally on children's discipline:

> C: Before the 21st century, youth were supposed to follow their elders, parents or guardian. The guardian chooses your career, and the father chooses your partner ... You have to obey. But all of that changed. Now it is all about the consent of the two people.
> *B: And how did that change come about?*
> C: Partly because people went to school. Some even to Uganda, where they met all sorts of other people. But also more generally through the integration and interaction with other cultures. Then human rights came to Africa. And people watch the TV, these Nigerian soaps and so on.
> *B: When exactly did this happen? Did your parents choose your partner?*
> C: No. When I was young the system was evaporating. In rural areas the system is still strong ... Back then, children were not supposed to ask their parents 'why.' But now those questions are there. Then respect was wholesale. Now a child can move out of the home ... This is leading many elders to give up on their young ones.[73]

Like Charles, many active members of the Community organisations were elders and parents, who felt that much was being lost in exile. Their authority over the youth was to some extent tied to the strength of the ethnically-defined 'group,' and so consolidating its boundaries and 'unity' was one of their goals. Very similar patterns and perceptions were observed during the previous period of South Sudanese exile in Kiryandongo RS by Tania Kaiser. Writing about the establishment of 'youth discos' in the early 2000s, she wrote:

> Religious and secular leaders and elders approved only of those discos which they could directly control because of concerns about changing social and sexual mores in the younger generation, and associated fears of a breakdown in their own structures and institutions of authority. For the older, more conservative group, what was at stake was not merely their own authority with respect to these particular situations, but the maintenance of familiar and culturally sanctioned ways of organising social life. (Kaiser 2006b, 198)

In a similar vein, the Community organisations that I found a decade later were not *just* about dispute resolution or even diasporic remittances – they were also attempts to reify the group and consolidate or restore a sense of cultural order. Through these communities, elders tried to encourage youth and children to stay close to their own. For instance, during a Zande meeting in Kampala, one senior politician who flew in from the US advised the Zande

73 Interview with Charles, Western Equatorian refugee in Kiryandongo RS, 4 August 2017.

youth in Kampala not to 'intermarry,' saying 'When the tribe mixes, it will diminish.'[74]

8.4.3 Comparing the RWC, community organizations, and customary authorities

A first difference between the RWCs and the Communities, was that the former were established by the Ugandan settlement authorities and given a formal role in refugee governance. The Communities have more diverse origins but were typically initiated by their leading members, and had no formal role in refugee governance. RWCs' authority was tied to respective administrative subunits of the settlement – it was geographically confined. Community organisations often coupled a geographical delineation with another either ethnic or regional characteristic of its members: The Zande Community of Kiryandongo RS, for instance. As a consequence, the RWCs were focused a lot on harmony between various ethnic or even national groups living in the same geographical area, whereas the Community organisations prioritised the unity of the own group, and its connections to co-ethnics elsewhere. The two represent the archetypes of respectively territory-based and ethnic-based authority (Mamdani 2004, 41; 2018). Authority and belonging in the former were based on place, in the latter on birth and conceptions of 'blood'.

There were also similarities. Members and leadership of both were refugees who with limited means sought to perform some quite similar functions: resolving disputes and gatekeeping between 'inside' and 'outside' (or 'below' and 'above', including to diaspora, government and INGOs). These roles were in turn reminiscent of those of traditional authorities in Western Equatoria (see Chapter 5). When it came to dispute resolution, the role of all these authorities was limited on paper to civil disputes, but sometimes extended in practice to criminal cases as well. In the day-to-day life of refugees, the differences between the authority structures were not always clear. Although only one Community chairperson I talked to referred to himself as 'chief,' colloquially many refugees did refer to them in this way. Often, RWC members also occupied positions of leadership in a Community, and refugees sometimes referred to RWCs as 'community structures.'

There were also similarities in the kinds of people who led the Communities and RWCs. For this research, I spoke with thirteen RWC leaders and Community chairpersons. None of them had worked as chief in South Sudan before, and compared to traditional authorities they were often young, well-educated and experienced at dealing with NGOs. They were motivated in part by the ability to do something for the 'community,' and partly because they felt that the role would teach them useful skills for the future may learn skills that may

74 Interview with Zande student, Kampala, 5 March 2018.

be of use in the future. As one RWC chairperson in Rhino Camp put it: 'Those who were elected as leaders here in Uganda are not paid, but they are given trainings. That will help some of us. They will have the knowledge to do something.'[75] Indeed, after previous return migrations former refugee leaders were sometimes able to secure new positions in South Sudan (Leonardi 2013). Another difference between traditional authorities and these new authorities in the settlements, was that the latter counted more women among their ranks. While chiefs in South Sudan were almost exclusively men (see Section 5.3), UNHCR estimated that some 50,6 percent of the RWC leadership were women (UNHCR 2019a).

The Community organisations, RWCs, and traditional authorities shared an interesting sense of reluctant leadership. Leaders often emphasised that they were elected, appointed or 'pushed by the people' to 'serve', emphasising their self-sacrifice for the common good. Like James, who told me that 'The people wanted me to run ... But I was reluctant ... They even wanted to submit it for me, but I went myself.'[76] While traditional authorities in South Sudan had received some remuneration, the refugee-led authorities in Uganda did not. For this reason, some refused to be (re)elected – feeling a responsibility to provide for their own families before engaging in unpaid labour for the RWCs or Communities. Key respondent Charles, for instance, was more than qualified and had been asked to become a member. When I asked him about this, he explained:

> C: There are clusters, like X, where they didn't elect anyone. So the people came and presented a list. In cluster X, the elders say that they tried to work in the community structure [RWC], but it takes all their time and they get no money. And yet they also have to put food on the table. They need to be motivated.
> *Q: Some people say it is also good to get that experience, and to do something for the community..*
> A: Yes, but for how long will you continue to do it at the expense of your own life? They are not supposed to charge refugees.
> *Q: Perhaps paying them would also be expensive. For these 17 clusters there would be many RWC members.*
> A: Yes, but motivation needs not just be money. It could be soap, salt or just 15 or 20,000 UGX [some 5,40 USD].

The economic deprivation of settlement life, meant that many eligible leadership candidates had to focus on survival. In some ways, this was reminiscent of South Sudan, where already prior to conflict rural areas were struggling to find enough good customary court members, for instance, and where after the eruption of war some government officials and traditional authorities returned to farming to supplement their meagre salaries.

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75 Interview with RWC 1-chairperson, Rhino Camp RS, 12 August 2017.
76 Interview with James, Kiryandongo RS, 7 February 2018.

There was some prestige in holding a leadership position, but this was counteracted by the widely perceived weakness of the RWCs and Communities to do much about the root causes of misery in the settlements. As one RWC chairperson summarized:

> There is no development. People are not stable. There is hunger ... Without peace, people are just in a traumatized state. Everything is a problem. Suffering creates more vulnerability. There is no education. This lifestyle is not all that easy.[77]

The problems that refugees faced were of a scale far beyond the reach of their own traditional or new authorities to resolve. Peace in South Sudan was often seen as a prerequisite for structural change, and for an eventual return home. Meanwhile, many refugees saw their lives in Uganda as a temporary – if prolonged – state of exception, one in which they were 'pushing' to survive and perhaps send their kids to school, but in which the future was often unclear. There was little that the RWCs or Community organisations could do to bring the future back in focus.

8.4.4 The politics of community: 'the battle for camp chairman'

The settlements were thus home to an abundance of aspiring authorities, including ethnic and regional Communities. I soon found out that these authorities also engaged in complicated settlement politics. In December 2017, an election was going to be held in Kiryandongo RS for the coveted position of RWC 3 leader, the highest refugee in the settlement. OPM organised the election, but was persuaded by a group of refugees to change the electoral design. It is worth explaining in some detail what happened, because the run-up to this election illustrated a lot about the practical workings of ethnic and regional Communities in interaction with the RWCs and the Ugandan government. The Western Equatorian Community-chairperson explained the situation:

> I was the chairman for the Western Equatorian Community. And one of our original aims when we arranged ourselves, was that we wanted the chair of the RWC 3 ... We [Equatorians] united ourselves here to fight the battle for the camp chairman [RWC 3 leader]. The previous one [name] was a corrupt Dinka. He would only help his own people with water, electricity, youth centres, scholarships. You know the camp chairman has more power than the OPM – he can call directly with [UNHCR] Geneva.[78]

77 Interview with RWC 1-chairperson, Rhino Camp RS, 18 May 2017.
78 Interview with Western Equatorian Community-chairperson, Kiryandongo RS, 7 February 2018.

The numerically large Nuer, Dinka and Shilluk communities had agreed on a single candidate, and so did the 'Equatorians' (a regional identity spanning dozens of ethnic groups, including Zande). Then, the 'Equatorian Union' came up with a strategy. 'Everything is politics,' the chairperson recalled. 'Some of us tried to play through the OPM and they sided with us.'[79] The Equatorian Union lobbied OPM to conduct the election with their chosen electoral system: Instead of a popular vote (one refugee, one vote) they lobbied to conduct the election 'like an electoral college' (where RWC 1 and 2-members voted for the RWC 3 chairperson). As there were comparatively many Equatorians in RWC 1 and 2-positions, this allowed the Equatorian Union to 'defeat the planning of the Nuer, Dinka and Shilluk.'[80] And then, the 'secretary-general' of the Equatorian Union was elected to become the chairperson of the RWC 3.[81] In sum, the informal 'Community organisations' had skilfully united the group, mobilised its 'members', and lobbied the Ugandan government, ultimately contributing to the election of their SG as 'chairperson' of the RWC 3.

Interestingly, I was told a very similar story around an election at a university in Kampala, where the South Sudanese Student Union was divided between Equatorians on the one hand, and Nuer and Dinka on the other. The Dinka and Nuer jointly supported a Nuer candidate for the general Student Union, and the Equatorians agreed on another. However, then the Equatorians managed to get the support of the Kenyan students – who I was told considered the Equatorians 'the most reasonable South Sudanese' – and win the election.[82] Both in the student election and for the RWC 3, the Nuer and Dinka agreed on a single candidate. That was remarkable given the politicisation and militarisation of the Dinka-Nuer distinction in South Sudan. What is more, these two groups united to compete with the 'Equatorians' – a regional block of smaller ethnic groups.

The refugee politics in exile to some extent mirrored longer-standing histories of the politics of ethnicity in South Sudan. In exile as at home, identities were often formed (or at least invoked) contextually and in opposition to one another. And group membership, boundaries, leadership and allegiances were periodically fixed and hardened, but at other times reconstructed. At home and in exile, South Sudanese communities and their various aspiring

79 Interview with Western Equatorian Community-chairperson, Kiryandongo RS, 7 February 2018.

80 'This election was not up-down (where you first elect RWC 3 and he selects those under him), but down-up (you first have the payam administrators, then the county commissioners, and then the governor). When OPM told us, it was too tough on our competitors, and they complained that they wanted to elect a community leader directly. But OPM didn't want the chaos ... [The Dinka, Nuer and Shilluk] had no people on the cluster level, those are all Equatorians. Because they were aiming only for the top place.' Interview with Western Equatorian Community-chairperson, Kiryandongo RS, 7 February 2018. This story was confirmed to me in interview with RWC 3 member, Kiryandongo RS, 8 February 2018.

81 Interview with Western Equatorian refugee in Kiryandongo RS, 7 February 2018.

82 Conversation with Isaac, Entebbe, 4 July 2019.

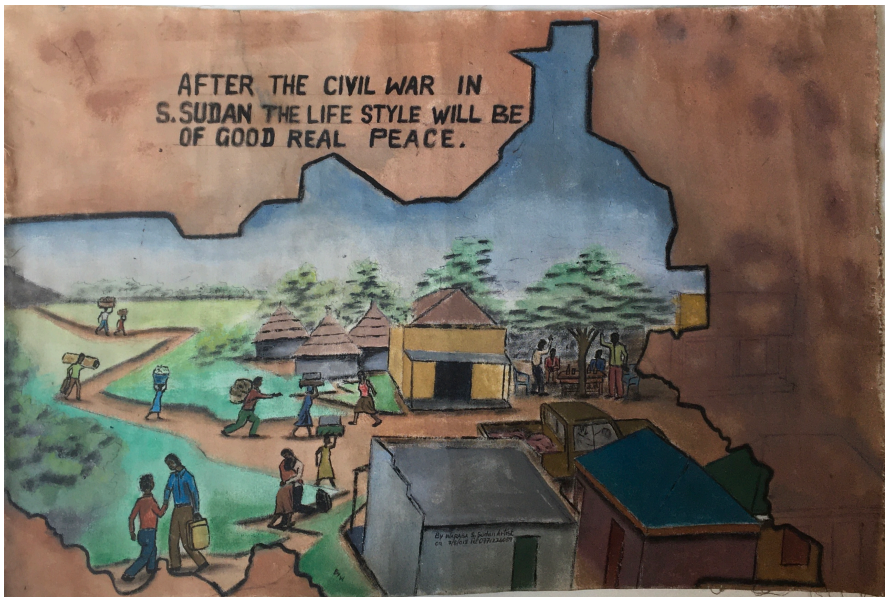
authorities were faced with questions around identity that are familiar in anthropology: To what extent are (ethnic) identities 'essence' or 'positioning' (see Section 1.2)?

Yet it was also interesting to see how the context of exile offered different impulses to the formulation and construction of ethnicity and ethnic politics. Sometimes ethnicity seemed to matter less in the settlements, as all inhabitants shared the 'refugee' characteristic and were united under RWC leadership. Even the regional Community organisations – Western Equatorians, Equatorian – united different ethnic groups that at home may have competed. Yet both the RWC's and the regional Communities were understood by many refugees through the prism of ethnic politics, still. The establishment of regional structures was partly driven by the 'scattering' of smaller Equatorian ethnic groups over the Ugandan settlements, and by fear of other large ethnic groups, such as the Nuer and Dinka. Similarly, the perceived ethnic favouritism practised by majority-elected RWCs motivated ethnic and regional groups to also organise as 'Communities'. The 'battle of camp chairperson' illustrated well how political the linkages between authority and identity were, and how effective some refugees were at framing debates, lobbying government, and winning the post.

8.5 Looking to the future: The enduring currency of tradition, the canvas of the past, and the Zande kingdom

This book takes the long view of war and displacement, trying to understand how these processes have affected societal change in Western Equatoria. From that history, it is clear that what happens in exile is likely to affect the return (see Chapter 3), as returnees take up key positions in government and traditional institutions (see Chapters 4 and 5). Particular to 'Community organisations', the founder of the Zande Cultural Association in Uganda in the 1990s, Joseph Bakosoro later became the governor of Western Equatoria State (S.D. Siemens 2010). In this light, this last section is devoted to Western Equatorian refugees and stayees' contemporary ideas about the future, and the role of 'tradition' and 'history' therein.

Figure 17: Painting by James: a future peaceful South Sudan. Commissioned by the author, 2018.



I had found that Western Equatoria's traditional authorities were largely absent in exile, and that other authorities like RWCs and Community organizations had come up. Then I wondered how this would affect people's ideas about the future of 'traditional authority', both among refugees in Uganda and stayees back in Western Equatoria. I had expected that traditional authorities' self-proclaimed weakness in Western Equatoria in 2014-5 (see Chapter 5) and their absence in Uganda, would have eroded peoples' support for them. The opposite was closer to the truth. To explain why, this section will combine material and insights from South Sudan and Uganda, 'home' and 'exile', to show how especially ethnic Zande envisioned the future of traditional authorities, and the possible reinstatement of a Zande Kingdom.

8.5.1 The enduring currency of tradition: A future more like the past?

Most Western Equatorians I spoke to South Sudan and in Uganda supported the idea of, once again, having stronger traditional authorities in both countries.[83] This widespread support was also reflected in a quantitative survey

83 Methodologically, it is of course possible that people would have felt they had to support 'their' traditional authorities when asked about them by me, a white foreigner. Even when my South Sudanese research assistants or colleagues conducted the interviews, respondents

in Western Equatoria (Rigterink, Kenyi, and Schomerus 2014). In the refugee settlements, traditional authorities were associated on the one hand with urgent practical functions which the RWCs and Community organizations were not now providing effectively (e.g., dispute resolution, gatekeeping vis-à-vis the government and NGOs), and on the other with a proud historical past. In South Sudan, traditional authorities had worked to restore this association with the pre-colonial past, and to de-emphasise the diverse and sometimes problematic roles their predecessors have also played in the last century of foreign occupation and marginalization (see Section 2.3 and Chapter 5). In the uncertain and alienating present, traditional authorities' visions of a future resembling a more stable and comprehensible imagined past have gained currency among Western Equatorians in exile and at home.

However, the meanings of history and 'traditional authority', as well as their proper role in the future, are subject to debate. It is clear to all, including to chiefs themselves, that their claims to 'tradition' and historical rootedness do not rule out future change and reform. The extent of that change, is debated quite heavily by Western Equatorians at home and in exile – with subjects including selection criteria, the position of women, and that of Avungara clan-members (Braak and Kenyi 2018). Beneath the widespread support for the abstract concept of 'traditional authorities', I found that people's reasons and expectations varied quite widely, depending on people's societal position, present troubles, and future hopes and fears. Elderly men often emphasized that traditional authorities were the custodians of culture, language and customary law. They saw the present weakness of traditional authorities in Western Equatoria and their absence in Uganda, as connected to a larger cultural and generational disorder – one which in Uganda they sought to restore through the Community organisations (see Section 8.4.2). Conversely, young men expressed hopes that restored traditional authorities would reverse the inflation of bride prices. As one former combatant explained, 'in those days of [King] Gbudwe, they helped the youth. Unlike now, where people marry using money.'[84] Further, younger people hoped that chiefs would resume their roles as conduits between the people and the (central) government. Another former Arrow Boy explained:

> It is the chiefs who know and present issues to the government. Many people are far from the government and the government does not know about them or their challenges. If anything happens, the government will not know ... It is the chief who knows.[85]

may have felt that it would be disloyal to their family and/or wider community to express criticism. Yet in my experience people were quite happy to critique individual chiefs (see Chapter 5) as well as government (see Chapters 4 and 7). Against this background, I take their support for traditional authorities seriously.

84 Group discussion with former Arrow Boys 1, Bweyale, 6 August 2017.

85 Group discussion with former Arrow Boys 1, Bweyale, 6 August 2017.

This illustrates how for many people, strengthened traditional authorities and even a reinstated Zande Kingdom, were not envisioned as authorities *replacing* government, but rather *engaging* government. This applied both to Western Equatoria (see Chapter 5) and to the refugee settlements, where people wanted to influence OPM, for instance.

Young women constituted another group that I had expected to be sceptical towards traditional authority, presently a male-dominated and partly hereditary form of authority. And yet they, too, appeared positive about stronger traditional authorities – both at home and in exile. The reasons were again varied, but included that as one young female refugee, ethnic Moru, put it: 'It is very important for the chief to be there, but war separated us. If the Chief was here, he would give us advice and security, it would be better.'[86] There were some reasons women gave only for the restoration of the Zande Kingdom, which I will elaborate below.

People's nostalgia for the past and the desire to shape a future in line with visions of tradition, history and cultural order, were not just spoken, they were also performed and materialised. Both at home and in exile, Western Equatorians seemed conscious that identity, belonging and community required *work*, and that in the absence of traditional *authorities* they might still draw on *tradition* and history as sources for inspiration and social ordering. Examples abound. Some were light on tradition, and more focused on unity – such as the many football teams like 'Gbudwe FC'[87] or the musicians.[88] Others, like the 'Azande Traditional Association' had elaborate narratives linking a restoration of the traditional past to an improved future. Founding member Charles explained:

> As we all know people without knowledge of their past history, origin and culture are like a tree without roots, we (Azande Traditional Association) have come to revive and preserve the Azande culture, customs and tradition. If we are to preserve culture, we must continue to create it. For tomorrow belongs to people who prepare for it today.[89]

86 Interview with 19-year old female refugee, Rhino Camp, 11 August 2017.

87 With for instance Gbudwe FC in Kampala and Bakindo (King) FC in Bweyale being formed by young Zande. Both teams included members of other ethnic groups.

88 Zande musician Emmy J Yoere released a song in support of the campaign to crown paramount chief Wilson Peni as King. The song is called 'Kindo' (King). A digital copy, transcript and translation are available with me upon request. Upcoming musician and producer 'Bazande King' is also releasing music from Uganda, always in Pazande and at times explicitly acting like a 'Zande King' resolving disputes. See for instance his 'Mbori Akusi Dee' (2019) at https://www.youtube.com/watch?v=Z0xh06k9_kM [accessed on 5 February 2020].

89 This is from the official website, https://azandetraditionalassociation.com [accessed on 5 February 2020].

ATA was formed in Kiryandongo RS in 2019 by, among others, my key respondent Charles and musician Bazande King, neither of whom was Avungara or had past chiefly credentials. In a similar way, young writer Isaac Hillary was one of two Zande writers working on Zande language-learning books for children in Uganda. Yet in the refugee settlements most people were scattered and too poor to afford the necessary organization (e.g., transport, airtime, food, drinks, airtime). In the cities, better-off refugees were able to afford various 'functions' that brought Zande together. Churches of various denominations in Kampala and Arua served as meeting places for Zande living in and passing through these cities. Urban youth also formed various Zande student associations[90] and a dance and theatre group performing in traditional bark cloth.[91] When Zande politicians or wealthy diaspora came to Uganda, they would often visit Kampala and sometimes sponsor get-togethers for the Zande.[92] The reinvention and reconstruction of tradition, here, was a decidedly modern and globalised affair.

8.5.2 Debating the Zande kingdom, decentralisation, and belonging.

Popular future visions were not limited to the restoration of strong chiefs as 'traditional authorities', but also included the reinstatement of a Zande King in Western Equatoria. In this section I will highlight how these calls for that ostensibly most traditional of institutions, were nonetheless embedded in a very contemporary 'politics of belonging' which was fuelled by national policies and politicians in the context of war.

8.5.2.1 Zande voices favouring a kingdom

The popularity of 'the coronation of a new King' among Zande predated conflict. In 2013 a survey found 94.5 percent of respondents in support (Rigterink, Kenyi, and Schomerus 2014, 60). Political initiatives towards resettlement had been shelved when war came to Western Equatoria in 2015 (see Section 5.3.2), but stayees and refugees continued to speak hopefully about a future Zande Kingdom. The death of King Gbudwe at the hands of the British in

90 Like the Azande Student Union Uganda (ASUU) in Kampala, and various Zande Student Unions of the separate universities. Interestingly, a chiefs' son was elected in January 2020 as president of the ASUU.

91 There were at least two such groups in Uganda doing traditional Zande dances, in which the members would dress in bark cloth attire. Such groups were also active in South Sudan in schools and churches, for instance in Naagori church in Yambio.

92 Governors Bakosoro and Nunu both visited Kampala while I was there, and also met with various churches and the Zande Student Union. In April 2019, a young Canadian Zande visiting relatives in Kampala sponsored a football tournament with majority-Zande football teams from across Uganda.

1905 was a watershed moment in Zande history (see Section 2.2), and continued to be experienced as such by contemporary Zande. Looking back at pre-colonial history, many saw King Gbudwe at the helm of an era of pride, sovereignty, cohesion and hierarchy. In the midst of lifetimes of war, displacement, and confusion, many Zande were drawn to those proud historical visions – and the idea of a future reinstated kingdom. As with traditional authorities more generally, the form and function of a reinstated Zande Kingdom were widely debated.

Since colonial times, traditional authorities in South Sudan had faced scrutiny and competition from new elites: people whose credentials were not based on heritage and tradition, but on (mission-)education, government service, and trade, for instance (Leonardi 2013). I had expected them to be critical of traditional authority and the possible reinstatement of a Zande Kingdom. It would, after all, likely give new impetus to inheritance-based authority and the elevated status of the Avungara clan. But I was wrong. On the possible reinstatement of the kingdom, for instance, two of my key respondents (non-Avungara Zande) argued:

> Charles: When the reinstatement of the Kingdom was discussed, I felt good about it. Without it, the politicians can divide us and crush us in any way. But a local leader talks about local things, not about the government, he talks about his land, his people, their life, how it should be. He is not looking for any position outside there.[93]

> Albert: Restoring it is better ... To restore the respect and dignity the Zande used to have. A government can come and go and reverse policies of previous governments. But the King is permanent, unless he dies. He would help the Azande to develop economically, socially. Once we have a Kingdom, it can give scholarships ... All of this would be done peacefully. Not encroaching on the government system. The Kingdom could be based in Ezo, because it is the centre between the Central African Republic, South Sudan and the DR Congo.[94]

These two older men both had had senior positions in government before the conflict. And yet they expressed distrust and dissatisfaction with the South Sudanese government and the ruling SPLM-party, which they associated with divide-and-rule politics, self-interested politicians, and discontinuity. A kingdom, conversely, to them represented permanence, and its king a genuine representative of local (ethnic) interests who would bring a variety of good things: from dignity to development. The female refugees I interviewed said they supported a reinstated kingdom because they reasoned that a King would

93 Interview with Charles, Western Equatorian refugee in Kiryandongo RS, 19 June 2017.
94 Interview with Albert, Arua, 7 June 2017.

help people to rediscover, appreciate, and restore their 'culture,'[95] and would perform good things for his people: help, teach, care for, defend, 'bring things from outside.'[96] Young men, conversely, argued that restored traditional authorities would help reverse inflated bride prices, and represent their interests to government.

8.5.2.2 'Going where you belong': Dissenting minorities and debates about belonging

Western Equatorian minority groups, in contrast, generally expressed fear about what a reinstated Zande Kingdom would mean for them.[97] In Uganda, non-Zande worried that the Western Equatorian group identity, that was proving very useful in the refugee settlements, was under threat by the aspirations of its biggest ethnic group, the Zande (see Section 8.4.2). The Zande, a minority in South Sudan and in the settlements in Uganda, were still seen by many other Western Equatorians as the hegemon.

Imagining life under a Zande King in South Sudan, some non-Zande felt that, 'other tribes in Western Equatoria would be voiceless and that will bring problems. There will be no unity among Western Equatorians anymore.'[98] Similar to the 'arms race' of Community structures in the refugee settlements, some non-Zande speculated that they would have to respond to the reinstatement of a Zande Kingdom with a kingdom of their own.[99] Contemporary Western Equatoria State was multi-ethnic and multi-lingual, just as the Zande kingdoms had been in precolonial times (see Section 2.3) (Schomerus and Rigterink 2016). However, non-Zande Western Equatorians feared that the reinstatement of a Zande kingdom would undermine their right to remain, or at least their right to remain culturally distinct. Already in 2015, some Zande traditional authorities had argued that minorities ought to abide by Zande customary law: 'You cannot beat a drum within a drum. Whoever stays here has to abide by local rules.'[100]

This idea that ethnically defined people belong in a place, and therefore ought to abide by a given authority structure and customary laws, had been promoted since colonial times in South Sudan and Uganda, and again in more recent decentralisation policies (Justin 2020, 6). In Uganda, a 1993 decentralisation policy created new 'ethnic districts' coupled with 'a territorial regime

95 Interview with 27-year-old female refugee, Bidibidi, 18 August 2017 and Interview with 47-year-old female refugee, Rhino Camp, 11 August 2017.
96 Interview with 30-year-old female refugee, Bidibidi, 19 August 2017.
97 Interview with WES community leader, Bidibidi, 18 August 2017. Of several dozen non-Zande Western Equatorians we interviewed only one thought a reinstated Zande Kingdom would be good: 'so that the Zande get back their culture.' Interview with 27-year-old female refugee, Arua, 24 August 2017.
98 FGD with non-Zande men from Western Equatoria, Bidibidi, 19 August 2017.
99 FGD with non-Zande men from Western Equatoria, Bidibidi, 19 August 2017.
100 Group interview with payam chief and court judges, Yambio, 1 October 2014.

of citizenship and rights' (Nsamba 2013, 49). Administrative units were divided and boundaries redrawn to map more closely onto the perceived (sub-)ethnic groups. In South Sudan, too, President Salva Kiir decreed the creation of 32 states (instead of the constitutional 10) in 2015 (Schomerus and Aalen 2016). The former Western Equatoria State was between 2015 and 2020 subdivided into Tambura, Gbudwe, Maridi and Amadi States, with the first three named after Zande kings (see Footnote 3).

Dividing Western Equatoria State in this way partly answered to popular and elite demands, but it also planted seeds for further divisions. In the minds of some, the 2015 division of states had to be followed by a division of assets (*Radio Tamazuj* 2017), and even of people. One 46-year-old non-Zande Western Equatorian was despondent:

> Our government of SPLA has come to poison and kill us with their states. My paternal uncle was chased from Yambio to Maridi after the creation of the many states, because they said he does not belong there. We cannot not accept the Zande kingdom, for it will make the war continue. Now, everyone is trying to see who to kill or to die with.[101]

His uncle was 'chased' away from Yambio because he 'belonged' to a different city or ethnic group, or both. The speaker's testimony clearly understood this 'chasing' in the context of both the division of states and to the debate about a Zande Kingdom: Both proposed a new, more autochthony-focused reading of identity and authority. In this reading, one could not take up government positions in an area one did not 'belong. As one MP from Tambura put it:

> You know in politics you have to go to where you belong. You cannot pick somebody from somewhere to rule somewhere ... Those pure indigenous citizens of Yambio are the ones now to take political positions [in Gbudwe State].[102]

This close connection between 'purity' and legitimate authority is familiar to scholars of African politics, and often understood as part of the 'politics of belonging'. The logic described in that wider literature, is that national politicians divert opposition:

> From the national to the regional or even the local level. Citizenship is more and more defined in local rather than in national terms. The old ideal of nation-building seems to be superseded by ideological oppositions between *autochthons* and *allogenes* (or "strangers") (Geschiere and Nyamnjoh 1998, 71).

In South Sudan and Uganda, many people adopted this framing at least part of the time. Yet it was also resisted. Many refugees continued to cultivate good

101 FGD with non-Zande men from Western Equatoria, Bidibidi, 19 August 2017.
102 Interview with former MP in Western Equatoria, Arua, 15 June 2017

relations with neighbours from other ethnic groups and other parts of South Sudan, decrying these politics of belonging as a tool that national politicians used to divide and rule: 'They poison us with states'.

In the refugee settlements in Uganda as back in Western Equatoria State, people had experienced and initiated various forms of authority, each with particular ties to identity. Many refugees juggled multiple and ostensibly incompatible identities and memberships, and composed stories that gave their life meaning and direction. They did not need to be exclusive, or coherent.

Talking with refugees about traditional authorities and the Zande Kingdom, often led to conversations about the larger (hi)story of which their own lives are a part. Such conversations were like a canvas on which people painted their visions of history – past, present and future – based on their personal memories, present trouble, and future hopes and fears. In this decidedly personal and subjective effort, some common themes nonetheless emerged. Many people drew on Christianity – comparing their lot to that of the Israelites in Egypt – or on history and tradition – the proud heritage of King Gbudwe. Some did both. My key respondent Charles, for instance, contextualized the attack on his life in Yambio, and his subsequent displacement to Uganda in the following way:

> When something happens to me, I want to believe that God has a purpose for me. And I am looking forward to the plan that God has for me in Uganda. Like this ATA [Azande Traditional Association], perhaps that is one of the reasons that God has kept me alive. Also, the Equatorian Union. We founded that with the purpose to bring all Equatorians together for peace and development. We can take that home, and unite the divided people back home![103]

In Charles' view, things could go together: His belief in God, adherence to ethnic tradition, and inter-ethnic cooperation. Perhaps, if God willed it so, he belonged for some time in Uganda. Above it all, Charles *wanted to believe* in a purpose for his life: designed by God, but to be realised by him. It was in this way that people searched in the rubble of war and displacement, for more than just enormous suffering. To emerge from this experience with 'something more', and to make war and exile productive of new orders and meanings.

8.6 Conclusions: The fertile soil of a burnt past

This chapter has explored the 'second phase' of Western Equatorian people's displacement to Uganda, and what in this context happened to the relations between people and authority. After a brief characterisation of this 'second phase' (see Section 8.2), three sections each offered one main finding. The first

103 Interview with Charles, Western Equatorian refugee in Kiryandongo RS, 29 May 2019.

main finding was that Western Equatorian chiefs were remarkably absent among the refugees in Uganda (see Section 8.3). Most chiefs (and Avungara more generally) had not come to Uganda, or had returned to South Sudan after dropping off their family. Chiefs were seen as obliged to stay in war to protect their communities or at least to suffer in solidarity, so as to safeguard the social contract they had established with wider Zande society. Crucially, most people emphasized that chiefs' 'running' would not just mean 'other invaders' could take over, but than their own people would appoint different leaders. Crossing the border, then, would mean a certain decline in power. This reflects my general finding that some people stayed in South Sudan not because they were too poor to go, but rather because they had too much to lose from leaving (see Chapter 6).

The second main finding of this chapter, was that in the absence of traditional authorities in Uganda a complicated tapestry of new aspiring authorities was taking shape among Western Equatorian refugees (see Section 8.4). The Ugandan state authorities prescribed and installed 'Refugee Welfare Councils' as elected governance bodies performing minor governance tasks over refugees in particular parts of the settlement (see Section 8.4.1). Quite rapidly, however, some of the RWC structures were becoming (seen as) partisan, often along ethnic or regional lines. Partly to counter-act the weaknesses of the RWC and to overcome the 'scattering' of 'their people', refugees set up various 'Community organizations' along ethnic or regional lines (see Section 8.4.2). Although these Communities did not have a legal basis, various Ugandan street-level bureaucrats encouraged their creation so that they could address particular communities, and refer disputes to them to be solved. This illustrated that in Uganda, as in South Sudan, state officials sometimes used ethnicity as the 'ordering' logic, and sanctioned the work of non-state authorities. Non-state authorities then interacted in complex ways, as illustrated in the 'battle for camp chairman' where refugees used the Community organisations to influence the election for the highest RWC-post (see Section 7.3.4). These sections also illustrate how various refugee authorities are tied to particular sub-national identities (ethnicity, region). Refugees carried with them their troubled pre-flight histories, and the civil war echoed on in exile. Many refugees held negative stereotypes about other ethnic groups. And yet new alliances were also possible in exile. The close cooperation between Western Equatorians and Equatorians is an example, but perhaps more surprising were the block of Dinka, Nuer and Shilluk who united both in settlement and student politics in Uganda. This illustrates how refugees constituted various overlapping sub-national 'communities,' the membership of which was invoked contextually.

This chapter's third main finding concerns how Western Equatorians – both refugees in Uganda and stayees – looked to the future of (traditional) authority in South Sudan. Here I found that despite traditional authorities 'weakness' in 2014-5 (see Chapter 5) and their absence in Uganda, most people continued to look forward to a future with strong traditional authorities. For many ethnic

Zande– including youth, women, and non-chiefly elites – this even included a reinstated Zande Kingdom. Beneath this near universal support, though, I found that people's support was based on very different reasons. Some of that was quite practical: lower bride price, obedient youth, etc. However, much of it was also associated with unity, stability, and cultural order. Critically, non-Zande Western Equatorians feared how the aspirations of the Zande would affect them, as they had much to gain from the common 'Western Equatorian' identity and much to lose from intensified 'politics of belonging'.

The construction of history and the role of traditional authority therein, has been squarely part of perennial debates in South Sudan about diversity, identity and citizenship, and their relationship to government and governance. This relates too to John Garang's vision for a 'New Sudan', voiced in opposition to Khartoum's violent and exclusionary politics and economics, and to the debates around 'kokora' and federalism in the 1980s (D.H. Johnson 2014) (see Section 4.2.3). More recently, this chapter noted how Western Equatorians debated the 2015 division of states (and the 2020 unification) in connection with calls to reinstate a Zande Kingdom, and the right of ethnic minorities to remain (see Section 8.5.2). In this way, the 'politics of belonging' were very much alive in South Sudan, built on contemporary interests and historical narratives (Geschiere and Nyamnjoh 1998). In the words of Malkki: 'The construction of a national past ... claims moral attachments to specific territories, motherlands or homelands, and posits time-honoured links between people, polity, and territory (L.H. Malkki 1995, 1). As such the construction of (ethno) national pasts influences not 'just' identity, but also social ordering and the legitimacy of authority.

It is in this light that all the elements of this chapter – the absent traditional authorities, the reconstruction of 'unifying' new authorities, the refugee politics of the settlement, and the enduring appeal of tradition and history – make sense. In the face of war, displacement and the 'dehistoricising' experience of 'refugeeness', the Western Equatorians at the heart of this chapter strived as individuals and in various Community organisations to keep the long view of their predicament (see Chapter 7). This depressing present, then, became more than just rupture, loss and victimhood, and instead part of a longer history and lifetime into (and out of) exile. In a complex way, chiefs' contemporary absence and weakness may have enabled them to remain popular, romanticised even: They, too, had suffered in the war, and were not powerful enough to stop or start it (see Chapter 5).

In a way, talking with refugees about the larger (hi)story of which their life was a part, offered them a canvas on which to paint based on historical memories, present troubles, and future hopes and fears. It seems that refugees whose present is full of hardship and uncertainty, often cope by shifting their temporal perspective away to the past or future (Hillary and Braak, forthcoming). The construction of such meaningful histories had in South Sudan often been the purview of the Chiefs, acting as 'brokers of the present and

the future' (Adjaye and Misawa 2006). Now that the Chiefs were absent in Uganda and people lamented being 'scattered', many refugees became nostalgic for the kinds of order and certainty that they associated with 'home' and 'tradition'. They looked to the past to keep hold of the future.

9 Overcoming ruptures: The pursuit of future

9.1 An ethnography of conflict, confusion, and the pursuit of continuity

Whereas classical anthropologists like Evans-Pritchard sought to reconstruct coherent pictures of 'traditional' societies prior to ruptures, this book instead has sought to write conflict, confusion and the search for continuity into the recent historical ethnography of Western Equatoria, and particularly the Zande. It focused particularly on people's sense of belonging, their changing ties with others and with land, and on competing efforts to 'govern' or control those relations. The main question was: What are the consequences of the long histories of violent conflict and displacement on South Sudanese Zande people, in particular on governance and identity in Western Equatoria (2014-8) and in refuge in Uganda (2015-2019)?

Before I go into these countless consequences, a caveat is that the causality presupposed in this question is confused in real life. In South Sudan, conflict begat displacement (see Chapters 3 and 6), and displacement begat conflict (as with LRA-displaced people in Section 4.4.1). Further, conflict and displacement did not only *cause* particular changes in governance and identity among South Sudanese Zande, they also *resulted* from them. For instance, when Western Equatoria State's 'land demarcation' escalated violently in Maridi (see Section 4.4.2). Or when the increasingly ethnic politics at the national level, trickled down to local perceptions of cyclical disputes between farmers and cattle keepers, which resulted again in an escalation of violence in Maridi, Mundri and Yambio in 2015 (see Chapter 6). So it is more accurate to say that conflict and displacement have interacted with governance and identity among South Sudanese Zande.

The book, itself the result of 'displaced research' (see Annex 3: Methods), explored this thematic in three parts. The first presented a historical overview of the ruptures (see Chapter 2) and movements (see Chapter 3) that affected Western Equatoria State, and especially the Zande. The second part explored how this history influenced the post-conflict reconstruction of land governance (see Chapter 4) and traditional authority (see Chapter 5) in Western Equatoria State (2014-5). The third part analysed how conflict started again in Western Equatoria in 2015 and people's deliberations to stay or move (see Chapter 6), followed by two chapters in Uganda where South Sudanese Zande moved as refugees. There, refugees interacted with Uganda's refugee bureaucracy

(see Chapter 7) and sought to reconstruct their own authority structures to resolve practical problems, foster 'unity', and maintain a long view of their existence (see Chapter 8). Each chapter has its own conclusion, pertaining to the chapter's thematic, geographic and temporal boundaries (see Summary).

In this conclusion I revisit the chapters' main conclusions, and relate them to larger issues and ideas, exploring what forest these trees form. Mainly, I highlight here how people sought to create continuity and future in a context of conflict and displacement. This relates to what trauma psychologists term 'narrative rupture': when the 'existing understandings of home and the events occurring there shatter' (Janoff-Bulman 1992). This has in recent years been applied to conflict-induced migration (Schon 2019). The logic is plain: Conflict violently ruptures our narratives of 'home', and the frameworks of meaning that structure everyday life. And so people leave. Forced migration, in this view, means abandoning one crumbling narrative and setting out for the unknown. And so uncertainty – 'imperfect knowledge and the unpredictability of the future' – is seen as central to conflict-induced displacement (Horst and Grabska 2015b).

Yet our understanding of modern wars and crises has changed. Many of today's 'new wars' or 'complex emergencies' might best be understood not as systematic 'failures' but rather as the functioning of an alternative system (Keen 2008). Anthropologists have shown how crises can be intrinsic to societies' social fabrics and orders, and may not be experienced (only) as breakdown but as context (Lubkemann 2008; Das 2006; Horst and Grabska 2015b; Vigh 2008). Cyclical or protracted conflict still produce uncertainties, but they may paradoxically be familiar to people to an extent. This was the case for many of my interlocutors. Western Equatorians born in the 1960s have often been displaced three times or more (Hillary and Braak, 2022). Conflict and displacement remain generally devastating experiences, but after previous wars South Sudanese people have experienced that not everyone comes out of crisis the same. At war's end, some had military ranks, degrees, language skills, diasporic networks, and were better equipped for peacetime opportunities. This longer perspective is often missing from literature on refugees, which often stresses 'futurelessness' and liminality (Agamben 1998; Agier 2002). Whether and how people see a future for themselves, matters in part because that informs 'life choices in the uncertain present' (Turner 2015a, 174) and the everyday (Piot 2010). However, the future is not a given, and instead subject to individual agency as well (Flaherty 2012; Brun 2016). The same is true for the past.

The consequences of violent conflict and displacement on South Sudanese Zande have been countless and varied, as the preceding sections have demonstrated. Overarching, this book has shown that conflict and displacement have rupturing and unsettling properties, but that these are being resisted by people who try to maintain the long view of their existence. While some people deal with turbulence through a stoic focus on the present, many others shift their

temporal focus to the rich past or a more hopeful, even utopian, future. People look to (increasingly ethnic) identity, (traditional) governance and land as existential and temporal stabilizers in an uncertain world. Past, present and future are connected by material (e.g., children, land, trees, graves) and immaterial things (e.g., education, Zande language, the history of King Gbudwe, ancestors, *Ture* folk tales). These practices and temporal orientations are central to people's quest for survival, meaning, and continuity, and to overcoming the ruptures posed by war and displacement.

9.2 Founding history

Even before the recent civil war (2015-ca 2020) captured in this book, most people had gone through the various stages of fleeing from war at least once. And so the present is only the most recent episode in a long history of conflicts and displacements for South Sudanese Zande. When I asked refugees in Uganda about the effects of conflict and displacement on their (social) lives some would start with the war of 2015, but others would start decades or even a century ago. Conflict and displacement played crucial roles in the very formation of the 'Zande' identity from ethnically and linguistically diverse people joined under Avungara rule (see Sections 2.2 and 3.1). This beginning alerts us to the constructive potential of ruptures.

This book has analysed oral histories, and academic and archival accounts of some key moments in pre-colonial Zande history: Most notably the origin of the Avungara ruling clan, and the reign of kings Gbudwe and Tambura. Gbudwe was the last sovereign king and he was killed during an Anglo-Egyptian colonial expedition in 1905 (see Section 2.3). His death remains a watershed moment that symbolizes in Zande historiography the end to the Zande kingdoms and the beginning of colonialism (see Section 2.4). Yet the pre-colonial kings who now symbolise tradition, ruled at the cusp of modernity. They thrived in the late 19th century through trade and diplomatic ties with foreign forces (e.g., colonial powers, slavers, merchants) and other kingdoms. Although some people now speak of a singular 'Zande Kingdom', both oral histories and archival sources record how prior to colonisation, Zande kings fought wars with each other – also using foreign forces to do so (see Section 2.3). So, while Gbudwe's era is today recalled (and used by Evans-Pritchard) nostalgically as a stable golden age of Zande tradition (see Chapters 5 and 8), his was a time, too, of change, division, and contestation.

Colonial powers occupied the Zande kingdoms, forcing a violent break with the past: They killed or subjected former kings, divided the area across three colonies (present-day South Sudan, DR Congo and CAR), introduced Christianity, and forbade facets of cultural life and customary law. The colonial state then launched various schemes for 'improvement' in Western Equatoria, forcing people to resettle on a massive scale: first to combat sleeping sickness

(1920s), then for the Zande Scheme and to promote 'villagization' and 'tribal discipline' (1940s) (see Sections 2.4 and 3.2). After Sudanese independence (1956) two Sudanese Civil Wars (1956-72 and 1983-2005) (see Sections 2.5 and 3.3) and the LRA-incursions (2005- ca 2012) (see Section 2.6) further scattered and confused people. Still, the lives of people in 'warscapes' were about much more than loss and victimhood (L. H. Malkki 1995; Lubkemann 2008; Leonardi 2013). Even as they had devastating consequences, people also learned to live with and despite of war and displacement, even to seize their opportunities (see Chapter 3).

9.3 Returning to Western Equatoria, reconstructing past and future

The second part of this book deals with a remarkable period of peace in Western Equatoria's history, during which I conducted ethnographic research (2014-5). Yambio was one of the first areas securely under SPLM/A control in the 1990s, and people returned from exile in the years since and especially towards the CPA (2005) and independence (2011) (see Section 3.4). Upon their return to Western Equatoria, people longed for more predictable lives. The passing of time was now again marked by the seasons, Christian calendar, and births and deaths.

Land became a first building block for stable peacetime lives, both for returnees and people who were unable or unwilling to go 'back' to the part of South Sudan they had lived before the war (Justin 2020; Justin and De Vries 2019; van Leeuwen, van de Kerkhof, and van Leynseele 2018). Ironically, people's post-conflict longing for stable peacetime lives fuelled the demand for land which in turn led to countless disputes, some of which again escalated violently (see Section 4.4). In the absence of a single formal tenure system, acceptable proof in land disputes often took the form of temporal witnesses: The memory of local elders or chiefs, trees planted by ancestors, and the graves of relatives. In this context of widespread tenure insecurity, people also established time-resistant material markers on contested land: Building with concrete or even burying relatives (see Chapter 4). The future could not be taken for granted.

9.3.1 Propelled governance ambitions: Returnees for a utopian future.

Some returnees took up positions of authority upon their return. In the aftermath of war and towards independence in 2011, their governing ambitions were propelled by the powerful framing of 'the world's youngest state' 'starting from scratch', recycled among nationals and internationals (Badiey and Doll 2018). In other post-conflict settings, too, the scope of ambition (the acceptable gap between 'is' and 'ought') tends to be bigger than in peacetime, as coalitions

of international and national statebuilders endeavour to transform society away from what it was prior to conflict often towards a more liberal mould (MacGinty and Richmond 2009; Murray Li 2007, 278). In South Sudan, laws were adopted that did not 'mirror' society (or took into account the state's limited capacity), but that rather offered an aspirational future vision. This applied not just to individual rights, but also to institutions: On paper, there were county courts and County Land Authorities in every county, in practice they were the exception (Braak 2016)b.

Displacement also played a role in propelling governing ambitions. Many South Sudanese returned from 'outside' with ambitions to radically transform their home country. As a UK-trained South Sudanese lawyer in Juba put it, 'Don't make a plan with someone who does not understand anything! I make a plea for visionary scientists! ... We need a grand vision. Without it you perish!'[1] In Western Equatoria State, the governor and various state ministers had returned from 'outside' – Uganda, Sudan, the UK, US, Australia – and brought with them hopeful aspirations and foreign expertise. This book has explored in particular how the Minister of Physical Infrastructure, with international support, sought to prepare Western Equatoria's cities for the state of the future (see Chapter 4).

On the road to utopia, state agents often announced they would register 'what exists' (i.a., land, traditional authority) in order to recognize or formalize it. People often desired state recognition for its associated promises of legality and certainty, which were especially important in uncertain contexts. But state-led formalisation exercises tended to sacrifice the relational and flexible possibilities of the 'customary' on the altar of simplicity and legibility. Further, 'registration' was always followed by 'regulation': reconfiguring plot boundaries; limiting the jurisdictions of traditional authorities; filtering out the 'bad parts' of customary law. 'Recognition' also included an economic component: The chiefs' customary courts had to remit a portion of the court revenue to the local government; and once land had been 'demarcated' one had to pay for the lease.[2]

Throughout Western Equatoria's history, utopian visions were rarely matched with commensurate state capacity to bring 'is' and 'ought' in line. This resulted in a crucial role for street-level bureaucrats to invent 'practical norms' and to decide where to focus their limited means and what part of the vision to implement (Bierschenk and Olivier de Sardan 2014; Sharma and Gupta 2005; Hendriks and Boersma 2019). The County Land Authority in Yambio, for instance, remained operational even after donor funding had phased out and local government refused to take over, but it began charging disputants. The High Court judge in Yambio went on 'mobile court'-visits to

1 Interview with UK-trained South Sudanese lawyer, Juba, 5 October 2014.
2 South Sudan's Land Act (2009) did not recognize freehold private land, and so all formalized land was turned into a lease (20, 30, 40 years).

counties without courts to resolve pending disputes there (Braak 2016). It appeared that the higher-level government officials excelled at utopian future planning, and the lower-level ones at the everyday bricolage to remain operational.

9.3.2 Returnee chiefs, reconstructed traditions

War and displacement had 'scattered' many chiefs, just as they had ordinary people. Many chiefs were returnees, too: 2/3 of the chiefs we interviewed in Western Equatoria had lived in other countries. Upon their return, they had to learn about Zande history, tradition and customary law from the stayee chiefs and Avungara elders. During the wars, chiefs had often been forced by armed groups to mobilize recruits, intelligence and food, or they were humiliated in front of 'their people' (see Chapter 5). So in 2014-5, chiefs complained at being weak, and having lost respect. Still, most higher-level Zande chiefs were Avungara, and many traced their origin to the pre-colonial kings. Chiefs cultivated these privileged ties to the legendary pre-colonial past, but those ties did not inhibit future visions. The post-conflict moment of peace, for them, was about reconstructing tradition, being of service (through dispute resolution and brokering) to 'their people', and thereby securing a future privileged position in Western Equatoria.

Crucially, 'tradition' was not just invoked by the chiefs, but also by churches, NGO's and local government. Rather than capturing or monopolizing the currency of tradition (J.L. Comaroff and Comaroff 2018), those other actors legitimized it and, in the process, also elevated the prestige of chieftaincy (see Chapter 5). Piot writes that 'traditional authorities' in Togo stood for the 'decentralised despotism' of the past, and that NGO's and Churches 'refigure temporality – away from a past tied to, while also haunting, the present, to a preoccupation with the future' (Piot 2010, 9). In Western Equatoria State the distinction – chiefs = past, NGO's and church = future – was not at all as clear. Wheeler noted about how 'the Zande church' in the late 1990s was:

> Responding to the turmoil and radical upheaval of the present by presenting itself as the defender of the old ways, perhaps turning inwards, and offering a vision of a past world where authority, tradition and order provided security and assurance. How adequate is this vision for a future which is sure to contain further rapid and confusing change?' (Wheeler 2005, 72).

My findings in South Sudan confirmed that the churches acculturated and reconstructed elements of 'tradition' and history, for example by using the *gugu* drum to call for prayers or setting up a cultural archive. Yet this did not equate a 'turning inwards' or 'offering a vision of a past world.' When churches and chiefs cultivated connections with the pre-colonial past, this precluded neither change and innovation, nor a distinct vision of the future.

Many of the returnee-chiefs were elected precisely because of their ability to connect to the world outside, and 'bring' government and NGO's (see Section 5.4). In fact, I propose that much of chiefs' persistent popularity comes from their promise to connect past, present, and future, and to bring positive changes in harmony with 'tradition'.

While returnees were often uncertain and confused about Zande tradition, they were also among its most active proponents and used their international mobility to do so. The Minister of Local Government, a returnee from the UK, was working to ascertain customary law together with UNDP (see Chapter 5); the Zande paramount chief went on an exchange to Botswana, Ghana and South Africa to meet 'traditional authorities' funded by the Swiss government; and a young UK-based Zande lawyer drew on inspiration from Colombia, Uganda and the US to write a constitution for a to-be-reinstated Zande Kingdom (see Chapters 3 and 8). Both in the 1990s and 2010s, Zande refugees in Uganda had been inspired by the Buganda Kingdom to envision how development and a revival of Zande tradition could co-exist (see Chapters 5 and 8). Governor Bakosoro (2010-15) had helped found the 'Zande Cultural Association' in Uganda when he was a refugee there in the 1990s (S.D. Siemens 2010). Upon his swearing-in in 2010 he wore the traditional bark cloth and ceremonial knife (*mambere*) over his black suit (see Section 2.6). Tradition lend itself very well to modern times and future visions (Geschiere 1997). And it was through contact with others and elsewheres, that present-day Zande imagined their own traditions and the future of their own community.

9.4 'It has started again': To stay or go?

People's biblical hopes and utopian dreams for a peaceful South Sudan, were dealt a devastating blow with the eruption of violence first in Juba (2013) and then in Western Equatoria (2015). There had longer been a sense that at the national level 'government belongs to other people' (de Vries 2015), but that Western Equatoria was a special place where good futures could be envisioned. When war 'started again' with its manifold everyday consequences, that narrative for many was ruptured (see Chapter 6). People who narrated to me their experiences of violent outbursts, recalled exactly when, how, where and with whom that was. As if time slowed down and became precise in those moments. More happened in a few hours than in the week before.

Yet displacement was not an automatic response to conflict, and instead subject of elaborate decision-making within longer lifetimes and histories of repeated movements (Lubkemann 2008). This is not to deny that refugees fled from war (*oto vura*), and that many were individually persecuted. It is rather to draw our attention to the scope for agency – and the way people use it – in devastating structural conditions. While many things were destroyed or erased through war, other things became possible: Refugee settlements in

Uganda opened, and there were UPDF-convoys. When refugees left, displacement pathways were often informed by migration experiences (see Chapter 3) from earlier wars and peacetime (for education, health care, trade). They were also informed by social networks. Some people even returned to the camp where they were a refugee before. Flight was also aspirational: People did not just leave Western Equatoria, they came to Uganda.

Not everyone who was *aspired* to leave the war, had the *ability* to do so. In line with Carling's 'ability-aspiration-model', I found that many of those who stayed behind in Western Equatoria during the height of the war, were *unable* to leave (involuntary immobile) or only able to run to the nearby 'bush'. My research also showed that there are people, even at wartime, may have the *ability* to leave but still no *aspiration* to do so. Many Zande chiefs and Avungara men sent or brought their families to Uganda, but returned to South Sudan to shield their community from the worst shocks of war or, at least, suffer in solidarity (see Section 8.2.1).

Stayees and refugees sometimes disagreed about the meaning and morality of movement, and whether and for whom 'running' was necessary or cowardly, an abandonment or necessary tactic. Such moral debates were shaped, too, by peoples' views of the future. Elderly were often considered 'too old to run', and the children as 'the future seeds of the nation' (see Section 6.6). Precisely because children were seen as vital to the future, people sacrificed to send them to Uganda. There they would be safe from violence and (forced) recruitment, access good English-language schools, so that eventually they would come back better-equipped to take up the sparse 'office jobs' in South Sudan. This tactic was based on earlier experiences of displacement and return, had continued during peacetime, and now fused again with the refugee migration of 2015. When people face significant obstacles on the road to exile, which the better-off or well-connected are better equipped to surmount, displacement is likely to perpetuate social inequalities (Akoi and Pendle 2021). This certainly seemed the case for the displacement of Western Equatorians and Zande to Uganda – as not everyone was able to send children to Uganda and enrol them in schools and universities.

9.5 Refugee settings

Upon their arrival in Uganda's refugee settlements, many people experienced a 'honeymoon'-period of sorts, in which they were grateful to have survived and to now receive food, safety and shelter (DeWolfe 2000). Uganda's refugee policy allowed various negative liberties, which required socio-economic resources to enjoy. And so wealthier refugees enjoyed a wholly different displacement experience from the majority who were poor and dependent on the meagre monthly aid distributions. For them, the future drifted out of focus in the settlements.

Neither the refugees nor the Ugandan refugee authorities were completely at ease with their being in Uganda. The Ugandan refugee administration was only concerned with the refugees because they had crossed the border and were in need of protection and survival. The refugee authorities' mandate over people is limited in time to the period that they are refugees: The periods before and after did not matter. In this way, the refugee label has a tendency to erase history and heterogeneity, and focus all attention on a present, a suspended emergency (L.H. Malkki 1995; Ramsay 2019; Brun 2016). While Uganda's refugee administrators held a longer view of refugee settlements as places that may develop through refugees' presence (Zakaryan 2018), individual refugees were prevented from 'displaying settlement characteristics' and instead frozen in liminality (see Section 7.5). When the Ugandan authorities bulldozed refugees' permanent houses, they were in effect blocking refugees from envisioning and realizing a particular future.

9.5.1 Despair, meaning, and continuity

For many refugees the key to sanity and survival was to maintain the long view of their existence. In the refugee settlements, although incomparable in many ways to concentration camps, some people still experienced a similar sense of future-lessness, living a 'provisional existence' (Frankl 2008, 79). Many of my interlocutors reflected on this predicament of future-lessness. Mary in Kiryandongo RS said, 'I don't know what is between today and tomorrow.' Another refugee in Bidibidi RS said plainly, 'We have taken so long without a certain future.'[3] Many refugees experienced time, now, as imprecise and dull, with the future evaporating in a timeless morass of liminality.

To look for meaning in the troubled present, many refugees shifted their focus from the tormented present, to the past or future. These temporal foci held no fixed meaning, and people 'saw' different things. Some were nostalgic about the past, others found in it proof that they were doomed to be born South Sudanese. Equally, the future to some was a continuation of endless suffering – or the biblical End Times – while others dreamt boldly of diplomas, scholarship and businesses. And not all days were the same. For example, sometimes my key respondent Charles was enthusiastic and full of energy. But on other days I would find him looking in the distance at nothing in particular, grumpy and irritable. He would answer my questions curtly, and lament: 'Some of us, we are expiring. Getting old ... Humanitarian aid just salvages the crisis. You can keep us alive, but for what? If we have no education we just sit around waiting to die.'[4]

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3 FGD with non-Zande men from Western Equatoria, Bidibidi, 19 August 2017.
4 Interview with Charles, Kiryandongo RS, 9 February 2018.

For Charles and many others, displacement periodically meant existential crisis. Some would suffer depression and take to 'negative coping' like alcohol addiction and domestic violence, and 'going home to die' became a trope for expressing despair at the situation in Uganda (see Section 7.3). The Nietzschean adage applied: 'He who has a why to live for, can bear almost any how'. Yet this 'why' was not binary – found or not – instead requiring constant work. Some refugees sought to make their present in Uganda more stable and permanent by buying land, building with good materials, planting trees that took long to grow, edifying their *tukuls* with paintings, getting a Ugandan ID, sometimes even burying relatives (see Chapter 7). Through these practices they were trying to establish a stable foothold in their turbulent lives, in open defiance of the Ugandan laws, regulations and practical norms designed to freeze their liminal status. A central assumption in land formalisation literature is that people will not invest in land when they are tenure insecure (De Soto 2000). Some refugees agreed. As James in Kiryandongo RS put it, 'Here we cannot invest. When you grow a tree here and you have to move back abruptly, you cannot even cut it. But there, you plant trees for the future. For your children. I have 6 plots in my country. Here we sit like this, idle.'[5] Like James, many refugees had little faith in a Ugandan future and (also) prepared their children for an eventual return to South Sudan. Yet both in South Sudan and Uganda, other people would invest in land – title, crops, constructions and graves – to solidify their claim precisely because they were tenure insecure.

9.5.2 Refugee authority

The Zande chiefs were remarkably absent in exile in Uganda, and yet they remained popular. My interlocutors explained this in part by referring to the important roles that the 'weak' chiefs had nonetheless played in South Sudan: to resolve disputes, to broker with the state and NGOs (see Chapter 5). However, there were other more elusive reasons, too. First, people blamed the South Sudanese Civil War on self-serving politicians, on the armed groups, and on militarized youth. The chiefs were largely seen to be innocent of the ravages of war, even if they had also failed to protect their communities from the worst shocks of it (see Chapter 5). Chiefs' weakness and suffering in the war, may have increased their legitimacy among the refugees. Second, chiefs were brokers not just between parties, but between past, present and future. They offered authoritative accounts on the past, and visions of the future, and strove for harmony between the two. Such visions represented not a conservative clinging to the past or a resistance to change, but rather a longing to have more control over its pace and direction.

5 Interview with James, Kiryandongo RS, 7 February 2018.

In the absence of chiefs, a variety of other refugee-led authorities came up (see Section 8.4). This book focused on two secular authority structures.[6] First, the Ugandan state-initiated 'Refugee Welfare Councils' (RWCs) as democratic governance bodies performing minor governance tasks over refugees in particular parts of the settlement. Second, refugee-initiated 'Community organizations' which mostly aimed to counter-act the perceived favouritism of the RWC's, the perceived 'scattering' of 'their people' (defined along (sub)ethnic or regional lines), and to resolve disputes 'within'. These various 'communities' overlapped: Kiryandongo refugee settlement, for instance, had a Zande, Western Equatorian and Equatorian Community. These would cooperate or compete as refugee settlement politics dictated, with ethnic and regional identities situationally emphasized or overcome (see Section 8.4.4). The various authorities also sought to encourage people that this crisis was temporary, and remind them that, 'Tomorrow, next tomorrow we will go back. But let us not go like we came. Let us go with something!'[7] Such temporal reorientations offered meaning, direction and hope in the present.

9.6 'SCATTERING' AND THE RECONSTRUCTION OF IDENTITY, TRADITION, AND FUTURES

> Zande: *Ho I de ngua ni, agu azire nadu na bambura ti abehe na ngbataka na agu anya naana sungo ti nzeremehe ki ngbataka du, ono ka i a mukonga taraha ya ti a funo berewe ki da ni bangua.*
> English: When they cut a tree, the birds that had their houses on its branches and the animals that lived in its shade all run away, and leave the tree. But if the roots of the tree are not uprooted, it will grow again and become the same big tree.
> - Emmy J Yoere, South Sudanese Zande musician based in Uganda, in a song on the reinstatement of a Zande kingdom

I opened this thesis with a paradox concerning identity, sharply observed by Gupta and Ferguson: 'The irony of these times, however, is that as actual places and localities become ever more blurred and indeterminate, ideas of culturally and ethnically distinct places become perhaps even more salient' (Gupta and Ferguson 1992, 10). This book has shown that this holds true for many South Sudanese Zande with whom I conducted my research. Like musician, Emmy J Yoere, cited above. He is a South Sudanese Zande who has lived in Uganda for much of his life, and who sang this song in the Zande language about the reinstatement of a Zande kingdom. Partly due to wars and displacement, 'the

6 Churches were among the first to set up across the sprawling settlements, offering again the biblical frames of reference to their constituents. Their important roles are beyond the scope of this study.

7 Interview with 58-year-old former chief, Rhino Camp, 12 August 2017.

tree has been cut down'. But after rupture, from the roots a new (or old?) tree is likely to grow anew.

Due largely to conflict and displacement, the already diverse and globalised '*Ringara Zande*' (Zandeland) had become even more so, and many Zande now lived 'outside'. The process by which South Sudanese Zande moved to cities, to Uganda, or 'outside' to the Global North – including when it was not in response to war alone – was often labelled by stayees and refugees as 'scattering'. For all the benefits mobility offered, they also saw risks. Older Zande worried especially that the youth would individualise or assimilate, that they would forget 'their' language and learn Ugandan ones, or strike up courtships with non-Zande or Ugandans. As one refugee in Uganda put it: 'Everyone is free and lives on his or her own way'.[8] People did still draw on cultural knowledge – but they did so to justify opposed courses of action. For example, concerning displacement, people would often invoke one of two Zande proverbs: *Batiriki I so ko puu ni baso, nzapia nzapia I so ko pirapira* (He who sat still was hit by the spear, but the one who ran only got bruised); and '*Yo ngba tini a té*' (Literally 'There is no place which is good,' effectively 'The grass is always greener on the other side'). The former was cited by refugees as urging flight, the latter by stayees as urging staying put. Cultural knowledge and norms, here, did not determine people's behaviour, but were rather used to justify it. In previous times perhaps traditional authorities – chiefs, elders, or kings – would give authoritative readings of tradition and the right of course of action. To many refugees, the present 'freedom' represented a worrying form of individualisation. Without a group to belong to, what would remain of the self? In the words of Charles, 'Once you lose your culture, you are not what you are. If you don't speak your language, you don't know your way of life or the history of your people.'[9]

This fear of individualisation and cultural alienation predated the recent displacement, and related to the widely-noted historical practice (or 'tradition') of Zande to value and absorb 'outsider' things (S.D. Siemens 2010, 6; James 1979, 233). The pre-colonial Zande kings – now seen as the embodiment of 'tradition' – were famous for incorporating foreign ideas, people and technologies (see Section 2.3). And after the previous war, too, 'returnees' derived part of their power from foreign expertise and experience (see Chapters 4 and 5). However, many people now felt that the pace of change had been too swift, and that something essentially 'Zande' was at risk of being lost.

This sentiment of threatened loss, spurred efforts to revive 'the culture', tradition and rediscover history. So *why* and *how* is it, in this particular case, that 'ideas of culturally and ethnically distinct places became perhaps even more salient' (Gupta and Ferguson 1992, 10)? In exploring this subject, I took inspiration from Malkki's seminal 'Purity and Exile' which 'explores how

8 Interview with 27-year-old female refugee, Bidibidi, 18 August 2017.
9 Interview with Charles, Western Equatorian refugee in Kiryandongo RS, 4 August 2017.

displacement and deterritorialization ... may shape the social construction of 'nationness' and history, identity and enmity' (L. H. Malkki 1995, 1). Her ethnography on Hutu refugees in Tanzania found a striking contrast between refugees in town who 'tended to seek ways of assimilating and of inhabiting multiple, shifting identities' and those in the camps who were 'continually engaged in an impassioned construction and reconstruction of their history as 'a people'' (L. H. Malkki 1995, 3). While I admire her approach and analysis, my findings are quite different.

Some of these differences can be explained by the historical, demographic, and geographical specificities of our cases. In Malkki's case, 'the homeland' (Burundi) had been captured by another group, and so to many Hutu refugees living in homogenous camps, 'displacement had become a form of categorical purity' (L. Malkki 1992, 35). In my case, even though many South Sudanese Zande left 'home', a larger number stayed in Western Equatoria (see Chapter 6). What is more, the Ugandan refugee settlements were both sprawling and ethnically diverse. A sense of 'categorical purity' was apparent in my research, too, but rather located in villages in 'Zandeland' where my interlocutors assured me 'pure' or 'real' traditions and history still exist.

Malkki found that the urban refugees 'assimilated' more than camp refugees, and were less pre-occupied with the reconstruction of history and tradition. In contrast, South Sudanese Zande refugees in the settlements were often poorer and could not afford to meet one another across the settlements, let alone organize much. Meanwhile town refugees came together for church services and 'functions', and would be visited by diasporic Zande occasionally (see Section 8.5). When a 'Zande General Assembly' was organized in Uganda, it was held in Kampala. It had been the same in South Sudan: All the romanticism about the unspoiled countryside notwithstanding, the practical work of traditional reconstruction (reinstating the kingdom, codifying customary law, rediscovering traditional dresses) required resources, political clout and new ideas – and so it mostly took place in Yambio, with involvement of returnees and/or diasporas. And so there is a sense that ethno-nationalism with South Sudanese Zande was situated not in the idealized country-side (or the dusty camps), not even just in Yambio, but rather in a transnational realm of possibility.

In Uganda in 2017-9, Zande refugees sought to preserve group unity and also to revive elements of tradition. The two did not always go hand in hand. For instance, the Zande community organisations were focused on Zande unity (see Section 8.4.2), and the Azande Traditional Association was about 'record[ing] in all forms the fading customs, culture and language of the Zande.'[10] Youth found one another on the football pitch – setting up various 'Zande' football teams (including Gbudwe FC) which nonetheless often counted non-Zande players as well – and seemed beyond the names to be not at all

10 Interview with Charles, Kiryandongo RS, 28 May 2019.

concerned with traditions or history. Elsewhere, too, Zande youth were actively organizing in Uganda, and used traditional symbols loosely. The Azande Student Union in Uganda (headed after a democratic election in January 2020 by the son of a chief) also organised traditional dances. Young Zande musicians were recording neo-traditional music videos: Dancers dressed in bark cloth, sometimes with royal themes, filmed with a DSLR on a Steadicam, and uploaded to YouTube and spread through Facebook and Whatsapp. Interestingly, these videos looked very similar to those by Ugandan or Nigerian artists. So the revitalization of localized tradition was embedded at least in inter-African globalisation.

This is no Zande or South Sudan-specific phenomenon. The Comaroffs wrote on Mafikeng, South Africa that, 'The production of the local was always also entailed in the effort to fabricate some measure of existential coherence and closure against the cross-currents of history' (J. Comaroff and Comaroff 2003, 162). And Massey wrote: 'What gives a place its specificity is not some long internalized history but the fact that it is constructed out of a particular constellation of relations' (Massey 1993). Through contact with others and elsewheres, the importance of defining the self and the group became more urgent. Seen in this light, perhaps it is not surprising that much of the revitalization of the South Sudanese Zande group identity and tradition, actually began outside 'Zandeland'.

Refugees' interest in Zande history and identity, did not mean that they were not also ably adapting to their environments. The journey to the city or to exile invariable meant meeting 'others' – people who spoke different languages, ate different food, saw things differently, held and performed different identities. Most mobile people learned to hide, exaggerate or perform their various identities – Western Equatorian, Zande, refugee, vulnerable, youth, urban, woman, catholic, etc – as the situation requested (see Section 7.4.2). Each of these terms might become adjective or noun, depending on the interaction (Heinich 2019). Contrary to Malkki's case, this was true also for refugees in the Ugandan settlements, as the 'battle for camp chairman' showed (see Section 8.4.4). So, even as there were initiatives to bolster elements of 'Zandeness', most peoples' everyday experiences with identity were constructivist, performative.

So far, I have mostly explained the *what* and *how* of the salience of Zande tradition and identity: This is how and where it was organized. The *why* is complicated. I propose two main reasons. A first reason relates to people's disappointment with the 'South Sudanese' identity. The politicization of ethnicity (and its connection to 'territory') has a long history in South Sudan: from the colonial 'Zande District' and 'tribal discipline', through Sudan's 'Kokora' and the 2005 Zande-Dinka clashes (see Section 2.6). The promise of independence was, in part, about southern unity across ethnic and regional divides. Yet already by 2014-5 many Western Equatorians considered that the national government 'belongs to other people' (de Vries 2015) who catered

to their own (sub)ethnic groups. Ethnicity and family relations became a shorthand for access to things like land and jobs (Justin and de Vries 2019; Schomerus and Aalen 2016. In this light, it is tragic but perhaps unsurprising that following the division of states of late 2015 and the creation of Gbudwe State, some non-Zande Western Equatorians were reportedly 'chased away from Yambio' because they did not 'belong' there (see Section 8.5.2). Equally in Uganda, many refugees felt they ultimately did not belong. One Zande woman who had lived as a refugee in Kiryandongo RS for over 50 years since the first Sudanese Civil War, said she still did not feel like, nor was seen as, a local (Zande: *boro kono,* 'person here').

This relates to the second reason for the enduring importance of Zande tradition and identity: people's desire for stability, for a future vision, and for a (hi)story to be a part of. The Ugandan government and its street-level bureaucrats made it abundantly clear that refugees' welcome was temporary (see Sections 9.5.1 and 7.5.3). And so even as refugees sought to establish a foothold in Uganda, most saw their future back in South Sudan. A Zande expression says, '*Kumbo boro kua baramu yo te*' (A person has no inheritance in a foreign land). The most significant inheritance for most Zande was land. Leaving home – geographically and socially – meant forfeiting that inheritance. Land was not just of increasing economic value (see Chapter 4), it was also an important source for continuity and belonging. It was where the ancestors were buried. Some Zande mothers in Uganda would send their umbilical cords back to be buried in 'Zandeland', and people who could afford to do so would rather repatriate their dead than bury them in Uganda (Hillary 2020).

The uncertainty brought by conflict and displacement made it all the more visible that essential connections between people, places and times are, in fact, constructions and hard work. The ostensible friction between *constructivist* and *essentialist* readings of identity, and between *traditions* and *modernity*, appeared not to bother people as much as they have academics. Musing on the appeal of a reinstated Zande Kingdom, my key respondent Albert explained:

> A government can come and go and reverse policies of previous governments. But the King is permanent unless he dies. He would help the Azande to develop economically and socially. Once we have a Kingdom, it can give scholarships. In the future, we trace the history of our ancestors.[11]

9.7 Future research

The strength of this book – its multi-sited, longitudinal and interdisciplinary approach – has also been its weakness. Each chapter dealt with a thematic

11 Interview with Albert, Arua, 7 June 2017.

and academic sub-field, which would have merited an entire book. I have barely scratched the surface of the many captivating fields of inquiry I have explored, and then there are subjects which I wondered at but was not able to explore in this book. Here I mention a few possible directions for future research.

In South Sudan, Western Equatoria's customary courts merit a thorough quantitative study to follow up on this book's exploratory findings (see Chapter 5 and Annex 4). For this book we digitized customary court records to get insights into their case load and resolutions. It would be fascinating to do this over a longer period and in more courts, and to analyse the results against locally-specific timelines of conflict and peace and follow-up qualitative interviews. In this way, one could learn how periods of insecurity affect both 'justice seeking' and the functioning of the customary courts.

In Uganda, my research on refugee authority structures took place during the first few years after refugees' arrival. Things were just being set up. The literature on refugee settlements suggests that ethnicity often becomes a more important organising principle over time (see Section 8.1). It would be interesting to research whether that is the case with Western Equatorians in Uganda, partly by looking at the ethnicity- and region-based authority structures. The interaction of these structures with the state-initiated Refugee Welfare Councils also deserves more elaborate research (Vancluysen and Ingelaere 2020).

Future research may also further explore multi-sited ethnographic topics and methods. I would suggest three topics here. First and most practically: the return. When and why will which Western Equatorians return from Uganda to South Sudan? And do their experiences of return match their expectations? Will those who were young and in school in Uganda indeed take up 'office jobs' and chiefly positions after their return to Western Equatoria? And how will the return impact (ethnic) identities? Will 'returnees from Uganda' form groups in Western Equatoria, just as there were 'those from Khartoum' before? What will relations between returnees and stayees be like? And what will all this mean for aspirations for a reinstated Zande Kingdom?

A second multi-sited ethnography could focus on the three Zande-majority areas in the DR Congo, South Sudan and the Central African Republic. The Zande were divided by colonial boundaries (see Sections 1.2.1 and 2.4). But at the same time, people have continued to cross these borders, including to 'run from war' and to seek shelter with relatives on the other side (Hillary 2021). A fascinating multi-sited study could be done across these borders on enduring cross-border mobility and connections, or contrasting and comparing (particular elements of) traditions. Given that the colonial borders have also divided subsequent scholarship on these areas areas, perhaps the best candi-

date to carry out such research would be a Zande-speaker with good knowledge of French and English.[12]

Finally, a multi-sited ethnography could analyse the increasingly globalised Zande community, also in the West. This book has mostly focused on Zande people in South Sudan and Uganda, and I have only glimpsed at the roles of diasporic communities in the UK, US and Australia (Barnes et al., 2018). Anecdotal evidence collected during this research suggests that diasporic communities (and periods) are a significant component of the increasingly globalised 'imagined community' of Zande. A first facet of this global community are the money flows (e.g., trade and remittances) which are significant, but which people are secretive about. A second facet are the social media channels which are often (partly) managed by diaspora in the West but through which Zande everywhere communicate, often in Zande language, about culture, traditions, and politics. A third facet of this global community, are the marital relationships. Anecdotal evidence suggests that some diasporic Zande want their children to marry 'from home', giving life to complicated long-distance courtships with eligible young Zande in South Sudan and Uganda. Why and how this happens, could teach a lot both about life for people of colour in their new countries, and about the enduring salience of the Zande identity and community in times of globalisation and abundant change.

Perhaps more fundamentally, I hope that in the future South Sudanese people themselves will write more about their cultures and histories, asking new questions and finding different answers. Many South Sudanese people have rightfully become sceptical of foreign 'experts' like myself. Most expertise I have is a distilled version of what I was taught by my interlocutors, the real experts. Then again, what is not written, risks being forgotten. I am overjoyed in this regard to have met Isaac Waanzi Hillary, whose writings about Zande culture and history are available on his Worondimo-blog. I hope he and others like him will be given the opportunities to study, research, and write.

9.8 In closing

This book started with a distressed phone call from Peter in Yambio, prior to his flight to Uganda. A single episode in a single story. The intermittent years and pages were full with the experiences of others who, like Peter, navigated conflict and displacement to the best of their ability. Their lives have been cacophonous and confusing. I have attempted to make this book slightly less so, by inducing more general patterns and trends. However, the map is

12 These colonial boundaries instilled a linguistic and scholarly divide, too: between French-speaking research on CAR and (this part of) the DRC, and English-speaking research on the Sudans.

not the territory. Knowledge is reductive and selective (Hastrup 2004, 456), and 'a text is not the phenomenon we study or the experience of researching it' (Lund 2021, 66). Much less is it the individual experiences of the people on whom this book is based. To acknowledge the perseverance of human individuality and complex ingenuity in wartime, I have included five elaborate portraits in the first annex.

Summary

OVERCOMING RUPTURES
Zande identity, governance, and tradition during cycles of war and displacement in South Sudan and Uganda (2014-19)

Classical anthropologists like Evans-Pritchard sought to reconstruct coherent pictures of 'traditional' societies prior to ruptures. But if ever there was a stable time of coherent traditional life in South Sudan, it is not in living memory. The last century was marked by foreign occupation, prolonged civil wars, and displacements, alongside globalisation and modernisation. This book writes conflict, confusion, and the search for continuity into the recent historical ethnography of the Zande of South Sudan. It focuses on the ties between people, between people and land, and the competing efforts to control those ties. These three foci relate to proto-legal questions that underpin human society: Who are we? To whom and where do we belong? And whose authority do we accept? This book shows that these foundational questions gain new urgency and salience in times of war, displacement, and return.

This book draws on multi-sited ethnographic research in Western Equatoria State, South Sudan (2014-8) and in various towns and refugee settlements in Uganda (2015-9). War made my research area in South Sudan inaccessible, and when nearly a million South Sudanese sought refuge in Uganda I decided to continue my research there. The research material collected includes customary court records and observations; notes on ethnographic 'hanging around'; and hundreds of interviews with refugees and stayees, chiefs and elders, government officials and former combatants, and ordinary people. The book contributes to the literature on South Sudan and the Zande people, and the thematic fields on civil war, forced migration, refugee governance, traditional authority, and land formalisation.

The introductory Chapter 1 sketches the study's geographical, conceptual, and disciplinary contexts. It discusses how its central concepts – 'ethnicity' and 'identity', 'war' and 'displacement', 'governance' and 'tradition' – ought to be understood and researched in contemporary South Sudan. The chapter also reflects on anthropologists' complicity in the construction of 'traditional authorities' and 'tribes', both of which were central components of colonial states' indirect rule-policies. Although anthropologists have tried to move on – seeing identities now as constructed, negotiated, and performed – outside

the academy essentialist ideas about identities live on and sometimes resurge. This book joins a small group of ethnographies of war and displacement, to show how periods of rapid and often coercive change can inspire people's renewed interest in their history, tradition, and identity. The introduction ends by sketching the outline of the book.

Chapter 2 offers a concise historical foundation for the rest of the book, focusing on the origin of the Zande, and the interaction between their authorities and various colonial and post-colonial states (1500s – 2014). Sources on the pre-colonial past – colonial-era archival material, Evans-Pritchard's work, and present-day oral histories – have their limitations and are often at odds with one another. This chapter compares and contrasts the different versions of three crucial parts of Zande history: the origin of the ruling Avungara-clan, King Gbudwe and Tambura's position vis-à-vis colonial government, and King Gbudwe's death (1905). Certain is that the death of King Gbudwe marked a watershed moment in Zande history. Since then, the Zande people have faced two colonial resettlement schemes, two independences, and three civil wars with their associated displacements. Yet beyond destruction, these incessant and often violent changes were also constructive of new ideas about history, tradition, and culture. When South Sudan became independent in 2011, a dynamic moment of peace began for Western Equatoria marked by returns, reconstruction, and a regained sense of Zande pride.

Chapter 3 analyses how throughout Western Equatoria's turbulent history, mobility and immobility were imposed. First by kings, slavers, and colonial forces. Later by states and armed groups. During the colonial time, there were two enormous resettlement campaigns. To combat sleeping sickness in the 1920s and for the Zande Scheme in the 1940s, hundreds of thousands of Western Equatorians were moved. Since Sudanese independence in 1956 there were three civil wars, each of which displaced millions of southern Sudanese. This chapter further shows how 'forced' and 'voluntary' migration were not dichotomous, rather opposite ends of a spectrum. And how exile and return brought new ideas, networks, and resources which influenced the post-conflict moment (see Chapters 4 and 5). By 2014, few Western Equatorians were 'continuous residents' where they lived, and the towns were increasingly cosmopolitan. This chapter's history of conflict-related mobility makes abundantly clear just how much the people of this area had changed since the time of Evans-Pritchard, and it also helps to explain people's responses to renewed civil war in 2015 (see Chapter 6).

Chapter 4 investigates how after this long history of ruptures and movements, people returned to Western Equatoria during a 'moment of peace' and tried to find land to rebuild their lives. Various kinds of conflict-related migration – return, displacement, refuge –merged with pre-existing urbanisation. This resulted in a high demand for urban land, countless land disputes, and a complicated patchwork of tenure arrangements. This chapter details an ambitious and popular plan by the state-minister of physical infrastructure,

himself a returnee, to 'demarcate' (formalize) land to resolve a host of problems. One motive was to get the land ready for the utopian plans of the state: Yambio was to have an international airport, an electric grid, and firetruck services. But these ambitions were not matched with a clear policy framework, or with adequate human and financial resources. And so beyond failing 'conventionally' in line with land formalisation literature, the process caused and rekindled countless disputes and pitted ethnic groups against one another, before eventually grinding to a halt. This chapter shows how land formalisation in a post-conflict setting has to contend with conflict-related migration, and can inadvertently rekindle conflict particulary when there are a variety of normative grounds to claim land ownership. The chapter ends with the dramatic shooting of a government official charged with resolving land disputes, forcing him to seek medical care and safety in Uganda.

Chapter 5 analyses how traditional authorities, especially chiefs, in Western Equatoria emerged from the history of conflict and displacement. In the tumultuous years around independence individual chiefs were weak while the *idea* of 'traditional authority' enjoyed resurgent popularity. This chapter explains this peculiar resurgence by reference to four factors: the *zeitgeist* of self-determination; returnee chiefs' cultivated link to legendary pre-colonial time of sovereignty; the performance of chiefs' customary courts; and chiefs' gatekeeping or brokering roles. Chiefs themselves reflected some of the changes and continuity affecting the wider population. Still, most chiefs were Zande, and members of the Avungara clan. But most chiefs had been elected rather than selected by their fathers. And they had lived mobile lives: about two-thirds of the chiefs had lived in other countries, and only a quarter had never left Western Equatoria. Like the returnee state minister in Chapter 4, returnee chiefs often aspired to bring development and modernization, while also fostering tradition and history. The chapter shows how in Western Equatoria, churches, NGO's and local government also invoked 'tradition'. Rather than capturing or monopolizing the currency of tradition, those other actors legitimized it and, in the process, also elevated the prestige of chieftaincy. The chapter ends by showing how once civil war began anew, chiefs faced a perilous tightrope walk between their different allegiances. Some chiefs were shot, others arrested, and yet only a handful sought refuge in Uganda – and most stayed in perilous South Sudan.

Chapter 6 analyses the new war that broke out in Western Equatoria from 2015, and peoples' subsequent choice to stay or go. The war began in various places at different times, pitting armed civilians against one another and against the state army (SPLA). War was confusing and highly localised, with reliable information about it scarce. Yet in countless indirect ways, it made peoples' lives less livable. This chapter draws on interviews with refugees in Uganda and stayees in South Sudan to reconstruct this early phase of the war, and to trace who stayed or left, and why. It shows how even when migration is 'forced' by war, it still involves choices. In line with Carling's 'ability-aspira-

tion-model', it finds that many of those who stayed behind in war had been unable to leave: 'involuntary immobiles'. But some people who had been able to leave had had no aspiration to do so, often because they had too much to lose or because they were expected to stay as leaders of their communities or families, or protectors of the land. This group has often been overlooked in the literature on forced migration. The chapter discusses the normative and moral frameworks which shaped when moving was acceptable for whom. Conflict-related migration from South Sudan was also informed by past experiences (see Chapter 3) and individual households' tactics, leaving their members split across various countries or even continents.

Chapter 7 explores how South Sudanese Zande refugees arrived and settled in Uganda from 2015, focusing on Kiryandongo Refugee Settlement. During the first phase of arrival, refugees sought land, aid, and documents. For all three, they initially turned to the Office of the Prime Minister, the Ugandan state organ charged with refugee management. OPM envisioned the refugee settlements as places of agricultural self-subsistent production and therefore spread refugees across the settlement grid – so that each household could farm enough land. Yet refugees had their own interests, such as proximity to acquaintances, roads, and markets, and the fear for being isolated. This mismatch resulted in a complicated and largely informal renegotiation of land tenure in the settlement. OPM also viewed the settlements as temporary and so insisted that refugees could not use 'permanent materials' to construct their houses. Yet refugees were eager to settle down, and so they planted trees that would take years to grow, edified their houses with paintings, and even buried relatives on the land they hoped would be theirs for long. These practices can partly be analysed as refugees' 'place-making' efforts in exile. But they were also a response to the Ugandan state's insistence on liminality and temporality, and refugees' desire for more solid land ownership and belonging. This illustrates how contrary to land tenure orthodoxy, people may invest in land precisely because they feel tenure insecure (also Section 5.2). The chapter also shows how cycles of war, refuge, and return have interacted with a 'hierarchy of displacement': stretching from the 'involuntary immobile' unable to leave their war-affected homes, to the diasporic or trans-local families in Western countries.

Chapter 8 analyses how South Sudanese Zande and other Western Equatorian refugees in Uganda reconstruct non-state authority. It finds a remarkable absence of chiefs and Avungara in exile. These traditional authorities were expected to stay in South Sudan to shield their communities from the shocks of war, or through their solidary suffering safeguard the social contract that underpinned their right to rule. With chiefs absent in Uganda, there was still an abundance of other aspiring authorities among the refugees. This chapter analyses two. First, Refugee Welfare Councils (RWC) which were initiated by OPM but whose leadership were sometimes elected by refugees. Second, Community Organisations (CO) which were set up by various ethnic and regional

groups, partly to counter-act the perceived ethnic bias of the RWCs. Through CO's people also influenced the RWC electoral process. This chapter illustrates how different authorities competed in the refugee settlements, and how various 'orders' were tied to particular identities. Lastly, this chapter explores how in the absence of traditional authorities in exile, people speak about their future role in South Sudan. It finds a remarkable nostalgia among many Zande for their absent chiefs and even a future Zande Kingdom. This longing appeared as widely distrusted by non-Zande Western Equatorians.

The concluding chapter revisits the chapters' main conclusions, and relates them to larger, more universal, issues and ideas. Confronted with war and displacement many Zande people lost hope in the present, and sought for it anew in the past or future, connecting nostalgia and utopia. People sought for, and valued, those things that promised existential and temporal stability to cope with the instability of their world: both material (e.g., children, land, trees, graves) and immaterial (e.g., education, Zande language, the history of King Gbudwe, ancestors, *Ture* folk tales, the Zande Kingdom). These orientations were central to people's quest for survival, meaning, and continuity, and to overcoming the ruptures posed by war and displacement.

The annexes include a series of long-form portraits of key respondents James, Charles, Elizabeth, Albert, and Chief Zaza, a poem on the outbreak of war by Isaac Waanzi Hillary, customary court caseloads, and the full methodology of this displaced ethnography.

Samenvatting (Dutch summary)

BREUKEN OVERLEVEN
Zande identiteit, bestuur en traditie tijdens cycli van ontheemding in Zuid-Soedan en Oeganda (2014-2019)

Klassieke antropologen als Evans-Pritchard probeerden vastomlijnde reconstructies te maken van 'traditionele' samenlevingen voordat ze veranderden door globalisering en kolonialisme. Evans-Pritchard deed onderzoek in Zuid-Soedan in de jaren 1920 en schreef daarover boeken die nog steeds als klassiekers gelden. Hij hanteerde de tegenwoordige tijd, wat de suggestie wekt dat Zande nog steeds leven zoals destijds; bevroren in een eindeloos traditioneel verleden. Maar als mensen in Zuid-Soedan ooit al een onveranderlijk traditioneel leven leidden, dan was dat niet in de tijd die mensen zich nu nog herinneren. Integendeel. De afgelopen eeuw werd het gebied gekoloniseerd, bezet en uitgebuit en vonden er lange burgeroorlogen en grootschalige ontheemdingen plaats. Dit boek is een nieuwe etnografie van de Zuid-Soedanese Zande, waarin oorlog, ontheemding en de zoektocht naar continuïteit centraal staan. Het richt zich op de relaties tussen mensen, tussen mensen en het land, en de diverse pogingen dit alles te besturen. Dit raakt aan drie fundamentele vragen van menselijk samenleven: Wie zijn wij? Waar en tot wie behoren wij? En wiens gezag aanvaarden wij? Dit boek laat zien dat deze vragen van hernieuwd belang zijn in tijden van oorlog, ontheemding en terugkeer.

Het etnografisch onderzoek is verricht in Western Equatoria State, Zuid-Soedan (2014-2018) en bij Zuid-Soedanese vluchtelingen in Oeganda (2015-2019). Het onderzoeksmateriaal omvat archieven van gewoonterechtbanken, observatieverslagen en honderden interviews met vluchtelingen en achterblijvers, *chiefs* en notabelen, overheidsfunctionarissen en oud-strijders en gewone mensen. Dit boek bestaat uit drie delen. Deel 1 gaat over de turbulente geschiedenis van de Zuid-Soedanese Zande, vol verscheuringen en verplaatsingen. Deel 2 gaat over een zeldzame vredige periode, waarin terugkeerders belangrijke rollen spelen in de wederopbouw. Deel 3 gaat over de uitbraak van een nieuwe oorlog in Zuid-Soedan en de vlucht naar Oeganda, waarna mensen opnieuw proberen het individuele en gemeenschapsleven op te bouwen. Het boek draagt bij aan de literatuur over Zuid-Soedan en de Zande, en de thematische literatuur over burgeroorlog, gedwongen migratie, opvang en bestuur van vluchtelingen, traditioneel gezag en de formalisering van grondbezit.

Het inleidende Hoofstuk 1 schetst de geografische, conceptuele en disciplinaire contexten van het onderzoek. Het bespreekt hoe de centrale termen – etniciteit en identiteit, oorlog en ontheemding, bestuur en traditie – begrepen en onderzocht dienen te worden in Zuid-Soedan en Oeganda. Het hoofdstuk reflecteert ook op de medeplichtigheid van antropologen bij de koloniale constructie van de 'stammen' en 'traditioneel gezag' die later werden ingezet voor indirect bestuur. Moderne antropologen zien identiteit nu veelal als een sociale constructie die niet in het bloed maar in de interactie wortelt. Maar buiten de wetenschap leven essentialistischer identiteiten voort of op. Dit boek laat zien dat identiteiten tijdens oorlog en ontheemding essentialistischer kunnen worden en dat periodes van snelle en veelal gedwongen verandering kunnen leiden tot hernieuwde interesse in geschiedenis, traditie en identiteit.

Hoofdstuk 2 biedt een korte geschiedenis (1500-2014) van de Zande en Western Equatoria State en de interactie tussen hun leiders en de verschillende koloniale en postkoloniale staten. De bronnen over het prekoloniale verleden – koloniale archieven, Evans-Pritchards werken, hedendaagse *oral histories* – hebben ieder hun beperkingen en liggen vaak ver uit elkaar. Dit boek vergelijkt de verschillende versies van drie cruciale onderdelen van de Zandegeschiedenis. Ten eerste, de oorsprong van de heersende Avungara-clan: kwamen zij te zwaard of werden zij vanwege hun wijsheid tot leiders verkozen? Ten tweede, de posities van Koning Gbudwe en Koning Tambura ten opzichte van de koloniale mogendheden: verzetten zij zich continu tegen die nieuwe machthebbers of was er ook sprake van diplomatie? En ten derde, de dood van Koning Gbudwe (1905): kwam hij door koloniaal geweld om het leven of verkoos hij de dood boven de onderwerping? Zeker is dat de dood van Koning Gbudwe een keerpunt markeert in de geschiedenis van de Zande. Sindsdien kregen zij enorme veranderingen te verwerken, die grotendeels buiten hun macht lagen: twee koloniale hervestigingsprogramma's, twee onafhankelijkheden en drie langlopende burgeroorlogen. Behalve verlies heeft deze turbulente eeuw ook nieuwe ideeën en ontwikkelingen gebracht. Toen Zuid-Soedan onafhankelijk werd in 2011, begon voor Western Equatoria een hoopvolle periode van vrede, terugkeer, wederopbouw en een hernieuwd gevoel van Zande nationalisme. Tijdens die periode vond het veldwerk plaats voor de Zuid-Soedanese hoofdstukken van dit boek.

Hoofdstuk 3 analyseert hoe, tijdens de turbulente geschiedenis van Western Equatoria, mensen regelmatig werden gedwongen te verhuizen of juist om te blijven. Eerst door koningen, slavenhandelaars en koloniale troepen, en later door overheden en gewapende groepen. Tijdens de koloniale periode waren er twee hervestigingsprogramma's waarvoor honderdduizenden mensen werden verplaatst: in de jaren 1920 vanwege de slaapziekte en in de jaren 1940 voor het 'Zande Plan' (Engels: *Zande Scheme*). Sinds de Soedanese onafhankelijkheid in 1956 waren er drie burgeroorlogen, elk met massale ontheemding tot gevolg. Dit hoofdstuk laat zien hoe er tussen 'gedwongen' en 'vrijwillige' migratie allerlei grijstinten zijn. Ballingschap en terugkeer brachten ook nieuwe

mogelijkheden die steeds de naoorlogse wederopbouw beïnvloedden (zie hoofdstukken 4 en 5). In 2014 had slechts een minderheid van de bevolking permanent in Western Equatoria gewoond, de meerderheid was terugkeerder of *internally displaced*. Daarnaast kwamen ook handelaren, leraren, soldaten en hulpverleners van elders, waardoor vooral de steden van Western Equatoria cosmopolitischer werden. Dit hoofdstuk over mobiliteit, helpt begrijpen hoe en waarom mensen zouden reageren op de uitbraak van een nieuwe oorlog in 2015 (zie hoofdstuk 6).

Hoofdstuk 4 onderzoekt hoe na deze lange geschiedenis van breuken en verplaatsingen, mensen rond Zuid-Soedans onafhankelijkheid in 2011 terugkeerden naar Western Equatoria. Tijdens een vredige fase zochten terugkeerders naar land om hun levens weer op te bouwen. Verschillende soorten conflictgerelateerde migratie – terugkeer, ontheemding, vlucht – gingen samen met urbanisering. De vraag naar land in de stad nam toe en zo ook de geschillen erover. Dit hoofdstuk analyseert een ambitieus en populair plan van de provinciale minister voor fysieke infrastructuur, zelf een terugkeerder, om eigendomsgrenzen formeel vast te leggen om zo een aantal problemen op te lossen. Een belangrijk motief was om het land georganiseerd te krijgen zodat de staat haar utopische plannen kon verwezelijken. Yambio moest een internationale luchthaven krijgen en een stroomnet en brandweer. Maar deze ambities werden niet vergezeld door een helder beleidskader of voldoende financiële middelen en mankracht. De formalisering faalde daardoor niet alleen in zijn beoogde opzet, maar droeg zelfs bij aan landgeschillen en oplopende spanningen tussen verschillende etnische groepen. Dit hoofdstuk laat zien hoe formalisering van grondbezit de delicate vrede van een naoorlogse situatie kan verstoren. Het hoofdstuk eindigt met de dramatische aanslag op een ambtenaar die landgeschillen moest oplossen, waarna hij naar Oeganda vluchtte.

Hoofdstuk 5 analyseert de rol en positie van 'traditionele gezaghebbers' in Western Equatoria in 2015. De posities van individuele *chiefs* waren na decennia van oorlog en ontheemding weliswaar verzwakt, maar het idee van versterkt traditioneel gezag genoot hernieuwde populariteit. Dit hoofdstuk legt deze opmerkelijke wederopstanding uit aan de hand van vier factoren: de tijdsgeest van 'zelfbeschikking', de terugkeerder-*chiefs* die hun banden met de legendarische pre-koloniale tijd cultiveerden, het belangrijke werk van de gewoonterechtbanken en de rol van *chiefs* als poortwachters van hun gemeenschappen. Net als in vroegere tijden, was het merendeel van de Western Equatoriaanse *chiefs* die we spraken Zande en Avungara. Maar waar heersers vroeger om de macht streden of door hun vader werden uitverkoren, was nu een meerderheid van de *chiefs* verkozen. Net als hun bevolking hadden de nieuwe *chiefs* beweeglijke levens geleid: tweederde van hen had in minstens een ander land gewoond en slechts een kwart had zijn provincie nooit verlaten. Net als de teruggekeerde minister in hoofdstuk 4, hoopten terugkeerder-*chiefs* veelal ontwikkeling en modernisering te brengen terwijl zij tegelijkertijd hun

banden met traditie en geschiedenis verstevigden. Waar elders kerken, NGO's en overheden soms kritisch staan tegenover 'traditionele' cultuur en gebruiken, deden deze instellingen in Western Equatoria juist ook een beroep op traditie. Daardoor hadden *chiefs* geen monopolie op traditie, maar werd hun status als traditioneel gezaghebbers evengoed versterkt. Het hoofdstuk eindigt met een analyse van de rol van *chiefs* in de nieuwe oorlog, waarin zij moesten koorddansen tussen verschillende loyaliteiten en belangen, en regelmatig doelwit van geweld waren. Desondanks ontvluchtte slechts een handvol *chiefs* het land.

Hoofdstuk 6 onderzoekt de uitbraak van de nieuwe oorlog in 2015, en hoe en waarom mensen ervoor kozen om te blijven dan wel te vluchten. De burgeroorlog was gefragmenteerd: hij begon op verschillende plekken op verschillende momenten, met diverse aanleidingen en dynamieken. De oorlog was verwarrend en betrouwbare informatie was schaars. Behalve door direct geweld, werd het alledaagse leven op allerlei indirecte manieren moeilijker: wegen werden onbegaanbaar, landbouw werd riskant, prijzen gingen omhoog, scholen gingen dicht, misdaad nam toe. Toch werd niet iedereen gelijk getroffen. Op basis van interviews met achterblijvers in Zuid-Soedan en vluchtelingen in Oeganda, reconstrueert dit hoofdstuk de eerste fase van deze oorlog en de keuzes die mensen maakten. Overeenkomstig met Carlings 'ability-aspiration-model', waren veel Zuid-Soedanezen die tijdens de oorlog achterbleven niet bij machte te vluchten: de *involuntary immobiles*. Maar dit hoofdstuk laat ook zien dat er ook Zuid-Soedanezen in oorlog achterbleven die wel bij machte waren te vluchten maar ervoor kozen te blijven, veelal omdat zij bij een vlucht te veel te verliezen hadden of omdat hun familie of gemeenschap van hen verwachtten dat zij achterbleven. De oorloggerelateerde migratie in Zuid-Soedan werd ook beïnvloed door eerdere ervaringen (zie hoofdstuk 3), bijvoorbeeld met goed Engelstalig onderwijs in Oeganda. Uiteindelijk raakten veel gezinnen en families verspreid over landen of zelfs continenten. Dit hoofdstuk laat zien dat, zelfs wanneer migratie door oorlog 'gedwongen' is, mensen tal van keuzes moeten maken.

Hoofdstuk 7 beschrijft hoe Zuid-Soedanese vluchtelingen vanaf 2015 aankwamen in Oeganda. Tijdens de aankomstfase zochten vluchtelingen een stuk land, hulp en de juiste papieren. Daarvoor waren zij grotendeels aangewezen op het 'Bureau van de Premier' (OPM), de Oegandese overheidsinstelling die met vluchtelingenzaken belast is. Maar de vluchtelingen en OPM bleken uiteenlopende ideeën over de vluchtelingenkampen te hebben. OPM hoopte dat de kampen zelfvoorzienende enclaves zouden worden, waarin vluchtelingen bepaalde kavels kregen toegewezen om de landbouwproductie te optimaliseren. Vluchtelingen hadden veelal andere behoeften, zoals de nabijheid van bekenden, wegen en markten. Een deel van hen verliet dan ook het stukje land dat hen door OPM was toebedeeld, om zich te voegen bij de vele vluchtelingen op meer strategische plekken. Bovendien zag OPM de kampen als tijdelijk en verbood vluchtelingen met 'permanente materialen' te bouwen. Vluchtelingen

die in het kamp bleven en behoefte hadden aan meer stabiliteit, omzeilden het verbod en probeerden hun bestaansrecht te bestendigen door goede huizen te bouwen, bomen te planten en zelfs hun doden op het land te begraven. Veel literatuur over landrechten en ontwikkeling veronderstelt dat mensen alleen in land investeren als zij zeker zijn over hun eigendomsrechten. Maar deze casus laat zien dat mensen soms juist in land investeren om daarmee meer zekerheid over hun eigendom te creëren (zie ook 5.2). Het hoofdstuk laat ook zien hoe zich uit de cycli van oorlog, vlucht en terugkeer een zekere hiërarchie van ontheemding heeft gevormd onder de Zuid-Soedanese Zande: van de *involuntary immobiles* die vastzitten in de oorlog, tot de relatief welvarende diaspora in Europa, Noord-Amerika en Australië.

Hoofdstuk 8 analyseert hoe Zuid-Soedanese Zande en Western Equatoriaanse vluchtelingen in Oeganda niet-statelijk gezag opbouwen. De *chiefs* en Avungara-clan waren in Zuid-Soedan achtergebleven, omdat van hen verwacht werd dat zij hun gemeenschap zouden helpen de oorlog te overleven, of ten minste in solidariteit met hen te lijden. Alleen zo konden zij het sociaal contract in stand houden dat hun het recht gaf te regeren. In afwezigheid van de *chiefs*, kwamen er onder de vluchtelingen in Oeganda niettemin allerlei andere vormen van niet-statelijk gezag tot stand. Dit hoofdstuk analyseert er twee. Ten eerste, de Welzijnsraden voor Vluchtelingen (RWC) die door OPM werden opgezet voor ieder kamp en zijn wijken. Deze raden bestonden uit vluchtelingen die veelal door de kampbewoners verkozen werden. Ten tweede, de Gemeenschapsgroepen (CO) die door diverse etnische en regionale groepen werden opgezet, deels als antwoord op wat werd gezien als etnische bevooroordeeldheid van de RWCs. Dit hoofdstuk beschrijft de interactie tussen deze twee gezagsstructuren en hoe zij zich verhielden tot etnische, regionale en nationale identiteit. Tot slot bespreekt het hoofdstuk hoe Western Equatoriaanse vluchtelingen keken naar de toekomst van traditionele gezagsdragers in Zuid-Soedan. Bijna iedereen koesterde nostalgische gevoelens voor de *chiefs*, en de Zande zelfs voor een toekomstig Zande koninkrijk – tot grote zorg van de andere Western Equatorianen die geen Zande waren.

Het slothoofdstuk trekt de belangrijkste conclusies van het onderzoek en verbindt ze met grotere, universelere debatten en ideeën. Veel Zande verloren door oorlog en ontheemding de hoop in het heden en zochten nieuwe hoop in de verre geschiedenis en in een gedroomde toekomst. Zo zijn nostalgie en utopie nauw verwant. Om met het turbulente heden te leven, kenden veel mensen een nieuwe waardering toe aan die zaken die existentiële stabiliteit boden: zowel materieel (o.a. kinderen, land, bomen, graven) als immaterieel (o.a. onderwijs, de Zande taal, de geschiedenis van Koning Gbudwe, de sprookjes over Ture, het Zande Koninkrijk). Deze oriëntaties bleken van groot belang voor Zande die oorlog en ontheemding moesten overleven en een gevoel van betekenis en continuïteit wilden hervinden.

In de bijlagen van het boek staan een aantal lange portretten van sleutelrespondenten, een gedicht over het uitbreken van oorlog door Isaac Waanzi Hillary, de volledige methodologie, en een kwantitatief overzicht en analyse van zaken bij de gewoonterechtbanken.

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Annexes

Annex 1

Full portraits

The key respondents to this book were introduced earlier. Here, I feature the full portraits about them. In writing this book, I have often felt ill at ease. People's lives in war and displacement are endlessly diverse, and yet the academic pursuit for patterns and coherence inevitably entails generalization and abstraction. Much of the rich complexity that characterizes real life is lost in this way. Some authors overcome this problem by devoting an entire book to the life story of one person (Kassaï 2020; Eggers 2008; Steinberg 2016). In this book, I have foregrounded individual experiences incidentally. I include the following portraits here to do some justice to individuality, and to better contextualize the 'data' used in this book. These portraits also illustrate a lot about the central themes of this book: Wars, threats and survival; complicated pathways to exile and refugee life; being an 'authority' and resolving disputes; working for the children's future; and more generally the 'lifescapes' of people amidst war and displacement. These portraits may also serve as a reference for other scholars. On a methodological note: Whereas in the rest of the book I 'triangulated' various sources, these portraits rely almost completely on my key respondents' own accounts.

James

Pathway to the present

1965	Born in Nzara, Sudan.
1967	Fled to Central African Republic.
1973	Return to Nzara. Completed primary school.
1979	Rimenze, completed intermediate school.
1985	Wau, attended seminary.
1989	Moved to Juba.
1991	Fled from Juba to Khartoum.
1996	Decided to go on an adventure: Khartoum (Sudan), El Obeid, Nyala, Bangui (CAR).
1997	In CAR met and married his wife.
2000	Returned over Source Yubu, arrested and imprisoned at the border.
2000	Returned to Nzara, joined SPLA as security guard.
2006	Joined Yambio State ministry of agriculture.

2009-10 Joined campaigns for Bakosoro in Yambio.
2010 Became senior inspector for culture.
2015 War started in Yambio.
2016 January 21. Angelo Parakondo shot; clash between rebels, SPLA and prison authorities.
2016 January 22. 'The whole town of Yambio was shooting at daytime'. Decided to move to Nzara. Following days: Moved to Doruma (DR Congo), then over Dungu to Arua (Uganda).
2016 February. Arrived in Kampala.
2016 December. Move to Kiryandongo Refugee Settlement.

Portrait[1]

James was born in 1965 in Nzara, Sudan. His father (b. 1940s, Tambura) was educated at the seminary and held a job with the Sudanese government in Nzara, 'to work as *effendi*,[2] that is somebody very big. Like an executive director. Somebody responsible for recording everything.' But when James was two years old, the family had to flee from war for the first time. They first walked to Source Yubu, and there boarded a UN-cargo plane that was taking families to Mboki, in the Central African Republic. James fondly recalled to me a childhood memory. When he was about 5 years old, he and his elder brother had to guard maize against monkeys:

> When my brother saw the monkeys coming to him, he ran home. So I decided to take a stick and hold it ready. When I threw it against a teak tree near the monkey, it made it fear. It then turned back to go ... While my elder brother had already gone home. And then he told my mother and father 'the monkeys have already eaten my brother so, let us go and see what is there.' [Laughs] So when they came they saw me already chasing the monkeys across the river. So my mother said, 'From now onward I will ask nobody to accompany me!' Because there in Central Africa it is very thickly forested. Even a grown up person can fear. So when my mother wants to go to my uncles, she just said 'You come, we go.' And I would just go in front, without fearing. I just go! Then she named me, '*Gimiko*' (This one is mine)!

The family returned to Nzara in 1973, a year after the Addis Ababa Agreement was signed. This time they travelled by a lorry that the UN arranged to repatriate refugees. 'Then we started living with the Arabs until again the SPLA came in 1983,' he recalled. James completed his primary school with the

1 Based on oral history interviews on 5 August 2017, 7 February 2018 and 28 May 2019.
2 *Effendi* (Lord, Master) was a honorary title used especially in the Ottoman Empire for somebody of high education or social standing. In British colonial times it was associated with education and the city, and also used in military contexts. It was not a position as such.

Komboni missionaries in Nzara, and then went on for intermediate school in Rimenze. In 1985 he joined the seminary in Wau where he became head prefect of his class. He did well on his Sudan School Certificate: passing on his first attempt, with 58 percent, 'others would fail even 6 times!'. His sister, who was a superior of a sisterhood in Juba, brought him to Juba in 1989 to continue his education. She hoped that after some more studies, James would sit for his Sudan School Certificate again, and perhaps score over 60 which would have enabled him to go to university. But his studies were interrupted when they ran out of money.

The Sudanese Civil War had been going on since 1983, and intensified in Juba around 1990. 'There was a lot of shelling in Juba,' James recalled. The road to Yambio was unsafe and there was fighting there, too, so in 1991 James decided to flee to Khartoum. He travelled with a Sudanese government cargo plane. 'You paid a little – 180 Sudanese pounds – but there were no seats, you just try to hold on!' In Khartoum, James resumed studying for his philosophy diploma at the seminary in Koba. But he was kicked out from the seminary when an old enemy he had made in the seminary in Wau reached out to the head of the seminary in Khartoum. James was frustrated when he experienced racism in Khartoum. He found that 'they [the Sudanese] could not let you go to university unless you go for fighting, for war. You had to fight for two years with your own colleagues, the South Sudanese.'[3] As James did not want to go to war – let alone against other South Sudanese – he decided to drop his ambition of studying.

Frustrated by life in Khartoum, James decided to go on 'an adventure' that would eventually lead all the way to Central Africa. James was in his early 20s at the time. 'That one I just made an adventure. I knew that I could die, but I was just going out of frustration.' Later he described that journey in similar terms: 'That adventure was like a fire: Either you die, or you go across!' With a smile he recalled in Uganda how he had started from Khartoum by bus to El Obeid. Then from Rahad train station, James took a train going to Nyala. Because there were 'security' on the train and James lacked papers permitting him all this movement, he rode secretly on top of the train. Crossing the Sudanese-Central African border without papers would have been difficult and so in Nyala, James 'forged [him]self into a Cameroonian national.' To do so, he wrote a long letter to the local magistrate, saying that he was Jamal Abdullah, a Cameroonian who had lost his papers. After long questioning, his letter was stamped and signed and he was given documents. The judge proclaimed: 'Now you are a Cameroonian by birth.'

From Nyala, James travelled by lorry to Am Dafok on the border between Sudan and Central Africa. But again, he had to tread carefully. People were

3 The English word 'colleagues' is often used by South Sudanese people to refer not only to people with whom you share a work place, but also colloquially for people with whom you share another type of group membership.

suspicious of South Sudanese people – especially men of fighting age – approaching the front line between the government and SPLA. At the border, James wore a jellaba and told the same story that he had used in Nyala: he was Jamal Abdullah, a Cameroonian Muslim, on his way to visit his father. But his path was blocked by a Sudanese immigration official, 'He said there was no way out'. The official, however, invited James to come along to the mosque the following morning to pray together, and told him that he would ask the congregation for contributions for his travel. James practiced at night how to pray like a Muslim. By morning time, he felt he could do it perfectly. When he arrived at the mosque together with the border official, the latter introduced him to the elders of the mosque and told them in Arabic – a language James pretended not to speak – to pay close attention to James to see if he was real. But the prayer went well, and afterwards James received donations amounting to some 25.000 Sudanese Dinar. Still, the border official was not convinced and used countless excuses to keep James in Am Dafok. James suspected that the official was waiting for messages about him from Nyala. 'So I thought, let me disappear,' he recalled laughing. At 4 pm he set off with two friends, walking from Am Dafok to Birao in Central Africa, some 54 miles away. They walked all through the night through thick forest, and arrived at 10 am the next morning. From Birao, James traveled by lorry to Bangui.

Central Africa was more welcoming to James than Khartoum had been. He met his wife, also Zande, there and married in church in 1997. After three years the family decided to return to Sudan through Source Yubu. But when James crossed the border, he was arrested by the SPLA: 'I was even imprisoned because I was coming from Khartoum. They could not hear that you were coming from the Arabs ... I was put in the jail for almost one month.' Reflecting on his prison time, he expressed understanding for the SPLA, 'Of course this torture was only to make you get used to the life they were moving with at that time.' Upon his release, James returned to Nzara but he was forced to enter into 'military activities' – 'If you don't do it you will not live'. From around 2000 he joined the SPLA and followed an officer training. But he did not end up fighting, working not as a soldier but instead as a security guard for the office of the Sudan Relief and Rehabilitation Authority.

In 2006 James got his first office job, joining the state ministry of agriculture as an establishment officer, working to manage staff appointments in the public service. In 2008-9 he went to Arua in Uganda to study further at the Nile Institute for Management Studies for his Diploma in Public and Local Government Administration. In 2009-10 James helped with the campaign for Governor Bakosoro. Once victory was secured, the new governor appointed James as 'senior inspector for culture,' which tied in closely with James' love of the arts and Zande culture.

James was in Yambio in 2015 when the conflict started there. In his words: 'There was this movement of the other young people who went to the bush to start fighting. And the government of Salva could repel back. It came to

a very serious point when they killed one of the big men just in the city square, minister[4] Angelo Parakondo [on 21 January 2016]. Then [the Arrow Boys] wanted to capture the prison to collect the guns inside. The prison wardens were very strong. They started to fire back. So the whole town of Yambio was shooting at the daytime.' This was the moment when James and his family decided flee. Initially, they went to Nzara, some 19 kilometres west, to stay with James' mother in law. But on the way there they saw that the government was bringing a lot of troops, 'So we thought there is going to be a very big war. So we decided to go to Congo.'

James has a son with a disability, whom he pushed on a bicycle to Congo. 'We decided to go through Doruma. We reached there at 01.00 AM. But when we were there, there was no network. We could not communicate back to our people. So we spent almost 10 days there.' Then the family – then two adults and two children – paid a boda-boda driver 45 Congolese Francs to travel to Dungu on a motorbike. 'In Dungu still we were finding some challenges to communicate with our people. You could not buy any airtime' Now the family wanted to travel from Dungu to Arua, but a driver asked 85,000 UGX, which James did not have. So he gave the driver his passport as a safety, and paid him when he arrived at his daughter in Kampala.

The family arrived in Kampala in February 2016, about a month after the fighting that had forced them to leave Yambio. James' eldest daughter was already living in Kampala for her studies, so the family 'came and settled after her.' The family registered as refugees in Kampala, but life was not 'easy' there. In December 2016 they decided to move to Kiryandongo RS instead. 'Because for me I have a big family. I have 8 children. With my madam we are all 10. It is only me who is caring for them. So I decided to come this way because this is where I can cultivate the land and get some potato, cassava, and other food free of charge. But there [in Kampala]? No. Charcoal, firewood, water, it is all for money. Even movement is for money! This one cannot help me.' Like so many other refugees, James had tried refugee life both in the city and in the settlement, and ultimately decided that the latter was more sustainable.

The family travelled to Kiryandongo RS, and registered at the Reception Centre. They were given some cultivation equipment, and James found a plot of land directly adjacent to a marram road, quite deep inside the camp. Later that plot was extended a bit. The family lived far from Bweyale town, the entrance gate, and the camp's central hill with its market, churches, and health centre. Although the settlement was generally safe, Jamed asked me not to visit him late in the afternoon because he reckoned it might not be safe after

4 Angelo Parakondo was a commissioner in the office of the governor of Gbudwe State at the time of his death.

dark. Near his house, a child was abducted and allegedly decapitated in early 2018.[5]

James erected two buildings on his land, both with half-baked bricks, UNHCR-tarpaulin, and a corrugated iron roof. During a later rainy season the half-baked bricks had started to shift, and James fortified the walls exterior with cement. James' plot further sported two rarities: a 'payot' (a structure common in Zande areas where visitors are received), and a water tap. The payot was some four meters from his house, allowing visitors to speak with James with some privacy. James built the payot in February 2018, 'You know it is one of the habits of the Zande to want a place to receive visitors so that they can rest and have some cold water.' The construction was covered by tree branches and shrubs planted in such a way as to form a small room, which was then covered by tarpaulin. Inside, there were two wooden benches and a wooden table, and depending on the number of visitors James called for some of his children to bring more chairs. In May 2019, James was modifying the payot, enlarging it and making it with cement.

The water tap was connected to the watering system of the town. It was paid for by TPO, an NGO, which offered help because of James' disabled son. It offered major advantages to the household. Especially during the dry season water often became scarce, and the lines for the boreholes in the camp could be prohibitively long. Women, girls and children (men seldom carried water) got up before dawn to get in line, only returning with two jerry cans of water several hours later. James' family's water tap allowed them to avoid this ordeal. Their neighbours also used the water tap, paying some 200 UGX per jerrycan. These three features – the plot's vicinity to the road, the visitors' area, and the water tap – made that people continuously stopped by for short or long chats.

James' social position in the camp could be expressed in a variety of ways. His buildings and plain clothes indicated that he was not wealthy. But he was well-educated, spoke good English, knew many people in the camp, and three of his daughters studied in Kampala. Further, James became the leader of the 'Western Equatorian community' and in February 2018 also chairperson of the RWC 1 and vice-chair of the RWC 2. As chairperson he regularly met camp inhabitants of all backgrounds: the various South Sudanese, Congolese, and Ugandans. The position cost him a lot of time and was unpaid apart from the

5 This was not reported in any media, but it was 'the talk of the town' during my stay in Kiryandongo RS in March 2018. In response to these stories, some of my South Sudanese friends pierced their children's ears because they believed that those who abduct children will only take spotless children, not ones with piercings or scars.

occasional sitting allowance.[6] It did, however, better position him to secure odd jobs whenever there was a food distribution.[7]

On the face of it, James adapted well to life in the refugee camp. But still, over the years that I knew him he also got older, and although he was quick to joke and laugh he also showed a more worrisome side. When I asked him in 2019 how Western Equatorian refugees in the camp felt now compared to when they first came to Uganda, he listed the reasons that people missed South Sudan:

> Our country is more fertile than here. And we had a lot of freedom there to move around. In Yambio, a Ugandan could take a beer and fall asleep on the ground. Nobody would touch him – it is his problem. But here, you would be caught and treated badly. There, even there is a lot of food. In the whole belt from Maridi to Central Africa and Congo, you don't care about food. There is no starvation. You can just pluck and eat. There is access to food. Here we cannot invest. When you grow a tree here and you have to move back abruptly, you cannot even cut it. But there, you plant trees for the future. For your children. I have six plots in my country. Here we sit like this, idle.

Like so many people, James has conflicting emotions and ideas about displacement. There were better days and worse ones. But often, despite occupying three leadership positions, he still felt that he was 'sitting idle' in the camp, and that he was missing a more future-oriented life back in South Sudan.

CHARLES

Pathway to the present

1963	August 4. Born in Bazungua, moved to Yambio, Sudan.
1983	Secondary School in Tambura.
1983	School closed due to riots, back to Yambio.
1987	Moved to Juba, completed studies in 1988.
1988-1990	Spent in Yambio, hoping for scholarship to the UK.
1990	November. SPLA captured Yambio, Charles fled to Mboki, CAR.
1993	Travelled to Entebbe and Nairobi, refused visa to study in the UK.
1993-1996	Studied at Bishop Tucker College in Uganda

6 According to James, in February 2018 members of RWCs would get a sitting allowance for attending workshops or trainings, at 20.000 UGX for a RWC 3 member and 10.000 UGX for a RWC 1 member.

7 One day I met James at the 'Youth Center' – a big grass field on the central hill in the camp – where the distribution took place. James was working as an 'usher' calling out peoples' names through a megaphone before they could collect their ration. He received 40.000 UGX for working 4 days as an usher.

1996-1999	Mboki, Central African Republic
2000	Moved from Mboki over Obo and Source Yubu to Yambio
2002	Traveled over land to Uganda
2003-2007	Obtained law degree at Bishop Tucker College in Uganda
2007	Returned to Yambio.
2008	Became Headmaster of Timbiro Secondary School
2008	August. Joined South Sudan Employers Justice Chamber.
2015	Additional position: Chairperson, Land Dispute Resolution Committee (CLA)
2016	May 17. Ruled in favour of civilian in contentious land dispute.
2016	May 19, 10.15 pm. Shot by unknown gunman. Admitted to hospital.
2016	May 23. Flew to Juba.
2016	May 27. By bus to Kampala, Uganda, for treatment at Gwatiiro Hospital.
2016	August. Decided to seek asylum.
2016	October. Moved to Kiryandongo Refugee Settlement.
2017	June. Built a plastered building to start a shop.
2019	May. Co-founded Azande Traditional Association.

Portrait[8]

Charles Isaac Bangbe was born on 4 August 1963 in Bazungua, a small village some 7 miles from Yambio. Both Charles' parents were born in Yambio.[9] His mother was the second wife to a polygamous husband. She died the same day Charles was born, and so a sister of his father who had no children herself adopted the baby. They stayed at an area called Dar Es Salam near Yambio airport.

Education was to play an important role in Charles' life. His own family members never went to school and his father did not spend anything on his education, 'But this aunt who raised me encouraged us to go to school.' And so Charles completed his primary and junior secondary school. In 1983 Charles got the chance to go to a secondary boarding school in Tambura. But after 3 months there, a student riot broke out between students along ethnic lines.[10] When students set fire to one of the dormitories, the school was closed and students were forced to go home. This would be the first of many instances where Charles' aspirations were blocked by violence.

8 Based on oral history interviews, 13 May 2017; 19 June 2017; 9 February 2018; and 28 and 29 May 2019; Feedback by Charles on 5 December 2019.

9 His paternal grandfather lived in Asanza, then a forestry area in Yambio, but when the colonial administration demarcated the town somewhere in the 1940s, 'people were asked to move from inside the circle of the town to outside.' So the family moved first to Makpandu, and later Li-Rongu. When Charles' father died, however, they still buried him in Yambio town.

10 Charles requested me to leave out the specific ethnic groups.

Back in Yambio, Charles heard about a course in theology at Bishop Gwynne College, then in Mundri. Normally more senior people would apply, and Charles felt he was too young. But something pushed him to try his luck. [11] He completed the exam-more out of curiosity than anything else-and ended up being the third best performing candidate and so he was accepted at Bishop Gwynne College. Not much later, however, SPLM rebels came and arrested two expatriate lecturers and tutors, 'So the thing was closed again.' Because of the insecurity, the College moved from Mundri first to Yei and then to Juba. Charles also came to Juba to continue his studies until he finished his certificate in theology 1988.

Charles returned to Yambio again in 1988 and spent 2 years there. During this time he was in hopeful anticipation of a scholarship to continue his theology studies in Oak Hill College, London. Bishop Daniel[12] was making arrangements, 'but before it happened, the war broke out.' In November 1990 the SPLA captured Yambio. Like many others he sought refuge in Mboki, a refugee settlement in the Central African Republic. From there he followed up his scholarship and managed to get permission to go. A British friend helped Charles with some money, so he could travel by Central African cargo plane over Entebbe to Wilson airport, Nairobi.

In Nairobi, Charles applied for a British visa. But that visa was rejected three times because a consular official suspected that Charles would demand asylum status upon arrival in the UK. He tried to move his scholarship to another institution in East Africa. After Kenyan officials did not want to give him a student visa, a European missionary helped him to apply at Bishop Tucker College in Uganda. He studied there for three years, and graduated with a diploma in theology in 1996. Upon graduating, Charles and his family returned to Mboki where they spent three years.

In 2000, after some 10 years in different countries, the family decided to repatriate to Yambio. 'I was asking myself: if I have to continue [in Mboki], all my life will finish and I will do nothing.' Bishop Eduardo helped the family by offering them a vehicle and buying their properties for 200 USD. 'So we have been very close friends with that Bishop.' The family drove from Mboki to Obo. There they hired another car to get to Bambuti close to the border with South Sudan. From there they walked the three miles to Source Yubu, paying men with bicycles to carry their belongings. From Source Yubu they drove to Yambio.

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11 'I just went and entered into the Timbiro Cathedral Hall. This man who brought the interview thought I was one of the people who were selected but that I had come late. So he did not take time to check my name on the list. He just gave me the question papers. Something made me not to argue.'

12 Bishop Daniel Manase Zindo was the second bishop of the Catholic Diocese of Tombura-Yambio (which then still included Maridi). The first bishop was Jeremia Kofuta Datiro.

Some two years after returning to Yambio, Charles developed an interest in law. His old Ugandan institution, Bishop Tucker College, was now offering law courses. Through a missionary friend, Charles wrote to the vice-chancellor and got offered a place. 'In 2002 when the SPLA was mutinying from Torit ... I was travelling over land to Uganda. We met a lot of challenges on the way because the mutineers were actually confronting. We were led by convoys. Then I succeeded to come to Uganda [but] my family was left behind.' From 2003 to 2007 Charles completed his law degree (LLB). After, he returned to Yambio. Now Charles was well-educated both as a priest and a lawyer. But upon his return, the church didn't give him 'the work of law, but [they] put me in charge of Timbiro Secondary School, where I was the headmaster in 2008 for 6 months.'

In August 2008 the office of the South Sudan Employees Justice Chamber planned to extend their offices to Yambio as part of a pilot project. Charles applied and was hired and tasked to investigate government civil servants grievances. When Governor Bakosoro was elected, Charles' boss was moved to the Ministry of Finance, and so he became the acting director. In that position he handled government employee's problems. 'If they are victimized by their employer they bring the issue to my table ... Because there was a set procedure of discipline, which employers have to follow. But of course they take advantage of people who are not learnt. What they say is the law.'

In 2015 Charles got an additional position as chairperson for the Land Dispute Resolution Committee of the County Land Authority. He went to the office on Tuesdays and Thursdays, 'Not as a job, I was only paid a sitting allowance.' His committee was trying to resolve land disputes by reference to the law, but it had very limited sanctioning powers. The funding for the building and sitting allowances was provided by Tetratech and USAID, but they paid no salaries. Substantively Charles struggled because 'Land tenure is not properly defined in South Sudan ... Also people are ignorant of the law.' His committee sought to resolve land disputes, but in doing so often became the target of criticism and even violence.

Charles' was leading a stable life in Yambio from 2008 until 2015. Quite a lot of fighting took place in Yambio from the summer of 2015 until spring 2016, but Charles decided to stay put. 'We were discussing the issue of moving out at church: in case the worst comes to worst, how do we move?' But they had decided that they could still hold on in South Sudan. That changed dramatically in May 2016. 'On 19 May 2016 at 10.15 pm four unknown gunmen came to my house with the intention to kill.' Three stayed outside the gate, while one went in, 'his face was veiled like a ninja. I jumped into my bedroom and he shot five bullets at me. One finger was shot off. By 1.30 am I was at the hospital in Yambio.' When Charles told me the story for the first time, he showed me pictures: of his house, of the bloodied floor, of him in the hospital, where his finger was amputated.

When I asked him if he knew why he was attacked, he narrated how he had heard a land dispute involving an army commander and a civilian: 'The civilian had the land title, certificate, and he was born there, it was his father's plot.' The army commander, in Charles' recollection, said he wanted the land 'Because he fought for it.' After making an investigation with witnesses, on 17 May 2015 Charles ruled in favour of the civilian, offering that the county could compensate the commander with another piece of land. 'But the army commander didn't want that. He left complaining and the next day he reported to the [county] commissioner, saying that the County Land Authority gave [away] his land.' Charles, though, insisted that the civilian had the right documentation and – as a lawyer – he balked at the suggestion to bend the rules in favour of a man who could use violence. When speaking about the ramifications of the shooting for the county land authority Charles explained, 'After they shot me, my colleagues feared for their lives. They needed security to resume working – otherwise they would halt.'

The day after the attack, Charles decided that he would leave for Juba. But the banks were closed on the weekend, and he was only able to get money on Monday and book a ticket with South Sudan Supreme to fly out on Tuesday. Come Tuesday, the plane did not come. Instead a Kenyan plane which had been chartered to fly to Yambio was looking for passengers to fly back with them. Charles, his wife and two children got seats to Juba for 200 USD total.[13] In Juba, Charles found that 'the security situation was equally not favourable. People take a container in their room, because they don't want to go out at night.' He also needed better medical care, so he left for Uganda on 27th May 2016. The family travelled by bus with an armed convoy.

In Uganda, Charles first spent three months in Kampala before applying for asylum at the Office of the Prime Minister in Old Kampala. There he was told that OPM could not make him an 'urban refugee'. InterAid, an NGO, encouraged him to relocate to Kiryandongo Refugee Settlement. Charles moved to Kiryandongo Refugee Settlement in October 2016. His house was close to one of the main roads between the settlement and Bweyale town. Because of his damaged hand, Charles received support to build a house from the Kampala Human Rights Foundation, an NGO that supported activists and journalists.

With its plastered walls, firm iron sheeting, and sheltered veranda Charles' house was nicer than average in Kiryandongo RS. In June 2017 he built a plastered building by the roadside, where he and his family operated a small supermarket selling mixed goods: drinks, soap, candy, toiletries, airtime and 'royco' (a food additive). The shop was called 'Password', 'because that is how you access things.' The other half of the building was still empty, and waiting for somebody to rent it. Across the road was a football field. When the parent-

13 That is comparatively cheap, normally a one-way flight Juba-Yambio costs between 100 and 150 USD.

run school on that pitch held breaks, dozens of students would come to Charles' shop to buy candy and drinks.

Charles often sat on the porch of the shop on a green plastic chair, and was sometimes joined by his children, acquaintances or just passers-by. His shop's porch was where we talked most of the time. Every time I came to Bweyale, I tried to visit Charles. He was very analytical, and he always offered me an update of the situation in the refugee settlement. Topics usually included recent disputes, OPM policies, aid delivery, and the politics of South Sudan. Charles was a man of the world and follower of news, and frequently mad reference to the situation in other countries: Brexit; the ousting of Mugabe and Bashir; the tenure of Trump.

Charles had countless ideas on how the situation in South Sudan should be addressed – there should be general disarmament, reform of the armed forces, and the international community should invest heavily in the education of refugee children as a way to build peace in the future. He was critical of what he saw as the lack of meaningful support from the outside world, 'Humanitarian aid just salvages the crisis. You can keep us alive, but for what? If we have no education we just sit around waiting to die.' Reflecting on displacement, Charles was sombre, even gloomy:

> When you leave your place and go, you have lost almost everything ... You become a beggar, depending on relief. Being an IDP is better, you are within your country. When you cut with your country completely, you cannot plan your future. Children are not going to school. It's not easy. To sit like this when you have dependents. It means that the future is dead. The children have nothing to return with.

During one of my visits in June 2017, we discussed the assassination of Ismail, a reputable doctor in Yambio. The event caused Charles great pain, and pause for reflection:

> When we see people moving over the tarmac roads [in Uganda], wherever they want to go for their business. And ours is we kill doctors, we destroy everything every time. Life loses its meaning. It is like it was a mistake to be born as a South Sudanese.

When the topic of an eventual return to South Sudan came up, Charles was again somber: 'Some of us, we are expiring and getting old. And now there is no hope for us to do anything back home.' Despondent thoughts like these, were further aggravated by the boredom that seemed rife in the camp. For a man as active as Charles, it was hard to 'sit idle'. Boredom came up often in our conversations:

> People are desperately suffering from what to do. Idleness is the devil's workshop. So it is good that Refugee Law Project is coming with a program for adult education

> ... because people will be engaged. The time for worries is reduced to when they come home and eat their beans, or when they lie in bed at night.

Charles, too, found ways to reduce the time for worries. Not long after his arrival in January 2017, he got involved as a paralegal for the Danish Refugee Council, an NGO. His task was to support the Refugee Welfare Councils (RWCs) in resolving disputes: about land allocation, lines for the water points, domestic violence, alcohol abuse. Despite his legal qualifications, years of experience, and the time he put in, however, the position was unpaid. He asked, 'For how long will you continue to do it at the expense of your own life? Motivation needs not just be money, it could be soap, salt or just 15 or 20 k [4-5,50 USD].' When I met him again in February 2019 he had quit the position. The contract had expired and the NGO had asked the paralegals to continue on a voluntary basis, promising that they would give a token of gratitude like soap. Charles complied for three months, but when the promise did not materialize he quit to focus on other things 'that can help.'

When I met him again in May 2019, Charles was enthusiastic about a new initiative in which he was involved: the establishment of the 'Azande Traditional Association' (ATA). 'Our goal is to record in all forms the fading customs, culture and language of the Zande. Because you know the young Zande cannot speak our language without involving Arabic or English.' Later he emphasized how Zande culture and history ought to be recorded before they are lost, making an analogy to the Bible:

> You know the same is true for the Bible. Some of the letters were written 30 years after Christ died. So we have lost a lot. What happened between his birth and his 12th year when he entered the temple? And then again between then and when John the Baptist came? All those things were not written and yet we want to know.

Charles took up the task of writing a constitution for the association, a job he took very seriously. He showed me a very formal document, complete with perambulatory clauses. 'Our plan is after our meeting to register it with OPM, and to launch a website.' His work for ATA gave Charles new hope and energy. The same day, I asked him about his thoughts on 'resilience' and his own secrets to keeping alive and energetic amidst the most trying of circumstances. His answer moved me:

> I'm a believer. I believe that God created me for a purpose. I don't know that purpose, but I believe it will avail itself as I keep living and pursuing. Life was becoming squeezed in my own country, so I knew that God wanted us to go. Like his discipline – they had to leave Jerusalem when there was hunger to spread the faith. When something happens to me, I want to believe that God has a purpose for me. And I am looking forward to the plan that God has for me in Uganda. Like this ATA [Azande Traditional Association], perhaps that is one of the reasons that

> God has kept me alive ... God has a purpose for South Sudan. God may use some of us who are outside here for that purpose. So he allowed us to come outside.

ELIZABETH

Pathway to the present

1978 January. Born in Maridi, Sudan.
1991 Completed primary 7. Moved to Zaire (DRC), Kuku Camp.
2002 Returned to Maridi.
2003 Returned to DR Congo, Ariwara.
2010 Moved to Maridi, then Mundri.
2015 April 21. War came to Mundri, fled to Maridi.
2015 April 28. War broke out in Maridi, fled to Yambio.
2015 December. Fled to DR Congo.
2016 January. Moved to Uganda.
2016 April. Arrived in Kiryandongo.
2016 December. Traveled to Maridi to pick up more children to bring back to Uganda.

Portrait[14]

Elizabeth was born in 1978, on 1 January,[15] the child of Foibe Gabriel and Hamza Abdallah. She grew up in Maridi until she was 13 and completed her primary school 7. In 1991, at the height of the SPLA activity in Western Equatoria, Elizabeth and her family went to Dungu, Zaire (now DR Congo). She stayed there in Kaka refugee camp for 10-11 years. 'That was good: there were no lines for food, you could move out,' she recalled, comparing it favorably to her recent experience in Uganda. In 2002 Elizabeth moved back to Maridi, but the next year she was forced again to return to Congo when the SPLA were 'marrying people by force.' Coming to Congo, she did not return to the camp, but instead to Ariwara, a small town near the border with Uganda. From 2003 to 2010, she stayed in Congo. 'All my children were born in Congo.'

Elizabeth returned to Maridi in 2010. She found work in the nearby town Mundri, running a wholesale shop and a restaurant, similar to her businesses in Uganda. Life in Mundri was good, and she had a lot of business: 'I had

14 Based on oral history interviews, 15 May 2017; 9 February 2018; 9 March 2018; 15 May 2018; 16 November 2018; and 11 April 2019.

15 Often, birth dates were not recorded in Sudan. The need to know a precise date often only came up in confrontation with the state bureaucracy, and because people did not know the exact date (but rather the season, or what else happened around that time) bureaucrats would often list the birth date as the first of the month in which the person estimated to have been born.

a hotel, restaurant, second-hand clothes business.' But Mundri was one of the towns first rocked by violence in Western Equatoria, when farmers and migrating cattle keepers clashed. 'On 21 April 2015 war came to Mundri, so I ran to Maridi.' She recalls without sharing further details of the conflict and her experiences of it. 'After 7 days there, war broke out there too so I ran to Yambio. In December 2015 I went to Congo, then by January 2016 I came here.'

Upon her arrival to Uganda, Elizabeth had her mind set on Kiryandongo Refugee Settlement. To avoid UNHCR and OPM allocating her to a random settlement in West Nile, she told the Ugandan border officials that she had come to visit her sons who were living and studying in Kampala. After some time in Kampala, Elizabeth arrived in Kiryandongo in April 2016. When she registered at the Reception Center, 'They gave me land in Magamaga.' But when she went to see the land, she found that 'People were not there and I cannot stay alone.' Having stayed all her life in trading centres, she did not feel like living 'alone'. She decided only to keep the land for cultivation, but to look for elsewhere to live. She returned to the Reception Centre and was lucky to meet a Sudanese Acholi woman who had already lived in Kiryandongo for 22 years. That woman offered that Elizabeth could stay on a piece of her land near the Reception Center. Elizabeth asked her for a spot 'by the roadside ... for business to help my life.'

Since 2017, Elizabeth also rents a small shop in the bustling market of Bweyale. She sold mixed goods: rice, coffee, herbs, soap, orange juice, Omo washing powder, apples, honey from Congo, new clothes and Congolese fabric. On her right there were male butchers selling goat meat, loudly wooing customers and continuously chasing the flies from the meat. On Elizabeth's left was a lady selling powdered herbs. And opposite her, a handful of women selling potatoes, tomatoes, onions, garlic, pineapple, and lemon. Elizabeth spent most days at the shop, and this is where I would most frequently meet her. As we talked she would pack coffee into small bags, or pause to deal with clients. Elizabeth's main clients are South Sudanese, 'Ugandans cannot buy orange juice or meat, it is only South Sudanese! They get money from Juba!' Business in the market was better than in the camp, but still 'It only covers my rent and bodaboda, there is little benefit.'[16] Elizabeth paid 70,000 UGX per month to rent her shop. On an inventory of 1,000,000 UGX, she estimated to make 150,000 UGX profit.[17] With many children to provide for, that was not a lot. 'So there is nothing. That is just enough to push life and keep me busy.' In addition to her business, Elizabeth held various positions in Uganda. She was an adviser in church, worked from time to time as a translator for the camp management, and was the chairperson, sometimes called chief, for the Azande in Bweyale and Kiryandongo (see Section 8.4.2.1).

16 20180209 Bweyale – Elizabeth Night

17 'When I buy a crate of soda for 10 500 UGX, I sell it again for 12 000 UGX. I sell bags of water for 100 UGX.'

Like most adults in the settlements, Elizabeth cared for many children. In December 2016, about a year after leaving Yambio, she traveled back to South Sudan over land (Arua (UG), Ariwara (DRC), Dungu, Nabiapai (SS), Yambio, Maridi) to get seven children that were left there, some of them orphans. During the good years in South Sudan when she was making money, Elizabeth had already sent some of her children to school in Uganda:

> I sent them some 3000 USD for 10 children. But of course some kids they lie about graduating and paying school fees, they are just enjoying. So when I came to visit them, I wasn't sure what to expect. But then my two eldest boys were graduating with degrees from St Lawrence University. Now the third is doing Public Health in Entebbe and he has been named Mr Kumba for being the smartest. The two girls are in S3 and P7.

Elizabeth also paid for the house that her children in Kampala lived in. For 12 years, she paid 450,000 UGX per month. But when times became harder and her money 'dried up', she thought she would have to move the children elsewhere. To her surprise, the Ugandan landlady said it was better for the children to remain in Kampala and offered to reduce the rent to 200,000 UGX. When she came to Kiryandongo, Elizabeth would also collect food aid for the children and send it to them in Kampala.

In February 2018, I visited Elizabeth during the dry season. This was a notoriously hard time of the year. People's reserves had been hit by Christmas and then school fees in January, and many lived hand to mouth until the first harvests in April. In this time, there were shortages and prices went up.[18] When we met, Elizabeth told me she had sold the gold necklace which she had bought seven years prior, during the good times. She got 1,200,000 UGX for it, and used the money to pay for her house, school fees, and the rent of her shop in Bweyale.

Elizabeth was a strong woman, running small businesses and working for her community in the camp. Many refugees sat idle in the settlements, haunted by trauma, and disheartened by the lack of economic opportunities. Elizabeth remained hard-working, even if war and displacement had also affected her. Often when we met and I asked how she had been, she offered the idiomatic 'we are just here pushing life'. One time she elaborated: 'It is hard. Running up and down. Life here is also not easy ... It is harder than in South Sudan. Food is not enough, school fees... Not a good life.'

Elizabeth lived in Kiryandongo RS, but most of her children stayed in Kampala. This prompted me to ask her about the difference between the refugees in the camp and those staying in the town (also Section 7.4). She

18 'Charcoal used to be at 25.000 – 30.000 has generally increased to around 35.000 – 40.000 UGX. And even the cooking material onion, tomatoes, vegetables and others have been expensive this making difficult unaffordable and difficult to cope with.'

explained: 'Town is better, because if you stay there you have money. Even if you have small money you eat well, there is water, your children will study well and be clean.' But she also saw downsides to 'town'. Most immediately, town life was expensive. But Elizabeth also worried how it would affect the children. 'Children who stay in Arua or Kampala are not OK. They get spoilt.' She frowned and explained:

> They go to dance, take alcohol, bangi [weed], this thing they snort from America, what.. Some parents are paying the school fees for their children in Kampala, but they are not in school. All of them are on the road. Girls at 15-16 are all spoilt. In the camp, it is the same but not like the town. In the town there are many lodges, in the camp there are no lodges and their mothers are there.

Elizabeth also weighed the merits of camp life:

> [It the camp] your children will not study well and be dirty, and there is no water. The food is not OK. You will just eat the food that they are giving you. The good thing about the camp is that you don't have to rent. You have your own house. Also medical care and schooling are free.

The camp has also offered her access to development assistance. Two of her daughters were sponsored for their education, 'The only thing left is 2,500 UGX per term for printing for primary school. For secondary the sponsors pay the uniform and the fees. If you are in the camp, your children will be schooling.'

Contrary to my male key respondents, Elizabeth seemed uninterested in national politics. She only mentioned the war insofar as it affected the economy and the lives of ordinary people. For instance, 'They failed to promote peace and this has led to a reduction in the cash flow from South Sudan'. Rather than worry about those big picture developments elsewhere, Elizabeth worked hard every day to get by, to provide for her many children, and to contribute to her various communities.

ALBERT

Pathway to the present

1974 Born in Mangbangou Boma, Ezo Payam, Sudan.
1980s Grew up in Ezo, primary and intermediary education.
1993 May. Left for Uganda, spent 4 months on the way. Stayed in Koboko, Arua, Kampala.
2000 Returned to Southern Sudan.
2005 Followed GTZ training in Yei for road construction.

2006 Dinka-Zande fighting. Became inspector of accounts in the local government in Yambio, and later in Ezo.
2008 Field officer for the census in Ezo.
2010 Joined SPLM state secretariat as secretary of admin and finance.
2010 Was elected to state legislative assembly.
2013 July/August. Became County Commissioner in Ezo.
2015 Personally targeted, left to Uganda.
2017 Worked as 'assistant admin' for South Sudanese NGO working in Uganda.
2020 Returned to South Sudan.
2020 July 4. Passed away in Yambio.

Portrait[19]

I will sketch the portrait of Albert in episodes, as this is how I came to know him. I interviewed him across several years in both South Sudan and Uganda, and in different kinds of settings. Sometimes I will include bits of transcript to allow the reader to read his words more directly.

2015 March 23, Ezo

I first met Albert Moudie on 23 March 2015 in Ezo, South Sudan. Together with my colleagues Felix, Rejoice and Donato I had travelled to Ezo as part of a research project on justice in land and family disputes (see Section 1.2 and Annex 3: Methods). As always, we first reported to the local authorities before starting our work. And so, we knocked on the door of the old colonial-looking office of Mr Albert Moudie, the county commissioner at the time. Albert was dressed in a good suit and received us in his office together with his director of national security, Mr Peter Ayang. These meetings had not always gone smoothly, and some people in power distrusted me, a strange *khawadja*, coming to their area. But Albert was friendly to us from the beginning. He smiled, was interested, and had many ideas. He told us that he had been appointed county commissioner on 9 July 2013, and he introduced the county and its politics to us. We discussed the proximity to the borders with the DR Congo and Central African Republic, and how that affected justice provision in Ezo. Albert also explained where the unmarked borders were, and how lay people and chiefs interacted across the borders. We learned a lot from our short meeting, and thanked him profusely. Little did I know then, that Albert and I would meet much more often, and that I would come to regard him as a friend.

19 Based on oral history interviews in Ezo, Arua, Rhino Camp and Bweyale on 23 March 2015, 23 April 2017, 18 May 2017, 7 June 2017 and 8 March 2018.

2017 April 27, Rhino Camp

On 23 April 2017 I drove on a motorcycle through Rhino Camp, Uganda. The escalating civil war in Western Equatoria had chased many people out, and many now lived as refugees in Uganda. My research in South Sudan had also become impossible, so I had decided to continue my research in Uganda. In Arua a friend told me that there was a 'Zande Chairperson' in Rhino Camp, but he had no further details. So I set out one Sunday morning, asking for directions along the way. Ultimately I was led to Eden 6, and in that section to one particular grass-thatched house. I asked a small child if her father was at home, and she went in to get him.

When Albert stepped out, I first did not recognize him. We had not been in touch since that afternoon in Ezo two years prior, and I did not even know he had fled. But Albert remembered me right away, and told me that he used to be county commissioner in Ezo. Then I remembered and I was both happy and shocked: Happy to see him again, and shocked that even a former county commissioner now lived in a grass-thatched *tukul* with very little belongings. We exchanged some pleasantries, and then Albert told me about his flight from South Sudan. His account:

> When I was county commissioner in Ezo, things were calm. There was no insecurity, despite what was happening at the national level since December 2013. But then Governor Bakosoro was arrested, and the insecurity started to increase in Western Equatoria. Then national security thought that I may have been grooming the Arrow Boys, and that I was coordinating with them. So when the new governor Patrick Zamoi came, he wanted to arrest me.
>
> One time, I got a call by someone in the national security, warning me that I was going to be targeted. Then I saw a pickup with army people coming to my house and to the house of my mother after. I escaped on a motorcycle. Then I called Governor Zamoi, and agreed that it was best to go to him so that I could explain myself. Zamoi said that there was no problem. When I was on the way coming on the back of a *boda*, I received a call. It was my friend in national security. He asked me: 'Where are you?' I told him that I was on the way to Zamoi. Then he told me: 'Your bravery may be beyond what I am telling you, but you are going to meet your death if you come.' Then I decided to tell the *boda* to turn around.
>
> Together with a chief from Ezo, I left on a motorcycle to Congo. But we hadn't realized that they were on the way waiting for us. When I saw them I told the chief: I think this is it for us. As we approached them, they pointed their weapons at us. But then there was a huge gust of wind. The dust flew up so high that I couldn't even see the road anymore. I was just praying and driving. Then when the dust settled, we were out of there. And the soldiers were nowhere. We stopped and asked each other: What was that? We didn't know but continued. We spent the night before the border. The next morning we left at 4 am. We had left just in time: the soldiers arrived at 5 am.
>
> When we reached Congo we reported to the army there about our story. They told us there is no problem, but that they had to call Kisangani. And Kisangani

> had to call Kinshasa. And then Kinshasa called Juba. And then Juba told them: 'Please, the governor of Western Equatoria needs those people so you arrest them and give them to us.' But I had a friend in the Congolese army who used to come to me in Ezo. I asked him what was going on. And he told me: 'I think your observation is good. So you make your decision soon.' Then I realized they were going to come for me, so we decided to jump over the border again back to Ezo.
>
> When I came back my brother and a Bishop mediated with the governor.[20] Then I was allowed to stay, but I had to report to national security every day to prove that I wasn't in the bush. But then after Governor Zamoi went to Juba, he called his deputy to arrest me and torture me. This deputy called a meeting on a Sunday with me, my brother, and the bishop. There he told us: 'For me I'm a lawyer, and I haven't seen any evidence against you, Albert. But the best thing is for you to move as soon as possible away from Yambio.' I also asked the UNMISS human rights officer and he said: 'You may be in the right, but that cannot give you your life. You better decide soon.' So then I decided to move to Uganda. When we came to town again, the bishop filled up his car and borrowed it to me to drive straight to Kaya. Luckily enough, on the way we could join a UPDF convoy for 100 USD.

As Albert was finishing this part of his story, it was already getting late in Rhino Camp. Unfortunately, I had to leave in order to make it home to Arua by sunset. So I thanked Albert, and we made plans to meet again later. I drove home in good spirits, grateful to have again met Albert – a familiar face in this unfamiliar new land.

2017 May 18, Rhino Camp

Only at our third encounter, on 18 May 2017, Albert told me about his personal background. I had come to meet him again in Rhino Camp, and had prepared some questions for an interview. He told me that he was born in 1974 in Mangbangou Boma of Ezo Payam. His father Paul and mother Bernadette Mbutiro were married in the Catholic Church. Albert grew up in Ezo, and got his primary and intermediary schooling there until the early 1990s, when the SPLA was fighting with the SAF for control over Western Equatoria. In May 1993, Albert left with a common friend for Uganda. He narrated:

> We spent 4 months on the way to Uganda from Yambio. First we went to Maridi. We spent a month there waiting for the truck of Trunk Oil Company, which brought food to Bahr el Ghazal. Once we left, we were stopped by the SPLA after a few kilometers. They detained us and put us in prison. I was young then, [our friend] was a bit mature. They said that we wanted to fight. But luckily a priest from Yambio heard about us. He told them that we were only going to Koboko for a family visit and that we would come back. So they released us.

20 I have removed the names due to the sensitive nature of the anecdote.

> By that time, Yei and Kaya were under Sudanese government control. So we had to go through Abazer. We spent 2,5 months there because that was the village of our driver. We only survived there through his help. He would bring us food every now and again. But our clothes were full of bed bugs. I remember [friend] and me by the river crushing the bed bugs from our clothes with stones. From there we went to Angbokolo. [Friend] and I went to the market, but we were arrested by the Congolese police. They tried to interrogate us, but we did not understand their languages, so he brought us to the police station. Lucky enough, the key to the prison was not there. So he told us to sit and wait while he went to get the key. So [friend] and I ran and sneaked back to the car. We told the driver all that had happened and he put us inside. The next evening we left. There was a roadblock on the way, so the driver covered us with a carpet. We reached Kile in Uganda, near Koboko. At the border they were registering refugees, but we did not want to be registered because we feared they would transport us to the camp. We just wanted to get to Koboko. So we snuck out of the car, and joined it again after the checkpoint.
>
> We reached Koboko at 11 pm. We wanted to see our elder brother, Father X. So we went to the parish and met a priest. He asked us about our travel, and if we were rebels. By that time, Juma Oris had his operation in northern Uganda. We said 'no,' but he had so many questions. After some time, he sent the watchman to go and tell Father X that there were guests to see him. So he came out, and we greeted eachother. He gave us a fresh bed – we had not slept on a mattress for months – but we told him we could not sleep on it, due to the bed bugs. So he told us to remove our clothes, and wash carefully. Then he gave us fresh clothes.

Albert did not tell me much about the years he spent in the 1990s in Uganda. Just that he stayed in Arua, as his friend moved on to Kampala. Later as rebel activity increased in West Nile, he was helped by Father Trudeau of the Jesuit Refugee Council to find his way to Kampala. He wanted to study medicine but there was no money. So finally in 2000 he went back to South Sudan, to cultivate and do other work.

In 2005 he went to Yei for a GTZ-training on road maintenance. They had a project to fill the potholes on he road from Ezo to Maridi, and first started with a pilot project on the road from Yambio to Gangura. But then in 2006 there was the conflict between Zande and Dinka. Albert recalled, 'That destroyed everything and the project was cancelled.' He then became an inspector of accounts in the Yambio local government. Later he was transferred to do the same in Ezo. Then he did his diploma course in Banking and Finance.

In 2008 Albert was involved in the population census as field officer in Ezo. Then when the SPLM reorganized, they nominated him as delegate. He became the secretary for administration and finance for the SPLM state secretariat until 2010. Then there was the general election, and Albert was nominated for a seat in the state legislative assembly. He won by a large majority, and was also elected deputy chairperson for economic affairs. After the referendum in 2011, he was elected chairperson of the public accounts

committee. And then in 2013 he became county commissioner, the position in which I met him in 2015.

2017 June 7, Arua

Albert and I had met various times mostly 'off the record', and I feel that I am learning a lot from him. I wanted to drive out to Rhino Camp to meet him again, but when I called to ask if he was there I learned that he was in Arua. So then I asked if he had time to stop by Zebra 2 – a nice, quiet bar – for a soda and an interview. I was mostly interested in his work in the refugee settlement, and in his analysis of the effects of conflict and displacement on social life. I have included here some bits of my transcripts to let Albert speak for himself.

> *Bruno: So the first question I have is how you became chairperson of the cluster.*
> *Albert*: The first chairperson of Eden 6 was Joseph. He was elected on 10 August 2016. But after that he was committed elsewhere, staying in the camp was not convenient for him. So he resigned in November 2016. Then the people were saying that I should be the one to take over. Because I had been County Commissioner and so on. But I refused. So they gave me time to think about it. The meeting was rescheduled. People then told me that if people invested their confidence in me, it would be better that I accept and then later resign again. There was one other candidate. But when I decided to accept, he stepped down. He could not compete with me.
> *Bruno: And what are the sorts of disputes you work on?*
> *Albert*: Issues arising with the host community over land and firewood. When a case is brought, I have to inform the landlord, a *muzee* called Peter. From there, we call the LC 1 or LC 2. We explain to the community that refugees also need firewood for survival. We also explain the language barrier. Then there are not much problems. Water points have been an issue. The principle is that people should stand in line. But if someone comes and asks politely: 'Please, I have a child back home' or something urgent, then people should consider it. We also explain to the community that NGOs are also facing constraints. They were prepared for the people that were here already, not for all those who came new!
> *Bruno: And what about individual disputes? Do people come to you if they have a problem with their neighbor for example?*
> *Albert*: People do come. Commonly these problems are around poverty. There are no livelihoods. A man is not in a position to provide the basic needs. So there is no proper understanding in the household, and that leads to domestic violence. The women need salt. In South Sudan it was the responsibility of the men to provide, meet the needs of women. But now a common saying among women is: 'My husband is UNHCR and WorldVision.' Men are not providing anything at all. The few jobs around are given to nationals. There are only jobs for refugees to translate and do low-level development promotion work (e.g. sanitation, hygiene). Most such positions are voluntary. People who had documents in South Sudan, don't have access to jobs here. There is no refugee who sits in an office! The Refugee Welfare Council is not paid either. And yet we are engaged 24/7 for the community

and NGOs, mobilizing people. But you're not given a single coin, not even a piece of soap. The community selected me, but I will not continue for long. I've already handed my resignation two weeks ago to OPM and the community. Last time they refused it, saying that I am supposed to serve them. Now I told them that I cannot go footing around to follow up cases, and that there is no money. I suggested that my deputy chairperson can act in my absence. But eventually there will have to be elections.

Bruno: Do you see similarities between the Refugee Welfare Councils and the Customary Courts in South Sudan?

Albert: The RWC are not supposed to handle conflicts and pass judgements. We just keep order, and we advise people. We are not mandated to do more. But now the settlement commander found that there are many issues being referred to him. So he decided that now we should do Alternative Dispute Resolution (ADR) of non-criminal disputes. Still we are not allowed to fine people. If someone has taken a chicken, we advise them to pay for it.

Bruno: Do you also deal with issues to do with defilement, dowry, kasurubeti, etc?

Albert: We are not supposed to do defilement, that is a police matter. We only handle civil cases. If they are old enough, we can do dowry problems. When a man fails to pay the dowry, we call them in. We ask if this it is true, and what resources he has. But often there is no money. So then we advise the claimant not to press too much for the dowry now because people are surviving on UNHCR. We also encourage the defendant to do casual work.

Albert: When you handle a dispute you are supposed to be five: the chairperson, the secretary and other members of the RWC executive committee (which is composed of 12 members). There are supposed to be two women, too. We don't have a fixed day for hearings: we just call a meeting anytime a case comes. The secretary takes minutes. ZOA came to train people on the role of the RWC, and in recording cases, and monitoring the implementation. They used an exercise on a land dispute.

Bruno: How many cases would you hear per week?

Albert: Probably five. But we tried also to create more awareness about certain issues that are common. So that people know they shouldn't be at loggerheads with their wife.

Bruno: Were there also land disputes?

Albert: Not really during my tenure. In Rhino there were no problems.

Bruno: In Kiryandongo, many people found that the land they were allocated was already occupied by others. Sometimes they had initially failed to develop it quickly.

Albert: In Rhino if that happens and you find someone else on the plot because you were too slow to develop it, then you are given another plot. There is enough land.

Bruno: So another big question I have is about the impacts of conflict and displacement on the people of Western Equatoria. What can you tell me?

Albert: First, that the livelihoods of the people of WES have been affected. We cannot meet our basic needs. In the Zande culture – but also beyond – the man is supposed to provide. The women manage the household. So now the authority of men is undermined by women. Cultural erosion. Men are not considered the head of the household anymore, but women are. Because you are being helped, you are not providing. Also, cultural aspects tend to disappear. The Zande are supposed to be trained. But people are scattered now. Families too. So you as a man, how are

> you supposed to handle this situation where you have children in three different countries? Now there are no Zande gatherings where we would dance, sing in our language. What brought people together were the big days: Christmas, 1/1 [NYE], Independence Day. There we would cook food, talk, resolve issues. But here the ration is limited and so you cannot.
> *Bruno: And who goes where? So some people stay in Western Equatoria, others go to Congo, others come here. What explains these movements?*
> *Albert*: People choose where they think they can live well. People go to DRC because they think they are the same Zande people, they share the language and the culture. So they will have access to land, and it is fertile too. But then that area is also quite remote. People come to Uganda because they want access to education. If they have resources they go to the town. Others in the camps have free primary education. Some arrive in Rhino Camp and find that it is very dry, so they move to Bweyale if they can. Some say it is better to die in South Sudan, and they don't go anywhere. It all depends on where and how they want their family to be.
> *Bruno: And what made you decide to come to Rhino?*
> *Albert*: I saw that DRC is also not safe. It is vast, and there is no proper system. I've studied in Uganda, and I know that the security here is calm. For anything to happen it will first face some difficulties. We were placed in Rhino and though it is dry, I did not want to change again.

Our conversation meandered a bit from here. It was getting later and we switched from soda to a beer. He ordered a Club, and I took Tusker. I put my notebook down and we talked more freely. But then Albert brought up another topic that had fascinated me in South Sudan: the Ezo-triangle. When I visited him in 2015, he had told me about the exact border between South Sudan and the Central African Republic. That it was not marked by the road, as most people believed, but the river Mbomu. I had gone then to find out with a research assistant. We walked across the road and then all the way to a small river and across it, leaving us more confused than before. All along the way we had met people saying we were in South Sudan, and then suddenly somebody had said that we were in Congo. All the while our Thuraya satellite phone had still indicated South Sudan. So where was Central Africa? Later, in early 2017 I was in the Sudan Archive at Durham University in the UK where I found a handwritten letter from colonial-era district commissioner JWG Wyld, requesting his superior to inquire whether the French Equatorial African authorities (colonial CAR) could be persuaded to hand over the 'Ezo Triangle' to Sudan. I never did see any reply, but shared the document with Albert who was very interested, and told me that he had always thought this area should be transferred to South Sudan. With a joyful smile Albert recalled 2015.

> *Albert*: I was the one sending people to go and live across the road! I encouraged people from South Sudan, DRC and CAR to settle there! There is an old road of Baribara, dating back to a survey during the colonial time. He opened a small path allowing people to go along the border. He put nails in the trees as he went. This

story was told to me by Ricardo Mario, the son of Chief Maria Diko of Ezo. In old Sudan, the police would train in Dingi. Also, CAR would tax those that would farm beyond river Mbomu. I sat down with [local chief], who is an Avungara, and I told him that we need to create that place now. So he talked to a chief in Obo (CAR). That chief said: 'The land belongs to the Azande, there is no other tribe who can claim it. The Azande have the right to it, and whatever they agree will happen.' The chief was also optimistic and ready. He said it is better that the place is proper, so our hope was serious. When I became county commissioner, I started to send some people over there. At first they were just cultivating there, not living.
Bruno: If the area had been Sudan, why were people not living there?

Albert: Because the place was reserved for the police training, to test guns. So settling there was not realistic. But my plan now was to claim that place. Because now the road passes Ezo center, so I did not like the shape of town. Shops should be on both sides. And also, most borders are marked by some sign or features, like a river or mountains.

Albert: But then one day there were going to be elections in CAR. Then their mayor came because she wanted people to be registered to vote. But she did not contact me. So I told security to detain them until when I arrived. I came, and then we sat with them. I told them: 'I am the county commissioner, and you cannot enter here without my permission. And what road did you use to come here? It must have been the road from Source Yubu, which is South Sudan!' And I said, 'This is not CAR, it is Dingi.' Dingi is Pazande for empty place, place with animals. I told her, 'If you want to go to beyond river Mbomu, you can come to me first to see your forest.' This place from the road to river Mbomu is us. So she went back to talk with the big person in Obo.
Albert: My aim was after some time to bring the Zande from DRC, SS, CAR to the border points. So that they could sit and construct their historical boundaries. At least during the time of the colonialists. When was the joint border point stone put? We should celebrate that day! We could gather to share food and ideas! We were only planning. Our idea was that if you come to Ezo, you don't really need to go through migration. Yambio is deep, so you need to process your documents. And it was working! Even if you were Congolese with HIV/AIDS, you could access drugs in Ezo without payment. They only need your photo, so that they can recognize you.
Albert: I wanted to smoothen relations with the other Zande in Congo and Central Africa. If I could have been there for long, I would look for intellectuals to contribute some money to send 100-150 Zande from CAR/DRC/SS to one place to study. Then over 10 years, we have like-minded across. They could have much impact. Well-educated, so that they enter politics. Then in the area of the Zande, people could move without passports – there would be free movement. They could advocate for peaceful unity.

As Albert spoke like this, his eyes lit up. These were big ideas that really motivated him. I learned a lot from his mix of history lesson and political idealism. I did wonder at the time how realistic it all was, given the sensitive politics at the time, the ongoing civil war, the scarcity of resources.. But Albert

seemed not to be in the least discouraged to think big: He dreamt in effect of a free zone in the heart of Africa.

2018 March 8

In 2017 and 2018, I met Albert many different times: In Rhino Camp, Arua and Bweyale. Albert helped my research a lot by sharing his insights, and by connecting me to interesting others. Albert was also involved in 'Hummingbird Action for Peace and Development,' the NGO of a mutual friend, Peter. From time to time, I also attended Hummingbird-activities or simply shared meals and drinks with Albert and the others. One day I met him at the house of another mutual friend in Kiryandongo settlement, and we drove to Bweyale together where we shared a meal. Over dinner he shared some insights into the differences between refugees in town and those in the camp

> *Albert*: In the camp, everyone is together. Class does not matter. If anything happens to you, everyone will come. So ethnicity is also stronger. In town people live individually. I meet them only at church on Sunday, but I don't go to their homes. Also people are more class conscious. They don't want to live in the camps.
> *Bruno: Do you mean class in terms of wealth?*
>
> *Albert*: Yes, and in terms of education.
>
> *Bruno: So where is it easier for people to communicate with people from other ethnic groups?*
> *Albert*: In the camp of course! Because you are there together. You may even pick up some of their language. And if anything happens, we all go. In town you may be in the hospital and no one would know!

During one of these informal get-togethers that Albert shared his dreams for MIKESE, the university that he helped run in Yambio. As I worked for a university in the Netherlands, Albert was interested in cooperation: Could we send colleagues to teach in South Sudan or Uganda? Could their students come to us for an exchange programme? Hummingbird was identifying 'focal peace persons' in every ethnic community in the camp, and Albert wondered if we could develop a curriculum for them to teach peace and unity. He continued: What about for the idle youth? Whenever Albert spoke of such ideas his eyes lit up, and his enthusiasm was contagious.

2018 November 16, Arua

The last time I met Albert, was in November 2018. John Kenyi and I had come to share a report that we had written for the Rift Valley Institute. We brought copies, and invited all key respondents from Rhino Camp, Bidibidi, Kiryandongo and Impepi Refugee Settlement to come to Arua. It was a joyful day

for us, and we were happy to see so many familiar faces re-connect. We hosted a series of discussions about the future of chieftaincy in South Sudan and Uganda. Albert was one of our most active participants, freely sharing his sharp views with humour and tact. Albert was a great teacher. He could explain complicated things in clear language, and used his great humour well. I am grateful for all that he has taught me, and simply for the friendship we built. In 2020 Albert returned to South Sudan to prepare the ground for the return of his family. But tragically he fell sick, and passed away in July 2020.

Chief Zaza

Pathway to present

1977 Born in Naandi, Sudan.
1990 Family fled to Dungu, Zaire.
2000 Came to Adjumani camp, Uganda.
2001 Moved to Kenya, Kakuma refugee camp
2003 Returned to Uganda, worked as watchman with church in Rubaga, Kampala.
2007 Returned to Yambio.
2012 January. Naandi payam chief election held.
2012 September. Zaza took office.
2015 Arrow Boys started rebellion against government/SPLA.
2016 May. Arrow Boys attacked Ezo. Chief tried to mediate between rebels and government.
2016 May. Chief was warned, and sought shelter in Juba.
2016 July. Outbreak of violence in Juba.
2016 July. Took UPDF-convoy to Bweyale, Uganda. Moved on to Lira.
2017 Autumn. Returned to Naandi, South Sudan.
2018 January. Naandi formally turned into county, visit of Governor.

Portrait

Moses Zaza was born in 1977 in Naandi, in the southwestern corner of Sudan close to the border with the DR Congo. His great-grandfather Madi Zungubia was a tough chief, who never went to school. When the Arabs came to Naandi, he did not want to be converted and he protested their plan to build a mosque. So they arrested him in 1938 and hanged him in Wau in a place called Nazareth.

Moses' grandfather Madi was very young at the time, but he was nonetheless installed as chief. Then when the British colonial administrators came to Naandi and saw how young he was, they brought him to school in Timbiro, behind the barracks in Yambio. Moses' grandfather sat in school together with

the former governor, Abujohn. They studied up to Primary 4, and then Madi returned to Naandi and came to full power.

When Moses' father was born, grandfather Madi was already old and tired. Madi took long before getting children, and passed away in 196-something. Moses' father was still very young then, so Madi chose his own brother to take over. Moses' father enjoyed a good education and eventually became a teacher. In 1990 during the Second Sudanese Civil War, the family ran to Dungu, Zaire. Moses finished his primary school there, and then secondary school up to senior three at the Institute Wandu.

In 2000 Moses came to Uganda where he spent a year in Adjumani refugee camp, 'But life was not ok there, so in 2001 I went up to Kenya.' After two years in Kakuma refugee camp, Moses returned to Uganda again in 2003. He settled in the Rubaga-neighborhood of Kampala where he stayed with the ECS of Sudan, 'I worked as a watchman. I cleaned the rooms and looked for money to go to school, because I had nobody to support me. My father was in Sudan, but he was old and there was war and no money.'

In 2007 when peace came, Moses decided to go home. But instead of moving to Naandi he stayed in Yambio because it was more of a town. When he came back, the people of Naandi did not know him well. His father, however, was a very popular and well-respected teacher. Moses was his only son. When he came back to Yambio, he tried to work hard and honestly with the people, 'I listened to them. That is how they came to like me.'

Earlier in this book, I explained Moses' chiefly election process, his subsequent grooming by 'stayee' traditional authorities, as well as reflection on his work 'in office' (see Chapter 5). I also described how Moses had had to flee South Sudan once again, and how he came to Uganda (see Section 5.6). When we met in Kampala in June 2017, the Chief had been very uncertain about returning to South Sudan, especially Naandi, saying that it would not have been safe for him to do so. Yet a year later I heard through a common friend that Chief Zaza had spent most of the preceding year back in South Sudan, and had only just returned to Uganda. I called him, and we arranged to meet in Kampala.

On 28 November 2018, we met at the Equatoria Hotel in Kampala. Moses was accompanied by his Ugandan wife. The three of us walked to Arua Park. Long-distance busses departed and arrived here, and there were many Sudanese and South Sudanese shops and people around. Chief Zaza knew a small cafe on the first floor of one of the shopping centres. This was a meeting place for Zande in Kampala. During the hour or so that we were inside, nobody came to take our order but at least five Zande-speaking people stopped by to greet Chief Zaza and myself.

Zaza told me that he spent most of the time since our interview in 2017 in Naandi. 'My people need me,' he explained. The situation had improved slightly, and Naandi had been upgraded from a payam to a county. So now a county commissioner was installed as well. Zaza showed me pictures on

his phone of the welcoming ceremony for the county commissioner. They visited the different payams to announce the arrival of the commissioner. Moses showed me a picture of a chicken being sacrificed. When I asked him about it, he told me it was meant to be a cow but they only had money for a chicken. They sacrificed the chicken and sprinkled its blood on the road before entering a new locality, so as to make it safe. There were more pictures: of big men in suits, children dancing, crowds gathering. There was a picture of a car with small flags on the front – in the fashion of diplomatic cars with national flags – and Zaza explained that this was Naandi's flag: white with a hoe, pen and notebook. Then there was a picture of the chief and the commissioner at the tomb of Zaza's grandfather, where they went to get the ancestors' blessing for the new county commissioner.

The decentralisation also meant that Chief Zaza was now paramount chief. Still, he was not enthusiastic about the policy: 'This decentralisation is just divide and rule. There is nothing. You by yourself have to establish your office. There is no proper care. They give people titles but no money, so that is even dangerous ... It can even make you to steal, so that you have fuel to move with the car.' His salary was still worth very little, about 4,70 USD per month at the time.[21] When I asked him how he survived, he told me that his family contributed and, 'In your homeland you cannot suffer.'

As a paramount chief, Zaza's court had been upgraded to 'C Court,' and he had been hearing mostly criminal cases, often referred to him by the police.

> I work with a lawyer who comes from Yambio. He works in the civil affairs court [probably means county court]. He is not a judge, but a lawyer. If something involved assault or a gun, they have their Code. We sit there together and see. Sometimes we also work by phone if he cannot come.

The Arrow Boys with whom Zaza had a number of close encounters and 'misunderstandings' also came to his house when he returned to Naandi. 'They apologized and said that they wouldn't pick up arms like that again.' Some people again complained that he talked to the Arrow Boys, but Zaza insisted that was a crucial part of his role: 'I'm like the UN. I can serve everyone. They are all my children. When the SPLA were fighting the *jellaba* [Sudanese] we also supported with food and intelligence. So what is the problem if we do it now?'

Naandi, however, was still not at peace. In Zaza's opinion, the national elites had to make peace and, 'They are the ones who should come down to us at the grassroots to explain.' At that time, 'There is too much fighting in South Sudan. Here [in Uganda] and in Kenya they dont fight. Because they dont want their property to be destroyed. Like this place [gestures to the

21 Zaza told me he receives 1440 SSP per month, and that the rate at that time was 12.000 UGX for 1.000 SSP. So the salary amounted to about 17.280 UGX = 4,67 USD.

building where we sit]. If it was destroyed it would take ten years to rebuild.' Meanwhile the community of Naandi was 'traumatized by the sound of guns.' There were shortages, and new widows and orphans. 'There is no improvement. Things are going down down down. We are just trying to calm them.'

Annex 2

Poem: It has started again

This poem was written by Isaac Hillary in Zande in 2018, and then translated into English with my editorial support. Isaac published the text and an accompanying video on his blog, Worondimo. He agreed that the full English and Zande text could be included here. This poem is cited in Chapter 6 as an emic perspective on the outbreak of war in South Sudan.

It has started again!

The sounds of mortars have gone quiet one after another. The ring tones of cellphones have gone mute. The music lovers have turned down the volume on their devices! The pumping heart sounds as if someone is coming.
What is it? It has started again!

The natural lights of the fireflies have gone off. Women are quickly putting out their fire. Lights are going off one after another. The smartphone users are reducing the brightness of their phone screens.
What is it? It has started again!

Slowly the breastfeeding child has turned its mouth from its mother's breast. An elderly man has withdrawn his hand from his dinner. The rats have paused eating groundnuts, and flee for refuge. The red ants have suddenly stopped their damaging work and went quiet.
What is it? It has started again!

The swamps have gone quiet because the frogs have stopped their melodious songs. Owls and jackals have gone suddenly quiet. The crickets have stopped their nonstop stories to their young ones.
What is it? It has started again.

The joyous sounds of children is no more in the air! A peevish child has gone quiet like night. The funeral drums suddenly go mute. The widow has stopped her sorrowful cry.
What is it? It has started again!

The mothers are confused about the future of their offspring. Men are thinking about where they will take their families to. The grandparents are all wondering what is next.
What is it? It has started again!

Women are spreading their bed sheet on the ground. Large bags are being pulled from under the beds. Children are collecting their books. Mothers are tying up new baby carriers. Men are securing their important documents.
What is it? It has started again!

Highways are getting empty. The vehicles and motorbikes are no more accessing the routes! Main roads have been deserted by all.
What is it? It has started again!

A small child has woken up and started to ask, 'What is it father?' The whole village has answered him in a low voice: 'Child, it has started again! It has started again! It has started again!'

Ti Enge Koyo Berewe!

Woro asangu na onga kina ti mburu akuraha... woro terefoni kisi wa mbata! A gi mazingo kakama azingirihe si ki ongo wa he na mangu! Kina woro bangbunda na foka tihe kugbu-kugbu-kugbu wa woro ndu boro...
Ginihe gu? Ti enge koyo berewe!

Anzengue mbu ki wakina ikpiro gumba... adee na biso gayo awe ni kina boro ngar‹. .. bangiri awe na sa tihe kpaafure wa ti a bibiso rogo akporo ringara yo, a mangi sunge na terefoni na gbisa timaha ku sende kisusi...
Ginihe gu? Ti enge koyo berewe!

Gude ngba-mai di ngbaru ti momu nai yeee... bakumba kusi beko kurungbuyo yee...
Akuri ru zaa zanga ti ri awande...angbari mbu gu nyanyaki sunge nga ga ri bambu ki ongo zaa!
Ginihe gu? Ti enge koyo berewe!

Adari na Azai mbu gaami dodoromo bia ku munga yo... agbuku,andima,afur‡ na ahu‡ mbu gaami sasara afugo rogo dudu bitimo! Akperende mbu gbetegbete pangbanga fu awira...
Ginihe gu? Ti enge koyo berewe!

Mongo agude ongo sisisi! A rukutu mbu gandara ki ongo wa yuru! Woro gaza kporo kpe ongo dangu!
Dekurugbo sungu zanga kpe be pa imisiri kumba ri!
Ginihe gu? Ti enge koyo berewe!

Anaagude sungu ni kina duadua riyo kusende ni bere pa awiriyo. Akumba nari ngba rindi yo na pa wŠri ini ka ndu ka mbu adia yo na awiriyo ni! Tita agude sungu ni ngere tataita be gbinza kini ako nyanyaki gbe!
Ginihe gu? Ti enge koyo berewe!

Adee na gbaraga kpe aroko tihe ti kpotosende... kikindigi amangu mbar‹ nakura ti apambara yo...
Agude sura na dungura zegino awaraga ku pati yo... adee na s— vovo akua tinda agunde, akumba na mbakada bara gayo kpe awaraga sunge...
Ginihe gu? Ti enge koyo berewe!

Bamukutu agene ugu wa — zire yo... Atorombiri na amotoro he peka abagene! Andu ti gene na ndu na kere bir? zanga boro na gihe worondu yo!
Ginihe gu? Ti enege koyo berewe!

Tooni gude zingi be rame ki tona kina sanahe, 'Ginihe du buba?' Ringara na baha karaga pai kina ku bani fu gi tooni gude re... Ti enge koyo berewe gude! Si tona berewe! Si enge koyo berewe! Pai na tona nga si a ki ru te ya?

Annex 3

Methods and multi-sited displaced ethnography

In the Introduction I explained my longitudinal and multi-sited displaced ethnography. In this Annex, I will explain further *where, when*, and *how* I conducted my research, and *why* so. I will also candidly detail some of the dilemmas and challenges that I faced, and how I responded to them.

A3.1 Places and times

A3.1.1 South Sudan

First, I spent a little over three months in Western Equatoria State, South Sudan, on two visits between August 2014 and April 2015. I first arrived in Yambio in September 2014 as part of a joint research project on 'primary justice' between the Van Vollenhoven Institute, aid organization Cordaid, and the Justice and Peace Commission (JPC) of the Catholic Diocese Tombura-Yambio. The research was sponsored by the Netherlands government through the Knowledge Platform Security and Rule of Law. We held a 'kick off'-meeting for the project in Yambio in January 2015 to brainstorm about primary justice and to introduce our research team.

For three months I worked with an all-Western Equatorian team of eight local research assistants of the Justice and Peace Commission. We split up in teams of two, to research local justice in Western Equatoria. We did the lion's share of the research in Yambio, Nzara, Ezo and Tambura counties. Within those counties, we mostly focused on towns. The local researchers also visited Ibba, Maridi and Mundri-West. But none of us did research in the far east (Mundri-East) or in the north (Mvolo and Nagero) of the state.

Next to the JPC office in Yambio there was a halfway constructed building: The walls were there, but it had no windows, floor or doors. Every day we met there, moving some chairs from the JPC office to sit in a circle and discuss our research findings and plans. Much of what I know about Western Equatoria, I have learned in those sessions. My colleagues also helped me to navigate the towns, roads, etiquette and conversations.

In Yambio I lived in a room at the Catholic Diocese, sharing meals mostly with the religious, the bishop, and their guests. After working hours, I would stroll the market, attend church services, or go running or mountain biking. There was a small group of other foreigners that I shared meals and drinks

with: researchers, aid workers and UN staff mostly, but on occasion also US special forces[1] and loggers.[2]

This was a moment of peace, of post-conflict return migration and reconstruction. Dispute resolution institutions were functioning: customary courts, the County Land Authority and the County and High Courts. We were able to do our research, and learn a lot about the workings of various justice systems in this remote part of one of the world's most fragile and conflict-affected states. It was hard, then, to imagine things changing for the worse. But over the course of 2015 war 'started again' in Western Equatoria (see Chapter 6 and A3.3.1).

The war forced me to recalibrate my research. One option was to write a thesis with the material I had gathered until then, another option was to start anew somewhere else. But when hundreds of thousands South Sudanese moved to Uganda over the course of 2015 and 2016, I decided to see if I could continue my research there, to study how conflict and displacement were affecting social life among the Zande of Western Equatoria.

A3.1.2 Uganda

Between November 2015 and July 2019, I spent 15 months in Uganda. My entrance point for ethnographic inquiry in Uganda was not a *place* at first, but rather a group of *people*: Western Equatorian and particularly Zande refugees in Uganda. This focus had three advantages. First, it suited my previous experience and network in Western Equatoria. Second, I limited myself to a more manageable sub-group than 'South Sudanese refugees'. Third, based on earlier literature and my research in South Sudan, I anticipated that various groups' experiences in exile would differ. Although I set out to study 'Western Equatorians' and 'Zande', I wanted to treat the salience of these identity markers and the coherence of these groups as empirical questions.

Researching displaced people came with a predictable challenge: people who regarded themselves as belonging to a group (e.g., family, clan, ethnic group, nation) had been 'scattered' in different places (see Chapters 6 and 7). To find people in Uganda I took a two-pronged approach: First, I connected with a handful of acquaintances whom I knew had crossed the border. Peter Minaida, the former manager of the JPC in Yambio who had also welcomed me to Yambio in 2014, was now in Uganda. He had brought part of his family to safety in Kiryandongo Refugee Settlement. I also linked up with one of my former research assistants in Yambio, who was now living in Kampala with his parents. These acquaintances would refer me to other people, and so I could snow-ball further. Second, and to avoid too much of a 'selection bias',

1 The American forces were stationed near Nzara to help the UPDF fight the LRA.
2 Especially the men from Equatoria Teak Company.

I would work through different entry points and sometimes find people on my own. I went to football matches, church services, even refugee settlements and just started to speak with people and ask if there were people from Western Equatoria around. In this way, I found two of the people that would become my key respondents, whom I had also met before in Western Equatoria, Charles and Albert. My time in South Sudan and social network helped me to get access to people more quickly, and to understand where they were coming from.

I quickly learned that many Zande refugees in Uganda lived in Kiryandongo RS and nearby Bweyale town, with sizeable but smaller groups in Rhino Camp, Arua and Kampala. So that is where I focused most of my research. I also visited refugee settlements in Imvepi, Bidibidi and Adjumani. From 2018, my wife worked with the UN in Entebbe and so we shared a house there. I would travel up north to stay at Christus Centre in Arua or New Doral Guesthouse in Bweyale, and visit the surrounding settlements. After some days or weeks, I would return to Entebbe to write. I travelled around frequently – initially by bus, later by motorcycle – and carried with me news and photos from across the country.

In Uganda, besides conducting my doctoral research, I also worked on two sub-projects with South Sudanese colleagues: 1) with John Kenyi for the 'South Sudan Customary Authorities'-project of the Rift Valley Institute, funded by the Swiss Government; and 2) with Isaac W Hillary for the 'Deconstructing Notions of Resilience: Diverse Post-Conflict Settings in Uganda'-project of the London School of Economics' Firoz Lalji Centre for Africa, funded by the Rockefeller Foundation.

A3.2 Methods and techniques

A3.2.1 Multi-sited ethnography

Initially my plan was to do research in Western Equatoria alone. When war 'interrupted' my research plans, I thought my research was doomed to fail. I took much of 2016 to teach various courses at Leiden University, and to reconsider. Eventually, I found inspiration and consolation from other scholars who by choice or coercion had been led to do 'multi-sited ethnographies'. Peter Loizos, a pioneer in refugee ethnographies, had not planned to write about the displacement of his Cypriot relatives. Equally, many scholars of the Sudans were forced to improvise around periods of war and displacement, doing research when and where it was possible to compose books rich with connections across time and place (Felix da Costa 2018; Akoi and Pendle 2021; James 1979; Hutchinson 1996; Kindersley 2016).

Eventually, I came to see the multi-sited nature of my research as a strength. For over a century, conflict and displacement had been crucial forces

in the history of Western Equatoria and the Zande. The present crisis was a 'rupture' but it was not new to many people: Those who were born in the 1960s had often been displaced three or four times before. Beyond war, other factors had encouraged international migration and return. Attempting to brush that away in the service of a neat ethnography of a single place and people would have been misguided and dishonest.

By adopting a similar multi-sited ethnographic approach, my work could better respond to the call of Colson and Harrell-Bond for anthropologists to 'focus on people in transition, who are uneasy about themselves in a world that ignores their desire and need for continuity' (Colson 2003, 3). But beyond rupturing and liminality, the multi-sited ethnographic method also allowed me to see continuities and attempts at reconstruction. I found inspiration in Malkki's work on Burundian refugees:

> [This is] not an ethnography of any eternal place or 'its people,' nor is its aim to give a comprehensive account of the social life of a 'community.' [Instead] it is concerned to explore how displacement and deterritorialization – conditions which are 'normal' for increasingly large numbers of people today – may shape the social construction of 'nationness' and history, identity and enmity (Liisa H. Malkki 1995, 1).

This – how displacement shapes social (re)construction of various kinds – became a primary interest. I came to recall many of the people who played formative roles in Western Equatoria in 2014-5 had been 'returnees'. Although at the time I had no idea that my research focus would shift towards displacement, we had always asked people to speak about their lives and whether they had always lived in Western Equatoria. That data now suddenly became especially useful. So after my own geographical shift to Uganda, I also made an analytical shift – looking at our prior material from South Sudan with a different lens to see that it already taught us much about prior episodes of war and displacement, and about connections across time and space. It also taught us how more generally, ideas and identities had circulated 'in diffuse time-space' (Marcus 1995), e.g. the Zande Kingdom, the codification of customary law, the demarcation of land.

In Uganda, my research became multi-sited in more ways than one: I conducted research in geographically different places, but I also became more attentive to people's personal trajectories and their ideas about connections across time and place. Practically, multi-sited ethnographic research requires even more opportunistic improvisation than single-sited ethnography. I could not simply design and 'execute' a research design, for one because my research 'subjects' (i.e. refugees) were scattered and mobile. Instead, I had to become just as connected as many refugees were: using phone calls, Facebook and Whatsapp messages to check how and where people were, just as they were checking in on me. I had to be flexible to meet whenever and wherever it suited people, and I travelled around a lot. Like Schapendonk, I found re-

searching in this way 'allowed me to keep track of people's changing, and sometimes remarkably unchanging, situations' (Schapendonk 2020, 7).

A3.2.2 Interviews, small talk, and transcripts

In South Sudan, our team carried out 338 semi-structured, unstructured interviews, focus group discussions, and court observations. Our interviews focused on disputants and authorities (e.g., chiefs, judges, prison authorities, police, headmen and county commissioners). We observed in the customary courts and County Land Authority. We also collected and digitized customary court records (see Annex 4). One time, the president and clerk of Yambio's High Court gave us permission to read the court records on three land disputes which had been resolved a year prior, so that we could research whether and how the ruling had been implemented. When respondents spoke good English, I would ask questions directly. When they were more comfortable in Zande or Juba-Arabic I relied on research assistants to interpret. As often with anthropology, the line between research and life itself has been blurry. I have learned a lot from informal encounters: roadside small-talk, church services, shared teas or dinners, Whatsapp or Facebook-chats, and football matches.

In Uganda my colleagues and I organized some 138 semi-structured interviews, oral histories and focus group discussions. For the Ugandan camp authorities perspective, we relied mostly on discussions with OPM officials in Kampala and Arua. I did not speak to UNHCR-officials, or with people working with other aid organizations. By far most of my interviews in Uganda were with Western Equatorian refugees, some of whom also occupied leadership positions in the Refugee Welfare Councils or Community Organisations. As people were more 'scattered' in Uganda my research was more mobile, and my learning was more limited to scheduled research encounters. In Uganda, too, I would attend church services, football tournaments and workshops, but it was still very different from South Sudan where from morning to night I was immersed in 'my' research site. My key respondents in Uganda taught me about their perceptions and experiences also in other forms: One wrote poetry, and another made paintings.

Throughout, my preferred research methods were semi-structured and open interviews. When I wanted to be able to compare findings with colleagues and/or across respondents, I would prepare a list with questions to work through. I would ask clarification and follow-up questions, but mostly stick to the subject. But my most interesting findings came from more open and life-history interviews. From John Ryle, I learned to open interviews with an easy and stimulating question: 'Could you tell me your names, and what they mean?' Often, people would then also speak about their family background and their childhood. From there, I encouraged respondents to speak about their lives: where and with whom they lived, what education or work they

did, what led them to leave South Sudan, how and why they got to Uganda, how they lived here, what their thoughts about the future were. Mostly I would try to get respondents to the topic and then 'get out of the way' (Russell Bernard 2006, 216).

Despite my anthropological training, I hesitate to claim having been a 'participant-observer'. I did not, like Evans-Pritchard and Reining, live a full year in the same place, or learn Zande and Juba-Arabic sufficiently. Part of this was due to the multi-sited nature of my research, and the limited time I spent in different places (Schapendonk 2020, 8). But also in those places where I spent a lot of time and developed dear friendships, I continued to feel like a visitor and was often ill at ease. I think both my interlocutors and myself always remained aware of the countless differences between us, the most glaring one being the immense privilege that I enjoyed to be able to fly in and out of places, compared with their lot of, often, being stuck in a refugee settlement.

In some situations I may have become so familiar that I was a bit of a 'fly on the wall', but even that I doubt. The Comaroffs warn that in anthropology (as in other sciences) the conduct of research often changes what is being observed. I focused on peoples' narratives about themselves, their experiences and perceptions. There are pitfalls with such 'self-reported' data: People might eschew sensitive information or deliberately lie. That *I* was the research instrument 'recording' their accounts influenced what I was told (A3.2.3). While I tried 'triangulating' factual information, often I was at least as interested in people's (inter)subjectivity and 'lived experience', as in an objective 'truth' (Eastmond 2007). Qualitative research with its focus on 'being in the world' is challenging, especially when the subjects are war and displacement. But with Duffield I believe that qualitative methods are better suited to do justice to the complexities and contradictions that often characterise such times and places (Duffield 2014a).

Throughout the research I kept detailed notes with paper and pen, which I would transcribe into Evernote every evening. In this book I have anonymized all interviewees except for those who insisted that I should use their real names, and then only in those places where I feel citing them is safe for them. Due to the sensitivity of recording people and the time needed to write verbatim transcripts, most of my transcripts were a summary of what people said with a few especially powerful literal quotes. In two dozen cases my colleagues or myself got permission to record interviews (especially with more elite respondents) and of those interviews we made verbatim transcripts. Throughout I also kept field notes and diary notes, especially to describe my own perceptions and experiences, and to deal with culture shock and obstacles encountered.

A3.2.3 Positionality and access

In research generally, but in anthropology in particular, 'There is no knowledge without someone who *knows* in a particular way' (Hastrup 2004, 456). My positionality ('the stance of the researcher in relation to the social and political context of the study', SAGE) shaped the research process in various stages. Inevitably, another researcher would have written another book.

Most obviously, my positionality affected my access: Where I could go, and whom I could speak with. As a white European man, I stood out in South Sudan and Uganda. To many respondents I looked like the white missionaries, aid workers, loggers, and soldiers who had come before me. Some people explicitly referred to this history and questioned my positionality. A grandson of King Gbudwe, now in exile in Uganda, reminded me:

> Gbudwe started fighting the colonial powers. Do you know what the colonialists did? [*I answer that I do*] They killed Gbudwe! Are you here to kill me also? [*He laughs*] ... History records that the relation between the Azande and the people who colonized Sudan were not good. We could not sit side by side then like we are sitting now.[3]

Despite, or because, this dark and racialised history, being a white foreigner often gave me easier access to people in authoritative positions. Some people, I am sure, actively used my presence as 'a tool by which to record and gain recognition for their political and historical narratives' (Leonardi 2013, 10). Researchers have their interests, but interlocutors do too (see Chapter 1). Especially older and higher-educated men sometimes refused to speak to my South Sudanese research assistants, and instead insisted that 'if Bruno wants to know something, he should come to me in person.' But my access was constrained in other ways. Women with little formal education, for example, would often be reluctant to speak with me freely. Yet from those women some of my South Sudanese colleagues were able to elicit the most elaborate and nuanced responses. Other anthropologists in South Sudan were differently positioned and/or made other choices (see Section 1.3.3).

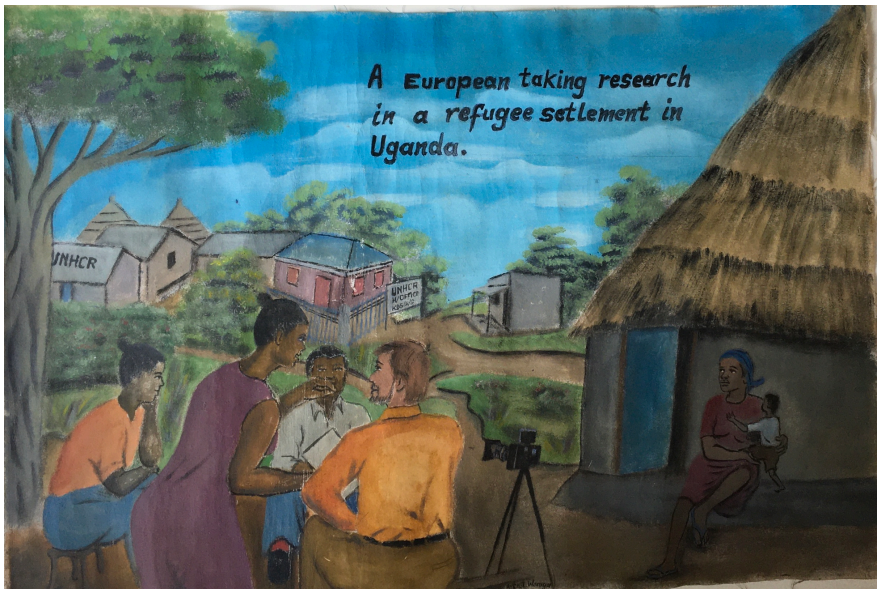
My positionality also shaped what people told me. In South Sudan, customary court staff told my research assistants about the use of evidentiary Zande oracles, including the famous 'poison oracle', something which they had never told me. I learned most about witchcraft-related beliefs and practices from my research assistants and their transcripts. Perhaps the court staff thought it wise not to discuss this subject with the white man staying at the church.

Despite my best efforts to explain my research, some people in the aid-heavy refugee settlements in Uganda thought of me as an aid worker. I asked my key respondent James to make a series of paintings: one on a customary

3 Interview with Avungara elder, Arua, 9 August 2017.

court; one on flight; one on the future of South Sudan; and a last one on my research in Kiryandongo RS. In that last painting, a UNHCR logo is clearly visible in the background. James knew that I did not work with the UN, and he used the logo in other paintings to indicate that the scene was in a refugee setting. Still, the association of 'white man' and the UN, aid organisations, or the church was strong. Initially, some respondents assumed our interview was a 'needs assessment' and they would almost unprompted start listing the troubles they were facing. I would take time for lengthy introductions, make sure that people would know me before I would start an interview, and often worked with South Sudanese colleagues to navigate these positionality/access-quagmires.

Figure 18: Painting by James: On his perspective on my research. Commissioned by the author, 2018.



But beyond access and the research encounter, my positionality has also shaped what I looked for, what I saw, and how I wrote about it. As Lund reminds us, 'conceptual interpretations are therefore not simply explanations of the world as it is, but the weighed and measured assessment of the most interesting facts and most plausible inferences as understood by the author' (Lund 2021, 58). And so positionality is related to debates about representation as well (see A3.3.2).

A3.3 Limitations, challenges, and responses

The most glaring limitation of this book, is perhaps that I have explored many different places and fields as they relate to my broad questions about the effects of conflict and displacement on traditional authority and identity among this group of people. Banakar and Travers warn against (socio-legal) researchers spreading 'their intellectual resources to thin[ly]' over too many areas of knowledge and too many debates (Banakar and Travers 2005, 2; Ribeiro de Almeida 2020, 14). In my book, each chapter engages in different debates and would have merited a separate book. So I have made choices. My historical chapter 2, for example, offers no comprehensive history of Western Equatoria or the Zande. Instead I have, together with my interlocutors, selected only those elements of history most salient to this book. Similarly, the two chapters about refugee life in Uganda did not reach the same depth-in-place as scholars who focused on single refugee settlements (Kaiser 2010; 2006b). But then my aspiration was to show connections: Between times and places, but also thematically and even disciplinarily. I suspect that some readers may find the balance I strike between breadth and depth acceptable, whereas others may find that my excess curiosity had resulted in a lack of focus.

A3.3.1 Insecurity

Anthropological research in Western Equatoria, as in much of South Sudan, has often occurred shortly after or before war. Evans-Pritchard's fieldwork in the 1920s took place shortly after the colonial civil administration had replaced military rule. Reining's research was cut short in 1955 when skirmishes began around Yambio about the Zande Scheme, eventually contributing to the eruption of the First Sudanese Civil War. Siemens wrote how his research in Yambio in 1984-5 took place during the last two years of 'the few years (1973-1985) available for research between conflicts' (S.D.S.D. Siemens 1990, 210). Anthropological research in South Sudan has often been impossible, or cut short because of conflict.

My case would be similar. During my research period between September 2014 and April 2015 in Western Equatoria, I was able to travel relatively uninhibited over land in and between Yambio, Nzara, Tambura, Source Yubu and Ezo. The local MONUSCO-security advisor was fairly relaxed about security in this area, and told me mostly to stay away from local women to avoid problems. I would discuss our planned movements with Cordaid's security advisor in Juba, and touched base with him daily on a satellite phone. Mostly, though, we relied on the local network of the church and local government for detailed and up-to-date security advice (Verweijen 2020). During my stay in South Sudan, I was afraid only on three occasions: Twice when I heard gunshots, and once when we had a puncture in a forest with recent LRA-

activity on the border with CAR. But nothing half as traumatic as what was to follow for my colleagues.

In the summer of 2015, violent conflict escalated in Western Equatoria (see Chapter 6). The Netherlands' Ministry of Foreign Affairs changed its travel warning from 'code orange' (only essential travel) to 'code red' (do not travel), and my contacts in Yambio also advised me against coming. So I cancelled my second research period. Our research team faced a dilemma. We were keen to learn how the insecurity was impacting disputing practices, the courts and local government. The Justice and Peace Commission and our research assistants were still in Yambio. But we did not want to risk anybody's safety for this research. During a week of meetings in Kampala in November 2015, we discussed the security situation and how our team members felt.

We decided that with increased caution, safety measures, and continuous re-evaluation, our research assistants could continue some research. To cope with the insecurity our team secured permissions from local authorities anew, and stuck to familiar people and places (Yambio and Nzara). We also instructed the research assistants to prioritize their personal security, and that they would continuously determine whether doing research would be safe enough for themselves and their respondents. We told them that they would be paid either way, thus giving them the freedom and discretion to see what could still be done, without pressuring them too much. And so between November 2015 and May 2016, they were able to do 30 interviews and 7 focus group discussions in Yambio and Nzara. In 2017 and 2018 two research assistants in Yambio and Nzara carried out a further 44 semi-structured interviews and focus group discussions during periods of relative calm, mostly with people that we had met before. That material offered us unique insights into the experiences and perceptions of 'stayees' (see Chapter 6). This was necessary, if only because reliance *only* on refugee testimonies may led to a skewed understanding of the war and its causes (Revkin 2020, 3).

The violence directly affected many of my colleagues, interlocutors and respondents. Many were threatened, some were shot, and at least two were killed. Many decided to run away from South Sudan. Some came to Uganda, where I would meet them again. I have tried to write about this period from the perspective of my respondents (see Chapter 6). On a personal level, it has been painful to be so far away from South Sudanese friends during such periods of intense hardship. From afar, I followed news and rumours day by day as they spread over Facebook, Whatsapp and Twitter. I felt powerless, and at times alienated from my home environment and my day-to-day work.

Uganda, in this respect, was much better. Even close to the South Sudanese border, Uganda was much more peaceful. There were incidental targeted attacks against South Sudanese refugees in Uganda, riots between refugees, and some criminal activities. Personally, I never felt unsafe. But for my South Sudanese interlocutors' security remained a key worry. Many were suspicious of other South Sudanese, and feared that the South Sudanese intelligence or

SPLA would be after them. On one occasion, I was tipped that a man who wanted to be part of a focus group discussion with former combatants might be a government spy. Another dilemma. I decided to tell the man the discussion was off, and re-arranged with the others to meet at another time and place than previously discussed. As an outsider I learned to trust a select few 'insiders' to guide me in these matters.

A3.3.2 Representation

In South Sudan, but especially in Uganda, I often felt uneasy about my research. Why should *I* write this story? Why should this story be written at all? Some respondents asked me the same. My answer was threefold. First, I felt that there was intrinsic value in recording the contemporary history of Western Equatorians, however devastating. Second, I hoped that I could rectify some of the warped and outdated ideas that the outside world (including anthropology students who read Evans-Pritchard) had about South Sudan generally and 'the Zande' in particular. Third, I hoped that based on this 'case', I could contribute to a number of more theoretical debates (i.e., on land formalisation, traditional authority, community formation, war and displacement).

Yet especially in the refugee settlements, such academic purposes often felt insufficient. People struggled to feed their children, and then I would come to ask questions. For what? As Colson put it, 'Those who suffer the insults of forced migration ... may legitimately ask what right social scientists have to study them' (Colson 2003, 3-4). I did not assume a 'right' to research, and accepted when people were not interested to participate. As a token of my gratitude and as basic co-humanity, I would often try to reciprocate people's kindness and help. I brought news and helped with applications. Initially I had avoided given anyone anything, having been taught that this would somehow discolour the research. But I found that 'not giving' was not a neutral choice either. Almost all South Sudanese with something to spare, including my research assistants, would help those in need where they could. The more I felt connected to the people around me, the more I also felt this obligation to contribute – although never in direct exchange for interviews. Over the years I bought specific gifts from my own money (e.g., soap and salt, books, a chess set); paid for transport, airtime, or food; and in a few instances supported bigger projects (a roof, kiosk, video hall, medication, and education). I am sure that (anticipation of) such support may have motivated some people to speak with me. This was and still is a difficult topic. In a context of such abundant poverty, I felt that to give nothing back at all would have been inhumane, but that anything I could offer would inevitably fall short of the needs and risk provoking jealousy.

Some respondents told me they valued my presence as a foreign researcher. They felt at times forgotten, and were keen to be heard. Some saw in me a representative of the world beyond, who had come to listen to them. My respondents had sometimes had disappointing experiences with other researchers who had come once and then disappeared, never to be heard of again. So I made a point of coming back often, and of staying in touch online. In this light, I am beyond grateful to the Rift Valley Institute for funding two 'dissemination meetings' in Kampala and Arua, in which John Kenyi and I shared our report with our respondents, and had a full day to discuss our findings with them.

Figure 19: Photo from Rift Valley Institute dissemination in Arua. Source: Photo by author, November 2018.

This still leaves the question, why should *I* write this story? I have discussed how my positionality shaped the research itself, but should it perhaps even have prevented me from doing this research at all? Have not enough white men gone to 'remote African places, inhabited by 'vulnerable' and underdeveloped communities' (Mwambari 2019)? Is this a colonial practice in and of itself? I see the historical continuity, and have come to learn about my own 'whiteness' and the colonial heritage much more acutely through my stays in Africa. This has made me also much more critical of the Netherlands and its selective amnesia which, at least in my time, was fostered through our primary and secondary education.

Yet I think that a researcher should not be primarily judged by their race and nationality, but rather by the integrity and quality of the research they do. To enable such judgement, I have written this methodology annex. And to improve the quality and integrity of the research, I have sougth to work in more collaborative ways. In South Sudan I still worked with local 'research assistants' who were not involved in the research design and whom I asked to carry out specific interviews. But in Uganda I sought and found research associates to work with more equitably. I was privileged to work with the experienced John Kenyi with whom I co-authored the Rift Valley Institute-report, and with the promising young scholar Isaac Waanzi Hillary, with whom I co-authored a paper on refugees' resilience (Hillary and Braak 2022). I found such collaborations extremely rewarding.

The present book I have written alone. But as Nyamnjoh puts it, 'science is a collective pursuit and no one has a monopoly on insights and the truth' (Nyamnjoh 2012, 65). He uses the metaphor of three blind men (anthropologists) making bold claims about an elephant (their research 'subject') based on their brief encounter with a single part. This teaches some humility. This book, too, is based on brief encounters with glimpses of a running 'elephant'. Perhaps it would be better if, like Nyamnjoh suggests, the elephant itself would speak about its experiences. Even if that, too, would raise familiar questions about the politics of representation, and about the existence of a singular 'elephant'. I certainly hope that future Zande scholars will write about the topics that I have explored and that when they do, they will find something of value in this book.

A3.3.3 'Observer effect' in research on ethnicity?

Irrespective of my academic intentions, my research and writing are likely to impact in some way the very subjects that I describe. Part of this has been called the 'Hawthorne effect' or 'observer effect' ('that the presence of a researcher will influence the behavior of those being studied') and its effect on the ethnographic method has received more elaborate reflection elsewhere (Monahan and Fisher 2010). This dynamic deserves special scrutiny in contexts of war and displacement. Crucially, the effect of the research may extend well beyond the research encounter.

Epistemologically, this book takes a constructivist point of departure. Few things that matter *exist* unambiguously, and are instead embedded in webs of meaning that are shaped by history, linguistics and cognition, politics, power and (academic) 'knowledge production'. Anthropologists have sometimes played a problematic role in co-creating the social phenomenon that they set out to study. Consider, for instance, what Malkki termed the 'chilling traffic' of essentialist ideas between anthropologists, colonial administrators and nationalists of the 'groups' concerned (see Section 1.2.2). More recently, too,

De Waal holds that, 'Every writer on South Sudan has the uncomfortable experience that analysis itself becomes part of the conflict' (De Waal 2019a). Clearly, scholars must exercise caution when writing about social groups, with especially ethnic and national groups so often being the subject and object of exclusivist politics. But this is easier said than done.

I, too, have wondered how by researching with, and writing about, 'the Zande' and 'Western Equatorians' I was influencing those groups. This was less of a problem in South Sudan. When I arrived in Yambio I was excited to meet Zande people, as I had read about 'the Zande' in the classics of Evans-Pritchard. But then my research was about dispute resolution and the local justice system in Western Equatoria. That almost everyone there was Zande was interesting context, but not the focus of my work. Our focus on dispute resolution brought us to research 'traditional authorities', but again being 'Zande' or Avungara was no inclusion criterion. Later, I was happy that while in Yambio I had also discussed 'Evans' and changing traditions with my colleagues.

In Uganda, conversely, I looked actively for 'Western Equatorians' and 'Zande', using both as inclusion criteria and 'social search keywords', if you will. I had several reasons to do so. First and most importantly, I had researched in post-conflict 'Western Equatoria', but not elsewhere in South Sudan. I wanted to compare before and after flight, but could not do so for the enormously diverse group of *all* South Sudanese refugees. Second, the 'South Sudanese refugees' would have been too vast. Even if I had limited myself to Kiryandongo RS I would have had to somehow choose a basis to select respondents out of the over 60.000 candidates. Third, I found that it was easier for me to speak with Western Equatorians and Zande because I knew their area much better than the rest of South Sudan, and I already had some connections there. This helped me gain access and understanding.

But my focus on 'Zande' or 'Western Equatorians' in Uganda had its problems. Practically, some non-Western Equatorian South Sudanese refugees suspected that I would bring aid, and demanded that I also spoke to them. I could usually resolve any such friction by carefully explaining to them the nature of my work, and the reasons for 'inclusion'. But a second more fundamental problem related to the section introduction: Was I not actively co-creating the (salience of the) group that I sought to research?

After reading the critiques of classical anthropology (see Introduction), I had anticipated facing this problem more acutely regarding ethnicity. But the most problematic anecdote from my research concerned the supra-ethnic 'Western Equatorian' identity. John Kenyi and I had done interviews with Western Equatorians who were 'scattered' all over Uganda. Travel was expensive by many refugees' standards, so people had often been unable to visit other refugees elsewhere. In November 2018, John and I organised a 'dissemination meeting' in Arua to share our research report with our 33 Western Equatorian respondents. The meeting was a success. Our respondents were happy to be

in Arua, to stay in a hotel, and to discuss the report. But they also valued our bringing them together as a group. In the closing prayer of the day, one of the elders thanked us for organising the event and expressed the hope that the participants would work together 'to make Western Equatoria great again.' The next morning over breakfast, another of my closest interlocutors fondly and graphically recalled an episode of the 2005 Zande-Dinka violence (see Section 2.6), concluding by making another case for forming a strong Equatorian union in Uganda. In that moment I was shocked. We had brought respondents together to discuss our report, and had not anticipated that some of them might seize the opportunity to rally the group in this way. I was somewhat relieved to see that most other participants were not keen to get involved, instead smiling politely and eating their breakfast.

But it made me think. Why had my interlocutors' recollection of violence and barely-cloaked call to arms surprised and upset me so? Had I somehow come to sympathise with my respondents to the extent that I was blind to any violence they, too, could perpetrate or condone? I found inspiration here in Bahre's work on ethnographic blind spots based on his work on intimacy and violence in South African townships (BŠhre 2015). I have tried in writing this book to show how notions of identity and community are constructed, and how this construction may result from (and lead) to violence.

A3.3.4 Permissions / Access from the state

The governments of South Sudan and Uganda had very different procedures for giving research permission. In South Sudan, things were much less established. At the time there was no formalised procedure. We simply set out with endorsement letters from the three cooperating partners – Leiden University, Cordaid and the Catholic Diocese of Tombura-Yambio. In Yambio my colleague at the Justice and Peace Commission made introductions at the relevant authorities, working from the top down. First we explained our research plans to the Minister of Local Government, and then to each County Commissioner of any new county we visited. We would ask them if they would sign a letter to give us permission to work in their area. Occasionally we faced questions from local security officials, but normally they would let us do our research once we showed them the letters. In this system foreign researchers, once they have the authorities' permission, face very little scrutiny of their work and poor research practices may well go unchecked.

Uganda was different. Here there was a highly institutionalised process for evaluating research proposals, giving 'ethical clearance' and research permissions. The process cost me three months and 850 USD just in institutional fees (this excludes transport, printing, communication, not to mention the time spent on this). This obligatory process is overseen by the Uganda National Centre for Science and Technology, and explained in its 'National Guidelines

for Research involving Humans as Research Participants'. First, foreign researchers required an affiliation with a Ugandan knowledge institution. I paid 150 USD to be affiliated with the Centre for Basic Research (CBR). In my years in Uganda, CBR sometimes offered a friendly and conducive environment for discussing my research and that of others. Then, the NCST required researchers to get 'ethical clearance' from a Ugandan research ethics committee. In my case, Mildmay's REC carried out the ethical review for 400 USD. Like many other RECs, Mildmay is specialised in medical sciences. Nonetheless, they offered minor suggestions, urged me to do an online 'research ethics' course (heavily inspired by medical sciences), and then gave me 'ethical clearance'. UNCST finally approved my research for another 300 USD.

Nowhere during this process of getting ethical clearance and research permission did I receive substantive comments on my research design: i.e., topics to cover, respondents to focus on, methodologies to use, let alone on other research that had been conducted on similar topics. I had hoped that the process would put me in touch with Ugandan subject experts, and help me avoid 'duplicating' other peoples' similar research with a potentially research fatigued group of respondents. But that was not my experience.

Further, the process seemed ill-suited for anthropological field research which often involves improvisation, and blurred boundaries between work and social life. For instance, the Guidelines emphasise 'informed consent forms' and 'compensation for research participants'. I wholeheartedly subscribe to the underlying logic of respecting peoples' rights throughout the research process. But the practical stipulations of the Guidelines are not always practicable in anthropological field research. Research encounters vary from quite formalised long-form interviews, to unscripted group conversations, brief roadside catch-ups, telephone calls, and Facebook or Whatsapp messages. What is more, many South Sudanese people have not enjoyed a great deal of education, and they often have good reason to distrust state bureaucracies and its forms. So for a researcher to come in requesting them to put a signature or thumb print on a heavily formalised consent form is hardly a good ice-breaker. I chose instead to work with oral consent most of the time, and only asked my key respondents to sign informed consent forms after taking a very long time to explain the background of the consent form to them and giving them a full day to discuss it together and think about whether they wanted to sign it.

There is one permission that I never got: That of OPM Kampala. After getting my UNCST-research permit, I proceeded to OPM's Department of Refugees in Kampala. A colleague had given me the name and phone number of a helpful OPM-official. I called and made an appointment to come and introduce myself, and hoped to get their permission to work in the refugee settlements. Visiting this office was no mean feat. After finding the right office on a Kampala backstreet, I was let in the gate by an armed guard and directed through a metal detector gate, while my bag was being searched. Then I signed

a registration book, and got a visitors badge in return for my passport. Once inside the four-story building, I explained my purpose to a receptionist, and sat down to wait. After some time, I was given a room number and 'buzzed' through a metal gate to go up the stairs. When I found the right office, I was let in by a friendly man in his late forties. The man was sat behind his large desk in a spacious corner-office. Behind him was a white board filled with jottings, on his right a huge cupboard piling over with files. He was just finishing writing something on his computer. When I told him this was clearly the office of a busy man, he sighed: 'This is like a hospital, every day we get new patients, new cases. The work is never done.'[4] We discussed my research plans and the procedure of obtaining permission. It all sounded fairly straightforward. Once I had collected and printed all the necessary documents, I handed them in with the 'registrar,' to be brought to the attention of the Commissioner for Refugee Affairs. But after I had submitted my documents, I never heard from either. Follow-up emails and phone calls over the following months did not yield any result either. To make matters worse, my contact with OPM was arrested over land grabbing allegations, and the Department more broadly became embroiled in a corruption scandal.

I decided to seek OPM permission to work in the refugee settlements one level down, with the refugee desk officer. The one in Arua was welcoming, generous with advice, and happy to sign a letter to the camp commandants that they should allow me entry. It was from him that I learned most about the perspective of OPM bureaucrats – albeit not quite at the *street* but rather at the *district* level. In Kiryandongo RS, however, the situation was difficult. When I visited the deputy camp commandant in Kiryandongo RS, he said he needed a letter from the Commissioner of Refugee Affairs himself, the very man I had been trying to reach for months in Kampala. To get that letter, the Deputy instructed me to first talk to the Dutch ambassador to write a formal introduction letter for me to the commissioner. As my research assistant and I walked out, somewhat dispirited, my assistant told me that this deputy just wanted *kitu kidogo* (Swahili word for 'little something', a bribe). Only weeks before, she had visited the same deputy with a civil society organisation that wanted to start work in the settlement. At first the deputy had told a similar story of bureaucratic difficulty and tedious procedures. But once a brown envelope with 100 USD was given, he was happy to grant the organization permission to work. I could have tried to buy my way into the camp, but felt that would have been the wrong thing to do. It frankly made me furious that this man appeared to be using his gatekeeping position for personal gain. There could have been good reasons for not wanting outsiders to come into the settlements or wanting to scrutinise their plans, but the deputy did not give me any. Ultimately, my South Sudanese friends and acquaintances inside

4 Meeting with official at OPM Department of Refugees, Kampala, 23 February 2017.

reasoned that if they had the freedom to move out of the settlement, I should also be free to move in. I agreed. So I opted for a grey zone route: to continue my research without the permission of the camp commandant. I decided that in situations where those in charge of 'the law' behave corruptly (see Section 7.6), I ought instead to be accountable to my respondents and my supervisors.

Annex 4

Customary courts caseloads: Methods and findings

To study exactly what customary courts in Western Equatoria did, my research team and I observed dozens of hearings, and interviewed hundreds of disputants and court members. To get a more quantitative impression of the work of these courts, we digitized segments of customary court record books. In these books, the court clerk (or in some cases court members themselves) wrote some basic information about the case: Date; the claimant's and defendant's gender, name, tribe, occupation, place of residence; the claim/accusation in brief[1]; and the ruling. In five customary courts we were given permission by the court chairperson and clerk to digitize these records in anonymized form (leaving out the names).

Subsequently I coded the accusation in brief (which was a written summary of the case) into categories.[2] I drew these categories from the accusations, but not all court clerks used the same standard language and so I categorised the descriptions.[3] Some categories were ambiguous in part because the descriptions were: a 'fight', for instance, could have meant an exchange of words or a physical fight, it could have also referred to domestic violence. Theft was also quite a wide category: some people were alleged to have stolen a bottle or shirt, others to have stolen a motorcycle or livestock.

Crucially, we learned from the court observations that it was often impossible to neatly divide disputes into categories like 'family', 'land', and 'witchcraft'. More often than not cases spanned these divides. In Western Equatoria as in the wider literature, customary courts often excelled at ap-

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1 Technically in civil cases one ought to speak of 'claims' rather than 'accusations' (a term typically associated with criminal law), but the customary court records used the term 'accusation' for both. With the civil law terms 'claimant' and 'defendant' it was the other way around (even in criminal cases people would use these terms).

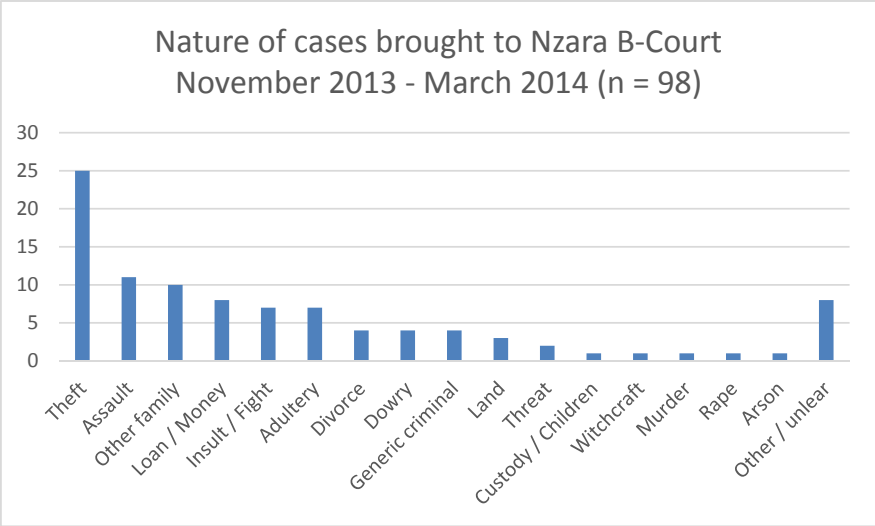
2 1. Other Family, 1.1 Dowry, 1.2 Adultery, 1.3 Divorce, 1.4 Custody, 1,5 Insult / fight, 2. Other criminal, 2.1 Theft, 2.2 Assault, 2.4 Threat, 2.5 Rape, 2.6 Murder, 2.7 Arson, 3. Land, 4. Witchcraft, 5. Loan/Money, 6. Other/unclear.

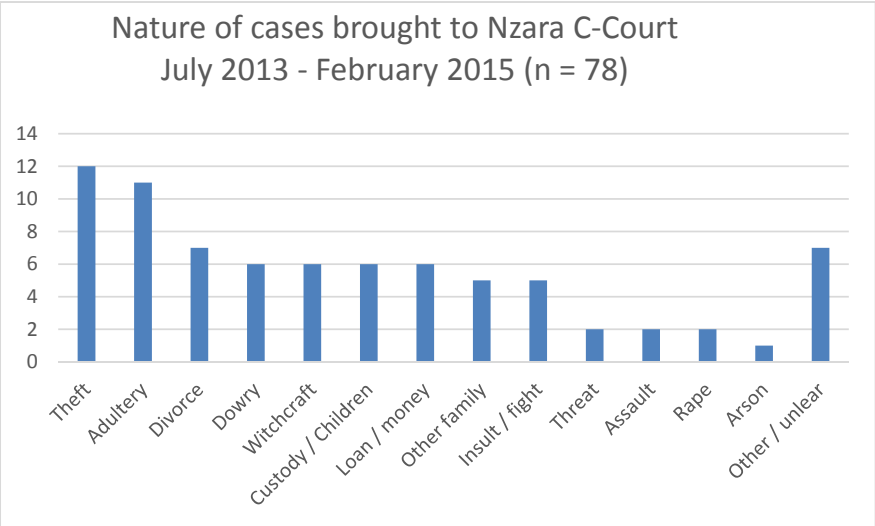
3 For instance, under 'Other family' I included cases about 'pocket money', 'leaving the wife without care', and so on. Under 'theft' I included loans without returning the object, and harvesting crops/timber without permission. Under 'threat' I included accusations about one party wanting to kill the other, even though in some instances that may have also involved assault. What I term 'witchcraft' was sometimes called that by court clerks, but in other instances they referred to it as 'native medicine.' Witchcraft accusations might have also played important roles in other cases which the courts (and I) have labeled as something else.

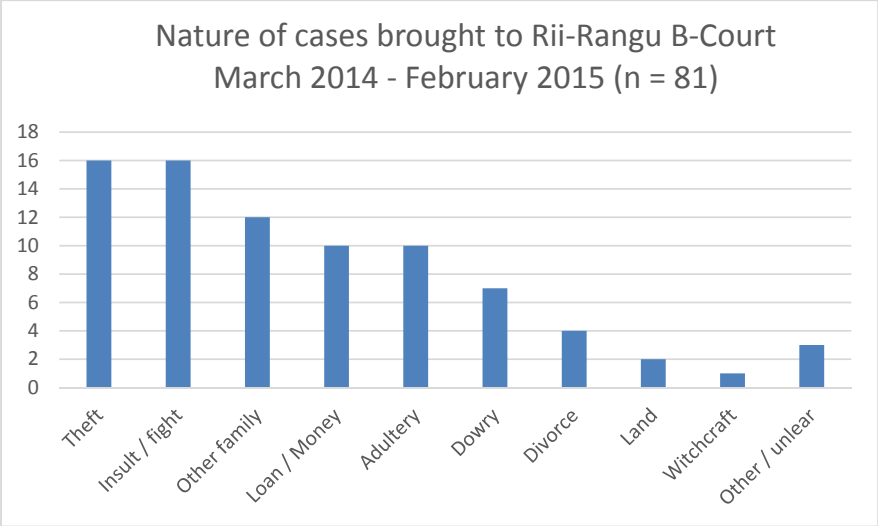
preciating the complexity and specificity of each individual dispute, avoiding 'excising [it] from the ongoing flow of communal life' (J.L. Comaroff and Roberts 1986). In this sense, the following categorisations are a somewhat violent abstraction which does not reflect the sensitivity of the courts. Especially witchcraft and 'insult/fight' often came in at later stages of a dispute that was originally about something else (e.g., family, money or land matters). In the court records this was sometimes clearly visible. Many cases that start with an accusation of adultery, theft or insult, result in a ruling to approve divorce. But to maintain some consistency, I labelled such cases based on the claim or accusation, and not based on their outcome.

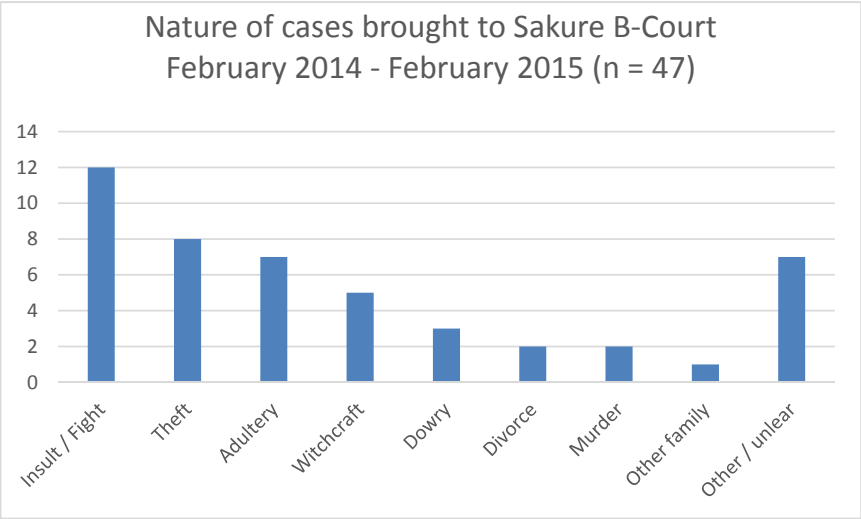
Having made these caveats, the following charts give an impression of the caseload of the five customary courts that we digitized the records of.

Figure 20: Cases brought to five Western Equatorian customary courts






Nature of cases brought to Rii-Rangu B-Court
March 2014 - February 2015 (n = 81)
18
16
14
12
10
8
6
4
2
0
Theft
Insult / fight
Other family
Loan / Money
Adultery
Dowry
Divorce
Land
Witchcraft
Other / unlear


Nature of cases brought to Sakure B-Court
February 2014 - February 2015 (n = 47)
14
12
10
8
6
4
2
0
Insult / Fight
Theft
Adultery
Witchcraft
Dowry
Divorce
Murder
Other family
Other / unlear

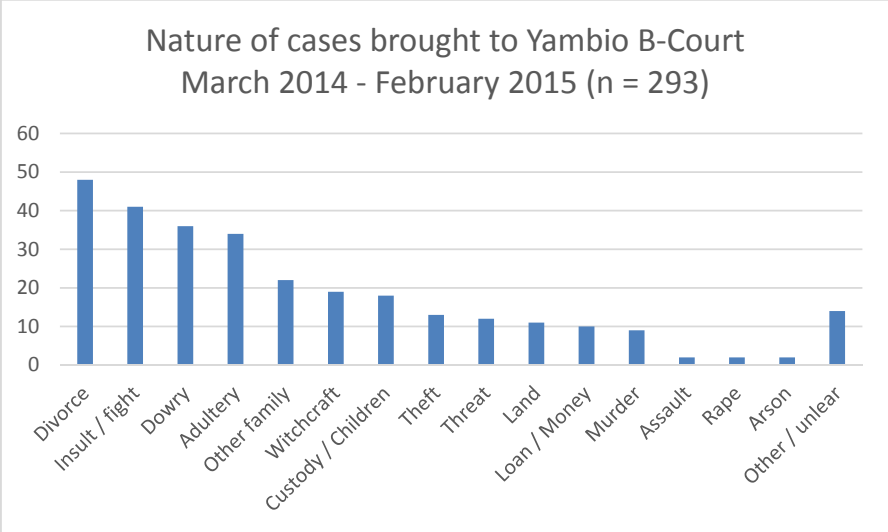
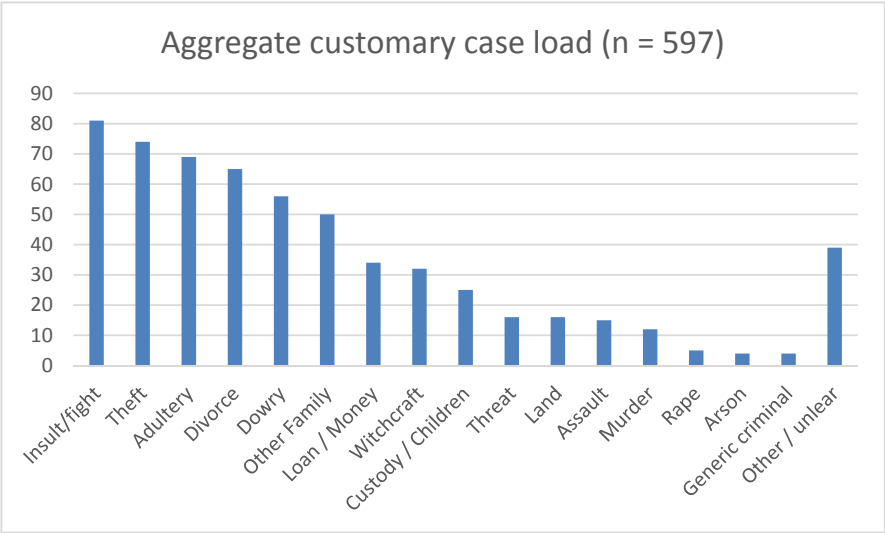


Figure 21: Aggregate customary court caseload



Comparison between these customary courts is not straightforward. The courts were very diverse in almost every respect (see Section 5.5). The sheer number of cases that courts heard varied greatly. In the village of Sakure, the B-court heard 47 cases in a year, whereas in state capital Yambio the B-court heard 293 cases in just under a year. The difference was explained in part by the small population of the village of Sakure compared to central Yambio, and the consequent small absolute number of disputes. It also tended to be more difficult in small places to find high-quality court members. In Sakure for instance, the payam administrator told us that the A-court had remained inoperable because 'we need people but [there is] nobody because of lack of education.'[4] Caseloads were further influenced by the presence of other dispute resolvers, like neighbours, family members, elders, police, administrative officials, other courts and their relative popularity (Rigterink, Kenyi, and Schomerus 2014). Yambio, for instance, had no C-Court at this time which may explain why many cases were brought to the B-Court. From our qualitative interviews with disputants, it was also clear that some courts just worked better than others, and that some chiefs were regarded as more reliable problem-solvers than others (see Chapter 5).

4 He also explained that the sub-chief was acting in the B-Court on behalf of the executive chief, because the latter would stay away for long periods of time in Bakpara (a town further north). Interview with payam administrator, Sakure, July 2015.

Curriculum vitae

Bruno Jim Braak was born in 1987 in Utrecht, the Netherlands. Between 2005 and 2010, Bruno studied for his BA Cultural Anthropology and Development Sociology at Leiden University, for which he spent 6 months in Indonesia, and wrote a thesis on the history of natural resources, conflict, and state formation in Eastern DR Congo. In 2010 and 2011, Bruno interned with the Netherlands Institute of International Relations Clingendael, the Netherlands Embassy in Sudan, and newspaper NRC Handelsblad. He completed his MLitt Peace and Conflict Studies at St Andrews University in 2012. His thesis focused on the effectiveness and legitimacy of various peace missions in Kosovo, and was awarded the Sir Menzies Campbell Prize for International Relations.

In December 2012, Bruno joined the Van Vollenhoven Institute as student assistant to Janine Ubink, and later Jan Michiel Otto. He supported various research projects, and helped teach 'Law, Governance, and Development' and 'Peace and Justice'. In his spare time, he also set up a website, War and Peace Talk with his future wife Josefine Ulbrich. In 2014 Bruno assisted Jan Michiel Otto to write a research proposal for the Security and Rule of Law (SRoL)-fund by the Dutch Research Council (NWO), titled 'Exploring Primary Justice in Insecure Contexts, South Sudan and Afghanistan'. When the grant was awarded, Bruno started his PhD under supervision of Jan Michiel Otto, Carolien Jacobs, and Cherry Leonardi at Leiden Law School of Leiden University.

Bruno carried out and supervised qualitative research in South Sudan and Uganda between 2014 and 2019. He also conducted smaller studies for the Rift Valley Institute's 'South Sudan Customary Authorities'-project, and the London School of Economics' 'Deconstructing Notions of Resilience: Diverse Post-Conflict Settings in Uganda'-project. Bruno also supports Isaac Waanzi Hillary's blog, Worondimo, which features poetry and anthropological essays. Bruno wrote this book in Amsterdam, Entebbe, Utrecht, and Kinshasa. He got married to Josefine Ulbrich at the Maison Communale de Gombe, Kinshasa during the pandemic year of 2020. Bruno is currently working at Leiden University as post-doctoral researcher on the 'Access to Justice in Libya'-project, led by Suliman Ibrahim.

In the range of books published by the Meijers Research Institute and Graduate School of Leiden Law School, Leiden University, the following titles were published in 2020, 2021 and 2022

MI-352 B. Ribeiro de Almeida, *Building land tenure systems. The political, legal, and institutional struggles of Timor-Leste*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020

MI-353 K.A.M. van der Zon, *Pleegrechten voor kinderen. Een onderzoek naar het realiseren van de rechten van kinderen die in het kader van de ondertoezichtstelling in een pleeggezin zijn geplaatst* (diss. Leiden), Den Haag: Boom juridisch 2020

MI-354 E.G. van 't Zand e.a., *Bestuurlijke boetes en de Verklaring Omtrent het Gedrag. Een onderzoek naar de realiseerbaarheid en wenselijkheid van het betrekken van bestuurlijke boetes bij de VOG-screening aan de hand van een casestudy naar handhaving en integriteit in de financiële sector*, Den Haag: Boom juridisch 2020, ISBN 978 94 6290 843 7

MI-355 J. Boakye, *Understanding Illegal Logging in Ghana. A Socio-Legal Study on (non)Compliance with Logging Regulations*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020

MI-356 N. Sánchez, *International law and the sustainable governance of shared natural resources. A principled approach,* (diss. Leiden), Amsterdam: Ipskamp Printing 2020, ISBN 978 94 0282 145 1

MI-357 S.S. Arendse, *De uiterlijke verschijningsvorm in het strafrecht. Een analyse van de jurisprudentie van de Hoge Raad*, (diss. Leiden), Den Haag: Boom juridisch 2020, ISBN 978 94 6290 844 4

MI-358 J. Reef, M. Jeltes & Y.N. van den Brink, *De PIJ-maatregel doorgelicht. Juridische grondslagen, populatiekenmerken, gedragsverandering en recidive,* Nijmegen: Wolf Legal Publishers 2020, ISBN 978 94 6240 608 7

MI-359 S. Guo, *Recognition of Foreign Bank Resolution Actions*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020

MI-360 B. Muscat, *Insolvency Close-out Netting: A comparative study of English, French and US laws in a global perspective*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020

MI-361 J.M. ten Voorde, S.V. Hellemons & P.M. Schuyt, *Discriminatie als strafbeïnvloedende omstandigheid bij strafbare feiten, Een rechtsvergelijkende studie*, Den Haag: Boom juridisch 2020, ISBN 978 94 6290 8710

MI-362 F. Afandi, *Maintaining Order: Public Prosecutors in Post-Authoritarian Countries, the Case of Indonesia*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020

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MI-364 J.J. Asscher, Y.N. van den Brink, H.E. Creemers, E. Huls, E.K. van Logchem, N. Lynch & S.E. Rap, *De strafmaat voor jeugdige daders van ernstige gewelds- en zedenmisdrijven in internationaal perspectief*, Den Haag: Boom juridisch 2020, ISBN 978 94 6290 943 4

MI-365 M.P.A. Spanjers, *Belastingbudget. Onderzoek betekenis budgettaire impact belastingen bij parlementaire vaststelling belastingwetgeving* (diss. Leiden), Den Haag: Flosvier 2021, ISBN 978 90 8216 072 7

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MI-372 G.J.A. Geertjes, *Staatsrecht en conventie in Nederland en het Verenigd Koninkrijk,* (diss. Leiden), Zutphen, Uitgeverij Paris bv 2021, ISBN 978 94 6251 270 2

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