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Article

Local Self-Governance and the State in South Sudan: Studying Gendered Tenure Relations in Times of Uncertainty

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Abstract
With governance increasingly regarded as co-governance, states' capacity to steer, correct, and discipline a wide range of self-governing actors becomes crucial for states' effectiveness, efficiency, and democracy. This article investigates that capacity and the relationship between formal institutions and customary self-governance in areas of limited statehood. In South Sudan, the field of land governance can be regarded as an area of limited statehood. As land relations are closely connected to clan structures and intra-familial relationships, customary norms and institutions enjoy great legitimacy and are an important locus of local land governance and dispute resolution. The South Sudanese government has promulgated legal provisions for equal rights to property and inheritance that clash head-on with customary notions of gender roles in the family and the preservation of family land. By focusing on the case of women's land rights in South Sudan, combining literature study with data from exploratory fieldwork in two South Sudanese towns, this article aims to reflect on the cohabitation of customary and formal norms and values and the role formal legal and administrative systems, in areas of limited statehood, can and do play in boundary setting for customary self-governance.

Keywords
areas of limited statehood; customary law; gender; land rights; legal pluralism; local self-governance; South Sudan

Issue
This article is part of the issue "Local Self-Governance and Weak Statehood: A Convincing Liaison?" edited by Antje Daniel (University of Vienna), Hans-Joachim Lauth (Würzburg University), and Eberhard Rothfuß (University of Bayreuth).

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1. Introduction

As Sørensen and Triantafillou (2016, p.1) state, governance is "increasingly regarded as a complex process of co-governance involving a plurality of relevant and affected public authorities and private stakeholders in carrying out various governance tasks through different forms of self-governance." States' capacity to steer, correct, and discipline a wide range of public and private governance actors, whose interests may align more or less with those of the state, thus becomes crucial for its effectiveness, efficiency, and democracy (Pierre, 2000; Sørensen & Triantafillou, 2016). This article focuses on the relationship between local self-governance and the state in areas of limited statehood, where states have a weak capacity to "steer" self-governance. Most states are neither fully failed nor fully consolidated, but can rather be placed on a continuum from failed/failing states to consolidated states (Risse & Stollenwerk, 2018). In many states, the government can implement and enforce rules and decisions in some geographical areas or regarding specific policy areas, but not in others. However, "areas of limited statehood are neither ungoverned nor ungovernable spaces" (Risse & Stollenwerk, 2018, p. 406). Formal state institutions co-govern with several other actors, such as traditional leaders, religious leaders, warlords, NGOs, international organizations, and multinational companies. These governors govern, cooperating or competing, in hierarchical or nonhierarchical modes, and with varying degrees of effectiveness, efficiency, and legitimacy.

In South Sudan, the functional field of land governance can be regarded as an area of limited statehood.

As land relations are closely connected to clan structures and intra-familial relationships, customary norms and institutions enjoy great legitimacy and are an important locus of local land governance and dispute resolution. The government, pressured by the international community (Deng, 2014, p. 90), has promulgated legal provisions for gender equality and equal rights to property and inheritance. These clash head-on with customary notions of gender roles in the family and the preservation of family land. By focusing on the case of women's land rights in South Sudan, this research aims to reflect on the cohabitation of customary and formal norms and values and the role formal legal and administrative systems, in areas of limited statehood, play in boundary setting for customary self-governance. To do so, this study first outlines the ambiguous relationship between the formal legal and administrative system and the customary realm. The article then discusses gendered customary tenure relations and their underlying social norms, values, and moralities, first in sub-Saharan Africa and then specifically in South Sudan. Subsequently, discusses data from exploratory fieldwork in South Sudan on the functioning and impact of "state steering" regarding gendered land tenure in two urban areas. It finally concludes on the ways and the extent to which formal institutions and actors propagate and support new gender notions regarding women's land rights and gives insights regarding the liaison between local self-governance and the state.

For this study, data were collected between November 2021 and July 2022 by the authors, supported by a team of local assistants that organized logistics, enabled access to respondents, and translated interviews when necessary. As urban areas are witnessing the most profound shifts in land acquisition practices as well as social structuring of families, two towns—Torit (Eastern Equatoria) and Wau (Western Bahr-el-Ghazal)—were selected as fieldwork locations. The limited literature on these two areas and the relatively peaceful situation there were the main reasons for this choice. In these locations (and in Juba), 30 qualitative semi-structured interviews and eight focus group discussions (FGDs) were held, with a total of 154 respondents, including male and female community members, traditional, religious, community leaders, representatives of civil society organizations, the Human Rights Commission, and lawyers and officials from the ministry responsible for land administration. Respondents were asked questions about their access to land, family decision-making, gender relations, involvement of customary and formal actors and institutions in land management, tenure security, dispute settlement, and historical changes regarding the issues questioned. The data collection was part of a larger research project for the Just Future consortium, aimed at studying the dynamics of land justice in South Sudan. The authors defined key groups to be interviewed and the local assistants identified key representatives of each group. The interviews were conducted in English or local languages (translated by local assistants), depending on the preference of the interviewees. Two workshops with key stakeholders helped to refine the main findings of this research.

2. The Mutually-Constitutive Relationship Between Customary and Formal Legal Orders

How to regulate customary justice and governance structures and how to respond to situations of legal pluralism—generally defined as the presence of more than one legal order in a social field (Griffiths, 1986)—are much-discussed topics in the Global South. Governmental responses vary widely, including attempts to exclude or abolish customary law, justice, governance structures, *laissez-faire* strategies, and various forms of acceptance, recognition, and incorporation in the formal legal and administrative system usually while imposing conditions and pushing for reform (Buur & Kyed, 2007; Ubink, 2008a; Zenker & Hoehne, 2018). Due to the many interactions between the systems, the relationship between formal customary law is "dialectic (and) mutually constitutive" (Merry, 1988, p. 880). Formal law penetrates and restructures customary law that not only resists and circumvents such penetration (Merry, 1988) but also impacts the understanding and formation of formal law. Rather than seeing them as two easily distinguishable and separate realms, this results in a mixing of legal codes that people perceive as together constituting a new hybrid legal order. De Sousa Santos (1987, p. 298) calls this "inter-legality." Similarly, customary and formal institutions cannot neatly be classified as "state" and "non-state." Not only are customary institutions in many countries linked to or incorporated into the formal legal system, but also anthropological literature has increasingly shown that institutions and persons who are not officially associated with the state may be de facto involved in the execution of public authority and as such "perform *stateness*" (Lund, 2006, p. 276).

Choices regarding the governance of legal pluralism can have important consequences for the rule of law, the economy, peace, and security. They can furthermore impact heavily on formal institutions' administrative efficiency, legitimacy, and sovereignty. Lund (2016, p. 1221) points out that authority and rights are interconnected, and "the ability to establish political power runs through the capacity to determine who can be a rights subject, and what rights can be enjoyed." Ray and van Rouveroy van Nieuwaal (1996) see power and legitimacy in post-colonial states as divided between "traditional" and "modern" authorities, each deriving their authority from different sources. They regard the relationship between the two as a kind of zero-sum game, in which increasing the power or legitimacy of one automatically decreases the other's (Ray & van Rouveroy van Nieuwaal, 1996). Pedersen (2018) rather believes that cooperation could simultaneously increase (or decrease) both authorities' legitimacy. Lund

(2016) highlights how these relationships are not static and that the legitimacy of authorities is always in the making, potentially being bolstered for both through their cooperation or collusion. In areas of limited statehood, it is often only by working with customary justice and governance structures that the state is able to reconstitute itself (Ubink, 2018a). Sometimes questions of governance and recognition may even be reversed: How much scope do customary legal orders leave for the recognition of formal law and authorities (Seidel, 2018; Von Benda-Beckmann et al., 2009)?

The relationship between the formal and the customary realm impacts a state's sovereignty, authority, and legitimacy. Policies of formal recognition and incorporation of customary norms and institutions may improve governance and development, increase political stability, increase the state's popularity and legitimacy through linkages with customary notions and institutions, consolidate local power, and mobilize votes (Kyed & Buur, 2007; Ray & van Rouveroy van Nieuwaal, 1996; Ubink, 2018b). At the same time, the authenticity and legitimacy of statutory norms and formal institutions do not necessarily increase with the inclusion of traditional authorities and recognition of customary law (Hoehne, 2018; Schroven, 2018). High reliance on customary law and institutions can make formal institutions less relevant (Hoehne, 2018) as customary institutions may use additional power and legitimacy to compete with formal institutions. Clearly, "the regulation of [customary] normative systems is intertwined with questions of political power, control, subjugation, integration, and exclusion" (Ubink, 2018a, pp. 216–217), leading to the reordering and transformation of both the customary realm and the state (Kyed & Buur, 2007).

Formal recognition of customary norms and institutions is never unconditional. It always entails exceptions or interventions to align these normative systems with the core values of the state. The neutral term recognition masks a political process that always includes aspects of government intervention, regulation, and reform (Kyed, 2009). It is part of "the hegemonic project of legal and judicial control by the state" (Leonardi et al., 2011, p. 117; cf. Seidel, 2018, p. 122; Zenker & Hoehne, 2018, p. 17). Ever since the colonial period, governments have placed restrictions on the formal recognition of customary law, such as repugnancy and incompatibility tests that impose limits based on open-ended terms such as natural justice, a good conscience, civilization, and public morality, or incompatibility with legislation or public policy (Grenfell, 2013; Kiye, 2015). Similar clauses can be currently found in the constitutions of several African countries, which explicitly make the application of customary law dependent on compliance with the constitution. Ample research shows that local orders are resilient and often resist restrictions on customary law as well as imposed statutory norms (Hessbruegge, 2012, p. 299; Mojekwu, 1978; Moore, 1973). The domination of the formal legal order cannot be assumed, even less so in areas of limited statehood. Individual behavior and processes of interaction, struggle, and negotiation determine what the "living law" effectively is at a particular time and location (Griffiths, 1986; Ubink & Weeks, 2017). This is also the case for women's land rights.

3. Gendered Customary Land Relations in Sub-Saharan Africa

In Africa, the landholding community is the descent group. In patrilineal societies, descent and property are traced through the male line, and control of land usually rests with male heads of households. These heads are expected to take some land for their own cultivation and share the rest with their wife/wives, adult sons, daughters still living at home, and possibly siblings. Women usually marry men from outside their community and move to the husband's community (patrilocality). Matrilineal societies are somewhat more diverse and their tenure system is more complex. In this case, descent and property follow the female line, but control over property and positions of authority lies with male family members—brothers, uncles, or cousins. Marriages can be matrilocal or patrilocal, or both spouses, hailing from the same community, may remain living where they did before the marriage (Lastarria-Cornhiel, 1997). Land in matrilineal communities is usually passed on from man to man, but there are exceptions to this rule, such as in the matrilineal-matrilocal communities of the Shire Highlands of Malawi, in which women are the ones to inherit lineage land (Peters, 1997).

In both matrilineal and patrilineal communities, it is usually men who occupy the positions of authority and control most of the property (Chigbu, 2019; Doss et al., 2018; Fenrich & Higgins, 2001; Lastarria-Cornhiel, 1997). Women largely have derivative secondary rights of access to land based on their family status as daughters, sisters, or wives (Chigbu, 2019). In most African countries, women have considerably less access to land than men (Lambrecht, 2016). The rationale behind the gendered nature of customary tenure is mainly twofold. First, men are regarded as the main providers of the household. Fathers, husbands, sons, and uncles are to take care of girls and women, "which justifies giving less access to land for women and allocating less fertile land to women" (Lambrecht, 2016, p. 194). Second, in customary tenure systems, the land is strongly connected to the continuance of the extended family or lineage as a whole. To guarantee the survival of the family, the land needs to stay in the family. In societies where daughters are expected to marry outside of the clan and join the community of their husbands, ownership rights to land in their birth families or rights to inherit land are unnecessary. These married women are generally granted use rights to the land of their husbands. When the husband dies, his family land—and sometimes also parts of his individually acquired property—is often claimed by his family, leaving the widow dependent on

her husband's family unless she chooses to return to her own family or remarry into a new family (Peterman, 2012). In sub-Saharan Africa, "widow chasing" is a common occurrence across the spectrum of ethnic groups, faiths, regions, and educational and income positions (Owen, 2002). It is likely that women who are separated or divorced face similar, or in some cases even more restrictive, asset discrimination as widows, contingent on the nature of the separation (Peterman, 2012).

Research in various geographical regions of Africa shows that the tenure security of women under customary systems historically was much higher than it currently is (Lastarria-Cornhiel, 1997). Nukunya (1972, pp. 14–20) describes how, among the patrilineal Anlo in Ghana, daughters' rights to inherit property from their fathers slowly eroded from a right to a privilege, due to the increasing scarcity of land, which was "forcing the descent groups to assert their…lineal principle more strongly." Bennett (2008) and Grant (2006) show how, in South Africa, customary rights were decoupled from obligations. Duties intricately connected to rights in the customary system, for instance, of a head of family or successor, were "demoted to mere morality or conventionality" (Bennett, 2008, p. 41). Similar processes have been documented in other countries, such as Tanzania (Mtengeti-Migiro, 1991), Zambia (Ndulo, 1985), and Zimbabwe (Stewart & Tsanga, 2007). German (2022, p. 134) concludes that the gender ideology of the colonial powers, the spread of Islam, and colonial and postcolonial land interventions all "reinforced existing gender disparities or engendered new forms." In contexts of growing commercialization, land scarcity, and population growth, this enabled male and elite cooptation of land privileges (Amanor, 2001; Kapur, 2011; Leonardi & Santschi, 2016; Ubink, 2008b).

Within this patriarchal setting, the literature provides examples of many forms of female agency. These include contesting the efforts by male relatives to exclude them from land ownership in customary and formal courts (Grant, 2006; Peters, 2010; Wanitzek, 2008), changing their agricultural practices to seek more autonomy over parcels of land (Carney & Watts, 1991), pressuring their marital families to respect their perceived entitlements to land (Stewart & Tsanga, 2007), and objecting to re-allocation of family land (Nukunya, 1972). While women's agency should not be underestimated, a trend can be observed in which women's access to land becomes less secure. In contexts of increasing land scarcity and commoditization of land, processes of decoupling rights and obligations have made male control over property increasingly problematic for women living in various geographical regions under diverse systems of customary tenure.

States (and donors) involved in land tenure programming have increasingly focused on the relevance of gendered land relations. They often see improving women's ownership and access to land as a way to strengthen women's bargaining and decision-making power in the domestic sphere as well as in their communities and other public arenas, which in turn is expected to improve female, child, and household food security, nutrition, and health, and to reduce domestic violence. It is also seen as having a positive impact on agricultural productivity (Chigbu, 2019; Cooper, 2012; Kumar & Quisumbing, 2012; Lambrecht, 2016; Palmer, 2002).

Based on the above understanding, governments, foreign donors, and international organizations have heavily invested in inducing transformations in gendered land relations. They have placed a lot of faith in the transformational power of constitutional and statutory law, particularly inheritance laws. However, the introduction or reform of statutory laws to further gender-equal access to land and equal rights to land inheritance has often had a limited or detrimental effect (German, 2022; Manji, 2003; Palmer, 2002). Attempts to improve women's rights in the form of a shift towards more private forms of property systems in many cases exacerbate the difficulties of women to gain access to or control land (Lastarria-Cornhiel, 1997). Challenging the status quo on women's land rights heavily impacts the ordering of lineages, challenges patriarchal control, and the "hegemonic masculinity" underlying the "male-championed arrangements made in history to either deny or dispossess women of property rights, which men have always enjoyed" (Chigbu, 2019, p. 128). New laws that go against strong customary norms are often largely ignored or bypassed, for instance by in vivo gifts to sons or the preparation of an oral or written will—see Mensa-Bonsu (1994) or Lambrecht (2016) for writings about Ghana's 1985 Intestate Succession Law. Furthermore, the effectiveness of statutory reform depends on people's awareness of the laws and women's ability to claim their rights, being thwarted by the fear of social repercussions from the family or the existing support network (Lambrecht, 2016). In addition, besides clear and detailed laws, operative administrative practices, and well-functioning accessible courts, the effective enforcement of such laws requires great political will, as they usually lead to immense opposition from groups that benefited from the previous arrangement, men prominently among them (Chigbu, 2019; Kameri-Mbote, 2009; Namubiru-Mwaura, 2014; Owen, 2002; Palmer, 2002). In areas of limited statehood, the effectiveness of the bureaucracy, the smooth operation of courts, and the general awareness of statutory laws may all be questionable.

4. Gendered Customary Land Relations in South Sudan

An estimated 87% of the population of South Sudan holds their land under customary tenure regulated by traditional authorities based on customary law (Deng, 2014). Most groups in South Sudan observe patrilineal descent. Clans and sections have, however, always absorbed outsiders into their communities and lineages, which included transfers of land (Leonardi & Santschi, 2016). In South Sudan's customary tenure systems,

women traditionally do not own land independently. As the customary inheritance systems are aimed at the retention of property and material wealth within the male lineage, women generally have limited and conditional access to land, derived from their position as wives, daughters, or sisters (Jok et al., 2004). Men inherit land from their fathers and women are supposed to marry and acquire rights to land through their husbands. Single women may be granted access rights via their male family members, but widows and other women without husbands or families are in a highly vulnerable position and are regularly denied access to community land (Deng, 2021; Food and Agriculture Organization of the United Nations, 2019; Mennen, 2012; Wabwire, 2020). The payment of bridewealth by the husband's family to the wife's family further complicates women's position. Divorce would trigger a claim for restitution of (part of) the bride's wealth—a consequence that leads to considerable pressure on women not to divorce (Hessbruegge, 2012; Stern, 2011). Even on the death of their husbands, the marriage contract is not broken unless a widow returns the bride's wealth and divorces her deceased husband. As a result, women cannot marry outside of their deceased husband's families. To ensure the widow's protection and support, widows may be "inherited" by a male relative of the deceased husband, with the widow having more or less a say in this decision. In such a levirate marriage the widow is still considered married to her deceased husband but one of his brothers or other male relatives takes over the role he played (Buchanan, 2019; Stern, 2011). As such, "a woman's procreative capabilities are never 'wasted' and she is never without a husband to care for her and her children" (Beswick, 2001, p. 37). During the war, when so many men lost their lives, the incidence of widow inheritance decreased and widows were increasingly left unassisted by their former husbands' families (Beswick, 2001; Stern, 2011). This issue is also connected to the increasing refusal of first wives to accept other women into their nuclear families (Beswick, 2001).

While the customary obligation of fathers, husbands, sons, and uncles to care for girls and women used to provide a safety net that guaranteed women access to land, a monetized war economy has to some extent replaced economies based on social reciprocity and interdependence, which may lead to men preferring to capitalize on land over providing for female dependents (see, for instance, Deng, 2021, pp. 1, 23). Particularly in areas where land is increasingly scarce and valuable, there is a breakdown of customary norms of assistance. Leonardi and Santschi (2016) show that recent rises in the monetary value of land have led to a questioning of transfers of land to daughters, matrilineal nephews, or friends and newcomers from outside the patrilineage, and of the permanency of earlier gifts or transfers, even if these took place several generations ago. In addition, the proper functioning of customary systems requires intact families and marriages. Conflict and displacement and the HIV/AIDS pandemic have left many women widowed, divorced, or abandoned, and placed them outside the customary safety net. There are now many women-headed households (Buchanan, 2019) and many women without male guardians through whom they can access land.

Since the end of the civil war in 2005, South Sudanese statutory law has progressively made inroads into customary law. While the 2005 Comprehensive Peace Agreement stated that personal and family matters were to be governed by customary law and that all national legislation shall be based on "popular consensus and the values and customs of the people of Sudan" (The Machakos Protocol, 2002, para 3.2.3, 6.4), the 2011 South Sudan's Transitional Constitution balances the commitment to recognize the customary order with the goal of liberal state building (Hessbruegge, 2012). Under pressure from the international community—where women's property rights enjoy a high priority (Deng, 2014)—The Transitional Constitution of the Republic of South Sudan (2011, §16[5], 28[1]), The Land Act (2009, § 13), and The Local Government Act (2009, § 110) stipulate that men and women have equal rights to the land. These legislative instruments contain general provisions affirming women's right to property but have been critiqued for not incorporating sufficient protective mechanisms and for lacking a more detailed policy framework and legislation on women's property rights in customary marriages and succession (Deng, 2014).

The Draft Land Policy describes a wide gap between legal provisions recognizing equal rights of women to land and common (customary) practice in which "women's land rights remain largely conditional, derived through their marital or childbearing status and dispossession of widows, daughters, and divorced women is common" (Southern Sudan Land Commission, 2011, § 1.6.4). Research by Stone (2014) shows that women report a much higher rate of landlessness and that men are six times more likely than women to have a piece of land that they do not fear being evicted from. According to Bior (2013, p. 3):

> The serious concern is the underlying lack of awareness, civic education, and political will to promote women's interests in the country. It is evident that socio-cultural perspectives hinder the proper application of the existing laws, and the result is that access to justice is not gender equitable.

Deng (2016, p. 11), while corroborating the large gap between statutory rights and customary practices, notes "some evidence of evolving attitudes" on women's property rights, resulting from the rise of women to leadership positions in government and civil society, the influx of new ideas from the diaspora, and a large number of war-induced female-headed households.

This article does not deny the proven advantages of customary tenure systems. These systems provide access to land for members of the lineage and those

affiliated with it, providing them with the means to sustain themselves, to include access for those with secondary rights, and to work towards the survival of the lineage and all its members (cf. German, 2022, pp. 138–139). Members that profit from these systems include women. We do, however, question the general validity of German's (2022, p. 139) conclusion that "even within customary regimes with the most inequitable norms of access to land and (female) labor, duties of care tend to safeguard land access for women." The literature previously discussed has documented a decoupling of customary rights and obligations, resulting in male cooptation of land privileges in contexts of increasing land values and commoditization of land in South Sudan as well as other African countries. For diverse groups of women living under varying customary tenure systems in areas with growing commodification of land, such processes have made their access to land increasingly less secure. Combined with the breakdown of traditional families and the high incidence of female-headed households as a result of conflict and displacement, this severely challenges women's access to land in land-scarce areas of South Sudan. The South Sudanese government, stimulated by the international community, has included protections for women's land rights in statutory laws. As discussed previously, such interventions are no guarantee for success. Actual impact depends on various factors related to the type of intervention, people's response to it, and the ability and willingness of government agencies and courts to implement and enforce statutory rights. As there is limited documentation available on these factors, they formed an important focus in our research. In the next section, this article will discuss data collected during exploratory fieldwork in two South Sudanese areas experiencing growing pressure on land (the towns Torit and Wau) to gain insight into the awareness and perception of the new statutory norms and their impact on gendered land tenure.

5. Towards Gender-Equal Land Rights in Torit and Wau?

During our fieldwork in Torit and Wau, respondents—men and women, chiefs, and commoners—were well aware of the fact that statutory law grants women equal rights to the land (cf. Deng, 2019, p. 30). However, according to our respondents, this knowledge has made few inroads so far into customary practices. They reported some differences between customary groups. For instance, daughters from agricultural clans and Muslim groups in Wau could inherit some land, in contrast with pastoralist clans in Wau and general practice in Torit. Notwithstanding this difference, women and men from both towns widely reported severe challenges for women in accessing and holding onto land. According to an official from the Ministry of Gender, "the problem is with inheritance, women's rights are denied" (interview, 30-06-2022, Torit). In a similar vein, a religious leader stated:

> Here in Africa, people say that women don't have land rights. Women marry and go to their new family's house, only boys have the right to take the land. The girl child is often denied inheritance rights because of the belief that she will be married off. (interview with religious leaders, 27-06-2022, Torit)

Several stories illustrated the limited say women have over land, even when they played a role in obtaining or upgrading it. For example, Mrs. S explained that her husband took the land she lived on with her daughters and housed his second wife and her sons there, even though she, the first wife, had arranged and cleared the place and made it habitable (FGD women, 26-11-2021, Torit). Property grabbing from women by family members as well as strangers was described as a common practice among all the groups: "We know that when you stay on your husband's land, his family may chase you off when the husband dies" (interview with four women leaders, 03-12-2021, Wau). Many people recounted stories of land granted to a woman by fathers or husbands that was refused to them by relatives once the male grantor died. A customary court judge reported that "it is still a challenge to women, when they come to register [their land at the Ministry of Housing] they still use their husbands' names, they are not confident of their rights" (FGD customary court judges, 29-06-2022, Torit). Women furthermore reported that even with a court ruling in their favor they felt uncertain regarding their land rights.

Women from both agriculturalist and pastoralist groups reported a belief that reference to statutory law was not very helpful in convincing husbands to grant them land. A woman in Torit reported that:

> The only thing that may work is when you have given birth to boys. You can then say "think of your boys." They can inherit the land. Maybe you can take care of it until they are big enough. But if you only have girls, you stand no chance. (FGD women, 26-11-2021, Torit)

Other women agreed that if a woman gives birth to only girls, there is no way to convince her husband to give her land. "He will even hide the papers, keep it a secret that he has them," one of the women stated (FGD women, 26-11-2021, Torit). A female lawyer in Wau stated that even an educated woman like herself does not know where the land papers are held and that her husband would surely get angry if she would ask him about it (FGD Community Mediation Group, 02-12-2021, Wau).

Men assert the perpetuation of the system for two reasons. The first goes back to one of the rationales mentioned earlier, namely the continuation of land in the hands of the family. Two men shared the following stories during a focus group discussion (FGD men, 27-11-2021, Torit):

> My brother bought and built houses here in the names of his two wives and others in his name. When he died, both wives sold off the property registered in their names. The second wife went further and filed for a divorce. Now these two women have parted ways with us and they have moved on with the proceeds from these properties. But the women sold the land their kids should live on.
>
> A relative of mine married and put the plot in the name of his wife. He then died. The lady married someone else, and he [the new husband] is now staying there. We tried to reclaim the land, but we failed.

Male respondents also made arguments related to the virtues of a good wife to oppose stronger land rights for women. They state that an upright woman understands and stays under the authority of her husband. A woman with a plot of her own, on the other hand, is seen as spoiled, loose, a prostitute: "Even if a lady constructs that house, the male family member will not enter that house, the neighbors will think that she is a prostitute" (FGD men, 06-12-2021, Wau). During one FGD, a woman said that registering a plot of land in your own name as a woman "[is] a sure way of getting a divorce. The husband will send you away. He will think that you must have another man" (FGD women, 26-11-2021, Torit). A second woman added:

> There was a lady who was employed here in Torit and the husband stays in Juba. From her salary, she decided to buy a plot and registered it in the name of her uncle, to provide her daughters with access to land. Upon hearing the news, the husband questioned her decision of buying plots and registering them in her uncle's name. The conflict resulted in divorce. (FGD women, 26-11-2021, Torit)

This labeling of women as bad and spoiled is employed to counter women's clamoring for more independence. A man explained: "Going out independently is the problem. Wanting to be responsible for herself. Spoiled refers to her own administration, that no one knows what she is doing. She is outside of family control mechanisms" (FGD men, 27-11-2021, Torit). Another man described that if parents can buy plots for their kids, this could include a plot for the daughter, but "you do not let her know that the plot is bought in her name. This is simply to avoid the girl from leaving her husband and deciding to stay on her own in that plot" (FGD men, 06-12-2021, Wau).

While in general women's land rights are still heavily restricted, several respondents mentioned changes in perceptions as well as practices. According to a female respondent: "Previously, when I was young, men were in control of everything. But through awareness and time spent outside of Sudan, we see some change in the understanding of people" (FGD women, 04-12-2021, Wau). A male respondent stated: "In the past, it was difficult for ladies to access land but now there is a slight change and the government, especially the court, is granting them the right to land" (FGD men, 27-11-2021, Torit). A religious leader also explained that where widows who wanted to register their land used to be sent away to come back with their in-laws, they now are allowed to register the land in the name of their sons (FGD religious leaders, 27-06-2022, Torit). While the latter practice does not give the widow a right to the land in her name (in line with statutory provisions), and is a continuation of ownership in the patriline, it does mean a shift towards better protection of the widow against in-laws trying to chase her from the land.

Some women try to claim the right to inherit family property. When they bring these claims to chiefs, many of whom are trained on these new statutory rights, some chiefs oppose women's claims, while others refer them to the courts. Deciding to bring one's dispute to a court may not be easy. As a lawyer explained: "In our communities taking cases to court is, in general, an abomination. When you go to court you are breaking away from family and customary practices. Women will be afraid that the family will curse them" (FGD lawyers and court staff, 28-06-2022, Torit). The protection that courts offer women is also quite a mixed bag. Access to (formal) courts is dependent on money, but largely people seem to believe that as long as you have money for court fees and a lawyer, there is a fair chance the court will protect women's land rights or order compensation. Some, however, state that the courts focus too much on documents, making it hard for women with undocumented land claims to compete with people with documents, despite common knowledge of widespread corruption at the Land Registry resulting in fraudulent papers. In Wau, lawyers reported that the personal opinions of the judge heavily influence the outcome, with two of the three judges usually protecting women's rights but the third one generally denying women rights to land (interview with two lawyers, 05-12-2021, Wau). Winning a court case also may not be the panacea, as it can lead to conflict with male relatives and the stigma of being a bad woman.

In both towns, more progressive men reportedly registered land in the name of their wives and daughters. To prevent such ownership from being challenged on their deaths, they preferred to buy land for their wives and daughters rather than to bequeath part of the family land and explicitly include the family in their decisions. One man said:

> I called all my close relatives and handed these lands to my kids in front of them so that they know that it is me who has given these plots to all my kids. I also told them that the kids reserve the right to do whatever they want with their plots, including the girls. (FGD men, 27.11.2021, Torit)

Respondents also described that women who can secure independent sources of money now have the

opportunity to buy and register land in their name. This indeed increasingly happens, particularly in Wau (cf. Deng, 2021). However, this is only an option for women with independent means and several women report that it requires connections with influential men. Officials interviewed were all quick to point out that their institutions did not discriminate against women (interview with the director general and minister, Ministry of Housing Lands, and Public Utilities, Government of Eastern Equatoria State, 29-06-2022, Torit; interview with officials at the Land Department, Eastern Equatoria State Ministry of Housing and Physical Planning, 29-06-2022, Torit; interview with officials at the Land Registry Office of Torit High Court, 30-06-22, Torit). Many women, however, reported being confronted with officials at the Land Registry who did not support their attempts to register land or to prove their ownership in land disputes. They were told they are just women, too powerless to stand up for their rights, or were asked for sexual favors. In Torit, several women reported that, at the Department of Land and Housing, there is an order that a woman can only register land in the name of her husband, son(s), or brother. Women also reported discrimination in the context of land survey and registration processes (cf. Deng, 2021, p. 25). Moreover, our respondents overwhelmingly highlighted how their perception of formal land institutions was influenced by the fact that a considerable part of the existing land-related conflict in urban and peri-urban areas is caused by haphazard and corrupt land demarcation and formalization processes (cf. Deng, 2014; Simone, 2015).

6. Conclusion: Limited Statehood and Self-Governance

In South Sudan, justice and governance structures are in flux, "power has not yet fully consolidated, bureaucracies have not become fully entrenched" (Deng, 2013, p. 101). There is an ongoing development of a new "pluri-legal'' configuration, resulting in a "complex interlocking system of plural legal orders based on varying and often conflicting origins of custom, tribal law, statutes, and ad hoc practice" (Mennen, 2012, p. 10). The customary and the statutory realms are becoming increasingly intertwined, with traditional authorities and customary courts formally recognized as part of the formal legal system and "customs and traditions of the people" stipulated as one of the main sources of legislation. Customary law and authority heavily define the identity of South Sudan (Hessbruegge, 2012). Acknowledging this, the state attempts to develop its legitimacy and administrative power by recognizing customary authority and law as an essential part of the governance structure, while aiming to gain the upper hand by being the one to grant recognition and stipulating certain conditions under which statutory law prevails.

Land governance in South Sudan is an area of limited statehood in which formal institutions form only one type of governor among many, and statutory law is only one of the relevant normative registers. The impact of formal law and institutions is growing, particularly in urban areas where demarcation processes convert customary lands into statutory lands, effectively replacing the chief as the main governing body. Nevertheless, even in urban areas, individuals' bargaining power regarding land rights remains strongly shaped by gendered perceptions about the roles and responsibilities of people within their families and community (Lambrecht, 2016), and the effects of formal law and institutions on women's land rights remain to be seen. The rationale for male ownership of land is manifestly undermined by the current reality of women-headed households and men reneging on their customary obligations due to increasing possibilities for monetary gain from land. Despite these societal changes, men still justify their dominance, repeating the maxim that land should stay within the family and trying to prevent change by labeling land-owning women as spoiled, too independent, or even as prostitutes.

In Torit and Wau, awareness of statutory laws stipulating women's equal rights to land is high. Both men and women with more progressive ideas regarding female land ownership see recourse to formal institutions and statutory rights as the best option to acquire stable land rights for women that can withstand challenges from male relatives. Nevertheless, while officials generally profess their commitment to equal treatment, governmental institutions are only halfheartedly supporting women's land rights. Among groups like judges and land officials, some actors are more supportive of such rights, others less so. But where courts are popularly seen as fora where women have a reasonable chance of success in claiming land rights, the Land Registry is regarded as a highly corrupt institution (cf. Deng, 2014, p. 91), where officials often treat women as weaker citizens who may find it harder to challenge irregular practices. According to Deng (2014), discrimination at the Lands Registry is also motivated by fear of reprisals from women's male relatives. This underlines that urban-based "street-level bureaucrats" find themselves having to operate statutory law in arenas where rights are still predominantly determined by customary notions with strong social relevance (Ubink, 2018a). Many officials and judges likely also share these customary ideas of family and gender relations.

We started this article with the insight that increased levels of co-governance mean that a state's effectiveness, efficiency, and democracy depend to a large extent on its ability to correct, discipline, and give direction to governance activities performed by a wide range of public and private actors (Sørensen & Triantafillou, 2016). We have shown that not only the ability but also the willingness of South Sudanese officials to steer and set boundaries in the field of gendered land relations is limited. This article shows that, in areas of limited statehood, the question is not only how much recognition the state grants customary norms and justice institutions, but equally important

is the question of how much scope customary norms and beliefs leave for alternative interpretations of rights and relationships (cf. Von Benda-Beckmann et al., 2009). Statutory law opposing core customary gender notions may find strong opponents in the customary sphere, and possibly also among formal actors. To what extent officials have internalized statutory norms that contradict strong social conventions or at least feel a professional obligation as government officials to uphold such norms is an empirical question to which the answer cannot be assumed by actors' formal capacity. Considering that, in areas of limited statehood, states can only (re)constitute themselves by working with customary justice and governance structures, these aspects caution against a "quick fix" of gendered land administration via the introduction of statutory laws, as such processes may backfire and inhibit attempts to increase the legitimacy of the state.

When we consider land rights in a broader context of urban change processes, one sees an extra layer of ambiguity. While formal norms and institutions may provide an avenue for secure land rights for individual women, at the same time much tenure insecurity in urban areas is directly or indirectly caused by processes of demarcation and formalization of urban land and the role of formal institutions in these processes. This means we should not only ask to what extent formal institutions in areas of limited statehood are able and willing to give direction and impose boundaries on self-governing actors but also consider the possibility of too much negative state presence, which suggests an interesting direction for further research.

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Conflict of Interests

The authors declare no conflict of interests.

References

Amanor, K. S. (2001). *Land, labour and the family in Southern Ghana: A critique of land policy under neo-liberalisation* (Working Paper No. 116). Nordiska Afrikainstitutet.

Bennett, T. (2008). Official vs living customary law: Dilemmas of description and recognition. In A. Claassens & B. Cousins (Eds.), *Land, power and custom. Controversies generated by South Africa's Communal Land Rights Act* (pp. 138–153). UCT Press.

Beswick, S. (2001). "We are bought like clothes": The war over polygyny and levirate marriage in South Sudan. *Northeast African Studies*, *8*(2), 35–61.

Bior, A. D. (2013). *Gender equality in South Sudan: A review of customs and constitution*. The Sudd Institute.

Buchanan, E. (2019). *No simple solutions: Women, displacement and durable solutions in South Sudan*. Oxfam.

Buur, L., & Kyed, M. K. (Eds.). (2007). *State recognition and democratization in sub-Saharan Africa: A new dawn for traditional authorities?* Springer Nature.

Carney, J., & Watts, M. (1991). Disciplining women? Rice, mechanization, and the evolution of Mandinka gender relations in Senegambia. *Signs: Journal of Women in Culture and Society*, *16*(4), 651–681.

Chigbu, U. E. (2019). Anatomy of women's landlessness in the patrilineal customary land tenure systems of sub-Saharan Africa and a policy pathway. *Land Use Policy*, *86*, 126–135.

Cooper, E. (2012). Women and inheritance in sub-Saharan Africa: What can change? *Development Policy Review*, *30*(5), 641–657.

Deng, D. K. (2013). *Challenges of accountability: An assessment of dispute resolution processes in rural South Sudan.* South Sudan Law Society.

Deng, D. K. (2014). *South Sudan country report: Findings of the land governance assessment framework*. South Sudan Law Society.

Deng, D. K. (2016). *Between a rock and a hard place: Land rights and displacement in Juba, South Sudan*. South Sudan Law Society.

Deng, D. K. (2019). *Housing, land and property disputes in South Sudan: Findings from a survey in Nimule, Torit, Wau and Yei*. South Sudan Law Society.

Deng, D. K. (2021). *Land, conflict and displacement in South Sudan. A conflict-sensitive approach to land governance*. CSRF.

de Sousa Santos, B. (1987). Law: A map of misreading. Toward a postmodern conception of law. *Journal of Law and Society*, *14*(3), 279–302.

Doss, C., Meinzen-Dick, R., Quisumbing, A., & Theis, S. (2018). Women in agriculture: Four myths. *Global Food Security*, *16*, 69–74.

Fenrich, J., & Higgins, T. E. (2001). Promise unfulfilled: Law, culture, and women's inheritance rights in Ghana. *Fordham International Law Journal*, *25*, 259–341.

Food and Agriculture Organization of the United Nations. (2019). *Women's access to land and tenure security: A study in Wau*.

German, L. (2022). *Power/knowledge/land: Contested ontologies of land and Its governance in Africa*. University of Michigan Press.

Grant, E. (2006). Human rights, cultural diversity and customary law in South Africa. *Journal of African Law*, *50*(1), 2–23.

Grenfell, L. (2013). *Promoting the rule of law in post-conflict states*. Cambridge University Press.

Griffiths, J. (1986). What is legal pluralism? *Journal of Legal Pluralism*, *18*(24), 1–55.

Hessbruegge, J. A. (2012). Customary law and authority in a state under construction: The case of

South Sudan. *African Journal of Legal Studies*, *5*(3), 295–311.

Hoehne, M. V. (2018). One country, two systems: Hybrid political orders and legal and political friction in Somaliland. In O. Zenker & M. Hoehne (Eds.), *The state and the paradox of customary law in Africa* (pp. 184–212). Routledge.

Jok, A., Leitch, R., & Vandewint, C. (2004). *A study of customary law in contemporary Southern Sudan*. World Vision International; South Sudan Secretariat of Legal and Constitutional Affairs.

Kameri-Mbote, P. (2009). What would it take to realise the promises? Protecting women's rights in the Kenya national land policy of 2009. *Feminist Africa*, *12*, 87–94.

Kapur, A. (2011). "Catch-22": The role of development institutions in promoting gender equality in land law. Lessons learned in post-conflict pluralist Africa. *Buffalo Human Rights Law Review*, *17*, 75–116.

Kiye, M. E. (2015). The repugnancy and incompatibility tests and customary law in anglophone Cameroon. *African Studies Quarterly*, *15*(2), 85–106.

Kumar, N., & Quisumbing, A. (2012). Inheritance practices and gender differences in poverty and well-being in rural Ethiopia. *Development Policy Review*, *30*(5), 573–595.

Kyed, H. M. (2009). The politics of legal pluralism: State policies on legal pluralism and their local dynamics in Mozambique. *Journal of Legal Pluralism and Unofficial Law*, *41*(59), 87–120.

Kyed, H. M., & Buur, L. (2007). Introduction: Traditional authority and democratization in Africa. In L. Buur & M. H. Kyed (Eds.), *State recognition and democratization in sub-Saharan Africa: A new dawn for traditional authorities?* (pp. 1–28). Springer Nature.

Lambrecht, I. B. (2016). As a husband I will love, lead, and provide. Gendered access to land in Ghana. *World Development*, *88*, 188–200.

Lastarria-Cornhiel, S. (1997). Impact of privatization on gender and property rights in Africa. *World Development*, *25*(8), 1317–1333.

Leonardi, C., Isser, D., Moro, L., & Santschi, M. (2011). The politics of customary law ascertainment in South Sudan. *Journal of Legal Pluralism and Unofficial Law*, *43*(63), 109–140.

Leonardi, C., & Santschi, M. (2016). *Dividing communities in South Sudan and Northern Uganda: Boundary disputes and land governance*. Rift Valley Institute.

Lund, C. (2006). Twilight institutions: An introduction. *Development and Change*, *37*(4), 673–684.

Lund, C. (2016). Rule and rupture: State formation through the production of property and citizenship. *Development and Change*, *47*(6), 1199–1228.

Manji, A. (2003). Capital, labour and land relations in Africa: A gender analysis of the World Bank's policy research report on land institutions and land policy. *Third World Quarterly*, *24*(1), 97–114.

Mennen, T. (2012). *Customary law and land rights in South Sudan*. Norwegian Refugee Council.

Mensa-Bonsu, H. J. A. N. (1994). The intestate succession law of Ghana: Practical problems in application. *Jahrbuch für Afrikanisches Recht*, *8*, 105–127.

Merry, S. E. (1988). Legal pluralism. *Law and Society Review*, *22*(5), 869–896.

Mojekwu, C. C. (1978). Law in African culture and society. In C. C. Mojekwu, V. C. Uchendu, & L. F. van Hoey (Eds.), *African society, culture and politics: An introduction to African studies* (pp. 91–119). University Press of America.

Moore, S. F. (1973). Law and social change: The semi-autonomous social field as an appropriate subject of study. *Law and Society Review*, *7*(4), 719–746.

Mtengeti-Migiro, R. (1991). Legal developments on women's rights to inherit land under customary law in Tanzania. *Verfassung und Recht in Übersee/Law and Politics in Africa, Asia and Latin America*, *24*(4), 362–371.

Namubiru-Mwaura, E. (2014). *Land tenure and gender: Approaches and challenges for strengthening rural women's land rights* (Working Paper No. 92760). World Bank.

Ndulo, M. (1985). Widows under Zambian customary law and the response of the courts. *Comparative and International Law Journal of Southern Africa*, *18*(1), 90–102.

Nukunya, G. K. (1972). *Land tenure and inheritance in Anloga*. Institute of Statistical, Social and Economic Research.

Owen, M. (2002). *Widows in third world nations*. Encyclopedia of Death and Dying. http://www.deathreference.com/index.html

Palmer, R. (2002). *Gendered land rights—Process, struggle, or lost c(l)ause*. Oxfam.

Pedersen, R. H. (2018). State-orchestrated access to land dispute settlement in Africa: Land conflicts and new-wave land reform in Tanzania. In O. Zenker & M. Hoehne (Eds.), *The state and the paradox of customary law in Africa* (pp. 163–183). Routledge.

Peterman, A. (2012). Widowhood and asset inheritance in sub-Saharan Africa: Empirical evidence from 15 countries. *Development Policy Review*, *30*(5), 543–571.

Peters, P. E. (1997). Against the odds: Matriliny, land and gender in the Shire Highlands of Malawi. *Critique of Anthropology*, *17*(2), 189–210.

Peters, P. E. (2010). "Our daughters inherit our land, but our sons use their wives' fields": Matrilineal-matrilocal land tenure and the new land policy in Malawi. *Journal of Eastern African Studies*, *4*(1), 179–199.

Pierre, J. (2000). Introduction: Understanding governance. In J. Pierre (Ed.), *Debating governance: Authority, steering, and democracy* (pp. 1–11). Oxford University Press.

Ray, D. I., & van Rouveroy van Nieuwaal, E. A. B. R. (1996). The new relevance of traditional authorities in Africa.

The Journal of Legal Pluralism and Unofficial Law, *28*(37/38), 1–38.
Risse, T., & Stollenwerk, E. (2018). Legitimacy in areas of limited statehood. *Annual Review of Political Science*, *21*, 403–418.
Schroven, A. (2018). Co-opted, abolished, democratized: The Guinean state's strategies to manage local elders. In O. Zenker & M. Hoehne (Eds.), *The state and the paradox of customary law in Africa* (pp. 139–162). Routledge.
Seidel, K. (2018). When the state is forced to deal with local law: Approaches of and challenges for state actors in emerging South Sudan. In O. Zenker & M. Hoehne (Eds.), *The state and the paradox of customary law in Africa* (pp. 109–138). Routledge.
Simone, S. (2015). Building a fragmented state: Land governance and conflict in South Sudan. *Journal of Peacebuilding & Development*, *10*(3), 60–73.
Sørensen, E., & Triantafillou, P. (2016). *The politics of self-governance*. Routledge.
Southern Sudan Land Commission.(2011). *Draft Land Policy, February 2011*. Government of Southern Sudan
Stern, O. (2011). "This is how marriage happens sometimes": Women and marriage in South Sudan. In F. Bubenzer & O. Stern (Eds.), *Hope, pain & patience: The lives of women in South Sudan* (pp. 1–24). Jacana Media.
Stewart, A., & Tsanga, A. (2007). The widows' and female child's portion. In A. Hellum (Ed.), *Human rights, plural legalities, and gendered realities: Paths are made by walking* (pp. 407–426). Weaver Press.
Stone, A. (2014). *Nowhere to go: Displaced and returnee women seeking housing, land and property rights in South Sudan*. Norwegian Refugee Council.
The Land Act, 2009, Government of Southern Sudan.
The Local Government Act, 2009, Government of Southern Sudan.
The Machakos Protocol, 2022, Agreed Text on the Preamble, Principles and the Transition Process Between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army.
The Transitional Constitution of the Republic of South Sudan, 2011, Government of South Sudan.
Ubink, J. M. (2008a). *Traditional authorities in Africa: Resurgence in an era of democratisation*. Leiden University Press.
Ubink, J. M. (2008b). *In the land of the chiefs: Customary law, land conflicts, and the role of the state in peri-urban Ghana*. Leiden University Press.
Ubink, J. M. (2018a). The complexity of legal pluralist settings: An afterword. In O. Zenker & M. Hoehne (Eds.), *The state and the paradox of customary law in Africa* (pp. 213–226). Routledge.
Ubink, J. M. (2018b). Traditional leadership and customary law in capitalist liberal democracies in Africa. In A. W. Bedner & B. M. Oomen (Eds.), *Real legal certainty and its relevance* (pp. 163–175). Leiden University Press.
Ubink, J. M., & Weeks, S. M. (2017). Courting custom. Regulating access to justice in rural South Africa and Malawi. *Law & Society Review*, *51*(4), 825–858.
Von Benda-Beckmann, F., Von Benda-Beckmann, K., & Eckert, J. (Eds.). (2009). *Rules of law and laws of ruling: On the governance of law* (pp. 1–30). Ashgate Publishing.
Wabwire, W. (2020). *Comprehensive review of land administration & management systems in South Sudan.* Food and Agriculture Organization of the United Nations.
Wanitzek, U. (2008). Women's and children's rights in Africa: A case study of international human rights and family law in Tanzanian courts. *Recht in Afrika*, *11*(1), 33–60.
Zenker, O., & Hoehne, M. (Eds.). (2018). *The state and the paradox of customary law in Africa*. Routledge.

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