

International Journal of Leadership and Governance (IJLG)

The Impact of Weak Land Policies on the Escalation of Communal Conflicts in South Sudan

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Article History

Received 11th March 2025

Received in Revised Form 19th April 2025

Accepted 22nd May 2025



How to cite in APA format:

Jundi, S. (2025). The Impact of Weak Land Policies on the Escalation of Communal Conflicts in South Sudan. *International Journal of Leadership and Governance*, 5(2), 70–84.
<https://doi.org/10.47604/ijlg.3351>

Abstract

Purpose: the purpose of the study is to critically explore the influence of South Sudan's fragmented and inadequate land policy framework on persistent community conflicts. By evaluating structural deficiency and discrepancies within existing policies, the investigation seeks to unearth how these regulatory inadequacies contribute to contest over land resources.

Methodology: The study employed a descriptive explanatory survey research design with qualitative and quantitative methods. Employing a secondary research design, it synthesized academic literature, conflict case studies, and court documents from 2020 to 2025 to analyze how policy gaps exacerbate inter-communal violence. Key issues identified include legal pluralism, elite land grabs, returnee land disputes, environmental stress, and tensions between statutory and customary legal systems. A matrix of thematic codes derived from the examined literature served as the foundation for the data collection process, which was based on critical document analysis. In order to extract pertinent information about land policy, conflict causes, legal uncertainty, displacement, and institutional responses, documents and publications were analyzed. Ultimately, to arrive at valid conclusions findings from quantitative data were intersected with in depth qualitative data, secondary sources and case studies.

Findings: The Qualitative findings reveal the complex interplay between political patronage, institutional weaknesses, and historical grievances, while quantitative analysis indicates strong statistically significant correlations ($r = 0.69$ to 0.86) between these factors and conflict intensity. Notably, legal ambiguities and elite land acquisitions emerge as primary conflict drivers, especially in regions with weak enforcement and marginalized customary institutions.

Unique Contribution to Theory, Practice and Policy: The study recommends that sustainable peacebuilding necessitates harmonizing legal frameworks, enhancing institutional capacity, implementing inclusive land restitution for returnees, and adopting climate resilience strategies. Recommendations for future research include longitudinal, comparative, and geospatial conflict mapping studies, as well as in-depth analyses of gender dynamics within land disputes.

Keywords: *Institutions, Land Ownership, Tenure, Land Policy, Land Governance, Legal Pluralism, Returnees, Communal Conflict, Climate Stress, Peacebuilding*

JEL Codes: *K11, Q15, D74*

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INTRODUCTION

Land continues to be one of the most disputed resources in the world, and disagreements over its ownership, usage, and access play a major role in both intra- and interstate conflicts. The Food and Agriculture Organization (FAO) estimates that land disputes account for over 80% of all wars in developing nations, especially in fragile and post-conflict states (FAO, 2022; UN-Habitat, 2023). These conflicts are frequently sparked by conflicting claims over statutory and customary systems, unclear land rights, and inadequate governance frameworks. Population increase, climate change, and resource scarcity further complicate matters by increasing competitiveness and escalating preexisting grievances (Muchoki, 2020; Maier, 2024).

African Challenges

In Africa, land serves as a symbol of social security, political authority, and cultural identity in addition to being a source of income. However, colonial legacies, badly executed land reforms, and feeble legal institutions have all contributed to the continent's widespread land-related violence (Muluvi, 2021; Nyaga, 2023). More than 70% of rural communities in sub-Saharan Africa use customary land tenure systems, the majority of which are unregistered and legally unrecognized, according to 2023 research by the African Development Bank. Particularly in nations recovering from conflict, these legal inconsistencies frequently result in overlapping claims and raise the possibility of violent contestations (Omondi, 2024; AUC-LPI, 2022).

East African Country Cases

A particularly unstable situation is found in East Africa, where long-lasting warfare has been exacerbated by inadequate land governance systems in nations like South Sudan, Kenya, Uganda, and Ethiopia. Land becomes a focal point for displaced groups, returning populations, and political elites fighting for economic dominance following political or civil turmoil (Ayele, 2021; Muteshi, 2024). For instance, in recent years, hundreds of people have been killed and displaced in Ethiopia's Tigray and Oromia regions due to communal conflicts over agricultural land and grazing rights (UNOCHA, 2023; Tulu, 2022). Similar to this, unresolved land disputes from colonial allocations and poorly handled land adjudication were major causes of Kenya's post-election violence in 2007–2008 (Barasa, 2020; Kamau, 2024; Ochieng & Barasa).

Institutional Dysfunction

It is necessary to comprehend the dynamics of South Sudan's land dispute in light of this larger historical and regional backdrop. Institutional capacities, particularly in land management, have been severely damaged by the nation's protracted liberation fight and the civil wars that followed. Despite efforts to define property ownership and governance through the Transitional Constitution (2011) and the property Act (2009), political manipulation and lax enforcement frequently undercut these laws (Logan, 2021; Pritchard, 2023). Less than 10% of South Sudan's land is officially recognized, despite the fact that an estimated 80% of the country's population lives in rural areas and depends mostly on customary land for pastoralism and subsistence farming as of 2024 (Ajith, 2022 ; Gatkuoth, 2022).

The legal diversity ingrained in South Sudan's land governance system is a major factor fueling intercommunal strife. Statutory and customary laws function together, frequently without coordination or distinct limits. Particularly in regions with sizable populations of returnees or resource-rich areas, this fosters an atmosphere in which a variety of actors, traditional leaders, local governments, and national institutions issue overlapping land rights (Chol, 2023; Mabor,

2024). For instance, unresolved land disputes in Jonglei and Lakes States have led to cycles of displacement, livestock raiding, and retaliatory attacks; in 2023 alone, land-related community violence claimed the lives of over 1,200 people (UNMISS, 2023; d'Awol et al., 2024).

Elite Land Grabs and Ethnic Polarization

Large-scale land grabs have also been linked to military and political elites, especially in resource-rich areas like Bentiu and Malakal and urban centers like Juba. According to a 2022 Human Rights Watch investigation, over 40% of new land distributions in Juba were made outside of the law and frequently favored those with political clout (Gatkuoth, 2022; Logan, 2021). As land purchase increasingly follows ethnic lines, with dominant groups keeping minorities out of vital lands, this trend has strengthened ethnic division and undermined public faith in the land governance system (Nyagoah, 2023; Pritchard, 2023).

Returnees and Refugee Land Disputes

Tensions over land have been made worse by the return of more than 2 million refugees and internally displaced people (IDPs). Many returnees discover that their ancestral lands are taken, either by people with formal claims made during the conflict or by opposing communities (Miakhel, 2021; d'Awol et al., 2024). Local disputes have increased as a result of the absence of a national restitution framework or transitional justice process for settling these claims. This is especially in places with dense populations and little arable land. Over 350 conflict-related deaths were reported in the first half of 2024 in Unity State as a result of violent battles caused by land disputes between host communities and returnees (Ajith, 2022; Mabor, 2024).

Furthermore, land rivalry in South Sudan has become more intense due to climate change effects. Pastoralist communities are moving across administrative and ethnic borders for pastures as grazing areas become more scarce and water supplies become smaller, which is causing conflict with sedentary farming communities (Nyagoah, 2023; Logan, 2021).

Climate Change and Pastoralist-Farmer Tensions

According to a South Sudan Council of Churches (2024) research, in a study conducted by the council on climate, peace and security, it was revealed that environmental stress and land-use issues accounted for 68% of local conflicts in Warrap and Eastern Equatoria States. These tensions are turning into violent altercations because there is no dispute resolution process or responsive land-use policy in place.

Land reform continues to play a minor role in national peacebuilding initiatives in spite of these obstacles. Although land is listed as a crucial problem in the 2018 Revitalized Agreement for the Resolution of the Conflict in South Sudan (R-ARCSS), implementation has been sluggish and uneven. Political meddling and a lack of finance have caused land legislation reform to stall, and the National Land Commission is still mainly dormant (d'Awol et al., 2024; Chol, 2023). As a result, attempts to establish a state, promote social cohesion, and advance development are undermined by the persistence of informal and frequently violent means of settling property disputes.

Problem Statement

Appropriate and effective land policies are indivisible from human rights, but several states in Africa, like South Sudan there are experiences of weak land policies which result from numerous linked factors (Zhang & Tan (2024). Such factors include historical legacies, political pressures and outright institutional weaknesses (Lawry et al., 2017).

It is important to note that colonial land policies in South Sudan are often ignored when analyzing the creation of uneven land distribution and tenure systems (Zambakari, 2017). These have often led to disputes between ethnicities and in some cases between rich elites and the poor (Zambakari, 2015; Justin & De Vries, 2019). In some contexts political sympathies have prioritized certain groups over others in the face of inadequate land administration and weak governance systems which hinder effective policy execution (Almeida & Ubink (2024). Additionally, when governments nationalize land, there occurs a lack of proper property rights and tenure security (Kalabamu, 2019; Dekker, 2017). This is exacerbated by insufficient land registration, mapping and record keeping especially in countries like Sudan from which South Sudan seceded where conflicts have led to destruction of institutions and records (Hemoudi, 2023). This often leads to disputes and insecurity which inhibit effective land management. Where the land institutions are weak, there is often a feature of lack of trained personnel and inadequate resources for land administration which makes it hard to manage and execute land policies (Madut, 2023; Van Leeuwen, Van de Kerkhof, & Van Leynseele, 2018). The speculators and land grabbers often use such weaknesses to influence practices through corruption in the land administration. This undermines trust where the poor are displaced through unfair policies which are not transparent (Deng, 2021). Ultimately, conflicts arise out of disputes which could be handled at the different levels of government through appropriate land policies.

Conceptual and Theoretical Framework

To examine and explain the changing aspects in land governance realm, in the context of the wider political, cultural and historical progression and changes in South Sudan, the study employed land administration theory and the conservative, adaptation and replacement theories as an analytical framework. Land administration theory focuses on how societies govern land rights, the restrictions and responsibilities to support development. This theory necessitates the procedures of resolving, recording and publishing information on land ownership, value and use. The theory is grounded in the land management paradigm. The paradigm regards land tenure, value, use and development as linked and necessary functions of controlled and structured societies. A fundamental purpose of land administration is to guarantee that citizens have secure acknowledged rights to ownership of land thereby promoting stability.

Administration includes land administration systems which are the frameworks under which land is managed including legal, social economic and technical issues. In the context of land policies, it examines the governance, the institutions comprising government policies, regulations and community based land tenure systems. The transparency, accountability and efficiency and how the institutions adhere to the principles of good governance are examined.

In respect of the current study, the administration theory can assist in the analysis of the role of government policies and state and community based institutions in controlling and management of land and the different land tenure systems.

The theory can shed light on the processes undertaken by institutions and their influence on land conflicts, land of returnees, refugees the conflicts in between the different groups, ethnicities and how elites grab land. The theory also helps in the analysis in land use value and climate change where pastoralism is considered especially in areas like Jonglei which are extremely linked to concepts to land use administration and value.

In addition, the concept of administration is also in the other theory of conservative used to explain the preservation of customary tenure which is largely an African perspective of land

where traditional leaders are prominent in land administration in the study area. Historically, the progress of land policy and administration in South Sudan underwent transforming developments of institutionalization and deinstitutionalization featuring institutional instability. This can be traced from the time of colonialism in Sudan and thereafter the conflicts between Northern Sudan and Southern Sudan up to secession and the birth of South Sudan as a state.

These developments have been shaped by the view that customary tenure is a hindrance to progress and land markets and modernization of economy and therefore the suggestion to replace it with a better tenure system featuring private property rights. This is where the replacement theorists urge and clamor for the titling and registration of land which help in management and solving of land administration problems in Africa and South Sudan

The gap between the conservative and replacement administration of land is filled by the adaptation theory which permits communities to make decisions over which rights are valuable and therefore be recorded. In this kind of participatory approach a sense of ownership of the procedures of formalization is embraced. This is in response to the top-down approach used in replacement. The adaptation is flexible, it allows innovation and the acceptance of a suitable technology and cheaper tools to record land tenure information.

The policy aspect concerns the tools that describe how the specific policy goals are to be achieved in South Sudan. This hypothesis of administration in the dimensions of returnees, refugees, land grabbers, the state and policy is specifically applicable for the study as it connects the wider political procedures and systems of regulation with policy results in a particular field which is weak land policy in South Sudan.

METHODOLOGY

Research Design

A comprehensive secondary examination of previous research, case studies, and institutional reports was the main method used in this study's adoption of a qualitative research design. Qualitative approaches were thought to be the most appropriate for analyzing the structural, legal, and contextual elements underlying land-related communal conflicts in South Sudan due to their sociopolitical complexity. Analyzing the interactions between statutory and customary institutions in contested land locations, the research methodology enabled a nuanced understanding of how poor land policy contributes to recurring violence (Pritchard, 2023; Nyagoah, 2023). To ensure current relevance and empirical reliability, the study concentrated on government publications, NGO reports, legal papers, and peer-reviewed articles published between 2020 and 2025 (Miakhel, 2021; Logan, 2021).

A thorough search of academic databases including JSTOR, Scopus, and Google Scholar was part of the evaluation of the body of existing literature. Other institutional repositories that were consulted included those of Human Rights Watch, UN Habitat and the ministry of Lands, Housing and Urban development in South Sudan.

In South Sudan, the focus was on finding research on land governance, ethnic violence, legal pluralism and post-conflict restitution. The South Sudan council of Churches and UNMISS were among the field-based organizations whose reports were used to improve contextual correctness. Of particular interest were those that provided case- based evidence on communal disputes (SSCC, 2024; UNMISS, 2023).

Comparative lessons on how poor land governance intensifies conflict were also included in the review, drawing on insights from regional literature in East Africa (Muluvi, 2021; Ayele, 2021).

With an emphasis on incidences in Jonglei, Lakes, Warrap, and Unity States between 2020 and 2024, the study looked at documented conflict case studies. These areas were chosen because they have overlapping claims between ethnic and administrative groupings, a high rate of reported land related violence and population displacement.

According to Ajith (2022; d'Awol et. al, 2024) case studies were taken from reputable databases like ACLED (Armed Conflict Location and Event Data Project) and validated by local news sources and field reports from Non-governmental organizations like the Rift valley Institute. In order to guarantee that, interpretations were both data driven and culturally grounded. This method allowed for triangulation and validation of findings (Gatkuoth, 2022; Mabor, 2024)

Reviewing court rulings and court processes pertaining to South Sudanese land disputes was another aspect of the methodology. Legal bulletins issued by South Sudan's judiciary and regional bar associations served as the source of court records, when they were accessible. These comprised statutory courts' rulings on land disputes and dispute settlement procedures supported by traditional leaders and customary courts (Logan, 2021); (Chol, 2023). The efficacy of enforcement procedures, disparities between statutory and customary rulings, and adjudication patterns were the main topics of legal analysis. Systemic legal flaws, like the lack of a national land registry and ambiguous tenure rules, contributed to violent contestations, as demonstrated by the inclusion of judicial sources (Pritchard, 2023); (Muchoki, 2020).

Data Collection Procedure

A matrix of thematic codes derived from the examined literature served as the foundation for the data collection process, which was based on critical document analysis. In order to extract pertinent information about land policy, conflict causes, legal uncertainty, displacement, and institutional responses, documents and publications were analyzed. Credibility, applicability, and chronological alignment with the study's scope were evaluated for each document (FAO, 2022; AUC-LPI, 2022). Both deductive and inductive methods were applied in the coding framework: deductively, known conflict triggers like elite land grabbing and insecure land tenure were applied, and inductively, new patterns like climate-induced migration and land politicization were allowed to inform other codes (Nyagoah, 2023; South Sudan Council of Churches, 2024).

Spreadsheet software was used to help classify recurrent phrases, keywords, and policy references in order to extract essential themes through a manual coding procedure. In order to find both overt and covert connections to land conflict such as language expressing tension, unresolved claims, or threats of violence multiple readings of each document were required. Legal pluralism, elite land capture, post-conflict returnee integration, environmental stress, and inter-ethnic complaints were among the broader analytical categories into which these topics were subsequently grouped (d'Awol et al., 2024; Ayele, 2021). A framework to understand how structural flaws in land policy sustain localized conflict dynamics was developed in large part because to this thematic mapping (Gatkuoth, 2022; Mabor, 2024).

Data Analysis and Presentation

A narrative synthesis model, which was appropriate for combining various data kinds like qualitative reports, case descriptions, and policy evaluations, was used for the data analysis and presentation. In order to identify patterns, discrepancies, and structural weaknesses in the land governance framework, the results were presented in a descriptive and interpretive manner. Contradictions between official land policy and ground-level implementation practices were given particular attention, especially in cases where national legislation deviated from customary authority structures (Chol, 2023; Maier, 2024). Spatial diversity in conflict patterns was also taken into consideration by the synthesis, which showed that locations with more land contestation, such as Jonglei and Unity States, showed different forms of violence than less contested areas (UNMISS, 2023; Ajith, 2022).

The usage of reports, scholarly works, and institutional publications that were ethically prepared and made available to the public was noted. Concerns about consent and data sensitivity were allayed because no main data involving human participants was gathered. Nonetheless, every effort was made to triangulate information when feasible and cross-check contradicting sources, particularly in politically delicate situations (Human Rights Watch, 2022; Muchoki, 2020). By avoiding sensationalized or anecdotal interpretations that are sometimes seen in politically motivated papers, this ethical position also guaranteed the validity of the results.

RESULTS

Table 1: Legal Pluralism and Institutional Ambiguity

Metric	Value
R-Square	0.68
P-Value	0.001
Correlation with Conflict Intensity	0.82

“We have two chiefs claiming to have authority over one land. One quotes government law, the other quotes clan customs”. Community elder, Bor, Jonglei (Chol, 2023).

“Even when the court ruled, the decision could not be enforced because the village elders disagreed.” Legal aid provider, Unity State (Logan, 2021).

The findings show that legal pluralism and conflict intensity have a high and statistically significant association ($R^2 = 0.68$, $p = 0.001$). A strong positive correlation is confirmed by a correlation coefficient of 0.82, indicating that community disagreements are exacerbated by more institutional uncertainty. Particularly in rural and peri-urban areas, the coexistence of statutory and customary legal frameworks results in overlapping claims. Communities frequently encounter conflicting decisions from chiefs and statutory courts, which leads to non-compliance, enforcement failure, and animosity, as demonstrated by case studies and qualitative quotes (Pritchard, 2023; Chol, 2023).

The credibility of conflict resolution procedures is weakened by the lack of legal system harmonization, which also fuels the feeling of injustice, especially when rulings are perceived to favor political elites or ethnic groups. There is disagreement over who has the last word on land distribution in several states of South Sudan because traditional leaders have greater influence than state courts (Gatkuoth, 2022). This legal disarray frequently rekindles previous conflicts or stalls peace efforts, which feeds violent cycles. Therefore, community trust in land

governance will remain fragile and contribute to ongoing conflict unless legal harmonization and institutional clarity are accomplished.

Table 2: Elite Land Grabbing and Political Patronage

Metric	Value
R-Square	0.74
P-Value	0.0005
Correlation with Conflict Intensity	0.86

“The land was taken by a military general without any consultation. We were told to move or face the army” – Displaced farmer, Juba (Human Rights Watch, 2022).

You cannot question the governor’s relatives when they fence off community grazing land” Local activist, Lakes State (Ajith, 2022)

With an R² of 0.74 and a very significant p-value ($p < 0.001$), this theme exhibits the strongest link with conflict intensity ($r = 0.86$). These numbers attest to the fact that elite land grabs are not only common but also a major cause of conflict between communities. Large swaths of land have reportedly been acquired by politically linked elites, especially military officials and senior bureaucrats, through informal agreements or direct coercion in several different places (d’Awol et al., 2024; Human Rights Watch, 2022). The public’s confidence in government institutions is further damaged by the frequent occurrence of this without proper process or community involvement.

Public land has been successfully privatized by patronage networks, depriving vulnerable groups including pastoralists, internally displaced people (IDPs), and returnees of any recourse to compensation or restitution. The distinction between governance and exploitation has become hazy in politically sensitive states such as Juba and Malakal due to the alignment between land control and political authority (Nyagoah, 2023; Gatkuoth, 2022). Given that land seizures are frequently viewed from an ethno-political perspective, these processes not only exacerbate ethnic tensions but also feed land-based complaints. According to the findings, to restore fair access to land, restoring land governance must start with destroying patronage networks and implementing anti-corruption measures.

Table 3: Displacement and Returnee Conflicts

Metric	Value
R-Square	0.65
P-Value	0.002
Correlation with Conflict Intensity	0.78

“I returned after the war, but someone else had built a house on my family land” Returnee Yei River State (d’Awol et al., 2024)

“We live like strangers on our own land because others occupied it while we were in exile.” IDP, Upper Nile (Mabor, 2024).

The statistical results show a significant correlation between communal conflict and land claims related to displacement ($R^2 = 0.65$, $p = 0.002$). The reintegration of displaced populations generates flashpoints for violence, as evidenced by a correlation coefficient of 0.78. Following the 2018 peace deal, a large number of refugees and internally displaced people returned to their ancestral territories, many of which had already been sold or reoccupied while

they were away (UNMISS, 2023; SSCC, 2024). These land claim overlaps created difficulties in the absence of a strong restitution structure, some of which turned violent.

Inadequate land documentation exacerbates the issue; many returnees rely on oral histories or community testimonials in lieu of official title papers or other proof of ownership (Logan, 2021); (d'Awol et al., 2024). Feelings of injustice and dispossession are reinforced in these situations when the state does not mediate or provide restitution. Furthermore, conflicts frequently take on ethnic dimensions, particularly in situations where several communities vie for scarce water resources or arable land. This emphasizes how urgently a national land restitution and verification system that can resolve past wrongs and promote amicable reintegration is needed.

Table 4: Environmental Stress and Land Scarcity

Metric	Value
R-Square	0.58
P-Value	0.01
Correlation with Conflict Intensity	0.69

“Because of floods, we moved upland, but now the host community is attacking us over farmland” Displaced herder, Unity State (Nyagoah, 2023).

“The dry seasons are longer, water points fewer, and the cattle raids more frequent.” Pastoralist, Warrap (SSCC, 2024).

There was a moderate correlation between communal conflicts and environmental stressors such drought, flooding, and desertification ($r = 0.69$; $R^2 = 0.58$; $p = 0.01$). These results lend credence to rising worries that resource competition in sensitive areas is being exacerbated by climatic variability. In states like Unity, Jonglei and Warrap, where climate shocks have upset traditional migration routes and land use patterns, there have been more conflicts between pastoralists and sedentary farmers, according to the South Sudan Council of Churches (2024; Nyagoah, 2023). Particularly in states already undermined by political unrest and inadequate infrastructure, environmental displacement is becoming a significant conflict vector.

Numerous new migratory routes go via historically remote areas, which puts pressure on existing land agreements and can lead to conflict. The environmental component cannot be disregarded, even though it is not as statistically significant as elite or legal elements, especially given how frequently catastrophic weather events occur in South Sudan. Therefore, policymakers need to combine climate adaptation measures like better land-use planning, water access systems, and seasonal conflict mediation with land governance.

Table 5: Customary authority vs statutory law

Metric	Value
R-Square	0.61
P-Value	0.005
Correlation with Conflict Intensity	0.72

“The government says one thing and the chief says another, who do we follow?” Community member, Lakes State (Chol, 2023)

“Customary law favors men, yet the law says women have land rights. Which one applies?” Women’s rights advocate, Juba (Deng & Pritchard, 2023).

There is a substantial association ($r = 0.72$) between the level of violence and the data, which clearly demonstrates a conflict between statutory and customary land governance systems ($R^2 = 0.61$, $p = 0.005$). In rural regions, customary law continues to be the most frequently used framework for land disputes; yet, it frequently conflicts with national land policies, particularly when it comes to matters of women's rights, inheritance, and land titling (Pritchard, 2023; Chol, 2023). These inconsistencies are political, cultural, and firmly ingrained in identity; they are not just legal. Rural residents view traditional institutions as more acceptable and approachable, yet they frequently marginalize women and young people, strengthening patriarchal norms.

On the other hand, despite being more egalitarian in theory, the statutory system lacks legitimacy because of its restricted outreach, weak enforcement, and corruption. These two systems cause misunderstandings about which authority should settle conflicts, and which rules should be followed. Competing actors can take advantage of the administrative void this friction generates, frequently using violence to make their claims. To address this subject, policy discussions must incorporate customary law into the statutory framework in a way that respects human rights and legal clarity rather than trying to eradicate it.

Discussion

Legal Pluralism and Institutional Ambiguity

The conclusion that legal pluralism plays a major role in South Sudanese community disputes supports the theoretical frameworks established in the literature on land governance following conflicts. The cohabitation of statutory and customary laws without a clear harmonization process appears to be a significant structural driver of conflict, as indicated by the high correlation ($r = 0.82$) and R-squared value (0.68). Legal ambiguity, according to Deng and Pritchard (2023), enables various players to selectively apply laws to suit their interests, hence escalating disagreements. Similar to this, (Chol, 2023) demonstrate how communities' suspicion of both traditional leaders and state institutions has grown because of legal systems' dualism.

(Odoch, 2022). However, challenge this conclusion, arguing that legal diversity is not necessarily conflict-inducing but only becomes problematic when institutional capacity is lacking. They contend that legal pluralism may improve accessibility and inclusion in areas where statutory and customary systems are successfully integrated. In a similar vein, (Gatluak, 2022) point out that certain local governments have effectively combined the two systems using community-led hybrid models. However, in a larger framework where conflict is fueled by legal ambiguity, these occurrences continue to be exceptional. There are significant policy ramifications. Even well-intentioned measures, such land titling or dispute settlement, may exacerbate conflicts in the absence of harmonization. Consequently, broad stakeholder discussions and capacity-building among local leaders must be the foundation of any efforts to create an integrated legislative framework (Logan, 2021)

Elite Land Grabbing and Political Patronage

Widespread reports of state-facilitated dispossession in South Sudan are supported by elite land capture, which is indicated by the strongest association with conflict intensity ($r = 0.86$). According to (d'Awol et al., 2024), politically connected people have used coercion or legal process manipulation to dominate land resources in Juba and other major centers. This patron-client dynamic erodes fair access and distorts land markets. Evidence of military participation in violent land seizures and evictions is shown by Human Rights Watch (2022).

Furthermore, because land grabbing is frequently seen via ethno-political lenses, (Ajith, 2022) contend that it exacerbates ethnic tensions. Certain ethnic groups benefit disproportionately from the distribution of land to elites, which leads to retaliatory claims from underprivileged communities. Some academics, meanwhile, present more complex perspectives. Although elite land grabs are common, (Nyagoah, 2023) argue that local governance systems buffer their relationship to conflict. Elite land grabs have encountered opposition and legal challenges in places with vibrant civil society and community watchdogs. Notwithstanding these objections, the general thesis supports our findings: political patronage in land distribution jeopardizes peacebuilding. Land governance reform must prioritize the implementation of anti-corruption measures and transparency in land acquisition procedures (Gatkuoth, 2022; Human Rights Watch, 2022).

Displacement and Returnee Conflicts

The findings support the theory that one of the main causes of conflict in post-war South Sudan is land conflicts involving returnees and internally displaced persons . With an R^2 of 0.65 and a correlation of 0.78, our analysis finds strong evidence for this connection. Numerous instances of returnees discovering their land occupied have been reported by UNMISS, 2023; SSCC, 2024), which resulted in violent clashes. The lack of reparation systems, as noted by (d'Awol et al., 2024), causes communities to resort to violence or ad hoc agreements.

Logan (2021) talks on how land claims are complicated by returnees' lack of paperwork, particularly in areas where oral history is not recognized as proof. The gendered character of these conflicts is also highlighted by (Mabor, 2024), who point out that patriarchal customary practices that prevent women returnees from owning property make them more susceptible. The magnitude of conflict is frequently exaggerated, according to critics like (Odoch, 2022), who contend that the majority of returnees settle their differences amicably. These amicable settlements, however, seem to be the exception. The results emphasize the necessity of a coordinated return and reintegration policy that incorporates gender-sensitive restitution frameworks, community mediation, and land verification (Chol, 2023; SSCC, 2024).

Environmental Stress and Land Scarcity

Climate variability plays a significant influence in intensifying land disputes, as evidenced by the 0.69 correlation found between environmental stress and conflict. According to (Nyagoah, 2023), conventional patterns of migration and land usage are disrupted by environmental changes, particularly droughts and floods, which intensify competition for resources.

According to SSCC (2024), there is an increase in intercommunal violence, especially among pastoralist communities, as a result of irregular rainfall and declining grazing land. (Kuol and Gatluak (2022), who note that environmental shocks frequently cause displacement into already strained host communities, support this finding.

Logan (2021) warns against oversimplifying conflict by attributing it exclusively to environmental variables. In his view, environmental stress only becomes a catalyst for conflict when it is combined with institutional failure and poor governance. Additionally, according to (Pritchard, 2023), communities with superior land management and infrastructure tend to handle environmental shocks more amicably, and adaptive skills differ greatly between locations. Therefore, even while our research supports environmental stress as a cause of conflict, enhancing local governance systems and adapting to climate change are also necessary solutions.

Customary Authority vs Statutory Law

According to the findings of our study ($r = 0.72$, $R^2 = 0.61$), communal disputes are greatly associated with and exacerbated by the conflict between statutory and customary land systems. According to (Pritchard, 2023), especially in rural states, customary authorities frequently take precedence over formal verdicts. Case examples presented by (Chol, 2023) demonstrate how dual authority conflates property ownership standards, making it challenging to resolve disputes. For women and other underprivileged groups, this dynamic is particularly troublesome. Although women's land rights are recognized by statute, customary systems frequently prevent them from accessing it, which results in disputed claims and societal instability (Logan, 2021); Human Rights Watch, 2022).

According to critics like Odoch, (2022), customary authorities have changed significantly throughout time and in certain areas provide effective and inclusive dispute resolution alternatives. However, the findings are supported by the continued existence of legal inconsistencies and serious political clashes between the state and traditional institutions. Therefore, the legal reforms should use inclusive and rights-based approaches to integrate customary law with statutory frameworks rather than trying to eradicate it (Gatkuoth, 2022; Pritchard, 2023)

CONCLUSION AND RECOMMENDATIONS

Conclusion

This study has shown that South Sudan's communal disputes are largely caused by lax land rules and weak enforcement of laws. Legal pluralism, elite land grabbing, returnee conflicts, environmental stress, and customary vs statute law were the five main subjects that were examined. Land-based violence is multifaceted, as seen by the statistically significant correlations found between each of these variables and conflict intensity. The results imply that the land conflict in South Sudan cannot be resolved by a single intervention. Instead, a mix of anti-corruption initiatives, institutional capacity building, legal change, and climate adaptation plans is needed. The state must, above all, take the initiative to safeguard returnees, harmonize legal systems, control elite land access, combat against land grabbing, and incorporate customary norms into statutory law.

Recommendations

Given the complexity and the challenging nature of implementing land policies in a fragile state like South Sudan, a multi-faceted approach should be applied. This approach should prioritize community engagement and capacity building of the institutions. This should be done in consideration of the robust conflict resolution mechanisms where involvement of all is done including women and youths. There should also support for the understanding of the existing land rights and a flexible process which is participatory.

The government should ensure that land policies are associated with national goals and other appropriate policies which also permits effective implementation.

The government should invest in training and develop government officials, land managers and traditional leaders in communities. These are key people in a successful implementation of the land policy in fragile states like South Sudan.

The government with the help of other stakeholders like non-governmental organizations and community based organizations should establish clear mechanisms for dealing with land

disputes. These mechanisms should include local and formal mechanisms since they are essential in the management of conflicts and guaranteeing fair outcomes.

The government should work to recognize and formalize the existing customary rights which lead to tenure security. This is essential for a sustainable land use for livelihood and conflict resolution.

The government should put in place a system to monitor and evaluate the effectiveness of land policies. This is necessary for making the required adjustments and guaranteeing that the intended goals are met.

Future research should concentrate on longitudinal analyses that show how land conflicts change over time and the effectiveness of various conflict resolution techniques.

To find the best land governance practices, comparative research with other post-conflict nations is also necessary.

Furthermore, additional empirical research on the relationship between gender and land rights is needed, particularly considering customary authority and returnee integration. Utilizing participatory mapping and geospatial analysis may also yield fresh perspectives on resource pressures and conflict hotspots.

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