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"Open fer Business"

The Political Economy of Inter-Communal Conflict in South Sudan

Khalid Mustafa Medani

he Republic of South Sudan is undergoing its most devastating round of violence since declaring its independence in July 2011. The fighting broke out in mid-December 2013, some five months after President Salva Kiir fired his vice president, Riek Machar, along with the entire cabinet. At a December 15 meeting of the ruling party, Kiir alleged that Machar had been planning a coup. Machar denied it. Kiir is Dinka and Machar is Nuer, respectively the country's two largest ethnic communities at 40 and 20 percent of the population. The dispute between the two men quickly took on a decidedly ethnic character as Dinkas in the presidential guard tried to disarm their Nuer colleagues leading to fighting between Dinka and Nuer civilians in the capital city of Juba. The inter-communal

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violence then spread across three South Sudanese states, with parts of Jonglei and swathes of the oil-rich Unity and Upper Nile provinces now under the control of rebels loyal to Machar. The UN Mission in South Sudan has expanded its peacekeeping force, but already some 10,000 civilians have been killed and approximately 500,000 displaced, with 30,000 more fleeing to neighboring countries. Kiir's military, with the help of Ugandan troops, has recaptured the key cities of Bentiu and Malak in Unity and Upper Nile states. South Sudan is threatened with full-blown civil war.

The government and the rebels began negotiations in Ethiopia on January 7, 2014, under the auspices of the leaders of the Inter-Governmental Authority on Development. If history is any indication, however, the talks between Kiir and Machar will fail to address the political and economic issues at the heart of the crisis or to bring lasting peace. As

Jok Madut Jok, a noted South Sudanese scholar-activist, observes: "The two men will eventually sit down, resolve their issues, laugh for the cameras, and the thousands of civilians who have died will not be accounted for." 1

A key misconception about the conflict is that it is "tribal," an instance of two corrupt politicians inciting their respective tribes to violence and generating war overnight. By this explanation, the historical animosity between the Dinka and Nuer is said to be primordial, its activation as simple as flipping a switch. There is no doubt that the immediate catalyst for the conflict was the decision of South Sudanese leaders to manipulate ethnic loyalties in service of their own objectives. But the battle lines do not track neatly with ethnic affiliation: The foreign minister, Barnaba Marial Benjamin, is a Nuer who continues to be loyal to Kiir. Meanwhile, Rebecca Garang, widow of the Dinka founding father of South Sudanese autonomy, John Garang, is an ally of Machar. Five of the 11 insurgents detained in Juba are Dinka. More important, what is often termed "tribal" strife is really conflict between kinship and clan networks over the control of scarce resources. The elite manipulation of ethnic loyalties would not be possible absent the socio-economic legacy of the long civil war preceding South Sudanese secession and state policies after independence. The roots of the conflict are not "tribal" but political-economic: the authoritarian nature of the ruling Sudan People's Liberation Movement (SPLM) party; the country's reliance on oil rents; and competition over resources in rural areas, exacerbated by the privatization of communally owned lands. Only the combination of these factors can explain why so many Dinka and Nuer youth have taken up arms.

One-Party State

Even prior to independence, there was considerable agitation within the SPLM and without for greater political inclusion and more equitable distribution of state resources. In June 2011, Machar, along with leaders of 18 smaller opposition parties, expressed concern over the constitution governing the four-year transition to follow independence. Machar and his fellow complainants said that the draft constitution gave too much executive power to Kiir, allowing him to remove elected governors of the ten states, dissolve the elected parliament and appoint new members by presidential decree.2 On July 31, 2011, Kiir in fact purged a number of ministers from government, citing corruption and the need to "rationalize" the bureaucracy, while keeping his loyalists in the top jobs. Subsequently, he pushed the draft constitution through Parliament and accused Machar of trying to run a "parallel" government. Two years later, the rift between the president and vice president had widened to the point that Kiir sacked his deputy. Machar blamed Kiir's hunger for power. "I said Salva should exit and that I would contest the party leadership in the next elections, so he dismissed me."3

The squabbling between Kiir and Machar can be traced to problems of implementing the 2005 Comprehensive Peace Agreement (CPA), the marriage of convenience that culminated in South Sudan's secession from the Sudanese state headquartered in Khartoum. Brokered by outside powers, including the United States, the CPA was essentially a compromise between two authoritarian parties, the National Congress Party led by Omar Bashir in Khartoum and the SPLM led by Kiir, that were both intent on consolidating power and suppressing dissent. As one activist in Juba put it, "South Sudan is an offshoot of Sudan and all that is happening here is a copycat of what is happening in the north."

The CPA contained many protocols besides that providing for the right of the south to self-determination. But in the rush to the referendum, and then secession, key issues such as political participation, demobilization of ethnic militias and resource sharing went unaddressed. It is not surprising that South Sudan emerged into independence as a repressive one-party state, with the SPLM holding approximately 94 percent of the seats in Parliament and nine of the ten governorships. During the civil war, the SPLM promoted a unified South Sudanese identity defined primarily in opposition to the regime in Khartoum. And while there is no clear ethnic hue to the rank and file of the SPLM, the leadership remains dominated by Dinka and, to a lesser extent, Nuer officers.

The SPLM never enjoyed the support of all parts of the rural population, which, at 84 percent of the total, is the large majority. Under Kiir's leadership, the party has refused to tolerate criticism of its policies and has stifled calls for greater transparency in the allocation of oil revenues and greater political participation for other ethnic groups. Despite a mobilized civil society, the SPLM has delayed badly needed constitutional and security sector reforms and passed new laws restricting the operation of non-governmental organizations. It is estimated that since the creation of the interim government in southern Sudan in 2005, officials have embezzled upwards of \$4 billion. Kiir himself wrote to as many as 75 officials asking that these funds be returned to the state.⁵ Juba's security forces have arbitrarily imprisoned and killed scores of political opponents, journalists and human rights activists who have sought to publicize this extraordinary corruption. Noted civil liberties activist David De Dau told the BBC that "people keep disappearing but no one will speak out publicly." Another member of the civil society alliance noted that authorities fear losing control of the country. "They don't want to open the area to human rights because it is like dominoes.... You touch the first piece and all the pieces fall down. The international community should press them hard."6

Foreign powers largely disregarded the failure to realize key elements of the CPA before the referendum. The United States, for instance, was keen to back independence to counter China's growing economic influence in South Sudan and the

vicinity. South Sudan is home to the third largest oil reserves in sub-Saharan Africa, and China is the primary investor in the oil's extraction. Following independence, Juba assumed control of the oil industry, but so far, the formula of ownership remains the same as it was prior to secession: a consortium, the Greater Nile Petroleum Operating Company, consisting of firms from China (40 percent), Malaysia (30 percent) and India (25 percent). The only significant change is that the share of Khartoum's oil company, Sudapet, was reallocated to South Sudan's state-run company, Nilepet, but that share remains at only 5 percent of the total. The China National Petroleum Corporation, meanwhile, remains the dominant importer of South Sudanese oil at approximately 60 percent. No wonder Beijing, allergic to intervention in domestic conflicts, has taken the unprecedented step of calling for an immediate ceasefire.

Rentier Politics

In December 2011, speaking to an international investors' conference in Washington, Salva Kiir declared South Sudan declared itself "open for business." The government in Juba sought more foreign direct investment from the West, Far East and the Arab world in a variety of sectors.7 Oil remains the most important by far. Despite the fact that so many South Sudanese rely on herding and agriculture for their livelihoods, oil accounts for 98 percent of the country's total exports and over 80 percent of its gross domestic product. Between 2005 and 2010 oil revenues amounted to \$9.5 billion. In the last five months of 2013 alone, Juba earned an estimated \$1.3 billion in oil sales.8 There is no oil-exporting country in the world so dependent on this one commodity for its revenue, the bulk of which accrues directly to the state.9 South Sudan's overwhelming reliance on oil is directly linked to the SPLM's authoritarian rule, the deepening of internal party rivalries and the escalation of ethnic conflict.

The influx of oil has distorted local economies and severely undermined the livelihood of the rural majority. Indeed, despite committing itself to development of agriculture, infrastructure and service provision upon signing the CPA in 2005, Juba chose instead to rely almost exclusively on oil. The SPLM government directed its resources disproportionately to the security sector, at the expense of investment in infrastructure and administration, education, public health and job creation.¹⁰ In 2011, for example, the government allocated upwards of 38 percent of its spending to the military and security services, and only 10 percent to infrastructure, 7 percent to education and 4 percent to health.¹¹ Not surprisingly, another effect of the dependence on oil revenue was an investment boom in the construction and the service sector concentrated in Juba, with a concomitant decline in agricultural and livestock production. As one study has shown, not only is South Sudan importing the bulk of its food, but agricultural productivity has also declined since the end of the long civil war in 2003. 12

Amidst these structural changes, thousands of South Sudanese have migrated to cities in search of jobs and services, while the majority stays behind in the increasingly impoverished countryside. Many poor communities have targeted "better-off" people, often within their own tribe or sub-tribe, for cattle rustling. A main reason why Jonglei, and its capital of Bor, are a hotbed of inter-tribal conflict and rebel recruitment is proximity to Juba. While Juba flourishes, the persistent absence of public services such as health and education in nearby Jonglei is a source of resentment of the ruling elite. With its oil rents and inflows of international aid, the SPLM government has little interest in developing even its near periphery.

The oil-based economy has hindered plans to build strong political institutions and a security apparatus that cuts across ethnic cleavages. Instead, the power brokers in the SPLM measure their loyalties to the government in Juba by the size of their cut of the oil money. In this rentier economy, leaders in Juba have built networks of clients along ethnic and clan lines. It is no coincidence that the rebels supporting Riek Machar promptly captured the oil-rich states of Blue Nile and Unity as a way to bargain with Salva Kiir. And Jonglei has untapped reserves that were awarded to the French Total company.

During the long war with Khartoum prior to partition, small arms proliferated in the south among a range of ethnic and tribal militias. Following the CPA, some, but by no means all, of these militias were integrated into the Joint Integrated Units of the Sudan People's Liberation Army (SPLA) or into police units. Yet the militias persisted inside the SPLM forces and many have broken away to fight against Juba. In 2010 and 2011, for example, there were rebellions led by senior army officers such as George Athor in Jonglei and Peter Gadet in Unity.¹³ The militias are unwilling to give up their arms without security guarantees. Meanwhile, they skirmish over land and water rights that Juba has been unwilling to enforce. The SPLM tried to end these disputes through harsh military repression rather than customary mediation. Furthermore, as one study has noted, the SPLA's intervention in local conflicts is rarely impartial, due to ethnic loyalties inside the units, which often consist of poorly paid young men who supplement their income with illegal taxation by force.14

Investing in Conflict

A third deep cause of the fighting is found in local conflicts over land and resources. There is a common belief that South Sudan is nearly empty, its land in disuse. But land usage must be distinguished from land ownership: In most of the country, the Nilotic tribes retain their historical rights over vast tracts of communally owned grazing lands. Pastoral tribes and clans must move constantly to find places for their livestock to graze, and they must cooperate with each other to avoid overgrazing. Historically, the Nilotic tribes relied on custom—rather than state law—to settle disputes. In the course of the long war



Thousands wait to be placed in two UN camps in Juba.

MEHMET KEMAL FIRIK/ANADOLU AGENCY/GETTY IMAGES

with Sudan, however, many herders were displaced. The displacement from ancestral lands was a recipe for ethnic strife as various communities huddled onto smaller and smaller patches of territory.

As David Deng argues in a detailed study, conflict zones can be fertile ground for investment as "opportunist companies take advantage of weak institutions and an ambiguous regulatory environment to secure favorable deals" with local interests.¹⁵ Indeed, from the time of the CPA forward, the government has been leasing land to foreign companies as part of what Juba calls a "short cut" to development. This strategy, encouraged by the international financial institutions and Western donors, allocated huge areas of land to foreign investors in direct contravention of the locals' ownership rights. Between 2007 and 2010, companies based in the US, the United Arab Emirates, Egypt, Finland, Great Britain, South Africa and elsewhere secured an estimated 5.74 million hectares of land for agriculture, biofuels, forestry, carbon credits and ecotourism. These ventures have not only displaced thousands more people and increased food insecurity, but they have compounded the problem of civil conflict in the countryside.

In 2010, for instance, Dinkas illegally seized Shilluk lands on the eastern banks of the White Nile, setting off a series of battles pitting the Shilluk-dominated splinter group, the SPLM-Democratic Change, against SPLM forces made up primarily of Dinka. In December 2011 and January 2012, there were clashes between the Nuer sub-clans of Lou and Jikany

in Jonglei, as well as deadly confrontations between the Lou, the Dinka and the smaller Murle minority. More than 2,000 civilians, among them women and children, died in this spate of violence, as homes were destroyed and cattle stolen. ¹⁶ This fighting is partly driven by intra-SPLM rivalries, to be sure. It was Riek Machar who established the White Army, a Lou militia, in the 1990s and Machar who reconstituted it in the early 2000s. Today, the White Army is fighting the SPLM forces in Jonglei and, before the government retook Bor, it was threatening to invade Juba. Importantly, however, the White Army was created not to win political power in Juba but to protect Lou livestock and property from rival ethnic groups and clans on the local level.

Juba has further heightened the rural tensions by failing to respect the principle of communal property rights. Instead, the government established a land administration system whereby communities—and, thus, landholders—are defined primarily in terms of "tribal" or "sub-tribal" affiliation. In a style of "indirect rule" inherited from the British, the Local Government Act of 2009 confirmed the role of "traditional authorities" in administration, stating that they were to operate as "semi-autonomous authorities." Not only are property rights reified as "tribal," but now local governments also represent parallel structures of authority that must find their own financing. Ethnic solidarities have hardened and

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a good reputation at the time. Nobody was interested in the Middle East at the time; they were interested in Vietnam and China.

Were you also at this time playing a role in liaison with the communists of Syria and Lebanon?

Yes. I was an intermediary for both sides many times. They knew that I was in Paris, close to the Communist Party, and that I was familiar with their problems. They knew very well that the French Communist Party understood nothing and had no interest in their problems. So very often I went to the colonial bureau, telling them to take this or that stand on the problems. Rarely was I heard. But, nevertheless, I played this role.

A big question at this time is that in 1954, the beginning of the Algerian revolution, the Party did not take a strong stand.

I did not have much knowledge of the events in North Africa at that time.

Did this become a big debate for you?

Yes, because I was beginning to have doubts about the politics of the Party at that time, and with others we managed to ask the Party to take a stand more in favor of independence of Algeria. But we were all disciplined in the Party at that time. We got angry about the position of the Party, and more prone to associate with non-Party people—the independent left—which is taken very badly by the Party, of course. But the Party had taken great pains to demobilize. So in 1956 there were elections in France. The socialists came into power and the Party had great expectations, especially with relations to Moscow and the idea of the great alliance of the socialist parties and the Soviet Union. All this could not be endangered by secondary things like Algeria. When the new assembly [Chambre de Députes] met, the Party voted special powers for Guy Mollet in Algeria. This was the first time I dared to contradict the position of the Party. Not all the way, of course. I wanted to speak out against these special powers. They decided that they had to make that move and sacrifice a part for the whole. I began to have doubts, theoretically. I began the slow evolution toward a critique of the Party. I left two years later, in 1958.

So what made you most critical of the Party came out of your knowledge of the Middle East?

I was in doubt about decisions of the Soviet Union more and more. But this could be endured without putting in doubt the whole structure. The Russians could make mistakes; nobody is perfect. This was not of most importance in my mind. It was more at the time of Hungary, Czechoslovakia, the Khrushchev report. I began to be more and more outspoken in my critiques,

and I was at that time among opponents inside the Party. I was expelled in 1958 for one year. But after that I never went back.

When did you start writing about the national question and Palestine and Zionism?

I was writing on the Middle East in general. The Palestinian problem was perhaps less prominent than today. I began to think more and more about it. At the same time, the cultural journal of the French communists asked me to review books. I reviewed the French translation of the book of Stalin. I took the time to think about the problem. I did not have a great will to engage in problems of Zionism, but I had met when I was in Beirut some militants: Fu'ad Massa, the head of the Palestinian Communist Party at that time; groups of Jews and Arabs supporting a binational state. But I did not want to be involved.

Once, in France before 1967, some students came to me. I was angry with Zionism but I did not say much about it. When these Arab students presented their problems to me, they asked us to participate and tell them our point of view. Some Jewish students were meeting and discussing the problems and they wanted to do the same, but not under the supervision of the Zionists, and they wanted to ask my point of view. I gave a speech with anger and strength. It was published later under the title, "If I Were an Arab." Zionists later responded to my paper. But in the meeting itself they wanted to speak as soon as I was finished.

Why is it that before 1965 you did not really want to get involved in the issue?

Because it was intricate, difficult to explain to people. It was not my first preoccupation at the time. But more and more, I found myself involved.

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the informal mechanisms conducive to inter-ethnic cooperation in disputes over property and resources have withered away. Taken together, these developments help to explain why so many South Sudanese youth have succumbed to the opportunism of their ethnic leaders in the present crisis and why the conflict is so violent.

Pipeline Poker

An all-out civil war in South Sudan could destabilize East Africa from the Horn to the Great Lakes. At the time of writing, regional powers are attempting to broker a ceasefire. But neither of the principal mediators, Uganda and Ethiopia, is a neutral arbiter. Ugandan President Yowereni Museveni is a long-time ally of the SPLM, and its leader Kiir, and

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Ugandan troops are battling Machar's forces in Jonglei. Ethiopia's prime minister, Hailemariam Desalegn, does not have the political clout with the warring sides that his predecessor, the late Meles Zenawi, is said to have had.¹⁸ Moreover, in what has been described as a high-stakes game of "pipeline poker," South Sudan's neighbors are jockeying for preferential treatment in transporting South Sudanese oil to the world economy. Kenya and Uganda would like to build a pipeline through Uganda to the Kenyan port of Lamu, while Ethiopia hopes to persuade Juba to route the oil across Ethiopian territory to Djibouti. Either scheme would allow South Sudan to break its dependence on Khartoum.

For his part, therefore, Omar Bashir is not content to watch the war from Khartoum. He has clearly made a military alliance with Kiir to secure the oilfields. Following partition,

approximately three quarters of the oil left in the ground belongs to South Sudan. But the pipelines, refineries and export terminals required to take South Sudan's oil to market are located in the north. Juba agreed to pay Khartoum \$2.6 billion in export fees, over four years, to help cover one third of the north's revenue gap of an estimated \$7.7 billion for the period 2011-2015. The Khartoum regime, like Uganda, is heavily dependent on these royalties. If the conflict continues, Bashir is likely to intervene directly, which could mean additional combat along the already conflict-ridden borders of the two Sudans. Any long-term solution to the crisis in South Sudan must address its underlying political and economic causes rather than simply negotiating a tenuous peace between politicians who have a record of dangerously politicizing communal loyalties for personal and political gain.

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