

LAND AS A CAUSE OF DISPUTES: THE CASES OF WESTERN BAHR EL GHAZAL, SOUTH SUDAN AND TRIBAL AREA OF WAYANAD KERALA, INDIA

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Abstract

In the case of Western Bahr el Ghazal, the land conflict steadfastly transpired in the town due to continuous land grabbing which is currently sparked by the advent of migrants, IDPs, and settlers who spontaneously, settled in the area. Furthermore, the conflict over land is arepercussion of conspicuous annexations of the villages around the town, owing to the expansion of the town. However, the seasonal migration of the armed pastoralists with their cattle from their areas into farmers' areas is usually, culminated in skirmishes between the two groups and led to gruesomeramifications. The land issue has, unfortunately, taken two dimensions, the dispute betweenfarmers, and cattle keepers is arecurring woein the dry season, due to the cattle subversive of crops in the farmer's farms. This is in addition to the new settlers, migrants, and IDPs who grab the land. Howeverin Wayanad Tribal area in Kerala, land remains an enormous challenge to tribal settlement as tribal people face landlessness owing to the dearthof enough land for residential as most of the tribalcolonies are very congested. Consequently, the family is growing, the land is limited which foists arduous and ginormous conundrum and led to many tribal agitations demanding enough land

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for residential land livelihood through cultivation. As such owing to the previous agitations, the land has been allotted by the government to those who had participated in agitations, but still, there is a significant number of tribal floundering landlessness. As such land reform is utterly incontrovertible which should address the exigent hurdle of landlessness.

Keyword: Land, conflict, migrants, landlessness, agitation, and livelihood

1. Introduction

In South Sudan, land issues emerge since the signing of the Comprehensive Peace Agreement between Sudan's People Liberation Movement /Army (SPLM/ A) and the government of Sudan. However, the parties to the agreement agreed that the issue of the land could be surmounted by giving the right of the communities on land after the war and to resolve alienation of communal land which created animosities in Sudan. The SPLM intention was to remove the government alienation of communal land-based resources. However, the idea of land belongs to the community, was adopted as a slogan and a part of resistance which was a aim to liberate South Sudan. Moreover, the slogan was applied in wealth sharing negotiations in 2003 when the SPLM leadership used it to hamper the national government's claims over southern land. As such the strategy was successful as the majority of South Sudanese land remained under communal land tenure after the signing of the peace. Furthermore, in the post-independence, the notion of land belongs to community wreaked havoc and serious conflict between local communities and the central government as there is ginormous demand for building government's institutions as well as land for investment and in all these processes land could not be secured without consent of local communities and this procrastinates the process and sometimes it leads into confrontation between the government and host community. However, in Western Bahr el conflict over land conspicuously, subsume land disputes in the town, land grabbing by immigrants and new settlers, the seasonal migration of pastoralists from the neighboring areas into the area which lead to clashes between pastoralists and farmers and culminated in the current conflict.

However, in case of Wayanad in Kerala, the land portrays a significant source of tribal livelihood such as agriculture, horticulture, forestry, animal husbandry. However, traditionally tribal people were the owners of landholdings based on a communal ownership. But there was the enormous alienation of tribal land which had bedeviled them in the last decades. However, the Scheduled Tribes (Prevention of Alienation and Restoration of Alienated Lands) Act 1975 and the subsequent amendments

were not fairly implemented. Moreover, there is no drastic measures have been taken so far to preclude further alienation. However, in a period of 2001-2002, Tribal Resettlement and Development Mission has been founded in the State with the declared objective of catering land ranging from one acre. However, the program has not successfully achieved its goals. Due to that only 8943.34 acres of land have been officially allocated to 6777 tribal families so far. And there are 10517 landless families are waiting to be allotted land. However, disputes over land led many tribal agitations for instance in 2003, about three hundred people from tribal people of eight hundred families from Gothra Mahasabha managed to occupy forest land and erected huts at Thakarappadi in the Wayanad Sanctuary. However, due to the tribal occupation of the land, the tribal members from different parts of the district, 725 in number were nabbed under the Wildlife Protection Act. But in a very short time, they were exculpated by a magistrate's Court in Sultan Bathery. And finally, the government nullified cases against the tribal people. However, after a span of time, a group of tribal-led by the leader of Adivasi Kshema Samiti, a tribal organization of the Communist Party occupied the land and built huts in the forest under the South and North Wayanad Forest Divisions. But in the end, the agitators were given rights for the land under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Also in Wayanad, in 2012, thousands of landless tribal people agitated and with a brace of political parties, they erected huts on forest land which culminated in fifty-three agitation points in the two forest divisions. However, the continuation of tribal agitation remained as potential disputes unless the invincible and stringent measures are taken in addressing land issues including land reforms as utmost demand for the landless people.

2. Objectives of the Study

- 2.1 To identify the sociocultural characteristics of tribes in Kerala State and tribes in Wau town, Western Bahr El-Ghazal, South Sudan.
- 2.2 To understand the process of identity formulation taking place among two communities due to conflict over land and political intervention
- 2.3 To find out the relationship between the land and the conflict

3. Methodology

The article is based on the analysis of the data collected through interviews which were carried out in both South Sudan and Kerala State, India, this in addition to observations. Additionally, 220 questionnaires were used, 110 questionnaires in Wau

town Western Bahr El Ghazal, South Sudan and 110 questionnaires were distributed to informants in both Wayanad and Calicut in Kerala. The study is a comparative study using primary and secondary sources and in-depth interviews with key informants in the field in both of the two areas of the study. The statistic tools which have been applied in the data analysis are EDUSTAT and SPSS.

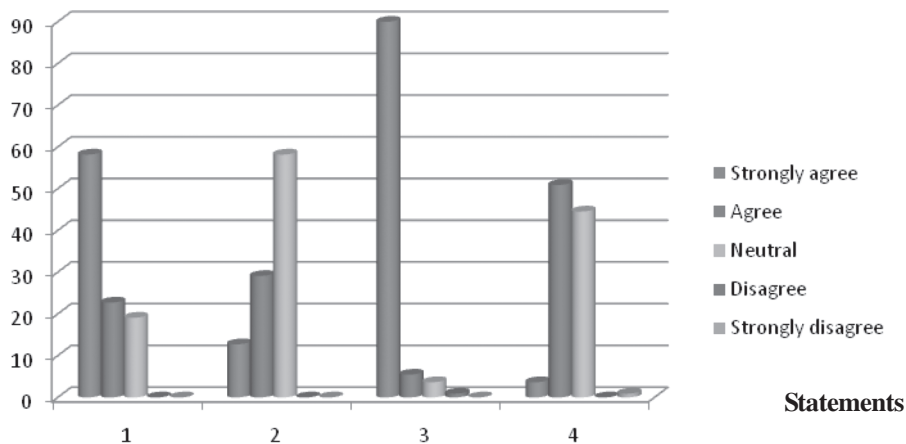
4. The Land Issue in the Conflict in Western Bahr el Ghazal Western Bahr el Ghazal

Land, in general, is a property of a community rather than individual according to South Sudan interim constitution, the land belongs to the community. This makes it very difficult for acquiring land for public institutions and for investment, owing to community recalcitrant to allocate land for public use without their consent. As land could be secured through inheritance and at the same time, through the distribution of land and through chiefs and surveyors which is a joint agreement between the government and the community. Also buying from individuals especially in the town when there are business activities like marketplaces. Land for a common purpose such as building school, health centers, police station, public squares, could be acquired through the community and the government consultation which lead to allocation of land. The main mechanisms of acquiring land are given in the Table (1)

Percentage of responses of tribes in Wau town, Western Bahr el-Ghazal South Sudan:

Statements	Strongly agree	Agree	Neutral	Disagree disagree	Strongly
Buying	58.18182	22.72727	19.09091	0	0
Gift	12.72727	29.09091	58.18182	0	0
Inherit	90	5.454545	3.636364	0.909091	0
Other	3.636364	50.90909	44.54545	0	0.909091

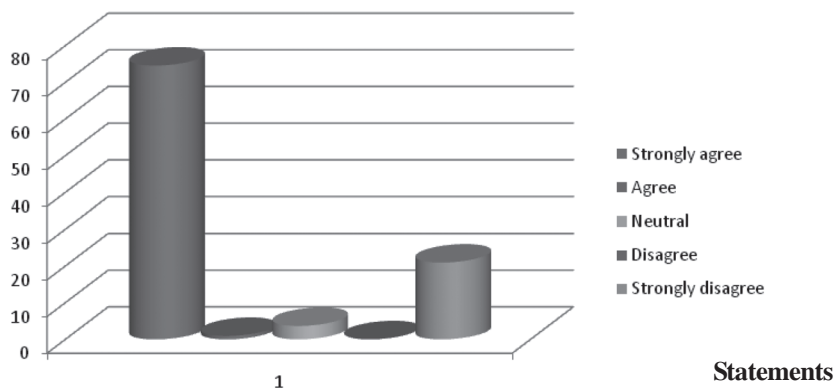
Regarding how they acquire land for livelihood in their areas, 90% of the tribes in Wau town, Western Bahr el-Ghazal, South Sudan strongly agree with "Inherit". It is followed by "Buying" (58.18182%); "Gift" (12.72727%); "Other" (3.636364%). As it is given in the **Graph (1) Percentage of responses of tribes in Wau town, Western Bahr el-Ghazal, South Sudan regarding how they acquire land in their areas.**



For theresponsibility for land the community, the government, individuals who have owned their plots through allotment or buying or other means of acquiring land as it reflected in the **Table (1) Percentage of responses of tribes in Wau town, Western Bahr el-Ghazal South Sudan regarding competition over land in their area:**

Statements	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
There is competition over land in the area	74.54545	0.909091	3.636364	0	20.90909

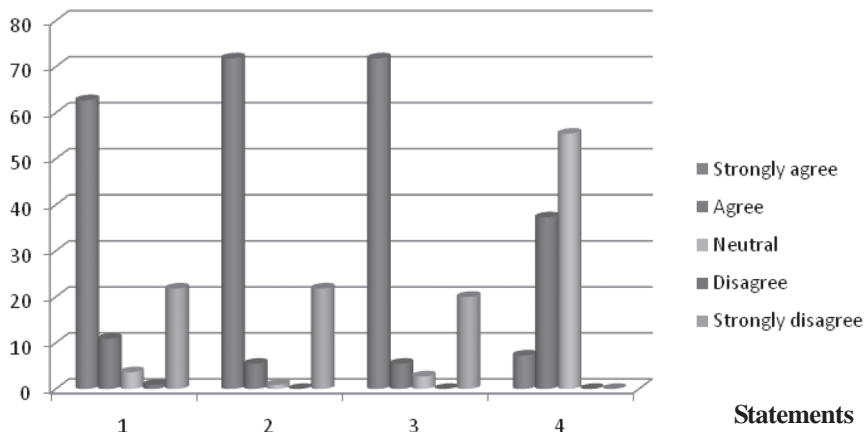
Regarding competition over land in their area, 74.54545% of the tribes in Wau town, Western Bahr el-Ghazal south Sudan strongly agree with that “there is a competition over land in the area”. As it is given in the Graph (2) **Percentage of responses of tribes in Wau town, Western Bahr el-Ghazal, South Sudan regarding competition over land in their area.**



• **Table (3) Percentage of responses of tribes in Wau town, Western Bahr el Ghazal South Sudan regarding who are competing over land in their area.**

Statements	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Farmers (local people)	62.72727	10.90909	3.636364	0.909091	21.81818
Cattle keepers	71.81818	5.454545	0.909091	0	21.81818
Migrants or new settlers	71.81818	5.454545	2.727273	0	20
Other	7.272727	37.27273	55.45455	0	0

Regarding who are competing over land in their area, 71.81818% of the tribes in Wau town, Western Bahr el-Ghazal South Sudan strongly agree with “Cattle keepers” and “Migrants or new settlers”. It is followed by “Farmers (local people)” (62.72727%); “Other” (7.272727%). The conflict over land is between the farmers and pastoralist from neighboring states. This in addition to land grabbing by immigrants and new settlers. As it is given in the **Graph (3) Percentage of responses of tribes in Wau town, Western Bahr el-Ghazal, South Sudan regarding who are competing over land in their area.**



However, since 2005, after signing the Comprehensive Peace Agreement, the peaceful coexistence was tarnished and many disputes started to appear between pastoralists and farmers. Moreover, cattle keepers began to migrate to the area before the accomplishment of harvesting due to droughts, overgrazing, and insecurity which make them expand their geographic range at the expense of others, environmental changes augment the movement of cattle keepers in the quest for water and pasture. The situation was worsened by

changes in behaviour and militarization, such, cattle keepers are young men and unable to takes responsibility for the herds and they grip firearms and they disrespect customs, such as refusing to meet with the hosting chiefs of the areas of passing through or arrival and respect of communities and their way of life, substantiated by increased number of incidents of destruction and killing of cattle without compensation being paid. For instance, Pastoralists and farmers in Mamoi area near Wau in Western Bahr el Ghazal State have witnessed rising tensions between their communities, with some reports of violence. The incident took place when cattle entered onto cultivated land and caused damage to crops, a matter which angered the local farmers. The fact is that one of the parties is armed to protect their property and the other party is not reflects an inequity between parties negotiating access and rules of behaving that cannot be bridged. The meeting of the two communities is traditional, left to themselves to regulate. The local governments should act as facilitators and observers unless the conflicting parties step out of the area of tradition and custom and into that the laws of the land and jurisdiction of the modern administration.

5. The land issue as a problem in Wayanad

About the land issue in the area, there was the cultural issue behind it and the area was full of forest. However, the land became a problem in Wayanad, historically in the colonial area. The whole land belongs to tribal people and they were able to collect wild food such as fruits, roots, and honey. The tribal cultivated freely the land because there was no immigrants or competition over the land. However, in the late 1940s immigrants had arrived at Wayanad from the mainland and other areas, they had abruptly occupied the land and forcibly evacuated tribal people from their land. However, the landlords used tribal as farm's laborers and unfairly ceded tribal pittance wages and quantum money. Also, they furnished them with negligible things such as sugar and cigarettes in return for work they have done. Furthermore, the landlords had hoaxed, the tribal people and they became marginalized and persecuted in their own land and they previously using the land for a very long time without title deeds. The colonialists had perfunctorily taken the tribal land and forcefully evicted them from their own land. They had begun to strenuously build mammoth estates and very bountiful plantations in thousands of hectares in the land. Meanwhile the tribal were unfairly given small jobs such as laborers. They brought laborers from another part of the country and from Sri Lanka. Furthermore, the tribal people were vanquished and became the losers in such a game.

Moreover, Kerala State has carried out the land reform plan, but tribal people were not all had access to land and the Constitution of India offers many articles supporting tribal people. However, Land in Wayanad had been occupied by people from mainstream

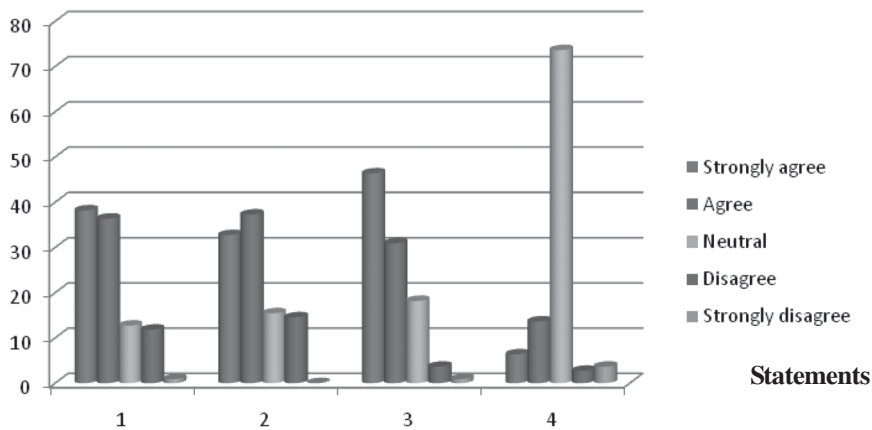
population and they perfunctorily broached to establish tea and coffee plantations in the area. The state was stalwartly favoring the mainstream people who occupied the land and it was like internal colonization that had taken place.

Subsequently, the land and the financial assistance was taken away from the tribal people. As such the tribal people arduously floundering two conundrums one was the non-tribal people from the mainland who had come to tribal areas and took the land and the government is the form of the forest department. Additionally, the most of the land which belonged to tribal have been taken by the forest department which is the state institution. The tribal people became landless in terms of cultivation and residence. They find it very hard to make subsistence and whatever, they collect from the forest is being taken to the market by the people from the forest department. The process of land occupation continued and in the name of tourism, some people have taken tribal land to commercially construct buildings where there is a potential of tourism. And therefore tourism became another way of taking the tribal land.

However, pertaining the land, the tribal people acquired their land through various ways. The biggest source of acquisition has been traditional inheritance. As it is given in the **Table (4) Percentage of responses of tribes in Kerala, India regarding the causes of land shortages in their area:**

Statements	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Population density	38.18182	36.36364	12.72727	11.81818	0.909091
More people living in your village	32.72727	37.27273	15.45455	14.54545	0
There is a conflict over land	46.36364	30.90909	18.18182	3.636364	0.909091
Other	6.363636	13.63636	73.63636	2.727273	3.636364

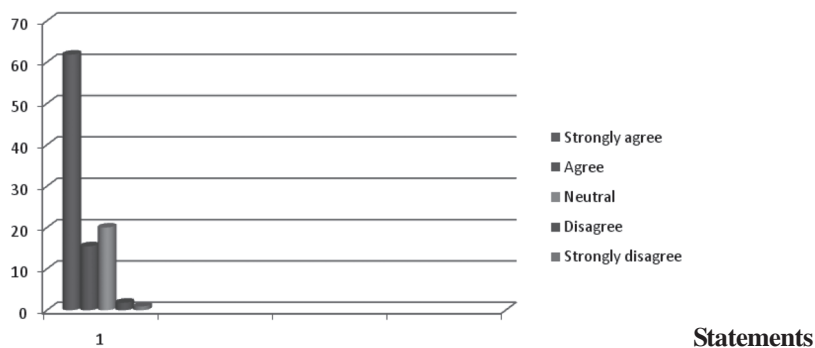
Regarding the causes of land shortages in their area, most of the tribes in Kerala, India strongly agree with “There is a conflict over land” (46.36364%). It is followed by “Population density” (38.18182%); “More people living in your village” (32.72727%); “Other” (6.363636%). Kerala State had a land reform plan, but some tribal people benefited and some tribal were ignored from the land reform. The problem in the land is portrayed in the **Graph (4) Percentage of responses of tribes in Kerala, India regarding the causes of land shortages in their area:**



However, there is a competition exist in Wayanad. As tribal land could not be transformed easily. The land cost them more suffering and they have got their lost land. Earlier the land was under the control of local landlord or (*Janmis*). Some agriculturally based community have got land by inheritance. The conflict over land is given in the **Table (5) Percentage of responses of tribes in Kerala, India regarding competition over land in their area:**

Statements	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
There is competition over land in the area	61.81818	15.45455	20	1.818182	0.909091

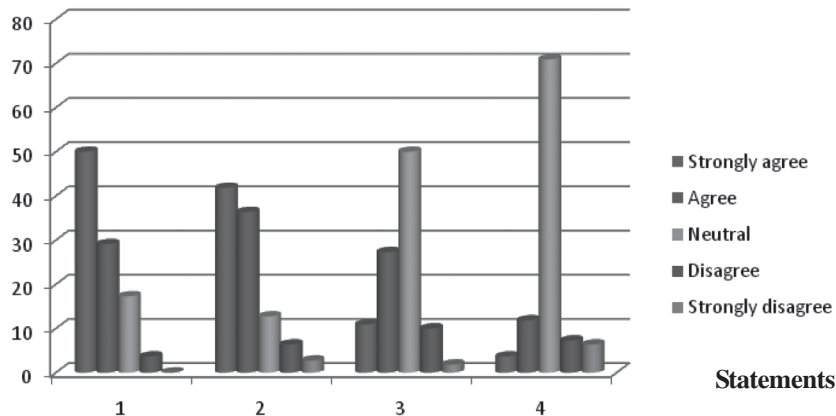
Regarding competition over land in their area, most of the tribes in Kerala, India strongly agree with "there is competition over land in the area" (61.81818%). This is owing to encroachment from outsiders and land alienation. The conflict over land is given in the **Graph (5) Percentage of responses of tribes in Kerala, India regarding competition over land in their area:**



About people are living in the area is presaged in the **Table (6) of the Percentage of responses of tribes in Kerala, India regarding who are the people residing in their area who are not original from their area.**

Statements	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Migrants	50	29.09091	17.27273	3.636364	0
Settlers	41.81818	36.36364	12.72727	6.363636	2.727273
Displaced people	10.90909	27.27273	50	10	1.818182
Other	3.636364	11.81818	70.90909	7.272727	6.363636

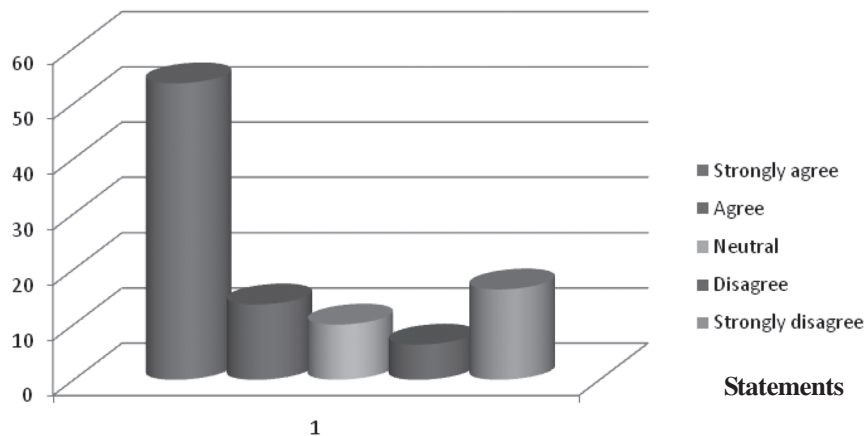
Regarding what kind of people who are residing in their area who are not original from their area, most of the tribes in Kerala, India strongly agreed with “Migrants” (50%). It is followed by “Settlers” (41.81818%); “Displaced people” (10.90909%); “Other” (3.636364%). According to inhabitants of the area, it is given in the **Graph (6) Percentage of responses of tribes in Kerala, India regarding what kind of people are residing in their area who are not original from their area:**



Also regarding the prices situation in the area is given in the **Table (7) Percentage of responses of tribes in Kerala, India regarding Land prices:**

Statements	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
Land prices are very expensive	53.63636	13.63636	10	6.363636	16.36364

Regarding Land prices, most of the tribes in Kerala, India strongly agree with "Land prices are very expensive" (53.63636%). This is owing to the position of the area as tourist hub in the State, the establishment of tea and coffee estates. The advent of immigrants and new settlers: The position of land prices is given in the **Graph (7) Percentage of responses of tribes in Kerala, India regarding Land prices:**



6. Conclusion

In Western Bahr el Ghazal conflict over the land has intensified owing to land grabbing, the seasonal migration of the pastoralists to the area which leads to the subversion of the farmer's crops by herds. The advent of settlers and IDPs culminated in the conflict between the host community and settlers who are seeking land for cultivation. Furthermore, the movement of cattle keepers randomly, near the cultivated land with the use of gunfire in disputes with the host community makes the situation more precarious. However, the claim over the land in the town is manipulated by political rivalry which led to many atrocities among these ethnic groups. The issue of pastoralists and farmers attests the clashes between the two forms of economies farming and pastoralism, as such it should be managed through consultation between farmers, and cattle keepers. In Wayanad, the land's problem is reflected in landlessness floundered by tribal in the area due to lack enough land for cultivation, residential and livelihood. Despite there were land reforms which enabled some tribal to access land, but still, there are conspicuous demands for the land as many tribal still encountering, landlessness. The land reform is an utmost need in addressing landlessness in the area. For land issues in the two areas, for instant tribal people in Western Baher el Ghazal have land, and the disputes are between the host community, immigrants and new settlers and they also participate in the political institutions and with a chance of participating various governmental levels. While in Kerala the tribal face landlessness and not actively

participating in politics, tribal people are a grieved group and with very limited chances in engaging in politics. And last and not the least, the tribal people in the two areas face challenges of political exploitation and misrepresentation, land's problem and also they both have traditional values, norms, beliefs system and cultural characteristics.

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