



USAID PROGRAM BRIEF LAND TENURE & PROPERTY RIGHTS SUDAN

OVERVIEW

Southern Sudan is in the midst of a fragile transition from decades of civil war to a tentative peace. Land tenure and property rights (LTPR) issues could undermine that transition by hampering a productive agricultural sector and long-term economic growth. Rural people contest the right of the GOSS to hold and manage land in trust on their behalf, claiming that land "belongs to the people." Ongoing conflicts, many violent, erupt among pastoralists and between pastoralists and farmers. Customary claims to land in peri-urban areas are routinely ignored, fueling conflict. Laws and state institutions for land administration and conflict mediation are weak, and there is confusion over which laws take precedent, statutory or customary.

The Sudan Property Rights Program (SPRP, September 2008 – February 2011) assisted the Government of Southern Sudan (GOSS) to develop a draft land policy based on extensive public consultation and research, as well as provided support to build the capacity of the Southern Sudan Land Commission (SSL). A follow-on project, the Sudan Rural Land Governance Project (SRLG, 2011 – 2013) will help harmonize the land policy with the 2009 Land Act and support selected State and local governments for more effective land administration and planning.

Helping to develop a clear policy, laws, regulations and procedures, as well as consistent technical support to institutions responsible for the administration of land and land rights are essential steps for effective land governance and conflict mediation, enabling the equitable and efficient use of land that promotes peace and economic growth.

STATUS

The SPRP concluded in February 2011, with the handover of a draft land policy to the Government of Southern Sudan which will undergo its final high-level review before promulgation. In 2010, the SPRP and SSLC concluded a series of government and civil society stakeholder consultations that directly involved over 1000 key GOSS, State, and local government and civil society stakeholders as well as traditional leaders. Complementing the consultations, the SPRP and Nile Institute of Strategic Development and Policy Studies (NISPDS) based at Juba University, managed a research project on key LTPR issues such as conflict, urban informal settlements, and jurisdiction for land administration; the research findings informed the drafting of the land policy. Finally, the SPRP convened a training in the capital, Juba, for 64 GOSS, State, and local government participants on LTPR concepts and practices, presented by regional and international experts.



Photo: USAID

Administration of land tenure and peaceful management of land conflicts is hampered by an absence of land policy, laws, and rudimentary institutional capacity in southern Sudan.

LTPR PROGRAMMING NEEDS IN SOUTHERN SUDAN

- Promulgation of a land policy, amendment of the GOSS Land Act, drafting of State land laws
- Technical and material assistance to the GOSS, State, and local governments to implement the land policy, laws, and regulations
- Coordination of donor support for LTPR programming in southern Sudan
- Assistance to build the capacity for peaceful mediation of land-related conflicts at the local level
- Delivery of public information and awareness programming on land issues and rights

SUCCESSES

In 2008 - 2011, USAID, in collaboration with the SSLC, achieved the following:

- Supported a number of formal consultation workshops throughout Southern Sudan, engaging 1061 participants (780 Men, 281 Women);
- Trained 64 policy-makers on key LTPR concepts and principles in September 2010;
- Completed a comprehensive draft land policy based on public consultation and research;
- Completed research on informal settlements, land conflict, customary tenure, and jurisdiction while building Southern Sudanese research capacity.

CHALLENGES

The following issues affect the design and implementation of activities:

- As a new nation, Southern Sudan will review and revise existing policies and laws or develop entirely new ones, complicating any policy and legal drafting work in the near term;
 - Vast distances and rudimentary infrastructure that affect both travel and communications;
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- Political changes and instability that affect government collaboration or support LTPR programming;
 - Nascent government and civil-society organization that require extensive support to develop effective capacity.

FUTURE

In 2011-2013, the Sudan Rural Governance Project will help the GOSS further develop and refine the policy and legal framework governing land tenure and support State and local governments in selected areas develop institutions and procedures for effective land administration and conflict mediation. The SRLG will coordinate closely with other donors to implement programs that clarify and improve LTPR systems, reduce land-related conflicts, and increase agricultural productivity. Continuing support for the GOSS, State and local governments, traditional authorities, and civil society will be essential to build effective institutions for land tenure and peaceful land conflict management.

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