



USAID PROGRAM BRIEF

LAND TENURE & PROPERTY RIGHTS

SUDAN

OVERVIEW

Through the provision of technical assistance, training, and the design and implementation of inclusive public consultations, the Sudan Property Rights Program (SPRP) is assisting the Government of Southern Sudan (GOSS) to establish a policy framework for an effective, equitable land tenure system.

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.

In this context, the SPRP collaborates with the GOSS, supporting the Southern Sudan Land Commission (SSLC) and other key stakeholders to develop a comprehensive land policy and to build the capacity of the SSLC to fulfill its mandate. This is a basic step toward developing a policy and legal framework and supporting institutions that can administer land and mediate conflicts peacefully, enabling the equitable and efficient use of land for economic growth.

STATUS

The SPRP (September 2008–August 2010), in close collaboration with the SSLC, is engaged in consultation and research to develop a Government of Southern Sudan land policy and is providing technical assistance and material support to build the capacity of the Commission.

In 2010, the SPRP will: (1) Collaborate with the SSLC to complete a series of government and civil society stakeholder consultations; (2) Support and advise Southern Sudanese academic institutions to undertake academic research on LTPR issues, in support of land policy development; (3) Draft a series of reports on public consultation and a white paper on southern Sudanese LTPR issues, key principles, and recommendations as the basis of a land policy; (4) Provide direct technical assistance and support to the SSLC in order to improve its operations and coordination with State land authorities; and (5) Organize and conduct a USAID training on LTPR principles and concepts for GOSS and State government participants.



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

SUCCESSSES

In 2008–2009, USAID, in collaboration with the SSLC, achieved the following:

- Supported consultations on land issues in 6 states of Southern Sudan (through October 2009) with 413 participants (365 Men, 48 Women)
- Trained policy-makers on key LTPR concepts and principles
- Supported the development of a SSLC land policy consultation and drafting process
- Developed a collaborative agreement with the Nile Institute of Strategic Policy, a Southern Sudanese research institute, to support their capacity to manage and undertake land policy-related research in Southern Sudan
- Raised awareness (through meetings with GOSS, State, and local government officials) of the need for extensive public consultation and education as the basis for developing a legitimate, equitable land tenure policy and legal framework.

CHALLENGES

The operating environment is challenging both logistically and politically, affecting the scheduling and implementation of activities as well as the degree of collaboration from government partners. The following issues affect the design and implementation of activities:

- Continuing insecurity that affects both the location and timing of activities;
- Vast distances and rudimentary infrastructure that affect both travel and communications;
- Political changes and instability that affect government collaboration or support LTPR programming;
- Barriers to women's participation in consultations; and
- Nascent government and civil-society organization that require extensive support to develop effective capacity.

FUTURE

In 2010, the program will work with the SSLC to draft a land policy for consideration by Parliament. Additionally, USAID, through the SPRP and subsequent LTPR programs, will coordinate closely with other donors to implement programs that clarify and improve LTPR systems, reduce land-related conflicts, and increase agricultural productivity. USAID will focus on further capacity-building and support for implementation of a Southern Sudan land policy and the development of new and amended existing land laws and their implementation. 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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