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LAND POLICY STATE CONSULTATION – RUMBEK, LAKES STATE

WORKSHOP REPORT, AUGUST 2009



AUGUST 2009

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ACRONYMS AND ABBREVIATIONS

CLA	County Land Authority
COP	Chief of Party
CPA	Comprehensive Peace Agreement
CSO	Civil Society Organization
GIS	Geographic Information System
GOSS	Government of Southern Sudan
ICSS	Interim Constitution of Southern Sudan
IDP	Internally Displaced People
JOSS	Judiciary of Southern Sudan
LS	Lakes State
LTPR	Land Tenure and Property Rights
MHPPE	Ministry of Housing, Physical Planning, and the Environment
PP	PowerPoint
SPLM	Sudan Peoples' Liberation Movement
SPRP	Sudan Property Rights Program
SSLC	Southern Sudan Land Commission
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

A team of five members from the United States Agency for International Development (USAID)|Sudan Property Rights Program (SPRP) and the Southern Sudan Land Commission (SSLC) conducted a workshop consultation with 93 participants from eight counties of Lakes State (LS), including representatives of state line ministries, county commissioners, traditional chiefs, religious leaders, county executive secretaries, women representatives, youth representatives, and civil society organizations (CSOs). Participants discussed their concerns and ideas regarding land tenure and property rights (LTPR) over the course of three days.

Small group exercises and brief presentations on LTPR concepts and principles were used to stimulate discussion among participants and elicit their views and ideas regarding issues related to processes and practices for accessing land, urban land management, land and property rights, women and vulnerable groups (pastoralists, demobilized soldiers, refugees, internally displaced peoples (IDPs) and youth), subterranean resources, and land conflicts.

Participants identified a number of key ideas, principles, and issues around which there was consensus:

- Land policy is necessary to guide laws and regulations and illustrate how people should relate to land;
- Policy should regulate the sharing of resources, and clarify and separate the responsibilities of state and local government on land;
- There should be a land policy to sustain the objectives of the Southern Sudan liberation and clarify and define land ownership for sustainable peace;
- Men and women should have equal access and rights to land. An opinion not shared by the majority of the chiefs;
- Women should [have the rights to] access and own land in urban areas while they can access it in rural areas subject to customary laws;
- Anyone under 18 years of age should not have equal access to land;
- The government should make sure vulnerable groups are treated like other members of society;
- Vulnerable groups should have access to both urban and rural land, with special attention given to female disabled persons;
- Local governments, in consultation with community leadership, should govern land issues in rural areas while state and local governments take responsibility for urban areas;
- Urban leasehold regimes should be substantiated and improved while rural freehold regimes should be created and upheld. Two out of five groups recommended delayed freehold for urban areas;
- Communities need protection from government land grabbing;
- Land taken over by the government in the public's interest or any other forms of investment should be negotiated through the communities and compensated for;
- Ownership of land should be defined and protected;
- A system should be designed to create transparency and equity in land administration;

- Local governments and traditional authorities should enforce the separation and proper use of grazing and agricultural land;
- There should be alternative provisions for the establishment of permanent water sources, such as dams or water holes, to minimize movement of livestock [promote settlement and reduce conflict];
- The government should financially support demobilized soldiers to [help them] buy urban land while local governments and chiefs allocate them temporal land in rural areas;
- The state government should temporally allocate land to IDPs but must first consult the affected communities;
- Communities should be consulted before the exploitation of subterranean resources and any displaced families resettled and compensated;
- The government must protect communities from investor exploitation;
- The government should be responsible for developing land laws in the same way it is now developing this land policy;
- The government has a right to claim any land for any development activity; no community should forcefully take land from another; and
- Access to land, especially in Rumbek, should be depoliticized.

This is the first workshop in which the issue of subterranean resources arose so strongly. It was a chief concern of participants, who fear they will be displaced by mineral exploration and development or that they will not equitably share in the benefits of their extraction. It suggests the need for the land policy to explicitly address the question of subterranean resources, ensure safeguards for people's land rights, and coordinate the land policy with any minerals and investment policies.

As seen in Yambio, Torit, Wau, and Kuajok, a number of the views and beliefs expressed by the participants contradict principles embodied in the Comprehensive Peace Agreement, the Interim Constitution of Southern Sudan or other nascent GOSS policies and law. The expectation that all IDPs will be returned to their areas of origin (by force if necessary) contradicts the Freedom of Movement and Residence in the Constitution. Traditional leaders are reluctant to extend to women the full suite of rights currently held by men. Compulsory acquisition of land in the public interest is a common tool of government worldwide; however, participants' comments suggest people are resistant to the idea of vesting this power in either the GOSS or State governments, for fear of abuse or the marginalization of traditional leaders. Government officials responsible for drafting and debating land policy may require further technical support and assistance in order to strike a balance among these and other competing policy principles, objectives, and stakeholder needs.

I.0 INTRODUCTION

The State consultations are the first in a series intended to collect views from stakeholders. The following report presents the views, opinions, perspectives, and concerns from stakeholders concerned about land tenure and property rights issues in Sudan. Though participants included representatives from civil society, women's organizations, and traditional authorities, the largest number of participants has been drawn from government institutions at the State, county, and payam levels and these results should be considered accordingly. Because civil society organizations, women, and key stakeholder groups such as pastoralists, internally displaced people and other vulnerable groups were not always well represented in these State-level consultations, State consultation results will be presented in a summary analysis paper and used as the basis for further consultations with under-represented groups.

The workshop in LS was the fifth of 10 workshops being conducted in each state of Southern Sudan. The SSLC is working to define a land policy that will guide the development of the legal framework for land in Southern Sudan, and further define the jurisdictions, roles, and functions of the Government of Southern Sudan (GOSS), state and local government, and traditional authorities in the management of land and property rights. A substantive, legitimate land policy must reflect and address relevant concerns and issues given the central cultural and economic importance of land in the lives of Southern Sudanese citizens.

The information contained in this and other consultation reports does not constitute a statement of principles, recommendations, or policy objectives and should not be used as such. These consultations are intended to identify the broad range of land tenure issues and challenges found throughout Sudan's ten States and challenges facing GOSS officials and other levels of government in the future implementation of a land policy. With the exception of a few exercises, the results are neither quantitative nor statistically representative. Thus, no conclusion should be drawn regarding the extent to which the views expressed reflect the will of a plurality or majority of stakeholders. However, these qualitative results do demonstrate the existence of important issues and deeply-held views that are sufficiently widespread and compelling to warrant careful consideration when formulating a land policy.

Through consultation workshops, participants are sharing their perspectives on these and other issues. These state consultation workshops are the first step in an iterative process of further consultation and information gathering designed to identify the scope of land issues throughout Southern Sudan, present the rationale for land policy and gather the information needed to formulate relevant principles and guidelines for land administration in Southern Sudan. The overall intent of this process is to ensure that the content and guidance provided by a GOSS land policy are as comprehensive, transparent, and legitimate as possible, based upon relevant views and concerns of stakeholders in Southern Sudan.

2.0 WORKSHOP PREPARATION AND ATTENDANCE

All Land Policy State Consultations begin with an introduction in the respective state capital. The consultation team requests permission and endorsement from the governor's office (state secretariat) to convene the workshop. The team provides a preliminary list of attendants and invitations printed and signed by the Chairman of the SSLC. In prior consultations, the SSPR and SSLC team met with all state ministries to gain interest in the program and plan the workshop in accordance with the availability of participants.

In preparation for the workshop, a team of three representatives from the SSLC, LPSC, and SPRP travelled to Rumbek, the capital of LS, on August 12, 2009 to introduce the workshop plan and objectives to state officials and enlist their support and assistance in mobilizing key participants. The team spent two weeks meeting various officials, organizing logistics, and planning the consultation. The Chief of Party (COP) and the Senior Technical Advisor of SPRP held a series of meetings with the State Governor in Juba to explain the consultation process and secure his endorsement of the consultation meeting. The Governor was strongly supportive and ordered quick mobilization of participants. In addition, the team met with representatives of the State Governor's Office; the Ministries of Local Government and Law Enforcement; Physical Infrastructure; Gender, Social Welfare, and Religious Affairs; Legal Affairs and Constitutional Development; the State Legislative Assembly; the Southern Sudan Relief & Rehabilitation Commission; and the Sudan Peoples' Liberation Movement (SPLM) Secretariat.

The workshop was held August 26-28, 2009 and attracted 93 representatives from state administration, county commissioners, traditional authorities, women and youth groups, faith-based organizations, and other CSOs to address issues of gender, IDPs, and other vulnerable groups. Accommodation, transport, and food were provided for all invited participants. Unlike consultations in some previous states, pastoralists traditions and livelihoods are prevalent in Lakes State and many of the participants presented views and perspectives sympathetic to pastoralist concerns.

The consultation team—consisting of seven people from the SPRP, the SSLC, and the LPSC—organized logistics and venue, handled the administration, and facilitated the workshop. A Dinka-speaking translator was hired to translate presentations and discussions during the activity. During the plenary sessions, a participant provided additional translation assistance. During the breakout exercises, participants themselves arranged for interpretation when required from their peers.

3.0 WORKSHOP METHODOLOGY

Small group exercises and brief presentations on LTPR concepts and principles were used to stimulate discussion among participants and elicit their views and ideas regarding issues related to land and property rights, land access, urban land management, land administration, land conflict, women, youth, subterranean resources, and vulnerable groups (pastoralists, demobilized-soldiers, refugees, IDPs) (Appendix 1).

3.1 Presentations and exercises

The workshop was comprised of six sessions that included both PowerPoint (PP) presentations and facilitated discussions in plenary and small groups focusing on LTPR concepts, issues, and challenges. All presentations were interpreted by a Dinka-speaking translator. One of the youth participants assisted in translation during plenary sessions. A majority of the time was devoted to breakout groups, Q&A, report-backs, and plenary discussions to help participants formulate clear opinions and viewpoints which the team then captured.



Photo Credit: SPRC

A participant making presentation of Group 3 work on Exercise 4 – Five Most Critical Areas for the Land Policy – subterranean resources (Rumbek August 2009).

- **Session 1:** Registration. Opening remarks. PP on *Why a Land Policy*.
- **Session 2:** Exercise 1. PP on *Land Rights*.
- **Session 3:** PP on *Land Tenure Systems* followed by discussion. Formation of working groups and Exercise 2. Day One Closing Remarks.
- **Session 4:** Day One summary and highlights. PP on *Land Administration*. PP on *Urban Land Management* followed by discussion. Exercise 3.
- **Session 5:** Exercise 4. Participants responded in writing on what rights they propose for women.
- **Session 6:** Specific Cases—Vulnerable Groups. PP on *IDPs, Refugees, Demobilized Soldiers, Women, and Other Vulnerable Groups* followed by discussion. Day Two summary and highlights. Exercise 5 in working groups. Closing remarks.

Presentations (three hours): To provide a basis for discussion and establish a common understanding of terms and ideas, the workshop team presented concepts on a number of topics, including the rationale for a Southern Sudan land policy, concepts, and principles of LTPR and tenure system, land administration and land registration, urban land management, and land issues of specific groups such as IDPs, demobilized soldiers, women, youth, and other vulnerable groups. Each of the presentations was followed by a plenary discussion.

Exercises:

Five exercises were designed as tools to elicit participant views and perspectives in a structured format:

Exercise 1 – Land Policy Issues of Concern to Participants (1.5 hours): Each participant was provided with postcards on which he/she wrote the three most important issues or constraints they thought the policy should address under each of the following headings: Land policy and law, women and youth, vulnerable groups (e.g. IDPs, demobilized soldiers, disabled, HIV/AIDS), land markets, land rights and tenure, access to land, urban land management, land administration, and dispute resolution. Participants discussed amongst themselves as part of this process.

Exercise 2 – The Jurisdiction of Traditional Authority and Government (2.5 hours): Participants broke into five focus groups representing state government, county commissioners and civil servants at the county level, chiefs and religious leaders, women and vulnerable groups, and youth representatives. Each group received a questionnaire covering the following topics: land rights, rural land, natural resources and environment, and dispute resolution. Based on these topics, participants discussed and shared their views regarding which LTPR topic they view as most important, the appropriate levels for administration, enforcement, and exercise of those rights, what forms of tenure the government should recognize, and whether those tenure categories would be workable or sufficient.

Exercise 3 – Opinions on Policy Options for Land Administration and Dispute Resolution (1.5 hours): Participants broke into five mixed groups. Each group reviewed nine proposed options regarding a hypothetical institutional framework for land administration planning, and management based upon the Comprehensive Peace Agreement (CPA). Participants discussed the various options and noted their preferences. Each group then shared the results of their discussion in plenary, followed by questions and discussion.

Exercise 4 – Five Most Critical Areas for the Land Policy (2 hours): A list of critical areas that the land policy needs to address was presented to participants: 1) IDPs and demobilized soldiers; 2) women; 3) vulnerable groups; 4) pastoralists and farmers; 5) land acquisition; 6) land administration and dispute resolution; 7) urban land management; 8) land use planning; and 9) subterranean resources. By show of hands, participants prioritized the issues in terms of prevalence and severity of issues. Using the small groups formed for Exercise 3, each group identified and prioritized 5-10 of the most pressing challenges for each issue. Each group then shared their results in a plenary, followed by discussions.

Exercise 5 – Land allocation for commercial investment (2.5 hours): Participants discussed the potential benefits and costs of investment in relation to negotiated rights and responsibilities of investors when using land leased from communities. The same groups (from Exercise 4) discussed the costs and benefits accruing to communities from investment activities, the terms required by investors to ensure security of their tenure, the rights and responsibilities of investors as tenure conditions, and the administration of contracts between investors and communities. Each group also indicated under whom and which land it would be most appropriate to register.

4.0 RESULTS OF THE CONSULTATION

The following results are derived from both participants' input during group exercises as well as comments and questions in plenary, following the presentations. They are intended to summarize the comments, views, and issues expressed by workshop participants. Detailed comments and input from participants have been transcribed and are provided in the appendices. Whenever possible, results are presented verbatim in order to present as accurately as possible the views expressed by participants. As needed, participant input has been edited and reworded in order to make grammatical sense to the reader or make a point more clear; however, the intent has been to retain as closely as possible the original voice and content of the participants.

4.1 EXERCISE I – LAND POLICY ISSUES OF CONCERN TO PARTICIPANTS

Detailed results are presented in Appendix 3.

Land Policy and Law:

1. The government should be responsible for developing land laws in the same way it is now developing this land policy, even if it takes a year. Community leaders and land owners should be consulted and respect the law;
2. Each person should have the right to develop or possess land according to law;
3. In urban areas (towns) the government must own the land, while in rural areas it belongs to the people and can be owned by their sons;
4. Land law and policy should clarify and separate the responsibilities of the state and local governments in the management of urban areas;
5. Policy should require developers to build concrete houses;
6. Land policy should compel the government to allow the community to allot land officially;
7. The law should include sanctions for those who cause problems on land;
8. Land law and policy should provide for fair land sharing and implemented without nepotism, tribalism, or corruption;
9. Land laws and policies should provide compensation to those whose land has been taken over in public interest and/or provide them with more land;
10. The law should regulate the companies to have social responsibility towards the community they are working in. e.g. petroleum companies;
11. Land law and policy should offer solutions to land related problems by mitigating conflicts or disputes and their associated costs;
12. Law and policy should define the land that belongs to the government and guide town administration management to avoid problems with communities;
13. Policy and law should clarify community rights and those of government;

14. Urban land should be shared between government and community 70% to 30%, respectively;
15. The government provides principles, procedures, and guidelines through law;
16. The policy should clarify a period of time to be given to an individual to develop the land, upon failure to comply, authorities should take it back;
17. Land law and land policy should spell out the principle that land is for everybody in Sudan and that each person has the right to lawfully obtain and own land;
18. Land law and policy should define the boundaries between or among the counties;
19. Land laws for urban areas should be separated from those of rural areas;
20. Land law for the rural areas should be administered by traditional chiefs;
21. Land policies and laws should empower the government to administer urban land and also have the authority to allocate it to the community;
22. Land policy and law should consider community land ownership through community customary law;
23. All people (at GOSS, state, county, etc.) should know the land laws;
24. Land should be administered by both the government and community;
25. A legal guide to land law should be produced by specialized committees;
26. The government should consult land owners before legally acquiring their land. It should guide the owners and give them title deeds, especially those in the urban centers;
27. Rural land should be demarcated so each person owns land with boundaries;
28. Land policy should protect the existence of natural habitats for the sustainable utilization of resources;
29. Each area should have a law that reflects its specific conditions;
30. Land law should allow land owners to give out a small piece of their land;
31. The government should develop a land law and land policy that considers the right of settlement by inhabitants in the particular area where communities are settling;
32. A community should not take land by force from another community. The government has a right to claim any land for any development activity; and
33. Policies should regulate how resources are shared between communities.

Land Rights and Tenure:

1. Land rights are good for our resources;
2. Ownership rights should be given to parents (husband and wife) and only to the mature married sons;
3. All citizens should be given the right to own land;
4. Land tenure is not well defined. The current law does not specify tenure;
5. Land rights should be addressed/observed in our laws;
6. There should be rights of access to title deeds;

7. The land belongs to the government according to law; anybody can have the right to obtain a plot according to law, pay fees, and accordingly be issued the right of ownership;
8. Land rights should be exercised by a family so they can sustain “the big” land for their children and wives;
9. Land rights should include the right to sell, give, and do one wants [on one’s plot of land];
10. A person has a right to sell his own piece of land but not the communal land;
11. Land commission should give certificates to owners of land for protection against community members;
12. After the owner has acquired a title deed then he/she has the right to lease, sell, build houses, and give the land to one’s heirs the land, especially in urban centers;
13. The government gives land to the people and the people have the right to sell;
14. Land ownership should be governed by government in towns, not community;
15. The land belongs to the community, the state government, and landlords, which includes the spiritual ownerships (leaders) of urban areas, payams, and others;
16. The right to ownership of land in towns belongs to the government and they should give priority to citizens before foreigners;
17. Land rights should be considered when you obtain a land document legally or when you have strong justification that it’s your father or grandfather’s land; and
18. Land management in rural areas should be administered by chiefs or leaders of the respective communities concerned.

Access to Land:

1. Access to land, especially in Rumbek town, is too complicated and too politicized. The bureaucracy in the land department is deplorable;
2. It is very difficult to get land in Rumbek town especially if you come from an area that has no relationship with members of the land board;
3. I wish that all the members of the land department had attended this workshop so that they may know the right procedures regarding the land policy (land allotment);
4. Because of this complicated bureaucracy, thousands of IDPs who came from the north have no land;
5. There is an urgent need to train the land officers so that they improve their work and speed to expedite the town survey and land allotment;
6. Full documents should be issued to the owners of the land by a land office; otherwise anyone can take land without documents;
7. Access to land must be through legal acquisition;
8. In urban areas, the inhabitants of land have to acquire ownership through the government before outsiders. In the rural areas, the land should remain in the hands of the inhabitant and should not be sold;
9. There must be a law for every individual to have access to land because host communities in Rumbek do control land. There is a need for individuals living in urban areas to have the right to own land;
10. There should be community leaders that can be consulted on issues of land;

11. One should have land as a result of our revolution and the liberation movement;
12. Land is good because we are with the government;
13. Respect all land ownership;
14. To obtain land one should ask the chief or government, not take it by force;
15. Access to land should be obtained through an application from the government in the area, and the applicant should pay the required land fees;
16. Land should be given to the owner; protection of the owner is in the government's hands; and
17. When the government is acquiring land from communities, it should approach the communities so that they can reach a mutual understanding.

Urban Land Management:

1. Management of urban land is poor (no proper records of registered leases);
2. Urban land management should consider the protection of community cultural sites;
3. Urban land should be managed by the local government and a land planning committee;
4. Management of urban areas is the responsibility of the community in their locality until such a time the government reaches out to them for its acquisition through community consultation;
5. Recreation centers should be respected, e.g. open space such as in schools, football fields, etc.;
6. Urban land should be divided into plots while respecting the rights of the community to their land. The government is to own the land through community leaders and elders;
7. In urban areas surveys should take place under the supervision of the state authority;
8. The owner of the plot has the right to sell through the right procedures;
9. Urban land and land in towns should be administered by a land commission, not the community;
10. What classes of land should be allotted by state, county, or GOSS?;
11. The community must own (urban) land under supervision of the chief. The chiefs and the communities will then decide to allocate land for institutions such as schools, church, etc.;
12. The government should legally be empowered to manage urban areas because it is the one which conducts surveys for many activities such as schools, permanent houses, hospitals, etc.;
13. Those affected by demarcation of the urban areas should be allocated alternative areas for farming;
14. Urban land should be used by the government for allocation to people in need;
15. Land management in urban areas should be controlled or administered by the local government; and
16. A previous land owner should be given plots in town as his or her right.

Land Markets:

These issues were picked from postings under land administration and dispute resolution.

1. The government should sell land at a lower price;

2. Land should not be sold to people from outside but should be kept for the community; and
3. Land being sold should first be witnessed by government representatives.

Land Administration:

1. Land administration should be consultative when making land allotment;
2. Re-allotment for the evicted should be addressed;
3. There should be land registrations for communities to have protection for their land;
4. Land administration should be transparent;
5. The implementation of a land administration should conserve, preserve, and protect natural resources;
6. Land is important and it should be government policy to protect owners by issuing them land certificates;
7. Land administration should follow procedures provided in land documents;
8. Minimize disruption of traditional land uses and livelihoods, and control of urban growth;
9. There should be a land department at the level of the county where people have easy access to the authorities for allocation of residential and small business areas. Large institutions can approach the state/GOSS levels;
10. There should be a demarcation of boundaries between county and county, payam and payam, boma and boma;
11. Land should be administered by both the government and community;
12. Administration of land is very confusing between state and counties;
13. The land belongs to the community and its rights should be divided as follows; a) the state government is the first owner of the land in the state; b) the land lords who include spiritual leaders or owners; c) urban areas, payams, and others to be owned by the communities of the areas;
14. When the government wants to take land from an individual it should be divided equally. The government takes half, leaving half to the owner;
15. Land administration should be implemented by qualified personnel who offer justice to all;
16. The Amonhom Nyang of Agar (sub-tribe of Dinka) developed a law (customary law) that illegally claims Rumbek for themselves and barred the giving of plots to any outsider that is not an Agar from their community. This is unlawful and the government should develop a land administration law;
17. Land administration is good because the government is given priority;
18. Land administration should facilitate the issuance of the correct documents to anybody or citizen who acquires the land in any settlement area as his or her right;
19. Land administration should promote land survey;
20. A land owner should be given a certificate of title to protect them from harassment by people who claim that land belongs to ancestors;
21. Land administration should be in the hands of the land committee of the area, including the chief of the community;
22. Since we have land we have to properly administer it to stop fights and own land in rural areas;

23. People should respect the government and rights of owners;
24. During the survey of Rumbek, some individuals lost their farms/land which is their only source of income. How are they going to survive?
25. Maintain land registers;
26. Land should be allocated to the people;
27. Land administration should clarify what is meant by “the community” in terms of land ownership;
28. Land is administered by the government and should be the one to give land to people; and
29. Land administration should be guided by laws to control land brokers who devastate land resources by selling them for self benefit and so not for promoting development.

Dispute Resolution:

1. Land dispute resolution should address the issue of community traditional borders demarcated in 1956, as well as state and country borders;
2. All land resolution management should be in the hands of the government;
3. Disputes stem from cattle raiding;
4. Those that are selected for land dispute should be fair to the two parties;
5. Establish a committee for solving disputes;
6. The government should respect the owners of the specific area or land before giving the correct judgment or witness;
7. The government should take care of land ownership; also the communities should respect the land policy and request the government to give each allocation documents and registered land. Community land boundaries should be surveyed by the government and marked clearly;
8. Land which has been allocated for any person by the government cannot be taken again with the exception of when taken by the government for building schools, hospitals, etc.;
9. It is a government policy to take up land and own it (the policy is a source of conflict);
10. Land dispute resolution needs somebody who knows land administration;
11. If two disputing parties want a document from the land office as evidence of ownership, each has to provide three witnesses;
12. An amicable solution for conflict over grazing land and water points is needed;
13. Land disputes should be handled by the specialized community who has expert knowledge of the area or that geographical territory;
14. Land disputes should be settled by the town courts, not traditional courts;
15. Local governments should form land dispute committees to resolve disputes in urban areas;
16. In land conflict resolution the disputing parties should avoid violence but resort to a government court of law;
17. Land should be clearly defined according to the old boundaries to avoid conflict;

18. The government must solve land disputes through land owners (community based approach);
19. Land disputes should be settled by town courts; and
20. Surveyors forcing eviction of the owner without policy.

Women and the Youth:

Women

1. A woman has to contact her husband before applying for land; if she has been divorced she has the right of obtaining land without the consultation of others;
2. Women enjoy the right of use of land from their husbands or parents;
3. Women who live with their husbands are supposed to pay for land if they want to own it;
4. Women currently don't have a right to land; this should be reversed;
5. Women should be given the right to own land;
6. Women are never to be allocated land;
7. The government should organize for women to be given land for constructing offices and other activities;
8. Support women rights on land;
9. Women had no rights during the struggle, now that there is peace they should be given their rights; and
10. Women now have the right to land because of culture and because of the status they gain when they have children.

Youth

1. Youth have a right to be given free land for youth centers;
2. The youth should be given land by the government for their offices and recreation activity in any residential area;
3. Youth should have land for schools, sports fields, recreation centers, cultural centers, and other open areas for their activities;
4. Right of access to land should be given to youth as some of them are soldiers far away from their homes;
5. Youth should own land because they are the future leaders and are part of the communities;
6. Youth are evicted out of property especially when they are preparing their lodging places due to high and excess cost;
7. The youth struggled for liberation of Southern Sudan for 22 years so they should be given land freely to build their centers; and
8. Youth should be given a portion of land for their activities which are legal.

Other Vulnerable Groups:

1. Vulnerable groups must have a right to land wherever they are in Southern Sudan;
2. Vulnerable groups must have the right to access free land;
3. Soldiers demobilized after the war deserve special attention as they are victims of the liberation struggle and have freed the land;
4. The same attention should be given to the very disabled;
5. The rights of demobilized soldiers and the very disabled should be included in the land policy;
6. The government should consider or put into place special conditions to help the disabled and vulnerable groups have easy access to land;
7. Laws (at the GOSS, state, county, and boma levels) should be enacted to allow easy access to land for demobilized soldiers and stop communities from denying them this right;
8. They're used to being considered first when land is allocated but are no longer given priority;
9. IDPs, demobilized soldiers, and the disabled should be resettled by the government by providing them with land legally acquired through agreements with the communities owning it;
10. Vulnerable people should be given lands or plots freely by the government;
11. IDPs should be given free land because they have been displaced through fighting and by force;
12. Vulnerable groups find it difficult to obtain land certificates because they have no money to pay for the services;
13. Vulnerable groups [should] have [the] right to own land;
14. This group should be provided land by the government for building their residences;
15. They should also have right to employment;
16. Disabled people should be given the right to own land from the government free of charge and should be given documents to support their full rights of ownership;
17. IDPs, refugees, and demobilized soldiers, being vulnerable, should be given land free of any payments to the land and survey offices; and
18. Vulnerable groups [should] be given access to any sustainable privileges.

Summary results of Exercise I

- Land law and policy should clarify responsibilities and mandates of different administrative levels;
- Laws should be developed in the same way the policy is being developed;
- Land policy and law should be the basis for mitigating and resolving land related conflict;
- Rights of ownership, inheritance, and dispositions should be given priority and supported by law;
- Access to land should be depoliticized and transparent;
- Communities should be consulted in land allocation issues;
- The management of urban land should be handled by the government, rural land by chiefs and community leaders;
- Land registration is important to protect community rights;
- Land law and policy should be transparent and be guided by documented procedures;
- Land administration tools should clarify the concept of "land belongs to community";
- Land conflicts stem from cattle raids, government disrespect of community rights to negotiation and compensation, and the absence of transparent mechanisms of land allotment;
- Women and youth are denied access and rights to land; this is an important issue for the government and traditional authorities to address; and
- Vulnerable groups (IDPs, demobilised soldiers) are denied permanent access to land; policy, law, and the practices of government and chiefs should provide access.

Implications for Land Policy

The chief lesson from these results is that those responsible for drafting the land policy will need to strike a delicate balance between competing principles, interests, and claims. In particular, given the continuing suspicion of government and widespread sense that “land belongs to the people” and should be held and managed by them directly, any land policy that ignore these concerns risks being seen as irrelevant and illegitimate. Careful consideration, support, and examples of “best practices” in land policy will be essential for drafting the policy.

4.2 EXERCISE 2 – THE JURISDICTION OF TRADITIONAL AUTHORITY AND GOVERNMENT

Participants discussed and debated a number of rights identified by the consultation team and identified a number of additional right. Participants also discussed the importance of these rights and the different functions and roles for the administration and allocation of these rights. Detailed responses are presented in Appendix 4.

Most Important Five Land Rights Listed in Order of Priorities:

- Right to sell, or transfer;
- Right to inherit from parents and husbands;
- Right to have certificates of registration or legal ownership of land (legally recognized title);
- Right to occupy, enjoy, and use land; and
- Right to rent out all or a piece of land.

Other Land Rights Proposed:

- Right to individual ownership of land;
- Right to security and protection;
- Fair and prompt compensation;
- Right to access land;
- Right to have women representatives at all levels of government;
- Right to restrict or exclude others;
- The right to renew leases; and
- Right to use land as collateral or to impose legal conditions.

In summary, the participants recommended the rights of sale or transfer, inheritance, legal ownership, occupy/enjoy and use, and to rent all or a piece of land.

Responsible Entity for Administering Laws and Contracts:

Right	Responsible Entity
Sale or transfer	<ul style="list-style-type: none"> County administration (1 out of 5) State government and county administration for urban areas (1 out of 5) Chiefs and community leaders for rural areas (1 out of 5) State/county (1 out of 5) State government for urban areas (1 out of 5) Local government in consultation with traditional authority for rural land (3 out of 5)
Inherit from parents or husbands	<ul style="list-style-type: none"> Local government in consultation with traditional authority (2 out of 5) County administration (1 out of 5) State government and county administration for urban areas (2 out of 5) Chiefs and community leaders for rural land (1 out of 5) State government for urban areas (1 out of 5)
Legal ownership or registration	<ul style="list-style-type: none"> Local government in consultation with traditional authority (1 out of 5) State government (2 out of 5) State government for urban areas (1 out of 5)
Occupy, enjoy and use	<ul style="list-style-type: none"> County administration and chiefs (1 out of 5) State government and county administration for urban areas (1 out of 5) Chiefs and community leaders for rural land (1 out of 5) County (1 out of 5)
Rent out all or a piece of land	<ul style="list-style-type: none"> State government and county administration for urban areas (2 out of 5) Chiefs and community leaders for rural land (1 out of 5) Local government in consultation with traditional authority for rural land (2 out of 5) State government for urban areas (1 out of 5)
Right to security and protection	<ul style="list-style-type: none"> County administration (1 out of 5) State/county (1 out of 5)
Fair and prompt compensation	<ul style="list-style-type: none"> County, payam, boma (1 out of 5)
Right to access land	<ul style="list-style-type: none"> State government for urban areas (1 out of 5) Local government and traditional authority for rural land (1 out of 5)
Right to have women representatives at all levels of government	<ul style="list-style-type: none"> State government for urban areas (1 out of 5) Local government and traditional authority for rural land (1 out of 5)
Right to restrict or exclude others	<ul style="list-style-type: none"> Local government in consultation with traditional authority for rural land (1 out of 5) State government for urban areas (1 out of 5)
The right to renew leases	<ul style="list-style-type: none"> State government and county administration for urban areas (1 out of 5) Chiefs and community leaders for rural land (1 out of 5)
Use as collateral or impose legal conditions	<ul style="list-style-type: none"> State government and county administration for urban areas (1 out of 5) Chiefs and community leaders for rural land (1 out of 5)

Jurisdictional Boundaries – At what levels should rights be administered and exercised?

When the participant groups were asked, who should exercise or enjoy the rights to land, all the groups except Group 1 (state administration representatives) recommended individuals or household for urban areas (because they own the plots) and families or households through their clans for rural land. The argument is that rural land is communally owned but each clan knows its boundaries.

With respect to the policy options, government should adopt for the administration of rights (land regime), all five groups recommended freehold for rural areas. Two groups (1 and 3) recommended leasehold for urban areas. Groups 4 and 5 preferred delayed freehold, a regime that requires those holding it to first fulfill development conditions. Group 2 recommended both leasehold and delayed free hold.

Unlike previous workshops, participants did not deliberate on what happens when urban land expands into rural/community land. However, the other exercises emphasized the principle of just compensation: negotiating with communities and compensating them whenever government acquires their land. It was implied that mechanisms are still needed to allow for the incorporation of land for public good, with due process, consultation, and fair compensation by the state.

The ideas presented here have been useful. We hope that everybody takes this message in good faith. If land was given to the government for establishing administration, we should know that it shall be used for service delivery for the good of people. In Yirol West County, we don't prevent people from other areas [from settling] as long as they follow our customary procedures to access land. Such customary laws have been written (the Dinka customary law) to guide our people. This customary law, drafted in 11 days at Wan Allel, has proved very useful to date.

Implications and caveats of results: The results indicated continuing challenges in explaining and discussing the question of exercise of rights. For instance, answers to the question of the appropriate level at which rights should be *exercised* suggested that participants were confusing the *administration* of rights by government with the *exercise* of those rights by citizens. Facilitators in several groups noticed the tendency of a few vocal individuals to “lead” the group by choosing the options, which was then echoed by the remainder of the group. At least one group also had difficulty understanding the question regarding the level at which rights should be exercised. Group 1 did not understand the question in respect to urban land, stating that in urban areas states should exercise rights, confusing the concepts of tenure administration with the exercise of rights. Group 4 did not indicate who administers each right and Group 5 indicated that the “community” should exercise rights but did not clarify how the “community” as a unit exercises rights.

The general consensus is that the rights for urban areas should be administered by state and county government while in rural areas opinions were divided between “chiefs and community leaders” and “local government (counties and payams) with [the support of] traditional leaders.”

4.3 EXERCISE 3 – PARTICIPANTS’ OPINIONS ON POLICY OPTIONS FOR LAND ADMINISTRATION AND DISPUTE RESOLUTION

These results summarize participants’ responses to a number of policy options related to land administration prepared and presented by the SPRP Senior Land Advisor. The intent is to solicit participant views regarding the appropriate roles and functions of different levels of government and traditional authority related to land administration and conflict resolution. The full description of the policy options is presented in Appendix 5.

Exercise 3 Participant Responses to Policy Options				
No.	Option	Agreed	Disagreed	No. of responses
I	Compulsory Land Acquisition	59%	41%	69

Exercise 3 Participant Responses to Policy Options				
No.	Option	Agreed	Disagreed	No. of responses
2	Decentralized Land Administration	100%	0%	69
3	Creation of an Autonomous Land Administrative and Management Authority	85%	15%	68
4	Establishment of a Semi-Autonomous GOSS Land Administration and Management Board	97%	23%	68
5	Establishment of a State Land Board	100%	0%	68
6	Establishment of a Autonomous State Land Authority	100%	0%	68
7	Establishment of a County Land Authorities	100%	0%	68
8	Establishment of a County Land Office Under the County Land Authority	100%	0%	68
9	Establishment of a GOSS Land Dispute Resolution System	100%	0%	68

Policy Option No. 1: Compulsory Land Acquisition

Reactions were slightly positive. Out of 69 participants, 41 people (59%) mostly agreed and 28 (41%) mostly disagreed with the notion of *compulsory takings* and unqualified *acquisition*. Groups 2 and 4 (each with 14 participants) felt that the statement should capture the need to consult affected communities before acquiring the land. Although Group 3 totally agreed with the statement, they recommend that the phrase “in *the public interest*” should be added to *compulsory acquisition*. This argument by Group 3 reflects lack of proper interpretation of the principle of compulsory acquisition, which is done by the government (at its various levels) in the public interest.

Policy Option No. 2: Decentralized Land Administration

Reactions to the policy were strongly positive and in support of nationwide coverage from national to local levels. All 69 participants mostly agreed. None of the groups suggested any amendments to the policy option. Participants would like to have a proper land administration system in place. This was also expressed by some participants in Exercise 1.

Policy Option No. 3: Creation of an Autonomous Land Administrative and Management Authority

Reactions were mostly positive. A majority of the participants who responded mostly agreed 58 (85%) while 10 (15%) mostly disagreed. Those that mostly disagreed were in one group (Group 1) but suggested that this statement should be changed and state “*creation of land administration and management authorities by each level of government relying on State government to register and protect their rights to land.*” Although Group 4 mostly agreed with this proposal, they suggest that it should be emphasized that the GOSS level should not be involved in implementation but rather leave this to state government.

Policy Option No. 4: Establishment of a Semi-Autonomous GOSS Land Administration and Management Board under the Ministry of Housing, Physical Planning, and the Environment (MHPPE)

Reactions were mostly positive in terms of establishing the board; however, Group 3 strongly recommended that its composition include state government representatives. Although this is not an implementing arm, Group 4 again wanted to add the statement suggested in Option 3 above (responsibility to state government). Of all participants responding, 68 (100%) mostly agreed. The idea of having state representatives is a good one as long as all the states are not represented on the board at the same time. A rotational mechanism would have to be worked out to ensure a manageable size of board.

Policy Option No. 5: Establishment of autonomous State Land Boards

All the participants were strongly supportive, other than Group 1 suggesting changes in the board composition. All 68 participants (100%) strongly agreed. Group 1 recommended that the state land board should include representative traditional authorities in addition to staff drawn from the state line ministries. The participants in plenary agreed to a small representation of traditional authorities on the board.

Policy Option No. 6: Establishment of a State Land Authority under the State Land Board

Participants were also strongly supportive. Of the 68 participants who responded, 100% mostly agreed. However, Group 2 strongly recommended replacing the word “*hired*” by “*employed or recruited.*”

Policy Option No. 7: Establishment of a County Land Authorities (CLA)

All the 68 participants (100%) mostly agreed, indicating a consensus toward policy that is decentralized and includes local government and traditional authority in decision making. However, Group 3 recommended inclusion of the youth and other vulnerable groups on county land authorities. This is a very good recommendation and has occasionally appeared under Exercise 4 whenever the youth have been selected in the top five priority areas of concern for the land policy.

Policy Option No. 8: Establishment of a County Land Office under the CLA

That response is the same as that provided for Policy Option 7; 100% of participants responding mostly agreed. Group 4, which had the State Director of Agriculture among its members, suggested that agriculture be considered among “others.”

Policy Option No. 9: Establishment of transparent, decentralized dispute resolution system informed by customary norms

The response was unanimous in favor of this policy. No group provided additional comments.

Implications for Land Policy

Even after explaining the principle of compulsory acquisition and the requirement of due process incumbent upon government, participants continued to insist that government should not have the right to take any land without consulting the affected communities. They want to see the communities exercising the right to reject the acquisition and offer an alternative. This argument has come up in all five workshops so far and reflects the feelings of the people on how government has been acquiring land from them. In the case of land registration, participants were generally supportive of the idea that the states register land, but only with local representation and consultation. The management and resolution of land related conflicts should be community based, with traditional leaders taking a more active role. Policy Option 9 is to ensure that decisions which are already being taken in dispute resolution are in the future regularized by capturing the system under a dispute resolution law.

The consensus is that land should be administered under a statutory land tenure system that recognizes the existing customary tenure system with the support of state and local governments overseeing implementation. However, any level of government taking land in public interest must provide fair and prompt compensation to the community or the communities being dispossessed. The establishment of land administration systems is considered a crucial and urgent issue for Lakes State. The institutional framework must involve all layers of government and traditional authority down to the community level, including youth and vulnerable groups.

4.4 EXERCISE 4 – CRITICAL AREAS OF THE LAND POLICY

The following summarizes participants' view regarding problems and challenges for a number of prescribed topics. The order of their presentation below reflects their relative importance as expressed by the participants.

Pastoralists and Cultivators (Farmers):

1. The colonial boundaries of 1956 should be respected in all the counties of Lakes State;
2. Prior information of those seeking access to water and pasture to those that are going to be affected;
3. Existing cattle camps should retain their original names;
4. Dig water canals within the low natural land of wadi;
5. Separate cultivated land from grazing land;
6. Rearing of cattle must be made a priority through regulations by traditional authority and local government;
7. Sanctions against theft of cattle should be written in law;
8. Set up a board to resolve disputes arising from stealing cows and those not carefully looking after them;
9. Protect water points; and
10. Local governments and traditional authorities should enforce proper use of grazing and agricultural land.

IDPs and Demobilized Soldiers:

1. Local governments should help IDPs to have temporal settlement;
2. Chiefs should allocate land to IDPs. IDPs should consult government leaders and community chiefs before settling on any land;
3. They should be given land for construction of health facilities;
4. State governments should allocate land to accommodate IDPs in their states and counties;
5. Demobilized soldiers should be allocated land in both urban and rural areas;
6. Demobilized soldiers should be given employment in state and county offices;
7. Government should provide demobilized soldiers with financial support to buy land in urban areas;
8. Chiefs should give free land to demobilized soldiers; and
9. Land should be allocated to develop training facilities for income generating activities for demobilized soldiers.

Subterranean Resources

1. Demarcation of community and state boundaries;
2. Government consultation with the communities;
3. Agreement between the government and communities concerned;

4. Resettlement area for the affected communities and compensation;
5. Shares to be given to the community (2% as stipulated in the CPA);
6. 60% of the local population should be employed;
7. Protection of environment from pollution; and
8. Respect of local cultures and values.

Women

1. In urban areas, women should access and own land;
2. In rural areas they should access and acquire land subject to customary laws of the community;
3. They should inherit land from their husbands in urban areas but in rural areas this is subject to having had children with their late husbands;
4. They should own land for investment in both urban and rural areas;
5. They have the right to sell or lease land whether rural or urban;
6. They have a right to protection in relation to their rights on land;
7. In urban areas they should have the right to renew their leases while they should hold land on freehold in rural areas;
8. Women organizations have the right to acquire both rural and urban land; and
9. They have the right to use land whether urban or rural.

Vulnerable Groups

1. Provide land to establish their centers;
2. Provide them with residential plots;
3. Provide health centers nearby;
4. Should have access to commercial/business plots;
5. Access to formal education;
6. Government should allocate land for the establishment of residential estates;
7. Land committees at all levels should include representatives of vulnerable groups;
8. Should have security; and
9. Should be put into cooperatives.

Implications for Land Policy

Though originally designed to elicit information on vulnerable groups and the challenges they face securing access to and use of land, the results of Exercise 4 reflect a mixed discussion of both groups *and* issues. Additional topics were discussed based on unanticipated issues that participants raised in plenary. As a result, Exercise 4 should not be considered a focused or comprehensive consideration of land issues related to women and other vulnerable groups.

Nonetheless, key issues were discussed. The Rumbek workshop is the first consultation workshop in which the participants have raised the issue of subterranean resources. Participants raised important questions related to land and subsurface rights: what benefits will communities derive from subsurface exploitation of resources and what steps will the government take to protect the environment and communities from degradation and pollution? The land policy will need to address issues of benefit-sharing, equitability, and the recourse available to citizens who seek to hold investors and government accountable.

4.5 EXERCISE 5 – LAND ALLOCATION TO DOMESTIC AND FOREIGN INVESTORS

In Rumbek, participants were particularly curious if the workshop would clarify how communities will deal with petroleum investors. This exercise attempts to capture the participants' perception and to deal with the issue of accessing land for investors. The government, both at the GOSS and state level, is attempting to promote private investments with an aim to stimulate economic growth. Key comments are listed below in order of importance as measured by the number of groups that indicated the benefits and challenges. Detailed responses are in Appendix 7.

Investment benefits:

1. Provides job opportunities/employment;
2. Opportunity to reduce commodity prices;
3. Provides development opportunities (infrastructure, schools, clinics);
4. Offers capacity building opportunities;
5. Contributes to state incomes/revenue and boosts local economy;
6. Provides a new range of goods to the local community;
7. Provides opportunity to raise local living standards;
8. Provides opportunities for earning foreign exchange;
9. Provides opportunities for developing entrepreneurial skills;
10. Promotes cross-cultural integration;
11. Promotes tourism;
12. Promotes agricultural reforms/new agricultural technology;
13. Contributes to the reduction of commodity prices from increased production; and
14. Provides services (food items, clothes, etc).

Investment challenges:

1. May cause the displacement of local communities;
2. May cause destruction or degradation of the environment;
3. May contribute to the exploitation of natural resources not provided for in the contract;
4. May negatively impact cultural or traditional norms and practices;

5. May cause land shortages due to population increase;
6. May cause inflation or high cost of living;
7. Introduction of new transmittable disease (HIV-AIDS);
8. Introduction or promotion of sale of illegal arms; and
9. Foreign investors may out-compete local investors and throw them out of business.

Implications for Land Policy

Many communities in Southern Sudan have a negative impression of investors from past experience as people who collude with the government and take away their land without due consideration of any form of compensation for the affected communities. Their communities do not have a say in the negotiations and management of contracts between the land and the investors.

Despite these problems, the results reveal a strong desire for investments and the will to extend land to investors. Participants understood the importance of investments in terms of supporting socio-economic advances to the beneficiary communities through improved agricultural practices, employment, and access to social services, raised incomes, skills, and markets.

There is, however, a concern that if not properly monitored, the investors will abuse the opportunities afforded by communities mainly through environmental degradation, community displacement, abuse of cultural norms, spread of incurable diseases, and the exploitation of minerals or other resources not envisaged or declared in their investment plans.

This is the first workshop in which participants expressed the fear that investors might be coming into their communities to act as spies or pose a political and destabilizing threat. These concerns require careful sensitization and attention.

4.6 PARTICIPANTS' COMMENTS FOLLOWING THE LAND POLICY PRESENTATION

The opening session regarding the rationale for a land policy generated enthusiastic comments from participants. Participants stressed a number of reasons for a land policy, including:

- It is better that the Southern Sudanese write their own rather than have “one imposed by our brothers from Northern Sudan”;
- To explain how we use our own land;
- To work for peace and security and avoid civil war;
- To resolve the local conflicts for which many youths lost their lives in unfortunate clashes in the counties of Lakes State; and
- To address relations between indigenous people and settlers.

Some participants noted that previous processes to promulgate policies or laws, and cited problems with the Land Act for Lakes State (2007) and the Land Act for Southern Sudan (2009), noting that the process for their development was not consultative. The participants argued that the land policy consultation process should begin with what is *known and then what is unknown*. Consideration for known facts about past land issues and laws should be codified in land policy.

4.7 PARTICIPANTS' COMMENTS FOLLOWING THE PRESENTATIONS ON LAND RIGHTS, LAND TENURE, AND LAND ADMINISTRATION

- The major cause of conflict was that the government often took land without consultation of the local communities, even when that land was inhabited. The land policy for Southern Sudan should guide the government process for land acquisition.
- Over the long history between local communities and successive governments, some level of cooperation was observed pertinent to land acquisition. This has resulted in main towns being established from community land, e.g. Malakal, Juba, Wau, Rumbek, etc. Communities do give government rights over land.
- Local communities refuse to give land because of persistent tribal conflicts over rights to land. A request from the government of the local community for land is usually met.
- We do not sell land in our community of Rumbek East County.
- The land policy workshop is the right forum to discuss issues that promote peace. Children are growing up in challenging times; traditional leaders have an obligation to them to do good things for them. The land policy should help address the problems of people like women and children. We should be happy that we have our own government of Southern Sudan, but we should not forget to resolve major land issues which have led to wars even when we enjoy luxury cars these days. The land of Southern Sudan is our “heart and lung” for which all of us have struggled. We need to be careful so that our enemies don’t laugh at us in that we have failed to govern ourselves.
- The ideas presented here have been useful. If land was given to the government for establishing administration, we should know that it shall be used for service delivery for the good of people. In Yirol West County, we don’t prevent people from other areas [from settling] as long as they follow our customary procedures to access land. Such customary laws have been written (the Dinka customary law) to guide our people.
- A lack of consultation by the government with traditional authorities is always the cause of conflicts. The government should begin immediately to define all town boundaries so that the current expansions are controlled over the community farms. The government should know that the community is the owner of land and land resources. Communities here want a bottom-up approach for flow of information. The government should stop grabbing community land.
- Participants at this workshop should not have responded unanimously (Exercise 3) to suggestions presented by outsiders, otherwise there was no need for the team from Juba to come down to the people of Lakes State. The speaker went on to suggest that participants’ endorsement of presented options and suggestions implied there was no need to consult and that they the “participants” had no useful inputs.
- Is the government trying to discuss with the people who own land? Some land belongs to the government yet it’s not used properly. The government enlightens us on land. But can the government compensate communities, if it has acquired land?
- There are a few things I like about the workshop and what people are working for, including those who use the land policy workshop to speak for the hungry (for food security), the thirsty (for clean drinking water), the displaced (local peace and security), and against insecurity (peace in the country).
- When the government failed to consult local people for land, it led to confusion. The government has fought for peace. People in the rural areas are willing to share, but shall not allow land, if cases of land takings involve use of force.

4.8 PARTICIPANTS' COMMENTS FOLLOWING THE PRESENTATION ON URBAN LAND MANAGEMENT

Land Rights in Lakes State's urban and rural areas

Land rights in urban areas	Land rights in rural areas
<ul style="list-style-type: none"> • Right to survey towns e.g. in 2005 there were discussions about surveying Rumbek. • Right to be compensated when inhabitants become victims of the land survey process where their property is demolished. • Right to receive alternatives piece of land/plot if someone loses his/hers in the public interest. • Right to roads constructed for people. • Right to community schools, hospitals, recreation centers. • Right to be consulted through traditional leaders. • Rights to participate in land decision making. • Right to certified recognition of land ownership. • Right to inherit land. • Right to security and protection by the government. • Right to sell registered land. • Right to land tenure security (land lease period). 	<ul style="list-style-type: none"> • Right to ancestral land ownership. • Right to protect land and be protected by the government. • Right to decide land uses. • Right to give away land to someone (have disposal rights). • Right to sell land. • Right to use land depending on its type.

Participants described the various offices one has to go through to obtain a residential plot. These offices include:

1. State Directorate of Land;
2. State Lands Committee;
3. Survey department;
4. Finance and administration department;
5. State Land Registrar at the Judiciary of Southern Sudan (JOSS) to issue land certificate; and
6. Applicants return to the appropriate office for land tilting.

4.9 PARTICIPANTS' RESPONSE AFTER SESSION SIX: WOMEN AND VULNERABLE GROUPS

Women's land rights and access to land in Lakes State:

- Women do not have the right to land in their father's clan because they would be married to another clan;
- Daughters should be given the right to land inheritance;
- Currently, daughters can access land, but the land policy affirm this and support them in this acquisition;
- In some clans, parents do give daughters plots of land to use, e.g. the Aliab community of Aweirial County, Lakes State;
- Educated daughters do have access to land;
- A woman inherits land from her husband's clan if they have children;

- Widows are granted the rights of access and use;
- Parents cover their daughters' needs, including land use; and
- If a woman divorces, she will be welcomed back to her original clan and given land to resettle because she will no longer have land rights with her husband's clan.

Recommendations for the land rights of vulnerable people and groups:

- They should be given access to land in urban areas;
- Chiefs in rural areas should support vulnerable people to access land through their ancestral lineages;
- They should be trained in special needs projects to develop land and property;
- Disabled people should be recognized and allowed to use and invest in land;
- They should be represented in the land decision making of the state;
- HIV/AIDS should not be viewed only as a women's problem but of both men and women worldwide. This should have nothing to do with land issues;
- Husbands and wives should have knowledge of their plots of residence.
- Vulnerable people should be encouraged to join people using land for commercial purposes, e.g. estate building;
- Vulnerable people should be represented by the state and county land committee;
- Vulnerable people also need land security; and
- Vulnerable people should be helped to build cooperative ideas.

5.0 LESSONS LEARNED AND EMERGING ISSUES

A number of possible changes and improvements were identified from both the process and participants' suggestions:

The need for additional time: Participants were enthusiastic and vocal in their participation. As a result, it was difficult to keep time and it was inappropriate to cut many of the individual speakers short, due to protocol. As a result, some exercises and presentations were shortened, suggesting the need for more than three days to cover the material sufficiently.

Following presentations with opportunities to debate and discuss: Based on previous workshops, time was added in plenary following the presentations, to allow participants the opportunity to discuss, debate, and ask questions. This revised approach allowed the team to elicit more detailed information and views on land policy and issues.

Reference additional key documents when presenting the historical context: Most participants felt that the consultation team should have referred to the contents of the CPA and the 1925 Land Policy Act and noted sections that affirmed that state land belongs to the community.

Review and revise exercises as needed: It is clear from some group responses that they may not understand the content and questions being asked. There were particular challenges in some groups discussing the administration and exercise of various rights. The team facilitators should review the presented concepts and determine whether there are simpler and clearer ways to explain some of the materials, in order to elicit responses based on participants' understanding.

This is the first workshop in which the issue of subterranean resources arose so strongly. It was a chief concern of participants, who fear they will be displaced by mineral exploration and development or that they will not equitably share in the benefits of their extraction. It suggests the need for the land policy to explicitly address the question of subterranean resources, ensure safeguards for people's land rights, and coordinate the land policy with any minerals and investment policies.

As seen in Yambio, Torit, Wau, and Kuajok, a number of the views and beliefs expressed by the participants contradict principles embodied in the Comprehensive Peace Agreement, the Interim Constitution of Southern Sudan or other nascent GOSS policies and law. The expectation that all IDPs will be returned to their areas of origin (by force if necessary) contradicts the Freedom of Movement and Residence in the Constitution. Traditional leaders are reluctant to extend to women the full suite of rights currently held by men. Compulsory acquisition of land in the public interest is a common tool of government worldwide; however, participants' comments suggest people are resistant to the idea of vesting this power in either the GOSS or State governments, for fear of abuse or the marginalization of traditional leaders. Government officials responsible for drafting and debating land policy may require further technical support and assistance in order to strike a balance among these and other competing policy principles, objectives, and stakeholder needs.

6.0 CONCLUSION

A team of five members from the USAID/SPRP and the SSLC conducted a workshop consultation with 93 participants from the eight counties of Lakes State including representatives of state line ministries, county commissioners, traditional chiefs, religious leaders, county executive secretaries, women representatives, youth representatives, and CSOs. Participants discussed their concerns and ideas regarding LTPR over the course of three days.

Participants identified a number of key ideas, principles, and issues that bear consideration for any future land policy development:

- Land policy is necessary to guide laws and regulations on how people should relate to land, and to clarify and separate responsibilities of state and local governments on land;
- Men and women should have equal access and rights to land (this is an opinion not shared by the majority of the chiefs who were present); while women should access and own land in urban areas, in rural areas, access is subject to customary laws.
- Youth (under 18 years) should not have equal access to land;
- The government should make sure vulnerable groups are treated like other members of society and vulnerable groups should have access to both urban and rural land, with special attention given to female disabled persons; state government should temporally allocate land to IDPs but must first consult the affected communities;
- Local governments, in consultation with community leadership, should govern land issues in rural areas while state and local governments take responsibility of urban areas;
- Urban land should be held under leasehold tenure regime and rural areas under freehold regime;
- Land taken over by the government in public interest or for any other form of investment should be acquired through negotiation and compensation;
- Land administration systems should be designed to create transparency and equity;
- Grazing rights and agricultural farming land should be managed by local governments and traditional authority to enforce proper land use allocation; water points created by dams and other means should be provided to reduce conflict;
- The government should financially support demobilized soldiers and enable them to buy urban land. Local governments and chiefs should allocate temporary land in rural areas;
- The government has a right to claim any land for any development activity and no community should forcefully take land from another; communities need protection from government land grabbing; and
- Access to land, especially in Rumbek, should be depoliticized.

APPENDIX I: RUMBEK CONSULTATIVE WORKSHOP AGENDA



USAID | SUDAN
FROM THE AMERICAN PEOPLE



**Government of Southern Sudan
Southern Sudan Land Commission
Land Policy State Consultation**

Venue: Bros and Company Hotel, Conference Hall, Rumbek, Lakes State

August 26 - 28, 2009

DAY ONE

Time/day	Activity	Person responsible
08:50-09:30 am	Registration	ARD, Inc. SPRP/SSLC and Participants
09:30-10:00 am	Introductions	ARD, Inc. SPRP, SSLC and Participants
10:00-10:30 am	Welcome Remarks and Consultation Objectives	ARD, Inc. SPRP, SSLC
10:30-11:00 am	Official Opening	Lakes State Secretariat General (Lakes State Governor H.E Daniel Awet Akot)
11:00-11:30 am	Tea/Coffee Break	
11:30-12:00 pm	Session One: Why a Land Policy for Southern Sudan?	ARD, Inc. SPRP
12:00-12:15 pm	Instructions for Exercise 1	ARD, Inc. SPRP /SSLC
12:15-01:15 pm	Exercise 1	Participants, facilitators
01:15-02:15 pm	Lunch	
02:15-03:00 pm	Session Two: Land Rights	ARD, Inc. SPRP
03:00-03:30 pm	Session Three: Land Tenure Systems	ARD, Inc. SPRP
03:30-04:20 pm	<i>Comments and questions</i>	
04:20-05:20 pm	Exercise 2, break out groups	Participants, facilitators
05:20 pm	Closing remarks and announcements	ARD, Inc. SPRP /SSLC

DAY TWO

Time/day	Activity	Person responsible
09:00-10:00 am	Groups Report back – Exercise 2	ARD, Inc. SPRP
10:00-10:30 am	Comments and questions	Participants
10:30-11:00 am	Tea/Coffee Break	
11:00-11:40 am	Session Four: Land Administration	ARD, Inc. SPRP
11:40-12:25 pm	<i>Comments and questions</i>	Participants
12:25-01:25 pm	Session Five: Urban Land Management	ARD, Inc. SPRP
01:25-02:25 pm	Lunch	
02:25-03:00 pm	<i>Comments and questions</i>	Participants
03:00-04:25 pm	Exercise 3, break out groups	Participants, facilitators
04:25-05:00 pm	Groups report back - Exercise 3	Participants
05:00-05:30 pm	Questions and comments	Participants

DAY THREE

Time/day	Activity	
09:00-09:30 am	Session Six: Women and Vulnerable Groups	ARD, Inc. SPRP
09:30-10:30 am	Exercise 4 by focus groups	Participants, facilitators
10:30-11:00 am	Tea/Coffee Break	
11:00-11:30 pm	Groups report back Exercise 4	Participants
11:30-12:00 pm	<i>Questions and comments</i>	
12:00-01:00 pm	Exercise 5 break out groups	Participants, facilitators
01:00-02:00 pm	Lunch	Participants, facilitators
02:00-03:00 pm	Groups report back Exercise 5	Participants
03:00-03:40 pm	<i>Questions and comments</i>	ARD, Inc. SPRP/SSLC & Participants
03:40-05:00 pm	Closing Remarks	Participants' Representative, ARD, Inc. SPRP/SSLC and Lakes State Secretariat General (State Political Advisor to Governor)

APPENDIX 2: LIST OF PARTICIPANTS

S/No.	Name	M/F	Ministry/NGO	Title	Phone No.	Location
1	H.E. Gordon Maker Abol	M	Education	Minister	912129113	State
2	John Parach Athollueth	M	SSRRC	Secretary	918727474	Aweirial
3	Peter Manyang Ayak	M	Finance	Representative	915492318	State
4	Gabriel Gaak Athong	M	M.Social Dev'p, &Rel. Aff	Pastor		State
5	Abraham Makur Abiel	M	Secretariat G.	Director	926254463	State
6	Santino Adong Kuloketuel	M	Civil Society	Youth Chairman	926807339	
7	Marik Dak	M	M.Social Dev'p, &Rel. Aff	Inspector	924044985	State
8	Moses Mathiang Jacob	M	M.Social Dev'p, &Rel. Aff	Senior Inspector	919043639	State
9	Nikudimo Bohn Mabior	M	Local Government	Chief		
10	David Mangar Nhial	M	Local Government	Paramount Chief		
11	Stephen Kur Gai	M	M.PI	Director Land	158883643	State
12	John Chol Akech	M	M.PI	Director Housing	914846736	State
13	Daniel Ater Kon	M	Min.Inf.C. Youth	Director	908369989	State
14	Martin Marial Nou	M	M.Social Dev'p, &Rel. Aff	Inspector	919043813	State
15	Andrew Acuoth Bol	M	Civil Society	Chairman Youth Org.	926619849	Rumbek Center
16	Antipas Kocdal Loya	M	M.Social Dev'p, &Rel. Aff	D/Director	915903299	State
17	Martin Malek Chol	M	Local Government	Land Director	912903295	
18	Enock Manyon Malok	M	Local Government	Director General	919332664	State
19	Hon. Isaiah Alier Mashinkok	M	State	Elder	927292519	State
20	Isaac Karkon Alajobo	M	SSRRC	Deputy Director	927545124	State
21	Weinak Manyiel Chindut	M	Traditional Authority	Chief		
22	Abindgo Maker	M	Traditional Authority	Chief		
23	Ater Reec Mathei	M	Traditional Authority	Court Member		

S/No.	Name	M/F	Ministry/NGO	Title	Phone No.	Location
24	Panthern Korom Ayak	M	Traditional Authority	Court Member		
25	Kon Mayor Machar	M	Traditional Authority	Chief	o8821643334939	Yirol West County
26	Malual Agok Achien	M	Church group	Member		
27	Mayek Manyuon Kanac	M	Traditional Authority	Member		Rumbek East
28	Jacob Det Det	M	Traditional Authority	Paramount Chief		
29	Bol Puot Yut	M	Judiciary	C. Judge	917907868	State
30	William Deng Macol	M	Land Department	Inspector	926807554	Rumbek C. County
31	Abraham Malueth Acuol	M	Disable	Member	918919836	
32	Meen Mawut Nyot	M	SSDDR Commission	Officer	910135101	State
33	Mangar Buoc Majak	M	Youth Union	Deputy Chairman	927543244	State
34	Ezekiel Thiang Mangar	M	SPLM Secretariat	Chairman.		Wulu County
35	Samuel Angui M.	M	Min. of Agric	Director of Fisheries	910639146	State
36	Dr. Simon Mading	M	Min. of Agric	Director Animal Res.	926615071	State
37	James Mapuor Makorou	M	Min. of Agric	D/Director	928035675	State
38	Osman Macuei Majak	M	M.Social Dev'p, &Rel. Aff	Representative	158883361	State
39	Mayen Majok Angeth	M	Local Government	Land Officer	927187663	Wulu County
40	Mangar Chol Maguong	M	Local Government	Executive Director	919297373	Aweirial
41	Turic Bil Mading	M	Local Government	Executive Director	926825532	Rumbek East County
42	David Ring Tuon	M	M.Social Dev'p, &Rel. Aff	D/Director Gender	919087806	State
43	Col. Daniel Dut Mayen	M	NGO	Director Malaria Control		
44	Rev. Peter Mayek Mangok	M	CS/Rumbek Diocese	Pastor	926653270	Rumbek C. County
45	Mangar Tur Lueth	M	Town Council	D/Clerk	926805700	Rumbek C. County
46	Madol Mathok Agol Del	M	Traditional Authority	Paramount Chief		

S/No.	Name	M/F	Ministry/NGO	Title	Phone No.	Location
47	Reec Dit Anyieth Reec	M	Traditional Authority	Paramount Chief		
48	Deng William Arok	M	DOR	Teacher		
49	Ayak Manyiel	M	Local Government	Commissioner	917159733	Rumbek N. County
50	Ambrose Akec Rong	M	Local Government	D/Director	928194012	State
51	Samuel Mabor Kedit	M	Local Government	Director		
52	Mading Cegor	M	Traditional Authority	Elder		
53	Makur Abiel Koc	M	Civil Society	Youth Chairman	926614717	
54	David Bol Machok	M	Agriculture	Director	919045737	
55	Paulino Mading Meen	M	Agriculture	Director Forestry	928967856	
56	H.E. Abraham Makoi Bol	M	Local Government	Commissioner	477183850	Rumbek C. County
57	Malual Duor Kuok	M	Traditional Authority	Chief	Nil	
58	Mabil Yurke	M	Civil Society	Member	Nil	
59	Dan Dut Makult	M	Youth Union	Member	922759829	
60	Maker Riak Atony	M	Rumbek East	Paramount Chief	Nil	
61	Eli M. Mawet	M	Local Government	Executive Director	914418094	
62	Arol Kachuol	M	Local Government	Paramount Chief	Nil	
63	Michael Laut	M	Rumbek Center	C/ Techer	922006637	
64	Joseph Maker	M	Ministry Physical Infrastructure	D /G	913833754	
65	Phillip Taban Chir	M	Youth	Chairman	907095691	
66	H.E Simon Wai Wai Ali	M	Local Government	Commissioner	927081785	Wulu County
67	Matabu Yoro Kiyaya	M	Local Government	Paramount Chief	9175081785	Wulu County
68	Maker	M	M .phy Infr.	Engineer (Survey Dept)	919084020	
69	Mabor Chawop Mabor	M	Local Government	A/Commissioner	919854068	

S/No.	Name	M/F	Ministry/NGO	Title	Phone No.	Location
70	Barnab Bol Makoro	M	Local Government	I T	92820217	
71	Emmanuel Malith Lual	M	Local Government	Inspector Land	927465653	
72	Ruben Malith Barnaba	M	S S R R C	Director Officer	9226808639	
73	Agum Jacob Chagai	M	State Assembly	Director	918009745	
74	Butros H Chany	M	Judiciary	Judge	913436449	
75	Makur Akech Riak	M	Traditional Authority	Chief	926943287	Rumbek C. County
76	Simon Madol Butich	M	Church	Pastor		
77	Jacob Det Aciek	M	Traditional Authority	Chief		
78	David Ring Tuon	M	Ministry S Develomem	D Director	919087806	
79	Andrew Madut Bui	M	Local Government	Paramount Chief		Yirol East County
80	John Jok Ater	M	Traditional Authority	Court Clerk		Cuiebet County
81	Ijur Majok Jueiwang	M	Civil Society	Women Leader		Yirol West County
82	Magak Marial Jueiwang	M	Traditional Authority	Elder		Yirol West County
83	Abraham Malual Agok	M	Traditional Authority	Elder		Rumbek East County
84	Martha Yar Mangek	F	ECS	Member		
85	Sura Mangok Mabok	F	CSO	Leader		
86	Aker Gordon Morwel	F	Women Union	Secretary	909785729	State
87	Monica Nyandiur Kuc	F	Prison	Teacher	915630849	
88	Veronica Yar Akol	F	SPLM Secretariat	Secretary	927742805	State
89	Victoria Nyilueth Makueth	F	Women Group	Chair Lady	926473981	
90	Hellena Akol Ring	F	Women Group	D/Chair Lady	922096831	
91	Helina Marin Chap	F	Women Group	Chair Lady		
92	Mary Ayor Chagai	F	Association	Aepresentative	917508709	

S/No.	Name	M/F	Ministry/NGO	Title	Phone No.	Location
93	Mariam Paul Gibi	F	Women Associate	Chier Lady	913196523	
ARD, Inc. SPRP, SS-LPSC and SSLC Members of Staff						
94	Ring Majok Dut	M	University of Bahr El Ghazal	Asst. Proffessor	122231039	
95	Helida Alex	F	ARD, Inc. SPRP			
96	John Matata	M	ARD, Inc. SPRP	Asst. Technical Advisor		
97	Iyadema John	M	ARD, Inc. SPRP	Sr. Technical Advisor		
98	David Scribner	M	ARD, Inc. SPRP	Chief of Party		
99	John Pangech	M	Min. of Reg. Cooperation	Director		
100	Voya James	M	ARD, Inc. SPRP	A P O	917222583	
101	Michael Mayik Ater	M	MHPPE GOSS	Director of Planning	910377022	
102	H.E. Robert Ladu L	M	Land Commission GOSS	Chairperson	909092819	
103	Phanuel Sebit Ladu	M	Land Commission GOSS	Private Secretary	912453704	

APPENDIX 3: EXERCISE I

PRESENTATION RESULTS (Individual comments from posted notes)	
ISSUE	Policy Constraints or Areas the Policy Should Give Priority
Land Law and Policy	<ul style="list-style-type: none"> • According to the law, each person has the right to build or possess land and has the right to sell if necessary; • The government should be responsible for developing land laws in the same way it is now developing this land policy; • In urban areas (towns) the government should own the land; • Policy should clarify and separate the responsibilities of the state before land is demarcated; • The government should enact a strong land law with community consultation even if it takes a year; • Land laws and policies are very important for certifying land; • Land laws and land policies should be fair in land sharing and implemented without nepotism, tribalism, or corruption; • The government should be responsible for the law of land similar to the way this land policy is to be community owned; • Extra land should be allotted to persons whose land was destroyed for roads; • Land owners whose boundaries have been adjusted by surveyors should be compensated; • The land law should regulate companies to have social responsibilities towards the communities they are working in, e.g. petroleum companies; • People should respect land laws and policies; • Urban land laws and policies should be followed by the people to avoid problems within the community; • Land law and land policy should provide compensation to those whose land has been taken in public interest; • Land laws and land policies should encourage land certification; • Land law and land policy should provide for allocation of any extra land to those whose land was taken over for road construction; • Land laws should be developed and respected by the community (people); • Land law and policy should offer answers to land related problems; • Land law and policy should guide town administration management to avoid problems with communities; • Policy and law should clarify community rights and those of government; • Urban areas should be shared between the governments and the community inhabiting the area in percentages of 70% to 30% respectively; • The government should provide guiding principles and procedures for land law; • Land policy should define land that belongs to government; • The policy should clarify a period of time to be given to individual to develop the land, failure to comply with authorities resulting in the land being taken back; • When the government is developing land laws and land policies it should consult community elders and land owners for final decisions; • Land law and policy should define the boundaries between counties; • Land law and policy should clarify the rights people have for land; • Land laws for urban areas should be separated from those of rural areas; • Land laws for the rural areas should be administered by traditional chiefs; • Land policies and land laws should empower the government to administer urban land and even have authority to allocate it to the community; • Land policy and law should consider community land ownership through community customary law; • All people (at GOSS, state, county, etc) should know the land laws; • Land law and policy should be administered by both the government and community; • A legal guide to land law should be produced by specialized committees; • The government should consult land owners before legally acquiring their land. It should guide the owners and give them title deeds, especially those in the urban centers; • Rural land should be demarcated so each person owns land with boundaries; • Land policy should protect the existence of natural habitats for sustainable utilization of resources; • In rural areas land belongs to the people and can be owned by their sons; • Policy should regulate how resources are shared between communities;

PRESENTATION RESULTS (Individual comments from posted notes)

ISSUE	Policy Constraints or Areas the Policy Should Give Priority
	<ul style="list-style-type: none"> • There should be land registration for the communities to protect their land; • Land law should allow land owners to give out a small piece of their land to their partners; • The government should develop a land law and policy that considers the right to settle in particular communities; • Law and policy should consider issues of land ownership; • A community should not take land by force from another community; • The government has a right to claim any land for development activity; • The government has right to identify and lay down a land policy as indicated in the constitution of the land; • Each area should have a law that reflects its specific conditions; and • Laws should define the authority over land ownership.
Land Rights And Land Access	<ul style="list-style-type: none"> • Land rights are good for managing resources; • Ownership rights should be given to parents (husband and wife) and only to mature married sons; • A land rights land tenure system, and services, is needed; • Land tenure is not completely well defined. The current law does not specify the tenure; • Land rights should be addressed and observed by law; • There should be consideration on both sides without ignorance to the government; • The land belongs to the government and according to the laws, anyone can have the right to obtain a piece of plot and pay fees issued according to ownership; • Land rights and tenure should be outlined for families where one has to sustain a large piece of land for his children and wives; • Land rights to sell, give, and do what one wants [with one's plot of land]; • Laws are needed for defining the authority over land ownership; • A person has a right to sell his piece of land but not the communal land; • Land commission should give certificates to owners for protection against community members; • After the owner has acquired a title deed, he/she has the right to lease, sell, build houses, and give the land to one's heirs, especially in urban centers; • A land rights and land tenure system should address the right of each community or individual in the urban and rural areas; • The government should create a land law that states the land can be inherited by your children and further generations so as not to be taken away; • The government gives land to the people and the people have the right to sell; • Land ownership should be governed by government in towns not the community; • Land rights ownership to divert natural resources to the livelihood of individuals; • The land belongs to the community, the state government, and landlords, which includes the spiritual ownerships (leaders) of urban areas, payams, and others; • The right to ownership of land in towns belongs to the government and the government should give priority to citizens before foreigners; • Land rights should be considered when land documents are obtained legally or when there is a strong justification that the land belongs to your father or grandfather; and • Land management in rural areas should be administered by chiefs or the communities concerned.
Access to Land	<ul style="list-style-type: none"> • Access to land, especially in Rumbek town, is too complicated and too politicized. The bureaucracy in land departments is deplorable. It is very difficult to get land in Rumbek town, especially if you come from an area that has no relationship with members of the land board. I applied for land in 2006 and have not received land of my own. I wish that all the members of the land department had attended this workshop so that they may know the right procedures regarding the land policy. Because of this complicated bureaucracy thousands of IDPs who come from the north have no land. There is an urgent need to train the land officers so that they improve their work and speed to expedite town surveys and land allotment; • Full documents should be issued to land owners by an authorized land office to check for illegal land occupation; • Access to land must be gained through legal acquisition; • Vulnerable groups do not know how to access land. They are supposed to be given priority; • Inhabitants of a particular area should acquire legal land ownership first through the government before intruders come in, especially in urban areas. In rural areas, land should remain in the hands of inhabitants and should not be sold; • There should be a law that provides for individuals to have access to land as some host communities do

PRESENTATION RESULTS (Individual comments from posted notes)

ISSUE	Policy Constraints or Areas the Policy Should Give Priority
	<p>control land; rights for individuals living in urban areas are needed in order to own land;</p> <ul style="list-style-type: none"> • Community leaders should be considered in issues of land; • Land should be given first to owners and not to other people to prevent land sales (no land subleases); • People are entitled to land as defined by the movement objectives; • Access to land should be accomplished by land title deed rights; • Respect for land ownership; • To obtain land you should ask the chief or government, but not take it by force; • Access to land should be affiliated with land surveys; • Access to land should be obtained through an application to the concerned government where the applicant pays the required land fee; • Land should be given to the owner with protection of the owner guaranteed by the government; and • When the government is acquiring land from communities, it should approach the communities so that they reach mutual understanding.
Land Markets	<ul style="list-style-type: none"> • No issues were raised.
Urban Land Management	<ul style="list-style-type: none"> • Urban land is managed very poorly—there are no proper records, leases, or registrations; • Urban land management should consider protection of community cultural sites; • Urban land should be managed by the local government and land planning committees; • There should be a land department at the county level so that people have easy access to the authorities, with special consideration for residential and small business management. Large institutions can managed at the GOSS/state levels; • Management of urban areas is the responsibility of the local community until GOSS can take over, so there are no lapses in management; • Recreation centers should be respected, e.g. open space in schools, football fields; • Urban land should be divided while respecting the rights of the community to their land; the government is to own the land through community leaders and elders; • In urban areas surveying should be supervised by state authorities; • An owner has the right to sell land through the correct procedures; • Land in towns should be administered by a land commission, not the community; • What classes of land should be allotted by the state, county, or local community?; • The community must own (urban) land under the supervision of the chief. The chiefs and the communities will decide how to allocate land for institutions like schools, church, etc.; • The government should manage urban areas because they conduct the surveys for many activities like schools, permanent houses, hospitals, etc, thereby avoiding conflicts; • Urban management should take into consideration security, prisoners, and law enforcement; • Those affected by the demarcation of urban areas should be allocated alternative areas for farming; • Urban land should be used by the government for allocation to people in need; • Land management in urban areas should be controlled or administered by the local government; and • The previous (rural) land owner is entitled to land in the town.
Land Admin.	<ul style="list-style-type: none"> • Land administration should have a policy in place before allotting land; • Re-allotment for the evicted should be addressed; • There should be a proper registration for land; • Land administration should be transparent and not segregated; • Land administration should implement the conservation and protection of natural resources; • Land is important and it should be a government policy to protect owners by issuing them land certificates; • Land administration should consider permanent structures; • Land administration should follow procedures provided in land documents; • Urban land should be administered by a land commission, not the community; • Urban growth should be controlled so as to minimize disruption from traditional land uses and livelihood; • There should be demarcation of boundaries between county and county, payam and payam, boma and boma; • Land should be administered by both the government and the community; • Administration of land between state and counties is very confusing and needs clarification. There should be a separation of responsibilities between state and local government in urban area management; • Land revenues should be utilized to benefit the community; • The land belongs to the community and its rights should be divided between the following: a) the state government is the first owner of the land in the state; b) landlords (including spiritual leaders) or owners; c)

PRESENTATION RESULTS (Individual comments from posted notes)

ISSUE	Policy Constraints or Areas the Policy Should Give Priority
	<p>urban areas, payams, and others;</p> <ul style="list-style-type: none"> • When the government wants to take land from an individual it should be divided equally, i.e. the government takes half, leaving half to the owner; • Land administration should be implemented by qualified personnel who offer justice to all; • All citizens should be given the right to own land and the government should sell the land at a lesser price; • The Amonhom Nyang of Agar (subtribe of Dinka) developed their law (customary law) illegally claiming Rumbek, and barred giving land to any outsider that is not an Agar from their community. This is unlawful and government should develop a land administration law; • Land administration is good because the government is then given priority; • Land administration should facilitate issuance of the proper documents to anybody or citizen who acquires land in any settlement area; • Land administration should promote land surveys; • Land owners should be given certificates of title to protect them from harassment by people who claim that land belongs to the ancestors; • Land administration should be in the hands of the land committee of the area which includes the chief of the community; • Land must be properly administered to prevent conflicts and to own land in rural areas; • People should respect the government and the rights of owners; • During the survey of Rumbek, some individuals lost their farms/land which is their only source of income. How are they going to survive?; • Land administration should maintain registers, allot land to people and clarify community boundaries; • Land is administered by the government and so should be responsible for giving land to the people; and • Land administration should enforce laws to control land brokers who devastate land resources by selling them for self-benefit instead of promoting development.
<p>Land Dispute Resolution</p>	<ul style="list-style-type: none"> • Land dispute resolutions should address the issues of community traditional borders resulting from the 1956 border demarcation, or state or country borders; • There is a need for a two-party land management system that takes into consideration the different tribes; • Above all land resolution management should be in the hands of the government; • Disputes arise from cattle raiding and surveyors demarcating without consulting the land owner; • Those who settle land disputes should be fair to the two parties; • There should be a committee for solving disputes; • The government should respect the owners by assigning the proper judge or witness; • The government should be responsible for land ownership by surveying in a transparent manner and providing each community with allocation documents and registered land; • Land which has been allocated by the government to a land owner cannot be revoked unless the government needs land for building schools and hospitals; • Land sales should be witnessed by government representatives. Land reserved for the community should not be sold; • Land should be owned by the government; • Land dispute resolution requires people who are knowledgeable of land administration; • Land owners should possess documents from a land office. In the event of no document the land owner should come forward with three witnesses; • There should be an amicable solution to conflicts over grazing land and water access points; • Land disputes should be handled by a specialized community that is knowledgeable of the area or geographical territory; • Land disputes should be settled by town courts not traditional courts; • The local government should form a land dispute committee to resolve land disputes in urban areas; • In land conflict resolution the disputing parties should resort to a government court of law and not violence; and • Land should be clearly defined according to the old boundaries to avoid conflict.

PRESENTATION RESULTS (Individual comments from posted notes)

ISSUE	Policy Constraints or Areas the Policy Should Give Priority
<p>Vulnerable Groups (IDPs, demobilized soldiers, refugees, returnees, etc)</p>	<ul style="list-style-type: none"> • Vulnerable groups must have a right to land wherever they are in Southern Sudan; • Vulnerable groups should be entitled to free land. Demobilized soldiers brought freedom to the land and are victims of the struggle; the disabled are also deserving of land; • Attention should be given to the very disabled; • Government should consider or put into place special conditions to help the disabled and vulnerable groups; • Laws (at the GOSS, state, county, and boma levels) should be enacted to allow demobilized soldiers access to land as communities have denied them in the past; • Vulnerable groups are currently not considered but should be the first to be given free land; • The government, through agreement with landowning communities, should aid the resettlement of IDPs, demobilized soldiers and the disabled by providing them with legally acquired land; • Vulnerable people should be given land or plots freely by the government; • IDPs should be given free land as they have been displaced through fighting and by force; • Vulnerable groups experience difficulties obtaining land certificates due to lack of finances; • Vulnerable groups have the right to own land; • This group should be provided land by the government for building; • Vulnerable groups should have the right to employment; • Disabled people should be given the right to own land from the government free of charge; • Vulnerable groups should be issued documents from a land office and other institutions (e.g. churches) to support their full rights to land ownership; • IDPs, refugees, and demobilized soldiers, being vulnerable, should be given land free of any payments to the land and survey offices; and • Vulnerable groups to be given access to any sustainable privileges.
<p>Women And Youth</p>	<p><u>WOMEN</u></p> <ul style="list-style-type: none"> • A woman has to contact her husband before applying for land. If she is divorced she has the right to obtain land without consulting others; • Women who are living with their husbands should pay for land; • Women should have the right to own land; • Women are never to be allocated land; • Women should be given land by the government for constructing offices and other activities; • Women's land rights should be supported; • Now that there is peace women should be given rights, as there were none during the struggle; and • Women have the right to own land because culturally they are expected to have children. <p><u>YOUTH</u></p> <ul style="list-style-type: none"> • Youth have the right to be given land for youth centers; • The government should provide land to youth in residential areas for their offices and recreational activities; • Youth should have land for schooling, sports fields, recreation centers, cultural centers, and other open areas for activities; • Access to land should be given to the youth as some of them are soldiers far from their homes; • Youth should own land because they are the future leaders and part of their communities; • Youth are evicted out of property especially when they are preparing their lodging places due high excess cost; • Youth struggled for the liberation of Southern Sudan for 22 years so they should be given land freely to build centers; and • Youth should be given land for legal activities.

APPENDIX 4: EXERCISE 2 – LEVELS AT WHICH LAND RIGHTS SHALL BE EXERCISED

Group No.	Group ID	Opinion on appropriate institution responsible for managing, enforcing the rights	Proposed land policy for government to adopt	Policies workable or sufficient?
1	State Government	State and county governments	Leasehold in urban areas and freehold in rural areas	Yes
2	County Commissioners and Civil Servants at County Level	County administration	Leasehold and delayed freehold in urban areas and freehold in rural areas	Yes though delayed freehold needs to be enforced for at least 10 years
3	Chiefs and Religious Leaders	State government and county administration for urban areas Chiefs and community leaders for rural areas	Leasehold for urban and freehold for rural	Yes
4	Women	State government for urban and traditional authority for rural areas	Delayed freehold in urban and free hold in rural areas	Yes
5	Youth	Local government in consultation with traditional authority	Delayed freehold for urban and freehold for rural areas	Yes

APPENDIX 5: EXERCISE 3 – PARTICIPANTS FEEDBACK ON LAND ADMINISTRATION INSTITUTIONS AND CONFLICT RESOLUTION

1. **Power of Compulsory Land Acquisition.** The power of compulsory acquisition shall be vested in the GOSS and in state governments, and shall be exercised in accordance with the Interim Constitution of Southern Sudan (ICSS) and the Land Act.
2. **Decentralized Land Administration.** The GOSS, in close consultation with state governments and communal leadership, shall establish a system of land administration from the GOSS at the national level to the lowest levels of state administration that will be responsible for technical delivery of land administration services, including land registration and titling; land information; mapping and maintaining GIS; and land use planning/management.
3. **Creation of an Autonomous Land Administration and Management Authority.** The GOSS Ministry of Housing, Physical Planning, and the Environment shall establish an autonomous Land Administration and Management Authority with three technical departments: A) Land Use Planning and Management; B) Land Information, Surveying, and Management; and C) Land Administration.
4. **Establishment of a Semi-Autonomous GOSS Land Administration and Management Board** under the Ministry of Housing, Physical Planning, and Environment. The Board shall have powers to oversee, supervise, monitor, and evaluate functions of the Land Administration and Management Authority. The Board members shall be drawn from relevant GOSS ministries and commissions.
5. **Establishment of a State Land Board.** Each state government shall establish an autonomous State Land Board under the supervision of the state minister responsible for land. The Board will provide advice and oversight on all land matters. Board members shall be drawn from relevant state ministries and be appointed by the State Council of Ministers on recommendation of the minister responsible for land.
6. **Establishment of an Autonomous State Land Authority.** The State Land Authority shall be established under the State Land Board and will be managed by civil servants hired by the state ministry on recommendation of the State Board. The State Land Authority will include land use planning and management and land administration departments.
7. **Establishment of a County Land Authority (CLA) in each county in Southern Sudan.** The CLA shall be an oversight and advisory institution with members drawn from relevant county departments, traditional authority, payam administration, women, and other groups as necessary. CLA members shall be appointed by the governor on recommendation by the county commissioner.

8. **Establishment of a County Land Office under the CLA.** Such an office will be managed by a professional civil servant whose composition shall depend on the level of activities to be determined. Its functions shall include receiving and processing applications for land survey (demarcation) and land registration; receiving and processing land disputes; and providing support to payam land councils and traditional authorities to resolve them.
9. **GOSS Establishment of a Land Disputes Resolution System.** The GOSS shall establish a system of land dispute resolution that is transparent, decentralized, and informed by customary norms of dispute resolution.

EXERCISE THREE: PARTICIPANT RESPONSES REGARDING POLICY OPTIONS ON LAND ADMINISTRATION AND DISPUTE RESOLUTION

Group 1			Group 2			Group 3		
mostly agree	mostly disagree	proposed modification	mostly agree	mostly disagree	proposed modification	mostly agree	mostly disagree	proposed modification
Group size = 11			Group size = 14			Group size = 13		
Policy Option No. 1: Power of Compulsory Land Acquisition								
11	0		0	14	Consult community to acquire land	13	0	Acquisition for public interest
Policy Option No. 2: Decentralized Land Administration								
11	0		14	0		13	0	
Policy Option No. 3: Creation of an Autonomous Land Administration and Management Authority								
0	10	Creation of land administration and management authorities by levels of government	14	0		13	0	
Policy Option No. 4: Establishment of a Semi-Autonomous GOSS Land Administration and Management Board								
10	0		12	2	Members should also be drawn from state ministries	13	0	
Policy Option No. 5: Establishment of a State Land Board								
10	0	Include traditional authorities on state boards	14	0		13	0	
Policy Option No. 6: Establishment of an Autonomous State Land Authority								
10	0		14	0	Replaced the word "hired" by employed or recruited	13	0	
Policy Option No. 7: Establishment of a County Land Authority (CLA) in each County in Southern Sudan								
10	0	Yes but for issues between traditional authority areas that are beyond one county a state board is required. (Covered under option 5.)	14	0		13	0	Youth and other groups should be represented
Policy Option No. 8: Establishment of a County Land Office under the CLA.								
10	0		14	0		13	0	
Policy Option No. 9: GOSS Establishment of a Land Disputes Resolution System								
10	0		14	0		13	0	Replace norms with beliefs/legal system

Group 4			Group 5					
mostly agree	mostly disagree		mostly agree	mostly disagree	proposed modification			
Group size =14			Group size=17					
Policy Option No. 1: Power of Compulsory Land Acquisition								
0	14	Government should first consult the community	17	0				
Policy Option No. 2: Decentralized Land Administration								
14	0		17	0				
Policy Option No. 3: Creation of an Autonomous Land Administration and Management Authority								
14	0	Implementation should be carried out by state government	17	0				
Policy Option No. 4: Establishment of a Semi-Autonomous GOSS Land Administration and Management Board								
14	0	Implementation should be carried out by state government	17	0				
Policy Option No. 5: Establishment of a State Land Board								
14	0		17	0				
Policy Option No. 6: Establishment of an Autonomous State Land Authority								
14	0		17	0				
Policy Option No. 7: Establishment of a County Land Authority (CLA) in each County in Southern Sudan								
14	0		17	0				
Policy Option No. 8: Establishment of a County Land Office under the CLA.								
14	0	Consider agriculture under "others"	17	0				
Policy Option No. 9: GOSS Establishment of a Land Disputes Resolution System								
14	0		17	0				

APPENDIX 6: EXERCISE 4 – PARTICIPANT RANKING OF MOST VULNERABLE GROUPS AND PRIORITY ISSUES FACED BY EACH

Priority Issues Under the Five Most Important Cases		
Rank	Case	Key Issues
1	Pastoralist and Farmers	<ul style="list-style-type: none"> • The colonial boundaries of 1956 should be respected in all the counties of Lakes State; • Prior knowledge of those seeking access to water and pasture to those that are going to be affected; • Existing cattle camps should retain their original names; • Dig water canals within the low natural land of wadi; • Separate cultivated land from grazing land; • Rearing of cattle must be a priority to be given through regulations by traditional authority and local government; • Sanctions against theft of cattle should be spelt out in a law; • Set up a board to resolve disputes arising from stealing cows and those not carefully looking after them; • Protect water points; and • Local governments and traditional authorities should enforce proper use of grazing and agricultural land.
2	IDPs and Demobilized Soldiers	<ul style="list-style-type: none"> • Local governments should help IDPs to have temporal settlement; • Chiefs should allocate land to IDPs. IDPs should consult government leaders and community chiefs before settling on any land; • They should be given land for the construction of health facilities; • State governments should allocate land to accommodate IDPs in their states and counties; • Demobilized soldiers should be allocated a piece of land in both urban and rural areas; • Demobilized soldiers should be given employment in state and county offices; • The government should provide demobilized soldiers with financial support to buy land in urban areas; • Chiefs should give free land to demobilized soldiers; and • Land should be allocated to develop training facilities in income generating activities for demobilized soldiers.
3	Subterranean Resources	<ul style="list-style-type: none"> • Demarcation of communities and state boundaries; • Government consultation with the communities; • Agreement between the government and communities concerned; • Resettlement areas and compensation for the affected communities; • Shares to be given to the community (2% as stipulated in the CPA); • 60% of the local population should be employed; • Protection of environment from pollution; and • Respect of local cultures and values.

Priority Issues Under the Five Most Important Cases		
Rank	Case	Key Issues
4	Women	<ul style="list-style-type: none"> • In urban areas, women should access and own land; • In rural areas they should access and acquire land subject to customary laws of the community; • They should inherit land from their husbands in urban areas but in rural areas this is subject to having had children with their late husbands; • They should own land for investment in both urban and rural areas; • They have the right to sell or lease land whether rural or urban; • They have the right to protection in relation to their rights on land; • In urban areas they should have the right to renew their leases while they should hold land on freehold in rural areas; • Women organizations have a right to acquire both rural and urban land • They have the right to use land whether urban or rural
5	Vulnerable groups	<ul style="list-style-type: none"> • Provide land to establish their centers; • Provide vocational schools for them; • Provide them with residential plots; • Locate health services and centers nearby should have access to commercial/business plots; • Access to formal education; • Government allocated land for establishment of residential estates and hires for the disabled; • Land committees at all levels should include representatives of the vulnerable groups; • They should have security; and • Vulnerable groups should be put into cooperatives

APPENDIX 7: EXERCISE 5 – BENEFITS AND CHALLENGES FACING EXTERNAL INVESTMENT

PART (A): INVESTMENT BENEFITS AND CHALLENGES

Investment Benefits	Groups Indicating Benefit	Investment Challenges	Groups Indicating a Problem
Provides job opportunities/employment	5 out of 5	May cause displacement of local communities	3 out of 5
Opportunity to reduce commodity prices	1 out of 5	May cause destruction or degradation of the environment	4 out of 5
Provides development opportunities (infrastructure, schools, clinics)	2 out of 5	May contribute to exploitation of natural resources not provided for in the contract	2 out of 5
Offers capacity building opportunities	3 out of 5	May negatively impact on cultural or traditional norms and practices	4 out of 5
Contributes to state incomes/revenue and boost local economy	2 out of 5	May cause land shortage due to population increase	2 out of 5
Provides a new range of goods to the local community	1 out of 5	May cause inflation or high cost of living	1 out of 5
Provides an opportunity to raise local living standards	2 out of 5	Introduction of new transmittable disease (HIV-AIDS)	2 out of 5
Provides opportunities for earning foreign exchange	1 out of 5	Introduction or promotion of sale of illegal arms	1 out of 5
Provides opportunities for developing entrepreneurial skills	1 out of 5	Foreign investors may out-compete local investors and throw them out of business	1 out of 5
Promotes cross-cultural integration	1 out of 5		
Promotes tourism	1 out of 5		
Promote agricultural reforms/new agricultural technology	2 out of 5		
Contributes to reduction of commodity prices from increased production	2 out of 5		
Provides services (food items, clothes, etc)	1 out of 5		

PART (B): RECOMMENDED RIGHTS FOR DOMESTIC AND FOREIGN INVESTORS

Proposed Rights for Domestic Investors	Groups Indicating Right	Proposed Rights for Foreign Investors	Groups Indicating Policy
Right to protection and security	2 out of 5	Right to use allocated land	1 out of 5
Right to renew leases	2 out of 5	Right to lease renewal	3 out of 5
Right to use allocated land	1 out of 5	Right to lease land (10 years, negotiable term by government at all level, minimum of 49 years, 5 to 10 years)	5 out of 5
Right to a delayed freehold land regime	1 out of 5	Should present a project document to GOSS, state, county, community and clan	1 out of 5
Should have land on a lease basis (40 years, maximum 30 years)	4 out of 5	Right to security, supervision and monitoring	3 out of 5
Should build permanent (concrete) structures	1 out of 5	Should address or meet public interest	1 out of 5
Should play a role in social economic development activities	1 out of 5	Should apply for land to the state or county government following land administration and management procedures	1 out of 5
Recruit locals when employing	1 out of 5	Pay rent according to size of land and period of lease	1 out of 5
Should train local people	1 out of 5	Pay lawful taxes	1 out of 5
Should protect the environment	1 out of 5	Abide by all policies related to land and indigenous culture	1 out of 5
Should apply for land to the state or county government following land administration and management procedures	1 out of 5		
Pay less fees for the land compared to foreign investors	2 out of 5		

PART (C). RIGHTS OF COMMUNITIES

Rights for Communities	Groups Indicating Right
Right to own land	2 out of 5
Right to protect their land	1 out of 5
Right to be consulted when government or investors want to acquire their land	1 out of 5
Right to lease out their land	1 out of 5
Right to be protected from being exploited by investors	2 out of 5
Land shall pass back to the community at termination of the lease while capital is taken by the investor	1 out of 5

Rights for Communities	Groups Indicating Right
Companies should register and partner with community	1 out of 5
Communities should get compensation whenever affected by the investments	1 out of 5
Receive social services from investors	1 out of 5
Get employment for their people	1 out of 5
Communities should be issued with land certificates	1 out of 5

PART (D): LAND ADMINISTRATION:

Responsible for Administration of Contracts Between Community and Investor/State and Investor	Groups Indicating Responsibility	Land to be Demarcated and Registered¹	Groups Indicating Responsibility
State government in consultation with county authority and concerned community	2 out of 5	Plots in urban areas (industrial land, residential plots, commercial areas, government institutions, religious centers, investment areas, etc)	3 out of 5
Government and community	1 out of 5	Agricultural and mining land in rural areas	1 out of 5
Relevant or concerned Ministry at GOSS or state level	1 out of 5	All land should be demarcated, registered, and titled	1 out of 5
Local government and traditional authority at county level	1 out of 5	Not properly answered	2 out of 5
		Clan land in rural areas	2 out of 5
		In rural areas: household, community centers, grazing land, fisheries centers, etc.	1 out of 5

¹ Titles shall be issued to the holder of the land— individuals, companies, institutions, clans, etc. Some groups did not answer this part of the question.

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