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SUDAN RURAL LAND GOVERNANCE (SRLG) PROJECT

WORK PLAN

OCTOBER 1, 2012–FEBRUARY 23, 2014

NOVEMBER 2012

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ACRONYMS AND ABBREVIATIONS

CBNRM	Community Based Natural Resources Management
CLA	County Land Authority
COP	Chief of Party
EGPSS	Economic Governance Project
FAO	Food and Agriculture Organization
CSO	Civil Society Organization
GIS	Geographic Information Systems
GOSS	Government of South Sudan
JLIC	Jonglei Land and Investment Commission
NGO	Non-Governmental Organization
NPA	Norwegian People's Authority
NRC	Norwegian Refugee Council
PIA	Public Information and Awareness
ROSS	Republic of South Sudan
SRLG	Sudan Rural Land Governance
SSLC	South Sudan Land Commission
STTA	Short Term Technical Assistance
SWG	State Working Group
ToT	Training of Trainers
UN	The United Nations
USAID	United States Agency for International Development
WCS	Wildlife Conservation Society

EXECUTIVE SUMMARY

The Sudan Rural Land Governance (SRLG) Project is still waiting for the approval of the draft national land policy which was submitted in February 2011 to the Ministry of Legal Affairs and resubmitted in February 2012 to the Office of the President. Despite delays in the approval of the land policy the project will continue to support the South Sudan Land Commission in finalizing the analysis of the Land Act 2009 and other related legislation identifying gaps and inconsistencies with the land policy by December 2012. In view of the critical importance of the land policy, the SRLG will support the Land Coordination Forum as the platform for encouraging the GoSS to proceed with the review and eventual adoption of the draft land policy. As a way of moving legal reforms forward, the project will, in the coming six months, use findings from activities already implemented to finalize three legal briefs on investment, land conflicts, and land use planning.

At state level, SRLG will work with relevant authorities in Jonglei and Western Equatoria to draft three sets of implementing regulations relating to operationalization of county land authorities, conflict resolution, and investment. Considerable progress has been made in the development of state – level regulations for operationalizing CLAs in both Jonglei and Western Equatoria States. While it is planned to finalize the CLA regulations by December 2012, work on the other two sets of regulations is scheduled for completion by July 2013 as the project is still in the process of hiring a specialist on land conflicts and another on agricultural investment. The developed regulations will enable state and county authorities to manage land conflicts and facilitate investment in their areas.

The implementation of new structures such as county land authorities is always challenging, especially in a context where provisions of the Land Act 2009 and the Local Government Act 2009 concerning land authorities at county level are yet to be harmonized. The project will as a matter of priority support the establishment and operationalization of two pilot County Land Authorities, one in Bor County, Jonglei State; and the other in Yambio County, Western Equatoria State. One of the major activities to be implemented by March 2013 will be the construction of CLA offices and institutional assessments for training and capacity building of CLA members. Further, the project will support the institutional development of County Land Authorities for them to better manage resource based conflicts at county and community levels, and facilitate access to land by investors.

The land use planning activity that is being implemented in the sudd of Bor County aims at creating an environment characterized by reduced conflict and increased opportunities for investment. In working towards this objective the project will in the coming three months focus on a land use planning public information and awareness campaign, assessment of existing data on land conflicts, data gathering from state/county government, civil society, traditional authority, and user groups; and site visits for purposes of identifying areas of high development potential. During the same period, three technical studies on soil suitability, planning standards and environmental assessment will be conducted for purposes of informing land use proposals.

Following on the heels of the public information and awareness campaign the project will facilitate participatory community mapping as part and parcel of the planning process. Given the prevalence of resource based conflicts involving pastoralists, farmers, fishing groups, wildlife, human settlement, etc. in Bor County, the project will, in collaboration with the Norwegian Refugee Council, give initial priority to the development of a dispute resolution methodology that will be applied to the planning process. Given the participatory planning approach, land use proposals will be an outcome of negotiation among stakeholders and will include agreed rules and protocols for the shared use of common property resources. Through the planning process suitable land will be identified for investment and investment requirements and procedures clearly outlined.

The project will implement the land inventory methodology, recently approved by USAID, for Yambio Payam. In order to enhance impact, the project will continue working with the State Ministry of Physical Infrastructure and Public Utilities, State Land Commission, and the Yambio County, Payam, and traditional authorities in facilitating a land inventory public information and awareness campaign, demarcation of land, determination of primary and secondary rights and recording of rights within the context of a land inventory that is necessary to improve security of tenure, promote equity, and provide the formalization necessary for land market development and land leasing contracts. As a way of complementing efforts by the FARM Project at improving agricultural productivity the project will work with communities to identify land suitable for investment, facilitate land consolidation and the securing of transactions. Work with communities, county and state authorities will also involve the development of protocols for community engagement with investors.

To ensure the timely completion of fieldwork on the pilot land inventory and land use planning, the project will make use of multiple field teams composed of SRLG technical staff and technical representatives of the state and local governments. Some fieldwork will be subcontracted to project trained local individuals and groups. Subcontracting of work to trained local individuals and groups is expected to help in building rapport with communities and enhancing project impact and opportunities for replication.

COMPONENT I: SUPPORT THE SOUTH SUDAN LAND COMMISSION TO REFINE THE LAND ACT 2009 AND RELATED LEGISLATION

ACTIVITY AREA I.1: PROVIDE TECHNICAL SUPPORT TO SSLC

The South Sudan Land Commission (SSLC) is a weak institution with 35 staff members of which only four are considered technical staff. The remaining members are the Chairman, the Executive Director, two commissioners and administrative and financial staff members. The imbalance between technical and support staff is a constraint for the effective functioning of the Land Commission as a technical body. The SSLC may be allocated additional staff if the Ministry of Labor approves these requests. UN-Habitat provided two technical specialists (an urban and land use planning specialist and a communications and information specialist) on a short-term basis but their contracts have ended. SRLG has and will continue to build the capacity of the SSLC as an ongoing and continuous activity within the framework of the SSLC's Strategic Development Plan 2011 – 15. Training of SSLC staff will continue on the basis of need and the acquired knowledge and skills will enable the Commission to effectively participate in the refinement of the Land Act 2009 and its implementing regulations, as well the other legislation proposed in the Land Policy.

SRLG will continue to mentor SSLC staff as possible by including technical staff in the implementation of SRLG project activities. One SSLC staff member, Butrus Apollo, has worked with the SRLG Land Administration Specialist on the pilot land inventory activity in Western Equatoria for on-the-job training. He also attends all relevant SRLG workshops to further enhance his understanding of land tenure issues. Moving forward, SRLG will broaden mentoring to include other SSLC technical staff and develop their knowledge and skills in land policy and legislation development, including but not limited to on-the-job training in specific areas as these tasks come up during the process. The need for this support was identified in the SSLC's Strategic Development Plan 2011 – 15. As well, SRLG will continue to provide limited logistical support to help mitigate the effect of the austerity measures imposed on Government of South Sudan (GoSS) institutions on the SSLC's operations.

The SSLC action plan is being drafted and SRLG will use it as an instrument to move forward its partnership with SSLC. SRLG will also continue to support SSLC to appropriately respond to emerging land issues by facilitating and convening stakeholders' meetings at the national level and support joint activities in the two pilot states.

ACTIVITY AREA 1.2: SUPPORT LEGAL REVIEW AND REVISIONS

As stated in the executive summary, the approval process of the draft National Land Policy has delayed the review of the Land Act and the discussions of recommendations for potential amendments. In anticipation of the enactment of the National Land Policy the SRLG team has developed a report outlining the constraints and gaps which need to be addressed during the review of the Land Act. SRLG will continue to consult with relevant stakeholders such as the Ministry of Justice, Ministry of Housing and Physical Infrastructure, the Judiciary, Land Commission and the Law Reform Commission to elicit their input in potential revisions to the Land Act. While waiting for the official approval of the draft policy, SRLG will hold a participatory workshop to give stakeholders a forum to share their views and comments on the Land Act and potential amendments to the Act.

SRLG is actively engaged in promoting the increased relevance of the Land Coordination Forum as a platform for encouraging the GoSS to proceed with the analysis and eventual adoption of a comprehensive National Land Policy, based on the currently tabled draft. As well, SRLG is actively seeking increased high-level support from the USAID Mission in support of the Land Policy issue. The USAID Economic Governance Project (EGPSS) is coordinating with SRLG in this effort at the request of USAID.

SRLG is prepared to support GOSS in providing background or drafting necessary revisions of the Land Policy. The project will provide public awareness and stakeholder forums to share and discuss the land policy with members of Parliament, GOSS, state and local government and the public.

ACTIVITY AREA 1.3: PREPARE THREE LEGAL BRIEFS AND TWO PRACTITIONER'S GUIDES

The project has already prepared drafts of three legal briefs on investment, land conflicts, and land use planning respectively. In the coming six months the briefs will be presented for feedback at a workshop with the National Land Sector Committee, including representatives from SSLC, Ministry of Justice, Judiciary, Ministry of Housing and Infrastructure, Constitutional Review Committee, the Bar Association and the University of Juba. The legal briefs are expected to inform the revision of the Land Act, once the National Land Policy has been adopted. The National Land Sector Committee convened their first meeting in May 2012 to discuss their roles and their plan of action for the coming year.

The SSLC will receive the project's technical support in preparing two practitioner's guides; one on land conflict resolution and the other on investment informed by pilot activities in Western Equatoria and Jonglei States.

COMPONENT 2: SUPPORT STATE LEVEL AUTHORITIES TO DRAFT IMPLEMENTING REGULATIONS

ACTIVITY AREA 2.1: ESTABLISH STATE - LEVEL ACTION PLANS

SRLG had delayed its efforts to establish state-level action plans until the National Land Policy was adopted and amendments could be put forth for the Land Act 2009. As the draft policy is still waiting for a comprehensive review, SRLG will move forward at the state level, while continuing to promote the early adoption of the National Land Policy and the implementation of the various measures included in the policy statements (Community Land Act, Town and County Land Use Planning Act, Land Registration Act, Land Survey Act, revision of the Land Act 2009, etc.).

SRLG will engage in state level land, conflict and investment regulations and policies review in Western Equatoria and Jonglei States. The reviews will be designed to be consultative of stakeholders and have two main objectives. The first is a review of the legal and institutional framework for conflict mitigation and investment. The second objective is an assessment of the training and capacity building needs in the respective states. The findings of the review will inter alia, guide the development of land conflict and investment regulations at the state level, the capacity building of CLAs, as well as support land inventory and land use planning work.

The national level Training of Trainers (TOT) on land administration and conflict resolution was successfully completed in January 2012. SRLG will follow up this activity by developing training modules and facilitating training at state level on same but with clear attention to investment. As part of state/county level training SRLG in collaboration with the IFC, NRC and the FARM Project will organize in country land conflict resolution and investment study tours for CLAs, government officials, and communities.

ACTIVITY AREA 2.2: SUPPORT STATE - LEVEL LEGAL DRAFTING AND FORMULATION OF MODEL CLA

In Western Equatoria State, which this year promulgated a state transitional constitution, the Ministry of Physical Infrastructure and Public Utilities drafted a Land Administration and Management Bill, which is currently before the State Assembly. There remains confusion as to whether the Bill is a state land act or implementing regulations for the national Land Act 2009.

SRLG has developed state – level regulations to operationalize County Land Authorities. It is planned to finalize the draft regulations by December 2012. By January 2013 it is planned that the Land Conflicts Specialist and the Agricultural Investment Specialist will be in post and the two will spearhead a participatory process in the preparation of land conflict resolution and investment regulations respectively. Between May

and July 2013, three workshops will be convened in Juba to review and harmonize Western Equatoria State and Jonglei draft regulations prior to submission by respective state governments to their legislatures.

SRLG will step up the capacity building process for the land administration authorities by rolling out the training programs on various topics ranging from land policy, legal reform, and land use planning and land administration. SRLG will build upon the training completed in the pilot states with more training to enhance the capacities of the CLA members and other stakeholders dealing with land administration. The opening of the two field offices in the Yambio and Bor will greatly facilitate the process.

COMPONENT 3: SUPPORT TWO COUNTY LAND AUTHORITIES

The implementation of new structures is always challenging, especially in a context where provisions of the Land Act 2009 and the Local Government Act 2009 concerning land authorities at county level are yet to be harmonized. County Land Authorities are institutions that are conceived to bridge customary and statutory land management. Among other functions, they are expected to facilitate access to land by investors and better manage resource conflicts at county and community levels. SRLG took the approach to begin implementation of this activity early so as to make sure that the CLAs become functional in both states during the second year. However, to make effective these institutions, CLAs would need permanent office space at the county level, office furniture and equipment, and capacity building.

ACTIVITY AREA 3.1 ESTABLISH AND EQUIP CLA OFFICES

SRLG strategy is to build county land authority offices in Yambio County, Western Equatoria State and Bor County, Jonglei State. Preparation of building plans and other specifications for the buildings was completed and the RFP for construction will be sent to USAID for approval this November upon approval of the Environmental Review Form (ERF). Construction of both offices is scheduled to begin this December and end in March 2013.

All office furniture, equipment, and vehicles were purchased and delivered to temporary offices in Yambio and Bor that the SRLG is sharing with local partners.

ACTIVITY AREA 3.2 DETERMINE CLA STRUCTURE AND SELECT MEMBERS

In 2012 Western Equatoria and Jonglei States made significant progress in drafting state level guidelines for the operationalization of County Land Authorities. During preparation of the guidelines, public consultation workshops were convened with stakeholders in both states so as to ensure a participatory process. The guidelines will be an important instrument that could be used at a later date for replication of County Land Authorities.

In Western Equatoria State, where the state legislative assembly is expected to approve state land regulations by the end of this November, the project plans to facilitate in December, the selection of CLA members, recommendation by the County Commissioner, and appointment by the Governor in terms of Section 44 of the Land Act 2009. The project will work with Jonglei State in adapting Western Equatoria State land regulations and facilitate the establishment of a County Land Authority in Bor by February 2013.

ACTIVITY AREA 3.3 PROVIDE TRAINING AND CAPACITY BUILDING

Soon after their establishment, the SRLG will carry out a needs assessment for training and capacity building of County Land Authorities.

In April, a five day training course for County Land Authority members will be convened in Juba. For four days County Land Authority members, through STTA, will be trained on management planning, budgeting, and ethics. The fifth day will be devoted to training on land use planning and land inventory.

Over the period May – July, two County Land Authority members from each of the model CLAs, a representative of the SSLC, representative of the State Land Commission (SLC), and member of the SRLG will conduct a five day study tour to Botswana to allow CLA members the opportunity to compare their management structure and activities with more established land boards. A similar team will participate in a study tour to Ethiopia to learn how land administration is structured at the woreda and kebele levels and how resources are programmed at regional levels in annual work plan and budgeting exercises. The Botswana trip will be organized in collaboration with the Government of Botswana but the study tour to Ethiopia will be facilitated in collaboration with USAID's LAND project and partners from Tetra Tech's Ethiopia Land Administration Project. Upon return to South Sudan, CLAs will build on lessons learned during the study tours to develop management plans, budgets, and codes of ethics.

In addition SRLG will collaborate with the FARM Project and IFC in organizing in country study tours for CLAs, state officials, and community members. Western Equatoria State participants will visit successful FARM field sites in Eastern and Central Equatoria to increase their awareness of concepts such as land consolidation, alternative agrarian models, and the importance of tenure security for investment. Upon return to Western Equatoria State participants would be able to serve as champions of SRLG reforms and FARM style investments. The IFC will assist with identifying good examples of investment, which along with FARM examples will serve as a basis for a study tour in South Sudan. During the tour, the SRLG will brief participants on the state legal framework, options for granting land access, and the benefits and risks involved. The study tour is planned to conclude with a participants debriefing by the IFC on investment best practices and challenges. Upon returning home participants would serve as resource people for building awareness in their respective areas.

Other training linked to study tours will be offered by the FARM Project in building the capacity of CLAs in investment enablement to cover topics in value addition, and food security that create value in land, and small farmer investment models.

COMPONENT 4: BUILD CAPACITY OF STATE AND COUNTY LEVEL LAND AUTHORITIES THROUGH SITE SPECIFIC ACTIONS

ACTIVITY AREA 4.1: LAND USE PLANNING IN THE SUDD OF BOR

SLRG faces four major challenges as the project moves in the implementation of its activities in the field: 1) the absence of planning legislation to guide planning in rural areas and urban settlements (the Land Act of 2009 repealed the Urban Planning and Land Disposal Act of 1994 without readily available substitution in place); 2) the absence of a land-use planning framework in the rural areas which is fostering the development of conflicts between land-uses, especially the grazing demands of pastoralists and arable land needs of sedentary farmers; 3) the limited availability of skilled and experienced human resources in the key areas of planning, land survey and land administration; and 4) the lack of clearly demarcated boundaries is fuelling numerous conflicts at all levels. These challenges are contributing to insecurity in the state. Territorial land claims and counter claims are widespread, while communities are using boundaries to deny others access to common property resources. SRLG will focus its activities in the portion of the Sudd that is located in Bor County. In the Sudd, SRLG will focus on developing a set of rules that govern access and utilization of the Sudd. Activities will also focus on mitigating conflicts amongst different resource users, especially pastoralists, fishermen and farmers. An overarching goal is managing the interests of different resource users and the ecological capacity of the Sudd. Outside the Sudd, activities will focus on mapping of cattle routes and cattle camps, renegotiating cattle routes in Makuach and Anyidi Payams; and the planning of land for different land uses. The end product of the process, as defined by a land use plan and an environment characterized by reduced conflict, provides the enabling environment for promoting investment.

4.1.1 Assess Existing Data/Information, Lessons Learned and Community Maps

Work on the assessment of existing data is continuing. Of particular interest is information relating to conflict mitigation work. Efforts are being made to collect literature on studies of land conflicts in South Sudan, with a special focus on Bor County and the state of Jonglei. A review of the literature will inform the next steps on conflict mitigation, including the desirability of commissioning further studies to support SRLG work. Following the draft land use planning methodology, it has become necessary to further investigate the literature available on the Sudd and its state as a Ramsar Conservation Site. To this end, efforts are being made to collect related literature on this subject. Such information will inform the planning and conservation activities for the Sudd of Bor County. To support primary data collection, research instruments were developed to facilitate such an exercise. The activity targets resource user groups (fishers and youths in cattle camps) and stakeholders (government and civil society organizations) working in Bor County. A series of reconnaissance trips to the Nile River frontage are also planned. The site visits are meant to identify places

along the Nile that have a high development potential (e.g. places on highlands that can be used for tourist development). Such information will be used in developing the land use plan, particularly the zoning component. The activity also includes the taking of photographs for identified development sites.

4.1.2 Capacity Building to Prepare for the Land Use Plan

The complexity of land use planning at the community level requires building the capacity of various stakeholders to develop the same land use planning goals, management plan, and the roles and responsibilities of various stakeholders. An important step towards this is the establishment of the County Land Authority for Bor County (see Component 3). By setting up this institutional structure, SRLG will have laid the foundation that defines the institutional home and related implementation mechanisms for the land use plan. Upon completion of the land use plan, it is envisaged that the State Legislative Assembly will pass a resolution that declares the land use plan as a statutory instrument (see land use planning methodology paper). Moreover, to ensure that the process is replicable, SRLG has to make sure that the stakeholders involved in land use planning and management are trained on basic instruments that will enable them to perform their activities. SRLG plans to implement all the activities in a participatory and inclusive manner.

As part of capacity building for land use planning, SRLG will conduct training on land-use planning, targeting the State Working Group (SWG), County Land Authorities, and any other key government officials. The training module will cover the following issues: rationale of land-use planning in rural contexts, rural land problems and the relevance of land-use planning, development needs and land-use planning, tenure rights and land-use planning, methodologies of developing a land-use plan, stakeholder participation and community participation in rural land-use planning, legal issues in land-use planning, competing land-use demands and reconciling demands of conflicting land-uses, environmental sustainability and land-use planning, institutional and implementation frameworks, rules and regulations supporting implementation of land-use plans, trade-offs in land-use planning, monitoring the performance of land-use plans, and reviewing land-use plans.

Such training will build the skills of these stakeholders to participate effectively in the land-use planning activity. Moreover, the participation of local authorities and community leaders in Bor County will allow them to get a better understanding of land use as well as determining the roles and responsibilities of the various stakeholders.

As an important element of the land use planning process, SRLG will develop and implement an STTA on Community Based Natural Resource Management (CBNRM). This STTA will contribute in the building capacity of members from selected communities residing along the Sudd of Bor County with skills on how to deal with issues relating to the management of common property resources. This does not mean that the project will bring in new management options but rather will explore with the communities the options that they have been using and how to improve them. As such, this activity will focus on key natural resources including pastures, fisheries and water points and address key issues concerning the principles of CBNRM, functions of CBNRM, institutional arrangements in CBNRM, benefits and costs of CBNRM, and managing boundary issues in CBNRM, especially in conflict situations.

4.1.3 GIS Mapping of the Bor-Terekeka Conflict Area of the Sudd

GIS is an important component of the land use planning. In the context of the Jonglei State, SRLG will build on the work and available data from the Wildlife Conservation Society (WCS). There will not be replication of efforts but rather differentiation on the levels of implications. WCS work targets the macro level while SRLG targets the community and local level land use planning. As such these two activities are complementary. SRLG plans to use the Tetra Tech ARD staff to assist the team on the GIS component and ensure that similar efforts are devoted to Bor. Moreover, SRLG anticipates using STTA for GIS work on land conflicts in the Sudd. This will, among other things, generate data on location of conflict sites by type of conflict, payam and community/ethnic boundaries, existing physical infrastructure, settlement patterns along the Nile river, cattle and wildlife crossing points, location of gardens, spatial extent of cultivated lands,

location of fishing points, cattle routes, settlement patterns of pastoral communities, areas for potential investment (e.g. oil explorations), wildlife conservation areas, wildlife corridors and other aspects of land-use systems.

4.1.4 Development of Land Use Plan

The process of developing a land use plan involves a series of steps found below. The detailed version is outlined in the land use planning methodology.

Developing legal options for supporting land use planning: As a first step, SRLG will seek to establish the legal framework currently used to facilitate planning in Jonglei State. This work will build on the legal brief (currently existing in draft form) on land use planning. The next stage will be on developing options for making the land use plan a legal document. Depending on the outcomes, follow-on activities could be on mobilizing the State Working Group, Ministry of Justice and the State Legislative Assembly of Jonglei State to prepare (and hopefully enact) a resolution/decreed that will make the land use plan a legal document, thereby providing for enforcement of its implementation. As already indicated, the County Land Authority is expected to be the implementing authority.

Demarcate the planning area: GIS support to date has focused on the physical demarcation of the planning area, which is defined by the administrative boundaries of Bor County and the section of the Sudd that has a boundary with that county. This task is almost complete, with base maps already in place (largely in soft copy) (see also the section on GIS mapping). However, the major challenge is the conflicting payam boundaries that exist. For practical purposes, the land use planning component uses the payam as the smallest planning unit, and hence the significance of payam boundaries. More work will be undertaken in finalizing the Bor County payam boundaries. To support the mapping process, SRLG will acquire a plotter to facilitate the printing of maps. Steps are being taken to facilitate acquisition of this piece of equipment.

Mapping of existing land use patterns and infrastructure: The basis of land-use planning in the project area is premised on existing land-use patterns. The settlement hierarchy is divided into town and rural settlements. Bor town is the key settlement with an urban character. Rural settlements tend to be concentrated along major access routes that service payams. Insecurity problems have reinforced this set-up as people migrate from insecure areas to safer areas along transport routes. Supporting rural settlements are local government administration centers, commonly referred to as Payam Headquarters. Existing public/institutional land uses include schools, clinics and churches. In some payams, there are development activities by NGOs, while in other situations private agencies, though few, are implementing some economic activities. Communities are also involved in a range of economic and livelihood activities, including charcoal-burning, and the supply of wooden poles and bamboo (*gaana*) for use as construction materials in towns. The immediate task is to identify and locate, with the participation of communities, all such development activities, followed by the taking of GPS readings. Where appropriate, detailed case study profiles will be developed in order to build a good knowledge base of existing land uses and how this relates to the natural resources of the area. Data will also be collected on places of historical and cultural importance, examples being sacred forests, burial places and sacred pools on rivers. In addition places used as sources of thatching grass and wood collecting areas will be located and geo-referenced.

Mapping of stakeholders: It is important for the land use planning intervention to identify agencies with a stake in the Sudd region of Bor County. Such stakeholders include government (national, state, county), communities, chiefs, and other groups of resource users (the local population), private sector (e.g. oil companies with oil claims in the Sudd), non-state development agencies and conservation agencies with activities in the planning area (e.g. WCS). Government actors will involve all relevant ministries that have a stake in the land, especially Ministries of Physical Infrastructure; Agriculture and Forestry Resources; Livestock and Fisheries; Mining; Water and Local Government. The task for the project is to identify any existing government plans and planned activities in Bor County. Further, such Ministries will provide expertise on how the proposed land-use plan can address the needs of their respective sector interests. In pursuit of this, government departments will be expected to articulate how their respective sectors contribute

to conflict management in the Sudd and be able to proffer solutions to address the identified challenges. A research instrument has been developed to guide the stakeholder identification process. The field representative has started work on the implementation of the research instrument.

Technical studies for supporting land use planning: The essence of land use planning is to allocate land to a form of land use that it is best suitable for. In this regard, land use planning in Bor County will be guided by assessments that evaluate the suitability of land in the planning area for various land uses. Given the geography, natural resource endowment, history and livelihoods context of Bor, the obvious land use patterns that can potentially be catered for are: land for urban expansion; commercial fishing along the Nile, community fishing along the Nile, boating and tourism development, environmental conservation zones (e.g. the Sudd), commercial agriculture, industrial (oil exploitation in the Sudd and its hinterland), communal settlement and its supporting land uses (grazing, residential settlements, gardens, community forests) and pastoralist related land uses. It is in this context that SRLG will commission studies that will form the basis of and justification for allocating land to different land uses. The assessments require different expertise, while studies completed in the past on relevant subject issues will substitute for new studies. In general, technical assessments supported by local knowledge where appropriate will be the main tool used in informing the zoning process. The assessments are divided into two, one focusing on the situation in the Sudd and the other on inland Bor. The assessments will cover three main issues: soil suitability analysis for Bor County, development of planning standards and the environmental situation on the Sudd. The first two are a desk study, while the third may use both primary and secondary methods of collecting data. SOWs for these are in place, and efforts towards contracting and commissioning of studies have started.

Community mapping: Community mapping has two important components. The first involves the identification and discussion of relevant issues through focus group discussions and key informant interviews. Each community will be required to identify the set of rules and regulations governing access to fishing places and grazing on the Sudd. Fieldwork to date has established that communities access fishing and grazing resources as bomas, with each group having its own system of regulating use. Currently missing is the overall framework governing access to critical resources in the Sudd. Specific resource users, especially fishermen and youth groups in cattle camps will inform the project on rules governing resource use and access. Information collected will be used in developing the framework for regulating resource use and conflict management. Interview checklists will be used to guide discussions with communities.

The second component is the mapping by communities of existing land use practices as defined by settlement patterns, road infrastructure, public/institutional land uses (location of payam headquarters, schools, clinics), pastoralist related infrastructure (cattle camps, cattle routes, grazing areas), arable fields and the location of fishing places on the Nile river. Some settlements are shown on existing maps, others not necessarily so. Using maps produced by the GIS Specialist, communities will map any settlements that are not currently depicted on existing maps. A complete picture of existing settlements will also show the existing road infrastructure, institutional land uses and any other economic activities taking place at the Boma and payam levels. This work will begin at the end of the rain season.

Land use plan development: In principle, the development of the land use plan in the project area will be guided by technical assessments and the decisions of communities as captured in existing practices and their land use preferences. Ultimately, land use proposals will be a negotiated product, reconciling and promoting the interests of all stakeholders as identified in the context of this intervention. Work on this will commence upon completion of the technical studies and the community mapping exercise.

The finalized land use plan will serve as a model for future land use planning, especially during the implementation of the Town and Country Planning Act. Proposed as part of the Draft National Land Policy.

4.1.5 Conflict Mitigation

Multiple approaches are proposed to deal with land conflicts in the project area. Needed initially is a detailed investigation of the dynamics of land conflicts. Issues for further investigation include the historical

development of the land conflicts, types of conflicts, causes and drivers of conflicts, trends and incidence of conflicts, the geographical/spatial extent of the conflicts, existing conflict management mechanisms (including local rules regulating access to pastures) and their effectiveness, policy responses to the conflicts and the existing legal frameworks on conflict mitigation. A research instrument has been developed to facilitate the collection from communities' basic data on land conflicts. Fieldwork on land conflicts is continuing, and so is the review of existing literature on land conflicts. The analysis of existing literature, supported by fieldwork on land conflicts in Bor County will inform the next steps on conflict mitigation. SRLG is pursuing collaboration with the John Garang Memorial University of Science and Technology (JGMUST). Specifically, the faculty and staff of the JGMUST will be subcontracted to conduct conflict mapping as part of conflict assessment in Bor County. This activity will be carried out in collaboration with NRC and will be programmed once we have agreed on the scope of NRC's participation.

SRLG will use an outreach campaign to disseminate the pilot land-use plan and the regulatory framework to raise awareness of the resources. This is an important activity of the project as it will train resource users on the new rules governing access and use of the resources as well as a monitoring system that will allow all communities to be involved in the control and management of their resources. SRLG will summarize lessons from the land-use planning exercise for possible replication and feeding into other processes, especially the legal review process in SRLG's Component 2.

In summary, land use planning will contribute to reduced conflict stemming from land disputes as well as creating the opportunities for increased investment. As explained, an important priority of land use planning is to mitigate conflicts between pastoralist activities and other land use practices, especially cropping and the development of urban settlements. The mapping of cattle camps and cattle routes is one important step that seeks to identify the conflict flash-points. This will form the basis for negotiating options for mitigating such conflicts. For instance, Makuach and Anyidi Payams in Bor County need alternative cattle routes for accessing the Sudd, following the closure of existing routes by the rapidly expanding Bor town. Through negotiations with both government and community leaders of Makuach and Anyidi Payams, alternative cattle routes will be mapped, directly contributing to reduced conflicts. Another priority of the land use planning component is the development of a set of rules governing access and utilization of the Sudd. Firstly, different pastoralist groups must agree on accessing and sharing of pastures in the Sudd. Secondly, pastoralist groups and fisherman require common understanding on how to manage their different and at times conflicting interests. Thirdly, there is need to balance the interests of cropping and settlement activities in the Sudd and those of pastoralists, and the ensuing conservation demands. By pursuing all these activities, land use planning will make significant impact on reducing conflicts stemming from land disputes.

At the end of it, the land use plan itself is an instrument for promoting investment. The zoning of land for different land uses provides clear indications on what land is available for what type of development. It is envisaged that the land use plan will identify land for investment purposes, especially commercial agriculture, tourist related activities along the Nile River (boating, fishing), partnerships in wildlife related enterprises etc. For instance, discussions have started on the need to provide land for use as demonstration farms in commercial agriculture (rice, livestock, dairy) and fruit production. In the absence of clear legislation that provide for the legal status of the land use plan, SRLG will push for a decree to be passed by the respective State Legislative Assemblies. This will make the land use plan provisions enforceable. Ultimately, this brings the much needed certainty, encouraging investment.

4.1.6 Challenges

Inaccessibility of rural Bor County continues to be a cause of concern during the rainy season. Fieldwork will proceed slowly until sometime in November when the rains are expected to stop. As already mentioned, payam boundaries in Bor County seem to be 'inappropriately' demarcated. Government officials have observed that the payam boundaries indicated on SRLG base maps are inconsistent with what they understand to be the situation on the ground. This potentially complicates our work as this can be misinterpreted by communities and their leaders. Despite this set-back, the proposal on circumventing the

problem is to indicate such boundaries as a ‘shaded layer,’ with a footnote that explains the uncertainty over such boundary provisions.

The change of the Scope of Work for SRLG has seen Terekeka County being excluded from being part of the project area. Whereas minimal activities can still continue, this further complicates conflict mitigation work. In particular, the key deliverable on the need for ‘...agreed rules governing access and use of the Sudd’ is difficult to achieve. The section of the Sudd in the SRLG project area is shared by three counties in three different states. It is reasonable to assume that any boundaries in the Sudd are imagined. Ideally, the agreed set of rules was supposed to be a negotiated product amongst the three counties. This is no longer going to be the case. Even if Bor communities and the Jonglei state government agree to rules governing the use and access of the Sudd, other counties will not be bound to respect such frameworks.

ACTIVITY AREA 4.2: SECURE LAND TENURE WITHIN YAMBIO PAYAM, WESTERN EQUATORIA

Following extensive consultations with stakeholders, the SRLG completed an implementation plan for the land inventory. The plan outlines all the steps to be followed beginning with obtaining the buy in of the state government and ending with developing the tools for replication of the land inventory. In implementing the Yambio Payam land inventory plan, the SRLG will work in partnership with the State Ministry of Physical Infrastructure, the SLC, the Yambio County, Payam, and traditional authorities.

4.2.1 Provide Land Administration Training

In September a GIS technical expert trained SRLG technical staff and the IT Specialist on the use of iPads for mobile field mapping and collection of GIS data. It is planned that the Field Representative will further train at least five officials at state, county, and payam levels in the use of iPads and Google Earth for mapping property boundaries. A field team made up of SRLG staff, state, county, and payam representatives will spearhead work on the land inventory.

SRLG, in collaboration with the NRC will provide one week land administration training to stakeholders at state, county, and payam levels. The aim of the training is to prepare stakeholders for work on developing a land inventory and will place particular emphasis on adjudication, survey, alternate dispute resolution and registration. The NRC has developed a Land and Property Manual and has been providing training in all the ten states of South Sudan. The SRLG team will review the NRC manual and jointly participate in the training under a collaborative arrangement, with no exchange of funds.

The SRLG has put in place a strategy for rolling out field activities in Western Equatoria State: 1) The project now has a field representative in Yambio placing it in a much stronger position to implement field activities. 2) The SRLG Land Administration Specialist will spend much of his time in Yambio to supervise the inventory and registration process in Yambio Payam. 3) The project has filled the position of Land Administration Associate who will devote most of his time to field operations. This three – person SRLG team will provide policy guidance, training, and mentoring to staff from various sectors intervening on land issues. It is planned that at the peak of field work there will be up to six field teams working in Yambio Payam and the three SRLG technical experts will be available to provide effective supervision.

4.2.2 Conduct Public Information and Awareness (PIA) Campaign for Pilot Land Inventory

This activity is scheduled for this December and will prepare the inhabitants of Yambio Payam for developing a land inventory. To avoid confusion, communities need to know what the land inventory offers them, the methodology that is going to be applied, and possible outcomes and consequences of the property rights inventory. The PIA campaign should mobilize the support of the community that is so crucial to the successful implementation of the land inventory.

Assessments conducted in Yambio Payam revealed that the community faced problems of how to deal with outsiders seeking access to their land and natural resources. It is not only members of neighboring communities who are visiting them but national and foreign private entrepreneurs who have been looking for land and other natural resources. The community has no established protocols and skills for negotiating win – win solutions with these external people.

Implementation of the awareness campaign for Yambio Payam will include theatre, radio, and community meetings. While field teams will play a leading role in the roll out of the program, a substantial amount of work will be implemented by SRLG trained subcontractors.

4.2.3 Conduct Pilot Land Inventory

Demarcate boundaries and record ownership claims: The land inventory for Yambio Payam will only cover the rural areas which are defined by sub – administrative boundaries known as bomas. The inventory will not demarcate land parcels within bomas defined as (urban) by the state government. As the State Ministry of Physical Infrastructure is working with UNDP and UN – HABITAT in the urban section of Yambio Payam, they would like SRLG to work in the rural section. The four Bomas included in the land inventory exercise will be Bodo (172.84 km sq), Sawura (47.29 km sq), Ndavura (37.14 km sq), and Nanguma (29.00 km sq). The SRLG land inventory will therefore cover a total area of 286.29 km sq.

Demarcation of boundaries will take place between December 2012 and July 2013 and will involve the following three steps:

Step 1: Organize boma meetings to map boundaries

Step 2: Form boundary committees

Step 3: Demarcate boundaries and record land rights

Demarcation of land, determination of primary and secondary rights, and recording of those land rights within the context of a land inventory is necessary to improve security of tenure, promote equity, and provide the formalization necessary for land market development and land leasing contracts.

Provide Support for Land Conflict Mediation: For Yambio Payam there will be need to assess conflict types, determine the methodology for resolving them and clearly explain to communities the procedures that will be followed. Conflict assessment by UN – HABITAT found that conflicts in Western Equatoria State tend to be more focused on boundary and ownership disputes over crop land, often between communities and the state created by communal land takings for urban expansion and investment. The NRC has substantial experience and skills in dispute resolution and SRLG will subcontract work on developing a land conflict resolution methodology to them.

It is expected that during boundary demarcation disagreements may arise over boundaries or claims to land. The methodology that will have been developed by the NRC will be applied in resolving disputes but the first port of call for dispute resolution will be traditional authority. Contending parties also have the option to pursue alternative dispute resolution mechanisms which include mediation, arbitration, and conciliation. The option of alternative dispute resolution has been made available because in adjudicating land rights, traditional authority has at times been unfair to women, youth, and other categories. Thus provision of alternative access to justice is meant to ensure due process of law to all members of the community. NRC has experience of working on alternative dispute resolution in South Sudan. The SRLG will subcontract the NRC to train selected members of the traditional authority, payam land council, and county land authority in alternative dispute resolution techniques. Should parties to dispute choose the alternative dispute resolution route, they will be referred to relevant trained entities.

Present Inventory for Community Feedback: In order to secure confirmation that the land inventory is agreed, the field team will organize two meetings in each boma and one payam/county level meeting to

present maps and land inventory and solicit feedback from the community. Data collected with the use of iPads can be exported to a GIS and maps generated for public display. Using the GIS software, land inventory data can be stored and managed for display to the community for their feedback.

Register Land Inventory: An ArcGIS integrated database of the land inventory will be developed at the county level because that is the lowest level where some technical capacity exists in the state government and there is opportunity to use the facility in training and building the capacity of the CLA. Records are integrated with those used in the regular land administration system and linked to the register in the State Ministry of Physical Infrastructure to prevent double – allocation of land. The community, individuals, and government will register land using data provided in the land inventory and government procedures.

4.2.4 Facilitate Community/Investor Relationships

During demarcation of boundaries the SRLG will work with CLAs to identify land suitable for investment, and facilitate land consolidation and lease contracts. The SRLG Agricultural Investment Specialist will work with the government, investors, and communities to identify barriers to investment and develop joint solutions.

The SRLG will monitor investments and facilitate negotiations between community and investors for up to two land transactions as possible. This will be achieved through identifying communities that want to enable investment in their area and potential investors. The SRLG will support communities through facilitating meetings and negotiations for land transactions.

ANNEX A: OCTOBER 2012 – FEBRUARY 2014 IMPLEMENTATION PLAN

SRLG Implementation Plan (October 2012 - February 2014)

Activity Area	Tasks	Responsibility	Oct-12	Nov. 12	Dec.12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14
Conduct study tours for CLA members	Organize and travel on study tours	LAS, STTA								X	X								
Develop management plans, budgets & codes of ethics	Develop management plans, budgets & codes of ethics	LAS, STTA									X	X	X	X					
CLA plans vetted by the county and state authorities	Vet CLA plans	COP, LAS, RLTS										X	X	X	X				
Component 4: Build Capacity of State and County Level Land Authorities through Site Specific Actions.																			
Activity Area 4.1: Land Use Planning in the Sudd of Bor County																			
4.1.1 Develop Methodology for Land Use Planning																			
Finalize Methodology Paper	Circulate, receive comments & finalize	RLTS	X																
	Present methodology paper to SWG	RLTS		X															
Defining legal framework for LUP	Develop legal strategy & implement	RLTS, STTA		X	X	X	X	X	X	X	X	X	X						
Describe the planning area	Establish territorial land claims on the Sudd	RLTS		X	X	X	X	X	X	X	X	X	X						
	Develop payam profiles	RLTS, Field Reps		X	X	X	X	X	X	X									
	Take aerial photographs of the Sudd	Subcontractor						X	X										
4.1.2 Undertake PIA Campaign on Pilot Land Use Planning																			
Develop PIA messages	Get feedback from SWG on draft messages	PIC Specialist, RLTS, Field Rep	X																
	Pretest PIA messages with County and Traditional Authorities	PIC Specialist, RLTS, Field Rep			X	X	X												
Train partners on PIA campaign	Train subcontractors on campaign, financial management & M&E	PIC Specialist, M&E, Field Rep		X	X	X	X												
Launching public awareness campaign in Bor	Preparation for launching event for PIA Campaigns	PIC, COP, M&E, Component heads and field reps			X	X													
Implement awareness campaign for Bor	Produce public awareness items for distribution	PIC Specialist, procurement			X	X	X												
	Roll out theater, radio, community meetings, etc.	PIC Specialist, subs, Field Rep					X	X	X										
Assess effectiveness of messaging	Develop interview guide	M&E Specialist, PIC Specialist					X	X											
	Administer guide & analyze results	M&E Specialist, PIC Specialist					X	X	X	X									
4.1.3 Pilot Land Use Plans																			
Mapping of existing land uses & infrastructure	Describe & map existing land uses	RLTS, Field Rep		X	X	X	X	X	X	X	X	X	X						
	Acquire GPS equipment & train staff	GIS Specialist	X																
	Take GPS readings of existing infrastructure	GIS Specialist; Field Rep; RLTS			X	X	X	X	X	X	X	X	X	X					
Identification & characterization of stakeholders	Develop guidelines & profiles of economic activities	RLTS, Field Rep	X	X	X	X	X	X	X	X	X	X	X						
	Develop guidelines & map stakeholders; RRA	RLTS; Field Rep	X	X	X				X	X	X	X							
	Interview government officials	Field Rep	X	X	X	X	X												
Implement technical studies	Interview non-state stakeholders	Field Rep	X	X	X	X	X	X	X	X									
	Learning tours on the Sudd	RLTS; Field Rep; Govt officials			X	X		X	X	X									
	Planning standards study	STTA			X	X	X	X	X	X									
	Develop SOW for environmental study	RLTS, HQ					X	X											
	Commission studies on the Sudd	STTA		X	X	X	X	X	X	X	X	X	X						
	Develop SOW for soil specialists	RLTS, HQ	X	X															
Commission soil suitability studies	Commission soil suitability studies	STTA			X	X	X	X	X	X	X	X	X						

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