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CUSTOMARY LAND TENURE PROGRAM:

FY 2008 ANNUAL PROGRESS REPORT (OCTOBER
2007 – SEPTEMBER 2008)



OCTOBER 2008

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ACRONYMS AND ABBREVIATIONS

BN	Blue Nile State
CLA	Community Land Area
CLC	Community Land Council
CLSP	Customary Land Security Project
CLTP	Customary Land Tenure Program
COP	Chief of Party
CPA	Comprehensive Peace Agreement
CTO	Cognizant Technical Officer
EGAT	Economic Growth, Agriculture, and Trade Bureau
FACTS	Foreign Assistance Coordinating and Tracking System
FSCT	Field Sub Contract Types
GIS	Geographic Information Systems
GNU	Government of National Unity
GoS	Government of Sudan
GPS	Global Positioning Systems
HAC	Humanitarian Affair Commission
INC	Interim National Constitution
IQC	Indefinite Quantity Contract
IR	Intermediate Result
NCP	National Congress Party
NLC	National Land Commission
ODA	Overseas Development Assistance
OP	Operational Plan
OTI	Office of Transition Initiatives
PMP	Performance Monitoring Plan
SK	South Kordofan State
SLC	State Land Commission
SO	Strategic Objective
SOW	Scope of Work
SPLM/A	Sudan Peoples Liberation Movement/Army
STTA	Short-Term Technical Assistance
TBD	To Be Decided
TDY	Temporary Duty
UNDP	United Nations Development Program
UNMIS	United Nations Mission in Sudan
USAID	United States Agency for International Development
USG	United States Government

I.0 PROGRAM DESCRIPTION

Table 1: Task Order Summary Information

Country	Title	Date Signed	Completion Date	Value
Sudan	Customary Land Tenure Project	5/18/2006	2/28/09	\$6,500,000

The **goal** of the USAID Sudan Customary Land Tenure Program is to contribute to peace building under the Comprehensive Peace Agreement, which ended decades of conflict between Khartoum and southern Sudan. The strategic **objective** of the program is enhanced tenure security for customary and other traditional land users so as to address one of the major causes of that tragic conflict.

The CLTP consists of the two program components: 1) Community Demarcation of Customary Land and Capacity Building for Community Land Administration Institutions Supported, and 2) State-Level Support for Enhancement of Land Tenure Security. Each of the two components has a different set of identified priorities and activities; nevertheless, both are interconnected and interdependent in terms of achieving lasting results pending political and social stability.

Component 1 depends highly on community involvement and support; it includes 1) community mobilization and selection of boundary committees, 2) demarcation of community land area boundaries together with boundary committees, 3) community endorsement of land area boundaries through signing forms specifically developed for this purpose, and 4) establishment of community land councils to represent and advocate for their community's land rights.

Component 2 focuses on policy-related matters through close cooperation with national and state officials in developing legislation that restores customary land tenure security. It also focuses on offering technical support to existing government apparatus toward establishment of core technical bodies and government administration to manage land and secure property rights.

Table 2: FY08 Task Order (TO) Modifications (Mod)

#	Date	Key elements
TO Mod 5	07/10/08	<ol style="list-style-type: none"> 1. Reduce the Total Estimated Cost (TEC) by \$3,329,528 from \$9,829,528 to a new TEC of \$6,500,00. 2. Revise the SOW to reflect the close-out of the program activities in Southern Kordofan State. 3. Re-align the budget to reflect the reduction of activities in Southern Kordofan State. 4. Revise the completion date to February 28 2009.
TO Mod 6	08/11/08	<ol style="list-style-type: none"> 1. Revise USAID addresses for service. 2. Add contract clause.

2.0 FACTS REPORT

ARD is requested by USAID/Sudan to report on three FACTS indicators as part of its OP reporting. These indicators are from “Strategic Goal 4: Promoting Economic Growth and Prosperity” of the USAID Global Strategic Plan 2007-2012. Results for FY08 are reported here against the three indicators from “Agriculture Enabling Environment” which were provided by USAID for CLTP in FY 2006 and revised as part of TO Mod 5 (see above).

Table 3: FACT Standard Indicators Targets and Results

FACT INDICATORS ASSIGNED TO CLTP IN USAID SUDAN OP	FY08	
	Target	Actual
OPI 1 Number of policy reforms analyzed with USG assistance.	5	4
Rationale: Measure of CLTP assistance to policy makers to analyze their existing legal framework and make recommendations for integrating customary land tenure into state sponsored land administration systems.		
<i>Results Breakdown:</i>		
1 Analysis of options under current law for communities to hold title to land.		
1 Analysis of options under existing law for demarcation, adjudication, and registration of community land areas.		
1 Guidelines for USG assistance to acquire for development land held under customary land tenure.		
1 Draft proposal to form Inter-ministerial Technical Advisory Committee for Land Administration.		
OPI 2 Number of policy reforms presented for legislation/ decree as a result of USG assistance.	3	0
Rationale: Measure of CLTP's impact on the integration of customary land tenure into formal, state-sponsored land administration system.		
<i>Results Breakdown:</i>		
No result is reported again here because legislature in Blue Nile State has no popular mandate and is not yet fully functional.		
OPI 3 Number of institutions/organizations making significant improvements based on recommendations made via USG supported assessment.	35	27
Rationale: Measure of CLTP's impact on strengthening community level land governance and the capacity of the newly formed institutions to make apparent and advocate for recognition of the possessory rights of their members under customary and statutory law.		
<i>Results Breakdown:</i>		
27 Community Land Councils operational (formed, members appointed).		

3.0 PMP REPORT

A Results Framework for CLTP is not elaborated on in the Task Order Statement of Work (SOW). Section III and Annex 3 of the SOW provide a broad USAID programmatic goal to which CLTP contributes (“Building Peace under the CPA”) and an CLTP specific Strategic Objective (SO): “Enhanced Security of Tenure for Customary and Other Traditional Land Users.” The SOW indicates that CLTP supports two SOs from the *USAID Strategy Statement on Sudan (2006-2008)*: 1) To Avert and Resolve Conflict; and 2) To Manage Crises, Promote Stability, Recovery and Democratic Reform, and more specifically to the USAID Mission Intermediate Result (IR), 10.4 Reintegration of Persons Affected by Conflict.

The CLTP’s PMP was developed in the first quarter of the reporting period and agreed on by USAID Sudan on October 5th, 2007 and has been used since for monitoring and reporting. The custom indicators developed for the PMP complement the FACTS indicators reported against in the proceeding section while providing a richer and more nuanced measure of program’ impact.

Table 4: CLTP Performance Monitoring Plan Targets and Results

CLTP PMP Indicators	Targets	Results				
	FY08	Q1	Q2	Q3	Q4	FY08
IR 1: Communities constructively engaged in elaborating their customary land tenures						
Sub IR 1.1 Community awareness of opportunities for strengthening customary land tenure increased						
# people participating in sensitization meetings	1,636	496	1,199	0	0	1,695
# of community requests for program assistance	8	3	16	0	2	21
Sub IR 1.2 Demarcation of Community Land Areas expanded						
# people on Community Boundary Committees	91	10	35	0	0	45
# CLAs demarcated	9	0	0	0	1	1
Boundaries (km)	909	0	0	0	50	50
Sub IR 1.3 Community Land Area boundaries endorsed by communities						
# CLAs endorsed	10	7	11	6	0	24
Area (km ²)	1,136	1,982	872	951	0	3,805
# people participating in endorsement meetings	2,273	2,587	2,547	1,200	0	6,334
Sub IR 1.4 Community Land Councils functional						
# CLCs operational	13	2	18	7	0	27

CLTP PMP Indicators	Targets	Results				
	FY08	Q1	Q2	Q3	Q4	FY08
IR 2: Customary land tenure integrated into state land administration						
Sub IR 2.1 Decision makers sensitized to CPA provisions regarding customary land tenure						
# officials engaged by the program	5	2	11	1	17	31
# ministries/organizations working with the program	2	2	5	1	4	12
Sub IR 2.2 Policies/laws supportive of customary land tenure developed						
# workshops/training for officials /representatives	3	2	1	1	1	5
# green papers circulated	5	0	1	0	3	4
Sub IR 2.3 Competency of state level agencies for accommodation of customary land tenure enhanced						
# white papers published	2	0	0	0	0	0
# laws drafted	1	0	0	0	0	0

4.0 FINANCIAL REPORT

Program expenditure is on track and within budget. Expenditure to date has been 84% (\$5,480,097) of total amount obligated (\$6,500,000).

The program has been running for 28 months, or approximately 85% of the program's estimated duration of 33 months¹.

The average rate of monthly expenditure during the fourth quarter of FY08 was \$114,692 compared with the average of \$195,718 for the duration of the program.

Table 5, below, provides a breakdown of quarterly expenditure by budget line

¹ TO Mod 5 refers

Table 5: Budget Compared to Actual Expenditure FY08

10/6/2008										
ARD Inc.	USAID Sudan Customary Land Tenure Program (CLTP) Budget vs. Expenditure for period June 2006 to Feb 2009								Start Date	June 1 st , 2006
	Contract No. DFD-I-00-05-00121-00					Program duration in months		33	Completion Date	February, 28 th , 2009
	Task Order: DFD-I-02-05-00121-00					September 2008 is month		28		
Line Item:	Budget	Cumulative expenditure Sept.07	Actual expenditure 1 st Quarter Oct.07-Dec.07	Actual expenditure 2 nd Quarter Jan.08-Mar.08	Actual expenditure 3 rd Quarter Apr.08-Jun.08	Actual expenditure 4 th Quarter Jul.08-Sept.08	Cumulative expenditure Sept.08 (estimate)	Balance estimate	% Expended	Monthly Burn Rate
LABOR	\$2,779,778	\$1,600,298	\$273,642	\$70,244	\$219,012	\$162,855	\$2,326,051	\$453,727	84%	\$83,073
SUB-CONTRACTORS	\$9,350	\$-	\$9,350	\$-	\$-	\$-	\$9,350	\$-	100%	\$334
TRAVEL & TRANSPORTATION	\$902,316	\$581,756	\$65,499	\$81,514	\$87,952	\$18,257	\$834,978	\$67,338	93%	\$29,821
EQUIPMENT	\$543,800	\$215,964	\$210,215	\$(13,901)	\$131,522	\$5,054	\$548,854	\$(5,054)	101%	\$19,602
ALLOWANCES	\$692,171	\$286,205	\$64,876	\$69,236	\$119,291	\$43,284	\$582,892	\$109,279	84%	\$20,818
OTHER DIRECT COSTS	\$842,827	\$306,247	\$63,506	\$71,303	\$126,721	\$80,228	\$648,004	\$194,823	77%	\$23,143
ACTIVITY COSTS	\$375,951	\$143,169	\$8,388	\$30,978	\$26,904	\$14,840	\$224,279	\$151,672	60%	\$8,010
G&A@12.82% (on Non-Labor)	\$338,610	\$168,888	\$25,931	\$32,438	\$46,255	\$19,404	\$292,916	\$45,694	87%	\$10,461
MHO@1.50%	\$15,197	\$7,559	\$7,684	\$(4,600)	\$1,974	\$156	\$12,773	\$2,424	84%	\$456
GRAND TOTAL	\$6,500,000	\$3,310,086	\$729,091	\$337,212	\$759,631	\$344,078	\$5,480,097	\$1,019,903	84%	\$195,718

5.0 SUCCESSES

EXAMPLE 1: INVENTING A LOW COST, HIGH TECH ADJUDICATION TOOL (SEE COVER PHOTO)

A low cost Community Land Area Boundary Presentation Tool (BPT), was introduced as an integral part of the Community Land Area endorsement process. Using it, Community Land Area boundaries, plotted from GPS readings, are overlaid onto cached Google Earth satellite images which are then projected onto a large screen (as seen in the cover photograph). The tool uses freeware to construct these images, the critical data for which is contained in very small files that can be easily stored on any computer. A GIS/GPS consultant modified the tool design and trained program staff and field teams to utilize the tool effectively even in communities living in remote hamlets and villages without electricity.

EXAMPLE 2: IMPLEMENTING THE CPA BY MAKING IT POSSIBLE FOR THE PARTIES TO WORK TOGETHER

Lack of dialogue between officials in ministries aligned with different political parties in the interim government of unity in Blue Nile State is a major obstacle to the program efforts to achieve its purpose of integrating customary land tenure into the mainstream land administration system.

The recent formation of a drafting committee, made up of two officials from Ministries of Agriculture and Urban Planning, two of the most important land administration ministries (each controlled by a different party), to develop a proposal for the formation of an Inter-Ministerial Technical Committee of land administration, for approval of the State Governor, is evidence that progress is being made toward building trust and cooperation.

EXAMPLE 3: IF NEW LAWS CANNOT BE MADE, FIND WAYS TO WORK WITH EXISTING LAWS

The program has pioneered the formation of Community Land Councils in Sudan: 27 CLC have been set up so far in Blue Nile State. Without an appropriate statutory framework for their legal incorporation (the draft legislation prepared for this purpose during the pilot that preceded the program has yet to be taken up by either party in Blue Nile State) the program's legal advisors have had to come up with an alternative method for legitimizing them. Towards this end, the program commissioned a legal opinion which identified potentially useful provisions in current legislation that would allow families, defined in the customary sense, to hold property in land. The opinion, from a former Chief Justice of Sudan, concluded that these landowning families could be represented by Community Land Councils without the need for their formal incorporation.

EXAMPLE 4: SELF STARTING, EFFECTIVE, COMMUNITY-BASED, LAND GOVERNANCE INSTITUTIONS

Six of the 27 CLC established in Kurmuk have received follow up capacity building support from the program. Subsequently, at their own initiative, the CLC formed for Kurmuk Community Land Area, situated around Kurmuk township, where the Locality Civil Administration is seated, has begun insisting on being consulted in relation to any expansion of the town into their CLA. The program is also trying to encourage USG funded contractors to lead the way in Kurmuk by paying the customary land owners fair value for new infrastructure sites.

6.0 PERFORMANCE

6.1 FACTS RESULTS

All three FACTS indicator results are lower than targeted (see Table 3). Nevertheless, substantial progress has been made in relation to both land policy and field work. Two successful, historic training workshops attended by officials from ministries controlled by both NCP and SPLM, along with more frequent contact with officials from all the various ministries providing land administration services, are evidence of a much deeper engagement by the program with key policy makers during this reporting period. This success has been achieved by a strategically motivated shift away from trying to introduce novel concepts and practices towards a re-examination of existing laws (such as the Civil Transaction Act 1984) and the re-training of officials in practices and procedures rooted in older, yet still current laws (such as the Land Settlement and Registration Act 1925). The laws developed by the program in 2007 have never been taken up by any political parties, politicians or even officials in Blue Nile. Technical analysis of existing legislation and practice by national experts has proven to be less threatening and more acceptable.

The number of communities making significant improvements in their land governance, as measured by the incremental steps of requesting assistance from the program, attending program run sensitization meetings, demarcating boundaries, and endorsing those boundaries with program funded sub-contractors, has vastly exceeded targets (est. >60 steps). However, by adopting a narrower measure in the revised PMP, the number of CLC formed, the standard against which the program is measuring itself has been significantly raised. Despite the introduction of this higher standard and the withdrawal from Southern Kordofan, 80% of this target has been met.

6.2 PMP RESULTS

In the reporting period the program exceeded nine of its 15 custom targets, seven of which were exceeded by more than 100% (see Table 4).

Higher than expected levels of endorsement of CLA boundaries in Blue Nile State were carried forward to yield a higher than expected number of CLC being created. Lower than expected results for demarcation reflect the loss of momentum caused by the forced withdrawal from Southern Kordofan State due to insecurity there.

Intensified engagement of the program with higher than targeted numbers of officials, ministries, and organizations produced better than expected results for the policy component (2) of the program. The lower than targeted results in effecting legislative reform reveals more about the lack of functionality of the State Government than the effectiveness of the program.

6.3 IMPACT OF HOST COUNTRY COMMITMENT ON CLTP PERFORMANCE

The NCP Governor in Southern Kordofan's explicit opposition to the program undoubtedly increased the vulnerability of program staff to the endemic insecurity in that State. However, the lack of any tangible support for the program in areas where the program was working, which were notionally controlled by the SPLM, also contributed to the risks to which staff was exposed. Theft of program assets and physical threats made to staff in Kauda are testimony to the weak patronage provided there by SPLM institutions. The absence of any identifiable rule of law in these semi-autonomous areas will make it very difficult to run an effective land program there anytime soon.

In Blue Nile State, despite first the SPLM Governor and then NCP Deputy Governor openly supporting the program, there has been scant evidence that either have been willing or able to spend any political capital to advance the program’s goals. While this lack of support may be partially explained by the Governor’s multiple civilian and military, national, regional, and state wide responsibilities, the impact of ambivalent or vague political commitment has been to frustrate. Consequently, expansion of field work into new localities and the elaboration of progressive policy accommodating customary land tenure have been painfully slow.

6.4 GENDER ISSUES

Despite reasonable levels of attendance of women at endorsement meetings during FY08 in Blue Nile State, the program continues to struggle with the subtleties of gender relations implicit within the customary land tenure systems with which it is dealing.

As indicated in Table 6, taken as a whole the numbers attending community boundary endorsement meetings have been encouraging and show evidence of communities’ enthusiasm to deepen the protection of their customary land rights. Women’s participation over the reporting period has been half that of males. However, their participation steadily increased in the latter quarters, indicating improvements in awareness creation efforts by the Program. It is also important to note the high turnout of the youth in these meetings and its positive implication for the communities’ future ability to articulate features of their land boundaries in any contestations.

Table 6: Participation in CLA Boundary Endorsement Meetings FY08

	Q1	%	Q2	%	Q3	%	Q4
Women	453	17.51%	470	18.45%	263	21.92%	0
Men	850	32.86%	969	38.04%	525	43.75%	0
Youth	1,193	46.12%	1,023	40.16%	352	29.33%	0
Total	2,587	100.00%	2,547	100.00%	1,200	100.00%	0

By trying to find a basis for states to accommodate equitable as well as legal property rights and to recognize tenancy in common, i.e., property rights held by groups, CLTP is working toward having women’s property rights accommodated and recognized. In customary land tenures, women’s land rights are often equitable rather than legally held, often in common with their brothers and husbands rather than held by them unilaterally.

Low engagement by women in CLC membership, detailed in Table 7 below, suggests that the program’s sub-contractors are not clearly explaining the dual – representational and advisory – roles of CLC at the mass meetings of landowners where they are formed.

Table 7: CLC Participation Rates

27 CLC	Membership			First Meeting Attendance		
	Male	Female	Total	Male	Female	Total
TOTALS	331	45	376	53	5	58
%	88	12	100	91	9	100

Under stressing the representational role of CLC could be the cause of only 12% of women being nominated to serve on CLC. This poor representation deteriorated further at the first meetings of CLC, at which program staff conduct capacity building, when women’s participation fell below 10%. Over stressing the advisory role of CLC could also contribute to low participation by women with unequal access to educational opportunities.

6.5 UNMET TARGETS AND PLANNED CORRECTIONS

6.5.1 Gender targets

The program has fallen short in reaching internationally accepted best practices for gender representation and participation targets. The tactical options available to the program that could redress this shortfall are limited by the short remaining life of the program and the lack of information about the complexity of gender equity compacts, involving both productive and reproductive responsibilities, which are embedded within the diverse cultures of Blue Nile State.

The program now has its full staffing compliment (Table 8), so hiring more women is not an option. New contractors will be trained in the first quarter of FY09 and as many women as can be identified will be included as trainees. Any refresher training for existing sub-contractors will highlight the need for them to find ways to encourage greater participation by women in all phases of the program's activities, be it sensitization, demarcation, or adjudication. The Technical Guidelines which were part of the original design, but were never tested in the pilot that preceded the program, stipulated gender quotas for the membership of CLC. This injunction, along with some other lofty ideas, but somewhat ambitious guides, like mandatory voting for CLC membership candidates, were shelved in favor of more informal, locally set procedures. The benefit of opting for greater local ownership is sustainability; the result, however, has been a less than satisfactory outcome in terms of gender representative participation.

6.5.2 Component 1

The imminent return of the dry season, hopefully early in the first quarter of FY09, should see an increase in field work activity and an upturn in Component 1 results. The long delayed expansion of the program into the Bau Locality looks set to become a reality. However, the political commitment upon which that will depend is so far untested. The Bau Locality Commissioner has provided a list of potential contractors, which will allow the program to start sub-contractors' training prior to the commencement of the planned program of sensitization and demarcation scheduled for November. The Kadello community in the Roseires locality has also requested that the program's services be extended to them and will shortly nominate sub-contractors who can be trained at the same time as prospective Bau sub-contractors.

Should any unforeseen delays occur in these preliminary arrangements, it will jeopardize any possibility of expansion because of the long lag times between each phase of the program's land recording methodology. Field work will then have to be focused within Kurmuk Locality, where, even if the program is able to achieve 100% completion of all phases of the methodology, targets will unlikely be met.

6.5.3 Component 2

The preparatory policy work done in FY08 should start to yield results as measured by publication of position papers and legislation in FY09. However, because the legislators in Blue Nile do not have a popular mandate and both capacity and experience within the legislature are low, the program will be forced to effect reform through lobbying for Executive decree rather than on getting bills passed. This less than satisfactory approach to changing the rules for the administration of property rights cannot be improved upon until after the 2009 elections and until the capacity of those who are elected to office at that time has been enhanced by technical assistance.

7.0 LESSONS LEARNED

The program has benefited from an authoritative legal opinion concerning the status of customary land rights in Sudan. This opinion suggests that the State of Sudan's assertion of a radical title to land under various statutes does not extinguish existing customary rights. Considering that the Program has had limited success in effecting legislative changes to accommodate customary land rights at either National or State levels, this opinion offers lessons for adopting a minimalist approach to achieving the needed legislative changes. The main lesson that flows from the opinion is that since customary land rights have not been expressly extinguished, in fact they have been expressly preserved, subtle and pragmatic revisions of land policy implementation at the level of relevant state institutions can be target to achieve the intended results. Carefully approached and coordinated, these incremental, administrative reforms would seem to have the highest probability of achieving the recognition and incorporation of customary land rights at an official level. **By altering the practice of land dealings by various state and institutions and development actors, de facto recognition of customary land tenure may precede de jure recognition.**

In creating CLC, the program adopted a flexible approach that relied on communities adopting their own fair and equitable approaches to creating representative bodies. This flexibility in approach is beginning to offer some important lessons. This approach has engendered a sense of local ownership of these land governance institutions. It has also helped in creating a sense of self reliance and independence in their operations. Though it is too early to know whether some of the evidence being observed will be sustained over time, it is nevertheless worth noting that **CLC are initiating their own agendas and ways of working that suit their particular circumstances.** For example, the Program has learned that built-up area CLC are beginning to consider the representation of their communities in town planning decisions as a priority and are therefore augmenting and/or co-operating with Locality officials in this regard. At the same time, those CLC made up of clusters of small villages in more remote areas are concentrating on issues more pertinent to the protection of communal land boundaries. These are lessons that are helping to improve the Program's earlier prescriptive views of forming CLC.

One important lesson the program has learned emerges from an assumed view that governance in the Localities are effectively integrated into State level governance. They are not. Thus, the expectation that obtaining bipartisan agreements of support at State level would guarantee a good platform for program operations at Locality levels has been debunked. The CLTP has learned that the exercise of exclusory powers at the Locality, in practice, resides with the head at that level and is sometimes exercised independent of decisions reached at State level. As a result, the Program has had to renegotiate entrée agreements reached at State level at the Locality level. This was not anticipated at the outset of the project and has delayed scaling-up field work across the State.

Lessons can be extracted too from the program's experiences in Southern Kordofan. After security worsened, early withdrawal averted potential causalities. Pillaging of program assets by landlords, staff, and sub-contractors during close out is a forewarning that closing out the whole program must start early and be better organized. **The opportunity to reflect on the legacy the program left behind in Southern Kordofan has highlighted the need to ensure that the systems, tools, and policies left behind after program completion are as sustainable, useful, and accessible as is possible under the circumstances in present-day Sudan.**

8.0 OBSTACLES

8.1 INSECURITY IN SOUTHERN KORDOFAN

During this reporting period, in response to a security warning from the USAID Sudan Mission, the program completely withdrew from its operations in Southern Kordofan. A parallel decision by the Mission not to obligate further funds for the program necessitated cutbacks in local and international staff who had previously been assigned to Southern Kordofan. The sole retained international staff and fixed assets from Southern Kordofan were transferred to Blue Nile during the reporting period, in accordance with a partial closeout plan submitted by ARD and approved by USAID on June 10th 2008. To the extent that accurate monitoring from Khartoum can be effective, the available evidence suggests that the security situation in Southern Kordofan may have worsened since the program's withdrawal.

8.2 NO NATIONAL LAND COMMISSION

Lack of progress at national level in the formation of a National Land Commission continues to frustrate efforts supported by the program to establish a Blue Nile State Land Commission, despite persuasive legal opinion that the later is not dependent on the former.

8.3 NO ACCESS TO UNMIS FLIGHTS

Despite the USG contributing significantly to the costs of UNMIS operated air services connecting Blue Nile to Khartoum and within Blue Nile State, USAID's partner firms, engaged to deliver development assistance cannot access these flights. Ostensibly this is because of the license under which UNMIS operates its air services limit them to providing transport for the personnel of registered humanitarian organizations. Requests made to USAID by program staff to lobby HAC to have this license broadened so as to be more in line with the UNMIS legal mandate has been unsuccessful to date.

The particular problem CLTP faces as a consequence is that wet season supervising of the Kurmuk Locality Program Office and the oversight of sub-contractors working there involves a long and hazardous road trip from Damazin. The last such supervisory mission took thirty six hours and caused extensive damage to a program vehicle.

9.0 KEY ISSUES

The lasting impact of the CLTP can only be accurately measured over time and will depend on whether other actors subsequently pick up on the opportunities the program creates. The real test of the methodologies and the institutions pioneered by the program, particularly the CLC, will be how they fare and the contribution they make in the day to day transmission of property rights within families and kinship groups, but also, and perhaps more tellingly in terms of economic growth, between buyers and sellers. The most emphatic benchmark of recognition of customary land tenure is when buyers start paying for it.

Land markets in both the Protocol Areas and in South Sudan are just beginning to emerge from a long period of no to low demand. The current “spike” in demand for prime land in South Sudan, and the hoped for, but as yet unobservable equivalent in Protocol Areas, is coming from public, largely externally financed investment. However, no governments in Sudan appear to be acquiring land through their budgets; nor do donors allocate any program funds for land acquisition. So while public investment and ODA are making the market for prime land in the “New” Sudan, they are also contributing to its distortion. Instead of these buyers openly purchasing land in Sudan from its customary owners, based on best practice such as privileging peaceful possession, expropriation only with fair compensation, transparency, or low real transaction costs, they commonly rely on various shadowy intermediaries to “give” them land without enquiring as to how the grantor acquired these rights in the first place.

These bad practices evolve directly from the behavior of armies and then (more acceptably) of humanitarian agencies expropriating land first for the war effort and then for emergency assistance and so on. The problem here is that each subsequent development actor has adopted the short cutting methods of their predecessor to acquire land in a way which denies its value as locally stored private wealth. Giving up bad habits is notoriously difficult. But merely talking about grand land policy and legislative frameworks is not the cure: appropriate and timely action is required. The (admittedly somewhat constrained) leverage enjoyed by those spending ODA in Sudan should be used to make the land markets work fairly and equitably, not to further distort and pervert them.

Pursuing this logic, the funding required for these land acquisitions would have to come from every publicly financed or externally funded infrastructure, agriculture, construction or other project that uses land. The payoff for this use of tax payers’ money would be secure title to ODA-financed assets in the hands of publicly accountable owners.

These projects would also have to buy in technical services, preferably from local suppliers certified as having the requisite expertise in valuation and conveyance. Throughout Sudan, land administration expertise has to be cultivated, but once again, this is best done by creating the demand and not just by stimulating supply through training programs and the like.

CLC have some of this expertise as a consequence of their engagement with the CLTP and they can also play a valuable role in facilitating transactions, interpreting customary land law, and building consensus over land assignment decisions. Difficulties can be anticipated, however, when it comes to negotiating, contracting, opening bank accounts to deposit rents, and disbursement of income. These challenges can be overcome, not just by reliance on follow up assistance programs that will hopefully come after CLTP, but by those seeking to acquire land held under customary land tenure paying fair value so the land owners get the funds to acquire the skilled personnel they will need to manage their estates.

10.0 REPORTING AND PLANNING

10.1 REPORTING

10.1.1 Weekly Progress Reports

Weekly updates have been regularly provided to the CTO during the reporting period.

10.1.2 Quarterly Progress Report

The last CLTP Quarterly Progress Report (FYO8 Q3) was submitted to USAID on April 23, 2008.

10.1.3 Program Management Plan

A revised PMP was submitted to USAID in support of TO Mod 5 proposal.

10.2 MID-TERM ASSESSMENT

USAID Sudan commissioned a team (an EGAT specialist and two international consultants) to conduct a mid-term program review of the CLTP and other USAID land programs in Southern Sudan to guide their future investment planning. The assessment was conducted over three days in Addis Ababa, because of security concerns limiting TDY travel in the northern region. A delegation of six of the program senior management team, led by the COP, attended a series of meetings with the Assessment Team, providing them with presentations and documentation relating to the program's progress.

The Assessment Report was shared with program management by the Mission and its recommendation influenced the balance of the life of the program work plan which was prepared subsequently.

10.3 PLANNING

A balance of the life of the program CLTP Work Plan 2008-9 was approved by USAID on 15 May 2008.

This work plan addressed the need to withdraw from Southern Kordofan and scale up work in Blue Nile State. Resources withdrawn from Southern Kordofan were redeployed into Blue Nile to be used to expand the program operations in the State where it was felt the best opportunities were to build on the present work begun in Kurmuk Locality. In addition to using a systematic, on-demand approach in Bau Locality, the CLTP will also respond to sporadic demands for services received elsewhere in Blue Nile State.

II. MANAGEMENT, PERSONNEL, AND STTA

II.1 PROGRAM MANAGEMENT

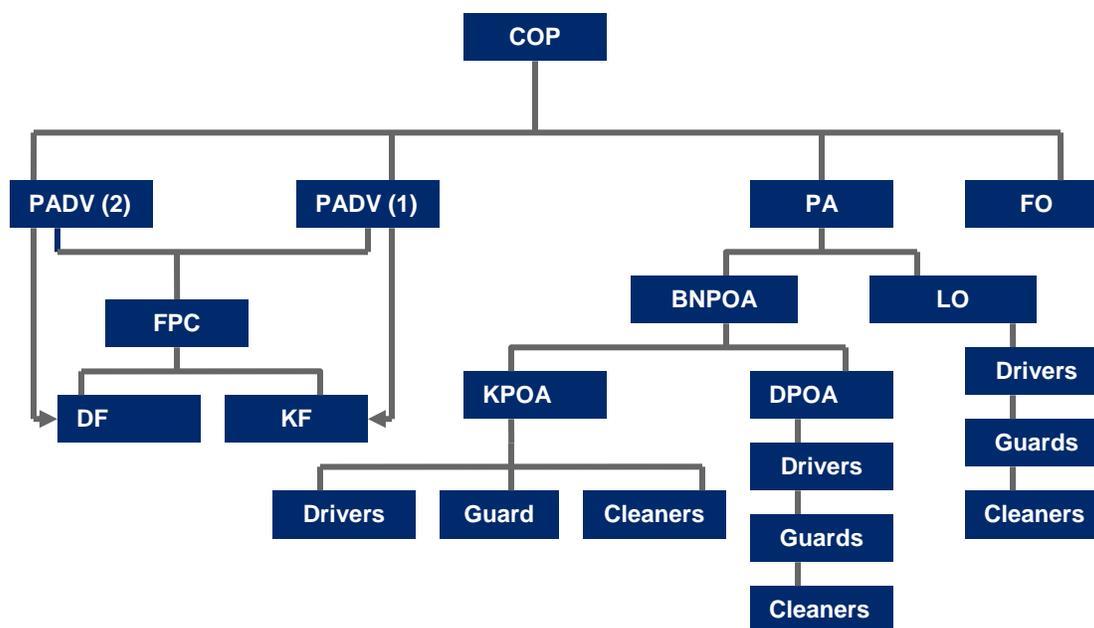
The ARD home office support team for the program includes a new Senior Technical Advisor/Manager (ST/M) Jeff Gray while retaining Roxana Blanco as the Project Manager. The Chief of Party, Shaun Williams, has served continuously since April 2007.

In May 2008, the program pulled out from South Kordofan State and the in-country team has been restructured accordingly. The position of Program Coordinator has been abolished, reducing the size of the Khartoum Program Office from five to four professional staff.

The Southern Kordofan Land Adviser position has been reassigned and given a new title, so that the program now has two international, expert Program Advisers (PADV) based in Blue Nile State. The SK State Facilitator and the Kauda Program Officer Administrator positions have also been transferred to Blue Nile (DF and DPOA)

The program currently has three operational offices in Blue Nile State, a State Program Office in Damazin, and two County/Locality Program Offices in Damazin and Kurmuk.

Figure I: In-Country Program Team Structure



COP	Chief of Party	KF	Kurmuk Facilitator
PADV	Program Adviser	BNPOA	Blue Nile Program Office Administrator
PA	Program Administrator	DPOA	Damazin Program Office Administrator
FO	Finance Officer	KPOA	Kurmuk Program Office Administrator
FPC	Field Program Coordinator	LO	Logistics Officer
DF	Damazin Facilitator		

11.2 PROGRAM PERSONNEL

The program has its full complement. There are no current vacancies. All effort is being made to retain the existing personnel until program end on 28 February 2009. Although some opportunistic early resignations are likely, no warnings of imminent departure have been provided to date. Both morale and commitment are high.

Table 8: Long-term Program Personnel FY 2008

No	Name	Position	Hire	Termination
1	Shaun Williams	Chief of Party	Apr 05, 2007	Feb 28, 2009
2	Charles Chavunduka	Program Advisor	Apr 05, 2007	Feb 28, 2009
3	Adarkwah Yaw	Program Advisor	Nov 05,2007	Feb 28, 2009
4	Randa Osman	Finance Officer	Jun 18, 2007	Feb 28, 2009
5	Amel Mubarak	Program Administrator	Jul 08, 2007	Feb 28, 2009
6	Nazar Eltayeb	Logistics Officer	Aug 17, 2007	Feb 28, 2009
7	Mohamed Abdelrahim	Blue Nile Program Office Administrator	Aug 01, 2007	Feb 28, 2009
8	Monier Elias	Field Program Coordinator	Sep 05, 2007	Feb 28, 2009
9	Madeena Mohamed	Facilitator - Damazin	Sep 16, 2008	Feb 28, 2009
10	Sabah Abdulaziz	Kurmuk Program Office Administrator	Jul 01, 2007	Feb 28, 2009
11	Peter Manyal Rada	Facilitator - Kurmuk	Aug 01, 2008	Feb 28, 2009
12	Mayen Kaul Mayen	Damazin Program Office Administrator	Sep 05, 2008	Feb 28, 2009
13	Mohsin Hanafi	Driver - Khartoum	Nov 04,07	Feb 28, 2009
14	Amir Hamad Elfaki	Driver - Kurmuk	Apr 01,08	Feb 28, 2009
15	Yousif Abdalla Elsayed	Driver - Damazin	Apr 09,08	Feb 28, 2009

Table 9: Staff Training FY 2008

	Q1			Q2			Q3			Q4			LOE days
	1	2	3	1	2	3	1	2	3	1	2	3	
Mapping Methodology (Boundary endorsement presentation tools) (SCLTP team in KRT, BN)													2
Fraud Awareness Training (Participants :Admin and Fin Staff)													1

11.3 SHORT-TERM TECHNICAL ASSISTANCE

Technical assistance was extensively deployed in the reporting period. IT consultant was bought in to reestablish the LAN as per specifications of our office in Nairobi. An international expert was retained to draft Public Information and Education methodology. A local senior legal consultant was bought in to review laws and the program technical guidelines and to look for options for forming the CLCs. Another eminent local Land Administration expert was engaged to assist State officials to work out an action plan for addressing the myriad technical issues relating to land administration, pending the formation of a State Land Commission.

Table 10: STTA FY 2008 (October 2007 – September 2008)

	Q1			Q2			Q3			Q4			LOE days
	1	2	3	1	2	3	1	2	3	1	2	3	
Finance Consultant - Tax (Ali Mirghani)													15
Training consultant - field contractors (Siddig Ali)													10
GIS Consultant Nick Thomas													30
GIS consultant Yassin Abdallah													10
IT consultant-LAN Recovery (Japheth Ngoya)													5
Public Information & Education (Marion Kyomuhendo)													24
Legal consultant - Incorporation of community land councils. (Obied Haj Ali)													10
Facilitator Services (Madeena Mohamed)													30
Land Administration consultant - Formation of Technical Committee (Jaafar Sir Elkhatim)													6
Total work days commissioned													140

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