

SUDAN CUSTOMARY LAND TENURE PROGRAM: SOUTHERN KORDOFAN AND BLUE NILE

QUARTERLY PROGRESS REPORT
JUNE – AUGUST 2007

SEPTEMBER 2007

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ACRONYMS AND ABBREVIATIONS

BN	Blue Nile State
CLA	Community Land Area
CLC	Community Land Councils
CLOA	County/Locality Land Office Administrator
CLO	County/Locality Land Office
CLSP	Customary Land Security Project
CMM	Conflict Mitigation and Management
CPA	Comprehensive Peace Agreement
FAO	Food and Agriculture Organization of the United Nations
FCT	Field Contract Types
GIS	Geographic Information Systems
GNU	Government of National Unity
GPS	Geospatial Positioning Systems
INC	Interim National Constitution
IQC	Indefinite Quantity Contract
LOE	Level of Effort
MOU	Memorandum of Understanding
NLC	National Land Commission
PIA	Public Information Awareness
PMP	Program Management Plan
NCP	National Peoples Congress
NDI	National Institute for Democracy
SCLTP	Sudan Customary Land Tenure Program
SK	South Kordofan State
SLC	State Land Commission
SPLM	Sudan Peoples Liberation Movement
TAG	Technical Advisory Group
TBD	To Be Decided
UMAP PASA	University of Michigan Assistance Program Participating Agency Services Agreement
UNDP	United Nations Development Program
USAID	United States Agency for International Development

BACKGROUND

ARD, Inc. signed a contract with USAID in May 2006 to provide technical assistance and support in addressing customary land tenure and property rights in the two transitional states, Blue Nile and Southern Kordofan. In the second half of 2006, these two states adopted constitutions conducive to the eventual accommodation of customary land tenure in the states' land administration systems as part of their ongoing contributions to the implementation of the Comprehensive Peace Agreement (CPA) and the Interim National Constitution (INC).

The Sudan Customary Land Tenure Program (SCLTP) 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, both contributing to the overall program goal of building peace under the CPA. Each of the two components has a different set of identified priorities and activities; nevertheless, both are inseparable in terms of achieving lasting results pending political and social stability.

Component 1 depends highly on community involvement and support; it includes a) community mobilization and selection of boundary committees; b) demarcation of community land area boundaries together with boundary committees; c) community endorsement of land area boundaries through signing forms specifically developed for this purpose; and d) establishing community land councils through intensive capacity building for communities and administrations at a county/locality level.

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

Other important program tasks equally contributive to both components are production and dissemination of boundary maps, and conflict management and public information and education strategies aimed at reinforcing and integrating activities on all levels.

The goal of the SCLTP is to support participatory community land area demarcation to enhance legal protection of customary land domains through establishment of appropriate land management institutions enjoying broad legitimacy. Basing SCLTP operations out of Khartoum and the two state capitals (Damazin and Kadugli) and of working in close collaboration with civil bureaucracies in the two states, as well as national agencies involved in land administration and natural resource management, are pivotal to the project's success.

1.0 PROGRESS OVERVIEW

This report has been prepared half way through the current six month work plan to enable the program and its supporters to gauge the progress that has been achieved to date against the deliverables targeted in that plan

In this reporting period (June to August 2007) the Sudan Customary Land Tenure Program (SCLTP) has established a solid operational and administrative foundation. After registering ARD Inc branch in Sudan, offices were set up in Khartoum and Kadugli (Southern Kordofan): opening another State Land Office in Damazin (Blue Nile) has been delayed due to a locally induced political crisis. All staff have now been deployed to their substantive posts.

Progress was made during the reporting period in collating spatial data gathered in previous years, which has enabled the program to consolidate some of its past achievements, rethink some earlier programmatic approaches and plan expansion during the coming field work season into new localities. Limited structural changes and operational course corrections have been introduced in the field program with full Sudanese staff buy in. With a reshaped and better understood work methodology, accompanied by a strong, decentralized administrative support network and more direct guidance and involvement of senior management, the program is poised to deliver more emphatic results in the next reporting period.

This expansion into new areas will be complimented by deepening the program's engagement in areas where field work had been started but not yet followed up. The planned follow up activities in previously demarcated areas will start with asking community to endorse boundaries previously demarcated by their representatives, supported by field contractors engaged by the program. This will be followed by program' support for the formation of Community Land Councils who will be mandated to argue for recognition of the ownership of Community Land Areas, which will eventually result in improved land administration at the local, state and eventually national levels.

Steps taken to embrace the local knowledge and encourage participation of Sudanese academics will assist in understanding of land related socio-political context and help in the SCLTP reevaluation of approaches ensuring long term impact. The SCLTP has laid the foundations for working closely in the future with the emerging Technical Working Groups in Blue Nile and Southern Kordofan States. These groups will gather state government officials and prominent players of local interests serving as coordination and advisory body. Improved cooperation with leading partners and stakeholders has already enhanced the visibility of the program, with SCLTP now being viewed more generally as supporting the articulation of local and state level plans to address land tenure issues. Public demand for greater clarity in managing land, dissatisfaction with status quo, the absence of any clear administrative guidance, and calls for information remain strong indicators of demand for the program.

As reported in the previous period, there have also been few opportunities in this reporting period for engagement in legal technical assistance in drafting a legal framework that will secure customary land tenure, regulate land registration and result in establishment of the State and National Land Commissions. This can be partly explained by an increased awareness on the part of state level decision makers that careful deliberation with regards to this subject, which has been repeatedly identified as one of the leading threats in the implementation of the CPA, will bear more lasting results. This situation has given more space to SCLTP to get properly prepared for the passage of legislation and provide appropriate preparatory iterative support to the legislators.

Registration of ARD in Sudan, securing work permits for key personnel and negotiating cooperation agreements with state governments have either taken much longer than expected or are still in process. Checkered implementation of many provisions of the CPA, as well as slow development of legislative capacity and establishment of effective civil bureaucracies at State and county levels, has also negatively impacted the SCLTP implementation.

The adverse political context which has restricted these opportunities is discussed in more detail below.

2.0 POLITICAL CONTEXT

The following analysis is based on the most reputable and up to date texts and other sources available at the time of writing, While every effort has been made to verify the material used, for practical reasons, neither the translations nor the texts themselves are presented here as official versions.

The agreed arrangements for the rotation of Governorships in the Two Areas (Blue Nile and Southern Kordofan States) during the preelection period are laid out in the Protocol between the Government of Sudan (GOS) and the Sudan People's Liberation Movement (SPLM) on the Resolution of Conflict in Southern Kordofan/Nuba Mountains and Blue Nile States, Naivasha, Kenya, 26th May, 2004 (hereafter the Protocol), Article 11.1.

11.1.2 There shall be rotational governorship in the two states with each Party holding the Office of Governor for half of the preelection period in each of the two states.

11.1.3 No one Party is to hold the Governorship in both states at the same time.

11.1.4 The office of Deputy Governor is to be allocated to the Party that is not presently occupying the Office of Governor.

11.1.5 The Parties are to decide upon the signature of the comprehensive Peace Agreement the time and order in which each party assumes the Governorship in each state.

This text and other relevant sections of the Protocol cited here are repeated in the both the Constitution of Blue Nile State and that of Southern Kordofan, but with slight modifications added in each instance.

Pursuant to the Protocol, this rotation should have occurred within three years. Depending on how you calculate the start date, this should have happened perhaps by 26 May 2007. In fact, the rotation of Governors was not finalized until three months later. The effects of the delay of the appointment of Governors were to prolong the caretaker period of the outgoing administration when officials were understandable reluctant to deal with policy issues. The long wait increased anxiety within the upper echelons of the civil service about whether who would retain their positions or who would not. Certainly the Commissioners and Ministers appointed by the outgoing Governors knew full well that they served at their Governor's pleasure, as the following section of the Protocol clearly states:

5.2 The Governor shall appoint the ministers and the commissioners of the state in accordance with the State Interim Constitution. The State Council of Ministers shall be representative.

The Governors' discretion in appointing the Council of Ministers then is constrained by the dictates of power sharing. In the pre-election period which we are now in, the Governor is required to appoint a Council of Ministers that reflects the formula for power sharing set out in the Protocol.

11.1.1 The Executive and Legislature in the two states shall be allocated as follows:-

(a) Fifty-five Percent (55%) to the National Congress Party;

(b) Forty-five Percent (45%) to the SPLM.

New Councils of Ministers composed of this ratio of members with these party affiliations have yet to be formed in either State, adding greatly to uncertainty amongst citizens and adding considerably to a sense of state paralysis in the Two Areas.

In general terms, the Governors' other executive powers appear to be strictly concurrent.

5.3 The Governor shall, together with the State Council of Ministers, exercise the Executive Powers of the State which shall be in respect of the functional areas listed in Schedules A and B, read together with Schedule C, attached hereto, and in accordance with the State Interim Constitution.

Although these shared executive powers are not shared amongst equals.

5.4 The State Council of Ministers shall be accountable to the Governor and the State Legislature in the performance of their duties.

The appointment of the Council of Ministers for each state by the new Governors, pursuant to powers granted them by the Protocol, is therefore critical for the exercising of these concurrent powers. Failure to do so four months after the milestone set down in the Protocol could be seen as one more sign of deteriorating relations between the SPLM and NCP and the gradual unraveling of the CPA. One other possible explanation for delays in the new Governors forming their governments is that in Blue Nile and Southern Kordofan States, both dominated and to a large extent controlled by SPLM, the representative formula as set out in the Protocol is unlikely to be easily implemented simply because of demographic factors. Complaints have been made that both parties have been slow in bringing forward nominations for their respective quotas of Ministers. Whatever the cause, the effects of these protracted delays are certain. Until the new governments are formed, public services are unlikely to be delivered and reforms, such as the formalization of the Technical Committees on Land Policy, will be deferred.

However, as Article 5.2 states, Governors are given unqualified powers to appoint Commissioners; (whether or not this refers merely to Locality/County Commissioners is not clear) neither do appointments to Commissions have to be proportionally representative in the same way the Council of Ministers and Legislature must be, although it would seem prudent in a unity of government to do so. Each State's Constitution differs slightly in this respect, but both subservient to and therefore are broadly reflective of the terms of Protocols cited above.

What this means in practice, however is much more problematic. Whether either Governor decides to unilaterally establish State Land Commissions will depend on how the Governors and other actors interpret their powers pursuant to the Protocol, and perceptions about the political costs and benefits of doing so. While it is reasonably clear that Governors have sufficient powers to appoint State Land Commissions and may even have a constitutional obligation to do so (as a legal opinion from an eminent international jurist commissioned by the SCLTP suggests), the source of budgets and staff for these Commissions and related matters would require governments to have been formed and for legislatures to be functioning.

For various reasons, including delays in both parties nominating candidates for new parliamentary positions, which are also being rotated, the legislature of Blue Nile is currently on a three month recess and that of South Kordofan has met infrequently during the reporting period. The Governors' own legislative powers are heavily circumscribed as set out in Article 6.3 of the Protocol. Governors may therefore find it difficult to expropriate public funds and marshal legislative authority more generally in support of any fast track reform agendas.

There are then, political and practical constraints, but not necessarily legal obstacles, to Governors being able to establish State Land Commissions. Overcoming the political obstacles maybe comes down to someone taking the initiative by using the powers available to them. If someone leads, others are likely to follow suit simply because establishing a State Land Commission would give the initiator a significant edge in what is currently a something of a stalemate and seriously enhance their prestige, something all the parties are in desperate need of at this point in time.

What would remain to be addressed are the practical obstacles to the creation of the State Land Commissions. Fortunately development assistance, such as the SCLTP, are adequately resourced to provide the requisite technical and financial support for State Land Commissions, which Governors might struggle to get from their own State budgets, already seriously constrained by low own revenues and modest transfers from national government, or from their poorly paid and severely overstretched civil service. USAID and its partners working in this area need to make State Governors aware of this critical opportunity for progress on implementing the CPA.

3.0 PROGRAM ACHIEVEMENTS

This section of the Progress Report directly compares **OUTPUTS TO DATE**, by component, activity and location, against the **WORK PLAN TARGETS** nominated as **DELIVERABLES** in the Six Month Work Plan June-December 2007 as agreed with USAID.

3.1 COMPONENT 1: COMMUNITY DEMARCATION OF CUSTOMARY LAND

The program's field work plan for this reporting period has been frustrated by difficulties in accessing some community areas due to abnormally high rainfalls, lack of good roads and communities taking time off for cultivation. Nevertheless some progress has been achieved. The spatial data previously collected by the pilot and in the first year of the SCLTP has been secured, collated and plotted. For the first time any Community Land Areas Boundaries demarcated by community representatives supported SCLTP teams have been endorsed by their constituent communities in four Community Land Areas in Kurmuk County in Blue Nile State. Also, for the first time in Southern Kordofan, demarcation of Community Land Areas has started in earnest in this reporting period. Locality Administrators have been re-engaged in supporting SCLTP efforts in dispute resolution and boundary agreements negotiations between the various communities. Encouragement of peaceful negotiations on CLAs boundaries supported by the SCLTP has reduced tensions over previously contested areas in both States.

BLUE NILE

3.1.1 Activity 1.1: Completing Boundary Demarcations

WORK PLAN TARGETS

- Existing Geospatial Positioning Systems/Geographic Information Systems (GPS/GIS) data (12 months) uploaded and 30 maps for endorsement meetings

The GPS data for all the boundaries that have been demarcated by the project to date have now been uploaded, cleaned, amalgamated, converted into polygons and saved in file formats (*.shp, *.kml) which can be stored in an ordinary desktop or notebook from where they can be readily retrieved using any common GIS program.

These 26 completely demarcated Community Land Areas have converted into polygons and have been overlaid onto satellite imagery and GIS data showing, towns, rivers and land cover (see Attachment A). Various permutations and presentation formats for this data are now ready for trailing in planned endorsement meetings.

OUTPUTS TO DATE

- Backlog of GPS data downloaded, stored and processed into polygons
- Hardware and software for ongoing processing of new GPS data secured

3.1.2 Activity 1.2: Building Support for CLA Boundary Endorsement and Establishment of CLC

WORK PLAN TARGETS

- Schedule of CLA endorsement meetings; identification of acceptable meeting outcomes (endorsements, revisions, etc.)

A Traditional Authorities Consultation Tool (see Attachment B) has been designed, piloted and evaluated. A series of consultation meeting with Traditional Authorities' have been planned; execution is awaiting favorable road conditions. This tool will be used to garner greater support of communities, enhance their participation in the process of determining how customary land tenure can be accommodated within the state land administration system and to increase their awareness of the SCLTP. A panel of Sudanese academics has provided some input into this methodology and might be retained in the future to provide an analysis of the data collected..

OUTPUTS TO DATE

- Traditional Authorities Consultation Tool designed and successfully trialed
- Schedule and endorsement methodology of CLA endorsed being revised based on preliminary results

3.1.3 Activity 1.3: Endorsement of Demarcated Community Land Areas

WORK PLAN TARGETS

- 30 CLA boundaries endorsed with plans for follow-up

Endorsement meetings involving more than 1200 participants (a quarter of whom were women), covering an area of 250 square kilometers with more than 6000 residents have been successfully prosecuted in the reporting period.

Four adjacent demarcated Community Land Areas in Kurmuk County, Jorot West, Jorot East, Kurmuk, and Khor-bodi (see Attachment A for their locations and boundaries) have been endorsed. Participants were informed about the boundaries demarcated by Boundary Committee members, assisted by Field Contractors, referring to Boundary Books, effectively the minutes of the demarcation process, which contain descriptions of meets and bounds of the boundaries. They were then asked if these boundaries did in fact delineate the extent of their estates. They were then asked to sign forms prepared by the SCLSP to attest to that decision. Agreement to these endorsements was unanimous in all four meeting.

OUTPUTS TO DATE

- 4 demarcated Community Land Areas boundaries endorsed

3.1.4 Activity 1.4: Constituting Community Institutions to Hold Title to CLA

WORK PLAN TARGETS

- 3 Community Land Councils formed

No progress in this reporting period due to the wet season slowing down endorsements (see Activity 1.3 above). This activity will be part of the follow up in the four Community Land Areas that have been endorsed (see above) and is expected to commence in early November.

OUTPUTS TO DATE

- Community Land Council formation awaiting completion and endorsement of Community Land Area boundaries

3.1.5 Activity 1.5: Expansion of SCLTP into New County/Locality

WORK PLAN TARGETS

- Expansion of SCLTP to new locality
- MOU with State Government and County Administrations

No progress yet in this reporting period due to delays in formation of new State governments preventing commencement of negotiations over selection of new County.

OUTPUTS TO DATE

- MoU drafted awaiting meeting with new Governor

SOUTHERN KORDOFAN

3.1.6 Activity 1.6: Gather and Consolidate Data on Community Land Area Agreements and Boundaries

WORK PLAN TARGETS

- Communications link with existing county/locality land offices upgraded
- Existing GPS/GIS data uploaded
- Sketch maps produced
- New data regularly uploaded

Partial boundary data which has been collected for Abol and Karko CLAs boundary sections has not yet been uploaded. Although this data has been backed up on Forms # 2 and 3 and coordinates (waypoints and tracks) are stored in the GPS units, they have not yet been uploaded.

Sketch maps have been produced for Abol and Karko CLAs.

OUTPUTS TO DATE

- All existing boundary data has been secured
- 2 sketch maps have been produced
- Collection of new boundary data planned for next reporting period

3.1.7 Activity 1.7: Build-Up County/Locality Level Support for SCLTP

WORK PLAN TARGETS

- Agreement with traditional authorities and civil administration for new communities to be sensitized
- Parties in dispute over boundaries agree to SCLTP mediation

Requests have been received from two communities around Kadugli town for sensitization/awareness meetings to be conducted after the rainy season

OUTPUTS TO DATE

- Request received for SCLTP services from two peri urban communities
- CLTP mediated two meetings for disputes resolution

3.1.8 Activity 1.8: Mediate Disputes over Community Land Area Boundaries

WORK PLAN TARGETS

- Agreements reached over 5 community land boundaries
- Process for forming CLCs identified

Regular contacts have been established with Rashad Locality Administrators. The involvement of the Kumbur Payam Administrator and Chairman has greatly assisted in resolving boundary dispute between Longan and Tira Communities

CLTP mediated two meetings for disputes resolution between 1) Kawalib and Lira communities 2) Tira and Lonagan communities. Mediation was successful and disputes over boundary sections resolved.

OUTPUTS TO DATE

- Two communities agree to allow demarcation to be completed which were halted by disputes

3.1.9 Activity 1.9: New Communities Sensitized about SCLTP

WORK PLAN TARGETS

- Invitations to work in 3 new communities and 3 new boundary committees formed
- MOU in place

Strengthening of locality offices in Kauda and Julud in addition to Kadugli office establishment enhanced coordination of locality level program activities. There is overall improvement in accuracy of data collection on CLAs and in recording collected information.

Therefore, the stage has been set to intensify program activities during the next phase and complete demarcation of the new Community Land Areas and start formation of Community Land Councils.

MoU's are not yet in place but will be agreed after formation of Community Land Area Boundary Committees in the three target areas.

OUTPUTS TO DATE

- Planned for the next reporting period

3.1.10 Activity 1.10: Constituting Community Institutions to Hold Title to CLA

WORK PLAN TARGETS

- Representative bodies of landowners formed and strategies for capacity building developed

Not started in the reporting period

OUTPUTS TO DATE

- Planned for next reporting period

3.1.11 Activity 1.11: Establish County/Locality Land Office in Lagawa

WORK PLAN TARGETS

- Coordinated county/locality level program work plan and MOU

Initial consultations have been held with Dilling Locality Executive Director (Acting Commissioner). The new County/Locality office is now to be established in Dilling town as it is more central than Lagawa. and provides better ease of access to program areas

OUTPUTS TO DATE

- Planned for next reporting period

3.2 COMPONENT 2: STATE-LEVEL SUPPORT FOR ENHANCEMENT OF LAND TENURE SECURITY

3.2.1 Activity 2.1: Establishment of National and State Land Commissions

WORK PLAN TARGETS

- Formation of State Land Commissions that supports customary land tenure constituted with NLC members
- Roadmap for strengthening customary tenure

There is inconsistent interpretation of the relevant law at state level with, for example, the Minister of Agriculture saying Southern Kordofan can proceed with the formation of a State Land Commission, while the former Governor's position was to wait for the formation of a National Land Commission and the

current Deputy Governor's position is that a SLC will be formed after the elections. For a considered view of the law in this regard see Section 2 of this report

A proposal for the establishment of a Technical Committee for Land Policy for Southern Kordofan has been prepared by the Minister for Rural Development for consideration by the new Cabinet, when it is finally formed. The Committee's task is to prepare the ground for a Southern Kordofan Land Commission. The roadmap for strengthening customary tenure included in the proposal for the formation of a Technical Committee for Land Policy for Southern Kordofan.

OUTPUTS TO DATE

- Proposal for the establishment of a Technical Committee for Land Policy for Southern Kordofan prepared for consideration by Cabinet. When formed. SCLTP will be represented on the Committee.

3.2.2 Activity 2.2: Government Engagement with the Expansion and Consolidation of the SCLTP

WORK PLAN TARGETS

- Agreements on consolidation for Kurmuk County/Locality
- Agreements about expansion into new counties/localities

No progress yet in this reporting period due to delays in formation of new State governments preventing commencement of negotiations over selection of new County.

OUTPUTS TO DATE

- Agreement reached with Commissioners for Rashad, Kadugli and Dilling Counties on the need to consolidate activities in the areas where the CLTP has mobilized communities.

3.2.3 Activity 2.3: Support for State Parliamentarians and Executive and Judiciary Authorities

WORK PLAN TARGETS

- 2 sensitization workshops
- Increased capacity and engagement in policy formulation

Progress in this area in Blue Nile State has been negligible in the reporting period. The incoming Governor is yet to form his government (see Section 2 of this report).

In Southern Kordofan, the SCLTP received verbal requests for a land workshop from the former Minister of Agriculture, Kadugli County Commissioner, the SPLM caucus leader in Parliament but discussions with the Ministry of Rural Development pointed to the need for such a workshop to be based on a clear vision about its purpose.

In a recent meeting with the Speaker of Parliament in Southern Kordofan, the Speaker invited the CLTP to address Parliament on the objectives of the Program. He further invited the CLTP to work with Parliamentary Committees that look into land issues. Parliamentarians are currently attending a training course in Kampala and the next Parliamentary Session will begin 21 October, 2007.

The CLTP was selected by the state government to be one of the members of the Technical Committee for Land Policy for Southern Kordofan. Judiciary: October/November.

OUTPUTS TO DATE

- Progress constrained by delays in formation of new State governments

3.2.4 Activity 2.4: Liaison with National Land Commission and CRC through International Partners

WORK PLAN TARGETS

- Selection and nomination of NLC members for TAG

No progress in the reporting period. The GNU is showing no signs of being willing to open itself up to external assistance with regard to land policy

OUTPUTS TO DATE

Deferred to the next quarter

3.2.5 Activity 2.5: Networking with National and State-Level Partners

WORK PLAN TARGETS

- Coordinated approach for supporting customary land tenure
- Formal coordination mechanism for ODA support for customary land tenure
- Cooperation agreements with Mercy Corps, NDI, and OTI

Cooperation, information sharing and joint strategizing with USAID funded UMAP PASA Program Director during the reporting period has been a vital contributing factor to modest successes that have been achieved under this Component.

For purposes of a coordinated approach to supporting customary land tenure the SCLTP has also initiated discussion with SOS Sahel, FAO, IFAD and UNDP Governance Program and UNMIS Rule of Law Program. Our objectives have been to exchange information about ur respective activities so as to build the trust necessary to build linkages between demarcation of customary land by the SCLTP, demarcation of stock routes by SOS Sahel, FAO and IFAD and capacity building of traditional leaders by the UNDP Governance Program and to use the capacity created by training done by these agencies to enhance the SCLTP delivery of cost effect land administration in the Two Areas.

OUTPUTS TO DATE

- Joint membership of Technical Land Policy Committees in Southern Kordofan
- Information sharing protocols established with UNMIS Rule of Law Program

4.0 PERSONNEL, PARTNERS, AND LOE

4.1 PROGRAM PERSONNEL

S						
No	Type(1)	Accounting Code	August 2007 Name	Position		Date of Termination
LONG-TERM EMPLOYEES						
1	LT	50-LH	Shaun Williams	Chief of Party		May 19,09
2	LT	50-LH	Hadley Jenner	State Land Adviser-BN		Sept 6,07
3	LT	50-LH	Charles Chavunduka	State Land Adviser-SK		May 19,09
4	LT	50-LH	Ines Krauth	Program Coordinator		May 19,09
5	LT	50-LH	Alfred Kenyi	Field Program Coordinator-SK		May 19,09
6	LT	50-LH	Randa Osman	Finance Officer		May 14,08
7	LT	50-LH	Amel Mubarak	Administrator		Jun 14,08
8	LT	49-17	Nazar Eltayeb	Logistics Officer		Aug 02,08
10	LT	50-LH	Mohamed Abdelrahim	State Land Office Administrator-BN		Jul 17,08
11	LT	50-LH	Monier Elias	Field Program Coordinator-BN		Aug 21,08
12	LT	50-LH	Ibrahim Yassin	Facilitator-BN		June 16,08
13	LT	50-LH	Sabah Abdulaziz	County Land Office Administrator-Kurmuk		June 16,08
14	LT	50-LH	Anthony Trilli	State Land Office Administrator-SK		Jul 03,08
15	LT	50-LH	Mahana Bashier	Facilitator-SK		15-Aug-06
16	LT	50-LH	Abdulmajeed Hassan	County Land Office Administrator-Kauda		Jul 03,08
17	LT	50-LH	Fadlelah Kuku	County Land Office Administrator-Lagawa (now Jullud)		June 16,08

4.2 SHORT TERM TECHNICAL ASSISTANCE

No international technical assistance was deployed in the reporting period. Establishing the program office network, required to support technical assistance, took longer than expected and the unusually adverse weather conditions prevented us from commissioning any field work focused technical assistance during this time.

A new schedule of technical assistance has been formulated - see below

TABLE 3.2 SCHEDULED SHORT-TERM TECHNICAL ASSISTANCE TIMELINE

Name	June				July				August				September				October				November				December				LOE
Weeks	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	
Baseline Assessment																													22 days
PIE																													22 days
GIS																													22 days
PMP																													12 days

5.0 PROJECT MANAGEMENT AND COORDINATION

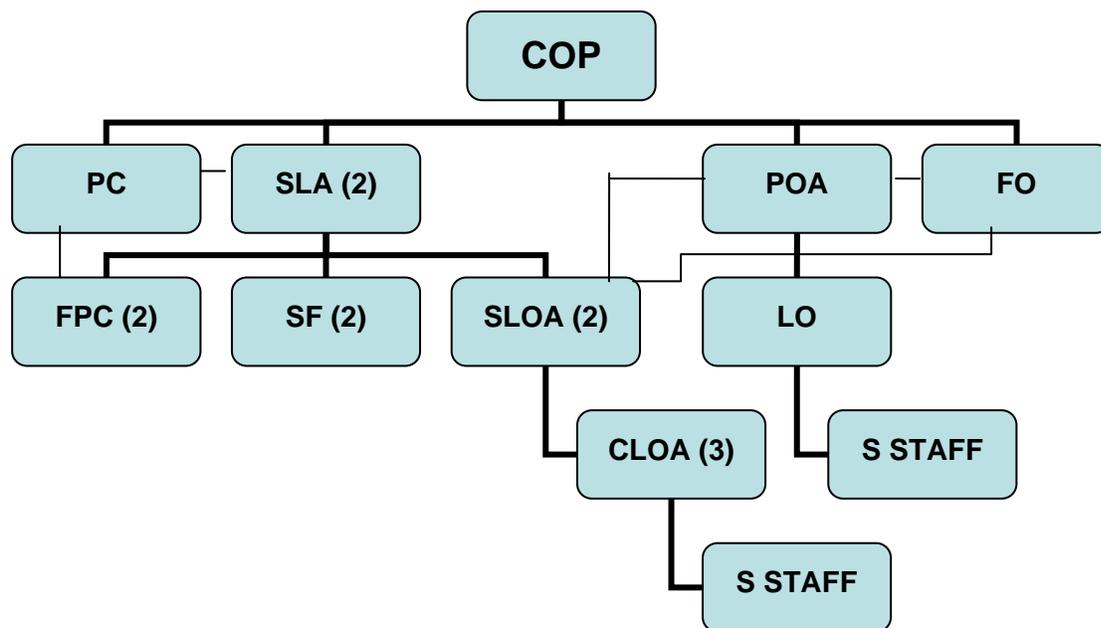
5.1 PROGRAM MANAGEMENT

The home office support team for the Program has been unchanged:

- Ian Deshmukh, ARD, Senior Technical Advisor/Manager
- Roxana Blanco, ARD, Project Manager

Figure 5.2.1 In-Country Program Team Structure

The in-country program team has been restructured to operationalize the establishment a new program offices in Khartoum, new State Land Offices in Damazin, Kadulgi and a new County Land Office in Jullud, Southern Kordofan,



COP – supervises SLA, PC, POA, FO

SLA – supervises FPC and SLOA and SF in state administration

PC – links with SLA, FPC (PMP Program)

SLOA – supervises CLOA and is linked to POA and FO on program administration

LO – is supervised by POA but does not link directly to state-level administration

Legend and Acronyms

—	=	Direct Supervision
—	=	Coordination
COP	=	Chief of Party
SLA	=	State Land Adviser
PC	=	Program Coordinator
POA	=	Program Office Administrator
FO	=	Finance Officer
FPC	=	Field Program Coordinator
SF	=	State Facilitator
SLOA	=	State Land Office Administrator
LO	=	Logistics Officer
CLOA	=	County/Locality Land Office Administrator
S Staff	=	Support Staff

5.3 PROGRESS CONTRACTING OUT SCLTP FIELD OPERATIONS

The new contracting arrangements for Component have been put in place. The field contract types (FCT) identified so far are as follows:

FCT 1: Community Mobilization/Invitation/Selection of Boundary Committees;

FCT 2: Demarcation of Community Land Area Boundaries;

FCT 3: Community Affirmation/Endorsement of Community Land Area Boundaries;

FCT 4: Resolution of Disputes over Community Land Area Boundaries; and

FCT 5: Establishing Community Land Councils.

Four Field Contract Type 3: Community Affirmation/Endorsement of Community Land Area Boundaries were executed in Blue Nile during the reporting period. No precedents existed for these contracts as they have never before been attempted by the preceding pilot of by the program in FY1. The results, almost unanimous endorsements, were encouraging and we learnt a lot. Based on this experience, we will be refining the methodology used in these type of contract based in the coming months. We can also now continue trialing downstream phases of the Technical Guidelines including Field Contract Type 5 Establishment of Community Land Councils.

5.4 PROGRESS ON PROGRAM REPORTING

The reporting arrangements for SCLTP during this period have been

1. Weekly highlights and coming activities
2. Quarterly Reports

Preparation of the Program Monitoring Plan (PMP) for the SCLTP will begin in September and will be completed in October. The next quarterly report will be against the PMP.A revised Baseline Study was

also included in the current six month work plan. Commissioning of this work awaits approval of the Task Order Modification.

5.5 FINANCE

June 2007 personnel responsible for financial control moved out of Kenya and into Sudan. The first dedicated Financial Officer was hired and started work on the 18th June 2007. On the 1st of July ARD opened USD and SDG (Sudanese Pounds) bank accounts with Byblos Bank Africa in Khartoum. By the end of July, payroll for local hired staff was prepared and is in use.

In mid July a consultant trainer spent 5 weeks in country training administrative and finance staff in ARD and USAID procedures and financial reporting systems. We are currently seeking a financial consultant to advise on taxation and accounting requirements in order to comply with Sudanese law and regulations.

Total expenditures for the period 1st June - 30th August 2007 was US\$ 1,090,184 with an average monthly burn rate p for the period of US\$ 363,395. This reporting period coincided with the rainy season in Sudan and hence implementation was constrained by transport difficulties and blocked access routes. As a result not much field work has been taking place. This was offset by the move from Nairobi to Khartoum and establishment of three new offices, increased procurement and set up activity. Operational expenditure will rise in the coming few months and procurement will tail off.

A revised program budget realignment, redistributing unspent from FY7 to FY8 and FY9 including taxes and duties as allowable costs has been submitted in the reporting period and awaits agreement over a contract amendment, anticipated to be agreed later in September.

5.5 MODIFICATIONS TO THE STATEMENT OF WORK

A proposal for a modification of the Task Order to correct some technical deficiencies in the original Statement of Work has been submitted and awaits approval.

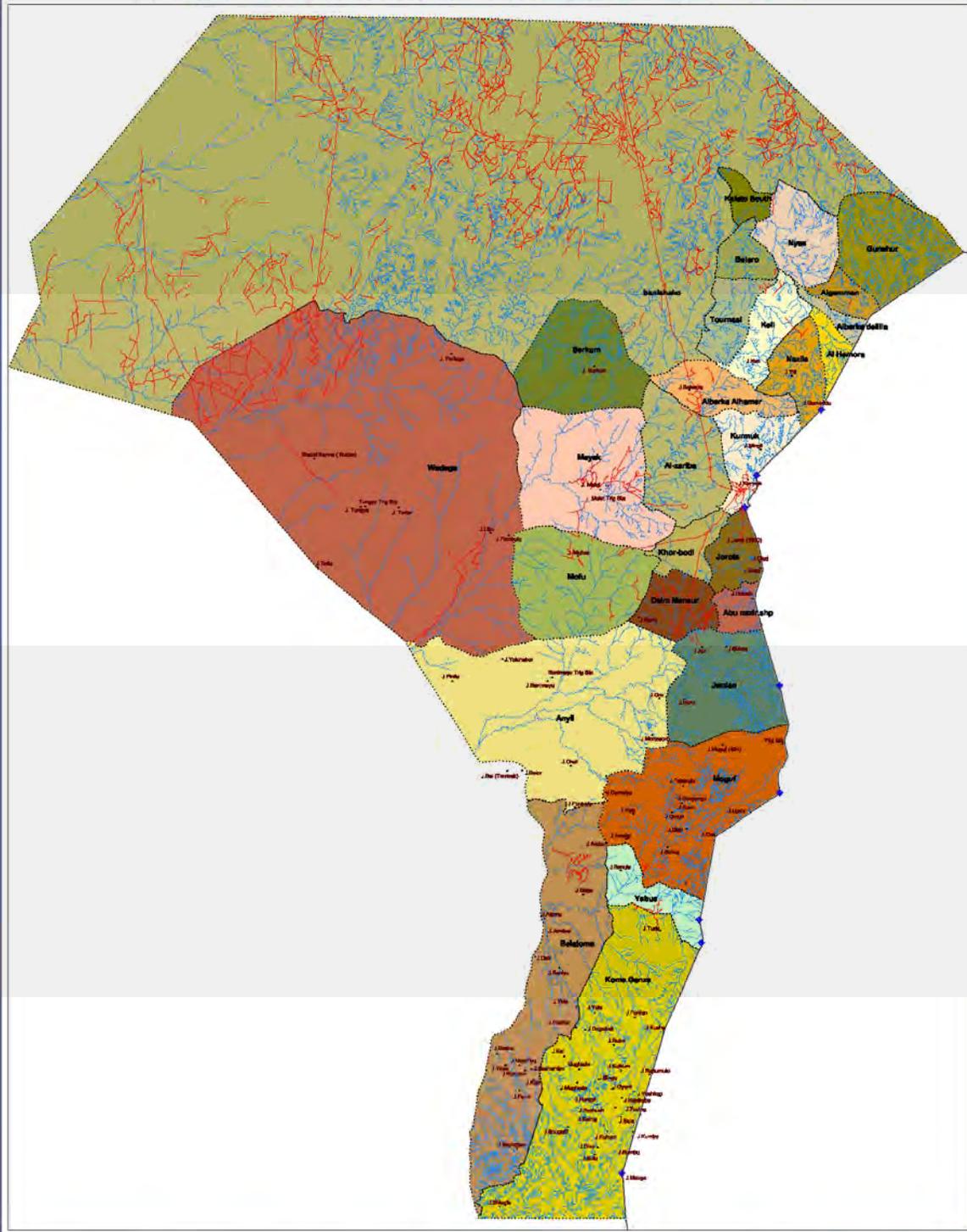
The key modifications sought are as follows.

1. Making the CoP not the State Land Advisers the focal point for contact with USAID/Khartoum. (p. 9)
2. Redrafting of the terms of reference for the Baseline Study in the original SOW in the light of an ongoing USAID funded NDI survey of the changing attitudes of the citizens of the Three Area to security of their property rights as part of the implementation of the CPA, and our need to know what public records of property rights in these areas already exist. (pp 9-10)
3. Inclusion of new position of Program Coordinator (p. 13)
4. Removal of the attribution of all the program' deliverables to the State Land Advisers and removal of references to the State Land Advisors or the program taking direction from, as opposed to 'working with' the State Governors (p. 16 deletion of point 9) in their Scopes of Work (revised Annex 7, deletion of original point 9 refers)

Agreement is anticipated later in September.

**ATTACHMENT A:
DEMARCATED COMMUNITY
LAND AREAS, KURMUK
COUNTY, BLUE NILE STATE**

Map of Community Land Area-Blue Nile



- Legend**
- Settlement
 - Boundary basin
 - International boundary
 - Road
 - State boundary
 - River



This map has been compiled for the Basin Outcomes Land Issues Program undertaken by AIC, funded by USAID. The mapping is being undertaken by the Data Exchange Platform for the Horn of Africa (DEPHA) in a four 2009/2010, Tel: +251 91 2041999, E-mail: info.depha@icp.org, Box 2007.

The boundaries and names on this map do not imply any official endorsement or acceptance by the United Nations.

Map by: Geo-Map

**ATTACHMENT B:
TRADITIONAL AUTHORITIES
CONSULTATION TOOL**

GUIDELINES FOR CONSULTATIONS WITH TRADITIONAL AUTHORITIES ABOUT CUSTOMARY LAND TENURE

Purpose of this Document

This document is designed to help those collecting data using the Traditional Authorities Data Collection Tool (attached) understand the objectives, principles and methodology of the planned consultation program

Objective of the Consultations with Traditional Authorities:

The Sudan Customary Land Tenure Program (SLCTP) wants to better understand how customary land tenure works currently in both Blue Nile and Southern Kordofan so that measures to strengthen and embrace this system can be advanced in support of the Comprehensive Peace Agreement.

Principles for These Consultations:

- Consultation is a process, not an event. For a process to be sustained requires trust and the building of relationships which must underlay this effort.
- To learn directly from the source i.e. Traditional Leaders (Sheikhs, Omdahs, Meks, heads of families about customary land tenure. Respect for their time and participation must be acknowledged by word and deed.
- A full explanation of the consultation should be given at the outset and any questions answered. If any follow-up is required, this should be done as quickly and completely as possible to build trust (see the first principle above).
- The process should encourage the flow of information from respondent to the recording team without manipulation or leading the informants
- What we are really interest in finding out is how customary land tenures are working today, rather in just collecting histories of how they have worked.

Guidelines:

1. The State Land Advisor and the State Field Program Coordinator will together be responsible for planning operational details of these consultations supported by the State Facilitator and Program Coordinator.
2. The State Facilitator will primarily be responsible for setting up consultations after being planned, making sure that all invited are properly informed about the meeting. Where possible, these consultations should be conducted in the courts Traditional Leaders.
3. Prior to each consultation, an Interlocutor should be designated who will take the lead for the team in introducing questions, providing explanations and guiding the process.
4. A Recorder should be designated for each session and a translator present to assist with communication.

5. Those conducting the consultation should be mindful of time and maintain a balance between obtaining useful information about land tenure and letting respondents speak freely. If need be, consultations should be gently redirected to keep on point. If the respondents are giving signals that questions are causing discomfort, then back off, try another approach or consider ending the session.
6. It may be helpful initially to have as many levels of Traditional Authority present at these consultations as is possible. If that is not possible, separate meetings should be arranged.
7. Contextual cues and non-verbal signals may all reveal important information. Recording of verbal responses should reflect what is said as well as who said, with maps (or pictures, if possible) of who was where when the consultation took place.
8. Care should be exercised to put respondents at ease. An initial elicitive approach can help with this by inviting some story telling about land ownership, or history of the particular community. Some open-ended questions, as opposed to close-ended questioning with yes or no answers, can also be helpful.
9. Following the consultation session, the SCLTP team should meet to share details of the session and cross-check information gathered. If there are disagreements among the SCLTP team as to information obtained, record those disagreements, do not ignore conflicting information. If there are disagreements among respondents, record this as well, ideally recording who had the disagreement, what their role was, who spoke first, second and so on.
10. A report using the Consultation Tool to record information plus minutes should be prepared as soon as possible following the consultation. Details of story-telling or other information stemming from open-ended questioning can be appended to the Consultation Tool.

Next Steps:

Consultations with Traditional Authorities will be conducted August – October, 2007 followed by a review of the information gathered by experts. Their opinion about the results of this process will inform SCLTP strategies to build on the experience gained from what has been already done so that customary land tenure will be strengthened in both Blue Nile and Southern Kordofan.

CONSULTATIONS WITH TRADITIONAL AUTHORITIES: DATA COLLECTION TOOL

Meeting at:

Date:

Invited:

Present:

Questions/Respondents	Mek	Omdah	Shiekhs	Heads of Families
What is the role of the Mek in land issues?				
Can the Mek make assignments ¹ of land?	Yes/No	Yes/No	Yes/No	Yes/No
What kinds of assignments	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other
If so, over what types of land, on behalf of whom, to who, on what terms?	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=
What is the name given to the area over which the Mek can make assignments of land?				
Does the Mek report assignments to the government?	Government/other	Government/other	Government/other	Government/other
What is the role of Omdahs in land issues?				
Which Omdahs can make assignments of land?				
What kinds of assignments	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other

¹ Assign=transfer of ownership of a property or right to another party by signing a document or by executing some other instrument of attestation.

Questions/Respondents	Mek	Omdah	Shiekhs	Heads of Families
If so, over what types of land, on behalf of whom, to who, on what terms?	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=
What is the name given to the area over which a Omdahs make assignments of land?				
Do Omdahs report assignments to the Mek or the government?	Mek/government/other	Yes/No	Yes/No	Yes/No
What is the role of Sheikhs in land issues?				
Do different Sheikhs have different powers?				
Which Sheikhs can make assignments of land?	Yes/No	Yes/No	Yes/No	Yes/No
What kinds of assignments	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other
If so, over what types of land, on behalf of whom, to who, on what terms?	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=
What is the name given to the area over which sheikhs can make assignments of land?				
Do Sheikhs report assignments to Mek/Omdahs/government?	Mek/Omdahs/ government	Mek/Omdahs/ government	Mek/Omdahs/ government	Mek/Omdahs/ government
What is the role of Chiefs in land issues?				
Do different Chiefs have different powers?	Yes/No	Yes/No	Yes/No	Yes/No
Which Chiefs can make assignments of land?				

Questions/Respondents	Mek	Omdah	Shiekhs	Heads of Families
What kinds of assignments	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other
If so, over what types of land, on behalf of whom, to who, on what terms?	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=
What is the name given to the area over which the Chiefs can make assignments of land?				
Do Chiefs report assignments to Mek/Omdah/Sheikh/Chief/government/other?	Mek/Omdah/Sheikh/Chief/government/other	Mek/Omdah/Sheikh/Chief/government/other	Mek/Omdah/Sheikh/Chief/government/other	Mek/Omdah/Sheikh/Chief/government/other
Are there others who do can make assignments of land in the same area as Chiefs, Sheikhs, Omdahs and the Mek?	Yes/No	Yes/No	Yes/No	Yes/No
What are they called?				
What kinds of assignments	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other
If so, over what types of land, on behalf of whom, to who, on what terms?	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=
Who keeps records of these assignments and where are these records?	Mek/Omdah/Sheikh/Chief/government/other	Mek/Omdah/Sheikh/Chief/government/other	Mek/Omdah/Sheikh/Chief/government/other	Mek/Omdah/Sheikh/Chief/government/other
Which Traditional Authorities can assign land in the areas that have been demarcated by the SCLTP?	Mek/Omdah/Sheikh/Chief/government/other	Mek/Omdah/Sheikh/Chief/government/other	Mek/Omdah/Sheikh/Chief/government/other	Mek/Omdah/Sheikh/Chief/government/other
What kinds of assignments	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other	Sell/lease/exchange/gift/bequeath/charge/other

Questions/Respondents	Mek	Omdah	Shiekhs	Heads of Families
On behalf of whom, to who, on what terms in each community land area?	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=	Type= Beneficiary= Assignee= Terms=
Who decides what a community land area shall be called?	Mek/Omdah/Sheikh/ Chief/government/other	Mek/Omdah/Sheikh/ Chief/government/other	Mek/Omdah/Sheikh/ Chief/government/other	Mek/Omdah/Sheikh/ Chief/government/other

Recorded by;

Assisted by:

Translators:

Witnesses:

Date

ATTACHMENT C: PROGRAM ACTIVITIES / WORK PLAN TARGETS / OUTPUTS TO DATE / INDICATORS MATRIX

TABLE A-1 COMPONENT 1: COMMUNITY DEMARCATION OF CUSTOMARY LAND

BLUE NILE STATE

ACTIVITY	WORK PLAN TARGETS	OUTPUTS TO DATE	INDICATORS
1.1 Completing boundary demarcations	Existing Geospatial Positioning Systems/Geographic Information Systems (GPS/GIS) data (12 months) uploaded and 30 maps for endorsement meetings	<ul style="list-style-type: none"> • Backlog of GPS data downloaded, stored and processed into polygons • Hardware and software for ongoing processing of new GPS data secured 	55 preliminary Community Land Area Boundaries plotted and mapped (See Attachment A)
1.2 Building support for CLA boundary endorsement and establishment of CLC	Schedule of CLA endorsement meetings; identification of acceptable outcomes	<ul style="list-style-type: none"> • Traditional authorities consultation tool designed and successfully trialed • Schedule being revised 	Tool
1.3 Endorsement of demarcated community land areas	30 CLA boundaries endorsed	4 demarcated Community Land Areas endorsed	4 signed Form 3 indicating community endorsement as per guidelines
1.4 Constituting community institutions to hold title to community land areas	3 CLC formed	Planned for next reporting period	N/A
1.5 Expansion of SCLTP into new county/locality	Expansion of SCLTP to new locality.	Planned for next reporting period	N/A

TABLE A-1 COMPONENT 1: COMMUNITY DEMARCATION OF CUSTOMARY LAND**SOUTHERN KORDOFAN**

ACTIVITY	WORK PLAN TARGETS	OUTPUTS TO DATE	INDICATORS
1.6 Gather and consolidate data on community land area agreements and boundaries	12 CLAs demarcated and mapped	<ul style="list-style-type: none"> • 2 sketch maps have been produced • No new data has been collected 	<ul style="list-style-type: none"> • Inventory showing GPS units held by County Land Offices • Sketch maps
1.7 Build-up county-level support for SCLTP	Agreement over new communities to be sensitized Parties in dispute over boundaries agree to SCLTP mediation	<ul style="list-style-type: none"> • Requests received for SCLTP services from two peri urban communities 	Minutes of meetings held, attendance record
1.8 Resolve disputes over the boundaries of community land areas	Agreements reached over 5 community land boundaries Process for forming CLCs identified	<ul style="list-style-type: none"> • CLTP mediated two meetings for disputes resolution 	Minutes of meeting, lists of participants
1.9 Community sensitization about SCLTP	Invitations to work in 3 new communities and 3 new boundary committees formed	<ul style="list-style-type: none"> • 	Minutes of meeting, lists of participants
1.10 Constituting community institutions to hold title to community land areas	Representative bodies of landowners formed and strategies for capacity building developed	<ul style="list-style-type: none"> • Planned for next reporting period 	N/A
1.11 Establish County/Locality Land Office Lagawa	Coordinated county/locality-level program work plan	<ul style="list-style-type: none"> • Planned for next reporting period 	N/A

TABLE A-3 COMPONENT 2: STATE-LEVEL SUPPORT FOR ENHANCEMENT OF LAND TENURE SECURITY

ACTIVITY	WORK PLAN TARGETS	OUTPUTS TO DATE	INDICATORS
2.1 Establishment of national and state land commissions	Formation of a NLC that supports customary land tenure and constitution of state land commissions with same mandate Roadmap for strengthening customary tenure Agreements on consolidation for Kurmuk County/Locality Agreements about expansion into new county/locality	Proposal for the establishment of a Technical Committee for Land Policy for Southern Kordofan prepared for consideration by Cabinet. When formed. SCLTP will be represented on the Committee. Agreement reached with Commissioners for Rashad, Kadugli and Dilling Counties on the need to consolidate activities in the areas where the CLTP has mobilized communities.	Memorandum
2.2 Government engagement in the expansion and consolidation of the SCLTP	Agreements on consolidation for Kurmuk County/Locality Agreements about expansion into new county/locality	Progress constrained by delays in formation of new State governments	• MOU
2.3 Support for state parliamentarians, executive and judiciary	Increased capacity and engagement in policy formulation	Deferred to the next quarter	• N/A
2.4 Liaison with National Land Commission and CRC through international partners	Selection of NLC members for TAG		• N/A
2.5 Network with national and state-level partners	Coordinated approach for supporting customary land tenure Formal coordination mechanism for ODA support for customary land tenure Working arrangements with Mercy Corps, NDI, and OTI	Joint membership of Technical Land Policy Committees in Southern Kordofan Information sharing protocols established with UNMIS Rule of Law Program	• Correspondence

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