

FAO SUDAN LAND PROGRAMME

Delicate Balances



Returnees face major challenges



Governments look for sound land policies and legislation



Implementation of Peace Agreement requires support



Early on, FAO identified land as central to problems throughout Sudan and took the initiative to create the Sudan Land Programme. By pulling together land-focused sub-components of different emergency projects, it was able to implement highly successful activities to support the transition from emergency to development programming. Now, FAO seeks targeted donor support to build on this success. If Sudan is ever to be in a position to concentrate on long-term development, these entrenched land issues must be resolved:

- competition for access to land and natural resources
- insecure tenure arrangements
- lost land rights, displacement and eviction
- land and property restitution



Delicate Balances

Searching for peace and equitable development

IN SUDAN'S MULTICULTURAL SOCIETY, land is a source of individual and tribal pride but also a major source of conflict. Governmental land policies do not always correspond to strategies of rural populations, dual legal systems pit customary law against statutory law, government and civil institutions compete over responsibilities and land users such as pastoralist, farmers and even public institutions compete for the same lands. Hostile environmental conditions make mobility imperative for survival. Efforts to support sustained peace and promote equitable development must balance these dichotomous issues.

Sudan has been at war almost continuously since independence in 1956. Because of protracted conflicts and humanitarian crises, more than 80 percent of Sudan's donor funds have been earmarked for emergency relief operations for the last two decades, leaving less than 20 percent for longer term development. Yet, years of war have left public institutions, civil society, legal and policy frameworks and the absorption capacity of the governments in poor conditions. Secure access to land and natural resources is essential to establishing an enabling environment for sustained development.

Sudan needs to address past and current injustices. Failure to do so leaves grievances alive and holds potential for a return to conflict. This healing process requires genuinely addressing land claims, as well as the restitution of rights lost before, during and after the conflict. The CPA's Wealth Sharing Agreement attributes major importance to these challenges.



FAO takes initiative, brings expertise to build Sudan Land Programme

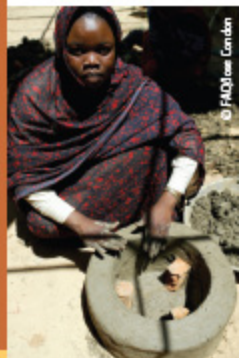
FAO HAS BROAD EXPERIENCE DEALING WITH LAND ISSUES throughout Africa, with a specific focus on post-conflict situations. It is the lead technical organization on rural land tenure within the UN system. In addition, FAO has 40 years experience working in Sudan. Its previous and ongoing work with all government levels and its participation in land studies and activities in every region of both northern and southern Sudan have given FAO's policy and technical experts an objective and balanced perspective of the area and its people.

FAO is considered an honest and respected broker in dealing with land issues, capable of supporting sensitive issues and providing the type of coordination needed. Its programme approach calls for holistic handling of multi-dimensional land issues in order to create synergies among different interventions and:

- ensure that local experiences and best practices factor into the national policy and law dialogue;
- ensure civil society participation in upstream policy and law development;
- promote a give-and-take approach based on negotiation;
- build on existing mechanisms such as local institutions, land commissions, emerging land administrations;
- support a strong national-driven approach to reform;
- implement pilots to learn and train before up-scaling activities;
- give legal recognition to customary rules, regulations and customary institutions;
- ensure that rights and needs of women and women-headed households (up to 50% of the returnees), minorities and indigenous groups are equally addressed;
- support access to land and tenure security for returnees to facilitate livelihoods recovery of conflict-affected people.

Support for addressing land issues grossly underfunded

Funding for a comprehensive land programme to address this root cause of major conflicts has been poor. Of a total 2.5 year development budget of almost US\$8 billion, the Joint Assessment Mission, the main framework for pledging recovery and development funds for Sudan, identified only a nominal US\$200 000 budget to develop land policy in southern Sudan, compared to some US\$48 million allocated for regional media. FAO has taken the responsibility of seeking adequate funding for implementing a land programme that is balanced with the needs.



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Dealing with past injustices to establish a sound for the future by providing

Identifying needs, setting goals and moving forward

FAO LAND PROGRAMME activities began in 2001 when the Intergovernmental Authority on Development (IGAD) Partner Forum Working Group requested FAO to conduct a study of access to land, grazing and water resources, a study ultimately used for background in the Naivasha peace talks. The resulting 2005 Comprehensive Peace Agreement as well as the Darfur Peace Agreement (2005) and the Eastern Region Peace Agreement (2006) all recognize the need to develop land policies that respond better to the realities of the different populations, indicating their awareness that addressing land issues is key to achieving durable peace and development.

Based on the success of FAO's early interventions and initiatives that blended a set

of complementary land activities into the Land Programme, national partners and the international community acknowledged FAO's lead technical role in land tenure issues and requested an up-scaling of its highly successful land

activities. FAO has worked with local, state and national government entities, international organizations and NGOs as well as the Sudanese people themselves to shape the framework of the Land Programme.

FAO now seeks to conceptualize and implement a number of strategic land projects targeted to the different needs in various geographic areas, but maintaining and overall programme approach – the Sudan Land Programme.



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FAO has developed a framework to address land and natural resource management and promote rural development and governance of resources through a package of interlinked measures that supports:

- policy and law development,
- institutional capacity building,
- secure access to land for all actors,
- mechanisms for exercising and protecting these rights and
- mechanisms for land- and resource-based disputes resolution

FAO works continuously to address immediate needs of returnees and challenges of the conflict transformation process while at the same time establishing longer term policy and land-use frameworks and implementing sustainable agricultural practices.

**basis
solutions for the present.**

The international community has been greatly involved in supporting the people of the Sudan as they deal with emergency livelihood and food security crises brought on by decades of conflict and natural disasters. However, these emergency measures have not addressed one of the root causes of conflict in Sudan – land.

FAO SUDAN LAND PROGRAMME

Looking at people, land, its use and management

Darfur/Western Sudan: Increased competition between agriculturists and pastoralists over a shrinking and degrading natural resources base has led to confrontation. Undermined customary tenure, weakened local institutions and inefficient public land management have turned the Darfur region into a humanitarian disaster, displacing 2.2 million people. Returnees face major challenges in recovering property, rights to use land and natural resources.
Needed: Development of user-friendly mechanisms for registering customary land rights, strengthening of local land management institutions and resolving disputes.

Eastern Sudan and the Transitional Areas: Use of large-scale mechanized farming since the 1960s has led to eviction of farmers from their ancestral lands, cut off pastoralists from seasonal migration routes and exacerbated farmer-pastoralist land access disputes, created feelings of mistrust in dealings with hundreds of thousands of displaced people, and put additional pressure on local governments, institutions and public administrations.
Needed: Inventory of land use and land concessions, community-driven land use planning, and land conflict mitigation.

Southern Sudan: The 2005 Comprehensive Peace Agreement calls for immediate action to facilitate reintegration of millions of returnees, protect land rights of local populations and address such as loss of land and natural resource rights, forced eviction and long-standing conflicts.
Needed: Expert advice in policy, law and institutional development, local land management and support to emerging land administrations.

FAO Sudan Land Programme – highlights of achievements

IN SPITE OF LIMITED FUNDING, FAO has been able to provide technical assistance and facilitate well received discussions on access to land and natural resource management in Sudan. In addition to working closely with the Government of National Unity and the Government of Southern Sudan, FAO has established relationships with the National Constitutional Review

Commission (NCRC), civil society, the academic world, NGOs, partner international organizations, bilateral donors including Italy, the Netherlands, Denmark, USA, Canada, Sweden, UNHCR, Norwegian Refugee Council, and various fora and local institutions to implement these benchmark Sudan Land Programme activities.

ACTIVITY	FAO INVOLVEMENT	OUTCOME
Establishment of National Land Commission (NLC)	FAO, the only non-Sudanese partner, has worked with governmental committees to conceptualize the mandate and organization of the NLC.	3-day workshop held with the NCRC produced draft law to establish the NLC and created first links, connections, contacts between these governmental committees and the SSLC.
Support to the Southern Sudan Land Commission (SSLC)	FAO supported SSLC establishment, providing technical and material assistance and policy advice, and has taken the lead to coordinate land issues.	Organization of the first high level public workshop to discuss future land policy, and set up of a Land Coordination Forum in southern Sudan to coordinate land issues.
Land policy development in Darfur	FAO brought together high-level customary leaders, national law- and policy-makers and civil society representatives from each of the Darfur regions and tribes.	3-day workshop to discuss ways forward in developing land policy framework for Darfur, its recommendations were endorsed and now are part of the Darfur Joint Assessment Mission (DJAM) report
Land assessments	FAO conducted a series of scoping and assessment studies to identify specific needs for addressing land tenure, land use and conflict resolution measures in all areas of Sudan.	Provided opportunities to train national and international staff from sister UN organizations, specific subject matter assessments implemented for arbitration of land disputes in Sudan.
Regional conflict management	FAO facilitated workshop series to raise awareness, disseminate information and open dialogue – Darfur (partner with UNDP), S.Sudan (with UNHCR, NRC, Min. of Legal Affairs and Constitutional Development, and SSLC).	Workshops brought together diverse groups including academics, customary leaders, women's groups and local administrations to find ways to move toward common solutions which resulted in the DJAM land proposal for action
Ascertainment of customary law and local conflict management	FAO designed and implemented research, trained national researchers, established a framework to develop guidelines alternative to conflict.	A series of studies conducted in selected areas in southern Sudan ascertained the extent of customary law, helping create a realistic interface between customary and statutory law.
Community land management projects	FAO implemented pilot experiences with partners in a number of return hotspots in southern Sudan to develop and test methodologies for post conflict land recovery planning	Local development committees strengthened; public and NGO staff trained in community mobilization, natural resource management, land management and tenure.
Support to land administrations	FAO designed and provided training, purchased equipment and logistically supported the land services	Main land administration services in southern Sudan (Juba, Wau and Malakal) have been upgraded to deliver embryonic service, and respond to immediate needs.
Support to returnees	FAO partnered with UNHCR, NRC and IRC to develop information dissemination framework	Framework now serves as a basis for informing displaced persons of possible land and property problems upon return and provides answers to commonly asked questions.

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