

Interim Evaluation of the Project

**SECURING RURAL LAND RIGHTS IN SOUTHERN SUDAN
IN A CONTEXT OF LARGE-SCALE LAND ACQUISITIONS**

A Report to Norwegian People's Aid

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Report on the Interim Evaluation of the project

“SECURING RURAL LAND RIGHTS IN SOUTHERN SUDAN IN A CONTEXT OF LARGE-SCALE LAND ACQUISITIONS”

Executive summary and recommendations

This is a report on the interim evaluation of NPA’s project “SECURING RURAL LAND RIGHTS IN SOUTHERN SUDAN IN A CONTEXT OF LARGE-SCALE LAND ACQUISITIONS”. The two-year project, funded by NORAD, was launched in March 2011. The present evaluation was carried out in October-November 2012. The project was a response to widespread and growing concerns over the immediate and possible long-term socio-economic and political consequences of large scale land acquisitions in post-CPA/post-independence South Sudan, where the vast majority of the population are directly dependent on land resources for their livelihoods as pastoralists, agro-pastoralists, farmers and in-land fishers. Moreover, questions were being raised about the legality and probity of these transactions. A baseline study commissioned by NPA showed that the acquisitions threatened rural land rights and food and livelihood security. It also came to light that the Land Act, 2009 was not widely disseminated among the people and that the majority of rural South Sudanese were unaware of their rights to land enshrined in the Act. Moreover, there were capacity gaps at different levels of the emerging state to enforce the Land Act of 2009. Equally evident was the lack of capacity within civil society to address the emerging land issues in an organised fashion. Based on the findings of the baseline study and its long experience in the country, NPA chose awareness creation and capacity development with regard to land rights and large scale land acquisitions as the main focus of the project under review, which complements its other programs in South Sudan. The main target group is composed of Government institutions, Traditional Authority, Civil Society in South Sudan and rural communities in general.

The project under review is a major undertaking even for an INGO such as NPA which has many years of experience in S. Sudan. The issues it addresses are of high national importance. The focus on land rights and large scale land acquisitions is relevant and timely indeed. As a project in awareness creation and capacity development, it covers the entire country and has been striving, among others, to facilitate the formation of a national network of community based organisations (CBOs) concerned with land rights and related issues. The professional capacity needs and the logistical challenges of such an endeavour are formidable in a war-ravaged country with poorly developed human resources, land-related institutional arrangements, infrastructure, and communication facilities. The success of a project of this nature depends on effectively harnessing the cooperation and active involvement of the diverse categories that constitute the ‘target group’, such as governmental agencies, Traditional Authority, and civil society organisations concerned with land issues and rural livelihoods. Viewed in such a context, the project’s overall performance is impressive.

The project was a timely and relevant intervention and has been designed with due consideration to the conditions in post-war South Sudan. It has been effective in reaching and mobilising the different segments of the target group. The project’s leadership and staff deserve credit for an effective handling of the country-wide activities in the midst of several logistical challenges. The

progress in implementation is remarkable for a majority of the 15 activities under the three objectives; four of the five activities under the first objective and all activities under the third objective. The poor (or lack of) progress in the activities of the second objective seems to be related to the capacity of partner institutions, and may largely be due to factors that are more demanding of time and other resources to achieve the expected results. The same may be said of the lack of progress in one of the activities under the first objective. The project has been consciously striving to include women in its activities. It has made some progress in this regard although the level of women's participation in the project's activities is still rather low - understandably due to traditional gender roles yet to adjust to the demands of changing times. The project's documentation on feedback and follow up was useful but could have been better in terms of details and coverage of issues. The project's monitoring and evaluation is not so well formalised. The informal practices adopted may work in practice to fix problems as they arise in an ad hoc fashion but a functioning formal arrangement is a necessary condition for a systematic learning process and documentation of experiences which may be useful for NPA in the future. This is also a way to accumulate institutional memory. The project can be completed as planned if more time and capacity are devoted to the slow moving activities, which in some cases may also need some rethinking (for example activity 2.3 in Table 1). The SLAs and SSuLA need more capacity development to function effectively after the termination of the project. In working out its exit strategy, NPA may take this and other issues of sustainability mentioned in this report into consideration.

Recommendations

- **Focus more on slow moving activities**

The project should consider devoting more time and other resources to the few slow moving activities with a view to achieve better results and to ensure the completion of the project as planned. We also recommend that a competent project officer be hired to take care of the project's follow up activities.

- **Setup a mechanism to update information on large scale land acquisition and investment**

Take steps to establish a functioning mechanism for updating information on large scale land acquisitions and investments. This has to do with the establishment & operation of a land rights resource centre in Juba (i.e. activity 1.4 which remains to be implemented). NPA's idea of letting SSuLA with the assistance of SLA's handle this is good in principle. In our view, the SLAs and SSuLA will need considerable training and logistical support to perform the tasks. The project should identify the right persons from SSuLA and organise them as a unit and provide the necessary training and support for the unit to function efficiently. The establishment of an effective SSuLA and a land rights resource centre will most likely face stiff opposition from the elite that stand to gain from large scale land sales to foreign investors – hence, the obvious need for an aggressive program that seeks to harness the influence and support of pro-land rights politicians, members of Parliament and other civic leaders.

- **Organise capacity development/refresher workshops for SLAs & SSuLA**

Organise focused capacity building / refresher workshops for SLAs and SSuLA in the following areas after prioritising them in consultation with representatives of the target group: organisation management & development, interpreting the Land Act and other relevant legislation, advocacy and negotiating skills with special reference to large scale land investments, accounting and book

keeping, project identification and proposal writing, resource conflict management and reconciliation, women's participation, and natural resource and environmental management. On the issue of raising women's participation in SLA and SSuLA activities, it is important to have a deep understanding of the socio-cultural circumstances and to make the men aware of the benefits such participation could bring to the family and the community in terms of livelihood security and sustainability. The idea should be encourage women who are able to participate.

- **Assist SLAs & SSuLA to envision and explore alternative investment models**

Reframe activity 2.3 under objective 2 with a view to find more democratic and socially just alternatives to existing contracts on large scale land investment. The project may obtain the assistance of resource persons with known expertise in training stakeholders to envision alternative investment models that include rural producers as co-owners and beneficiaries and that serve sustainable rural development.

- **Continue active use of mass media and find alternatives to NPA Newsletter to connect interactively with rural communities**

Continue the good practice of using the mass media to disseminate information to the public. Consider more interactive and practical alternatives to publishing a newsletter as the latter is too demanding of time and other resources. Perhaps more workshops with audio-visual aids, theatre, and role play techniques organised by State Land Alliances is a better alternative to reach farming and pastoral communities. The Project may explore this option and also consider involving local groups of artistes with appropriate talents and communicative skills.

- **Continue engagement with the land policy process to promote quicker and better outcomes**

NPA should continue to provide inputs to land policy in the areas of land rights, land use planning, large scale land acquisition and resource & environmental governance. It may use its good offices to have the land policy finalised and submitted for early approval by the government. In the same manner it may promote steps by the SSLC to strengthen statutory recognition of community tenure and women's right to land and the role of local authorities. NPA may critically examine the rationale behind the idea of a Community Land Act discussed in the draft Land policy and the alternative of an appropriate amendment to the Land Act (instead of an altogether new Act) if the purpose is to provide statutory recognition of customary systems of land governance.

- **Facilitate a campaign for a moratorium on large scale land transfers and investments**

NPA may seriously consider facilitating a campaign by SSuLA and SLAs for a moratorium on large scale land transfers until such time a transparent and participative mechanism with legal authority is put in place to evaluate and approve large scale investment projects in land and subterranean resources. The campaign may propose a set of criteria approved by SLAs and SSuLA to be included in the evaluation of large scale investment project proposals. It may include a demand for a review of land grants and investments approved by the government in the post-CPA/post-independence period. The evident lack of experience in the land alliances means that coalition-building for objectives of this kind needs to be emphasized. Potential partners include the religious groups and the COTALs (Councils of Traditional Authority Leaders) that are in the process of formation on the basis of the Local Government Act.

- **Take steps to ensure sustainability**

To ensure the sustainability of the processes initiated and set in motion by the project, NPA should find an appropriate exit strategy with due consideration to the following:

- The SLAs and SSuLA have adequate capacity in terms of organisational capability, financial viability, knowledge and skills, and to operate as independent CSOs representing broad constituencies of rightful users and managers of land resources and the environment in the Republic of South Sudan.
- The constituent members of SLAs in the states will have to be bona-fide sustainable organizations in their own right and recognized as activists on land rights – if the SLA is to survive beyond NPA funding and logistical support.
- Active regional and global networks of solidarity and exchange.
- Upgrading of Trainers produced by the project and continuation of training activities to meet current and future capacity needs.

1.0 Introduction

Large-scale land acquisitions by corporate and individual interests, along with the consequent dispossession and marginalization of local populations, were going on for decades in South Sudan. Indeed, this was a major cause of the widespread and deep-seated resentment against the Sudanese state among the people of South Sudan. This resentment translated into popular support for the SPLM/A as it inscribed on its banner the slogan ‘All land in New Sudan belongs to the community’. It is well known that the land question was a core issue in the protracted armed struggle that led to the Comprehensive Peace Agreement (CPA) of 2005 between the Government of Sudan and the SPLM/A and paved the way for the birth of independent South Sudan in 2011. However, contrary to popular expectations, there has been a renewed wave of large scale and small land acquisitions (widely known as ‘land grabbing’) in post-CPA/post-independence South Sudan. It has been documented that between 2007 and 2010, foreign companies, governments and individuals had sought or acquired at least 2.64 million hectares of land for various projects. Furthermore, if the pre-war large scale land acquisitions are included, the total appropriation would amount to 5.74 million hectares (26,400km or nine per cent of the total area of the new country) (Deng, 2011). The new land grabs came as a rude reminder of an on-going neoliberal surge in global resource appropriation with the collaboration of domestic power elites in the era of financialisation.

The scale of land acquisitions is staggering indeed in a country emerging from a protracted civil war and in which the vast majority of the population are directly dependent on land resources for their livelihoods as pastoralists, agro-pastoralists, farmers and in-land fishers. Sections of the rural population also practice hunting and gathering to varying degrees to supplement their subsistence. Moreover, the large scale acquisitions seem to have complicated an already complex situation in which millions of returning refugees and internally displaced people are struggling to resettle or relocate and rebuild their lives and livelihoods amid local conflicts over access to land and water resources. The interim GOSS was well aware of the post-war challenges of resettlement, land rights, and development, of course. It enacted two important laws in 2009, the Land Act and

Local Government Act. It is, however, important to note that questions are being raised about the legality and probity of the land transactions in South Sudan. The manner in which these transactions were carried out and the numerous local and inter-communal conflicts over access to land left many concerned organisations and individuals wondering whether the relevant state-level agencies, local authorities, community leaders and the citizenry at large were sufficiently informed about the various provisions of the two Acts, the Land Act in particular.

Norwegian People's Aid (NPA), as a concerned organisation with a history of active engagement with communities in S. Sudan in relief, rehabilitation, conflict resolution and development, commissioned a baseline study of large scale land acquisitions in the 10 states of S. Sudan with a view to ascertain how they impacted the local communities. The study showed that the acquisitions threatened rural land rights and food and livelihood security. It also came to light that the Land Act, 2009 was not widely disseminated among the people and that the majority of rural South Sudanese were unaware of their land rights enshrined in the Act. During the long struggle, the people of S. Sudan rallied around SPLM/A's slogan that all land in the country belonged to the community as a counter to the claim of the Government of Sudan that all land belonged to the centralist Sudanese state. However, the people were yet to be made aware of the contents of the new Land Act which formalises three regimes of property rights: public, community and private.

Already in 2009, NPA along with the Land Coordination Forum (a group of local and international Civil Society Organizations focused on land issues) produced a training manual for dissemination of the Land Act, and subsequently, in response to the disturbing findings of the baseline study, launched the two-year Project '*Securing land rights in Southern in a context of large-scale land acquisitions*' in March 2011. This project, funded by NORAD, complements NPA's other programs by supporting awareness creation on land rights and by critically addressing the issue of large-scale land acquisitions and their implications for livelihood security and sustainable rural development. The present report is an interim evaluation of the project

2.0 The project

The overall goal of this project is to ensure participatory, transparent and accountable land governance and investment regime that promotes poverty reduction, sustainable economic development and management of land as well as natural resources to secure land rights and livelihoods of the people of Southern Sudan.

The purpose of the project is to contribute to the development of legal, institutional and community capacity to ensure that the rights to access land and engage with investors as well as development partners in a manner that sustainably optimizes benefits of investments in the land sector for the people and economy of Southern Sudan are secured.

The main target group is composed of Government institutions, Traditional Authority, Civil Society in South Sudan and rural communities in general.

Expected results:

- Increased awareness and understanding of large-scale land acquisitions in South Sudan;
- Improved policy, legal and institutional framework for managing large-scale land acquisitions in South Sudan; and
- Increased community and civil society understanding of the rights to land and improved capacity to engage with government, investors and development partners on matters pertaining to the land sector, including large-scale land acquisitions

3.0 Terms of reference

The overarching purpose of the evaluation is to identify and analyse the results of the actions within the project. The review is expected to be useful in the following ways:

The Norwegian People's Aid (NPA):

- a) To enhance the internal learning and development of future project activities.
- b) For improving decisions on working methods, approaches, target groups etc.
- c) For the enhancement of results based management, including documentation, monitoring and evaluation of results.
- d) Enhancement of NPA's partnership approach.

South Sudanese Civil Society Organizations (CSOs):

- a) For the enhancement of the internal learning of local civil society organizations.
- b) Improve utilization of capacity building initiatives to enhance their working methods in advocating for land rights.
- c) Development of future project initiatives.

Evaluation questions

- Effectiveness, to what extent have the project purpose and results been achieved. It is also of interest to know more exactly what the project has contributed to and what it has not achieved in relation to the description of the project.
- How are the results achieved? This requires going behind the actual results, to look at processes and to identify the different ways in which results were produced. Here also cost efficiency is to be analysed.
- If results were not produced as expected, what were the reasons for this? Was it implementation that failed the project design that was inappropriate or unforeseeable external factors that affected the project?

- **Relevance:** To what extent is the project (purpose, choice of partner organizations, working methods etc.) relevant in relation to the identified problems the intervention aims to solve.
- **Side effects:** The evaluators shall present possible findings regarding side effects (positive and negative/foreseen and unforeseen) and present a general discussion on such effects.
- **Sustainability:** The evaluation shall also discuss sustainability of the achievements.

4.0 Method

The evaluation began with a preliminary review of project documents and a self-evaluation of the performance of the project by its management with reference to its three objectives and the activities under each of them. This was done in order to ascertain the context and rationale of the project, obtain an overview of the progress in implementation and the problems documented, and identify the information gaps. Based on the findings of the preliminary review, fieldwork for primary data collection was planned. The fieldwork consisted mainly of interviews and discussions with the project staff, partner civil society organisations, officials of the South Sudan Land Commission and representatives of Land Alliances and local authorities.

5.0 Rationale and Organisation of the Project

5.1 Rationale

It took nearly four years since its establishment for the interim Government of South Sudan (GOSS) to pass the Land Act. However, as already noted, large-scale land acquisitions had begun before the passage of this Act. Evidently, the GOSS turned a blind eye to these transactions without due consideration to their adverse consequences. Indeed many an accusing finger has been pointed at the political and military elite for seeking private gains from these transactions. Issues of transparency, accountability, and governance, along with sustainable and equitable development for rural communities, were beginning to loom large. It was all too evident that there was a serious lack of capacity at different levels of the emerging state to enforce the Land Act of 2009. Equally conspicuous was the lack of capacity within civil society to address the emerging land issues in an organised fashion. These developments did not augur well for the newly independent country in which land remained an extremely sensitive issue among its people, who were yet to be informed and educated about their rights to land under the new law and about the new state structures dealing with land issues. In these circumstances, NPA's intervention with the current project, specifically focused on awareness raising and capacity development, was a timely response to an urgent and nationally important need. It would seem that long years of experience in S. Sudan and its current role, inter alia, as the chair of the Land Coordination Forum in which the Southern Sudan Land Commission and several

CSOs/CBOs are members, made NPA eminently qualified to launch a project of this nature.

However, as also admitted by the management, the project was rather ambitious in its scope in terms of its three objectives and the 15 activities under them as well as the diversity and the geographic spread of the target groups. On the other hand, the project has been designed with an awareness of risks such as ‘the absence of strong and capable civil society organizations, especially in the area of advocacy’¹ and to expressly address this challenge through organisational capacity building. Furthermore, being well aware of the risk of insecurity, though low in the current context, NPA has also incorporated an element of flexibility in the implementation of the project.

5.2 Organisation

At NPA-South Sudan, the core Project staff consists of a Project Manager, which is an 80 per cent position, a Project Officer (90 per cent), and a Civil Society Development Program Manager (20 per cent). This makes a total of 1.9 person years. Additionally, the project receives ad hoc support from NPA’s Finance and Logistics sections and from personnel in the Media and Political Rights projects.

The Project’s implementing partners include one governmental agency, namely South Sudan Land Commission (SSLC), which is the key government institution responsible for land laws and policy, and the following civil society organisations (CSOs):

- South Sudan Law Society (SSLS), which provides professional services through research on large-scale land acquisitions and production of reports and training manuals for the Project’s capacity building activities.
- GADET Pentagon, chosen as a partner because it was the only local CSO active in the Land Coordination Forum. GADET collaborated with SSLS on the study on large-scale land acquisition in 2011; and was responsible for the Training of Trainers for the dissemination of South Sudan Land Act and Awareness Creation on large-scale land acquisition in 2011. In 2012, GADET was contracted to organise the Land Alliances Workshop and the exposure visits to Uganda and Kenya, and to develop the website.
- The ten State Land Alliances (SLAs) and the South Sudan Land Alliance (SSuLA)

The State Land Alliances, formed with the support of the project, consist of CBOs with grassroots level constituencies concerned with land rights and

¹ Project Proposal submitted to NORAD, p:14

related matters. They were involved in the dissemination of the South Sudan Land Act in all 10 states.

The SSuLA was created in September 2012 in response to an expressed need for such a body by the representatives of the State Land Alliances when they got together at a workshop in January the same year. In January a national Task Force of 10 members representing the 10 states and an observer from Abyei was set up for the establishment of SSuLA. This Task Force elected an executive and formulated the TOR for framing a constitution and to organise the first general assembly. Representatives of the ten SLAs met in Juba on 30-31 October to frame a constitution for SSuLA as the national umbrella of SLAs.

NPA has been working closely with SSLC with which it has a Memorandum of Understanding. It had earlier supported the work of SSLC under the Norad Frame Agreement and continues to collaborate closely with it in the current project.

5.3 Project funding

NORAD provided a grant of NOK10 million for 2011 and 2012.

6.0 Findings and Assessment

6.1 Overall assessment

The project under review is a major undertaking even for an INGO such as NPA which has long years of experience in S. Sudan. The issues it addresses are of high national importance. The focus on land rights and large scale land acquisitions is relevant and timely indeed. As a project in awareness creation and capacity development, it covers the entire country and has been striving, among others, to facilitate the formation of a national network of community based organisations (CBOs) concerned with land rights and related issues. The professional capacity needs and the logistical challenges of such an endeavour are formidable in a war-ravaged country with poorly developed human resources, land-related institutional arrangements, infrastructure, and communication facilities. The success of a project of this nature depends on effectively harnessing the cooperation and active involvement of the diverse categories that constitute the 'target group', such as governmental agencies, Traditional Authority, and civil society organisations concerned with land issues and rural livelihoods. Viewed in such a context, the project's overall performance so far is impressive. The performance so far shows that the project has been designed with due consideration to the conditions in post-war South Sudan. The project's leadership and staff deserve credit for an effective handling of the country-wide activities in the midst of several logistical challenges. A majority of the 15 activities under the three objectives have shown remarkable progress. The slower

progress in some of the activities seem to be related to the capacity of partner institutions, and may largely be due to factors that are more demanding of time and other resources to achieve the expected results. The project has been consciously striving to include women in its activities. It has made some progress in this regard although the level of women's participation in the project's activities is still rather low. The project's documentation on feedback and follow up was useful but could have been better in terms of details and coverage of issues. The project's monitoring and evaluation is not so well formalised. We provide a comprehensive overview of the results of the project's activities and our observations and assessment in Table 1 in section 6.2, and in the sections that follow. Here we add a general statement.

In terms of its own 'expected results' (see above), the project's achievements are remarkable in the first and the third, i.e. in the following:

- Increased awareness and understanding of large-scale land acquisitions in South Sudan;
- Increased community and civil society understanding of the rights to land and improved capacity to engage with government, investors and development partners on matters pertaining to the land sector, including large-scale land acquisitions

The progress in the second has been slower than expected:

- Improved policy, legal and institutional framework for managing large-scale land acquisitions in South Sudan;

6.2 Activities and achievements

Table 1 below gives an overview of the project's performance with reference to all the activities under the three objectives and our comments on the state of progress and the main issues. The information in Column 2 has been gathered from the documents provided by NPA, a self-evaluation by project management, and the interviews. The comments in Column 3 sum up our analytical observations.

It may be mentioned that of the total budget of NOK10,000,006 for 2011 and 2012, NOK6,480,900 or almost 65 per cent was allocated for the activities of the three objectives. The breakdown of this is as follows: Objective 1: 12.3%; Objective 2: 9.6%; Objective 3: 64.8%. The allocations appear reasonable given the nature of the activities under the different objectives. We are unable to do an analysis of cost effectiveness of these and other activities of the project due to lack of readily available data on actual expenditures and due to lack of time.

Table 1 Project Output Indicators and Consultant's Comments

(Data from documents, Project management's self-evaluation and interviews with stakeholders)

Project Activity	Results: Output indicators March 2011- October 2012	Comments
Objective 1: To increase awareness & understanding of large-scale land acquisition in S. Sudan		
<p>1.1 Policy-oriented action research on large-scale land acquisitions, their dynamics & implications for S. Sudan</p>	<p>Publication: The New Frontier, A baseline survey of large-scale investment in Southern-Sudan, March 2011, by David Deng, SSLs. 2000 copies printed</p>	<ul style="list-style-type: none"> • A valuable and timely study that documents and provides analytical accounts of 28 large scale land acquisitions. • Has been well received in government quarters • Project management gives 8/10 points for the results of this activity. • There has not been any follow-up to update information on these 28 and new transactions since March 2011. This is urgently needed for more effective project implementation and future planning. • It is well known that no real investment activity has begun on the ground in most of the 28 cases. There have been protests from local communities and concerned groups about the legality of the transactions. More concrete information needs to be collected on the current status of all of them with a view to explore the possibilities for an organised campaign against illegal land transactions and for the restoration of the communities' rights. • NPA's position on this is that, once properly established, the State Land Alliances will conduct regular updates, the findings of which will be fed in and uploaded on SSuLA's website which is currently under construction. This sounds good in principle and is the right approach. However, the SLAs and SSuLA will need considerable training and logistical support to perform the tasks.
<p>1.2 Workshops to disseminate research outputs</p>	<p>2011-May 2012:</p> <ul style="list-style-type: none"> • Workshops to disseminate findings of the above report in all 10 states; 103 representatives from local authorities, 189 from civil society; One national level workshop and two at Traditional Authority level 	<ul style="list-style-type: none"> • Organising and conducting the workshops in all ten states and at national and local community levels are remarkable accomplishments, given the logistical, financial and infrastructural constraints. • The participants included CSOs and government officials and politicians from

	<p>in Upper Nile State. (May-December 2011)</p> <ul style="list-style-type: none"> • 1800 copies distributed • Many articles in domestic and foreign print media (2011-2012) • Publicised through local, national and international radio and tv programmes • 1 documentary by a Dutch tv channel 	<p>the various tiers (State and County levels e.g. State ministers, MPs; County Commissioners; etc.)</p> <ul style="list-style-type: none"> • Project management gives 9/10 for the results.
<p>1.3 Exchange visit for representatives of key stakeholders to one African country</p>	<p>No specific exchange visit as expected but an 'exposure visit' for representatives of key stakeholders (Land Alliances, Land Commission and GADET Pentagon) to Rwanda and Uganda was arranged in June 2012.</p> <p>2 officials of NPA, one from S. Sudan Land Commission, 3 from State Land Alliances and 2 from GADET visited Rwanda and Uganda from 10 to 18 June 2012. Matters discussed:</p> <ul style="list-style-type: none"> • Role played by Uganda Land Alliance & Rwanda land net. • Land rights and policies, resource conflicts and the relationship between governmental agencies (such as Land Commission) & CSOs on land issues • Benefits of the visit: The link of SSuLA to the International Land Coalition; Uganda Land Alliance; and Rwanda Land Net. The first two organizations participated in SSuLA's conference in Juba where they played instrumental roles in assisting in the decisions that lead to its formation (structure, membership, relations between SSuLA and State Alliances etc.). It also resulted in linking South Sudan Land Commission with Rwanda Land Commission which invited South Sudan Land Commission for an exchange visit to Rwanda (taking a larger number of participants). 	<ul style="list-style-type: none"> • It appears that for some reason the proposed exchange visit was converted to an exposure visit. However, the group did benefit from the exposure visit, although the stay was rather short. • The links established with the Ugandan land alliance and Rwandan land-net deserve to be strengthened through more exchanges and collaboration in extended networking. • Project gives 5/10 for the results – which, in our view, suggests that more was expected from this activity.

<p>1.4 Establishment & operation of a land rights resource centre in Juba</p>	<p>The idea was to design and operationalize a virtual centre, but the contracted partner has not produced the expected results.</p>	<ul style="list-style-type: none"> • Progress in this activity appears to be constrained by difficulties in finding one or more partners with relevant competence. • Project management is not happy with the delay and it gives 3/10 for the (non)results. • The idea of connecting this activity to the Secretariat of SSuLA, expressed by project management, sounds good. However, making it work effectively and sustaining it over time would depend on how successful it is in internalising the basic professional and technical capacities and the ability to mobilise the financial resources beyond the current project.
<p>1.5 Publish & disseminate a quarterly project newsletter</p>	<p>'The Land Herald' NPA's newsletter in English; First issue published in 2012. 16 pages; 5,000 copies.</p> <p>Disseminated as insert in Juba Post weekly newspaper and through CSOs in 10 states</p>	<ul style="list-style-type: none"> • Two issues have been published so far. The articles include relevant news and analytical items pertaining to land. Well presented with photographs. • This activity lags behind due to logistical and financial constraints. It is important to assess the actual impact of the newsletter in its present form among rural stakeholders. Perhaps more workshops with audio-visual aids, theatre, and role play techniques organised by State Land Alliances is a better and more interactive alternative to reach farming and herding communities. The Project may explore this option and also consider involving local groups of artistes with appropriate talents and communicative skills.
<p>Objective 2: To improve the policy & institutional framework for managing large-scale land acquisitions in S. Sudan</p>		
<p>2.1 Review the policy, legal and institutional framework for land administration in S. Sudan</p>	<p>NPA participated in the technical committee on land policy development and ensured inclusion of large-scale land acquisition and land use planning issues. A review of the legal framework governing land acquisition is included in the new frontier</p> <ul style="list-style-type: none"> • Draft land policy Feb. 2011 	<ul style="list-style-type: none"> • Progress in this activity is rather slow. It involves, among others, policy issues and hence interaction with government authorities. This may be a reason for the slow progress. • We wonder if the results actually deserved 6/10 points given by Project management. In NPA's view the points were reasonable if the project's contribution was considered. • The progress on the legal framework is

		<p>very slow.</p> <ul style="list-style-type: none"> No progress in the draft land policy since Feb 2011. However, it would seem that considerable work has gone into it. The proposed Community Land Act is important as it can strengthen the statutory recognition/protection of communal rights to land.
2.2 One dissemination & feedback workshop on the review report in Juba	It was decided not hold the workshop since there was no new development on the review.	<ul style="list-style-type: none"> The lack of progress is regrettable but the project cannot be blamed for it.
2.3 Two training workshops on Managing large-scale land acquisitions with win-win outcomes for livelihoods & economic development in S. Sudan	<p>One training workshop for Land Alliances.</p> <p>Handbook on Community Engagement (by David Deng) published in April 2012. This is a 'good practice' guide to negotiating lease agreements with landowning communities in S. Sudan.</p> <p>Community Engagement Fundamentals (by David Deng) published in April 2012. A companion to the above handbook.</p>	<ul style="list-style-type: none"> This may be one of the most challenging tasks. The project has not been able to find a real example of a 'win-win' large scale land investment. This is also a subject that requires close interaction with primary stakeholders (from state level down to the local) and governmental agencies. Project management's rating of 7/10 may be justifiable if the handbook and the other publication are considered. The two publications can be useful to companies, communities and government officials in negotiating large-scale land acquisitions and investments in South Sudan. The progress, however, is not so impressive in terms of the achievements of the workshop. There is need to develop a practically useful set of guidelines or a conceptual framework. The handbook provides some useful inputs for this.
<p>Objective 3: To increase communities' and civil society's understanding of the rights to land & improve the capacity to engage with government, investors and development partners on matters pertaining to the land sector, including large-scale land acquisitions</p>		
3.1 Prepare & disseminate information, education & communications (IEC) materials on policies & laws regarding land rights	Graphic material and training manuals in both English and Arabic, 20,000 calendars with key messages on the land act prepared and disseminated	<ul style="list-style-type: none"> This activity seems to have been quite successfully accomplished in terms of preparation and distribution in spite of the logistical challenges in getting the material to all 10 states. The project management gives 10/10. SLA representatives interviewed were very positive about the usefulness of the IEC materials. However, the staff involved in the dissemination of the Land Act and IEC materials mentioned the following needs that should be addressed in the future: More awareness raising sessions; more simplified graphic materials at the Boma level; the Land Act translated into major local languages; support for the formation and operationalization of County, Payam and Boma Land Councils; special sessions for disabled persons with vision and hearing

		impairment; and better facilitation for the training teams
3.2 Prepare & disseminate IEC materials regarding large-scale land acquisition	<p>Besides the baseline report, the project prepared and disseminated powerpoint presentations for different levels of awareness raising in the 10 states.</p> <ul style="list-style-type: none"> Awareness raising workshops: Conducted by GADET Pentagon and SSLS in all 10 states starting with WES on 12 May 2011 and concluding with Upper Nile State on 3 December 2011. The participants were from diverse categories of the target group: State Governors, County Commissioners, Ministries: a) Housing & Physical infrastructure, b) Agriculture, c) Fisheries and animal resources, and d) Wildlife and tourism conservation; Parliamentary committees on: Physical infrastructure; Land & natural resources; and CSOs. <p>The IEC material was also used in presentations organized by the Land Coordination Forum to Traditional Authority Councils of Upper Nile State, Central Equatoria State and in Jonglei etc.</p>	<ul style="list-style-type: none"> The results are highly rated by project management – 9/10. The project’s work on awareness raising appears to have been quite well done. It is creditable that the project was able to conduct the workshop in all ten states with the participation of different categories of the target group. Feedback from participants about the workshop was positive and also consisted of some constructive suggestions for future action on the large scale land acquisition. Please see section 6.5 of the present report for more information and our observations on the participants’ opinions and suggestions.
3.3 Training of Trainers on dissemination of the Land Act, policy & IEC materials	<p>Training of trainers on the dissemination of the land act conducted in all the 10 states.</p> <ul style="list-style-type: none"> 286 trainers trained so far; 74 (26%) women, 212 men from 135 CSOs/CBOs in the 10 states The trainers carried out awareness raising on the land act. 	<ul style="list-style-type: none"> Impressive progress. Need information on state-wise distribution of the trainers. Project management gives full marks: 10/10 There is need for an action plan for these trainers to continue their training work in the future. There is also a need to pay more attention to issues such as raising women’s participation and future capacity building for the trainers.
3.4 Prepare & present radio programmes on land rights	The project did not produce its own programs but its personnel	<ul style="list-style-type: none"> The project seems to have used the opportunities very well and this is an on-

<p>& large-scale land acquisitions</p>	<p>participated in numerous print, radio and TV presentations and debates both nationally and internationally.</p> <ul style="list-style-type: none"> • More recently, on 6th November, NPA was on Radio Miraya with The Chairman of the Land Commission, Deputy chairman of SSuLA taskforce with call ins from listeners from across the country. Such call-ins address the burning needs of the listener. Thus making it better than preparing educative material. Radio is by far the most efficient to reach rural communities. Good connection with the media is that it makes it possible for NPA to ask them to take-up burning issues if needed. 	<p>going activity. Project management gives full marks 10/10</p> <ul style="list-style-type: none"> • Shouldn't the project be proactive on land issues that surface at different times instead of waiting for invitations?
<p>3.5 Facilitate establishment of a civil society coalition on land</p>	<p>This process is on-going and is closely linked to the formation and development of the Land Alliances</p>	<ul style="list-style-type: none"> • The role of the project is quite vital to the formation and development of State Land Alliances and SSuLA. A remarkable achievement. Project management gives full marks 10/10 • Please see section 6.4 for a tentative assessment of the SLAs based on interviews with their representatives.
<p>3.6 Training workshops on land rights advocacy</p>	<p>This was part of the workshop conducted in January</p>	<ul style="list-style-type: none"> • This is an issue that needs more focus in the second phase specially taking into account that a new constitution is coming up. Project management gives 8/10.
<p>3.7 Regional & global networking on land rights & large-scale land acquisitions</p>	<p>International Land Coalition took part in the September conference and SSuLA will be represented in the conference in Yaounde in November.</p> <p>NPA is in contact with Oakland Institute and other international organizations interested in working on land rights in S. Sudan.</p>	<ul style="list-style-type: none"> • Global networking on S. Sudan's land issues is important, given the global nature of land grabbing. • The project has made good contacts and now it is time NPA worked with the contacts to develop a strategy and an action plan against land grabbing. Project management gives 9/10

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6.3 Project staff/ management

The project management is professionally competent, dedicated and able to work well with the partners. A notable positive feature is that there has not been any change in the core staff since the commencement of the project. However, the workload has turned out to be heavier than anticipated. The project covers all ten states and the field tasks are more demanding of time than expected. The project management feels the need for an additional project officer to handle mainly the follow-up activities in the different states. There is a lack of gender balance since there is not even a single Sudanese female among the local staff.

6.4 State Land Alliances as NPA's civil society partners and defenders of people's land rights: A tentative assessment

As already noted, the formation of 10 SLAs and the steps taken towards the establishment of SSuLA as a national umbrella of these organisations are significant achievements of the project. The concepts of SLA and SSuLA are a creative response to a felt need for organisations to voice people's concerns about on-going large scale land acquisitions and other matters related to their land rights. Formation of SLAs began in October 2011, and by April 2012 all ten of them were registered. In February 2012, NPA and its partner GADET Pentagon conducted an initial leadership training workshop for chairpersons, secretaries and treasurers of the SLAs. Twenty nine office bearers (10 women and 19 men) from the ten SLAs participated in the three day workshop in Juba which addressed the following topics: Introduction to accounting and grant management, Advocacy and lobby strategies, Citizens' right to advocacy in S. Sudan, and the Constitutional review process. This workshop was followed by the Land Alliance Conference which took place from 11 to 13 September in Juba. At this conference, the SLAs were exposed to a wider range of topics such as an update on large scale land acquisitions, COREMAP and land use planning, Guidelines for community engagement, and Alternative models for land alliances. The conference also reached a decision to form a national umbrella of SLAs called South Sudan Land Alliance (SSuLA). As a follow up to this decision, representatives of the 10 SLAs converged in Juba again at the end of October to frame a constitution for the SSuLA.

The rapid succession of events concerning the SLAs is a reflection of the urgency and importance the project attaches to the formation of these civil society organisations across the country. The SLAs are potential vehicles for local communities to exercise their collective agency in asserting and defending their rights to land and to demand transparency and accountability from governmental authorities. The SLAs, however, are in their early formative stages and their evolution depends on several factors such as the quality of leadership at the state level, the dynamism of the constituent CBOs

engaged in land issues, acquisition of relevant knowledge and skills, ability to network and mobilise public opinion and to raise funds, and the larger political environment. We believe that NPA and the project leadership are fully aware of this.

The following observations on the SLAs are based on interviews with representatives of nine of the ten SLAs (conducted on 30-31 October 2012 in Juba). (Representatives of NBS State's SLA were not available to be interviewed.)

- **Formalisation & Membership**

All 10 SLAs have their constitution and are formally established with an elected executive committee. The membership of a SLA consists of representatives of civil society organisations. The number of such representatives varies between 7 (CES) and 28 (Warap) at present. The number of CSOs involved in land issues varies from state to state. Women's representation remains rather low in most SLAs ranging from 1 (Upper Nile) to 9 (WBG). Eight of the nine SLAs do not have a membership fee. Only one (Jonglei) has a membership fee set at SSP20 per year.

- **Role in the current project and perceptions of NPA**

Dissemination of the Land Act and participation in training workshops were the main activities. All nine SLAs were positive about the impact of the project and the contributions of NPA through its other projects.

- **Views on large scale land acquisition**

- ✓ All 9 said that there was no consultation with the communities at all.
- ✓ To their knowledge, all large scale land acquisitions except one (inYambio) are illegal.
- ✓ Regarding large scale land investments: For/Against/neutral
 - 4 in favour if the transaction is legal, approved after consultation with the community, transparent and beneficial to the community.
 - 4 against (one said -against unless the community is consulted)
 - 1 neutral

It would seem that legality and consultation with and benefits to the community are the most important considerations.

In response to another question, seven saw employment and improvement of local amenities as possible beneficial effects of large scale land investments, while two were completely negative.

It is, of course, difficult for us to know how representative these responses are of the views of the rural communities in the different states.

- **Other Land conflicts**

- ✓ Border conflicts- between counties, between payams; herders-farmers; displacements caused by land conflicts.

- ✓ Also between investors and pastoralists
- Capacity building needs

Several capacity building needs were identified by the respondents. The areas in which different SLAs need capacity development are listed below.

 - ✓ Land Act, other legislation including the constitution
 - ✓ Financial management; Administration
 - ✓ Computer use
 - ✓ Advocacy
 - ✓ Women and peacebuilding
 - ✓ Project proposal writing & project management
 - ✓ Health: HIV/AIDS
- Funding
 - ✓ Totally dependent on NPA at present
 - ✓ Future: All respondents see project-based donor funding as the main source.
- Future plans: No clear idea. There is an urgent need for training in this area.

It should be evident from the foregoing observations that the SLAs are not only in an early formative stage but also are in need of training for capacity development. They are also donor-oriented when it comes to fundraising. This is understandable given their experience so far but it is imperative that they are enabled to think in terms of mobilising funds from within the organisation and the civil society at large at least to meet the running costs of their organisation. It is also important that, as CSOs, the SLAs and SSuLA maintain their independence from the government and from political parties.

6.5 Awareness raising workshops and Suggestions from stakeholders for future action on large scale land acquisition

As noted in Table 1 (6.2), the awareness raising workshops were successful in securing the participation of a wide range of stakeholders including key government ministers, administrators, and CSOs in the 10 states. The key speakers at the workshops were David Deng (Consultant and author of the NPA-commissioned baseline study 'The New Frontier: Large-scale land-based investment in Southern Sudan') and Dr Jamus Joseph, Project manager NPA. They presented the findings and recommendations of the baseline study and discussed the implications of large scale land acquisitions for rural livelihoods and development. It was at these workshops that many participants, including some government ministers and politicians, first heard about the extent of the large scale land acquisitions that had already taken place in S. Sudan. According to GADET Pentagon's Project Completion Report (PCR), Warrap State's Minister for Agriculture, who attended the workshop, was emotionally

touched and wondered how an area equivalent to that of Rwanda could have gone into the hands of investors. It is evident from the PCR that the findings and recommendations of the baseline study were well received by the participants. The summaries of participants' reactions provided in the PCR show that the stakeholders were in favour of early action on the recommendations of the baseline study. In particular, the following recommendations seem to have inspired positive responses: Consider putting in place a moratorium, Review existing investment agreements, Promote alternative business models, and Develop constructive engagements.

6.6 The draft land policy Feb. 2011

The Comprehensive Peace Agreement (CPA) of 2005 provided for the establishment of the Southern Sudan Land Commission (SSLC). The Commission was mandated, inter alia, to recommend and coordinate land policies. The SSLC's work on land policy was funded by donors, and NPA was invited by the Commission to be a member of a technical subcommittee. The Commission produced the first draft in February 2011. NPA contributed to the draft policy in the areas of land use planning, large scale land investment and land rights. The draft regards land as a social right and addresses several important issues. It acknowledges 'widespread tenure insecurity' as 'the principal policy problem' and explicitly considers "Land-grabbing" as 'the acquisition of land without regard for the interests of existing land rights holders'. It identifies other factors contributing to tenure insecurity such as post-war land conflicts, lack of transparency and accountability, gender bias and discrimination, and disagreements regarding boundaries between counties, and payams. Consequently, the Commission identifies 'strengthening land tenure security for all citizens' as 'The policy goal'. Among the measures proposed towards this goal is a 'Community Land Act' with a view to provide statutory recognition of customary systems of land governance, which are currently carried out by traditional authorities. In our view, this proposal needs to be critically examined as it is in favour of placing the 'administrative rights and responsibilities over community land under civil Land Authorities, whose membership may be made up of qualified citizens, both elected and appointed.'² This is likely to be viewed by rural communities as a measure that would diminish and weaken the role of the traditional local authorities. It is important that the SLAs and SSuLA are made aware of the contents of draft Land policy, particularly those of the proposed Community Land Act. NPA may take this up with teh SSLC

Apparently the draft was hurriedly submitted to the Council of Ministers under donor pressure. It would seem that more work needs to be done on some aspects of the draft policy. In NPA's view, the draft could be further strengthened in the areas of land rights, land use planning and large scale land acquisition. Unfortunately, there does not seem to be any notable progress on the draft since February 2011. This delay has had its effects on the project's activities under its second objective (see Table 1). The

² Draft Land Policy, February 2011: 18

government is yet to have a formally approved land policy. We wonder if SSLC would be willing to entertain submissions from SLAs through SSuLA at this stage on matters such as the proposed Community Land Act.

6.7 Partners: South Sudan Law Society (SSLS), GADET Pentagon and Southern Sudan Land Commission (SSLC)

- **SSLS:** The project's collaboration with SSLS began when NPA chose its researcher David Deng to conduct the baseline study on large scale land acquisitions. Subsequently SSLS was chosen as a partner of the project, in which role it has made valuable contributions. The publications 'Handbook on Community Engagement' and 'Community Engagement Fundamentals' produced by SSLS (David Deng) are being used in the project's work. Deng has also been functioning as a resource person in the project's awareness campaign workshop. SSLS provides the project with vital and competent professional backstopping on the legal and other institutional aspects of land rights and land related transactions. The collaboration with SSLS has been described as excellent by project management.

- **GADET Pentagon:** This organisation was chosen as a partner because it was the only local CSO active in the Land Coordination Forum. GADET played an active role in assisting SSLS in the baseline study. It was actively engaged in Training of trainers for the dissemination of the Land Act and in Awareness creation workshops on large scale land acquisition. These were major tasks that were carried out under considerable time and logistical constraints. GADET accomplished its mission well and project management rated their performance in these tasks excellent. However the same could not be said about GADET's performance in three other tasks entrusted to it. These were SLA workshop in January 2012, development of the planned website, and the exposure visit (see Table 1 for more information on these activities). It is possible that the project management had overestimated GADET's capacity.

- **SSLC:** SSLC was chosen as a partner because it is the key government institution responsible for land laws, land policy and related matters. The Commission has been supportive of the project's activities. Regarding the project and the partnership, the Chairman of the SSLC made the following observations:
 - The project has contributed to capacity building and staffing and to on-going training. It has enriched experiences and enhanced outreach to rural areas through the dissemination of the Land Act.
 - The project should earmark some funds for other issues such as organization of meetings and Study tour to other States. The government also needs to develop and pass a policy document based on the Land Act.

A policy document would enable people to understand what is required.
There is a need for big investors to be encouraged for development.

The working relationship is excellent, although the progress in the activities involved is slower than expected. In our view, the Chairman's comment regarding 'big investors' should be examined in relation to the still elusive mission of finding a 'win-win' outcomes from corporate land investments.

6.8 Effectiveness in terms of processes and results

In the light of the findings and analysis presented above, it would be fair to say that the project is highly relevant and has been reasonably well designed. It has been effective in reaching and mobilising the different segments of the target group. The project is the first major country-wide intervention on awareness creation and capacity development with a specific focus on land rights in a context of large scale land acquisitions. It has facilitated a process of mobilising civil society groups and local authorities to get organised in the form of SLAs and SSuLA. Regarding the results so far, as already noted the project has performed well in the first and third objectives, while the progress in activities under the second has been affected by external factors. The experience of the project also shows that challenges do remain in areas such as mobilising civil society for collective action to defend land rights and to campaign for a moratorium on large scale land transfers and for equitable and sustainable development.

6.9 Side effects

The positive side effects of the project include the extended impact of its awareness creation and capacity building activities. The project's use of print and electronic media to disseminate factual and analytical information has been quite effective in getting its messages to a wider public within and outside the country. The baseline study authored by David Deng has had a wider impact beyond S. Sudan as evidenced by citations in other studies and media reports. The training of trainers can be expected to have a multiplier effect in terms of transfer of knowledge and skills. On the negative side, it would seem that the current beneficiaries may expect a continuous involvement of NPA in tasks that should be the responsibility of the government and local CSOs.

6.10 Sustainability

Creatively sustaining the processes and activities initiated by the project beyond its completion is a major challenge indeed. The following are among the key determinants of sustainability:

- The capacity of SLAs and SSuLA in terms of organisational capability, financial viability, knowledge and skills, and to operate as independent CSOs representing broad constituencies of rightful users and managers of land resources and the environment in the Republic of South Sudan.
- There is an active commitment to raise women's participation in CSOs

- Availability of non-governmental sources of financial and professional backstopping for SSuLA and SLAs.
- The constituent members of SLAs in the states will have to be bona-fide sustainable organizations in their own right and recognized as activists on land rights – if the state SLA is to survive beyond NPA funding and logistical support
- Active regional and global networks of solidarity and exchange.
- Upgrading of Trainers produced by the project and continuation of training activities to meet current and future capacity needs.

NPA should take these factors into consideration in working out the project's final exit strategy.

7.0 Conclusions

The project was a timely and relevant intervention and has been designed with due consideration to the conditions in post-war South Sudan. Project management deserves credit for an effective handling of the country-wide activities in the midst of several logistical challenges. It can be discerned from Table 1, that progress is remarkable for a majority of the 15 activities under the three objectives; four of the five activities under the first objective and all activities under the third objective. The poor (or lack of) progress in the activities of the second objective seems to be related to the capacity of partner institutions, and may largely be due to factors that are more demanding of time and other resources to achieve the expected results. The same may be said of the lack of progress in one of the activities under the first objective. The project has been consciously striving to include women in its activities. It has made some progress in this regard although the level of women's participation in the project's activities is still rather low - understandably due to traditional gender roles yet to adjust to the demands of changing times. The project's documentation on feedback and follow up was useful but could have been better in terms of details and coverage of issues. The project's monitoring and evaluation is not so well formalised. The informal practices adopted may work in practice to fix problems as they arise in an ad hoc fashion but a functioning formal arrangement is a necessary condition for a systematic learning process and documentation of experiences which may be useful for NPA in the future. This is also a way to accumulate institutional memory. The project can be completed as planned if more time and capacity are devoted to the slow moving activities. The SLAs and SSuLA need more capacity development to function effectively after the termination of the project. In working out its exit strategy, NPA may take this and other issues of sustainability mentioned in this report into consideration.

8.0 Recommendations

- **Focus more on slow moving activities**

The project should consider devoting more time and other resources to the few slow moving activities with a view to achieve better results and to ensure the completion of the project as planned. We also recommend that a competent project officer be hired to take care of the project's follow up activities.

- **Setup a mechanism to update information on large scale land acquisition and investment**

Take steps to establish a functioning mechanism for updating information on large scale land acquisitions and investments. This has to do with the establishment & operation of a land rights resource centre in Juba (i.e. activity 1.4 which remains to be implemented). NPA's idea of letting SSuLA with the assistance of SLA's handle this is good in principle. In our view, the SLAs and SSuLA will need considerable training and logistical support to perform the tasks. The project should identify the right persons from SSuLA and organise them as a unit and provide the necessary training and support for the unit to function efficiently. The establishment of an effective SSuLA and a land rights resource centre will most likely face stiff opposition from the elite that stand to gain from large scale land sales to foreign investors – hence, the obvious need for an aggressive program that seeks to harness the influence and support of pro-land rights politicians, members of Parliament and other civic leaders.

- **Organise capacity development/refresher workshops for SLAs & SSuLA**

Organise focused capacity building / refresher workshops for SLAs and SSuLA in the following areas after prioritising them in consultation with representatives of the target group: organisation management & development, interpreting the Land Act and other relevant legislation, advocacy and negotiating skills with special reference to large scale land investments, accounting and book keeping, project identification and proposal writing, resource conflict management and reconciliation, women's participation, and natural resource and environmental management. On the issue of raising women's participation in SLA and SSuLA activities, it is important to have a deep understanding of the socio-cultural circumstances and to make the men aware of the benefits such participation could bring to the family and the community in terms of livelihood security and sustainability. The idea should be encourage women who are able to participate.

- **Assist SLAs & SSuLA to envision and explore alternative investment models**

Reframe activity 2.3 under objective 2 with a view to find more democratic and socially just alternatives to existing contracts on large scale land investment. The project may obtain the assistance of resource persons with known expertise in training stakeholders to envision alternative investment models that include rural producers as co-owners and beneficiaries and that serve sustainable rural development.

- **Continue active use of mass media and find alternatives to NPA Newsletter to connect interactively with rural communities**

Continue the good practice of using the mass media to disseminate information to the public. Consider more interactive and practical alternatives to publishing a newsletter as the latter is too demanding of time and other resources. Perhaps more workshops with audio-visual aids, theatre, and role play techniques organised by State Land Alliances is a better alternative to reach farming and pastoral communities. The Project may explore this option and also consider involving local groups of artistes with appropriate talents and communicative skills.

- **Continue engagement with the land policy process to promote quicker and better outcomes**

NPA should continue to provide inputs to land policy in the areas of land rights, land use planning, large scale land acquisition and resource & environmental governance. It may use its good offices to have the land policy finalised and submitted for early approval by the government. In the same manner it may promote steps by the SSLC to strengthen statutory recognition of community tenure and women's right to land and the role of local authorities. NPA may critically examine the rationale behind the idea of a Community Land Act discussed in the draft Land policy and the alternative of an appropriate amendment to the Land Act (instead of an altogether new Act) if the purpose is to provide statutory recognition of customary systems of land governance.

- **Facilitate campaign for a moratorium on large scale land transfers and investments**

NPA may seriously consider facilitating a campaign by SSuLA and SLAs for a moratorium on large scale land transfers until such time a transparent and participative mechanism with legal authority is put in place to evaluate and approve large scale investment projects in land and subterranean resources. The campaign may propose a set of criteria approved by SLAs and SSuLA to be included in the evaluation of large scale investment project proposals. It may include a demand for a review of land grants and investments approved by the government in the post-CPA/ post-independence period. The evident lack of experience in the land alliances means that coalition-building for objectives of this kind needs to be emphasized. Potential partners include the religious groups and the COTALs (Councils of Traditional Authority Leaders) that are in the process of formation on the basis of the Local Government Act.

- **Take steps to ensure sustainability**

To ensure the sustainability of the processes initiated and set in motion by the project, NPA should find an appropriate exit strategy with due consideration to the following:

- The SLAs and SSuLA have adequate capacity in terms of organisational capability, financial viability, knowledge and skills, and to operate as independent CSOs representing broad constituencies of rightful users and

managers of land resources and the environment in the Republic of South Sudan.

- The constituent members of SLAs in the states will have to be bona-fide sustainable organizations in their own right and recognized as activists on land rights – if the state SLA is to survive beyond NPA funding and logistical support
- Active regional and global networks of solidarity and exchange.
- Upgrading of Trainers produced by the project and continuation of training activities to meet current and future capacity needs.

Appendix I

Terms of Reference



Norwegian People's Aid
South Sudan

Evaluation of the project

“SECURING RURAL LAND RIGHTS IN SOUTHERN SUDAN IN A CONTEXT OF LARGE-SCALE LAND ACQUISITIONS”

Terms of Reference

September 2012

Background

Acquisition of large tracks of rural farm land, mostly by foreign investors for commercial production, is not a new phenomenon in South Sudan. Indeed, this may be said to have been at the heart of the nearly five decades struggle between the Government of Sudan and the people of South Sudan. It defined the determination of the South Sudanese people to resist foreign machinations and secure their lands and natural resources from appropriation.

With a mostly rural population, the bulk of South Sudanese derive their livelihoods directly from the land as farmers, pastoralists, fisher-folk and hunter-gatherers. Land is also the foundation upon which the society's economic, social and political transformation and in most cases identity has to be based. Therefore, security of land rights and land tenure is of primary importance to South Sudanese and it is critical for sustaining peace.

The phenomenon of large-scale land acquisitions complicates an already difficult situation for South Sudan. Signing of the Comprehensive Peace Agreement between the then Government of Sudan and the SPLM/A, and later the attainment of independence, opened up great opportunities for the exploitation of land and natural resources to transform livelihoods and the economy. But it also heralded the emergence of serious challenges to land rights and the land sector in South Sudan: The need to settle a large number of returnees; Deal with large scale-investors and prospectors who also need access to the vast resource base. These challenges amplified by globalization and liberalization are overwhelming even for countries that have been self-governing for decades.

Large-scale land acquisitions add to these challenges for the Government and people of South Sudan. These acquisitions have become a matter of substantial concern at the global level given their potential impact on food and livelihood security for the rural poor especially in Sub-Saharan Africa. Although touted by their proponents as a new opportunity for increasing investments in land and agriculture to enhance economic

development, large-scale land acquisitions have been opposed by human rights and development advocates for targeting the land that African peasants and pastoralists depend on for their livelihoods.

Many South Sudanese conflicts stem from the right to access and use land and other resources. Consequently, Norwegian People's Aid (NPA) focused initially on supporting local partners in resolving such conflicts. When asked to step in and to figure out how best local communities could benefit from large-scale land acquisition, NPA surveyed the phenomenon in the 10 states of South Sudan and concluded that it threatened rural land rights, food and livelihood securities. It also realized that South Sudan Land Act, 2009 was not widely disseminated, and therefore majority of rural South Sudanese did not know their land rights. In light of these challenges, NPA along with the Land Coordination Forum (local and international Civil Society Organizations focused on land issues) produced training material for dissemination of the Land Act and proposed to implement a project, complementary to its programs, supporting awareness creation on land rights and challenges as well as opportunities that large-scale acquisition of land presents for South Sudan in their quest for rural transformation to secure livelihoods and promote sustainable rural economic development.

Purpose of the evaluation

The overarching purpose of the evaluation is to identify and analyze the results of the actions within the project. If results were not reached, answers may be used to draw lessons on what does not work, potential pitfalls and things in the project that need to be changed/improved in future interventions. The evaluation should also analyze whether the results can be considered sustainable.

The intention is that the review will be useful in the following ways:

The Norwegian People's Aid (NPA):

- a) To enhance the internal learning and development of future project activities.
- b) For improving decisions on working methods, approaches, target groups etc.
- c) For the enhancement of results based management, including documentation, monitoring and evaluation of results.
- d) Enhancement of NPA's partnership approach.

South Sudanese Civil Society Organizations (CSOs):

- a) For the enhancement of the internal learning of local civil society organizations.
- b) Improve utilization of capacity building initiatives to enhance their working methods in advocating for land rights.
- c) Development of future project initiatives.

Objectives of the project

The overall goal of this project is to ensure participatory, transparent and accountable land governance and investment regime that promotes poverty reduction, sustainable economic development and management of land as well as natural resources to secure land rights and livelihoods of the people of Southern Sudan.

The purpose of the project is to contribute to the development of legal, institutional and community capacity to ensure that the rights to access land and engage with investors as well as development partners in a manner that sustainably optimizes benefits of investments in the land sector for the people and economy of Southern Sudan are secured.

The main target group is composed of Government institutions, Traditional Authority, Civil Society in South Sudan and rural communities in general.

Expected results:

- Increased awareness and understanding of large-scale land acquisitions in South Sudan;

- Improved policy, legal and institutional framework for managing large-scale land acquisitions in South Sudan; and
- Increased community and civil society understanding of the rights to land and improved capacity to engage with government, investors and development partners on matters pertaining to the land sector, including large-scale land acquisitions.

Evaluation questions

The evaluation shall focus on results of the project, as well as on the overall management of the project, the roles of NPA and the different partners and how these roles affect the results. The following questions should be addressed:

- Effectiveness, to what extent have the project purpose and results been achieved. It is also of interest to know more exactly what the project has contributed to and what it has not achieved in relation to the description of the project.
- How are the results achieved? This requires going behind the actual results, to look at processes and to identify the different ways in which results were produced. Here also cost efficiency is to be analyzed.
- If results were not produced as expected, what were the reasons for this? Was it implementation that failed the project design that was inappropriate or unforeseeable external factors that affected the project?
- Relevance: To what extent is the project (purpose, choice of partner organizations, working methods etc.) relevant in relation to the identified problems the intervention aims to solve.
- Side effects: The evaluators shall present possible findings regarding side effects (positive and negative/foreseen and unforeseen) and present a general discussion on such effects.
- Sustainability: The evaluation shall also discuss sustainability of the achievements.

While the focus of this evaluation is on results, it is important also to recognize some factors that severely may limit the possibilities of determining results. The project has been carried out under a relatively short period and there have been a number of obstacles that need to be taken into consideration. Therefore it is not deemed feasible to make a full impact evaluation. The evaluators shall, however, present possible findings regarding effects (positive and negative/foreseen and unforeseen) and present a general discussion on such effects.

Conclusions should be drawn regarding the above questions and recommendations be formulated regarding the need for continuation of the project; and if so, how the project can be improved and further developed. For this analysis the following should be considered:

- Changes in context and review of assumptions.
- Is the project's design adequate to address the problem(s) at hand?
- What internal and external factors have influenced the implementation?
- Does the project remain relevant considering possible changes in context?

Methodology and Implementation

The evaluation will cover the implementation period from January 2011 to September 2011. The evaluation will be guided by the questions indicated above. It shall provide a general review of the project as a whole and a general analysis of how the project is managed, including management and follow-up of results, shall be made.

Based on the objectives mentioned above, the methodology will take into account the following:

- Desk review of existing documents and materials such as proposal, support documents, and a variety of reports.

- Interviews with key partners and beneficiaries on what have been achieved. This can be done through field visits, telephone and email.
- Probing pre-selected indicators, and further explore other relevant indicators.

Roles and responsibilities

During the period of evaluation NPA South Sudan and the involved partner organizations shall be at the disposal of the evaluator to answer questions or supply the evaluator with needed documents.

The evaluator shall give regular feed-back to NPA on observations in order to permit a joint reflection and a discussion on lessons to be drawn. The evaluator then has the full responsibility for the final report with which the stakeholders may agree or disagree.

Evaluator team

Competence in the following areas is required: land rights and legislation, land investments, specific country knowledge, civil society organizational development and evaluation methodology.

Key deliverables

The evaluator will produce a draft report to be presented to NPA for feedback before the final report.

The final report (max. 20 pages excluding annexes) should be submitted to NPA not later than two weeks after finalizing the evaluation and should include:

- a) Executive summary
- b) Introduction
- c) Findings and Assessment
- d) Recommendations
- e) Conclusion and Lessons Learned
- f) Annexes: ToR; People interviewed; Documents reviewed, etc.

Timeframe

The evaluation will take place as soon as possible. The assignment shall not exceed 20 working days in total for the evaluating team and shall include a field visit of up to 10 days. On acceptance of the assignment, the team will elaborate an implementation plan containing a specified time plan.

Appendix II

List of persons interviewed

NPA – Project manager Dr Jamus Joseph and staff

Representatives of the State Land Alliances (SLAs) from the following nine states: Unity, Western Bahr el Ghazal, Eastern Equatoria, Central Equatoria, Western Equatoria, Lakes, Warap, Upper Nile and Jonglei

Chairman, Southern Sudan Land Commission

Staff, GADET Pentagon

Appendix III

List of documents reviewed

Original proposal with budget

Q&A from the ministry

Grant letter 2012

Budget 2012 2nd revision

Added Outcome indicators

Draft Land Policy Feb. 2011

The New Frontier - A baseline survey of large-scale investment in Southern-Sudan
by David Deng, Norwegian People's Aid, 2011

Handbook for Community Engagement By David Deng

Fundamentals of Community Engagement By David Deng

Trainers Manual for Land Act dissemination

Example of contract with the State Land Alliances

Example of final report from a State Land Alliance

South Sudan Land Rights 1st year report

Newsletter 12.11

Newsletter 09.12

Contract with Gadet Pentagon July 11

Contract between Norwegian People's Aid and cooperating partner unity civil society land alliance

Requisition for the commissioners to participate (letter to the Governor)

Revised schedule for the awareness raising

Gadet Reports, 2011, 2012

Workshop 09.12 folder

Path to Prosperity: A Guide to Policy Advocacy, Concepts and Practices State Level Land Alliance
Strengthening Workshop, January 31st, 2011

January workshop presentation and other documents

Report on Land Act (2009) dissemination in Western Equatoria State by: Executive of Weesla-Yambio-Wes

