



UPHOLDING PEACE FOR A PROSPEROUS AND INTEGRATED REGION SINCE 1986
AU SERVICE DE LA PAIX POUR UNE REGION PROSPERE ET INTEGREE DEPUIS 1986

MAINSTREAMING LAND GOVERNANCE IN IGAD PROGRAMS AND ITS MEMBER STATES

An Assessment: 2016



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List of abbreviations

AfDB	Africa Development Bank
AUC	Africa Union Commission
ALFS	Agriculture, Livestock and Fisheries Sector
AVR	Africa Revitalisation Programme
B.Sc	Bachelor of Science
CEWARN	Conflict Early Warning and Response Mechanism
CAADP	Comprehensive Africa Agriculture Development Programme
CAADP RIP	Comprehensive Africa Agriculture Development Programme Regional Investment Programme
CPA	Comprehensive Peace Agreement
CPP	Country Programme Paper
DFID	Department of Finance for International Development
ECA	Economic Commission for Africa
EDE	Ending Drought Emergencies
EIA	Environment Impact Assessment
ESIF	Ethiopian Sustainable Investment Framework
EU	European Union
FAO	Food and Agriculture Organisation
F & G	Framework and Guidelines
GIZ	German International Cooperation
GPS	Global Positioning System
GIS	Global Information System
IDPs	Internally Displaced Persons
IDDRSI	IGAD Drought Disaster Resilience and Sustainability Initiative
IGAD	Intergovernmental Authority on Development
IGADD	Intergovernmental Authority on Drought and Development
ICPAC	IGAD Climate Prediction and Application Centre
ICPALD	IGAD Centre for Pastoral and Livestock Development

ICRAF	International Centre for Research in Agroforestry
IUCN	International Union for Conservation of Nature
ISSP	IGAD Security Sector Programme
IPA	Investment Programme Areas
IPF	IGAD Partners Forum
IOM	International Organisation for Migration
LPI	Land Policy Initiative
LUP	Land Use Planning
M & E	Monitoring and Evaluation
MS	Member States
M.Sc	Master of Science
MIS	Management Information System
NEPAD	New Partnership for Africa Development
NFC	National Forest Corporation
PhD	Doctor of Philosophy
PRM	Participatory Range Management
SLMP	Sustainable Land Management Programme
TOR	Terms of Reference
RECs	Regional Economic Communities
SDC	Swiss Agency for Development Cooperation
SNNPR	Southern Nationalities Peoples Region
UNDP	United Nations Development Programme
WAC	World Agroforestry Centre
WB	World Bank

1.0. Background

The Land Policy Initiative (LPI) was established in 2006 as a joint initiative of the African Union Commission (AUC), the Economic Commission for Africa (ECA) and the African Development Bank (AfDB). The aim of LPI was to examine land policy issues and challenges in Africa with a view to developing a framework to strengthen land rights, enhance productivity and improve livelihoods.

In its first phase, 2006-2009, the LPI was successful in developing a *Framework and Guidelines (F&G) on Land Policy in Africa*, with a view to facilitating national land policy development and implementation processes. The F&G, which was developed through broad consultative and inclusive process and is based on rigorous analysis of factual situations and realities. It was endorsed by the Joint Conference of Ministers of Agriculture, Land and Livestock held in April 2009 in Addis Ababa, Ethiopia, while the 13th. Ordinary Session of the Africa Union Assembly of Heads of States and Governments held in July 2009, Sirte, Libya adopted the "Declaration on Land Issues and Challenges in Africa" urging the effective implementation of the Framework and Guidelines on Land Policy in Africa. The Assembly further requested the Africa Union Commission, in collaboration with ECA, AfDB and the Regional Economic Communities (RECs) to support Member States in their efforts towards reviewing, developing and implementing land policies including mechanisms for process tracking and reporting.

Given its mandate, in 2012 the LPI developed a five-year strategic plan defining the key elements needed for adequate implementation of the AU Declaration on Land. This five-year strategic plan and roadmap (2012-2016) captured the need for “mainstreaming land in the agenda for Africa’s development”. This objective is being achieved through a number of interventions including developing of joint projects with RECs and Member States with financial support from development partners. It is within the mandates of the RECs to implement AU Policies, Declarations and Strategies in their respective regions and provide support to their Member States and

coordinating partners' efforts in the implementation of the AU Declaration on Land, guided by the F&G.

In this context, the LPI and the Intergovernmental Authority on Development (IGAD), with support from the Swiss Agency for Development and Cooperation (SDC), developed a three-year project "Improving land governance in the IGAD region."

The project has the following objectives:

- Enhance the capacity of the LPI and the IGAD Secretariat to facilitate and monitor the implementation of the AU Declaration on Land in the region;
- Mainstream land governance issues in programmes and activities of the IGAD Secretariat and its member states;
- Develop capacity of academic institutions in the region to promote and undertake land policy related research using existing IGAD frameworks;
- Establish/strengthen a regional platform for knowledge sharing and advocacy aimed at promoting good land governance and land policy convergence among IGAD Member States (Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda);
- Improve synergy (partnerships, coordination and alignment) of land governance related programmes in the IGAD region; and
- Facilitate monitoring and evaluation of land policy reform processes in line with the overall IGAD M&E Framework.

It is against this background, that LPI in partnership with IGAD has recruited an international consultant/land policy expert, to carry out an assessment on mainstreaming of land issues in the IGAD region, develop the mainstreaming strategy and guidelines and undertake capacity development of IGAD and member states' staff based on the developed strategy.

The Consultancy aims to integrate land governance into the programs of IGAD secretariat and its Member states. Urgent and coordinated actions at national and regional level as well as among the private sector and civil society level is perceived as a vital element that underpins each aspect of sustainable development in the IGAD

region and therefore, should be integrated not only by investments in natural capital in the realm of agriculture, pastoralism, fisheries, forest and water, but also in cross cutting themes such as gender and conflict management. Existing IGAD structures that enhance the involvement of the private sector, civil society and NGOs (Chamber of Commerce) include IGAD Civil Society Forum, IGAD Civil Society Facility, and IGAD Applied Research Forum. These fora enhance mainstreaming land governance in the region.

1.1. Objectives of the assignment

The assignment aims to assess the level of integration of land governance issues into IGAD programmes/projects, if any, and those of Member states with a view to identifying entry points for land governance, develop a strategy and guidelines for integration of land governance and undertake training for IGAD staff and those of member states on mainstreaming land governance into programmes and projects. Based on LPI, the assignment will mainly focus on land rights, enhanced land productivity and improved livelihoods in the IGAD region.

The tasks of this assignment are:

- Assessment of IGAD programmes/projects and strategies with a view to identifying entry points for land governance.
- Assessment of member states programmes/projects with a view to identifying entry points for land governance issues.
- Preparation of synthesis report on mainstreaming and governance in IGAD and MS.
- Prepare strategy and guidelines for land governance.
- Prepare training tool kit for IGAD and member states staff.

A detailed Terms of Reference is in Annex 1.

1.2. Methodology of the assignment

Based on the Terms of Reference for the assignment, the following steps were applied to achieve the objectives of the assignment:

- Meetings and discussions on the TOR of the assignment with the IGAD responsible person.
- Discussions with all the key units and relevant divisions within the IGAD Secretariat. Discussions were held with Environment Programme, Water Unit, Gender Unit, Monitoring and Evaluation Unit, Programme Planning Unit, Fisheries Unit, IDDRSI Djibouti Coordination Unit, Food Security Unit, Agriculture, Livestock and Fisheries Division.
- After discussions with various units, challenges and options for interventions were identified. Possible entry points for IGAD were identified based on the TOR.
- Review of IGAD policy, strategy and project documents were analyzed and possible gaps and possible intervention areas by IGAD identified.
- Meetings with member states of Djibouti, Kenya, Uganda, Ethiopia and Sudan were held. Discussions were made with Ministries of Land, Agriculture, Livestock, Water, Environment and Gender in the various countries. The member states land governance situations, challenges and concerns were discussed. Optional for national interventions identified.
- Programmes, projects and activities relevant to land governance were discussed where they exist.
- Discussions with member states focused on current land governance situation, existing policies, existing implementation frameworks, and current land governance projects, what are challenges faced, what are the gaps at national and regional levels, and possible recommendation interventions at national and regional levels.
- Develop strategy, policy brief and training kit for IGAD and member staff. These documents were prepared as separate documents from the main report.

1.3. IGAD Structures

IGAD was created in 1996 to supersede Intergovernmental Authority on Drought and Development (IGADD), which was established in 1986. The authority was established to manage the recurring droughts and disasters in the Horn of Africa. On 21st March 1996 in Nairobi, the Assembly of Head of state and government signed "Letter of Instrument to amend the IGADD charter" establishing the revitalized IGAD with a new name, "The Intergovernmental Authority on Development". IGAD, with an expanded areas of regional cooperation and a new organisational structure, was launched by the assembly of heads of state and government on 25th November 1996 in Djibouti.

IGAD is managed through various structures including Assembly of Heads of States, Council of Foreign Affairs Ministers, Committee of Ambassadors and The IGAD Technical Secretariat is headed by Executive Secretary and supported by four directors who head Divisions of Agriculture and Environment; Economic Cooperation and Social Development; Peace and Security; and Administration and Finance.

Besides the four Divisions and sections at the Headquarters in Djibouti, IGAD has a number of specialized institutions and Programmes hosted by other Member States. These include the IGAD Conflict Early Warning and Response Mechanism (CEWARN), the IGAD Security Sector Programme (ISSP), the IGAD Centre for Pastoral Area and Livestock Development (ICPALD) and IGAD Climate Prediction and Applications Center (ICPAC), and the IGAD Regional Aids Programme (IRAPP). IGAD is currently supported by 13 donors and there are two fora to support this i.e. Global IGAD donors Forum and IGAD Partners Forum.

2.0. Definition of Land and Land Governance

2.1. Definition of Land

The definition of land according to Article 260 of the Kenya Constitution, "Land is defined as the surface of the earth and the subsurface rock, any body of water on or under the surface, marine water in the territorial sea and exclusive economic zones, natural resources completely contained on or under the surface and airspace above the surface."

FAO refers Land and Land Resources as delineable area of the earth's terrestrial surface, encompassing all attributes of the biosphere immediately above or below this surface, including those of the near-surface, the soil and terrain forms, the surface hydrology (including shallow lakes, rivers, oceans, marshes and swamps)

2.2. Definition of Land governance

According to FAO and Palmer (2009), the following working definition for land governance is proposed: "**land governance** concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed." It encompasses statutory, customary and religious institutions. It includes state structures such as land agencies, courts and ministries responsible for land, as well as non-statutory actors such as traditional bodies and informal agents. It covers both the legal and policy framework for land as well as traditional and informal practices that enjoy social legitimacy.

Land governance involves procedures, policies, processes and institutions by which land, property and other natural resources are managed. This includes decisions on access to land, land rights, land use, and land development. A process and institution by which land, property and natural resources are managed.

Land governance is the process of governing. More fundamentally, however, land governance is about power and the political economy of land. The power structure of society is, among other things, reflected in the rules of land tenure; at the same time, the quality of governance can affect the distribution of power in society. Tenure is the relationship among people with respect to land and its resources. These rules define how access is granted to rights to use, control and transfer land, as well as associated responsibilities and restrictions.

Discussion with IGAD Secretariat and Member States was based on identifying programmes and projects addressing land governance issues including rules, processes, structures and how decisions are made about access to land and its use and the manner in which decisions are made and implemented and enforced, managing competing interests. Where land governance projects exist, the land governance issues have been addressed. Where there are no specific land governance projects, activities of IGAD and Member States were highlighted and shortcomings noted. Discussions were held with ministries of agriculture, livestock, fisheries, environment, water and gender in Kenya, Uganda, The Sudan, Ethiopia and Djibouti. Except in Ethiopia, there were not specific Land Governance projects and programmes. At IGAD Secretariat there were no specific land governance programmes, projects and activities except in the current Land Governance Project.

3.0. Discussions with IGAD Secretariat

3.1 Natural Resource Management:

Concerns raised include Natural Resource Management and environment protection, access to water and preservation of biodiversity. Resource sharing and water rights are important land resources that needs good management both at national and regional levels.

Challenges in addressing environmental concerns include different policies in the member states. There is need for harmony in the region. Refugees pose a major environmental challenge, leading to land degradation and conflicts with indigenous communities.

Cross-border ecosystems management involving all relevant governments is key in preserving cross border biodiversity and ecosystems e.g. Dawa River ecosystem shared by Ethiopia, Somalia and Kenya. In addition, enforcement of regulations across borders is a major issue. Human resource development on environment management, land ownership and access and management is necessary. Regional cooperation in planning, implementation and coordination of initiatives is necessary.

Questions that need answers include why address land issues in IGAD Region, how to do it and what are the indicators of results?

Land is an important component in the IGAD 5 Year Strategy Plan - 2016 - 2020. Access to land enhances credit facilities from banks. Land issues were never addressed in the fisheries unit. There is need to carry out training needs assessment before trainings are conducted. Awareness creation, land governance programming,

trainings on basic principles on Monitoring and Evaluation of land governance issues and training on FAO guidelines on Land Governance is necessary, trainings on pastoralism issues and there is need to train on how to incorporate land governance into IGAD programmes.

3.2 Monitoring and Evaluation:

M and E is based on IGAD 5 year plan - 2016 - 2020. Baseline studies and sector review are necessary to incorporate land issues into IGAD programmes. The current M and E system needs to be revamped to make it efficient and effective for project monitoring, evaluation and tracking.

3.3 Agriculture, Livestock and Fisheries Division:

The division is implementing a number of projects including, Biodiversity Management Program to enhance sustainable biodiversity conservation and improve community link in three pilot sites i.e. Ethiopia/South Sudan (Gambela Landscape) where the community is expected to benefits from biodiversity; Lower Awash and Lake Abe Landscape (Ethiopia/Djibouti); and Kenya /Somalia - Kipini area for biodiversity conservation.

Various regional policies have been developed in the sector through collection and comprehensive data analysis. The division supports dryland agriculture research in agriculture, livestock, fisheries and food security through call for proposals. Climate Variability/Change is supported through ICPAC, livestock is supported through ICPALD and collaboration with civil society is enhance through a call for proposal for Civil Society facility to support land governance

Through IDDRSI, a long term 15 programme is in place. The programme aims to build community capacity for resilience through End Drought Emergency initiative.⁷ Priority

areas and Country programme Papers developed for seven countries. The 1 st. 5 year phase of IDDRSI is over.

In Somaliland, IGAD Sheikh Technology has been set up. This is a ten year project aimed at offering Diploma Veterinary Science. The graduates are further supported for degree and M.Sc at Makerere University in Uganda. This will enhance livestock disease surveillance and control in the region.

IGAD is responsible for implementing CAADP Regional component in agricultural investment program with national governments. CAADP key areas are policy development and harmonisation, capacity building for member states, information generation, knowledge management and support for research. CAADP supports agriculture in high rainfall areas, while IDDRSI focuses on ASALs.

3.4 CEWARN:

According to Malibo Declaration, in Agenda 63, access to land important is important for food security attainment. Concerns in pastoral areas is that the land ownership is not with the people. The communities may graze their livestock without hindrance. However, governments apparently pay little attention to the plight of pastoralist during large infrastructure developments.

Other concerns include land grabbing by individuals (settlers) from pastoralists and commercialization of large parcels of land for international investors e.g. 800,000 acres of land given to Saudi Arabia for fodder production without benefits to the local communities. Policies of some member states to settle pastoralists has negative effect on land productivity. Research indicates that, pastoral areas are more productive per unit area under pastoral production system that sedentary livelihoods.

IGAD Regional Investment Plan to End Hunger by 50 % by 2025; 1/2 poverty by 2025, may be realised if member states could harmonise regulations across border, simply trade e.g. introduce free levy for food imports under 1,000 kgs. e.g. between Zambia

and Zimbabwe. Development of dividend projects across borders e.g. wells and livestock marketing infrastructure may reduce conflicts.

A suggested strategy promote access to land by smallholders needs to be regulated. In this regard governments and community groups need to manage cross-border lands. There is no evidence of land governance integration into the CEWARN programme

3.5 Monitoring and Evaluation - IDDRSI:

IDDRSI focuses on seven areas i.e. Natural Resource Management, Market Access, Livelihood support, pastoral Disaster Risk Management, Technology transfer, conflict prevention, resolution and peace building and coordination.

IGAD has comparative advantage to map out regional land issues, resolve cross border disputes, border line management, control of human and livestock movements across the common borders, human and livestock disease surveillance, manage pastures and access to rights to water facilities across borders.

Land unit within IGAD needs to be established as a permanent unit within IGAD, not just a project for sustainability and follow-ups on recommendations on this consultancy and other related recommendations on land governance.

IDDRSI is a 15 years programme. 1 st. Phase ending is ending in 2017. There is an opportunity to integrate land governance into the next phase of IDDRSI.

Through IDDRSI and other programmes, cross-border investments is necessary in order to effectively serve the region.

IDDRSI and other programmes within IGAD require an elaborate software development to monitor land governance and other projects within IGAD.

3.6 Water Unit:

Regional Water Policy exists and operates under Regional water protocol of IUCN. Trainings on international water law is conducted by Makerere. In each country, land governance issues are covered by the constitution. IGAD may contribute towards a constitution making process or constitution amendments process.

IGAD can bring harmony on regional and transboundary water management through working with member states. A Regional Water Policy exists. However, a Regional Land Policy does not exist. IGAD can play a role on this. There are new water proposals coming up. There will be an opportunity to incorporate land governance issues into the new proposals.

3.7 Gender Unit:

Gender mainstreaming has been considered in the LPI. The objective of the unit is to promote gender equality and women empowerment. Land is largely owned and controlled by men. Only 10 -20% of land is owned by women in Africa. 80% is owned by men.

Concerns on land ownership include Legal ownership through official registration of land, advocate for women's rights, guidelines for land rights, land governance training on gender equality, compensation for elderly and vulnerable members of the society, need for protection of the vulnerable and need to reduce gender labour exploitation. IGAD may support this in the member states.

Key gaps to be addressed include, land ownership and access inequality, land compensation for major infrastructure projects, need to harmonise customary laws with the country laws in order to avoid conflicts and the need to adhere to the national constitutions.

At regional level, common protocol needs to be developed, there is need to learn from good practices in the IGAD countries through exchange visits, there is need to protect women's' rights and invest in societal attitude change.

4.0. IGAD Programmes

4.1 Biodiversity Management Programme:

The programme is expected to produce three results i.e. result 1. Conservation of cross-border biodiversity. Result 2. Support policies for sustainable ecosystem management and biodiversity conservation. and result 3. Dissemination of best practices on biodiversity management.

Three pilot projects are ongoing i.e. Boma- Gambella (South Sudan/Ethiopia); ICRAF (WAC), Tana-Kipiri (Kenya/Somalia); IUCN - Lake Abe/Awash (Ethiopia/Djibouti).

4.2 IDDRSI: (IGAD Drought Disaster Resilience and Sustainable Initiative)

Covers 8 countries and addressed recurrent droughts and unpredictable rainfall patterns. 70% of Horn of Africa region face drought threats and receive less than 600 mm of rainfall annually.

In September, 2011, heads of states met to discuss drought crises and an IGAD Regional Drought Resilience and Sustainable Platform formed was established. Through IDDRSI Strategic Plan for Ending Drought Emergencies is now in place. County Programme Papers at national and Regional Programme Paper, at regional level are in place.

4.3 IGAD Partners fora:

Friends of IGAD forum was created in 1996 and the first meeting was held in Rome, Italy in January, 1998. IGAD Partners Forum (IPF) is also in place with membership

from 23 partner countries. Notable multilateral partners include UNDP, WB, IOM and League of Arab States among others. IGAD has special envoy for the Sudan CPA (Comprehensive Peace Agreement) based in Khartoum and a facilitator to the Somalia Peace and Reconciliation stationed in Addis Abeba.

5.0. Specialized Institutions of IGAD

5.1 IGAD Climate Prediction and Application Centre (ICPAC):

ICPAC Provides timely climate early warning information and provides seasonal forecasts. The centre is also responsible for developing new application tools for food security, livestock, health, water resources, conflict early warning, hydropower risk management and environment management. In addition human resource development and GIS improved equipment development falls within the mandate of ICPAC.

5.2 IGAD Centre for Pastoral and Livestock Development (ICPALD):

The centre's objective is to promote and facilitate gender, conflict and environment responsive sustainable and equitable livestock and complementary livelihoods development in arid and semi arid areas of the IGAD Region”

Strategic objectives of ICPALD:

- Promote and facilitate elaboration and harmonization of regional livestock and dry-lands policies and development initiatives of MS,
- Facilitate and support the domestication, adoption and transfer of appropriate research and technology in dry-lands and livestock development,
- Act as an interface between the extension, research, policymaking and execution and coordinate implementation,
- Establish linkages with other IGAD specialized institutions especially ICPAC, ISSP and CEWARN, and member state institutions and create synergy with international,

continental and regional institutions' programs and projects on issues pertaining to dry lands and livestock development.

- Promote and facilitate need driven capacity building of MS

Projects:

Daua -IGAD SWIS - Management of flood disasters and the joint national joint utilization of the Dauwa River water (Ethiopia, Kenya and Somalia).

The project components include floods, drought and conflicts in line with IDDRSI objectives covering Mandera County in Kenya, Gedo Region in Somalia and Dolo Bay in Ethiopia.

The project discusses about increasing crops, pasture and livestock productivity, but silent on land ownership, access and management. The project was expected to be implemented over a six month period. The project period is too short to achieve the expected results.

5.3 CEWARN:

CEWARN is a data-based conflict early warning system that monitors conflicts in cross-border pastoral areas and related conflicts. Funds for rapid response are disbursed to partners for interventions. ICT 4 initiative provides peace capacity building to local level peace actors. The initiative enhances collaboration among governmental, non-state actors and communities at community, regional and national levels.

5.4 ISSP (IGAD Security Sector Support Programme):

The ISSP contributes towards peace, security and sustainable development in the IGAD region. The objectives of ISSP include, enhance and enable member states security to address transnational security threats, contribute to prediction, anticipation,

prevention, and management of emerging, evolving, and existing security threats in the IGAD region.

6.0. Possible entry points for IGAD

In terms of human resources on land governance, currently the secretariat has only one expert and there are gaps on understanding of "land" and "land governance" among the technical staff. This calls for specialized in-house short course training for the IGAD secretariat. Under the current arrangement, Land Governance issues are managed by a "project". To ensure continuity and follow-ups of recommendations and sustainability, IGAD needs to establish a permanent Land Unit within the secretariat.

A key entry point for IGAD is to begin facilitation of academic training programmes in the region on land governance through collaboration with IGAD region universities and other specialized universities on land governance, land management and Geographic Information Systems. B.Sc, M.Sc, PhD and post graduate research support is necessary in the IGAD region. The starting point is to introduce short courses on Land Governance at the IGAD Sheikh Technology Institute in Somaliland.

Apparently, there is good sharing among the various donors to IGAD through IPF (IGAD Partners Forum) especially among the donors. However, partnerships and engagements with the non-state actors including NGOs needs to be strengthened to expand IGAD's influence outside the government systems and improve coordination.

IDDRSI's first phase is ending and there are two more 5 year phases remaining. Since there is no evidence of land governance issues addressed by the programme, there is an opportunity to include land governance issues in the second and third phases of IDDRSI.

Currently there is no Regional Policy on Land Governance or Implementation Framework. IGAD may facilitate the preparation of these documents. Land governance

issues have not been incorporated in past water sector projects. However, there is an opportunity to consider land governance issues in the upcoming IGAD water sector projects.

IGAD has comparative advantage to map out regional land issues, resolve cross border disputes, border line management, control of human and livestock movements across the common borders, human and livestock disease surveillance, manage pastures and access to rights to water facilities across borders through working with partner states.

Concerns on land ownership include Legal ownership through official registration of land, advocate for women's rights, guidelines for land rights, land governance training on gender equality, compensation for elderly and vulnerable members of the society, need for protection of the vulnerable and need to reduce gender labour exploitation. IGAD may support this in collaborative work with the member states.

Land ownership and access inequality, land compensation for major infrastructure projects, conflicts between customary and country laws and constitutions have been identified as key constraints in gender equity. IGAD may work with the member states on the law reforms to reduce gender inequality. Depending on each country's priorities, IGAD may provide financial or technical support through hiring consultants for the member states.

At regional level, common protocol needs to be developed. There is need to learn from good practices in the IGAD countries through exchange visits. IGAD may facilitate such exchange and learning visits among the IGAD member states. IGAD may develop regional programmes and projects to protect women's rights and invest in societal attitude change through collaborations with IGAD member states.

There is need to revamp the IGAD monitoring and evaluation system to improve on the M and E framework. The framework is expected to include all the components of M

and E i.e. relevance, effectiveness, efficiency, impact and sustainability. Result based monitoring approach may not be adequate as it ignores the key components of relevance, effectiveness and efficiency, which are critical for project back stopping. A comprehensive MIS (Management Information System) needs to be used that will allow postings and sharing online of monitoring reports and access to all reports from IGAD projects and AU Land Governance declaration.

Land governance issues have not been addressed in environmental and fisheries programmes. There is an opportunity to consider incorporation of land governance issues especially land rights to water use, rights to grazing and rights of livestock migratory routes. Land ownership among pastoralists, may be facilitated by IGAD through working with member states.

7.0. Assessment of member States - Views, concerns and expectations

This section of the report is expected to address the projects and programmes of member states on land governance. In most countries and the respective ministries visited, there are no specific projects on land governance. However, there are projects and activities within ministries that have components of land governance including land registration, land governance legislation and the roles of customary laws and other relevant regulations. Within, the unique context of each member state, there is need to understand the current status, so that gaps at national and regional levels may be addressed. Analysis of projects, programmes and activities alone cannot provide the necessary indication of the gaps to be addressed in each member states and the region. IGAD is expected to consider regional issues with a view to support member states. There is need for linkages between IGAD at regional level and the member states. i.e. "IGAD needs to think regionally, but act nationally."

7.1. Kenya

7.1.1. Ministry of Lands:

Key challenges faced by countries including Kenya are, policy formulation, legislation and land ownership processes, inadequate or ineffective institutions and programming/projects."Community land" issues have not been addressed adequately, documentation not done well and ownerships not clarified.

Areas that require support include awareness creation and sensitization of communities, leaders, and stakeholders. Managing change from agricultural land to urban development and expansion needs careful handling. Gender land rights through legislation is necessary at the national level and land tenure may require the Legislation on land ownership and women's right to land and harmonizing with customary and religious laws e.g. Khadi Court is necessary.

There is need for a study on "gender land ownership in Kenya" and political support at national level. Formalised dialogue in conflict management through intensive fora has been used in Kenya and has proved to be effective. Regional intensive fora for conflict management and access to land resources is necessary.

Legislation formulated mainly by professionals with no participation or limited participation by local regions has been counterproductive. Land governance policy in Kenya is guided by National Land Policy and the Kenya Constitution 2010. Kenya has elaborate land laws and institutions including Ministry of Lands and Housing, National Land Commission and County Land Boards in all 47 Counties of the nation. Community land holdings are now under County Governments.

Land issues that need to be managed carefully include, trans-generational rights, mapping and documentation of community land and investments where communities can share the benefits. "Study and research" in other countries is necessary to share experiences of land governance in other parts of the globe.

Currently, there are no specific land governance projects and programmes within the Ministry of Lands.

7.1. 2. Ministry of Environment and Natural Resources - Kenya:

Community forest access is controlled by the community. The government cannot develop without consultations with the community. Environmental policies and

regulations are not adequate to facilitate environment conservation e.g. a Standard Gauge Railway passing through community land, the issue of compensation was not adequately addressed.

The same railway passing through a national park and still the issue of wildlife displacement and endangering human lives was not considered. A relevant land governance project is called Imarisha Lake Naivasha programme described below.

Imarisha Lake Naivasha Programme:

This is a Public Private Partnerships (PPP) and has been effectively applied in managing Lake Naivasha ecosystem and is working well for rehabilitation of Lake Naivasha Basin. The purpose of the project is to restore the lake Naivasha ecosystem in an integrated manner. All stakeholders are involved including the upstream users, Water Users Associations, community groups, fishermen, farmers, urban dwellers, flower farmers, settlers and pastoralists. Issues addressed include tourism, lake water pollution, solid waste management, beach management, lake riparian management.

Concerns include, owners of riparian areas (flower farms, hotels) blocking access to the lake to the public for watering livestock, grazing and Environment Impact Assessments.

Riparian owners have title deeds and usually block access to the lake and at times alter the maps to their own advantages. Key issues addressed during stakeholders' dialogue include access to lake water by livestock and humans, access to grazing land, access to the beach for public recreation and other public utilities.

On the positive side, flower farms pay levy to support the ecosystem management through a trust fund. For Lake Naivasha and Baringo cases nature has reclaimed back land taken over by private investors through an explained water levels in the lakes.

Some indigenous communities have been denied access to their indigenous homes including Ogiek and Sengwer who live in forests. British came in the 1900s and found

the communities in the forests. However, the Kenya government is claiming that the community invaded the forests, thereby denying them access.

Conflict over land access is common, e.g. communities cutting trees to destroy the elephant habitat, because the elephants destroy their crops. There is need for sharing of revenue from the tourists gates collections at the national parks. Communities have been denied access to land. However, they need to share the resources.

Due to rapid population growth and urbanisation, waste disposal is a concern. There are no public lands for such purposes and communities are hesitant to sell their land for such uses. The government has to purchase private land even for a major project funded through Japanese government for waste disposal. EMCA (Environment Management and Coordination Act)/Agriculture Acts are in place but law enforcement is weak.

7.1.3. IDDRSI - Kenya:

IDDRSI Was established after 2011 drought. Issues for Kenya are recurrent droughts, prime pasture land lost to urbanisation giving voice of pastoralists. IGAD coordinates the implementation of two projects on going in Kenya. A national project supported by Africa Development Bank and Regional project supported by World Bank (RPLPL) under Ministry of Agriculture, Livestock and Fisheries.

7.1.4. Drought Resilience and Sustainable Livelihood Project - Ministry of Agriculture, Livestock and Fisheries Development:

This project is funded by Africa Development Bank and runs 2013 - 2018. The objective of the project is to promote food security, enhance incomes and enhance capacity to cope with drought. IDDRSI works with pastoralists and agro-pastoralists in seven counties including Turkana, West Pokot, Baringo, Samburu, Isiolo and Marsabit.

Regional Pastoralists Livelihood Resilience Project expected to address drought and other disasters resilience initiatives including water development, pasture production and management, livestock disease control and conflict management among the pastoralists. The project is funded by World Bank.

The focus of the project is food security, enhance community incomes, and enhance community capacity to cope with drought through agriculture (crops/livestock), pastoral and agropastoral interventions. Key intervention areas include fodder production, reseedling, hap production and storage, livestock marketing infrastructure, pasture management, water development (boreholes, shallow wells, sub surface dams, water pans and support for irrigation schemes.

Interventions areas include fodder production, livestock marketing, water development, irrigation schemes. Land utilisation is beneficiary led, with support from technical personnel. Communities form project committees to identify suitable sites for infrastructure development; release the land for project; share the benefits and manage the facility for sustainability. The community is provided with the relevant training with the support of the project technical staff in areas of group dynamics, basic book keeping, financial management, and other relevant trainings. Contribution of each partner is clear from the beginning of the project. The role of the ministry, community and the relevant County Governments are clearly articulated at the beginning of a project.

To avoid conflicts over land for project purpose, there is clear understanding led by technical officers, engineers and the beneficiary community. Land is donated by the community as part of the community contribution, rules and regulations are prepared on the project management and sharing of benefits between the community and the county governments. The revenue collected is shared on 50 %/50% basis between the county government and the community.

7.1.5. Ministry of Agriculture, Livestock and Fisheries - Policy Unit:

The ministry has elaborate policies and strategy documents including Draft Agriculture Policy, 2015, Agriculture Sector Development Strategy, Ministry at a glance May, 2013 among other policy documents. Key concern in agriculture is land subdivisions into smaller uneconomic units. There is need for land consolidation through a legal framework in order to control land subdivisions.

7.1.6. Possible entry points for Kenya:

Legal process to develop control of land subdivisions in the country at national level is necessary. The approach used by the Drought Resilience project on community participation is a good practice that need to be shared within other IGAD countries through fora be organised and shared at regional levels.

Currently there are no land stakeholder consultations fora at regional level. There is need for regional level stakeholder fora for sharing concerns, experiences and good practices.

There is need for IDDRSI regional regular consultations for updating, sharing progress, concerns and good practices in the region.

7.2. The Sudan

In the Sudan, there were no specific programmes or projects regarding land governance. However, the relevant institutions play vital roles in different aspects of land governance and the report highlights various initiatives relevant to land governance in the Sudan.

The Key concerns in the Sudan include land ownership of which 85% of the land is owned by government and 10 % owned by private land owners. Sudan is divided into territorial tribal land controlled by tribes e.g. Darfur. In 1925 - 1970 a traditional system existed where every 5 villages had judicial function to manage own land. In 1970, all

land was unregistered and ownership reverted to government and this created conflicts between the communities and the government. 85 % of land in Sudan is unregistered. However, land may be leased to private investors without compensation to the local community. Migrants may be allocated land, however they cannot develop the land because their occupation is temporary.

In 1992 - 2002, a National Comprehensive Strategy for Sudan was developed; in 2003 - 2017 Sudan Strategy document was prepared. 150 laws concerning Natural Resource Management are in place, however implementation has not been effective.

Sudan has traditional systems of 500 tribes at times conflicting with the government legislated systems. Most of the conflicts in Sudan are related to land. Tribal land management systems have been effective in environment conservation and management. However, this has been negatively affected due to land ownership reverting to government ownership in 1970s.

7.2.1. IDDRSI Sudan:

IDDRSI was established after 2011 drought that hit hardest. The objectives of IDDRSI is to reduce humanitarian assistance and increase resilience. After 2012 heads of states meeting, seven Country Program Papers were prepared, with seven priority areas.

The Sudan platform has 9 ministries, chaired by Ministry of Agriculture, Under Secretary and Co-Chaired by Ministry of Environment. The IDDRSI Coordinator is the secretary to the platform. The committee meets every 4 times in a year.

IDDRSI Covers three states in Sudan and issues addressed include mapping of nomadic routes via GPS and water development. The nomadic routes need to be register in 18 states. Good political will necessary to achieve the desired objectives.

Gaps within IDDRSI include, low technical staff capacity i.e. more technical staff are required, no motor vehicle to cover the whole country, M and E of the project is inadequate, project development and mapping is not sufficient, low budget allocation for operations, sanctions by the US is negatively affecting the performance of the country's economy and the project performance, trainings on Land Governance is necessary for the IDDRSI programme.

The first phase of the project is ending in 2017. In the 2nd phase there is an opportunity to incorporate land governance issues into the programme.

7.2.2. Forest National Corporation (NFC) - Sudan:

Forest ownership is under federal government (state forests). Other ownership categories include, community forest, and private forest in private ownership. The objective of private forest cannot be changed under the law. Institutional Forests e.g. for Gezira Scheme also exist. 30 million acres of forest are under federal ownership. The Community can have the privilege to use the land through 14 steps. There are policies guiding the management of forests including, 1902 - 1932 Forest Policy, 1989 Forest Policy and 2002 Forest Policy, which happens to be the latest forest policy.

Forests in Sudan are used for environmental conservation, Production of timber, firewood, gums, grazing -fodder. In national parks no collection of forest products are allowed. Concerns in the forestry sector include, planting and management for economic production is slow, NFC rules and regulations needs to be reformed and updated, community participation has not been adequate in forestry legislation.

Key recommendations for the forest sector include, need to register land under Gum Arabica production, partnerships with international community for financing bilateral and multilateral projects needs to be enhanced, the government needs to be proactive in forest land management, water development for Gum Arabica tapping because it falls in dry season, there is need to develop integrated development projects in order to reduce

conflicts among the communities, there is need to develop new Forest Policy for Sudan after separation with South Sudan, there is need for capacity building on land governance for technical officers and decision makers in Sudan.

7.2.3. Partners in Development (PDS) - a non state actor- Sudan:

Poverty, conflicts and instability are related to land. All conflicts in Sudan are related to land issues directly or indirectly over ownership and or access. Governance failures legislation, law enforcement, institutions, policies and implementation frameworks have been ineffective.

Various laws have been in existed but have not been effective including, 1504 Land Laws, 1898 1st. Law; 1905; 1930; 1947; 1970 - Land registration Act; Civil Transaction Act; 1994 - Physical Planning and Land Act; 1970 - Socialist Government; 1984 - Sheria Law; 1990 - Civil Transactions Act. Other developments affecting land governance include 1930 - British Law(Sudan stayed under British rule for 58 years), Comprehensive Peace Agreement (CPA), 2005 and 2011 Darfur conflict.

Concerns on land include confused law on land owned by government, God's Land through Civil Transactions Act, customary laws not consistent with government laws and control of tribal lands by tribes. Concerns that require attention include, need to harmonise customary and government laws, no land rights for minorities, land poorly registered even in Khartoum - registration can facilitate access to credit facilities, 90% of Sudan is ASAL. Land registration is not practiced in ASALs, long lease hold land for 99 years, weak traditional institutions like "IMA" which provided protection for 5 km radius, weak government institutions which lack clarity of mandates, lack policy direction, lack technical staff and financial capabilities, land allocation has poor transparency e.g. 200,000 ha. owned by individuals, encroachment on grazing land and water sources.

Gaps to be addressed on government side include, need to strengthen government technical gaps through advanced trainings, low technology innovations leading to low yields and productivity of land and porous borders to control human and livestock movements across the common borders. Separation from South Sudan has resulted in more migrants to Sudan creating high demand for land and at times resulting in conflicts.

Role of PDS has been, sharing experiences in land fora, building partnerships between government and civil society, private sector and donors, creation of awareness on land issues among senior government officials and support tribal leaders fora. Land issues are sensitive - few people talk about it.

7.2.4. Ministry of Water - Technical Arm - Sudan:

The ministry works under 1995 Agreement of Nile Basin Countries. A major gap is the need for community/government agreement. The community may use government and on lease basis. The main concerns include community sharing benefits and the need for corporate social responsibility by developers.

7.2.5. Ministry of Environment, Natural Resources and Physical Development - Sudan:

Generally there are equal rights for all Sudanese as provided for in different laws. Refugees, IDPs and communities have access to land as provided for under various laws. EIA 2001 is provided for in Environment Protection Law. Refugees can access land by law. IDPs original homes protected by law

7.2.6. Ministry of Animal Resources - Sudan:

68,6 million ha. under pastoralists i.e. grassland and browse in Sudan. The role of the ministry includes vegetation map production, rangeland protection from fire and rangeland rehabilitation in Border States. Land is a source of conflict in various parts of Sudan.

Challenges faced by the country include, rapid population growth (the current estimated population is 40 million), climate change, variability and recurrent droughts, pastoralists and livestock mobility, land degradation and depletion of biodiversity, land tenure and property rights, land fragmentation, , conflicts and insecurity, 80 % rangelands in Sudan, land rights - non participatory decision making, lack of grazing management, conflicts between pastoralists and agriculturalists, poor forage quality, investments taking away prime livestock grazing areas, gender bias in land ownership - no right for women to own land, some government policies led to destruction of grazing land. In 2015 Range Rational and Resource Act 2015 was prepared and still active.

7.2.7. Gender Issues - Sudan:

Concerns in Sudan revolve around gender equity, gender law, women empowerment, capacity building for women, data-base for information on women. Gender has been mainstreamed in all ministries through establishing Gender Directorate in each ministry. There is need for capacity building for staff of the ministries.

Land ownership form women states equal rights for women in 2005 legislation, Article 32.

Sudan Interim Constitution 2005, Bill of Rights, chapter 1, adheres to international treaties; on ownership for all citizens have been provided for in the constitution. In 1974, under Customary Law, land is controlled by tribes (Sheiks). The tribal leaders are responsible for land distribution.

Peace and security is related to land issues in Sudan. High illiteracy rates in Eastern Sudan exacerbates poor access to information by women and men. Men not yet convinced to give land to women. Women can inherit land under Islamic Sheria. No women own land in Eastern Sudan. Women can access land for farming. Land registration is limited in some parts of the country.

5.2.8. Entry Points for IGAD in The Sudan:

Dialogue among tribal leaders, national conference on land governance in the Sudan, research in land governance and land use is necessary. There is need to set up "Land Research Centre" in the Sudan at national level. Sudan Politicians usually make no consultations when making laws on land. There is need to encourage national level stakeholder consultations.

There is need to set up land specialised institutions in Sudan e.g. Ministry of Lands or National Land Commission to address Land Governance. IGAD may facilitate this through technical support. Currently there are no such institutions in the Sudan.

To learn from good practices, IGAD may support dialogue exchange experiences with focus on land use advocacy among countries with IGAD region and beyond. There is need to bring together all the land governance actors in a forum to share concerns, challenges and interventions.

For land Administration to be effective, there is need to place it within an influential office e.g. under the Presidency. IGAD, through its various organs may influence the government of Sudan to achieve this objective. Land institutions are currently weak in Sudan. There is need to set up Ministry of Land, Land Use Authority or National Land Commission to facilitate land governance in the country.

There is need for clarity for land ownership for smallholder farmers and pastoralists. Registration or some form of ownership documentation is necessary at national level. Most of the laws related to land, customary laws are outdated and need to be updated or new laws be formulated. Communities should be encouraged to participate in amendments of laws in order to avoid conflicts. IGAD may provide technical support in updating laws and formulating new land laws.

Some areas where national government may support include, creation of land rights awareness for women and men, creation of data base for customary laws, prevention and mitigation of land related conflicts, provide corridors for livestock movements for pastoral communities, sharing of good practices at national and regional levels and support establishments of land commissions at state levels.

National government may engage in mapping of rangelands, rehabilitation of rangelands and support to livelihood diversification and reduce vulnerability to drought and climate variability. These components may be incorporated and addressed through the IDDRSI programme.

Other recommendations that may required intervention of national government include, community empowerment through trainings on land governance, support for land tenure harmonisation of laws, encourage compensation for community lands used for investments and infrastructure development especially in Darfur and Blue Nile States, encourage transparent land compensation, control in land fragmentation to avoid conflicts, encourage and support structured dialogue between conflicting tribes, allocation of land for pastoralists for wet season grazing and settlement of pastoralists along the border with South Sudan.

7.3. Ethiopia

7.3.1. ISSP (IGAD Security Sector Programme) - Ethiopia:

In Ethiopia, since 1974, all land belongs to the state. Residents pay rent every year to the state. In some parts of the country, maps and plans have been prepared to indicate that the land is yours. Of concern is porous borders. No border markings are in place except the Kenya/Ethiopia border. Porous borders encourage, illegal trade, human trafficking and results in difficult control of human and livestock movements.

7.3.2. IDDRSI - Ethiopia:

Since 2011, 13.2 million persons were affected by drought. Heads of states met to address drought through End Drought Emergencies at the regional level. The programme is expected to be proactive and not reactive in order to avoid humanitarian interventions. This objective is achieved through seven pillars of IDDRSI. Farmers have user rights on land. Land may be leased from the Government; Land cannot be sold in some areas e.g. in Bole, Addis Ababa, land buying is not allowed.

In pastoral areas, land management is by the community leaders. Development work is done through negotiation with the community. In mixed farming areas, farmers can access land by renting or inherit from parents. Commercial production areas under coffee, tea plantations are owned by families who pay lease rates to the government. Protected areas including state forests, community forests, wildlife reserves, mineral and oil reserves are under direct control of the state.

Institutions responsible for land management include Ministry of Agriculture, Land use and administration at federal level, Regional Land Use and Environment Bureau and in Urban areas land is managed by City Councils and Municipalities.

In Ethiopia, land is a political tool and needs to be handled with caution. For any development by government, land compensation cannot be done for the land but for the infrastructure because land belongs to the state.

7.3.3. Ministry of Agriculture - Ethiopia:

Guiding land policy documents for Ethiopia include, the Ethiopia constitution, Ethiopia Integrated Land Use Plan - 5 year Plan - to end in 2012. Land belongs to the government and people of Ethiopia. This was further supported by 2005 Rural Land Administration and Use Proclamation in Article 456. Laws are made at federal and regional government levels.

Land Certificates and Registration for 1st level have been issued to 98 % land in Highland areas. Traditional land adjudication system is used in some parts of the country. 2nd level certificate and map has been issued for 3 million parcels nationally. In pastoral areas, land is administered under Pastoral Rural Land Administration and is applied in Afar and Somali region.

7.3.4. Projects and activities on land governance in Ethiopia:

In four regions including Amara, Tigray, Oromiya and Southern Nationalities, 2nd level (map +certificate) land registration is going on. At Qebele level, Land Use Committee provide witness for registration. 3 million parcels have been registered to date. In Gambela region, individuals are licensed to own parcels less than 10 hectares, while investors may own more than 10 hectares. In pastoral areas of Afar and Somali, Pastoral Rural Land Administration and Use regulations apply.

USAID funded pilot project for 2nd level land registration from 2005 - 2008 and REILA (a project funded by Finland Government and LIFT (a DFID funded project) are all supporting land registration activities. LIFT supports second level registration through a 2014 - 2020 project. REILA supports land certification and registration and capacity building at B.Sc and M.Sc. levels. The project works in four regions i.e. Amara, Tigray, Oromiya and Southern Nationalities. 140 Woredas, 14 million parcels have been registered so far.

The target is to register 50 million parcels. SLMP (Sustainable Land Management Project), a World Bank funded, is ongoing with components on land administration and use through Watershed Approach.

7.3.5. IGAD Entry Point in Ethiopia:

There are already active donors in Ethiopia. There is need to establish a land stakeholders forum or platform for better coordination and avoid duplication of efforts at national level. There is good working relationships among the stakeholders on land governance Ethiopia. There is need to share the experience at regional level.

Ethiopia is in the process of producing a Land Use Policy by 2017. IGAD may provide technical support to finalise the process. Currently, there is weak Monitoring and Evaluation system to coordinator and monitor the impacts of the interventions. IGAD may support capacity needs assessment and support the establishment of an M and E, MIS within the ministry, through technical support.

There is currently low human capacity on land governance, land management within the ministry. There is need for human resource development for Land Use administration and use areas including GIS specialists, Land Governance Lawyers, Surveyors and other technical personnel. IGAD may support this at B.Sc, M.Sc and PhD levels for all countries in the region, including Ethiopia.

7.4. Uganda

It is important to note that, there are no specific land governance projects or programmes in Uganda currently. However, there are relevant activities and initiatives going on under different ministries.

7.4.1. Ministry of Lands - Uganda:

Uganda has National Land Policy 2013 and Implementation Action Plan has 3 year, short term, medium term and Long Term Plans. A Land use policy for Uganda is under preparation.

Priority areas for Land Policy include:

1. Administration section - includes sector management and an administration unit to coordinate actors.
2. Mapping of stakeholders done. This includes development partners, media, Civil Society Organisations, academia, researchers, and government agencies. The map indicates sites, roles and responsibilities of each actor.
3. M and E framework for interventions.

4. Developed Strategy on "gender and Land" for implementation.
5. Capacity needs assessment. This is funded by EU.
6. "Land Donor working group" - Chaired by EU and FAO.
7. Need for legal reforms.
8. Documentation of customary law. GIZ is currently funding this.

Land Tenure systems in Uganda include "Milo" where individuals have title deeds and is practiced in Central Uganda, free hold practices all over the country where title deeds are issued, customary (unregistered) lands and Kings where several square kilometers are controlled by Kings.

Gaps/challenges faced in Uganda include, surveying and mapping is weak, land act was developed by colonial government - new act is necessary, surveys and mapping are old - there is need for updating, poor national spatial data infrastructure, there is need to access updated new technologies and equipment, a systematic Land Adjudication and certification is necessary, capacity building on data base management, data processing, data handling is necessary.

7.4.2. Gender - Uganda:

Concerns and gender issues in Uganda include, women can access land through inheritance; brothers may claim land back; women tend to sell the land in order to stop claims by brothers; man needs consent to sell off the land. In order to acquire land ownership, youth at times eradicate fathers and grandfathers to inherit land.

Land is for boy child and girls are not given land. Women can use land but cannot own. Sales proceeds go to the boy child. Females cannot inherit land. There is need to sensitize the community on this. There is need to lobby for women to access offices to demand their land rights. Women need to be empowered economically. Gender Policy is in place in Uganda. In land compensation, women have no say. Letter of Attorney is required to administer land. "Letter of Administration" is required in cases of deaths.

Such documents are mainly offered to a boy child. Land cannot be transferred to a girl child, because this implies transfer to another clan.

7.4.3. IDDRSI - Uganda:

IDDRSI is a 15 year strategy - 2013 - 2026. Country Programme Paper (CPP) for Uganda has been prepared. The programme is coordinated by Steering Committee and Chaired by Permanent Secretary, Prime Minister's Office. The Technical sub-committee is responsible for implementation and meets on quarterly basis. There is a National Platform on Drought and Drought Resilience is a Sub-committee of the same and meets monthly to discuss drought, floods, conflicts and refugees.

Projects relevant to IDDRSI include Regional Pastoralist Resilience Project covering Kenya, Uganda and Ethiopia funded by World Bank, Karamoja Project funded by IGAD and various projects funded by the Uganda Government including "safety net project" and Drought Resilience Programme.

Land issues in Uganda include land grabbing, "Bivanja" - no land title but covers 91,000 sq. km, existence of Baganda Land Board in Central Uganda and conflicts with the national government which also issues title deeds for land ownership, land conflicts, rapid population growth and land fragmentation. In Karamoja, land ownership is under the community management. A major gap is community sensitization and lack of dialogue over conflicts.

7.4.4. Ministry of Water and Environment - Uganda:

Land belongs to the people in Uganda. The government may acquire land from the people through purchase or individual or family donation. The government owns gazetted forests. "Peoples institutions" control 20- 25 % of land. The institutions include churches, traditional institutions, schools, universities and other public facilities.

Under Water Act, the communities are expected to contribute land for water projects via "demand -response" approach. Individuals may offer land for projects. Where there is resistance, the government purchases land for projects. Land for projects are bought

by the government and individuals compensated. Chief Government Valuer signs compensation agreement and the government gets land title. 30% Inconvenience Package is paid to the land owner for resettlement and the project starts after 3 months. "Free Offer" owners of land to government need to sign "Declaration of Consent" for offer. The owner and spouse need to sign the documents. Major gaps in Uganda include awareness on land issues and demarcation of land for development.

Challenges faced in land transactions include, difficult processing of title. Owners are hesitant to sign agreements, the government has no adequate resources to purchase land from individuals for projects, in majority of cases, land is undervalued by government, there are social challenges for the displaced, political pronouncements by politicians e.g. "water is free!" or politicians asking communities not to offer land for a project, the roles of various water stakeholders is not clear, national inflation, corruption over land valuation and land deals and access to water points. Titles for water pipeline is in the process.

In pastoral areas, land is owned by the communities and individuals in urban areas. The individuals have Land Ownership certificates. For commercial production, ownership may be for individuals and families. Conflicts over water use in cross border areas, catchment protection in border areas, forest encroachment, charcoal burning (need for alternative energy source), cross-border enforcement of environmental laws, cross border rivers water management and management of politically sensitive land issues are some land concerns in Uganda.

7.4.5. Entry Points for Uganda:

There is need for reforms to register the lands. Registration of Customary ownership needs to be documented through certificates. There is need for Capacity building for the Land Secretariat within Ministry of Lands at national level.

Uganda has a national forum for land stakeholders and this needs to be shared as a "good practice" among the IGAD region through a workshop, seminar or exchange visits. There are very old acts that need to be amended e.g. Land Acquisition act 1965,

Constitution - 1995, need reviews. There are needs for new laws on e.g. Land Valuation. IGAD may provide technical support in this area.

There is need for harmonisation of existing laws and make new ones. There are also conflicting laws e.g. national laws and the kingdom laws. There is need for harmony to avoid confusion and conflicts.

Cross border markings are poor and there are unresolved border conflicts between Kenya and Uganda, Kenya and South Sudan, Uganda and South Sudan. IGAD may play a mediating role in settling the conflicts. IGAD may assist in border markings and demarcations or provide technical surveying or mapping support. IGAD has comparative advantage in resolving cross border conflicts between countries and communities in border regions through its various organs.

7.5.Djibouti

In Djibouti, there are no specific land governance projects or programme. However, there are initiatives going on in various land related ministries.

7.5.1. Ministry of Lands and Housing - Djibouti:

Land in Djibouti is generally owned by the government. In North and East Afar, land is owned by ethnic communities. In the urban centers, land is owned by the government. National Master Plan used for management of the territory. Every district and capital of the region has a Master Plan. Ministry of Budget sell land to individuals. Ministry of Interior may offer temporary allocation of land. Land buyers are few compared to the available land for sale. The land prices are affordable and title deeds have been issued to 20,000 persons.

In the Master Plan, protected sites including river banks and coastal areas have been identified.

In areas under community control, the government dialogues with the respective communities for infrastructure projects. A strategy document is in place supported by AfDB.

Various legislation and acts exist to manage land e.g. "code of urbanisation, still a draft.

7.5.2. Ministry of Agriculture - Djibouti:

The state owns the land and gives land to institutions. Compensation is done for infrastructure development and not for land. Key infrastructure include roads, railway and power lines among other infrastructure. Land is given out for temporary use. Temporary certificate for use is issued. Since no documents are available for land, security for loans from banks cannot be accessed.

Recommendations for agriculture sector at national level include, improve agricultural productivity, and support micro-irrigation projects for crops and livestock fodder production, increase forage production through improved management of rangelands, conflict management between the transhumance and settled communities and capacity building for communities on technical agricultural production.

7.5.3. Ministry of Higher Education and Research - Djibouti:

The ministry is responsible for cartography and research and work with all ministries. However, they have no offices in the districts. There is need for linkages with other research institutions in the region including KALRO in Kenya, Egypt, ILRI and WAC (Nairobi).

7.5.4. Land Domain - Djibouti:

Land is sold to individuals and distributed to institutions, schools, hospitals. Land domain is responsible for "cadastral planning". Land purchase done by approval of the president. Land prices are affordable, but buyers are few.

Challenges faced by the Land Domain include, limited technical human resources and inadequate software in Cadastral Mapping.

Recommendations for Land Domain include, technical trainings for staff, transfer of knowledge among member states through exchange visits and regional land conferences, sharing and linkages with Rwanda and Mauritius, GIS collaboration with Regional Centre for Remote Sensing and Mapping in Kenya, ILRI and WAC and additional training for B.Sc, M.Sc and PhD.

7.5. 5. IDDRSI - Djibouti:

County Programme Paper has been developed for 2012 - 2016. Ministry of Agriculture is the focal point for IDDRSI. 3 Ws i.e. who, what where has been done for Djibouti. Actors have been identified and coordination plan set up. Donors and partner projects will be put on website for sharing and to avoid duplication. Three categories of projects are covered i.e. on-going, planned and completed. Six priority areas covered, with strengthening capacity for Djibouti not included.

Challenges faced by Djibouti include, aridity - most parts of the country receive less than 150 mm. of rainfall, drought recurrence, pastoralists - have to migrate to other countries, salinity everywhere in Djibouti, water shortages, provision of social services including education, health, and community development

Cross border issues affecting Djibouti include large influxes of pastoralists from Somalia, and Ethiopia cross in Djibouti and vice versa. Refugees from Ethiopia and Somalia exert pressure on natural resources and limited resources to be shared with the citizens, at times leading to conflicts.

7.5.6. Entry point for Djibouti:

Laws governing pastoralists do not exist in Djibouti. IGAD may provide technical support for development of these law. Separation of Pastoral Land and Agricultural Land has not yet taken place in Djibouti.

Since Djibouti is the host nation for IGAD, there is need for collaboration on agriculture, livestock and fodder related interventions to increase productivity, quality, improve food security and provide support for economic livelihoods for Djibouti.

There is need for IGAD to facilitate linkages and sharing information with major research institutions in the region including KALRO in Kenya, Agriculture Research Centre in Egypt, ILRI in Nairobi on GIS and Mapping, WAC (World Agro-forestry Center - former ICRAF) in Nairobi for GIS (Geographic Information Systems) and Regional Centre for Mapping in Nairobi.

IGAD may facilitate short course training on GIS, cartography and related sciences at Regional Centre for Mapping in Nairobi, Kenya. Support for B.Sc, M.Sc, PhD and post graduate support research in Land Management, Land Governance, Cartography, GIS and related fields is appropriate area for intervention by IGAD.

Intervention areas for IGAD include, technical trainings for government staff on land governance, transfer of knowledge among member states through exchange visits and regional land conferences, sharing and linkages with Rwanda and Mauricious, GIS collaboration with Regional Centre for Remote Sensing and Mapping in Kenya, ILRI and WAC and additional training for B.Sc, M.Sc and PhD.

8.0. Literature Review - IGAD Documents

Documents reviewed include:

- IGAD Regional Strategy. Volume 1 The Framework (Final Draft), 2016 - 2020.
- IGAD Regional Strategy. Volume 2: Implementation Plan 2016 - 2020.
- IGAD Regional Environment Policy, 2012.
- IGAD Agriculture, Livestock, Fisheries and Food Security Strategy and Implementation Plan 2016 - 2020, 2015.
- IGAD CAADP RIP (2016 - 2020).
- IGAD Gender Strategy and Implementation Plan - 2016 - 2020. Volume 1: The Framework.
- IDDRSI Country Programme Papers from six countries
- CEWARN Strategy Framework 2012 - 2019

8.1 IGAD Regional Strategy. Volume 1 The Framework (Final Draft) 2015 - IGAD Regional Strategy 2016 - 2020:

The strategy used bottom-up, national and regional approach to develop six IGAD priority sector strategy. It is a comprehensive five year plan developed from 105 regional reports with annual operation plans. Apparently land issues have not been addressed adequately. There is a window of opportunity to incorporate land governance issues in the annual plans. The strategy recognises the comparative advantage of IGAD through various organs including Heads of State Assembly,

Foreign Affairs committee, Council of Ambassadors and the Technical Secretariat.

Civil society and non state actors have been mentioned as not playing their active roles. However, IGAD needs to create a window or forum to encourage the civil societies to participate an active role in the IGAD region.

From discussions with member states, land is apparently a major cause of conflicts especially in Sudan. However, the document discusses conflicts without addressing the root causes.

The document discusses natural resource management including fresh water, marine, coastal water systems, forest and wildlife, wetlands, rangeland, arable land and mountains without mentioning land governance issues. The Natural Resources and Environment Strategy intends to develop a Policy Framework to sustainably manage natural resources. Land is the major natural resource, but there are no program addressing land issues currently within the environment unit. The current programs are limited to areas where funds are available, mainly for land use issues. The land governance issues is expected to be addressed when funds become available.

Border disputes have been mentioned but the role of IGAD apart from mobilising troops from the member states have not been clearly stated with regards to border markings. This is in reference to majority of common borders that are not clearly marked except, the Kenya/Ethiopia border.

The document recognises access to land and water as security and development concerns exacerbated by cultural, ethnic, economic undertones and rapid population growth. The urge for individuals and families to secure land creates tensions and at times results in armed conflicts.

Gender issues have been adequately addressed in the document. Gender concerns on the need to empower women economically has been articulated. The role played by women in agriculture and informal sector has been identified recognising the fact that, both men and women play significant economic role, women provide higher labour

proportion for agriculture, women take more than half of the informal trade including cross border, sharp gender inequalities in access to productive assets such as land, labour, financial services, technology and inputs. The document also recognises that elimination of gender gaps has resulted in positive per capita GDP in the IGAD region.

IGAD needs to increase its institutional capacity to effectively and efficiently interact with member states especially on Land Governance. IGAD needs projects and programmes to mainstream land governance issues. The strategy has not adequately addressed, how to manage poor cross border land governance and how to build community resilience in order to increase legal mobility, reduce displacements and create safe routes for migrations.

Key issues lacking from the strategic objectives include land governance issues and interface with continental and global initiative e.g. Land Policy Initiative. The strategy may have taken into account, Agenda 2063 and SDGs, among others, when it was developed. However, there are no clear pathways developed.

The result based Monitoring and Evaluation is not an adequate framework to address M & E issues. Result based approach mainly focuses on Impact and Sustainability, while ignoring the major components of M & E including relevance, effectiveness and efficiency.

8.2 IGAD Regional Strategy Volume 2: Implementation Plan 2016 - 2020 (December 2015):

The framework mentions improvement of governance of natural resources and a framework for trans-boundary resource management programme. No land issues were mentioned. Funds may not be the only reason for not addressing land governance. There has to be clear pronouncements on land legislation, land policy and implementation framework and legitimacy and harmony with customary laws. There is

a clear distinction between land use and land governance. The document is clear on land uses, but does not clearly discuss land governance.

8.3 IGAD Agriculture, Livestock, Fisheries and Food Security Strategy and Implementation Plan 2016 - 2020. Volume 1: The Framework (Draft 1), December 2015:

The ALFS Policy recognises the major land uses in the region including pastoralism, agro-pastoralism, rain-fed and irrigated agriculture.

The documents mentions about the key challenges in agriculture sector related to land governance including conflicts and insecurity. Ways of addressing the conflicts and insecurity have not been mentioned.

Rapid population growth and shrinking resources is a major cause of conflicts over land. These issues needs to be addressed under agriculture or other relevant IGAD institutions.

The ALFS recognizes the outdated legal and regulatory frameworks and ineffective land tenure systems. However, the document did not articulate how to address the challenges.

Limited access to financial resources is related to lack of or inadequate land registration to provide collateral to the financial institutions. This has not come out clearly in the document.

Land tenure issues in some of the member states, for example, Ethiopia, Kenya, South Sudan and Sudan are a hindrance to agricultural development, as most of agricultural activities such as irrigation and cultivation require clarity on land rights and its utilization.

Improvement of land governance in the IGAD region has been mentioned without elaboration on the key intervention areas.

8.4 IGAD Regional Environment Policy: Volume II - 2012:

The document addresses land degradation and not land governance issues. Though land governance is not mentioned in the document, the policy addresses IGAD inland water resource management, management of international shared aquifer resources, assessment, mapping and management of surface and ground water, and monitoring of environment and sustainable development.

8.5 Guidelines for trans-boundary environment assessment in the IGAD region - 2012:

Land governance issues have not been addressed.

8.6 IGAD CAADP Regional Investment Plan (2016 - 2020):

The objective is to highlight the key areas relevant to Land Governance but not to review the whole document. The IGAD Secretariat has been tasked with preparing the regional agricultural investment plan within the context of the Comprehensive Africa Agriculture Development Programme (CAADP). CAADP was endorsed at the African Union Heads of State Summit as a New Partnership for Africa's Development (NEPAD) program in July 2003.

The overall goal of CAADP is to “Help African countries reach a higher path of economic growth through agriculture- led development, which eliminates hunger, reduces poverty and food insecurity, and enables expansion of exports.”

The IGAD Regional Agricultural Investment Plan (IGAD-RIP) is a five year investment plan which maps the investments and implementation mechanisms required to contribute towards achieving the CAADP targets.

The objectives of the IGAD RIP are:

- a. To intensify the sustainable production systems. This objective is relevant to land governance within the region.
- b. To enhance commodity value chains and sustainable agri-businesses
- c. To promote institutional development
- d. To support the capacity development of actors along the value chains

Regional Investment Programme Areas (IPAs):

IPA1: Sustainable Natural Resource Use and Management. This is relevant to land governance.

IPA 2: Improving Rural Infrastructure and Trade-Related Capacities for Market Access

IPA 3: Increasing Food Production and Reducing Hunger. Increasing food production is relevant to effective and efficient utilisation of land resources.

IPA 4: Agricultural Research, Regional Knowledge and Information Management

The CAADP focuses its interventions in four key pillars to achieve measurable outcomes:

- Pillar 1: Extending the area under sustainable land management and reliable water control systems; This pillar is relevant to enhancing land governance within the region.
- Pillar 2: Improving rural infrastructure and trade-related capacities for market access;

- Pillar 3: Increasing food supply, reducing hunger, and improving responses to food emergency crises; Increasing land productivity may reduce conflicts over resources, and
- Pillar 4: Improving agriculture research, technology dissemination and adoption.

CAADP RIP recognises that, in spite of the environmental threats, the IGAD region possesses some of the most productive agricultural land in Africa with untapped land and water resources. The question is, for how long can we talk about the potentials? There is need to put mechanisms in place to tap the resources.

CAADP RIP discusses about the high potential of oil reserves, minerals, grazing areas and large areas of productive land in the region, but does not explain about access to and the control of the resources. Gender inequalities are related to access to and control over key productive assets such as land, financial services and inputs (mostly in the hands of men).

8.7 Ethiopia Country Programming paper to end drought emergencies in the Horn of Africa, Ministry of Agriculture, Addis Ababa, 2012:

This paper charts a new way forward to address the problem of recurring droughts and, at the same time, acknowledges that we have much to learn from each other as we embark on this resilience-building process: we must ensure that it is as efficient and effective as possible.

Breaking the cycle of emergencies, and building pastoralists' resilience to external shocks therefore requires livelihoods-focused programming tailored to the different stages of a crisis. This should be based on a holistic development approach and programming to effectively combat chronic food and nutrition insecurity and a necessity

to make new and significant investments in the dry-lands. This entails helping pastoralists cope with emerging change, adapt their livelihoods and manage the ecosystem, and diversify their livelihoods so that they will be able to withstand future shocks.

In Ethiopia, there is wealth of existing experience and good practices both within government institutions and development partners, upon which the IDDRSI implementation may rely. Challenges faced by the IDDRSI programme include recurrent droughts, low human implementation capacity, violent conflicts and climate change.

As a complementary measure the government of Ethiopia has developed and implemented the Ethiopian Sustainable Land Management Investment Framework (ESIF) with the aim of alleviating rural poverty through restoring, sustaining and enhancing the productive capacity, protective functions and bio-diversity of Ethiopia's natural ecosystem resources.

There are various initiative targeting support for pastoralists and agro-pastoralists livelihoods in Ethiopia. There is no evidence of the initiatives addressing land governance. However, The Sustainable Land Management Program (SLMP) is a five year project started in 2008 with extension of an additional one year. The project area of intervention has four major components namely water shade management, rural land certification and administration, project management and knowledge management. It was estimated that about 500,000 people will benefit from the project and six Regions are included in the program (Amhara, Tigray, Benshangul Gumuz, Oromiya, SNNPR and Gambela). The project is supported by World Bank and GIZ and focused on agricultural productivity potential and food security in degraded areas. The program is based on climate-smart agriculture, soil and water conservation, small scale irrigation and a forestation project.

Under pasture and land development intervention, the objective is increasing the availability of pastures and rangelands under sustainable management. It will support the sustainable development and management of rangeland resources. Priority Interventions include: to Strengthen and implement sustainable pasture and rangeland

rehabilitation and development programs: promote and develop Land Use Planning (LUP) and Participatory Rangeland Management (PRM) approach; strengthen communities in rangeland management; strengthen soil and water conservation practices; enhance soil fertility management practices; and rehabilitate and improve pastures and rangelands/grazing areas. Securing mobility of pastoral community for grazing land and water has been identified as a key intervention.

The implementation of the IDDRSI should build on and advocate for the establishment of its own M&E unit. Every programme within Ministry of Agriculture have their own M & E systems, with challenges on efficiency and effectiveness.

8.8 Kenya Programming Framework to end drought emergencies in the Horn of Africa, 2012:

This Country Programme Paper (CPP) aims to enhance resilience to drought in the ASALs within the framework and timeline of Kenya Vision 2030. Its main thrust will be to create a more conducive environment for building resilience to drought by investing in the essential foundations for development, such as infrastructure, human capital, and security, while at the same time strengthening the link between relief, recovery and development through long-term planning. It presents a unique opportunity to tackle the issue in an inclusive, coordinated and holistic way.

This paper signals two important changes in the Government's approach to drought management. The first of these is the recognition that successive drought emergencies are an indicator of chronic vulnerability. They will only be ended through investment in the foundations necessary for sustainable development. The second direction of change is in our institutional and financing frameworks. The Government has established a National Drought Management Authority. This is a specialised, permanent institution to ensure coordinated, high-quality interventions at all stages of

the drought cycle. It will be supported by a contingency financing facility which will enable timely response to the earliest signs of drought and in so doing prevent the downward spiral into crisis which has sadly become all too familiar. The Authority will lead the Government's efforts in achieving the goals set out in this framework.

Insecurity of tenure to land and other productive resources is a major factor increasing the vulnerability of pastoralists and other rangeland users to drought. This has exacerbated access-related conflicts, particularly for key resources such as riverine dry-season grazing areas. Increased competition for scarce grazing and water resources may lead to inter-communal conflict and insecurity and a consequent reduction in access to markets and other services.

Feelings of marginalisation among many in ASAL communities undermine the sense of national unity that the country urgently needs. Factors that contribute to community vulnerabilities in drought prone areas include, lack of security over natural resources, poor land use policies, limitations on mobility, disjointed approaches to pastoralism across the region and lack of harmonised cross-border policies.

A key challenge in ending drought emergency in Kenya relevant to land governance and management include poor management of rangelands and water resources and weak controls over the spread of settlements and water points that have created localised degradation and conflicts. The subdivision of rangelands and the influx of non-pastoral land management systems have led to range degradation and the loss of dry-season grazing areas. In Kenya, there have been various previous programmes and ongoing livelihoods programmes. However, there is no clear evidence of the programmes and projects addressing land governance issues. The basic human rights and dignity of ASAL communities must be observed when investing in the development of the region's renewable and non-renewable resources.

Rangelands are being subjected to increasing pressure from competing forms of land use. The change from customary communal land tenure to private tenure is threatening

pastoralism, which remains the most viable source of livelihood for a majority of the ASAL population. Disjointed regional approaches to sustainable pastoralism, such as poor harmonisation of natural resource management, cross-border trade and trans-boundary disease control, have impeded investment in sustainable production systems. This has been aggravated by macro-economic instability and challenges such as inflation and trade constraints.

The Ending Drought Emergencies strategy will require a carefully planned reporting, monitoring and evaluation system. This will be based on the action plan to implement this programme, and will ensure the learning and sharing of credible data, information and knowledge. There is no evidence of monitoring and evaluation system in place for Kenya.

8.9 Sudan Country Programme Paper: To end drought emergencies in the Horn of Africa:

Erratic and low precipitation during drought years has resulted in deep water table, which in-turn made access to drinking water for human and livestock a problem. This is in addition to the crowdedness around water points, which can make people and livestock vulnerable to diseases and epidemics. This competition over meager water resources may result in poor hygiene and contaminated water, particularly for vulnerable members of households, i.e., children, the elderly, and women.

The recurrent droughts in rural areas of the country have a direct impact on people's livelihood, survival, and low productivity for crops, trees, livestock, and environment. Drought has a direct effect on the productivity of rainfed crops. It also predisposes the deterioration of livestock productivity as a result of poor pasture, leading to movement of herds to longer distances in search of pasture and water. The indigenous and

palatable pasture seeds' stock are depleted as they are grazed before the flowering stage.

The objective of the country programme is to improve livelihoods and increase resilience capacities of the different economic sectors of the drought-prone communities in the rain fed and irrigated areas of the country.

Rehabilitation and development of rangelands and forests to enhance availability of forage in a sustainably managed environment, using public-private partnership and community participation approaches for enhanced contribution to peace building and conflict resolution to reduce natural resources-based conflicts that hamper livestock production, is one of the specific objectives of the CPP.

Most of the insecurity and conflict cases are associated with competition over resources, marginalization, and power sharing. These past and ongoing conflicts pose human and land governance challenges for poverty reduction in Sudan.

Despite various development interventions by government and other development partners, there is no clear evidence of programmes and projects addressing land governance issues in Sudan. A major challenge for Sudan is the separation of South Sudan, making it necessary to change policies and approaches to national development. Under Agriculture Revitalisation Programme (AVP), there is a plan to reform the complicated and sensitive issue of land tenure (land registration and equity of distribution) in Sudan. However, there is no evidence that this has taken place.

There are different interventions and pilot project aiming to promote tree plantations; rehabilitation and improvement of pastures, rangelands and grazing areas, and demarcation of livestock routes to ensure protection and regeneration of palatable pasture species. The priority interventions could be summarized as follows: Rehabilitation and maintenance of pasture in the various ecological zones and adoption of rational use to ensure sustainability and continuous access to markets;

Ensure the effective role of traditional institutions, voluntary and public organization in the pastoral resources management; promotion of appropriate sustainable communal rangeland management practices and technologies;

Land use planning to guide the investment opportunities in this sector and options for strategic partnership, making use of the recent maps produced by ministry of agriculture; another reference for use could be the land cover map of Sudan produced by SIFSIA/MoA/Remote Sensing Authority in 2012;

Development of rangeland monitoring structure and support establishment of fire-lines for protection of natural grazing areas. Community inclusion and participation in planning for the rehabilitation, development and management of rangelands and forests in the drought prone areas will ensure ownership and therefore form the security and sustainability for continuous regeneration of these important resources.

On the other hand, the re-opening of livestock routes is critical for seasonal movements of livestock to ensure the regeneration of pasture. While recognizing the importance of re-seeding to recover denuded areas, the regeneration of pasture can only be guaranteed if the area is protected from being accessed by livestock and humans in certain seasons of the year.

Priority interventions for securing livestock mobility include:

- Strengthen local Government capacity for legislation of livestock routes and the provision of integrated services along the routes;
- Improvement of access to pasture, feeds and grazing grounds for livestock along the seasonal, commercial livestock routes and improved access to national and regional roads' network;
- Encourage private sector investment and community participation in roads' sector including construction of feeder roads in pastoral areas;
- Strengthen the role of traditional institution in the management of livestock mobility, and the domestication of the African Union pastoral policy framework
- Improve quarantine system and network structure;

- Make adequate provisions for pasture, water and disease treatment facilities along the demarcated livestock routes

The proposed M&E system should aim to contribute to effective national leadership and strategic management of EDE regional and country programmes, including overseeing the utilisation of data and information, as appropriate. Successful institutionalization of M&E involves the creation of a sustainable, well-functioning M&E system within a government system. There is no evidence of clear national and regional monitoring system for IDDRSI in Sudan.

8.10 CEWARN Strategy Framework 2012 - 2019:

The objective of the strategy is to build early warning and response structure for peace and security.

A major activity relevant to land governance is mapping of conflict and violent areas.

Major causes of conflicts identified in the strategy document in the IGAD region include:

- Environmental pressure, climate variation and change
- Natural resource use and management
- Land grabbing
- Land use and land governance laws.
- Undefined border points
- Conflicts among pastoralists over natural resources.
- Land ownership disputes
- Conflicts between customary and state laws
- Rapid population growth and competition for natural resources.
- Migrations
- Food security.

9.0. Conclusion

From discussions and analysis of various programmes and projects, it is clear that land governance issues have not been addressed adequately within IGAD. Apart from the Agriculture, Livestock and Fisheries policy, that mentions land governance, in majority of documents, the mention of the word "land" is rare. However, there is an opportunity to incorporate land issues into upcoming IGAD proposals into the 2nd phase of programmes like IDDRSI.

Human resource capacity on land governance is weak within IGAD. Except on land expert, there are no adequately trained and skilled persons within IGAD on the subject of land and land governance. Even the only land expert is likely to leave the land project unless there is an extension or converting the project into a permanent land unit within IGAD.

IGAD as a regional body has challenges relating with member states due to low human resource capacity and logistics challenges in reaching some member states, especially the ones experiencing security concerns such as Somalia and South Sudan. Follow-ups on recommendations of such consultants may be difficult to implement under the current IGAD staffing regime.

For the member states, the key challenges revolve around weak or nonexistent institutions on land governance, weak legislation, poor land policies and implementation frameworks, outdated and contradicting laws, poor human resource capacity, poor linkages and sharing among the IGAD members states on good practices, poor coordination of stakeholders on land governance and unclear mandates between different organs of governments.

10.0. Recommendations

Specific detailed entry points have been provided in the main report. However, the following priority recommendations are recommended.

For IGAD Secretariat

- The land project needs to be convert to a full permanent unit within IGAD for sustainability and follow-ups on these and other recommendations from other consultancies.
- IGAD needs to be proactive in incorporating land governance into 2nd. Phases of ongoing programmes and inclusion into new proposals.
- There is need for in-house training for IGAD Secretariat on Land Governance and related technical areas.
- IGAD needs to work more closely with member states on land governance issues.
- IGAD needs to create a window for more collaboration with non-state actors
- IGAD needs to invest in collaboration with universities on in-depth research on complex land issues.

- Member states are generally weak on technology and human resource capacities. IGAD needs to start facilitation of B.Sc, M.Sc, PhD and post doctorate research programmes in collaboration with universities and renowned research bodies such as WAC, IUCN among others.
- More elaborate M & E, MIS is required for effective monitoring, evaluation, tracking of progress and sharing of information on all IGAD programmes and projects including land governance activities.

For member states

- The land governance institutions are weak or nonexistent. IGAD may facilitate establishing such institutions or strengthen the existing ones.
- Generally legislation, policies and implementation on land governance are weak. IGAD may intervene in this area.
- Human resource capacities are generally poor in the memberstates. There is need to support member states on human resources development on land governance and related fields.
- Technologies are outdated in the member states. This is an area that requires major intervention by IGAD.
- Land is a complex subject that requires adequate research support. There is need to collaborate with universities and research centers to embark on key research areas on land governance.
- Linkages and sharing among IGAD member states and other countries is not adequate. IGAD may consider facilitating such ventures in collaboration with member states.

9.0. Practical Aspects of Land Governance Mainstreaming and Way forward for IGAD

Broad areas to address in land governance mainstreaming include:

- Policy formulation and implementation framework.
- Support for land equity and land rights.
- Support for institutions and processes for policy formulation and legal frameworks.

Land governance recognises land as a key factor of production and therefore issues related to land governance need to be effectively and efficiently managed, inclusive of all stakeholders, addresses land equity and land rights, addresses states', communities' and individual's interests and does not result in conflicts.

Land governance mainstreaming is expected to address the following:

- Equitable land distribution and access.
- Secure land tenure and land rights.
- Absence of disputes and conflicts over land.
- Lead to improved governance of land based investments.
- Includes responsive land use planning.
- Is supported through all stakeholder participation.
- Includes effective implementation, monitoring, evaluation and tracking systems.

Key thematic areas to address under land governance mainstream include:

- Security of tenure and land rights.
- Historic land rights and injustices.
- Conflict management over land.
- Women land rights.
- Traditional or customary land rights.

IGAD Mainstreaming suggested Steps

- Self review of all programmes and strategies to identify gaps on land governance.
- Incorporate land governance issues during annual reviews or phases e.g. 2nd. Phase of IDDRSI.
- Incorporate land governance issues into new programmes and projects.
- Create awareness on land governance with IGAD stakeholders at regional level including donors, MSs, civil society and private sector, through trainings or workshops.
- Build human resource capacity for IGAD.
- Incorporate tracking and coordination into the IGAD M & E system.

IGAD may work with Member States on:

- Facilitate equity of access to land for all users including farmers, pastoralists, investors, youth and women.
- Facilitate in reduction of complexity of documentation/registration of land rights and claims (customary rights).
- Facilitate development of land use plans/models that promote development and sustainable investments.
- Promote high productivity from land through agriculture investments and other land uses.

- Facilitate in reduction of environmental degradation, adaptation to climate change and mitigation.
- Encourage technical exchange missions between member states or as requested by MS.
- Establish clear M & E framework for AU declaration.
- Promote gender land rights in the region and among member states.
- Facilitate mapping, recognition and management of customary land rights in the IGAD region.
- Promote or support land use planning linkages between rural and urban areas..
- Facilitate decentralisation and institutional development at regional levels e.g. Counties in Kenya, Regions in Ethiopia.

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ANNEXES

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Annex 1: Terms of Reference

Consultancy services on Mainstreaming Land Governance in IGAD and Member states

Position: Land governance Mainstreaming Expert

Duration: Short term consultancy (60 working days)

Place of work: Based in Djibouti but with no more than 20 days spent on travel to member states and LPI secretariat

Background

The Land Policy Initiative (LPI) was established in 2006 as a joint initiative of the African Union Commission (AUC), the Economic Commission for Africa (ECA) and the African Development Bank (AfDB). In its first phase (2006-2009) the LPI was successful in developing a *Framework and Guidelines (F&G) on Land Policy in Africa*, with a view to facilitating national land policy development and implementation processes. The F&G, which was developed through a rigorous roadmap of activities, including regional assessments and consultations on land policy, was adopted by the African Ministers responsible for land in Addis Ababa, Ethiopia, in April 2009. They were further endorsed by the highest level of African governance—the AU Heads of States and Governments, through a *Declaration on land issues and challenges in Africa*, during the 13th Assembly of the African Union in Sirte, Libya, in July 2009.

Given its mandate, in 2012 the LPI developed a five-year strategic plan defining the key elements needed for adequate implementation of the AU Declaration on Land. This five-year strategic plan and roadmap (2012-2016) captured the need for “mainstreaming land in the agenda for Africa’s development”. This objective is being achieved through a number of interventions including developing of joint projects with RECs and Member States with financial support from development partners. It is within the mandates of the RECs to implement AU Policies, Declarations and Strategies in

their respective regions and provide support to their Member States and coordinating partners' efforts in the implementation of the AU Declaration on Land, guided by the F&G.

In this context, the LPI and the Intergovernmental Authority on Development (IGAD), with support from the Swiss Agency for Development and Cooperation (SDC), developed a three-year project "Improving land governance in the IGAD region."

The project has the following objectives:

- Enhance the capacity of the LPI and the IGAD Secretariat to facilitate and monitor the implementation of the AU Declaration on Land in the region;
- Mainstream land governance issues in programmes and activities of the IGAD Secretariat and its member states;
- Develop capacity of academic institutions in the region to promote and undertake land policy related research using existing IGAD frameworks;
- Establish / strengthen a regional platform for knowledge sharing and advocacy aimed at promoting good land governance and land policy convergence among IGAD Member States (Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda);
- Improve synergy (partnerships, coordination and alignment) of land governance related programmes in the IGAD region; and
- Facilitate monitoring and evaluation of land policy reform processes in line with the overall IGAD M&E Framework.

In lieu of the above mentioned objectives, the LPI in partnership with IGAD seeks to recruit an international consultant/ land policy expert/ to carry out an assessment on mainstreaming of land in IGAD region, develop the mainstreaming strategy and guidelines and undertake capacity development of IGAD and member states' staff based on the developed strategy.

The Consultancy:

The Consultancy aims to integrate land governance into the programs of IGAD secretariat and its Member states as forming part and parcel of policy development, implementation and reporting through the structures and processes of IGAD. Urgent and coordinated actions at national and, regional level as well as among the private sector and civil society level is perceived as a vital element that underpins each aspect of sustainable development in the IGAD region and should be integrated not only by investments in natural capital in the realm of agriculture, pastoralism, fisheries, forest and water, but also in cross cutting themes such as gender and conflict management. Existing IGAD structures that enhance the involvement of the private sector, civil society and NGOs (Chamber of Commerce, IGAD Civil Society Forum, IGAD Civil Society Facility, IGAD Applied Research Forum) in mainstreaming land governance in the region.

Objectives, tasks and expected outputs:

Objective: To undertake an assessment of IGAD programs and those in Member states with a view to identifying entry points for land governance, develop the strategy and guidelines for integration of land governance and undertake training for IGAD staff and those of member states in mainstreaming land governance in programs.

Specific Tasks: In order to achieve the above objective, the international consultant will perform the following key tasks

- Prepare an inception report with a detailed methodology for mainstreaming land governance in IGAD programs and those of its member states, the work break down and timeline and, tools for presentation at an inception meeting for approval.

- Undertake an assessment of IGAD programs and strategies with a view to identifying entry points for land governance interventions. This will include mapping the existing key stakeholders within the IGAD structures, the implementation and reporting chain most appropriate for land governance.
- Prepare a draft synthesis reports on mainstreaming land in IGAD programs and member states;
- Prepare a strategy and guidelines and training toolkit for mainstreaming land governance in IGAD programs and those of its member states.
- Present the Synthesis report, the strategy and guidelines and the training tool kit at the Regional validation workshop
- Finalize the synthesis report, strategy and guidelines and training tool kit on mainstreaming land governance in IGAD programs and those of its member states following the validation workshop.
- Undertake training for IGAD staff and select staff of member countries on mainstreaming land governance in programs.
- Prepare training report of a publishable quality.
- Prepare a policy brief on mainstreaming of land in IGAD
- Prepare final consultancy report highlighting the process, challenges and lessons learned.

Expected Outputs:

1. An inception report on understanding of the project and methodology for the assignment,
2. A synthesis report on assessment of mainstreaming land governance in IGAD and member states

3. A Strategy and guidelines on mainstreaming land governance in IGAD programs and those of its member States,
4. A Training Toolkit on Mainstreaming Land governance in IGAD programs and those of its member states
5. Training of x number of IGAD and member states' staff
6. A policy brief on mainstreaming land in programs and strategies of IGAD secretariat and member countries,
7. A report on training of IGAD staff and its member states on mainstreaming land governance
8. Final consultancy report.

Timeline

The consultancy for the international consultant is 60 for days, spread over a 3 month period.

Reporting

The Consultant will work under the overall oversight of Mr. Mohamed Moussa, the Director Agriculture and Environment Division. The Consultant will directly report to Dr. Samuel Zziwa the Program Manager for Agriculture, Livestock and food Security and work on a day to day basis with the support of Esther Obaikol the Land Expert in the Agriculture and Environment Division of GAD.

Consultancy fees

The consultant will be paid a lump sum fee. 40% will be paid upon signing of the contract, 20% upon receipt of the initial draft reports and tools. 40% will be paid upon receipt of a satisfactory final report.

Costs of travel and other associated costs for purposes of the project within the region will be directly paid by the project.

Skills and other requirements of the consultant

Education: Advanced University Degree in land related discipline, including Economics, Land Administration, Natural Resources Management, agriculture, Geography, Sociology, land use, sociology and land law.

Work Experience: A minimum of 10 years progressively responsible experience in a land related field especially developing and implementing land policies and land administration strategies, programs and projects is required.

Skills and Expertise: The candidate should have: i) project formulation and implementation skills on land related issues, especially applied to the East African context; ii) Experience in strategy and guidelines formulation, Capacity assessments, mainstreaming and training; iii) Knowledge of gender mainstreaming. (iv) strong analytical, people and interpersonal skills; (v) experience in research in land, agricultural transformation, investments in the agricultural sector; (vi) Ability to work under tight timeframes; (vii) Experience working on gender equality and women's land rights is an added advantage; (viii) knowledge and experience working in the in working/ collaborating with AUC- ECA- AfDB Land Policy Initiative (LPI) is an asset.

Languages: Fluency English, (both oral and written) is required; knowledge of French is desirable. The candidate for this assignment needs to be fluent in English and have excellent drafting skills.



LAND POLICY INITIATIVE

MAINSTREAMING LAND GOVERNANCE IN IGAD PROGRAMS AND ITS MEMBER STATES

An Assessment: 2016



Schweizerische Eidgenossenschaft
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