

WOMEN'S LAND RIGHTS AGENDA



PEACE, PROSPERITY AND REGIONAL INTEGRATION

South Sudan



Norwegian People's Aid



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This publication has been made possible with the financial support of the Embassy of Sweden Addis Ababa.



PEACE, PROSPERITY AND
REGIONAL INTEGRATION

WOMEN'S LAND RIGHTS AGENDA FOR SOUTH SUDAN

Ministry of Lands, Housing, and Urban Development

June 2021
Juba, South Sudan



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The production of this publication has been made possible with support from the Swedish Embassy, Ethiopia, and Norwegian Peoples Aid, South Sudan office.

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LIST OF ACRONYMS AND ABBREVIATIONS

ADR	Alternative Dispute Resolution
AU	African Union
BOMA	The Least Administrative Unit of a Payam Administration
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CPA	Comprehensive Peace Agreement
CSOS	Civil Society Organizations
FAO	Food and Agricultural Organization
HLP	Housing Land and Property
ICCPR	International Convention on Civil Political Rights
ICESCR	International Convention on Civil Economic Social and Cultural Rights
IGAD	Intergovernmental Authority on Development
INGOS	International Non-Governmental Organizations
LPISU	Land Programme Implementation Support Unit
MLHUD	Ministry of Lands Housing and Urban Development
MOGCSW	Ministry of Gender, Child and Social Welfare
NGOS	Non-Governmental Organizations
NNGOs	National Non-Governmental Organizations
NPA	Norwegian Peoples Aid
NRC	Norwegian Refugee Council
PAYAM	Administrative Unit of a County
R-ARCSS	Revitalized Agreement on Resolution of Conflict in South Sudan
UDHR	Universal Declaration of Human Rights
UN-HABITAT	United Nations Agency on Shelter and Human Habitat
UN WOMEN	United Nations Entity for Women
UNDP	United Nations Development Programme
UNMISS	United Nations Mission in South Sudan
WFP	World Food Programme

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FOREWORD

The Republic of South Sudan through Ministry of Lands Housing and Urban Development and pursuant to the IGAD letter, number **ES40-100/369/20** dated 7th July 2020 from **H.E Workneh Gebeyehu, Executive Secretary IGAD Regional Secretariat** concerning the conducting of Gender Assessment of the Land Sector in South Sudan. The Ministry expeditiously supported the exercise that culminated in validating the assessment report on 1st September 2020 in Quality Hotel Juba, where high-level land sector stakeholders participated in the validation workshop. The IGAD Women's Land Rights initiative was welcomed by South Sudan's national land sector authorities, acknowledging the usefulness of the assessment, reiterating that the results will feed into the bigger land sector reform agenda for South Sudan.

"Supporting the issues of women and Land is supporting the issues of the nation."

This document is intended to contribute to the improvement of land governance in South Sudan to enable enhanced economic growth, increased resilience, food security, reduced conflicts, improved natural resources management, and reduced land degradation.

The Gender Assessment of the Land sector in South Sudan identified key issues impeding the realization of women's rights to land ownership with analysis on the land-related legal policy and frameworks that give the citizens of South Sudan power to access and own land irrespective of their gender. Key identified strategic, and long term women's Land rights policy support challenges include:

1. Provision of rights and protection for civil and customary marriages;
2. Protection of the land rights of women living in de-facto unions and presumptive marriages;
3. Requirements for joint consent for land transactions in urban and rural areas regardless of the type of marriages
4. Consideration for joint registration by both spouses;

5. Recognition for the disproportionality of the impact that natural resources concessions and State-led expropriation have on women's land and rights;
6. Assurance that compensation for land rights is not exclusively channeled through men and male relatives.

Our belief in South Sudan is that the project will certainly inspire our national processes geared towards the identification, analysis, and prescription of reformed policy options tailored to suit South Sudan's specific context. This is a plentiful opportunity for us to benefit from the expertise of the technical country team who formulated the Women's Land Rights Agenda for South Sudan under the leadership of our Gender Focal point person in the Ministry.

Key identified priority issues for women's land rights for South Sudan include:

1. Structural exclusion of women in policy formulation and implementation processes in the land sector.
2. Gender gaps to land under South Sudan's plural legal systems and socio-cultural diversities.
3. Limited platforms for Women's popular demand on equitable land rights.
4. Limited access to justice for women in the formal and informal dispute resolution mechanisms
5. Limited access to information, awareness, and resources on women's land rights.
6. Inadequate implementation of policies and laws promoting women's land rights.
7. Weak coordination and collaboration between land governance structures and key stakeholders on women's land rights.
8. Key land sector actors have limited institutional capacity (human resources, technical knowledge

on gender analysis, gender-responsive budgeting, and programming) on land issues.

We call upon support from our government and all land sector partners, including the Ministry of Justice, The Local Government Board, Ministry of Gender, Child and Social Welfare, Parliamentary Committee on Land and Physical Infrastructure; Parliamentary Committee on Gender, Child and Social Welfare, UN Agencies and Civil Society Organizations and all development partners to expedite the implementation of the Agenda.

South Sudan is in line with AU's Agenda on strengthening the security of land tenure for women, Gender and land governance issues and challenges in South Sudan are enormous and require consensus on the debates for considering the women's land rights agenda as a

national development imperative. We look forward to improving the coordination and collaboration between the IGAD Land Governance Unit and all regional, international and national land actors on future engagements towards improving land governance challenges and issues in South Sudan through the establishment of the Land Programme Implementation Support Unit (LPISU) in the Ministry of Lands, Housing and Urban Development to promote meaningful partnerships in executing the key priority issues outlined in the Agenda.

Lastly, we envisage that this IGAD led regional land governance initiative will bear policy fruition to desirable outcomes for all member states, particularly for South Sudan, which is building statehood.



Hon. Michael Chiangjiek Geay
*Minister,
Ministry of Lands, Housing and Urban Development
Republic of South Sudan, Juba*

EXECUTIVE SUMMARY

The National Women's Land Rights Agenda for South Sudan is a reflection of gender and land governance challenges and issues in South Sudan. Most distinctive among the challenges and issues concern the legal and normative, formal and informal practices that intersect land, salient are the traditional barriers that inhibit women from enjoying the rights accorded to them in the existing legal frameworks of South Sudan and regional and international treaties promoting the rights of women. Addressing the challenges and issues of women's land rights contributes to peace, livelihood security, economic growth, political and social transformation of the nation.

The IGAD led process of the gender analysis of the land sector in South Sudan surfaced gender perspectives of key land sector elements and institutional diversities and gaps encompassing land governance challenges, issues, and opportunities in South Sudan. The gender assessment helped the Ministry of Lands, Housing, and Urban Development to establish a benchmark and a process to systematically track progress in improving gender equality in the land sector of South Sudan.

Following the Gender assessment findings, a core temporary Country Technical Working Team was drawn from participants to the gender assessment validation workshop conducted in September 2020. It was tasked to pull together the Women's Land Rights Agenda for South Sudan informed by the country assessment and grassroots level experiences that may not have been featured in the gender assessment of the land sector report. The country-level technical team examined the identified barriers that are characterized by: a) insufficient understanding of the legal plurality governing women's land rights; b) inappropriate mechanisms for the implementation of legislation, c) limited awareness of women's rights, which impedes implementation of women's accorded statutory rights; d) exclusion or underrepresentation of women in land-related institutions; e) inadequate access to justice for women due to inefficient land dispute resolution mechanisms.

IGAD Land Governance unit expedited the process of consolidating the country-level preparations through virtual meetings with the gender focal point persons

in the two Ministries: Ministry of Lands, Housing and Urban Development, and the Ministry of Gender, Child and Social Welfare on the preparations and provided further guidelines on the accomplishment of the plans set forth for the consolidation of the Agenda for South Sudan. Accordingly, a three-day workshop was held in Juba on 16th – 18th March 2021 (Acacia Village Hotel) that culminated in the formulation of the Women's Land Rights Agenda for South Sudan.

A three-day Internal consultative meeting was held (28th -30th April 2021) in the Ministry of Lands Housing and Urban Development with the representation of staff from the different directorates in the Ministry. The process provided a sense of ownership and opportunity to orient staff and raise awareness on systemic gender analysis of the land sector. It outlined strategies to address the challenges and issues in the Women's Land Rights Agenda for South Sudan.

The national women's land rights conference with grassroots representation held between (22nd -24th) in Juba Grand hotel (had 75 participants) provided the opportunity for consultations with the grassroots women on the Agenda and national land authorities to interact with the 30 participants selected randomly from Upper Nile, Bahr El Ghazal, and Equatoria Region. The grassroots team comprised women organization leaders, women chiefs, women farmers, members of land alliances in the respective regions, and directors of land from state ministries of lands in Western Bahr El Ghazal, Upper Nile, Eastern Equatoria, and the Unity States. The grassroots urged the Ministry of Lands, Housing, and Urban Development to roll out similar women's land rights conferences in the ten states and engage states' land sector authorities and civil society organizations to disseminate existing laws that protect women's rights to land. Recommendations from the grassroots pre-conference workshop will provide the basis for implementing the Agenda at sub-national levels.

Key messages drawn from a grassroots pre-conference workshop

- “Culture and traditions differ among the tribes of South Sudan, but women land rights agenda is a uniting factor for all South Sudanese women.”
- “The women we are talking about are our mothers, our wives, our sisters, and our daughters. Therefore it is our obligation to support and protect them from violations against their enjoyment of their rights to land, housing, and property.”
- “The 35% women representation at all levels of government should not end at Juba level but should be extended to state and grassroots levels.”
- “Women representatives at national and state levels are obliged to go back and reach out to their constituencies at grassroots and educate them on their rights.”

The Women's Land Rights Agenda provides a rationale for the development of the country-level women's land rights programming in the short, medium, and long term.

Land governance across borders examines rulemaking, standard setting, and institutions building across the borders, which requires country-level interventions by member states on a deeper understanding and analysis of the factors shaping land governance systems and how it impacts the implementation of transnational laws, policies, and programmes. The overview of the IGAD regional land governance systems analysis reveals four trans-national elements that affect the implementation of cross-border land governance interventions. These elements include state sovereignty over land, legal pluralism (Customary and statutory); gender biases in access to land; land tenure insecurity, and land conflicts.

As a country, South Sudan finds itself in a situation where economic, social, and political development in-country is increasingly affected by developments in the other countries of the IGAD Region and at Continental, and International levels. This indicates that national spheres of land governance go beyond national borders entangled in institutions and shaped by actors rooted in locally diverse contexts. In dealing with cross border contexts in land governance, it is, therefore, important for South Sudan as a country to understand

how laws, policies, and programmes in other countries can influence reforms in another country and how these can be aligned with national rules, how they are to be implemented on the ground, and how they are to be monitored by civil and public actors while extracting any lessons from ongoing local experiences from the existing context. South Sudan's participation in cross border land governance initiatives expects to realize four major outcomes on the part of Gender and land governance: 1) enhanced capacity development of national land actors on gender responsive land administration; 2) strengthened gender mainstreaming in land administration in South Sudan; 3) strengthened institutional capacity of the Ministry of Lands Housing and Urban Development to implement land monitoring; and 4) strengthened the capacity of the National Ministry of Lands, Housing and Urban Development in providing leadership and direction for land administration and management systems in South Sudan.

The Gender analysis of the land sector demonstrate that all the enacted legal and policy frameworks of South Sudan largely fulfill the international requirements related to the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which all call for non-discrimination based on sex. The provisions in the statutory frameworks of South Sudan also relate to Priority 17 of the African Union Agenda 2063, which focuses on attaining full gender equality in all spheres of life, and the Sustainable Development Goal (SDG) 5, which focuses on achieving gender equality and the empowerment of women and girls by 2030.

The Ministry calls upon Government at all levels, traditional authorities, communities, and families to approach inequalities in land governance with convergence while continuously building on positive experiences that have worked for women.

The Ministry acknowledges the importance of the project on “Improving Land Governance in IGAD Region” which aims to improve land governance, enabling enhanced economic growth, increased resilience, food security, reduced conflicts improved natural resources management, and reduced land degradation in the IGAD Region. Our belief in South Sudan is that the project will certainly inspire our national processes geared

towards the identification, analysis, and prescription of reformed policy options tailored to suit the South Sudan-specific context.

The Ministry of Lands, Housing and Urban Development has realized the magnitude of the work on gender and land and the need to establish a Land programme Support Implementation Unit (LPSIU) in the Ministry to coordinate the implementation of land governance programmes and, more specifically, coordinate the implementation of National Women's Land Rights Agenda with all concerned stakeholders in the land sector. We count on the commitment of the Ministry of Gender, Child, and Social Welfare in upscaling gender mainstreaming efforts in the land sector,

including all other key land sector stakeholders and the collective efforts in the forum of all land actors. We also count on the patronage of the IGAD land governance regional initiatives towards improving women's land rights in South Sudan and the region at large.

Once more, we would like to register thanks and appreciation to all the technical country team who participated tirelessly from the initial stages of formulating the women's Land Rights Agenda to its completion. Today I am honored to say that as a ministry, we have a clear framework for women's land rights programming that will inform our planning and land funding going forward.



Eng. Louis Kwot Akolith

Undersecretary

Ministry of Lands, Housing and Urban Development

Republic of South Sudan, Juba

1 INTRODUCTION

Weak state institutions influence the land policy environment for South Sudan¹, giving rise to fading trust between communities and governments at different levels due to weaknesses in land administration systems. Fear of land grabbing by powerful interests without regard to indigenous land holders' rights and massive rural-urban migration causing uncontrolled expansion of the capital city are critical issues to note. The other is rural movements of the population resulting into tribal clashes and competition over land use, which causes conflicts among cattle keepers and between farmers.

Increasing pressure from investors for land for privatized agriculture; lack of recognition of accorded land rights to women; provision of land for development of housing schemes in capital cities are other factors to note. Environmental degradation, wildlife conservation, tourism, and mining reveal serious land protection issues that emerged during recent years and require considerable analysis for sound national land policies that encompass all emergent issues, including underutilization of land and misuse of natural resources.

Advancing women's land rights experiences a complex range of factors linked to socio-cultural; pluralistic legal systems and the interplay between customary or religious laws and statutory laws; and administrative structures that remain discriminative to women in terms of inclusivity and gender responsiveness the land sector programmes. Patriarchal barriers are one of the main hindrances to rationalizing land ownership for rural women on one part, and dismantling it on the other requires transformative approaches and broad-based land policy support initiatives for South Sudan. Existing gender gaps is attributed to disconnect between legal and social setting as the main challenge South Sudan is facing². Key Gender inequalities in the land sector in South Sudan include barriers that are characterized by a) insufficient understanding of the legal plurality governing women's land rights; b) inappropriate

mechanisms for the implementation of legislation, c) limited awareness of women's rights, which impedes implementation of women's accorded statutory rights; d) exclusion or underrepresentation of women in land-related institutions, and e) inadequate access to justice for women due to inefficient land dispute resolution mechanisms.

Land is a critical resource for the people of South Sudan. It constitutes the foundation for livelihoods and socio-cultural, economic, political, and institutional development. Land is the basis for shelter, food, economic activities, infrastructure development, employment opportunities in rural areas and is increasingly becoming a scarce resource in urban areas.

Lack of access to land for women remains one of the worst traditional practices that affect the core fabric of society across Africa. The reasons why improving women's access to land and control over economic resources has been an important agenda for both the African Union and the United Nations is because of its contribution to the achievement of broader development goals, poverty reduction, and economic growth. Securing women's rights on land, particularly rural women, is a strategic way to reduce hunger, malnutrition, and poverty at the household level.

The practice of dual legal systems in South Sudan, dates back to the pre-colonial era, and reinforced in the long-fought battle against the Government of Sudan (1983-2005), embedding the concept of "Land Belongs to the community". This was a rallying call among the rural population, embodying the notion that customary leaders and laws would play a significant role in governance once the South achieved its independence. This historical legacy has set a conviction among the communities in South Sudan to expect that any emergent government would work in partnership with customary institutions and communities to determine how land is administered and allocated. Land is intricate because it acts as an identifier of communities' belonging and a source of income and their

1 Background to the Draft National Land Policy 2014

2 Existing gender gaps and proposals in Gender Assessment of the Land Sector in South Sudan, 2020

subsistence. Most of the South Sudanese population is still rural and depends on agriculture and livestock for both commercial and subsistence of their livelihoods. The influx of internally displaced populations, rural-urban migration, investors, land speculators, and other

ventures seeking land access in South Sudan create the onus for the establishment of a proper system for effective land governance that promotes frugal and efficient management of land as a resource benefits all South Sudanese. and interested other stakeholders.



2 CONTEXTUAL FRAMEWORK TO WOMEN'S LAND RIGHTS ISSUES, BARRIERS, AND CHALLENGES IN SOUTH SUDAN

Much of South Sudan is still rural, which means land is majorly governed through customary laws administered by customary authorities inescapable from patriarchy. The customary land right- access, inheritance, and succession are based on patriarchal marriage where bridewealth is paid, and the woman moves to her husband's patrilineage.

Philosophically patriarchy is meant to preserve land and its sustainability for socio-cultural values and the heritage attached to land, but it appears without any regard to its economic value. Along this line of thinking, the land was successively transferred from one generation to another through the male bloodline. This social arrangement did not envisage the dynamism in the family structures with increasing trends in female-headed households which were previously male-headed³.

Unfortunately, just like racism, patriarchy still exists worldwide, and just like racism, it often manifests itself in casual ways that tend to go unnoticed by many people. Women aren't the only ones who suffer under this everyday patriarchy. Everyone does, simply because patriarchy demands that those in power conform to a specific set of rules, which require the suppression of feelings and include a lack of empathy. *The changing trends witnessed in the contemporary family structures, such as changing views about wife inheritance and (increasingly unmarried women, widows, divorced, single-headed female households, changing livelihood patterns, and awareness on the economic value of land) would inescapably influence social ties of families sometimes positively or negatively, depending on whether the change is planned or unplanned.*" By analyzing and critiquing specific traditional norms and customs that are discriminative to women's land rights on one part, and awareness of traditional authorities and the women themselves on the rights accorded to

them on the other would help traditional authorities, communities, and families approach issues of patriarchy with open-mindedness.

Transforming social norms, customs, traditions, and values that are discriminative to women gaining rights in land requires deconstructing patriarchal barriers, which may positively or negatively influence traditional authorities' usual way of doing things. However, the bottom line is centred on improving the livelihoods of their own families, although women make half of the country's population and are genuine partners in the development of their communities and the entire nation.

Efforts to **deconstruct** and **transform** patriarchal barriers to women's land rights appear possible. They require a holistic approach in understanding the social systems and their relation to the ideologies around which land is governed at the state and community levels across South Sudan. Consequent background and emergence from wars since 1955 to 1972 and from 1983- 2005 and the recent eruption of violent armed conflict in 2013 and 2016 have caused instability in the systems of governance and consequent effects on community structures and their control over land and land-based resources. Patterns of generating livelihoods, especially in the rural areas, have been distorted. Compared to the other IGAD partner states, policy formulation and implementation processes for South Sudan remains complex, let alone expediting the national women's land rights agenda.

The tools, processes, strategies, and policies needed to dismantle patriarchy are centered on the premise that women are to enjoy all the rights accorded to them in the existing legal frameworks of South Sudan without hindrance. This requires the empowerment of land actors at all levels and traditional authorities, enhancing

³ Discussion paper on Transforming Patriarchy: deconstructing historically transmitted norms, values and traditions that are barriers to women's land rights in South Sudan, Presented to IGAD Women and Land Community of practice session 5, August 2020.

their capacity to respond to the changing needs of their communities in managing and coordinating with their respective states and local government authorities in dealing with intra and inter-communal land use issues. According to the Gender assessment report of the land sector 2020, there are proposed strategic policy issues that include a) Provision of rights and protection for civil and customary marriages; b) Protection of the land rights of women living in de-facto unions

and presumptive marriages; c) Requirements for joint consent for land transactions in urban and rural areas regardless of the type of marriages.; d) Consideration for joint registration by both spouses; e) Recognition for the disproportionality of the impact that natural resources concessions and state-led expropriation have on women lands and property; f) Assurance that compensation for land rights are not exclusively channeled through men and male relatives.



3 ALIGNING SOUTH SUDAN'S LEGAL FRAMEWORKS TO REGIONAL AND INTERNATIONAL TREATIES

Although the enacted legal and policy frameworks of South Sudan largely fulfill the international requirements related to the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) all call for non-discrimination based on sex. States, therefore, need to provide equal support on all sectors of society and enact laws that reduce discrimination against women to enhance the enjoyment of social, economic and political rights, including the ownership of property. CEDAW recognizes that discrimination violates the principle of equality of rights and requires States Parties to take 'all appropriate measures, including legislation, to ensure the full development and advancement of women, for purposes of guaranteeing them the enjoyment of human rights and fundamental freedoms and equality with men. CEDAW, Article 5(a) provides that state parties shall 'modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices in customary norms and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.' It further challenges human rights instruments that gender inequality and prejudice are rooted in both the public and private spheres. "The realization to the actual enjoyment of rights by women largely remains on paper."

South Sudan ratified the CEDAW in 2014 and is yet to incorporate most of the provisions into its legal frameworks. The African Charter on Human and Peoples' Rights on the Rights of Women in Africa prohibiting discrimination against women and articulating the protection of women's rights, and its supplementary protocol, the protocol on the Rights on Women in Africa, (the Maputo Protocol) – South Sudan only signed to the Maputo Protocol in 2013. The National Assembly approved its ratification in 2014. Other legal frameworks yet to be adopted include the Universal Declaration of Human

Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights. It is promising, though, that in June 2019, South Sudan's Transitional National Legislative Assembly (TNLA) unanimously voted to ratify the International Covenant on Civil and Political Rights (ICCPR) as well as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and their respective First Optional Protocols without reservations. It is anticipated that the process of ratification will soon be completed. The provisions in the statutory frameworks also relate to Priority 17 of the African Union Agenda 2063, which focuses on attaining full gender equality in all spheres of life. The Sustainable Development Goal (SDG) 5 focuses on achieving gender equality and empowerment of women and girls by 2030. Key targets and indicators associated with the AU Agenda 2063 (to be achieved by 2023) and SDGs (to be achieved by 2030) include land governance targets and indicators in the realms of equitable access to land for women, men, and youth; and security of land rights for women and vulnerable groups.

To achieve full gender equality (AU Goal 17), the implementation plan recommends that 20% of rural women have access to and control of land by 2023. Similarly, the SDGs recommend that by 2030, "all men and poor, the poor and the vulnerable, have equal rights of ownership and control over land. The provisions also partially meet the AU Declaration on Land Issues and Challenges in Africa, 2010, where the African Heads of States and Governments resolved to take ownership of and lead land reform processes by strengthening institutions for effective land governance; by allocating adequate budgetary resources for policy development, implementation and tracking progress. The leaders further resolved to ensure equitable land access for all land users and improve access and security of land tenure for women as key priorities. The AU Declaration on Land Urges Member States to develop comprehensive land policies that address specific needs of each State and build adequate human, financial and technical capacities in accordance with the Framework and Guidelines on Land Policy in Africa.

4 THE RATIONALE AND PROCESS FOR FORMULATING THE WOMEN LAND RIGHTS AGENDA FOR SOUTH SUDAN

The rationale for the National Women's Land Rights Agenda was derived from a core temporary Country Technical Working Team that was formed mid-December 2020, drawn from participants to the gender assessment validation workshop in September 2020. The team was assigned with the responsibility to pull together the Women's Land Rights Agenda for South Sudan informed by the country assessment and grassroots level experiences that may not have featured in the gender assessment of the land sector report. The analysis includes a thorough examination of barriers that are characterized by: a) insufficient understanding

of the legal plurality governing land; b) inappropriate mechanisms for the implementation of legislation, c) limited awareness of women's rights, which impedes implementation of women's accorded statutory rights; d) exclusion or underrepresentation of women in land-related institutions); e) inadequate access to justice for women due to inefficient land dispute resolution mechanisms. The challenges and gaps outlined above provide the rationale for developing the country-level Women's Land Rights Agenda for the next five years.



TABLE 1

Outlined Write-up topics on key Issues/Challenges on women's land rights in South Sudan

SNo.	Topic	Key outlined Issues/Challenges affecting women's land rights
1	Barriers to Women's Access and Ownership of land in different tenure systems	<ul style="list-style-type: none"> • Social norms and values • Lack of information • Lack of voice • Legal pluralism
2	Land legal and normative framework	<ul style="list-style-type: none"> • Inclusiveness of formulation process and content • Gender responsiveness of Land programmes • Inclusiveness of structures and institutions
3	Key stakeholders in Women's Land Rights business	<ul style="list-style-type: none"> • Roles of different actors • What are they currently doing right • What needs to change/happen?
4	Role of women and Women's organization in enforcing women's Land Rights	<ul style="list-style-type: none"> • Participation of Women in Land governance reforms and administration processes • Participation of Women in Land dispute resolution mechanisms • What are they doing rights? • What needs to change/happen • Role of Women in Economic Development of the country/IGAD Region
5	Collaboration and coordination between State, customary Land institutions, and Women's Organizations	<ul style="list-style-type: none"> • State of affairs-community to national level • Participation of Women in Land administration processes • What needs to change/happen • Key recommendations
6	Recommendations	<ul style="list-style-type: none"> • General Recommendations and Country Pledge

Source: Technical Country Team Write-ups

Formulation of the Agenda for South Sudan is based on the analysis of the existing Legal Frameworks governing land in South Sudan, and these are the Transitional Constitution of the Republic of South Sudan (2011) as amended, the Local Government Act (2009), the Land Act (2009), the Investment Promotion Act

(2009) positively asserts the place of gender equality as a human right and in land matters. Regional and International treaties promoting women's rights to social, cultural, and economic development are also considered in the rationale for formulating the Women's Land Rights Agenda for South Sudan.

5 THE PROCESS FOR FORMULATING THE WOMEN LAND RIGHTS AGENDA FOR SOUTH SUDAN

The gender assessment of the land sector in South Sudan, which was commissioned by IGAD in 2020 under the project 'improving the land governance in the IGAD region' as part of facilitating and implementing the African Union declaration on land issues and challenges in accordance with the framework and guidelines on land policy in Africa. To improve land tenure security for all land users in the IGAD region, this was noted by the high-level national land sector authorities during the validation workshop on 1st September 2020 in Juba (Quality Hotel). To expedite the consolidation process of the country-level preparations, IGAD

Land Governance Unit facilitated online meetings with the Member States gender focal point persons on the preparations and provided further guidelines on the accomplishment of the plans for the consolidation of the Agenda for Member States. Accordingly, a three-day workshop was held in Juba on 16th – 18th March 2021 (Acacia Village Hotel) that culminated in the formulation of the outlined Women's Land Rights Agenda for South Sudan. The outcome is the consolidated write-up generated by the technical country team after discussions and consensus reached during the multi-stakeholder workshop.



6 KEY WOMEN'S LAND RIGHTS PRIORITIES IDENTIFIED FOR SOUTH SUDAN

Analyzing the perspectives of gender and land in South Sudan's formal and informal legal contexts at National and Subnational, Regional and International levels, institutional and programmatic settings offer opportunities, gaps, and challenges in measuring the extent of gender equality the land sector of South Sudan. To achieve these commitments requires a review of the existing legal frameworks, globally and nationally. The gaps provide the basis for identifying key Gender and Land Sector Governance issues and challenges and the opportunity for formulating women's land rights policy support initiatives for South Sudan.

Key Priority Issue 1: Exclusion of women in policy formulation and implementation structures and processes in land sector institutions at national and sub national levels

South Sudan has a national gender policy that promotes gender equality and women empowerment. The Ministry of Gender Child and Social Welfare urges all institutions to implement the national gender policy. Government Institutions, UN Agencies, NGOs, and INGOs are particularly required to mainstream gender equality into policies, strategic plans, and programmes.

According to the gender assessment of the land sector, findings reveal a deficiency in gender responsiveness of the structures. Mainstreaming Gender in the land sector is a wider institutional role that requires a special arrangement. The Ministry of Lands, Housing, and Urban Development neither has an established Gender unit in the Ministry or the South Sudan Land Commission is a contributing factor to the deficiency in gender mainstreaming efforts in the land sector.

Description of the issue/Challenge

The African Union's Framework and Guidelines on land policy in Africa 2009 encourage popular participation in the land policy formulation and implementation to improve land governance in Africa. The Government

of the Republic of South Sudan is committed to empowering women through affirmative action of women's participation at all levels of government by 35%. It is one of the positive moves towards inclusive governance but largely remains at national levels. There is limited specific attention to improving women's participation in land sector institutions at national and sub-national levels.

Women's inclusiveness during policy formulation processes of the existing legal frameworks was considerably minimal. First, because the legislation was promulgated prior to South Sudan's independence in July 2011, when many women were still in displacement, and also fewer structures, including (the Directorate of Lands) in the Ministry of Lands, Housing and Urban Development was neither established nor adequately involved to enable ample consultations and inclusion. Secondly, because they were promulgated when the general population was at a stage of limited awareness of modern constitutional rights, many people are still attached to their customary and traditional practices. To date, the impression is that cultural and normative practices in matters related to ownership to land and property reign. Especially in rural areas where land is critical for women, the supremacy of the Constitution over customs and cultural practices seems not to be working. Strategies to deconstruct and transform patriarchal barriers to women's land rights appear possible. Still, they require a holistic approach in understanding the social systems and their relation to the ideologies around which land is governed at the state and community levels across South Sudan.

There is a need to take into account the emergence of wars that started in 1955 and ended in 1972 and from 1983 to 2005 and the recent eruption of armed conflict in 2013 and 2016 has caused instability in the systems of governance and consequent effects on community structures and their control over land and land-based resources. Patterns of generating livelihoods, especially in the rural areas, have been distorted. Compared to other IGAD Member States, policy formulation processes for South Sudan remain complex, and as such

impacting the expedience in the implementation of the National Women's Land Rights Agenda.

Root Causes to the issues/Challenges

1. There is a general misconception that 'gender' is only about women's issues.
2. Although the government is committed to empowering women by affirmative action of women's participation at all level of government, such as 35% of women representation in statutory governance institutions is one of the positive moves towards inclusive governance. However, this has largely remain at national level and diminishes at sub-national levels. Power imbalances among women and men remain a key historical factor that has impeded efforts geared towards improving women's participation especially at sub-national and rural/community levels.
3. Technical personnel who correctly understand gender-mainstreaming and support the achievement of gender-responsive results are lacking. Without specific attention to gender inclusiveness, women, as important segments of society, may be excluded from the benefits of land administration, management, and development schemes.
4. Having gender-responsive policies without implementation does not necessarily change the situation of women.
5. Although the formulation of the national land policy should precede the land Act 2009, there are other legislations outlined in the land act yet to be promulgated, and these include Community Land Act, Land Registration Act, and Family law. Their formulation and promulgation processes call for women's inclusion and women's voices.

Strategies for Addressing the Challenge and Root Causes

Government at all levels, traditional authorities, communities, and families are required to approach issues of inequality in land governance with open-mindedness while continuously building on positive experiences that have worked for women.

1. The Ministries of Lands, Housing and Urban Development, and Gender, Child and Social Welfare develop a medium to long term program implementation strategy
2. The Ministries of Lands, Housing and Urban Development and Gender, Child and Social Welfare develop a framework for gender-responsive budgeting
3. Establishment of gender-responsive land use database (sex-disaggregated)
4. Institutionalizing gender-balanced representation in all administrative and decision-making bodies involved in land matters to meet provisions of 35% threshold women in land administration, management, and development schemes.
5. Establish a fully operational Gender Desk in the Ministry of Lands, Housing and Urban Development and assign Gender Focal Point in South Sudan Land Commission and all land sector institutions.
6. Raise awareness of technical personnel on gender mainstreaming to support the achievement of gender-responsive results in the land sector institutions
7. Employ a broad-based approach for collecting baseline data and documentation of best practices on transformative approaches through participatory research, learning, and action, and related policy interventions to expedite community understanding of land as a socio-economic, cultural, and political imperative.
8. Provide training on land legislation to relevant government officials (executive, judiciary, legislature) and traditional authorities
9. Promote policy frameworks that address gender-inclusive access to and control over land in rural and urban areas under customary and statutory laws, respectively.
10. Create a "gender Just" community by engaging women and men to promote social transformation as mutual partners in addressing the root causes of inequalities

11. Develop and mobilize for common and mutually reinforcing responsibilities by all land actors and society to promote women's rights to land.
12. Close gender differences in tenure systems to achieve increased land productivity, access to affordable housing, and sustainable resource management.
13. Governments at all levels, traditional authorities, communities, and families are required to address inequality and inequity on land governance.

Key Priority Issue 2: Gender gaps to land under South Sudan's plural legal systems and socio-cultural diversities

The Land Act (2009), the Local Government Act (2009), and the Investment Promotion Act (2009) provide the fundamental framework for the fair and transparent administration of land rights in South Sudan. This notwithstanding, the translation of these at sub-national and rural levels is complicated by the predominance of customary practices. However, the Land Act regulates land tenure and equally recognizes rights to customary, public, and private tenure. The Transitional Constitution of South Sudan – TCSS (2011 as amended) recognizes 'customs and traditions of the people as one of the sources of legislation, and has given the power to the Local Governments Traditional authorities, and formalized informal legal systems. The Local Government Act 2009 defines primary responsibilities of Local Government and Traditional Authorities in the regulation and management of land. This role includes assigning customary institutions with responsibilities for administering community land rights.

Description of the Issues/Challenges

The complexities of the dual legal frameworks that provided for women to gain rights in land limits the understanding with which to approach social transformation towards the elimination of laws that are contradicted by the same law which recognizes those negative customs and traditions. This situation consequently affects translation of good statutory laws into practice. The reasons for these are limited understanding of the recognition of customs and traditions as sources of legislation, the oral application of customary laws that are seldom codified and the decision of cases determined

using customary law may vary from the judgment of one community chief to another depending on circumstance at hand. In most traditional settings, women gaining land rights are largely or may be considered a threat to the community of a woman's natal home which could lay claim to the land if it was her husband's ancestral land. This explains the notion of how gender roles are embedded in social systems and institutions and reproduced in daily life, creating inequalities. This situation emphasizes that power relations on land are still a major factor among communities, where men remain in privileged positions and continue to reap benefits from these historically created inequalities.

The complexities of South Sudan's multi-ethnic and diverse socio-cultural and religious norms on rights to land in peri-urban and rural areas where customary tenure predominates in preserving community land sustainability is a major factor in mitigating conflicts over land in the rural areas country. Attempts to develop and improve the customary land tenure shall prove attractive to communities since they are the key drivers of change in land administration at decentralized levels. The Local government Act places local representation at the centre of land governance. A long-term approach to actively engage communities by raising awareness on the importance of effective land administration and management is critical if success is to be realized.

Root Causes to the issues/Challenges

1. The deficiencies in law enforcement systems and processes lead to the under implementation of legislation and the lack of translation of good laws into practice, which partly attributes to the lack of fully operational County Courts and non-existence of Payam-level statutory courts in the country. Statutory courts are only geographically accessible in and around urban areas. In rural areas, customary courts are the main source of dispute resolution. Section 99 of the Land Act establishes that the court of the first instance is the Land Division of the High Court – most Land Divisions have not yet been established in many High Courts. Section 97 of the Local Government Act establishes Customary Law Councils as 'the highest Customary Law authority in the County' with the function to protect, promote and preserve the traditions, customs, cultures, values, and norms of the communities and to regulate,

maintain, monitor and ensure proper administration of the customary law. It also establishes Customary Courts with the 'competence to adjudicate on customary disputes and make judgments in accordance with the customs, traditions, norms, and ethics of the communities.

2. Disputing parties move between the statutory and customary systems, which causes confusion and stretches the resolution of a case. Although the Local Government Act 2009 provides for four levels of customary law courts, it does not have jurisdiction to deal with land disputes. The first level of court is the 'A' Court or the Executive Chief at the Boma level. The second level court is the 'B' Court, also known as the Regional Court at the Payam level. The 'B' Court deals with appeals from the 'A' Court and major customary family matters, including inheritance, women's rights, and customary land disputes. Appeals from the 'B' Court are made to the 'C' Court, which is the highest Customary Law Court at the county level. As well as having jurisdiction to deal with appeals from the 'B' courts, the 'C' court deal with cross-cultural civil disputes. Appeals from the 'C' Courts are made to the County Court, thereby entering the formal justice system. The problems are particularly pronounced as disputing parties move between the statutory and customary systems. Given the perceived challenges related to the statutory courts, the vast majority of day-to-day criminal and civil cases are adjudicated by traditional courts according to customary law.
3. The dilemma of moving cases between statutory and customary law courts drives many women to customary courts for recourse. Explanations to the predominant recourse to customary courts, including both rural customary courts and town bench courts, instead of statutory courts include (i) they are cheaper than statutory courts proceedings (considering both the "occasional imposition of high court user fees" and the fees charged by lawyers); (ii) the communities have greater familiarity with procedures before customary courts rather than statutory courts; (iii) lack of access to statutory courts due to their limited number around the country and finally (iv) "customary

courts are also durable and better equipped to function in areas prone to insecurity"; (v) Alleged malpractice in the Judiciary also cause additional delays in the appeals process, particularly for people who are unable to pay informal fees. The only way to hasten the appeals process is to pay informal fees, which often exceed the costs of court fees and legal representation combined. In such circumstances, many women fail to access justice since they cannot afford the informal costs and the formal costs. Many women, therefore, take recourse to customary courts given the same reasons identified above.

Strategies for addressing the challenge and root causes

There is a need for women's demand and advocacy for the promulgation of family law as a prerequisite to solving issues of inheritance to land, housing and property:

1. Adopt and ratify pending international and regional legal frameworks.
2. Align national frameworks with ratified/assented frameworks like the CEDAW.
3. Advocate for fast-tracking of approval of Maputo protocol by the President.
4. Strategic policy support and advocacy initiatives include: a) Provision of rights and protection for civil and customary marriages; b) Protection of the land rights of women living in de-facto unions and presumptive marriages; c) Requirements for joint consent for land transactions in urban and rural areas regardless of the type of marriages.; d) Consideration for joint registration by both spouses; e) Recognition for the disproportionality of the impact that natural resources concessions and State-led expropriation to have on women lands and property; f) Assurance that compensation for land rights are not exclusively channeled through men and male relatives.
5. Establishment of land courts at a county level to support an adjudication of land cases.

Key Priority Issue 3: Limited platforms for Women's popular demand for equitable land rights

The customary land rights- access, inheritance, and succession-are based on patriarchal marriage where bridewealth is paid, and the woman moves to her husband's home. This is a system that operates by creating privileges and oppression. The tasks land actors face are; identifying, naming, and challenging these privileges, asking critical questions like who benefits from these systems of privilege. What are these privileges? How do they lead to oppression, and who are the ones who suffer? How can these discriminative systems get deconstructed and society transformed? What are the tools, processes, strategies, and policies needed to dismantle it? Can women enjoy all the rights accorded to them in the existing legal frameworks of South Sudan without hindrance?

Description of the issue/Challenge

The goal of social transformation cannot be attained if patriarchal barriers are not deconstructed because dismantling social systems may positively or negatively influence traditional authorities' usual way of doing things. The bottom line is that the traditional systems are centered on improving the livelihoods under the male hereditament, notwithstanding the fact that women make half of the country's population. They are genuine partners in the development of their communities and the entire nation. Patriarchy, which is deeply embedded in Peri-urban and rural settings, carries the notion for strategic policy support imperative since the majority of the South Sudanese are in rural areas where land is governed through customary administration, unescapable from patriarchy.

Building a cohesive movement towards social transformation starts with and depends on the drive to establish baseline information for gender and land governance. This must include profiles of customs and norms that discriminate against women, national policies, strategies, capacities, resources, and programs on the one part and developing result-oriented work plans for gender to coordinate gender in land programming activities. Establishing a coordinated structure for mainstreaming gender in land governance will promote a chain of command in discharging duties of land administration at the states and national levels. In line with this, a multi-stakeholder forum for women's

land rights to mobilize combined knowledge, skills, and resources required for mainstreaming gender equality into land administration and land use planning is critical. Findings from the gender assessment of the land sector in South Sudan indicate that the issues in the land sector of South Sudan are enormous. Therefore, the amount of work and resources expected to promote women's rights to land is substantial.

Root Causes to the issues/Challenges

The ignorance by women about their rights and procedures for securing their land rights is attributed to the discriminative social norms, customary practices, and values in the realm of legal pluralism that characterize the barriers to translation of accorded women's rights. Consequently, this renders women voiceless and inaccessible to land information systems, worsening their position and bargaining power in society. Adjudication of women's land rights faces enormous challenges in relation to access to information regarding court case-loads and disposal rates which is not readily available in the country to enable the judiciary to monitor sex-disaggregated statistics on types of cases that are heard and how long it takes to dispose of different types of cases, that information is not made available to the public.

The lack of a forum among land actors, both governmental and non-governmental, civil society groups, and the academia engaged in advocating for land rights of the affected communities and women groups further exacerbates the lack of voice and collective efforts in pulling together experiences and resources to address long-standing social, economic, and political barriers to land tenure security of women.

1. Due to the existing patriarchal societal barriers in the country, many of the tribe's report women's fear to access their rights due to hostility that they might encounter during the process of demanding their rights. Women's roles are defined at home, and their participation in events outside the household domain is very limited. They are often too occupied with family issues to participate in public life or even give attention to advocacy on matters affecting them.
2. Inheritance and distribution of land are patrilineal, leading to the dominance of men in the decision-making process and, in turn affecting inheritance rights of women and girls.

3. Alternative dispute resolution has been effective as an intervention to address issues regarding women's access to land. This involves mediation, arbitration, and negotiation. SDR saves time, financial resources, and is more readily embraced by contesting parties than court systems.
4. Up-to-date information on land is a basic resource for the development of the country. In South Sudan, there is a lack of information among women, particularly those in rural areas, regarding their rights in land.
5. Many women are at a lower educational level compared to their male counterparts, and in many other instances, women do not believe that they have the same rights. It is also noted that community leaders and "chiefs" are not adequately informed and involved in women's rights matters.
4. Initiate long-term micro-credit support programmes/funding facilities, e.g., single-headed households, IDPs, women with disabilities.
5. Support programmes that promote openness and transparency about land issues.
6. Support land registration processes at both national and sub-national levels.
7. De-conflict informal registrations processes.
8. Support survey and boundary demarcation efforts.
9. Support programmes to improve access to justice for affected populations and women.
10. Support the Ministry of Gender, Child, and Social Welfare's efforts to institutionalize the gender policy provisions on gender-responsive budgeting.

Strategies for addressing the challenge and root causes

The establishment of South Sudan Women Land Rights Forum to safeguard space for interaction, consolidation of efforts, and policy dialogue, raising women's voice louder require a national platform to organize women's collective efforts, ideas, and aspirations on land and Gender issues under one national umbrella to build a cohesive movement for equitable land rights, pulling together resources, shared responsibilities, knowledge, experience, and engagement from all land actors ranging from national and sub-national levels up to IGAD Regional level.

1. Advocate for the safeguarding and institutionalization of gender-balanced representation in all administrative and decision-making bodies involved in land matters to meet the provisions of 35% threshold as provided for in the TCSS (as amended).
2. Supporting and funding of institutions and community-based organizations working and advocating for women's land rights.
3. Develop special programmes that will support the dissemination of information on women's land rights as well as those that will support women interface with land administration institutions, especially the IDPs.
11. Prioritize support to strengthening and capacitating the Directorate of Gender in the MoGCSW.
12. Building women's leadership capability to be able to take up leadership roles at the sub-national and local levels.
13. Civil Society Organization to exert pressure and advocacy to the Ministry of Justice and other stakeholders to get the international and regional frameworks that have not to be adopted or ratified to be done.
14. Disseminate information on women's land rights and support women's interface with land administration institutions.
15. Identification and codification of customary laws.
16. Set up women groups and provide managerial and financial support to empower them economically to give them higher bargaining power and to be self-supporting in advocating for their land rights.
17. Awareness on land information plays a crucial role as regards to women's empowerment. This can be done in a variety of ways and interventions that include the use of media such as local radio stations, public meetings with local administrators, religious organizations such as churches

and mosques and community leaders and Government departments and agencies. Civil Society Organizations are also critical partners in awareness raising at community level. They compliment Government efforts.

18. Translation of legal documents and other advocacy documents into local languages to facilitate outreach to a wider audience, particularly people in rural areas is important. All stakeholders such as the private sectors, government institutions, academia, and NGOs should be fully involved and collaborate in data generation, learning, and information sharing to benefit the country's economy, sustainable development, and land sector administration.

Key Priority Issue 4: Weak coordination and collaboration between land governance structures and key stakeholders promoting women land rights in South Sudan

The Government of the Republic of South Sudan is committed to decentralized service delivery and participatory development. All stakeholders are involved in decisions affecting rural communities and development of the land sector as well as agricultural development. Thus, the primary responsibility of implementation lies with the states and counties. At the same time, national institutions largely handle regulatory and overall policy directions. It is premised that the national authority should manage only those functions necessary for national cohesion. State and local governments and traditional authorities primarily assume responsibility for land administration and adjudication. Therefore, state and local governments take principal responsibility for assigning and administering land rights.

The role of a national government in the land administration is principally setting standards, ensuring accordance with the Constitution and national laws, and coordinating or mediating among lower levels of government. The National government also promote the commitment of traditional authorities to sustainably administer community tenure arrangements for the benefit of the communities across the country.

Description of the issue/Challenge

The decentralization model (deconcentration) in which local authorities are upwardly accountable to the central government, as such, concentrating power at the center often leaves traditional authorities in weakened positions and limits their commitment and obligation in reporting downwards to their communities. This system of governance where power is not devolved to the appropriate Jurisdictions creates tendencies of disconnect between land governance structures, whether downwardly or upwardly, creating a dilemma among authorities at different levels in addressing land governance issues and challenges.

The disconnect between national, sub-national (governmental and nongovernment), and Regional land sector institutions, affects collaboration and coordination between governmental and non-governmental actors. This situation requires improvement in terms of the buy-in of all the actors by encouraging discussions on one table. In addition, overlapping mandates result in overlaps in structures of land sector institutions.

Root Causes to the issues/Challenges

The disconnect between national, Governmental, and Non-governmental, Regional land actors can be attributed to **limited coordination between key land sector institutions** and all land actors at national and sub-national levels working on land issues without cohesion in command on land policy direction.

Secondly, there is a lack of attention and support geared towards improving the performance of key National land sector institutions. Non-governmental and bilateral land actors, and land-use institutions implement land-related programs in an uncoordinated manner with limited linkage to governmental land administration institutions. The UN agencies and Regional Economic Bodies, International and National non-governmental organizations working on general gender and land issues in South Sudan include but are not limited to UN Women, UN-Habitat, UNDP's Gender Desk, UNMISS Rule of law, UNOPS, FAO, WFP, UNHCR, Norwegian Peoples' Aid (NPA), Norwegian Refugees Council (NRC) and Oxfam meet exclusively with little or no participation of relative government institutions directly responsible for the development of the sector. The South Sudan Land Alliance has been conducting structured sub meetings in distinctive groups

categorized as The Greater Equatoria Land Alliance, Greater Bahr El Ghazal Land Alliance, and the Greater Upper Nile Land Alliance.

Strategies for addressing the challenge and root causes

National land actors, especially the Ministry of Lands, Housing and Urban Development, are expected to exercise leadership for a strategic vision and repositioning the land sector. This means identifying what needs to be done by collectively bridging the funding and implementation gaps in the plans set forth in the inter-agency work plan. A clear structure for land administration and user management is required from national to sub-national level to ensure effective coordination and collaboration among key land actors in support of policy processes at all levels.

1. Ministry of Lands, Housing, and Urban Development needs to reposition itself as the lead agency and initiate processes to define roles and responsibilities of land institutions (governmental and non-governmental) from the national and to the sub-national levels.
2. The Ministry of Lands, Housing and Urban Development will improve business processes, engage with NGOs UN and the donor community in an environment of mutual understanding and credibility.
3. The Ministry of Lands, Housing, and Urban Development initiates a cross-country visit to learn and share experience on critical land management and administration issues.
4. The Ministry of Lands, Housing and Urban Development, and Ministry of Gender Child and Social Welfare will Integrate gender equality in land administration, land use planning, and programming as a key element in developing the land sector in South Sudan. This can help land-use actors identify trends, gaps, and challenges and set forth accepted priority areas. There is an urgent need to develop or adopt policies and legislation for strengthening women's land rights.
5. Ministry of Lands, Housing, and Urban Development establishes Land Programme Implementation Support Unit (LPISU) to coordinate/expedite

development and implementation of land programmes and projects.

6. Promote mechanisms for devolving power to the lower levels of government to safeguard rural community's voice and participation in the planning and implementation of land programs such as research extension, training, and other schemes meant to help the local governments and the no government actors to understand the pluralistic approach and the evolving decentralized system of governance in South Sudan as well as the debate on the protection of community land.
7. Align partner organizations and support to implement key recommended policy actions to improve women's land rights as well as promote inclusivity and participation of women at all levels.

Key Priority Issue 5: Limited access to Justice by women in South Sudan's formal and informal dispute resolution systems

South Sudan's legal system recognizes customs and traditions as part of Legislation through Article 166 of the Constitution, which recognizes the 'institution, status and role of Traditional Authority, according to customary law . The Traditional Authorities are formally incorporated into statutory law and adjudicate in the customary courts systems. There are three broad categories of land dispute resolution: (i) The statutory justice system – when land is in urban areas, and the dispute concerns public or private land: (ii) The customary justice system – when land is in rural areas and concerns community land and (iii) Collaborative dispute resolution mechanisms – commonly referred to as Alternative Dispute Resolution (ADR) – such as negotiation, mediation, or arbitration, very often performed by elders and traditional leaders, but also by local government structures dealing with land-related matters. The statutory justice has the courts structured in a single hierarchy, starting with the Supreme Court, followed by three Regional Courts of Appeals in Juba, Wau, and Malakal, and High Courts in the capitals of each of the ten states. Women's access and ownership of land under statutory and customary tenure systems reveal variations in the degree of implementation of statutory laws in discharging rights accorded to women in rural

and urban areas, giving more magnitude to peri-urban and rural falling under the customary justice system.

Disputes are resolved via the informal (customary law courts) and the formal (statutory law courts) dispute resolution mechanisms. Prior to the independence of South Sudan, and due to the lengthy civil war, customary law courts have been the dominant platform utilized to resolve disputes.

After gaining independence, the South Sudan statutory law, particularly the Transitional Constitution, 2011 (as amended), unreservedly acknowledged the customary law courts and their relevance to the Local Government Act(2009). To date, customary justice is widely utilized since its more accessible. The Constitution recognizes the legal pluralism, and where there is conflict, the statutory legal framework supersedes the informal structures and systems. This principle applies in Dispute resolutions structures and systems. Customary courts are custodians of customary norms and exert quasi-judicial powers in deciding on all land-related matters, including issues affecting women, e.g., succession and probate issues (related to marriage and inheritance). The South Sudan Land Act underscores that 'customary law and practices of the locality shall apply to resolve disputes related to land. The use of statutory law courts, which have been formalized to resolve land disputes, is unquestionable, with the High Court being given the jurisdiction to resolve land disputes⁴.

The reason for the existence of these critical dispute resolution mechanisms is to ensure that they dispense justice. Thus they play a critical role in ensuring that litigants and/or disputants, including land matters, obtain the remedy they deserve.

Description of the issue/challenge

For too long, the customary law courts have been dominated by men with a very limited number of women sitting in as chiefs (local judges) despite the requirement by the law for women representation in these courts as in the Local Government Act 2009. The courts also apply customs or norms that are regressive often infringe on the rights of women to land. In many instances, women have been unable to obtain decisions related to property or land through inheritance,

allocations, use, access, and ownership in their favor. Most customary law courts preside over divorce cases and because of the patriarchal biases and barriers that limit women's rights to land and property. The patriarchal system also fails to recognize women's caregiving role and household contribution hence disadvantaging women. Owing to the nature of proceedings in customary courts that give the presiding chief discretion, there is the risk of women being subjected to manipulation by the customary law court chiefs who are mostly men. Thus, prejudice against women in their pursuit for land rights is often experienced.

On the other hand, the formal courts/dispute resolution structures are not as accessible to the larger South Sudan Population and are not largely understood regarding their operations since they have not been established in many parts of the country. Therefore, enforcement of women's land rights through these structures is limited. Where the formal structures exist, the procedures are usually complex, shrouded in lengthy and bureaucratic processes requiring support from lawyers. Engaging a lawyer requires the payment of legal fees as well as court fees, making many women who have limited incomes or sources of livelihood unable to access these services.

These circumstances limit access to justice for women, especially in the rural areas leading to loss of access to land and property ownership. This has far reaching repercussions on the lives of women upon divorce, death of a spouse or parent rendering some of them homeless. Additionally, many women are exposed to exploitation and abuse. They may choose to stay in abusive marriages to hold on to access, ownership, and use of housing, land, and property. Lack of access to justice deepens poverty among women by depriving them of livelihood options and economic empowerment.

Root causes to the issue and challenges

Limited understanding of the complexity of the dual legal system may limit women's property rights. And changes to a legal framework do not necessarily translate into changes in women's property rights. There is need to can appropriately address the challenges associated with legal pluralism so as to streamline the relationship between the formal and informal land

4 Section 99 land Act 2009.

justice systems, hence, removing any overlaps and doing away with forum shopping. In a nutshell, the underlying causes of the limited access to justice for women in the formal and informal institutions could be attributed to the following;

1. Male dominance in dispute resolution structures creates barriers to effectively address women's land rights since most cultural norms and practices rarely recognize women's land rights.
2. Occupation of leadership and participatory roles mostly allocated to men in customary dispute resolution structures. In such platforms, women are represented mainly by male relatives. This raises the risk of distorting women's land rights and further limits access to justice for women.
3. Limited efforts geared to codification of customary laws/norms among the different communities in South Sudan are not codified. This lack of codification has resulted in the manipulation of the systems in favour of men.
4. Women have limited awareness about the formal court procedures and other alternative dispute resolution mechanisms. Furthermore, these courts are not available local level, leaving women unable to access them.
5. Women have limited access to money and other resources to enable women to pay the court fee and hire lawyers. This is compounded by lack of pro bono services.
6. Lengthy court procedures are disincentive to accessing formal justice.
7. Intimidating systems that might not encourage women in the society to speak out, fearing repercussions in the community. The fear of gender based violence (GBV) as a result of speaking out has rendered women voiceless.
8. Few organizations offer legal counseling and legal representation for women.

Strategies for addressing the challenge and the root causes

More robust and coordinated efforts are required across different stakeholders, particularly the

government, to ensure that women's access to justice is gradually addressed. In light of this, some of the following strategies should be adopted.

1. Abolition of harmful customary practices that deny women access to land. This could be done by seeking legal interpretation of women's rights to land in the Constitutional Court in a bid to set legal precedence that protects women's rights.
2. The relevant government institutions and civil society organizations should advocate for the more effective representation of women (defined numbers/percentage-35%) with a clear understanding of gender issues/responsiveness in dispute resolution structures to give confidence to women to approach –in both formal and informal structures. This would enable a handful of women in the customary law courts hence changing the opinion of women about the customary law court.
3. Women's awareness and information should be increased on the supportive Legal Frameworks that allow women access justice to take on initiatives to access these dispute resolution structures. That Constitution and the Land Act calls for fair hearings and trials of litigants. To benefit women from these constitutional rights, they should be made aware of how to claim those rights.
4. The Special Protection Units at the Ministry of Justice need to be linked with the Ministry of Gender and Social Welfare and the Ministry of Lands, Housing and Urban Development.
5. Harmonization by the government on Formal and Informal dispute resolution modalities ensures parity in systems through the rule of law and access to justice.
6. Alternative approaches towards dispute resolution systems that are gender-sensitive need to be scaled up to address procedural and lengthy processes of formal structures.
7. Initiate programmes that provide free legal assistance and counseling to women as suggested in the Draft Land Policy.
8. Establish Risk mitigation factors through continuous engagement with especially men to change

mindsets, and establish benefits for the men to promote women's land rights.

9. Strengthen the existing Dispute Resolution structures by piloting gender-responsive access to Justice Programmes in local areas.

Key Priority Issue 6: Limited Access and awareness to land information and resources in both urban and rural areas

In South Sudan, there is a general lack of information and awareness among women regarding their rights to land, particularly those in rural areas. Yet information on land is widely considered a basic resource for a country's development as it helps in planning.

Description of the issue/challenge

Many women in the country are generally at a lower educational level compared to their male counterparts. In many other instances, women do not believe that they have the same rights. It is also noted that community leaders and "chiefs" are not adequately informed and involved in women's rights, or if they are, they ignore them. Women are ignorant about their rights and procedures of securing their land rights. Access to information regarding court caseloads and disposal rates is not readily available in the country because the judiciary monitors sex-disaggregated statistics on types of cases that are heard and how long it takes to dispose of different types of cases not made available to the public.

The limited access to information and awareness of women's land rights means that women will not know their land rights and will not claim it when violated.

More precisely, the limitation of access to information and resources on women's land rights is attributed mainly among others to the following.

Root causes to the issue/challenge

1. High rate of illiteracy among the women in South Sudan.
2. Poverty and impoverished society limiting access to education and exposure.

3. Lack of opportunity among women to access information on land rights exacerbated by cultural practices that determine what information is accessible to Women.
4. Conflict and natural disasters (floods, drought, etc.) cause inaccessibility to some areas (physical areas) by CSOs and other actors.
5. Limited dissemination of the land-related laws
6. Few civil society organizations are working on women's land rights.
7. Preference is given to the boy child for education
8. Limited enforcement of laws related to girl child education in various areas in South Sudan.
9. Lack of adequate role models for women to access justice, limiting their awareness and education on their land rights.
10. Capacitating civil society, especially the National actors on land to better coordinate and fundraise for land programs.

Strategies for addressing the challenge and the root causes

Land information plays a crucial role in women's empowerment. Thus it is crucial that effective modalities are applied to ensure it is properly rolled out. Variety of ways and interventions that include the use of media such as local radio stations, public meetings with local administrators, religious organizations such as churches and mosques, and community leaders can be applied. Government departments, agencies, and civil society organizations also need to ensure women's access to information on land and resources. Women's groups could be set up to encourage and give them managerial and financial support to empower them economically, giving them higher bargaining power and being self-sufficient and fighting better for their land rights. The key legal documents providing women's land rights can be translated into local languages to facilitate outreach to a wider audience, particularly in rural areas. All stakeholders such as the private sector, government institutions, academia, and NGOs should be fully involved and collaborate in data generation and learning. Information sharing benefits

the country's economy, sustainable development, and land administration in particular.

In order to roll out such specific initiatives, the main broad strategies that could be applied would include but are not limited to the following.

1. Sharing widespread information in languages and modalities understood by both women and men involving all relevant stakeholders (government, civil society).
2. Encourage more civil society organizations to engage in women's land rights.
3. Utilizing all sorts of platforms to provide information and awareness. At the micro-level radio programs during a time that women are likely to be listening, word of mouth messaging in areas frequented by women, religious gathering centres, at the Meso level, in coordination meetings, collaborative interventions, etc., at the Macro level, at workshops, through broadcasting channels, and briefing papers.
4. Promote platforms for women to access resources to take up initiatives to access justice, e.g., Free Legal Aid platforms that represent and accompany women to access justice, microfinance institutions that provide financial support to women who would like to access justice.
5. Utilize male champions as change agents for gender equality on land.
6. Push for further enforcement of girl child education in all spheres and strata of government.
7. Consider establishing Technical Sector Working Groups-Land Sector Working Groups within the Ministry of Lands to influence government processes to adopt gender transformative approaches in land sector programs.
8. The Ministry of Lands should map all the actors in South Sudan, knowing who (Humanitarian, Resilience and Development Actor) is doing what and where they are doing on issues of Gender

to streamline relations and focus on the bigger sector.

Key Priority Issue 7: Limited efforts and commitment to implementing the rights accorded to women in the Legal frameworks of South Sudan

Prior to its statehood, land governance in South Sudan was largely administered under customary laws and practices which had, and still have, little regard for women's land and property rights. The customary law accorded limited rights, especially with respect to property and land. Under most customary laws and practices in South Sudan, women were sadly viewed as "property" and could not own property. A woman is part of the household of her parents before marriage and has the same rights to occupy and use the land as the rest of the family. When she marries, she gains access to land at her marital home on the strength of the marriage, and she can use the land and property of the husband in the same way she had the right to use and occupy the land of her father⁵.

The 2005 Comprehensive Peace Agreement (CPA), which led to the referendum that gave birth to South Sudan, restored the land ownership to the communities and prominently made women's rights to property, including land, stand out. The legislation, which includes the Transitional Constitution, 2011 (as amended), has, by and large, emulated the spirit of the CPA. On top of the park of the legislation, the Constitution reinforces the proclamation of equal rights, fair treatment, and the rule of law.

Article 70 of the Constitution provides for the land owned by the people of South Sudan – including women. Furthermore, the Constitution stipulates that 'women have the right to own property – including land – and share in the estates of their deceased husbands together with any surviving legal heir of the deceased⁶. Additionally, the Constitution recognizes the right for 'every citizen – including women – to have access to decent housing' and that 'no one shall be evicted from his or her lawfully acquired home or has his or her home demolished save in accordance with the law.'

5 Tiernan Mennen: Customary Land Law and Land Rights in South Sudan; March 2012

6 Article 16: Transitional Constitution of the Republic of South Sudan 2011 (as amended).

Other legislation, such as the Land Act, 2009, provides that women have the right to own land. It provides that ‘every person shall have the right to acquire or own property as regulated by law.’ More explicitly, the Act provides that ‘women shall have the right to own and inherit land together with any surviving legal heir or heirs of the deceased as stipulated in the law.’ Similar to this, the Local Government Act provides that ‘women shall be accorded full and equal dignity of the person with men’ and that ‘women shall have the right to own property and share in the estate of their deceased husbands together with any surviving legal heirs of the deceased.’

Description of the issue/challenge

All the preceding laws are critical legislation, among others, to jumpstart land rights for women and all citizens in the country. Important as they are, they have not in practice guaranteed the promotion and enjoyment of land rights for women. Most women in practice hold land through their husbands and/or fathers if unmarried. Few women, in urban areas hold land in their names⁷. The implementation of the policies and laws relevant to women’s land rights implies that women’s land rights will remain on paper and will not be realized practically. Consequently, inequality and underdevelopment will persist as they will remain poor with limited means of livelihood.

Some key policies deemed vital for implementing, and better realization of women’s land rights remain to be enacted. Top of these is the National Land Policy which has been in draft status for nearly ten years. The Land Regulations critical in breathing life to the parent Land Act are also in draft form. Such key legislation must be adopted and implemented to catalyze the realization of women’s land rights.

Root causes to the issue/challenge

1. Limited political will from key decision-makers
2. Limited finances to roll out policy implementation
3. Limited technical know-how by staff.
4. Dual legal systems that are conflicting on land issues and are not necessarily complementing each other at the level of implementation.

5. Limited Legal frameworks on key land-related matters (like Family Laws, Laws of Succession and Probate, Investment Laws, etc.) to deal with substantive implementation in all land-related issues.
6. Lack of working Land policy.
7. Inadequate structures/capacity provided under the Legal Framework to support an implementation like Payam Land Council and Committees.
8. The State and National governments each are autonomous, thus resulting in limited coordination between them.
9. Many people are displaced due to conflict/natural disasters and other factors, implementing these land challenges and issues are more complex.

Strategies for addressing the challenge and the root causes

1. Engage key decision-makers to draw times for effective implementation of the existing relevant laws and policies
2. State Ministries need to be supported to disseminate these laws and policies from the national to the Payam and Boma Level to enable the enhancement of the capacity to understand and apply the legal framework in their day to day work.
3. Ministry of Lands to take leadership/stewardship on Land related issues in the country. (Gender desk to be established in the Ministry of Lands to coordinate with the gender committee in the respective land sector institutions to mainstream gender into the policy of the land sector)
4. Complete the review of the National Land Policy and expedite its passing.
5. Need for sustainable peace/ political will to implement these policies to minimize the complexity.
6. The above point is to be looked at together with the Revitalized peace agreement. Political will is critical.

⁷ Mathew Prichard: Land Disputes in Urban and Peri-urban South Sudan, 2017.

7. Enforcement of Women's Land Rights is necessary for adequate implementation; thus, the judiciary must be involved.
8. Enhanced coordination with all relevant stakeholders (CSO's)
9. Customary law to be aligned with the statutory law, especially in terms of interpretation of the law, for example (marriageable age)

Key Priority Issue 8: Key land sector actors in South Sudan have limited institutional capacity (human resources, technical knowledge on gender analysis, gender responsive budgeting and programming on land issues across different levels)

The Government of the Republic of South Sudan is committed to decentralized service delivery and participatory development in which all stakeholders are involved in decisions affecting rural communities and the development of the land sector and agriculture. This implies that implementation's primary responsibility lies with the states and counties while national institutions largely handle regulatory and overall policy direction. Based on the premise that the national authority should manage only those functions necessary for national cohesion, state and local governments and traditional authorities primarily assume responsibility for land administration and adjudication, thereby, state and local governments take principal responsibility for assigning and administering land rights.

Description of the issue/challenge

The roles of the national government in land administration are those of setting standards principally, in accordance with the Constitution and national laws, coordination, and collaboration with lower levels of government. This promotes the commitment of national authorities to retain community tenure arrangements and garner the support of community members across the country. In reality, devolution of power remains far out of reach. There is an issue with a non-functional decentralized system where local authorities report upwardly concentrating power at the centre of their constituencies. Therefore, they often leave traditional authorities in their weakened positions and limit their

commitment and obligation in reporting downwards to their constituency's communities.

Devolving power to the lower levels of government is seen to promote rural communities voice and participation in the planning and implementation of research extension, training, and other schemes meant to help rural communities. In a pluralistic approach and the evolving decentralized system of governance in South Sudan, this remains an area for debate in regard to how best to protect community land. The mechanisms to support this are not fully developed.

Owing to the multiple limitations from the key land sector actors, there will be competing interests, and in the end, women's land rights will not be realized. Also, key personnel will leave key land institutions. If no capacity is developed beyond that which is existing currently, there will be no better engendering of land rights.

Root causes to the issue

1. Overlapping of mandates among the institutions responsible for land and lack of coordination mechanism.
2. Lack of extensive donor understanding on the gravity of land related issues – limited budget, which does not allow for initiation of programmes on women land rights
3. Limited remuneration of key personnel and lack of motivation commensurate with the technical expertise of this personnel leads to high staff turnover and brain drain.
4. Limited technical capacity issue on the key gender mainstreaming issues in the Ministry.
5. Limited expertise on land administration and land programming in South Sudan.
6. Limited office space and equipment to roll out programmes.
7. Non-inclusiveness of other stakeholders for local actors on issues of HLP.

Strategies for addressing the challenge and the root causes

1. Engage key land sector institutions such as the Ministry of Lands, Judiciary, Ministry of Gender,

and Land Commission to streamline their mandates on gender and land to avoid overlap and duplication of roles.

2. Invest in capacity strengthening of key land governance institutions.
3. Regroup Inter-ministerial gender committees and training relevant cluster members (Economic cluster) on women's gender-responsive budgeting/ programming issues. Responsible is the Ministry of Gender, Child and Social Welfare.
4. Institutional capacity building at all levels on gender mainstreaming.

5. Mapping of available expertise on land administration and land management and utilize this expertise to address key land issues.

6. Increase funding: Government needs to source development funding to address key issues regarding land.
7. Open and transparent inclusiveness of all humanitarian resilience and development actors, including the local organizations for mentorship programmes.
8. Adopt gender-responsive budgeting and responsive programming and establish monitoring systems to track these.



7 ANNEXES

Annex 1 List of Country Technical Team and write-ups

SNo.	Topic	Presenter	Institution	Position
1	Barriers to Women's Access and Ownership of land in different tenure systems	Ms. Santa Jima Justin	The University of Juba, Faculty of Law	Researcher
2	Land legal and normative framework	Mr. Riek James Doar	Norwegian Peoples Aid	Project Officer(Legal)
3	Key stakeholders in Women's Land Rights business	Ms. Jane Tumalu Erasto & Margaret Mathiang	Ministry of Gender Child and Social Welfare/UNDP	Assistant Director for Gender/Gender Specialist
4	Role of women and Women's organization in enforcing women's Land Rights	Ms. LonaLuduroElia	Voice for Change	Executive Director
5	Collaboration and coordination between State, customary Land institutions, and Women's Organizations	Ms. Anne Nguru	Norwegian Refugee Council	Legal Information Assistance & Counseling Specialist
6	Supervision/General Recommendations	Ms. SaviaAya Sylvester	Ministry of Lands, Housing and Urban Development	Gender Focal Point &Team Leader

Annex 2: List of Participants to the Multi-Stakeholder Workshop 16th-18th March 2021, ACACIA Village Hotel, Juba

SNo	Name	Institution	Position
1	Hon. Louis Kwot Akolith	Ministry of Lands, Housing and Urban Development	Undersecretary
2	Hon. Esther Ikere Eluzai	Ministry of Gender, Child and Social Welfare	Undersecretary
3	Ms. Esther Obaikol	IGAD Regional Secretariat	Coordinator, Land Governance Unit
4	Ms. Joselyn Bigirwa	IGAD Regional Secretariat	Gender Expert
5	Abdulrahim Hassan	IGAD Regional Secretariat	Admin
6	Ms. Regina Ossa Lullo	Ministry of Gender, Child and Social Welfare	Director General for Gender and Child Welfare
7	Ms. Margaret Mathiang	UNDP	Gender Advisor
8	Mr. George Ritti Richard	Ministry of Lands, Housing and Urban Development	Director for Lands
9	Mr. Martin Longun	South Sudan Land Commission	Deputy Director
10	Ms. Jane Tumalu Erasto	Ministry of Gender, Child and Social Welfare	Assistant Director for Gender
11	Mr. Riek James Doar	NPA	Project Officer
12	Ms. Lona Luduro Elia	Voice for Change	Executive Director
13	Ms. Anne Nguru	NRC	Information Counseling and Legal Assistance Specialist ICLA
14	Ms. Santa Jima Justin	University of Juba	Lecturer
15	Ms. Savi aAya Sylvester	Ministry of Lands, Housing and Urban Development	Gender Focal Point Person/Workshop Facilitator

Annex 3: List of officials from the Ministry of Lands, Housing and Urban Development and Ministry of Gender Child and Social Welfare who participated in 3 days meeting on validation of Women Land Rights Agenda for South Sudan

SNo	Names	Position	Institution
	Hon. Louis Kwot Akolith	Undersecretary	Ministry of Lands, Housing and Urban Development
	Ms. Regina Osa Lulo	Director General for Gender and Social Welfare	Ministry of Gender, Child and Social Welfare
	Ms. Savia Aya Sylvester	Director General and Gender Focal Point	Ministry of Lands
	Eng. Morris Lomodong	Director General for Urban Sanitation	Ministry of Lands
	Mr. George Ritti	Director for Lands	Ministry of Lands
	Eng. Ruai Mabil	Acting Director for Survey	Ministry of Lands
	Mr. Michael Mayik	Acting DG Urban Planning	Ministry of Lands
	Mr. Mose Mal	Acting DG Lands	Ministry of Lands
	Hon. William Ebere	National Land Expert	Ministry of Lands
	Hon. Mary Alphonse	Legal Advisor	Ministry of Lands
	Ms. Jane Tumalu Erasto	Assistant Director for Gender Mainstreaming	Ministry of Gender

Annex 4: List of Grassroots participants to the National Women Land Rights Conference held on 22nd – 23rd June 2021

S/N	Names	Institutions	Position	Location	State
1	Alize Gordon Ater	Grassroots	Woman Representative	Aweil	Northern Bahr El Ghazal
2	John OkonyYor	State Ministry of Land	Director	Malakal	Upper Nile
3	Lydia NhialBouk	Grassroots	Woman Representative	Bentiu	Unity
4	Mary NyekunDiew	Grassroots	Woman Chief	Bentiu	Unity
5	Nyakenyi Veronica	Grassroots	Woman Representative	Bentiu	Unity
6	Lucia HassenKuor	Land Alliance	Member	Malakal	Upper Nile
7	Veronica Deng Mayik	Grassroots	Woman Representative	Bentiu	Unity
8	Nyayath James Othom	Women Organization	Women Leader	Malaka	Upper Nile

S/N	Names	Institutions	Position	Location	State
9	Rita Nyoka Stanley	Women Group	Member	Juba	Central Equatoria
10	Sebit Veterino Rabi	State Ministry of Lands/ Director	Director	Wau	Western Bahr El Ghazal
11	Alfred Angok B	Land Alliance	Member	Wau	Western Bahr El Ghazal
12	Paulina Alberto Mdut	Traditional Authority	Paramount Chief	Wau	Western Bahr El Ghazal
13	Eliza Daniel Dimo	Grassroots	Women Representative	Wau	Western Bahr El Ghazal
14	Elizabeth Zakaria Kol	State Women Association WBGs	Women Leader	Wau	Western Bahr El Ghazal
15	Juma Babiker Ohure	State Ministry of Land/Director	Director	Torit	Eastern Equatoria
16	Mathew Oduma Ofotto	B Court	Chief of B court	Torit	Eastern Equatoria
17	Lily Hidita Nartisio	Kaikai women Empowerment	Member	Torit	Eastern Equatoria
18	Nollar Duor Tong	Traditional Authority	Paramount Chief	Kwajok	Warrap
19	Elizabeth Awal	Women Association	Chairperson	Kwajok	Warrap
20	Nyanut Madut Malaek	Farmer Organization	Woman Farmer	Kwajok	Warrap
21	Makada Zacharia	Faith based Christian	Representative	Kwajok	Warrap
22	Eva Charles Badi	Grassroots	Representative	Juba	Central Equatoria
23	Nora Benjamin	Grassroots	Representative	Yei	Central Equatoria
24	Kerubino Pow	PIDO	Representative	Juba	Central Equatoria
25	Gamar Aldowla Mohammed	Faith based/ Islamic	Sheik	Juba	Central Equatoria
26	Cecilia Idris	Grassroots	Representative	Juba	Central Equatoria
27	Jane Fatuma	Grassroots	Representative	Juba	Central Equatoria

S/N	Names	Institutions	Position	Location	State
28	Abila Reuben Severin	GELA(CSO)	Executive Director	Juba	Central Equatoria
29	James Deng kur	Traditional Authority	Chief/Representative	Malakal	Upper Nile
30	Martha David Panon	Grassroots	Representative	Malakal	Upper Nile

Annex 5: List of Juba Based participants to the National Women Land Rights Conference held on 22nd to 24th June 2021

S/N	Names	Position	Institution
1	Hon. Michael Chiangjiek Geay	Minister	Ministry of Lands, Housing
2	Hon. Aya Warile	Minister	Ministry of Gender
3	Hon. Rebecca Joshua Okwaci	Former Minister	Ministry of Roads and Bridges
4	Hon. Robert Ladu Lwoki	Chairperson	South Sudan Land Commission
5	Hon. Veronica Redento	MP	TNLA/RSS
6	Eng. Alikaya Aligo Samson	National Expert	Former Undersecretary of Ministry of Lands & Housing
7	Hilde Bergsma	Country Representative	Norwegian Peoples Aid
8	Hon. Louis Kwot Akolith	Undersecretary	Ministry of Lands, Housing
9	Hon. Esther Ekere Eluzai	Undersecretary	Ministry of Gender
10	Hon. William Ebere	National Land Expert	Ministry of Lands, Housing
11	Hon. Mary Alphons	Legal Advisor	"
12	Eng. Morris Jeremiah Lomodong	DG/ for Urban Sanitation	"
13	Martin Longun Moses	Deputy Director	South Sudan Land Commission
14	Alinane Karelmgera		UNWOMEN
15	Joy Zachariah		UNWOMEN
16	Margaret Mathiang	Gender Analyst	UNDP
17	Riek James Doar	Project Coordinator	Norwegian People `s Aid
18	Ade Jackson		NPA
19	Jacob Atem		NPA

S/N	Names	Position	Institution
20	Anne M. Ngunu	Information Counseling and Legal Aid ICLA Specialist	Norwegian Refugees Council
21	Elizabeth Gadia		Voice for Change
22	Thiago Sothe	Associate Protection Officer	UNHCR
23	Kimberly Roberson		UNHCR
24	Keat Bayak	National Officer	IOM
25	Yashaswini Mittal	Rule of Law	UNMISS
26	Setareh Saedi	Rule of Law	UNMISS
27	Rose Gire	Secretary - Pentecostal	Faith Base
28	Ms. Savia Aya Sylvester	Gender focal Point	Ministry of Lands, Housing
29	Ms. Regina Osa Lulo	DG/ for Gender Child Welfare	Ministry of Gender
30	Jane Tumalu Erastus	Assistant Director for Gender Mainstreaming	"
31	Santa Jima Ali	Lecturer School of Law	University of Juba
32	Nora Benjamin Lwoki	Member	Voice for Change
33	Jamila Ali Adam	Member	"
34	Khamis Nicola		
35	Stephen Anthony Luga		Ministry of Investment
36	Marlin Atero Angara		Ministry of Agriculture
37	Mary Benjamin Lwoki	Director	"
38	Moses Maal Duot	Ag/ for lands	Ministry of Lands, Housing
39	George Ritti Richard	Director of Land	"
40	Eng. Ruai Mabil	Director for Survey	"
41	Eng. Celina Sartegel	Assistant Director for Housing	"
42	Hussein Gabriel	Security Officer	"
43	Betty Akelo	GBVDC	
44	Martin Justin		SSBC
45	Martin Lado	Camera- pt	"
46	Mary Atong		"
47	Justin Benjamin	Director	Sawa Media
48	Jada Mogga		"
49	Pitia James	Photographer	"

S/N	Names	Position	Institution
50	Lugala Mulai		Eye Radio
51	Paul Kiwanuka	Photographer	Wizard Media

Annex 6: List of Agencies that provided Financial support for the National Women Land Rights Conference

1. United Nations Development Programme (UNDP)
2. Norwegian Peoples Aid (NPA)
3. Norwegian Refugees Council (NRC)
4. Protection Cluster (UNHCR)
5. United Nations Entity for Women Empowerment (UNWOMEN)

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