

**Learning lessons from  
the implementation process  
of AU Agenda on land**

**FINAL REPORT**

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# Foreword

A little over ten years ago, leaders of African nations came together under the auspices of the African Union (AU) to adopt the “Declaration on Land Issues and Challenges” in Africa. This signalled the wide recognition of the importance of effective land governance for the development of Africa and her people. Along with the Declaration, a number of other important policy instruments and guidelines, including the Framework and Guidelines on Land policy in Africa (F&G) were adopted and these are seen collectively as the AU Agenda on Land.

The Land Policy Initiative (LPI) initiated by the tripartite African Union, the Economic Commission for Africa and the African Development Bank consortium, was established to carry forward this agenda. The LPI, now the African Land Policy Centre (ALPC), involved a range of stakeholders, including national governments, Regional Economic Communities and non-government organisations. It was supported by different multilateral agencies, to input on the continuous development of AU Agenda on Land and contribute towards its promotion and implementation. The LPI and its partners also supported the organisation of various platforms to facilitate particular stakeholder involvement, including the African Civil Society Organisation (CSO) Platform on Land.

This assessment study on land policy in Africa was initiated by the Civil Society (CSO) Platform, and supported by UN-Habitat, Global Land Tool Network (GLTN), International Land Coalition (ILC) and Welthungerhilfe (WHH). It sets out to learn lessons from the implementation process of AU Agenda on land and stimulate discussion on the way forward to further improve land rights and

land governance in Africa as a basis for equitable progress and prosperity. As the CSO Platform and partners who supported the implementation process of AU Agenda on Land, we see this as a contribution to taking forward this Agenda, including the commitment to monitor and assess its effective implementation. It is also a continuation of the inclusive approach that has been part of the spirit of the development of the AU Agenda on Land from the beginning.

What this report clearly shows is that there has been progress in improving land policies and governance across the continent. The AU Agenda on Land and the initiatives put in place to support it have contributed to this progress. Unsurprisingly there is still more to do. There remains work that has been started that we still need to pursue, especially on women’s land rights, and on monitoring and evaluation of land policy. There are also new challenges and opportunities that have emerged, for example in urbanisation and new digital technology, that require new responses. We believe this report can assist to inform this essential work going forward.

We thank the Pan African Institute for Consumer Citizenship and Development (CICODEV Africa) for coordinating the process, the authors of the assessment (Dr Hubert Ouedraogo and Dr Marc Wegerif) for all their work. We express our gratitude to all those who contributed to it, including those who were interviewed, who reviewed the drafts (Dr Madiodio Niassé) and who participated in the validation processes. We particularly thank the African Union Commission, the Regional Economic Communities and the ALPC for their cooperation.



For a world without hunger



# Table of contents

LIST OF ABBREVIATIONS .....	6
ACKNOWLEDGMENTS .....	7
EXECUTIVE SUMMARY .....	8
<b>1. INTRODUCTION AND BACKGROUND .....</b>	<b>10</b>
1.1. BACKGROUND : LAND IN THE CONTEXT OF AFRICAN DEVELOPMENT .....	10
1.1.1. Importance of land across African history .....	10
1.1.2. A decade of African coordinated efforts to respond to land related challenges .....	12
1.2. AN ASSESSMENT STUDY ON LAND POLICY IN AFRICA .....	14
1.2.1. Justification and purpose of the study .....	14
1.2.2. Objectives and expected outcomes of the study .....	15
1.2.3. Study countries .....	16
1.2.4. Financial partners supporting the study .....	17
1.2.5. Methodology .....	18
1.2.6. Key challenges in conducting the assessment .....	19
<b>2. THE AU AGENDA ON LAND .....</b>	<b>20</b>
2.1. WHY A CONTINENTAL AGENDA ON LAND POLICY IN AFRICA ? .....	20
2.1.1. Crisis of land policy and land administration in a rapidly changing context .....	20
2.1.2. High-level commitments in response to land challenges : the AU Agenda on Land .....	20
<b>3. KEY CONTINENTAL AND REGIONAL INITIATIVES IN SUPPORT OF AU AGENDA ON LAND .....</b>	<b>22</b>
3.1. ASSESSMENT OF AU AGENDA ON LAND AT CONTINENTAL LEVEL .....	22
3.1.1. Bringing land issues into the agenda of AU summits .....	22
3.1.2. Using the AU Agenda to guide land related operations on the ground .....	24
3.1.3. Conceptualizing and sustaining capacity development on land governance .....	24
3.1.4. Contributing to the reflection on progress tracking on land policy.....	24
3.1.5. AUC Land Governance Strategy .....	25
3.1.6. Continental development support organizations – AUDA-NEPAD and AfDB .....	25
3.1.7. Facilitating the establishment of implementation partners platforms .....	25
3.2. ASSESSMENT OF AU AGENDA AT REGIONAL LEVEL .....	27
3.2.1. Strategizing the engagement of RECs in the implementation of AU Agenda on Land .....	27
3.2.2. Identifying and engaging focal persons at REC level .....	27
3.2.3. Example of IGAD regional project on land .....	28
<b>4. NATIONAL LAND POLICY PROCESSES AND THE AU AGENDA ON LAND .....</b>	<b>29</b>
4.1. KEY ISSUES WHICH NEED TO BE ADDRESSED BY COUNTRIES .....	29
4.2. KEY INITIATIVES DEVELOPED TO ADDRESS THESE ISSUES .....	37
4.3. CONTRIBUTION OF AU LAND AGENDA TO EFFECTIVE LAND POLICY IMPLEMENTATION .....	38
4.3.1. Setting up the policy and legal frameworks .....	38
4.3.2. Putting in place the institutional architecture of land reform .....	38
4.3.3. Addressing women's land rights .....	39
<b>5. KEY ACHIEVEMENTS AND CHALLENGES IN IMPLEMENTING AU AGENDA ON LAND .....</b>	<b>40</b>
5.1. KEY ACHIEVEMENTS IN IMPLEMENTING AU AGENDA ON LAND .....	40
5.1.1. A pool of renowned African expertise built around the AU Agenda on Land.....	40
5.1.2. Knowledge generation in support of African land policy processes .....	40
5.1.3. Progress in land policy development in Africa .....	40
5.1.4. Valid tools in support of land governance .....	42
5.1.5. Continental platform on land governance in Africa .....	42
5.2. KEY CHALLENGES IN IMPLEMENTING AU AGENDA ON LAND .....	44
5.2.1. Limited ownership of continental land Agenda at country level .....	44
5.2.2. Heavy dependency on partners resources .....	44
5.2.3. Limited progress in the field of Monitoring and evaluation of land policy .....	45
<b>6. RECOMMENDATIONS TOWARD IMPROVED LAND GOVERNANCE IN AFRICA .....</b>	<b>46</b>
6.1. LAND GOVERNANCE FOCUS AREAS .....	47
6.1.1. Women's land rights .....	47
6.1.2. Addressing pressures on land and the need for investments in land that work for African progress .....	47
6.1.3. Monitoring and evaluation systems .....	47
6.1.4. Effective land governance in an urbanizing continent .....	47
6.1.5. Youth rights and access to land .....	47
6.1.6. Reviewing and aligning legislation and regulations with land policies .....	47
6.1.7. Securing customary and communal land rights with just and equitable land administration .....	47
6.1.8. Budgeting for land reform and administration .....	47
6.1.9. Continent wide land information gathering, compilation and sharing .....	47
6.2. FOR CONTINENTAL INSTITUTIONS .....	48
6.2.1. The ALPC Drives and Coordinates .....	48
6.2.2. Prepare/ disseminate popular versions of F&G and AU Declaration on land .....	48
6.2.3. Fund on land Governance .....	48
6.2.4. Enhance synergy and cooperation on land governance amongst continental institutions .....	48
6.3. FOR THE RECS 59 .....	49
6.3.1. Develop regional programs on land, including strengthening human resource capacity on land governance..	49
6.3.2. Organize a periodic regional land event among Member States focused on experience sharing and dissemination of best practices .....	49
6.3.3. Develop and utilize land capacity in the region .....	49
6.4. FOR MEMBER STATES .....	50
6.4.1. Focus more on implementing adopted land policies .....	50
6.4.2. Monitoring and evaluation of land policy .....	50
6.4.3. Budget for land reforms and land administration .....	50
6.5. FOR THE CSO PLATFORM .....	50
6.5.1. Expand/ strengthen the CSO Platform membership .....	50
6.5.2. Develop a Campaigns on priority issues (i.e. strengthening the land rights of women and the youth) .....	50
6.5.3. Conceptualize and mobilize resources for participatory monitoring of AU Agenda on Land .....	50
6.6. FOR DEVELOPMENT PARTNERS .....	50
6.6.1. Support to regional land governance programs .....	50
6.6.2. Promoting participatory monitoring and evaluation of land policy .....	50
6.6.3. Establishing donor platforms on land .....	50
<b>7. CONCLUSION .....</b>	<b>51</b>
<b>8. ANNEXES .....</b>	<b>52</b>
8.1. COUNTRY PROFILES .....	52
8.1.1. BURKINA FASO .....	52
8.1.2. CAMEROON .....	54
8.1.3. DEMOCRATIC REPUBLIC OF CONGO .....	56
8.1.4. FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA .....	58
8.1.5. KENYA .....	60
8.1.6. LIBERIA .....	62
8.1.7. SENEGAL .....	64
8.1.8. SIERRA LEONE .....	66
8.1.9. SOUTH AFRICA .....	68
8.1.10. TANZANIA .....	72
8.1.11. TOGO .....	74
8.1.12. UGANDA .....	76
8.1.13. ZAMBIA .....	78
8.2. KEY INFORMANTS .....	80
8.3. INTERVIEW GUIDES .....	82
8.3.1. Interview Guide for continental institutions .....	82
8.3.2. Interview Guide for Regional Economic Communities .....	83
8.3.3. Interview Guide for Country informants .....	84
<b>ENDNOTES .....</b>	<b>86</b>

## List of abbreviations

**AFDB** : African Development Bank  
**ALPC** : African Land Policy Center  
**AU** : African Union  
**AUC** : African Union Commission  
**AUDA-NEPAD** : African Union Development Agency–New Partnership for Africa’s Development  
**CICODEV** : The Pan-African Institute for Citizenship, Consumers and Development  
**CAADP** : Comprehensive Africa Agriculture Development Program  
**CBI** : Commitment-Based Initiative  
**CLPA** : Conference on Land Policy in Africa  
**CSP** : Civil Society Platform on Land  
**ECA** : UN Economic Commission for Africa  
**ECCAS** : Economic Community of Central African States  
**ECOWAS** : Economic Community of West African States  
**FATA** : Forum of African Traditional Authorities  
**F&G** : Framework and Guidelines on Land Policy in Africa  
**IFPRI** : International Food Policy Research Institute  
**IGAD** : Intergovernmental Authority on Development  
**LGAF** : Land Governance Assessment Framework  
**LIS** : Land information system  
**LPI** : Land Policy Initiative  
**MELA** : Monitoring and Evaluation of Land in Africa  
**NELGA** : Network of Excellence on Land Governance in Africa  
**RAF** : Réorganisation Agraire et Foncière  
**REC** : Regional Economic Community  
**SDC** : Swiss Agency for Development and Cooperation  
**SDG** : Sustainable Development Goal  
**STC** : Specialized Technical committee  
**VGGT** : Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

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## Executive summary

In the “Declaration on land issues and challenges in Africa” adopted in 2009, the African Heads of State made strong commitments to strengthen land governance in their respective countries, through developing, implementing and monitoring national land policies. The Declaration on land, along with the Framework and Guidelines on Land Policy in Africa, the Nairobi Declaration on Large-Scale Land-Based Investments, the Guiding Principles on Large-Scale Land-Based Investments and other decisions and tools at the continental level, form the basis for an African program on land, known as the AU Agenda on Land.

A decade of efforts to translate those commitments into concrete actions on the ground, offer an opportunity and relevant timeframe to reflect on key progress realized in the field of land governance in Africa. In particular, it is important to highlight key achievements in implementing the AU Agenda on Land, while identifying key challenges that remain, and indicating potential areas of focus for work on land over the coming decade. The African CSO Platform on Land Policy decided to embark in such a reflection and learning process, through conducting this “assessment study on land policy”. The assessment study focused on 13 selected countries from different regions and on some of the Regional Economic Communities (RECs) as well as African continental institutions.

The overall implementation process of the African Union (AU) Declaration on land was facilitated by the African Land Policy Centre (ALPC), previously known as the Land Policy Initiative (LPI). The implementation activities were conducted at different levels: continental, regional and national. Sometimes these were part of specific plans set by the ALPC. However, national governments and civil society organizations (CSOs) also took up the work in their respective countries. Continental institutions, such as the African Development Bank (AfDB), which was involved in the development of the AU Agenda on Land, also supported its implementation. The African Union Commission (AUC) itself took certain specific initiatives. RECs were expected to play an important role in promoting and supporting the implementation of the African Agenda on Land. Implementing partners were supported by the ALPC as a means to translate commitments made at continental level into concrete actions on the ground where the people need improvements in the way their land rights are secured, used and managed.

Significant progress has been made in the implementation of the AU Agenda on Land. The most prominent achievements are clearly observable at continental level and include:

- Contributing to creating a pool of renowned African land experts around the AU Agenda on Land and able to provide

quality expertise to AU Member States;

- Generating knowledge on priority issues of land governance in Africa through studies on critical issues of land governance;
- Tools developed in support of land policy development and implementation;
- Establishing a continental biannual reflection, discussion and knowledge sharing platform on land governance in Africa, known as the Conference on Land Policy in Africa (CLPA);
- Strengthening and sustaining capacity development on land governance through establishing the Network of Excellence on Land Governance in Africa (NELGA);
- Developing approaches and tools to guide joint implementation of the AU Agenda on Land and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs);
- Giving greater attention to land issues of particular importance, such as women’s land rights and large scale land based investments (LSLBIs) in Africa; and
- Reporting periodically to the AU summit of Heads of State and Governments on progress achieved in the implementation of the AU Agenda on land.

Overall, one can see that these achievements have contributed to bringing about an important shift in the discourse on land policy in Africa. The importance of clear land policy is now widely acknowledged, including the acceptance of certain best practices, such as stakeholder participation in land policy processes and advancement of women’s land rights.

Achievements at regional and national levels are quite varied and in general more limited. In collaboration with the RECs, ALPC initiated the development of a regional program for mainstreaming land in their respective programs and strategies. However, the initiative could not be finalized, mainly due to lack of financial resources. It is important to acknowledge that the RECs themselves have different attitudes regarding the willingness to address and discuss land issues. In Southern Africa, SADC for example is reluctant to address issues of land governance, as these are considered a matter of national sovereignty. In West Africa, through institutions such as CILSS and other partners<sup>1</sup>, the region developed a long tradition of regional discussions and experience sharing<sup>2</sup>. Therefore, the AU Agenda on Land was welcomed by the Economic Community of West African States (ECOWAS) who initiated a study on the Harmonization of land policies in West Africa. Central Africa showed very high interest in addressing land issues, as land is at the heart of most conflicts in the region. However, the Economic Community of

Central African States (ECCAS) had limited experience in initiating significant regional initiatives. The Intergovernmental Authority on Development (IGAD) is probably the most successful REC in terms of developing and implementing a regional land program<sup>3</sup>.

The national level is probably the most important level to be considered as that is where land policies are developed and implemented and also where land related decisions and programs can really impact on land governance and people’s lives. Progress is observed across Africa as many AU Member States, including those beyond the countries in this study, developed and adopted national land policies and related land programs. However, the levels of inclusiveness and participation in land policy development and the effectiveness of implementation are uneven. The commitment of African countries through their constitutions and other framework laws to not discriminate against people based on gender has taken a new dimension. Few countries have set targets for advancing women’s land rights. It was not possible, however, to accurately assess progress in strengthening women’s access and rights to land due to a lack of data. This is reflective of a wider problem that none of the study countries have an integrated national land administration and information system with full coverage of the entire national territory.

What is also hard to assess is the precise influence of the AU Agenda on Land in relation to changes made at country level. The perception of the influence of the AU Agenda and the level of awareness of it varies a lot between countries. For some countries it is clear that the AU Agenda is referred to in national land policy debates and decision making. In others it does not feature at all in national dialogues and there was a sense that referring to it may be counter-productive as it could be perceived as outside interference. However, even in cases where the Agenda on Land was not seen as influential, there are cases of key national land experts (from government and civil society) who participated in continental and regional land consultation processes. Some of them even contributed to the formulation of the AU Framework and Guidelines on Land Policy in Africa (F&G). Later on, they served as lead experts in the formulation of their national land policies and used the F&G and other tools and contributed to advancing the AU Agenda on the ground.

In most study countries, people are more aware of, and easily refer to the VGGTs. In a nutshell, the AU Declaration and related documents are not well known at national level. But strategic actors including key national land experts advising governments in the field of land policy, CSO leaders fighting for pro-poor land policies, Permanent Secretaries of Ministries of land, have knowledge of key instruments associated with the AU Agenda on Land, especially the F&G. There are also other possible indirect ways that debates and agreements at the AU level are filtering down and having an influence. In practice, experts and civil society actors in the sector use both the F&G and the VGGTs to inform their work, without caring about at-

tribution. Even where the AU Agenda on Land is known and considered in national debates, and to some extent incorporated into national policy, there are challenges in rolling this out in concrete programs that impact people on the ground. Finally, there is a high potential for improving land governance in Africa through implementing the AU Agenda on Land. The AU Agenda on Land can contribute significantly to improved governance in Africa through stronger advocacy, sustainable capacity development, and technical assistance to national land reform processes with specific attention to land policy implementation and monitoring. Promising avenues rely on sharing knowledge and experiences and continuous collaboration and partnerships among African continental institutions, combined with robust initiatives at country level facilitated by strengthened human and financial capacities. The reality is that many countries are grappling with similar challenges; therefore, there is significant potential value in the exchange of experiences and mutual learning.

The support of development partners to improved land governance in Africa remains critical. However, such support needs to be based on principles of smart aid, as outlined in the Paris Declaration on Aid Effectiveness. The CSO Platform on Land with its members, such as the ILC network across Africa, could play an instrumental role in advocating for further improvements in aid in the land sector with a view to achieving concrete results for the poor, including smallholder farmers and rural women.

As a contribution to discussing the focus of African level work for the coming decade, it is suggested that, based on progress made and new challenges identified, key areas of work that need to be continued include :

- women’s land rights ;
- the increasing pressures on African land resources, such as from LSBIs and ;
- Putting in place a common monitoring and evaluation system.

New areas of great importance that have been identified across a number of countries, and could therefore benefit from greater African level attention and work include :

- land in the context of rapid urbanization ;
- youth rights and access to land ;
- recognizing and securing customary-based and community land rights ;
- effective communal land administration systems ;
- effective implementation of land policies including through revising legislation for alignment with new land policy orientations;
- budgetary allocation for land reforms and land administration; and
- Improving land information systems and encouraging the gathering, compilation disaggregation and sharing of land data in strategic areas of the governance of African land resources.

## 1. Introduction and background

### 1.1. Background : Land in the context of African Development

#### 1.1.1. Importance of land across African history

##### **Endogenous traditional land systems**

Throughout history, the control and use of land formed the basis of endogenous political organization, economic development and social cohesion. Any human society is organized within defined and controlled territories. The territory is a space within specific boundaries where the society is able to protect itself against potential assailants, develop economic activities in a context of individual and collective security and enjoy the prosperity it created. The development of land and natural resources through farming, pastoralism, and hunting and gathering was the basis of economic life. This has shifted, although such activities continue to play an important role in many parts of the continent and land remains the major site of other economic and social activities as well as residence.

In pre-colonial Africa land was governed by a diversity of customary systems. African customary land systems are deeply rooted in established community practices and religious beliefs often associated with forms of ancestor worship. As a result, land is not just an economic asset, it is also perceived as a sacred gift of nature and, a legacy of ancestors, there to secure the people. From the perspective of African traditional land systems, the primary and major duty of current generations is to protect and bequeath the land heritage received from ancestors to the future generations for them to enjoy full social, economic and cultural lives.

Land resources were allocated collectively to the community, while the community gives access rights to land to each family or member-lineage, according to its actual needs. Subject to the diversity of situations across the continent, land resources were generally managed by specialized institutions, usually the land chiefs. They were responsible for ensuring that the ritual practices needed for peaceful and fruitful occupation and use of the land were strictly observed. They also played a critical role in land dispute prevention and resolution. Based on their deep knowledge of the history as well as actual often complex and overlapping land rights within their communities, some have not hesitated to say that African land chiefs were to some extent, "living cadasters".

In a context of low population densities and abundant land resources, access to land was not a major constraint in most African societies. The customary land systems allowed easy access to land for each lineage or family. In fact, as members of the community, each family or lineage was recognized as having a legitimate and unalienable right to access land in order to use the land to satisfy its basic needs. Land rights in African traditional societies were allocated and used collec-

tively or individually, but managed by the head of family or lineage. Based on availability of land resources, people from other communities were welcomed to settle in the host community and were allocated access to land.

However, it is important to stress, without any doubt, that African traditional societies did marginalize part of their members. This is especially clear in the case of women who, under patriarchal societies, were marginalized from adequate access to land and in general excluded from the right to own or inherit land or participate in decision making regarding land. Access and use of land by women was organized mainly through marriage or relations with men, such as fathers, uncles or brothers. Similarly, members of certain castes or clans were also deemed inferior in some societies and excluded from the right to own land.

##### **Colonial domination, post-independence period and the land question**

One of the major changes which disrupted existing land systems and rights in Africa, and prevented these African systems from evolving in their own ways, resulted from European colonization of Africa. With a few exceptions, the entire continent was overtime subjected to the yoke of colonial domination as reflected in the mapping of the continent's land area by these powers (figure 1). Colonial powers were mainly the British, French and Portuguese. The colonial domination resulted in the division of African countries into different foreign linguistic areas (Francophone, Anglophone, Lusophone and Hispanic).

Finally, the colonial domination in Africa was a history of conquest, control and exploitation of the huge land and natural resources of the continent: European colonial powers needed to secure access to these natural resources to enable their booming industrialization during the 19th century. During the colonial period, the clash between local customary systems and imported statutory land laws became a major land policy issue across the continent. In cases where traditional leaders cooperated to facilitate access to land for colonial companies, the persistence of customary tenures were tolerated and distorted by the colonial administration. However, when customary land tenure became a serious obstacle for colonial investors, policies like privatization and individual titling were encouraged with a view to undermining the customary land systems and ensuring a model that supported the economic systems of the colonial powers<sup>5</sup>. African nationalist leaders quickly understood the land

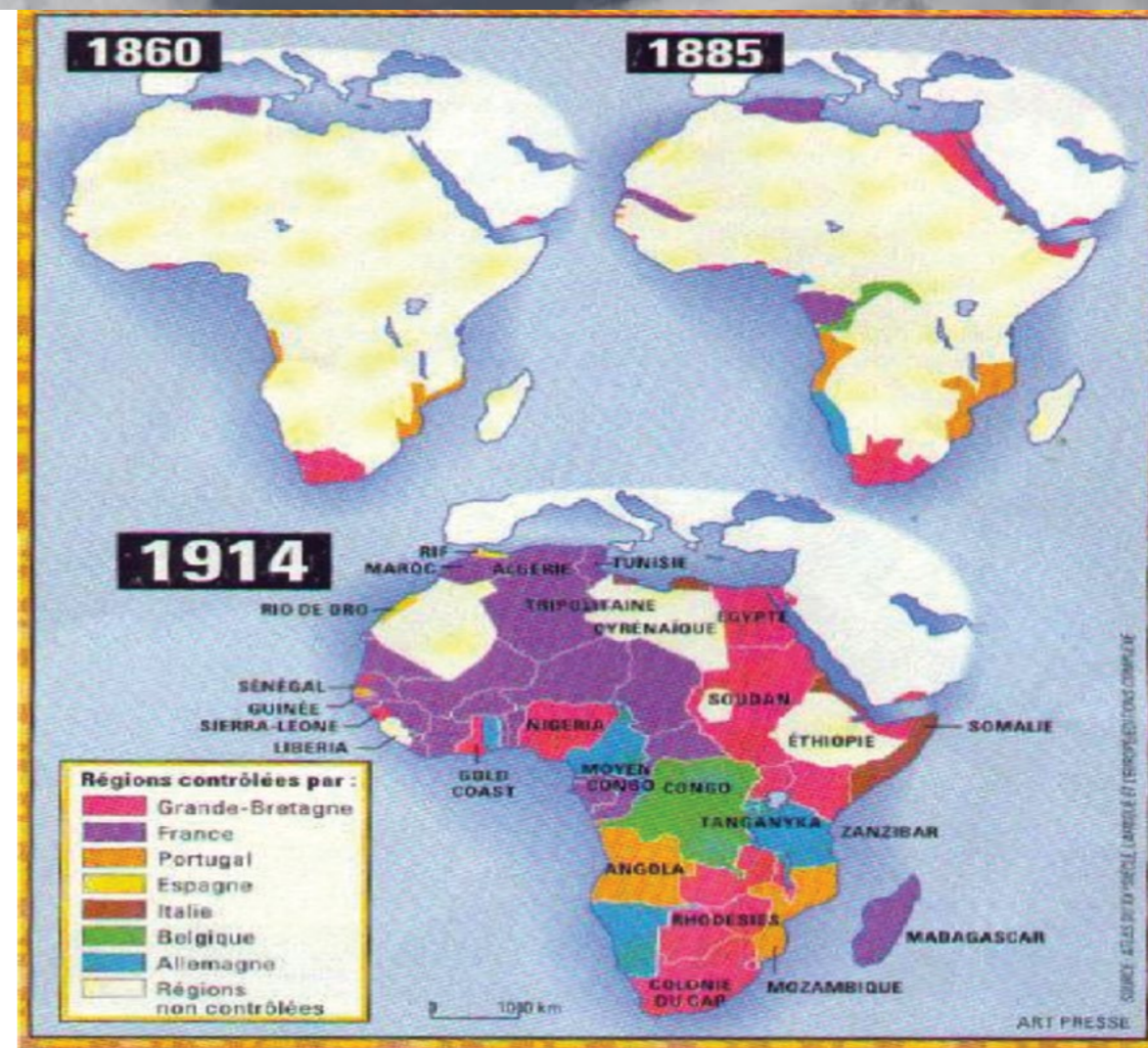


Figure 1 : Colonial powers in Africa<sup>4</sup>

dimension of the colonial domination. Many used the issue of land as a basis for mobilizing their people in the struggle for independence. They also fought wars to defend themselves and then to regain control of land.

The colonial system continuously developed efforts to dismantle the customary land systems, as part of imposing an individualized capitalist economic system to facilitate their exploitation of African resources and their extraction of wealth. However, such efforts were often unsuccessful as local communities adapted through a variety of methods: through passive resistance methods they ignored the land registration systems introduced by the colonial powers; through adaptation methods, they developed new local practices inspired by the customary land systems. One of the enduring results of this was the creation of dual land tenure systems broadly comprising different forms of statutory tenure (in terms of western and colonial law) on the one hand, and customary tenure on the other hand.

Unfortunately, the post-independence period in Africa did not result in significant improvements in land access, rights and tenure security for the majority of African people. Many of the new African elites perpetuated the colonial land systems and used them as a means to concentrate valuable residential urban lands in their hands and grab the land of rural local communities, in most cases for the purpose of land specula-

tion. Post-colonial attempts in some countries to restructure land systems, including through land redistribution, often ran into political and technical difficulties. There have been several attempts to modernize land systems through revising national land laws, but such efforts rarely met the expectations of governments and of the people. Land disputes remained a major constraint to investments in the agricultural sector and to increased agricultural production.

Up to now, the question for most African land reforms is whether it is possible and desirable, to recognize customary land rights and, to harmonize statutory and customary land laws and administration systems. At the same time changing land administration technology has opened new opportunities for 'fit-for-purpose' land surveying and land administration systems<sup>6</sup>. Over the last ten years a number of new initiatives of land surveying and certification, combined with the digitization of land records, have been implemented or planned.

It is against this backdrop that the African Union Commission (AUC), together with the United Nations Economic Commission for Africa (UN-ECA) and the African Development Bank (AfDB), decided, fifteen years ago, to support the efforts of African governments with a view to making land play its proper role in development. And now, this assessment is looking at progress made, key achievements and efforts that are still needed.

### 1.1.2. A decade of African coordinated efforts to respond to land related challenges

#### **The Participatory Development of an African land agenda**

A majority of African people still live in rural areas and rely on agriculture for their livelihoods. But the fast-growing population and rapid urbanization<sup>7</sup>, the changing nature of the economy, the development of land markets and land speculation etc., have brought new land challenges. Land capture by urban elites; emergence of landless people in rural areas. Land speculation; marginalization of the poor from access to land... Such challenges include among others, capture of community lands by urban elites, the emergence of categories of landless farmers in rural areas, uncontrolled land markets and land speculation... Therefore, enhanced land tenure security and improved governance of land are critical to peace and security and to poverty alleviation. Beyond agriculture, land control and land use are of primary importance for activities in many other economic sectors, including housing, mining, manufacturing, tourism etc. However, for land to fully serve the development goals and strategies of African governments, it needs to be governed effectively and administered in an efficient and transparent manner. Land governance is "the political and administrative structures and processes through which decisions concerning access to and, use of land resources are made and implemented, including the manner in which conflicts over land are resolved"<sup>8</sup>. If well managed and governed, land can serve as the basis for agricultural transformation, sustainable urban development and peace and security. At the opposite, experience shows that poor land governance leads to limited investments in agriculture and other economic sectors, fuels corruption, and is a major source of conflicts.

Aware of the importance of land in African development, the African Union, in close collaboration with the ECA and AfDB and in partnership with the RECs, decided, around 2005, to launch a continental initiative to address land issues and challenges in Africa, known as the Land Policy Initiative (LPI). The objectives of the LPI included: i) to develop a tool to guide national land policy processes; ii) to garner political will in support of land policy development, implementation and monitoring; and iii) to enhance partnerships for adequate resource mobilization in support of land governance.

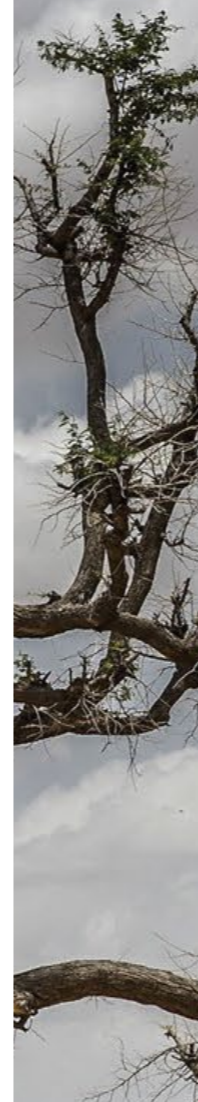
Through a participatory and inclusive process, the LPI was able to successfully develop the Framework and Guidelines on Land Policy in Africa (The F&G). The development of the F&G was based on regional consultations coordinated by the RECs. The regional consultations involved representatives of national governments, farmer's organizations, women's organizations, CSOs. The F&G is neither a model land policy nor

a binding instrument for all African countries. It is rather a set of principles resulting from experiences and lessons (positive or negative), learnt across Africa in the field of land policy development, implementation and monitoring. [XXXX] The F&G was endorsed by the African Heads of State and Government through the adoption of the AU Declaration on land issues and challenges in Africa in 2009. The purpose of the F&G is neither to develop a normative framework intended to be binding upon member states, nor to draft a land policy for adoption by them. The framework underlines the importance for African countries to build common national visions and consensus on land, through comprehensive land policies developed in a participatory manner. Such land policies should constitute the basis for effective land reforms, including improvements in land laws and land administration systems, aligned with the policy. The F&G also calls for monitoring and evaluation of land policies with a view to allowing proper identification of successes and offering opportunities to timely redress of inadequacies and continuous learning for all stakeholders. In their Declaration on land, African Heads of State and Government committed to prioritize the development and implementation of appropriate national land policies which meet the peculiar needs of African countries. To this end, they decided to allocate adequate budgetary resources for national land policy development and implementation processes. Among key commitments made by African leaders, is the decision to pay specific attention to strengthening the land rights of African women.

The African Heads of State and Government called upon the Regional Economic Communities (RECs) to convene periodic platforms, with a view to exchanging experiences on land governance among their member states, and to sharing best practices.

All members of the LPI consortium (namely AUC; ECA and AfDB) were called to work toward the establishment of an institutional framework to facilitate the implementation of the AU Declaration on land and, the creation of a fund to support related activities. The consortium was also requested to report back periodically to the AU summit on progress achieved toward the implementation of the Declaration on land.

The commitments contained in the Declaration of African Heads of State and Government together with other commitments set the scene for what was named, the "AU Agenda on Land". The AU Agenda on Land aims at promoting improved governance in the land sector through the development, implementation and monitoring of comprehensive land policy.



The implementation process of the AU Agenda on Land was guided by a strategic plan<sup>9</sup> formulated by the Land Policy Initiative. The strategy was articulated around the following 8 key objectives :

- **Objective 1** : To enhance the capacity of the LPI Secretariat to facilitate the implementation of the AU Declaration on land ;
- **Objective 2** : To mainstream land in the agenda for Africa's development ;
- **Objective 3** : To enhance synergies and coordination and mobilize resources in support of the AU Declaration on land ;
- **Objective 4** : To improve communication, advocacy and outreach in support of LPI activities geared toward the implementation of the AU Declaration on land issues and challenges ;
- **Objective 5** : To enhance knowledge generation and dissemination to raise awareness and build evidence

- related to land policy formulation and implementation;
- **Objective 6** : To enhance capacity and skills in support of land policy development and implementation in Africa;
- **Objective 7** : To develop and popularize the use of knowledge management tools to facilitate evidence-based land policy making and implementation; and
- **Objective 8** : To enhance monitoring and evaluation in support of land policy formulation and implementation.

This strategic plan for the implementation of the AU Declaration on land might seem ambitious; however, such ambition is in line with the expectation of African people with regard to the improvement of land governance. Finally, the question which needs to be asked is not whether the plan is ambitious, but how the ambition can be achieved successfully.

## 1.2. An assessment study on land policy in Africa

### 1.2.1. Justification and purpose of the study

The CSO Platform on land and the CBI Platform decided to conduct an assessment study on land policy in Africa. African CSOs always showed strong commitment to pro-poor land policy development and implementation. Through different initiatives they supported the land rights of smallholder farmers and committed to promote the land rights of African rural women. African CSOs played an instrumental role during the development process of the F&G. As such, they have always been among the strongest supporters of the AU Agenda on Land. The CSO Platform on land was established in 2014 in Dakar, Senegal, with the support of the Land Policy Initiative (now ALPC). The establishment of a CSO Platform on land policy in Africa aims at ensuring a continued and coordinated CSO engagement in support of the implementation of the AU Declaration on land. The Platform is also meant to strengthen the voice of the marginalized and to advocate for issues of women's land rights to be accommodated in national land policy processes.

The CBI-7 Platform (Commitment-Based Initiative) is an initiative of the members of the International Land Coalition (ILC). It brings together 23 member organizations from 15 African countries. It is coordinated by ICODEV. Since its establishment, the CBI-7 has worked jointly and in collaboration with the CSP Platform. The CBI-7 Platform aims to help influence decision-making processes for the formulation, adoption and implementation of fair, inclusive and equitable land policies, laws and programs at regional and continental levels. This study thus constitutes an essential pillar within the framework of its strategy of knowledge generation / capacity building of the members of the platform. Also, the conclusions and recommendations of the study will be used by the CBI-7 platform to inform its awareness-raising and advocacy work for the effectiveness of the AU Agenda on land.

From the perspective of the CSO Platform, improving the governance of land resources in Africa is about bringing change in the management of the land sector. However, bringing change in the land sector is among the most complex and dif-

ficult endeavors in public policy reforms. Land is a source of wealth and power. It is therefore important to anticipate resistance to land policy reforms from different actors, including from those institutions supposed to spearhead the land reform processes at country level. Beyond the technical complexity of land reform, the political sensitivity of land issues is a major challenge to improving land governance. In addition, change in the land sector is a long-term process, as shown by the fact that most land policy development processes in Africa span over 5 to 10 years.

For the CSO Platform, a 10-year period is an adequate timeframe to reflect on the extent to which the AU Declaration on land was able to bring change and impacted land policy processes on the ground, especially at country level. The purpose of the exercise is to draw key lessons, positive and negative, from the implementation process of the AU Agenda on Land. Through this progress tracking exercise, it is important to: i) consider where Africa is coming from, with regard to land policy development and implementation; ii) review what was achieved on the ground; and iii) identify promising avenues for strengthened land governance in Africa for the next decade. The commitments of Heads of State and Government on land provide a good framework to guide reflections on progress achieved in improving land governance during the last decade. The review offers an opportunity to discuss successes and challenges in implementing the African Agenda on land. At the end of the day what matters are the key lessons learnt in support of improved governance of African land resources. During the 10-years period of implementation efforts of the AU Agenda on Land, new land issues as well as new actors and partners emerged in the land governance landscape. These changes in issues and actors constituted both positive factors and factors of complexification in the implementation process of the AU Agenda on Land. This assessment study tries to capture and reflect on these key changes in order to reflect on perspectives for improved land governance in Africa.

### 1.2.2. Objectives and expected outcomes of the study

The overall objective of the study is to assess the effectiveness of the commitments of African Heads of State and Government in the field of land policy development, implementation and monitoring in Africa.

Specific objectives of the land policy assessment study include to :

- Map key initiatives developed by AU member states, RECs and other AU bodies in order to improve land governance;
- Assess progress achieved in implementing key commitments in the AU Agenda on Land, including the AU call to Member States to reach for the target of 30% registered land owned by women by 2025;
- Identify and analyze the technical and institutional constraints faced by Member States and regional institutions in the implementation of AU commitments/frameworks on land; and
- Provide information on how local communities, including women and youth perceive improvement in land governance and land tenure security over the last decade.

The following outcomes are expected from the assessment study :

- Information is provided on the extent to which strategic actors are aware of and, adhere to the AU Agenda on Land;
- The status of land policy development, implementation and monitoring in the selected countries, including status of adopted or draft national land policy documents under development or review;
- Key constraints toward the development, implementation and monitoring of comprehensive national land policy in a participatory manner are identified and discussed;
- The perception of selected local actors on the improvement of land governance is assessed; and
- Key recommendations in support of effective development, implementation and monitoring of land policy in Africa are formulated and promising perspectives are proposed.





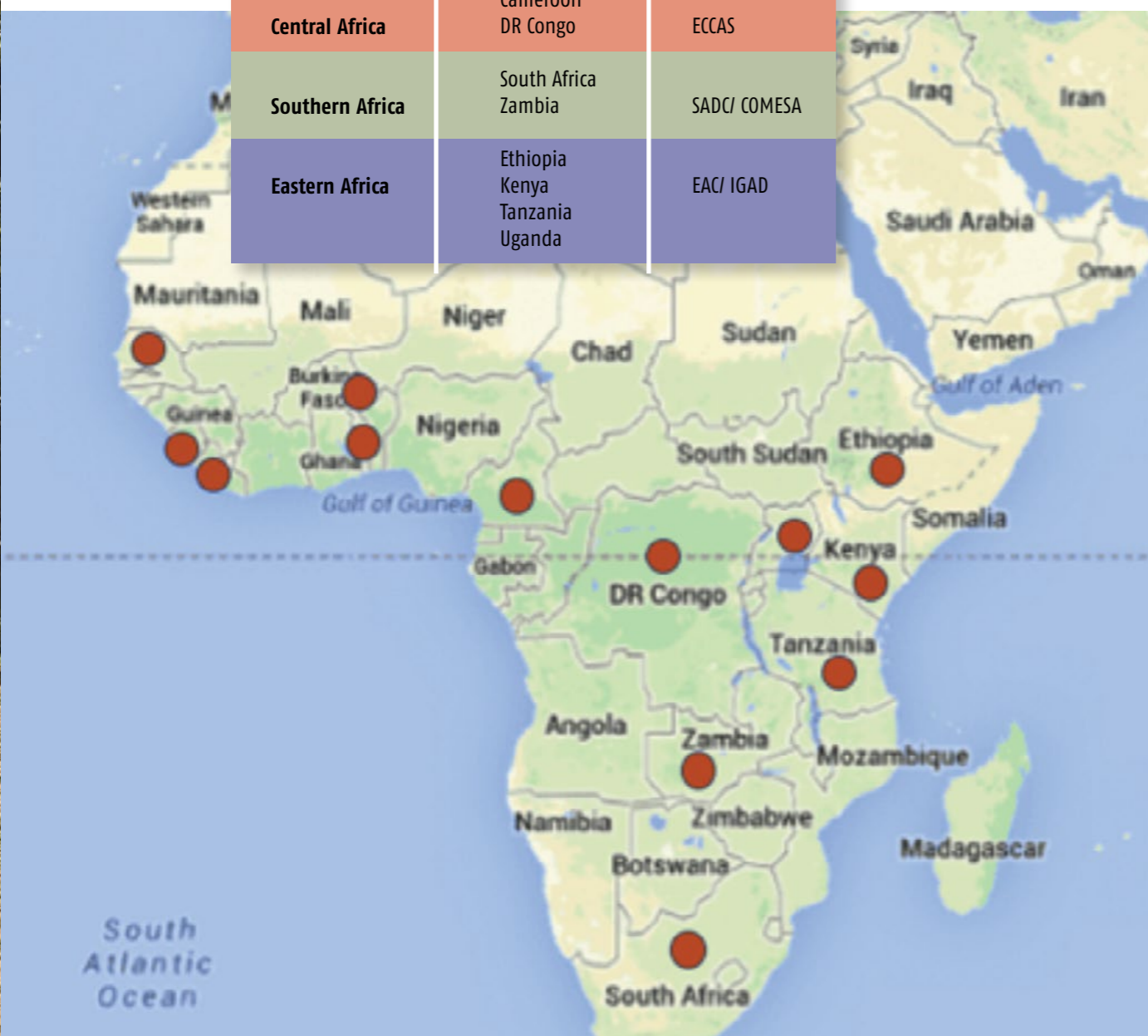
### 1.2.3. Study countries

Initially, the study was designed to cover ten African countries from four AU regions. In the course of the study, it was decided to add three additional countries from the same regions (see Table 1). Unfortunately, it was not possible to include countries from Northern Africa, due to constraints related to financial and human capacity. The selection of the study countries was guided mainly by the

criteria of the existence of ongoing work on land and human resources of the CSO Platform and CBI platform. On the one hand, such criteria are supposed to facilitate information gathering on the status of land policy processes in concerned countries. On the other hand, it is expected that the outcomes of the study will be used to inform and help improve the future work of the Platforms in the selected countries.

REGION	COUNTRY	RECs
West Africa	Burkina Faso Liberia Senegal Sierra Leone Togo	ECOWAS
Central Africa	Cameroon DR Congo	ECCAS
Southern Africa	South Africa Zambia	SADC/ COMESA
Eastern Africa	Ethiopia Kenya Tanzania Uganda	EAC/ IGAD

Table 1: The selected study countries



### 1.2.4. Financial partners supporting the study

The study benefited financial and technical support from GLTN / UN-Habitat, Welthungerhilfe and the International Land Coalition (ILC).

#### GLTN/ UN-HABITAT



From the beginning of the AU LPI, GLTN was one of the core partners of the AU-led land policy program. Within UN-Habitat, GLTN is specifically mandated to develop, test and disseminate pro-poor and gender responsive approaches in land policy. The support of GLTN to the formulation process of the F&G was instrumental in shaping a comprehensive perspective of land policy, through helping to integrate urban and rural land issues. GLTN also supported the efforts of LPI in articulating the monitoring and evaluation dimension of land policy processes. Under its ongoing phase III program, GLTN demonstrates increased interest in supporting responsible land policies in accordance with principles outlined by international and regional land frameworks including the SDGs, the New Urban Agenda, the VGGT and the F&G.

#### WELTHUNGERHILFE

Welthungerhilfe is a major non-profit organization in Germany. It works globally in Africa, Asia and Latin America, promoting the vision of a world of dignity and justice, free from hunger and poverty. Adhering to SDG Goal 2 (Zero hunger<sup>10</sup>), the organization is fighting for zero hunger by 2030. For Welthungerhilfe, fighting hunger is not just about providing food to people; it is rather ensuring that everyone has the chance to secure their own nutrition in a sustainable manner. Through the Land for Life-Initiative<sup>11</sup>, the organization supports civil society partners in initiating or strengthening multi-actor platforms on land governance in four African countries. Based on its interest in the role of land governance in ending hunger, Welthungerhilfe decided to join and support the assessment study on land policy in Africa.



For a world without hunger

#### INTERNATIONAL LAND COALITION (ILC)



The ILC is a global alliance of over 260 civil society and intergovernmental organizations working in 78 countries across the world. Through the Coalition, members pursue a common goal: promoting people centered land governance. This means placing the people who live on and from the land at the center of decision-making. Such people include women, men, young people, and indigenous communities of both current and future generations. ILC emphasizes that access to land and natural resources is fundamental to reducing poverty, increasing food and nutrition security, and strengthen resilience in rural areas.

### 1.2.5. Methodology

The methodology of the study was articulated around the following considerations: i) ensuring common understanding of the study objectives, approach and methodology; ii) adopting a participatory and inclusive approach throughout the study; iii) gathering relevant information through a literature review; and iv) gathering complementary information through interviews with identified informants, mainly at country level.

#### **Ensuring common understanding of the study**

The consultants worked under the direct supervision of the African CSO Platform on Land Policy in Africa and in close collaboration with GLTN-UN-Habitat and Welthungerhilfe. They communicated periodically with those institutions and sought guidance and assistance as needed. In case of difficulty in advancing the study according to the agreed timeline, they alerted this supervision team.

Through constant interaction, the consultants made sure they captured the key expectations of the CSO Platform and prepared an inception report including the proposed methodology. The inception report included an indicative timeline for the implementation of the study. The inception report was discussed and validated by the CSO Platform and the supervision team.

#### **Participatory and inclusive approach throughout the study**

The assessment was conducted mainly through a desk study. However, in order to ensure ownership of the process and gather updated information about ongoing processes, the consultants interacted and discussed with key focal persons in the study countries, through email and telephone communications. The country informants included mainly ILC national engagement strategy coordinators, GLTN project leads and the Land for life Platforms' representatives working with Welthungerhilfe<sup>12</sup>. Other resource persons on the ground were included as needed.

The members of the tripartite land policy consortium, namely AUC, ECA and AfDB, are important actors, as they led the development and implementation process of the AU Declaration on land. The views of the focal persons in these continental institutions helped to provide interesting perspectives to the assessment study, especially with regard to their views about key achievements and challenges in implementing the AU Agenda on Land. They also provided interesting recommendations on the way forward.

It is important to keep in mind that the ALPC per se is not the implementer of the AU Agenda on Land, but the key facilitator of the implementation process of the AU Agenda on Land. As

a facilitator, ALPC provides guidance, coordinates efforts and builds synergies. Implementing partners take concrete actions on the ground, including developing or influencing national land policies, building capacities in support of national land policy processes etc. The RECs in particular are critical implementing partners of the AU Declaration on land. They constitute the essential bridge between the continental level where commitments are made and, the country level where they are to be translated into concrete actions. In their Declaration on land, the African Heads of State and Government invited specifically the RECs to: i) "convene periodic regional platforms to facilitate experience sharing, lesson lessons learnt and dissemination of best practices..."; ii) "appropriately capture and address issues of land policies within their respective common agricultural framework". Therefore, the capacity to strongly engage RECs is critical to the successful implementation of the AU agenda on Land on the ground. Other implementing partners contribute to the implementation of the AU Agenda on land at different levels. This is the case for the CSO Platform on land, the farmers' platform and the Forum of African Traditional Authorities.

#### **Literature review**

As the study was mainly conducted through desk reviews, literature review was critical to gathering needed information on land policy issues and processes. The literature review was processed against the key themes of the assessment study. Relevant documents prepared by continental institutions were identified and reviewed. These included key continental commitments and tools prepared in the context of the implementation of the AU Agenda on Land. Periodic reports submitted to the African Union STC (Specialized Technical Committee on Agriculture, Rural Development, Water and Environment) were of importance to the assessment study.

Special attention was paid to gathering and reviewing relevant documents related to country land policy processes. These included especially studies on key national land issues and land policies which were developed and adopted after the launch of the AU Agenda on Land. At country level, major interest was granted to identifying specific initiatives and data geared toward strengthening of women's land rights.

The literature review revealed areas of information gaps. The interviews served to gather missing information and to identify sources of data. Telephone interviews were articulated around a limited number of themes and were open enough to allow for further elaboration and comments from interviewees on other issues they considered relevant.



#### **Interviews with country focal and resource persons**

Semi-structured interview guides were developed around key areas of information gaps revealed by the literature review. Interviews were conducted with key focal and resource persons in each country of the study. The country focal persons included ILC NES coordinators, the GLTN project leads and the Land for life Platforms working with Welthungerhilfe. Interviews were also conducted with resource persons, including selected experts who were involved in the development process of the F&G and supported the implementation process of the AU Agenda on land.

The interviews were instrumental in ensuring that up-to-date information was gathered on the status of land policy development and implementation as well as in gathering information on the perceptions at country level on the implementation of the AU Agenda on land.

#### **Analysis of gathered information and recommendations**

Gathered information were reviewed and analyzed with a view to documenting all the themes of the study including :

- The situation where the country was at the beginning of the implementation of the AU Declaration on land ;
- The priority land issues that the country needs to address ;
- A review of key initiatives developed to address priority land issues, with specific attention to women's land rights issues ;
- The level of awareness about, and influence of, the AU Agenda on Land ;
- Discussion of key successes/ limitations of the land policy process ; and
- Key recommendations for improved land governance in Africa and further engagement of CSOs.

### 1.2.6. Key challenges in conducting the assessment

Logistical challenges were of importance in the context of the quite large geographical scope of the study (13 countries). The poor quality of internet connections, recurrent power shortages made communications sometimes difficult. Connecting with informed focal persons was not easy due to several constraints including reliability of email addresses and

phone numbers; busy work agendas; ongoing field trips and other constraints; and health issues associated with the current pandemic and other diseases or incidents. Communicating with RECs proved difficult, mainly to the heavy procedures to be observed in order to communicate officially with the REC experts.

## 2. The AU agenda on land

### 2.1. Why a continental agenda on land policy in Africa ?

#### 2.1.1. Crisis of land policy and land administration in a rapidly changing context

The African continent is experiencing rapid transformation in various areas. Such transformations include demographic growth, urban development, rush of investors interested in African farmlands, etc.

Table 2 : The African population growth is unprecedented in history

Year	Population growth rate
1900- 1950	0.1%
1950- 1970	2.8%
1980- 1990	3.2%

Source : UNFPA: Population and development in Africa (1994)

Most experts consider that if the population growth continues at the current rate, Africa's population will double by 2050, reaching 2.5 billion people<sup>13</sup>. Some of the questions raised by the population boom in Africa include: How will the continent feed such a population? The 'youth bulge', with about 60% of the population in Africa under the age of 25 is seen as an opportunity - if young people have opportunities to contribute

constructively to the economy – but also a very serious challenge and threat to social stability – if work and opportunities cannot be created for the youth<sup>14</sup>. Will the pressure on natural resources exacerbate the negative effects of climate change and therefore, poverty and migration ?

The demand by foreign and domestic investors for African rural lands, forest and mining concessions are of high concern for African CSOs, as the long-term effects of such dynamics are yet to be clearly defined. Recent reports, such as from the Land Matrix project, have confirmed that this demand for land by investors is continuing, but these investments are failing to deliver the promised and expected results even for many of the investors themselves and often bringing no benefits for local communities. Rather in too many cases they have led to displacement of local farmers and pastoralists, conflicts with communities and environmental damage<sup>15</sup>. What is clear is that immediate negative effects include the marginalization of poor rural communities, especially poor African women and pastoral communities.

Many other issues including land tenure insecurity, unplanned urban development, non-effective land administration systems and poor capacity to settle land related conflicts, prevent African land resources from being fully and sustainably utilized for development.

#### 2.1.2. High-level commitments in response to land challenges: the AU Agenda on Land

The adoption by the AU summit of a "Declaration on land issues and challenges in Africa" is a clear response from the African leadership to key land issues which hamper Africa's socio-economic development. The Declaration on land articulates strong messages to AU member states on the need to vigorously address those land-related constraints to development. Especially the messages include the need to :

- Develop comprehensive national land policies in a participatory manner ;
- Implement and monitor such policies ;
- Allocate adequate budgetary resources to land policy processes ;
- Develop appropriate institutional frameworks for effective land administration ; and
- Strengthen the land rights of African women.

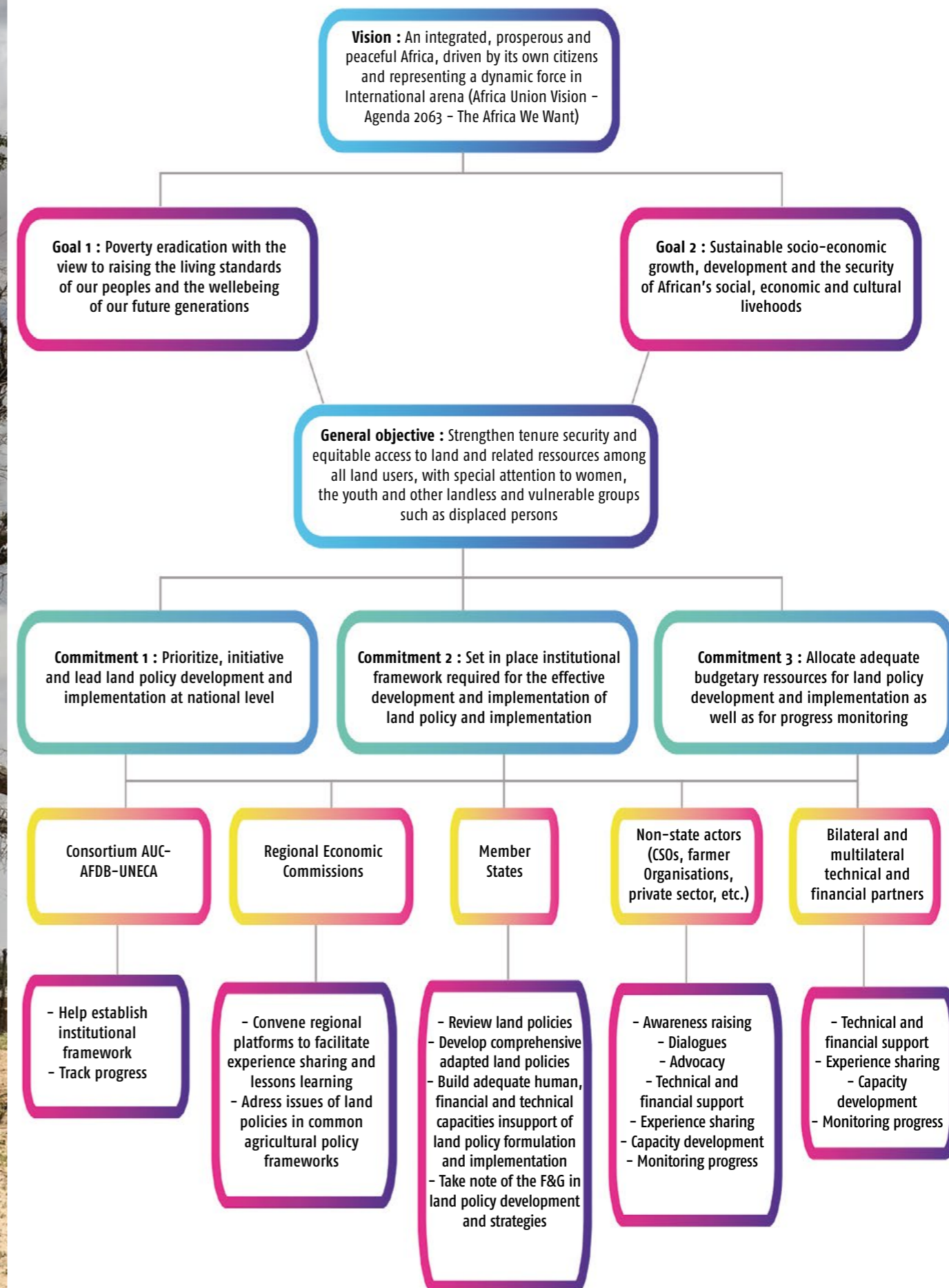
For these commitments to be translated into concrete actions on the ground at country level, a Framework and Guidelines on Land Policy in Africa (F&G) was developed with a view to providing appropriate guidance to AU member states on land

policy development, implementation and monitoring. The F&G contextualizes the land question in African development and draws key lessons from experiences across the continent about land policy development, implementation, and monitoring. The F&G was acknowledged as a strong and valid tool, responding to the needs of African countries regarding key dimensions of land governance. The development of the Declaration and the F&G also equipped African member states and African land experts to make a significant contribution to the development of the VGGTs that were developed and adopted a few years later.

The F&G constitutes excellent material that can be adapted for the purpose of capacity development in the field of land governance. It provides a basis for providing guidance and technical assistance to member states, mainly in the field of land policy development and implementation.

The AU Declaration on land together with the F&G form the core components of the AU Agenda on Land. Activities geared toward implementing the AU Agenda on Land were developed at continental level, at regional as well as at country level.

Fig. AU Agenda on Land: a theory of Change for strengthening tenure security and improving equity in land access in Africa



### 3. Key continental and regional initiatives in support of AU agenda on land

The most remarkable initiatives for implementing the AU Agenda on Land were taken at continental level. Those initiatives involved the continental institutions such as the tripartite African land policy consortium (AUC- ECA and AfDB) but also different other actors, including non-state actors. Initiatives were also taken at regional level, in collaboration with the RECs. Country level activities around land governance and in line with key principles of the AU Agenda on Land were conducted, with or without assistance of the ALPC.

#### 3.1. Assessment of AU Agenda on Land at Continental level

##### 3.1.1. Bringing land issues into the agenda of AU summits

###### **Appropriate response provided to AUC request for guidance on LSLBIs**

The launch of the AU Agenda on Land happened in the context of raising concerns of African leaders regarding the increasing demand for African farmlands by foreign investors. African governments were not prepared to handle such a rush on their agricultural lands; at the same time, they were hoping to benefit from the long-awaited investments in their respective agricultural sectors. LSLBIs was a topical issue of discussion within AU forums around 2012 – 2013, with growing pressure from international media, farmers' organizations and CSOs. Key research and guidance were provided by northern based institutions and the feeling was widely shared that the AUC needed to develop its own African perspective on the phenomenon of LSLBIs. This was the prerequisite for taking appropriate policy measures at country level while contributing to the ongoing debate in the global arena.

Through the AU Commissioner in charge of Rural Economy, a specific request was channeled by the AUC to the LPI/ALPC, to conduct studies and reflections and provide guidance to African governments on LSLBIs. LPI/ALPC, with significant financial support of AfDB, provided a coordinated and comprehensive response to the request for guidance on LSLBIs in Africa. An African consensus was reached around the Nairobi Action plan on LSLBIs. The Action plan on LSLBIs was implemented through the conducting of an African wide study on land acquisitions and preparation of Guiding Principles on LSLBIs, which was availed to AU member states.

###### **Periodic reporting to AU Summits**

In their Declaration on land, African leaders demonstrated how seriously they were taking their commitments on land. They requested "the commission in collaboration with the Regional Economic Communities, UNECA and AfDB and other partners to... undertake measures for the establishment of mechanisms for progress tracking and periodic reporting by Member States on progress achieved".

The ALPC Secretariat prepared annual reports on the status of implementation of the AU Agenda on Land. These reports were informed by activities conducted by ALPC, but also by written updates provided to the ALPC Steering committee by the RECs and other implementing partners. The yearly report was submitted to the AU Specialized Technical Committee (STC) meetings<sup>16</sup>. The STCs are thematic committees which inform the AU Executive Council. Each STC is composed of Member States' ministers and senior officials from the sectors it is in charge of. The report to the STC on progress in implementing the AU Agenda on Land was then synthesized in the communication of the President of the AUC to the Summit of Heads of State and Government. Usually, the periodic report on progress achieved in implementing the AU Agenda on Land include: i) a reminder of key commitments considered; ii) progress achieved in implementing the AU Agenda on Land; iii) Key research findings on land governance issues in Africa; and iv) Key recommendations.

###### **Each specialized technical committee shall, within its field of competence :**

- Prepare AU projects and programs and submit them to the Executive Council;
- Ensure the supervision, follow up and evaluation of the implementation of decisions taken by AU organs;
- Ensure the coordination and harmonization of AU projects and programs;
- Submit to the Executive Council, either on its own initiative or at the request of the Executive Council, reports and recommendations on the implementation of the provisions of the Constitutive Act; and
- Carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of the Constitutive Act.

*Source : Constitutive Act of the African Union*

###### **AU-STC Decisions on land**

The STC of the AU on Agriculture, Rural Development, Water and Environment has land governance issues in its competencies. Any decisions taken by the STC in support of improved land governance in Africa were taken as part of the implementation of the AU Agenda on Land.

During its meeting held in October 2015, the STC on Agriculture, Rural Development, Water and Environment adopted a decision responding to the commitment of Heads of State and Government to pay attention to strengthening African women's land rights.

**[The STC Conference]** "Recommend member states to move towards allocation of 30% of land to women to improve the rights of women to land through legislative and other mechanisms".

*Source : Ministerial Report and Resolutions of the Inaugural Conference of the Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment. (Oct. 2015, p.11)*

The ALPC led a campaign at continental level to popularize the commitment of African Heads of State and Government to strengthen women's land rights and to further advocate for the recommendation of 30% land rights for women. The ALPC supported and participated in the Kilimanjaro initiative in October 2016. The Kilimanjaro initiative was a mobilization of African rural women from all regions of the continent, organized in the context of the declaration by the African Union of 2016 as Africa Year of Human Rights, with particular focus on the rights of women. African women challenged Mount Kilimanjaro as a sign of their willingness and capacity to overcome all difficulties which constrain their participation in decision making processes, including in the land sector. The women from different countries across the continent gathered at Mount Kilimanjaro and some climbed the mountain. They adopted a Charter of Demands: Actualizing Women's Land Rights in Africa<sup>17</sup>. As a result of the advocacy campaign, the STC conference of 2017 encouraged Member States, as part of the implementation of AU Agenda on Land, to work toward accelerating the achievement of the 30% minimum target for women's land rights.

The STC "Urged Member States to review land policies and programs to achieve 30% target for women's land rights by 2025"

*Source: Report of the second ordinary session of the specialized technical committee (STC) on Agriculture, rural Development, Water and Environment (October 2017, p. 9)*

The timeframe for achieving the 30% target may not seem realistic as up to now, no strong initiatives were observed on the ground. The achievement of the 30% target requires a combination of strong political will together with affirmative action measures in the field of policies, laws, guidelines and administrative practices. Such measures need to be taken beyond the land sector and include areas like women access to civil status documents. The point, however, is to push for greater concrete actions to advance women's land rights and there are some indications that this started happening.

Other important STC decisions in support of the implementation of AU Agenda on Land include: i) the request to transform the joint AU- ECA- AfDB Land policy initiative into the ALPC; and ii) the request to conduct a study and develop tools on land, ethnicity and conflicts with a view to informing national land policy review processes<sup>18</sup>.

The STC "Requested AUC together with ECA and AfDB to capacitate the AUC/Africa Land Policy Center (ALPC) by institutionalizing it to ensure financial sustainability, operational efficiency and ownership"

*(Report second STC session, October 2017)*

### 3.1.2. Using the AU Agenda to guide land related operations on the ground

The AU Agenda on Land was developed jointly by continental institutions including the AUC, ECA and AfDB. As such, they all have deep knowledge of the AU Agenda on Land. The AUC is the institution which brought legitimacy to the overall process of developing and implementing an African policy perspective on land. The role of ECA was mainly to provide technical expertise in support of the process; AfDB supported the joint land initiative with resource mobilization and, focused on ensuring that political commitments are translated into concrete actions on the ground, particularly in country operations in the field of agriculture, infrastructure and other.

The AfDB demonstrated particular interest to the issue of LSLBs. It supported the development and implementation of the Nairobi action plan on LSLBs and also hosted the third edition of the Conference on Land Policy in Africa (CLPA- 2019). Finally, AfDB is now implementing its land governance flagship program. The AfDB land governance program aims at creating an enabling environment for the implementation of AfDB “Feed Africa Strategy for Agricultural Transformation in Africa” (one of the Bank’s High 5s). The Land Governance flagship program objectives are to increase equal and secure access to land and land tenure security, reduce conflicts and promote sustainable and efficient land use for food and production.

The AfDB fully endorses the AU Agenda on Land. Therefore, their land governance program was developed in line with key messages conveyed by the F&G. Activities conducted by AfDB in different countries use the key principles of F&G, but without necessarily focusing on advocating for the AU Agenda on Land. Most important is to consider that these are valid and useful principles to guide member countries toward mainstreaming land governance in agriculture investment programs and projects.

#### 3.1.3. Conceptualizing and sustaining capacity development on land governance

Improved governance of land requires adequate capacities in land policy development, implementation and monitoring. Most countries point to the lack of sufficient capacities in the field of land governance at country level. Efforts to develop capacity usually consist of ad hoc and uncoordinated training sessions which do not produce intended results. That is why the ALPC has conceptualized a new approach to promote quality and sustainable capacity development. With support of its partners (mainly GIZ and World Bank), the ALPC conceptualized and promoted the Network of Excellence on Land Governance in Africa (NELGA). The NELGA is a partnership of African universities and research institutions, recognized as leading institutions in the field of land governance. NELGA is organized in regional hubs across the continent and currently has more than 50 partner institutions across the continent. The NELGA program aims at contributing to the implementation of the AU Agenda on Land through enhancing training opportunities

on land governance and promoting demand driven research in support of land policy development and implementation in Africa.

Through anchoring training activities in universities, the NELGA contributes to sustaining capacity development initiatives and improving the quality of training delivered. NELGA might be one of the flagship achievements in the implementation of the AU Agenda on Land. The Network is effective in all regions in Africa, it supports the development of curricula in land governance and conducts training sessions for African land professionals etc.<sup>19</sup> the process of establishing or reviewing curricula on land governance in African universities is informed by the Guidelines for the Development of Curricula on Land Governance in Africa, prepared by the ALPC<sup>20</sup>.

#### 3.1.4. Contributing to the reflection on progress tracking on land policy

It is important for countries to learn from successes as well as from failures in the field of land governance. African countries also need mechanisms which allow them to make timely adjustments in the course of implementing their land policy. Monitoring and evaluation of land policy is the mechanism which allows countries to track progress in land governance and continuously improve their land policy implementation processes. Unfortunately, monitoring and evaluation of land policy is still at an embryonic stage in most African countries. As part of the implementation of the AU Agenda on Land, the ALPC initiated the Monitoring and Evaluation of Land Governance in Africa project (MELA)<sup>21</sup>. The purpose of the MELA project is to track progress in implementing the AU Agenda on Land. The project was supposed to start with a two-year pilot phase through a partnership of ALPC with IFPRI. Key objectives of the MELA project included to :

- Develop a comprehensive baseline database that will form the basis for future tracking of progress in implementing the AU Declaration on land in Africa;
- Track progress achieved in land policy development and implementation since the start of the AU Agenda on Land;
- Document and disseminate best practices in land policy development and implementation to inform policy processes across the continent; and
- Build and sustain the capacity of member states to ensure regular tracking and periodic reporting of progress made in land policy development and implementation in Africa.

The MELA project is a strategic initiative and critical development in the process of systematic progress tracking of progress achieved in implementing the AU Agenda on Land and for building the capacity of AU member states in the field of monitoring and evaluation of land governance. Unfortunately for some reasons the study was not able to further explore, the MELA project could not be completed.

#### 3.1.5. AUC Land Governance Strategy

The drafting of an AUC Land Governance Strategy is much welcomed and could perhaps be seen as long overdue. The draft strategy, as at August 2021, is a comprehensive document that should be supported. Strengths of the document include that it envisages roles for a wide range of stakeholders, including the ALPC and also civil society. A weakness is that it does not adequately address the financing of the implementation of the strategy or of land reforms and land administration. We believe, and were told in many interviews for this assessment, that budget commitments for land policy work and implementation are essential. We also believe that civil society at an African level would do well to focus on a few priority areas for the coming years, whereas the land governance strategy, as is the nature of such strategies, has to cover a wide range of broad areas.

#### 3.1.6. Continental development support organizations – AUDA-NEPAD and AfDB

The African Union Development Agency-New Partnership for Africa’s Development (AUDA-NEPAD) emerged out of NEPAD and was established in terms of a resolution taken at the 31st AU Summit held in 2018. The creation of the AUDA-NEPAD is part of putting in place the capacity to support key development initiatives on the continent, in particular those that will work toward the realization of Agenda 2063<sup>22</sup>. AUDA-NEPAD has a central role in supporting the implementation of the Comprehensive Africa Agriculture Development Program (CAADP). Given the inseparability of agriculture from land, this gives the AUDA-NEPAD an important role in relation to land. AUDA-NEPAD has also established a Land Governance Project in 2018. The focus of this project is on strengthening capacities of members states by making land data available to support evidence-based policy formulation and program design. This is currently being rolled out in ten countries: Cameroon, Benin, Burkina Faso, Ghana, Botswana, Namibia, Madagascar, Uganda, Ethiopia, and Mali. There are plans for having help desks that provide a one stop

shop for land information in each country.

The AfDB is a well-established African development finance institution that also provides technical support to members states as part of facilitating loans and related project implementation. The AfDB sees land as a cross cutting issue that is central to achieving all of its “high-five” priority development areas and targets<sup>23</sup>. Unresolved land issues have been found to obstruct the implementation of bank projects. They have therefore set up a land team that provides support to bank projects around four identified pillars for addressing land issues, which are: the policy and regulatory framework; enhancing land rights; land reforms; and capacity development. Another important unit within the AfDB that does work on land is the African Natural Resources Centre<sup>24</sup>. They focus on maximizing development outcomes from the use of Africa’s natural resources, this involves providing advice to the bank and African countries on land issues and they have produced land publications in support of this work. The AfDB also have a statistics department that can play a role in supporting member states in gathering land related statistics.

#### 3.1.7. Facilitating the establishment of implementation partners platforms

From the perspective of the ALPC, implementing the AU Agenda on Land at continental level is not something that a small secretariat can achieve successfully alone; it is rather mandated to facilitate the implementation process of the AU Agenda on Land. Therefore, ALPC took the option of working through different implementing partners, which generally are representatives of key stakeholders concerned with the improvement of land governance. Some of the key implementing partners supporting the AU Agenda on Land include :

- The African CSO Platform on Land ;
- The Farmers’ Platform on Land ;
- The Traditional Leaders’ Platform (FATA: Forum of African Traditional Authorities) ; and
- The Regional Economic Communities (RECs).

#### The CSO platform on land

The CSO Platform was established in 2014 in Dakar, Senegal, with support of the LPI/ALPC. It is made up of a range of civil society organizations from across the continent that are working in various ways on land issues. After the active role played by CSOs in the development process of the AU Agenda on Land, the CSO Platform on Land in Africa was established with a view to ensuring a continued and organized stakeholder engagement in support of the implementation of the AU Declaration on land.

The Platform is also meant to strengthen the voice of the marginalized and to advocate for women’s land rights in national land policy and laws. From an operational perspective, the Platform is organized around the following 6 thematic working groups: i) women’s land rights; ii) land tenure security and customary tenure; iii) land governance for natural resource management; iv) large scale land-based investments (LSLBIs); v) transparency and accountability; vi) monitoring and evaluation of land policy.

The CSO Platform intervenes as an implementing partner of the ALPC with the mission to contribute to translating the African commitments on land policy into concrete actions on the ground, including through popularization campaigns. In its strategy of influencing regional and continental bodies, the CSO Platform works closely and in collaboration with the CBI-7 platform, whose work is also strongly oriented towards these institutions for reasons of inclusiveness of land policies.

Implementing partners are autonomous entities vis-a-vis the ALPC. They develop their own work program and collaborate with the ALPC to contribute to the implementation of the AU Agenda on Land. The implementing partners can be instrumental in the field of advocacy on the AU Agenda on Land as well as in tracking progress on the implementation of the AU Agenda on Land. The efficiency of the contribution of implementing partners is constrained by the limitation of financial and technical resources. Implementing partners rely too much on the limited funds from

the ALPC, while they should use these as seed funds to develop and implement their own resource mobilization strategies.

It is worth mentioning that ALPC also initiated a development partners platform in order to strengthen collaboration and build synergies in support of the implementation of the AU Agenda on land. Activities in this platform resulted in some interesting initiatives and facilitated the mobilization of human and financial resources. Unfortunately, the activities of the platform did not continue after a while.



The EU-supported land governance program contributed to the implementation of the AU Declaration on Land Issues and Challenges by integrating application of the AU Framework and Guidelines on Land Policy in Africa (F&G) and the UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) at country level.

Source : <https://archive.uneca.org/stories/integrated-implementation-un-and-au-guidelines-improves-land-tenure-governance-africa>

### 3.2. Assessment of AU Agenda at regional level

#### 3.2.1. Strategizing the engagement of RECs in the implementation of AU Agenda on Land

The challenge for the AU is how the Declaration adopted by the summit, at continental level, will impact land policy processes at national levels. The RECs constitute an ideal articulation point between the continental level where commitments on land were made, and the national level where land policies are developed and implemented. The ALPC, therefore, decided to engage the RECs in the implementation of the AU Agenda on Land. The ALPC developed a project aiming at mainstreaming land governance in the programs of the RECs. However, the RECs have very different perspectives depending on the historical and political context of the region. Therefore, the regional land initiatives facilitated by the ALPC were region specific and were designed by the RECs themselves with technical assistance of experts from the ALPC. Based on regional specificities and identified land governance priorities, the RECs developed draft regional projects to mainstream land governance issues in their regional programs. These programs focused on creating opportunities for exchange of experiences and mutual lesson learning opportunities amongst their member states. Strengthening capacities of the RECs to coordinate a regional land program was also of interest. Some of the RECs welcomed the approach of mainstreaming land in the regional agricultural investment plans. However, some other RECs were reluctant to address issues related to land, as land is considered a matter of national sovereignty.

#### 3.2.2. Identifying and engaging focal persons at REC level

In order to work more efficiently with the RECs, the ALPC requested each REC to nominate a focal person on land. The focal person served as permanent representative of the REC in the steering committee meetings of the ALPC. Through different channels (e.g., steering committee meetings; workshops; training sessions, etc.), the capacities of the RECs focal persons on land were strengthened regarding the different components of the AU Agenda on Land so that they could disseminate key AU positions within the REC and at country level. The focal persons are supposed to facilitate linkages of the ALPC Secretariat with country ongoing national land policy processes in the region and channel requests for technical assistance. They are in charge of providing information from continental level to countries as well as facilitating bottom-up information from countries to the continental level. However, in most cases, the focal person does not have direct contacts with country lead Ministries in charge of land, as due to limited human and financial resources, their institutional mandates within the REC have not necessarily been land related.

One option envisaged by ALPC was to recruit regional experts based within each REC and tasked with facilitating the design and implementation of the regional program on land governance of the REC. This approach did not happen in most RECs, mainly because of resource constraints. Only the IGAD project supported by SDC became fully operational (see below).



### 3.2.3. Example of IGAD regional project on land

#### IGAD – Case Study

The Intergovernmental Authority on Development (IGAD) is a Regional Economic Community (REC) in the Horn of Africa. The region stretches over an area of 5.2 million km<sup>2</sup> that comprises the countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda<sup>25</sup>. About 70% of the region is arid or semi-arid with large land users including farmers and pastoralists.

In 2015 IGAD, in collaboration with the African Land Policy Centre (ALPC – then the Land Policy Initiative), established a Land Governance Unit to lead their Land Policy Governance Project. This unit and project explicitly derive their mandate from the AU declaration on land issues and challenges in Africa. They use the Framework and Guidelines on Land Policy in Africa and also draw on other frameworks, such as the VGGTs.

The current key areas of work are: improving member states' land policy and administration; land use planning and management focused on arid and semi-arid land in the context of climate change, but also starting to look at urbanization; land use to maximize land as enabler of development; and equal rights for all focused on gender equality. Land and conflict as well as gender responsive land policy are priorities cutting across all areas of work.

The project is funded by the Swiss Agency for Development and Cooperation (SDC), and also Sweden. Other funding is currently under negotiation and may be available soon. Partnerships with organizations such as FAO, Global Land Tool Network and the International Land Coalition are also important as is the ongoing relationship with the ALPC.

The Land Governance Unit currently has eight staff and they work directly with member states, sometimes through secondments of technical staff. The team is led by an experienced Regional Land Governance Coordinator. Also important for carrying the work forward is the close working relationship and involvement of the member states, especially through their directors responsible for land. The Unit convenes a monthly Directors of Lands Platform with a person from each member state, aside from Eritrea that is currently not involved in IGAD activities due to political conflicts with other members. Over time, and through these meetings, trust has been built and these senior officials from each country become insiders in relation to the IGAD land work. They share and address challenges together. Countries that are successful in particular areas share their approach with the others.

There is also a steering committee for the Project that is convened twice a year to oversee the work of the Unit. This is chaired by the IGAD Director of Agriculture and Environment and has representation from each member state, the Eastern Africa Farmers Forum, ILC Africa, GLTN, FAO and local civil society representative. This steering committee helps to plan and systematize the work of the Land Governance Unit and ensures that there is accountability. If matters require ministerial directive a meeting is convened, such as happened with the approval of "The IGAD Regional Women's Land Rights Agenda: 2021 – 2030"<sup>26</sup> by member state Ministers<sup>27</sup>, along with a range of other stakeholders, in July 2021.

Another strategy for taking the land governance work forward is to hold "hacathons", These are essentially working groups with all members countries involved. They work together to come up with approaches to issues of common interest, such as alternative dispute resolution systems around which a technical guide was developed, which is now being taken into implementation at scale. They also ran such a process for the development of the gender responsive national policies. Every IGAD country now has a national women's land rights agenda.

There are severe capacity constraints and real challenges of poverty and conflict in the region, but progress is being made on land governance policy and practice. Progress seems to be made due to building the right relations, having transparency, establishing trust and developing solutions with the countries, backed by a committed technical team. The political will in IGAD to support this work has also been essential.

## 4. National land policy processes and the au agenda on land

### 4.1. Key issues which need to be addressed by countries

African countries are faced with different land issues which need to be addressed if land is to play its primary role in national development. These issues vary from one country to another. However, commonalities can be observed on certain areas.

#### Land Policy development

Most of the countries looked at in this assessment have forms of land policy in place, some of them adopted in the previous decade (see Table 3). The universal challenge is getting to effective implementation of these policies and that leads to the realization of new gaps and opportunities for useful African level interventions in support of members states. Multi-stakeholder participation in land policy development can now be taken for granted, as Governments understand the political sensitivity of land issues and understand that building a national consensus on land from the start helps to facilitate popular adherence to the policy and facilitate its implementation on the ground.

Land policy review processes have also now become common as countries find that policies adopted have certain limitations either from their initial design or due to changing circumstances. The Kenyan land policy, adopted in 2009, explicitly called for its own review after ten years. Some now argue the policy has expired, yet there is a reluctance among decision makers in parliament and the executive arm of government in Kenya to review the policy. Whether technically expired or not, it is clear that there is value in reviewing and where needed upgrading the policy. South Africa, as another example, has over the last five years been undergoing a substantial process of review in the form of a "High Level Panel on the assessment of key legislation and the acceleration of fundamental change" and a "Presidential Advisory Panel on Land Reform and Agriculture". There have also been extensive public and parliamentary debates on amending

the property clause in the Constitution (the highest level of law and policy). None of these processes, despite a plethora of recommendations, have yet resulted in changes, indicating how difficult and contentious such review processes can be. Other countries, such as Tanzania, have also been going through land policy review processes. A new policy was prepared and validated in 2016 through consultations and a national forum. But there is no certainty of the formal adoption of the new land policy. Burkina Faso is presently going through an evaluation of the national land policy and law. The review of the land law comes ten years after its adoption, while the law recommended the review after five years. Zambia has one of the most recently adopted land policy on the continent, but it is already being questioned as it was an unexpected departure from what had been drafted after years of an in-depth and participatory process. The brief nature of the policy and the way in which it was adopted only months before a highly contested national election that saw a change in President and ruling party also indicates that it may have been adopted for reasons of partisan politics and may be questioned going forward. Senegal has developed a land policy through wide consultations; but the process has stalled in the last years as the President chose, without specific explanation, not to continue with the endorsement process. What emerges is the realization that having a land policy is not an end per se, it is only a step which leads into new terrains of work to ensure the appropriateness of the policy and its implementation. It is clear that land policies are also highly political and often processes are derailed, or accelerated, due to national politics. While some countries are still in the foothills of initial land policy development, others have crossed that peak only to now see the mountain ranges that still lie ahead. Definitely, developing land policies is a key step, and developing laws and regulations to translate these policies into actions is another key step.

**Table 3 : Study countries which adopted a land policy**

Country	Date	Denomination	Links
Burkina Faso	September 2007	Politique nationale de sécurisation foncière en milieu rural	<a href="https://www.agriculture.bf/upload/docs/application/pdf/2018-01/politique-nationale-de-securisation-fonciere-en-milieu-rural.pdf">https://www.agriculture.bf/upload/docs/application/pdf/2018-01/politique-nationale-de-securisation-fonciere-en-milieu-rural.pdf</a>
Ethiopia	July 2005	Rural Land Administration and Land Use Proclamation <sup>28</sup>	<a href="http://extwprlegs1.fao.org/docs/pdf/eth95459.pdf">http://extwprlegs1.fao.org/docs/pdf/eth95459.pdf</a>
Kenya	August 2009	National land policy	<a href="http://extwprlegs1.fao.org/docs/pdf/ken163862.pdf">http://extwprlegs1.fao.org/docs/pdf/ken163862.pdf</a>
	October 2017	National land use policy	<a href="https://www.lands.go.ke/wp-content/uploads/2018/06/SESSIONAL-PAPER-NO.-1-OF-2017-ON-NATIONAL-LAND-USE-POLICY.pdf">https://www.lands.go.ke/wp-content/uploads/2018/06/SESSIONAL-PAPER-NO.-1-OF-2017-ON-NATIONAL-LAND-USE-POLICY.pdf</a>
Liberia	May 2013	Land rights policy	<a href="https://www.land-links.org/wp-content/uploads/2013/05/Land-Rights-Policy-Draft_4.14.13_Version-for-Pres-Cabinet-May-17_0.pdf">https://www.land-links.org/wp-content/uploads/2013/05/Land-Rights-Policy-Draft_4.14.13_Version-for-Pres-Cabinet-May-17_0.pdf</a>
Sierra Leone	August 2015	National land policy	<a href="http://extwprlegs1.fao.org/docs/pdf/sie155203.pdf">http://extwprlegs1.fao.org/docs/pdf/sie155203.pdf</a>
Senegal	October 2016	Document de politique foncière (Draft, Version définitive)	<a href="http://extwprlegs1.fao.org/docs/pdf/Sen182115.pdf">http://extwprlegs1.fao.org/docs/pdf/Sen182115.pdf</a> (Not adopted yet)
South Africa	April 1997	White Paper on South African Land Policy	<a href="https://www.gov.za/sites/default/files/gcis_document/2014/11/whitepaperlandreform.pdf">https://www.gov.za/sites/default/files/gcis_document/2014/11/whitepaperlandreform.pdf</a>
Tanzania	June 1995	National land policy Revised in 2016 <sup>29</sup>	<a href="http://www.tzonline.org/pdf/nationallandpolicy.pdf">http://www.tzonline.org/pdf/nationallandpolicy.pdf</a>
Uganda	February 2013	National land policy	<a href="http://extwprlegs1.fao.org/docs/pdf/uga163420.pdf">http://extwprlegs1.fao.org/docs/pdf/uga163420.pdf</a>
Zambia	May 2021	National Land Policy	<a href="https://www.mlnr.gov.zm/?wpfb_dl=127">https://www.mlnr.gov.zm/?wpfb_dl=127</a>



While a land policy development process has not been initiated yet by certain countries, significant efforts were made by others to go through the formulation process of a national land policy in a participatory manner. In Senegal, for example, it took many years to prepare a land policy document with extensive multistakeholder consultations at different levels. Civil Society Organizations and farmers' organization engaged actively in discussing the orientation of the land policy. The land policy document was finalized by the mandated national team of experts and submitted to the President of the Republic, the government, however, never undertook the legal adoption process of the policy<sup>30</sup>.

**Non-recognition of customary land rights and challenge of securing communal lands**

The non-recognition of customary based land rights is an issue of concern for most study countries. In Cameroon the State is not the sole owner of land. The majority of land is part of the "National land domain" which comprises the majority (around 80%) of the non-registered customary based land rights. The remaining 20% is land registered on the one hand in the name of the state and on the other hand in the names of individuals and corporations. The lack of recognition of customary land rights in Cameroon exposes rural land users and communities to a high risk of losing their land heritage due to the policy of land concessions of the government. This is the case with mining concessions (now covering 25% of the National Domain), forest concessions and agro-industrial concessions. Liberia also faces issues of concessions for the purpose of developing plantations for palm oil, rubber plantations, or concessions for logging. The issue is so critical in Sierra Leone that specific studies were carried out to inform the preparation of customary land rights bill<sup>31</sup>.

The biggest gap in effective documentation and securing of land rights continues to be in areas under customary land administration. Many countries continue to grapple with the dual land systems and how to give statutory legal recognition for customary land rights without negatively disrupting customary practice and without allowing or even consolidating problematic practices such as discrimination against women and youth. There is surprisingly little sharing between countries on these issues despite the common challenges countries face and the useful experiences that some countries have gained through trying to address these issues.

While progress has been made in giving recognition in law and policy to customary tenure systems, all countries continue to struggle with land administration in these areas, with finding appropriate and innovative forms of registration and with addressing issues such as gender and land use management planning.

There are several different circumstances that need different solutions. These include; farming; pastoralist; indigenous people; and intersections of all of these.

**Land laws, land administration and monitoring and evaluation of land policy**

With new land policies adopted, many countries found themselves having to amend legislation in order to create the legal instruments for the implementation of the land policy. Many countries have continued to operate with very dated legislation, including laws that were put in place in the colonial period, that are not in alignment with the principles of the land policy and also do not accommodate important innovations in the use of new technology. These include technical legislation governing functions such as surveying and land registration, which can support or obstruct new land policy implementation. For example, in Uganda an extensive process was undertaken to review and make amendments to legislation such as the Registration of Titles Act in Uganda, that first came into effect in 1924 and the Survey Act of 1939. These processes of reviewing, amending, and where needed repelling and replacing legislation, are time consuming and require a high level of expertise. Legal technical work is needed as well the political work of going through the necessary parliamentary processes of adoption. Following legislative amendment, there follows equally demanding work of revising regulations governed by the amended legislation. Many land and tenure reform programs have been undermined by the lack of supportive legislation and regulatory provisions. This, therefore, would be a potential area around which to organize continental level technical and financial support. One of the most common concerns across countries is the lack of implementation of policies. Most often this relates to the lack of budget commitments. This overlaps with another concern, which is heavy dependence on donors or development partners for land work.

The case has been made that improved land governance and administration can pay for itself in three main ways: 1) direct revenue streams from the payment for services in the form of administrative charges for issuing and updating land certificates; 2) land taxes which can be more effectively collected when an effective and efficient land administration system is in place; and 3) revenues that get generated from a higher rate of economic activity stimulated and enabled by effective and trusted land administration that secures people's rights to land for production and economic activities. Experiences in a number of countries show that it can be a worthwhile investment for governments to finance improvements in land administration.



For example, the National Land Information System, implemented in Uganda from 2015 at a cost of \$66 million, generated over \$100 million in revenue in just 3 to 4 years<sup>32</sup>. This was due to the improved services, and reductions in backdoor transactions<sup>33</sup>. This clearly shows that governments should be investing in such initiatives and should also not have to rely only on donor or development agency funding for it. Financing land administration must rather be built into government planning and budgeting both in terms of expense and in terms of revenue generation.

The budget and financing issues are such a pervasive one across countries that appropriate initiatives must be developed in this regard. This should include learning and sharing experiences, documents good examples, analysis of benefits and best practices, and mobilizing the political commitment. Lack of sufficient human resources is another major constraint faced by many countries. Not enough experts were trained in the field of land governance. As an example, the new land law of Togo recommends that a polyvalent cadaster be created and operationalized. However, there is no national expertise in the country to develop such an instrument. Therefore, the country might need to hire foreign expertise, with enormous costs and with the risk that the tool proposed might not meet the specific needs of the country or its human and technical capacities to operationalize and maintain it.

There is very little done regarding systematic monitoring and evaluation of land governance within member state, or at regional and continental levels. This leaves land programs and land policy development at least partially blind and missing out on the enormous resource of experiences of what is working as well as what does not work. It also allows a culture of no accountability for delivery on commitments made. Effective participatory monitoring and evaluation would need to be linked to the improvement of land information systems mentioned earlier. The above-mentioned MELA initiative, attempted to fill this gap but did not proceed far. There is clear need to provide further support to such initiatives.

#### **Land information systems, land data and digitalization of land records**

The lack of effective land administration and land information systems, especially on customary land, is a major challenge to effective land governance. No country in this study had a unified land administration or land information system covering the whole national territory. For example, in South Africa the government has no information on land holding on customary land where around 20 million people live. They also cannot determine the sex, ethnicity or nationality of the owners of more than 60% of the privately held agricultural land. In Zambia 94% of the land used is under customary land ad-

ministration systems that have been given constitutional and legal recognition, however, there is no uniform land administration system on this land and no data available on the land holding. The land record digitization processes underway are also not covering this land. Patriarchal practices also tend to continue to marginalize women on customary land in Zambia. Kenya has passed laws to allow communal land registration, but the roll-out of this has only touched a fraction of the land concerned and the budgets and human resources for the work are simply not there in most of the counties that now have this responsibility. A similar situation existed in Uganda where the policy now allows for registration of customary land rights, but the district structures that are supposed to facilitate this are either completely absent or lacking the resources for the work. This capacity is now being put in place in some districts in Uganda.

In all the countries looked at in this assessment, there is a great lack of data available on land rights and land administration. This is even more critical for data pertaining to women's land rights. Even in countries that do have some form of systematic land information data gathering and compilation, this only covers small parts of the total land area and a small number of the land rights holders.

Two forms of data gathering need to be improved. These are: 1) data that is captured in land administration systems and the national compilation and public sharing of that; and 2) the national surveys that need to include key land rights and access information, this needs to involve the national statistical agencies. The work done for the SDGs land indicator monitoring can be learnt from in this regard.

Land record digitization is happening in many countries and needed in others. This is another key land issue deserving of African continental positions, sharing of information and coordinated support. Digitization can bring big benefits in efficiency, but if done wrongly can also undermine local land administration systems especially in communal areas. Digitization tends to lend itself to more individualized tenure systems and there is a lack of both spatial and land governance data in many communal land areas as well as challenges in linking the local knowledge and customary understandings of land tenure with digital systems.

#### **Women's land rights**

In their Declaration on land, AU Heads of State and Government committed to "strengthen security of land tenure for women which require special attention". The F&G considers that the real strengthening of women rights to land "must be part of an ideology which removes issues regarding the land rights of women from the private sphere of marriage and family, and places them in the public domain of human rights".



Despite progress that has been made, that is elaborated below in section 4.3, across the continent, women continue to have weaker rights to less and poorer quality land than men<sup>34</sup>. This applies in rural and urban areas and within most customary land systems as well as most individually registered land systems. Customary land systems tend to be dominated by patriarchal land norms and related decision making structures that marginalize the land rights of women despite constitutional and policy positions that call for equal treatment of all regardless of gender. This is not to say that all customary systems are the same. Far from it, there are a diversity of policies and practices and in some places customary and communal land rights systems have become far more gender equitable and there are best practices that have been developed by a range of organizations<sup>35</sup>. But where there is no concerted intervention to advance women's land rights, the overwhelming tendency is to have high levels of gender inequality. Individualized registration systems, including freehold land systems, are not the panacea that some hope they might be. These also reflect high levels of gender inequality largely rooted in the patriarchal structure of economies within which there are still patriarchal norms of business leadership, and lower average salaries for women as well as continued cultural norms at the familial level that see men as the heads of households who should hold land for the family. The data that is available for private land holding in South Africa (and it is interesting to note these are mainly white land owners), shows that 71% of private agricultural land is owned by men, women are recorded as owning 13%, and the gender of the owners of the balance of land can't be identified. Amongst those who do own agricultural land holdings, men have 276 hectares of land on average compared to the smaller number of women land owners who have an average of 80 hectares each<sup>36</sup>. An analysis, by the Kenyan Land Alliance, of land titles issued in Kenya found that wo-

men received only about 10% of the land titles and worse, due to the fact that women got smaller land parcels, women received titles to only 1.62% of the land titled<sup>37</sup>.

The lack of gender disaggregated data on land holdings is a hindrance to a proper analysis and to effective interventions and their monitoring. Thus, the proposed new work stream on data (see below) is one important intervention to address women's land rights.

Finally, what is important to be considered is that any discrimination against women, resulting from customary law or modern law, is deeply undemocratic and must be fought. It is also a serious constraint to economic development as it deprives an important portion of economic actors, among the most dynamic, from access to factors of production.

#### **Urban land reform and land management**

As mentioned in the background section of this report, Africa is the fastest urbanizing continent in the world and contains many of the fastest growing cities. Land policy and program work in Africa, including the debates at the continental level, have tended to focus on rural and agricultural land. But with rapid urbanization, fit for purpose land urban use planning and land administration is increasingly needed. This requires new programs of work on urban land and more attention to the question of land administration in an urbanizing society. Towns and cities are spreading into agricultural lands and into communal and customary land posing new challenges for land use planning and land administration. The increased demand and value for land in growing urban areas and peri-urban areas also sparks often unmanaged land markets and land speculation that can undermine productive use of land. Effective land use planning would be adapted to the new pressures and ensure space for residences as well as different economic activities and the protection of public spaces for markets, agricultural production, trading and recreation.

It is urgent to engage in regularization programs for informal settlements, including protecting and securing land rights of low-income and marginalized urban households. These need to respect people's land rights and needs and move away from practices that involve moving thousands of "slum" dwellers by force.

All these urban issues, pose new challenges that need to be properly understood and addressed and could benefit from inter-country learning and strategizing. International frameworks, such as the New Urban Agenda and the Milan Urban Food Policy Pact could be useful in this process<sup>38</sup>. It is notable that we have not yet had equivalent and complementary African level policy work related to urban development and land.

Uncontrolled land markets and land speculation, mainly in peri-urban areas around big cities are critical issues in the study countries. In Sierra Leone, there is no regulation of the land markets. In Burkina Faso, in Togo or in Cameroon, land prices have risen rapidly in peri-urban areas, which can make land inaccessible to those who need it most. So-called formal and informal real estate developers push the poor rural farmers to sell their lands at giveaway prices and resell them at very high market values to the local elites who register them straight away in order to avoid any future claim by local communities.

#### Youth

Africa is the most youthful continent in the world, with close to 60% of the population of the continent now under the age of 25<sup>39</sup>. This is a massive challenge with youth unemployment rates spiraling upwards, leaving many youths with little hope for the future. However, the youthful population can be an opportunity if it is given opportunities to contribute to the economy and society.

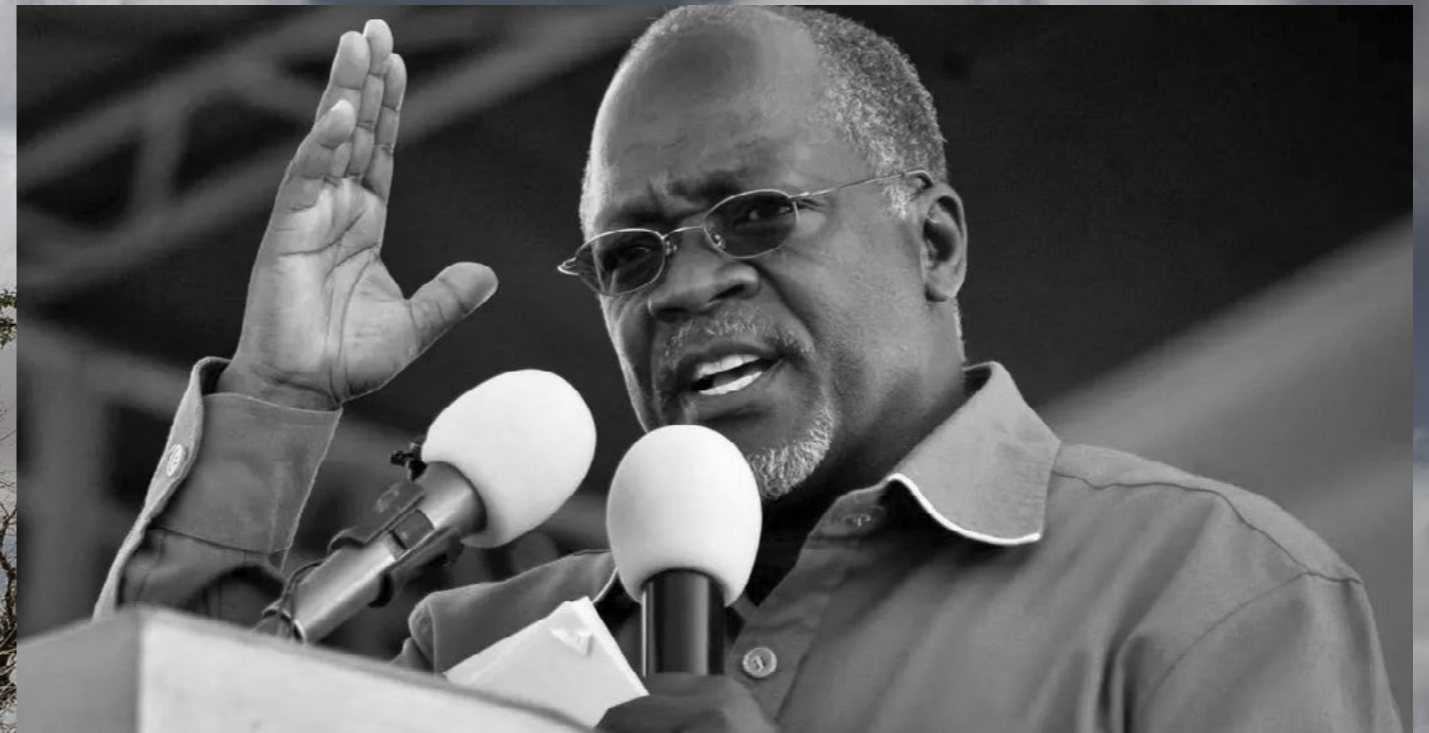
Youth need to have economic opportunities and land is essential for that. Customary land systems provide the opportunity for people to be allocated land to meet their needs, regardless

of whether they have capital available or not. But, traditional norms rooted in age hierarchies, in much of Africa continue to exclude many youths from being able to have secure rights to such customary land. Land is essential for agriculture as one economic opportunity, but also for homes and for non-agricultural businesses. Youth in Africa tend to be excluded from land access and rights and this is being exacerbated by the increasing pressures on land. Elders are the one holding and making decisions on land and moreover, with the new investment pressures on land there is little land left in some areas that can be allocated to young people. At the same time, increasing demands for land is pushing up prices and increasing inequality, excluding the vast majority of youth from any possibility of buying private land on the open market. Frustrated youth may turn to crime or to illegal and hazardous migration to countries they believe are wealthier and offer more opportunities.

Any future intervention will need to overcome age-based discrimination. This can be done through improving access to land for the youth while making capital available to them. It is important to also work to make public or communal land available, based on the consideration of the right to land and the right to access a place to live and work. It is important to note that even when national land policies consider youth access and control over land, its implementation remains a major challenge.

#### LSLBs and landlessness

LSLBs by foreign investors are a topical issue in most study countries. However, the issue is even more critical in certain countries such as Tanzania where just 108 LSBIs implemented in the last 13 years covered more land than over 2 million of the smallest-scale farmers depend on<sup>40</sup>. Large scale and medium-scale land acquisitions are not engaged by foreign investors only, but also by domestic investors. The issue is so prominent in the national debate that the Tanzanian government had to revoke certain land deals deemed non-transparent.



"President John Magufuli has revoked ownership of land for the Oxford Development Limited, which was offered by Milingwa village in Ngerengere Ward, Morogoro District, after uncovering elements of fraud and irregularities during the process of offering such land. Due to the fraud and irregularities involved, the president has ordered repossession of 3,502 acres of land to the village for use by the villagers".

Source : Zenko. <http://www.ibn-tv.co.tz/2016/01/3500-acre-land-deal-in-ngerengere-revoked/>

These land pressures also exist in other countries and are increasingly for non-agricultural purposes, especially mining and tourism. Contradictory approaches exist, for example with government investment agencies promoting land-based investments that then undermine the same government's land policies and rural development and environmental plans<sup>41</sup>. The pressure on Africa's land resources, including from LSBIs, continues and the flip side of this is increasing levels of landlessness that can have direct social consequences. The development of the Guiding Principles on LSBIs was an intervention at the African continental level to shape the discourse and provide guidance for adequate policy response to the issue of LSBIs. The Guiding Principles seek to ensure the observance of international human rights declarations and conventions as well as regional declarations in the manner in which LSBIs are conducted. They build on related global existing instruments including the VGGTs. The objectives of the Guiding Principles on LSBIs include to: guide decision making by African countries on LSBIs; provide AU Member States and other stakeholders with direction on how to realize investments in land which are sustainable and beneficial to African economies; create a basis for effective coordination, solidarity and mutual accountability among African countries. Unfortunately, these Guiding Principles are not well known and effective regulation of investments is still absent in most countries. In addition to pressures from LSBIs, there is also pressure from medium size and local investors<sup>42</sup>. Despite there being abundant land in some areas, the competition all tends to focus on the same land that is near water, infrastructure

and urban markets or main transport routes to markets. There is a need to continue the monitoring of land pressures and extending this from the large deals to the medium-scale. There is a need for greater promotion of the Guiding Principles on LSBIs and for the development and sharing between countries of best practices. Processes of accumulation that lead to land inequalities and land shortages also raise the need to look into ongoing processes of regulation and reform that can address land concentration and landlessness. With growing populations and the above mentioned land pressures, there are areas where customary and communal land is no longer available to be allocated to the current and next generations. This leaves more, people, especially young people, unable to get customary land and unable afford to buy privately owned land where that is available. There are still African countries that have not managed to address colonial and other historical injustices that created land inequalities<sup>43</sup>. In South Africa, the still largely racially defined land inequalities have not been adequately addressed. Post-Apartheid commitments to redistribute 30% of agricultural land in 5 years have not materialized as only about 10% has been redistributed in more than 25 years. The situation has led to calls for Constitutional amendments and expropriation of land without compensation<sup>44</sup>. In Kenya for example there is still great resentment about a few elite families that decades ago became massive land owners through questionable practices. There is a need for ongoing reforms to deal with processes of accumulation that are going on and caused unsustainable levels of land inequality and landlessness.

### Land reforms

Land reforms, especially redistributive reforms, are often seen as short or medium term interventions to address particular injustices, such as colonial era land dispossession. It is now becoming clearer that we need to start looking at such reforms more as ongoing processes of ensuring just and equitable land distribution and effective tenure systems. New processes of accumulation and land fragmentation bring about new land inequalities requiring changes and new reforms<sup>45</sup>. New technology and changing socio-economic conditions bring new opportunities and challenges if land governance is to remain relevant. Redistributive and other land reforms, therefore need to be planned and budgeted for on an ongoing basis and treated as part of the structures of land governance, not as once off time bound projects.

### Land Conflicts

Land conflicts cut across the study countries and even the continent, leading sometimes to political instability and war, as is the case in DRC, Sierra Leone or Ethiopia. For Ethiopia for example, the urban development plan around Addis Ababa, taking the land of local people led to deadly revolts of the Oromo people. In the study countries of West and Central Africa, conflicts between farmers and pastoralists are recurrent and more and more out of control. Due to climate change, pastoralists tend to move from the northern part of the Sahelian countries trying to settle in the southern part where natural resources are abundant. Unfortunately, the local communities in the southern parts of the countries have no tradition of coexistence between sedentary farmers and transhumant pastoralists. Therefore, inter community conflicts are increasing dangerously.

### Jurisdictional issues

Conflicts of jurisdiction between government ministries dealing with land and related issues is a serious impediment to good land governance in most study countries. This is the case for Burkina Faso where tensions between ministries are undermining the effective implementation of the land policy and rural land law. Since the adoption of the new rural land law in 2009, recurrent tensions have arisen between ministries with overlapping responsibilities in relation to the law; the ministry in charge of finance, the Ministry of Agriculture and the ministry in charge of urban development. Each of them believe they have competencies in land allocation in their respective sectors. In other countries such as Kenya, despite the existence of a dedicated ministry in charge of land, tensions and conflicts of competencies are perceptible between the Ministry

of Lands and the National Land Commission. The Ministry of Lands is tasked with specific duties and responsibilities including land registration, land valuation, physical planning and adjudication settlement; while the National Land Commission is an institution mandated by the constitution, tasked with the management of land on behalf of country and national government. In practice it is not always clear who is doing what on the ground.

In general, what seems to fuel the institutional tensions among ministries is the anticipation of possible financial gains and the power that might result from controlling land resources.

### Managing the Nationalization of Land

State sovereignty over land is a common principle in many African countries. For example, in Ethiopia there was a long period with a feudal and customary land ownership system. But in 1975 with the advent of the Derg regime, all lands became public property. People are only given use rights (called holding rights). As a result, land cannot be sold nor used as a collateral. People have the right to inherit land (the land use rights) from their parents. However, it is important to specify that only children already engaged in farming with their parents can inherit the land. Therefore, those children residing in urban areas are excluded from the right to inherit the family land. The principle of state ownership over land is enshrined in the Constitution of the Federal Republic of Ethiopia<sup>46</sup>. Discussions are going on in different circles about other alternative options, such as maintaining state ownership of the land, but together with private ownership and community ownership.

Burkina Faso went through a similar system with the land reform of 1984 known as the RAF (Réorganisation Agraire et Foncière). All land belonged to the State while people were granted use rights only. Progressively, the principle of state sovereignty over land was abandoned and the land was structured into three main categories: state land domain; domain of local government; and the private property of individuals (natural and legal persons). The debate is still opened as some argue that going back to state sovereignty over land might provide a solution to the current land crisis characterized by corruption and land grabbing in the land sector.

Finally, what is important is to ensure that the system of tenure under which land is held and used especially in the agricultural sector, is clarified. Clear property rights in agriculture guarantee returns on short or long term investments. Clear property rights also have the potential of increasing revenues for state through taxation.

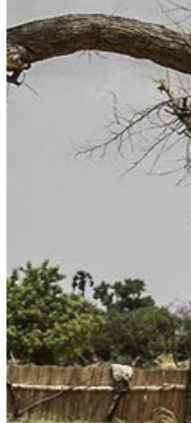
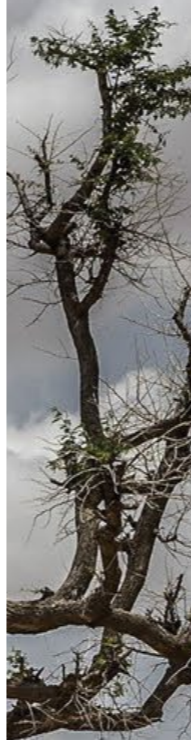
## 4.2. Key initiatives developed to address these issues

In all study countries efforts are being made to improve the governance of land through land projects, funded mainly by development partners. Some of the projects make reference to the F&G and AU Agenda on Land. However, most of them are aligned to the vision and perspectives of the donors, and include the popularization of the VGGTs as part of the capacity development initiatives.

The World Bank, is a key multilateral partner in the field of land governance. It provides substantial funding in support of strengthening land administration systems in developing countries. Research conducted by the World Bank through the LGAF (Land Governance assessment Framework) program has documented the land policy process in different countries and offers baselines for tracking progress. The UN intervenes mainly in land issues associated with peace and security. In Liberia, a joint UN-Women, UNDF, WFP program focused on addressing land issues as part of peace and reconciliation and they included alternative dispute resolution systems. AfDB, through its land governance program, supports the mainstreaming of

land governance in agricultural projects across the continent. Among bilateral partners, USAID is a major player. In Ethiopia for example, USAID was instrumental in supporting the land certification program, together with other donors including GIZ, DFID, FCDO and others. USAID also supported the development of the Liberia land policy.

During the review, it was not possible to identify specific projects or programs funded by institutional donors, dedicated specifically to strengthening women's land rights. However, it seems that gender issues are mainstreamed in most agricultural projects. It is unclear how effective women's land rights issues are appropriately addressed under such approaches. Due to lack of available data, it was not possible to assess the extent to which progress was achieved in the study countries regarding the 30% target of land rights to be allocated to women. Discussions tended to indicate that data are available in Ethiopia due to the joint land certification approach. However, such data was not readily available for sharing nor did it cover the whole country.



### 4.3. Contribution of AU land agenda to effective land policy implementation

#### 4.3.1. Setting up the policy and legal frameworks

At the time of the development of the AU Agenda on Land, only few African countries (around four) had a national land policy<sup>47</sup>. Today, around 19 countries have adopted a national land policy document, taking into consideration their national peculiarities (see Table 4). Other countries in all regions of the continent are in the process of developing their national land policies. Data related to land policy processes are available, but they are not centralized in a dedicated repository to make them easily accessible. More and more countries have also embarked on a review of their national land policies, with a view to specifically upgrading the policy provisions to the standards of the AU Agenda on Land. This is the case for Rwanda who revisited its 2004 land policy, taking into account the key messages of the F&G.

The majority of national land policy documents were developed through participatory and inclusive approaches. This is in conformity with a key principle outlined in the F&G, as well as in the VGGTs.

The development of a national land policy is a costly and time-consuming process. The participatory development of the national policy allows involvement of all key stakeholders in an accessible discussion around the key orientations of the land policy and therefore leads to national consensus on the key land policy vision and orientations.

National land policies are very important documents. However, they are not operational tools. In order to produce effects on the ground, the policy needs to be translated into land laws and supported by related pieces of legislation and implementation regulations. The technical laws, such as those governing land titling and surveying and in other cases related

legislation, such as that related to family law, are at times overlooked in reforms focused on land reform specific legislation. All land and related laws need to be consistent with the orientations of the policy and translated into binding legal prescriptions. This requires thorough review and amendments of the existing legislation or the full drafting of a new land legislation. The land and related laws are the instrument which empower the government, and create rights and procedures, for the transformation of the good will of the policy makers in favor of local communities, women, the youth and all land users, into concrete rights. Enshrining the land rights into the national law is critical because it is the process through which these rights can benefit from interpretation and protection by competent judicial structures.

In order to be effectively implementable on the ground, the land laws in turn need to be given effect by implementation regulations. The implementation regulations provide land ministries and agencies with more precise details and procedures on how the law will be operationalized on the ground. In some cases, the implementation of the national law is paralyzed, because of the lack of implementation regulations. The failure to prepare implementation regulations and the delay in implementing the policy and law is usually a result of a combination of factors including the lack of political will, weak capacities or insufficient financial resources.

#### 4.3.2. Putting in place the institutional architecture of land reform

Another important dimension of the implementation of national land policies is the need to put in place an adequate institutional framework which will be responsible for the

operationalization of the land policies and law. Usually in Africa the existing land institutions are powerful sources of resistance to innovative land reforms. As rightly mentioned by the F&G, “in many countries the task of implementation is assigned to existing institutions or agencies responsible for the administration of the land sector. The problem is that the orientation of these agencies often stands as a major obstacle to change and innovation”.

The institutional anchorage of land administration competencies is a major issue of concern to most African governments. Some countries decide to have a dedicated ministry of lands. Others have a ministry of land and a national land commission. In a third group of countries the responsibility of administering lands is hosted by a sectoral ministry such as the ministry of finance in many Francophone countries.

There is a need to raise awareness of the national land agencies on new land policies as well as on the innovations brought by new land laws. Based on the current decentralized approach in land reforms, local institutions, such as counties and municipalities, involved in land certification process and alternative land dispute resolution need to be put in place in a timely manner and capacitated without any delay.

Most land administration systems are still managed manually. This increases the time for transactions to be processed and the cost of land delivery systems. It also facilitates fraud and corrupt practices. Digitalizing land records and promoting land information systems is of high importance to improving the land administration system (LIS). LIS is a tool to inform legal, administrative and economic decision-making and support planning and development decisions. A LIS consists, on the one hand, of a database containing spatially referenced land-related data for a defined area and, on the other hand, procedures and techniques for the systematic collection, updating, processing and distribution of the data. The difference between classical cadaster and LIS is that LIS allows linkage of the data within the system with other land-related data.

Adopting and putting in place the new technologies which allow faster, cheaper and reliable land delivery services is a responsibility for all African governments and many countries are currently involved in or planning digitization of land records. Digitalization of land records and adoption of sound land information systems is a potential shortcut to improved land governance. It will facilitate producing and availing data to decision makers in the field of land policy. However, the current digitization initiatives are essentially only covering urban land and small amounts of land under private land ownership. The majority of land that remains under customa-

ry systems is not covered. There are also different approaches to digitization and concerns about the competence and reliability of some of the companies being contracted for this work. The outsourcing of a lot of this work to tech companies could leave governments dependent on their services and lacking in control over key land administrative functions. There is also a range of unexpected consequences of digitization that can occur, including conflicts as land boundaries are set and rights confirmed in ways that may not be transparent. The digitization of certain private land, but not customary land, could also exacerbate existing divisions and inequalities in treatment of different tenure regimes and the people living under them. A recent study, based on evidence from five countries, argues “that land-related digitalization processes are primarily designed to make land attractive for financial investments”<sup>48</sup>. Finally, the application of digitization needs to be embedded in the rule of law and principles of good governance.

#### 4.3.3. Addressing women's land rights

There has been considerable attention to the advancement of women's land rights within the AU Agenda on Land as well as in many countries on the continent. Legislation calling for equal treatment regardless of gender has come into force in many countries over the last decades. The 30% of land to women call has been heard in many countries and is being built into national land policies, laws and programs in some countries. Requiring a minimum proportion of women in land administration structures has become the norm rather than the exception. For example, from 2016 the government of Zambia committed that women would get at least 30% of land allocated. Similarly, the land legislation of Burkina Faso decides that 30% of lands on government-led agricultural schemes are to be allocated to women. It is not clear if the AU position had an influence on these trends, but this coincided with the AU 30% commitment and it seems likely there was some direct or indirect impact from this. The new National Land Policy in Zambia, adopted in 2021, commits to “ensure 50% of available land for alienation is allocated to women”. There is, however, more to be done to achieve gender equal land rights and land governance. The work already done should be continued and built on.

In order to fast track the attainment of at least 30% of documented land rights being for women, it could be important to have AU women's land rights champions from each region of the continent to popularize the commitment, advocate for its implementation and generate political will at appropriate levels.



## 5. Key achievements and challenges in implementing au agenda on land

After 10 years, it is important to take stock of key lessons in the implementation process of the AU Agenda on Land. This can be done through assessing the extent to which progress has been achieved in specific areas while discussing key deficiencies identified

### 5.1. Key achievements in implementing AU Agenda on Land

#### 5.1.1. A pool of renowned African expertise built around the AU Agenda on Land

The process of designing the AU Agenda on Land relied on key African land experts identified across the continent. The LPI Secretariat started the process with creating a repository of key land experts in the all regions of the continent. A list of key experts was constituted and their updated CVs were compiled by the LPI Secretariat. From the overall list of African experts, the LPI Secretariat identified a smaller group of experts (two per region) which constituted what was known as the "African Task Force on Land". The Task force comprised a combination of competencies including academics, researchers, land experts, land practitioners etc. The African Task Force on land served as an advisory body to the LPI Secretariat on key strategic issues around the development of the AU Agenda on land. It was also tasked with the mandate to draft the F&G. In the course of their activity period, the African Task Force also benefited from punctual support from a wider pool of expertise to assist in the drafting of the F&G.

Progressively, and through regional multi-stakeholder consultations held in all regions of the continent, an informal network of African land expertise emerged which cross-fertilized each other beyond geographic regions, linguistic barriers and different scientific disciplines. After the endorsement of the AU Declaration on land, this group of experts spread back in their respective regions and beyond and, constituted a powerful advocacy force on the ground. They effectively influenced national land policy processes, providing technical expertise in their country and across the continent and taking an active part in the global land debates.

#### 5.1.2. Knowledge generation in support of African land policy processes

Successful development and implementation of land policies needs to be supported by research in areas where knowledge gaps are identified. Deciding on research topics and objectives is critical to linking research to decision making. In the context of developing and implementing the AU Agenda on Land, strong research activities were conducted on strategic issues with a view to informing the overall process. Some of the valuable research which was conducted and published include the following :

- Land policy in Africa (Background document): This report provided a solid basis for the conceptualization and drafting of the Framework and Guidelines on land policy in Africa ;
- Regional assessments of land policy: these eight regional reports on land issues and status of land policy

processes formed the basis for a continental approach on land governance, through building on communalities, while allowing the drafters of the F&G to take into consideration regional specificities. The regional assessment reports also provide elements of a baseline for measuring progress in land policy development and implementation in Africa ;

- Large scale land-based investments in Africa: the document provides an overview of the status of LSLBIs in Africa and discusses the opportunities and challenges associated with the increasing demand of African farmlands by investors. The findings of the study informed the development of Guiding principles on LSLBIs in Africa ;
- Tracking progress in land policy formulation and implementation in Africa: the report is a preliminary reflection on the issue of monitoring and evaluation of land policy in Africa which is still at an embryonic stage across the continent ; and
- Land and ethnicity in Africa: this report is a piece of work that reflects the current land situation on the continent. The study produces a comprehensive assessment of land conflicts and establishes the relationship between land, ethnicity and conflicts.

#### 5.1.3. Progress in land policy development in Africa

The process of developing land policy is very slow. From experience, it takes between 5 and 10 years to complete the whole process of preparation of a comprehensive land policy, taking into account the steps outlined in the F&G. If 2006 is considered the baseline, the number of land policies developed was increased from approximately 4 or 5 to at least 19 land policy documents in Africa. Some countries like Rwanda and Tanzania reviewed and updated their national land policy. Other countries are in the process of discussing their national land policy and might validate and adopt it in the next coming months or years.

This significant progress in land policy seems to be contradicted by the weak level of awareness about the AU Agenda on Land at country level. This raises the issue of attribution of the progress achieved. It is to be noticed that lead consultants who worked on the development of national land policies were often from the informal network which resulted from the LPI/ALPC process. The experts are recruited by development partners in their own capacity, and usually they make reference to both the F&G and VGGTs. In other cases, the F&G or VGGTs are not mentioned specifically, but the key principles they convey are fully endorsed by the experts and civil society advocates involved.

Table 4 : Adopted national land policy documents in Africa

Country	Date	Denomination	Links
Botswana	July 2015	National land policy	<a href="http://extwprlegs1.fao.org/docs/pdf/bot196817.pdf">http://extwprlegs1.fao.org/docs/pdf/bot196817.pdf</a>
Burkina Faso	September 2007	Politique nationale de sécurisation foncière en milieu rural	<a href="https://www.agriculture.bf/upload/docs/application/pdf/2018-01/politique-nationale-de-securisation-fonciere-en-milieu-rural.pdf">https://www.agriculture.bf/upload/docs/application/pdf/2018-01/politique-nationale-de-securisation-fonciere-en-milieu-rural.pdf</a>
Burundi	September 2008	Lettre de politique foncière	<a href="http://extwprlegs1.fao.org/docs/pdf/bur170203.pdf">http://extwprlegs1.fao.org/docs/pdf/bur170203.pdf</a>
Cote d'Ivoire	January 2017	Déclaration de politique foncière	<a href="http://foncierural.ci/images/pdf/Politique_fonciere.pdf">http://foncierural.ci/images/pdf/Politique_fonciere.pdf</a>
Ethiopia	July 2005	Rural Land Administration and Land Use Proclamation	<a href="http://extwprlegs1.fao.org/docs/pdf/eth95459.pdf">http://extwprlegs1.fao.org/docs/pdf/eth95459.pdf</a>
Ghana	June 1999	National land policy, review processes have been undertaken and new land administration systems initiated	<a href="http://www.lla.gov.lr/web/index.php/publications/resource-center">http://www.lla.gov.lr/web/index.php/publications/resource-center</a>
Kenya	August 2009	National land policy	<a href="http://extwprlegs1.fao.org/docs/pdf/ken163862.pdf">http://extwprlegs1.fao.org/docs/pdf/ken163862.pdf</a>
	October 2017	National land use policy	<a href="https://www.lands.go.ke/wp-content/uploads/2018/06/SESSIONAL-PAPER-NO.-1-OF-2017-ON-NATIONAL-LAND-USE-POLICY.pdf">https://www.lands.go.ke/wp-content/uploads/2018/06/SESSIONAL-PAPER-NO.-1-OF-2017-ON-NATIONAL-LAND-USE-POLICY.pdf</a>
Liberia	May 2013	Land rights policy	<a href="https://www.land-links.org/wp-content/uploads/2013/05/Land-Rights-Policy-Draft_4.14.13_Version-for-Pres-Cabinet-May-17_0.pdf">https://www.land-links.org/wp-content/uploads/2013/05/Land-Rights-Policy-Draft_4.14.13_Version-for-Pres-Cabinet-May-17_0.pdf</a>
Madagascar	February 2015	Lettre de politique foncière	<a href="http://extwprlegs1.fao.org/docs/pdf/mad163912.pdf">http://extwprlegs1.fao.org/docs/pdf/mad163912.pdf</a>
Mali	April 2014	Politique foncière Agricole	<a href="http://extwprlegs1.fao.org/docs/pdf/ml1173848.pdf">http://extwprlegs1.fao.org/docs/pdf/ml1173848.pdf</a>
Malawi	January 2002	National land policy	<a href="http://http://extwprlegs1.fao.org/docs/pdf/bur170203.pdf">http://http://extwprlegs1.fao.org/docs/pdf/bur170203.pdf</a> <a href="http://extwprlegs1.fao.org/docs/pdf/mlw169537.pdf">http://extwprlegs1.fao.org/docs/pdf/mlw169537.pdf</a>
Mozambique	October 1995	National land policy	<a href="http://extwprlegs1.fao.org/docs/pdf/moz62325.pdf">http://extwprlegs1.fao.org/docs/pdf/moz62325.pdf</a>
Niger	October 2021	National land policy and land use plan	<a href="http://www.anp.ne/article/niger-le-gouvernement-adopte-un-document-de-la-politique-fonciere-rurale-du-pays">http://www.anp.ne/article/niger-le-gouvernement-adopte-un-document-de-la-politique-fonciere-rurale-du-pays</a> (Adopted policy document not available online yet)
Rwanda	June 2019	National land policy	<a href="http://extwprlegs1.fao.org/docs/pdf/rwa195925.pdf">http://extwprlegs1.fao.org/docs/pdf/rwa195925.pdf</a>
Sierra Leone	August 2015	National land policy	<a href="http://extwprlegs1.fao.org/docs/pdf/sie155203.pdf">http://extwprlegs1.fao.org/docs/pdf/sie155203.pdf</a>
South Africa	April 1997	White Paper on South African Land Policy	<a href="https://www.gov.za/sites/default/files/gcis_document/201411/whitepaperlandreform.pdf">https://www.gov.za/sites/default/files/gcis_document/201411/whitepaperlandreform.pdf</a>
Tanzania	June 1995	National land policy Revised in 2016	<a href="http://www.tzonline.org/pdf/nationallandpolicy.pdf">http://www.tzonline.org/pdf/nationallandpolicy.pdf</a>
Uganda	February 2013	National land policy	<a href="http://extwprlegs1.fao.org/docs/pdf/uga163420.pdf">http://extwprlegs1.fao.org/docs/pdf/uga163420.pdf</a>
Zambia	May 2021	National Land Policy	<a href="https://www.mlnr.gov.zm/?wpfb_dl=127">https://www.mlnr.gov.zm/?wpfb_dl=127</a>

#### 5.1.4. Valid tools in support of land governance

In the context of the implementation of the AU Agenda on Land, very important tools were developed and made available to AU Member states. These tools include :

- The Framework and Guidelines on land policy in Africa (F&G): this document synthesizes key lessons learned in the field of land policy development, implementation and monitoring across Africa. Therefore, it provides appropriate guidance to Member states and African experts on how to conduct their national land policy processes ;
- Guiding Principles on LSLBIs : As AU Member States were not prepared to handle the surge of increasing demands for African farmlands, the tool provides guidance to African governments on how to maximize the opportunities of land-based investments while minimizing associated risks ;
- The Monitoring and Evaluation of Land governance in Africa project (MELA) ; and
- Guiding principles on curricula development: Learning institutions are those who train land experts and profes-

sionals across the continent. A dedicated research commissioned by the ALPC identified that the curricula used by learning institutions in their training programs had important gaps which needed to be addressed if training programs are to address the complex African land governance issues. The Guiding principles for curricula development offered appropriate guidance to African Universities in their current efforts to review or develop their curricula on land Governance<sup>49</sup>.

#### 5.1.5. Continental platform on land governance in Africa

A major achievement of the ALPC is the convening of the Conference on Land Policy in Africa (CLPA). The CLPA is a periodic, every two years, land policy learning event, organized around specific themes, whose goal is to deepen capacity on land policy in Africa. The event provides a unique opportunity to share knowledge and information on land governance in Africa and has become the premier conference on land issues in Africa for both academics and policy makers.

Table 5 : Editions of the Conference on Land Policy in Africa

Edition	Theme
Inaugural/ 2014 (11- 14 November)	The next decade of land policy in Africa : ensuring agricultural development and inclusive growth
Second/ 2017 (14- 17 November)	The Africa We Want : Achieving socioeconomic transformation through inclusive and equitable access to land by the youth
Third/ 2019 (25- 29 November)	Winning the fight against Corruption in the Land Sector : Sustainable Pathway for Africa's Transformation
Fourth/ 2021 (2- 4 November)	Land governance for safeguarding art, culture and heritage towards the Africa We Want

### Conference on Land Policy in Africa, CLPA-2019

"Winning the fight against Corruption in the Land Sector: Sustainable Pathway for Africa's Transformation"



MONDAY, NOVEMBER 25, 2019 TO FRIDAY, NOVEMBER 29, 2019

Abidjan, Cote d'Ivoire

Table 6 : Synthesis overview of implementation Status of AU Declaration on land

■ Significant Progress  
■ In progress  
■ Embryonic stage

Below is a summary of the analysis of the authors of this report based on the data and information gathered from across the RECs and countries during this assessment. We acknowledge that the indications of progress are broad and subjective and that there are significant differences between countries. We hope, however, that this overview stimulates debate on where improvements are needed.

Commitment	Who ?	Progress in implementing Agenda	Comments
Prioritize, initiate and lead land policy development and implementation processes in our countries, notwithstanding the extent of multi-stakeholder contribution to such processes involving also civil society, private sector	Heads of State and Government	In progress	More countries developed land policy documents since adoption of AU Agenda However very limited progress in implementing such policies
Support the emergence of the institutional framework required for the effective development and implementation of land policy and implementation	Heads of State and Government	Embryonic stage	Persisting conflicts of competences between Ministries/ agencies in charge of land administration Limited initiatives by member states (or initiatives do not result in changes to policy) to review improve the institutional framework
Allocate adequate budgetary resources for land policy development and implementation processes, including the monitoring of progress	Heads of State and Government	Embryonic stage	No significant progress. Too much dependence on donors and underfunding of key land functions and reforms. <b>NB:</b> Resources provided by AfDB in support of Nairobi Action plan
Ensure that land laws provide for equitable access to land and related resources among all land users including the Youth and other landless and vulnerable groups such as displaced persons	Heads of State and Government	Embryonic stage	No significant provisions regarding access of the youth to land in national legislation. Established customary norms and economic marginalization of the youth and migrants leave them out of land rights opportunities.
Strengthen security of land tenure for women which requires special attention	Heads of State and Government	In progress	Advocacy campaign, including along Kilimanjaro Initiative. Poor data available. Commitments made, also at national levels, but insufficient data to assess actual progress. Data that does exist shows continued marginalization of women.
Work towards the establishment of an appropriate institutional framework to provide coordination of follow up activities and facilitate mutual learning by Member States as they develop/ review their land policies in accordance with the Framework and Guidelines	AU Commission in collaboration with the RECs, UNECA, AfDB and other partners	Significant Progress	Transformation of the Land Policy Initiative (LPI) into African Land Policy Center (ALPC). Good progress in work on AUC Land Governance Strategy. Few RECs have taken this up, but IGAD and ECOWAS show the potential when RECs engage
Take measures for the establishment of a fund to support follow up activities to promote land policy development and implementation	AU Commission in collaboration with the RECs, UNECA, AfDB and other partners	Embryonic stage	No progress in securing resources by African institutions/ Member states in support of AU Declaration on land A study on the potential for a financing mechanism was initiated by AfDB, but results did not meet expectations
Undertake measures for the establishment of mechanisms for progress tracking and periodic reporting by Member States on progress achieved	AU Commission in collaboration with the RECs, UNECA, AfDB and other partners	In progress	Research on progress tracking of land policy in Africa MELA project conceptualized; pilot phase launched Support to Niger in M&E of land policy
Convene periodic regional platforms to facilitate experience sharing, lessons learnt and dissemination of best practices in land policy formulation, implementation and monitoring based on members states experiences	Regional Economic Communities	In progress	Initiative started in support of Mainstreaming land in the programs/ strategies of the RECs. Limited outcomes IGAD project could be considered a good example of what can be achieved Potential for enhanced implementation of AU Agenda
Appropriately capture and address issues of land policies within their respective common agricultural policy framework	Regional Economic Communities	In progress	There has been good attention to land in CAAPD. ECOWAS-led initiatives made a good effort and IGAD is a good example of what can be achieved. There is a lot of room for improvement and integration in agricultural policies for more impact at country level Too many RECs and agricultural policies ignore land.
Review their land sectors with a view to developing comprehensive policies which take-into-account their peculiar needs	AU Member states	Significant Progress	Since adoption of AU Agenda on Land, significant progress was made with regard to land policy development
Build adequate human, financial, technical capacities to support land policy development and implementation	AU Member states	In progress	There has been progress with NELGA, but continued and greater human capacity development and improved financial commitments are essential for effective implementation
Take note of the steps outlined in the Framework and Guidelines on Land Policy in Africa for their land policy development and implementation strategies	AU Member states	In progress	Poor awareness of F&G on the ground <b>NB:</b> Need to further discuss attribution
Carry out studies on the establishment of an appropriate institutional framework that can support Member States in their efforts towards reviewing, developing and implementing land policies including mechanisms for progress tracking and reporting, as well as for the establishment of an African Fund for Land Policy, and report thereon to the ordinary session of the Assembly in June/July 2010	AU Member states	Significant Progress	Periodic reports made to the Conference of AU Specialized technical committee (STC) on Agriculture, Rural Development, water and environment Decisions on land governance made by STC

## 5.2. Key challenges in implementing AU Agenda on Land

Despite the above-discussed achievements, it is important to identify and reflect on some of the most important challenges in the implementation of the AU Agenda on Land. Some of the identified challenges include the those discussed below.

### 5.2.1. Limited ownership of continental land Agenda at country level

The AU Declaration on land was adopted by the African Heads of State and Government during their thirteenth Ordinary Session held in July 2009. The Declaration showed strong commitment of the African leadership to improved land governance. However, there seem to be a disconnection between the Declaration made at continental level and the reality at country level. The following are some of the main identified challenges surrounding the efficiency of the implementation process of the AU Agenda on Land.

- The turnover in African leadership in the context of democratic elections. Since 2009, the continent experienced several changes of leadership, in a democratic manner or not. Despite the well-known principle of government continuity, the change of leadership affected the political commitment and momentum in dealing with land issues at country level.

- How to ensure that decisions and commitments on land taken at continental level are popularized at national levels. The Heads of State and Government who make commitments are not engaged themselves in the popularization of these decisions. As a result, only a very limited number of national policy advisors and experts are aware of the decisions and commitments made by their respective Governments. To complement the efforts of National Governments, it is a responsibility of the AU organs to disseminate and popularize AU high-level commitments and explain what the gains are for each individual country and for the normal citizen. Engaging the traditional media as well as making use of the social media are of critical importance in this regard. Outreach campaigns need to be promoted at country level in collaboration with the RECs, in place of the usual continental workshops which reaches a very limited number of persons per country (usually only 2 or 3 for a continental workshop).

- Competition in promoting global and continental tools. Most global land tools are developed, targeting mainly the African continent. Obviously, there is a competition for example between the VGGTs and the F&G. While the VGGTs are supported by a solid network of FAO country offices and development partners, the AUC is not represented at country level. In fact, there should not be any competition between global and continental tools, as both aim at improving the governance of land resources. The right approach lies in the promotion of synergy and cooperation, as is the case for SDGs and Agenda 2063. An initiative was jointly developed by ALPC and FAO in support of the joint implementation of the VGGTs and F&G.

### 5.2.2. Heavy dependency on partners resources

In their Declaration on land, the African Heads of State and Government resolved to "allocate adequate budgetary resources for land policy development and implementation processes, including the monitoring of progress". Ten years after this commitment, African countries still heavily rely on projects funded by development partners to develop and implement their national land policy. However, few countries including Ethiopia and Rwanda contribute to funding their national land programs through significant budgetary allocations.

It is important to take note that donor resources are not neutral: they require alignment to donor priorities and usually come with explicit or implicit conditionalities. This has at times also led to competing and not well aligned initiatives as implementors follow funding, rather than the strategic direction set in response to land governance needs. The reliance on donors, even when donors do not put conditionalities, creates an impression of land initiatives being driven from outside the country, rather than as nationally owned and controlled process. This is a challenge for the credibility of some of these processes.

While very important resources are allocated by development partners in support of land governance, concrete achievements continue to fall short of expectations. There is a need to question the cost-effectiveness of Aid in the land sector. This is a good opportunity to recall the key principles conveyed by the Paris Declaration on aid effectiveness (see Table 7).

Table 7 : Key Paris Declaration Principles on Aid.

Principles	Comments
Ownership	Developing countries set their own development strategies, improve their institutions and tackle corruption
Alignment	Donor countries and organizations bring their support in line with these strategies and use local systems.
Harmonization	Donor countries and organizations co-ordinate their actions, simplify procedures and share information to avoid duplication
Managing for result	Developing countries and donors focus on producing and measuring results
Mutual accountability	Donors and developing countries are accountable for development results

Source : The Paris Declaration on Aid Effectiveness: Five Principles for smart Aid

Good practice that was employed in some countries involved coordination of donors with government in support of the agreed land reform and administration programs. Donor platforms on land have in some cases played a key role in bringing about such coordination, but they have required the commitment of donors and normally worked best when one of the key donors in the country took a lead and could bring other donors with them in the processes.

### 5.2.3. Limited progress in the field of Monitoring and evaluation of land policy

Activities in support of the implementation of the AU Agenda on Land addressed issues of monitoring and evaluation of land policy in Africa. Research was undertaken and a major

project, the MELA was piloted to gather data for establishing baseline for progress tracking. However very little was achieved on the ground despite the needs strongly expressed by member states. Despite the lack of implementation, considerable work went into the MELA design and this could be built on in reviving a monitoring and evaluation process for land policy and governance in Africa. Other initiatives that have developed over the last years, dealing with land data gathering and monitoring should also be drawn on. These include the work on the metadata and methodologies for assessing progress on the SDG related indicators<sup>50</sup>, Prindex (<https://www.prindex.net/>) and Landex (<https://www.landexglobal.org/en/>) that both have developed and tested methodologies for gathering land rights and governance data to monitor progress in these.

## 6. Recommendations toward improved land governance in Africa

These recommendations first propose the broad areas of land governance that we suggest as the focus issues for the coming ten years at a continental level. This is informed by the structural trends impacting land and the current state of land policies, governance and land reform implementation in African countries. Secondly, recommendations are made for the roles of particular groups and forms of institutions.

The main structural issues are rapid urbanization, the youth population bulge, technology changes, and increased pressures on land from population growth, environmental damage and investments. This all increases the importance of effective land governance and administration that is adjusting to the changing circumstance. The combined pressures on land could drive increased inequality, landlessness and conflict if not well managed. New technologies offer new opportunities, but they also bring risks that need to be understood and managed.

In terms of the state of land governance and reforms, we see that progress has been made across most countries, but challenges remain and there is need to shift into a new phase in order to build on the previous steps and respond to new

challenges and opportunity. An overarching shift in this regard is from the focus on getting land policies in place, to ensuring that supportive legislation is in place, and from there that suitable institutions and land administration systems and programs are in place to give effect to these policies and laws. At the same time, based on lessons learnt from implementation, land policy often needs to be reviewed and adjusted. One of the areas of work that needs such a shift and serves as a good example of the new challenges, is women's land rights. Most countries now have policies and laws against gender discrimination and most land policies have stated intentions, some with set targets, for improving the proportion of land women have rights to and the representation of women in land decision making. But, there are serious challenges in turning these commitments into reality and no country (aside from Rwanda) has any comprehensive data on the extent to which this intentions and targets are being met. Likewise, many countries now give policy and legal recognition to customary and community land rights and governance, but no country has in place a unified land administration and information system for customary land.



### 6.1. Land governance focus areas

#### 6.1.1. Women's land rights

- Continue to promote and support the development of land policy positions and programs that have commitments to the advancement of women's land rights and women's participation in land governance towards a gender equitable land system ;
- Support the development of land administration and land information systems that facilitate and track the advancement of women's land rights and gender equality in land rights and administration ;
- Support the implementation and monitoring of gender balanced customary land administration systems that give an equal voice to women in land related decision making ;
- Put in place Africa wide data compilation along with processes to monitor, learn from and discuss progress and challenges in the advancement of women's land rights.

#### 6.1.2. Addressing pressures on land and the need for investments in land that work for African progress

- Monitor the range of land pressures and their outcome, such as land fragmentation, landlessness and inequality.;
- Promote the Guiding Principles on LSLBIs and defend land and natural resources from socially and ecologically destructive investments including through applying the principle of Free Prior and Informed Consent from those who will be affected by any investments, before the investments are approved and implemented ;
- Seek models that unlock the land-based investments of and benefits to African farmers, local businesses, and communities ;
- Give greater attention to redistributive land reforms that address historically created land inequalities and injustices.

#### 6.1.3. Monitoring and evaluation systems

- Monitoring and evaluation is critical in land governance to plan and track progress and draw out lessons that can be shared and inform the improvement of practices going forward ;
- Work already done, such as on MELA, needs to be picked up and built on for the development and promotion of effective monitoring and evaluation tools and coordination to enable a continental level perspective.

#### 6.1.4. Effective land governance in an urbanizing continent

- Assess the urban land governance situation and identify key lessons and challenges ;
- Secure and protect land rights of low-income and marginalized urban households ;
- Share learning about urban land governance and planning ;
- Develop, test, and promote improved processes of urban land use planning.

#### 6.1.5. Youth rights and access to land

- Understanding and addressing obstacles to youth land access and rights;
- Drawing lessons from previous and ongoing national experiences and developing a continental youth strategy to address the obstacles youth face in accessing land;
- Mobilization of youth movements to shape and then support the youth strategy on land.

#### 6.1.6. Reviewing and aligning legislation and regulations with land policies

- Carrying out systematic review of all land and related regulations;
- Drafting and putting in place new or amended legislation and related regulations;
- Winning political/parliamentary support for legislative amendments;
- Mobilizing technical and financial support for such reviews.

#### 6.1.7. Securing customary and communal land rights with just and equitable land administration

- Continue to promote the legal recognition of customary and communal land systems;
- Share and support further development of effective communal land governance and administration that balances customary practices with equity and inclusion;
- Ensure resources – human and financial – are available for effective communal land governance.

#### 6.1.8. Budgeting for land reform and administration

- Securing budget commitments for effective financing of required land reforms and ongoing land administration;
- Document and share best practice examples that show the financial returns and other benefits of investing budgets in improved land administration;
- Establishing functioning donor land platforms for the coordination of development partners support in line with agreed land priorities;
- Look at ways to generate revenue through progressive land and wealth taxes that can also promote more equitable land distribution.

#### 6.1.9. Continent wide land information gathering, compilation and sharing

- Develop land information systems for national government use that can provide common, comparable and compile able land data across the continent;
- Engage with national statistical organizations on the amendment of surveys and census to include key land rights information;
- Compiling this data at an Africa level in support of tracking, to inform policy processes and for purposes of learning;
- Transparency of information as part of effective and accountable land governance.



## 6.2. For continental institutions

In relation to the above focus issues and for the overall refinement and implementation of the AU Agenda on Land, we recommend the follow potential roles for continental institutions and follow that with identify roles for other actors.

### 6.2.1. The ALPC Drives and Coordinates

- Facilitate the development of continental positions on strategic land issues;
- Mobilization of a diversity of stakeholder, including members states and RECs, to shape the AU Agenda on Land and support its implementation;
- Sharing of experiences between countries can be one of the most valuable forms of assistance. This can be done through documenting experiences and best practices and organizing the sharing of these and dialogues about them;
- Regular interaction between land governance actors from state and non-state entities builds the land community and facilitates more sharing and joint action;
- Organize to fill knowledge in areas such as best use of new digital land administration systems, fit for purpose customary land administration, and the challenges of land governance in the context of rapid urbanization.

### 6.2.2. Prepare/ disseminate popular versions of F&G and AU Declaration on land

- Undertake participatory review of F&G and Declaration on land; Update based on major changes which occurred in the land sector during the last decade;
- Prepare/ test / validate popular versions around key themes of F&G (Land policy Development; implementing land policy; Tracking progress...);
- Develop related practical tools (How to develop a land policy...);

- Develop Guidelines on mainstreaming land in the programs/ strategies of RECs.

### 6.2.3. Fund on land Governance

- AU to Conduct a study on sustainable funding of land governance in Africa;
- Create a Database on funding opportunities (globally) in support of land governance;
- Work toward the establishment of an African land governance Fund to be hosted by AfDB.

### 6.2.4. Enhance synergy and cooperation on land governance amongst continental institutions

- The strength of the African initiative on land was based on the fact that the tripartite consortium joined hands to conduct the African process on land. It is desirable that similar dynamic emerge taking into consideration institutional changes within each continental organizations. The African Conference on land provides a good platform for collaboration and synergy building among African institutions;
- Facilitate establishment of an African Network of experts on land governance. The development and implementation process of the AU Agenda on Land resulted in an informal network of African experts across the continent. This network need to be reactivated and formalized in order to facilitate mutual learning, and coordinate technical assistance to member states.
- Strengthen synergies and coordination between the AU/ ALPC and key development partners engaged in improving land governance in Africa, including through joint implementation of the African and global frameworks on land.

## 6.3. For the RECs

### 6.3.1. Develop regional programs on land, including strengthening human resource capacity on land governance

- The RECS constitute a strategic articulation point between the continental level where commitments are made and the national level where land policies are developed and implemented. Specific land programs with at least a regional land expert need to be facilitated at the level of the RECs taking into consideration the regional specificities as well as the needs of the RECs member states;
- The RECs need to be supported to mobilize their own resources to fund their land governance program;
- Bring together land decision makers, administrators and stakeholder to share experiences and collaborate on common issues of importance for the region.

### 6.3.2. Organize a periodic regional land event among Member States focused on experience sharing and dissemination of best practices

- The RECs need to work toward the convening of periodic regional land conferences taking place between the editions of the African land Conference;
- Such platform should serve exchange of experiences between practitioners and support resource mobilization in support of national land governance processes.

### 6.3.3. Develop and utilize land capacity in the region

- Identify expertise and network people and institutions (from academia, civil society, private sector and different levels of government) with different skills within the region;
- Put in place training, sharing and education processes (in collaboration with NELGA where possible) focused on increasing land skills needed in the region and its member states.

## 6.4. For member states

### 6.4.1. Focus more on implementing adopted land policies

- AU Member states need to focus more on implementing their national land policy through effective land governance and administration structures and systems that cover the whole country;
- Put in place supportive legislation and regulations needed for land policy implementation;
- Specific attention need to be paid to computerizing land records and to promoting land information systems that recognize and give equal weight to customary, informal, and individualized formal land rights;
- Put in place regulations and redistribution programs that will stop and reverse rising land inequality and landlessness.

### 6.4.2. Monitoring and evaluation of land policy

- Each member state need to conduct a systematic monitoring and evaluation of its land policy, using harmonized indicators at regional if not at continental level;
- Member states need to gather and make available disaggregated data on land rights, including sex disaggregated to clearly show the women's land rights gap or progress (taking into account the 30% target). This needs to improve integrated national land information systems based on administrative data and the involvement of national statistical agencies to include land data in national surveys.

### 6.4.3. Budget for land reforms and land administration

- Commit required budgets for effective and ambitious land reforms and land administration;
- Analyze the full budget needs and build the case for this use of public funds. Monitor the impact and returns of this land governance spending;
- Explore and then implement progressive land/wealth/property taxes that discourage large land holding and speculation and create revenue and incentives for redistribution and more equitable land holding.

## 6.5. For the CSO Platform

### 6.5.1. Expand/ strengthen the CSO Platform membership;

- It is important to broaden the membership and base of the Platform in order to draw more CSOs into the influencing of land policy at an African level as well as for them to be involved in mobilizing for and supporting implementation down to the local level;
- Organize information dissemination and training processes to increase the knowledge base of CSOs working on land.

### 6.5.2. Develop a Campaigns on priority issues (i.e. strengthening the land rights of women and the youth)

- CSOs can play an important role in moving land

governance forward by organizing campaigns focused on particular priority issues. Over the coming year it is hoped that the various issues suggested as priorities above could get focused campaigning attention;

- Improved land rights and land administration that works for women and youth could be a good starting point building on the work done on women's rights and starting to generate more attention to the plight of youth and the role land for youth can play;
- Developing a campaign on budget commitments for land reform and land administration could also be useful;
- Campaign skills development will strengthen such campaigns and the CSO's capacity for their own national and local campaigning.

### 6.5.3. Conceptualize and mobilize resources for participatory monitoring of AU Agenda on Land

- CSOs have a critical role to play in demanding transparency and ensuring honest monitoring of land policy governance progress and challenges;
- Country pilots and engagement with the structuring and roll out of a continental monitoring and evaluation system;
- Creating dialogue around the findings of monitoring at national and continental levels can play a valuable role in disseminating and engaging with the information and also serve to raise concerns when there is a lack of transparency and failures in relation to securing land rights.

## 6.6. For development partners

### 6.6.1. Support to regional land governance programs

In collaboration with ALPC, Development partners need to support regional land governance initiatives. This can be done through building on and improving land programs already developed by the RECs with support of the ALPC.

### 6.6.2. Promoting participatory monitoring and evaluation of land policy

Development partners need to pay appropriate attention to promoting systematic participatory monitoring and evaluation of national land policies with a view to learning from successes and failures in implementation and helping governments to take timely appropriate measures.

6.6.3. Establishing donor platforms on land  
Development partners are encouraged to establish national donor platforms in close consultation with Governments and in partnership with CSOs. This could result in improved donor coordination in the land sector and more efficient utilization of resources.

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## Conclusion

Significant progress has been made in promoting pro-poor land policies, improving land rights, governance and administration in a range of countries in Africa over the last decade. Although it is not always easy to show the direct drivers of these changes, we are confident that the AU Agenda on Land and related continental and regional initiatives have influenced and assisted in achieving these improvements. There is now widespread agreement from continental to country level on the need for effective, transparent and equitable land governance, including agreement on the need to address specific issues, such as the lack of legal recognition of customary land rights and the continued discrimination against women.

There are of course many challenges that remain and turning the policy commitments into changes in people's lives across the continent needs to be the priority going forward. In achieving the much needed implementation, the energy and skills of a wide range of actors can bring greater progress with the application of their different strengths. This will involve organizations and people with different interests and opinions, as well as different styles and ways of working. What is important is to be working in a broadly common direction. The AU Agenda on Land helps to provide this common direction and should be taken forward in the interests of a just and equitable land system that maximizes the value of land for the largest number of African people and addresses the key developing challenges of poverty, hunger and inequality. A long-term vision enables different pieces of work to contribute to the holistic and sustainable solutions that can unlock the development potential of land in Africa. At the same time, focused work on particular priority issues is needed to make progress. We hope that suggestions in this report can assist stakeholders to improve their work on improving land governance and to agree on the focus for that work in the coming decade.

## 8. ANNEXES

### 8.1. Country profiles

#### 8.1.1. BURKINA FASO

TOPIC	INFORMATION
Background information	<p><b>Government portal :</b> Accueil – Gouvernement du Burkina Faso  <b>SIG :</b> Service d'Information du Gouvernement – Burkina Faso  <b>Area :</b> 274 200 km<sup>2</sup>  <b>Population :</b> 20 487 970  <b>Women :</b> 51,7% / Men 48,3%  <a href="#">RAPPORT_PRELIMINAIRE_RGPH_2019.pdf (insd.bf)</a></p> <p><b>History :</b> Burkina Faso, previously known as Haute Volta is a former French colony. The territory was constituted by the French colonial power in 1919, dismantled in 1932 and joined to the Colonies of Mali, Niger and Cote d'Ivoire, before being reconstituted in 1947 in its current frontiers. A significant turning point in the History of Burkina Faso was the brief Sankarist revolution (1983- 1987), followed by period of political instability with successive military coups and popular insurrections. The Sankarist revolution impacted deeply different areas of the countries development, including land sector.</p> <p>The "Réorganisation agraire et foncière" (well known as RAF) was promulgated in 1984 and revised several times. In 2007 a rural land policy was adopted followed by a rural land law framework in 2009. While acknowledged as an innovative and pro-poor, the implementation of the rural land law on the ground remains a major challenge.</p>
Key land issues which need to be addressed	<ul style="list-style-type: none"> <li>- Implementation of the land law, specifically the rural land law. An umpteenth revision of the law is being prepared;</li> <li>- Conflicts of competencies and poor institutional coordination between Ministries dealing with land policy and reform;</li> <li>- Emergence of real estate development companies, who fuel the rapid dispossession process of local communities from their land heritage;</li> <li>- Land conflicts.</li> </ul> <p><b>Le foncier dans l'agenda des candidats à l'élection présidentielle   GRAF (graf-bf.org)</b>  <b>La question du foncier, problématique et solutions : La CODEL dans les régions pour un suivi citoyen   CODEL Burkina</b></p>
Land tenure and administration	<ul style="list-style-type: none"> <li>- Land ownership is distributed between the State, local governments and individuals</li> <li>- Customary-based land rights are recognized and need to be certified for proper security</li> </ul> <p><b>05_fiche-pays-Burkina.indd (foncier-developpement.fr)</b>  The land administration system is based and the nationalization of the colonial land registration system (immatriculation foncière)</p>
Policy and legal Frameworks	<p><b>Constitution :</b></p> <ul style="list-style-type: none"> <li>- The Constitution recognizes property rights. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law</li> <li>- Discrimination of all sorts, notably those founded on race, ethnicity, region, color, sex, language, religion, caste, political opinions, wealth and birth, are prohibited</li> <li>- The law establishes the rules and procedure according to which custom (including customary land right)] may be asserted and harmonized with the fundamental principles of the Constitution;</li> </ul> <p><b>Constitution du BURKINA FASO (wordpress.com)</b>  <b>Loi 072 portant révision de la constitution (assembleenationale.bf)</b></p> <p><b>Land policy :</b>  Adopted in 2007 through a participatory process. Focus on securing the land tenure rights of rural population and communities through a land certification process  <b>politique-nationale-de-securisation-fonciere-en-milieu-rural.pdf (agriculture.bf)</b></p> <p><b>Land law :</b> This law brings a radical change in the land legislation in Burkina Faso for rural lands. It aims at securing the land rights of the rural producers, with focus on smallholder farmers.  <a href="http://hubrural.org/IMG/pdf/Loi_034_portant_regime_foncier_en_milieu_rural.pdf">http://hubrural.org/IMG/pdf/Loi_034_portant_regime_foncier_en_milieu_rural.pdf</a>  <b>Note-de-synthese15.indd (foncier-developpement.fr)</b>  <b>KIT IS 6.indd (landgovernance.org)</b></p> <p><b>Ongoing land policy process :</b></p> <ul style="list-style-type: none"> <li>- Ongoing land reforms with a view to addressing the deep land crisis</li> </ul> <p>Gestion du foncier au Burkina Faso : Pourquoi faut-il réformer ? – NetAfrique.net  Gouvernance foncière au Burkina : Un comité pour réfléchir sur des mesures conservatoires   Burkina Demain  Réforme foncière au Burkina Faso : des promoteurs immobiliers et propriétaires terriens donnent de la voix – FasoPIC</p> <p><b>Stakeholder participation in land policy process</b></p>

Institutional framework	<p><b>Lead land Ministry :</b>  Ministry in charge of land administration is Ministry of Finance (Directorate General for taxation)  <b>Accueil – Ministère des finances</b></p> <p><b>ACCUEIL – Direction Générale des Impôts (impots.gov.bf)</b></p> <p><b>bkf165586.pdf (fao.org)</b>  <b>Other Ministries :</b></p> <ul style="list-style-type: none"> <li>- Ministry of Urban development</li> <li>- Ministry of Agriculture</li> <li>- Ministry of territorial planning</li> </ul> <p><b>Agencies/ Commissions :</b>  <b>Local governments :</b>  Communes in charge of managing rural lands through Rural land commissions (Services fonciers ruraux)  <b>Traditional :</b>  Involved in land disputes resolution committees at village level</p> <p><b>CSO platforms</b></p> <ul style="list-style-type: none"> <li>- GRAF: GRAF   Groupe de Recherche et d'Action sur le Foncier (graf-bf.org)</li> <li>- CPF: ACCUEIL (cpf-bf.org)</li> </ul> <p>Sustainsahel – CPF – The Peasant Confederation of Faso, Burkina Faso  <b>Donors platform</b></p>
Status of land policy implementation	<p><b>Implementation strategy/ plan :</b>  <b>CHRONIQUE DU GOUVERNEMENT: GOUVERNANCE AGRAIRE ET FONCIERE – Ministère de l'Urbanisme et de l'Habitat (mhu.gov.bf)</b>  <b>Rapport-Analyse-du-Contexte_Cartographie-des-Acteurs_Version_finale.pdf (land-for-life.org)</b></p> <p><b>Implementation mechanism :</b></p> <ul style="list-style-type: none"> <li>- Projet MCA (US Government)</li> <li>Burkina ADP French Evaluation Design Report_FINAL_June 2017 (1).pdf</li> <li>- PACOF (French cooperation Agency)</li> <li>- PAGFM (World Bank- New)</li> <li>- ONEF (National land observatory)</li> </ul> <p><b>Budgetary allocation to land policy/ reform:</b>  <b>% Women land rights:</b>  Maquette manuel sécu foncière femmes (graf-bf.org)</p> <p>13.39% Women in parliament (2019) : Burkina Faso – Proportion of seats held by women in national parliaments (indexmundi.com)  % Women holding land title/ certificates: No data provided/ found  M&amp;E of land policy implementation:  LGAF study Burkina : World Bank Document  Land policy/ law review process:  Ongoing land policy reform process with a view to harmonizing land laws  <b>Partnerships :</b></p>
Influence of AU lands agenda	<p><b>Comprehensive land policy :</b></p> <ul style="list-style-type: none"> <li>- Rural land policy adopted in 2009;</li> <li>- Limited knowledge of AU Agenda on Land and related tools by stakeholders;</li> <li>- Better Awareness of VGGTs.</li> </ul> <p><b>Experts involved :</b></p> <ul style="list-style-type: none"> <li>- A member of the African task force on land (AUC) participated in the land policy and law development process.</li> </ul>
Resources :	<p>Y. G. Madiaga, O. Nao (Sous la Direction) : Burkina Faso: 100 ans d'histoire : 1895- 1995 (T. 1 &amp; 2). Paris, Karthala, 2003  Historique du Burkina Faso   Burkina Faso (burkina-faso.ca)  Peter Hochet: Historique politique des institutions foncières en Fiche Pays CTFD. P 6- 10) 05_fiche-pays-Burkina.indd (foncier-developpement.fr)</p>

## 8.1.2. CAMEROON

TOPIC	INFORMATION
Background information	<p><b>Government portal</b> : <a href="https://www.prc.cm/fr/">https://www.prc.cm/fr/</a>  <a href="https://www.spm.gov.cm/">https://www.spm.gov.cm/</a>  <b>Area</b> : 475 650 km<sup>2</sup>  <b>Population</b> : 27, 744,989 (240 ethnies)</p> <p><b>History</b> : Previously a German colony (1884- 1916), Cameroon was entrusted after WW-I by the League of Nations to France and Great Britain. The country gained its independence from both France (1960) and Britain (1961) and became a unified nation in 1972. However, the switch between colonial powers has consequences to this day (2 English/ 8 French speaking regions).  <a href="https://www.dw.com/en/cameroon-colonial-past-and-present-frictions/a-37344849">https://www.dw.com/en/cameroon-colonial-past-and-present-frictions/a-37344849</a></p>
Key land issues which need to be addressed	<ul style="list-style-type: none"> <li>- Non recognition of customary based land rights;</li> <li>- Land concessions (forests; mining; agro-investments);</li> <li>- Conflicts over land ownership.</li> </ul> <p><a href="https://www.gim-international.com/content/article/land-ownership-conflicts-in-cameroon?output=pdf">https://www.gim-international.com/content/article/land-ownership-conflicts-in-cameroon?output=pdf</a></p>
Land tenure and administration	<ul style="list-style-type: none"> <li>- Private properties are recognized and protected by state;</li> <li>- Private property applies on registered lands and freehold lands; definitive domain concessions...;</li> <li>- All lands non registered in the name of State or individuals (80% of the land) are part of the National Domain;</li> <li>- The National domain is administered by the State in order to ensure its proper development.</li> </ul>
Policy and legal Frameworks	<p><b>Constitution</b> : The Constitution of 1996 provides citizens with the right to own property individually or in association with others  <a href="https://ihl-databases.icrc.org/ihl-nat/017e3ee07f489d674dc1256ae9002e3915/\$FILE/Constitution%20Cameroon%20-%20EN.pdf">https://ihl-databases.icrc.org/ihl-nat/017e3ee07f489d674dc1256ae9002e3915/\$FILE/Constitution%20Cameroon%20-%20EN.pdf</a>  <a href="https://www.prc.cm/fr/multimedia/documents/6283-loi-n-96-06-du-18-01-1996-revision-constitution-1972-fr">https://www.prc.cm/fr/multimedia/documents/6283-loi-n-96-06-du-18-01-1996-revision-constitution-1972-fr</a>  <a href="https://www.prc.cm/fr/multimedia/documents/6284-loi-n-2008-001-du-14-04-2008-modifier-constitution-1972-fr">https://www.prc.cm/fr/multimedia/documents/6284-loi-n-2008-001-du-14-04-2008-modifier-constitution-1972-fr</a></p> <p><b>Land policy</b> :            No Land policy  <b>Land law</b> :            Ordinance No. 74-1, 1974:            Aims to attract commercial investments in the land, mineral, and forest sectors  <a href="http://extwprlegs1.fao.org/docs/pdf/cm1139.pdf">http://extwprlegs1.fao.org/docs/pdf/cm1139.pdf</a></p> <p><b>Ongoing land policy process</b> :            Discussion/ studies initiated by CSOs focusing on issue of recognition of customary based-land rights  <b>Stakeholder participation in land policy process</b> :            Initiatives developed by CSOs (CED)</p>
Institutional framework	<p><b>Lead land Ministry</b> : Ministère des Domaines, du Cadastre et des Affaires Foncières  <a href="https://kamerpower.com/fr/ministere-des-domaines-du-cadastre-et-des-affaires-foncieres-cameroon/">https://kamerpower.com/fr/ministere-des-domaines-du-cadastre-et-des-affaires-foncieres-cameroon/</a>  <a href="https://www.spm.gov.cm/site/?q=en/content/eyebe-ayissi-henri">https://www.spm.gov.cm/site/?q=en/content/eyebe-ayissi-henri</a>  <b>MINDAF</b> : <a href="https://www.camerlex.com/cameroon-organisation-du-ministere-des-domaines-du-cadastre-et-des-affaires-foncieres-23830/">https://www.camerlex.com/cameroon-organisation-du-ministere-des-domaines-du-cadastre-et-des-affaires-foncieres-23830/</a></p> <p><b>Other Ministries</b> :  <b>Agencies/ Commissions</b> :  <b>Local governments</b> :  <b>Traditional</b> :  <b>CSO platforms</b>  <b>Donors' platform</b></p>
Status of land policy implementation	<p><b>Implementation strategy/ plan</b> :            Project in support of modernization of Cadaster in Cameroon (AfDB)  <a href="https://www.ignfi.fr/fr/2019/09/26/cameroon-demarrage-du-projet-de-modernisation-du-cadastre-et-des-domaines/">https://www.ignfi.fr/fr/2019/09/26/cameroon-demarrage-du-projet-de-modernisation-du-cadastre-et-des-domaines/</a></p> <p>Ongoing project to secure land rights and accelerate the digitalization of cadaster and computerize land administration  <a href="https://actucameroon.com/2021/01/12/gestion-domaniale-cadastrale-et-fonciere-le-regime-de-la-modernisation-toujours-en-vigueur/">https://actucameroon.com/2021/01/12/gestion-domaniale-cadastrale-et-fonciere-le-regime-de-la-modernisation-toujours-en-vigueur/</a></p>

**Implementation mechanism** :  
**Budgetary allocation to land policy/ reform** :  
**% Women in parliament** : 31.11% (2019)  
 Cameroon - Proportion of seats held by women in national parliaments (indexmundi.com)  
**% Women holding land title/ certificates** : No Data provided/ found  
**M&E of land policy implementation** : LGAF Cameroon study  
<https://documents1.worldbank.org/curated/en/658361504865317431/pdf/119611-WP-P095390-FRENCH-PUBLIC-7-9-2017-9-38-23-CameroonFinalReportFrench.pdf>

**Land policy/ law review process:**  
**Partnerships** :

Influence of AU lands agenda

**Comprehensive land policy** :  
 No land policy  
 Limited awareness of AU Agenda on Land by stakeholders  
**Experts involved** :  
 Member of African Taskforce on land participate in Key land policy For a

**Resources** :

**Présentation du Cameroun**: <https://www.ambacamer.de/presentation-du-cameroon/#:~:text=Pr%C3%A9sentation%20du%20Cameroun%20Le%20Cameroun%20est%20un%20pays,sur%20une%20superficie%20de%20475%20650%20kilom%C3%A8tres%20carr%C3%A9s.>

**Histoire coloniale** : Cameroun : <https://histoirecoloniale.net/~Cameroun-422-.html>

Whose land is it? (LAW): [https://www.fern.org/fileadmin/uploads/fern/Documents/cameroon\\_eng\\_internet.pdf](https://www.fern.org/fileadmin/uploads/fern/Documents/cameroon_eng_internet.pdf)

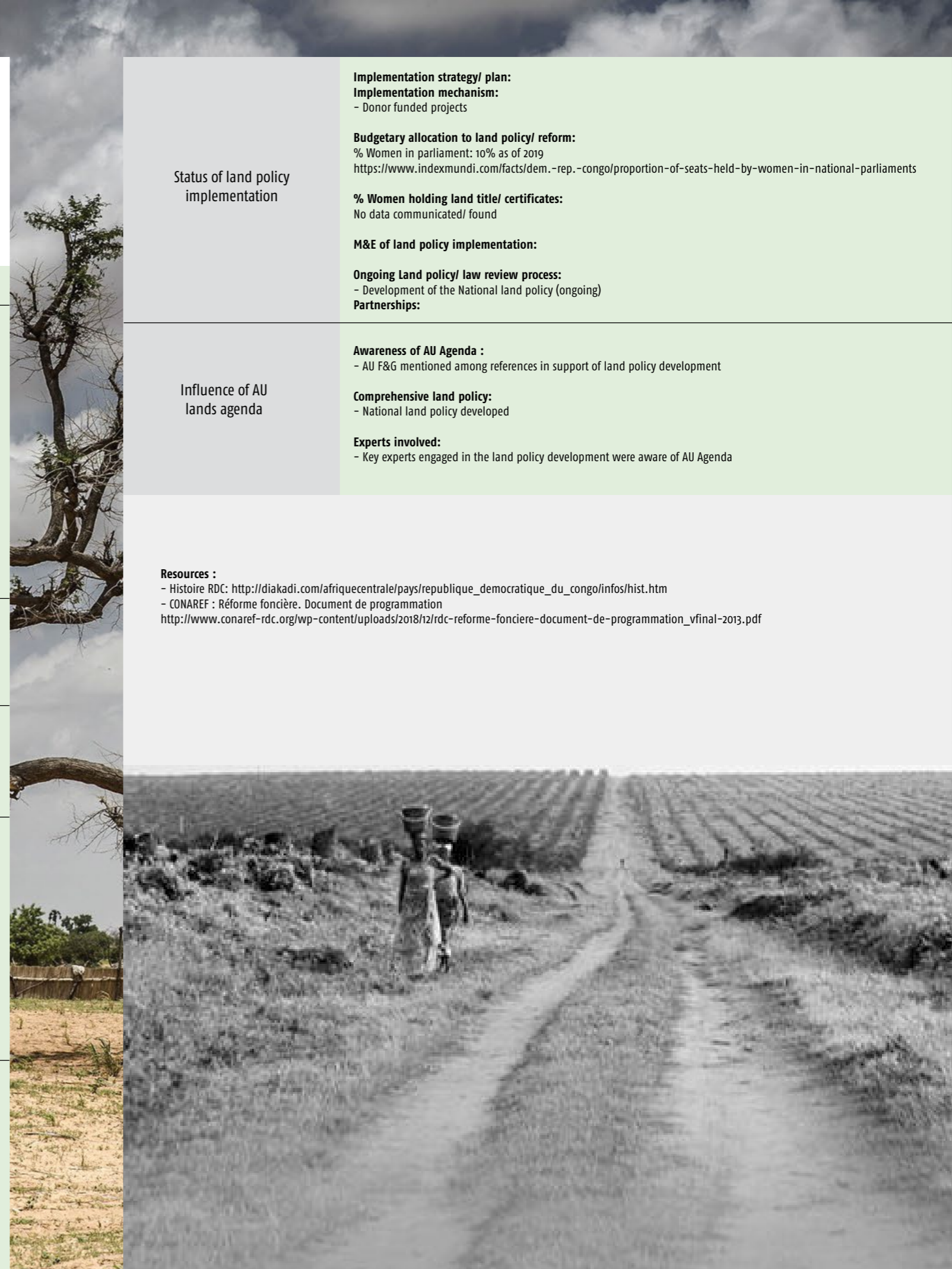
<https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Cameroun%20-%20Projet%20d%20e2%80%99appui%20%3%a0%20la%20modernisation%20du%20cadastre%20et%20au%20climat%20des%20affaires%20-%20Rapport%20d'evaluation.pdf>

Le contentieux foncier et domanial au Cameroun : <https://foncierdomaines.wordpress.com/2016/09/26/le-contentieux-foncier-et-domanial-au-cameroon-queelles-sont-les-procedures/>

Quid du foncier des domaines et du cadastre dans l'amélioration du climat des affaires au Cameroun : <https://foncierdomaines.wordpress.com/2016/05/05/quid-du-foncier-des-domaines-et-du-cadastre-dans/>

### 8.1.3. DEMOCRATIC REPUBLIC OF CONGO

TOPIC	INFORMATION
Background information	<p><b>Government portal :</b>  <a href="https://www.primature.cd/public/">https://www.primature.cd/public/</a>  <b>Area :</b> 2 345 410 km<sup>2</sup>            (Second largest country in Africa behind Algeria)  <b>Population :</b> 90 794 000 (Estimation FMI, 2021)</p> <p><b>History :</b> DRC was a former colony of Belgium The Berlin Conference (1895) created the territory as the "Etat Independent du Congo" (EIC). This territory was surprisingly owned as a private property by King Leopold II of Belgium. Later on, in 1907, the Kingdom of Belgium and King Leopold II signed a treaty to transfer the EIC to Belgium. The EIC became the colony of "Belgium Congo"            During the colonial period the wealthy territory of Belgium Congo was left to a massive exploitation of natural resources with cruel violations of human rights.            Congo achieved independence in 1960. But the country tipped into continuous political instability and violence. Until recently, DRC was at the center of deadly wars which claimed up to six million lives. The Congo wars have economic as well as a political dimensions. Fighting's were fueled mainly by the competition for control of, and access to, the huge mineral wealth. Foreign powers and multinationals, armed and manipulated local militias in order to keep control of the rich mineral resources.  <i>Source : CONAREF, Draft land policy of DRC</i></p>
Key land issues which need to be addressed	<ul style="list-style-type: none"> <li>- Land and conflicts;</li> <li>- Forest and mineral concessions;</li> <li>- Land grabbing and land speculation;</li> <li>- Land and IDPs/ refugees;</li> <li>- Deforestation and land degradation...</li> </ul>
Land tenure and administration	<ul style="list-style-type: none"> <li>- All lands are the property of the State of Congo;</li> <li>- Local communities benefit collective use rights on the lands where they are settled;</li> <li>- The rights use rights of local communities were to be further specified through a Presidential ordinance (NB: it was never adopted);</li> <li>- Natural and legal persons benefit use rights through land concessions.</li> </ul>
Policy and legal Frameworks	<p><b>Constitution :</b> 2006/ Amended 2011  <a href="file:///C:/Users/Admin/Downloads/Constitution-de-la-RDC%20(1).pdf">file:///C:/Users/Admin/Downloads/Constitution-de-la-RDC%20(1).pdf</a></p> <p><b>Land policy :</b> No land policy adopted yet            NB: formulation process of a National land policy</p> <p><b>Land law :</b> loi n°73-021 du 20 juillet 1973</p> <p><b>Land policy process :</b>            Land policy development ongoing currently. Is at final stage and requires validation (Draft policy prepared; consultations held; waiting for validation).</p> <p><b>Stakeholder participation in land policy process :</b>            Extensive multistakeholders consultations at national/ regional levels</p>
Institutional framework	<p><b>Lead land Ministry :</b> Ministre des Affaires foncières  <a href="https://cadastre.gouv.cd/">https://cadastre.gouv.cd/</a></p> <p><b>Other Ministries :</b>            - Ministère en charge de l'urbanisme et de l'habitat</p> <p><b>Agencies/ Commissions :</b>            CONAREF</p> <p><b>Local governments :</b>            Provincial Governments</p> <p><b>Traditional :</b></p> <p><b>CSO platforms</b></p> <p><b>Donors platform:</b></p>



Status of land policy implementation	<p><b>Implementation strategy/ plan:</b>  <b>Implementation mechanism:</b>            - Donor funded projects</p> <p><b>Budgetary allocation to land policy/ reform:</b>            % Women in parliament: 10% as of 2019  <a href="https://www.indexmundi.com/facts/dem.-rep.-congo/proportion-of-seats-held-by-women-in-national-parliaments">https://www.indexmundi.com/facts/dem.-rep.-congo/proportion-of-seats-held-by-women-in-national-parliaments</a></p> <p><b>% Women holding land title/ certificates:</b>            No data communicated/ found</p> <p><b>M&amp;E of land policy implementation:</b></p> <p><b>Ongoing Land policy/ law review process:</b>            - Development of the National land policy (ongoing)</p> <p><b>Partnerships:</b></p>
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Influence of AU lands agenda	<p><b>Awareness of AU Agenda :</b>            - AU F&amp;G mentioned among references in support of land policy development</p> <p><b>Comprehensive land policy:</b>            - National land policy developed</p> <p><b>Experts involved:</b>            - Key experts engaged in the land policy development were aware of AU Agenda</p>
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Resources :	<ul style="list-style-type: none"> <li>- Histoire RDC: <a href="http://diakadi.com/afriquecentrale/pays/republique_democratique_du_congo/infos/hist.htm">http://diakadi.com/afriquecentrale/pays/republique_democratique_du_congo/infos/hist.htm</a></li> <li>- CONAREF : Réforme foncière. Document de programmation <a href="http://www.conaref-rdc.org/wp-content/uploads/2018/12/rdc-reforme-fonciere-document-de-programmation_vfinal-2013.pdf">http://www.conaref-rdc.org/wp-content/uploads/2018/12/rdc-reforme-fonciere-document-de-programmation_vfinal-2013.pdf</a></li> </ul>
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### 8.1.4. FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

TOPIC	INFORMATION
Background information	<p><b>Government portal</b> : <a href="https://www.ethiopia.gov.et/">https://www.ethiopia.gov.et/</a>  <b>Area</b> : 1,100,000 km<sup>2</sup>  <b>Population</b> : Estimated 115,000,000  <a href="https://worldpopulationreview.com/countries/ethiopia-population">https://worldpopulationreview.com/countries/ethiopia-population</a></p> <p><b>History</b> : After a long period of feudal and customary land ownership, land became public property in 1975, subject to long-term use rights. As a result, land cannot be sold nor used as a collateral</p>
Key land issues which need to be addressed	<ul style="list-style-type: none"> <li>- State ownership over land;</li> <li>- Land tenure insecurity;</li> <li>- Land conflicts;</li> <li>- Institutional arrangements regarding land;</li> <li>- Limited human capacities in the field of land administration ;</li> <li>- Limited human and institutional capacity in the field of land valuation;</li> <li>- Not possible to use land certificate as a collateral for access to credit.</li> </ul>
Land tenure and administration	<ul style="list-style-type: none"> <li>- All lands belong to the state;</li> <li>- Land is not subject to sale or use as a collateral;</li> <li>- People are recognized land use rights;</li> <li>- However, the right to inherit rural lands is restricted to members of the family farming with their parents only.</li> </ul> <p>Since 2002, a land administration program was initiated and piloted in Ethiopia (Amhara region). This land system known as the land certification program aimed at consolidating the rights of rural land users. The land certification program of Ethiopia was considered a success story, as it allowed the registration of over 2.4 million possession-rights while over 1.3 million households benefited the issuance and delivery of land certificates. After the success of the land certification phase 1, a second phase of the program was designed and implemented.  <a href="https://www.land-links.org/project/ethiopia-land-administration-program/#project-content">https://www.land-links.org/project/ethiopia-land-administration-program/#project-content</a>            Land Administration in Ethiopia   GIM International (<a href="http://gim-international.com">gim-international.com</a>)            - land administration and utilization directorate</p>
Policy and legal Frameworks	<p><b>Constitution</b> :            Proclamation No. 1/1995 – Proclamation of the Constitution of the FDRE (<a href="http://abyssinialaw.com">abyssinialaw.com</a>)            The government's primary concern is proclaimed to be the country's development. The Constitution guarantees civil rights and personal freedoms of individuals, including freedom of speech, of the press, of religion, and association... Not only individuals but also groups are recognized rights. Therefore, the Constitution endows nation, nationalities and peoples, "the right to establish its own self-government in the territory it inhabits and to proportional representation in higher levels of organs"            In Ethiopia, the Constitution is the supreme law of the land. Therefore, any law or customary practice which contravenes the Constitution is of no effect</p> <p><b>Land policy</b> : In 2005, the Ethiopian Government adopted a proclamation adopted a Rural Land Administration and Land Use Proclamation. Ethiopian authorities considers that the proclamation is a land policy. However, there is a debate among Ethiopian land experts as most of them consider that the proclamation is not a comprehensive policy. In reality there are different fragmented sectoral policies; therefore, the need for a land policy is still under discussion. It is hoped that the development of a policy will provide opportunities for questioning the fundamental land orientations in Ethiopia.            NB: The Gambella region has prepared a draft land use policy  <a href="http://extwprlegs1.fao.org/docs/pdf/eth95459.pdf">http://extwprlegs1.fao.org/docs/pdf/eth95459.pdf</a>  <a href="https://www.ethiopia.gov.et/about-the-government/policies-strategies/">https://www.ethiopia.gov.et/about-the-government/policies-strategies/</a></p> <p><b>Land law</b> :            Civil Code of Ethiopia (1960). Proclamation No. 165/1960.            Proclamation            NB: Regional governments also have regional legislation laws, provided these laws do not contradict the Constitution.</p> <p><b>Land rights in Ethiopia:</b> <a href="https://lawexplores.com/land-rights-in-ethiopia/">https://lawexplores.com/land-rights-in-ethiopia/</a></p> <p><b>Ongoing land policy process</b> :            Land certification project  <a href="https://www.land-links.org/2016/05/land-certification-in-ethiopia-lessons-from-usaids-first-completed-land-sector-impact-evaluation/">https://www.land-links.org/2016/05/land-certification-in-ethiopia-lessons-from-usaids-first-completed-land-sector-impact-evaluation/</a></p>

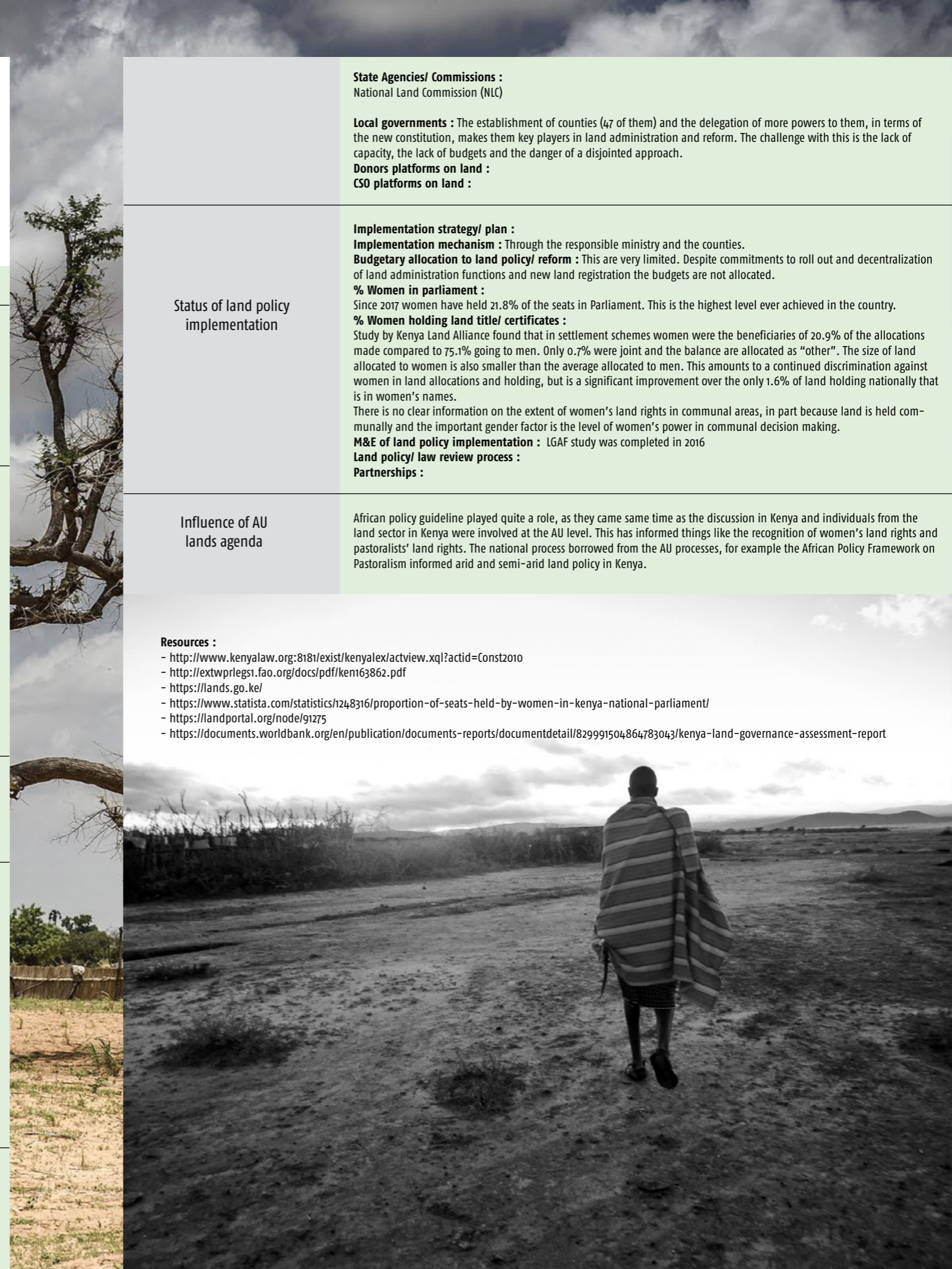
	<p><b>Land for Life initiative</b> : <a href="#">Assessment-of-Ethiopian-Land-Policymaking-Practices.pdf (land-for-life.org)</a></p> <p><b>Stakeholder participation in land policy process:</b></p>
Institutional framework	<p><b>Lead land Ministry</b> : Ministry of Agriculture: Land administration and utilization directorate;            Agricultural investment directorate  <a href="https://www.ethiopia.gov.et/">https://www.ethiopia.gov.et/</a>  <a href="http://www.moa.gov.et/">http://www.moa.gov.et/</a></p> <p><b>Other Ministries</b> :            - Ministry of urban development and construction (administers urban lands)</p> <p><b>Agencies/ Commissions</b> :            - Forest Climate and environment commission: development of the Land use policy</p> <p><b>Local governments</b> :            12 Regional States (RS): Addis Ababa City administration; Afar RS; Amhara RS; Benishangul-Gumuz RS; Dire Dawa City Administration; Gambella RS; Harari people's National RS; Oromia RS; Sidama RS; State of Southern Nations, Nationalities and Peoples' RS; Somali RS; Tigray RS.            NB: The regional governments are the one competent for allocating land to investors.  <b>Traditional</b> :            CSO platforms            Donors platform:</p>
Status of land policy implementation	<p><b>Implementation strategy/ plan:</b>            Ethiopia land administration program: <a href="https://www.land-links.org/project/ethiopia-land-administration-program/#project-content">https://www.land-links.org/project/ethiopia-land-administration-program/#project-content</a></p> <p><b>Implementation mechanism</b> : National Land Policy Reform Project (NLPR)  <b>Budgetary allocation to land policy/ reform:</b>            - Limited budgetary allocation to the land sector. Most of land initiatives are funded mainly by donors.  <b>% Women in parliament:</b>            Proportion of seats held by women in parliament was 38.76 as of 2019  <b>% Women holding land title/ certificates:</b>            The land certification program facilitated strengthening women land rights: In the latest land registry and certification reform in 2016, women in the Tigray region in northern Ethiopia, owned as much as 48.8 percent of all privately held agricultural land in the area that the researchers studied  <a href="https://www.nmbu.no/en/faculty/hh/news/node/32286">https://www.nmbu.no/en/faculty/hh/news/node/32286</a>  <b>M&amp;E of land policy implementation:</b>  <a href="https://land-links.org/wp-content/uploads/2017/09/LAND-Oromia-Baseline-Report_2016-02.pdf">https://land-links.org/wp-content/uploads/2017/09/LAND-Oromia-Baseline-Report_2016-02.pdf</a>            LGAF study: <a href="https://documents1.worldbank.org/curated/en/747201504859857290/pdf/119602-WP-P095390-PUBLIC-7-9-2017-9-51-8-EthiopiaFinalReport.pdf">https://documents1.worldbank.org/curated/en/747201504859857290/pdf/119602-WP-P095390-PUBLIC-7-9-2017-9-51-8-EthiopiaFinalReport.pdf</a></p> <p><b>Land policy/ law review process</b> :  <b>Partnerships</b> : SIDA; DFID; USAID; World Bank; GIZ</p>
Influence of AU lands agenda	<p><b>Comprehensive land policy</b> :            The level of awareness of the AU Agenda on Land is quite limited by stakeholders, including most land experts. In general, the awareness of Ethiopian stakeholders of international commitments is limited. CSOs can play an important role in advocating for AU Agenda on Land.</p> <p>However, through the IGAD land project, some of the key land experts and government officials were exposed to the AU Agenda on Land.  <b>Experts involved</b> :</p>

**Resources** :

Daniel Ambaye: Land rights in Ethiopia. <https://lawexplores.com/land-rights-in-ethiopia/>  
 Ethiopia land policy and administration assessment: [https://www.globalprotectioncluster.org/\\_assets/files/field\\_protection\\_clusters/Ethiopia/files/HLP%20AoR/Ethiopia\\_Land\\_Policy\\_Administration\\_Assessment\\_2004\\_EN.pdf](https://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Ethiopia/files/HLP%20AoR/Ethiopia_Land_Policy_Administration_Assessment_2004_EN.pdf)  
 LGAF Ethiopia: <https://documents1.worldbank.org/curated/en/747201504859857290/pdf/119602-WP-P095390-PUBLIC-7-9-2017-9-51-8-EthiopiaFinalReport.pdf>  
 Ethiopian legal information portal: <https://lawethiopia.com/>  
 Hirut Girma: The gender implications of the joint land titling in Ethiopia. <https://allafrica.com/download/resource/main/main/00091079:0629e29432a4cbd7a5e55f89a922eb2b.pdf#:~:text=In%20the%20Oromia%20region%2C%20all%20wives%20were%20registered,the%20land%20certificate%20in%20which%20she%20is%20named.>

### 8.1.5. KENYA

TOPIC	INFORMATION
Background information	<p><b>Official name :</b> Republic of Kenya  <b>Government portal :</b> <a href="https://www.mygov.go.ke/">https://www.mygov.go.ke/</a>  <b>Total Area :</b> 569,140 square km  <b>Agricultural area :</b> 276,300 square km (48.55%)  <a href="https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=KE">https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=KE</a>  <b>Population :</b> 55,038,994 (UN projection for 2021)  <a href="https://worldpopulationreview.com/countries/kenya-population">https://worldpopulationreview.com/countries/kenya-population</a></p> <p><b>History :</b> Colonized by Britain; independence; Civil war (1991- 2002)</p>
Key land issues which need to be addressed	<p>Digitizing land records is underway, but risk of conflict with communities that. Hold land communally. The ones size fits all doesn't work and rolling out digitization for private individual land prioritizes that over other land.</p> <p>Registration of communally held lands, which also requires zoning and land use planning as most land is not demarcated. This can be a conflictual process if not well managed. Earmarked 24 countries (out of 47) to register, but only 5 communities registered within these counties. Pastoralists are the biggest losers as 80% of communal land is arid land, much of it used by pastoralist communities without clear land right. There is a need for spatial data as without that one can't identify the land or secure it. There is no (or very limited budget) for getting this spatial data, facilitating agreements over land and finalizing registration.</p> <p>Review of national land policy and ten year strategic plan, as the past one lapsed in 2019, Ministry not keen on the review.</p> <p>Resisting the threats and land pressures from investors especially in mining, and the need for community driven investments and benefit sharing. This is a particular issue in communal and pastoral areas.</p> <p>Women's land rights advancement. Constitutional provisions and various commitments have still not resulted in substantial change for most women.</p>
Land tenure and administration	<p>Three main types of land tenure are provided for: public land; private land; and community land holding. Informal land rights and the particular situation of land within the ten mile coastal areas also have to be considered due to their special circumstance.  Most land not covered and land digitization being rolled out is not covering or integrated with communal land registration that is moving very slowly.</p>
Policy and legal Frameworks	<p><b>Constitution :</b>  The new 2010 Constitution of Kenya made great advances in providing for land rights, for gender equity and for recognizing customary systems. This set off a process of reviewing other land and related policies and legislation.</p> <p><b>Land policy :</b>  The 2009 national land policy is the most important. The land policy says that it needs to be reviewed after ten years to take into account current and future needs. The rapid developments including the new Constitution make this more important.</p> <p><b>Land law :</b>  Community Land Act 2016 mandates community land registration and protection.</p> <p><b>Ongoing land policy process :</b>  The land policy should be reviewed as it essentially expired in 2019, but there is no process for that review.</p> <p><b>Stakeholder participation in land policy process :</b>  <b>Key experts mobilized :</b>  Donors</p>
Institutional framework	<p><b>Lead land Ministry :</b> Ministry of Land and Physical Planning (previously the Ministry of Lands, Housing and Urban Development) is the main ministry responsible for land issues.</p> <p><b>Other Ministries :</b>  In Kenya the next most important government structures are the County Governments that incorporate the County Land Management Boards and Land Control Boards.</p>



**State Agencies/ Commissions :**  
National Land Commission (NLC)

**Local governments :** The establishment of counties (47 of them) and the delegation of more powers to them, in terms of the new constitution, makes them key players in land administration and reform. The challenge with this is the lack of capacity, the lack of budgets and the danger of a disjointed approach.

**Donors platforms on land :**  
**CSO platforms on land :**

Status of land policy implementation

**Implementation strategy/ plan :**

**Implementation mechanism :** Through the responsible ministry and the counties.

**Budgetary allocation to land policy/ reform :** This are very limited. Despite commitments to roll out and decentralization of land administration functions and new land registration the budgets are not allocated.

**% Women in parliament :**

Since 2017 women have held 21.8% of the seats in Parliament. This is the highest level ever achieved in the country.

**% Women holding land title/ certificates :**

Study by Kenya Land Alliance found that in settlement schemes women were the beneficiaries of 20.9% of the allocations made compared to 75.1% going to men. Only 0.7% were joint and the balance are allocated as "other". The size of land allocated to women is also smaller than the average allocated to men. This amounts to a continued discrimination against women in land allocations and holding, but is a significant improvement over the only 1.6% of land holding nationally that is in women's names.

There is no clear information on the extent of women's land rights in communal areas, in part because land is held communally and the important gender factor is the level of women's power in communal decision making.

**M&E of land policy implementation :** LGAF study was completed in 2016

**Land policy/ law review process :**

**Partnerships :**

Influence of AU lands agenda

African policy guideline played quite a role, as they came same time as the discussion in Kenya and individuals from the land sector in Kenya were involved at the AU level. This has informed things like the recognition of women's land rights and pastoralists' land rights. The national process borrowed from the AU processes, for example the African Policy Framework on Pastoralism informed arid and semi-arid land policy in Kenya.

**Resources :**

- <http://www.kenyalaw.org/8181/exist/kenyalaw/actview.xql?actid=Const2010>

- <http://extwprlegs1.fao.org/docs/pdf/kem163862.pdf>

- <https://lands.go.ke/>

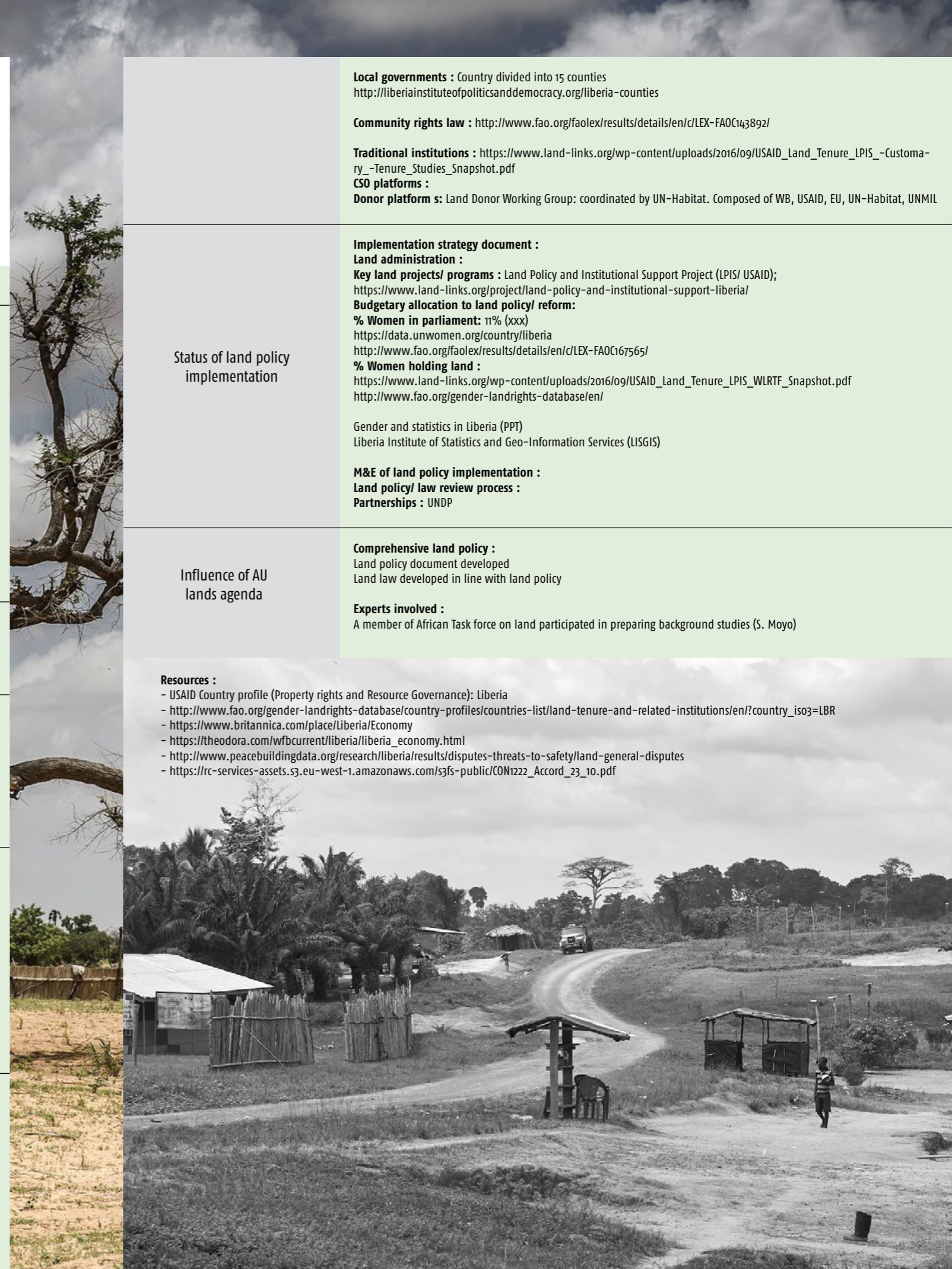
- <https://www.statista.com/statistics/1248316/proportion-of-seats-held-by-women-in-kenya-national-parliament/>

- <https://landportal.org/node/91275>

- <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/829991504864783043/kenya-land-governance-assessment-report>

## 8.1.6. LIBERIA

TOPIC	INFORMATION
Background information	<p><b>Government portal :</b>  <a href="https://emansion.gov.lr/">https://emansion.gov.lr/</a>  <a href="https://ekmsliberia.info/">https://ekmsliberia.info/</a></p> <p><b>Area :</b> 111,369 km<sup>2</sup> (5th smallest country in Africa)  <a href="https://liberia.opendataforafrica.org/search?query=land&amp;scope=timeseries&amp;tab=more">https://liberia.opendataforafrica.org/search?query=land&amp;scope=timeseries&amp;tab=more</a></p> <p><b>Population :</b> 5,180,207 (2021)  <a href="https://worldpopulationreview.com/countries/liberia-population">https://worldpopulationreview.com/countries/liberia-population</a></p> <p><b>History :</b> Africa's oldest Republic (independence on July 26, 1847)            Violent civil war: 1990–2000  <a href="https://www.britannica.com/place/Liberia/History">https://www.britannica.com/place/Liberia/History</a></p> <p><b>Economy :</b> Predominantly agrarian economy            - Poor country but endowed with rich natural resources (including water, mineral resources, forests...) whose fight for control fueled the civil war;            - Climate favorable for agriculture (rubber plantations). Timber concessions and Commercial farms operated by foreigners. Smallholder farmers cultivate rice, cassava;            - Export products: rubber; iron; diamonds. Gold, palm oil, cocoa coffee are emerging exports products.</p>
Key land issues which need to be addressed	<p>Legal status of customary land rights;            - Ownership of trees and other forest resources on community forest lands;            - Land disputes ;            - Decentralization of land management</p>
Land tenure and administration	<p>Lands classified as :</p> <p>i) Public Land: consists of all Land held or acquired by the Government through purchase, confiscation, escheat, gift or otherwise, which may or may not presently be used by the Government (Art. 52/ 4);            ii) Private land: Land owned as private lands and which confers the Owner the right to possess and use the Land to the exclusion of any other persons, including the Government (Art. 13/ 1; 2; 3);            iii) Government Land: all Land owned and/or used by Government for its offices or other activities (Art. 52/ 2);            iv) Customary Land: The land owned by a community (including wetlands, communal forestlands, and fallow lands...) and used in accordance with customary practices and norms.</p>
Policy and legal Frameworks	<p><b>Constitution :</b> 1986  <a href="https://crg.gov.lr/doc/THE%201986%20CONSTITUTION%20OF%20THE%20REPUBLIC%20OF%20LIBERIA.pdf">https://crg.gov.lr/doc/THE%201986%20CONSTITUTION%20OF%20THE%20REPUBLIC%20OF%20LIBERIA.pdf</a></p> <p><b>Land policy :</b> <a href="http://www.fao.org/faolex/results/details/en/c/LEX-FAOC148346/">http://www.fao.org/faolex/results/details/en/c/LEX-FAOC148346/</a></p> <p><b>Land law :</b> Land rights law 2018  <a href="http://www.fao.org/faolex/results/details/en/c/LEX-FAOC182407/">http://www.fao.org/faolex/results/details/en/c/LEX-FAOC182407/</a></p> <p>Land dispute resolution ?</p> <p><b>Ongoing land policy process :</b>  <b>Stakeholder participation in land policy development/ implementation</b></p>
Institutional framework	<p><b>Lead land Ministry :</b> Ministry of Lands, Mines and Energy of Liberia (MLME)  <a href="http://www.ecreee.org/stakeholder/ministry-lands-mines-and-energy-liberia-mlme">http://www.ecreee.org/stakeholder/ministry-lands-mines-and-energy-liberia-mlme</a></p> <p><b>Other Ministries :</b> Ministry of Agriculture  <a href="https://public.moa.gov.lr/index.php">https://public.moa.gov.lr/index.php</a>  <a href="https://www.emansion.gov.lr/doc/Cabinet%20APPROVED%20FINAL_30.pdf">https://www.emansion.gov.lr/doc/Cabinet%20APPROVED%20FINAL_30.pdf</a> (see appendix 1 for list of Ministries)  <a href="https://emansion.gov.lr/content.php?sub=44&amp;related=23&amp;third=44&amp;pg=sp">https://emansion.gov.lr/content.php?sub=44&amp;related=23&amp;third=44&amp;pg=sp</a></p> <p><b>Agencies/ Commissions :</b> Liberia land Authority  <a href="https://ekmsliberia.info/institution/liberia-land-authority/">https://ekmsliberia.info/institution/liberia-land-authority/</a></p>



**Local governments :** Country divided into 15 counties  
<http://liberiainstituteofpoliticsanddemocracy.org/liberia-counties>

**Community rights law :** <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC143892/>

**Traditional institutions :** [https://www.land-links.org/wp-content/uploads/2016/09/USAID\\_Land\\_Tenure\\_LPIS\\_-Customary\\_-Tenure\\_Studies\\_Snapshot.pdf](https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_LPIS_-Customary_-Tenure_Studies_Snapshot.pdf)

**CSO platforms :**

**Donor platform s:** Land Donor Working Group: coordinated by UN-Habitat. Composed of WB, USAID, EU, UN-Habitat, UNMIL

### Status of land policy implementation

**Implementation strategy document :**

**Land administration :**

**Key land projects/ programs :** Land Policy and Institutional Support Project (LPIS/ USAID);

<https://www.land-links.org/project/land-policy-and-institutional-support-liberia/>

**Budgetary allocation to land policy/ reform:**

**% Women in parliament:** 11% (xxx)

<https://data.unwomen.org/country/liberia>

<http://www.fao.org/faolex/results/details/en/c/LEX-FAOC167565/>

**% Women holding land :**

[https://www.land-links.org/wp-content/uploads/2016/09/USAID\\_Land\\_Tenure\\_LPIS\\_WLRTF\\_Snapshot.pdf](https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_LPIS_WLRTF_Snapshot.pdf)

<http://www.fao.org/gender-landrights-database/en/>

Gender and statistics in Liberia (PPT)

Liberia Institute of Statistics and Geo-Information Services (LISGIS)

**M&E of land policy implementation :**

**Land policy/ law review process :**

**Partnerships :** UNDP

### Influence of AU lands agenda

**Comprehensive land policy :**

Land policy document developed

Land law developed in line with land policy

**Experts involved :**

A member of African Task force on land participated in preparing background studies (S. Moyo)

### Resources :

- USAID Country profile (Property rights and Resource Governance): Liberia

- [http://www.fao.org/gender-landrights-database/country-profiles/countries-list/land-tenure-and-related-institutions/en/?country\\_iso3=LBR](http://www.fao.org/gender-landrights-database/country-profiles/countries-list/land-tenure-and-related-institutions/en/?country_iso3=LBR)

- <https://www.britannica.com/place/Liberia/Economy>

- [https://theodora.com/wfbcurrent/liberia/liberia\\_economy.html](https://theodora.com/wfbcurrent/liberia/liberia_economy.html)

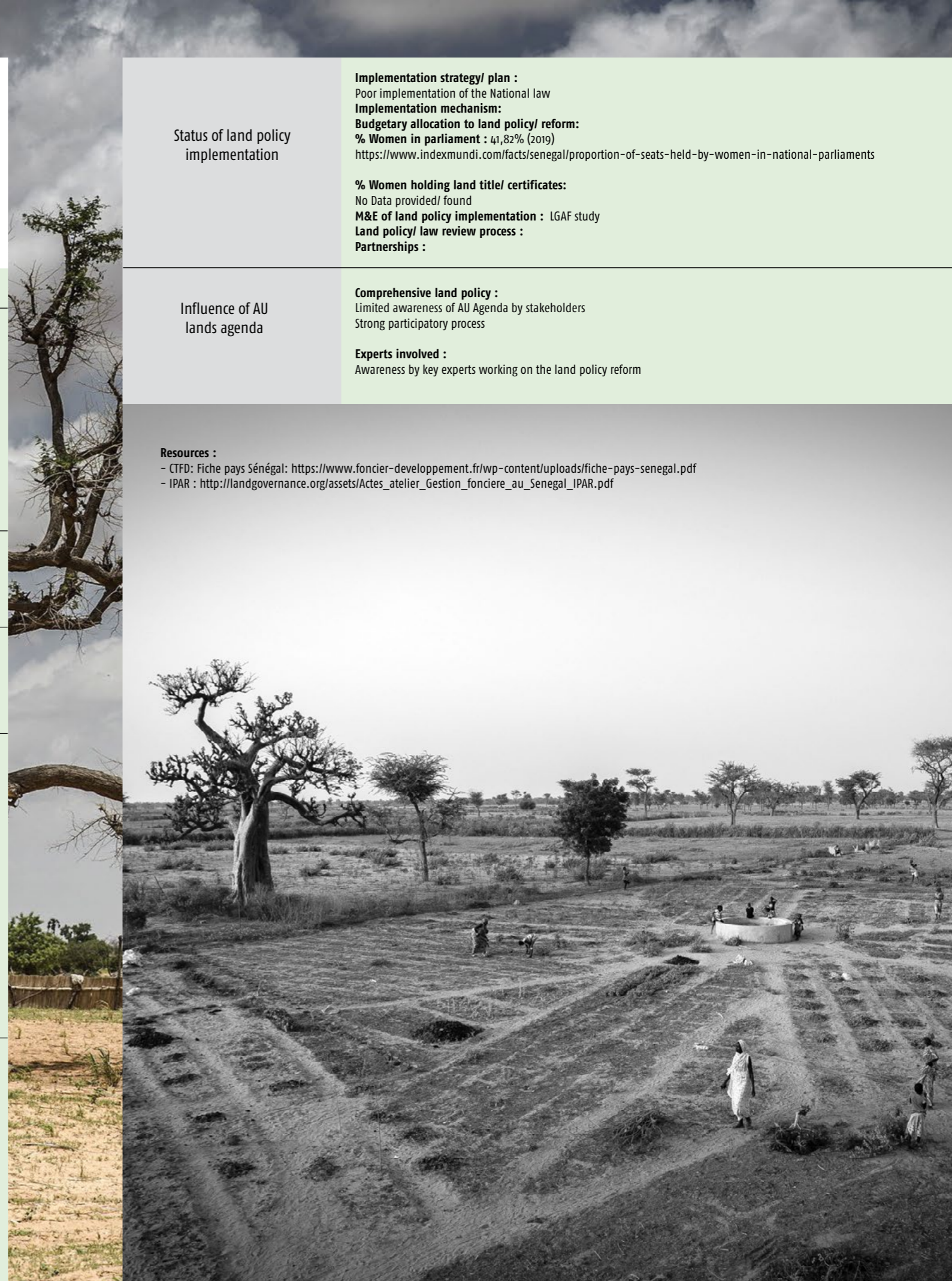
- <http://www.peacebuildingdata.org/research/liberia/results/disputes-threats-to-safety/land-general-disputes>

- [https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/CON1222\\_Accord\\_23\\_10.pdf](https://rc-services-assets.s3.eu-west-1.amazonaws.com/s3fs-public/CON1222_Accord_23_10.pdf)



### 8.1.7. SENEGAL

TOPIC	INFORMATION
Background information	<p><b>Government portal :</b> <a href="https://www.sec.gouv.sn/">https://www.sec.gouv.sn/</a>  <b>Area :</b> 196 712 km<sup>2</sup>  <b>Population :</b> 17 215 433 (ANSD, Estimation 2021)  <a href="http://www.ansd.sn/">http://www.ansd.sn/</a></p> <p><b>History :</b> Senegal is a former French Colony. The Capital City Dakar was the capital city of the former colonial regional entity known as Afrique Occidentale Française (AOF). Senegal is known for having initiated one of the first national land reform after independence. The 1964 land reform of Senegal is articulated around the National domain. The National domain comprises all lands: nonintegrated in the state public domain; non registered in the name of the state as its private domain or; non privately owned by individuals through the land registration procedure (immatriculation foncière). Basically, the National domain is constituted by land claimed by local communities as their customary land heritage. The objective of the establishment of a National domain was to facilitate investments and land development, as per the national development programs and plans.</p>
Key land issues which need to be addressed	<ul style="list-style-type: none"> <li>- Non effectiveness of the 1964 land law;</li> <li>- Poor information of citizens on existing land laws;</li> <li>- Need to develop a land policy and land reform to adjust the land law to new land challenges;</li> <li>- Large scale land acquisitions by domestic and foreign investors.</li> </ul>
Land tenure and administration	<ul style="list-style-type: none"> <li>- Private ownership of land rights recognized if registered according to legal procedures;</li> <li>- De facto, the establishment of the "National Domain" leads to the abolition of customary land rights</li> <li>- The National Domain is divided into four main areas: urban areas; pioneer areas (for modern agricultural development projects); reserved forest areas; local production areas (terroirs).</li> </ul> <p><a href="https://www.foncier-developpement.fr/pays/afrique-de-louest/senegal/">https://www.foncier-developpement.fr/pays/afrique-de-louest/senegal/</a></p>
Policy and legal Frameworks	<p><b>Constitution :</b>            LOI N° 2001-03 DU 22 JANVIER 2001 PORTANT CONSTITUTION, MODIFIÉE   Gouvernement du Sénégal (sec.gouv.sn)</p> <p><b>Land policy :</b>            No land policy</p> <p><b>Land law :</b>            Loi 64-46 du 17 juin 1964 relative au Domaine National  <a href="https://base.afrique-gouvernance.net/docs/snarga_loi_n_64-46_du_17_juin_1964_domaine_national.pdf">https://base.afrique-gouvernance.net/docs/snarga_loi_n_64-46_du_17_juin_1964_domaine_national.pdf</a></p> <p><b>Ongoing land policy process :</b>            Since early 90's the government of Senegal decided to embark in a land reform process. Due to the orientation toward privatization of land, Farmers' platforms opposed the initial version of the land reform. Few years later, a National Committee of the land reform was put in place. The committee undertook multi-stakeholder consultations and proposed a draft land policy. However, the draft land policy was never endorsed by the government. Today the land policy formulation is stalled.</p> <p><b>Stakeholder participation in land policy process :</b>            Key stakeholders participated in the national consultation process</p>
Institutional framework	<p><b>Lead land Ministry :</b>            Ministère de l'Economie, des finances et du plan</p> <p><b>Other Ministries :</b>            Ministère de l'Urbanisme</p> <p><b>Agencies/ Commissions :</b></p> <p><b>Local governments :</b></p> <p><b>Traditional :</b>            CSO platforms            Donors platform</p>



Status of land policy implementation	<p><b>Implementation strategy/ plan :</b>            Poor implementation of the National law  <b>Implementation mechanism:</b>  <b>Budgetary allocation to land policy/ reform:</b>  <b>% Women in parliament :</b> 41,82% (2019)  <a href="https://www.indexmundi.com/facts/senegal/proportion-of-seats-held-by-women-in-national-parliaments">https://www.indexmundi.com/facts/senegal/proportion-of-seats-held-by-women-in-national-parliaments</a></p> <p><b>% Women holding land title/ certificates:</b>            No Data provided/ found  <b>M&amp;E of land policy implementation :</b> LGAF study  <b>Land policy/ law review process :</b>  <b>Partnerships :</b></p>
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Influence of AU lands agenda	<p><b>Comprehensive land policy :</b>            Limited awareness of AU Agenda by stakeholders            Strong participatory process</p> <p><b>Experts involved :</b>            Awareness by key experts working on the land policy reform</p>
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Resources :	<ul style="list-style-type: none"> <li>- CTFD: Fiche pays Sénégal: <a href="https://www.foncier-developpement.fr/wp-content/uploads/fiche-pays-senegal.pdf">https://www.foncier-developpement.fr/wp-content/uploads/fiche-pays-senegal.pdf</a></li> <li>- IPAR : <a href="http://landgovernance.org/assets/Actes_atelier_Gestion_fonciere_au_Senegal_IPAR.pdf">http://landgovernance.org/assets/Actes_atelier_Gestion_fonciere_au_Senegal_IPAR.pdf</a></li> </ul>
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### 8.1.8. SIERRA LEONE

TOPIC	INFORMATION
Background information	<p><b>Official name :</b> Republic of Sierra Leone  <b>Government portal :</b> <a href="http://www.sierra-leone.org/government-websites.html">http://www.sierra-leone.org/government-websites.html</a>  <b>Area :</b> 72,300 km<sup>2</sup>  <b>Population :</b> 8,141,792 (UN projection for 2021)  <a href="https://worldpopulationreview.com/countries/sierra-leone-population">https://worldpopulationreview.com/countries/sierra-leone-population</a></p> <p><b>History :</b> Colonized by Britain; independence; Civil war (1991- 2002)</p>
Key land issues which need to be addressed	<p>Legal pluralism; Informal' and/or illegal land occupation; land disputes; Land investments; Gender and land (National Land Policy concedes that women and youth suffer discrimination with regard to their land rights under customary law and policy makes some concrete proposals to address these shortcomings; weakness of the land administration system; The land issues are a source of simmering social conflicts and political instability; state land ownership not adequately recorded; inadequate land policy/ laws (2009); urban land grabbing            Scoping mission report: <a href="http://www.leonet.net/info/documents/Docs/sil_landtenure_scoping_missionrpt.pdf">http://www.leonet.net/info/documents/Docs/sil_landtenure_scoping_missionrpt.pdf</a></p>
Land tenure and administration	<p>A dualistic land tenure system: land tenure characterized by a dual ownership structure: in the Western Area, (originally settled by the "Creoles"), land is held under the concept of "freehold interests". In the rest of the country (the Provinces) land is held in communal (or traditional) ownership under customary tenure and is controlled by traditional rulers (Seth Assiama, 2003)            3 categories : state land, private land and communal land.</p> <p>Weak land admin system (Especially the land information system). Only a small percentage of all lands in the rural and urban areas are recorded and mapped            Existing records are conflicting/ degraded; customary land administration systems faces growing challenges with its authority;</p>
Policy and legal Frameworks	<p><b>Constitution :</b> 1991/ amended 2008  <a href="http://www.sierra-leone.org/Laws/constitution1991.pdf">http://www.sierra-leone.org/Laws/constitution1991.pdf</a></p> <p><b>Land policy :</b> National land policy (2015)  <a href="http://extwprlegs1.fao.org/docs/pdf/sie15203.pdf">http://extwprlegs1.fao.org/docs/pdf/sie15203.pdf</a></p> <p><b>Land law :</b>            Apparently no recent nor harmonized framework law</p> <p><b>Ongoing land policy process :</b>            Stakeholder participation in land policy process: academics, land professionals, civil society organizations, MDAs</p> <p><b>Key experts mobilized :</b>            Donors</p>
Institutional framework	<p><b>Lead land Ministry :</b> Ministry of Lands, Housing and Country Planning</p> <p><b>Other Ministries :</b>  <a href="https://statehouse.gov.sl/presidential-cabinet/">https://statehouse.gov.sl/presidential-cabinet/</a></p> <p><b>State Agencies/ Commissions :</b> Land disputes resolution committee  <a href="https://www.thesierraleonetelegraph.com/land-dispute-resolution-committee-formed-in-sierra-leone/">https://www.thesierraleonetelegraph.com/land-dispute-resolution-committee-formed-in-sierra-leone/</a></p> <p><b>Local governments :</b>            Donors' platforms on land :</p>
Status of land policy implementation	<p><b>Implementation strategy/ plan :</b></p> <p><b>Implementation mechanisms/ projects :</b> National Land Policy Reform Project (NLPR)  <b>Budgetary allocation to land policy/ reform :</b>  <b>% Women in parliament :</b> 12,23 (2019)            Sierra Leone - Proportion of seats held by women in national parliaments (%) (indexmundi.com)</p>

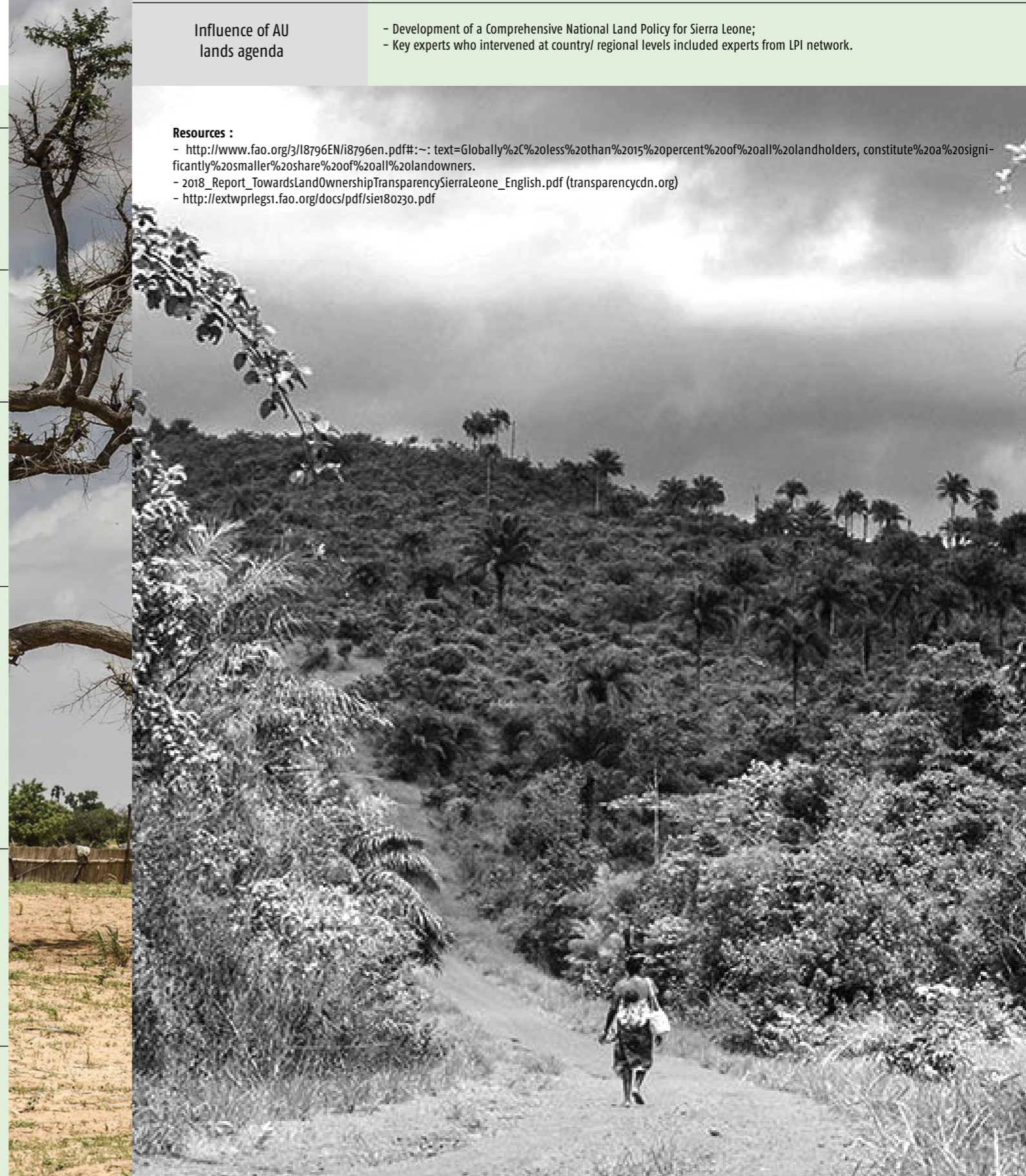
Sierra Leone | Inter-Parliamentary Union (ipu.org)  
**% Women holding land title/ certificates :**  
 No data provided/found  
 Interest in reflections around gender disaggregated land data  
**M&E of land policy implementation :** LGAF study;  
**Land policy/ law review process :**  
**Partnerships :** UNDP

#### Influence of AU lands agenda

- Development of a Comprehensive National Land Policy for Sierra Leone;
- Key experts who intervened at country/ regional levels included experts from LPI network.

#### Resources :

- <http://www.fao.org/3/I8796EN/I8796en.pdf#:~:text=Globally%2C%20less%20than%2015%20percent%20of%20all%20landholders, constitute%20a%20significantly%20smaller%20share%20of%20all%20landowners.>
- 2018\_Report\_TowardsLandOwnershipTransparencySierraLeone\_English.pdf (transparencycdn.org)
- <http://extwprlegs1.fao.org/docs/pdf/sie180230.pdf>



## 8.1.9. SOUTH AFRICA

TOPIC	INFORMATION
Background information	<p><b>Official name :</b> Republic of South Africa  <b>Government portal :</b> <a href="https://www.gov.za/">https://www.gov.za/</a>  <b>Total Area</b><sup>51</sup> : 1,213,090 square km  <b>Agricultural area :</b> 963,410 square km (79.4%)  <b>Forest area :</b> 171,957 square km  <b>Population</b><sup>51</sup> : 60,074,106 (UN projection for 2021)</p> <p><b>History :</b> It started from diverse African nations of hunter gatherers and then farmers and herders. First European permanent settlement was from 1652 led by the Dutch East India Company with Dutch backing. Later Boer republics were set up. The British and Boers fought for control. The National Party won all white elections and set up the white minority Apartheid regime in 1948. After years of liberation struggles the country had its first democratic elections in 1994. There was extensive land dispossession of the African people from the land throughout the colonial and Apartheid years. This was accompanied by the development of a white owned large scale commercial farming model. Despite post-Apartheid land reform programs, land remains highly unevenly distributed with a large proportion of the land still held by white land owners through individual and increasingly company land holdings.</p>
Key land issues which need to be addressed	<p>According to a 2017 government land audit, 82% of the total land area is privately owners. Of this private land, 61% is held by companies or trusts and the government was unable to identify the race, gender or nationality of those owners. Of the individually registered private agricultural land parcels, where they could establish this information about the owners, 72% is owned by whites and 71% is owned by men, with women owning 13%. A further 11% is in joint male and female ownership, 2% has co-ownership with no gender identified and there is another 3% where they could not establish gender of the owners. Amongst those who do own agricultural land holdings, Men have 276 hectares on average compared to the smaller number of women land owners have an average of 80 hectares each. The biggest data gap is that there is no data on the land holding on communal land where around 19million people, approximately 30% of the population live. Privileging private property is the big continuity in policy from apartheid era to the current day with related land inequalities still in place. Addressing equitable access to land and land redistribution is hampered by a lack of clarity on the criteria the government is applying to implement redistribution and beneficiaries. There is concern that it increasingly favors wealthier and politically connected people, leaving out the poorest with most need. Poor people can only effectively articulate demand for land through land occupations, that then are criminalized in a negative cycle that does not respond to demand or tap into people's energy and drive for change. There is a lack of integrated support for small-farmer and links with markets making many land reform settlements unviable.</p>
Land tenure and administration	<p>A plural system with a cumbersome centralized deeds office for private land in formerly white areas on one side. On the other side is communal land with land administration that still relies on local traditional forms of administration and has no clear statutory support. These are often undocumented (or not collated) and in some areas are also subject to patriarchal norms that marginalize women. The Ingonyama Trust land on which millions of people reside has also been subjected to the introduction of lease systems that weaken tenure rights by reducing historically established and inheritable rights to occupy to short term leases that have to be paid for. Court cases are underway challenging some of this. Much contested policy debates also continue on how to better secure the tenure and land administration in communal land areas.</p>
Policy and legal Frameworks	<p><b>Constitution :</b> 1996. Mandates land reforms to overcome legacy of Apartheid. Covers three areas: tenure reform, redistribution, and restitution of land. Protects existing property rights and requires due process and compensation for any expropriation. Legislation exists on restitution and tenure, none on redistribution. Gap in legislation to deal with communal land rights and communal land administration. A process that began more than two years ago is still underway in Parliament to consider amending section 25 (the property clause) of the constitution to make it possible to expropriate land for land reform purpose without compensation. Some argue this will help increase the pace of land reform, others argue it won't as they say the constitution is not the obstacle.</p> <p><b>Land policy :</b> Land Policy is contained in a 1997 "White Paper on South African Land Policy"<sup>53</sup>. This takes its mandate from the constitution to establish the three legs of land reform: restitutions; redistribution and tenure reform. The beneficiary selection and land allocation policy is also important as it determines who should benefit from land redistribution. Another less considered part of the policy framework is the Revision of State Land Lease and Disposal Policy. As the redistribution program of the last years (after several previous variations) has focused on the state buying land and then leasing to black farmers (what is known as the Proactive Land Acquisition Strategy), this policy has in effect been the land redistribution policy since 2013. In 2020 the government also started to arrange the leasing of 700,000 hectares of state owned land.</p>

	<p><b>Land law :</b> There is a Restitution of Land Rights Act that governs land claims and the land restitution process. The Interim Protection of Informal Land Rights Act is a short (total of 3 pages) piece of legislation that was initially passed in 1996 as temporary legislation, but it continues to be extended and remain the key legislation to protect people's land rights on communal land. Efforts to pass various forms of communal land rights law have failed, including due to being challenged in court and found to be unconstitutional. The Extension of Tenure Security Act of 1997 and the Land Reform Labour Tenants Act of 1996 are intended to address security of tenure of various insecure forms of residency on farm land in formerly white areas. These remain largely unimplemented, although there is now a process underway of implementing the Land Reform Labour Tenants Act under the supervision of a Special Master appointed by the Constitutional Court. This followed court challenges on the states failure to implement. There is no explicit land redistribution legislation. A Land Claims Court was established to deal with land claims and land disputes and is now being converted to a Land Court with a wider land related mandate.</p> <p><b>Land administration :</b> Title registration for private land, based on old title deeds system and old survey maps. Expensive and cumbersome. Lacks sufficient data on things like gender, race and nationality. No uniform land administration in communal land areas. Ad hoc traditional systems in local areas and no central data collection. Contested land administration by Ingonyama Trust of 2.8 million hectares of communal land in KwaZulu Natal. This is a legacy of political deals made as part of secret negotiations to end apartheid.</p> <p><b>Ongoing land policy processes:</b>  <b>Stakeholder participation in land policy process :</b> academics, land professionals, civil society organizations,  <b>Key experts mobilized :</b> Academics, civil society and stakeholders, such as farmers unions have been involved in the various review and policy processes.</p>
Institutional framework	<p><b>Lead land Ministry :</b> Department of Agriculture, Land Reform and Rural Development (DALRRD).</p> <p><b>Other Ministries :</b>  The Ministry of Public Works is responsible for any land expropriations.  The Ministry of Human Settlements deals with housing project delivery in urban and rural areas.</p> <p><b>State Agencies/ Commissions :</b>  The semi-independent Land Claims Commission has been fully incorporated into the DALRRD.</p> <p><b>Local governments :</b> Lead on local development planning and service delivery but have not been incorporated into land reform processes. They tend to see land reform as an obstacle. They also sometimes have land that they can lease and they provide services for new settlements.</p> <p><b>Donors' platforms on land:</b> None  <b>CSO platforms on land :</b> There is an ILC supported National Engagement Strategy.</p>
Status of land policy implementation	<p><b>Implementation strategy/ plan:</b>  Various programs covering the three main legs of the land reform program under sections in the DALRRD that has office in each of the nine provinces. The deeds office administering private land registration is under the same department. The government committed in 1994 to redistribute 30% of the 86 million hectares of commercial farm land by 1999. By 2020 the government claimed to have redistributed or returned through restitution 8.3million hectares, less than 10%. This figure is also questionable as it is known some of the land was already occupied by the communities who are said to have benefitted and some has been lost again after redistribution. Effective implementation is hampered by there being no clear role for local government despite their responsibility for local economic development and spatial planning. Lack of consistent and coherent policy and a large gap between policy and implementation practices and outcomes. Restitution of Land Rights Claim Remain unresolved. No policy or effective legislation in place for communal land. And almost no implementation of tenure reforms on farms in formerly white areas where millions still live with little security of tenure.</p> <p><b>Implementation mechanism :</b> The DALRRD as well as the Land Claims Court for land restitution claims.  <b>Budgetary allocation to land policy/ reform :</b> Dedicated but declining budget allocation through the DALRRD.  <b>% Women in parliament :</b> About 46% of the Members of Parliament are women.  <b>% Women holding land title/ certificates :</b> No data available on communal land. Only limited data is available on private land, but it shows that large amounts of land are held by men compared to women, see above.  <b>M&amp;E of land policy implementation :</b> Reviews, see below. Internal departmental reports are compiled and there is a Directorate I the DALRRD for Monitoring and Evaluation. Reporting by the department to the Parliamentary portfolio committee. LGAF study was carried out in 2013 with World Bank support, but was largely unknown in the land sector and elsewhere and not linked to any actions.  <b>Land policy/ law review process :</b>  An important review process was the High-Level Panel On The Assessment Of Key Legislation And The Acceleration Of Fundamental Change (HLP). This was appointed by Parliament and completed its work in 2017 with an in-depth assessment of key legislation, including land legislation. Its compilation involved a participatory process with public hearings and a diverse panel containing people with high-levels of expertise. It made comprehensive recommendations. From a land perspective it did not give very much attention to land redistribution because there is no specific land redistribution legislation. More attention went to restitution and tenure reform. The Panel found wide spread land reform and land administration failures, largely due to corruption and incompetence and resource limitations. The findings and recommendations of the HLP have largely been ignored to date and the strength of these as a reference point and guide gets weaker as time passes without implementation. The Presidential Advisory Panel on Land Reform and Agriculture was also an important process, although far less thorough than the HLP. The report was released in May 2019 and there is no sign of any implementation.  <b>Partnerships :</b></p>

## Influence of AU lands agenda

There is almost no discernable influence of the AU agenda on national debates in South Africa. From government to civil society, the AU positions rarely come up. This builds on a quite entrenched view in South Africa of their exceptionalism and some level of arrogance, especially in relation to the rest of Africa. Even though South Africa is currently chairing the Specialized Technical Committee on Agriculture, Land and Rural Development, debates and positions from the African level are not reflected in the South African discourse. Nevertheless, one can see how experiences from the rest of the African continent and parts of the African Agenda on land could be of value in South Africa. For example, South Africa has been failing to effectively address the strengthening of land tenure rights and land administration in the communal areas. This is an issue that there is enormous experience on in other African countries.

## Main land policy priorities for the coming ten years and African Agenda links

Resolving the situation of communal land with new legislation that needs to clarify and secure the position of women. Effective redistribution including how people can get access to land and articulate demands/need for land and get the state to respond. Inclusive and national land administration system, across customary and private land systems, with related land data. Bringing coherence to land policy and its implementation and ensuring that reaches local levels and overcomes the current policy to implementation gap. The need for a common transformation process aligned across land reforms, agriculture and food system reforms, and local government development and spatial planning and service delivery.

## Resources :

- Figures from: <https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=ZA> and <http://www.fao.org/countryprofiles/index/en/?iso3=ZAF>
- <https://worldpopulationreview.com/countries/south-africa-population>
- DRDLR. (2017) Land Audit Report: Phase II: Private Land Ownership By Race, Gender And Nationality. November 2017, Version 2. Pretoria, South Africa: Department of Rural Development and Land Reform.
- <https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=ZA>
- <https://www.justice.gov.za/legislation/constitution/saconstitution-web-eng.pdf>
- [https://www.gov.za/sites/default/files/gcis\\_document/201411/whitepaperlandreform.pdf](https://www.gov.za/sites/default/files/gcis_document/201411/whitepaperlandreform.pdf)
- [https://www.gov.za/sites/default/files/gcis\\_document/202001/42939gon2.pdf](https://www.gov.za/sites/default/files/gcis_document/202001/42939gon2.pdf)
- [https://www.gov.za/sites/default/files/gcis\\_document/201409/act31of1996.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/act31of1996.pdf)
- [http://www.cls.uct.ac.za/usr/lrg/downloads/FactsheetIngonyama\\_Final\\_Feb2015.pdf](http://www.cls.uct.ac.za/usr/lrg/downloads/FactsheetIngonyama_Final_Feb2015.pdf)
- <https://genderlinks.org.za/what-we-do/sadc-gender-protocol/advocacy-50-50/south-africa-gender-and-elections/>
- <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/748931504858433645/land-governance-in-south-africa-implementing-the-land-governance-assessment-framework>
- [https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High\\_Level\\_Panel/HLP\\_Report/HLP\\_report.pdf](https://www.parliament.gov.za/storage/app/media/Pages/2017/october/High_Level_Panel/HLP_Report/HLP_report.pdf)
- [https://www.gov.za/sites/default/files/gcis\\_document/201907/panelreportlandreform\\_1.pdf](https://www.gov.za/sites/default/files/gcis_document/201907/panelreportlandreform_1.pdf)



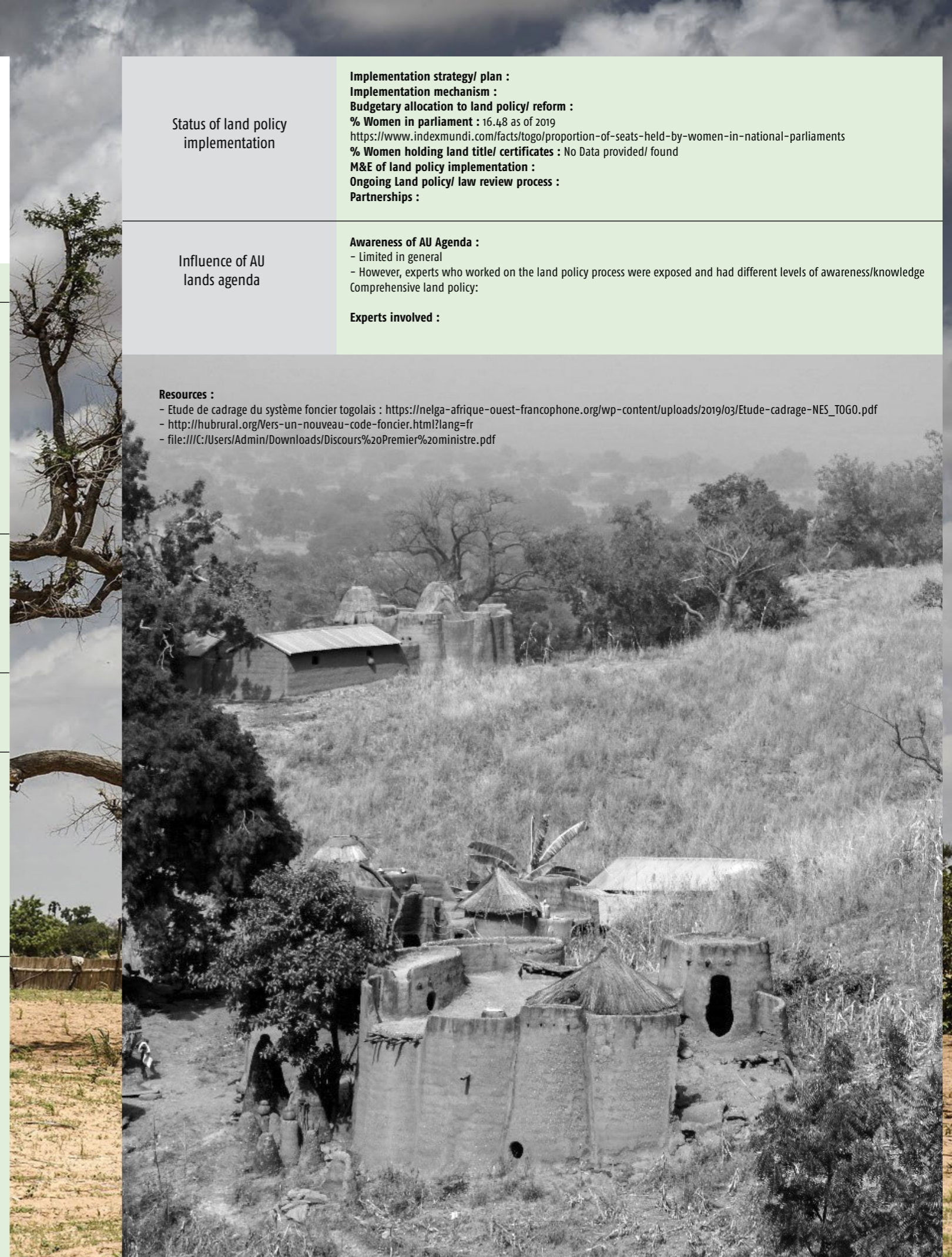
### 8.1.10. TANZANIA

TOPIC	INFORMATION
Background information	<p><b>Government portal</b> : <a href="https://www.tanzania.go.tz/">https://www.tanzania.go.tz/</a>  <b>Area</b> : 945,087 Km<sup>2</sup>  <b>Population</b> : 61,498,437 (2021)  <a href="https://www.populationpyramid.net/united-republic-of-tanzania/2021/">https://www.populationpyramid.net/united-republic-of-tanzania/2021/</a></p> <p><b>History</b> : Tanzania experienced colonial domination of different European powers. In 1891, Germany created the German colony of East Africa. After World War 1, the colony was placed under British mandate and renamed as Tanganika. The territory achieved independence in 1961 under the leadership of TANU of Julius Nyerere. After the independence of Zanzibar in 1963, the Island merged with Tanganika to constitute the current United Republic of Tanzania  <a href="https://www.thoughtco.com/very-short-history-of-tanzania-44080">https://www.thoughtco.com/very-short-history-of-tanzania-44080</a>  <a href="https://localhistories.org/a-brief-history-of-tanzania/">https://localhistories.org/a-brief-history-of-tanzania/</a></p>
Key land issues which need to be addressed	<ul style="list-style-type: none"> <li>- Large scale land acquisitions (foreign and domestic investors). President had to revoke certain land deals (Ngerengere conservation area case);</li> <li>- Conservation areas (parcs, reserves...) vs. Communal land rights;</li> <li>- Rapid urban development characterized by horizontal expansion;</li> <li>- Climate change with people moving in search of access to natural resources;</li> <li>- Land conflicts.</li> </ul> <p><a href="http://www.ibn-tv.co.tz/2016/01/3500-acre-land-deal-in-ngerengere-revoked/">http://www.ibn-tv.co.tz/2016/01/3500-acre-land-deal-in-ngerengere-revoked/</a>  <a href="https://www.icsw.org/images/docs/Regions/esafrica/activities/LandPolicyinTanzaniaDCSep09.pdf">https://www.icsw.org/images/docs/Regions/esafrica/activities/LandPolicyinTanzaniaDCSep09.pdf</a></p>
Land tenure and administration	<ul style="list-style-type: none"> <li>- All land in Tanzania is public land and is vested in the President as trustee, on behalf of all;</li> <li>- Through leasehold system, citizens are granted right of occupancy and customary or deemed right of occupancy;</li> <li>- A right of occupancy means a title to the use and occupation of land.</li> </ul>
Policy and legal Frameworks	<p><b>Constitution</b> : Constitution of the United Republic of Tanzania (1997)  <a href="https://www.tanzania.go.tz/egov_uploads/documents/Katiba%20ya%20Jamhuri%20ya%20Muungano%20wa%20Tanzania%20_English%20Version_%202009.pdf">https://www.tanzania.go.tz/egov_uploads/documents/Katiba%20ya%20Jamhuri%20ya%20Muungano%20wa%20Tanzania%20_English%20Version_%202009.pdf</a></p> <p><b>Land policy</b> : National land policy/1995 (Reviewed in 2016)  <a href="https://www.maliasili.go.tz/uploads/tanzania_land_policy_1997.pdf">https://www.maliasili.go.tz/uploads/tanzania_land_policy_1997.pdf</a>            Land policy reviewed through a consultative process (2016): No clarity whether the 2016 Draft land policy was adopted or not  <a href="https://www.tnrf.org/en/content/land-policy-review-stakeholders-consultation-meeting">https://www.tnrf.org/en/content/land-policy-review-stakeholders-consultation-meeting</a>            - Tanzania's Draft New Land Policy 2016 <a href="https://www.policyforum-tz.org/sites/default/files/AugustBDstory.pdf#:~:text=-Tanzania%20%20Draft%20New%20Land%20Policy%202016%3A%20A%20need%20rights%20to%20own%20and%20make%20decisions%20on%20land">https://www.policyforum-tz.org/sites/default/files/AugustBDstory.pdf#:~:text=-Tanzania%20%20Draft%20New%20Land%20Policy%202016%3A%20A%20need%20rights%20to%20own%20and%20make%20decisions%20on%20land</a>  <a href="https://www.ecofinagency.com/law/2112-36169-tanzania-government-adopts-new-policy-to-stop-land-grabbing">https://www.ecofinagency.com/law/2112-36169-tanzania-government-adopts-new-policy-to-stop-land-grabbing</a></p> <p><b>Land law</b> :            Land Act (1999): <a href="http://extwprlegs1.fao.org/docs/pdf/tan23795.pdf">http://extwprlegs1.fao.org/docs/pdf/tan23795.pdf</a>            Village land act (1999): <a href="http://www.fao.org/faolex/results/details/en/c/LEX-FAOC053306">http://www.fao.org/faolex/results/details/en/c/LEX-FAOC053306</a></p> <p><b>Ongoing land policy process</b> :  <b>Stakeholder participation in land policy process</b> :            Extensive consultation/ deliberations around the policy review process            National forum held on the policy review  <a href="https://www.tnrf.org/en/content/tanzania-multiple-stakeholders-debate-land-governance-challenges">https://www.tnrf.org/en/content/tanzania-multiple-stakeholders-debate-land-governance-challenges</a></p>
Institutional framework	<p><b>Lead land Ministry</b> : Ministry of lands and Human settlements</p> <p><b>Other Ministries</b> :  <b>Agencies/ Commissions</b> :  <b>Local governments</b> :  <b>Traditional</b> :  <b>CSO platforms</b> : ILC NES Strategy and Tanzania Land Alliance.  <b>Donors' platform</b> :</p>

Status of land policy implementation	<p><b>Implementation strategy/ plan</b> :</p> <p><b>Implementation mechanism</b> :            - Pilot project on land rights formalization            - Village land use plans (focus on pastoral areas)            - Land tenure improvement project (World Bank). To start in 2022</p> <p><b>Budgetary allocation to land policy/ reform</b> : No Data accessed  <b>% Women in parliament</b> : 36.90 as of 2019  <a href="https://www.indexmundi.com/facts/tanzania/proportion-of-seats-held-by-women-in-national-parliaments">https://www.indexmundi.com/facts/tanzania/proportion-of-seats-held-by-women-in-national-parliaments</a>  <b>% Women holding land title/ certificates</b> : No Data  <b>M&amp;E of land policy implementation</b> : M&amp;E initiative of the land initiative led by CSOs  <b>Land policy/ law review process</b> :  <b>Partnerships</b> : UNDP</p>
Influence of AU lands agenda	<p><b>Comprehensive land policy</b> : Land Policy reviewed</p> <p><b>Experts involved</b> :</p>
Resources :	<ul style="list-style-type: none"> <li>- Review of land tenure systems to support the creation of an enabling environment for agricultural transformation: Report on Tanzania <a href="https://shierianajamii.com/2019/09/land-tenure-system-of-Tanzania.html#:~:text=The%20land%20tenure%20system%20refers%20to%20a%20system,and%20there%20is%20a%20post-colonial%20land%20tenure%20system.">https://shierianajamii.com/2019/09/land-tenure-system-of-Tanzania.html#:~:text=The%20land%20tenure%20system%20refers%20to%20a%20system,and%20there%20is%20a%20post-colonial%20land%20tenure%20system.</a></li> <li>- <a href="https://journals.co.za/doi/pdf/10.10520/AJA00020117_217">https://journals.co.za/doi/pdf/10.10520/AJA00020117_217</a></li> <li>- <a href="https://core.ac.uk/download/pdf/144580217.pdf#:~:text=In%202016%2C%20the%20Tanzanian%20government%20announced%20a%20review,among%20the%20issues%20on%20the%20agenda%20%28URT%2C%202016%29.">https://core.ac.uk/download/pdf/144580217.pdf#:~:text=In%202016%2C%20the%20Tanzanian%20government%20announced%20a%20review,among%20the%20issues%20on%20the%20agenda%20%28URT%2C%202016%29.</a></li> <li>- LGAF/ Tanzania report: <a href="https://documents1.worldbank.org/curated/en/107691504869102521/pdf/119625-WP-P095390-PUBLIC-7-9-2017-10-34-30-Tanzania-FinalReport.pdf">https://documents1.worldbank.org/curated/en/107691504869102521/pdf/119625-WP-P095390-PUBLIC-7-9-2017-10-34-30-Tanzania-FinalReport.pdf</a></li> </ul>

### 8.1.11. TOGO

TOPIC	INFORMATION
Background information	<p><b>Government portal :</b> <a href="https://www.republiquetogolaise.com/">https://www.republiquetogolaise.com/</a>  <b>Area :</b> 56 700 km<sup>2</sup>  <b>Population :</b> 8 527 912  <a href="https://populationstat.com/togo/">https://populationstat.com/togo/</a></p> <p><b>History :</b>            Initial contacts of Togo with Europe were established through different European trading posts (Portuguese, Dutch...) which were operating on the coast. Later on, Germany signed treaties with local chiefs and took control of Togo. The Berlin conference confirmed Togo as a German colony named « Togoland ».            After World First World War, Togoland became a League of Nations mandated territory (1918) and divided was between France and Britain. At the end of World War II, the "French Togo" became an autonomous territory while the "British Togo" was attached to the British colony of Gold Coast (Currently Ghana)            The Independence of the autonomous territory of Togo ruled by the French was proclaimed in 1960.  <b>Source :</b> <a href="https://www.lepoint.fr/afrique/togo-une-histoire-mouvementee-27-04-2020-2373004_3826.php">https://www.lepoint.fr/afrique/togo-une-histoire-mouvementee-27-04-2020-2373004_3826.php</a></p>
Key land issues which need to be addressed	<ul style="list-style-type: none"> <li>- insufficient capacity in the field of land governance;</li> <li>- Limited budgetary resources;</li> <li>- Increased competition for access to land;</li> <li>- Boom in the Land market/ land speculation;</li> <li>- tenure insecurity;</li> <li>- land conflicts (90% of cases);</li> <li>- issue of transparency, corruption in the land sector.</li> </ul>
Land tenure and administration	<p>No state sovereignty over land;</p> <ul style="list-style-type: none"> <li>- Majority of land owned by local communities under customary systems;</li> <li>- registered land (immatriculation foncière); full property; maximum tenure security.</li> </ul>
Policy and legal Frameworks	<p><b>Constitution :</b> 1992/ amendements  <a href="http://extwprlegs1.fao.org/docs/pdf/tog128398.pdf">http://extwprlegs1.fao.org/docs/pdf/tog128398.pdf</a></p> <p><b>Land policy :</b> No land policy</p> <p><b>Land law :</b> Loi du 5 juin 2018 portant Code foncier et domanial  <a href="http://extwprlegs1.fao.org/docs/pdf/Tog182170.pdf">http://extwprlegs1.fao.org/docs/pdf/Tog182170.pdf</a></p> <p><b>Land policy process :</b></p> <p><b>Stakeholder participation in land policy process :</b>            Consultations took place around the revision process of the new land Code</p>
Institutional framework	<p><b>Lead land Ministry :</b> Ministère de l'Urbanisme</p> <p><b>Other Ministries :</b>            Ministère de l'Agriculture</p> <p><b>Agencies/ Commissions :</b></p> <p><b>Local governments :</b></p> <p><b>Traditional :</b></p> <p><b>CSO platforms :</b></p> <p><b>Donors' platform :</b></p>



Status of land policy implementation	<p><b>Implementation strategy/ plan :</b>  <b>Implementation mechanism :</b>  <b>Budgetary allocation to land policy/ reform :</b>  <b>% Women in parliament :</b> 16.48 as of 2019  <a href="https://www.indexmundi.com/facts/togo/proportion-of-seats-held-by-women-in-national-parliaments">https://www.indexmundi.com/facts/togo/proportion-of-seats-held-by-women-in-national-parliaments</a>  <b>% Women holding land title/ certificates :</b> No Data provided/ found  <b>M&amp;E of land policy implementation :</b>  <b>Ongoing Land policy/ law review process :</b>  <b>Partnerships :</b></p>
Influence of AU lands agenda	<p><b>Awareness of AU Agenda :</b>            - Limited in general            - However, experts who worked on the land policy process were exposed and had different levels of awareness/knowledge            Comprehensive land policy:</p> <p><b>Experts involved :</b></p>

Resources :	<ul style="list-style-type: none"> <li>- Etude de cadrage du système foncier togolais : <a href="https://nelga-afrique-ouest-francophone.org/wp-content/uploads/2019/03/Etude-cadrage-NES_TOGO.pdf">https://nelga-afrique-ouest-francophone.org/wp-content/uploads/2019/03/Etude-cadrage-NES_TOGO.pdf</a></li> <li>- <a href="http://hubrural.org/Vers-un-nouveau-code-foncier.html?lang=fr">http://hubrural.org/Vers-un-nouveau-code-foncier.html?lang=fr</a></li> <li>- file:///C:/Users/Admin/Downloads/Discours%20Premier%20ministre.pdf</li> </ul>
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### 8.1.12. UGANDA

TOPIC	INFORMATION
Background information	<p><b>Official name :</b> Republic of Uganda  <b>Government portal :</b> <a href="https://www.gou.go.ug/">https://www.gou.go.ug/</a>  <b>Total Land Area :</b> 200,520 square km  <b>Agricultural area :</b> 144,150 square km (71.88%)  <b>Forest area :</b> 25,029 square km (12.07%)  <b>Population :</b> 47,408,531 (UN projection for 2021)</p> <p><b>History :</b> Had a strong historical Buganda Kingdom dominating in the south of the country. Historical pastoral groups (that still exist today) occupied northern parts of the country as well as parts of what are now neighboring countries. Colonized by Britain; independence in 1962. Various military regimes ruled. The current President and ruling party took power militarily in 1986 and then introduced democracy.</p>
Key land issues which need to be addressed	<ul style="list-style-type: none"> <li>- Complex four type land tenure system and 80% of land under customary administration and not clearly registered. Mailo system involves overlapping land rights and involves weak rights in form of annual rent tenancy system;</li> <li>- Reasonable legal and policy framework, but implementation challenges and roll out of new provisions such as registration is very slow;</li> <li>- Pressures from investors, especially mining investors targeting communal lands;</li> <li>- Urbanization issues, as urban areas expand to rural areas and customary land. This leads to increased disputes;</li> <li>- There is no credible land information system, digitization has started but there is less than 20% of land in land register. This digitization also further favors the individual freehold and leasehold land;</li> <li>- Expenses and challenges with resolving land issues also lead people to resort to local solutions based on traditional norms at village council level. Faith based organizations also play a role. The challenge is that these solutions are not recognized in courts and can also perpetuate problematic practice such as gender discrimination. These processes are also open to corrupt practices as there is not accountability mechanism;</li> <li>- Limitation of women's access to secure land rights. Mostly come from mismatch between policy, law, and practice. Policy promotes women's land rights. Conventional land registration is not yet gender responsive. Register in name of head of household, a man due to patriarchal society. Whereas in communal system bundle of rights recognized including women although patriarchal norms can also undermine women;</li> <li>- Also, youth are quite left out of land governance issues. Land policy does not recognize young people. In community young people are seen as irresponsible who cannot be trusted with land. Policy and implementation gap;</li> <li>- Limited capacity especially at local level. Decentralized land administration. Was not accompanied by resources. There is capacity at national level, but it is thinly spread.</li> </ul> <p>Uncoordinated land development especially in urban areas, including those mushrooming in rural areas, normally trading centers, unplanned, physical planning that should be addressed through better management of urban growth.</p>
Land tenure and administration	<p><b>Four systems : Customary; Freehold; Mailo; and Leasehold.</b></p> <ul style="list-style-type: none"> <li>- The land administration has three main components: 1) the traditional or Customary system governed by existing community customs and norms; 2) a centralized statutory system governed by written law and based largely on individual rights; and 3) the Mailo system that is a traditional and longstanding tenancy system with landed rights holders as landlords and tenants who are not very secure;</li> <li>- Currently the only practical way for a person to get documented and stronger rights to the customary land they occupy is to apply for an individual title. But this is expensive and undermines the communal land system. There is theoretically a process to register customary land rights, but this is hardly rolled out at all, with very few resources in only a few districts to facilitate this. One pilot was done, but only for about 20,000 land parcels.</li> </ul>
Policy and legal Frameworks	<p><b>Constitution :</b> 1995 – Constitution of the Republic of Uganda. Has a land section which makes provision for a Uganda Land Commission and District Land Boards and Land Tribunals.</p> <p><b>Land policy :</b> The Uganda National Land Policy, 2013  <b>Land law :</b> The Land Act 1998</p> <p>There are inconsistencies with old colonial laws, such as the registration of titles act from the 1950s and surveyors act from the 1960s. These are based on western traditions, not fitting Ugandan realities and also using expensive old technologies, such as beacons for surveying.</p> <p><b>Ongoing land policy process :</b>          There is a process underway to review the laws to harmonize them with each other and with the land policy. But the process is slow.          Three years ago, commission of enquiry into land governance recommended abolition Mailo system to make tenants owners and to compensate land owners. But report not yet public or implemented.</p>

	<p><b>Stakeholder participation in land policy process :</b> There is a National Engagement Strategy (NES) process supported by the ILC. There was good stakeholder process leading to new land policy in 2013.</p> <p><b>Key experts mobilized :</b> Yes, in stakeholder processes.  <b>Donors :</b> A national donor working group on land was set up and played an important role in coordinating donor support. The World Bank is the largest supporter of land administration reforms, but other donors, such as the Ford Foundation and UN Habitat have also played a key role.</p>
Institutional framework	<p><b>Lead land Ministry :</b> Ministry of Lands, Housing and Urban Development (MLHUD)</p> <p><b>Other Ministries :</b>          Ministry of Water, Lands and Environment (MWLE)          Ministry of Works, Housing and Communications (MWHC)          Local land boards should play a major role but lack resources and capacity and are not even established in many districts.</p> <p><b>State Agencies/ Commissions :</b>          Uganda Land Commission and District Land Boards and Land Tribunals.  <b>Local governments :</b>  <b>Donors' platforms on land :</b>  <b>CSO platforms on land :</b></p>
Status of land policy implementation	<p><b>Implementation strategy/ plan :</b>          Through the responsible ministry, with strong role for local land boards.          Plans and obligations not matched by budgets.          Substantial work has been done and is still underway revising or repealing and replacing existing legislation in order to align it with the land policy.  <b>Implementation mechanism :</b> as above.          Budgetary allocation to land policy/ reform: Limited  <b>% Women in parliament :</b> About 33% of members of parliament are women  <b>% Women holding land title/ certificates :</b> No accurate information available. Indications are that women hold considerably less land than men.  <b>M&amp;E of land policy implementation :</b> LGAF produced in 2014  <b>Land policy/ law review process :</b> Underway with no clear outcome dates  <b>Partnerships :</b> NES process.          World Bank making biggest investment in land sector. New project of close to \$100million for digitization of land records and decentralization of land services to 21 regional offices. Focus on freehold which is a big concern to communities and to traditional leaders especially in the north of country.          First phase with \$10million registered 60,000 parcels when target was 800,000. And it ran overtime leaving concerns about future implementation.</p>
Influence of AU lands agenda	<p>African agenda on land and the VGGTs do feature in policy discussions and have been influential. National level of government and civil society organizations are aware of the agenda, but less so at the local level.</p>
Key issues in coming ten years	<ul style="list-style-type: none"> <li>- Monitoring the digitization process that has potential but also risks especially in relation to communal land. Focus on freehold could be disruptive.</li> <li>- Putting in place effective customary/communal land registration and administration.</li> <li>- Ensuring sufficient budgets are made available and further capacity development is undertaken. This to close the policy implementation gap and ensure land administration works for the majority.</li> <li>- Addressing urban land use planning and administration, including issues such as how urban spread is taking up agricultural land and shifting land administration pressures.</li> <li>- Pressure on land from large investors, especially for mining.</li> </ul>
	<p><b>Resources :</b></p> <ul style="list-style-type: none"> <li>- <a href="https://data.worldbank.org/indicator/AG.LND.FRST.K2?locations=UG">https://data.worldbank.org/indicator/AG.LND.FRST.K2?locations=UG</a></li> <li>- <a href="http://www.fao.org/countryprofiles/index/en/?iso3=UGA">http://www.fao.org/countryprofiles/index/en/?iso3=UGA</a></li> <li>- <a href="https://worldpopulationreview.com/countries/uganda-population">https://worldpopulationreview.com/countries/uganda-population</a></li> <li>- <a href="https://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf">https://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf</a></li> <li>- <a href="https://www.refworld.org/docid/5a7afoed4.html">https://www.refworld.org/docid/5a7afoed4.html</a></li> <li>- <a href="https://mlhud.go.ug/wp-content/uploads/2019/03/Land-Act-1998-as-amended-CAP-227.pdf">https://mlhud.go.ug/wp-content/uploads/2019/03/Land-Act-1998-as-amended-CAP-227.pdf</a></li> <li>- <a href="https://data.ipu.org/node/180/data-on-women?chamber_id=13479">https://data.ipu.org/node/180/data-on-women?chamber_id=13479</a></li> <li>- <a href="https://documents1.worldbank.org/curated/en/611841504873425190/pdf/119636-WP-P095390-PUBLIC-7-9-2017-10-34-59-UgandaFinalReport.pdf">https://documents1.worldbank.org/curated/en/611841504873425190/pdf/119636-WP-P095390-PUBLIC-7-9-2017-10-34-59-UgandaFinalReport.pdf</a></li> </ul>

### 8.1.13. ZAMBIA

TOPIC	INFORMATION
Background information	<p><b>Official name :</b> Zambia  <b>Government portal :</b> <a href="https://www.gov.za/">https://www.gov.za/</a>  <b>Total Area</b><sup>54</sup> : 743,390 square km  <b>Agricultural area</b><sup>55</sup> : 238,360 square km (32%)  <b>Population</b><sup>56</sup> : 18,944,219 (UN projection for 2021)  <b>History :</b> Colonized by Britain, first as Northern Rhodesia under the Rhodes business empire. Gained independence in 1964.</p>
Key land issues which need to be addressed	<p>The ministry of Land doesn't have data on land in customary or private land areas. Local council issues occupancy licenses mostly in more urban areas to collect local government taxes, but central government does not get this data. Patriarchal norms dominate in the private land allocations with no information available on gender equity in land holdings, but the perception being that it is highly skewed against women.            Customary systems operate on communal land but with no common approach to land administration and no national data compilation. The state and Customary land divide is strong. Patriarchal norms dominate in the customary land management. Tension between Chiefs and Ministry of Lands is a stumbling block for land policy since 1995 when the 1995 and Act allowed customary land to be made state land, which caused a lot of tension.            There is also a lot of concern about foreign ownership of land and pressure from investors. Large scale land-based investments are not well regulated. Investors are able to make dubious deals with traditional leaders that undermine people's land rights.</p>
Land tenure and administration	<p>There are three types of land tenure : customary land; statutory leasehold land; and state land. Most land (94%) is under customary systems with recognition in the constitution and land policies, and normally a sense of security among land users, but without uniform land administration or data gathering.            No centralized system of land administration. A pilot for urban private land started and plans to roll out, but there are doubts about how this will work (see partnerships below).</p>
Policy and legal Frameworks	<p><b>Constitution :</b>            1991 constitution as amended up to 2016 includes principles for land policy and makes provision for a land commission<sup>57</sup>.</p> <p><b>Land policy :</b> For years there was no land policy with a draft policy from 2006 never adopted. A new process began from 2014 with significant inputs from stakeholders to develop quite a comprehensive draft. In May 2021 a new "National Lands Policy"<sup>58</sup> was released with little resemblance to past drafts. While many see it as positive to finally have a policy approved, there are also concerns that this policy is more of a political direction than policy and that it is too broad and made to please everyone, resulting in it not giving enough direction on important issues. It is worth noting that this policy was passed by the government months before a hotly contested election that brought a new party and President to power.            There was a commitment made in 2016 to ensuring that women get at least 30% of land. The new National Land Policy commits to "ensure 50% of available land for alienation is allocated to women"</p> <p><b>Land law :</b>            Still relies on a 1995 Lands Act which needs reviewing, especially with the new land policy and changed circumstances over the last 25 year. The new Land Policy is not clear on legislative changes needed.            The Gender Equality Act of 2015<sup>59</sup> requires measures to give women equal access to land.  <b>Ongoing land policy process :</b> None currently following the new land policy adoption.  <b>Stakeholder participation in land policy process :</b> There was substantial participation over years, but much of that seems to have been ignored in adoption of new policy.  <b>Key experts mobilized :</b> as above.</p>
Institutional framework	<p><b>Lead land Ministry :</b> Ministry of Lands, Natural Resources and Environmental Protection (MLNREP).</p> <p><b>Other Ministries :</b>            Ministry of Finance and National Planning (MoFNP) plays a key role due to its planning as well as budget control.            Ministry of Local Government and Housing and District Councils has responsibility for development planning.</p> <p><b>State Agencies/ Commissions :</b>            Commissioner of Lands responsible for land alienation.            Land Tribunal for resolving land disputes.  <b>Local governments :</b> Play a key role in land planning, development, local allocations and taxation.  <b>Donors platforms on land :</b>  <b>CSO platforms on land :</b></p>

Status of land policy implementation	<p><b>Implementation strategy/ plan :</b>            A set of "measures" are now set out in the new land policy. Work will be need to see how these are implemented.  <b>Implementation mechanism :</b> The ministry responsible (MLNREP) is supposed to take forward land administration and reforms. In practice much land administration is with traditional authorities in communal areas and local governments in urban areas.  <b>Budgetary allocation to land policy/ reform:</b> It is generally felt that the budgets for land administration and land reforms are inadequate.  <b>% Women in parliament :</b> 14.1% of Members of Parliament are women  <b>% Women holding land title/ certificates :</b> There is no clear data on this.  <b>M&amp;E of land policy implementation :</b> LGAF study completed in 2016  <b>Land policy/ law review process :</b> A new land policy has just been finalized and approved in May 2021 after many years with no policy. It remains to be seen how this will impact on land governance and what review process may be put in place especially with recent political changes that brought a new party to power  <b>Partnerships :</b> Urban land registration is being carried out between ministry of land and local government, with a company called Mediditi Land Governance that claims to do block chain work from technical side. They are meant to carry out national land titling program on state land. Their capacity is questionable. It started with a pilot of 50,000 titles in the capital city of Lusaka in 2019. Now they are meant to do 5 million titles 7 years.</p>
Influence of AU lands agenda	<p>There is very little direct influence of the AU Agenda and Land and people interviewed claim very little knowledge of it and there is little explicit reference to it in the policy process. However, one wonder whether commitments made, such as to ensure 30% of land certified goes to women and other positions in line with the AU Agenda on Land where indirectly influenced by the Agenda. It was expressed that Zambia takes pride in seeing itself as different and is suspicious of ideas from outside the country and that does seem to be reflected in the lack of learning from other countries, including neighboring countries like Botswana about how common problems, such as reforming customary land administration, can be handled.</p>
Key issues in coming ten years	<ul style="list-style-type: none"> <li>- Need for uniformity of laws and policies governing land administration.</li> <li>- Improve women's land rights and create greater gender equity, leveraging the commitments in the new land policy to do this.</li> <li>- Address land pressures from investors and the lack of regulation around this that is leaving people's land rights vulnerable.</li> <li>- Make available budget resources and develop the required skills to implement land policy.</li> <li>- Monitoring the digitization and titling process that could be good, but is currently cause for concern due to lack of clarity on skills of company contracted and risks for customary rights registration.</li> </ul>
Resources :	<ul style="list-style-type: none"> <li>- <a href="https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=ZM">https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=ZM</a></li> <li>- <a href="http://www.fao.org/faolex/country-profiles/general-profile/en/?iso3=ZMB">http://www.fao.org/faolex/country-profiles/general-profile/en/?iso3=ZMB</a></li> <li>- <a href="https://worldpopulationreview.com/countries/zambia-population">https://worldpopulationreview.com/countries/zambia-population</a></li> <li>- <a href="https://constituteproject.org/constitution/Zambia_2016.pdf?lang=en">https://constituteproject.org/constitution/Zambia_2016.pdf?lang=en</a></li> <li>- <a href="https://www.mlnr.gov.zm/?wpfb_dl=127">https://www.mlnr.gov.zm/?wpfb_dl=127</a></li> <li>- <a href="https://www.parliament.gov.zm/sites/default/files/documents/acts/Lands%20Act.pdf">https://www.parliament.gov.zm/sites/default/files/documents/acts/Lands%20Act.pdf</a></li> <li>- <a href="https://www.parliament.gov.zm/sites/default/files/documents/acts/The%20Gender%20Equity%20and%20Equality%20Bill%2C%202015.pdf">https://www.parliament.gov.zm/sites/default/files/documents/acts/The%20Gender%20Equity%20and%20Equality%20Bill%2C%202015.pdf</a></li> <li>- <a href="https://www.parliament.gov.zm/members/gender">https://www.parliament.gov.zm/members/gender</a></li> <li>- <a href="https://documents.worldbank.org/en/publication/documents-reports/documentdetail/67809150486973237/land-governance-assessment-zambia-country-report">https://documents.worldbank.org/en/publication/documents-reports/documentdetail/67809150486973237/land-governance-assessment-zambia-country-report</a></li> </ul>



## 8.2. Key informants

COUNTRY INFORMANTS			
COUNTRY	NAME	ORGANIZATION	COMMENTS
Burkina	Blaise Bama	Confederation Paysanne du Faso	
Cameroon	Michelle Sonkoue Samuel Nguiffo	CED	Representative NES platform
DR Congo	Simplice Moutombo Raphael Kasongo	CONAREF	CONAREF is currently leading the land policy development process
Ethiopia	Fikru Takele Belay Demissie	Land for Life USAID	
Kenya	Faith Alubbe Ken Otieno	Kenya Land Alliance (KLA) Reconcile	
Liberia	James Yarsiah	RightsRice	
Senegal	Nicole Chaby	IPAR	Representative NES Platform
Sierra Leone	Berns Komba Lebbie	Coordinator Land for Life Alliance	
South Africa	Ruth Hall	PLAAS, University of the Western Cape	Was member of the Presidential Advisory Panel on Land Reform and Agriculture
	Laurel Oettle Tom Lebert Siya Sithole	Association for Rural Advancement (AFRA)	NES platform Convener in South Africa
Togo	Frederic Djinadja	ADHD Togo (Autopromotion rurale pour un Développement Durable)	
Tanzania	Bernard Baha	Coordinator Tanzania Land Alliance	
Uganda	Naome Kabanda	Director Land Management, Ministry of Lands, Housing & Urban Development	
	Simon Peter Mwesigye	Country Program Manager Uganda. UN Habitat and GLTN	GLTN project lead in Uganda
Zambia	Matt Sommerville	TetraTech	Led USAID-funded land project in Zambia
	Patrick Musole	Executive Director, Zambia Land Alliance (ZLA)	

REGIONAL ECONOMIC COMMUNITIES			
CONTINENTAL INSTITUTIONS	NAME	ORGANIZATION	COMMENTS
ECOWAS	Ernest Aubee	Principal Program Officer. Head of the Agriculture Division	
ECCAS	Remy Mukongo	Expert, Forest Economy	ECCAS Focal Point on Sustainable Land and Water Management and Forests Issues
IGAD	Esther Obaikol	Regional Coordinator IGAD Land Governance, Intergovernmental Authority on Development (IGAD)	
SADC	Glen Fared	Former Executive Director of the SADC-Council of Non-Governmental Organizations	
AUC	Joan Kagwanja	Chief, African Land Policy Centre (ALPC)	
ALPC	Janet Edeme	Head, Rural Economy Division, Department of Rural Economy and Agriculture, African Union Commission (AUC)	
AfDB	Maria Saguti Marealle	Principle Land Officer, African Development Bank (AfDB)	
AUDA-NEPAD	Rudo Makunike	Acting Head, Environment Unit. Land Governance Project Lead. African Union Development Agency-New Partnership for Africa's Development (AUDA-NEPAD)	

## 8.3. Interview Guides

### 8.3.1. Interview Guide for continental institutions

#### Introduction

- Quick comments on :
  - what the study is about (not an evaluation of ALPC; but a lesson learning exercise in view to improve advocacy work of the CSO Platform on land)
  - Why a study now (opportunity of the 10 years timeframe)
- Study initiated by CSO Platform with support of its partners
- Experts recruited to conduct the study
- Experts working through Country focal points

#### NB : Authorization to record

- 1 - In general, how do you perceive the context of land governance today in Africa
  - a. Are we making progress ? Why ?
  - b. Which countries/ regions are making most progress/ why ?
  - c. Which emerging issues need to be anticipated/ addressed.
- 2 - Why did your institution decided to engage in promoting an African agenda on land ?
  - a. What specifically triggered the decision to engage in land policy ;
  - b. Where there other significant continental initiatives on land before the LPI ?
  - c. Did the AU Agenda on Land contribute to generating other initiatives in the African land sector ?
- 3 - 10 years since its adoption, what are the most important achievements of the AU agenda on Land ?
  - a. At which level did the agenda result in most important achievements (continental / regional/ national/ ) ?
  - b. What changes were influenced directly/ indirectly by the AU Agenda?
  - c. From your perception, what are the most sustainable achievements of AU Agenda on Land ?
  - d. Do you have any specific comments about how African countries are engaged in strengthening women's land rights ?
- 4 - From your perception what are the key constraints/ challenges in implementing the AU Agenda on Land ?
  - a. Are these constraints related to the political commitment of member states (please provide further comments) ?
  - b. Are these constraints rather technical in nature? the implementation process of AU Agenda on Land (please provide further comments) ?
  - c. What about the financial constraints in the development/ implementation of land policy processes in Africa) ?
  - d. What role can AU play in addressing these constraints/ challenges.
- 5 - Development partners supported the development and implementation of AU Agenda on Land. What are some of the main factors which fostered the support of Development partners to AU Agenda on Land ?
  - a. Were there adherence to the principles of the AU Agenda on Land ?
  - b. Were adequate support provided to the implementation of the AU Agenda on Land ?
  - c. Were there differences of perception in the implementation process of AU Agenda on Land and if so what were these ?
  - d. Is there still support to the AU Agenda on Land ?
- 6 - What is your perspective on how the continent can better improve the governance of land resources in support of its transformation agenda ?
  - a. Which areas / emerging issues require more attention in the future ?
  - b. How can Africa make significant progress in the field of women's land rights ?
  - c. How do you see the role of your institution in the future, in improving land governance in Africa? What would make this role more effective ?
  - d. Where and how do you perceive a stronger role of CSOs in support of the governance of land in Africa ?
  - e. What are your key recommendations in support of improved land governance across the continent ?

**NB : Please mention any important document the team should look at, specially AU STC documents related to land ?**

### 8.3.2. Interview Guide for Regional Economic Communities

#### Introduction

- Quick overview about study:
  - What the study is about: a lesson learning exercise in view to improve advocacy work of the CSO Platform on land; not an evaluation of ALPC;
  - Why the study: Importance of land to Africa's development agenda; opportunity of 10 years' timeframe
- Initiators of the Study: CSO Platform on land
- The African CSO Platform on Land (CICODEV; Huairou Commission; OXFAM...)
- Established with support from ALPC
- Key partners
  - GLTN; Welthungerhilfe;
  - Country focal points (ILC NES Platforms)
- Experts in charge
  - Hubert Ouedraogo
  - Marc Wegerif

#### NB : Authorization to record

- 1 - Is land an issue of concern for the regional integration agenda in your region?
  - a. What are some of the common priority land issues in your region?
  - b. Are land issues specifically discussed/ addressed in the context of certain programs of your institution
  - c. Do you have any information regarding possible regional land initiatives and key national land reform processes in the region ?
- 2 - Specific role of the RECs in addressing land issues
  - a. Are you aware of the existence of any regional land project/program in your region ?
  - b. Did your institution ever develop or has developed in the past, a regional land project/ program ?
  - c. The AU Declaration calls specifically the RECs to facilitate exchange of experiences on land: are there initiatives / actions in that respect? Any action in support of Women's land rights ?
- 3 - Achievements/ challenges related to implementing the AU Agenda on Land ?
  - a. How do you perceive the specific role/ influence of AU Agenda on Land in region ?
  - b. To what extent has the AU Agenda on Land influenced how land issues are perceived/ addressed in your institution ?
  - c. From your perspective, what are some of the key challenges/ constraints in contributing to the implementation of AU Agenda on Land in your region ?
  - d. Is your REC working/ collaborating with CSOs on land related issues in the region ? How ?
- 4 - Perspectives and recommendations
  - a. From your perspective, what role could RECs play in support of stronger implementation of improved land governance in the region ?
  - b. How do you see the role of the RECs in the future in promoting an African agenda on land in the region? Any projected initiative ?
  - c. How is it possible to strengthen collaboration / partnership between the RECs and CSOs in support of an African Agenda on land, including strengthening women's land rights in the region.

**NB : Please mention any important document/ decision of the REC of interest for the study**

### 8.3.3. Interview Guide for Country informants

#### Introduction

- Quick overview about study :
- What the study is about: a lesson learning exercise in view to improve advocacy work of the CSO Platform on land; not an evaluation of ALPC ;
- Why the study: Importance of land to Africa's development agenda; opportunity of 10 years' timeframe
- Initiators of the Study: CSO Platform on land
- The African CSO Platform on Land (CICODEV; Huairou Commission; OXFAM...)
- Established with support from ALPC
- Key partners
- GLTN; Welthungerhilfe;
- Country focal points (ILC NES Platforms)
- Experts in charge
- Hubert Ouedraogo
- Marc Wegerif

#### NB : Authorization to record

- 1 - Priority land governance issues which need to be addressed in the country
  - a. Issue 1 :
  - b. Issue 2 :
  - c. Issue 3 :
- 2 - Key initiatives engaged to address those issues
  - d. Land policy development
  - e. Land laws (including extent to which they are implemented)
  - f. Key land projects/ programs (including those under preparation)
  - g. CSO-led/ initiatives
- 3 - Awareness of AU agenda on Land
  - a. Have you ever been exposed to the AU agenda on Land
  - b. Most Known tools related to AU Agenda on Land (AU Declaration on land; F&G; Nairobi Action plan...)
  - c. Relevance/ contribution of AU Agenda on Land to the national land policy process
  - d. Other comments
- 4 - Extent to which the AU agenda influenced the national land policy process
  - a. In the field of land policy development
  - b. In the field of land policy implementation, including strengthening women's land rights
  - c. In the field of monitoring and evaluation
  - d. Other comments
- 5 - Recommendations for improved land Governance in Africa
  - a. Areas which need better attention/ support across Africa
  - b. Type of support needed (technical assistance; capacity building...)
  - c. How can the AU Agenda on Land be better implemented at country level
  - d. How to strengthen the role of CSOs in national/ regional/ continental land policy processes



## ENDNOTES :

1. Permanent Interstate Committee for drought control in the Sahel
2. Conférence régionale sur la problématique foncière et la décentralisation (1994) : <https://www.ascleiden.nl/publications/conference-regionale-sur-la-problematique-fonciere-et-la-decentralisation-praia-20-au>
3. See IGAD Land Governance Portal: <https://land.igad.int/>
4. Philippe Lemarchand. Atlas du XXème siècle : L'Afrique et l'Europe. Complexe Eds, 1999
5. Amanor, K. S., Moyo S. (eds), Land and Sustainable Development in Africa. London and New York: Zed Books, 2008.
6. Fit for purpose Land administration is a new, innovative and pragmatic approach to land administration that is adapted to the context of less developed countries with limited human, technical financial resources while meeting the concrete needs of people regarding security of tenure. provides guidance on how to build effective land administration systems. Some of the characteristics of Fit for purpose land administration systems are affordability, flexibility and possibility to upgrade the system over time.
7. With just over 40% of its population in urban areas in 2018, Africa still had the lowest level of urbanization of any continent, but it now has the fastest growing and the fastest urbanizing population of any continent. An illustration of this is that all 15 of the fastest growing cities in the world are in Africa.  
Baeumler, A., D'Aoust, O., Das, M. B., Gapihan, A., Goga, S., Lakovits, C., . . . Terraza, H. (2021). Demographic Trends and Urbanization. Retrieved from Washington, DC. USA: <https://population.un.org/wup/Publications/Files/WUP2018-Report.pdf>  
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46. "The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange". Art. 40.3, Constitution of Ethiopia.
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**LAND**  
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For a world without hunger

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FOR A BETTER URBAN FUTURE

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