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LAND IN AFRICA Market asset or secure livelihood?

Summary of conclusions from the *Land in Africa* Conference
held in London, November 8-9, 2004.

- International Institute for Environment and Development (IIED)
- Natural Resources Institute (NRI) ● Royal African Society (RAS)

African ministers, policy makers, opinion leaders and researchers concerned with land issues gathered in London with international agencies and experts for **Land in Africa**, a two-day Conference in early November, 2004, to explore current thinking and experience with land tenure issues across the continent. Participants debated how land policies and programmes for land management can best promote secure rights, investment and economic growth. This document highlights the findings and key policy messages emerging from the Conference.

Background

Land lies at the heart of social, political and economic life in most of Africa. Agriculture, natural resource use and other land-based activities are key to livelihoods, income and employment. Land also has major historical and spiritual significance. At one time land seemed an almost inexhaustible asset in Africa, but population growth and market development are creating mounting competition for land resources, especially close to towns and cities, and in productive, high value areas. Customary land management is under pressure, and the coverage of formal land institutions is generally very limited.

As a result, land tenure and shelter are insecure for many ordinary Africans in both urban and rural areas. Property rights are weak or unclear, which provides a major obstacle for promoting investment. In much of West Africa, for example, most land holdings are unregistered. Land competition can trigger and exacerbate wider conflicts. In southern Africa, particularly, the unresolved historical legacy of colonial land alienation underlies the risks of social and political conflict. Bound up with ethnic identity, and political and economic power, and being of critical importance for the livelihoods of the poor, the management of rights to land is a core issue for African governments today.

Despite being central to peaceful development, economic growth and sustainable resource use, land issues have often been ignored. Donor governments have been reluctant to get involved in land related programmes, in part because of the perceived political risks. At the same time, despite their central contribution to economic growth, land and agricultural development have failed to receive adequate attention in the Poverty Reduction Strategy processes.

KEY FINDINGS:

Land reform and security of tenure demand political support and long-term commitment.

Donor mechanisms, such as Poverty Reduction Strategies, need to support the land institutions that underpin economic growth, peace and stability.

Land issues must be mainstreamed into the wider economic agenda to secure property rights for poor and rich alike.

Donors can usefully support training, research and innovation for a range of services including land administration.

Much valuable experience exists in Africa on securing land rights. Governments and donors need to build on such knowledge.

Policy dialogue with civil society groups, business, government, and farmers' organisations is central to moving forward.

Good governance of land is key to peace and security.

The new emphasis on investment in infrastructure requires attention to land rights.



The *Land in Africa* conference aimed to generate policy messages for the work of the Commission for Africa (established by UK Prime Minister Tony Blair, and due to report in March to feed into the G8 summit in July 2005), for debates within the African Union, and for the progress with NEPAD's programme on agriculture. This document summarises the discussion, highlights areas of consensus, and identifies the progress made in addressing the very diverse settings within which land and resource rights need to be secured. It concludes with a statement of key recommendations to the Commission for Africa on actions that the G8 governments could make in order to contribute to the strengthening of governance of land and property rights in Africa.

The *Land in Africa* conference aimed to address two key issues:

- Understand the links between property rights, investment and the generation of economic opportunities in the context of global integration.
- Identify how best to secure access to land for farmers and the urban poor as the basis for improved livelihoods and food security.

The meeting brought together more than 100 people from Africa, Europe and North America, coming from government, civil society, research organisations, international agencies and the private sector. It was held five years on from the UK Department for International Development supported conference on land rights and sustainable development in sub-Saharan Africa, held in Sunningdale, which contributed to improved dialogue and more coherent external support for land policy across the continent. At the end of 2004, *Land in Africa* provided a timely platform to review the extensive progress made in many parts of the continent.

SUMMARY OF CONCLUSIONS

Secure land rights are now recognised by most African governments as critical for peace, stability and economic growth. The African Union also sees better governance of land and natural resources as central to all hopes of peace and stability across the continent. There are increasing demands for land and tensions stemming from competition for this valuable resource. African governments must take the lead in land policy and tenure reform, since political interests are at stake. A diverse array of approaches to strengthening land rights is now emerging, from which stem valuable lessons to be shared between governments, civil society groups and land professionals. Important questions concern how pan-African and South-South exchanges can strengthen such a learning approach; and what the G8 can best do to support an African led agenda on land.

Equitable access to land lies at the heart of democracy and sustainable development

- Secure land rights are critical to economic growth, and to equipping African agriculture to face the challenges of a globalising world.
- The history of land settlement, conquest and market development in Africa needs to be grasped to understand the current context, and find ways forward.
- Secure rights are important for all so that the millions of

small farmers who depend on agriculture for their livelihoods can survive and prosper, alongside larger investors.

- At the same time the growth and importance of Africa's cities poses a major challenge for urban and peri-urban land management.
- Government ownership, use and management of land needs to become more accountable.
- Public dialogue needs to be strengthened supported by the development of civil society actors and knowledge networks both of which have important roles to play.

Land is also relevant to the peace and security agenda

- Competition for land and natural resources plays a major role in generating wider conflict and insecurity. Establishing an accountable basis for managing land is an important element of institution building in post conflict settings.

Innovation and change in land rights management illustrate diverse ways of delivering secure rights to Africa's land and natural resource users

- A diverse range of relatively simple, low cost, accessible approaches using local institutions and modern technology have been developed in different parts of Africa, which aim to secure rights for all.
- Care is needed in formalising property rights through individual land title to ensure that poor people's rights to use and access land and resources are protected.
- Women's rights are particularly vulnerable; in addition to equitable policies and laws, practical measures to promote gender inclusion at all levels are needed. The rising incidence of HIV/AIDS makes women even more vulnerable to dispossession.
- Conserving Africa's common property resources is vital for a wide range of natural resource users. Maintaining access to the commons is especially important for the livelihoods of poor people. Strengthening group resource management, legal recognition of joint ownership and developing management agreements between different users provide essential ingredients for securing the commons.

The G8 together with the African Union and member states can help build sound policies and institutions to secure land rights for all.

- The UK's chairmanship of the G8 in 2005 offers a unique opportunity to secure the place of land issues in the long term partnership between Africa and the world's richest nations. Although specific commitments of resources may be needed in the short term, the last five years have demonstrated that gradual but solid progress can be made in developing appropriate policies and practical approaches. What is needed now is a sustained commitment to collaboration from the G8. **The last section of this document outlines the key areas for action.**

ISSUES DISCUSSED AND POINTS OF CONSENSUS

Equitable access to land – at the heart of democracy and sustainable development

Land is not just an economic asset, and market commodity,



but has strong political, social, cultural, and spiritual dimensions. Because land is a key asset for most rural and urban populations, there are strong links between democracy and equitable access to land. Control over land is a means by which the rich can exert power over their poorer neighbours, in a range of areas. Where land distribution is very unequal, programmes to title land will further entrench such unequal property rights. Sharp inequalities in land distribution need to be addressed. Decisions concerning land, whose rights count and how those rights will be managed are not just technical choices, but are highly political. The choice of structure to manage land rights and resolve land disputes and resource conflicts will have consequences for different interests and groups of people. Some will win and others lose.

Land and natural resources are key assets for economic growth and development. Most African economies continue to rely heavily on agriculture and natural resources for a significant share of GDP, national food needs, employment, and export revenue. Such dependence is likely to persist for the foreseeable future. Reductions in poverty must therefore build on the agricultural sector. More equitable patterns of land ownership generate higher levels and broader based patterns of economic growth. Hence, securing rights for all should serve multiple goals – greater equity, reduced poverty, income growth, and economic efficiency.

Secure tenure is a key to promoting economic development and investment, since security is essential if people are to invest in the long term management and improvement of this asset. There are multiple ways of registering rights to land, from short term certificates of occupancy, to more formal registers and titling procedures. Rights can be secured at different levels, such as the individual or family, and at collective levels, such as the village or clan. The state plays a fundamental role in managing or facilitating the process, and this is best done in a decentralised way, in partnership with local institutions which can check and validate claims. In some places, the registration of rights has been carried out in systematic fashion, with all land in a given village or area being adjudicated and registered at the same time. There are advantages to such a method, as it is more efficient and less liable to fraud. In other cases, registration of land has been done on demand, leading to a patchwork of registered and unregistered land. *There are many ways to secure property rights, whether at individual or collective levels. Blueprint solutions should give way to locally appropriate initiatives and actions.*

Historical change, current context and future prospects

Land issues need to be understood in historical context. This history is often centuries old, with people laying claim to land on grounds of settlement, conquest, or market acquisition by distant ancestors. The colonial past in Eastern and Southern Africa has left behind a very unequal pattern of land ownership. Efforts to re-distribute land and settle historic injustices have moved slowly. At current rates of progress, dependent on a full market price, the South African government's target of redistributing 35m hectares by 2015 will not be achieved. Other quicker, cheaper means to redistribute land may need to be taken, such as expropriation of land which currently is not being used. Otherwise land

invasions are an increasingly likely outcome. *Donor support for the land redistribution process in South Africa has slackened and needs reinvigorating. Given the strong historic responsibility for current inequities in land ownership, there are arguments for some of the costs of land redistribution to be borne by the donor community.*

While history certainly colours land issues, countries must also look forward and think how best to address the rapid changes they face from a mix of global and local forces. These include trade liberalisation, rapid urbanisation, world commodity price trends, and the devastating impact of HIV-AIDS. Such processes have varying consequences for pressures on land, its value in different uses, and the strength of conflicting claims. Land users need practical, accessible mechanisms to secure their rights in the face of such challenges. For example, as cities grow, and land values escalate, those farming land in the peri-urban zone face high risks of dispossession, unless their rights can be confirmed.

Promoting economic growth

As the 2004 World Development Report emphasizes, ensuring a favourable climate for investors is vital to generate higher levels of growth. African governments have usually been far more interested in attracting foreign direct investment (FDI), through advantageous tax regimes, than seeing how best to promote local enterprise. But improving the investment climate is also key to domestic investors, whether they be smallholder farmers, traders or entrepreneurs. Investors – big and small – need assured rights to the land and property in which they invest. These do not have to involve full ownership, but can involve tenancy and leases. Indeed, the law in many African countries does not allow for foreign ownership of land. Instead foreign investors can get leases of anything up to 99 years. *Securing land and property rights constitutes a core element in generating a favourable investment climate for small and large land users alike.*

Land rights and agricultural “modernisation”

African agriculture faces many challenges in a globalising world, in which access to markets, both local and global, is hotly contested. In Africa's domestic markets, cheap foodstuffs produced by heavily subsidised farmers are being dumped, displacing the harvests of local producers. In European and US markets, imports from Africa are facing rising barriers, through imposition of new standards and norms from governments, and private sector actors, such as supermarkets. Smallholders are fighting a hard battle against such unfair practices. Smallholders have been central to the agricultural economies of most African nations, and have shown themselves to be highly productive, and very responsive to new markets and opportunities. But what is the longer term picture?

Some argue that farmers need to be encouraged to leave the agricultural sector, to help consolidate larger holdings, better able to cope with the demands of the global economy. According to this view, larger holdings will lead to higher incomes and productivity. Former smallholder farmers should seek employment as farm workers or shift to the industrial or service sectors. But others ask whether this is realistic in the current context, in particular where there is little sign of a



developing industrial sector to create jobs. Instead, they say government should provide greater support so that smallholders can remain a central part of the farm economy.

The debate about the future of smallholder farming is often argued in economic terms, with evidence brought about yields, efficiency, and growth. But there are also many other dimensions, which relate to stability, social cohesion, identity, and equity. The social safety net issue is significant if one compares experience from China, where smallholders cannot sell-off their land for cash, and where there is no landlessness in contrast to India, where land can be bought and sold, generating a large landless group who rely on state provision of benefits to keep them from destitution. For some, access to land and shelter is seen as a fundamental human right, conferred on all citizens of a country. Others see this as unrealistic. *There are multiple benefits associated with smallholder production. In the push for “modernisation” of the agricultural sector, governments need to reflect on the consequences of opting for large scale farm development, at the expense of the smallholder sector. Rich country governments must also urgently address farm policy, export subsidies, and market barriers which are making it ever more difficult for smallholders to access domestic and international markets, from which to gain a livelihood.*

Growing Cities and the challenge of urban land management

Africa's urban settlements are growing apace, both large cities and many small and medium towns. Such growth has major impacts on peri-urban land values, and rising insecurity for those living on and working such land. Within urban areas, squatter communities are usually not recognised by the state and hence have no access to basic services. Their rights to the land and housing which may have sheltered them for many years are frequently swept aside when more powerful interests seek to acquire this land. Evictions are a constant threat, given the rapid increase in land values for building plots. However, city governments are increasingly recognising the need to strengthen rights for slum dwellers, as a means to bring them more effectively into the urban economy, and ensure better provision of water and sanitation.

Neighbourhood associations and federations of the urban poor are playing a major role in some cities, to survey, enumerate and negotiate their rights to occupy urban land. The commitment of governments to significantly improve the lives of slum dwellers, enshrined in the Millennium Development Goals, provides further impetus for more innovative approaches to securing urban land rights. *The rapid increase in land values in and around urban settlements generates high levels of insecurity, especially for poorer groups, unable to withstand the pressure of market forces. Innovative tenure systems are needed to strengthen their rights and enable a negotiated solution instead of forced evictions. A phased approach makes best sense in which it is possible to upgrade the rights of the poor over time. Equally, a revision of planning procedures and norms would help provide affordable land on an adequate scale, as well allowing households to obtain basic services irrespective of tenure status.*

Making government more accountable

In many countries, the ultimate ownership of land remains in government hands, with land allocated administratively, rather than through the market. This brings serious risks of rent-seeking and corrupt behaviour. Compensation is often not paid when land has been taken by government for public purposes. Many large land holdings remain in government hands, and constitute a valuable asset for gift to political allies. Regardless of legal provisions, in practice the law may not protect the rights of poor people. *It is vital to democratise access to justice and address weak institutional and legal frameworks. Reforms are needed not only at central government but also lower levels such as rural councils, and village committees. Institutional strengthening means developing better checks and balances, to make structures accountable both upwards to central government but also downwards to the people they are meant to be serving. For land, it means establishing open processes, with publicly accessible land registers and information about how and to whom land is being allocated.*

Strengthening public dialogue

Because land issues involve political choices, broad public debates of the options at stake are essential. Drawing up new legislation is usually not the first thing to be done. Rather government needs to engage with different parts of society, to understand diverse interests and priorities. Taking time to consult effectively and following a flexible calendar are key to ensuring confidence between government and people. Political leadership and key statements matter a lot in providing assurance about the process to be followed, which will likely take several years. In the cases of Uganda and Ghana, it took several years to design the land policy. By contrast, the case of Côte d'Ivoire, where the land law of 1998 was written largely behind closed doors, illustrates the risks of not taking a broad based approach and the time needed to consult. Many African countries have seen a flowering of networks and civil society groups with contributions to make to such debates. *The importance of land rights for political stability, economic development and social identity highlights the need to support development of civil society actors and networks with knowledge of land issues – at national, Pan-African and global levels.*

Land, peace and security

Conflict is widespread in many parts of Africa. Security is key to any real prospects for development and poverty reduction, as people struggle to gain control of resources and the power and revenue they yield. While land may not always be at the source of this conflict, competition for land often serves to inflame tensions between groups, since politicians find it an easy issue with which to mobilise emotions and support. Land seizures, eviction of migrants, and ethnic cleansing have characterised a number of conflicts in Africa. Several countries – such as the Democratic Republic of the Congo, Sudan, and Somalia – were absent from this Conference on *Land in Africa*, a consequence of ongoing conflict which prevents them resolving these critical issues. Even those countries at peace face major problems spilling over from neighbouring conflicts, such as large numbers of refugees who need to be



accommodated. *The role of land and resource conflict in generating wider insecurity makes it vitally important to find means to resolve disputes early before they can escalate.*

In post-conflict settings, establishing legitimate institutions governing access to land for re-settlement of migrants and refugees becomes hugely important, as do questions of restitution. In countries like Rwanda, where there have been several waves of conflict and associated refugees, there are many difficult questions to be addressed. For instance, those people displaced in 1959 who have returned home recently, find that their former land has been worked for 40 years by others. In such circumstances, whose rights count? How can a sharing of the land as asset and source of income be achieved? The new land policy in Rwanda demonstrates that even in difficult circumstances such as these, progress can be made, though this may involve making difficult choices between interest groups. *Establishing new institutions for managing access to land is key to providing more accountable governance of resources in post-conflict settings.*

Innovation and change in land rights management

Great progress has been made in testing out new approaches to securing land rights. Twenty years ago, much emphasis was placed on formal land titling programmes, which have proved slow, expensive, and difficult to keep up-to-date, and hard for poor farmers to access. Evidence shows that titling is neither necessary nor sufficient to generate tenure security. Indeed, programmes to title and register land may generate conflicts rather than resolving them. Pilot cases from Ethiopia, Mozambique, and Benin show how rights can be registered at much lower cost and in simpler ways. In many places, titling and registration of land may be much less important than working to strengthen local institutions with responsibility for managing land rights and related disputes. The recent shift towards decentralising government has been valuable as a means to get land rights management much closer to the field.

Box 1 – Titling of land in Ghana

The Land Title Registration Law of 1986 provides for the registration of all interests in land – under customary law and common law. It also provides that land held by stools, skins, and families should be registered in the name of the corporate group. However, the registration scheme has, as yet, only been implemented in the urban centres of Accra, Tema and parts of Kumasi. The Land Registry is noted as having only been able to issue less than half the number of applications made to it in 2000. After more than a decade since its introduction, its impact has been negligible. Its failure has been attributed to several design and implementation defects, which include inadequate funding and human resources, the uncoordinated nature of the process, and the registering of individual interests in areas where there remains dispute at higher levels. Interests are also being registered, without the knowledge of other claimants, since insufficient time is taken to publicise these processes widely.

As a result of these difficulties Ghana is now experimenting with a new approach under the World Bank and multi-donor supported Land Administration Programme (LAP). This aims to modernise and consolidate Ghana's land institutions and to develop the role of Customary Land Secretariats in land administration at the local level, acting as land custodians in rural and peri-urban areas.

Sources: Kasanga & Kotey, 2001, *MLF Ghana 2003*.

This better understanding of the diverse options available to government allows approaches to be tailored to different settings, and for upgrading of rights and systems over time. Ways of securing rights work best when these are based on tenure systems already known to the community concerned. The costs and techniques of land administration also need to match the value of land. New technologies, such as Global Positioning Systems, computerisation of records, and Geographic Information Systems can help. But technology is no substitute for a locally legitimate process to adjudicate disputed claims. The local knowledge of neighbours is essential to clarify rights and boundaries. New approaches to land bring a need for new skills, such as simple, low cost survey, and innovation with registration methods. *Key lessons for equitable and accessible rights management are – make it simple, use local knowledge, and refine it over time. Learning lessons from elsewhere provides ideas and experience from which to build. These mechanisms for shared learning need strengthening. Technical capacity in different skills should be built in-country, through training and networks.*

Much attention has recently been paid to the work of Hernando de Soto, the Peruvian economist who argues that titling the property of the poor will generate the basis for more equitable and sustained economic growth, through mobilisation of savings and credit. De Soto's approach, which is being taken up by several African governments and donor agencies, is generating some concern, because it is seen as being parachuted in from outside, rather than building on existing experience. Worries also relate to the fact that de Soto takes "the poor" as an undifferentiated group, rather than recognising the diverse rights and claims of poor people. In many settings, property rights are complex and overlapping, so that their registration in the form of an individual property title would risk many secondary rights holders losing access to the land. *Although opportunities to formalise property rights need to be made more accessible for all, care is needed in interpreting de Soto's arguments as the only model for securing land rights for the poor. In some settings, his approach may be ideal. Elsewhere, other methods make more sense, especially where existing work shows promise. If unlocking access to credit for poor people is the key objective, then thought could usefully be given to other means to achieve this end, such as building on the growing experience with micro-finance schemes.*

Women's rights are particularly vulnerable

Customary practices for managing land are outmoded and not working in many areas. Interpretations of "customary rights" are disputed, with chiefs stretching the interpretation of their powers for personal gain. Customary practices regarding land are particularly adverse for women, who rarely have full rights in land but must negotiate as secondary claimants through male relatives – their father, brother, husband or son. Succession and inheritance rights remain problematic, since women usually cannot inherit the matrimonial home, on the death of their spouse. Women's rights are often affirmed in the Constitution in unequivocal terms, but in most cases, customary law tends to be more important than what the constitution says. New legislation needs to strengthen



women's formal rights to land, through spousal co-ownership, and a bar on sales of family land if no agreement by both husband and wife. But law is not enough. *High level political statements in support of women's rights need accompanying by a range of supporting measures, such as ensuring women are represented on land committees, informing local government staff of new legislation regarding women's rights, legal clinics, and encouraging community leaders to take women's rights seriously. It is especially urgent to provide legal protection for women now, since the rising incidence of HIV/AIDS has put widows and orphaned children even more at risk of dispossession of their house and land by their dead husband's kin.*

Box 2 - Customary Law versus The Constitution The *Bhe* Constitutional Court judgement - South Africa

On October 15, 2004 the South African Constitutional Court made an important ruling in respect of women's rights. It judged the traditional practice of a male relative automatically inheriting an estate (the customary law rule of male primogeniture) in the absence of a will to be unconstitutional. This practice was ruled to discriminate unfairly against women and illegitimate children. The judgement affirmed that the constitutional commitment to equality is an overriding consideration with regard to the exercise and content of customary law and cultural rights. On that basis the Constitutional Court ruled male primogeniture as unconstitutional. See www.concourt.gov.za for further information.

Conserving the commons

Common property resources (CPRs) – such as grazing, woodlands, ponds and fisheries – are still vital for many peoples across the continent. Yet there are growing pressures on these resources, and trends towards privatisation and enclosure. In many cases the breakdown or absence of access rules has led to a free-for-all, leading to unsustainable levels of use and degradation.

CPRs are of special significance to pastoral herders who need assured rights to access grazing and water when away from their home area. Mobility and flexibility are key to the survival of such livestock keeping people, who continue to provide a major part of the meat and milk produced in much of Africa. Finding ways to maintain and strengthen such mobility matters not only at national but also sub-regional level, given the extensive patterns of movement found in West and East Africa. Sometimes there are calls for the pastoral herders to “modernise” and settle down – yet this would be death to livelihood systems which have proved productive and sustainable, despite harsh and risk prone environments. Instead, ways should be found to reduce risks of conflict between herders, neighbouring crop farmers, and other land users. This may involve locally agreed rules for rights of passage for animals along agreed pathways, access to water and compensation for crop damage, etc.

Group management and ownership of community rights are possible options, though not always successful as in the case of group ranches in Kenya. More successful examples exist, and include *conventions locales* for resource management in the West African Sahel, hillside enclosures in Ethiopia, and community land registration in Mozambique. *Some see the disappearance of the commons as an inevitable part of*

Box 3 - Agreements for Managing Natural Resources

The Sahel is home to many different groups of people who compete over the use of its natural resources: farmers and pastoralists, indigenous and migrant groups, community organisations, the private sector and so on. A growing number of local agreements for natural resource management are emerging to address this competition.

A local agreement is a set of regulations drawn up in a participatory way by as many stakeholders as possible. The purpose is to promote equitable and sustainable management of grazing, woodlands and water resources. It brings together different interests to overcome the danger of one or another group's interests dominating to the exclusion of others. It involves three key elements:

- **Legality:** Local agreements must fit within existing laws and regulations.
- **Legitimacy:** Agreements initiated by communities themselves are most likely to succeed.
- **Profitability:** Commitment to these agreements depends largely on their ability to provide benefits to the community.

economic progress. But access to the commons is especially important for poorer communities, who rely on such resources for their daily livelihoods, as well as when coping with stress. Management of the commons works well when two factors come together: the establishment of secure legal rights for local communities over the common resources on which they depend; and support to enable those communities to manage these resources in an equitable and sustainable manner.

WHAT CAN THE G8 DO TO HELP?

The UK's chairmanship of the G8 in 2005 offers a unique opportunity to secure the place of land issues in the long term partnership between Africa and the world's richest nations. Although specific commitments of resources may be needed in the short term, the last five years have demonstrated that gradual but solid progress can be made in developing appropriate policies and practical approaches. What is needed now is a sustained commitment to collaboration from the G8.

Recognise that land reform and security of tenure require political support and long term commitment

Policy dialogue at all levels should recognise the importance of secure land rights for sustained development, growth and peace. Land issues need a more central place within bilateral policy dialogue and Poverty Reduction Strategies. Support from G8 nations could help those countries in Africa who wish themselves to take forward the land agenda. Further the G8 could provide support to the African Union, Regional Economic Communities and NEPAD to catalyse pan-African thinking and action on ways to address land issues. There is an essential need for coalition building and advocacy at the national, regional and international levels.

G8 members should acknowledge that tackling the challenges of land reform in Africa is a long term process and requires long term and consistent commitment. Significant harm can be done through short term project-based approaches. The land reform agenda must be driven and owned at the individual country level and G8 members should recognise that whilst lessons of good practice can be shared across Africa, simple, single solutions cannot be applied across the continent.



Current donor mechanisms present barriers

The Poverty Reduction Strategy (PRS) process is currently at the heart of relations between donors, international development agencies and African governments, bringing in substantial financial flows through government to government budgetary support. The PRS process has many merits in terms of bringing all partners around the table, to agree how to fund the priorities established by government. However the PRS, and the resulting funding commitment, has tended to focus on service delivery in key areas, such as health, education and water. Whilst these are necessarily high priorities, given their prominence in the MDGs, strategic support to the institutions and processes that underpin economic growth, peace and stability must not be neglected. Better governance of land and natural resources is a core element for building accountable relations between citizens and their government. G8 member states could assist governments and civil society in identifying these long term institutional reforms which are essential for growth and development.

Mainstream land issues into the wider economic development agenda

A lack of attention to land tenure and security of land rights will increasingly hamper growth in Africa by discouraging local and foreign investment, because of the perceived risks involved where property rights are poorly secured. Further inaction can potentially impact on agricultural growth and productivity, whether for domestic or international markets, as well as food security and hunger, through disincentives to invest in farming for both small and large scale farmers. G8 nations are now focusing more attention on investment in infrastructure, especially transport, to improve market linkages. But such investment will also bring major changes to land values. Planning for infrastructural investment requires transparent and effective land administration to be in place, with acceptable mechanisms for compulsory purchase, compensation and rights of appeal.

A valuable source of technical support

Donors can help provide technical support at country and sub-regional levels through the RECs and the AU for a range of services, including land administration. In some countries, land records are effectively inaccessible. Often dispersed in different government offices, and in poor physical state, these written claims to land need to be ordered and made public. Outdated, inefficient and incomplete land registers generate conflicting claims and fuel disputes. Simple methods to bring together existing records and make them open to public scrutiny are key to establishing transparent and accountable management of land and property rights.

Training and capacity building – essential and new skills

New approaches to land bring a need for maintaining core and building new skills including surveying, land registration, land use planning, and lawyers specialised in land, community based planning and management etc. Donors can provide support to develop capacity nationally and sub-regionally (through RECs and the AU etc), and strengthen

centres of excellence including at the university level through support to research, skills training, education and professional development. Support to national and regional networks of policy makers, practitioners and civil society provide the means for lesson sharing, capacity building and policy influence. Specific opportunities exist for capacity building at the University level, in centres of excellence and through learning networks and platforms.

Build and share models of innovation rooted in locally developed innovation

The highly diverse history, environment and cultures of African nations demand that approaches to land be tailored to local circumstances. Fortunately, there now exists a growing body of sound, innovative local practice on which to build new institutional innovations. These include public and private partnerships in urban housing, ways to link customary with formal systems, strengthening of local conflict and dispute resolution mechanisms, new forms of land leasing and promotion of rental markets. Islands of innovation and success at the cutting edge of change, such as in slum upgrading, and areas under intensive agricultural use – need to be validated and shared for wider adaptation and adoption as appropriate.

Engage in policy dialogue to achieve radical, new solutions to land issues in southern Africa

Land has been and continues to be an intensely political issue, with strong historical roots, which still influence the agenda today. The urgency of addressing land reform and redistribution is evident in southern Africa, notably in South Africa, Namibia and Zimbabwe. Many from the southern African region perceive donors as having pulled back from firm commitments to support new solutions to land redistribution, which could make faster progress. But such a pulling back is no substitute for addressing such issues. Political sensitivities may be easier to handle when there is joint funding of the land reform process by a number of the major donor agencies.

Strengthen civil society groups and networks

The distribution and management of land has important political aspects. Civil society organisations can play an important role in providing checks and balances on government decision-making and the implementation of land policy. Donors should find means to build on existing civil society initiatives, such as alliances and networks, at local, national and sub-regional levels. Given that the PRS process has led to a concentration of funds in central government, alternative mechanisms are needed to provide funds to a range of civil society actors active on land issues.

Recognise that good governance of land is key to peace and security

While land issues may not be the major cause of civil and military conflict they are very often a part of the picture which need to be carefully understood, and land conflicts between groups can spill over into wider political conflict, insecurity and war. Building equitable land and institutions to create a



foundation for democratised access to assets, and enable negotiated solutions to conflicting claims is an important element of post conflict reconstruction.

Integrate land with broader trade, agriculture, urban development and governance issues

If improvements in trade rules and access to markets are to benefit Africa's smallholder farmers, complementary action to safeguard their land rights is needed. Equally secure land rights, accessible land institutions and management systems are essential to enable people to move in and out of agriculture and to find secure homes and livelihoods in Africa's cities. As such, action in the land sector is an essential complement to the broader agenda of making globalisation work for the poor.

The new emphasis on infrastructural investment requires sound land management

The renewed attention to the importance of investment in Africa's economic infrastructure is likely to bring rapid changes in land

values, for building development as well as for agriculture. The changes that this will bring create further need to strengthen democratic land management institutions to protect existing land rights and find fair solutions so as to minimise the conflicts and risks that new development will bring.

Box 4 – Useful websites

African Union www.africa-union.org
Food and Agriculture Organisation (FAO) www.fao.org
IIED Sahel Programme www.iiedsahel.org
International Institute for Environment and Development www.iied.org
International Land Coalition www.landcoalition.org
Land Tenure Center, University of Wisconsin www.ies.wisc.edu/ltc/
Natural Resources Institute www.nri.org
OXFAM www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights
Pan African Programme on Land and Resource Rights www.uwc.ac.za/plaas/paplrri/
Royal African Society www.royalafricansociety.org
UK Government's Commission for Africa www.commissionforafrica.org
UK Government's Presidency of the G8 www.g8.gov.uk
World Bank www.worldbank.org



Some Key References

Adams, M., S. Sibanda & S. Turner, 1999, *Land Tenure Reform and Rural Livelihoods in Southern Africa*, London, ODI, Natural Resource Perspectives No 39.

Chauveau, J-P., 2003, *Rural land plans: establishing relevant systems for identifying and recording customary rights*, London, IIED, Issue Paper 122.

Cotula, L., C. Toulmin & C. Hesse, 2004, *Land Tenure and Administration in Africa: Lessons of Experience and Emerging Issues*, London, IIED.

de Janvry, A., E. Sadoulet & G. Gordillo (eds), 2002, *Land Reform and Public Policy*, Oxford, Oxford University Press.

Deininger, K., 2003, *Land Policies for Growth and Poverty Reduction*, World Bank Policy Research Report, World Bank and Oxford University Press.

Ellis, F., & Allison, 2004, *Access to land and the implications of income from livelihood diversification and remittances*, Rome, FAO, Livelihood Support Programme Working Paper.

FAO, 2002, *Land Tenure and Rural Development*, Rome, FAO, Land Tenure Studies, No 3.

Kanji, N., C. Braga & W. Mitullah, 2002, *Promoting land rights in Africa: How do NGOs make a difference?*, London, IIED.

Lavigne Delville, P., Toulmin, & Chauveau, J.P., 2001, *Securing secondary rights to land in West Africa*, London, IIED, Issue Paper No 107.

Leonard, R & Longbottom, 2000, *Land Tenure Lexicon: A glossary of terms from English and French speaking West Africa*, London, IIED

Toulmin, C. & J. Quan (Eds), 2000, *Evolving Land Rights, Policy and Tenure in Africa*, London, DFID/IIED/NRI.

Toulmin, C., Lavigne Delville, P. & Traore, S., 2002, *The dynamics of resource tenure in West Africa*, London, IIED.

Wily, L., 2003, *Governance and land relations: A review of decentralisation of land administration and management in Africa*, London, IIED.



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