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# Consultative Workshops on Land Policy in Africa: Key Messages and Recommendations





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## Key Messages and Recommendations



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# Consultative Workshop on Land Policy in Central<sup>1</sup> Africa

## Summary of Key Messages and Recommendations of the Consultative Workshop

Yaoundé, Cameroon

August 6 – 8, 2008

### I. Introduction

Land issues are causing increasing concern to governments, the private sector, farmers' organizations and civil society organizations in Central Africa, and the same applies for development partners working in this region. The need to promote sustainable use of the substantial forest resources, to guarantee national and foreign private investments, and the need to manage the impact of forced displacement of people resulting from armed conflicts in the region justifies, among other considerations, the renewed interest of the Central African States in developing and implementing land reforms.

The Consortium comprising the African Union (AU), the Economic Commission for Africa (ECA) and the African Development Bank (AfDB) launched a joint land policy initiative in 2006. The launch of a continental initiative focusing on the land issue is justified by the fact that sustainable development in the main areas of interest in Africa cannot succeed without tackling and effectively dealing with the land question, which underlies most

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<sup>1</sup> The countries that have been included in the Regional Assessment for Central Africa follow the African Union country classification of regions. They include: Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, and Sao Tome and Principe.

of the problems. The aim of this initiative is to help the States to re-think their land policies in line with their national realities, and to ensure that they are effectively and efficiently implemented. The current issues involving new land policies in Africa include consolidation of peace, sustainable use of natural resources, promotion of economic growth and poverty reduction.

The land policy initiative in Africa has been developed in close collaboration with the Regional Economic Communities. It is based on a multi-actor approach in which regional consultations are held, involving representatives of the States, civil society and farmers' organizations, traditional authorities, the private sector, centres of excellence and development partners. Through this consultative process, the AU-ECA-AfDB consortium is encouraging consensus on:

- i. major land tenure problems and specificities in each region;
- ii. making an inventory of land policy formulation and implementation processes;
- iii. lessons that can be drawn from these experiences, as well as national or local good practices which are worth sharing. Results of all the regional consultations will enrich the process of developing a framework and guidelines on land policy in Africa.

Far from claiming to standardize land policies at the continental level, the land policy framework and guidelines aim to make the appropriate approaches and tools available to African States, thus enabling them to develop and implement national land policies that are adapted to their national realities, respect the need to protect the environment and that are geared towards the effective realization of aspirations to economic growth and poverty reduction. The planned land policy framework and guidelines will culminate in the development of markers and indicators that will enable the States to carry out effective monitoring and evaluation of their progress in implementing their national land policies and laws.

The regional consultative workshop on land policy in Central Africa, held in Yaoundé, Cameroon from 6 to 8 August 2008, brought together about 100 participants from eight countries in Central Africa, and from other regions of the continent. The Central Africa workshop is the fourth of this kind organized by the consortium, after the ones held in Windhoek (Namibia, in August 2007) for Southern Africa, Kigali (Rwanda, in January 2008) for Eastern Africa, and in Ouagadougou (Burkina Faso, in April 2008) for Western Africa. The consultative workshop for North Africa, scheduled for September 2008, will end the phase of regional consultations and provide the consortium with the necessary information to begin drafting the African

land policy framework and guidelines, which will be made available to the States and institutions working towards economic and regional integration in the continent.

## **II. Key conclusions and recommendations from the Central Africa consultative workshop**

### **2.1. The initiative**

Participants at the regional consultative workshop for Central Africa received information on the rationale for an African continental land policy initiative and learned about the objectives, the approach and the current status of the AU-ECA-AfDB joint initiative on land policy in Africa. The workshop participants generally felt that this initiative was important for the States in the region, especially for those that are currently preparing to carry out reforms on their national land policies and laws. The workshop participants were of the view that appropriate land policies that are effectively implemented in the Central African States are a prerequisite for the preservation and consolidation of peace in the region, the successful achievement of food security and poverty reduction, as well as for effective natural resource management, especially forests. Similarly, sound land policies are considered indispensable for economic growth and sustainable development. The participants asked the consortium to:

- Ensure that beyond its consultative approach, the initiative be developed as a truly participatory process;
- Get commitments from the States in the region to join in the ongoing process and support those who request assistance in the reform of their land policies and laws.
- Increase the involvement of development partners, including those working in the field of education.

### **2.2. Main problems in land tenure**

The background report for the consultative workshop highlighted the specific context of land problems in Central Africa. These are characterized by a number of different ecological contexts (densely forested areas, savannah...) and by the availability of vast natural resources (forests, water, minerals...). The report also described the region's complex colonial past which was characterized by French, Belgian, Portuguese, German and Spanish colo-



nization, sometimes occurring successively in a single country. The region is also known for its tensions and conflicts; some countries are in a post-conflict situation.

The land problems identified in the region are many and diverse. The following list, which is by no means exhaustive, includes some of the problems:

- Sovereignty of the State over land, especially in the rural areas;
- the role and place of customary practices in land management;
- The rights of indigenous people and forest nomads;
- Insecurity of tenure among local populations;
- Expropriation of land for mining or public works;
- Population growth and unequal population distribution, with certain areas being overcrowded, such as the coastal areas and major urban centres;
- Land planning and sustainable urban development;
- Finding a link between land management and the management of forest ecosystems;
- Gender and land, including the status of women, the youth and the elderly;
- Land and climate change...

In addition to the problems identified in the background report, the workshop demonstrated that the following issues should also be considered as major land problems in the region, or should at least be better documented:

- The gender dimension in access to land;
- Land problems connected to mining and hydrocarbons;
- Constraints of land and natural resource use connected to the issue of landmines in post-conflict countries;
- Methods of securing private investment and people's rights in the context of legal pluralism and uncertainty in land tenure.

Following the group work, it emerged that the issues below were viewed as the five priority land problems in Central Africa:

1°- lack of land policies, inappropriateness of the existing texts and the multiplicity of decision making authorities in the area of land tenure;

2°- gender and land, particularly women's access to land and land ownership;

3°- capacity building needs in land tenure issues, especially for land administration staff at every level (national, regional and local);

4°- insufficient human and financial resources and lack of appropriate land management tools;

5°- the dominance of centralization in land management and lack of participation;

### **2.3. Land policy development and implementation**

Discussions were held around the concept of land policy itself. One should not make the mistake of thinking that land policies merely imply the writing by the States of formal documents on land policy. Land policy formulation involves a formal or informal conversation by public authorities who express their vision and the direction in which they intend to take public action with regard to land. But beyond this conversation, the unspoken land practices and interventions found in the States should also inform land policy, whether directly or indirectly. While acknowledging the State's responsibility and legitimacy in ensuring land policy formulation, the workshop thought this could only be successful if done using a participatory approach, with the effective and appropriate involvement of all non-State actors, particularly civil society, farmers' organizations, traditional authorities and the private sector.

It also emerged from the discussions that land policy objectives should not only be confined to an economic and fiscal perspective; they should include ecological, social and cultural concerns which, generally, affect the most vulnerable land stakeholders more significantly.

The Central Africa region is characterized by the weakness of the overall land reforms undertaken. Very few examples in the region can therefore be set up as models that can serve as an inspiration to other States. The laws in place are old and inappropriate, and land is almost totally owned by the State. These laws have neither been formulated nor revised using a participatory, consultative or inclusive process. In such a context, the existing land policies and laws have accorded little importance to local land management practices, and have neglected good practices and capacities for land adaptation and innovation which local land use systems have often proved to work. One of the consequences of not involving local actors in the process of developing land policies and laws is that people end up with a lack of information on land policies and laws. Without a clear, coherent and long-term

vision regarding land issues, most reforms undertaken are limited to specific interventions to resolve only the most urgent land problems.

The successful implementation of land policies and laws is hampered by weak capacity in the government institutions responsible for land management, as well as by instability and institutional compartmentalization. Decentralization of land management remains a major challenge for most States in the region.

The well-known lack of coordination between land legislation and other sectoral legislation, particularly forestry and mining, was noted by the workshop. Normative conflicts, difficulties in the application of land texts on the ground and, finally, constraints in rational and sustainable natural resource management are sometimes the result.

#### **2.4. Lessons learned, challenges, constraints and needs**

The background study for the regional workshop highlighted the need for the countries of Central Africa to have access to monitoring and evaluation mechanisms for the implementation of their land policies and laws. Without such tools, it is difficult to draw relevant lessons from experiences and to avoid repeating past mistakes. Proposals for a methodological approach have been put forward, and these deserve to be developed further in order for them to contribute towards the development of references and indicators liable to enable the States to measure progress in implementing land policy and to clarify the land reform processes they envisage.

The workshop noted a severe lack of human, material and financial resources needed to guarantee the successful application of the existing land policies. These have demonstrated their limitations, with particular regard to securing the rights of certain groups such as migrants or dealing with the specificity of activities such as animal rearing which is characterized by mobility. The same situation applies with regard to the capacity to ensure that written legal standards decreed by the State and local practices observed by the majority, can coexist. The lack of in-depth thought on the overall situation and of a long-term strategic vision of the land problem in Central Africa has been a stumbling block to any efforts to undertake the necessary reforms that could provide the appropriate responses to such questions. Existing policies and laws, as well as adjustments, have not reversed the speculative tendencies of the land market and nor have they promoted land governance. The institutional sector is still characterized by marginalization and exclusion of local actors, particularly customary stakeholders.

In order to promote well balanced development and ensure the preservation of social peace, it would appear to be crucial to secure urban governance and make certain that pockets of urban marginality are eradicated. Likewise, women's access to land and land ownership appears to be not only a social equity issue, but also an imperative of economic development.

### **III. Recommendations**

#### **3.1. Recommendations on revision of the document**

- Make a clear distinction between identification of land problems and analysis of their causes and effects.
- Make an inventory of the current context before analyzing it.
- Analyze the land and gender problem in greater depth.
- Take into account the Human Rights dimension in the land issue.
- Designate a focal point in each country within the region to correct, supplement and update country information.
- Generally improve the illustrations in the report using various examples from all the countries, including those that are Portuguese and Spanish-speaking.
- Strengthen the comparative dimension in the analysis.
- Document more instances of local land use practices.

#### **3.2 Recommendations for the AU-ECA-AfDB consortium**

- Develop a partnership with the relevant African institutions working in the area of land in Central Africa.
- Encourage development partners in the region to be more involved in the process, including those working in the field of education.
- Increase the participation and build capacities of farmers' and civil society organizations.
- Develop a database of African land experts.
- Develop and provide the States with tools for formulation as well as monitoring and evaluation of land policies and laws.

### **3.3. Recommendations for the States**

- Collaborate with the African land policy initiative Secretariat to mobilize technical and financial assistance for those States planning to undertake reforms in their land policies and laws.
- Budget for, and finance the formulation and implementation of land policies from their own resources, rather than depending solely on external financing.
- Build States' capacities in the area of negotiation and implementation of land projects and programmes with development partners.
- Establish frameworks for consultation and land observatories with monitoring and evaluation cells at national, regional and continental level.
- Ensure that land issues pertaining to herders, the land rights of indigenous peoples and the gender dimension in the formulation and implementation of land policy are given due consideration.
- Facilitate access to information on land policies and laws.
- Build capacities of the actors in land management through initial and continuous training.

# **Consultative Workshop on Land Policy in Eastern<sup>2</sup> Africa**

## **Summary of Key Messages and Recommendations of the Consultative Workshop**

**Kigali, Rwanda**

**January 16-18, 2008**

### **I. Introduction**

Given the importance of land in economic and social development as well as ensuring peace and security, the majority of African governments have embarked on land policy and institutional reforms with a view to addressing land issues in the context of national development. The key issues that need to be addressed in this context are: Securing land rights to improve livelihoods and facilitate economic development; the centrality of land in agriculture development; the importance of urban land delivery and peri-urban land development; natural resource access and sustaining common property; property rights and environmental sustainability; equitable land distribution and restoring alienated land; land and gender issues; and land and conflict.

To facilitate land policy formulation and implementation within the framework of NEPAD and in line with MDGs, the Consortium of the African Union Commission (AUC), the United Nations Economic Commission for

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<sup>2</sup> The countries that have been included in the Regional Assessment for Eastern Africa follow the African Union country classification of regions. They include: Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Tanzania, and Uganda.

Africa (UNECA) and the African Development Bank (AfDB) in collaboration with Regional Economic Communities have initiated a process of developing a framework and guidelines for land policy in Africa. The framework will be supported by Benchmarks and Indicators for assessing the performance of land policy formulation and implementation processes at national, regional and continental levels. This process involves a wide range of stakeholder consultations that are intended to gain consensus on the key elements that should characterize the framework and guidelines. The consultative workshop for Eastern Africa is the second in a series of regional workshops intended to engage all the key stakeholders in the process of developing the framework and guidelines.

## **II. Objectives and Expected Outcomes**

Participants in the workshop consisted of a wide-range of stakeholders on land issues drawn from the Eastern African region and beyond, including high-level representation from national governments, civil society, private sector, centres of excellence, representatives of farmers organizations and development partners. Discussions during the workshop were informed by a regional background paper based on the assessment of key land issues in the Eastern Africa. The workshop aimed to:

- Identify the key land related issues that should guide/inform land policy and institutional reforms;
- Gain consensus on key region-specific issues that should enrich the continental skeleton framework;
- Identify the key gaps and challenges to policy and administrative reforms; and
- Explore mechanisms for knowledge management, lesson sharing and capacity building in support of land reforms, including the role of actors.

Recommendations from the workshop will be used to enrich the draft continental framework and guidelines of the land policy framework and also a roadmap for the development of relevant benchmarks and indicators.

### **III. Key Outcomes and Recommendations**

Participants commended the three institutions (AUC, ECA and AfDB) for the initiative and called for the need to engage all the stakeholders at various levels of the process.

#### **A. Key Land Issues in Eastern Africa**

1. Participants agreed that the seven key issues identified in the draft background paper were relevant to East Africa. These are: State sovereignty over land, legal pluralism in property systems, land and natural resource degradation, security of land tenure, conflict, inter- and intra-generational equity issues, and HIV-AIDS.
2. Additional issues identified or needing emphasis, include: urbanization, land rights for women, trans-boundary natural resource use, pastoralism, biofuels, land taxation and land investment/markets, sectoral linkages, land information management systems, land fragmentation, common property use, urban informal settlements, climate change, governance, resettlement/compensation/expropriation, land management, illegal land acquisition, and issues relating to the Island States.
3. In the group discussions, four (4) key priority issues, tenure security, land administration, land rights for women and land degradation were identified. Other priority issues identified by the respective groups will be further teased out of the proceedings document when finalised.

#### **B. Land Policy Formulation and Implementation**

1. The workshop recognised the need for national land policies to take cognisance of other development strategies, including visions and national development plans, to ensure that policies are in line with the goals of the respective countries. In addition, the workshop noted the need to ensure harmonisation between land policies and other related sectoral policies, such as: agriculture, population, resettlement, housing, environment, mining, water, investment policies and others.
2. The workshop was informed that East African countries have taken differing approaches and strategies in their land policy formulation and implementation processes, noting that post-independence land policies have been largely influenced by the legacy of colonial land policies, the development path chosen in



the post-colonial period and the role of donor agencies as well as influence from western countries.

3. The workshop underscored the following needs in policy formulation and implementation: consultation and participation of all stakeholders in policy dialogue and policy formulation processes; Peace and political stability; good governance; assessment of ongoing policies; Sustainable funding mechanisms; Information and public awareness; Sound land laws in line with the land policy; Human resources and capacity building; Use of modern land information systems; Need of data bases documented by quality research

### **C. Key Gaps and Challenges in Policy formulation and implementation processes**

1. The workshop pointed out that gaps in human, institutional and financial capacities are among the main impediments to land policy formulation and implementation. The participants identified the following mechanisms as appropriate in addressing the key gaps identified both in the report and at the workshop: capacity building and human resource management; knowledge and experience exchanges; collecting and allocating financial resources for improvement of land management; creating a fund for land policy development and implementation with contribution of countries; considering gender perspectives in land policy formulation and implementation; creating and updating rosters of experts; creating a regional resource center on land policies and GIS;
2. The workshop recommended that the framework paper should include the need for governments to commit at least 10% of the national budget to the land sector as was done for the agricultural sector. It was further recommended that at the regional level, a continuous coordination mechanism, spearheaded by the RECs for land experts, to dialogue on land issues, should be set up.

### **D. Lessons learned in Policy formulation and implementation**

1. The workshop noted lessons pointing to the need for sequencing land policy formulation and implementation. The Workshop noted the need to recognise that the process is lengthy. In addition, the Workshop acknowledged the need for reforms of other sectoral policies and laws to support land policy formulation as a complementary process.

2. While acknowledging that private ownership of land and land titling has worked in some areas, the workshop noted that an emphasis on individual land titling has often been done at the expense of common property users, 'secondary' rights holders, women, children, migrants, pastoralists, etc, in some areas.
3. The workshop noted that land policies have a higher likelihood of accomplishing their stated objectives if they are home grown and owned, as opposed to those that are led by donors and others. However, the Workshop noted the immense contribution that has/can be made by donors working in partnership with national authorities and stakeholders.
4. The involvement of civil society was noted as critical to policy formulation and implementation processes. In this regard, the workshop emphasized the need for genuine and inclusive consultation.
5. The workshop noted that local institutions have a critical role to play in land administration. They emphasized the need to recognize and support traditional land dispute resolution mechanisms, noting that they are more accessible to the poor and other marginalized segments of society. The workshop also noted the need to reconcile customary/indigenous and statutory land tenure systems.
6. Noting the need for integrating processes and institutions in policy formulation and implementation, the workshop emphasized the need for strong institutional and human capacities to ensure a sustainable land reform process.
7. Given the importance and sensitivity of land issues, political will was identified as an essential prerequisite to land reform processes.
8. The workshop pointed out that a number of best practices on land policy and administration exist that could enrich the document. The document should therefore draw from this rich resource.
9. Noting that there are a number of evolving and innovative best practices on land policy formulation and land administration in the Eastern African region, which can provide good lessons to others, the workshop acknowledged the importance of knowledge management and lesson sharing as critical to supporting development, implementation and monitoring of land policies.

## **E. Monitoring, Benchmarks and indicators for Land policy formulation and implementation**

1. The workshop noted the need to institute monitoring and evaluation mechanisms, and to develop benchmarks and indicators to facilitate the assessment of the processes and impacts of land policy formulation and implementation. In developing benchmarks and indicators, efforts should be made to draw lessons from other regions. The process of indicator development and monitoring should include a multiplicity of stakeholders at different levels.
2. The workshop noted that monitoring is crucial to the effectiveness and efficiency of land policy formulation and implementation and that monitoring systems should consider the following: identification of the appropriate institutions in charge of monitoring, including RECs; using existing institutions at national level; diversification of the appropriate levels for monitoring activities (local, national, regional) and using peer review mechanisms

## **F. Role of Actors**

1. Regarding the role of actors, the Workshop recognized that different partners have a key role to play at different levels in policy formulation and implementation including:
  - Local level----Local communities, local governments, CSOs, Farmers organizations, etc
  - National level----State should show appropriate political will toward land policy development and implementation and ensure sustainable resource mobilisation in cooperation with other partners
  - Regional level---- the RECs should contribute to promoting exchanges of experiences among countries, encourage harmonization when appropriate, and create databases on best practices. They should promote human resource-sharing amongst countries
  - Continental level---- The AU-ECA-AfDB consortium should ensure coordination of formulation and implementation of guidelines on land policy development and implementation; and assist countries in resource mobilization and experience sharing among regions
  - At all levels--CSOs, should contribute to the monitoring and evaluation processes

## **IV. Revision of the Regional Background Document**

### **Key Land Issues in Eastern Africa**

1. The consultative workshop examined the background paper, took note of the seven key issues identified and recommended that land rights for women be dealt with separately. Other issues recommended for inclusion/emphasis in the report included: investment in land, ownership of land by non-citizens, urbanization and rural-urban interface, Pastoralism, trans-boundary resource use, biofuel production, land information management systems, climate change, issues relating to coastal areas and island states, and globalization---conclusive list to be developed from proceedings' report.
2. The workshop observed that the background paper would benefit from a discussion of the key issues that form the basis for the land question in Eastern Africa, highlighting the common characteristics, similarities and variation in the contextualization of the region. In addition, there is need for more and current country specific examples and data and a comparative analysis of the issues across countries in the report.
3. Participants also felt the need to improve the document in regard to structure, clarity, referencing, detailed country information, and overall editing.

### **Land Policy Formulation and Implementation**

1. Participants applauded the efforts made by the authors of the report, noting that the document had provided a highlight of the various land policy formulation and implementation processes in the region. The workshop, however recommended that the report be revised and made the following recommendations to improve this section of the report:
  - Include an executive summary targeted at decision makers.
  - Ensure the document is restructured and provides a conceptual framework based on the pillars outlined in the Background document: Economic, Social, Environmental and Political pillars. There is a need to include a section on methodology of the study
  - While noting that the scope of the initiative does not include detailed country specific information, the workshop participants indicated the usefulness of additional areas of focus.

In this regard, country level information should be sourced to ensure that the document is based on current and factual information relating to land policy processes in the various countries. This is particularly important to ensuring that the report provides the reality on the ground with respect to national land policies as well as other sectoral policies. In this regard, focal points comprised of one participant from each country should provide the relevant data in a week's time.

- Ensure a balanced representation of countries in the analysis and examples provided in the report, and if possible provide country reports as an annex.
- Ensure that the report addresses the political-economic environment within which land policies are based as this sometimes poses a constraint to formulation and implementation, including: political interests, change of government, political instability.
- Include an analysis of civil society participation in policy formulation and implementation of the East African countries.
- A cost-benefit analysis of policy formulation and implementation including an examination of alternative cost-effective innovations in the various countries to provide guidance and lessons to countries embarking on these processes.
- Ensure a clear distinction is made between policy and law related issues
- Put emphasis on trans-boundary natural resources and the need for harmony in their management.

# **Consultative Workshop on Land Policy in North<sup>3</sup> Africa**

## **Summary of Key Messages and Recommendations of the Consultative Workshop**

**Addis Ababa, Ethiopia**

**December 3-5, 2008**

### **I. Introduction**

1. In recognition of the importance of land in economic and social development as well as ensuring peace and security, many African governments are at different stages of land policy development and institutional reforms. These processes are aimed at addressing land issues in the context of national development, including: Securing land rights to improve livelihoods and facilitate economic development; land as it relates to agricultural transformation and development; land in sustainable urban and peri-urban development; access to natural resources and sustaining the commons; property rights and environmental sustainability; equitable land distribution and restoring alienated land; land and gender issues; and land and conflict. While recognizing the efforts being made by different African countries, however, it is notable that only a few countries in Africa have been successful in comprehensive policy formulation and implementation. Indeed many challenges and gaps remain in this regard calling for efforts to provide a platform for lesson learning and sharing among Afri-

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<sup>3</sup> The countries that have been included in the regional assessment study for North Africa are: Algeria, Egypt, Libya, Mauritania, Saharawi, Tunisia, and Morocco,

can countries, especially on innovative ways of delivering secure land rights for the majority of Africans.

2. It is in recognition of the need to support African governments in their quest to formulate and implement land policies, particularly in the context of achieving the Millennium Development Goals (MDGs) and within the framework of NEPAD that the Consortium of the African Union Commission (AUC), the United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB), in collaboration with Regional Economic Communities, initiated a process of developing a framework and guidelines for land policy in Africa. The framework will be supported by Benchmarks and Indicators for assessing the performance of land policy formulation and implementation processes at national, regional and continental levels. This process involves a wide range of stakeholder consultations that are intended to gain consensus on the key elements that should characterize the framework and guidelines. The North African consultative workshop is the last in a series of regional workshops intended to engage all the key stakeholders in the process of developing the framework and guidelines. The discussions at the consultation were based on a Draft Report on the Regional Assessment on Land Policy in North Africa<sup>2</sup>.

## **II. Objectives and Expected Outcomes**

1. The participants in the workshop consisted of a wide-range of stakeholders on land issues drawn from the Northern African region, including high-level representatives from national governments, civil society, and centres of excellence and regional development partners. Discussions during the workshop were informed by a regional background paper based on a regional assessment study on land policy in North Africa. The workshop aimed to:
  - Identify the key land related issues, lessons and gaps that should guide/inform land policy and institutional reforms;
  - Gain consensus on key region-specific issues that should enrich the draft continental framework Guidelines on land policy;
  - Provide inputs for the revision of the report of the regional assessment report on land policy in North Africa;

- Explore mechanisms for knowledge management, lesson sharing and capacity building in support of land reforms, including the role of actors
  - Provide inputs to the finalisation of the draft Framework and Guidelines on Land Policy in Africa.
2. The recommendations from the workshop will be used to enrich the draft continental framework and guidelines of the land policy framework and also a roadmap for the development of relevant benchmarks and indicators. In addition, any information received from participants within the agreed upon time frame, will be used to revise the document.

### **III. Key Outcomes and Recommendations**

#### **A. The AU-ECA-AfDB Land Policy Initiative (LPI)**

1. Following a presentation of the overview, progress made and way forward with regard to the Land Policy Initiative by the Secretariat, the participants lauded the three institutions (AUC, ECA and AfDB) for the initiative on land policy and called for them to continue engaging with all the stakeholders at various levels of the process in order to ensure the process is participative.
2. The participants further endorsed LPI's efforts to identify the diversities within countries and the regions of Africa before embarking on the drafting of the framework and guidelines on land policy. The workshop recommended that land policy making be a participatory process from governments working in close collaboration with RECs, CSOs and other stakeholders, starting with the identification of underlying issues and specificities in each country all the way to policy formulation and implementation.
3. The participants noted the importance of addressing land issues in the context of national development, including the achievement of the MDGs, calling for multi-sectoral efforts to ensure synergies and coherence in developmental efforts
4. Participants noted the importance of land policies due, in part to their critical linkage to addressing threats from globalisation, water issues, conflict and post-conflict reconstruction.
5. With regard to gender relations in land, the participants noted that many land laws in North Africa are progressive in terms of



their provisions allowing inheritance of land by women. The participants noted there are inadequacies in access to land for women relating to inadequate access to finance; and some customary based practices.

6. Noting the importance of political will to the implementing of previous commitments related to land policy, the participants called on the LPI to increase efforts in this regard, in collaboration with other partners. This is especially critical to the harmonising of land policies among countries to facilitate coherent land management efforts across boundaries.
7. The participants pointed to the need for research to raise the understanding of land issues, including customary systems of tenure.

## **B. Key Land Issues in North Africa**

1. Following a presentation by one of the consultants who worked on the regional assessment study on land policy in North Africa, the participants appreciated the importance of providing a context to the land question in North Africa, situating the region in terms of its geography/ecology; population and demography; history and culture; resource endowments; and threats faced.
2. Based on discussions held at the plenary and breakout sessions, the participants agreed that the issues identified in the draft background paper were relevant to North Africa. These include: population; the nature of property rights systems; land distribution and size; urbanisation and peri-urban development; land tenure and Security; access to land; gender issues; water and energy needs; and environmental issues (such as climate change, desertification, biodiversity loss, coastal zone management and forests).
3. The participants further recommended that consultants make reference to the information that was provided during the meeting with regard to the specificities of each country. It was further recommended that the report should provide a wider coverage of examples to provide lessons. The participants committed to providing further information in this regard upon return to their respective countries.
4. With regard to the section on gender relations, it was recommended that in revising the report, further examination be made on the extent and nature of gender issues in North Africa so as to ensure accurate depiction of the existing laws, while also docu-

menting the actual realities on the ground relating to their application. In this regard it was recommended that the challenges relating to the application of the laws and achieving their intended objectives be highlighted.

5. In the group discussions, some key priority issues for North Africa were identified, including: adapting of legislation to national/international context; improving cadastre/land information systems; financing for improved land access for marginalised groups; outreach/collaboration between government and civil society; sustainable natural resource management to combat threats such as desertification, climate change, biodiversity loss; water scarcity and management; and urbanisation
6. Participants further made broad recommendations that land policies be facilitative to: agricultural investments and promoting cooperation between countries. In addition, it was recommended that thematic regional meetings in the field of land policy be encouraged with a view to increasing knowledge and lessons sharing on land related issues as well as land policy formulation/implementation.

### **C. Land Policy Formulation and Implementation in North Africa**

1. As summarised in the presentation by one of the consultants who worked on the North Africa regional assessment study, land policy is central to facilitating the implementation of development strategies, including visions and national development plans. This is especially true for the purposes of spatial planning, critical to orderly development in sectors related to manufacturing, tourism, housing, etc. Participants further noted the need to ensure harmonisation between land policies and other related sectoral policies, such as: agriculture, population, resettlement, housing, environment, mining, water, investment policies and others.
2. The workshop was informed of the status of land reforms, citing North African as a region that has undertaken major land reforms, some state-interventionist, in the quest to recover foreign owned land, provide limits to land ownership and provide inputs to agricultural development. Recent reforms have emphasised private ownership and development of land markets, but these reforms have done little to address challenges related to overlapping claims. In addition, issues related to land fragmentation need to be addressed and lessons are needed in this regard.

3. The workshop learned that the institutions tasked with land administration/management range from land ministries to those in charge of agriculture, and also include the public notary and registry, and local administration among others. Inadequate and archaic land cadastre and land information systems were cited as an impediment to land administration and dispute resolution in particular.
4. In discussions, the participants underscored the following needs in policy formulation and implementation: drawing lessons to facilitate decentralisation of land administration; political will and commitment at the highest levels; prioritising and increasing funding to the land ministry and related departments, especially through budgetary allocations; and the need for participatory approaches and stakeholder involvement including that of grassroot organisations; need to identify/address impediments to application of laws in favour of women's land rights—including customary institutions and harmonisation of land, marriage and inheritance laws; need for modern land information systems.
5. The workshop recommended that lessons be drawn from the realm of natural resource management, to inform participatory approaches to land administration
6. With regard to the second part of the regional assessment report for North Africa, the participants lauded the efforts made by the authors of the report, noting that the document had provided a highlight of the various land policy formulation and implementation processes in the region. The workshop, however recommended that the report be revised and made the following suggestions to improve this section of the report:
  - Highlight the need to develop a comprehensive national land policy that addresses the needs of land related sectors such as agriculture and even housing.
  - Enhance this section with country based examples and references to be provided by participants
  - Distinguish between national/transnational land related conflicts w=
  - Strengthen the sections related to gender, providing more coverage and closer examination
  - Enhance issues related to financing and resource mobilisation for land reforms
  - Clarification terms such as registration versus demarcation

- Provide insights into mechanisms to facilitate land registration and transfer of land ownership
- Point to the need for enhanced partnerships and cooperation among countries

#### **D. Lessons learned and best practices in policy formulation/ implementation**

1. The workshop agreed that comprehensive land policies, which are formulated within a multi-sectoral framework, are critical to forming a basis for the formulation of other policies relating to the use and management of land in a sustainable manner.
2. The workshop noted the need to harness and share best practices that already exist for improved land policy development and land administration
3. The workshop summarized the following as key ingredients to sound policy formulation/implementation: political will, consultations, participation, enforcement of laws, communication, and resource mobilization
4. With regard to developing and improving capacity for land administration, the workshop proposed training workshops as well as knowledge management and sharing mechanisms
5. To further enhance lesson learning and knowledge sharing, the workshop proposed multistakeholder fora to discuss issues related to succession and transfer of land rights, among others.
6. E. Challenges and gaps in policy formulation and implementation processes

While recognizing that the North African region has made great efforts in land reform, the workshop identified a number of challenges and gaps that need to be addressed in this regard, including:

1. Inadequate synergies and coherence among other sectoral policies and laws in their development, adoption and implementation. The workshop proposed harmonization of sectoral policies.
2. Lack of continuous, valid and reliable land information, including geo-spatial data needed for policy formulation, land administration and monitoring progress made by these processes
3. Poor human and institutional capacities for land policy formulation and implementation. The high turnover of staff in departments of land administration was noted as a challenge. In addition there is need to train personnel and raise their awareness

to encourage innovation and strategic thinking in executing land policies

4. Insufficient financial resources coupled with poor priority setting, maybe because of the lack of recognition of the potential benefits of implementing policies that secure land rights, to facilitate investments, among other areas.
5. Inadequate monitoring of processes relating to land policy formulation and implementation

#### **F. Monitoring, Benchmarks and indicators for Land policy formulation and implementation**

1. The workshop called for monitoring, verification and evaluation mechanisms, and the development of benchmarks and indicators to facilitate the assessment of the processes and impacts of land policy formulation and implementation.
2. With regard to benchmarks and indicators, the workshop suggested the use of comprehensive indicators that span the critical pillars of economic, social, environment and political realms. The workshop made some suggestions of possible indicators and pointed to the need to adapt and/or develop indicators for tracking progress.
3. The workshop suggested some mechanisms for tracking progress including AU's African Peer Review Mechanism.

#### **G. Role of Actors**

1. The workshop recommended that all stakeholders be involved in all steps of policy development and implementation. Further, it was recommended that the LPI regional partners disseminate the outcomes of the consultations to member states
2. The workshop proposed that the Framework and Guidelines be used as a basis for enhancing partnerships among governments, civil society, AU, ECA, AfDB RECs, etc. in support of land policy development/implementation

#### **H. A Framework and Guidelines on Land Policy in Africa**

1. In the presentation on the draft Framework and Guidelines on Land Policy in Africa, the workshop was informed of the purpose of the document, which first and foremost recognises and

respects the sovereignty of member states. The document aims to provide a basis for commitment and consensus building on important issues related to land policy; and engaging partners on policy development, capacity building and management of land resources. It also provides a framework for regional consensus and convergence on issues related to shared resources among nations.

2. The presentation further provided highlights of the different sections of document, including the background; the context of the land question; land in the national development process; the process of land policy development; land policy implementation and tracking progress in land policy development and implementation.
3. In discussions that followed the presentation, the workshop agreed on the necessity of the document to define the term 'land policy' and provide clarification to indicate that it addresses issues relating to land ownership, use, administration and management.
4. In closing the discussion, the secretariat encouraged the participants to send further comments and revisions on the framework and guidelines to the secretariat by December 15, 2008.



# **Consultative Workshop on Land Policy in Southern<sup>4</sup> Africa**

## **Summary of Key Messages and Recommendations of the Consultative Workshop Safari Court Hotel, Windhoek, Namibia August 29 –31, 2007**

### **I. Introduction**

Cognizant of the centrality of land to achieving economic and social development as well as ensuring peace and security, the majority of African governments have embarked on land policy and institutional reforms with a view to addressing land issues in the context of national development, particularly on issues related to: securing land rights to improve livelihoods and facilitate economic development; dealing with the centrality of land to agriculture; addressing the importance of urban land delivery and peri-urban land development; natural resource access and sustaining common property; property rights and environmental sustainability; achieving more equitable land distribution and restoring alienated land; land and gender issues; and land and conflict.

In order to support these national efforts so as to catalyze land policy formulation and implementation, within the framework of NEPAD and in line with MDGs, the Consortium of the African Union Commission (AUC), the

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4 The countries that have been included in the regional assessment study for Southern Africa are: Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.



United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB) in collaboration with Regional Economic Communities have engaged in a process of developing a framework and guidelines for land policy in Africa. The framework will be supported by benchmarks and indicators for assessing performance of land policy formulation and implementation processes at national, regional and continental levels. An important element of this process is the multi-stakeholder consultations aimed at gaining consensus on the key elements that should constitute the framework and guidelines.

## **II. Objectives, Modalities and Expected Outcomes**

The Workshop brought together a wide-range of stakeholders on land issues in the region, including high-level representation from national governments, civil society, private sector, centres of excellence and development partners. A regional discussion paper based on the assessment of key land issues in the Southern Africa formed the basis for discussion. The workshop aimed to reach a consensus on:

- The regional specificities, initiatives and lessons that should be included in the continental framework;
- The knowledge, institutional and resource gaps as well as lessons from on-going land initiatives in the region, critical to identifying capacity needs and developing strategies for implementation.
- A consensus on the roadmap for the development of relevant benchmarks and indicators, and mechanisms for assessing performance of land processes in the region based on the outcome of the Expert Group Meeting on Land Indicators.

The key outcome of the regional consultations is recommendations on the revision of the regional background document whose elements will enrich the draft continental framework and guidelines of the land policy and a roadmap for the development of relevant benchmarks and indicators as well as mechanisms for assessing performance of land processes. The regional background document will also outline the key elements, mechanisms and processes that are needed in the medium and long-term to facilitate the implementation of the framework.

### **III. Key Outcomes and Recommendations**

#### **A. Regional Background Document**

1. The consultative workshop appreciated the findings of the regional assessment on land policy in Southern Africa. However, a number of gaps were identified and are listed in Annex 1. The workshop expressed the need to address these gaps in the final report.
2. In addition to these gaps, the final report should reflect the corrections noted with regard to country-specific data and liaison should be made with the respective country focal points to provide updates and corrections.

#### **B. Key Land Issues in Southern Africa**

3. Participants agreed that the land issues identified in the regional assessment were relevant and important. These issues are: State sovereignty over land; unequal distribution of land; dualism in property systems; tenure security; urban and peri-urban issues; sustainable management of the environment; protecting the commons; enhancing the productivity of agriculture; addressing gender biases; managing the impact of HIV/AIDS; and managing land in post-conflict reconstruction.
4. However, other issues of equal importance and not adequately highlighted are identified as follows: Historical colonial legacy; absentee landlords (foreigners and citizens); new political and other elites acquiring large land holdings; land pressure especially due to population growth, migration and other dynamics; land as a poverty intervention for the youth; inheritance and land rights for vulnerable groups (orphans, widows, aged, internally displaced persons, other marginalized groups (forest dwellers)); decentralization and capacity issues; land transactions and markets; and integration of land issues with other sectors of the economy. Ensure land as a source of conflict as a source of conflict is treated
5. Participants believe that all of the land issues identified have strongly influenced economic development in the sub-region and therefore member states should give more attention to land issues and identify those that are of more significance and address them. Regional bodies, such as the SADC Land Reform Techni-

- cal Support Facility, should focus on priority regional land issues as identified by the workshop.
6. Participants discussed and ranked the priority land issues from among those in the regional assessment plus those identified during working group discussions. The following four priority issues were identified by the majority of working groups (full table is in Annex II): Unequal distribution of land; tenure security; historical colonial legacy; and sustainable management of natural resources.
  7. In view of the significance of the land related issues in the sub-region, the continental framework should recognize the unique colonial historical context of the land question in the sub-region and its implications for land policy and land reforms.

### **C. Benchmarks and Targets**

8. The workshop recognised the need to develop clear guidelines and benchmarks with indicators of good practice for land policy and institutional reforms that would accompany the continental framework and guidelines for land policy. With respect to Southern Africa, the workshop underscored the need for monitoring processes related to land policy formulation and implementation in order to draw lessons and assess progress made.
9. Following the presentation of the Roadmap for the development of benchmarks, targets and indicators, the workshop underscored the need for implementing the elements of the roadmap, including:
  - a. Revising the Concept Paper on land indicators and incorporating comments and views of various stakeholders;
  - b. Refining of benchmarks and indicators and piloting in selected countries, from all regions of Africa;
  - c. Exploring mechanisms for assessing the progress of countries against the indicators at national and regional levels;
  - d. Assessing human resources capacity in key institutions at the country levels and development of plans to address constraints

- e. Explore linkages with NEPAD programs and other continental/regional mechanisms
10. The workshop identified some preliminary benchmarks and targets and recommended that in the further development and piloting of benchmarks, targets and indicators, the consortium should work closely with the SADC Land Facility and countries in southern Africa.

#### **D. Gaps and Challenges in Land Reform**

11. The workshop endorsed all the challenges and gaps, as presented in the draft Regional Assessment on Land Policy in Southern Africa<sup>5</sup>. In addition, the following factors were identified as key to the Southern Africa Region, as described below.
- Participants recognised the centrality of land in addressing economic, political and social development as well as environmental management in a balanced manner, which remains a challenge in the sub-region. Participants identified a need for pro-poor land policy reform strategies. In addition, they recommended that the internal monitoring system of the land policy development and implementation should be in consultation with all stakeholders. (Secondly, they recommended that links to the Continental/Regional level Peer review mechanism be explored).
  - Inadequate land administration systems, land holdings and land use emanating from a colonial legacy (highlight other impacts of the colonial legacy) that did not take into account customary systems of tenure. The Workshop identified this as a constraint to implementation of land policy reform.
  - Participants pointed out the inadequacies in some National Land policies in the Southern Africa region in the provision for security of tenure for vulnerable groups (including Women, orphans, widows, aged persons, internally displaced persons, farm workers, informal settlers, youth) With the high prevalence of HIV/AIDS in the region, the population of vulnerable groups has significantly increased. It is necessary that land reform processes ensure security of tenure for these groups.
  - With regards to rapid demographic changes coupled with competing Land Uses, it was recommended that the Frame-

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5 Refer to Annex III

work takes into consideration an integrated approach to land use planning to support land policy and reform.

12. The participants pointed out that gaps in human and institutional capacity present a major challenge to land policy reform and therefore should feature highly in the framework. A related challenge to capacity is the failure of governments to retain staff, especially after they have been trained. To address this, participants recommended that land reforms be aligned with broader public sector reforms.

## **E. Mechanisms for Addressing knowledge Management and Lesson Sharing**

13. The workshop underscored the importance of knowledge management and lesson sharing as critical to supporting development, implementation and monitoring of land policies. To this effect the workshop recognised the need for regular updating of information, which should be gender disaggregated, on various aspects of land such as; land use / land cover, land suitability, land degradation hotspots, land registers, deed registers, and common property resources.
14. In view of the requirement for enormous amount of data and information for proper implementation of land policies, particularly with the shift towards decentralized land administration systems, the workshop recognised the need for effective and functional national land management information systems and supporting spatial data infrastructure.
15. The workshop acknowledged that there are a number of evolving and innovative best practices on land policy and land administration in Southern Africa region, which can provide good lessons to others. However, these good lessons are not properly documented and therefore not available for sharing. The workshop noted that there is a mechanism in the region, the SADC Regional Land Reform Technical Support Facility (SRLRTSF) that has been designed to facilitate the exchange of experiences and lessons learning within the region. The SRLRTSF's programme is complementary to the Africa Land Policy initiative and the workshop recommended that it should facilitate:
  - The analysis of the present National Land Policies
  - Research in support of policy formulation and implementation

- Documentation of best practices;
  - Implementation of the outcomes of the Africa Land Policy Initiative (guideline, benchmarks and indicators);
  - Creation of awareness of land policies, laws and rights through national structures;
  - Exchange of experiences (study tours, documentation sharing)
  - Access to global and other regional data systems; and
  - Development of national land management information systems (including web based) including support to regional/national data capture programme
16. The workshop agreed on the need to explore mechanisms for sharing lessons across regions and harnessing of the continental process.

#### IV. Way Forward

Actions/Activities	Suggested Actors	Timeline	Comment
Comments from countries to inform the report and complete information	SADC; National focal persons	30 September 2007	
Revise Regional Document	AU-ECA-AfDB African Task Force, SADC	20 October, 2007	Subject to discussion with task-force
Review of the concept paper on benchmarks and indicators	AU-ECA-AfDB, SADC	November 2007	Subject to completing of e-discussions
Country circulation of the assessment report	AUC-ECA-AfDB, SADC	December, 2007	
Explore Mechanisms of sharing experiences within the region	AU-ECA-AfDB, SADC	Ongoing	Ongoing

## **Annex I: Revisions to the Regional Background Document**

The final Report should:

1. Reflect a country-specific discussion of the realities that led to the development of land policies in each of the SADC member states. This could serve to help in the better understanding of the status reflected on table on page 22;
2. Provide a definition of important terms and concepts used and a revise the tone and language as appropriate;
3. Ensure emphasis on the historical/colonial contexts unique to SADC member states;
4. Discuss the nature of land markets and associated issues, including the real estate sub-sector within the region;
5. Enrich the discussion regarding state sovereignty in the context of vesting radical title in communities;
6. Capture the need for appropriate legal framework to support issues relating to redistribution of land, rights of widows and orphans, vulnerable groups, customary tenure and any others that may require special attention;
7. Amplify the need for member states to review and develop appropriate land information management systems to support the formulation/implementation of their land policies in reference to the guidelines recently developed by ECA with the input of member states;
8. Reflect the need for the Regional convergence (harmonization), and not necessarily unanimity, of the broader regional concerns (rivers, lakes, ocean, environment, climate, cross-border land use etc);
9. Bring out the impact of apartheid on land tenure in South Africa/Namibia;
10. Emphasize the role and importance of land in driving the economic development in the region;
11. Include a preamble to Chapter 6 to contextualize land issues in relation to MDG's and overall development in the region;
12. Reflect the SADC land technical facility as an important part of the land reform programme in the region;
13. Include highlights of best practices within the region (this could be boxed within appropriate parts of the report);

14. Include a critique of the land policies within the region as part of Table 2;
15. Reflect population pressure as a key issue in all countries and highlight pressure spots and their effect on land tenure;
16. Provide a discussion of the criteria for resettlement in the different countries in the region; and
17. Discuss land as a source of employment and livelihood for the youth in the region.



## Annex II - Priority land issues in the region

Priority Land Issues	Group 1	Group 2	Group 3	Group 4	Overall Score
Unequal distribution of land	(X)	X	X	X	4
Tenure Security	X	X	X	(X)	4
Colonial legacy	X	X	(X)		3
Sustainable management of land (and agriculture productivity)		X	X	X	3
State sovereignty			X	X	2
Dualism			(X)	X	2
Women and land			X	X	2
Capacity issues		X			1
Land information system	X				1
Regular policy reviews	X				1

X – mentioned specifically by the group

(X) – Language retained within another priority

## **Annex III: Gaps and Challenges**

- Financial and human resources constraints
- Lack of awareness and understanding of new land policy measures
- Integrating traditional authorities into a new institutional framework
- Developing representative rural institutions
- Harmonising gender policies with customary laws on property and inheritance
- Harmonising land policies with Community Based Natural Resource Management (CBNRM) policies and strategies
- Balancing the needs of the poor with those of national economic development
- Resource and planning constraints in redistributive land reform programmes
- Redistributive land reform: challenges in beneficiary selection
- Redistributive land reform: developing appropriate settlement models
- Providing serviced land and secure tenure to growing urban populations

### **Capacity building needs and resources:**

- Land tenure, land redistribution and land use planning
- Exchange of land information and implementation experiences
- Training courses in technical fields
- Knowledge & information: the importance of monitoring and evaluation & research



# **Consultative Workshop on Land Policy in West<sup>6</sup> Africa**

## **Summary of Key Messages and Recommendations of the Consultative Workshop**

**Splendid Hotel, Ouagadougou, Burkina Faso**

**April 15 – 18, 2008**

### **I. Introduction**

Land issues are today counted among the major priorities of governments, civil society and development partners in West Africa. Most of the States are currently engaged in initiatives to develop, review or implement their land policies and/or laws. The States' commitment to resolving land issues can be explained by the increasing number of tensions and conflicts linked to land access or use, among other factors, but also by their concern to guarantee food security for an ever increasing population, to promote economic growth in a global context, and to reduce poverty.

Determined to work alongside African States in their development efforts, the Consortium comprising the African Union (AU), the Economic Commission for Africa (ECA) and the African Development Bank (ADB), in close collaboration with the regional economic communities, launched a joint land policy initiative for Africa in 2006. Within the framework of this

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6 The countries that have been included in the regional assessment study for West Africa are: Benin, Burkina Faso, Cape Verde, Chad, Cote d'Ivoire, the Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo.

pan-African land policy initiative, it is expected that a framework for action and guidelines on land policy development and implementation in Africa will be developed. The African framework and guidelines on land policy are not intended to impose a uniform land policy for all African States, but to assist them to develop and implement national land policies that are appropriate, efficient and effective. The framework and guidelines shall be complemented by the development of benchmarks and indicators that will enable States to effectively monitor the implementation of their national land policies and laws.

The development of the framework and guidelines on land policy in Africa depends on a participatory, multi-actor process bringing together representatives of States, civil society organizations, customary authorities, locally elected officials and private sector representatives during regional consultative workshops. The aim of regional consultative workshops is to discuss and reach consensus on:

- key land issues that the land policies in West Africa need to address;
- lessons learned from experiences in land policy formulation and implementation in the region;
- West African regional specificities to be taken into consideration while developing the framework and guidelines at the continental level;
- mechanisms for knowledge management, exchange of experiences and capacity building to support land reforms, as well as the roles of various actors.

The regional consultative workshop on land policy in West Africa which was held in Ouagadougou, Burkina Faso, from 15 to 18 April 2008, is the third of its kind to be organized by the Consortium. It follows the workshop held in Windhoek (Namibia, August 2007) for Southern Africa, and the one held in Kigali (Rwanda, January 2008) for East Africa. The consultative workshops for North and Central Africa will be held soon.

These conclusions and recommendations from the Regional Consultative Workshop on land policy in West Africa will contribute to the development of the framework and guidelines for land policy in Africa.

## **II. Key messages and recommendations of the Workshop**

### **2.1. The initiative**

Participants at the regional consultative workshop on Land Policy in West Africa became acquainted with the objectives, the approach and progress of the joint AU-ECA-ADB land policy initiative for Africa. The workshop participants unanimously welcomed the Consortium's commitment to deal with land issues, a process that is a prerequisite for the successful achievement of food security, poverty reduction, sustainable urban development and economic growth in Africa. The participants, however, asked the Consortium to:

- make sure that the initiative was developed in a manner consistent with ongoing national processes and regional initiatives;
- ensure that all actors, in particular farmers' organizations, were actually involved in the process.

### **2.2. The key land issues**

The background document of the consultative workshop on land policy in West Africa highlighted the specific context of land issues in the region, which are characterized by ecological diversity (particularly the contrast between the Sahelian zone and the coastal areas), a colonial legacy, high population growth rate, internal migration and a high rate of urbanization, particularly in the Sahelian countries. The region has experienced many conflicts and some countries are engaged in post-conflict reconstruction. However, West Africa is also characterized by its strong regional integration process and has many regional institutions, some of which are already developing land-related initiatives.

Eight major land problems were identified by the background document:

- State sovereignty over land;
- customary land rights;
- land and mining activities;
- protecting the commons;
- drought, desertification and floods;
- evolution of land markets;
- security of tenure;
- bio-fuels.

The workshop agreed that the following issues were equally important concerns for the West African region:

- governance issues in land management;
- land speculation, particularly in peri-urban areas;
- the land tenure dimension in West African migration patterns;
- land issues vis-à-vis regional integration processes;
- internal and cross-border transhumance;
- increasing land conflicts;
- effects of climate change on land issues;
- appropriate land management instruments and tools;
- land use planning and sustainable urban development;
- financing of land policy development and implementation processes;
- land information gaps.

As an outcome of the group work, the issues below were perceived as the five priority land problems in West Africa:

- 1- securing land rights;
- 2- State sovereignty over land;
- 3- land governance;
- 4- financing the development and implementation of land policies and laws;
- 5- customary land rights.

### **2.3. Land policy development and implementation**

It emerged from the background document that land policy development processes vary from country to country. However, the participative approach has been adopted in most of the countries in a relatively satisfactory manner.

Very few countries have developed and adopted land policy documents. About half of the States have, however, carried out fairly wide-ranging reviews of their national land laws. Furthermore, some countries have chosen to adopt agricultural orientation laws.

The land reform process generally takes place concurrently with other reforms such as decentralization or those related to forestry codes. However, ensuring coherence between land legislation and the texts governing other

sectors is a problem; the same applies with regard to the linkages between land policy and other development policies.

At the institutional level, important innovations have been introduced in some countries, with land management structures being set up at local level to ensure that local realities are taken into consideration.

Experience shows that successful implementation of land policies and laws depends on:

- the development of effective and timely land policy application measures;
- bringing land institutions and services closer to the people;
- effective transfer of skills and resources to local land institutions;
- genuine involvement of all concerned actors;
- the development and implementation of adequate mechanisms for avoidance of land conflict and land dispute resolution.

The workshop hoped that the West African regional land initiatives would be well documented and analyzed, and that a comparison of the strengths and weaknesses of the national land policy development and implementation processes would be presented.

#### **2.4. Lessons learned, challenges, constraints and needs**

Ultimately, very few countries have developed land policies. Some of those that have attempted to do so have not harmonized their land laws with the policy guidelines. Most countries have formulated land laws without having developed a land policy beforehand. For land policies and laws to be effective, they must be founded on a clear vision of the socio-economic development problems and issues, and they must anticipate the main trends in land policy processes. Population growth, migration and the high rate of urbanization must particularly be taken into consideration in land policy development. Finally, land policy development is an essential prerequisite for the development and implementation of national land laws that are consensual, appropriate and effective.

Land issues are highly political. For this reason, successful land policy development and implementation depends largely on political will on the part of the States on the one hand, and on the other, on the committed involvement of all concerned actors. Since land issues can only be resolved over the long term, West African States must make an effort to allocate public resources to their national budgets for financing land policy formulation. Moreover, it is



recommended that development partners consider their engagement to be within a multiannual (medium to long term) framework of cooperation.

In most West African countries, women and the youth constitute the majority of the population and the important role they play in agricultural production is well recognized. In spite of the declarations of intent contained in virtually all of the national land laws, however, access rights to land and land ownership for women and the youth remains difficult to achieve on the ground in most of the countries. The adoption of new land policies and laws has seldom met women's expectations. Securing women farmers' access to land and land ownership continues to be a major challenge that West Africa must surmount.

Other challenges that must be overcome in the formulation and implementation of land policies and laws are encapsulated in the three (3) following points:

- effective decentralization of land management;
- provision of secure land access for vulnerable groups, particularly in post-conflict contexts;
- the future of family agriculture faced with land sub-division, the appearance on the scene of "new actors" and the increase of land speculation in rural areas.

Challenges such as issues of the land rights of indigenous groups, or even land boundary disputes, are still considered taboo subjects but should not be under-estimated.

Many needs are yet to be met with regard to successful development and implementation of land policy. These include:

- capacity building at national and local level with regard to land policy implementation;
- access to land information;
- mobilization of financial resources.

### **III. Recommendations**

#### **3.1. Recommendations on revising the background document**

- Document the policy formulation processes more comprehensively.

- Expand the points on land governance in the section of the document dealing with land issues.
- Analyze the issue of cross-border resources in greater detail.
- Identify the focal points in each country to ensure that country profiles are kept up to date.
- Provide better examples of some of the experiences mentioned in the report.
- Make use of the regional studies carried out on West Africa by various institutions (CILSS; UEMOA; Sahel and West Africa Club...) to enrich the report.
- Discuss the limitations of land information systems.

### **3.2. Recommendations for the Consortium**

- Take into account, and ensure that it works in synergy with, the various regional initiatives in West Africa, in particular the Land Charter initiative for Africa, the Sahel and West Africa.
- Empower one of the regional institutions to undertake harmonization of the ongoing initiatives.
- Explore the feasibility of setting up a Land Observatory for West Africa.

### **3.3. For the States**

- Work more towards the tangible improvement of women's land tenure situation.
- Involve African women's organizations and civil society in monitoring and evaluation of efforts towards securing land tenure for women.
- Ensure that traditional Chiefs are involved in the process of land policy development and implementation.
- Develop national plans and strategies for implementation of land policies and laws, including land-related outreach activities.
- Share innovative experiences, such as the establishment of land tribunals in some countries.
- Ensure equity in land matters, with particular focus on provision of compensation in cases of expropriation of people's land for public good.
- Budget for, and actually finance, interventions on land policy development and implementation.

- Develop plans to mobilize additional funds to finance land policy development and implementation processes.

**The workshop.**

The Framework and Guidelines on Land Policy in Africa has been developed through a regional and highly participatory process including regional multi-stakeholders consultative workshops, prepared in close collaboration with the Regional Economic Communities. These regional workshops gathered a wide range of actors including representatives of Governments, Farmers and other Civil Society Organizations, Traditional Chiefs, Private Sector, Centres of Excellences and Development Partners. These venues enabled all stakeholders from the region to discuss land related issues that should be addressed in land policy development and implementation, and to build consensus on key region-specific land issues that should enrich the continental Framework and Guidelines on Land Policy.

This publication presents the outcomes of the consultations in each region, namely Central Africa; Eastern Africa; North Africa; Southern Africa and West Africa. It provides for each region an overview of the land issues discussed, including those viewed as top priority issues in the region. The inputs of each region in the formulation of the continental Framework and Guidelines are also presented.

This document is liable to help the reader better understand the complex development process of the Framework and Guidelines on land policy in Africa.

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