



## Land Policy and Governance in the Context of CAADP

### Background and Context

Three of the seven Malabo Declaration commitments and their associated targets are particularly relevant to land policy and governance:

- ▶ Commitment to ending hunger in Africa by 2025.
- ▶ Commitment to halving poverty by the year 2025, through inclusive agricultural growth and transformation.
- ▶ Commitment to enhancing resilience of livelihoods and production systems to variability and other related risks.

Land as a productive resource holds huge potential for propelling Africa to achieving the above commitments and targets set. However, for this to happen, land must be well governed. This includes anchoring land governance on the principle of true participation.

National Agriculture Investment Plans (NAIPs) which are developed to ensure compliance with the Malabo targets present a valuable tool to entrench land governance measures at national policy level.

### Challenges to Good Land Policy and Governance

#### ▶ Inadequate capacity to manage land resources

Many African countries have inadequate capacities for effective management of their land resources. Lessons learned, new knowledge and urgently required data are not disseminated as widely (or as fast) as they should be at either national, regional or continental levels. As a result, the implementation of sustainable land policy in African countries is under threat. For land to be governed to the levels expected by CAADP, capacity development is critical. Capacity building measures which can untap the potential for reforming land policy in African countries include, inter

### KEY MESSAGES

Capacity development is critical to good land governance and to policy reform. A weak land governance regime leads to irresponsible agricultural investments and breeds tenure insecurity, land grabbing, land conflicts, inequitable land distribution, social exclusion, political instability and unsustainable natural resource management. The most effective means of improving land governance on the continent is to develop the needed capacity to confront the menace as a pathway to agricultural transformation. This underscores the need for second-generation NAIPs that take into account country-level peculiarities.

alia, developing capacities of universities and research institutions to enable them to provide advisory services on sustainable land policy to policy-makers, developing tools for mainstreaming land issues in CAADP-compliant NAIPs, and the use of existing or emerging innovative technologies for planning, monitoring and evaluation of land governance.

#### ▶ Insecurity of land tenure

While many NAIPs have been used effectively, among other things, as instruments for attracting private investors to partner with governments, their success has sometimes been limited by the problems private investors face with insecure tenure systems in Africa. Historically, Africa's political ecology has been defined by rules of access to and use of land, as embedded in societal relations. These have become impacted upon by demographic, economic, political, social, environmental and climatic changes. A pluralistic legal regime of land governance has emerged in which lack of understanding, corruption, weak enforcement and confusion fuel tenure insecurity.

► **Limited access to land by women**

Good land governance must be understood as governing access to land for both men and women. Globally, women own less land and have less secure rights over land than men: on average, they make up less than 20% of the world's landholders – and less than 10% in developing countries. In sub-Saharan Africa, meanwhile, women occupy 60-80% of the entire agricultural value chain. Their limited ownership of land resources, however hampers their influence in decision making about land and makes them more vulnerable to displacement and exploitation. Enhancing women's land rights, therefore, presents huge potential with regard to agricultural transformation (see also *Knowledge Note: Women Empowerment*).

► **Land conflicts**

Disputes and conflicts over land are on the rise in many African countries. Under the present conditions of high population growth, large-scale economic globalisation, climate change, natural disasters and internal and transnational migration, land is becoming an even more explosive issue, in particular in countries marked by fragile institutions, weak governance and socio-economic and gender gaps. Such disputes and conflicts render land unproductive as long as they persist. In addition, land conflicts often have extensive negative effects on economic, social, spatial and ecological

development. Solving and preventing land conflicts, as well as addressing land issues responsibly in peace, conflict and post-conflict situations is, therefore, key to any inclusive and sustainable development, peace and stability, let alone to the maintenance of human rights.

► **Corruption in land administration and governance**

The ownership and control of land resources provide power of influence in decision-making. Abuse of this power results in both administrative corruption and state capture in land governance. This takes place in both customary and state institutions of land governance. An opaque system of land-related deals which provide little or no public information facilitates this process of corruption. The political economy of land governance has produced a small minority of gainers and a large majority of being losers.

► **Emergence of the state as a major actor in land governance**

The emergence of the state as a key player in land policy and governance with the power of expropriation has often produced confrontational attitudes between the state and customary authorities in Africa. A careful balance is needed between the public interests of the state and the right to private property. This balance should be mediated through prompt, adequate and fair compensation payments.





► **Effects of environmental degradation and climate change**

Resource governance and tenure regimes will continue to be destabilised and forced to evolve in response to climate change impacts. In most of the developing world, climate change will decrease the productive value of land and natural resources. It will also intensify human migration and displacement. These forces will invariably destabilise national governance and land governance regimes, will spur the evolution of both statutory and customary tenure arrangements, and will open the door for powerful actors to expand their claims on land and other natural resources. Tenure security will be a critical element of future policy discussions on adaptation to the impacts of climate change (see *Knowledge Notes: Sustainable Land Management, Climate Smart Agriculture*).

## Recommendations for Improving Land Governance through NAIPs

Land governance can be improved by implementing NAIPs that prioritise the following issues:

- **Capacity development in land governance** is a *sine qua non* for improved land governance in Africa. Country-level stakeholders should be part of continental networks for good land governance to enhance learning. The Network of Excellence on Land Governance in Africa (NELGA), established by the African Land Policy Center (ALPC), is a good example of how this capacity might be developed.
- **An innovative tenure model**, such as the social tenure domain model of the Global Land Tool Network (GLTN), that is considered fit for purpose within the African context, is an imperative for improved tenure security.
- **Gender mainstreaming:** gender neutral policy, legislation and instruments do not automatically lead to gender-neutral outcomes. Gender mainstreaming within NAIPs, which specifically targets women's land rights, is required, therefore, in order to achieve agricultural transformation.
- **Transparency and accountability mechanisms in land governance** are urgently needed at country level to address corruption, as well as to stiffen punitive measures and to avail land-related information more widely to the public.
- **Re-examination of expropriation practices** and balancing them with the rights to restitution and private property, including by the prompt payment of fair and adequate compensation, are necessary steps to be embedded in NAIPs.
- **Massive investment in affordable, environmentally friendly alternatives by member countries:** although sensitisation and education are necessary measures for environmental protection, they offer little hope for building resilience and providing sustainable livelihoods in the absence of suitable and affordable alternatives to environmentally damaging activities.

## Measuring Progress in the CAADP Biennial Review

Under CAADP, land management is treated as a cross-cutting theme, with various indicators measuring land productivity, sustainable land use and other land-related issues. More specifically, sub-indicator 3.1(vi) measures progress on securing land rights.

Malabo Commitment	Commitment Performance Category	Objectives	Indicator	Target value
Ending Poverty by 2025	3.1 Access to agricultural inputs and technologies.	Promote utilisation of cost-effective, quality agricultural inputs, irrigation, mechanisation and agrochemicals for crops, fisheries, livestock and forestry in order to boost agricultural productivity.	3.1 vi - Proportion of farm households with ownership or secure land rights.	100%



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### Further Information

- ▶ AU, ECA and AfDB (2010). *Framework and Guidelines on Land Policy Development in Africa*. Addis Ababa. - [View](#)
- ▶ AU (2014). *Guiding Principles on Large Scale Land Based Investments in Africa*. African Union: Addis Ababa. - [View](#)
- ▶ CFS (2014). *Principles for Responsible Investment in Agriculture and Food Systems*. - [View](#)
- ▶ FAO (2012). *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Food and Agriculture Organization. - [View](#)
- ▶ NEPAD. *The CAADP Results Framework: (2015-2025)*. NEPAD Planning and Coordinating Agency. - [View](#)
- ▶ ReSAKSS (2010). *Monitoring and Evaluation System for the Comprehensive Africa Agriculture Development Programme*. ReSAKSS / IFPRI. - [View](#)
- ▶ UNCTAD, FAO, IFAD, World Bank (2010). *Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources*. - [View](#)

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