

**AU DECLARATION ON LAND ISSUES AND CHALLENGES: A  
REVIEW OF PROGRESS MADE**

**A Report to the  
Conference of the Specialized Technical Committee on Agriculture,  
Rural Development, Water and Environment**

**October 2017**

## INTRODUCTION AND BACKGROUND

1. This report summarises progress made in implementing key African Union (AU) decisions on land policy and governance, including those made in the auspices of the AU Summit of Heads of State and Government in endorsing the implementation plan for the AU Agenda 2063<sup>1</sup>, and the *Declaration on Land Issues and Challenges in Africa*.<sup>2</sup> Progress is also reported in actualizing recommendations/decisions of the Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment, and the Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods<sup>3</sup>. This report also highlights key findings of research conducted by the AUC-ECA-AfDB Land Policy Initiative (LPI) in the past two years *on land, ethnicity and conflict in Africa*; The report ends with key recommendations.

## PART I: KEY COMMITMENTS ON LAND GOVERNANCE

### AU Agenda 2063 and UN Sustainable Development Goals (SDGs)

2. Good land governance is cited as critical to achieving Agenda 2063, particularly goals related to quality of life and well-being (AU Goal 1), agriculture (AU Goal 5), environment (AU goal 7), peace and security (AU Goal 13), and gender equality (AU Goal 17). Similarly, achievement of the Sustainable Development Goals (SDGs) is underpinned by good land governance, especially goals related to: eliminating poverty (SDG1); ending hunger and promoting sustainable agriculture (SDG2); gender equality and women empowerment (SDG5); inclusive Economic growth (SDG8); productive employment (SDG11); human settlements (SDG 11), and peaceful and inclusive societies (SDG16). The ten-year implementation plan for Agenda 2063 is specific in citing the Land Policy Initiative (LPI) as an institution to promoting agricultural productivity and production, priority Area 1 of Goal 5 (agriculture). The key actions and milestones in this regard include aligning the agriculture investment plans (NAIPs) to Malabo targets by 2017. In addition to the goal related to agriculture, the implementation plan notes that a key strategy to achieve environmentally sustainable climate resilient economies and communities is to “implement fully the AU Framework and Guidelines on Land Policy in Africa” at the national level and “promote the domestication of the Framework and Guidelines... and Guiding Principles on Large Scale Land Based Investments in Africa.” Key targets and indicators associated with AU Agenda 2063 (to be achieved by 2023) and SDGs (to be achieved by 2030) include land governance targets and indicators in the realms of: equitable access to land for women, men and youth; and security of land rights for women and vulnerable groups. For instance, to achieve full gender equality (AU Goal 17), the implementation plan recommends that 20% of rural women have access to and control of land by 2023. Similarly, the SDGs recommend that by 2030, “all men and poor, in particular the poor and the vulnerable, have equal rights... [of] ownership and control over land.

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<sup>1</sup> First Ten-Year Implementation Plan 2014 – 2023: The Africa We Want A Shared Strategic Framework for Inclusive Growth and Sustainable Development, AUC, September 2015

<sup>2</sup> Declaration on Land Issues and Challenges in Africa, Assembly/AU/Decl./ (XIII) Rev. I, 2009

<sup>3</sup>Country CAADP Implementation Guidelines under the Malabo Declaration, 1.

### **The AU Declaration on Land Issues and Challenges in Africa (2009)**

3. In the AU Declaration on Land Issues and Challenges (AU Declaration on Land), the Heads of State and Government resolved to take ownership of- and lead land reform processes by strengthening institutions for effective land governance and allocating adequate budgetary resources for policy development, implementation and tracking of progress. They also resolved to ensure equitable land access for all land users and improve access and security of land tenure for women, as key priorities. The AU Declaration on Land urges Member States to develop comprehensive land policies that address specific needs of each State, and build adequate human, financial and technical capacities in accordance with the Framework and Guidelines on Land Policy in Africa (F&G)<sup>4</sup>. The Declaration invites RECs to mainstream land governance issues in common frameworks, policies and protocols, and to convene platforms for disseminating knowledge and sharing best practices. The AU Declaration urges the AUC in partnership with ECA, AfDB and RECs to establish an appropriate institutional mechanism for coordination, a monitoring framework for tracking progress, and a fund to support activities in the implementation of the AU Declaration on land.

### **Malabo Declaration on Accelerated Agricultural Growth and Transformation (2014)**

4. The Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods specifies land tenure as one of the commitment areas in agriculture, while recognizing that this is “not (completely) under the mandate of the Ministry of Agriculture.”<sup>5</sup> Good land policies and management are cited as key to achieving agricultural transformation with equitable access to land and secure land rights being critical to investment and sustainable land management. The key performance targets and indicators for monitoring and reporting on the Malabo Declaration for Agriculture include land governance related targets and indicators. In this regard, the recommendation is that 100% of farm households have ownership or secure land rights by 2025 (Target 3.1vi)<sup>6</sup>

### **Recommendations of AU STC on Agriculture, Rural Development, Water and Environment**

5. Having considered the report to the inaugural AU Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment on *The AU Declaration on Land Issues*

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<sup>4</sup> Framework and Guidelines on Land Policy in Africa: A framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihood, AU/AUC/AfDB, 2010.

<sup>5</sup> Country CAADP Implementation Guidelines under the Malabo Declaration

<sup>6</sup> Technical Guidelines: Document for preparing country Biennial Review report on progress made for achieving the Malabo Declaration Goals and Targets, AUC, 2017

*and Challenges in Africa: A Review of Progress Made* in 2015, the Committee resolved to<sup>7</sup>: establish and capacitate the African Land Policy Centre to provide leadership, coordination, build partnerships and promote policy advocacy; operationalize comprehensive M&E framework to track progress/ share lessons; start mobilizing resources and actualize a fund for land policy from partners and members states; and use AU Guiding principles on Large Scale Land-Based investments in Africa. The STC also recommended that Member States allocate 30% of documented land rights to women and improve land rights of women through legislative/other mechanisms

## **PART II: PROGRESS MADE IN IMPLEMENTING THE AU DECLARATION ON LAND**

### **THE AFRICAN LAND POLICY CENTRE (ALPC)**

6. Following the recommendation by the inaugural Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment in 2015 to establish and capacitate the African Land Policy Centre (ALPC) “to provide leadership, coordination, build partnerships and promote policy advocacy in support of member states,” the African Union Commission (AUC) in the auspices of the LPI has made strides in guiding the transition of the Land policy Initiative (LPI) towards ALPC. In this regard, the Commission along with the Economic Commission for Africa (ECA), the African Development Bank (AfDB), provided guidance to the secretariat by approving a roadmap for transition and refinement of a strategy and business plan for ALPC, taking into account emerging issues. In this regard, it is proposed that the *key interventions of ALPC* be guided by the strategy for implementing the AU Declaration on Land Issues and Challenges and endorsed by stakeholders as follows: a) knowledge generation, dissemination and management to enhance the evidence base for land policy development and implementation; b) advocacy and outreach to build and sustain political will and commitment for improved land governance and management; c) capacity development to strengthen human resource capacity and institutions of land administration; e) monitoring and evaluation to operationalize the monitoring and evaluation of land governance in Africa; and f) partnerships and resource mobilization to promote synergies, coordination and alignment, and support resource mobilization for the land sector.
7. The *thematic areas of intervention* for ALPC are guided by the key commitments and existing decisions on land governance, as well as areas that have emerged as critical to achieving broad based sustainable development of the continent in accordance with Agenda 2063, the SDGs and Malabo Declaration on Agricultural Growth and Transformation. They include: Land policy development, Land Administration and Land Information Systems, Land Data, Statistics and Monitoring, Gender, Women and Land, Land Investments and Agriculture, Land, Natural Resources Management and Conflicts, Land, Settlement and Urban Development, Land, Youth, Migration and Employment. While ALPC will operate primarily at continental level, a regional

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<sup>7</sup> Report of the Inaugural Conference of the Specialized Technical Committee on Agriculture, Rural Development, Water and Environment, AUC, 2015

focus is critical to developing capacity of RECs and other regional institutions for successful implementation of land governance commitments. In addition, pilot studies at country level are useful to informing guidelines and other tools as well as responding to the demands of Member States to provide technical capacity on land policy development and implementation.

## MAINSTREAMING LAND GOVERNANCE IN REC PROGRAMMES

8. The AU Declaration on Land issues and Challenges in Africa invites Regional Economic Communities (RECs) to “convene periodic regional platforms to facilitate experience sharing, lessons learnt and dissemination of best practices in land policy formulation, implementation and monitoring based on member states experiences.” The AU Declaration on Land also calls on RECs to “appropriately capture and address issues of land within their respective common...policy framework[s].” A comprehensive assessment by the LPI in 2013 of the potential entry points for capturing land governance to advance the mandates of the RECs revealed great need and potential. Indeed, the REC welcomed the initiative to develop a joint project to mainstream land governance issues in the REC programmes in order to ensure land related challenges do not hamper REC efforts to promote sustainable development, peace and security in their respective regions. Since the LPI assessment also concluded that the RECs did not the requisite capacity for mainstreaming land, it was critical that the joint projects include a capacity development component.
9. In the past two years, the LPI continued to support the IGAD Secretariat and its member states through a joint LPI/IGAD project on *Improving Land Governance in the IGAD Region* funded by the Swiss Agency for Development Corporation (SDC). The key results achieved in the auspices of the project in the past two years include: i) Enhanced human and institutional capacity at the IGAD Secretariat through development of a **strategy** for mainstreaming land governance, establishment of a **steering committee** with membership drawn from IGAD member states at state minister and permanent secretary level, recruitment of **staff recruitment**, development of a **gender mainstreaming module** on land governance and **training** of IGAD; ii) Land governance issues mainstreamed in IGAD programmes particularly in the IGAD strategy; regional CAADP implementation plan, and a new **programme on land and migration**; iii) Capacity of academic institutions in the IGAD region enhanced to promote training, research and advocacy on land governance through linking institutions to the **Network of Excellence on land Governance in Africa (NELGA)**; iv) Knowledge generated and disseminated including a **Report on Mainstreaming of Land Governance in IGAD Secretariat and Member States**; and v) Enhanced tracking of land policy reforms as three IGAD countries (Ethiopia, Kenya, Uganda) are now part of a twelve(12)-pilot country<sup>8</sup> on mainstreaming land governance in Africa (MELA)
10. Building on the success of the IGAD programme, the LPI collaborated with COMESA, EAC, ECCAS, ECOWAS and SADC to finalise **work plans and joint project documents for mainstreaming land governance** in the regional economic communities (REC) project documents. Resources were availed/mobilized for COMESA and ECOWAS. However, a **firm pledge for funding the LPI was withdrawn** putting on hold the development of REC programs on land governance.

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<sup>8</sup> Cote d’Ivoire, Democratic Republic of Congo, Ethiopia, Kenya, Madagascar, Malawi, Niger, Nigeria, Rwanda, Tanzania, Uganda, Zambia

## SUPPORTING LAND POLICY DEVELOPMENT AND IMPLEMENTATION

11. The AU Declaration on Land Issues and Challenges urges Member States to “review their land sectors with a view to developing comprehensive policies which take into account their peculiar needs.” The AU Declaration on Land also advised Member States “to take the steps outlined in the Framework and Guidelines on Land Policy in Africa for their land policy development and implementation strategies.” The AU Commission, in the auspices of the LPI has made progress in the past two years in supporting Member States’ efforts in the area of land policy development and implementation. In this regard, technical assistance was provided and pilot projects with key highlights of results achieved outlined here below.
12. **Support to land policy development in Zambia:** The LPI, with financial support from the European Union (EU) and technical assistance from ECA, implemented a project to support the review of the national land policy. In this regard, Zambia operationalised an inclusive and participatory multi-stakeholder platform to engage all relevant actors as per the Framework and Guidelines on Land Policy in Africa. Through the project, the government engaged development partners including USAID, UN-Habitat and the World Bank securing support, including resources and technical assistance for consultations with traditional chiefs and other stakeholders, and an assessment of land management institutions. The LPI provided technical inputs in partnership with the University of Zambia, to revise the land policy, including key outcomes of discussions. The Zambia pilot study demonstrates how the Framework and Guidelines could be operationalized at country level. The lessons drawn from the Zambia pilot are useful as many countries domesticate the F&G and VGGT in policy development at country level. Some of the main lessons include the need for: i) sustained commitment and leadership at the highest level of government throughout, exemplified by the establishment of a special unit, under the President or vice President, to support, coordinate and monitor the land policy process; ii) allocation of adequate resources is critical to conduct research for an evidence-based process, and for multi-stakeholder consultations; iii) while led by government, land policy development processes need to draw in all key stakeholders, preferably establishing a multi-sectoral advisory committee or task force to collate views and recommend revisions of the policy; and iv) donor coordination and alignment is useful in channeling financial support and technical assistance.
13. **Technical Support to Liberia on land policy implementation:** Following a request for support from the Liberia Land Authority, the LPI conducted a scoping mission to agree on areas of support with Liberia. The key areas of support include capacity development of Land Authority to develop a strategic business plan with terms of reference already developed. The LPI is also mobilizing partners to support the development of a Land Information System (LIS). In addition, the LPI has begun working closely with the Land Authority and University of Liberia to develop a graduate program on land governance.
14. **Technical Support to Kenya Task Force on Land Leases:** Based on a request from the Kenya Taskforce on Land Leases established by Cabinet Secretary, Ministry of Lands and Physical Planning, the LPI provided technical assistance, drawing in experience from other parts of the continental and the world. The Task Force was successful in *investigating the process of renewal and extension of leases since the approval of the comprehensive land policy in 2010*. The LPI shared lessons from e.g. Ghana, Malawi, Liberia and Namibia in this regard. The support was

critical in capacitating the Taskforce to situate their investigations and the management of leaseholds within the framework of continental and global tools for good land governance for economic growth and poverty reduction. LPI support was instrumental in demonstrating how the continental and global tools such as the AU Declaration on Land; Framework and Guidelines on Land Policy in Africa (F&G); and the Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), could be ‘domesticated’ to address specific country level issues. The report of the Task Force was recently presented to the Minister and recommendations when implemented will reduce fraud and corruption in the management of land leases.

## **IMPLEMENTATION OF LAND GOVERNANCE COMMITMENTS IN CONTEXT OF AGRICULTURE**

15. In line with the Ten Year Implementation Plan for Agenda 2063, the LPI implemented activities to support efforts to address land governance challenges in order to modernize agriculture for increased productivity and production (AU Goal 5). In particular, the LPI supported efforts of Member States to align the National Agriculture Investment Plans (NAIPs) to targets of the 2014 Malabo Declaration on Agricultural. In this regard, the LPI mobilized funding from the International Fund for Agricultural Development (IFAD) and collaborated with the NEPAD Program Coordinating Agency (NPCA) to develop a multi-country pilot project. The pilot project on mainstreaming land governance in the NAIPs of the Comprehensive African Agriculture Development programme (CAAD/NAIP) was developed in line with recommendations to conduct the project in countries at various stages of CAADP implementation in order to draw useful lessons and promising practices and develop capacity of Member States. The project is being implemented in Cote d’Ivoire, Democratic Republic of Congo (DRC), Madagascar, Malawi, Rwanda and Tanzania. It has so far generated evidence on the key land governance issues hampering agricultural transformation; held multi-stakeholder fora to define key actions and entry points for interventions to ensure the land sector supports the ministries of agriculture in alleviating challenges. Business plans defining actions and resource needs were developed as a basis for resource mobilization, including from internal budgetary resources. Building on existing CAADP teams, land-agriculture task forces/committees were strengthened and are successful in supporting revision of strategies and investment plans.
16. To enhance the agenda for integrating land governance concerns in the NAIPs, training modules are being finalized based on the needs identified through rigorous assessment of capacity needs. Training will be conducted in the auspices of the Network of Excellence on Land Governance in Africa (NELGA) by country level universities and training institutions. The stakeholders to be trained are: senior government officials, parliamentarians, researchers, academicians, private sector, CSOs, women’s organisations, farmer organisations, land administrators, legal practitioners, policy/decision makers, traditional leaders, local leaders, investors, professional associations, and media practitioners. The training areas include: Mainstreaming land governance in development, large scale land based investments (LSLBI), equity of access to land, women’s land rights; land conflict management /dispute resolution; land conflict management and dispute resolution; tenure security and documenting land rights; monitoring and evaluation; and research and collation of best practices on land governance.

17. To enhance tracking, results frameworks for the agricultural and land sectors have been examined and recommendations made to integrate land governance results areas and indicators (e.g. land tenure security; equal access to land for women and youth) that are critical to transforming agriculture. The six countries are also piloting the monitoring and evaluation of land governance in Africa (MELA) to build baseline and other data; track progress in implementation of the AU Declaration on Land, and develop capacity for tracking progress.
18. The key lessons and recommendations, based on the results of the pilot project to mainstream land in the agricultural sector include: i) the need for sustained capacity at national level to conduct research and training on issues that hamper agriculture, and draw promising practices; ii) the land-agriculture task force/committee needs to be institutionalized to ensure sustainability; iii) the business plans that have been developed outlining key actions and associated budgets need to be incorporated in the NAIPs to secure funding to address land governance issues; and iv) land related indicators need to be part of the results area for CAADP/Malabo Declaration implementation.
19. **Transversal support to promote joint application of the F&G and VGGT**  
The LPI and FAO continued implementation of the 2014 MOU to support implementation of the AU Declaration on Land Issues and Challenges by promoting joint application of the Voluntary Guidelines of the Governance of the Tenure of Land, Fisheries and Forests (VGGT) at country level. In particular, capitalization meetings were held twice a year, bringing together countries that are implementing projects funded by the European Union in a platform to exchange knowledge and identify best practices. Five additional countries (Cameroon, Ghana, Guinea Bissau, Sudan, Uganda) were added to phase I countries (Angola, Burundi, Côte d’Ivoire, Ethiopia, Kenya, Malawi, Niger, Somalia, South Sudan and Swaziland and Zambia).

## **BUILDING HUMAN AND TECHNICAL CAPACITIES FOR LAND GOVERNANCE**

20. The AU Declaration on Land Issues and Challenges in Africa urges Member States to “build adequate human, financial and technical capacities to support land policy development and implementation.” The key results of LPI’s work in support of Member States in building human resource capacity as per the AU Declaration on Land include: an *Assessment Report on Gaps in Curricula on Land Governance in Africa*; preparation of *Guidelines for Curricula Development on Land Governance in Africa*; launching of a project on Strengthening Land Governance in Africa (SLGA) targeted at improving training and research capacities and establishing a Network of Excellence on Land Governance in Africa (NELGA). The SLGA project is implemented in collaboration with the German Agency for International Cooperation (GIZ) and the World Bank, with financial support from the German Federal Ministry for Economic Cooperation and Development (BMZ). The key results achieved are listed here below:
21. ***Gaps in curricula for land governance identified:*** The LPI, with funding from the European Union (EU), prepared an *Assessment Report on Gaps in Curricula on Land Governance in Africa*, based on a comprehensive review of the needs of the land governance sector particularly the skills and expertise needed by land professional to support public and private institutions of land management, including traditional authorities. The report also provides a synopsis of the current state of land governance training, examining a wide range of institutions of higher learning. The

report then analysis the key gaps in the curricula used to train land professionals in Africa, highlighting the areas that need to be enhanced in the realms of training, research, networking and partnerships. The key areas that need to be enhanced in curricula are: the impact of colonialism; state ownership and sovereignty over land; decentralisation of land administration; Rural and urban land governance; land administration in customary jurisdictions; large scale land acquisitions; religion and culture; corruption in land management; women's land rights and the rights of vulnerable groups; climate change and natural resource management; innovation and technology; conflict management methods and tools; ethics in the land profession; global and regional instruments relevant to the land sector (SDGs, Agenda 2063, AU Declaration on Land etc); and improving skills, design and conduct of research. The report makes an overarching recommendation to the LPI to develop guidelines for the development of curricula on land governance in Africa to expedite changes needed in curricula as well as modalities for training, research and networking among institutions of higher learning.

22. ***Guidelines for development of curricula on land governance developed:*** In view of the recommendation above, the LPI develop guidelines for endorsement and use by institutions of higher learning in Africa. The *Guidelines for the Development of Curriculum on Land Governance in Africa* will hence be presented for endorsement to the current sitting of the STC.
23. ***A Network of Excellence on Land Governance (NELGA) established:*** The LPI conducted several key activities culminating in the establishment of NELGA as follows: i) convening of institutions of higher learning and research to validate a roadmap for the establishment of NELGA; ii) a comprehensive mapping of institutions of higher learning conducting training and research on land governance; iii) selection and validation of five regional nodes of NELGA including: Central Africa (Yaoundé I University, Cameroun); Eastern Africa (Ardhi University, Tanzania); Northern Africa (Institut Agronomique et Veterinaire Hassan II, Morocco); Southern Africa (Namibia University of Science and Technology, Namibia); and West Africa (Kwame Nkrumah University of Science and Technology, Ghana); iv) assessment of capacity gaps of the regional nodes to establish gaps; v) provided technical assistance in the recruitment and induction of Node coordinators. The LPI is supporting development of business plans to guide operations.
24. ***Development of curricula and graduate programme on land governance in Africa underway:*** In recognition of the limited comprehensive programs that address Africa's realities on land governance, the LPI is working with Institut Agronomique et Veterinaire Hassan II, (IAV) Morocco and University of Liberia to develop graduate programs on land governance. This is based on requests from the two institutions. The LPI will coordinate technical assistance drawing in experts and partners to assist both universities based on the *Guidelines for Development of Curricula on Land Governance in Africa*. The LPI is also working closely with Ardhi University (Tanzania) and the University of Western Cape's Institute for Poverty, Land and Agrarian Studies (PLAAS), in South Africa, to address their requests for support to review MSc and PhD curricula. The aim of the review is to incorporate key aspects of the Guidelines for Curricula Development.
25. ***Short-term training programmes for land professionals/actors:*** The LPI organized over twenty (20) trainings and sensitization events for over seven hundred (700) land professionals and actors, 31 % of participants were women. Those targeted in the training programmes included land administration professionals in an LPI/RCMRD joint training on effective land administration;

legal professionals, directors of bureaus of investments and traditional chiefs in trainings on the use of Guiding Principles for Large Scale Land Based Investments (LSLBI) in negotiating and implementing land investment contracts; land, agriculture and other professionals in training on mainstreaming land in agriculture, among others. The LPI is collaborating with PLAAS, based at the University of Western Cape to develop a series of training programmes for land professionals. An assessment of training needs of land professionals is underway in this regard.

## **PLATFORMS FOR KNOWLEDGE DISSEMINATION AND LESSON SHARING**

26. The AU Declaration on Land notes the importance of convening platforms “to facilitate experience sharing, lessons learning and dissemination of best practices in land policy formulation, implementation and monitoring based on member states experiences.” In this regard, the LPI organized about twenty-five (25) events over the past two years to deliberate, disseminate knowledge, share lessons and best practices, reaching over one thousand seven hundred (1,700) key decision makers. Some of the key stakeholders convened include: i) ***Senior Chiefs/Traditional Authorities*** in a sensitization seminar for forty (40) senior traditional chiefs including nine (9) queen mothers. A communique supporting the application of the Guiding Principles on Large Scale Land Based Resources was issued and a ***Forum for African Traditional Authorities (FATA)*** established; ii) ***Land Commissioners*** convened in partnership with the Rights and Resources Initiative (RRI) and the Ministry of Lands and Natural Resources in Ghana with 14 African countries (Burkina Faso, Cote d’Ivoire, Ghana, Kenya, Liberia, Madagascar, Malawi, Mali, Niger, Nigeria, Tanzania, Uganda, Zambia and Zimbabwe) represented. The countries shared lessons and information on the challenges and opportunities for securing community land rights. Land commissioners issued a communique stressing the importance of sustaining a platform for regular meeting for exchange among land commissioners in Africa; iii) ***Central Banks, Ministries of finance, planning and economic development*** convened in a side event during the AU/ECA Conference of Ministers of Finance and Development Planning in Africa in Dakar, Senegal. The event on *Invest in Africa’s Land to Catalyse Economic Growth and Prosperity – A Ministerial Dialogue* raised awareness and enhanced knowledge on innovative approaches to boost land based investments for inclusive economic growth, social cohesion and sustainable development; iv) ***Ministers of Land*** in a ministerial dialogue held in the auspices of the fourth high level forum on United Nations Global Geospatial Information Management (UNGGIM) in April 2016, attended by over three hundred (300) participants from fifty seven (57) countries.
27. ***Conference on Land Policy in Africa-2017***: Following the successful inaugural Conference on Land Policy in Africa in November (CLPA) in 2014 during which three hundred fifty (350) researchers, policymakers and other stakeholders participated, the LPI will hold the second CLPA on 14-17 November 2017. CLPA is a multi-stakeholder dialogue platform for knowledge and experience sharing, as well as advocacy on land policy development, implementation and monitoring. The CLPA-2017 will deepen commitment and strengthen capacity for land reforms through improved access to knowledge and information for evidence based land policies. CLPA-2017 will be held under the theme: “*The Africa We Want: Achieving socioeconomic transformation through inclusive and equitable access to land by the youth.*” The theme is aligned with the AU Declaration of the year 2017 as the year of youth as agents for socio-economic transformation under the theme “*Harnessing Africa’s Demographic Dividend through Investment in youth*”. Promoting involvement of youth in decision making and empowering them through

access to land and other natural resources will unlock Africa's economic potential by harnessing the demographic dividend, contributing towards realization of the "Africa We Want" as envisioned in Agenda 2063.

## **MONITORING AND EVALUATION OF LAND GOVERNANCE IN AFRICA**

28. The AU Declaration on Land Issues and Challenges requests the AU Commission in collaboration with the RECs, UN Economic Commission for Africa (ECA) and the African Development Bank (AfDB), to "undertake measures for the establishment of mechanisms for progress tracking and periodic reporting by Member States on progress achieved." Following the endorsement of the Monitoring and Evaluation Framework for Land Policy in Africa by the 2015 inaugural STC on Agriculture, Rural Development, Water and Environment, the LPI partnered with the International Food Policy Research Institute (IFPRI) to implement a pilot project on monitoring and evaluation on land governance in Africa (MELA). The first phase of the project is supported by the European Union and the German government and is being implemented in twelve countries: Cote d'Ivoire, Democratic Republic of Congo (DRC), Ethiopia, Kenya, Madagascar, Malawi, Niger, Nigeria, Rwanda, Tanzania, Uganda and Zambia. Selection of the countries was done to, among other things, leverage resources from other LPI and partner initiatives on land at country level.

## **GENDER, WOMEN AND LAND**

29. In endorsing the 2009 AU Declaration on Land, the African Heads of State and Government "resolved to strengthen security of land tenure for women which require special attention" and "ensure that land laws provide for equitable access to land and related resources ...". Following careful examination of the findings and recommendations of an LPI assessment study on the status of women's land rights, the inaugural STC on agriculture, rural development, water and environment recommended that Member States allocate 30% of documented land rights to women and improve land rights of women through legislative/other mechanisms.
30. Over the last two years the LPI has advocated for the 30% target for women's land rights through:
  - i) the launch of the 30% campaign for women's land rights alongside the AU Summit in Kigali, Rwanda in June 2016;
  - ii) Advocacy for the 30% target, eventually endorsed in a 'Women's Charter' at the Kilimanjaro Initiative by grassroots women in Kilimanjaro, Tanzania in October 2016;
  - iii) garnered global commitment at an event at the Committee on World Food Security (CFS) in October 2016 in Rome, Italy;
  - iv) awareness raising side event at the Committee on the Status of Women (CSW) in New York in March 2017;
  - v) awareness raised at the a Pan African Parliament in August 2017.In 2016, the LPI and Landesa started implementation of a project to promote gender and women's land rights, including the 30% campaign. In this regard, a gender and land expert was seconded by Landesa to the LPI with a grant from the Packard Foundation. In addition to advocacy for the 30% campaign, other results achieved include: development of training modules on gender mainstreaming in land governance; ensuring gender is mainstreamed in the *Guidelines for Curricula Development on Land Governance in Africa*, and the monitoring and evaluation framework for land governance.

31. In recognition of the need for sustained support to achieve the 30% target, a Gender, Women and Land programme has been included as part of the African Land Policy Centre (ALPC) to coordinate implementation of commitments relating to women and land.

## **PART III: KEY RESEARCH FINDINGS ON LAND GOVERNANCE IN AFRICA**

### **LAND, ETHNICITY AND CONFLICT IN AFRICA**

32. To enhance knowledge generation and dissemination and build evidence related to land policy formulation and implementation, the LPI spearheaded a study on *Land, Ethnicity and Conflicts in Africa* to increase knowledge on land related ethnic conflicts and enhance peace and security. Moreover, the resolution of conflicts is a strong basis for boosting economic growth and sustainable development towards Africa's Agenda 2063 and the SDGs. It is envisaged that the findings in this study will contribute to addressing the root causes of the conflicts through the development of land policies using the equity and equality principles embedded in accordance with *the Framework and Guidelines on Land Policy in Africa*. The study provides a historical background of ethnic identity in Africa; potential strengths and weaknesses of ethnic diversity in African societies; the nature of ethnic identity in contemporary Africa; reviews some of the conflicts in Africa and the extent to which they were caused by ethnicity and control over and access to land resources; analyses the political and social roots of politicized ethnicity in Africa and their links to land; identifies and analyses impacts of land and ethnic conflicts on livelihood stability and productivity; provides lessons and draws best practices on how ethnic diversity in Africa could be used as a tool for peace-building and social harmony. The report makes recommendations on the best practices in land policy formulation in relation to ethnic diversity for sustainable socio economic and livelihoods development in peace, social harmony..
33. Land related ethnic conflicts in Africa take different forms. Whereas some conflicts engulf the whole nation, for instance, in Burundi and Rwanda, others, such as the Eastern Democratic Republic of Congo (DRC), Northern Mali and Ivory Coast, are more localised. A causal analysis of these conflicts portrays strong interconnections with land grievances which could be resolved through inclusive land policies and the development of the capacity of land professionals so that they are conflict sensitive in the performance of their duties. The study shows that while some violent conflicts in many parts of Africa may be related to political exclusion, others are linked to climate change, inequitable access to land resources and the way social, economic and cultural concerns are handled by leaders and policy makers. Land is at the core of livelihoods in Africa hence control, access and competition for land based resources is often used to propagate socio-economic inequalities. Consequently, ethnic identities are amplified, hardened and politicized in order to make claims over land and its resources.
34. As illustrated in report, land related conflicts are not only based on competition for the land and its resources, and the insecurity of tenure, but also result from local power struggles, poor governance and a leadership which uses multiple fronts, such as ethnicity, gender, and location, to advance a non-inclusive political agenda. The report argues strongly that, when leaders politicize ethnicity and instrumentalise it for acquisition of power and land ownership, they create a vicious

cycle of inequitable access to land and other natural resources and trigger a cyclic wave of uncontrolled conflicts. The convergence of political authority and authority over land is shown as a recipe for much of the violent conflicts across the continent. The report shows that people-driven land reforms which are more inclusive and sustainable can serve as a deterrent to violence.

35. Inclusive land policies are vital in reducing land related conflicts. Due to historical factors, pluralism in land tenure is the norm in Africa. It is important that Member States adopt innovative hybrid approaches that combine the best in community and statutory land systems by drawing from community experiences in order to buttress customary land rights while, at the same time, ensuring that the rights of women and other marginalized groups are respected. These community-based solutions would include mapping, demarcation and documentation of land rights and claims at the community level. In addition to ensuring that the legal recognition of customary law is compatible with constitutional and statutory safeguards for women's land rights, it is vital to incorporate gender responsive provisions in the statutory framework recognizing customary law. Customary law and practices should not be seen to be violating constitutional provisions that protect women's land rights.
36. Of equal importance is the need to secure collective tenure rights of communities. Where communally owned land is not adjudicated or registered, it tends to be appropriated by State agencies, economic and political elite, land speculators and foreign investors. Securing community land rights should be prioritized across the continent, monitored and evaluated.

## **CONCLUSIONS AND KEY RECOMMENDATIONS**

### **African Land Policy Center**

37. The AUC needs to work closely with ECA, AfDB to implement the 2015 STC Decision to launch and capacitate the African Land Policy Centre (ALPC), to provide leadership and coordinate the implementation of land governance related commitments. In line with LPI Steering Committee recommendations and those of various evaluation reports, it is critical to institutionalize ALPC in a manner that ensures financial sustainability, operational efficiency and ownership by member states.

### **Land in National Agriculture Investment Plans (NAIPs)**

38. Building on the success already achieved by the LPI in partnership with Member States, there is need to develop and implement business plans, and institutionalise multi-sectoral committees that support mainstreaming of land governance in the NAIPs. In addition, it is important to mobilise resources in order to scale up interventions ensuring synergies with broader efforts to align the NAIPS with the Malabo targets. Based on demand from Member States it is important to broaden mainstreaming of land governance to other land related sectors of the economy
39. Building on the commitment and momentum gained in integrating land governance issues in REC programmes, it is essential to adopt a more sustainable strategy for funding the joint LPI/REC projects, which were developed in the past two years. This is especially critical in view of the shifting priorities of funding partners.

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

40. Governments need to review their policies to ensure gender-sensitive and responsive legal frameworks for promoting and protecting women's land rights. In this regard, there is an urgent need to ensure sex- disaggregated data is available for ascertaining the situation of women and tracking implementation of the 30 percent target for women's land rights.

### **Land, Ethnicity and Conflict**

41. There is a need to ensure land policies and land administration are effective in mitigating land and ethnic based conflicts. In this regard, there is a need to develop guidelines for preventing and addressing land, ethnicity and conflicts in Africa for use by governments, peace negotiators and those involved in peace building