

**GUIDELINES FOR THE DEVELOPMENT OF CURRICULA ON
LAND GOVERNANCE IN AFRICA**

A Report to the

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INTRODUCTION

1. The Land Policy Initiative (LPI) was established in 2006 by African Union Commission (AUC), the United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB) in order to enhance the role land plays in the development of the African continent. Since then, LPI has developed key documents on land governance which will contribute to the economic transformation of African and the realization of Africa's Agenda 2063 and the global Sustainable Development Goals (SDGs). During the current phase, LPI is assisting member states in the implementation of the *Declaration on land issues and challenges in Africa*, in accordance with the *Framework and Guidelines on Land Policy in Africa* in order to achieve socio-economic development, peace/security, and environmental sustainability through improved land governance.
2. In facilitating the implementation process, LPI is guided by its strategic plan 2012-2016 which outlines eight (8) key objectives and related actions for the attainment of each goal. These objectives are: (1) Enhance the capacity of the LPI Secretariat to facilitate the implementation of the AU Declaration on Land;(2) Mainstream Land in the agenda for Africa's development; (3) Enhance synergies and coordination; and mobilize resources and in support of the AU Declaration on Land; (4) Improve communication, advocacy and outreach in support of LPI activities geared towards the implementation of land issues and challenges; (5) Enhance knowledge generation and dissemination to raise awareness and build evidence related to land policy formulation/implementation; (6) Enhance capacity and skills in support of land policy development and implementation in Africa; (7) Develop and popularize the use of knowledge management tools to facilitate evidence based land policymaking and implementation; (8) Enhance monitoring and Evaluation in support of land policy formulation and implementation in Africa
3. The *Framework and Guidelines on Land Policy in Africa* identifies one of the main challenges to Land policy implementation as lack of capacity to manage change. Further, the lack of the technological know-how required to manage contemporary land reform programmes is cited as a major constraint. To address these concerns, the LPI is undertaking a number of activities to enhance capacity and skills in support of land policy development and implementation in Africa. The LPI has identified building capacity in the tertiary institutions of learning on the continent as one of the avenues for enhancing capacity and skills in a sustainable manner to address the dynamism of land use and institutional change.

PART 1: BUILDING CAPACITY ON LAND GOVERNANCE IN TERTIARY INSTITUTIONS

Context for curricula reform

4. The LPI is contributing to strengthening of governance of land, water and other natural resources by increasing public awareness and access to land policy and land administration information. Through its advocacy work with Member States and institutions of learning, the LPI is stimulating dialogue and action on inclusive land governance. It is also building expert

capacity in order to align existing land and governance to the needs of the African people. Holistic training of land professionals critical to the effective and sustainable management of land and its resources.

The needs of land governance industry

5. From the onset, the training of land management professionals in Africa was fashioned on land administration as practised in Europe and emphasised service to the market as valuers and land management experts. Issues related to land governance in terms of land tenure, land administration, the philosophy of land among autochthonous populations, the cultural and traditional environment of land ownership and usage, etc., are not taught, or at best just mentioned in passing. The implications of this are obvious – land professionals, as currently trained, do not satisfy the requirements or meet the needs of a large proportion of the market within which they operate.
6. An appreciation of the land governance context in Africa and the diverse needs of industry will contribute to the translation of the 2025 vision and goals of the Accelerated African Growth and Transformation (the Malabo Declaration). The contemporary land governance industry is complex and diverse and includes government, the private sector, civil society, traditional authorities, development partners and learning institutions. Curricula currently being used for the training land professionals have served the continent to a commendable degree. However, Member States are being called upon to reform them in order to address the complex land tenure systems in Africa and the growing calls by industry for relevance and appropriateness. To serve the land sector effectively, curricula ought to be futuristic.
7. The private sector in Africa is growing and land professionals are being called upon to show skills in business management and marketing. Of equal importance is an understanding of the complex nature of community land tenure systems within the context of individualization of property rights, globalization, food insecurity, environmental degradation and climate change. The salience of this concern becomes even more evident because in Member States, a significant proportion of land resources are held under customary ownership and are thus controlled by traditional authorities. A review of curricula would give land professionals the opportunity to research the opportunities provided by customary land tenure in the continental land governance agenda.
8. Clearly, in addition to the acquisition of technical skills, students should be exposed to topics on responsive policies and laws; technology and innovation; efficiency, accessibility and affordability of services; gender-equity, and non-discrimination; institutional accountability; and sustainable land use and management.

PART 11: GUIDELINES FOR THE DEVELOPMENT OF CURRICULA ON LAND GOVERNANCE IN AFRICA

Developing the Guidelines

9. Between 2007 and 2008, the Land Policy Initiative (LPI) conducted assessments in all five regions of Africa to examine the key land issues and challenges that should underpin land policy development and implementation. Gaps in human and technical capacity for policy development and implementation featured prominently as a key impediment to successful land and institutional reforms. During its Second Phase (2012-2016), as part of its role to support Member States, the LPI worked closely with regional economic communities (RECs), governments and relevant stakeholders to assess industry needs and technical capacity gaps in the land sector. This assessment was successful in identifying core areas for capacity development, entry points for intervention and actors who will facilitate the desired change in training of land professionals.
10. During the assessment, the LPI engaged with key actors in Africa's 'land governance industry'; a term used in the Guidelines to mean all institutions and actors involved in land governance and which hire, employ, collaborate with or require in others ways the knowledge, skills and expertise of land professionals who have qualified from universities and other institutions of higher learning. In that sense therefore, it includes government, traditional authorities, private sector, civil society, universities and other institutions of higher learning, and development partners. The industry confirmed that there was urgent need to increase the number and diversity of land governance professionals and enhance their skills and expertise in order to be more responsive to industry and societal needs.
11. Significant gaps were identified in the content and nature of training and research programs on offer by African universities and other tertiary institutions. These gaps in training and research form a big part of why Africa has not been successful in developing comprehensive policies and frameworks that address Africa's realities. The gaps may also be responsible for legislative frameworks that have so far not provided for equitable access to land and secure land rights of all, especially women and minority groups. The assessment report formed the basis for the drafting of Guidelines for the Development of Curricula on Land Governance in Africa.
12. The Guidelines have been developed through a consultative process with key stakeholders.

The purpose of the Guidelines

13. The *Guidelines for the Development of Curricula on Land Governance in Africa* will facilitate the implementation of the AU Declaration on Land Issues and challenges in Africa as well as associated decisions relating to: the management of Large Scale Land Based Investments and the AU decision to allocate and document 30% of Africa's land to women. In this regard, the guidelines will be the basis for commitment, support and action by governments, universities and institutions of higher learning and other stakeholders to develop curricula, training and research programmes that better respond to Africa's peculiarities.
14. The objectives of the guidelines are to: i) inform leadership in universities and other tertiary institutions on the specificities, issues and challenges that should underpin training and research curricula on land governance ; ii) provide a basis for policy direction and support to guide frameworks, regulation and oversight of training and research programs; iii) serve as a

basis for cooperation and collaboration between land governance industry on the one hand and training institutions on the other; and iv) inform strategies that guide development partner support in the areas of training and research on land governance.

Target Audience for the Guidelines

15. The Guidelines have been developed in order to cater for training institutions and policy level stakeholders in the land sector. They are targeted at (a) All universities and institutions of higher learning in Africa as well as other actors in the land governance industry; (b) Government ministries and departments responsible for development of policy and oversight in higher education; (c) Training institutions that teach land as part of other programmes in which land governance is treated as an important component within a broader thematic area.

Principles underpinning the Guidelines

16. In order to ensure broad uniformity in curricula reform, the Guidelines have core principles which are drawn from the documents developed over time by the LPI. These principles will guide institutions as they discuss internally their land governance training will take. The principles are as follows: (a) Recognise that land issues in Africa are unique and complex; (b) Take cognizance of the evolution of land tenure pluralism in Africa; (c) Underline the centrality of land to the continent's socio-economic development; (d) Secure land rights for women; (e) Ensure equitable access to and/or ownership of land and property rights for all; (f) While taking into account local contexts, conform to continental and global principles, commitments and standards; (g) Consider current and emerging issues related to land and land resources; (h) Recognise the need for land professionals to have multiple skills; (i) Appreciate the opportunities that come with urbanization; (j) Understand the basis and nature of land conflicts; (k) Take into consideration the principles of good land governance; (l) Recognise that much of the land and natural resources is used as a common resource.

PART III: HIGHLIGHTS OF THE GUIDELINES

17. Evolution of Land Governance

Guideline 1: The curricula ought to take cognizance of the evolution of land governance, emergence of land tenure pluralism and how that relates to contemporary realities.

Narrative: The training of land professionals and development of inclusive land policies in Africa cannot ignore pre-colonial, colonial and post-independence contexts of land governance practices. Through the decades, the colonial system led to the establishment of a dual land tenure system. On the one hand there was the statutory system promoted by colonial authorities and based on complex procedures leading to the issuance of individual title deeds. On the other hand, there were multiple customary systems based on the collective land rights of the different lineages constituting the community. At independence, the dual land tenure system was adopted by African governments. Consequently, the majority of African land holders operate in an environment of informality which limits investment in the development of their land and maximization of opportunity. Furthermore,

this duality of land tenure interpretation and practice is reflected in the institutional landscape through the co-existence of “modern” land administration institutions that mirror the colonial system and a variety of communal traditional institutions. Equally, the training of land professionals is fundamentally guided by European understanding and models of land administration. Despite the complexity of land governance issues, land governance curricula do not adequately address the particularity of the African landscape.

18. Industry and Programmes

Guideline 2: For good results, curriculum review should be preceded by an assessment of the prevailing needs of the industry. The assessment should be undertaken as a collaborative effort between universities and industry. A clear research agenda on land governance ought to be developed in universities.

Narrative: The land professionals ought to successfully navigate contemporary social-economic, political, technological and environmental contexts. Governments, universities and other training institutions will also need to pay attention to demographic trends, urbanization, climate change and equity in access to land and its resources. Moreover, a number of Member States have devolved their land governance to local levels to make services more accessible to citizens, in accordance recommendations in the *Framework and Guidelines on Land Policy in Africa*. Besides core technical competencies, land professionals will work in a highly technological environment which requires appropriate communication skills, knowledge of project design and implementation and management of human and financial resources. There are also global and continental principles, some of which have been developed by the LPI, that govern equitable access to land and its resources. Principles on Large Scale Land Based Investments (LSLBI) and gender equity in access to land are crucially important and Member States have expressed themselves on these matters.

19. Land Governance in Rural Areas

Guideline 3: Curriculum on land governance in the rural sector needs to ensure land professionals have deep understanding of the types of land tenure arrangements required to incentivize greater on-farm investments; how property rights affect vulnerable groups’ ability to participate in and benefit from agricultural development projects; the type of complementary programming necessary to incentivize climate-smart agriculture practices; as well as linkages between secure property rights and agricultural production.

Guideline 4: Curricula on land governance ought to pay attention to the promotion and understanding of the legitimacy of marginalized groups and indigenous land rights in Africa, viewed through the prism of human rights, and how they relate to spirituality, cultural identity and food security.

Guideline 5: Research to generate data and options for viable investment models in order to yield equitable outcomes needs to be integrated in land governance curricula. In addition, curricula ought to guide the training and skills development in the area of participatory land use planning and community development to ensure national food security and rural livelihoods as an integral part of responsible agricultural investments.

Guideline 6: It is essential that curricula on land governance ensures students and land professionals have an in-depth understanding of the dynamics of pastoralism and the prevailing ecology, including the implications of changes in land use on access to pasture and water and ultimately their livelihood.

Narrative: Africa's ecology offers opportunities for a diverse set of livelihoods due to its abundant land, water, forests, wildlife, minerals and other resources, but it also poses risks associated with fragile landscapes and climatic conditions. This is especially so given the high demand on Africa's rural land from external forces but mostly from its population. The prosperity and development of rural and urban areas in Africa will largely depend on the success in the process of harmonizing the customary and statutory land management systems in order to respond to the changing demands for safeguarding land rights and for the enhancement of agricultural investment, productivity, and overall production in a more equitable and sustainable manner. This is an issue that land governance curricula would need to address.

20. Urban and Peri-Urban Areas

Guideline 7: Curriculum should expose learners to programs that acquaint them with the realities of urban and peri-urban settings in Africa and therefore stimulate innovative solutions (tenure security for land and housing rights, and access to services such as water and electricity)

Guideline 8: It is important that curricula in land governance address the different ways of financing urban development in a sustainable manner. Learners ought to be given the skills which are needed by public officers and government officials in order to apply innovative approaches involving wide ranging stakeholders in urban development projects.

Narrative: Urbanisation in most African countries provides an opportunity as well as a challenge. It is characterized by expansive growth of informal settlements and slums which goes hand in hand with an increase in growth of the city central districts in terms of commercial and government buildings. The pace of urbanisation is so rapid that governments and administrations are not capable of controlling or supporting their development in a regulated manner. The key drivers of urbanisation in Africa are economic development and livelihood opportunities. However, conflicts and war situations have also made people move from the rural areas to the cities to find safety and shelter, and they have often stayed there. As the pace of urbanization accelerates, effective land governance and natural resource management will be a pre-requisite for sustainable growth and development. Communities that live in peri-urban areas face risks whose context is hardly understood in order to effectively identify and weigh the benefits against risks and costs of urbanization. The peri-urban areas are particularly impacted by land speculation and land conversion.

Women's Land Rights

Guideline 9: Curricula on land governance in Africa should acknowledge women's contributions and ensure that all people, regardless of sex, benefit from, and are empowered by, development policies and practices

Guideline 10: Curricula should expand the set of options, approaches and potential solutions for strengthening women’s rights to land by exploring promising practices related to women’s land rights. These best practices should reflect the diversity of the African continent by including practices from specific traditional systems which are favourable to women.

Narrative: It is essential to understand the gender - based power dynamics that underpin land governance systems and practices to effectively address structural and normative barriers to women’s land rights. A two-pronged approach that both accounts for the gender dimension of all land issues and specifically addresses land issues that affect women uniquely or disproportionately will help ensure land policies and programs deliver benefits equally to men and women according to their different needs. Women’s land rights are defined by multiple intersecting systems and practices. These include formal laws, customary laws and practices, religious law, socioeconomic factors (e.g., poverty, education, production systems) and intra-household dynamics. Consequently, tackling gender inequality in land relations requires identifying political, legal, cultural and socioeconomic gender – specific constraints to women’s land rights and understanding the interplay between the various dimensions.

21. Environment, Climate Change and Land

Guideline 11: Curricula on land governance need to incorporate knowledge on environmental challenges that led to resource degradation or depletion due to poor land governance and actions for restoring the integrity of natural resources and environmental management that are supported by governance and sustainable use principles. In addition, curricula ought to improve the knowledge (administrative, legal, planning and management, and behavioral) of both traditional and formal entities charged with the management and governance of natural resources under various land tenure regimes.

Guideline 12: Curricula on land governance in Africa need to focus on climate change knowledge in relation to land management practices that support adaptation efforts in agriculture, agro-ecological conservation actions and on policies that support the reduction of greenhouse gas emissions from agriculture systems.

Guideline 13: In order to serve industry better, land professionals need to understand the value add of mapping, demarcation and delimitation of lands that are vulnerable to the effects of climate change that flood, displace population and lead to loss of land for communities.

Narrative: The environment is critical for maintaining food security, access to fresh water and energy; all which are necessary for sustenance of livelihoods. However, when land governance is poor the capacity of the environment to provide goods and services is threatened, especially by human activities that undermine ecological safeguards. Climate change is currently associated with an increase in the number and intensity of severe weather events making communities more vulnerable to displacement, loss of land, intensified human migration, interference with land rights of other communities where they move to and conflicts. Climate change is presently making fertile lands to become scarce, as formerly productive areas become ravaged by drought, or land becoming infertile due to massive erosion in instances where rainfall is intense.

22. Conflicts and Land Governance

Guideline 14: Curricula ought to prepare land professionals so that they are able to analyse the nature of conflicts in their areas of operation and be able to come up with a proper typology for land management

Guideline 15: Curricula on land governance ought to emphasize the effects of conflicts on communities; the social and economic wellbeing of the people and how it undermines development; and should extract lessons from best practices.

Guideline 16: Curricula ought to include learning about land policies that are inclusive and take into account the various interests over land that would contribute to the reduction of land based conflicts. This should go hand in hand with prioritization of investment in land management in national and sub-national development plans

Guideline 17: When land professionals are familiar with the various triggers of land based conflicts and how land disputes can be resolved, and in particular how alternative systems of land dispute resolution can be made part of the national conflict resolution regime, they are able to perform their duties more effectively.

Narrative: Conflicts over land and natural resources are on the increase throughout Africa, creating social, political and economic disruption. The colonial legacy is in part to blame for current conflicts but with widespread private ownership of land and its titling, declining arable land, population growth, urbanization, and the shrinking of land available for pastoral and indigenous communities, the tensions over land have consistently erupted into violent clashes between communities or even nations. Land professionals often find themselves at the centre of these conflicts and must therefore have appropriate understanding of the types and causes of conflicts, stages in the progression of conflicts, as well as in appropriate measures to put in place to minimize the occurrence of conflicts; manage and resolve them when they occur and deal with post-conflict outcomes. In all cases, it is necessary for land professionals to understand that how land is governed can lead to, or prevent conflicts.

23. Land Tenure and Property Rights

Guideline 18: Positive urbanization occurs when people feel secure. It is necessary for land professionals to recognize and understand all forms of legitimate tenure arrangements, such as formal rights, customary tenure and informal tenure.

Guideline 19: Context based land administration approaches can be implemented for individual land tenure regularization, customary tenure registration and informal settlement land recording. Curricula on land governance ought to pay particular attention to the uniqueness of contexts and the importance of adopting appropriate land administration approaches

Guideline 20: The concept of the continuum of land rights supports a flexible way of looking at land tenure rights and it allows the recordation of all types of people-to-land relations. When learners appreciate this flexibility of land tenure rights they are better prepared to serve communities.

Narrative: If incomes and food production are to be safeguarded and the growing pressure on urban areas is to be mitigated, the land rights of urban and rural poor people must be made secure. Research shows that strengthening land and property rights goes hand in hand with the realization of development objectives related to poverty alleviation, food security, environmental sustainability and advancing women's empowerment. Good land administration is a prerequisite for good land governance. However, formal land registration and cadastral systems in many African countries were designed to serve the needs of colonial powers. These systems cover only a small proportion of the land and properties in a country and contain only certain types of information. In many countries out-dated technologies are used and records are not maintained in a secure way. They may be out of date and therefore fail to reflect reality on the ground which is changing rapidly as countries develop, population increases and cities grow.

24. Land Information Management Systems

Guideline 21: Curricula on land governance ought to include training on the development of affordable and accessible Land Information Management Systems (LIMS) responsive to Africa's unique circumstances.

Narrative: Good land information management is integral to good land governance. The collection, processing, dissemination, storage and retrieval of land information on location, ownership, use, and value, among other attributes, is fundamental to efficient land administration and planning. As noted in the Framework and Guidelines, in many African countries, record systems are in various conditions of disuse and mismanagement and are largely paper-based and manually operated. Furthermore, many are generally inaccessible and expensive to the ordinary user public. Curricula should therefore address this matter progressively so that students understand the need to improve the existing land information management systems to make them faster, efficient, affordable and accessible to all.

25. Research and Innovation

Guideline 22: Research and innovation on land aimed at improved understanding, problem solving and the promotion of responsible and effective land governance, should be recognised and incorporated in curricula.

Guideline 23: Governments, land training institutions and universities and Africa's development partners ought to prioritise and invest substantially in land research and innovation programmes.

Guideline 24: While research specialisation has an important place to achieve deeper understanding of particular focus areas, adopting a coordinated, multi-disciplinary approach, within an agreed research and innovation agenda on land, would be vital for curricula that bolster effective and sustainable land governance.

Guideline 25: Learning institutions ought to embrace, build upon and intensify these approaches and through research and innovation, come up with new ones so that they are successfully implemented, at scale, in local contexts

Guideline 26: Priority funding will need to be directed to centres and universities and training institutions committed to land governance research. Africa's multilateral and bilateral partners are also encouraged to pay special attention to this capacity gap in their resource mobilization plans.

Narrative: Good quality research on land from a variety of academic disciplines is essential for the contextualisation, analysis and understanding of key land issues, the achievements and shortcomings of existing land administration policies, systems and programmes; and the capacity and innovative mechanisms and tools needed to improve, supplement and develop those policies, systems and programmes. Research can bolster the quality of existing teaching courses and training programmes, while contributing to an urgently necessary paradigm shift on how to address the complexity of land challenges facing governments, stakeholders and the holders and users of land in the present historical context. However, African scholars produce a relatively small percentage of the world's research. Research and innovation go hand in hand, and should form the basis of land governance curriculum development and teaching. The development of new approaches and tools, building upon established disciplines and practices but going beyond them through innovation, involving a combination of academic disciplines and professional sectors is essential for meeting present demands on the land governance community and learners ought to be familiar with them.

PART IV: IMPLEMENTATION OF CURRICULA REFORM IN INSTITUTIONS

26. ***Institutional monitoring and evaluation:*** Institutions will assess their curricula reform in order to establish a well-coordinated, harmonized system that provides timely and accurate strategic information to support the implementation of the *Guidelines for Curricula Development on Land Governance in Africa*. These activities will form a critical part of tracking the performance of the guidelines in pursuing the land governance agenda in Africa.
27. ***Management of Change:*** The curricula reform agenda will support the building human capacities for land policy development and implementation. Universities and other institutions of higher learning have the opportunity to become the primary agents of change which will be driven by Africa's unique context, contemporary issues and technology for the sustainable development of the continent. The Guidelines and the new curricula will be taken through the required validation and/or approval processes at Member State level, be they statutory or administrative, within the respective Ministries and Universities.
28. ***Partnerships and collaboration of industry:*** The successful implementation of the guidelines calls for the goodwill and support of institutions charged with the training of land professionals and the development and implementation of land policies. While the training institutions will prepare curricula and use it to train students, it is the institutions charged with routine land governance in government, the private sector, civil society, traditional authorities and

development partners that can provide feedback on the performance of the graduates once in industry.

PART IV. RECOMMENDATIONS AND WAY FORWARD

29. ***Continental Level: Oversight and policy guidance:*** African Union is requested to endorse the guidelines for operationalization by Regional Economic Communities and Member States and to play a continuous oversight role on implementation, receive periodic feedback and use the feedback to provide any required further policy guidance. In this regard the guidelines are presented to the STC for endorsement
30. ***Regional level: Sensitization, lesson learning and pilots:*** Regional Economic Communities (RECs) are called to disseminate and sensitize Member States on the importance of the guidelines to land policy development and implementation. RECs are well-placed to act as platforms for collaboration and sharing of lessons. Existing and emerging regional platforms have a useful role in sensitization and training on the new curricula. Regional learning institutions can provide opportunities for conducting pilots to test the guidelines on new and existing curricula. Institutions identified under the Network of Excellence in Land Governance in Africa (NELGA) are called to pilot the guidelines. The regional institutions could also be subsequently used to train other trainers (Training of Trainers) within the region.
31. ***National level: Resourcing, sensitization, curricula development and application:*** Member States need demonstrate political goodwill through providing financial resources. The line Ministries driving the portfolios of Education and Land & Natural resources have a central role in this regard. Due to the pertinent financial and policy implications and the required high-level approvals, the respective parliamentary committees on Education and Lands need to be sensitized. Such committees are useful platforms for providing oversight to implementation at country level. At the devolved level, similar local authority or county assembly committees can play a similar role. Key stakeholders in the private sector, the civil society, traditional authorities and development partners need to be sensitized to garner support new curricula.
32. ***Universities and other training institutions:*** Resourcing and sensitization is critical by organs charged with the approval of curricula in universities and other institutions of higher learning. University organs responsible for oversight on the development and implementation of curricula at the teaching level need to be sensitized. Faculties and Departments need to consider, where these do not exist, the establishment of committees to specifically initiate and follow up on the development and implementation of curricula based on the guidelines.
33. ***Information, dissemination and sensitization:*** An elaborate information, dissemination and sensitization programme needs to be devised and implemented. It calls for a comprehensive mapping to identify institutions to be targeted for dissemination of the guidelines. This needs to be complemented by the posting of the guidelines on strategic websites such as those of the LPI Consortium members, the African Union Commission, the ECA and AfDB. Other institutions with capacity to scale up the message about the guidelines through their sites need to be identified to enhance accessibility of the guidelines by linking their web traffic to the

consortium web links on the guidelines as well as sharing the links through their social media platforms.