Regional Workshop with African Land Commissions on Securing Community Land Rights
July 19, 2017
Accra, Ghana

CONCLUDING RECOMMENDATIONS

We, participants at the Regional Workshop with African Land Commissions on Securing Community Land Rights, co-organized by Rights and Resources Initiative (RRI), the Land Policy Initiative (LPI) of the African Union Commission (AUC), African Development Bank (AfDB) and Economic Commission for Africa (UNECA), and co-hosted by the Ministry of Lands and Natural Resources and Civic Response, representing land commissions and similar agencies leading land reforms from countries including Burkina Faso, Côte d’Ivoire, Ghana, Kenya, Liberia, Madagascar, Malawi, Mali, Niger, Nigeria, Tanzania, Uganda, Zambia and Zimbabwe,

Noting the diversity of our contexts, policies, legal frameworks and local communities, reaffirming our commitment to secure community lands by implementing AU decisions relating to land governance and management including: the AU Declaration on Land Issues and Challenges in Africa (2009), which endorses the use of the AU Framework and Guidelines on Land Policy in Africa (F&G); the resolution of the AU Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment, which recommends Member States allocate at least thirty percent of land in women’s names; and the STC decision endorsing the use of the Guiding Principles on Large Scale Land Based Investments to, among other things, protect the land rights of communities,

Further reaffirming commitments made by AU Member States in the auspices of continental platforms in recognition of human, economic, social and cultural rights of local communities, women and Indigenous Peoples, including: the AU Agenda 2063, the African Charter on Human and Peoples’ Rights, the Maputo Protocol to the African Charter on the Rights of Women; and the 2004 Declaration on Gender Equality in Africa, as well as instruments at the sub-regional level, such as of ECOWAS,

Recognizing that these African instruments work in concert with obligations and commitments flowing from instruments and initiatives at the international level, such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), the UN Declaration on the Rights of Indigenous Peoples, the International Bill of Human Rights, the Convention on the Elimination of Discrimination against Women, Agenda 2030 of the Sustainable Development Goals, and the UN Framework Convention on Climate Change.
Accordingly, we commit to advance policy, legal and regulatory reforms and ensure their effective implementation in order to recognize community land rights.

In this regard, we agree:

1) To pursue efforts to identify, to recognize, and to protect the land rights of communities, including the most vulnerable groups (youth, women, nomads, disabled people, and other groups with strong links to their land).
   - The participants reaffirm that community-held land represents the majority of land on the continent. Despite the overall recognition of traditional land rights by national land commissions, an imbalance persists between the land rights available to communities and those rights available to the state or private individuals who have a land title. Although the processes can be different, it is necessary to work towards equal rights (for expropriation, accessible means of obtaining credit, legally binding land certificates, etc.);
   - The participants encourage the states to adopt an approach in favor of women, youth, and vulnerable people – who make up a majority of the population on the continent – especially in establishing quotas for these groups in planning and development processes.

2) To relocate land management institutions in order that they be as close as possible to communities, by the implementation of institutional frameworks that give more power to communities, and the institutionalization of procedures that recognize traditional rights. Additionally, by moving from centralized land administration authorities to decentralized land administration authorities (closer to the land owners as in Ghana, or to a lesser degree in Côte d’Ivoire) when it comes to community land.

3) Strengthen the capacity for land management for different actors.
   - At the local level, land management authorities are poorly equipped in terms of human resources and material resources. This is where it is necessary to put in place ongoing training programs that are adapted to the specific needs of the beneficiaries and to clearly define their mandate so that they are able to effectively secure the land rights of those most vulnerable in their work. All land administration institutions should also integrate ongoing trainings, with special attention paid to training local land administration agents and community institutions that manage community land.

4) Establish design workshops and consultation frameworks that, while recognizing the diverse experiences of land management and specifically traditional land tenure in different
countries, and are rich and vary from one country to another provide platforms for systematically capitalizing these experiences for continuous learning and experience sharing.

5) Adopt and strengthen alternative methods for conflict resolution, in contexts where it is difficult for communities to access state justice systems, especially in light of the distance between the courts and rural areas, the costs of procedures, the lack of awareness about state justice systems in communities, and the number of cases before the courts that delay decisions. It is therefore essential to rely on methods for conflict resolution that are close by, present less of a burden for communities, are more efficient and acceptable, and adapted to local customs for conflict resolution. The capacity of local institutions for conflict management should be strengthened and better supported and regulated by the state.