

# **National Land Institutions Regional Workshop to Secure Community Land Rights in Africa**

From May 21-23, 2019 – Antananarivo, Madagascar

## **Final Declaration**

We, the participants of the National Land Institutions Regional Workshop to Secure Community Land Rights in Africa, co-organized by the Rights and Resources Initiative (RRI), the International Land Coalition (ILC), Solidarité des Intervenants sur le Foncier (SIF), in collaboration with the Ministry of Land Use Planning, Housing, and Public Works of the Republic of Madagascar, representing land institutions and similar organizations leading land reforms in countries including Burkina Faso, Cameroon, Democratic Republic of Congo, Kenya, Liberia, Madagascar, Malawi, Mali, Niger, Tanzania, Togo, Uganda and South Africa;

Noting the diversity of our contexts, policies, regulatory frameworks and local communities;

Recalling our determination to secure community lands in conformity with the decisions of the African Union related to land governance and management including: the Declaration on Land Issues and Challenges in Africa (2009) which approves the execution of Framework and guiding principles on land policies in Africa; the resolution of the Specialized Technical Committee (STC) on Agriculture, Rural Development, Water and Environment of the African Union that recommends States attribute at least 30% of land to women; and approval of the STC's use of the Guiding Principles for Large-Scale Land Investments in Africa to, inter alia, protect the land rights of communities;

Reaffirming the engagement of member states of the African Union, under the aegis of continental platforms to recognize human, social, economic, and cultural rights of local communities, women and indigenous peoples, including: the African Union 2063 Agenda, the African Charter on Human and Peoples' Rights, the Maputo Protocol relative to the African Charter on the Rights of Women, and the Solemn Declaration for Gender Equality in Africa, as well as sub-regional instruments including the ECOWAS, SADC and COMESA zones;

Recognizing these African Instruments also take into account engagements, initiatives and instruments at the international level including the Voluntary Directives for Responsible Land Governance of tenure regimes applicable to land, fisheries and forests, the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas of 2018, the International Charter on Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the 2030 Sustainable Development Goals (SDG's), and the United Nations Convention Framework on Climate Change;

Finding notable advances in the recognition of Community Land Rights by our countries, through legal instruments but also through recognized and accepted practices;

Finding beginnings of execution of securing community rights through pilot projects;

Noting challenges must still be addressed including: mobilization of financial resources, reinforcement of capacities, harmonization of intersectoral reforms, accounting for gender aspects, and social inclusion and vulnerability;

**We recommend:**

1. **Elaborating and implementing case studies:** We recognize that vast experiences regarding land management and specifically customary land tenure are led in various African countries, but that these experiences have not been conceptualized, capitalized or systematized. It is therefore urgent to put in place case studies at different levels to characterize concepts, management practices and procedures to secure community land rights, with the aim of institutionalizing them.
2. **Mobilizing actors through the constitution of the Network of African Land Institutions to Secure Community Land Rights** constituting a platform of exchange, mobilization of resources, reinforcement of capacities, and impetus for land reforms favoring communities.
3. **Sustaining efforts to identify, recognize and protect the land rights of communities, including the most vulnerable within them** (young people, women, nomads, the handicapped, and others particularly attached to the earth).
4. **Reinforcing the security of tenure regimes for women, youth, and vulnerable groups**, to enable their effective participation in the processes and efforts to achieve and sustain SDG's.
5. **Empowering communities in land management**, through the implementation of institutional frameworks that give more power to communities and the institution of procedures to recognize customary rights, encouraging the expansion of decentralized land management and a global baseline for delocalized management.
6. **Financing of operations to secure community land rights is assumed by the States.**
7. **Reinforcing and adopting alternative dispute resolution models**, especially given the remoteness of courts in rural areas, cost of proceedings, misunderstanding of State law by communities, and the large number of cases pending before courts which delays decisions. It is critical therefor to use local conflict resolution methods as they are less expensive, faster, and adapted to local practices. These local conflict management institutions should be strengthened and better supervised by the State.

Written in Antananarivo, the 23<sup>rd</sup> of May 2019

The Participants