Land Reforms in Africa: Challenges, Opportunities, and the Empowerment of Local Communities

Megaflorestais, Buea
Cameroon

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Context and importance of land in Africa

• Africa **customary domain**: up to 1.4 billion hectares

• **Customary land holders** across the continent: at least 428 million

• **Congo Basin**: the second largest forest in the world after the Amazon; the largest amount of threatened forests in the world; forest peoples face many challenges to access to and own land and forest resources;

• Allocation of land and sub-soil rights to domestic and **FDI-funded industrial-scale**

• **Africa is the main target of global land investment & acquisitions**
Context of land tenure in the World: where does Africa stand?

- **Africa**
  - 95.5% Government Administered
  - 4.2% Owned by IPs and other communities
  - 0.3% Owned by individuals and firms

- **Asia**
  - 67.4% Government Administered
  - 26.9% Owned by IPs and other communities
  - 2.2% Owned by individuals and firms
  - 0.3% Designated for IPs and other communities

- **Latin America**
  - 61.1% Government Administered
  - 14.5% Owned by IPs and other communities
  - 22.4% Owned by individuals and firms
  - 2.0% Designated for IPs and other communities

**Comparison between 2002 and 2013**

- **Africa**
  - 2002: 93.8%
  - 2013: 93.8%

- **Asia**
  - 2002: 60.9%
  - 2013: 60.9%

- **Latin America**
  - 2002: 42.9%
  - 2013: 42.9%
Large Scale Land Acquisitions (LSLA)

Large Scale Land-based Investments (LSLBI) in Africa

Source: Land Matrix, 2013
## Land Reforms in Africa

<table>
<thead>
<tr>
<th>Opportunities</th>
<th>Challenges</th>
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<tr>
<td>❖ **New waves of land reforms since 2009 to move away from the colonial and</td>
<td>❖ Major reforms by African government to attract more investors and</td>
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<td>post-colonial legacy**</td>
<td>becoming BRICS government’s development focus on foreign investment and</td>
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<td>- Liberia (1973), Cameroon (1974), DRC (1973), Senegal (1964), and Ivory</td>
<td>large-scale land acquisitions (oil palm plantations and extractive industries</td>
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<td>Coast (1998)</td>
<td>such as oil and iron).</td>
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<td>❖ Promising land reform for realizing and securing customary land rights in</td>
<td>❖ Some countries are still stuck</td>
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<td>Liberia: the Land Policy’s intent to elevate customary rights to the same</td>
<td>- Central African Republic (CAR): still with the 1899 land law (reform</td>
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<td>level as statutory rights</td>
<td>project stopped by the conflict)</td>
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<td>❖ Legal progress in East Africa: Tanzania, Mozambique, and Uganda to inform</td>
<td>❖ Struggle to implement reforms:</td>
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<td>the reforms processes in Central and</td>
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<td>Central and East Africa</td>
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<td>❖ Legal recognition of Indigenous Peoples’ rights to land and resources</td>
<td>❖ Yet most reforms recognize only a limited bundle of rights</td>
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<td>the Republic of Congo, Central African Republic, Liberia, Niger, Burkina Faso,</td>
<td>❖ <strong>Slow decentralization</strong>: state inaction &amp; community unpreparedness + lack of technical skills</td>
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<td>and Burundi</td>
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<td>❖ Decentralization of land and resource management in the Sahel and West</td>
<td>❖ <strong>Low participation of civil society</strong> and local communities in land reform commissions: DRC (CONAREF), Senegal (National land commission)</td>
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<td>Africa: Mali, Burkina Faso, Niger, Senegal, and Ghana</td>
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<td>❖ Civil society organizations organizing to influence land reform processes:</td>
<td>❖ <strong>Non harmonization of reforms</strong></td>
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<td>The CSO tenure think-tank (cadre de Concertation) in the DRC</td>
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## Land Reforms in Africa

### Opportunities

- **Diverse Options for securing and formalizing community rights**
  - community land certificates (Mali, Madagascar),
  - community forestry (Cameroon, Liberia),
  - community forest concessions and local communities forests (DRC)

- **The role of regional and sub-regional institutions** in shaping national policies: the Land Policy Initiative (LPI), the Central African Forest Commission (COMIFAC), the Congo Basin Forest Commission (CBFC), and the International Conference on Forests (ICF)

### Challenges

- **Individual land titling:**
  - privatization of land
  - very expensive for communities
  - rural households will easily sell their lands
  - individual land titling as a form of land grab
Political conflicts are reshaping tenure systems and represent challenges for tenure reforms

- The lack of progress in legally recognizing customary property regimes and community rights continues to fuel conflict within countries (e.g. Mali)
- Movement of refugees away from conflict zones as well as back into their native countries fueled considerable crisis elsewhere in Africa (e.g., from Ivory Coast to neighboring
- A civil war erupted in Central African Republic in March 2013 quelling hopes for effective governance reforms and stopping the advanced FLEGT VPA process.

Conservation agencies are promoting biodiversity and environmental offsets with private sector companies, without respect for community tenure, indigenous knowledge and rights, with lack of clarity on carbon rights and benefits as well.

Women’s tenure rights: slow progress in statutory laws - status quo in customary laws
Key messages

- Recognition of customary and collective rights

- CSOs’s participation in reforms processes and bring local inputs

- Build alliances with strategic actors: parliamentarians, Mayors, legislators, customary/traditional chiefs, women’s networks, Indigenous Peoples

- Multi-stakeholder national dialogues

- Cross-sectoral coordination for harmonization of reforms processes (land, forest, mining, etc.)