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

MegaFlorestais, Buea
Cameroon

Solange Bandiaky-Badji
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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
- Government Administered: 95.5%
- Owned by IPs and other communities: 5.9%
- Designated for IPs and other communities: 0.3%
- Owned by individuals and firms: 0.3%

Asia
- Government Administered: 67.4%
- Owned by IPs and other communities: 30.6%
- Designated for IPs and other communities: 6.0%
- Owned by individuals and firms: 2.5%

Latin America
- Government Administered: 61.1%
- Owned by IPs and other communities: 17.9%
- Designated for IPs and other communities: 32.9%
- Owned by individuals and firms: 42.9%

2002 vs 2013 comparison of land tenure categories.
Large Scale Land Acquisitions (LSLA)


- **Africa:** 34.3 million acres reported, 134.5 million acres cross-referenced
- **Asia:** 28.6 million acres reported, 43.4 million acres cross-referenced
- **Latin America:** 6.3 million acres reported, 18.9 million acres cross-referenced
- **Europe:** 1.5 million acres reported, 4.7 million acres cross-referenced
- **Oceania:** 0.01 million acres reported, 0.7 million acres cross-referenced
- **World:** 70.9 million acres reported, 203.4 million acres cross-referenced
Large Scale Land-based Investments (LSLBI) in Africa

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

### Opportunities

- **New waves of land reforms since 2009** to move away from the colonial and post-colonial legacy

- **Promising land reform for realizing and securing customary land rights in Liberia**: the Land Policy’s intent to elevate customary rights to the same level as statutory rights

- **Legal progress in East Africa**: Tanzania, Mozambique, and Uganda to inform the reforms processes in Central and Southern Africa

### Challenges

- **Major reforms by African government to attract more investors and becoming BRICS** government’s development focus on foreign investment and large-scale land acquisitions (oil palm plantations and extractive industries such as oil and iron).

- **Some countries are still stuck**
  - Central African Republic (CAR): still with the 1899 land law (reform project stopped by the conflict)

- **Struggle to implement reforms**:
## Land Reforms in Africa

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<thead>
<tr>
<th>Opportunities</th>
<th>Challenges</th>
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<tbody>
<tr>
<td>✷ Legal recognition of Indigenous Peoples’ rights to land and resources: Republic of Congo, Central African Republic, Liberia, Niger, Burkina Faso, and Burundi</td>
<td>✷ Yet most reforms recognize only a limited bundle of rights</td>
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<td>✷ Decentralization of land and resource management in the Sahel and West Africa: Mali, Burkina Faso, Niger, Senegal, and Ghana</td>
<td>✷ Slow decentralization: state inaction &amp; community unpreparedness + lack of technical skills</td>
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<td>✷ Civil society organizations organizing to influence land reform processes: The CSO tenure think-tank (cadre de Concertation) in the DRC</td>
<td>✷ Low participation of civil society and local communities in land reform commissions: DRC (CONAREF), Senegal (National land commission)</td>
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<td>✷ Non harmonization of reforms</td>
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<td>❖ Diverse Options for securing and formalizing community rights</td>
<td>❖ Individual land titling:</td>
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<td>❦ community land certificates (Mali, Madagascar),</td>
<td>❦ privatization of land</td>
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<td>❦ community forestry (Cameroon, Liberia),</td>
<td>❦ very expensive for communities</td>
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<td>❦ community forest concessions and local communities forests (DRC)</td>
<td>❦ rural households will easily sell their lands</td>
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<td>❖ 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</td>
<td>❦ individual land titling as a form of land grab</td>
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Land Reforms in Africa: challenges!

- **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
- CSO’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.)