



Barefoot Education for Afrika Trust

AU, SADC, COMESA POLICY FRAMEWORKS AND GUIDELINES ON LAND RIGHTS AND ONGOING POLICY PROCESSES

Mabel Hungwe (PhD) and Prof Mandi Rukuni

**Consultation Meeting:
Regional Land Networks
Johannesburg, South Africa, 26 – 27 November 2018**





INTRODUCTION

- Land tenure rights (secure) are strongly connected to peace and security; social cohesion, conservation of natural resources and mitigation of the negative impact of climate change.
- Good land governance is critical to achieving Agenda 2063, particularly goals related to quality of life and well-being (AU Goal 1), agriculture (AU Goal 5), environment (AU goal 7), peace and security (AU Goal 13), and gender equality (AU Goal 17) (ALPC 2017).
- Moreover, achievement of the Sustainable Development Goals (SDGs) is well underpinned by good land governance, especially goals related to: eliminating poverty (SDG1); ending hunger and promoting sustainable agriculture (SDG2); gender equality and women empowerment (SDG5); inclusive Economic growth (SDG8); productive employment (SDG11); human settlements (SDG 11), and peaceful and inclusive societies (SDG16)



CONTINUED...!

- Land governance should enable efficient and effective appropriation and use of land, regulating land concentration, fragmentation and expropriation and through this guaranteeing tenure security in rural and urban areas; and enhances productive use of land.
- Subsequently, effective national, regional and global land monitoring is central to ensuring that changes in land governance result in improved conditions and sustainable development opportunities for all, especially for vulnerable groups and those living in poverty
- To ensure this, the auc and heads of states and recs have come up with a raft of strategies and frameworks that are aimed at improving land governance and ensure transformation

The logo for BEAT Africa is located in the top left corner. It features the word "BEAT" in a bold, sans-serif font above the word "Africa" in a smaller, cursive font. The text is set against a background of a stylized map of Africa with various colors (yellow, red, green, blue) and a textured, parchment-like background with faint silhouettes of animals and people.

AU, SADC, COMESA POLICY FRAMEWORKS AND GUIDELINES ON LAND

- **AU AGENDA 2063**
- **AU Framework and Guidelines on Land Policy in Africa/AU Declaration on Land Issues and Challenges in Africa (2009)**
- **Nairobi Action Plan On Large Scale Land-Based Investments In Africa (2011)**
- **The Guiding Principles for Large Scale Land-Based Investments in Africa (2014)**
- **The Comprehensive African Agriculture Development Programme (CAADP)/Maputo Declaration (2003)**
- **Malabo (2014) Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods (2014)**



CONTINUED...!

- **Rural Futures**
- **Land Governance Programme (LGP)**
- **SADC Regional Land Reform Facility**



AU AGENDA 2063

- The AU Agenda 2063 adopted in 2013 calls for:
 - Sustainable land management practices
 - Reversing land degradation and desertification
 - Equitable access to land by all
 - Security of land tenure for women

- Agenda 2063 also calls for implementation of:
 - AU Frameworks and Guidelines on Land Policy in Africa
 - Guiding Principles on Large-Scale Land-Based Investments in Africa



AU Declaration on Land Issues and Challenges in Africa (2009)

- The Framework and Guidelines (F&Gs) for Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods was endorsed by the 13th Ordinary Session of the African Union Assembly of Heads of State and Government
- F&Gs urges African governments to pay attention to:
 - The status of land administration systems,
 - Land rights delivery systems,
 - Land governance structures and institutions and,
 - Ensure adequate budgetary provision to land policy development and implementation.



Nairobi Action Plan On Large Scale Land-Based Investments In Africa (2011)

- Participants of the High Level Forum on Foreign Direct Investments in Land in Africa, representing African governments, Members of Parliament, traditional leaders, private sector, civil society and other stakeholders, met in Nairobi, Kenya from 4 to 5 October, 2011.
- The Nairobi Action Plan resolved on the following priorities:
 - Assessments of land-based large-scale investments;
 - Capacity support to governments, traditional leaders, civil society organisations and communities to facilitate fair and transparent negotiations;
 - Establishment of a monitoring and reporting mechanism for tracking large-scale land based investments;
 - Development of principles which encourage sound and sustainable investments in land;
 - Development and implementation of land policies and land use plans that facilitate equitable access and secure land rights for communities - including women and investors, both local and foreign, in the medium term.



The Guiding Principles for Large Scale Land-Based Investments in Africa (2014)

- Following the Synthesis Report of LSLBI, the LPI was able to craft the Guiding Principles for LSLBI (GPs).
- These GPs serve to facilitate the implementation of the AU Declaration on Land Issues and Challenges in CAADP and the Nairobi Plan of Action.
- The Fundamental Principles guiding the GPs are as follows:
 - LSLBI respect human rights of communities, contribute to the responsible governance of land and land-based resources,
 - Respect to customary land rights and are conducted in compliance with the rule of law;
 - Decisions on LSLBI are guided by a national strategy for sustainable agricultural development which recognizes the strategic importance of African agricultural land and the role of smallholder farmers in achieving food security, poverty reduction and economic growth;



Continued....!

- Decisions on LSLBI and their implementation are based on good governance, including transparency, subsidiarity, inclusiveness, prior informed participation and social acceptance of affected communities;
- Decisions on the desirability and feasibility of LSLBI are made based on independent, holistic assessment of the economic, financial, social and environmental costs and benefits associated with the proposed investment, throughout the lifetime of the investment;
- Member States uphold high standards of cooperation, collaboration and mutual accountability to ensure that LSLBI are beneficial to African economies and their people;
- LSLBI respect the land rights of women, recognize their voice, generate meaningful opportunities for women alongside men, and do not exacerbate the marginalization of women



The Comprehensive African Agriculture Development Programme (CAADP)/Maputo Declaration (2003)

- The AU Summit established CAADP in 2003 after the Maputo Declaration on the belief that agriculture would provide the engine for social and economic transformation.
- CAADP's core functions are to:
 - strengthening country-led policy processes;
 - mobilizing partnerships for investment;
 - evaluating commitments and strengthening systems and mechanisms for accountability based on the CAADP's core principles of African ownership;
 - alliances between government and Non State actors;
 - mutual accountability and regional complementarities and cooperation.
- In 2012, the AUC and NEPAD Agency commissioned a strategic review of CAADP and capacity to delivery results and impact.
- The report concluded that the Maputo Declaration remains as relevant today as it was in 2003. As at 2015 over 40 countries had formally launched CAADP implementation.



The Comprehensive African Agriculture Development Programme (CAADP)/Maputo Declaration (2003)

- The AU Summit established CAADP in 2003 after the Maputo Declaration on the belief that agriculture would provide the engine for social and economic transformation.
- CAADP's core functions are to:
 - strengthening country-led policy processes;
 - mobilizing partnerships for investment;
 - evaluating commitments and strengthening systems and mechanisms for accountability based on the CAADP's core principles of African ownership;
 - alliances between government and Non State actors;
 - mutual accountability and regional complementarities and cooperation.
- In 2012, the AUC and NEPAD Agency commissioned a strategic review of CAADP and capacity to delivery results and impact.
- The report concluded that the Maputo Declaration remains as relevant today as it was in 2003. As at 2015 over 40 countries had formally launched CAADP implementation.



Continued...!

- CAADP has been instrumental in helping many countries refine and strengthen their agricultural strategies.
- Since 2003, many governments have increased their budgetary allocations even though only a few have met the 10% target for budget investment.
- CAADP is increasingly being recognised as requiring a ‘multi-sectoral’ approach.
- A decade of CAADP laid firm foundations for accelerating implementation and investment into African agriculture.
- There are also new challenges facing African agriculture:
 - global financial crisis;
 - high energy prices;
 - effects of climate change; and
 - rapid acquisition of and access to Africa’s land, water, forest and mineral resources by foreign investors,
- pausing new challenges for CAADP

The logo for BEAT Africa is located in the top left corner. It features the word "BEAT" in a bold, sans-serif font above the word "Africa" in a smaller, cursive font. The text is set against a background of a stylized map of Africa with various colors (yellow, red, green, blue) and a textured, paper-like appearance.

Malabo (2014) Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods (2014)

- The renewal of CAADP into the Sustaining CAADP Momentum culminated in the AU Heads of State and Government Malabo (2014) Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods.
- The Declaration made seven specific commitments to achieve accelerated agricultural growth and transformation for shared prosperity and improved livelihoods including the elimination of hunger by 2025.
- Overall the Malabo Declaration placed emphasis on implementation, results and impact, building on the achievements of CAADP's first ten years and lessons learnt.



Rural Futures

- The NEPAD Agency organised the inaugural *Africa Rural Development Forum (ARDF)* held May, 2013 in Cotonou, République of Benin.
- The 1st ARDF adopted a 10-point Cotonou Declaration to guide the implementation of the Rural Futures Program for Africa.
- This is guided by 4 key overarching principles, namely:
 - Inclusive and empowering transformation-people-centered development;
 - Multi-sectoriality;
 - Territorial Development;
 - Inter-relationship between economic, environmental and political factors.



Continued...!

- The main outcomes of the Inaugural ARDF were:
 - An African consensus was reached on the role of the rural sector in the continent's economic and social transformation, based on a consensus on the meaning of Rural Transformation from an African perspective;
 - Improved understanding of synergies and trade-offs as well as an integrated view of rural development;
 - Discussion and review existing and emerging challenges, and opportunities in rural development;
 - Exchange of information and best practices from various parts of the world with a view to up-scaling or replicating best practices.



Land Governance Programme (LGP)

- The NEPAD Agency established the Land Governance Programme (LGP) in 2015 for the purposes of implementing the LPI frameworks and strengthening land governance so as to advance Africa's social and economic transformation.
- The LPG is a systematic approach to identifying policy and investment opportunities for African countries.
- The LPG has the main purpose to provide strategic support to African countries in addressing land governance issues including design and implementation of interventions that address land governance related challenges and opportunities in Africa's development agenda.
- LGP is developing national level assessment tools that are evidence based and applied to the countries main sectors among- agriculture and livestock systems; mining and other extractive industries; forestry, reserved areas, hunting and tourism; urban development and real estate and infrastructure development.



SADC Regional Agriculture Policy

- SADC's road to the Regional Agricultural Policy (RAP) started in 1981 with the recognition of the importance of Agriculture to economic growth, socio-economic development and poverty reduction.
- SADC emphasized in the 2003 SADC Regional Indicative Strategic Development Plan (RISDP), co-operation in sustainable food security.
- The SADC Regional Agriculture Policy (RAP) was crafted between 2010 and 2013 premised on the deep interconnectedness of agriculture with almost every other sector of the economy, hence the central role of agricultural development to the growth of both urban and rural economies including the rural non-farm sector, and the transformation of the largely agrarian population to a more industrialized economy.



Continued...!

- The purpose of the SADC RAP is to define *common agreed objectives and measures to guide, promote and support actions at regional and national levels in the agricultural sector of the SADC Member States in contribution to regional integration and the attainment of the SADC Common Agenda.*



SADC Land Reform Facility

- In its policy statement on land, SADC shall facilitate, coordinate and support initiatives to improve land administration, use and management.
- The policy statement recognises that the nature and degree of land and agrarian problems vary by Member State.
- SADC Council of Ministers in March 2003 promulgated a directive to establish the SADC Land Reform Support Facility (SLRSF) to facilitate the implementation of various frameworks on land tenure including the SLRSF, the AU Framework and Guidelines on Land Policy in Africa, and the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security.



Continued...!

- The Facility was also expected to coordinate the development of regional land policy guidelines and promoting access to land for the disadvantaged groups of the population.
- The facility has conducted an assessment of land issues in member states and developed a five-year phased programme that started in 2007 and covers the following four major areas:
 - policy formulation and implementation;
 - capacity building; information and communication; and research.
- The Facility has achieved the following since it was muted:
 - A continental Consultative Workshop held in Addis Ababa, Ethiopia, from 27–29 March 2006, at which an Issues Paper that summarized major land policy issues in the continent was discussed;
 - An African Experts Task Force Meeting in Addis Ababa from 26–28 July 2006, at which the earlier Issues Paper was revised and transformed into a draft background document, *Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods*.
- The operationalization of the Facility took a long time due to the need for in-depth consultations and identification of critical land problems amenable to the Facility's interventions.



ON-GOING POLICY PROCESSES

- **Strengthening Capacities for Land Governance in Africa (SLGA)—ongoing**
- **A Network of Excellence on Land Governance (NELGA)**
- **Monitoring and Evaluation of Land Governance in Africa (MELA)**
- **ALPC/EU Mainstream land in COMESA Secretariat/member states**
- **ALPC/AfDB Project to Implement the Nairobi Action Plan for LSLBI**
- **FAO-ALPC Transversal Project to Support EU/SDC/GIZ Land Governance Country Pilots**
- **Conference on Land Policy in Africa**



Strengthening Capacities for Land Governance in Africa (SLGA)--ongoing

Objective

“The Human and institutional capacities for realizing sustainable land policies that pay particular attention to the rights of marginalized groups like small-scale farmers, pastoralists and women are strengthened across Africa.”

Expected outputs

- Training and education programs increased in quantity and improved in quality
- The NELGA is established under the leadership of APLC
- The analytical capacities of the African universities are strengthened



A Network of Excellence on Land Governance (NELGA)

- The ALPC conducted several key activities culminating in the establishment of NELGA.
- To enhance the agenda for integrating land governance concerns in NAIPs, training modules are being finalized based on the needs identified through rigorous assessment of capacity needs of countries.
- Trainings target senior government officials, parliamentarians, researchers, academicians, private sector, CSOs, women's organisations, farmer organisations, land administrators, legal practitioners, policy/decision makers, traditional leaders, local leaders, investors, professional associations, and media practitioners.
- The project is yet to produce a report; however, this will be a valuable contribution to monitoring efforts in the region since it is one of few initiatives specifically intended to monitor implementation of regional instruments in a coordinated manner which allows for comparisons across the region



Monitoring and Evaluation of Land Governance in Africa (MELA)

- The project aims to develop a comprehensive baseline data base that will form the basis for future tracking of progress in implementing the AU Declaration on Land in Africa and is being spearheaded by the ALPC, EU and IFPRI.
- The project result areas are enabling legal and institutional framework; effective and efficient implementation of land management and administration; equitable access to land for all users and strengthened tenure for women.



ALPC/EU Mainstream land in COMESA Secretariat/member states

- Began in 2017 with the aim of enhancing capacity of COMESA (staff, strategy, M&E)
- Provide for a platform for knowledge exchange on land policy
- Research to identify entry points
- Capacity development
- M&E



ALPC/AfDB Project to Implement the Nairobi Action Plan for LSLBI

Expected Results

- Training module for legal professionals on LSLBI negotiations
- Training session for legal professionals
- Sensitization/training workshop for traditional leaders



FAO-ALPC Transversal Project to Support EU/SDC/GIZ Land Governance Country Pilots

- Phase 1: Angola, Burundi, Cote d'Ivoire, Ethiopia, Kenya, Malawi, Niger, Somalia, Swaziland
- Phase 2: Cameroon, Ghana, Guinea Bissau, Sudan, Uganda

Expected outcome:

- Integrated application of F&G in land reform processes



Conference on Land Policy in Africa

- **What:** A policy and learning event
- **Goal:** To deepen capacity for land policy development and implementation in Africa through improved policy development and implementation in Africa through improved access to knowledge, networks and innovation
- **Audience:** Researchers, governments, intergovernmental organizations, parliaments, farmers, civil society, youth and women's groups, private, development/technical partners engaged in land policy



Barefoot Education for Afrika Trust

Thank You!