



**CONSULTATIVE WORKSHOP  
27 to 29 March 2006**

**ON**

**LAND POLICY IN AFRICA:  
A FRAMEWORK OF ACTION TO SECURE LAND RIGHTS, ENHANCE  
PRODUCTIVITY AND SECURE LIVELIHOODS**

**SUMMARY OF KEY MESSAGES AND RECOMMENDATIONS  
OF THE CONSULTATIVE WORKSHOP**

## **I. BACKGROUND**

In view of the importance of land to Africa's social, political and economic development, as well as sustainable resource management, AU/NEPAD, ECA and ADB, under the leadership of the AU Commission, agreed to work jointly during 2006-2007 to develop a land policy framework and guidelines, as well as the modalities for its implementation at country, regional and continental levels. Building on past research, experiences and initiatives, the tripartite agreed on the following processes, aimed at building a consensus on a vision for, and adopting, a land policy and land reform framework in Africa: a) A consultative workshop; b) Regional consultations; c) A continental African experts meeting; d) A meeting of African Ministers responsible for land; and d) AU Heads of State and Government Summit. The elements of this critical path is briefly described below:

### a) Consultative workshop

The consultative workshop, which took place 27-29 March 2006 at the United Nations Conference Centre (UNCC), Addis Ababa, was the first step in the process of developing a land policy framework and guidelines. The discussions were informed by an issues/discussion paper, and brought together representatives from African governments, Regional Economic Communities, Civil Society including farmers' organizations, African private sector, Centres of Excellence and Development Partners. The consultative workshop aimed to build consensus around the following issues:

- Elements and thematic issues that would characterize the framework and guidelines of land policy and land reform in Africa;
- Features of a vision and guiding principles for a framework of land policy in Africa;
- Actions and sequential activities needed to develop a land policy framework and guidelines; and
- Roles of stakeholders and partners, and resource mobilization.

The expected outputs of the workshop are: i) a background document summarizing the main land issues in Africa that should be used as the basis for developing the guidelines and framework; and ii) a skeleton framework of land policy and land reform in Africa.

A summary of the key messages and recommendations emanating from the workshop are presented on page 4 below.

### b) Regional consultations

Using the background document and the skeleton framework resulting from the consultative workshop, as well as regional assessments as the basis for discussion, the consultations will ensure that regional specificities, initiatives and lessons are used to enrich the framework. In order to help define medium and long-term processes, the regional consultations will also help to identify challenges, knowledge, institutional and resource gaps as well as on-going initiatives. This will assist in mapping out a strategy for capacity building and lesson-sharing activities vital to the implementation of the framework.

The key outcome of the regional initiatives is an enriched draft of the continental framework and guidelines of the land policy and land reform framework. In addition, a regional background

document will outline the key elements and processes which are needed in the medium and long-term to facilitate the implementation of the framework.

c) African Experts meeting; and d) Meeting of African Ministers Responsible for Land

Having enhanced the land policy and land reform framework with regional consultations, the draft framework will be subjected to an extensive review and discussions by key experts from land related line ministries of all AU member States. A key outcome of the experts meeting will be a refined draft of the framework and guidelines to be sent to the ministerial meeting. In addition, an Experts Report on the land policy framework and guidelines including key recommendations on its implementation will be produced.

Following the Experts meeting, Ministers will review and adopt the Expert's Report and Recommendation on Land Policy Framework and Guidelines.

e) The Summit of Heads of State and Government

The Ministers' Report and Recommendations on Land Policy Framework and Guidelines will be subjected to the policy organs of the AU Summit for consideration and adoption. These include the Permanent Representative Council (PRC) and the Executive Council (EC) of the Assembly. The Executive Council will prepare a draft Declaration for consideration, review and adoption by the Assembly of African Heads of State and Government. The Declaration will contain resolutions and decisions on its implementation and follow-up.

## **II. Key messages and recommendations of the consultative workshop**

The key messages and recommendations that emerged from the workshop are organized according to the objectives of the workshop and are presented in the sections that follow.

### **a) Elements and thematic issues that would characterize the framework and guidelines of land policy and land reform in Africa**

There was general consensus among the workshop participants that the Issues Paper was well structured and that it captured most of the critical issues related to land and land policy in Africa. However, in order to transform it into a background document for the various processes of the land policy initiative, it was recommended that the Issues Paper be revised and strengthened to:

- Reflect linkages between land and other development goals, and strengthen the links to existing commitments, ratified agreements and policies such as the need for ecosystem management.
- Give fuller reference to the political economy of land relations, providing additional historical and ideological context.
- Elaborate further on how land can serve as an instrument of integration at all levels;
- Illustrate how land reform can be an instrument for widening and deepening democratic development (e.g. through decentralization) or a tool for achieving political stability (e.g. through conflict and dispute resolution mechanisms)
- Present a clearer picture of the range and diversity of land issues at the regional level in order to have a credible document that could inform more detailed regional studies and debate. This elaboration should also include some mention of the regional initiatives that already exist, in particular the SADC land facility. The Issues Paper needs to give more attention to the lessons that have been learned particularly the advances made in land reform.
- Reflect the importance and challenges related to cross-boundary issues
- Reflect the various regional and continental processes that will be used to ensure ownership of the framework. This could be done in a background section elaborating on the processes involved developing the framework.
- Mention, for example, in the background section, the need for supportive processes geared toward long-term outcomes that should run parallel to this (short-term) initiative of developing a framework. These include policy formulation and implementation, and capacity building efforts.

Based on the Issues Paper and the suggestions above, there was general agreement that the following critical pillars could form the foundation of a framework for action:

#### *Economic Pillar:*

Addressing land related challenges is key to:

- Poverty reduction
- Food security

- Structural transformation of African economies, recognizing the centrality of agriculture to ensure broad based economic growth, wealth creation and retention.
- Sustainable urban development

*Social pillar:*

Land is central to reducing vulnerability and ensuring:

- Gender equity
- Social justice for the marginalized land owners and the landless
- Sustainable human settlements

*Environmental sustainability Pillar:*

Attending to land related problems will help to increase investments which are needed for sustainable land use and ecosystem management on both common and private property resources. This would reduce:

- Land degradation
- Arrest soil depletion
- Water pollution (e.g. for fisheries)
- Deforestation and encouraging afforestation

*Governance Pillar:*

Recognizing the contribution of land and land resources to Africa's economic, social and political governance; addressing land-related challenges are key to successful:

- Conflict prevention and peace building with a view to ensuring peace and security
- Land administration that is free of corruption and discrimination, and based on the principles of transparency, accountability and inclusiveness.

**b) Features of a vision and guiding principles for a framework of land policy in Africa**

There was a consensus that the initiative to develop a framework and guidelines for land policy and land reform in Africa is in line with NEPAD, a program of the AU, in which African leaders have pledged to eradicate poverty and reduce inequality; and create a favourable environment for sustainable economic growth and development. In this quest, African leaders have committed to supporting NEPAD initiatives aimed at ensuring peace and security as well as sound political, corporate and economic governance. In order to achieve the above-mentioned goals, the leaders of African governments agreed to be jointly responsible for, among other things, strengthening mechanisms for conflict prevention, management and resolution; promoting and protecting democracy and human rights; instituting transparent legal and regulatory mechanisms to ensure accountability; promoting the role of women in social and economic development; and promoting the development of agriculture and its diversification into agro-business and manufacturing. Under NEPAD, the Heads of State and Government agreed to institute the African Peer Review Mechanism (APRM), as a means for evaluating the delivery of commitments made with a view to allowing for peer learning and building on progress made.

The workshop agreed that the governance of land and natural resources is measurable by the capability of land policies and associated institutions to deliver on and support development objectives such as those pledged by the African Heads of State and Government. In this regard, submitting land policies' and institutional performance to the APRM lies within the principles

and intentions of NEPAD's APRM. To facilitate such a review, a framework and guidelines for land policy and reform, with associated benchmarks for measuring progress made are essential.

In creating a vision for the land policy framework, the workshop deemed a number of overall features indispensable, including long-term commitment; capacity building and institutional strengthening; empowerment and social justice; transparency; accountability; partnership; intergenerational equity; inclusiveness; and policy harmonization and coherence.

There was general agreement on the two guiding principles that were present in the Issues Paper: i) Supporting African nations to balance equity and efficiency through land policies which safeguard livelihoods, enable economic growth and foster economic integration; and ii) Assisting African nations to build strong, accountable and service-oriented land institutions. However, it was suggested that the promotion of democracy be highlighted.

The vision and guiding principles should steer policy formulation and implementation towards:

- Providing alternative forms of land rights administration systems to ensure land tenure security and access, recognizing the limitations of current methods, especially due to the limitations posed by the dualistic nature of land tenure systems (customary/statutory) on the continent;
- Strengthening the role of the state in land redistribution, recognizing that market-based models have not entirely succeeded in delivering land reform.
- Ensuring transparent forms of adjudication and alternative dispute resolution;
- Encouraging programmes to improve women's secure access to land, recognizing the need for accompanying processes of cultural change
- Recognizing and mainstreaming the effects of economic liberalization and globalisation, especially impacts on land values vis-à-vis commercial enterprises, foreign investment, taxation and market opportunities.
- Providing modalities for tracking performance based on participation and dialogue.

### **c) Actions and activities needed to develop the land policy framework and guidelines**

The participants agreed on primary principles of the land policy framework, as well as fundamental features of the process.

With respect to the primary principle, the participants agreed that the land policy framework should be developed and implemented as a multi-stakeholder, participatory, transparent and consultative process, which will be Africa-led and driven by the AUC/ECA/ADB consortium. The RECs would play a crucial role at the regional level. The process will build on existing decision-making structures, and will be executed in an iterative manner.

To support this principle, the participants suggested a number of actions:

- The draft background paper be subjected to a review by African Member States;
- Regional consultations should include the participation of all relevant stakeholders and be informed by processes at the national level;

- An inventory be taken of existing networks and other mechanisms for consultation at all levels; and
- Best practices and lessons learned be systematically shared.

Participants suggested more reflection on the proposed timeline for the development of the framework and guidelines, particularly in view of the various stages of consultation, review and decision-making required. It was also suggested that processes at each stage of the critical path be further articulated.

The workshop recommended that more reflections be made regarding the management structure and capacity of the tri-partite partners (AU, ECA, ADB) with a view to ensuring that the process is not hampered in any way. Some of the suggestions in this regard, included mainstreaming this initiative into the work programs of the three institutions and/or their Secretariat; and secondment of expertise from member States

#### **d) Roles of stakeholders and partners, and resource mobilization**

In identifying their potential roles, the partners and stakeholders revealed the collective depth, breadth and comparative advantages. Some of the roles are as follows:

- Providing technical information;
- Supporting policy dialogue among and between stakeholders and partners;
- Providing a platform for harmonizing and/or disseminating information;
- Assisting in efforts to mobilize resources;
- Providing financial support;
- Capacity building and training;
- Advocacy; and
- Providing strategic leadership.

Participants also recognized the need to mobilize additional stakeholders, including those who have traditionally been less represented, such as the private sector, the landless, informal settlement dwellers, squatters, farm workers and commercial farmers.

### III. NEXT STEPS

The workshop reviewed the proposed plan of the critical path that sketched out necessary and mutually reinforcing steps required to derive critical elements and consensus on the framework and guidelines. It endorsed the process and suggested the following:

1. The revised background document emanating from the consultative workshop should form the basis for regional consultations following the review by member States. It was suggested that clear editorial sequence and timeline be established and made available to reviewers.
2. A panel of African Experts be convened to assist with the drafting of a skeleton framework, using inputs from the Issues Paper, the workshop and other relevant sources and processes.
3. Regional assessments be undertaken to ensure that:
  - Regional specificities and diversities are taken into consideration while developing the comprehensive Land Policy Framework and Guidelines for Africa;
  - Stock is taken of existing and ongoing land policy initiatives and lessons learnt; identification of challenges, gaps and implementation bottlenecks of land policy and land reform, including capacity building needs and resources. This is vital for long-term processes related to the implementation of the policy framework at the regional and national levels.
  - Critical elements of the process at the regional level are clarified.

Based on the key messages and recommendations from participants, the matrix below elucidates the subsequent next steps in the process:

**Matrix of agreed next steps and proposed timeframe**

Specific Actions	Milestones	Timeframe	Lead Institutions
<b>1. Immediate Steps</b>			
Revision of Issues Paper	Background document for regional consultations	Revised by 30 April 2006	Consortium + African Experts
Distribution and feedback of revised Issues Paper from participants, RECs and all Member States	Validation of Background Document for regional consultations	30 April to 31 May 2006	Consortium, RECs, Member States
Development of skeleton framework	Annotated outline/skeleton of Framework and Guidelines	By 10 June 2006	African Experts
Development of a project proposal defining all major components of critical paths, milestones, benchmarks and resources required	Project document	15 May 2006	Consortium
<b>2. Regional Consultations</b>			
Regional assessments	• Regional background papers	June and July 2006	Consortium, RECs,

<b>Specific Actions</b>	<b>Milestones</b>	<b>Timeframe</b>	<b>Lead Institutions</b>
	<ul style="list-style-type: none"> <li>• Inventory of land-related initiatives</li> </ul>		Regional land Institutions and development. partners
Regional consultations	<ul style="list-style-type: none"> <li>• Draft land policy framework and guideline document</li> <li>• Catalogue existing initiatives, mutual learning experiences, capacity building needs and implementation bottlenecks</li> </ul>	August 2006 to January 2007	RECs, Consortium, Member States, dev. partners
<b>3. Ministerial Meetings</b>			
Continental Experts meeting	<ul style="list-style-type: none"> <li>• Consideration and validation of draft land policy framework and guidelines</li> <li>• Experts report and recommendation</li> </ul>	March/April 2007	Consortium
Meeting of ministers responsible for land	<ul style="list-style-type: none"> <li>• Consideration and adoption of land policy framework and guidelines</li> </ul>	March/April 2007	Consortium
<b>4. Summit of Heads of State and Government</b>			
Consideration and review of Ministers' report within the AU policy organs	<ul style="list-style-type: none"> <li>• Draft resolutions and decision for the adoption and implementation of land policy framework and guidelines in Africa</li> </ul>	June/July 2007	AU Commission
Consideration of the draft decisions for the adoption and implementation of land policy framework and guidelines	<ul style="list-style-type: none"> <li>• Declaration on land policy framework and guidelines, its implementation and follow up.</li> </ul>	June/July 2007	AUC
Follow-up Actions	<ul style="list-style-type: none"> <li>• Follow-up mechanisms to support land policy framework implementation.</li> </ul>		Member States, RECs, Consortium