

Innovations in Land Tenure, Reform and Administration in Africa

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The Importance of Land Issues

Land and the institutions that govern its ownership and use greatly affect economic growth and poverty reduction. Lack of access to land and inefficient or corrupt systems of land administration have a negative impact on a country's investment climate. Well-functioning land institutions and markets improve it, reducing the cost of accessing credit for entrepreneurs and contributing to the development of financial systems. Access to even small plots of land to grow crops can also greatly improve food security and quality. Broad-based land access can provide a basic social safety net at a cost much below alternative government programs, allowing governments to spend scarce resources on productive infrastructure. Policies that foster lease markets for land can also contribute to the emergence of a vibrant nonfarm economy.

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Increased demand for land may lead to public investment in infrastructure and roads and increased land values. When well-functioning mechanisms to tax land are added, this can contribute significantly to local government revenues and provide resources needed to match decentralization of responsibilities for service delivery. Improving land administration may also contribute to broader public service reform and provide a basis for wider reforms.

Innovations and Options Needed

Conventional land administration systems in sub-Saharan Africa do not fit customary structures of group and family rights, do not function adequately or solve land conflicts, and are not useful to most people. Registering a title can take between 6 months and 10 years, records are poorly kept, most people do not have title deeds, and millions of titles await registration. Furthermore, most systems are centralized, inaccessible, too expensive, not transparent, and do not protect women's land rights sufficiently. Transforming such systems is a time-consuming and complex task. It normally entails the reform of a number of separate agencies, alterations in power and patronage, and extensive civil society debate at national and local levels.

Innovations in land reform and land administration that are adapted to current conditions are being attempted in some countries in sub-Saharan Africa. However, insufficient innovative tools exist to deliver affordable security of tenure and property rights at scale for most of Africa's populations. New tools need to be developed, but these are not simple, easy to produce, or easily adapted to the diverse needs of various countries.

No single tenure option can solve all problems. Policy on land tenure and property rights can best reconcile social and economic needs by encouraging a diverse range of options, adapting and expanding existing systems when possible, and introducing new ones selectively.

Many countries are doing this. Some have passed new laws associated with typical PRSP objectives, offering decentralized local land administration offices, inexpensive or free titles or tenure protection for the poor, adjudication procedures that protect occupants of land, accommodation of forms of legal evidence used by the poor to protect their assets, and protection of women's land rights (such as prioritized allocation and co-ownership). Other innovations relate to dispute resolution and the technical design of the land administration system. Such designs must have national application and be affordable to the poor, and they must not override customary and local tenure.

Another approach seeks to eliminate gender-based discrimination regarding land, housing, and property rights. This is particularly needed because individualization of land tenure, land-market pressure, and other factors have eroded customary laws and practices that used to protect women. The HIV/AIDS crisis has worsened the situation, and land-grabbing and discriminatory practices have increased evictions of women by their in-laws or husbands. Secure tenure would be a mitigating factor for these women, and would assist those widowed by conflict who meet legal or customary discrimination against widows inheriting land.

Though some African countries have passed land legislation that is advanced in many respects, they are struggling to modernize and equip their land institutions to deal with the demands of implementation. In doing so, they often try to copy unaffordable and sometimes inappropriate approaches (such as high-precision surveying) from other parts of the world that cannot be scaled up quickly.

To reach Millennium Development Goals whose achievement is mediated by security of tenure, more focus is needed on implementation of policy at scale, along with cost-effective and pro-poor land tools that fit the human resource envelope.

One example is computerization of land records in some states in India, which, the evidence suggests, can significantly reduce the scope of the exacting of bribes by officials and increase their accountability. The computerization also linked formerly disparate institutions, effected improvements in tenure security, and increased the government's revenue collection.

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Affordable Pro-Poor Tools

Affordable pro-poor tools that are needed include the following:

- NGO enumeration information that becomes first adjudication evidence for land rights for slum upgrading and post-disaster housing delivery
- gender-friendly approaches to adjudication
- land administration appropriate for postconflict societies
- just-deceased estates administration, especially for HIV/AIDS areas and to protect women's land rights
- expropriation and compensation for the management of urban growth and improved agricultural production
- a regulatory framework for the private sector that takes into account poverty issues
- capacity building programs for in-country sustainability of land administration systems, particularly for the poor
- an affordable geodetic for Africa, possibly using NASA's information
- LIS/GIS spatial units as framework data
- high accuracy, off-the-shelf GPS units for nonprofessionals
- robust indicators or benchmarks to measure tenure security for the delivery of Millennium Development Goals
- nontitled land rights that can be upgraded over time



What is needed is a global assessment to establish which tools exist, options for scaling them up and widely disseminating them, and estimates of their cost effectiveness. New tools also need to be developed. This agenda will take many years, significant funding, and a comprehensive global framework.

Further reading:

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Fourie, C. 2001 Land and Property Registration at the Cross Roads: A Time for more Relevant Approaches, Habitat Debate, 7(3):16.

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