Implementing Innovative Land Tenure Tools In East-Africa: SWOT-Analysis Of Land Governance

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Land issues have played a major role in 27 conflicts in Africa since 1990.

- 32% of farms are held by women, compared with 68% for men.
- 50% of forest in the developing world have insecure tenure.
- 70% of land in developing countries is unregistered.

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Introduction

Conventional systematic survey and mapping approaches have been found to be of limited value to deliver appropriate and adequate land tenure recordations in developing countries (East-Africa).

- too slow and too expensive
- Inability to fully accommodate existing conditions
Introduction

Creating new tools to make land rights mapping faster, cheaper, easier, and more responsible.
Technical solution x Social solution
Land Governance

- **1980s**: Governance is initiated as a concept as a consequence of organizational and management debates in the context of public sector reforms.
  
  ‘Governance’ ↔ ‘Government’

- **During the past decades**: becoming a broad concept that is used in different ways and has a variety of meanings.

- **Land Governance** = "the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are made, implemented and enforced and the way the competing interests are managed."
## Land governance

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<td>describes the broad socio-economic and political context from a land perspective</td>
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<td><strong>Institutions</strong></td>
<td>focusses on the institutions who are engaged with the regulation on tenure and markets.</td>
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<td><strong>Land market</strong></td>
<td>clarifies the operation of the land markets, including the main constraints</td>
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| **Socio-economic context for land** | Economic growth (poverty rate 2000: 55.2% vs 2011: 35.5%)  
2 waves of decentralisation: improving local governance/regional self-rule |
|-------------------------------|---------------------------------------------------------------|
| **Institutions**               | Ministry of Agriculture → land coordinating responsibilities  
Regional governments → administration and regulation of land  
Every regional government has their own institutional arrangements for LA |
| **The land tenure systems**    | All land is owned by the state (Ethiopia separates rural and urban land administration)  
→ urban areas (leasehold) vs rural areas (user rights)  
→ Land tenure system is not transparent (Who benefits?) |
| **Land reform content**        | 2005-2015: millions of certificates were delivered on a participatory manner (fit-for-purpose approach)  
Challenges: lack of information access, poor local facilities, maintenance… |
| **Land market**                | Land delivery is planned by the government → restriction laws  
↑ informal housing |
Kenya

| Socio-economic context for land | Most advanced economy of SSA (still a poverty rate of 38%)  
2010: New Constitution → devolved: national/local |
|-------------------------------|--------------------------------------------------------------------------------------------------|
| Institutions                  | Ministry of Lands → mismanagement (redistribution land to rich)  
National land commission → politically independent / power struggle |
| The land tenure systems       | Land is designed as private (<10%), public (public domain: forests, rivers, land occupied by the government >10%) or customary land (>70%) |
| Land reform content           | The 2010 Constitution guarantees equal access to land → land is used to the benefit of local communities as well as prohibiting the misappropriation of public land.  
Challenges: lack of formal titling → fraudulent land sales, mismanagement |
| Land market                   | Access to land in Kenya can be associated to access of power → state land is allocated to powerful people with strong political or socio-economic networks.  
formal land registration is expensive → ↑ informality |
## Rwanda

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<th>Substantial economic progress after 1994 genocide (poverty rate 39%) Highly decentralised</th>
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| **Institutions**                  | National government → LA, management and cadaster maintenance  
Local government → support NG, land recordation |
| **The land tenure systems**       | Land ownership has evolved from customary law to a system of state of individual ownership. |
| **Land reform content**           | Since 2009: policy and legal land reform → all existing land is regularised and registered  
Challenges: maintenance → lack of local infrastructure and trained staff, recording must be done at district level but the database is managed centrally in Kigali |
| **Land market**                   | Land registration is mandatory  
Challenge: high transaction fees (↑ informality) |
**STRENGTHS**
- Ethiopia: long tradition in LA + efforts
- Kenya: economically strong + open to innovation
- Rwanda: catching up fast
  *e.g. registration program LTR*

**WEAKNESSES**
- Decentralization challenges and constraints
- Maintenance
- Informality
- Mismanagement

**OPPORTUNITIES**
- Broaden the scope
  *e.g. vegetation monitoring*
- Transferability to other contexts

**THREATS**
- Political fluctuations
  *e.g. elections*
- Environmental fluctuations
  *e.g. climatic change*
Conclusions

• Decent understanding of lang governance is crucial for the implementation of innovative geospatial tools.
  – Socio-economic related factor: overall country context
  – Land related factors: land barriers to sustainably use and implement the tools
  – Institution factor: national government as important stakeholder, decentralisation challenges
Thank you for your attention!