



Electoral Institute for Sustainable Democracy in Africa

## policy brief

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### EXECUTIVE SUMMARY

# 'AN ASSET DIFFERENT FROM ALL OTHERS': LAND AND THE TREATMENT OF LAND ISSUES IN THE AFRICAN PEER REVIEW MECHANISM.

Few issues in Africa have either the emotive pull or the attached significance for its 1 billion inhabitants as issues around land and its management on the continent.

*"During meetings, many stakeholders ... said that land was the most important asset someone could have – the very essence of life" (South Africa CRR, 2007, p265)*

The African Peer Review Mechanism (APRM), through various peer country review reports, have acknowledged this importance - recognising it to be a cross-cutting issue with significant political, economic and socio-economic dimensions and consequences for the continent's development.

The major land discussions emerging out of the APRM country reports include: land rights and security of tenure; allocation and equity; allocation and access; allocation and administration; land use; land quality; land and livelihoods; and land conflict. The nature and depth of these discussions vary according to the country specific context.

The population density and growth or more specifically, size of arable land per capita, the degree of rural-urban migration, and the extent of foreign and domestic interest or investment in land, and socio-cultural spatial patterns are all factors that inform how countries experience and perceive the value of land. These factors determine land priorities, be it: land and housing in predominantly rapidly urbanising countries; or land and agriculture in states with larger rural populations.

Current land debates on the continent are aggravated by a legacy of centuries of disrupted land ownership and usage patterns following colonialism, Cold War ideologies (neo-liberalism versus African socialism), formalised systems of racial, gender and ethnic discrimination and endemic conflict.

The APRM country reports, while raising a wide range of land related issues and identifying different interests and perspectives on the matter, have often not presented how competing interests are reconciled in their assessments - raising more questions than answers with respect to addressing land related conflicts.



with decreasing levels of land productivity and how this presents a structural cause of conflict. Land quality issues included: soil erosion, desertification and soil quality issues, which can result in significant decreases in the availability of arable land. However, in general these issues have only been raised by countries with very low and already reducing arability. In most other countries, environmental issues and sustainable development imperatives were discussed without explicit reference to land.

**Land and livelihoods:** Several countries identified themselves as having land dependent economies, even where agriculture was not necessarily a notably high proportion of GDP. However, the assessments did not focus on land, the informal economies and how these supported food security and livelihoods. Rather, the economic assessment looked at availability of a market for land and the importance of land as an asset providing surety for raising capital.

**Land conflict:** Most of the APRM reports recognised land as a potential conflict risk. Several reports highlighted the existing mechanisms in place to resolve

land disputes. Strengthening land tribunals, or similar historical bodies, were examples of how countries were looking to mitigate growing numbers of formal land disputes. Other reports emphasised severe capacity constraints in the judicial system in dealing with land conflicts.

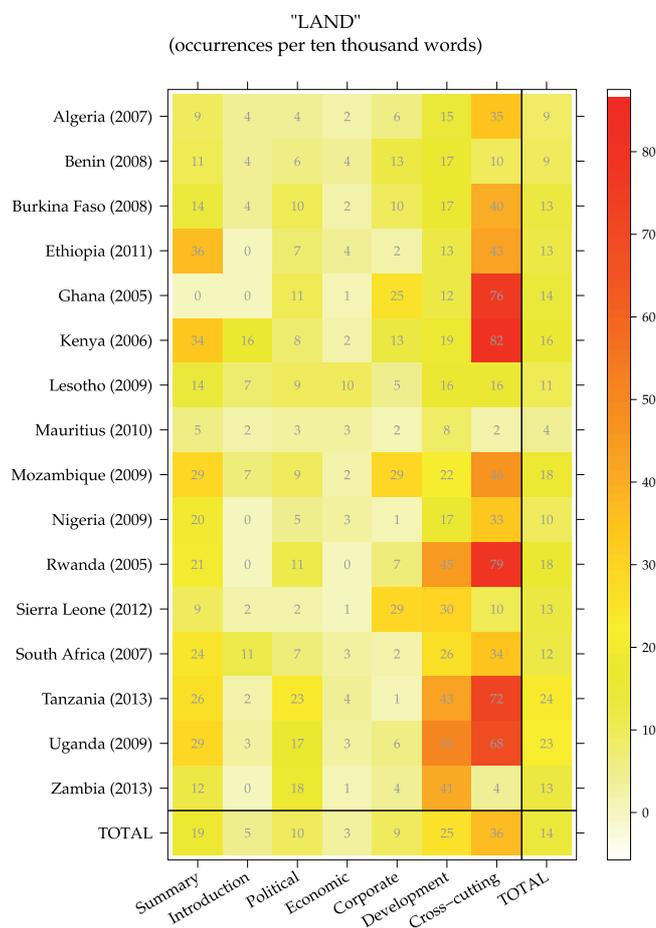
## CRITIQUE OF THE CONVERSATION

**Political Dimensions:** The following political dimensions of the land issue were generally not considered in the majority of historical assessments: (i) stakeholder participation in decision making in land issues, (ii) cross-border land issues, including border conflicts, cross-border opportunism and crime, and land related impacts associated with illegal migration, and (iii) demographic issues, including urbanisation and how these change land use, availability and priorities.

**Economic Dimensions:** Even in cases where agriculture was identified as a significant contributor to GDP or where local communities were shown to be highly land dependent due to subsistence farming, the assessments did not focus on land, the informal economies and how these supported food security and livelihoods.

**Corporate Governance Dimensions:** While some reports did reflect cursorily on the land related conditions that would support private sector growth and investment, very few looked at the counterpoint to this position focusing on (i) clarifying private sector responsibilities in terms of land (e.g., resettlement practices, compensation methodologies, etc.), and (ii) the confluence of sustainable natural resource management (including minerals and oil and gas), environmental issues (e.g., degradation, pollution, climate change) and land rights matters (e.g., resettlement, compensation, indigenous rights issues). Limited mention was made of the link between natural resource management and land management. Likewise there was insufficient discussion on the clarity on roles and policy frameworks guiding resettlement processes. These are, however, of importance and interest to many of the large private sector investors working in Africa.

**Social Dimensions:** Most assessments focused their efforts on exploring the importance of land to poverty reduction, livelihoods and living conditions. However, very few of the reports did more than just state the importance



of considering some of the 'softer' topics including (i) cultural, identity and legacy matters associated with land use and ownership, including but not restricted to indigenous people issues, and (ii) health issues associated with land, including as a consequence of food insecurity, landlessness or environmental degradation.

## RECOMMENDATIONS

- While some reports have sought to identify linkages between issues (e.g., land and conflict, land and livelihoods, land for investment and as surety supporting access to other economic opportunities) there remain further opportunities in future reports to explore the implications and consequences of core land issues for other priority areas, in particular: social stability, sustainable development, poverty and inequality reduction, improved food security, attractiveness of the country for investment, health and cultural enrichment.
- In addition to presenting the different perspectives on land within the four thematic chapters, future reports would do well to present a strategic view on how to balance these different and often competing interests in their reports, potentially in the Cross-cutting chapter.
- In future, assessments could place special attention on explaining and analysing the formal mandates

of different stakeholders as well as where power sits in practice, considering this strategic view on responsibilities for land when discussing land conflicts and other land issues.

- While the new APRM questionnaire requires a more extensive and integrated view on land matters than the original one did, there remain several important land issues that are not explicitly referenced in the new questionnaire which could be considered in future assessments. In particular, there are important economic dimensions that are not yet required for consideration in the new APRM questionnaire, related in large part to informal subsistence economies and land dependent citizens who form the majority of most countries reviewed.

## REFERENCES

This policy brief was compiled by Melanie Roberts, drawn from the full report, "An asset different from all others': land and the treatment of land issues in the African Peer Review Mechanism," Lisa Van Dongen, which can be found at ([www.eisa.org.za](http://www.eisa.org.za)).



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### About EISA

EISA is a not for profit organisation established in 1996 based in Johannesburg (South Africa) with field offices in Central African Republic, Gabon, Kenya, Madagascar, Mali, Mozambique and Somalia.

### Our vision

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment.

### Mission statement

EISA strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.