

GLOBAL LAND OUTLOOK

East Africa Thematic Report

Responsible Land Governance to
Achieve Land Degradation Neutrality



United Nations
Convention to Combat
Desertification

This GLO East Africa Thematic Report was made possible with a financial contribution from the German Ministry of Economic Cooperation and Development (BMZ), implemented through the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in close collaboration with Töpfer, Müller, Gaßner - Think Tank for Sustainability (TMG Research).

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Acknowledgements: Many thanks to Eric Jonas Moritz Kowalewski (GIZ), Matthias Hack (GIZ) and Corinna Voigt (UNCCD) for edits and comments of the first draft; Cathy Watson (ICRAF), Lalisia Duguma (ICRAF), and Joseph Feyertag (ODI) for case study reviews; Jonathan Davies (IUCN), Richard Thomas (CGIAR), Ben ten Brink (PBL), Cristina Cambiaghi (ILC), Fiona Flintan (ILRI), Philip Osano (SEI), Serah Kiragu-Wissler (TMG Research), and Lindsay Stringer (University of Leeds) for sharing source materials and images; and Anna Kramer (TMG Research), Sonja

Scheele (TMG Research), Wagaki Wischenewski (UNCCD), Alexander Erlewein (GIZ), Sasha Alexander (UNCCD), and Naomi Stewart (Independent) for contributions to the scoping meeting.

Layout and Design: Miller Design

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Recommended Citation: United Nations Convention to Combat Desertification. 2019. The Global Land Outlook, East Africa Thematic Report, Bonn, Germany.

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ISBN: 978-92-95110-81-6
eISBN: 978-92-95110-82-3

Cover Photo: © RCS-DRK-Climate Centre/Denis Onyodi

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EXECUTIVE SUMMARY

The Global Land Outlook (GLO) is a strategic communications platform (www.unccd.int/glo) designed to raise awareness of evidence-based, policy-relevant information and land-based trends among a variety of stakeholders. This includes national governments as they formulate their responses to commitments to better manage and restore land resources, such as the Sustainable Development Goals and associated targets, such as Land Degradation Neutrality (LDN). The 1st edition of the GLO, translated into all six UN languages, was released in September 2017.

Land Degradation Neutrality is a new way of approaching land degradation that acknowledges that land and land-based ecosystems are affected by global environmental change as well as by local land use practices. Achieving the target of a land degradation neutral world encourages adaptive management during planning, implementation, and monitoring of LDN-related activities and follows the LDN response hierarchy of avoiding, reducing, and reversing land degradation.

This thematic report highlights case studies from East Africa that illustrate the critical role of land governance in achieving LDN, and the role of tenure security as a particular challenge for the region. The examples traverse the region from the northern plains in Africa's largest country of Sudan, eastwards to the volcanic plateaus of Ethiopia, and down to the lush mountain valleys of Rwanda. They reveal that stakeholders range from indigenous communities and tribal chiefs to government officials, civil society organisations, and members of the international community who are working on the ground to make sure the future of land use in East Africa is integrated within a land governance framework that is inclusive for all land users. Finally, they demonstrate viable ways for LDN to be incorporated responsively into policy and decision-making at all levels.

The case studies are clustered by major themes including customary and statutory tenure, communal lands, pastoralism, gender, and large-scale land investments. However, these examples of best practice are neither non-exhaustive nor limited to the sections in which they are found – for example, some cases involve both gender and customary or statutory governance. The categories merely serve to highlight wider trends across the region and land governance issues. This report is intended for anyone with an interest in land management governance issues, including the private sector and civil society, and concludes with recommendations on moving forward into a land degradation neutral region and world.

KEY MESSAGES

Regardless of which type of future scenario is projected (business-as-usual, sustainable, or increased demands), sub-Saharan Africa is going to experience some of the strongest increases in pressures on land and land-based resources. It will face acute challenges in the next few decades such as larger and more affluent populations alongside diminishing land availability and expanding agricultural needs. Taking these and other expected pressures into account, ensuring stable land governance frameworks and tenure security for all will be key enabling factors to the achievement of LDN.

Land governance in East Africa includes a heterogeneous mix of customary and statutory systems that exist alongside each other and are still in a process of harmonisation. At the national level and below, the complexity of multiple systems and approaches in each country means that actions around land governance must be a contemplative, participatory and inclusive act involving all stakeholders. Much of the current landscape in East Africa is governed by customary systems, which should not be dismissed or written off unequivocally, as they can be imbued with historical sustainable land management knowledge and practices. Understanding these contexts, within which individual and collective choices regarding land use are made, is crucial when delivering programmes and introducing policies involving land governance.

Tenure insecurity in East Africa is coupled with growing pressures driven by land degradation, climate change, depletion of resources in a context of increasing demand, and socioeconomic and legal changes. Without addressing these issues, a majority of populations may be unable to access or afford secure forms of tenure for generations and thus increasingly marginalized by market-based statutory tenure systems emphasising individual rights in a context of scarcer resource availability. People are open to guidelines to support secure tenure, but the timing and framework must be appropriate in each country and context when it comes to actual implementation.

Any absence of unified national leadership, coordination and commitment to implementation, as well as turnover of government officials, may impede the continuity of initiatives around land governance, and hamper progress. There are governments which have contradictory land policies that support exploitation and conservation simultaneously, so understanding the legal and political framework and addressing it through consistent policy approaches will be critical in eliminating such contradictions and improving tenure security. Understanding and establishing governance indicators such as land-use planning can allow for appropriate monitoring and support within existing or planned frameworks.

Women, indigenous people, and vulnerable and marginalized populations, such as those living in urban informal settlements and post conflict situations, have to be participants in the decision-making and implementation processes. Given their importance in land governance and critical role in land management – especially in rural communities – their participation in the process is a prerequisite to creating access to secure tenure security in a way that respects their pre-existing land use, ownership and management needs, and incorporates tools and mechanisms to address historical or inherited disadvantages while also promoting gender equality.

Consideration must be given to pastoralists and other communal land users as shared land use and management practices can conflict with defined boundaries and increases in agricultural and urban settlements. Disruption to the migration routes of mobile populations alongside loss of access to key natural resources, such as grazing areas or water holes, can and has created tension and conflict between different land users in East Africa. Efforts should also be given to dismiss the notion that their practices are degrading to the environment, with suitable environmental and economic policies that are inclusive of their land uses and approaches to governance.

Large-scale land investments and acquisitions have been and continue growing in East Africa and should be undertaken responsibly and sustainably. Large-scale land investments are not necessarily deleterious, but to succeed without a loss of benefits or rights by local land users, they must be established with and embrace free, prior, and informed consent, in line with existing frameworks, such as the Voluntary Guidelines on Responsible Governance of Tenure, and the African Union Guidelines on Large-Scale Land Based Investment. Land grabbing is an increasing concern for many communities in East Africa, and it detracts from the opportunities for multiple land users to benefit equitably from any investments while also working to achieve LDN.

Though pressures on physical Earth systems are mounting, achieving appropriate land governance solutions will take time, effort, and respect for all land actors. The social, legal and economic frameworks, as well as historical power dynamics in East Africa, are complex and must be considered alongside biophysical concerns and environmental stakeholders. Creating frameworks to deliver tenure security with an LDN lens that are enforceable and have uptake will require careful consideration, coordination and consultation with all stakeholders from the local to the national level. Case studies here illustrate that this process is not necessarily a ‘quick fix’.

It is necessary to consider how issues of scale and levels within and amongst sectors, institutions, and approaches interact with each other, especially the extensive community-level approaches to tenure, governance, and land management practices. Multilevel governance can be complex and must be clearly understood in order to undertake effective action. Insights from land experts and environmental psychology may help shed light on the choice architecture that drives decision-making processes on different levels, and which ultimately underpin clear policy and regulatory frameworks.

In order to create effective frameworks for better land management, governance, and the achievement of LDN, political, structural and statutory efforts must reach sub-national and local levels in East Africa.

While there are wider trends across the region explored here, this will look different for each country as formal sub-national jurisdiction does not always exist. For instance, Tanzania has undergone a distinct decentralisation process, yet has no substantive level of government between the national and local levels that formally addresses land governance. However, where they do exist, sub-national governments are important in pushing forward sustainable land use and are major players in regulating governance. Action to prevent the loss of fertile lands and secure tenure must include a focus on and integration of community and household levels – especially in rural areas.

Achieving a land degradation neutral world will involve linking land tenure, land-use practices, and land-based interventions. Some policies on governance, administration, and management do not yet focus on these links, and there is scope for understanding and addressing these factors more broadly. Such an approach could catalyse countries in East Africa in moving towards LDN.



Global Land Outlook

EAST AFRICA THEMATIC REPORT

Contents

Executive Summary	2	3. Communal Land	39
Overview	8	3.1 Community land rights of the Endorois (Kenya)	41
1. Introduction: Land Governance Framework to Promote Land Degradation Neutrality	15	3.2 Ngitili agrosilvopastoral systems (Tanzania)	42
1.1 Responsible land governance for land degradation neutrality	15	3.3 Compensation for territorial investments through communal land associations (Uganda)	44
1.2 Land degradation neutrality and responsible land governance within Agenda 2030	16	4. Pastoralism	47
1.3 A global consensus: Voluntary Guidelines on the Responsible Governance of Tenure (VGGT)	18	4.1 Policy support for transhumance and the environmental benefits of pastoralism (Sudan)	50
1.4 Responsible land governance in UNCCD COP decisions	18	4.2 Renting out traditional grazing lands for wildlife tourism (Kenya)	53
1.5 Pathways and instruments for strengthening responsible land governance in land degradation neutrality activities	19	4.3 Sustainable rangeland management project (Tanzania)	54
1.6 Responsible land governance and land degradation neutrality: Three important interlinkages	21	5. Gender	57
1.7 Regional initiatives in Africa	22	5.1 Accessing credit for women in agriculture without titles (Kenya)	61
1.8 Key political considerations	25	5.2 Mainstreaming gender in local land governance (Tanzania)	62
2. Customary and Statutory Tenure	29	5.3 Post-genocide land reform and women's access (Rwanda)	65
2.1 Community-led land-lease guidelines (Kenya)	31	5.4 The 'Learning Route' – practical training for women's land rights (regional)	66
2.2 Combating soil degradation through land rights (Uganda)	33	6. Large-scale Land Acquisition and Investment	69
2.3 Land registration: The foundation of sustainable development (Ethiopia)	36	6.1 Kilombero Sugar Company Ltd (Tanzania)	72
		6.2 The 'Tenure Risk Tool' (regional)	73
		7. Conclusion	77

OVERVIEW

Land governance refers to ‘decisions made about the use of and control over land, the manner in which decisions are implemented and enforced, and the way competing interests are managed’^{1,2} and includes both informal and formal arrangements, policies, and processes. Alongside land-use planning and land-based interventions, tenure is a central part of land governance and refers to how land is held and occupied, more significantly than mere ownership. It is a complex and continually changing product of history, culture, and existing social relationships amongst people; secure land tenure is an important factor for implementing sustainable land management (SLM) practices^{3,4,5} and in achieving LDN. A lack of secure tenure can lead to the degradation of land resources, as users lack incentives or the capacity to manage it with long-term productivity in mind, and this can counteract LDN efforts^{3,6}. Solid land tenure settings are important in order to hold land users and owners accountable towards defined rules and regulations on sustainable land use, and invested in achieving LDN.

“Tenure offers a foundation for managing natural resource use sustainably in a way that supports long-term conservation outcomes, while simultaneously promoting local resilience and sustainable livelihoods. Supporting rural communities to secure and scale up land rights can reduce the risk of land grabs and develop new opportunities for conservation.”⁷

In the 19th century, colonialism in East Africa led to a disruption of pre-existing governance systems and structures. New systems of titling based on freehold and leaseholds often ignored or overrode established customary systems, and many post-colonial governments embraced a continued desire for privately owned land throughout the 20th century. Today, customary and statutory systems often exist side by side, with some governments in East Africa retaining ‘technical’ ownership over the land and local users ‘leasing’ it from them. In Tanzania for instance, the government currently controls and manages the land, though the public has vested titles to land parcels.

On the ground however, access is often still governed by customary land tenure systems, and statutory systems do not always recognize the complex nature and existence of customary rights for all stakeholders, especially women, poor, and other vulnerable and marginalized groups. As such, the two are often incompatible⁸. This is particularly an issue in rural areas – less than 10 per cent of such lands are registered in Africa⁹, and many of the rural poor do not have access to the information, resources, or even transportation needed to participate in statutory tenure systems⁸. Seventy per cent of people are outside a formal land registry system¹⁰, and it is estimated that less than 13 per cent of Africa has registered or mapped private land in their cities alone¹¹, with much lower rates in rural environments.

While titling is not the only answer, land governance accompanied by security of tenure is becoming more important with growing populations and accompanied competition for the increasingly limited resources in East Africa. With growing global demands for food, feed, biofuels, conservation and urban expansion, and competition between domestic and international land users, land governance will become increasingly important¹². This is crucial in rural areas where many people depend on the land for their sustenance and/or livelihoods, and where access and secure tenure are critical for ensuring sustainable food supplies. The speed and spread of urbanisation have also resulted in systemic insecurities, particularly in informal urban settlements¹⁰. With all this in mind, the rest of this report will address five central land management categories, and explore possible ways to create or improve land governance for and within a land degradation neutral world.

Figure 1: Countries featured in this thematic regional report.



“Tenure offers a foundation for managing natural resource use sustainably in a way that supports long-term conservation outcomes, while simultaneously promoting local resilience and sustainable livelihoods. Supporting rural communities to secure and scale up land rights can reduce the risk of land grabs and develop new opportunities for conservation⁷.”

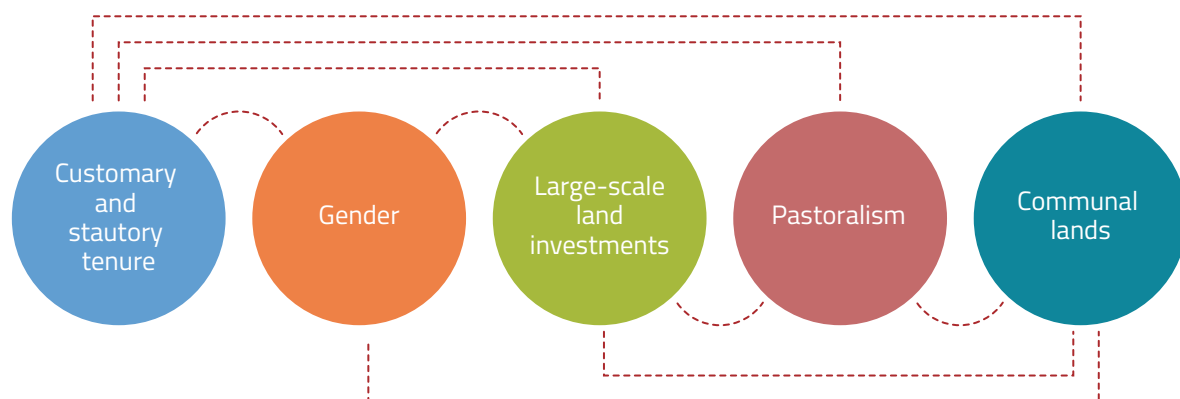


Figure 2: The five themes of the report showing their interlinked nature in a land governance framework.



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Table 1: Case Study Summary

Case Study	Country	Name	Organisations	Scale	Sub-themes
1.1	East Africa	The Network of Excellence on Land Governance in East Africa (NELGA)	Africa Land Policy Centre, GIZ, World Bank	national; regional (international)	* knowledge exchange
2.1	Kenya	Community-led land-lease guidelines	TMG Research, Shibuye Community Health Workers CBO	community	customary and statutory tenure; gender
2.2	Uganda	Combatting soil degradation by securing land rights	GIZ	sub-national	customary and statutory tenure
2.3	Ethiopia	Land registration: The foundation of sustainable development (REILA)	Finnish Ministry of Foreign Affairs; NIRAS; Government of Ethiopia	district (woreda); regional (sub-national); national	customary and statutory tenure; gender
3.1	Kenya	Community land rights of the Endorois	MRG International	community; national; international	communal lands; customary and statutory tenure
3.2	Tanzania	<i>Ngitili</i> agrosilvopastoral systems	NORAD, ICRAF, Government of Tanzania	community	communal lands; customary and statutory tenure
3.3	Uganda	Compensation for territorial investments through communal land associations	Uganda Land Alliance, Dan Church Aid, Ford Foundation	sub-national	communal lands
4.1	Sudan	Policy support for transhumance and the environmental benefits of pastoralism	IUCN, IGAD Livestock Policy Initiative, WISP, Pastoral Society Sudan	sub-national	customary and statutory tenure; pastoralism

Case Study	Country	Name	Organisations	Scale	Sub-themes
4.2	Kenya	Renting out traditional grazing lands for wildlife tourism	FAO-NRD, McGill University, ILRI, ETH	community	communal lands; customary and statutory tenure; pastoralism
4.3	Tanzania	Sustainable rangeland management	ILRI, IFAD, ILC, Irish Aid, Government of Tanzania	community	customary and statutory tenure; pastoralism
5.1	East Africa (Kenya, Rwanda, Burundi, Uganda)	The 'Learning Route': Practical training for women's land rights across East Africa	PROCASUR, IFAD, ILC	community; regional (international)	customary and statutory tenure; gender
5.2	Rwanda	Post-genocide land reform and women's access	RSID, UN Women, UN Habitat	national	customary and statutory tenure; gender
5.3	Tanzania	Mainstreaming gender in Tanzania's local land governance	IIED, WRI, TAWLA	community	gender; large-scale land acquisition and investment
5.4	Kenya	Accessing credit for women in agriculture without land titles	PROFIT, IFAD, AGRA	community	gender
6.1	Sub-Saharan Africa	Large-scale land investments and the 'Tenure Risk Tool'	ODI, TMP Systems	regional (international)	large-scale land acquisition and investment
6.2	Tanzania	Large-scale agricultural investments: Kilombero Sugar Company Ltd.		community; regional (international)	gender; large-scale land acquisition and investment

* *Knowledge exchange* is not a categorical sub-theme of this report, but this case study highlights its value.

NB: These case studies are non-exhaustive and loosely clustered for the purposes of presentation, but this is not a formal or distinct categorisation and they should not be considered in such siloes. As such, their ability to provide insight into the various themes is fluid.





1. INTRODUCTION: LAND GOVERNANCE FRAMEWORKS TO PROMOTE LDN

1.1 RESPONSIBLE LAND GOVERNANCE FOR LAND DEGRADATION NEUTRALITY

From 1998 to 2013, it was estimated that 20 per cent of vegetated land surface across the world experienced continuous degradation¹. Africa was impacted disproportionately, with 45 per cent of the land area estimated to be affected by desertification, and a majority still exposed to a high or very high risk of further degradation². Increasing population growth and climate change effects continue to reinforce land degradation trends. The global trend of land degradation in turn exacerbates the effects of a changing climate and leads to reduced ecosystem functions and resilience³, as well as to increased vulnerability, especially of people and communities whose livelihoods directly depend on land and natural resources.

In East Africa, land degradation poses a challenge to improving people's livelihoods. While methods for measuring land degradation vary, some sources estimate that land degradation hotspots cover around 51, 41, 23, and 22 per cent of Tanzania, Malawi, Ethiopia, and Kenya's terrestrial areas, respectively⁴. This disproportionately affects poor rural communities since large parts of the population in East Africa live in rural areas and continue to depend on agriculture^{5,6}. The main causes for land degradation in the region are deforestation, overgrazing, unsustainable agricultural practices (e.g., land clearing, bush burning, charcoal and wood extraction), which are further driven by insecure land tenure and weak policy and regulatory environments⁴. The costs of land degradation are high. For instance, the IMF estimates that the economic costs of land degradation in Kenya amount to 3 per cent of the country's GDP⁷.

In view of the interdependency and adverse impacts of land degradation and climate change on ecosystem functions, which affect rural livelihoods in particular, there is a pressing need for coordinated mechanisms to address these challenges. The importance of combating land degradation has been enshrined in the 2030 Agenda, as Sustainable Development Goal (SDG) Target 15.3.

Land degradation neutrality (LDN – see Box 1.1) encompasses the dual objectives of combatting environmental degradation while improving the overall wellbeing of people depending on land¹. A strong focus on provisioning ecosystem services emphasizes people at the centre of the LDN agenda⁸. Sustainably managing and using land resources to support ecosystem services and achieve food security requires careful consideration of the relationship between people and (their) land. These relationships are governed by many factors including policies, legal frameworks, power relations, customs, and traditions.

Responsible land governance highlights the need to address the processes governing the access to and use of land resources in a way that supports more equitable outcomes in accessing the benefits derived from land resources. The LDN Scientific Conceptual Framework (LDN-SCF) acknowledges responsible land governance as an important precondition to achieving LDN. Therefore, it is crucial to provide specific implementation guidance in this regard for stakeholders involved in relevant activities across the LDN response hierarchy (avoiding, reducing, and reversing land degradation).

This chapter starts out by contextualizing responsible land governance within the international framework of the 2030 Agenda for Sustainable Development, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT), and previous UNCCD decisions. It then discusses the role of responsible land governance in LDN activities and establishes three important interlinkages between responsible land governance and LDN. Finally, it concludes with a brief overview of land governance related frameworks, initiatives and programmes in Africa.

1.2 LAND DEGRADATION NEUTRALITY AND RESPONSIBLE LAND GOVERNANCE WITHIN THE 2030 AGENDA

Placing LDN in the context of global agreements, such as the 2030 Agenda and the VGGT, underlines the importance of responsible land governance. It is widely acknowledged that the 2030 Agenda will only achieve its transformative aims if the SDGs are implemented in an integrated and inclusive way⁹. Fulfilling the pledge of “leaving no one behind” requires the needs of vulnerable people, especially those directly dependent on land resources for their sustenance and livelihoods, to be carefully considered when developing and implementing LDN activities. Overall, the 2030 Agenda can be understood as a network in which individual goals are linked through targets that have relevance and impact on, as well as trade-offs with, other goals¹⁰. This dynamic underlines the importance of an integrated approach towards the implementation of any individual SDG.

Understanding the indivisible nature of the SDGs, UN Member States have agreed to implement measures to achieve LDN with a view to strengthening responsible land governance by means of the concurrent realization of SDG target 1.4, ensuring that “all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, (...) natural resources”⁹. Furthermore, SDG target 5.A. on undertaking “reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property (...) and natural resources, in accordance with national laws” requires specific attention to women’s rights to land. Implementing LDN activities by upholding the principles of responsible land governance will contribute to the advancement of numerous SDGs. At the same time, trade-offs between access to natural resources, ownership and control over land, and the necessity of avoiding land degradation will need to be taken into account.

Box 1: Land Degradation Neutrality (LDN)

“...a state whereby the amount and quality of land resources necessary to support ecosystem functions and services and enhance food security remain stable or increase with specified temporal and spatial scales and ecosystems” (UNCCD decision 3/COP.12).

LDN is recognized as an important vehicle driving the implementation of the UNCCD’s strategic objectives, with over 120 countries engaged in the LDN target setting programme.

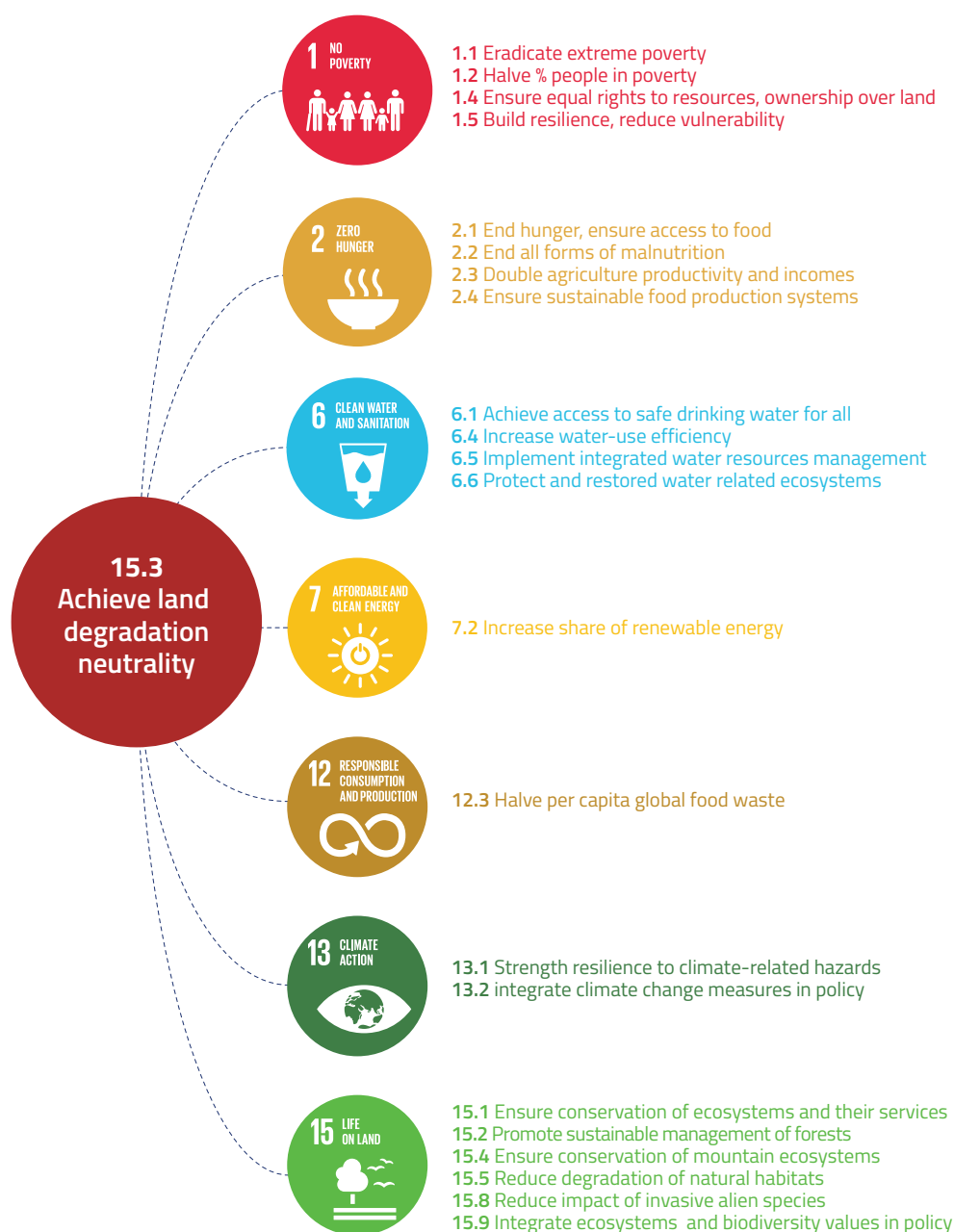


Figure 3: LDN as a catalyst for achieving other SDGs, adapted from⁸

1.3 A GLOBAL CONSENSUS: VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE (VGGT)

The VGGT represent a global consensus on the principles of the responsible governance of tenure of land, fisheries and forests. They provide a reference framework on the measures that countries should apply to ensure that legitimate tenure rights are respected. Tenure systems can be formal (recognized through policies and laws), informal (based on local customs and practices) or hybrids within the VGGT.

“...these Voluntary Guidelines seek to improve governance of tenure of land, fisheries and forests. They seek to do so for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development.”

As the name implies, the guidelines are voluntary in nature. However, they build upon existing human rights obligations and explicitly reference the obligations of member states under international law, including the Universal Declaration of Human Rights and other international human rights instruments. The VGGT principles of implementation (i.e., equity and justice, gender equality, holistic and sustainable approach, consultation and participation, rule of law, transparency, accountability, continuous improvement) refer to all human rights, and do not create any new obligations for countries as they build on existing international law¹¹.

A human rights-based approach to land governance is thus at the core of the VGGT. Adhering to these people-centred guidelines will be crucial for the achievement of SDG target 15.3 due to the impact that LDN activities can have on the tenure of both individuals and communities. Following this approach, individuals or groups are considered to be rights holders, with the state acting as duty bearer. Under treaties, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), states have a threefold obligation to respect, protect, and fulfil the rights of rights holders¹². The “obligation to respect” requires that states refrain from directly or indirectly interfering with the enjoyment of human rights. The

“obligation to protect” means states must prevent third parties from interfering, directly or indirectly, with that enjoyment. Finally, the “obligation to fulfil” means states must adopt legislative, administrative, budgetary, judicial and other necessary measures to achieve the full realisation of human rights¹³.

LDN plans, and corresponding measures to avoid, reduce and reverse land degradation often entail changing existing land-use patterns, potentially altering access to and use of the land by rights holders. The human rights-based approach of the VGGT promotes land governance measures that respect, protect and fulfil the rights of rights holders. Rooting LDN action in VGGT principles therefore enables states to conduct these in accordance with human rights obligations.

1.4 RESPONSIBLE LAND GOVERNANCE IN UNCCD COP DECISIONS

Parties to the UNCCD have already acknowledged the importance of the VGGT for making progress towards SDG target 15.3. At the 13th Conference of the Parties (COP.13), more than 80 ministers adopted the Ordos Declaration, which urged parties to increase their efforts in achieving LDN, and acknowledged the importance of land tenure in doing so.

“...Acknowledging the importance of (...) institutions, (...) policies and incentives, good governance and the rule of law to improving land governance for sustainable land management (...), and encouraging countries to give due consideration to the dissemination, promotion and implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests, and Fisheries in the Context of National Food Security” (Decision 27/COP.13).

The UNCCD 2018-2030 Strategic Framework refers to the VGGT by “Noting the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security and recognizing their potential contribution to the effective implementation of the UNCCD 2018–2030 Strategic Framework” (Decision 7/COP.13). During COP.13, the importance that land tenure security plays for SLM as a tool to achieve LDN was further recognized by decisions such as the one calling upon parties to “develop and promote policy instruments that help to overcome

[...] barriers to the large-scale implementation of local sustainable land management practices by creating an enabling environment [...] based on [...] improving land tenure security in ways that incentivize land users to invest in sustainable land management [...]” (Decision 18/ COP.13).

1.5 PATHWAYS AND INSTRUMENTS FOR STRENGTHENING RESPONSIBLE LAND GOVERNANCE IN LDN ACTIVITIES

The LDN-SCF foresees a “response hierarchy” for addressing land degradation which is centred on the principles of “avoiding, reducing and reversing.”¹⁴ LDN activities have the potential to change existing and future land-use patterns; this needs to be carefully considered especially where legitimate rights holders lack formal recognition of their rights, and thus risk being excluded from decisions that concern them and their lands. Three approaches that have great potential in avoiding, reducing or reversing land degradation and are common practice around the world include (i) scaling up SLM on smallholder fields, (ii) large-scale restoration efforts, and (iii) conservation efforts in the form of community-based natural resource management (CBNRM). The role of responsible land governance within these types of activities show that actions towards addressing land degradation can only be successful if it is duly considered.

(i) Scaling-up SLM on smallholder fields

Around 70-80 per cent of farms in sub-Saharan Africa are on the smallholder scale¹⁵. These farmers rely on food production for their subsistence and livelihoods, both of which depend on the health and productivity of the natural resource base. Due to their dependency on land, smallholder farmers are therefore particularly affected by land degradation¹⁶.

Research on the relationship between tenure security and increased investments in SLM leads to varying results. While it is often assumed that tenure security is important to stimulate investments in land, the reverse relationship has also been shown to be true in some cases. Investments can be made to increase tenure security and to build a claim on land^{17,18}, but regarding investments in soil conservation measures, secure tenure rights are regarded as an important but not exclusive precondition¹⁷.

Research from Kenya shows that tenure security is pivotal for the adoption of soil and water conservation measures¹⁹; studies covering specific aspects of tenure security (land transfer rights and land certification) have also found a positive relationship between secure tenure rights and soil conservation measures¹⁷. The adverse effects that insecure tenure rights can create, especially for women, are also reflected in other cases from different regions on the continent. In Benin for instance, women often have no ownership or secure access to land but are sometimes allocated small plots of infertile land for crop cultivation. They initially invest in sustainably managing those plots of land. Once soil fertility has improved, the head of the household re-appropriates the plot. The insecure access to land discourages women to further invest in SLM practices^{20,21}. The success of SLM projects thus requires, amongst others, tenure security and measures to both enhance and sustain it.

Overall, smallholder land-use decisions have considerable impacts on land degradation trends. The types of decisions taken depend on a range of factors which include land tenure security. Secure land tenure can provide an incentive for individuals to invest in more SLM, as ultimately, they feel they will benefit themselves^{22,23}. However, quite often the benefits of SLM investments only manifest in the medium- to long-term, while costs occur immediately and in the short-term. Hence, rational actors only invest if they can be sure that they will reap the benefits in the future. This, in turn, largely depends on whether their rights to the land are secure²³.

Tenure security allows individuals to make environmentally sound choices that can be critical in preventing and minimizing land degradation at the farm level. Smallholders without tenure security often lack the capacity to become critical decision-makers with regards to SLM practices, as returns on investments may not pay off for them in the future. Promoting responsible land governance in the form of securing the tenure rights of smallholder farmers across Africa can thus create an enabling environment for adopting more SLM practices. This does not always have to equate to high-level policy-making, but can also take the form of local action. Community-led processes can pave the way towards responsible land governance among small-holder farmers. Securing tenure rights amongst community members on the local level to institutionalize otherwise informal agreements is one example of how to operationalize approaches that can lead to a more sustainable use of land resources (see Case Study 2.1).

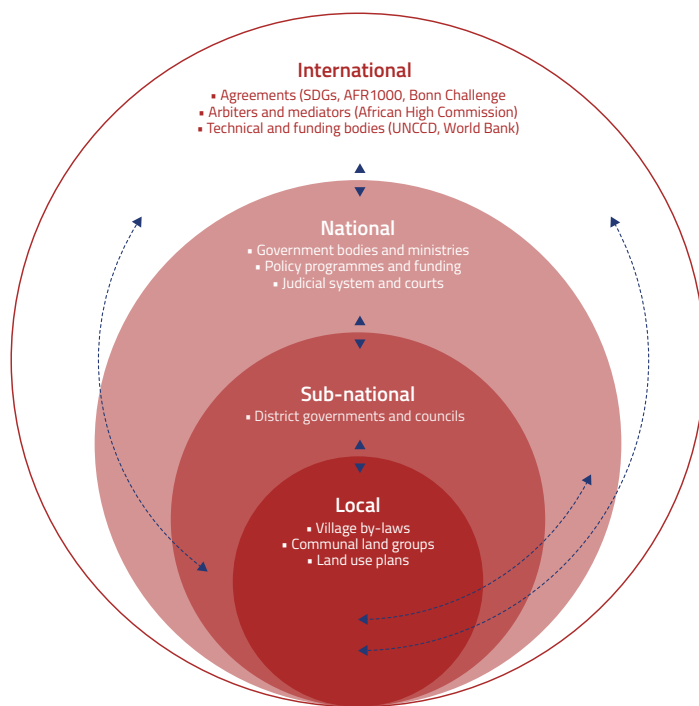


Figure 4: Multi-level land governance: a nested framework here are some examples of actors and mechanisms involved in a nested framework of land governance in East Africa and beyond. The porous borders and arrows show the flow of relationships amongst the levels.

(ii) Large-scale restoration and reforestation initiatives

The LDN-SCF foresees reversing past degradation, including through ‘large-scale land rehabilitation’, as one fundamental component of the response hierarchy¹⁴. Large-scale reforestation projects provide one example of activities to reverse land degradation²⁴. A prominent example of large-scale reforestation efforts is reducing emissions from deforestation and degradation (REDD+). REDD+ projects seek to reduce greenhouse gas emissions through reversing forest loss and degradation. Introduced by the UNFCCC over a decade ago, the importance of the concept was restated by many parties to the Paris Agreement in their national climate action plans²⁵. Measures to achieve the goals of REDD+, such as enhancing carbon stocks, include forest restoration and rehabilitation²⁶. As REDD+ has been recognized as an important instrument for promoting sustainable forest management, it serves as a fertile learning ground for the pitfalls that large-scale restoration projects might suffer if responsible land governance is not duly considered.

While there are major benefits to REDD+, such as climate change mitigation and increasing resilience of society and ecosystems to the effects of climate change, REDD+ reforestation projects can also produce negative effects^{27,28}. In particular, local communities and land users can be adversely

affected by reforestation measures, especially when tenure is insecure and they are excluded from decision-making processes. Sarmiento Barletti and Larson (2017²⁹) examined examples of human rights abuse allegations in the context of REDD+ activities. They compiled 85 peer-reviewed articles where violations of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) were mentioned. In many cases, REDD+ activities precluded the effective participation of indigenous land users and owners without efforts being taken to enhance their capacities to engage in such projects. Furthermore, REDD+ projects can lack *free prior and informed consent* (FPIC – see Box 2.1)^{29,30} and are often implemented in regions where land rights are ambiguous or insufficiently recognized^{29,31}.

The reasons for this can be internal to the projects and/or originate in the context in which reforestation projects are implemented. Internally, some REDD+ projects are based on the false perception that vast tracts of land are ‘idle’ – perhaps a misunderstanding of how communities or individual users are using the land already²⁸. According to Awono et al. (2014)³¹, ambiguous land tenure status and a lack of community participation can preclude REDD+ initiatives from generating positive outcomes and improving livelihoods. Responsible forest governance necessitates the equal and effective participation of both women and men to ensure that the benefits and positive impacts are shared equitably³². Reforestation activities, such as those initiated under REDD+ or the Clean Development Mechanism, are often costly due to the nature of various procedures and steps required before a project can be approved and implemented³³. To be considered worthwhile from an investor’s perspective, reforestation projects require large swathes of land, which may be “impossible to find without interfering with previous local land users²⁸.” Regarding external factors, limited institutional capacities can trickle down into diminished capacities for local land users in exercising their rights, as specified under UNDRIP and those relating to FPIC as envisioned by the VGGT.

Therefore, large-scale restoration or reforestation measures need to promote responsible land governance to ensure that the legitimate rights of local communities and people affected by the measures are respected. Land governance related safeguards for the implementation of large-scale land restoration projects are an important tool in this regard. The “Analytical Framework for Land-Based Investments in African Agriculture” is one

example of a safeguard system that provides guidance for land-based investments for investors³⁴. It is crucial that these safeguards come into effect prior to investment decisions being taken. Once decisions in favour of a project are taken, it becomes increasingly difficult – if not impossible – to reverse them if safeguards are violated. Box 7 provides examples of safeguards in agricultural land tenure investments.

(iii) Conservation efforts: community-based natural resource management

Lands traditionally owned and used by indigenous peoples and local communities are estimated to occupy almost half of the land on earth³⁵. In these areas, LDN activities will need to engage such communities as partners when taking action.

Legally recognized rights of forest communities and effective protection of these rights have been shown to contribute to reduced deforestation rates^{36,37,38}. While this is particularly important since forest lands are home to hundreds of millions of people, they often lack adequate tenure rights which can be challenged by opposing claims made by private actors³⁸. Their traditional rights and resources can also be threatened by government action, such as externally imposed conservation efforts^{39,40,41}. On the other hand, there are powerful examples of governments transferring collective forest rights to communities^{42,38,43}.

For communities to manage their natural resources effectively and sustainably, strong and supportive institutions are necessary. Reinforcing or creating community institutions, for example through the creation of village development funds, has been shown to ensure the long-term maintenance of soil and water conservation structures on community lands, such as weirs and dams in the context of past development programmes⁴⁴. LDN activities specific to CBNRM need to focus on strengthening the role of community institutions and supporting the recognition and protection of collective tenure rights.

The case studies that follow – of SLM on smallholder farms, large-scale restoration and CBNRM – demonstrate that responsible land governance is a key factor in avoiding, reducing and reversing land degradation. The VGGT and corresponding Technical Guides provide a framework to support states in implementing responsible land governance measures that respect, protect and fulfil the rights of rights holders, and provide guidance for the implementation of LDN activities^{45,46}.

1.6 RESPONSIBLE LAND GOVERNANCE AND LAND DEGRADATION NEUTRALITY: THREE IMPORTANT INTERLINKAGES

As discussed, responsible land governance, in many cases, is crucial to create the necessary incentives for implementing LDN activities and for ensuring the recognition of legitimate tenure rights according to the principles of the VGGT. On the global and regional levels, the interlinkages between responsible land governance and LDN action are well-documented, including:

- **Inclusive development:** Measures to restore soil fertility and to sustainably manage land resources often increase the value of land. Without secure tenure, vulnerable groups are at risk of being dispossessed from their lands once LDN activities begin showing returns. This is especially true for women, who are often disadvantaged due to structural issues restricting their ownership of and access to land, decision making and information. To ensure that LDN lives up to the principle of leaving no one behind, the tenure rights of women, indigenous people, and vulnerable and marginalized groups need to be strengthened as part of LDN project design and investments.
- **Sustainability of investments in land and soil rehabilitation and management:** Insecure land tenure can pose significant disincentives for scaling up SLM practices and jeopardize the ability of land users to sustainably manage natural resources. If, for instance, it is uncertain whether the benefits from investments in SLM will accrue to the one investing, land users will face significant uncertainty on whether to invest or not. To encourage the sustainability of investments in SLM and CBNRM, tenure rights, with special attention to the rights of vulnerable and marginalized groups, as well as community institutions, need to be strengthened as part of LDN investments.

- **Safeguards for large-scale LDN investments:** Experience with large-scale restoration activities shows that tenure rights of women, indigenous, and vulnerable groups are at risk of being violated during the design and implementation of these programmes. To ensure the success of innovative financing instruments, such as the Green Climate Fund and the LDN Fund, the FPIC principle for all projects that affect the rights of indigenous peoples needs to be upheld, and effective safeguards need to be in place to document and protect the legitimate tenure rights of those living on the land.

These interlinkages show how responsible land governance plays a key role in achieving LDN and SDG targets. Responsible land governance can serve as tool to ensure that people are at the core of LDN activities, enabling individuals and communities to securely access land, and ensuring their legitimate tenure rights are respected – all of which are key elements in contributing to an enabling environment for LDN activities.

1.7 REGIONAL INITIATIVES IN AFRICA

Responsible land governance is also central to achieving many regional-level commitments in the context of rural and agricultural development in Africa⁴⁷. The Pretoria Declaration on Economic, Social and Cultural Rights in Africa, adopted by the African Commission on Human and Peoples' Rights in 2004, recognizes the importance of respecting tenure rights and access to land to fulfil the rights promoted in the charter to achieve food security and sustainable livelihoods⁴⁸. The African Land Policy Centre (formerly the Land Policy Initiative), was initiated in 2006 by a tripartite consortium of the African Union Commission, the United Nations Economic Commission for Africa, and the African Development Bank. It provides an institutional basis for the promotion of sustainable agriculture⁴⁹. These organisations have paved the way for the declaration on land issues and challenges in Africa, recognising “the centrality of land to sustainable socio-economic growth, development and the security of the social, economic and cultural livelihoods of our people” (Assembly/AU/Decl.I(XIII) Rev.I).

The Framework and Guidelines on Land Policy in Africa were also established through the Pretoria Declaration and expand upon operational processes that need to be undertaken for the land sector to achieve its full potential in strengthening development processes. It highlights the importance of public participation in land governance processes, and “*offers a basis for commitment by African member states to the formulation and operationalisation of sound land policies as a basis for sustainable human development that includes assuring social stability, maintaining economic growth and alleviating poverty and protecting natural resources from degradation and pollution*”⁴⁹.

The Framework and Guidelines is not only a statement of commitment, but also an important reference point in the modern history of land governance across the continent, since it marks the first time that AU member states agreed upon the processes that guide land governance and why change needs to take place in the sector. Akin to the VGGT, it identifies enabling factors for land policies that contribute to socio-economic development processes, such as human rights, gender, decentralization, sustainability, customary tenure, transparency, and participation⁵⁰.

Agenda 2063 – the strategic framework for the socio-economic transformation of Africa over the next 50 years – re-states the importance of implementing the Framework and Guidelines⁵¹. The Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods from 2014 also highlights land tenure and improved land policies as specific commitment areas⁴⁷. The Policy Framework for Pastoralism in Africa (PFPA) recognizes the importance of land governance and equitable access in dealing with challenges that customary systems, such as pastoralism, face in transformation processes resulting from globalization and climate change⁵². The commitments to responsible land governance and land tenure in these various regional covenants reflect the key role that land policy plays for sustainable development efforts across Africa, including for the achievement of LDN across the continent.

Case Study 1.1

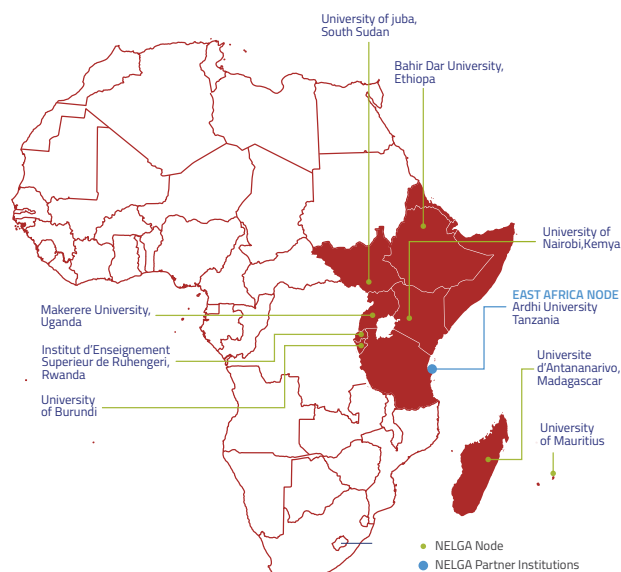
THE NETWORK OF EXCELLENCE ON LAND GOVERNANCE IN AFRICA

Many of the crucial prerequisites for good land governance and effective implementation of land policies – such as an efficient land administration (the process of determining, recording and disseminating information about land rights, land use and land value), a clear and consistent policy and legal framework, and an appropriate integration between land institutions – all require strong institutions for their realisation⁵³.

In East Africa, land administration institutions in all countries lack adequate technical, financial and human capacity, especially at the sub-national level⁵⁴. These capacity shortages often result in poor land governance, and land policy reform and implementation that fail to disrupt the status quo. Hence, there is a significant potential for capacity building interventions to improve land governance in the region.

One of the main reasons for the lack of technical capacity within land governing institutions is the insufficient quality of academic programmes at institutions of higher learning. To address this issue, the African Land Policy Centre, in collaboration with the German Development Agency (GIZ) and the World Bank, established *The Network of Excellence on Land Governance in Africa* (NELGA) in 2016. NELGA is a continental network of universities and research institutes tasked with supporting the implementation of the AU Agenda on Land. Currently, NELGA has around 70 partner institutions in over 40 countries and has achieved particularly good results in East Africa. The network is aimed at addressing the shortage in academic knowledge in the land sector, as well as strengthening institutions responsible for land governance and the implementation of land policy. Hence, NELGA supports the whole land policy implementation pathway, from problem identification to monitoring and evaluation of policy implementation.

To better coordinate NELGA activities, one university in each of the AU regions has been awarded the status of regional NELGA node, acting as a secretariat in its region. Ardhi University in Tanzania, the East Africa node, is a founding member of the *Eastern Africa Land Administration*



Objectives of NELGA

1. Enhancing training opportunities and curricula on land governance in Africa;
2. Promoting demand driven research on land policy issues;
3. Connecting scholars and researchers across Africa through academic networks;
4. Creating data and information for monitoring and evaluation on land policy .

Network (EALAN) and has knowledge and experience of running relevant programmes and implementing activities (such as staff exchanges, curricula development and student exchanges). As a regional node, Ardhi has undertaken and coordinated a range of NELGA activities, such as trainings, regional research scoping studies and policy dialogues. In addition, the university has established the *Journal of Land Administration in Eastern Africa*.

ADLAND: *Advancing collaborative research in responsible and smart land management in and for Africa* (ADLAND) is an international network of seven universities established to support NELGA. It aims to strengthen the research capacity of NELGA-member universities in the land governance field by organizing activities such as

curricula reviews, staff exchanges, cooperative research writing studios and joint publications. The broad expertise and the approach of ADLAND allows each NELGA members to tailor capacity building activities to their needs, both in terms of thematic area and training content. In East Africa, ADLAND closely collaborates with INES-Ruhengeri University in Rwanda and Ardhi University in Tanzania. Recent activities conducted in these universities include a land administration refresher course and a research development workshop (at INES), as well as a workshop in research writing (at Ardhi).

EALAN: In East Africa, NELGA supports and collaborates with the EALAN network, which consists of academic institutions with courses in land administration. EALAN educates stakeholders (especially vulnerable groups) on the importance of land rights and documentation; provides a knowledge exchange platform; and advocates for greater transparency in land governance as well as increased adoption of fit-for-purpose approaches. Activities conducted together with NELGA include an annual multi-stakeholder conference. This was held in 2017 and 2018, and attracted more than 100 participants from the region in both years.

The Land Governance Assessment Framework (LGAF) Continuation Phase: LGAF is a diagnostic tool designed by the World Bank through a participatory dialogue with representatives of academia, government, civil society and the private sector in over 40 countries. Through this dialogue, a number of priority areas for the strengthening of land policy were identified and included in the LGAF. The implementation of LGAF then provided country-specific policy recommendations in these priority areas. However, few of these recommendations were adopted into policy following the assessments. There is thus a need to provide countries with clearer guidelines on how

to implement the policies once these have been identified. For this reason, a process of updating and translating the LGAF policy recommendations into more actionable recommendations was initiated by NELGA. This process, referred to as the *LGAF Continuation Phase*, has been completed in both Rwanda and Ethiopia and follows a fixed procedure aimed at incorporating the views of key stakeholders. In Ethiopia, this process has resulted in the establishment of a *National Land Governance Council* mandated to provide advisory services to the government in land issues, and to ensure the implementation of the prioritized new land policies.

LESSONS LEARNED AND SCOPE FOR FUTURE WORK

Since its inception in 2016, NELGA has seen a rapid expansion, today counting 18 member institutions in East Africa, and around 70 in total. This demonstrates a clear will within East African countries to improve the critical issue of land governance. NELGA will attempt to build on this momentum by continuing to foster collaboration and exchanges between universities, and by strengthening institutions working on land issues. In addition, and importantly, NELGA will adhere to its core principal of only supporting activities that respond to African needs and that result in practical and measurable outcomes. In line with these principles, several new initiatives will be rolled-out in East Africa, such as the development of a repository for land data, which will provide much needed information both for researchers and practitioners. To further strengthen networks and bridge the gap between research and policy-making in the region, NELGA will also support the establishment of an East African “community of practice” that connects and provides a platform for researchers and practitioners.



1.8 KEY POLITICAL CONSIDERATIONS

- Recognize responsible land governance as an enabling condition for the widespread implementation and scaling-up of SLM in order to achieve LDN.
- Provide legal recognition for legitimate tenure rights not yet formally protected by law, consistent with national legal frameworks.
- Ensure states meet their relevant obligations and voluntary commitments to protect, promote, and implement human rights, implementing the principle of FPIC where projects and investments affect these rights.
- Provide timely and affordable access to justice and dispute resolution mechanisms prior, during, and after project implementation where projects and investments might interfere with legitimate land rights.
- Recognize that no tenure right is absolute. All tenure rights are limited by the rights of others and by measures of public interest promoting general welfare.
- Ensure that projects and investments in the context of LDN limit expropriation wherever possible, and only take recourse to it if other options have been assessed and needed to be discarded. If expropriation cannot be avoided, fair valuation and prompt compensation need to be ensured.
- Ensure that investments abroad are consistent with the protection of legitimate tenure rights to foster responsible public and private investments consistent with existing obligations under national and international law.

- Ensure that private investments for large-scale land restoration comply with environmental and social safeguards that are in line with the VGGT.

Other important political considerations include that:

- The SDGs are indivisible and their advancement requires concerted efforts. Responsible land governance is a tool to help create an enabling environment for the achievement of SDG target 15.3 and is closely linked to the achievement of SDG target 1.4 and 5.A.
- Evidence shows that responsible land governance is key for upscaling SLM on smallholder farms, reducing deforestation through CBNRM and ensuring sustained success of large-scale restoration efforts that respect existing land use rights.
- Regional initiatives, such as the African Land Policy Centre, Agenda 2063 and the Malabo Declaration recognize the centrality of responsible land governance for inclusive development.
- Different instruments exist to ensure responsible land governance in the context of LDN action, both in the public and the private sphere.
- These instruments include various technical guides in support of the implementation of the VGGT as well as the Grow Africa Analytical Framework for Land Based Investments, the FPIC Guidelines, the IFC Performance Standards – to name a few⁵⁵.

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2. CUSTOMARY AND STATUTORY TENURE

THE ISSUE

Customary land tenure refers to instances when land is owned by local entities and managed according to their traditional customs; it is generally considered to be outside systems of formal documentation or legal recognition. This type of tenure is usually recognized and held through families, groups, communities or tribes. Alternatively, statutory tenure is formally recognized by law and documented through titles, deeds, registration papers, maps, and so forth. In an increasingly interconnected society, 'secure' tenure is often defined by statutory forms of tenure.

Across sub-Saharan Africa, and particularly in the case of communal lands, customary rights have often been the traditional method of land tenure – accounting for up to 2.2 billion hectares of all cultivated land¹. There is also great variety in the types of customary tenure systems^{1,2}, which creates challenges at the regional and national levels for recognition and integration. Over the last few decades, many social and economic changes in Africa have forced existing customary systems to adapt and be reinterpreted³, in contrast to the relatively more static nature of statutory systems.

Unfortunately, existing systems for statutory tenure are often inappropriate or insufficiently flexible to work alongside the more complex, heterogeneous landscape of customary tenure⁴. As a result, customary land tenure in East Africa is frequently overridden by statutory claims and systems, leaving many populations struggling to secure their land rights and access – especially in rural areas⁵.

Formal systems for land title registration may be difficult to organize in a fair and transparent manner, and can also be subject to corruption and/or elite capture. One example was found by the Ndungu Commission in Kenya in 2003, which

documented over 200,000 illegal titles created between 1962 and 2002. The titles had been given primarily as political rewards or patronage during the 1986 elections, effectively handing over a tenth of Kenya's productive farmlands to the families of the past three presidents⁶. A series of recommendations including returning illegally allocated land back to the original purposes.

The issues around customary and statutory tenure are compounded by large-scale land acquisitions for both private and public purposes which can bypass customary rights (see Case Studies 3.1 and 6.2) and fall prey to corruption or the illegal concessions of lands which already have customary tenure. For instance, in Uganda, the Batwa people were moved from their lands without FPIC (Box 2) or compensation in order to establish a national game park^{7,8}.

While a comparison of perspectives of land reform focused on legal empowerment have shown such a system to be controversial or divisive in African countries due to the natural resulting transformation and redistribution of rights⁹, a lack of statutory tenure can result in the displacement of populations without formal claims or titles to the land they use. This can even result in knock-on effects as severe as violent conflicts. Many customary land rights in the countries of East Africa have been ignored or held in contempt by the executors and holders of statutory rights¹⁰. This has negatively affected the availability of land use and management choices for local users. For instance, those with customary tenure, especially women, face significant challenges in accessing credit to invest in SLM (see Case Study 5.4). This is doubly detrimental given the fact that many customary systems support long-term regenerative practices.

MOVING FORWARD

A key aspect of protecting and defending the land rights of the most vulnerable populations in East Africa – the rural poor – necessitates recognising and protecting customary land rights⁵ within the law. This would afford customary users many economic and social advantages, such as the ability to confront land grabbing and ensure equal rights to women². Effective government action and policies that work alongside and are supportive of customary systems are necessary for scaling up SLM practices³.

This has been increasingly recognized as a better way forward than previous efforts to eradicate and undermine customary systems across East Africa. For instance, Uganda used a loan received from the World Bank in 2015 to start registering customary land owners, and Kenya established the Community Land Act in 2016. Practically, this may involve national support for upgraded infrastructure and capacity to undertake boundary mapping and demarcation (see Case Study 2.3). It should also involve nested systems that work cohesively – for instance, local communities can agree with the next level of government on what types of documentation and agreements would suffice to establish their tenure. This cohesive approach is useful since local government approval can allow these rights to be integrated into larger-scale statutory systems (see Case Study 2.3).

It is also worth considering where sharecropping fits into the local land governance systems. Where 'land-poor, labour-rich' and 'land-rich, labour-poor' scenarios result in sharecropping arrangements, the ownership of the land may be formally or locally clear, but the specific leasing agreements may be nebulous or contested. How this then impacts uptake of SLM practices has been noted in the literature¹¹, but empirical evidence remains to be collected. Case Study 2.1 explores this issue in a community in Kenya.

Finally, any steps to integrate customary tenure within statutory systems must take into consideration how they will work with – and raise awareness amongst – local communities of their existing land rights through participatory approaches¹². They must also consider how to develop systems that accurately capture and reflect their tenure and consent and ensure that the rights of women and the rural poor are not excluded from such frameworks.

Box 2: Free Prior and Informed Consent¹³

Free, prior and informed consent (FPIC) is recognized within the UNDRIP. It allows for indigenous people to give or withhold consent to any project that may affect them on their lands. If given, it can be withdrawn at any point. It also allows for them to negotiate the project's design, implementation, monitoring and evaluation.

Free: consent given voluntarily and without coercion, intimidation or manipulation. A process that is self-directed by the community from whom consent is being sought, unencumbered by

coercion, expectations or timelines that are externally imposed.

Prior: consent is sought sufficiently in advance of any authorization or commencement of activities.

Informed: nature of the engagement and type of information that should be provided prior to seeking consent and as part of the ongoing consent process.

Consent: collective decision made by the rights holders and reached through the customary decision-making processes of the communities.

Case Study 2.1

COMMUNITY-LED LAND LEASE GUIDELINES (KENYA)¹⁴

Kakamega County is located in western Kenya. It has the largest rural population in the country, and is also characterized by high poverty, food insecurity, and areas of high land degradation¹⁵. Shinyalu is one of Kakamega's twelve sub-counties, composed of six wards covering an area of about 445 km², and estimated to have a population of 160,000¹⁶.

The area is largely agricultural and inhabitants tend to grow small-scale but intensive maize, tea, bean, and horticultural crops. However, many households own little to no agricultural land themselves, and often turn to leasing more farmland to generate income and grow sustenance food for their households. The leasing arrangements – which are primarily made orally and without witnesses – are frequently fraught with conflict as a result of crop theft, unlawful grazing, boundary disagreements, or leasing rates and periods. As a result, they often end prematurely. These leasing relationships can be challenging for both parties and lead to tenure insecurity. Insecurity disproportionately affects women as there is a tradition of land being passed from father to son, leaving women's access determined primarily through relationships with male relatives.

Climate change will also exacerbate land issues here, as it will affect the quality and availability of fertile land. The local government has already stated local trends are showing increases in inter-annual variability and distribution of rainfall, drought, and flooding¹⁶. As elsewhere, these shifts will have disproportionate impacts on the poor and



land insecure, as they lack the necessary resources to adapt to such changes.

In light of these challenges, and in order to develop a solution, a community based organisation (CBO) called Shibuye Community Health Workers began to work closely with local communities in two wards of Shinyalu, Ikusha Central and Ikusha West, in 2017 and 2018.

The two wards consist of four sub-locations each, with several villages in each. They were interested in developing community-led land-lease guidelines to improve their land security, while also creating more access to agricultural land for local users. To accomplish this, they progressed through six steps between March and August 2017:

- 1. Awareness and consultation with governmental institutions:** the proposed concept was shared, and there were consultations for process design inputs.
- 2. Mobilisation at the community level (sub-locations):** the proposed concept was shared again, there were further consultations for process design inputs, and a drafting committee was nominated.
- 3. Drafting of land lease guidelines:** discussions, negotiations, and drafting took place with relevant stakeholders.
- 4. Consolidation and approval of ward-level guidelines:** drafts from the four sub-location consultations were consolidated and approved.
- 5. Launch of the guidelines:** involved parties created awareness and shared copies.
- 6. Implementation and internal monitoring.**

These guidelines intentionally involved the participation of a representative cross-section of people from the two wards. The committee responsible for overseeing the popularisation and implementation of the guidelines includes an area chief, assistant chief, village elder, a youth representative, a women's representative, a civil society representative, a technical advisor from the agricultural office, and a representative from the Lands Control Board. The sub-location consultations averaged 30 persons, and the drafting committees approximately¹⁵.

The resulting guidelines were composed of three major sections: a) Community Land Lease Committee, b) Procedure for Land Leasing, and c) Conditions.

The committee composition is outlined with an agreement to meet monthly, discuss issues relevant to the sub-locations and resolve conflicts. There is an exception for special sittings to be held if required, with relevant parties invited.

The necessary document to prove ownership was outlined, with alternative vouching by community-vetted leaders if no documentation exists. The land itself was defined by boundaries either through description or mapping, and must be found to be conflict-free.

When establishing agreements, parties recognise the terms for duration of the lease and flexibilities around premature termination, security or rent, asset use, freedom of use, public utilities access,

timeframes, condition of land upon return, and witnesses. Risks are identified and planned for – for example, dispute resolution mechanisms must be in place as part of the lease.

The conditions of the lease are also agreed upon before the leases are signed by both parties in front of witnesses. These include age and competency limits (above 18 years old and of sound mind), type of land use, communal protection for riparian zones, necessary environmental assessments, rent boundaries, witness allowances, and penalties for non-adherence. Copies of the document are held by several committee members, in addition to the local CBO, and are intended to be accessible by all inhabitants of the two wards.

Step by step, these community-based land-leasing guidelines walk through the framework and definitions of the guidelines and how they are to be managed and executed. They outline the necessary process to establish a mutually satisfactory leasing agreement that inclusively addresses the concerns raised during the initial consultation process and thereafter.

Overall, the guidelines have been met with high acceptance within the pilot communities in the two wards. This is reflected in the fact that over a period of only two growing seasons, 88 lease agreements have been filed. The success of the process is rooted in its innovative community-based approach. A number of factors have allowed the land lease guidelines to attain a high degree of social legitimation, including that the guidelines were developed by the communities themselves to fit their context, and in response to the challenges they experience, while respecting local practices.

Ideally this community-led approach to increased land security during leasing will lead to a greater sense of responsibility in both lessors and lessees, since both have formally agreed to the terms and are beholden to external bodies (the committee) if said terms are broken. So far, local administrators have reported a decline in conflicts, which points to the positive impact of the guidelines on land leasing processes. Furthermore, having SLM practices (e.g., the protection of riparian sites) embedded in all leases can lead to improved lands across the community as a whole and allow for the local establishment of LDN practices and goals.

Case Study 2.2

COMBATting SOIL DEGRADATION BY SECURING LAND RIGHTS (UGANDA) (written by Thorsten Huber (GIZ), Maria Muck (GIZ) and Rita Mwase (GIZ))

* Mailo tenure is derived from allotments set out in the 1900 Buganda Agreement. The owners were registered with titles, owning the land in perpetuity with the option to lease, mortgage, pledge, sell or subdivide the land. Abolished in 1975 under Idi Amin, mailo tenure was re-established in 1998 under the Land Act.

The RELAPU project
in Teso sub-region

Land tenure systems differ across Uganda and are a mix of traditional practices, colonial regulations, and post-colonial legislation. As per the 1995 constitution, four types of land tenure systems are recognized in Uganda: customary, Mailo*, freehold and leasehold tenure¹⁷. Customary tenure tends to be the most dominant form – especially in northern Uganda – accounting for 70 to 80 per cent of the land. Under this system, land rights have neither formal documentation nor registration; less than one per cent of customary land is officially registered.

The recognition of customary tenure in the Ugandan constitution is seen as a figurehead for progressive and inclusive legislation. However, the implementation of both traditional and formal land norms creates obstacles that often leave the population in insecure conditions regarding their land rights, and uncertain about which administrative bodies are responsible. This tenure insecurity generates minimal interest for individuals to maintain land resources in the long-term, and increases the risks of mismanagement and degradation¹⁷.

There are further issues across the country which negatively impact the land. With increased rainfall intensity, the effects of which are amplified by overuse and inadequate land management, the risk of soil erosion is on the rise. In 2014, Uganda suffered soil losses estimated at about 62 million tons due to erosion¹⁸. The northeast is experiencing more frequent and prolonged droughts which has placed the region in a situation of almost perpetual dependency on food¹⁹. In the Teso sub-region, the National Environmental Management Authority has emphasized that the communities are seriously endangered by floods and land-slides, which is in turn leading to internal migration²⁰.

The northeast has also seen a variety of violent conflicts. Beginning in 1987, a 20-year war between paramilitaries in the north and the central government had partly driven high poverty rates, the destruction of infrastructure and internal



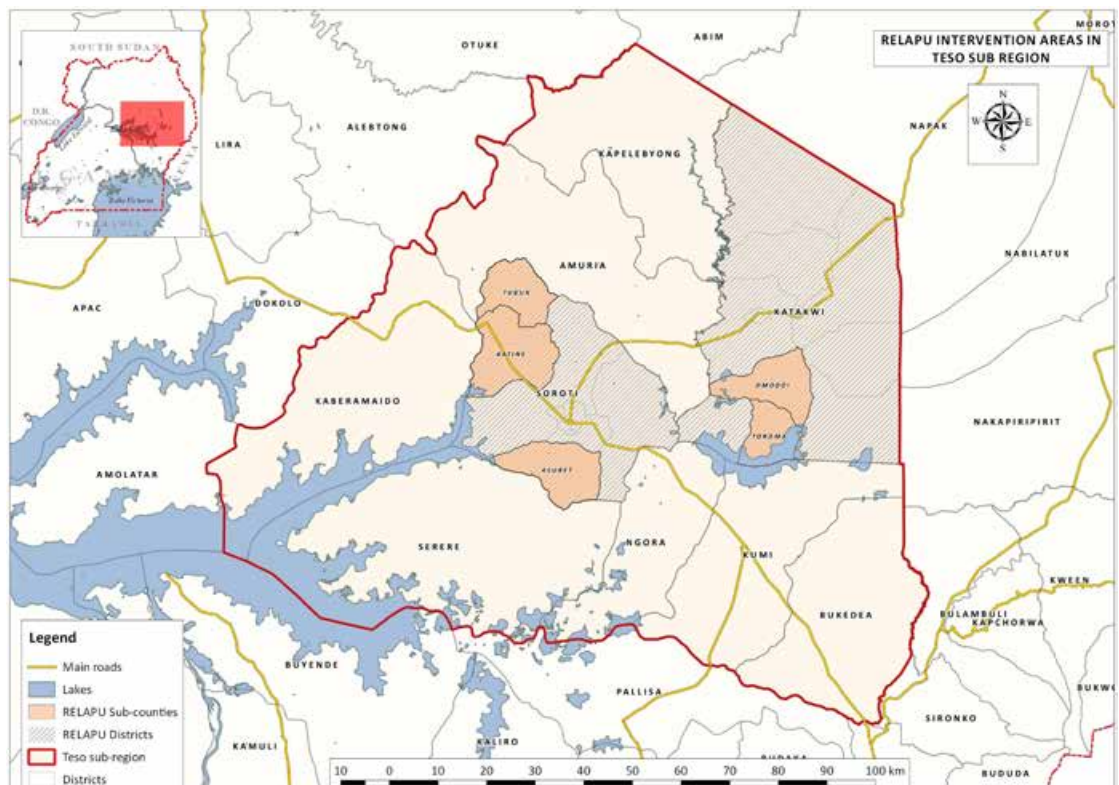
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displacement. When the security situation improved, in 2006, some of the displaced people returned to their ancestral lands to find the natural demarcations destroyed. In the Teso sub-region there are also tensions over land between the tribes of Iteso and Karamajong. Historically – albeit partly still occurring today – this involves cattle raiding by the Karamajong. Alongside the loss of their land to the creation of national parks, some have been driven south to occupy lands in the Teso sub-region²¹.

In addition to the pressures from this history of conflict and land degradation, the population here is also facing a new wave of land-related conflicts by rising populations, climate change, and struggles over unregistered lands. The GIZ project 'Responsible Land Policy in Uganda' (RELAPU) is currently working in the Teso sub-region, in the Districts of Katakwi and Soroti, to map undocumented land parcels.

With the Land Act of 1998, the Certificate of Customary Ownership (CCO) was introduced to officially register land rights on customary land. Since then, about 800 CCOs have been issued. This relatively low number is partly due to the sometimes overlapping land norms, but is also

Figure 5: The Teso sub-region and its nine districts (data from Uganda Bureau of Statistics, 2018, map generated by Emmanuel Askiu (GIZ))



related to the continuing conflicts on the ground, which makes mapping and registering customary land an on-going challenge for administrative bodies. RELAPU aims to improve access to land in customary settings in the northeast, especially for women and marginalized groups.

Tenure security is an essential precondition for SLM, climate adaptation, increased productivity to reduce yield gaps, as well as for poverty and hunger reduction in rural areas. As such, RELAPU is also part of the 'One World, No Hunger' initiative of the German Federal Ministry for Economic Cooperation and Development (BMZ). To improve life on land by securing land rights is one of the five SDGs the project aims for, with a driving rationale of "I protect what I own".

The project works with governmental, traditional, and civil society organizations (CSOs) to:

- support local administrative institutions in two Teso districts with equipment and training on how to map and document land rights, such as the District Land Office and Area Land Committees (ALCs);
- raise awareness in villages on their rights, roles and responsibilities with customary tenure, alongside CSOs and traditional institutions;

- inform clans, families, and individuals on opportunities to map and register their land;
- hold trainings with CSOs for traditional and formal officials, such as clan leaders or members of the District Land Offices and ALCs;
- support CSOs in mediating and solving emerging conflicts;
- issue a Land Inventory Protocol. This is a non-official social document with household information including a family land rights tree, clan, boundaries of mapped lands, names of neighbors, usage of the land, etc. After mapping a parcel, the Land Inventory Protocol is issued by RELAPU to the household, and serves as a blueprint which helps in applying for a CCO;
- support formal land institutions with the process of issuing a CCO if requested by a household.

After overcoming initial resistance and distrust of land registration within the communities, the project has now mapped and documented over 3,000 households in Teso and supported the applications for CCOs based on FPIC²². This success is due to awareness-raising through well-known local CSOs, including the Teso Initiative for Peace and the Teso Anti-Corruption Coalition, which are trusted by the political leadership as well as by the communities. To reach a greater part of the population, the project expanded from two sub counties to five, with issuance of CCOs planned for 2019.

Key stakeholders

Formal Institutions

Ministry of Lands, Housing and Urban Development	Responsible for interpreting and implementing Ugandan land legislation.
District Land Board	Manages district-level land issues and approves the issuance of CCO.
Area Land Committee	Assists the District Land Board in managing land issues in the sub-county by mapping boundaries, helping prepare CCO applications, and reporting back.
Recorder	Issues CCOs after approval by the District Land Board. Based at the sub-county, a recorder includes a senior assistant secretary and head of administration.

Traditional Institutions

Iteso Cultural Union	In 1995, the <i>Iteso Cultural Union</i> was founded to represent Iteso clans, unite and represent all Iteso people in Uganda, Kenya and beyond, to preserve their culture and foster development of the Teso sub-region. Together with the 'The Land and Equity Movement' they developed the <i>Principles, Practices, Rights and Responsibilities</i> for the Teso sub-region.
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Public buy-in from political leaders at district and sub-county levels also paved the way for CSOs to address land-related disputes. RELAPU and its partners promoted community-based *alternative dispute resolution mechanisms*, with the result that parties in conflict are now more solution focused, i.e., of the 238 conflicts recorded in 2018, 85 per cent were resolved through this pathway.

With secure land rights, households in Teso can now increasingly plan for long-term land-use, allowing for investments in SLM methods. This can eventually serve to reduce soil erosion, improve future food security and increase income. Further, through awareness raising meetings in the communities, information about the rights of marginalized groups were disseminated, providing vulnerable groups better access to their legal rights.

Initial experiences and lessons learned were used to develop a strategy to further scale up the project to new districts in other regions of Uganda. Currently, two more project sites are planned, in Lango or Acholi and West Nile, covering at least two districts. In the Lango or Acholi area, cooperation with another GIZ programme on rural development is envisioned, while in West Nile it will be focused on refugee host communities. The objective is to transfer the experiences from Teso to Lango or Acholi and West Nile, scaling-up the projects' activities of capacity building of land administrators, awareness raising, conflict resolution of emerging cases, and mapping of land parcels.

Case Study 2.3

LAND REGISTRATION: THE FOUNDATION OF SUSTAINABLE DEVELOPMENT (ETHIOPIA)^{23,24,25}

A hillside farm in Tigray region, northern Ethiopia



© Flickr/A Dovey

Ethiopia's Responsible and Innovative Land Administration project (REILA) was launched in 2011. Its objective was to improve the livelihood and economic well-being of the rural population through the promotion of SLM, and to contribute towards an 'improved, transparent, and appropriate land administration system' in Ethiopia²⁴. It took place at the federal level in Benishangul-Gumuz and Amhara regions, and was trialled in three additional districts of Tigray, Oromyia, and SNNPR.

From the early 2000's on, Ethiopia had started making noticeable progress towards rural land rights registration. Known as '1st level registration', this practice was primarily undertaken without mapping. The government then sought a low-cost method to survey and map rural land parcels in a process that would become known as '2nd level certification'.

REILA offered on-the-job technical training to government employees in the Land Administration sector and upgraded the IT infrastructure used to register land. Aerial photography and geospatial mapping were used to identify boundaries, with surveyors carrying out fieldwork with operational manuals developed through REILA. At the local user level, farmers were included in parcel boundary identification. The resulting maps were

displayed publicly, and ultimately, parcel maps that aligned with the existing legal framework (the 2nd level certification) were issued to land holders. Almost half of the 400,000 parcels were registered to women, providing legally recognised tenure security for otherwise traditionally disadvantaged individuals.

REILA included awareness raising and capacity building amongst the farmers through radio programmes in the Asosa and Lekemt languages, and educational training through an MSc programme accredited by the Ethiopian government at partner institutions. The project also undertook awareness raising amongst higher-level officials, land administration committees, with staff at the regional, zone, woreda and kebele levels. Land tenure security, along with education on sustainable land practices to lessen negative environmental impacts is expected to help the government achieve SDG 15, and ultimately LDN.

REILA was supported by the Finnish Ministry of Foreign Affairs and administered by the Danish development consultancy NIRAS. Based on the success of the first phase, the Ethiopian government adopted the methods for the entire country; about 50 million plots are now being registered nationwide. A secondary phase is on-going, and is scheduled to run until 2021.

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3. COMMUNAL LANDS

THE ISSUE

Communal lands refer to shared agricultural and grazing areas, water points, corridors for movement, and so forth – essentially meaning any land-based resources shared amongst local users and communities. In East Africa, these resources have often been used according to customary and informal agreements between users, with access being either continual or at times inter-temporal – as is the case with pastoralists.

However, shifting demands on the land and its resources, alongside changes in socio-ecological systems, have led to a dismantling of pastoral commons across East Africa¹. Gradual shifts, such as the increasing agricultural sedentarism and adoption of agricultural practices by semi-nomadic pastoralists have eventually led to conflict with other land users². Other changes to the structure of communal management have been abrupt, with disturbances to existing socio-ecological systems, such as civil war or drought, leading to sudden shifts in tenure regimes³. As a wider trend, this has also partly been driven by the institutionalized concept of the ‘tragedy of the commons’ (Box 3). Such an approach leads to a lack of recognition in some policies of the ability of communities to self-manage their shared lands sustainably. In East Africa, many pastoralist areas and land management practices have actually been perceived as degrading to the natural environment by other land users and governments, though evidence shows that this is not necessarily so (see Case Study 4.1).

Within shared lands, secure land rights not only refers to individual private rights, but also to communal use and access at the village or community level, inclusive of shared resources⁵. Security of land tenure and resource rights are necessary for local users to be able to establish and manage sustainable practices⁶ for these communal resources. When customary systems fail at ensuring tenure security, groups like women and the poor can be threatened by displacement, and have

sometimes demanded state intervention for the legal establishment of their statutory tenure². Any unstable tenure regimes create difficulties in establishing or continuing SLM practices over a longer period of time in communal lands.

MOVING FORWARD

When changes in use and access to common resources threaten tenure security in communal settings, consideration must be given to how to establish, monitor, and enforce a system that works for the users and allows for SLM. One overarching framework is the relatively well-known set of 'Principles for Managing a Commons' (Box 3.2).

In response to the restructuring of the commons that took place across sub-Saharan Africa since the 1980s¹, the concept of the 'new commons' has now arisen¹⁰. Broadly defined, it refers to shared resources that have recently been recognized as commons, and thus lack pre-existing rules or clear, stable and consensual institutional arrangements¹¹. This concept recognizes that there may be competing land governance values and incentives amongst the users that need to be negotiated when establishing new tenure rights and access.

Organisations like Landesa (www.landesa.org) work across Africa to support efforts in clarifying and securing communal land rights. This includes the East African countries of Ethiopia, Kenya, Rwanda, Tanzania, and Uganda. For example, jointly with the World Resources Institute (WRI), they have established an educational web-based tool for practitioners to understand how tenure can affect land and development (www.focusonland.com). On the ground, existing institutions including CSOs and non-governmental organisations (NGOs) work

with communities to help them access statutory frameworks and secure tenure (see Case Study 3.3). Examples from Kenya and Tanzania (see Case Studies 3.1 and 3.2) show how empowering local communities and land users to collectively protect their communal land rights enables them to establish or scale up SLM practices.

Box 4: Ostrom's Principles for Managing a Commons⁷

- Define clear group boundaries without external/unentitled parties;
- Match rules and structures that govern use of common goods to local needs and conditions, and the resource environment;
- Ensure collective-choice arrangements enable those affected by the rules to participate in their modification;
- Enforce rules through effective monitoring by individuals who are part of or accountable to the appropriators;
- Ensure violations are punished through graduated sanctions;
- Establish low-cost, accessible conflict resolution mechanisms;
- Ensure that the self-governing rules are respected by external and higher authorities;
- Embed nested, multi-level responsibility from the lowest level up through all connected systems.

See Walljasper 2011⁸ and Chow and Weeden 2012⁹ for more discussion.

Box 3: Tragedy of the Commons⁴

Common-pool natural resources that are not owned by the government or privately may be subject to exploitation by individuals acting in self-interest and who seek to reap benefits for themselves from it, in an unsustainable manner. Using the example of pastures, Hardin argued that such overuse by a collective number of individuals would lead to the eventual degradation of the land, preventing any future users from enjoying its associated benefits.

Case Study 3.1

COMMUNITY LAND RIGHTS OF THE ENDOROIS (KENYA)^{12,13}

Sandstorm on western shore of Lake Baringo Kenya

The Endorois people are a group of roughly 10,000 semi-nomadic pastoralists who are part of the Kalenjin tribe in Kenya. They traditionally inhabited pastoralist lands around Lake Bogoria in Baringo county in the Rift Valley region, which was comprised largely of green pastures and salt licks for their cattle in addition to historical prayer sites. In 1973, the Kenyan government evicted over 400 families of the Endorois to make way for a game reserve. Kenya Wildlife Service had agreed to provide them with 'fertile' land elsewhere, in addition to 25 per cent of the tourism revenue and 85 per cent of the jobs from the reserve, but – excepting some small compensation given to certain families – this never materialized.

As a community, in 1997 the Endorois then went to Kenya's High Court seeking compensation from the local county councils that had held the land in trust for them. The High Court refused to recognize their communal title or claims on the basis of their pre-colonial occupation, arguing that the compensation paid negated any claims. Notably, they only referred to the Endorois as 'individuals affected', rather than as a community.

After a failure of responsive action at the national level, the Endorois petitioned the Africa Commission for Human and People's Rights in 2003 for their rights as indigenous people to the land. They had legal and technical support from a number of domestic and international NGOs, including the Centre for Minority Rights Development, Minority Rights Group International, the Centre on Housing Rights and Eviction, and the International Network on Economic, Social, and Cultural Rights.

In 2010, the African Commission found that the Kenyan government had violated the Endorois' right to development, religion, property, and the practice and enjoyment of their culture. The commission recommended the government recognize their ownership rights, restitute them to their ancestral lands, ensure unrestricted access for grazing and religious/cultural practices, pay compensation for losses in addition to royalties from the game reserve, register them as a community, and work with them on the implementation of these recommendations.



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Such a finding was notable for two reasons: it was the first ruling of the commission to recognize indigenous people and their collective rights to ancestral land and natural resources, and it was the first international ruling on the right to development (with the Banjul Charter and the UN Declaration of Human Rights).

This ruling took place against the backdrop of Kenya's new 2010 Constitution which recognized communal land tenure as equal to other types of land ownership in terms of rights. The 2013 National Land Commission further established frameworks for recognising and protecting community land rights, and the 2016 Community Land Act addressed pre-existing customary land rights, requiring the registration and recognition of communities as legal bodies in order to administer and manage communal land.

However, the African Commission ruling is non-binding and has yet to be implemented by the Kenyan government. So despite the national legal and constitutional frameworks and the mechanisms of the international community which found in favour of the Endorois, they had yet to see the benefits eight years later. This highlights the necessity of implementation actions for all involved stakeholders that can realize land rights for the users, even beyond that of legal mechanisms, which can fail to materialize in practice. This can be supported by NGOs and CSOs, such as those which helped facilitate the Endorois' claim in the first place. This can also be backed through targeted financial support from international communities. For instance, in 2019, UNDP and the Global Environment Facility (GEF) announced their sixth operational phase of the GEF Small Grants Programme in Kenya. This is a USD 4 million programme aiming to support community-based approaches towards sustainability around Lake Bogoria, with built-in recognition of indigenous communities such as the Endorois¹⁴.

Case Study 3.2

NGITILI AGROSILVIPASTORAL SYSTEMS (TANZANIA)^{15,16,17,18}

Livestock grazing in a restored Ngitili system in Tanzania



© Lolisa A Duguma

The Ngitili landscape restoration work that took place in Tanzania between 1986–2001 is a well-known reference for customary land tenure and SLM at the community scale in Africa. One aspect of this work focused on the Meatu district in Shinyanga. This is a semi-arid region in northern Tanzania covering 5.4 per cent of the total land area of the country, but with about 80 per cent of the livestock¹⁶. It is mostly comprised of hills and grassy savannah woodlands, with a mix of thorny, deciduous shrubs, and trees. Rainfall is erratic and there is evapotranspiration and surface runoff.

Common crops were traditionally maize, sorghum, bulrush millet, cassava, rice and chickpeas. A majority of the local economic activity was derived from their cultivation, alongside other cash crops, cattle rearing, and mining. Cattle also acted as a measure of social standing and were a common currency in brideprice.

Meatu's population is predominantly the agropastoralist Wasukuma, who formerly maintained a system of small individual agricultural plots in addition to communal or private grazing lands¹⁵, and relied on the land for their sustenance and livelihoods¹⁶. Ngitili comes from a Sukuma word meaning 'enclosure' or 'fodder reserve'¹⁹ and is a traditional land management system that

involves closing off areas of vegetation during the rainy season, and re-opening them for dry fodder use at the peak of the dry season²⁰.

Between the 1930s and 1960s there was extensive land degradation in Meatu driven by increasing population, insecure tenure rights, government-organized woodland clearing to manage tsetse flies and trypanosomiasis, resource exploitation as a result of cash crop expansion, increasing demand for wood, and deforestation for inhabitation^{17,19}. During this time, the whole of Shinyanga became known as 'The Desert of Tanzania'. Many of the goods and services provided by the woodland and trees were lost¹⁹, and the largest challenge for the agropastoralists became the shortage of fodder in the dry season, which was compounded in years of less rainfall¹⁵.

Thus, in 1986, it was decided to apply the traditional agropastoral *ngitili* system which had been historically known to improve soil ecology and stability and enhance local biodiversity¹⁵. The farmer-led system became part of a government initiative called Hifadhi Ardhi Shinyanga – HASHI – which means 'soil conservation' in Swahili. It emphasized optimising fodder and grass production, in addition to other select vegetation, by keeping an area of standing vegetation throughout the duration of the rainy season.

Trees were protected to create shade for pastoralists and their animals, buffer heat and aridity, and generally increase the tree stock after years of tree loss. Many tree and shrub species in this ecosystem also provide fodder, and they were particularly protected. Individual sites ranged from 0.2 to 20 hectares, with communal sites up to 50 ha, chosen based on availability, proximity to households, and ease of protection. Once selected, the sites were then closed and protected for the duration of the rainy season, requiring little to no management.

Boundaries were usually not strictly marked, as most of the population respected the system. The management was overseen by community assemblies called *dagashida*, who also undertook conflict resolution through dialogue involving elders¹⁷. Any necessary enforcement was undertaken by traditional local guards (youth and adults) called *sungusungu*, with penalties meted out according to village by-laws. Environmental committees were established at the village level which monitored the restoration activities. Community-agreed rules were set up to determine how and which quantity of products were to be harvested, as well as by whom and in which circumstances. Benefits often went to public infrastructure, such as roads or schools, with surplus going equitably to community members¹⁷ – although there have been cases of inequality reported between private and communal lands¹⁸.

Originally the system was established across just 611 ha²⁰ but by 2005, some 300,000-500,000 ha had been restored across 833 villages. Up to 90

per cent of the 2.25 million people living in them had access to a village, family or individual *ngitili*¹⁹.

The programme received political support at the national level with policy provisions and financial resources¹⁶. Other governmental bodies and NGOs also supported the endeavour, including the Ministry of Environment and Natural Resources, Natural Resources and Agroforestry Centre (NAFRAC), local district authorities and village governments. There was technical support in implementation from the World Agroforestry Centre (ICRAF), and financial support from the Norwegian Agency for Development Cooperation (NORAD). However, the success of the programme was largely due to fact that the mechanisms for establishing, monitoring, and enforcing *ngitili* were rooted in existing customary land governance traditions and derivative village by-laws.

These instruments were internally rather than externally imposed, which appears to have led to a sense of community ownership that encouraged adherence¹⁵. This adherence was further bolstered through the application of the detailed natural resource management knowledge that the population had already previously developed and was familiar with. The *ngitili* system ensured that benefits sharing was fair and equitable, and that all members were engaged in management²⁰. This being said, the sustainability of the local knowledge that drives the system is unclear¹⁹ and appropriate land governance frameworks must be put in place in order to ensure that it can carry forward and be part of achieving LDN in this area.

COMPENSATION FOR TERRITORIAL INVESTMENTS THROUGH COMMUNAL LAND ASSOCIATIONS (UGANDA)²¹

Karamoja is a sub-region in the northeast of Uganda that is primarily rangelands. It also has many natural resources, such as gold, marble, iron, tungsten, oil and gas. The 1.2 million inhabitants are largely pastoralists and agro-pastoralists, who hold over half of the land area as communal lands through customary tenure. These lands are not marked or formally registered, leaving the Karamojong people exposed to land grabbing and rights violations. Over 62 per cent of the sub-region has been licensed for mining to over 51 companies – though most of these are speculators and so not all have engaged in activity on the ground yet²².

In Uganda, the 1998 Land Act legalized the formation of an entity called a Communal Land Association (CLA) under which a group of individuals may manage communally owned land; this type of land-managing entity is further supported by the Land Regulations of 2001, which lay out the framework to form, register, and dissolve such entities. The establishment of these CLAs allowed for registered claims to the communal lands and are an example of inclusive decision-making through a democratic institution that allows local users to participate in land governance.

To support local land users in Karamoja, a consortium of CSOs and individuals called the Uganda Land Alliance (ULA) started working with local communities in 2008 to establish 52 CLAs in four districts. This was accomplished through the following steps:

- **Awareness-raising:** for four years ULA held sessions in the community on land rights, and on how CLAs were a tool for them to protect that. The communities were mobilized and supported by district-level leadership.
- **Community mapping:** with funding from the international community (Dan Church Aid and Ford Foundation), the ULA, communities, elders, and ALCs undertook the mapping of communal lands and resources. This included boundaries, grazing areas, water points and areas of religious importance.

- **CLA formation:** once local leaders indicated that they were ready to start the process, statutory land administrators and the ULA worked to establish management committees, which had nine members – three of which had to be women. The creation of the CLAs included procedures and a constitution, which were legal requirements of the 1998 Land Act.
- **Capacity building:** elders, ALCs, District Land Boards, and other government officials took courses to ensure they could perform their roles.
- **Negotiations:** with their legally established rights, some of the CLAs have started negotiations with investors interested in their lands. As some are potentially predatory, this can help protect their land rights. For example, in the Kaabong district, a tourism company had laid claim to land by forging local leaders' signatures, but the CLA successfully prevented them from carrying out unlawful activity.

Accessing their statutory land rights through CLAs empowered the communities to legally protect their communal lands. This tenure security provides a mechanism for the Karamojong to collectively take steps to ensure the viability and long-term use of the lands they share, providing an enabling environment for LDN.

This case study demonstrates how actors can successfully achieve the linking of customary and statutory tenure, using existing structures, mechanisms, and institutions. In Karamoja, there is also low literacy, high poverty, and insufficient women's participation, gaps which highlight how care must be taken to consider local-level challenges both in implementing these mechanisms, but also in ensuring their sustainability.

Notably, this was the first time any CLAs had been established in Uganda and it sets a precedent for others across the country to formally register their land rights, incentivising people to make SLM decisions, knowing there are mechanisms to prevent choices being made about their lands without their participation.

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4. PASTORALISM

THE ISSUE

Pastoralism refers to keeping livestock on pastures as a primary source of income and sustenance, and has historically been a common and traditional lifestyle across the rangelands of East Africa. Contributing to food security and nutrition, particularly in the arid and semi-arid regions¹, it supports up to 20 million people, accounting for an estimated 75 per cent of cattle herds in Kenya, and 90 per cent in Tanzania².

The relationship between pastoralists, livestock, and the land in East Africa is complex and has shifted significantly in the past century due to changes in the physical and social landscapes³, with colonisation disrupting many of the traditional boundaries and practices. For instance, in the early 1900s the British expropriated more than half of the Masaai's tribal lands for white settlers, including some of the most productive agricultural land, in what became known as the 'Maasai Moves'⁴. Even after independence, most lands were not returned to their original users, and the landscapes had been permanently altered from their original state.

More recently, pastoralist societies have been facing newer pressures that affect their ability to maintain traditional land-use systems. These include population growth, loss of land to other users (farmers, ranchers, game parks, urban growth), increased livestock commoditization, emigration of poorer pastoralists, and relocation as a result of drought, famine, and civil war^{4,5,6}. Arguments have also been made that both international and domestic pressures for privatized land and the parceling of communal lands compound these issues, with land tenure matters being of major concern for pastoralists. Their mobile lifestyle is also challenged by newly enforced boundaries and demarcations of lands that they previously had access to. The ability of pastoralists to continue to manage herd movement in light of these issues is perhaps the greatest

challenge to their tenure security⁷ and approaches to land governance.

In addition, there are land actors who perceive pastoralism as degrading to the environment rather than beneficial or even neutral (see Case Study 4.1). This includes governments, with some policies reflecting the belief that transhumance pastoralism is ‘incompatible with ecological health’⁸. This results in a transformation of pastoralist lands to agricultural settlements with reduced livestock numbers. As was the case with the Maasai Moves, pastoralists also continue to be re-settled to make way for large-scale land acquisitions³. In some cases, the establishment of national parks or conservation areas overlap with pastoralist’s customary grazing lands, leading to tension and conflict. As a result, pastoralists are amongst the poorest and most vulnerable populations worldwide⁹ and often experience threats to their food security and livelihoods, despite the diversity of initiatives aiming to help them cope and prosper⁶.

MOVING FORWARD

There is increasing evidence that pastoralism is a critical component of environmental conservation approaches, and in fact planned livestock herding is vital to the sustainable management of rangelands⁷ when undertaken at low-medium levels¹⁰. There are also cases to be made for the economic benefits of sustainable pastoralism in arid and semi-arid environments^{11,12,13} like that of East Africa. Some argue that the constraints placed on pastoralism, such as livestock mobility limitations or loss of access to key resources, have actually resulted in increased land degradation from livestock grazing^{9,14,15}.

Many East African pastoralists are trying to respond to these challenges with increased economic diversification, including agro- or silvo-pastoralism, wage labor, and increased market integration. However, this can result in increased social stratification and urban migration, as well as in diminished nutrition for women and children⁵. Nonetheless, when carried out appropriately, there is evidence that constructive interaction and suitable compromise amongst types of land users can be found, for instance, with pastoralist livelihoods benefiting from wildlife revenues⁹ (see Case Study 4.2).

In the context of LDN, productive and sustainable pastoralism requires access to and security of land

tenure. Pastoral land rights normally include access to necessary natural resources, such as water points, pastures, and routes between seasonal grazing areas, settlements, and markets⁴. These customary tenure agreements often entail mixed communal lands and individual ownership.

Where they do exist, pastoralist land rights and access vary considerably across East Africa. For example, the constitution in Ethiopia specifically recognizes pastoralists’ rights to grazing land alongside the right not to be displaced, whereas the Kenyan and Ugandan constitutions do not⁶. Consequently, in places such as Kenya and Tanzania, traditional pastoral interests are represented by active civil societies who are making great efforts to improve land use, secure tenure, build political for a, and educate and empower local communities³. Pastoralism requires flexibility in the political and governance framework around land tenure and management, so the challenge remains how to reconcile pastoralists’ customary tenure with statutory mechanisms without losing flexibility⁷.

Additionally, all community-level efforts for secure tenure and SLM should seek to include pastoralists where they have access to – or customary tenure of – lands that are part of the community, even if such access/tenure is temporary or seasonal¹⁶. Finally, when undertaking land governance decisions that affect pastoralist societies, alongside other major groups like women (see Chapter 5), they must be considered in their diversity¹ and not as a homogenous group.

As regards large-scale land acquisitions, there are international bodies and technical guidelines that aim to support pastoralist societies, enhance tenure security, and adopt SLM practices. For instance, the FAO has published a technical guide called ‘Improving governance of pastoral lands’ which aims to provide concrete ways for the VGGT to be implemented in pastoralist environments⁷. Organisations like International Livestock Research Institute (ILRI) and the International Union for the Conservation of Nature (IUCN) work actively in East Africa to support sustainable pastoralism and equitable governance regimes (see Case Studies 4.1 and 4.3). There are also a number of informal support networks – for instance, the Coalition of European Lobbies for Eastern African Pastoralism (CELEP) is an advocacy group of European organisations and specialists partnering with pastoralist organisations and specialists in Eastern Africa. (www.celep.info).



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"Adapted and resilient pastoral systems – which include critical functions such as soil fertilization, wider seed dispersal, improved groundwater infiltration, landscape maintenance and compatibility with local wildlife – are estimated to be two to ten times more productive per unit area and resilient over a longer period than some of the alternative land uses such as crop farming and mining that have been proposed to replace them.⁷"

Case Study 4.1

POLICY SUPPORT FOR TRANSHUMANCE AND THE ENVIRONMENTAL BENEFITS OF PASTORALISM (SUDAN)^{14,15}

A farmer in Karbab village, South Darfur, greets the arrival of Tanzanian troops to an area where livestock were stolen from residents



© UN Photo/Albert Gonzalez Farran

Darfur is located in the west of Sudan, which it joined in 1916. It is primarily desert in the north and rich savannah in the south, punctured in the middle by the Jebel Marra Mountain. The population has grown rapidly in the past 50 years, mirroring trends across Sudan. With a population of 1.3 million in 1973¹⁷ (UN 2010), Darfur had grown to 8.2 million people by 2011¹⁸, and has continued to grow since.

The people have traditionally been spatially located according to natural resource access and availability, but political upheavals and conflict have greatly affected these distribution patterns. Alongside other stressors like droughts and climate change, this is placing increasing pressures on the land and land-based resources in locations where populations are increasingly settling.

In terms of land use, there are four major systems in Darfur: Qoz (stabilized sand dunes) and Wadi

(seasonal water courses) farming, household millet cultivation and animal keeping in North and South Darfur; mixed farming, i.e., terracing allowing for simple irrigation systems in Jebel Marra; camel pastoralism, which occurs primarily in the north; and cattle pastoralism, which occurs primarily in the south.

The modern tenure system is rooted in the 19th century Fur Sultanate, which gave large pieces of land called Hawakirs to highly ranked members of society. During the colonial era, the Government identified four levels of land ownership: i. tribal land (communal ownership); ii. private Hawakirs (within the tribal land); iii. Clan Hawakirs, and; iv. Ghifar land (wasteland) overseen by the native Administration. Tribes each occupy an area (Dar) managed by their chief, which led to facile conflict resolution. Individual members were allocated land for cultivating, with some left for communal use, which included pastoralism in the grazing lands of

each Dar. People farmed continuously to maintain tenure, as abandoning land would lead to loss of such.

However in 1970, the Unregistered Land Act indicated that any unregistered land was government property until registered, though local use was still permitted. The tribal and land tenure system was also abolished at this time, leaving behind structural land management issues that were further exacerbated by severe droughts for the next two decades. It took over a decade and a half before usufruct rights and benefits were recognized and protected under the Civil Transactions Act in 1984.

Despite these upheavals and changes to the tenure regime, pastoralism continued to be practised across Sudan, with the style of pastoralism largely determined by rainfall intensity and distribution. These included:

1. **Agro-pastoralism:** cultivation and animal husbandry, with limited roaming.
2. **Transhumance:** semi-nomadism, with some of a family moving with the herds, while others remain behind and cultivate the land.
3. **Nomadic:** regular seasonal movement, driven by environmental factors and including both cattle and camel pastoralists.
4. **New patterns:** permanent and seasonal ranching systems introduced for people to benefit from mechanized agricultural project by-products.
5. **Transboundary:** some pastoralists historically shared communal lands with the Central African Republic, Eritrea, and Ethiopia.

In both Sudan and Darfur, policy and decision makers considered pastoralism to be a main cause of land degradation, and pastoralists have often been accused of such. However, PAS 2007¹⁹ argued the underlying cause of pastoralism-induced land degradation is actually the disruption of the grazing systems driven by limitations on mobility and resources, and weakened management capacities of customary institutions. This has been further compounded by agricultural expansion, population growth, and conflicts. Overall, little attention has been paid to policies surrounding natural resources. Despite land degradation being a major concern, the absence of integrated land-use policies in Darfur ended up leading to a noticeable lack of solutions by the early 2000s.

As a result, increasing competition for space and natural resources ended up causing conflict between farmers and pastoralists. Triggers included the trespassing of herds on cultivated land, scarcity of natural resources, shortage of water in rangelands, cultivation of land around pastoral water sources, etc. With the ongoing Darfur War alongside the conflict in South Sudan, migration routes were further limited, causing overlap between pastoralist populations. Particularly in the south of Darfur, conflicts frequently took place along transhumance routes in autumn.

In response, the government issued a presidential decree in 2005 (No.20/2005), with the aim of creating a multidisciplinary, multi-stakeholder administrative committee to oversee nomadic route delineations in Darfur. Their mandate was to demarcate and map the routes, solve problems encountered, and execute development activities. This was to be undertaken with an understanding of the friction between farmers and pastoralists, in consideration of historical and traditional rights, as well as demographic changes impacting land ownership. Sub-committees were set up for the states of Darfur, following the process described next.

Two consultations were held involving Native Administration leaders at different levels, farmer and pastoralist unions at state and local levels, universities, elites, agricultural research stations, military forces and information offices. Cost-benefit analyses were carried out where possible to determine the viability of the proposed actions. Based on these, a set of proposals were eventually submitted to and approved by the Federal Minister of Interior Affairs. The proposals included details of:

- Services/developments along the routes (provision of drinking water, natural vegetation rehabilitation, education, healthcare, security services, veterinary services).
- Demarcation of routes by fixed cement posts (1-3 metres high for a path of 150 metres width at intervals of 1-3 kilometres).

Delineation was carried out alongside the amendment of existing laws and local orders to accommodate the necessary changes. Of the planned 2,229 kilometres of routes, 68.5 per cent were reported as being built, with monetary compensation given to farmers affected by the formal route establishment.

Table 2: Pastoralist policy lessons learned in Sudan

Lessons learned	<ul style="list-style-type: none">▪ Achieving peaceful resolution to resource-based conflicts can directly impact environmental rehabilitation and protection.▪ Policies that improve security and ease of movement in grazing lands can trigger the adoption of similar practices elsewhere.▪ Participatory and representative multilevel approaches contribute to positive policy changes and ensure marginalized pastoralists an effective voice in influencing decisions that affect their lives.▪ NGO involvement enables modified sustainable development policies to capture regional and national capabilities and opportunities.
Recommendations	<ul style="list-style-type: none">✓ Strengthen participation of grass roots beneficiaries.✓ Establish reliable data, information, and assessments.✓ Give special consideration to water harvesting and use.✓ Ensure routes registered and overseen by State Range and Pasture Administration.✓ Restructure higher committees at state or local levels to incorporate extension, monitoring, evaluation, and community development units.✓ Work to ensure community understanding of shared resources.✓ Create inclusive local and state resource management organisations.✓ Allocate development funds with diverse portfolios to finance community intervention proposals.✓ Establish inclusive patrolling teams to monitor routes.✓ Generate stronger environmental awareness amongst decision-makers, especially as it pertains to pastoralism and degradation.✓ Improve coordination mechanisms between farmer and pastoralist unions and other land users.✓ Consider lessons learned and develop a common vision.

A number of constraints were realized during the implementation phase, including a lack of reliable transportation, high expenses for the physical posts, disharmony between technical and military teams, delay in routes due to rain, poor coordination between the Ministry of Agriculture and the Ministry of Physical Planning, insufficient financial support and incentives, lack of local committee incentives, and lack of partnerships between government and NGOs.

However, this endeavour has led to a set of lessons learned and ground-truthed recommendations for future policies and practices around LDN for pastoralists in Sudan and beyond (Table 2).

Ultimately, the work concluded that ‘government intervention to protect transhumance, uphold pastoralists’ land rights, and improve relationships between resource users can have far reaching benefits on the environment, human welfare, and overall development of dryland regions¹⁵.’

This case study was presented within a set of global studies across pastoral areas of Bolivia, Mongolia, Niger, Tanzania, and Switzerland, all of which aimed to highlight that environmental outcomes in dryland environments are often driven by more general enabling policies (e.g., devolution of decision-making to pastoralists) than direct environmental policies, arguing for underlining best practices that can translate across scenarios to achieve appropriate land governance.

RENTING OUT TRADITIONAL GRAZING LANDS FOR WILDLIFE TOURISM (KENYA)^{20,21,22}

The Maasai Mara is an ecosystem in south-western Kenya that includes the Maasai Mara National Reserve. Private and communal lands are either wildlife conservation areas within conservancies, communal pastoral grazing areas or mixed pastoral/agricultural areas. Both are found within the Maasai Mara. Bordering the reserve is an area called the Olare Orok Conservancy, composed of open grassland and acacia woodland savannah.

Here, and across the Mara, natural resources have faced numerous challenges relating to land-use and tenure in the past few decades. These include the expansion of large and small-scale agriculture, increasing populations alongside a shift from semi-nomadism to settlements, and the 'privatisation and sub-division of large pastoral rangelands under collective tenure to small parcels under individual and corporate tenure, driven by a desire for security through legal titles and user rights²¹.'

However, with wildlife a lucrative part of the tourism industry in Kenya, five tour companies grouped together and formed a land-leasing agreement with individual pastoral landowners in the Olare Orok Conservancy. Landowners collectively and voluntarily agreed to exclusively lease their lands for high-end wildlife tourism in exchange for payment for ecosystem services (PES). This included voluntary resettlement elsewhere, alongside an explicit agreement not to graze within the defined boundaries.

In return, individual pastoralists were directly paid a fixed annual rate, regardless of whether or not tourists came. The first agreement, in 2006, was signed for a period of two and a half years, at a rate of USD 33/ha/yr. After this first trial period, it was resigned for a further period of five years in 2009, at a renewed rate of USD 36/ha/yr. A revised contract of 15 years was offered in 2011 at a renegotiated rate of USD 41/ha/yr, which 90 per cent of the land owners agreed to.

There were concerns that displacing large numbers of livestock to pastoral commons could worsen degradation in these areas and/or lead to conflict amongst the herders. Concerns were also raised that wealth and livestock disparity might be exacerbated by this approach, as herders might have been excluded from the agreement if they did not have land elsewhere to resettle on. They may then resent the presence of extra herds on the commons with no benefit to them. However, the conservancy area itself is not traditionally favoured for grazing, as tsetse flies are present, so it was not expected to have too large of an impact.

While the agreement largely worked, some conflicts did indeed arise, including when some individuals wanted to or did leave the lease agreements. As the conservancy was a large block of land composed of individual plots, individual departures from the agreement left issues with internal access, as the continuity of the space was affected. There were also grazing violations – particularly during drought periods – for which individuals were fined USD 55.3 per violation, although a number of said violations were from households who were not part of the agreement.

These minor conflicts notwithstanding, research indicates that by diversifying the pastoralist's source of income, the benefits prevented some households from slipping below the poverty line, as it provided stable cash flows regardless of climatic or environmental variability. Moreover, it has been suggested that pastoralists are likely to invest the extra income back into their livestock²⁰, further bolstering their income and resilience over time. Participants also had to open bank accounts to participate in the agreement, which opened up previously untapped opportunities for loans or credit lines for the pastoralists. In the end, the land-use exchange and collaboration between these small private sector companies and the pastoralists ended up creating overall mutual economic benefits and created a degree of resilience for the local land users.

SUSTAINABLE RANGELAND MANAGEMENT (TANZANIA)^{23,24}

In Tanzania, pastoralism accounts for the livelihoods of more than 10 per cent of the country's population. However, insecure land tenure is a driver of food insecurity for many of the country's pastoralists, agro-pastoralists and small-scale crop farmers. This tension has been known to cause conflicts between these groups, and even lead to violence and death.

To address such issues, the Sustainable Rangeland Management Project was established in 2010 in the Dodoma, Manyara, and Pwani regions with support from the International Fund for Agricultural Development (IFAD), the International Land Coalition (ILC), and others. Through improving land tenure security, the project aimed to establish village land-use planning and certification through the issuing of certificates of customary rights of occupancy (CCROs). A key innovation developed was the process of joint village land-use planning which supported the planning of shared resources across village boundaries, such as grazing and water-use. This formed the basis for the issuing of group CCROs, which are more appropriate for communal land and resource governance. Traditionally, such processes have been difficult to achieve in the country, with only 2.1 per cent of Tanzanian rangelands being protected for grazing in 2013.

Between 2010 and 2015, the project helped nine villages to establish village land-use planning in Kiteto (a district of the Manyara region), leading to the implementation of joint village planning across three villages, as well as the protection of a shared grazing area covering 20,706 ha. The planning process began in 2013, in three villages which share boundaries and grazing resources – Lerug, Ngapa, and Olkitikiti. To recognize their shared identity, the process was called OLENGAPA. The inhabitants are mostly Maasai pastoralists, who are semi-nomadic within and slightly beyond the area of the villages.

The project first worked with the villagers to undertake participatory mapping of the shared resources²⁵. Village members developed a collective agreement over the individual and joint land-use maps and plans, as well as a joint

land-use agreement, which included protection of the shared grazing area, water points and livestock routes, together with by-laws regulating their usage. In 2017, a fourth village joined the cluster, expanding the area to 30,000 ha. Following this, the OLENGAPA Livestock Keepers Association was established, to include those that have livestock and use the shared grazing area. In 2018, the first-ever group CCRO issued through the joint village land-use planning process was provided to the members of the association by their respective village councils. Committees have also been established to manage grazing, finance and other issues.

The project is currently in the last year of its third phase (2016-2020) working through the Ministry of Livestock and Fisheries, the National Land Use Planning Commission, and NGOs, led by ILRI. In late 2018, joint village land-use agreements were established in two more clusters of villages protecting another 120,000 hectares of land. In its final year, the project aims to secure three further clusters.

At the same time, the project contributes to the ILC's Tanzania National Engagement Strategy as part of a larger programme on inclusive land governance. By working with local and national governments, the project goals include influencing policy and legislation to secure the rights and mobility of all rangeland users, and involving them inclusively in decision-making. It also aims to undertake capacity-building of local actors. The ILC's wider Rangelands Initiative further assists with cross-country and -continental exchanges, including with other ILC members and partners in similar contexts through learning visits, study tours, and accessible dissemination of findings.

Ultimately, the project aims to shift thinking in Tanzania towards being supportive of the land rights of rangeland users, highlighting the benefits and opportunities of investing in pastoral systems. There are similar examples, also from Tanzania, which demonstrate the viability of this model in other communities²⁶.

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5. GENDER

THE ISSUE

It is reported that women only have access to about 20 per cent of land worldwide¹, a number which falls to 12.8 per cent in rural areas². In East Africa, there are several barriers and obstacles to women's access to land tenure and security^{3,4}, which drive a formal lack of ownership or recognition of women's land rights and role in land governance. In rural areas, women are often farmers and herders, and as such are the primary users and managers of the land, yet often have the most marginal lands with the least secure tenure⁵. Women are also often forced to take risky journeys further afield to find arable land when there is degradation, and as such are disproportionately affected by unsustainable land management.

Historically, patriarchal customary practices and norms have broadly disadvantaged women in East Africa from participating in decision-making, consultation, negotiation and benefit-sharing in matters of land-use and management decisions⁶. There are issues involving the dualism of tenure regimes, and the conflict between customary and legal provisions, which predisposes women to losing their land even through the judicial process, which is also expensive. Power relations between spouses, and/or with extended members of the family, have seen women disinherited of their land and even suffering violence.

While these practices are shifting, in many places they continue. Less access to education and lower literacy rates can inhibit women's access to gain and share information about their land rights and access to technology, services, resources, credit, and markets⁵. Further challenges include the low value given to women's labor and provision of subsistence farming and products.

Mama Neema, who received training on land and property rights in Tanzania, and now owns her plot of land after a 20-year struggle

Table 3: Distribution of ownership and access to land for women in East African countries
(Source: FAO Gender and Land Rights database)

	% of female agricultural holders	% of female landowners	incidence of female agricultural owners (sole or joint ownership)		% of female owned household land (sole or joint ownership)		household land owned by % value (sole or joint ownership)	
			sole	joint	sole	joint	sole	joint
Uganda	16.3 (1999)	49.6 (2011)	31-39 (2011)	9.1-14 (2011)	18 (2009/10)	48 (2009/10)	15 (2009/10)	51 (2009/10)
Tanzania	19.7 (2002)	45.2 (2013)	13.2 (2013)	31.7 (2013)	16 (2010/11)	39 (2010/11)	18.9 (2010/11)	37 (2010/11)
Ethiopia	19.2 (2011/12)	-	12 (2011)	50 (2011)	15 (2011/12)	39 (2011/12)	-	-

Data unavailable for Kenya, Sudan, South Sudan, Somalia

Lack of secure land tenure rights has long been recognized as a key constraint to engaging women in SLM, as it prevents them from making long-term decisions about resource-use and management⁵, and thus participating in land governance decisions. Across East Africa, women's rights to land are frequently only defined through their male relatives, even though female farmers in these areas have secure land access and the rural areas they inhabit experience higher incomes, better living conditions, and economic development¹. Even where it does exist, women's property ownership is complicated and often only partial: a woman may have the right to farm a piece of land and pass it on to her children, but not to sell it without permission from her husband or male relatives⁷. It is thus not just access to land which is an issue for women, but control and ownership of it^{8,9}, as well as the extent to which they are able to participate in land governance frameworks.

These social issues can be compounded by institutional barriers that ignore the multiple issues women and disadvantaged groups face. For example, women working in Ugandan agriculture told their government in early 2019 that many rural women still lack access to land registration and titles because official documents are in English and not their local languages¹⁰. Conversely, it has been noted elsewhere that devolving the allocation of certified titles to the local government has encouraged women to apply for and own land^{11,12}.

In Tanzania, less than 20 per cent of the land is registered to women. The Village Land Act prohibits discrimination on the basis of gender, but customary patrilineal practices that restrict their access to property and land rights are still quite common¹³. Ethiopia has relatively gender-equal levels of

land ownership, in part due to recent government policies, such as that of community programmes that allow for joint land registration. Kenya has a progressive approach to gender when compared to other African nations and has advanced significantly – in fact, men used to be legally entitled to sell jointly owned land without involving their wives.

In an overview of women's rights and land in 2011, the International Development Research Centre noted that "Kenyan researchers felt a major issue between customary and statutory laws... Ugandan researchers were concerned about lack of implementation of laws intended to promote gender equality... and Rwandan researchers felt the government's reconstruction and reform process presented an opportunity for influencing developments." How much institutional capacity exists in any given country may also determine the type and extent of challenges for rural women in accessing land rights⁸. Understanding this complex landscape is necessary to effectively improve tenure security, as well as for the creation of an enabling environment for LDN.

A further challenge is that the literature often treats women as a homogenous group in relation to land, though many face differing problems, needs, and conditions when trying to achieve tenure security¹⁴. As with any aspect of implementing practices around land governance that lead to LDN, there has to be a recognition of the different relationships between women, the land, and their rights throughout East Africa, particularly at the sub-national and community levels.

A degree of caution should thus be employed with regard to the formulation of evidence-informed policies to improve women's tenure security in

Box 5: Gender-sensitive SLM indicators⁵

- Ownership and access to land (and/or credit) by women.
- Number of poor households that are project beneficiaries; number headed by men/women.
- Income-producing opportunities associated with the SLM strategies introduced; used by men/women.
- Increase in non-agricultural employment and incomes of women.
- Actual income increases due to project, for men and women.
- Financing available to men and women for adopting SLM strategies.
- Effects of project on primary school enrolment, attendance, and performance, for boys/girls.
- Number of executed outputs in management proposed by women.
- Effect of project on time spent by women in household activities.
- Effect of project on total daily workload of women.
- Changes in decision-making power of women in household, community, government.
- Literacy and skills training for women/men.
- Use of biological methods to improve soil fertility and control pests; reduction in land degradation, better soil health.
- Reclamation of eroded agricultural land; forest land preserved.
- Increased access to clean water/pumped water.
- Conflicts minimized over competing land uses.
- Rate and degree of adoption of innovations by both genders.
- Revolving credit schemes managed by women (and by women and men together).
- Availability of extension services and marketing assistance; benefiting men/women.

East Africa and elsewhere. It is crucial to acquire and properly make use of well-evidenced facts when it comes to women and land. This is true in terms of what ownership access is, means, or can be 'proven', Doss et al. (2013)⁷ argued that broad-sweeping but generally unsubstantiated statistics can hamper effective programme implementation (e.g., if a country secures funding based on a claim it has lower women's involvement than others, even if this is not evidenced).

MOVING FORWARD

The case studies that follow show that the involvement of women in participatory land management and tenure security can promote more sustainable land use and contribute to LDN, while also improving their socioeconomic conditions. As Case Study 5.1 shows, sometimes it is a case of enabling knowledge exchange and awareness raising amongst users, or as in Case Study 5.3, sometimes it can be facilitated with the support of existing structures.

Particularly in rural areas, the economic empowerment of women necessitates that they have access to and are equipped to make choices which they can then 'nurture through cycles of profit¹⁵.' Case Study 5.4 provides an example of how, even in the absence of statutory tenure, there are still mechanisms for women to access microloans, a key tool that enables them to make choices with regard to SLM.

Globally, the issue is gradually coming to the fore. For instance, between 2011-2016 over 52 countries improved women's access to decision-making, local governance, and resources which has improved their land ownership and control, and increased their access to financial services and new technologies¹⁶.

Gender-informed policies can increase the security of women's land rights, and thus UNDP⁵ has proposed to strengthen the gender dimension in SLM at the policy level. This can be done by raising awareness of and advocating for gender-sensitive policy processes, collecting and using relevant data around gender, introducing gender-sensitive budgeting, and promoting novel approaches and innovative financing schemes. Within these frameworks, traditional approaches that reach, benefit, and empower marginalized groups and women¹⁷ are shifting towards a *transformative* approach, which aims to reshape the perception of their roles. This may include female role models for land ownership or social structures which allow women to manage tenure by bringing titles to them in an accessible way, where land titling is applicable.

This is echoed by the UNCCD Gender Action Plan, adopted in September 2017, that explicitly recognizes that gender-responsive policy needs strengthening in all activities relating to sustainable land management. Equal participation of men and women in the implementation of land and natural resource use policies, economic empowerment, access to land, technology development

and transfer, and capacity-building enhance the effectiveness and sustainability of SLM interventions. In line with the priority actions defined by the UNCCD Gender Action plan, both SLM and LDN activities should comprise explicit strategies that empower women and increase their control over assets such as land, income, and technology, while protecting their rights.

This will not only support the achievement of LDN and SDG 15 in East Africa, but also support all the cross-cutting SDGs that involve and impact women – for instance, the number of people suffering from hunger could be reduced by 12-17 per cent if gender gaps in agriculture were closed¹⁸.

Table 4: Areas of policy needed to support women's role in achieving LDN (from UNCCD 2016¹⁶)

Participation	<ul style="list-style-type: none"> ✓ Women's participation and interests reflected in all land-related government projects and programmes. ✓ Identification and building of social mobilizers to motivate women's participation, leadership mentoring, and access to information. ✓ Incentives to support large-scale innovative and pilot consultations aimed at gender parity.
Land rights	<ul style="list-style-type: none"> ✓ Authority for local governments to secure land rights for women including issuing land titles where applicable. ✓ National legislation with mechanisms to address land needs of women and other special groups. ✓ Limited-time use and ownership of land for multi-purpose women's gardens for household needs. ✓ Allocation to and equal share for women of land designated for restoration under LDN targets.
Finance and credit	<ul style="list-style-type: none"> ✓ Access for women to credit from novel, innovative sources (micro-enterprises, formal banking systems, designated international funds). ✓ Private sector incentives to source raw materials from women or train them in value addition. ✓ Ensure substantial income for women from government-supported land rehabilitation and restoration under LDN targets.
Knowledge dissemination	<ul style="list-style-type: none"> ✓ Build capacities of women's movements and organisations at national/regional levels. ✓ Build capacity for women in new crop and SLM techniques. ✓ Increase women in extension service support systems around SLM. ✓ Ensure all LDN initiatives help women access knowledge, extension, and technological services.

THE 'LEARNING ROUTE': PRACTICAL TRAINING FOR WOMEN'S LAND RIGHTS ACROSS EAST AFRICA^{19,20}

In several countries in East Africa, there are various statutory systems for women's land rights. Many of these are fairly new and are often overridden by customary law, particularly in rural areas. However, there are people working at the community level to support equal tenure security, and there are valuable opportunities for knowledge exchange to build capacity amongst women and land governance institutions²⁰. This dissemination of information around existing laws and regulations can help protect women's rights and create an enabling environment for them to make land-use and management decisions that can support the achievement of LDN.

PROCASUR is a non-profit organisation based in Chile that promotes a methodology called 'Learning Routes'. These are facilitated and practical field exchanges between local champions and rural practitioners, which are intended to: '(i) address the knowledge needs of development practitioners faced with problems associated with rural poverty; (ii) identify local stakeholders who have tackled similar challenges successfully and innovatively, recognizing their accumulated knowledge and experience can be useful to others; and (iii) support local organizations in the systematization of best practices for local stakeholders to proficiently share their knowledge.'¹⁹

Alongside IFAD and ILC, PROCASUR facilitated 'Learning Route' exchanges in East Africa focused on women's land rights. In 2010, there was an exchange between Kenya and Uganda, with a second one taking place between Rwanda and Burundi in 2014. Technical experts in the subject of land and women's rights were recruited, and training needs were assessed. The experts then selected innovative cases and practices and prepared training materials. In the field, systematisation took place to understand the unique framework of the upcoming 'Learning Routes'. Afterwards, participants were invited to learn about the cases and collectively attend induction workshops, experience fairs, as well as work in the field for peer-to-peer exchange and bidirectional learning. Participants then developed and submitted 'Innovation Plans' based on what they had witnessed and experienced in the other countries, for implementation in their home country. To that end, PROCASUR provided funds for some of these plans to be executed, and also followed up on implementation and monitoring.

This method encourages direct bi-directional learning between those working on the ground on ways to secure women's land rights in different places, as well as improving understanding on how to access these rights through statutory law. Such an approach can be challenging, costly, and lengthy as regards outcome implementation. However, when funds are available, this system provides an opportunity to build sustainable, local capacity that can translate into real movement at the community level towards SLM practices and LDN.

Case Study 5.2

POST-GENOCIDE LAND REFORM AND WOMEN'S RIGHTS (RWANDA)^{21,22}



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Rwanda is a small, land-locked country in eastern Africa and is one of the poorest countries in the world in terms of human development²³. With a UN estimated population of 11.8 million people by 2018 and continued growth, it has and will continue to have one of the world's highest population densities.

Physically, the central and western lands are dominated by mountains, whereas the east is predominantly forests, savannahs, plains, and swamps. Agriculture is the primary economic activity; up to 72 per cent of the working population are employed in agriculture and on the land^{22,24}, with up to 90 per cent depending on agriculture somehow for their livelihoods²¹.

Land plays a central role in Rwandan culture, society, and economy, which has periodically

given way to conflict and dispute throughout the country's history. Land has become a scarce commodity and people no longer have access to large swathes of land as they once did¹⁵. Some have argued that the structural land scarcity paired with resource capture by elites led to many of the socio-political tensions that formed the backdrop of the 1994 genocide²¹.

Prior to 1994, land was held by men through patriarchal inheritance (father to son), leasing, borrowing, gifting, informal occupation, and government allocation. Within this structure, women had no role in decision-making, and thus no formally recognized role in land management. This was embedded in Rwandan culture, with female children perceived as inferior and denied equal access to education, resulting in low literacy levels amongst women, especially in rural environments.

After the genocide, land rights and status for individuals was murky and challenging, with many refugees and former landowners returning finding their land occupied by others, in the midst of an increasing population^{22,25}. The government offered land to returning refugees in order to prevent further conflict, but as others already occupied the land there were multiple land claims, and a more formal system was needed. Women's land tenure also became of pressing importance with a post-conflict absence of men in society due to deaths or imprisonment. This resulted in more female-led households²⁶, however many widows and orphans also found themselves vulnerable and without a home. The system which had previously disempowered women from education, financial access or management skills still prevented them from accessing land that had belonged to their deceased relatives, and needed to change.

Thus, Rwanda began a process of implementing land reform for the first time in the country's history, with a goal of achieving sustainable development strategy towards poverty reduction, by providing *equal land rights to women as that of men*²¹ and enshrining this goal within law, policy, and practice²⁷.

A series of frameworks and laws supporting this came into existence. In 1999, the government established a law on inheritance and marital property rights, so as to ensure equal inheritance rights for both women and men²⁸. Next, the 2003 Rwandan Constitution addressed the legal basis of land ownership. In quick succession, the National Land Policy was established in 2004, and the Organic Land Law followed, in 2005.

Based on these frameworks, the majority of work relating to land tenure is being implemented through a programme called 'Land Tenure Regularisation' (LTR), which started in 2009 and focuses on systemic land registration. Its goal is to enable Rwandans, especially women, to legally secure land tenure. It recognized that husbands and wives had full equal rights to the shared land and aimed for this to be recorded upon every registration certificate and title deed. Additionally, offspring would have equal rights to inheritance – regardless of gender. This work was carried out by a designated institution – the National Land Center – established in 2007. The centre carried out widespread training across the country, with NGOs disseminating illustrated information booklets and providing additional support and awareness-raising for land authorities²⁷.

Through a pro-gender equal LTR, the government had simultaneously planned to secure registration for every plot of land in the country, which could then be part of a national strategy for economic growth. This clarity in their political vision helped secure over 10.4 million parcels of land by 2012²⁹. Costs were also lowered for land titles, which increased access for the poor³⁰. This step was of importance for the achievement of poverty eradication for the majority of rural poor women for whom land is their main livelihood^{21,26}. The establishment of common guidelines for land governance across the continent in 2009 and the publication of the Framework and Guidelines on Land Policy in Africa also bolstered these achievements³⁰. Women are further involved in running the LTR and are consulted at each stage of the process; for example, within the National Land Commission and each of the 30+ district land commissions, women must represent at least 30 per cent of the members and commissioners.

Today, more women than men officially own titled land, with 63.7 per cent of titles now owned by women, or co-owned with men²². This is in part due to the increase of female-headed households after the genocide, but also indicates that land is no longer being 'grabbed' from women.

Research by Kairaba and Simons²¹ shortly after the LTR programme launched pointed to a "strong link between good land governance, sustainable development and poverty reduction", noting "there is a need for good pro-poor policies to govern the land as the main resource of the country, and for sustainability to be achieved, the only main resource [land] must be well governed." Rwanda also has the highest proportion of female politicians in Parliament (61.2 per cent in 2018), which should continue to centralize women's land tenure security towards the sustainable management of their land in Rwanda's policy landscape.

Though this statutory framework for women's land tenure now exists, culturally there are still many challenges as Rwanda still retains a patriarchal structure that results in unequal informal land rights by gender – especially in rural areas. For example, Bayisenge²⁶ found in a study that 25 per cent of female agricultural respondents still believe that sons should still inherit a bigger share of the land than their daughters. Domestic conflict and tensions can also arise from the changing gender dynamics that women's land rights generate. This is compounded by higher illiteracy rates amongst

rural women²¹, which can prevent their access to the information and knowledge necessary to engage in the process of securing tenure.

There have also been criticisms of the land reform process beyond gender, namely that this liberalization is actually formed of long-term leases – instead of ownership – which pressure farmers into following government guidelines and policies at the risk of losing their leases and without consideration of existing indigenous or customary knowledge and practices³².

In terms of the physical landscapes, Rwanda has tripled its contribution to forest landscape restoration in the past six years, and is considered to be a frontrunner within the African Forest Landscape Restoration (AFR100) agreement³³.

However, the process in Rwanda is on-going and shows that care must be taken to recognize the heterogeneous and diverse populations of women when setting up national programmes for land tenure in the hopes of achieving SLM. These diverse elements include: education-level, age, marital status, and so forth. When such factors are taken into account, women's participation and access is greatly influenced²⁶. It is also important to consider gender when establishing LDN practices, as knowledge of degrading practices can be gender-specific³⁴.

'ntako nasobanura ukuntu kwandikisha ubutaka bigiye kutuzanira eterambere rirambye, kuko ibibazo byose tugira bituruka k'ubutaka' 'ntako nasobanura ukuntu kwandikisha ubutaka bugiye kutuzanira amahoro ahoraho, ko ibibazo byose tugira bituruka k'ubutaka'

- 'I have not enough words to explain how the land registration presents an opportunity for sustainable development, since almost all community disputes are related to land'²¹

Case Study 5.3

MAINSTREAMING GENDER IN LOCAL LAND GOVERNANCE (TANZANIA)³⁵

Historically, women in Tanzania have lacked representation in land allocation decisions and in the decision-making process at the community level. There are legal provisions for equality in land access and ownership, but these provisions are weakly implemented by many of the institutions that oversee land management and administration.

This phenomenon is further driven by social norms which lead women to perform domestic and caregiving tasks more often than men, thereby limiting the time available for them to participate in village assemblies and community fora. As these meetings are where local decision-making processes around land occur, considerations around gender equity can easily be left out of the conversation without the presence of women. Women also experience higher levels of illiteracy, which is a further barrier to their participation in such processes.

In 1997, the government issued a parliamentary act that created the Tanzanian Investment Centre, with the intention to attract foreign investors and increase socio-economic development through agriculture. A rise in large-scale land acquisitions followed. However, despite overall development benefits, such acquisitions may negatively impact rural populations and women in particular.

To combat this, the Tanzanian Women Lawyers Association (TAWLA), the Lawyer's Environmental Action Team (LEAT), and WRI undertook a partnership to develop participatory model village by-laws that were inclusive of gender in regards to local land management. Tanzania offers a unique context for this, given the village-level governance structure. The process was undertaken in the two villages of Kidugalo and Vilawba, both in the Kisarawe district of eastern Tanzania.

At the village level in Tanzania, there are two governance bodies – village assemblies, which have the final say on policy-making in relation to local affairs, and village councils, which are elected by the assemblies. The councils then establish committees to oversee the policies and develop by-laws, which in turn are put to the district council

Key principles of model by-laws in Kidugalo and Vilawba³⁵

- Enhancing training opportunities and curricula on land governance in Africa;
- Promoting demand driven research on land policy issues;
- Connecting scholars and researchers across Africa through academic networks;
- Creating data and information for monitoring and evaluation on land policy reforms.

for approval. Across the country, all villages must have an additional land-specific village council for the mediation of land disputes. These by-laws can be central in protecting local interests and livelihoods against any exploitation resulting from large-scale land acquisitions.

A scoping study identified gaps in women's participation in decision-making at the local level on land issues. Following this study, the project focused on a bottom-up participatory process with specific provisions to address these gaps. Some resistance was found at the district level, but gender-training was provided to district council members by the project to help address that.

Once drafted, the principles were discussed in a consultation process that included leaders, district officials, CSOs, paralegals, and researchers – of both genders. The consultations led to the proposition of by-laws, which were drafted in the local language (Swahili) and the format required by national law. Community meetings were then held to disseminate and validate them. They were generally accepted, though concerns were raised about potential delays to decision-making processes in a gender-equal quorum resulting from the known limits on women's time. This was overcome by agreeing that women would be consulted on their availability, and that meetings would be scheduled in advance so that women could make arrangements to attend. Given the engagement of the villagers from the beginning of the process, the by-laws were quickly and

fully approved, and then passed up to the district council to be approved and registered.

After this process concluded, the project continued to support the village by making follow-up visits to check on the implementation phase. TAWLA also continued to engage women through informal weekly meetings to raise awareness of the importance of their participation in decision-making processes around land, with the aim

of supporting their demand to be part of land governance. The project finally aims to scale up and out, and transfer the lessons learned across all of Tanzania, to support national-level guidelines for gender-inclusive land by-laws. This will also include environmental conservation by-laws, and by including women in Tanzania's land governance and enhancing their role at the local level, they will be better able to contribute to LDN.

Case Study 5.4

ACCESSING CREDIT FOR WOMEN IN AGRICULTURE WITHOUT LAND TITLES ^{36,37}

While there has been improvement in Kenya for women's land tenure, there is still progress to be made – with reportedly less than 2 per cent of titles issued since 2013 going to women³⁷. This issue is exacerbated in rural areas and prevents women from starting their own businesses and securing economic empowerment, often through SLM practices.

To help address this, IFAD and the Alliance for a Green Revolution in Africa (AGRA) funded the Program for Rural Outreach of Financial Innovations and Technologies (PROFIT) in 2010, with the support of the Kenyan government. The USD 83.3 million project contributes to the reduction of poverty in rural areas by supporting smallholders – including women – to access financial services, manage assets, and market their produce, thereby increasing employment.

For women, this meant that by joining an agribusiness network, they could access loans, as an individual or collective, through financial institutes which provide loans to farmers, such as the Agricultural Finance Corporation (a government agency).

In a news report by Thomson Reuters on PROFIT³⁷, a 42 year old widow named Mabel from Kathiani village shared how her late husband did not have a title deed. Once he passed away, instead of being allowed to peacefully continue her tenure, the land fell under a deed belonging to the eldest member of his family. His family then attempted to remove Mabel and her children from the land, highlighting a classic struggle between ownership and access for women in a patriarchal system. She also struggled to grow food, especially as she could not access credit for tools or seeds without a title. However, in 2017 she joined a local women's agribusiness and accessed a loan with their support. She planted drought-resistant grasses on half the land, that she sells at a profit, and uses the other half to grow food for her family. The profits have also helped mend relations with her former husband's family, and her access to the land continues as a result.

PROFIT has already helped over 60 women's groups. It demonstrates how, even in the absence of formal registration, it can help women to access finances in order to improve their socioeconomic standing, and thus their ability to sustainably manage the land they already use, or may wish to access and use in the future.

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6. LARGE-SCALE LAND ACQUISITION AND INVESTMENT

THE ISSUE

Large-scale land acquisitions and leases have been on the rise in the past decades and are a contributing factor to the growing competition for land resources. Rangelands in particular are targets for mining and large-scale crop production¹, especially as our globalized food system favors concentrated, large-scale, and highly mechanized industries. This phenomenon is partly driven by the rationale that local land users will benefit from these larger investments² and resulting spill over into the local economy, market access, and infrastructure. However, this can adversely affect smallholders, particularly in East Africa where many land acquisitions are intended for food production.

Two per cent of arable land worldwide now belongs to foreign investors³. This is a small but significant percentage of available agricultural land⁴. However for local land users, alongside increasing populations and land scarcity, this shift means that households across Africa have been sub-dividing their lands, with holding size decreasing accordingly. Over 80 per cent of farms in the relatively densely populated countries of East Africa such as Kenya, Ethiopia, and Rwanda, are currently smaller than one hectare⁵.

Some of these large-scale operations use high volumes of water at subsidized prices and can drive high deforestation rates, particularly in dryland areas⁴. In many cases, large-scale investments in farmland have been 'synonymous with displacement, dispossession, and environmental degradation⁶.'

The impacts from such acquisitions and investments can also aggravate land access and tenure issues if, during the planning and operational stages, due consideration is not given to local land rights. This brings the risk of forced displacement⁷, particularly for those with insecure or customary

Box 6: The Tirana Declaration^{4,10}

Large-scale land acquisitions are defined as land grabbing if they meet any of the following characteristics:

- Human rights violations, particularly where it affects the equal rights of women.
- Lacking free, prior, and informed consent of affected land users (see Box 2.1).
- Not based on thorough assessments, or disregarding social, economic, and environmental impacts, including gender.
- Lacking transparent contracts specifying clear and binding commitments on activities, employment, and sharing benefits.
- Lacking effective democratic planning, independent oversight, or meaningful participation.

land rights⁸. As a result, some of these acquisitions have been linked to land disputes, increased risk of failures, and situations in which all stakeholders lose out⁹. Moreover, these land transactions often take place without due public notice, with local users bypassed in negotiations, or finding themselves opposing foreign investors³.

Perhaps the most concerning type of large-scale land acquisitions are known as ‘land grabbing’. This refers to the acquisition of land by external entities (often international but sometimes domestic) on lands where there are already collective, communal, or customary users and rights. The acquisition is made on the basis that the communal or customary rights are unlawful claims. The acquisition process thus exploits loopholes between customary and statutory rights or takes advantage of corrupt systems or low-capacity governments. The Tirana Declaration was issued in 2011 by members of the ILC and lays out the framework for what constitutes land grabbing (Box 6). It is worth noting that there are land grabs which are considered completely legal, but which create many of the same issues for local land users and their rights.

Overall, Africa has been the most targeted continent for large-scale agricultural land acquisitions and investments³, accounting for up to two thirds of large-scale acquisitions globally¹¹. Small-scale farmers and pastoralists in East Africa often lack statutory tenure and documentation and compensation for the loss of their customary lands is the exception rather than the rule³. A study in Kajiado County in Kenya found that a process of

land privatization had resulted in the loss of land for pastoralists as a result of corruption and unlawful allocations in the subdivision of rangelands¹².

Another study in Ethiopia found that large-scale commercial farms at best only provided modest benefits to local users, and that such investments may need to be more strategically implemented to improve equitability².

MOVING FORWARD

When establishing large-scale investments that operate on or otherwise impact the lands of local users, private sector actors must respect legitimate tenure rights, align investments with local development agendas, and strive for transparency and accountability⁸. Sustainable large-scale land management also necessitates comprehensive national and subnational policies alongside institutional approaches that establish the parameters for these types of investments.

Land actors worldwide interviewed by the Centre for International Forestry Research (CIFOR) often claimed that ‘lack of coordination’ was an underlying problem when promoting sustainable land use, however research suggests that the coordination failures are related to who is coordinating efforts, with whom, and to what end¹³. In East Africa, governments are often joint venture partners in large land deals (see Case Study 6.2). However, given the respective roles and responsibilities of the government, local authorities, land users, and investors in such ventures, tensions often arise between these actors, and even between the different levels of government¹³. This also reflected in the lack of implementable SLM practices that engage with or promote local land rights. In some cases, the governments themselves use coercive methods to evict local residents¹ and because much of the land in Africa is owned by the state, these communities have little formal power to fight back¹⁴ – one exception being Rwanda.

Institutional actors and agreements can play a supporting role in the establishment of fair and equitable large-scale land operations. Internationally, there are a number of formalized guidelines for investments such as the Principles for Responsible Investment (www.unpri.org), Principles for Responsible Investment in Agricultural and Food Systems (www.fao.org/3/a-au866e.pdf), the aforementioned VGGT, and numerous others^{15,16}.

There are also international guidelines which specifically exist to support governments in evaluating their land investment policies – for instance the Policy Framework for Investment in Agriculture put forth by the OECD in 2014. This outlines ten focus areas: investment policy; investment promotion and facilitation; infrastructure development; trade policy; financial sector development; human resources, research and innovation; tax policy; risk management; responsible business conduct; and environment¹⁷.

Investors can also set and abide by respectful standards of engagement with local land users. For instance, Ilovo Sugar established ‘Group Guidelines on Land and Land Rights’ that lays out their zero tolerance policy for land grabs, and describes their intention to work with communities on secure land rights (see Case Study 6.2). Investors can also jointly agree to hold each other accountable for their investments, as is the case with the Interlaken Group – an ‘informal network of individual leaders from influential companies, investors, CSOs, government and international organizations who aim to expand and leverage private sector action to secure community land rights’ (www.interlaken.org). In terms of monitoring, The Land Matrix (www.landmatrix.org) collects data on large-scale land acquisitions and is an important resource in creating more equitable decision-making³.

Ultimately, it is best to develop both the tools and approaches with the active engagement of local stakeholders, or at the very least have it contextualized for their experiences and policies¹⁸. Any principles and agreements on the establishment and implementation of large-scale land acquisitions and investments in East Africa should be compatible with local communities and values, otherwise they will not be successful in practice. They must also be inclusive of necessary safeguards (see Box 7). These elements are crucial, considering that investments at such a scale are actually needed – the UN Conference on Trade and Development estimated that in order to achieve the SDGs in developing countries, investments of up to USD 480 billion were required for agriculture and food security¹⁹.

Box 7: Safeguarding in agricultural land tenure²⁰

- There is a need for all stakeholders involved in agricultural investment promotion, approval and monitoring processes to explore models that reduce or avoid transfer of land tenure rights.
- Transference of land or resource rights must respect existing rights, sustainable livelihoods, and local environments.
- Ensure stakeholders can participate in decision-making processes, and that their perspectives and needs are accommodated to avoid conflict and unrest.
- Take a human rights-based approach to foster equitable governance, management, and use of land and land-based resources.
- Have a clear and consistent regulatory and policy environment and ensure investment strategies are consistent with it.



© Flickr/Diana Robinson

Sunset in Amboseli
National Park

LARGE-SCALE LAND INVESTMENTS AND THE 'TENURE RISK TOOL'^{21,22,23}

When investors establishing large-scale land investments fail to understand local tenure scenarios and secure social license, the situation can be costly for both sides. Investors may suffer financially, while locals may face losing their land in the worst case and economic development opportunities otherwise – for instance, through access to land, dividends, and technical assistance with crops. To encourage agricultural supply chain actors in sub-Saharan Africa to understand the tenure and governance landscapes where they plan to make investments, the Overseas Development Institute (ODI) and TMP Systems developed the 'Tenure Risk Tool' for them to assess and manage tenure risk.

This is a financial model through which they can estimate the costs of possible delays from tenure disputes, based on either assumptions or available data. Factors considered include location, type of commodity, size of project, stage of operations, and the discount rate. More specifically, it can demonstrate the impact on the net present value of their investment in a number of possible scenarios. The tool is based on a simple discounted cashflow model in Excel, linked to publicly available Landscape geospatial risk data. Ultimately, it aims to help companies make the business case for internal decisions to introduce procedures that ensure responsible land-based investments.

The value such a tool could play in investments with social license is highlighted through a number of case studies ODI/TMP Systems collected and analysed. In one, a European company in Tanzania

gained the national government's backing, and worked with them to identify an area for sugar cane operations. They established a small-scale version of the intended operations in 2005, with the intent of eventually investing USD 569 million and scaling up to 20,000 ha. However, after failing to secure consent from local land users during consultations, one of the backing companies went bankrupt, in 2009. In 2011, with the help of NGOs, local communities launched a lawsuit against the project claiming compensation was being withheld, and ultimately causing other investors to withdraw.

By 2016, the government withdrew their right to occupancy on the basis of 'concerns about encroachment on environmentally sensitive and protected areas', with the company and investors ultimately losing over USD 52 million of investments over 11 years. This case highlights the loss of finances, resources, and trust that large-scale land investments can cause when they do not consider local land tenure prior to establishing any operations.

According to ODI/TMP System's 2019 reports, using mechanisms like the 'Tenure Risk Tool' to understand and mitigate the effects of potential tenure disputes and secure social license in advance, can result in a 'triple win of improving the local impact of their investments, their financial sustainability and their reputation' for agricultural operators and investors in sub-Saharan Africa. If such investments are made alongside considerations for SLM – it can also contribute to the local and national abilities to meet the SDG targets around land, and ultimately LDN.

Case Study 6.2

LARGE-SCALE AGRICULTURAL INVESTMENTS: KILOMBERO SUGAR COMPANY LTD. (TANZANIA)^{24,25,26}

Kinyongia magomberae

is a new species of chameleon that was found in the Magombera Forest Reserve in 2009



Up to 25 per cent of the GDP in Tanzania and three quarters of its total workers are employed in the agricultural sector²⁵, but many rural Tanzanians are living in poverty as small-scale farmers undertaking subsistence agriculture. In response, the government launched initiatives to develop their capacity with the simultaneous goal of improving agricultural productivity.

In the Kilombero area, about 550 km west of Dar es Salaam, sugarcane was traditionally grown by smallholders, alongside some subsistence farming and livestock. All land in Tanzania is considered public or state-owned, managed by the President for the people; usage and access are either customary, or occur through granted right of occupancy. Thus, the land was primarily unregistered, and held as customary tenure.

Kilombero's high agricultural productivity piqued the interest of overseas development institutions and banks, and the Kilombero Sugar Company Ltd (KSCL) was established in the 1960s. It was composed of a central estate with a wider consolidation of scattered household land holdings across the Kilombero and Kiloso districts of the Morogoro Region, in which the outgrowers were contractually obligated to sell sugarcane only to KSCL/Ilovo. There were reports of challenges to local communities in the original distribution of land to KSCL. As tenure was customary, many locals did not – and some still do not – hold formally documented rights to the land, which means they can lack bargaining power when transactions and agreements over land take place between private and public sectors²⁶.

KSCL has been privatized since 1998, and now lease their land directly from the Tanzanian government. They are a venture subsidiary of the Ilovo Sugar Africa group, itself a subsidiary of Associated British Foods – one of the world's largest food companies. Ilovo established 'Group Guidelines on Land and Land Rights' in 2015, with a zero tolerance policy for land grabs, and describes their intention to work with communities on secure land rights and FPIC.

Despite this, and the livelihood and spillover benefits from KSCL's USD 166 million investments to date, local land users continue to face novel challenges as a result of this large-scale land investment. For instance, the area is surrounded by three forest reserves, and land available for users to expand into is thus limited. With a growing population – including the added pressure of migration of people from outside Kilombero interested in work and agriculture with KSCL – there are increasing difficulties, such as issues in accessing firewood, growing subsistence crops, and caring for livestock²⁶. If not managed carefully, this will inevitably result in land degradation alongside future conflict over land. This once more demonstrates the importance of ensuring local communities participate in land use decisions when making large-scale agricultural investments that affect their tenure security and ability to participate in land governance and contribute positively to LDN.

In 2017, Landesa conducted a study on responsible land use and rights in cooperation with Ilovo and KSCL, and key findings included:

- Land scarcity in the investment region highlights a need for gender-sensitive land use planning and rights formalization. It also hints that tenure insecurity and disputes can begin to affect their investments and the scheme.
- Direct, inclusive, and consistent two-way dialogue and engagement with the out-growers and broader community are required for an equitable, sustainable, benefit-sharing scheme, and to maintain social license.

- Land uses and rights should be informed by gendered understanding to ensure women enjoy equitable benefits of the investment.

As stated in their report, this is ‘an example of a stable, longstanding investment with challenges not uncommon for large concessions surrounded by large, mature out-grower benefit-sharing schemes. These challenges shed light on how investors can and should adopt measure to ensure that land rights and livelihoods are protected, and that investor business operations are sustainable in the near- and longer-term’²⁶. Partially informed by the lessons learned through KSCL, they have developed RIPL: Responsible Investments in Property and Land (www.ripl.landesia.org). This functions as a platform for international guidelines and best practices for responsible investment in agricultural use.

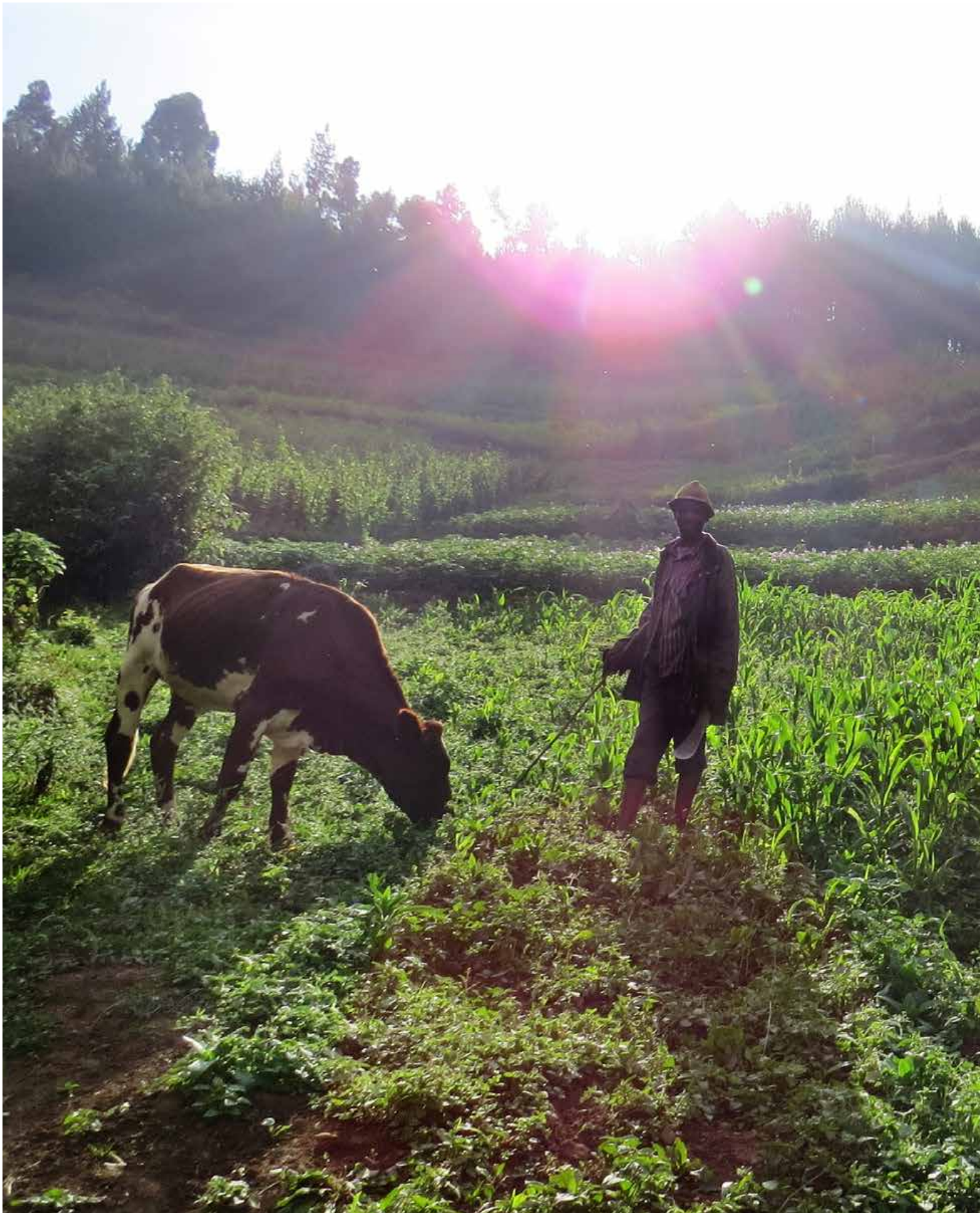
KSCL announced in 2019 that they would relinquish 1,226 ha of their estate to be incorporated as part of the Magombera Nature

Forest Reserve²⁷. This is part of their stated commitment to local user benefits and SLM, and occurred after a process of negotiations, beginning in 2016, with local communities, the Tanzanian Forest Conservation Group and government officials. This 26,151 ha reserve is home to many endemic and endangered species, and is under threat from poachers and from people felling wood to make charcoal. In future-planned acknowledgement of the importance of the forest ecosystem, KSCL had already not used any of their estate within the reserve for large-scale agriculture.

The establishment of the reserve will also be beneficial to the health of the local landscape, as without the ecosystem services the reserve provides, the lands could be heavily eroded and at risk of flooding²⁷.

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7. CONCLUSION

These cross-cutting case studies from East Africa highlight how land governance requires secure tenure and resource rights to underpin SLM practices and move land actors towards achieving LDN. From pastoral boundary agreements supported by national governments and the international community in Sudan, to women's legal associations working to raise awareness and establish equitable village by-laws for women in Tanzania, there are many lessons here, and across the region, from which we can learn. The themes covered in this report are not exhaustive, and of course there are other interlinked aspects of achieving LDN for policy and decision-makers to understand and consider.

For example, climate change is a major consideration, especially for marginalized groups. Women's close relationship with food production in rural areas compounded by restricted access to tenure, technology, education, safety, etc. leaves them particularly vulnerable to the effects of climate change, such as drought, unpredictable seasonality, variable rainfall amounts, and late or early rainfall arrivals¹. Climate change is also expected to cause shifts in the grazing areas available to pastoralists, pushing them into new lands, which may in turn result in conflict. This has been seen as far back as the 1970's, where climate change had already increased desertification in the Darfur region, pushing nomads from north Darfur further south².

Another important issue in land governance will be population growth and migration. This includes rapid urbanisation and displacement from ancestral lands, migration, and refugees, resulting in tension and conflict in places like Uganda, South Sudan and Ethiopia. Work is already underway in some places in the region and must be amplified. For example, ICRAF has undertaken an agroforestry project involving over one million South Sudanese refugees in response to the added stress on land and land-based resources created by the internally displaced people.

Cattle farming in Uganda

RECOMMENDATIONS

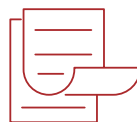
East Africa is home to a complex mosaic of communities, tribes, local, sub-national, and national governments, as well as donors, investors and other agencies. Each of these actors have their own needs and interests in land use and management.

When implemented, land governance policies and tenure systems must also take care to *incorporate the needs and perspectives of the most marginalized users amongst these*, including but not limited to the indigenous, women, and pastoralists. This must not be a token gesture. Failure to achieve social license and the FPIC of local users can lead to potential harm through conflict, violence, and loss of life-sustaining resources for vulnerable individuals. Any actions, resources, or projects involving land-based resources that do not first fulfil these preconditions are unlikely to succeed. If national governments fail or are complicit in activities that harm land users, the international community has remedial mechanisms, as was the case with the Endorois people of Kenya when they received recognition of their indigenous claims to their ancestral forest from the African Commission on Human and People's rights. Meanwhile, social frameworks must ensure that they prevent the negative disruption of pre-existing socio-ecological system arrangements, and ensure that re-adapted tenure systems can succeed.



There is high level political commitment to land restoration and tenure security across East

Africa. In recent decades, there have been movements to increasingly recognize land tenure amongst all users through national constitutions and regulatory frameworks. An enabling policy environment that encourages land governance and is inclusive of tenure security is critical to avoiding, reducing, and reversing land degradation³. In 2015, the AFR100 was launched as a country-led effort intended to restore 100 million ha of land by 2030 (www.afr100.org). As of 2018, more than 27 African countries have committed to restore over 100 million ha⁴. This links into the Bonn Challenge, the African Resilient Landscapes Initiative, the African Union Agenda 2063, and the SDGs, and is supported at the international scale by BMZ, GEF, and the World Bank.



The quality of governance and how issues around land governance are addressed must be part of any action towards tenure security⁵. Relevant actors

include land users, local and national administrations and governments, community bodies, private sector players and investors. Ownership and use amongst and between these actors needs to be carefully considered and defined when establishing any form of tenure⁶ and governance approach. GIZ has suggested five multilevel approaches to secure land tenure and land-use rights to guide development cooperation. These include: international guidelines and policies; national land policies and laws; registration of land rights; development and support of land administration; conflict prevention and dispute resolution mechanisms; and access to land for women⁷.



Support from the international community through donors, investors, experts, and technicians for local projects, communities, and

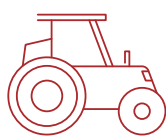
governments to achieve LDN inclusive of land governance is coming online. For instance, in 2018 GEF has increased available funding for countries affected by land degradation to USD 519 million, intended in part to create an enabling environment for – and to support on-the-ground implementation of – LDN⁸. This is an 11.7 per cent increase from the previous year's funding, indicating growing international support for addressing the issue. FAO and WOCAT are funding projects for 'Decision support for mainstreaming and scaling up of sustainable land management⁹'. In addition to these, there are a number of institutes and bodies who support on-the-ground research and capacity building. When undertaken with FPIC, the international community has great potential to improve tenure security through its large networks, personnel and knowledge resources.



Financial mechanisms are also necessary in creating an enabling environment for land governance by facilitating capacity building and awareness-raising amongst

those that do not yet have access to such systems yet. Such mechanisms can also create breathing space that allows land users to move past meeting just basic survival needs by securing land rights,

for example as seen in the case study on creating access to agricultural microfinance for rural women in Kenya. Knowing a fair value of the land can also help land actors when navigating tenure agreements, such as in the case of equitable compensation for large-scale land investments and acquisitions. The Economics of Land Degradation (ELD) Initiative (www.eld-initiative.org) is working across East Africa and beyond to support governments and researchers in undertaking such cost-benefit analyses. Meanwhile, bodies like the International Land and Forest Tenure Facility (www.thetenurefacility.org) provide grants and technical assistance for indigenous and local community organisations worldwide.



Technological innovations in land registration systems and information sharing should also be considered as it can help bridge divides for users who do not have the time, capacity, or resources to travel long distances to land offices to receive information about their lands or register them formally. Currently in East Africa, only Rwanda and Kenya have created access for citizens to digital land registries, and it was just in early 2019 at the time of this report writing that the Kenyan Ministry of Lands and Physical Planning made it possible for citizens to undertake searches on land, such as property transfers, ownership records, utilities, etc. Arguments have been made that this type of innovation could create large gains, including increased transparency of ownership, increased revenues for local governments, traceable supply chains for the private sector, and data that can support in land-use planning and disaster preparedness¹⁰.

Each country in East Africa will need to develop their own unique ways of approaching the land governance challenges of communal land boundaries, types of land users, shifting landscapes, socioeconomic inequalities, and differing tenure systems. Looking beyond East Africa, further examples can be found that can serve as a source of knowledge for African policy and decision-makers to glean knowledge from. For instance, in Scotland, land ownership, management, and access are all considered to be a key part of sustainable development, and are formally embedded in the right-to-buy law and policy¹¹.

As we face a world with growing pressures on land, alongside the shared challenges of climate change, refugees and internal displacement, land actors in the East African region will have to work together and within their own nations to achieve common goals for land governance. Only in this manner can the goals of achieving equitable and just tenure security and land governance establish a proper basis from which to achieve the further goals of land degradation neutrality and securing a sustainable future for generations to come.

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ACRONYMS

AFR100	African Forest Landscape Restoration initiative
ALC	Area Land Committee
BMZ	Federal Ministry of Economic Cooperation and Development, Germany
CBNRM	community-based natural resource management
CBO	community based organisation
CCO	certificate of customary ownership
CCRO	customary rights of occupancy
CIFOR	Centre for International Forestry Research
CSO	civil society organisation
CLA	Communal Land Association
FPIC	Free, prior, and informed consent
GEF	Global Environment Facility
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
ha	hectare
ICRAF	World Agroforestry Centre
IFAD	International Fund for Agricultural Development
ILC	International Land Coalition
ILRI	International Livestock Research Institute
IUCN	International Union for the Conservation of Nature
KSCL	Kilombero Sugar Company Ltd
LDN	land degradation neutrality
LDN-SCF	Land Degradation Neutrality – Scientific Conceptual Framework
LGAF	Land Governance Assessment Framework
LTR	land tenure regularisation
NELGA	Network of Excellence on Land Governance in Africa
NGO	non-governmental organisation
PROFIT	Programme for Rural Outreach of Financial Innovation and Technologies
REDD	Reducing Emissions from Deforestation and Forest Degradation
REILA	Responsible and Innovative Land Administration in Ethiopia
RELAPU	Responsible Land Policy in Uganda
SDG	Sustainable Development Goals
SLM	sustainable land management
TAWLA	Tanzania Women Lawyer's Association
ULA	Uganda Land Alliance
UNCCD	UN Convention to Combat Desertification
UNDRIP	UN Declaration on the Rights of Indigenous People
UNFCCC	UN Framework Convention on Climate Change
USD	United States dollar
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests
WRI	World Resources Institute
yr	year

Bold decisions and investments made today will determine the quality of Life on Land tomorrow. This Global Land Outlook thematic regional report serves as a timely reminder of the steps we can take to shape a prosperous and more secure future. A future based on rights, rewards and above all respect for our precious land resources.

GLOBAL LAND OUTLOOK

The United Nations Convention to Combat Desertification (UNCCD) recognizes that addressing and reversing land degradation is one of the key sustainable development priorities for many countries, particularly in the developing world. In response, the UNCCD secretariat and its partners created a strategic communications publication and platform, entitled the Global Land Outlook (GLO), to facilitate insights, debate and discourse on a transformative vision for land management policy, planning and practice at various scales.

The aim of the GLO is to communicate and raise awareness of evidence-based, policy-relevant information and trends to a variety of stakeholders, including national governments formulating their responses to commitments to better manage and restore land resources, including the SDGs and associated targets, such as Land Degradation Neutrality (LDN). The evidence presented in the Global Land Outlook thematic regional reports demonstrates that informed and responsible decision-making can if more widely adopted help to reverse the current worrying trends in the state of our land resources.



United Nations
Convention to Combat
Desertification