Ten Ways that Donors Can Best Support African Governments in Securing Access to Land for Rural People

Landesa comments for the Conference on Land Policy in Africa

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Landesa is a bit different from the other organizations represented on this panel, in that we are primarily an implementing agency. While we work closely with donors, we also partner with a wide range of regional, national and local-level stakeholders in the geographies where we engage. In Africa, this means regional initiatives like the LPI, national level governments, civil society, academics, the private sector, and men and women living in rural communities. Our mission is to work together with these stakeholder groups—but primarily with governments—to secure land tenure for economically and socially vulnerable groups, including smallhold farmers and women. We have been working in Africa for the past 12 years, and in the land sector for over 30 years, including in India, China, Eastern Asia, Central Asia, Eastern Europe and Latin America.

From this perspective, we would like to offer ten ways that donors could better support African countries in securing access to land for their rural people.

1) Work with governments, the private sector and communities to support healthy and sustainable land sector investments. As the demand for agricultural land in Africa rises, governments are working quickly to develop legal and policy frameworks that ensure investments result in a net benefit to in-country stakeholders, including host communities. The African Union’s Framework and Guidelines for Land Policy in Africa, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, and other instruments have highlighted best practice perspectives in land governance, and are increasingly being utilized by governments and other stakeholders in Africa. However, much large-scale land-based investment is likely to occur in Africa before such frameworks are adequately adopted and implemented, posing a serious risk to land tenure security for rural men and women.

In this interim period, donors can play a critical role in supporting efforts by African countries to ensure that any large-scale investments are conducted according to international best practices for social, economic and environmental sustainability. This will require an urgent and intensive effort, aimed toward supplying governments and communities with the technical support needed to conduct due diligence investigations of investors, review business plans and assess
investment impacts, establish transparent mechanisms and criteria for leasing, negotiate and contract with the investor, establish dispute resolution channels, monitor the investment over time, and ensure that women and men in the host community are adequately represented in decision-making processes. Outputs for such donor investments could include model lease and outgrower farming agreements, and step-by-step investment guidelines for the government, the company and host communities related to a particular investment or cluster of investments. Donor efforts geared at “one-off” investments can and should be woven into longer-term efforts to support national-level policy and legal reforms aimed to embody the Framework and Guidelines and Voluntary Guidelines.

2) Increase support to Africa’s commercially viable small and medium-sized farms. These farms exist across the continent, directed by entrepreneurs who have found ways to capitalize on the production efficiencies of smaller farm sizes, while finding innovative ways to access input and output markets. These entrepreneurs—men and women—have discovered solutions to problems that have stymied others, and have often persevered against the odds to become commercially viable enterprises. It will be vital for donors, working with governments, to support these farmers in securing their land tenure, linking up with markets, and accessing technical assistance. We have heard donors say that the transaction costs of supporting these farmers—vis-à-vis large-scale and often foreign-owned commercial farms—is too high. But we believe the longer term socio-economic costs of neglecting these farmers is far higher. Successes by these farmers can be leveraged through showcase events, where peers can learn best local practices from one another. While outgrower or contract farm models may help to support existing entrepreneurs, this is not always the case, and any such models must be carefully assessed in regard to their impact on existing small or medium-scale commercial farms.

3) Support African country governments’ endeavors to recognize community land rights. Many governments across Africa are developing or implementing laws to formally recognize community and/or customary lands. From our perspective, this is a critical step toward securing land tenure for rural communities. Doing this well, however, is a highly resource-intensive proposition, requiring resources to accurately map and record the lands, and to support best practices in community-based land governance. The risks of not doing this well include igniting conflict both within and between communities, sometimes including trans-national conflict. Donors should seek ways to support governments in their efforts to recognize community land rights, and to foster good community-based land governance practices.

4) Seek ways to support women’s access and rights to land, as enshrined in the constitutions, laws and policies of many African countries. Donors interested in socio-economic development will want to pay greater attention to women’s land tenure security. While African countries have
increasingly incorporated protections for women’s land and property into their laws and policies, these rights are often not realized in practice. This is particularly true in the context of customary lands. When formalization of land rights occurs without due regard for women, the results can be devastating; sometimes what appears to be a gain at the household or community level presents serious risks to the women within those households or communities, and therefore also to the well-being of their children. Therefore, donor support for formal recognition of land rights of any kind—be they individual or community—must incorporate a strong gender focus, which includes assessing women’s needs and ensuring women’s participation in project design and implementation.

5) Support African governments’ efforts to decentralize land governance to the local level. Decentralization and devolution of land administration and management in many African countries has created the potential for more responsive and transparent governance. However, effectively decentralizing and devolving land governance requires time and significant resource outlays. In the absence of sufficient fiscal or human resources, risks to land tenure security increase significantly. Donors can increase their commitment to supporting decentralization based on the unique needs and capacity related to each country context.

6) Base programs on a thorough understanding of local needs, priorities and capacity. Donor programs based on national development strategies and driven by in-country demand will enhance effectiveness, decrease costs and allow for greater coordination. This will require a greater up-front investment by donors in assessing in-country needs and capacity, but costs are likely to be recouped in the middle- to long-term.

7) Coordinate more effectively with other donors. Within individual countries, donors should better coordinate efforts between themselves so as to ensure that their actions are consistent with government strategies, complimentary as opposed to duplicative, appropriately staged and phased, and build off of knowledge gained by other donors.

8) Commit to long-term horizon for land policy reform. Current donor funding models for programs and projects are largely based on a short-term horizon, but development and implementation of effective land policy is a long-term proposition. Through longer-term planning and commitments, donors have the opportunity to provide stability and consistency to efforts by African country governments to design and implement effective land policy reform.
9) Invest in robust research and monitoring efforts. Donors could more pro-actively support African country governments in finding local solutions to local needs, through scalable pilot projects, and in closely monitoring and evaluating the impacts of these projects. Donors could also play a key role in facilitating the exchange of information about local pilots across the continent, so that stakeholders in each country are able to benefit from a comparative knowledge perspective.

10) Dedicate resources to capacity building in-country wherever and whenever possible. Donor investments in building human resource capacity in the land sector will have long-term payoffs. Where possible, donors should support training and professional development opportunities for government officials, civil society organizations, farmers organizations and others. Capacity building in the land sector is, in itself, a compelling end for a given project or program, but should also be woven into the design of any efforts to strengthen land governance and secure access to land.