

The Global Drylands Imperative

Devolving Resource Rights and the MDGs in Africa



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Acronyms

AALS	Affirmative Action Loan Scheme
AfDB	African Development Bank
AU	African Union
AWF	African Wildlife Foundation
CBNRM	community-based natural resource management
CFC	Community Forest Committee (Ghana)
CIDA	Canadian Agency for International Development
CIFOR	Center for International Forestry Research
CREMA	community resources management area (Ghana)
CTV	Centro Terra Viva (environmental research and advocacy NGO, Mozambique)
DDC	Department of Development Co-ordination (Kenya)
DFID	Department for International Development (UK)
DPGL	Development Partners Group on Land (Kenya)
DUAT	Direito de Uso e Aproveitamento da Terra (land use certificate, Mozambique)
FAO	Food and Agriculture Organization of the United Nations
FC	Forestry Commission (Ghana)
FR	Forest Reserve (Ghana)
GBP	British Pounds Sterling
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation)
Helvetas	Swiss NGO
ICG	International Crisis Group
IECN	Integrated Environmental Consultants Namibia
IFAD	International Fund for Agriculture Development
ITTO	International Tropical Timber Organization
IUCN	International Union for Conservation of Nature and Natural Resources
KfW	Kreditanstalt für Wiederaufbau (Reconstruction Credit Institute, Germany)
KNBS	Kenya National Bureau of Statistics
MA	Ministry of Agriculture (Kenya)

MCC	Millennium Challenge Corporation
MDG	Millennium Development Goal
MLFD	Ministry of Livestock and Fisheries Development (Kenya)
MPND	Ministry of Planning and National Development (Kenya)
MVP	Millennium Villages Project
NACSO	Namibia Association of Civil Society Organizations
NDPC	National Development Planning Commission (Ghana)
NET	Núcleo de Estudos da Terra (Centre for Land Studies, Mozambique)
NGO	non-governmental organization
NNF	Namibia Nature Foundation
NPC	National Planning Commission (Namibia)
NPV	net present value
NRM	natural resource management
NTFPs	non-timber forest products
OASL	Office of Administration of Stool Lands (Ghana)
PRSP	Poverty Reduction Strategy Paper
RMSC	Resources Management Support Centre (Ghana)
RUDEYA	Rural Development for Youth Association (Ghana)
SADC	Southern African Development Community
SIDA	Swedish International Development Agency
UN	United Nations
UN-Habitat	United Nations Centre for Human Settlements
UNDP	United Nations Development Programme
UNDP-DDC	United Nations Development Programme – Drylands Development Centre
UNECA	United Nations Economic Commission for Africa
USAID	United States Agency for International Development
WWF	World Wide Fund for Nature

Executive summary

This paper analyses a sample of existing or in-formulation policy frameworks governing access and security of tenure over major natural assets such as land, forests and wildlife. The approach adopted for the paper's development is based on qualitative research (participant observation) to gather views from various actors involved in policy formulation and implementation. The fundamental question that runs through the analysis in the paper concerns the extent to which security of resource tenure can mediate the achievement of the Millennium Development Goals (MDGs).

The **overall objective** is to apply existing knowledge on land-related development and land rights into principles of policy formulation and implementation processes.

The **specific objectives** of the paper are to:

- (i) Elucidate in a pragmatic and empirical manner how land resource policy and practice in granting land rights mediate the achievement of related MDGs in Africa (in particular with respect to food security, poverty reduction, gender equity and environmental sustainability); and
- (ii) Demonstrate the operationalization of the concepts of land and resource tenure at the community level and the mechanisms and support systems adopted to facilitate the transformation of tenure security into livelihood strategies with positive outcomes.

The approach used to analyse the connection between security of resource rights and achievement of the MDGs is the 'Improved African Hut for Sustainable Management of Natural Resources and Well-Being of the People'. This approach combines elements of a human rights-based approach, particularly the right to assets, the sustainable livelihoods approach and lessons from the field of implementation of community-based natural resource management (CBNRM) in Africa, particularly southern Africa. It stresses the need for concomitant integration of traditional development aspects (such as education, access to information and health) with security of resource tenure, the building of strong local institutions, and facilitation of access to technology, markets and financial resources for the transformation of natural resources into goods and services. Such a combination should provide employment opportunities and tools for sustainable management that contribute to the reduction of hunger and poverty as well as to environmental sustainability.

The study required participation in ongoing country processes, from policy formulation to implementation. Ghana, Kenya, Mozambique and Namibia were selected as they illustrate how resources are devolved to local communities in various contexts:

- Ghana – dominance of customary law
- Kenya – absence of policy guiding resource allocation four decades after independence, resulting in massive land grabbing

- ❑ Mozambique – former Portuguese colony and former socialist country ravaged by several years of war but that adopted collective usufruct rights to uplift community livelihoods and promote sustainable management
- ❑ Namibia – a country once under the regime of apartheid, which usurped productive land resources, concentrating them in the hands of a minority and leaving a legacy of highly skewed resource distribution that the current government has yet to resolve.

In all four countries there are different approaches to resource devolution, yielding different levels of outcomes. The countries represent a range of resource endowments: from drylands to tropical forests, high- to low-value forests and wildlife-rich areas.

There are various issues that dominate the discourses and practice in the four countries: the fact that traditional institutions do not always facilitate access to resources by the poor and are often not accountable; internal migration is used to exclude nationals from owning land resources in different parts of the country (which is affecting people from low-productivity areas and may affect people residing in natural disaster-prone areas); the prevalence of gender inequality, which affects food security; and skewed land resource distribution that continues after independence and even after redistribution. Overall policies in the four countries are considered to provide good safeguards for community rights and to enable communities to change their livelihoods, but the delivery mechanisms are not so effective. Finally, policy implementation is a far more serious challenge. Focus on implementation of the existing policies can contribute more to the achievement of the MDGs than concentrating on perfecting policies.

The challenges facing the potential of maximizing the contribution of security of rights towards the achievement of the MDGs are numerous. However, those listed are considered critical and they are informed by the findings of the case studies.

Issues	Challenges
Customary laws, structures and redistribution of benefits	Challenge 1: Reforming traditional institutions and customary norms to address rural poverty and ensure food security
Internal migration and climate change	Challenge 2: Addressing internal migration and new environmental challenges caused by climate change
Land grabbing by local elites	Challenge 3: Enforcement of land taxation and monitoring of land use to limit accumulation of productive land
Gender equity	Challenge 4: Establishing affirmative action for women's access to natural assets
Redistribution of productive land resources	Challenge 5: Correcting historical injustices without creating conditions for long-term conflicts between the rich and poor
Policy formulation and implementation	Challenge 6: Beyond participatory policy formulation, implementation is key
Common property and customary rights	Challenge 7: Monitoring implementation of the land resource policy with regard to delivery of rights to communities, the poor and the marginalized Challenge 8: Enhancing, rather than undermining, customary rights and common property regimes through the power of the eminent domain
Monitoring impacts	Challenge 9: Resolving conflicts in common property regimes
From policy intentions to field level challenges in resource devolution	Challenge 10: Recognizing a business approach in the rights devolution process Challenge 11: Elite capture and distribution of economic benefits Challenge 12: Devolving high-value products: To whom? Challenge 13: Diversifying economic opportunities, including deriving value from sustainable management of natural resources and ecological services Challenge 14: Defining an exit strategy early on for facilitators to create and consolidate the capacity of communities to lead local development Challenge 15: Equipping communities with the right business instruments Challenge 16: Ensuring long-term commitment to support devolution of resources.

A set of indicators is also suggested and the national bureaus of statistics are charged with developing and setting systems for data collection, compilation and analysis. Development partners can stimulate accountability from both government and civil society through publication of their budget support to these sectors for implementation of land resource rights policies.

Security of land resource rights is critical to the achievement of the MDGs. However, several other factors need to be considered. These include strong local institutions, value addition of viable enterprises, good markets and exploration of additional opportunities such as payment for ecosystems services, improved biodiversity and maintenance of key ecosystem features (e.g., lakes and rivers). Education and health can both be met partly through realization of benefits from natural resources, and they are precursors of effective management and generation of income from the resources. For the latter, the government and development partners need to take a bold step in integrating education (for adults and children) in participatory natural resource management (NRM).

Land and resource tenure is a sensitive, complex and politicized issue. However, the good news is that comprehensive reform is not the only entry point for development partners.

There are good policy provisions and more engagement is necessary in developing and implementing efficient delivery mechanisms. Above all, it is important to implement resource devolution policies as part of an integrated approach to rural development. Such policies should be incorporated in long-term development plans and facilitators should be committed to provide meaningful support.



1. Introduction

1.1 Rationale and objectives of the Challenge Paper

The United Nations Development Programme – Drylands Development Centre (UNDP-DDC) has produced a series of Canadian Agency for International Development (CIDA)-funded Challenge Papers on various drylands topics, including *The Global Drylands Imperative: Land Tenure Reform and the Drylands* (UNDP-DDC, 2003), *The Global Drylands Imperative: Implementing the Millennium Development Goals in the Drylands of the World* (UNDP-DDC, 2007) and *The Global Drylands Imperative: Pastoralism and Mobility in the Drylands* (UNDP-DDC, 2003), among others. The series is widely distributed and focuses in particular on drylands policy forums, such as events associated with the United Nations (UN) Convention to Combat Desertification. However, the current Challenge Paper has taken a slightly different approach, in that it is based on qualitative research (participant observation) to gather views from various actors involved in policy formulation and implementation.

The paper analyses a sample of existing policy frameworks (or those in the process of formulation) that govern the access and security of tenure over major natural assets such as land, forests and wildlife – resources used by many rural Africans for their livelihoods. Although by definition drylands ecosystems are drought stressed and hence typically poor for crop production, they are often rich in wildlife, livestock and a myriad of other natural resources. Human population density is often low. This is the first paper in the series that does not focus exclusively on drylands ecosystems; it covers a wider range of resource endowment areas, such as tropical forests that have high-value timber and non-timber products. In fact, although some of the case regions are arid to semi-arid (such as Namibia), most have a mixture of both arid and non-arid lands (e.g., Mozambique and Ghana). Land tenure policies are developed irrespective of internal agro-ecological differences between land types.

The fundamental basis of analysis in the paper concerns the extent to which security of resource tenure can mediate the achievement of the MDGs. The critical question that follows is what type of resources the community has access to. Devolving weak resources to people will not necessarily provide them with the basic assets needed to improve their livelihoods, eradicate hunger, reduce poverty and meet all the other MDGs. In this regard, one could ask, how genuine is the pursuit for devolution of resources in Africa? Is it about relinquishing the responsibility of resource management to local level with the expectation that better management will evolve, or does it involve providing productive assets to stimulate local development?

The **overall objective** of this paper is to apply existing knowledge on land-related development and land rights to principles of policy formulation and implementation processes. The **specific objectives** of the paper are to:

- Elucidate in a pragmatic and empirical manner how land resource policy and practice in granting land rights mediate the achievement of related MDGs in Africa (in particular with respect to food security, poverty reduction, gender equity and environmental sustainability)
- Demonstrate how concepts of land and resource tenure are operationalized at the community level, and how mechanisms and support systems can be adopted to help transform tenure security into livelihood strategies with expanded, positive outcomes.

In addition to security of land tenure, the study focuses on rights to forests and wildlife, since most rural Africans gain their livelihoods directly from these resources, as well as engaging in commercial – albeit illegal (and hence criminalized) – activities to meet urban demand and to provide rural employment and income. In fact, the devolution of resources to local communities highlights the fact that sustainable use and management of resources can only be achieved when tenure is secure and land users are consulted about their daily land resource-based livelihood opportunities and constraints. This approach is in contrast to traditional policing mechanisms, which have proved both costly and ineffective in preserving resources and generating wealth through private sector intervention that – in theory – should ‘trickle down’ to alleviate poverty and advance the MDGs in rural Africa.

1.2 Relevance for continental, regional and national processes

The development of this paper is also timely as the African Union (AU), the United Nations Economic Commission for Africa (UNECA) and African Development Bank (AfDB) have embarked on a continent-wide initiative to develop a land policy framework, guidelines and modalities of implementation (AU, AfDB and UNECA, 2006). Furthermore, the various regional economic groupings in Africa have placed land reform as a priority area; for example, in 2003 the Council of Ministers of the Southern African Development Community (SADC) recommended the establishment of a Regional Land Reform Technical Support Facility as a multi-stakeholder platform to promote research on land issues, information sharing and capacity building (SADC, 2007). This Challenge Paper thus aims to contribute to and enhance such ongoing processes at national, regional and continental levels.

In 2004, Africa launched its Green Revolution, which called on the heads of states, regional economic and political groupings, and various development agencies to form a partnership that would facilitate increased productivity and the achievement of the MDGs in Africa. Eighty Millennium Villages (MVP, 2009) are being built in 12 sites, located in the hunger ‘hot spots’, where at least 20% of children under five years old are underweight. The sites represent a range of agro-ecological zones, from arid to humid, highland to lowland, and crop-producing to pastoral areas in 10 countries in Africa (Ethiopia, Ghana, Kenya, Malawi, Mali, Nigeria, Rwanda, Senegal, Tanzania and Uganda). This is one of the few concrete interventions in five years to demonstrate what it takes to transform a poor rural community into an active participant in the mainstream economy, and in so doing contribute towards the achievement of MDG indicators on food security, access to education, health, access to water and sanitation, and sustainable environmental management.

The report of the Millennium Villages Project indicates that crop productivity has tripled as a result of use of fertilizers, improved seed and better soil management (Personal communications, 2009). In addition, it demonstrated that forming interest groups (farm associations), such as one for producing banana in Ruhiira, Uganda, increases the capacity to influence pricing; in this case a 40% gain was reported. It is however, interesting to note that the MVP list of the root causes of extreme poverty¹ does not include asset deprivation, particularly landlessness. This is despite the fact that in both rural and urban contexts (particularly informal settlements), landlessness has grown to alarming proportions, often leading to indigence and even to conflicts, some of which have escalated to civil wars. This was the case of the liberation struggles to take the land back from colonial powers but also includes conflicts such as the recent uprising in Kenya and the long-lasting conflicts in Angola, Burundi, Rwanda and Uganda, to mention but a few. Adams and Palmer (2007), Barayani and Weitzner (2006) and Deininger (2003) emphasize the need to promptly address any misunderstandings about land rights (early warning); this approach should be considered in initiatives that aim to raise people out of poverty.

The Poverty Reduction Strategy Papers (PRSPs) have been widely adopted in Africa, and 30 countries have one in place. In addition, these countries are implementing long-term development visions (20–30 years). Overall, the PRSPs provide a mechanism through which national governments set country-specific priorities and targets to address both development (economic growth) and poverty reduction. The priority areas generally include increased agricultural productivity and production to reduce hunger, education, health and infrastructure. Often the reporting on progress in meeting the MDGs reflects the achievements of the PRSPs. Therefore, monitoring the PRSPs, which are generally developed for five-year cycles, provides a unique opportunity to analyse the progress and opportunities in – and constraints to – achieving the 2015 pledges. Including security of rights to assets in the PRSPs would add value.

This Challenge Paper is organized as follows: the second section discusses the various aspects of land resource issues in Africa, as illustrated by selected country case studies, the analytical framework and the methodology of data collection; the third section briefly discusses the historical context and highlights the challenges faced by contemporary provisions and practices, such as participatory natural resource management (NRM) through devolution of resource rights, management responsibilities and benefit sharing. The last section draws brief conclusions.

1 Lack of agricultural input, erratic and changing rainfall patterns, chronic malnutrition, lack of access to clean drinking water, extensive loss of human capital from HIV/AIDS and other diseases, insufficient access to markets, income-generating opportunities and financing, access to energy and transport services, minimal foreign investment, scarce government resources and capacity, and the deepening trap of extreme poverty (MVP, 2009).



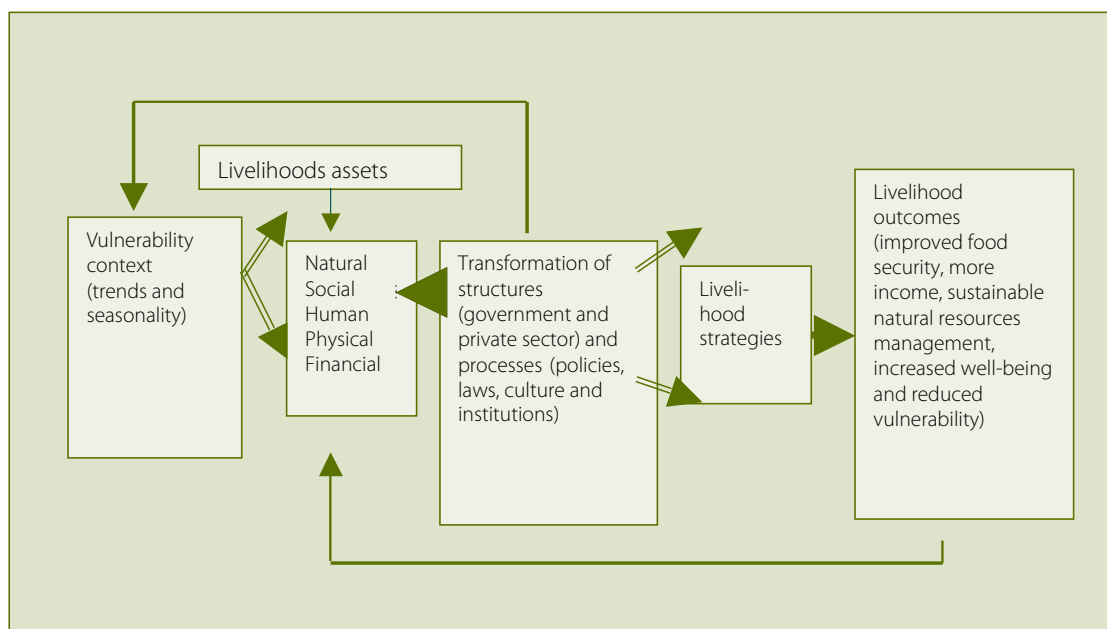
2. Bridging the gap between policy discourse and practice

2.1 The analytical framework: From a human-rights-based approach to sustainable livelihoods

The analysis of the link between security of tenure over land and resources on one hand with achievement of MDGs on the other requires the use of a holistic framework that encompasses policy provisions, the mechanisms for delivery to the target people and the impacts that follow. Ostrom and Williamson (2008) state that a framework identifies universal elements, defines the relationships among them, generates questions and provides a diagnostic and prescriptive enquiry.

This paper uses a complementary analytical framework based on three key tenets. First, policies that enable security of tenure or access to property or natural assets are the right step towards delivering basic human rights. While security of tenure of assets is necessary, it is not sufficient to make the quantum leap towards improvement of the well-being of the recipients of those rights. Second, the sustainable livelihoods approach outlines the conditions that would lead to such sufficiency (Figure 1).

Figure 1: Department for International Development, UK (DFID) Sustainable Livelihoods Approach

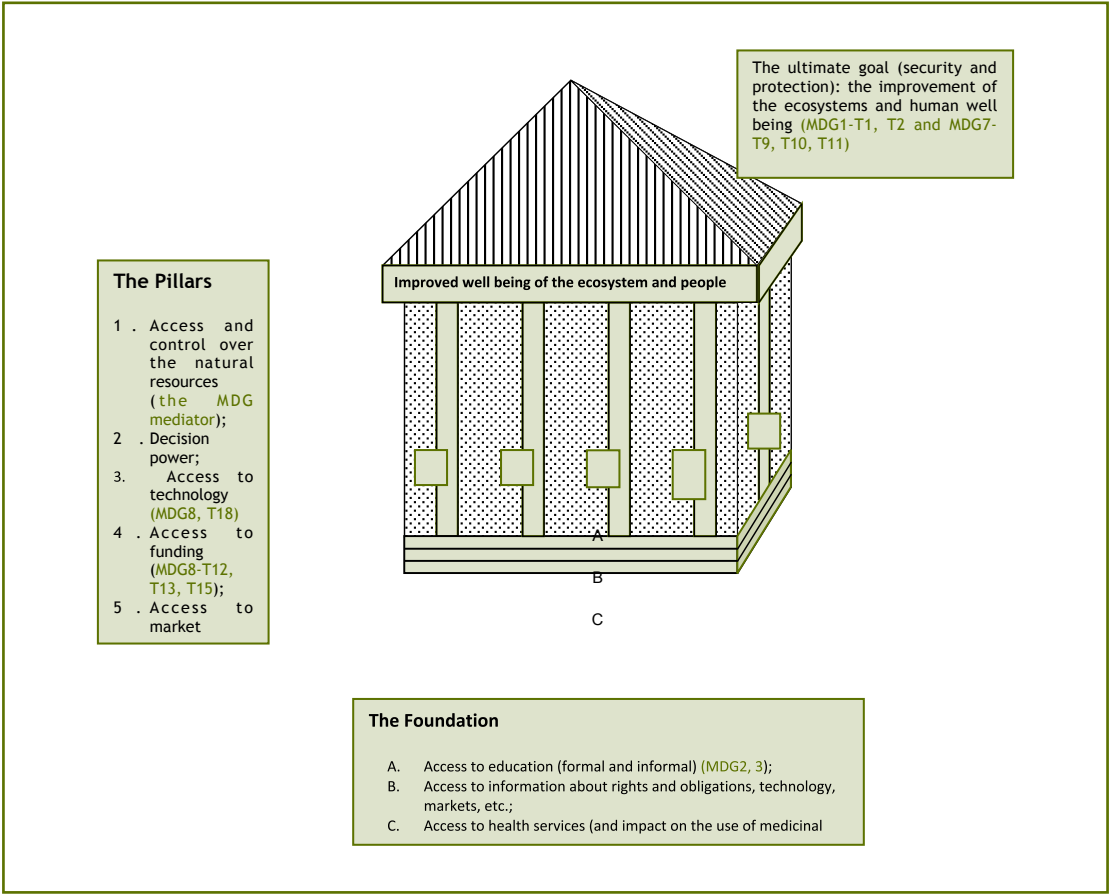


Source: Farrington et al. (1999)

This raises the notion that livelihood strategies (i.e., choices made by individuals and communities) and outcomes are highly influenced not only by access to natural assets but also by a range of other assets, including physical, financial, human and social. An enabling environment and the institutional arrangements (i.e., government, private sector and communities) for providing these assets determine outcomes.

Third, the livelihoods approach is further enhanced by a conceptual framework that aims to bridge the gap between policy and practice by highlighting the need for horizontal and vertical integration of key aspects. Such aspects enable the transformation of rights into economic goods and services, while ensuring the sustainable management of the resource base (Figure 2). This addresses the fact that communities in Africa – whether in rural or urban areas, especially those most disadvantaged – continue to be deprived of access to, use of, and control of productive natural assets. Because these assets are key to improving their livelihoods, this deprivation creates a vicious cycle of poverty: lack of security of natural assets leads to low production; lack of products for markets can lead to a lowering of the area’s priority for infrastructure development, particularly of essential access roads; the absence of markets limits the confidence of financial institutions to support farmers and to improve the technology, etc.

Figure 2: The Improved African Hut: How rights can result in economic and ecological benefits (Nhantumbo, 2002)



Therefore, the 'Improved African Hut' as described in Figure 2 combines elements of a human rights-based approach and a sustainable livelihoods approach; it also incorporates lessons from the field of community-based natural resource management (CBNRM) in Africa – particularly southern Africa – to highlight the missing links between security of resource rights and the benefits generated thereafter. The framework comprises three elements:

- (i) Necessary conditions or foundation, which comprise access to education, health services and information. These 'capacity' elements determine how well the devolution of resources will be effected and to whom, as well as their subsequent impacts.
- (ii) (Quasi-) sufficient pillars emphasize the concomitant integration of:
 - ❑ Access to natural capital as a basic human right, with adequate understanding of the local institutions (organization and capacity) that are key to enabling good practices and setting local goals for economic empowerment
 - ❑ Access to technology for transforming natural assets into marketable goods and services
 - ❑ Access to the markets – both physical and competitive
 - ❑ Access to finance (for an adequate period of time) to ensure the establishment, development and consolidation of viable enterprises.
- (iii) Horizontal and vertical integration, which results in improved livelihoods and sustainable resource use and management, in this context represented by the MDGs.

The 'outcomes' (Figures 1 and 2) are also conceptualized in the Institutional Analysis and Development Framework (Ostrom and Williamson, 2008) as resulting from the interaction between exogenous variables (in the present case, defined by the land resource policies and delivery systems) and actors, which include communities as target groups but also facilitating agencies such as non-governmental organizations (NGOs) and development partners. The actions, action situations and actors to be involved are determined by the physical conditions (as illustrated by different characteristics of forest resources and aridity levels), the attributes of communities (such as the San of Namibia, who maintain traditional hunting and gathering practices, or the Ashanti of Ghana, who strongly venerate traditional authorities and norms) and the rules in use. The productive outcomes (improved livelihoods and sustainable management practices) stimulate the actors to commit themselves to following the rules and norms.

The *World Development Report* (World Bank, 2008) recognizes agriculture as having a major role to play in the global effort towards meeting the MDGs, particularly the one on eradication of hunger and poverty. Increased access to assets, particularly land (Pillar 1 in Figure 1), water and human capital (Foundation A in Figure 1) are considered key to ensuring that the 'new agriculture' (World Bank, 2008) delivers on that role.

The population of sub-Saharan Africa faces the greatest asset deprivation. In an early assessment of progress towards the achievement of the MDGs in Africa, AfDB (2002) indicated that only five countries in North Africa were on course, while sub-Saharan Africa was unlikely to meet the goals and there was even a strong prospect of increases in poverty. The 2007 *UNDP Annual Report* also indicates the region's poor performance in achievement of the MDGs. For example, between 1990 and 2002 there was little change in the proportion of the population that had a purchasing power below US\$1 a day; although school enrolment

levels between 1991 and 2004 increased, the region still has the lowest levels, with only about 60% of children at enrolment age in school; the 2004–2006 child mortality and HIV/AIDS prevalence persisted at the highest levels; and the percentage of the population with access to improved sanitation has improved only modestly between 1990 and 2004: it is still below 40% (UNDP, 2007).

The *World Development Report* (World Bank, 2008) emphasizes that education is the most valuable asset to help rural people pursue opportunities in both farming (for which they require security of tenure) and non-farming economic activities, create employment in rural areas or acquire skills to sell their labour in urban areas. Additionally, the report maps the aspects that enable smallholders to be productive and sustainable: access to financial services, favourable markets, innovation through science and technology and enhanced producer organizations (institutions). This suggests that either in agricultural development (crop production, livestock and aquaculture) or within the broader scope of natural resources that interact with agriculture (forests, water, wildlife, etc.) an analysis of how communities can improve their livelihoods could employ the comprehensive analytical framework represented in Figure 1.

2.2 Practical links between access to assets and achievement of the MDGs: Case studies from Ghana, Kenya, Mozambique and Namibia

2.1.1 Country case studies and the broader picture

The study required participation by the researcher in ongoing country processes and in collecting data on experiences and lessons on implementation of pro-poor land resource policies. Ghana, Kenya, Mozambique and Namibia were elected as case studies, in which detailed information on the devolution process was sought.

According to socio-economic indicators extracted from various sources including the Ghana National Development Planning Commission (NDPC, 2005), Food and Agriculture Organization of the United Nations (FAO, 2006), Ministry of Planning and National Development (MPND, 2005), Department of Development Co-ordination (DDC, 1999), Kenya National Bureau of Statistics (KNBS, 2007), Ministry of Agriculture and Ministry of Livestock and Fisheries Development of Kenya (MA and MLFD, 2004), Zeidler and Jones (2007), Eiseb and Mosimane (2005), the Namibia National Planning Commission (NPC, 2004), Zeidler (2006/7) and the World Development Indicators database (World Bank, 2007), all countries have predominantly rural populations (74% of the total population in Ghana, 60% in Kenya, 63% in Mozambique and 67% in Namibia).

Ghana has the highest rate of adult literacy (75%), while it is 61.5% in Kenya and 48% in Mozambique. The prevalence of HIV/AIDS is lowest in Ghana (2.3%) and highest in Namibia (20%), compared to 16.2% in Mozambique and 7% in Kenya.

More than 50% of the population of Ghana, Kenya and Mozambique live below the poverty line, while only 11% of Namibians are considered poor. This pattern also illustrates per capita income in the same countries, with Namibia at nearly US\$2000 (but with over 0.7 Gini Coefficient) and the others at less than US\$1000.

In Ghana, 16% of the land is arable; in Kenya, 16% has medium to high agricultural potential (including agriculture, forest and pasture land); in Mozambique, around 15% of the land is cultivated and in Namibia as little as 5% of the land is arable, including irrigable land. These countries represent diverse resource endowments ranging from drylands, very limited forests but rich wildlife in Kenya and Namibia, to tropical forest areas with high-value timber and non-timber products in Ghana, and an interface of relatively low-value forest products dominated by *miombo* woodlands² and limited wildlife in Mozambique.

Apart from their different physical characteristics, the countries were selected to bring different perspectives to the following aspects:

- ❑ Ongoing formulation process (Kenya)
- ❑ Ongoing implementation of different modalities of community participation in NRM (i.e., the 'collaborative' modality in Ghana, compared to involvement in management and income generation in Mozambique and Namibia)
- ❑ Geographical representation, including East Africa (Kenya), southern Africa (Mozambique and Namibia) and West Africa (Ghana)
- ❑ Historical context, such as former settler economies including Kenya and Namibia, former Portuguese colonies like Mozambique, and a prevalence of strong traditional land ownership (e.g., Ghana) that prevailed despite British colonization and post-independence regimes.

In addition, the four country studies provide different perspectives of tenure security, allowing an interrogation of the following:

- ❑ Supremacy and sanctity of private property (e.g., title deeds in Kenya) and how they affect equitable access to land
- ❑ The extent to which ownership of land by local communities through customary law provides security of access and tenure over other resources such as high-value tropical timber and non-timber products (e.g., Ghana)
- ❑ Whether the provision of collective rights to land – as well as providing equal opportunities for communities and the private sector to access valuable forest and wildlife resources (e.g., Mozambique) – provides a better mechanism for community involvement in NRM and the generation of significant socio-economic and ecological benefits
- ❑ Whether provision of resource rights for wildlife (hunting and tourism) and productive dry forest resources (while the state maintains land ownership, as in Namibia), backed by significant technical and financial support from government and NGOs, yields the short-term economic benefits needed to motivate long-term commitment towards sustainable resource management.

An important question posed during the selection of these case study countries was how they reflect wider-scale contexts and resource rights issues in Africa and the challenges these pose for achieving the MDGs.

2 *Miombo* is a forest formation characterized by the dominance of *Brachystegia* spp and *Julbernardia* spp. *Miombo* woodlands are mainly found in Mozambique, Malawi, Tanzania, Zambia and Zimbabwe and are classified by the World Wide Fund for Nature (WWF) as eco-regions of southern Africa.

There is a tendency in Africa of assuming that traditional authorities and customary law should be integrated into land reform policy and legislation as a way of acknowledging and securing equitable access to land resources. However, Ghana clearly exemplifies a situation where the customary law (overseen by paramount chiefs such as 'stools' and 'skins'³) is used to exclude and undermine the rights of the majority of the population. The political and economic power of traditional institutions in Ghana gives them an edge in the political arena that could be beneficial to local people. However, instead, the selfish interests of the traditional authorities are at the forefront, and the Constitution of Ghana is illustrative of this: it provides for sharing (specific percentages) of royalties between the state (national and local level) and traditional institutions, but communities are not considered. There is resistance to reforming these institutions to address equitable access to resources. Lesotho and Swaziland represent some of the remaining African kingdoms where most of the land belongs to the king and the royal family. Women are particularly affected by lack of security of tenure as they have secondary rights. Botswana has been reforming the traditional institutions through the creation of elected land boards with traditional chiefs as ex-officio members. The Land Boards manage 71% of the land and also allocate land rights to women (Adams et al., 2003).

Kenya illustrates how some African countries have yet to deal with historical and contemporary injustices that were created during colonization and exacerbated or deliberately left unresolved after independence by the political elites that usurped the land and accumulated it instead of redistributing it amongst the asset poor. Countries such as Kenya have, four decades after independence, chosen to delay the enactment of policies that would provide a framework for addressing the inequities, while others such as Namibia, South Africa and Zimbabwe developed policies focusing on restitution, redistribution and tenure reform immediately after independence, although they still face many hurdles in implementation. Budgetary under-spending by the South African Government is symptomatic of either a lack of capacity or a lack of political will to accelerate the process of restitution and redistribution of land (Adams and Palmer, 2007). Namibia is resorting to compulsory acquisition, given the slow pace of the 'willing buyer, willing seller' mode of acquisition for the resettlement programme; however the Affirmative Action Loan Scheme seems to make relatively more progress in terms of budget spending, number of beneficiaries and area occupied. Elite capture⁴ is obviously still a subject of debate, given that redistributed land under this scheme remains idle and the role of land redistribution in addressing poverty is unclear. Zimbabwe resorted to expropriation of land (fast-tracked to correct historical injustices) after failing to secure compensation for white farmers to pursue gradual land reform. The results of this fast track are accumulation of land by a non-white elite and a significant decline in agricultural production.

Is land redistribution simply a formula to legitimize land transfer to local elites? Can the national black land owners in Kenya and elsewhere share this asset with the landless, squatters,

3 These designations are specific to Ghana and they define land ownership systems vested in the traditional authorities. In the northern sector (Northern Region, Upper East Region and Upper West Region) the ownership is vested in 'skins' while in the southern sector (Central, Brong Ahafo, Ashanti, Eastern, Western and Volta Regions) is vested in 'stools'. Stools are also distinguished as matrilineal and skins as patriarchal systems of inheritance.

4 Elite capture involves people with political and economic power particularly linked with political structures; people with access to banking systems and other institutions are the beneficiaries of land redistribution. Lack of farming knowledge, skills and experience limits the productive use of land.

tenants and other asset-deprived groups at will? Is redistribution aimed at changing the colour of land owners or at changing the distribution patterns between rich and poor to bring all into the mainstream economy?

Kenya also illustrates a country whose economy has been oriented by principles of capitalism in which private ownership of assets, such as land through title deed, is considered essential to securing tenure. The poor rural and low-class urban populations do not have access to information nor to financial resources to access land and register for security of tenure. Land registration and titling seems to be another aspect that many recent policies highlight as important for security of tenure by the titleholders. Kanji et al. (2005), in a study undertaken in Ethiopia, Ghana and Mozambique, highlight the fact that provision of individual titles based on demand inevitably favours the high-income classes and investors. However, the same authors observe that innovative pro-poor registration systems, such as the systematic household registration in Ethiopia or the community land registration in Mozambique, offer practical examples of protection of both individual and community land rights.

Mozambique at independence nationalized all assets, including land and other natural resources. The State owns the land and natural resources, as in Angola, Tanzania, and Zambia. Mozambique has land, forestry and wildlife policies that are considered to be progressive in terms of opportunities for addressing social injustices and promoting local development through security of individual and group/collective rights. The State shares 20% of revenue on royalties with communities, as provided in the legislation of forestry and wildlife, while the private sector is also called to exercise corporate social responsibility through negotiations during the consultation process for accessing land and other resources. The collective ownership of land and rights to harvesting forest resources by local communities is one of the mechanisms for addressing land resource security by poor and often marginalized groups. This is somewhat similar to situations prevalent in Angola (according to a new policy), Malawi, Namibia, Tanzania and Zambia as well as the decentralization of NRM in West Africa (e.g., Senegal) and Central Africa (e.g., Cameroon).

The Mozambique case study also represents many countries in southern Africa, where *miombo* woodlands are predominant; communities need to rely on innovative technologies to add value to relatively low market value forest products. Devolution of such forests to communities poses a challenge in terms of the realistic benefit that can be generated and its impact on livelihoods. Collaborative management of natural resources in Ghana seems to be an 'illusion of inclusion', that is, a missed opportunity for communities to access and share in benefits from high-value tropical forest products. Cameroon seems to be leading the way to engaging communities in NRM and access to high-value timber. Cameroon, the Central African Republic, Liberia and Nigeria have resource policies that envisage benefit-sharing mechanisms. However, as usual, the bottleneck is implementation.

Finally, Namibia is still dealing with skewed land distribution patterns through its resettlement and affirmative action programmes; the Government remains sceptical of granting formal land rights (i.e., ownership) to communities while providing for access, control and generation of benefits from resources such as wildlife and forests. The country is an example of a commitment to addressing the hardships of deriving sustainable livelihoods from drylands through devolution of high-value resources, such as wildlife and associated tourism and high commercial value timber. Most of Africa is arid or semi-arid and wildlife is particularly predominant in East and southern Africa; Namibia's experience offers some important

lessons. The approach to resource devolution in terms of delivery systems is useful for Africa in general. Wildlife resources are managed as community and commercial farmers' conservancies to explore hunting and tourism potential. This is generating employment and income to both communities and the national economy.

2.2.2 Methodology

Information for this study was obtained through two approaches: field visits and participation in national/regional events that addressed issues of land resource tenure and poverty reduction.

A range of views was gathered from different stakeholders, either through focus groups or individually. Discussions of issues and challenges were held with government institutions (particularly those dealing with land, forests, wildlife, tourism, agriculture and natural resources); local, national and international NGOs; development partners (particularly those supporting the natural land reform process, NRM and environmental initiatives); the private sector and UN agencies. This formed the basis for understanding policy intentions and practices, in particular: the manner in which resource devolution (if any) is being implemented, the facilitators of the process, who is engaged (by gender and age) and, above all, the level of security in resource tenure and impacts (e.g., employment creation and alternative livelihoods, among others). Equally important was the identification of lessons and opportunities that contribute to the achievement of the MDGs, as well as the tensions and conflicts between, for example:

- ❑ Allocation of land to the private sector (perceived as a driver of rapid economic growth) and resolving security of tenure for the majority of the population
- ❑ Addressing equity issues, especially regarding access to land by women, versus the need to recognize and integrate customary laws into the statutory law
- ❑ Compulsory acquisition of land for public use without compensation.

Visits to field initiatives were essential in providing further detail on policy delivery mechanisms, target groups and impacts. Discussions were held with community members, traditional authorities and local government officials. This included observation of ongoing efforts by government to address some of the land conflicts in Kenya, such as fieldwork undertaken by technical staff and District Officers to formalize (i.e., confirm ownership of) land holdings in the Bububu Resettlement Scheme in Coast Province. This province clearly illustrates the unresolved historical⁵ issues that resulted in landlessness, squatters, and tenancy-at-will, among other forms of 'illegal' land occupation, insecure tenure and land grabbing by political elites. Local people have organized themselves into various forums to claim their rights. Different approaches to community involvement in NRM and security of resource tenure were observed:

- ❑ The Collaborative Management Initiative in the Adwenase Community in the Ashanti Region, one of the oldest initiatives portrayed as a model of resource devolution in Ghana

5 Such as the 10-mile coastal strip once created as a trade zone by the Sultan of Zanzibar, displacing local people. Descendants of the original owners still collect ground rent from the population that constructed houses on this land after independence.

- ❑ The conservancies and community forests of Ncaute, Njana, Mkata, Ncamagoro, Nyae Nyae and Joseph Mbanbangandu in Namibia
- ❑ CBNRM initiatives in Madjadjane and Mahel communities in Maputo Province, Mozambique.

Overall, nearly 200 people were met individually or in discussion meetings in the four countries.

Participation in events included:

- ❑ The National Symposium for the Formulation of National Land Policy in Kenya, which brought together all major players in the land sector nationwide to discuss how well the land policy addresses the concerns of poor local communities, women, youth, slum dwellers, etc., as well as the private sector, government, conservation and development NGOs, development partners and parliamentarians, among others.
- ❑ The Annual Meeting of the National Directorate of Lands and Forestry in Mozambique, which assessed the implementation (i.e., progress of, constraints to and way forward) of legislation on land, forests and wildlife outside protected areas.

In Ghana it was possible to attend the last⁶ of 10 consultative meetings held in the Eastern Region of Ghana for the development of the Land Act and the International Tropical Timber Organization (ITTO) to discuss the role of forests in poverty reduction and their contribution towards the MDGs and economic growth. In Namibia, a specific event⁷ was organized to discuss: how the country is addressing land distribution imbalances; overcoming the challenges of a semi-arid environment; and providing communities with sustainable income opportunities. This forum also discussed the progress towards – and challenges of – resource devolution in Namibia.

⁶ Regional Meeting on Promotion of Investment in Natural Tropical Forest.

⁷ 'Addressing Land Distribution Imbalances, Overcoming the Challenges of the Dry Environment and providing Communities with Sustainable Income Opportunities'.



3. The challenges of securing property rights in Africa: From the colonial legacy to the current policy provisions and practices

Africa has inherited a dualistic (statutory and customary) land tenure system and inequitable land distribution from the colonization era. The diversity of land and resource ownership in Africa and the influence exerted by colonial policies reflect the extent to which they have succeeded in suppressing customary resource ownership rights. In addition, post-independence policies exacerbated imbalances or otherwise adopted equity in access to resources.

The analytical framework (Figure 1) used in this study is useful in drawing parallels between the MDGs and the challenges associated with effective devolution, which aims to bring about what Ostrom and Williamson (2008) term 'productive outcomes'.

3.1 Customary laws and structures: Do they serve the interests of the people?

This section reviews the dynamics of customary laws and structures and how they affect security of tenure over natural assets and redistribution of benefits.

Current policy reform endorses the dual land tenure system, and customary law is portrayed as a mechanism that grants equitable access to resources. However, the case of Ghana clearly illustrates how economic dynamics and local power relations (e.g., local government, stool landowners and communities) alienate local people from security of land resource tenure. The decision power (Figure 2) held by the existing customary institutions influences access and security of tenure. Box 1 presents an example from Ghana. Overall, the chief holds the allodial title in trust for the community, which has usufruct rights (Ubink, 2007); in this situation the chief in council should take decisions on land allocation. However, the paramount chiefs and heads of families increasingly act as *de facto* and *de jure* landlords, hence exercising stronger decision powers in land allocation. Further, Kotey and Yeboah (2003) consider that the seizure of community and family land rights by the stools as a result of urbanization (e.g., in Kumasi), demonstrates a collapse of traditional institutions.

Box 1 Land ownership and the customary allocation of land in Ghana

The Constitution of Ghana (1992) acknowledges two types of land ownership: state/public and private. The latter includes land in communal ownership held in trust for the family or community by the stool in the matrilineal societies in the North of the country, or the skin in the patriarchal ones in the South.

The commercialization, urbanization and monetization of the economy have exacerbated the need for chiefs to control natural assets and to accumulate wealth in the form of physical and financial assets. The land ownership patterns reflect the development of land markets, which developed as internal migration towards more productive lands increased over recent years.

This has resulted in the development of three tenancy systems that are based on the proportion of shares of the produce between the owner and the tenant: the *abusa*, *abunu* and *ntoon*. In *abusa*, the tenant shares two thirds of the proceeds of production and the landowner, one third. In the common tenancy system of *abunu*, both parties take equal shares of the produce. In *ntoon*, the amount agreed has to be paid irrespective of the level of production. However, according to the chiefs, the system is flexible enough to accommodate years of poor harvests due to natural events such as droughts, floods, pests, etc. In all three systems, the tenants need permission from the landowner to plant perennial crops; therefore, those who own large portions of land accumulate significant wealth from renting the land to third parties.

The influence of the traditional authorities in resource ownership and control in Ghana is also demonstrated by the constitutional provision (Annex 1) that establishes benefit-sharing proportions for the district assemblies (55%), traditional authorities (20%) and stool landowners (25%). The Constitution specifies that the proportion going to the chieftaincies is to be used for maintenance; however, the criteria for use of funds from royalties for forest exploitation by the local government does not target – and actually excludes – forest fringe communities.

Ubink and Quan (2007) also highlight that there are shortfalls in recognizing and building on customary tenure systems in order to achieve equitable land management in developing countries. The authors stress that customary tenure in Ghana is based on commitment to a historically constructed framework of ‘traditional’ chiefly authority over land and to non-interference by government. However, it has failed to deliver on expectations. As noted in the case of Zambia by Adams and Palmer (2007), it is important to exercise caution in reforming customary institutions to avoid further marginalizing the underprivileged. In Zambia, for example, the authors warn that there is an indication of some worrying trends insofar as protection of the customary rights and security of tenure for the majority of the population is concerned. They stress that, despite prevailing legislation, the World Bank and the Government advocate conversion of customary land to leasehold in order to promote investment.

Challenge 1: Reforming traditional institutions and customary norms to address rural poverty and ensure food security

There is a need for partnership between civil society, government institutions and development partners to stimulate dialogue in an effort to reform traditional institutions. This must include an examination of the power they exercise and the customary norms that favour accumulation of natural assets and wealth by few, while depriving the majority of securing tenure rights, hence decreasing the potential for enhancing food security and poverty alleviation.

The plight of migrants

The land tenure system in Ghana, which is characterized by widespread migration in search for productive land for commercial farming (e.g., of palm oil, cocoa and coffee), is a common practice in West Africa. It has influenced the development of land markets, resulting in increased scarcity of fertile land, increased land prices and land value, and changes of tenancy contracts over time (see Box 2). Although migration, whether internal or transborder, was initially stimulated by the indigenous landowners, it is currently a source of conflict, as witnessed recently in Côte d'Ivoire.

Box 2 Examples of land allocation instruments elsewhere in West Africa

The analysis of various forms of derivation of rights includes examples from Benin, Burkina Faso, Côte d'Ivoire, Ghana, Nigeria and Senegal.

The range of land market strategies includes gifts, loans in exchange for labour and other in-kind contributions, cash rentals such as Zunda (in Benin) and Singuuey and Lalle (in Burkina Faso), sharecropping and sales.

The commoditization of land in West Africa and the system of delegation of rights has been sensitive to power relations and the balance between landowners and migrants, with the latter being increasingly disfavoured with respect to security of tenure.

The tenancy system has aided equitable land access, but is also responsible for the growing competition over land.

Source: Lavigne Delville et al. (2002)

Discrimination against migrants in West Africa and commercial farming workers in southern Africa highlights the poor power relations within communities; this discrimination should be acknowledged as an example of how basic human rights are denied to these groups.

Therefore, the challenge for national governments and development partners is to stimulate reform of the customary norms, which are equally dynamic and which should respond to the socio-economic, environmental and political context. In addition, these norms must take into account the growing impact of climate change, which affects patterns of settlement, production, food security and poverty. For example, floods annually displace many people in Mozambique; if such displaced people were treated as migrants and denied access to land elsewhere, this would result in a catastrophic promotion of landlessness. Why is

there landlessness in Africa when there are large tracts of unused or idle productive land? Achievement of the MDGs requires productive use of the available resources as well as access for all those who need them, and this should be considered in the reform of customary institutions.

Challenge 2: Addressing internal migration and new environmental challenges caused by climate change

The reform of customary and statutory law should take into consideration that conflicts, the search for employment opportunities and the effects of climate change (severe droughts and floods) and other natural events (landslides, tremors and cyclones, etc.) are contributing to further displacement of people who need land for living and farming. It is important to ensure that the rights of citizens to land anywhere in the country – as a basic human right – are entrenched in the Constitution and/or other policies and are enforced. Otherwise, the result is the creation of a class of rural and urban landless people and squatters.

While promoting the rights of all citizens to live anywhere within the boundaries of nation without being considered migrants is necessary for mitigation of the effects of natural events, there is also a need to establish policy and legal mechanisms that do not encourage the political and economic elite to engage in land grabbing, accumulation and speculation.

Challenge 3: Adopting stringent measures to minimize land grabbing by the political class and local elites

Land taxation and enforcement of norms on economic exploitation of land resources for generation of employment and wealth should be adopted, and civil society should play an important role in monitoring their application. These are key to limiting the accumulation of unused productive land in the hands of a few, to the detriment of less-privileged potential users.

Gender equity in accessing productive assets

Poverty has two major distinct groups: men and women (e.g., wife, widow, child, etc.) who suffer discrimination in access to and control over property. For example, the Global Coalition on AIDS and Women calls for domestication of international legal standards on women's property rights into national laws. The UN General Assembly (2005) calls for implementation of the Beijing Declaration to achieve development goals by eliminating insidious gender discrimination: the rights to property, inheritance, security of tenure over property, and equal access to productive assets including land, credit and technology. The latter is essential for land and forestry reform to have a meaningful impact in alleviating poverty for both women and men (Nhantumbo, 2007).

Reforming local traditional institutions is paramount to entrenching gender equity in accessing resource assets and economic development opportunities in Africa; hence, it is essential in meeting the MDGs. In Africa, women are the main producers of food crops, yet they hold secondary rights to relatively low-productivity land.

Box 3 The customs challenge to the delivery of basic human rights: Access to and security of tenure over assets

Ghana

The head of the family owns fertile land, while 'wasteland' or low-productivity land is given to women for food production (i.e., access and use rights). This is considered 'sweat equity' and the opportunity cost of women's labour is undervalued as the land given to them is of low productivity. In addition, women are required to farm their land only after providing labour for their husband's cash cropland, growing cocoa, palm oils and other perennial crops. This affects labour availability for food production as well as, eventually, cash for supporting children's education and meeting other family requirements. In southern Ghana, the queen mothers are very influential in indicating their throne successor, but this status is not reflected in practical empowerment. The marginalization of women is echoed by the following statement made by men during field work: "Women have many rights, including access to farm land, only that they fail to acknowledge it; even in event of death of husband they are inherited and always cared for, unless they choose to return to their parents' home or re-marry." (Personal conversation, August 2007).

Alhassan and Manuh (2005) indicate that the Land Administration Project set up a pilot registration process inspired by the success of Ashantehene in registering customary land rights. The authors indicate that, in general, the poor are excluded from the process due to lack of awareness, exorbitant fees, complex procedures and corruption in land agencies; long-term effects, such as land scarcity, are likely to affect women and youth.

Kenya

Lack of access and security of land tenure in Kenya is both a rural and an urban problem, affecting both men and women. The field study in the Coast Province (Kisauni Land Lobby Group) has highlighted that "discussion on land rights for women becomes less of a priority in a context where the whole family has no land in the first place." (Personal conversations with group members, June 2007). This seems to suggest a hierarchical provision of rights, which is in part also responsible for the current derivative rights held by women throughout Africa.

A small survey was carried out in Nairobi in the context of this Challenge Paper. In order to try and reach the poorer urban dwellers, particularly women, a sample of women cleaning staff was selected in two residential apartments in Westlands to gauge the extent of access to land for housing. Only one out of 35 interviewees from eight residential areas (slums¹) lived in a family-owned plot. A total of 97% lived in rented premises, with 50% residing for over eight years in the area. The average size of the houses was two rooms, costing on average US\$28 per month for an average household of five people. Of the women interviewed, 40% lived in female-headed households. Although this survey cannot claim to be representative of Nairobi slums, let alone Kenya, it suggests that many people cannot afford to buy a plot big enough for even a two-room house.

Namibia

There are gender provisions in the legislation, but these are not sufficient to change social practices, particularly at the village level.

Community forests and conservancies lack a clear strategy for engaging women in enterprise development. The field visits to the community forests of Ncamangoro showed that, despite being represented in some of the management committees, women were harvesting relatively minor products such as thatching grass, as far as economic activities were concerned. There are examples of husbands demanding their wives/spouses to access land (through the resettlement programme) so that they can accumulate more land, for which they are *de facto* decision makers. Of 8522 beneficiaries of government resettlement programmes, 42.1% are women, but few have legal rights or title deeds – they only have secondary rights to collect fruits, fuel wood and other products.

Mozambique's Constitution and Land Policy both acknowledge the right of men and women to land, and the CBNRM strategy (as outlined in the social objective of the Forestry and Wildlife Policy) deliberately ensures women's participation in resource management bodies and strives to identify a diversity of income-generating activities that engage both women and men. However, on a larger scale the situation is still far from equitable.

Elsewhere in Africa, women continue to be marginalized, as shown in the following extracts from Nhantumbo (2007):

- ❑ "In the Kingdom of Lesotho, Basotho men migrate to South Africa in search of employment in the mines, leaving women as the de facto heads of families; however the women are deprived of owning land that they farm (Selebalo, 2003). Gender equity in redistribution of land is critical but remains largely ignored, and socio-cultural pressures impede women from exercising their rights:
- ❑ The Lesotho Land Reform Commission suggests constitutional amendments to: cater to equal rights for men and women in terms of access to land; repeal laws discriminating against women in Lesotho, including the Deeds Registry Act 1967, in order to allow women to own land on merit and to register it in their own names; to allow both men and women to inherit land; and to abolish the customary law, as it promotes discrimination.
- ❑ Zambia is one of the countries that openly challenge traditional laws that go against principles of democracy and infringe on fundamental human rights. The Interstate Succession Act of 1989 (reformed in 1996) defines inheritance law specifically for women/wives and protects them against unlawful eviction. This stand has been seen as a challenge to the customary law, and failure to implement it is partially due to the fact that women themselves fail to recognize their land rights and claim property, most likely because they have no access to information. However, the Land Act also creates conflicting signals so far as protection of women's rights is concerned, as it acknowledges the customary norms, which reserve land rights to men only. The resolve of the Government to promote equality is somewhat evident in an administrative decision (1999) of the Ministry of Lands (ITTL, 2003) that decrees at least 10% of advertized land should be for women. Enforcing and monitoring such administrative directives is a challenging undertaking in the absence of land management information systems to track and verify the allocations.

Challenge 4: Establishing affirmative action for women's access to natural assets

Inequitable access to land resources by both women and men highlights the lack of connection between policy and practice. There is a need to include practical instruments such as land tenure indicators to monitor land allocation to women (in number and acreage) and to undertake positive yet aggressive awareness campaigns on women's rights to land and the tools they can use to acquire and secure those rights.

3.2 Land resource policies in Africa: The need to move beyond blaming colonization and to deliver security of resource rights to communities

This section addresses the slow pace of correcting colonial injustices, as well as the challenges to redistributing productive land held by local elites to the community at large.

The case studies show that independence did not necessarily deliver on redistribution of land from the settlers to local people. Kenya is a case in point. The maintenance of the colonial land legislation facilitated land grabbing. Such second-level usurpation of land from the poor was enabled by the fact that the land is vested to the President on behalf of all Kenyans. As with traditional authority elsewhere, in Kenya the President's prerogative to allocate land favours a certain economic class and the political elite. Land allocation has been largely used to purchase political allegiance, thereby exacerbating ethnic divides and gender inequity.

Kenya illustrates how the inequalities have been perpetuated due to elite (political and economic) land capture. As a result, land conflicts still prevail and many interviewees for this study contest what they consider as non-achievement of the liberation objective (Personal communications, June 2007). Successive commissions of enquiry on land issues were set up. For example, the recommendations of the report of the commission of enquiry into land law system in Kenya (Njonjo Commission, 2002) give prominence to the formulation of a National Land Policy and the establishment of a Land Commission to take responsibility for better management and administration of land.

The Commission of 'Inquiry into Illegal/Irregular Allocation of Public Lands' made recommendations on how to address land-grabbing issues (Ndungu Commission, 2004). While the process of formulating the land policy was begun in 2004, and the Draft National Land Policy was ready for approval by mid-2007, it was not tabled for discussion in the last legislature (2007). The recommendations of the Ndungu report were yet to be satisfactorily implemented by the December 2007 elections. Inequalities in resource distribution tend to fuel political contempt. In fact, inequality in land and resource distribution were major issues during the campaign and divided the Government from its main opposition; the perception was that the Government backtracked on taking the necessary actions to address both the illegal acquisition of land and the development of instruments that provided the framework for overall normalization of land ownership and improvement of administration and management in the country. Annex 2 highlights some of the issues addressed by the Draft National Land Policy and other legislation.

Kenya simply echoes what is happening elsewhere on the continent, particularly in Namibia, South Africa and Zimbabwe. Namibia inherited very skewed land distribution and since the outset of independence it has embarked on land reform processes that, on one hand, aim to provide access to productive land for emerging black commercial farmers and, on the other, to implement a resettlement programme for the poor. Field evidence indicates that this 'willing seller, willing buyer' approach is ineffective in delivering the targets. Furthermore, it seems that the richer/privileged (albeit black) people are accessing productive land, while the poor are allocated low productivity land with severe water scarcity. Therefore, the issue of skewed land redistribution is further questionable when it aims to create a class of landowners and landless. The poor remain on low-productivity land, while those who are economically endowed do not make the most of the high-productivity land.

Challenge 5: Correcting historical injustices without creating conditions for long-term conflicts between the rich and poor

Land redistribution or restitution should be accompanied by a critical assessment of the beneficiaries' ability to make productive use of land and sufficient management capacity for the enterprises that are best suited. Land allocated through redistribution, particularly for commercial purposes, should be taxed in order to provide an incentive for utilization or for abdication of idle land to accommodate the needs of the landless and of those with business management capacity to create jobs and income for the national economy.

Policy formulation is not sufficient to change the discrepancies in security of tenure rights, but implementation and monitoring likely will.

Kenya and the Kingdoms of Lesotho and Swaziland are illustrative of the slow pace of policy development and approval when interests of the elite are at stake. Swaziland and Lesotho face a challenge in reforming land tenure because of the primary need for Constitutional reform to change the rights and *modus operandi* of traditional institutions, particularly the land rights held by kings and the marginalization of women. As mentioned previously, Ghana's Government is complacent in maintaining the powers of the traditional authorities.

On the other hand, various governments in East and southern African countries have been reviewing and updating both their constitutions and policy and legal frameworks to ensure security of tenure. Overall, the policies were developed through consultative processes and contain good provisions for addressing the security of tenure of local communities. The prevailing armed conflicts in the region highlight the need for equitable distribution of resources in countries like Burundi, Rwanda and Sudan and further illustrate the centrality of addressing inequities to foster lasting peace.

With regard to community rights, Deininger (2003) presents an analysis of the policies of 20 countries in Africa, which indicate that four do not recognize customary tenure (Eritrea, Ethiopia, Rwanda and Zanzibar), two are permissive (Burkina Faso and Kenya), one is partial (Côte d'Ivoire), and thirteen clearly recognize customary rights and strengthen them (Ghana, Lesotho, Malawi, Mali, Mozambique, Namibia, Niger, South Africa, Swaziland, Tanzania, Uganda, Zambia, Zimbabwe). Group rights registration is permitted in nine of the thirteen countries that recognize customary rights, the exceptions being Namibia, Niger and Mali. Only Mozambique and Zambia had implementation in progress. Implementation is clearly a bottleneck for delivering resource rights policies to local communities.

Challenge 6: Beyond participatory policy formulation, implementation is key

Kenya and Ghana have conducted participatory design in policy formulation. Swaziland and Lesotho have undertaken studies and reviews to assist in identification of key policy issues that need to be addressed. The challenge, however, is the political willingness to effect the changes, that is, to approve the policy and develop instruments and mechanisms of implementation. The entry point for development partners need not be policy change through formulation, but through the support of effective implementation mechanisms.

While the content and coherence of the policies vary in terms of the extent of resource allocation (i.e., the quantity and quality needed to sustain economic activities) and in the strength of rights for local people, they have been highly influenced by the intervention of civil society. Nonetheless, even the most progressive instruments do not have entrenched monitoring systems that allow systematic assessment of their performance in delivering the rights and the impacts. Associations such as the G20, which monitors PRSP implementation in Mozambique; the Namibia Association of Civil Society Organizations (NACSO), which supports CBNRM in Namibia; the Kenya Land Alliance and the consortium of 20 or so organizations that support land registration and protection of local rights in Ghana need to provide monitoring services to give different perspectives on impacts, particularly at local level.

Challenge 7: Monitoring implementation of land resource policy with regard to delivery of rights to communities, the poor and the marginalized

PRSPs and visions and plans for long-term development need to embed indicators related to land resource tenure rights at national and local levels. Civil society, such as the various associations supporting protection of community rights and rural development, needs to engage in regular monitoring of implementation of such policies. This should provide additional information to governments and development partners in the monitoring of frameworks.

3.3 Devolution of resources: Linking policy discourse, practices and impacts

1.1.1 Highlights of policy provisions

The key question of this Challenge Paper is whether security of rights over land resources can actually heighten the probability of Africa achieving the MDGs, particularly those on poverty and food security, gender equity and environmental sustainability. Resources devolution and decentralization of NRM has been adopted throughout Africa in order to provide additional capacity (for governments) to enforce sustainable use and management norms as well as to provide an opportunity for communities to derive social and economic benefits from the resources. This is considered to be key to reducing resource degradation and stimulating sustainable management. All of the countries included in this case study are engaged in different approaches to devolve resources to communities: from the collaborative forest management and community resource management areas (CREMAs) in Ghana, to various forms of CBNRM in Kenya, Mozambique and Namibia. Comparing the case studies within each country also provides insights into how institutions – particularly internalization of CBNRM in the local government agenda in Mozambique – can go a long way towards stimulating the community to pursue investment in sustainable use and management of resources. NGOs can start the process, but government is the only institution that can support these initiatives, and hence realize achievement of the MDGs.

Before highlighting the challenges, it is useful to examine background information on field experiences that demonstrates the connection or otherwise between policy and practice in the four countries. The Improved African Hut for Sustainable Livelihoods provides a useful tool with which to underline the dominant issues that need to be addressed at local level. Further, it is important to note that the challenges related to delivery of resource rights need an integrated approach, and these will be concomitantly highlighted in relation to the analytical framework described in Figure 1 (see section 2.1). Overall, the policy in all country case studies is conducive but delivery mechanisms are either absent, weak or simply not implemented. Examples that will be discussed include Ghana with a *quasi*-perfect model policy framework whose implementation deliberately excludes communities from deriving benefits, as seen in the social responsibility agreements. Mozambique has a good policy that devolves a bundle of rights to the community, including security of community rights to land, forests and wildlife resources, but accessing **productive** assets seems to pose a big dilemma for the Government with regard to the tradeoffs of allocating such resources to the private sector to (allegedly) accelerate growth, and to communities for poverty reduction. Namibia has advanced in devolving rights to wildlife and forest resources, but seems to lack a clear strategy for maximizing the opportunity to create employment at local level. Complementary enterprises to tourism could be explored further.

Namibia's conservancies are an exemplary approach to wildlife resource devolution and management, while Mozambique provides a learning opportunity with regard to the need for innovative management of forest resources to meet the expectations of the people involved and of government policy, such as poverty reduction.

At independence, Mozambique pursued nationalization of all assets. Most rural dwellers own small plots of low fertility and lack critical inputs. Hence they cannot produce enough to meet their needs as well as a surplus for market, which would enable them to access complementary goods and services. The 1995 and 1997 Land Policy and Land Law created the framework for protection of community rights to land. The 1997 Forestry and Wildlife Policy give usufruct rights to resources, including productive forests (implicitly earmarked for private investors), to communities. This can be considered one of the few best practices in resource devolution to local communities, but there is still a challenge regarding the commitment to devolve productive or high-value resources.

Box 4 Devolution of natural resources to communities in Mozambique

The development of land policy and legislation in Mozambique did not aim to reform the tenure system as in such countries as Kenya, Namibia, South Africa, and Zimbabwe. There was no concentration at that time of productive land in the hands of a certain class. It was rather seeking to recognize, strengthen and protect existing land rights enjoyed by Mozambicans and promote security of tenure for socially responsible investment. However, an important aspect that these instruments brought was recognition of the customary laws and administration systems (Tanner, 2002) and gender equity.

Community land delimitation (based on customary boundaries) for certification of land use and improvement rights has been implemented with political and policy, technical and financial support of Government, NGOs and development partners. There are currently almost 70 CBNRM initiatives, mostly in relatively low-value forest areas, and more than four million hectares have been delimited and registered in the name of more than 200 communities.

The reason communities are currently accessing only low-productivity forest resources stems from their lack of capacity to meet requirements for accessing productive forests: they must conduct an inventory, design a management plan and demonstrate capacity (financial, personnel and markets) to process and add value to the wood. The types of resources over which communities have control clearly demonstrate the extent to which benefits can be generated and the resulting outcome, in terms of impact on livelihoods. More innovation in enterprise development and marketing is required to help enhance capacities and deliver on community expectations. There is, however, an indication that devolution contributes significantly to the achievement of environmental sustainability and gender equity. Where initiatives generate employment and hence income, there is a clear link with food security and investment in education as well as in pursuing investment in more valuable enterprises.

Devolution of resources: Acknowledgement of customary rights and common property regimes

The premise behind the devolution process is that communities can secure collective rights to resources and that norms and sanctions can be defined and adhered to by all. The policy and legislation promote the establishment of institutions such as NRM committees that should oversee and govern sustainable use and management of resources.

However, each of the governments of the case study countries approaches the recognition of collective rights in a different manner. Ghana recognizes customary land tenure, but land has become the private property of local authorities, hence defeating the principles of common property. In Kenya, communities can acquire private collective rights to trust land such as group ranches. Namibia is a typical example of a government that withholds the right of communities to secure land rights: although customary rights and traditional authorities are recognized, the Government is the custodian of communal land rights. The community can only exploit such resources as timber and non-timber forest products (NTFPs) and undertake wildlife-based activities through usufruct rights, such as quota systems. There is clearly reluctance to fully devolve land rights to local level. On the other hand, as stated in Box 4, Mozambique appears to be one of the few countries that acknowledges customary rights and uses them in formalizing common property rights. Communities define their boundaries, form local institutions and acquire certificates of land use rights. Although the state retains **ownership** of land resources, communities gain some level of security of tenure. However, there have been signs of backtracking and a *de facto* withdrawal of rights adjudicated to communities through the use of the power of eminent domain, legitimizing the transfer of community land to the state (as in the case of gazettement of protected areas) or to the private sector (as illustrated by examples of land transfer for cultivation of biofuel crops).

Challenge 8: Enhancing, rather than undermining, customary rights and common property regimes through the power of the eminent domain

The adoption of common property regimes is critical to defining collective choices and ownership of resources by local communities. It is also essential to promoting development of producers' associations, which are critical for economic exploitation of resources. Further, common property regimes based on statutory recognition of customary rights can form a platform for negotiation and creation of partnerships between local communities and the private sector or the state, rather than inhibiting development or biodiversity conservation opportunities.

Devolution of resources and conflict resolution mechanisms

The decentralization of resource management has been characterized by the creation of local institutions such as land boards in Namibia and Botswana, resource management committees in Mozambique and community forest committees in Ghana, among other designations adopted throughout Africa. The democratization and decentralization process has often led to proliferation of sector-based institutions, such as those that manage water, fisheries, land and forestry. Furthermore, their efficiency is greatly reduced by the participation of the same influential people in several different committees. The roles of traditional authorities and local government officials vary. Over the years traditional authorities have developed conflict-resolution mechanisms that are not always consciously integrated into the new institutions and tensions have arisen as a result.

Challenge 9: Resolving conflicts in common property regimes

While creating or strengthening traditional authorities through adoption of democratic institutions is desirable for increasing accountability, there should be a concerted effort to use indigenous knowledge in the management of resources and in conflict resolution.

3.3.2 Case studies of participatory natural resource management

Annex 1 provides more complete background on the case studies in terms of field data. Following are some highlights of the studies.

Mozambique

The Madjadjane and Mahel initiatives located in Maputo Province highlight two issues associated with bridging the gap between devolving resources and actually realizing economic, social and environmental benefits:

- ❑ Low levels of education are an impediment to the easy assimilation of technical knowledge on enterprise development or sustainable management practices and hamper the ability to access adequate information to make business-related decisions. The question is whether resource devolution can integrate education as a medium- and long-term strategy for internalization of CBNRM.
- ❑ Duration of support and sustainability of investments are a factor. Most interventions have an initial duration of two years; additional support may be obtained for another year or two. Often this support covers the period of investment (where costs surpass the benefits). This phase includes assessing resources, planning and initiating enterprises. Disappointment ensues when resources (technical and financial) are no longer available, leaving unfulfilled expectations in terms of the quantity versus the quality of support. Donors invest in many initiatives, rather than concentrating on providing full support through to the stage in which the net returns of local business enterprises are capable of consolidating the gains. How can initiatives be internalized into Government development plans?

Challenge 10: Recognizing a business approach in the rights devolution process

Government, development partners and civil society organizations recognize that community-based management of land resources is a rural development strategy that requires integrated planning and enterprise development. This development must be informed by an exit strategy – focusing on capacity building – for the facilitators, while ensuring appropriation and sustainable financing of initiatives by the beneficiaries.

Ghana

In the devolution process, Ghana seems to have a nearly perfect policy environment: customary land ownership with well-identified chiefdoms, which hold the land in trust on behalf of the people; a constitutional benefit-sharing mechanism between central and local government and the stool landowners, which could be a vehicle for benefiting local communities; the social responsibility agreement, which requires companies to invest no less than 5% of the stumpage price of timber in social infrastructure. In addition, designated CREMAs that envisage the direct involvement of communities in resource management and income generation. All these policy provisions could certainly be instruments for security of resource tenure and for addressing MDGs. However, traditional leaders have become 'owners' of the land, hence allocating the revenues from land resources. Therefore, income distribution ends at the stools for their up-keep, the negotiation of social responsibility agreements is by the legal entities (the stool landowners), who often prioritize personal gains, and the community is alienated from setting priorities and sharing the benefits.

Finally, there are very few examples of CBNRM in Ghana as yet, so the policy provision has yet to be used. The potential for achieving MDGs – particularly on hunger and poverty, gender equity and environmental sustainability – is enormous, yet this potential is undermined by

poor implementation of policies. The benefit-sharing mechanism shown in Box 1 illustrated this, and Table 1 provides further insight to the amount of money involved.

Table 1: Stumpage fee collection and distribution (in US\$) by the Forestry Commission (FC)

Period	60% off FR and 40% on FR					
	40% off FR and	Remaining considered (100%)				
	60% on FR	10%	25%	55%	20%	
	FC's share	OASL	Stools	District Assemblies	Traditional Councils	Total
January–June 2004	2223994	126951	466942	1007817	367482	4193186
July–December 2005	9040402	179973	381393	879153	324851	10805772
January–June 2006	16923167	208941	481891	1020991	377583	19012573

Source: Table compiled based on Stumpage/Rent Disbursement Reports (FC, 2004, 2005 and 2006). FR = Forest Reserve; OASL = Office Administration of Stool Lands

The local authorities from seven regions benefit from the harvesting of forest resources. In a six-month period, the Office of Administration of Stool Lands (OASL) allocated an average of nearly US\$1.8 million. This amount could rise to about US\$3 million per annum. The funds may be deemed insignificant for the size of the regions, the potential beneficiaries and the needs of the local communities (e.g., the social infrastructure and investment in economic activities). However, targeting communities in which the resources are harvested and creating a development fund to be run as a microfinance scheme with low interest rates could go a long way toward supporting local livelihoods. This need not necessarily be done by contravening – or, in other words, reforming – the constitutional objective of allocating part of the revenues for the upkeep of the stools and traditional authorities, but could be accomplished by raising awareness within the chieftdom to establish small-scale financial schemes to support local initiatives. The chiefs often claim that the natural resources are their God-given assets, resulting in a lack of transparency and accountability in the use of the revenues (Ntiri et al., 2005).

Opuku (2006) ascertains that the terms of trade on timber between the North and South, the protection offered by the State to industries at the expense of local communities, and the elite capture of the revenue collected by the State all contribute a great deal to undermining the benefits that communities could realize.

Challenge 11: Elite capture and distribution of economic benefits

Governments must facilitate the establishment, implementation and monitoring of benefit-sharing mechanisms to increase socio-economic distributive effects on reducing hunger and poverty.

Experience with implementation of community-based resource management initiatives in Ghana also includes the high cost of implementing people-oriented programmes, as they entail an understanding of the dynamics (e.g., power relations, decision-making process, culture, levels of education, age, etc.) of the different actors and strata of the community. Implementation thus requires significant investment of time to build the social cohesion needed for community members to take unified/consensual positions. This echoes the issues about duration of support that should be accorded to these initiatives if they are to contribute to achievement of the MDGs in Africa. The Adwenase Community Project has been implemented for 20 years but with very erratic support; hence communities still do not fully realize the potential benefits.

The lack of accountability of traditional authorities and other local institutions for how they use revenues, and the complexity of decision-making processes, hinder realization of the full potential offered both by high-value resources and existing policies. Good governance and transparency at local level is crucial. Therefore, accountability should be demystified, which requires reform of these institutions.

Kenya and Namibia

Kenya and Namibia are mostly arid, with substantial wildlife populations. Local communities derive some income from tourism activities. In Kenya, the political instability faced in early 2008 is likely to have negative impacts on community enterprises in the short and medium term due to a decline in the number of tourists. There are also urgent problems such as land resource conflicts caused by skewed distribution. Namibia has advanced significantly in developing both the policies and processes of community engagement in the management of natural resources through conservancies and community forests, with a total of 63 initiatives. A number of conservancies are currently self-sustained – that is, they are able to meet their operating costs. However, accountability is still a challenge for some.

The high-value (in the context of an arid and semi-arid country) forest resources devolved to local communities appear to result in a missed opportunity to generate meaningful benefits and alleviate rural poverty. The question of to which institutions, beneficiaries and capacity the resources are devolved is critical. Currently, the private sector seems to be taking advantage of local communities in an unfair negotiation of the terms of resource transactions. The human capital issue illustrates the cost of devolution to communities. The benefits include full-time and seasonal employment and payment of annual dividends, although an exploration of alternative income-generating activities for both men and women needs further capitalization. The benefits vary considerably between forest and wildlife areas due to the commercial value of the resource, the demand and the facilitation process (i.e., with civil society support). This income has a positive impact on the achievement of the MDGs on hunger and food security, education, HIV/AIDS and environmental sustainability; however, its impact on gender equity is less visible and requires more deliberate efforts.

Challenge 12: Devolving high-value products: To whom?

Resource devolution to local communities should be concomitant with the provision of supporting services, particularly capacity building to understand the value of the resources and to establish mutually beneficial community–private sector partnerships.

3.3.3 Land resources policy, rights and the MDGs: Challenges that need an integrated and multi-dimensional approach

MDGs 1 and 7 (food security and reduction of poverty, and environmental sustainability) are presented as the ultimate goal or manifestation of the devolution of resources to communities. Ownership and security of rights and community participation in management of resources is a policy aimed at reducing the inability of local communities to benefit from their natural resources, and hence motivate the adoption of sustainable use practices. The policy has the potential to promote rural development, although in their short- and long-term poverty reduction strategies and development plans few countries explicitly acknowledge the role of devolving land, forestry, wildlife, fisheries and water resources.

The investment in environmental sustainability in land resource devolution initiatives (e.g., financial support in the context of CBNRM) is apparently low. Field experiences in the study areas (e.g., Mozambique and Namibia) demonstrate that CBNRM does effectively contribute to increased or maintained biodiversity and health of resources, and therefore to environmental sustainability (MDG 7). This results from awareness-raising and community expectations of higher income from non-consumptive and regulated consumptive activities. Communities engage enthusiastically in law enforcement, both to ensure community compliance and to strengthen vigilance for outsiders. However, the challenges of sustaining good management practices are also associated with the ability to deliver food security and constrain achievement of poverty-reduction goals.

Challenge 13: Diversifying economic opportunities, including deriving value from sustainable management of natural resources and ecological services

The following measures should be undertaken in order to diversify economic opportunities:

- Regularly and adequately compensate the opportunity cost of community labour involved in implementing best management practices that do not yield high short-term economic benefits.
- Devise or explore existing mechanisms to add value to resources that can be conserved by communities, such as payment for ecosystem services.
- Encourage government devolution of productive resources (fertile land, forest concessions for timber, etc.) to local communities to enable them to enter the market with competitive products. This requires innovative approaches to address not only access to natural assets but also the 'foundations' of the analytical framework, including education as a requirement for accessing knowledge and information, and the wise use of this knowledge to transform natural assets into economic opportunities.
- Integration of education in the resource devolution process in plans by government, development agencies, international organizations and civil society organizations.
- Incorporate a demonstration of the contributions of land, forest and wildlife and fisheries sectors as commonly devolved resources to local communities into PRSP and MDG reporting.
- Improve representation of the natural resources sector by reflecting both its formal and informal sectors in national statistics.

The challenges and/or entry points associated with the five pillars of the framework can be divided into four categories:

1. Security of rights to land resources
2. The decision power of institutions
3. Access to technology and markets
4. Financing the devolution.

These categories are explored in further detail:

1. Security of rights to land resources includes access and control over natural resources, which is the principal mediator of achievement of the MDGs. Case studies and other references from elsewhere in Africa reveal a tremendous effort to reform land resource policies and to focus on giving security of tenure (generally in the form of long-term usufruct rights) to local communities, marginalized groups (e.g., women, youth, migrants and ethnic minorities) and other resource-deprived stakeholders. Research for this paper confirms that, while existing policy gaps may require reform, there are also tremendous opportunities in current policy and legal provisions on which development partners, governments and civil society can capitalize to create an enabling environment for implementation. Box 5 defines the entry points. Policies need to respond to contextual dynamics, which could be more productively understood and informed on practices, and perhaps start bridging the practice–policy gap.

Box 5 Development partners and the entry points for addressing resource devolution challenges

- Improve benefit-sharing mechanisms and facilitate the development of more robust negotiation institutions to ensure communities benefit more equitably from resources. Ghana needs to address adequate implementation of the existing progressive tools, such as social responsibility agreements, the benefit-sharing mechanism between central, local government and traditional authorities, and designated forest and wildlife areas for community management. Existing civil society organizations, such as NACSO in Namibia, the Kenya Land Alliance (KLA) and various community-based organizations in Kenya, the CBNRM network in Mozambique and the NGO coalition for community rights in Ghana, could be of tremendous value in sharing experiences and best practices.
- In Mozambique, there is a need to operationalize the provision that communities are eligible to access high-value timber forests (i.e., through concessions), to support the development of entrepreneurship and to explore partnerships that will ensure effective and efficient management of resources and business enterprises. Existing partnerships include the Community Land Initiative and the support of the Millennium Challenge Corporation. Further support can build on these initiatives. This constitutes an opportunity to test the impacts of local management of high-value resources; to address issues of access to technology, financing, and markets; and to understand how communities can form small and medium enterprises based on an exploration of land resources for which they hold security of tenure.
- In Namibia, while significant and concerted support has been provided over the years to conservancies, there are still gaps in developing a clear and gender-sensitive strategy for the development and diversification of enterprises. The Government has devolved the most valuable resources to local communities (i.e., those from forests). Technical support and training is critical to helping communities access benefits and not simply transfer them to the private sector through unfair negotiations based on discrepancies in expertise between the private sector and communities.
- Kenya urgently needs to approve and implement the National Land Policy, which will strengthen the devolution of resources to communities and address the serious current inequitable sharing of resources, which results in conflicts. The Development Partners Group on Land, with organizations like UNDP Kenya, the African Wildlife Foundation (AWF), the World Wide Fund for Nature (WWF), the International Union for Conservation of Nature and Natural Resources (IUCN) and KLA among other local initiatives should continue exerting pressure to that effect and, most importantly, to facilitate its implementation and contribute to achievement of the MDGs.
- National governments and development partners need to stimulate reform of the customary norms, which should be equally dynamic and responsive to socio-economic, environmental and political contexts and to the ever-growing impact of climate change, which affects settlement patterns, production, food security and poverty. Natural resource policy reform in Africa has focused on integrating customary and statutory law as a panacea for inequalities in various countries. The case of Ghana clearly demonstrates discriminatory practices resulting from skewed power relations between communities and traditional authorities and between members of various communities, undermining the rights of women and migrants. The achievement of the MDGs requires access to and productive use of available resources by all those who need them. Reform of customary institutions should also be pursued.

2. **The decision power of institutions** (particularly committees and enterprise groups) created in the context of devolved responsibilities and authority over NRM is pivotal to achieving the MDGs. Critical elements that impact on security of land resource tenure and on the MDGs include people, their relations (particularly hierarchies and gender), the socio-cultural setting, gender balance, livelihood strategies, entrepreneurship, institutional arrangements at the local level, norms and rules, and the capacity, knowledge and skills to seize the opportunity to steer local development. The strength of local institutions is paramount to the sustainability of any support provided in the implementation of policies. Field experience has shown that promising CBNRM initiatives fail the sustainability test due to intra-community organizational failure and to the limited capacity to assume responsibility and form lasting and mutually beneficial partnerships. This is, in turn, due to weak reporting and accountability and weak management skills.

Challenge 14: Defining an early exit strategy for facilitators to create and consolidate the capacity of communities to lead local development

- Development partners, national governments and civil society have to integrate a clear exit strategy in community-based initiatives, programmes and projects from their inception. This should consist primarily of continuous capacity building of local institutions and entrepreneurs, for example, in areas of management, monitoring, accountability and reporting. Basic education plays a key role in how much additional knowledge, skills and, to some extent, creativity and innovation, can be absorbed or instilled.
- Accountability mechanisms for all institutions answerable to communities must be established.

3. **Access to technology and markets** is a key determinant in bridging the gap between the security of assets as a basic human right and some of the *quasi*-sufficient conditions for transformation of assets into goods and services of marketable economic value. This involves decisions on the type and quality of products, sustainability of supply, scale of production, viability of enterprises, identification of consumers and their location, purchasing capacity and affordable prices, certification of community produce and premium for sustainable management.

Challenge 15: Equipping communities with the right business instruments

Facilitators (government agencies, NGOs and development partners) should approach resource devolution as a business investment opportunity in which all dimensions have to be analysed to determine the viability and sustainability of the enterprises. This means that it is essential to conduct an analysis of viability (financial, economic, resource base and social acceptability) of CBNRM initiatives. This is fundamental to working on a realistic scale and ensuring that the market not only accepts the product, but that there are conditions to sustain the supply in quantity and quality.

4. **Financing the devolution.** NGOs have been at the forefront in lobbying for community rights and they often lead the implementation of CBNRM. Generally, they secure resources to engage with a community for a short period of two or three years in one site. They are therefore unable to assist communities to fulfil medium- and long-term expectations. The case studies showed that devolution of resources to local communities does not deliver significant short-term benefits, but rather requires a long-term commitment (as shown in Figure 3), particularly in a context where devolved resources are of low market value and need regeneration and management to grow and supply raw materials in a sustainable manner. In many cases, the soils supporting such resources are not sufficiently fertile to sustain viable cropping for subsistence and commercialization. Ultimately, innovation in identifying commercially viable enterprises under such constraints is certainly a key element in the success or positive/productive outcome of security of tenure. Therefore, government and development partners should include CBNRM as an important strategy for rural development to deliver PRSP goals, to meet the MDGs and to realize long-term development visions (e.g., 2025 in Mozambique and 2030 in Ghana, Kenya and Namibia).

Figure 3. Effective devolution: The essential and overlooked phases of economic viability

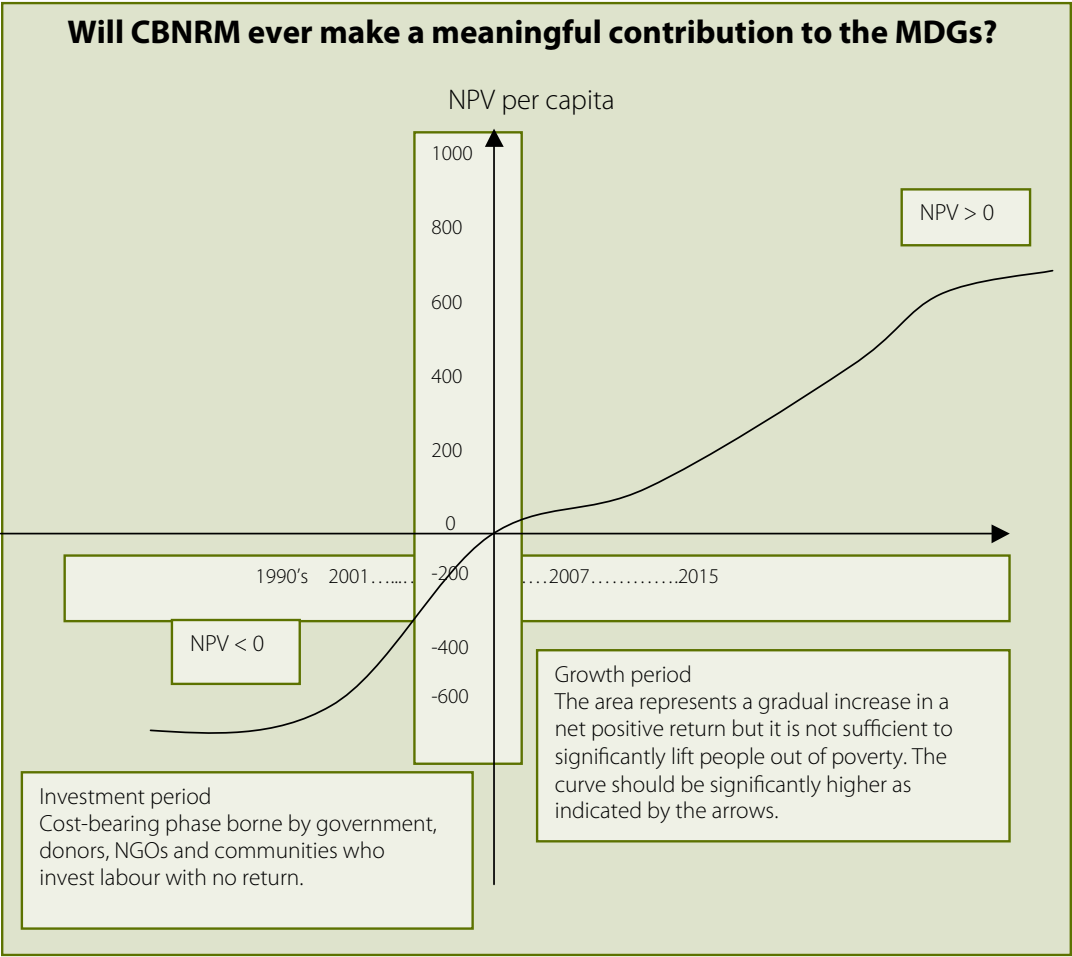


Figure 3 shows three imperative phases of implementation in the land resource devolution process: a phase of investment or establishment of the initiatives that ensures, in particular, the security of resource tenure and an understanding of its potential and opportunities; a phase of growth in which returns progressively outweigh investment; and, finally the consolidation phase when beneficiaries have the capacity to maintain their business and re-invest. The actual duration of these phases will vary according to the country and the site-specific context (resources, literacy, opportunities, organization, etc.).

Challenge 16: Ensuring long-term commitment to support devolution of resources

The facilitators, through institutionalized service providers such as extension services and micro credit schemes, should plan to commit to at least 10–15 years of support to community-based initiatives in order to bring meaningful change and sustainable livelihoods to poor rural communities, thereby contributing to achievement of the MDGs. To achieve this, it is essential to incorporate the three phases of implementation: investment, growth and consolidation. Community-based management of land resources is a rural development strategy that should be taken as such. It is important in building a lasting exit strategy (which includes aspects of financing) for the facilitators while ensuring appropriation of initiatives by the beneficiaries.

Monitoring the impact of devolution

The devolution of resources contributes to the MDGs and to the economy. However, there is conspicuous absence of an information management system that enables monitoring of its impact. Nhantumbo (2007) undertook an analysis of types of land owners in southern Africa to assess the extent of rights transfer from the state to communities or to the private sector. The information gathered indicated that 2% of land resources are under community control, although the author estimated that the figure might be as high as 10%. With the exception of Namibia, countries do not systematically document land resource transfers or allocation, thereby providing no reliable source of information for monitoring the impacts.

Field experiences can be helpful in assessing indicators of delivery of resource rights to communities. However, national bureaus of statistics must lead the compilation and gathering of information through NGOs, local government institutions that represent various sectors, universities and donor agencies that fund both government and civil society. Table 2 suggests some of the indicators that could be incorporated into formal and informal data collection and analysis.

Table 2. Land-related indicators to be considered in monitoring long-term development plans and field initiatives

MDGs	Possible indicators	Institutional responsibility
Eradicate extreme poverty and hunger (MDG 1)	<ul style="list-style-type: none"> • Area devolved to community-based management (clear boundaries, registration, certificate issued) • Type and value of resources devolved to communities (forest, wildlife, fisheries, etc.) • Number of communities with secure land resource tenure • Population engaged in, and benefiting from, management of natural resources • Investment in natural resource-based enterprises • Diversification of income source based on natural resources • Income generated per household 	<ul style="list-style-type: none"> • Government – land, forestry, wildlife or natural resources ministries guided by national bureaus of statistics • NGOs – information collected as part of the monitoring of their activities can also be compiled in bureau of statistics format
Achieve universal primary education (MDG 2)	<ul style="list-style-type: none"> • Income from exploitation of natural resource-based enterprises invested in education 	<ul style="list-style-type: none"> • Government through NGOs and local authorities
Promote gender equality and empowerment of women (MDG 3)	<ul style="list-style-type: none"> • Participation of women in decision-making about the use of resources • Proportion of men, women and youth engaged in natural assets-based income-generating activities • Proportion of female-headed households with secure land tenure (divorcees, widows, single mothers) • Number of orphans with secure land tenure 	<ul style="list-style-type: none"> • Ministries of gender and social affairs and NGOs can collate and analyse information in addition to submitting relevant information to the bureaus of statistics

Combat HIV/AIDS, malaria and other diseases	<ul style="list-style-type: none"> Facilities created to address HIV/AIDS from community-based natural resource enterprises 	<ul style="list-style-type: none"> NGOs and CBNRM projects should provide information on the use of income in construction of day care infrastructures and other support services to HIV/AIDS infected and affected people
Ensure environmental sustainability (MDG 7)	<ul style="list-style-type: none"> Number of species (endemic, threatened) conserved as a result of resource devolution to local communities Management plan for sustainable harvesting fuel wood and other products for local markets Incidence of national calamities such as landslides and floods 	<ul style="list-style-type: none"> Ministries of environment, natural resources, forestry, wildlife and NGOs. The State of Environment reports compiled by such ministries in the context of compliance with the Convention on Biodiversity could be a suitable platform to reflect on the contribution of CBNRM
Develop a global partnership for development (MDG 8)	<ul style="list-style-type: none"> Budget allocation from donors to resource devolution processes Government budget allocation to resource devolution processes 	<ul style="list-style-type: none"> Government and development partners. In the context of good governance and evaluation of commitment on resource devolution compilation and publication of such information in the public domain would be important in assessing the effectiveness and efficiency of use by government and NGOs alike.

The role of development partners in the achievement of MDGs

Development partners have been playing a significant role in financing (through aid and grants, etc.) and in providing technical support to policy reform processes and their implementation. The country case studies provide evidence for this, but as illustrated in the previous figure, the effectiveness of the support can be improved. The support provided certainly contributes towards enhancing global partnerships, in other words, to MDG 8.

- ❑ A consortium of donors (e.g., the World Bank, DFID, the Norwegian Development Fund, Kreditanstalt für Wiederaufbau [German Reconstruction Credit Institute, KfW], GTZ and CIDA) is supporting the 15-year Land Administration Project in Ghana with about US\$40 million. All members of a coalition receive financial support from various sources to conduct research, develop policy advocacy and contribute to the implementation of CBNRM, including participation in decision-making. These members include: 20 NGOs engaged in lobbying for integration of women's rights, registration of land ownership; academic and research institutions (Kwame Nkrumah University in Kumasi, the Forest Research Institute of Ghana); other local (Civic Response, Rural Development for Youth Association [RUDEYA]) and international NGOs (IUCN, Tropenbos International, BirdLife International, CARE International, etc.); and the Resources Management Support Centre (RMSC)
- ❑ The Development Partners Group on Land (DPGL) in Kenya join UN-Habitat, FAO, UNDP and such donors as the United States Agency for International Development (USAID),

DFID, Italian Development Cooperation, Swedish International Development Agency (SIDA) among others. This group has been providing technical and financial support to the formulation of the National Land Policy as well as mechanisms for implementation of land resource-related initiatives and recommendations of commissions of inquiries on land issues. KLA and a myriad of other organizations including IUCN, WWF, and AWF conduct research, promote advocacy and implement field initiatives that aim to secure rights and develop alternative livelihoods for the local population.

- ❑ In Mozambique, the Land Campaign was the precursor of a civil society movement for the protection of community land rights. Forum Terra, Cruzeiro do Sul and Núcleo de Estudos da Terra (NET), among others, continue with research initiatives and facilitation of delivery of those rights at local level. Currently, several organizations address different aspects of resource devolution, including policy analysis, training and establishment of CBNRM initiatives. The Government of The Netherlands, the Ford Foundation, FAO, IUCN, Centro Terra Viva (CTV), Helvetas, Centro de Formação Jurídico e Judiciária and Eduardo Mondlane University have been major supporters and/or implementers of CBNRM in the country. The International Fund for Agriculture Development (IFAD) is embarking on a country-wide analysis of the process of community land delimitation and registration as well as of opportunities for community–private partnerships. The Land Fund or Community Land Initiative (which totals GBP 6 million and was recently established by DFID, Ireland, The Netherlands, Sweden and Switzerland) both target three provinces and aim to facilitate the integration of access and security of rights into economic opportunities. This is an opportunity to take into account the three phases of investment as illustrated in Figure 3. The Millennium Challenge Corporation (MCC) has established a complementary fund of US\$40 million for five years to support the four Northern provinces in the country.
- ❑ NACSO in Namibia assembles various civil society organizations that spearhead the implementation of CBNRM; the long-term support from development agencies such as USAID has been decisive in development, especially in terms of support to management, income generation and benefit distribution in the conservancies. WWF, Namibia Nature Foundation (NNF) and LIFE Plus have been particularly active.

The Landscape and Livelihoods Initiative led by IUCN with funding from The Netherlands aims to demonstrate the benefits that communities can gain from conservation if they have opportunities to transcend the market and fiscal barriers that push the poor to the periphery of the economy. This initiative is implemented in locations in several West, Central, East and southern African countries and is likely to offer important lessons on bridging the gap between resource rights and the achievement of the MDGs.

There are numerous organizations and forums working on the natural resource devolution process in Africa, which attract several millions of dollars. However, the challenge is how concerted the initiatives are, and whether their duration and funding are sufficient to make significant change in particular sites. It is important to monitor the investment development partners make and to compare this to the actual impact seen in the lives of the people they seek to uplift.

4. Conclusions and final recommendation

The objectives of this Challenge Paper were to elucidate in a pragmatic and empirical manner the extent to which granting security of rights to land resources mediates the achievement of the MDGs in Africa, as well as to demonstrate the operationalization of devolution of rights to community level. A review of current policies and their historical context together with the discussions with various stakeholders at national and community levels provided a good platform for addressing these objectives.

Overall, the current process of resource devolution to local communities and the implementation of CBNRM have strong potential for affecting the MDGs. However, the implementation process appears to favour the seizure of benefits by those in power (in government or traditional leadership), thereby undermining the benefits to local communities.

Governments are called upon to devolve productive land resources to local communities and to develop long-term mechanisms for the implementation of supporting policies. National governments need to develop strategies to enable development partners to support and to facilitate the intervention of civil society organizations (e.g., through outsourcing) in delivering on the policies to the target groups. Traditional institutions are required to reform the norms and practices that serve to discriminate against certain sections of the population, for example, by denying them the access to and security of resource rights. These institutions require reforming the decision-making process and benefit-sharing mechanisms. Finally, a major challenge is the sourcing and sustainability of financial support. While policy reform maybe critical in some contexts, in most countries in Africa implementation of existing policies for the benefit of the poor is even more urgent. Support should go beyond creating expectations and to actually delivering on the opportunities for improving livelihoods.

Therefore, government and development partners should include CBNRM as an important strategy for rural development, for delivery of the PRSP goals and to meet the MDGs and long-term development visions (2025 in Mozambique, 2030 in Ghana, Kenya and Namibia). Some of the land resource-related indicators contributing to the achievement of the MDGs included in the previous section may be useful in monitoring implementation.

Is security of land resource rights critical to the achievement of the MDGs? Certainly. However, their realization depends on several other factors, such as strong local institutions, value addition of viable enterprises, good markets and exploration of such additional opportunities as payment for ecosystems services, improved biodiversity and maintenance of key ecosystem features (e.g., lakes and rivers). Education and health are both MDGs that can be partly met through realization of benefits from natural resources and are the foundation of effective management and generation of income from these resources. Governments and development partners need to take a bold step in integrating both adult and childhood education in participatory NRM.

Is land and resource tenure a sensitive, complex, political and politicized issue? Yes, it is. But as demonstrated by the reviewed case studies, comprehensive reform is not the only entry point for development partners. Engagement in participatory resource management, security of resource tenure and achievement of the MDGs can be approached from various perspectives: policy analysis and reform/implementation, rural development including agricultural production, gender equity, HIV/AIDS, education, research on diversification and sustainable enterprise. Currently, many communities already have secured rights but still cannot derive benefits from natural resources due to lack of supporting provisions in existing policies. It is essential to identify context-based entry points worth pursuing to inform long-term policy improvements and refinement of delivery mechanisms.



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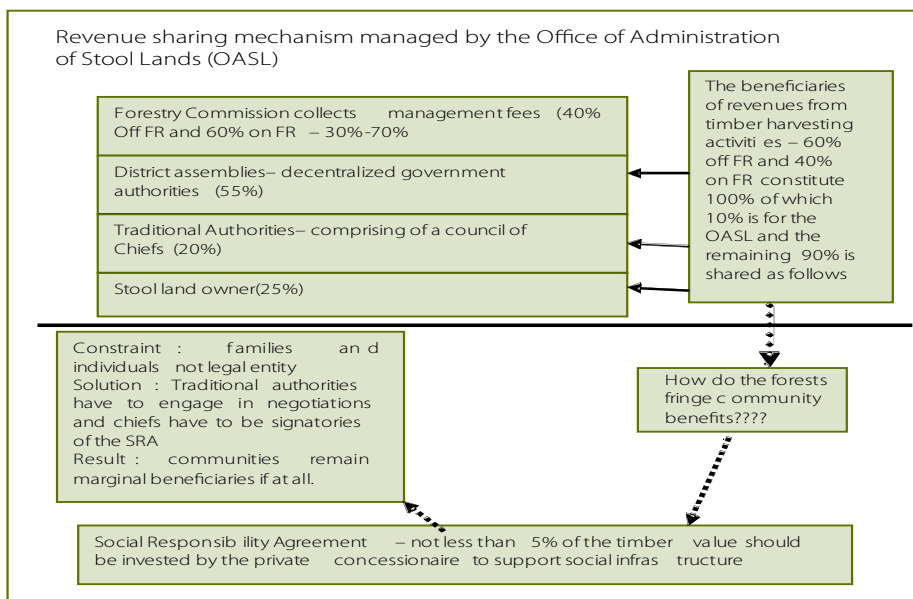
Annex 1 Highlights from the case studies

1.1 Customary rights and equitable access to resources

Ghana's customary law and traditional institutions do not guarantee equity (gender, class, etc) in natural assets. In Ghana, 80% of the land is customarily owned and 20% belongs to the State, but tenure insecurity prevails.

Land (1999) and Forestry and Wildlife (1994) Policies

- Two types of land ownership: private land (includes customary land) and public land. Security of tenure for the landowners, Stools and Skins. Leasehold for 50 years.
- Promotes equitable access to resources and allocation according to land-use plans.
- Forest and wildlife resources are managed by the State on behalf of the people and the benefit sharing reflects the cost of performing management responsibilities both on (60–40%) and off forest reserves (40–60%). The genesis of this is a 'reinterpretation' by the Forestry Commission of the 1992 Constitution of Ghana, which establishes that revenue shall be shared between central government (OASL) and local institutions (traditional authorities and district assemblies).
- The forestry policies provide for the establishment of corporate social responsibility agreements between the harvesting companies and local communities. The private entities should invest no less than 5% of the value of trees harvested in social infrastructure.
- No clear benefit-sharing mechanisms are devised for wildlife, as gazetted wildlife areas were acquired by the State with due compensation to the affected communities.
- Community involvement in forest and wildlife management through collaborative NRM entails participatory forums at different levels of forest governance.



1.2 Resource devolution initiatives (CREMAs and collaborative management of forests) in Ghana

It is notable that the constitutional provision for benefit sharing is mimicked at the local level and the community seems to be taxed (40%) for engaging in sustainable NRM. This clearly reduces community benefits. Some of the challenges facing community involvement in the management of birds for tourism consist of developing and implementing tools for monitoring the application of the revenues generated and their impacts, as well as the high cost of implementing people-oriented programmes, as they require an understanding of the dynamics (power relations, decision-making process, culture, levels of education, age, etc.) of the different actors and strata of the community. Thus, significant investment in time is required to build the social cohesion needed for community members to take unified or consensual positions. Furthermore, one of the most critical aspects hindering the realization of the full potential offered both by the resources (high-value) and the existing policies, as well as the overall good governance at local level and transparency of the processes, is the accountability of the traditional authorities and stool landowners. It is almost a taboo to require the paramount chiefs and other superiors in the hierarchy of traditional institutions to account for their use of revenues, decisions and acts that affect the larger community.



CBNRM in important biodiversity (bird) Areas – CREMAs

Since 1998, Ghana has established community protected areas with the objective of facilitating the identification and implementation of income-generating activities. The initiatives are implemented in the context of CREMAs as one of the key strategies for promoting community participation in wildlife management.

Afadjato Community – Volta Region

- Land owned by clans and families underlines individual commitment to relinquish an area for conservation purposes
- Establishment of a NRM committee responsible for decision-making and facilitating consensual definitions of mechanisms for benefit sharing
- Involvement of government institutions in all stages of project implementation as a key to institutionalizing the initiative and as an exit strategy to ensure the sustainability of initiatives. For example, the by-laws developed by the communities along with various stakeholders are endorsed by the government (Forest Service Division, Wildlife Division and local government) as well as by traditional authorities.
- Livelihood activities supported through microfinance: beekeeping, grasscutter breeding, piggery and snails. A group of people with common interests works together in these small enterprises.
- A total of 60% of the proceeds go to the individual families in six communities that contribute their land for conservation, while 40% goes to the District Assembly, traditional authorities and stool landowners. This mechanism is clearly borrowed from the revenue-sharing formula devised by the Forestry Commission (40% seems a very high tax to be paid by communities to contribute to biodiversity contribution!)

Amansuri Community – Western Region

- The chief holds land in trust on behalf of the community. The proceeds of activities are shared among the three communities who decide their use.
- The area is located in the coastal region and hence has potential for ecotourism activities, which have generated significant income (nearly US\$24,000 [235 million Cedis] in 2006, and over US\$76,000 since 2001). The money has funded electricity for the villages, the establishment of nurseries for growing (and selling) seedlings, and renovation of the chief's palace, among others. In addition, individual families host tourists, with direct benefits accruing to them.

Common results

- Improved management of biodiversity and realization of some economic benefits that contribute to improving livelihoods
- Adoption of a system of differentiated benefits distribution according to their 'contribution' (value of resource) to revenue generation; communities located in areas with an important attraction such as a lake or waterfall get a larger share of the revenue
- Clear link between community involvement in biodiversity management and support for enterprise development: some compensation for the opportunity cost of engagement in sustainable use and management of the resources.

Highlights on the field visit: Adwenase Community Forest in Ghana

An initiative started in 1988 to curb illegal harvesting activities. The objectives included improvement of micro-environment conditions (e.g., rainfall pattern) and increase in land productivity, implementation of income-generating activities (e.g., ecotourism) and facilitation of access to timber and non-timber forest products by the local community for consumption and income generation (FAO, Center for International Forestry Research [CIFOR], with IUCN support).

- The community was assisted in making an assessment of the forest resources, drawing a management plan and zoning for clarity on which resources to exploit from where. In addition, groups were formed to engage in different enterprise developments, including harvesting NTFPs such as mushrooms, beekeeping, gathering medicinal plants, grasscutter breeding, harvesting timber, developing plantations and monitoring activities.
- The FC also facilitated establishment of local institutions such as the Community Forest Committee (CFC) and a group of volunteers (called Community Scouts in Mozambique) who enforce the implementation of the management plan. The resources management structure comprises three levels: the chief (in consultation with the queen mother), who is the final decision maker on the action to be taken on a given problem; the CFC, which receives information on any problems, discusses and submits potential solutions for consideration by the chief; and the volunteers who identify the problems that need the attention of the CFC and the chiefs/opinion leaders. The operation of this decision system is considered to hamper timely response to the problem, leading to delays in taking action; this demoralizes the volunteers.

The social responsibility agreement was established in 2003 and allowed the renovation of a school block and electrification of Assin Fosu, in particular the Adwenase community area.

1.3 The slow pace of establishing a legal framework defining clear land resource rights to communities

Kenya formulates a National Land Policy to address inequitable access to land

Draft National Land Policy (2007)

- Objective: to promote equitable access to land, ensure efficient land markets, efficient use of land and land-based resources, and effective dispute-resolution mechanisms. The principles include equitable access, gender equity, and security of tenure and effective regulation of land development, access to land information, land management and vibrant land markets. The institutional reform includes the creation of a National Land Commission and devolution of power to such local institutions as District and Community Land Boards and District Land Tribunals.
- Land Policy has as a goal “facilitating security of access and not necessarily granting freehold rights to land for every Kenyan”. Non-citizens can have access to land.
- The policy addresses:
 - (i) Constitutional issues related to compulsory acquisition and development control, both of which need a review of legislation in order to promote the use of land for public interest
 - (ii) Definition of land tenure categories as public, community (current Trust Lands) and private, with protection of customary rights, private property and providing for derivative rights
 - (iii) Land tenure emphasizing the protection of private rights while rationalizing land ownership to protect interests of spouses and children and ensuring non-discrimination in holding, alienating or transmitting of private rights; protection of communal land rights (undermined by individualization) with ownership vested in communities (e.g., transformation of the current Trust Land held by County Councils, as described below) while families and individuals should acquire rights to use land in perpetuity, subject to effective utilization. Redistribution, restitution and resettlement are essential for addressing historical injustices such as land accumulation by a few (white farmers and the political elite) and land taxation to facilitate acquisition of idle land for banking and servicing. Other aspects addressed are absentee landlords and speculative rents (particularly in Coast Province); the landless (tenants at will – own physical assets and not land); economically viable land plots to address issues of land fragmentation mainly due to inheritance and selling (e.g., in the Coast Province, illegal transactions are often blessed by corrupt officials and selling land is a source of employment and income for youth); leasehold for 99 years; and the establishment of land information management systems to improve land administration.

The prevailing legislation on land: 2001 Constitution, Government Land Act 1984, 1970 Trust Land Act, 1970 The Land (Group Representatives) Act, Forest Act (2005) and wildlife, 1985 Wildlife Conservation and Management Act

- Kenya has three regimes of land ownership and the President has power and authority vested in him, hence can make grants or disposition of any estates, interests, or rights in or over unalienated government land. All trust land is vested in the county council. Trust land can be adjudicated to individuals and registered as private property as well as transferred to public land.
- Compensation must be promptly paid for compulsory acquisitions of land held under customary law.
- Communities are allowed to harvest resources for consumption without a special permit.
- Joint forest management provided for; local forest authority can establish a contract with local communities (appropriate management agreement) for use and management of resources; an association with Constitution, management plan and financial regulations can apply for participating in management of forest for commercial purposes.
- Hunting shall not take place in private land unless authorized by owners.

Implications of the prevailing land tenure insecurity

- Lack of security of land tenure is creating animosity and various land conflicts throughout Kenya (e.g., in pastoral areas, forest areas such as Mount Elgon, resettlement of people to give way to private developments such as salt mining in Malindi, landlessness in the majority of poor people in Coast Province, tenants at will or squatters). Ground rent is impoverishing the tenants, as it denies them security of housing.
- Besides appropriation of land by private investors, farmers who are left without a source of livelihood are subject to very low compensation for their labour in the established companies and to inhuman working conditions. Therefore, land deprivation becomes an instrument for impoverishment of communities.
- Article 19 (1998) following post-electoral violence ascertained that land would be the most significant case of any future conflict in Kenya. The post 2007 election violence gives testimony to that prediction, and ICG (2008) suggests the inclusion of economic policies, particularly land acquisition and redistribution, and major job-creation programmes as one of the three additional areas that the Annan mediation team should seek to support, apart from constitutional reform and a framework for dealing effectively with the humanitarian crisis created by the violence.

1.4 Mozambique devolution initiatives: The challenges of sustainability

Highlights on the field visits: Madjadjane community in Maputo Province

Background

The area covers 7000 hectares in the buffer zone of the Maputo Elephant Reserve, part of the Maputaland Centre of Endemism subject to intensive harvesting of wood for charcoal production to supply Maputo City. The community acquired land use rights (Direito de Uso e Aproveitamento da Terra, or DUAT) in 2000 through the support of the Swiss NGO, Helvetas. The project includes 500 people. Most men and youth migrate to South Africa in search of jobs, and illiteracy rates are high. IUCN with support from the Ford Foundation (from 2001) initiated a project to help build on existing rights and seek development of economic opportunities while addressing conservation priorities. An inclusive approach with gender equity at the top of the agenda was adopted. Activities included socio-economic studies, establishment of a NRM committee, resource assessment and planning and identification of potential for diversification of economic activities, such as ecotourism (lodge, bird watching and other natural amenities) as a central activity and beekeeping with a local processing facility, crafts, batik, agriculture and other NTFP-related activities. Also included were capacity building of interest groups (technologies, financial management, etc.), marketing studies with possibility of certification, investment in business development and the design of an exit strategy.

Income generated from beekeeping, crafts, batik and exploitation of the community lodge from the third year had a net present value (NPV) of 10% US\$32,465 for a period of 20 years, based on a benefit stream observed by 2004; the NPV>0 from year five (Nhanumbo, 2004). Direct and continuous support from IUCN, the facilitator, ended in 2004 when the implementation of the exit strategy started envisaging gradual reduction of technical and financial assistance and focused on strengthening the capacity of the community to take over resource and business management responsibilities. The community chose to manage all enterprises alone, that is, without a joint venture with a private entity.

Current situation: Analysis using the Improved African Hut for Sustainable Development Framework

a) Foundation of the African Hut: Education

- Basic business management skills transmitted to mostly illiterate people could not be sufficiently assimilated to ensure the success of an otherwise economically viable investment. Young people with higher education were trained and acquired employment in private tourism facilities, securing wages in established businesses.

b) Pillars of the African Hut: Institutions

- Strong sense of ownership of the enterprises, desire for control and risk aversion resulted in community resistance to form partnerships with private entities to enter into a business relationship regarding the lodge, which would have injected the necessary skills for managing finances. The institutions to which resource management responsibilities are devolved are decisive for the otherwise successful prospects.
- Although the NRM committee is established by the Forestry and Wildlife Law (1999), its registration as an association is complex, time-consuming (taking more than two years) and its autonomy once registered may not be secure, which alienated other members of the community from decision-making. Absence of a legal entity delays, for example, opening a bank account in the name of the community, because banks deal with registered institutions as private individuals or collective entities.
- There are conflicts for power control between the committee members and the nominated manager of the lodge.
- Lack of trust in the NRM committee by the community (mutual accusations due to lack of benefits to be shared)
- No apparent support from the local district officers and the management of the Maputo Elephant Reserve, particularly the Ministry of Tourism. For example, the community is not receiving the 20% of revenue from reserve entry fees it is entitled to.
- The various enterprise development groups were provided with initial (adequate) investment to start their businesses and encouraged to 'repay' the investment in a revolving fund to allow reinvestment, expansion and increase in number of beneficiaries.

- c) Compromising the achievement of the ultimate goal (sustainable livelihoods and sustainable environment)
- Successive years of drought in the area resulted in low agricultural productivity of the already poor soil. Communities harvest charcoal and reeds to generate income. This is clearly a setback in relation to the original intention of the project. The management plan is not being implemented, jeopardizing the gains in biodiversity conservation and hence in sustainability of the environment.
 - The community is eligible to receive 20% of royalties from the activities taking place in the Maputo Elephant Reserve, but as of 30 June 2007 had received none.
 - Efforts are being made by the facilitators (IUCN and UNDP Small Grants Initiative) to pursue the objective of reconciling resource appropriation by communities, management and impact on livelihoods.

1.5 Namibia's conservancies and community forests pave the way towards sustainable livelihoods

The policy

Land (1998), forestry (2001) and wildlife (Nature Conservation Amendment, 1996) policies

- Public and private land recognized. Public land includes state and communal land, which the Government holds in trust on behalf of the local people. The Government allocates land rights through customary grants, leasehold, freehold, licenses and certificates or permits.
- Equitable distribution of land for sustainable economic growth, to reduce income inequalities and poverty:
- Communities are not as yet given collective rights to community land.
- The Communal Land Reform Act (2002) restored powers of traditional authorities in land management and established land boards.
- Land reform focused on redistribution, based on a 'willing buyer, willing seller' market arrangement.
- Community involvement in forest management and wildlife (rights to annual hunting quota), along with parallel and distinct legislation defining the processes and types of rights accorded. For example, benefit sharing in conservancies includes cash payment to individual families as well as some investment in social infrastructure, while benefits from community forest management practices are of the latter type.
- High-value timber allocated for community management.

Delivery mechanisms and issues

- Land reform: Affirmative Action Loan Scheme, National Resettlement Programme for communities, farm workers and other disadvantaged people as individuals, families and sometimes in groups (e.g., urban areas)
- Land taxation on freehold land varies between 0.75% for less than 500 hectares and 1.5% for more than 3001 hectares. The aim is to raise funds to finance the reform process.
- Pace of restitution and redistribution is rather slow:
- The 'willing buyer, willing seller' approach is not effective in terms of speeding the process of land acquisition and distribution.
- Compulsory acquisition involves long court processes.
- Allocation of land to prospective black commercial farmers needs development of skills to manage large-scale farming business in order to empower them effectively.
- Abuse of land redistribution process by politicians.
- Well-developed procedures, strong civil society organization and long-term donor support (particularly from USAID) in CBNRM, mostly in wildlife-rich areas. Conservancies are being accorded significant technical support from national and international NGOs and relevant government departments. Benefit generation and sharing are also relatively significant, although distinct conservancies are at different stages of benefit distribution and impact.

Some results

- 50 registered conservancies cover 10% of the country land surface
- Communities in some areas are passive recipients of cash revenues (i.e., they do not engage much in alternative income generation themselves).
- 13 community forests
- Loss of high-value timber products to private entrepreneurs due to lack of understanding (by the local communities) of the real market value of the resources
- Gender considerations not clearly addressed in terms of security of tenure to land and participation in exploitation of alternative livelihoods. Women, for example, seem to be confined to activities of collecting plants, seeds and thatching grass.
- Unclear strategies for diversification of livelihoods, apart from the collection of valuable NTFPs such as Devil's Claw for medicinal purposes. Limited deliberate effort to explore market potential.

