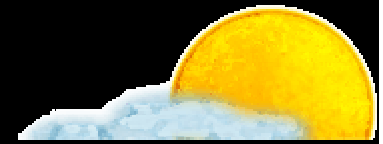




African experience of land reform:
A place in the global sun?

African Experience of Tenure Reform and Cadastres: A Place in the Global Sun?



By

Dozie Ezigbalike

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Cyprian Selebalo

Chief Surveyor, Kingdom of Lesotho





Land Reform



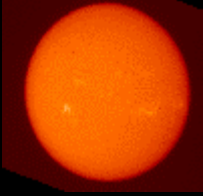
African experience of land reform:
A place in the global sun?

- Programmed intervention by state
- Redistribution of property rights in land
- Changes in institutions and procedures
- Changes in laws and policies
- Usually for the benefit of the poor and landless





Common African Land Reform Objectives



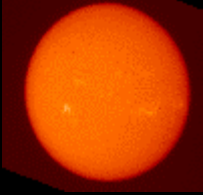
African experience of land reform:
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- More equitable distribution
- Redress past injustices
- Streamline management and allocation procedures
- Facilitate access to land by government
- Stimulate economic development
- Ensure security of tenure





Colonial Legacy: Reform Background



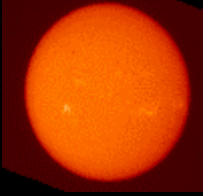
African experience of land reform:
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- Dualism: introduced European tenure and traditional tenure
- Paternalism: need to protect "natives" against "wiles and trickery" of settlers
- Transformation: abolish group rights and convert all customary lands to individual holdings





Colonial Land Grabbing



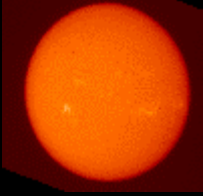
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- Concept of Crown lands: all "unoccupied" lands
- Became all unregistered lands
- Especially in East and Southern Africa
- Special mention: South Africa and Namibia
 - 80% of lands reserved for 20% of population
- Thus the urgency to reform after independence
 - to redress injustices of the past





Administrative Convenience



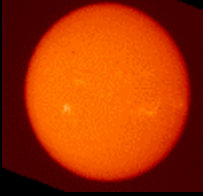
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- Dual systems inherited at independence
- Multi ethnicity of countries
- Cultures impact on each other, and sometimes conflict
- Interaction with outsiders
- Need for uniform laws, including land laws
- Examples: Botswana, Nigeria





Land for the Government



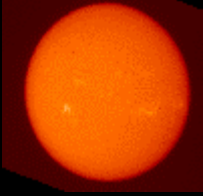
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- Vesting of land in the government
- Introduction of "use rights" or usufructs
- Unstated agenda: to facilitate access to land by government
- By law, government expropriates land for "public good"
- Example: Nigeria's Land Use Act of 1978





Economic Development



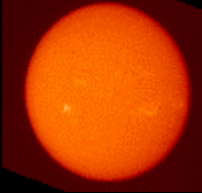
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- Nature of rights affects use of land
- Duration of right affects nature of investment
- Rural economies are predominantly land resource based
- Reforms undertaken to give more security to land owner
- Particular mention: Eritrea's Land Proclamation of 1994





Tenure Security



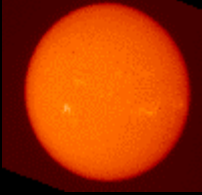
African experience of land reform:
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- Perceptions
 - Continuity of interest
 - Free from imposition or interference
 - Long enough for benefits to accrue
- Usually and erroneously associated with land titling
- We argue that it can be established without titling





Access to Credit



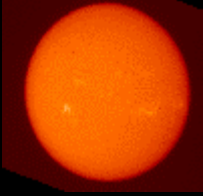
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- Does customary tenure inhibit credit?
- There are other factors not associated with customary tenures:
 - Credit worthiness
 - Poor business plans
 - Undeveloped land market





The Land Market Debate



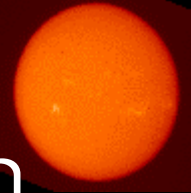
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- Pro: market is regarded as the most efficient agent for redistribution of resources
 - Expected that citizens with more resources and initiatives will control more land
- Con: landlessness and social upheaval
- Paradox: paternalism?





Documentation and Information



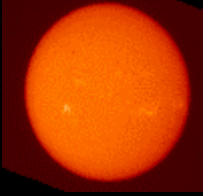
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- No wholesale or forced replacement
- Identify and document accepted rights, duties and transactions related to land
- Recognise and monitor rights and transactions
- Allow institutions to evolve and review situation frequently
- Challenges
 - re-design cadastral concept to accommodate customary tenure concepts
 - mechanism to provide information to custodian





Information



African experience of land reform:
A place in the global sun?

- Move to an information paradigm
- Maintain land inventories/records
- Use whatever means available
 - May even be based on an artist's sketch of the pattern of land holding/use
- Substitute with more accurate graphic records as available
- Make information easily accessible to all interested parties
- Consultative processes in policy making





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