



Land Tenure Center

AN INSTITUTE FOR RESEARCH AND EDUCATION ON SOCIAL STRUCTURE, RURAL INSTITUTIONS, RESOURCE USE, AND DEVELOPMENT

August 2000

Briefing document

UNIVERSITY OF WISCONSIN — MADISON

THE LAND TENURE CENTER IN AFRICA

Mission

The Land Tenure Center serves as a global resource institution on issues relating to land ownership, land rights, land access, and land use. Our focus is on the relationship of land to economic development, socio-political organization, and environmental sustainability. LTC's approach to research and training is multi-disciplinary and stresses local collaboration. Since its establishment in 1962, LTC has sought to foster widespread and equitable access to land because of the understanding that this is basic to viable economic, social, political, and environmental systems.

Program

Established in 1962 at the University of Wisconsin-Madison, LTC has evolved into the leading university-based institution on land policy in the world. The Center works in Africa, Asia, Eastern Europe, Latin America, and North America on issues of land tenure and land use, agrarian reform, land markets, legislative drafting, land registration and titling, institutional dimensions of rural development, and environmental/natural resource management. In addition to its major programs of research, technical assistance, and training, LTC oversees the University of Wisconsin's Ph.D. in Development Program. The Center's mission of outreach is furthered by its globally-recognized *Land Tenure Collection* housed in the University library system, and its *Publication Series*, which strengthens the link between research findings and policy formulation through technical papers, briefs, and other documents.

Approach

LTC emphasizes the needs of the country where work is undertaken, an interdisciplinary approach, and the importance of working with host-country institutions and individuals in policy analysis, research, training, and implementation. LTC considers it of highest priority, even on short-term work, to form collaborative ties with host national institutions, to conduct interim studies when advisable to meet the policy needs of host-country institutions, and to engage students and faculty in field research.

Funding Sources

LTC has implemented programs with the American Bar Association, Asian Development Bank, British Department for International Development, Carter Presidential Center, Deutsche Gesellschaft für Technische Zusammenarbeit, Food and Agriculture Organization of the United Nations, Ford Foundation, Inter-American Development Bank, Inter-American Foundation, Otto Bremer Foundation, Swedish International Development Cooperation Agency, United States Agency for International Development, W.K. Kellogg Foundation, and World Bank.

LTC IN AFRICA

LTC staff have conducted research, training, education, and advisory programs in more than 75 countries—*nearly half of the countries in which LTC has worked are in Africa.*

Botswana	Ghana	Nigeria
Burkina Faso	Guinea	Rwanda
Burundi	Guinea-Bissau	Senegal
Cameroon	Kenya	Somalia
Cape Verde	Lesotho	South Africa
Chad	Liberia	Swaziland
Congo	Madagascar	Tanzania
Cote D'Ivoire	Malawi	Togo
Djibouti	Mali	Tunisia
Egypt	Mauritania	Uganda
Eritrea	Mozambique	Zambia
Ethiopia	Namibia	Zimbabwe
Gambia	Niger	

KEY EMERGING LAND ISSUES IN AFRICA

- ✓ enhancing *food security* and *living standards* through appropriately designed tenure and land management systems
- ✓ promoting market economies and land privatization can threaten *natural resource sustainability*
- ✓ rights and economic security of *women and children* are impacted by tenure reforms
- ✓ incompatibility of customary tenure systems with formal legal structures can result in uncertainties for *trade, investment, and market development*
- ✓ developing *conflict resolution mechanisms* to accompany new tenure and market institutions
- ✓ investing in *human capital development* and *public education* programs to accompany tenure and market institution reform
- ✓ providing the local *public finance, infrastructure, and social services* demanded as a result of rural to urban migration and urban sprawl, especially in illegal developments

LTC CURRENT ACTIVITIES IN AFRICA

RESEARCH AND TECHNICAL ASSISTANCE

Zimbabwe: Cooperative Agreement on Land Reform and Resettlement

Term: October 1999 to September 2002

Funding: US Agency for International Development

Amount: estimated \$1.5 million

Project contacts: Michael Roth, Principal Investigator (mjroth@facstaff.wisc.edu)

Participating institutions: Center for Applied Social Sciences of the University of Zimbabwe (CASS)

Summary: Provides technical assistance, training, capacity building and research in support of Zimbabwe's Land Reform and Resettlement Programme II (LRRP II). Approximately \$1,200,000 is programmed to support focused policy studies, travel study, workshops, and training defined as technical assistance, and \$300,000 is programmed for the LTC-managed BASIS CRSP to support collaborative research and capacity building. The goal is to test alternative models of land acquisition and resettlement and monitor and evaluate their results for timeliness, cost-effectiveness, and performance.

The Sahel: Development of Land Tenure Observatories

Term: January 1999-present

Funding: US Agency for International Development

Amount: \$200,000 for first 18 months

Project contacts: Peter Bloch (pcbloch@facstaff.wisc.edu)

Participating institutions: Permanent Inter-state Committee for Drought Control in the Sahel (CILSS); National Institute of Human Sciences, University of N'djamena, Chad; Ministry of Agriculture, Mali; Ministry of Regional Planning, University Cheikh Anta Diop of Dakar, Senegal; University Gaston Berger of Saint-Louis, Senegal.

Summary: LTC has assisted CILSS in its services to member states dealing with land tenure, decentralization, and natural resource management since 1990. The principal focus of the current project is the design and implementation of land tenure observatories, which are defined as national focal points for the gathering, analysis and dissemination of land tenure-related information and for the provision of policy advice to governments, donors and NGOs. In the past eighteen months, LTC has participated in the design of two such observatories, in Chad and Senegal, and also participated in a study of land tenure issues in irrigated agriculture in Mali. Financial support comes from USAID/Washington, under a subcontract to Development Alternatives, Inc. under the BASIS Indefinite Quantity Contract.

Broadening Access and Strengthening Input Market Systems Project (BASIS)

Term: October 1996 to September 2001

Funding: US Agency for International Development

Amount: estimated \$1 million per year

Project contacts: Michael Roth, BASIS CRSP Director (mjroth@facstaff.wisc.edu)

Participating institutions: *Greater Horn of Africa*—African Centre for Technology Studies, Economic and Social Research Foundation, Tanzania, Institute of Development Research, Addis Ababa University, Organization for Social Science Research in Eastern and Southern Africa, Tegemeo Institute of Agricultural Policy and Development of Egerton University. *Southern Africa*—Centre for Applied Social Science, University of Zimbabwe, Centre for Social Research, University of Malawi, Economic and Social

Research Foundation, Tanzania, Institute of Natural Resources, University of Natal, Multidisciplinary Research Centre, Social Science Division, University of Namibia, Núcleo de Estudos da Terra, Eduardo Mondlane University.

Summary: LTC is the management entity of BASIS. In the Greater Horn of Africa, work has focused on financial market constraints to, and employment benefits from, crossborder trade in the region. It has also focused on household and market constraints to food and income security in poverty-prone areas of Ethiopia. In 1999, the program expanded to include a symposium and fieldwork linking agricultural policy and resource access with nutrition and child survival. In Southern Africa, the program has focused on land and water issues. An ongoing project of collaborative research and fieldwork target land transactions and markets in Namibia, South Africa, and Zimbabwe. A second project targets research on water resource management related to water policy reform in Malawi, Mozambique and Zimbabwe.

TRAINING AND EDUCATION

LTC hosts **visiting scholars**. Numerous African scholars have spent time at the Center conducting library research, working collaboratively with LTC researchers and affiliated faculty, and completing manuscripts. Examples of recent visiting scholars include:

Namibia:	Andrew Corbett, Legal Consultant (4/00-5/00)
Ghana:	Lennox Kwame Agbosu, Professor, Fulbright Senior Scholar (10/99-5/00)
Nigeria:	Ikechukwu Enwemwa, Professor (9/99-8/00)
South Africa:	Gerrit Pienaar, Professor (9/99)
South Africa:	Lungisile Ntsebeza, Researcher (9/98-10/98)
South Africa:	Juanita Pienaar, Professor (8/98-10/98)
Malawi:	Amos Kainja, Economist, Humphrey Fellow (5/98-6/98)

LTC also conducts short-term **training programs**. Many African scholars, policymakers, and government officials have benefited from this form of customized training. Examples include:

Chad:	establishment of a “land tenure observatory” (3/00)
Egypt:	tenancy issues and peasant rights (6/98)
South Africa:	land reform policy and implementation for the post-apartheid era (6/96-7/96)

Ph.D. in Development Studies Program

LTC administers the University of Wisconsin’s **Ph.D. in Development Studies Program** which provides an academic, interdisciplinary focus on international development issues as applied to developing countries. Social and technical scientists are trained for careers in developing countries, in bilateral or multilateral development assistance agencies, and in foundations and voluntary organizations working internationally. Students from over 35 countries have enrolled since 1970. One hundred have received the Ph.D. in Development. Nine students from African nations and seven US students whose research focused on Africa have received their Ph.Ds.

Current students from Africa and/or students studying African issues

Cameroon:	Isaac Zama, land tenure rights/conflict management in community forestry
Senegal:	Ahmadou Bamba Diop, transboundary protected areas
Sudan:	Abdalla Mohammed, indigenous knowledge in conservation projects
Zimbabwe:	Kizito Mazvimavi, land and technology transfer

US: Eva Jensen, common property management in South Africa

PAST PROJECTS IN AFRICA

Burundi, Zambia, and Uganda: Tenure and Agroforestry (1992-1994)

In collaboration with the International Centre for Research on Agroforestry (ICRAF) in Nairobi, LTC carried out a comparative research project in three regions of Uganda, four communes in Burundi, two regions in Zambia, and one region in Malawi, involving research on the role of tenure in the adoption of agroforestry technologies. A research coordinator based at ICRAF worked with local research teams in each of the three countries to examine the relationship between tenure and tree planting, providing insights to assist both design of initiatives to introduce the technology and tenure reform initiatives.

Cameroon, Nigeria, and Togo: Tenure and Alley Farming (1989-91)

LTC conducted a research project on the assessment of tenure constraints and the opportunities for adoption of improved alley cropping techniques in the West African humid zone with funds from the International Livestock Centre for Africa (ILCA). LTC's assistance was requested by ILCA after results of initial on-farm trials in southern Nigeria indicated that farmers often lacked sufficient control over land use, particularly in areas of long-term forest fallow, to merit investment in alley crops.

Guinea: Tenure Studies and Policy Dialogue (1994-1997)

LTC's project facilitated a process whereby Guinean policymakers and USAID/Guinea explored a series of local tenure issues to come to a consensus about the tenure policies that should be implemented. The program strengthened the dynamic development of appropriate legislation governing land and resource tenure in Guinea. A second objective was to encourage a dynamic, participatory, and democratic dialogue between national policymakers and members of the rural population concerning the national land code development and implementation process. LTC took a novel approach by programming a series of regional workshops that vertically integrated stakeholders from the local, prefectural, regional, and national levels to listen to the presentation of the case study findings as well as examining local tenure realities in light of the new code. The final objective was to assist the Government of Guinea in synthesizing and transforming the regional case study findings, regional workshop conclusions, and exchanges with other West Africans working on tenure into a tenable land tenure policy for Guinea. The LTC project assisted in drafting critical legislation to allow for the implementation of the land code.

Guinea: Natural Resources Project (1992-1994)

An initial LTC project in Guinea performed extensive research and technical assistance on resource tenure and local natural resource management strategies in three watersheds in Middle Guinea (Fuuta Jalon). The overall project objective was to identify tenure constraints to and opportunities for sustainable natural resource management at the farm and watershed level. The LTC field research program was formulated to identify (1) the natural resource utilization strategies; (2) the land, tree, water, and grazing resource tenure systems; (3) the suitability of the *terroir villageois* concept for natural resource management in the watersheds; (4) the institutions and rules governing the management of natural resources; and (5) the key tenure and management issues and problem areas for project implementation. LTC designed land contracts, working in collaboration with villagers, as a means of securing long-term access to productive land for groups that lack such guarantees. An important strategy that LTC proposed for one watershed, 60 percent of which lies within the boundaries of a classified

forest, is co-management of the zone's forest resources. The project assisted the government of Guinea with evaluating national land, forestry, and environmental codes related to tenancy issues in the target watersheds. LTC's resident researcher worked on innovative contractual arrangements that might be written between resource holders and resource users to increase tenure security.

Guinea-Bissau (1991-1998)

In 1991, USAID/Guinea-Bissau asked LTC to assist the Government of Guinea-Bissau in preparation of a new Land Law. LTC has worked with a law reform committee chaired by the Minister of Agriculture. Through applied research, LTC helped resolve basic policy issues which had delayed the work of the drafting committee. After helping the committee jettison an earlier draft law, LTC has had ongoing involvement in the drafting of a new law. Other LTC activities in Guinea-Bissau have included training local researchers in PRA methods, continuing field studies to inform the legal drafting process, designing pilot demarcation methodology combining PRA methods with GPS technology, compiling a legal anthropology study of customary land-law systems, and adding a land privatization component to USAID/Guinea-Bissau's TIPS Project.

Kenya, Senegal, Somalia, Uganda: Security of Tenure and Incentives for Agricultural Investment (1986-1989)

LTC conducted a four-country study in Africa to analyze linkages between land registration, tenure security, credit access, and agricultural investment. The Uganda research examined impacts of freehold title in a pilot land registration scheme. A research team from Makerere University, in collaboration with LTC, conducted the study in the pilot area and a control area. The Somalia research compared landholders with and without long-term leasehold titles from the state in areas of relatively high value (irrigated) land with holders in the more remote areas. The Senegal study explored the impact of Senegal's ongoing land tenure reform, which places farmers' security of title in the hands of local land committees and stresses regular use as the basis for rights to land. The study compared land use under "reformed" tenure with that under limited amounts of freehold registered prior to 1964. The Kenya study was situated in the former White Highlands, where land was distributed to Kenyans after independence. It examined the impact of varying tenure statutes in an area with a diversified and vigorous agriculture and land market. Research findings have led to a more cautious and directed strategy of land registration. Agricultural investment by African smallholders was found to be constrained primarily by limited access to technology and commercial inputs. However, as access to technology and markets improve, tenure insecurity will be a growing policy issue.

Madagascar: KEAPEM Program (1992-1993)

After participation by several staff members in the design of USAID/Madagascar's SAVEM project for conservation of biodiversity, LTC conducted field studies of the resource tenure issues that influence the success of programs to improve management of national parks and reserves. The field research provided information needed by the government to refine its strategies for increasing the participation of the people residing in and around the parks and reserves in management responsibilities and in the economic benefits derived from them.

Mali: Research on Tree Tenure and Forestry (1989-92)

A two-year research program was begun in Mali in November 1989, under the auspices of the USAID Village Reforestation Project. In Mali, as elsewhere in the Sahel, the government exercises considerable control over the use and management of forest resources by requiring villagers and farmers to secure use permits from forest

agents. The research examined how various aspects of the regulatory process affect farmer incentives to plant trees or to protect and cultivate naturally sown species on their farms. Also examined were state and community relations in managing natural forests.

Mauritania and Senegal: Tenure and River Basin Development (1983-1988)

In Mauritania, LTC researchers examined the origins and nature of land conflict within irrigation perimeters to determine why farmer incentives were being seriously undermined. The study produced a series of policy recommendations to managers of the irrigation schemes urging a reduction in the “command cultivation” style of management which had emerged and an easing of restrictions on holding size to allow successful farmers to expand their holdings. Farmers were accustomed to working within traditional tenure systems, which allowed them more freedom of decision-making than the irrigation schemes were designed to allow. In Senegal, similar research was conducted from 1986 to 1988 on small-scale irrigated perimeters constructed with USAID funding. The study uncovered unanticipated tenure dynamics within the perimeters, with the distribution of the benefits from irrigation becoming less egalitarian than originally intended. The study discerned signs of local pressures to increase the access of dispossessed groups, especially women and descendants of slaves, to irrigated land. Policy recommendations pointed toward encouraging the latter dynamic and discouraging the former.

Mozambique: Project to Build Independent Research Capacity and Enhance National Awareness of Land Tenure and Local Governance

This project ran from 1991-2000 and was funded by the US Agency for International Development. Mozambique participating institutions were Ministry of Agriculture, Inter-Ministerial Land Commission; Eduardo Mondlane University, Núcleo de Estudos da Terra e do Desenvolvimento. The project addressed land and natural resource tenure issues through applied research and policy dialogue with the Mozambican government and civil society. The project specifically addressed state farm divestiture, land access for refugees in the post-war period, land conflict and resolution, land law reform, community participation in land administration, and institution building at national, provincial, and local levels. Its goals were to assist the Mozambican government with policy reform, foster open policy discussions between government, civil society, and donors, and build institutional capacity at Eduardo Mondlane University. Further goals were to create transparency in the allocation of land concessions and stimulate awareness in the government and civil society about the relationships among natural resource tenure security, resource access, agricultural productivity, and democratization. The project:

- sponsored and coordinated three national land conferences in Mozambique that allowed individuals from both the state and civil society to discuss contentious land issues;
- contributed to developing and maintaining the Inter-Ministerial Land Commission within the Ministry of Agriculture; the commission advances policy dialogue within the government, develops recommendations for land policy reform, and helps manage the national Land Program;
- provided the government with recommendations on formulating and implementing land laws, regulations, and other legislation;
- helped create the Núcleo de Estudos de Terra at Eduardo Mondlane University, which researches and analyzes resource tenure issues.

Niger: Assistance to Rural Code Process (1991-1996)

LTC assisted the Permanent Secretariat of the Rural Code, Ministry of Agriculture and Livestock, in drafting Niger's Rural Code and identifying research needs for future legislative policy formulation. The five-year research and policy analysis program examined land issues related to on-farm tree tenure, community natural resource management, and herder-farmer interaction. A training program in tenure theory and practice and in monitoring and evaluation methods was given to Nigeriens to enhance their backgrounds for work in the Rural Code and natural resource management.

Sahelian Forestry Code Workshop

Realizing the regional potential of its work on forestry law in Sahelian countries, LTC and CILSS convened a three-day workshop on Sahelian Forestry Code at Bobo-Dioulasso, Burkina Faso, 18-20 January 1993. A total of 76 participants from 5 Sahelian countries attended, and its recommendations formed the basis for future discussions of forestry code reform in Africa.

Senegal: Evaluation of Pending Forestry Legislation (1989-1992)

A series of consultancies began in 1989 to evaluate new forestry legislation pending in Senegal in conjunction with the USAID Senegal Reforestation Project. The proposed Forest Code included several positive elements that merited its passage into law, especially the recognition of farmers' ownership rights to trees they plant on farms, and provisions allowing local communities to form forest management associations. However, the new legislation also sanctions potentially undesirable state regulation of certain types of tree use on farms. Policy guidelines were proposed for drafting regulations needed to bring the new forestry legislation into effect.

The USAID/Senegal-funded project "Resource Management and Planning Study" was completed in March 1992. Seven case studies of tenure relations in various microecological zones around the country were completed on schedule. A national conference presented research findings at the Université de Saint-Louis. The research findings helped significantly to shape the design of the USAID Community Based Resource Management Project.

Swaziland: Traditional Tenure (1988-1990)

LTC examined the traditional land tenure system as a source of potential constraints to farmer output. The research demonstrated the essential flexibility of that system in the face of changing farmer needs for access to land at different points in their family life cycle. Tenure was at times a constraint on productivity but never the binding constraint. Tenure reform would have little impact on agricultural output without improvement in labor productivity.

Uganda

In 1987, LTC established a research partnership with the Makerere Institute for Social Research (MISR) on a land tenure research and policy development project. The project established a mechanism for the collaboration of local researchers and policymakers to resolve pressing public policy issues and to build mutual confidence between government and the university. LTC and MISR researchers examined various patterns of land dispute settlement, in particular the role of nonjudicial settlement processes. Policy recommendations by the project are reflected in the property provisions of the new Ugandan Constitution, and project research informed the drafting of regulations and plans for initial implementation of the "Tenure and Control of Land" law.

Uganda: Natural Resources Project (1990-1996)

LTC undertook a multiyear program of research on a variety of tenure issues with funds from USAID/Uganda and the World Bank. An earlier LTC project with MISR in 1988-89 analyzed the 1975 Land Reform Decree and its implications for security of tenure of farmland. It also analyzed tenure factors in natural resources management including impacts on encroachment in forest reserves and national parks, and upon management of communal grazing areas. Under the later project, LTC extended this research with MISR to issues of land compensation, land taxation, gender and inheritance patterns, management of buffer zones near national parks and forest reserves, wetlands management, community forestry, and pastoralist land management in dry-land areas. Publications in the series *Access to Land and Other Natural Resources in Uganda: Research and Policy Development Project* are available from LTC.

Zimbabwe: Land Reform (1991)

LTC researchers conducted studies on the legal aspects of land use and resettlement and on the economic analysis of agrarian structure and land use. The studies recommended liberalizing the land market to facilitate government acquisition and redistribution from the large-scale commercial sector to the small-scale communal sector through legal and land market reforms. These recommendations run counter to the government's attempt to further regulate the land market by imposing land ceilings, rent controls, and restrictions on the size and number of landholdings.