

Land and Property Rights for African Development ***Roles of International Donors: Review of Survey Responses***

In preparation for the November 2005 workshop, "*Land and Property Rights for African Development*," the ILC distributed a brief questionnaire to its members and partners in Africa concerning the role of international agencies in land-related activities. The goal of this was to draw a comparison between the practices of donor agencies, needs identified by local and national institutions and the frameworks for programming emerging through donor policy documents that have been prepared in recent years. (A working paper prepared in February 2005 reviews international agency documents and identifies a number of policy tools that are proposed for land-related partnership activities.)

The survey yielded about 20 responses, largely from civil society partners with a few from government or intergovernmental agency representatives, in 13 African countries. These responses identified various forms of involvement by international agencies, strengths and weaknesses of their approaches, and recommendations for the future. While most of the respondents focused on the role of intergovernmental or bilateral donors, some also referred to activities by international non-governmental organizations. The survey responses are summarized as follows:

Forms of Donor Involvement

Survey respondents identified various forms of donor involvement, including:

- Providing consultancy services
- Sponsoring workshops, forums and dialogues
- Capacity-building through trainings, exchanges and provision of materials
- Provision of technical materials and equipment
- Financial support to governments and to civil society, including co-funding arrangements
- Monitoring and evaluation, including technical review of projects
- Creating awareness among the rural poor about their land and property rights
- Facilitating policy review processes at country and regional levels, and providing inputs to policy dialogue
- Developing case studies
- Support to pilot projects and action research to test potential innovations

Strengths

Increasing available information on land matters. Support to the provision of information on land rights, policy and legislation, such as through land literacy programs, is increasing community awareness on land matters and the rights they hold. International agencies are playing this role through supporting activities such as workshops, publications and documentation of experiences. This work enables countries to identify current tenure issues and future needs, a necessary ingredient for informed decision-making.

Support to development of policy frameworks. International agencies are seen to play an important role in the development of policy frameworks. Several respondents considered this a positive role, in that there is more information available about the various kinds of policies and approaches that exist, both regionally and globally, which can save countries time and financial resources in identifying solutions to land problems. Donors' support to "action research", i.e., efforts to test and learn from potentially innovative approaches, can bring lessons from specific initiatives of programmes into wider policy processes while simultaneously empowering people and communities. International agencies also help to mainstream international norms and standards within countries.

Financial resources and technical skills. Agencies may play a positive role through sharing expertise on land-related matters. The contribution of financial resources is seen as particularly important for implementation and developing the capacity of state and civil society institutions to carry out their responsibilities. Donor agencies are also able to mobilize resources and support from other key institutions, including governments and other international bodies, and can do so in short periods of time, unlike civil society and government.s

Support to and engagement with civil society. Donors' support to civil society, in addition to government, in terms of capacity-building and involvement in policy-related initiatives was viewed positively.

Weaknesses

Limited timeframe of donor projects. Land and NRM projects need much longer periods to become established than is planned for in most donor initiatives. The approaches of many international agencies do not allow for a long enough timeframe for communities to internalize the approaches that are being developed, e.g., community-level management of land and forest resources. The process of negotiation, implementation and monitoring altogether can be very lengthy one - in Uganda, for instance, there have been cases where donor support has been withdrawn before these processes are completed, causing efforts to falter.

Lack of implementation of policies and laws. While international donors are making positive contributions to the development of policies and laws, these are commonly not being implemented. In Kenya, one respondent reported there is a "litany of land policies and laws without proper anchor for their implementation." Most respondents, however, noted that donors are supporting efforts to increase the capacity of state and non-governmental implementing bodies in some way. This suggests that difficulty with implementation is not simply the result of international agencies ignoring this phase of programming or policy reform.

Some specific concerns may point toward reasons that implementation is hindered. Capacity building for local agencies to follow-up programmes, for example, is seen as a weakness. There is a failure to provide funds to countries to implement positive land reforms, particularly where poor cannot access land because and support to small-scale farmers is minimal. Monitoring project implementation is a weakness; some respondents suggested that community empowerment mechanisms could assist in monitoring. The limited timeframe of donor-supported efforts, discussed above, may also limit the effectiveness of implementation.

Limited understanding of customary tenure systems. Donors need to improve their understanding of customary tenure, as these are dynamic systems and international agencies need to be aware ongoing changes. Each country's tenure arrangements have unique characteristics, which should be understood. Greater support for customary institutions in performing their land management responsibilities is also needed, for them to play this role more effectively.

Identifying innovation and tailoring development models. International agencies are seen to take a long time to open up to new ideas and develop innovative approaches to problem-solving. There are tendencies to use preconceived notions of how to address land-related issues, especially if an approach has worked well elsewhere. The circumstances and tenure characteristics of each country should be given more consideration, for instance the availability of water and how land and water rights interact – land tenure systems that are effective where water is plentiful will not necessarily work in arid or semi-arid environments.

Reliance on market-based approach. Many respondents expressed concern that the focus on strengthening land markets is not addressing land losses by vulnerable group, such as women, widows and orphans. Land market reforms are not seen to benefit the poor and vulnerable given other aspects of the policy environment (e.g., unaffordable legal system and registration processes, corruption, low education levels, banking services limited to urban centres, etc.) Market-oriented approach on its own fails to address the problems of the resource poor, because it favors those who can more easily produce for the market rather than those who must produce for daily food security.

Involvement of vulnerable groups in decision-making. Rural poor are often left out of decision-making because of illiteracy and lack of knowledge of their land rights; some processes supported by agencies are top-down, not bottom-up – thus failing to address problems facing the poor. Local dialects not always used, so illiterate people may be left out of access to information. Community representatives are not consistently involved in project-related committees.

Recommendations

Support existing forms of land transactions. There are numerous transactions already taking place within customary systems, which should be identified and understood more fully. Support to land tenure systems should thus not only look at changing the rights or tenure status of land, e.g., from customary to freehold, but also to support these transactions that occur within customary systems, e.g., through documentation, registration, and recognition by relevant authorities.

Increase financial and technical assistance to small-scale producers. Many respondents noted that donors are already providing some kind of support to rural credit or agricultural services. Nonetheless, they stressed that greater involvement in rural credit and agricultural support services is needed. Financial support to help small-scale producers avoid distress sales of land, or to subsidize land purchases, can help to address vulnerability of the poor to market-oriented reforms. One respondent noted, though, that support from donors in these areas should not lead to governments cutting back their own rural support services – these should remain as a commitment to its own citizens.

Strengthen women's rights to land. Women do have land rights in practice under many customary systems, even where land is not allowed for sale. Furthermore,

women are taking on an increasing share of agricultural work, especially in areas hit hard by the HIV/AIDS epidemic. Donors' work should include activities to increase the recognition of women's rights to land by the state, as well as by customary authorities and community members. For example, donors can support public education on changes occurring in customary and state tenure systems, particularly reforms that support women's land rights.

Foster links between government, civil society and communities. Donors tend to engage civil society and government separately, rather than together. They can play a positive role by taking a tripartite approach, to forge opportunities for dialogue across sectors on land-related issues, although this means facing the challenge of bridging the different perspectives and aspirations of different stakeholders. Donors could also enhance direct partnerships between government and communities on land issues, and encourage devolution of project management to community levels.

Partnerships with the government often focus on a single ministry, particularly where land is addressed through broader programs, e.g., agricultural production (with ministries of agriculture) or environmental protection (with ministries of environment or conservation). They could benefit from developing inter-ministerial dialogue because land-related authorities are often divided among different government agencies.

Direct involvement in project activities. More active participation by international agencies in the on-the-ground components of their projects – e.g., planning discussions, monitoring, etc. – could identify where there are differences between development ideas and actual practices. This, in turn, could improve strategies for project implementation.

Quantitative survey findings

The questionnaire asked respondents to indicate the areas in which international donors were supporting land-related activities. This list of potential activities was based on those indicated by agencies in their land policy documents, as included in the February 2005 review paper. In total, 16 of the survey respondents included this information in their replies.

Activity area	Total (of 16)
Rural credit and agricultural support services	12
Increasing implementing capacity of state agencies and civil society organizations	11
Harmonization of laws and regulations	10
Titling and land registration	7
Co-management of state land with communities	7
Subsidies to poor for land to be purchased below market value	6
Direct community management of common property or communal land	6
Land literacy	5
Negotiated land reform (targeting for specific land areas) between government, communities, peoples' organizations, and private interests	5
Expropriation and compensation for redistribution of private land	3
Redistribution of state land	2
Market- or cash-based land transactions	2
Long-term land leases	2
* Mechanisms for land conflict resolution	2
Land taxes	1
Land ceilings	0

* Land conflict management (e.g., dispute resolution, conflict prevention) was not included among the activity list in the survey, but was mentioned as "other" by some respondents.

Comments received (by country):

Botswana – 1	Mali – 1
Burkina Faso – 1	Niger – 1
Ethiopia – 1	Rwanda – 1
Guinea – 1	Togo – 1
Kenya – 4	Uganda – 4
Madagascar – 2	Zimbabwe – 1
Malawi – 1	Italy – 1
	<i>Total - 21</i>