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## LAND POLICY INITIATIVE

### Draft Report for Validation

# Curricula Needs Assessment and Mapping of Existing Land Training Centers in Africa

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# 1. INTRODUCTION

A Consortium comprising the African Union Commission (AUC), the United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB) established the Land Policy Initiative (LPI) in 2006 to enhance the role land plays in the development of the African continent. As part of the execution of its mandate the LPI has developed a *Framework and Guidelines on Land Policy in Africa (F&G)*, to provide guidance to the countries of the continent in the formulation and implementation of land policy initiatives and processes. The document was adopted by the African Ministers responsible for land in Addis Ababa, Ethiopia, in April 2009. At the 13th Assembly of the African Union in Sirte, Libya, in July 2009, the AU Heads of State and Government – the highest level of African governance - adopted the *Declaration on Land Issues and Challenges in Africa*, thereby endorsing the *Framework and Guidelines on Land Policy in Africa*. Implementation of the Declaration was launched at the Conference of African Ministers of Agriculture in Lilongwe Malawi in October, 2010 and this marked the beginning of the second phase of the LPI.

In this second phase, LPI is assisting member states in the implementation of the *Declaration on land issues and challenges in Africa*, in accordance with the *Framework and Guidelines on Land Policy in Africa* in order to achieve socio-economic development, peace/security, and environmental sustainability through improved land governance. In facilitating the implementation process, LPI is guided by its strategic plan 2012-2016 which outlines 8 key objectives and related actions for the attainment of each goal. These objectives are:

1. Enhance the capacity of the LPI Secretariat to facilitate the implementation of the AU Declaration on Land
2. Mainstream Land in the agenda for Africa's development
3. Enhance synergies and coordination; and mobilize resources and in support of the AU Declaration on Land
4. Improve communication, advocacy and outreach in support of LPI activities geared towards the implementation of land issues and challenges
5. Enhance knowledge generation and dissemination to raise awareness and build evidence related to land policy formulation/implementation
6. Enhance capacity and skills in support of land policy development and implementation in Africa
7. Develop and Popularize the use of knowledge management tools to facilitate evidence based land policymaking and implementation
8. Enhance monitoring and Evaluation in support of land policy formulation and implementation in Africa

The *Framework and Guidelines on Land Policy in Africa* identifies one of the main challenges to Land policy implementation as lack of capacity to manage change and, the lack of the technological know-how required to manage contemporary land reform programmes, among other factors, is cited as a major constraint. The LPI seeks to redress this under Objective 6 in its draft Five-year Strategic Plan (2012-2016), as outlined above. Under this objective the LPI seeks to develop an implementation strategy for capacity development in Africa and, in accordance with this, the LPI has identified building capacity in the tertiary institutions of learning on the continent as one of the avenues for enhancing capacity and skills in a sustainable manner to address the dynamism of land use and institutional change. As such, the strategy provides for LPI to facilitate the mapping of the existing land training centres and assessment of the key curricula needs/gaps in the institutions of higher learning in order to build capacity in the land sectors in Africa. This will be achieved by undertaking a study on the two complementary themes: Curricula needs assessment and mapping of existing land training centres in Africa. The study aims at creating an avenue to cross the identified gaps and document existing partner academic institutions and their capacity to collaborate with LPI and other partners in enhancing training on land in Africa.

### 1.1.Objectives of the Study

The Terms of Reference specify the following objectives for this study. The main objective of the study is to guide the AU member states in enhancing expertise through appropriate tertiary training on land policy formulation and implementation in Africa. The specific objectives are to:

- Undertake a capacity needs assessment on land policy and governance in Africa
- Identify key gaps and needs on land policy and governance in Curricula for the institutions of higher learning to meet the identified needs with a view to recommending ways of improving it; borrowing from within and beyond Africa
- Identify and map the training institutions offering land related programmes in Africa and their capacity to collaborate/host continental scope programmes
- Develop guidelines for the development of a curriculum on land policy and governance in the institutions of higher learning in Africa

### 1.2.Scope of the Study

The study covers all the 54 states of the African Union grouped into the five regions of the continent: North, West, Central, East and Southern Africa Regions. The study also encompasses all the language groupings on the continent, such as Anglophone, Francophone, Lusophone, and Arabic.

In terms of the training institutions studied, the study examined the institutions of higher learning in Africa dealing in land studies. These were at the three levels of tertiary education

- Polytechnics and like institutions offering the Higher National Diploma and similar qualifications
- Universities offering Bachelor's degrees and equivalent

- Universities offering post graduate qualifications in land governance.

In some cases research institutions engaged in land governance and sometimes offering postgraduate qualifications were also examined. Some institutions were identified which were offering courses in land governance in academic departments specialising in land studies or offering those courses integrated into other courses, e.g. Department of Geography, Department of Political Science, Department of Social Sciences etc, or as part of particular specialist courses like Law, Agriculture, Forestry, etc.

In some countries professional bodies in the field of land governance which also engage in training for their members were studied. Typical examples were the Institutions of Surveyors in some of the English speaking countries like Ghana, Nigeria, Kenya and Tanzania. We also encountered networks of academics and academic institutions which influence the curricula of their institutions and included them in the survey.

### 1.3. Tasks and Methodology

The identification of training needs and curricula gaps includes two main tasks, which are closely interlinked: (1) a study of the current state of land administration and land policy in the different African countries and (2) the mapping of African institutions of higher learning dealing in land issues and a close look at what they are doing in comparison to other renowned land related programmes. A number of tasks with their related methodology have been carried out to finally identify training needs and curricula gaps.

- a. Assessment of land administration, land policy and land governance in the AU member states.

This entails a study of the current systems of land administration in those countries. The consultants drew on their knowledge of the land administration systems in these countries and also looked at current studies undertaken in that regard. The LPI has recently done such a study in those countries and the reports are one of the main sources of information in this respect.

The gaps in land administration and land policy identified helped us to identify the areas in which the countries need training. Relating this to the current training provided also helped to identify the curriculum gaps that need to be filled to obtain a holistic training programme.

In doing this we were mindful of the fact that land policies and systems of land administration should be dictated by local conditions and local circumstances. Thus the identified gaps related to the systems of land administration and land policy options obtaining in the countries concerned.

However we were also be guided by best practices in other countries in identifying the gaps in land administration and land policy. While these best practices may be found on the African continent we also looked at countries in transition in Eastern Europe whose land administration systems have been studied by the United Nations Economic Commission for Europe and particularly the publications of the Working Party on Land Administration.

Countries such as Thailand which have recently undertaken successful land reform programmes were also studied to fill in the curricula gaps as well as countries like Ghana and Rwanda which have employed home-grown polices in achieving some measure of success in land administration. Of particular importance was how the results of the land reform policies have fed into the curriculum of the institutions of higher learning in these countries to improve the quality of their students.

b. Mapping out existing higher learning institutions on land in Africa

The consultants conducted a desk survey to identify the institutions of higher learning in Africa dealing in land studies. The resources for this part of the study were own contacts and professional experience, secondary published material and the internet.

Some institutions were found to be offering courses in land administration and land policy in academic departments specialising in land studies or were offering those courses integrated into other courses, e.g. Department of Geography, Department of Political Science, Department of Social Sciences etc, or as part of particular specialist courses like Law, Agriculture, Forestry, etc., and these were also studied.

The emphasis of our survey is on those institutions which deal with land as a major discipline and whose products can influence land policy and administration in their countries. We identified best practice examples for the two models of dealing with land curricula: the institutions that specialise on land as well as the institutions that treat land as an integrated part within a thematically relevant course or programme and thus recognize the inter-disciplinary and multi-disciplinary nature of land administration and land management. Both types of institutions may require specific measures to upgrade their capacity.

In some countries there are professional bodies in the field of land administration which also engage in training for their members. Typical examples are the Institutions of Surveyors in some of the English speaking countries like Ghana, Nigeria, Kenya and Tanzania. We attempted to map out these institutions but we found the information on their websites to be scanty and our numerous attempts to contact them did not yield any results. We therefore decided not place too much premium on them because their training often is further to the acquisition of formal qualifications of tertiary institutions which have been studied.

c. Assessment of the programmes of African institutions of tertiary learning dealing in land issues

The tertiary learning institutions, which were identified during the institutional mapping, were analysed with regard to the contents of the land related programmes they conduct, their staff capacities, facilities, networks and experience.

Some institutions have established very informative websites where substantial information about the institutions could be found. However, in the curricula development we found out that

not all the required information was found on the websites of the relevant institutions. In addition, numerous institutions do not (yet) provide well developed websites. The consultants therefore developed a questionnaire that covers, among others, questions about the type and contents of their land related programme(s), staff capacities, number of students enrolled, research activities, networks and facilities. The questionnaire was prepared in English and was translated into French and sent to the institutions identified in the mapping. Copies of the questionnaire in English and French are attached to this report as Appendix 1.

In addition to answering the questionnaire, the institutions were asked to send additional information about their curricula and staff.

d. Compiling and documenting best practice examples for curricula on land

There are institutions in Europe and other places which have built a capacity over the years in running courses in land policy and land administration and which are very much subscribed by African students and students from other developing economies. These institutions therefore have considerable influence on the development of land policy in Africa. The curricula of such institutions have been studied to help identify some of the gaps in the curricula of African institutions. Examples of such institutions include: The Technical University of Munich in Germany, the Faculty of Geo-Information Science and Earth Observation (ITC) of the University of Twente in the Netherlands, and the Faculty of Spatial Planning at the TU Dortmund University in Germany, where land administration and land management are an integral part of the curriculum, having their own Department.

Also these institutions, among others, have alumni who are currently in senior positions of leadership in the land sector in some of the African countries and some of these were contacted to help identify the gaps.

e. Assessing the key needs/gaps on land policy and administration curricula in the AU member states and their capacity to collaborate on continental programmes.

The identification of key needs and gaps on land governance curricula in Africa was made on the basis of the above sketched tasks and methods. For the analysis of the material received, the consultants have prepared a matrix of the essentials expected in a curriculum on land policy and administration and the various institutions were evaluated based on the matrix. It is important however, to ensure that a fit-all matrix is not developed as the curricula, while conforming to known international principles and standards, have to take account of the social and political circumstances of the individual countries. For example in the countries of the Arab North, the influence of Islamic principles of property and land administration need to be recognized, while in the Francophone countries, the influence of the Napoleonic laws must be taken into account. In countries such as Ghana where the Constitution recognizes and protects traditional customary land rights and in Nigeria where the Land Use Act has virtually nationalised all land – at least in law – efforts were made to give recognition to these differences. In the end the



curricula of the tertiary institutions were studied and the issues that were found to be absent in their curricula from the discussion of land on the continent were identified as the gaps to be filled in their curricula.

f. Discussion of concept and findings of the study with experts on land issues in Africa

An inception meeting for this study was held in Addis Ababa on September 29<sup>th</sup> 2014 to discuss the objective, scope and expected outcomes of the study on land curricula in Africa.

On May 20<sup>th</sup> and 21<sup>st</sup> 2015 an Expert Group Meeting (EGM) was organised by LPI in Bahir Dar, Ethiopia. Representatives from institutions having responded to the questionnaire survey were invited to Ethiopia. In addition, representatives of ITC Netherlands (as a best practice example), the German Agency for International Cooperation (GIZ) and World Bank (as donor organisations interested in promoting land issues in Africa) and LPI participated in the meeting. In two days of intensive discussion and group work, the participants provided additional information on their institutions as well as their valuable views on the curricula on land and on gaps to be filled. The EGM was suggested by the LPI as a replacement of the previously planned visit of the consultants to selected best practice institutions. The consultants welcomed this idea, because it would not only allow meeting a larger number of institutions but also such a meeting would facilitate the exchange of knowledge, expertise and views on land curricula beyond the assessment of individual institutions. The results of the EGM were included in this report.

As a last step, it is planned to organise a Validation Workshop to discuss the findings and recommendations of this study.

g. Formulation of conclusions, recommendations and report writing

This report presents the objectives, concept, tasks, methods and findings of the study on land curricula in African institutions of higher learning. It is meant to be a draft report that will be discussed by experts of LPI and other relevant organisations. In addition, this report will be enriched with the recommendations of the planned Validation Workshop. It is expected that participants to be invited to the Validation Workshop would include policymakers, seasoned academics from the continent and beyond, land experts in multi-lateral institutions like GIZ and UNCHS who have had a long relationship with the land question in Africa.

## 1.4. Structure of the Report

The Report is presented in three main parts. The first part deals with land governance on the continent and presents a discussion of an overview of the land question in the AU member states by region. The second part presents a discussion of the mapping of the tertiary institutions of learning on the continent and the curricula of the institutions. The identified gaps in the curriculum which have been derived from the land question in the various regions have been presented in the third part.

## 1.5. Land Governance – An Operational Definition

Land governance has been variously defined in the literature. The FAO and HABITAT have viewed land governance as *the rules and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed*. (FAO and HABITAT, *Towards improved Land Governance*, Land Tenure Working Paper 11, September, 2009). Stig Enemark has also defined the concept as *the policies, processes and institutions by which land, property and natural resources are managed*. He asserts that *land governance covers all activities associated with the management of land and natural resources that are required to fulfil political and social objectives and achieve sustainable development*. (Stig Enemark, *Sustainable Land Governance: Three Key Demands*, FIG Working Week 2012, Rome, Italy 6-10 May 2012).

In the various definitions the key elements that stand out are:

- A legal framework that defines the rules and regulations
- An institutional framework that defines the limits of power
- Management structures for both private and public urban and rural land
- Instruments for regulating accessibility and use of land
- Land information systems and
- Mechanisms for managing disputes and conflict resolution.

The concept therefore encompasses the traditional notions of land administration, land management and land policy.

A weak land governance system thus creates institutional and legal frameworks that are weak with a low capacity to engender efficiency and confidence in the land delivery system. It also means that that land transactions tend to become opaque with weakened transparency engendering corruption and rent seeking behaviour among the various actors. A weak land governance regime provides poor policy direction to bureaucrats and obfuscates the expectations of the public who deal with the land based institutions.

## **2. LAND GOVERNANCE IN AFRICA**

Land governance on the continent is at various stages in the various countries and regions. Much of the information in this section is taken from publications resulting from studies commissioned by the Land Policy Initiative. They are naturally supplemented by other studies.

### **2.1 West Africa**

The countries of the West Africa Region are varied with different cultural and traditional values which underpin their land relations. Their varied political histories and their climatic heterogeneity have all affected their land affairs and influenced the development of land governance. The colonial heritage has divided the region into Lusophone, Francophone and Anglophone each with its historical and cultural influences on land. For example, while the French colonial policy of assimilation sought to make the indigenes of these countries French in all but colour and thus diluted their traditional institutions in favour of a strong central government controlled from Paris, the English colonial policy of Indirect Rule sought to create strong traditional institutions which served as the agents of the colonial government. These had implications for land governance. Under the French colonial policy all unoccupied land were declared to belong to the state thus enabling the central government to grant large tracts of otherwise traditional lands for plantation agriculture which has become the hallmark of agriculture in Côte d'Ivoire (AUC-ECA-AfDB Consortium, 2011). On the other hand the British colonial policy strengthened the hands of traditional and customary land owning institutions making it difficult for the Crown to appropriate land belonging to the indigenes (AUC-ECA-AfDB Consortium, 2011). The Portuguese tended to dispossess the indigenes of their land rights in favour of state controlled lands. In addition to the colonial heritage, the overarching influence of Islam, particularly in the countries of the north of the region, meant that in some cases there were three regimes of land governance – the traditional/customary regime, the colonial regime and the Islamic regime dictated by the tenets of the Quran.

The ecological diversity among the countries of the region has also had implications for land governance. The countries of the north of the region with their sparse populations and the effects of desertification, poor rainfall and poor land quality have meant that land governance has not received the attention it would have otherwise received except in the context of conflict resolution particularly in relation to pastoral and arable land. The countries of the coast boast of lush vegetation with great potential for arable agriculture and this has also presented different perspectives for land governance. Added to these are the traditional concepts of land ownership with male superordination and systems of inheritance that are gender insensitive to women. In the countries to the north of the region, the effect of Islam and the adoption of Quranic concepts of property have varied the traditional practices of land ownership and management and often created conflicts with the traditional institutions.

For many countries in the Region customary and traditional land rights are prevalent. Such lands are held in communal ownership and are managed by traditional and customary institutions on behalf of

the larger community. Members of the land owning group usually have use rights only in the land as the ownership rests in the whole community. In Ghana it is estimated that about 80% of the land is held under traditional and customary ownership whilst in Sierra Leone all the land outside the Western Area is held under customary ownership (Asiama 2006). Most of Liberia's rural land is held under customary systems with the urban areas being governed by a statutory system emphasising individual ownership fashioned to serve the interests of the Americo-Liberian settlers. Traditionally, land ownership in Nigeria has been controlled by customary and traditional dictates. As one luminary points out, land is owned by *a large family of which many are dead a few are living and a countless host is still unborn* (Elias, 1962:6). This meant that land was not only seen as an economic commodity but also had social and religious connotations. Land governance in the traditional system was also influenced by the system of inheritance. Where inheritance is patrilineal, such as among the Fon, Yoruba, Aja-Ewe, and Idatcha of Benin, land ownership is male dominated and women's rights to land are severely limited (Furth, 1998a). Under matrilineal inheritance, such as among the Akan of Ghana, land governance was organised around women and while men have access to land for their use, land rights rest in the bosom of the women and the individual acquired properties of men devolve on their mothers and sisters but, significantly, not on their wives (Asiama, 1997). In Burkina Faso land management among the Mossi is based on the nuclear family and is controlled by the man as the head of the household while among the Bwa land is held in a lineage and the lineage head allocates land to lineage members for their use - the land reverting to the lineage when the farmer no longer needs it (Furth, 1998b).

Though these concepts still prevail, particularly in the rural areas, modernisation and European acculturation has given the commoditisation of land a pride of place in the scheme of things though in some cases this has introduced ambivalent situations where customary land ownership though outlawed still persists alongside statutorily sanctioned tenure. For example Liberia legally recognizes both individual and community tenure and guarantees the right of all rural natives to the occupation of land. Nevertheless, the state has declared land held under customary tenure as property of the state (Knox, 1998e). Additionally governments in the region have also sought to influence the customary system of land ownership by introducing legislation that has sought to effectively extinguish the customary rights in favour of a state controlled system. Land tenure in The Gambia has over the years been run along customary lines and the system has shown considerable resilience and adaptation. In 1990 however, the government passed the State Lands Act which seeks to replace the customary land ownership system with a system under which the state grants long-term leases. The obvious objective of the Act was to improve security of tenure and enable people to access investment funds using their lands as collateral. The Act was initially made to apply to the two major urban centres, the capital, Banjul and Kombo St. Mary but the government has powers to extend it to other parts of the country if it deems fit (Knox, 1998a). Land in Burkina Faso in the immediate post-independence era was held in customary ownership and accessibility was determined by customary rules. In 1984, the *Réorganisation Agraire et Foncière* was introduced which vested all land in the state and made it illegal to sell land. The objective appeared to be to divest traditional rulers of their rights to land. Amendments to the law in 1991 and 1996 introduced private property rights and the acquisition of long-term leases and made it possible for the state to cede land to private investors. For rural land the Rural Land Tenure Law (No.

034) was introduced in 2009 with the aim of protecting property rights, preventing and managing land conflicts and generally ensuring security of land holdings. The Act also seeks to promote and create an enabling environment for investments in agriculture and alleviate rural poverty. Under the 1984 Constitution of Guinea Bissau all land is declared to be owned by the state even though in practice the *tabanca* farmers, with their customary tenure system, are still intact (Williams 1998a). Under the Land Use Decree of 1978 land in urban Nigeria is vested in the State Governors who are advised in their management of the lands by Land Use Allocation Committees while in the rural areas the ownership of land is vested in Local Government Authorities who are advised by Land Allocation Advisory Committees (Famoriyo S, 1978). The Decree gives as its objectives:

- a. To facilitate rapid economic and social transformation of the country through a rationalisation of land use;
- b. To enable State governments bring about proper control and administration of land for the benefit of their people;
- c. To curb the incidence of rising land prices arising from activities of speculators particularly in urban areas;
- d. To remove a main cause of social and economic inequality
- e. To provide an incentive to development by providing easy access to land for the State and the people.

In spite of the pervading effects of customary land ownership in the region, pockets of freehold interests are still seen. In Ghana, though the customary system generally frowns on freehold interests, in some areas of the Eastern Region and the Western Region, freehold interests may be acquired. Freeholds are prevalent in Liberia along the coastal plains where the principal inhabitants are the Americo-Liberians, and in the capital Monrovia. In parts of The Gambia and in the Western Area of Sierra Leone freeholds are prevalent except that these have often been created by statute (AUC-ECA-AfDB Consortium, 2011).

In Francophone West Africa, the development of plantations in Côte d'Ivoire and a system of registration in Mauritania and Togo have introduced individual private property in those countries and these often, particularly in Togo, operate in tandem with the customary system. In 1961, Côte d'Ivoire declared all land in the country to be owned by the state which undertook to grant concessions to people for farming, etc., following the colonial French administration's reliance on plantation agriculture. In spite of this, customary law is still extant in the country and tribal groups such as the Agni and Baoule in mid-country and the east, and the Senoufo, Lobi, and Koulango of the north still manage lands through their lineage and village heads ((AUC-ECA-AfDB Consortium, 2011; Furth, 1998c)

In the countries to the north of the Region, Islamic laws operate together with the customary structures and are slow to respond to demands of the modern society. This has often led to a poor development of land tenure structures. For example in Senegal, the operation of Islamic laws made it possible for non-indigenes to acquire lands and sometimes this was not in the interest of the indigenous people (AUC-ECA-AfDB Consortium, 2011).

Nevertheless efforts have been made in the region to improve customary land tenure and make it more responsive to modern demands. Communal land tenure has been recognised in Mali for centuries and the period immediately after independence sought to emphasise this by efforts to improve the customary tenure system and to make it more responsive to the modern demands on land. One major legislation passed in 2000 is the *Code Domanial et Foncier* (the Land Tenure Code) Article 46 of which recognises customary practices regulating land ownership and access to natural resources. Article 43 of the Law recognises the eminent domain of the State in acquiring customary land but only in cases where the broader national interest would be served and that adequate and fair compensation should be paid prior to the acquisition. Article 48 also recognises that agreements between individuals or communities based on customary practice and procedures can be formalised in writing and that this documentation serves as proof of land transactions (AUC-ECA-AfDB Consortium, 2011; Hobbs, 1998; USAID, 2010a). In Guinea, the immediate post-independence era (1958 – 84) saw a government that had socialist inclinations and so did very little to promote private individual ownership. This meant that traditional and customary tenure systems were promoted. In 1992 the government passed the new land tenure law, *Code Foncier et Domanial* [CFD]) which introduced an elaborate system of land privatisation and registration and promoted individual ownership. While the Code still preserved the customary system, it vested all unregistered land, prior to registration, in the state and, as expected, this included most rural lands. In 2001, a rural land policy document, *Déclaration de la Politique Foncière en Milieu Rural*, was introduced which gave recognition to customary land rights in the rural areas but only to the extent that they allowed the occupants to have use rights over the land and to use it for subsistence as against commercial agriculture. Unfortunately, this still remains a policy document and the needed legislation have not been passed to give it effect (USAID, 2010b).

In Niger, customary land rights still prevail despite attempts by successive governments since independence to ‘modernise’ the system of land holding. Rural lands are managed by customary institutions that hold land according to a variety of indigenous tenure forms. In most villages land is held in three forms: individual lands (usually unregistered but ownership is acknowledged by the community), family lands (usually accumulated through inheritance which is patrilineal), and *terre de chefferie* (chieftaincy lands comprising fallow, virgin and uncultivated lands). (Gnoumou and Bloch, 2003) In March, 1993, the government passed the Rural Code (*Principes d’Orientation du Code Rural, Ordinance 93-015 of March 1993*) to give recognition to private property rights of individuals and groups who acquire land either through the traditional customary system or through the formal sector and thereby strengthening title security. Generally the Code has fourfold objectives:

- i. improving tenure security in rural land;
- ii. enhancing the management of rural land;
- iii. promoting sustainable natural resource management and conservation; and
- iv. better planning and management of the country’s natural resources.

Most customary practices in the country reflect the influence of Shari’a law.

## 2.2 Southern Africa

Probably the most striking characteristic of the countries of the southern Africa region as far as land governance is concerned is the overarching influence of European settlers in the nineteenth and early twentieth centuries. The arrival of the European settlers who engaged in commercial agriculture and mining to feed the people and the economies of their mother countries meant that large expanses of land were acquired from the indigenous people, often forcibly. In many of the countries of the sub-region, the European settlers took over large expanses of land and converted them into plantations depriving the indigenes of their land and often making them labourers on the plantations. In Angola the Portuguese colonialists took over large expanses of land and converted them into plantations often depriving the local people of their lands. The indigenes were often employed as labourers on the plantations. In 1961 the Portuguese government passed the Overseas Property Decree which sought to protect the land rights of the colonialist settlers by making it possible for them to register their lands against the indigenous African populations (Williams, 1998b). Under the *thangata* system large expanses of customarily held land often encompassing several villages, particularly in the south of Malawi, were appropriated by the European settlers and the natives were employed as labourers. Such appropriations were used to establish large plantations known as *estates* and had a profound effect on the customary land ownership system as the indigenes lost control over large expanses of their land (Knox, 1998b). A similar situation prevailed in Mozambique where the Portuguese *prazeros* established large estates in the country in the period prior to the nineteenth century and virtually destroyed the tenets of traditional land governance (Kloeck-Jenson, 1998). The activities of the British South African Company created a European land owning class in Zambia where European settlers were able to acquire registered titles in their land while the indigenes were relocated into *Reserves* where land was held in customary ownership. The creation of the British Protectorate in Zambia in 1924 further exacerbated this policy as the British government created Crown lands and Trust lands in addition to the Reserves and further widened the gulf between the European settlers and the natives (Subramanian, 1998a).

The French colonial administration introduced private individual ownership in 1896 to encourage the settlement of Europeans who sought to cultivate plantations and establish other businesses in Madagascar, particularly along the eastern coast and in the following year introduced land title registration to further enhance the security of tenure of the European settlers. These plantations deprived the indigenous people of their land and disturbed their livelihoods and land and social relations (Leisz, 1998a).

Land relations in Zimbabwe have been conditioned by the partition of the country on racial lines in the mid-1890s and its subsequent rationalisation under the Land Apportionment Act of 1930. Under the Act, land was shared almost equally between the European settlers who constituted about 5% of the population and the indigenous African population who made up the remaining 95%. While the Europeans had land of high quality, the black African population was consigned to land of poor quality in the Reserves. In these circumstances the customary land rights of the indigenous Africans were curtailed

and essentially lost and everything that has happened in the land sector in Zimbabwe since then has been conditioned by this (Subramanian, 1998f). Since about the late 19<sup>th</sup> century, the acquisition of land by Europeans, mainly white South Africans, has created a large class of commercial farmers who own land with freehold titles in Swaziland (Subramanian, 1998c). The dispossession of indigenous Namibians of their land was aggressively pursued when the Europeans arrived in the country and, more particularly, in the period of apartheid. Tribes like the Herero, San, Nama, and Damara, who occupied the area of the central plateau, were forcefully ejected and their lands taken over by European settlers. Most of them were moved up north which became an enclave for the indigenous people while the European settlers occupied the south of the country and a fence erected to divide the country into north and south to separate the races (Asiama, 1993; Subramanian, 1998d). South Africa's land tenure relations have been defined by the apartheid policy to the extent that it is almost merely an academic exercise to try to identify the roots of customary land tenure in the country. European presence in the country has spanned several years and the passage of the Land Acts of 1913 and 1936 and other apartheid specific laws ensured that white South Africans controlled almost 87% of the country's land making black South Africans bear the brunt of extreme inequalities in the country. Black families and, sometimes whole tribes, were deprived of their land rights and were forcibly ejected from their land and relocated in state created *bantustans*, townships and reserves under overcrowded conditions with poor amenities. They became labourers, or tenants, on white farms and could not own land (Jensen, 1998a).

These European influences were impositions on the customary land tenure system which was built on the history of the peoples in the countries of the region. Customary land tenure in Angola was broadly divided into two. In the Central Highlands, principally among the Ovimbundu tribal group, arable agriculture is the mainstay of the people and land is owned by the community and distributed during each farming season to the people by the clan, village and family heads. Shifting cultivation was practiced and land left fallow over time reverted to be reallocated by the community head. Land sales were frowned upon as the land was owned by the community. In the south of the country mainly peopled by the Khumbi and the Dimba, pastoral agriculture is more prevalent with arable agriculture practiced more by women – mainly for subsistence. Unlike most pastoralists though such land was occupied for long periods and this diminished the authority of community leaders in the local land governance (Williams, 1998b). Customary land tenure in Botswana follows the pattern in other African countries and land is held by the communal group and is managed by the community leader who is the chief or clan or lineage head. The customary land tenure system in Lesotho revolves around the King who controlled the land through layers of chiefs and lineage and family heads. Access to land was through these traditional leaders. The Basutho are a male-superordinated society and women's land rights are subsumed under the rights of their male counterparts – fathers, husbands and brothers. Under the customary land tenure system land was owned communally and was allocated by chiefs to who the land reverted on a person's death as land was not inheritable. Land transfer *inter vivos* however existed and land could be passed to sons of the allottee during his lifetime but this had to be confirmed by the chief. Widows only had a lifetime interest in two of their deceased husbands' farms. Owing to the various strictures on land ownership, the customary system did not provide security sufficient to



promote commercial agriculture; the system led to excessive land fragmentation and did not encourage the use of soil enhancing practices (Knox, 1998c). Customary land tenure in Madagascar was communal based and ownership rights were determined in each ethnic area by the customs and practices. An underlying principle however, was that land belonged to the community as a whole and individuals only had use rights. For this reason, land sales were frowned upon and even when land was sold there was an elaborate process the prospective seller must go through to determine who the purchaser must be to ensure that the purchaser did not take the land outside the control of the community. A distinguishing factor in the system of land ownership in the country was the assurance of title security. This meant that both indigenes and non-community members were certain of their boundaries and this reduced the incidence of land conflict. Another distinguishing factor was the prevalence of sharecropping which took the place of land sales and customary mortgages of land, particularly in the irrigated land areas, and thus kept the land in community ownership. The rights of women to land in the traditional system were subsumed in favour of their male counterparts. The dry savannah areas in the west of the country were mainly used as pasture and the predominant tribe in the area, the Savaka, regarded pasture land as being in communal ownership and exertion of individual rights was virtually absent in the traditional society, except for the areas used by the women for sedentary arable farming for the subsistence of the family (Leisz, 1998a).

Land governance in Malawi follows the general trend among the autochthonous populations on the continent. A major distinguishing factor however, is the very distinct treatment of women's land rights in the different parts of the country. Among the Chewa, the Yao and Man'anja ethnic groups, inheritance is matrilineal and women have rights to land over their male counterparts while among the northern tribes such as the Ngoni, the Abafo and the Tumbuka, patrilineal inheritance is practiced and women have very few land rights which they derive from their male counterparts (Knox, 1998b). A similar situation is found in Mozambique where customary land administration significantly differed between the matrilineal tribes to the north of the Zambezi River, which almost divides the country into two, and the tribes to the south of the river where patrilineal inheritance is more prevalent. The Islamisation of the tribes to the north has also significantly affected their land tenure system (KloECK-Jenson, 1998). Land rights in traditional Namibian society were complex and each tribe had its own system of land holding. Among the Ovambo, for example, the land was vested in the community and was managed by kings and a hierarchy of traditional leaders and family heads on behalf of the community. Families had strong attachments to their land parcels and could not be dispossessed. Land ownership did not generally discriminate between the sexes and women could own land in their own right. The San, who occupied the Namib and Kalahari deserts on the other hand, were pastoralists and did not have a permanent attachment to their land and, owing to the harsh climatic conditions, were highly nomadic (Subramanian, 1998d).

Many of the countries of the region have since independence attempted to transform the land tenure system to serve the modern economy. After independence in 1975 the government of Angola nationalized all land, confiscated all the plantations established by the Portuguese colonialists and turned some of them into State Farms. Efforts were made to return some of the land to their original

customary owners and to create private ownership of land as part of the government's efforts at enhancing agricultural productivity (Williams, 1998b).

Botswana, unlike most African countries, has given explicit legal recognition to customary land tenure and brought it into mainstream formal land administration. The Tribal Lands Act which was passed in 1968 after independence gave recognition to tribal land but established land boards at the provincial and local levels which initially included the local chiefs as ex-officio members and appointees of the chief. Tribal lands were vested in the Boards who took over the powers of the chiefs to make customary land grants to community members and non-community members for use as residential, arable farming and grazing. Further amendments of the law subsequently removed the chiefs and their appointees and made the membership of the Boards elected. For the pastoralists, the Tribal Grazing Land Policy made it possible for commercial livestock owners to acquire up to 50-year leases for livestock production (Knox, 1998c). Like land grants made in the customary system, grants made by the Boards are free but the Board gives the grantee a Certificate of Customary Land Grant which does not need to be registered. Such grants are permanent, and the grantee enjoys quiet possession; they are inheritable and so long as the grantee develops the lands within five years and generally respects the conditions under which the grant was given there is no possibility of him being dispossessed. Where a grantee or lessee wishes to transfer tribal land he needs to seek the approval of the Land Board except where the grantee wishes to mortgage the property or the transfer is by way of inheritance or a sale to a Batswana; permission is also not required where the land has been developed in accordance with the Board's stipulations. The Land Boards also adjudicate land cases. Leases may be obtained for commercial and industrial ventures as well as for commercial agriculture - whether arable farming or livestock production. This affords the lessees the opportunity to use the land to access credit for their business - something the customary land grant was deficient in. Generally, leases may be obtained for 99 years for residential purposes and 50 years for all other purposes such as commercial and industrial, for the Bastwana but foreigners can only obtain a maximum of 50 years renewable for another 50 years. Commercial agriculture however attracts only 15-year leases and these are renewable. Under customary law freeholds were not encouraged as the land was deemed to equally belong to the unborn generations. Under colonialism however large expanses of land were appropriated under freehold tenure - particularly in the Tati concessions and the Ghanzi region. Currently however, though not forbidden, freehold tenures are granted except where the recipient is the state (Knox, 1998c).

The government of Lesotho passed the Land Act in 1979 with the aim of improving the system of land allocation and title security and thereby enhancing commercial investments in agriculture. The Act provides for the creation of agricultural leases and afforded customary holders the opportunity to convert their customary holdings into leaseholds which they could register, mortgage and sell subject to the approval of the Minister for the Interior. The Act provides for the establishment of Land Committees to oversee the allocation and distribution of land within the community. The Committees are chaired by the chiefs and so does not overly disturb the customary system. However the chief is no longer the sole authority in land allocations and this has probably contributed to the ineffectiveness of the Act as traditional leaders, including the king have not given it their full support. Though the Act is a major

improvement in land tenure relations in the country, it does not effectively deal with land relations in the pastoral areas and it does not deal with the land rights of women and other vulnerable groups (Subramanian, 1998d). The immediate period after independence in 1965 saw a flurry of legislation on land in Malawi. The Land Act of 1965 declared all public and customary land to be vested in the President who could then grant leaseholds in these lands for the development of plantations. The Registered Land Act, 1967 made it possible for customary land to be registered as private individual property in designated areas while the Wills and Inheritance Act, 1967 made it possible for people to bequeath their private investments made on customary land – something which the customary system frowned on. The Customary Land (Development) Act, 1967 gave the government the right to acquire customary land without the consent of the traditional authorities. The Local Land Boards Act, 1967 established administrative bodies at the district level to oversee and approve customary land transactions pushing the traditional authorities into virtual oblivion (Knox, 1998b).

Customary land tenure in Mozambique was subsumed under the state's policy of socialist reconstruction on independence in 1975. Land in the country was essentially nationalised under the independence Constitution and the Land Law of 1979, and individuals could only enjoy use rights and rights of occupancy which are derived from the State and could be revoked by the State. Rights in land could not be sold or mortgaged or in any way encumbered or alienated though the ownership of private improvements on land and dealings in them were duly recognised. The state organised agricultural land use around the policies of villagilisation, cooperatives of smallholder farmers and large state farms; these naturally meant that the customary land holding system was rendered ineffective. The implementation of these statutory provisions has undergone considerable metamorphoses and it is now clear that *de jure* recognition is given to customary control and administration of land. The state farms have largely been discontinued and the lands taken over by private interests and, in some cases, the land is managed under customary law. The 1990 Constitution sought to give recognition to the political reforms the country had undergone but fell short of significant changes in the land tenure system. A Municipal Law passed in 1994 recognised the role of traditional authorities in local governance and provided for cooperation between local authorities and traditional authorities in areas such as land allocation – a significant departure from the status quo. A Lands Commission was established in May 1995 to draft a new land policy that would give recognition to private interests in land and effectively fuse the customary system and the statutory formal state sector of land administration. The Commission has made very far reaching recommendations on the reform of land administration including decentralising land governance institutions to the district and provincial levels while still maintaining the state's ownership of land.

These however, require constitutional amendments to be effective (Kloeck-Jenson, 1998). The independence Namibian constitution vests all land, which is not legally owned, in the state and the Agricultural Land Reform Bill also empowers the state to acquire agricultural land which is not substantially used for agriculture. This effectively protects the farms of the white settlers as legal ownership refers to titled land. Generally, however the real land reform issue is how the large freehold agricultural lands in the south of the country can be made available to enable indigenous Namibians to

utilise them for agriculture and other commercial ventures (Subramanian, 1998d Namibia). South Africa's 1996 Constitution protects private ownership of property and allows for expropriation only when court agreed compensation will be paid. However the government has, through legislation, such as the Restitution of Land Rights Act, 1994, tried to reverse some of the effects of apartheid on land ownership rights but this needs to be done within the context of state respect for individual rights within a legal framework that considers that South Africa is a racially plural society. Though there are agitations for the return of customary land to their original traditional owners, this is still quite an emotive issue in the country.

The British colonial administration introduced measures to curb the rate at which customary lands were being lost to white settlers and divided land in Swaziland into three distinct groups:

- a. Swazi National Land (SNL) which was based on communal ownership and managed in accordance with customary law. The land is held in trust for the community by the King who manages it through a hierarchy of chiefs and village headmen and family heads. Ordinarily, all members of the community have an inherent right to the community land though land must be allocated by the chief to heads of households who are generally men. Like land held in communal ownership elsewhere on the continent, Swazi National Land does not promote security of tenure and does not make it easy for women to acquire and own land.
- b. Individual Tenure Farms (ITF) which were the freehold lands held mainly by the white settlers. These lands were held in private ownership and managed as private property. The lands were registered and the owners could sell or mortgage them to raise funds for their businesses. Their owners could not be dispossessed by the state without compensation.
- c. Crown lands were lands that the British retained for the use of the colonial administration. Crown here referring to the British rather than the Swazi Crown. The proportion of land in this category was quite small.

This categorisation of land in Swaziland is still extant though the category of SNL has expanded over the years through the re-purchasing of private land. Crown lands now also refer to land directly owned and managed by the Swazi King for the use of state institutions (Jyoti Subramanian, 1998c).

At independence in 1964, land rights in Zambia were also grouped into three principal categories: Reserve lands, Trust lands and Crown lands. While Crown lands were owned and operated under statutory regulations, Trust lands and Reserve lands were generally operated under customary law and practice. At independence all land in the country was declared to be vested in the President in trust for the people of Zambia though in practice this did not affect land rights and land management in the Reserves which continued to be managed according to customary law. Chiefs continued to allocate land to indigenous people who owed allegiance to them. The Land (Conversion of Titles) Act, 1975 converted all freehold land into leaseholds of 100 years renewable on expiry. The Act also outlawed the sale of undeveloped urban land and declared that only improvements in land could be sold, on the basis that undeveloped land had no value, thus ensuring that a land market did not operate in the country. The

Land (Conversion of Titles) (Amendment No. 2) Act (Act 15 of 1985) restricted the granting, allocation or leasing of land to non-Zambians. Land title registration was introduced in the country though owing to the rigorous requirements and the expense involved this was not popular and few people took advantage of it to register their lands (Subramanian, 1998a).

At independence in 1980 the new government in Zimbabwe sought to right the wrongs of the land distribution system and set out to acquire and redistribute lands formerly held by Europeans, to smallholder African farmers under resettlement schemes. Land was re-classified into Communal Areas which were made up of land formerly held by the natives in the Reserves under the Communal Land Act of 1981, the Large Scale Commercial Sector which was land previously held by Europeans and which were used for commercial agriculture, Small Scale Commercial sector which was made of land formerly held as Native Purchase Areas. Public lands are made up of the former Crown lands. Under the Land Acquisition Act of 1985, the government underscored the spirit of the Lancaster House Agreement which negotiated the end of the civil war and Zimbabwe's independence and gave the government the first option to purchase large scale farms for the resettlement of the indigenes under the principle of willing seller/willing buyer. This was followed by the Constitutional Amendment 11 and the Land Acquisition Act of 1992 which freed the government of the willing seller/willing buyer principle and empowered the government to compulsorily appropriate lands for re-distribution though adequate compensation was to be paid to the expropriated. The invasion and subsequent occupation of white farms by black militants seeking to exercise their rights over communal lands has created racial disaffection (Subramanian, 1998b; USAID, 2010c). A Presidential Commission of Enquiry on Land Reform set up in Malawi in 1996 resulted in the country adopting a land policy in 2002 and a Special Law Commission was set up a year later to prepare a new land legislation which would aid in the implementation of the land policy. To further give meaning to the land policy developed, the World Bank and other donors launched a new land reform project, the Community Based Rural Land Development Programme, to improve the transition of the customary land tenure system into the market economy and enhance the role of the customary and informal land institutions in achieving an efficient land governance system in the country.

Land relations have also been significantly affected by the numerous civil conflicts that have plagued the region. The long civil war in Angola meant that the policies of the government in relation to land restitution had to be put on hold when the civil war resumed in October, 1992. The long independence struggles in Zimbabwe and Mozambique created a large cadre of ex-combatants who needed to be resettled but whose ancestral lands had been appropriated by white farmers in large plantations. This was coupled with the large number of internally displaced persons who, on their return to their ancestral lands found that such lands had been occupied by their kith and kin and by strangers creating internal conflicts.

The influence of Islam in some of the countries of the region has also significantly affected land relations. These are particularly countries on the eastern shore and Madagascar owing to the long tradition of trading with the Arab countries and the settlement of the Arabs in these countries. This has

created conflicts with the customary system but has not affected the post-independence land policies of the governments in any significant way.

## 2.3 East Africa

Some of the countries of the East Africa region have had internal conflicts that have shaped their land tenure relations to a very large extent. Though land rights have not been the cause of these conflicts the conflicts have nevertheless had implications for land governance and land rights generally. Customary land tenure in Burundi revolved around the *Mwami*, the King of Burundi, to who the land was deemed to belong. Below the King were chiefs and sub-chiefs who dealt directly with the people in land matters. Land for agriculture was often acquired through one of the chiefs to who the grantee owed allegiance. Land so acquired however remained the individual property of the grantee and did not belong to his extended family or his lineage. Such individuals paid land rent in the form of part of the produce of the farm to the chief. Inheritance was patrilineal and property passed from father to son. Women's rights to land were derived from their male counterparts - husbands, brothers or fathers - though they could not inherit their fathers and could only have usufructuary rights in land. The customary land ownership system has come under considerable strain due to the many political and internecine conflicts that have engulfed the country. These conflicts have resulted in considerable uncertainty and disputes that have affected the ownership and accessibility to land. It has also led to a substantial proportion of the population either leaving the country as refugees or being internally displaced. In many cases when the refugees, or internally displaced persons, return to their original habitats their ancestral lands may have been taken over by other people either informally or in some cases have obtained formal acknowledgement of their occupation. There are also instances where the elite have taken advantage of the situation by grabbing the land left behind by the conflict displaced persons. The result is that food security is threatened and women and other vulnerable groups are often at a disadvantage (Leisz, 1998c).

The Federal Islamic Republic of the Comoros is made up of three islands: Grande Comore, Mohéli and Anjouan. A fourth island, the French administered Mayotte, has a rather ambivalent relationship with the other three and does not consider itself as being part of the country. The system of land tenure differs among the islands though land is generally communally owned. For example land in Grande Comore, which is generally matrilineal, is inherited by women rather than men while in patrilineal Anjouan land is inherited through one's father and women could only have access to land through their male counterparts. On Mohéli island land is owned by the extended family and lineages and individual ownership of land is rare. A very significant feature of land tenure in the country however is the pervasive influence of Islam. For example even in Grande Comore where women can own land, in accordance with Islamic principles such lands are managed by their husbands (Bohrer, 1998a).

In Djibouti the local tribes, the Afar who inhabit the north of the country and the Issa who live in the country's southern regions, have similar customs in land administration and land is held and managed by extended families. Such customary rules dictate accessibility to arable and pasture land and water points and are heavily influenced by Qur'anic principles (Bohrer, 1998b). Customary land holding in Eritrea is communal, community members only have use rights and land cannot be sold or otherwise alienated outside the community. Arable land is not inheritable and on a person's death the land he works on reverts to the community to be allocated by the head of the community. Such lands are more prevalent in the highlands and are locally referred to as *diessa* land. Pasture lands are however occupied and utilised as communal property. Among some tribal groups, though land ownership is communal the community here is defined as one's extended family. The family land, or *risti*, which is similar to the *diessa*, remains family property and may not be sold or otherwise alienated outside the family except with the consent of the male members of the entire family. While it is allocated to an individual, unlike the *diessa* it is inheritable. In 1909 the colonial Italian Administration appropriated almost 50% of land in the country mainly in the low lying plains declaring them as state lands. These lands were given to European settlers for use in commercial agriculture. The British and the Ethiopians who followed the Italians in administering the country preserved this state of affairs (Subramanian, 1998b).

A substantial portion of land in Southern Ethiopia was held in large estates by members of the nobility who were related to the reign of the Emperor. They employed as tenants the local people who were often the original owners of the land. Communal land rights were effectively extinguished and the traditional institutions that existed to manage land in the traditional system were rendered ineffective. In the northern part of the country, communally administered land, referred to as *rist* existed. Land was controlled by traditional authorities and rights were conferred by inheritance. The land could not be sold or mortgaged but could be leased and inherited by one's children. Inheritance was both through male and female parents.

The arrival of European settlers in Kenya in the early 1900s led to large tracts of land being appropriated, as freehold interests, for large scale farming mainly for export crops. These tended to be the best arable lands while the natives were pushed to less productive land in Reserves, where land administration was communal, and the inhabitants were prohibited from growing cash crops. This created much disaffection among the tribes in the country who viewed land as an ancestral heritage which was to be preserved and safely handed down to unborn generations. Land sales were generally abhorred, particularly to purchasers outside the particular tribe.

Land tenure in Rwanda, like most African autochthonous societies is rooted in customary law and usage. Prior to colonialism, land was owned by clans and lineages ruled by chiefs and there were three such chiefs in the various communities: the *Umutware w'Ubutaka* was the chief in charge of land while the *Umutware w'Umukenke* was the chief in charge of livestock and the *Umutware w'Ingabo* was the chief in charge of the army. All three operated at the same level of authority in the community. Access to land was through one's family or lineage head and land was owned by families in common. This was true of both arable and pastoral land (Stephen Leisz, 1998).

Somalia was colonised by the Italians whose interest in land rights appeared to be in building the urban centres to support trade and also making land available to the white settlers who settled in the fertile river valleys – particularly in the Shebelle River valley - where they could undertake agricultural activities because most of Somalia is desert and arid. Land at this time was under the control of traditional authorities who managed land using customary law and practice. Individuals and families usually had usufructuary rights in land though once land had been allocated to an individual it became his permanent property unless he abandoned it and left it to return to “bush” status. Individuals could transfer ownership in their lands to other people, even outsiders, but this had to be approved by the customary leaders. Generally unlike in many areas of customary land ownership, the customary land ownership system in Somalia promoted a high security of tenure. Land rights were greatly affected by the Islamic religion and its Qur’anic dictates (Subramanian, 1998e).

In traditional Sudanese society, land rights have been organised according to customary law and usage and traditional authorities have been responsible for land allocations. This has particularly been the case of Southern Sudan where traditional authorities have been effective. In the Kordofan, Darfur and the Central Regions, where the people are nomadic, customary land ownership is a central feature and pasture land is managed as common property belonging to the community as a whole. In the midst of the Islamic acculturation that the country has experienced over the years it is significant that the customary system has shown such resilience. This was probably because under British colonial rule, traditional authorities were recognised as instruments of local governance and were organised into Native Authorities. This safeguarded their influence over local land rights (Bruce, 1998a).

Customary land rights in Tanzania varied widely according to the large number of ethnic groups in the country but a common thread was the fact that land was owned as a communal property. For example among the matrilineal Mwera, Zaramo, Makonde and the Luguru who inhabited the southeast of the country, land ownership was organised around descendants of a matriarch while in most of the rest of the country where inheritance was patrilineal, inheritance was from father to son and land ownership was more patriarchal. Colonialism introduced cash crop production, such as coffee production among the Chagga at the foot of Mount Kilimanjaro, and this meant that land was put under permanent cultivation and individual ownership developed. Though this affected land rights under the customary system, the effect was minimal and at the time of independence in 1961 the customary land tenure system largely determined land rights in the country.

Land tenure in Uganda was organised around the many kingdoms in the country prior to the arrival of the European settlers. When the British and the Buganda Kingdom signed the 1900 Buganda Agreement however, land tenure relations were altered forever. The Agreement created the idea of the British freehold and its local equivalent, the *mailo* and while the British took 9,000 square miles of land and designated them as Crown land the Kingdom of Buganda received 9,000 square miles (one thousand for the king and his elders, and 8,000 square miles for the chiefs and their elders). Such arrangements with the other kingdoms, such as the Ankole and the Toro meant that large areas of land became available as



titled land for both the British and the traditional authorities to offer to large scale plantation farmers. Local farmers also benefited from this as their land was considered to be titled. These arrangements were largely followed at independence (Bruce and Marquardt, 1998).

The customary land tenure system has been affected by European acculturation and attempts to modernise them particularly after independence in the various countries. In the Comoros, immigrants from East Africa and the Arab world have influenced life, and land relations considerably. France declared the country a Protectorate in 1886 and a Colony in 1912. By this time four categories of land had been established on the islands: 1) Large Concessions owned by the French settlers and used mainly for the cultivation of export crops. Over time these became titled as the owners took steps to improve their security 2) State Land, which included most of the forests and mountainous areas; 3) Private Estates owned by the local aristocrats made up mainly of the descendants of the Arabs who once ruled the islands, these have also been titled though there may be pockets where long usage is relied upon as evidence of ownership, and 4) Village Reserves where land is untitled and owned collectively on a communal basis often managed under customary law with strong Islamic influence. After independence land relations are still organised along these broad lines.

A year after independence the new Eritrean government passed a Land Proclamation (Vol.4, No.6 of the *Gazette of Eritrean Laws*) declaring all land in the country to belong to the State. Customary land ownership was abolished and a new administrative structure aimed at achieving a more egalitarian land allocation system, affording greater land access to women and other vulnerable groups, was instituted. Under the Proclamation, every citizen of the country has a right to receive land on which he exercised use rights either for agricultural or residential use and while such land cannot be sold or given as a gift to another, it can be leased if the transaction is approved by the Land Administration Authority established to manage lands under the Land Proclamation.

Land tenure relations in Ethiopia were significantly altered after the Revolution of 1974 which brought the Derg to power. All rural lands were nationalised and declared to be the collective property of the Ethiopian people. The sale, lease and transfer of land to other persons was outlawed and so was exchange of land with another person; the inheritance of land was also prohibited. Urban land was nationalised and so was all other natural resources. Peasant Associations made up of local people were formed to oversee land allocations and to ensure equity and fairness in land allocations among the farmers in the rural areas. The Revolutionary Government, the Derg, introduced collectivisation and villagisation, resettlement programmes which were often without the consent of the people, and created state farms. All these were to ensure the government's drive towards fairness and equity in the country and had implications for land governance in the country. The Transitional government that replaced the Derg initially followed in the Derg's footsteps as far as land management was concerned. For example under Article 40 of the 1995 Constitution of the country, private property is protected and compensation must be paid in cases of the expropriation by the state. However property was not defined to include land and though improvements on land could be transferred land could not be sold or

leased. When government leased land to private investors government was not to be concerned about the rights of the local people working on the land because the land belonged to the state.

The Swynnerton Plan of 1954 which was the Kenyan government's reaction to the Mau Mau uprising of 1953 in which the natives rebelled against the oppressive regulations regarding land ownership among other things, set out the blueprint for privatisation of land through land registration, among the natives. This continues to be the bedrock of land policy in Kenya today, making the country a trailblazer in the conversion of customary to freehold land rights. For some autochthonous tribes, such as the Luo of the Lake Victoria Basin, however, these reforms have had little impact as land rights are still rooted in the customary system and land administration within the tribe is still guided by tradition and custom. Land sales are abhorred and when they occur tend to lead to landlessness and the ultimate re-location of the people to the city in search of a means of livelihood. In those communities where the privatisation has been embraced this has often led to landlessness as some indigenous tribes have sold out their land to more affluent tribes – particularly the Kikuyu – and has often created ethnic conflicts. There is currently a virtual running battle between the Kikuyu and the nomadic Masai in the Lower Rift Valley, who think the Kikuyu have tricked them into relinquishing their land rights to them and they are currently disadvantaged in obtaining pasture and water points for their cattle (Knox, 1998d). Unfortunately such conflicts are often exploited for political ends during elections leading to violence.

Colonisation introduced written laws and codes into land governance in Rwanda. This became necessary because Europe's mercantile class began to trade in the country, first under the Germans and then under Belgium. Legislation was passed to enable the traders to have access to registered land which was considered to be more secured than the customary held land. This persisted after independence and currently, much of rural land is still held under customary ownership while urban land is generally held under legislation. The aftermath of the civil war of 1994, in which more than a tenth of the country's population lost their lives, has put significant strains on these arrangements. Almost a third of the country's population fled the country during the war and these returned at the end of the war in addition to some Rwandans who had fled the country in the political crises in 1959-61, 1964 and 1973. The need to resettle millions of its citizens, who had returned from exile in addition to people who had been internally displaced, including prisoners and demobilised soldiers within a short space of time on land which had become susceptible to multiple claims owing the historical antecedents, placed considerable strains on the land tenure system; It created tenure insecurity and antipathy among the various land owning groups. Added to this was the fact that majority of Rwandans derive their livelihood from agriculture which is essentially subsistent and relies on smallholder farms which are dependent on the vicissitudes of the weather.

After a military coup in 1969, the government of Somalia started to take a greater interest in land and in 1975 passed the Somali Land Law which nationalised all land in Somalia and transferred all land from the traditional authorities into the hands of the government. The law required that all cultivated farm lands should be registered with the government in order for the operators to be given 50-year leaseholds. The

government also confiscated some lands for use as state farms. The evidence suggests that few people ever registered their lands under the law. The law was not very effective as the traditional authorities continued to administer land in many areas, particularly in the rural areas. In the pastoral areas the nomadic character of the people ensured that land registration was not effective. This was the situation when Somalia descended into a state of anarchy and a failed state.

Since independence the government of Sudan has enacted laws that have had an influence on land rights but these have operated alongside the traditional system. For example the government passed the Unregistered Land Act in 1970 which declared all unregistered land, whether occupied or not, as deemed to have been registered in the name of the state and thereby making them state land. A year later Native Authorities were abolished under the new Local Government Act and new bodies set up to take over from them but the ineffectiveness of the new institutions meant that traditional authorities have continued to administer land. In particular Agricultural Project areas, such as the Gezira Irrigation Scheme, however, the state granted leases of up to 40 years to farmers and these were registered as private property. The Civil Transactions Act of 1984 repealed the Unregistered Land Act but retained government's ownership of all previously unregistered land and affirmed Islamic concepts of land ownership as the basis of land governance in the country. The Act thus affirmed that one obtained use rights over land which one cultivates if such land was previously uncultivated or had been abandoned by its previous owner.

In Tanzania, the post-independence socialist policies of *Ujamaa*, under which the government created villages to promote its policy of collective agricultural production, and *Vijiji* which brought villages together to make them economically viable to receive economic and social services such as education, health, etc, significantly disturbed land rights and the customary tenure system. In some cases whole communities were uprooted - often against their will - and resettled under the *vijiji* system and they lost their land rights. Later political reforms have meant that both policies have been abandoned and communities who were displaced have begun to lay claims to their land rights under the customary system. This has created some conflict situations and in 1992 the government passed the regulation of Land Tenure (Established Villages) Act to extinguish such customary rights but the law has not been well-received by the populace. The reforms also introduced village committees to be responsible for the allocation of land in the rural communities under the Local Government District Authorities Act, 1982. And the Shivji Report of 1992 (the Presidential Commission on Land Matters) also recommended far reaching reforms of the land tenure system with the aim of modernising it and bringing it into the modern economy (Bruce, 1998b).

While independence did not significantly alter land relations in Uganda, the 1975 Land Reform Decree passed by General Idi Amin after the coup that brought him to power, nationalised all freehold and *mailo* lands and converted them to 99-year leases with the reversionary interest in the state. The condition for a lease was that the lessee should undertake to develop or cultivate the land within a specified period. After the overthrow of Idi Amin, a new Constitution promulgated in 1995 stated that land belongs to the people of Uganda and is to be held in freehold, mailo, leasehold and customary

tenures thus bringing back the old order. Subsequently the government decided to return all official *mailo* lands to the original kingdoms from whom they were confiscated under the 1975 Act. This has become problematic as it means that virtually the whole of Kampala which is high valued land would be returned to the Kabaka of Buganda – the original owners. This could ignite tribal sentiments and create confusion in the country.

## 2.4 Central Africa

In the Central Africa Region, land relations are akin to the rest of the continent. For example in the Central African Republic, land ownership, like many African countries in the forest zone, is rooted in tradition and customary law and practice; though the state recognises all unoccupied land as state property, in practice such lands are managed under customary law. The main ethnic groups in the country are the Baya and the Banda and both are patrilineal and land is owned by the lineage and managed by the lineage head who has ultimate control over the distribution of land. The land, particularly in the rural areas, is used mainly for arable farming and pasture and about 80% of the country's population depends on this. The customary tenure systems have been affected in the north by Muslim religious influence and this has caused some conflict as people from the Christian south of the country have often contested this. Fulani herders occupy the north and though they are nomadic and thus have very loose attachment to their land, they have come to some arrangement with the arable farmers by which the farmers allow the herders to graze their cattle on their lands during the fallow period thereby fertilizing the land with their manure (Furth, 1998d). This arrangement is coming under some stress as the farmers are increasingly reducing the fallow periods in response to the changing economic conditions. There is no doubt that land ownership and usage has been at the root of the many political conflicts that have plagued the country.

In Cameroun, customary land tenure consisted of land which was communally owned by clans and lineages with individuals having only usufructuary rights. Access to land was through clan heads and family heads and accessibility was male dominated with women accessing land only through their male counterparts – as husbands, fathers or brothers (Hobbs, 1998; Fonjong, Sama-Lang and Fon 2010), This mirrored most of the countries of West and Central Africa. Traditional land ownership in the Democratic Republic of Congo followed the pattern in most of pre-colonial Africa. Land was held in clans, lineages and families with the clan head (or chief) being recognized as the custodian of the land. When the Belgians arrived in the Congo, King Leopold II of Belgium created the Congo Free State in 1885 and all land that was considered not to have an owner was appropriated for the state. Natives were allowed a right of occupation of land they already occupied and were utilizing but this meant very little to the colonialists as such land could be allocated whenever it pleased the colonial administration. At independence in 1960 therefore only a small proportion of the country's land was left in customary ownership and control (Leisz, 1998b). The almost forty different ethnic groups in Gabon have defined the nature and structure of land rights in the country because though customary land ownership in the country is organised communally according to clans, lineages and families, how this works in practice differs significantly among the various ethnic groups.

Customary land tenure has been affected by independence and the efforts towards modernising the system in the various countries in the region. Since independence in 1960 the influence of the government in the Republic of Congo in the land tenure system has been profound. Though Article 17 of the country's Constitution safeguarded the right to property by individuals and communities, all land in the country was effectively considered as state land as legislation sought to extinguish customary rights in land. After the Sovereign National Conference in 1991 however, the concept of private land ownership was re-established and a series of laws passed in 2004 and in subsequent years sought to give legislative effect to this (e.g. Law 10-2004 and Decree 2006-255 and 2006-256). These laws recognised customary land ownership rights with some restrictions such as that customary land ownership could be registered only in the case of developed land and communities could show proof of at least 30 years of occupation. Again though customary rights to land are recognised, the state retains the right to cancel customary land ownership rights if such rights are not registered. The effect is that access to land in the customary sector is quite restricted. A similar situation exists in Chad where while the state recognises the existence of customary land tenure, Law 24 of 1967 requires all lands to be registered for title to be recognised by the state, all unoccupied communally owned and unregistered land was considered to be property of the state. Law 25 of 1967 also gives authority to the state to expropriate customary owned land if it is needed in the public interest. For example, a USAID (2010d) publication says of Chad,

*The legal framework and institutions governing Chad's land and other natural resources are inadequate to manage the serious challenges ... The country's skeletal land legislation dates from 1967 and does not reach critical issues of land tenure, including evolution of communal tenure to individualised rights, rights to pasture and range land, and the pressure of a growing population on limited arable land. Chad has no land policy and the government's efforts to establish basic policy principles appear stalled.*

Soon after independence the new government in the Democratic Republic of Congo passed an Ordinance – Loi N° 66/343 of 7<sup>th</sup> June, 1966 – with the aim of assuring to the country full property rights over its territory and complete sovereignty over its land, forest resources and mineral rights. The law effectively cancelled all concessions or titles to land granted before independence and vested these in the state; this was followed in 1973 by the *Loi Foncière* - The Land Law (Loi No 73/021 of 20<sup>th</sup> July 1973) - which essentially re-asserted the state's ownership and control over land by stating, *the land is the exclusive, inalienable and imprescriptible property of the state*. The country's current Constitution, enacted in 2006, affirms the state's control over land and its resources but also recognises individual and collective property rights acquired either through customary or formal law. However the laws that should enable the implementation of these constitutional provisions are yet to be passed and the *Loi Foncière* is still the operative law on land in the country. The result is a plethora of land disputes resulting from the many conflicts that the country has seen and the rights of refugees returning to their

places of origin only to find that their ancestral lands have been appropriated by other people (Leisz, 1998b; USAID, 2010e). There is no legislation giving recognition to customary land ownership in Gabon, the law only recognises registered land and the Land Law 15/63 of 1963 as amended by Ordinance 50/70/PR/MFB/DE of 1970 established Land Commissions in all local administrative districts to help improve land registration procedures. Anyone can initiate the process of registering land which he occupies through the commissions. Notwithstanding these opportunities, most rural land is still held in customary ownership and is not registered. Owing to the sparse population of Gabon relative to the large land area, conflicts involving land have not been given much attention. However in the capital, Libreville, a long standing conflict has been raging involving the people of the Mpongwe tribe who want to exert their customary ownership of land in the face of burgeoning urbanisation. Most of the land has been registered by their occupiers thus removing them from customary strictures and the Mpongwe see this as depriving them of their ancestral heritage (Bohrer, 1998c).

## 2.5 North Africa

The countries of North Africa have had long histories of occupation by the Ottoman Empire which has left vestiges of its civilization and which still influence land governance in those countries. In addition the countries have been colonised by the French (Tunisia and Algeria), the Italians and the British (Libya). This has meant that in countries such as Tunisia, Algeria and Libya, land governance has been influenced by the Code Napoléon, and British land tenure forms addition to the Turkish influences. Additionally all the countries in the region have been under Islamic influence for a long time and this has also influenced their land governance systems. In addition to these have been the land tenure and cultural practices of their autochthonous populations. For some of the countries therefore land tenure relations have been unclear and their governments at independence tried to streamline land relations. The independence government in Tunisia set out to rationalise land relations in the country by gradually replacing the Islamic, traditional, Turkish and French tenure systems with Tunisian secular laws and to guide land tenure relations. For example, in 1965 the Sharia courts which dispensed Islamic justice in cases of inheritance and land were abolished. Efforts were made to abolish collective tribal land and to replace them with land privatisation through land title registration based on the Torrens system (Lemel, 1985). At independence the government in Algeria took over most of the land vacated by the French settlers which constituted the most fertile land in the country. In 1963 the government nationalised all land abandoned by the settlers and Metz (1994) reports that, *“by mid-1966 all remaining unoccupied properties had been nationalised and turned over to workers under a self-management system. A small portion of farmland had been occupied by Algerians claiming to be previous owners as well as by labourers who had worked for the colons. The authorities also gave some land as a reward to veterans of the War of Independence”*.

Italian occupation of Libya meant that by 1940 Italians held much of the fertile land in the country and when the British took control of the country many of the Italians left the country leaving their farms under the Italo-Libyan Accord signed in 1956. By 1964 almost all the land previously held by the Italians was controlled by Libyans (Fowler, 1973).

These influences have clouded the traditional land tenure system which was operated by the tribal collectives and superintended by the tribal leaders. Nevertheless some vestiges of the communal tribal land tenure systems have prevailed in some countries in the region (USAID, 2013). Customary land tenure systems cover about 42% of the land in Morocco and this is held by tribal groups; individuals only have use rights. Such rights are heritable and can be alienated by the individual but such alienation cannot be done outside the community. Owing to the fact that the country is almost totally inhabited by the Berbers, traditional land tenure systems are fairly uniform. Title in tribal lands is usually secure as the hierarchy of tribal leadership recognise individual land user's right to perpetual occupation of the land and this is acknowledged by the rest of the community. Subtle variations exist among the various communities, as for example among the pastoralists in the Western High Atlas Mountains where land ownership ranges from private ownership to collective ownership to free range land where ownership is held in common (Mendes, 1988). In Libya customary land tenure still exist in some communities, particularly in the Jabal al Akhdar region in the north east of the country where there are fertile lands for arable agriculture (USAID, 2013).

Socialist fervour has also greatly affected land relations in the countries in the region and almost all the governments have attempted some form of collectivisation of land use through agrarian reforms. The Algerian government established state farms operated by workers' committees on land expropriated from the French settlers by 1966 and by 1971 had introduced a new policy of agrarian reform and re-distributed the large state-owned farms to individual farmers who organised themselves into cooperatives to work on the land (Metz, 1994). The Tunisian government also established cooperatives on land which was taken from the departing French colonialists (Lemel, 1985). After the Revolution of 1952, the government of Egypt introduced the establishment of cooperatives, to which all farmers were required to join, to help farmers have better access to agricultural inputs (Metz, 1990). It is instructive to note that in all the countries where they were introduced, cooperatives did not achieve the desired objectives and had to be abandoned. For example, the cooperatives in Tunisia were abandoned by 1969 while those of Algeria were abandoned under the 1980-84 development plan owing the poor agricultural productivity they occasioned.

Land reform has also been a hallmark of governments in the region owing to the sharp inequities that existed in those countries under colonialism. In Libya, by 1964 almost all the land previously held by the Italian colonial farmers was controlled by Libyans as the government sought to redistribute land to benefit indigenous Libyans (Fowler, 1973). Further, in 1969 the Constitutional Declaration which repealed the country's 1951 Constitution and brought Col. Gaddafi to power protected private property where such property was not used exploitatively but held that public property was the basis of development. In 1970 Law No. 142 declared all unregistered or unused land to be public property and this mainly affected land held in traditional ownership. Subsequently, Law No. 38 of 1977 limited each Libyan family to:

*(1) the residential property on which they resided; (2) the commercial property housing a business which was the owner's primary source of income, provided he or she personally worked on the property; and (3) an amount of agricultural land to be determined by the Minister of Agriculture. All other property was to revert to the state for redistribution to persons lacking housing, cultivable land or commercial space (USAID 2013 p. 6).*

A 1986 Law (No. 7) proscribed all private land ownership rights and granted only usufructuary estates to the citizenry re-emphasizing the state ownership land in the country. Such rights were transferrable and registrable in the land registry office giving security to the users (USAID, 2013).

In Egypt, Metz (1990) reports that prior to the Revolution of 1952, one-fifth of the land in the country was owned by only 0.1 percent of the population while about 95% of the population who constituted small farmers owned only 35% with 44% of rural inhabitants being landless. After the revolution the government embarked on a land reform programme which limited the total land area an individual could own to 200 *feddans* (a *feddan* is about 0.4 hectares) which was later reduced to 100 (in 1961) and to 50 in 1969 as the population increased and land became scarce. The redistribution of the land principally benefitted tenants, workers on the large plantations and the poorest rural inhabitants.

Women's land rights in the countries in the region have been greatly influenced by the dictates of Islam though secular law has attempted to eliminate this. Morocco's Constitution does not make specific provisions for women's land rights preferring to impliedly treat both sexes the same and the Family Code enacted in 2004 seeks to strengthen women's access to land particularly thorough inheritance (USAID, 2011). Similarly under Libya's secular law women and men have equal rights to property while in Egypt, the country's Constitution does not discriminate between the genders in property ownership and women are deemed to own as much property rights as their male counterparts. The country's Civil Code also guarantees women's rights to own and inherit property and deal in property in the same way that men do (USAID, 2010f). In practice however, owing to the pervasive operation of Islamic laws, women's rights in all the countries are severely curtailed and daughters can only inherit half of what their male siblings can inherit from a late father and in Egypt a Christian widow often has no rights to her late husband's property.

In view of the various transformations that land ownership has undergone in the region, the structure of ownership varies considerably. Land ownership in Tunisia can now be grouped into State lands, Private lands, Collective lands and Public Irrigated Perimeters with the largest proportion of land being in private ownership. State lands in Morocco make up about 30% of the country's land and this comprises land used as public parks roads, forests, etc. also included in state land is land held in the private domain of the state. Such lands can be leased out to developers for up to 40 years. The rest of the land is made up of private freehold land (referred to as *melk*), land held in Islamic ownership (referred to as *habous*), and *quich* land which was land originally given by the King to members of the military (USAID, 2011). Since the overthrow of Col Gaddafi, the new government in Libya has declared private property to be



inviolable and property owners can dispose of their lands without interference by the state. The new government has also set itself an agenda to return land which was expropriated by the previous regime under various enactments, such as Law No. 4 of 1978, to its original owners under a proposed Law on Property Restitution and Compensation (USAID, 2013). Five main types of land tenure systems can be identified in Egypt today (USAID, 2010f):

- a. Freehold titles could be owned by individuals or companies and are registered in the land registries. Most agricultural land is found in this category;
- b. Public land constitutes all land registered a state property and which has not been leased to individuals or companies and all land not registered in the land registry as private land which is technically classified as public land;
- c. Publicly leased land is state land which is given on long leases to its occupiers. Lease terms vary and the lessees are usually occupants of reclaimed lands and squatters whose tenure the state seeks to legitimise
- d. Trust or *Waqf* land is land set aside by the state for religious or charitable purposes. Such lands cannot be sold or mortgaged and the revenues accruing from them are passed on to the beneficiaries;
- e. *Wad Al Ayad* or encroachment land is land which a person other than the owner continuously occupies for upwards of 15 years without any adverse claims. Such is deemed to have become the property of the occupier and can be registered in his name.

These types of ownership make land governance in each country unique and show the effect of the political transformations that have occurred in the various countries.

### 3. RESULTS OF THE STUDY ON LAND CURRICULA IN AFRICA

#### 3.1 Mapping of institutions dealing with land curricula

In total 55 institutions of higher learning in Africa dealing with land issues in their curricula were identified. The complete list of these institutions is provided in Appendix 3. The said institutions were identified by the consultants through intensive internet research aided by their knowledge about the topic and personal contacts in the respective countries. In addition, the list of participants of the Conference on Land Policy in Africa (Addis Ababa 11<sup>th</sup> to 14<sup>th</sup> November 2014) provided by LPI proved to be very useful in identifying key persons who could assist in contacting relevant universities.

The consultants organized the identification of relevant African universities by an internal division of labour which was mainly guided by knowledge of language (French) and previous contacts in specific countries. The country wise division of tasks is presented in Appendix 2.

After establishing initial contacts with the identified universities, the consultants sent a questionnaire to the respective contact persons. The questionnaire (Appendix 1) was prepared in English and French languages and sent to all 55 institutions. Twenty-five institutions (approx 50%) responded and sent the completed questionnaires back. Some universities sent additional requested informative material such as staff CVs, curricula information, timetables, and lists of recent MSc thesis topics. The geographical distribution of the 25 tertiary institutions that answered the call and sent their questionnaires is as follows: 13 from West Africa, 10 from East Africa, 2 from Southern Africa. This completely leaves out institutions from North and Central Africa. The survey shows that especially in countries like Cameroon, Tunisia and Morocco higher educational institutions with a focus on land exist however, despite intensive and repetitive attempts to contact universities from these regions of Africa, only initial contacts and promises to send material and questionnaire were obtained.

In May 2015 the LPI organized an Expert Group Meeting (EGM) in Bahir Dar, Ethiopia, to which representatives of the universities having provided completed questionnaires were invited. The participants provided most valuable additional information about land curricula in their institutions and in Africa in general. The list of participants of the EGM is presented in Appendix 4. The results presented in chapters 3.2 to 3.9 refer to the 25 institutions that replied to the questionnaire survey. The list of those institutions is provided in Appendix 5.

#### 3.2 History of the programmes on land in African universities

While the earliest programmes on land in African universities started in the late 1960s and early 1970s, namely in *Kumasi, Ghana, and in Nigeria*, the majority of the courses in the other African countries started after 2000. Among the most experienced institutions dealing with land curricula is the College of Engineering of Kwame Nkrumah University of Science & Technology (KNUST) teaching Geomatic

Engineering since 1969 and offering the Bachelor of Science (BSc) level since 1974. Additionally, the Department of Land Economy of the Faculty of Built Environment in KNUST has offered a BSc in Land Economy since 1966 and a bachelor's degree in Real Estate since 2008. This makes the Kwame Nkrumah University of Science and Technology (KNUST) in Kumasi, Ghana one of the forerunners dealing with land curricula in their tertiary institutions. In addition, the Department of Planning of KNUST instituted an MSc programme in Regional Development Planning as early as 1964 and runs a joint MSc programme in Development Planning and Management with TU Dortmund in Germany, Ardhi University in Tanzania, UP-SURP in Manila (Philippines) and the university on Valdivia, Chile since 1984.

It is followed by Nigeria, where a number of universities offer land related programmes since the early 1980s. The Rivers State University of Science & Technology offers a B.Tech in Estate Management and Real Estate in the Faculty of Environmental Sciences since 1980. In addition, the Federal Polytechnic Ado-Ekiti, Ekiti State Nigeria, has offered a National Diploma and Higher National Diploma in Surveying and Geoinformatics in their School of Environmental Studies since 1982. Lastly, the Federal University of Technology Minna has offered a B.Tech. degree programme in Estate Management and Valuation since 1990.

The Polytechnic of Namibia has offered courses on land since 1996. Their School of Natural Resources and Spatial Planning offers a wide range of different degrees dealing with land issues: Masters programmes in Land Management and in Spatial Science as well as Bachelors programmes in Property Studies, Land Administration, Geomatics, Geo-Information Technology, Town & Regional Planning, Rural Development and Architecture. Thus, the Polytechnic of Namibia deals with land in a very holistic manner, harbouring the different aspects of land in one institution.

The Civil Engineering Department in the Faculty of Engineering, of the University of Mauritius, offers a Diploma in Land Surveying which it has run since the early 1970s; additionally, a BSc degree in Town and Country Planning has been instituted since 2002.

Ardhi University in Dar es Salaam, Tanzania, established the School of Real Estate Studies in 2001 and has offered a BSc degree in Land Management and Valuation since the early 1990s when the University was known as the ARDHI Institute. The University of Nairobi offers a BSc in Real Estate since 2008 but has run its Bachelor's degree in Land Economics since the early 1980s. Both universities also have well qualified Planning Faculties that complement the Real Estate programmes. Both universities have strong links with the TU Dortmund in Germany that has instituted a joint MSc programme in Regional Development Planning and Management and which has trained a number of PhD holders who now hold key positions in both universities.

Whereas the above mentioned African pioneers of teaching land issues mainly run stand-alone programmes on land, many universities, e.g. in the Francophone countries, integrated land issues in their courses after 2000. In Benin for example the Faculty of Economic Sciences developed a Licence/BSc course on Natural Resources Management in 2005. In Mali land issues are taught in several universities, such as in spatial planning at the Institut Universitaire du Développement Territorial (IUDT) in Bamako

and in the Faculty of History & Geography in the geography courses (both since 2005). Senegal developed a comprehensive programme dealing with land since 2005 at the Université Gaston Berger Saint Louis. It treats land rights, land tenure, environmental issues, urban planning and natural resource management, offering Licence, Maîtrise and Doctorat levels in these different land related courses. For comparability of the different types of degrees please refer to Chapter 3.4.

In Ethiopia, Bahir Dar University established their Institute of Land Administration offering a BSc in Land Administration in 2006. They were followed by Woldiya University (2012) and Haramaya University (2013) who instituted the same type of programme and were guided by Bahir Dar in their curriculum development. The “Nationally Harmonized Modularized BSc Degree Program in Land Administration” has been developed in 2013 and is valid for all three universities. Around the same time, Rwanda started to run a BSc programme on Land Surveying (2011) and on Land Administration and Management (2012) at the INES Ruhengeri. In 2010 the country established the Department of Estate Management and Valuation in the University of Rwanda College of Science and Technology at Kigali to run a Bachelor of Science degree programme in Estate Management and Valuation.

### 3.3 Types of programmes dealing with land

The results displayed in Chapter 3.2 allow us to distinguish two general types of land related programmes in African universities. On the one hand, there are stand-alone programmes dealing with land only. They cover land in a holistic way and integrate most of the issues on land governance, administration and management in their programmes. They offer degrees in purely land related subjects. Anglophone programmes are often called “Land Administration” or “Real Estate” though we have seen “Land Economy” in Ghana, and “Land Management” in Tanzania.

On the other hand, courses on land are integrated in geography, law, agriculture and natural resource management, rural development studies and other courses. They usually do not teach all the aspects on land, but cover a certain scope. The degrees those institutions offer are often labelled “Geography”, “Rural Development”, “Public Law” and the like and are rarely purely land related. The land administration and valuation aspect is often not covered in these programmes. The integrated type seems to be more prevalent in the Francophone countries than in the Anglophone ones.

### 3.4 Degrees in land related issues

Out of the 25 universities that answered the questionnaire, for the undergraduate level, 22 universities offer a **Bachelors programme** or its equivalent for the Francophone system, the License, (for the specific degrees see Table 1). The standard duration of a Bachelor or Higher National Diploma programme according to the British system is three years, i.e. six semesters. Most African universities, however, offer Bachelors programmes with a duration of four years, some even five years. One example of a regular four-year programme is the BSc on Land Management and Valuation of Ardhi University in Tanzania. The University has organized the programme in such a way that students of three different

Bachelors degree programmes (Land Management and Valuation, Real Estate Finance and Investment, Property and Facilities Management) share common courses for the first two years. After that, the students specialise in their specific BSc courses. The Polytechnics have instituted the National Diploma or Higher National Diploma which are run in two institutions in the sample: the Kumasi Polytechnic in Ghana and the Federal Polytechnic Ado-Ekiti in Nigeria. The duration of those programmes is two years each in Ado-Ekiti and three years for the HND in Kumasi.

In all 25 tertiary learning institutions, the final year/semester of the studies is generally dedicated to a supervised essay/dissertation often implying field research.

Two of the institutions in the survey offer a Bachelors degree that takes two years: the Kumasi Polytechnic and the IUDT in Bamako, Mali. Such a degree can lead to compatibility difficulties in the international academic context. German universities, for instance, do not accept students with a two-year Bachelors degree for their Masters programmes. The situation is different, however, if the student would have already done a three-Higher National Diploma and additionally acquired some work experience. Then, the two-years is a “top-up”, as for example the Kumasi Polytechnic offers for their BTech degrees.

The Francophone countries in the sample offer a License degree of four years and another two years to obtain the *Maîtrise* or Masters degree.

Twelve out of 25 universities offer a **Masters programme** or its equivalent (*Maîtrise*). Most of these universities (Polytechnic of Namibia, KNUST, Ghana, Bahir Dar Ethiopia, Benin, Mali, Senegal) indicate that their students obtain a Masters degree after two years of study. The three Nigerian universities offering a Masters degree (Minna, RECTAS, Rivers State) finish after 18 months of study. The University of the Western Cape in South Africa offers a Masters degree after three years of study. In addition to those regular Master programmes, RECTAS offers a Professional Masters after twelve months.

The establishment of a Masters programme can be the result of a discussion process between the university and representatives of potential employers of the graduates. For example, the Ethiopian Institute of Land Administration in Bahir Dar writes in its MSc Curriculum in Land Administration and Management that municipalities, rural and urban land administration and management organs throughout the country expressed the need to upgrade the skill and knowledge of their personnel to a Master’s level and thus have more qualified personnel dealing with land issues. The Master of Technology programme of the University in Minna in Nigeria aims at producing “highly skilled professional Estate Surveyors and Valuers who are strongly acquainted with research for effective careers in the public and private sectors, international organizations, universities and research institutes” (Federal University of Technology Minna, School of Environmental Technology, Department of Estate Management and Valuation: Postgraduate Academic Brief 2014 -19; Nigeria: 6).

In seven of the tertiary learning institutions, **doctoral studies** can be pursued in land related subjects: RECTAS and the School of Environmental Technology Minna (Nigeria), KNUST (Ghana), University of the Western Cape (South Africa), Université d’Abomey-Calavi (Benin), Université Gaston Berger Saint Louis

(Senegal) and IUDT Mali. These doctoral studies take three to four years. One might expect, to find PhD programmes mainly in the older institutions with long-standing courses on land, however, doctoral studies are equally instituted in old and new programmes. This is probably because the younger universities, having started with younger and already qualified lecturers with PhDs, find it easier to commence doctoral studies.

The degrees on land related issues offered by African universities differ according to countries and to the educational system that they have adopted. In order to understand the typology of different degrees, some general explanation seems necessary. Table 1 provides a comparison of the different degrees offered by different types of institutions of higher learning in the Anglophone and the Francophone system and their duration. In general, the Anglophone African countries follow the UK system, whereas the Francophone African countries adhere to the French system. As can be seen from the analysis of the questionnaires, some course durations differ from the ones stated in Table 1.

Table 1: Degrees of tertiary learning institutions in the Anglophone and Francophone systems

Institutions	2 years	3 years	4 years	5 to 6 years (= Undergraduate + 1 to 2 years)	7 years and more (= graduate + 2 years and more)
	Undergraduate		Graduate	Postgraduate	
<b>Anglophone System according to United Kingdom (UK)</b>					
Universities		Bachelor's Degree	Bachelor Honours	Postgraduate Certificate  (Postgraduate) Diploma PGD  Masters	Doctorate  Higher Doctorate what's a higher doctorate?
Technical Colleges	National Diploma	High(er) National Diploma			
<b>Francophone System according to France</b>					
Universités	DEUG	Licence	Maîtrise	DEA – DESS	Doctorat
Ecoles/Grandes Ecoles	BTS-IUT	Diplôme Ecole	Diplôme Ecole	Diplôme Grandes Ecoles - Masteres	

Source: Adapted from <http://www.worldstudent.com/uk/mag/features/tablo-diplom.html> (last accessed on 22.10.2015)

African universities and technical colleges offer the same type of degrees as mentioned in Table 1. With regard to land issues, it can be noted that a large variety of different names for essentially the same types of programmes exist. The 25 institutions which responded to the questionnaire survey offer no less than 26 different degrees, i.e. names of degrees, to their students. The following list is divided into three thematic groups and presents the different names (of degrees) offered. The numbers in brackets show the number of institutions offering that specific degree.

**a. Degrees related to land administration, land management and economic aspects of land**

Bachelor/Master of Land Administration (7)

Bachelor of Land Administration and Management (2)

Bachelor/Master of Land Management (3)

Bachelor of Land Management and Valuation (1)

Bachelor of Estate Management (2)

Bachelor of Estate Management and Valuation (2)

Bachelor/Master in Estate Management and Real Estate (1)

Bachelor of Real Estate (1)

Bachelor of Land Economy (1)

Bachelor of Land Economy and Real Estate (1)

Bachelor of Property Studies (1)

**b. Degrees related to surveying and geoinformatics**

Bachelor of Land Surveying (2)

Bachelor of Surveying and Geoinformatics (1)

Bachelor/Master of Geomatic Engineering (1)

Bachelor of Geomatics (1)

Bachelor of Geoinformation Technology (1)

Bachelor of Geoinformation Science (1)

**c. Degrees related to spatial planning and rural development**

PGD in Poverty, Land and Agrarian Studies (1)

Bachelor of Rural Development (1)

Diplôme en Ingénierie du Développement Local (Local Development) (1)

License/Doctorat in Collectivités Locales et Décentralisation et Foncier (Local Authorities and Decentralisation and Land) (1)

Master of Spatial Science (1)

Bachelor of Town & Regional Planning (1)

Bachelor of Town & Country Planning (1)

Bachelor of Physical Planning (1)

Despite the variety of names, the contents of some of the programmes are quite similar, especially within the respective **Groups a and b**. Although a generalisation of conclusions is difficult, because only few universities sent detailed information material about their curricula and websites often do not provide such detailed information, a few observations can be made.

The main focus of Bachelors programmes of **Group a** are subjects like administrative, tenure related and economic aspects of land. The respective courses composing the programmes deal with issues such as valuation, property law, property development, land economics, building construction, estate office and administration, estate and facilities management. These land focused courses are generally complemented by courses on English language, basic mathematics, computer programming and research design and methods. Some universities offer courses on organizational behaviour, environmental management and business ethics in addition; these are often institution-wide mandatory or required courses taken by all students in the institution. Important country specific issues like “customary land law in Ghana”, “land tenure in Nigeria”, or “coastal land management” in Mauritius are equally taken into account.

As an example of a typical course structure of a Bachelor programme in Land Administration, we present the programme that has been jointly developed by three Ethiopian universities in August 2013 (see Table 2). It states the objectives of the programme and distinguishes six categories with their respective modules, courses and course contents.

Table 2: Course structure of the BSc on Land Administration in Ethiopian universities



<b>Objectives</b>	<b>Categories</b>	<b>Modules and their contents</b>
Graduates are able to:		
Contribute for efficient and effective land administration system; Actively participate in land related community affairs; Involve in surveying and land information systems for purpose of land administration; Involve in resolving land related disputes based on the relevant legislation of the country; Participate in land-reform tasks, land development activities and rendering rights; Practice legal and technical procedures for formation and reformation of property units; Decide on real estate investment projects and determine real property value	Basic courses	English language (speaking and writing) Civics and ethical education (contemporary social, economic, legal, ethical and political transformation of Ethiopia)
	IT	IT for Land Administration (computer application and programming)
	Geomatics	Surveying for land admin., Land Information System (applied maths, basic surveying, geodetic surveying, satellite positioning) Remote Sensing, GIS Cadastral Survey, land registration Cartography, map reading Internship
	Law	Property Right and Land Law
	Economics	Land Economics Real property investment analysis and valuation
	Land Management	Land Management (governing common land resources and common infrastructure, environmental and natural resource management, Environmental Impact Analysis) Land Use Planning and Development (rural and urban land use planning, communication and negotiation, research methods, land development and management) Land Tenure and Policy (tenure, policy and reforms, compulsory land acquisition) Internship

Source: Based on Bahir Dar University, Haramaya University, Woldiya University (2013) Nationally Harmonized Modularized BSc Degree Program in Land Administration, Addis Ababa, pages 21-22.

The structure and contents of the Ethiopian Bachelor programme appear quite holistic and convincing, however we suggest including courses like negotiation & communication as well as research methods in the basic courses.

Higher National Diploma/Bachelors of **Group b** are more technically oriented and contain courses like

- Cadastral, geodetic and topographical surveying,
- Basic mathematics and physics,

- Digital cartography etc.

We also found more general subjects included in some of the curricula of Group b, e.g. communication skills, professional conduct, country specific land law as well as business and management related skills.

The course handbooks provided by some of the institutions usually state, what their students should be able to do after passing through their tertiary education. The handbooks are usually compiled by national Education Boards and do not differ considerably in their objectives, therefore we present the expectations for students of ND and HND in technical institutions of tertiary learning in Nigeria as an exemplary case (see Table 3). In fact, generally the Polytechnic Programmes are determined and moderated by national bodies such as the National Board for Professional and Technician Examinations (NABPTEx) in Ghana and the National Board on Technical Education in Nigeria; thus, all institutions running similar programmes would have the same syllabus.

Table 3: National Diploma and Higher National Diploma objectives in Surveying and Geo-informatics in Technical Education in Nigeria

<b>National Diploma</b>	<b>Higher National Diploma</b>
<p><b><i>Diploma holders should be able to:</i></b></p> <ul style="list-style-type: none"> <li>• Interpret spatial measurements from various sources;</li> <li>• Operate geo-informatics instruments;</li> <li>• Carry out cadastral survey to define boundaries of land;</li> <li>• Apply the basic principles of surveying and methods in Geo-informatics;</li> <li>• Interpret imageries;</li> <li>• Compile maps at various scales from imageries;</li> <li>• Carry out cartographic processes for presentation of Geo-informatics.</li> </ul>	<p><b><i>Diploma holders should be able to:</i></b></p> <ul style="list-style-type: none"> <li>• Operate various geo-informatics equipment;</li> <li>• Use land administration procedures in various cadastral systems;</li> <li>• Carry out engineering surveys for physical developments such as roads, railways etc.</li> <li>• Carry out geodetic and topographic surveys for controlling all survey works and for geo-informatics production;</li> <li>• To acquire spatial data using photogrammetric and remote sensing techniques;</li> <li>• Carry out cartographic process for geo-information production;</li> <li>• Carry out hydrographic surveys;</li> <li>• Apply the basic principles of management in solving management and supervisory</li> </ul>

	<p>problems in the geo-informatic environment;</p> <ul style="list-style-type: none"> <li>• Apply geo-information technology in environmental mapping, monitoring and protection;</li> <li>• Manipulate GIS for geo-information production.</li> </ul>
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Source: Based on National Board for Technical Education (2006: iii): National Diploma (ND) in Surveying and Geoinformatics. Curriculum and Course Specifications, Kaduna, Nigeria

As a general observation it can be deduced that programmes of **Group a** place their focus on the administrative and economic aspects of land administration and management. In addition, they provide basic knowledge on the technical aspects such as surveying and GIS. The programmes of Group b place their emphasis on technical and cartographic aspects and provide additional knowledge about economic, management and tenure related issues. The programmes of both groups are then complemented by language and computer skills as well as selected research methods and sociological issues.

The programmes regrouped in **Group c** can be counted among the above mentioned integrated programmes, where land governance is treated as an important issue within a broader thematic area. However, only selected aspects of land governance are covered such as land use planning and land management, management of the commons, natural resource management, regional development/spatial planning, sustainable tourism development, Geographical Information Systems, law and decentralization or urban planning.

Lastly, we were able to identify programmes that deal with a very specific aspect of land and excel in this area. A good example of this specialization is the Université Gaston Berger Saint Louis in Senegal that deals with land rights exclusively. They cover all the different aspects that land rights have and entail, i.e. environmental law, law concerning urban planning and building, law regarding land use planning and natural resource management, however do not deal with the more technical issues of land administration.

### 3.5 Admission requirements and enrolment of students

The admission requirements to the land related programmes differ from country to country and of course according to the levels of study, i.e. BSc, MSc, ND, HND or others. In order to better understand the admission requirements and make them more comparable, it is necessary to briefly look at the education and grading systems of the different African countries. The website [www.classbase.com/countries](http://www.classbase.com/countries) provides information on every country's education system and compares different grading systems. For some of the countries in the sample, we have assembled the relevant information in Table 4.

Table 4: Grading systems in the Secondary School System of selected African countries as compared to the US and the German grading system

US Grade	Ghana and Nigeria	WASSCE*	Kenya KCSE*	Mali and Senegal	Germany 11 <sup>th</sup> -13 <sup>th</sup> grade
A+		A1 1.00-1.99 Excellent			
A	A 70.00-100.00 First Class Honours (5) AB 70.00-100.00	B2 2.00-2.99 Very Good	A 80.00-100.00	14.00-20.00	13.00-15.00 Sehr gut (very good) 10.00-12.99 Gut (good)
A-			A- 75.00-79.99		
B+	B 60.00-69.99 Second Class Honours, Upper (4) BC 60.00-69.99	B3 3.00-3.99 Good	B+ 70.00-74.99	12.00-13.90	
B	C 50.00-59.99 Second Class Honours, Lower (3) CD 50.00-59.99	B4 4.00-4.99 Credit	B 65.00-69.99	11.00-11.90	7.00-9.99 Befriedigend (satisfactory)
B-			B- 60.00-64.99	10.50-10.90	
C+	D 45.00-49.99 Third Class (2)		C+ 55.00-59.99	10.10-10.40	
C		C5 5.00-5.99 Credit C6 6.00-6.99 Credit	C 50.00-54.99	10.00-10.00	4.00-6.99 Ausreichend (sufficient)
C-			C- 45.00-49.99	9.00-9.90	
D+			D+ 40.00-44.99		
D	E 40.00-49.99 Pass (1)	D7 7.00-7.99 Pass E8 8.00-8.99 Pass	D 35.00-39.99	8.00-8.90	1.00-3.99 Mangelhaft (poor)
D-			D- 30.00-34.99		
F	F 0.00-39.99	F9 9.00 Fail	F 0.00-0.29	0.00-7.90	0.00 Ungenügend (insufficient)

Source: Based on [www.classbase.com/countries](http://www.classbase.com/countries)

WASSCE = West African Senior School Certificate Examination

KCSE = Kenya Certificate of Secondary Education Examination

In many countries worldwide, the grading system at school (and even at the different school levels) differs from the one at university level. The WASSCE and KCSE grading systems are only relevant for admission to tertiary learning institutions. The grading system applied in the universities is a different one and not the subject of this discussion.

Considering the variety of education systems and large scope of degrees that can be obtained at the different tertiary learning institutions, we have extracted only a few general observations regarding the admission requirements from the survey.

- For the registration in a **Bachelors programme**, usually a Senior School Certificate is required. Some programmes have set up additional requirements such as minimum grades in a certain number of specific subjects (often including subjects from the natural sciences and mathematics) or an orientation of the secondary school education towards the natural sciences and mathematics (e.g. baccalauréat scientifique in case of Université Gaston Berger, Saint Louis, Senegal).
- Diploma holders from relevant land related disciplines are also allowed access to Bachelor programmes (e.g. Diploma in Agriculture, Law, Economics, Geography, Mathematics, Physics, Surveying, Urban Planning, Engineering etc. in Bahir Dar, Ethiopia).
- Some universities make the successful completion of an entry test compulsory in addition to the standard admission requirements (e.g. Ethiopia, Covenant University in Nigeria).
- The admission requirement for a **Masters programme** is generally a Bachelors degree in a related discipline (e.g. Land Administration, Agriculture, Law, Economics, Geography, Surveying, Urban Planning, Engineering in Ethiopia) from a recognised university, in the francophone system the Licence.
- Often, a minimum grade is required. In some institutions, candidates with lower grades can compensate for this with years of working experience in land related fields (e.g. in the Federal University of Technology Minna, Nigeria, candidates with only Third Class Honours Degree in Estate Management and Valuation can register for the MTech in Estate Management and Valuation, if they show no less than three years of work experience).
- Some of the technical higher learning institutions accept work experience not only as a compensation for good grades, but generally require it for admission (e.g. Kumasi Polytechnic in Kumasi, Ghana requires five years work experience and above for registration in the Masters programme and a minimum of two years working experience for BTech registration in addition to an HND in Estate Management).
- Applicants for **PhD programmes** can get admission, if they hold a Masters degree in a related discipline. Usually, a minimum grade is also a must (e.g. the Federal University of Technology Minna, Nigeria, requires either an MTech in Estate Management and Valuation or equivalent

with an overall grade of B or a First Class degree or a Good Honours degree not below Second Class Lower Division).

Information about admission requirements to the different programmes can usually be obtained from the university websites. Many institutions offer online application services.

The number of students enrolled in the different undergraduate programmes varies a lot. The smallest number indicated on one of the questionnaires is 28 (RECTAS in Nigeria), the largest is 4487 students (Polytechnic of Namibia). Six universities indicate that they have enrolled between 959 and 1532 students. Six universities count around 150 students in their land related undergraduate programme.

With regard to the Masters programmes, the average number of students enrolled is 52.4. This calculation leaves out the highest number (4372 Master students in Polytechnic of Namibia) and the lowest number (2 Master students in Mzuzu University, Malawi).

With regard to doctoral studies, nine institutions in the survey state that they have instituted PhD programmes. A total of 93 doctoral students currently pursue their PhD studies in land related programmes. The number of doctoral candidates per university varies from 1 to 32 persons with an average of 10.3 persons per university.

### 3.6 Academic Staff

Twenty-one of the institutions surveyed provided information about their staff as requested in the questionnaire. The responses show that academic staff members of the land related programmes can be differentiated in full time, part time and visiting lecturers.

All 21 land related programmes together employ a total of 403 **full-time teaching staff**. With regard to their highest qualification, one fourth of them (101 staff members) are PhD holders. 204 persons hold a Masters degree (102 taught, 51 by research, 51 not specified), 6 have a post graduate diploma, 55 have a First Degree, 26 are professional and 17 persons have other academic qualifications such as Higher National Diploma.

The institutions in the survey employ a total of 37 **part-time teaching staff**, 13 of whom are PhD holders, 23 have a Master degree (21 taught, 2 by research) and 1 has other academic qualifications. In addition to that, there are 14 **visiting** lecturers totally, 8 of them PhD holders, 4 MSc holders (3 taught, 1 research) and 2 professionals who do part-time teaching.

Regarding the rank of the respective staff, the results of the survey are displayed in Table 5.

Table 5: Rank of academic staff of the 21 African institutions of higher learning in the survey

Rank	Full time	Part-time	Visiting	Total
Professor	14	1	5	20

Associate Professor	40	2	2	44
Senior Lecturer	91	5	1	97
Lecturer	158	5	0	163
Assistant Lecturer	103	11	1	115
Professional	24	3	2	29
Technologist I	3	0	0	3
Other	65	1	3	69
Total	498	28	14	540

Source: Author's construct 2015

Table 5 clearly shows that Senior Lecturers, Lecturers and Assistant Lecturers shoulder the bulk of the work in the institutions teaching on land. Programmes that have the privilege of being staffed by Professors and Associate Professors are found in the following universities: Covenant University, Federal Polytechnic Ado-Ekiti, Rivers State University of Science & Technology and RECTAS in Nigeria, Ardhi University in Tanzania, University of Western Cape in South Africa, University of Nairobi in Kenya, KNUST in Ghana, Bahir Dar University in Ethiopia, University of Mauritius, Université des Science Sociales et de Gestion de Bamako in Mali and Université Gaston Berger Saint Louis in Senegal. Most Professors and Associate Professors are found in the School of Natural Resources and Spatial Planning in the Polytechnic of Namibia.

It is difficult to lift the observations from the questionnaires to a more general level or to conclude regional disparities. Although it can definitely be deduced that the existence of Professors and Associate Professors in a Department or School has a positive impact on the quality of the programme, the comparability of data has its limits. In some of the universities in the survey land related issues are taught in only one department, which may not be headed by a Professor. In others like the Polytechnic of Namibia, land is an important integrated part in the disciplines of natural resources and spatial planning. Automatically, this provides a wider range of disciplines and is spread over more than one department.

The academic staff of the African universities in the survey pursued their higher education in a wide variety of countries and universities. Interestingly, the Department of Real Estate and Construction Management in the University of Nairobi has the largest share of staff having obtained their PhD in their own country, respectively university. 11 out of 15 PhD holders of that department pursued their studies at the University of Nairobi.

The staff of KNUST have obtained their BScs (sometimes also their MSc) from either Kumasi or Legon in Ghana and pursued their Masters and doctoral studies often in the United Kingdom, in South Africa, in

Sweden, China or in the Netherlands (especially in ITC Twente). Technical University of München (Germany) and Budapest (Hungary) are also mentioned once. Interestingly, one lecturer got his PhD in marketing from Costa Rica University, a very rare form of South-South cooperation.

The academic staff members of the Nigerian institutions were mainly trained in different Nigerian universities. For Bahir Dar University in Ethiopia it is mentioned that a number of staff members were sent to KTH in Sweden to pursue their higher education. On return, they helped to build up the Institute of Land Administration and maintained close links with KTH. This type of long term cooperation and mutual assistance can be observed in other institutions as well and is a very important issue in networking and capacity building.

Quite often African students who graduate at a European university maintain close links with their professors and the institution as such. After post-graduate studies and some years of academic work at a local African university, they often return to pursue doctoral studies. In some cases, like in the Bahir Dar – KTH case, this results in an institutionalised cooperation that is a win-win situation for both partner universities. The European university often assists by engaging in curricula development and joint research activities, sending external examiners, and providing visiting lecturers. The African university sends visiting scholars, engages in joint research and publication and receives well trained staff to support the faculties' development.

A good example of the kind of network described above is the SPRING Masters programme on Regional Planning and Management, which is jointly offered by TU Dortmund University in Germany, KNUST in Ghana, Ardhi University in Tanzania as well as universities in the Philippines and Chile. The German Technical Cooperation (now GIZ) and the German Academic Exchange Service (DAAD) have been supporting the SPRING Master Programme in order to improve its quality, intake and sustainability.

A large portion of the academic staff teaching about land in African universities has obtained their first degrees in Africa. Whereas the BSc degree is often pursued locally, i.e. in the own country, the MSc degree is often obtained elsewhere in Africa or abroad. Table 6 compiles and systematises the information on where the academic staff of the land related programmes pursued their post-graduate studies. Due to the fact that only a few universities sent information about this question, the data presented neither cover all the universities that responded to the questionnaire nor all their staff teaching on land.

Table 6: Where academic staff of African universities pursued their post-graduate studies

Current work place	African universities in which post-graduate studies were pursued	Non-African universities in which post-graduate studies were pursued
University of Mauritius	<ul style="list-style-type: none"> <li>• University of Mauritius</li> <li>• University of Nairobi, Kenya (PhD)</li> </ul>	<ul style="list-style-type: none"> <li>• Imperial College of Science and Technology, London</li> <li>• University of Melbourne,</li> </ul>



		Australia <ul style="list-style-type: none"> <li>• University of Nottingham, UK</li> <li>• Université Joseph Fourier, Grenoble, France</li> <li>• University of New Brunswick, Canada</li> <li>• University of Alberta, Canada (PhD)</li> </ul>
INES Ruhengeri, Rwanda	<ul style="list-style-type: none"> <li>• INES Ruhengeri, Rwanda</li> <li>• Kampala International University, Uganda</li> <li>• Makerere University, Uganda</li> <li>• Ardhi University, Tanzania</li> </ul>	
Ardhi University in Tanzania		<ul style="list-style-type: none"> <li>• University of Salford, UK</li> <li>• University of Reading, UK</li> <li>• KTH Royal Institute of Technology, Sweden (PhD)</li> </ul>
Bahir Dar University, Ethiopia		<ul style="list-style-type: none"> <li>• KTH Royal Institute of Technology, Sweden (PhD)</li> </ul>
KNUST, Ghana	<ul style="list-style-type: none"> <li>• KNUST, Ghana</li> <li>• University of Legon, Accra, Ghana</li> </ul>	<ul style="list-style-type: none"> <li>• ITC Twente Enschede</li> <li>• Budapest University, Hungary</li> <li>• Technical University of München, Germany</li> <li>• Costa Rica University (PhD)</li> <li>• Different universities in United Kingdom, South Africa, Sweden, China, the Netherlands</li> </ul>
University of Nairobi, Kenya	<ul style="list-style-type: none"> <li>• University of Nairobi, Kenya</li> </ul>	

Source: Author's construct 2015

The findings presented above clearly show a large scope of universities in which the academic staff members of African land related higher learning institutions have obtained their degrees. A number of factors are responsible for this wide scope, such as the availability of scholarships, previous university links, recommendations by alumni, the specialisation of the programme and others. It is common for alumni of a specific university or programme to maintain linkages with their professors, the university in general or the sponsoring organisation. The universities and programmes in turn are interested in building international networks and also keep in touch with their alumni. Table 6 can only provide a glimpse on the enormous potential for networking that exists between the academic staff of the African universities and the institutions they obtained their degrees from inside and outside of Africa.

To the question, whether the Department uses moderators or external examiners, 23 institutions answered yes, one of them (Senegal) only in exceptional cases, though. Two institutions do not invite external examiners at all (Woldiya in Ethiopia, Mali). Eleven institutions use exclusively local moderators, i.e. from inside the same country, while nine universities invite both local and external moderators for their exams. Two of them, University of Nairobi and Polytechnic of Namibia, only use external examiners from outside of their own country.

### 3.7 Facilities of the institutions

In the questionnaire, the different institutions of higher learning were asked to indicate the facilities which their students have access to. Out of the 25 institutions that answered the questionnaire, 22 stated that they have a library at their students' disposal. 20 of them have Wi-Fi internet on campus, in addition to that, one university is about to install Wi-Fi in their premises. Two institutions declare that they have Wi-Fi, but in one of them the accessibility is generally difficult, in the other one access is only possible in certain areas on campus.

The students of 13 institutions have access to an e-library, in two more universities this is under process. In 13 universities there is a departmental library in the land related department.

Among the best equipped institutions which indicate that their students have access to the institution's library, Wi-Fi on campus (without access difficulties), an e-library and a departmental library, are the following: Covenant University and Rivers State University (Nigeria), Ardhi University (Tanzania), University of Western Cape (South Africa), Polytechnic of Namibia, University of Nairobi (Kenya), KNUST (Ghana) and Haramaya University (Ethiopia).

With regard to the quality and number of reference books, text books, journals and general books in their libraries, the universities show a very diverse picture. Only seven institutions state that in all four categories their libraries have up-to-date and relevant literature in sufficient quantities. These are: Covenant University, RECTAS and Federal University of Technology Minna (Nigeria), Kumasi Polytechnic (Ghana), Université d'Abomey-Calavi (Benin), University of Mauritius and INES Ruhengeri (Rwanda).

Most universities declare deficiencies in one or the other area, such as insufficient quantities of reference books, outdated reference and text books, no accessibility to journals or a combination of some of these problems.

Among the facilities provided for the students by universities, photocopying machines are among the essential equipment that makes studying easier. Only four institutions provide photocopying facilities for their students: Kumasi Polytechnic (Ghana), Covenant University (Nigeria), Haramaya University (Ethiopia) and INES Ruhengeri (Rwanda). Further, four institutions leave this service to nearby private commercial service providers who charge the students for their services: KNUST (Ghana), IUDT (Mali), University of Mauritius and Université d'Abomey-Calavi (Benin). The other universities either do not provide photocopying machines or do not give information about it.

### 3.8 Existing external support

The support African universities receive can be classified into different categories such as mentoring institutions, capacity building (training of staff) and funding aid.

With regard to mentoring institutions, each university or Polytechnic has its own academic network and links. In some countries, well established governmental bodies provide advice and regular backstopping to the universities. In Ethiopia, the Ministry of Education provides such services. In Nigeria, the National Universities Commission is a relevant mentor for the universities. Other universities, local or external, equally provide counsel and mentoring services. In Ethiopia, the Institute of Land Administration of Bahir Dar University provides assistance and advice to the “younger” land administration programmes in Haramaya and Woldiya Universities. In Nigeria, a country of many tertiary learning institutions dealing with land, the different universities counsel each other. Obafemi Owolowo University and the Federal University of Technology Akure also play this role. In Senegal, the Université de Dakar provides mentoring services to the Université Gaston Berger Saint Louis. For Mali it is also indicated, that other local universities provide mentoring support.

Apart from local universities, other African universities are mentioned as mentors. Among those are Université de Lomé (for Benin), Université d’Abomey-Calavi (for RECTAS in Nigeria). As mentoring institutions outside Africa only University of Twente (for RECTAS in Nigeria) and Université de Grenoble (for Senegal) have been mentioned.

At a closer look, some of the curricula and course handbooks provided by the universities reveal more information about support they received in capacity building. Bahir Dar University, for instance, indicates having received regular capacity building support from the Royal Institute of Technology (KTH) in Sweden since 2004. In the beginning, staff members from Bahir Dar were sent to Sweden for MSc studies in land management. Afterwards KTH helped in curriculum development and sent exchange lecturers to Ethiopia. In addition, this assistance is supported through the Swedish development organisation SIDA.

Other European institutions that regularly assist their African partners through capacity building and mentoring are the ITC Twente in the Netherlands (for KNUST Ghana, University of Nairobi, RECTAS, universities in Ethiopia, Burkina Faso, Ardhi University) and the Université de Grenoble in France (for Université Gaston Berger Saint Louis in Senegal).

Financial assistance is provided, among others, in the form of research funding. With regards to research, the following supporting development organisations are mentioned: SIDA and World Bank (for Ardhi University, Tanzania), European Union, FAO and other development organizations as well as the Institute for Development Studies (IDS) (for the University of Western Cape, South Africa), USAID Land Project (for Rwanda) and UNHABITAT (for Malawi).

In addition, several tertiary learning institutions state that they receive research funds from government bodies, from university and from private industrial enterprises. In Nigeria, there is the Tertiary Education

Trust Fund that assists Nigerian universities through infrastructure development and staff capacity building, e.g. funding overseas post-graduate staff training. KNUST in Ghana benefits from the KNUST Research Grant and the Foundation for African Real Estate Research which has been established by the University of Regensburg in Germany. The Ghana Education Trust Fund (GETfund) also provides support for infrastructure development.

### 3.9 Employment Opportunities

Only 50% of the tertiary learning institutions indicated that they conduct tracer studies about the careers of their alumni. However, all of the institutions were able to indicate who the potential employers of their graduates are.

We can distinguish between public and private employers. Among the most quoted public employers count the government offices on different administrative levels. **Public employers** mentioned were: local government (e.g. District Assemblies), central government, sector ministries, tax authorities, Land Commission, Office of Administrator of Stool Lands, offices of the Registrar of Land Titles, highway authorities, research and academic institutions, technical and vocational training centres as well as land dispute resolution tribunals.

A large number of private enterprises and organisations employ graduates of land related programmes. They can be clustered as follows:

- Private consultancy firms on land related issues such as survey firms, private valuation firms, real estate development firms, consulting firms of estate surveying and valuation
- Organisations that deal with land development such as estate and property management organisations, housing corporations, mortgage institutions, urban planning institutes
- NGOs, environment and natural resource management projects
- Companies providing public services such as mining industries, utility companies, infrastructural companies (such as electricity, telecommunication, oil, water and sewerage)
- Insurance and other financial institutions such as banks
- Private tertiary learning institutions, private research and academic institutions

The scope of employers is very large and diverse.

## 4. RECOMMENDATIONS DERIVED FROM THE INSTITUTION MAPPING

Although the consultants did not receive detailed curriculum information from all the 25 respondent universities the above deliberations can be regarded as representative we deem the information as sufficient to derive a number of recommendations there from.

### 4.1 Suggestions with regard to the programmes

- *Include basic information on land governance in all programmes*

Programmes dealing with very specific aspects of land should make sure that their students gain at least basic knowledge about other aspects that are not the focus of the programme. For example, for those students who study the technical aspects of land such as land surveying, cartography, Geographic Information Systems and cadastre related issues, it makes sense to know the basics of social, economic and tenure aspects of land. These basic requirements should be specified by the future network coordination on land governance in Africa. First, it should be checked, whether curricula gaps can be filled by cooperating with existing institutions in the same country. Links with other departments, faculties and/or universities should be created to make the programme more holistic.

It may on the one hand overburden a programme to teach land in a holistic way. On the other hand, it may confront the students with a lot of irrelevant information. Therefore, the basic requirements on land that should be known by every student, regardless of what type of Bachelor or Master studies he or she pursues should know, have to be specified. This report attempts at providing the relevant information. However, those basics should be discussed by experts from academia and professional practice before being promoted by the proposed Centre of Excellence on Land Governance in Africa.

- *Promote uniform naming of programmes*

Considering the fact that the contents taught in many programmes are similar, the names that are given to these programmes differ enormously, as has been analysed in Chapter 3.4. Another fact is that the mobility of students is on the increase as can be deduced from the analysis of the origin of the degrees of the teaching staff of the African universities. A more similar naming would help to avoid confusion and to make the comparability and compatibility of programmes and of degrees easier and more transparent for (a) students, for (b) those who make the decision about the acceptance of applicants for post-graduate programmes and for (c) possible employers.

- *Compare curricula with employers' demand*

Each of the institutions in the survey has a very clear picture of the scope of future employers for their students. The Expert Group Meeting in Bahir Dar, Ethiopia revealed that expectations of employers and curricula taught to students do not always match perfectly. We therefore suggest to compare academic objectives with (a) the reality of teaching and (b) with the requirements of potential employers.

Some institutions include internships into their curricula. This not only confronts the student with the reality and the practical requirements of the job. It also allows possible employers to evaluate the students and provide a feedback to the higher learning institution. A dialogue could be opened between the higher learning institutions and possible employers – not forgetting to include the views of the students. Jointly with clients/possible employers the qualifications to be obtained by the students should be identified. In addition, it should be defined which level is needed for which qualification and which type of education.

## 4.2 Suggestions regarding the facilities of the universities

- Upgrading libraries, books and internet through networking

Concerning the equipment of the universities and Polytechnics with libraries, a constantly updated stock of books and journals in sufficient number as well as internet facilities, the study proved that the tertiary learning institutions in Africa are on very diverse levels. Some universities are very well equipped, some benefit from international partner universities to upgrade their libraries and facilities. Other cannot offer their students up to date and sufficient reference books. We suggest that assistance should be provided to those land related faculties that do not have a sufficient number of books or have only outdated books. A basic list containing relevant reference books, text books, general books and journals could be of help. Networking activities could be used not only to work on curriculum development, but also to upgrade the facilities of the African partners in the network. This would greatly improve the learning and teaching situation for academic staff and students.

- Photocopying machines

We suggest enhancing the establishment of private service providers on campus or near campus for photocopying, binding, and other relevant services.

## 4.3 Suggestions regarding networking

Basically, our recommendation regarding networking is to strengthen what already exists and works well, to learn from those good practice cases and then to gradually widen the scope of networking.

Networking has several purposes, among them capacity building with regard to human and to material resources, joint research activities and joint publications. The expectations from the networking, particularly from the planned African Centre of Excellence on Land Governance, should be clearly specified by all relevant stakeholders. The network should then be equipped with sufficient (human and financial) means to satisfy the most urgent expectations and needs of the partners.

It is true that networks link institutions and therefore need to be institutionalised and formalised. However, it should not be overlooked that networks live through the people who are involved in it. Experience proves that people who are committed and who know each other cooperate better than

anonymous institutions. In addition, networking has to be kept at an active level by a coordinating body or person who is solely responsible for that task, otherwise networks die after a short period of enthusiasm and activism. For that matter, we would like to highlight again that it is important to start with what is already in existence, to do research about functioning alumni networks, mentoring links and the like and to use these as entry points.

Our suggestions with regard to possible lead partners in the network on land governance in Africa are based on the questionnaire survey and our personal experience with the mentioned universities. We are well aware of the fact that there are well qualified institutions which did not respond to the survey and from which detailed information could not be obtained so far. However, we cannot consider them here.

We suggest to have lead partners for the five designated regions in Africa. Our suggestions are displayed in the following table.

Table 7: Suggested lead partners for a network for training on land governance in Africa

<b>Region</b>	<b>University</b>	<b>Reasons for suggestion</b>
West Africa Lead partner	KNUST, Ghana	Offers BSc, MSc and PhD programmes; well equipped with regard to teaching personnel, library and other facilities; covers all aspects of land governance including regional planning with long time experience; well embedded in a university that can provide training on additional topics such as cultural aspects, gender, law; efficiently linked to experienced mentoring institutions such as ITC in The Netherlands, SPRING Planning Studies at TU Dortmund Germany. The Department of Land Economy has a staff strength of 10 including four PhDs. The students have access to the library of the Centre for Land Studies and the main University Library and e-Library facilities. There is a campus-wide WI-FI Internet service which is available to students and staff. The Department also has strong links with the Department of Estate Management in Kumasi Polytechnic and the Department of Land Economy in the University of Development Studies in Wa
West Africa (further partner)	Nigeria	Nigeria has a number of Universities which could anchor the proposed network but their commitment to cooperation – particularly international cooperation - cannot be guaranteed. For example, in spite of

		<p>persistent pressure they did not respond to the survey questionnaire. The said institutions are:</p> <ul style="list-style-type: none"> <li>f. Department of Estate Management, University of Lagos;</li> <li>g. Department of Estate Management, University of Nigeria, Nsukka;</li> <li>h. Department of Estate Management Obefami Awolowo University Ile Ife.</li> </ul> <p>On the other hand some of the new Universities have built capacity and are more open to cooperation and thus, could be considered. These include:</p> <ul style="list-style-type: none"> <li>i. Federal University of Technology, Minna;</li> <li>j. Federal University of Technology, Akure;</li> <li>k. University of Jos, Jos.</li> </ul> <p>If necessary the older universities could be contacted to see how willing they will be to participation, e.g. with personal visits and consultation.</p> <p>In the circumstances we recommend the <b>Federal University of Technology</b> at Minna. The University has run a BTech degree in Estate Management since 1990 and MTech and PhD programmes since 2005. The Department has a staff strength of 22 which includes six PhDs. Currently the Department has 1,530 students in the undergraduate programme, 60 students on the Masters Programme and 8 PhD Candidates. The Department has a library in addition to the University library and staff and students enjoy campus-wide WI-FI Internet. The Department reports that the library is up-to-date with current reference books and journals.</p> <p>The only private university we surveyed was Covenant University in Ota, Ogun State. Though we have not been able to find out much about it,</p>
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		the staff appeared quite enthusiastic about the study and we would recommend that some further contacts could be useful and could promote private sector involvement in higher education in the land sector.
West Africa francophone countries	Université d'Abomey- Calavi, Benin	Offers BSc, MSc and PhD programmes; is well equipped with regard to teaching personnel, library and other facilities; covers most aspects of land governance; is embedded in an institution that can provide training on additional issues such as geography, cultural aspects, resource management; well linked in the African context and with European universities
Central Africa  Can serve Anglophone and Francophone areas	INES Ruhengeri, Rwanda	Teaching language is English, however francophone countries can also be connected; well linked with African and European universities; offers only BSc in land survey as well as land administration and management; well equipped with necessary facilities. INES has close links with the University of Rwanda College of Science and Technology at Kigali which also runs a degree programme in Estate Management and Valuation and the two institutions could pull their resources together.
East Africa	Ardhi University, Dar es Salaam, Tanzania	Offers BSc and MSc programmes; well equipped with regard to teaching personnel, library and other facilities; covers all aspects of land governance with long time experience; well embedded in a university that can provide training on additional topics such as cultural aspects, regional planning; efficiently linked to experienced mentoring institutions such as ITC in The Netherlands, South African universities, and SPRING Planning Studies with TU Dortmund, Germany. The Department has a staff strength of 45 which includes 12 PhDs. Currently the Department has 470 undergraduates and 29 Masters students. The Department does not currently have any PhD

		<p>candidates. The Department has a Library for the use of its students in addition to the general university library which also includes an e-Library. The library's stock includes current books and up-to-date journals – both hardcopy and electronic. Staff and students have access to campus-wide WI-FI Internet facilities.</p>
East Africa	Bahir Dar University, Ethiopia	<p>Offers BSc and MSc programmes; well equipped with regard to teaching personnel and technical facilities; well organised and coordinated with other Ethiopian universities; well established mentoring links with KTH Sweden and support from GIZ</p>
Southern Africa	University of the Western Cape, South Africa	<p>Offers Postgraduate Diploma, MPhil (Structured), MPhil by research and PhD programmes; land governance embedded in the Institute for Poverty, Land and Agrarian Studies, thus dealing with land in a holistic manner; long time experience; well equipped with experienced teaching personnel and all technical and library facilities. The Institute has a staff strength of 13 including six PhDs. The students of the Institute currently comprise 15 Post-graduate Diploma students, five Masters (structured) and 12 PhD candidates. The Institute has its own library and its students have access to the general University library which also has an e-Library facility in addition to on-line journals. While the Institute's library does not keep textbooks, and reference books are not up-to-date, the general books are current.</p>
Southern Africa	Polytechnic of Namibia (Namibia University of Science and Technology, Windhoek	<p>Offers BSc and MSc programmes in various disciplines such as land management, land administration, spatial science, town &amp; regional planning, rural development, architecture; covers all aspects of land governance including resource management and land use planning; is well linked on an international level; cooperates with GIZ; well equipped with internet, library etc. The Department assures quality control of its programmes by the use of external examiners from South Africa, Zambia and the United Kingdom. The Department has a staff strength of 79 which includes</p>

		24 PhDs. The Department currently has an undergraduate population of 369 and 30 Masters students. The Department does not run a PhD programme. The Department has its own library and students also have access to the institution's library. In addition, the institution has an e-Library and campus-wide WI-FI Internet.
Northern Africa	No information obtained	

Source: Authors' construct 2016

## **5. IDENTIFICATION OF CURRICULA GAPS AND RECOMMENDATIONS**

The review of the land governance situation on the continent has revealed some areas that should be of interest to African Universities but which are currently absent from their curricula or are not being given adequate attention. We consider these areas, which we list below, to be the gaps that need to be filled in the curricula to make them responsive to the needs of the continent at this stage. While we do not think all these topics would fit into undergraduate programmes and the institutions may not be able to incorporate them into any detail at the undergraduate level, we believe that they should be veritable areas of research and further studies in the African Centre of Excellence. We believe institutions can cooperate in research and funding agencies could focus funding in these areas. It has not been possible to show the specific contributions of the various disciplines within land studies, such as Geoinformatics, law, agriculture, planning, etc, to the utilisation of these gaps in their curricula, we believe that by being exposed to them the various disciplines would give them the necessary attention from their own perspectives.

### **5.1 Customary land tenure system is still extant in almost all the countries**

Customary land tenure is pervasive in all the countries of the continent and even where attempts have been made to abolish it the system has survived. Customary land tenure however differs among the various countries and, even within countries, differs among the different ethnic groups. Differences are manifested between arable farmers and pastoralists and among tribes with matrilineal inheritance and tribes where inheritance is patrilineal. Owing to the fact that arable agriculture is essentially sedentary land tenure relations among societies practicing arable farming are strong and people tend to protect their land rights in many cases. On the other hand among pastoralists, land is often held and used communally and this makes land ownership fluid and people rarely protect their land rights. Exceptions may however be found where, like the Khumbi and the Dimba in Angola, pastoralists may occupy land for long periods and may protect such lands from other people. In some countries however, the necessary co-existence of both arable and pastoral farming often creates conflict between the two. As those in arable farming tend to protect their land rights from encroachment by the pastoralists looking for pasture for their cattle, the pastoralists view this as an unnecessary curtailment of their movements and often react violently. A very typical example is found in the Lower Rift Valley in Kenya where the sedentary Kikuyu and the nomadic Masai are at odds over land which the Masai consider to be their ancestral pasture land but which the Kikuyu are using for arable farming. Customary land ownership is communal in all cases and the management of such lands is in the hands of kings, chiefs, sub-chiefs, clan heads, lineage heads and family heads, etc. A major characteristic of the customary system is the fact that in all societies where it exists, there is a hierarchical system of governance and, except in a few cases, such in Rwanda where three traditional rulers exist side by side with only one being responsible for land administration, land governance is synonymous with the traditional governance hierarchy. The customary system also differs in the security the system affords to individual and family tribal members. While in some cases, such as among the Asante of Ghana and the Ovambo of Namibia, individuals and

families had permanent occupation of their land, in many cases, such as among the Ovimbundu of Angola, land was distributed to the people for cultivation at the beginning of each farming season by the family or clan head, etc., as the case may be. In such situations security of tenure was non-existent and investments in land improvement did not occur. Customary land ownership on the continent generally abhors land sales – particularly outside the tribal group. This is because most autochthonous groups saw land as an ancestral heritage which they expected to be preserved and handed over to future generations. It is also because many of these groups saw land as their only means of livelihood through agriculture and therefore had a natural urge to preserve it so as to preserve the future of the group. Even where land sales were permitted in some cases very stringent measures are instituted to ensure that it became nearly impossible to achieve it, such as *risti* land in Eritrea where land could only be sold with the consent of all the male members of the extended family. Almost pervasive in all the countries is the disadvantageous position of women within the customary land ownership system. In many cases, particularly in the patrilineal societies, women's access to land is through their male counterparts – whether as fathers, brothers and husbands. A woman cannot have access to land in her own right and even widows only have a life interest in their deceased husbands' land at best, such as among the Basutho of Lesotho or in Burundi . In a few cases however, such as among the Chewa, the Yao and Man'anja ethnic groups of Malawi, women's land rights are superior to that of their male counterparts. Owing to the communal nature of land ownership, the customary system typically offers the members of the group, usufructuary estates in the community's land. This means that individuals could only have use rights in their lands as ownership is vested in the community as an entity. This communal ownership also underscores the importance of the hierarchy of traditional governance as the head of the community is often regarded as the manager of the community's land.

## 5.2 Provision of legal recognition of customary land ownership

Customary land tenure has been characterised as leading to small farm sizes and land fragmentation and the inefficient use of land by not promoting mechanisation. The insecurity of land holdings occasioned by the annual distribution of land among family members for farming purposes does not motivate land users to invest in land improvement activities such as soil and water conservation, leads to poor efficiency of cultivation thereby promoting low productivity. This thus promotes the system of shifting cultivation which leads to inefficiency of land utilisation and fallow and idle lands. The fact that individuals only have usufructuary rights in the community's land and are restricted from trading in their land parcels also means that, though the risk of dispossession is remote, people feel some insecurity that prevents them from carrying out investments in their land. This insecurity also makes the farmer less able to access loans for agricultural and other investments. The customary system generally does not recognise the role of women in land development through discrimination – particularly in those societies of male superordination.

For these and other reasons the customary land tenure system has not been promoted on the continent. Considering the pervasiveness of customary tenure on the continent, it is surprising that few countries have enacted legislation on customary land tenure. With the exception of Botswana which has enacted laws to recognise customary land tenure and bring it into mainstream land governance, few

other countries have made any attempt to recognise customary land tenure and to formally legislate it into the modern system. Perhaps the example of Ghana which has established Customary Land Secretariats to help speed up land documentation in the customary sector is a major improvement to what happens in other countries but even in Ghana there is no legislative infrastructure that supports the secretariats, which probably accounts for the failure of the secretariats to meet the objectives for which they were established. For many countries some tinkering has been done on the customary system towards improving it but only succeeding in creating further creating bottlenecks in the system. For example, Lesotho's Land Act of 1979 was passed with the over-arching objective of improving the system of land allocation and title security and thereby improving commercial agriculture. The Act however only provided for the establishment of Land Committees chaired by the chiefs – on the one hand removing the chief as the sole authority for allocating land but by making him the chairman of the Committee the chief shared his authority with other people and using his chairmanship could frustrate the work of the Committee which is why the Land Committees of Lesotho were not successful. In other countries, such as Mozambique, there is only a de jure recognition of customary land tenure while in countries like Malawi, Tanzania, Ethiopia and the Republic of Congo attempts were made to extinguish customary tenure altogether. In Nigeria, customary tenure is deemed to have been abolished as land is vested in the State through the state governments and local authorities. The tenacity of the system of customary tenure is evident in the fact that in spite of all these strictures it is still surviving and is active in many countries of the continent.

### 5.3 Privatisation of customary ownership

For many countries, improving the customary land tenure system has meant providing avenues for their users or occupiers to register them in their names and thereby privatising them. Kenya is probably the best example of this as after the Mau Mau rebellion of 1953 the country embarked on the privatisation of customary land converting the usufructuary titles into freeholds. In many of the countries in the Southern Africa Region the creation of freehold titles by white settlers was the instrument through which the indigenous people were deprived of their lands. The Registered Land Act, 1967, made it possible for customary land to be registered as private individual property in Malawi while in Lesotho the Land Act, 1979 made it possible for customary owners to convert their customary holdings into leasehold interests which they could register, mortgage and sell. The Land (Conversion of Titles) (Amendment No. 2) Act, 1985 introduced land title registration into Zambia while in Gabon government only recognises registered land for transactions. In Ghana, under the Land Title Registration Decree, 1986, the Torrens System of land title registration was introduced in the country and opportunities were given to people to register their land titles, including customary freehold interests. Owing to the technical requirements and the lack of a legislative infrastructure however, the law has not been successful and few people have taken advantage of its provisions to register their land titles.

Registration of titles has been promoted by countries on the continent because it is hoped that when people have secure titles in their land they would be able to secure investment funds and also be willing and able to carry out improvements in their land. Land registration is also often hoped to be the panacea for boundary disputes as, in the process of registration, boundary adjudications are carried out.

Land registration could also be accompanied by land consolidation activities (e.g. Rwanda) which would reduce the incidence of land fragmentation.

While these are laudable and logical claims, land privatisation through title registration also has the potential of making people landless and depriving communities of their rights in their ancestral land. A typical example is in Kenya where some indigenous tribes, such as the Masai, have sold out their land to affluent tribes, such as the Kikuyu, and have subsequently become landless, engendering internecine conflicts.

#### 5.4 The effects of colonialism and European acculturation

Virtually every country on the continent, except perhaps Liberia and Sierra Leone, was colonised and the vestiges of colonialism are still very visible in the land governance system in all the countries. The colonial administrations sought to make it easier for their people to acquire land for the production of export crops and raw materials to feed their countries and this was the driving force behind the large acquisitions of land. The customary tenure system did not provide the needed level of security to warrant the expenditures the settler farmers were making. Thus in southern Malawi the British colonial administration supported the establishment of *estates* which took over large expanses of land for plantation agriculture while in Eastern Nigeria the British trading group United Africa Company was supported to establish large plantations for the cultivation of oil palm just as the British South African Company did in Zambia where large plantations were developed. The modus operandi was that the colonial government acquired large tracts of land designating them as Crown Lands and then parcelling them out to the settlers as freehold land which the settlers then registered. This was also the underlying theory behind the creation of the *mailo* land in Uganda. In the same way the French colonial administration also facilitated the development of plantations by French settlers in Madagascar while the Germans and the Belgians did same in Rwanda. The passage of the Overseas Property Decree by the Portuguese government protected the Portuguese settlers in Angola and Equatorial Guinea, and made it possible for them to register their land against the indigenous African population.

European acculturation was most prevalent and more pronounced in the countries of the Southern Africa Region. The large plantations of white settlers in Angola divided the country into a land-owning white class and a labourer black population. In Mozambique the Portuguese *prazeros* presented a similar situation while in Zambia the creation of Crown lands and Trust lands by the British administration further entrenched the security the white settlers had in their land. In Zimbabwe the Land Apportionment Act of 1930 shared the country almost equally between the 5% European settler population and the 95% indigenous black population. At independence the protection of the European settler's rights was enshrined in the Independence constitution under a policy of willing seller/willing buyer. In Swaziland, European, mainly white South African, influence in land matters has bedevilled the country since about the late 19<sup>th</sup> century as they have established large plantations in the country at the expense of the indigenous population. Perhaps only second to South Africa, European influence in Namibia has been most profound as they divided the country into a black north and a white south physically moving the black population beyond the fence which they erected to separate the two races.

In South Africa the policy of apartheid almost totally eliminated the influence of the indigenous black population on their land.

## 5.5 Deprivation of the land rights of the autochthonous population

One major effect of European acculturation is the deprivation of the indigenous African population of their land rights. In all the countries where this acculturation has been manifested large populations of Africans have lost their rights to land and many have had to migrate to the urban centres in search of alternative livelihoods. Post-independence arguments have been that the indigenous black population lacks the expertise, the necessary funds and the management skills to be able to run large scale farms which would provide the needed foreign exchange for running their economies and hence the need to keep and protect the white farmers. Nevertheless this state of affairs is the source of considerable crises in the countries of the region, principally Zimbabwe. It is noteworthy though that in Uganda the government's policy is to return *mailo* land to their original owners though this has not been without its problems.

Two issues that need attention are:

- i. How can it be guaranteed that when land has been taken from the white farmers it will go to the indigenous people who need to work the land but will not end up in the hands of bureaucrats who will then become a new land owning class, replacing the white farmers as it is the case in some parts of Kenya and Zimbabwe?;
- ii. In this modern day economy which is a far cry from the subsistence agrarian economy that was the order of the day when the European acculturation was initiated, is it fair to expect that Africans would return to the land to become subsistence farmers when there are non-land based alternative livelihoods, like industrialisation, the service industry and ICT?

## 5.6 State ownership of land

Another issue with land governance on the continent is the ownership of land by the state and whether that is to be preferred to privatisation. In the period after independence many African countries embarked on land acquisitions for the state. This was mainly due to the socialist fervour that consumed many to the continent's independence leaders. After independence in 1975 the government of Angola nationalised all land, creating state farms on the land taken from the Portuguese plantation owners. Mozambique, which also attained independence in the same year, also nationalised the country's land and became the landlord allocating land to citizens. The country also introduced state farms on which the citizenry worked. The independence constitution vests all unregistered land in the state. Essentially this covered land in the north of the country as land in the south of the country was legally owned by the white European farmers who had registered their interests. Eritrea nationalised all land a year after independence and the Revolutionary government of 1974 in Ethiopia nationalised all rural land in the country. Somalia nationalised its land in 1975 and the Unregistered Land Act of 1970 vested all unregistered land in Sudan, whether occupied or not, in the state.



While in some cases, such as Angola and Tanzania, steps have been taken to return some of the lands to their original owners the issue still remains and there is the need to study the situation for informed judgements to be made.

Akin to the discussion of the state ownership of land is the argument that privatisation of land would lead to a more efficient use of land. In many countries such as Ghana, Tanzania and principally Kenya, privatisation of land has been pursued, though in Ghana, as in Botswana, and unlike in Kenya, privatisation has not meant freehold interests but rather leasehold interests with the reversion vested in the original land owners.

### **5.7 Decentralisation of land administration**

The level at which land administration services are provided is also an issue that needs to be examined. In some countries such as Botswana, Malawi, Mozambique and Nigeria, land administration services are provided at the provincial and local levels whereas in Ghana such services are provided at the national and provincial levels. As seen in Botswana, when land administration services are provided at the local level, it is possible for stakeholders at the local level to be involved in land administration. When the services are provided at a higher level, such as provincial and national levels, the system is operated by bureaucrats and land governance becomes remote from the stakeholders at the local level. Land is a local product and its governance should necessarily be local.

### **5.8 Rural and urban land governance**

The dichotomy between land governance in the urban centres and governance in the rural areas appears not to have engaged the attention of governments on the continent. In almost all countries the attention has been on land governance in the rural areas owing to its significance for agricultural productivity and its political significance. It appears that urban areas are left to themselves because in many cases market considerations determine the level and kind of activities that take place there. In a few cases issues arise when the indigenous land owners in the urban areas, such as the Mpongwe of Libreville in Gabon and the Ga Adangbe of Accra, Ghana begin to exert their rights to their ancestral land. Owing to their high values however, urban land holds a special attraction for bureaucrats and therefore attention is focussed on it. The issues need to be studied critically.

### **5.9 Land administration of arable land as against pasture land**

The literature shows that governments on the continent pay more attention to the land rights of arable farmers but scant attention is paid to the rights of pastoralists. This is probably because pastoralists being generally nomadic do not have strong attachment to land in the same way that arable farmers do. The situation is so even in countries, such as Djibouti, where cattle rearing rather than arable farming, is the major vocation of the people. Owing to population pressure and the pressure this brings on rural land however, conflicts have begun to surface between arable farmers and pastoralists as they compete for land. In Djibouti, conflicts are beginning to emerge as some herders are becoming sedentary and competing for land on the outskirts of the capital with vegetable farmers for land and water. The current

conflict between the Kikuyu and the Masai of Kenya is typical of this as also is the conflict between Fulani herdsmen and arable farmers in the Afram Plains district of Ghana. The dynamics of this situation could result in violent engagements among the two groups as it is already apparent in Kenya. Studies need to be undertaken to be able to address it in time before it escalates into conflict across the continent.

### 5.10 Islamisation

The effect of Islam on land governance is pervasive on the continent. In the central and northern parts of Chad Islamic dictates govern land relations. Islam provides for collective and individual ownership of land and holds that land belongs to all Muslims even though an individual Muslim can hold legal individual ownership in land. Land held by the collective is governed by the Imam (the religious leader) though the individual still manages his land. In the communally owned land three types are discernible: dead lands, live lands and *terre de main morte*. "Dead lands constitute collectively owned lands where each individual has private acquisition rights to a parcel of the collective land. Live lands are lands which belong to the Muslim community and are managed by the community leaders. Individuals can obtain usufruct rights to live lands by paying tribute to the leader of the Muslim community. Lastly, *terre de main morte* comprise lands owned by the Muslim community" (Furth, 1998e). Sudan has also, under the Civil Transactions Act of 1984, declared that Islam is the basis of land governance in the country. In the Comoros Islam is the official religion and in Somalia Qur'anic dictates determine land rights. In West Africa many states, such as Cote d'Ivoire, Burkina Faso and Senegal have strong Islamic influences on land relations. In some countries, such as Nigeria, though Islam is not the official religion, some parts of the country still adhere to Islamic concepts of land governance. It appears that Islamic principles of land governance flourish more in societies with patrilineal inheritance though it is becoming apparent, like in southern Mozambique where inheritance is maternal, that it could also well survive in matrilineal societies as well. The imposition of Islamic principles of land ownership on customary land ownership on the continent is a possible flashpoint for conflict especially where all the people of the community are not Muslims and the traditional authorities compete with the Muslim leaders in land governance.

### 5.11 Corruption

The role of corruption in land governance on the continent, particularly in the urban areas, is an issue that needs to be given much more serious attention than it is receiving now. Its incidence is more pronounced in the countries where privatisation is practiced. For example an unfortunate result of Kenya's land reform has been the ability of government officials to register large tracts of land in their names and that of their friends and family members, sometimes without the knowledge of the occupants of the land. Corruption has also taken the form of government officials appropriating government or state lands for themselves, particularly in the urban areas, notably, in Nairobi, Accra and Lagos. The scourge of corruption could act to derail otherwise sound land policy initiatives in African countries and it is important that it is adequately studied to determine what could be done about it.

## 5.12 Women's land rights

The rights of women on the continent vary considerably and generally follow the system of inheritance. Generally where inheritance is paternal, women have very few rights pertaining to land and women's access to land is often through their male counterparts – be they fathers, brothers, or husbands. Women can generally not own land in their own right except as appendages to their male counterparts. In such societies women often undertake subsistence farming, usually for vegetables, on less fertile lands while the men cultivate cash crops on the better land. Widows' land rights are severely limited and widows are often required to marry their deceased husbands' brothers in order to continue having access to their husbands' family lands and are often ejected and sent to their people where they refuse such conjugal arrangements. When they return to their parents' homes they often have to compete with their brothers for access to the family land and they often lose out. The widow's access to her late husband's property may be improved where she has a male child with her late husband in which case she can continue to occupy and farm the land, deriving her land rights from those of her son who inherits his late father. In a few cases, such as among the Basotho of Lesotho, the widow who refuses to marry her late husband's brother may be offered a life interest in her late husband's property provided she remains in the village and does not re-marry. In pastoral societies women tend to be arable farmers cultivating vegetables to feed their families while the men tend the cattle and, where the men are nomads, the women follow their itinerant husbands and don't develop any attachment to the land on which they farm.

In matrilineal societies, such as among the Akan of Ghana, women tend to have more secure land rights than their male counterparts. Men derive their land rights from the women - usually their mothers – and their rights are subservient to those of their sisters. The family in a matrilineal society is composed of the descendants of a matriarch and does not admit the children of the male members. The land rights of wives are also limited as wives also derive their land rights from their mothers' family and therefore cannot have any stake in their husband's family property. Widows almost always lose out as they cannot inherit their late husband's property and must often leave with their children to their own mothers' family. Some exceptions may be made where their late husband self-acquired some property in which case the widow may have a life interest in the property but this is always at the discretion of her late husband's family – especially if her husband died intestate. In countries where Islamic laws operate, women's land rights are severely limited as women must subordinate their land rights to those of their husbands.

Some countries have attempted to improve the land rights of women through legislation but this has often yielded little results. In countries such as Central African Republic, Gabon and Malawi there is no official discrimination against women in registering land in their names but few women have taken advantage of this to own land owing to the traditional and customary notions of land ownership by women. Some countries have also legislated women's land rights away. For example in Botswana, though the main legislation dealing with land rights, the Tribal Land Act, does not preclude women from owning land, other legislation effectively bar them. Specifically, the Married Persons Act, the Deeds Registry Act and the Marriage Act, preclude married women from registering land in their names. USAID

(2011) reports that formal laws such as the Family Code which seeks to improve women's access to marital land and inheritance of family property in Morocco have had little impact as women's land rights to access and control of land are still subordinated to men's rights. In Egypt, it is reported that, *even though ownership of property is becoming more and more common for Egyptian women, the majority of properties are registered in the father's or in the husband's name, regardless of whether or not the woman bought the property entirely with her own funds or contributed money toward the purchase* (USAID, 2010:10f)

The issue of women's land rights need to be critically studied and should not be left to gender activists on either side of the gender divide who often do not critically examine issues and whose interventions are often one-sided.

### 5.13 Large scale land acquisitions

A current subject of concern and discussion on the continent is the large scale acquisitions of land for foreign direct investments. This has become an emotive issue in many of the countries as its effect has been to deprive the local people of their land rights while their land is given to foreign investors to use for large scale agriculture. The system is defended because it provides needed foreign exchange support for the budgets of these countries and also provides jobs for the local people. In many cases however, the local people have been dispossessed of their land rights and are often employed as labourers in the new farms and many have resented this. The issue appears to be how the African countries can attract these investments while still safeguarding the long term interests of their people and, in the context of this study, provides an important subject for study.

## **6. CONCLUSION**

The study has shown that many countries on the continent are still battling with the land question. Issues of the customary land tenure system and its role in a modern economy still remain unsettled and the rights of women among others are still of concern in many countries. The study has also shown that the curricula of the tertiary learning institutions on the continent have depended on the age-long curriculum which was designed when the pioneer land training institutions were born. Though we have not been able to exhaustively study the course contents of the Programmes in the institutions, it would appear that the courses do not address the real issues confronting the continent. The study has identified these as gaps in the curricula which the tertiary learning institutions need to address. While we believe that the Programmes in the institutions may not be able to incorporate all these gaps identified, we believe the issues identified would also be good subjects of investigations in the proposed Africa Centre of Excellence in Land Governance for higher degrees.

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## **8. ANNEX**

### **Study of Industry Needs for Land Professionals in Africa**

#### **1.0 Introduction**

The Land Policy Initiative (LPI) was established in the year 2006 by a tripartite consortium constituted by the African Union Commission (AUC), the Economic Commission for Africa (ECA) and the African Development Bank (AfDB) in recognition of the role that land plays in Africa's transformation. In its first phase (2006-2009), the LPI was successfully developed a Framework and Guidelines on Land Policy in Africa (F&G), meant to facilitate national land policy development and implementation processes in African Union Member States. The Framework and Guidelines, developed through a rigorous roadmap of activities, including Regional Assessments and consultations on land policy, was adopted by the African Ministers responsible for land in Addis Ababa, Ethiopia, in April 2009. It was further endorsed by the highest level of African governance—the AU Heads of State and Government, through the adoption of a Declaration on Land Issues and challenges in Africa, during the 13<sup>th</sup> Assembly of African Union in Sirte, Libya, in July 2009. The launch of the implementation of the Declaration marked the beginning of the second phase of the LPI, at the Conference of Ministers of Agriculture in Lilongwe Malawi in October 2010.

The AU Framework and Guidelines identifies lack of capacity to manage change as a main challenge to land policy implementation in Africa. And lack of technological know-how required to manage contemporary land reform programmes is cited as major constraint, among other factors. In response to this challenge, LPI wishes to facilitate member states in the implementation of the Framework and Guidelines. In its Five-Year draft Strategic Plan (2012-2016), LPI dedicated Objective 6 to “Enhance capacity and skills in support of land policy development and implementation”. One way of enhancing this capacity and especially skills in a sustainable manner to address the dynamism of land use and institutional change in Africa is through building capacity in tertiary institutions of learning. To identify the gaps and recommend ways of improving training of land professionals in Africa, the LPI is at an advanced stage in undertaking a study on, ‘Land Curricula Needs Assessment and Mapping of Existing Land Training Centres in Africa’.

Capacity development of the tertiary institutions of learning also entails identification of the needs of hiring institutions including Governments, NGOs, private sector and developments partners within the Member States. This will improve the integration of graduates of the land training institutions of higher learning into the practice of land policy formulation/implementation and land governance in Africa. This aspect is not comprehensively covered in the ongoing study mentioned above.

To fill the gap, the LPI commissioned a complementary study entitled; assessing the expertise needs of the market for land professionals in Africa.

## **Objectives of the study**

The main objective of the study was to identify the current and emerging expertise needs of land professionals in order to inform training curricula for in Africa. The specific objectives are to:-

- Identify the main institutions employing land professionals in Africa
- Assess the needs of the hiring institutions and the type of profile and competencies this entails
- Assess the qualifications of key personnel involved in land governance and identify training needs
- Develop a framework for enhancing training of fresh graduates and vocational training of land professionals to meet the demand

## **2.0 Methodology of Study**

This study builds on the main study on 'Curricula Needs Assessment and Mapping of Existing Land Training Centres in Africa' and entailed travelling to a few selected African Union (AU) Member countries where interviews were conducted with country experts to assess available expertise and identify existing gaps within land governance institutions. This was complemented with information collected through questionnaires sent out to experts selected from the industry around Africa.

Visits were made to Cameroon in Central Africa, Senegal in Western Africa and Rwanda in Eastern Africa. Direct interviews were also conducted to collect information from the industry in Kenya. Questionnaires were sent out and responses received from experts in Tunisia and Morocco in Northern Africa; Namibia and Malawi in Southern Africa; Cameroon in Central Africa; Kenya and Burundi in Eastern Africa and Ghana and Togo in West Africa.

## **3.0 The Industry in Africa**

Land professionals in Africa play a critical role in the development of their respective countries and the continent. The skills of these professionals must therefore be continuously appraised and directed to ensure that they meet industry demands in their respective jurisdictions. As Africa and the global community embrace new realities and challenges, these skills must be evaluated and appropriately aligned in response to emerging realities and challenges. This calls for the regular review of the curricula for the various tertiary training institutions which provide the industry with land professional graduates around the continent.

Land professionals in the pre-independence and the immediate post-independent states in Africa were mainly aimed at a narrow market consisting of the State Ministries of Land then focused on the adjudication, planning, surveying and registration of land. Geopolitics, the global economy, emerging environmental and climatic concerns and dynamic changes in technology have continued to redefine needs and therefore the initial market scope has been gradually shifting. Land professionals in Africa now find themselves called upon to embrace a broad matrix of professional of needs serving the state, the private sector, civil society organizations, non-governmental organizations, regional economic

blocks, development partners and even traditional land institutions, among others. Like elsewhere in the world, advances in technology and emerging needs in the land and natural resource sectors also continued to shape industry needs for land professionals serving African Union member states. These include non-traditional areas like conflict management, environmental management, climate change management, dynamic land use changes, food supply and pricing, large scale land based investments, natural resource exploration/exploitation and regional co-operation<sup>1</sup>.

Professionals in the industry have traditionally worked as lawyers/conveyancers/legal officers/land registrars, land surveyors/geomaticians/survey engineers/GIS-LIS specialists, cartographers, photogrammetrists, urban planners, land use planners, valuers, property managers, estate agents, building surveyors, land administration managers, adjudication officers, developers and agricultural officers/agricultural economists/agricultural engineers. These cadres are closely complemented by the inputs of sociologists, environmental scientists, economists and gender specialists. In most jurisdictions of the continent, the industry is served by degree and diploma level graduates who usually play complementary roles during the delivery of most assignments. It is this diversity of land professionals who have the primary duty of formulating and implementing land policies through various initiatives in Africa.

With modern demands, land professionals in Africa will today be found working in a very wide range of applications. But some five distinct groups around which land professionals operate are identifiable across the continent. These are:-

i. The State

This broadly includes the executive, line Ministries/agencies involved with matters on land such as Lands, Planning, Settlement, Agriculture, Housing, Land Reform, Local/County/Municipal Authorities, judiciary, regulatory/statutory agencies and land commissions. This will include all state authorities managed through such national line Ministries or Local/County/Municipal Government organs. A vast majority of land professionals will be found working in these state institutions as legal officers, land registrars, land adjudication officials, surveyors/survey engineers, valuers, planners, agricultural economists/engineers, cartographers, GIS specialists, land administration officers, housing officers, environmental management officials, land information managers and judicial officers. Before and just after the independence of most African countries, the state was probably the exclusive employer of land professionals. This has changed with time but the state remains the largest consumer of the services of land professionals in Africa to date.

ii. The Private Sector:

The private sector in Africa has been slowly growing, initially largely driven by experienced land professionals exiting state agencies on resignation or retirement. But increasingly, many land professionals are joining the private sector directly from training institutions. Land professionals

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<sup>1</sup> See also Framework and Guidelines on Land Policy in Africa, Section 2.7

in this cadre will be found working as conveyancing lawyers, licensed/registered surveyors, GIS specialists, surveying and mapping agencies, licensed/registered planners, licensed/registered valuers, estate agents, real estate developers, land development consultants, natural resource extraction companies, commercial agricultural investment groups, environmental impact assessment consultants, land administration consultants and arbitrators among others. The level of development of this cadre of industry will vary between countries, usually based on the levels of land professionals trained and available within a country and/or the kind of policies and laws in place. Some jurisdictions are under tight state control with services strictly provided by the state while in others, reasonable liberalization has been done to allow private practitioners to provide various types of land sector services. State policies on natural resource extraction also affect private sector growth.

For instance, some countries such as Kenya have policies that provide that basic services such as the planning and subdivision of private land or the land allocated from government stocks can only be undertaken by private practitioners. Valuation of land for lending purposes is also in the hands of private practitioners while the valuation of land to be compulsorily acquired by the state for public projects can only be undertaken by state valuers. In some jurisdictions such as Rwanda, valuation for the compulsory acquisition of land for public projects may be undertaken by private valuers. The absence of professional registration/licensing state organs could also limit the growth of the private sector industry. In Rwanda, a legal framework for the licensing of surveyors is yet to be developed. The capacity of the private survey industry in the country might therefore remain limited till this is done. What is true for most of Africa is that the private sector industry for land professionals will continue to grow and training institutions will need to track and satisfy this growth.

iii. Civil Society Organizations (CSOs)/Non-Governmental Organizations (NGOs)

This segment of industry is constituted by non-state and non-profit organizations in contrast to the state and the private sector. These organizations pursue public interest, the interests of society or citizens within states. In Africa, these organizations will be found promoting concerns like gender inclusion in land ownership, equity in accessing land, protection of land rights for vulnerable/marginalized groups, conflict management/dispute resolution, appropriate compensation of appropriated land rights, community social-economic benefits during large scale investments, community mobilization, capacity building, advocacy and thematic research in support of policies and legislation among others. In many cases, these groups provide a good bridge between the state and communities and also the private sector. They are able to mobilize community voices for negotiations with state agencies or investors. For this reason, these groups are invaluable to the formulation and implementation of land policies. Some of these groups also provide pro bono legal services, undertake evidence based advocacy and thematic research in support of land policy implementation or to test some land policy principles before scaled up application.

For this reason, CSOs/NGOs have in recent years realized the importance of taking on board some land professionals such as lawyers, surveyors, GIS specialists, planners, land economists and agricultural economists to work within their teams of sociologists, gender specialists, community mobilisers and communication experts. This is helpful as it adds invaluable technical and professional insights to their work, making some of their programmes more cogent for engagement with state agencies. The civil society industry has grown tremendously in the five parts of Africa and is set to grow perhaps even more rapidly as Africa sets on a more focused path of policy development and implementation, given the availability of a guiding continental Framework and Guidelines and the political framework provided under the African Union Declaration on land.

iv. Traditional Communities

In some regions like West, Central and Southern Africa, traditional communities are key players in land governance and hence have a major role to play in the development and implementation of land policies. Invariably, such authorities would be much better off employing the skills of trained land professionals in their routine land management. Their needs, roles and capacity should therefore be taken into account during curricula development. Curricula developers will need to pay greater heed to the needs of this group, whose role has hitherto tended to be considered informal and remained largely ignored in the development or review of training curricula.

v. Development Partners

Development Partners play the critical role of providing technical assistance and financial resources for the development and implementation of policies and programmes in Africa. They provide funding for prioritized land sector programmes. The funding of such programmes is however best rationalized where there are clear land policies, land sector or cross-cutting development strategies without which justification for funding is difficult. The evaluation of land sector programmes and proposals presented to donors for funding and the monitoring of results and impacts of funded programmes calls for inputs of experienced land professionals.

In addition, most Development Partners usually make efforts to ensure funded programmes are in conformity with global principles and commitments. For these reasons, Development Partners have turned to recruiting experienced land sector professionals for their programme work. They are also more comfortable providing funding to institutions with demonstrable institutional capacity to manage such programmes. The United States International Development Agency (USAID) for instance supported the study of a demand and capacity assessment of Ethiopia's land administration system in order to determine numbers of land



professionals needed to drive Ethiopia's immediate, medium and long-term development plan<sup>2</sup>. The results of such a study provide clarity of local capacity to absorb development support. The needs of Development Partners, a critical regional and country level constituency, should be kept in mind during curricula development and review.

### 3.1 Regional Assessments: Capacity gaps

The regional assessments conducted in the five regions of Africa during the first phase of the land policy initiative revealed capacity gaps unique to each region. The reports provide a good overview of the capacity challenges across the continent. Though some time has passed since the compilation and publication of the reports, their key messages should be kept in mind during curricula development or review for land professionals.

#### *North Africa*<sup>3</sup>

The report acknowledges that proper human resources are required for legal and institutional reform and for all steps in strategy, policy, plans, programmes and projects for land resources development, use and conservation. Public bodies in many North African countries are responsible for the development of various economic sectors and for managing human settlements. These institutions need new staff capable of utilizing new technologies in land policy formulation and land management. These technologies include the use of GIS models for spatial analysis and regional development and the use of space syntax analyses to produce better maps of cities.

The new staff needs training in strategic thinking, understanding dynamics of markets; and to be able to develop a constructive discourse with the private sector and non-governmental entities. They must develop their skills and capacities in the use of economic and social modeling, goal articulation and target setting; and alternative scenarios for development and evaluation. They need training in impact assessment (economic, social and environmental) at strategic levels and tactical levels. The report further emphasizes the need to retain qualified, trained cadres in government agencies responsible for land management and administration, noting that often, trained qualified staff leaves these agencies to join the private sector for higher salaries. The report cites Egypt, Morocco and Tunisia where government agencies have been losing their qualified staff to the private sector and are unable to attract new, qualified personnel in the field of information technology (IT), particularly in land management. The report underscores the need for capacity building of civil society organizations and private sector companies.

#### *West Africa*<sup>4</sup>

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<sup>2</sup> Ethiopian Land Administration Professional Education demand assessment, and basic curricula and institutional review, Land Administration to Nurture Development (LAND) Project (USAID-Michigan State University-Tetra Tech ARD), March 2016, Addis Ababa

<sup>3</sup> Land Policy in Africa: North Africa Regional Assessment: AUC-ECA-AfDB Consortium, 2010, Addis Ababa, Ethiopia

The West Africa Regional Assessment report calls for the introduction of innovative tools and approaches. It cites the need to strengthen the capacity of local and national state and non-state actors. This will enhance their capacity to make sector interventions and help in resolving land conflicts. The report also highlights the need for a permanent and reliable land information system.

#### *Eastern Africa<sup>5</sup>*

In general terms, this report acknowledges constraints in human capacity needed for land policy implementation. It observes that resource constraints may be aggravated by the unwillingness to explore alternative approaches to land service delivery. It highlights the roles of key stakeholders like civil society and private sector organizations and professional bodies, calling for their capacity building in order for them to be able to take some load of land management and administration functions from public authorities. The report also mentions the need to build the capacity of public sector land management and administration institutions to enable them to deliver their core services such as formulation of policies, laws, titling, setting national standards, quality control assurance and regulating the land sector.

#### *Southern Africa<sup>6</sup>*

Southern Africa identifies the need to strengthen land boards/committees and enhancement of the capacity of land surveying and valuation systems. In countries involved in resettlement programmes such as Malawi, Namibia, South Africa and Zimbabwe, the report echoes the need for technical support to improve land identification and acquisition processes and the strengthening of land use planning at national, regional and village level and for urban and peri-urban planning. The report also mentions the importance of learning from best land administration practices and systems within the region and the need to promote public awareness about land policies, laws and land rights.

The report specifically identifies 23 training courses necessary for capacity in land policy implementation and land administration. These are: land use planning and management; land information management systems; land surveying; valuation and registry; land mapping; record keeping (land records); land acquisition, tenure and land market management; GIS/spatial analysis; strategic policy management and analysis; land management and natural resource use and land data collection and urban planning. It also notes that training in land policy formulation, analysis, advocacy and land administration were needed by most countries of Southern Africa Development Community (SADC).

#### *Central Africa<sup>7</sup>*

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<sup>4</sup> Land Policy in Africa: West Africa Regional Assessment, AUC-ECA-AfDB Consortium, 2011, Addis Ababa, Ethiopia

<sup>5</sup> Land Policy in Africa: Eastern Africa Regional Assessment: AUC-ECA-AfDB Consortium, 2010, Addis Ababa, Ethiopia

<sup>6</sup> Land Policy in Africa: Southern Africa Regional Assessment: AUC-ECA-AfDB Consortium, 2010, Addis Ababa, Ethiopia

<sup>7</sup> Land Policy in Africa: Central Africa Regional Assessment: AUC-ECA-AfDB Consortium, 2012, Addis Ababa, Ethiopia

Without going into specifics, this report notes that training is critical in the implementation of land policies. Therefore, the capacity required for implementation must be strengthened. Related training should be linked to local players, land protection, relevant professionals and technical and university training.

#### **4.0 Results from country visits and questionnaires**

Visits were made to Cameroon, Senegal and Rwanda. Discussions aimed at assessing the needs of the consumer industry were held with key officials from government, civil society, the private sector and development partners. In Cameroon, discussions were held with some traditional leaders who provided insights on their preferences. Due to various logistical limitations, it was not possible to hold discussions with the five cadres of the industry in any of the countries. But the sample views captured from the direct interviews conducted and the questionnaires will help to guide the needs discussion. The key highlights from the discussions held during country visits are shared below.

##### **4.1 Cameroon:**

###### **4.1.1 Government**

The government is in the process of preparing a comprehensive land policy for the country. This is currently in draft form. The country faces a shortage of land professionals to drive government programmes. The training of land registrars is deemed as rather general and consideration needs to be given to equip them with specific skills. Surveyors, locally known as survey engineers, are trained abroad and the current numbers fall far below the country's needs. Government officials explained that this shortage of surveyors is even more acute in the private sector. To address the shortage in the interim, land professionals such as registrars are getting trained in the National School of Administration. This is a state training institution for various cadres of state officers and may not be able to impart the required depth in land professionals. It was indicated that there is need to improve the capacity of judicial officers so that they are able to resolve the pending load of land cases.

Areas proposed for possible practical research include:-

- The co-existence of traditional land tenure system with the modern tenure system
- Expediting land dispute dissolution

###### **4.1.2 Private Sector**

The private sector reiterated the shortage of land professionals in Cameroon and emphasized the need for a more comprehensive training of land professionals and to professionalize land administration in the country. It was suggested that if it is not possible to establish a national training school of land professionals for Cameroon at the moment, then consideration could be made for the establishment of a regional training center for land professionals to cater for the cluster of Central Africa countries of Cameroon, Chad, Gabon and Congo.

Suggestions were made that government should develop better policies to nurture and protect the private sector in Cameroon. Areas suggested for practical research included:-

- How to accelerate land registration in Cameroon (obtaining ownership documents from customary land)
- The drivers of the agrarian-pastoral conflicts in North Cameroon
- The impact of foreign investments on the rights of local land owners in Cameroon

Regarding the attachment of continuing students to industry, it was felt that there has been poor supervision of the students by their lecturers and that there is need to place more emphasis on field tasks and standards. There is also need to establish a structured feedback mechanism between professional bodies and the Universities.

#### 4.1.3 Traditional leaders

Traditional leaders protest that they are left out during discussions on land policy and legislation only to take the consequences during implementation. They point out that narratives on land in Africa have been greatly influenced by foreign perspectives. In traditional land management, they observed, traditional structures of management ensured that all community members, including women, would be given access to land. Cultural practices ensure that all community members understand the need to protect and conserve land. In traditional arrangements, the head of the family is the custodian of the family history and exercises control over the family and how it accesses and uses land. As part of conserving, their land use activities such as honey gathering, wood gathering, hunting and tilling never destroy the environment. Land grabbing was never practiced traditionally and is a new phenomenon to community leaders.

Community leaders would want to see land professionals taken through the importance of culture, traditional/indigenous knowledge and related institutions during their training. They would want to see customary law and practice recognized. Traditional institutions applied customary laws and practices to resolve any disputes on land rights or land use. Today's land professionals should therefore be careful not to impose today's policies, laws and practices on these communities without first appreciating how they have traditionally managed their land. In this regard, they urge that the letter and spirit of land laws meant for application in their jurisdictions be consistent with their customary practices for easy compliance. It was emphasized that communities have difficulties complying with laws which are inconsistent with their customary practice.

To protect their land from encroachment and irregular allocation, communities have proposed that they be allowed to undertake participatory mapping where they identify their boundaries before they are captured on maps. This will minimize conflicts. And in order to have their communities integrated in national development plans, they suggest that villages be considered the primary planning or administrative unit. This way the lowest level planning data will be indexed to their villages which will therefore be considered in development plans.

#### 4.1.4 Civil Society Organizations

This cadre notes that Cameroon needs to develop a comprehensive land policy incorporating all sectoral uses (such as forestry, agriculture, mining and others). It observes that the current formal law is out of step with local practice. The old group of surveyors is said to be retiring and was trained on the old curricula. It was noted that there is currently no training of land surveyors at University level and that the component currently taught is within the Geography course. Civil society representatives suggested that:-

- Land users should be made to guarantee the fertility of their land
- The curricula for the law course should take into account Cameroon's current context and the course duration should be long enough to provide a good grounding in land law.
- The curricula of land professionals should include a module on customary law
- The training of land surveyors should incorporate land tenure and land use
- There should be training of land professionals in the various disciplines at University level so that the knowledge is easily accessible to those interested since the training offered at the National School of Training is limited to government officials.
- Land professionals should be taken through short courses on taxation policy and valuation so as to have a general understanding of land values and revenue generation. This module can be made available to community leaders to enable them negotiate land values/compensation for communities more knowledgeably.
- Experienced senior professionals can be used to provide lectures at the University
- The government should integrate traditional authorities with the devolved administration.

## 4.2 Senegal

### 4.2.1 Government

The country is in the process of undertaking comprehensive land reforms and the Presidential Commission on land reform has been collecting stakeholder views countrywide from which it has compiled a document on land policy of Senegal. This policy will be used to develop future land law. The government has been operating under the vision of creating a balance between small-holder farmers and agri-business (commercial farmers). The work of civil society is appreciated since it provides good feedback to government on the problems citizens would want addressed at national and local level. In making decisions on land, local authorities work in consultation with stakeholders and traditional chiefs. Good awareness, particularly to women and youth, should be created on the high economic potential from land so as to reverse the rural-urban migration of these groups.

The government recruits land professionals such as Geographers (GIS specialists), Agriculturalists, Surveyors and Lawyers. These are recruited on a project-specific basis or for long term jobs available

within the Ministry. Learning students from the Universities are also periodically attached to the Ministry.

On curricula, it was suggested that there is need to aim at training land professionals in specific disciplines all the way to PhD level. At the moment, these courses are bundled up in different University Departments. During the training of land professionals, some emphasis should be placed on social aspects. PhD students should be encouraged to undertake more research on practical challenges within their countries. To improve research on land in Africa, consideration should be given to the introduction of an excellence award/prize to be given to the best student/institution periodically. There is also need to improve training in Agriculture Schools by introducing courses that are more responsive to the current context. During industrial attachment, learning students should be exposed to a wider variety of industry employers. Broadly, the government expressed hope that the continental land policy process will help improve land governance in Africa.

#### 4.2.2 Civil Society

Civil society hopes that the government and the private sector understands the importance of its work and will continue to involve CSOs in their initiatives. Communities and CSOs also need to be supported with training and capacity building so as to improve their ability to engage land issues. It is essential that an environment be created in which communities are able to optimize on the exploitation of land and natural resources in Africa but also be held accountable on how they go about it. Since agriculture and agri-business are becoming increasingly important in Africa, the government should ensure that communities are better protected and integrated in decision making processes. In this regard, communities should be trained on negotiations so that they are able to effectively negotiate compensation issues with investors.

On matters training, there was the view that legal aspects, though important, have disproportionately dominated narratives on land. For these reasons, law has had a major influence on the training of land professionals; leaving the broader perspective of land development not internalized in University courses. The emphasis on laws as the solution to many land issues perhaps explains why many of them are not fully implementable and are often breached in many jurisdictions. Legal aspects and legal frameworks should be brought in after a good understanding of the various narratives on land so that it is all inclusive and is informed by the multiple perspectives.

Universities are deemed rather conservative which keeps them from learning from practical actors and practical developments within their jurisdictions and hence loose on essential elements of continuous learning. There is also an apparent gap on social-economic aspects during the training of land professionals. It is suggested:-

- That University modules incorporate content on social-economic aspects
- That since land and natural resources are inter-related, land professionals be given a common understanding of land and natural resource governance during training. They should also be exposed to climate change and sustainable development perspectives of their management.

- That oral land management knowledge from local communities, which has helped over the years, be used to inform training curricula

To add a more practical thrust to training, it was suggested that:-

- Universities should explore possibilities of creating mechanisms to have lecturers interact more often with civil society
- Universities should liaise with CSOs so that they and their students can be guided to seek answers to prevailing practical land issues
- University Schools should consider devising a structured and systematic mechanism of inviting CSO leaders, successful farmers/business people and leaders from national government and local authorities who have gained experience and lessons from regularly embracing practical land issues to give lectures to students from time to time. This should be done under the guidance and supervision of course lecturers in the Universities who would then validate the content to align with University guidelines.

Areas suggested for consideration for further research include:-

- Global land deals/Large scale land investments
- Exploring the creation of tools and processes for social accountability. This would involve getting people to be agents of change by understanding the power of political and land governance institution representatives hence the need to elect representatives responsive and accountable to their priority needs
- Explore shifting the development model in Africa from the pre- and post-colonial one centered around administrative/territorial units to one centered around agri-ecological units.
- Testing the effectiveness of legal tools as solutions to equitable access to land by men and women given their application to many jurisdictions without success.

## 4.3 Rwanda

### 4.3.1 Government

The country has been in the process of implementing its land policy. The government has just delivered an ambitious land regularization programme in which over 11 million titles have been delivered to land owners around the country. Rwanda is quite short of land professionals and has largely depended on outsourced capacity from around the region. Most land professionals will be needed within the Rwanda Natural Resources Authority which is involved in the delivery of technical processes while the Ministry of Natural Resources of Rwanda drives policy. The Authority recruits lawyers, surveyors, geographers and land use planners and needs more of these professionals. It particularly requires land use planners to monitor land use at local level following the completion of the titling programme. There is currently no local training for land use planners, land valuers, cartographers and photogrammetrists. At the moment, there is no legal framework for the registration/licensing of surveyors in Rwanda. This limits the private sector growth of this cadre in the country.

Rwanda requires local opportunities to be created for the comprehensive training of land professionals in the various disciplines key to implementing its policy and programmes. The training courses should incorporate modules in customer care, dispute resolution, strategic management and project management. Practical research could be undertaken to explore land registration as a tool for promoting business. The propensity of land owners towards informal land transactions instead of pursuing the formal systems could also form scope for local research.

#### 4.3.2 Private Sector

The need to have land professionals qualify in specific areas was echoed. This was illustrated through local examples where a person who took a course in Geography in school is designated as a surveyor or registrar or an engineer designated as a valuer. The valuation industry in Rwanda has been largely driven by engineers and architects. This background training does not gel well with land development in general. There is need for town planners, valuers, real estate agents and surveyors to approach land development from a common perspective. Suggestion was therefore made for consideration for the establishment of a regional training hub available to Rwanda, Kenya, Uganda, Burundi and Tanzania within which standards and practice of the various professional disciplines could be converged. This could also help to create useful regional databanks. This would make it possible for the private sector to drive regional projects without the risk of divergence across countries. The case of Kenya and Rwanda was cited with the latter allowing private valuers to do compulsory land acquisition while the former does not, making it difficult to harmonise cross-country practice

#### 4.3.3 Civil Society

Civil society observed the need to strengthen local training initiatives and for universities to collaborate on curricula development but in doing so, work closely with the Rwanda Natural Resources Authority to ensure local relevance. Land professionals need to be better equipped with skills to interpret policy into practice and the resolution of disputes and conflicts. It would also help if they were able to link their work on land to the Sustainable Development Goals (SDGs). Besides the technical content, their curricula should incorporate content on social-economic aspects of land.

#### 4.3.4 Development Partners

Lawyers, surveyors, valuers and planners are necessary for the successful implementation of land sector programmes. In the case of Rwanda's land regularization programme, INES Ruhengeri came in helpful with rapid training by organizing a 9 month Diploma level technician programme for young land professionals. Whereas there are many urban planners in Rwanda, rural land use planners who are critical for guiding and monitoring rural land use are few and the gap needs to be filled.



On curricula for the training of land professionals so as to improve on the delivery of programmes, suggestions were made that this needs to include:-

- Gender inclusivity issues
- Social-cultural aspects particularly on how communities treat gender
- The link between climate change, environment and bio-diversity

Suggestions of areas to be considered for practical research were:-

- Investigating whether there is a link between Rwanda's land regularization programme and climate change.
- The effects of Rwanda's titling programme to the land market: the trends and supportive data.

#### 4.4 Kenya

##### 4.4.1 Government

Kenya has been in the process of implementing its land policy and the constitution. The Ministry of Lands and Physical Planning employs technician Diploma and University level land professionals including lawyers, planners, surveyors, Cartographers, Photogrammetrists, GIS specialists, valuers, land administration officers, adjudication officers, sociologists and agricultural economists. The Ministry provides industrial attachment to learning students routinely. Senior management is keen to have professionals and the other staff in the Ministry change paradigm towards ensuring customer satisfaction and will be using customer feedback to improve services.

Besides the technical qualifications possessed by the land professionals from the university currently, it is felt that extra skills could help to make land professionals in the Ministry serve customers better. These include:

- A comprehensive understanding of land development matters beyond the confines of surveying, valuation and registration of property. This includes appreciating land as a factor of production. Graduates need to have the capacity to advise government on how to optimize on land to transform the economy
- The capacity to use knowledge on property ownership to support planning and infrastructural development of the country
- Natural Resource management and environmental sustainability
- Policy design, analysis and implementation
- Effective communication and negotiation skills to be able to address clients/communities in today's complex environment where people are more literate and conscious of their land rights
- A good understanding of the social-cultural and political environment/dynamics which at times constrain the applications of the principles of absolute ownership and free land market.

- An understanding of basic national binding contracts/documents such as land policies, the bill of rights in the constitution and land laws

The areas suggested for practical research include:-

- The model of land buying companies and their success or failure as vehicles for accessing private land rights through collective purchase of land for distribution to members
- The phenomenon of squatters/informal settlements on private and public land and how to manage them
- How to manage land allocated by the defunct local authorities in Kenya, much of it developed, but without ownership documents.
- How to manage expiring foreign owned land leases under threat of repossession by the new County Governments and the implications to the economy.
- The requisite capacity for County governments to be able to plan and sustainably manage Urban Centers within their jurisdictions
- An appropriate application model for compensating land compulsorily acquired for public projects in Kenya
- Inter-sectoral land use conflicts
- Large scale agricultural land use and acquisition
- Appropriate guidelines for noise pollution levels for environmental control
- Land capability mapping within urban areas
- Maximum and minimum land holdings applicable to different agro-ecological zones in Kenya
- Opportunities for land readjustment in selected zones in Kenya with a view to creating economically viable parcels of land

The suggestions made for the improvement of industrial attachment for learning students are:-

- Besides the routine technical processes, students should also be exposed to boardroom discussions so as to witness the process through which policy decisions are made
- Adequate space and time should be provided for industry-based interventions under the watch of experienced professionals from industry
- Experienced professionals can be given space to interact with bigger numbers of learning students in schools of surveying, planning and real estate through the occasional provision of lectures

#### 4.4.2

##### Private Sector

Kenya has a big pool of land professionals working as lawyers, valuers, surveyors, GIS specialists, planners or environmental impact assessors. This cadre of professionals is registered and regulated by its respective statutory/registration bodies. They have been quite active during the formulation and

implementation of policy and legislation and are usually invited to be part of the membership of ad hoc state committees or task forces on land. Most have been locally trained but some of the senior ones obtained post graduate qualifications abroad. They have been mainly concentrated in the capital city of Nairobi but have lately been slowly spreading out to the larger regional towns. Kenya's pool of private sector land professionals has provided good synergy to CSOs when need arise. The two usually team up to engage the state on major national initiatives such as policy formulation or review, constitutional review or the enactment of national legislation and regulations. Recent increase and expansion of public Universities offering studies for land professionals has helped to expand the private industry in Kenya. However, the devolution of planning and surveying services following implementation of the 2010 constitution which devolved governance to 47 counties unlocked dynamics which call for the training of more land professionals to fulfill the escalated demand.

It was suggested that the training of land professionals in Kenya should:-

- Positioning land and natural resources appropriately and teaching the economics of it so that the business aspect of managing land and natural resources clearly comes out. Land professionals should hence be able to seize the business opportunity provided by land and natural resources for the improvement of their national economies instead of perceiving investments on land and natural resources as an opportunity only for foreign investors.
- Provide greater emphasis on professional ethics and the need to be professionally conscientious even as one keeps an eye on profits. Land professionals should be molded to view citizens as their primary customer as they graduate
- Try to merge traditional knowledge with modern training
- Expose students to non-legal options of resolving disputes
- Provide continuous post-qualification professional development for those in industry
- Provide graduates with an appreciation of the critical government processes (policy/programme approval process, budgetary process, legislative process and accounting process) that drive the implementation of government programmes. This will prepare them to make interventions with the Executive, the Treasury and Parliament to ensure prioritization of land sector programmes for implementation.
- Incorporate effective communication skills so that professionals can easily do business with clients at all levels
- Prepare land professionals to analyze and deal with the political dynamics within their jurisdiction and how to manage this at national and regional level so that land sector programmes are not adversely impacted.
- Expose students to change and change management

Possible areas suggested for practical research included:-

- The drivers of land use conflicts
- Interrogation and review of policy

- Cheaper/simpler options for land information management appropriate for Africa’s jurisdiction and circumstances.

#### 4.5 Questionnaire responses

As can be seen from the questionnaire (see Annex 1) that was sent out, information was sought from the industry on the extra skills that land professionals need to possess in order effectively execute their tasks within the demands of today’s market. Information was also sought on the areas deemed suitable for research by land professionals in response to emerging industry needs and how industrial attachment for students can be improved. In addition, suggestions were sought on how to improve the performance of land professionals and training curricula. For faster and easier reading, the key information provided has been extracted from the responses and reflected in the table below. The information on the table has been organized on a country basis and an attempt made to categorize the industry source (i.e. Government, Land Commission, Private sector, CSO, Development Partner). The specifics of the respondents may be found in Annex 2 (List of interviewed persons). From the table, one can easily appreciate country needs and the needs of the associated industry cadres and also the key areas flagged off for research within those jurisdictions.

The recommendations provided on how to improve the performance of land professionals and training curricula have been processed to remove replication and are highlighted in sections 4.5. 1 and 4.5.2 respectively.



No	Country	Recommendations : Extra skills required of land professionals	Recommended areas for higher level research
1	UN-Habitat, DP (Kenya)	<ul style="list-style-type: none"> <li>• Communications (written and oral),</li> <li>• Negotiations and conflict management,</li> <li>• Sociology/anthropology,</li> <li>• Management skills,</li> <li>• Ethical and governance skills</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation of land policy,</li> <li>• Monitoring and evaluation of land projects, programmes and policies,</li> <li>• Innovative land solutions at scales,</li> <li>• Low cost digitization and computerization of land records,</li> <li>• E-land management and administration,</li> <li>• Use of social media for tenure security</li> </ul>
2	Tunisia (CSO)	<ul style="list-style-type: none"> <li>• Land market dynamics</li> <li>• Conflict resolution</li> </ul>	<ul style="list-style-type: none"> <li>• Effective models of mobilizing rural women</li> <li>• South-South experiences in empowering rural women</li> </ul>
3	Burundi (Gvnt)	<ul style="list-style-type: none"> <li>• Short course technical trainings in GIS; advanced Arc GIS,</li> <li>• Densification of Geodetic network;</li> <li>• Knowledge and skills in industrial cartography</li> </ul>	<ul style="list-style-type: none"> <li>• Land survey</li> <li>• GIS</li> <li>• Cartography</li> </ul>
4	Ethiopia (Gvnt)	<ul style="list-style-type: none"> <li>• Knowledge and skill in the production, of ortho-photos, thematic maps including visualization and interpretation of orthophotos</li> </ul>	<ul style="list-style-type: none"> <li>• Automation of processes</li> <li>• 3D cadaster for communal ownership of immovable property registration and mapping</li> </ul>
5	Kenya (Gvnt, Survey)	<ul style="list-style-type: none"> <li>• Master degree in earth sciences, geodesy, remote sensing and space technology.</li> <li>• Strategic Leadership Development Programmes (SLDP).</li> </ul>	<ul style="list-style-type: none"> <li>• Study of the integration of the existing general boundary data and the georeferencing to reduce land boundary conflicts.</li> <li>• Study of the Relationships between the Geoidal , Orthometric and the satellite derived heights.</li> <li>• GIS based Land Information Management Systems</li> </ul>
6	Kenya (Gvnt, Land Comm)	<p>Soft skills/training in:</p> <ul style="list-style-type: none"> <li>• governance,</li> <li>• arbitration,</li> <li>• mediation,</li> </ul>	<ul style="list-style-type: none"> <li>• customary land rights and how to have them in a legal framework without inhibiting the customary aspects of ownership</li> <li>• managing change for effective land policy implementation</li> </ul>

		<ul style="list-style-type: none"> <li>• negotiations,</li> <li>• counseling,</li> <li>• land policy formulation,</li> <li>• monitoring and evaluation,</li> <li>• strategic planning,</li> <li>• transformation leadership,</li> <li>• data base management,</li> <li>• electronic record keeping and management,</li> <li>• IT skills</li> </ul>	<ul style="list-style-type: none"> <li>• correlation between tenure systems, land use and sustainable management</li> <li>• Models of regularizing/formalizing land rights in a built up squatter or informal settlement</li> <li>• methods and means of acquiring land for projects by compulsory or negotiated process</li> </ul>
7	Kenya (Public policy Research)	<ul style="list-style-type: none"> <li>• Mainstreaming the application of GIS</li> </ul>	<ul style="list-style-type: none"> <li>• Land use,</li> <li>• Land title registration</li> <li>• Land related conflict</li> </ul>
8	Kenya (Dev Research)	<ul style="list-style-type: none"> <li>• Need for Spatial analysts</li> <li>• Capacity building on research communication</li> </ul>	<ul style="list-style-type: none"> <li>• GIS,</li> <li>• land fragmentation/consolidation, gender and land</li> </ul>
9	Kenya (Private Sector, Developers)	<ul style="list-style-type: none"> <li>• Advocacy,</li> <li>• Administration,</li> <li>• Research</li> <li>• Membership development</li> </ul>	<ul style="list-style-type: none"> <li>• National legislation and regulations developed by County Governments</li> </ul>
10	Kenya (Agric Society)	<ul style="list-style-type: none"> <li>• Basic environmental science</li> <li>• Urban development and housing</li> <li>• Sociology</li> </ul>	<ul style="list-style-type: none"> <li>• Land use planning in urban environment</li> </ul>
11	Malawi (CSO)	<ul style="list-style-type: none"> <li>• <u>sociology,</u></li> <li>• <u>land economics,</u></li> <li>• <u>land administration</u></li> <li>• <u>gender advocacy.</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Mining,</u></li> <li>• <u>Best model for responsible land governance,</u></li> <li>• <u>Effectiveness of titling customary land in African society</u></li> </ul>

12	Ghana (Govnt, Land Comm)	<ul style="list-style-type: none"> <li>• Project Management,</li> <li>• Public Administration,</li> <li>• Business Administration,</li> <li>• Finance,</li> <li>• Marketing</li> </ul>	<ul style="list-style-type: none"> <li>• Land Administration,</li> <li>• Geodesy,</li> <li>• Hydrography,</li> <li>• GIS</li> </ul>
13	Ghana (Private Sector)	<ul style="list-style-type: none"> <li>• Communication skills</li> <li>• (ADR) Mediation skills</li> <li>• Arbitration skills</li> </ul>	<ul style="list-style-type: none"> <li>• Customary law systems and how they relate to land in each region or community</li> </ul>
14	Togo (Gvnt)	<ul style="list-style-type: none"> <li>• Linking land with forestry, agriculture, drought, flood</li> </ul>	<ul style="list-style-type: none"> <li>• Agriculture</li> </ul>

#### 4.5.1 Recommendations for the improvement of performance of land professionals

Questionnaire respondents made recommendations meant to help land professionals improve their skills and services. These are listed below without any order. Universities/Training institutions and closely allied partners could seize the recommendations to establish short courses and/or strategies that respond to these needs.

- i. Establishment/membership of professional associations for peer sharing
- ii. Organizing industry/academia interaction opportunities for practicing professionals to
  - provide feedback on intern/attached students
  - Share innovative professional experiences and gaps
  - Share key research results
  - Share latest information/industry developments
- iii. Focus on customer needs
- iv. Introduction of continuous professional development (cpd) programmes
- v. Introduction of pro bono community support programmes
- vi. Establishment of more centers with good funding to do land related research



- vii. Assessments of the market needs and striving to fill noted gaps
- viii. Incorporation of academia in land sector networks and forums to keep them in tandem with topical narratives and trends
- ix. Seminars and short courses for practicing professionals
- x. Establishment of partnerships between professional organizations and regulatory bodies
- xi. Use of performance management appraisal tools in public agencies
- xii. Enforcement of a code of integrity and ethics in practice
- xiii. Information exchange through e-forums

#### 4.5.2 General suggestions for the improvement of training curricula

General suggestions were made by questionnaire respondents towards the improvement of training curricula for land professionals. They are listed below without any particular order and could be used to inform curricula review.

1. Involvement of industry experts in curricula review
2. Regular curricula reviews for relevance with current trends and technology
3. More focus on customary institutional arrangements and relationships
4. Establishment of linkages between institutions working in the land sector and academia
5. Establishment of formal feedback mechanisms on the performance of students during industrial attachment and after employment
6. Establishment of structured mechanisms for practicing professionals to share industry experience with students through provision of periodic lectures under the supervision of course lecturers
7. Undertaking collaborative research with CSOs and private sector
8. Getting students to undertake actual practical tasks in order to appreciate how professional outputs affect development
9. Get students to work in multi-disciplinary teams in order to appreciate the roles of other sectors in developing an economy
10. Participation by industry in events organized by academic institutions such as open days during which research findings can be disseminated.



## 5.0 Conclusion

The study brings out the fact that some parts of the continent have major capacity gaps on the basic skills of land professionals. Furthermore, the responses obtained from the industry through direct interviews and the questionnaires indicate that though it is important to maintain the basic technical content during the training of these professionals, there is need to equip them with complementary soft skills in the areas noted in section 4 above. It is informative that there is a close similarity of views noted from the regional assessments, those collected from the governments, the private sector, the civil society, traditional leaders and development partners in the various countries on some of the areas that need to be considered for inclusion in the training curricula for land professionals. The proposals made for consideration for practical higher level research provide good seed thoughts for consideration by lecturers and scholars in the respective countries. The gaps and needs brought out through the study should guide reflections during the review of the pertinent training curricula.

Whereas some of the recommendations are suitable for inclusion in the core curricula and will inform the future training of students, some of the general proposals and suggestions made could be used to design targeted short courses and seminars suited to practicing professionals.

## 6.0 References

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**Annex 1 : Respondent Questionnaire**

**Land Policy Initiative (LPI)**

**Study on Industry needs for Land Professionals in Africa**

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**Questionnaire on Industry Needs**

This questionnaire is intended to elicit information from employers of land professionals in Africa, be they in the public or private sectors, civil society, development partners or any other institution that benefits from the skills or services of land professionals. The information will support an ongoing study on curricula needs for tertiary training institutions in Africa and is conducted under the continental Land Policy Initiative (LPI) which is driven by a consortium constituted by the African Union Commission (AUC), the Economic Commission for Africa (ECA) and the African Development Bank (AfDB) in recognition of the role that land plays in Africa’s development and transformation. The results of the study will help to capture the current and emerging skills/expertise needs by the industry/market given pertinent local and global dynamics. This will be used to inform training curricula to improve the future training of land professionals in vocational and tertiary institutions in Africa.

To make the above possible, you are requested to take some little time and respond to the prompts below as best you can. Thank you for sparing the time to help promote the training of land professionals in Africa’s tertiary institutions.

1. Respondent name and designation/profession.....  
.....
2. Name of institution or firm.....  
.....
3. Institution’s core mandate.....  
.....
4. Specialty/discipline of land professionals the institution/firm employs to fulfill its land related mandate.....
  - i. Land surveyor
  - ii. GIS/LIS specialist
  - iii. Cartographer
  - iv. Valuation surveyor
  - v. Land management surveyor

- vi. Building surveyor
- vii. Planner
- viii. Lawyer/conveyancer (Legal Officer)
- ix. Land Registrar
- x. Estate Agent
- xi. Adjudication officer
- xii. Agricultural Officer
- xiii. Agricultural economist
- xiv. Agricultural engineer
- xv. Economist
- xvi. Gender specialist
- xvii. Environmental scientist
- xviii. Sociologist
- xix. Others (specify)

5. Indicate the minimum qualifications required for each of the disciplines identified in 3 above.....

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6. Given today's market/industry needs/demands, indicate any desirable extra skills, if any, of land professionals that would enhance your capacity to fulfill your mandate.

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7. Suggest areas that you deem suitable for detailed research by land professionals in response to emerging industry needs.

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8. Does your institution provide pre-qualification attachment to students for practical exposure/learning to land professionals?

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9. What other means does your institution apply to improve the performance of the professionals?.....

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10. In your view how has the attachment helped your institution and/or the students? Please suggest how this student/industry attachment process could be improved.

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11. Make suggestions you deem helpful towards improving the training curriculum or process of training land professionals within your jurisdiction.

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12. What options do you have for giving feedback to the academic/research institutions supplying you with land experts?

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## Annex 2 : List of interviewed persons

No	Name	Institution	Designation	Country
1	Bernard Puepi	Geo-Design & Biz Sarl	General Manager, (Past President, National Institute of Surveyors of Cameroon)	Cameroon
2	His Majesty Dissake Mougane Mouangue	De Wouri	Traditional Leader	Cameroon
3	His Majesty Nyasam Pongo Toto Bekombo Theodore	Littoral Region	Traditional Leader	Cameroon
4	His Majesty Mvondo Bruno	Ebolowa, South Region	Traditional Leader	Cameroon
5	Dr Bendegue Jean-marie Vianney	Min of State Property, Surveys and Land Tenure	Inspector General Ad Hoc Committee on Land Reform	Cameroon
6	Joseph Desire Zebaze	National Engagement Strategy (NES)	Facilitator/Coordinator	Cameroon
7	Sylvanus Shulika Binla	Consortium Mining Best Practices (MBP-CAM)	Permanent Secretoire	Cameroon
8	Dongmo Bernard	Association for Promotion of Rural Development Initiative (APIDER)	President	Cameroon
9	Mamadou Bara	IED Afrique	Director	Senegal
10	Prof Moustapha Sourang	Presidential Commission on National Land Reform	President	Senegal
11	Dr Massata Niang	Ministry of Agriculture	Technical Advisor to the Minister	Senegal
12	Mme Mariam Sow	Enda PRONAT	Executive Secretary	Senegal
13	Mr Augustine Masinde	Physical Planning Dept	Director	Kenya

		Min of Lands and Physical Planning		
14	Mr Peter Kahuho	Physical Planning Dept Min of Lands and Physical Planning	Lands Secretary	Kenya
15	Mr Mwenda Makathimo	Vidmerck Ltd	Valuer/Real Estate Manager (Past Chairman, Institution of Surveyors of Kenya)	Kenya
16	Prof Johnstone Kiamba	Real Plan & Mutisya Kiamba Advocates	Practising Planner & Advocate (Past Chairman, Kenya Institute of Planners)	Kenya
17	Ms Annie Kairaba	Rwanda Institute for Sustainable Development (RISD)	Chief Executive Officer (CEO)	Rwanda
18	Mr Egide Gatsirombo	Institute of Real Property Valuers	Practising Valuer	Rwanda
19	Mr Jean Baptiste Mukarage	Rwanda Natural Resources Authority (RNRA)	Ag Director of Administration	Rwanda
20	Mr Eddie Bagamba	Geo Info Ltd	Director	Rwanda
21	Mr Olivier Machiels	European Union	Programme Officer	Rwanda
<b>Questionnaire respondents</b>				
22	Prof Joseph Kieyah	Kenya Institute of Public Policy Research and Analysis(KIPPPRA)	Public Policy Analyst	Kenya
23	Mr Paul Mbuni	Kenya Society for Agricultural Professionals (KESAP)	Chairman	Kenya
24	Dr Timothy Njagi	Tegemeo Institute	Researcher/Dev Economist	Kenya
25	Ms Mercy Njamwea	National Land Commission	Director Land Administration	Kenya



26	Ms Elizabeth Mwangi-Oluoch	Kenya Property Developers Association (KPDA)	Chief Executive Officer	Kenya
27	Mr Cesare Mbaria	Ministry of Lands and Physical Planning	Director of Surveys	Kenya
28	Mr Gezaghene G Meskel	Ethiopian Mapping Agency	Head of Training Research & Dev Coord Center	Ethiopia
29	Mr Thomas Barwihigire	Mapping and Surveying	Director	Burundi
30	Mr Jones Ofori-Boadu	Lands Commission	Deputy Executive Secretary	Ghana
31	Mr Kwame Tenadu Snr	Licensed Land Surveyors Association of Ghana	President	Ghana
32	Mr Joseph Gausi	LANDNET Malawi	Projects Officer	Malawi
33	Ms Mabrouka Gasmi	Groupement des femmes de Sejnene	President	Tunisia
34	Mr Mohamed Timoulali	GTOPIC Sarl	Consultant	Morocco
35	Mr Ozochukwu Okafor	Survey & Mapping, Ministry of Land Reform	Surveyor General	Namibia
36	Maitre Dooh Collins Regine	Etude De Maitre Dooh Collins Regine & International Union of Notary	Notary	Cameroon
37	Ms Sama Selifa	Tde	CEO (Chef Service SIG)	Togo
38	Remy Sietchiping	UN-Habitat	Leader, Urban Planning & Design Branch	Kenya