

Symposium on Land Governance in Southern Africa

Wednesday 4th September 2019;

09.20 – 10.50

Group Discussion

Six groups of approximately six participants from different countries.

Three groups (Group 1 – 3) focussed on discussing the key challenges and policy implications as identified in the country report.

Another three groups (Group 4 – 6) focussed on potential opportunities for Land Governance research and capacity development at national, bilateral and regional level.

Each group will select a chair to facilitate discussions, and a referee to take notes and prepare the outcome of discussions for presentation in plenary through a few ppt slides.

Group 1: Tenure systems – legal dualism and colonial legacy.

Legal dualism (statutory vs customary tenure) and colonial legacy remain prevalent within the Southern Africa region and continue to influence the land governance regime. The land related institutional frameworks have not been adapted to accommodate the range of parallel tenure types that have evolved as a result of the colonization. The consequences are lack of tenure security for women/rural poor, ineffective communal resource management, and new land-related conflicts.

Countries need to look into including all land and all tenures in their land administration systems. Rather than using over-engineered solutions, countries should look at introducing Fit-For-Purpose Land Administration Systems that are affordable, sustainable and relatively quickly implemented. This approach is flexible, participatory and allows for incremental improvement over time in response to societal needs and financial opportunities.

The group discussed and examined possible responses to the following challenges:

Challenges for discussion:	Results of group discussion Initiatives – possible responses to the challenges
<ul style="list-style-type: none"> Not all land tenure types are captured in the land administration system 	<ol style="list-style-type: none"> 1. Improve land information systems by introducing fit for purpose land registration systems. 2. Advocate for mapping of communal lands. 3. Recognition of both private land ownership and communal land rights. Both should have similar land rights. 4. Register land under trusts for communities.
<ul style="list-style-type: none"> Lack of tenure security for women and rural poor 	<ol style="list-style-type: none"> 1. Land registration systems that will capture or register the men, women and the youth. 2. Recognise the continuum of land rights because each land tenure type brings benefits to the occupants. 3. Introduction of land rights courses in the curriculum of both primary and high school level. 4. Incorporate women in influential land decision making positions but cultural barriers should be overcome which don't allow women to talk in the presence of men.

<ul style="list-style-type: none"> Ineffective communal resource management 	<ol style="list-style-type: none"> Incentivise farmers with freehold land who have increased their carrying capacity of their cattle on their farms. Incentivising the local communities taking care of communal resources e.g. protecting of animals in a game park or conservancy area. Establish rules and committees to manage communal resources. Granting of group rights benefiting from grazing land or a particular communal resource.
<ul style="list-style-type: none"> New land related conflict 	<ol style="list-style-type: none"> Encroachment of peri-urban areas into communal lands can be overcome by integrated urban and regional planning scheme. Apply participatory land re-adjustment approaches which promote just and fair compensation for lost parcels of land incorporating all skilled land professionals such as planners, land valuers and surveyors, engineers etc. Clear and transparent land registration systems. Updated and reliable land information system to prevent double land allocations.

Group 2: Informal settlements and peri urban areas

Over 1 billion people in the world live in informal settlements, with a significant number in the Southern African region. The problem is complex and difficult to solve, but this is not an excuse to ignore this major land issue. The solutions will vary from country to country but will only be obtained through multi-disciplinary approaches and piloting potential solutions before going to scale. Countries need to design and implement programs and share experiences to significantly reduce this urban affliction.

Customary tenure systems cannot cope with the rapid rate of change in peri-urban areas, including informal settlements. This has resulted in women, ethnic minorities and the young generation suffering the most. Therefore, countries should formulate new policies where the legitimate holding of land in customary areas of the country should be recognized in the formal system. This process should be co-managed through arrangements between the customary chiefs and the formal governmental land institutions, wherever possible.

The group discussed and examined possible responses to the following challenges:

Challenges for discussion:	Results of group discussion Initiatives – possible responses to the challenges
<ul style="list-style-type: none"> Customary tenure systems cannot cope with the rapid rate of change in peri-urban areas 	<ol style="list-style-type: none"> Recognize customary land rights. Transparency in the compensation system. Peri-urban land market statutory bodies. Regularize the informal markets. Fit for purpose approach.
<ul style="list-style-type: none"> The challenge of rapid urban growth through informal settlements 	<ol style="list-style-type: none"> Build a database for beneficiaries. Management of densification/compact development (social amenities). Provision cheap form of titling.

<ul style="list-style-type: none"> The challenge to legitimise customary tenure 	<ol style="list-style-type: none"> Provision one size fits all/titling must be suitable for different local communities' customs (land use and conditions) Provision of individual and/or group rights. Recognition of overlapping land use right
<ul style="list-style-type: none"> The challenge for co-management of customary land by chiefs and government. 	<ol style="list-style-type: none"> Government should recognize that communal land belongs to the people/ GRN trustee Just/fair compensation

Group 3. Land use planning and management of state and public land

Urban land management and planning is lagging behind the demands of a rapidly increasing influx of rural migrants. Incoherent land use and natural resource management in rural areas have direct negative impacts on environmental quality and biodiversity. Climate change impacts and adaptation measures must be embedded in the management processes. Land and natural resources need to be managed as a whole and this requires the usually considerable state and public land holdings to be effectively managed. Otherwise, the significant loss of state and public land will continue through land grabbing and corruption.

Transparent access to comprehensive information about land supports evidence-based policy, more equitable court decisions in land disputes, land reform implementation, efficient land markets, land services and taxation, and reduces corruption. It underlies all activities in land. Countries need to formulate a strategy to quickly create integrated, land information at a national level and provide transparent, ease of access to all.

The group discussed and examined possible responses to the following challenges:

Challenges for discussion:	Results of group discussion Initiatives – possible responses to the challenges
<ul style="list-style-type: none"> Urban land management and planning is lagging behind. 	<ol style="list-style-type: none"> Lack of political will requires sensitization of political sector and the public on urban management and planning. Lack of vision/failure to translate vision into achieving urban land management and planning requires local strategic plans that are widely consultative. Inequity of urban management, spatially planning and income requires inclusive planning.
<ul style="list-style-type: none"> Incoherent land-use land use and natural resource management. 	<ol style="list-style-type: none"> Incoherent land-use requires us to develop/strengthen regional land use planning and plans. Fragmented legal frameworks require cross institutional dialogue and streamlining of the legal framework.
<ul style="list-style-type: none"> Insufficient Management of Public land 	<ol style="list-style-type: none"> Lack of investment on public/state land requires the strengthening of land management institutions and legal frameworks. Lack of registration of public/state land requires the digitization of land registration records.
<ul style="list-style-type: none"> Lack of transparent access to comprehensive land information 	<ol style="list-style-type: none"> Cumbersome paper records require digitizing land information systems Lack of accessibility requires integrated the LIS to be available Unclear confidentiality issues require increased awareness and legal regulation of for officials

Group 4: Research opportunities related to the key challenges and finding as identified above.

The overall project on Land Governance in Southern Africa includes country scoping studies with a description and assessment of their national land governance issues. The country reports follow a template that enables comparison and learning from best practice within the region. The overall project also forms a baseline for further development and improvement through research activities at national, bilateral and regional level, thereby confronting the key land governance challenges as outlined in this report. Countries need to identify such research opportunities and find ways and means to organize the research activities at the various levels. Countries also need to look into ways and means to monitor and evaluate progress relates to the baseline established through the country reports.

The group discussed and examined possible responses to the following challenges:

Opportunities for discussion:	Results of group discussion Initiatives – possible responses to the opportunities
<ul style="list-style-type: none"> Organising and conducting land governance research at various levels 	<ol style="list-style-type: none"> Mainstreaming Climate change into land use planning. Corruption and political interference on land governance. Conversion of spatial data from analogue to digital format <ol style="list-style-type: none"> Uptake of GIS technology within land administration. Accessibility of spatial databases (public/institutions). Gender (men, women & youth) and tenure security within the SADC region. Enforcement of environmental protection within the SADC region: implications on land use. Scoping study on analysis/synchronization/harmonization of land policies/acts against other policies, eg. agric & forestry, transboundary resources. Approaches to managements of communal land within the SADC region. Access to housing finance within the SADC region. Conversion of agricultural land into residential land and the implications for food security.
<ul style="list-style-type: none"> Using the country studies as the baseline for improved research activities 	<ol style="list-style-type: none"> Mainstreaming Climate change into land use planning and administration, implementation and enforcement. Corruption and political interference on land governance. Gender (men, women & youth) and tenure security within the SADC region.
<ul style="list-style-type: none"> Monitoring and evaluating research progress 	<ol style="list-style-type: none"> Periodic evaluation of climate change adaptation policy implementation. Land governance audits within SADC.

Group 5: Capacity Development Opportunities

A shortage of qualified professional staff at all administrative levels in urban and rural areas remains a major challenge on the way to improve the quality of sustainable land governance. With decentralization, the land administration and management tasks in rural areas become even more challenging, and there is a severe problem for rural municipalities to attract capable staff to the

country-side and to retain them. Countries need to address these issues of capacity development in a partnership between universities and the land governance agencies.

However, capacity development is not only about education and training, it also relates to the broader social system within which people and organizations function. Institutional development refers to internal structure, policies and procedures that determine an organization's effectiveness. Universities have a key role to play in facilitating this more global understanding and designing and undertaking relevant capacity development activities at societal, institutional and individual level.

The group discussed and examined possible responses to the following challenges:

Opportunities for discussion:	Results of group discussion Initiatives – possible responses to the opportunities
<ul style="list-style-type: none"> How can the shortage of qualified professional be addressed at all administrative levels? 	<ol style="list-style-type: none"> Multi-disciplinary programmes (approach) instead of specialised programmes. Develop and administer CPD programmes for in-service staff Encourage development of short courses and master courses (credit bearing and non-credit bearing). Manual/ hand books. University partnership in Qualification exchange.
<ul style="list-style-type: none"> How can the capacity of decentralised land administration be supported? 	<ol style="list-style-type: none"> Campaigns e.g. Land awareness week. Project Collaboration with other sectors (decentralised sectors, from cell level e.g. ward leaders. Training of Trainers courses. Engage in development of PPPs framework and strategies, including in the negotiation process in either side.
<ul style="list-style-type: none"> How can institutional development be supported? 	<ol style="list-style-type: none"> Collaboration with CSO, In support of policy dialogue. Continuous operating systems (CORs) supporting output by feeding skills, and knowledge. Identify Research gaps, to improve the process and procedure. Model Office Concept within the university, for organisational design.
<ul style="list-style-type: none"> What is the role of universities in supporting capacity development off staff and institutions? 	<ol style="list-style-type: none"> Access scholarships, staff exchange, student exchange. Flexibility in secondments, industry related and theory. Dissemination of Information, Public lecture, Brownbag meetings, Position papers. Support policy revision through research on emerging trends.

Group 6: Opportunities for educational and curriculum development

The country scoping studies may also facilitate reflections on educational and curriculum development. Is the current curriculum addressing the right issues? Is there sufficient focus on the role of land rights and institutions in relation to achieving the Sustainable Development Goals (SDGs)? Furthermore, technology developments are changing the conventional ways of surveying, mapping and registration. These drivers are important for educational and curriculum development with an increasing focus on the poor and vulnerable groups towards greater equity and prosperity for all. Curriculum design may also include more focus on learning than just teaching e.g. through introducing elements of problem-based learning where the students analyse and assess problems identified in the real world. Universities within the region need to share experiences and cooperate on introducing testing new ways of educational and curriculum development.

The group discussed and examined possible responses to the following challenges:

Opportunities for discussion:	Results of group discussion Initiatives – possible responses to the opportunities
<ul style="list-style-type: none"> Is your current curriculum addressing the right issues? 	<ol style="list-style-type: none"> Valuation and taxation methodologies to address informal settlements. Uplifting informal settlements. Innovation: Technology/Software- open data, solutions.
<ul style="list-style-type: none"> Is your curriculum sufficiently addressing the key drivers SDGs and technology development? 	<ol style="list-style-type: none"> Innovation: Technology/Software- open data, solutions Emphasize SDG more – local reality as well as international perspectives: OBE
<ul style="list-style-type: none"> Is your curriculum providing opportunities for learning rather than just teaching? 	<ol style="list-style-type: none"> Project based assessments to teach how students should implement policies/ legislation. Project based assessments to teach students how to determine shortcomings and issues around implementations- work with industry. Refresher courses for professionals.
<ul style="list-style-type: none"> How can the sharing of experiences and cooperation between regional universities underpin educational and curriculum development? 	<ol style="list-style-type: none"> Learn from Botswana/ South Africa: formalizing informal settlements. Networking and collaboration between institutions to bring curriculums into alignment with each other; including student exchanges, learning from best practices. Develop own material- publication. Initiate working committees: Industry, Universities, National Qualification Authorities.