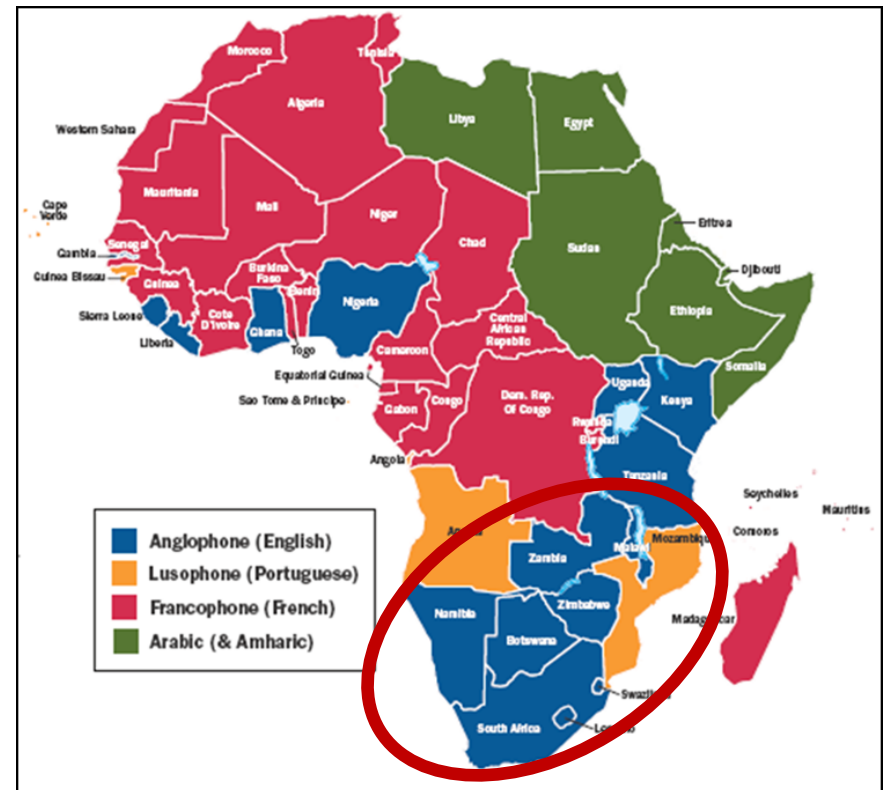


Symposium on Land Governance in Southern Africa

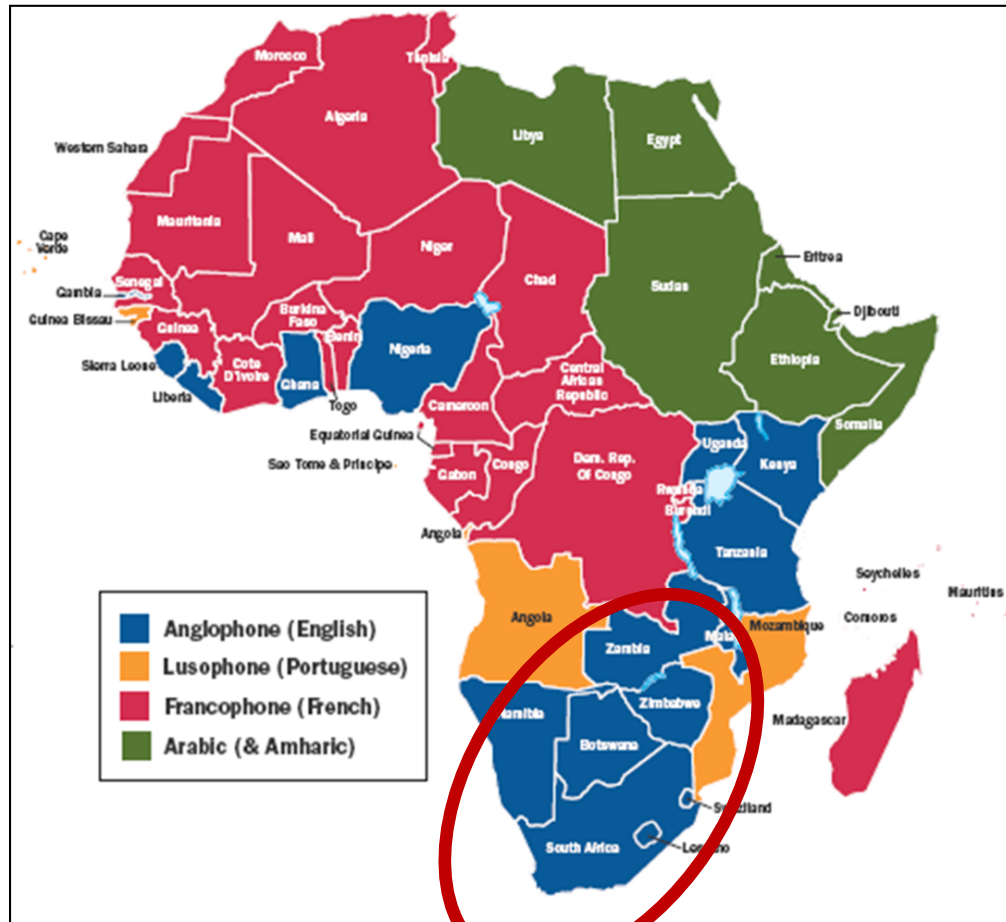
Introduction to Working Groups

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REGIONAL SYMPOSIUM ON THE LAND GOVERNANCE SCOPING STUDY FOR SOUTHERN AFRICA
NUST, WINDHOEK, NAMIBIA, 2-3 SEPTEMBER 2019

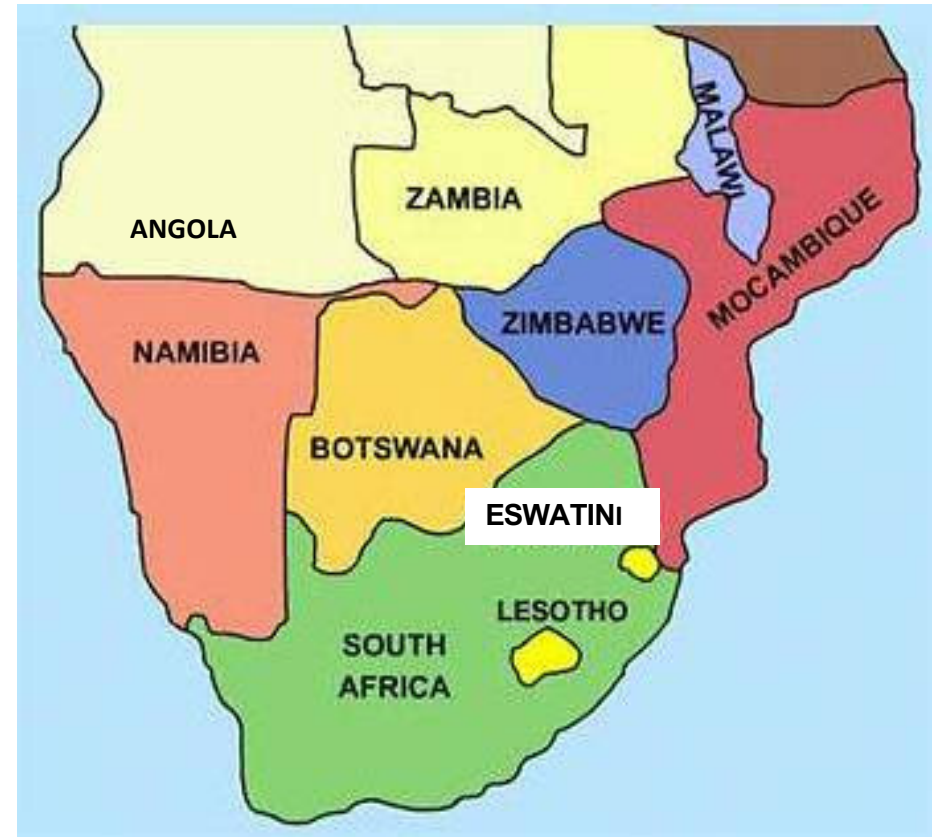
Southern Africa



Southern Africa: 10 countries (of which 8 countries are included in the project)
Area : 6 million sq. km, just over half the size of USA that is 10 million sq. km.
Population: 163 million (also half the USA) of which about half live in urban areas.
Density: about 28 people per sq.km, compared to 36 in the USA.

Eight Country Scoping Studies

- Provided by the country teams based on the project template
- Reviewed by the editorial board
- Final versions uploaded on the symposium website
- Draft synthesis report provided by the editorial board and uploaded on the website



Symposium website: <http://landsymposium.nust.na/>

Synthesis Report about 50 pages



NAMIBIA
UNIVERSITY
OF SCIENCE AND
TECHNOLOGY



Land Governance in Southern Africa

NUST-NELGA Symposium
Windhoek, Namibia – 3-4 September 2019

Land Governance in Southern Africa

Synthesis Report

DRAFT VERSION

27 AUGUST 2019

1. Executive Summary

- 1.1 Introduction to the Southern Africa region
- 1.2 Project background, purpose and prospect
- 1.3 Project design
- 1.4 Key findings

2. Land Governance in Southern Africa

- 2.1 Institutional frameworks
- 2.2 Legal frameworks and land tenure systems
- 2.3 Land dispute resolutions
- 2.4 Valuation and taxation
- 2.5 Land use planning and control
- 2.6 Management of public land
- 2.7 Land Information

3. Key Challenges

- 3.1 Colonial legacy and land reform
- 3.2 Legal dualism and protection of the commons
- 3.3 Overlapping institutional responsibilities
- 3.4 Unequal distribution of land
- 3.5 Inconsistent and unsustainable land use management and control
- 3.6 Rapid urbanization and informal settlements
- 3.7 Management of peri-urban areas
- 3.8 Land valuation and taxation, land sale, tenure markets
- 3.9 Land conflict resolution
- 3.10 Capacity development

Synthesis Report

Key findings

- Legal dualism
- Land tenure and colonial legacy
- Institutional reform
- Ineffective redistributive land reforms
- Solution to informal settlements
- Encroachment of customary lands in peri-urban areas
- Management of state and public land
- Gender equity
- Land related conflicts
- Land use planning and management
- Land information
- Capacity development
- Institutional development
- Research opportunities

1.4. Key Findings

A summarised description of the land governance issues in the Southern Africa region is presented in Chapter 2 and the identified key challenges are unfolded in Chapter 3. This section presents a synthesis of the key findings.

Legal Dualism

Legal dualism (statutory vs customary tenure) remains prevalent within the Southern Africa region. The consequences are lack of tenure security for women/rural poor, ineffective communal resource management, and new land-related conflicts. In this context, the regulatory role of traditional authorities is critical due to tacit arrangements, management of the commons, parcelling, illegal fencing and only partial registration of customary lands. The land administration systems are not able to cope with the customary land holding and informal holding which constitute a majority of the land in the region.

Land Tenure Systems and Colonial Legacy

The colonial legacy continues to influence the land governance regime of the all countries in the region. 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. 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.

Institutional Reform

Land-related legal institutions and regulatory administration cannot keep up with pressure from rapidly changing tenure systems, the scale of urbanization and emerging land markets. Most countries in the region are confronted with poorly formed, uncoordinated legal bodies, inappropriate land governance instruments and dysfunctional administrative procedures at all levels. Thus, surveying, registration, valuation and land transfer are costly, unpredictable and prone to corruption. Countries need to rethink and modernize their land institutions.

Ineffective Redistributive Land Reforms

The implementation of redistributive land reforms to overcome colonial injustice and give land access and tenure security to the poor has resulted in rather mixed outcomes. Ambitious agricultural production goals and modernization have not been achieved and communal lands or informal urban settlements have been largely left out in the process, becoming a future challenge. The unintended effects have been to increase prices for agricultural and peri-urban land leading to a high fiscal burden of the state for compensation.

Solution to Informal Settlements

Over 1 billion people in the world live in informal settlements, with a significant number in the Southern Africa 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

Six Working Groups

- Six groups of approximately six participants from different countries.
- Three groups (Group 1 – 3) will focus on discussion of the key challenges of policy implications as identified in the country report.
- Another three groups (Group 4 – 6) will focus on potential opportunities for land governance research and capacity development at national, bilateral or 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.



Working Group Themes

... see symposium handouts

Working group 1

Tenure systems – legal dualism and colonial legacy.

The group will discuss and look into possible reposes to the following challenges:

- Not all kind of land tenure are captured in the land administration system
- Lack of tenure security for women and rural poor
- Ineffective communal resource management
- New land related conflict

Working group 2

Informal settlements and peri urban areas

.....

Working group 3

Land use planning and management of state and public land

.....

Working group 4

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

The group will discuss and look into possible reposes to the following opportunities:

- Organising and conducting land governance research at various levels
- Using the country studies as the baseline for improved research activities
- Monitoring and evaluating research progress

Working group 5

Capacity development opportunities

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Working group 6

Opportunities for educational and curriculum develop

.....

Expected Project Outcome

- **Providing a baseline for improvement**
The country studies provide a baseline for further development and improvement of land governance in the region.
Opportunity for monitoring and evaluation of progress in say five years.
- **Enabling research activities**
The project should encourage regional cooperation and facilitate further research activities at national, bi-lateral and regional level.
- **Facilitating curriculum development**
The project should encourage curriculum development with an increased focus on the poor and vulnerable groups towards greater equity and prosperity for all.

