Introduction

Africa is well endowed with land and natural resources, including farmland, rangelands, forests, wildlife, minerals and water. Harnessing these resources is crucial to achieving the socio-economic development Yet the continent continues to fail in its quest to use these resources in an efficient, equitable and sustainable manner for poverty reduction and wealth creation. The fragility of Africa’s environment (climate, soils, droughts, disease, etc.) coupled with increasing human population, migration and urbanization, have led to changes in land use patterns and land tenure. For instance, the move to increase food production to meet the demand for food and food variety brought forth by population and urbanization has led to the expansion of crop cultivation, commercialization, reduced land fallow periods and the blocking of animal migratory routes.

These changes in land use patterns have, in turn, resulted in decreased access to water, soil erosion, land degradation, overgrazing and deteriorating rangelands, deforestation, as well as land and resource-related conflicts. And as land use patterns have changed, so has the pattern of land tenure and land ownership, which has seen an evolution from communal and open access ownership to private ownership with an increasing trend towards land sales. More and more, land and land resources are now being governed by modern systems of tenure, away from customary systems. Yet, customary systems of tenure remain dominant across Africa.

Unfortunately, the changing dynamics of land use, land ownership and land tenure have not always been accompanied by appropriate reforms in the policies, laws and institutions that govern land and property rights in order to ensure that issues related to equity, efficiency and sustainability are maintained in land ownership and land use. On the contrary, Africa has been an arena for experimentation on land reforms since the colonial period with few completed and successful cases documented so far (ECA, 2004). It is hoped that the current wave of land reform initiatives, which are often occurring under the umbrella of political and economic reforms emanating from democratization will result in better outcomes. But Africa must capitalize on the lessons learned from years of reform in order to ensure that this new wave of reforms will help to establish the needed changes in land rights, legal and institutional frameworks for successful outcomes.

This chapter examines the issues and challenges that Africa faces in managing its land resources under the current land tenure systems. It then examines Africa’s efforts in addressing these challenges, examining the possibilities of moving towards better land reforms. At this juncture, it is pertinent to briefly highlight land resources linkages to the MDGs.
Linking land resource to the MDGs

Land resources are central to the three pillars for achieving the MDGs, namely Development, Human Rights and Security. Land and complementary production factors such as technology, markets and credits are crucial to ensuring that the majority of families who depend on land and land resources contribute to and benefit from growth and development. Land rights are directly linked to the establishment and respect for human rights, especially for previously excluded groups such as women, pastoralists and indigenous people. Land is also key to peace and security, since the majority of conflicts around the world are related to the use and control of land and land resources. Conflicts are a major impediment to economic development and sound environmental management, not to mention human survival. The following table 4.1 illustrates the importance of land and resource rights in achieving the MDGs.

Table 4.1: Linkages of Land to the MDGs

<table>
<thead>
<tr>
<th>MDG Goal</th>
<th>Linkage to land and resource rights</th>
</tr>
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<tbody>
<tr>
<td>Goal 1 Eradicating extreme poverty</td>
<td>Secure rights to land when coupled with other services, can ensure that poor households enhance agricultural production and the use of other land resources to increase income, hence reducing poverty</td>
</tr>
<tr>
<td>Goal 2 Achieve universal primary education</td>
<td>Disputes related to land can cause displacement of families, denying them access to public services, such as education. And, by enhancing production of land resources, improved land rights can help provide income vital for paying school fees and reducing child drudgery, and hence vital to increasing school enrollment and attendance</td>
</tr>
<tr>
<td>Goal 3 Promote gender equality and empower women</td>
<td>Secure land rights for women help to increase ownership and access to land as well as other support services. In developing countries, women currently own only 2 per cent of all land and receive less than 5 per cent of support services. In addition to empowering women economically, land rights help to improve the social and political status of women, contributing to the reduction in child mortality (Goal 4) and maternal health (Goal 5).</td>
</tr>
<tr>
<td>Goal 6 Combat HIV/AIDS, malaria and diseases</td>
<td>Generally, women who lack inheritance rights usually become economically disadvantaged following the death of a spouse. As a result they are forced to enter into other (sometimes, risky) relationships making them vulnerable to HIV/AIDS infection as (for example see Gupta, 2000) Economic and social empowerment of women through secure land rights not only serves to prevent risky behavior responsible for HIV/AIDS infection, but to also reduce malnutrition, food insecurity and susceptibility to other diseases.</td>
</tr>
<tr>
<td>Goal 7 Ensure environmental sustainability</td>
<td>Sound natural resources management calls for redress in the imbalance of power, wealth, knowledge and access to resources such as land. Insecure land rights force the poor to adopt short-term strategies with detrimental effects on resource degradation.</td>
</tr>
<tr>
<td>Goal 8 Develop a global partnership for development</td>
<td>Empowering the poor and other marginalized groups through secure land rights facilitates their participation in social, economic, and political decisions and policy processes at the local, national and global</td>
</tr>
</tbody>
</table>


History of land tenure in Africa

Land tenure is derived from the broader notion of natural resource tenure, which determines the terms and conditions under which natural resources are held and used. Tenure is a social construct that defines relationships between individuals and groups of individuals based on defined rights and obligations (ECA,
2004; Bruce, 1986; Moyo, 1995; Shivji et al., 1998). Some commonly known concepts relating to land tenure include (see ECA, 2004):

- **Freehold land**: mainly a western concept denoting a situation where rights to land include the control, management, use and disposal of land.
- **Leasehold land**: involves a contractual arrangement between the owner of land (lessor) and the user (lessee) over a specified period of time
- **Statutory land allocations**: where the state allocates land and land rights based on statutory provisions
- **Customary system of tenure**: where land rights are controlled and allocated based on traditional practice

Prior to the arrival of Europeans, land in most parts of Africa was owned communally, with members of a certain community having rights of access to the land. While the levels of status and wealth depended on one’s ability to attract dependants and followers, access to land was guaranteed to all members of the community. ‘Strangers’ were also welcome to settle and acquire rights accorded to other members of the community, subject to adherence of rules binding the community. As a result, customary tenure facilitated a livelihoods framework that supported rural multiethnic communities in Africa.

The earliest land tenure reforms date back to the conquest of Africa by Europeans, seeking to extract resources and force political domination. As such the history of land tenure reform differs based on the colonial experience of African countries, but there are significant similarities. In all cases, Europeans colonized Africa through a wide range of methods, including military conquest, unjust treaties and agreements, and unequal trade and development. The clear lack of understanding of Africans and their communities by colonial governments led to the distorted perception and consequent application of customary tenure systems. They perceived African communities to be tribal entities, failing to recognize the heterogeneity of such communities. They, for instance, viewed migrants as strangers with no traditional rights of access to land. With regard to land rights, they perceived customary rights to be markedly different from private rights and misunderstood the role of customary authorities tasked with allocating land.

Due to their perception that Africans were ignorant of land concepts that colonial governments alienated communal lands to white settlers on the basis of freehold tenure, introducing a new dimension to land ownership, mainly privatization. This was meant to provide colonial settlers with supreme rights of access and ownership to land and natural resources. And just as privatization introduced rights to access and ownership to colonial settlers and some African landlords, so did it deny land rights to certain members of the African societies. In many instances, Africans were removed from high potential agricultural areas and settled in the worst lands. Their land rights were held in trust by state institutions, which to many Africans did not have legitimate authority.

With privatized land being governed by statutory law based on European laws of the colonial masters, and communal lands being governed by modified customary law, Africa saw the birth of legal dualism. Indeed, at the time of independence, most African governments inherited a dual, unequal and hierarchical system of land tenure, with freehold and leasehold land rights given superior recognition and treatment to customary rights (Shivji et al., 1998). This situation persists in Africa today, posing a challenge to land reform efforts.

Unlike colonial governments, most post-colonial governments changed land ownership, according the state supreme right of ownership to land. Post-colonial African states continued to deny legal recognition to customary land rights. And while communities living under customary rights regimes could relate under customary rights, occupation was by permission of the state. If and when the state desired the land, communities were removed without adequate consultation, compensation and recourse under the law. As a result, customary land rights were fragile and the resulting land tenure was insecure. This exacerbated inequalities and injustice.
By owning communal lands and refusing to legally recognize customary land rights, African states adversely affected the ability of customary tenure systems to provide tenure security to African communities. In addition, some intricacies of African communities did not allow the system to provide tenure security to all members of the communities. In particular, divisions along class, social and gender lines saw these systems create unequal and inequitable access to- and use of land. In many cases, inheritance rules discriminated against women and weaker members of society.

The perceptions regarding the insecurity of customary systems and the non-transferability (through markets) of land under these systems led to the aggressive justification for private or state ownership of land, particularly as African countries went through a transition to market economies. With market economies emphasizing ownership of marketable goods, customary law became limited in enforcing rules and practices of the market economy. African countries adapted to the new system, by relying heavily on statutory law as the tool to enforce the new rules and practices, usually at the expense of vulnerable groups, especially secondary members of communities and secondary land rights owners.

Increased population density and commercial agriculture complicated an already complex land tenure system. Land scarcity led to competition for land and the demand for long-term rights and increasing land values. In parts of East and West Africa where nomadic pastoralism and transhumance are most constrained, control of land by families lend itself to a system of sedentary and intensive agriculture and livestock grazing patterns.

**Land tenure and the management of land resources:**

**Issues and challenges**

**Land tenure, agriculture and food security**

Africa is dependent on land based resources e.g. agriculture, forestry, water, mining, wildlife/tourism for meeting its food security and achieving sustainable development. Agriculture (crops, livestock, fishery, etc.) is directly linked to food availability and indirectly through food access provided by agricultural incomes. Forestry, mining and tourism are important avenues for food access through income earned from these sectors and energy (forestry, mining) necessary for food preparation. But these resources also pose a threat to food availability through their competing demand for land. When harnessed, water is vital in complementing other land resources, e.g. agriculture to produce food or provide employment income. Clean water is also a vital input to food preparation.

African agriculture is dominated by small-scale farmers who have been gravely affected by policies that have long favored large-scale export crop operators through e.g. price controls, marketing barriers, regulated information flow, credit etc. As a result, small and medium size holders use low levels of modern agricultural technologies and are not well integrated into national and international markets. And current trends towards globalization are further complicating the issues affecting smallholders in Africa, exposing them to further risk of being marginalized.

Globalization facilitates access to international financial markets, information, new production methods and technologies. Just as international markets, transnational corporations and development partners have influenced land tenure and land reform in the past, globalization has the potential to impact current land tenure systems. Market integration, facilitated by globalization influences land use and agriculture through market driven production systems and increased vertical regulation of commodity chains. The severe rules of operation imposed by globalization, coupled with falling prices of key agricultural commodities, have seen a trend towards the exclusion of smallholders of traditional export crops, with consequent increase in the gap
between the rich and the poor. This is likely to see an increase in large farms involved in the production of export crops with consequent land concentration among the rich as smallholders go out of business (Barraclough, 1999).

As globalization leads to changes toward large-scale agricultural operations, this could lead to an increase in land values. History shows that as land becomes valuable, the weak are pushed off the land by the more powerful (Berry, 2001). This was true during the colonial times across Africa as people were pushed into reserves to make way for large scale export agriculture. Many authors (Berry, 2001; Bernstein, 2002; Moore, 2001; Fortin, 2005) further note that instead of facilitating growth and reducing inequality, globalization has often led to the displacement of the poor from the land they previously operated, leading to conflicts.

The adverse impacts of globalization and the neglect of smallholders in Africa can partly be mitigated by addressing the fundamental challenges that constrain optimal use of land and land resources to improve African agriculture. These challenges include unbiased land use regulation, unequal land distribution, and insecurity of land tenure.

**Land use regulation** has the tendency to protect private landholdings particularly large-scale farms that produce agricultural exports at the expense of small-scale customary lands used mainly for food crops. Indeed, most African government policies are misguided in assuming that most export production occurs on large-scale farms. On the contrary, evidenced shows that smallholders dominate coffee production in Kenya, Uganda, Tanzania, Rwanda and Ethiopia. As a result of this biased land use regulation, small and medium size African farmers, have until recently, been left out in land polices and laws that have focused on the needs of large scale farmers.

**Unequal land distribution** has hampered agricultural development by limiting land access to many needy Africans, particularly due to years of distorted land distribution. In many parts of southern Africa, this inequality sees the majority of land in the hands of a few large scale/estate owners. IFAD (2001) highlighted this disparity in Southern Africa, where small holders only held 13 per cent of the land area while 67,000 commercial farmers owned 86 per cent of the total agricultural land. And in Zimbabwe for instance, 13,335 large and medium scale commercial farmers control 37 per cent of the land in communal lands while 2.1 million smallholders had 50 per cent of the land. Beyond the quantity of land, the disparity relating to the quality of agricultural land is telling, with the majority of smallholders in these and other countries relegated to poor quality and at times marginal lands characterized by poor soil fertility, low and variable rainfall, and a high propensity for drought.

Constraints relating to **insecure land tenure and non-transferable nature of land** continue to be a disincentive to many African households and the agribusiness community, discouraging them from making needed investments in agriculture. Land and resource tenure determines who owns resources and why, as well as how land is transferred and adjudicated. As such, tenure security is important for the management of natural resources, including agricultural land. The ECA (2004) asserts the importance of placing the control of productive land in the hands of poor households and increasing tenure security for these lands with a view to reducing livelihood vulnerability.

Tenure insecurity implies that land rights holders face the risk of losing property rights to land and associated income at some point in the future (e.g. Belsey, 1995; Feder, 1988). Secure, well-defined land rights are important for household asset ownership, productive development and factor market functioning by increasing the expected benefits from productivity enhancing long-term investments, and hence the owner’s willingness to invest (Deininger, 2003). Secure land rights provide an important sense of safety from eviction, reducing expenditures on mechanisms for defending rights and reducing land conflicts. As a result, this can increase the demand for land-related investments, including agriculture. Increased tenure security and the ability to transfer land increases the value of land and land investments even if the landowner is unable to personally
use the land. Tenure security increases access to credit, where appropriate credit markets exist, increasing the likelihood of land/agricultural investments.

It is now recognized that different forms of land tenure have mechanisms that provide various levels of land tenure security. For instance inheritable usufruct rights provide more security than open-access regimes. But, long-term leases can provide levels of tenure security comparable to titled individual ownership. Studies that point to the superiority of land titles without taking into account differences in land quality and household characteristics may indeed overestimate the impact of titles on agricultural investments. This is especially so since rich farmers, in many instances, hold better quality land and are more likely to acquire titles (Deininger, 2003).

Bruce and Migot-Adholla (1994) cautioned against overemphasizing the role of land tenure security in the use of credit and consequential improvements in agriculture. Results from Kenya indicate that other constraints to the provision of credit, including limited funds in the banking system; the small magnitudes and hence high transaction costs/unprofitable nature of agricultural loans to smallholders; and high risk in agricultural loans due to e.g. climatic risks, must be addressed in complement to improvements in land tenure security.

In addition to alleviating the constraints in the credit markets, it is vital to address broader constraints relating to inadequate use of modern agricultural technologies, low levels of infrastructure, processing and market access as part of an integrated strategy to boost agricultural investment and growth. Without these necessary improvements, enhanced tenure security alone will have minimal impacts on agricultural investment and growth.

**Common property resource management**

Forests, pasturelands and some wildlife resources are dominated by common property resources, which are used by a collective group. The nature of these resources and their use make them difficult to partition among users. The survival of the livelihoods of the users over time is determined by the ability to distribute the risks associated with using these resources among a range of users, as well as the equitable distribution of benefits (Bruce and Mearns, 2003).

Yet common property/pool resources are difficult to control and manage. In many African countries, the state is involved in forestry management, although there are multiple users to these resources. State management has often failed to respond to the needs of local users and communities and calls have been made to devolve centralized state management systems to smaller units, communities or households. In some cases community institutions and conventions govern pasture and forestry resources while in other cases there is open access similar to the ‘tragedy of the commons’ described by Hardin (1994), where access by individuals without rules leads to overuse and degradation of these resources. Open access resources often need user incentives for their sustainable use and management.

The challenge facing governments in the management of pasture, forestry and wildlife resources is the choice between individualizing the resources through partitioning or strengthening community institutions for better governance of these resources. All too often, in the absence of viable community management, individualization of resources has been chosen as an answer, in spite of the problems associated with subdividing these resources.

Though simpler in design, individualization excludes many traditional users, especially the poor, from accessing the partitioned resource. Community management systems, on the other hand, are traditionally protective of access rights for the poor, women and pastoralists as well as other minority groups. With outside pressures continually undermining common property resources and forcing them to either reinforce existing systems
or partition resources to different users, it is important to keep in mind that a move from community to individualized type tenure and management for pastoral or forest resources may have adverse effects on the poor (Markakis, 2004; Rugadaya, 2005). Particularly, this move could interfere with the ability of disadvantaged groups to derive their livelihoods from these basis resources.

Common property is sometimes misinterpreted as the opposite of private ownership (Bruce and Mearns, 2003). On the contrary, it is similar in objectives to private property in the sense that it aims to increase security of tenure and reduce externalities by internalizing costs and benefits within the community. Common property management is, however, more complex than individual property management and could sometimes display the problems of collective action.

To address these problems, it is important for the state to empower communities through legal provisions, institutional arrangements and social capacity for decision-making and the enforcement of these decisions, rules and regulations. Crucial to empowering communities is first, the need for robust property rights that create incentives for the development of resources. Obviously this is true for individual and community property. Secondly, there must be a mechanism for checks and balances to ensure that household/individual and property rights are maintained within the group. Thirdly, the state should relegate authority for the management of these resources to the community and only play a facilitative role.

Finally, it is important to recognize that social values are an intrinsic element in the management of natural resources, preserving access and distributing to the rural poor. It is therefore important to ensure that indigenous systems, including customary tenure, that contribute to the sustainable use of natural resources are recognized and supported.

It is important to acknowledge the multiple and overlapping uses of common property resources in customary tenure systems. For instance, a forest can be used primarily for timber but may have secondary uses such as woodcutting, beekeeping and pasture. And lands inhabited by wildlife are in many instances the same lands used by pastoralists for grazing. It is therefore important to have ‘rights of way’ to recognize these overlapping uses. In situations where some uses are not sustainable, there must be incentives to exclude the users through compensation and provision of alternative livelihood options. The collapse of some institutions of common property due to conflicts within the group points to the need to enhance conflict management skills, and dispute resolution mechanisms (Bruce, 1999). An account of some of the issues related to pastoral land tenure and resource access is shown in Box 4.1.

### Linking land tenure and water resource management

Discussions relating to land tenure and natural resources management would be incomplete without highlighting the importance of and the interlinkages between land tenure, water rights and water management. Land and water are arguably two of the most important resources for man’s survival. Water is a vital element to the productive capacity of land. Indeed in most parts of the world where climate constrains production, it is water that is the main limiting factor, not land per se. On the other hand, land use has a major impact on the quality and quantity of water. For instance, deforestation and poor agricultural practices on slopes are responsible for high rates of (lower watershed) run-off of surface water leading to flooding, low river flows and increased sedimentation (Hodgson, 2004). As such, any decisions pertaining to land use can have an impact on the hydrological cycle of water.
Box 4.1: Pastoral tenure and resource access

<table>
<thead>
<tr>
<th>Impacts of past policies</th>
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<tbody>
<tr>
<td>Misguided government policies that were supported by some multilateral institutions and donors in the past have been partly responsible for some failures in the management of pasture resources. Most of these policies were based on narrow assumptions and perceptions, such as “Groups cannot control the access and use of resources by members within the group”; “The sustainability of pastureland can be achieved simply by balancing the number of livestock against the long run carrying capacity of the rangeland”; and that “Resources are divisible and so conflict would be minimized by individualization of the resource.” Unfortunately, the policies and programs that ensued were mainly in favor of individual ownership, failing to take into account the ecological viability and risks associated with these resources. Pastoralists mainly depend on access to large and diverse pieces of land in order to track forage. The flexibility and mobility of livestock is a key component of this system. Assigning rights of ownership and access exclusively to a small group or individuals can therefore adversely affect the livelihoods of pastoralists by making them more vulnerable to drought. In addition this leads to unequal distribution of assets and thus incomes, favoring those who own higher quality tracks of land, mainly the richer, more powerful members of society. Privatizing pastoral lands also negatively affects the ecosystem by creating rigidities, which results in overgrazing due to overusing of small pieces of marginal lands. Another negative outcome is illegal tracking of forage, which leads to more resource use conflicts.</td>
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<table>
<thead>
<tr>
<th>Pastureland management and conflict</th>
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<tbody>
<tr>
<td>Historically, conflict has always been an integral part of pastoral and agro-pastoral production systems (Hendrickson et. al, 1998). It is important to examine ways of preventing and dealing with conflict when it ensues in order to prevent it from escalating into larger conflicts or even civil war. Lessons from e.g. flexible tenure systems that allow negotiation of boundaries and access by multiple legitimate users can be insightful (Leach et al, 1999).</td>
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<table>
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<tr>
<th>Towards better systems of managing pastoral resources</th>
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<tbody>
<tr>
<td>Facilitating better management of pastoral resources starts with the understanding that these resources have a high degree of ecological variation over time and space, making them more feasible when used in common. Instead of rushing to adopt individual style property ownership regimes, it may be best to strengthen, reconstitute or adapt customary rules over land tenure and land resources and vest property rights in a group. This is especially viable if: a) the resources are defined at a broad level including a range of landscape and variable ecologies; and b) if a group of users who can sustainable use the resource is identifiable (in terms of scale and non-diversity of social group). There is now progress in the management of pastoral resources including fixing of boundaries of common property to pasture land particularly in the face of new developments that threaten the survival of pasturelands, including the encroachment of better pastoral lands by agricultural uses, peri-urban development and environmental conservation projects. The options available for dealing with these developments depend on population density, migration in and out of the pastoral areas and availability of alternative sources of livelihood, e.g. supplementary income earning activities. Source: Bruce and Mearns (2003).</td>
</tr>
</tbody>
</table>

Increased knowledge of the linkages between land and water management have led to the realization that decisions made regarding these resources should be made in an integrated manner to minimize adverse effects of poor management of one resource on the other. Indeed Agenda 21 calls for the integration in the management of these resources at the catchments or sub-catchments level (UNCED, 1992). Unfortunately, little achievements have been made in the integration of land and water allocation and administration. This is due to many factors, including the inadequate legal mechanisms to facilitate the integration of land and
Another reason for the lack of integration is that land and water rights fall in the domain of two distinct sets of disciplines, with aspects of water law and water policies falling under the domain of water law and water specialists (hydrologists etc) while land rights and policies are studied by land lawyers, land economists etc. And even at the policy level, governments and international agencies have not made adequate efforts to integrate these two sectors (Hodgson, 2004). As a result of the failure to adequately integrate land and water related issues in decision-making, many of the laws and policies relating to these resources are formulated in isolation of each other. And except for a few cases where integrated watershed management is promoted, institutions that are tasked with the management of land and those for water operate in isolation.

Water resource management decisions are made at the basin level, while land use planning takes place within administrative boundaries (at regional and local levels). The administrative boundaries relating to land do not usually follow those of river boundaries and hence it is not surprising that water and land use planning decisions are not made in harmony. Yet any land use decisions, whether for agriculture, industry, commercial or residential, involves the diversion of water. Similarly, any changes in water use (e.g. construction of dams) have implications for land use in a certain area. And with regard to ground water, land use has tremendous implications on the quantity and quality of groundwater through effects on infiltration rates, soil retention capacity and sub-surface transmissibility (Hodgson, 2004). But again, boundaries of aquifers do not fall in line with those of surface water basins, nor with the administrative boundaries of the state. This makes it difficult to synchronize the planning of land and water resources.

The integration of land and water management should be seen in the broader context of strengthening both land use planning and water management. One way to strengthen the linkages is to include and address issues of land and water rights in the conventional watershed management projects. Often, beneficiaries of either water rights or land rights are not conferred these rights simultaneously, raising the question of whether these projects can indeed meet their objectives of, for instance, better land management without secure land or water rights. Box 4.2 illustrates the significance of coordinating land and water rights and administration for irrigation purposes.

**Land tenure, gender relations and natural resource management**

Women constitute a big proportion of Africa's rural population. For instance, 93 per cent of Malawi's female population and 80 per cent of Mozambique's women live in rural areas. And of the 65 per cent of Zimbabweans who live in communal areas, 85 per cent are women (Byers, 2001). Examining the linkages between gender relations, land, natural resource management and livelihoods is therefore vital. Indeed, the importance of women in the management of land and natural resources cannot be overemphasized. Not only do women produce, manage, prepare and provide food, they also hold and transmit local/cultural knowledge and skills relating to food, agriculture and natural resource management (ECA, 2004).

In fact women are often regarded as closer to- and the keepers of the environment, yet under many land tenure systems, women do not hold primary rights to land; they do not own nor control land and natural resources (Shivji, 1998) but mainly gain access to either common or private property resources such as forests, lakes or farmlands through a male relative (e.g. husband, father, brother etc.). This situation mainly arises from the predominance of a patriarchal system in Africa, which defines gender and power relations, putting women and children in minority positions. And even if matrilineal systems in some parts of Africa where women have limited access to, and control over, land, female-headed households (for example in Malawi) mainly occupy the smallest land holdings. These circumstances in which women take care of the environment without
adequate land rights, much needed for sound management decisions, not only puts them at a disadvantage, but also predisposes the environment to the risk of degradation.

**Box 4.2: Coordinating land and water rights for irrigation**

Since investments in irrigation usually involve large amounts of capital, it is unrealistic to expect irrigation developers to get involved without a reasonable level of assurance provided through adequate and secure land and water rights. Yet often, national agencies and development partners do not take into account the complex nature, or the interactions of land and water rights. This is partly because irrigation is often approached from a technical standpoint, often using top-down approaches that do not investigate ex-ante socio-economic impacts on households.

Adequate and secure water rights, which are concerned with the abstraction and use of water from its natural source, are vital for successful irrigation projects hence operators of irrigation projects must acquire water rights. From the point of abstraction, water is usually conveyed to irrigated plots through irrigation canals or pipes. Since these canals and pipes are not natural sources of water, owners of land adjacent to them do not necessarily have rights to use the water, unless there is a formal grant or arrangement according these rights. Such an arrangement, is however difficult to accord or manage unless to the ‘abstractor’ of the natural source of water. The rights accorded to the irrigator include rights to water and a service, i.e. delivery of water and maintenance of the scheme. In situations where a state agency is tasked with delivering water in return for payment by individual farmers, insecurity of rights to water arise due to the imbalance of bargaining power between the agency and the individual. For instance, if the agency does not deliver the water to the user, how does the farmer ensure that the state agency is sanctioned?

Insecurity of land tenure for irrigators is common in areas where people have been re-settled in irrigation schemes usually funded by the state. In most of these cases, the state controls the irrigated land and other production and marketing decisions with a view to meeting a specific objective such as maximizing production for exports or food security. For operators, land rights relating to access and control of such land are insecure and are conditional upon compliance of rules of operation (e.g. payment of fees for maintenance of irrigation. The state holds the right to expel those who do not comply; hence the land rights are insecure. In addition, these land rights are usually non-transferable. Problems are compounded by situations where irrigated lands were formerly held under customary tenure. If these lands are transferred to private irrigators, e.g. under concession arrangements, the original users of the land could be excluded if they are not able to operate these irrigated lands, with use rights being transferred to ‘outsiders’ including non-citizens. Compensation for original users of the land is usually low and decided without consultation of the beneficiaries.

In the context of irrigation, it is clear that land and water rights should be taken into account and addressed simultaneously, including issues of land and water reforms, and gender issues in order to avoid failure in meeting the objectives of irrigation projects. Sources: Hodgson (2004); Tiffen (1992); Merry et al (2002).

One characteristic of gender relations in rural Africa is the apparent division of labor between men and women. Generally, women’s tasks are centered on labor provision while male tasks are more decision-making oriented. In terms of crop production, women are generally involved in weeding, transplanting and post-harvest activities, while men do land clearing, burning and plowing. Men and women both take part in seeding and harvesting. Women produce most secondary crops.

Regarding livestock production, women are involved in taking of small animals and ruminants, but also take care of certain aspects of large animals (herding, providing water and feed, cleaning stalls, milking, milk processing and marketing (ECA, 2004). Women are also involved in fishing (in shallow waters and coastal lagoons), food and fuelwood gathering, processing, storage, food preparation and fetching water. Table 4.2 shows that while women are responsible for only 33 per cent of the ‘recorded’ workforce in Africa, they make up 70 per cent of the agricultural work force and are primarily responsible for most aspects of food processing, marketing and preparation as well as fuelwood and water collection.
Table 4.2: Contribution of African women to family livelihoods

<table>
<thead>
<tr>
<th>Activity</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>General workforce</td>
<td>33</td>
</tr>
<tr>
<td>Agricultural workforce</td>
<td>70</td>
</tr>
<tr>
<td>Labor to produce food</td>
<td>60-80</td>
</tr>
<tr>
<td>Processing of food stuffs</td>
<td>100</td>
</tr>
<tr>
<td>Housing water and fuelwood collection</td>
<td>90</td>
</tr>
<tr>
<td>Food storage and transport</td>
<td>80</td>
</tr>
<tr>
<td>Hoeing and weeding</td>
<td>90</td>
</tr>
<tr>
<td>Harvesting</td>
<td>60</td>
</tr>
</tbody>
</table>

Source: FAO (2002)

FAO (1996) cited land as one of the main obstacles to increasing agricultural productivity and the incomes of rural women. Security of tenure in private, communal and other forms of land ownership can encourage women to invest in the land, adopt environmentally sustainable farming practices (Juma and Ojwang, 1996) and better take care of other resources (forests, lakes, rivers, etc.). Tenure security would provide women with control over decisions regarding the use of land including decisions relating to the choice of crops, agricultural technology and marketing. Land reforms geared toward providing women tenure security and control over land are slowly being formulated, but their implementation is slow. For example, women received only 20 per cent of the land during the recent Zimbabwe land reforms (ECA, 2004). More must be done to ensure that land policy reforms are accompanied by the appropriate mechanisms that allow for the implementation of laws and programs to guarantee women’s rights to land. This includes ensuring that laws related to inheritance, marriage and property rights are harmonized with land related laws.

Land and natural resource conflicts

External shocks to land tenure and land use in Africa emanate from, for example, increased human population, increased animal population, drought, migration, commercialization and urbanization. These factors in turn lead to changes in land use patterns with outcomes such as the expansion of crop cultivation, reduced land fallow periods, blocked animal migratory routes, decreased access to water, land degradation and desertification, overgrazing and deteriorating rangelands. In addition to changes in land use, there are consequential changes in land tenure, particularly the evolution from customary tenure and open access lands to private ownership as well as increase in land sales. These changes in land tenure and land use have led to increased conflicts.

The forms of land tenure disputes are two-fold: activity led and actor-related disputes. Activity-led disputes include agricultural, pastoral fishing disputes (Maiga and Diallo, 1998). Agricultural based disputes relate to the demarcation, ownership, and inheritance of land, particularly when boundaries are not marked or when they disappear, as a result of unclear terms of renting land or vague customary rules of inheritance. Pastoral-related disputes and conflicts arise from the weakening of customarily held rights of pastoralists due to the relative superior treatment of private ownership, especially after the independence of many African states. Fishing disputes, on the other hand emanate from unclear boundaries, land ownership and inheritance rights. Actor-related disputes arise between individuals, and are usually tied to an activity led dispute.

Most frequently, disputes occur between village communities however, although they originate from individuals, who solicit their communities for support. Actor-related disputes also occur between individuals and communities, as in the case of people returning to villages from public service, refugee camps etc. to seek
land rights similar to those for the locals. Disputes also happen between decentralized institutions, especially during policy implementation due to undefined boundaries for performing activities.

The causes of land tenure disputes in Africa include unsuitable land legislation especially in countries lacking a comprehensive land policy, or where ambiguous land and other complementary laws do not address issues relating to overlapping land rights, claims to land and property rights. Land administration in Africa contributes to land disputes by being dysfunctional and inaccessible to the majority of Africans. This is particularly true in situations where corruption is rampant, increasing the transaction costs of land transactions and dispute resolution. Land grabbing and land invasions, common to many parts of the continent are also a cause of land disputes.

The general breakdown in law and order, common to Africa due to bad governance, corruption, and civil war also contribute to, for example, the laxity in land use planning, eventual demolition of houses and increased land disputes. In addition to these governance and institutional factors, land disputes are fueled by socio-economic needs of the population and the scarcity of natural resources especially in the face of increasing population (Maiga and Diallo, 1998).

Impacts of HIV/AIDS mitigation on land

As shown in Table 4.3 below, HIV/AIDS has implications for land tenure, particularly as families are forced to cope with the disease and eventual death of family members. Coping strategies range from extreme cases where families are forced to abandon land or are forced out of their lands (Mullins, 2001). The former strategy occurs especially when both parents die leaving orphans to either move in with relatives or turn to the streets, with begging becoming their main source of livelihood. Forcible removal mainly occurs when widows fall victim to discriminatory or ambiguous land rights regimes, which prevent them from controlling land left to them by their husbands.

Table 4.3: Responses to the effects of HIV/AIDS from afflicted families

<table>
<thead>
<tr>
<th>Reaction</th>
<th>Method</th>
<th>Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abandon the land</td>
<td>Family is unable to use it and just leave the land idle</td>
<td>Infected and siblings move in with relatives</td>
</tr>
<tr>
<td>Rent out the land</td>
<td>Family formally or informally rent out the land</td>
<td>All or portions of land are given to others who can more easily work it in order to get cash and to avoid having a productive resource lying idle (for example in sharecropping arrangements)</td>
</tr>
<tr>
<td>Lend the land</td>
<td>Family lend out the land to those capable in their community</td>
<td>Family members use part of the and</td>
</tr>
<tr>
<td>Sell the land</td>
<td>Distress sale at depressed price to meet medical costs</td>
<td>Informally sell the land in order to get cash and to avoid having productive resource lying idle</td>
</tr>
<tr>
<td>Forcibly take the land</td>
<td>Family members take land by force from those who cannot work it</td>
<td>This situation is faced by many widows who can be left completely impoverished, others just as they begin to fall ill themselves</td>
</tr>
</tbody>
</table>

Source: Mullins, 2001

In common property resources where the ability to use the resources is vital to maintaining rights to resources, HIV/AIDS can have detrimental negative effects to land rights as affected and afflicted households are excluded from access and control of these resources. For those who already have secure rights, debilitating diseases such as AIDS can render them unable to use land and land resources as the ability to mobilize labor and capital is reduced by illness and associated costs. Mullins (2001) notes that it is common for such families to result to distress land sales due to lack of cash, labor and skills to use the resources. Mitigation for HIV/AIDS can
be greatly enhanced by ensuring that land reform takes into consideration the effects of this pandemic on families, households and communities, with a view to increasing security of tenure for afflicted families so that they a) do not lose their land from forcible eviction following the death of the head of the household; and b) can lease part of their land following loss of labor or skills as a result of a death of a household member, or to earn capital to cope with the disease.

**Land reforms to enhance natural resource management**

**Current reforms geared towards alternative land rights in Africa**

Most land reform agendas are driven by either efficiency or equity objectives, or both. For instance, trends towards shifting from customary use rights to private (individual or group) often aim to improve efficiency by removing constraints (e.g. limited transfer rights) associated with customary ownership of land. On the other hand, land redistribution aimed at addressing inequalities and giving productive assets to the landless and land-poor farmers has both equity and efficiency motives.

Understanding the dynamics associated with different types of land rights is crucial to any land reform efforts, particularly in identifying the most suitable types of reform processes to undertake. Ngaido (2005) provides a useful framework for analyzing and valuing alternative land rights, defining the benefit derived from changing land rights as the discounted net present value of increased productivity per hectare (PV) plus the collateral value per hectare (CV). The costs include the transaction costs per hectare (TC) and taxes per hectare (T). Table 4.4 summarizes this analysis.
Table 4.4: Characteristics and associated values of alternative land rights

<table>
<thead>
<tr>
<th>Land reform process</th>
<th>Characteristic</th>
<th>Maintaining customary rights</th>
<th>Registering land rights</th>
<th>Titling land rights</th>
<th>State ownership/redistributing land rights</th>
<th>Subsidized landownership</th>
<th>Market-based land access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Role of the state</td>
<td>None or limited intervention</td>
<td>Strong state intervention</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Objective</td>
<td>Improving bundle of rights</td>
<td>Reducing imbalances in landownership</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land rights</td>
<td>Customary use</td>
<td>Registered private use</td>
<td>Titles</td>
<td>Registered use rights (titles)</td>
<td>Limited titles</td>
<td>Titles</td>
<td></td>
</tr>
<tr>
<td>Tenure security</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Sales</td>
<td>Limited</td>
<td>Yes</td>
<td>Yes</td>
<td>Very limited</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Rental and sharecropping</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Limited</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Credit access</td>
<td>Informal/parastatal</td>
<td>Yes</td>
<td>Yes</td>
<td>Cooperative/parastatal</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Composition of land value</td>
<td>Value of benefits of land (VP)</td>
<td>Value of benefits and collateral minus transaction costs (VP+CV)-TC</td>
<td>Value of benefits and collateral minus transaction costs and taxes (VP+CV)-(TC+T)</td>
<td>Value of benefits minus transaction costs VP-TC</td>
<td>Value of benefits and collateral accruing from subsidy plus the contribution from the owner minus transaction costs and taxes [s(VP+CV)+ic(VP+CV)]-(TC+T)</td>
<td>Value of benefits and collateral minus transaction costs and taxes (VP+CV)-(TC+T)</td>
<td></td>
</tr>
</tbody>
</table>

Source: Ngaido (2005)

Customary land rights in countries such as Botswana, Malawi, Mali, Morocco, Niger and Zambia are characterized as follows: a) they provide easy access through group membership and networking; b) members share risks (costs and output); and c) there are informal methods for obtaining credit and preventing loss of land.

Customary land rights, therefore, offer access to land and security of tenure to many poor households. However, insofar as customary land rights provide limited access to formal credit and input markets, and as long as there are limited sales (outside the group), customary land rights are viewed as an impediment to investments in agriculture by limiting opportunities for productive exchange and access to credit. Yet as far as poor resource farmers are concerned, customary rights help them reduce risks associated with formal financial and land markets, particularly through informal mortgages and land rental (usually sharecropping arrangements). It is worth noting that under many customary systems, women hardly gain control of the land. The value associated with customary rights is the net present value of current and future productivity of the land (PV).

Registered customary land rights provide an important step in the shift away from customary systems to titling. Under this system, practiced in many countries of North Africa and some sub-Saharan African countries (central African Republic, Kenya, Mali and Niger), registration of customary lands boosts the possibilities for right holders by increasing land transactions in both formal and informal land markets and increases access to formal credit institutions.
In many cases, registration involves low transaction costs with simple local process for defining boundaries for individual and group lands as opposed to conventional, expensive cadastral surveys. By recording transactions at local level, this move serves to reduce land-related conflicts. In terms of the value associated with registered customary land rights, the registration process transforms the composition of the costs and benefits from the customary system (net present value of land productivity) to the sum of discounted net present value (PV) plus collateral (CV) minus the transaction costs associated with registration (TC).

Previously advocated as the optimal solution for granting tenure security and land access, land titles often involve high transaction costs, particularly the cost of cadastral and formal legal procedures. Therefore, while land titling may benefit farmers of high-value commodities, it is usually not practical for poor resource farmers. Indeed, it is now well accepted (e.g. ECA, 2004; Bruce and Migot-Adholla, 1994) that land titling does not usually provide the intended benefits of these programs, particularly since the links between land titling and tenure security; credit availability and investments; have not been well established in Africa. And it is still unclear whether women actually benefit from these programs.

While some titling programs succeeded, e.g. in Tunisia where subsidized titling was accompanied by irrigation and the introduction of high value crops, evidence from Botswana, Swaziland and Zambia show that titling often works in favor of landowning elites and private agribusiness at the expense of small-scale producers (Ngaido, 2005). And in Cote d'Ivoire, titling resulted in the eviction of migrant laborers operating under rental/sharecropping arrangements. The value of land rights from titling is equal to the present value of the land minus plus collateral minus both the transaction costs and taxes associated with the land.

Redistributive land rights aim to reduce inequalities in landowning emanating from previous imbalances either from land concentration by local elites or foreigners. Examples include Algeria, Guinea-Bissau, Ethiopia, Libya, South Africa, and Zimbabwe. As confiscated land initially becomes state land, redistributive rights provide limited opportunities for sale and rental, hence the value of these rights is the present value of benefits minus transaction costs (VP-TC). Limited transfer rights may lead to insecurity, e.g. in some parts of Ethiopia where insecurity emanates from the fear among inefficient users that they may lose their land rights. Yet, in other parts of Ethiopia where there is regulated land rental, redistributive rights have proved to fulfill both efficiency and equity objectives by providing more land access to women and younger, more productive households.

In cases where land redistribution occurs in developed agricultural areas, for example, along the Senegal River after irrigation with more productive lands being transferred to project beneficiaries, inequalities may be maintained or enhanced since redistribution often follows prior ownership rights. This was the case in Mauritania where irrigation occurred for lands owned by more powerful and wealthy elites turning poor farmers into laborers.

The recent reforms in southern Africa encouraging market-based land polices [willing buyer-willing seller] were aimed at facilitating equity and efficiency in the agricultural sector while avoiding the negative effects of land confiscation on the economy. Unfortunately, evidence from South Africa, Namibia and Zimbabwe show that the white population acquired more land under these market based policies than disadvantaged black farmers. As a result, many governments in southern Africa are revisiting the option of confiscation.

Subsidized market based reforms vary from the conventional market based reforms in that land right holders are given financial support by governments or donors to pay for part of the cost of acquiring land. It is envisaged that, if well targeted, such programs can benefit women and poor people. Unfortunately, in reality these programs for example, in South Africa and Zimbabwe, have been slow and in instances when the financial support is high, beneficiaries are quick to sell their land, making a profit comparable to the subsidy. The result of such an exercise therefore might result in unintended land concentration, exacerbating land inequality (Ngaido, 2005). In order for these reforms to work, accompanying laws and regulation must be put in place to avoid unintended outcomes.
A comprehensive reform agenda: integrating land tenure, institutional and regulatory reform

Getting Africa on a path of successful land reform that facilitates efficient, equitable and sustainable use of its land and natural resources requires the understanding of the intended beneficiaries of land reform programs and their environment (e.g. their capabilities, constraints, opportunities) in order to apply the appropriate reforms to the land rights, land markets, legal processes and land administration. In addition, it is important to engage in holistic reforms which address all aspects and processes including the capability of governments to undertake the necessary reforms required to reach a successful outcome. Partial reforms of e.g. policies without accompanying legal and administrative reforms or appropriate human and financial capacity have often fallen short of their objectives. Box 4.3 presents the case of Sahel, where a clear attempt was made for comprehensive land reforms, addressing issues of law, institutions and governance.

a. Reforming customary rights and local institutions
Simple non-expensive registration programs for customary rights can help transform these rights into legally recognized rights with a view to improving efficiency by enhancing tenure security and land transfer (e.g. land sales) and facilitating access to credit and other inputs for rights holders. It is, however, necessary to also invest in and reform local institutions, for example, by improving recording systems to facilitate cadastre.

b. Improving land rights gained from redistribution
The majority of current land redistribution programs result in restricted land rights with rights holders denied the right to sell land. Although it is important to ensure that such programs do not result in mass land sales leaving land owners destitute, it is equally important to recognize the need to allow these rights to evolve into either private property (individual or group), with a view to facilitating movement out of e.g. inefficient farmers who wish to quit farming and invest the capital in other ventures.

c. Addressing constraints in market-based reform programs
To address the problem that has prevented successful market-based programs, Ngaido (2005) calls for a change in the valuation system by making a distinction between improved and non-improved lands. This would reduce the price of unimproved lands, making them more affordable for, say, acquisition by governments for redistribution as in southern Africa, or to poor resource farmers who wish to buy land. At the same time this would allow sellers to recover the cost of their investments.

d. Decentralized land administration
Decentralization increases local people's influence through close contacts with the administration. Reforms geared toward elected authority for local land administration would lead to responsiveness to local interests and needs. The government however must play a role in providing a broad framework and principles, rules of tenure and access and ensure transparency and accountability of these institutions. Debate should be encouraged at local, national and sub-regional levels to enhance decentralization programs (Winter, 1998). Facilitating learning from different initiatives underway, for example, gestion de terroir common based resource management system, conflict resolution mechanisms, forest management, wildlife management would be useful as well as public consultations in the drafting of new tenure codes, parliamentary debate etc.
e. Enhancing mechanisms for land and natural resource dispute resolution

To settle land disputes, African countries depend on a mixture of customary and statutory laws as well as alternative mechanisms. The effectiveness of any dispute resolution mechanism depends on the ability to think ahead and anticipate conflict. This calls for early warning and strategic planning, incorporating short and long term goals. (Maiga and Diallo, 1988) provide a summary of how conflict and dispute resolution can benefit from an integrated approach with the coordination of national and international partners. They point to the...
importance of placing land and property rights issues on peace making agendas to avoid the failure of peace initiatives and a relapse into conflict. In addressing displacement and return of populations, Kamungi et al. (2005) emphasize short-term capacity building efforts to enhance institutions handling refugee repatriation and integration.

The importance of strengthening mechanisms for dispute resolution by increasing the participation of internally displaced persons (IDPs) cannot be underestimated. Resettlement for displaced persons and resettlement programs should be reviewed to reduce conflicts among different land uses. Programs for civic education aimed at enhancing peaceful co-existence could be useful. Education and advocacy on land tenure issues should also be harnessed in order to facilitate a long-term comprehensive land policy reform that facilitates devolution and decentralization of land administration and management.

Institutional, legal and policy responses to conflict should aim for comprehensive programs for correcting injustices through well-established forms of redress. This starts with embedding the rights of customary land in the constitution and putting these rights at par with statutory land. Improved land registration and affordable mechanisms for demarcating boundaries are essential, so are law reforms geared toward recognizing the rights of communities to natural resources such as water, forests, wildlife, minerals, fisheries, rangelands, protecting them from being overridden by private rights of land ownership after e.g. titling.

In addition, Africa should explore ways of protecting indigenous intellectual property rights over genetic resources in their habitat in accordance with the Convention of Biological Diversity. In this regard, laws should be enacted to ensure equitable sharing of wealth created from natural resources, facilitating poverty reduction and including minority communities in national development. Trends toward improving good governance are a welcome sign that land administration, particularly local administration and management, will slowly start to address inefficiency and corruption in land administration (Lumumba, 2005).

Conclusions

The efficient, equitable and sustainable management of Africa’s natural resources depends on land tenure, institutions and regulation of land and land resources. This chapter examined the constraints that affect the management of some of these resources, including farmlands, common property resources such as pasturelands and forestry as well as water resources.

With regard to agriculture the main constraints include biased land use regulation, unequal land distribution and insecurity of land tenure. In addition, the complexities introduced by globalization, particularly the intensity of the forces of global capitalism in resource allocation in Africa, demand that land reform take note of the new playing field. In particular, land reform must aim to address the structural causes of inequality, recognizing that land issues are linked to processes of change in the local and global arena.

Specificities of common property resources such as pastoral lands and forests make them more viable when managed under common property management tenure regimes. While it solves equity related constraints, this type of resource management needs policies and regulations that ensure that this system allows for efficiency and sustainability objectives to be achieved.

The challenges involved in water management are exacerbated by the lack of coordination between land rights, water rights and management decisions pertaining to these two resources. Improving water management requires an integration of water and land decision-making processes to avoid adverse effects of the poor management of one resource on the other.
In spite of the significant contribution of women to agricultural production and the management of natural resources, this chapter shows that women often do not have the necessary rights of access and control of the land. This is a significant constraint to achieving equitable, efficient and sustainable resource management. Reforms that are geared toward recognizing women's rights to land (including changes to property ownership and inheritance) are much needed.

Activity and actor-led land and natural resource conflicts are a cause for concern in Africa. Causes of land scarcity such as population growth may lead to disputes, particularly in the face of poor land legislation and the lack of a comprehensive and integrated land policy. Dysfunctional land administration has also contributed by not providing dispute resolution mechanisms to mitigate and resolve disputes. As a result, land disputes have often escalated to full-blown conflicts in Africa in recent years.

In order for HIV/AIDS affected and afflicted households to have viable options to mitigate the impacts of HIV/AIDS on agriculture and natural resource management, land reform must ensure that land rights for women, orphans, households and communities are addressed in land reform processes.

Most reforms for land rights are geared towards improving equity, efficiency and sustainability objectives in natural resource management. Examining alternative benefits and costs of alternative land rights regimes is however vital to a successful land rights regime.

In addition to land right reforms, institutional and regulatory reforms that aim to reform customary rights and local institutions; improve land rights gained from redistribution; address constraints in market-based reform programs; decentralize land administration; and enhance mechanisms for land and natural resource dispute resolution are vital.
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