Introduction and Overview of Agricultural Land Redistribution and Land Administration Case Studies

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The six case studies in this book were prepared as background studies for a synthesis report on land administration and reform in Sub-Saharan Africa (SSA) recently published by the World Bank (Byamugisha 2013). Collectively they cover two main areas of land governance: reforms in redistributing agricultural land and reforms in land administration. The first two case studies discuss reforms in redistributing agricultural land in Malawi and South Africa. Reforms in four thematic areas of land administration are addressed in the remaining case studies, encompassing experience from various countries as follows:

- Decentralizing land administration (Ethiopia, Ghana, Tanzania, and Uganda)
- Developing postconflict land administration systems (Liberia and Rwanda)
- Reengineering and computerizing Land Information Systems (LISs) (Ghana and Uganda) and
- Improving management of government land through land inventories (Ghana and Uganda).

The common elements between sometimes quite disparate experiences provide lessons of relevance to other SSA countries contemplating similar reforms.

This chapter is divided into three sections. The first section defines the problem in land ownership inequality and poor land administration, and the second section addresses the question of why reforms are necessary. The third section provides a brief overview of the six case studies, highlighting their lessons and applicability to other SSA countries.
Introduction and Overview of Case Studies

Agricultural Land Redistribution and Land Administration in Sub-Saharan Africa

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The Problems of Land Ownership Inequality and Poor Land Administration

Land Ownership Inequality

The colonization of Africa included the appropriation of land for white settlers and colonial corporations predominantly in Southern Africa (Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia, and Zimbabwe), Kenya, and Côte d’Ivoire. Just before and immediately after independence from the late 1950s through the 1970s, several of these countries undertook land reforms to redress colonial and postindependence land ownership inequalities and regressive land use policies. The reforms undertaken included nationalization of the settler and corporate lands (as in Angola, Mozambique, and Zambia) and use of market-based mechanisms for land acquisition and compensation using funds provided by the former colonial masters as agreed to in independence packages (as in Botswana, Kenya, Malawi, Swaziland, and Zimbabwe).

Despite these reforms, inequality in land ownership and landlessness are still at unacceptable levels in many countries. The most extreme example of land ownership inequality is in South Africa. At the end of apartheid in 1994, approximately 82 million hectares of commercial farmland (86 percent of all farmland) were held by the white minority (10.9 percent of the population), concentrated in the hands of approximately 60,000 owners. Notwithstanding a land reform program launched in 1994 to reduce land ownership inequality by transferring land from white South Africans to the majority and poor black population, as of March 2013, nearly 80 percent of the land was overwhelmingly owned by white minorities. In Kenya, three powerful political families are estimated to own more than 1 million acres of rural land, while at least 4 million rural Kenyan citizens are landless and at least 11 million own less than 1 hectare. High levels of land ownership inequality and landlessness are still a major source of conflict in terms of race relations and economic injustices in countries such as South Africa and Zimbabwe, while in others (notably Côte d’Ivoire, Kenya, and Liberia), they represent gross economic and social injustices that threaten the political and economic stability of these countries.

Poor Land Governance

Postindependence African governments have not invested enough in land administration systems, resulting in decaying surveying infrastructure such as national geodetic networks, reliance on outdated large-scale base maps, and provision of inefficient land administration services in many SSA countries. Observers have noted various symptoms of poor land administration (Byamugisha 2013). First, even half a century after independence, only 10 percent of rural land in SSA is registered; the rest is undocumented and thus vulnerable to land grabbing and expropriation without compensation. Second, increased investor interest in large-scale agriculture in SSA has led to “land grabs,” to the extent that millions of hectares of land have been claimed by investors, with poor land governance leading to violations of principles of responsible agro-investment and dispossession of...
local communities (Cotula et al. 2009; Deininger et al. 2011). Third, land administration is so inefficient that it takes twice as long (65 days) and costs twice as much (9.4 percent of property value) to transfer land in SSA than in Organisation for Economic Co-operation and Development (OECD) countries (31 days; 4.4 percent) (World Bank 2012). Fourth, there is considerable corruption in land administration, as indicated by the Food and Agricultural Organization (FAO) and Transparency International in their study of 61 countries, which found that weak governance had increased the likelihood of corruption in land administration (Arial, Fagan, and Zimmermann 2011). Fifth, capacity and demand in land administration are low relative to the requirements and to countries in other regions. For example, Ghana, Kenya, and Uganda each have fewer than 10 professional land surveyors per 1 million population compared to Malaysia (197) and Sri Lanka (150) (Byamugisha 2013).

The Need for Agricultural Land Distribution and Land Administration Reforms

Reforms in Agricultural Land Distribution

Time after time, the world has witnessed peasants dispossessed of their lands through coercion in the Americas, Europe, Asia, and Africa, resulting in highly unequal land distribution often followed by peasant uprisings. In Africa, colonial settlements left such a legacy of unequal land distribution that even independence struggles and negotiations were unable to correct the situation. The operation of land markets amid imperfections in other markets has also left its mark on the formation of highly unequal land distribution. Although the rise of social movements and more progressive governments has led to serious attempts to correct the highly unequal distribution of land, this has been done primarily through government-led compulsory land acquisition (expropriation) and distribution programs, many of which have been slow, administratively costly, and often unaccompanied by measures to develop redistributed land. As a result, the amount of land redistributed has been limited and has led neither to sustainable increases in productivity of the redistributed land nor to reduced poverty of the beneficiaries. In a bid to improve the performance and impacts of land reforms, alternatives to government-led compulsory land reforms were initiated especially during the 1990s. These alternatives have been labeled as market-assisted land reforms, often community based. Both the old-style land acquisition and distribution approach and the alternative mechanisms of land reform were reviewed and reported on in a recent publication (Binswanger-Mkhize, Bourguignon, and van den Brink 2009). The review found encouraging results from the alternative new mechanisms of market-assisted and community-based approaches, especially in Brazil and Malawi, although a more comprehensive review of impacts was recommended to identify successful elements for scaling up.

Given the long history of redistributive land reform and its mixed record of success, it is worthwhile to ask if there is justification for continuing to undertake these reforms. At least three theoretical reasons support the contention that
redistributive land reform may lead to greater efficiency and equity: (1) the negative relationship between farm size and productivity can be exploited by land reform, (2) ownership of land that can enable credit access acts as a substitute for insurance to smooth consumption seasonally and over longer cycles for poor people, and (3) the same credit-accessing landownership enables financing of lumpy, indivisible, or long gestation investments for poor people. Indeed, cross- and intracountry studies have empirically confirmed the potential of a better distribution of real property (land) to enhance growth and reduce poverty.

**Negative Relationship between Farm Size and Productivity**

Because of large farms’ reliance on hired labor (as opposed to small farms which use family labor), they are faced with costs of supervising hired workers and are therefore less productive and often have lower levels of land utilization than small farms. A large body of empirical research backs up this contention (Barraclough 1970; Berry and Cline 1979; Kutcher and Scandizzo 1981; Barrett 1996; Benjamin and Brandt 2002). Thus a redistribution of land from wage-operated large farms to family-run small farms would lead to increases in productivity (Binswanger, Deininger, and Feder 1995). However, a smaller body of empirical research does not find evidence of this inverse relationship (Hill 1972; Kevane 1996; Zaibet and Dunn 1998). More recently, this minority view has received support from Collier and Dercon (2009) who, in the context of African agriculture, argue that this inverse relationship has been supported by only a few studies, with a few others finding a reverse (i.e., positive) farm-size/productivity relationship. It should be noted that most of the earlier research was done to test the main explanation of the inverse relationship, mainly imperfect factor markets—labor, land, and insurance markets (Barrett, Bellemare, and Hou 2010). More recent research that has been done testing other explanatory factors, especially omitted variables (mainly quality of land) and statistical issues, has confirmed the existence of the inverse relationship (Larson et al. 2012; Carletto, Savastano, and Zezza 2013). These research findings are relevant not only for indicating the relevant scale for the desired level of productivity; they are perhaps even more relevant to indicating the relevant scale to optimize achievement of food security and poverty reduction because productivity and incomes from family-operated small farms have a greater impact on the latter when compared with wage-operated large farms.

**Credit-Accessing Landownership, Smoothing of Intertemporal Consumption, and Financing Lumpy Investments**

With availability of credit facilities, landownership can enable poor people’s access to collateral-based credit, which they can use as a substitute for insurance to sustain consumption across seasons and longer business cycles; the credit enabled by landownership can also be used by the poor to finance indivisible, lumpy, and longer gestation investments such as schooling, farm equipment (such as ox-drawn ploughs and irrigation pumps), and planting of perennial crops (Galor and Zeira 1993; Bardhan, Bowles, and Gintis 2000). Empirical evidence to support these contentions can be found in Jalan and Ravallion (1999) and
Fafchamps and Pender (1997). As such, a redistribution of land from wealthy owners of large farms to land-poor farmers, renters, or farm workers would result in enhanced productivity, economic growth, and poverty reduction and would constitute a more efficient and effective policy instrument for achieving equity than a mere distribution of income (Mookhrjee 1997). But landownership can enhance access to credit only if it is documented and easily verifiable through a public land registry underpinned by a robust LIS as described in the case study in chapter 6 (Deininger and Feder 2009).

Empirical Evidence Confirming Impact of Better Land Distribution on Growth and Poverty Reduction
Cross-country regressions by Birdsall and Londono (1997) found a significant negative impact of the initial unequal asset distribution on subsequent economic growth, while research by Deininger and Squire (1998) found such an impact to be particularly severe for the poor. It should be noted that these measurements of relationships between land distribution and growth were largely based on correlations, and not causation.

Reforms in Land Administration
Sound land policies and efficient land administration are critical to economic growth, food security, and poverty alleviation, especially in Africa, where about 80 percent of the population still rely on agriculture for their livelihoods (African Development Bank Group 2010). In fully settled areas where agricultural production increases are no longer feasible through area expansion, enhancing agricultural productivity on existing farms is the only path to agricultural growth. Sound land policies can facilitate growth in agricultural productivity via secure land tenure, which enhances opportunities for investment. For example, land reforms in China in 1978 dismantled collective farming and conferred land rights to households, unleashing a period of prolonged growth in agricultural productivity that transformed rural China. In Africa, impact studies have confirmed that a recent massive land certification program in Ethiopia and an ongoing countrywide registration program in Rwanda have been associated with significant increases in investment (Deininger et al. 2007; Ali, Deininger, and Goldstein 2011).

Sound land policies are also essential for facilitating flows of private investment into agriculture and other land-based industries, including light manufacturing. Although it has long been known that land tenure security is associated with private investment (Place 2009), the recent surges in investor interest in Africa in agriculture (following the 2008 food and commodity price boom) and in oil, mineral resources, and tourism have put a special premium on land tenure security: without it, investors cannot be sure of reaping the full benefits of land deals and investments, nor can local communities receive protection and full compensation for their land rights or a fair share of returns from investments on their land (Deininger et al. 2011).

Outside of the agriculture sector, land is a constraint for most manufacturing firms in SSA (Dinh et al. 2012). Small and large firms setting up or expanding
face a lack of access to industrial land equipped with utilities and transport linkages to markets; they also lack land to use as collateral to secure loans. To facilitate growth in manufacturing in SSA, the issue of secure access to land must be tackled head-on.

The role placed on land policies in ensuring social stability in SSA cannot be overemphasized in light of conflicts over land arising from global commercial interests in natural resources (e.g., in the Democratic Republic of Congo, Liberia, and Sierra Leone); and pervasive land disputes associated with access to land by returning refugees and internally displaced people in conflict-afflicted countries, including Burundi, Côte d’Ivoire, Rwanda, Somalia, Republic of South Sudan, and Uganda. Last but not least, sound land policies are required to protect natural resources and the environment against irrational use and pollution. The recent challenges of climate change and the upsurge in investor interest in African agriculture and natural resources make this even more urgent. Growing investments in the extraction of oil and mineral resources and the exploitation of forestry and water resources also call for better land use planning and land tenure policies to ensure sustainable resource use and to avoid pollution. Countermeasures to global warming, such as carbon offset programs of reforestation, require documentation of land rights to identify and secure the rights of tree plantation owners involved in these programs.

Case Studies in Redistributive Land Reform in Malawi and South Africa

Redistributive Land Reform in Malawi
To address the highly unequal distribution of its overcrowded arable land, which coexists with underutilized large-scale farms, Malawi piloted a land reform program in 2004 with funding from the World Bank (2004). The pilot project aimed to increase the income of about 15,000 rural poor families through a decentralized, community-based, and voluntary approach in four districts, modeled on Brazil’s market-based approach to land reform (under implementation since the mid-1990s). The pilot had three key elements: (1) voluntary acquisition by communities of land sold by willing estate owners; (2) resettlement and on-farm development, including transportation of settlers, establishment of shelter, and purchase of basic inputs and necessary advisory services; and (3) survey and registration of redistributed land. Land reform beneficiaries, organized in voluntary groups, were self-selected on the basis of predefined eligibility criteria. Each family received a grant of US$1,050, managed directly by beneficiaries, of which up to 30 percent was for land acquisition, and the rest for transportation, water, shelter, and farm development. Implementation was decentralized through District Assembly institutions and required capacity enhancement, especially for surveying and registration.

According to impact evaluation studies, the project achieved impressive results, including an increase of 40 percent in agricultural incomes for beneficiaries (compared to nonbeneficiaries) between 2005/06 and 2008/09, an economic rate of return of 20 percent, and positive impacts on the livelihoods of
beneficiaries and surrounding communities, with improvements in land holdings, land tenure security, crop production, and productivity, and consequently on income and food security (Simtowe, Mangisoni, and Mendola 2011). These results leave no doubt that Malawi’s redistributive land reform model is one upon which SSA countries can build to address land ownership inequality and landlessness. Key lessons learned are the following:

• Community-driven land redistribution programs are possible and can be economically viable in SSA.
• Capping the maximum amount of the beneficiary grant that can be spent on land acquisition, but allowing flexibility to spend grant money on resettlement and land/farm development, is an effective mechanism to encourage beneficiaries to seek and negotiate for lower priced land.
• The market-assisted willing seller–willing buyer (WSWB) approach is generally effective, but may not work if there are no taxes (ground rent) on land, if taxes are very low and/or poorly enforced, or if large-scale agriculture is subsidized through freehold land (as in Malawi).
• Land reform programs should be embedded within broader programs of rural development to ensure that beneficiaries are able to optimize the benefits of such programs.

Redistributive Land Reform in South Africa
South Africa has had perhaps the greatest urgency for land reform. Unlike in Malawi, land reform in South Africa has made slow progress in reducing ownership inequality and has had minimal impact on productivity and incomes, as discussed in the first section of this chapter. The case study on South Africa concludes that its land reform program is missing two important aspects that would enable it to make a significant impact on the livelihoods of beneficiaries. First, there is no viable small-farmer path to development, which could enable the millions of households residing in communal areas and on commercial farms to expand their own production and accumulate wealth and resources in an incremental manner. This requires radical restructuring of existing farm units to create family-size farms, more realistic farm planning, appropriate support from a much-reformed state agricultural service, and a much greater role for beneficiaries in the design and implementation of their own projects. Second, there is an absence of a sustained focus on implementation, resource mobilization, and timely policy adjustment. Nonetheless, the lessons learned for program design and implementation from South Africa’s program are the following:

• Market-based land reforms alone do not work. The WSWB approach applied in South Africa since 1994 has not worked partly because owners of large holdings are unwilling to sell because they have high incentives to hold on to the land. Market purchases from “willing sellers” must be supported by genuinely proactive interventions by the state to remove incentives for large holdings and to tax unused land above a certain threshold to enable beneficiaries to purchase land at normal market prices.
• There is a need for appropriate legislation and its rigorous application to enable land reform to work. For example, legislative action is required to remove legal restrictions against land subdivision, which prevents large-scale farmland from being divided to better suit the farming needs of land reform beneficiaries.
• There is need for stronger involvement of civil society in sensitizing and improving the bargaining capacity of beneficiaries.
• Postsettlement support is critical to ensure the long-term success of land redistribution programs. If the poor are not targeted with grants, as was done in Malawi, a land reform program driven by markets alone is unlikely to reach or benefit the poor.

It should be noted that the Malawi redistributive land reform is the only one in Africa that has been subjected to a systematic impact assessment. To ensure lessons are learned to improve design of future land reforms, more systematic efforts are direly needed to analyze the impacts of land-related interventions at a microlevel and to plan for these assessments at the initial stages of project conceptualization. In the case of Africa, advantage should be taken of more waves of household panel survey data becoming available under the Living Standards Measurement Study–Integrated Surveys on Agriculture initiative. These data sets could be explored to support an increased emphasis on documenting the dynamic effects of land reforms at a microlevel.

Case Studies in Reforms in Land Administration

Decentralization of Land Administration

Local institutions often have a better understanding of local needs and are more inclined to respond to them, because they have better access to information and are more easily held accountable to local populations (Ribot 2001; Sikor and Muller 2009). Given that land is ineffably local, the justification for decentralizing land administration is potentially strong; indeed, in much of Africa, land administration is already effectively decentralized to traditional authorities who administer land under custom, with or without a legal foundation in national law. In light of the growing international demand for land, and the associated urgency to provide written records of land rights to rural people, efforts to decentralize are timely.

The extent to which the benefits of land administration decentralization are realized depends on how the process is structured and implemented; local governments are not necessarily more democratic, more efficient, or less corrupt than central governments, and not all land administration functions are best carried out at the local level. Centralized management may be needed to deliver technology, maintain uniform national standards, or ensure quality of services. Local capacity may be difficult to create, or the technology needed may be too complex or expensive to maintain locally. Decentralization requires strategies appropriate to the tasks, objectives, and budget. Recent experience suggests that the cost of creating new local administration capacities is high; some reliance on
traditional authorities may be less costly (Bruce and Knox 2009). But the legitimacy of traditional authorities is also eroding rapidly because of pressure from a recent surge in foreign direct investment, significant demand for land for large-scale agriculture, and associated opportunities for corruption (Nolte 2012). There is no one model or process that can ensure success, but a review of what has and has not worked can guide the design of future decentralization.

Ethiopia, Ghana, Tanzania, and Uganda have taken different approaches to decentralization. The case study focuses on the effectiveness of each approach, examining (1) the land administration roles decentralized, and by whom they are performed, (2) the interactions of decentralized land administration institutions and those at higher levels, (3) the interactions of decentralized land administration institutions and other local institutions, particularly those with land management roles, (4) the extent to which the decentralization is a deconcentration or a devolution of authority, and (5) the sustainability of each system in management and financial terms. A number of observations and recommendations regarding decentralization of land administration in SSA emerge, such as the following:

- Land administration decentralization happens within the more general decentralization of government and public services.
- Decentralization can be greatly facilitated if capable community institutions are already in place.
- Decentralization of land administration tasks tends to be deconcentrations of central government authority, partly reflecting the desire to facilitate the functioning of national land markets.
- Initial decentralization of any sophisticated land administration machinery requires a strong central government lead and assistance to communities, although a regional or district lead may suffice for very simple systems.
- Community institutions have an important role in the maintenance and operation of the decentralized system, even when the central government takes a strong lead, especially in the initial identification of holdings and rights holders. Given that local institutional capacity (at local government and community levels) is critical to successful decentralization of local administration, deliberate efforts need to be made to create and strengthen such capacity and to provide resources for ongoing maintenance (Mansuri and Rao 2012). This is necessary to avoid ending up with a very weak decentralized system that cannot withstand stress, such as the continuous creation of new districts as in Uganda where the number of districts doubled from 56 to 112 between 2002 and 2013 (see chapter 3).
- The institutional framework for decentralized land administration should be planned conservatively, with a clear sense of the long-term system maintenance costs and the source of their funding.

**Developing Land Administration in Postconflict Countries**

Postconflict countries often experience continuing tensions over land that are grounded in issues that predate the original conflict and may have even
contributed to it. Actions taken during the period of conflict can also exacerbate land problems. Dealing decisively with land issues at the cessation of conflict is therefore critical not only to break the vicious cycle of conflict but also to contribute to postconflict economic recovery. Some countries have done this successfully. For example, Cambodia avoided a recurrence of conflict by basing land rights on occupancy, resettling displaced people, and permitting the military to use lands occupied in the war zone until they were demobilized and reintegrated; this contributed to postwar reconstruction as well as to peace (Zimmermann 2002; Torhonen and Palmer 2004). Similarly, Mozambique resettled 5 million people after its peace agreement, using local institutions to mediate and resolve conflicts that emerged, while also working on a new land law that provided a right of occupancy to rural families; these efforts contributed to the country’s social and economic stability (Tanner 2002).

One case study herein reviews Rwanda and Liberia’s experiences with reestablishing systems of land administration and embarking on needed reforms. In both countries, land issues quickly came to the forefront of postconflict national concerns, and both governments appreciated their seriousness. In addition, development partners made funding available to address them, if somewhat belatedly. At the same time, the ability to cope with policy and management issues was badly degraded by the conflict in both countries, and many years passed before either government could seriously engage in these issues.

In Rwanda, extremely high population pressure on land contributed to the initial conflict and complicates current attempts to appropriate the land of those who fled and to make readjustments for land sharing and resettlement of returned refugees. In Liberia, prewar tensions created by Americo-Liberians’ land appropriations persist and are exacerbated by the major population displacement that occurred during the conflict. The two countries took different tracks to develop and implement land reform strategies: Rwanda moved more quickly on systematic registration of land rights, whereas Liberia, arguably taking a more considered approach, focused on policy, law reform, and rebuilding government capacity. At least four lessons emerge from the case study:

- At the end of conflicts, postconflict governments and donors need to focus early not only on conflict management but also on developing basic land policies to address underlying tensions over land.
- Moving more rapidly into policy work after cessation of conflict requires earlier deployment of development partners’ expertise on land tenure to assist governments struggling with land policy issues.
- Rebuilding the capacity of governments in land administration and land dispute resolution requires reestablishing technical capacity and retraining staff in the basics of management.
- Where land governance institutions are very weak or simply not present, governments will initially need to resort to institutional approaches such as task forces and special commissions that can bring together limited existing expertise to focus on land matters.
Rationalizing and Computerizing Land Registration and Administration Systems

Land administration systems in many SSA countries are characterized by time-consuming, inefficient, and expensive procedures for land transactions, a lack of transparency, corrupt practices, low public confidence in the systems, and generally insecure land transactions. A number of ways are available to address these inefficiencies and other problems in land administration, among them computerizing land registers and land administration systems. For example, according to the World Bank (2012), 27 economies worldwide that computerized their registries in the past seven years cut the average time to transfer property in half, by about three months. An increasing number of SSA countries have initiated programs to computerize land registers and establish LISs. While such interventions increase efficiency and transparency in land administration and facilitate movement of land from less to more productive users thereby raising returns for landholders, this is premised on the assumption that there is open and easy access to land registries. This is not the case for the vast majority of the rural landholders and land market participants especially in SSA (Deininger and Feder 2009). Therefore, measures to computerize land registration and administration systems must be accompanied by interventions to make the systems open and easily accessible to all stakeholders.

Programs for computerization and LIS development can take as long as 10 years to complete and require considerable financial resources and capacity building (McLaren 2011). For example, the first phase of the two-phase program of Uganda’s LIS development has already absorbed US$11 million, with the second phase expected to absorb about US$10 million (see chapter 6). LISs are technologically and institutionally complex systems and include legally sensitive and economically important information, such as land titles and cadastral data; this requires building appropriate security measures to ensure data protection and system reliability.

The case study on Ghana and Uganda’s LIS programs extracts a number of lessons and best practices, including the following:

- Establishing an LIS requires a systematic approach, a detailed system design, and careful planning of each phase.
- Design and implementation of the LIS and the associated activities are best done as a self-contained program or project within a wider land administration reform program, not as discrete activities of a project.
- An expert with global experience is required to act as a supervision engineer and adviser to supervise project implementation, similar to the practice in the building and construction industries.
- Free/Libre Open-Source Software versus commercial off-the-shelf software should be carefully chosen based on software maintenance, license payment, system security, and local capacity to keep the system operational.
- LIS development should be part not only of a broader reform agenda for the land sector but also of public services reform to ensure optimal impact.
Managing and Inventorying of Government-Owned Land

State landownership is widespread in SSA. Many countries inherited legal provisions at independence that promoted the concept of public land, including unused customary land, which was readily used or simply claimed by governments. Countries with colonial white settlements nationalized many of the settlers’ farm lands and corporate farms after independence. During the 1970s, others such as Benin, Burkina Faso, Nigeria, and Uganda either nationalized private and customary lands or established a state monopoly over land allocation, using this as a carte blanche to expand government landownership; this often created conditions for high levels of mismanagement and corruption (Mabogunje 1992). Improved governance of state-owned land has therefore become a challenge in many SSA countries.

Although auctioning state land for private sector development is one option, other efficient and equitable uses of state lands are available. For example, where state land has been occupied or used informally for a long time by private citizens, such as in rural and urban informal settlements or on agricultural land, long-term occupants could be legally recognized as owners and given land rights documents. Also, unoccupied or underused state land could be sold to land-poor farmers, as was done under a community-based land reform program in Malawi.

But to undertake any of these options, governments must first be able to identify and establish the ownership and occupancy status of state-owned lands. Currently, many SSA governments do not know the extent of their state landownership, because most lands are not surveyed and registered; in addition, they do not have up-to-date information on the current status of ownership and occupancy. To overcome this information gap and generate information for policy and decision making, some SSA governments have started inventorying state-owned land. The case study on government land inventories reviews Ghana and Uganda’s experiences in identifying and registering their state-owned lands with a view to improving their management.

The case study finds that of the two countries, Ghana’s program has been more successful, because it has been systematic and substantial, whereas Uganda’s land inventory program is still recent and on a more limited scale. Ghana initiated its land inventory program in 2003 with two objectives: (1) to enable its land agencies to obtain up-to-date, accurate records on all government-acquired and -occupied lands and (2) to enable the government to formulate and implement policy guidelines on compulsory acquisitions, compensation, and divestiture of public lands no longer needed for their intended public purpose. The inventory program covered 722 out of an estimated 1,144 sites (63 percent). It provided a clearer picture of the composition of government land and the principal sources of tension in communities impacted by government land acquisitions. The findings of the program helped the government issue short-term policy guidelines for managing state land assets while waiting for results from the completed national inventory. Uganda’s land inventory program was conducted from 2009 to 2011 and covered only 10 percent of its state lands. It faced design
and implementation problems and was therefore cut short with a view to redesigning it for future implementation.

This case study’s lessons and best practices indicate the following:

- Land inventory activities are best undertaken by specialized interdisciplinary teams of professionals drawn from the public and private sectors, with clearly defined responsibilities. Ghana’s land inventory was executed by four teams of field officers, of which two were survey teams and two were valuation and land use planning teams.
- A sizable component of sensitization and training activities conducted by a carefully appointed interdisciplinary team of public and private sector professionals needs to be incorporated into the program.
- There should be public verification of a list of government-acquired and -occupied lands compiled from various sources before the list is finalized and used as a basis to contract out land inventories.
- In most typical settings, the private sector should undertake the field boundary survey, the collection of survey data, and the preparation of deed and survey plans, while the public sector should undertake quality assurance, approval of survey and deed plans, and title registration.

Notes

2. A few exceptions of reasonably successful compulsory land reforms include those conducted in Japan, the Republic of Korea, and Taiwan, China, after the Second World War.

References


