



UPHOLDING PEACE FOR A PROSPEROUS AND INTEGRATED REGION SINCE 1986  
AU SERVICE DE LA PAIX POUR UNE REGION PROSPERE ET INTEGREE DEPUIS 1986

# THE STATUS OF LAND GOVERNANCE IN IGAD MEMBER COUNTRIES 2016



# TABLE OF CONTENTS

LIST OF ABBREVIATIONS .....	ii
EXECUTIVE SUMMARY .....	iv
1. INTRODUCTION.....	1
2. INTERNATIONAL, REGIONAL POLICY AND LEGAL FRAMEWORK FOR LAND GOVERNANCE .....	2
2.1 Sustainable Land Management .....	2
2.2 Improving Access to Land and Tenure Security.....	2
2.3 Protecting of Land Rights of Women and Vulnerable Groups.....	3
2.4 Land Policy Reform and formulation .....	4
3. INTERNATIONAL AND REGIONAL INSTITUTIONS.....	6
3.1 Support Land Tenure Programmes with Governments .....	6
3.2 Support Land Policy Reform and Development .....	7
3.3 Advocacy Programmes .....	8
4. LAND GOVERNANCE POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK IN THE IGAD MEMBER COUNTRIES .....	9
4.1 Land Tenure Systems .....	9
4.2 Land National Policies and Legal Frameworks .....	15
4.3 Land Administration and Institutions .....	29
4.4 Training and Research Institutions.....	36
4.5 Professional Societies and Civil Society Organisations .....	41
CONCLUSION AND RECOMMENDATIONS .....	45
REFERENCES .....	46
ANNEXES.....	47
Annex 1: National Policy and Legal Frameworks: A Comparative Review (Snapshot).....	47
Annex 2: Headers of Draft Strategy .....	55

# LIST OF ABBREVIATIONS

AfDB	African Development Bank
ANRC	African Natural Resources Center
AU	African Union
AUC	African Union Commission
CAADP	Comprehensive Africa Agriculture Development Programme
CEDP	Competitiveness and Enterprise Development Project
COMESA	Common Market for Eastern and Southern Africa
CSOs	Civil Society Organizations
ECA	Economic Commission for Africa
ECOWAS	Economic Community of West African States
EEA	Ethiopian Economic Association
EEZ	Exclusive Economic Zone
ENRM	Environment and Natural Resource Management
EU	European Union
FAO	Food and Agriculture Organisation
F&G	Framework and Guidelines
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH
HCENR	Higher Council for Environment and Natural Resources
IFAD	International Fund for Agricultural Development
IGAD	Intergovernmental Authority on Development
IGADD	Intergovernmental Authority on Drought and Development
ILC	International Land Coalition
KLA	Kenya Land Alliance
LPI	Land Policy Initiative
LSLBI	Large scale Land Based Investments
M&E	Monitoring and Evaluation
NEPAD	New Partnership for Africa's Development
NLC	National Land Commission
NLIS	National Land Information System

RCMRD	Regional Centre for Mapping of Resources for Development
RECs	Regional Economic Communities
SADC	Southern African Development Community
SDC	Swiss Agency for Development and Cooperation
SECS	Sudanese Environment Conservation Society
UNCCD	United Nations Convention to Combat Desertification
UNCLOS	United Nations Convention Law of the Sea
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UN-HABITAT	United Nations Human Settlements Programme
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure

# EXECUTIVE SUMMARY

This Synthesis report is a synopsis of the review of international and regional land governance policies and institutions as well as the review of policy, legal and institutional frameworks of land governance in the IGAD member countries. A snapshot of specific land governance issues at the international, regional and national levels in the IGAD region is discussed. At the international level, several instruments that provide guidance for land governance in the IGAD have been developed. The major ones are:

- The United Nations Convention to Combat Desertification (UNCCD);
- The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) 1979;
- The Universal Declaration of Human Rights;
- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- European Union (EU) Land Policy Guidelines (2004);
- Food and Agriculture Organisation (FAO) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2010);
- The IFAD Environment and Natural Resource Management Policy, 2012.

The above instruments emphasize the need to recognise land rights of women and local communities. At the regional level, there are also instruments and policies that have been developed that provide guidance to land governance in the IGAD region. The major ones are:

- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- The AU Declaration on Land;
- Agenda 2063;
- The Framework and Guidelines on Land Policy in Africa (2010);

- The Land Policy Initiative (LPI) the Guiding Principles on Large Scale Land Based Investments in Africa (2009) the African (Banjul) Charter on Human and Peoples' Rights (1981);
- The Maputo Declaration on Agriculture and Food Security in Africa (2003);
- The Comprehensive Africa Agriculture Development Programme (CAADP) the Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods (2014).

The above instruments provide guidance on land policy formulation and implementation. At the international level, there are several key institutions that are important in supporting land governance activities in the IGAD region. The key ones are:

- The Food and Agriculture Organization (FAO);
- The International Fund for Agricultural Development (IFAD);
- The United Nations Development Programme (UNDP);
- The World Bank;
- UN-HABITAT and;
- International Land Coalition (ILC).

The above institutions support policy and legal reform and protecting security of tenure. At the regional level, there are institutions that support land governance in the IGAD region and the key ones are:

- The African Union Commission (AUC);
- African Development Bank (AfDB);
- The United Nations Economic Commission for Africa (ECA);
- The Intergovernmental Authority for Development (IGAD) and;
- The African Land Policy Center (ALPC).

The above institutions create opportunities for enhancing land governance in the IGAD region.

IGAD region is made up of 8 countries namely: Djibouti, Ethiopia, Eritrea, Kenya, Somalia, South Sudan, Sudan and Uganda. The countries have similarities and differences in the land tenure systems, policy, legal and institutional framework. A review of policies and laws in the IGAD member countries, indicates that countries are at different levels of the development of policies and legal frameworks. Kenya and Uganda have recent comprehensive land policies and laws, while Djibouti and Ethiopia have no land policy but have land laws that address urban and rural land. In South Sudan, the Land Act has been developed but it is not implemented due to political instability while in Sudan the land laws are outdated and are heavily based on colonial principles and this is causing land conflicts between the pastoralists and agricultural farmers. In Somalia, there is almost no policy or law on land governance.

A review of the institutional framework in the IGAD member countries indicates that some countries have national land institutions and while others do not. For example Kenya and Uganda have specific Ministries for land administration and National Land Commissions though there are conflicts of mandates, inadequate transparency and low level of land information systems that still affect land governance. In Ethiopia, rural land administration is under the Ministry of Agriculture and Rural Development while urban land is under the Ministry of Urban Development and Housing. Management of rural land is decentralised to regional governments while urban land administration is delegated to city governments and municipalities. However, there is no national land institution to administer land. In Djibouti, there is no specific Ministry for Lands and there is no national land body. In South Sudan and Sudan, there is no specific Ministry of Lands. The national land institutions were established under the law but are not operational. In Somalia there is almost no institutional structure for land administration.

A review of the Training and Research Institutions in the IGAD member countries, indicates that apart from Ethiopia, that has a specialized training institution in land administration, in all other countries, training in land administration is scattered in various institutions and does not adequately address training needs in the region. In some countries such as Djibouti, training is done abroad which is expensive and does not necessarily cover the local training needs.

Based on the above findings, the following recommendations have been made:

### At IGAD Level

- Strengthen IGAD Secretariat's capacity on coordination/technical assistance on land governance;
- Strengthen IGAD Land governance by developing regional frameworks and related protocols for cooperation;
- Develop regional platform for dialogue, exchange and learning among states;
- Develop IGAD land governance training and research program;
- Coordinate implementation of a monitoring and evaluation framework for land governance.

### At the National Level

- Develop land policies and laws and reform institutions especially in Somalia, South Sudan and Sudan;
- Improve tenure security - communal & individual lands especially in Sudan;
- Increase access to land and tenure security for the poor and vulnerable people in all IGAD member countries;
- Increase efficiency and transparency in land administration especially in Kenya and Uganda;
- Strengthen land disputes resolution mechanisms for both statutory and customary land in all IGAD member countries;
- Increase scope and effectiveness of land use planning in all IGAD member countries;
- Improve public land management;
- Develop post-conflict land administration in South Sudan and Somalia.

# 1. INTRODUCTION

Land governance is critical for reducing poverty and for enhancing economic development, gender equality, social stability and sustainable resource use. When land is poorly governed, the associated problems often lead to disputes, land degradation and lost socio-economic development opportunities.

The review of land governance systems in the IGAD region identified common elements which include state sovereignty over land; legal pluralism (customary and statutory); gender biases in access to land; land tenure insecurity and land conflicts. It also identified differences in the land tenure systems and institutional framework. The variance in land governance systems in the IGAD region is due to different factors such as colonial, political, socio-economic and religious backgrounds.

This report provides a synthesis of important issues in land governance in the IGAD region.

# **2.INTERNATIONAL, REGIONAL POLICY AND LEGAL FRAMEWORK FOR LAND GOVERNANCE**

International instruments and policies have principles that provide guidance for land governance in the IGAD region. The key principles that are contained in the international and regional instruments are discussed below:

## **4.1. Sustainable Land Management**

Sustainable management of land is contained in various international instruments and policies. UNCCD calls for improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources which lead to improved living conditions, in particular at the community level.

## **4.2. Improving Access to Land and Tenure Security**

Security of tenure and access to land is critical to the population in the IGAD region especially those living in rural areas and depending on agriculture or livestock for their livelihood. There are several international instruments that seek to promote security of tenure and accessibility of land. The instruments provide principles that help in ensuring security of tenure and access to land. The major ones are: the EU Land Policy Guidelines (2004) which provide guidelines to support land policy design and land policy reform processes in developing countries. In land policy reforms, the guidelines emphasize that the Central issues for the design of land policy and land reforms are securing rights over land and related resources; building on existing rights and practices; ensuring effective land titling and land rights administration, lowering transaction costs and ensuring the role of rental market to enhancing productivity, access and land redistribution.

### 4.3. Protecting of Land Rights of Women and Vulnerable Groups

Land rights of women and vulnerable groups are protected under several international instruments. These include: The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979 which calls on States parties to end discrimination against women in laws, policies and practices; the Universal Declaration of Human Rights which prohibits discrimination of any kind including discrimination based on sex, the International Covenant on Civil and Political Rights discourages any kind of discrimination such as women's right to access, own, control and dispose their lawful obtained land; the International Covenant on Economic, Social and Cultural Rights which requires state parties to undertake all necessary steps to enact laws that are non-discriminatory to women and as well to make sure that it prohibits any practices that are gender discriminatory.

The other instrument is the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2010) which specify that Guiding principles for tenure governance include States recognition and respect all legitimate tenure right holders and their rights and prevention of tenure disputes, violent conflicts and corruption. The IFAD Environment and Natural Resource Management Policy,

2012 set out core principles for land governance which include improved governance of natural assets for poor rural people by strengthening land tenure and community-led empowerment.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa requires the need for the equality between women and men and the right to an equitable sharing of the properties that were jointly acquired.

The Agenda 2063 made commitment to develop and implement affirmative policies and advocacy to ensure women's increased access to land and inputs, and ensure that at least 30% of agricultural financing are accessed by women.

## 4.4. Land Policy Reform and formulation

There are several international and regional instruments that provide guidance for policy reform and formulation. The Land Policy Initiative assisting AU member states in developing or reviewing their land policies as well as in implementing and evaluating these policies. AU Declaration on Land requires RECs such as IGAD to support member States in land policy formulation, implementation and monitoring and address issues of land policies. The Framework and Guidelines on Land Policy in Africa (2010) provide principles which should inform the development, content and implementation of land policies in African member states. These include Integrating land issues into decision-making processes; acknowledging the legitimacy of indigenous land rights systems; strengthening the land rights of women and enhancing access to land through tenure reform. The Framework Guidelines provides the ideal sequence of developing land policies and these are:

- Consultations and identification of salient problems and formulation of NLP;
- Formulation of land laws and rationalization of land-related legislation;
- Appraisal of institutional and financial/budgetary options;
- Rationalization of the institutional responsibilities for implementation of the NLP and laws;

- Dissemination of information to the public, training and capacity building.

# 3. INTERNATIONAL AND REGIONAL INSTITUTIONS

International and regional institutions play an important role in promoting land governance activities in the IGAD region. The key activities they promote are discussed below:

## 4.5. Support Land Tenure Programmes with Governments

The Food and Agriculture Organization (FAO) coordinates efforts of governments and technical agencies in programs for developing agriculture, forestry, fisheries, and land and water resources. It also supports land governance activities by promoting secure tenure rights and equitable access to land as a means for eradicating hunger and poverty. The UNDP has a Drylands Development Centre (UNDP/DCC) which is part of the United Nations Development Programme and helps governments to establish and institutionalize the link between grassroots development activities and pro-poor policy.

UN-HABITAT through the section on Land, Tenure & Property Administration supports implementation of land and housing and property rights, particularly women's secure tenure, affordable land management systems and pro-poor flexible types of tenure. Through the Global Land Tool Network (GLTN), it supports land reform, improved land management and security of tenure particularly through the development and dissemination of pro-poor and gender-sensitive land tools.

Intergovernmental Authority for Development (IGAD) under the Agriculture and Environment Division hosts the IGAD-LPI-SDC project which is intended to enhance the capacity of the LPI and the IGAD Secretariat to facilitate and monitor the implementation of the African Union Declaration on Land Issues and Challenges in Africa and mainstream land governance issues in programmes and activities of the IGAD Secretariat and Member States and develop capacity of academic institutions in the region to promote and undertake land policy related research.

## 4.6. Support Land Policy Reform and Development

The African Union Commission has developed the LPI which is to assist member states in the implementation of the AU Declaration on land Issues and challenges in Africa, in accordance with the Framework and in accordance with the Framework and Guidelines on Land Policy in Africa. In partnership with the UNECA and the AfDB, it initiated a process for the development of a Framework and Guidelines for land policy. The UNECA supports review of the policy, legal and regulatory frameworks for the proper management of natural resources in Africa.

The FAO developed Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) aimed at promoting secure tenure rights and equitable access to land as a means for eradicating hunger and poverty. The IFAD has developed Environment and Natural Resource Management Policy that sets out core principles to guide IFAD's support for clients in ENRM. The UNDP Drylands Development Centre supports reform in the national development frameworks; land tenure/reform and sustainable land management. The World Bank through its Agriculture and Rural Development research program includes the development of the Land Governance Assessment Framework (LGAF) and the issuing of Policy Research Reports.

## 4.7. Advocacy Programmes

International Land Coalition (ILC) promotes secure access to land for rural people through capacity building, dialogue, and advocacy. African Land Policy Center (ALPC) will be a transition from LPI and will maintain a close relationship with AUC, ECA and AfDB and involve other key actors in its governance. It will have strong thematic programs as well as regional programs to ensure reach to member states in order to achieve the commitments made. It will be facilitating research, advocacy and capacity building towards review of land legislation and identifying options for affordable, efficient and decentralized land administration institutions.

# **4. LAND GOVERNANCE POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK IN THE IGAD MEMBER COUNTRIES**

## **4.1. Land Tenure Systems**

In the IGAD member countries of Djibouti, Ethiopia, Somalia and Sudan, all land belongs to the state while Kenya, South Sudan and Uganda there is public and private ownership of land.

### **(a) Djibouti**

In Djibouti under Law n°171/AN/91/2nd Law on Carrying definition and organization of public domains (lands) all land belongs to the state but urban land can be owned privately under leasehold. Private land is divided into two categories namely urban land designated as such by the legislation in force and rural land. Nomadic pastoralists control their traditional pasture areas through customary rights. Indigenous tenure systems in Djibouti involve the rights to

pasture land and water points. The Afar and the Issa maintain similar customary tenure practices, both investing regional tenure control in tribal groups. Among Issa in the south of the country, land belongs to the community while the afar in the north and south east of the country, land belongs to the tribe.

## (b) Ethiopia

In Ethiopia all land belongs to the state and thus no private property rights in land. There are two types of tenure namely, rural land tenure and urban tenure. Under the rural land tenure, Land is managed under the Rural land administration Proclamation number 89/1997. There are special rights over rural land. These are peasant farmers/pastoralists engaged in agriculture for a living and given rural land free of charge; any citizen of the country who is 18 years of age or above and wants to engage in agriculture for a living have the right to use rural land; children who lost their mothers and fathers due to death or other situation shall have the right to use rural land through legal guardians until they attain 18 years of age and women who want to engage in agriculture shall have the right to get and use rural land.

Any person who is member of a peasant farmer, semi pastoralist and pastoralist family having the right to use rural land may get rural land from his family by donation, inheritance or from the competent authority. The rural land use right of peasant farmers, semi pastoralists and pastoralists have no time limit and the duration of the rural land use right of other holders shall be determined by the rural land administration laws of regions.

Under the Urban land tenure, land can be under lease and the period of the lease varies depending on the level of urban development and sector of development activity or the type of service. It is up to 99 years for housing (personal and leasable), science, technology; research ,and study, government office, non-profit-, making philanthropist organization, religious institution; up to 15 years for urban agriculture and as per government agreement for diplomatic missions and international organizations:

- In Addis Ababa and in a town designated as of the grade of Addis Ababa. It is up to 90 years for education, health, culture, sports; up to 60 years for industry; up to 50 years for commerce; and up to 50 years for others.
- In other towns not designated as of the Grade of Addis Ababa. It is up to 99 years for education, health, culture, sports; up to 80 years for industry; up to 70 years for commerce and up to 70 years for others.

The law in Ethiopia imposes tax on land through among others rental income tax at a flat rate of 30% on corporations while that of individuals varies progressively from 0% to 35% depending on the amount of income earned.

### (c) Kenya

The NLP and the Constitution recognize three types of tenure in Kenya. These are public, private (freehold or leasehold tenure), or community/trust land, which is held, managed and used by a specific community.

Public land is land held by the government either directly or through other administrative arms such land is vested in the National Land Commission on behalf of both the national and county governments.

Private land consists of registered land held by any person under any freehold tenure; land held by any person under leasehold tenure and any other land declared to be private land under any Act of Parliament.

Community land refers to land vested in and held by communities identified on the basis of ethnicity, culture or similar community of interest.

## (d) Somalia

The land tenure system in Somalia is complex and not clear. The Agricultural Land Law of 1975 abolished private ownership and was embarking on major conversions to leasehold from the state, but the current position in that country is unclear. There is statutory based tenure and community-based tenure which has intensified the struggle for land.

Community elders do not accept the statutory system of land allocation and there is often active opposition to anyone with a documentary title. Since uncultivated land risked appropriation by the government as well as outsiders, unregistered farmers were forced to clear their bush land although they might not actually have had plans for cultivating it.

Within community-based tenure systems, access to, rights to, and/or control over land is most often dependent upon one's social identity. Community-based tenure varies with land quality; often times land suitable only for grazing is overseen by the clan as a whole, while land which produces regularly is controlled by individuals to whom use-rights have been allocated. Land left in bush (uncultivated) by a farmer cannot be claimed by anyone else unless it is clear that the farmer intends to abandon the parcel. The right to bush land is a critical aspect of community-based land tenure, because such land is crucial in terms of population growth, inheritance, and the need to offset potential soil fertility losses on cultivated land.

## (e) South Sudan

The Land Act recognizes three general types of land in South Sudan: public, private and community.

- **Public Land:** Public land is land owned collectively by all people of South Sudan and held in trust by the appropriate level of government. It includes the following land: Public land includes: Land lawfully held, used or occupied by any government ministry, department or agency or local authority, except where such land is occupied under a private lease; Land

transferred to the Government of South Sudan, State Government or local government by way of reversion or surrender; land in respect of which no private ownership including customary ownership may be established by any legal process; land in respect of which no heir may be identified by any legal process; all roads, railways airports, and thoroughfare as specified by law and all rivers, lakes, canals, haffirs, wetlands and other areas of water for which no customary or other ownership may be established; or which has been voluntarily surrendered for public benefit as land which has been compulsorily acquired for special protection, benefit or use of the community; land for investment; or land as agreed by any international treaty;

- Community land includes all lands traditionally and historically held or used by local communities or their members. This category could include communal grazing lands for animals, hunting grounds, or locations of traditional sacrifices and worship. It is held, managed, or used by communities based on ethnicity, residence, or interest. Community land can include land registered in the name of a community, land transferred to a specific community, and land held, managed, or used by a community;
- Private land includes registered land held by any person under leasehold tenure, investment land acquired under lease from the government, and any other land designated as private land in accordance with the law. It includes any registered land held by any person under a freehold tenure; or land held by any person under leasehold tenure; or any other land that may be declared private land by law.

## (f) Sudan

Land in Sudan is classified under categories namely: government-owned and customary tenure.

- State Land: This includes unregistered land that was designated by the Unregistered Land Act of 1970 and the Civil Transaction Act of 1984. Under those two laws all 90% unregistered land in Sudan is owned by the government. Individuals and entities can obtain leasehold interests of various durations and terms. Islamic law recognizes

individual freehold interests in land, and land that was registered as of 1970 is considered privately owned.

- Customary Tenure: Customary land tenure systems exist throughout Sudan and govern the practices of pastoralists in the north, the semi-feudal systems that developed on land close to the Nile, and the practices of southern and western tribes.

## (g) Uganda

According to the Constitution of Uganda and Land Act, land shall be vested in the citizens in accordance with the four land tenure systems, namely, freehold, leasehold, mailo and customary. The land tenure systems are as follows:

- Freehold tenure: Freehold titles give rights “in perpetuity”; that means the rights do not have a time limit and may be passed on to future generations. About five per cent of households in Uganda hold land under this tenure. The incidences of freehold tenure, which are standard, include the conferment of full power of disposition and the compulsory registration of title in perpetuity.
- Mailo land tenure: Mailo land tenure was introduced in Uganda as a result of the 1900 Buganda Agreement, commonly known as the Uganda Agreement with the British. Mailo land tenure is peculiar to the Buganda Kingdom. It used miles as its measuring reference, but a corruption of pronunciation in the native Luganda language resulted in the term “mailo”. Under Article 15 of the 1900 Buganda Agreement, the total land area of Buganda was estimated to be 19,600 square miles (approximately 20 per cent of the total area of Uganda) and was divided between the Kabaka (King) of Buganda and other notables in the Protectorate Government.
- Leasehold tenure: A leasehold estate is created in land as the result of a contractual agreement between a lessor (landowner) and a lessee, in which the lessee enjoys exclusive possession of the land of the lessor for a specified period for a cash payment, called rent, from the lessee to the lessor. There are two types of leasehold tenure arrangements, namely, private leases given to individual landlords and official or statutory leases given to individuals and/or corporate groups under public act terms.

Private leases granted by a landowner often require the payment of rent, while statutory leases issued by the Uganda Land Commission (ULC) on public land may be accompanied by conditions of land use. Therefore the lessor still holds the right to revoke ownership when leasehold conditions are abused. Leaseholds can be obtained from an individual, local authority or the government for a period, usually 49 or 99 years, with agreed terms and conditions.

- Customary land tenure: The Land Act defines customary tenure as “a form of tenure applicable to a specific area of land and a specific description or class of persons, This is the most dominant land tenure system and covers 68.6 per cent of the land in Uganda . Customary tenure is found all over the country, but predominates in the northern and eastern. Customary tenure is managed by families and clans. Clan structures for managing customary land tenure vary from family, extended family and clan committees or clan positions, such as that of “Rwot kweri” in Acholi, and “Adwong wang tic” in Lango.

## 4.2. Land National Policies and Legal Frameworks

### (a) Djibouti

In Djibouti, there is no national land policy. There are laws that deal with land governance. The major ones are: the Constitution of Djibouti 1992 as amended in 2010 recognizes the right to property; the Law n°171/AN/91/2nd L on carrying definition and organization of public domains (lands); Law n°173/AN/91/2nd L on organization/management of State private domains (Lands). This law makes provisions for state private land and the Law n°172/AN/91/2nd L regulating the expropriation for public purpose (Interest) which makes provisions for the expropriation of land for reasons of public utility in the Republic of Djibouti is effected by authority of justice.

Djibouti levies rental tax, property tax and and further specifically provides for unconstructed properties where annual tax on undeveloped property concerns all undeveloped land, except for properties that are specifically exempt by law.

The constitution of the state is gender inclusive as it provides for equality of all citizens before the law without discrimination based on any grounds which provision equally covers women's rights to land through guaranteeing the right to property to every citizen.

## (b) Ethiopia

In Ethiopia, there is no national land policy. However, there are several laws that are relevant to land governance. The major ones are as follows:

- The Ethiopian Constitution of 1995 provides that the right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. It gives Ethiopian peasants the right to obtain land without payment and the protection against eviction from their possession. Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their possession. It also gives women the the right to acquire, administer, control, use and transfer property. Individuals are given the full rights to the immovable property that they build and to the permanent improvements they bring on the land by their labour or capital. It gives the Federal Government the right to enact laws for the utilization and conservation of land and other natural resource and duty to Regional Governments to administer land and other natural resources according to federal laws.
- Rural Land Administration Proclamation, No. 89/1997 defines the scope of individual land use rights and states that such rights can be leased and bequeathed. The land rights themselves cannot be sold or exchanged, but private property improvements to the land can be sold or exchanged.
- The Lease Holding of Urban Lands Proclamation provides that urban land can be held by the permit system, or by lease-hold system or by other means prior to the coming of

the proclamation as well as to an urban land permitted hereafter. It recognizes only tender (auction) and allotment (land lease transfer without auction) as the two basic means of lease transfer from government to citizens.

- The Proclamation to Provide for the Expropriation of Land Holdings for Public Purposes and Payment of Compensation 2005 provided procedures of land expropriation for public purposes.
- Regional land proclamations based on federal rural land proclamation. There are Regional Proclamations that have been made. These include: Revised Amhara National Regional State Rural Land Administration and Use Proclamation 2006 to design and implement a system based on the objective realities and to incorporate, in detail, the basic rights of farmers, and ensure the implementation and inclusion of the laws of the federal government and the Proclamation to Amend Proclamation No. 56/2002, 70/2003, 103/2005 of Oromia Rural Land Use and Administration which is similar in content to the Amhara proclamation but provides for maintaining existing farm plots.
- The various regions of Ethiopia have enacted various rural land Proclamations to govern land in the respective regions. These include: Proclamation to Amend Proclamation No. 56/2002, 70/2003, 103/2005 of Oromia Rural Land Use and Administration, Revised Amhara National Regional State Rural Land Administration and Use Proclamation 2006, Afar National Regional State Rural Land Administration and Use Proclamation No. 46/2009, The southern Nations, Nationalities and Peoples Regional State Rural Land Administration and Utilization Proclamation. Proclamation No. 110/2007, Tigray National Regional States Land Usage Proclamation NO. 23/1997, Benishangul Gumz Regional State Rural Land Administration and Use Proclamation, Proclamation No. 85 /2010, The Revised Amhara National Regional State Rural Land Administration and Use Proclamation. Proclamation No. 133/2006

## (c) Kenya

There are several policies and laws relevant to Land Governance in Kenya. These are as follows:

- The National Land Policy (NLP) 2009) recognizes and protects customary rights to land; establishes the National Land Commission, District Land Boards, and Community Land Boards and calls for the development of a legal and institutional framework to handle land restitution and resettlement for those who have been dispossessed;
- The Constitution of Kenya 2010: According to the Constitution, land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals and also categorizes land into three broad categories namely; Public. Private and community land. The Constitution further established the National Land Commission to manage public land on behalf of the national and county governments and requires Parliament to enact laws relating to the management and administration of land in Kenya.
- The Land Act No 6 of 2012 provides a mechanism for sustainable administration and management of land. It provides for the land systems in Kenya namely, Freehold, Leasehold and Customary land holding and provides for the administration and management of public Land in Kenya, previously this was regulated by the Government Land Act and provides for the administration and management of private land in Kenya. It provides for compulsory land acquisition and establishes a land settlement fund.
- The Land Registration Act No 3 of 2012 provides for the following: the establishment of a land registry and for the appointment of a chief registrar of land; the effect of registration of an interest in land; the doctrine of indefeasibility of Title as well as elaborate exceptions to the doctrine namely misrepresentation, Fraud and unprocedural acquisition of land; additional overriding interests which include inter alia, Spousal rights over matrimonial property, trusts including customary trusts, rights of way, national rights of light, leases, charges and rights obtained through prescription; elaborate transfer and registration procedures of interests in land these procedures

include inter alia the transfer documents to be presented at registration which include; copy of ID certificate, passport photos and where applicable a marriage certificate and the process of execution of transfer documents has an interesting change in that the documents must be executed and witnessed and the person executing the documents must be examined by the chief registrar of land unless where the chief registrar dispenses with such examination; provisions relating to co-tenancy and Partition, which enacts the common user law principles on Co-tenancies in Statutory provisions. Of particular interest is the Protection of spouses in co-tenancies and recognizes the Jurisdiction of the Environment and Land Court established by the Environment and Land Court Act, 2011 No. 19 of 2011, on matters emanating from the Act.

- The National Land Commission Act No 5 of 2012 provides the functions and powers of the National Land Commission, qualifications and procedures for appointments to the Commission, to give effect to the objects and principles of devolved government in land management and administration and for connected purposes.
- The Environment and Land Court Act, 2011 establishes a judicial forum for adjudicating matters relating to land and environment, it is of the same status as the High court.
- The Community Land Act 2016 which provides for the recognition, protection and registration of Community Land rights, management and administration of Community Land, for the establishment of and the powers of Community Land management committees, provides for the role of county governments in relation to unregistered Community Land and for connected purposes
- The Land Control Act 1967 (revised 2010) provides for controlling transactions in agricultural land.
- Environmental Management and Coordination Act (Act No.8 of 1999/revised 2012) provides for the management of sustainable use of hill sides, hill tops and mountain areas.
- Pending land Bills are the Evictions and Resettlement Bill 2015 which provides for procedures for the evictions of unauthorized occupants from Private or Public Land and the resettlement of displaced persons coerced or involuntary displacement and for matters incidental and related thereto and the Minimum and Maximum Land Holding

Acreages Bill 2015 which provides for minimum and maximum land holding acreage in respect to Private Land and for connected purposes.

- The Income Tax Act provides for taxation of land through rental income, capital gains tax and stamp duty among others on property leases which is levied at a flat rate of 1% on period leases up to three years and at a flat rate of 2% on period leases exceeding three years.
- The Constitution provides for gender concerns under Art. 18 provision is made for equal treatment of women and men in the political, economic, cultural and social spheres and prohibits discrimination on grounds of sex, race among others. The National Land Policy provides for improvement of gender equity in land use, management, and ownership. It provides for the need to protect women's right to inherit land, protect the land rights of widows and divorcees and establish a matrimonial property framework that provides equal rights to land for men and women during marriage and upon dissolution of the marriages.

## (d) Somalia

In Somalia, there is no recent law on land administration. The relevant laws are:

- The Constitution of the Federal Republic of Somalia (2012) provides that land is Somalia's primary resource and the basis of the people's livelihood. It shall be held, used and managed in an equitable, efficient, productive and sustainable manner. It requires that the Federal Government shall develop a national land policy that shall be subject to constant review and requires Parliament to enact a law regulating the size, timeline and conditions of permits of land use and the Federal Government, in consultation with the Federal Member States and other stakeholders, shall regulate land policy, and land control and use measures. The Federal Member States are empowered to formulate land policies at their level.
- The Agricultural Land Law of 1975 officially transferred control of all Somali land from traditional authorities to the Government of Somalia Democratic Republic (GSDR). It

provides the following conditions: individuals desiring access to land were forced to register their holdings within 6 months of the passage of the law; landholders are permitted to register limited amounts of land as state leaseholds or concessions, with usufructuary rights for up to fifty years, with the possibility of renewal; one concession can be obtained per individual/family, for up to 30 hectares of irrigated land, 60 hectares of rain-fed land and 100 hectares of banana plantations and the government can revoke a concession that exceeds size restrictions, is used for non-agricultural purposes, is not used productively, is unnecessarily fragmented, is transferred, or is not farmed for two successive years. The law does not recognize the customary rules and procedures of the indigenous institutions that still govern access to land, and weak legal enforcement resulted in disparities between statutory tenure and actual land use and allocation.

- The 1979 constitution of the Somali democratic republic outlines social and cultural rights including gender equality but the civil war has deprived women of a central government that could protect these rights.
- The war torn Somalia has no taxation of land. The only tax is on goods that enter the country through the ports. The situation at present is not conducive for a successful tax regime.

## (e) South Sudan

South Sudan has no specific land policy. However, it has several laws that are relevant to land governance. The major ones are:

- The Constitution of the Republic of South Sudan (2011) provides that all land in South Sudan is owned by the people of South Sudan and its usage shall be regulated by the government in accordance with the provisions of this Constitution and the law. It classifies that land tenure system in South Sudan shall consist of public land, community land and private land. The rights in land and resources owned, held or otherwise acquired by the Government shall be exercised through the appropriate or designated level of government which shall recognize customary land rights under

customary land law. It recognizes the right of women to own property and share in the estates of their deceased husbands together with any surviving legal heir of the deceased and the right to own property. No private property may be expropriated save by law in the public interest and in consideration for prompt and fair compensation. It establishes the Land Commission as an independent commission composed of persons of proven competence, experience, integrity and impartiality.

- The Land Act 2009 prescribes that land may be acquired, held and transferred through Customary, Freehold and Leasehold tenure. All citizens hold freehold titles to their lands. It reiterates the Constitutional provision that the people own all land in South Sudan and its usage shall be regulated by the Government and land may be acquired, held and transacted through the following tenure systems customary; freehold; and leasehold. It states that every person shall have the right to acquire or own property as regulated by law and as stipulated by the Constitution and land cannot be expropriated or confiscated save by law in the public interest and in consideration for a prompt and fair compensation. It ensures security of occupancy of land rights under customary tenure. The Land Act permits community Land Registration. It states that upon demarcation, the title relating to community land or other deeds registered in respect of such land shall be endorsed by the registration office in the prescribed form. The community land may be registered in the name of the following a community; a clan or a family in accordance with the customary practices applicable; a community association in accordance with the document constituting the association; or a traditional leader in trust for the community and with the consent of the members of the community. The Land Act reiterates the Constitutional provision on women's right to own and inherit land together with any surviving legal heir or heirs of the deceased. Under the Act a Traditional Authority within a specific community may allocate customary land rights for residential, agricultural, forestry, and grazing purposes. The Act provides specific protection of Pastoral Lands. Under the Act pastoral lands in South Sudan shall be delineated and protected by the appropriate level of land administration and management based on a comprehensive land use planning system. Customs and practices related to land used by pastoral communities shall be taken into consideration as long as they comply with the provisions of this Act and any other applicable law. Restrictions are imposed on communal Grazing Land. Thus no person

without permission is allowed to obstruct the approaches to any water point in the communal grazing land or to other appurtenances installed or constructed at such a watering place; or carry out any activity on the communal grazing land which may prevent or restrict the residents of the traditional communities concerned from exercising their grazing rights; and take any other measure that the community land users find appropriate to take in order to protect such an area. The Act permits expropriation of land for Public Interests with compensation.

- *Local Government Act provides that* the Local Government Councils' mandates include to administer and regulate territorial land which is demarcated and gazetted by the Government of South Sudan and administer land surveys and land master plans developed by the State authorities; administer the procedure for acquiring community land within a Local Government Council; enact bye laws to regulate land management on land use control and protection systems, land acquisition, allotment and withdraw systems, land lease and land rights transfer systems and pastoral and agricultural land to guarantee land safety and administer processes and procedures for the maintenance of ownership and derivatives rights of access to land; registration of land rights, cadastral administration, acquisition of land for investment purposes and pastoral land. It establishes Council Land Committees or Authorities to ease the processes of land management and administration within its jurisdiction.
- The proposed legislation include: The Community Land Act intended to clarify the distinction between public and community land, describe the rules and procedures governing the expropriation of community lands, describe applicable standards of women's rights under customary land tenure, and describe land administration systems for community lands; the Town and Country Planning Act intended to provide an appropriate framework for preparation and implementation of national, regional and local area land use plans and ensure the planning process is integrated, participatory and meets stakeholder needs; the Land Survey Act intended to clarify rules, procedures and institutional roles for land survey and mapping activities. The Act would also provide for the use of modern technology, such as Global Navigation Satellite Systems (GNSS) and Geographical Information Systems (GIS), and streamline survey authentication procedures; The Land Valuation Act intended to set standards for land valuation; The Land Registration Act intended to describe a land

registration process that recognizes and protects all legitimate rights and interests in land in all categories; The Land Information Act intended to facilitate access to and management of land information and the Mortgage Act intended to lay out a regulatory system for property mortgages.

- The GOSS 2009 Land Act states that women shall have the right to own and inherit land together with any heirs of the deceased.
- Under the Taxation Act of 2009, individuals are subject to capital gains tax included as part of gross income. There is no stamp duty payable in South Sudan. Rental income is levied at the rate of 10% withheld at the source by the person paying such rent to the individual or legal entity.

## (f) Sudan

There is no land policy in Sudan and the land related laws are outdated. The major relevant ones are:

- The Comprehensive Peace Agreement (CPA) 2005. This established a National Land Commission to arbitrate between willing contending parties on claims over land and sort out their claims;
- The Interim National Constitution (INC) 2005: This recognizes the right to own property. The Article states that every citizen shall have the right to acquire or own property as regulated by law and no private property may be expropriated save by law in the public interest and in consideration for prompt and fair compensation and also no private property shall be confiscated save by an order of a court of law. It requires that the regulation of land tenure, usage and exercise of rights be exercised at the appropriate level of government and rights in land owned by the Government of the Sudan shall be exercised through the appropriate or designated level of Government. It established a National Land Commission and South Sudan Land Commission respectively;
- *Land Resettlement and Registration Act, 1925 (LRRRA)*. This consolidated government ownership of land by establishing that all unoccupied land is presumed to be state

land. It provide rules and procedures for the gazetting of land for mainly urban settlement and resettlement, surveying of plots and demarcation, land (lease) registration, transfers of leasehold land, issuance of land certificates (including provisions for the destruction and loss of documentation), fraud and erroneous registration;

- Land Acquisition Act, 1930. This Act provided procedures for the acquisition of land for public purposes (mainly for urban settlement); expropriation and compensation mechanisms;
- The Unregistered Land Act, 1970 provided that all land that had not been registered at the time of the Act's passage was state land. Although this act was repealed by the Civil Transaction Act (1984) it still reflects the present Government of Sudan philosophy concerning land;
- The Civil Procedure Act, 1983 sets the legal scene for arbitration of conflicts but seriously lacks details on procedures;
- The Civil Transaction Act, 1984 and its Amendment, 1990: The Civil Transaction Act (1984) and its Amendment of 1990 repealed the Unregistered Land Act of 1970 and identifies different forms of land and property rights such as land held in undivided shares, family ownership, etc. Identifies different forms of land and property rights such as: land held in undivided shares, family ownership, possession of unclaimed property, ownership of usufruct rights over land and property, grants of usufruct rights, easement rights, acquisition of ownership by accession (good faith and bad faith article 608), possession and succession; It States that registered usufruct rights are equal to registered ownership ;regulates inheritance, compensation for land required by the state, usufruct rights and the possibility of registering easement rights, or rights of way; states that registered usufruct rights are equal to registered ownership; secures land tenure through transfer and inheritance of rights; compensation requirements for land appropriated by the state; granting of land leases to cooperative bodies (communities and IDPs); conditions for obtaining usufruct rights and the possibility of registering easement rights (rights of way); it legally confirms the role of the state as a landowner and a land manager; and legalizes elements of Sharia law and confirms the role of the State as a landowner.

- The Urban Planning and Land Disposal Act, 1994 lays out the procedures and institutional responsibilities for urban planning, including the delimitation of town and village boundaries, needs for gazetting.
- The Local Government Act 1998 attempts to restore the land management and administration vacuum at the local level created by the abolition of the Native Administration system in 1971;
- The Abolition of the Prescription and Limitation Act ensured that occupation of the land – i.e., use of the land as opposed to registered ownership, the condition of most rural communities outside the Nile valley – would confer no legal rights over the land.
- The Organisation of Nomads and Farmers Act establishes institutional structures to organize nomads and farmers and to assist in the implementation of government programs for rural development.
- The Disposition of Lands and Physical Planning Act regulates the designation of land for different purposes and urban planning.
- Art. 32 provides for the rights of women and children where under the State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits.
- The government of Sudan levies the following taxes in respect to land and transactions pertaining thereto; tax on leasing income at the rate of 10%, capital gains tax of 5% in respect to gains on the sale of lands and buildings, rentals.

## (g) Uganda

In Uganda, the legal and policy framework guiding land governance is enshrined in a number of laws and regulations governing Land. The key ones are as follows:

- Uganda's National Land Policy NLP (2013) provides a framework for articulating the role of land in national development, land ownership, distribution, utilization, alienability, management and control of land. The key issues outlined in the policy

include: the creation of a customary register to facilitate registration of customary rights; strengthening women's land rights through enactment of provisions promoting the regime of marital property law and joint ownership of land and property for married parties; the need to overhaul the existing institutional framework for land administration and land management through decentralization of land services by bringing land services nearer to the populace to make them more efficient, cost-effective and accessible; the re-institution of administrative Land Tribunals to handle escalating land conflicts and land evictions; and the legal recognition of the dual operation of both customary system and statutory system in land rights administration, land dispute resolution and land management by empowering customary authorities to perform their functions;

- The Constitution of the Republic of Uganda (1995): The Constitution provides that land shall be vested in the citizens in accordance with the four land tenure systems, namely, freehold, leasehold, mailo and customary. It establishes the Uganda Land Commission to hold and manage any land in Uganda vested in or acquired by the Government of Uganda. It requires Government may, under laws made by Parliament and policies made from time to time, regulate the use of land;
- *The Land Act Cap 227 as amended in 2001, 2004 and 2010* provides four forms of land tenure systems in Uganda which include Customary, Leasehold, Freehold and Mailo. Under the Act a person can acquire certificate of customary ownership and can convert customary tenure to freehold tenure. It recognizes the right of people to hold communal land. Any group of persons may form a Communal Land Association for any purpose connected with communal ownership and management of land, whether under customary law or otherwise. The Communal Land Association may also form a common land management scheme by which the members agree to manage the communal land and to set out their rights and duties. Section 17 stipulates that one-third of the officers of such an Association need to be women. It establishes the following institution: Land Fund, Uganda Land Commission, District land boards, Land committees, and District land tribunals;
- The Condominium Properties Act 2001 provides for common property ownership.
- Physical planning Act 2010 establishes a district physical planning committee, in each district whose functions include to recommend to the Board development

applications for change of land use; to recommend to the district council subdivision of land which may have a significant impact on contiguous land or be in breach of any condition registered against a title deed in respect of such land among others. Each urban authority or city is required to establish an urban physical planning committee whose one of the functions is to recommend development applications to the Board for change of land use, to recommend to the urban council, subdivision of land which may have significant impact on contiguous land or be in breach of any condition registered against a title deed in respect of such land;

- The Land Acquisition Act Cap 223 makes provision for the compulsory acquisition of land for public purposes and for matters incidental thereto and connected therewith.
- Survey Act Cap 232 regulates the survey of lands.
- The Registration of Titles Act Cap 230 RTA relates to the transfer of land and registration of titles.
- The National Environmental Act, Cap 153 provides for the management of rangelands and land use planning.
- The income Tax Act Cap 340 imposes land tax in form of rental tax, capital gains tax and under the Stamps Act is a levy known as stamp duty to paid in respect to any transactions pertaining land transactions.
- Article 21 of the Constitution of the Republic of Uganda states that all persons are equal before the law in all spheres of political economic, social and cultural life and in every other aspect and shall enjoy equal protection of the law. Article 31 (1) of the Constitution entitles women and men to equal rights during and after marriage including the acquisition of property which may be land during marriage. Article 32 of the Constitution provides for affirmative action in favor of groups marginalized on the basis of gender or any other reason created by history, tradition or custom. This protects women rights to land. The land Act Cap 227 provides for mandatory representation of women on land tenure governance institutions.

## 4.3. Land Administration and Institutions

### (a) Djibouti

There is no specific Ministry responsible for land governance and there is no single national institution for management of all land matters. There are some institutions that are responsible for land administration. The major ones are discussed below:

- Ministry of the habitat, the planning and the environment: This Ministry is responsible for the preparation and the application of the Habitat Policy, town planning, the environment and the development and coordinating and implementing the policy of the government in the matter of housing. It is in charge of ensuring the security of land and to facilitate the access to housing.
- Ministry of Agriculture, Water, Fisheries: This is responsible for the implementation of sectoral policies in the areas of food security, rural development and water.
- Ministry of the Interior: It designs and implements the policy of decentralization of the services of the State and the transfer of skills between the State and the territorial communities for local governance.
- Ministry of Higher Education and Research: This is responsible for Higher Education and Research and in liaison with other interested departments, prepares and implements the policy of the Government relative to the development of the Higher education and research and it supervises University of Djibouti and the Center for the Study and Research of Djibouti.

### (b) Ethiopia

In Ethiopia, there is neither a single ministry responsible for land administration nor a single institution responsible for land administration. However, there are related ministries that are responsible for land administration. These are:

- The Ministry of Agriculture and Rural Development: This has two institutions responsible for rural land administration which is responsible for the administration of smallholders' and government owned lands in the rural areas and the Ethiopian Agricultural Investment Land Administration Agency (EAILA) under the Ministry is mandated to oversee large scale agricultural investment lands in the rural areas.
- The Ministry of Urban Development and Housing is responsible for administration of the urban land at federal level.
- Addis Ababa City Council is authorized to approve permits for land and building.
- Regional Governments are the principal administrators and regulators of land, including the assignment and granting of use-rights and regional land-use planning and administrative authorities are responsible for recording, documenting, and administering use-rights.
- Land Administration Committees at the woreda and kebele levels are responsible for planning and administering land allocation and use.

## (c) Kenya

There are several institutions that are involved in land governance in Kenya. The major ones are:

- The Ministry of Lands and Physical Planning which is charged with the responsibility of providing policy direction and coordinating all matters related to lands and physical planning. The ministry's functions include: registration, valuation, surveying, adjudication settlement and physical planning.
- The National Land Commission (NLC) which is responsible for managing public land on behalf of the national and county governments; advising the government on land registration; researching on land use and management; and finding ways to redress historical injustices, among others.
- Environment and Land Court which is a superior court to hear and determine disputes relating to the environment and the use and occupation of, and title to, land, and to make provision for its jurisdiction functions and powers, and for connected purposes.

- Magistrates Courts with jurisdiction to entertain land matters subject to their pecuniary jurisdiction.

## (d) Somalia

There is neither a specific Ministry nor national institution that is responsible for land. However, there are some institutions that are responsible for land administration. The key ones are as follows:

- Ministry of Livestock, Forestry and Range: This Ministry deals with livestock, forestry and range lands.
- The Local Government structures of the District : These have been empowered to deal with land management. The Mayor, with the approval of the municipal council, has the authority to grant permanent ownership over land and this authority can be delegated to a committee appointed by the Mayor.
- In Bossaso, the land department is in charge of land allocation, planning, land regulation and other such activities. The land department includes: a land section, in charge of land allocation, registration and records keeping; a planning section; and a monitoring section to check compliance with the regulations.
- The registration office has the authority to register ownership, land taxation and rehabilitation authorization documents, building permits and inheritance certificates, but this is not a compulsory process.
- The Islamic Court in Bossaso is also authorized to register the same legal documents and this is commonly done to ensure recognition of people's rights under the Islamic law.

## (e) South Sudan

There is no specific Ministry responsible for land administration. A national land institution has been established but it is not operational. The relevant institutions are:

- The Ministry of Housing, Physical Planning and Environment which is charged with planning and development of the programmes in the infrastructure sector as well as the mobilization of resources and designing of program implementation and supervision. Its functions include formulation of policy, standards and regulations on urban planning and urban land management, surveying and mapping of South Sudan and safe keeping of maps and documents and establishing and overseeing the operation of urban land titling and registration.
- South Sudan Land Commission (SSLC) was established by a Presidential Decree No.52/2006. It is mandated to cover three main areas namely arbitration of land claims and assessment of appropriate compensation where applicable, coordination of GOSS land policies and undertaking studies on land use practices in areas where natural resource exploitation is taking place. Land Commission is not yet operational .
- The Payam Land Council is responsible for the management and administration of land in the different Bomas composing the Payam.

## (f) Sudan

There is no specific Ministry responsible for land administration. A national land commission was established under the law but it is not operational. However, there are several institutions that are responsible for land governance in Sudan. These include:

- The Ministry of Environment, Forestry and Physical Development. Its mandate covers surveying, construction, urban planning and, more recently, environment, which is derived from the Environmental Protection Act (EPA) of 2001.
- The Higher Council for Environment and Natural Resources (HCENR). This a technical advisory and coordinating body under the Ministry of Environment and Physical Development. It is mandated to assume the role of coordination between the various concerned government agencies and between national and state government on efforts related to the environment and natural resource management. It is concerned

with policies, legislation and strategic planning in relation to environmental and natural resources conservation and management;

- The Darfur Land Commission (DLC). This was established as an integral part of the Transitional Darfur Regional Authority (TDRA) to address traditional and historical issues of land tenure and to review natural resources management. The DLC intends to build broad database on natural resources and land use Mapping for Darfur to come up with comprehensive regional development plan in-order to help decision makers and planners in setting up plans for agricultural development, housing strategies and other land intensive livelihood initiatives; as well as enabling development agencies and investors to select potentially productive areas for projects and investment, in-addition to initiation of new development projects.
- The National Land Commission. This was established as an Independent National Land Commission with representatives of all levels of government. Its functions are: to arbitrate between willing contending parties on claims over land; to entertain claims, at its discretion, in respect of land, be they against the relevant government or other parties interested in the land. The parties to the arbitration shall be bound by the decision of the Commission on the basis of mutual consent and upon registration of the award in a court of law; enforce the law applicable to the locality where the land is situated or such other law as the parties to the arbitration agree, including principles of equity; accept references on request from the relevant government or in the process of resolving claims, make recommendations to the appropriate level of government concerning land reform policies and recognition of customary rights or customary land law; assess appropriate land compensation including but not limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court; advise different levels of government on how to coordinate policies on national projects affecting land or land rights; study and record land use practices in areas where natural resource development occurs and conduct hearings and formulate its own rules of procedure.
- The Remote Sensing Authority. This is a National Remote Sensing Center (NRSC) within the National Council for Research, Ministry of Higher Education. In 1996, the NRSCE was upgraded and renamed as Remote Sensing Authority (RSA) under the National Center for Research, Ministry of Science and Technology.

- The Government Land Disposition and Committee, responsible for allocating land, is comprised of individuals from other state level Ministries;
- The Survey Department performs physical planning and surveying of urban plots, and is housed within the State Ministry of Engineering Affairs;
- Within each state there is also a Land Registration Office that is part of the Civil Court and is responsible for maintaining a state land registry. These institutions' capabilities vary significantly from state to state, but all lack necessary training and resources (De Wit 2001);
- At the local level or *mahalia* level the customary authorities intersect with formal government institutions. Each mahalia supports a Land Conflict Resolution Committee that is responsible for resolving land disputes.
- There are customary institutions which function to some degree in rural areas. In some areas, traditional leaders continue to allocate land, and many such leaders maintain some record of land occupancy and transfers. The Native Administration is a form of a clan and tribal administration that administers the affairs of the tribal groups according to their norms and traditions.

## (g) Uganda

There are several institutions and stakeholders involved in land governance. The major ones are as follows:

- The Ministry of Lands Housing and Urban Development (MLHUD) is mandated to ensure a rational: sustainable and effective use and management of land and orderly development of urban and rural areas as well as safe, planned and adequate housing for socio-economic development. It is responsible for providing policy direction, national standards and coordination of all matters concerning lands, housing and urban development. It is responsible for putting in place policies and initiating laws that ensures sustainable land management, promote sustainable housing for all and foster orderly urban development in the country. The sectors involves the Uganda Land Commission(ULC), through membership from other institutions including semi-

autonomous bodies, development partners, private sector and civil society organizations that deal with this ministry.

- The National Land Information System (NLIS) has been established in Uganda under the DeSINLISI Project under the Ministry of Lands Housing and Urban Development (MLHUD). The NLIS is expected to replace the current manual system of land allocation, deed plan preparation and land registration.
- The Ministry of Water and Environment (MWE) is the technical arm of government in charge of management and sustainable utilization of water and environment resources.
- The Ministry of Works and Transport (MWT) is responsible to plan, develop, and maintain transport infrastructure and engineering works in the country. It does monitoring and provision of transport infrastructure, support functions, regulator functions and research activities related to roads, rail, water or air transport and does the engineering works which happen on land.
- National Environment Management Authority is to ensure the integration of environmental concerns in overall national planning through coordination with the relevant Ministries, departments and agencies of the Government;
- The District Land Boards hold and allocate land in the district which is not owned by a person or an authority. They also facilitate the registration and transfer of interests in land. At least one-third of the members of a District Land Board have to be women;
- The Land Committees, set up in each parish, gazetted urban area or division [in the case of Kampala in an advisory role to the District Land Board], consist of a chairperson and three other members, at least one of whom must be a woman. These Committees assist the District Land Boards in an advisory and facilitating capacity. In addition, they should safeguard the rights in land of women, children and persons with disabilities.
- District Land Tribunals with jurisdiction determine the following disputes: Disputes on land whose value is above 50 million shillings in rural areas, 100 million shillings in gazetted urban areas and 250 million shillings in divisions; Determine land disputes related to the grant, lease, repossession, transfer or getting of land by individuals, the Uganda Land Commission or other authority with responsibility for land; Determine any dispute related to the amount of compensation to be paid for land acquired by the

national or local Government; Make orders to cancel entries on the certificate of title or cancel the certificates of title and vesting of title in cases handled by the lower land tribunals; Determine any other dispute relating to land under the Land Act.

- Traditional leaders may determine or mediate in disputes over customary tenure. One or both parties to a land dispute may invite the traditional authorities to hear their matter.
- Buganda Land Board (BLB) is a professional body set up by His Majesty the Kabaka of Buganda to manage land and properties returned under the Restitution of Assets and Properties Act of 1993. Such properties include among others; The Bulange, The Lubiri at Mengo, The Butikkiro, The Buganda Court Building, Kabaka's official 350 sq. miles of land, Namasole's 10 sq miles of land, Banalinya's Land, Kabaka's lake, Former Omulamuzi and Omuwanika's Official Residencies at Mengo, Land Adjacent to The Mengo Lubiri on which Buganda Ministerial Houses used to stand, all Bassekabaka's Tombs, Buganda Works Building at Kakeeka, Basiima House and Nalinya's House at Lubaga.

## 4.4. Training and Research Institutions

### (a) Djibouti

There is no institution specialized in land administration training and research. Institutions such as the University of Djibouti (UNiversité de Djibouti) and Center for Research and Studies of Djibouti (CERD) have minor courses and research on land administration.

### (b) Ethiopia

There are several institutions that are involved in courses that are relevant to land administration. The key ones are as follows:

- Institute of Land Administration (ILA) Bahir Dar University, which offers training in land administration, geodesy and Geomatics at the B.Sc. level with technical assistance of the Royal Institute of Technology (KTH) and financial support of SIDA.
- Ethiopian Land Research and Development Network (ETHIOLANDNET) promotes and disseminates research on land tenure, land administration and land management in Ethiopia.
- The Ethiopian Economic Policy Research Institute (EEPRI) strengthens research, capacity, collecting and compiling macroeconomic and sectoral data, and providing information and analysis on economic policy matters.
- Ethiopian Civil Service University (ECSU) has Land Administration Law as one of the courses.
- Other Training and Research Institutions include: Addis Ababa University in the College of Law and Governance Studies, there is a course in land law and Addis Ababa Institute of Technology there is a land surveying course; Mekelle University has a Masters course on “Advanced Approaches to Sustainable Land Management and the Haromaya University’s Department of Law is in the process of establishing a Land Tenure Institute that will conduct research in land tenure and administration issues.

## (c) Kenya

In Kenya there is no specialized institution for land administration as such. However, there are institutions that have courses that are relevant to land administration. These are:

- Regional centre for mapping of Resources for Development conducts diploma courses in Land Surveying, Cartography and GIS and in Photo-grammetry and Remote and short courses such as Land Survey and Management and qualifying participants become Land surveyors, Geodesist, Engineers, Earth Research Scientists, Cartographers and also a course in Land Management Information System (LMIS). It conducts workshops on strengthening Land Administration Network (EALAN) to build capacity in land administration and land governance.

- Technical University of Kenya which has a School of Surveying and Geospatial Sciences and Faculty of Engineering Sciences and Technology which has a Department of Land Administration and Information that has programmes that cover issues to deal with policy and technical aspects of public land administration including land tenure, cadastral systems, land registration and land information management.
- University of Nairobi in College of Agriculture and veterinary services in the Faculty of Agriculture has course on Land Resources and Technology Agriculture and in College of Architecture and Engineering in the Faculty of Built Environment there is a course on Property Law. The Centre for Advanced Studies in Environmental Law and Policy has a course on Land Use and Environmental Policy and the Faculty of Law has Land Use Law and Property Law courses.
- Kenya Institute of Surveying and Mapping: specializes in mapping and surveying courses. It was started in the year 1994 as a Government Training Institution, offering courses in land surveying, cartography, photogrammetry and remote sensing as well as map reproduction.

## (d) Somalia

There are not many training or research institutions on land governance in Somalia. The University of Somalia was established in 2005 and it hasn't established courses on land administration.

- The Faculty of Agriculture and Environmental Science Somali National University: This was established in 1971 with the purpose to generate agricultural experts who are able to provide relevant consultancy services for farmers such as soil and water conservation practices among others. Even though more than 85 % of the total landmass of the country is classified as a dry land, the attention and coverage with respect to trained professionals in the area of Dry land crop production was very limited. In addition, as most of the curricula in this area and the different courses in the different departments were not more of competency based and market oriented, it has become imperative to address these issues through curriculum revision and nationwide modularization.

Objectives to provide students with basic knowledge of --natural resources: soil, water, Rangeland and forestry and their management for appropriate crop production and enable students to understand and comprehend problems in dry land crop production and seek solutions through exposure to research, extension and management.

- Faculty of agriculture and environment Amoud University:

Among the objectives is to enhance agriculture research capacity of the nation so as to provide input to the development of the agriculture of Somaliland and build a sustainable agricultural economy.

## (e) South Sudan

There are no specific institutions for land administration training. However, there are training courses in land administration at the University of Juba which has College of Law that teaches land law and College of Engineering & Architecture with some land administration related courses.

## (f) Sudan

There is no specialised training and research institution in land administration. Training in land administration is scattered in different institutions. The key institutions are:

- The University of Khartoum has the Physical Planning and Urban Design Department, Faculty of Architecture which has a course on physical Planning (covering the whole spectrum of regional, urban and rural planning) and Master of Science in Physical Planning. It has Professional Training Programs on land Utilization and Subdivision, GIS Applications in Physical Planning, Advanced GIS Applications in Physical Planning and Urban Management. At the Faculty of Engineering there is a Department of Surveying Engineering. The Faculty of Law has a course in Land Law and the Faculty of Agriculture has a course on Agricultural Policies and Legislations and Land

Surveying, Farming and Farm Development, Urban Design and Remote Sensing and Geographic Information Systems.

- The Sudan Academy of Sciences is a government University for postgraduate studies. It contributes to enhancing the security and development of national wealth by adopting research projects, studies and programs relevant to the needs of the socioeconomic endeavors of the Sudan. It has courses in Urban Design and Remote Sensing and Geographic Information Systems.

## (g) Uganda

There are no specific research institutions providing land management studies apart from the School of Survey and Mapping offering Diploma Courses in land and valuation surveys and physical planning, and Makerere University, Kyambogo University offering Degrees in Land Surveys and land Economics.

However a newly established Centre for Urban Governance and Development at Victoria University is in advanced stages of signing a Memorandum of Understanding with Land and Housing Institute an affiliate of Land and Housing Corporation in the Republic of South Korea to introduce research initiatives in land management studies.

The Institute of Survey and Land Management at Entebbe: the ISLM was started by the Colonial government with the purpose of training specialized technical staff in mapping the country. The school has for long been closed until recently in 2006 when it was reopened. It deals with land economy and valuation, land use and physical planning, land administration and lithography and photogrammetry. The institution offers among others the following courses: diploma in land surveying, diploma in cartography, diploma in physical planning, diploma in land management and valuation and certificate in land management and geomatic.

## 4.5. Professional Societies and Civil Society Organisations

### (a) Djibouti

There is no CSO focused on land governance issues. One NGO is the National Union of Djiboutian Women (NUDW) that intervenes in the field of education and training of rural actors (especially women) in agricultural development and environmental management.

### (b) Ethiopia

There are no land related CSOs in Ethiopia.

### (c) Kenya

In Kenya there are professional Societies and CSOs that are involved in land governance. The major ones are:

- The Institution of Surveyors of Kenya (ISK) which is the professional organization in this country that brings together the “landed” professionals. It brings together the disciplines of the surveying profession namely the Valuers, Land Surveyors, Geomatic Engineers, Registered Estate Agents, Property Managers, Building Surveyors, Land Administration Managers and Facilities Managers. It’s to promote professional ethical performance of services rendered by its members and also to ensure that its members actively contribute towards the development of national and international policies, strategies and plans for land management in a sustainable manner. It offers a Diploma in Land Management and Surveying that equips the graduate with better ways of

handling the process of land administration with a view to achieving optimum returns from such land.

- The Kenya Land Alliance (KLA) conducts the following activities: lobbying and advocacy for policy and legislative reforms; participation in the national debate on land reform and adoption of constitutional principles on land and property, the environment and natural resources and facilitating and coordinating the networking, information gathering and sharing among KLA members and others.
- The Land Development and Governance Institute (LDGI) offers a bridge for communities and stakeholders to meet policy makers as well as for policy makers to meet communities for effective policy formulation and implementation. Advocates for good policies, laws and practices, track implementation of policies through their regular Scorecards and policy analysis forums; empower society by sharing information through media, artwork and capacity building forums at county level and carry out research to establish innovations in land use and development; capacity build technical officers, land owners, users and managers at the county level on the constitutional and policy provisions on land and convene several county level forums, featuring topics such as land management and administration, land use planning, sub-divisions, boundaries and dispute resolution.

## (d) Somalia

Somalia does not have strong CSOs on land administration. Those that are relevant are:

- The Coalition for Grassroots Women Organizations (COGWO) is an umbrella organization composed of 30 local women's non-governmental organizations (NGOs), drawn from different clans. It was established with the intention of protecting the human rights of women after the breakdown of the government and the war.
- Daryeel Women Organization (DAWO) aims to advocate for women's rights for health services, education, environmental protection, employment and decision making; ii. strengthen the capacity of women's groups to participate in the advancement of women's status; iii. establish educational centres for women; iv. create awareness

- about modern teaching methods among the teachers and managers of existing educational institutions; v. build health care centres with improved facilities especially for women and children; vi. participate in the promotion of peace and development of the nation; vii. raise awareness about the spread of HIV/AIDS; and viii. fight illiteracy;
- We Are Women Activists (WAWA) is a network of groups which advocate for women's participation as decision makers at all levels of civil society and government. WAWA has focused on training and sharing resources among women's groups, including capacity building in institutional and organizational development for all member organizations. Following training, WAWA has distributed small seed funds to all of the member organizations to start their own projects.

## (e) South Sudan

There are not many CSOs on land administration. The major is the South Sudan Land Alliance (SSLA) which works to enhance access and ownership of land for all people of South Sudan, particularly the marginalized men, women, and children by advocating to influence land policy and legal frameworks.

## (f) Sudan

There are no strong CSO to deal with land governance. Those that are relevant deal with environmental management. These are:

- The Sudanese Environment Conservation Society (SECS) is the first Sudanese civil society group concerned primarily with the issue of environment. Its mandate is to raise environmental awareness and to advocate for environmental management and accountability;
- The Sudan Development Association (SDA) is made up of development experts, as well as environment and gender advocates. Its main objective is promoting sustainable development in realizing its stated vision, which is a 'just, inclusive and peaceful

Sudan'. The SDA has been the Sudan focal organisation for the regional network 'the Sustainable Land Use Forum' (SLUF);

- The Farmers and Pastoralists Unions work to improve the service and production environments for their respective members and to advocate for members' concerns with government and non-government actors.

## (g) Uganda

There are professional bodies and CSOs that are relevant to land governance. The key ones are:

- Institution of Surveyors of Uganda (ISU): The primary objective and purpose of the Institution is to promote, maintain and protect the standards of the surveying profession in Uganda;
- The Uganda Land Alliance (ULA) is involved in the following programmes: Policy Advocacy by influencing legal and policy processes towards a more equitable distribution of land access and ownership, and greater tenure security for the vulnerable groups; land Rights Protection by supporting communities to set up traditional land governance structures through formation of communal land associations (CLAs) and mapping of common lands to secure their tenure land rights and administration and land resources Management by focusing on identifying emerging land, resource and environmental trends and issues, and makes an analysis of associated impacts, challenges and opportunities.

# CONCLUSION AND RECOMMENDATIONS

The report provides synthesis of land governance in IGAD member countries. It provides similarities and differences of the policy, legal and institutional framework among the IGAD member countries.

The following recommendations have been made:

## *IGAD level*

- Strengthen IGAD Secretariat's capacity on coordination/technical assistance of land governance;
- Strengthen IGAD Land governance and develop regional frameworks and related protocols for cooperation;
- Develop regional platform for dialogue, exchange and learning among states;
- Develop IGAD land governance training and research program;
- Coordinate implementation of a monitoring and evaluation framework for land governance.

## *National Level*

- Develop land policies and laws and reform institutions especially in Somalia, South Sudan and Sudan;
- Improve tenure security - communal & individual lands especially in Sudan;
- Increase access to land and tenure security for the poor and vulnerable people in all IGAD member countries;
- Increase efficiency and transparency in land administration especially in Kenya and Uganda;
- Strengthen land disputes resolution mechanisms for both statutory and customary land in all IGAD member countries;
- Increase scope and effectiveness of land use planning in all IGAD member countries;
- Improving public land management; and
- Develop post-conflict land administration in South Sudan and Somalia.

# REFERENCES

Shimelles Tenaw K.M. Zahidul Islam & Tuulikki Parviainen: Effects of land tenure and property rights on agricultural productivity in Ethiopia, Namibia and Bangladesh - University of Helsinki Department of Economics and Management Discussion Papers no 33 Helsinki 2009;

ELD (Economics of Land Degradation) 2013: The rewards of investing in sustainable land management; Interim Report for the Economics of Land Degradation Initiative: A global strategy for sustainable land management; Bonn.

## ***Reports and Communiqués***

AUC-ECA-AfDB (2010). Framework and Guidelines on Land Policy in Africa Land Policy in Africa: A Framework to Strengthen Land Rights, Enhance Productivity and Secure Livelihoods.

IFAD. Guidelines for the Incorporation of Land Tenure Issues into IFAD Supported Operations in Eastern and Southern Africa. Rome, March 2004.

United Nations Economic Commission for Europe Land Administration guidelines (1996).

International Land Coalition 2014. "Benchmarks for Land Governance in Africa". ILC, Rome.

# ANNEXES

## Annex 1: National Policy and Legal Frameworks: A Comparative Review (Snapshot)

	Djibouti	Ethiopia	Kenya	Somalia	S.Sudan	Sudan	Uganda
<b>LEGAL ASPECTS</b>							
<b><i>Land policy &amp; legislation (main enactments)</i></b>	The Constitution of Djibouti 1992 as amended in 2010 Law n°171/AN/91/2n d L on Carrying definition and organization of public domains (lands) Law	The Ethiopian constitution of 1995  Rural Land Administration Proclamation, No. 89/1997  Lease Holding of Urban Lands	The National Land Policy (NLP)  The Constitution of Kenya 2010  The Land Act No 6 of 2012  The Land Registration Act No 3 of 2012	The Constitution of the Federal Republic of Somalia (2012)  The Agricultural Land Law of 1975	The Constitution of the Republic of South Sudan (2011)  The Land Act 2009  Local Government Act	The Comprehensive Peace Agreement (CPA) 2005  Interim National Constitution (INC) 2005  Land Resettlement	National Land Policy (2013)  The Constitution of the Republic of Uganda (1995)  The Land Act Cap 227 as amended in 2001, 2004 and

	<p>n°173/AN/91/2n d L on organization/ma nagement of State private domains (Lands) Law</p> <p>n°172/AN/91/2n d L regulating the expropriation for Public Purpose (Interest. Law</p> <p>n°173/AN/91/2n d L on organization/ma nagement of State private domains (Lands) Law</p>	<p>Proclamation Proclamation to Provide for the Expropriation of Land Holdings for Public Purposes and Payment of Compensation 2005</p> <p>Revised Amhara National Regional State Rural Land Administration and Use Proclamation 2006</p> <p>Proclamation to Amend Proclamation No. 56/2002, 70/2003, 103/2005 of Oromia Rural Land</p>	<p>(d) The National Land Commission Act No 5 of 2012</p> <p>The Environment and Land Court Act, 2011</p> <p>Land Control Act 1967 (revised 2010)</p> <p>Environmental Management and Coordination Act (Act No.8 of 1999/revised 2012)</p> <p>Pending land Bills</p> <p>The Evictions and Resettlement Bill 2015</p>		<p>Proposed Legislation</p> <p>The Community Land Act</p> <p>Town and Country Planning Act</p> <p>The Land Survey Act</p> <p>The Land Valuation Act</p> <p>The Land Registration Act</p> <p>The Land Information Act</p> <p>The Mortgage Act</p>	<p>and Registration Act, 1925 (LRRRA)</p> <p>Land Acquisition Act, 1930.</p> <p>Unregistered Land Act, 1970</p> <p>Civil Procedure Act, 1983</p> <p>Civil Transaction Act, 1984 and its Amendment, 1990</p> <p>Urban Planning and</p>	<p>2010</p> <p>The Condominium Properties Act 2001</p> <p>Physical planning Act 2010</p> <p>The Land Acquisition Act Cap 223</p> <p>The Survey Act Cap 232</p> <p>The Registration of Titles Act Cap 230</p> <p>The National Environment Act Cap 153</p>
--	--	---	---	--	--	---	--

	<p>n°174/AN/91/2nd L Allocating plots of state-owned land in temporary concession. Law n°175/AN/912nd L Granting in temporary concession a plot of land located at the former (old) salt-works to the Djibouti Arta Plages Company. Law n°176/AN/91/2nd L Carrying creation of Special</p>	<p>Use and Administration:.</p>	<p>The Community Land Bill 2015:  The Minimum and Maximum Land Holding Acreages Bill 2015</p>			<p>Land Disposal Act, 1994  The Local Government Act 1998  The Abolition of the Prescription and Limitation Act  Organisation of Nomads and Farmers Act  Disposition of Lands and Physical Planning Act</p>	
--	--	---------------------------------	---	--	--	---	--

	Specifications applicable to the old neighborhoods and to Balbala.						
<b>Land ownership</b>	Public domain	Vested in the state and in the people	Public land Private land Community land	statutory based tenure and community-based tenure	Public Land  Community land  Private land	State Land Customary Tenure	Freehold tenure  Mailo land tenure  Leasehold tenure  Customary land tenure
<b>Rights of Vulnerable People</b>	Protection of Women's Rights	Protection of peasants & women rights	Protection of women rights	No law	Protection of women's rights	No law	Protection of women and children rights

## INSTITUTIONAL ASPECTS

<b>Federal &amp; Central Government Institutions</b>	<ul style="list-style-type: none"> <li>-Ministry of the habitat, the planning and the environment</li> <li>-Ministry of Agriculture, Water, Fisheries</li> <li>-Ministry of the Interior</li> <li>-Ministry of Higher Education and Research</li> <li>No national land body</li> </ul>	<ul style="list-style-type: none"> <li>The Ministry of Agriculture and Rural Development</li> <li>Rural Land Administration &amp; Use Directorate (RLAUD) at the Ministry of Agriculture and Natural Resources</li> <li>The Ethiopian Agricultural Investment Land Administration Agency (EAILA)</li> <li>The Ministry of Urban Development and</li> </ul>	<ul style="list-style-type: none"> <li>The Ministry of Lands and Physical Planning</li> <li>The National Land Commission (NLC)</li> <li>Environment and Land Court</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Livestock, Forestry and Range</li> <li>No national land institution</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Housing, Physical Planning and Environment</li> <li>South Sudan Land Commission (SSLC) but not operational</li> </ul>	<ul style="list-style-type: none"> <li>The Ministry of Environment, Forestry and Physical Development</li> <li>The Higher Council for Environment and Natural Resources (HCENR)</li> <li>Darfur Land Commission (DLC)</li> <li>National Land Commission</li> <li>The Remote Sensing</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Lands Housing and Urban Development (MLHUD)</li> <li>National Land Information System</li> <li>Ministry of Water and Environment (MWE)</li> <li>Ministry of Works and Transport (MWT)</li> <li>Uganda Land Commission</li> </ul>
--	--	--	---	---	--	--	---

		Housing No national land institution				Authority National land Commission established but not operational	
Local Government Institutions	None	Addis Ababa City Council Regional Governments Land Administration Committees	Regional governments	The Local Government structures of the District	The Payam Land Council		The District Land Boards The Land Committees District Land Tribunals
CSOs	The National Union of Djiboutian Women (NUDW)	None	The Institution of Surveyors of Kenya (ISK) The Kenya Land Alliance (KLA) The Land Development and Governance	The Coalition for Grassroots Women Organizations (COGWO) Daryeel		The Sudanese Environment Conservation Society (SECS) The Sudan Development Association	Institution of Surveyors of Uganda (ISU): The Uganda Land Alliance (ULA)

			Institute (LDGI)	Women Organization (DAWO)  We Are Women Activists (WAWA).  No specialized land NGO		(SDA) The Farmers and Pastoralists Unions No specialized land organization	
Training Institutions	The University of Djibouti (UNiversité de Djibouti)  Center for Research and Studies of Djibouti (CERD)  No specific training &	Bahir Dar University  Ethiopian Land Research and Development Network (ETHIOLANDNET)  The Ethiopian Economic Policy Research Institute	Regional centre for mapping of Resources for Development Technical University of Kenya University of Nairobi	No specialized training institution on land	University of Juba  No specialized training institution	University of Khartoum  Sudan Academy of Sciences  No specialized institution	Makerere University,  Kyambogo University  Centre for Urban Governance and Development at Victoria

	research institution	(EEPRI) Ethiopian Civil Service University (ECSU) Addis Ababa University in the College of Law and Governance Studies Addis Ababa Institute of Technology Mekelle University Haromaya University					University  No specialized institution on land administration training
Traditional land Institutions	None	None	None	None	Mahalia customary authorities	None	None

# Annex 2: Headers of Draft Strategy

- 1. Introduction
  - 1.1 Background
  - 1.2 Intergovernmental Authority on Development
- 2. Situational Analysis
  - 2.1 State of Land Governance
  - 2.2 Evolution of Strategy Development
- 3. The IGAD Land Governance Strategy
  - 3.1 Introduction
  - 3.2 Overall Goal
  - 3.3 Guiding Principles
  - 3.4 Strategic Objectives and Outcomes

Strategic Objective 1: To improve the policy and legal framework for Land governance in the IGAD region.

Outcome 1.1: The process of harmonizing land policies and laws supported and led.

Outcome 1.2: Awareness creation promoted and the process of developing appropriate strategies and concepts in land governance supported and guided.

Outcome 1.3: Member states assisted to comply with the provisions of, and benefit from, the international instruments.

Policy and Legal Strategic Actions

Outcome 1.1: The process of harmonizing land policies and laws supported and led

1.1.1 Develop protocols for regional collaboration in the area of land governance

1.1.2 Develop manuals for mainstreaming cross-cutting issues (gender), into development plans, programmes and activities of Member States.

1.1.3 Develop a framework for the use of bye-laws as a tool for land governance.

Outcome 1.2: Awareness creation promoted and the process of developing appropriate strategies and concepts in land governance supported and guided

Outcome 1.3: Member States assisted to comply with the provisions of, and benefit from, the international instruments

1.3.1 Assist Member States in the implementation of the provisions of the African Union Declaration on Land Issues and Challenges in Africa.

1.3.2 Develop a model policy on the transfer and exchange of information and technology that also addresses the issue of rights to property ownership.

Strategic Objective 2: To develop information required for sound land governance in the IGAD region and make it readily available.

Outcome 2.1: Land governance information at the regional level provided.

Outcome 2.2: Timely exchange of land governance information promoted.

IGAD will promote timely exchange of land governance information.

Land Governance Information Strategic Actions

Outcome 2.1: Land governance information provided at the regional level

2.1.1 Carry out regional inventories of land governance

2.1.2 Establish regional networks for information collection, analysis and exchanges

2.1.3 Develop and disseminate land governance education and awareness programmes for CSOs and the private sector.

2.1.4 Establish databanks and meta-databanks and information systems for land governance in the region including the development of a regional integrated land governance information system.

Outcome 2.2: Timely exchange of land governance information promoted

2.2.1 Facilitate exchange of ideas, lessons and experiences of the Member States in developing action plans and document dispute resolution mechanisms of land disputes.

2.2.2 Build the capacity of Member States' public libraries and government documentation centres in order to improve accessibility to and availability of nationally generated information resources for use in decision making.

Strategic Objective 3: To enhance the capacity of member states for improved land governance in the IGAD region.

Outcome 3.1: The capacity of member states and IGAD staff in the use of land governance systems.

Outcome 3.2: A Centre of Excellence in land governance established and training courses formulated.

Outcome 3.3: Suitable incentives and disincentives measures to complement regulatory enforcement identified.

Outcome 3.4: A more focused forum targeting the involvement of civil society organisations and non-state actors in land governance should be established.

Capacity Building Strategic Actions

Outcome 3.1: The capacity of Member States and IGAD staff in land governance is crucial for promoting regional cooperation built.

3.1.1 Promote the use of economic instruments in efforts towards land governance.

3.1.2 Carry out land accounting and valuation studies to establish the true economic value of land in the IGAD region.

3.1.3 Carry out a review of land fiscal regimes in the IGAD region (to expand revenue sources for local governments) with a view to sharing lessons learnt and success stories, and identification of critical gaps.

3.1.4 Develop methodologies for national domestication of the provisions of key regional conventions, and assist Member States in accessing financial and technical assistance for the implementation of NAPAs, NAPs, NCSAs and other initiatives.

Outcome 3.2: A Centre of Excellence in land governance established and training courses formulated.

3.2.1 Establish a Regional Centre of Excellence on Land Governance in one of the IGAD member states.

3.2.2 Develop a training programme to be followed.

Outcome 3.3: Suitable incentives and disincentives measures to complement land governance identified.

3.3.1 Develop guidelines for promoting private sector involvement in land governance and establish an IGAD Private Sector forum.

3.3.2 Assist Member States to build national capacities for land governance.

3.3.3 Strengthen regional and integrated approach to land governance.

3.3.4 Develop capacity to plan, implement and monitor integrated land governance systems at national and local levels.

Outcome 3.4: A more focused forum targeting the involvement of civil society organisations and non-state actors in land governance should be established.

3.4.1 Create and co-ordinate regional centres of excellence for research in land governance, ICT development and management information and establish an IGAD Forum of Experts to address the different aspects of land governance.

3.4.2 Increase the role of CSOs (NGOs, CBOs, unions, faith-based organisations and independent media) in land governance including emerging issues and institute an IGAD Land Governance/CSO forum.

Strategic Objective 4: To enhance the capability for land governance research and technology transfer and development in the IGAD region.

Outcome 4.1: Research agendas identified and the creation of linkages and networks in the area of land governance facilitated.

Outcome 4.2: The capacity of the member states for accessing potential incremental financial resources built.

#### Research and Technology Transfer Strategic Actions

Outcome 4.1: Research agendas identified and the creation of linkages and networks in the area of land governance facilitated.

4.1.1 Establish regional research and technology incubation centres, allocating different thematic areas to the Member States on the basis of their comparative advantages, and promote the transfer, acquisition, adaptation and development of appropriate technologies.

4.1.2 Develop new models to analyse land governance in the IGAD region.

4.1.3 Assist Member States to carry out research in land governance.

4.1.4 Share research findings, through among other things, multi-disciplinary publications and regular meetings.

4.1.5 Assess the extent of, and develop a strategy to halt land conflicts and disputes in the IGAD region.

Outcome 4.2: The capacity of the Member States for accessing potential incremental financial resources built.

4.2.1 Develop methodologies, tool-kits and approaches for realizing financial benefits from land governance and how some of the finances realised can be used to partly fund a regional land governance fund.

4.2.2 Develop tools, methods and approaches for integrating land governance values into decision making and management practices, and review land taxation regimes in Member States identifying opportunities for introducing and/or amending national land taxes.

#### 4. Implementation Framework

##### 4.1 Operational Planning

##### 4.2 Institutional Arrangements

###### 4.2.1 Member States

###### 4.2.2 IGAD Secretariat

###### 4.2.3 Inter-Sectoral Linkages

###### 4.2.4 Strategic Partnerships

##### 4.3 Resource Mobilization

##### 4.4 Performance Assessment



African Union



African Development Bank



Economic Commission for Africa



UPHOLDING PEACE FOR A PROSPEROUS AND INTEGRATED REGION SINCE 1986  
AU SERVICE DE LA PAIX POUR UNE REGION PROSPERE ET INTEGREE DEPUIS 1986

**LAND POLICY INITIATIVE**

**THE STATUS OF  
LAND GOVERNANCE  
IN IGAD MEMBER  
COUNTRIES**

**2016**



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

**Swiss Agency for Development  
and Cooperation SDC**