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## FULL CONCEPT NOTE FOR CLPA SIDE EVENT

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**Title:** Best Practices in Documenting and Monitoring Customary and Statutory Land Access, Control, and Ownership in Africa: A Cross Experience of the Democratic Republic of Congo (DRC), Uganda, and Zambia.

**Presenters/ Speakers:**

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- **Clinton Omusula:** *Land Data and Knowledge Management Consultant - United Nations Human Settlements Programme (UN-Habitat) /Global Land Tool Network (GLTN)/ Global Land Indicators Initiative (GLII)*
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**Key words:**

AfCFTA, Data, policy, tenure, administration, monitoring, gender

Only 30% of the world's population holds official land titles (World Bank, 2016). The proportion of formal landowners is even lower in Africa and declines further in sub-Saharan Africa - for countries where data is available and accessible. In the Democratic Republic of Congo (DRC) for example, customary land management by land chiefs is predominant in both rural and peri-urban areas. Consequently, less than 3% of the land is covered by land title. (Fétiveau and Karsenty, 2010).

The data gets weaker (non-representative) and slimmer (inadequate/inconclusive) when examined further through the urban - peri-urban - rural and the gender lens. This is often attributed to inadequacy in the capacity to record and monitor land tenure rights, the untapped potential of land administration systems to comprehensively capture rights along the continuum of land rights as well as the prohibitive costs and lengthy processes of accessing such services. As a result, customary tenure continues to prevail, particularly in sub-Saharan Africa at an estimated rate of 90% (Bae, Yuh Jin. 2023).

Undocumented and unmonitored rights in both statutory and customary set-ups yield porous land tenure systems which hinder sustainable investment and unlocking of land's economic potential, thus perpetuating poverty, inequality, and marginalization through land tenure insecurity. Notably, the poor and politically marginalized are often the most affected by the risks associated with insecure land tenure. Conversely, documented, consistently monitored and enforced land rights have proven effective ingredients in interventions aiming at alleviating poverty, promoting peaceful coexistence and political stability, strengthening human capital, promoting social and economic equity (and gender equality) and promoting general social progress.

Cognizant of the imperativeness of secure land rights as an enabler of inclusive and sustainable development, the United Nations Human Settlements Programme (UN-Habitat)



and the Global Land Tool Network (GLTN) continuously partner with countries, particularly in the Global South to support institutionalization of documentation of land rights, and generation and uptake of data on land governance and tenure security in the framework of the continuum of land rights, to ensure an evidence base for reforms in national land policies and practices. Importantly, these interventions include capacity building for relevant state land data producers and users along the land data value chain. This is envisioned inter alia, as a building block to unlocking land-based financing and investments – through extractive and value addition industries, crucial enablers of the African Continental Free Trade Area (AfCFTA).

UN-Habitat and GLTN's longstanding collaborations with the governments of the DRC, Uganda, and Zambia provide insights into the challenges related to documentation of land rights, monitoring of land governance and the dividends of enhanced data infrastructure.

In the DRC, for example, the national context of land governance is marked by widespread land tenure insecurity with the challenge of information management in land administration, inadequate technological integration such as Geographic Information System (GIS) and digital surveying tools (GPS) in the land administration system, inadequate cadastral coverage, and data interoperability. UN-Habitat and GLTN's interventions facilitated setting up of a Community Land Registry (CLR) – a land data collection tool meant to ensure an evidence base to inform the national land policy and support efforts to secure land tenure rights within local communities in two pilot provinces (Ituri/Mambasa and Mai Ndombe/Inongo). The CLR is a simplified Land Information System (LIS) premised on the objectives of a local cadaster, enabling the identification of plot ownership, and the extent of rights to the land in the context of the rights of the local communities, duly mapped with support of modern technology – the Social Tenure Domain Model (STDM)<sup>1</sup>.

The intervention in DRC has resulted in mapping and identification of over 340 families in Ituri, with more than 100 land conflicts being identified and resolved in collaboration with the local land committee – one of the institutional components of the CLR. Additionally, over sixty land certificates have been generated and issued to local communities. In Mai-Ndombe, more than 250 families have been identified and more than 60 land conflicts identified with over 60% resolved.

As a co-custodian agency for SDG indicator 1.4.2<sup>2</sup>, and in collaboration with the Food and Agriculture Organization of the United Nations (FAO) – custodian for SDG indicator 5.a.1<sup>3</sup>, UN-Habitat has partnered with the national statistics offices (NSOs) and land registries in the DRC, Uganda and Zambia to enhance the national capacity to collect and report data on land tenure security across all tenure types. Additionally, contextual assessments of land data interoperability across relevant state departments in the land-data nexus were conducted to provide insights on the status and capacity needs along the land data value chain.

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<sup>1</sup> <https://stdm.gltm.net/>

<sup>2</sup>Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure.

<sup>3</sup>(a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure



Preliminary findings reveal that in Zambia, only 8% of the population holds land titles, and a significant gender disparity exists, with 74% of women and 66% of men aged 15-49 estimated to not own land (ZamStats, 2023). Additionally, 80% of customary land remains outside the governance of land laws unless it undergoes conversion. In Uganda, an estimated 37% of adults own land with male and female proportions of 50.5% and 25.7% respectively (UBOS, 2023). Moreover, data infrastructure assessments revealed significant weaknesses in data access and interoperability across the relevant state departments, implying insufficient uptake at policy level. The results further depict disproportionate levels of tenure insecurity among men and women, and in urban compared to rural areas while inadequate data is available to conclusively reflect the status of the youth's land ownership, access, and use rights.

To achieve inclusivity and minimize the risk of leaving anyone behind, fit-for-purpose systems are needed to document, measure and monitor land access, ownership, and tenure security across tenure systems, considering both documented and undocumented rights and the perception of land tenure security.

This session will demonstrate the findings of the diagnostic contextual assessment of land data interoperability as well as the significant gains that have been achieved in capacity building at national level through robust trainings, adaptation and institutionalization of land data collection tools, and establishment of a community of practice in each of the focus countries to promote documentation of rights, and sustainable land data collection, reporting and uptake to inform good land governance at policy and practice levels.

### **Objectives:**

1. To demonstrate best practices in GLTN's interventions on documenting rights along the continuum of land rights.
2. To showcase dividends of establishing a land data infrastructure at national level.
3. To demonstrate best practices in institutionalizing the generation of land data and statistics at national level and bridging the data-policy-practice gap for enhanced land governance and tenure security.

### **Expected Outcomes:**

1. Participants have an enhanced understanding of innovative, pragmatic, and inclusive practices in documentation of rights along the continuum of land rights.
2. Participants have an increased awareness and appreciation of the benefits of investing in national land data infrastructure.
3. Participants gain valuable insights from the lessons learned through the process and outcomes of monitoring land governance and tenure security in the four focus countries.
4. Participants have an increased understanding and appreciation of the role of secure land rights in promoting free movement of people, foreign direct investment (FDI) and intra-continental trade as envisioned in the African Continental Free Trade Area (AfCFTA) and Agenda 2063.



**Target Audience:**

The session will attract experts from a land governance, management, and tenure background as well as development economists and other practitioners in the land-data value chain.

**Duration:**

90 Minutes