

Cadre de la Politique foncière en
Afrique -

Land Policy Framework in Africa

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Justification

- The central role of land for the livelihoods of populations and sustainable development invariably results in multiple policies and sectoral laws related to land, its management and its uses.

Justification

- For this reason, it is essential to have land policies which set orientations and at the same time rationalise, harmonise and clarify what would otherwise remain a set of poorly coordinated approaches and complex interactions between legal texts and sectoral policies.

Justification

- The constitutive act of the African Union emphasises on the sovereignty and equality of the States. Each Member State has the sovereign right to decide of its own policies. Consequently the current framework does not aim at putting in place a normative framework that would be constraining for all Member-States,

Objective of the Framework

- To provide the AU Member-States a sound *basis for engaging* in the elaboration and implementation of good land policies aiming at sustainable development, including social stability, economic growth and poverty reduction as well as natural resources protection against irrational uses and pollution.

Objective of the Framework

- *To promote consensus* in favor of shared principles on which to embed land rights of all land users, improve agricultural productivity and consolidate means of subsistence.

Objective of the Framework

- To put in place the *foundations of the participation of the population* in the formulation and implementation of land policy, in order to improve the governance of land resources.

Objective of the Framework

- To provide *guidelines of good practices* in the area of land reform as well as evaluation criteria for the efficiency of land institutions. Member-states can adopt these guidelines depending on their own individual situation de la situation.

Objective of the Framework

- To provide a basis for the *participation of development partners* in mobilising the resources required to strengthen the capacities allowing efficient land reforms.
- To provide public policies with a general framework enabling them to address *emerging problems and anticipate future trends* in areas related to land resources.

The elaboration of the framework

- In 2006, the Commission of the African Union (AUC), the United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB) decided to initiate the formulation of a general framework for land policies and reforms in Africa.

The elaboration of the framework

- This project was conducted in close collaboration with the Regional Economic Communities (RECs) of the continent. A particular attention was given to the African ownership of both the approach and the expected final output by mobilising experts from the continent thanks to the participation of the African states and other non governmental players of the continent.

The extent of the consultation

- The first step of the formulation process of the land policy framework was a **continental consultatif workshop**, which took place in Addis Ababa in March 2006. The workshop was attended by African representatives of governments, RECs, civil society (including Farmers' Organisations), private sector, Centres of Excellence, as well as representatives of development partners.

The extent of the consultation

During this consultative workshop, a consensus came out about the main elements and themes of the framework, including :

- Constitutive elements of a global vision ;
- Successive actions and activities of a road map leading to the elaboration of the land policy framework ;
- the role of stakeholders and partners ; and
- resources mobilisation.

The extent of the consultation

- The second step of the process took place at regional level, with a central role played by the RECs. As one could have expected, the land issues brought forward by the RECs allow to underline the regional specificities of land issues on the continent.

The extent of the consultation

- The third step consisted in regional consultative workshops co-organised jointly by the AU, the UNCEA and the AfDB. These workshops took place between August 2007 and October 2008 in Southern Africa, Central Africa, Eastern Africa, Western Africa and Northern Africa.

Meetings of experts and African ministers

- A **meeting of African experts** was the 4th step of the process, the main experts of line ministerial departments from all Member-State participated.

Meetings of experts and African ministers

- At this occasion, the project of a general land policy framework was examined and thoroughly discussed. It resulted in an *improved project* and an *expert report* on the general framework.

Meetings of experts and African ministers

- The **meeting of African Ministers in charge of land affairs** has to examine and approve the *Report and the Experts recommendations* on the Land policy framework. This report is then transmitted to the political instances of the AU Summit for examination and approval.

Meetings of experts and African ministers

- After examination by the Council of Permanent Representatives (PRC), the Executive Council (EC) of the Assembly drafted a declaration project to submit to the attention of the Assembly of Heads of State and Governments of the African Union for examination and approval. *The Declaration*, which includes a certain number of resolutions and decisions about the effective implementation and monitoring, was approved by African Heads of State and Government during the Summit of July 2009.

Structure of the Framework and the Guidelines

- Following the two first introductory parts, Part 3 specifies the context which determines the nature and the particularities of the land issues in Africa in order to explain the reasons why the land sector has not played the role it was expected to play in the development process. Part 4 looks at this role in more details. Part 5 outlines how African countries could elaborate better global land policies that could enable the land sector to fully play its role.

**Structure of the Framework
and the Guidelines**

- Part 6 identifies potential obstacles as well as required conditions for good implementation of these policies in the field. Finally, Part 7 explores the type of measures that African countries could put in place to ensure the monitoring of the elaboration and the good implementation of these policies.

**Merci
pour votre attention**