



Responsible Land Governance: Towards an Evidence Based Approach

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Perspectives on Capacity to Produce Credible, Reliable Evidence on Land Governance: Observations from LGAF Processes in 5 African Countries

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Introduction

This paper draws on data emerging from Land Governance Assessment Framework (LGAF) processes conducted during 2015/6 in Ethiopia, Kenya, Rwanda, Sierra Leone and Tanzania to identify capacity constraints faced by the five countries in pursuing evidence-based practices in land governance.

Materials and methods

LGAF processes produced 7 Country Reports and a Country Synthesis Report. The Africa LGAF Secretariat reviewed the reports to produce a paper, "Capacity Constraints and Implications for Production and Use of Credible Evidence in Land Governance Decision Making and Practice - Observations from LGAF Processes in 5 African Countries". The analysis was based on a conceptual framework which combined notions of capacity as assessments of (i) **what** governments or institutions produce (outcomes or outputs) (ii) **how** governments or institutions function, specifically bureaucratic procedures, the ability to get things done and autonomy. Specifically, the analysis evaluated countries for the following capacities considered essential for evidence-based practices in land governance:

Expertise: the availability of skilled people

Ability to secure and absorb funding:

mechanisms for mobilizing and for effective use of funds

Production of quality data: such as registry/cadaster, demarcation of private and public land; (including amount of land available for investors)

Technology: software and hardware/equipment important for land administration

Existence of policies and processes: that guide different actors to pursue land governance policy goals

Institutional structures: the ability of institutions/ agencies of the government to work and coordinate effectively (horizontally and vertically)

Operationalising outcome(s): in this case achieving evidence-based practices in land governance

Results and Recommendations

Constraints in expertise: All countries lack effective land administration systems. The main challenge is in the lack of skills or expertise across the sector. Contributing factors include lack of investment in training people to equip them with the necessary skills in the context of inadequate resources. As a result, most of the land sector is dependent on international consultants. There is need for countries to adopt an approach of continuous professional training/development.

Constraints in the ability to secure and absorb funding: Countries all face challenges in securing and absorbing funding. Consequently, revenue generation from land administration is not sustainable while tax administration systems are generally weak with incomplete databases of revenue information, low collection rates and limited enforcement. Contributing factors include lack of qualified land professionals information such as registries to inform tax collection. Investment is required in human resources and capacity building to facilitate cost effective revenue collection, its enforcement, land surveying, and valuation and digitization of land records.

Constraints in production of quality data: These include capacity and resources for research, absence of information systems to store and enable data to be accessed easily across themes and across sectors. Inaccurate and outdated land records provide the context for corrupt land processes while precluding effective resolution of disputes by the judiciary. Substantial capital investment is required. Concurrently improving knowledge management, land information systems and spatial information systems will make information accessible and improve its quality.

Constraints in technology: All countries are characterized by low levels of technology application and computerisation. Land delivery systems largely remain manually operated and paper based thus incapable of servicing, recording, searching and tracking all transactions effectively. Lack of computerisation, incompatible and outdated systems and technology limit data synchronization between institutions. Investment in modern technology and practices is of fundamental importance particularly with regards to cadastral maps and systems for urban and rural lands. These should be updated, registries digitized, and linked using technology. Use of improved technology should be accompanied by technological skills development.

Constraints in policies and processes: Progressive constitutional and legal provisions are not matched by implementation. Reasons include lack of political will; inadequate land administration arrangement; lack of a comprehensive land resettlement policy; incongruence between progressive constitutional provisions and policy and legal provisions. In addition land policy is generally not costed, resulting in inadequate budget, resources and capacity for implementation. Capacity must be enhanced at the societal, institutional and individual levels by deepening knowledge of land policy formulation and implementation. Existing land policies should be harmonized and costed with adequate financial, human and other resources being earmarked for their implementation.

Constraints in institutional structures: Poor coordination across institutions is widespread in the context of overlapping institutional mandates; inadequate devolution of authority to lower levels of governance and where there is decentralization, unnecessarily complicated institutional structures. Comprehensive land use plans to guide sectoral land use are outdated or missing, leaving land use to be determined by poor coordinated sectoral. There is a need for ongoing institutional and organisational reforms alongside the implementation of inter-sectoral coordination mechanisms and performance monitoring systems.

Conclusions

LGAF assessments established that land governance practices and processes in the 5 countries face major capacity related constraints that presently hinder evidence-based practices in land governance. In spite of the efforts that countries have made in order to address land governance issues, capacity shortfalls continue to have negative implications for land governance. The main conclusion is that resources are going to be key to overcome these constraints. Without resolving these constraints, the land governance performance of these countries is likely to remain poor.

Literature cited

- The paper cites LGAF Background Papers in each of the 5 countries
- Phung Dang Thi Kim, Visseren-Hamkers J Ingrid and Arts Bas. 2016. "A framework for assessing governance capacity: An illustration from Vietnam's forestry reforms" *Environment and Planning C: Government and Policy*, Vol. 34(6): 1154–1174