



Panfrican farmers' organization
Organisation panafricaine des agriculteurs
المنظمة الإفريقية للفلاحين

STUDY

FAMILY FARMING SPECIFICITIES AND LAND GOVERNANCE PROCESS



AUGUST 2021

SUBMITTED BY

SERGE RWAMASIRABO

ACKNOWLEDGEMENT

This study was carried out by the Pan-African Farmers Organization (PAFO). The staff of PAFO Secretariat in Kigali provided general guidance throughout the process and shared valuable information that enabled the analysis to be carried out in a meaningful way. Contributions and comments were provided from the five PAFO members networks in their respective regions: Eastern Africa Farmers Federation (EAFF); Plate forme Régionale des organisations paysannes d'Afrique Centrale (PROPAC); Réseau des Organisations Paysannes et des Producteurs Agricoles de l'Afrique de l'Ouest (ROPPA); Southern African Confederation of Agricultural Unions (SACAU); and Union Maghrébine et Nord Africaine des Agriculteurs (UMNAGRI).



PAFO would also like to thank the International Land Coalition (ILC) who made this study possible thanks to the CBI 2 project.

**INTERNATIONAL
LAND
COALITION**

PAFO Secretariat
Kigali, Rwanda

DISCLAIMER

The views and information contained in this study are provided for information purposes and for policy makers and various stakeholders on the African continent to make appropriate decisions. The report represents the current good-faith views of PAFO and its members networks at the time of publication.

This study report is intended only to provide general and preliminary information on PAFO's efforts to help put in place appropriate policies and measures on Family farming specificities and land governance process. It is not intended as a personal recommendation of particular financial or investment decision and thus it does not provide individually tailored investment advice of any kind. PAFO or other associated and affiliated organizations assume no liability as regards to any investment, divestment or retention decision taken by anyone on the basis of this study.

This study was carried out and is edited thanks to the CBI2 project. Unless expressly stated, the opinions expressed in this study are those of PAFO and not of partners.

Any transmission, dissemination or other use of this study by persons or entities is welcome, in whole or in part, without modification and without prior written permission, for any purpose, provided that all parts contain the following statement:

**FAMILY FARMING SPECIFICITIES and LAND GOVERNANCE PROCESS
@PAFO 2021**

ACRONYMS AND ABBREVIATIONS

AfDB:	African Development Bank
AU:	African Union
CAADP:	Comprehensive Africa Agriculture Development Program
CEA:	United Nations Economic Commission for Africa
EAFF:	Eastern African Farmers Federation
FAO:	Food and Agriculture Organization
FO:	Farmers' Organizations
GDP:	Gross Domestic Product
IFAD:	International Fund for Agricultural Development
LTR:	Land Tenure Regularization
MFI:	Microfinance institutions
NEPAD:	New Partnership for Africa's Development
PAFO:	Pan-African Farmers Organization
PROPAC:	Regional Platform of Central African Farmers' Organizations
RFO:	Regional farmers' organizations
ROPFA:	Network of Farmers' Organizations and Agricultural Producers of West Africa
SACAU:	Southern African Confederation of Agricultural Unions
SADC:	Southern African Development Community
SDGs:	Sustainable Development Goals
UMNAGRI:	Union of Maghreb and North African farmers
UN:	United Nations Organization
UNDIFF:	United Nations Decade of Family Farming

TABLE OF CONTENTS

1- Introduction.....	6
2- Dualism Customary and modern land laws.....	7
3- Methodology.....	7
4- Specificities of African family Farming.....	10
5- Land policy reform.....	12
A) Rationale.....	12
B) Regional factors impacting land policy reform:.....	13
• East African Region.....	13
• Southern Africa States.....	13
• Western Africa States.....	15
• Central Africa States.....	15
• Northern Africa states.....	16
C) Land Tenure Regularization and its benefits for the small landholders.....	19
D) Role of Farmers' organizations and PAFO in Land Tenure Regularization.....	21
6- Conclusion and recommendations on good land governance process in relation with specificity of family farming.....	22

1. INTRODUCTION

The year 2019 marked the beginning of the UN Decade of Family Farming 2019-2028 (UNDF), Resolution (A/RES/72/239) unanimously approved by the United Nations General Assembly on December 2017 as an evidence of the great interest the topic has raised in the countries and in the international agenda and stressing that family farming is the cornerstone to cope with the humanity major challenges. UNDF serves as a framework for countries and regions to develop public policies and investments to support family farming from a holistic perspective, unleashing the transformative potential of family farmers to contribute to achieving the SDG.

The land question facing Africa has its origins in geo-political, economic, social and demographic factors more recently compounded by emerging global and strategic imperatives. These include different forms and modes of colonization experienced in various regions, the diversity and degree of persistence of indigenous cultural and normative systems and forms of economic organizations

Colonial origins of the land question Africa comprise five regions carved out into fifty-two countries with diverse political histories of colonial rule. The majority of these countries were colonized by Britain (through direct or indirect rule) others by the French (through assimilation strategies) Belgium, Portugal and Spain. German rule in Cameroon, Tanzania and Namibia was short-lived, while Apartheid South Africa; (itself first colonized in the 17th century by Dutch settlers and later by the British) also governed Namibia in the 20th century.

European settlers gained control over land through “agreements”, conquests and appropriation. Direct control of land and engagement in agriculture was prominent in Southern Africa (i.e., South Africa, Zimbabwe, Namibia) and in North Africa (Egypt, Algeria and Libya), Kenya in East Africa, Ivory Coast in West Africa, and to a lesser extent in the DRC and Cameroon in Central Africa

African governments need to take appropriate measures to ensure that land plays its primary role in the development process and more particularly in social reconstruction, poverty reduction, enhancing economic opportunities for women, strengthening governance, managing the environment, promoting conflict resolution and driving agricultural modernization.



2. DUALISM: CUSTOMARY AND MODERN LAND LAW

The dualistic approach to tenure systems resulting from colonialism in some African countries, has had a marked effect on land administration practices. Since in many countries significant proportions of the land mass remain under indigenous forms, a framework to strengthen land rights, enhance productivity and secure livelihoods tenure, State and other support for agricultural activities operating in these tenure systems, are key consideration of land policy reform. In spite of prevailing erroneous stereotypes about agriculture on smallholdings, smallholders make an immense contribution to agricultural output, generally holding land under customary tenure systems.

In addition, where land has been inequitably distributed since colonial times, more equitable patterns of land ownership can contribute to higher levels and broader based patterns of economic growth. Land policy therefore needs to secure the rights of all land users and serve the multiple goals of equity, poverty reduction, income growth, economic efficiency and sustainable environmental management.

Land policy processes should also seek to provide for the necessary interface between state and indigenous systems, particularly with regard to the certification of land rights, the empowerment of decentralized institutions in land rights administration, and the management of land as a resource at the local level. Colonial legacies which tended to denigrate indigenous land rights systems and suppress and sabotage their evolution and which ignored community land administration structures must now give way to new and innovative policies including the provision of statutory frameworks for the documentation and codification of informal land rights regime.

Land policy in Africa thus faces the twin challenges of: (1) Providing a sound basis for strengthening property rights so as to facilitate investment and the generation of economic opportunities, (2) Guaranteeing security of access to land for the rural and urban poor as a basis for improved food security and secure livelihoods

In Western and Central African countries according to the interviews from some Regional Farmers 'Organizations Representatives, customary land law is still predominant among the small landholders and produce the biggest proportion of the local food for consumption.

One of their characteristics is that when land size is 5 ha and less, have limited technical knowledge, young population, poor access to financial services, generally with low living conditions. In case of a land dispute, the State intervenes for an arbitrage.

When the land size is 50 ha and more, the cabinet is called for the appropriate arrangements.

The two models exist and work in the majority of African countries. The customary land law is well known by rural population the majority population are small landholders, this system is accepted, chiefs are respected within the community, and any raised land issue is friendly solved by the community. If the issue has to go out of the community, the State decides what is not necessary in favour of the concerned people particular in absence of written documents.

The above population is often exposed to land transfer, indeed when there is a need for land for public interests such road, health centre, school, all kind of infrastructure, the State proceeds to an expropriation of unknown land value with a risk of low compensation. The main reason is that land under customary law, is not documented and the State easily decide what it thinks is the most appropriate solution. African Farmers' Organizations agreed that the communities target the small landholders' interest in case of land dispute under land customary law than the State and their voices have a key role in people' land rights.



Another case is an area with potential mineral resources or oil to be exploited, population is easily displaced and the land confiscated. If the land is under the land customary law and not documented, the operation of land transfer is much easier for the State. However, the consequences are low compensation, people become labour force with marginal living conditions,

Land for agriculture is gradually reduced in African countries with settlements where cities grow and take more land. One of the consequences is food insecurity for the displaced population and resources from new schemes are not necessary used to improve people's wealth.

Regional Farmers' Organization representatives mentioned the case where foreign investors, after 2008 with food crises, came to Africa to do agriculture for export and needed land. The States found easy to allocate land under customary law than under modern law. However, in both cases, this may be a source of food insecurity if not well planned. That is why there is a need to clarify property rights in agriculture.

In practice, land rights claimed and allocated by the modern State often conflict with the land tenure practices of ordinary people. As a result, land tenure and shelter are insecure for many Africans in both urban and rural areas, while property rights are frequently weak or unclear and create a major obstacle to investment both large and small.

Regional Farmers 'Organizations contacted presented positive aspects of customary land laws such as targeting the small landholder's interest as the food security, minimum land ownership and use, all kind of disputes solved through community committees. The system is very well known by the population which is a big advantage. However, as said earlier there is a limit when the land size is more than 50 ha and more where the state has to intervene in case of a dispute.

Good land governance is critical condition to get fair decisions. African Farmers 'Organizations noted that during the interviews, that they have a key role to play by assisting small land holders in those situations.

The mentioned above cases are among those where Farmers Organizations and PAFO play a big role to raise voice and lobby for the small landholders who are still under the customary land law.

This is a big challenge for Farmers' Organization, indeed in one side land is so important for the small landholders as their unique basic resources for them and their families, the other side the States are so powerful that, if fairness, transparency, political good will, are not values which guide land governance, risk of little impact on decisions is big. The population is pushed in marginal lands or reduced into labour living in poor condition with low voice.

In practice, smallholders make an immense contribution to agricultural output, generally holding land under customary tenure systems. African agriculture faces many challenges in a globalizing world with increasing competition and barriers to both local and global markets. The difficulties are particularly acute for smallholders. Cheap foodstuffs produced by heavily subsidized farmers are dumped in Africa's domestic markets, displacing local produce, which is unable to compete. (Feed Africa Strategy, 2019)

In some African countries such as Ethiopia, Botswana, Kenya and Rwanda, the states have operated land reforms to go from customary land law to modern land laws. This required a distribution of land owning by the state to individuals with land titles and rights for a well-defined period of time, in Rwanda 92% of the farmers who own land have land titles and enjoy benefits.

Despite the advantages of agribusiness in terms of market integration, smallholder farming makes efficient use of labour, generates the bulk of produce in many countries for domestic and regional markets, especially for food crops, and, in the absence of widespread industrialization, provides a critical source of employment and the foundation of food security.

in order to facilitate access to credit services (which must adapt to forms of documentary evidence of ownership other than the traditional land titles) and protect small farmers' interests, as gradually improving infrastructure and technology, lead to increasing land values

Land policy development must confront this injustice by committing governments to design and implement comprehensive reforms directed at the redistribution of land resources, the enhancement of the rural and urban economy and the strengthening of participatory land management processes. This must also include the provision of the support services infrastructure necessary for the promotion of these economies.

Business activities of all kinds require access to physical space. However, in many countries investing in capital-intensive activities is frustrated by a lack of clearly defined land rights. Secure property rights provide not only the necessary certainty to do business but also, when held in the form of transferable land titles used as collateral, enable access to credit and contribute to the development of financial systems. Experiences and studies in Africa by the AfDB have shown that inappropriate land tenure arrangements continue to hamper effective entry into agribusiness by the private sector, including individual farmers and medium- to large-scale operators.



3. METHODOLOGY:

The study has been conducted based mainly on Africa Union, African Development Bank, United Nations Economic Commission for Africa Framework and Guidelines on Land Policy Initiative in Africa, a National Land Policy in Rwanda in 2014 as a case study by IPAK. The previous study on African Food System was useful in providing information on family farming specificities.

A questionnaire was elaborated to PAFO members for consultation in order to collect their comments aiming at improving the thematic note.

4. SPECIFICITIES OF AFRICAN FAMILY FARMING:

Although Africa has large areas of arable land, still there is a conflict between traditional land and modern land rights where women and youth do not have the legal right to own land and cannot use it for long-term investment. Land reform must target the distribution of land and formal land titles by the state to men, women and youth in a country in transparent and fair manner. This offers opportunity to diversify economic activities and bring wealth.

a) In countries where land is titled and divided into small, tiny lands which are not adequate for agro production, the land law, though land reform must set the minimum land size for individual or household.

b) Land is used as a commodity for foreign investors for producing one crop (mono cropping) without taking care of environment, thus completely depleting the national resources. This requires farmers associations and PAFO to make sure that when there is land expropriation, rates of compensation are fair and the payments are done in a reasonable time. It is crucial to ensure the appropriate evaluation of the land value owned by the family farming. The same organizations will accompany the family farming in negotiations of the contract farming one needed between investors and farmers especially the smallholder farmers,

c) Smallholder farmers represent 60 per cent of Africa's population. They operate on small parcels of land and tend to lack access to finance because of lack of collateral to increase the quantity and quality of their production. Land title registered under modern land law can be a solution to get a loan from MFI (micro finance institutions) for smallholder farmers. Farmers associations can intervene to advocate this approach in the family farming. However, there are cases in few countries according to comments collected from Regional Farmers' Organizations where youth with titles keep those in the Banks without being able to pay back the loans, this situation makes their situation worse.

d) A lack of skills from the agricultural producer is mentioned as one of the constraints for agricultural development. It is important to get land title and more important to market it. This requires good knowledge and skills in technology. An ordinary farmer is not equipped for land transactions, farmers organizations and PAFO need to support farmers to improve their performance in land marketing

e) Poverty and food insecurity among the producers are the highest in the continent despite the fact that they are the ones who produce food. This is mainly due to the fact that in some countries, land market exists only for those who own land title under modern and formal land tenure, those with medium and large land size. Farmers' organizations will play a key role by sensitizing land centre in the country to promote land title and land marketing for the small holders with limited power of negotiations.

f) The youth is not interested in the agriculture sector considered as a risky sector. How to change the situation and make agriculture more attractive to the young generation? One possibility will be giving land to youth and land titles and promote land marketing to open for them other opportunities which may be the beginning of non-farm activities.

g) Most food crops throughout Africa are produced by smallholders working individually and buying and selling in spot markets made up of many small- and medium-scale intermediaries. Strong links to markets for poor rural producers are essential to increasing agricultural production, generating economic growth in rural areas and reducing hunger and poverty. This in turn encourages farmers to invest in their own businesses and increase the quantity, quality and diversity of the goods they produce (1). The need for cash is important for those smallholders and collaterals using land title is one of the solutions to access to working capital and investments.

1 Access to markets: Making value chains work for poor rural people, IFAD, September 2012

5. LAND POLICY REFORM

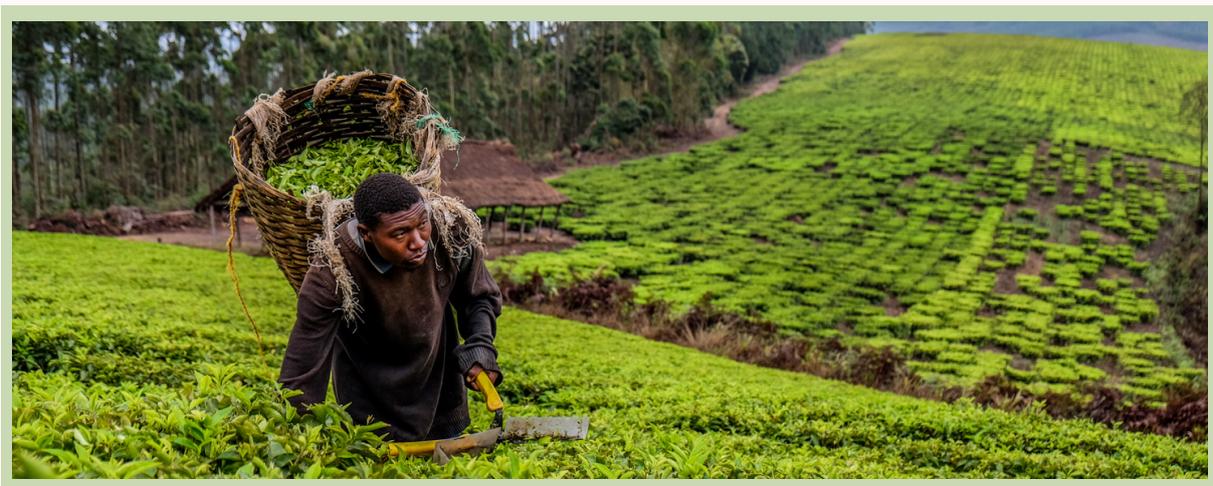
A) RATIONALE

The literature suggests positive impacts of more secure land tenure in China, Thailand, Latin America, Eastern Europe and in Africa (Deininger et al. 2008). Particular to Africa, the debate in the last few decades has been around whether land tenure reform in terms of land registration and certification under the LTR (Land tenure regularization) program is commendable (Pinckney and Kimuyu, 1994). As already indicated, the expected benefits of land tenure reforms (i.e., credit and bank loans, land-based investment, environmental protection through investment in soil and water conservation, social equity and justice, empowerment of women and other marginalized people) remain subject to debate.

Another on-going debate revolves around the State being the source of tenure insecurity, land concentration in the hands of few people as a result of privatizing land holdings and land grabbing under the auspices of large-scale land-related investments (Melesse and Bulte, 2015; Oduola, 2014,

Despite these debates on land tenure security, some African countries, including Rwanda, Ethiopia and Botswana, have implemented large-scale LTR (Land Tenure Regularization) programs in the form of land registration and titling. Proponents have identified many channels through which land registration and certification can boost social, economic, and environmental effects (Ali et al. 2014; Melesse and Bulte, 2015).

Land tenure can lead to increased productivity and production; efficiency in land transfers through increased land markets and subsequent transactions; long-term land-related investments; access to credit (because land can be used as collateral); investment in soil and water conservation; output/income; agricultural technology adoption; women's economic empowerment; and a reduction in undesirable social impacts.



B) REGIONAL FACTORS IMPACTING LAND POLICY REFORM:

• EAST AFRICAN REGION:

Most countries in the region have juristic or diffusive plural legal systems governing land. Consequently, multiple sources of property rights coexist. These are broadly categorized as customary and statutory/modern tenure.

The pluralism of authority over land can allow people to choose the legal framework that provides them with the best claim ("forum shopping"). This may increase uncertainty and confusion when people pursue different ways to legitimize claims to the same parcel of land. In addition, the presence of diverse tenure concepts or laws may create ambiguity. Different sets of rules are applied under different institutions in the same area.

Parallel institutions could lead to competition for the same jurisdiction which could fuel conflict. After independence, most countries in the region formulated land policies and laws, and instituted tenure and institutional reforms to Land Policy in Africa: Eastern Africa Regional Assessment deals with this colonial/historical legacy. However, pluralism needs to be recognized as a reality and as a resource and not as an obstacle in the changing lives of the poor. Ensuring tenure security for customary land rights in this region is an essential element for sustainable development, given the preponderance of customary tenure.

• SOUTHERN AFRICA STATES:

Southern Africa is one of the most well-endowed regions in the continent in terms of mineral and natural resources. However, the region is facing serious environmental challenges such as land degradation, deforestation and water stress in specific areas.

The colonial legacy continues to exert a profound influence on land issues in Southern Africa. The entire region was affected by the consequences of colonial land policies such as legal dualism. In addition, former settler colonies in the region suffered massive land dispossession. Accompanying the history of land dispossession was the imposition of hierarchal, inequitable and racially discriminatory land tenure systems. Therefore, key land policy challenges in the region include re-establishing national sovereignty over the land and redressing unequal and race-based land distribution. The protection of the commons against land-grabbing and privatization are also major land policy challenges in most countries in the region.

Since the 1990s, the end of apartheid in South Africa, the demise of the socialist system in other countries in the region and the advent of more market-friendly economic policies have driven an intensive process of land policy reform across the region. National land policies are in place in some countries while others have just developed them.

Southern Africa Regional Assessment process is far from being uniform: some countries are considered as models in terms of participatory processes while others followed top-down approaches.

Generally, in the region, land is vested in the state. Consequently, the state possesses extensive powers over the land held and used by people under customary law. However, the on-going land policy development trends give greater recognition to customary tenure systems, even if the development of effective land management systems which protect the rights of local people remains a major challenge.

Independent of the individual countries initiatives the Southern African Development Community (SADC), as a regional organization, has established a Land Reform Support Facility. This facility aims to provide support to member states in the formulation and implementation of land policies and programmes in line with their national development priorities.

The importance of land to economic development in the SADC region is underlined by the fact that over 70 per cent of the population derives its livelihood and incomes mainly from farming and related activities, primarily as self-employed small-scale farm households. Yet overall agricultural productivity levels are low and the dependence on food imports is high.

Economic diversification in some countries, particularly towards mining and tourism, reduces dependence on farming. The development of the industrial and service sectors is higher in South Africa and Mauritius. Agriculture contributes less than 5 per cent of GDP in South Africa, suggesting that while the land question in general remains important, the critical land issues are non-agricultural.



• WESTERN AFRICA STATES:

The colonial legacy left West Africa with three main language groupings: Anglophone, Francophone and Lusophone. The region has experienced different political regimes since independence—liberal and capitalist oriented, socialist oriented and revolutionary. Almost every country, since independence, has experienced military dictatorship or political revolution or been engaged in a civil war. Currently, almost all the countries are practising democracy. These political experiences have had a tremendous impact on land policy processes.

Land issues in the region are characterized by growing commodification of rights and increased competition between various users of land in both rural and urban areas, and are rooted in the social, economic and political realities of the region.

One common objective of the French and the British colonial land policy was to promote private ownership of land, as the customary land rights were considered as a constraint to economic development (Toulmin et al., 2002; see also Lavigne-Delville, 2000).

Even though the land is owned by the customary authorities, the state's extensive regulatory powers render customary authorities relatively ineffective in dealing with their lands. The key challenge is how to fashion out simple and cheap mechanisms for recording customary rights and give them legal recognition in statutes.

However, the exploitation of minerals has not been without problems particularly in the area of rural settlements, tension between local communities and mining companies with regard to expected direct benefits and social responsibilities of the mining companies to the local communities, security of land rights, livelihoods and compensation, resettlement packages, pollution and environmental degradation.

There is the need to standardize the geodetic reference system in West Africa. Specific policies must be designed to deal with these weaknesses so that the relatively high level of informality and insecurity of tenure can be addressed, especially in peri-urban areas. This may involve developing appropriate innovative tools and standards for recording of land rights and registration, including surveying and mapping to make the process affordable and dependable and developing decentralized institutions for land administration, adequate human and material resources for land administration and a good and up to date land information management system. It is in such a situation that land markets can be said to operate.

• CENTRAL AFRICA STATES

State sovereignty over land is common in quite all Central African countries, and is usually associated with non-recognition of customary based land rights held by local communities. Other top land issues in the region include: lack of clear land policy, inadequate land laws and legal pluralism; gender issues with special attention to access of women and indigenous people; weak capacity in land policy development and implementation; excessive centralization of land administration systems and poor land governance.

Current land policies and laws in the region are deeply influenced by the colonial legacy. Customary based land rights are denied by these laws while state sovereignty over land is strongly proclaimed. The region showed very little experience in land policy formulation and in participatory approaches. Most land related reforms undertaken are done through sectoral and ad hoc interventions. Through Ministries in charge of lands and domain, the state plays a prominent role in land policy implementation. In certain instances, semi-public agencies are established to assume specific responsibilities such as financing social housing programmes. However non state and even informal actors are tolerated as they appear to be useful in filling the void left by the state in certain areas.



• NORTHERN AFRICA STATES

The region is well known for its endowment in mineral deposits such as oil and gas. However, it is also known for being one of the poorest regions in the world in water resources. Due to rapid population growth, both water and land resources are becoming scarce. Sustainable land and natural resource management is an ancient and well-established tradition in the region. This is witnessed for example by the pre-Islamic hema system of rangelands management, which governed the timing, frequency and intensity of grazing, and was instrumental in the maintenance of rangelands.

The colonial domination led to legal pluralism, with French civil law overlapping with Islamic law and tribal systems. Consequently, land rights are extremely complex and include registered lands, Melk lands (private lands), Habous lands (or waqf) and pre-Islamic collective tribal lands. One consequence of legal pluralism is poor formalization of land rights and persisting land tenure insecurity and conflicts. The coexistence of traditional, religious, and civil legislation is considered as one of the main causes of land disputes in the region.

The trend of land fragmentation is common in the region. Land fragmentation is the result of continuous sub-division of land for inheritance. Finding the appropriate response to land fragmentation is a key challenge for North African countries, as it is considered an impediment to land development and agricultural productivity. Land Policy in Africa: North Africa Regional Assessment xi Islamic law enables women to own land through inheritance. Governments in the region have taken appropriate measures to enhance women land rights. However, the survival of customary practices hampers the consolidation of women's land rights.

Land is central to overall national development in the region. Agriculture, industry (including manufacturing and oil extraction) and the booming tourism industry are activities which require access to land resources and security of tenure. From 1950 to 1975, different policies were developed to address key land issues in North Africa. Generally, land policies were developed as part of national development plans. This trend of land reforms was based on state interventionism and included: expropriation of former colonial lands; land redistribution in favour of poor landless peasants; and establishment of ceilings on maximum land ownership.

These reforms substantially improved access to European markets and thus contributed to poverty reduction. However, not all expropriated land was redistributed to poor peasants. The state ended up becoming the largest land owner, with state farms established across the region, one of the main causes of land disputes in the region.

The trend of land fragmentation is common in the region. Land fragmentation is the result of continuous sub-division of land for inheritance. Finding the appropriate response to land fragmentation is a key challenge for North African countries, as it is considered an impediment to land development and agricultural productivity. Islamic law enables women to own land through inheritance. Governments in the region have taken appropriate measures to enhance women land rights. However, the survival of customary practices hampers the consolidation of women's land rights.

Land is central to overall national development in the region. Agriculture, industry (including manufacturing and oil extraction) and the booming tourism industry are activities which require access to land resources and security of tenure. From 1950 to 1975, different policies were developed to address key land issues in North Africa.

Generally, land policies were developed as part of national development plans. This trend of land reforms was based on state interventionism and included: expropriation of former colonial lands; land redistribution in favour of poor landless peasants; and establishment of ceilings on maximum land ownership. These reforms substantially improved access to European markets and thus contributed to poverty reduction.

However, not all expropriated land was redistributed to poor peasants. The state ended up becoming the largest land owner, with state farms established across the region.

North Africa is disproportionately endowed with natural resources. It is among the richest areas of the world in mineral deposits, such as iron and phosphate, and oil and natural gas reserves, and one of the poorest in renewable water resources. Many North African countries continue to rely excessively on natural resources for their development.

North Africa is on its way to being the location of major urban megalopolises. Currently, the urban population in the region represents 51 to 53 per cent of the total population; this figure is projected to be more than 60 per cent by 2030.

In North African cities, the often poor, marginalized population engages in informal economic activities. Informal economic processes cut across the whole social structure. The requirements of profitability are the hidden forces that link formal and informal sectors. Informal urban economy is a specific economic system of income generation. Its activities are unregulated both legally and socially by the institutions of the society. The framework that governs formal-informal relations is dynamic and reflects transformations of institutional boundaries in terms of regulations (Rady, 2003).

Limited land resources and continued desertification: Arable land constitutes only 5 per cent of the total land area in North Africa. Over 45 per cent of the area dedicated to agriculture and rangeland is experiencing some form of degradation. The civil laws and Islamic Shariya applied in North African countries do not deny women their right to access land. The governments of the countries in the region have taken serious measures to empower women.

Women represent the major workforce in farming activities (horticulture, olive production etc.). Women in rural and remote areas deserve special attention due, in part, to economic underdevelopment and social marginalization. Statistics show that the proportion of women in family labour is up to 64 per cent in Tunisia.

Although not all expropriated land was redistributed to the poor and the state became the largest landowner in the region (by establishing state farms), nearly one million farmers across North Africa became landowners. Land reform and new land settlement schemes contributed to agricultural growth across the region, including technical change, providing beneficiaries with security of tenure, and contributing substantially to poverty reduction.

The market-oriented model of agricultural development has had implications on land tenure and distribution. Facing policies in favour of market liberalization (removal of subsidies, market competition, imports etc.) farmers may behave in either of two ways: abandon small farms for the benefit of larger ones (concentration of land in the hands of the rich) or cling to land as a refuge, continuing the process of land fragmentation.



C) LAND TENURE REGULARIZATION AND ITS BENEFITS FOR THE SMALL LANDHOLDERS

The purpose is to ensure transparency in the process and to seek citizen participation at the early stages (Information and mobilization).

Formalization of land rights to reduce conflict, especially during land transactions, land transfer as well as social and legal benefits and cultivation and reduction the overpassing of land boundaries.

The land tenure regularization impacts are more qualitatively driven by the direct advantages of land registration (Sagashya, 2011): guaranteeing land ownership, increasing security of tenure for land holders, reducing land related disputes, protecting women's land rights, improving land market transactions and using land as collateral for credits and loans. Looking at these objectives, they lead more to what we call enabling conditions for operational impacts. These include changes in the population with access to loans and changes in land markets as a result of having land titles. Consistent with Abbot and Mugisha (2015), there is little evidence that LTR has encouraged landowners to use their lease certificates as collateral to secure formal loans to invest in farm and non-farm enterprises. Further analysis beyond this report is needed to better understand how land titles enable ordinary citizens to access loans using land as collateral in the banking sector.

Land tenure security is seen as capital for the development of the agriculture sector and for promoting other land-based investments. As indicated, it is well hypothesized that land tenure leads to increased productivity and production; long-term land-related investments; access to credit, because land can be used as collateral; investment in soil and water conservation; output/income; and it will facilitate efficiency in land transfers through increased land markets and subsequent transactions.

Due to the historical importance of land in agriculture, formalization of land titles may translate into increased agricultural output and income.: Good practices in land reform. there is only scarce empirical evidence of the effects of LTR on productivity. A study by Melesse and Bulte (2015) in Ethiopia found robust agricultural productivity following the land registration and certification process that was initiated in 1998. They compared the productivity of certified plots with uncertified plots. Using the propensity score matching approach, the productivity of certified plots was found to be 35.4% higher than uncertified plots, with an annual income gain of US\$75.40. Other literature also highlights cases where LTR resulted in improved agricultural productivity and income. There is need to have more incentives to increase agricultural productivity such as better access to inputs, agricultural markets, and land expansion for agricultural production where possible (Feder and Nishio, 1999). Secondly, the effects resulting from land tenure security could benefit productivity and income through long-term contracts or selection of more productive tenants by landlords (Melesse and Bulte, 2015; Deininger et al. 2008). However, in most cases, authors deny the transferability of these results in other East African contexts.

Formalization on land markets is channelled through the reallocation of land to more efficient users and through the transfer of land rights in active land markets (Melesse and Bulte, 2015; Ali et al. 2014).

Ali et al (2015) substantiate that clarifying land rights had a positive impact on the functioning of land rental as well as on sales markets; but they also affirm that their findings leave a number of questions open for exploration.

It is germane to start integrating the notions of LTR and those of youth employment. LTR may not be the only panacea to the problems facing youth, such as unemployment and underemployment. But since land reforms are expected to ensure access to credit, increase agricultural productivity and yield other development outcomes, it is difficult to dissociate tenure security and youth development (Palavarapu, 2014). Similarly, the structure of employment cannot be isolated from the overall structure of the economy. Fox et al. (2016) argue that many African economies have failed to transform from low-productivity agriculture to higher more productive non-agriculture. This largely explains why most of the jobs being created remain elusive in the formal wage sector even as economies are witnessing excellent economic growth.

The question of development to transition youth from farming families to non-farm jobs is happening in the midst of highly fragmented land parcelling, land privatization good practices in land reform 30 corporate land investments under the auspices of on-going land reforms across Africa. This is done in the spirit of creating more youth employment through large-scale land-based investments. But this promise is hardly being fulfilled; some corporate investments are even environmentally destructive and forcibly leave a large number of people landless and vulnerable (White, 2012; Yengoh et al. 2016). This leads some scholars to question whether Africa should continue to make its abundant land resources available to international investors or restrict access, reserving land for the local poor to grow their own food (e.g., Holden and Bezu, 2016; Yengoh et al. 2016).

Access to land is also linked to access to credit, a promise that is driving most LTR in the region. Although access to formal banking loans is limited, in general, youth face extra challenges. While it is assumed that access to credit will enhance agricultural productivity and reduce poverty among youth, they lack experience drafting business plans that are bankable. Moreover, young people are still considered risky clients by financial institutions since the majority lack adequate collateral, including land titled in their names (FAO, 2010; IFAD, 2009).



D) ROLE OF FARMERS' ORGANIZATIONS AND PAFO IN LAND TENURE REGULARIZATION

As mentioned earlier, Regional Farmers' Organizations and PAFO lobby from the grass root organizations, such as CBO's and other platforms to bring the messages of land governance from the communities advocating land rights for the small landholders. The message is brought up through National Farmers' Organizations, Regional Economic Communities, Continental Organization such as CAADP, NEPAD and AU. Because there is competition between the States and individuals in land governance, it is very complicated and requires mobilization of national institutions such as members of parliaments, senates, political parties, Civil Society Organization, private sector. The lobby has to go up as the matter is important for the economic, social development of all the African countries.

As mentioned above different approaches in land governance will require different interventions by the regional farmers' African organizations. In the Northern African countries, PAFO and its organizations will lobby to protect small landholders where the informal land governance is the most predominant system, where the megacities are found, small landholders are let behind and need to be protected. The slums are located in those bid cities are marginalized. However, in the North Africa, there are countries where the states are so well organized in order to increase agricultural productivity through irrigation schemes. Small landholders are mobilized women and youth participate in production of fruits and vegetables for exports to Europe. Farmers organizations will bring their contribution through advocacy to ensure fairness between the States and individual land rights.

In the Southern Africa, land governance depends on the dualism in land governance, the States and customary land law. There is still conflict between both systems. Farmers' organization and PAFO will join SADEC, and bring its contribution in strengthening fairness, transparency in the land governance especially for vulnerable groups such as small landholders, women and youth.

In Eastern African States, the countries seem to be well advanced in farmers land rights, land policy reforms have been well established and the role of farmers' organizations and PAFO seem to be advocacy and to keep existing dialogue with the States to maintain the benefits of the land rights for small landholders. As the land administration is almost fully digitalized, farmers' organizations will advocate for the improvement of the technology to ensure good services in land management for the benefits of farmers.

In West African countries where the dualism is still predominant, farmers' organizations and PAFO will bring their contribution by strengthening the dialogue between the states and individual land rights, targeting fairness, transparency through documentation of landownership and enforcement of land rights in order to benefit fully land ownership.

The Central African countries enjoy the largest arable land and the most suitable for the agriculture production, with the least benefits for the small landholders, women and youth. Farmers' organization and PAFO have a big role to play through regional economic communities, African Union, to have a dialogue with different African States and bring serious debate on the land policy dialogue in those countries in order to increase fairness in land ownership for the small landholders, women and youth. There is need for land reform and fair distribution among the small landholders, a committed and voluntary land reform needs to be introduced to allow farmers to enjoy benefits of their land rights. This region has huge benefits for small land holders and require strong involvement of farmers' organizations and PAFO to advocate for better land governance of land rights.



6. CONCLUSION AND RECOMMENDATIONS ON GOOD LAND GOVERNANCE PROCESS IN RELATION WITH SPECIFICITY OF FAMILY FARMING:

Land is an important resource for the small landholders who are the majority of the local food production. Land under customary law exists still in African countries and challenges by modern land law implemented by the State with big power. Regional Farmers' Organization, PAFO partner with local, national, regional and continental organizations to support small landholders when they have to be displaced from their land because of mining activities, oil, gas exploitation or public infrastructures. This is not easy and will require governments' positions to move gradually from the non-documented land law to a digitalized system. Below are some of key required elements for the success:

- Strongly committed government ready to mobilized resources
- Highly skilled staff at all level from central to decentralized units
- Fully digitalized system and intercommoned with all banks, revenue authority and ID department.

- Friendly usable by the majority of the population though mobile phone, computers in cyber café
- Availability of people to assist the smallholder farmers as voluntaries or private sector to fill the forms to initiate any land transaction,
- Strong networking across the country.
- Availability of enough financial resources which call for external support in most cases.
- Committed Farmers 'organizations and PAFO to advocate land ownership and rights at level of national institutions, regional and continental organizations, for the benefits of small landholders' farmers.



Panafrican farmers' organization
 Organisation panafricaine des agriculteurs
 المنظمة الإفريقية للفلاحين

📍 Adresse : Bibare, Street KG125, House No. 88, Kimironko Kigali - Rwanda
 ☎ Tel : (+250) 733202069 / 7332020701
 ✉ Mail : info@pafo-africa.org