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Umoja- Operationalizing the AfCFTA through communal land reform policies

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ABSTRACT

Context and background

Umoja, is the Swahili philosophy of unity. Its principles underscore the significance of cooperation and communal solidarity. Umoja has historically been associated with various aspects of African social and political life, accentuating the influence of communal synergy in traditional land tenure systems. The Umoja philosophy encourages individuals to consider collective-wellbeing as being complementary to individual interests, thereby fostering a profound sense of social responsibility in traditional approaches to land holding.

In contemporary African society, Umoja continues to wield substantial influence in facilitating social cohesion and the establishment of robust and supportive communities. Notwithstanding, the principles of Umoja remain relatively uncharted in the context of modern approaches to land reform policies.

Goal and Objectives:

The primary objective of this paper entails an in-depth examination of prevailing land tenure systems throughout the African continent, with a concurrent aspiration to formulate a novel land-holding system that harmoniously integrates with and encapsulates the diverse cultural and contextual intricacies inherent in Africa. At its core, this endeavor seeks to leverage the proposed land-holding framework as a catalyst, with the ultimate ambition of elevating substantial segments of the African populace from multidimensional poverty to a state of enduring prosperity.

Methodology:

The methodological approach employs a secondary analysis, focusing on African communal land and resource management case studies. The paper assesses their achievements and shortcomings, emphasizing the 'Gestion de Terroir' model in West Africa and the less successful Community Land Trust Experiment in Voi, Kenya. Drawing from successful and unsuccessful cases, the paper develops a comprehensive blueprint for effective communal land tenure systems, guided by Elinor Ostrom's principles for successful management of communal resources and the principle of Umoja, for equitable and sustainable land management in Africa.

Results

The findings from this study highlight critical issues within existing communal land systems across Africa. Specifically, the primary challenges identified are the absence of formalized communal land titles, as well as issues stemming from the inability of attempted communal land holding projects to align with local idiosyncrasies, capacities, and objectives. Consequently, this paper formulates a novel communal land tenure system for the African context, synthesizing these lessons to create a more sustainable approach that bridges the gap between formalization and local adaptability.

Keywords

Land Tenure Security, Communal Land Holding, Productivity Based Redistribution, Land Inequalities, Individual Property Rights

1. INTRODUCTION

1.1. The Common Conundrum: Deconstructing Hardin's Hype

Over the centuries, Africans have contended with external directives dictating their behavior, language, and even land ownership norms. Too often, even the most accomplished African policymakers frequently design their policies by intentionally cloning those of the global north, which regrettably leads to a neglect of originality. This paper champions the revitalization of a distinct African identity—one that not only resists blind conformity but also harnesses its rich cultural heritage to assert that African minds can indeed be at the forefront of global thought leadership, shaping policies which are emulated in other parts of the world. A central objective of this paper is to spearhead this initiative. The paper questions the prevailing belief that communal property systems are intrinsically inferior, a perspective reminiscent of the notion espoused by the Greek philosopher Aristotle, who postulated:

"What is common to many is taken least care of, for all men have greater regard for what is their own than for what they possess in common with others."

It is pertinent to question why Africa has unreservedly embraced Greek concepts, when ancient African philosophies, such as the profound concept of Umoja, remain unexplored. This paper contends that societies and cultures are inherently unique, necessitating tailor-made policies that align with their distinct characteristics.

Moreover, Garret Hardin, renowned for his influential paper 'The Tragedy of the Commons' argues that:

"Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in the commons brings ruin to all."

Hardin's 1968 paper has become a foundational concept in resource management theory. Hardin's theory suggests that shared resources are doomed to depletion due to the fact that intrinsic human nature compels individuals to prioritize their self-interest over the collective welfare. While this has been widely accepted as an authority in Western contexts, it is essential to consider an African perspective that challenges its universal applicability. Africa, with its rich diversity of cultures, traditions, and resource management practices, provides a unique lens through which to deconstruct and critique Hardin's ideas.

Hardin's theory found endorsement within the policy discourse of the World Bank in the 1970s and subsequently regained prominence through the works of economists such as de Soto in 2000. De Soto's argument underscores the proposition that the ambiguity and negotiability associated with rights within customary and traditional land tenure systems contribute to diminished rates of investment that could enhance productivity. This perspective posits that because customary land

rights often lack the capacity to serve as collateral for loans obtained through the formal banking system, land held under customary tenure is characterized as 'dead capital'.

Indeed, while Hardin's paper is famously coined *'The Tragedy of the Commons'*, the true tragedy lies in Africa's unquestioning adoption of Western ideologies, with insufficient scrutiny of their efficacy and a failure to critically assess their compatibility with indigenous customs and traditions.

An additional layer of complexity arises from the fact that the foundations of these imported theories trace back to a figure whose views have been perceived as extremist, characterized by fringe sentiments of white nationalism and supremacy. Over the course of his career Hardin has been associated with numerous controversial views such as his advocacy for segregation of nations and eugenics. In a 1986 article, Hardin is quoted as stating:

"There seems to be little danger of society's being deprived of something valuable by the sterilization of all feeble-minded individuals."

In a 1997 interview, Hardin also advocated for anti-immigration policies, declaring that:

"My position is that this idea of a multiethnic society is a disaster...A multiethnic society is insanity."

This raises compelling questions about the basis for African land policies that derive from the work of an individual espousing such extreme viewpoints. Furthermore, Hardin's thesis lacks empirical evidence and has been convincingly refuted by scholars such as Elinor Ostrom, the 2009 Nobel Prize in Economics Laureate. Ostrom's research demonstrates that communities historically have effectively crafted and maintained efficient systems for sharing coveted resources.

Consequently, it would be prudent to explore the challenges with the projected system of landholding in Africa, which focuses on individual property rights, as well as the advantages of communal property rights, by examining their implications for social, economic, and environmental well-being. Through a comprehensive analysis of case studies, historical examples, and theoretical frameworks, it can be argued that establishing more communal property land titles across the continent can provide a more sustainable and equitable foundation for African societies.

1.2. Challenges of Individual Property Rights Systems

The Idiosyncrasy of African Property Rights

Modern approaches to land reform have remained largely unchanged since colonial times, with a primary fixation on individual property rights. This approach does not consider the distinctive nature of communal land holding in traditional African societies. In a 1917 testimony before the West

African Land Committee, a pre-colonial African chief described land holding in African culture as follows:

'I conceive that land belongs to a vast family of which many are dead, few are living and countless are yet unborn.'

It is therefore evident that one inhibition to land reform policies in Africa is the importation of a one-size-fits-all approach to land administration, without consideration for local idiosyncrasies. The resultant effect is an ensuing mirage that Africa is somewhat culturally unsuited for modern property rights. Notably, this position was considered by a colonial land tenure panel in one of its reports, where it was asserted that:

'Land to the African is not what it is to the European: a possession, a source of wealth, an economic asset or an object of investment . . . land to the African is the very source and basis of the life and existence of his family or tribe, and is something more personal and fundamental to him, and of almost literally mystical significance.'

The question of Africa's cultural suitability to modern property rights has also been considered by modern scholars such as Robert Home whose 2013 paper is intriguingly titled 'Culturally Unsuitable to Property Rights?: Colonial Land Laws and African Societies'. In answering the question of Africa's suitability for property rights, he contends that while Africa is not in fact culturally unsuited, there is a struggle between the colonially inherited individual property holding and the traditional form of communal landholding, leading to centuries of stagnation in land reform efforts.

Malthusian-Style Boom in Population and the Strain on Land Resources

Secondly, modern approaches to land reform often do not account for the precipitous Malthusian-style boom in population that heralded the 21st century. Notably, November 15, 2022 marked a pivotal point in world history - the global population hit the long prognosticated 8 billion mark. By the year 2050, 1 in 4 people will be in Sub-Saharan Africa. The continent faces an existential crisis, as its population expands exponentially, with no real prospects on how to cater to its ever-rising needs. This is arguably Africa's greatest opponent to basic rights such as property ownership, access to food and daresay, life itself.

In light of this, perhaps it is time for Africans to reimagine how we have historically approached efforts to tackle entrenched disparities in land ownership. Land as one of the four factors of production is subject to the economic law of scarcity. Therefore, this population explosion puts a strain on land resources and could potentially limit the efficacy of the modern policymaker's typical focus on individual property rights, as it calls into question how far constrained land resources can be stretched, in order to be equitably distributed among a rising population. Considering that the largest employer of labor in many African countries is the agricultural sector, equitable

redistribution of land resources is critical to ensuring that more Africans have access to land for agricultural production.

Prevailing evidence indicates that land ownership in developing societies is highly concentrated among a few, resulting in inefficient land use. Additionally, scholars have demonstrated that farmers are significantly more productive when working on land they own, compared to those working on rented land. Thus, the need for policies to enable equitable land redistribution is evident. However, with population growth straining land resources, a new approach is required.

1.3. Benefits of Communal Property Systems

Conversely, an analysis of the advantages associated with communal property rights yields the following findings:

- a. Reduced Income Inequality- Communal landholding systems play a pivotal role in reducing income inequality, countering the prevalent trend of individual property rights that predominantly favor privileged individuals capable of acquiring land due to their financial and social standing. This conventional approach tends to emphasize land ownership by those who already possess the means, perpetuating cycles of inequality instead of directing land where it's needed most to stimulate economic growth and promote equity.

While Africa is showing promising signs of sustainable growth, UNDP reports reveal that this newfound wealth is increasingly concentrated within a select few. Alarming, 10 out of the world's 19 most unequal countries are nestled in sub-Saharan Africa. It would be a grievous mistake for Africa to pursue economic growth that amplifies wealth generally but funnels prosperity to a minority while leaving the majority ensnared in abject poverty. This disparity also extends to land ownership, where the same inequity permeating the broader economic landscape endures, with the majority of land being held by a privileged few.

Communal property rights can mitigate this issue by ensuring that resources are distributed more efficiently to yield aggregate economic returns rather than favoring select elements of the microeconomy. When land is held communally under the structures proposed in this paper, it becomes subject to regulations that prohibit its utilization for the exclusive benefit of a few.

- b. Climate Resilience- Communal land holding systems in Africa also play a pivotal role in enhancing climate resilience within local communities, where the continent is disproportionately affected by the adverse impacts of climate change, despite contributing the least to global greenhouse gas emissions. Climate change poses significant challenges to African farmers, including irregular rainfall patterns, prolonged droughts, and increased occurrences of extreme weather events. These climate-related disruptions can devastate agricultural yields and livelihoods, exacerbating food insecurity and poverty. However, communal land ownership offers a crucial buffer against these challenges. African farmers

who cultivate communal lands may experience greater resilience in the face of climate change impacts, in comparison with an individual farmer working in isolation.

The communal approach allows communities to share the burdens and risks associated with climate variability. In times of drought or crop failure, for example, communal farmers can rely on the support of their neighbors and the broader community network. This solidarity can enable them to diversify their strategies, share resources, and collectively adapt to changing environmental conditions. Furthermore, communal land systems often promote sustainable land management practices, such as soil conservation and water resource management. These practices contribute to increased resilience by mitigating the effects of soil erosion and improving water retention, making communities better equipped to withstand the vagaries of a changing climate. A practical example of this is the implementation of 'Gestion de Terroir' projects in Niger, which enabled communities, particularly pastoral farmers, to tackle the effects of climate change such as increased desertification, through a combination of sustainable land management practices and community-based approaches. This involved establishing rules and guidelines for rotational grazing, protecting grazing areas during critical periods, and rehabilitating degraded rangelands. These practices helped ensure that pastures could recover and remain productive, even in the face of changing climate conditions.

Another example of this can be observed in Ghana where communal forest management practices empower local communities to conserve forests and adapt to climate change. Communities share responsibilities for monitoring illegal logging and enforcing regulations, ensuring sustainable resource use and carbon sequestration in communal forest areas.

These examples demonstrate that communal land holding and management practices not only enhance climate resilience but also promote sustainable land use, conserve biodiversity, and strengthen the adaptive capacity of African communities in the face of climate change impacts.

- c. Productive Utilization of Land- Communal land tenure systems serve as catalysts for optimizing land utilization, a phenomenon particularly accentuated in numerous developing regions across Africa. In contrast to individual land holding systems, communal land tenure can substantially curtail instances of land underutilization driven by (price) speculation, resulting in substantial periods of dormancy. Conversely, in the context of communal land ownership, there exists a pronounced proclivity towards leveraging land for productive pursuits that accrue benefits to the broader community. Furthermore, within the socio-economic context of many African nations undergoing developmental trajectories, individuals with limited financial resources frequently grapple with constraints hindering autonomous and expeditious land development. This predicament frequently translates into prolonged phases of unproductive land utilization, pending periods where such individual land holders are financially buoyant enough to develop their land. In contrast, communal land tenure

empowers communities to amalgamate their resources, collective knowledge, and labor, thereby facilitating efficient land development processes. This approach extends beyond agriculture, facilitating the development of communal initiatives such as educational institutions, healthcare infrastructure, and other collaborative ventures. CLHs serve as an example of how communal land ownership can mitigate speculative land buying. This approach prevents land speculation and ensures that land is used for community development. In the CLT experiment in Voi, Kenya, for instance, despite its shortcomings, land speculation was expressly prohibited throughout the project.

- d. Defense Against Exploitation- Communal land holding systems assume a pivotal role in fortifying communities' capacity to shield their land against exploitation, particularly within regions of Africa endowed with abundant mineral resources, such as gold, uranium, diamonds, and others, which frequently attract illicit foreign mining activities to the detriment of local populations. In such contexts, communal land ownership confers a distinct advantage. It engenders a collective decision-making framework and shared responsibilities among community members. This communal cohesion translates into more robust and coordinated responses to illegal mining or other extractive incursions. Communities can implement heightened surveillance protocols, establish community-led patrols, and engage in negotiations with governmental entities or mining corporations with greater efficacy. In contrast, individual land proprietors may confront significant challenges in mounting a defense against illicit exploitation due to resource limitations and limited influence. Consequently, communal land tenure emerges as an institution bolstering a formidable defense mechanism, enabling communities to safeguard their land, finite resources, and, in the broader sense, their socio-economic well-being against external encroachments. The advantages inherent in communal land holding systems extend to communities possessing significant populations of rare and endangered wildlife species. The collaborative nature of communal cooperation serves as an effective mechanism for safeguarding these vulnerable species against the threats of illicit poaching and hunting, ultimately contributing to the preservation and conservation of their respective habitats. Across the continent, emerging endeavors have sought to equitably reallocate the responsibilities and advantages associated with conservation. Notably, the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE) project in Zimbabwe directed proceeds from hunting and tourism activities on communal lands toward district councils. This strategic allocation of revenue served as an incentive for both the councils and their constituent communities to actively combat illicit hunting activities. These efforts are now popularly referred to as community based conservation. When communities assume the stewardship of natural resources, these assets can serve as a substantial catalyst for economic and livelihood enhancements. As an illustration, in 2009, community-administered nature conservancies within Namibia yielded an impressive sum of US\$3.7 million in revenue, concurrently generating both direct and indirect employment opportunities for over 1600 individuals. These employment prospects were predominantly linked to the preservation and management of these conservancies, along with the concomitant tourism industry.

Nevertheless, in light of this evidence and contrary to prevailing historical and scientific knowledge, Africa has regrettably remained focused on implementing Hardin's principles without a comprehensive analysis of its potential ramifications within the unique contexts of African societies.

2. Methodology- Assessing and Proposing Communal Land Tenure Systems: Insights from African Case Studies

Considerable research has already delved into the realm of communal land and resource management, notably epitomized by the seminal work of Elinor Ostrom. This paper adopts a methodological stance focused on conducting a secondary analysis of existing case studies, with a particular lens trained on those pertaining to Africa. The primary objective is to assess both their achievements and their shortcomings.

To achieve this, the paper embarks on an evaluation of prominent case studies in community-based land and resource management, with a specific emphasis on the '*Gestion de Terroir*' model implemented in several francophone West African nations. Concurrently, it dissects the underlying successes and limitations of this model. Subsequently, the paper delves into an analysis of the less successful Community Land Trust Experiment in Voi, Kenya, seeking to elucidate the reasons behind its lack of success.

Finally, the paper distills the insights garnered from both successful and unsuccessful case studies to formulate a meticulously outlined approach for the establishment of efficacious communal land tenure systems. This blueprint draws inspiration from Ostrom's renowned 8 principles for managing common-pool resources and is imbued with the spirit of Umoja, underscoring the importance of unity and collective action in shaping equitable and sustainable land management practices.

2.1. Gestion de Terroir

In the 1990s, the *Gestion de Terroirs* (GT) approach emerged as a pioneering method in the West African region. This innovative approach stood out by championing community-driven land management, marking a significant departure from previous development strategies.

Central to the GT approach was its focus on a defined geographical and social space known as the '*terroir*', within which community resources and associated rights were situated to meet their needs comprehensively. The *terroir* concept encompassed not just physical geography but also the socio-economic and cultural context, making it a fundamental unit for rural development. It represented the socio-natural heritage of local communities, integrating their internal social structures and resource utilization patterns.

The project objectives were thoughtfully defined, driven by a keen awareness of prevailing development deficiencies in specific regions. These deficiencies, primarily centered around the

suboptimal management and utilization of land resources, had resulted in substantial hardships for local populations. Consequently, the project's proponents set out to conceive a novel system for land utilization and management tailored to the unique needs of these areas. Furthermore, they underscored the imperative that rural communities should assume an active role in shaping their own destinies, with public services playing a supportive role in facilitating their aspirations.

To elucidate this need further, certain regions, such as rural Mali, grappled with pervasive poverty stemming from insufficient agricultural productivity to meet local consumption and income requirements. This predicament was exacerbated by the harsh and erratic climatic conditions, the fragility of the local ecosystem, and the depletion of crucial natural resources like soil, water, and vegetation. The Malthusian-style rapid population growth placed added pressure on these resources, and existing land use systems proved inadequate to accommodate the escalating demands. Consequently, the imperative arose for the development of new and more effective land use and natural resource management paradigms to address these multifaceted challenges.

The GT approach operated mainly through two interconnected systems:

1. The technical system, involving activities like restoring and enhancing natural resource potential, bolstering agricultural, pastoral, and forest production security, and improving soil fertility.
2. The socio-economic system, which included training individuals and groups and strengthening local institutions at the terroir level.

This approach gained rapid traction and was adopted by numerous government projects, donors, and Non-Governmental Organizations (NGOs) operating across West Africa. Its appeal lay in its ability to address agricultural and overall development in a holistic and participatory manner. GT projects played a prominent role in shaping policies and initiatives in countries such as Burkina Faso, Senegal, Mali, Côte d'Ivoire, and Niger. To underscore its widespread adoption, Mali alone boasted over two hundred GT projects by 1994.

Notably, this approach demanded multidisciplinary expertise at the local level and relied on a bottom-up, community-driven, and decentralized model, empowering local communities through education and training. Participatory appraisal was central, with an emphasis on identifying local priorities and involving communities in planning and decision-making processes. Furthermore, it sought to develop and fortify local-level institutions and committees, enabling the implementation of sustainable management plans. Part of this strategy was to devolve decision-making authority from the state and NGOs to the community or village level, aligning with the overarching principle of community empowerment.

Recorded Successes and Quality Assurance Evaluations

The comprehensive project, centered around the evaluation of a community-based approach to land use and management, underwent a thorough audit in July 1999 conducted by the World Bank's Quality Assurance Group (QAG). In the Overall Assessment of Quality, QAG rendered a commendable rating, deeming the project as "strong 2," signifying a satisfactory performance. QAG's assessment extended to several critical dimensions, including the project's focus on development impact, supervision of fiduciary aspects, adequacy of supervision inputs and processes, and the realism of project performance ratings. Notably, the project received a satisfactory rating across these categories. Furthermore, the report articulated that a more consistent focus on attention and reporting could have potentially elevated the overall rating to a "1."

In its comprehensive report, QAG provided insightful commentary on the project's overarching theme, as follows:

"This is among a cluster of natural resource management projects in the Sahel designed in the early 1990's. The approach is to promote better natural resource management, and reduce environmental degradation, by introducing community-level resource-use plans negotiated by stakeholders, including herder groups who traditionally are prone to conflictual relations with farmers . This concept has been widely replicated in the region, and has gained additional momentum as a result of decentralization policies which have enabled local users' groups to have more say in the allocation of resources."

Pitfalls and Shortcomings

Critics of the GT approach have raised significant concerns regarding the absence of legally recognized land rights conferred to the communities entrusted with land and resource management. While GT projects empowered local communities with decision-making authority over their natural resources, the lack of a corresponding legal or regulatory framework to formalize land titles led to a situation where the institutional structures or committees established by GT initiatives remained informal and devoid of legal recognition. This limitation has far-reaching implications as it leaves communities in a precarious position, vulnerable to potential land disputes, encroachments, and competing claims in the absence of recognized property rights. Furthermore, in the context of decentralization policies, such as those attempted in Mali through the adoption of the GT approach, the failure to address the redefinition of the state's role in relation to local populations hinders the realization of true autonomy and self-governance, thereby limiting the potential benefits of decentralization efforts.

To address these criticisms effectively, it is imperative that future policies take into account the need for legal and regulatory reforms that formalize land tenure rights for communities engaged in land and resource management. This entails not only granting communities decision-making authority but also securing their land rights through legally recognized titles. Additionally, there should be a concerted effort to redefine the state's role in decentralized governance structures, ensuring that it aligns with the principles of empowerment, self-governance, and equitable resource sharing. By

addressing these fundamental issues, GT and similar approaches can foster more sustainable and resilient community-based land and resource management, while promoting social and economic development in the regions they operate.

2.2. Community Land Trust Experiments in Voi Kenya

This evaluation explores a secondary analysis of the Voi Community Land Trust (CLT) experiment, an innovative approach aimed at mitigating land tenure issues. The experiment was expressly designed to tackle the inherent difficulties and inadequacies associated with individual property rights in the context of urban slums in Kenya. It did so by introducing a communal land ownership model. Regrettably, despite its initial promise, the CLT model fell short of accomplishing its intended objectives.

One of the primary criticisms levied against the CLT model pertains to its divergence from established principles for the effective management of common resources, as expounded in a diverse body of academic literature. These principles, notably articulated by Ostrom, serve as a theoretical foundation for communal resource governance. The principal critique revolves around the model's failure to customize its policies to align with the unique characteristics and norms of the local community.

This section of the paper endeavors to elucidate the underlying factors contributing to the experiment's shortcomings, with a particular emphasis on the complexities, inadequate support mechanisms, and challenges associated with land allocation. Furthermore, it underscores the significance of acknowledging informal and customary institutions when devising tenure solutions. It posits that the Voi experiment's failure should not be construed as a wholesale invalidation of communal land ownership systems. Instead, it should be viewed as an illuminating illustration of the pitfalls and obstacles to circumvent when implementing policies aimed at advancing communal land reforms.

The Voi experiment was carried out in parallel with a sister project in Kilifi, Kenya, which utilized individual leasehold tenure as the land ownership form. Through a comparative examination of these projects, the study assessed the CLT model's performance over a six-year period and explored the reasons behind the Voi experiment's inability to achieve its stated objectives.

A Breakdown of the Model

The Voi experiment sought to replicate the well-recognized CLT systems established in the United States of America. It conceptualized a framework wherein the community collectively assumed ownership of the land, typically organized as a non-profit corporation, while individuals retained ownership rights over the improvements made on the land. The fundamental objective of this configuration was to foster active community engagement in land management, curtail unproductive

land holding and absentee ownership, ensure communal control over land utilization, and preserve specific individual ownership entitlements.

Notwithstanding its innovative attributes and the attendant high expectations, the Voi experiment encountered a series of formidable challenges. These challenges can be summarized as follows:

1. **Legal Complexities**: The implementation and sustenance of the CLT model was encumbered by intricate legal complexities. Derived from the United States, a jurisdiction with legal systems and frameworks inherently accommodative of such intricacies, the model encountered a less hospitable legal landscape in Kenya. Regrettably, insufficient measures were undertaken to proactively address this challenge, thereby failing to facilitate a smooth transition for stakeholders into this novel legal framework. The resultant complexity dissuaded community members and potential investors alike, thereby exacerbating the project's operational difficulties.
2. **Lack of Governmental Support**: The absence of consistent support from governmental authorities, coupled with a deficiency in agile systems for working with the government- a critical stakeholder in the project, significantly impeded the success of the Voi experiment. The model struggled to gain traction and execute its operations effectively due to the dearth of mutual understanding, prior commitments, and sustained government backing.
3. **Divisive Land Allocation**: The allocation of certain land parcels within the settlement precipitated divisive tensions. Disputes and conflicts surrounding land allocation procedures and outcomes disrupted communal harmony within the project. Moreover, an absence of a well-tailored dispute resolution mechanism further compounded these challenges, leaving such issues unaddressed in a suitable manner.
4. **Inadequate Community Engagement**: Despite its emphasis on community participation, the CLT model suffered from the lack of robust mechanisms to engage residents in decision-making processes related to land management and allocation. This deficiency undermined the community's genuine sense of ownership and control over the project's affairs.

2.3. Lessons Learned and the Path Forward

The Voi CLT experiment serves as a valuable case study that offers insights into both the potential advantages and inherent limitations of communal land ownership models. This paper posits that the inability of the Voi experiment to achieve its objectives can be directly attributed to its divergence from fundamental principles essential for the effective management of common resources.

The Voi experiment, though characterized by innovation and promise, ultimately exhibited several deficiencies when assessed through the prism of Elinor Ostrom's eight principles for the governance of common-pool resources:

1. **Defining Clear Group Boundaries**: The model endeavored to establish unambiguous community boundaries. However, it encountered challenges in preventing external influences

from undermining these demarcations, thus rendering it in misalignment with Ostrom's foundational principle.

2. Aligning Rules with Local Needs: The model did make an effort to cater to local needs, particularly concerning tenure security. Nevertheless, it failed to adequately tailor its rules to acknowledge and address other critical community nuances and needs, such as opportunities for economic development.
3. Ensuring Community Participation in Rule Modification: Despite its aspiration to promote community engagement, the model lacked effective mechanisms to engage residents in decision-making processes pertaining to land allocation and management.
4. Respecting Rule-Making Rights: The model's inability to secure essential governmental support resulted in a lack of respect for the community's bestowed right to formulate rules. Consequently, these rights were, to a large extent, rendered ineffectual.
5. Developing an Effective Monitoring System: The Voi experiment inadequately developed a community-based system for the efficient monitoring of member behavior and compliance. This deficiency contributed to difficulties in enforcing land use regulations.
6. Employing Graduated Sanctions: The CLT model did not effectively utilize graduated sanctions, leading to challenges in addressing instances of rule violation.
7. Providing Low-Cost Dispute Resolution Mechanisms: The model also did not sufficiently establish accessible, cost-effective avenues for resolving disputes related to land ownership and usage.
8. Building Responsibility in Nested Tiers: Although the CLT model aimed for community control of land, it struggled to effectively distribute responsibilities among nested tiers, thereby affecting its capacity to govern the land trust efficiently.

While the model ultimately failed to fully attain its objectives, due to the challenges highlighted above, its shortcomings should not invalidate communal land ownership systems. Instead, this experience serves as a poignant reminder of the utmost importance of conscientiously accounting for local contextual nuances, customary institutions, and the establishment of effective governance structures during the formulation of durable tenure systems.

The struggles of the Voi experiment underscore the need for adaptable and context-specific approaches to land tenure security. To address the challenges faced in developing communal land holding structures, it is critical for policymakers and project planners to recognize and incorporate informal and customary institutions into formal land tenure systems, ultimately enhancing tenure security and promoting sustainable land management on the continent.

3. Policy Solutions

3.1 Productivity-Based Redistribution and Community Land Holdings for Equitable Land Access and Development

Considering the analysis above, this paper proposes a hybrid concept: a composite land ownership system in Africa that harmoniously combines communal and individual land holdings, both being of equal significance, utilizing Productivity-Based Redistribution (PBR) policies coupled with the establishment of a Community Land Holding system (CLH) for its implementation (the PBR-CLH system).

This comprehensive policy approach aims to identify underutilized land, offer voluntary buy-off options to landowners at fair market value, and create CLHs to provide communities with actual title to land, for productive purposes.

In order for the PBR-CLH system to attain its objectives, it is critical for the initiative to be fully backed by appropriate legal frameworks, tailored to the legal system and capabilities of the community where it is to be implemented. It is worth noting that many African countries observe communal land tenure practices, however, a prevalent issue pertains to the fact that such communal land rights are not properly titled and registered under law. Furthermore, while some countries in Sub-Saharan Africa have enacted laws to enable the recognition of community ownership and control of land, implementation of these laws is often weak or nonexistent. Consequently, the importance of enshrining any system for the conferment of communal property rights in adequate legislation and designing a detailed action plan for its implementation is of paramount importance.

This proposal therefore outlines a step-by-step plan for the practical implementation of the PBR-CLH system and addresses potential roadblocks and financing strategies.

3.2. Phase 1: Public Awareness and Education: Enlightening and Empowering Stakeholders

The foundational step in implementing the PBR-CLH system is the critical phase of public awareness and education, a pivotal element in the successful implementation of the system. This multifaceted endeavor encompasses two essential components: a comprehensive public awareness campaign and capacity-building initiatives.

Comprehensive Public Awareness Campaign

To foster a climate of informed decision-making and active engagement, a comprehensive public awareness campaign will be launched. Its objective is to elucidate the manifold benefits of the PBR-CLH system to the general public. This campaign will employ diverse communication channels, including media, community meetings, and information materials, to convey the positive impacts of land redistribution on economic empowerment, social equity, and community development. By nurturing public understanding and buy-in, this step ensures that the principles and objectives of the PBR-CLH system resonate with the broader population.

Capacity-building Initiatives

Concurrent with the public awareness campaign, capacity-building initiatives will be conducted to empower key stakeholders. Workshops and training programs will target government officials, future CLH board members, landowners, and communities, equipping them with the knowledge and skills necessary for effective land management and CLH governance. These educational efforts will encompass a spectrum of topics, ranging from sustainable land use practices to governance structures and conflict resolution mechanisms. By investing in the capacity of stakeholders, Phase 1 fortifies the foundation upon which the PBR-CLH System is built, enabling informed and capable actors to contribute meaningfully to land redistribution and responsible land management.

3.3. Phase 2: Identification of Underutilized Land through Comprehensive Land Audits and Surveys

Phase 2 involves the meticulous identification of underutilized land resources within the region's boundaries. This process necessitates a rigorous approach to land auditing and surveying.

Land Audits

To initiate this process, governments will embark on extensive land audits, conducted by a team of experts and supported by relevant government agencies. These audits will encompass a systematic examination of land ownership, local land tenure arrangements, land use patterns, and the overall productive capacity of land parcels. The objective is to discern lands that are not being optimally utilized or are lying fallow, thereby constituting untapped potential for development and economic productivity.

Utilization of GIS Technology and Land Use Data

The modern technological landscape offers indispensable tools for this endeavor. Geographic Information Systems (GIS) technology, in particular, will be instrumental. By harnessing GIS where possible, the government can create sophisticated spatial databases that incorporate land use data, land ownership records, and geographical features. This spatial intelligence will facilitate the precise mapping of underutilized land parcels, pinpointing their geographic coordinates and characteristics. GIS will empower policymakers to make informed decisions by visualizing the spatial distribution of underutilized land resources and identifying clusters for potential redistribution.

Collaboration with Communities, Landowners, and Local Authorities

This process will entail close collaboration with a multitude of stakeholders, including local government authorities, landowners, and affected communities. Local authorities possess valuable insights into land usage patterns within their jurisdictions, and their cooperation is pivotal in ensuring the success of this phase. Landowners will be engaged through transparent dialogue to

ascertain their willingness to participate in voluntary buy-off options or land lease arrangements. Community involvement is equally crucial to gather grassroots knowledge and support, as well as to align land redistribution initiatives with the socio-economic needs and aspirations of affected populations.

In summary, Phase 2 embodies a comprehensive and multidimensional approach to identify underutilized land resources. Through a combination of sophisticated technological tools, meticulous land audits, and inclusive collaboration, the government seeks to lay the foundation for a policy framework that addresses land inequalities and catalyzes sustainable development and equitable land access. This step forms the bedrock upon which subsequent phases of PBR and CLH implementation will be constructed, thereby advancing towards a more equitable and productive land tenure system.

3.4. Phase 3: Fair Market Valuation: Facilitating Equitable Land Transactions

The third pivotal step in the implementation of the PBR-CLH system is the equitable valuation of identified land parcels. This phase aims to establish the financial parameters that govern land transactions, ensuring fairness, transparency, and the preservation of trust among stakeholders.

Appointment of Independent Assessors

To commence this phase, it is imperative to engage the services of impartial and qualified assessors who are devoid of any conflicts of interest. These independent assessors, possessing expertise in real estate valuation and market dynamics, will be entrusted with the critical task of determining the fair market value of the identified underutilized land parcels. The objective is to ascertain the objective and unbiased value of the land, reflecting prevailing market conditions.

Offering Landowners Fair Market Value

Subsequently, the outcomes of the valuation process will serve as the basis for land transactions. Landowners, whose properties have been evaluated, will be afforded the option to sell their underutilized land at the fair market value that has been determined. This proposition extends to landowners as a means of ensuring that they receive just compensation for their land assets while simultaneously facilitating the redistribution process in a manner that respects property rights and voluntary transactions.

Transparency as a Pillar of Trust

Transparency is paramount throughout the valuation process. It constitutes a bedrock principle in building and sustaining trust among all parties involved. Transparency entails the clear and accessible disclosure of all pertinent information relating to the valuation, including methodologies employed, data sources, and the rationale behind valuation outcomes. By upholding transparency,

the government can reassure landowners and communities that the valuation process is conducted with integrity and impartiality, thereby fostering a climate of trust.

3.5. Phase 4: Voluntary Buy-Off Options- Fostering Willing Participation

Phase 4 is dedicated to cultivating an environment where landowners willingly participate in the redistribution process. To achieve this objective, a dedicated government fund will be established, serving as the financial instrument through which voluntary buy-offs from landowners will be facilitated. The cornerstone of this step rests upon the implementation of a fair and efficient negotiation process between landowners and government representatives. Transparency, equitable compensation, and respect for property rights will underscore these negotiations. Furthermore, landowners will be motivated and incentivized to engage in voluntary transactions, including the prospect of tax benefits or alternative land options. These incentives serve to align the interests of landowners with the overarching goal of equitable land redistribution, fostering a climate of collaboration and mutual benefit.

3.6. Phase 5: Creation of Community Land Holdings (CLHs): Empowering Equitable Land Stewardship

The fifth pivotal step within the PBR-CLH system involves the formal establishment of these community-based land holdings, entrusted with the profound responsibility of equitable managing and owning acquired land resources. The creation of CLHs reflects a fundamental commitment to devolving land governance to the local level, engendering a sense of community ownership and empowerment in land stewardship. Within this step, certain key principles and procedures are of paramount importance.

Establishment of CLH Boards With Diverse Representation

The composition of CLH boards is a critical facet of the legitimacy and effectiveness of the PBR-CLH system. It is imperative to ensure that these boards are composed of diverse stakeholders, thereby encapsulating the multi-dimensional nature of land governance. Representation should encompass not only community members but also local authorities with an intimate understanding of regional needs and challenges, as well as land experts who can offer technical guidance to administering and managing the communally held lands. This diverse composition fosters well-rounded decision-making and the incorporation of varied perspectives, ultimately contributing to the equitable and informed management of land resources.

Development of CLH Bylaws and Operating Guidelines

The creation of CLHs necessitates the formulation of comprehensive bylaws and operating guidelines, meticulously designed to align with the overarching goals of equitable land access and sustainable land use. These guiding documents serve as the constitutional framework within which

CLHs function, delineating their mission, objectives, decision-making processes, and land allocation mechanisms. Emphasis must be placed on inclusivity, transparency, and adherence to ethical and legal standards in land management. The bylaws and guidelines should prioritize democratic decision-making, community engagement, and the preservation of CLH assets for the collective good of present and future generations.

3.7. Phase 6: Land Allocation to Communities: Tailoring Land Use to Community Needs

Phase 6, the allocation of acquired land to CLHs, constitutes the realization of equitable land redistribution and responsible land management. This phase necessitates a meticulous approach to land allocation, guided by the imperatives of community needs and proposed land use plans to the state authority implementing the policy. The paramount goal is to align land allocation with productive and sustainable purposes, privileging sectors such as agriculture, industry, and housing, which carry the potential to foster economic growth and social well-being. Crucially, this step is underpinned by the imperative of providing CLH beneficiaries with secure and long-term land tenure, assuring them of their rights to ownership, access, utilize, and benefit from the land entrusted to their care. Through this process, the potential for inclusive and productive land utilization, tailored to the unique needs of communities, comes to fruition, ultimately contributing to the advancement of equitable and sustainable land tenure systems.

At this juncture, it becomes imperative to emphasize the need to duly confer legally recognized land titles upon communities. Furthermore, attention should also be directed toward extant communities that have possessed informal land ownership, prior to the PBR-CLH initiative – wherein land was not allocated to such communities under the policy, but rather, they have traditionally held communal land informally. The overarching aim is to pursue the formalization of their land tenure rights.

3.8. Phase 7: Financing Mechanisms: Ensuring Sustainable Funding for the PBR-CLH System

Phase 7 delves into the critical domain of financing mechanisms, which play a pivotal role in the successful execution of the PBR-CLH system as an enduring mechanism for equitable land management. The multifaceted nature of this step calls for a strategic orchestration of financial resources from diverse sources.

Utilization of Multiple Funding Sources

A multifaceted approach to financing is imperative to mobilize the necessary resources for land acquisition and CLH establishment. This includes leveraging government budget allocations, signifying the commitment of public funds to support land redistribution initiatives. Additionally, international development grants and loans, extended through bilateral or multilateral agreements, offer supplementary resources that can significantly bolster the financial capacity of these initiatives. Further, forging public-private partnerships for land development projects introduces a

collaborative dimension, tapping into private sector investments and expertise to drive sustainable land utilization and infrastructure development.

Implementing Revenue-Sharing Mechanisms

To ensure the long-term financial sustainability of the PBR-CLH system, it is crucial to implement revenue-sharing mechanisms between stakeholders. Such mechanisms entail the equitable distribution of income generated from CLH-managed land. This financial synergy not only provides CLHs with a reliable income stream but also underscores the shared commitment of government and communities to fostering the success and continuity of CLH operations.

3.9. Phase 8: Monitoring and Evaluation- Ensuring Accountability and Adaptability

The foundation of Phase 8 lies in the creation of a comprehensive monitoring and evaluation framework, equipped with the tools and methodologies necessary to assess the multifaceted impact of the PBR-CLH system. This framework encompasses a spectrum of indicators, spanning land use patterns, community development metrics, and equity assessments. It is designed to provide real-time insights into the outcomes and processes associated with land redistribution and CLH operations.

The heart of this step beats with regular reviews, where land use, community development, and equity indicators are scrutinized and assessed. These reviews furnish a dynamic feedback loop, offering insights into what works, what requires adjustment, and where policy refinements are needed. This adaptive approach ensures that policies and strategies remain aligned with evolving community needs and societal dynamics. In response to the feedback and outcomes gleaned from these evaluations, policymakers retain the flexibility to make informed and timely adjustments, optimizing the effectiveness of the PBR-CLH initiative.

4. Mitigating Roadblocks: Overcoming Challenges in the Pursuit of Equitable Land Redistribution and CLH Establishment

The path to implementing PBR policies and the establishment of CLHs will invariably be accompanied by challenges and roadblocks. To pave the way for the successful realization of these transformative initiatives, a multifaceted approach to mitigating potential obstacles is essential. This segment delves deeply into the strategies and mechanisms required to overcome these roadblocks, underpinned by principles of fairness, transparency, collaboration, and accountability.

4.1. Addressing Potential Resistance from Landowners

One of the foremost roadblocks lies in the potential resistance from landowners who may be apprehensive about selling their underutilized land. To navigate this challenge, a cornerstone of the approach is to ensure fair negotiations. This entails transparent valuation processes, where

independent assessors determine the fair market value of land parcels. Landowners are offered the option to sell at this market value, thereby fostering a sense of equity and fairness in the process. Furthermore, incentives such as tax benefits or alternative land options may be considered to encourage participation, striking a balance between individual land rights and the broader societal objective of land redistribution.

4.2. Resolving Land Tenure Conflicts

Land tenure conflicts and disputes pose a substantial impediment to the smooth execution of land redistribution initiatives. Addressing this challenge necessitates the establishment of transparent legal processes. These processes should provide a clear framework for resolving conflicts, adjudicating disputes, and upholding land tenure rights. By ensuring that land tenure is underpinned by a robust legal foundation, potential disputes can be proactively managed and mitigated.

4.3. Collaboration with International Partners

Collaboration with international partners offers a reservoir of technical expertise and financial support. Engaging with these partners can bolster the implementation of PBR policies and CLH establishment. This collaboration extends beyond financial assistance, encompassing knowledge exchange, best practices, and capacity-building initiatives. By forging strong international partnerships, countries can tap into a global network of resources and insights to overcome challenges on the path to equitable land redistribution.

4.4. Implementing Stringent Anti-Corruption Measures

Transparency and trust are paramount in the successful execution of the PBR-CLH system. To mitigate the roadblock of corruption, stringent anti-corruption measures are imperative. These measures should encompass robust auditing processes, full transparency, clear guidelines for financial transactions, and the establishment of oversight bodies to ensure compliance with anti-corruption standards. By upholding the highest levels of transparency and accountability, governments can instill confidence among stakeholders and minimize the risk of corruption undermining the initiatives.

5. Conclusion

The integration of PBR policies and the establishment of CLHs presents a comprehensive and potent strategy for addressing land inequalities, stimulating economic growth, empowering communities, and fostering unity. This multifaceted approach, encompassing the identification of underutilized land, equitable valuation processes, and the institution of CLHs, signifies more than just policy.

As we reflect on this transformative policy proposal, it becomes evident that its success hinges on the collaboration of various stakeholders, including government officials, civil society organizations, and engaged citizens. This proposal invites us to envision a future where equitable land distribution becomes a palpable reality. In this envisioned future, underutilized land is not just reallocated but transformed into the fertile ground for innovative industries, shared prosperity and thriving communities.

Importantly, this vision aligns seamlessly with the principles of Umoja, which emphasize unity and togetherness as fundamental values. By fostering equitable land redistribution and promoting sustainable land productivity, nations can bolster their agricultural and industrial capacities, creating opportunities for cross-border trade and economic cooperation. This mirrors the essence of Umoja, which calls for unity among diverse communities and nations to achieve common goals and shared prosperity.

Furthermore, the principles of Umoja are intricately woven into the fabric of the AfCFTA, which seeks to unite African nations in economic collaboration. The implementation of the PBR-CLH system enhances the economic capacities of nations, making them more resilient and interconnected, in alignment with the spirit of AfCFTA.

In essence, this proposal transcends the realm of policy formulation; it is a call for unity, equity, and prosperity. By embracing this vision, Africa embarks on a transformative journey toward a future where land becomes a symbol of unity, a driver of economic development, and a catalyst for intra-African trade. In doing so, we embody the principles of Umoja, forging a path toward a more equitable, prosperous, and unified continent, where potentials are fully actualized, and the aspirations of diverse communities are harmoniously brought to fruition.

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