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Land Tenure Governance in the First Decades of the 21st Century: Progress, Challenges, and Lessons from 18 Countries

Marc Wegerif ^{1,*} , Mohamed Coulibaly ²  and Hubert Ouedraogo ³

¹ Development Studies, Faculty of Humanities, University of Pretoria, Hatfield 0028, South Africa

² Faculty of Public Law, Kurukanfuga University of Bamako, Bamako BP E2528, Mali; mohamedcoulibaly@gmail.com

³ Independent Consultant, Ouagadougou BP 6082, Burkina Faso; hodrago@yahoo.fr

* Correspondence: marc.wegerif@up.ac.za

Abstract: This article is based on a review of the governance of land tenure in 18 countries—16 in Africa and 2 in Asia—carried out from 2021 to 2023. It uses international guidelines on land policy and tenure governance as benchmarks to assess progress in each country through reviewing policy documents and literature, and obtaining inputs from key informants. This paper shows that, during the last decade, there has been significant progress in land tenure policies that have improved the recognition of customary and other communal land rights and improved women’s land rights. The formal registration of individual rights to customary and community land has now been achieved cost-effectively, with more rights going to women in a number of settings, and without leading to widespread commoditisation or land dispossession. There is a mixed picture, with countries trying different ways to grapple with common challenges such as securing customary tenure rights, unlocking development potential, improving women’s land rights, and managing the contesting interests in land. There are important examples of best practices in some countries that can be learnt from, such as the legislation of Free Prior and Informed Consent (FPIC) requirements and processes of large-scale land rights registration. Despite progress achieved in several countries, too many people are not enjoying the benefits of improved land tenure security; some countries still need to adopt new legislation, while others need to improve their implementation of existing legislation. More needs to be learnt from the range of different approaches to dealing with land tenure as national governments attempt to find solutions that accommodate contesting interests. The lessons and trends identified will be of value to country-level and international work on improving land tenure governance.

Keywords: land governance; land tenure; land policy; VGGT; development; SDGs



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1. Introduction

Around the world, the effective governance of secure land tenure is essential for the productive and sustainable use and protection of land and related natural resources [1]. Having access to land and secure land rights is essential for ensuring that people have decent homes; and for billions of people, it is also a means to produce food and is crucial in other ways to securing their livelihoods [1,2]. Secure rights to land have been argued to be the basis, or potential basis, for economic growth and progress [3–6]. The best way to govern tenure rights, however, remains a challenge and subject of much debate in academia and amongst policy makers. It is essential to realise that there is no single nor perfect

solution that will work in all countries, with their different socio-economic contexts and historical backgrounds.

This article reviews progress on improving the governance of land tenure¹ in 18 countries (Table 1), primarily in Africa, in order to identify broad trends and lessons that can be of value to our understanding of land tenure and its governance, and inform policy debates. There is a lack of recent information on numerous changes that have happened in relation to land tenure governance in these countries. The focus of this article is on the progress in improving the policy and regulatory environments with some reference to implementation examples and the perceptions that key informants have of the effectiveness of implementation. This comes 15 years since the adoption of the important continental guidelines on land policy in Africa [9] and 12 years since the adoption of the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (VGGT) [10]. The principles in these guidelines are used as benchmarks for assessing the progress in improving land policies and legislation.

Table 1. Overview of most recent national land tenure policy and legislation adoption in each country (Source: authors' research).

	Country	Land Policy	Land Legislation
1	Republic of Benin	2009	2013
2	Burkina Faso	2007	2009
3	Kingdom of Cambodia	2009	2001
4	Republic of Cameroon	-	1974
5	Democratic Republic of Congo	2022	1973 (Rev. 1981)
6	Federal Democratic Republic of Ethiopia	2005 ²	1997 ³
7	Republic of Kenya	2009	2016
8	Lao People's Democratic Republic	2017	2019
9	Republic of Liberia	2013	2018
10	Republic of Madagascar	2016	2005
11	Republic of Malawi	2002	2016 (Rev. 2022)
12	Republic of Senegal	-	1964
13	Republic of Sierra Leone	2015	2022
14	Republic of South Africa ⁴	1997	1996
15	United Republic of Tanzania	1995 (Rev. 2016)	1999
16	Togolese Republic	-	2018
17	Republic of Uganda	2013	1998 (Rev. 2004 & 2010)
18	Republic of Zambia	2021	1995

In looking at the trends, one fundamental question and research gap stands out, which is the extent to which the privatisation and commoditisation of land that has been advocated for by some and seen as a threat by others is happening or not. We look at this question some 20-plus years since De Soto [11] and the World Bank [5] set out proposals for privatising land and promoting land markets. This is an opportune moment to contribute to debates on the status of land tenure governance, including whether the land commoditisation agenda has prevailed or not, and to identify the new challenges and opportunities for improving land tenure governance.

Below, we provide more background information on the recent and current debates on improving land tenure governance that we contribute to in this paper. This is followed by an elaboration of the methods used for this study. Thereafter, the results are presented covering a historic perspective for context; an overview of the land tenure governance situation today; an assessment of the alignment of policies and practices with good governance principles; and reflections on the influence of international guidelines. This article concludes with an overview of the trends, sharing of key lessons, and finally, it argues that the direction of land tenure governance remains highly contested as countries take a range of different approaches informed by their particular politics and local struggles.

2. Background and the Debates

At the turn of the 20th century, Hernando De Soto published his influential book “The Mystery of Capital” in which he argues for the unlocking of ‘dead capital’ through the formal and private registration of land [11]. At the heart of his argument is the commoditisation of land, which requires active land markets, so land can be used as capital and as collateral, or sold to access more capital. A few years later, the World Bank published an important report, “Land policies for growth and poverty reduction” [5], which set out the Bank’s position on land. This report was claimed, by its main authors and others working with the Bank, to represent an important shift, with the bank acknowledging some of the failures of privatisation initiatives that they had wholeheartedly supported and the potential value of a broader range of approaches to governing land, including through communal tenure systems [5,12]. The World Bank report, however, still focussed on how land markets could be set up to work effectively, as a means to access capital and unlock the tradable financial value of land as an asset, and as such, it still supported land commoditisation. The failures of land privatisation were attributed to problems in land markets and the wider socio-economic contexts within which market-orientated land reforms were being implemented, rather than being attributed to any inherent problems of land privatisation. The focus on land privatisation and land markets is not simply on paper; it is carried forward in the policy positions promoted by the World Bank and many other policy-makers. We, the authors of this article, have been part of international and national debates and policy-making processes where, in numerous conferences, workshops, and meetings, we have observed senior World Bank officials consistently pushing for measures to facilitate land markets and the general treatment of land as a tradeable commodity. De Soto has also been influential in policy work, from the United Nations-hosted Commission on the Legal Empowerment of the Poor, which he was part of, to advising Presidents and country-level land titling programmes, where he consistently promotes his commoditisation of land and property position [13,14].

Numerous authors and activists opposed the private property-oriented approaches to land tenure reform espoused by De Soto and the World Bank [14–16]. Central to these views was that past experiences, especially in Africa, had shown that privatising land had not unlocked value, access to capital, or wider development, and had instead led to people losing land and an increase in landlessness and inequality. For some, the limits of De Soto’s arguments, which would prevent them from achieving much-needed socio-economic development, were that they did not take into account the wider socio-economic conditions or the complexity and challenges of achieving effective land rights administration in Africa [17,18]. It has been argued that realising the benefits of private property and land markets requires a package of services, such as a functioning financial services sector, agricultural support services, and a reliable judiciary [17,19,20]. For others, it is the very nature of ‘property’ that would lead to land dispossession and greater inequality [21]. It was also argued that the privatisation and individualisation of land rights undermined

women's rights to land as land tenure formalisation tended to vest absolute land ownership rights in men, who are widely seen as household heads, at the expense of women who had other customary or informal ways of exercising rights to land [15]. The critics of privatisation argued instead for greater recognition of informal, customary, and communal land rights and governance systems, the strengthening of women's land rights, and more holistic approaches to development.

A lot of the debates in the literature, and in our interviews for this research, revolve around a binary of "Customary vs. Private Property Rights", a debate that was sharpened by De Soto's advocacy of private property rights, with assumptions on the one side that private property and land markets are essential for development [19], while on the other side, it is argued that the preservation of customary land tenure is an essential defence against land dispossession [20]. The Framework and Guidelines on Land Policy in Africa (F&G) pick up on this tension stating that "[m]any African countries perceive an apparent contradiction between the pursuit of pro-poor strategies of land development on the one hand and market-driven options on the other" [9] p. 15. The guidelines go on to argue the need to ensure that market-driven policies do not further marginalise vulnerable groups. Chimhowu and Woodhouse [20] conclude that neither title registration, given the challenges and costs of such registration in Africa, nor the 'idealised communal tenure' will bring the hoped-for tenure security and development benefits.

There are studies conducted under specific national contexts, such as extensive work in Tanzania [13,22,23], which argue that the predicted land commoditisation and consequent increased inequalities are taking place. In other cases, however, land registration seems to be widely appreciated by those involved, including more marginalised members of society, and appears to have improved tenure security for people in customary land systems [4,24]. Nevertheless, at a broad level, land inequality is increasing, especially if land value is considered instead of land area, and this is accompanied by growing landlessness [25]. What is not clear, however, is the extent to which land rights formalisation and registration are contributing to these processes. Land inequality is deeply integrated with wider inequalities as a cause and effect and is driven by a range of socio-economic factors, such as abuse of political power, concentrations of production and ownership in the economy, and urbanisation [25–27].

The high costs of formal land registration and challenges in implementing such land regularisation at scale were also decried by some activists and academics [13,28], contributing to arguments that this was, aside from the other more fundamental problems with it, not a feasible route to securing land rights. Fit-for-purpose land administration is, however, now having a profound impact on what is possible and affordable. Large-scale land registration programmes in the last decade or so in China, Vietnam, Ethiopia, and Rwanda (as elaborated on below) have shown that formal land registration can be performed at scale and cost-effectively using fit-for-purpose approaches and new technology if there is a supportive policy and administration environment for this [3,29,30]. Even if not at the same scale, fit-for-purpose land administration initiatives and pilot projects have also been implemented with some success in other countries in Africa, such as Benin, Kenya, Mozambique, Uganda, and Zambia [29]. A range of local and international NGOs have assisted in such land regularisation initiatives that have been more bottom-up and community-led, such as work supported by Namati and Cadasta. Namati focuses on grassroots legal empowerment, including work to enable communities to secure and govern their land rights [31]. Cadasta has been involved with 155 projects in 50 countries that provided land rights documents of various kinds to over 180,000 land parcels, also achieving a good gender balance, with 49% of the beneficiaries being women against 51% men [32].

While some authors focus on the registration of customary rights as a route to privatisation and dispossession, others point to it being essential to secure people's land rights in the face of increasing pressures on land, not least from urbanisation, natural resource extraction, and other investments [4,24]. Other authors are clear on the need to give statutory law recognition to community and customary land rights to protect them from these increasing demands for land, but are less clear on whether this needs to include the registration of individual customary rights and the potential advantages and disadvantages of that [28,33,34].

Contrary to earlier experiences of land titling where women were receiving a smaller proportion of certificates of land rights [13,35], more recent experiences and studies across a number of countries are showing women benefitting more than men from land registration. This can be seen in Ethiopia and Rwanda, where more women received certificates of customary land rights than men [3,36]. Other recent studies have found that more women than men also benefited from the registration of customary land rights in some cases in Zambia [4] and in areas of Botswana where they have now almost reached gender parity, with 49% of customary land rights certificates held by women (against 51% held by men) at a national level [37].

In her 2011 overview of Land Reform in Africa, Wily [28] p. 13 concluded that there were "mixed outcomes of new land reformism thus far in Sub-Saharan Africa". On the positive side, she noted that laws were passed that might give more attention to the needs of the marginalised, and there was an increased awareness of the problem of colonial paradigms that left the majority as only occupiers, not legal owners, of the land. The "crux" of the problem was that, in most cases, customary rights still did not have the same "legal respect" as "private property" and it was still "extremely easy to take land away from untitled and customary landholders" in most countries [28] p. 14. In a more recent review, Wily [33] found that there has been a significant shift to improving the legal recognition of communal land rights. Out of 100 national land laws she reviewed, 73, including the majority in Africa, now recognise communal land rights "as lawfully possessed property". Wily [33] argues that while this is a 'messy' and contested process, there is momentum towards greater recognition of communal land rights, with less risk of unfair compulsory acquisition, and this will improve tenure security for millions and form the basis for a more inclusive society.

As a response to the 2007/08 food prices crisis and global financial crisis, interest in land as an investment opportunity, often for large-scale food or biofuel production and speculation, dramatically increased as investors sought new opportunities for returns on capital. This resulted in a dramatic spike in large-scale land-based investments, referred to as land grabs, that involved investors taking over ownership or control, such as through long-term lease agreements, of large amounts of land. Much of the land being grabbed in Africa and Asia was community and customary land that communities had little or no legally recognised rights to [38]. Land, in particular community land, with weaker tenure governance systems was found to be more vulnerable to these land grabs [38–40]. This led to something of a reassessment of the importance of land registration, as it was more widely realised to be an important defence against land grabs that suddenly commoditised vast tracts of land in very few elite hands.

In response to the challenges of land tenure governance and development, policy-makers drafted guidelines to inform interventions. In 2006, the African Union (AU) started a process to develop guidelines for land policy in Africa, which resulted in the establishment of the Land Policy Initiative, now converted into the African Land Policy Centre⁵, and the approval in 2009 by the AU summit of the Declaration on Land Issues and Challenges in Africa [41], which endorsed the F&G [9]. In 2012, following in the footsteps of the AU, the

World Committee on Food Security adopted the VGGT [10]. Land experts and African government representatives who had been part of the adoption of the African positions were active in the development and support for the VGGT. These guidelines provide a framework for assessing the state of land tenure governance in this article.

3. Materials and Methods

The information for this article, which informs the findings shared in the following sections, was gathered through two research projects that the authors implemented from 2021 to 2023. One was titled “Learning lessons from the implementation process of AU Agenda on land” [42] and the other was titled “Learning from ten years of implementing the Voluntary Guidelines on the Responsible Governance of Tenure” [36]. Both research projects involved looking at progress on land governance in relation to the VGGT and the various African Union positions on land. A lack of clear data and information on implementation progress in many countries has resulted in this article paying more attention to policy and legislative progress. It is beyond the scope of this paper to go into the effectiveness of implementation in each country, although perceptions of the key informants are drawn on for this and some best practice examples are referred to.

The principles for responsible governance of tenure as set out in the VGGT (Table 2) are used as a guide, or benchmark, for looking at the quality of the policies and legislation adopted. The F&G are not set out with such a succinct set of principles as the VGGT, but cover most of the same issues as the VGGT and are also referred to in the analysis presented in this article.

Table 2. VGGT Principles [10].

1.	Human dignity
2.	Non-discrimination
3.	Equity and justice
4.	Gender and equality
5.	Holistic and sustainable approach
6.	Consultation and participation
7.	Rule of law
8.	Transparency
9.	Accountability
10.	Continuous improvement

This article does not focus on assessing the impact of the VGGT, as other articles have done [43]. A country achieving alignment with the VGGT principles is not assumed to be as a result of the VGGT. The research for this article did, however, pick up some clear indications of the influence of the VGGT and F&G, and the findings on this influence are shared in Section 4.5.

This article gives an overview that is, of necessity for an article like this, limited in detail, but it does provide important information and a perspective on the direction of change, progress made, and it shares information on some of the recent best practices, especially in relation to policy and legislation. We are aware that there are other important national and local land tenure governance initiatives in different countries that it has not been possible to cover in this article.

Assessments of the situation of land tenure governance were carried out in 18 countries, 16 in Sub-Saharan Africa and 2 in east Asia (Table 1). The selection of the countries was largely informed by the work and interests of the organisations that commissioned the studies, primarily the African Civil Society Platform on Land and Welthungerhilfe. The sample of countries is not fully representative, with the focus being on sub-Saharan Africa, complemented with a wider perspective from the two countries in Asia. Despite these

limitations, the 18 countries assessed provide a good basis for identifying key trends and for identifying critical lessons and best practices arising from the experiences in these countries. We believe that the information and knowledge provided will be of interest to other countries grappling with similar issues.

Each country assessment involved a review of policy documents and literature, as well as interviews and inputs from key informants on tenure issues from every country. Representatives of the Regional Economic Communities (RECs) and the African Union Commission (AUC) were also interviewed. The key informants approached were people from civil society, government, multilateral organisations, and academia who were purposively selected to cover a diversity of perspectives and because they were known as having in-depth knowledge on the topic and to be working on land tenure governance issues in the targeted countries. In total, 73 key informants provided direct inputs by completing questionnaires, with 55 of these participants also being interviewed at length. Each key informant received a questionnaire, which some completed and returned, while others used the interview to express their views. The interviews were carried out at pre-agreed times online using Zoom and took a minimum of one hour, with many running over that time. In addition to the interviews, multi-stakeholder dialogues were convened in 12 of the 18 countries to discuss the state of governance of land tenure, and these dialogues included inputs and discussions on the draft country assessments. The outcomes of the dialogues were considered in writing this article. Drafts of the two research projects were further presented to experts from the African Civil Society Platform on Land, Welthungerhilfe, International Land Coalition, Global Land Tool Network of UN Habitat, and the Food and Agriculture Organisation of the United Nations (FAO). The feedback from these experts assisted in clarifying and correcting the reports and has been taken into consideration in writing this article. The content of this article and the views expressed here, while benefiting from the range of inputs received, remain the responsibility of the authors and do not necessarily reflect the views of any of those who contributed, or the organisations involved.

For more details of the findings and the country assessments, readers can go to the two reports that are freely available [29,37]. The purpose of this article is to share key findings, contribute to debates on the directions of land tenure governance, and identify key lessons for work and struggles to improve land tenure rights and governance.

4. Results

4.1. Key Historical and Contextual Factors

Of the 18 countries studied for this article, 16 have been colonised by European powers, the exceptions being Ethiopia and Liberia. The colonised countries won independence in the 1950s and 1960s, except for South Africa, which finally ended apartheid in 1994. Ethiopia was also affected by European interventions when Italy invaded in the 1930s and then Britain ruled for a short time during the Second World War. Ethiopia has also been through its own changes, transforming from a feudal state ruled by an emperor at the beginning of the 1970s to a communist regime, and then a federal democracy. After freed slaves from the United States of America (USA) settled in Liberia, the country declared itself an independent nation in 1847 and was never colonised. But, it has its own troubled history that includes conflicts between the descendants of the former USA slaves and the indigenous communities; a conflict that continues to be a factor in the control of land today. Seven of the countries assessed have fairly recent experiences of violent conflict, with some conflicts persisting today in countries like the Democratic Republic of the Congo (DRC). The civil wars in Sierra Leone and Liberia only ended in the early 2000s. The violent conflict in the Tigray region of Ethiopia was underway and then came to an end during the research for this article [36,42].

Colonialism and conflicts profoundly shaped and still impact land governance in these countries today. The appropriation of land and natural resources was an intrinsic part of the colonial project, and disputes over land have been at the heart of many conflicts. The assessments of each country revealed how present-day political, economic, and social challenges also affect, and are in turn shaped by, land tenure governance issues. Societal inequalities are often rooted in land inequalities, and challenges of corruption and abuse of power profoundly affect governance of land tenure [27]. It is therefore imperative to analyse land tenure challenges within these complex environments.

A specific result of colonialism and Western influence, that is common across all these countries, is the existence of dual land tenure systems with on the one hand statutory land rights based on Western legal models including freehold and private property, while on the other hand there are customary tenure arrangements with often more fluid and collective principles of land use and rights. This situation led to a context of legal pluralism and raised a debate around the need to bring the colonial and precolonial laws into the post-colonial legal systems [44] and ideally finding different ways in particular contexts to blend the various laws and approaches to land tenure rights and governance [45]. This shift to different forms of legal pluralism is at the heart of many of the land governance reforms countries have been undertaking in recent decades, certainly in relation to customary land.

All 18 countries studied have forms of democratic government, although the level of effective democracy is a point of contention. The Lao People's Democratic Republic (PDR), for example, holds elections for a parliament every five years, but it is a one-party state, with the Lao People's Revolutionary Party having held power since 1975 and now holding 158 of the 164 seats in the parliament. The Kingdom of Cambodia has an elected National Assembly alongside a constitutional monarchy with a powerful role for the king. Burkina Faso had a constitutional democracy, but there were two military coups during 2022 alone and the country was still under military rule as this article was being written in 2024 [36,42].

The 18 countries studied are among the poorest in the world, with Burkina Faso ranking 185th out of 193 countries on the Human Development Index (HDI) and Sierra Leone not doing much better, at 184th. The best-off country, according to the HDI, is South Africa ranked 110th, ahead of the Lao PDR at 139th. All these countries, except for South Africa, are among the 27% of countries classified as least developed in terms of their HDI scores [46]. There are, however, large economic differences between them. The annual gross domestic product (GDP) per person for the economically poorest countries, Madagascar and DRC, are just USD 506 and USD 643 respectively, compared with USD 2430 for Cambodia and USD 6023 for South Africa, which are the two richest countries studied. For comparison, however, the GDP per capita for these countries is still only a small fraction of that of the USA, with its GDP per capita of USD 82,769 per annum [47].

Across the 18 countries assessed, although urbanisation is increasing rapidly, agriculture is a major source of jobs and livelihoods, and contributes significantly to their economies. For example, the population of Ethiopia is approximately 80% rural, and around 70% of the population is employed in or earning their livelihoods from agriculture. The most urbanised country in the group is South Africa, with around 68% of its population in urban areas. The next most urbanised is Liberia, with just over 52% of its population in urban areas, but still having approximately 43% of all employment in agriculture.

In all these countries, except for South Africa, most farming is performed by small-scale farmers on pieces of land averaging around one hectare. This is consistent with an analysis showing that 84% of all farms globally are less than two hectares in size [27]. In contrast, in South Africa, approximately 80% of the value of agricultural production is estimated to come from just 7000 of the largest commercial farmers [48]. This level of

concentration in South Africa is the result of the history of widespread land dispossession of the African indigenous population and the failures of post-apartheid land reforms.

The increasing global demand for land and related natural resources is exerting pressure on land governance in ways that often undermine adherence to policies and laws. The Land Matrix identified 1865 large land deals (above 200 hectares each) covering 33 million hectares of land worldwide since the food price and financial crises of 2007/2008. The pace of such land deals has slowed since the initial post-2007 rush, but they continue, and adherence to principles of responsible investment is limited just as are benefits to local communities [39]. Investors appear to target, or at least benefit from, situations where there is weak land tenure governance and use their resources and influence, along with government officials, to exert enormous pressure, including through threats and the manipulation of community consultation processes, to get what they want.

The new land pressures add to historically created land inequalities. For example, the Firestone Corporation was given 400,000 hectares of land in Liberia as early as 1926 [36]. In the past 15 years a further 14% (1,368,987 hectares) of Liberia's land area, has come under contract in just 11 new land deals [49].

4.2. Overview of Governance of Land Tenure

There has been significant work conducted on land policies and legislation over the last few decades, with 15 of the 18 countries adopting new or substantially amended policies and/or legislation since 2000, with 12 doing so since 2012 (Table 1). This is in line with Wily [33], who found that 21 countries in Africa had passed new land laws since 2000. New legislation was adopted in a number of countries, even as the study for this article was underway. Malawi, for example, made significant amendments to six pieces of land-related legislation that all came into effect in May 2022. The parliament of Sierra Leone also passed two new land laws in September 2022, and the Democratic Republic of Congo approved a new land policy in 2022.

Ethiopia does not have what they call a "national land policy", but they have issued proclamations at the federal and regional levels (regional-level policy and legislation are not shown in Table 1) that serve the same purpose. The federal Rural Land Administration and Land Use Proclamation of 2005 was followed by new proclamations in most regions. These proclamations created the powers and procedures that enabled Ethiopia's extensive land registration programme. Madagascar has also carried out important policy work over the last decade leading to a revised land policy (Nouvelle Lettre de Politique Foncière 2015–2030), the development of a five-year implementation plan (2016–2020), and the revision of laws governing untitled and customary land laws (propriété privée non titrée) [36].

Two of the countries, Cameroon and Senegal, have not adopted any new land policy or legislation in the last 50 years (Table 1). These two countries, along with the DRC, still rely on land legislation that is over 50 years old, resulting in a continued failure to legally recognise customary tenure systems and customary rights, although the new land policy in the DRC does call for such recognition⁶. Land in these countries is directly vested in the state through the national government, and the legislation does not provide communities, including those of indigenous people, with tenure security. Other countries that had similar land tenure regimes (i.e., Benin, Burkina Faso, and Madagascar) have replaced them with "presumption of ownership", which recognises customary rights and title of land users. These rights are then registered and made more defensible with new documents, such as attestations of possession, certificates of ownership, or customary land rights certificates.

The failure to adopt new policies and legislation in some countries is not just an oversight, it is the result of political influences, including conflicts. Cameroon and Senegal

have conducted extensive consultative processes since 2010. Senegal started an inclusive land policy discussion and development process in 2012 that produced a draft land policy. But, the draft policy was never adopted by the Government after its submission by the national land reform commission in 2017. The President of Senegal refused to endorse the land policy that was drafted, explaining that he believed the privatisation of land that was proposed, which would remove land from being under the control of the national state, might result in serious social and political tensions. Work and consultations on a new land policy for Cameroon have been largely driven by civil society and have not yet resulted in the adoption of policies or laws with the process also destabilised by tensions and conflicts in the country, including what is known as the Ambazonia crisis. In Zambia, political interests overrode a thorough policy development process with the quick adoption of a land policy that emerged without consultation in an election year [42].

In South Africa, the rush of post-apartheid land reform legislation in the mid- to late-1990s has been followed by the country's land reform programme falling into a malaise. The government has not shown the will or wherewithal to bring about far-reaching land reforms. There is still no new, post-apartheid legislation to address the land tenure situation on communal land, which remains home to around 20 million black South Africans. Various efforts to address this legislative gap have so far failed to deliver, with the 2004 Communal Land Rights Act being declared unconstitutional by the Constitutional Court [50] and the Communal Land Tenure Bill released for public comment in 2017 not yet passed into law, with more work needed on it [51]. Meanwhile, an outdated, slow, and expensive land registration system still operates for the private land that remains overwhelmingly white-owned [52]. As with most other countries, South Africa has various policies and laws that overlap with land reform and land governance issues, such as the Comprehensive Rural Development Programme that, among other objectives, is intended to contribute to (not deliver) land reforms [53], and the Spatial and Land Use Management Act, which is intended to guide government, especially municipal government, planning [54]. What the country still lacks is an up-to-date and overarching land reform and land governance policy.

4.3. Reflecting on Conformity with VGGT and F&G Principles

Unsurprisingly, none of the 18 countries assessed have achieved governance of tenure that fully conforms to all the VGGT principles or all the guidelines in the F&G. This is especially the case when looking beyond the policies and laws to consider the extent of implementation and people's experiences of land tenure governance. Across all the countries, the experts interviewed asserted that compliance with the VGGT and F&G was better in policy and legislation than it was in practice.

The legal frameworks in most of the countries assessed provide good recognition of the rights contained in the first four principles in the VGGT: human dignity; non-discrimination; equity and justice; and gender equality (Table 2). Most of these countries, while prohibiting discrimination based on gender, do not go the important extra step of requiring affirmative actions in order to ensure more gender-equitable outcomes.

Principle 5, on taking a holistic and sustainable approach to tenure governance, is far from being achieved in any of the countries. A lack of coordination between government departments, limited effective land use planning, rapid urbanisation, and investor demands for land are some of the factors to blame.

All the countries include, in different ways, the rule of law as a principle in their policies and legislation. Despite this, the rule of law is one of the principles most commonly violated according to the experts interviewed. An interviewee from Cambodia stated that: "In Cambodia there is only law enforcement against the poor and indigenous communities, but not when the rich and powerful take over the land of indigenous people. . . Whenever

you have the money you have the power". An interviewee from Uganda simply said: "Only those who have means get their way". These sentiments were shared by respondents in other countries, with corruption and elite influence believed to be leaving many people, especially those in poverty, unable to get justice in the courts if their land tenure rights were violated by the more powerful.

The principles of transparency, consultation, and participation are well captured in policies and laws across the countries, but with mixed experiences of their implementation. Countries where reforms have taken place in the past ten years are reported to have had good levels of stakeholder consultation, with the creation of opportunities for a range of actors to be part of national policy development processes. An increased use of multi-stakeholder platforms (MSPs) is reflected in 13 of the 18 countries having established MSPs or had other equivalent processes of extensive stakeholder involvement in land policy discussions. In Laos, for example, new land and forest laws were adopted after a three-year process that included national and provincial consultations, civil society involvement and participation from donors and development organisations. The concerns raised about land policy consultations in most countries revolved around whether such involvement was actually influential, and also the limited real and influential grassroots representation. In some cases (e.g., Zambia and Senegal, as explained above), inclusive processes have been overridden by other political considerations. There is, however, still a clear and positive trend, which can be built on, towards more inclusive decision-making processes.

A concern in most countries is the lack of regulations and procedures for ensuring meaningful community-level consultation, especially in relation to large land deals. Local consultation processes are reported as being too often more about forcing through decisions already made by government officials, rather than ensuring that local people affected have a real say in land related decision-making. Transparency is often limited, especially in relation to mining and large land deals. Positive experiences of meaningful community involvement have tended to come when NGOs and international organisations have been involved in the facilitation.

The ideal of inclusive and consultative policy-making processes that draw on internationally agreed guidelines, have expert and community input, and emulate established best practices are rare. Such processes in practice involve compromises and the balancing of different interests. An interesting example of this has been the mobilisation of traditional leaders in defence of their roles in land governance. Notable examples took place during the period of our research in Sierra Leone and Malawi. Traditional leaders won concessions, especially in Malawi, as can be seen in the 2022 legislative amendments, that increased the recognition of customary tenure systems, added more limits on land sales, and increased the power of traditional leaders in relation to more inclusive land management structure [36].

Most countries are not living up to the principle of continuous improvement in the VGGT or Section 6 of the F&G on "Tracking Systems", which include the objectives of ensuring learning and making needed adjustments. Clearly, momentum on land tenure reforms can be lost, and countries have not built into their policies and laws any requirements for continuous improvement, as per VGGT principle 10. Although most countries have some form of government monitoring and evaluation (M & E) system, they are rarely effectively implemented in relation to land tenure governance. There are, however, some good examples, such as in Madagascar and Burkina Faso, which have both inserted M & E into their policies and are periodically evaluating to learn from implementation. Burkina Faso's most recent evaluation in 2021 made key recommendations for improvement. Madagascar drew lessons from the first ten years of reforms to inform new land policy

and implementation measures, and it also revises its implementation programme every five years.

4.4. Strengthening Community and Women's Land Rights

While not explicit in the VGGT principles, part 3 of the VGGT calls for the legal recognition of all 'legitimate tenure rights', including for women and communities. Section 2.5.2 of the F&G also recognises discrimination against women and the need for legal and other reforms to "strengthen women's access and control of land". Part 5 of the VGGT talks to the administration of tenure, including the keeping of records. All the countries that have adopted new policies and laws have improved the legal recognition of customary and communal tenure rights, as well as the recognition of women's tenure rights. The protection of these improved land rights of women and communities would be strengthened if they were included in national cadastres, based on universal and unified national land administration systems and national land registries. Such land administration systems are widely believed to improve land administration, increase land tenure security, and support improved planning and development outcomes [55,56]. Most countries assessed have, in their new policies, committed to such land administration systems, but have not managed to put in place the institutional capacity required. There are no unified national land registries, covering all land tenure types, functioning in any of the 18 countries yet (Rwanda is the only country in Africa that has this), but the research for this article found countries aiming to put these in place and to digitise them, including notable programmes in Benin, Burkina Faso, Ethiopia, Madagascar, Malawi, and Uganda. These programs aimed at developing national land registration systems have all come following and supported by the development of new land policies and legislation. In Senegal and Cameroon, outdated legislation continues to prevent the legal recognition of customary land rights.

The strengthening of the recognition of community and customary land rights has reinforced a fundamental aspect of customary land tenure, which is the principle that all adult members of a community, in some cases only when they have a family, are entitled to an allocation of a piece of land in that community, regardless of their wealth. This is an important counter to the threat of landlessness and inequality. The challenge, whether land is formally registered or not, is if communities run out of land for these allocations. It is notable that Botswana accompanied its formalisation and registration of customary land rights, which is widely seen as a good example, with an increase in the overall amount of customary ('tribal') land. They did this by stopping any allocation of freehold land and converting a lot of state land to customary land [57]. This is quite different from the process in some other countries, for example Tanzania, which combined land formalisation with reducing 'village land' available to communities by putting it under central state control as 'general land', too often for purposes of making it available to large investors [23].

All of the countries assessed that have adopted new or substantially amended policies and/or legislation in the last two decades (Table 1) have improved the legal recognition of customary and communal land tenure systems. The securing of customary and community land rights has also been given effect in some land registration processes. Building on the policy developments and with a strong development-orientated state, Ethiopia has rolled out substantial individual community land rights certification for over 25 million land parcels, which has been free to beneficiaries and was achieved at a total cost per title of just USD 8.50 [29]. The registration of community land rights has, however, been slow in most countries, for example, in Uganda and Kenya provisions allowing the registration of customary land rights have not been implemented beyond limited pilot projects due to insufficient budgets and lack of institutional capacity [42]. Of particular interest for securing community-level rights are the recent groundbreaking requirements in legislation

for Free Prior and Informed Consent (FPIC) from communities in Liberia and Sierra Leone (Box 1) before any new developments or changes can happen to their land rights.

Box 1. New land laws in Sierra Leone set new benchmarks.

New land legislation, the Customary Land Rights Act (CLRA) [58] and the National Land Commission Act (NLCA) [59], was passed in Sierra Leone in 2022 and set new benchmarks for the protection of communal land rights and women's land rights. Issues of particular interest are: (1) the requirement of FPIC from affected communities and families before changes are made to their land rights or use; (2) the requirement for wide involvement of both women and men in families in land decision-making on family land; (3) a provision for the inclusion of landless land users in local land decision-making structures; and (4) requirements of transparency in relation to land registration information.

In Sierra Leone, the new CLRA stipulates the need for FPIC to be granted by all affected communities and families before changes to the land tenure status or any land-related development initiatives and investments are implemented (Sections 28, 32(1) and 43(6)b of the CLRA). This emulates similar provisions in the Liberian Land Rights Act of 2018 (Article 33.3) [60], which was one of the first national laws to require FPIC from affected communities before the implementation of any initiatives that change land rights or use. The CLRA in Sierra Leone law takes an important new step by specifying that FPIC must be given by "adult male and female members of the affected community" (Section 43 (6)b) [58].

The CLRA in Sierra Leone also establishes a specific condition that a minimum of 60% of both women and men in families must approve decisions concerning family land (Sections 11(1) and 28) [58]. This condition is an interesting way to address concerns in other countries that legislation is giving protection to the land rights of spouses, but not ensuring protection and involvement in land-related decision-making for other family members who depend on family land, notably unmarried women in the household.

The NLCA in Sierra Leone requires that landless land users are part of local land decision-making structures [59]. The Chieftdom Land Committees must have members including a "land owner" and a "land user" (Section 43(10) b and c of the NLCA) [59]. Requiring representation of land users who are not land owners is a potentially important response to the increasing threat and situation of landlessness.

Sierra Leone's new National Land Commission Act of 2022 also sets fresh benchmarks in relation to transparency by explicitly requiring land structures, from local to national levels, to publish activity and financial reports, and to make available and searchable the land registry and cadastral information [59].

All the countries studied for this article have, in the past, had practices of explicit discrimination against women in relation to land, but have progressed to now forbidding gender-based discrimination. All the new or amended policies and/or legislation passed strengthen the recognition of women's land rights and some countries have gone further than prohibiting discrimination to now require affirmative action to improve women's tenure rights. Ethiopia is a positive example, with a commitment in the constitution to affirmative action to address gender imbalances. Federal land laws in Ethiopia are also explicit about the right of women to be allocated land for free for the purpose of agricultural production. These commitments are not only on paper, as they have underpinned the land registration process that has registered land rights for more women than men. Of the certificates of land rights issued, 23–24% are in the names of women, while 14–15% are in the names of men alone. A further 55% of certificates of land rights have been issued as joint titles containing the names of both spouses [36].

Further, most of the countries that adopted new land policies or laws in the past decade now require minimum numbers of women to be in land management and governance structures, and have set targets for a minimum proportion of new land allocations to go to women. This is in line with the African Union call for a minimum of 30% of land allocations to go to women [61]. The Rural Land Tenure Law in Burkina Faso, for example, calls for actions to improve the position of women and youth and sets a target that 30% of developed land allocated by government should go to women and young farmers [36]. The

new National Land Policy adopted in Zambia in 2021 has a commitment to “ensure 50% of available land for alienation is allocated to women” [42].

While it is not one of the countries focussed upon in this study, Rwanda is important to mention for its land rights registration programme that, between 2009 and 2013, covered the whole country and captured the data in a central land registry. This was achieved after the adoption of new land policies and legislation in 2004 and 2005 and by a strong development-orientated state [62]. No other country, at least over the last few decades, has registered all their land as quickly and cost-effectively (\$8 per land parcel) as Rwanda [29,62,63]. This does not mean that all land issues are solved, as new issues arise. For example, the challenge of covering the costs of land registration, including keeping records up to date, including by registering any new land transfers, has emerged as an issue [25]. Rwanda is trying to charge for registering new transfers in order to cover the cost, but some argue this is making it too expensive, and not all transfers are being registered. Not charging for the land registration service, as is the approach in Ethiopia, may be unsustainable according to interviewees working in Ethiopia.

Part 4 of the VGGT deals with transfers of land rights, including ‘fair land markets’, expropriation and compensation issues, and the need in some situations for redistribution and restitution. The F&G also argue that tenure reforms should be accompanied by redistribution when necessary to ensure effective land access and security for vulnerable groups. In several countries, there is debate about the extent to which land markets are desirable, given both the need for investments and the risks of landlessness and land inequality. These contesting interests have played out in the recent reforms. Most countries prohibit the sale of customary land, but informal land markets still emerge. Malawi has attempted to counter the opening up of land markets with 2022 legislative amendments that explicitly prohibit the sale of customary land and undeveloped freehold land. This is part of a process of effectively phasing out freehold land in the country, as the recent legislation also prohibits the granting of freehold land to any person and empowers the minister responsible for land to expropriate undeveloped freehold land without compensation. Interviewed experts working on land issues in Malawi revealed different views on these initiatives. While these changes have been supported, even demanded by some civil society groups and notably traditional leaders, others have objected, arguing that it will limit investment.

In Ethiopia, people with registered rights to community land are not allowed to sell the land, but are now allowed to lease or mortgage the use rights of land for a maximum of 10 or 12 years, depending on the region. This is an attempt to facilitate limited land use rights markets to enable the use of land as collateral to access capital, while also preventing land dispossession. There are different views on whether this is succeeding, with some of those interviewed arguing that it allows a level of market functioning without risking land loss by small-scale farmers, while others claim that it is too restrictive and does not allow for effective land markets that could improve land utilisation by those with resources.

The experts interviewed across the countries believe that, where land rights are not registered, there is a greater risk of land being taken by others or expropriated by the state and there is less chance of being able to claim compensation. In some countries, it was reported that land expropriation takes place with no, or inadequate, compensation, even when the land rights are registered. For example, in Cameroon and Ethiopia, there is no compensation provided for land itself, as the land is considered to belong to the state or the nation. Therefore, compensation is paid only for improvements made on the land. Extensive complaints about this lack of compensation in Ethiopia have resulted in the government agreeing to provide alternative land to those expropriated; however, the alternative land provided is often not as substantial as the land taken away. Botswana

have addressed this compensation challenge in recent amendments to the Tribal Land Act to require that compensation is paid for the land, as well as improvements on it [37]. In contrast to these experiences, the payment of compensation for private land if expropriated has been identified as a hindrance to land reforms in South Africa, Namibia, and Zimbabwe and subject to much political debate. In all the countries, there is contestation over the value of compensation given for improvements on the land and also about what constitutes the “public purpose” that is central to the legal justification for the expropriation of land. These uncertainties, in combination with the difficulties of obtaining justice in the courts that has been referred to above, result in many people not being able to get any compensation, or not getting what they consider fair compensation, when their land is expropriated [36].

Land redistribution and restitution are overlooked in all the policy and legislation adopted in the last two decades, despite being mentioned in the VGGT (along with redistribution in the F&G), as being necessary in some situations. These are not pressing issues in some countries where small-holder farmers still dominate land holding in a relatively equitable way, but provisions on redistribution and restitution have also been neglected in countries with serious land inequality and past land dispossession challenges. The now-aging South African land reform laws did focus on restitution and redistribution, as did some of the more recent policies, programmes, and draft legislation explained above, but these have been slow in achieving their aims. The explicit exclusion of opportunities for land restitution was controversial, given the history of dubious large-scale land deals, in the otherwise well-received 2018 Liberia Land Act [60].

4.5. The Influence of International Guidelines

It is always challenging to attribute specific policy processes and outcomes to particular influences; nevertheless, it is clear that the range of land policy guidelines and declarations in Africa and the VGGT have contributed directly and indirectly to the land policy work undertaken across most of these countries assessed. The acceleration of development of new policy and legislation, including discussions that have happened even in countries where policies have not yet been adopted, following the adoption of the F&G and the VGGT is a first indicator. Numerous respondents also mentioned ways that these guidelines have been used and seen to have influence. As one civil society representative from Ethiopia said, “now whenever we discuss these issues, VGGT is at the centre. . . We check our laws in relation to these principles”. This recognition of influence is also explicit in some of the policy documents developed. For example, the new National Land Policy introduced in Sierra Leone in 2015 states that the VGGT “helped in the making of this comprehensive and substantive land policy reform”. Uganda’s Land Sector Strategy Plan 2013–2023 states that the VGGT were “central to land sector reforms initiated”. The land policy adopted in Madagascar in 2015 explicitly took up seven of the ten guiding principles in the VGGT. Such international guidelines can also evoke resistance; key informants in Cambodia said that they avoid mentioning the VGGT in debates as they are seen as a form of outside interference.

Extensive donor and multilateral agency support has assisted in promoting the VGGT, with the FAO playing a particularly important role from country to international levels. Prominent funders of land reforms, such as GIZ and the World Bank, systematically make use of, and make reference to, the VGGT. In some projects, such as the United States Agency for International Development’s Land Governance Support Activity in Liberia, it was a condition of the funding that the VGGT be used.

The promotion of the AU declaration and guidelines had less direct support from multilateral institutions, but they have been accompanied by a range of initiatives to promote improved land tenure governance. The process of developing the various guidelines

in Africa involved a range of land experts who have become a cohort of people with a commitment to, and knowledge of, land governance issues. Across countries and RECs, in civil society and government, this research came across people who had, over the years, been part of discussions on different elements of the African agenda on land and were still active in shaping land policy and legislation. Indeed, African experts and country representatives who had been involved in developing the African land declaration and guidelines also played an active role in shaping and supporting the development and adoption of the VGGT. The AU bi-annual conference on land policy in Africa has also become a key meeting and discussion space where new developments in land policy are shared and the importance of land tenure governance is reinforced among government decision-makers, civil society groups, academics, and others.

There are articles that have claimed a very limited impact of the VGGT. For example, Jansen (2020) stated that “little progress has been made to date” [8]. This statement is not, however, substantiated in the article as it is focussed on proposing a monitoring system for VGGT implementation; it does not actually assess the progress made so far. Myers and Sanjak (2022) did attempt to look at the impact of the VGGT and found it to be limited [43]. The article’s findings are largely based on experiences with the management of large-scale land-based investments in Nigeria and Sierra Leone. Despite concluding that there is an overall limited impact, the article derives positive lessons from both countries and makes suggestions for improving impact, such as through more technically driven reforms and combining the use of the VGGT with other international instruments. They further conclude that “The VGGT influenced government policy, law and the conceptualisation of programmatic interventions in both countries” and had “unexpected impacts on private sector, where the private sector self-regulated” to the benefit of local farmers and communities [43] p. 10. A few years after the Myers and Sanjak (2022) paper and having looked at more countries, we are reasonably positive about progress and the influence of the VGGT, as well as the F&G, while we also agree with them that far more needs to be done to ensure more people enjoy improved land tenure rights and governance [43].

5. Discussion and Conclusions

There has been a remarkable amount of work conducted across most countries to develop and put in place new or amended policies and legislation this century, especially since the adoption of the AU declaration and guidelines on land policy and the VGGT. It seems clear, as argued in Section 4.5, that the adoption of these African and international guidelines has contributed to that policy work happening and the quality of the policies and legislation adopted.

These new policies and laws have brought substantial improvements to land tenure rights and governance when measured against the principles contained in the VGGT and F&G, specifically in terms of progress in the areas of strengthening of women’s land rights, the recognition of customary and other communal land tenure systems, and making land policy development more transparent and inclusive. We have found a significant move towards the recognition and strengthening of customary and other forms of communal land rights in all 16 countries that passed new policies and legislation over the last two decades. This is in line with the analysis by Wily [33] of land legislation in 100 countries. These are all moves in the right direction according to the land experts interviewed and most authors writing on land tenure rights and governance.

Where there is less agreement on what represents progress, as can be seen in the debates in countries like Malawi and Ethiopia shared in Section 4.4, is around the extent of commoditisation of land and the related debates on the creation of land markets and the registration of individual customary land rights. There are also no consistent international

trends on these issues; they remain contested, especially at the national level. The all-out privatisation and commoditisation of land, along with formal land markets, have not materialised, as can be seen from moves explained in Section 4 to reduce private freehold titles in a number of countries and the wide increase in the recognition of community land rights; overall, De Soto and the World Bank have not got their way.

The recognition of customary and community forms of tenure is a clear counter to the commodification of land, as all these systems incorporate non-market means of land transfer and enshrine the rights of community members to land, as explained in Section 4.4. This serves as a counter to the threat of landlessness and inequality. Implementing this requires sufficient land to be available to communities, bringing home the simple lesson that the distributive outcomes of formalisation of community land rights will depend on the nature of the rights formalised and land availability, and therefore, the management of land grabs.

We are not arguing that commodification is not happening in some places, but it is not uniform; there are ‘flanking’ manoeuvres [35] that change the outcomes and other forms of resistance; the outcomes are not inevitable—they are all there to be struggled over. Struggle takes many forms, from community action, lobbying and advocacy, the work of independent academics, to the efforts of committed civil servants and policy makers.

The formalisation and registration of individual community land rights has picked up pace, but it is not part of a clear linear move to privatisation. The formalisation programmes have been accompanied by measures to limit land privatisation, as seen in Malawi and Ethiopia, for example, and to recognise wider community rights and customary land administration systems. The arguments for the registration of customary land rights, including for individuals, is no longer so much about unlocking development potential as it is about people having secure land tenure in the face of increasing pressures on land from factors such as urbanisation and investments. The land registration that some have argued is a step to privatisation and dispossession is, in many contexts, a level of defence against the more dramatic land privatisation of land grabs.

The capacity to perform land surveying and registration has increased and the costs of performing these processes come down with the application of fit-for-purpose land administration and the use of new cost-effective surveying and registration technologies, as have been applied at scale in Ethiopia and Rwanda and successfully used in smaller or pilot projects, such as in Benin, Uganda, and Zambia. We have also seen that women can benefit from land registration, with a number of examples of women receiving more of the certificates of land rights than men, such as in Ethiopia, Rwanda, and Botswana.

Land-grabbing, both domestic and foreign, remains a serious threat to the land rights of the majority, especially to the vulnerable. Most national governments continue to seek foreign investment, including for ‘large-scale land deals’ (grabs). The risks of this are, however, being countered by the strengthening of customary and community land rights and especially recent requirements in law for FPIC by affected communities before changes in land rights and use can go ahead, as in Liberia and Sierra Leone. These FPIC provisions are a clear challenge to land markets and land dispossession. Ensuring the effective promotion of such provisions in other countries, and their implementation, needs to be a priority.

Despite progress and good examples, it is essential that the challenges are not forgotten. The actual registering of communal land rights has been slow in almost all the countries studied. Likewise, in all the countries studied, gendered power relations and inequalities continue to marginalise women. Some countries still need to update legislation that is more than half a century old. Other countries have new policies and legislation, but have not put in place the regulations to give effect to new laws, and have not established the institutions

needed for implementation. There is also a need to ensure the integration of land tenure governance in other national and regional policies, strategies, and programmes, such as those related to urban settlement, agricultural development, and climate change mitigation and adaptation. Challenging as this will be, wider issues of good governance will have to be addressed in all countries if there is to be effective land tenure governance. These good governance issues include ensuring improvements in the functioning of justice systems, building effective government administration, improving coordination among government land agencies, and ending corruption that undermines good land tenure governance.

There is an almost complete lack of redistributive and restitutive measures in the new land policies and legislation, which is a major gap given past land dispossessions, whether due to colonialism or more recent land grabs, and the risk of new land inequalities emerging. It would be a much-improved situation, at least for equity and justice, if all the land tenure reforms were accompanied by redistributive measures, as both the VGGT and the F&G have suggested they should be.

Our point in relation to the positive aspects of the conclusions shared above is to highlight the progress that has been made that needs to be defended and built on. The successes show us what is possible, and we do believe the overall trends are in the right direction even though more needs to be done, especially in relation to effective policy implementation.

There is much more research that could be usefully conducted to learn from experiences of how the new land tenure governance developments we have shared in this article work out in practice over the coming years. The focus of this paper is on the regulatory frameworks needed to support land tenure governance. Further research to assess if the policies and regulatory frameworks are in practice appropriate in each country, including the extent to which they improve actual security of tenure and land tenure governance, will be invaluable. This includes research, such as on the implementation of Liberia and Sierra Leone's requirements of FPIC, the efforts in many countries to set up national and digital land registries, the different ways countries are managing the tensions between more communal and more individual land rights, and with that threading a path between more marketised and more socialised forms of land tenure rights and governance. Fit-for-purpose land administration has become widely accepted as a way to efficiently deliver land registration at scale, and this article has referred to some such success stories. It would, therefore, be useful to conduct further research on what policy, legislative, and institutional frameworks are most enabling for effective fit-for purpose land administration. In researching and learning from land regularisation efforts, it would also be good to include the bottom-up and community-driven initiatives that are often supported by NGOs, such as Cadasta [32]. There are a rich variety of real-world land tenure governance experiments going on in different countries that are trying to grapple with these issues. Learning more from these experiments will be invaluable to future land reforms.

Land tenure rights are complex and context-specific, requiring approaches that take into account the different interests involved. The solutions that can be sustained are unlikely to be ideal; they will be shaped by power relations and what can work in difficult situations that often have their origins in troubled histories, high levels of poverty, and current contestation over natural resources. What encourages us is that countries are exercising agency by trying different approaches to balancing the contesting interests and priorities involved to find solutions that might work for their contexts.

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Data Availability Statement: Some of the data that support this study can be found in the previous reports produced by the authors [29,37], for which there are links in the reference section. Country assessments for 12 of the countries in this study are available at: <https://learn.landcoalition.org/en/resources/vggg-light-country-assessments/> (accessed on 10 January 2025). Further data are available from the authors upon reasonable request.

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Abbreviations

The following abbreviations are used in this manuscript:

AU	African Union
CLRA	Customary Land Rights Act of Sierra Leone
DRC	Democratic Republic of the Congo
F&G	Framework and Guidelines on Land Policy in Africa
FPIC	Free, Prior, and Informed Consent
GDP	Gross Domestic Product (per person in this article)
HDI	Human Development Index
M&E	Monitoring and Evaluation
NLCA	National Land Commission Act of Sierra Leone
REC	Regional Economic Community
VGGT	Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

Notes

- ¹ Land tenure is the relationship (defined in law and in customs) people, as individuals and groups, have with land. Land tenure rights encompass a bundle of rights to land, such as the right to use, to sell, or to bequeath land [7]. The governance of land tenure is how decisions are made and the ways these are implemented in regard to the management of access to and control of land [8].
- ² Rural Land Administration and Land Use Proclamation of 2005.

- ³ This is the Federal Government of Ethiopia’s Rural Land Administration Proclamation 89 of 1997. A range of more recent regional state land proclamations have not been listed here. Some regional states, like Gambella, have also worked on land-use policies.
- ⁴ As mentioned above, there have been various policies and programmes related to land reform and governance in South Africa, but no specific and overarching land policy and legislation since the 1997 White Paper on South African Land Policy.
- ⁵ <https://www.uneca.org/african-land-policy-centre> (accessed 10 January 2025)
- ⁶ While not specifically a land law, some community tenure rights were recognised in the DRC in the 2022 law on the protection and promotion of the rights of pygmy indigenous people (Law No. 22/030 of 15 July 2022).

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