

EDITOR'S *guest*



Theodor Muduva

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LAND governance covers all activities associated with the management of land and natural resources that are required to fulfil political and social objectives.

Good and transparent land governance will serve a country's national resources management, the rights of its citizens, and lead to a reduction of poverty. In addition, sound land governance is crucial to achieving relevant sustainable development goals (SDGs).

The term governance refers to the manner in which power is exercised by the government and other actors (both formal and informal) in managing a country's social, economic, and special resources. It is the process of decision-making, and the process by which decisions are implemented.

What is land governance, then? Enemark (2012) defines land governance as the "policies, processes and institutions by which land, property and natural resources are managed".

This includes decisions on access to land, land rights, land use and land development. Deininger et al (2012), confirm that land governance is "the rules, processes and organisations through which decisions are made regarding access to and use of land, the manner in which these decisions are made and implemented, and how conflicts are resolved".

Land governance matters because firstly, land is a critical national asset in a given country. Therefore, the way it is governed has implications for the national development agenda. Secondly, the changes in the political ecology calls for new ways of addressing the land question of a specific country at various points in time.

The concept of political ecology examines the nature of changes in access to and use of land resources as embedded within power relations in society (Smucker, 2002 & Wangui, 2003). Therefore, it is the "architecture" of a nation's political ecology that defines the needed responses to its land question.

Enemark (2012) cautions that good governance is a qualitative term, or an ideal which may be difficult to achieve. However, the FAO (2007) has identified certain characteristics of good governance, which relevant countries may use as yardsticks and these are:

- 1) "Sustainable and locally responsive: It balances the economic, social and environmental needs of present and future generations, and locates its service provision at the closest level to citizens.
- 2) Legitimate and equitable: It has been endorsed by society through democratic processes, and deals fairly and impartially with individuals and groups, providing non-discriminatory access to services.
- 3) Efficient, effective and competent: It formulates policy, and implements it efficiently by delivering services of high quality.
- 4) Transparent, accountable and predictable: It is open, and demonstrates stewardship by responding to questioning, and providing decisions in accordance with rules and regulations.
- 5) Participatory, and providing security and stability: It enables citizens to participate in government and provides security of livelihoods, freedom from crime and intolerance.
- 6) Dedicated to integrity: Officials perform their duties without bribes, give independent advice and judgements, and respect confidentiality. There is a clear separation between the private interests of officials and politicians, and the affairs of the government".

The above information regarding land governance can help us to examine and assess the state of land governance of specific countries in southern Africa (including Namibia). Many countries in southern Africa share similar histories of colonisation and the dispossession experience which continues to shape current patterns of land tenure and administration.

Most of these countries have been through a phase of market-related land distribution programmes (especially Namibia, South Africa and Zimbabwe). Since the 1990s, new laws were passed in these countries, which tend to have been relatively weakly implemented and enforced.

Several countries adopted land reforms with a strong redistributive character, and a number of others have tenure reforms underway. So far, these processes have tended to be highly centralised, with little or no participation by potential beneficiaries in decisions over how land should be allocated, managed and used, or who should benefit from reforms.

As a result, the land reform programmes have tended to be largely unresponsive to the local needs, aspirations and conditions. This has led to conflict over land, weak governance structures, poverty and underdevelopment (PLAAS, 2010).

As a result, access to land in many countries in southern Africa is currently characterised by scarcity of arable land, increasing commercialisation of land, new land use patterns, the expansion of agro-fuel plantations, gender inequalities, and land ownership being concentrated in the hands of the elite, while labour tenants and farm workers are subjected to evictions, displacement and deepening poverty (PLAAS, 2010).

There are various consequences of weak land governance. Corruption contributes significantly to weak land governance (and vice versa).

A 2009 study by Transparency International, which surveyed close to 70 countries worldwide, revealed that corruption in the land sector was among the highest. The land sector was ranked third, after the police and judiciary.

The many countries in Africa (including Namibia) are reaping some of the consequences of weak land governance, and these include insecure tenure, high transaction costs, lack of land use plans, land conflicts, lack of authoritative data for planning, increased informal land transactions, reduced private sector investment, inequitable land distribution, land grabbing, unsustainable natural resources management, and I dare add, social instability, social exclusion and political instability.

In conclusion, some land governance scholars in West Africa are popularising the following "formula": prosperity minus property is poverty. Going by the fact that land is the means of production, this formula is also applicable to some countries in southern African (including Namibia), where many citizens do not have title deeds, as well as formal proof of land ownership and user rights.

Therefore, in dealing with land governance, keep in focus article 17 of the Universal Declaration on Human Rights, which states that "Everyone has the right to own property alone as well as in association with others", and that "No one shall be arbitrarily deprived of his/her property"

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