



The Scoping Study Executive Report Land Tenure Systems in North Africa Consortium

The Network of Excellence on Land Governance in Africa (NELGA) is a **partnership of leading African universities and research institutions** with proven leadership in education, training and research on land governance. Currently NELGA has more than **70 partner institutions in over 40 countries** and is organized in 6 regional and 1 technical node supported by a Secretariat.

The Scoping Study Executive Report

Land Tenure Systems in North Africa Consortium

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Content

1. INTRODUCTION	3
2. LAND TENURE SYSTEMS IN THE NORTH AFRICAN CONSORTIUM (NAC)	4
3. STAKEHOLDERS AND ACTORS OF THE LAND GOVERNANCE IN NORTH AFRICAN CONSORTIUM	6
4. ANALYSIS OF THE GAPS AND NEEDS IN TRAINING AND RESEARCH	7
5. THE ACTION PLANS	9
5.1. Training and continuous training actions	9
5.2. Research actions	9
6. CONCLUSION	10
The Role of NELGA in Capacity Development in North Africa	11

1. Introduction

The land in Northern Africa is a key resource for supporting decisions that leads to a more sustainable economy and development. All activities linked to land and related information provide marketable products and services that create a hierarchy of needs for such land: from sovereignty, defence, and public safety, to resource administration and management. An adequate and appropriate capacity development programme in terms of training, continuous training, and research that reflects the needs of individuals, government, public and private institutions are required. An integrated capacity development programme that does not only rely on the technical needs but also seeks to develop sustainable partnerships with land stakeholders is a key for a sustainable Network of Excellence on Land Governance in Africa (NELGA) positioned to play a leading role in land governance in the region and Africa. The core conceptual model to be designed shall be in harmony with the priorities of the region. It shall improve the efficiency and quality of land governance and strengthen the human, technical and advisory capacities leading to more effective land and food security, equity (towards vulnerable groups notably women and poor pastoralists and farmers), and sustainability (measurable contribution to Sustainable Development Goals). Every state has developed and implemented a series of emerging policies regarding its national specificities and international regulations and trends to meet the requirements of the new era.

This study aims to outline the diversity of land tenure systems in the Northern Africa Consortium composed of five countries. The study analyses the key factors that lead to achieving social equity and economical outcomes for the region, and highlights adopted and implemented regulations as instruments to guarantee land ownership and tenure security. The formalization of land rights has begun early and allowed significantly increasing individuals and group's participation in formal land. Does effective land right implemented in the region contribute in reducing the danger of wasting natural resources caused by deforestation or ecological destruction? What are the offered opportunities by the regulations on land governance to enable authorities to transfer land to communities and individual farmers including women and small farmers while defining the restrictions on using forest and abandoned areas?

The study of the land tenure systems in North Africa focuses on analysing and identifying the best tools for enhancing land governance and sustaining land resources. In North Africa, it is important to analyse and understand the on-going policies linked to land administration and land management. Various institutions are involved in dealing with a diversity of land tenures characterizing each country member of Northern Africa. Indeed, a scoping study was conducted to analyse the existing land tenure systems in the region and assess the needs in terms of training, continuous training, and research. A consortium (North African Consortium: NAC) of five countries of the region are tackled in this study: **(1) Egypt, (2) Kingdom of Morocco, (3) Mauritania, (4) Sudan, and (5) Tunisia.**

2. Land Tenure Systems in the North African Consortium (NAC)

Land tenure system is defined better when it leads to achieving efficient, equitable, and sustainable social outcomes. As an instrument of guaranteeing land ownerships and land security, it reduces the amount of resources that landowners and government are spending to defend and preserve land-related resources. The formalization of land rights significantly allowed individuals and communities' participation in the formal land and labour markets (Field, 2002). With this definition of land rights, the individual owners with the lowest incomes can transfer their lands to others without fearing that they will lose lands during their temporary absence.

In North Africa, the land tenure systems are very similar because the country members share common language, common religion, and common history. By analysing the scoping study outcomes, we find that all countries have inherited multiple informal land rights known as "*Urf = Orf*" mixed with Islamic rules as well as colonial legislations. The current situation in North Africa within which formal and informal land rights are coexisting is a very serious challenge for the society, government, national and foreign stakeholders. The dualism of land registration systems observed in the region in terms of regulations and procedures does not guarantee setting up sustainable land resources even though effective property rights ensured by formal system will reduce the danger of wasting natural resources in deforestation and ecological destruction. The regulation of land rights will enable authorities to transfer land to communities and individual farmers, and define the limits of using forest areas and ecological spaces.

For the identified countries in this study, one could observe that lands mainly named collective lands belonging to the communities or tribal groups, and the endowment lands called "*Habous or Waqf*" are governed by similar rules. The community shares the land resources for agriculture, pastoral, and social protection purposes. These lands known as collective lands enable the communities to face any risky circumstances caused by dry periods or any foreigners' intrusion. The members of a community "tribe" use jointly owned lands to practice crop farming and exchange outcomes between individuals. The collective lands are playing a major role in Morocco, Sudan, and Mauritania. In Tunisia and Egypt, there are a series of shortcomings to similar collective practices which are linked to the level of instability of regulations, inducing conflicts between the governments and communities.

Another kind of land tenure that is generally similar throughout the five countries is the so-called "*waqf = habous*" lands for the endowment lands. This kind of land tenure creates an opportunity for the country to ensure an inclusive system that could respond positively to supporting education, health, and social purposes. This system's nature is to sustain categories of land rights that encourage individuals to provide land to religious institutions as an offering to God. The land cannot be sold, given, or transmitted in inheritance. Its incomes are only distributed for the benefit of the very poor in the society. Therefore, the endowment lands, with their characteristics to have ultimately the religious foundations are a beneficial mechanism involving thousands of families and ordinary citizens' contributions. They persist in the research countries except in Tunisia and Egypt. For the other countries, such practices are progressively nationalized, limited, or abolished. If the endowment lands management are enhanced and adapted to the modern regulatory framework, they will ensure cohesive social develop-

Table 1: Land tenure systems in Egypt, Morocco, Mauritania, Sudan, and Tunisia

TYPES	EGYPT	MOROCCO	MAURITANIA	SUDAN	TUNISIA
PRIVATE OWNERSHIP	Freehold	Melkia / Titled	Urban land	Freehold	Private land
ENDOWMENT	<i>Waqf</i>	<i>Habous</i>	<i>Waqf</i>	<i>Waqf</i>	–
COMMUNITY OWNERSHIP	<i>Shuyu</i>	Collective lands	Agricultural pasture land	Collective people	Collective lands
STATE PUBLIC LAND	Public domain	State public domain	State domain	Public lands	State public domain
STATE PRIVATE LAND	State domain	State private domain	State domain	Public lands	State private domain

ment at many levels. The endowment lands have a significant role in efficiency, equity, and sustainability in Mauritania, Morocco, and Sudan (Table 1).

For the studied countries, the major issues are linked to urban development. The fundamental keys of reaching this goal are administrating secure land tenure by reinforcing the titling and registration process. In its private and public forms, state land regime provides a unique guarantee in promoting urbanization and building on the ensured ground and plots. The municipalities and cities' aspect has completely changed by enabling the appearance of new commercial quarters, industrial districts or habitat. Municipalities use registration information on titled land against unlawful or doubtful land use. Indeed, the state land tenure furnishes an economic fact, making it possible to standardize urban development. In Morocco, Sudan, and Tunisia, the state land tenure is the basis of conducting national debates on land policy for more efficiency and sustainability in increasing the inhabited areas, building new settlements, and founding mega projects.

In Egypt, the clear majority of cities are within the fertile Nile river valley and delta, which leaves about 93% of Egypt's land vacant. The pressure of urban expansion was further escalated by government's inability to formulate efficient, and integrated policies and plans that channel urban expansion towards new cities (also known as desert cities). The rapid urbanization process was also accompanied by informal urban development, which has become a predominant feature of urban expansion in the last four decades.



3. Stakeholders and Actors of the Land Governance in North African Consortium

In North Africa, the Consortium country members are very aware of the importance of rationalizing land governance and land management to meet the new market economy’s requirements. According to the results of the conducted survey in the Consortium, many actors and stakeholders intervening in land governance have been listed. Those actors play major roles in impacting the management processes and administration procedures as are likely to be internal, external actors, or stakeholder. The internal actors are universities, research institutes, training providers, land experts, private sectors, professional bodies, civil society (women associations), parliamentarians, or land agencies. The external actors include several contributors to improve capacity development, from the government to communities, from media to farmers. The so-called stakeholders could be students, professionals, civil servants, and trainers who are consumers and maybe potential partners or participants that include community leaders, customary chiefs, grassroots women, young entrepreneurs, private sector, migrants or urban managers who seek accurate representation or policy inputs.

Table 2 below presents various stakeholders and partners of land governance in the Northern Africa Consortium.

The role of different stakeholders related to land governance are described in detail in the global book of the scoping study called: “Land Tenure Systems in North Africa: A Scoping Study” and can be summarized as below:

- Provide policy guidelines to improve land governance at the national/federal, regional/state, or local/village levels;
- Contribute in the process of land management and land administration such as the national agencies of land conservation, mapping, cadastre, and/or land registration;
- Develop a partnership with the national or local government (case of Sudan) to enhance land administration and land resources redistribution;
- Serve as a vital source of information on practice, advocacy, or as partners of developing distance learning or web-based platforms;
- Provide advisory missions for various partners at the local and international levels, such as playing a role in land development and investment.

Table 2: **Potential stakeholders involved in land governance in the consortium**

	EGYPT	MOROCCO	MAURITANIA	SUDAN	TUNISIA
STAKEHOLDERS	Government	Government	Government	High Commission on Land: Federal Level	Government
	Academics	Academics	Academics	Academics	Academics
	Governorates Local levels	Agencies National level	Wilaya Regional level	Localities: State level	Agencies National level
		Municipalities Local level	Moughataa Local level	Native Administration	Civil society
				Village Level	

4. Analysis of the Gaps and Needs in Training and Research

The outcomes of the scoping study are to assess the needs of the consortium members in capacity development on land governance through better-informed training, continuous training, and research. To achieve this goal, many surveys were conducted in the consortium by national coordinators and advisors to generate reliable and credible information on capacity needs. The conducted studies in each country of the consortium have the duties to identify:

- The usual providers of training and research such as universities or institutes for developing the training programmes;
- The potential needs of various partners and stakeholders;
- The land issues and key aspects that are either missing or need to be dealt with better in capacity development.

The survey's adopted tool was the questionnaire permitting to evaluate the experiences and opinions on capacity development and research. As the scoping study focuses on mapping knowledge gaps, assessing needs, and improving capacity – a **mixed-method approach** was adopted:



- Structured hand interview of university leaders, programme leaders, researchers and lecturers or other training providers, land-related specialists, and other key stakeholders (questionnaire).
- Phone or web interview with other stakeholders, including civil society, government land agencies, and researchers.
- Supporting documentation (curriculum outlines, reports, case studies, legal instruments, evaluations).
- Quantitative data or statistics where and when available.

In this survey all these methods are included, and an additional ordinal column is added whereby interviewees score the importance of the question itself. Thus, the analyst understands the priorities of different dimensions and how they compare across issues, stakeholders and countries.

After the survey, results analysis was conducted to furnish consolidated and synthesized responses. The analysis provides indicators of translating opinions and data into workable and useful information that can be used for the survey's objectives. Validation workshops were organized to come up with final findings of the survey.

A summary of the scoping study outcomes in terms of gaps analysis and needs assessment is provided in the following tables 3 and 4.

Table 3: **Gaps in training, continuous training, and research**

TRAINING AND CONTINUOUS TRAINING	EGYPT	MOROCCO	MAURITANIA	SUDAN	TUNISIA
Coordination between different institutions	Insufficient	Insufficient	Absent	Absent	Insufficient
Multiple strategies for land sector	Insufficient	Insufficient	Insufficient	Insufficient	Insufficient
Sharing information on land administration & institutional framework to meet academic purposes	Insufficient	Insufficient	Insufficient	Insufficient	Insufficient
Legal framework for academic programme design and development	Inadequate	Insufficient	Insufficient	Insufficient	Insufficient
Qualified human resources	Insufficient	Insufficient	Insufficient	Insufficient	Insufficient
RESEARCH	EGYPT	MOROCCO	MAURITANIA	SUDAN	TUNISIA
Knowledge and up-to-date data on land	Lack	Lack	Lack	Lack	Lack
Coordination for sharing data and research findings	Lack	Insufficient	Insufficient	Insufficient	Insufficient
Financial mechanisms in research	Insufficient	Insufficient	Insufficient	Insufficient	Insufficient

Table 4: **Needs assessment on training, continuous training, and research**

NEEDS IN TRAINING AND CONTINUOUS TRAINING
<ul style="list-style-type: none"> • Increase knowledge and develop capacities about land tenure systems. • Take into account the roles and customs linked to the national culture and knowledge for a better understanding of the national context. • Intensive training courses for how to handle land management and draw a clear and active land system. • The need for coordination between different organizations to set up a collaboration programme at the national and local level. • The need for developing mutual learning between various institutions. • Establish a strong National land information system by reinforcing training and modernizing job processes. • Develop a unified National strategy for land governance by building a land system framework for investment that includes clear terms and requirements with flexible land governance procedures. • Enhance the financial tools and mechanisms and develop clear monitoring and evaluation programme. • Develop a strategy for land management and governance closely linked to the Sustainable Development Strategy (SDS): Egypt Vision 2030 and the Strategic Master Plan: Egypt 2052
NEEDS IN RESEARCH PROGRAMMES
<ul style="list-style-type: none"> • Cooperation with educational and research institutions on the National level. • Scoping research about best practices regarding the sustainability of land policy & development, land management, and land policies evaluation in the region. • Urgent need for local and national researches that reflects real statues of land Governance. • Develop a comprehensive plan dealing with specific requirements as well as specific determinants for developing research on specific needs. • Identify the most appropriate policies for land management to achieve sustainability and ensure their development and exploitation, while ensuring future generations' right to development opportunities and sustainability. • Researches regarding legal and legislative frameworks ruling and organizing policies and guarantees its sustainability. • Promote digital paradigms in Research activities. • Develop research policies about data collection, analysis, and results dissemination. • Encourage Knowledge sharing and paper publishing on land management and land governance.

5. The Action Plans

The scoping study has provided an evidence-based approach to practical recommendations. Thus, a validation process through workshops was organized to consider the validity of the findings as drawn from the conducted survey. The final suggestions and recommendations were adopted and converted into different action plans regarding the specificities by each country of the consortium.

5.1. Training and continuous training actions

The common action plans resulting from the scoping study can be summarised as:

- Developing adequate short programmes to respond to the needs of urban planning and land project development,
- Providing professionals with continuous training modern tools of land registration, urban planning, mapping, and cadastral institutions,
- Promoting standardization of the processes and procedures related to land management and land administration,
- Setting up specialized post-graduate curricula in land governance in the form of master’s degree, professional master’s programme, and executive masters.



5.2. Research actions

The resulted action plans on research activities in the region regarding the stakeholder’s needs and new requirements can be summarized below:

RESEARCH TOPICS
• LIS – Land Information Systems
• Real Estate Development
• State Land Management
• Land Governance
• Land Registration Systems
• Geo-Socio Economical Studies
• Standardization
• Regulations
• Software for developing land governance
• Land Sustainability Mapping
• Land Monitoring & Evaluation System

RESEARCH PARTNERS
• Regional Knowledge Transfer & Capacity Building Centers
• International Organizations that can provide Financial & Technical Support
• Non-Governmental Organizations
• World Bank
• GIZ
• GLTN
• UN-Habitat
• Private Developers

6. Conclusion

This scoping study aims to provide scientists and policymakers with an inception study for highlighting the nature of land tenure systems in the North African Consortium of five countries, namely Egypt, Morocco, Mauritania, Sudan, and Tunisia.

The driving forces behind these are the new customer needs, the new global changes worldwide, the technology evolution, and the country's requirements.

The needs analysis in terms of training, continuous training, and research in land governance and land policy is required to meet the potential demand of many stakeholders. The global trends characterized by the interventions across many countries affect land policy's nature to develop management issues, training and research programmes, and decision-making frameworks.

Under globalization, land tenure should support ongoing reforms around the world, and the urgent requirements of land and territory planning to support international and national investors. This recent scoping study contributes to developing a modern vision that must increase security on land and allow its use with respect to local land formalization regarding obligations and restrictions. Governments of the consortium country's will take the benefits of this study to establish efficient systems to increase land security and facilitate land administration that leads to better monitoring of land market, and improving land planning in urban and rural areas. The general findings from the study which highlights each country's specific needs show that many efforts should be made to adapt the legal framework of land governance to new contemporary and relevant requirements to enhance land reform such as redistribution, consolidation, valuation, and assessment. This can be done by introducing new technology tools and methods. The diversity of the land regulations and the real estate's bureaucratic management by several institutions in the region constitute basic barriers to developing sustainable land governance systems.

The scoping study provides a framework for developing a strategic plan and designing appropriate interventions (including the NELGA capacity development strategy) based on the need's assessment in the region. Country-level scoping studies were conducted in Egypt, Mauritania, Morocco, Sudan and Tunisia on land governance leading to needs assessment related to training, continuous training, and research. The study was designed to explore both the availability and effectiveness of the programmes and the social, political and economic benefits to stakeholders (including rural poor, women, youth and minorities). The issues related to the capacity development and to what kind of capacities were relevant and what objectives were sought to be achieved, and how these could be maintained. The conducted studies offered a rich understanding of gaps, challenges, and opportunities related to the existing and needed capacity on land governance land governance capacity, which varied from country to country (what capacities exist, what is lacking and what needs to be further achieved and developed). However, there were several common findings such as:

- Understanding of complex land governance systems was limited among the range of stakeholders, in particular among the general public;
- Land administration was often weak and outdated, and capacity among state agencies was often limited and not fit for purpose;
- Professionals and the private sector were needed, but their numbers and responsiveness were generally low;
- Universities and educational institutions were at early stages in terms of availability of programmes to respond to land governance challenges;

- Exchanges between stakeholders and within academia were limited.

The Role of NELGA in Capacity Development in North Africa

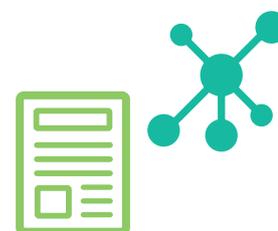
Capacity Development is defined as the individuals, organizations and society's ability to manage their own sustainable processes and adapt to changing circumstances. This also includes further developing the strengths, seizing opportunities, neutralizing the weaknesses, addressing or avoiding the threats, recognizing obstacles to development and designing strategies to avoid or tackle them and successfully implementing these and finally exploring the impact of their inputs at the societal level and at contributing to the development of enabling frameworks to improve performance capability at all levels.

NELGA North Africa (NA) has defined and analysed the needs and capacities of land governance stakeholders. In spite of the progress made at country levels, different various capacity development deficits still persist at:

- **the individual level: competence, knowledge, communication, information deficits;**
- **the organizational level: knowledge, cooperation and transfer deficits which do not help create an enabling environment for an integrated capacity development system; and**
- **societal levels: reliability deficit that make the cooperation arrangements and the network remain unstable and need to develop sustainable strategy to survive longer and achieve better results at the strategic level.**

Finally, there is also a deficit of linking all these levels altogether to form a holistic and positive outcome knowing that the risk of neglecting one of the deficits may hinder NELGA NA from achieving sustainable results to improve sustainable land governance in the region.

Having said that, NELGA NA has a great role and opportunity to continue implementing the capacity development programme, being conscious about the capacity development of the identified three levels and address all related deficits by delivering an interdisciplinary education, applied research and tailored trainings (trainings, seminars, missions, transfer of adapted technology, e-learning solutions etc.), and by sounding out the potential of other projects and actors to fill the identified gaps. Finally, these multi-faceted deficits shall be addressed by exploring and developing strong partnerships with the governance institutions, the private sector and international organizations which would help the project sustain its activities and contribute to competency and expertise development and respond to the different needs of land stakeholders.



NELGA

The **Network of Excellence on Land Governance in Africa (NELGA)** is a partnership of leading African universities and research institutions with proven leadership in education, training and research on land governance. It strengthens capacities and knowledge exchange at more than 70 partner institutions across Africa.

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