



‘AN ASSET DIFFERENT FROM ALL OTHERS’

Treatment of Land Issues in the African Peer Review Mechanism

by **Lisa van Dongen**



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This paper is part of a series commissioned by the Electoral Institute for Sustainable Democracy in Africa (EISA) exploring the content of APRM Country Review Reports (CRRs) currently available on issues including gender, land, youth, extractive industries, elections and violence, and government responses to the APRM CRRs.

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There is no question that land is very important in Africa for several multifaceted reasons, including social, political and economic development, as well as sustainable resource management. Other integral land issues on the continent are growth and poverty reduction, governance, political organisation and conflict, and migration and demographic developments. For the majority of poor people, their land is their livelihood. However, in Africa land is not just another commodity or a means of subsistence – it is much more than this. It combines being a factor of production with its role as family or community property, a capital asset and a source of cultural identity or citizenship. All the interrelated social, institutional and political factors involved in land make it an asset different from all others.

Uganda Country Research Report 2009, p288

During meetings, many stakeholders ... said that land was the most important asset someone could have – the very essence of life.

South Africa Country Research Report 2007, p265

THE IMPORTANCE OF LAND

In her paper on ‘Inequality and Social Conflict Over Land in Africa’ Peters (2004, p269) quotes Raikes (2000) as she observes:

The common image of Africa as land-rich and sparsely populated still holds when the continent is compared with areas in Asia ... The image of plentiful land for all who want it, however, no longer holds for most of Africa: ‘On average, land is more abundant in Africa than in other continents but most

Africans have only very small plots and an increasing number are landless.’

This presents African governments with the dilemma of managing an asset that is of enormous real and perceived value but that is also becoming increasingly scarce.

Through the African Peer Review Mechanism (APRM) African governments have confirmed the importance of land by widely acknowledging it to be a cross-cutting issue of significance with political, economic and socio-economic dimensions. Land issues in Africa are particularly vexed because of the legacy of centuries of disrupted land ownership and usage patterns following colonialism, Cold War ideologies (neo-liberalism versus African socialism), formalised systems of racial, gender and ethnic discrimination and endemic conflict.

This paper analyses the treatment by the APRM of land-related topics. The APRM is a self-monitoring instrument African countries can use voluntarily to assess how effectively they are conforming to the New Partnership for Africa’s Development (NEPAD), specifically the Declaration on Democracy, Political, Economic and Corporate Governance, a development programme of the African Union (AU). The declaration strives to

foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs for

capacity building.
APRM 2003, p1

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THE APRM'S VIEWS ON LAND

Between the inception of the APRM in 2003 and June 2015, 17 countries had completed the assessment process and published CRRs. Of the 16 published in English all have identified and discussed a variety of land issues. This was, in part, a response to the format of the APRM Master Questionnaire, which guided member countries in their assessments to consider land as a socio-economic issue. The original questionnaire required countries to report on how they supported citizens, especially the rural poor, in securing affordable access to basic services including water, energy, shelter, sanitation, finance, markets, information and communication technologies as well as land (APRM Master Questionnaire 2004, p84). A reading of the 16 English CRRs shows that all assessments have recognised a wider set of land issues than only those included in this narrow dimension.

The APRM has also recently formally recognised the wider relevance of land. In 2013 a revised questionnaire was issued, with updated guidance for future assessments. Future reports will need to present a more extensive and integrated view on land issues, as described in Table A.1 in Annexure A. Table A.1 shows a comparison between the old and new questionnaires and describes how CRRs will need to address explicitly a variety of land issues across more of their chapters in future. No reports have yet

been published by countries using the revised Master Questionnaire to inform their CRR format and content.

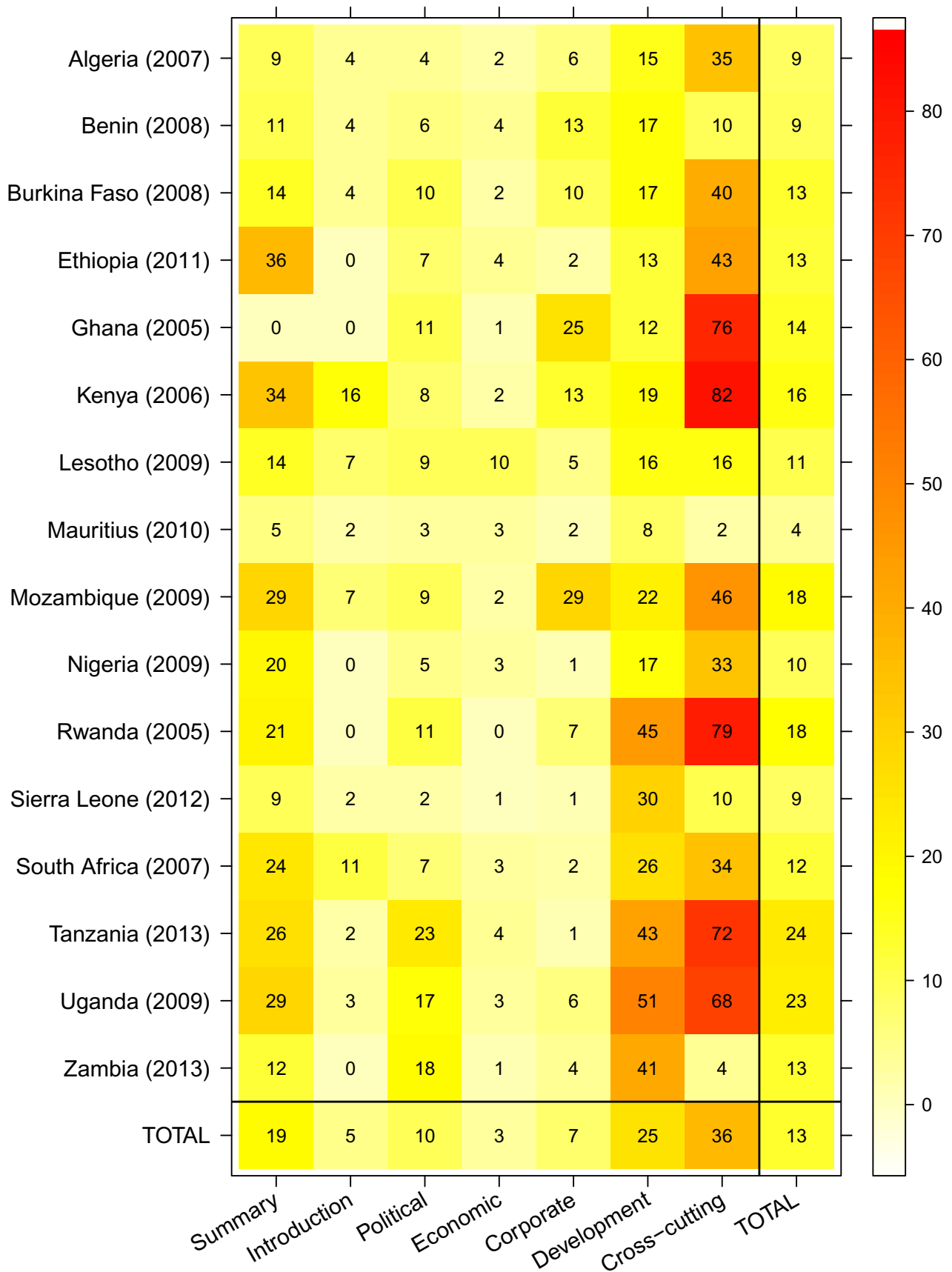
METHODOLOGY

The methodology employed for this discourse analysis involves text mining and content analysis. Text mining allows concepts such as the word 'land' to be extracted from a large quantity of text. The word 'land' was referenced 1 921 times in the 16 English reports. The summary of these results is presented in Figure 1, a 'heatmap' which summarises the differences between CRRs, highlighting which of them reference land issues most often and how they frame the issue from political, economic, corporate governance and socio-economic development perspectives. For the purposes of this paper, the scope of the review includes only those 16 English CRRs and excludes the Mali report, for which no official English translation could be obtained.

The focus of this analysis of the heatmaps will be on countries that either referenced land issues extensively in their reports or referenced them less often than would have been anticipated. The heatmaps show how often per ten thousand words 'land' is discussed. This way of measuring word frequency allows for comparison between chapters and reports of differing lengths. However, it is important to note that it does slightly distort a comparative view of those chapters which are traditionally longer (eg, the 'Democracy and Good Political Governance' chapter) as well as those reports which are longer, both of which will present a lower frequency per 10 000 words. Annexure B describes the detail of the text mining mechanism and how it has been applied to the papers in the EISA series.

Figure 1 contains the results of the text-mining exercise, showing which countries have mentioned land most and in which chapters within their reports.

Figure 1:
Word frequency analysis for 'Land' concept (occurrence per ten thousand words)



Countries with a high focus on land issues

Several countries focused comparatively more on land across the whole report than average. They were Tanzania (24 words per ten thousand), Uganda (23), Mozambique and Rwanda (18 each). In addition, several countries placed a particularly high emphasis on land, but in only one chapter. Among these were Kenya (82) in the 'Cross-cutting' chapter) and Ghana (76 in the 'Cross-cutting' chapter).

Countries with a low focus on land issues

Other countries placed a comparatively low emphasis on land in terms of word frequency. Among these were Mauritius (4 words per ten thousand) and Sierra Leone, Algeria and Benin (9 each).

Countries in which a greater focus on land issues might have been expected include:

- Nigeria (10 words per ten thousand), in particular given its very high population density (170 persons per square kilometre) relative to the sub-Saharan African (SSA) average in the same year of 36 persons per square kilometre (World Bank, 2015a) at the time of publication of its report;
- Lesotho (11), in particular in light of the high rate of urbanisation (2.02) relative to the SSA average of 1.43 (World Bank, 2015b); and
- South Africa (12), in particular in light of the fact that the country showed an explicit interest in land at the extraordinary session of the APRM Forum of Heads of State and Government in Benin in 2008 at which it presented its land reform policies as a standard of best practice. South Africa had, in fact, been invited to present its findings on best practices in combating xenophobia but deferred that discussion in favour of presenting its land practices and lessons learned.

These two groups (those with a particularly high or particularly low frequency of references to

land) will form the focus of the remainder of this paper.

Framing land issues

As a general observation on Figure 1, it is evident that land is predominantly discussed in the 'Concluding' or 'Cross-cutting' chapters (36 words per ten thousand) and in the 'Socio-Economic Development' chapter (25). The latter is to be expected because the question about land is found in Objective Four in the 'Socio-Economic Development' chapter of the questionnaire. Conversely, there was a very limited focus on land evident in the other chapters, in particular that on economics (3). The fact that the notion of land in the development paradigm of the APRM was contextually located within the socio-economic sphere probably informed the responses of the host governments to some extent.

EXPLAINING WORD FREQUENCY FINDINGS

Anomalies

A reading of the Mozambican report shows that a significant proportion of the references to land relates to land mines. While land mines do have an important implication for land use, the inclusion of all references to land mines arguably distorts the word frequency. Had all references to land mines been removed, Mozambique might have been more in line with average word frequencies. This anomaly highlights one of the limitations of text mining as a method and indicates why a qualitative analysis of these results is always advisable in a research context.

Other concepts discussed as a proxy for land

In certain reports land-related issues received considerably more attention than land. Of particular interest to this study are the concepts of agriculture and housing. These can arguably be seen as proxies for discussions on land, in particular in countries where higher frequencies might have been expected. For example, it can

be argued that Mauritius presents one of the anomalies in this sample because of the low focus on land, even in the context of very high population densities (631 persons per square kilometre relative to the SSA average of 37 in the same year)(World Bank 2015a) and the country's constrained land area. However, Mauritius focused more intensively on 'housing' than any other country in our sample (see Annexure C). With 41% of the population urban at the time of publication (World Bank 2015c) Mauritius has focused its attention on one particular land issue, namely the provision of free or subsidised housing and serviced plots through a national housing programme. Furthermore, the CRR explicitly notes how Mauritius has responded to its land and resource constraints by developing a service-based economy. Where land is discussed explicitly, this is largely in terms of land use planning, modernising land demarcation and administration and formalising land registration through a property titling programme. Similarly, South Africa and Algeria focused relatively highly on housing, in keeping with their large urban populations (61% and 65% respectively in the years in which their reports were published).

On the other hand, 'agriculture' featured comparatively highly, arguably as a proxy for land, in the assessments of Sierra Leone and Lesotho, which are predominately rural countries. Similarly, Nigeria focused on agriculture in one of its chapters, as per Figure C.1 in Annexure C.

SUBSTANTIVE REASONS FOR THE VARIATION IN FREQUENCIES AMONG CRRS

Timing of reports

Most of the countries whose reports contained the most frequent references to land either adopted the APRM early or their assessments were only published recently (between 2012

and 2013). Ghana (2005), Rwanda (2005) and Kenya (2006) were the first countries to publish CRRs.

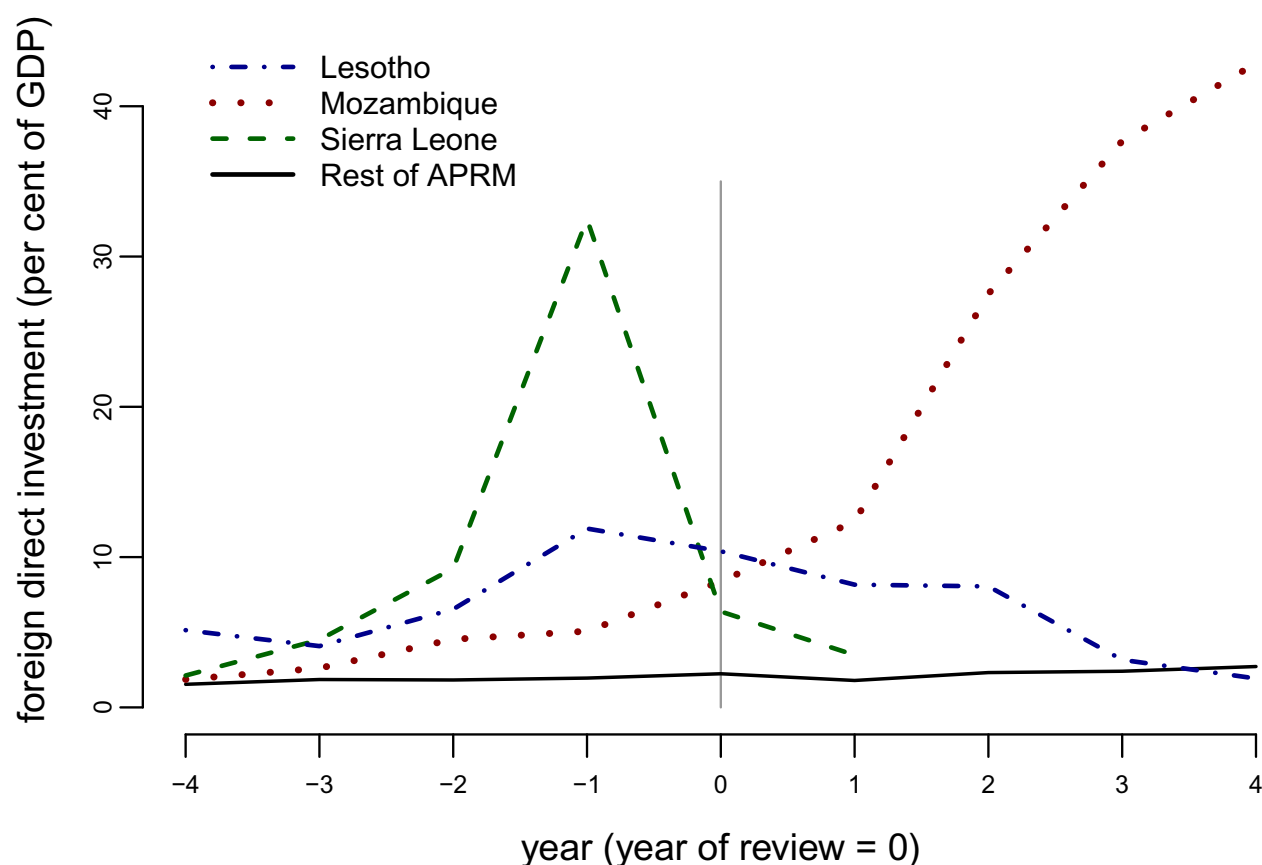
Tanzania's report (2013) was one of the most recently published, which may account for the increased focus on land, which became a considerably more important issue between 2005, when its peers in East Africa produced their CRRs, and 2013, when Tanzania produced its report. There was an exponential increase in filed land disputes in Tanzania up 2590% from 1 490 cases in 2004/5 to 40 088 cases by 2011 (2013, p205).

It is also evident from the shifting trends in the heatmaps that as the APRM's methodology was refined APRM institutions began to encourage member countries to look beyond the scope of the questionnaire to consider a broader number of issues in their review processes. In part this was a result of the recognition that the questionnaire should be updated as well as of other important changes on the continent (eg, increasing interest in and demand for Africa's mineral wealth in particular following the growth of the Indian and Chinese economies, the financial crisis in 2008 and the associated rise of emerging market economies). Thus it is evident that the timing of the reports influenced the frequency of references to land in the 16 reports available for this study.

Regional look

There is a high representation from East Africa in the group referencing land most frequently (four of the highest six). The only East African country in the sample that did not present an above average focus on land was Ethiopia. By contrast, only one of the five Southern African and West African countries is represented. Three of the top four countries to raise land issues in the 'Political' chapter were also East African countries. A reading of the East African reports suggests that these countries placed

Figure 2
Foreign direct investment as percentage of GDP



Source: Adapted from World Bank Databank (2015f)

particular emphasis on the link between land issues and conflict in their countries, noting land to be one of the issues most likely to result in conflict, even, in some cases, violent conflict (Tanzania 2013, p87). Rwanda noted that '[t]here is no greater flashpoint for national conflict in Rwanda than the land issue' (Rwanda 2005, p126). Furthermore, several East African countries noted how land issues undermined their attempts to address ethnic tensions or manage diversity (Rwanda CRR 2005, p126; Tanzania CRR 2103, p218; Uganda CRR 2009, p111; Kenya CRR 2006, p47). While conflicts associated with land are evident in all countries, the ethnic dimension of this conflict may be partially responsible for raising the profile of the issue in some of these East African countries in a way that racial, gender and class land-related

conflicts discussed in other assessments may not have done.

Another contributing factor potentially explaining the high focus on land in East African countries relates to increasing competition for land from foreign investors as well as from national governments establishing protected areas. A reading of the reports suggests that this issue was of particular relevance to Tanzania (CRR 2012, p224) and Uganda (CRR 2009, p135).

Imminent land use changes at the time of publication

Several of the countries with a high focus on land were urbanising more rapidly than the SSA average (urbanisation rate of 1.43 in 2013). Among these are Rwanda (4.54), Tanzania

(2.36) and Uganda (2.12) (World Bank 2015b, all country urbanisation rates are as per the date at the time they published their reports). However, Nigeria (2.10) and Lesotho (2.02) also had higher urbanisation rates than the SSA average but showed a relatively lower focus on land than might have been anticipated (World Bank 2015b).

Several of the countries identified for this analysis were experiencing new and rapidly expanding foreign investment at the time of their assessments. Mozambique was probably anticipating a significant injection of foreign capital at the time of publication. Foreign direct investment (FDI) as a proportion of gross domestic product (GDP) increased from 1.9% four years before the report was published to 8.4% in the year of publication and then to 42.8% four years after the report was published, as shown in Figure 2.

Other countries in the sample with significant and rapid growth in FDI four years or less prior to publishing their CRRs were Sierra Leone and Lesotho, although this did not translate into a high focus on land. On the other hand, Tanzania and Uganda showed only moderate growth in FDI within five years of publishing their reports but emphasised related issues, including competition between domestic and foreign investors for land and associated discrimination in favour of foreign investors as well as between investors and historical community land occupants (Tanzania 2013, p224; Uganda 2009, p135).

Significant concerns about land policy raised by the Country Review Mission

There was a high frequency of land references in those countries where the external Country Review Mission (CRM) made major policy or legislative reform recommendations. For example, in Mozambique, the CRM issued a strong call for a 'careful review of the current

land tenure system in the country in view of the obtaining economic situation' where the existing state-owned land tenure system was said to be a 'major hindrance to social and economic progress' (Mozambique 2009, p284).

In Uganda, new controversial reform processes were underway at the time the CRR was published, resulting in issues with the existing land legislation and policy framework being raised in the report (Uganda 2009, p266). Rwanda and Kenya where also undertaking significant legislative reforms at the time of their respective assessments (Rwanda 2005, p77; Kenya 2006, p245), while the Ghanaian report strongly recommended that a land policy review process in Ghana be expedited (Ghana 2005, p20). In each of these cases considerable discussion of the changes proposed ensued, which will have increased the word frequency in these reports.

Similarly, where major gender issues were raised with respect to land, there was repeated focus on them in the reports, accounting for some of the higher frequency of land issues. All reports considered land in terms of gender equity, looking at both the country's official position on women, land ownership and inheritance rights and at how these translated in practice. In most cases, a discrepancy was noted. However, additional concerns were raised about discrimination in terms of official land rights in Tanzania and Uganda. In the case of the latter, the CRR argued that Ugandan legislation excluded women from owning land, a point raised several times through the report (Uganda 2009, p77, p99, p270). This was disputed by the Ugandan Government in the comments section, but remained one of the key findings of the CRR (Uganda 2009, p317). Rwanda also placed particular emphasis on efforts to improve women's access to land (Rwanda 2005, p121).

Reasons for low frequency references

As stated above, Mauritius, Algeria, South Africa,

Lesotho and Sierra Leone focused on housing or agriculture as proxies for land issues. This argument does not apply as easily to Nigeria and Benin. In their reports housing and agriculture were discussed in a comparable way to that of others in the sample. There are, therefore, arguably other reasons for the low frequency.

The Benin assessment focused predominantly on three land-related topics, namely: (i) land disputes and the constraints faced in resolving these, (ii) the importance of land to attracting and supporting business and the associated constraints faced in the country and (iii) tenure issues, which have resulted in less than 1% of households having land certificates that secure them their tenure formally (2008, p210). These, together with the focus on finding ways to attract investment suggest that local citizens face a high potential risk of community-company conflict over land. It was notable that the socio-economic dimensions of this risk received little attention.

The Nigerian assessment presents as an exception to this review. Although the country was identified as having a low frequency focus on land, the actual number of references to land was not low (112 relative to the average of 120 words per report). This anomaly is explained by the length of the Nigerian report, which distorts the word frequency count. The CRR did focus on several land issues (eg, land as constraint to business investment, gender inequities). This notwithstanding, a reading of the report does show the analysis of land issues to be limited. In fact, the country's self-assessment report gave no information with regard to the only land requirement in the APRM Master Questionnaire, which related to supporting the access of citizens to land (Objective Four in the 'Socio-Economic Development' chapter, Nigeria 2009, p297).

This limited analysis of land seems inappropriate, especially in light of some very critical statements

from the external Country Review Mission. The report argued, for example, that land was a very serious issue in Nigeria, potentially even contributing to violence in high conflict areas such as Kano and the Niger Delta (Nigeria 2009). The Country Review Mission also noted that armed troops were 'deployed to quell communal resistance' resulting from 'expropriative and draconian laws' which vested all land in state hands (Nigeria 2009, p85). Statutory land rights could, however, be allocated to individuals at the discretion of state governors or local government in urban and non-urban areas respectively (Nigeria 2009, p305). This suggests that land should have been a particularly high profile topic in the Nigerian assessment, not just average or below average.

It is worth noting that the South African assessment also contained an average number of references to land (122) despite the country's low frequency on the heatmap. Again, this is explained by the length of the South African report.

A SUBSTANTIVE LOOK AT THE TREATMENT OF KEY LAND ISSUES

Although the APRM questionnaire only explicitly required CRRs to take a narrow viewpoint on land, the assessments generally covered a wide range of land topics, as described briefly below.

Land rights and security of tenure

Many African countries are dealing with very complicated land tenure and rights environments and have conflicting land policies and legislation. Most have both state-owned and privately-owned land, which are governed in different ways. For example, Algeria described a plethora of competing legislation governing state-owned land but a dearth of regulation about private land (Algeria 2007, p18). Algeria also noted issues related to the legacy of land having been nationalised after the colonial period, with some

citizens still claiming compensation for land losses at this time (Algeria 2007, p66).

Some countries still have colonial tenure models in place, often operating in parallel with other systems. For example, in Uganda, there are three tenure systems, namely the mailo, freehold and communal systems, several of which have links to 'Crown land' legacies (Uganda 2009, p264).

Formal laws and policies only present one aspect of the picture; informal practices such as customary laws, religious laws and historical user rights systems are also recognised as legitimate by the majority of citizens.

When differing formal tenure systems and informal systems work in parallel citizens may have differing levels of security of tenure. This is problematic, in particular where changing land uses have an impact on the ability and rights of local communities to use land to which they have historically had access. Land acquisition and associated resettlement processes have been on the increase, even since the early APRM assessments were initiated. A 2009 study of investments in agriculture in Africa, undertaken for the International Institute for Environment and Development (IIED), the Food and Agricultural Organisation of the United Nations (FAO) and the International Fund for Agricultural Development (IFAD), described an increasing number of large-scale land acquisitions by foreign investors supported by government. It was also noted that these were generally focused on high-value lands that were most often being used by local citizens (Cotula, Vermeulen, Leonard & Keeley 2009, p4). Similar trends are evident in the extractive sector.

Allocation and equity issues

Disparities in land ownership and usage rights raise an equity issue that undermines diversity management in terms of race, gender, ethnicity and class. Equity issues related to land allocation were raised by CRRs across the full sample. Two

high-profile examples are Rwanda and South Africa, post-conflict countries dealing with issues of redistribution and restitution following their 1994 genocide and 1994 transition from race-based minority rule, respectively. In the case of South Africa it is interesting to note that while a comprehensive land reform programme had been laid out with ambitious targets (eg, 30% of agricultural land to be redistributed to historically disadvantaged persons by 2014) (South Africa 2007, p260), there was a low frequency of references to either land or agriculture (see more for South Africa on agriculture in Figure C.1 in Annexure C).

Other equity issues raised focus on real or perceived discrimination against local communities in favour of big business or political interests and, similarly, discrimination against local investors in favour of foreign investment. These issues were raised in the Tanzanian, Ugandan and Mozambican assessments (Tanzania 2012, p224; Uganda 2009, p183; Mozambique 2009, p116).

Allocation and access issues

Gaining access to productive land is problematic, especially in countries with a scarcity of arable land. For example, Lesotho and Algeria noted that low and, in the case of Lesotho, decreasing, proportions of their land masses were arable (Lesotho 2009, p279; Algeria 2007, p286).

Algeria highlighted access to land as one of the major constraints to business in the country. It was reported that due to the very high demand for land rentals have to be paid two years in advance to secure business premises. A rental agreement must also be in place as a prerequisite for gaining access to credit (Algeria 2007, p208).

Several countries noted that citizens were constrained from securing access to land and others described high and increasing levels

of landlessness or land alienation amongst some of their most vulnerable citizens. The Tanzanian assessment, for example, presented data showing that the proportion of rural households holding official certificates of land ownership decreased from 7.1% in 2002/2003 to 5.8% in 2007/2008 (Tanzania 2013, p205). The APR panel reviewing the Tanzanian assessment cautioned against the argument that communities are better off effectively swapping land for jobs when big business displaces them to enable large development projects (Tanzania 2013, p225).

On the other hand, providing access to land for businesses is a prerequisite for many types of investments; investments that most African countries are aiming to attract. This has resulted in an increasing number of communities in Africa being affected by land acquisition and resettlement activities, as described above. Similar impacts on local communities are experienced when resettlement is required by public sector development initiatives (eg, the creation of new protected areas).

Internal displacement has become an issue not only due to resettlement processes but also because of changing weather patterns. In particular, Mozambique has experienced increasing numbers of internally displaced people due to flooding (Mozambique 2009, p271).

Allocation and administration issues

Most countries noted a range of issues related to land allocation and administration. There are among the countries different levels of sophistication in terms of their administration processes. For example, Mauritius identified a focus on modernising the management and administration sector and improving the monitoring of plot allocation (Mauritius 2010, p192). This suggests their current approach to land administration is operating better

than those of other countries which are still establishing land-specific institutional bodies or determining roles and responsibilities. Some countries, for example Algeria and Ghana, noted a focus on these matters in their CRRs where in Algeria a real estate and recuperating residual land agency has been instituted (Algeria 2007, p209) and in Ghana a new land bank (Ghana 2005, p91). Lesotho was struggling to determine under whose mandate land administration does and should fall. While Lesotho was not yet considering improving the systems of these agencies, the report did raise capacity issues as a constraint amongst stakeholders (Lesotho 2009, p74). Similarly, Mozambique was dealing with issues related to competing responsibilities because traditional leaders play an important role in administering land but do not have enforcement rights (Mozambique 2009, p129).

Corruption in land allocation, including reported cases of dual allocations, bribes, ignored allocations, speculation and land grabbing, were also reported in most countries, with the finger commonly pointed at national authorities.

Land uses

Discussions of various land uses (eg, agriculture, protected areas, mineral exploitation) often did not refer explicitly to the broader set of land issues. Only a small set of countries explicitly looked at the impact of land allocation and administration issues, for example, on land uses and the efficiency of decisions. Ghana (2005, p132), however, did observe that the fact that the land allocations process was managed by chieftaincies potentially undermined improvements in productivity. Lesotho also noted an explicit link between land issues, agricultural productivity and food security, stating that the country 'produces only 30% of the food required to feed its population in a normal year', in part because of land quality issues (Lesotho 2009, p43).

Land quality

The Lesotho assessment (2009, p61) explicitly identified the fact that increasing pressure on the land and associated decreasing productivity was a structural cause of conflict in the country. Soil erosion plays a major role in this problem – the amount of arable land has decreased from 13% to 9% in one generation (Lesotho 2009, p279). Several other countries also noted a reduction in arable land due to quality issues such as desertification (Algeria 2007, pp25, 261), soil quality (Rwanda 2005, p110) and a general deterioration (Kenya 2006, p245). In some of these countries the amount of arable land per capita was dropping both because of population growth and because of a real decrease in the proportion of arable land due to environmental issues. However, in general these issues were only raised by countries with very low and diminishing arability.

Uganda (209, p179) was one of the few countries that made a direct link between land issues and concerns about the environmental breaches of big business. In most other countries, environmental issues and sustainable development imperatives were discussed without explicit reference to land.

Land and livelihoods

Several of the countries identified themselves as having land dependent economies, even where agriculture did not necessarily comprise a notably high proportion of GDP. Lesotho (2009, p43), for example, said 76% of the population was land dependent even though agriculture only contributed 7.7% of GDP in the year in which the assessment was published (World Bank 2015e). In Rwanda a very high percentage (91%) of the population was dependent on land, largely because they were involved in subsistence agriculture as part of the informal economy (Rwanda 2005, p126). However, most assessments focused the economic dimension of their reviews

on the availability of a market for land and the importance of land as an asset providing surety for raising capital. This issue was raised particularly in two contexts – (i) where gender issues around the right to inherit were raised and (ii) in countries where all land was vested in the state (eg, Mozambique), thus undermining the availability of land markets. Most reports contained general statements about the importance of land to poverty reduction and growth, but there was limited further interrogation of this dependence.

Land conflict

Most countries recognised that land posed a potential conflict risk. Those that highlighted this risk more prominently were more likely to use the word more frequently in their reports, as described above. Two interesting counter examples are Algeria and Nigeria, both of which referred to land infrequently but both of which identified land as posing one of the most significant risks of conflict. The Nigerian assessment suggested that several armed conflicts affecting hundreds of thousands of citizens could be linked to land issues and that there were ethnic dimensions to these issues (Nigeria 2009, pp132-133, p136). Several reports highlighted existing mechanisms in place to resolve land disputes. For example, in Tanzania, a new mandate has been given to judges to administrate land disputes, which, together with the strengthening of land tribunals which have historically played this role, is helping the country to address such disputes (2013, pp65, 74). Benin (2008, p210), on the other hand, focused on issues with judicial mechanisms, noting that it was ‘not rare’ for land disputes to be before the courts for 15 to 20 years, with an average of four to five years.

CHALLENGES IN CONSTRUCTING A COHERENT ‘LAND’ STORY

While a wide range of land issues was presented in the reports, many reports failed

to present effectively a coherent assessment of the land issues faced by the country and the consequences of these. Instead, a high word frequency reveals the emphasis placed on the land issue by either the country's self-assessment process or the external Country Review Mission but does not reveal the depth and diversity of analysis of the problem. A reading of the historical reports shows that while land is raised for discussion in several places in a report, there is often considerable repetition of what the one or two core issues are perceived to be rather than an attempt to set out the core issues early, analyse the impact of the different issues on one another and suggest what the consequence are for other goals (eg, social stability, sustainable development, poverty and inequality reduction, improved food security, attractiveness of the country for investment). While some reports have sought to identify links between issues (eg, land and conflict, land and livelihoods, land for investment and as surety supporting access to other economic opportunities), in general this is not developed effectively in most reports.

Insufficient consideration of competing interests

Historically, the assessments have successfully presented different perspectives on the land issue in each chapter.

For example:

- Land references in the 'Political' chapter often focus predominately on policy issues and land-related conflicts and the associated dispute resolution mechanisms that have been put in place to address these;
- The 'Corporate Governance' chapter has focused on land-related challenges faced by business; and
- Land references in the 'Socio-Economic' chapter have focused on broader sustainable development issues faced

by communities, including living conditions, livelihoods, poverty, inequality and food security.

However, the interests represented in each of these chapters have, at times, been in conflict. For example, the Tanzanian, Ugandan, Lesotho and Rwandan CRRs recognised both the constraint land issues place on private sector growth and argued that private-sector land requirements are, or could be, undermining socio-economic goals (eg, Uganda 2009, pp312 and 135 respectively; Lesotho 2009, pp121 and 212 respectively). The assessments have often not effectively explored ways of reconciling such differing interests.

Similarly, there are competing interests among national, regional and local government stakeholders as well as traditional leaders who are mandated to be involved in certain aspects of the land process. The conflicts inherent in these shared responsibilities have been mentioned in many of the reports. However, the question of whether the different role players are equally empowered and capacitated to address the land issues they face was often not addressed. By way of example, many reports identified local land tribunals as the fora established to resolve land disputes. However, these may not be the appropriate platforms to respond to competition between local and foreign investors for land or conflict between the private sector and communities. These power disparities have not been explicitly addressed and considered in the assessments.

SIGNIFICANT GAPS IN THE DISCOURSE

Political dimensions

The following political dimensions of the land issue were generally not considered or explicitly discussed in the majority of the historical assessments: (i) stakeholder participation in decision making in land issues,

(ii) cross-border land issues, including border conflicts, cross-border opportunism and crime and land related impacts associated with illegal migration and (iii) demographic issues, including urbanisation, and how these change land use, availability and priorities.

Economic dimensions

As described above, even where agriculture was identified as a significant contributor to GDP or where local communities were shown to be highly land dependent due to subsistence farming, the assessments did not focus on land, the informal economies and how these supported food security and livelihoods. Rather, the economic assessment looked at the availability of a market for land and the importance of land as an asset providing surety for raising capital. This is arguably less important to the majority of land dependent citizens, who are unlikely to sell or mortgage their land.

Corporate governance dimensions

While some reports did reflect cursorily on land-related conditions that would support private sector growth and investment, very few looked at the counterpoint to this position, focusing on (i) clarifying private sector responsibilities in terms of land (eg, resettlement practices, compensation methodologies, etc) and (ii) the confluence of sustainable natural resource management (including minerals and oil and gas), environmental issues (eg, degradation, pollution, climate change) and land rights matters (eg, resettlement, compensation, indigenous rights issues). Mozambique was one of very few countries which explicitly drew a link between natural resource management and land management (Mozambique 2009, p94), while Tanzania was one of few that explicitly raised the need to achieve widely understood clarity about roles and policy frameworks guiding resettlement processes (Tanzania 2013, p48). These are, however,

important and of interest to many of the large private sector investors working in Africa.

Social dimensions

Most assessments focused their efforts on exploring the social dimensions of the land issue, including the importance of land to poverty reduction, livelihoods and living conditions. However, very few of the reports discussed the 'softer' topics, including (i) cultural, identity and legacy matters associated with land use and ownership, including but not restricted to indigenous peoples' issues, and (ii) health issues associated with land, including as a consequence of food insecurity, landlessness or environmental degradation. This, even when the reports did explicitly recognise these as important dimensions of the land issue.

CONCLUSION

In reviewing the CRRs of all the countries that have published APRM assessments in English, it becomes evident that land is highlighted as a critical issue facing many APRM member states. Some, however, focus on the land issue more extensively than others, as demonstrated in the heatmaps evaluated in this paper. East African countries show a high level of focus on land issues relative to their West and Southern African counterparts. There are many reasons for this, including the timing of the publication of the report, a focus on the ethnic aspects of land conflict and issues relating to increasing levels of competition for land.

A wide range of land-related topics is discussed in the reports, identifying different interests and perspectives on the matter. However, competing interests are most often not reconciled through the assessments, raising more questions than answers with respect to addressing land-related conflicts. Furthermore, issues are often not presented as a coherent story and are often not analysed in the type of

detail that would help in understanding the full suite of political, economic, business and socio-economic consequences of the land issues faced in the country.

Future reports will treat the land issue differently because of the new, updated master questionnaire issued by the APRM in 2013. While future reports will be guided to a more extensive assessment of land, several important observations arising out of the analysis of historical reports could be considered in future assessment processes.

RECOMMENDATIONS

- Several important land issues that are not explicitly referenced in the new questionnaire should be considered in future assessments, where they are relevant to the country (see Insufficient Consideration of Competing Interests, p11). In particular, there are important economic dimensions to land that are not yet captured in the new APRM questionnaire, related largely to informal subsistence economies and land dependent citizens who form the majority of the population in most of the countries reviewed.
- While some reports have sought to identify links between issues (eg, land and conflict, land and livelihoods, land for investment and as surety supporting access to other economic opportunities), there remain further opportunities to explore in future reports the implications and consequences of the core land issues for other priority areas, in particular: social stability, sustainable development, poverty and inequality reduction, improved food security, attractiveness of the country for investment, health and cultural enrichment.
- In addition to presenting the different perspectives on land within the four thematic chapters, future reports would do well to present a strategic view on how to balance these different interests in their reports, potentially in the 'Cross-cutting' chapter.
- In future, CRRs could pay special attention to explaining and analysing the formal mandates of different stakeholders as well as to where power sits in practice, considering this strategic view of responsibilities for land when discussing land conflicts and other land issues.

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ANNEXURE A

COMPARISON OF APRM'S ORIGINAL AND REVISED MASTER QUESTIONNAIRES

In 2013 a revised Master Questionnaire was issued with updated guidance for future assessments. Table A.1 shows a comparison between the old and new questionnaires and describes how CRRs

will need to address explicitly a variety of land issues across more of their chapters in future. No reports have yet been published by countries using the revised Master Questionnaire to inform their CRR format and content.

Table A.1
References to land in the old and new APRM questionnaires

	Democracy and Political Governance chapter	Economic Governance and Management chapter	Corporate Governance chapter	Socio-Economic Development chapter	Cross-Cutting chapter
Old Questionnaire				<ul style="list-style-type: none"> No explicit reporting requirement but reference to gender inequalities in relation to land ownership (Introduction); Provision of both land and shelter among other basic services to the poor, especially the rural poor (Objective Four) 	
New Questionnaire	To report on competition for land as part of the prevention and management of intrastate conflict (Objective Three)		Registration of property as indicator of effective regulatory framework under objective to promote an enabling environment for businesses (Objective 1)	<ul style="list-style-type: none"> Importance of stakeholder participation in directing resources in light of resource constraints including land (Conceptual Framework) Equitable division and efficient use of land to promote broad-based sustainable socio-economic development, especially in rural areas (Objective One – Question One); Importance of land and shelter as an indicator of socio-economic development (Objective One – Question Two) Land use (% forest, urban population living in slums) as measure of environmental sustainability (Objective One – Question Five) Enhanced access to land and housing as part of planning policies and strategies for reducing poverty and inequality (Objective Three – Question One) Access to resources including land considered in plans and strategies to address unemployment (Objective Three – Question Five) 	Land listed as an example of a common cross-cutting issue

ANNEXURE B

Method of deriving 'heatmap' graphics from APRM Country Research Reports using word stemming and clustering

Grant Masterson and Rod Alence

Each APRM country review culminates in a book-length report. Given the way these reports are compiled, and their proven accuracy and reliability in identifying critical governance issues in APRM member states, they warrant further examination. However, the length and technical language of the reports is often cited as a major obstacle to broader levels of engagement with their content. To address this, the Electoral Institute for Sustainable Democracy in Africa (EISA) piloted a text-mining methodology to simplify and disaggregated specific issues from the reports in a manner which, hopefully, enhances their utility.

Text mining reduces the reports to 'bags of words', whose frequencies can be analysed statistically. The first step was to capture the text from the 16 reports electronically and to 'clean' it – by, for example, removing all punctuation and numbers and deleting page headers and footers. Next the text was summarised in a word-frequency matrix showing how often each word occurs in each chapter of each report. Using this full list of words, paper authors compiled a list of words usually associated with their specific paper topic. For example, in the paper on 'Extractives and Mining', words pertaining to mining, oil, and resource extraction were conceptually grouped together under these three umbrella terms.

This allowed the paper authors to calculate the frequencies of these specific concepts within each chapter of each report. The frequencies, as raw word counts or as counts normalised

per ten thousand words of text, provide rough indicators of the degree of emphasis on the paper's key concepts. Note: Each time any of the grouped words is flagged in the text a result is returned as an instance of the main concept word (see Table 1).

The analysis is aided by the fact that all the APRM country reports have similar structures. All contain four core thematic chapters on key themes of the APRM: 'democracy and political governance', 'economic governance and management', 'corporate governance' and 'socio-economic development'. These core chapters are preceded by an introductory discussion of the APRM process and country background. In early reports the introductory material occupied a single chapter, but in later reports it spans two chapters. For ease of comparison, where it occupies two chapters the text is combined into a single document, called 'introduction' and treated as a single chapter. The core thematic chapters are followed by a concluding discussion of 'cross-cutting issues', findings, and recommendations. In early reports this concluding material occupied a single chapter, but in later reports it spans two chapters. Again, where it occupies two chapters these were combined into a single document, called 'cross-cutting issues' and treated as a single chapter. Each report also starts with an executive summary, which is treated as a chapter in its own right. All other front matter and appendices are excluded from the analysis.

Except for the first few reports published the word counts are reasonably consistent. The first two reports, on Ghana and Rwanda, are quite short, averaging only 36 000 words. The third, on Kenya, is 75 000 words. The average length of the other 13 reports is 99 000 words, with nine falling between 90 000 and 110 000 words, and the

Table 1
Paper topics and key concept terms by paper

Subject of paper	Author	'Concept' words (example)	Grouped words linked to 'concept' word
Land and the APRM	Lisa Van Dongen	Land	land landless
Gender and the APRM	Jacqui de Matos Ala	Female	female females girl girls woman women womens*
Extractives, Mining and the APRM	Rod Alence	Minerals	mineral minerals miners mines mining diamond diamonds gold tin coal aluminium copper iron quarrying
Elections, Conflict and the APRM	Michelle Small	Election	elect elected election elections elective electoral electorate vote voted voter voters votes vote voted voter voters votes voting

Subject of paper	Author	'Concept' words (example)	Grouped words linked to 'concept' word
Youth and the APRM	Melanie Roberts	Youth	youth
Government Responses to the APRM	Grant Masterson	Executive	Cabinet executive minister ministerial ministers ministry president Primeminister*

**punctuation is removed from the text to avoid data confusion prior to running the analysis.*

longest two being Mozambique (17 000 words) and Nigeria (114 000 words). The four thematic chapters account for nearly two-thirds of each report, averaging 65 000 words. Among these, 'democracy and political governance' is longest, averaging 21 000 words; the average in the other three – 'economic governance', 'corporate governance', and 'socio-economic development' – is slightly more than 14 000 words. The average number of words in the remaining chapters – 'executive summary', 'introduction', and 'cross-cutting issues' – is about 8 000 words.

The combined word count of all 16 reports (excluding front matter and appendices) is about 1 400 000 words. Three pages of typed, double-spaced text in a standard font equals about a thousand words. Using this as a rough approximation, the text analysed is roughly equivalent to 4 200 typed, double-spaced pages.

The final heatmaps illustrate the intensity of word occurrences by country and by chapter. The higher the frequency with which a word appears in a chapter, the darker that block will appear. Country chapters with dark red blocks are therefore those with the highest frequency of a word, while those with very pale yellow blocks have no or almost no references to that word. The use of the heatmaps themselves allows for a

unique and otherwise unattainable perspective on the contents of the 16 APRM Country Reports analysed. It is possible to identify trends in the occurrences of key concept words in the reports and, due to the thematically arranged structure of the reports, this provides the reader with additional perspectives on the context in which these words are being referenced.

However, caution should be exercised in reading too much into the heatmaps themselves. The brief given to all the authors in this series of papers was to view the heatmaps as an indication of which APRM Country Reports, and specifically, which chapters, warranted further examination with respect to the theme of the paper. The heatmaps are useful insofar as they point a researcher in the direction of interesting trends as well as unexpected (or expected) anomalies and outliers in terms of the referencing of a word within the reports. It is not possible to deduce the content of the reports from the heatmaps, simply which sections of which reports warrant specific referencing when examining specific issues such as those in this Occasional Paper series.

ANNEXURE C

In certain of the reports land-related issues received considerably more attention than land. Of particular interest to this study are the concepts of agriculture and housing. These can arguably be seen as proxies for discussions

about land, particularly in countries where one might have expected higher frequencies.

This annexure presents the word frequency analyses for 'Agriculture' and 'Housing'.

Table C.1

Words clustered under the 'agriculture' concept

Words	Word Frequency	Relative Frequency
Agrarian	13	0.0054
Agricultural	570	0.2375
Agriculture	547	0.2279
Agro	72	0.03
Arable	51	0.0213
Crop	35	0.0146
Crops	51	0.0213
Cultivated	13	0.0054
Cultivation	20	0.0083
Farm	50	0.0208
Farmer	15	0.0062
Farmers	187	0.0779
Farming	105	0.0438
Farms	35	0.0146
Food	532	0.2217
Forestry	47	0.0196
Pastoralists	17	0.0071
Soil	40	0.0167
Total	2400	1

Table C.2

Words clustered under the 'housing' concept

Words	Word Frequency	Relative Frequency
accommodation	38	0.0477
house	127	0.1595
houses	121	0.152
housing	409	0.5138
residential	24	0.0302
shelter	77	0.0967
Total	796	1

Figure C.1
Word frequency analysis for the 'Agriculture' cluster (occurrence per ten thousand words)

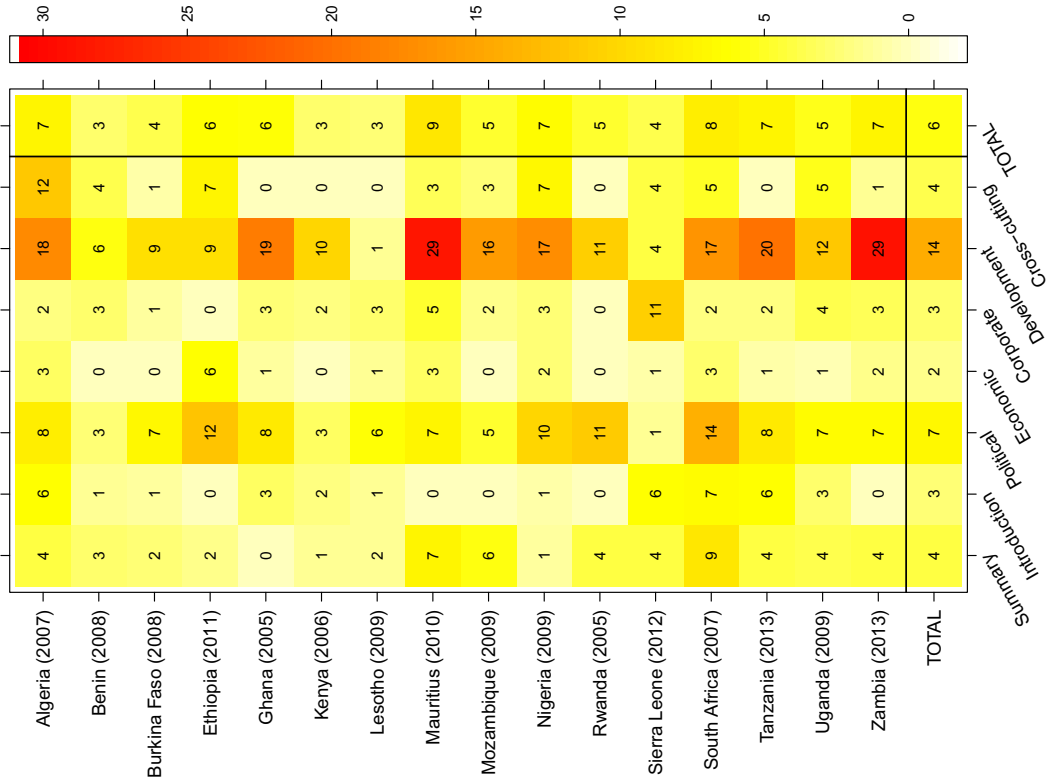
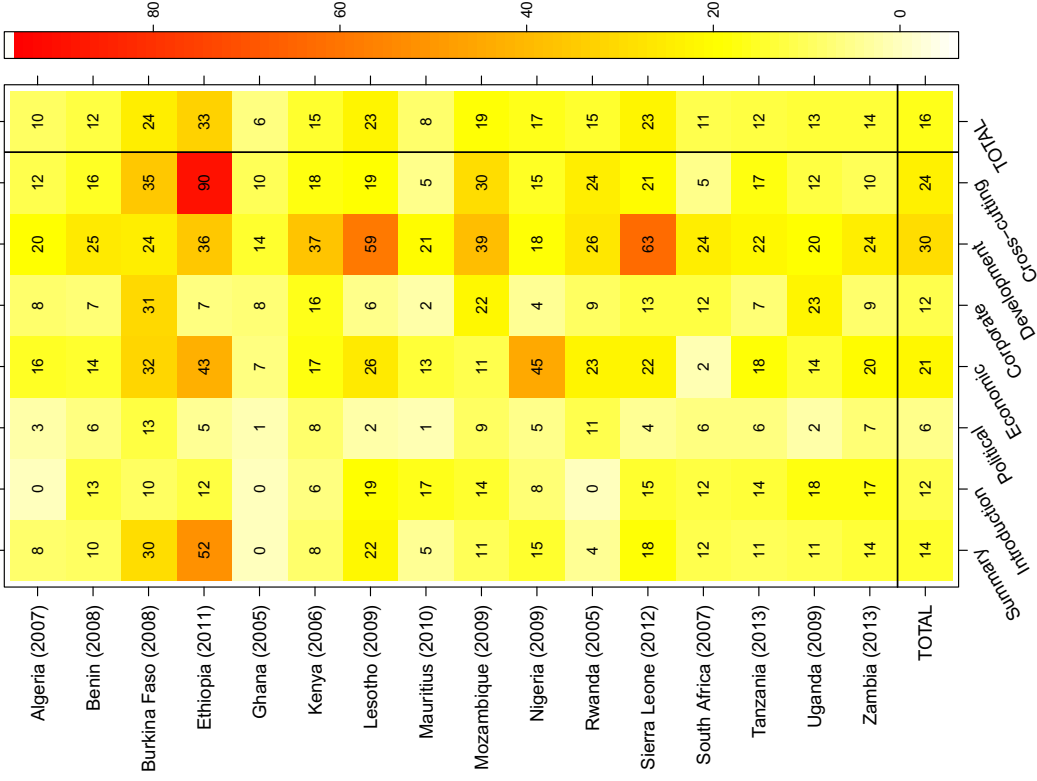


Figure C.1 shows which countries have mentioned 'agriculture' and in which chapters within their reports. 'Agriculture' was discussed 22% more than land. The graphic highlights several important trends:

Figure C.2
Word Frequency Analysis for 'Housing' Cluster (Occurrence per 10,000 words)



- **By country:** The average number of references to 'agriculture' across all of the reports was 16 words per ten thousand. There is a higher volatility between reports than was the case with land, where there are fewer examples of countries reporting on 'agriculture' within 30% of the average.
- Above average were Ethiopia (33), Burkina Faso (24) and Sierra Leone and Lesotho (23). Below average, with 6 and 8 words per ten thousand respectively, are Ghana and Mauritius. Also below average were a Algeria (10) and South Africa (11).
- **By chapter:** Like land, 'agriculture' is predominantly discussed in the 'Socio-Economic Development' chapters (30 words per ten thousand) and the 'Concluding/Cross-cutting' chapters (24). In addition, there is a similar level of focus in the 'Economic' chapters (21). This can potentially be seen as a substitute accounting for the low number of references to land in the 'Economic' chapters. A limited focus on 'agriculture' was evident in the 'Political' chapters (6).
- **By country and chapter:** A more nuanced look at the occurrence of references to 'agriculture' in different chapters and by country shows that, compared to the land cluster, a smaller number of countries treat 'agriculture' with relative intensity but in a more integrated way across their chapters. In addition to those of Ethiopia and Burkina Faso, the Mozambique report showed a relatively high focus on 'agriculture' in two or more of its chapters. Lesotho, on the other hand, presented a very high focus, but in only one chapter (59 words per ten thousand in the 'Socio-Economic Development' chapter).

'Housing' was discussed significantly less than land and 'agriculture'. Figure C.2 shows which countries mentioned 'housing' and in

which chapters. The graphic highlights several important trends:

- **By country:** The average number of references to 'housing' across all of the reports was 6 per ten thousand. There was a consistently low focus in most reports.
- Only Mauritius and South Africa were above average, at 9 and 8 respectively.
- Benin, Kenya and Lesotho were below average, with 3, and Burkina Faso and Sierra Leone with 4.
- **By chapter:** Like land and 'agriculture', 'housing' is predominantly discussed in the 'Socio-Economic Development' chapters (14 per ten thousand). In addition, there is a heightened focus in the 'Political' chapter (7). This is the only word cluster analysed which occurs significantly in this chapter. This is to be expected since the questionnaire explicitly asked about 'housing' in the 'Political' chapter. To some extent these references to housing potentially serve as a substitute for land references. Conversely, there is a very low reference to 'housing' in the 'Economic' chapter (2), even given the explicit reference to 'housing' in the questionnaire. The other notable case is that of Sierra Leone, which refers frequently to 'housing' (11) in its 'Corporate Governance' chapter.
- **By country and chapter:** As with land, there is a less integrated approach to discussing 'housing' in the chapters of the report, except in the case of South Africa, where there is a significantly high frequency in all but the 'Economic' and 'Corporate Governance' chapters. Aside from Mauritius and South Africa, other reports showing a concentrated discussion of 'housing' in one of the chapters are Zambia, Tanzania, Ghana, Algeria, Nigeria and Mozambique (all with more than 15 words per ten thousand).

About the Author

Lisa van Dongen is a freelance social sustainability consultant based in Johannesburg with experience working in the social, environmental and sustainability sectors. Through working on projects across various parts of Sub-Saharan Africa in the natural resource management sector, Lisa has been exposed to a range of both urban and rural land related issues. Lisa is also an accredited commercial mediator and has extensive experience identifying, understanding, managing and addressing complex social problems faced by both the public and private sector in their relationships with stakeholders, in particular community stakeholders. Lisa passed her Masters of Philosophy degree in Politics, Philosophy and Economics with a first class pass from the University of Cape Town in 2008. Her thesis research involved a discourse analysis of the Johannesburg Human Development Strategy.

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