
ADDRESSING LAND CORRUPTION IN AFRICA

**Recommendations based on the African Union's Land
Governance Strategy**

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INTRODUCTION

With a land area of 30.4 million square kilometres, Africa is the second largest continent on earth – large enough to accommodate the United States, India, Mexico, Japan and several European countries.¹ Comprised of 55 countries,² the continent has a population of nearly 1.5 billion people,³ which is the fastest growing globally.⁴ By 2050, it is estimated that “one in four people on the planet will be African”.⁵ Africa boasts of “24 per cent of the world’s agricultural land, and 17 per cent of the arable” land, yet is, paradoxically, the hungriest continent in the world.⁶ It is also at the “forefront of the land grab crisis in the Global South” for agricultural purposes, as well as the new “green grabs” in which governments and big corporations are acquiring large tracts of land for “dubious tree planting, carbon sequestration, and biofuel and green hydrogen schemes”.⁷ These scenarios point to one major reality: the centrality of African land to the continent’s broader development agenda.

These processes are taking place in a context where the continent’s land governance is “increasingly seen as a major challenge”.⁸ The weakness of governance institutions, “further reinforced by high levels of corruption”,⁹ is at the core of land governance challenges in Africa, alongside land grabbing and a disregard for human rights, among other issues.

This policy paper examines the land governance situation in Africa, with a focus on efforts by the African Union (AU) to address land corruption. The union is the principal intergovernmental body on the continent, through various regional initiatives, the latest being the AU’s 2023 Land Governance Strategy.

THE AFRICAN UNION

From the second half of 19th Century until the 1960s, Africa was predominantly under European rule.¹⁰ In 1963, a group of newly independent African states established the Organisation of African Unity (OAU) – conceptualised as the foundation for pan-Africanism at the continental level¹¹ – to coordinate the decolonisation and anti-apartheid struggles on the continent.¹² However, following the political independence of Africa and the end of apartheid in South Africa, the need to refocus the OAU’s mandate arose.¹³ This led to the birth of the AU in 2002 in Durban, South Africa, in line with the 1999 Sirte Declaration by the OAU Heads of State and Government.¹⁴ The AU was therefore created as a vehicle to drive the continent’s quest for “stronger unity, solidarity and cohesion in a larger community of peoples transcending cultural, ideological, ethnic and national differences.”¹⁵ These aspirations are reflected in the AU’s founding texts: the Constitutive Act of the African Union and the attendant Protocols,¹⁶ which stipulate the objectives, principles, organs and administrative aspects of the regional bloc.

Constitutive Act of the African Union

According to the Constitutive Act of the AU, the regional bloc’s objectives include promotion of international cooperation; democracy, popular participation and good governance; sustainable development; promotion of human rights, and harmonisation of national policies.¹⁷ These aspirations are reinforced by several principles outlined in Article 4, including the promotion of gender equality; respect for democratic principles, human rights, the rule of law and good governance; and the promotion of social justice to ensure balanced economic development. Article 5 of the Act establishes the organs of the AU, namely the Assembly of the Union; the Executive Council; the Pan-African Parliament; the Court of Justice; the Commission; the Permanent Representatives Committee; the Specialised Technical Committees; the Economic, Social and Cultural Council, and

the Financial Institution. These institutions play distinct but complementary roles for the realisation of AU's objectives.

In 2003, the AU developed a Protocol to the Constitutive Act,¹⁸ which added to the AU's objectives the need to ensure effective participation of women in decision making, especially in the political, economic and socio-cultural spheres.

While there is no direct mention of land in the Act, it is undeniable that land plays a critical role in the AU's aspirations and broader agenda – as spelled out in subsequent sections of this paper.

LAND CORRUPTION IN AFRICA: A REGIONAL LENS

Given that most of Africa's contemporary challenges – including climate change, rapid urbanisation, food insecurity, conflicts and water scarcity – have a strong land dimension, land has been “increasingly recognised as an important governance issue”.¹⁹ While the concepts of land on one hand, and governance on the other, are long established, their combination to create “land governance” is relatively new.²⁰ The concept of land governance deals with the “system of rules, processes and structures by which decisions regarding natural resources (i.e. land) are made, access to natural resources is regulated and conflicting interests are managed”.²¹ In its practical form, land governance is primarily a core state function which entails land cadastres, management, land-use planning, surveying, permit issuance, development and compulsory acquisition.²² It is essentially about how political, social and economic powers and relations are exercised in society by institutions in the land sector. Due to the interplay of power among various actors and institutions, good governance is critical for effective administration and management of the land sector.²³ Such governance is characterised by “accountability, transparency, affordability, participation, and easily accessible and accurate information”.²⁴ These principles, when applied to the land sector, provide a strong basis for addressing land corruption.

This section provides an overview of land corruption in Africa and the various regional frameworks established on the continent to promote good land governance and thereby strengthen anti-corruption efforts in the sector.

THE STATE OF LAND CORRUPTION IN AFRICA

Transparency International defines corruption as the “abuse of entrusted power for private gain”.²⁵ In Africa, corruption remains “a lingering issue in the governance and economic life” of most countries, with disastrous effects on social service delivery.²⁶ Transparency International's 2023 *Corruption Perceptions Index* (CPI) ranked Sub-Saharan Africa's average regional score at 33 out of 100 (0 being highly corrupt, and 100 very clean) – a continuation of the region's consistent poor performance in CPI reports over the years.²⁷ Due to its prevalence across many spheres of Africa, corruption has impacted the land sector, denying “people access to the land and resources they rely upon for their survival”.²⁸

Building on the broader definition of corruption, land corruption has been defined as “the abuse of entrusted power for private gain while carrying out the functions of land administration and land management”.²⁹ It has also been defined as the “abuse of power to claim, register, control or transact land”.³⁰ The magnitude of land corruption in Africa was exemplified in 2019 when the AU convened the Third Conference on Land Policy in Africa, in Abidjan, Ivory Coast, under the theme “Winning the Fight against Corruption in the Land Sector: Sustainable Pathways for Africa's Transformation”.³¹ The conference acknowledged that land corruption undermines cohesiveness and breeds conflicts on the continent.³²

Corruption in the land sector manifests in various ways and at different levels, including in the provision of land services such as surveying, registration and valuation.³³ It can also occur where powerful and wealthy individuals “corruptly and illegally claim lands of families and communities who have legitimate tenure rights”.³⁴ Most large-scale land acquisitions on the continent fall short of established global standards such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs), and are characterised by lack of transparency, accountability and participation.³⁵ A recent

assessment of the implementation process of the AU agenda on land revealed that poor land governance, characterised by corruption, was among the key challenges encountered.³⁶

The 2022 Global Real Estate Transparency Index – a biennial guide for international real estate investors, lenders and corporate occupiers – assessed 15 countries in Sub-Saharan Africa and four in the Middle East and North Africa (MENA).³⁷ In Sub-Saharan Africa, seven countries (Angola, Ethiopia, Ivory Coast, Mozambique, Senegal, Tanzania and Uganda) were ranked “Opaque”; four (Ghana, Nigeria, Rwanda and Zambia) were ranked “Low” transparency; three (Kenya, Mauritius and Botswana) were ranked “Semi-transparent”; and only one (South Africa) was ranked “Transparent”. In the MENA region, Morocco and Egypt were ranked “Low”, while Tunisia and Algeria were ranked “Opaque”. No African country made it to the “Highly Transparent” category. This further demonstrates how transparency, accountability and integrity continue to elude Africa’s land governance systems.

A 2024 report by Transparency International exposed the discriminatory effects of land corruption in Africa.³⁸ Based on case studies from seven African countries, the report showed that land corruption heightens discrimination and marginalisation, has disproportionate effects on women and marginalised groups, results in injustice, and impedes the efficacy of equality measures.³⁹

With land corruption a reality in Africa, it is unsurprising that the AU has over the years highlighted the need for transparency and accountability through several land governance frameworks developed in the region. These are discussed in the next section of this paper.

REGIONAL FRAMEWORKS TO ADDRESS LAND CORRUPTION

Land is central to the attainment of the broader AU development agenda, which includes issues related to food security, climate change, agriculture, and peace and security.⁴⁰ Since the 2000s, strengthening land governance has been one of the regional bloc’s priorities.

In 2006, the AU established the African Land Policy Centre, initially known as the Land Policy Initiative, to support the “implementation of the AU Agenda on land and global initiatives”.⁴¹ The centre coordinates land policy support across AU member states. Three years later, the AU launched its Declaration on Land Issues and Challenges in Africa,⁴² and resolved to lead land policy development, strengthen land governance institutions and allocate adequate budgetary resources for policy development, implementation and monitoring. While no express reference is made to land corruption, the declaration speaks to establishing sound laws and effective institutions, which are critical for ensuring transparent and accountable land governance.

In 2010, the AU developed the Framework and Guidelines on Land Policy in Africa,⁴³ which underscore the need for popular participation in land policymaking – especially in contexts where land can be used as “a means of accumulating and dispensing political and economic power and privilege through patronage, nepotism, and corruption”.⁴⁴ This is arguably the first time that corruption is expressly observed as part of the land governance context in the region.

The significance of transparent and accountable land governance was also manifest in 2013, when AU Heads of Government signed the “Agenda 2063: The Africa We Want” as the AU’s “blueprint and master plan for transforming Africa into the global powerhouse of the future”.⁴⁵ The agenda comprises 20 goals, some of which have a strong land dimension, including quality of life and wellbeing (AU Goal 1), agriculture (AU Goal 5), the environment (AU Goal 7), peace and security (AU Goal 13) and gender equality (AU Goal 17). Good land governance has been highlighted as a prerequisite for attaining these aspirations.⁴⁶

Another important milestone occurred in 2014, when the AU developed the Guiding Principles on Large-Scale Land-Based Investments.⁴⁷ The guidelines emphasise the need for transparency and accountability in land-based investments, and provide for mutual accountability, good governance and transparency in decision making. In 2023, the AU launched its Land Governance Strategy. This represents the most recent attempt at streamlining land governance in Africa, by establishing a clear roadmap for realising the AU land agenda as enshrined in the various instruments in the region. The strategy expressly recognises corruption as one of the challenges in land administration and service delivery, and highlights measures for tackling it, detailed in the next section of this paper.

As land governance is part of the broader governance equation in Africa, the above frameworks feed into and complement other anti-corruption frameworks on the continent – notably, the AU Convention on Preventing and Combating Corruption.⁴⁸ Africa’s primary anti-corruption instrument, the convention expresses concern about the negative effects of corruption on the continent’s social, cultural and economic stability. The AU Convention is touted as unique among other anti-corruption instruments for containing mandatory provisions on private-to-private corruption,⁴⁹ as well as mandatory requirements for declaration of assets by designated public officials, and restrictions on immunity for public officials. Given that land or real estate are among the assets into which dirty money can be channelled in Africa,⁵⁰ these provisions are relevant to the land sector. The convention also provides broader anti-corruption measures which can be applied to enhance transparency and accountability in the land sector in Africa.

THE AFRICAN UNION LAND GOVERNANCE STRATEGY

The AU Land Governance Strategy was launched in November 2023 at the sidelines of the Third Conference on Land Policy in Africa at the AU Headquarters in Addis Ababa, Ethiopia. The strategy symbolises the collective commitment of AU member states, private-sector players, civil society and development partners to strengthen land governance for sustainable development in Africa. It is a reinstatement of the critical role that land plays in the continent's socioeconomic transformation, in line with the AU Agenda 2063.

OVERVIEW OF THE AU LAND GOVERNANCE STRATEGY

The AU Land Governance Strategy envisions “a continent where land is responsibly governed, equitably distributed and sustainably used for the benefit of citizens of the Member States to ensure inclusive development while reducing the adverse impacts of land use on humans and the environment”.⁵¹ Its goal is to “ensure that land is equitably governed, with secured land rights and tenure for all to have sustainable livelihoods, human settlements, ecosystems and socioeconomic development in Africa”.⁵² The strategy consists of 11 guiding principles, five strategic objectives, 14 strategic outcomes and 67 strategic actions. It also contains an elaborate stakeholder analysis, a communications plan and an implementation plan. While the strategy addresses several land governance issues, this paper focuses primarily on aspects that promote transparency and accountability, as the basis for anti-corruption efforts in the land sector.

Anti-corruption in the AU Land Governance Strategy

The AU Land Governance Strategy recognises corruption as a persistent challenge in land administration and service delivery, and therefore contains provisions that have an anti-corruption focus. The strategy's rationale highlights one of the complexities of the land debate in Africa as a “lack of transparency and accountability within land administration systems”.⁵³ The strategy describes corruption in the delivery of land services as a “multi-faceted problem” which manifests in many forms, including “hidden deals between private investors and local authorities, citizens being forced to pay bribes for basic land services, sexual extortion of women to have access to land, unaccountable land planning,” among others.⁵⁴ Its guiding principles include transparency and openness in land administration institutions; participation and consultations with local communities or affected people; accountability and integrity in resource management, and implementation of uniform service standards in the land sector.⁵⁵ In its theory of change, the strategy highlights the lack of “decentralised, well-functioning and transparent land administration systems” as one of the issues it aims to tackle.⁵⁶

In terms of strategic actions, some address land corruption directly. For example, under Strategic Objective 4.5.2, Outcome 5, on the domestication of global land governance instruments, the strategy urges AU member states to implement transparent compulsory land acquisition processes, and to “enforce measures against corruption in the land sector” to “advance good service delivery”.⁵⁷ Under Outcome 7, on decentralised, cost-effective, transparent and responsive land administration systems, Strategic Action 9 calls on member states to establish accountable governance structures for customary land. Outcome 8, on large-scale land-based investments, requires member states to implement regulations that incorporate globally and regionally recognised standards like the VGGTs and the AU Guiding Principles.

Overall, the strategy makes clear that the AU appreciates the magnitude of corruption in the land sector as an issue which has stifled the delivery of land services and attainment of the regional bloc's broader development agenda.

Anti-corruption progress

The AU Land Governance Strategy is a progressive text which provides further momentum to the existing frameworks for addressing land corruption.

- *Recognition of land corruption*

In Africa, most land governance texts and interventions have focused mainly on land rights documentation, institutional capacity building, and legal and policy reforms.⁵⁸ While there has been reference to transparency and accountability in these instruments, addressing corruption has often been omitted. It is therefore commendable that the AU Land Governance Strategy expressly recognises corruption as one of the continent's land governance issues. This is a positive step that will guide all land-related interventions in the AU.

- *The role of civil society*

The strategy also recognises the need for civil society "to see the principles of good land governance exhibited by AU Member States".⁵⁹ Good land governance is upheld by several principles, including transparency and accountability in land administration and management, which call for anti-corruption measures to close the loopholes for corruption in land administration and management. The strategy thus gives anti-corruption activists a strong normative foundation and legitimacy to engage with and monitor the implementation of anti-corruption measures in Africa's land sector.

- *Corruption in customary land*

Customary tenure is the predominant landholding system in Africa. However, given its complexity, ambiguity and – in some cases – lack of recognition in law or contradiction with existing laws, it is a system particularly vulnerable to corruption. Some studies have cited corrupt dealings by traditional authorities when handling customary land matters in countries such as Malawi.⁶⁰ Even though there is prevalence of corruption in customary law, anti-corruption discourse in Africa is mainly premised on land administration processes which apply to registered land, such as adjudication, surveying, registration or valuation. The AU Strategy goes beyond previous initiatives by recognising corruption in customary land governance. Explaining the multi-faceted nature of land corruption, it cites an example of "customary laws that deny women and minorities land rights".⁶¹ Additionally, the strategy urges AU member states to "establish responsible and accountable governance structures for customary/indigenous lands that ensure security of tenure for all land users".⁶² This is a positive move which opens traditional land governance systems to anti-corruption scrutiny, which has to date applied only to public land administration entities.

- *The place of technology*

The strategy highlights technology as one of the "critical tools to address natural and environmental challenges", including through "digital solutions to improve land administration and management".⁶³ It urges member states to leverage existing and future technologies to improve land governance, and provides a detailed implementation plan which champions innovative approaches to land governance. While the growing digitisation of land administration processes in Africa is still in the early stages, the potential it offers for enhancing transparency and accountability is high. This presents an opportunity for member states and civil society actors to design digital tools that incorporate anti-corruption measures, contributing to transparency and accountability in the land sector.

Room for improvement

While the strategy has commendable provisions that can be leveraged to address land corruption in Africa, there is still room for improvement.

- *No clear-cut measures*

Despite recognising corruption as a key issue in land governance, the strategy does not prescribe concrete anti-corruption measures that AU member states can take to tackle it. Although national contexts might vary across member states, the strategy should have provided overarching or broad strategic actions aimed specifically at addressing land corruption on the continent, which member states can draw inspiration from and customise to their national contexts.

- *Management of government or public land*

Governments across the world control large tracts of land. Africa is no exception, with its governments holding land including game reserves, public parks, public schools and wetlands. Under the public trust doctrine, these essential resources are “vested in the state, as the sovereign, in trust for the people”.⁶⁴ In other words, governments hold this land on behalf of, and for the benefit of, their citizens. However, given that the power to allocate this land has strong economic and political significance, it is highly susceptible to undue influence and corruption.⁶⁵ Reports show that as recently as 2010, governments in countries such as Madagascar, Kenya and Ethiopia colluded with transnational corporations to lease public lands, to the detriment of their citizens.⁶⁶ However, the AU Land Governance Strategy is silent on this issue, and does not highlight it in its contextual analysis.

- *Gender and land corruption*

In explaining the manifestations of corruption, the AU Land Governance Strategy highlights “sexual extortion of women to have access to land”. Given the patriarchal nature of most of Africa, it is more likely that men hold positions of power over women in the land sector, which disproportionately exposes women to sexual corruption.⁶⁷ This major form of corruption affects not only women in all their diversity, but also marginalised communities, leading to discrimination. The AU Strategy should employ a more targeted approach in ensuring member states work closely with women’s rights organisation and marginalised groups. It is therefore imperative for the AU to take this into account, considering the high gender disparity in the enjoyment of land rights by these communities, and the ways in which corruption affects women and other marginalised groups disproportionately.

- *Monitoring and evaluation challenges*

The strategy does not include a monitoring and evaluation plan to ensure systematic tracking of milestones and indicators. A detailed plan would have clarified targets. While Strategic Objective 5 provides for the operationalisation of the AU Monitoring and Evaluation of Land in Africa (MELA) framework, this has not yet taken place. This implies that the strategy lacks clear indicators for tracking progress.

RECOMMENDATIONS

Given the above analysis, Transparency International makes the following recommendations:

THE AU COMMISSION

Based at the AU Headquarters in Addis Ababa, Ethiopia, the AU Commission is the regional bloc's secretariat, tasked with handling the union's daily activities. Its mandate includes liaising with AU organs to "guide, support and monitor the AU's performance to ensure conformity and harmony with agreed policies, strategies, programmes and projects". The commission also assists member states in implementing AU programmes. In this regard, we call on the AU Commission to:

- Urge the heads of state and governments to direct line ministries responsible for land to establish anti-corruption measures aimed at preventing and tackling land corruption at the national level. These can include reforming existing policies and laws; publishing accessible, up-to-date land information; streamlining institutional mandates in the land sector for cohesive service delivery, and adhering to globally recognised standards for consultations and participation.
- Design programmes that can be implemented by member states to enhance transparency and accountability in the land sector.

AFRICAN LAND POLICY CENTRE

The African Land Policy Centre (ALPC) facilitates "effective partnerships, dialogue and capacity building for participatory and consultative land policy formulation and implementation, as well as efficient and transparent land administration in both customary and statutory jurisdictions".⁶⁸ For purposes of tackling land corruption, we call on the ALPC to:

- Undertake further research on the phenomenon of land corruption in Africa, to identify trends and guide strategic actions by the AU and its member states.
- Design, pilot and implement land corruption risk mapping tools for assessing the vulnerability and susceptibility of Africa's land governance systems to corruption.
- Map and scale up best practices on transparent and accountable land governance in Africa, and promote these practices within member states.
- Build member states' capacity to address land corruption and share experiences on successful strategies and best practices.
- Establish the proposed Monitoring and Evaluation of Land in Africa (MELA) system for tracking progress.
- Include land corruption information in proposed annual reviews of the Land Governance Strategy.

AU ADVISORY BOARD AGAINST CORRUPTION

Created under Article 22 (1) of the AU Convention on Preventing and Combating Corruption, the Advisory Board against Corruption (AU ABC) is broadly mandated to address corruption and related themes in Africa. It seeks to "promote and encourage the adoption of measures and actions by member states to prevent, detect, punish and eradicate corruption and related offences in Africa". It also follows up on the application of those measures and regularly reports to the Executive Council on the progress each state party has made in complying with the

provisions of the AU Convention on Preventing and Combating Corruption. In this context, we implore the AU ABC to:

- Include land corruption in its thematic focus and consequently report on steps the State Parties are taking to prevent, detect, sanction and eradicate it.
- Apply sanctions for land corruption and enhance international cooperation between states in criminal prosecutions related to such corruption.
- Partner with African civil society organisations to facilitate dialogues with the public to fight land corruption.

REGIONAL CIVIL SOCIETY ORGANISATIONS

Civil society broadly includes non-governmental and community-based organisations at the international, regional and national levels, as well as academia. In this context, civil society seeks to ensure the implementation of good land governance principles. We call on civil society to:

- Partner with the ALPC to create awareness of land corruption among AU member states.
- Undertake further research and generate evidence on the magnitude, manifestations and effects of land corruption in Africa.
- Conduct advocacy for the establishment of effective anti-corruption measures in Africa's land sector, especially at the national level.
- Develop, pilot and promote tools for preventing, detecting, punishing and eradicating land corruption, in partnership with ALPC.
- Establish thematic working groups dedicated to addressing land corruption in Africa, to leverage the collective power of civil society.

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