This document details the methods used to estimate the total indigenous and community lands in Africa (formally recognized and not formally recognized), and the percentage of those recognized as owned or formally designated for community occupation and use.

General Notes:


2. **Indigenous and community lands combined.** No distinction is made between community lands as customarily held by Indigenous Peoples (self-identification) or the customary lands of other communities in Africa.
3. **Area estimates of total community lands are conservative.** For example, many Terrestrial Protected Areas (TPAs) overlap community lands and subtractions from this sector are only exceptionally made (see details below). No account is taken of community lands that communities consider to be their customary property but which are now subject to statutory private title.

4. **Percentages apply strictly to lands.** Many coastal and lakeside communities include foreshores and waters in their community land areas. These are not included.

5. **Plural sources for findings.** Analysis draws from periodically updated research of the assessor over many years and multiple documentation sources including government documents, donor studies and reports, land governance assessment framework studies (‘LGAF’ or ‘CAGF’) as carried out under the guidance of The World Bank, published and unpublished research papers, and personal communication. Space only allows for the most recent sources accessed to be recorded in country notes. Reviews against Indicators of the Legal Security of Indigenous and Community Land data on LandMark may be referred to for more precise legal information on the status of community lands in 17 countries, Legal reviews for a further 10 states will be posted by January 2016.

6. **Information is under periodic review.** Findings are current as of 1st October 2015 based on research conducted over 2014-2015. More information improving reliability of figures is continuously coming out. Dated additions and adjustments will be made periodically.

7. **Comparison with RRI information.** Data from 24 countries in Africa estimating how much community land is designated for or owned by communities has been contemporarily compiled and published by Rights and Resources Initiative, September 2014. *Who Owns the World’s Land? A global baseline of formally recognized indigenous & community land rights,* Country notes below record if findings from this research are similar and briefly explain differences. A consistent difference stems from the use of a different baseline for country area (RRI does not exclude inland water bodies). Information is provided for an additional 27 African states not covered by RRI.

8. **Two sets of data are provided.** These are:
   a. Total community lands whether formally recognized as community property or not.
   b. Community lands that are recognized as owned or that have been designated for community occupation and use.

   The methods used for estimating each are detailed in the section below.

9. **Estimates are presented per country.** Estimates are detailed in the section below along with relevant notes. Countries are sorted by region and country name, using the UN division of the World (including adjustments as needed for data presentation).
METHODS

METHODS USED FOR ESTIMATING COMMUNITY LANDS AS PERCENTAGE OF COUNTRY AREA

Results refer to all lands presently held, occupied and used by rural communities under community-based tenure (customary tenure), irrespective of the legal status of those lands. Two methods are used.

Method #1: Official Data

This method is used for 12 countries where community land is officially denoted as a distinct land category and for which data on area are also officially available. This includes Botswana, Gambia, Ghana, Kenya, Malawi, Morocco, Namibia, Senegal, South Africa, Swaziland, Tanzania (Mainland), and Zimbabwe.

Notes:

i. Designation of a category for community lands (variously named as tribal, communal, customary, terroir, village lands, etc.) does not necessarily signal legal recognition of these lands as owned by communities. In many cases these domains are vested in the state or state agencies and indicate domains that communities may occupy and use within limits and on terms specified by legislation.

ii. Official figures for community lands tend to be sustained in government and donor reports despite alienation through privatization into non-community derived rights. Official figures for community lands may therefore be greater than exist in practice in 2015.

iii. Contrarily, official figures for community lands frequently exclude known community lands within Terrestrial Protected Areas (TPA) (overlapping tenure). Overlap in figures for community lands and private lands may also exist where lands have been titled to communities or to individuals.

Method #2: By Exclusion of Non-Community Land Classes

This method is used for all countries other than the 12 countries listed under Method #1. It is acknowledged as approximate but provides indicative figures. The method involves GIS spatial analysis combined with expert knowledge to estimate area of community lands by excluding other known non-community land areas. Excluded areas are:

a) The total area of Terrestrial Protected Areas (TPA). Data source is: UNEP-WCMC, UNEP, and IUCN. World Database on Protected Areas, downloaded from protectedplanet.net, December 2013. Refer to country notes where adjustments have been made to these published figures in 16 countries. Changes were minimal in 10 cases. Compilation of these data is by Katie Reytar, WRI.


c) Rural Public Service Land. Lands defined as public, state or government lands are not excluded because this is the domain within which there is most overlap with community lands. Additionally, by area a major overlap affects the TPA sector, excluded as above. Nevertheless, to ensure that estimates of community lands are conservative, a standard 1% of
country area is excluded to cover rural public service lands (railways, roads, airports, dam structures, etc.). Compilation of these data is by Fabrice Dubertret for LandMark.

d) Private lands, Rural lands under registered statutory entitlement are excluded. The area is calculated using one of two approaches:

1) Using official figures:
Official figures of private lands are retrieved for 12 countries: Algeria, Central African Republic, Chad, Comoros, Ivory Coast, Egypt, Gabon, Mauritius, Mozambique, Nigeria, Rwanda and Zambia. Sources include government and donor reports, published research papers, and personal communication with informed nationals with access to official figures. Note that some figures are only best estimates by Governments. Note also that some official figures include titles issued to individuals or families in the community lands sector, or

2) Using estimates based on indicative reports or other figures:
This was used for 27 countries with variations as below based on indicative information:

a. Relatively high figures are calculated for Liberia, Seychelles and Uganda,
b. A standard estimate of 10% was used for countries where private titling in the rural domain is known to be significant but with insufficient information to give a nearer figure: this was used for Angola, Cape Verde, Ethiopia, Guinea Bissau, Madagascar, Somalia and Sudan,
c. A standard estimate of >5% was used for: Cameroon, Democratic Republic of Congo, Equatorial Guinea, Mali, Togo and Tunisia,
d. A standard estimate of >2% was used for: Benin, Burundi, Eritrea, Guinea, Lesotho, Mauritania and Republic of Congo,
e. A standard estimate of <1% or less was used where it is known that very few private titles have been issued outside urban areas: Burkina Faso, Libya, Niger and South Sudan,

Notes:

i. No official figures or estimates of private lands were used to calculate community lands for countries where official figures exist for community lands as per Method #1 above. [Nevertheless official figures for private rural lands are available and recorded elsewhere for 10 of the 13 countries listed under Method #1 above],

ii. No attempt was made to estimate area of privately titled land in Djibouti and Sao Tome and Principe, or for the four dependent territories in Africa [Mayotte, Reunion, Saint Helena and Western Sahara],

iii. Where estimates of private land are used, these estimates are deliberately generous to minimise over-estimation of community lands.
METHODS USED TO ESTIMATE PERCENTAGE OF COMMUNITY LANDS RECOGNIZED AS OWNED LANDS IN THE COMMUNITY LAND SECTOR OR DESIGNATED FOR COMMUNITY BASED OCCUPATION AND USE.

The sources for these estimates are:

1. Direct examination of the terms of national land laws. As of 1st October 2015 this has been carried out for 40 states: Algeria, Angola, Benin, Botswana, Burkina Faso, Cameroon, Central African Republic, Chad, Ivory Coast, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Namibia, Niger, Nigeria, Republic of Congo, Rwanda, Senegal, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Swaziland, Tanzania (and Zanzibar), Togo, Uganda, Zambia and Zimbabwe.

2. Assessor’s research. This includes country experience and research accumulated over 25 years.

3. Documentation. Several hundred official reports, policy statements, donor, INGO, NGO and land project reports, research papers, and personal communications have contributed to review, Recent Land Governance Assessments conducted by country teams have been especially informative, as available at: http://web.worldbank.org/WSBSITE/EXTERNAL/EXTDEC/EXPRESEARCH/EXTPROGRAMS/EXTARDR/EXTLGA/o_contentMDK:23378317-pagePK:64168445-piPK:64168309-theSitePK:763045.00.html or as available in draft to this researcher. Among other sites, helpful background information has often been provided by USAID country profiles (2010) at: http://usaidlandtenure.net/country-profiles and Factsheets produced in 2012 by LANDac, the Netherlands Academy on Land Governance for Equitable and Sustainable Development at: http://www.landgovernance.org/resources_type/factsheets/

Only the most recent or pertinent resources are cited due to space limitations.

Notes:

i. Secure ownership or occupation and use are combined. Although these represent different degrees of protection, data on community lands formally recognized as owned and formally recognized as legal occupation and use (but not ownership) are combined in this data set. Country notes give more information.

ii. Not all community land is collective property. Community lands refer to lands subject to community based tenure jurisdiction, referred to as customary land tenure in Africa, Not all lands and resources within these community domains are, by tradition, or presently, owned collectively by community members (commons). Family tenure is a prominent norm in some states, as defined and sustained by community-based norms. Many community lands comprise parts under private possession and other lands owned in common, Country notes indicate where only homesteads or farmlands have been secured.

iii. Formal recognition exists along a continuum. Broadly, this extends from national laws which recognise customary land rights as property interests with equivalent force and effect as given to rights derived from non-customary tenure (statutory entitlements), to national laws which recognize customary rights as lawful (and therefore protected occupation and use but not ownership) on unowned or state lands, to national laws which limit recognition of occupation to house and farm lands, to national laws which do not acknowledge community based rights in other than tolerated or permissive forms on lands presumed to be unowned or the property of the state. Country notes indicate the basis of figures.

iv. Recognition and titling are distinct matters. There are also differences among country laws in the conditions stipulated for recognition as owned or lawfully occupied and used. This ranges from national laws where community lands (individually or communally owned) are protected as properties without formal entitlement, to laws where tenure security can be established by formalization on a case by case basis, to laws which make this available
only to individuals or for certain types of land, to laws which make no provision for formalization other than through extinction of customary rights in favour of state-defined forms of ownership or use rights. Country notes indicate status specific to that country.

v. Analysis. Limited information can be provided here, and no attempt is made to analyse or rank findings. Detailed analysis of findings and implications will be provided in forthcoming papers. Notes on legal provisions are posted for 17 states in the *Indicators of the Legal Security of Indigenous and Community Land* data on LandMark, with assessments forthcoming for a further ten states and with intention that assessments for all 54 African countries be available on LandMark by January 2016.
BURUNDI

Country Area Minus Major Inland Water Bodies: 2,496,132 ha
Terrestrial protected area: 95,825 ha (3.8% of the country land area),
Urban area: 3,825 ha (0.2% of the country land area),
Private Rural Land (statutory titles): 49,923 ha (<2% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 24,961 ha,

Estimated Community Lands Area (recognized or unrecognized): 2,321,598 ha (93.0% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 0 ha (0.0% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 2,321,598 ha (93.0% of the country land area),

Notes:
Total community land area estimated through exclusion of TPA, urban, private titled rural lands, and rural public service area.
The revised Land Code (2011) provides for customary occupants to be issued with certificates by local commune land services, piloting underway. The certificates may be converted into property titles,
The status of unregistered customary lands is unclear, as is the right of community land holders to secure off-farm lands (commons) due to retained legal provision that the private property of the state includes wastelands,
No information on number of certificates issued (Liz Alden Wily),

COMOROS

Country Area Minus Major Inland Water Bodies: 167,315 ha
ESTIMATING NATIONAL PERCENTAGES OF INDIGENOUS AND COMMUNITY LANDS: METHODS AND FINDINGS FOR AFRICA

Terrestrial protected area: 1 175 ha (0.7% of the country land area),
Urban area: 0 ha (0.0% of the country land area),
Private Rural Land (statutory titles): 1 673 ha (1.0% of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 1 673 ha,

Estimated Community Lands Area (recognized or unrecognized): 162 794 ha (97.3% of the country land area),

Notes:
No data available on total community lands or areas secured under statutory or Islamic title.
Most land is family land subject to a mix of Islamic, customary and inherited French colonial law and practices, particular in the use of deeds of transfer (hatwi) issued by Islamic courts to cover conversion of rural land to urban parcels and transfers, Documents reputedly held only by leading families on the islands. By statute, majority land rights are still held to be permissive occupancy and use on unowned public or state lands.
No provision for formalization of customary rights,

DJIBOUTI

Country Area Minus Major Inland Water Bodies: 2 112 426 ha
Terrestrial protected area: 0 ha (0.0% of the country land area),
Urban area: 1 943 ha (0.1% of the country land area),

Notes:
No data,

ERITREA

Country Area Minus Major Inland Water Bodies: 11 976 086 ha
Terrestrial protected area: 652 025 ha (5.4% of the country land area),
Urban area: 5 874 ha (0.0% of the country land area),
Private Rural Land (statutory titles): 239 522 ha (<2% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 119 761 ha,

Estimated Community Lands Area (recognized or unrecognized): 10 958 904 ha (91.5% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 0 ha (0.0% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 10 958 904 ha (91.5% of the country land area),

Notes:
Community land area estimated by excluding Terrestrial Protected Areas, urban lands, titled rural lands and 1% of country area to cover rural public service areas.
No legal provision in land law of 1994 for collective rights. Law provides for lifetime usufructs for houses and arable lands only, 95% of land area is directly subject to state control. In practice villages get rights of use to lands in the immediately vicinity of settlements for grazing and wood collection.
Refer elsewhere on site for review of laws against indicators (Liz Alden Wily),

ETHIOPIA

Country Area Minus Major Inland Water Bodies: 112 266 742 ha
Terrestrial protected area: 8 793 004 ha (7.8% of the country land area),
Urban area: 70 768 ha (0.1% of the country land area),
Private Rural Land (statutory titles): 11 226 674 ha (<10% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 1 122 667 ha,
Estimated Community Lands Area (recognized or unrecognized):
91 053 629 ha (81.1% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:
16 500 000 ha (14.7% of the country land area),
Estimated Area of Community Lands Not Formally Recognized:
74 553 629 ha (66.4% of the country land area).

Notes:
Community lands estimated through exclusion method. 12.5% of TPA included in estimated figure of total community lands on basis of their location and IUCN category. Collective landholding is legally provided for, but a common holding right is not equivalent to an individual rural holding right. Minimal issue so far, for tiny areas in mainly Amhara Regonal State. Enabling legislation for collective pastoral title exists in Afar State and less advanced in Oromia State; development of regulations is planned [pers, comm, S. Woldegiorgis, Sept 2015]. Participatory Forest Management User Groups have lawful access and use to national forests; estimates vary from 200,000 ha to 300,000 ha [G.B. Shibeshi, 2015, Draft Background Report on Land Governance Assessment Framework in Ethiopia for The World Bank]. Recognized occupancy of arable lands is nearly complete through issue of 55+ million hold right certificates by early 2015. Area covered is estimated here as 16.5 million ha being the known arable domain. Certification is however only the first stage of formal entitlement, cadastral mapping & registration still to be launched. Refer legal review on site (Liz Alden Wily, forthcoming).

KENYA
Country Area Minus Major Inland Water Bodies: 57 016 604 ha

Estimated Community Lands Area (recognized or unrecognized):
38 771 291 ha (68.0% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:
38 771 291 ha (68.0% of the country land area),
Estimated Area of Community Lands Not Formally Recognized:
0 ha (0.0% of the country land area).

Notes:
As the official figure for community lands is used here, figures for TPA, urban area and private lands are not used. Note however that the total figure of TPA has been reduced by 2.2 million ha to cover mainly community conservancies. Government of Kenya states 68% as the official community land area, including mainly trust lands and 549 group ranches at 4.3 million ha. Due to terms of the Constitution 2010 & Land Act, 2012, customary landholding is deemed fairly secure in the community land sector although until each community obtains formal entitlement their lands remain vested in county councils as trustees. The official figure for private lands (rural) is low at 19% compared to previous official figures (usually 25-28% of country area) but is used here. Public lands vested in central or local governments and including TPA are officially given as 13%. Latest source of official figures: pers, comm; Fibian Lukalo, National Land Commission, citing Land Administration Directorate figures, Nov 2015. Refer elsewhere on site for review of law against indicators (Liz Alden Wily).

MADAGASCAR
Country Area Minus Major Inland Water Bodies: 58 784 610 ha
Terrestrial protected area: 4 659 280 ha (7.9% of the country land area),
Urban area: 23 270 ha (0.0% of the country land area),
Private Rural Land (statutory titles): 8 817 691 ha (>10% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 587 846 ha.
Estimated Community Lands Area (recognized or unrecognized): 44,696,523 ha (76.0% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 7,000,000 ha (11.9% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 37,696,523 ha (64.1% of the country land area).

Notes:
Estimate of community lands derives from excluding Terrestrial Protected Areas, urban lands, estimate of private titled lands, and standard subtraction of 1% country area to cover rural public service areas. To limit double-counting, the total area of TPA is reduced by 0.7% to exclude protected areas recorded by WPDA 2013 as under community jurisdiction.
Total estimated community lands area includes farmlands and off-farm areas, as arrived at through exclusion of TPA, urban lands and estimate of privately titled rural lands. However, while the law (2005, 2006) recognises customary rights as property interests this does not extend to off-farm lands (forests, pastures, etc.).
Formalization based on customary rights stands at around 120,000 certificates issued for homesteads by 2015. Area roughly estimated as 72,000 ha on basis of mean parcel size certificated of 0.6 ha - 0.8 ha, with potential homestead areas roughly estimated as 7 million ha. This area is assessed as ‘fairly secure’ in light of legal equity granted customary rights, but not so for the estimated total community land area inclusive of forests and rangelands [Key source: Andre Teyssier pers comm, Sept 2015].

MALAWI

Country Area Minus Major Inland Water Bodies: 9,423,039 ha

Estimated Community Lands Area (recognized or unrecognized): 6,124,975 ha (65.0% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 6,124,975 ha (65.0% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 0 ha (0.0% of the country land area).

Notes:
The official figure for community lands in the form of recognized customary lands wherein communities may lawfully occupy and use lands is used here (65%). However, the official figure of 13% for private land (rural) as registered is increased to 17% to account for government estate lands. There has also been significant alienation from the community lands sector which is unlikely to be reflected in the official figure of 65% of all lands under customary tenure.
Key sources include:

MAURITIUS

Country Area Minus Major Inland Water Bodies: 201,872 ha
Terrestrial protected area: 7,300 ha (3.6% of the country land area),
Urban area: 2,325 ha (1.2% of the country land area),
Private Rural Land (statutory titles): 161,498 ha (90.0% of the country land area),
Notes:
Land in Mauritius is limited to private and state land, 90% of land area is under private title, no information on whether residual area (c. 10,000 ha) is customary or communal property but considered unlikely, given absent provisions in statutes that refers to customary land rights or communal land use.

**MAYOTTE (FRANCE)**

Country Area Minus Major Inland Water Bodies: 39 167 ha
Terrestrial protected area: 3 675 ha (9.4% of the country land area).

Notes: The situation in this dependent territory of France has not been assessed.

**MOZAMBIQUE**

Country Area Minus Major Inland Water Bodies: 77 385 419 ha
Terrestrial protected area: 13 244 383 ha (17.1% of the country land area),
Urban area: 79 369 ha (0.1% of the country land area),
Private Rural Land (statutory titles): 7 603 924 ha (10.0% of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 773 854 ha.

Estimated Community Lands Area (recognized or unrecognized): 55 683 889 ha (72.0% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 52 195 662 ha (67.4% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 3 488 227 ha (4.5% of the country land area).

Notes:
Reduction of total TPA area by 0.3% to account for protected areas known to be within active customary domain.
By law, customary lands are deemed owned with/without registration & entitlement (DUAT) and in principal, therefore secure although delimitation and titling provided for and advised (not compulsory),
Area of private DUATS (i.e. titles issued to individuals, investors, etc, not to communities) is recorded as 7,603,924 ha as of 2012 by Joao Carrilho and Simon Norfolk, 2013, Beyond Building the Cadastre: Proposed Next Steps for Mozambique in Participatory Land Governance and Decentralized Land Rights Administration, Paper prepared for World Bank Annual Land Conference, 2013.
Figure for secure community lands based on subtraction of TPA, urban, private etc, as secure, with or without formal delimitation and issue of DUATS.
Note: difference between this figure for secured lands and figures of RRI, 2015, derives from a difference in legal interpretation: RRI considers only those lands under certified or not yet certified formal entitlement to communities (DUATS) as owned lands, On the other hand, RRI adds in 900,000 ha as three forest concessions to communities, as lands designated for communities. This analysis assumes these areas are likely to be within the estimated figure here for all community lands and excludes these.

**REUNION (FRANCE)**

Country Area Minus Major Inland Water Bodies: 251 265 ha
Terrestrial protected area: 194 525 ha (77.4% of the country land area),
Urban area: 700 ha (0.3% of the country land area),
Notes: The dependent region has not been assessed yet.

RWANDA

Country Area Minus Major Inland Water Bodies: 2 380 719 ha
Terrestrial protected area: 235 300 ha (9.9% of the country land area),
Urban area: 8 810 ha (0.4% of the country land area),
Private Rural Land (statutory titles): 2 061 308 ha (86.6% of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 23 807 ha,

Estimated Community Lands Area (recognized or unrecognized): 51 494 ha (2.2% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 0 ha (0.0% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 51 494 ha (2.2% of the country land area),

Notes: No provision for communal lands or collective title in new land law of 2013 (No. 034) (or in previous Organic Land Law, 2005), Art. 19 of the new law is explicit that swamp lands belong to the state, previously the main common property under customary tenure. Similarly for forests, formally designated as state property (Art. 12 & 14), Customary tenure has been superseded by issue of statutory certificates of emphyteutic lease in rural areas covering 2,061,308 ha (86.6% of total land area), the result of mass individualised titling programme since 2006. Rural farms are leased for 99 years renewable and freely transferable (data as of April 2015; pers comm, Thierry Hoza), However, the 2013 law now accepts customary rights as one basis for application for titles (Art, 5). Formalization is obligatory (Art, 20), Refer elsewhere on site for review of laws against indicators (Liz Alden Wily, forthcoming).

SEYCHELLES

Country Area Minus Major Inland Water Bodies: 49 360 ha
Terrestrial protected area: 15 350 ha (31.1% of the country land area),
Urban area: 0 ha (0.0% of the country land area),
Private Rural Land (statutory titles): 29 616 ha (>60% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 494 ha,

Estimated Community Lands Area (recognized or unrecognized): 3 900 ha (7.9% of the country land area),

Notes: No data available, other than for out-dated estimate of private titled lands; the state owns 70% of the country area and leases parcels to smallholders; remainder is reserved or other state maintained lands (Republic of Seychelles, 1997). The small remainder (4,394 ha) may be communal land but no evidence for this.

SOMALIA

Country Area Minus Major Inland Water Bodies: 63 255 324 ha
Terrestrial protected area: 143 325 ha (0.2% of the country land area),
Urban area: 18 313 ha (0.0% of the country land area),
Private Rural Land (statutory titles): 632 553 ha (>10% of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 632 553 ha,
**ESTIMATING NATIONAL PERCENTAGES OF INDIGENOUS AND COMMUNITY LANDS: METHODS AND FINDINGS FOR AFRICA**

**Estimated Community Lands Area (recognized or unrecognized):**
61 828 580 ha (97.7% of the country land area).

**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:**
0 ha (0.0% of the country land area).

**Estimated Area of Community Lands Not Formally Recognized:**
61 828 580 ha (97.7% of the country land area).

**Notes:**
Clan tenure was the norm until the Land Registration Act, 1975, which made all collective land the property of the state and began issuing private land titles in urban and riverine areas to wealthy elites or clan leaders. The area of titled rural land could be up to 10%, although rule of land law does not significantly prevail. Thus far, no provision in policies for collective homeland territories (‘deegan’) and overlapping rights and claims has been complicated by displacement. Multiple groups securing de facto or legal rights at different times. Key source: Lee Cassanelli, 2015, Hosts and Guests A historical interpretation of land conflicts in southern and central Somalia, Rift Valley Institute Research Paper 2.

**SOUTH SUDAN**

**Country Area Minus Major Inland Water Bodies:** 63 039 500 ha

- **Terrestrial protected area:** 1 648 175 ha (2.6% of the country land area),
- **Urban area:** 6 915 ha (0.0% of the country land area),
- **Private Rural Land (statutory titles):** 630 395 ha (<1% (est) of the country land area),
- **Standard Estimate of Public Service Land (Rural) of 1%:** 630 395 ha,

**Estimated Community Lands Area (recognized or unrecognized):**
60 123 620 ha (95.4% of the country land area).

**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:**
60 123 620 ha (95.4% of the country land area).

**Estimated Area of Community Lands Not Formally Recognized:**
0 ha (0.0% of the country land area).

**Notes:**
In law (2009) customary rights have same force and effect as non-customary rights, registered or not. This figure refers to the estimated customary/community land area. Private titling in the rural domain is reputed to be minimal, but no official figures available. Key source: David Deng, Nov. 2014, South Sudan Country Report, Findings of the Land Governance Assessment Framework (LGAF), Juba, South Sudan. Refer elsewhere on site for review of laws (Liz Alden Wily).

**TANZANIA**

**Country Area Minus Major Inland Water Bodies:** 88 152 958 ha

**Estimated Community Lands Area (recognized or unrecognized):**
61 707 071 ha (70.0% of the country land area).

**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:**
61 707 071 ha (70.0% of the country land area).

**Estimated Area of Community Lands Not Formally Recognized:**
0 ha (0.0% of the country land area).

**Notes:**
Mainland only: Zanzibar has its own land and natural resource laws. The official figure for community lands (‘village lands’) as 70% of the country area is used here. This area includes Wildlife Management Areas and Village and Community Forest Reserves. Note that 3.4% of the TPA area has been extracted as known to fall within village lands as mainly
community forest reserves or WMA but which total still remains greater than the official figure for reserved lands of 28% of the country area. The 70% country area of village lands also includes an estimate 6% of village lands believed to have been alienated since 2000 from village lands to general land status for reallocation to private persons and investors. The available area of village lands is therefore more likely to be 64% of country area or 56,417,893 ha.

Village lands are legally owned by communities in common or by community members in respect of family or individual parcels, dependent upon the rules adopted by the community (as per Land Act, 1999 and Village Land Act, 1999). Should community rules deem these lands as customary property, the law explicitly this, with or without issue of Certificates of Customary Rights of Occupancy via registration in village land registries.

Customary rights may also apply in reserved areas. Use rather than occupation rights are acknowledged in the 5,392,095 ha million ha of national forest reserves under state-community joint management.

The combined area of lands lawfully owned by communities and other lands formally designated for their use is therefore 67,099,166 ha.


Refer elsewhere for legal review against indicators (Liz Alden Wily).

UGANDA

Country Area Minus Major Inland Water Bodies: 20,469,995 ha
Terrestrial protected area: 3,085,517 ha (15.1% of the country land area),
Urban area: 39,779 ha (0.2% of the country land area),
Private Rural Land (statutory titles): 3,070,499 ha (>15% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 204,700 ha,

Estimated Community Lands Area (recognized or unrecognized):
14,069,500 ha (68.73% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:
13,785,467 ha (68.73% of the country land area),
Estimated Area of Community Lands Not Formally Recognized:
284,033 ha (0% of the country land area),

Notes:
Despite the prominence of community lands (lands under customary tenure), official estimates vary between 70-80% of the country area. The lower figure is used here with adjustment for exclusion of inland water areas (69.73%). This accords roughly with identification of community lands by excluding TPA, urban areas, an estimated area of privately titled rural lands at 15% (freehold, leasehold, and inclusive of titles under the hybrid statutory-customary mailo regime) and subtraction of 1% of country area to cover rural public service lands: 68.73%.

No official figures on titled lands are forthcoming from the registry. An adjustment of the total TPA area to exclude 2.4% of protected areas recorded by WPDA 2013 as under community jurisdiction or in communal lands is made.

Ugandan constitutional and land law accords customary rights inclusive of rights to off-farm commons equitable legal force and effect with rights under freehold, leasehold and mailo tenure, and irrespective of whether these are formalized in registered certificates of customary ownership or not. Communities may also establish freehold rights as registered Communal Land Associations but none yet registered for lack of needed changes in the registration regime.

Refer elsewhere on site for review of laws against indicators (Liz Alden Wily).

ZAMBIA

Country Area Minus Major Inland Water Bodies: 73,837,316 ha
Terrestrial protected area: 13,617,417 ha (18.4% of the country land area),
Urban area: 61,411 ha (0.1% of the country land area).
Private Rural Land (statutory titles): 9,598,885 ha (12.9% of the country land area).
Standard Estimate of Public Service Land (Rural) of 1%: 738,373 ha.

Estimated Community Lands Area (recognized or unrecognized): 49,821,230 ha (67.5% of the country land area).
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 49,821,230 ha (67.5% of the country land area).
Estimated Area of Community Lands Not Formally Recognized: 0 ha (0.0% of the country land area).

Notes:
The estimate of total community land area is derived through exclusion of TPA, urban lands, private leasehold lands in the rural sector and a standard subtraction of 1% of country area for rural public service lands.
Note that in order to estimate the total community land area a major adjustment to the total TPA area has been made through excluding 17% of protected area land on grounds that these fall within the customary sector. This includes areas governed jointly by communities and state agencies through joint forest management agreements or under the aegis of wildlife management boards.
While the law (1995) protects customary rights and disallows alienation of community lands (“customary lands”) without the permission of traditional authorities (chiefs), it does not provide for formalization of customary rights by individuals, families or communities other than through extinguishing customary rights in favour of statutory leaseholds; this eliminates community jurisdiction and transfers the lands into state land, from which the state issues leases. There is a lack of official or consistent information on the area alienated. The figure or 12.9% is used here of which around half was located in customary lands adjacent to urban areas, (Key source on data: Augustine Mulolwa, pers. comm, Sept 2015).
Refer elsewhere on site for legal review against indicators (Liz Alden Wily).

ZIMBABWE

Country Area Minus Major Inland Water Bodies: 38,650,296 ha

Estimated Community Lands Area (recognized or unrecognized): 16,400,000 ha (42.4% of the country land area).
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 16,400,000 ha (42.4% of the country land area).
Estimated Area of Community Lands Not Formally Recognized: 0 ha (0.0% of the country land area).

Notes:
The official figure (since 1982) for communal lands is used here as the area presumed to be community lands, excluding state lands and private registered lands. This figure is 16.4 million ha or 42.43% of the total country area excluding water bodies. Tenure within Communal Lands is permissive occupancy and use only, on lands governed officially by Rural Councils in consultation with local chiefs, norms being derived from customary tenure, Ownership is vested in the President.
Refer elsewhere for legal review against indicators (Liz Alden Wily).
**MIDDLE AFRICA**

**ANGOLA**

**Country Area Minus Major Inland Water Bodies:** 124,645,769 ha  
**Terrestrial protected area:** 15,018,275 ha (12.0% of the country land area)  
**Urban area:** 124,646 ha (0.1% of the country land area)  
**Private Rural Land (statutory titles):** 12,464,577 ha (>10% (est) of the country land area)  
**Standard Estimate of Public Service Land (Rural) of 1%:** 1,246,458 ha

**Estimated Community Lands Area (recognized or unrecognized):** 95,791,813 ha (76.9% of the country land area)  
**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:** 1,991 ha (0.0% of the country land area)  
**Estimated Area of Community Lands Not Formally Recognized:** 95,789,822 ha (76.8% of the country land area)

**Notes:**  
Secure occupation and use includes issue of one Certificate of Useful Domain to a San group in 2005 for 1,389 ha and two other Certificates issued to agricultural groups in Huambo Province at 602 ha.  
Private titled rural lands: no data from Cadastre available but estimates ranged between 10-15% in 2007-2010.  
Sources on data include:  
- Pers. comm., Allan Cain, Development Workshop, Luanda (Aug-Sept 2015);  
- Pers. comm, Aaron de Grassi (Aug 2015);  
- USAID, 2007, Strengthening Land Tenure and Property Rights in Angola;  
- USAID, 2010, USAID Country Profile, Property Rights and Resource Governance;  
- Aaron de Grassi, 2012, Geographies of Construction and Trajectories of Agrarian Change in Oil-Boom Angola, Cornell University;

<table>
<thead>
<tr>
<th>Country</th>
<th>Area Minus Major Inland Water Bodies</th>
<th>Terrestrial protected area</th>
<th>Urban area</th>
<th>Private Rural Land (statutory titles)</th>
<th>Standard Estimate of Public Service Land (Rural) of 1%</th>
<th>Estimated Community Lands Area (recognized or unrecognized)</th>
<th>Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used</th>
<th>Estimated Area of Community Lands Not Formally Recognized</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAMEROON</td>
<td>46 337 797 ha</td>
<td>5 388 423 ha (11.8% of the country land area)</td>
<td>85 206 ha (0.1% of the country land area)</td>
<td>2 316 890 ha (5% of the country land area)</td>
<td>463 378 ha</td>
<td>38 103 900 ha (82.2% of the country land area)</td>
<td>34 053 900 ha (73.5% of the country land area)</td>
<td></td>
</tr>
</tbody>
</table>
| NOTES: | Area of community lands estimated by exclusion of TPA, urban, rural titled land, and rural public service area. Customary landholding is permissible only with tenure security achievable only through extinction of customary rights in favour of a private property right or issue of a lease on public land, No provision for community land or collective ownership, All community land is public/state domain with no legal changes since 1974 and static land policy development begun in 2011, Since 1994 groups may sign contracts based on an approved management plan with the Forestry and Wildlife Department to harvest timber in up to 5,000 ha for 15 years (renewable). Only 2 of these 342 Community Forests were for protection in 2013, Another 3.07 MHa is earmarked as Communal Hunting Zones but only a few are believed to be controlled by communities. Refer: [http://www.wri.org/sites/default/files/pdf/interactive_forest_atlas_of_cameroon_version_3.0.pdf](http://www.wri.org/sites/default/files/pdf/interactive_forest_atlas_of_cameroon_version_3.0.pdf). Updated information: Teodyl Nkintchua, CED (Centre for Environment and Development), Oct 2015, Land and forest rights legal review: Liz Alden Wily, 2011, Whose land is it? The status of customary land tenure in Cameroon, CED. FERN & RFUK at: [http://www.fern.org/publications/reports/whose-land-it-status-customary-land-tenure-cameroon](http://www.fern.org/publications/reports/whose-land-it-status-customary-land-tenure-cameroon). Refer legal review elsewhere on site (forthcoming Liz Alden Wily).
| CENTRAL AFRICAN REPUBLIC | 61 921 481 ha | 10 488 687 ha (16.9% of the country land area) | 24 785 ha (0.0% of the country land area) | 61 921 ha (0.1% of the country land area) | 619 215 ha | 50 726 873 ha (81.9% of the country land area) | 0 ha (0.0% of the country land area) | 0 ha (0.0% of the country land area) |
50 726 873 ha (81.9% of the country land area).

**Notes:**

Community land area estimated by excluding Terrestrial Protected Areas (TPA), urban lands, estimate of titled rural land and standard 1% country area to cover likely rural public service lands. Area of TPA reduced by 1% to exclude PA denoted by WPDA 2013 as under community management.

Loi Relative au Domain National No 63-441 of 1964 assures communities only permissive occupancy and use on state land (Art. 3), Notion of terres sans maîtres retained and undeveloped (i.e. uncultivated) lands also declared the property of the state (Art. 38).

However, the Project de Loi No. 08 of 2009 portant code foncier agropastoral en Republique Centreatfricaine provides for village land commissions to administer land (Art. 15); customary right holders will be assured access through customary norms or through statutory title (Art. 4). Chief-led commissions will be permitted to regulate lands in accordance with custom (Art. 5). No application decrees issued,

New land reform launched in 2012 including aim to harmonise contradictory natural resource laws. Constitution affords in principle protection of indigenous peoples but no delivery.

**CHAD**

Country Area Minus Major Inland Water Bodies: 126 724 324 ha

Terrestrial protected area: 12 153 300 ha (9.6% of the country land area),

Urban area: 24 438 ha (0.0% of the country land area),

Private Rural Land (statutory titles): 633 622 ha (0.5% of the country land area),

Standard Estimate of Public Service Land (Rural) of 1%: 1 267 243 ha,

Estimated Community Lands Area (recognized or unrecognized): 112 645 721 ha (88.9% of the country land area),

Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 0 ha (0.0% of the country land area),

Estimated Area of Community Lands Not Formally Recognized: 112 645 721 ha (88.9% of the country land area),

Notes:

Legal possibility under Law No. 08-014 (2008) (Art. 89-90) to be granted title to reforested areas and acknowledged customary rights to sacred forests. No data on areas,

Tenure security is limited; rights may only be secured through issue of non-customary titles (Law no. 24 of 1967). Law reform underway (2015),

Refer elsewhere on site for review against indicators (Liz Alden Wily),

**DEMOCRATIC REPUBLIC OF THE CONGO**

Country Area Minus Major Inland Water Bodies: 228 822 437 ha

Terrestrial protected area: 17 205 839 ha (7.5% of the country land area),

Urban area: 220 914 ha (0.1% of the country land area),

Private Rural Land (statutory titles): 11 441 122 ha (5% (est) of the country land area),

Standard Estimate of Public Service Land (Rural) of 1%: 2 288 224 ha,

Estimated Community Lands Area (recognized or unrecognized): 197 666 338 ha (86.4% of the country land area),

Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 0 ha (0.0% of the country land area),

Estimated Area of Community Lands Not Formally Recognized: 197 666 338 ha (86.4% of the country land area),

Notes:

No data on areas.

Tenure security is limited; rights may only be secured through issue of non-customary titles (Law no. 24 of 1967). Law reform underway (2015),

Refer elsewhere on site for review against indicators (Liz Alden Wily),
Notes:
Estimate of community lands arrived at through exclusion of Terrestrial Protected Areas (TPA), urban lands, est. of titled rural lands, and standard exclusion of 1% country area to cover rural public service areas. To avoid double-counting, the total TPA area is reduced from 10.7% to 7.5% where PA as recorded by WPDA 2013 as Category VI areas in occupied and used lands, 1970s land laws still apply and no development of constitutional promises to address customary rights. No legal provision for collective ownership or recognition of community lands despite in principle assurances in constitution and land laws, New era of land reform with establishment of a National Land Reform Commission in 2013 but with no policy document delivered yet. Present status is that even secure occupancy and use (not ownership) may be secured only through issue of titles ("concessions") or through indirectly through designation of areas. No known cases. New legal provision for communities to acquire forest concessions to 50,000 ha for unfixed term (Decret No. 14/018 du 02 août 2014 fixant les modalités d’attribution des concessions forestières aux communautés locales) but lacks application decree. Agricultural law of 2011 disallows registration of customary farmlands. Indigenous Peoples are a numerically tiny but major landholding sector by area but no special legal protection. Contested rights among layers of settlers over the last 50-100 years led to local civil war in South Kivu.

EQUATORIAL GUINEA

Country Area Minus Major Inland Water Bodies: 2 691 061 ha
Terrestrial protected area: 622 275 ha (23.1% of the country land area),
Urban area: 2 650 ha (0.1% of the country land area),
Private Rural Land (statutory titles): 134 553 ha (<5% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 26 911 ha,

Estimated Community Lands Area (recognized or unrecognized): 1 904 672 ha (70.8% of the country land area).

Notes:
Attempts to enact a new package of land laws since 2010 (revised 2012) remains incomplete, New Constitution 2012 pledges to recognise the ownership of peasants to traditional lands (Art. 30), No data on mechanisms or progress, Status in the interim believed to be permissive occupancy and use by communities, in accordance with present legislation retained from colonial era [pending more information].

GABON

Country Area Minus Major Inland Water Bodies: 26 199 664 ha
Terrestrial protected area: 3 920 375 ha (15.0% of the country land area),
Urban area: 25 854 ha (0.1% of the country land area),
Private Rural Land (statutory titles): 261 997 ha (1.0% of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 261 997 ha,

Estimated Community Lands Area (recognized or unrecognized): 21 729 401 ha (82.9% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 2 620 ha (0.0% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 21 726 781 ha (82.9% of the country land area).

Notes:
Estimate of community lands is based on exclusion method (TPA, urban areas, official figure for titled rural lands, and standard subtraction of rural public service area at 1%).
Secured access lands refer to three small approved community forests, availing management and use rights, not ownership.
Source: Liz Alden Wily, 2012, Land Rights in Gabon Facing Up to the Past - and Present, FERN, UK & Brussels,
Refer elsewhere for review of laws against indicators (Liz Alden Wily, forthcoming).

REPUBLIC OF CONGO

Country Area Minus Major Inland Water Bodies: 33 862 709 ha
Terrestrial protected area: 3 367 775 ha (9.9% of the country land area),
Urban area: 31 675 ha (0.1% of the country land area),
Private Rural Land (statutory titles): 677 254 ha (>2% (est) of the country land area).
Standard Estimate of Public Service Land (Rural) of 1%: 338 627 ha,

Estimated Community Lands Area (recognized or unrecognized): 29 447 378 ha (87.0% of the country land area).
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 460 253 ha (1.4% of the country land area).
Estimated Area of Community Lands Not Formally Recognized: 28 987 125 ha (85.6% of the country land area).

Notes:
Ranked as improved but still partial legal recognition of community lands.
Only indigenous peoples have legal assurance that their rights may be directly delimited as property rights and in the interim are protected (Loi no.5-2011, Art, 31-42) but no legal instructions for delimitation issued.
Customary rights of other communities acknowledged as permissive occupation and use with legal opportunity for identification and certification by conversion into non-customary rights as per laws between 2000 and 2014. Communes to launch procedure, several have commissions in place, However, grounds for proving customary occupation and use, combined with implication that lands already under private title and concessions will take precedence suggest that new titling affecting customary properties will be limited to cleared and farmed lands,
Note that private title may be held by individuals or collectives and includes sub-soil resources and may also include forestland (French Civil Code 1804 still in force, Law No. 10-2004, Forest Law No, 16-2000, Decree No, 2002-437).
Ample provision in forest and wildlife and protected area laws for communities to enter management and use agreements (Decree No. 2002-437 and Law 37-2008). Although several developments underway, information only for Lac Tele Reserve, recorded by WRI as a community forest of 460.253 ha: http://www.wri.org/sites/default/files/pdf/congo_forest_atlas_v3.pdf. However, the rights of the indigenous community in the area are unclear given the absence of an application decree following Loi no. 5-2011.
Sources:
pers comm, Marie Ange, FERN Oct 2015; Maxient Hanimbat, Oct. 2015 ;
ClientEarth, 2014, Droits de propriete et d’usage des communautes locales et populations autochtones,
Refer elsewhere for legal assessment (forthcoming Liz Alden Wily).

SAO TOME AND PRINCIPE

Country Area Minus Major Inland Water Bodies: 100 223 ha
Terrestrial protected area: 30 350 ha (30.3% of the country land area),
Urban area: 74 ha (0.1% of the country land area).

Notes: No data,
ALGERIA

Country Area Minus Major Inland Water Bodies: 230,339,553 ha
Terrestrial protected area: 10,001,950 ha (4.3% of the country land area),
Urban area: 292,304 ha (0.1% of the country land area),
Private Rural Land (statutory titles): 5,680,000 ha (2.5% of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 2,303,396 ha.

Estimated Community Lands Area (recognized or unrecognized): 212,061,903 ha (92.1% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 32,754,284 ha (14.2% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 179,307,619 ha (77.8% of the country land area).

Notes:
Limited information,
In accordance with land reform law of 1990, secure rural tenure is only available through issue of Certificates of Possession for developing arable farming, now well extended into grazing and alfa steppe land,
Families, clans and other groups secure possession under Exploitation Agricole Collectives (EAC), legally provided for in 1987 for occupation of traditional communal and tribal collective property (arch). No data on present allocations but in 2004 EAC and other registered family societies and cooperatives held nearly one million ha (FAO, 2005, Utilisation des engrais par culture en Algérie, Rome),
After abandonment of Pastoral Code in 1982, a High Commission for Steppe Development establishes pastoral development partnerships with communes (local governments) and which allocate use rights,
On the basis of information in D. Nedraoui, 2006, Country Pasture/Forage Resource Profiles, FAO, this assessment assumes that all grazing and alfa steppe (32.7 million ha) now likely to be under use agreements or Certificates of Possession as above,
81% of Algeria is defined as unproductive lands (deserts) and status of traditional tribal based rights to these lands is unknown,
Sharp decline in nomadic pastoralism reported by Nedjraoui, 2006. FAO 2005 gives official figure of private rural lands as 2.46%.
Refer review of laws elsewhere on site (Liz Alden Wily).

EGYPT

**Country Area Minus Major Inland Water Bodies:** 97 535 087 ha
**Terrestrial protected area:** 12 777 684 ha (13.1% of the country land area).
**Urban area:** 295 543 ha (0.3% of the country land area).
**Private Rural Land (statutory titles):** 250 000 ha (0.2% of the country land area).
**Standard Estimate of Public Service Land (Rural) of 1%:** 975 351 ha.

**Estimated Community Lands Area (recognized or unrecognized):** 83 236 509 ha (85.3% of the country land area).
**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:** 0 ha (0.0% of the country land area).
**Estimated Area of Community Lands Not Formally Recognized:** 83 236 509 ha (85.3% of the country land area).

**Notes:**
Community land area estimated through exclusion of Terrestrial Protected Areas, urban lands, private titled lands and standard 1% of country area to cover rural public services. To minimise double-counting of TPA and community lands, 3.3% of lands within the total protected area have been subtracted as evidently within community lands, their legal status notwithstanding. No legal provision for community lands or mechanisms for collective entitlement based on customary rights. No areas known to have been statutorily titled to communities. De facto access rights to off-farm lands exist.

LIBYA

**Country Area Minus Major Inland Water Bodies:** 161 435 142 ha
**Terrestrial protected area:** 56 950 ha (0.0% of the country land area).
**Urban area:** 125 347 ha (0.1% of the country land area).
**Private Rural Land (statutory titles):** 1 614 351 ha (>1% (est) of the country land area).
**Standard Estimate of Public Service Land (Rural) of 1%:** 1 614 351 ha.

**Estimated Community Lands Area (recognized or unrecognized):** 158 024 143 ha (97.9% of the country land area).
**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:** 0 ha (0.0% of the country land area).
**Estimated Area of Community Lands Not Formally Recognized:** 158 024 143 ha (97.9% of the country land area).

**Notes:**
Limited data.
Since the 1986 land reform undertaken by Colonel Gaddafi and which inter alia abolished clan tenure operating throughout all but urban areas of Libya, there has been no regime for recognizing community lands.

MOROCCO

**Country Area Minus Major Inland Water Bodies:** 41 297 311 ha

**Estimated Community Lands Area (recognized or unrecognized):** 15 000 000 ha (36.3% of the country land area).
**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:** 15 000 000 ha (36.3% of the country land area).
Estimated Area of Community Lands Not Formally Recognized: 0 ha (0.0% of the country land area).

Notes:
Use of official figure of 15 million ha of tribal lands recognized as owned by tribes: 6.5 million ha of this area had been registered under group title by 2010.
Note that the figure for private lands (rural) is also an official figure.

SUDAN
Country Area Minus Major Inland Water Bodies: 186 917 167 ha
Terrestrial protected area: 2 640 950 ha (1.4% of the country land area),
Urban area: 236 771 ha (0.1% of the country land area),
Private Rural Land (statutory titles): 18 691 716 ha (>10% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 1 869 172 ha,

Estimated Community Lands Area (recognized or unrecognized): 163 478 558 ha (87.5% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 0 ha (0.0% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 163 478 558 ha (87.5% of the country land area),

Notes:
Minimal protection as courts and officials since 1990 cannot hear land rights complaints concerning state land (and all land is vested in Government). [Refer legal review elsewhere],
Law does provide for registration of usufructs for cultivated lands indicating some security but virtually no registration outside urban and peri-urban areas,

TUNISIA
Country Area Minus Major Inland Water Bodies: 15 344 929 ha
Terrestrial protected area: 33 675 ha (0.2% of the country land area),
Urban area: 114 564 ha (0.7% of the country land area),
Private Rural Land (statutory titles): 767 246 ha (>5% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 153 449 ha,

Estimated Community Lands Area (recognized or unrecognized): 14 275 995 ha (93.0% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 3 000 000 ha (19.6% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 11 275 995 ha (73.5% of the country land area),

Notes:
The estimate of community lands is derived from exclusion of TPA, urban areas, rural titled private lands and public service land in rural areas,
The official figure for Terres Collectives is used as the area legally recognized as community property, referring to traditional lands as in recent decades comprising 3 million ha but of which nearly two million ha are reported to have been privatized, leaving 1.1 million ha under community jurisdiction of traditional councils,
WESTERN SAHARA (SPAIN, CONTESTED)

Country Area Minus Major Inland Water Bodies: 26 705 292 ha  
Terrestrial protected area: 1 508 125 ha (5.6% of the country land area).  
Urban area: 2 548 ha (0.0% of the country land area).  

Standard Estimate of Public Service Land (Rural) of 1%: 267 053 ha.  

Estimated Community Lands Area (recognized or unrecognized):  
24 927 566 ha (93.3% of the country land area).  

Notes: The dependent territory has not been assessed yet.
BOTSWANA

Country Area Minus Major Inland Water Bodies: 57,139,287 ha

Estimated Community Lands Area (recognized or unrecognized):
40,740,311 ha (71.3% of the country land area),

Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:
40,740,311 ha (71.3% of the country land area),

Estimated Area of Community Lands Not Formally Recognized:
0 ha (0% of the country land area).

Notes:
Official figure for community lands (tribal lands) is used here, but note:
(1) figure of 71.32% adjusted 40,740,311 ha to account for exclusion of inland water bodies,
(2) Official figure of private rural lands at 5.7% of country area (3,297,000 ha freehold) fails to account for private commercial leaseholds in community lands ('tribal land') at 335,300 ha, Real total: 3,622,100 ha with scope for further 5,109,400 ha due to zoning of tribal lands for commercial development.
(3) Available community lands is only 53.62% not 71.32% of country area as excludes commercial zones and already leased lands,
Security is also weak: no provision for collective title (either in customary or leasehold forms on tribal lands), no remote area settlements or community trusts managing wildlife in Wildlife Management Areas have received documentation and rising reports of reallocation of some of these lands to commercial ranching and tourism enterprises,
Recent sources:
Robert Hitchcock, pers. comm. Sept 2015; Richard White, pers. comm. Aug 2015,
Maria Sapignoli & Robert Hitchcock, “Land Issues in Botswana in 2015” (forthcoming Kalahari Peoples Fund),
Also see:
Maria Sapignoli, 2015 Dispossession in the Age of Humanity; Human Rights, Citizenship, and Indigeneity in the Central Kalahari. Anthropological Forum 2015 Routledge,
Boga Thuru Manatsha, 24 April 2013, Tribal Land Administration: Some Critical Lessons, Mmegi wa Dikgang Newspaper;
Refer elsewhere for review of laws against indicators (Liz Alden Wily).

**LESOTHO**

**Country Area Minus Major Inland Water Bodies:** 3 041 531 ha
**Terrestrial protected area:** 640 675 ha (21.1% of the country land area),
**Urban area:** 3 371 ha (0.1% of the country land area),
**Private Rural Land (statutory titles):** 60 830 ha (<2% (est) of the country land area),
**Standard Estimate of Public Service Land (Rural) of 1%:** 30 415 ha,

**Estimated Community Lands Area (recognized or unrecognized):** 2 335 896 ha (76.8% of the country land area),
**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:** 2 335 896 ha (76.8% of the country land area),
**Estimated Area of Community Lands Not Formally Recognized:** 0 ha (0.0% of the country land area),

**Notes:**
At least three-quarters of Lesotho is customary lands and this figure is conservative, based on removal of TPA, urban and a generous estimate of 2% of lands possibly under private statutory lease known to exist in urban, peri-urban and some rural areas, and additional subtraction of 1% country area to cover rural public service lands (dam infrastructure etc.). The law upholds customary rights as lawful occupancy and use (the entire country is vested in the King/State) and are impliedly protected with/without formalization (although there is some ambivalence on this in respect of off-farm communal grazing lands, the main land resource by area), Note that most titling so far has been confined to regularization of urban and peri-urban occupancy through issue of leases,
Refer elsewhere on site for review of laws against indicators (Liz Alden Wily).

**NAMIBIA**

**Country Area Minus Major Inland Water Bodies:** 81 857 161 ha

**Estimated Community Lands Area (recognized or unrecognized):** 29 468 578 ha (36.0% of the country land area),
**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:** 29 468 578 ha (36.0% of the country land area),
**Estimated Area of Community Lands Not Formally Recognized:** 0 ha (0.0% of the country land area),

**Notes:**
The official figure for community lands is used here (Communal Lands) (Ministry of Lands, 2014). Community wildlife conservancies and forest reserves are located within these lands, Note that to minimise double-counting, known TPA within communal lands are subtracted from the data for TPA retrieved from WPDA 2013. Communal lands are 36% of the total country area or 29,468 million ha excluding inland water bodies, Communal Lands denote permissive customary occupancy & use under state-appointed Land Boards (chiefs are represented), with title to the land vested in the State (not the case in freehold farming areas which account for a similar percentage of total country area), Only residential and farm lands may be formalised in lifetime usufructs (currently around 1.4 million ha of 29 million ha), leaving est. 27 million ha of grazing lands disposable with permission of
chiefs. This includes issue of leaseholds for commercial ranching to individuals or legal entities, with no application by villages for these communal lands yet approved.

Sources:
Liz Alden Wily, June 2014 for MCA Namibia, Guidelines for Group Land Rights in Communal Areas, Proposed official guidance for applicants, allocators and administrators;
Liz Alden Wily, June 2014 for MCA Namibia, Proposed Working Policy on Group Rights in Communal Areas,
Refer elsewhere on site for review of laws against indicators (Liz Alden Wily),

SOUTH AFRICA

Country Area Minus Major Inland Water Bodies: 121 569 266 ha

Estimated Community Lands Area (recognized or unrecognized):
15 804 005 ha (13.0% of the country land area).
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:
15 804 005 ha (13.0% of the country land area).
Estimated Area of Community Lands Not Formally Recognized:
0 ha (0.0% of the country land area).

Notes:
The official figure for lands under customary tenure is used here, referring to the lands of the former homelands now known as communal lands, and which in 2015 remain vested in the state in trust for occupants (due to the striking down of the Communal Land Reform Act, 2004 as unconstitutional, partly due to its bias towards ownership being capable of being vested in chiefs),
Note that in the case of the customary land of KwaZulu Natal the land is not vested in the name of the Minister of Rural Development and Land Reform but vested in and managed by the Ingonyama Trust for the Zulu king on behalf of residents, making the Trust the largest property owner in the province),
Many other lands claimed as community lands are not included here, most presently under registered private entitlement to individuals as large farms, the area of which falls within the official figure of private property (79% of total country area),
Minor additional areas under ownership of Communal Property Associations are also excluded here,
Ownership within the former homeland areas is secure, given their legal status as unable to be alienated without permission of owners (Interim Protection of Informal Land Rights Act, 1996) - see legal analysis elsewhere),
Most recent source for official figures: Wendy Ovens, Jean du Plessis, Mark Napier, and Felicity Kitchin, August 2013, Issues and Options for Improved Land sector Governance in South Africa, Application of the Land Governance Assessment Framework, Urban LandMark,

SWAZILAND

Country Area Minus Major Inland Water Bodies: 1 723 154 ha

Estimated Community Lands Area (recognized or unrecognized):
930 503 ha (54.0% of the country land area).
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:
930 503 ha (54.0% of the country land area).
Estimated Area of Community Lands Not Formally Recognized:
0 ha (0.0% of the country land area).

Notes:
The official figure of community lands in the form of Swazi National Lands vested in the King for the use of his subjects is used here as 54% of the total country area, Although not used to calculate community land area, the WPDA figure for TPA is reduced by 1% as known to fall within community Swazi National Lands (SNL) defined here as community lands.
Note that not all the Swazi National Land Area is under community jurisdiction; some areas are held by agencies. The official figure for SNL as of 2012 was 54% of the country area, another 36.8% of country area held under private land rights under Roman Dutch law. Source of figures include IFAD, 2012, Land and Natural Resources in Swaziland, Rome www.ifad.org/english/land/perspectives/gltn/Swaziland_FactSheet.pdf Refer elsewhere for review of laws against indicators (Liz Alden Wily).
BENIN

Country Area Minus Major Inland Water Bodies: 11,507,742 ha
Terrestrial protected area: 2,281,815 ha (19.8% of the country land area),
Urban area: 30,547 ha (0.3% of the country land area),
Private Rural Land (statutory titles): 230,155 ha (>2% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 115,077 ha.

Estimated Community Lands Area (recognized or unrecognized):
8,964,531 ha (77.9% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:
1,920,000 ha (16.7% of the country land area),
Estimated Area of Community Lands Not Formally Recognized:
7,044,531 ha (61.2% of the country land area).

Notes:
Identification of total community land area derives from excluding TPA, urban, private titled &
rural public service land.
Decrease of 433,860 ha made to official Terrestrial Protected Area figure (WDPA, 2013) due to
hunting areas believed to be fall within community lands as their Category denotes traditional
resource management as the official regime.
Community lands defined as lawfully held when under certificates; use of data for >30,000 Rural
Land Certificates issued by mid 2014 under aegis of c. 400 Community Land Plans (of a needed
3,300 Village Plans), Certificates only cover farms, not residences nor off-farm commons, Mainly
issued to families & lineages, Certificate may be converted into formal title for stronger rights.
Status of remaining est 6+ million ha of rural lands without Certificates is ambivalent.
Key source: pers. comm. Phillipe Lavigne Delville, Aug 2015, providing data from MCA and GIZ
final reports on farm titling projects.
Also see Comlan Aguessi, 2015, Rural Land Tenure Registration in Benin: Facts and Challenges
Estimate of private rural lands includes village-based farm titling as above together with limited
other private land titling in the rural sector; all sources confirm that most formal titling is within
urban areas.
Refer elsewhere for review of laws against indicators (forthcoming Liz Alden Wily).

**BURKINA FASO**

**Country Area Minus Major Inland Water Bodies:** 27,416,493 ha  
**Terrestrial protected area:** 3,991,575 ha (14.6% of the country land area),  
**Urban area:** 29,836 ha (0.1% of the country land area),  
**Private Rural Land (statutory titles):** 274,165 ha (<1% (est) of the country land area),  
**Standard Estimate of Public Service Land (Rural) of 1%:** 274,165 ha.

**Estimated Community Lands Area (recognized or unrecognized):** 22,846,752 ha (83.3% of the country land area),  
**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:** 22,024,257 ha (83.3% of the country land area),  
**Estimated Area of Community Lands Not Formally Recognized:** 0 ha (0% of the country land area).

**Notes:**  
Law (2012) protects customary rights without formal certification and treats customary rights as having equal force and effect as non-customary entitlements, Certificates legally available to individuals, families & communities, as identified via community-managed local land charters, By June 2014 only 260 Certificates issued covering 9,052 ha,  
Key sources:  
Peter Hochet, pers comm July 2015, Situation as of 30 June 2014, extracted from MCC-Burkina Faso;  
Peter Hochet, Juin 2014, Burkina Faso: vers la reconnaissance des droits fonciers locaux, Fiche Pays No, 5 Burkina Faso, AFD, Comite technique Foncier & developpement;  

Refer elsewhere for review of laws against indicators (forthcoming Liz Alden Wily).

**CÔTE D’IVOIRE**

**Country Area Minus Major Inland Water Bodies:** 31,912,643 ha  
**Terrestrial protected area:** 7,041,150 ha (22.1% of the country land area),  
**Urban area:** 137,493 ha (0.4% of the country land area),  
**Private Rural Land (statutory titles):** 638,253 ha (2.0% of the country land area),  
**Standard Estimate of Public Service Land (Rural) of 1%:** 319,126 ha.

**Estimated Community Lands Area (recognized or unrecognized):** 23,776,621 ha (74.5% of the country land area),  
**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:** 35,462 ha (0.1% of the country land area),  
**Estimated Area of Community Lands Not Formally Recognized:** 23,741,159 ha (74.4% of the country land area).

**Notes:**  
Law 1998 (2004) permits communities to secure Certificates of Occupancy but must be converted into non-customary title (Titre Foncier), which requires registration of legal entity and high costs, Only 809 certificates issue (35,462 ha), mainly for family lands inclusive of some commonage but secure only once converted into statutory title and almost no cases since 1999, Re-examination of legal norms underway,  
CAPE VERDE

Country Area Minus Major Inland Water Bodies: 409,095 ha
Terrestrial protected area: 10,350 ha (2.5% of the country land area),
Urban area: 0 ha (0.0% of the country land area),
Private Rural Land (statutory titles): 40,910 ha (>10% (est) of the country land area).
Standard Estimate of Public Service Land (Rural) of 1%: 4,091 ha.

Estimated Community Lands Area (recognized or unrecognized):
353,744 ha (86.6% of the country land area).

Notes:
No data on legal recognition of community lands.
Area of community lands with/without recognition is strictly an estimate, based on excluding the protected areas, urban area, estimate of the area under private title, and exclusion of standard 1% of land area for rural public service lands (airports, roads, etc.).

GAMBIA

Country Area Minus Major Inland Water Bodies: 1,050,358 ha

Estimated Community Lands Area (recognized or unrecognized):
908,400 ha (86.6% of the country land area).
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:
908,400 ha (86.6% of the country land area).
Estimated Area of Community Lands Not Formally Recognized:
0 ha (0.0% of the country land area).

Notes:
Minor decrease of TPA due to exclusion of one community wildlife reserve (389 ha), Although an official figure for private land (rural) is available and recorded here (11%) neither this, nor the TPA, or urban areas used due to availability of official figure for community lands (known as customary lands) at 908,400 ha.
Note: some unclarity as to equivalency of customary rights with leasehold and freehold rights, Refer elsewhere on site for review of laws against indicators (Liz Alden Wily, forthcoming).

GHANA

Country Area Minus Major Inland Water Bodies: 23,199,561 ha

Estimated Community Lands Area (recognized or unrecognized):
18,467,046 ha (79.6% of the country land area).
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:
18,467,046 ha (79.6% of the country land area).
Estimated Area of Community Lands Not Formally Recognized:
0 ha (0.0% of the country land area).

Notes:
The total area of TPA reduced by 63,586 ha as being within acknowledged customary lands, Customary lands are formally recognized as community-derived property with or without issue of formal entitlements, Official figure for customary lands is 80% of the total country area, While customary freeholds are issued by traditional authorities and now Customary Land Secretariats, few parcels have been alienated entirely from the customary sector (in form of
registered common law freeholds or leases, which number 300,000 parcels mostly acquired for urban areas).

Key sources:
- Refer elsewhere on site for review of laws against indicators (Liz Alden Wily, forthcoming).

**GUINEA**

**Country Area Minus Major Inland Water Bodies:** 24 423 962 ha

**Terrestrial protected area:** 1 153 525 ha (4.7% of the country land area),

**Urban area:** 22 064 ha (0.1% of the country land area),

**Private Rural Land (statutory titles):** 488 479 ha (<2% of the country land area),

**Standard Estimate of Public Service Land (Rural) of 1%:** 244 240 ha,

**Estimated Community Lands Area (recognized or unrecognized):** 22 515 654 ha (92.2% of the country land area),

**Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:** 2 275 989 ha (9.3% of the country land area),

**Estimated Area of Community Lands Not Formally Recognized:** 20 239 665 ha (82.9% of the country land area),

**Notes:**
- Land Code 1992 provides for customary rights to be registered as ownership rights, superseded by Code foncier et domanial, Loi No. L/99/013/AN. This recognizes customary rights but requires registration in order to be fully protected (see Art. 3 and 39). Less than 10% of rural lands have been registered.
- Key source: A, A, Barry and K. Ngom, EuropeAid, August 2015, Rapport provisoire CAGF-Guinee Conakry, Appui a l’organisation des Estas Generaux sure le Foncier et realisation due Cadre d’Anayluse de la Goverurnance Fonciere (CAGF) en Guinee.

**GUINEA-BISSAU**

**Country Area Minus Major Inland Water Bodies:** 3 338 353 ha

**Terrestrial protected area:** 912 625 ha (27.3% of the country land area),

**Urban area:** 233 635 ha (0.1% of the country land area),

**Private Rural Land (statutory titles):** 333 835 ha (>10% est of the country land area),

**Standard Estimate of Public Service Land (Rural) of 1%:** 33 384 ha,

**Estimated Community Lands Area (recognized or unrecognized):** 2 055 483 ha (61.6% of the country land area),

**Notes:**
- Customary rights are legally respected in principle (Law No 5 of 1998, Art. 2) and traditional authorities formally vested with land administration roles in rural areas. However privately titled rural lands are particularly expansive in the form of 7,000 concessions existed by 2006, mainly covering urban and peri-urban lands; no data on area of customary lands subject to other titles or the level of tenure security that in practice obtains.
Liberia

Country Area Minus Major Inland Water Bodies: 9,566,532 ha
Terrestrial protected area: 1,246,825 ha (13.0% of the country land area),
Urban area: 9,895 ha (0.1% of the country land area),
Private Rural Land (statutory titles): 4,783,266 ha (50% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 95,665 ha.

Estimated Community Lands Area (recognized or unrecognized):
5,739,919 ha (60.0% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:
3,032,946 ha (31.7% of the country land area),
Estimated Area of Community Lands Not Formally Recognized:
2,706,973 ha (28.3% of the country land area).

Notes:
Note overlap of private and community lands as significant area of community land is under registered entitlement to communities.
No official data on area of community lands but estimate of 60% used here, based on area of Liberia deemed as hinterland, excluding the residual littoral 'sold' earlier on to colonial societies bringing settlers from America from 1820 (Liz Alden Wily, 2007, So Who Owns the Forest? An investigation into forest ownership and customary land rights in Liberia, FERN (UK & Brussels) & SDI, Monrovia).
No official figures for percent of country under registered title, now the only means to secure tenure (until the drafted Land Rights Law is enacted, anticipated before end of 2015). An estimate of 50% is used here, notably including titles issued from 1949 to communities on request, and today include 14 Aborigines Land Grants at 950,339 ha and 32 Public Land Sale Deeds at 1,816,357 ha as retrieved by the Forest Development Administration (Alden Wily, 2007), and more recent retrieval of old deeds to communities amounting to 1,766,030 ha as reported by Paul de Wit and Caleb Stevens, 2014, 100 Years of Community Land Rights in Liberia: Lessons Learned for the Future, Paper presented at the World Bank conference on land and poverty, March 2014).
This combined area of 3,032,946 ha represents 63.4% of the estimated titled rural lands of Liberia. Areas covered by community deeds overlap with national forest areas.

Mali

Country Area Minus Major Inland Water Bodies: 124,639,759 ha
Terrestrial protected area: 6,014,358 ha (4.8% of the country land area),
Urban area: 38,029 ha (0.0% of the country land area),
Private Rural Land (statutory titles): 6,231,988 ha (5% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 1,246,398 ha.

Estimated Community Lands Area (recognized or unrecognized):
11,108,986 ha (89.1% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used:
0 ha (0.0% of the country land area),
Estimated Area of Community Lands Not Formally Recognized:
11,108,986 ha (89.1% of the country land area).

Notes:
Total community lands estimated on basis of excluding TPA, urban, private rural lands and rural public service land. Reduction of TPA area by 1% to account for TPA known to exist in community lands,
Law recognizes customary lands as occupied and used (Land Code 2000, Art, 43-46) but state owns all unregistered land (Art, 28), property exists through issue of statutory title (titre foncier).
and rural registration is focused on issue of titles or leases to rice or other farmers in arable development zones (>5% of country).
Informal deeds (Decision de concession rurale) widely used to transfer customary peri-urban lands to developers. As collective lands cannot be registered (Art. 46), community possession of 80% of the country is insecure, demonstrated as vulnerable to reallocation by the state. Legal commitment for 703 communes to record customary rights excludes pastoral lands and application minimal so far. Customary rights ranked overall as insecure despite legal acknowledgement as lawful occupation and use rights.

MAURITANIA

Country Area Minus Major Inland Water Bodies: 103 878 811 ha
Terrestrial protected area: 603 825 ha (0.6% of the country land area),
Urban area: 13 718 ha (0.0% of the country land area),
Private Rural Land (statutory titles): 2 077 576 ha (>2% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 1 038 788 ha.

Estimated Community Lands Area (recognized or unrecognized): 100 144 904 ha (96.4% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 5 193 940 ha (5.0% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 94 950 964 ha (91.4% of the country land area).

Notes:
80% of Mauritania is desert/pastoral land claimed as community land on the basis of a mix of Sharia and customary law, as are the arable areas including along the Senegal River, the target for rural privatization outside the capital.
The 1983 land code (Ordonnance 83127 du 5 juin 1983 portant sur la réorganisation foncière et domaniale) abolished customary tenure, vested all land in the state, and stipulated that only formal registered individual entitlements would be upheld as property (Arts. 1-3). However, only 27 075 titles issued, of which only 72 are in rural areas. Inter-clan conflict has been a major factor since 1983 and led, inter alia, to slightly more security for users (by amendment of the 1983 law in 1990) and to the Pastoral Code (Loi No. 2000-44 portant le code pastoral en Mauritanie). This is notable as the only law in Africa to prioritise mobile grazing over settled cultivation, but which makes no provision for community entitlement. It does enable communities to define ‘pastures’ excluding private lands, and enter management agreements with local governments. Not known how many communities have done so or area involved, and a guestimate of a maximum of 5% of Mauritania as under such usufruct arrangements is used here to indicate that some degree of acknowledged occupation and use applies in pastoral areas, and likely to be mainly proximate to oases and settled camps.
Despite the pastoral code, failure to reform the 1983 law and recognize customary rights as property interests is reputedly a source of social conflict.
Key sources:

NIGER

Country Area Minus Major Inland Water Bodies: 118 336 163 ha
Terrestrial protected area: 19 111 750 ha (16.2% of the country land area),
Urban area: 44 043 ha (0.0% of the country land area),
Private Rural Land (statutory titles): 1 183 361 ha (<1% (est) of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 1 183 362 ha.

Estimated Community Lands Area (recognized or unrecognized): 96 813 647 ha (83.8% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 11 833 616 ha (10.0% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 84 980 031 ha (71.8% of the country land area).

Notes:
The Rural Land Code in 1993 (a series of related legal texts on natural resource management, tenure, forestry, fisheries, water, expropriation and institutional developments and which continues to be developed) established customary rights as a basis of issue of certificates of private rights to arable lands in the south and issue of priority access rights to pastoralists for their home grazing territories and wells in the north (60 MHa owned by the state).
Full property rights may also be obtained from the Land Registry. Provision exists for issue of certificates or access rights to individuals, families or groups. Chiefs tend to retain large areas of off-farm lands in the arable south.
Even after 20 years there remains ambivalence as to the status of community lands without certificates and in the absence of adequate development of promised local land commissions after decentralization in 2004. Formal titling is expensive and cumbersome and chiefs issue documents confirming customary rights over specific parcels with uncertain locus standi.
Rights are in principle secure with or without titles but due to land grabbing, including in pastoral areas, tenure is vulnerable without title. Idea of empty lands without owners also prevails in the law and unregistered lands risk being so categorised.
No data for the area subject to customary certificates but estimated as less than 10% of the total country area.
Key sources:
AGTER, Lessons Learned from Niger's Rural Code
Legal and Institutional Framework, at http://www.agter.asso.fr/article549_en.html;
On pastoralism: http://www.agter.org/bdf/_docs/niger_-_paper_4_-_pastoralism.pdf;
Tearfund 2015, At the Crossroads Analysing the impact of pastoral policies upon pastoralists based in Abalak, Niger.

NIGERIA
Country Area Minus Major Inland Water Bodies: 90 158 429 ha
Terrestrial protected area: 11 883 875 ha (13.2% of the country land area),
Urban area: 456 285 ha (0.5% of the country land area),
Private Rural Land (statutory titles): 2 704 753 ha (3.0% of the country land area),
Standard Estimate of Public Service Land (Rural) of 1%: 901 584 ha,

Estimated Community Lands Area (recognized or unrecognized): 74 211 932 ha (82.3% of the country land area),
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 74 211 932 ha (82.3% of the country land area),
Estimated Area of Community Lands Not Formally Recognized: 0 ha (0.0% of the country land area),

Notes:
Community lands deemed ‘fairly secure’ in law comprising mainly family rural lands but see below,
Community land area is calculated by excluding protected areas, urban area, registered private land areas and subtraction of rural public service lands at 1% of country area. Legally, the remaining majority area (community lands) is lawfully occupied and used, but handicapped by shortfalls in law and especially its application,
Rights within the community sector are predominantly customary family rights, with lesser areas for communal lands, mostly as village-based grazing areas (5% of total country area at 7 million ha).

All land is vested in Governors of States in trust for citizens. Governor of State issues statutory certificates of occupancy to families and individuals and elected Local Government Authorities (LGA, of which there are 775) issue customary rights of occupancy for rural lands (up to 500 ha per family and 5,000 ha per community for collective grazing areas (Land Use Act 1978, reissued in 2004, consolidated in 2013 with amendments).

Most land is considered to be private land (70-75% of country area) established by possession/customary law and which may be voluntarily registered. Only 3% of the country area is under statutory certificates of occupancy (based on cadastral mapping and formally entered into Cadastre).

Security of tenure is handicapped by legal requirement that transfers have permission of the LGA or Governor; failure to get permits can and does result in cancellation of family rights. Lack of accountability of Governors as titular owners also problematic in that law permits takings for public purpose without compensation for other than improvements to the land.


Refer elsewhere on site for review of laws against indicators (Liz Alden Wily, forthcoming).

SAINT HELENA (UK)

Country Area Minus Major Inland Water Bodies: 28 860 ha
Terrestrial protected area: 0 ha (0.0% of the country land area)

Notes: The dependent territory has not been fully assessed yet.

SENEGAL

Country Area Minus Major Inland Water Bodies: 19 492 281 ha

Estimated Community Lands Area (recognized or unrecognized): 13 552 811 ha (69.5% of the country land area),

Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 11 305 523 ha (58.0% of the country land area),

Estimated Area of Community Lands Not Formally Recognized: 2 247 288 ha (11.5% of the country land area),

Notes: The official figure for community lands in the form of zone des terroirs is used here, as lands acknowledged as governed by communities through rural councils, and which are not legally available for privatization under non-community based tenure.

Rights are relatively secure in that the state may not appropriate these community land territories through other than compulsory acquisition for public purpose, reinforcing principle that the territories are owned.

Note that customary tenure is formally abolished (1964 law) but continues to be practised, manifest in community based rules as applied by communities under supervision of rural councils.

Additional community lands exist under other categories, especially in lands declared to be pioneer zones, governed directly by the state. The Government has instituted a National Commission for Land Reform (CNRF), responsible for drafting a new land policy following nationwide dialogue in 2015.

Estimated area of zone des terroirs is 58% of country.


Also referred to:
SIERRA LEONE

Country Area Minus Major Inland Water Bodies: 7 223 884 ha
Terrestrial protected area: 388 426 ha (5.4% of the country land area).
Urban area: 14 496 ha (0.2% of the country land area).
Private Rural Land (statutory titles): 144 478 ha (<2% (est) of the country land area).
Standard Estimate of Public Service Land (Rural) of 1%: 72 239 ha,

Estimated Community Lands Area (recognized or unrecognized): 6 604 245 ha (91.4% of the country land area).
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 6 604 245 ha (91.4% of the country land area).
Estimated Area of Community Lands Not Formally Recognized: 0 ha (0.0% of the country land area).

Notes:
Although semi-official figures for community lands exist, the area estimated here through excluding Terrestrial Protected Areas, urban lands, estimated rural lands under private title and a standard subtraction of 1% of country area to cover rural public service lands. Decrease of 0.3% of total area of TPA to remove PA known to fall within acknowledged customary land areas.
Note that the semi-official figure for community lands is 99% of country area not used here is higher than obtained through above exclusion method. The official figure considers all but the Western Area to be under jurisdiction of customary norms in the hands of 149 chiefs (with ambivalent legal roles for district councils). This customary area (comprising the three provinces) coincides with the former protectorate and wherein customary tenure applies as per colonial legislation, sustained until the present.
99% does not take into account lands which have been alienated from community lands through privatization under leases, or through their reallocation to local and international investors by conjointed government-chief decisions. The area of such alienations is not known but recorded in research papers as affecting a number of traditionally communal lands, such as the boli wetlands.

TOGO

Country Area Minus Major Inland Water Bodies: 5 680 318 ha
Terrestrial protected area: 603 325 ha (10.6% of the country land area).
Urban area: 20 839 ha (0.4% of the country land area).
Private Rural Land (statutory titles): 284 016 ha (<5% (est) of the country land area).
Standard Estimate of Public Service Land (Rural) of 1%: 56 803 ha.

Estimated Community Lands Area (recognized or unrecognized): 4 715 335 ha (83.0% of the country land area).
Estimated Area of Community Lands Recognized as Owned or Lawfully Occupied and Used: 0 ha (0.0% of the country land area).
Estimated Area of Community Lands Not Formally Recognized: 4 715 335 ha (83.0% of the country land area).

Notes:
The Ordonnance No. 12 du 6 février 1974 Réforme Agro-Foncière is believed to still be in force, as is Ordonnance No. 78-18 portant création et mise en valeur des zones d’aménagement agricole planifié de 1978.
These laws produce ambivalent status for community-derived rights. No. 12 of 1974 guarantees the ownership of individuals and communities based upon registered title and adds ‘The State also guarantees the ownership rights of any person or community who can claim to exercise customary rights over the land they use’ (Art. 2). This has been interpreted in opposite ways, as meaning no title is required for security, or that title is still required but that customary use can be a basis of such entitlement.

There is no provision for off-farm lands to be secured. This has induced conflict since the 1970s in reference to rights to forests and especially to rangelands in the north. The law is clear that both assets are state property.

The strength of the Togo land law is that it was one of the first in Africa to allow collective rights to be registered (such as for family farms) but with above constraints. The area of rural Togo subject to formal title is estimated here as 5%.