

REPORT

# LAND CORRUPTION IN AFRICA IN THREE TOPICS

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# INTRODUCTION

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From July 17 to August 7, 2019, the Land Portal Foundation, the African Land Policy Center, GIZ and Transparency International Chapters in Ghana, Kenya and Uganda co-facilitated the dialogue [Land Corruption in Africa](#) addressing the role of traditional leaders in customary land administration, forced evictions as a form of land corruption and its Impact on women's land rights and an analysis of alternative dispute resolution systems in addressing land corruption.

Corruption in land governance is the abuse of entrusted power for private gain while carrying out the functions of land administration and land management. When land investors target countries with weak governance, the risk of corruption is high. Likewise, corruption is more likely to occur when local elites are able to manipulate their country's land governance systems for their own benefit. Whether it's an opaque deal between private investors and local authorities, citizens having to pay bribes during land administration processes, unaccountable urban planning, or customary laws that deny women their land rights, land corruption hits poor and marginalised men and women hardest. In Africa, almost every second client of land administration services has been affected.

The effects of land corruption include insecure tenure, food insecurity, a barrier to socio-economic development, an increased risk of conflict, and a threat to traditional ways of life. In many countries, the continued presence of land corruption exacts a toll on national economies and stands in the way of achieving many of the Sustainable Development Goals.

## [The Role of Traditional Leaders in Customary Land Administration](#)

In Ghana, corruption in customary land transactions is most likely to occur when land is allocated by traditional leaders and registered by government institutions. Moreover, private investors have a considerable influence on increasing land prices. This has a negative impact on community members by limiting their access to land and title registration services with chiefs, which often results in conflict. Nonetheless, investors are also found to be at a disadvantage in land allocation processes, due to the vagueness and uncertainty of the dual land system.

In Zambia, the overlap of authority in land institutions leaves the system vulnerable to corruption, especially during the conversion process of customary land to statutory leasehold title. Multiple institutions governing this conversion process lack clear guidelines, and authority figures such as chiefs may misuse their discretionary power for personal gain. The lack of standardised processes in customary land administration have overall created a dynamism within which community members have limited access to information on how to secure their land rights. Investors are found to further complicate this situation as the demand for land and a lack of protection of customary rights have resulted in the displacement of customary landholders across the country.

## [Forced Evictions as a form of Land Corruption and its Impact on Women's Land Rights](#)

In Kenya, the practice of forced evictions is a growing national problem that threatens lives and

livelihoods, especially of the most vulnerable and marginalized members of the society - including the urban poor, slum dwellers, persons living with disability, minorities and indigenous groups, women, children and the elderly. Forced evictions have been carried out under the pretext of forest conservation, development projects, and slum upgrading projects. The massive eviction of residents of the Kibera informal settlement in southwest Nairobi, Kenya (one of the poorest communities of Kenya) to pave way for road construction in July 2018 left more than 30,000 people homeless and rendered 2,000 children without schooling.

The situation is similar in Uganda, where the significance of land cannot be gainsaid. The emerging development opportunities by the government characterised by discovery of oil and gas reserves, e - revolution, globalization and economic integration entail projects that require huge amounts of land which the government has and is still acquiring. This makes land highly attractive to both investors and land speculators. The unprecedented new interest, coupled with the relative ease of persons with financial resources to easily obtain a land title or rights over land, has led to a scramble for land resulting into increased land grabbing, unlawful illegal evictions, fraudulent and or irregularities in land acquisition processes, unfair compensation, leading to loss of livelihoods, family breakdown, loss of inheritance rights, opportunity for corruption of public officials and abuse of community rights. This has greatly eroded the public confidence in land administration.

#### [Analysis of Alternative Dispute Resolution systems in addressing Land Corruption](#)

The Constitution of Kenya 2010 recognises access to justice for all as a fundamental right that all persons are entitled to and obliges the state not only to respect and protect, but also promote its realization in the fullest sense. Notably, the law identifies access to justice as a core element of achieving social justice in the country. To enhance access to justice, the government enacted the Legal Aid Act 2016 to facilitate the provision of legal aid to the poor. Besides the Act, there also exists the National Action Plan on Legal Aid (2017-2022), whose main underlying spirit is 'Towards access to justice for all in Kenya.' This provides an opportunity to seek recourse to land dispute cases, and more specifically, land corruption related cases. It is instructive to note that the Constitution now recognises and promotes the use of Alternative Dispute Resolution in settling disputes, land being one of them. There is a need to strengthen the capacity of various institutions of governance to deal with the pervasive problem of corruption.

In Ghana, access to justice is enshrined in various provisions of the 1992 Constitution. Article 12 demands from all absolute respect to uphold the fundamental human rights and freedoms as enshrined in the supreme law of the land. A major obstacle in accessing justice in Ghana is the lack of an efficient and fully-functional court system, with few poorly resourced courts to provide efficient services to all. Moreover, there are too many protracted land cases in courts where it takes between three to five years minimum and between eight to fifteen years maximum, to successfully resolve land disputes in court. The situation has also been characterized by high risks of corruption, abuse of human rights and justice. Consequently, most Ghanaians prefer using approved and unapproved alternative means of dispute resolution mechanisms rather than the formal court systems.

# OBJECTIVES

The specific objectives of this dialogue were to:

- » Collect recommendations in improving the state of affairs, and engaging in a gender responsive approach towards managing forced evictions
- » Examine the legal, institutional reforms and progress made towards making access to justice for all a reality
- » Collect recommendations to better secure customary land rights within a dual land system particularly in the context of the rising pressure on land brought about by the arrival of investors.

# DIALOGUE QUESTIONS

The dialogue questions were divided into into the three overarching discussion threads of customary land rights, forced evictions and alternative dispute resolution mechanisms:

## **THE ROLE OF TRADITIONAL LEADERS IN CUSTOMARY LAND ADMINISTRATION: CASE OF GHANA AND ZAMBIA**

- » To what extent the customary land administration is transparent in Ghana and Zambia?
- » What are the challenges in a context where the land system is governed by both customary and state authorities?
- » What are the corruption risks in the allocation and registration/conversion of customary land to investors?
- » Implementing a legal dispute resolution mechanism in the customary land administration would it help to improve the management of customary land?
- » Could sanctions against chiefs when they deliberately violate the land use could make a difference?

## **FORCED EVICTIONS AS A FORM OF LAND CORRUPTION AND ITS IMPACT ON WOMEN'S LAND RIGHTS: CASE OF KENYA AND UGANDA**

- » How do you strike a balance between development for common good (public interest) and forced evictions?
- » How do forced evictions specifically affect women land rights?
- » What measures/safeguards exist in Kenya and Uganda for protecting citizens against forced evictions? In your opinion, do you think these measures are adequate?
- » What are your recommendations towards addressing the impact of forced evictions on women in Kenya and Uganda?

## ANALYSIS OF ALTERNATIVE DISPUTE RESOLUTION (ADR) SYSTEMS IN ADDRESSING LAND CORRUPTION: CASE OF KENYA AND GHANA

- » How effective are Alternative Dispute Resolution (ADR) mechanisms in addressing Land Corruption cases?
- » What challenges exist in the implementation of alternative dispute resolution (ADR) in resolving land corruption cases in Kenya and Ghana?
- » How do we guarantee access to justice for vulnerable groups affected by land corruption?
- » Do you think there is a conflict between the formal and traditional justice systems on land? If so, how can the conflict be addressed?

Following the proposed categories of questions above, the dialogue was organised by weekly submissions and contributions on ton the above-mentioned topics.



# DISCUSSION SUMMARY

## THE ROLE OF TRADITIONAL LEADERS IN CUSTOMARY LAND ADMINISTRATION: CASE OF GHANA AND ZAMBIA

It was very clear that both Zambia and Ghana have a dual land administration systems, both customary and statutory. In Ghana, the customary land administration set up puts the allocation of customary lands in the hands of the local traditional authority, with the consequent land rights recordation and documentation in the hands of the governmental bodies. Despite the fact that both systems of administration have been recognized in the Zambian constitution and land laws, state land is considered more secure because title deeds stand as proof of ownership in the courts of law and elsewhere whereas the customary land certificate though valid is not as secure and recognized as the title deeds

### CHALLENGES OF A DUAL LAND ADMINISTRATION:

A major challenge of having a dual land administration system is that both state and traditional leaders see land as a resource that generates revenue; however, for the state, guidelines on land access and payment of land rents makes it easier for land owners to comply other than in customary land where the royalties required for one to access land are not fixed and may vary from person to person and when the resources are collected, there is no transparency or accountability on how they are being managed or how they are contributing to chieftdom development. The common practice is that everything received by the chief belongs to the chief.

Another challenge is that customary tenure governance is not codified and depends to a large extent on the goodwill of the traditional authorities. It has generally worked well but with the advent of Large-Scale Land Based investments, the temptation to “offer” land to the investor at the promise of job creation is huge. This sometimes can lead to displacements of the same people who are supposedly to be given jobs.

In addition, customary land registration processes are still time-consuming, they generally remain poorly documented. Transactional activities related to them remain hooded in non-transparent measures.

Some critical issues raised in relation to Zambia are the following:

- » An incomplete legal cadaster - Current land registration law is limited to state land while customary land is not subject to the land registration system
- » An incomplete fiscal cadastre - While state land is subject to land rents and taxes, there are no rents or taxes levied on customary land
- » A differentiated system - With statutory tenure having well defined boundaries and superior rights than customary tenure. Fixed boundary system, registration of title,

collateralization are all exclusive to statutory tenure. While customary tenure has general boundaries, rights limited to use and occupation with no title, cannot be used as collateral

- » Lack of clarity and overlapping rights and mandates - which can sometimes be difficult to disentangle in instances where state developmental interests are occurring on customary land e.g. Game Reserves, Forests Reserves, Mining interests, establishment of new districts or extensions to existing districts which occurs on customary land
- » One-way conversion - Currently in Zambia land can only be converted from customary to state land. There are no provisions to give land back to customary authorities even in instance in which the land has not been used for the purpose for which it was converted.

A key highlight was the point that by law it is clearly spelt out what specific procedures guidelines government and investors must follow over large-scale investments. Including the need to consult affected communities, provide appropriate compensation, adhere to resettlement standards, assess environmental impacts, and comply with relevant laws. Also, the traditional leaders must consult affected communities before agreeing to land transfers. Unfortunately, this is mostly not the case and thus the challenges of displacement, non-payment of compensation etc. It therefore behooves on Government officials to ensure that investment projects comply with the law – (Lands Customary Tenure, Conversion and Regulations.)

A peculiar point in Ghana was the mention of the Statutory Instrument which regulates the amount of land a traditional leader can give to an investor without consultation of government – 250 Hectares, but in some instances traditional leaders have exceeded this limit, causing uproar about abuse of power and possible linkages to corruption.

## RECOMMENDATIONS

- » Government should adopt a gender-sensitive and inclusive National Land Policy system based on human rights principles. This shall ensure an effective land administration system and efficient enforcement of the existing laws and regulations concerning the allocation, sale, transfer and assignment of land. In addition, Customary land rights should be put at an equal standing with state land to protect the rights of those living on customary lands.
- » Promote the use of applications and approaches that are corruption proof. One concrete example cited was the use of 'Blockchain processes'. It was suggested that Blockchain provides a more transparency focused tool for customary land administration. Using Blockchain will involve the creation (management or administration) of distributed land information databases for peer-to-peer transactions, usually shared between the nodes of a network. The implication is that a central system will record land transactions in real-time and transactions are transparent to all in the system. As Blockchain is emerging, it is worthwhile to use it in the land administration sector to enable transparency, and so reduce corruption.
- » Equitable, Effective and Efficient - Fairness and justice should be the main characteristics of the land allocation system. Land management must be capable of producing desired results at a minimum cost to the public and the environment.

- » Community Origins and interest - A land management system must reflect the value systems and interests of the people it serves and not be an alien imposition.
- » Cheapness and Completeness - Original grants of land should be cheap enough to be afforded by all. Failure to which means-tested selective subsidies should be considered to enable the poorest of the poor in society to access land.
- » Leasehold – An acknowledged fact that absolute ownership of the land does not vest in the individual. To the one, it vests in God, to the other, in the community. The leasehold principle complements the equity principle by providing potential opportunities for redistribution.
- » Security of Tenure - A clear definition/demarcation of boundaries, state guaranteeing a system of registration, and an independent and accessible legal system are essential for securing use-rights
- » Alternative dispute resolution – The ADR concept introduced in the Customary Land Administration is helping particularly women and marginalized to seek redress should hitherto could not have contested their cases in the law courts.

A key example from Ghana was the pilots of Customary Land Secretariat (CLS) as designated office mandated to support the Land-Owning groups to be more transparent and accountable in documenting land transactions within the Traditional Councils. Over 58 CLSs exists across the country, with dedicated office with some complement of staff that support the functioning of the secretariat. Some of the CLSs has become financially viable by making the land transactions so transparent by documenting and displaying fees, levies and charges on every transaction. Some of the CLSs have an audited account.

## **FORCED EVICTIONS AS A FORM OF LAND CORRUPTION AND ITS IMPACT ON WOMEN'S LAND RIGHTS: CASE OF KENYA AND UGANDA**

In both Kenya and Uganda, laws governing forced evictions do exist. In its preamble the Kenya Land Laws (Amendment Act, 2016) states that this is an Act of Parliament to amend the laws relating to land to align them with the Constitution and give effect to Article 68 c (i) and 67 (2) (e) of the Constitution, to provide for procedures on eviction from land and connected purposes. Section 152C of the Land Act unlawful occupiers of land should be given at 3 months prior to the eviction. This must in be writing, in the Kenya Gazette, in a newspaper of national circulation and on radio. Under section 152F, any person served with an eviction notice may apply to the court for relief against it. During evictions there are strict rules that should be followed. The mandatory procedures are the Land Law Amendment of 2016. Stating that evictions must be carried out in a manner that respects the dignity, right to life, the security of those being evicted. Groups that are vulnerable such as women, children, the elderly and the differently challenged must have special measures to protect them.

Under objective (xi), of the Constitution of the Republic of Uganda 1995, it is stated that in furtherance of social justice, the State may regulate the acquisition, ownership, use and

disposition of land and other property, in accordance with the Constitution. The legality of compulsory acquisition of land is enshrined under the Constitution of the Republic of Uganda 1995 and in particular Article 26 which provides for protection from deprivation of property.

It was suggested that strict adherence to these laws is paramount, and that governments should follow all legal procedures and ensure affected persons are given an opportunity to have their concerns heard, addressed and given time to freely vacate the land. If all legal processes have been exhausted and forceful evictions are the only remaining option, the government must ensure that the right to dignity has to be preserved and the eviction must be done in a manner that will have the least possible damage to personal property, life, and human rights.

Discussants mentioned numerous examples of forced evictions in which communities were severely affected and laws were not respected:

- » The High Commissioner for Human Rights(2018) reported that in Kenya “The Government has bulldozed hundreds of houses and destroyed at least five schools. The eviction operation which started in the early hours of 23 July 2018 is expected to leave more than 30,000 people homeless. It has already left about 2,000 children without schooling.”<sup>1</sup>
- » The case of Ugandan soldiers Uganda Peoples’ Defence Forces (UPDF) forcibly evicting communities in Oyanga, Luru, Acholi Ber and Gaji villages in the Apaa area in Northern Uganda in early 2018 were orchestrated by the Uganda Wildlife Authority and the National Forestry Authority who alleged that the villagers were occupying Zoka Forest reserve and East Madi Game Reserve. The evictions led to damage of property and left hundreds of people, including children homeless, contrary to the safeguards required under international human rights law like the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.
- » Kamsisomwa villagers north of Kigoma in Tanzania were from their land to make way for a REDD+ scam for the Jane Goodall Institute. In Zambia, the late Senior Chief Luembe sold land belonging to the Luembe Conservation Trust) lying between Mbizi lodge and Munyamadzi game ranch in early 2012 to a Petauke trader, resulting in the forced eviction of some 1,200 people without any compensation.
- » The Ogieks, a Kenyan indigenous community was issued a 30 days eviction notice in 2009 on the grounds that the forest constituted a reserved water catchment zone and the State had to conserve it. This was not an element of novelty for the Ogieks since they had been victims of injustice throughout the 20th century and have suffered from continuous marginalization and subjugation.

It was suggested that governments may need land for public interest projects such as expanding roads, mineral exploration or establishing other public utilities. In such instances, the rights of the government override individual rights of ownership, and therefore the government can take privately owned land through a process termed as compulsory acquisition. However, governments must give adequate notice and compensation to the private owners of the land before acquiring it. In some cases, evictions may occur because settlements are located in ecologically sensitive areas or for infrastructure development. One discussant noted that forced evictions are not always the result of selfish motivations. Justifications given for forced

evictions may include development, emergencies as well as reconstruction. Some forced evictions may end up being well-received after their implementation, as in the case of the Kibera bypass link road, which purportedly made area more accessible to emergency services, such as ambulances and fire trucks. There was consensus that evictions should be done as the last resort, and it should be well evident that land used to achieve development, as opposed to depriving people of their land for selfish reasons.

Nonetheless, it was underscored that in the overwhelming majority of cases, forced evictions lead to severe trauma for people who often are already marginalized and vulnerable in the society.

It was suggested that current forced evictions in Kenya are an extension of colonial behavior in which colonial governments used irregular and or illegal methods to obtain land from the native communities. Frequently, there is a lack of due process with regard to forced evictions in Kenya that are done in the name of development. The government, civil servants and unscrupulous 'literate' individuals may also take advantage of the 'illiteracy' of the masses to push forward forced evictions. Most resident of informal settlements are caught off guard by forced evictions due to insufficient community engagement processes. Many evictions have occurred at the mere excuse of creating way for development projects without proper and adequate compensation for the affected persons.

Evictions often occur in the dead of night, leaving women to save their belongings as well as taking care of their children, and also putting them at risk of sexual violence. It was noted that often, when a man dies, relatives and sometimes trusted leaders in the community plunder the property that would rightfully belong to the deceased's wife and children.

### **CONNIVANCE AMONG LAND GOVERNANCE INSTITUTIONS IS A RAMPANT FORM OF CORRUPTION WHEN IT COMES TO EVICTIONS. THE CASE OF UGANDA**

The following examples illustrate this:

1. Some Area Land Committees are bribed to process questionable applications which are then submitted to the District and Boards for award, which later lead to eviction.
2. District Land Boards in some areas do not perform due diligence even on suspicious applications because they have been compromised. This leads to unlawful awards of title which ultimately lead to evictions
3. Some Eviction Orders are obtained fraudulently from Court after the judicial officers have been bribed
4. Security agencies being used to shield land grabbers at the expense of the ordinary women and men in the community
5. Tenants conniving with Local Councils [LCs] to back date land sale agreements to indicate that the purchase was before the year 2010 when the Land (Amendment) Act came into force barring sale of one's tenancy without the consent of the land owner
6. Some mailo land conniving with the Local Councils [LCs] to hide notices of payment of busulu from the tenants to use that opportunity to seek an eviction order and get them off the land.

Evictions in Uganda are a consequence of exercise of power and authority by the rich and powerful on one side and the poor and vulnerable on the other. Affluent and well-connected individuals have the means and connections to unduly influence, bribe or even threaten any land administration institution and land owners.

## RECOMMENDATIONS

- » Expedite the development of Eviction Guidelines in Uganda to streamline the processes and roles of all stakeholders involved in handling evictions on land. The current ad hoc measures create more confusion and are unsustainable.
- » Strengthen District Land Boards and Area Land Committees in Uganda to function in an effective way without the undue influence of applicants.
- » Several discussions mentioned the need to enact and implement the Eviction and Resettlement Guidelines Law in Kenya with a view to promoting security of tenure for all women.
- » Scale up land documentation efforts to ensure land owners including women have the necessary documents to prove land ownership to strengthen their claims on the land.
- » Increase citizen understanding of land rights and land laws.
- » Introduce massive land reforms to address land injustices, informal land settlement problems and the squatter's problem in Kenya.
- » Empower women with regard to their rights and freedoms as relates to evictions and land ownership.
- » Establish research-based advocacy to assess the impact of forced evictions on women and to explore solutions.
- » Consistently and systematically monitor and document forced evictions in a manner that is sensitive to and includes women's experiences.
- » Those who carry out illegal forced evictions and engage in crimes like rape and sexual assault must be held liable and criminally prosecuted by the state for their actions. This includes security officials, who mostly enforce the law.
- » Scale up efforts in fighting and preventing corruption that instigates forced evictions including empowering the public on identifying and reporting corruption instances to the relevant mandated institutions.
- » Ensure that the women sign for the compensation that is given to the family that is to be compensated together with their husbands.
- » Ensure that women's equitable rights in land are protected and they get resettled before being evicted.
- » Leverage technology to strengthen documentation as proof of land ownership. These can be digitally signed at issuance by the Government as proof of acceptance and stored (on Blockchain for example) as an immutable public record.
- » The model of land ownership has been one dominated by cultural norms and practices that are heavily patriarchal, rigid and subconsciously enforced within communities. Customary land laws discriminate against women, and generally the political will to protect women's land and property rights and interests is nonexistent. Addressing the deeply seated cultural norms that place men at the heart of decision making on land matters is therefore critical.

## ANALYSIS OF ALTERNATIVE DISPUTE RESOLUTION (ADR) SYSTEMS IN ADDRESSING LAND CORRUPTION: CASE OF KENYA AND GHANA

In line with the International Covenant on Civil and Political Rights (ICCPR) and the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, many countries have enacted laws that provide for and guarantee the right to free legal representation for indigent and vulnerable persons.

The Constitution of Kenya 2010 recognizes access to justice for all as a fundamental right that all persons are entitled to and obliges the State to not only respect and protect, but also promote its realization in the fullest sense. Notably, the law identifies access to justice as a core element of achieving social justice in the country. To enhance access to justice, the government enacted the Legal Aid Act 2016 to facilitate the provision of legal aid to the poor. In addition to the Act, there also exists the National Action Plan on Legal Aid (2017-2022) whose main underlying spirit is 'Towards access to justice for all in Kenya.' This provides an opportunity to seek recourse to land dispute cases, and more specifically, land corruption related cases.

The 2017 East African Bribery Index released by Transparency International Kenya brought to light sources in which justice is on sale, with the Kenyan judiciary being one of the judiciaries that receive the biggest share of bribes paid by citizens to either influence the outcome of law suits or fast-track decision-making. This revelation is therefore a clear depiction that more still needs to be done in the fight against corruption, particularly in the Judiciary, where resolution of various injustices takes place, land corruption being one of them. There is thus need to strengthen the capacity of various institutions of governance to deal with the pervasive problem of corruption, to enhance public confidence in their ability to play their part.

In Ghana, Section 12(1) of the Land Title Registration Law, 1986, PNDCL 152 makes it clear that no action concerning any land or interest in land in a registration district shall be commenced in any court until the procedures for settling disputes under the Law has been exhausted. Law in Ghana [Sections 12(1), 13(2) 21(2) 22(3) and (4)] grants exclusive jurisdiction at the first instance to the Land Title Adjudication Committee over disputes relating to registration of or interest in land. However, these committees have never been established. Land Adjudication Committee has never been allowed to function as a result of insincerity on the part of those who should have seen to their establishment.

Discussions identified the following challenges to ADR:

- » ADR is often expensive for the poor, as they may need to travel to attend the proceedings.
- » ADR can be an intimidating process for women, who need more support for preparation.
- » There is a lack of capacity in terms of personnel who can handle disputes under ADR.
- » Frequently, there is a need to return to courts to ensure the enforcement of ADR outcomes
- » The scope of ADR is limited, as it cannot address fundamental rights or complex issues.
- » There is a significant lack of awareness of the availability of ADR mechanisms.

- » Although the Kenyan Constitution and other statutes recognize ADR, it has not been institutionalized. If the necessary structures for facilitating ADR are put in place, this will ease the backlog in courts and ensure expedient resolution of justice.
- » There is a need to implement the Legal Aid Act to support legal assistance initiatives to vulnerable groups and to have more lawyers willing to work closely with the poor on land and housing rights.
- » Access to justice in Kenya for the poor and marginalized groups remains a mirage due to legal, financial and social barriers such as language, lack of knowledge of legal rights and intimidation by the law and legal institutions.
- » Traditional systems may not meet modern justice thresholds, and may include aspects of discrimination against women and youth.

## RECOMMENDATIONS

- » There should be a blend of customary and statutory legal frameworks in formal state processes. ADR mechanisms that fuse the two systems through the referral of cases for arbitration implemented in the courts of Ghana have been successful.
- » Informal systems, including ADR, should be institutionalized as a critical component of access to justice.

## CONCLUSIONS

The discussion, which brought together experts and stakeholders from Ghana, Kenya, Uganda, Zambia and around Africa and the world, demonstrated that corruption in land governance systems is rampant. With regard to customary land administration in Ghana and Zambia, traditional leaders often perpetuate corrupt practices that enrich themselves and their kin, relying only on their goodwill for implementation. There is a need for government intervention to ensure that customary leaders follow statutory processes, in particular in relation to large scale land investments. Women are disproportionately victims of forced evictions, which are often implemented in a way that disregards the law. An overwhelming majority of forced evictions result in the further suffering and impoverishment of already vulnerable and marginalized peoples. The discussion identified a wide range of recommendations to overcome the diverse range of challenges to forced evictions while empowering women. With regard to Alternative Dispute Resolution (ADR) systems, although they are written into law in both Kenya and Ghana, little or no resources have been provided to give them a chance to function adequately and to take the pressure of the court systems. Throughout this discussion, an urgent need to provide access to legal empowerment resources and the assistance of attorneys, especially for women, to the rights of vulnerable people in the context of customary systems, forced evictions and ADR mechanisms.



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