



Catalyzing the Land Data Ecosystem

Workshop Report: State of Land
Data and Information in East Africa



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Executive Summary

There is no doubt that the Global Data Revolution has reached the land sector. Government data portals, open access academic journals, community mapping initiatives and other citizen-generated data - there is a palpable positive drive across the world that allows processes such as data collection to be more inclusive and open. But within this data momentum, there are still many barriers and questions: Who can access the data, and how? What data is reliable? Who owns the data? What data is up to date? Can I use the data without inflicting harm?

To reflect on these and other emerging questions bearing on the opportunities, challenges and impact of the global data revolution on the land sector in East Africa, over 100 participants from government, NGOs, academia, intergovernmental organizations and the private sector came together at the **Workshop on the State of Land Data and Information in East Africa**. Taking place at the University of Nairobi from May 8-10th 2019, the objectives of the workshop were to uncover the land data and information ecosystem in East Africa and to contribute to fostering regional policy dialogue on access to data.

Several research initiatives, such as the research by Local Development Research Institute (LDRI) on accessibility of indicators from the Malabo Declaration, as well as the Land Portal's State of Land Information reports for four countries in East Africa, have demonstrated that the land sector is severely behind compared to other sectors in sharing data and information. Through interactive discussions and exercises, workshop participants agreed that to increase accessibility to land data and information, an enabling environment and human capital are necessary. What this refers to specifically is the creation of a policy, legal and institutional context in which data is shared, as well as the attitudinal disposition to the sharing of data and information. Even with an enabling policy and legal environment, not much is likely to happen in the absence of the people with the required skills, interest and motivation to facilitate the sharing of data. Human capital is therefore a reference to the actual people who facilitate the flow of data.

Participants agreed that in order to institutionalise these two critical factors, it is important to:

1. Support **capacity building and awareness** creation on open data, its influence and utility; and
2. Create the **right incentives** for people to share data. This may include, where necessary, putting in place appropriate disincentives and sanctions to deter those who would otherwise frustrate the sharing of data; and to ensure that quality and interoperability considerations are mainstreamed.

To this end, the workshop participants agreed to work to concretely strengthen the land data ecosystem in East Africa by:

- Establishing a **Community of Practice** with a dedicated communication channel through which continued engagement on this topic will be facilitated;
- Increasing **advocacy efforts to advance the Open Data agenda** in the land sector, by collaborating with other sectors (such as agriculture) and by ensuring representation of the land sector in regional Open Data events, as well as building practical tools for advocacy, such as a 'kit for Open Data advocacy';
- Contributing to a **regional policy dialogue** to further the enabling environment to increase accessibility to land data and information across the region;
- **Strengthening institutional capacities**, within government, civil society, academia and others, to manage and publish data in ways that increases accessibility by a wide audience as well as in modalities that enable re-use;
- Considering tools and sharing best practices to **reduce risks of opening up land data and information**, enabling land data and information sharing without invoking harm.

The Community of Practice will serve as a platform that ensures Open Land Data and land data accessibility is always on the agenda for the land sector, and that the land sector is a part of other ongoing discourses on Open Data in the region.



Introduction

The land sector is in the throes of the Global Data Revolution. This creates great opportunities, but also significant challenges. The emergence of government data portals, open access academic journals, community-led mapping initiatives and other citizen-generated data opens up possibilities for more inclusive and open approaches to data collection and management. But the extent to which these opportunities may be leveraged to effect real change and translate into concrete benefits for citizens will be determined by answers to a number of critical questions, including: Who can access the data, and how? In what format is the data presented? What data is reliable? Who owns the data? What data is up to date? How can the data be used without inflicting harm?

To reflect on these and other emerging questions regarding the impact of the global data revolution on the land sector in East Africa, over 100 participants from government, NGOs, academia, intergovernmental organizations and the private sector came together for the **Workshop on the State of Land Data and Information in East Africa** at the University of Nairobi on May 8-10th 2019. The workshop was organized in a joint effort by the Land Portal Foundation (LPF), the Food and Agriculture Organization of the United Nations (FAO) in Kenya, the Regional Centre for Mapping of Resources for Development (RCMRD), the Local Development Research Institute (LDRI), the Africa chapter for the Global Open Data for Agriculture & Nutrition (GODAN), and Research4Life. This report presents a summary of the proceedings of the workshop and key recommendations on the way forward.

Objectives of the workshop

The overall goal of the workshop was to uncover the land data and information ecosystem (including gaps in existence, accessibility or abilities to re-use data) in East Africa and contribute to fostering regional policy dialogue on access to land data.

The workshop aimed to achieve the following specific objectives:

1. **to uncover the land data and information ecosystem** in East Africa, in terms of gaps in the data, accessibility of the data, and its re-usability;
2. **to raise awareness and build capacities of participants** to increase access to and use of land data that generates the necessary information and knowledge to let them better address identified land rights issues in the region;
3. **to facilitate connections and cross-fertilization** among data actors in the land sector and with other open data actors across East Africa for a more efficient data ecosystem;
4. **to raise awareness and build capacities of participants** to gather and communicate information on land rights to generate real knowledge and reach a wider impact;
5. **to adopt and implement an action plan** aimed at improving the East African land data and information ecosystem, and foster collaboration and cross-learning.

Workshop process and summary of discussions

The two-day workshop was preceded by an evening festival devoted to building an open data community in East Africa and making the linkages between open data and land. In a light and engaging atmosphere, the festival brought together well over 50 open data practitioners, experts and other stakeholders from Kenya, South Sudan, Tanzania and Uganda as well as international partners.

All workshop participants were invited to the festival, which sought to support and elevate ongoing work, ensure continuity of the open data conversation, catalyze an open data culture in the region, connect open data actors working in the region and internationally, and help reach out to new individuals and organizations who can help to enrich the open data community in East Africa.

The event also included a pub quiz! The aim was to test the participants' knowledge on Open Data and a fireside chat was had by a range of experts from the Africa Data Cube, LANDex, and Land Portal on issues relating to land and open data.

Setting the scene 1: Open Data in East Africa

The first day of the workshop was devoted to mapping out the state of land data and information in East Africa. Two introductory presentations were made to provide a framework around which participants then discussed and reflected on the state of the land data ecosystem in East Africa.

The first presentation was made jointly by Kiringai Kamau and Muchiri Nyaggah from the Africa chapter of GODAN (Global Open Data for Agriculture & Nutrition) and the Local Development and Research Institute (LDRI) respectively.

Reiterating the introduction of the concept during the Festival, the presenters highlighted that Open Data is defined as data that can be freely used, shared and built-on by anyone, anywhere, for any purpose¹. It ensures universal participation with data and allows for maximum engagement and impact on information and knowledge that can be derived from the data. Common criteria used to assess whether data is 'open' or not are the 'FAIR' principles, determining whether data is findable, accessible, interoperable and re-usable. Moreover, their presentation:

- Provided an overview of open data initiatives in Africa aimed at fostering the agriculture agenda;
- Highlighted the importance of establishing an enabling environment to improve availability of data as well as good practice examples;
- Identified areas in which governments and partners need to invest to ensure availability, access and use of data to promote agricultural development and food security in line with Sustainable Development Goal Number 2, which aims to end hunger, achieve food security and improved nutrition and promote sustainable agriculture.

To provide a concrete example of this, the Malabo Declaration was presented, a framework adopted by 44 African Union member countries to improve agriculture. To measure progress against the resolutions in the Malabo Declaration, LDRI commissioned an **Open Data Study**², which assessed 152 datasets (looking strictly at data published by national governments on national websites) against 37 performance indicators, in four pilot countries³. The LDRI study showed that among these critical datasets, none of the countries had published all data online and of the data that was published, none was 100% open. LDRI has, since April 2019, spearheaded the establishment of country-level Agriculture Open Data Working Groups, initially in eight countries. The Working Groups shall mobilize country partnerships, and stimulate political will for strengthening mutual accountability, national agriculture data systems and closing data and capacity gaps.



Setting the scene 2: the State of Land Information in East Africa

Despite several challenges and barriers to overcome, the first two presenters highlighted the potential of Open Data to strengthen agriculture and further development goals in East Africa. They also demonstrated that there are several networks, working groups and individual organizations actively advocating for open data and increased access to information, as a means to enhance agriculture productivity and foster economic development.

But what is the situation when it comes to land data specifically?

In the land sector, it is an oft-repeated rhetoric that there is a lack of land data, whether it is the lack of up-to-date, reliable data or the lack of any kind of data. Mr. Odhiambo presented the results of a scoping study on the State of Land Information of four countries in East Africa. These reports aim to uncover the many different sources of land data and information in Kenya, Tanzania, Uganda and South Sudan and thus provide a basis to substantiate or refute the oft-repeated rhetoric that there is a lack of land data in these countries. For the very first time, the study looked at the entire landscape of data and information related to key land topics in these four countries, assessing over 690 land resources from 317 different sources, to see trends and gaps when it comes to data availability as well as how accessible it is on the world wide web.

The data and information identified for each of the countries was thoroughly assessed as

² Minjire, D.: "How Open is the Data for the Africa Agricultural Transformation Scorecard?", Local Development Research Institute, Nairobi, March 2019.

³ Ethiopia, Ghana, Kenya, Nigeria, Rwanda, Tanzania, Uganda and Zambia.

to accessibility. Kenya was found to have the most robust land information ecosystem among the four countries, while Uganda's Ministry of Lands, Housing and Urban Development (MLHUD) had the most active and up to date website with all relevant policy documents posted. The Ministry has an access to information policy, and posts a manual on access to land information on its website. The Government of Tanzania has, since 2015 implemented cost cutting measures that have resulted in near total absence of functioning government and ministerial websites. South Sudan has the most underdeveloped land information ecosystem due in large measure to the conflict in the country since 2013. Overall, the land information ecosystem in the region varies from one country to the other, but even where significant progress has been recorded as in Kenya and Uganda, substantial gaps exist that need to be addressed.



The four country reports can be accessed through the [Land Portal website](#). While there are specific recommendations for each country, the study makes a number of generic recommendations that apply across the board for strengthening access to and use of land data and information in East Africa (see Box):

Recommendations to strengthen land data ecosystem East Africa:

- Increase access to available laws and policies by regularly updating current law platforms and ensuring national-level policies are also included in such platforms;
- Strengthen institutional policies and capacities within government, academia as well as civil society to ensure data and information sharing practices are integrated in both policy and practice in all land institutions and organizations;
- Increasing the use of land data and information by increasing its accessibility through adoption of commonly accepted Open Data principles that make data and information more visible on the world wide web, recognizing that uploading materials to a website does not necessarily make it visible;
- Establish multi stakeholder platforms focusing on increasing access and use of land data and information, bringing together state and non-state actors, ensuring continuous engagement and providing the basis for collaboration and cross-fertilization on this topic.

Mapping East Africa's Land Data Ecosystem

Consistent with the commitment of the co-organizers of the workshop to a participatory process, a substantial amount of time was spent on interactive group exercises aimed at providing opportunities for participants to validate and enrich the State of Land Information Research findings.

Divided into groups, participants circulated around eight stations arranged along the lines of the seven indicators/themes of the State of Land Information Report, as well as an additional cross-cutting theme on gender data.

At each station, groups discussed and provided answers to questions that aimed, among other things, to identify major actors and data providers, what role organizations represented at the workshop played with regards to each theme, and challenges to accessing relevant data.

In plenary discussions at the end of the group exercise, participants were able to agree on the key challenges and major actors for addressing the challenges to improve access to land data.

The table on the following page presents a summary of the plenary discussions informed by the group exercise.



Key Category	Most challenging issue(s)	Influencers
Land legal data	<ul style="list-style-type: none"> • There is a disconnect between legal reality and on-ground reality, with laws only understood by experts and not effectively implemented • Laws and policies are not effectively disseminated to the public by duty-bearers • Legal pluralism not properly appreciated in design of land laws • Lack of harmony across the different countries in their formal land administration systems 	Government land agencies – Ministries of Lands, Land Boards; line ministries, e.g. agriculture; local governments, traditional authorities; CSOs; Legislators; Chiefs and Elders, the Presidency
Land tenure data	<ul style="list-style-type: none"> • Accuracy and correctness of data & lack of gender disaggregation of the data • Availability and accessibility of data • Land markets and land valuation data not made available or accessible. 	Government land agencies – Ministries of Lands, Land Boards; sector ministries, e.g. agriculture, environment; local governments, traditional authorities; surveyors; lawyers; CSOs; Legislators; Chiefs and Elders, the Presidency
Land cover, use and management data	<ul style="list-style-type: none"> • Lack of harmonization and standardization by data-generating agencies • There is no single land use/cover dataset, with different sources for the same data. • Lack of sufficient metadata • Lack of data on the relationship between this data category and environment and climate change developments. 	Directorate of Resource Surveys and Remote Sensing (DRSRS); NEMA; Department of Surveys; RCMRD; International agencies and research institutions; CSOs; local communities
Human settlements data	<ul style="list-style-type: none"> • Disorganized data; lack of current datasets, no overview of settlements • Privacy and security concerns, with regards to displaced people, indigenous and traditional communities 	Governmental land agencies - Ministries of Lands, Land Boards; Ministries of Finance; National Bureaus of Statistics; Legislators; local governments, traditional authorities; UNHCR; UNHABITAT; CSOs, local communities
Land disputes and conflicts data	<ul style="list-style-type: none"> • Lack of documentation, dissemination and management of data on land disputes and conflicts • Need for conflict early warning systems • Historical injustices, expropriation, compulsory land acquisition, eminent domain and fair compensation issues not properly documented • Transboundary issues – border conflicts, cross-border movement of pastoralists not documented 	Governmental land agencies - Ministries of Lands, Land Boards; law and justice institutions; Legislators; conflict affected communities; land professionals; lawyers; local governments, traditional authorities; international agencies, CSOs

Closing session: The way forward

In the concluding session, participants agreed on priority concerns for the way forward that would inform the drawing up of an action plan aimed at improving the East African land data and information ecosystem. Two factors were identified as critical to improving the data and information ecosystem, namely, an **enabling environment** and **human capital**.

The enabling environment refers to the policy, legal and institutional context, as well as the attitudinal disposition to the sharing of data and information; while human capital is a reference to the people who actually facilitate the flow of data. As governments are responsible to put in place appropriate policy, legal and institutional frameworks, it is important that governments recognise and accept the case for open data. Policies should also address risks associated with open data in order to protect intellectual property rights, as this is critical for ensuring that researchers and scholars have the incentive to continue producing and sharing data.

The institutional context also relates also to frameworks that need to be in place to ensure continuous sharing and maximum impact of data, information or knowledge generated. In this connection, it is important to make the economic case for open data. It was reported that the primary reason why Kenya established the Open Data Initiative was because the then President bought the argument that making data available would open up opportunities for young entrepreneurs and thereby contribute to solving the twin problems of youth unemployment and economic development.

Even with an enabling policy and legal environment, not much is likely to happen in the absence of the people with the required skills, interest and motivation to facilitate the sharing of data. Participants agreed that in order to institutionalise these two critical factors, it is important to:

1. Support **capacity building and awareness creation** on open data, its importance and utility; and
2. Create **the right incentives** for people to share data. This may include, where necessary, putting in place appropriate disincentives and sanctions to deter those who would otherwise frustrate the sharing of data.

To this end, the workshop participants agreed to work to strengthen the land data ecosystem in East Africa through:

- Establishing a **Community of Practice** with a dedicated communication channel through which continued engagement on this topic will be facilitated;
- Increasing **advocacy efforts to advance the Open Data agenda** in the land sector, by collaborating with other sectors (such as agriculture) and by ensuring representation of the land sector in regional Open Data events, as well as building practical tools for advocacy, such as a 'kit for Open Data advocacy';

- Contributing to a **regional policy dialogue** to further the enabling environment to increase accessibility to land data and information across the region;
- **Strengthening institutional capacities**, within government, civil society, academia and others, to manage and publish data in ways that increases accessibility by a wide audience as well as in modalities that enable re-use;
- Considering tools and sharing best practices to **reduce risks of opening up land data and information**, enabling land data and information sharing without invoking harm.

To advance this agenda, platforms such as the African Land Policy Centre (ALPC), IGAD as well as governmental institutions will play an important role. The Community of Practice can serve as a platform that ensures Open Land Data and land data accessibility is always on the agenda for the land sector, and that the land sector is a part of other ongoing discourses on Open Data in the region. Connections and references to initiatives such as the Research4Life can be made. Three relevant events over the coming 12 months were identified as suitable ones where workshop outcomes could be disseminated: the upcoming **6th Open Data Conference in Nairobi in June 2019**, the **African Peer Review Mechanism**, and the upcoming **3rd Africa Open Government Partnership meeting** also to be held in Nairobi.⁴

⁴ Exact date still to be determined.

Research4Life Workshop on Land and Legal Information

A half-day training workshop was held on the final day to present [Research4Life](#) programmes, with a focus on information resources and legal research related to land. The workshop introduced participants to three of the five programmes ran by Research4Life, namely, AGORA (Access to Global Online Research in Agriculture, GOALI (Global Online Access to Legal Information) and OARE (Online Access to Research in the Environment). These programmes provide a rich source of data, including peer reviewed articles published in academic journals, which are available for free to subscribed research institutions, government and CSOs in all East African countries. AGORA and OARE provide access to research related to land, agriculture and environment; while GOALI provides access to legal resources, including those related to land.



Participants were taken through a practical session on how to find scientific journals and books with a focus on information resources and legal research related to land. They also received instructions on how to subscribe to the programmes. Search skills and information literacy were highlighted.

A number of challenges with legal information were raised and discussed. The technical language of legal documents was identified as a problem for people who have no legal expertise, but need to access and make use of legal information to promote and protect their rights. The need for legal information to be availed to the public in language and form that they can easily access and use is important in this regard. It was further noted that in the land sector, a lot of information touching on property rights is kept out of the public domain on account of privacy laws. In this connection, open data actors have to be alive to the need to balance individual rights to privacy and the public interest in information about land distribution, especially in the context of claims against large-scale land acquisition and land grabbing.

The challenge posed by legal pluralism in managing legal information was discussed at length. In the countries of East Africa rights to land are governed not only by the formal laws spelt out in statutes, but also by customary and religious laws, which are often not written out in formal legal documents. Increasingly, governments are giving legal recognition to customary land laws and thereby integrating them into the formal legal system. This is the case in Kenya, South Sudan and Uganda, where customary land rights are legally recognised in national constitutions and land laws. But even with formal legal recognition, challenges abound on account of lack of expertise and interest among legal practitioners about customary land rights. Participants underscored the need for more research on customary land rights and advocacy for appropriate legal and institutional frameworks to be put in place.





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