

## Potential for Regional Development Through Harmonising Land-Related Policies Across East Africa

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### Abstract

The East African Community (EAC) is a region endowed with vast land resources that have the potential to drive economic, social, and environmental development. However, the lack of harmonised land-related policies among EAC member states has hindered the effective utilisation of these resources for regional development and the successful implementation of the African Continental Free Trade Area (AfCFTA) investment protocol. Through a desk review and qualitative content analysis, the study identifies significant gaps in land-related issues that hinder regional economic development. The findings reveal that land is a constitutional issue in all EAC member states, with policies varying in their objectives. Land Acts and other legal land-related documents do not consider EAC citizens as co-citizens in land access and use, as implementing EAC and AfCFTA protocols is challenging. The study concludes that harmonising land-related policies across the EAC is crucial. It will facilitate the implementation of various protocols and agendas, and promote the free movement of people, labour, goods, services, and capital.

**Keywords:** Land policies, East African Community, regional development, land management, African Continental Free Trade Area (AfCFTA)

### Introduction

Land management as a means of accelerating the implementation of the African Continental Free Trade Area (AfCFTA) investment protocol is crucial, as land plays a key role in economic, social, political, and environmental development (UNECE, 2005). Moreover, land is the primary resource supporting economic, social, environmental, and cultural development (Platt, 1974). In addition, land can be viewed as encompassing both property and natural resources, including the natural and built environments (Enemark, 2005). Land has long been considered one of the factors of production (capital, land, and labour) because it is viewed as a source of power (economic, social, and political) and the foundation of all material wealth. However, land has been poorly managed and is not yielding the expected output in developing countries. For Africa, the significance of land in promoting the African Continental Free Trade Area (AfCFTA) is recognised. Nevertheless, this depends on proper land management and harmonised policies.

In some developing countries, it is observed that land management is not a top concern for political elites and decision-makers. When it comes to public interest, the situation is worse. The existing empirical and theoretical knowledge indicates that land management, in general, has faced numerous challenges in African countries. These challenges include weak institutional and legal frameworks (Olima, 1997), coupled with a lack of good governance in practice (Takele et al., 2014). Meanwhile, effective land management is recognized as the only way to overcome some land-related challenges in developing countries. Enemark (2005, p.13) defines land management as ‘the process whereby land resources are put to good effect’. ‘Good effect’ in achieving sustainable development (Barry, 2018); improving community well-being (Fligg & Robinson, 2020); and attaining sustainable urban development (Adigeh & Dagnew, 2020). These are some of the positive sides of effective land management for the country if land management projects

are implemented. It can also be argued that the AfCFTA will be achieved if land management is completed at both the regional and continental levels in Africa.

Many developing countries have struggled to formulate, amend and adopt land policies that can achieve effective land management for the community (Dupré et al., 2021; Semeraro et al., 2020). More often, these land policies are adopted at the country level without consulting neighboring countries that share economic and political communities, such as the East African Community (EAC), Economic Community of West African States (ECOWAS), Intergovernmental Authority on Development (IGAD), and Southern African Development Community (SADC), to mention a few, so that these policies can be harmonized. This could serve as a starting point for achieving economic development, enabling other economic and political decisions at the continental level to be implemented and succeed.

Therefore, this study aims to determine how harmonizing land-related policies in the EAC may enhance regional development and contribute to fostering the AfCFTA. The study answers two major questions: What are the gaps in land-related issues in the EAC region that hinder regional economic development? What promises can be expected in regional development if these policies are harmonized? It is believed that the findings will have policy, social, and economic implications for decision-makers, urging them to formulate a regional land policy that addresses land issues in the region alongside other pressing concerns.

### Literature Review

Different foreign capital flows have been shifted from one country to another, such as developed to less developed countries, where large-scale agriculture and food processing industries are feasible. Additionally, less developed countries have numerous other potential opportunities, given that the property market and real estate business remain largely underexploited. Lakes

and seashores are still undeveloped, and forests and mining are untapped, which attract regional and international investors (Morgan et al., 2022). Literature shows that Foreign Direct Investment (FDI) has increased in the last few decades to generate employment and improve economic growth, and supplement domestic savings. Furthermore, the FDI is being integrated into the global economy, raising the skills of local manpower and transferring modern technologies to countries of destination (Dupasquier & Osakwe, 2005). However, most African countries have not benefited due to various factors related to political and socio-economic instability, poor governance, and inhospitable regulatory environments (Dupasquier & Osakwe, 2005; Morgan et al., 2022).

From the challenges, the African Continental Free Trade Area (AfCFTA) also aims to increase FDI by reducing regulatory barriers and expanding market access. It is acknowledged by Morgan et al. (2022) that FDI in Africa concentrates in industries related to natural resource extraction, such as mining, oil, the food and beverage sector, and metals, which form the basis of greenfield investment. However, land policies in different countries of the EAC and the African Union do not favour intra-African land acquisition or inter-regional land acquisition for various greenfield investments. For example, countries dominated by China, the United Arab Emirates, Ukraine, and the United States are leading in greenfield investment (Morgan et al., 2022; Shingal & Mendez-Parra, 2020; Zhang, 2024), whereas in Africa, countries such as South Africa, Mauritius, Kenya, Togo, and Nigeria are major sources of intra-African investment. These countries have also made considerable steps in revising their investment policies and other trade policies, while leaving behind land policies (Y. Ayele et al., 2023).

Based on the four pillars of AfCFTA, which include investment promotion and facilitation, investment protection, investors' obligations, and other state commitments, most of the anticipated risks are related to narrowing the domestic policy space and other legal levers (UNECA,

2021). However, it can be argued that these projected risks are opportunities to motivate local (regional) investment, such as local labour engagement, local financial mobilisation, and the application of local skills and techniques. The benefits mentioned above would be effective if some policies were narrowed and leveraged. For example, the diversity of legal systems among African countries (some open, others closed) in welcoming investment from international and regional investors is a challenge for regional development. Additionally, the frontiers and conditions of exchanging agricultural produce, forest products, and fishing products that exist between member states of the same region (EAC, ECOWAS, IGAD, SADEC) pose another challenge for regional economic development.

Moreover, there is a lacuna in labour mobility among country members of African regions, especially among farmers, masons, aid masons, fishermen, and carpenters, whose activities rely on land-based opportunities. Kanyangoga (2010) highlights this as one of the challenges in the EAC protocol. Furthermore, the Protocol on the Establishment of the East African Community Common Market underlines the free movement of goods (art.6); free movement of persons (art.7); free movement of workers (art.10); harmonization of labour policies, and laws and programs (art.12); the rights of establishment and residence that makes the last part of the protocol specifying the right of establishment, right of residence, and access to and use of land and premises (East African Community, 2009).

The free movement of people is also underscored in the AfCFTA protocol to enhance the free movement of infra-African capitals (human and financial). However, many African countries have not implemented the full protocol, since some view the movement of people as a threat to national security and the local labour market saturation (Milej, 2019). The author concludes that:

...migration regimes in Africa limit the legal labour migration to a small number of potential migrants

and do little to make relocation attractive. The current political climate does not promote free movement; despite the lofty proclamations and promises, the real-life situations of the migrants or potential migrants tell a different story (Milej, 2019, pp. 968-969).

If the temporal migration of workers to other countries is difficult, what of those who want to establish their homes or greenfield investments in other countries in the region? A recent migration report on the EAC indicates that member states granted entry permits to citizens of other countries for business purposes, but it lacks data on resettlement or residents (East African Community, 2022). How would EAC and other regions achieve economic development with such hindrances?

The economic base theory says that the development of a region is founded on exogenous and endogenous factors that stimulate causal relations between regional members. Accordingly, the exogenous actions are essential and constitute the region's economic foundations (Bogdański, 2012). Furthermore, the demand for goods and services accelerates the region's economic development, while simultaneously shaping the role of the social and spatial division of labour (Szajnowska-wysocka, 2009). Likewise, the functional development theory and new economic geography theory suggest that regional development relies on existing resources (natural and human), linkages between regions, investment, and the wise use of opportunities that favour the creation of wealth (Carraro, 1998; Friedmann & Weaver, 1979). These regional development theories are particularly effective when applied to functional policies and strategies within the region.

Furthermore, the above-mentioned theories emphasise the wise use of existing natural resources and other local opportunities as a basis for stimulating endogenous and exogenous opportunities to work effectively towards regional development. Land is a basic factor of

production, a source of wealth and power; hence, it requires sound policies and management strategies to contribute largely to regional development. Furthermore, Kironde (2016), Signé (2017), and Turimubumwe et al. (2022) have reported how fragmented and unfocused land-related policies have failed to address land issues due to poor management. This has led to failure in economic, social, and environmental development.

In rural areas, access to land has been attributed to increased agricultural produce and employment creation for women and youths (Christiaensen & Maertens, 2022), food security (Yang et al., 2021), and social stability among communities (Lie & Mesfin, 2018), whereas its scarcity or degradation welcome challenges, such as poverty, food insecurity, and environmental degradation (Bentley, 2022). That means countries with vast land, fertile soil, and a low density of inhabitants per square kilometre have higher chances of development. Land-based productions contribute significantly to economic growth through agricultural products (Harewan *et al.*, 2023), land and property taxation (Che et al., 2021), leases, and large-scale foreign investment (Cheng & Luo, 2022). The livelihoods of rural people and the urban poor in developing countries rely on agriculture and land-based revenues (Acharya, 2006). To achieve all the above-mentioned goals, there is a need for land-related policies.

Land policies outline the legal rights to land, conditions for accessing and owning land, and regulate the distribution of land to lawful land seekers for various purposes (Srivastava, 2016). Land policies are crucial for sustainable growth, good governance in land deals, and support for the well-being of people in their region, especially the poor (Guneralp et al., 2017). Many developing countries are struggling to formulate and adopt land policies that can lead to economic development, as land policies harness the property rights to land, guide land transactions, and foster socially desirable land use (Deininger, 2003).

Deininger highlights that property rights increase the incentives to landowners, individuals are likely to access credit and invest, and can respond to shocks; land transactions allow those who are capable of increasing production to access land, allow the commodification of land and exchange land for the off-farm economy; finally, facilitate the use of land as collateral to in different financial institution or any form of credit access. This is very important for countries in a region with inequitable land holdings in terms of size, fertility, and related land productivity. However, the land tenure type, land administration systems, and national development strategies may become a bottleneck to the economy if not harmonised (Azadi & Vanhaute, 2019).

The most well-known land-related policies that need harmonisation for the success of regional development are land policies themselves, land acquisition, land use policies, and other policies linked to land development, such as investment, people movement, and capital movement policies. Land acquisition policies are crucial for accessing land for the landless, as they can impact public interest either directly or indirectly (Karmakar, 2017). Agriculture may flourish and food security be enhanced (Acharya, 2006), particularly in urbanisation and housing development (E. Ayele, 2017), creating job opportunities for local people and engaging them in off-farm activities (Deininger, 2003). However, one cannot ignore the side effects of land acquisition policies, such as land grabbing, environmental degradation, and social movements (Ndi, 2017; Turimubumwe, 2021), as well as opportunities for neo-colonialism that benefit foreign investors (Robertson & Pinstrip-Andersen, 2010), if they are not well-formulated and implemented. Kumari (2016) mentions the critical analysis of land acquisition in Africa and other developed countries to identify the beneficiaries of policies and land deals.

The entry point is the proper management of land and related resources, recognising that effective land management leads to sustainable economic development. These policies should be



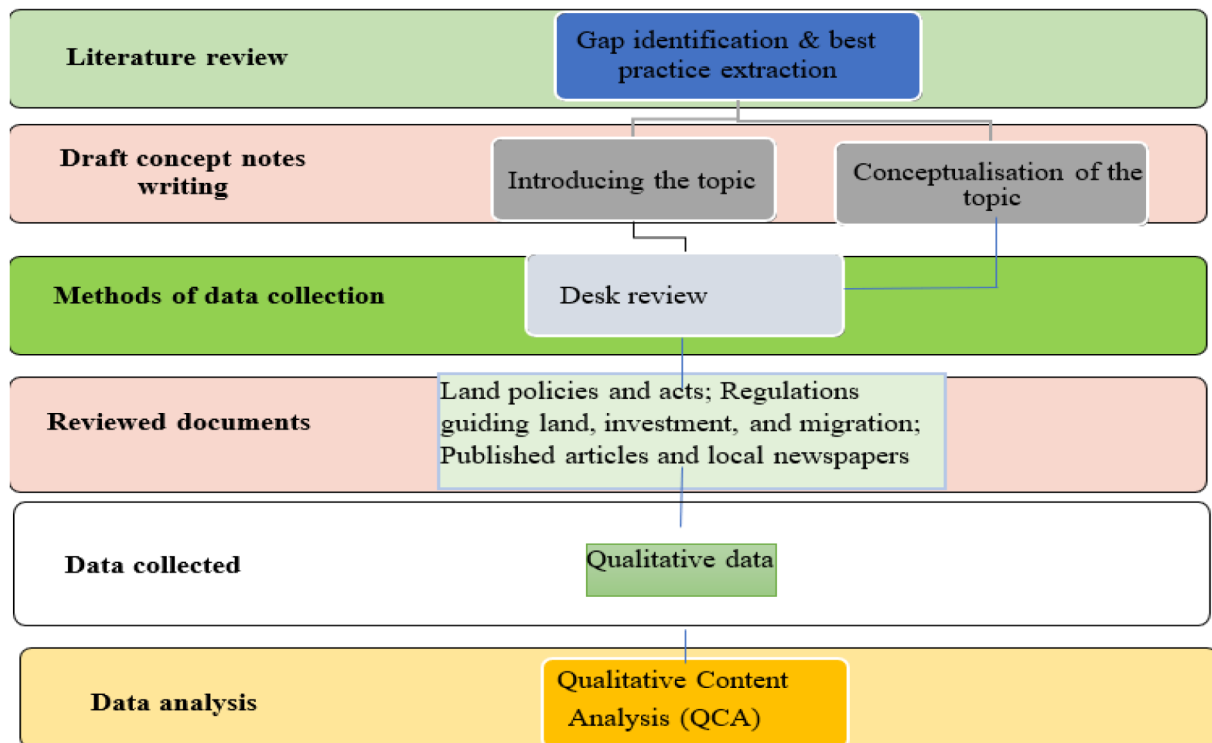
harmonised across the region, if possible, across the continent to achieve regional or continental development (GIZ, 2018). The harmonisation of policies is not new in the arena of regional development. In the European Union, this is known as standardisation or approximation, referring to the determination of EU-wide, legally binding standards to be met in all Member States (UNECE, 2000). This includes the creation of an internal market as one of the main objectives. In land matters, land laws and land policy are the responsibility of Member States and not the EU.

However, some EU common policies mandatorily require EU involvement in land policy and land administration, such as the Common Agricultural Policy, Free Mobility of Capital, Enterprise, and Labor, which require companies and persons to be able to own and occupy land and real estate in other member states than their own (Auzins et al., 2022). It is acknowledged that some harmonised policies require common approaches towards land and its valuation, such as the harmonisation of financial regulations and regulations on real estate acquisition (Dimitrijević, 2022). The EU has left land policy as a concern of State Members, but is involved in harmonising land-related policies that may catalyse the social, economic, and environmental development of the region. Free trade, free movement of people and goods, and easy access to land by country member investors are important. Dimitrijević (2022) highlighted that “removing all restrictions on the movement of capital may take full advantage of the single market, covering not only the transfers of ownership of assets and liabilities, investments in companies, and real estate, but also much more” (p.79).

## Methodology

This paper examines the land-related policy gaps in the EAC region and how such hinder regional economic development. Additionally, it focuses on the expected outcomes when such policies are harmonised. Using desk review, data were collected through from existing secondary sources such as published articles, and reports on EAC in land related sector, legal texts such as land policies, acts, and regulations guiding land, investment, and migration in the EAC, and two protocols elaborated for implementation in EAC (Monetary Union) and African Union (AfCFTA). The desk material review is one of the methods useful for collecting data remotely, as well as others that relate to the past performance of institutions (Dawadi et al., 2021; Walliman, 2011).

Also, a Qualitative Content Analysis (QCA) was applied. The motivation for applying the QCA approach emanates, on one hand, from Bryman (2012). Bryman (2012) defines content analysis as “an approach to the analysis of documents and texts that seeks to qualify content in terms of predetermined categories and a systematic as well as replicable manner” (p.289). On the other hand, Vaismoradi and Snelgrove (2019) advise applying QCA when analysing data collected from a desk review and some key informant interviews (KII). The process involves categorising data obtained from different documents, interpreting, comparing, and contrasting them to prove their validity and accuracy in responding to the research objective. Figure 1 outlines the steps involved in conducting this research. Additionally, the results are shown in both written and tabular formats to enhance readability and clarity.

**Figure 1: The Research Process Flowchart**

Source: Author's construct

## Results and Discussion

### Description of the East African Community

Africa is subdivided into several different regions, including the East African Community (EAC). The EAC is a regional intergovernmental organisation formed in the 1970s by three countries, Tanzania, Kenya and Uganda (EAC, 2009). Widening and deepening cooperation in various domains, including politics, economics, culture, and social spheres, with mutual benefits, are the regional body's main objectives. The organisation expanded with the inclusion of Burundi, Rwanda, South Sudan and the Democratic Republic of Congo (DRC). Currently, the community has a total population of 289.44 million people (Milej, 2019). The Community Partner States span a total surface area of approximately 3076421 million square kilometres. Other countries, such as Somalia, Sudan, and Ethiopia, are soliciting membership in the organisation.

The EAC successfully established a Customs Union in 2005 to strengthen the region's free trade area by adopting a common trade policy with shared external tariffs. The Common Market in 2010 aims to enable the free movement of people, labour, goods, services, and capital within the EAC region. These two objectives have begun to operate within the region, although their implementation is diplomatically oriented rather than economically sound. The other two objectives that are currently undergoing implementation are Monetary Union, to which the protocol was signed in November 2013, with a 10-year transition period for the single currency to start operating in 2024 (UNECA, 2018). However, there is no significant step forward to report. The last objective is a Political Federation, whose goal is to unify the community.

The four major objectives are generally embedded in different policies meant to facilitate their success. Likewise, these policies are intended to be formulated and adopted with a focus on and linkage to various African strategic

development plans, such as the AfCFTA. The EAC organisation's goal is to create an economically developed region through cooperation and utilising existing opportunities within the region, as well as partnering with other regions on the African continent. The land sector is likely one of the key resources that will unify EAC member states in operationalising the AfCFTA.

### Land Potentials for Enhancing Regional Development

The EAC community is among the regions endowed with potential, including minerals, forests, and water bodies. It also contains arable

land and a population that serves as a source of manpower (Table 1), which is beneficial for agriculture. It is acknowledged that the land in EAC can contribute to the production of commodities in five clusters, including staple food crops (cereals, pulses, and roots/tubers), industrial and commercial crops, horticultural crops, livestock and livestock products, apiculture, fisheries, and factors of production. However, the outstanding challenge pertains to the accessibility of land by the countries and their citizens.

**Table 1: Key Facts on Land and Population for East African Community Member States**

Country	Area /km <sup>2</sup>	Population in millions	Density/km <sup>2</sup>	Arable land in percentage (%)
Burundi	27,834	12.3	442	74.2
Democratic Republic of Congo (DRC)	2,344,858	102.3	43.6	5.84%
Kenya	582,646	47.8	74	10.19 %
Rwanda	26,338	13.5	511	46.68 %
South Sudan	644 329	10,75	16.7	3.7895 %
Tanzania	945,090	63.4	173.7	44.62
Uganda	236,000	39	173	34.41
Total	3,076,421	289,44	NA	NA

*Source: Author's construct based on desk review results, 2024*

However, the availability of land, other resources, and human resources has not been utilised effectively to improve economic development in the EAC region. One of the land-related policy challenges stems from the protective measures taken against community members. For instance, population disparity reveals that the existence of human resources in Burundi and Rwanda has been a bottleneck to economic development. In contrast, limited human resources in the DRC and South Sudan have been a challenge hindering economic growth. As disclosed by UNECE (2005) and Watson (2006), although land is important for regional development, the EAC states have not benefited from this opportunity.

Moreover, the desk review results reveal that all countries recognise their potential in land resources, including mines of various types, arable land, forests, and water bodies, yet they claim to be underutilised. Regarding the use of land and other resources, the results show that these opportunities are not being utilised for the betterment of the region, but for individual country benefits. This makes the resources less productive than they would be if they were exploited together as a region. One of the challenges is the lack of harmonised policies. Not only land policies, but there are also other protocols signed at the EAC region level and the Continental level (AfFTA) that are not implemented due to a lack of policy harmonisation in specific sectors.

### Land-related Policies in East Africa

Table 1 shows that all country members of EAC have adopted land policies at different times to guide land use for economic, social, and political development. The adoption of policies is not coordinated with any regional consultation. Moreover, it is also worth noting that some countries have land management approaches that reflect those of their colonial predecessors. For example, Burundi and DRC still pursue the French system Derlich (2002), while other member states follow the British (crown) system. From there, land policies were

crafted according to each country's history, as highlighted in Table 2.

Moreover, the way governments in the region behave on migration and labour movement is not promising. There is still some repression of citizens of other countries in EAC who cross borders to work in the land sector and related activities, according to different media in different countries (Joseph & Temba, 2024; Tesha, 2021).

**Table 2:** *Land Law Differences and Similarities in EAC Member States*

Country	Land-related policies	Key issues in the policies
Burundi	Constitution of Burundi	Art.36 The right to property is highlighted in this article
	Land Policy of 2008	Reconciliation and reducing land conflicts in Burundi -Increase production
	Land Code of 2011	Art. 13. Foreigners are allowed to lease land except for agriculture and livestock-keeping
Democratic Republic of Congo (DRC)	2015 Constitution of the DRC	Private property is sacred. The government encourages and ensures the security of private, national and foreign individuals.
	Politique Foncière Nationale de 2021 (2021 National Land Policy of DRC)	Formulate the orientations and principles of the basis for the action of public authorities in matters of land and real estate governance.
	Code foncier (1980 Land Code)	Art. 160 and Art. 163 do not show how foreigners may acquire land for different activities.
Kenya	Constitution of 2010	Art. 65 (1): Leasehold tenure not exceeding 99 years for noncitizens
	Land Policy of 2009	- Access, occupy, and use the land. - Economically, socially, and environmentally, the land's allocation and use. - Efficient and effective operation of land markets. - Efficient and effective utilisation of land and land-based resources. -Efficient and transparent land dispute resolution mechanisms.
	Land Use Policy of 2016	Provides guidelines for using land and resources responsibly. Responsibility for Kenya's socio-economic transformation
	Land Act No.2 of 2012	Art. 12(1) (a...f) Allocation of public land. Not specific to whom. The land commission should have criteria for the allocation



Rwanda	Constitution of Rwanda	Art.29 and 30. Everyone has the right to own private property either individually or collectively.
	National Land Policy of 2004	Establishing a land tenure system to guarantee tenure security for all. Providing guidance on essential land reforms for effective land management and resource use.
	Land Act of 2013	Article 4: Equal right to land. No discrimination of any kind Art. 5: Right to emphyteutic lease
South Soudan		Art. 17: Allocation and acquisition of land for investment (approved business plan and value of the investment Art. 25: Recognising and protecting sub-lease contracts for agriculture, livestock and forest land.
	Constitution of 2005	Art. 25: Right to possess or own property Personally owned private land shall not be confiscated without a judicial court order
	Land Policy Land Act	Not Found Art 14: Individual or collective foreign entities may acquire a leasehold for a specified period, but not a freehold interest
Tanzania	Constitution of Tanzania 1977	Art. 24 (1) Every person is entitled to own property and has a right to the protection of their property held by the law
	National Land Policy of 1997	To govern land tenure, land use management and administration. To address issues related to the land market and land transactions. Upsurge of prospective investors (local and foreign).
	Tanzania Land Act 1999	Art. 19. A person or a group of persons who are non-citizens may only obtain a right of occupancy or derivative right for purposes of investment. -Art.20: A non-citizen shall not be allocated land unless it is for investment purposes under the Tanzania Investment.
Uganda	Constitution of 1995	Art. 26: Right to own property either individually or in association with others. Art. 237(2)(c) non-citizens may acquire leases in land.
	National Land Policy of 2013	Ensure efficient, equitable and optimal utilisation of land (poverty reduction, wealth creation, and socio-economic development)
	Land Act	Art. 40 (1): - A noncitizen may acquire a lease on land. A lease of five years or more acquired by a noncitizen shall be registered A noncitizen shall not be granted a lease exceeding 99 years

Source: Author's construct based on desk review results, 2024

The overview of various land-related legal frameworks (Table 2) shows that land is a constitutional issue in all countries. All countries' constitutions include at least one article with different sections outlining citizens' right to acquire and own land. It is also emphasised that a non-citizen should not own land but rather lease land for a period not exceeding 99 years (Adam et al., 2020). This is highly detrimental to regional development. If land policy remains unharmonised, it becomes difficult for other legal frameworks to override the main law. If access to land by citizens of the EAC had been harmonised in the constitutions of member states, policies and acts could be aligned accordingly. Christiaensen and Maertens (2022) highlighted the importance of harmonising such policies, along with others such as Srivastava (2016) and Karmakar (2017), regarding opportunities resulting from land access.

Regarding land policies, countries have different objectives and philosophies regarding land management. For example, Burundi's land policy was formulated to address existing land conflicts and avoid any land-related development that may escalate and complicate them (Turimubumwe et al., 2022). In Rwanda, the policy was formulated to guarantee the tenure security of landowners, while at the same time preparing the land reforms that were envisioned (Rurangwa, 2002). In other countries, such as Kenya, Uganda, and Tanzania, land policies are focused on access to economic, social, and environmental development as underlined by Acharya (2006). They regulate how the land can be accessed by those who deserve it, those who can increase productivity, as well as protect hazardous lands, such as watersheds, offshore areas, and other public lands. These desk review results were also converged with the KII findings, which, in different ways, participants stipulated the defensive nature of land-related policies in EAC. However, some countries have included in their land-related policies how "foreigners," including EAC citizens, access land and the size allowed for specific uses.

The Land Acts or Land Code in Burundi and the DRC have articles that specify land accessibility for non-citizens, their worth, reasons, and the length of such ownership (Barras, 1982; Keringingo & Kayakayacı, 2023). The land acts in all countries are individualized to respective countries and do not favor EAC citizens; instead, foreigners, such as Indians, Europeans, and other overseas citizens, are prioritized in different land-related policies under the umbrella of investors (Hall, 2011; Morgan et al., 2022; Rafiee & Stenberg, 2018). Additionally, the Land Acts and Codes of all countries indicate that investors are only permitted to invest in specified geographic areas.

### **Linking Investment Policies with Land-Related Policies in EAC Member Countries**

Regional economic development for the EAC does not rely solely on land policies. Other policies, such as investment policies, are also outlined in the legal texts that contribute to achieving the region's economic growth. Access to land in other countries depends on various factors, including the legal frameworks that are designed to attract foreign investment. It is acknowledged that investment policies and acts applicable to many EAC member states differ and do not treat citizens from the region equally (Table 3). The table shows that the investment policies and Acts of the seven EAC countries are not specific on how citizens should be assisted separately from foreign investors. Notable exceptions are Rwanda and Uganda, which offer special treatment to investors from the EAC and COMESA countries. As revealed in Table 3, in other countries, such as Burundi and South Sudan, there is no 'discrimination' against foreign investors

**Table 3:** *Comparison of Investment Acts in EAC Member States*

Country	Policies	Key issues
Burundi	Burundi Investment Promotion Code 2008	-Establishment of ADB as an institution to promote and facilitate investment Art. 12: Burundi considers EAC investors at the same level as foreign investors. -No discrimination should be instigated against EAC and Foreign investors: -A capital of US\$500000 is required if the investment is in Bujumbura -A US\$250000 if the investment is in other cities and towns. Private property is sacred.
Democratic Republic of Congo (DRC)	Constitution of the DRC of 2015 Politique Foncière Nationale de 2021 (National Land Policy of DRC 2021) Code foncier (Land Code of 1980)	The government encourages and ensures the security of private, national and foreign individuals. to formulate the orientations and principles of the basis for the action of public authorities in matters of land and real estate governance Art. 160 and Art. 163, the code does not show how foreigners may acquire land for different activities
Kenya	The Investment Promotion Act of 2009	Art. Foreign investors: persons who are not citizens of Kenya Art 4: For foreigners, Investment capital should be US\$100000 For Kenyan Citizens KSh1 million No special treatment for EAC citizens
Rwanda	Rwanda investment promotion and facilitation of 2021	A foreign investor is any individual who is not a Rwandan national, an EAC resident, or a COMESA Distinguish the high, medium, and small investors in terms of capital and employment capacity
South Sudan	Investment Promotion Act 2009	Art 33 (6): No official, agency, law or other legal authority shall discriminate against investors from a particular country or give special treatment to prospective foreign investors based on their country of origin or nationality
Tanzania	Tanzania Investment Act, 2022	Creation of a Centre that operates as a One-stop Facilitation Centre Exoneration of different types of consumables or non-consumables that are linked to investment -A foreign investor with a minimum investment capital (US\$500,000); or - For a Tanzanian, the minimum investment capital is not less than (US\$50,000)
Uganda	The Investment Code Act of 2019	Foreign Investor: any person who is not a citizen of EAC, whereas a domestic investor is the contrary.

Source: Author's construct based on desk review results, 2024

Meanwhile, in Tanzania and Kenya, there are no such considerations, and all investors who are not citizens of Tanzania are foreigners even though they belong to the EAC. Kenya extends a favour to investors in all aspects, including capital (US\$100000 or KSh1 million).

The exonerations and privileges allocated to investors are also not region-specific. For instance, the start-up capital in most EAC countries is US\$500,000 for foreigners and US\$50,000 for local investors, as reflected in Table 3. This is one of the bottlenecks that hampers regional development, as it is not easy, for example, for a Burundian or Rwandan to collect US\$500,000 to invest at a 10 km distance from Kobero to Kabanga and Benaco in agriculture, carpentry, and so forth. However, it would be easy for Burundians to collect US\$50,000 and invest in the same regions together, as Tanzanians. This is also the case with other EAC countries, where residents share the same borders but have different opportunities and capacities, yet cannot easily utilise them. Moreover, the inclusion of DRC in the EAC was supposed to be an opportunity for farmers, carpenters, miners, and fishermen. The country is vast and has a low population density, which makes land and related resources present in high quantity and quality. However, the situation is quite different. Land policies and other related natural resources policies do not allow citizens of neighbouring countries to own or use land unless they present as foreign investors.

We can argue that these policies demonstrate that the AfCFTA is far from being achieved if investors in the same region are treated as foreigners in all processes and procedures. Access to land and other key privileges essential for investment is denied to EAC citizens, and start-up capital required for investment in EAC countries is high, considering the GDPs and other economic wealth indicators. The reports by UNECA (2021) recommend that narrowing legal frameworks may help achieve the objectives of the AfCFTA protocol, and the same can be said for the EAC's harmonisation of migration policies, which hinder the free movement of

people and labour. In the same breath, Milej (2019) postulates that harmonising different policies to facilitate the implementation of certain protocols within African regions leads to the achievement of regional development.

### **Conclusion**

Land plays an irreplaceable role in regional economic, social, and environmental development. Proper management and governance in the EAC region require policies that are formulated to pursue the same objectives and agenda across economic, social, and environmental development.

Key findings of this paper indicate that countries within the EAC have held different visions and objectives regarding land policies. Additionally, land-related potentials have not been adequately exploited, and when they are, countries have acted individually rather than collectively. Furthermore, local investors in land-based projects have been ignored and not prioritised over foreign investors. This has caused some countries to encounter challenges in achieving economic development using land as a unit of production. Likewise, different regional protocols and agendas, such as AfCFTA, have failed since land policies are not harmonised. Additionally, free movement of people, labour, goods, services and capital in the EAC region cannot be realised. Finally, the EAC member states have failed to motivate local investors in the region by promoting land-based projects with transboundary aspects.

### **Recommendation**

Based on the findings and conclusions of this study, several recommendations are formulated and proposed to decision-makers in the land sector for EAC member states. First, the EAC member states are urged to harmonise land-related policies to facilitate the implementation of various protocols and agendas, as well as pave the way for implementing the AfCFTA. Second, countries in EAC member states must develop strategies for working in synergy when it comes to exploiting the land-based potential.



Finally, local investors in land-based projects should be given priority and support, especially in projects that require and utilise local resources and knowledge.

### Limitations of the Study

This paper did not consider the views and perceptions of citizens from EAC member states involved in land-based activities, nor did it address the consequences arising from unharmonized land policies. Therefore, there is a need to conduct research that can address this area, thereby complementing or supplementing the findings of this paper. Also, the paper was limited to a literature review. Future research should incorporate additional techniques, such as in-depth interviews and questionnaires, involving diverse participants (e.g., land officers, academics, practitioners in the land sector, and land acquirers). This will help gather alternative solutions and strategies in land governance that are tailored to the EAC.

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