PRO-POOR LAND RECORDATION TOOL: FINDINGS AND CONSEQUENCES OF FOUR CASES FOR DESIGN ELEMENTS

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY

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Background
Four cases
Methodology
Refined Pro Poor Land Recordation Tool
Some highlights of key findings
Recommendations
Questions
2012: Release GLTN Pro-Poor Land Recordation Tool: Design principles for establishing and maintaining land records for a countries’ poorest people

EGM 2012: Need for further refinement PPLRT, including unpacking the broad notion of ‘community’

2013-2015: Project GLTN Partnership for Land Tool Development
   Phase A: Conceptual report
   Phase B: Case study analysis
   Phase C: Tool design

Key objective: To create and/or strengthen systems of land documentation to protect the land tenure rights of the poor and the revenue streams linked to those rights when projects are implemented for increased agricultural production through commercialisation
DESIGNING A LAND RECORDS SYSTEM FOR THE POOR

SECURE LAND AND PROPERTY RIGHTS FOR ALL

UN-HABITAT
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the tool
affordability for state and citizens
recognition of complex layered rights
delivery of preventive justice
sporadic or systematic approach
flexible spatial index map
transparent, inclusive, and equitable

political economy
mobilization
co-management of land records
common pool resources management
Agricultural improvement /irrigation projects (MIS, Kenya)

Large scale land based investment projects/inclusive business models (VODP, Uganda)

Pastoralist land administration process (MWEDO, Tanzania)

Social land (ejido) rights administration (RAN, Mexico)

4 cases
• Selection of 4 cases by GLTN, in collaboration with IFAD
• Cases with field visits of 3 to 5 days
• Extract lessons learnt on design principles of the PPLRT by project staff, project beneficiaries and others (including community leaders, community members, project/investment managers, government staff)
• Scope did not include in-depth studies on individual design principles and implications on tenure security and poverty levels
• ‘Living document’
Reformulation of 1 design element, addition of 1 design element, adding words to 8 design elements, keeping 1 design element unchanged.
Recordation of informal tenures is prominent through use of ‘halfway-documents’ such as:

- **Entry into database and documentation** upon payment operations & maintenance fees for water supply
- **Keeping copies** of application letters, minutes of meetings and receipts
- **Keeping shadow registries** by communities or NGOs as temporary measure as long as formal systems are not yet fully established
HALMASHAURI YA KIJJI CHA EWORENDEKE

OFISI YA KIJJI CHA EWORENDEKE,
S.L.P. 42,
NAMANGA
21/05/2010

KUMB. No 519/SK/EWO/6/2010
MKURUGENZI MTINDAJI,
WILAYA YA LONGIDO
S.L.P. 84.
LONGIDO.

YAH: KUKUTUMIA MUHTASARI WA KIKAO CHA S/ KIJJI KILICHOFANYIKA TAREHE 20/05/2010 OFISI YA KIJJI

Somo hilo hapo juu la husika.

Napenda kukutumia muhtasari wa likao cha Serikali ya kijji cha Eworendeke kilichoketi tarehe 20/05/2010 kujadili mambo muhimu ya maendeleo, iliwa ni pamoja na kupendelea maeneo kwa ajili ya vitundu vyu kuichumi vilivyopote katika kijji cha Eworendeke.

Pamoja na bara hii naambatishana na muhtasari wepewe.

Naomba upokee.

Wako katika utamisiri.

NAKALA
1. AFISA ARDH (W) LONGIDO.
The recognition of complex layered rights hints towards **two categories of land interests**, of which the second one remains ‘off the books’, even in innovative approaches (e.g. informal subleases or subdivisions).

Despite **(partial) formal/legal recognition** of the right of inheritance for women, **underlying cultural and legal gender biases remain persistent**.
Both citizen and state affordability remain an issue in the African cases, whereas Mexico has given strong financial support to the registration project and keeps a base budget to supply the base services for free.
Spatial index maps again were not an explicit goal in the investment related cases, but in all cases flexible approaches were trialled and partly applied.
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Delivery of preventive justice never seems an explicit goal, whereas (alternative) dispute resolution is more clearly visible.

**MIS & VODP:** Economic and social development objectives primary
Frequent and contentious land disputes and conflicts
Recently initiated preventive justice practices

**MWEDO:** ADR concurs better with pastoralist customs/traditions
Community Paralegals from perspective of land related legal issues rather than watchdog

**RAN:** Presence legal advisor in important ejido assembly meetings incl. co-signing of protocol.
Legal advisor assists people (for free) in documenting decisions on land use rights, incl. who is intended heir, formal transfers, start privatisation procedure.

Courtesy: [http://grassrootsgroup.org/2013/05/we-now-know-that-everyone-has-the-right-to-land-partnering-with-a-local-org-to-help-resolve-land-disputes/](http://grassrootsgroup.org/2013/05/we-now-know-that-everyone-has-the-right-to-land-partnering-with-a-local-org-to-help-resolve-land-disputes/)
A systematic political economy analysis was not executed by any of the four selected cases.

However, in all cases a more or less explicit individualisation drive played a strong role in the way the recordation was initiated, designed and implemented.

This also makes such activities immediately part of a wider social, cultural and political debate, often surpassing the base goal of supplying tenure security to holders of any type of people-to-land relationship.

As a consequence local innovations in especially intergenerational transfer and peri-urbanisation sales are happening, often bypassing the policy or legal intent.

Further, a push to go ‘all the way’ to the formal solution exists that often ignores financial and capacity issues involved in subsequent formal transactions and updating of the formal solution.
Mobilization is influenced by the drivers for change, and tends to be easier when local land use change is imminent, than when land tenure change is (politically) suggested or socially long overdue.

However, at the same time, the increased pressure on the land in the former case complicates dialogue and negotiation of mutually agreeable solutions.

**VODP & MIS:** differentiate between mobilization of entire local population for informing them and asking their consent on sizeable land use changes upon commencement projects and mobilization of farmers/plantation workers for stimulating participation and involvement in farming.

**MWEDO:** Strategies for political buy-in from LG, traditional leaders, men as well as women, and prevention of elite capture through political leaders:
- Involve LGs as facilitators/partners and participation of LG officials in joint trainings
- Approach and gain support from village leaders, who in turn gain support
- Apply role model approach (with precursor and example males)
- Allow for participation of everyone, both women and men
Co-management in our four cases played out with a strong role for the official agencies, be it often their regional or even local representation.

Really local, bottom-up records that government sector started to support were not evident in our cases.
Need for awareness and sensitivity to risk of inherent biases towards dominant paradigm of individualization of land tenure and PPLRT becoming inherently political itself.

PPLRT to promote taking into account full range of possible pro-poor and gender sensitive land tenure systems in different contexts.
Ongoing land use practices may pose challenges to pro-poor nature of land recordation and may require re-assessment of selection of ‘hot spots’ for intervention.

*MIS*: practices of considerable subleasing
Due to contextual factors such as influencing market prices through brokerage by middle men and informal subdivision of plots caused by increasing population pressure.

*RAN/ ejido system*: similar issues
Problematic access to land for youth (long wait and no subdivision among siblings) and peri-urbanisation pressure (reduced interest in farming and land transfer for residential purposes to outsiders).
PPLRT as a way to establish and maintain a system of land recordation

PPLRT as a tool in between STDM (entry level) and Fit for Purpose (national level)

Explore more bottom-up originated cases for further lessons

Additional urban trajectory

Develop ‘how to’ guides for country level implementation
Many thanks.

Questions.