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# LEGITIMATE LAND TENURE AND PROPERTY RIGHTS: FOSTERING COMPLIANCE AND DEVELOPMENT OUTCOMES

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## LIST OF ABBREVIATIONS

CBO	Community-Based Organisation
CCROs	Certificates of Customary Rights of Occupancy
CCRU	Concession on the Real Right to Use Land
CLTs	Community Land Trusts
CORs	Certificate of Rights
CSO	Civil Society Organisation
FAO	Food and Agricultural Organisation of the United Nations
LTC/LUC	Land Tenure Certificate or Land Use Certificate
LURs	Land Use Rights
NGO	Non-Governmental Organisation
REA	Rapid Evidence Assessment
TOLs	Temporary Occupation Licenses

## EXECUTIVE SUMMARY

This summary is designed to provide an overview of the key evidence discussed in the REA, to assist policy-makers and researchers in assessing the evidence in this field. The paper reports evidence that a range of policies, interventions and approaches by government, civil society and local communities have improved tenure security and property rights and enhanced living conditions for vulnerable groups such as women. However, the literature reviewed also reveals that while land tenure rights are essential, other complementary factors, such as access to finance, are necessary to bring about positive development outcomes.

Growing populations and economic change resulting from globalisation and climate change are increasing pressure on land, particularly in urbanising countries. This exposes many of those occupying and using land, particularly the poor and women, to risks resulting from tenure insecurity. Customary practices in land management are giving way to market-based statutory systems of land tenure. This development has been accompanied by a significant increase in demand for land for investment; in some countries this has caused land users to lose rights and access to their land and other natural resources. Altogether, these trends have presented governments with significant challenges to effectively govern land tenure and property rights in a way that is socially acceptable and legitimate, and at the same time delivers inclusive economic development.

**This rapid evidence assessment (REA) seeks to address the question of which policies and interventions or approaches have been successful in fostering compliance with legitimate land tenure rights and what impact these strategies have had on development outcomes.**

The research reviewed for this paper shows that there is evidence that a range of strategies employed by government, civil society and local communities have improved tenure security and property rights. There is also some evidence that these strategies have resulted in some immediate or short-term outcomes, i.e. improved living conditions for vulnerable groups such as women. However, there is limited and mixed evidence that strategies have had an impact on development outcomes. Many of the examples that were found to have fostered compliance have not been in place long enough for evidence of positive outcomes on poverty reduction, gender equity, and access to formal credit, or public services to emerge and manifest themselves. More specifically, the results of the REA can be summarised as follows:

- The search results produced 113 references. Of these, 61 were of high quality, 50 of moderate quality and 2 of low quality. A total of 74 were of the primary research type and 38 of the secondary research type. The evidence base is variable, reflecting the diverse nature of land tenure categories under different legal systems and social and economic change.
- A total of six policies, approaches and interventions were successful in fostering compliance with legitimate tenure systems and achieved positive development outcomes in particular contexts. These include: freehold ownership through land

titling; leasehold; land registration and land use certification; community land trusts (CLTs); common or communal ownership; and private land rental.

- Freehold ownership through land titling was the dominant example of compliance with statutory tenure and property rights in the literature search, accounting for 62 of the total of 113 publications revealed by the search strings. This reflects, in large part, multiple claims that land titling leads to positive development outcomes. There is, however, evidence showing these claims are contested.
- A total of 25 high or medium quality studies described seven policies or interventions—including temporary occupation licenses, certificate of rights, land use rights certificates, among others—that fostered partial compliance with legitimate land tenure norms. They achieved increases in tenure security and positive development outcomes but have received less attention than land titling. As such, these strategies may deserve more consideration by both researchers and policymakers as they are less costly and more easily implemented than land titling, while achieving sufficient levels of tenure security to encourage investment and land property improvements.
- There is a medium body of evidence (11 studies of moderate and high quality) highlighting that land titling can have a positive development outcome in terms of gender equity.
- There is a small body of evidence (less than 10 studies) showing that successful tenure policies, approaches and interventions build incrementally on what has proved to work at local or regional level and enjoy social legitimacy.
- Overall, the literature reviewed for this REA has provided mixed evidence of a link between the tenure strategies and positive development outcomes. Because of these limitations, caution must be applied when using the conclusions from those studies as a basis for policy formulation and implementation, especially in the absence of additional research.

The REA clearly shows that the diversity of needs, and the rate at which these needs are changing for land users at different levels and stages of social and economic development requires an equally diverse range of tenure and rights options. No single policy, approach or intervention can, alone, meet the diversity of current and projected needs for tenure and property rights within any given country. The size, quality and consistency of the research findings are summarised below.

**Table 1: Policies, approaches, interventions noted to have fostered full compliance**

Intervention	Size	Quality	Consistency
Freehold ownership through land titling	Large: 62 studies in total.	Moderate-high	Mixed. 27 studies indicate positive development outcomes, 35 indicate mixed or negative outcomes
Leasehold	Small: 2 studies	Moderate-high	Sample too small for conclusion
Land use certification	Small: 7 studies	Moderate-high	Mostly positive outcomes, but small sample
Community Land Trusts	Small: 5 studies	Moderate-high	Mostly positive outcomes, but small sample
Communal or customary ownership	Medium: 14 studies	Moderate-high	Mixed. Both positive and negative outcomes
Private land rental	Small: 2 studies	Moderate-high	Sample too small for conclusion

**Table 2: Policies, approaches, interventions noted to have fostered partial compliance**

Intervention	Size	Quality	Consistency
Temporary Occupation Licences	Small: 5 studies	Moderate-high	Mostly positive outcomes, but small sample
Land Use rights and Certificates	Small-Medium: 13 studies	Moderate-high	Mostly positive outcomes, but small-medium sample
Community Based Housing Programmes	Small: 2 studies	Moderate-high	Sample too small for conclusion
Integrated Urban Projects	Small: 1 study	Moderate-high	Sample too small for conclusion
Community Enumeration	Small: 2 studies	Moderate-high	Sample too small for conclusion

## RESEARCH GAPS

This REA has shown the gaps and limitations of existing evidence:

- 1) Research on several examples of policies, approaches and interventions that have fostered partial compliance with legitimate land tenure and property rights norms (e.g., Durand-Lasserve and Royston 2002 [S; OR; ↑] and Payne 2001 (OBS; OR; →)) is now out of date. For example, the Certificate of Comfort<sup>1</sup> that exists in Trinidad and Tobago should be re-assessed in terms of its compliance and development outcomes, as significant time has now passed since publication of the original study.

<sup>1</sup> The Certificate of Comfort is a license to occupy State land in Trinidad and Tobago. It is not a Deed and cannot be transferred to another person. It does not entitle the recipient to compensation should relocation be necessary. It was intended as an interim measure to protect certain squatters from eviction and demolition of their homes.

Furthermore, the issue of land tenure rights is constantly evolving as both the situation on the ground and the policy landscape keep changing. The speed of these changes makes it difficult for robust research to keep up, while the nature of the changes means that past analyses should be applied to current and future problems with caution.

- 2) Land property rights, other than land ownership associated with the range of policies, approaches and interventions reviewed have not been addressed adequately in the evidence. As stated in section 1.2, rights to use and occupy land exist independently of, but sometimes in parallel with, ownership. This is a major gap in the evidence that needs to be filled.
- 3) Gender aspects are not adequately addressed in the current evidence base. While there is considerable evidence that improved land tenure and secure land rights can improve gender equity, this is not always the case; ingrained social and cultural practices may take some time to adjust to changes in law or procedures. Constant efforts are therefore needed to raise gender aspects in discussions on tenure and property rights policy.



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## 1.0 INTRODUCTION

### 1.1 SETTING THE CONTEXT

Land tenure is a historically and culturally complex concept. Consequently, today the right to tenure can be established through a range of processes: statutory, customary, religious and informal. These processes all influence attitudes towards the use, development, transfer and inheritance of land and property. The variety in process also means that some forms of land tenure do not provide tenure holders with formal documentation of their legal status, comply only in part to legally stated norms (as when land is legally held, but developed for uses that are not officially sanctioned), or are subject to dispute. A further consideration in many countries is that more than one legal tenure regime may exist in the same country at the same time, and policies for reform may be in varying stages of development, creating further degrees of uncertainty. For example, in many countries, statutory law may apply in urban areas and customary law in rural areas, making land tenure status ambiguous in peri-urban locations. Different forms of tenure may exist within a given locality and even on the same plot of land, posing considerable challenges for land administrators.

Against this background, and with ever growing pressures on land, interest in land tenure policies, approaches and interventions designed to improve tenure security and conformity with legal norms has increased significantly in recent years. The growing pressures on land are mainly a result of population growth, especially in rapidly urbanising countries. Other pressures on land include greater mobility nationally and internationally due to changing economic opportunities and climate change<sup>2</sup>. Furthermore, there has been a significant rise in land requirements for investment both from the private sector and from governments to improve infrastructure and to facilitate private investment.

As demand increases for this finite resource, those without formal tenure status or property rights have been exposed to varying levels of insecurity. Policies designed to address this challenge have been developed and applied with varying degrees of success. Over the last two decades, the scale and complexity of the issues has generated a considerable body of literature assessing the varied objectives of tenure policies, approaches and interventions including their impact on access to formal credit, access to public services, levels of domestic investment, gender equity and both *de jure* and *de facto* tenure security (see for example, Deininger and Feder, 2009). The literature has also focused on various rights associated with land, in particular, the right to: 1) use land, 2) cultivate or develop it, 3) transfer or inherit it, 4) sublet all or part of it, 5) use it to obtain formal credit and 6) access public services. As with tenure status, gender considerations apply to each of these rights.

This REA is designed to provide a synthesis of the evidence base for successful interventions or approaches that are achieving, or have achieved, compliance with legitimate land tenure rights. The REA does this by answering the following research question.

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<sup>2</sup> UNESCO (2011) 'Migration and Climate Change' UNESCO and Cambridge University Press; International Organization for Migration (2008) 'Migration and Climate Change' IOM Migration Research Series, Geneva Available at: [https://www.iisd.org/sites/default/files/pdf/2008/migration\\_climate.pdf](https://www.iisd.org/sites/default/files/pdf/2008/migration_climate.pdf). (accessed 16 April, 2015).

***What policies and interventions or approaches have been successful in fostering compliance with legitimate land tenure rights? What impact have these strategies had on development outcomes?***

The REA involves the following steps: 1) a structured literature search, 2) a description and summary of the studies, and 3) a quality appraisal and synthesis of the evidence base. As a result of this process, a series of case studies are presented that demonstrate how some policies and approaches have achieved compliance with legal norms around land tenure security.

## 1.2 UNDERSTANDING THE QUESTION

The first part of the question is concerned with identifying any land related policy or intervention that has been applied by governments independently, or in collaboration with international support, which have directly or indirectly improved tenure security and/or property rights in specific contexts. The second part is concerned with the impact on development outcomes.

To answer the question, the key terms need to be clarified:

- *Fostering compliance* can be construed to include examples where progress was achieved to varying degree. Given the considerable diversity of examples presented in the literature of partial compliance, achieving varying degrees of tenure security and development outcomes, the paper adopts an inclusive approach to reflect the full spectrum observed. However, as behaviour by land holders may be influenced as much by perceptions of *de facto* tenure security as by the *de jure* tenure status, outcomes are not easily amenable to objective measurement or assessment.
- *Legitimate* implies both conformity to the law and also a degree of justification or ongoing social acceptance.<sup>3</sup> As such, it may, or may not, be fully consistent with statutory law, especially in contexts where customary law co-exists with statutory legal systems under conditions of legal plurality. Such circumstances apply in many parts of the world, particularly sub-Saharan Africa and the Pacific region. FAO (2009) define 'legitimate' as a term used to include both legal legitimacy denoting rights recognised by law, and social legitimacy denoting rights that have broad social acceptance. Legitimate tenure rights include all users of land, independent of legal status, including traditional settings and those using communal grazing areas and commons. Particular attention in assessments is paid to women and vulnerable groups. The globally negotiated [Voluntary Guidelines on Land Tenure \(FAO, 2012\)](#) uses the term '*legitimate tenure rights*' to ensure that existing tenure rights of the poor are not subverted to power relationships.
- *Land Tenure rights* are the rights to land conferred within a tenure system. The rules of the land tenure system define how *property rights* to land are to be allocated

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<sup>3</sup> The Oxford English Dictionary provides several definitions of the term legitimate, including: conforming to the law or to rules; and to be defended with logic or justification. Available at: <http://www.oxforddictionaries.com/definition/english/legitimate>

within societies. They define how access is granted for rights to use, control, and transfer land, as well as associated responsibilities and restraints. FAO (2002) defines land tenure as the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land and associated natural resources (water, trees, minerals, wildlife, etc.). Land tenure systems determine who can use what resources for how long, and under what conditions. Similar definitions have been put forward by UN Habitat (2008:5), USAID (2013), and Payne (2002:5, 1997:3).

Within the literature, it is more common to refer to *property rights* than land tenure rights. UN Habitat (2008:5) defines *property rights* as recognised interests in land or property vested in an individual or group. Property rights can apply separately to land or development on it (e.g. houses, apartments or offices). A recognised interest may include customary, statutory or informal social practices, which enjoy social legitimacy in a given time and place. Similar definitions are advanced by FAO (2002) and Payne (2002:5). A distinction is often made between “real property” or “immovable property” on the one hand, and “personal property” or “movable property” on the other hand. In practice, multiple rights can be held by several different persons or groups. This has given rise to the concept of “a bundle of rights” FAO (2002).

Property rights to land include a range of components, such as the right to 1) use land, 2) cultivate or develop it, 3) transfer or inherit it, 4) sublet all or part of it, 5) access formal credit 6) access public services. As such, rights can exist independently of, but in parallel with, ownership. An ownership right is a right that is associated with the ability to use, control, transfer, or otherwise enjoy a land parcel, as long as those activities are allowed by law. In statutory tenure, it is often associated with freehold. However, land law does not always define explicitly what is meant by “ownership” FAO (2002:47). Property rights may also vary within, as well as between, tenure systems. It is therefore possible to have a high level of security, but restricted rights to use, develop or sell land. Alternatively, it is possible to have a limited level of security, but a wide range of actual rights. The exact nature and content of these rights, the extent to which people have confidence that they will be honoured, and their various degrees of recognition by the public authorities and communities concerned, will have a direct impact on how land will be used Payne (2002).

A key issue that is widely discussed is land tenure security. According to FAO (2012), all forms of land tenure should provide all persons with a degree of tenure security, which guarantees legal protection against forced evictions that are inconsistent with States’ existing obligations under national and international law, and against harassment and other threats. UN-Habitat (2008:5) has defined this further:

- The degree of confidence that land users will not be arbitrarily deprived of the rights they enjoy over land and the economic benefits that flow from it;
- The certainty that an individual’s rights to land will be recognised by others and protected in cases of specific challenges; or, more specifically,
- The right of individuals and groups to effective government protection against forced evictions.

In practice, household perceptions of land tenure security may exert considerable influence on behaviour in terms of the nature and extent of an investment or other development outcomes. By their nature, such perceptions are extremely difficult to quantify, and may, or may not, be related directly to the formal or legal tenure status.

The term *Land Governance* seeks to capture this added dimension of how a tenure system is perceived and implemented in practice. FAO (2009) define *Land Governance* as the rules, processes and structures through which decisions are made about access to land and its use. This includes the manner in which the decisions are implemented and enforced and the way that competing interests in land are managed. While the land tenure system may be clear in legal terms, there may be considerable variation in the property rights defined within that land tenure system. Even when the rules of the tenure system and the definitions of property rights may be clear in legal terms, this may not be the situation in practice, owing to poorly functioning institutions and a lack of capacity to implement sound land governance.

In addition to exploring the impact of various policies, approaches and interventions on land tenure rights, the REA looks at the way these actions impact on wider development outcomes. Positive development outcomes triggered by land tenure interventions are considered to include increased tenure security, greater food security, increased investments, more productive and sustainable land management, empowerment of women; while negative outcomes would include greater exposure of communities to tenure insecurity; loss of natural resources, increased land disputes and “slumification” (FAO, 2009,2012).

## 2.0 METHODOLOGY

The REA undertook the following sequential steps.

### 2.1 SELECTION OF SEARCH ENGINES

Search engine databases were screened to test output results. To achieve this, a common phrase – for example “land tenure Africa” - was entered into each search engine database. The statistical data resulting from the searches, which included *n.* of overall findings, *n.* of peer-reviewed articles, and *n.* of sources publically available, were then reviewed for content and relevance. The results were narrowed to focus on the use of selected search engine databases for application to the question. The final selection included the following:

- University of Bristol Library<sup>4</sup>.
- Social Science Research Network<sup>5</sup>.
- World Bank Publications<sup>6</sup>. Scopus
- These sources were supported by more specific national context overviews (USAID) and *ad hoc* searches generated through Google.
- Scopus.

Several proposed search engines were not utilised due to a lack of evidence, suitability or rigour (Mendeley Search,<sup>7</sup> Academia Edu,<sup>8</sup> PLOS One,<sup>9</sup> United Nations Development Programme,<sup>10</sup> African Development Bank,<sup>11</sup> Google News Search<sup>12</sup>).

### 2.2 CREATION OF INCLUSION AND EXCLUSION CRITERIA

Inclusion and exclusion criteria were developed to narrow the volume of material assessed.

#### INCLUSION CRITERIA

Any land related policy or practice that has been applied by governments independently, or in collaboration with international support, which have directly or indirectly improved tenure security and/or property rights in specific contexts. This includes examples where full compliance with existing legal requirements was not achieved, but the development outcomes were positive (the study will review the factors that contributed to success as well as the policies or practices involved).

<sup>4</sup> A search for ‘land tenure Africa’ in ALL FIELDS produced 3,003 results. A search for ‘land tenure Africa’ in TITLE and ABSTRACT ONLY produced 154 with 52 results of which are peer-reviewed articles.

<sup>5</sup> A search for ‘land tenure Africa’ in TITLE and ABSTRACT ONLY produced 64 documents.

<sup>6</sup> A search for ‘land tenure Africa’ limited to WORKING PAPERS ONLY produced 298 documents.

<sup>7</sup> Although a search for ‘land tenure Africa’ limited to social sciences publications produced 26,625 results, from personal experience Mendeley does not cover every relevant journal.

<sup>8</sup> Aforementioned search produced 418 documents but this only covers articles uploaded onto the site by academics.

<sup>9</sup> Only produced 67 results.

<sup>10</sup> Aforementioned search produced 10 results.

<sup>11</sup> Aforementioned search produced 20 results, with bias on African contexts.

<sup>12</sup> Produces mainly grey literature; with our combined professional experience we had an awareness of policies, interventions and approaches but not the relevant peer-reviewed, robust research on these policies.

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- i Examples of the provision of public utilities, social facilities and/or improved accessibility in improving tenure status
- ii Examples of individual, communal or customary land tenure programmes that have been implemented in selected countries
- iii Changes in land administration and land management that have improved the efficiency of processing applications for registering land
- iv CSO, NGO, and local CBO actions in promoting tenure security and property rights systems
- v Legal procedures that help reduce litigation over land disputes quickly and at modest cost
- vi Land use planning methods that facilitate access to formal land markets, (e.g. land readjustment, sites and services), or improve tenure status in existing informal settlements (e.g. land consolidation)
- vii No geographical focus, but including any examples on the DFID priority country.
- viii Tenure-related policies focusing on vulnerable groups (e.g. women or ethnic minorities) or legal changes and their outcomes.

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#### EXCLUSION CRITERIA

- i Examples of land tenure focused policies or programmes that have only been implemented within the last three years, as this is too early to assess development outcomes
- ii Countries where social conflict or instability has made it impossible for tenure-related policies to be implemented until recently.
- iii Non-English language studies

#### 2.3 SELECTION OF SEARCH STRINGS AND STRUCTURED SEARCH METHODS

Three rounds of structured searches and quality assessments were undertaken. The first and second searches made use of the search engines, whilst the third reviewed additional material resulting from *ad hoc* searches using other sources located. These were identified during the assessments and based on the experience of the research team. These searches identified a total of 113 studies for review.

The primary search strings were initially designed to be of a more general nature providing an overview of the literature. These search strings produced 40 studies that met the inclusion criteria. The second set of search strings were designed to reflect more specific prior knowledge of policies, approaches and interventions that were compliant with legitimate land tenure rights. This produced 25 studies that met the inclusion criteria. The *ad hoc* searches added a further 48 studies.

The search strings used and the outputs from each of these three steps are summarised in Appendix 2. A summary table showing the total output results is provided in section 2.5.



## 2.4 PRINCIPLES OF CLASSIFICATION: TYPOLOGY, METHODOLOGY AND QUALITY

Studies identified as relevant through the three search rounds were quality assessed, using principles of quality, validity and cogency.

The principles applied to complete these assessments are set out in **Tables 3-5**. The type of the research study (primary or secondary) and the research design (experimental, observational etc.) was assessed using the criteria set out in **Table 3**.

The quality of the evidence for each study was tested through the application of a set of classification criteria as given in the DFID ‘*Assessing the Strength of Research Evidence: Summary*’ guide. This enables the reader to systematically assess and express the quality of an individual study. The principles of quality applied are set out in **Table 4**.

Studies were ranked through the application of a scoring system. Each study was scored according to each principle (with a top score of 5). The total score for each study was collated, which determined whether the study was high, moderate or low in terms of principles of quality. This is set out in **Table 5**.

All the studies referred to in this REA were scored according to these criteria. Subsequent references referred to in in this paper provide abbreviations indicating the scores achieved. For example; Jones 2005 [P; EXP; →] means ‘a primary research paper by Jones, who uses an experimental research design, and the paper is of moderate quality’. Summary results of these analyses are given in **Section 2.5**.

**Table 3: Research Types and Designs**

Research Type	Research Design
Primary (P)	Experimental (EXP) + state method used
	Quasi-Experimental (QEX) + state method used
	Observational (OBS) + state method used
Secondary (S)	Systematic Review (SR)
	Other Review (OR)
Theoretical or Conceptual (TC)	N/A

**Table 4: Principles of quality**

Principles of quality	Associated questions
Conceptual framing	Does the study acknowledge existing research?
	Does the study construct a conceptual framework?
	Does the study pose a research question or outline a hypothesis?
Transparency	Does the study present or link to the raw data it analyses?
	What is the geography/context in which the study was conducted?
	Does the study declare sources of support/funding?
Appropriateness	Does the study identify a research design?
	Does the study identify a research method?
	Does the study demonstrate why the chosen design and method are well suited to the research question?
	Does the study explicitly consider any context-specific cultural factors that may bias the analysis/findings?
Validity	To what extent does the study demonstrate measurement validity?
	To what extent is the study internally valid?
	To what extent is the study externally valid?
	To what extent is the study ecologically valid?
Reliability	To what extent are the measures used in the study stable?
	To what extent are the measures used in the study internally reliable?
	To what extent are the findings likely to be sensitive/changeable depending on the analytical technique used?
Cogency	Does the author 'signpost' the reader throughout?
	To what extent does the author consider the study's limitations and/or alternative interpretations of the analysis?
	Are the conclusions clearly based on the study's results?
Size and relevant context of the study	Is the study dealing with a small scale, local initiative or a regional / national initiative?
	Is the study dealing with an on-going or completed intervention?
	Is it part of a wider initiative or is it self-contained?

**Table 5: Quality abbreviations**

Study quality	Abbreviation	Definition
High (30-40)	↑	Comprehensively addresses majority of principles of quality.
Moderate (15-29)	→	Some deficiencies in attention to principles of quality.
Low (<15)	↓	Major deficiencies in attention to principles of quality.

## 2.5 SUMMARY OF OUTPUT OF SEARCHES, TYPE AND QUALITY ASSESSMENTS

Full listing of the outputs of searches and assessments are provided in **Appendix 3**. These are discussed in detail in **Section 3**. Summary results of searches and quality assessments are given in **Tables 6-7**.

**Table 6: Summary results by research type and design**

Research type	Research design	Primary search	Secondary search	Ad hoc searches	Total	%
Primary research	EXP	2			2	1.8
	QEX		1	1	2	1.8
	OBS	27	12	31	70	61.9
	Subtotal primary research	29	13	32	74	65.5
Secondary research	SR	1			1	0.9
	OR	9	12	16	37	32.7
	Subtotal secondary research	10	12	16	38	33.6
TC		1			1	0.9
Total		40	25	48	113	100

**Table 7: Summary results of quality assessments**

Study quality	Abbreviation	Total	%
High (30-40)	↑	61	54
Moderate (15-29)	→	50	44
Low (<15)	↓	2	2
Total		113	100

The number of articles exceeding 20 is considered to be a large body of evidence; a medium body of evidence is classed as 10-20 articles, and small is noted as less than 10.

## 2.6 COMMENTS ON THE METHODOLOGY

The REA is a methodological approach based on structured searches and reviews of the literature. It provides a means of scoring and assessing the relative quality of studies in relation to the overall question. Rigidly applied, the methodology mitigates against subjectivity and bias of the researcher.

However, the need for refinement of the search strings (as in the secondary search and the use of *ad hoc* approaches in tertiary searches) required the researchers to revert back to prior experience with a consequent risk of bias. Developing search strings relies on the prior knowledge of the researcher and subsequently re-introduced some subjectivity to the process.

There are significant bodies of literature that will contain relevant evidence of compliance or non-compliance with tenure norms that are outside the main research literature frameworks. Many reports and analyses on the tenure outcomes of public and private investments may be included in corporate or lenders reports (such as Environmental Social and Health Impact Assessments and Feasibility Studies). These are not routinely indexed in the mainstream literature and cannot be detected in structured searches of this kind.

Searching according to pre-set parameters within pre-set search engines therefore has the potential to exclude relevant material. In this paper, the use of *ad hoc* searches based on the experience of the research team has sought to provide the necessary balance.

## 3.0 RESULTS AND FINDINGS

### 3.1 OVERVIEW

The searches produced 113 references that met the inclusion criteria. Therefore, the references represent policies or interventions that may have impacted tenure security and/or property rights, and fostered full or partial compliance with legitimate tenure systems in specific contexts. These policies or interventions and the impact they have on development outcomes are summarised in the following sections. The text makes reference to those articles that provide direct evidence or particular comments on policies, interventions and development outcomes.

#### POLICIES AND INTERVENTIONS

Six policies, approaches and interventions were noted to have fostered full compliance in particular contexts (these are discussed further in Section 3.2):

- i Freehold ownership through land titling or adverse possession;
- ii Leasehold;
- iii Land registration and land use certification
- iv CLTs;
- v Communal or customary ownership;
- vi Private land rental.

In addition, the search outputs revealed five policies, approaches and interventions that fostered partial compliance (see section 3.3). Some of these are country specific. These include:

- i Temporary Occupation Licenses (TOLs);
- ii Land use rights and certificates;
- iii Community based housing programmes (Indonesia);
- iv Integrated urban projects (Colombia);
- v Community enumeration.<sup>13</sup>

#### SUMMARY OF RESEARCH FINDINGS

The table below summarises the size, quality and consistency for those policies, approaches and interventions identified in the text. These are described in section 3.2 and 3.3.

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<sup>13</sup> This echoes the belief held by many land tenure scholars that land tenure and property rights exist within a continuum of categories from fully illegal (e.g. squatting) to fully legal (e.g. freehold), with many categories and sub-categories existing in between, as well as under different legal frameworks such as statutory law (e.g. English Common Law or the French Civil Code); customary law (as in much of sub-Saharan Africa and South-East Asia); and religious law (e.g. the Middle East and North Africa). Examples operating under the French Civil Code were restricted to English language studies UN-Habitat (2008:8).

**Table 8: Policies, approaches, interventions noted to have fostered full compliance**

Intervention	Size	Quality	Consistency
Freehold ownership through land titling	Large: 62 studies in total.	Moderate-high	Mixed. 27 studies indicate positive development outcomes, 35 indicate mixed or negative outcomes
Leasehold	Small: 2 studies	Moderate-high	Sample too small for conclusion
Land use certification	Small: 7 studies	Moderate-high	Mostly positive outcomes, but small sample
Community Land Trusts	Small: 5 studies	Moderate-high	Mostly positive outcomes, but small sample
Communal or customary ownership	Medium: 14 studies	Moderate-high	Mixed. Both positive and negative outcomes
Private land rental	Small: 2 studies	Moderate-high	Sample too small for conclusion

**Table 9: Policies, approaches, interventions noted to have fostered partial compliance**

Intervention	Size	Quality	Consistency
Temporary Occupation Licences	Small: 5 studies	Moderate-high	Mostly positive outcomes, but small sample
Land Use rights and Certificates	Small-Medium: 13 studies	Moderate-high	Mostly positive outcomes, but small-medium sample
Community Based Housing Programmes	Small: 2 studies	Moderate-high	Sample too small for conclusion
Integrated Urban Projects	Small: 1 study	Moderate-high	Sample too small for conclusion
Community Enumeration	Small: 2 studies	Moderate-high	Sample too small for conclusion

## DEVELOPMENT OUTCOMES

Positive development outcomes associated with policies and approaches successful at increasing land tenure security include:

- Increased investment as a result of reduced risk of exploitation, greater tenure security and access to credit;
- Increased gender equity and women’s empowerment through joint titling, increased access to land rights and security of tenure for women leading to increased investment, fewer children and greater participation in household decisions;
- Increased investment and improved housing driven by land market activity and strengthened community activity; and
- Increased agricultural productivity, better land management, investment and greater food security.

Legitimate land tenure and property rights: Fostering compliance and development outcomes

Negative development outcomes associated with policies and approaches successful at increasing land tenure security include:

- Displacement of poor by rising housing and land prices;
- Increased tenure insecurity through poorly executed land reform programmes or temporary measures;
- Increased land disputes; and
- Slumification.

### 3.2 ASSESSMENT OF THE EVIDENCE OF APPROACHES THAT FOSTER FULL COMPLIANCE

#### FREEHOLD OWNERSHIP THROUGH LAND TITLING OR ADVERSE POSSESSION

##### OVERVIEW

Land titling programmes were widely promoted during the 1990s and 2000s by national governments and international donor agencies. Nearly two dozen African countries proposed *de jure* land reforms extending access to formal freehold land tenure to millions of poor households. Extensive titling programmes have also been undertaken in Cambodia, Indonesia, Rwanda, Peru and Thailand.

There is a large overall body of evidence reporting positive development outcomes of freehold ownership through land titling interventions (27 studies); the overall quality of the evidence is high to moderate (12 high quality studies, 14 moderate quality studies and one of low quality). The studies are:

- Ali, Collin, Deininger, Dercon, Sandefur & Zeitlin 2014 [P; EXP; →]
- Atuahene 2006 [S; OBS; →]
- Boshe 2007 [S; OR; →]
- British Institute of International and Comparative Law 2006 [S; OR; ↑]
- Byamugisha 1999 [TC; →]
- Cantuarias and Delgado 2004 [P; OBS; →]
- Daley, Dore-Weeks and Umuhoza 2010 [P; OBS; →]
- Datta 2006 [P; OBS; ↑]
- de Soto 2000 [P; OBS; →]
- Deere & Leon 2001 [P; OBS; ↑]
- Deininger, Ayalew & Yamano 2006 [P; OBS; →]
- Deininger, K., & Chamorro, J. S. 2004 [P; OBS; →]
- Dowall and Leaf 1991 [P; OBS; ↑]
- Feder and Nishio 1998 [P; OBS; ↑]
- Field 2003 [P; OBS; ↓]
- Field 2005 [P; OBS; →]
- Galiani and Schargrotsky 2010 [P; OBS; ↑]
- Kassa 2014 [P; EXP; →]
- Lawry, Samii, Hall, Leopold, Hornby & Mtero 2014 [S; SR; →]

Li 2012 [P; OBS; →]  
Payne, Durand-Lasserve & Rakodi 2008 [S; OR; ↑]  
Rakodi and Leduka, 2004 [P; OBS; ↑]  
Stanfield and Bloch 2002 [S; OR; ↑]  
van Gelder 2009 [P; OBS; ↑]  
Varley, 2007 [S; OR; ↑]  
Wiig 2013 [P; OBS; ↑]  
Zwarteveen 1996 [P; OBS; →]

Conversely, there is a large overall body of evidence disputing positive outcomes or reporting negative development outcomes of land titling interventions (35 studies). The overall quality of the evidence is high to moderate (21 high quality studies, 14 moderate quality studies). Those studies are:

Augustinus 2003 [S; OR; →]  
Augustinus and Benschop 2003 [S; OR; →]  
Bayisenge, Höjer and Espling 2015 [P; OBS; ↑]  
Benjaminsen, Holden, Lund & Sjaastad 2009 [S; OR; →]  
Bromley 2005 [P; OBS; ↑]  
Bromley 2008 [S; OR; ↑]  
Buckley and Kalarickal 2006 [S; OR; →]  
Calderón 2004 [P; OBS; ↑]  
Cantuarias and Delgado 2004 [P; OBS; →]  
Cousins 2007 [P; OBS; ↑]  
De Souza 2001 [P; OBS; ↑]  
Durand-Lasserve 2006 [S; OR; ↑]  
Field and Torero 2006 [P; OBS; →]  
Gilbert 2002 [P; OBS; ↑]  
Gauster and Isakson 2007 [S; OR; ↑]  
Graglia and Panaritis 2002 [P; OBS; →]  
Home 2004 [S; OR; ↑]  
IIED 2006 [OBS; OR; ↑]  
Jay and Viruly 2010 [P; OBS; →]  
Kagawa and Turkstra 2002 [P; OBS; ↑]  
Khemro and Payne [2004 P; OBS; ↑]  
Koultchoumi and Djedo 2010 [P; OBS; →]  
Lall, Friere, Yuen, Rajack and Helluin 2009 [P; OBS; ↑]  
Land Equity 2006 [P; OBS; ↑]  
Mitchell 2006 [P; OBS; ↑]  
Mitchell 2009 [P; OBS; ↑]  
Obeng-Odoom 2012 [S; OR; →]  
Payne, Durand-Lasserve, & Rakodi 2008 [S; OR; ↑]  
Payne, 2001 [P; OBS; ↑]  
Reerink and Van Gelder 2010 [P; OBS; ↑]  
Sjaastad, and Cousins 2009 [S; OR; →]



Velayudhan 2012 [P; OBS; ↑]  
Woodruff 2001 [S; OR; →]  
World Bank 2011a [P; OBS; →]  
World Bank 2011b [P; OBS; →]

## DISCUSSION

### EVIDENCE LEADING TO POSITIVE DEVELOPMENT OUTCOMES

Of the studies reviewed for this REA, freehold ownership and land titling provides the largest body of evidence of all the policies, approaches and interventions allowing full compliance with legitimate tenure and property rights (27 studies), contributing to the following development outcomes:

#### *INCREASED INVESTMENT AS A RESULT OF REDUCED RISK OF EVICTION, GREATER TENURE SECURITY AND ACCESS TO CREDIT*

The ability to raise credit with secured title is championed by de Soto 2000 [P; OBS; →] who claims that titles constitute an important—even essential—component of eradicating poverty in developing countries (Bromley 2005 [P; OBS; ↑]; Payne, Durand-Lasserve and Rakodi 2009 [S; OR; ↑]). The basis for this claim is that land titles enable owners to use their property as collateral to obtain formal loans and lift themselves out of poverty. In a systematic review of 20 studies in Africa, Asia and Latin America, Lawry, Samii, Hall, Leopold, Hornby, and Mtero 2014 [S; SR; →] found that “the limited quantitative evidence base suggests benefits of land tenure interventions, measured in terms of productivity and consumption expenditure or income, and suggests that long-term investment and increases in perceived tenure security are plausible channels through which tenure recognition may contribute to welfare for those who receive title”. Similarly, Deininger and Chamorro 2004 [P; OBS; →] found evidence in Nicaragua, that “receipt of registered title is found to increase land values by 30% and at the same time greatly increase the propensity to invest, bringing such investment closer to the optimum”. In a study of land titling and investment in Tanzania, Kassa 2014 [P; EXP; →] found evidence that the effects of titling on investment are positive and sizable.

Evidence by Van Gelder 2009 [P; OBS; ↑] from a study in Buenos Aires, Argentina, found evidence that “tenure legality and perceived tenure security are in fact closely related in the settlement under study, as higher levels of legality imply higher perceived tenure security. Furthermore, both tenure legality and perceived tenure security are significant predictors of housing improvement and, consequently, settlement development”.

Land is recognized as a common form of collateral for securing a mortgage: Land Equity International 2006 [P; OBS; ↑] cites World Bank reports that in Zambia, 95% of commercial bank loans to businesses are secured by land. In Indonesia and Uganda the corresponding numbers are 80% and 75% respectively. In Peru, the financial system was preparing to meet an anticipated massive increase in demand for formal credit from the newly titled poor. Graglia and Panaritis 2002 [P; OBS; →] noted that “Banco Sudamericano expects mortgage

portfolios to expand by 5 to 10% within the [Peruvian] banking system in 2001, with much of the growth generated among lower-income groups whose household income ranges from \$200 to \$300 a month. Such customers tend to be less sensitive to political volatility than upper-income families, and better risks (*i.e. less likely to default*) . . . [they are] Peruvian citizens who were previously unable to obtain such loans”.

Evidence of a positive development outcome from formal titling is provided in Field 2005 [P; OBS; ↑]. Field presented evidence that a land titling programme in Peru had resulted in a significant *increase in residential investment* in urban slums and the rate of housing renovation rose by more than two-thirds over the baseline level. However, she notes that the bulk of the increased investment was financed without the use of credit and concluded that changes over time reflected an increase in investment incentives related to the lower threat of eviction. She also claimed that households with titles spent, on average, more time at work as they were not required to stay at home to protect their properties. Increased investment, higher land and property values are also reported in other studies (e.g. Byamugisha 1999 [TC; →], Dowall and Leaf 1991 [P; OBS; ↑], Feder and Nishio 1998 [P; OBS; ↑], Cantuarias and Delgado 2004 [P; OBS; →]), though these do not indicate the extent to which these outcomes were the result of access to formal credit.

In the example of Peru, Cantuarias and Delgado 2004 [P; OBS; →] report that “the total number of mortgages constituted between 1999 and December 2003 is approximately 65,000”, representing an average of approximately 13,000-15,000 a year, a somewhat modest level compared with the scale of the land titling programme. Graglia and Panaritis’ 2002 [P; OBS; →] study in Peru claims that 45% of property owners with recently formalised titles have solicited loans, and that this group includes both the poor and the middle class. Two qualifications appear to be in order for these claims. First, the owners of recently formalised land have only *solicited* loans, rather than actually obtaining them, and second, demand is from both the poor *and* the middle class. No evidence is provided on the relative proportions of these two groups so the impact on the poor is unclear.

Rakodi and Leduka, 2004 [P; OBS; ↑] found that efficient procedures for processing surveys and titles made a significant improvement in tenure security and investment in many other countries. Galiani and Schargrotsky 2010 [P; OBS; ↑] found evidence that “entitled families substantially increased housing investment, reduced household size, and enhanced the education of their children relative to the control group. These effects, however, did not take place through improvements in access to credit. Our results suggest that land titling can be an important tool for poverty reduction, albeit not through the shortcut of credit access, but through the slow channel of increased physical and human capital investment, which should help to reduce poverty in future generations”.

In Tanzania, Boshe 2007 [S; OR; →] found that land regularisation and titling was more successful when initiated by local residents in eligible, informal settlements using their own initiative and resources, with the Government playing a facilitative role. In Peru, Atuahene 2006 [S; OBS; →] concluded that titling makes poor people stakeholders in democratic institutions and gives residents an incentive to secure greater liberties. In Chengdu, China, Li 2012 [P; OBS; →] found evidence that rural residents’ income and wealth increased

significantly after achieving transfer rights on collectively-owned land. The implied land price is found to be correlated with the strength of property rights.

Another means of obtaining full title to land is that of adverse possession. As the report by the British Institute of International and Comparative Law 2006 [S; OR; ↑] notes “the acquisition of land under the doctrine of adverse possession is recognized in all the civil and common law jurisdictions examined. The period after which the ‘real’ owner may no longer bring an action to repossess his land varies widely among jurisdictions from 5 years in the United States to 60 years in the case of claims by the crown; the most typical period being 20-30 years. Where legislatures have amended the limitation period, it has usually been on the ground that the earlier period was ‘too long’, while recognizing that any period is necessarily arbitrary”. Where there has been good faith, prescriptive title may be acquired within a specified period, commonly between 12-30 years. This tenure option applies in most countries where English Common Law applies.

The evidence shows that, while there is a medium body of evidence (nine high quality studies and 13 medium quality studies) that establishes a link between secure land tenure and the ability to raise credit, the link is not always clear cut and automatic. Based on the papers reviewed for this REA, one can conclude that increased tenure security and the provision of titles for land ownership has had an impact on increasing access to formal credit, though less so for the urban and rural poor, even in contexts where the financial institutions exist to lend for home-based loans.

#### *INCREASED GENDER EQUITY AND WOMEN’S EMPOWERMENT THROUGH JOINT TITLING; INCREASED ACCESS TO LAND RIGHTS AND SECURITY OF TENURE*

Payne, Durand-Lasserve and Rakodi 2008 [S; OR; ↑] found evidence in Senegal and South Africa, that titling had a positive impact on increasing tenure security for women by specifying them on ownership records. Ali, Collin, Deininger, Dercon, Sandefur and Zeitlin 2014 [P; EXP; →] found that subsidies for land titling in one unplanned settlement in Dar es Salaam improved gender equality. In Burkina Faso, Zwartveen 1996 [P; OBS; →] found evidence that both the productivity of land and the productivity of labour are higher in irrigation systems where both men and women have officially allocated plots, increasing the income of women sharply.

Daley, Dore-Weeks and Umuhoza 2010 [P; OBS; →] found that an iterative approach to planning for the implementation of land tenure reform in Rwanda secured legally enforceable land rights for women. In a wide-ranging review of the impact of different tenure policies, and practices on women’s land rights and security of tenure, Varley, 2007 [S; OR; ↑] found evidence that whilst titling in joint names protected women’s rights, and some other options also yielded positive development outcomes, gender equity would only be achieved if women’s rights are specifically addressed and enforced. Finally, Field 2003 [P; OBS; ↓] found that, in Peru, titling resulted in reduced fertility levels. This supports the hypothesis that female bargaining power, particularly as it derives from the ownership of land assets, matters for family fertility decision making. Gender equality of ownership in the implementation of land titling programmes could have unexpected influence on

demographic transition. However, it is important to note that Mitchell 2006 [P; OBS; ↑] observes that Field was highly selective in the cases, locations and times in which her research was undertaken. Consequently, this methodological bias undermines her findings.

Further evidence of the benefits to women of titling is provided by Ali, Collin, Deininger, Dercon, Sandefur, Zeitlin 2014 [P; EXP; →], whose study in Tanzania, found the provision of formal titles at subsidised prices, as well as additional price incentives to include women as owners or co-owners of household land, achieved almost complete *gender parity in land ownership* with no reduction in demand. Similar outcomes for gender equity was found by Wiig 2013 [P; OBS; ↑] in Peru, where women in households with plots titled jointly under the names of the husband and the wife, participated 8% more in household decisions compared to women in households who did not participate in the enforced joint titling programme.

In the districts of the Indian city of Chandigarh, where housing was formalised through joint titling, Datta 2006 [P; OBS; ↑] reported that women felt more empowered; men were more willing to go to their wives for help with decision-making; women were more likely to prevent their husbands from selling their house or keep their house if their husbands died and; were less worried about being abandoned by their husbands, compared to men and women in districts where housing was formalized in the name of the household head, almost always the husband.

In a study of land titling in Latin America, Deere & Leon 2001 [P; OBS; ↑] found evidence that projects “often ignored that a household's endowment of land may consist of three forms of property: the wife's, the husband's and jointly owned property. By assuming that the family farm is owned by the male household head, these projects trampled upon women's ownership rights. Nonetheless, the share of female beneficiaries of land titling projects has been much higher than the share of women that adjudicated land under the agrarian reforms of previous decades. This is partly because the primary way that women acquire land is through inheritance, and inheritance appears to be more gender equitable than other manners of acquiring land. It is also due to the impact of the more gender-equitable agrarian legislation of the current period, itself a product of the impact of women's movements on the state”.

There is a medium body of evidence (six high quality studies and five medium quality studies) showing a relationship between land titling and increased security of tenure for women leading to greater empowerment of women, fewer children, greater participation in household decisions and increased investment.

#### EVIDENCE LEADING TO NEGATIVE OR MIXED DEVELOPMENT OUTCOMES

While a number of studies talk about positive outcomes, there is a large body of evidence (35 studies) indicating that land titling often has mixed or negative development outcomes, due to challenges related to poor enabling environments and/or elite capture of the process. The overall quality of the evidence is high to moderate (21 studies of high quality, 14 of moderate quality).

#### *DISPLACEMENT OF POOR BY RISING HOUSING AND LAND PRICES*

In a wide-ranging review of land titling programmes, carried out in the name of economic development and poverty reduction, Durand-Lasserve 2006 [S; OR; ↑] found that market pressure on newly titled urban low-income settlements frequently results in a deterioration of their economic and housing conditions; ultimately in the formation of new slums. In the African context, Stanfield and Bloch 2002 [S; OR; ↑] found that “formal titling, registration, and legal structures can be costly and are not always required to assure sufficient security for increased land market activity.” This could be due to increased inward investment that may threaten to disrupt existing tenure arrangements and force up land prices. For example, in many sub-Saharan countries, land ownership is often unclear or held under customary arrangements. Thus, while increased investment is often a positive outcome, undermining existing customary tenure arrangements may be a negative consequence, if the investment is by outsiders displacing existing residents on less than favourable terms, as noted by Bromley 2008 [S; OR; ↑]. Similarly, increased land values can be good for poor land owners but also make it more difficult for others to buy land. In Gujarat, India, Velayudhan 2012 [P; OBS; ↑] found evidence that land ownership has become concentrated through large-scale acquisitions, resulting “in erosion of rural livelihoods, with women facing the brunt of this change”.

#### *LIMITED ACCESS TO FORMAL CREDIT, EVEN WITH THE PROVISION OF TITLES*

Whilst recognising that “ownership of land has always been the aspiration of the urban poor”, and the government of Peru had taken the opportunity to benefit these groups, Calderón 2004 [P; OBS; ↑] found evidence that “the poor are as scared of borrowing from the banks as the banks are reluctant to lend to the poor”. Gilbert 2002 [P; OBS; ↑] found evidence of increased formal lending following titling in Peru, but found that little formal finance was forthcoming after legalisation in a case study of Bogotá, Colombia. Bromley 2008 [S; OR; ↑] found evidence that urban slum dwellers who get titles but who are without work cannot possibly leverage credit from the banking sector. In a study of Buenos Aires, Argentina, Van Gelder 2009 [P; OBS; ↑] found that there was no relation between tenure legality and access to credit; the same conclusion was reached by Obeng-Odoom 2012 [S; OR; →].

Field and Torero 2006 [P; OBS; →] find that the odds of Peruvian households obtaining a private loan did not improve after titling; more than a third could not obtain or would not accept a loan. In particular, they find that although the loan approval rate of the government-owned Banco de Materiales was 12% higher when the bank requested a title as collateral, “there is no evidence that titles increase the likelihood of receiving credit from private sector banks”. They conclude that “banks are not using property titles to securitize loans.” This evidence is important, since the bank was established by the government primarily to allocate loans to the poor and therefore operates under different criteria than private banks. Field and Torero 2006 [P; OBS; →] do not mention that the government bank suffered significant loan defaults, at a rate no private bank could sustain. Kagawa and Turkstra 2002 [P; OBS; ↑] report that 25% of borrowers from the Banco de Materiales were said to have defaulted. The Peruvian land titling programme has been widely promoted as the world’s most successful in reducing urban poverty. The above evidence suggests,

however, that in countries where access to formal mortgage credit is available only through private banks, titling may not necessarily increase access to such credit.

The same conclusion is reached by Gilbert 2002 [P; OBS; ↑], who undertook extensive primary research in Colombia, noting that “In Bogotá’s self-help settlements, property titles seem to have brought neither a healthy housing market nor a regular supply of formal credit. The uncomfortable truth is that in practice, granting legal title has made very little difference.” Elsewhere, the outcomes of titling on access to credit appear to be equally modest. In Argentina, Galiani and Shargrotsky 2004 [P; OBS; ↑] found that while no households without titles had obtained a mortgage, the figure for those with titles was 4%.

#### *INCREASED TENURE INSECURITY THROUGH POORLY EXECUTED LAND REFORM PROGRAMMES OR TEMPORARY MEASURES*

While not a negative development outcome, titling programmes present implementation challenges in many settings. For example, higher land prices can represent an implementation challenge if a government wishes to acquire land to title in the name of the poor. However, in Latin American contexts such as Peru, large areas of land outside urban areas are held under public ownership and can therefore be allocated more easily and at a smaller cost. Large scale systematic land titling programmes are demanding to execute, and require effective land administrative agencies to either manage the process themselves, or receive and validate the results of the process if executed by a contractor. The agency must be able to manage these land records and be able to register any transactions or other changes, and deal with enquiries within a reasonable period of time. In Tanzania, for example, De Soto 2000:51 [P; OBS; →] acknowledges that “valuation, planning, surveying and titling procedures take 8 years, land allocation for urban purposes on the mainland 7 years, in Zanzibar 9 years and transferring and registering property 380 days... On the mainland, all titles must be approved by the Commissioner of Lands”.

Benjaminsen, Holden, Lund and Sjaasted 2008 [S; OR; →] found that in Nigeria, impending formalisation led to a scramble for land and increased conflicts in a context of institutional competition and limited administrative capacity. The South African case shows that the very process of surveying and registering rights may also change the rights themselves. Formalisation procedures may amplify the tension between individual and communal rights, and boost privatisation. Bromley [2008 [S; OR; ↑] found evidence that formalisation erodes and displaces existing social networks, and arrangements that do offer security. Formalisation offers little assurance that beneficial outcomes are inevitable. In Rwanda, Bayisenge, Höjer and Espling 2015 [P; OBS; ↑] found evidence that “the land certificate does not necessarily guarantee women decision-making over land, but also that women show increased awareness of land issues, which has led to land conflicts involving women. Secondly, the challenges encountered, such as polygamy, inheritance and *ingaragazi* (*the customary practice where some land ownership is retained by the husband and the wife is excluded*) as well as men’s unwillingness to register their marriages, are related to men’s customary rights to land and deeply embedded socio-cultural norms”.

Land titling is relatively costly compared to other tenure policies, approaches and interventions, such as customary tenure (e.g. Home 2004 [S; OR; ↑]). In a study of different policy options, Augustinus 2003 [S; OR; →] concluded that freehold is generally the most expensive and time-consuming legal tenure type because it uses professionals to create the right, transfer it and maintain the registration records over time. Augustinus and Benschop 2003 [S; OR; →] also note that “only a small proportion of households can afford even the subsidized cost of a site with a title. Those who can afford that cost often realize the true market value and sell to higher income groups.” Similarly, IIED 2006 [S; OR; ↑] report similar conclusions in stating “formal land tenure registration systems, particularly titling, tend to be costly, not necessarily tailored to local contexts and inaccessible for poor groups”. While there are examples (such as in Ethiopia) of approaches where such systems are inexpensive and reasonably accessible to the poor, one lesson appears to be that in many settings registration systems should include subsidies for poor communities (IIED 2006 [S; OR; ↑]). In South Africa, Jay and Viruly 2010 [P; OBS; →] also found that the cost of providing freehold property was proving to be very high both politically and financially.

Formalisation may not always help those with the least security of tenure. Reerink and Van Gelder 2010 [P; OBS; ↑] present evidence on a mass titling programme in Bandung, Indonesia. They report that those in urban areas with least secure tenure tended not to benefit: “Titling indeed contributed—albeit modestly—to people’s perceptions of tenure security, and that both land titling and perceived tenure security enhance housing consolidation; but also that the relationship is more problematic than is often assumed. The results put into doubt whether titling programs in urban Indonesia are actually benefiting the right group, as those who would be best served by the programs can rarely participate in them”.

Similarly, Gauster and Isakson 2007 [S; OR; ↑], found evidence in Guatemala that: “rather than alleviating poverty, the market-led strategy has indebted its intended beneficiaries. In part, the failure of the programme results from the limited political and financial support that it receives from policy makers. Its shortcomings are rooted in the inherently flawed model of market-led agrarian reform, a strategy that discredits land from its political and cultural contexts and envisions it as nothing more than a transferable commodity”.

De Souza [2001 [P; OBS; ↑] found evidence in Recife, Brazil, that: “contrary to orthodox knowledge, the paper contends that perceptions of tenure security increase as a result of housing consolidation”. Payne 2001 [P; OBS; ↑] also found evidence that perceptions of tenure security are as important to households as legal status.

Despite the claimed benefits of tenure security that land ownership provides, Bromley 2008 [S; OR; ↑] offers a cautionary note by reporting that “empirical research on formalisation of tenure, as a stimulus to agricultural investment is unable to establish any robust and reliable connection between “more secure” tenure and enhanced agricultural productivity,” suggesting that other considerations need to be addressed in order to improve investment and productivity. Using data from Uganda, Deininger, Ayalew, and Yamano 2006 [P; OBS; →] found evidence that individuals’ lack of knowledge of new laws on land tenure reduces their tenure security, whereas knowledge of the law increased both tenure security and

investment. This suggests that it is not just the nature of a tenure policy, approach or intervention that influences development outcomes, but the way it is promoted.

#### *INCREASED LAND DISPUTES*

In addition to agreeing that titling programmes are often costly, Buckley and Kalarickal 2006 [S; OR; →] also find that “it is not just a matter of formalizing informal arrangements that already exist. Very often, contradictory claims of ownership succeed the announcements of titling programmes”. As Woodruff 2001 [S; OR; →] shows, the costs of adjudicating these claims may abrogate the gains from titling. This can be seen as a mixed outcome. On the one hand, it may be useful to identify conflicting tenure claims. On the other, resolving the claims can be expensive. Stanfield and Bloch 2002 [S; OR; ↑] also express concern that titling can provoke disputes between claimants, which can raise programme costs.

In a study of land titling programmes, Fitzpatrick 2005 [S; OR; ↑] found evidence from several sources stating that “while systematic land titling programmes may be useful in urban and peri-urban areas, there is substantial evidence that in places subject to customary tenure they commonly fail to achieve their objectives of increased certainty and reduced conflict. In many cases, for example, titling programmes have allowed wealthier and more powerful groups to acquire rights at the expense of poor, displaced and/or female land occupiers”.

#### *INAPPROPRIATE LOCATION OF TITLED LAND*

Khemro and Payne 2004 [P; OBS; ↑] found that for households relocated from inner city settlements to plots with titles on the urban periphery, plots were “too far from existing livelihood opportunities, services and social facilities and transport to these was both expensive and time consuming. As such, the relocation projects are actually increasing, rather than reducing urban poverty” since the increased costs of transport from the urban periphery to places of employment represent a far higher cost than many relocated households can afford.

#### *OTHER FACTORS*

Sjaastad & Cousins 2009 [S; OR; →] found that “historical evidence with regard to formalisation programmes is mixed at best, and current universalist proposals contain numerous flaws. A more context-specific and flexible approach is needed, with greater attention to local settings and specific objectives and tools. Property formalisation should not be considered merely a technical tool but must take account of politics and culture”. A World Bank study 2009 [P; OBS; →] of land in post-conflict Uganda found that there was general agreement that titling needs to be pursued in a manner complimentary to customary tenure and not in a manner aimed at immediately replacing it, because customary tenure is at times better equipped to manage communal or collective land rights.

In South Africa, Cousins 2007 [P; OBS; ↑] found evidence that land tenure systems in the ‘communal areas’ of South Africa are dynamic and evolving, though he concludes that changes are needed in the law to ensure socially legitimate occupation and use rights are protected. Koulchoumi and Djedo 2010 [P; OBS; →] found evidence of customary tenure



systems adapting to changes in land scarcity and the introduction of money into customary practices.

In a review of land titling in Senegal and South Africa, Payne, Durand-Lasserve & Rakodi 2008 [S; OR; ↑] found that a significant percentage of households entitled to regularisation had not yet completed the process of registering their rights. This suggests that at least some households consider that the option to commence the titling process is sufficient to realise an adequate level of tenure security, and that finalising the process can be delayed indefinitely, especially if completion exposes them to additional unnecessary expenditure.

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## CONCLUSION

On balance, the evidence shows that formal titling programmes can successfully foster compliance with legitimate land tenure rights. Such programmes present implementation challenges, some of which can be addressed by improved land administration and funding to ensure that such programmes are accessible to the poor. The evidence also shows that the impact on development outcomes is mixed. For example, titling can benefit women if their names appear on the titles but can harm women if the titles are only in the name of the head of household. Similarly, titling may encourage investment while undermining the rights of those with informal tenure. The evidence also shows that if the land titling programmes are not well executed, or are located in areas well away from livelihood opportunities and services, they can introduce more problems; therefore programmes must address the specific contextual challenges of the given setting.

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## LEASEHOLD

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### OVERVIEW

Leasehold is a form of tenure in which an estate, or interest in real property is held under a rental agreement by which the owner (lessor) gives another (lessee) the right to occupy or use land for a specified period of time. It is common in countries where English common law applies.

Searches provided a small body of evidence (two studies), of which one is of high quality and one of moderate quality:

Benin, Ahmed, Pender, and Ehui, 2005 [P; OBS; ↑]

Smith 2004 [P; OBS; →]

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### DISCUSSION

Benin, Ahmed, Pender and Ehui 2005 [P; OBS; ↑] found evidence in Northern Ethiopia that short-term land leases have an important role to play for efficient land management and agricultural development, especially when land sales and mortgages are prohibited and markets for other factor inputs are imperfect or missing. Using original data from an area of

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Zambia with contrasting state and customary tenure systems, Smith 2004 [P; OBS; →] found evidence that fixed investment and productivity increased on land held by leases.

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## CONCLUSION

There is a small body of evidence (two studies) that leasehold can provide a valuable option for improving access to land for a wide range of uses and at affordable costs, provided that legal and administrative capability exists to protect the interests of both lessors and lessees.

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## LAND REGISTRATION AND LAND USE CERTIFICATION

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### OVERVIEW

The proportion of land that has been surveyed and recorded in national or local land registries varies considerably between and within countries; most land in sub-Saharan Africa has not been registered. However, the searches revealed a small body of evidence (seven studies), six of moderate quality and one of high quality:

Cotula 2007 [S; OR; →]

Deininger and Feder 2009 [S; OR; →]

Deininger, Ali and Alemu 2008 [P; OBS; →]

Kalabamu 2000 [S; OR; →]

Parsa, Nakendo, McCluskey, and Page 2011 [P; OBS; ↑]

World Bank 2009 [P; OBS; →]

Zevenbergen Holden, Ali, and Deininger 2008 [P; OBS; →]

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### DISCUSSION

When land is held under uncertain ownership, tenure security is limited and rights to transfer inherit or use land as collateral, are limited. Land registration programmes have been adopted in many countries to address these issues.

Deininger and Feder 2009 [S; OR; →] and Parsa, Nakendo, McCluskey & Page 2011 [P; OBS; ↑] provide evidence, of enhancement of tenure security through land registration with benefits manifesting themselves in higher levels of investment and productivity and a reduced need to defend land rights. Deininger, Ali & Alemu 2008 [P; OBS; →] and Zevenbergen, Holden, Ali & Deininger 2008 [P; OBS; →] found similar evidence in terms of increased tenure security, land related investment and rental market participation over a five year period in Ethiopia following land certification, despite policy constraints. In Uganda, the World Bank 2009 [P; OBS; →] found evidence that there were misgivings over official tenure reform proposals such as systematic demarcation, land registration and titling due to the high uncertainty in the study areas over a government's intentions on land.

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Cotula 2007 [S; OR; →] notes that land use rights have been introduced to allow local resource users to register their rights collectively in Cameroon, Ghana, Mozambique, Senegal and Tanzania.

The Certificate of Rights (COR) system of land tenure in Botswana was introduced in 1983 as a stage in the process of obtaining full compliance. It is intended to provide the urban poor with secure land tenure while avoiding the complexities and costs associated with statutory land titles, such as freeholds and the Fixed Period State Grant (Kalabamu 2000 [S; OR; →]).

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## CONCLUSION

There is a small body of evidence (seven studies) that suggests that land registration and certification can clarify land tenure and rights, provided claimants are willing to agree on boundaries and are well informed of their legal rights and responsibilities, and as long as land registries are kept accurate and up-to-date.

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## COMMUNITY LAND TRUSTS

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### OVERVIEW

CLTs are mechanisms for creating community ownership of land and for locking in any appreciation in land value for the permanent benefit of the community, whilst ensuring the affordability of the homes, workspaces or community facilities built on that land (BSHF 2005 [S; OR; ↑]). The defining characteristic of CLTs is the splitting of property into its two constituent parts: land, and the improvements upon it. While households individually own their dwellings, all members hold the underlying land jointly through a registered trust (Midherm and Moulaert 2013 [P; OBS; ↑]).

The searches produced a small body of literature discussing CLTs (five studies) of high-moderate quality (three high quality studies and two of moderate quality):

Building and Social Housing Foundation (BSHF) 2005 [S; OR; ↑]

Midheme and Moulaert 2013 [P; OBS; ↑].

Taylor 2004 [P; OBS; →]

Kelly 2009 [P; OBS; →]

Yahya 2002 [P; OBS; ↑]

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## DISCUSSION

High land values are a major factor preventing access to affordable housing worldwide (in the absence of public social welfare programmes). CLTs are increasingly recognised as a possible means of overcoming this problem by capturing land values for local community benefit, BSHF 2005 [S; OR; ↑]. CLTs are a form of statutory tenure widely implemented in the USA. Kelly 2009 [P; OBS; →] utilises comparative case study research in Boston, Los Angeles and Syracuse (USA) to demonstrate how land trusts conserve communities. Whilst examples also exist in other countries, such as the UK, the search revealed only one example

in an urbanising developing country. This is reviewed by Yahya 2002 [P; OBS; ↑], who finds positive development outcomes for residents in Kenya who upgraded their houses over time and improved provision of services. Midheme and Moulaert 2013 [P; OBS; ↑] find that although the greatest achievement of the CLT was its ability to aid poor households to gain legal access to urban land that had eluded them for decades, and promoted both locally financed improvements in housing conditions and community facilities, the project was not replicated because the rules were too complex for the average person to understand and use. Not all people could afford to pay the charge, even with donor-funded subsidies. In addition to these considerations, BSHF 2005 [S; OR; ↑] found evidence that land administration officials were not sympathetic to the CLT concept or practice.

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## CONCLUSION

There is a small body of evidence (five studies of moderate-high quality) that suggests that CLTs can work where: 1) communities fully understand and support them over time, 2) where the legal and institutional framework and administrative capability exist, 3) where land prices are reasonably low at the time the CLT is formed and 4) where government land officials are supportive.

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## CUSTOMARY OR COMMUNAL OWNERSHIP

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### OVERVIEW

The searches produced a medium body of literature that met the inclusion criteria and discussed customary or communal ownership (14 studies). The overall quality of the evidence was high-moderate (five studies of high quality, eight studies of moderate quality and two low quality studies):

Antonio 2011 [S; OR; →]  
Arko-adjei 2011 [P; OBS; ↑]  
Augustinus and Lemmen 2011 [S; OR; ↓]  
Boonyabantha 2005 [P; QEX; →]  
Delville 2010 [S; OR; →]  
Gough and Yankson 2000 [P; OBS; →]  
Griffith-Charles 2011 [P; QEX; →]  
Gyasi 1994 [P; OBS; ↑]  
Lemmen 2010 [S; OR; ↓]  
Mabougunje 1990 [P; OBS; ↑]  
Royston 2002 [P; OBS; ↑]  
Stephens 2008 [S; OR; →]  
Ubink and Quan 2008 [P; OBS; ↑]  
Zhao 2013 [P; OBS; →]

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## DISCUSSION

Customary or communal tenure is found throughout the world and takes a number of forms. According to Gyasi 1994 [P; OBS; ↑] “communal land ownership is the expression used to describe the system whereby land is collectively owned by an extended family, clan or community of ancestrally related people, with the control or administration vested in the leader or his [sic] appointee, who may give out land to the community or non-community members to be used on an individual basis, on a more or less nucleated family basis, on a co-operative basis or through some other such recognised arrangement, for variable lengths of time.” This describes the basis of current land tenure systems applicable throughout most of sub-Saharan Africa, particularly in rural areas. According to Mabogunje 1990 [P; OBS; ↑], between 1961 and 1984, 20 out of 40 sub-Saharan countries<sup>14</sup> nationalised all land and extinguished private freehold ownership, partly as a belief that it continued traditional African practices, and partly due to socialist ideology.

Customary tenure exists throughout much of the Pacific, including variations in Indonesia (the ‘adat’ tenure system) and Mexico (the ejido’ tenure system). It is an indigenous form of land tenure in all these countries that pre-dates colonialism. As such, customary tenure enjoys considerable social legitimacy, even in countries where statutory tenure systems also apply, as in many urban areas. Another variation is evident in socialist and communist countries, such as Cuba and Vietnam, where land is owned by ‘the people’ and, at least in constitutional or statutory terms, managed by the state on their behalf.

In a comprehensive study of customary and statutory tenure systems in Papua New Guinea, Stephens 2008 [S; OR; →] found evidence of significant value in adopting hybridised approaches that provide formal legal recognition to existing customary systems of title. Gough and Yankson 2000 [P; OBS; →] found similar evidence of maintaining a modified form of customary land tenure in Accra, Ghana. However, Ubink and Quan 2008 [P; OBS; ↑] found evidence in peri-urban Kumasi that “the Ghana government has not introduced effective checks and balances on the authority of the chiefs over customary land, allowing them to transact in land in their own interests. As a result the establishment of CLSs risks entrenching unaccountable land management. It is questionable that Ghana's present approach through LAP will be able to combine tradition and modernity in an equitable way”.

On a global level, Antonio 2011 [S; OR; →], Augustinus and Lemmen 2011 [S; OR; ↓], Lemmen 2010 [S; OR; ↓] and Griffith-Charles 2011 [P; QEX; →] report on progress in implementing the Social Tenure Domain Model of tenure launched by UN-Habitat in 2010.

Co-operative tenure represents yet another well-established form of communal ownership, with examples implemented successfully in several countries, including Thailand and South Africa. Boonyabanha 2005 [P; QEX; →] reports on the city-wide upgrading programme in Bangkok, Thailand through which “secure tenure is negotiated in each instance, but locally – and this could be through a variety of means such as cooperative land purchase, long term lease contracts, land swaps or user rights. But in all cases, the emphasis is on communal (rather than individual) tenure”.

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<sup>14</sup> The twenty countries are : Madagascar, Lesotho, Cameroon, CAR, Congo, Mali, Senegal, Cote d’Ivoire, Nigeria, Sudan, DRC (Zaire), Angola, Benin, Burkina Faso, Ethiopia, Guinea Bissau, Mozambique, Somalia, Tanzania, Zambia.

Royston 2002 [P; OBS; ↑] reports on the South African Communal Property Association (CPA) Act of 1996, which was drafted to enable groups benefitting from the national land reform programme to hold, manage and possess land rights communally. She records how the absence of an enabling legal framework restricted the development of housing co-operatives until the government made it possible to register housing co-operatives. She provides evidence from field surveys of the Everest Court Housing Co-operative, suggesting that costs were much lower than in the case of other forms of tenure for similar housing conditions, though residents interviewed were conscious of the limitations of group ownership in respect of the collective vulnerability of the group to financial difficulties experienced by members. Others found the demands of management responsibilities onerous. More than 25% of households in the project were female-headed households, demonstrating that this form of tenure offers considerable potential for improving access to secure tenure for women. The study is a good example of where compliance with legitimate tenure rights has been established as a result of an intervention and there has been a positive development outcome.

In China, Zhao 2013 [P; OBS; →] found that government policy emphasizing shareholding cooperatives on farmer's land, served the interests of village leaders, businesses and local states, rather than the farmers.

Delville 2010 [S; OR; →] found evidence in Benin of the formalisation of local or customary land rights as a means of tackling insecurity of land tenure and encouraging investment. In Namibia, Arko-adjai 2011 [P; OBS; ↑] found evidence that a flexible tenure system called 'starter titles' provided a basic level of formal tenure. The starter title is intended for poor families who do not need freehold titles but do need sufficient security to protect them from eviction. Starter titles are provided on a group basis as a right to an unspecified site, and families must abide by rules established by a community association. The option has proved popular, especially as it offers the possibility of upgrading to freehold.

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## CONCLUSION

There is a medium body of evidence (14 studies of moderate-high quality) that communal or customary ownership can provide positive development outcomes, though these appear to weaken when demand increases and commercial interests strengthen.

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## PRIVATE LAND RENTAL

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### OVERVIEW

Land and property rental is a common form of tenure in countries at all levels of economic development. The searches found two studies; one of high quality and one of moderate quality:

Swinnen 2002 [S; OR; →]

Mohit 2002 [P; OBS; ↑]

## DISCUSSION

Swinnen 2002 [S; OR; →] found evidence that the rights of tenants were strengthened as a result of improved political representation of tenants in parliament and a severe economic crisis increasing the pressure for reforms.

An alternative to individual rent of land or property is communal land rental. Although the literature search only provided one example, Mohit 2002 [P; OBS; ↑] found evidence in Bangkok, Thailand, where a civil society organisation assisted a community to negotiate a 20 year communal rental agreement on private land that would otherwise have been too expensive for most households. In addition to strengthening medium-term tenure security, the development outcomes included continued good access to livelihoods, strengthened community activity in the form of savings groups and improved infrastructure. A Slum Women's Network was established to help develop the community and a local savings group provided loans. Negative outcomes included difficulties for some households in meeting the ground rent, and an increased ground rent following three year rent reviews forced some households to move out, although the flexibility to move is welcomed by some residents.

## CONCLUSION

There is a very small body of evidence (two studies) that suggests land rental can be a viable strategy for providing access to land and tenure security for low income families. However, rental levels and trust between the land-owner and the tenants are critical in determining the success of the strategy.

### 3.3 ASSESSMENT OF POLICIES, APPROACHES AND INTERVENTIONS THAT FOSTER PARTIAL COMPLIANCE

#### TEMPORARY OCCUPATION LICENCES (TOLS)

##### OVERVIEW

Searches for 'Temporary Occupation Licenses' produced five studies that met the inclusion criteria and represent a small body of evidence of moderate-high quality (three moderate quality studies and two high quality ones):

- Kundu 2002 [P; OBS; ↑]
- Makachia 2012 [P; OBS; →]
- Mutisya & Yarime 2011 [S; OR; →]
- Taylor 2004 [P; OBS; →]
- Yahya 2002 [P; OBS; ↑]

## DISCUSSION

Kundu 2002 [P; OBS; ↑] found that in India, the provision of licenses for the residential use of land, even for a short period, stimulated local investment and facilitated community

organisations, NGOs, and even private agencies to launch projects for improving basic amenities. In Kenya, the TOLs are used to make public land available for housing or to small businesses for fixed terms, such as one year. Thus, they can provide tenure security for limited times.

Yahya 2002 [P; OBS; ↑] reviews TOLs in Nairobi, Kenya. He reports that TOLs allocated by the City Council have enabled small businesses and micro-enterprise activities to situate near their markets and provide temporary shelter to the business owners. In many cases, the site will be required for public purposes at some future date, and the council does not wish to commit itself to a long-term grant, which will entail compensation on revocation. In practice, however, licensees seldom vacate their plots willingly, taking the risk of investing in substantial structures, temporary or otherwise, constructing one or two rooms to live in. TOLs make an important contribution to generating employment in poor neighbourhoods in Nairobi, Yahya 2002 [P; OBS; ↑] reports that of the plots surveyed, 53% had six persons or more working on the premises.

In the Kibera slum in Nairobi, local authorities have issued TOLs to the informal owners of houses who have no legal ownership but are generally recognized locally as owners by tenants and others. The Acumen Fund is supporting construction of these houses, as they tend to be superior to other residential structures in Kibera. The government started providing subsidies to enable tenants to rent the structures for US\$10/month as of 2009 (Mutisya & Yarime 2011 [S; OR; →]). The paper does not provide further detail of tenure implications or development outcomes.

Taylor 2004 [P; OBS; →] finds that holders of TOLs enjoyed a range of property rights including the right to access available services and formal credit, sublet and enjoy any pecuniary benefit from increases in value. On the other hand, Makachia 2012 [P; OBS; →] found that issuance of TOLs in Nairobi were rife with corruption and tended to contribute to the “slumification” of the city.

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## CONCLUSION

The overall breadth of evidence is small (five studies of moderate-high quality). The limited evidence available suggests TOLs might be considered as a policy that fosters a partial improvement in tenure conditions and economic improvement, although there is a risk of “slumification”. More in-depth research is needed.

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## LAND USE RIGHTS OR CERTIFICATES

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### OVERVIEW

Land use rights are common in many countries and take different forms. The searches produced eight studies that met the inclusion criteria (six high quality studies and two moderate quality studies):

Collin 2013 [P; OBS; ↑]



Do and Iyer 2003 [P; OBS; ↑]  
Fairley [P; OBS; ↑]  
Khantachavana, Turvey, Kong and Xia 2013 [P; OBS; →]  
Magigi and Majani [2006 P; OBS; →]  
Menon, Rodgers and Kennedy 2014 [P; OBS; ↑]  
Markussen, Tarp and Van Den Broeck 2011 [P; OBS; →]  
UNDP 2012 [S; OR; ↑]

A search for 'certificate of rights Botswana' produced three studies that met the inclusion criteria, representing a small body of evidence of moderate quality:

Cotula 2007 [S; OR; →]  
Kalabamu 2000 [S; OR; →]  
Nkwae & Dumba 2010 [S; OR; →]

Searches for 'Concession on the Real Right to Use Land Brazil' produced two studies that met the inclusion criteria, representing a small body of evidence of high quality:

De Souza 2004 [P; OBS; ↑]  
Fernandes 2001 [S; OR; ↑]

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## DISCUSSION

Collin 2013 [P; OBS; ↑] found that despite all land being owned by the people and managed by the State in Vietnam, approximately 15% of land was registered in 2004 using a jointly-held Land Tenure Certificate or Land Use Certificate (LTC/LUC). This gave accorded residents the right to occupy a given plot of land. Of the total, 66% was registered to male household heads and 19% to female households. These figures continued to improve, albeit slowly: as of 2008, 22% of land is thought to be registered jointly in the names of both husbands and wives, an increase of 7% over the four years, following the implementation of the new Land Law (UNDP 2012 [S; OR; ↑]). Do and Iyer 2003 [P; OBS; ↑] found the additional security provided by the issuance of land-use certificates needed to enforce legal rights. This led to significant increases in the share of the total area devoted to multi-year crops, as well as some increases in irrigation investment. In a study of rural land in Tanzania, Fairley 2013 [P; OBS; ↑] found evidence that few village land holders were registered; Certificates of Customary Rights of Occupancy are being issued in order to formalize individual land rights in villages.

Markussen, Tarp and Van Den Broeck 2011 [P; OBS; →] found the granting of land use rights in Vietnam had positive outcomes, including encouraging crop diversification. Menon, Rodgers and Kennedy 2014 [P; OBS; ↑] report a broader range of positive outcomes. These include "Land-use rights held exclusively by women or jointly by couples result in several beneficial effects including increased household expenditures and women's self-employment, and lower household vulnerability to poverty. Titles held by men have

statistically significant outcomes on their probability of self-employment in agriculture and on food poverty.”

Khantachavana, Turvey, Kong and Xia 2013 [P; OBS; →] examine how Chinese farmers might respond, if the Chinese government made it legal for farmers to buy or sell land use rights. They note that labour substitution, market infrastructure, a lack of property right protections, entrepreneurship, bureaucracy, and political will are all influential factors that will determine whether such a policy would result in a functioning land market.

Magigi and Majani 2006 [P; OBS; →] conclude from a study of tenure regularisation in Dar es Salaam that community involvement was a key feature in realising progress.

In Brazil, the government introduced the Concession on the Real Right to Use Land (CRRU or usocapião use right) in 1967, which can be applied on both private and public land. Fernandes 2001 [S; OR; ↑] explains that the CRRU is a form of lease that can provide legal security of tenure for beneficiaries for a period of 30 years. Beneficiaries can register the CRRU at the public registry office, making eviction much less likely. Local women have been especially active in the mobilisation and regularisation process, with most titles having been issued in the names of both partners, regardless of their official marital status.

The CRRU can also provide both the local state with better conditions to handle its legal-political responsibilities and the affected communities with better chances to remain in the regularised areas. Fernandes 2001 [S; OR; ↑] reports that the CRRU ensures that the public investment is not immediately capitalised upon by the economic interests of land sub-dividers and developers, thereby protecting community interests. However, Fernandes acknowledges that in Porto Alegre, registry offices have resisted the registration of the CRRU. They are preventing the recognition of full security of tenure as, according to the Brazilian legal system, only the registration of the title constitutes ownership. De Souza 2004 [P; OBS; ↑] observes that administrative requirements to make residential plots conform to official standards, along with bureaucratic delays, have restricted the allocation of CRRUs in some cases in Recife. To conform, applicants must attend court sessions and be in possession of a birth certificate or identity card.

Nkwae & Dumba 2010 [S; OR; →] state that Certificate of Rights (CORs) provide security of tenure to the low-income group in Botswana, as part of strategies to deal with problems of informal (squatter) settlements that mushroomed due to rapid urbanization in the post-independence period. Areas with CORs are provided with basic services and, as many are in central urban locations, they enjoy easy access to schools, clinics and other amenities. However, as a CORs is not accepted by financial institutions as collateral for a building loan, the option is not available to households who fall below the stipulated income threshold. Revisions of the programme, which entail high servicing standards, plot survey and registration costs, have made it harder for this group to access land.

Kalabamu 2000 [S; OR; →] notes that although Botswana has largely been successful in implementing land reforms, it is currently experiencing land tenure problems, especially in

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peri-urban settlements and inner city low-income areas. This is despite the government's enhanced control over local land administrative structures.

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## CONCLUSION

While the body of evidence is medium-small (13 studies in total), it is of medium-high quality (seven high quality, six moderate). On balance, the evidence suggests that programmes providing land use certificates or other similar forms of documentation can be a way to enhance tenure security and achieve positive development outcomes.

There is a small body of evidence showing that while the CCRU may provide some partial compliance, it is clearly regarded as inferior to a full title (in Brazil).

The searches did not produce any primary data studies, suggesting the impact of the CORs in Botswana requires further research before a clear assessment can be made.

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## COMMUNITY BASED HOUSING PROGRAMMES (INDONESIA)

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### OVERVIEW

Two medium quality studies dealing with community based housing programmes, both related to the Kampung Improvement Programme (KIP) in Indonesia, were found:

Astuti & Prasetyo 2014 [P; OBS; →]  
Dhakal 2002 [S; OR; →]

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### DISCUSSION

The KIP is a community-based housing programme in Indonesia. The primary objective is to provide new or improved housing, infrastructure and public services to poor residents in informal and unplanned urban settlements. The community is fully involved in the planning and execution of the project. In Jakarta, rights to the land were transferred to those who were occupying land prior to implementation of the programme (Dhakal 2002 [S; OR; →]). Exactly how such rights were transferred and in what form is unclear from the literature.

Dhakal 2002 [S; OR; →] reports that the KIP in Indonesia, which was launched in 1976, evolved as it expanded nationally during later decades, enabling low income groups to obtain long term tenure security and enjoy improved access to services, while remaining in many central urban locations without any formal change in their tenure status.

Astuti & Prasetyo 2014 [P; OBS; →] found the KIP has contributed to sustainable housing development and reportedly aided the development of capacity for the mobilisation of resources on housing and human settlements.

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### CONCLUSION

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The evidence on this intervention is limited and highly contextual (two studies). More research is necessary to establish whether the intervention could work in a non-Indonesian context.

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## INTEGRATED URBAN PROJECTS

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### OVERVIEW

One high quality study assessing an integrated urban project in Medellin, Colombia, was found:

Arcila 2008 [P; OBS; ↑]

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### DISCUSSION

By adopting a participatory approach to land management and urban development, Arcila [P; OBS; ↑] demonstrates that the city recently considered the most violent in the world, has been transformed by the “Proyecto Urbano Integral” (Integral Urban Project) project. The project enabled 200,000 inhabitants, most of whom present high levels of poverty, to benefit from improved accessibility to major employment centres, public services and communal facilities. The provision of significantly improved access routes from the settlement to the city centre, together with improved public services and facilities, provided a high level of perceived and *de facto* tenure security, since they demonstrated public commitment to the rights of residents to living in the area.

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### CONCLUSION

There is a very small body of evidence (one study) that local improvements of land management and public infrastructure can lead to perceived and *de facto* improved tenure security. More research is necessary to establish whether the intervention could work in a non-Colombian context.

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## COMMUNITY ENUMERATION

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### OVERVIEW

Although a search for community enumeration produced no studies, a search for ‘community enumeration land’ produced two studies that met the inclusion criteria, representing a small body of evidence of high quality:

Farouk and Owusu [P; OBS; ↑]

Patel, Baptist, D’Cruz 2012 [S; OR; ↑]

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### DISCUSSION

Community enumeration (also called “community documentation”) is a community-led process that involves profiling the informal settlement, mapping its streets and boundaries, and conducting a census of all households in the area. The result is a more accurate record of exactly who lives in the settlement, where they live and documentation for the residents. It has been used in several countries (Patel, Baptist, D’Cruz 2012 [S; OR; ↑]).

Farouk and Owusu 2012 [P; OBS; ↑] found that community enumerations in informal settlements in Accra, Ghana, increased the residents’ perception of land tenure security. The same authors also found that community enumeration enabled a positive transition from state-led forced evictions towards participatory relocations or rehabilitation.

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## CONCLUSION

The body of evidence is very small (two studies), albeit consistent and of high quality. More research is necessary to confirm this positive trend.

## 4.0 DISCUSSIONS AND CONCLUSIONS

This REA has completed a series of structured and *ad hoc* searches to identify research evidence for projects and programmes that have fostered either full or partial compliance by government or other third parties with legitimate tenure requirements of individuals or communities. A total of 112 papers have been identified and reviewed.

### KEY FINDINGS

The principal findings of the REA are:

- 1) The most commonly researched example of full compliance with statutory tenure and property rights discussed in the literature is freehold ownership through land titling (62 studies; 27 reporting positive development outcomes and 35 mixed or negative outcomes). The weight of evidence shows that, while formal land titling is successful in securing land rights, the link between such programmes and positive development outcomes is not well established and mixed. For example, titling can benefit women if their names appear on the titles but can harm women if the titles are only in the name of the head of household. Similarly, titling may encourage investment while undermining the rights of those with informal tenure. The literature also emphasizes that these programmes have significant implementation challenges. For example, Buckley and Kalarickal 2006 [S; OR; →] cite the high costs and risk of provoking contradictory claims, while Fitzpatrick 2005 [S; OR; ↑] found evidence that titling may not operate easily in areas where customary tenure exists. This suggests that titling programmes are suitable mainly for households in stable employment, who can afford to service the market-based interest rates for accessing formal credit, along with meeting other terms and conditions, such as collateral and deposits or down-payments.
- 2) Community Land Trusts and legal, documented recognition of communal land ownership and land rental are other approaches that can foster full compliance with legitimate tenure rights. However, there is a small body of evidence as to whether such strategies lead to positive development outcomes.
- 3) A total of 25 high or medium quality studies described policies or interventions that fostered partial compliance, with legitimate land tenure norms achieving significant increases in tenure security and led to positive development outcomes. Such interventions include Land Use Certificates and Community Enumeration. The evidence does not establish whether the other policies leading to partial compliance reviewed are linked to positive or negative development outcomes. It should be noted that some of these strategies tend to be less costly and more easily implemented than formal titling programmes.
- 4) There is a small body of evidence that shows that the most successful tenure policies, approaches and interventions are those that build incrementally on what works locally and enjoys social legitimacy. Further research is warranted.

This paper has presented evidence that a wide range of policies, interventions and approaches by government, civil society and local communities have improved tenure security and property rights and enhanced living conditions for vulnerable groups such as women. However, the evidence also shows that secure tenure is an essential but insufficient condition for the delivery of positive development outcomes. This link between tenure security and other development enabling conditions requires more research.

#### FURTHER RESEARCH

- 1) Some of the interventions that foster either full or partial compliance with tenure rights require additional research to determine whether they can lead to positive development outcomes.
- 2) UN-Habitat has projected that the number of people living in varying forms of insecure and inadequate conditions could reach 2 billion by 2030 unless radical action is taken (UN-Habitat 2003). This may pose a major threat to social and economic development and even political stability unless it is addressed. Research is urgently needed to determine why successful approaches to improving tenure security are not being implemented at the scale necessary to reduce poverty and absorb increasing populations into formal land markets.
- 3) The evidence revealed major gaps in the literature in assessing the extent to which policies, approaches and interventions have fostered compliance with other rights associated with land, namely, the rights to: cultivate or develop; transfer or inherit; lease or sublease; use it as security for credit; and access public services.
- 4) There is a small body of evidence that shows that the most successful tenure policies, approaches and interventions are those that build incrementally on what works locally and enjoys social legitimacy. Further research is warranted.

#### CONCLUSIONS

- 1) Because the literature provides mixed evidence describing the link between tenure interventions and development outcomes, policymakers should exercise caution in using conclusions drawn from the published evidence as a basis for formulating policy.
- 2) Many of the programmes described in this paper have been implemented recently enough that it may be necessary for more time to pass before valid conclusions can be drawn about the effects of those programmes on tenure and development outcomes.
- 3) Many of the successful tenure programmes discussed in this paper may not succeed in other national or cultural contexts. Even if a given example of full or partial compliance can be seen to have generated a specific development outcome, the importance of cultural and historical specificity of tenure issues makes it difficult to extrapolate from one case study to a global, or regional, assessment.
- 4) Perceptions of tenure security are important influences on investment decisions and operate to some extent independently of formal tenure status.

## APPENDIX 1: BIBLIOGRAPHY

This appendix provides the bibliography of sources that were cited but are not necessarily examples of research on any policies, approaches and interventions that fostered legitimate land tenure rights.

FAO (2002) Land Tenure Studies 3: Land Tenure and Rural Development

FAO (2009) Land Tenure Working Paper 11: Palmer, Friccka and Wehrmann, Towards Improved Land Governance

FAO (2012) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security

Payne, G (1997) Urban land tenure and property rights in developing countries: A review. Intermediate Technology Publications, London

Payne, G (2002) (eds.) 'Land, Rights and Innovation: Improving tenure security for the urban poor' ITDG Publishing, London

UN-Habitat (2003) Handbook on Best Practices, Security of tenure and access to land; Implementation of the Habitat Agenda. Available at:  
<http://www.unhabitat.org.ph/index.php/best-practices/268-handbook-on-best-practices-security-of-tenure-and-access-to-land-implementation-of-the-habitat-agenda>

UN-Habitat (2008) Secure Land Rights for All.

UNESCO (2011) 'Migration and Climate Change' UNESCO and Cambridge University Press; International Organization for Migration (2008) 'Migration and Climate Change' IOM Migration Research Series, Geneva. Available at:  
[https://www.iisd.org/sites/default/files/pdf/2008/migration\\_climate.pdf](https://www.iisd.org/sites/default/files/pdf/2008/migration_climate.pdf)

USAID (2013) Natural Resources Management and Development Portal, Land Tenure and Property Rights Tools, Available at: [http://rmportal.net/library/content/tools/land-tenure-and-property-rights-tools/copy\\_of\\_definition-land-tenure](http://rmportal.net/library/content/tools/land-tenure-and-property-rights-tools/copy_of_definition-land-tenure)



## APPENDIX 2: SEARCH STRINGS AND METHODS USED

### FIRST ROUND OF SEARCHES

The first set of search strings were generated and entered across the pre-selected range of search engines. Search strings were then progressively adapted to greater reflect the literature available.

A limitation of replicating searches across different search platforms is that the set-up for each search engine was different. For example, some search engines require a search of the entire document, whilst some only require the title and abstract, and some the title only. The consequence of this was that output statistics on an individual search string might not reflect the variety of ways in which the search string was entered, potentially leading to unrealistic comparisons.

The general search strings used and adaptations applied are presented in the following table.

General search string	Adaptions used within search process
"land administration" and "developing country"	"Land administration" and "developing countries"
"land tenure" and "improvement"	
"land tenure regularisation"	"land tenure regularization"
"land governance"	
"land policy" and "developing country"	"land policies" and "developing countries"
"land tenure" and "case study improvement"	
"land titling"	
"land tenure" and "case study" and "policy"	
"land tenure development"	
"land titling programmes"	"land titling programs"
"land tenure formalization"	"land tenure formalisation"
"Sporadic land titling"	"systematic land titling"
"land titling programs"	"land titling programmes"
"adapting customary tenure	"adaptions of customary tenure"
"tenure policy outcomes"	
"land tenure in peri-urban areas"	
"land tenure programmes"	"land tenure programs"
"land tenure programmes outcomes"	"land tenure programs outcomes"
" land registration impacts"	"land registration successes"
"land registration limitations"	
"Community enumeration impacts"	

These search strings produced **40 studies** that met the inclusion criteria, which were then assessed for principles of quality. Listings are provided in the following table.

Search string	Classification
"land titling"	Ali et al 2014 [P; EXP; →]
"land titling"	Atuahene 2006 [P; OBS; →]
"land tenure development"	Benin et al 2005 [P; OBS; ↑]
"land titling"	Benjaminsen et al [2008 S; OR; →]
"land tenure development"	Boshe 2007 [S; OR; →]
"land tenure development"	Byamugisha 1999 [TC; →]
"land titling programmes"	Deere and Leon [P; OBS; ↑]
"land tenure regularisation"	Daley, Dore-Weeks and Umuhoza 2010 [P; OBS; →]
"land tenure regularization"	De Souza 2001 [P; OBS; ↑]
"land tenure regularisation"	De Souza 2004 [P; OBS; ↑]
"land Tenure"	De Soto 2000 [P; OBS; →]
"land tenure regularisation"	Deininger and Chamorro 1999 [P; OBS; ↑]
"land policies AND developing countries"	Deininger and Feder 2009 [S; OR; →]
"land tenure policy"	Deininger and May [P; OBS; →]
"land tenure policy"	Deininger, Ayalew and Yamano 2006 [P; OBS; →]
"land policies AND developing countries "	Deininger et al 2003 [P; OBS; →]
"land policies AND developing countries"	Do and Iyer 2003 [P; OBS; ↑]
"land titling programs"	Fairley 2013 [P; OBS; ↑]
"land tenure policy"	Fitzpatrick 2005 [S; OR; ↑]
"land titling"	Galiani and Schargrodsy 2010 [P; OBS; ↑]
*Science Direct Recommendations	
"land tenure regularisation"	Gauster and Isakson 2007 [S; OR; ↑]
"land tenure policy outcomes"	Gough and Yankson 2000 [P; OBS; →]
"land tenure development"	Kassa 2014 [P; EXP; →]
"land tenure regularisation"	Khemro and Payne 2004 [P; OBS; ↑]
"land titling programs"	Lawry et al 2014 [S; SR; →]
"land titling"	Li 2012 [P; OBS; →]
"land tenure regularisation"	Magigi and Majani 2006 [P; OBS; →]
"land tenure policy outcomes"	Obeng-Odoom 2012 [S; OR; →]
"land tenure regularisation"	Parsa et al 2011 [P; OBS; ↑]
"land tenure policy outcomes"	Payne 2001 [P; OBS; ↑]
"land policies developing countries"	Reidsma 2011 [TC/P; OBS; ↑]
"land titling"	Schargrodsy and Galiani 2010 [P; OBS; ↑]
"land titling"	Sjaastad and Cousins 2009 [S; OR; →]
TITLE CONTAINS "land tenure" AND ANY FIELD CONTAINS "case study improvement".	Smith 2004 [P; OBS; →]
"land tenure development"	Stephens 2008 [S; OR; →]
"land tenure" AND ANY FIELD CONTAINS "case study improvement".	Swinnen 2002 [S; OR; →]
"land tenure formalization"	Van Gelder 2009 [P; OBS; ↑]
"land tenure regularisation"	Velayudhan 2012 [P; OBS; ↑]
"land tenure AND policy AND case study"	World Bank 2009 [P; OBS; →]
"land policies developing countries"	Zevenbergen et al 2008 [P; OBS; →]

## SECOND ROUND OF SEARCHES

Whilst the first set of searches was designed to be general, in order to provide an overview of the literature, the second round of searches made use of refined search strings to reflect more specific prior knowledge of policies, approaches and interventions that aim to foster compliance with legitimate land tenure rights. The search strings used are presented in the following table.

Specific search strings	Adaptions used in research process
"Concession on the real right to use" "Brazil"	"CRRU" "Brazil"
"The Social Tenure Domain Model"	
"Community Land Trusts"	"CLTs"
"The Temporary Occupation Licences in Kenya"	
"The Certificate Of Rights (COR) in Botswana"	
"The Certificate of Comfort in Trinidad and Tobago"	
"Adaptations of customary tenure Ghana"	"Customary tenure" and "Ghana"
"Leasehold, especially short/medium term"	"Leasehold medium term"
"Land titling Thailand"	"LTP Thailand"
"Indirect forms of improving tenure security and property rights"	
"Kampung Improvement Programme"	"KIP land tenure"
"Medellin Colombia slum"	
"Communal tenure"	
"Land use rights Vietnam"	"LUR Vietnam"
"adverse possession"	"Adverse possession land tenure"
"Condominium ownership"	
"Freehold ownership or title"	
"land administration" and "one stop shops"	"land administration" and "one-stop-shops"
"land dispute resolution"	
"Settlement upgrading programmes"	
"Settlement/land re-blocking"	
"Street addressing"	
"Guided land development"	
"Joint titling spousal property"	
"Legal reforms on inheritance"	
"Community enumeration land"	
"Land use rights"	"Land use certificates"

The Secondary searches produced 26 studies that met the inclusion criteria.

## THIRD ROUND OF SEARCHES (*AD HOC*)

Though the first two searches were comprehensive, they did not produce a number of known studies. As such, the research team produced these studies based on *ad hoc* searches and quality checks. This reflects the importance of linking structured searches with experienced researchers. The number of studies produced in this manner was 47. All studies that met the inclusion and exclusion criteria after careful examination are listed in Appendix 3 with their quality assessment.

## APPENDIX 1: OUTPUT LIST OF STUDIES WITH CLASSIFICATIONS

Presentation of the list of studies that met the inclusion criteria provided with the classification representing research type and principles of quality.

No.	Reference	Classification
1	Ali, D., Collin, M., Deininger, K., Dercon, S., Sandefur, J., and Zeitlin, A. (2014) The Price of Empowerment: Experimental Evidence on Land Titling in Tanzania. World Bank Policy Research Working Paper No. 6908. Available at: <a href="http://papers.ssrn.com/abstract=2446312">http://papers.ssrn.com/abstract=2446312</a>	[P; EXP; →]
2	Antonio, D. (2011) Social Tenure Domain Model: Towards Addressing the Information Requirements of Informal Settlements Social Tenure Domain Model: Towards Addressing the Information Requirements of Informal Settlements, 18–22.	[S; OR; →]
3	Augustinus, C., and Lemmen, C. (2011) What is required to bring the social element into land administration? Moving from the Land Administration Domain Model to the Social Tenure Domain Model, Annual World Bank Conference on Land and Poverty, 1–17.	[S; OR; ↓]
4	Augustinus, C. (2003) Handbook on best practices: Security of tenure and access to land—Implementation of the Habitat Agenda. Nairobi: UN-HABITAT.	[S; OR; →]
5	Augustinus, C. and Benschop, M. (2003) Security of tenure: Best practices. Paper presented at the UN-HABITAT Regional Seminar on Secure Tenure, Nairobi.	[S; OR; →]
6	Arcila, C. (2008) 'Learning from Slum Upgrading and Participation: Case study of participatory slum upgrading in the emergence of new governance in the city of Medellin-Colombia' Kungliga Tekniska Högskolan, Stockholm.	[P; OBS; ↑]
7	Arko-adjei, A. (2011) 'Adapting land administration to the institutional framework of customary tenure; The case of peri-urban Ghana Adapting land administration to the institutional framework of customary tenure'.	[P; OBS; ↑]
8	Astuti, W., and Prasetyo, D. (2014) Model of Community-based Housing Development (CBHD) of Bedah Kampung Programme in Surakarta Indonesia. <i>Procedia Environmental Sciences</i> , 20, 593–601. doi:10.1016/j.proenv.2014.03.072	[P; OBS; ↑]
9	Atuahene, B. (2006) Land Titling: A Mode of Privatization with the Potential to Deepen Democracy. Available at: <a href="http://papers.ssrn.com/abstract=940959">http://papers.ssrn.com/abstract=940959</a>	[P; OBS; →]
10	Bayisenge, J., Höjer, S., and Espling, M. (2015) Women's land rights in the context of the land tenure reform in Rwanda – the experiences of policy implementers. <i>Journal of Eastern African Studies</i> , 02 January 2015, Vol.9 (1), 74-90	[P; OBS; →]
11	Benjaminsen, T., Holden, S., Lund, C., and Sjaastad, E. (2008) 'Formalisation of land rights: Some empirical evidence from Niger and South Africa' <i>Land Use Policy</i> , 28-35.	[S; OR; →]
12	Benin, S., Ahmed, M., Pender, J., and Ehui, S. (2005) Development of Land Rental Markets and Agricultural Productivity Growth: The Case of Northern Ethiopia. <i>Journal of African Economies</i> , Vol.14 (1), 21–54. Available at: <a href="http://papers.ssrn.com/abstract=915452">http://papers.ssrn.com/abstract=915452</a>	[P; OBS; ↑]

13	Boonyabancha, S. (2005) 'Baan Mankong: going to scale with "slum" and squatter upgrading in Thailand' <i>Environment &amp; Urbanization</i> , Vol.17 (1), 21-46.	[P; QEX; →]
14	Boshe, P. (2007) Land Regularization in Tanzania: The Revolution in Land Laws and a Tool to Millennium Development Goal 7, Target 11. <i>Open University Law Journal</i> , Vol.1 (2). Available at: <a href="http://papers.ssrn.com/abstract=2358075">http://papers.ssrn.com/abstract=2358075</a>	[S; OR; →]
15	British Institute of International and Comparative Law (2006) 'Adverse possession' report for Her Majesty's Court Service September. Available at: <a href="http://www.biicl.org/files/2350_advposs_sep_ftnsv3.pdf">http://www.biicl.org/files/2350_advposs_sep_ftnsv3.pdf</a> .	[S; OR; ↑]
16	Bromley, D. (2005) The empty promises of formal titles: Creating Potemkin villages in the tropics. Madison: University of Wisconsin, Department of Agricultural and Applied Economics.	[P; OBS; ↑]
17	Bromley, R. (2008) 'Formalising property relations in the developing world: The wrong prescription for the wrong malady'. <i>Land Use Policy</i> 26, 20–27	[S; OR; ↑]
18	Buckley, R., and Kalarickal, J. (Ed.) (2006) Thirty years of World Bank shelter lending: What have we learned? Chapter 3: Land market issues: The mystery of capital revisited. Urban land policy—Is titling the answer? <i>Directions in Development—Infrastructure series</i> . Washington, DC: World Bank, 27-38.	[S; OR; →]
19	Building and Social Housing Foundation (2005). 'Redefining the Commons: Locking in value through Community Land Trusts', Coalville, UK. Available at: <a href="http://www.bshf.org/published-information/publication.cfm?thePubID=111">http://www.bshf.org/published-information/publication.cfm?thePubID=111</a>	[S; OR; ↑]
20	Byamugisha, F. (1999) The Effects of Land Registration on Financial Development and Economic Growth: A Theoretical and Conceptual Framework (World Bank, Ed.). Washington DC. Available at: <a href="http://papers.ssrn.com/abstract=636204">http://papers.ssrn.com/abstract=636204</a>	[TC; →]
21	Calderón, J. (2004) 'The formalisation of property in Peru 2001-2002. The case of Lima' <i>Habitat International</i> , Vol.28 (2), 289-300.	[P; OBS; ↑]
22	Cantuarias, F., and Delgado, M. (2004) 'Peru's urban land titling program' Case study from 'Reducing poverty, sustaining growth – what works, what doesn't and why? A global exchange for scaling up success' Shanghai, May 25-27, World Bank.	[P; OBS; →]
23	Collin, M. (2013) 'Joint-titling of land and housing Examples, causes and consequences' EPS PEAKS, Oxford Policy Management.	[P; OBS; ↑]
24	Cotula, L. (2007) Legal empowerment for local resource control. <i>BIOS</i> , 144, Available at: <a href="http://www.iiied.org">www.iiied.org</a>	[S; OR; →]
25	Cousins, B. (2007) More Than Socially Embedded: The Distinctive Character of Communal Tenure, Regimes in South Africa and its Implications for Land Policy. <i>Journal of Agrarian Change</i> , Vol.7 (3), 281–315. doi:10.1111/j.1471-0366.2007.00147.x	[P; OBS; ↑]
26	Daley, E., Dore-Weeks, R., and Umuhoza, C. (2010) Ahead of the game: land tenure reform in Rwanda and the process of securing women's land rights. <i>Journal of Eastern African Studies</i> , Vol.4 (1), 131–152. doi:10.1080/17531050903556691	[P; OBS; →]

27	Datta, N. (2006) Joint Titling—a Win-Win Policy? Gender and Property Rights in Urban Informal Settlements in Chandigarh, India. <i>Feminist Economics</i> , Vol.12 (1-2), 271-298.	[P; OBS; ↑]
28	Deere, C. and Leon, M. (2001) Who Owns the Land? Gender and Land-Titling Programmes in Latin America. <i>Journal of Agrarian Change</i> , 1(3), 440–467. doi:10.1111/1471-0366.00013	[P; OBS; ↑]
29	Deininger, K. and Chamorro, J. (2004) Investment and equity effects of land regularisation: the case of Nicaragua. <i>Agricultural Economics</i> , Vol. 30(2), 101–116. doi:10.1111/j.1574-0862.2004.tb00180.x	[P; OBS; →]
30	Deininger, K., and Feder, G. (2009) Land Registration, Governance, and Development : Evidence and Implications for Policy. <i>World Bank Research Observer</i> , Vol. 24 (2) Available at: <a href="https://openknowledge.worldbank.org/handle/10986/4430">https://openknowledge.worldbank.org/handle/10986/4430</a>	[S; OR; →]
31	Deininger, K., Ali, D., and Alemu, T. (2008) Impacts of Land Certification On tenure Security, Investment, and Land Markets: Evidence from Ethiopia. Available at: <a href="http://papers.ssrn.com/abstract=1293177">http://papers.ssrn.com/abstract=1293177</a>	[P; OBS; →]
32	Deininger, K., Ayalew, D., and Yamano, T. (2006) Legal Knowledge and Economic Development: The Case of Land Rights in Uganda. Washington DC. Available at: <a href="http://papers.ssrn.com/abstract=922994">http://papers.ssrn.com/abstract=922994</a>	[P; OBS; →]
33	Delville, P. (2010) 'Competing Conceptions of Customary Land Rights Registration (Rural Land Maps PFRs in Benin): Methodological, Policy and Polity Issues. Annual Conference on Land Policy and Land Administration, 1–20.	[S; OR; →]
34	De Soto, H. (2000) 'The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else', Basic Books, New York.	[P; OBS; →]
35	De Souza, F. (2001) Perceived security of land tenure in Recife, Brazil. <i>Habitat International</i> , Vol. 25 (2), 175–190. doi:10.1016/S0197-3975(00)00023-0	[P; OBS; ↑]
36	De Souza, F. (2004) Security of land tenure revised: the case of CRRU in Recife and Porto Alegre, Brazil. <i>Habitat International</i> , Vol. 28 (2), 231–244. doi:10.1016/S0197-3975(03)00070-5	[P; OBS; ↑]
37	Dhakar, S. (2002) 'Comprehensive Kampung Improvement Program in Surabaya as a Model of Community Participation'. Working paper, Urban Environmental Management Project, Institute for Global Environmental Strategies (IGES), Kitakyushu, Japan.	[S; OR; →]
38	Do, Q., and Iyer, L. (2003) Land Rights and Economic Development: Evidence from Vietnam, The World Bank. doi:10.1596/1813-9450-3120	[P; OBS; ↑]
39	Dowall, D., and Leaf, M., (1991) 'The Price of Land for Housing in Jakarta', <i>Urban Studies</i> , Vol. 28 (5), 707-722.	[P; OBS; ↑]
40	Durand-Lasserve, A. (2006) 'Market-driven evictions and displacements: Implications for the perpetuation of informal settlements in developing cities'. In: Huchzermeyer, M. & Karam, A. (Editors). 'Informal settlements. A perpetual challenge?' University of Cape Town Press.	[S; OR; ↑]
41	Durand-Lasserve, A., and Royston, L. (2002) 'Holding Their Ground: Secure Land Tenure for the Urban Poor in Developing Countries' Earthscan, London.	(S; OR; ↑]

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44	Feder, G., and Nishio, A. (1998) 'The Benefits of Land Registration and Titling: Economic and Social Perspectives', <i>Land Use Policy</i> , Vol. 15 (1), 25-43.	[P; OBS; ↑]
45	Fernandes, E. (2001) Regularising informal settlements in Brazil: legalisation, security of tenure and city management. ESF/N-Aerus Annual Workshop, (May). Available at: <a href="http://www.n-aerus.net/web/sat/workshops/2001/papers/fernandes.rtf">http://www.n-aerus.net/web/sat/workshops/2001/papers/fernandes.rtf</a>	[S; OR; ↑]
46	Field, E. (2003) 'Entitled to Work: Urban Property Rights and Labour Supply in Peru', Health Policy Research Program, Harvard University.	[P; OBS; ↓]
47	Field, E., and Torero, M. (2006) 'Do property titles increase credit access among the urban poor? Evidence from a nationwide titling program', Department of Economics, Harvard University, Cambridge, MA.	[P; OBS; →]
48	Field, E. (2005) 'Property rights and investment in urban slums' <i>Journal of European Economic Association</i> , April-May (2-3), 279-290.	[P; OBS; →]
49	Fitzpatrick, D. (2005) "Best Practice" Options for the Legal Recognition of Customary Tenure. <i>Development and Change</i> , 36(3), 449–475. Retrieved from <a href="http://papers.ssrn.com/abstract=2007660">http://papers.ssrn.com/abstract=2007660</a>	[S; OR; ↑]
50	Galiani, S., and Schargrodsky, E. (2010) Property rights for the poor: Effects of land titling. <i>Journal of Public Economics</i> , Vol. 94 (9-10), 700–729. doi:10.1016/j.jpubeco.2010.06.002	[P; OBS; ↑]
51	Gauster, S., and Isakson, S. (2007) Eliminating market distortions, perpetuating rural inequality: an evaluation of market-assisted land reform in Guatemala. <i>Third World Quarterly</i> , Vol. 28 (8), 1519–1536. doi:10.1080/01436590701637375	[S; OR; ↑]
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54	Graglia, J. M., and Panaritis, E. (2002) At the end of the beginning: The formalization of property rights in emerging markets. <i>Chazen Web Journal of International Business Fall</i> , Columbia Business School. Available at: <a href="http://www.gsb.columbia.edu/chazenjournal">www.gsb.columbia.edu/chazenjournal</a>	[P; OBS; →]
55	Griffith-Charles, C. (2011) The application of the social tenure domain model (STDM) to family land in Trinidad and Tobago. <i>Land Use Policy</i> , Vol. 28 (3), 514–522. doi:10.1016/j.landusepol.2010.10.004	[P; QEX; →]
56	Gyasi, E. (1994) <i>Africa: Journal of the International African Institute</i> ,	[P; OBS; ↑]

	Vol. 64 (3), 391-405	
57	Home, R. (2004) 'Outside De Soto's bell jar: colonial/postcolonial land law and the exclusion of the peri-urban poor'. In: Home, R., and Lim, H., & Cavendish, H. (eds.) (2004) Demystifying the mystery of capital: Land titling and peri-urban development in Africa and the Caribbean, Cavendish Publishing, London, 15-38.	[S; OR; ↑]
58	IIED (2006) 'Local Innovation in Securing Land Rights in Africa: Lessons from experience', Briefing Paper, IIED, London. Available at: <a href="http://pubs.iied.org/pdfs/12531IIED.pdf">http://pubs.iied.org/pdfs/12531IIED.pdf</a>	[S; OR; ↑]
59	Kagawa, A., and Turkstra, J. (2002) The process of land tenure formalisation in Peru. In Payne, G. (eds.) (2002), Land, rights and innovation: Improving tenure security for the urban poor. London: ITDG Publishing, 57-75.	[P; OBS; ↑]
60	Kalabamu, F (2000) Land tenure and management reforms in East and Southern Africa – the case of Botswana. Land Use Policy, Vol. 17 (4), 305–319. doi:10.1016/S0264-8377(00)00037	[S; OR; →]
61	Kassa, W. (2014) Land Titling and Investment in Tanzania: An Empirical Investigation. SSRN. Available at: <a href="http://papers.ssrn.com/abstract=2480216">http://papers.ssrn.com/abstract=2480216</a>	[P; EXP; →]
62	Kelly, J. (2009) Land Trusts that Conserve Communities. Available at: <a href="http://papers.ssrn.com/abstract=1448783">http://papers.ssrn.com/abstract=1448783</a>	[P; OBS; →]
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