

RESEARCH PAPER SERIES

ELLA Area: Economic Development

ELLA Theme: Smallholder Farmers and Rural Development



ELLA
Evidence and lessons
from **Latin America**

DESIGN AND METHODS PAPER

COLLECTIVE LAND ACCESS RIGHTS FOR ENHANCING SMALLHOLDER LIVELIHOODS

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INTRODUCTION

The ELLA Research Design and Methods Papers are working documents produced by the Latin American-African research pairing, as the first stage in the conduct of their joint research. Production of the papers was aimed at fostering a shared framework and approach to the research, owned by both partners in the research pairing. As the centres proceed to the research itself, the design will inevitably evolve to address issues arising. As such these Design and Methods papers should be seen as an approximation towards the intended research direction.

1. TOPIC

Land liberalisation policies and programmes based on giving individual property rights implemented in the last decades have not produced the expected results in improving rural peasant and/or native livelihoods in Andean and African countries. Previous studies have found mixed results, with more recent literature showing that these programmes were ineffective in increasing productivity, input use or access to credit. On the contrary, emerging literature suggests that maintaining collective land access rights may have positive effects on rural livelihoods in particular for indigenous and peasant communities. Our study will investigate the effect of collective land access on smallholder livelihoods.

Therefore, our general research question is: Under which conditions does the maintenance of collective land access rights improve rural families' livelihoods? To answer this question we will compare different sorts of collective land access rights functioning in four territories in Peru and Kenya to see under which conditions they achieve positive performances in improving livelihoods. This research is especially significant for countries, such as Peru and Kenya, where collective land access rights are common, and both have a significant amount of land under collective access rules.

2. BASIC CONCEPTS AND APPROACHES

We define livelihood as the capabilities, assets and activities needed for a means of living, following the theoretical approach from DFID and IFAD¹. In the case of Andean and Kenyan peasants, this implies the reproduction of their household economy.

In the Andes, typical smallholder households are peasant households that function as the unit of production and consumption, where family labour is its main input. These peasant households have a “dual economy”, which means that they produce both for subsistence (to satisfy basic needs) and to maximise profit/wellbeing. This economy is marked by its partial integration into the market economy. In addition, these households have produced several strategies to diversify risk. One of these strategies is pluriactivity, which is the combination of a set of activities, ranging from agriculture and livestock to wage labour, to fulfil a household’s needs. These activities are interdependent and constitute a technological matrix that allows peasants not only to minimise risk, but also to allocate efficiently underused labour. Interestingly enough, recent literature shows that a significant percentage of peasant household income nowadays comes from non-agricultural activities.

Peasant livelihoods are made up of mechanisms and practices that can be methodologically separated into two types: the mechanism and practices for maintaining production and self-consumption, which includes access to land, water, seeds, labour and so forth; and the ones to sell into the market their surplus and unused labour. In the Andes, peasant livelihood production systems have been modelled by environmental constraints (highlands) and culturally-historically informed regulation systems for managing common recourses. Strategies and practices for market articulation are also culturally embedded.

In Kenya, smallholder households are defined as households that produce small volumes of agricultural or livestock output compared to commercially oriented farmers. Much is consumed domestically – they produce on small areas of land that range from tiny plots to about 5 acres (2 hectares), use family labour but may hire labour when necessary, and are vulnerable to shocks in

¹ [Link to DFID’s Framework of Sustainable Livelihoods](#)
[Link to IFAD’s description of the Sustainable Livelihoods Approach](#)

the supply chain, where they are usually price takers. Due to the uncertainty of agricultural income streams, many of the smallholders have diversified their production and also depend on other non-farming sources of income to supplement their agricultural incomes. The degree to which smallholder households are able to diversify their income sources is heavily influenced by their characteristics. Additionally, diversification of agricultural activities is heavily dependent on agro-ecological zones. Moreover, the common practice in Kenya is that smallholders diversify their incomes by participating in non-farm activities.

Liberalisation policies and the gradual introduction of a market economy have certainly transformed peasant livelihoods. However, most peasant families have striven to maintain a dual economy and collective access rights vis-a-vis land titling (individual or communal) initiatives. Nowadays, most peasant and indigenous families live in communities (regulated by law) with recognised, though not necessarily titled, communal land. Inside the communally owned land, they usufruct both communally assigned individual parcels and common use land. In some communities all land has been parcelled, in others all is in common use, though in most communities they maintain both individually and commonly used land.

As mentioned earlier, one key characteristic of smallholders in Kenya is that they are highly vulnerable to shocks in the supply chain. This greatly affects their market participation, or limits the participation of those who participate as they cannot affect prices. This has greatly contributed to smallholder farmers not benefiting from market liberalisation as the inflow of cheaper competing products coupled with an increase in cost of production has reduced their gains from farming. Past literature has often linked tenure security to investments in land and agricultural technologies. Although the establishment of individual rights is seen as key to guaranteeing tenure security, it has not led to consolidation of land by efficient farmers, but in fact has resulted in further fragmentation, leaving smallholders with higher per unit costs of production.

In accordance with the characteristics of the target population, we have chosen to centre our analysis on access rights instead of property. The maintenance of collective land access rights can be seen as a way to achieve tenure or social security different from land titling. Property rights are surely a way to achieve land tenure security, but the literature shows that it is not the only one and, in some contexts, nor the superior one (Garvelink, 2012). By analysing the prevalence of collective access rights and its effects on livelihood improvement we plan to analyse whether or not land property or other forms of land tenure or social security are key issues for understanding the effects of development policies. Therefore, we plan to go beyond the question of collective versus individual land property in analysing under which conditions the maintenance of collective access rights can have positive effects on rural livelihoods.

In order to assess livelihood improvement we will follow the Sustainable Livelihoods Approach of the International Fund for Agricultural Development – IFAD, which links issues of poverty reduction, sustainability and empowerment process. This systematic and adaptive approach will permit us to grasp the specific characteristics of rural household economies in Peru and Kenya, such as households’ dual market-subsistence economy and pluriactivity, using them as starting points for policy making. For comparative purposes we will use the Sustainable Livelihood Approach that has been widely used in development theory, and adapted by different development agencies such as the British Department for International Development (DFID).

3. LITERATURE REVIEW AND IDENTIFICATION OF GAPS

This study research discusses three interrelated issues that have been previously addressed in the literature. Firstly, the conditions that determine positive or negative impacts on rural livelihoods of giving individual land titling property rights; secondly, the conditions under which maintaining collective rights to land access has positive effects on rural livelihoods, and lastly we outline the main conditions identified for livelihood improvement when maintaining collective access rights.

Beginning in the 1970s and through the 1990s, governments and multilateral agencies promoted land market liberalisation policies, as part of a wider policy package contained in overall structural reforms. It was believed that market forces were the key to increasing access to land for the rural poor. Primary among these policies was land titling (or land registration), as a means to assure land tenure security and, thus, improve rural livelihoods.

These policies were based on the assumption that individual land property would always be superior to communal property or any kind of collective tenure system. Studies argued that common tenure systems may be a hindrance to effective rural households’ market integration, because they preclude credit access and land investments (Feder and Feeny, 1991; de Meza and Gould,

1992). In the case of Peru, de Soto (2000), following the same argument, has largely advocated for individual titling in peasant and indigenous communities that nowadays have collective property rights. In addition some authors, based on Hardin's Tragedy of the Commons (1968) have argued that collective tenure leads to environmental degradation (Davis, 1971; Ruthenberg et al, 1974; Livingstone 1986). On this, Ostrom (1990) has pointed out that this may be the case in open-access resources, but not in regulated common-pool resources. After decades of land liberalisation policies, research has found that these programmes generally have mixed results.

Supporting liberalisation policies, several studies show a positive relationship between individual land titling and investment (Feder and Nishio, 1998; Fort, 2007; Foltz et al., 2000; Thuc Vien, 2006; Goldstein and Udry, 2008). In addition, in some cases, land tenure security has stimulated the market, producing a positive transaction effect: the most productive producers have gained greater access to land, boosting land production through the opened markets (Feder and Nishio, 1998; Boucher and Barham, 2004). Finally, some studies show that land titling has benefited land owners' access to credit (Thuc Vien 2006; Feder and Nishio, 1998).

Another set of studies argues that individual titling's positive effects depend upon the existence of specific conditions and contexts (DFID, 2002; Deininger and Binswanger, 1999; Place, 2009). For example, these studies argue that improving institutional conditions, such as developing land market regulatory frameworks with local landholders' participation, is a key factor for preventing inequalities that would result from market liberalisation programmes (Baland and Platteau, 1998; de Janvry and Sadoulet, 2001; Feder and Nishio, 1998). In addition, land titling does not always achieve the intended results (Atwood, 1990; Bellemare, 2013). This has occurred where institutions that enforce these rights are weak, transaction costs for land titling are expensive, and land markets are underdeveloped. Anticipated gains of increasing investments in improving land, access to credit and land consolidation were not realised as a result. Moreover, some studies assert that such programmes need to recognise and somehow incorporate customary law and informal rules for land access in order to avoid social problems such as disenfranchisement of women and land concentration (Fort, 2007; Hvalkof, 2008; Nyamu-Musembi, 2007; Obeng-Odoom, 2012).

On the other hand, many critical studies point out that land liberalisation policies have generated land concentration and fostered social inequalities (Zoomers and van der Haar, 2001; Del Castillo, 2014, Löhr, 2012; Ghimire, 2001; Jansen and Roquas, 1998). As Montaner-Larson (2002) asserts, farmers with greater access to land or larger farms are more likely to benefit than the poorest farmers; hence, these programmes by themselves won't lead to a broader or more equitable distribution of land. Along the same lines, Ghimire (2001) argues that

land redistributive measures capable of redressing rural inequalities are not feasible through market mechanisms alone.

Moreover, open land markets in contexts of weak institutional will result in land going to powerful and concentrated economic groups, or to speculators, leaving the poor in a disadvantaged position as they have a low ability to pay and thus to participate in land markets (Löhr, 2012; Camilla, 2005). Jansen and Roquas (1998) assert that in some situations, formal titling could even worsen land access security and constrain land market transactions as titling may increase transaction costs in the circulation of land and create new sources of conflict without adding efficiency in resource use.

Finally, several studies emphasise that the relationship between individual land titling with increasing investment and production, and access to credit is not automatic, as these improvements only work under specific favourable institutional conditions and developed land markets (Atwood, 1990; de Janvry and Sadoulet, 2001; Deininger and Binswanger, 1999; Zoomers and van der Haar 2001; Place, 2009; Obeng-Odoom, 2012). As de Janvry and Sadoulet (2001) point out:

“There is no simplistic solution for accessing land for the poor, and individual ownership is not the panacea. There are many alternative paths – formal and informal – to accessing land. There can be advantages to accessing land as a common property resource according to the characteristics of the resource, the community, and the institutional and macro contexts (...) Informal land markets can be both efficient in relocating land across users, and equitable in compensating for low endowments, if land is sufficiently abundant and/or communities are endowed with enough social capital. Formal land titling is thus not always the first priority, and can be damaging if not properly done.” (2001:22)

Literature has been especially critical of policies of individual land titling for peasant and indigenous communities. As Cotula et al. (2006) assert

“indigenous lands are typically held in common (...) therefore, titling processes centred on individual private property are wholly inadequate and different tools to improve land tenure security, tailored to community needs, are required including a wide range of joint and communal interests, and public interests and rights.”

In this sense, Altrichter and Basurtoc (2008) point out the negative effects of land privatisation for low income peasants that largely depend on common-pool resources in the Argentina Chaco, while Griffiths (2006) argues that land privatisation policies threaten indigenous territories and

cultural integrity. On his part, Hvalkof (2008) argues that, in indigenous communities, communal property regimes can be more effective than individual land titling as a mechanism not only to ensure land access and land tenure security but also, and mainly, as a social security system for the rural poor.

Although the problems that individual titling bring upon communities that maintain collective land access rights have been well established in the literature, there is less research on the positive effects of maintaining such rights on rural livelihoods. The literature reviewed identifies some economic, social and cultural possible advantages of maintaining collective right access for peasant and/or indigenous communities.

In economic terms, collective land access might benefit from economies of scale, improvement in the internalisation of externalities, the spreading of risk and the avoidance of the costs of enforcing individual property rights (De Janvry and Sadoulet, 2001; Nugent and Sánchez, 1998). In the Andean region, some studies have shown that the maintenance of collective access rights over common pool resources, including community owned and/or used land, have had positive effects on reducing negative externalities and risks (Kervyn and CEDEP AYLLU, 1989), and on allocating work force and production in areas where individual (familiar) production would be too costly (González de Olarte, 1984). These economic benefits may generate an overall positive impact on land production and, in turn, on rural livelihoods even if a large part of this production does not go to the market but is retained for self-consumption.

In social terms, collective land access can have a positive equity effect. It can assure greater access to resources for the poor, control over common resources and lay the foundations for the development of systems of mutual insurance through cooperation. In institutional terms, cooperation based on common access to land would benefit information sharing and political representation (De Janvry and Sadoulet, 2001; Zoomers, 2001; Hvalkof, 2008). In the Andes, peasant and indigenous communities are still the most important rural institutions. There is abundant literature on the key political role played by peasant and indigenous communities in the realm of market and extractive expansion (Diez, 2006).

In cultural terms, the maintenance of collective land access rights is closely tied to community survival, particularly in the case of indigenous people. As Griffiths (2006) asserts, for indigenous peoples, economic relations are embedded in social, institutional and political spheres. All life aspects are tied by a common cultural (and ethnic) unity. Common land (territorial) integrity is vital to maintain cultural integrity; therefore, livelihood improvements depend upon the maintenance

of collective rights to access and use their territory. Based on the evidence of the advantages of maintaining collective access rights in certain communities, international organisations have begun to recognise the potential of collective rights. The Food and Agriculture Organisation of the United Nations (FAO), for example, has strongly highlighted the potential of community titling.

There is, however, still a research vacuum on the conditions under which the maintenance of collective land access rights can lead to livelihood improvement. De Janvry and Sadoulet (2001) argue that common property is the best option where preserving common property resources is important and where communities have sufficient levels of social capital and cooperation to manage these resources efficiently. According to Ostrom (1990), there are some conditions associated with high levels of cooperation: individuals should expect gains from cooperation; have the possibility to observe and verify the others' actions; have the ability to enforce (i.e. punish those who break the rules); and have time to learn to cooperate.

In addition, scholars have begun to recognise multiple types of tenure and access rights. Instead of a general conclusion that one kind of property regime is best for all types of common-pool resources, a diversity of attributes affect the incentives of participants and the resulting performance (Ostrom 1990; Deininger and Binswanger 1999). Ribot and Peluso (2003) introduce the concept of access as the ability to derive benefits from things, including persons, material objects, institutions and symbols, in contrast to the classical definition of property as "the right to benefit from things". A theory of access approach moves the centre from rights to ability. In doing so, the proposed theory of access frames the ability to derive benefits from things mediated by constraints established by the specific political-economy and cultural frames within which access to resources is sought. Thus the emphasis is placed around the maintenance of access rather than granting tenure rights.

In the Andes and Kenya, since we can have types of collective land access systems such as highland pastoralist communities or nomadic tribes, the key issue is not property (private or communal) but maintaining access to different sorts of common resources in multiple agro-ecological zones. In the Andes this agricultural economic model is known as "vertical archipelago" (Murra 1967, 1972). By the same token, Amazonian communities may share extended territories for hunting, so the key issue is maintaining access and not necessarily establishing common property (Hvalkof 2008). In these cases, communities have asked (and in some cases have been granted) for territorial rights that assure their collective and shared access rights, not for communal property rights. In Kenya, communities that rely on communal land systems are pushing for regulations that will ensure tenure security for these lands. The first step to this is the classification and recognition of

communal land, then the establishment of regulations on communal lands to promote rights of individuals in the community and rules regarding exploitation of the land.

Hvalkof (2008) introduces the concept of social security instead of tenure security as a key parameter, arguing that “all (indigenous) communities, disregarding their different tenure arrangements, whether collective or individual, have unequivocally given higher priority to the reproduction and safeguarding of communal control and the decision-making authority”. For him, in the context of a state unable to, and uninterested, in providing social services to indigenous communities, it is the community that guarantees its members, it is the community that reconfirms the social recognition of its members, their cultural identity, and gives meaning and social cohesion. By the same token, Deininger and Binswanger (1999) argue that “instead of reinforcing an often artificial dichotomy between private and communal rights or trying to privatise land rights to ‘modernise’ land tenure in an environment where few of the conditions for such modernisation are present, policy makers should focus on ways to increase secure property rights within given constraints” (258-259). Thus, if maintaining collective access rights has a positive effect on livelihoods, the question on how to assure them goes beyond the promotion of communal land titling; and there is still a research and policy gap on this issue.

Finally, regarding the conditions under which the maintenance of collective land access rights has positive effects, the literature identifies four main conditions. First, in contexts where land is sufficiently abundant and there is low population density (De Janvry and Sadoulet 2001), and with limited access to infrastructure and markets (Deininger and Binswanger 1999). Second, when communities have enough social capital to regulate communal land use (Ostrom 1990). Third, in highly unequal contexts, individual land titling may lead to an undesirable concentration of land ownership, therefore maintaining collective land access rights could avoid negative effects on equity. Fourth, many authors have emphasised the importance of maintaining collective land access rights on indigenous territories, as communal property regimes can ensure social security and cultural integrity. However, there is a research gap on the social and economic processes in which such conditions that enable livelihood improvements appear and are maintained.

4. JUSTIFICATION

There is a research gap in terms of understanding the conditions under which maintaining collective land access rights generates positive effects on rural livelihoods. Most literature has been focused on analysing the positive and negative outcomes of giving individual land property rights to rural smallholders. However, there are few studies on the possible positive effects of maintaining collective land access rights in terms of the improvement of livelihoods.

This study is especially significant for countries where collective land access rights are common and there is a significant amount of land under collective access rules such as Andean, Amazonia and eastern African countries. In Peru, there are more than 7,500 peasant and native communities that maintain communal property and different sorts of collective use rights. They control 21.5% of the national territory and 60.5% of the land used for agricultural and livestock production. In Kenya, tribal boundaries were the main consideration on drawing up the administrative boundaries after the country gained independence. At present, the main administrative unit is the county². With the exception of the counties that host cities, each county has a predominant tribe. Additionally, in counties that host the cities and those that are in high agricultural potential areas, land has been fully privatised. However, in counties that are predominantly rural, communities have maintained collective land access practices. It is currently estimated that collective land access rights are present in 65% of the national territory.

It's important to note that in the countries we are focussing on, most extractive and development projects require access to collectively controlled and exploited land. For example, in Peru most mining projects need to get access to communal land, while in Kenya development projects such as the construction of transport corridors will take place on currently collectively used land. The literature shows that extractive and development projects on collectively accessed land may have negative impacts on rural livelihoods, and in particular on poor households' access to land. Thus, it is fundamental to carry out applied research to inform adequate land policy agendas to avoid or mitigate such negative outcomes.

Current land liberalisation policies mainly focused on land individual privatisation have not delivered in Peru and Kenya some of the expected results. In Peru an authoritarian regime supported by agro-

² Between 2003 and 2012, the number of districts increased from 47 to 254. With the enactment of the new constitution in 2010, counties replaced the districts that were in existence prior to 2003.

business and extractive capitals enacted a new constitution and laws to develop land markets during the 1990s. In particular, they foster land titling to allow the partial sale, or dissolution into individually owned parcels, of communal land, which was unalienable under former legal frameworks. Liberalisation laws and policies were meant to foster land investment in coastal irrigated zones and mining (and land) investments in the highlands where most communal land is located. The initiative succeeded in more capitalised coastal regions but encountered resistance in the highlands and Amazonian regions. Although several mining corporations have been able to buy land from communities, the number of communities that have decided to dissolve themselves into individual private property is insignificant (less than 10 over 7500 and none in the Amazonia).

In the last decade, state propensity for individual titling has lessened and in the Andean and Amazonian regions communal titling is seen as an acceptable alternative. However, the state is still concerned about communal productivity and market integration. Therefore, policy discussions are focused not only on how to transform community peasants into farmers but also on how to foster community-driven market development. In this sense, our work would inform the discussion on how the existence of collective land access rights can be capitalised into market initiatives.

In Kenya, liberalisation policies have targeted more productive land, generating processes of land concentration, land grabbing (public land being appropriated by a domestic elite) and land invasion. These processes in turn have also had negative equity effects on rural households. The anticipated benefits of privatisation of land have not been fully realised. It was initially envisaged that land privatisation would promote investment in agriculture, and promote consolidation of land especially by more efficient farmers. However, the current problem of land fragmentation has forced a rethink of the land titling and registration programmes. In addition, despite its central role in infrastructure development plans, previous land policies in Kenya had not taken into account the less productive arid or semi-arid land, which is mostly collectively used by households with no clearly recognised rights. Currently, newly enacted land policy recognises community land but the community land law is still under debate. It is envisaged that the enactment of this law will promote investments in this land and significantly improve its productivity. Attaining tenure security is now seen as a better alternative to individual titling programmes especially for rural communities who have maintained communal systems of land use.

Therefore, our research will inform current policies and programmes by shifting the research focus and offering policy alternatives. Instead of assessing current policy results focused on land rights individualisation and market liberalisation, we propose to investigate the possible positive relationships between collective land access rights and livelihood improvements, and whether or not such causal relationships involve more households' participation in the market.

5. CENTRAL RESEARCH QUESTION

Land privatisation has often been viewed as a means to assure land tenure security and thus improve rural livelihoods, but it has not always been successful. In Peru, state efforts for promoting individual property in rural Andean and Amazonian regions have been costly, both economically and politically, and have not delivered sound results in improving rural livelihoods. Moreover, alternative and more feasible policies of communal land titling have not produced alone significant changes in rural households. In Kenya, land privatisation was expected to encourage transfer of land to more productive farmers; increase investment in improving land and conserving the soil; improve access to credit; and improve technology uptake. The results of the ambitious titling and registration programmes are mixed. Whereas individual titling had boosted tenure security, it has not resulted in increased investment in improving land in the scale that was expected. Additionally, tenure security did not directly improve access to credit. Tenure security, however, did result in a more active land market, although at the same time there has been an increase in land fragmentation, which is impacting negatively on agricultural production.

On the other hand, it has been observed that in some cases, collective land rights have been associated with improved rural livelihoods. Therefore, the question that we would like to address is: under which conditions do collective land rights lead to improved livelihoods?

From this general question we have five more specific ones:

- a) What sort of collective land rights are present in Peru and Kenya and how do they function?
- b) What are the environmental conditions under which land rights lead to improved livelihoods?
- c) What are the market and infrastructure conditions under which land rights lead to improved livelihoods?
- d) What are the institutional conditions under which land rights lead to improved livelihoods?
- e) What are the socio-political conditions under which land rights lead to improved livelihoods?

We anticipate that institutional factors such as informal rules, social norms and customary law systems, as well as the nature of collective rights³, are some of the conditions that need to prevail for collective land rights to lead to an improvement in livelihoods. The study will explore this question through a comparative analysis of territories with (i) communal land access; and (ii) with family access to communal land.⁴

6. HYPOTHESES

As explained earlier, the literature on land reforms is divided as to whether they lead to increased productivity, investment in improving land, and incomes by securing the land rights or they lead to land concentration and increased inequalities for rural households. While some studies have shown positive correlations between land reforms (specifically titling and registration programmes) and productivity and investments to improve productivity (Feder and Nishio, 1998; Fort, 2007; Foltz et al., 2000; Thuc Vien, 2006; Goldstein and Udry, 2008), others have shown that there is little or no correlation (Atwood, 1990; Obeng-Odoom, 2012; Bellemare, 2013).

Land privatisation has been found to be expensive, favours wealthier households, and does not necessarily lead to improved income, investment in land or access to credit (Place and Hazell, 1993; Camilla, 2005). Conversely, low investment in areas with communal land tenure systems is a result of lack of opportunities for investment determined by cost and agricultural technology, and not as a result of the tenure system (Sjaastad and Bromley, 1997).

On the other hand, collective access to land may benefit communities by improving their internalisation of externalities, spreading risk and providing opportunities to realise scale economies (Nugent and Sanchez, 1998; De Janvry and Sadoulet, 2001). Additionally, it can ensure greater access and control over common property resources.

³ There is a recognition that collective rights are not homogenous; multiple types of collective land rights exist and their peculiar

⁴ characteristics may affect incentives of communities and so the extent to which rural livelihoods could be improved.

Family in this case implies extended family/clan.

This study is based on the premise that under certain conditions the maintenance of collective rights would help to improve smallholders' livelihoods. Our preliminary hypothesis can be divided as following:

Economic conditions: Orthodox theory has argued that under growing demographic/commercial pressure over land, the demand over individual land access and use, and individual titling, will increase. However, we argue that this is dependent on which kind of activity is developed on the land. Thus, in a context where the main activity developed needs an extensive, rather than an intensive use of land, maintaining collective access rights would allow a more equitable and efficient use of land, as well as a more flexible allocation of unused labour. In some cases, this hypothesis will be associated to geographical conditions that impede intensive agriculture production (i.e. mountain or semi-arid environments).

Market access and infrastructure conditions: In contexts where there is limited access to infrastructure and markets, maintaining collective access rights could be a substitute for more costly redistributive mechanisms of securing tenure, such as individual titling (where the benefits would be outweighed by costs). Maintaining collective access rights to land would reduce the transaction costs to safeguard tenure security.

Institutional conditions: In contexts where community has the capacity to establish and enforce legitimated rules regarding the access to collective land, maintaining collective access rights would improve collective action associated with production and social services in particular where state institutional capacity is weak.

Socio-political conditions: In a context of high inequality, when powerful actors would dominate land markets, maintaining collective land access rights would protect less empowered actors from losing such access, preventing land concentration.

7. RESEARCH DESIGN & METHODS

We will compare different sorts of collective land access rights functioning in Peru and Kenya and see under which conditions they achieve positive performances in improving livelihoods. For this we propose our analysis unit will be territories where collective access land rights are present. We define territories as: geographical and social spaces populated at least in part by peasant or native communities that can be seen as a unity in terms of common history, common cultural background and common environment. Using territories as cases, instead of smaller units such as communities, will allow us to combine qualitative data with quantitative data, since our proposed quantitative data sources may have statistical significance for proposed territories but not for single communities. Also in territories we can find more heterogeneous social groups (not only communities) that can be studied as contrafactual cases. In addition, looking for territorial units will allow us to have a more comprehensive qualitative analysis, since in many cases communities are historically, culturally and environmentally part of larger territorial units that do not necessarily coincide with administrative divisions. However, we will focus our qualitative and quantitative (when statistically possible) research in some specific communities/social groups inside the selected territories.

To furnish our comparative analysis we plan to select up to four different territories. We have already pre-selected nine territories (see Annex 2) using the following criteria⁵:

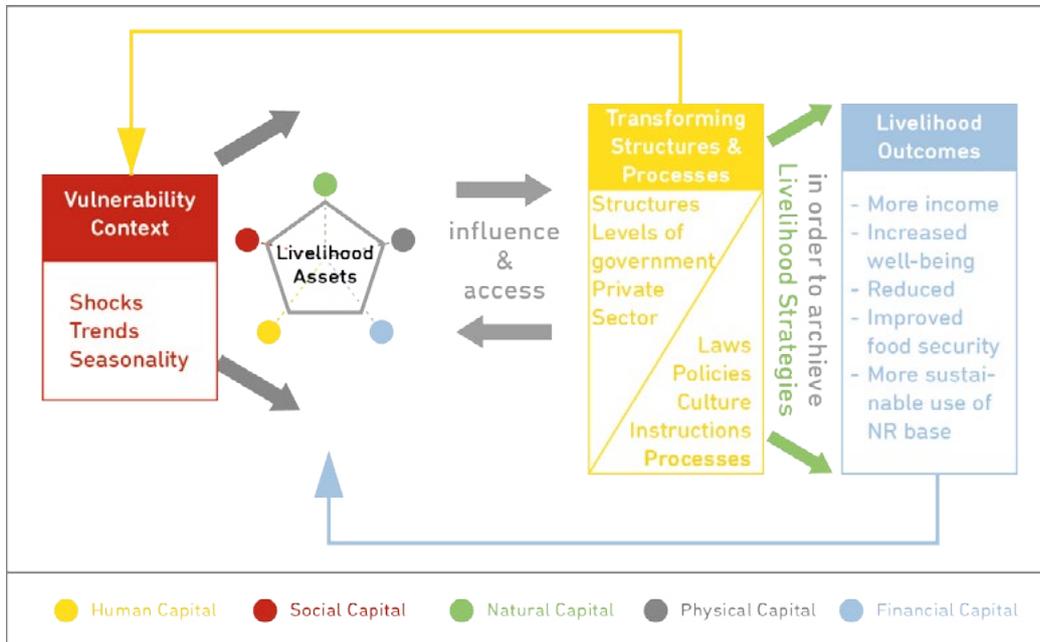
- a) Territories where collective land access rights are present
- b) Territories with some kind of positive market participation
- c) Territories that have been previously investigated
- d) Territories with enough data to allow our qualitative and quantitative analysis.
- e) At least two territories (one in Peru and one in Kenya) where individual land access rights are present (to use this case as contrafactual).

⁵ In the case of Kenya, we will have a structured selection process where we identify the regions, then counties in the region and sample communities within each county.

Once we select the territories, we will follow a mixed qualitative and quantitative methodology. We will base our study on qualitative methods while quantitative analysis will complement it and support further comparisons and generalisations. For process analysis and causality identification we will use the Theory Building–Process Tracing Method (TBPT). We will generalise by comparing the selected case studies and integrating the quantitative data analysis. From this comparative analysis, we will seek to theorise causal mechanisms that may apply to at least the cases investigated, having the early 1990s when liberalisation laws were enacted as a baseline. By the establishment of this comparative basis (including our contrafactual cases) we will be able to isolate what proportion of improvement in the observed livelihood is due to the maintenance of collective land access rights and how much is due to other forces operating. In doing this, we will need to develop and adjust our original general hypotheses.

For comparing livelihoods' performance we will use a sustainable livelihoods approach and methodology. DFID, based on the contributions of Chambers and Conway (1992) to the concept of sustainable livelihood, developed a Sustainable Livelihood Framework (SFL) in which 'livelihood' takes into account the capabilities, assets and activities needed for a means of living. This livelihood is considered sustainable when it can deal with and recover from the vulnerabilities (shocks, trends and seasonality) of the context in which people live. The SFL can be used like a helpful tool or checklist to understand poverty and conceptualise the different kind of assets (or capitals) and livelihood strategies that people have, given a particular context of vulnerability, institutional structures and processes, and result in the achievement of a specific livelihood outcome. The strengths of this framework is that it integrates four important aspects of development (economic, social, institutional and environmental) and enables the interaction of five important elements: contexts, resources, institutions, strategies and outcomes. This framework also allows the development of a quantitative analysis by measuring indicators that reflects the five capitals (human, social, natural, physical and financial) proposed by this approach.

Figure 1. DFID Sustainable Livelihoods Framework



Methods

We will use qualitative and quantitative methods in order to develop and compare our case studies.

Qualitative Methods

For study case analysis, we will use the Theory Building–Process Tracing Method (TBPT) (Beach and Petersen 2013). We have chosen this method for two reasons. First, the literature shows that under certain conditions there is a positive link between the maintenance of collective land access rights and livelihoods, but the specific mechanisms that facilitate this positive connection are not clear. Second, there are several stories about peasant or smallholder livelihood improvement linked with collective rights in communities or group of communities (territories for this proposal) but there is no clarity about causality. Thus, we need to build a theory from empirical evidence rather than testing an existing theory.

In developing our research, we will follow three steps:

Step one: Final selection of territories. For this we will carry out a literature review, data review and exploratory interviews. Then, we will complete the historical and social profile for each of the

pre-selected territories, so that we will be able to select the best case studies for our research. In particular, we will look for case narratives where the maintenance of collective land access rights seems to have been a positive factor for livelihoods. Also, we will select the cases that seem to have enough data to trace a process and find causalities.

Step two: From each territory's empirical evidence we will look for manifestations that underlie causal mechanisms in particular regarding collective land access rights and market participation and livelihood improvement.

Step three: We will generalise by comparing the selected case studies and integrating the quantitative data analysis.

Quantitative Methods

We will complement the Theory Building– Process Tracing Method (step three, above) by developing a quantitative Comparative Analysis of Economic and Social Trends on the selected territories. This analysis will follow three phases. In the first phase we will make a statistical description and contextualisation of our selected territories. We will describe in comparative charts, peasant and native communities' main social and economic features in order to contextualise our selected territories. Then we will describe in more detail our selected territories using the available data sets. We will show detailed data on different social aspects such as number of households, as well as community and non-community dwellers. In addition, at the communal level we will be able to show communal titling, production, territorial areas, business and main cultural characteristics identified by the survey.

In the second phase we will select indicators to trace some key issues for our study chronologically, such as household market participation and smallholder/peasant livelihoods. For measuring living standards, we will use indicators of household monetary income and Basic Needs Dissatisfaction/wealth indicators, while for market participation we will search for indicators such as the percentage/amount of household production sold to market. In any case, the selected indicator may vary according to the specificity of the selected territories.

Finally, we will carry out a Comparative Analysis of Economic and Social Trends, which consists of estimating and comparing the changes in the selected indicators on the selected territories over the years (1994-2014 in Peru, and 2000-2010 in Kenya).

Sources of Information

We will develop our research using three sources of information:

Firstly, evidence-based literature. We will gather relevant publications on our focus of study: papers, articles, books, and other information from different sources (see Annex 1). Then we will select evidence-based literature using two criteria: publisher reputation and evidence robustness.

Secondly, existing databases and statistical information. In Peru, the National Agricultural Census (CENAGRO) database, allows us to analyse information at the level of the selected territories, while the National Survey of Homes (ENAH0) database only allows us to make a descriptive analysis at the level of the regions where the selected territories are located. However, only the IV CENAGRO 2012 would allow us to develop an analysis at community-based territorial level since this survey has incorporated for the first time a communal sheet to collect information for each peasant and native community. This communal sheet contains important information for analysis, such as general characteristics of the community (name, native language, number of community families, and more), organisational characteristics, land titling, land features, socio-cultural characteristics, and other details.

In addition, we will use the data collected by state programmes such as the Special Titling Project, and state agencies such as the Formalisation of Informal Property (COFOPRI). For Amazonian native communities, we will use the database of non-profit organisation The Institute for the Common Good (Instituto de Bien Común-IBC). This NGO has developed an Information System on Native Communities of the Peruvian Amazon using the data collected by the Special Titling Project, the Formalisation of Informal Property and their own field team. This database contains information from each community on name, location, ethnicity, population, legal and administrative system, housing, education, health, religion and non-traditional products for consumption and sale; therefore, it can complement state statistical information on communities.

Unfortunately, the Peruvian Government has not produced an official map with a cadastre on native and peasant communities. Therefore, we will use the Information System on Native Communities of the Peruvian Amazon and the 2007 census carried out by the National Statistics and Informatics Institute for peasant communities. Although limited, the latter database has information about the area and location of peasant communities.

In the Kenyan case, we will use the Kenya Integrated Household Budget Survey (KIHBS), 2006, which contains information of household level characteristics including welfare indicators and the 2009 Household and Population Census. The census data contains information on general household characteristics. Both databases will provide us with statistically significant data on household land sizes, tenure systems, incomes and their composition. We will supplement this with the Tegemeo Agricultural Policy Research and Analysis (TAPRA) five-wave panel dataset collected between 1997 and 2010. The dataset contains information on household land sizes, tenure systems, agricultural productivity, welfare measures, market access and participation.

Thirdly, *original data collection and analysis*: We will carry out in-depth interviews with key informants and conduct focus group discussions and/or participatory workshops in order to validate livelihood indicators as well to complete our case studies.

The analysis of case-specific literature and maps as well as the interviews and focus groups will be used to develop the case studies (see interview guide in Annex 3). The analysis of broader evidence-based literature and databases will serve to compare and generalise our findings in the case studies. With these data, we will seek to compare and contextualise our cases in order to find general trends and build theory regarding our main question: under which conditions does the maintenance of collective land access rights improve rural household market participation and small holders/peasant families' livelihoods? Our analysis will draw out causality from the comparison with contrafactual selected territories.

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