

land

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Innovation for land rights in Africa

Many people in Africa do not have the security of formal titles to land. Policymakers can learn from the various approaches that different countries have taken to improve land tenure security.

Land tenure systems reflect the influence of history, culture, population growth, urbanisation and contemporary politics. Research from the International Institute for Environment and Development, UK, examines current trends in land tenure and sources of insecurity. Using seven case studies, the paper describes new approaches to securing tenure rights in Africa.

Throughout Africa, there is a general trend towards increasingly insecure land tenure for low-income city dwellers, small farmers, pastoralists and other marginalised groups. Land ownership is becoming concentrated in the hands of a small elite group of people, and there are fewer fair opportunities to acquire land, particularly for women and young people. Land rights are becoming increasingly individual and privatised at the expense of communal users, such as pastoralists.

Current efforts to strengthen land tenure security focus on clarifying the nature and duration of land rights claims, and

Land ownership is becoming concentrated amongst a small elite group and there are fewer opportunities for women and young people to acquire land

improving ways to document and uphold these claims. This is typically achieved through formalising the terms of deeds, contracts and registration. However, formalising tenure agreements is a technical issue as well as a governance issue. The institutions that issue land agreements must be socially acceptable to people and have the power to enforce rights.

The case studies provide useful examples of how to improve land tenure security for marginal groups:

- In Ethiopia, land registration and certification of user rights has been decentralised in four regions. Using simple, traditional land measurements, electing local land committees and organising extensive community consultations successfully achieved this.

- In Namibia and South Africa, urban citizens have grouped together to purchase land for housing and to upgrade services.

- Where formal institutions have failed, as in Kampala, Uganda, people have made use of informal mechanisms to control land access. This

includes informal written and verbal agreements. These agreements can be formally 'upgraded' when government land surveys take place.

- People in Mozambique recognise both individual and community land registration processes. Investors must consult communities before they can access community land.

- In Niger, legislation recognises the collective rights of pastoralists, giving them priority access to resources in their 'home areas'.

They also receive compensation if their lands are appropriated by the State for public use.

- In Ethiopia and Namibia, women have the right to register land under their own names.

These approaches mean that land tenure systems include poorer social groups. Appropriate techniques to include these groups include local government and community ownership rights, gradual approaches to improving tenure security, and new land registration technologies. To build on such approaches, the researcher recommends:

- improving the skills and resources of government, for example by re-training land professionals
- enabling the poorest groups to obtain tenure by improving their access to finance, savings, loans and subsidies to cover the associated costs of formal land tenure
- improving governance systems to include new ways to resolve conflicts over land.

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Innovation in Securing Land Rights in Africa: Lessons From Experience, Briefing Paper, IIED: London, edited by Nazneen Kanji, 2006 (PDF)

www.iied.org/pubs/pdf/full/12531IIED.pdf



A farmer in the outskirts of Accra, Ghana, uses a makeshift sign to defend his property.
Lorenzo Cotula, 2005

Improving access to land for poor rural people

There is increasing pressure on land resources in developing countries. Factors increasing competition for land include urbanisation, population growth, international trade and globalisation and the effects of climate change. In many places, people with the weakest land rights lose out to more powerful interests.

Research from the International Institute for Environment and Development in the UK, together with the United Nations Food and Agriculture Organization, examines the links between land access and poverty reduction, and reviews lessons from recent experience to improve and secure poor people's access to rural land.

The research identifies land redistribution as one way to increase access to land. While debates have been polarised between market-based mechanisms (which rely on a willing seller of land and a buyer with

the necessary funds) and compulsory purchase mechanisms, combinations of the two can be quite effective. For example, it can encourage landowners to sell at a fair market price, with the risk of compulsory purchase as an incentive.

The research also shows:

- Inexpensive land records and group land titles that link to customary access systems are an effective way to add greater security to poor people's existing land access.
- Tenancy agreements and sharecropping (where landowners let people use land in return for a share of the crops grown) can help poor people to access land, especially where contracts are secure.
- Many governments have improved the protection of women's rights to land, but this is not reflected in everyday practice. There are still legal and institutional barriers to land access for women in many countries.
- The rights of foreign investors and large industries (such as mining companies) to use land are often put above the rights of local people. Community land registration and mandatory consultation processes are one way to encourage investors to negotiate with communities.

- Indigenous people and pastoralists often lose their land access to stronger groups. In some countries, new policies and laws recognise the specific rights of these groups, such as pastoralists' need for flexible arrangements that enable herds to move around.

- Conflict reduces access to land through displacement and power struggles, and addressing land issues is vital for post-conflict reconstruction.

Improving access to land for poorer groups requires a strong, long-term political commitment to find local solutions, and capacity building in both state institutions and civil society (including in areas such as land valuation, planning and knowledge of land laws).

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Better Land Access for the Rural Poor: Lessons from Experience and Challenges Ahead, IIED and FAO: Rome by Lorenzo Cotula, Camilla Toulmin and Julian Quan, 2006 (PDF)

www.iied.org/pubs/pdf/full/12532IIED.pdf

Can land reform in Zimbabwe cure poverty?

Unjust land distribution is a legacy of colonial policies that took resources away from indigenous groups. At independence, many states had a minority of white settlers owning large commercial farms while the indigenous majority were left with small plots of land. Land redistribution has been a policy of many governments.

Research from the University of Manchester in the UK compares the livelihoods of two groups settling in Hurungwe District, Zimbabwe. One group of households was part of a planned government resettlement, while the others settled spontaneously. In Zimbabwe, between 1980 and 2000, 91,000 families were resettled with assistance by the state, but many more families took land for themselves in frontier districts.

The government selected poor households with few assets or savings and placed them in planned schemes to create new 'farmers'. On arrival they signed three permits which allowed them residence, cultivation and grazing. The state underwrote known risks for three years. However, once the state withdrew, the households had poorly developed support networks.

Families in informal settlements were less poor households and had the means to resettle without state support. Land was cleared to stake claims and settlers invested in moveable assets such as cattle. Households delayed building homes in case of eviction.

Findings for government settlements include:

- State settlements provided more and better quality land.
 - Settlers were encouraged to specialise in crop production, which worked well in good years, but made them vulnerable to drought and changes in input and crop prices.
 - Because there are no employment opportunities outside agriculture, land holdings are being divided to support grown-up children and their families.
 - The intensive state support of the 1980s and 1990s has not given official settlers secure, sustainable livelihoods.
- Findings for informal settlements include:
- Households developed coping strategies by forming strong networks with other families for mutual support and aid. However, families were still vulnerable to risks such as drought and HIV and AIDS.
 - Settlers were not restricted to agriculture and the diversification of livelihoods gave them more opportunities to manage risk.
 - Non-governmental organisations help by instigating participatory models of resettlement.

In the short term, land resettlement can bring relief to households in crisis and raise

the assets and incomes of poor families. In the long term, however, land alone is not enough. Land redistribution and dryland farming is not a complete solution for rural poverty. It may bring persistent poverty without effective support policies and institutions.

Policy implications include:

- Relaxed rules on subdivision and increased taxes on land above a certain size could

encourage landowners to make more land available on the market.

- State involvement can be beneficial, especially if it identifies very poor and landless families and helps them gain to access land.
- Official policies should be flexible and accept that informal resettlement will always occur.
- Funds should be established to help non-poor vulnerable families wishing to buy land.
- Diverse livelihood strategies are an important part of risk management. Non-farm occupations should be included at the planning stage.

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'Livelihood Dynamics in Planned and Spontaneous Resettlement in Zimbabwe: Converging and Vulnerable', *World Development* 34(4), 728-750, by Admos Chimhowu and David Hulme, 2006

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